

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

Date: Tuesday, February 3, 2009

Time: 4:00 P.M.

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

Absent from Town Council: Bill Mottel, *Councilman*

Present from Town Staff: Stephen G. Riley, *Town Manager*; Gregory D. DeLoach, *Assistant Town Manager*; Curtis Coltrane, *Assistant Town Manager*; Lavarn Lucas, *Fire Chief, Fire & Rescue*; Charles Cousins, *Director of Community Development*; Nancy Gasen, *Director of Human Resources*; Scott Liggett, *Director of Public Projects & Facilities*; Susan Simmons, *Director of Finance*; Brian Hulbert, *Town Attorney*; Teri Lewis, *LMO Official*; Heather Colin, *Development Review Administrator*; Sarah Skigen, *Natural Resources Associate*; Shea Farrar, *Senior Planner*; Nicole Dixon, *Planner*; Bruce Seeley, *Revenue Analyst*; Lori Schmidt, *Revenue & Collections Manager*; Susan Blake, *Executive Assistant*

Present from Media: Daniel Brownstein, *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 January 20, 2009

Mr. Heitzke moved to approve. Mr. Williams seconded. The minutes were approved by a vote of 5-0. (Mr. Laughlin arrived shortly after this vote.)

7) REPORT OF THE TOWN MANAGER

a. Town Manager's Items of Interest

Steve Riley reported on some items of interest

b. John Parente, Public Tennis, Inc. –Check Presentation of Third Installment \$7,500

Mr. Parente presented a check for \$7,500 to Town Council as the third installment payment on the new tennis courts at Chaplin Park.

8) REPORTS FROM MEMBERS OF COUNCIL

a. General Reports from Council

No reports.

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

Mr. Williams reminded Town Council that the next meeting had been rescheduled for February 12 at 1:30 p.m.

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

The Personnel Committee reviewed applications yesterday for a seat on the Airport Advisory Board as well as a vacancy on the Construction Board of Adjustments and were in the process of scheduling interviews.

d. Report of the Planning and Development Standards Committee – Drew Laughlin, Chairman

The Committee looked at the rezoning application submitted by the Barnwell family. That will be coming to the Town Council with the enthusiastic recommendation of the Committee.

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

No report.

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

The Committee heard a request from Solicitor Duffie Stone for \$30,000 funding for the current year for a Career Criminal Team and \$50,000 for year 2010. This request was coming forward to the Town Council with a recommendation that the funding be approved if it was available in the budget.

9) APPEARANCE BY CITIZENS

Vicki Head addressed Town Council regarding parking enforcement in their area of business. Starletta Hairston asked Town Council to adopt a lawful employment ordinance.

10) UNFINISHED BUSINESS

a. Second Reading of Proposed Ordinance No. 2008-33 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapters 2, 3, 4, 5, 6, 7, 9, & 10 commonly referred to as the General Amendments. These amendments include changes to department names and staff positions, staff review of sign permits, requirements for the beachfront baseline buffers, lighting requirements for telecommunication towers, new requirements for construction staging, flexibility for nonconformities, and changes to the definitions for redevelopment and special exception; and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved by a vote of 6-0.

b. Second Reading of Proposed Ordinance No. 2008-36 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapter 4 to revise district regulations for the Folly Field

Neighborhood Character Overlay District. This amendment is a portion of the amendments commonly referred to as Land Management Ordinance, Natural Resource Amendments as noticed in the Island Packet on September 28, 2008 and removes the adjacent use buffer requirement for the Folly Field Neighborhood Character Overlay District, and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Ferguson seconded. Mr. Laughlin did not agree with language in the title (last line) because, he said, it was inaccurate. He moved that the sentence should read, in part “.....and removes *certain* buffer requirements for the Folly Field Neighborhood Character Overlay District....” and delete “adjacent use...” Mr. Ferguson seconded. The amendment was approved by a vote of 6-0. The amended motion was approved by a vote of 6-0.

c. Second Reading of Proposed Ordinance No. 2009-04 authorizing the execution of documents necessary for the exchange of real property and the granting of easements with the Children’s Center, pursuant to the authority of S.C. Code Ann. Sec. 5-7-40 (Supp. 2002), and Sec. 2-7-20, Code of the Town of Hilton Head Island, South Carolina (1983); and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved by a vote of 6-0.

d. Second Reading of Proposed Ordinance No. 2009-05 authorizing the execution of a Utility Easement Agreement with Hilton Head Public Service District, pursuant to the authority of S.C. Code Ann. Sec. 5-7-40 (Supp. 2002), and Sec. 2-7-20, Code of the Town of Hilton Head Island, South Carolina (1983); and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved by a vote of 6-0.

11) NEW BUSINESS

a. First Reading of Proposed Ordinance No. 2009-03 to amend Title 9 (Health and Sanitation) of the Town of Hilton Head Island by amending Chapter 2 Section 9-2-60 (Jurisdiction, Enforcement, and Penalties); and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Williams seconded. Mayor Peeples asked Staff Attorney, Brian Hulbert, to explain the reason this Ordinance was being proposed. Mr. Hulbert said the proposed reduction in enforcement penalties was because the Supreme Court had put wording in some of their case law from recent litigation that equated a \$500 fine with a criminal penalty, making it more severe. This reduction in fines would be equivalent to what the State was charging (for a violation). The motion was approved by a vote of 6-0.

b. PUBLIC HEARING – 4:30 P.M.:

1. Development Agreement between the Town of Hilton Head Island and PVI Shelter Cove Limited Partnership.

The Mayor opened the public hearing on the Development Agreement at 4:37 p.m. and invited comments from the public.

Chester Williams, a local attorney for PVI Shelter Cove Limited Partnership, reported that

they have seen some proposed revisions to the lease and these were generally acceptable to his client. He pointed out an omission in the lease for a CPI reference with respect to the common area expenses. Mr. Williams requested that the Council forward this for a vote at the appropriate time.

Since no one else wished to speak, the Mayor closed the Public hearing at 4:38 p.m.

c. First Reading of Proposed Ordinance No. 2008-35 to amend the “Land Use Element,” an element of the Town of Hilton Head Island Comprehensive Plan; and providing for severability and an effective date.

Mr. Laughlin moved to approve for the purpose of discussion. Mr. Ferguson seconded. The motion failed by a vote of 3-3. Mayor Peeples, Mr. Ferguson and Mr. Laughlin were in favor of the motion and Mr. Safay, Mr. Heitzke and Mr. Williams were opposed.

12) EXECUTIVE SESSION

Steve Riley said that he needed an executive session for contractual matters pertaining to the lease of the Town-owned Smokehouse Restaurant property; contractual matters pertaining to the Squire Pope Area CDBG grant; contractual matters pertaining to existing parking easements over town-owned land; and contractual matters pertaining to requests to sell town-owned land.

At 4:39 p.m., Mr. Heitzke moved to adjourn to Executive Session for the reasons stated by the Town Manager. Mr. Williams seconded. The motion was approved by a vote of 6-0.

Mayor Peeples called the meeting back to order at 5:13 p.m. and stated there was no business to take up as a result of executive session.

13) ADJOURNMENT

At 5:13 p.m., Mr. Heitzke moved to adjourn. Mr. Williams seconded. The motion was approved by a vote of 6-0.

Susan Blake, Secretary

Approved:

Thomas D. Peeples, Mayor