



# The Town of Hilton Head Island Regular Town Council Meeting

Tuesday, December 4, 2012

4:00 P.M.

## AGENDA

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As a Courtesy to Others Please Turn Off All Mobile Devices 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 Ward 1 Council Member – The Honorable Carmen Tevis Mullen**  
**Marc A. Grant**  
**Swearing in of Ward 3 Council Member – The Honorable Carmen Tevis Mullen**  
**Wm. Lee Edwards**  
**Swearing in of Ward 6 Council Member – The Honorable Carmen Tevis Mullen**  
**John J. McCann**
- 6) **Election of Mayor Pro Tempore**
- 7) **Town Council Committee Assignments – Mayor Laughlin**
- 8) **Proclamations and Commendations**
  - a. **Arbor Day**
- 9) **Approval of Minutes**

None
- 10) **Report of the Town Manager**
  - a. **Town Manager's Items of Interest**
- 11) **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 – Lee Edwards, Chairman**
  - d. **Report of the Planning & Development Standards Committee**
  - e. **Report of the Public Facilities Committee – Kim Likins, Chairman**
  - f. **Report of the Public Safety Committee – Bill Harkins, Chairman**
  - g. **Report of the LMO Rewrite Committee – Kim Likins, Ex-Officio Member**

**12) Appearance by Citizens**

**13) Unfinished Business**

**a. Second Reading of Proposed Ordinance 2012-38**

Second Reading of Proposed Ordinance 2012-38 to amend the budget for the Town of Hilton Head Island, South Carolina, for the fiscal year ending June 30, 2012; to provide for the expenditures of certain funds; and to allocate the sources of revenue for the said funds.

**14) New Business**

**a. First Reading of Proposed Ordinance 2012-31**

First Reading of Proposed Ordinance 2012-31 authorizing the execution and delivery of an easement encumbering Town owned real estate, pursuant to the authority of S.C. Code Ann. § 5-7-40 (Supp. 2011), and § 2-7-20, Code of the Town Of Hilton Head Island, South Carolina, (1983); and providing for severability and an effective date.

**b. First Reading of Proposed Ordinance 2012-36**

First Reading of Proposed Ordinance 2012-36 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapter 4, Article XII. this amendment, commonly referred to as the *LMO Amendment to Allow Community Service Uses in the OL Zoning District*, as noticed in the Island Packet on September 9, 2012, includes a revision to Chapter 4, Article XII, Section IV, Use Table; and providing for severability and an effective date.

**c. First Reading of Proposed Ordinance 2012-39**

First Reading of Proposed Ordinance 2012-39 to amend the budget for the Town of Hilton Head Island, South Carolina, for the Fiscal Year ending June 30, 2013; to provide for the budgeted appropriations of prior year encumbrances and for the expenditures of certain funds; and to allocate the sources of revenue for the said funds.

**d. First Reading of Proposed Ordinance 2012-40**

First Reading of Proposed Ordinance 2012-40 to amend the budget for the Town of Hilton Head Island, South Carolina, for the Fiscal Year ending June 30, 2013; to provide for the budgeted appropriations of prior year budget roll-forwards and the expenditures of certain funds; and to allocate the sources of revenue for the said funds.

**e. First Reading of Proposed Ordinance 2012-41**

First Reading of Proposed Ordinance 2012-41 authorizing the execution of that certain encroachment easement agreement with Springwood Owners' Association, Inc. encumbering real property owned by the Town of Hilton Head Island, South Carolina, pursuant to the authority of S.C. Code Ann. sec. 5-7-40 (Supp. 2011), and Sec. 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983); and providing for severability and an effective date.

**f. Consideration of a Resolution – MASC Legislative Priorities**

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 2013 Legislative Priorities.

**15) Adjournment**

# Proclamation

BY  
THE TOWN OF HILTON HEAD ISLAND

*WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and*

*WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and*

*WHEREAS, 2012 is the 140th anniversary of the holiday and Arbor Day is now observed throughout the nation and the world; and*

*WHEREAS trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen and provide habitat for wildlife; and*

*WHEREAS, trees are a renewable resource, giving us paper, wood for our homes, fuel for our fires and beautify our community; and*

*WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.*

*NOW, THEREFORE, I, Drew A. Laughlin, Mayor of the Town of Hilton Head Island, hereby proclaim that **Friday, December 7, 2012** shall be known on Hilton Head Island as*

## *Arbor Day*

*and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands. Further, I encourage all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.*

*IN TESTIMONY WHEREOF, I have hereunto set my hand and caused this seal of the **Town of Hilton Head Island** to be affixed this **Fourth day of December, in the year of our Lord, Two Thousand and Twelve.***

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*Drew A. Laughlin, Mayor*

*Attest:*

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*Victoria L. Pfannenschmidt, Acting Town Clerk*



# Items of Interest

## December 4, 2012

### 1. Town News

A new webpage on sustainability has been added to the Town's website. This page contains information on what sustainability is, why it is important and how to take steps to live a healthier, more sustainable life. This webpage also has information on some of our native species, and helpful references and links to other websites.

(Contact: Sally Krebs, Sustainable Practices Coordinator – 341-4690)

### 2. Noteworthy Events

a) Some of the upcoming meetings at Town Hall:

- Planning Commission – December 5, 2012, 3:00 p.m.
- Accommodations Tax Advisory Committee – December 6, 2012, 9:00 a.m.
- Design Review Board – December 11, 2012, 1:15 p.m.
- Accommodations Tax Advisory Committee – December 13, 2012, 9:00 a.m.
- Parks and Recreation Commission – December 13, 2012, 3:30 p.m.
- Board of Zoning Appeals – December 17, 2012, 2:30 p.m.
- Intergovernmental Relations Committee, December 18, 2012 3:00 p.m.
- Town Council – December 18, 2012 – 4:00 p.m.

(Meetings subject to change and/or cancellation. Please visit the Town of Hilton Head Island website at [www.hiltonheadislandsc.gov](http://www.hiltonheadislandsc.gov) for meeting agendas

## 2012 Hilton Head Island Events

Friday, December 14, 2012 Saturday, December 15, 2012 4 p.m.- 8 p.m.	Winter Wonder Festival Island Recreation Association	Shelter Cove Community Park
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## **MEMORANDUM**

**TO:** Town Council

**FROM:** Stephen G. Riley, ICMA-CM, Town Manager

**VIA:** Susan M. Simmons, CPA, Director of Finance

**DATE:** November 21, 2012

**RE:** **Second Reading of Proposed Ordinance No. 2012-38  
Amending Fiscal Year 2012 Budgets to Close Year**

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No changes were made to Proposed Ordinance No. 2012-38 during the first reading.

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

**ORDINANCE NO.**

**PROPOSED ORDINANCE NO. 2012-38**

**AN ORDINANCE TO AMEND THE BUDGET FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, FOR THE FISCAL YEAR ENDING JUNE 30, 2012; TO PROVIDE FOR THE EXPENDITURES OF CERTAIN FUNDS; AND TO ALLOCATE THE SOURCES OF REVENUE FOR THE SAID FUNDS.**

**WHEREAS**, Section 5-7-260 of the Code of Laws of South Carolina requires that a municipal council act by ordinance to adopt a budget and levy taxes, pursuant to public notice; and

**WHEREAS**, the Town Council did adopt the budget on June 21, 2011, and

**WHEREAS**, pursuant to the budget amendment policy as stated in the Town’s annual budget document, the Town Council is desirous of amending the budget so as to provide for the expenditures and certain other commitments from the Fund Balance and other revenue sources, as well as to correct budget appropriations for certain capital projects in the General, Capital Projects and Stormwater Funds.

