

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

**Date:** Tuesday, December 1, 2009

**Time:** 4:00 P.M.

**Present from Town Council:** Thomas D. Peebles, *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*; Nancy Gasen, *Director of Human Resources*; Brian Hulbert, *Staff Attorney*; Jeff Buckalew, *Town Engineer*; Steven Markiw, *Deputy Director of Finance*; Teri Lewis, *LMO Official*; Marcy Benson, *Senior Grants Administrator*; Heather Colin, *Development Review Administrator*; Jennifer Hasting, *Asst. Town Engineer*; Jayme Lopko, *Senior Planner*; Nicole Dixon, *Planner*; Marc Torin, *Special Projects Inspector*; Susan Blake, *Executive Assistant*

**Present from Media:** Laura Nahmais, *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. **Arbor Day**

Marcy Benson accepted the Proclamation.
- 6) **APPROVAL OF MINUTES**
  - a. **Regular Town Council Meeting of November 17, 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. **Update on Underground Power Line Burial – Dan Wood, Palmetto Electric; Marc Torin, Special Projects Inspector**

Mr. Wood and Mr. Torin briefed the Town Council on the status of the underground power line burial project. Mayor Peebles asked if the project could move forward faster if the Town were to advance funding from bond sales. Mr. Wood responded that the larger issue was one of obtaining access easements from property owners. The project was on schedule but they had not been able to finish some targeted areas because they were still waiting for responses to their

request for easement rights. Palmetto Electric has hired a contractor who is solely dedicated to the request for access easement rights to bury overhead power lines.

**c. FY2010 Financial Statements through October 2009**

Steve Riley noted that Council Members had recently received the statements. In the interest of time, he would not go through the information. He encouraged anyone with questions to contact him or Susan Simmons and they would be happy to answer them.

**d. FY2009 CAFR and Audit Presentation – Tom McNeish, Shareholder, Elliott Davis LLC**

Mr. McNeish gave the Town Council a brief overview of the audit process and findings.

**8) REPORTS FROM MEMBERS OF COUNCIL**

**a. General Reports from Council**

None.

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

They will be reviewing the Municipal Association of South Carolina's Legislative Agenda at their next meeting on Dec. 15<sup>th</sup>.

**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**

The Committee discussed a proposed letter with the Town's comments in response to the draft report created by the South Carolina Department of Health and Environmental Control (S.C. DHEC) regarding the OCRM line and other matters to do with beach management. A copy of the proposed letter had been provided to each council member. Because the Town was required to respond by December 4<sup>th</sup>, Mr. Safay moved that the Council endorse this letter for the Mayor's signature today. Mr. Williams seconded. The motion was approved by a vote of 7-0.

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

No report.

**9) APPEARANCE BY CITIZENS**

**10) UNFINISHED BUSINESS**

**a. Second 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. Williams seconded. 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, Post-Disaster Debris Collection; and providing for severability and an effective date.**

Mr. Heitzke moved to approve. Mr. Harkins seconded.

Town Engineer Jeff Buckalew explained that this amendment would provide the Town the authority to go onto private streets, private easements, i.e., drainage easements, ingress/egress easements, etc. to remove debris after a disaster. The benefit of this authority to the community would be that the Town would be in a much better standing to obtain reimbursement for debris removal costs from FEMA.

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

**b. First Reading of Proposed Ordinance No. 2009-42 to amend Chapter 1 of Title 9 of the Municipal Code of the Town of Hilton Head Island, to amend Section 9-1-115, Abatement of Nuisance; and providing for severability and an effective date.**

Mr. Heitzke moved to approve. Mr. Williams seconded.

Jeff Buckalew explained that the key amendment was the proposed ability to be given to the Town to take immediate protective action if the Town Manager or his agent deemed there was an immediate threat to public health and safety via a nuisance. Another change was a reservation of right for the Town Manager to waive the cost of the abatement of the nuisance if it was a single family property and they met certain income criteria. Each case would be assessed individually.

Mr. Ferguson asked a question about handling heirs' property issues where multiple families owned the property but did not all own the unsafe structure. Jeff Buckalew said an evaluation of ability to pay would be conducted.

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

**12) EXECUTIVE SESSION**

Mr. Riley stated that he needed an executive session for land acquisition matters.

At 4:38 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 Peebles called the meeting back to order at 5:26 p.m. and stated there was no business to take up as a result of executive session.

**13) ADJOURNMENT**

At 5:26 p.m., Mr. Heitzke moved to adjourn. Mr. Williams seconded. The motion was approved by a vote of 7-0.

Approved: 12/15/2009