



**THE TOWN OF HILTON HEAD ISLAND  
REGULAR TOWN COUNCIL MEETING**

**Tuesday, March 1, 2011**

**4:00 P.M.**

**AGENDA**

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**AS A COURTESY TO OTHERS PLEASE TURN OFF ALL CELL PHONES AND PAGERS  
DURING THE TOWN COUNCIL MEETING**

- 1) Call to Order**
- 2) Pledge to the Flag**
- 3) Invocation**
- 4) FOIA Compliance**– Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 5) Swearing in of Town Council Member**
  - a. Lee Edwards – Ward 3
- 6) Proclamations and Commendations**
  - a. Red Cross Month - Carl Statham, Otto Ferrene
  - b. Disabilities Awareness Month – Harold Watson, Programs for Exceptional People
- 7) Approval of Minutes**
  - a. Regular Town Council Meeting – February 1, 2011
  - b. Special Town Council Meeting – February 2, 2011
- 8) Report of the Town Manager**
  - a. Town Manager’s Items of Interest
  - b. Semi-Annual Report of the Planning Commission – Al Vadnais, Chairman
- 9) Reports from Members of Council**
  - a. General Reports from Council
  - b. Report of the Intergovernmental Relations Committee – George Williams, Chairman
  - c. Report of the Personnel Committee – Bill Ferguson, Acting Chairman
  - d. Report of the Planning and Development Standards Committee –Bill Ferguson, Chairman
  - e. Report of the Public Facilities Committee – Kim Likins, Chairman
  - f. Report of the Public Safety Committee – Bill Harkins, Chairman
- 10) Appearance by Citizens**

**11) Unfinished Business**

**a. Second Reading of Proposed Ordinance 2011-03**

Second Reading of Proposed Ordinance 2011-03 authorizing the transfer of 1.390 acres of real property being a portion of the realigned Wildhorse Road and Horseshoe Road rights of way to South Carolina Department of Transportation, pursuant to the authority of S.C. Code Ann. Sec. 5-7-40 (Supp. 2009), and Sec. 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983); and providing for severability and an effective date.

**12) NEW BUSINESS**

**a. First Reading of Proposed Ordinance 2011-01**

First Reading of Proposed Ordinance 2011-01 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapter 4, to revise Sections 16-4-1601 and 16-4-1602. This amendment commonly referred to as the *Density Conversion LMO Amendments* as noticed in the Island Packet on November 28, 2010, includes changes that provide for amendments to density standards; and providing for severability and an effective date.

**b. First Reading of Proposed Ordinance 2011-02**

First Reading of Proposed Ordinance 2011-02 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapter 4, to revise Section 16-4-1307. This amendment commonly referred to as the *Airport Runway Length Amendment* as noticed in the Island Packet on November 7, 2010, includes changes that provide for an amendment to aviation/surface passenger terminal; and providing for severability and an effective date.

**c. First Reading of Proposed Ordinance 2010-26**

First Reading of Proposed Ordinance 2010-26 to Amend Title 16 of the Municipal Code Of The Town Of Hilton Head Island, South Carolina, the Land Management Ordinance, by amending Section 16-4-102, the Official Zoning Map, specifically amending a 1.97 acre parcel identified as Parcel 218 on Beaufort County Tax Map #18, within the Sea Pines Master Plan under the Planned Development Mixed-Use District, to assign residential use to Lot A Cordillo Parkway; and providing for severability and an effective date.

**d. Consideration of a Resolution**

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, creating the Land Management Ordinance (LMO) Rewrite Committee composed of a broad range of Islanders formed to rewrite the LMO to simplify the Town's land development regulations after reviewing and making recommendations in the following areas: Development Application Review and Permitting Processes and Procedures; Zoning Districts; Design Standards; Administrative Waivers; Nonconformities; PD-1's; and Identification and Prioritization of Revitalization and Investment Zones.

**e. Consideration of a proposal**

Consideration of a proposal to do television advertising on the Heritage Classic Golf Tournament

**13) 5:30 P.M. Business License Revocation Appeal Hearing**

R. H. Realty & Rentals, Inc.

**14) Executive Session**

a. Land Acquisition

b. Consideration of Appointments to the LMO Rewrite Committee

**15) Adjournment**

# *Proclamation*

**Whereas**, the American Red Cross fulfills a unique and vital role, providing help and hope, in the face of emergencies and disaster, and is a true reflection of the humanitarian and volunteer spirit of the American people.

**Whereas**, for nearly 100 years, U.S. Presidents have called on people to support the American Red Cross and its humanitarian mission. President Franklin D. Roosevelt was the first to proclaim March as Red Cross Month in 1943. Since that time, every president has issued proclamations designating March as Red Cross Month.

**Whereas**, the Red Cross has been helping people for 130 years, responding to disasters, assisting members of the military, teaching lifesaving skills, and serving as one of the largest blood suppliers in the United States.

**Whereas**, nationally, the Red Cross responds to an average of nearly 200 disasters every day. The organization provides a round-the-clock link between those in the military and their families, and supplies blood and blood products to approximately 3,000 hospitals and transfusion centers across the country.

**Whereas**, the Charleston, SC Region, including the Palmetto Service Center, provided assistance to 1,097 individuals affected by disasters last year. The Region processed 2,899 Military Case Services, provided 5,683 "Get to Know Us" outreach to Service Members and their families, and conducted 2,659 first aid and water safety classes.

**Whereas**, our state depends on the American Red Cross and because it is not a government agency, the Red Cross depends on support from the public to continue its humanitarian work. This is especially important in these challenging economic times for the Red Cross and all Americans.

**NOW, THEREFORE, I, Drew A Laughlin, Mayor, of the Town of Hilton Head Island, South Carolina**, encourage all Americans to support this organization and its noble humanitarian mission, and do hereby proclaim March, 2011 as

## **American Red Cross Month**

in the Town of Hilton Head Island, South Carolina.

**IN WITNESS WHEREOF**, I have hereunto set my hand this first day of March, in the year of our Lord two thousand eleven.



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*Drew A. Laughlin, Mayor*

*Attest:*

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*Betsy Mosteller, CMC Town Clerk*

# Proclamation

- WHEREAS,** more than 500,000 South Carolina residents and families are impacted by severe lifelong disabilities, including autism, head injuries, spinal cord injuries, mental retardation and related disabilities, without regard to race, culture, geography, age, sex or economic class; and
- WHEREAS,** people with lifelong disabilities are productive citizens, neighbors, and family members deserving of respect and opportunities for economic self-sufficiency, independence and personal growth; and
- WHEREAS,** the SC Department of Disabilities and Special Needs and the Beaufort County Disabilities and Special Needs Board work with families to provide services that promote independence and inclusion: and
- WHEREAS,** we owe a special debt of gratitude to the caregivers who selflessly provide physical, emotional, and spiritual support to our residents with disabilities and special needs; and
- WHEREAS,** the 2011 observance of Disabilities Awareness Month celebrates the successful partnership between people with and without disabilities as well as the increasing involvement of people with disabilities in education, employment, and community activities.

**NOW, THEREFORE, I,** Drew A. Laughlin, Mayor, of the Town of Hilton Head Island, South Carolina, do hereby proclaim March 2011, as

## **DISABILITIES AWARENESS MONTH**

and encourage our citizens to work together to promote increased opportunities for people with disabilities; to recognize the many contributions made by people with disabilities to our community; and to honor the dedication of the caregivers who bring support and hope to their fellow citizens.



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*Drew A. Laughlin, Mayor*

*Attest:*

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*Betsy Mosteller, CMC, Town Clerk*

**THE TOWN OF HILTON HEAD ISLAND  
REGULAR TOWN COUNCIL MEETING**

**Date:** Tuesday, February 1, 2011

**Time:** 4:00 P.M.

**Present from Town Council:** Drew A. Laughlin, *Mayor (arrived at 4:12 p.m.)*; Ken Heitzke, *Mayor Pro-Tem*; George Williams, Bill Harkins, Kim Likins, *Council Members*.

**Absent from Town Council:** Bill Ferguson, *Councilman*

**Present from Town Staff:** Stephen G. Riley, *Town Manager (arrived at 4:12 p.m.)*; Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Scott Liggett, *Director of Public Projects and Facilities*; Lavarn Lucas, *Fire Chief*; Nancy Gasen, *Director of Human Resources*; Susan Simmons, *Director of Finance*; Brian Hulbert, *Staff Attorney*; Nicole Dixon, *Senior Planner*; Anne Cyran, *Senior Planner*; Marcy Benson, *Senior Grants Administrator*; Vicki Pfannenschmidt, *Executive Assistant*

**Present from Media:** Tom Barton, *Island Packet*

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**1) CALL TO ORDER**

Mr. Heitzke called the meeting to order at 4:00 p.m.

**2) PLEDGE TO THE FLAG**

**3) INVOCATION**

**4) FOIA COMPLIANCE** – Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

**5) PROCLAMATIONS AND COMMENDATIONS**

**a. National Heritage Planning and Education Week – Todd Rhine**

Mr. Todd Rhine accepted the Proclamation.

**6) APPROVAL OF MINUTES**

**a. Regular Town Council Meeting – January 18, 2011**

Mr. Williams moved to approve. Mr. Harkins seconded. The minutes were approved by a vote of 4-0. (Mayor Laughlin was not present for this vote)

**7) REPORT OF THE TOWN MANAGER**

**a. Town Manager's Items of Interest**

Greg DeLoach explained that the Mayor and Steve Riley had been at a meeting in Columbia and were in route to Town Hall and would be arriving shortly. Mr. DeLoach reported on some items of interest.

**b. Semi-Annual Report of the Parks and Recreation Commission – John J. McCann, Chairman**

Mr. McCann provided Town Council with an update on the Parks and Recreation Commission activities for the second half of 2010.

Mr. DeLoach introduced David Zunker of the Visitor and Convention Bureau of the Hilton Head Island Chamber of Commerce. Mr. Zunker addressed Council concerning the process and status of Bicycle Friendly Community application.

Mayor Laughlin and Steve Riley joined the meeting at this time. Mayor Laughlin apologized for being late and explained they were at a meeting with the Governor concerning the Heritage Classic Golf Tournament. Mayor Laughlin accepted the gavel from Mr. Heitzke and conducted the remainder of the meeting.

**c. Water & Sewer Energy Efficiency Grant – HHPSD**

Steve Riley explained the Hilton Head Public Service District requested to partner with the Town of Hilton Head Island on the South Carolina Budget and Control Board Water and Sewer Energy Efficient Funding Grant Application. There is a grant requirement that a local municipal or county government must be the primary applicant. After review of the application, the Town has signed off as the applicant on the grant. The amount of funding requested in the grant application is \$160,000.

**d. FY2010 CAFR and Audit Presentation – Tom McNeish, Shareholder, Elliott Davis LLC**

Mr. Riley invited Susan Simmons and Tom McNeish to approach the dais for review of the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2010. Susan Simmons thanked staff for the hard work put in to completing the audit. Mr. McNeish reviewed the procedures and went over the favorable outcome of the audit which determined the financial statements are fairly presented materially, and within generally accepted accounting principles.

**e. FY2011 Financial Statements**

Mr. Riley briefly reviewed revenues and expenditures stating he would be happy to answer questions. Discussion ensued concerning statements of all funds. Susan Simmons explained that due to switching to enterprise fund accounting they have had difficulty converting the files. They are working with the accounting system provider to address this problem. She also pointed out alternative areas where the information could be found within the documents.

**8) REPORTS FROM MEMBERS OF COUNCIL**

**a. General Reports from Council**

Mr. Harkins said there is an interest by The Competitor Group concerning holding triathlons on Hilton Head Island. He stated this is just in the beginning stages but there would be future meetings held to discuss the issue.

**b. Report of the Intergovernmental Relations Committee – George Williams, Chairman**

None.

**c. Report of the Personnel Committee – Bill Ferguson, Acting Chairman, Chairman**

None.

**d. Report of the Planning and Development Standards Committee –Bill Ferguson, Chairman**

None.

**e. Report of the Public Facilities Committee – Kim Likins, Chairman**

None.

**f. Report of the Public Safety Committee – Bill Harkins, Chairman**

Mr. Harkins requested Town Council consider endorsing the following Public Safety Committee goals as directions for the upcoming year:

1. Identify/improve intersections and crosswalks for the benefit of pedestrians and bicyclists;
2. Develop quantifiable goals with respect to crime reduction in the areas of North Forest Beach, South Forest Beach and Mathews Drive area;
3. In terms of a process - Hold community gatherings with property owners, rental agencies, law enforcement and town officials to exchange information and ideas that may help and improve in these areas;
4. Continue working with Council to help identify a building solution for the Sheriff's Department;
5. Identify additional locations for stationary cameras which record information that may be used by law enforcement in criminal investigations;

He stated last, and not a goal in particular, is to become open with the process that Beaufort County has currently undertaken looking at the absence of a towing ordinance in the County to see if the Town might have lessons learned that could be potentially embraced by Town Council. Mr. Harkins stated he was submitting them to Mayor Laughlin for consideration. Mayor Laughlin thanked Mr. Harkins.

**9) APPEARANCE BY CITIZENS**

None.

**10) UNFINISHED BUSINESS**

None.

**11) NEW BUSINESS**

Mr. Heitzke moved to amend the agenda to place Item 11d. first under New Business. Mr. Harkins seconded. The motion was approved by a vote of 5-0.

**d. Consideration of a recommendation that the Town Council of the Town of Hilton Head Island, South Carolina approve the elements identified in the Feasibility Study prepared by Lee & Parker Architects, for the proposed aquatics center and recreation center enhancements with conditions.**

Mr. Heitzke moved to approve. Mrs. Likins seconded. Nicole Dixon gave a brief summary of the staff recommendation and reviewed each condition associated with the recommendation. Mayor Laughlin invited members of the audience to speak. Numerous citizens spoke in favor

of moving the project forward. After lengthy discussion, Mrs. Likins moved to amend the motion to accept the proposal as it has been defined in the feasibility study, and move forward with it in the selection process, and to remove the third bullet point in the conditions which requires creating a cost estimate per facility for each phase. Mr. Harkins seconded. Mr. Williams asked Steve Riley for his recommendation. Mr. Riley suggested moving on with the recommendation as originally presented. He explained the next stage will require more detail and the money for the cost estimate would have to be spent now or six months from now. Kim Likins withdrew the amended motion. Mr. Harkins, who seconded the motion, concurred. The original motion was approved by a vote of 5-0.

**a. Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, expressing its support for the Municipal Association of South Carolina's 2011-2012 Legislative Agenda.**

Mr. Heitzke moved to approve. Mr. Harkins seconded. Mr. Williams explained this doesn't necessarily support all bills favored by the Municipal Association of South Carolina. He stated it is strictly a general resolution supporting MASC as the lead organization for the Town.

**b. First Reading of Proposed Ordinance 2011-03 authorizing the transfer of 1.390 acres of real property being a portion of the realigned Wildhorse Road and Horseshoe Road rights of way to South Carolina Department of Transportation, pursuant to the authority of S.C. Code Ann. Sec. 5-7-40 (Supp. 2009), and Sec. 2-7-20, Code of the Town of Hilton Head Island, South Carolina, (1983); and providing for severability and an effective date.**

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved by a vote of 5-0.

**c. Consideration of a Resolution of the Town of Hilton Head Island, South Carolina, authorizing the acceptance of the abandonment of 0.604 acres of real property known as a portion of Wildhorse Road right of way from the South Carolina Department of Transportation.**

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved by a vote of 5-0.

## 12) EXECUTIVE SESSION

Mr. Riley said that he needed an executive session for contractual matters relating to land acquisition, including a potential joint purchase with Beaufort County, legal matters pertaining to ongoing litigation, and personnel matters pertaining to the reappointment of the Municipal Judge.

At 5:30 p.m., Mr. Heitzke moved to go into Executive Session for the reasons stated by the Town Manager. Mr. Williams seconded. The motion was approved by a vote of 5-0.

Mayor Laughlin called the meeting back to order at 6:16 p.m. and asked if there was any business to take up as a result of executive session.

Mr. Heitzke moved that the Mayor and Town Manager be authorized to negotiate and execute a contract for the joint purchase with Beaufort County of two lots, located on Beach City Road, from South Carolina Bank and Trust, for the sum of one hundred forty-four thousand

dollars per acre, on terms to be negotiated by the Mayor and Town Manager, and that the Mayor and Town Manager be authorized to take such other and further actions as may be necessary to complete the transaction described in the contract. Mrs. Likins seconded. The motion was approved by a vote of 5-0.

Mr. Heitzke moved that Jo Zimmerman be reappointed as the Town of Hilton Head Island's appointee, to a two year term on the Beaufort County Airport Advisory Board, effective February, 2011. Mr. Williams seconded. The motion was approved by a vote of 5-0.

Mr. Williams moved that the Mayor and Town Manager be authorized to execute and deliver the contract for the purchase of 0.22 acres, more or less, located on U. S. Highway 278, from Charles Simmons, Jr., for the sum of seventy-five thousand dollars, and that the Mayor and Town Manager be authorized to take such other and further actions as may be necessary to complete the transaction described in the contract. Mr. Heitzke seconded. The motion was approved by a vote of 5-0.

Mr. Williams moved to approve a resolution of the Town of Hilton Head Island authorizing the Mayor to execute a contract of employment with Maureen T. Coffey as its Municipal Judge. Mr. Harkins seconded. The motion was approved by a vote of 5-0.

**13) ADJOURNMENT**

Mr. William moved to adjourn at 6:20 p.m. Mr. Heitzke seconded. The motion was approved by a vote of 5-0.

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Vicki Pfannenschmidt, Secretary

Approved:

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Drew A. Laughlin, Mayor

**THE TOWN OF HILTON HEAD ISLAND  
SPECIAL TOWN COUNCIL MEETING**

**Date:** Wednesday, February 2, 2011

**Time:** 6:00 P.M.

**Present from Town Council:** Drew A. Laughlin, *Mayor*; George Williams, Bill Harkins, Kim Likins, *Council Members*.

**Absent from Town Council:** Ken Heitzke, *Mayor Pro-Tem*; Bill Ferguson, *Councilman*

**Present from Town Staff:** Stephen G. Riley, *Town Manager*; Lavarn Lucas, *Fire Chief*; Susan Simmons, *Director of Finance*; Brian Hulbert, *Staff Attorney*; Marcy Benson, *Senior Grants Administrator*; Paul Rasch, *Emergency Management Coordinator*; Debra Cyrilla, *Accounting Specialist*; Vicki Pfannenschmidt, *Executive Assistant*

**Present from Media:** Tom Barton, *Island Packet*

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**1. CALL TO ORDER**

**2. PLEDGE TO THE FLAG**

**3. INVOCATION**

**4. FOIA COMPLIANCE** – Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

**5. NEW BUSINESS**

Mr. Williams motioned to combine Items 5.a and 5.b for discussion and distribution of funds. Mr. Harkins seconded. The motion was approved by a vote of 4-0.