**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 THE AUTHORITY OF THE SAID TOWN COUNCIL:**

Section 1 Amendment. The adopted 2012 fiscal year budget is amended to make the following changes as increases and decreases to the funds from prior years and to the projected revenue and expenditure accounts as follows:

**General Fund**

<u><b>Account Description</b></u>		<u><b>Amount</b></u>
<b>Revenues:</b>		
Hospitality Fee Transfer		\$ (339,370)
<b>Total Revenues</b>		<b>\$ (339,370)</b>
<b>Expenditures:</b>		
<b>Townwide Debt Service</b>	<b>10000941</b>	
Principal	57121	\$ (267,420)
Interest	57122	(71,950)
<b>Total Expenditures</b>		<b>\$ (339,370)</b>

**ORDINANCE NO.**

**PROPOSED ORDINANCE NO. 2012-38**

**Capital Projects Fund**

<u><b>Account Description</b></u>	<u><b>Source of Funds</b></u>	<u><b>Amount</b></u>
<b>Revenues:</b>		
2010A GO Ref. Bond		\$ 6,718,643
2012 GO Bond		2,178,697
Real Estate Transfer		821
Resale of Land		9,560
Beach Fees		-
Beach Fees Bond Premium		(14,905)
Hospitality Bond		274,469
Hospitality Tax		189,000
Traffic Impact Fees		40,000
TIF Property Taxes		(229,000)
<b>Total Revenues</b>		<b><u>\$ 9,167,285</u></b>
<b>Expenditures:</b>		
<b>Pathways</b>		
Palmetto Bay Road	TIF Property Taxes	\$ 60,000
Mathews Drive (US 278 N. to Beach City)	TIF Property Taxes	1,908
Dunnagan's Alley	TIF Property Taxes	(239,146)
US 278 (Gardener to Mathews)	Traffic Impact Fees	40,000
US 278 (N. Orleans to Shipyard & Town Hall)	TIF Property Taxes	14,000
<b>Road Improvements</b>		
Dunnagan's Alley Roundabout	TIF Property Taxes	(4,689)
Mathews Dr. N. - Roundabout @ Beach City	TIF Property Taxes	(20,367)
Mathews Dr./Marshland Rd. Connectivity	TIF Property Taxes	670
Leamington/Fresh Market/US 278	HTAX Fees	189,000
"	TIF Property Taxes	(189,000)
<b>Park Development</b>		
Chaplin Linear Park w/ Boardwalk	TIF Property Taxes	385
<b>Existing Facilities/Infrastructure</b>		
Apparatus/Vehicle Replacement	HTAX Fees	(31,582)
Fire Station # 6 Repair	HTAX Fees	(7,656)
Fire Station # 1 Replacement	TIF Property Taxes	(1,195)
Fire Station # 6 Replacement	HTAX Fees	7,656

Capital Projects Fund (Cont.)

<u>Account Description</u>	<u>Source of Funds</u>	<u>Amount</u>
<b>Expenditures (Continued):</b>		
<b>New Facilities/Infrastructure</b>		
Dispatch Center Equipment Upgrade	HTAX Fees	\$ 2,642
F&R Computer System	HTAX Fees	40,231
Coligny/Pope Avenue Area Initiative	TIF Property Taxes	148,434
Fire/Medical (Mobile Repeater)	HTAX Fees	(20,000)
Public Safety Systems Equip. Upgrade	HTAX Fees	8,709
<b>Beach Maintenance</b>		
Beach Management/Monitoring	Beach Fees	(5,500)
Dunes Refurbishment	Beach Fees	5,500
Beach Parks	Beach Fees	58,202
Shoreline Management Plan	Beach Fees	(58,202)
		-
<b>Land Acquisition</b>		
Land Acquisition	2010A GO Ref. Bond	6,718,643
"	2012 GO Bond	2,178,697
"	Real Estate Transfer	821
"	Resale of Land	9,560
<b>Other Uses</b>		
Cost of Issuance	Beach Fees Bond Prem	(14,905)
"	Hospitality Bond	274,469
<b>Total Expenditures</b>		<b><u>\$ 9,167,285</u></b>

Stormwater Fund

<u>Account Description</u>	<u>Source of Funds</u>	<u>Amount</u>
<b>Revenues:</b>		
Stormwater Utility Fees		\$ -
<b>Total Revenues</b>		<b>\$ -</b>
<b>Expenditures:</b>		
<b>Personnel</b>		
Personnel	SWU Fees	\$ 5,784
<b>Operating</b>		
Operating	SWU Fees	(5,784)
<b>Infrastructure Upgrades &amp; Improvements</b>		
Port Royal Grasslawn CIPP	SWU Fees	1,605
Miller's Pond	SWU Fees	(41,590)
Port Royal Plantation Culvert Upgrade	SWU Fees	14,312
Hilton Head Plantation Pond Control	SWU Fees	(9,355)
Gumtree Road South Outfall	SWU Fees	14,438
Wiler's Creek Stabilization	SWU Fees	9,355
Wexford Generator Permanent Mount	SWU Fees	11,235
<b>Drainage Maintenance and Repairs</b>		
<i>Non-PUD</i>		
Mathews/Matilda - bank erosion	SWU Fees	83
Folley Field - channel cleanout	SWU Fees	56,598
Bermuda	SWU Fees	424
Tabby Walk	SWU Fees	300
Tanglewood	SWU Fees	(2,431)
State Misc.	SWU Fees	7,054
FY12 Misc. Vac-Haul	SWU Fees	(36,823)
Contingency Projects	SWU Fees	(27,636)
<i>Shipyard</i>		
Tennismaster - add box, stub pipe and clean channel	SWU Fees	(1,973)
Ditch cleaning, vac-haul, stabilization	SWU Fees	1,973
<i>Indigo Run Plantation PUD</i>		
Vegetation trimming, vac-haul, stabilization	SWU Fees	(7,935)
Owner's Club bank erosion survey	SWU Fees	7,935
<i>Wexford</i>		
Ditch cleaning, vac-haul, stabilization	SWU Fees	2,431
<b>Pump Stations</b>		
Pump Station Maintenance	SWU Fees	(7,453)
Pump Buildings, Grounds, Elec., & Utilities	SWU Fees	7,453
<b>Total Expenditures</b>		<b>\$ -</b>

**ORDINANCE NO.**

**PROPOSED ORDINANCE NO. 2012-38**

The effect of this amendment will be to increase the General Fund to \$33,266,068, Capital Projects Fund to \$37,832,524, and maintain the Enterprise Fund to \$5,190,512.

Section 2 Severability. If any section, 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 affect the validity of the remaining portions thereof.

Section 3 Effective Date. This Ordinance shall be effective upon its enactment by the Town Council of the Town of Hilton Head Island on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS \_\_\_ DAY OF \_\_\_\_\_, 2012.**

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

ATTEST:

\_\_\_\_\_  
Victoria L. Pfannenschmidt  
Acting Town Clerk

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

APPROVED AS TO FORM:

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

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



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## TOWN OF HILTON HEAD ISLAND

### *Community Development Department*

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**TO:** Stephen G. Riley, CM, *Town Manager*  
**VIA:** Jill Foster, AICP, *Deputy Director of Community Development*  
**CC:** Charles Cousins, AICP, *Director of Community Development*  
**FROM:** Teri Lewis, AICP, *LMO Official*  
**DATE:** November 7, 2012  
**SUBJECT:** Proposed Easement for Palmetto Hall Directional Sign on Town-Owned Property

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#### **Recommendation:**

The Public Facilities Committee considered the proposed easement on November 7, 2012 and voted 3-0-0 to forward the easement with a recommendation of approval.

Staff recommends that Town Council grant an easement to Palmetto Hall Plantation for signage, lighting and landscaping on a portion of Town owned property, commonly referred to as the Northridge Tract and further identified as tax parcel number R510-008-000-0102-0000.

