

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

**Date:** Tuesday, March 3, 2009

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

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

**Absent from Town Council:** Drew Laughlin, Bill Mottel, *Councilmen*

**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*; Brian Hulbert, *Town Attorney*; Teri Lewis, *LMO Official*; Heather Colin, *Development Review Administrator*; Bob Klein, *Building Official*; Randy Nicholson, *Comprehensive Planning Manager*; Marcy Benson, *Senior Grants Administrator*; Jayme Lopko, *Senior Planner*; Shawn Colin, *Senior Planner*; Nicole Dixon, *Planner*; Susan Blake, *Executive Assistant*

**Present from Media:** Daniel Brownstein, *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**

**6) APPROVAL OF MINUTES**

**a. Special Town Council meeting of February 2, 2009**

Mr. Heitzke moved to approve. Mr. Williams seconded. The minutes were approved by a vote of 5-0.

**b. Regular Town Council Meeting of February 3, 2009**

Mr. Heitzke moved to approve. Mr. Ferguson seconded. The minutes were approved by a vote of 5-0.

**7) REPORT OF THE TOWN MANAGER**

**a. Kim Statler – Lowcountry Economic Network**

Ms. Statler, executive director of the Network, spoke about her organization's role in promoting economic development in the region.

**b. Town Manager's Items of Interest**

Steve Riley reported on some items of interest.

**c. Town Manager’s report on airport master plan funding**

Steve Riley said that the Mayor had received a letter from the Beaufort County Administrator asking the Town to participate in funding for development of the Airport Master Plan. The County was asking the Town to approve project funding of \$140,923 as a match to the County’s funding. There was a chance that some of the funding may be repaid by the FAA because they have previously done reimbursements “after the fact.” The County would submit billing as invoices were received; they were not seeking a lump sum up front. Staff has advised the Town Manager that this would be eligible for Hospitality Tax funding. If Town Council wished to proceed, the Town Manager assured them that it was feasible.

Mr. Heitzke commented that the recommended contractor had repeated their firm belief that if the Plan was acceptable, the FAA would reimburse the costs incurred. Mr. Riley added that the Town and the County would share equally in any such reimbursements.

Mr. Heitzke moved that the Town provide funding of up to \$140, 923.00 for the Airport Master Plan. Mr. Williams seconded. The motion passed by a vote of 5-0.

**8) REPORTS FROM MEMBERS OF COUNCIL**

**a. General Reports from Council**

Mr. Ferguson spoke about the increased cost of electricity.

Mr. Heitzke referred to a memo he had provided to the Council members regarding a recent County Council meeting he attended on their Comprehensive Plan. There were some issues regarding a proposal to increase density in rural zoned areas and in affordable housing areas.

**b. Report of the Inter-Governmental Relations Committee – George Williams, Chairman**

Mr. Williams advised that he will be out of town on the date of their next scheduled meeting, so he was not sure if there would be a meeting.

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

Mr. Safay reported that the Committee was interviewing candidates and would be having a meeting in the future to discuss final candidates.

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

No report. The Mayor noted that Mr. Laughlin was unable to attend due to illness.

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

No report.

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

Mr. Williams reported that there were four items on the agenda for the Public Safety Committee meeting that was scheduled for March 9 at 4:00 p.m.

**g. Airport Master Plan Update – Ken Heitzke**

No report.

**9) APPEARANCE BY CITIZENS**

Robert Keegan spoke to the Council members about early bar closings. He encouraged them to pass a law to close bars earlier.

Howard Wright addressed Council about the Sankofa Restoration Project that he is conducting and requested funding or such other assistance that they may be able to provide.

#### 10) UNFINISHED BUSINESS

- a. Second 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. Mr. Williams expressed concern over the small size of the fine for individual infractions. Brian Hulbert, staff attorney, responded that the dollar amount was consistent with the S. C. Clean Indoor Act. However, there was a provision for business license revocation. Mr. Williams suggested that they enact this proposed Ordinance and if they found it was not sufficient, consider revising it again at a later date with stiffer penalties.

The motion was approved by a vote of 5-0.