Mayor Laughlin invited Willis Shay, Chair of the Accommodations Tax Advisory Committee to speak concerning the recommendations before Town Council. Mr. Shay reviewed the process that took place and how they arrived at their recommendations. Mayor Laughlin thanked Mr. Shay and the Committee Members for their hard work.

**a. Consideration of a recommendation from the Accommodations Tax Advisory Committee that the Town Council of the Town of Hilton Head Island award a 2.6% increase to the amount previously approved in 2010 for those Accommodations Tax applicants who requested forward funding for Grant Year 2011.**

**b. Consideration of recommendations of the Accommodations Tax Advisory (ATAX) Committee for the purpose of allocating the proceeds of the Accommodations Tax Funds.**

Mr. Harkins moved to approve. Mr. Williams seconded. Mr. Williams moved to remove the Heritage Classic Foundation request from the grant applicants and that Town Council fund the Heritage Classic request from the Local Accommodations and Hospitality Tax Emergency Advertising reserve fund. Ms. Likins seconded. After comments and discussion the motion was approved by a vote of 4-0.

Susan Simmons reviewed the figures after the \$160,000 was removed and informed Town Council there would be a balance remaining for allocation.

Each recommendation of the Committee was reviewed and discussed. Town Council heard comments from the applicants and members of the audience. Mr. Williams moved to amend the recommendations of the Accommodations Tax Advisory Committee as discussed and modified. (Noted below.) Mr. Harkins seconded. The motion was approved by a vote of 4-0.

<b>\$ Approved By Town Council</b>	<b>Agency Name</b>	<b>Forward Funded Grants Approved by Town Council</b>
\$ 45,000	Art League of Hilton Head	
60,000	Arts Center of Coastal Carolina-(supplemental operating support)	
	Arts Center of Coastal Carolina	\$ 350,703
35,000	Community Foundation of the Lowcountry - Mitchelville Project	
8,000	Harbour Town Merchants Association-(4th of July fireworks)	
3,200	Hilton Head Audubon Society	
17,000	Hilton Head Choral Society	
78,000	Hilton Head Concours d'Elegance	
9,000	Hilton Head Dance Theater	
0	Hilton Head Island Airport	
0	Hilton Head Area Hospitality Association	
8,000	Hilton Head Island St. Patrick's Day Parade	
0	Hilton Head Island St. Patrick's Day Parade (LEO OT)	
135,000	Hilton Head Island-Bluffton Chamber of Commerce VCB	
	Hilton Head Symphony Orchestra	143,820
0	Hilton Head Symphony Orchestra - Special Request	
0	Keep Beaufort County Beautiful	
30,000	Main Street Youth Theater	
	Native Island Business & Community	75,000
0	SC Lowcountry & Resort Islands Tourism	
15,000	South Carolina Repertory Company	
0	Shelter Cove Harbour Company-(Harbourfest)	
8,000	Shelter Cove Harbour Company (4 <sup>th</sup> of July fireworks)	
8,000	Skull Creek July 4 <sup>th</sup> Celebration	
165,000	The Coastal Discovery Museum	
0	The Heritage Library (Fort Mitchel Civil War Sesquicentennial)	
15,000	The Heritage Library	
0	Island School Council for the Arts	
32,500	The Sandbox	
	Town of Hilton Head Island	888,300

The total amount awarded by Town Council for new grant applicants was \$671,700. The total amount awarded by Town Council for forward funded grants was \$1,457,823. The amount remaining is \$148,850. It was agreed that the Accommodations Tax Advisory Committee would reconvene and develop recommendations on how to reallocate the remaining amount and report back

to Town Council.

During the discussion of the Main Street Youth Theatre, Kim Likins disclosed a potential conflict of interest and temporarily left the dais. The required disclosure form is attached.

During the discussion of The Sandbox, Kim Likins disclosed a potential conflict of interest and temporarily left the dais. The required disclosure form is attached.

The Mayor moved on to the issue of forward funding. Kim Likins stated she always had concerns with forward funding. She said it was important that the Accommodations Tax Funding should be fair and even and the forward funding process created problems. Ms. Likins moved to discontinue forward funding. Mr. Harkins seconded. Mayor Laughlin spoke in favor of reviewing the process. Mr. Williams suggested asking the Accommodations Tax Advisory Committee to work on a recommendation for a phase-out of the forward funding process. After lengthy discussion, it was agreed Town Council would request that the Accommodations Tax Advisory Committee meet and consider recommendations to Town Council concerning the forward funding process. Kim Likins withdrew her motion and Mr. Harkins withdrew his second.

## **6. ADJOURNMENT**

Mr. Harkins moved to adjourn the meeting at 8:03 p.m. Mr. Williams seconded. The motion was approved by a vote of 4-0.

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Vicki Pfannenschmidt, Secretary

Approved:

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Drew A. Laughlin, Mayor



# Items of Interest

## March 1, 2011

### Noteworthy Events

- a) Some of the upcoming meetings at Town Hall:
- Public Safety Committee – March 7, 2011, 10:00 a.m.
  - Design Review Board – March 8, 1:15 p.m.
  - Parks and Recreation Commission – March 10, 3:30 p.m.
  - Intergovernmental Relations Committee – March 15, 2:00 p.m.
  - Town Council – March 15, 4:00 p.m.

(Meetings subject to change and/or cancellation. Please visit the Towns' website at [www.hiltonheadislandsc.gov](http://www.hiltonheadislandsc.gov) for meeting agendas)

### 2011 Hilton Head Island Events

Date	Time	Event	Location
Saturday, March 5, 2011	8:00 a.m. – 5:00 p.m.	"AKC All Breed Dog Show"	Honey Horn
Sunday, March 6, 2011	8:00 a.m. – 5:00 a.m.	"AKC All Breed Dog Show"	Honey Horn
Saturday, March 12, 2011	8:00 a.m. – 10:00 a.m.	Hilton Head Island Shamrock Run	Pope Ave./North Forest Beach
Saturday, March 12, 2011	10:00 a.m. – 5:00 p.m.	HHI Wine & Food Festival	Honey Horn
Sunday, March 13, 2011	11:00 a.m. – 11:00 p.m.	Wild Wing Café Irishfest	Front Parking Lot of 72 Pope Ave.
Sunday, March 13, 2011	3:00 p.m. – 5:00 p.m.	HHI St. Patrick's Day Parade	Pope Ave./Office Park Road



## Memorandum

**TO:** Town Council  
**FROM:** Steve Riley, Town Manager  
**VIA:** Scott Liggett, Director of Public Projects and Facilities / Chief Engineer  
**DATE:** November 4, 2010  
**RE:** **Second Reading of Proposed Ordinance No. 2011-03**

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There were no changes made to Proposed Ordinance #2011-03 during the first reading on February 1, 2011.

**AN ORDINANCE OF THE TOWN OF HILTON HEAD, SOUTH CAROLINA, AUTHORIZING THE TRANSFER OF 1.390 ACRES OF REAL PROPERTY BEING A PORTION OF THE REALIGNED WILDHORSE ROAD AND HORSESHOE ROAD RIGHTS OF WAY TO SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION, PURSUANT TO THE AUTHORITY OF S.C. CODE ANN. SEC. 5-7-40 (SUPP. 2009), AND SEC. 2-7-20, CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, (1983); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**LEGISLATIVE FINDINGS**

*WHEREAS*, The Town of Hilton Head Island owns that certain parcel of real property consisting of 1.390 acres and being a portion of the realigned Wildhorse Road and Horseshoe Road rights of way; and

*WHEREAS*, the Town Council for the Town of Hilton Head Island, South Carolina has determined that it is in the best interests of the Town to transfer the above-reference parcel which is described as follows:

ALL that certain piece, parcel or lot of land situate, lying and being in on Hilton Head Island, Beaufort County, South Carolina, consisting of 1.390 acres, more or less, and being shown and described as “WILDHORSE ROAD REALIGNMENT TO BE TRANSFERRED TO THE S.C. DEPT. OF TRANSPORTATION” and “HORSESHOE ROAD R/W TO BE TRANSFERRED TO THE S.C. DEPT. OF TRANSPORTATION AREA: 1.390 AC. (60,560 SQ.FT.)” on a plat entitled “A Plat of Wildhorse Road Right-Of-Way Property Transfer” dated November 19, 2009, and revised March 29, 2010 prepared by Wilbur Smith Associates, certified by John L. Hudson, S.C.PLS No. 6957, and recorded in the Office of Register of Deeds for Beaufort County, South Carolina, in Plat Book 130 at Page 103.

to the South Carolina Department of Transportation via Quit Claim Deed in a substantially similar form to which is attached hereto as Exhibit “A”.

*WHEREAS*, under the provisions of S.C. Code Ann. Sec. 5-7-40 (SUPP. 2009) and Sec. 2-7-20, *Code of the Town of Hilton Head Island , South Carolina*, (1983), the conveyance or granting of an interest in real property owned by the Town of Hilton Head Island must be effected by Ordinance.

**NOW THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AS FOLLOWS:**

**Section 1.** Execution of Deed.

- (a) The Mayor and/or Town Manager are hereby authorized to execute and deliver a Quit Claim Deed in a substantially similar form to which is attached hereto as Exhibit "A";  
and
- (b) The Mayor and/or Town Manager are hereby authorized to take such other and further actions as may be necessary to complete the conveyance as authorized hereby.

**Section 2.** Severability.

If any section, phrase, sentence or portion of this Ordinance is, for any reason, held or deemed to be invalid or unconstitutional by any court of competent jurisdiction, then such section, phrase, sentence or portion shall be deemed a separate, distinct and independent provision and shall not affect the remaining portion thereof.

**Section 3.** Effective Date.

This Ordinance shall become effective upon adoption thereof by the Town Council for the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, ON THIS \_\_\_ DAY OF \_\_\_\_\_, 2011.**

\_\_\_\_\_  
Drew A. Laughlin, Mayor

ATTEST

\_\_\_\_\_  
Betsy Mosteller, Town Clerk  
First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

Approved as to Form: \_\_\_\_\_  
Gregory M. Alford, Town Attorney

Introduced by Council Member: \_\_\_\_\_



This Deed was prepared in the law office of Alford & Wilkins, P.C., Post Office Drawer 8008, Hilton Head Island, South Carolina, 29938-8008, by John W. Wilkins, Esq.

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said Grantee, in fee simple, its Successors and Assigns, forever.

WITNESS Grantor's hand this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

SIGNED SEALED AND DELIVERED  
IN THE PRESENCE OF

THE TOWN OF HILTON HEAD  
ISLAND, SOUTH CAROLINA

2) \_\_\_\_\_  
*Signature of 1<sup>st</sup> Witness (must be different than 2<sup>nd</sup> witness)*

By: \_\_\_\_\_  
Drew A. Laughlin, Mayor

3) \_\_\_\_\_  
*Signature of 2<sup>nd</sup> Witness (the Notary Public)*

Attest: \_\_\_\_\_  
Stephen G. Riley, Manager

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )

UNIFORM ACKNOWLEDGMENT

I, the undersigned Notary Public do hereby certify that DREW A. LAUGHLIN and STEPHEN G. RILEY appeared before me this day and, in the presence of the two witnesses above named, acknowledged the due execution of the foregoing instrument on behalf of The Town of Hilton Head Island, South Carolina.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

4) \_\_\_\_\_(SEAL)  
Signature of Notary Public for South Carolina  
My Commission expires: \_\_\_\_\_

**\*\* Instructions for Execution:**

- All signatures should be in blue ink.*
- ALL blanks must be filled in.*
- Grantor signs at line(s) 1)*
- Witness #1 signs at line 2)*
- Notary Public signs at line 3)*
- Notary Public signs at line 4) and affixes notary seal*



# TOWN OF HILTON HEAD ISLAND

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## *Community Development Department*

**TO:** Stephen G. Riley, *Town Manager*  
**VIA:** Teri Lewis, AICP, *LMO Official*  
**FROM:** Nicole Dixon, *Senior Planner*  
**CC:** Charles Cousins, AICP, *Director of Community Development*  
**DATE:** February 9, 2011  
**SUBJECT:** Proposed Ordinance No. 2011-01  
Proposed Density Conversion Land Management Ordinance (LMO) Amendment

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**Recommendation:** Staff recommends that Town Council approve the attached Density Conversion LMO Amendment. At the January 26, 2011 meeting of the Planning & Development Standards Committee, the committee voted to forward the proposed amendment to Town Council with a recommendation of approval.

**Summary:** The Planning Commission canceled the LMO Committee meeting for the proposed amendments.

The Planning Commission held a public hearing for the proposed amendments on December 15th, 2010. There was discussion clarifying the intent and potential impacts of the proposed amendments. A motion was made to recommend approval of the proposed amendments to Town Council as presented by staff with the condition that staff will modify the language as requested to delete the words “identified redevelopment” from the first sentence of Section 16-4-1602. The motion passed with a vote of 6-2-0. Vice Chairman Warden opposed the motion because of concerns regarding the proposed amendments’ impact, and possible unintended consequences, to the Town of Hilton Head Island as a whole – both now and in the future. Commissioner Leary stated that she is opposed to the motion for the same reasons stated by Vice Chairman Warden.

The Planning & Development Standards Committee held a public meeting for the proposed amendment on January 26, 2011. The committee asked staff to look into whether the option for converting density should be opened up to other applicable zoning districts and not limited to the ones listed in the proposed amendments. A motion was made to recommend approval of the proposed amendment. The motion passed with a vote of 3-0-0.

**Background:** This amendment is supported by Town Council’s Policy Agenda for 2011 which includes amending the LMO to foster greater flexibility, simplicity and revitalization as a top priority. This amendment is also supported by the Adopted 2010 Comprehensive Plan, which promotes providing flexibility for redevelopment opportunities.

This amendment is also supported by the following Town Council 2010 goals: having a Sustainable Town by Protecting Island Character and Stimulating Economic Investment and Rewriting the LMO to Reflect Community Expectations.

The proposed changes are indicated with new text by a double underline and deleted text by ~~strike through~~.

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**

**ORDINANCE NO.:**

**PROPOSED ORDINANCE NO.: 2011-01**

**AN ORDINANCE TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE, CHAPTER 4, TO REVISE SECTIONS 16-4-1601 AND 16-4-1602. THIS AMENDMENT COMMONLY REFERRED TO AS THE *DENSITY CONVERSION LMO AMENDMENTS* AS NOTICED IN THE ISLAND PACKET ON NOVEMBER 28, 2010, INCLUDES CHANGES THAT PROVIDE FOR AMENDMENTS TO DENSITY STANDARDS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on July 21, 1998, the Town Council did amend Title 16 of the Municipal Code of the Town of Hilton Head Island by enacting a revised Land Management Ordinance (LMO); and

**WHEREAS**, the Town Council now intends to amend Chapter 4 to provide for general amendments to Density Standards; and

**WHEREAS**, this amendment is supported by Town Council's Policy Agenda for 2011 which includes amending the LMO to foster greater flexibility, simplicity and revitalization as a top priority; and

**WHEREAS**, this amendment is also supported by the 2010 Comprehensive Plan which promotes providing flexibility for redevelopment opportunities; and

**WHEREAS**, the Town Council intends to amend the Density Standards requirements in an effort to be more flexible for redevelopment opportunities to allow residential properties the ability to increase their density through use conversions; and

**WHEREAS**, the Planning Commission held a public hearing on December 15, 2010 and voted to recommend that Town Council approve the amendments; and

**WHEREAS**, the Planning and Development Standards Committee met on January 26, 2011 and voted to recommend that Town Council approve the proposed amendments; and

**WHEREAS**, Town Council now finds that, upon further review, it is in the public interest to adopt the attached revisions to Chapter 4 of the Land Management Ordinance.

**NOW, THEREFORE BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY SAID AUTHORITY OF COUNCIL:**

**Section 1. Amendment.** That the Land Management Ordinance of the Town of Hilton Head Island, South Carolina, be, and the same hereby is, amended to read as indicated on the attached pages.

**NOTE:** New text is indicated by a double underline and deleted text is indicated by a ~~strike through~~.

**Section 2. Severability.** If any sections, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not attest the validity of the remaining portions thereof.

**Section 3. Effective Date.** This Ordinance shall be effective upon its adoption by the Town Council for the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2011.**

\_\_\_\_\_  
**Drew A. Laughlin, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Betsy R. Mosteller, CMC, Town Clerk**

**Public Hearing:** December 15, 2010

**First Reading:** March 1, 2011

**Second Reading:**

**Approved as to form:**

\_\_\_\_\_  
**Gregory M. Alford, Town Attorney**

**Introduced by Council Member:** \_\_\_\_\_

**Staff Explanation:** *In order to be more flexible for redevelopment opportunities, staff recommends adding language that will allow residential properties the ability to increase their density by use conversions. Staff is proposing to allow the use conversion in zoning districts within the adopted Tax Increment Financing districts, as these areas have been identified as targeted redevelopment areas. This amendment is supported by Town Council's Policy Agenda for 2011 which has amending the LMO to foster greater flexibility, simplicity and revitalization listed as a top priority. This amendment is also supported by the Adopted 2010 Comprehensive Plan, which promotes providing flexibility for redevelopment opportunities. This amendment was supported by the following Town Council 2010 goals: having a Sustainable Town by Protecting Island Character and Stimulating Economic Investment and Rewriting the LMO to Reflect Community Expectations.*

#### **Sec. 16-4-1601. Density Standards Table**

Maximum density in any District shall conform to the Table below unless use conversions are permitted to allow additional density or bonus densities are used as set forth in Sections 16-4-1602 and 16-4-1603.

#### **Sec. 16-4-1602. Use Conversions**

In order to promote flexibility in the following areas: DCW, CC, CFB, CCW, WMU, MMU, RD, and SMU Zoning Districts, an existing eating establishment or retail sales and service establishment that is accessory to and within an existing residential structure may be converted to a residential unit or units upon the Administrator's determination that the development can support the required amount of parking. The alteration shall not expand beyond the footprint of the existing residential structure and shall not cause the structure to become nonconforming.

