

TOWN OF HILTON HEAD ISLAND
Planning and Development Standards Committee
Minutes of Wednesday, October 27, 2010 Meeting
4:00pm – Benjamin M. Racusin Council Chambers

APPROVED

Committee Members Present: Chairman Bill Ferguson, Drew Laughlin, and John Safay

Committee Members Absent: None

Council Members Present: Mayor Pro Tem Ken Heitzke, Bill Harkins
George Williams, Alternate

Town Staff Present: Greg DeLoach, Assistant Town Manager-Administration
Jill Foster, Community Development Department Deputy Director
Teri Lewis, LMO Official
Brian Hulbert, Staff Attorney
Gregg Alford, Attorney for the Town
Kathleen Carlin, Administrative Assistant

1) CALL TO ORDER

2) FREEDOM OF INFORMATION ACT 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.

3) APPROVAL OF MINUTES

The Minutes of the July 28, 2010 meeting were **approved** as presented with a vote of 3-0-0.

4) UNFINISHED BUSINESS

None

5) NEW BUSINESS

Proposed Resolution - Regional Economic Development Plan for Beaufort and Jasper Counties

Mr. Greg DeLoach made the presentation on behalf of staff. Mr. DeLoach stated that the Lowcountry Economic Alliance met on Wednesday, October 20, 2010 at the Jasper County Council Chambers in Ridgeland. The Town Council joined the Alliance over one year ago; the Alliance Board of Directors is composed of elected officials and business leaders.

The Lowcountry Economic Alliance is the regional economic development arm of Jasper and Beaufort Counties formed by their respective County Councils for the purpose of creating an economic vision for the region, to attract new business, and to diversify the tax base.

The purpose of the October 20, 2010 meeting was to discuss the merits of establishing, under the auspices of the Lowcountry Economic Network and Alliance, a Regional (Beaufort/Jasper) effort to address and promote Economic Development. The discussion surfaced the fact that what is often good for one county is good for another and that if we approach e.g. the South Carolina General Assembly

or Congress with one voice, then more and better attention will result. The Alliance seeks to create a regional economic development plan and by adoption of today's Resolution, the Town of Hilton Head Island will be a part of that process. In the event that the Committee makes a favorable recommendation to Town Council, we have been asked to fast track the adoption of this Resolution.

At the completion of his presentation, Mr. DeLoach introduced Mr. Ian Wesley, the Director of Marketing and Membership of the Lowcountry Economic Development Plan Network. Mr. Wesley presented the background of the Alliance. The Committee and Mr. Wesley discussed the membership of the Alliance and the goals.

Mr. DeLoach reported that the Mayor has requested that an addition be made to page 2 of the Resolution (i.e. one member or Council Member or designee). The Committee agreed to the Mayor's request for this addition.

At the completion of the discussion, Chairman Ferguson requested a motion stating that the Committee recommends **approval** of the Resolution, the Town Council of the Town of Hilton Head Island, South Carolina, endorses the creation of a Regional Economic Development Plan by the Lowcountry Economic Network and Alliance. Mr. Laughlin made the **motion** as stated by Chairman Ferguson. Mr. Safay **seconded** the motion and the motion **passed** with a vote of 3-0-0.

Proposed Ordinance No. 2010-15 - To amend Title 15 of the Municipal Code of the Town of Hilton Head Island, South Carolina. This amendment commonly referred to as the Property Maintenance Amendment includes changes that provide for regulations for maintenance of buildings/structures, property and outdoor equipment; enforcement actions; and appeals procedures.

Ms. Jill Foster made the presentation on behalf of staff. Ms. Foster briefly reviewed the staff's past conceptual presentations to the Committee, to Town Council, and to the Planning Commission. Today is the first presentation to the Committee of the actual Ordinance language.

The Planning Commission had recommended that the staff broaden the proposed standards a bit and include an appeal procedure and single-family properties to the proposal. This addition was not made because the Committee and the Town Council were opposed to including single-family properties in the Ordinance language. The Ordinance regulates non-residential properties and multi-family properties. Staff discussed a problem with enforcement issues (concerning such issues as length of grass, weeds, and the issue of peeling paint). Ms. Foster stated that these issues are more subjective and more difficult to enforce.

