

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

**Date:** Tuesday, October 6, 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*; Lavarn Lucas, *Fire Chief, Fire & Rescue*; Charles Cousins, *Director of Community Development*; Scott Liggett, *Director of Public Projects & Facilities*; Brian Hulbert, *Town Attorney*; Paul Rasch, *Emergency Management Coordinator*; Teri Lewis, *LMO Official*; Heather Colin, *Development Review Administrator*; Nicole Dixon, *Planner*; Jennifer Hastings, *Assistant Town Engineer*; Susan Blake, *Executive Assistant*

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

**a. Fire Prevention Week**

Members of the Hilton Head Island Fire & Rescue Department accepted the Proclamation.

**b. National Domestic Violence Awareness Month**

**6) APPROVAL OF MINUTES**

**a. Regular Town Council Meeting of September 15, 2009**

Mr. Heitzke moved to approve. Mr. Harkins seconded. 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 Quarterly report**

The Town Manager noted that the Quarterly Report was attached to the agenda package. He invited Town Council to contact him if they had any questions.

**8) REPORTS FROM MEMBERS OF COUNCIL**

**a. General Reports from Council**

Mr. Ferguson noted that the Simmons Family had formally requested that the S.C. Department of Transportation (SCDOT) place a sign in the vicinity of Spanish Wells Road near the Cross Island Parkway interchange naming it a memorial road in honor of Charlie Simmons, Sr. so that people would not have to change their street address name.

Mr. Ferguson conveyed the suggestions from a Native Islanders' Business and Community Affairs Association (NIBCAA) meeting that the Town Council add "dirt roads, airport, and Historic Mitchelville application" to the Retreat topics. And he also mentioned a request from NIBCAA to occupy the Town's former Facilities Management building.

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

The Committee will hold their next meeting on Oct. 20, 2009.

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

They will be meeting on Oct. 8 to begin discussing candidate recommendations for the vacancy on the Airport Advisory Board.

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

The committee met on September 23 and Mr. Ferguson announced that he would like to change his vote on that committee. He had voted for "other retail sales by special exception and pet stores permitted by condition." He would like to recommend that he is in favor of staff's recommendation for zoning "retail services by right" and also "pet stores" because he felt this would better serve the community. Steve Riley noted that this would be coming forward to the full Town Council and Mr. Ferguson would be able to vote then.

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

The committee reviewed the rowing and sailing center which was number two on the Town Council's high priority list. After review, the committee asked staff to take a closer look at the numbers and provide additional recommendations. This was an on-going process but the Committee hoped to keep the momentum on this moving forward.

The Committee then reviewed the application from the Art League to occupy the Shelter Cove Mall Community Space. This would be coming forward with an enthusiastic favorable recommendation.

Mr. Safay also announced that there would be a special meeting on October 13 to discuss the recycling initiative.

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

No report.

**9) APPEARANCE BY CITIZENS**

None.

**10) UNFINISHED BUSINESS**

- a. Second Reading of Proposed Ordinance No. 2009-28 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapters 3, 4, and 5 to revise various articles and sections. These amendments, commonly referred to as 2009 General LMO Amendments**

**include changes to Complete Applications Requirements; Public Notice Requirements; Summary Table of Review Procedures; Appeals; Requirements for a Complete Application; Expiration of Approval; Abbreviated Development Plan Review; Approval Letter for Proposed Removal of Trees; Wetland Alteration Applicability; Use to Conform to District Regulations; Floating Zone Restrictions; Residential Use Categories; General Standards for Stormwater Management; Required Buffers; and Schedule of Required Off-Street Parking; and providing for severability and an effective date.**

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

- b. Second Reading of Proposed Ordinance No. 2009-32 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapters 9 and 10 to revise various articles and sections. These amendments, commonly referred to as Disaster Recovery Amendments include changes that provide for amendments to: Article I. Emergency Permitting; Article II. Temporary Single Family Uses; Article III. Temporary Non-Residential Uses; and definition of “travel ready;” and providing for severability and an effective date.**

Mr. Heitzke moved to approve. Mr. Safay seconded. Mr. Williams pointed out that Mr. Ferguson noted at the committee level that one item of the proposed ordinance stated that each single family property is limited to one temporary dwelling. Mr. Williams noted that there are several areas on the Island where there are more than one dwelling on a single family property at this time and to limit that to one replacement where there were previously two or three, would be unfair. Another scenario brought up by Mr. Ferguson was if a family member owned a large plot of land, for example five acres, that had room for additional family members to inhabit temporary dwellings while their residence elsewhere was being rebuilt, this was also currently not allowed. Mr. Williams thought it might be beneficial for Town to take another look at this for a possible revision prior to the next hurricane season.

Charles Cousins responded that the Disaster Recovery Commission had been looking at this issue and were aware of the complications created by it. He did not know if it would be possible to bring it back with the next set of LMO amendments but they do know that this was an issue that needed further research.

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

## **11) NEW BUSINESS**

- a. First Reading of Proposed Ordinance No. 2009-38 to amend Chapter 5 of Title 9 of the Municipal Code of the Town of Hilton Head Island, to add Section 9-5-211, debris collection on private roadways during an emergency; and providing for severability and an effective date.**

Mr. Heitzke moved to approve. Mr. Williams seconded. Mr. Laughlin expressed his concerns regarding the language in Section 9-5-211d. He felt it was “tortured” and not entirely clear in outlining the intent of the proposal, especially with regards to common areas. After considerable discussion, it was determined that this Ordinance would require additional research and subsequent re-write; therefore, Steve Riley withdrew the Proposed Ordinance from the agenda.

## **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 land, and contractual matters pertaining to the Town Manager's employment contract.

At 4:46 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 7-0.

Mayor Peeples called the meeting back to order at 5:29 p.m. and asked if there was any business to take up as a result of executive session.

Mr. Heitzke moved to approve the Town Manager's revised employment contract to be effective July 1, 2009. Mr. Safay seconded. The motion was approved by a vote of 7-0.

**14) ADJOURNMENT**

At 5:30 p.m., Mr. Heitzke moved to adjourn. Mr. Laughlin seconded. The motion was approved by a vote of 7-0.

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Susan Blake, Secretary

Approved:

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Thomas D. Peeples, Mayor