#### **Sec. 16-4-1602~~3~~. Bonus Densities**

#### **Sec. 16-4-1603~~4~~. Maximum Site Density in PUDs**

#### **Sec. 16-4-1604~~5~~. Computation of Density for Lock-Out Room**

#### **Sec. 16-4-1605~~6~~. Maximum Impervious Coverage and Minimum Open Space**

#### **Sec. 16-4-1606~~7~~. Impervious Coverage in PD-1 District**

#### **Sec. 16-4-1607~~8~~. Open Space in PD-1 District**



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# TOWN OF HILTON HEAD ISLAND

## *Community Development Department*

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**TO:** Town Council  
**VIA:** Teri Lewis, AICP, *LMO Official*  
**CC:** Charles Cousins, AICP, *Director of Community Development*  
**FROM:** Anne Cyran, AICP, *Senior Planner*  
**DATE:** February 16, 2011  
**SUBJECT:** Proposed Ordinance No. 2011-02  
Airport Runway Length Land Management Ordinance (LMO) Amendment

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**Recommendation:** Staff recommends that Town Council approve the proposed ordinance. The Planning & Development Standards Committee took no action on the Airport Runway Length LMO Amendment as presented by staff at the January 26, 2011 public meeting.

**Summary:** The Planning & Development Standards Committee held a public meeting for the proposed amendment on January 26, 2011. The Committee considered the amendment but took no action.

The Planning Commission held a public hearing for the proposed amendment on December 15, 2010. A motion was made to recommend approval of the proposed amendment to Town Council as presented by staff. The motion passed with a vote of 7-1-0. Commissioner Ennis opposed the motion because he was concerned that there is a potential conflict between LMO Section 16-4-1307, the Master Plan (page 45), and LMO Section 16-4-403. Commissioner Ennis stated he believed that LMO Section 16-4-1307 is redundant and sets up unnecessary conflict and potential complication in modifying the length of the runway to 5,000 linear feet.

**Background:** At the Special Joint Session of Beaufort County Council and Town Council on October 27, 2010, Town Council approved Resolution 2010-24, directing the Town Manager to begin the process of amending LMO Section 16-4-1307 to provide for a runway length of 5,000 linear feet. Accordingly, staff is proposing to change the allowable runway length from 4,300 linear feet to 5,000 linear feet. This amendment is supported by the Adopted 2010 Hilton Head Island Airport Master Plan, which recommends lengthening the existing runway.

The proposed changes are indicated with new text by a double underline and deleted text by ~~strike through~~.

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**

**ORDINANCE NO.:**

**PROPOSED ORDINANCE NO.: 2011-02**

**AN ORDINANCE TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE, CHAPTER 4, TO REVISE SECTION 16-4-1307. THIS AMENDMENT COMMONLY REFERRED TO AS THE *AIRPORT RUNWAY LENGTH AMENDMENT* AS NOTICED IN THE ISLAND PACKET ON NOVEMBER 7, 2010, INCLUDES CHANGES THAT PROVIDE FOR AN AMENDMENT TO AVIATION/SURFACE PASSENGER TERMINAL; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on July 21, 1998, the Town Council did amend Title 16 of the Municipal Code of the Town of Hilton Head Island by enacting a revised Land Management Ordinance (LMO); and

**WHEREAS**, the Town Council now intends to amend Chapter 4 to provide for an amendment to Aviation/Surface Passenger Terminal; and

**WHEREAS**, the Adopted 2010 Hilton Head Island Airport Master Plan supports lengthening the existing runway; and

**WHEREAS**, the Beaufort County Council and Town Council on October 27, 2010 jointly approved Resolution 2010-24, directing the Town Manager to begin the process of amending LMO Section 16-4-1307 to provide for a runway length of 5,000 linear feet; and

**WHEREAS**, the Planning Commission held a public hearing on December 15, 2010 and voted to recommend that Town Council approve the amendment; and

**WHEREAS**, the Planning and Development Standards Committee met on January 26, 2011 and took no action on the proposed amendment; and

**WHEREAS**, Town Council now finds that, upon further review, it is in the public interest to *<MOTION>* the attached revision to Chapter 4 of the Land Management Ordinance.

**NOW, THEREFORE BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY SAID AUTHORITY OF COUNCIL:**

**Section 1. Amendment.** That the Land Management Ordinance of the Town of Hilton Head Island, South Carolina, be, and the same hereby is, amended to read as indicated on the attached pages.

**NOTE:** New text is indicated by a double underline and deleted text is indicated by a ~~strike through~~.

**Section 2. Severability.** If any sections, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion

shall be deemed a separate, distinct and independent provision, and such holding shall not attest the validity of the remaining portions thereof.

**Section 3. Effective Date.** This Ordinance shall be effective upon its adoption by the Town Council for the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2011.**

\_\_\_\_\_  
**Drew A. Laughlin, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Betsy R. Mosteller, CMC, Town Clerk**

**Public Hearing:** December 15, 2010

**First Reading:** March 1, 2011

**Second Reading:**

**Approved as to form:**

\_\_\_\_\_  
**Gregory M. Alford, Town Attorney**

**Introduced by Council Member:** \_\_\_\_\_

**Staff Explanation:** *At the Special Joint Session of Beaufort County Council and Town Council on October 27, 2010, Town Council approved Resolution 2010-24, directing the Town Manager to begin the process of amending LMO Section 16-4-1307 to provide for a runway length of 5,000 linear feet. Accordingly, staff is proposing to amend this section to change the allowable runway length from 4,300 linear feet to 5,000 linear feet. This amendment is supported by the Adopted 2010 Hilton Head Island Airport Master Plan, which recommends lengthening the existing runway.*

**Sec. 16-4-1307. Aviation/Surface Passenger Terminal**

The length of the runway is limited to ~~4,300~~ 5,000 linear feet.



# TOWN OF HILTON HEAD ISLAND

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## *Community Development Department*

**TO:** Stephen G. Riley, CM, *Town Manager*  
**VIA:** Teri Lewis, AICP, *LMO Official*  
**CC:** Charles Cousins, AICP, *Director of Community Development*  
**FROM:** Mike Roan, *Urban Design Administrator- Community Development*  
**DATE:** February 18, 2011  
**SUBJECT:** Proposed Ordinance No. 2010-26- ZMA090003

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**Recommendation:** Staff recommends that Town Council approve the attached amendment, per the recommendation of the Planning Commission and the Planning and Development Standards Committee. Staff had originally recommended denial, finding the rezoning could potentially put development of the parcel in violation of the Land Management Ordinance. The Planning Commission voted to recommend approval of the proposed Zoning Map Amendment as presented by staff at the December 15, 2010 public hearing. On January 26, 2011, the Planning and Development Standards Committee voted unanimously to recommend that Town Council approve the proposed amendment.

**Summary:** The Planning Commission held a public hearing for the proposed amendment on December 15, 2010. A motion was made to recommend approval of the proposed amendment to Town Council as presented by staff. The motion passed with a vote of 8-0.

The Planning & Development Standards Committee held a public meeting for the proposed amendment on January 26, 2011. A motion was made to recommend approval of the proposed amendment. The motion passed with a vote of 3-0-0.

**Background:** Lot A Cordillo Parkway is part of the Sea Pines Master Plan as shown on the attached Zoning Map and Vicinity Map (Attachments A & B). The Sea Pines Master Plan was approved by the Town in 1984. Under this approval, Lot A Cordillo Parkway was part of a tract of land designated as Parcel 22, which was assigned institutional and recreational use.

In 2009, Louanne LaRoche applied to add commercial and residential as allowed uses on the subject parcel. The allowed commercial density would be 19,700 square feet, and the allowed residential density would be 1 single family dwelling unit. The parcel in question originally allowed institutional and recreational uses as part of the 1984 Master Plan adopted by the Town of Hilton Head Island. Sea Pines made revisions to the document in 1992; these revisions included the addition of commercial and residential as allowed uses on the subject parcel. It is important to note, however, that the Town of Hilton Head Island, not Sea Pines, is the only entity authorized to approve changes to the adopted Master Plan. There is no documentation of the additional uses being permitted for the subject site. Since inheriting the property Ms. LaRoche has been assessed by Community Services Associates for institutional, recreational and residential uses and by the Beaufort County Assessor's office as owning a parcel with institutional, recreational, commercial, and residential designations; however, the residential use is not allowed on the parcel without the adoption an amendment to the Sea Pines master plan. This application proposes an amendment to the master plan to allow residential use.

Staff has concluded that to allow the addition of 'Residential' use as part of this ZMA would create a parcel that currently has no density unit assigned or reserved, and would therefore rezone the parcel in violation of Article I, Section D of the Sea Pines covenants, which state:

*“Residential Lot shall mean any unimproved parcel of land located within Sea Pines Plantation which is intended for use as a site for a single family detached dwelling, townhouse, or patio dwelling as shown upon any recorded final subdivision map of any part of Sea Pines Plantation.”*

thereby violating South Carolina Code of Laws, Section 6-29-1145 (copy attached) which prohibits rezoning in violation of restrictive covenants.

Miss LaRoche has since produced a Title to Real Estate dated October 4, 1977 (Beaufort County Property Records Book 254, Page 1853), which states the parcel “is subject to all obligations, restrictions, limitations, covenants, etc. Applicable to Class ‘A’ limited Residential Areas of Sea Pines Plantation”.

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**

**ORDINANCE NO.:**

**PROPOSED ORDINANCE NO.: 2010-26**

**AN ORDINANCE TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE, BY AMENDING SECTION 16-4-102, THE OFFICIAL ZONING MAP, SPECIFICALLY AMENDING A 1.97 ACRE PARCEL IDENTIFIED AS PARCEL 218 ON BEAUFORT COUNTY TAX MAP #18, WITHIN THE SEA PINES MASTER PLAN UNDER THE PLANNED DEVELOPMENT MIXED-USE DISTRICT, TO ASSIGN RESIDENTIAL USE TO LOT A CORDILLO PARKWAY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on April 23, 1984, the Town of Hilton Head Island did adopt the Sea Pines Master Plan; and

**WHEREAS**, on July 21, 1998, the Town Council did amend Title 16 of the Municipal Code of the Town of Hilton Head Island by enacting a revised Land Management Ordinance (the "LMO"); and

**WHEREAS**, the Town Council now finds that, upon further review, it is in the public interest that the subject 1.97 acre parcel be rezoned to include 'Residential' as a permitted use under the Sea Pines Master Plan; and

**WHEREAS**, this zoning change would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and, further, would be in conformance with the Comprehensive Plan; and

**WHEREAS**, the Planning Commission held a public hearing on December 15, 2010 and voted to recommend that Town Council approve the amendment; and

**WHEREAS**, the Planning and Development Standards Committee met on January 26, 2011 and voted unanimously to recommend that Town Council approve the proposed amendment; and

**WHEREAS**, Town Council now finds that, upon further review, it is in the public interest to approve the proposed application.

**NOW, THEREFORE BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY SAID AUTHORITY OF COUNCIL:**

**Section 1. Amendment.** That the official zoning map of the Town of Hilton Head Island, as referenced by Section 16-4-102 of the Land Management Ordinance, be, and the same hereby amended as follows:

The parcel identified as Parcel 218 on Beaufort County Tax Map #18 be rezoned to include 'Residential' as a permitted use under the Sea Pines Master Plan.

**Section 2. Severability.** If any sections, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not attest the validity of the remaining portions thereof.

**Section 3. Effective Date.** This Ordinance shall be effective upon its adoption by the Town Council for the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2011.**

\_\_\_\_\_  
**Drew A. Laughlin, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Betsy R. Mosteller, CMC, Town Clerk**

**Public Hearing:** December 15, 2010

**First Reading:** March 1, 2011

**Second Reading:**

**Approved as to form:**

\_\_\_\_\_  
**Gregory M. Alford, Town Attorney**

**Introduced by Council Member:** \_\_\_\_\_



## TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court

Hilton Head Island, SC 29928

843-341-4688

FAX 843-842-8908

### STAFF REPORT ZONING MAP AMENDMENT (ZMA090003) PROPOSED ORDINANCE 2010-26

Case #:	Name of Project or Development:	Public Hearing Date:
ZMA#090003	Parcel A- Cordillo Parkway	March 1, 2011

Parcel Data:	Parcel Location and Size:	Agent/Applicant/Owner
<p><u>Existing Zoning &amp; Density</u> PD-1, Planned Development Recreational and Institutional</p> <p><u>Proposed Zoning &amp; Density</u> PD-1, Planned Development Recreational, Institutional, and Residential @ 1 Single Family Residence</p> <p><u>Applicable Overlay District</u> Corridor Overlay</p>	<p><u>Parcel Number</u> R550 018 000 0218 0000</p> <p><u>Parcel Size</u> 1.97 Net Acres</p>	<p><u>Agent/Applicant</u> Chester C. Williams 17 Executive Park Rd, Suite 2 Hilton Head Island, SC, 29938</p> <p><u>Owner</u> Ms. Louanne LaRoche 51 Pine View Drive Bluffton, SC 29910</p>

#### Application Summary:

An application has been submitted by Chester C. Williams, LLC on behalf of Louanne LaRoche to amend the Official Zoning Map by amending the Sea Pines Master Plan and its associated text to add Residential as an additional permitted use on Lot A Cordillo Parkway. The parcel is further identified as Parcel 218 on Beaufort County Tax Map #18.

#### Staff Recommendation:

Staff recommends the Planning Commission find this application to be consistent with the Town's Comprehensive Plan but does not serve to carry out the purposes of the Land Management Ordinance (LMO) as it pertains to the addition of Residential use, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein.

**Other Commission or Committee Recommendations:**

- On July 15, 2009, the Planning Commission held a public hearing to discuss the application, and postponed its review until the August 19 meeting.
- On August 19, 2009 the Planning Commission postponed its review until the October 7 meeting.
- On October 7, 2009 the review of the application was postponed at the request of the applicant and staff to an anticipated review date of January 6, 2010.
- On December 15, 2010, the Planning Commission held a public hearing and voted unanimously to **approve** the application
- On January 26, 2011, the Planning and Development Standards Committee held a public hearing and voted unanimously to recommend that Town Council **approve** the proposed amendment.
- On March 1, 2011, Town Council will hold a public hearing to discuss the application.

**Background:**

Lot A Cordillo Parkway is part of the Sea Pines Master Plan as shown on the attached Zoning Map and Vicinity Map (Attachments A & B). The Sea Pines Master Plan was approved by the Town in 1984. Under this approval, Lot A Cordillo Parkway was part of a tract of land designated as Parcel 22, which was assigned institutional and recreational use.

In 2009, Louanne LaRoche applied to add commercial and residential as allowed uses on the subject parcel. The allowed commercial density would be 19,700 square feet, and the allowed residential density would be 1 single family dwelling unit. The parcel in question originally allowed institutional and recreational uses as part of the 1984 Master Plan adopted by the Town of Hilton Head Island. Sea Pines made revisions to the document in 1992; these revisions included the addition of commercial and residential as allowed uses on the subject parcel. It is important to note, however, that the Town of Hilton Head Island, not Sea Pines, is the only entity authorized to approve changes to the adopted Master Plan. There is no documentation of the additional uses being permitted for the subject site. Since inheriting the property Ms. LaRoche has been assessed by Community Services Associates for institutional, recreational and residential uses and by the Beaufort County Assessor's office as owning a parcel with institutional, recreational, commercial, and residential designations; however, the residential and commercial uses are not allowed on the parcel without the adoption an amendment to the Sea Pines master plan. This application proposes an amendment to the master plan to allow residential use.

Staff has concluded that to allow the addition of 'Residential' use as part of this ZMA would create a parcel that currently has no density unit assigned or reserved, and would therefore rezone the parcel in violation of Article I, Section D of the Sea Pines covenants, which state:

*“Residential Lot shall mean any unimproved parcel of land located within Sea Pines*

*Plantation which is intended for use as a site for a single family detached dwelling, townhouse, or patio dwelling as shown upon any recorded final subdivision map of any part of Sea Pines Plantation.”*

thereby violating South Carolina Code of Laws, Section 6-29-1145 (copy attached) which prohibits rezoning in violation of restrictive covenants.

Miss LaRoche has since produced a Title to Real Estate dated October 4, 1977 (Beaufort County Property Records Book 254, Page 1853), which states the parcel “is subject to all obligations, restrictions, limitations, covenants, etc. Applicable to Class ‘A’ limited Residential Areas of Sea Pines Plantation”.

**Applicant’s Grounds for ZMA, Summary of Facts and Conclusions of Law:**

**Grounds for ZMA:**

The applicant is requesting to amend the Sea Pines Master Plan to add residential use at 1 dwelling unit to the subject parcel which already allows institutional and recreational uses. The site is currently undeveloped. The applicant contends the additional use would be compatible with the existing development and character of the area.

*As set forth in LMO Section 16-3-1505, Zoning Map Amendment Review Criteria, the applicant shall make findings and conclusions for the criteria listed in this LMO Section regarding the proposed amendment.*

**Summary of Facts:**

1. Residential are approved land uses within the Comprehensive Plan.
2. The zoning would remain PD-1 within Sea Pines Plantation with residential use added to the previously adopted institutional and recreational uses for the parcel.
3. The property would be zoned for institutional, recreational, and residential uses.
4. The property is zoned for institutional and recreational uses.
5. This property is currently surrounded by both developed and undeveloped properties with compatible zoning.
6. The property would have an additional use permitted that not all properties in the area would have.
7. The property does not currently have adequate water, sewer, and stormwater facilities, although they are available.

**Conclusions of Law:**

- A. This application is supported by the Comprehensive Plan, because residential is an approved land use within the Comprehensive Plan.
- B. The additional allowed use would be suitable since there are other parcels in the area with use requested in this application.
- C. The property is suitable for residential use because of similar uses in the immediate area.
- D. The marketability of the property would be enhanced by the additional use being permitted on the property.

- E. There are adequate facilities in place to serve the uses that are and would be permitted on the property.

**Summary of Facts and Conclusions of Law:**

**Findings of Facts:**

- Notice of the application was published in the Island Packet on November 14, 2010 as set forth in LMO Sections 16-3-110 and 16-3-111.
- Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
- A public hearing will be held on December 15, 2010 as set forth in LMO Section 16-3-1504A.
- The Commission has authority to render their decision reached here as set forth in LMO Section 16-3-1504.

**Conclusions of Law:**

- The application is in compliance with the submittal requirements established in LMO Section 16-3-1502.
- The application and notice requirements comply with the legal requirements established in LMO Sections 16-3-110 and 16-3-111.
- The applicant submitted an affidavit stating they met the mailed notice requirements in LMO Section 16-3-111.

*As set forth in LMO Section 16-3-1505, Zoning Map Amendment Review Criteria, the Commission shall consider and make findings on the following matters regarding the proposed amendment:*

**Summary of Facts and Conclusions of Law:**

*Criteria 1: Consistency (or lack thereof) with the Comprehensive Plan (LMO Section 16-3-1505A):*

**Findings of Fact:**

The Comprehensive Plan addresses this application in the following areas:

**Land Use Element:**

**One of Six Land Use Goals**

Identify an acceptable level of future development that does not overtax the area's natural environment and infrastructure.

**Goal 8.1 – Existing Land Use**

- A. The goal is to have an appropriate mix of land uses to meet the needs of the existing and future populations.

