

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

Date: Tuesday, September 15, 2009

Time: 4:30 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*; 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*; Paul Rasch, *Emergency Management Coordinator*; Teri Lewis, *LMO Official*; Heather Colin, *Development Review Administrator*; Jayme Lopko, *Senior Planner-DRZ*; Nicole Dixon, *Planner*; Anne Cyran, *Planner*; Darrin Shoemaker, *Traffic and Transportation Engineer*; Vicki Pfannenschmidt, *Administrative 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 September 1, 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 Planning Commission – Loretta Warden, Vice Chairman

Vice Chairman Warden reported on Planning Commission's business for the period January – June 2009.

8) REPORTS FROM MEMBERS OF COUNCIL

a. General Reports from Council

Mr. Safay spoke of a situation that was brought to his attention by rental property owners of

oceanfront property. The ocean view from the unit was completely obstructed by the growth of trees. Due to the Town's strict tree protection policies, the owners were unable to remove trees to allow for a clear view of the ocean. It was Mr. Safay's feeling that the Town should look into a selective method to allow property owners to request tree removal when certain specific trees were blocking the ocean view. It was recommended that this issue be discussed at the upcoming Town Council retreat.

Mr. Ferguson said that he had recently attended a meeting of the Baygall community. He encouraged the Council members to attend their next meeting to hear the residents' plans to improve their community and to try to solve some issues of concern.

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

No report.

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

The Hilton Head Island representative on the Airport Advisory Board has resigned. The committee will begin the process to seek a candidate for Town Council to recommend to Beaufort County Council for appointment.

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

The committee reviewed two sections of the Town Code on debris removal. They sent one section of the code back for a language clarification and accepted the second with a few amendments. This would be coming forward with a recommendation.

9) APPEARANCE BY CITIZENS

None.

10) UNFINISHED BUSINESS

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

b. Second 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. The motion was approved by a vote of 6-1. Mr. Ferguson was opposed.

c. Second 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. Williams seconded. The motion was approved by a vote of 7-0.

- d. Second 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 was approved by a vote of 7-0.

- e. Second 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. Laughlin seconded. The motion was approved by a vote of 7-0.

- f. Second 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.

- g. Second Reading of Proposed Ordinance No. 2009-36 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, pursuant to the authority of the S.C. Code Ann. Sec. 5-7-40 (Supp. 2009), 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. Laughlin seconded. The motion was approved by a vote of 7-0.

11) NEW BUSINESS

- a. Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, S.C. to support the Beaufort County 2010 Census Complete Count Committee.**

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

- b. First Reading of Proposed Ordinance no.2009-32 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapters 9 and 10 to revise various articles and sections. These amendments, commonly referred to as Disaster Recovery Amendments include changes that provide for amendments to: Article I. Emergency Permitting; Article II. Temporary Single Family Uses; Article III. Temporary Non-Residential Uses; and definition of “travel ready;” and providing for severability and an effective date.**

Mr. Heitzke moved to approve. Mr. Safay seconded.

Mr. Williams noted that under “declared emergency” the Town could override the covenants in the PUDs to allow temporary dwellings and therefore, it would not be necessary for the PUDs to change their covenants. He proposed that staff send a letter to the PUDs so that they were aware that it was not necessary for them to go through the process of revising their covenants just for this particular issue. The Mayor concurred that this was a good suggestion to implement after passage of the proposed ordinance.

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

- c. First Reading of Proposed Ordinance No. 2009-28 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapters 3, 4, and 5 to revise various articles and sections. These amendments, commonly referred to as 2009 General LMO Amendments include changes to Complete Applications Requirements; Public Notice Requirements; Summary Table of Review Procedures; Appeals; Requirements for a Complete Application; Expiration of Approval; Abbreviated Development Plan Review; Approval Letter for Proposed Removal of Trees; Wetland Alteration Applicability; Use to Conform to District Regulations; Floating Zone Restrictions; Residential Use Categories; General Standards for Stormwater Management; Required Buffers; and Schedule of Required Off-Street Parking; and providing for severability and an effective date.**

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

Mr. Laughlin acknowledged that the comments he was about to make were not directly related to the proposed ordinance before them, but he did think they were indirectly related. He was concerned that the timing of staff response to an application prior to discussion by a board or commission was insufficient to allow the applicant enough time to prepare a response; particularly when the staff recommendation was not favorable. The Mayor asked the Town Manager what he felt would be the appropriate manner to address Mr. Laughlin’s concerns. Steve Riley replied that he would like to explore the issue with staff to determine if this would be an internal matter or an LMO amendment matter.

The Mayor expressed concern about the length of time staff was permitted before they were required to provide the applicant with an approval letter. Nicole Dixon reviewed the timings for response both from staff and from the applicant. It was suggested that staff review the sixty days allowance before they were required to inform the applicant if the application was in compliance with the LMO to determine if that timing couldn’t be shortened somewhat.

Mr. Laughlin noted that section 16-3-111c changed the public notice requirements so that mailed notices would be sent via first class rather than certified mail. He wondered how the

Town would be able to verify that the mailing took place. Nicole Dixon responded that the applicant would have to file an affidavit. Mr. Laughlin observed that this was still not an adequate mechanism since affidavits could be easily falsified. Ms. Dixon said that they would look into some additional methods by which mailings might be verified and report back to the Council members.

Chester Williams talked about Section 16-3-303 “requirements for completeness of applications” from the applicant point of view. He noted that the list of requirements was exceptionally lengthy and in some cases, problematic to obtain at the application stage of the review process.

Mr. Laughlin thought the application process should be reviewed at the Council’s Retreat. And that they should make it as easy on the applicant and also reduce the cost to the applicant as much as possible, without compromising any of the requirements. Mayor Peeples agreed this was a good idea.

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

d. Consideration of a recommendation that the Town Council for the Town of Hilton Head Island adopt the proposed procedure for implementing street name sign improvements for Fiscal Year 2010.

Mr. Heitzke moved to approve. Mr. Williams seconded. Mr. Ferguson asked to add a discussion of cross walk signage and spacing of signs in advance of the crosswalk to the Retreat agenda. 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 pertaining to land acquisition and personnel matters pertaining to the Town Manager’s contract.

At 5:30 p.m., Mr. Heitzke moved to go into Executive Session for the reasons stated by the Town Manager. Mr. Safay seconded. The motion was approved by a vote of 7-0.

Mayor Peeples called the meeting back to order at 6:15 p.m. and stated there was no business to take up as a result of executive session.

14) ADJOURNMENT

At 6:15 p.m., Mr. Heitzke moved to adjourn. Mr. Williams seconded. The motion was approved by a vote of 7-0.

Susan Blake, Secretary

Approved:

Thomas D. Peeples, Mayor