#### 11) NEW BUSINESS

- a. First Reading of Proposed Ordinance No. 2009-02 to amend Title 17 of the Municipal Code of the Town of Hilton Head Island, South Carolina, Chapter 4 to revise Section 114. This amendment includes changes that provide for general amendments to prohibited acts; and providing for severability and an effective date.**

Mr. Heitzke moved to approve. Mr. Safay seconded. The motion was approved by a vote of 5-0.

- b. First Reading of Proposed Ordinance No. 2009-08 authorizing the execution of a lease with the Smoke House Restaurant for property owned by the Town of Hilton Head Island, South Carolina, pursuant to the authority of S.C. Code Ann. Sec. 5-7-40 (Supp. 2006), 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. Safay seconded. The motion was approved by a vote of 5-0.

- c. First Reading of Proposed Ordinance No. 2008-29 to amend Title 16, the Land Management Ordinance (LMO), of the Municipal Code of the Town of Hilton Head Island, South Carolina, by amending Section 16-4-102, the Official Zoning Map, specifically to apply the Planned Development Overlay District (PD-2) to 19 parcels. The subject parcels are located near the intersection of Squire Pope and Gum Tree Roads and are further identified on Beaufort County Tax Map #3 as Parcels 2B, 2D, 2E, 2F, 2H, 2I, 14, 14D, 14I, 16, 16A, 16B, 19C, 19D, 19E, 49, 58, 58A, and 223; and providing for severability and an effective date.**

Mr. Ferguson moved to approve. Mr. Heitzke seconded. Steve Riley pointed out that the Council members had a revised version of this Ordinance in front of them. On page 2, section 1 there was a new one-sentence paragraph which simply referenced the applicant's narrative and site plan and the staff's report of Jan. 7, 2009. The change was not material but did

further clarify matters. The revision was approved by the maker and seconder of the motion. The motion was approved by a vote of 5-0.

**d. Consideration of a Resolution of the Town Council of Hilton Head Island, South Carolina, authorizing the Town to terminate the Stoney Neighborhood Sewer Extension project Community Development Block Grant.**

Mr. Heitzke moved to approve. Mr. Williams seconded. Steve Riley explained that staff had been working on this project for nearly two years. Last summer, the State mandated that Town needed to conduct a more stringent income verification survey. Staff attempted to do so, but because of deaths, residents who had moved away, and some of lack of cooperation, the Town now had no choice but to recommend terminating the project. Mr. Riley stressed that even if the grant was terminated, the Hilton Head Public Service District was committed to completing the project and those property owners who were income qualified and who were thus targeted beneficiaries, would still receive sewers.

Mr. Ferguson noted that the Resolution title reference the “Stoney Neighborhood...” when in fact it was the Squire Pope Area. He asked that the title be amended to correct this.

The motion was approved by a vote of 4-1. Mr. Ferguson was opposed.

**12) EXECUTIVE SESSION**

Steve Riley said that he needed an executive session for contractual matters pertaining to land acquisitions, including a request to sell town-owned land; contractual matters pertaining to potential condemnation of rights-of-way for the proposed New Orleans Road pathway projects and contractual matters pertaining to requests for easements across town-owned property.

At 4:52 p.m., Mr. Heitzke moved to adjourn to Executive Session for the reasons stated by the Town Manager. Mr. Ferguson seconded. The motion was approved by a vote of 5-0.

Mayor Peeples called the meeting back to order at 5:21 p.m. and asked if there was any business to take up as a result of executive session.

Mr. Safay moved to adopt a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, authorizing the commencement of proceedings pursuant to S.C. Code Section 28-2-10, et seq., (Supp. 2003) for the purpose of acquiring pathway easements and PECI easements for the Pope Avenue Pathway Project. Mr. Heitzke seconded. The motion was approved by a vote of 5-0.

**13) ADJOURNMENT**

At 5:22 p.m., Mr. Heitzke moved to adjourn. Mr. Williams seconded. The motion was approved by a vote of 5-0.

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Susan Blake, Secretary

Approved:

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Thomas D. Peeples, Mayor