**Goal 8.3 - Planned Unit Developments (PUDs)**

- B. The goal is to have an appropriate mix of land uses to accommodate permanent and seasonal populations and existing market demands is important to sustain the Town’s high quality of life and should be considered when amending PUD Master Plans.

**Goal 8.4 - Existing Zoning Allocation**

- A. An appropriate mix of land uses to accommodate permanent and seasonal populations and existing market demands is important to sustain the Town’s high quality of life and should be considered when amending the Town’s Official Zoning Map.

**Goal 8.10 - Zoning Changes**

- A. The goal is to provide appropriate modifications to the Zoning designations to meet market demands while maintaining the character of the Island.

**Conclusions of Law:**

While this parcel is currently vacant, adequate infrastructure is in place to accommodate the development of the mix of uses that are proposed for the property. This application would add residential use to a parcel that currently allows recreational and institutional uses, providing for the potential of a mix of land uses to be developed. The ability to provide this mix of land uses gives greater potential to meet the market demands for development needs in the area.

This application is consistent with the adopted Comprehensive Plan as described in the *Land Use Element* as set forth in LMO Section 16-3-1505A, as it pertains to the addition of Residential Use.

**Summary of Facts and Conclusions of Law:**

*Criteria 2: Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood (LMO Section 16-3-1505B):*

**Findings of Fact:**

- o The tract (Tract 20 on the 1984 Sea Pines Master Plan) bordering the northern property line is zoned institutional, recreational, commercial, and residential.
- o The tract (Tract 25 on the Sea Pines Master Plan) to the east of this parcel is zoned institutional, recreational, commercial, and residential.
- o The parcels to the west of this parcel underwent administrative rezoning in 1996 to limit land uses per covenants, namely single family residential or duplex, an art/design/sales gallery or architectural studio or training center. All of these uses are consistent with the allowed uses under the residential and commercial designations of the Sea Pines master plan.
- o The parcels across the street to the south are zoned residential. Currently there is an architect’s office located in this residentially zoned area; the architect’s office is

considered a legally nonconforming use.

- The subject parcel is located within the Corridor Overlay District and any non-single family development would require review and approval from the Town's Design Review Board.

**Conclusions of Law:**

Due to the fact that the surrounding area is currently developed or zoned for residential use, the proposed use for the subject property is compatible with the neighboring parcels. In addition, this parcel is required to be reviewed by the Design Review Board for aesthetics of any recreational or institutional structures and landscaping proposed for the property to ensure that it is compatible with the character of the surrounding neighborhood. Any residential development would be subject to the same review effort by the Sea Pines Architectural Review Board. Based on the above, the proposed additional use is compatible with the present zoning and conforming uses of nearby property and the character of the neighborhood as set forth in LMO Section 16-3-1505B.

**Summary of Facts and Conclusions of Law:**

*Criteria 3: Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment (LMO Section 16-3-1505C):*

**Findings of Fact:**

- LMO Section 16-4-219 describes the purpose of the existing zoning district for this parcel. *“The purpose of the Planned Development Mixed Use District (PD-1) is to recognize the existence within the Town of certain unique mixed use Planned Unit Developments (PUDs) which are greater than 250 acres in size. Generally, these PUDs have served to establish the special character of Hilton Head Island as a quality resort and residential community and it is the intent in establishing this District to allow the continuation of well-planned development within these areas.”* (Land Management Ordinance – page 4-12)
- The current zoning does not allow residential development on the property.
- This application would add residential use on the property with a maximum of 1 single family residence.
- All design and performance standards of the LMO would apply to any development on the property.
- There are four residential density units reserved under the Sea Pines Master Plan cap of 5,890 dwelling units available for use on Cordillo Parkway for the parcels that currently have Residential Use assigned. There is no density unit currently assigned to, or reserved for Parcel ‘A’.

**Conclusions of Law:**

The purpose of the PD-1 zoning district to provide a mixture of uses is supported by the additional use requested in the application. The additional use that would result from the approval of the amendment would be required to meet all the requirements of the LMO for development, including approval by the Design Review Board where applicable.

Staff further concludes that to allow the addition of Residential use as part of this ZMA would create a parcel that currently has no density unit assigned or reserved, and would therefore rezone the parcel in violation of Article I, Section D of the Sea Pines covenants, which state:

*“Residential Lot shall mean any unimproved parcel of land located within Sea Pines Plantation which is intended for use as a site for a single family detached dwelling, townhouse, or patio dwelling as shown upon any recorded final subdivision map of any part of Sea Pines Plantation.”*

thereby violating South Carolina Code of Laws, Section 6-29-1145 (copy attached) which prohibits rezoning in violation of restrictive covenants. Due to the lack of a density unit assigned to this parcel, staff concludes that the property is not suitable for Residential use, as set forth in LMO Section 16-3-1505C.

**Summary of Facts and Conclusions of Law:**

*Criteria 4: Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505D):*

**Findings of Fact:**

- The current uses allowed on the property per the Sea Pines Master Plan are institutional and recreational.
- The Sea Pines Master Plan identifies institutional use as land used for educational facilities, fire stations and/or community service maintenance facilities.
- The Sea Pines Master Plan identifies recreational use as any piece of land set aside and maintained within Sea Pines Plantation for the purpose of ornament, pleasure, exercise, amusement, entertainment, or recreation.
- The property is currently vacant and could be developed as an institutional or recreational use.

**Conclusion of Law:**

Based on the above, this property is suitable for the uses currently permitted on the property as set forth in LMO Section 16-3-1505D.

**Summary of Facts and Conclusions of Law:**

*Criteria 5: Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505E):*

**Findings of Fact:**

- The property is currently vacant and could be developed for institutional and recreational uses.
- This rezoning, if approved, would result in the additional use of residential being

permitted on the property.

**Conclusion of Law:**

Allowing the additional Residential use would increase the marketability of this property as set forth in LMO Section 16-3-1505E.

**Summary of Facts and Conclusions of Law:**

*Criteria 6: Availability of sewer, water and stormwater facilities generally suitable and adequate for the proposed use (LMO Section 16-3-1505F):*

**Findings of Fact:**

- LMO Sections 16-5-1702 and 16-5-602A require that sufficient stormwater facilities, water supply, and sewage and waste disposal be provided for each development.
- Sewer and water services currently exist nearby and can be provided by the South Island Public Service District (PSD) under specific conditions as outlined in a letter from the PSD to the applicant dated June 8, 2009 (Attachment E).
- Storm water facilities were designed and implemented for this site as a part of the overall Sea Pines Master Plan.

**Conclusions of Law:**

The subject property is currently undeveloped; however, at the time it is developed it will be required to provide the utilities necessary to serve the proposed use. This property has adequate stormwater facilities and can provide water and sewer facilities suitable and adequate for the proposed uses as set forth in LMO Section 16-3-1505F.

**LMO Official Determination**

**Determination:** Staff determines that the application for the addition of Residential use is consistent with the Comprehensive Plan but does not serve to carry out the purposes of the LMO as based on the Findings of Fact and Conclusions of Law specifically found in the review of criteria 3 in this staff report.

**Note: If the proposed amendment is approved by Town Council, such action shall be by ordinance to amend the Official Zoning Map. If it is denied by Town Council, such action shall be by resolution.**

**PREPARED BY:**

MR

Mike Roan, ASLA, RLA  
*Urban Design Administrator*

February 16, 2011

DATE

**REVIEWED BY:**

TBL

Teri Lewis, AICP  
*LMO Official*

DATE

JL

Jayne Lopko, AICP  
*Senior Planner, Comprehensive Planning  
Planning Commission Coordinator*

DATE

**ATTACHMENTS:**

- A) Zoning Map
- B) Vicinity Map
- C) LMO Section 16-4-209
- D) Owner's Narrative
- E) South Island Public Service District Letter
- F) Boundary and Wetlands Survey
- G) July 1, 2009 Letter from Sea Pines Resort, LLC
- H) July 1, 2009 Letter from McNair Law Firm on Behalf of Community Services Assoc.
- I) Petition from Night Heron Property Owners Association
- J) SC State Code Section 6-29-1145
- K) February 12, 2010 Letter from McNair Law Firm on Behalf of Community Services Assoc.
- L) March 18, 2010 Letter from Russell P. Patterson, P.A. on Behalf of Sea Pines Resort, LLC

**PD-1  
ZONING**

*SUBJECT  
PARCEL*

**CORDILLO PARKWAY**

**CORDILLO PARKWAY**

**NIGHT HERON LAKESIDE**

**FOX GRAPE ROAD**

**RS-5  
ZONING**

**HICKORY LANE**

**Town of Hilton Head Island**

ZMA090003 - Parcel "A" Cordillo Parkway

July 15, 2009

**Attachment A - Zoning Map**

  
**TOWN OF HILTON HEAD ISLAND**  
ONE TOWN CENTER COURT  
HILTON HEAD ISLAND, S.C. 29928  
PHONE (843) 341-4600

0 62.5 125 250 375 500  
 Feet



This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.



**Town of Hilton Head Island**

ZMA090003 - Parcel "A" Cordillo Parkway

July 15, 2009

Attachment B - Vicinity Map

  
**TOWN OF HILTON HEAD ISLAND**  
 ONE TOWN CENTER COURT  
 HILTON HEAD ISLAND, S.C. 29928  
 PHONE (843) 341-4600



This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.

**Sec. 16-4-209. PD-1--Planned Development Mixed Use District ATTACHMENT 'C'**

- A. The purpose of this Planned Development Mixed Use District is to recognize the existence within the Town of certain unique mixed use Planned Unit Developments (PUDs) which are greater than 250 acres in size. Generally, these PUDs have served to establish the special character of Hilton Head Island as a quality resort and residential community and it is the intent in establishing this District to allow the continuation of well-planned development within these areas.
- B. In limited situations, the zoning map places some commercially planned portions of those PUDs in other base districts to more specifically define the types of commercial uses allowed.
- C. PUD-1 Listed Master Plans. The following PUDs are included in the PD-1 District and their Town-approved "master plans" including associated text and any subsequent amendments are hereby incorporated by reference as a part of the Official Zoning Map and Land Management Ordinance text:
1. Hilton Head Plantation
  2. Indigo Run
  3. Long Cove Club
  4. Palmetto Dunes Resort (including Shelter Cove)
  5. Palmetto Hall
  6. Port Royal Plantation (and surrounds)
  7. Sea Pines
  8. Shipyard Plantation
  9. Spanish Wells Plantation
  10. Wexford Plantation
- D. These master plans and associated text, as approved and, when applicable, as amended by the Town, establish general permitted uses and maximum area densities for the PUDs, except as may be modified by the overlay of a specific district other than the PD-1 District. Undesignated areas on these master plans shall be considered as open space.
- E. In the PD-1 District the following uses are restricted to locations where the Town-approved master plan or master plan text specifically states such uses are permitted. In addition the specific use standards of Chapter 4, Article XII must be met for any new use or changes to the site for any existing such use.
1. Adult Entertainment
  2. Auto Rentals
  3. Auto Sales
  4. Convenience Stores
  5. Divisible Dwelling Units
  6. Gas Sales
  7. Interval Occupancy
  8. Liquor Store
  9. Marinas
  10. Nightclub or Bar
  11. Outdoor Entertainment
  12. Telecommunications Facilities
  13. Truck or Trailer Rental
  14. Veterinary Hospital
  15. Watercraft Sales or Rentals
  16. Water-Oriented Embarkation Facilities
  17. Tattoo Facilities
- F. Amendments to these master plans and/or master plan text shall follow the requirements set forth in Chapter 3, Article XVII.

(Revised 11/17/98--Ordinance 1998-35; Revised 4/3/01--Ordinance 2001-17; Revised 8/17/04--Ordinance 2004-32)

**Narrative****Parcel Owner: Louanne Carrene LaRoche**

Area: 85015.7662551, Pin: R550 018 000 0218 0000, Key no: 00482640, Tax map: 18, Tax Parcel: 218, Parcel legal1: Parcel A  
PB 32 P 32, Pud Name: Sea Pines, Mp land use: Recreational and Institutional

**This property was purchased originally in 1986. I inherited it in 2004. The current Sea Pine's Master Plan designates this parcel can be used as Institutional, recreational, residential, and commercial purposes. Sea Pines has allocated at least one density unit for a single family home or two units for a town house.**

**The current master plan is a change from the original recreational and institutional land use specified in the 1984 Sea Pine's Master Plan.**

**The 1992 zoning map amendment is not available. Therefore, I am asking that my parcel be rezoned to reflect the current Sea Pine's Master Plan.**

**The current zoning of bordering parcels would be compatible with this change of use.**

**My parcel is bordered by: Sea Pines Resort LLC # R550-018-0248, zoned institutional, residential, recreational and commercial. (#18 – 248)**

**Parcel "B" # R550-018-218B (# 18-212) owned by Low Country Schools Inc. (zoned institutional and recreational)**

**Night Heron Lakes (18A-496) zoned residential**

**(#18-174)(Former architect's office, residence, and art gallery) zoned residential and commercial**

**Morris Whiteside Art Gallery (#18-190)( former Red Piano Gallery and residence) zoned residential and commercial**

**#18-292 and #18-191 (townhouses zoned residential and commercial)**

**\*All of these properties fall under the Sea Pine's Master Plan.**

**The current zoning of the Town of Hilton Head prohibits marketing the property to be sold for a residence or commercial usage permitted and assessed under the Sea Pines Master Plan and covenants.**

**Public services would be available for my parcel. Surrounding properties currently have Sewer, water and storm water facilities.**

# SOUTH ISLAND PUBLIC SERVICE DISTRICT

POST OFFICE BOX 5148 • 25 BOW CIRCLE • HILTON HEAD ISLAND, S.C. 29938

## ATTACHMENT 'E'

June 8, 2009

Ms. Louanne LaRoche

RE: Parcel A Cordillo Parkway, PIN R550  
018 000 0218

Dear Ms. LaRoche:

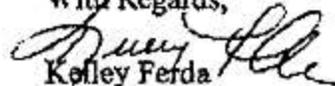
The District cannot determine whether or not it can provide water and sewer service to the above referenced property without more information. The survey you provided does not show enough of the surrounding property.

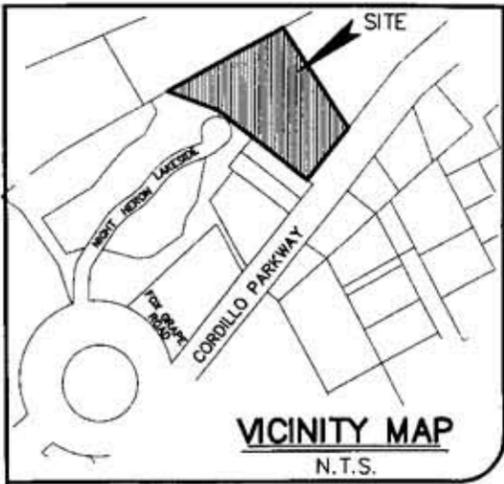
There is a 2-inch water line in front of the property that could serve the parcel nearest to Cordillo Parkway. There is no sewer service available, unless you install a manhole and bore a sewer line under Cordillo Parkway and connect to a manhole on the opposite side of the road. This would require a SCDOT permit.

The parcel in the back, designated as Parcel A, does not have water or sewer service. You would need to have an engineer evaluate the site and elevations to determine if the lot could be served through Night Heron Lakeside. This routing would require easements from the property owners at Night Heron Lakeside. The District does not allow any water or sewer line to be routed through a lagoon. I don't think you could excavate through a wetland to route the water from the front parcel to the back, but you could check with a representative from the Town.

If you would like to have an engineering firm review this parcel, I will make a District representative available to meet with them. I can be reached at 671-2907.

With Regards,

  
Kelley Ferda  
Operations Manager



**REFERENCE PLATS**

- 1) A PLAT OF PARCELS "A" & "B" A SECTION OF SEA PINES PLANTATION DRAWN: 11/12/84 RECORDED IN BOOK 32, PAGE 189, DATED 12/28/84 RMC, BEAUFORT COUNTY, SC BY: JERRY L. RICHARDSON, S.C.R.L.S. NO. 4784
- 2) A PLAT OF 1,866 ACRES NIGHT HERON PHASE III, FOX GRAPE ROAD, A SECTION OF SEA PINES PLANTATION DRAWN: 5/26/82, LAST REVISED: 6/30/82 RECORDED IN BOOK 32, PAGE 189, DATED 12/28/84 RMC, BEAUFORT COUNTY, SC BY: JERRY L. RICHARDSON, S.C.R.L.S. NO. 4784

LINE	LENGTH	BEARING
L1	12.54	N88°13'49"E
L2	21.81	N88°13'49"E
L3	14.30	S78°39'47"E
L4	15.42	N37°12'57"E
L5	19.51	N58°05'07"E
L6	32.66	N45°42'41"E
L7	30.51	N41°59'55"E
L8	28.70	N40°11'21"E
L9	32.02	N52°21'11"E
L10	40.24	N73°25'14"E
L11	48.43	N47°49'24"E
L12	28.55	N44°05'22"E
L13	45.46	S47°24'37"W
L14	18.53	S53°57'13"W
L15	32.38	S44°28'29"W

LINE	LENGTH	BEARING
L16	26.81	S53°39'15"W
L17	35.57	S49°40'12"W
L18	18.67	S49°20'57"W
L19	43.03	S42°23'42"W
L20	32.78	S52°50'45"W
L21	8.43	N72°20'42"E
L22	15.69	N49°34'35"E
L23	18.67	N62°09'28"E
L24	18.46	N62°46'11"E
L25	27.33	N56°03'10"E
L26	36.33	N53°06'49"E
L27	35.96	N58°02'27"E
L28	21.06	N53°43'24"E
L29	35.59	N81°48'41"E

**NOTES:**

- 1). THIS PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH BY SEA ISLAND LAND SURVEY, LLC.
- 2). THIS PROPERTY IS SUBJECT TO RESTRICTIONS AS RECORDED IN THE OFFICE OF THE RMC FOR BEAUFORT COUNTY.
- 3). THIS PROPERTY IS SUBJECT TO EASEMENTS OF RECORD.

THIS MAP IS A GENERAL REPRESENTATION OF THE LOCATIONS OF 404 WETLANDS (FRESHWATER WETLANDS) LOCATED WITHIN THE PROPERTY AS SHOWN. THESE WETLANDS ARE SUBJECT TO REVIEW AND APPROVAL BY THE U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT. THE WETLANDS HAVE BEEN LOCATED AS FLAGGED BY TERRA NOVA ENVIRONMENTAL, INC.