#### **Summary:**

Wood & Partners, on behalf of Palmetto Hall Plantation Property Owner's Association, has prepared plans for the construction of a freestanding directional sign on Town owned property. The sign will be lit and will have landscaping around it. All costs associated with the construction and maintenance of the sign will be borne by the Palmetto Hall Plantation POA.

#### **Background:**

Representatives of Palmetto Hall approached the Town in February 2011 about constructing a freestanding directional sign for Palmetto Hall Plantation on Town owned property located at one of the two corners at the intersection of William Hilton Parkway and Beach City Road or one of the two corners at the intersection of William Hilton Parkway and Gardner Drive. The POA believes that the absence of signage along the 278 corridor has been detrimental to both the residential portion of Palmetto Hall and the associated golf courses within the PUD. The Town was receptive to this request and Palmetto Hall chose the northeast corner of the William Hilton Parkway and Beach City Road intersection based on potential visibility of the sign. Palmetto Hall has been working since that time to obtain approval from the Hilton Head Island Land Trust, the holder of covenants on the property, and develop a design. Palmetto Hall now needs an easement from the Town to locate the sign on Town owned property.

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

ORDINANCE NO.: 2012-\_\_\_\_

PROPOSED ORDINANCE NO. 2012-31

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN EASEMENT ENCUMBERING TOWN OWNED REAL ESTATE, PURSUANT TO THE AUTHORITY OF S.C. CODE ANN. § 5-7-40 (SUPP. 2011), AND § 2-7-20, CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, (1983); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the Town of Hilton Head Island, South Carolina, owns a parcel of real property which is located at the intersection of U. S. Highway and Beach City Road, Hilton Head Island, South Carolina; and

WHEREAS, Palmetto Hall is a residential community lying approximately one half mile from the intersection of U. S. 278 and Beach City Road; and,

WHEREAS, the Palmetto Hall Property Owner's Association, Inc., has requested an easement allowing the Palmetto Hall Property Owner's Association, Inc., to erect and maintain a directional sign on the Town's property; 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 and its citizens to approve the granting of the easement to the Palmetto Hall Property Owner's Association, Inc.

**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 THE AUTHORITY OF THE TOWN COUNCIL:**

**Section 1 Execution of Easement.**

(a) The Mayor and Town Manager are hereby authorized to execute and deliver the "Sign Easement" between The Town of Hilton Head Island, South Carolina and the Palmetto Hall Property Owner's Association, Inc., which is attached hereto as Exhibit

“A”; and,

(b) The Town Manager is hereby authorized to take such other and further actions as may be necessary to complete the fulfillment of the Town's obligations under the “Sign Easement”.

**Section 2 Severability.** If any section, 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 affect the validity of the remaining portions thereof.

**Section 3 Effective Date.** This Ordinance shall be effective upon adoption thereof 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 \_\_\_\_\_, 2012.**

**THE TOWN OF HILTON HEAD ISLAND,  
SOUTH CAROLINA**

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

**ATTEST:**

By: \_\_\_\_\_  
Victoria L. Pfannenschmidt, Acting Town Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

**APPROVED AS TO FORM:**

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

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

**EXHIBIT "A" TO PROPOSED ORDINANCE 2012-31**



1. A perpetual, non-exclusive Easement for the installation and maintenance of a directional sign; a perpetual, non-exclusive Easement for the installation and maintenance of landscaping plant material; and, perpetual, non-exclusive Easement for an underground utility line for the installation of an underground electric line to provide for lighting of the sign on, over and across and through portions of the Town Property described as follows:

All that certain piece, parcel or lot of land, situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, shown and described as "\_\_\_\_\_," on a Plat entitled \_\_\_\_\_, dated \_\_\_\_\_, 2012, prepared by \_\_\_\_\_, and which is recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book \_\_\_\_\_ at Page \_\_\_\_\_ (hereinafter, collectively, the Sign Easement").

This Sign Easement is granted and accepted subject to the following terms:

2. This Sign Easement is conveyed subject to all other easements, licenses, and conveyances of record and is subject to the rights herein reserved by the Town, its successors and assigns, to utilize the Town's Property at any time, in any manner, and for any purpose, provided, however, that such use by Town shall not be inconsistent with nor prevent the full utilization by Palmetto Hall of the rights and privileges granted herein.

3. Prior to building or altering any sign within the Sign Easement, or installing any landscaping plant material within the Sign Easement, or installing the underground electric utility line within the Sign Easement, Palmetto Hall shall apply for and obtain a permit authorizing and approving the same under all applicable Town ordinances governing the same.

4. This Sign Easement is for the purpose of providing property for Palmetto Hall to

build and maintain a directional sign, and to install and maintain landscaping plant material, and an underground electric utility line, and the rights granted hereunder are for such uses only. Any other use of the Sign Easement property is a violation of the terms of this Sign Easement and is prohibited.

6. Palmetto Hall may not place or store any hazardous material or pollutant of any description on or within the Sign Easement.

7. Palmetto Hall shall comply with all applicable laws, codes, ordinances and regulations applicable to the installation and maintenance of the sign, landscaping materials and underground electric utility line.

8. Palmetto Hall agrees to maintain its sign, landscaping materials and underground electric utility line, and further agrees that its use of the Sign Easement exclusive control of Palmetto Hall. Palmetto Hall agrees to indemnify and hold the Town harmless from any claim, loss or expense of any nature arising or connected in any way with Palmetto Hall's exercise of the rights granted to it by this Sign Easement, and shall reimburse the Town for any attorney's fees and costs incurred by the Town in responding to any such claim, whether incurred prior to litigation, after the commencement of litigation or on appeal.

9. Palmetto Hall shall, at its sole cost and expense, cause all timely cleaning, repair, maintenance, renovation of the sign, landscape materials and underground electric utility line.

10. Palmetto Hall shall cause all work contemplated or allowed hereunder to be performed in a workmanlike fashion with minimal interference to the Town, its successors and assigns, invitees, licensees, employments and agents. Palmetto Hall

shall cause all work contemplated or allowed hereunder to be completed in an expeditions and timely fashion, and that all construction materials, debris and equipment shall be promptly removed from the Sign Easement property upon completion of the work contemplated or allowed hereunder. Palmetto Hall, at its sole cost and expense, shall restore to its pre-existing condition any other part of the Town's property and any improvements thereon which may be disturbed or damaged as a result of Palmetto Hall's exercise of any of the rights granted hereunder.

11. The easements granted hereunder are conveyed by the Town and accepted by Palmetto Hall on the condition that Palmetto Hall shall notify the Town, or its successors and assigns, at any time, of its election not to use the easements granted herein. Upon such notification, or in the event the easements granted herein are not used for their stated purposes for a continuous period of twelve (12) months, the easements granted herein shall terminate, and Palmetto Hall shall restore the Town's property to its pre-existing condition. Upon termination of the easements as described herein, Palmetto Hall shall execute and deliver to the Town a recordable document terminating the easements of record.

In Witness whereof, the parties hereto have caused the within Sign Easement to be executed by their duly authorized officers on this \_\_\_\_\_ day of September, 2012.

(Signatures on Following Page)

**WITNESSES:**

**THE TOWN OF HILTON HEAD  
ISLAND, SOUTH CAROLINA**

\_\_\_\_\_

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

\_\_\_\_\_

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

**WITNESSES:**

**PALMETTO HALL PROPERTY  
OWNERS'S ASSOCIATION, IN.**

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

Its: \_\_\_\_\_

STATE OF SOUTH CAROLINA ) UNIFORM ACKNOWLEDGMENT  
 )  
COUNTY OF BEAUFORT ) S. C. CODE ANN. § 30-5-30 (SUPP. 2012)

I, the undersigned Notary Public do hereby certify that Drew A. Laughlin, Mayor, and Stephen G. Riley, Town Manager, personally appeared before me on this day and duly acknowledged the execution of the foregoing instrument on behalf of The Town of Hilton Head Island, South Carolina.

