



**The Town of Hilton Head Island  
Special Town Council Meeting**

**May 31, 2016**

**2:00 P.M.**

**BENJAMIN M. RACUSIN COUNCIL CHAMBERS**

**AGENDA**

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**As a Courtesy to Others Please Turn Off/Silence 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 distributed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 5) Unfinished Business**  
None
- 6) New Business**
  - a.** Discussion Related to the Issues Surrounding the Use of Lock-Out Units in the Town with the Law Firm of Robinson McFadden
- 7) Adjournment**

# TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

David Bennett  
Mayor

William D. Harkins  
Mayor ProTem May 10, 2016

Council Members

Wm. Lee Edwards  
Marc A. Grant  
Thomas W. Lennox  
Kim W. Likins  
John J. McCann

Mr. R. William Metzger, Jr.  
Robinson, McFadden, & Moore  
P.O. Office Box 944  
Columbia, SC 29202

RE: Documentation for Xanadu/Oceanwalk Issues

Stephen G. Riley  
Town Manager

Dear Mr. Metzger:

As requested in your February 26, 2016 letter to Mayor Bennett, we have collected relevant documentation of which we are aware that pertains to 'lock-out units' at Oceanwalk and Xanadu. This documentation fulfills Items 1, 2, 3 and 5 requested in your letter. In regard to your #4 request for "examples of restrictive covenants, rules or regulations in projects where the 'lock-out units' seem to work without issue;" the Town has no such documents on file. However, there are numerous complexes on the Island that have been established similar to Oceanwalk and Xanadu with permitted 'lock-out units' such as Villamare and the Moorings. A floor plan was found on line at a realtor web site for Villamare, and is included in the documentation. Staff did a site visit of two units in these complexes with a local realtor and found they could function similarly to Xanadu and Oceanwalk with the ability to lock off one bedroom and the electrical panel in the larger remaining portion of the unit. Both of these complexes were permitted by Beaufort County.

Attached is a list of this documentation.

If you require additional information, please do not hesitate to contact me at [brianh@hiltonheadislandsc.gov](mailto:brianh@hiltonheadislandsc.gov) or 843-341-4633.

Sincerely,

Brian Hulbert  
Staff Attorney

Attachment

## **Items for Robinson McFadden:**

### **BCSO Crime Stats Folder:**

- 4th Qtr 2013-1st Qtr 2016 Quarterly Reports on Crime Activity
- 3 Articles on Crime (Island Packet)
- 2 files on Oceanwalk Call Activity data (1-1-2014 to 4-30-2016)
- 2 files on Xanadu Call Activity data (1-1-2014 to 4-30-2016)

### **CBAA Appeal of Building Official's Decision Folder:**

- Code Sections:
  - o 2012 International Building Code on Appeal Process
  - o 2016 Municipal Code on Unsafe Buildings
  - o 2016 Municipal Code on CBAA Authority
- Photos of Xanadu Complaint
- 2014-09-29 Lewis letter to Weatherhead re density
- 2015 Building Official letter being appealed
- 2015 CBAA Appeal Application by Weatherhead & Sanders
- 2015 CBAA Presentation by Building Official (with Building Code Sections)
- 2015 CBAA Appeals Meeting Minutes (draft)
- 2 files of Xanadu complaints for 4 units
- Xanadu typical floor plan

### **LMO Folder:**

- 2016 zoning district section, use standards section, non-conforming use sections, and pertinent definitions

### **Oceanwalk Folder:**

- Original 1981-1984 Beaufort County Permit Correspondence
  - o 1981 Letter from State Fire Marshal
  - o 1982 Original Permit Application Correspondence
  - o 1984 Permit Approval Correspondence
- 1987 NEC Section 240-24
- Recent pictures of electrical lockable panels
- Forest Beach Association maps, subdivisions, deeds, Patterson Summary Letter
- Oceanwalk By Laws & Deed
- 2013 Lewis letter re: rentals
- 2014 Klein letter on long term division of units
- 2014 Lewis email on clarification of rentals
- 2014 Oceanwalk 4 units investigations
- 2015 Cousins letter re: splitting
- 2015 Klein email requesting NFPA interpretation
- 2015 Klein Formal Interpretation Request to NFPA
- 2015 NFPA Technical Response
- 2015 Oceanwalk Board letter to Mayor
- 2015 Klein letter to Oceanwalk Board
- 2015 Hulbert email to Riley clarifying IP Editorial article
- 2015 State Fire marshal Stickle Response

- 2016 Grant letter inviting Stickle
- Definitions from NEC
- Oceanwalk advertised floorplan

**Public Safety Committee Minutes Folder:**

- 2016-01-04 meeting
- 2016-04-04 meeting

**Xanadu Folder:**

- 2015 pictures of units
- Xanadu deed, floor plans, by-laws
- Xanadu pictures of door panel
- Xanadu pictures of complaint
- 1978 NEC section on readily accessible
- 2014 B-8 Inspection
- 2014 Lewis letter to Weatherhead re density
- 2015 Cousins letter to Xanadu Board
- 2015 Klein email requesting NFPA interpretation
- 2015 Klein Formal Interpretation Request
- 2015 NFPA Technical Question response
- 2015 Klein letter to Xanadu residents
- 2015 Piekutowski email to Cousins
- 2015 State Fire Marshal Stickle Response
- 2016 Grant letter inviting Stickle
- Definitions from NEC

**Other Items:**

- 2016 Robinson McFadden letter to Town
- 2016 Town Letter to Robinson McFadden
- List of Items for Robinson McFadden
- Villamare floor plan from advertisement