

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

Date: Tuesday, January 5, 2010

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: Greg DeLoach, *Assistant Town Manager*; Curtis Coltrane, *Assistant Town Manager*; Lavar Lucas, *Fire Chief, Fire & Rescue*; Charles Cousins, *Director of Community Development*; Scott Liggett, *Director of Public Projects & Facilities*; Nancy Gasen, *Director of Human Resources*; Brian Hulbert, *Staff Attorney*; Teri Lewis, *LMO Official*; Heather Colin, *Development Review Administrator*; Jennifer Hasting, *Asst. Town Engineer*; Jayme Lopko, *Senior Planner*; Paul Rasch, *Emergency Management Coordinator*; Sally Krebs, *Natural Resources Administrator*; Susan Blake, *Executive Assistant*

Present from Media: Laura Nahmias, *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 December 15, 2009

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

7) REPORT OF THE TOWN MANAGER

a. Town Manager's Items of Interest

The Assistant Town Manager, Greg DeLoach reported on some items of interest.

b. Jacquie Houck, Public Tennis, Inc. –Check Presentation of Fourth Installment of \$7,500

Ms. Houck presented a check for \$7,500 to Town Council as the fourth installment payment on the tennis courts at Chaplin Park.

c. Semi-Annual Report of the Design Review Board – Marvin Caretsky, Chairman

Mr. Caretsky provided Town Council with an update on the Design Review Board activities for the second half of 2009.

8) REPORTS FROM MEMBERS OF COUNCIL

a. General Reports from Council

The Mayor reminded everyone the 2010 Census questionnaires will start arriving at everyone's home address in mid-March. He encouraged everyone to participate.

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

The committee will have a letter regarding the point of sale rollback bill for consideration at the next Town Council meeting.

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

No report.

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

No report.

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

The committee held a meeting earlier that day and reviewed a presentation from the Heritage Library for a History Park at the corner of William Hilton Parkway and Mathews Drive at the site of the Zion Chapel of Ease. There existed a number of logistical problems involving space for a park, traffic safety and environmental issues. They recommended that Town Council adopt the idea of a History Park and to permit some staff support to examine its feasibility or develop alternative options.

The residents of Dove Street will continue the Christmas lighting tradition and fundraiser on their street for one more year. After that time, they proposed that the Town provide land for them to decorate. The Public Facilities Committee voted to recommend that Town Council permit staff support to examine the feasibility of allowing the use of Town-owned land for the continuation of the annual Christmas display and fundraiser.

The last presentation was by the Hilton Head Public Service District regarding the acceleration of TIF area sewer projects. This would be coming forward to the next meeting with a recommendation.

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

No report.

9) APPEARANCE BY CITIZENS

None.

10) UNFINISHED BUSINESS

a. Revised First Reading of Proposed Ordinance No. 2009-39 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapter 4, Section 403. These amendments include changes that provide for amendments to: Airport Overlay District Regulations and the Approach Path; providing for severability and an effective date; and considering invoking pending ordinance doctrine.

Mr. Heitzke moved to approve. Mr. Harkins seconded.

Charles Cousins, Community Development Director, provided an overview of the most recent revisions to the proposed ordinance. These included a discussion of the new proposed buffers on airport property and the provisions to allow hardwood trees to be cut at a level which represents 5 feet below the required slope and 10 feet for conifers.

Mr. Cousins brought up the issue that the LMO currently allowed topping of trees only on airport property. The proposed change in Section 16-3-402 would allow trees off airport property to be topped in order to address the tree slope approach to the airport. It created more

flexibility for the County to top trees, to prune trees and to remove trees. Lastly, Mr. Cousins spoke about the large, specimen live oak tree at the St. James Church. The County survey identified this tree as being 54 inches in diameter and 68 feet tall. The Town physically measured the tree and it was 64 inches in diameter and 54-58 feet tall. At that location, a tree would only allowed to be 46 ft. tall which would result in a 12 foot ‘topping’ of this significant tree. Staff recommended that more analysis be done on this tree to determine what slope could be met with the current tree height and what that meant to the airlines in the number of “seats” lost. What economic impact would leaving this tree untouched have on the commercial airlines business? Other airports have lighted a tree or other obstacles in the past and he thought that option needed to be considered. The Mayor asked if this was part of the ordinance now and Mr. Cousins said it was not.

Mr. Laughlin thought there needed to be some codification to single out that tree and any others as nice as that one for special protection and require that every effort be made to avoid pruning, topping, or removing them. Even if they passed the ordinance today in its current form, there needed to be some protection for the specimen trees before the County began their project in the spring. Mr. Cousins responded that if that was the Council’s desire, then the proposed ordinance would have to go back to the Planning Commission next for a public hearing before it came back to Town Council for a second reading.