Sworn to and Subscribed before me  
on this \_\_\_\_\_ Day of September, 2012.

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires:\_\_\_\_\_

STATE OF SOUTH CAROLINA ) UNIFORM ACKNOWLEDGMENT  
 )  
COUNTY OF BEAUFORT ) S. C. CODE ANN. § 30-5-30 (SUPP. 2012)

I, the undersigned Notary Public do hereby certify that the duly authorized officers of the Palmetto Hall Property Owner’s Association, Inc., personally appeared before me on this day and duly acknowledged the execution of the foregoing instrument on behalf of the Palmetto Hall Property Owner’s Association, Inc.

Sworn to and Subscribed before me  
on this \_\_\_\_\_ Day of September, 2012.

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires:\_\_\_\_\_





Elevation- V-formation double faced sign



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## TOWN OF HILTON HEAD ISLAND

### *Community Development Department*

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**TO:** Stephen G. Riley, CM, *Town Manager*  
**VIA:** Teri Lewis, AICP, *LMO Official*  
**CC:** Charles Cousins, AICP, *Director of Community Development*  
**FROM:** Anne Cyran, AICP, *Senior Planner*  
**DATE:** October 25, 2012  
**SUBJECT:** Proposed Ordinance No. 2012-36  
Amend LMO to Allow Community Service in the OL Zoning District

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#### **Recommendation**

The Planning and Development Standards Committee considered the proposed amendment on October 24, 2012 and voted 2-0-0 to forward the amendment with a recommendation of approval.

The Planning Commission held a public hearing for the proposed amendment on October 17, 2012 and voted 7-0-0 to forward the proposed amendment as presented by staff to Town Council with a recommendation of approval.

Staff recommends that Town Council approve the proposed amendment.

#### **Summary**

Staff recommends amending LMO Sec. 16-4-1204, Use Table, to allow Community Service uses to be permitted in the OL (Office/Institutional Low Intensity) Zoning District.

Community Service uses are compatible with the purpose statement and other permitted uses in the OL Zoning District.

#### **Background**

This amendment was prompted by the desire to accommodate the SHARE Senior Center as a use in a facility at 58 Shelter Cove Lane (the former Lifespan Building) that was recently purchased by the Town.

Please contact me at (843) 341-4697 or at [annec@hiltonheadislandsc.gov](mailto:annec@hiltonheadislandsc.gov) if you have any questions.

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

**ORDINANCE NO.:**

**PROPOSED ORDINANCE NO.: 2012-36**

**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, ARTICLE XII. THIS AMENDMENT, COMMONLY REFERRED TO AS THE *LMO AMENDMENT TO ALLOW COMMUNITY SERVICE USES IN THE OL ZONING DISTRICT*, AS NOTICED IN THE ISLAND PACKET ON SEPTEMBER 9, 2012, INCLUDES A REVISION TO CHAPTER 4, ARTICLE XII, SECTION IV, USE TABLE; 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 proposed amendments are supported by Town Council's Policy Agenda for 2011 which lists Amending the LMO to Foster Greater Flexibility, Simplicity and Revitalization as a Top Priority; and

**WHEREAS**, the Land Management Ordinance Committee held a public meeting on September 24, 2012 to discuss the proposed amendments and voted 4-0-0 to forward the proposed amendment to the Planning Commission; and

**WHEREAS**, the Planning Commission held a public hearing on October 17, 2012 and voted 7-0-0 to recommend that Town Council approve the proposed amendment; and

**WHEREAS**, the Planning and Development Standards Committee met on October 24, 2012 and voted 2-0-0 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 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 \_\_\_\_\_ 2012.**

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

**ATTEST:**

\_\_\_\_\_  
**Victoria L. Pfannenschmidt, Acting Town Clerk**

**Public Hearing:**                    October 17, 2012  
**First Reading:**                    \_\_\_\_\_  
**Second Reading:**                    \_\_\_\_\_

**Approved as to form:**

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

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

**Staff Explanation:** Staff recommends amending LMO Sec. 16-4-1204, Use Table, to allow Community Service uses to be permitted in the OL (Office/Institutional Low Intensity) Zoning District.

This amendment was prompted by the desire to accommodate the SHARE Senior Center as a use in a facility at 58 Shelter Cove Lane (the former Lifespan Building) that was recently purchased by the Town. In discussing this issue, staff determined that Community Service uses are compatible with the purpose statement and other permitted uses in the OL Zoning District, which has many vacant commercial spaces.

LMO Sec. 16-4-216. OL/OM – Office/Institutional Districts: These Office/Institutional Districts are established between major commercial areas of the Island and are intended to limit the types of nonresidential uses permitted. Land uses permitted are office and institutional in order to minimize travel impacts on the street system, encourage better compatibility in and among land uses on the Island, provide balance among land use types in major corridors and improve visual appearance along major corridors.

LMO Sec. 16-4-1212.B. Public and Civic Use Categories – Community Service defines the characteristics, accessory uses, examples and exceptions of Community Service uses.

Characteristics of Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, nonprofit or charitable nature.

Accessory Uses of Community Services: Offices; Meeting Areas; Food Preparation Areas; Parking, Health and Therapy Areas; and Athletic Facilities.

Examples of Community Services: Libraries, Museums, Senior Centers, Community Centers, Youth Club Facilities, Hospices and Social Service Facilities.

Exceptions to Community Services:

- a. Private Lodges, Clubs and Private or Commercial Athletic or Health Clubs.
- b. Parks.
- c. Treatment Centers.
- d. Residential Uses by Lease

## Chapter 4. Zoning District Regulations

### Article XII. Use Regulations

#### Sec. 16-4-1204. – Use Table

Specific Use	CON	PR	RS2	RS3	RS4	RS5	RS6	RM4	RM8	RM12	SMU	WMU	MMU	CCW	DCW	CFB	RD	NC	OL	OM	CC	IL	OCIL
<b>P = Permitted by Right</b>			<b>PC = Permitted with Conditions</b>										<b>SE = Special Exception</b>										
<b>Public and Civic Uses</b>																							
Community Service		P						P		P	P	P	P		P		P	P	<u>P</u>		P		



## **MEMORANDUM**

**TO:** Town Council

**FROM:** Stephen G. Riley, ICMA-CM, Town Manager

**VIA:** Susan M. Simmons, CPA, Director of Finance

**DATE:** November 8, 2012

**RE:** **First Reading of Proposed Ordinance No. 2012-39**

---

### **Recommendation:**

Staff recommends that Town Council approve first reading of Proposed Ordinance No. 2010-39 which amends the fiscal year 2013 budget for the encumbrances brought forward from fiscal year 2012.

### **Summary:**

This budget amends the General Fund, Capital Projects Fund and Stormwater (Enterprise) Fund by carrying forward funds from prior years to pay for specific encumbrance items that have already been obligated prior to the beginning of the new fiscal year 2013. These specific encumbrance items can be contracts and/or obligated purchase orders that for various reasons were not paid prior to the end of fiscal year 2012 but are still obligated.

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

**ORDINANCE NO.**

**PROPOSED ORDINANCE NO. 2012-39**

**AN ORDINANCE TO AMEND THE BUDGET FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, FOR THE FISCAL YEAR ENDING JUNE 30, 2013; TO PROVIDE FOR THE BUDGETED APPROPRIATIONS OF PRIOR YEAR ENCUMBRANCES AND FOR THE EXPENDITURES OF CERTAIN FUNDS; AND TO ALLOCATE THE SOURCES OF REVENUE FOR THE SAID FUNDS.**

**WHEREAS**, Section 5-7-260 of the Code of Laws of South Carolina requires that a municipal council act by ordinance to adopt a budget and levy taxes, pursuant to public notice; and

**WHEREAS**, the Town Council did adopt the budget on June 19, 2012, and

**WHEREAS**, pursuant to the budget amendment policy as stated in the Town’s annual budget document, the Town Council is desirous of amending the budget so as to provide for the budgeted appropriations of prior year encumbrances and certain other commitments from the Fund Balance and other revenue sources.