PROPERTY AREA = 1.974 Ac.  
 ADDRESS: CORDILLO PARKWAY  
 DISTRICT: 550, MAP: 18, PARCEL: 218

THIS PROPERTY LIES IN F.E.M.A. ZONE A7  
 BASE FLOOD ELEVATION = 14.0'  
 COMMUNITY NO. 450250, PANEL: 0012D, DATED: 9/29/86

**SYMBOLS**

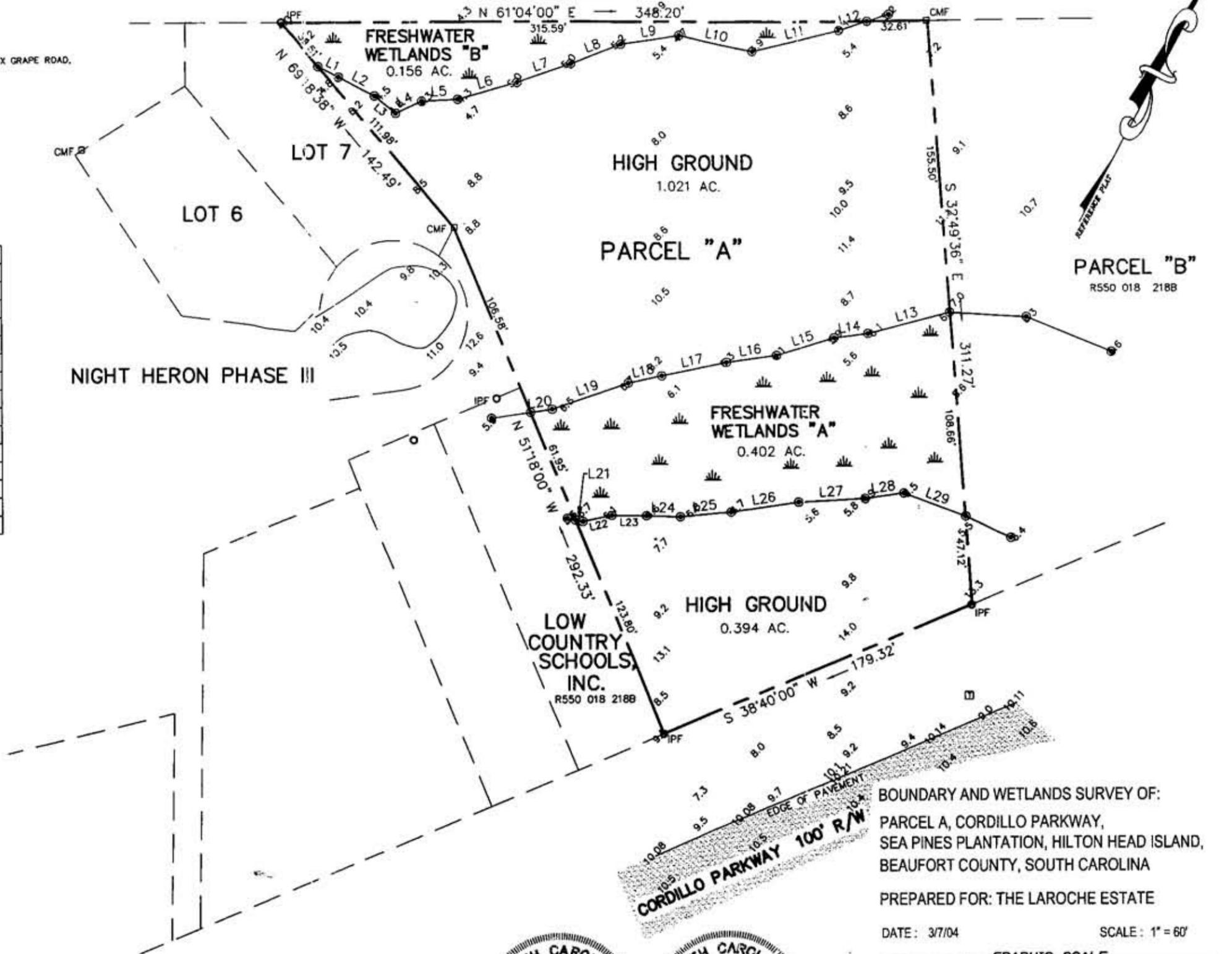
- ☐ - TELEPHONE SERVICE
- IPF ○ - 1/2" IRON PIN (FOUND)
- CMF □ - 3" CONCRETE MONUMENT FOUND

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. NOT VALID UNLESS EMBOSSED.

**SEA PINES PLANTATION COMPANY**

PB. 30, PG. 22  
 R550 018 0248

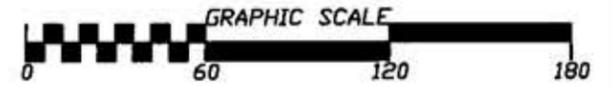
**ATTACHMENT 'F'**



BOUNDARY AND WETLANDS SURVEY OF:  
 PARCEL A, CORDILLO PARKWAY,  
 SEA PINES PLANTATION, HILTON HEAD ISLAND,  
 BEAUFORT COUNTY, SOUTH CAROLINA

PREPARED FOR: THE LAROCHE ESTATE

DATE: 3/7/04 SCALE: 1" = 60'



**SIS** Sea Island Land Survey, LLC.  
 P.O. Box 21568, Hilton Head Island, SC 29925 Tel (843) 681-3248  
 4-D Mathews Court, Hilton Head Island, SC 29926 Fax (843) 689-3871  
 FILE No.: 04058 DWG No.: 1-1561  
 COPYRIGHT © BY SEA ISLAND LAND SURVEY, LLC. CAD: MC FIELD: VR



July 1, 2009

Town of Hilton Head Island  
Community Development Department  
One Town Center Court  
Hilton Head Island, SC 29928

Re: Case #ZMA090003  
Parcel A – Cordillo Parkway

To Whom It May Concern:

We would like to voice our concern and opposition to the proposed zoning change regarding the referenced parcel on Cordillo Parkway. The proposed zoning change would add residential and commercial uses to this property.

The property is included within the boundaries of the Sea Pines Planned Unit Development (Sea Pines PUD). Sea Pines Resort, LLC holds certain rights within the Sea Pines PUD including, but not limited to, (1) the Right to Approve Change in Master Plan; and, (2) an Assignment of Development Rights along with the ownership of all unassigned residential density within the Sea Pines PUD.

We are not aware of any request to approve a change in the Sea Pines Master Plan nor have we approved such change. Also, no specific residential density has been assigned to this parcel in the density unit count maintained by CSA; therefore, it is our understanding no residential construction will be approved by the Sea Pines ARB. For these reasons, we respectfully oppose the proposed zoning change for the referenced property.

Please contact me at (843) 785-3333 to further discuss this matter.

Sincerely,

SEA PINES RESORT, LLC

Steven P. Birdwell  
President

cc: Cary Kelly, Community Services Associates, Inc.

Walter J. Nester III

July 1, 2009

[wnester@mcnair.net](mailto:wnester@mcnair.net)

T (843) 785-2171  
F (843) 686-5991

**VIA E-MAIL ONLY**

Mr. Mike Roan  
Town of Hilton Head Island  
One Town Center Court  
Hilton Head Island, SC 29928

Re: Case No. ZMA090003  
Community Services Associates, Inc. - 2 Acre Parcel on Cordillo Parkway  
Our File No. 109426.00062

Dear Mike:

This office represents Community Services Associates, Inc., the Association that represents all property owners in Sea Pines Plantation. I am writing to voice our client's concern with the referenced application for a zoning map amendment. As you know, Sea Pines Plantation is a Planned Unit Development and the density and uses of the property within that Planned Unit Development are governed by the Sea Pines Master Plan dated February 22, 1984. That Master Plan depicts the subject property as a portion of Parcel 22 and describes the permitted uses thereof for institutional and recreational use as permitted under applicable Covenants. The proposed map amendment changes the use to include commercial and/or residential uses. However, the Master Plan also describes existing allocated density and for this parcel that density is zero (0). Certainly the Master Plan has been amended since 1984 and density reallocated in various areas. Our client is responsible under applicable Covenants to track and assure that density does not exceed that described in the Master Plan nor in the Covenants applicable thereto and referenced therein. We are not aware of any density having been allocated to this property and believe that the Town should consider that fact when considering amending the zoning map. If the applicant claims a right or title to density for this property, we would appreciate your advising us of the same. We do not believe property in Sea Pines Plantation should be rezoned unless the rezoning allows the use thereof in accordance with applicable Covenants and Restrictions applicable to such property, which would include title to the necessary and appropriate density.

I am glad to answer any questions or concerns that you may have.

With best regards, I am

Sincerely,

McNAIR LAW FIRM, P.A.



Walter J. Nester III

WJN:dkr

c: Community Services Associates, Inc. (via e-mail)  
HILTONHEAD-#702065-v1

McNair Law Firm, P. A.  
23-B Shelter Cove, Suite 400  
Hilton Head Island, SC 29928

Mailing Address  
Post Office Drawer 3  
Hilton Head Island, SC 29938

[mcnair.net](http://mcnair.net)

ATTACHMENT "I"

To: Town of Hilton Head Planning Commission  
From: Homeowners of the Night Heron Lakeside Association  
Re: LaRoche Proposal Re: Parcel A  
Date: July 15, 2009

We, the Homeowners of the Night Heron Lakeside Association, wish by this letter to request that the Town of Hilton Head oppose the LaRoche Proposal which, if approved, would permit Commercial Use of Parcel A in the Sea Pines Master Plan.

We believe the zoning amendment requested by Louanne LaRoche would, if approved, compromise the privacy, natural beauty and wildlife habitat of Night Heron Lakeside, an established residential community, for the following reasons:

It would permit the building of commercial enterprises such as restaurant or bar, warehouse or storage, offices, retail shops, hotels, motels, inns, banks, theaters, lounges, stable buildings, recreation clubhouses and tennis courts.

It would encroach upon the wetlands adjacent to Night Heron Lakeside which we are legally bound to protect.

It would destroy considerable natural area and thereby negatively impact upon the indigenous plant and wildlife.

It would lessen the aesthetic and environmental qualities which were the very reasons we chose to invest in and reside in Night Heron Lakeside and affect the value of our properties.

Copies of this letter bearing our signatures to officially affirm our unanimous support of the position stated above were delivered to Michael Roan and Cary Kelley on July 13, 2009 prior to the Public Hearing.

Sincerely,

The Homeowners of the Night Heron Lakeside Association:  
Gary & Lucille Wurth  
Dr. Sang & Seung Lee  
Sigrid Carlson  
Dr. Peter & Ann Marie Furnari  
Charles & Wendy Pero  
Lisa Knight  
George & Lynn Rice

ATTACHMENT "J"

**SC Code of Laws Section 6-29-1145**

(A) In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.

(B) If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:

(1) in the application for the permit;

(2) from materials or information submitted by the person or persons requesting the permit; or

(3) from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

(C) As used in this section:

(1) 'actual notice' is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;

(2) 'permit' does not mean an authorization to build or place a structure on a tract or parcel of land; and

(3) 'restrictive covenant' does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land."

Walter J. Nester, III

[wnester@mcnair.net](mailto:wnester@mcnair.net)

T (843) 785-2171  
F (843) 686-5991

February 12, 2010

**Via E-Mail**

Chester C. Williams, Esq.  
Law Office of Chester C. Williams, LLC  
Post Office Box 6028  
Hilton Head Island, SC 29938-6028

Re: Community Services Associates, Inc.  
Parcel A Cordillo Parkway – Louanne LaRoche  
Our File No. 109426.00062

Dear Chet:

I am writing in response to your inquiry about title matters on the property known as Parcel A Cordillo Parkway, specifically your request for me to identify which of the Covenants applicable in Sea Pines Plantation apply to this property. While such request may be construed as a title opinion, I understand your concerns relate to zoning so I am providing this response. However, I am compelled to state and qualify that this correspondence is for informational purposes only and may not be relied upon by you or any other person as an opinion of title or as an opinion of any other matter of title which would be disclosed by a title abstract.

As you know, the chain of title for your client's property, which is known as Parcel A and more particularly described and shown in that certain plat, a Plat of A and B 3.944 Acres Cordillo Parkway, which plat was recorded in the Office of the Register of Deeds for Beaufort County ("ROD") in Plat Book 32 at Page 189 ("Parcel A"). Parcel A was conveyed by the Sea Pines Plantation Company to Central Real Estate Investments, Inc. pursuant to a deed recorded in the ROD in Deed Book 226 at Page 1596 on February 18, 1975. It was a portion of a 24.319 acre parcel depicted in Plat Book 21 at Page 114 recorded in the ROD. The Central Real Estate Investments, Inc. deed was made subject to the restriction that no part of the property conveyed therein could be reconveyed without the imposition by the grantee of either what are described therein as "standard form Class A Covenants such as those recorded in Book 173 at Page 46 in the ROD or the standard Class B form Covenants recorded in Book 124 at Page 35 of the ROD", according to whether the parcels conveyed were to be used for single family or multi-family use.

Pursuant to a deed recorded in the ROD in Book 254 at Page 1853, Central Real Estate Investments, Inc. conveyed an 8.81 acre portion of the 24.319 acre parcel described above to Night Heron Development Associates. Consistent with the restriction in the

McNair Law Firm, P. A.  
Shelter Cove Executive Park  
23-B Shelter Cove Lane, Suite 400  
Hilton Head Island, SC 29928

Mailing Address  
Post Office Drawer 3  
Hilton Head Island, SC 29938

[mcnair.net](http://mcnair.net)

Chester C. Williams, Esq.  
February 12, 2010  
Page 2

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deed from the Sea Pines Plantation Company, Central Real Estate Investments, Inc. made this deed subject to the Class A Covenants recorded in Book 173 at Page 46 in the ROD and further the Covenants recorded in Book 224 at Page 1036 in the ROD, more commonly described as the "1974 Covenants".

As you also know, a 1.972 acre portion of the above 8.81 acre parcel was conveyed by Night Heron Development Associates to Caribbean Associates, Inc. pursuant to a deed recorded in Book 410 at Page 676 in the ROD. This 1.972 acre parcel is the parcel depicted in Plat Book 32 at Page 189 and described as "Parcel A". The chain of title further describes that this 1.972 acre parcel is now owned by your client, Ms. LaRoche.

The 1974 Covenants provide, among other matters, for the payment of assessments by owners of property subject thereto. Lots intended for residential use pay either an unimproved or improved assessment depending upon whether a dwelling is constructed thereon. The 1974 Covenants also provide for a maximum of 5,890 residential densities on the property subject thereto.

As I have consistently stated in the past, density units are neither issued nor controlled by CSA nor the Association of Sea Pines Plantation Property Owners. ASPPPO is the organization responsible for ensuring compliance with Covenants within Sea Pines Plantation and, therefore, it endeavors to track density within the Sea Pines master planned community. However, neither organization issues or controls the issuance of density.

I trust this correspondence is responsive to your questions, but ask that you contact me if you require further information.

Sincerely,

McNAIR LAW FIRM, P.A.



Walter J. Nester, III

WJN:dkr

c: Community Services Associates, Inc. (via e-mail)  
HILTONHEAD 715429v1

# Russell P. Patterson, P.A.



Serving the Lowcountry for over 25 years

21 Office Park Road  
Carolina Bldg. Suite 104  
Hilton Head, SC 29928  
russell@russellpattersonlaw.com

P.O. Box 8047  
Hilton Head, SC 29938  
(843) 341-9300  
(843) 341-9301 fax

March 18, 2010

Chester C. Williams, Esquire  
Chester C. Williams, LLC  
P.O. Box 6028  
Hilton Head Island, SC 29938

**Via e-mail: [firm@ccwlaw.net](mailto:firm@ccwlaw.net)**  
**and First Class Mail**

Re: Parcel B, Cordillo Parkway  
Your File No.: 01461-001

Dear Chet:

I have been asked by my client, Sea Pines Resort, LLC ("Sea Pines"), to respond to your letter of November 20, 2009, as well as subsequent e-mails from your office. My client has reviewed carefully the history of this property, the applicable Sea Pines Master Plans, the density unit counts, as well as the additional information you provided to determine the status of this property. Here is what Sea Pines is willing to do at this time based upon all of the above:

1. Sea Pines will not object to any efforts by the property owner and/or the Town to zone the property for residential uses, consistent with the Class A Residential Covenants that are applicable to the property. However, our records reflect there is no residential density unit assigned to this property. Prior to construction of a residence, a single-family residential unit must be acquired. If the property is to be used for more than one (1) residence, a request to Sea Pines to subdivide the lot must be submitted and, of course, additional density units for each residence must be acquired.
2. In reference to your clients' desire to use the property for commercial purposes, although we have not completed a detailed title examination, it does not appear that under the applicable Class A Residential Covenants, the property can be used for commercial purposes. However, we have no objection if your client wishes to take whatever steps you may deem advisable to have the property rezoned for commercial uses, and to take such other steps to try to modify or amend the

Chester C. Williams, Esquire  
March 18, 2010  
Page 2

applicable covenants to allow for commercial usage. If any of these steps require the consent or approval of Sea Pines, we would require an indemnification and hold harmless agreement in connection with said request.

I am sorry it has taken so long for this response to be issued, but as you can imagine, these are fairly complicated issues.

Please contact me with any questions. Thanks.

Sincerely,  
RUSSELL P. PATTERSON, P.A.



Russell P. Patterson

RPP:djt

cc: Steve Birdwell – via e-mail  
Craig Ostergard – via e-mail  
Malia Flatt, Esq. – via e-mail



## Memorandum

**TO:** Town Council  
**FROM:** Steve Riley, Town Manager  
**DATE:** February 18, 2011  
**RE:** Land Management Ordinance Rewrite Proposed Resolution

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Attached is a proposed Resolution that would authorize the creation an LMO Rewrite Committee, including a memo from Mayor Laughlin describing the intent of such a Committee. There is also an Attachment A describing the process for comprehensive review and update of the LMO for your review and consideration for approval.

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# M E M O R A N D U M

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**DATE:** February 15, 2011  
**TO:** Town Council  
**FROM:** Drew Laughlin, Mayor  
**RE:** LMO Rewrite  
**CC:** Steve Riley  
Planning Commission

One of our top priorities from this year's Town Council workshop, as well as past workshops, has been to rewrite the LMO. After reviewing our comments on this subject from the workshop and discussing this issue with the Town Manager, staff and members of the public, I would like to propose the attached process for how we move forward to address this priority.

As you will see, I am proposing the Council appoint a LMO Rewrite Committee made up of Planning Commissioners, members of the public representing specific areas of interest, a member of the Town Council and the Town's Community Development Director. This Committee will serve as a new ad hoc committee of the Planning Commission with a specifically defined task to follow in rewriting the LMO. It will report to the Planning Commission and make periodic reports to the Town Council. The Committee will be asked to deliver as a work product a new LMO that will be forwarded first to the Planning Commission and then to the Town Council for adoption.

