

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

Date: Tuesday, October 20, 2009

Time: 4:00 P.M.

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

Present from Town Staff: Stephen G. Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Curtis Coltrane, *Assistant Town Manager*; Lavarn Lucas, *Fire Chief, Fire & Rescue*; Charles Cousins, *Director of Community Development*; Scott Liggett, *Director of Public Projects & Facilities*; Susan Simmons, *Finance Director*; Nancy Gasen, *Director of Human Resources*; Brad Tadlock, *Deputy Fire Chief*; Ed Boring, *Deputy Fire Chief*; Jeff Buckalew, *Town Engineer*; Paul Rasch, *Emergency Management Coordinator*; Teri Lewis, *LMO Official*; Heather Colin, *Development Review Administrator*; Jayme Lopko, *Senior Planner*; Shea Farrar, *Senior Planner*; Sarah Skigen, *Natural Resources Associate*; Nicole Dixon, *Planner*; Susan Blake, *Executive Assistant*

Present from Media: Josh McCann, *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) PROCLAMATIONS AND COMMENDATIONS

a. Aging in Place Week

Janice Malafronte accepted the Proclamation.

6) APPROVAL OF MINUTES

a. Regular Town Council Meeting of October 6, 2009

Mr. Heitzke moved to approve. Mr. Harkins seconded. The Mayor added a comment to the General Reports from Council concerning the Simmons Family request to the SCDOT for a memorial road sign in honor of Charlie Simmons, Sr. Mayor Peeples noted that the family also needed to make a formal request to the Town. Mr. Ferguson responded that the request was in the process. The motion was approved by a vote of 7-0.

7) REPORT OF THE TOWN MANAGER

a. Town Manager's Items of Interest

The Town Manager reported on some items of interest.

b. October 2009 Policy Agenda, Management Targets and CIP Updates

Steve Riley noted that the October 2009 updates were attached and invited Council Members to contact him if they had any questions.

c. Proposed 2010 Town Council Meeting Dates

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved by a vote of 7-0.

8) REPORTS FROM MEMBERS OF COUNCIL

a. General Reports from Council

No reports.

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

The committee met earlier that day and considered an overview of the State crime bills pending in the State legislature. They also discussed how to develop regional support for widening I-95 and I-26 from the I-95 interchange to Columbia. Mr. Williams moved to authorize the Mayor to write a letter to the legislative committee of MASC encouraging them to add this to their legislative agenda for 2010. Mr. Heitzke seconded. The motion was approved by a vote of 7-0.

c. Report of the Personnel Committee – Drew Laughlin, Chairman

They continued to seek a candidate to recommend to Town Council to fill the Airport Advisory Board vacancy.

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

No report.

e. Report of the Public Facilities Committee – John Safay, Chairman

Mr. Safay reported that the Committee held a special meeting to analyze the Town staff proposal to put out an RFP for the purpose of awarding a contract to one or two companies to collect all trash and recycling materials from residential properties. The company would charge the customers directly for their services. After a lengthy discussion, the Committee voted unanimously to request that staff develop the actual draft of the Proposal that will go out to the trash haulers. This will come back to the Public Facilities Committee for further review before they bring it forward with a recommendation to the full Town Council.

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

No report.

9) APPEARANCE BY CITIZENS

None.

10) UNFINISHED BUSINESS

a. None

11) NEW BUSINESS

a. First Reading of Proposed Ordinance No. 2009-37 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, The Land Management

Ordinance, Chapter 4, to revise various articles and sections. These amendments, commonly referred to as OCIL (Office/Light Commercial/Light Industrial) Zoning District LMO Amendments include changes that provide for amendments to: Designation of Districts, Use Table, Industrial Use Categories, Contractor's Materials, Contractor's Office, Kennel, Boarding/Pet Store/Veterinary Hospital, Light Industrial, Density Standards Table, Maximum Structure Height; and providing for severability and an effective date.

Mr. Ferguson moved to approve. Mr. Heitzke seconded. The Mayor invited Nicole Dixon, Planner, to provide a brief explanation of the proposed Ordinance. Ms. Dixon advised this was the result of requests from various business owners in this area; there were a lot of non-confirming uses on the subject properties. Staff intent was to create a transition district separating the Industrial Uses (like the airport) from the residential properties across Beach City Road and Mathews Drive. At the Planning and Development Standards Committee meeting, they recommended "Other Retail Sales" be permitted by special exception.