**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 THE AUTHORITY OF THE SAID TOWN COUNCIL:**

Section 1 Amendment. The adopted 2013 fiscal year budget is amended to make the following changes as additions to the funds from prior years and to the projected revenue and expenditure accounts as follows:

**General Fund**

<b><u>Account Description</u></b>		<b><u>Amount</u></b>
<b>Revenues:</b>		
Funds From Prior Years		\$ 215,392
<b>Total Revenues</b>		<b><u>\$ 215,392</u></b>
<b>Expenditures:</b>		
<b>Town Wide - Operating</b>	<b>10000920</b>	
Professional Services	53320	\$ 14,000
<b>IT Services - Operating</b>	<b>11061520</b>	
Computer Software < \$50,000	54400	\$ 3,000
<b>IT Services - Capital</b>	<b>11061540</b>	
Computer Software > \$50,000	55121	\$ 25,486
<b>PP&amp;F/ Engineering - Operating</b>	<b>11536520</b>	
Closed Loop Traffic Signal Maint.	53180	\$ 4,027
Consulting Services Traffic Control	53360	\$ 6,750
<b>DRZ - Operating</b>	<b>11585020</b>	
Consulting Services	55350	\$ 138,036

General Fund (Cont.)

<u>Account Description</u>		<u>Amount</u>
<b>Expenditures (Continued):</b>		
<b>F&amp;R Logistics &amp; Maint. - Capital</b>	<b>12023540</b>	
Specilized Equipment	55120	\$ 9,339
<b>F&amp;R Communications - Operating</b>	<b>12024020</b>	
Radio Repair & Maint.	54970	\$ 2,000
<b>F&amp;R Communications - Capital</b>	<b>12024040</b>	
Radio Equipment	55140	\$ 1,000
<b>F&amp;R Support Services - Operating</b>	<b>12029520</b>	
Uniforms & Protective Gear	54230	\$ 11,754
<b>Total Expenditures</b>		<b><u>\$ 215,392</u></b>

Capital Projects Fund

<u>Account Description</u>	<u>Source of Funds</u>	<u>Amount</u>
<b>Revenues:</b>		
2012 GO Bond		\$ 28,555
Beach Fees		\$ 229,178
Hospitality Tax		\$ 639,565
Property Taxes		\$ 74,042
Sunday Liq. Permit Fees		\$ 15,779
TIF Property Tax		\$ 707,587
Traffic Impact Fees		\$ 36,287
<b>Total Revenues</b>		<b><u>\$ 1,730,993</u></b>

**Expenditures:**

**Pathways**

Pathway Rehabilitation	HTAX Fees	\$ 125,000
"	Property Taxes	\$ 44,616
Palmetto Bay	TIF Property Taxes	\$ 40,988
Dunnagan's Alley	TIF Property Taxes	\$ 97,388
US 278 (Gardner to Mathews)	Traffic Impact Fees	\$ 34,702
US 278 (Wexford Circle to Fresh Market Shoppes)	HTAX Fees	\$ 7,220
"	Traffic Impact Fees	\$ 1,585
Leg O'Mutton	HTAX Fees	\$ 183
Pembroke Drive	HTAX Fees	\$ 184
Gardner Drive	HTAX Fees	\$ 184
US 278 @ New Orleans to Shipyard & Town Hall	Property Taxes	\$ 20,766
"	TIF Property Taxes	\$ 168,000

Capital Projects Fund (Cont.)

<u>Account Description</u>	<u>Source of Funds</u>	<u>Amount</u>
<b>Expenditures (Continued):</b>		
<b>Road Improvements</b>		
Directional/Neighborhood Signage	HTAX Fees	\$ 24,807
Mathews Dr./Chaplin Area Connectivity	TIF Property Taxes	\$ 35,651
Marshland Roundabout	TIF Property Taxes	\$ 64,762
Pedestrian Crosswalks	TIF Property Taxes	\$ 87,732
"	Property Taxes	\$ 168
Traffic Signal Mast Arms	HTAX Fees	\$ 4,235
Roadway Safety Improvements	Property Taxes	\$ 672
Intersection Improvements	TIF Property Taxes	\$ 56,776
Private (Dirt) Rd. Acquisition	Property Taxes	\$ 7,820
<b>Park Development</b>		
Parks Upgrades	Sunday Liq. Permit F	\$ 15,779
Rowing & Sailing Center	TIF Property Taxes	\$ 1,427
Island Recreation-Aquatics	HTAX Fees	\$ 14,600
<b>Existing Facilities/Infrastructure</b>		
Fire Station 6 Replacement	HTAX Fees	\$ 241,845
Apparatus & Vehicle Replacement	HTAX Fees	\$ 218,570
<b>New Facilities/Infrastructure</b>		
F&R Computer System	HTAX Fees	\$ 2,737
BCSO with Tenant Upfit	2012 GO Bond	\$ 28,555
Coligny/Pope Avenue Area Initiative	TIF Property Taxes	\$ 14,791
Dunnagan's Area Initiative	TIF Property Taxes	\$ 140,072
<b>Beach Maintenance</b>		
Beach Management	Beach Fees	\$ 60,593
Shoreline Management Plan	Beach Fees	\$ 62,085
Port Royal Fill Project	Beach Fees	\$ 106,500
<b>Total Expenditures</b>		<b><u>\$ 1,730,993</u></b>

Stormwater Fund

<u>Account Description</u>	<u>Source of Funds</u>	<u>Amount</u>
<b>Revenues:</b>		
Stormwater Utility Fees		\$ 272,094
<b>Total Revenues</b>		<b><u>\$ 272,094</u></b>
<b>Expenditures:</b>		
<b>Operating</b>		
Water Quality Monitoring	SWU Fees	\$ 15,195
<b>Infrastructure Upgrades &amp; Improvements</b>		
Hilton Head Plantation Pond Control	SWU Fees	\$ 52,231
Wiler's Creek Stabilization	SWU Fees	\$ 16,728
Miller's Pond	SWU Fees	\$ 11,205
Port Royal Plantation Culvert Upgrade	SWU Fees	\$ 15,780
Wexford Generator Permanent Mount	SWU Fees	\$ 16,235
Gumtree Road South Outfall	SWU Fees	\$ 9,299
Broad Creek Shelter Cove BMP Retrofit	SWU Fees	\$ 11,949
Arrow Road	SWU Fees	\$ 65,980
Fish Haul Culverts	SWU Fees	\$ 7,890
<b>Drainage Maintenance and Repairs</b>		
<i>Shipyard</i>		
Cottages Sinkhole & Shipmaster Sinkhold	SWU Fees	\$ 4,309
<i>Non-PUD</i>		
Myrtle Lane & Hickory Lane	SWU Fees	\$ 12,652
Executive Park Outfall	SWU Fees	\$ 11,970
Marshland Road	SWU Fees	\$ 6,336
<b>Pump Stations</b>		
Pump Station Maintenance	SWU Fees	\$ 14,335
<b>Total Expenditures</b>		<b><u>\$ 272,094</u></b>

**ORDINANCE NO.**

**PROPOSED ORDINANCE NO. 2012-39**

The effect of this amendment will be to increase the General Fund to \$33,405,768, Capital Projects Fund to \$14,597,493, and Enterprise Fund to \$8,234,120.

Section 2 Severability. If any section, 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 affect the validity of the remaining portions thereof.

