

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

Date: Tuesday, November 17, 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*; Jill Foster, *Deputy Director of Community Development*; Brian Hulbert, *Staff Attorney*; Paul Rasch, *Emergency Management Coordinator*; Julian Walls, *Facilities Manager*; Jeff Buckalew, *Town Engineer*; Teri Lewis, *LMO Official*; Randy Nicholson, *Comprehensive Planning Manager*; Heather Colin, *Development Review Administrator*; Jayme Lopko, *Senior Planner*; Sally Krebs, *Natural Resources Administrator*; Nicole Dixon, *Planner*; Anne Cyran, *Planner*; Susan Blake, *Executive Assistant*

Present from Media: Laura Nahmais, *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**
- 6) **APPROVAL OF MINUTES**
 - a. **Regular Town Council Meeting of November 3, 2009**

Mr. Heitzke moved to approve. Mr. Williams seconded. The minutes were 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. **November 2009 Policy Agenda, Management Targets and CIP Updates**

Steve Riley noted the November update was attached to the agenda package and invited Council members to contact him if they had any questions.

c. FY2010 Financial Statements through October 2009

Steve Riley advised that the financial statements only just arrived today and were not ready for distribution. They would be provided at the next meeting.

d. Update on Airport Master Plan

Judy Elder provided Town Council with an update on the Airport Master Plan.

8) REPORTS FROM MEMBERS OF COUNCIL

a. General Reports from Council

Mr. Safay spoke about his personal experience with the Hilton Head Island Emergency Medical Services. He expressed his gratitude to them.

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

No report.

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

No report.

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

No report.

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

No report.

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

At their last meeting, they drafted modified language for proposed ordinances for post disaster debris as well as nuisance abatement. These would be coming forward with the Committee's recommendations.

9) APPEARANCE BY CITIZENS

David Bennett spoke about the need for an affordable housing development.

Garrett Hamilton, treasurer for the Hilton Head Island Rugby Club, talked about the club's use of the playing fields on the Island.

10) UNFINISHED BUSINESS

a. None

11) NEW BUSINESS

a. First Reading of Proposed Ordinance No. 2009-40 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapter 6, to revise Section 409. This amendment includes changes that provide for amendments to: Tree Replacement Fund; and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Ferguson seconded. Mr. Ferguson observed that this amendment came with a favorable recommendation from the Planning and Development Standards Committee. Mr. Heitzke noted a clarification that he felt should be made in the third

“whereas” of the Proposed Ordinance. Instead of saying “...based on the average of three quotes received from a landscaping firm...” he thought it should read “...based on the average of three quotes received from *local landscaping firms*...” Nicole Dixon of the Community Development Department responded that she would make that change before the second reading. The motion was approved by a vote of 7-0.

b. Consideration of a recommendation that the Town Council for the Town of Hilton Head Island endorse in concept the elements of the proposed Island Recreation Association/Aquatics Facility Enhancements and approve the expenditure of the funds for a feasibility study.

Mr. Heitzke moved to approve. Mr. Safay seconded. Mr. Williams noted that when the Art League vacated existing space on Cordillo Parkway, it was agreed that use of that vacated building would be included in the feasibility study. Charles Cousins added that this vacated space was one of many rental spaces that will be studied.

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

12) EXECUTIVE SESSION

Since it was not yet 5:00 p.m., the Mayor suggested they adjourn to Executive Session. Mr. Riley stated that he needed an executive session for legal matters pertaining to a proposed settlement with various property owners in the Singleton Beach area and legal matters pertaining to threatened and ongoing litigation.

At 4:33 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.

11) NEW BUSINESS (continued)

c. 5:00 P.M. : PUBLIC HEARING on Proposed Ordinance No. 2009-39

At 5:00 p.m., the Mayor called the meeting back to order and opened the public hearing. Charles Cousin made a detailed presentation to Council explaining the proposed changes in the LMO and the airport sections that pertained to trees.

After Mr. Cousins’ presentation, Mayor Peeples explained that it was his belief that the Town needed to find a way to work with the County and the aviation interests to address the safety issues created by the tree growth in the flight path. He wished to dispel the opinion that the Town was being obstructionist; there was a process in place to deal with tree removal and pruning, but the County has had difficulty maneuvering that process. The Mayor felt it was important to find a way to expedite it. He admitted that his first attempt to expedite this process overstated the means to resolve the issue.

At the last Town Council meeting, Council members, as well as Mr. Perry White in particular, registered concerns about the extreme measures proposed in the amended LMO. The Mayor realized that what needed to be done should not be so extreme. He suggested that a revised proposal should be drafted that would not make any distinction between airport property and non-airport property. And rather than automatically removing trees because they could grow up into the approach slope, that trees be trimmed back so that they would not need to be trimmed again for at least ten years. He would also like to suggest that an earthen berm be built at the end of the airport property to provide sound protection for the church. Mayor Peeples agreed that vegetation needed to be left in place or replanted on airport property in order to create a noise barrier. Trees that had to be removed for safety reasons should be replaced with

other species of trees that would not grow up into the slope. The Mayor stated that after the public hearing, he was going to ask Council to make a motion to delete this vote from the agenda, refer it back to staff, taking into account all comments that would be heard tonight, and rework the ordinance for a review by the Public Safety Committee prior to being brought forward to the Town Council at the second meeting in December.

Members of the audience were invited to approach the dais and express their opinions regarding the proposed changes to the LMO.

After everyone in the audience who wished to speak had done so, the Mayor closed the public hearing at 5:58 p.m. He thanked everyone for their attendance at today's meeting and appreciated their input. He announced that the County was hosting a Federal Environmental Assessment public hearing on tree removal and trimming on December 3rd at 6 PM at the Hilton Head Library. He encouraged people to attend.

d. First Reading of Proposed Ordinance No. 2009-39 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapter 4, section 403. These amendments include changes that provide for amendments to: Airport Overlay District Regulations and the Approach Path; and providing for severability and an effective date.

Mr. Heitzke moved to delete New Business Item 11.d. First Reading of Proposed Ordinance No. 2009-39 from the agenda. Mr. Williams seconded. The motion was approved by a vote of 7-0. Mayor Peeples then tasked the Public Safety Committee to review and to recommend additional revisions to the proposed amendments.

12) EXECUTIVE SESSION (continued)

The Mayor asked if there was any business to take up as a result of the executive session.

Mr. Safay moved that the Town Council for the Town of Hilton Head Island adopt a Resolution authorizing the execution of a Declaration of Restrictive Covenants on nine residential lots in Singleton Beach, Hilton Head Island. Mr. Heitzke seconded. The motion was approved by a vote of 6-1. Mr. Williams was opposed.

13) ADJOURNMENT

At 6:02 p.m., Mr. Heitzke moved to adjourn. Mr. Ferguson seconded. The motion was approved by a vote of 7-0.

Susan Blake, Secretary

Approved:

Thomas D. Peeples, Mayor