Mr. Ferguson indicated that he would have liked to change his vote at the Committee level and the Mayor said that he would like to better understand Mr. Ferguson's comment. Mr. Ferguson said that there was a discussion on whether we would allow Other Retail Sales and staff was recommending Other Retail Services as a by-right use. Mr. Ferguson originally voted to allow Other Retail Sales and he had now changed his mind. He would prefer to instead allow Other Retail Services, not Sales. The Mayor asked Ms. Dixon to explain the differences and she replied that basically, allowing Other Retail Sales tended to generate higher traffic volume as well as added parking requirements.

Mr. Laughlin moved to amend the current motion so as "not to allow Other Retail Sales." Mr. Safay seconded. The amendment was approved by a vote of 7-0.

The amended motion was approved by a vote of 7-0.

b. Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, selecting the Art League of Hilton Head as the organization that may sublease the Community Service Space at the Mall at Shelter Cove.

Mr. Heitzke moved to approve. Mr. Williams seconded. The Mayor asked Terry Brennan of the Art League about the recommended timeline in Attachment A. The agreement allowed for sixty days from the signing of the contract to the receipt of a building permit. Further, it also only allowed ninety days to complete the construction. Mayor Peoples felt this was probably not enough time. Mr. Brennan responded that they would prefer to have 120 days to complete construction. Mayor Peoples noted that if the Art League was not able to meet the timelines, then the contract would become null and void. He recommended to Mr. Brennan that he request 120 days for permitting and 120 days for construction while understanding it was the League's desire to occupy the space as soon as they could. Mr. Brennan agreed that the extra time would be beneficial in case there were unexpected delays. Mr. Ferguson moved to revise the timelines to 120 days for permitting and 120 days for construction and Mr. Safay seconded. The amendment was approved by a vote of 7-0.

Chester Williams, an attorney for the owner of The Mall at Shelter Cove reported to Town Council that Mr. Walt Petrie had no objection to the Art League subletting the Community Space.

The amended motion was approved by a vote of 7-0.

- c. Consideration of a Resolution by the Town Council relating to the declaration of intent by the Town of Hilton Head Island, South Carolina to reimburse certain expenditures with respect to its Fire and Rescue Stations prior to the issuance by the Town of its taxable or tax-exempt debt.**

Mr. Heitzke moved to approve. Mr. Harkins seconded. The motion was approved by a vote of 7-0.

- d. Consideration of a Resolution by the Town Council relating to the declaration of intent by the Town of Hilton Head Island, South Carolina to reimburse certain expenditures with respect to its Storm Water System prior to the issuance by the Town of its taxable or tax-exempt debt.**

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved by a vote of 7-0.

12) EXECUTIVE SESSION

Steve Riley said that he needed an executive session for contractual matters pertaining to land acquisition, including a request to lease Town-owned property; contractual matters pertaining to possible takeover of portions of Main Street and Hospital Center Blvd.; and legal matters pertaining to potential and ongoing litigation.

At 4:37 p.m., Mr. Heitzke moved to go into Executive Session for the reasons stated by the Town Manager. Mr. Ferguson seconded. The motion was approved by a vote of 7-0.

Mayor Peeples called the meeting back to order at 5:31 p.m. and asked if there was any business to take up as a result of executive session.

Mr. Heitzke moved that the Town Council for the Town of Hilton Head Island authorize the execution of an agreement for the public dedication of a portion of Hospital Center Boulevard, Main Street and Exchange Street with Palmetto Hall Commercial Property Owners Association, Inc., Tenet Healthcare Corporation, Whooping Crane L.P., and Main Street South Office Park Horizontal Property Regime Owners' Association, Inc. Mr. Williams seconded. The motion was approved by a vote of 7-0.

14) ADJOURNMENT

At 5:32 p.m., Mr. Williams moved to adjourn. Mr. Heitzke seconded. The motion was approved by a vote of 7-0.

Susan Blake, Secretary

Approved:

Thomas D. Peeples, Mayor