Section 3 Effective Date. This Ordinance shall be effective upon its enactment by the Town Council of the Town of Hilton Head Island on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS \_\_\_ DAY OF \_\_\_\_\_, 2012.**

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

ATTEST:

\_\_\_\_\_  
Victoria L. Pfannenschmidt  
Acting Town Clerk

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

APPROVED AS TO FORM:

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

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



## **MEMORANDUM**

**TO:** Town Council

**FROM:** Stephen G. Riley, ICMA-CM, Town Manager

**VIA:** Susan M. Simmons, CPA, Director of Finance

**DATE:** November 21, 2012

**RE:** **First Reading of Proposed Ordinance No. 2012-40**

---

### **Recommendation:**

Staff recommends that Town Council approve first reading of Proposed Ordinance No. 2012-40 which amends the fiscal year 2013 budget for the requested roll-forwards from fiscal year 2012.

### **Summary:**

This budget amends the General Fund, Capital Projects Fund and Stormwater (Enterprise) Fund by rolling forward budgeted funds from the prior year that were not encumbered at the end of the fiscal year. A roll forward item is a budget for a capital improvement or stormwater project or General Fund program or technology project that for various reasons was not started or not completed at June 30, 2012. Staff requested these funds be rolled to complete projects and plans during fiscal year 2013.

### **Background:**

The General Fund roll-forwards are for the following purposes:

- various Townwide Operating items that arose near fiscal year end including insurance related to recent capital asset purchases, professional services, and non-recurring needs:
- Townwide Grants for USCB Event and Hospitality Training,
- ATAX Recovery Project,
- various computer software and maintenance projects and human resource consulting projects,
- roadway maintenance,
- costs related to the LMO rewrite and related Community Development issues, and
- certain Police Service needs related to their recent relocation.

In the Capital Projects and Stormwater Funds, budgets for various projects are requested to roll to complete projects in progress at year-end which did not have all funds committed yet or other projects that staff thought would be started but were delayed until after June 30.

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

**ORDINANCE NO.**

**PROPOSED ORDINANCE NO. 2012-40**

**AN ORDINANCE TO AMEND THE BUDGET FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, FOR THE FISCAL YEAR ENDING JUNE 30, 2013; TO PROVIDE FOR THE BUDGETED APPROPRIATIONS OF PRIOR YEAR BUDGET ROLL-FORWARDS AND THE EXPENDITURES OF CERTAIN FUNDS; AND TO ALLOCATE THE SOURCES OF REVENUE FOR THE SAID FUNDS.**

**WHEREAS**, Section 5-7-260 of the Code of Laws of South Carolina requires that a municipal council act by ordinance to adopt a budget and levy taxes, pursuant to public notice; and

**WHEREAS**, the Town Council did adopt the budget on June 19, 2012, and

**WHEREAS**, pursuant to the budget amendment policy as stated in the Town's annual budget document, the Town Council is desirous of amending the budget so as to provide for the budgeted appropriations of prior year budget **roll-forwards** and certain other commitments from the Fund Balance and other revenue sources.

**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 THE AUTHORITY OF THE SAID TOWN COUNCIL:**

Section 1 Amendment. The adopted 2013 fiscal year budget is amended to make the following changes as additions to the funds from prior years and to the projected revenue and expenditure accounts as follows:

**ORDINANCE NO.**

**PROPOSED ORDINANCE NO. 2012-40**

**General Fund**

<u><b>Account Description</b></u>		<u><b>Amount</b></u>
<b>Revenues:</b>		
Funds From Prior Years		\$ 300,489
<b>Total Revenues</b>		<b>\$ 300,489</b>
<b>Expenditures:</b>		
<b>Townwide Operating</b>	<b>10000920</b>	
Professional Services	53320	\$ 20,000
Insurance	53750	11,456
General Contingency	54990	45,727
<b>Townwide Grants</b>	<b>10000950</b>	
Event Management & Hosp. Training	56052	15,000
<b>Finance-Revenue &amp; Collections Operating</b>	<b>1105250</b>	
Professional Services	53320	96,146
<b>IT Services Operating</b>	<b>10161520</b>	
Maintenance Contracts/Fees	53700	34,690
Computer Software < \$5,000	54400	5,772
<b>IT Services Capital</b>	<b>10161540</b>	
Computer Software = or >\$50,000	55121	8,165
<b>Human Resources Operating</b>	<b>11061720</b>	
Consulting Services	53350	2,250
<b>PP&amp;F-Engineering - Operating</b>	<b>11585020</b>	
Roadways/Pathways Maint.	53150	10,000
<b>Community Development-DRZ Operating</b>	<b>11585020</b>	
Consulting Services	53350	42,912
<b>Public Safety - Police Services Contract</b>	<b>11585020</b>	
Operational Supplies	54250	8,371
<b>Total Expenditures</b>		<b>\$ 300,489</b>

**ORDINANCE NO.**

**PROPOSED ORDINANCE NO. 2012-40**

**Capital Projects Fund**

<u>Account Description</u>	<u>Source of Funds</u>	<u>Amount</u>
<b>Revenues:</b>		
2012 GO Bond		1,432,050
Beach Fees		652,124
Hospitality Tax		1,128,891
Property Taxes		564,167
Sunday Liq. Permit Fees		222,367
TIF Property Taxes		2,559,985
Traffic Impact Fees		139,654
<b>Total Revenues</b>		<b>6,699,238</b>
<b>Expenditures:</b>		
<b>Pathways</b>		
Palmetto Bay Road	TIF Property Taxes	24,684
Dunnagan's Alley	TIF Property Taxes	25,000
US 278 (Gardener to Mathews)	Traffic Impact Fees	32,239
Leg O'Mutton	HTAX Fees	15,887
"	Traffic Impact Fees	27,000
Pembroke Drive	HTAX Fees	16,865
"	Traffic Impact Fees	27,000
Gardner Drive	HTAX Fees	13,865
"	Traffic Impact Fees	25,000
US 278 (Wesford Circle to Fresh Market Shoppes)	Traffic Impact Fees	18,415
US 278 @ New Orleans to Shipyard to Town Hall	Property Taxes	13,160
"	TIF Property Taxes	14,000
Honey Horn Access Improvements	HTAX Fees	45,182
"	Property Taxes	49,817
<b>Road Improvements</b>		
Pedestrian Crosswalks	HTAX Fees	172,038
"	Property Taxes	36,891
"	TIF Property Taxes	3,437
Traffic Signal Mast Arms	HTAX Fees	245,362
Intersection Improvements	HTAX Fees	90,000
"	TIF Property Taxes	8,519
F&R Emergency Access Points	HTAX Fees	63,565
Roadway Safety Improvements	Property Taxes	115,864
Mathews Dr./Chaplin Area Connectivity	TIF Property Taxes	417,766
Private (Dirt) Rd. Acquisition	Property Taxes	62,577
Leamington/Fresh Market/US 278	HTAX Fees	30,729
"	Property Taxes	189,000
"	Traffic Impact Fees	10,000

**ORDINANCE NO.****PROPOSED ORDINANCE NO. 2012-40**

<u>Account Description</u>	<u>Source of Funds</u>	<u>Amount</u>
<b>Expenditures (Continued):</b>		
<b>Park Development</b>		
Parks Upgrades	Sunday Liquor Perm	217,367
Rowing and Sailing Center	Property Taxes	4,270
"	TIF Property Taxes	124,208
Chaplin Tennis Courts	Sunday Liquor Perm	5,000
"	TIF Property Taxes	67,230
Share Center Tenant Upfit	2012 GO Bond	100,000
<b>Existing Facilities/Infrastructure</b>		
Clean up, Maintenance of Properties & Demo	Property Taxes	4,667
Apparatus and Vehicle Replacement	HTAX Fees	30,000
"	Property Taxes	4,966
Fire Station # 6 Repair	HTAX Fees	54,430
Rehab & Renov Fixed Capital Assets	Property Taxes	82,955
Fire Station # 2 Repair	HTAX Fees	48,454
Town Hall Renovations	HTAX Fees	192,750
<b>New Facilities/Infrastructure</b>		
F&R Computer System	HTAX Fees	109,764
Coligny/Pope Avenue Area Initiative	TIF Property Taxes	873,218
Dunnagan's Area Initiative	TIF Property Taxes	553,272
Sewer Service Projects	2012 GO Bond	1,200,000
"	Beach Fees	31,000
"	TIF Property Taxes	448,651
BCSO with Tenant Upfit	2012 GO Bond	132,050
<b>Beach Maintenance</b>		
Beach Management/Monitoring	Beach Fees	553,875
Beach Parks	Beach Fees	67,249
<b>Total Expenditures</b>		<b><u><u>6,699,238</u></u></b>