The Town has engaged in extensive planning since incorporation. Much of this effort has been aimed at revitalizing areas such as the Bridge to the Beach area, Stoney, Chaplin, Ward 1, and our TIF areas. Many in the public as well as on our boards and commissions are not familiar with these efforts; therefore, I am also proposing that the Town Council ask the Planning Commission to hold a series of public meetings to review our past planning efforts. I anticipate this review will educate everyone on the history of our past plans and demonstrate the extensive planning efforts we have already undertaken. This should also enable the LMO Rewrite Committee to better focus on their efforts.

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## **Process for Comprehensive Review and Update of LMO**

Initially Town Council will ask the Planning Commission to hold a public meeting or series of public meetings to review the past land planning efforts of the Town. Both the Town Council and the LMO Rewrite Committee, discussed below, will be invited to this meeting. The purpose of this meeting is to educate the Planning Commission and meeting attendees on the results of past Town planning efforts and to develop an understanding of what worked in these past efforts, as well as what did not work and why.

### **LMO Rewrite Committee**

The Town Council will appoint a LMO Rewrite Committee to guide the rewrite of the LMO. This group will be a committee of the planning commission with membership from the Commission, Town Council, staff and the general public.

The charge for this group is to rewrite the LMO to simplify the Town’s land development regulations and reorganize it into a format that is more user-friendly and easier to understand and apply. Property owners and investors should be able to clearly and quickly understand what development and improvements to property the code will support. The new code should not require users to search through multiple chapters to find regulations affecting a specific property. This code should encourage reinvestment to revitalize existing development and encourage investment in new development consistent with the Town’s core values.

The Committee is to be guided by direction identified by Town Council at its 2010 Workshop. The areas below are to be addressed. As part of this effort, the Committee shall review staff efforts in reworking the LMO to address the Town Council’s directives.

1. Development application review and permitting processes and procedures.
  - Eliminate unnecessary processes and procedures.
  - Eliminate unnecessary submittal requirements.
  - Conform notice requirements to State Code.
  - Review criteria for special exceptions/variances and rezoning. Make them flexible and easy to understand.
  
2. Zoning districts.
  - Review recent rezoning requests.
  - Evaluate current and future market trends.
  - Evaluate and identify appropriate land uses and densities with attention to market trends and past rezoning requests.

- Develop a new zoning scheme to replace existing zoning districts outside existing PD-1s.
3. Design standards.
    - Develop specific design standards for selected zoning districts.
    - Review non-district specific design and natural resources standards.
    - Eliminate outdated requirements, create flexibility where appropriate.
  4. Administrative waivers.
    - Develop process to allow more waivers at staff level.
  4. Nonconformities.
    - Evaluate policy on nonconformities.
    - Devise framework to facilitate improvement of existing nonconforming sites.
  5. PD-1's.
    - Evaluate the use of master plans for zoning purposes.
    - Consider more broad designations of allowed uses and densities.
    - Develop a framework to establish consistent development regulations for all PUDs.
    - Evaluate the current "use it or lose it" clause and determine appropriate applications
  6. Identify and prioritize revitalization and investment zones.
    - The Coligny area and Shelter Cove Mall are already identified by Town Council, Comprehensive Plan and Mayor's Task Force as top priority investment areas.
    - Existing TIF district has prioritized other areas.
    - Other suitable areas should be identified and prioritized.

Any additional work beyond the areas identified above must first be approved by the Town Council.

The work product of the Committee shall be a rewritten LMO. The Committee shall seek public input throughout the process of developing this document and shall solicit public comment on the final product before presenting it to the Planning Commission. The Planning Commission shall conduct public hearings on the rewritten LMO and forward it to Town Council with any recommendations following the same procedures required for LMO amendments.

The Committee shall report to the Planning Commission and make periodic presentations to Town Council at critical stages.

The Committee shall complete its work within 1 year from the date of its first meeting. It shall establish a meeting schedule as required to meet this deadline. The Committee shall work closely with Town staff to complete this task.

The Committee may make recommendations to Town Council for additional resources, such as consultants, to assist in the completion of its work. Town staff shall assist the Committee in the preparation of RFQ's for any consulting services deemed necessary by Town Council. Town staff will serve as liaison between the Committee and consultants and insure compliance with all regulations.

Membership: The composition of the Committee shall be:

- Two members of Planning Commission
- One member of Mayor's Task Force for the Island's Future
- One local attorney with extensive experience with the existing LMO
- One PUD general manager
- One resident with knowledge of commercial real estate market
- One design professional with LMO and Town Board/Commission experience
- One member of Town Council (ex-officio)
- Town Community Development Director (ex-officio)

The Committee shall be considered a public body and comply with all applicable requirements imposed by law on such bodies. The Committee shall not appoint subcommittees without approval from the Town Council.

**A RESOLUTION OF THE TOWN OF HILTON HEAD ISLAND TOWN COUNCIL  
CREATING THE LAND MANAGEMENT ORDINANCE (LMO) REWRITE COMMITTEE  
COMPOSED OF A BROAD RANGE OF ISLANDERS FORMED TO REWRITE THE LMO TO  
SIMPLIFY THE TOWN'S LAND DEVELOPMENT REGULATIONS AFTER REVIEWING  
AND MAKING RECOMMENDATIONS IN THE FOLLOWING AREAS: DEVELOPMENT  
APPLICATION REVIEW AND PERMITTING PROCESSES AND PROCEDURES; ZONING  
DISTRICTS; DESIGN STANDARDS; ADMINISTRATIVE WAIVERS; NONCONFORMITIES;  
PD-1'S; AND IDENTIFICATION AND PRIORITIZATION OF REVITALIZATION AND  
INVESTMENT ZONES.**

**WHEREAS,** The Town of Hilton Head Island has engaged in extensive land management planning since incorporation; and

**WHEREAS,** The Town Council of the Town of Hilton Head Island recognizes the need to amend the LMO to reflect the needs and expectations of its residents, business community, and visitors so that the island remains a viable and attractive place to live, work and visit; and

**WHEREAS,** The Town Council adopted, at its 2010 Strategic Planning Workshop, a Top Priority of rewriting the LMO to foster greater flexibility, simplicity, and revitalization; and

**WHEREAS,** Town Council is desirous of appointing a broad range of LMO Rewrite Committee members to operate with considerable public participation over a 12 month period; and

**WHEREAS,** Town Council has determined that to accomplish the goal of rewriting the LMO is best served by following the plan found within Attachment A to this Resolution.

**NOW, THEREFORE, BE IT, AND IT HEREBY IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA,** that the Land Management Ordinance Rewrite Committee is created. The purpose of the Committee, its general membership and charge is as described in Attachment A.

**MOVED, APPROVED, AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2011.**

\_\_\_\_\_  
**Drew A. Laughlin, Mayor**

**Attest:**

**By:** \_\_\_\_\_  
**Betsy Mosteller, Town Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Gregory M. Alford, Town Attorney**

**Introduced by Council Member:** \_\_\_\_\_

## **MEMORANDUM**

**TO:** Town Council

**FROM:** Stephen G. Riley, Town Manager

**DATE:** February 18, 2011

**RE:** **Heritage Classic Golf Tournament Television Advertising**

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### **Recommendation**

That Town Council approve a proposal from The Heritage Classic Foundation that the Town accept and use television advertising spots during the tournament, and at other times during the year. And further, that Council authorizes the Town Manager to work with the Chamber and other potential partners to produce the necessary commercials and to run the same as provided under the Foundation's agreements with CBS and the Golf Channel.

### **Summary**

Approval would result in the Town receiving a minimum of 16 30-second advertising spots on the Golf Channel. These can be used during their Thursday and Friday broadcast of the Heritage, or doing other PGA Tour broadcasts on the Golf Channel throughout the year. Approval would also authorize the Town Manager to develop a specific agreement with the Heritage Classic Foundation regarding the number of advertising spots to be provided. The Town Manager would also be authorized to contract for the design and production of at least two television commercials, and to seek partners to assist in the development and cost of producing the televisions ads.

### **Background**

This is a very short-fused request. We need to move quickly if we are to develop and produce high-quality television commercials in time for broadcast during this year's Golf Tournament. While I would prefer to offer you a more detailed plan before asking for a vote, we will need to be more fluid than that.

The Town has been approached by the Heritage Classic Foundation with a proposal that we agree to take responsibility for some of the advertising space, which is normally provided to the title sponsor of a PGA Tour event, in exchange for the \$1 million commitment we made for this year's tournament.

The Foundation has received the rights to 32 30-second advertising spots on the Golf Channel and 32 30-second spots on CBS; advertising spots that would normally belong to the title sponsor. These spots can run both during the tournament coverage and during other PGA event broadcasts of other tournaments throughout the year.

The Foundation has asked that the Town and County take and use the 32 spots on the Golf Channel. They are hoping to sell the 32 spots on CBS, which obviously have a higher viewership and are thus worth more on the open market. The Foundation would hope to recoup some portion of the \$4 million in reserves they have committed to the 2011 tournament so as not to completely wipe out their reserves.

The Town originally committed \$1 million with no strings attached. We are now being offered something of value in exchange for our contribution. It is probable that another buyer might pay less than \$1 million on the open market for these spots. But I think we should view this as part of our efforts to help bolster the tournament; and not so much as a hard-line business proposition.

Moreover, we should think of this as an opportunity to expand the advertising we do. Each of you has spoken of the need to not only attract tourists but to expand our advertising to encourage people to move here and to bring their businesses here. You recently adopted, as a High Priority, the following: Proactive Marketing Campaign and Program-Broaden Marketing of Island to Retirees and Businesses. The primary obstacle to such an effort is that the only funds that have been made available to our Visitor and Convention Bureau are the ATAX dollars that can only be used to bring visitors here.

But our commitment to the Heritage is from general fund dollars that are not restricted. Thus, staff would propose that we not only produce a tourism ad or two, but we should also produce an ad or two that targets new residents and business start-up/relocation.

Our \$1 million only buys the advertising slots. We still need to find money to produce the ads. The Chamber/VCB has high quality digital "B roll" footage that might serve part of our needs but we are probably talking \$100,000 plus for production. The advertising reserve account might be a source for this additional funding.

If authorized, staff will seek partnerships, to the extent possible in this short window, from groups or organizations that might gain from such advertising and who might assist in the production costs. Staff will return to Council with proposed sources of funds, necessary budget amendments, and any formal agreements or contracts as quickly as time and circumstances allow.

## MEMORANDUM

**TO:** Stephen G. Riley, AICP, Town Manager  
**FROM:** Steven D. Markiw, Deputy Director of Finance  
**DATE:** February 18, 2011  
**RE:** R.H. Realty and Rentals, Inc. Business License Revocation

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**Recommendation:** That Town Council revoke the business license of R.H. Realty and Rentals, Inc. until such time that all taxes and penalties are paid.

**Summary:** R.H. Realty & Rentals entered in a bankruptcy agreement with the Town in calendar year 2005 for failing to pay accommodations taxes, beach preservation fees and penalties for calendar years 2000 through 2003. In September of 2008 the payments received from RH for the outstanding taxes and fees owed decreased from the required \$1,500 per month to \$200 per month and the payments for the outstanding penalties owed decreased from \$1,000 per month to \$100 per month, without the Town's consent.

**Background:** R.H. Realty & Rentals, Inc. (RH) failed to pay the Town \$205,804.77 in accommodations taxes and beach preservation fees for calendar years 2000 though 2003. Additional penalties accrued in the amount of \$427,845.09 for those same periods. In calendar year 2005 the Town reached an agreement with RH through bankruptcy court to repay the Town. The Town received \$80,000 up front to repay a portion of the outstanding taxes and fees owed. The balance of the taxes and fees owed, \$125,804.77, were to be repaid over a 61 month period at \$1,500 (includes simple interest at 6% per annum) per month with the final month being a payment of \$64,049.98. The penalties owed were reduced to a minimum of 15% of the calculated amount (\$64,176.76) to be repaid over 73 months at \$1,000 per month.

In September of 2008 the payments received from RH for the outstanding taxes and fees owed decreased from the required \$1,500 per month to \$200 per month and the payments for the outstanding penalties owed decreased from \$1,000 per month to \$100 per month. In accordance with the terms of the priority claim, the outstanding obligation to the Town was to be paid off within 61 months, which is January of 2011. **R.H. owes the Town \$102,939.02 this month (January 2011) to satisfy the bankruptcy agreement priority claim.** Assuming RH continues to pay the reduced \$100 per month payment staff estimates that RH will owe the Town approximately \$28,276.76 in January of 2012, the end of the 73<sup>rd</sup> month on the unsecured claim. Clearly RH is in default of its bankruptcy agreement.



**February 11, 2011**

**To: Town of Hilton Head - Town Council**

**Drew Laughlin  
Kenneth Heitzke  
Willie Ferguson  
William Harkins  
Kimberly Likins  
George Williams**

**From: R.H. Realty & Rentals, Inc.**

**Attached is a personal letter from Robert Hoisington, a personal letter from William Hoisington and information regarding R.H. Realty & Rentals that we would like for the Town Council to review before our appeal meeting that will be held on March 1, 2011 at 4:00.**

February 7, 2011

To Whom It May Concern:

The intent of this letter is to inform all interested parties about the facts concerning my company, R.H. Realty & Rentals, Inc., and myself. I am a 57 year-old man with a high school education. I am the father of five children all born on Hilton Head Island - Trent, Tate, Troy, Blake and Jenna. Their ages range from six to nineteen years old. I am a single parent and the sole provider and caretaker for these children. I do not own real estate on Hilton Head and I am currently renting a house on the Island.

I moved to Hilton Head in 1974, where I got jobs driving a cab and working as a lifeguard. I worked everyday and saved money for five years until I had enough to buy two villas at The Breakers. I got my real estate license in 1979 and started R.H. Realty & Rentals for the sole purpose of renting my own units. I was very successful at promoting my units and the Island. It did not take long for me to acquire other units under my management. I grew from two units in 1979 to 275 units by 1991. At that time, I had over 50 employees.

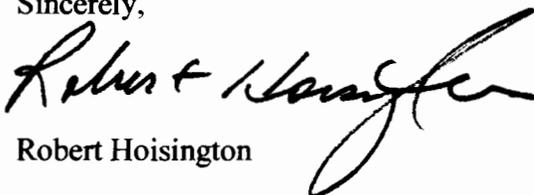
In 1991, my company had to file bankruptcy protection because Condo Network, a large travel agency, filed Chapter 7 Bankruptcy owing R.H. Realty & Rentals \$700,000, leaving me owing villa owners \$560,000 in rental income. Some people have suggested that I took this money but that was not the case. I was the biggest creditor in my own bankruptcy because I owned nine properties at the time. I filed a plan to pay back all owners 100% of the money owed and successfully achieved that goal in less than four years.

I also manage homes and villas in Costa Rica and I am part-owner of a home in Costa Rica that has a mortgage. It was built with a construction loan, just like in the United States. Currently, there is more money owed on the house than what it is worth.

For the past few years, business has not been good because of the decline in the economy. Real estate sales used to account for the majority of income produced, but my company has not had a sales contract in four years. I have made every effort to pay back the money I owe to the town, other creditors and to support my children. I would like to ask that The Town of Hilton Head would be willing to work out an agreement that would allow me to take care of my obligations to the town, my other creditors and my children.

Thank you for taking the time to read this and reviewing the information I have submitted. I hope this helps set the record straight for both R.H. Realty & Rentals, Inc. and me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Hoisington". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Robert Hoisington

Dear Town Council:

After receiving a visit from a Town Representative with a letter indicating that our business license was going to be suspended, I was surprised. For six years, R.H. Realty & Rentals has been making priority and unsecured payments every month. In the last couple of years, we have had to pay these payments in smaller amounts that we could afford. We assumed that the cashing of the checks was acceptance of our current financial situation. If someone from The Town had said that our recent payments were not acceptable, we could have tried to come up with some kind of solution.

With the downfall of the economy, no one could have predicted the way the real estate market has changed. Our company is dependent on real estate sales and we have not had a sales contract in over four years. We have been in business for 30 years and the past couple years has been the worst we have ever seen. Who knows how the next several years will be like?

It has been hard for us to make ends meet on a month-to-month basis. Our landlord in Coligny Plaza has been quite patient with us, allowing us to make smaller rent payments and keeping a running tab of how much we owe in the event that the economy turns around and we start making money.

I have also had to make some personal sacrifices to make this work. Last year, I moved out of the apartment I had been renting and moved in with my brother and his five children. I am living in a bedroom that was converted from an oversized closet.

After everything that happened in 2004, I personally became responsible for faxing reports of monies collected to Columbia, wiring the bed tax on the first of every month, paying the state tax every month, filing corporate and personal tax returns every year, paying the renewal of our business license every year, delivering a priority and an unsecured payment to The Town on the first of every month, paying payroll taxes every week, keeping an active Brokers License, sending property owners their 1099s every January and mailing owners statements and income checks every month, the most recent being January statements and checks which were mailed on February 7.

We have tried our best to meet all of our financial obligations. By taking away our business license, it not only hurts me, my brother and our company, but also our owners, guests and The Town of Hilton Head.

We appreciate you taking the time to review the attached information and we hope that we can come to a mutual agreement so that we can continue to operate R.H. Realty & Rentals and to continue to pay off any debt we owe to the Town of Hilton Head.

Sincerely,



William Hoisington

## A 'rare' case

### Island man nears 100% pay-back of creditors after filing bankruptcy

By **NORMA VAN AMBERG**  
Packet staff writer

When Robert Hoisington spent \$560,000 of his clients' real estate money in 1991 three things happened:

- He was charged with fraud and faced up to 10 years in jail.

- He lost his possessions — his real estate license, his home and his car.

- His peers accused him of damaging the image of the island's real estate industry.

Now, one other thing has happened:

- Hoisington has turned his life around.



**R. Hoisington**

Hoisington, owner of RH Realty & Rentals, is paying back 100 percent on more than \$1 million he owed to creditors, a pledge that he made in a bankruptcy plan filed two years ago.

"This shows the system works; it gives hope people can pay back when they're at the end of their rope and it adds credibility to real estate industry work," Hoisington said in a recent interview.

"All the percentages make his case rare," said a bankruptcy lawyer who has been working with Hoisington.

One more payment of about \$200,000 is due by Oct. 1 to owners of vacation homes on Hilton Head Island that RH Realty managed. That payment will close the books on secured creditors, Hoisington said.

Another \$90,000 will complete

payments to unsecured creditors in the Chapter 11 plan that was approved Oct. 20, 1992, by J. Bratton Davis, chief judge of the U.S. Bankruptcy Court for the District of South Carolina in Charleston. Chapter 11 of the U.S. Bankruptcy Code provides protection from creditors while a debtor reorganizes his business according to a court-approved plan.

