

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

**Date:** Tuesday, September 1, 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*; Curtis Coltrane, *Assistant Town Manager*; Lavarn Lucas, *Fire Chief, Fire & Rescue*; Charles Cousins, *Director of Community Development*; Nancy Gasen, *Director of Human Resources*; Susan Simmons, *Director of Finance*; Scott Liggett, *Director of Public Projects & Facilities*; Brian Hulbert, *Town Attorney*; Jill Foster, *Deputy Director of Community Development*; Steven Markiw, *Deputy Director of Finance*; Brad Tadlock, *Deputy Fire Chief-Operations*; Paul Rasch, *Emergency Management Coordinator*; Teri Lewis, *LMO Official*; Heather Colin, *Development Review Administrator*; Jayme Lopko, *Senior Planner-DRZ*; Sarah Skigen, *Natural Resources Associate*; Nicole Dixon, *Planner*; Chris Caird, *GIS Analyst II*; Natalie Majorkiewicz, *Systems and Reporting Administrator*; 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. **Regular Town Council Meeting of August 4, 2009**

Mr. Heitzke moved to approve the minutes. 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. **Report of the Parks and Recreation Commission – John McCann, Chairman**

Chairman McCann reported on Commission's business for the period January – June 2009.
- 8) **REPORTS FROM MEMBERS OF COUNCIL**
  - a. **General Reports from Council**

Mr. Williams reported that he had conveyed a request from the Mayor to SCDOT regarding

the widening of I-95 but that it was not likely to happen.

At the Low Country Council of Government meeting, it was reported that the State obtained \$44 million in Federal Stimulus money but it was marked for the continuation of widening Highway 17 to four lanes.

Mr. Ferguson reported that he attended the MASC Crime Prevention seminar regarding the crime statistics in South Carolina. He explained there have been a series of bills introduced in the State Legislature addressing the issue. He said the matter deserved further review and he asked if it could be assigned to a committee. The Mayor responded and assigned it to the Intergovernmental Committee.

Members of the Native Islander Community have asked Mr. Ferguson to request that Council pursue a memorial park for Native Islanders. It was suggested to him that Mitchelville Beach Park be named "Native Islander Memorial Park". He stated the park could be dedicated to individuals within the community who have contributed and made a difference on Hilton Head Island. Mayor asked Mr. Ferguson to come back with more details for the park and the names of those persons to be honored.

Mr. Ferguson stated another request submitted to him was to have a Neighborhood Commercial Zoning District in the Baygall community. He said the area would be at the intersection of Dillon & Beach City Road noting that three-quarters of the area would be included in the district. Mr. Ferguson noted the other quarter of the area is owned by Palmetto Hall. Lastly, Mr. Ferguson said he had been asked to propose renaming Simmons Road to Simmons Memorial Road. The Mayor asked Mr. Ferguson to bring the additional items back to Council at the same time he submits the suggestions for the park.

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

Mr. Williams announced there was no meeting scheduled in September and also mentioned that at the October meeting, they would review the crime bills brought to their attention by Mr. Ferguson.

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

No report.

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

They reviewed a resolution supporting the Beaufort County 2010 Census Complete Count Committee and recommended approval.

General LMO amendments were discussed and the committee recommended approval of the amendments with the exception of a change in the measurement criteria for the distance between liquor stores.

Temporary Housing amendments to the LMO were also discussed and will be coming forward with a recommendation for approval.

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

The committee reviewed and approved a test program for new street signage on the mast arms. A new sign will be installed at the William Hilton Parkway and Wexford Drive intersection shortly. There was also a lengthy discussion regarding future recreation needs on the Island.

But no action was forthcoming.

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

No report.

**9) APPEARANCE BY CITIZENS**

Mr. Chet Williams requested that Item 10 e. be withdrawn. Mr. Williams elaborated that he and his clients understood that by withdrawing their application, should they wish to resubmit their rezoning request, they would have to start the process over from the beginning. The Mayor asked for a vote to amend the agenda to delete items 10.e. Mr. Laughlin moved and Mr. Heitzke seconded. The motion was approved by a vote of 7-0.

**10) UNFINISHED BUSINESS**

**a. Second Reading of Proposed Ordinance No. 2009-20 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapters 3, 4, 5, 6 and 10. These amendments, commonly referred to as the Shoreline Protection Amendments include changes that provide for amendments to: Development exempt from approval, Designation of districts, Establishment of the critical storm protection and dune accretion area and the transition area, Required buffers, Dune protection standards, and Definitions; and providing for severability and an effective date.**

Mr. Heitzke moved to approve. Mr. Safay seconded. Mr. Williams noted a concern that due to the fact some of the areas were reviewed by aerials and some by site inspection there may be existing facilities that will have to be carefully reviewed during enforcement of this ordinance. The motion was approved by a vote of 7-0.

**b. Second Reading of Proposed Ordinance No. 2009-21 to amend Title 8 of the Municipal Code of the Town of Hilton Head Island, South Carolina, Chapter 1 to revise Sections 112, 223, 224, and 241. This amendment includes changes that provide for general amendments to Definitions, Activities and uses permitted and prohibited in the critical storm protection and dune accretion area, Activities and uses permitted in the transition area, and Nonconforming structures; 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.