**ORDINANCE NO.****PROPOSED ORDINANCE NO. 2012-40****Stormwater Fund**

<b><u>Account Description</u></b>	<b><u>Source of Funds</u></b>	<b><u>Amount</u></b>
<b>Revenues:</b>		
Stormwater Utility Fees		\$ 689,879
<b>Total Revenues</b>		<b>\$ 689,879</b>
<b>Expenditures:</b>		
<b>Operating</b>		
Water Quality Monitoring	SWU Fees	\$ 3,791
<b>Infrastructure Upgrades &amp; Improvements</b>		
Fish Haul Culverts	SWU Fees	\$ 42,110
Hilton Head Plantation Pond Control	SWU Fees	\$ 16,159
<b>Drainage Maintenance and Repairs</b>		
<i>Shipyards</i>		
Cottages Sinkhole & Shipmaster sinkholes	SWU Fees	\$ 20,691
<i>Port Royal Plantation PUD</i>		
Scarborough channel widening/stabilization	SWU Fees	\$ 16,941
<b>Pump Stations</b>		
Sea Pines Pump Work	SWU Fees	\$ 8,643
Emergency Contingency	SWU Fees	\$ 75,000
<b>Inventory and Modeling</b>		
Port Royal Plantation	SWU Fees	\$ 161,544
Hilton Head Plantation	SWU Fees	\$ 200,000
Gumtree Road	SWU Fees	\$ 30,000
Indigo Run Plantation	SWU Fees	\$ 15,000
Unaffiliated Watersheds	SWU Fees	\$ 100,000
<b>Total Expenditures</b>		<b>\$ 689,879</b>

**ORDINANCE NO.**

**PROPOSED ORDINANCE NO. 2012-40**

The effect of this amendment will be to increase the General Fund to \$33,706,257, Capital Projects Fund to \$21,296,731, and Enterprise Fund to \$8,923,999. The Debt Service Fund remains unchanged at \$15,928,015.

Section 2 Severability. If any section, 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 affect the validity of the remaining portions thereof.

Section 3 Effective Date. This Ordinance shall be effective upon its enactment by the Town Council of the Town of Hilton Head Island on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.**

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

ATTEST:

\_\_\_\_\_  
Victoria L. Pfannenschmidt  
Acting Town Clerk

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

APPROVED AS TO FORM:

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

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



# 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:** Heather Colin, AICP, *Development Review Administrator*  
**DATE:** November 7, 2012  
**SUBJECT:** Proposed Ordinance No. 2012-41  
Easement to Construct a Fence for Springwood Villas

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**Recommendation:** The Public Facilities Committee on November 7, 2012 recommended that Town Council grant a permanent easement for fence construction on Town owned property, located on Cordillo Parkway and Pope Avenue and further identified as tax parcel number R553-018-000-0286-0000 in order for Springwood Villas to construct a fence along their driveway and parking lot.

**Summary:** Springwood Villas would like to install a fence to deter foot traffic from passing through Town owned property to their development. They have experienced vandalism and thefts and have already installed a fence along the Coral Sands side of the property as a deterrent. The only feasible location to install a fence is on the Town owned parcel.

**Background:** The agent for the HPR has discussed the possibility of installing a fence with Town staff and the Town attorney to determine a location with minimal impact. The agent has also received DRB (Design Review Board) approval with conditions. There is an existing encroachment agreement in place between the two parties that was executed in 2001 for various existing encroachments.

**PROPOSED ORDINANCE NUMBER 2012-41    ORDINANCE NUMBER:**

**AN ORDINANCE OF THE TOWN OF HILTON HEAD, SOUTH CAROLINA, AUTHORIZING THE EXECUTION OF THAT CERTAIN ENCROACHMENT EASEMENT AGREEMENT WITH SPRINGWOOD OWNERS' ASSOCIATION, INC. ENCUMBERING REAL PROPERTY OWNED BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, PURSUANT TO THE AUTHORITY OF S.C. CODE ANN. SEC. 5-7-40 (SUPP. 2011), 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, South Carolina (“Town”) owns certain real property being 4.07 acres located at the corner of Cordillo Parkway and DeAllyon Avenue known as Beaufort County Tax Map Number R553-018-000-0286-0000 (the “Town Parcel”); and,

WHEREAS, Springwood Owners’ Association, Inc. (“Springwood”) owns real property located adjacent to the Town Parcel (the “Springwood Parcel”), which parcel consists of the common elements of Springwood Villas Horizontal Property Regime; and

WHEREAS, Springwood desires a permanent easement from the Town for the use and maintenance of certain existing improvements consisting of a stucco wall, dumpster pad and gravel parking area which currently encroach onto the Town Parcel, along with temporary easements for the use and maintenance of certain existing improvements consisting of asphalt pavement and the installation, use and maintenance of a new chain link fence to be located on the Town Parcel along a portion of the boundary between the Springwood and Town Parcels; 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 grant such temporary and permanent encroachment easements to Springwood in accordance with the terms and conditions of the Encroachment Easement Agreement attached hereto as Exhibit “A”; and

WHEREAS, under the provisions of S.C. Code Ann. Sec. 5-7-40 (SUPP. 2011) 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 Easement Agreement.

- (a) The Mayor and/or Town Manager are hereby authorized to execute and deliver an Encroachment Easement Agreement in a form substantially similar to that 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 transaction 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 \_\_\_\_\_, 2012.**

\_\_\_\_\_  
Drew Laughlin, Mayor

ATTEST

\_\_\_\_\_  
Town Clerk

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

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

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



WHEREAS, Springwood and the Town hereby enter into this Agreement to memorialize the terms and conditions for the existence and maintenance of the various encroachments.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions set forth herein, and ten dollars (\$10.00) consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The Town parcel, which is the parcel burdened by the easements granted herein, is further described as follows:

ALL that certain piece, parcel or lot of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, shown and designated as "4.073 Ac." on a plat entitled "Plat of Proposed 10ft. Fence Easement, 4.073 Ac., Cordillo Parkway, A Section of Block 8B, Forest Beach Subdivision, Hilton Head Island, Beaufort County, South Carolina" dated July 31, 2012, prepared by Surveying Consultants, certified by Terry G. Hatchell, S.C.R.L.S. #11059, and recorded in the Office of Register of Deeds for Beaufort County, South Carolina, in Plat Book \_\_\_\_\_ at Page \_\_\_\_\_.

2. The Springwood Parcel, which is the parcel benefitted by the easements granted herein, is further described as follows:

ALL that certain piece, parcel or lot of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, shown and designated as "Springwood Villas Phases I and IIA" on a plat entitled "Plat of Proposed 10ft. Fence Easement, 4.073 Ac., Cordillo Parkway, A Section of Block 8B, Forest Beach Subdivision, Hilton Head Island, Beaufort County, South Carolina" dated July 31, 2012, prepared by Surveying Consultants, certified by Terry G. Hatchell, S.C.R.L.S. #11059, and recorded in the Office of Register of Deeds for Beaufort County, South Carolina, in Plat Book \_\_\_\_\_ at Page \_\_\_\_\_.