Ms. Foster and the Committee discussed a number of enforcement issues related to the Municipal Code - Public Nuisance Chapter, and the International Building Code. They also discussed the duties of the Building Official. The staff and the Committee reviewed the notification procedure with regard to compliance problems.

The Committee, Ms. Foster, and Brian Hulbert, Esq., discussed the issue of a quorum (majority of five members) that would be required to overturn a decision by the Building Official. Gregg Alford, Attorney for the Town, presented statements regarding this issue. Mr. Laughlin stated that this type of decision should represent a majority of those present instead of a majority of the board.

Chairman Ferguson recommended that the Committee direct the staff to change the wording on this issue (a majority vote of those present is recommended instead of a majority of board members).

The staff and the Committee then discussed the issue of Emergency Regulations. Mr. Laughlin and the staff discussed 'unsafe conditions' and the Building Code. The staff is looking to consolidate this information.

Gregg Alford, Esq., stated that the Building Official has requested that the information contained in the Code be consolidated for ease of use including by the public. Mr. Laughlin stated concern with the proposed change in language as it may be unnecessary and inappropriate. The Committee then moved to a discussion of an existing stair problem (with one property owner). This is a safety issue.

The Committee discussed the existing Ordinance with the legal staff. Brian Hulbert, Esq., discussed the current Municipal Code with regard to uninhabited and unsafe building conditions. The Committee discussed the role of the Building Official. At the completion of the discussion by the Committee, Chairman Ferguson requested public statements.

Russell Patterson, Esq., stated that he represents Mr. Robert Glover, property owner of the Carolina Office Building (with the broken stair). Mr. Patterson stated his opposition to the Ordinance.

The Committee and Ms. Foster discussed the need to better classify duplex buildings. Chairman Ferguson requested clarification on this issue from legal staff. Mr. Safay stated that he thought we were excluding single family and multi family residences from the Ordinance. Mr. Safay stated that we should not be involved in residential regulation. We should stick to commercial properties only.

Chester C. Williams, Esq., presented statements in opposition to the proposed Ordinance. Mr. Williams discussed concerns with the International Property Maintenance Code.

Councilman George Williams stated that there are other issues under current consideration that may be more important than this issue. Mr. William recommended that we table action on this issue until Town Council's next Workshop. Additional review is needed regarding the subjectivity of the issue.

Gregg Alford, Esq., presented statements with regard to staff's efforts in developing the proposal. The goal is to protect the social and economic welfare of the community from deterioration. The creation was intended to put another "tool in the toolbox". Mr. Alford discussed the notification process and staff's perception of the issue.

Mr. Safay stated that he supported the original intent of the Ordinance, but he would be unable to vote for the Ordinance as it stands if it includes single/multi-family residences. Mr. Laughlin stated that he believes that this Ordinance is flawed. The Ordinance should not cover single/multi family residences. The subjectivity issue is troublesome.

Mr. Charles Cousins presented statements regarding the issue of including commercial property in the Ordinance. According to the LMO, commercial property includes resort properties and timeshare properties. It is difficult to separate that from some multi-family properties. Aging multi-family (some of which are resort accommodations) can be challenging.

At the completion of the discussion, Mr. Laughlin **made** a motion that the Committee directs Town Council to send this item back to the 'drawing board' for additional study. The motion **died** for the lack of a second.

Chairman Ferguson recommended that the Committee take all of the information received today and forward it to Town Council for review.

Mr. Safay made a **motion** that the Committee recommend that Town Council **adopt** the Proposed Ordinance No. 2010-15 - To amend Title 15 of the Municipal Code of the Town of Hilton Head Island, South Carolina as written with the exception of the part where it states that multi-family is included. This Ordinance should not apply to any residence. Mr. Laughlin **seconded** the motion for discussion purposes. There were no additional comments on the motion and the motion **passed** with a vote of 2-1-0.

6) Committee Business:

Mr. Safay made a **motion** that the Committee **approves** the Planning & Development Standards Committee's 2011 Schedule of Meetings as **presented**. Mr. Laughlin **seconded** the motion and the motion **passed** with a vote of 3-0-0.

7) ADJOURNMENT

The meeting was adjourned at 5:25pm.

Submitted By:

Approved By:

Kathleen Carlin
Administrative Assistant

Bill Ferguson
Chairman