**c. Second Reading of Proposed Ordinance No. 2009-26 authorizing the transfer of real property known as Squire Pope Roundabout to South Carolina Department of Transportation, pursuant to the authority of S.C. Code Ann. Sec. 5-7-40 (Supp. 2008), 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. Mr. Harkins commented on the excellent job that has been done in the maintenance of this area. He wondered if the SCDOT would continue doing as well. Steve Riley advised that the Town was transferring ownership to the SCDOT, but the Town would still be responsible for its maintenance. The motion was approved by a vote of 7-0.

**d. Second Reading of Proposed Ordinance No. 2009-27 authorizing the transfer of real property known as 0.175 acre parcel on U.S. 278 at the intersection of Burkes Beach**

**Road to South Carolina Department of Transportation, pursuant to the authority of S.C. Code Ann. Sec. 5-7-40 (Supp. 2008), 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. Mr. Ferguson expressed his opinion that an acceleration lane should also be built at the Burkes Beach intersection in addition to this deceleration lane. He also wished that an acceleration lane could be constructed at the Folly Field Road intersection with U.S. 278. The Mayor suggested that the Traffic and Transportation Engineer could investigate the feasibility of these proposals.

The motion approved by a vote of 7-0.

- e. Consideration of a Resolution denying the application for zoning map amendment (ZMA070006) which requests an amendment to Chapter 4 of 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 parcel 192 on Beaufort County Tax Map #5, from RM-4, Light to Moderate Residential to IL, Light Industrial.**

This Resolution was withdrawn at the request of the applicant. See agenda item #9.

#### 11) NEW BUSINESS

- a. First Reading of Proposed Ordinance No. 2009-29 establishing the rollback millage as required by Sec. 12-37-251, Code of Laws of South Carolina, 1976, as amended, 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. First Reading of Proposed Ordinance No. 2009-30 establishing the final levy of taxes for fiscal year beginning July 1, 2009 so as to increase the millage rates as authorized by Sec. 6-1-328, Code of Laws of South Carolina, 1976, as amended, and providing for severability and an effective date.**

Mr. Heitzke moved to approve. Mr. Williams seconded. Mr. Ferguson reiterated his opposition to any millage increase. The motion was approved by a vote of 6-1. Mr. Ferguson was opposed.

- c. First Reading of Proposed Ordinance No. 2009-31 authorizing the issuance and sale of not to exceed \$17,000,000 General Obligation Bonds, in one or more series, with appropriate series designations, of the Town of Hilton Head Island, South Carolina; fixing the form and certain details of the bonds; authorizing the bonds to be issued as Build America Bonds; authorizing the Town Manager or his lawfully authorized designee to determine certain matters relating to the bonds; providing for payment of the bonds and the disposition of the proceeds thereof; and other matters thereto, and providing for severability and an effective date.**

Mr. Heitzke moved to approve. Mr. Safay seconded. Mr. Williams inquired about a reference to "School District" on page 3, Section 3, item f. Frannie Heizer, of the McNair Law Firm, responded that this was a typographical error and that it should have read "Town of Hilton Head Island." Mr. Heitzke moved to substitute the "Town of Hilton Head Island" for any reference to "School District." Mr. Laughlin seconded. The amendment was approved by a

vote of 7-0. Ms. Heizer answered several questions about this bond issue and about the Town's overall bond rating. Following discussion, the amended motion was approved by a vote of 7-0.

**d. First Reading of Proposed Ordinance No. 2009-33 to amend the budget for the Town of Hilton Head Island, South Carolina, for the fiscal year ending June 30, 2010; to provide for the budgeted appropriations of prior year encumbrances and for the expenditures of certain funds; and to allocate the sources of revenue for the said funds.**

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

**e. First Reading of Proposed Ordinance No. 2009-34 to amend the budget for the Town of Hilton Head Island, South Carolina, for the fiscal year ending June 30, 2010; to provide for the budgeted appropriations of prior year budget roll-forwards and the expenditures of certain funds; and to allocate the sources of revenue for the said funds.**

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

**f. First Reading of Proposed Ordinance No. 2009-35 to amend the budget for the Town of Hilton Head Island, South Carolina, for the fiscal year ending June 30, 2009; to provide for the expenditures of certain funds; and to allocate the sources of revenue for the said funds.**

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

### **13) EXECUTIVE SESSION**

Steve Riley said that he needed an executive session for contractual matters related to land acquisition; contractual matters pertaining to a granting of an easement over town-owned land; personnel matters pertaining to an appointment to the Beaufort-Jasper Water and Sewer Authority; and personnel matters pertaining to the Town Manager's annual review and contract.

At 5:00 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 5:54 p.m. and asked if there was any business to take up as a result of executive session.

Mr. Laughlin moved to recommend to the Legislative Delegation that Mr. Charlie White be re-appointed as the Town of Hilton Head Island representative on the Beaufort-Jasper Water and Sewer Authority. Mr. Ferguson seconded. The motion was approved by a vote of 7-0.

Mr. Safay moved that the Town Council for the Town of Hilton Head Island adopt an ordinance authorizing the execution of that certain drainage easement agreement with Hilton Head Motel Enterprises, Inc. for a drainage easement over property owned by the Town of Hilton Head Island, South Carolina. Mr. Laughlin seconded. The motion was approved by a vote of 7-0.

### **14) ADJOURNMENT**

At 5:55 p.m., Mr. Heitzke moved to adjourn. Mr. Safay 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