3. The Town hereby grants Springwood, its successors and assigns, a permanent nonexclusive easement over and across the encroachments onto the Town Parcel shown as "Stucco

Wall Encroaches Into Property,” “Dumpster Pad Encroaches Over Property Line by 9.1’ +/-,” and “Gravel Parking & Landscape Timbers Encroaches Over Property Line” on the above-referenced plat for the purpose of allowing the continued existence, use, maintenance and replacement of such encroachments (the “Permanent Encroachments”).

4. The Town hereby grants Springwood, its successors and assigns, a temporary nonexclusive easement over and across the encroachments onto the Town Parcel shown as “Proposed 10 Ft. Fence Easement Centered on Proposed Chain Link Fence,” “Asphalt Pavement & Landscape Encroaches Over Property Line,” “Asphalt Pavement Encroaches Over Property Line by 2.2’ +/-,” and “Asphalt Pavement & Landscape Timbers Encroaches Over Property Line by 1.0’ +/-” on the above-referenced plat for the purpose of allowing construction, use and maintenance of the chain link fence along with the continued use and maintenance of the asphalt pavement encroachments (collectively, the “Temporary Encroachments”).

5. Springwood agrees to cause for the Temporary Encroachments to be removed at its expense within ninety (90) days of receipt of written notice by the Town.

6. Hereinafter, Permanent Encroachments and Temporary Encroachments are collectively referred to as the “Easement Property”.

7. The easements herein are conveyed subject to all other easements, licenses, and conveyances of record and is subject to the rights herein reserved by the Town, its successors and assigns, to utilize the Town Parcel at any time, in any manner, and for any purpose, provided, however, that such use by the Town shall not be inconsistent with nor prevent the full utilization by Springwood, its licensees and invitees of the rights and privileges granted herein.

8. Springwood shall be responsible for all maintenance, repair and improvements to the

Easement Property as shall be or shall become necessary and/or prudent, and Springwood shall at all times comply with all applicable laws, rules, codes and regulations.

9. Springwood shall, at its sole cost and expense, cause all timely cleaning, repair, renovation, landscaping, signage, striping, and all other improvements in general to the Easement Property as shall be or shall become necessary and/or prudent for the reasonable safety of all persons using the Easement Property and/or Encroachments.

10. Springwood agrees to cause all maintenance work contemplated hereunder to be performed in a workmanlike fashion with minimal interference to the Town, its successors, assigns, invitees, guests, licensees, and agents. Springwood further agrees to cause the work contemplated hereunder to be completed in an expeditious and timely fashion, that the Easement Property shall at all times be maintained in a safe condition, and that all materials, debris, and construction materials shall be promptly removed. Springwood shall restore any other part of the Town's property that may be damaged as a result of the exercise by Springwood of the rights granted hereunder to its pre-existing state.

11. Springwood shall indemnify, defend and hold harmless the Town, its successors and assigns, harmless with respect to any loss, damage, injury, claim, or expense or cost associated therewith, including reasonable attorneys fees and legal cost whether or not incurred on appeal, arising out of or associated in any way whatsoever with the use or maintenance of the Easement Property and/or Encroachments by the Springwood, its guests, visitors, contractors, tenants, licenses, invitees, or any other(s) using the Encroachment or Easement Property.

12. The terms, covenants and conditions of the within Agreement shall run with the land and be binding upon and inure to the benefit of the parties hereto and their respective heirs,

successors or assigns.

In Witness whereof, the parties hereto have caused the within Encroachment Agreement to be executed, by their duly authorized officers where applicable, on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.





# **MEMORANDUM**

**TO:** Town Council

**FROM:** Stephen G. Riley, ICMA-CM, Town Manager

**RE:** Resolution Expressing the Town's Support for the Municipal Association of South Carolina's 2013 Legislative Priorities

**DATE:** November 27, 2012

**CC:** Gregory D. DeLoach, Esq., Assistant Town Manager

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**Recommendation:** Staff recommends approval of the attached cover letter and Resolution.

**Summary:** The attached, proposed Resolution formally expresses the Town's general support for the Municipal Association of South Carolina's (MASC) 2013 Legislative Priorities.

**Background:** In September 2012, the MASC Board of Directors approved its 2013 Legislative Priorities that support local elected leaders making decisions based on local needs and priorities. MASC has requested cities and towns across the State adopt a formal resolution to show support for its 2013 Legislative Priorities.

At the November 20, 2012 meeting, the Town Council Intergovernmental Relations Committee voted to recommend that Town Council adopt the proposed Resolution and also include a cover letter expressing Council's belief that comprehensive tax reform, including Act 388, should be included in future MASC's Legislative Priorities.

**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 2013 LEGISLATIVE PRIORITIES.**

**WHEREAS**, cities and towns in South Carolina are the government closest to the people providing the core services residents and businesses demand for a high quality of life; and

**WHEREAS**, residents and businesses want their local city and town councils to have the flexibility to make decisions that are best for their communities while also being held accountable by their residents to spend wisely and govern locally; and

**WHEREAS**, cities and towns support increasing the economic strength of the state to enable job creation for residents and encourage business development and success; and

**WHEREAS**, the Municipal Association Board of Directors approved the 2013 legislative priorities that supports local elected leaders making decisions based on local needs and priorities; and

**WHEREAS**, the three legislative priorities are based around creating places and delivering services that support a healthy local economy and offer a positive quality of life; and

**WHEREAS**, finding solutions to dilapidated structures, securing a dependable revenue source and providing quality transportation and infrastructure maintenance are the three major legislative issues that local elected leaders determined can have the greatest impact on their hometowns; and

**WHEREAS**, the priorities focus on fiscal stability, economic development and infrastructure that are important to cities and towns of all sizes and in all parts of the state; and

**WHEREAS**, the Town of Hilton Head Island, South Carolina Town Council generally supports the legislative priorities set forth by the Municipal Association of South Carolina Board of Directors for cities and towns to govern locally for residents.

**NOW, THEREFORE, BE IT, AND IT HEREBY IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THAT** the Council affirms its support for the Municipal Association of South Carolina's 2013 legislative priorities to encourage more local decision making to the local elected officials that govern the state's 270 cities and towns.

**MOVED, APPROVED, AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.**

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

**ATTEST:**

**By: \_\_\_\_\_**  
**Victoria L. Pfannenschmidt, Acting Town Clerk**

**APPROVED AS TO FORM:**

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

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

December 4, 2012

Miriam Hair, Executive Director  
Municipal Association of South Carolina  
P.O. Box 12109  
Columbia, SC 29211

Dear Ms. Hair:

Please find enclosed an adopted Town of Hilton Head Island Resolution requested by the MASC. Town Council adopted the Resolution at its December 4, 2012 Town Council Meeting.

While Town Council adopted the Resolution, it was not without a considerable discussion among members. We understand MASC's goal of focusing its efforts on a more limited number of legislative initiatives. Clearly, there appears little chance for meaningful tax reform this upcoming session and that bad legislation like Act 388 will not receive the attention it deserves. We believe that comprehensive tax reform, including Act 388, ought to be included in future MASC legislative priorities regardless of its chances for success.

As you are well aware, the Act substituted local funding of schools with state funding of schools; it capped the tax rate of school districts and local governments, further eroding local control; it hinders our efforts to create optimum conditions for our citizens and our businesses; it disproportionately shifted the burden of new growth in property taxes to businesses, which increased costs to existing businesses and serves as a disincentive to prospective companies; and it led to economic distortions by weakening the link between market value and taxable value.

We understand this is preaching to the choir, but we believe we ought not give up the fight even when faced with considerable opposition from the General Assembly.

Sincerely,

Drew A. Laughlin, Mayor

cc: Town Council  
Stephen G. Riley, ICMA-CM, Town Manager  
Gregory D. DeLoach, Assistant Town Manager