"The court is no longer involved and no more monthly reports are needed," said Michael Drose, a Charleston lawyer specializing in bankruptcy cases who has been working with Hoisington for about 18 months.

"Only a small percentage of cases get approved and all the percentages make his case rare," Drose said about the full pay-back.

Drose said he handles about 20 or 30 bankruptcy cases a year and only one or two accomplish the 100 percent pay-back.

After initially selling his home, his automobile and several villas he owned to raise capital, Hoisington said he worked harder than ever to keep his successful short-term rental business humming.

"I feel free now," Hoisington said about not having to report monthly to the bankruptcy court and seeing the light at the end of the tunnel.

In November 1991, an investigation by the state Real Estate Commission uncovered a \$560,000 shortage of homeowners' money and advance deposits from a trust account at RH Realty & Rentals. RH Realty — one of Hilton Head Island's largest short-term rental companies outside a resort plantation — served almost 200 owners of island villas and homes.

Charles M. Cape, then the director of law enforcement operations for the commission, served a warrant charging Hoisington with breach of trust with fraudulent intent.

A Beaufort County grand jury in-

also lost his real estate license on Feb. 7, 1992. The breach of trust charge can carry a penalty of up to 10 years in jail. But officials agreed to give Hoisington a chance to keep running the successful rental company he operated with his twin brother, William Hoisington.

Hoisington signed an agreement of "no contest" when his license was revoked following the investigation by the state real estate officials. William Hoisington, who had a real estate license, got his broker's license to take over those duties for his brother.

Hoisington claimed he got into financial problems after investing "substantial amounts of money in new advertising and a new reception center based on lines of credit from a local bank (Hilton Head Bank & Trust) which was declared insolvent" in 1991.

"I made some bad judgment mistakes," Hoisington said last week.

In the aftermath, more than half of the villa owners stuck with him and Hoisington submitted 237 votes, representing \$643,688 owed, from creditors accepting the proposed pay-back plan before the court and only 10 votes, for \$109,591, rejecting the plan.

A \$100,000 four-color brochure about Hilton Head and the opening of the company's 5,000-square-foot office at Coligny Plaza helped stimulate business during 1992, Hoisington said at the time.

David and Linda Cegan of Pittsburgh, owners of an oceanfront Shorewood villa on South Forest Beach Drive since 1981, decided to stick with RH Realty as their rental agent.

David Cegan, president of an executive search firm in Pittsburgh, said during a recent visit to the island that they had been using RH Realty for about nine years and were pleased with the rental results the firm achieved for their condominium. Cegan said his unit is rented out about 240 to 260 days a year.

"Being a businessman I know you have to do 100 things right to be successful," Cegan said. "Lots of things can happen. (RH Realty) had a good marketing plan and was putting money back into their business. They kept good records and I knew they were doing a good job. I was willing to give them the benefit of the doubt.

"The problem was one thing out of 100 went wrong," Cegan said. "You almost have to be a genius to be in small business these days."

R.H. REALTY & RENTALS, INC.  
Find Report  
All Transactions

Secured  
payments  
to date

Type	Date	Num	Name	Amount	Balance
Check	2/1/2011	4850	Town of Hilton Head ...	-200.00	-200.00
Check	1/1/2011	4824	Town of Hilton Head ...	-200.00	-400.00
Check	12/1/2010	4785	Town of Hilton Head ...	-200.00	-600.00
Check	11/1/2010	4752	Town of Hilton Head ...	-200.00	-800.00
Check	10/1/2010	4696	Town of Hilton Head ...	-200.00	-1,000.00
Check	9/1/2010	4645	Town of Hilton Head ...	-200.00	-1,200.00
Check	8/1/2010	4566	Town of Hilton Head ...	-200.00	-1,400.00
Check	7/1/2010	4499	Town of Hilton Head ...	-200.00	-1,600.00
Check	6/1/2010	4438	Town of Hilton Head ...	-200.00	-1,800.00
Check	5/1/2010	4382	Town of Hilton Head ...	-200.00	-2,000.00
Check	4/1/2010	4333	Town of Hilton Head ...	-200.00	-2,200.00
Check	3/1/2010	4277	Town of Hilton Head ...	-200.00	-2,400.00
Check	2/1/2010	4231	Town of Hilton Head ...	-200.00	-2,600.00
Check	1/1/2010	4187	Town of Hilton Head ...	-200.00	-2,800.00
Check	12/1/2009	4158	Town of Hilton Head ...	-200.00	-3,000.00
Check	11/1/2009	4126	Town of Hilton Head ...	-200.00	-3,200.00
Check	10/1/2009	4077	Town of Hilton Head ...	-200.00	-3,400.00
Check	9/1/2009	4027	Town of Hilton Head ...	-200.00	-3,600.00
Check	8/1/2009	3962	Town of Hilton Head ...	-200.00	-3,800.00
Check	7/1/2009	3911	Town of Hilton Head ...	-200.00	-4,000.00
Check	6/1/2009	3855	Town of Hilton Head ...	-200.00	-4,200.00
Check	5/1/2009	3791	Town of Hilton Head ...	-200.00	-4,400.00
Check	4/1/2009	3740	Town of Hilton Head ...	-200.00	-4,600.00
Check	3/1/2009	3698	Town of Hilton Head ...	-200.00	-4,800.00
Check	2/1/2009	3659	Town of Hilton Head ...	-200.00	-5,000.00
Check	1/5/2009	3626	Town of Hilton Head ...	-200.00	-5,200.00
Check	12/1/2008	3584	Town of Hilton Head ...	-200.00	-5,400.00
Check	11/1/2008	3552	Town of Hilton Head ...	-200.00	-5,600.00
Check	10/1/2008	3513	Town of Hilton Head ...	-300.00	-5,900.00
Check	9/2/2008	3454	Town of Hilton Head ...	-1,500.00	-7,400.00
Check	8/1/2008	3407	Town of Hilton Head ...	-1,500.00	-8,900.00
Check	7/1/2008	3356	Town of Hilton Head ...	-1,500.00	-10,400.00
Check	6/1/2008	3302	Town of Hilton Head ...	-1,500.00	-11,900.00
Check	5/1/2008	3241	Town of Hilton Head ...	-1,500.00	-13,400.00
Check	4/1/2008	3191	Town of Hilton Head ...	-1,500.00	-14,900.00
Check	3/1/2008	3124	Town of Hilton Head ...	-1,500.00	-16,400.00
Check	2/1/2008	3090	Town of Hilton Head ...	-1,500.00	-17,900.00
Check	1/1/2008	3035	Town of Hilton Head ...	-1,500.00	-19,400.00
Check	12/1/2007	2993	Town of Hilton Head ...	-1,500.00	-20,900.00
Check	11/1/2007	2956	Town of Hilton Head ...	-1,500.00	-22,400.00
Check	10/1/2007	2919	Town of Hilton Head ...	-1,500.00	-23,900.00
Check	9/1/2007	2854	Town of Hilton Head ...	-1,500.00	-25,400.00
Check	8/1/2007	2804	Town of Hilton Head ...	-1,500.00	-26,900.00
Check	7/2/2007	2739	Town of Hilton Head ...	-1,500.00	-28,400.00
Check	6/1/2007	2687	Town of Hilton Head ...	-1,500.00	-29,900.00
Check	5/1/2007	2622	Town of Hilton Head ...	-1,500.00	-31,400.00
Check	4/1/2007	2565	Town of Hilton Head ...	-1,500.00	-32,900.00
Check	3/1/2007	2511	Town of Hilton Head ...	-1,500.00	-34,400.00
Check	2/1/2007	2463	Town of Hilton Head ...	-1,500.00	-35,900.00
Check	1/1/2007	2411	Town of Hilton Head ...	-1,500.00	-37,400.00
Check	12/1/2006	2346	Town of Hilton Head ...	-1,500.00	-38,900.00
Check	11/1/2006	2273	Town of Hilton Head ...	-1,500.00	-40,400.00
Check	10/1/2006	2205	Town of Hilton Head ...	-1,500.00	-41,900.00
Check	9/1/2006	2151	Town of Hilton Head ...	-1,500.00	-43,400.00
Check	8/1/2006	2071	Town of Hilton Head ...	-1,500.00	-44,900.00
Check	7/1/2006	2005	Town of Hilton Head ...	-1,500.00	-46,400.00
Check	5/31/2006	1942	Town of Hilton Head ...	-1,500.00	-47,900.00
Check	4/30/2006	1894	Town of Hilton Head ...	-1,500.00	-49,400.00
Check	3/31/2006	1834	Town of Hilton Head ...	-1,500.00	-50,900.00
Check	2/28/2006	1768	Town of Hilton Head ...	-1,500.00	-52,400.00
Check	1/31/2006	1701	Town of Hilton Head ...	-1,500.00	-53,900.00
Check	12/1/2005	1607	Town of Hilton Head ...	-1,500.00	-55,400.00
<b>Total</b>				<b>-55,400.00</b>	<b>-55,400.00</b>

R.H. REALTY & RENTALS, INC.  
Find Report  
All Transactions

Unsecured  
payments  
to date

Type	Date	Num	Name	Amount	Balance
Check	2/1/2011	4851	Town of Hilton Head (...)	-100.00	-100.00
Check	1/1/2011	4825	Town of Hilton Head (...)	-100.00	-200.00
Check	12/1/2010	4786	Town of Hilton Head (...)	-100.00	-300.00
Check	11/1/2010	4753	Town of Hilton Head (...)	-100.00	-400.00
Check	10/1/2010	4697	Town of Hilton Head (...)	-100.00	-500.00
Check	9/1/2010	4646	Town of Hilton Head (...)	-100.00	-600.00
Check	8/1/2010	4567	Town of Hilton Head (...)	-100.00	-700.00
Check	7/1/2010	4501	Town of Hilton Head (...)	-100.00	-800.00
Check	6/1/2010	4439	Town of Hilton Head (...)	-100.00	-900.00
Check	5/1/2010	4383	Town of Hilton Head (...)	-100.00	-1,000.00
Check	4/1/2010	4334	Town of Hilton Head (...)	-100.00	-1,100.00
Check	3/1/2010	4278	Town of Hilton Head (...)	-100.00	-1,200.00
Check	2/1/2010	4232	Town of Hilton Head (...)	-100.00	-1,300.00
Check	1/1/2010	4188	Town of Hilton Head (...)	-100.00	-1,400.00
Check	12/1/2009	4159	Town of Hilton Head (...)	-100.00	-1,500.00
Check	11/1/2009	4127	Town of Hilton Head (...)	-100.00	-1,600.00
Check	10/1/2009	4078	Town of Hilton Head (...)	-100.00	-1,700.00
Check	9/1/2009	4028	Town of Hilton Head (...)	-100.00	-1,800.00
Check	8/1/2009	3963	Town of Hilton Head (...)	-100.00	-1,900.00
Check	7/1/2009	3912	Town of Hilton Head (...)	-100.00	-2,000.00
Check	6/1/2009	3856	Town of Hilton Head (...)	-100.00	-2,100.00
Check	5/1/2009	3792	Town of Hilton Head (...)	-100.00	-2,200.00
Check	4/1/2009	3741	Town of Hilton Head (...)	-100.00	-2,300.00
Check	3/1/2009	3699	Town of Hilton Head (...)	-100.00	-2,400.00
Check	2/1/2009	3660	Town of Hilton Head (...)	-100.00	-2,500.00
Check	1/5/2009	3627	Town of Hilton Head (...)	-100.00	-2,600.00
Check	12/1/2008	3585	Town of Hilton Head (...)	-100.00	-2,700.00
Check	11/1/2008	3553	Town of Hilton Head (...)	-100.00	-2,800.00
Check	10/1/2008	3514	Town of Hilton Head (...)	-200.00	-3,000.00
Check	9/2/2008	3455	Town of Hilton Head (...)	-1,000.00	-4,000.00
Check	8/1/2008	3408	Town of Hilton Head (...)	-1,000.00	-5,000.00
Check	7/1/2008	3357	Town of Hilton Head (...)	-1,000.00	-6,000.00
Check	6/1/2008	3303	Town of Hilton Head (...)	-1,000.00	-7,000.00
Check	5/1/2008	3242	Town of Hilton Head (...)	-1,000.00	-8,000.00
Check	4/1/2008	3192	Town of Hilton Head (...)	-1,000.00	-9,000.00
Check	3/1/2008	3125	Town of Hilton Head (...)	-1,000.00	-10,000.00
Check	2/1/2008	3091	Town of Hilton Head (...)	-1,000.00	-11,000.00
Check	1/1/2008	3036	Town of Hilton Head (...)	-1,000.00	-12,000.00
Check	12/1/2007	2994	Town of Hilton Head (...)	-1,000.00	-13,000.00
Check	11/1/2007	2957	Town of Hilton Head (...)	-1,000.00	-14,000.00
Check	10/1/2007	2920	Town of Hilton Head (...)	-1,000.00	-15,000.00
Check	9/1/2007	2855	Town of Hilton Head (...)	-1,000.00	-16,000.00
Check	8/1/2007	2805	Town of Hilton Head (...)	-1,000.00	-17,000.00
Check	7/2/2007	2740	Town of Hilton Head (...)	-1,000.00	-18,000.00
Check	6/1/2007	2688	Town of Hilton Head (...)	-1,000.00	-19,000.00
Check	5/1/2007	2623	Town of Hilton Head (...)	-1,000.00	-20,000.00
Check	4/1/2007	2566	Town of Hilton Head (...)	-1,000.00	-21,000.00
Check	3/1/2007	2512	Town of Hilton Head (...)	-1,000.00	-22,000.00
Check	2/1/2007	2464	Town of Hilton Head (...)	-1,000.00	-23,000.00
Check	1/1/2007	2412	Town of Hilton Head (...)	-1,000.00	-24,000.00
Check	12/1/2006	2347	Town of Hilton Head (...)	-1,000.00	-25,000.00
Check	11/1/2006	2274	Town of Hilton Head (...)	-1,000.00	-26,000.00
Check	10/1/2006	2206	Town of Hilton Head (...)	-1,000.00	-27,000.00
Check	9/1/2006	2152	Town of Hilton Head (...)	-1,000.00	-28,000.00
Check	8/1/2006	2072	Town of Hilton Head (...)	-1,000.00	-29,000.00
Check	7/1/2006	2006	Town of Hilton Head (...)	-1,000.00	-30,000.00
Check	5/31/2006	1943	Town of Hilton Head (...)	-1,000.00	-31,000.00
Check	4/30/2006	1895	Town of Hilton Head (...)	-1,000.00	-32,000.00
Check	3/31/2006	1835	Town of Hilton Head (...)	-1,000.00	-33,000.00
Check	2/28/2006	1769	Town of Hilton Head (...)	-1,000.00	-34,000.00
Check	1/31/2006	1702	Town of Hilton Head (...)	-1,000.00	-35,000.00
Check	1/27/2006	1697	Town of Hilton Head (...)	-1,000.00	-36,000.00
Check	12/1/2005	1608	Town of Hilton Head (...)	-1,000.00	-37,000.00
<b>Total</b>				<b>-37,000.00</b>	<b>-37,000.00</b>

11:06 AM  
02/09/11  
Accrual Basis

R.H. REALTY & RENTALS, INC.  
Find Report  
All Transactions

Bed Tax  
to date

Type	Date	Num	Name	Clr	Split	Amount	Balance
Check	1/31/2011	WIRE	Town of Hilton Head	X	Town Taxes 3%	-213.15	-213.15
Check	12/31/2010	WIRE	Town of Hilton Head	X	Town Taxes 3%	-276.93	-490.08
Check	11/30/2010	WIRE	Town of Hilton Head	X	Town Taxes 3%	-487.06	-977.14
Check	10/31/2010	WIRE	Town of Hilton Head	X	Town Taxes 3%	-778.42	-1,755.56
Check	9/30/2010	WIRE	Town of Hilton Head	X	Town Taxes 3%	-1,256.67	-3,012.23
Check	8/31/2010	WIRE	Town of Hilton Head	X	Town Taxes 3%	-2,397.99	-5,410.22
Check	7/31/2010	WIRE	Town of Hilton Head	X	Town Taxes 3%	-3,833.87	-9,244.09
Check	6/30/2010	WIRE	Town of Hilton Head	X	Town Taxes 3%	-3,157.85	-12,401.94
Check	5/31/2010	WIRE	Town of Hilton Head	X	Town Taxes 3%	-1,694.29	-14,096.23
Check	4/30/2010	WIRE	Town of Hilton Head	X	Town Taxes 3%	-952.29	-15,048.52
Check	3/31/2010	WIRE	Town of Hilton Head	X	Town Taxes 3%	-749.76	-15,798.28
Check	2/28/2010	WIRE	Town of Hilton Head	X	Town Taxes 3%	-282.81	-16,081.09
Check	1/31/2010	WIRE	Town of Hilton Head	X	Town Taxes 3%	-82.50	-16,163.59
Check	12/31/2009	WIRE	Town of Hilton Head	X	Town Taxes 3%	-70.20	-16,233.79
Check	11/30/2009	WIRE	Town of Hilton Head	X	Town Taxes 3%	-394.95	-16,628.74
Check	10/31/2009	WIRE	Town of Hilton Head	X	Town Taxes 3%	-612.11	-17,240.85
Check	9/30/2009	WIRE	Town of Hilton Head	X	Town Taxes 3%	-1,130.32	-18,371.17
Check	8/31/2009	WIRE	Town of Hilton Head	X	Town Taxes 3%	-2,285.30	-20,656.47
Check	7/31/2009	WIRE	Town of Hilton Head	X	Town Taxes 3%	-3,569.32	-24,225.79
Check	6/30/2009	WIRE	Town of Hilton Head	X	Town Taxes 3%	-2,546.50	-26,772.29
Check	5/31/2009	WIRE	Town of Hilton Head	X	Town Taxes 3%	-1,673.00	-28,445.29
Check	4/30/2009	WIRE	Town of Hilton Head	X	Town Taxes 3%	-838.82	-29,284.11
Check	3/31/2009	WIRE	Town of Hilton Head	X	Town Taxes 3%	-838.82	-30,122.93
Check	2/28/2009	WIRE	Town of Hilton Head	X	Town Taxes 3%	-349.01	-30,471.94
Check	1/31/2009	WIRE	Town of Hilton Head	X	Town Taxes 3%	-94.69	-30,566.63
Check	12/31/2008	WIRE	Town of Hilton Head	X	Town Taxes 3%	-100.18	-30,666.81
Check	11/30/2008	WIRE	Town of Hilton Head	X	Town Taxes 3%	-231.76	-30,898.57
Check	10/31/2008	WIRE	Town of Hilton Head	X	Town Taxes 3%	-594.52	-31,493.09
Check	9/30/2008	WIRE	Town of Hilton Head	X	Town Taxes 3%	-654.29	-32,147.38
Check	8/31/2008	WIRE	Town of Hilton Head	X	Town Taxes 3%	-2,097.36	-34,244.74
Check	7/31/2008	WIRE	Town of Hilton Head	X	Town Taxes 3%	-3,279.82	-37,524.56
Check	6/30/2008	WIRE	Town of Hilton Head	X	Town Taxes 3%	-2,545.71	-40,070.27
Check	5/31/2008	WIRE	Town of Hilton Head	X	Town Taxes 3%	-1,958.49	-42,028.76
Check	4/30/2008	WIRE	Town of Hilton Head	X	Town Taxes 3%	-761.28	-42,790.04
Check	3/31/2008	WIRE	Town of Hilton Head	X	Town Taxes 3%	-761.28	-43,551.32
Check	2/29/2008	WIRE	Town of Hilton Head	X	Town Taxes 3%	-352.84	-43,904.16
Check	1/31/2008	WIRE	Town of Hilton Head	X	Town Taxes 3%	-115.01	-44,019.17
Check	12/31/2007	WIRE	Town of Hilton Head	X	Town Taxes 3%	-267.72	-44,286.89
Check	11/30/2007	WIRE	Town of Hilton Head	X	Town Taxes 3%	-267.72	-44,554.61
Check	10/31/2007	WIRE	Town of Hilton Head	X	Town Taxes 3%	-745.76	-45,300.37
Check	9/30/2007	WIRE	Town of Hilton Head	X	Town Taxes 3%	-1,211.57	-46,511.94
Check	8/31/2007	WIRE	Town of Hilton Head	X	Town Taxes 3%	-2,609.28	-49,121.22
Check	7/31/2007	WIRE	Town of Hilton Head	X	Town Taxes 3%	-3,912.58	-53,033.80
Check	6/30/2007	WIRE	Town of Hilton Head	X	Town Taxes 3%	-3,912.58	-56,946.38
Check	5/31/2007	WIRE	Town of Hilton Head	X	Town Taxes 3%	-1,208.56	-58,154.94
Check	4/30/2007	WIRE	Town of Hilton Head	X	Town Taxes 3%	-1,100.06	-59,255.00
Check	3/31/2007	WIRE	Town of Hilton Head	X	Town Taxes 3%	-769.50	-60,024.50
Check	2/28/2007	WIRE	Town of Hilton Head	X	Town Taxes 3%	-363.27	-60,387.77
Check	1/31/2007	WIRE	Town of Hilton Head	X	Town Taxes 3%	-322.65	-60,710.42
Check	12/31/2006	WIRE	Town of Hilton Head	X	Town Taxes 3%	-295.78	-61,006.20
Check	11/30/2006	WIRE	Town of Hilton Head	X	Town Taxes 3%	-393.30	-61,399.50
Check	10/31/2006	WIRE	Town of Hilton Head	X	Town Taxes 3%	-1,118.47	-62,517.97
Check	9/30/2006	WIRE	Town of Hilton Head	X	Town Taxes 3%	-1,096.63	-63,614.60
Check	8/31/2006	WIRE	Town of Hilton Head	X	Town Taxes 3%	-2,826.49	-66,441.09
Check	7/31/2006	WIRE	Town of Hilton Head	X	Town Taxes 3%	-3,971.02	-70,412.11
Check	6/30/2006	WIRE	Town of Hilton Head	X	Town Taxes 3%	-3,359.46	-73,771.57
Check	5/31/2006	WIRE	Town of Hilton Head	X	Town Taxes 3%	-1,925.49	-75,697.06
Check	4/30/2006	WIRE	Town of Hilton Head	X	Town Taxes 3%	-1,470.35	-77,167.41
Check	3/31/2006	WIRE	Town of Hilton Head	X	Town Taxes 3%	-562.08	-77,729.49
Check	2/28/2006	WIRE	Town of Hilton Head	X	Town Taxes 3%	-521.25	-78,250.74
Check	1/31/2006	WIRE	Town of Hilton Head	X	Town Taxes 3%	-288.48	-78,539.22
Check	12/31/2005	WIRE	Town of Hilton Head	X	Town Taxes 3%	-390.37	-78,929.59
Check	11/30/2005	WIRE	Town of Hilton Head	X	Town Taxes 3%	-770.23	-79,699.82
Check	10/31/2005	WIRE	Town of Hilton Head	X	Town Taxes 3%	-1,125.35	-80,825.17
Check	9/30/2005	WIRE	Town of Hilton Head	X	Town Taxes 3%	-1,914.88	-82,740.05
Check	8/31/2005	WIRE	Town of Hilton Head	X	Town Taxes 3%	-3,799.07	-86,539.12
Check	7/31/2005	WIRE	Town of Hilton Head	X	Town Taxes 3%	-6,513.26	-93,052.38

11:06 AM

02/09/11

Accrual Basis

R.H. REALTY & RENTALS, INC.

Find Report

All Transactions

Type	Date	Num	Name	Clr	Split	Amount	Balance
Check	6/30/2005	WIRE	Town of Hilton Head	X	Town Taxes 3%	-4,854.44	-97,906.82
Check	5/31/2005	WIRE	Town of Hilton Head	X	Town Taxes 3%	-3,445.02	-101,351.84
Check	4/30/2005	WIRE	Town of Hilton Head	X	Town Taxes 3%	-1,874.04	-103,225.88
Check	3/31/2005	WIRE	Town of Hilton Head	X	Town Taxes 3%	-698.13	-103,924.01
Check	2/28/2005	WIRE	Town of Hilton Head	X	Town Taxes 3%	-431.21	-104,355.22
Check	1/31/2005	WIRE	Town of Hilton Head	X	Town Taxes 3%	-417.32	-104,772.54
<b>Total</b>						<b>-104,772.54</b>	<b>-104,772.54</b>

11:12 AM

02/09/11

Accrual Basis

R.H. REALTY & RENTALS, INC.  
Find Report  
All Transactions

Business License  
Fees Paid  
to date

Type	Date	Num	Name	Memo	Account	Amount	Balance
Check	4/26/2010	4368	Town of Hilton...	Business Lice...	OPERATING	-86.88	-86.88
Check	4/26/2010	4369	Town of Hilton...	Business Lice...	OPERATING	-761.40	-848.28
Check	8/28/2009	CC	Town of Hilton...	Business Lice...	OPERATING	-98.39	-946.67
Check	5/18/2009	3823	Town of Hilton...	Business Lice...	OPERATING	-651.75	-1,598.42
Check	6/2/2008	DEBIT	Town of Hilton...	Business Lice...	OPERATING	-0.03	-1,598.45
Check	6/2/2008	CC	Town of Hilton...	Business Lice...	OPERATING	-75.00	-1,673.45
Check	5/27/2008	3289	Town of Hilton...	Business Lice...	OPERATING	-96.12	-1,769.57
Check	5/27/2008	3290	Town of Hilton...	Business Lice...	OPERATING	-888.12	-2,657.69
Check	5/16/2007	2659	Town of Hilton...	Business Lice...	OPERATING	-971.28	-3,628.97
Check	5/16/2007	2660	Town of Hilton...	Business Lice...	OPERATING	-98.00	-3,726.97
Check	5/11/2006	1919	Town of Hilton...	Business Lice...	OPERATING	-1,224.72	-4,951.69
Check	5/15/2005	1194	Town of Hilton...	Business Lice...	OPERATING	-1,272.24	-6,223.93
<b>Total</b>						<b>-6,223.93</b>	<b>-6,223.93</b>

**TOTAL INCOME PAID TO TOWN OF HILTON HIEAD**  
**R.H. Realty & Rentals, Inc.**

**ORIGINAL CLAIM**

**\$38,632.77**

(Prior to Penalties & Fees)

See Town Meeting Notes attached Dated October 5, 2004

**MONIES COLLECTED BY TOWN**

**(Since Original Claim in 2004)**

Sale of Lot on Gloucester	<b>\$110,000</b>
Seized Wachovia Accounts 2004	<b>\$58,000</b>
62 (Priority) Bankruptcy Payments	<b>\$55,400</b>
63 (Unsecured Bankruptcy Payments)	<b>\$37,000</b>
<b>TOTAL MONIES COLLECTED BY TOWN</b>	<b>\$260,400</b>



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- [Citizen Services](#)
- [Public Safety](#)
- [About Our Island](#)
- [How Do I...](#)
- [Employment Opportunities](#)
- [Contact Us](#)
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## THE TOWN OF HILTON HEAD ISLAND

### REGULAR TOWN COUNCIL MEETING

**Date:** Tuesday, October 5, 2004 **Time:** 4:00 P.M.

**Present from Town Council:** Thomas D. Peebles, *Mayor*, Ken Heitzke, *Mayor Pro-Tem*; Bill Ferguson, John Safay, George Williams, Drew Laughlin, Bill Mottel, *Councilmen*

**Absent from Town Council:**

**Present from Town Staff:** Stephen G. Riley, *Town Manager*, C.O. Hoelle, Jr., *Deputy Town Manager/Director of Public Projects & Facilities*; Charles Cousins, *Director of Planning*; Shirley Freeman, *Director of Finance*; Frank Hodge, *Director Building & Fire Codes*; Steven Markiw, *Deputy Director of Finance*; Randy Osterman, *Assistant Fire Chief*; Joheida Fister, *Fire & Rescue Deputy Fire Marshall*; Cinda Seamon, *Public Education Officer*; Randy Nicholson, *Comprehensive Planning Manager*; Teri Lewis, *Development Review & Zoning Manager*; Karen Cullen, *Senior Planner*; Ed Drane, *Urban Designer*; Mike Roan, *Urban Designer*; Sue Blake, *Executive Assistant*; Karen Knox, *Executive Administrative Assistant*.

**Present from Media:** Frank Morris, *Carolina Morning News*; Marty Toohey, *The Island Packet*

**1. CALL TO ORDER**

**2. PLEDGE TO THE FLAG**

**3. INVOCATION**

**4. FOIA COMPLIANCE** – Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

**5. PROCEDURAL ISSUE**

Mr. Heitzke moved that Item 12 a., under **New Business**, be moved to immediately follow the 4:00 p.m. Revocation Hearing and to replace the word "suspend" with the word "revoke" in the language of the motion. *Mr. Safay seconded. The motion passed with a vote of 7-0.*

**6. PROCLAMATIONS and COMMENDATIONS**

**Fire Prevention Week**

Joheida Fister and Cinda Seamon accepted the Fire Prevention Week Proclamation.

**7. 4:00 p.m. REVOCATION HEARING – R.H. REALTY AND RENTALS, INC.**

The Mayor gave a brief outline of the license suspension action and cause for revocation hearing against R.H. Realty and Rentals, Inc. and Robert Hoisington.

Town Attorney, Gregg Alford presented the facts of the case to Town Council members. Essentially, R. H. Realty and Rentals was collecting the beach preservation fees and accommodation taxes for a period of time, but was not passing that on to the Town of Hilton Head Island, as required by law. The Town records indicated that the company owed a total of \$73,402.26 in arrears, which included a principal of \$38,632.77 and penalties and interest of \$34,769.49.

Robert Hoisington, the owner of RH Realty & Rentals addressed Council on his own behalf. He explained about the financial problems he had been having, and he asked if he could work out a payment plan.

There followed a lengthy question and answer period between council members, Mr. Hoisington, Mr. Steve Markiw, Town Deputy Finance Director and Mr. Gregg Alford. (A verbatim transcript of the hearing proceedings will be made available, upon request.)

The Mayor asked for public comments.

Ms. Amonitti, a realtor on the Island, spoke on the problem of owners who advertise their rentals on the internet and were not charging or paying the local ATAX to the Town. She asked the Mayor what the Town was doing to enforce collection.

The Mayor suggested that this was not the proper time to discuss this question, but did state that Staff is pursuing every avenue to collect the taxes due the Town through multiple means.

Since there were no further comments from the public or council, the Mayor declared the public hearing closed.

The Mayor asked for a motion on Item 12.a. Mr. Laughlin moved that Town Council revoke the business license of R.H. Realty and Rentals, Inc. and Robert Hoisington based on findings that R.H. Realty and Rentals, Inc. and Robert Hoisington were delinquent in remitting the accommodations taxes and beach preservation fees for the year 2003. That R.H. Realty and Rentals, Inc. and Robert Hoisington owed to the Town of Hilton Head Island as of October 5, 2004, \$38,632.77 in unpaid accommodations taxes and beach preservation fees and \$34,769.49 in penalties for a total of \$73,402.26. And that R.H. Realty and Rentals, Inc. and Robert Hoisington had violated Section 10-1-150 of the Town of Hilton Head Island Municipal Code and pursuant to that section Town Council find that the business license of R.H. Realty and Rentals, Inc. and Robert Hoisington be revoked effective immediately.

Mr. Mottel seconded the motion.

Mr. Laughlin commented that he would ordinarily be sympathetic to the plight of the small business owner nor was he unmindful of the impact of this action on the company's employees. But he felt that this was a company that, going back to the early 1990's forgot to pay over to their property owner clients, net rentals to the tune of over a million dollars. It was represented that they have all been paid back and perhaps they have or at least those that went to the trouble of going through the legal process in proving their claims in bankruptcy court. But then, he had two episodes of living off the taxpayers, which was theft, and then the company did not take the initiative to prevent it from getting this far by coming forward with a plan. Mr. Laughlin stated that, like Mr. Safay, he had no sympathy for this.

Mr. Williams stated that he was not arguing with Mr. Safay or Mr. Laughlin, but he felt that Council needed to realize that basically, what Council was doing, in his estimation, was writing off \$75,000.00.

Mr. Alford, the Town Attorney, advised that the Town had filed a civil action against R.H. Realty and Rentals and were seeking to appoint a receiver to continue that business until the

**CAMPBELL LAW FIRM, P.A.**

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February 2, 2011

Mr. Robert Hoisington  
C/o R.H. Realty & Rental, Inc.  
1 N. Forest Beach Drive, Suite 103  
Hilton Head Island, SC 29928

Re: File # 04-3714

Dear Mr. Hoisington:

Enclosed is a copy of your bill for attorney fees and costs now showing a balance owed of \$13,561.74.

**Please continue to make your monthly payment of \$100.00 that you have been sending or call our office to make other payment arrangements that fit your budget.**

If you have any questions, please give me a call at 843-884-6874, Extension 226.

Sincerely yours,



Gloria P. Sanchez  
Assistant to Kevin Campbell

GPS:sif  
Enclosure

Monthly payments  
made to bankruptcy  
attorney on the first  
of every month

# Partial Payments to Coligny Plaza for Rent

RH Realty							
Account Analysis							
January 11, 2011							
Space Size:		1868 Sq. Ft.					
	Date	Charges	Payments	Balance			Per Sq Ft
Beginning Balance	05.31.09			14,500.00	(1) CAM	159.26	1.02
June 2009		2,250.00	(1)	16,750.00	INS	126.31	0.81
Payment-Check #3846	06.05.09		1,400.00	15,350.00	PTAX	60.41	0.39
July 2009		2,250.00		17,600.00	MAF		
Payment-Check #3908	07.07.09		1,800.00	15,800.00	RENT	1,904.02	12.23
August 2009		2,250.00		18,050.00		2,250.00	
Payment-Check #3959	08.03.09		2,200.00	15,850.00			
Payment-Check #4014	08.28.09		400.00	15,450.00			
September 2009		2,250.00		17,700.00			
Payment-Check #4019	09.08.09		2,000.00	15,700.00			
October 2009		2,250.00		17,950.00			
Payment-Check #4073	10.07.09		1,200.00	16,750.00			
Payment-Check #4106	10.16.09		300.00	16,450.00			
November 2009		2,250.00		18,700.00			
Payment-Check #4123	11.06.09		1,400.00	17,300.00			
December 2009		2,250.00		19,550.00			
Payment-Check #4154	12.11.09		1,200.00	18,350.00			
January 2010		2,250.00		20,600.00			
Payment-Check #4183	01.01.10		1,200.00	19,400.00			
February 2010		2,250.00		21,650.00			
Payment-Check #4227	02.26.10		1,200.00	20,450.00			
March 2010		2,250.00		22,700.00			
Payment-Check #4273	03.05.10		1,200.00	21,500.00			
April 2010		2,250.00		23,750.00			
Payment-Check #4329	04.05.10		1,200.00	22,550.00			
May 2010		2,250.00		24,800.00			
Payment-Check #4378	05.12.10		1,200.00	23,600.00			
June 2010		2,250.00		25,850.00			
Payment-Check #4434	06.07.10		1,200.00	24,650.00			
Payment-Check #4473	06.18.10		200.00	24,450.00			
July 2010		2,250.00		26,700.00			
Payment-Check #4496	07.06.10		1,200.00	25,500.00			
Payment-Check #4547	07.26.10		200.00	25,300.00			
August 2010		2,250.00		27,550.00			
Payment-Check #4562	08.05.10		1,200.00	26,350.00			
Payment-Check #4597	08.16.10		200.00	26,150.00			
September 2010		2,250.00		28,400.00			
Payment-Check #4641	09.07.10		1,200.00	27,200.00			
Payment-Check #4670	09.14.10		200.00	27,000.00			
October 2010		2,250.00		29,250.00			
November 2010		2,250.00		31,500.00			
Payment-Check #4748	11.09.10		1,200.00	30,300.00			
December 2010				30,300.00			
Payment-Check #4781	12.06.10		1,200.00	29,100.00			
January 2011		2,250.00		31,350.00			
Utility Analysis (attached)				12,981.40			
<b>TOTAL DUE TO COLIGNY PLAZA</b>				<b>44,331.40</b>			

Current balance owed

# INCOME IS DERIVED FROM THESE SOURCES

## **R.H. Realty & Rentals, Inc.**

Hilton Head plays a very essential role in our income sources and our ability to pay The Town back. We don't have as many properties as we used to, which has necessitated the need for us to seek other financial avenues to make ends meet. I have listed the income sources that we have utilized in an effort to pay The Town back.

### **Possible Sources of Income**

- \* Costa Rica Referrals to Vacation Homes, Hotels and Tours.
- \* Hilton Head Rental Referrals to Local Management Companies.
- \* Hilton Head Property Management.
- \* Expedia, Orbitz & Travelocity Affiliate Travel Industry Referrals.
- \* Hilton Head Time Share Rentals & Referrals.
- \* Hilton Head Real Estate Sales.

## **HILTON HEAD PROPERTY MANAGEMENT INCOME** (Net Short Term Rental Income Prior to Taxes by Year)

<b>2006</b>	\$581,047
<b>2007</b>	\$561,792
<b>2008</b>	\$441,791
<b>2009</b>	\$483,681
<b>2010</b>	\$531,720