Mr. Ferguson asked about invoking pending ordinance doctrine. The Mayor replied that a vote would have to be taken on that following the vote on the proposed ordinance. There was a discussion about the value of invoking pending ordinance. The Mayor said that he requested it because it sent a clear message to the County that the Town was going to be taking action. Mr. Laughlin asked if pending ordinance doctrine would make the ordinance effective immediately and then the County could start their tree pruning/ removal project. Mr. Cousins said he believed the thinking would be that they could start designing their project based on the assurance that Town was moving in this direction. The Mayor concurred that the point was to send the message that the Town was taking action.

Paul Andres, Beaufort County Airport Director, addressed the Town Council. He said that the Town’s proposals seemed perfectly reasonable to him. He mentioned that the County Administrator and he would be meeting with the FAA on Jan. 26 to discuss this project, among other things. They would bring this proposed ordinance to the FAA’s attention and get their confirmation that they are in agreement with the processes that have been jointly worked out this evening. Mr. Andres had a few items that he hoped to be ‘tweaked.’ There was an isolated wetlands directly on the center line of the runway and leaving any trees in that vicinity presented safety implications. His request was to be allowed to remove the trees flush with ground level in that particular wetland. The second area was the buffer area on the additional wetlands. He was suggesting drawing the demarcation of this additional buffer at the other edge of the wetlands instead of the edge closest to the runway. Depending on where the demarcation line was drawn, it created an additional 100 ft. of space. That would provide an additional safety area for the pilots on their take-off and approach to the runway. Regarding the specimen tree at the St. James Church, Mr. Andres was in perfect agreement that they should take whatever steps necessary to try to preserve that tree.

Perry White talked about an environmental assessment that had been completed a couple of months ago and some of the issues within that assessment that were not being addressed, such as an eagle’s nest on the airport’s property as well as endangered species vegetation that was protected by law. He questioned if the Town was giving permission to the County to do things

that the Town had not even been asked to do.

Joe Mazzei, a member of the airport aviation board and resident of the Island spoke to Council. He spoke in favor of Mr. Andres “tweaking” suggestions from a safety standpoint. As a pilot, he did not need all of these safety changes normally; but in an emergency, these safety changes would be crucial.

Stu Rodman endorsed making every effort to preserve the specimen trees. He suggested that the arborist should be given some flexibility in trimming adjacent trees because the more room there was out for these trees, the more apt they were to grow out rather than up.

Mr. Ferguson asked about the issues highlighted by Mr. White concerning the eagle’s nest and the endangered vegetation. He wondered how the County could clear-cut this protected habitat. Charles Cousins said that prior to beginning this project, the County would have to obtain all the permits from all the State agencies they would need to do this work.

Mr. Williams said this was as far as he wanted to go to cut down any more trees. If there were any additional issues the airport had such as with the wetlands, they would have to be addressed within the parameters of this proposed ordinance. The Town has come a long way in trying to make the airport safety changes happen at the most reasonable cost, for ease of long term maintenance and for safety and as far as he was concerned if there were any substantial changes to this proposed ordinance, he was not going to support them.

Mr. Safay shared Mr. Williams’ frustration over the process. But regarding the wetland buffer that was right in the middle of the airport runway, Mr. Safay felt it was important to consider the recommendation to look at this again.

Mr. Harkins said that he was going to support the original motion and as a matter of record, he would like to indicate that he respected what was shared by the aviation people, whether it was pilots, aviation board members or the airport director. He would hope that the Town Council would have the opportunity of having those positions memorialized in terms of position statements so that somebody else following this Council or at some time in the future they can review those points that they “quote” ‘tweaked’ the Town Council’s motion. He would also like to request, through the Chair, that their comments be accompanied by either supportive or non-supportive comment of the FAA. The Chairman allowed that Mr. Harkins could certainly make that request.

Mr. Heitzke did not understand exactly what was the impact of the small wetland piece that was the subject for ‘tweaking.’ He wondered if there were any endangered trees. Sally Krebs, Natural Resource Administrator responded (but the answer was not clearly recorded). Mr. Heitzke’s reaction to her response was to comment that there wasn’t really much of an impact.

Mayor Peoples asked if staff could expand their review of live oak trees to include any others in the yellow area of the map (reviewed at the meeting), not just the tree at St. James Church. He wanted to codify how many specimen trees there were in order to determine if they could be dealt with by an annual pruning. He was just seeking a little more information.

The Mayor said he tended to lean towards Mr. Williams’ position; he thought the Town has bent over backwards to accommodate the county and now it was time to move on and get something done.

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

Mr. Safay moved that Town Council invoke pending ordinance doctrine. Mr. Harkins

seconded. Mayor Peeples commented that in response to Mr. Laughlin's question why they needed to do this, Mayor Peeples thought that Paul Andres made a good point – they were going to be meeting with the FAA and would be able to show the FAA that the Town had approved these ordinance changes. A simple passage on first reading was not a binding ordinance. Charles Cousins noted that to invoke pending ordinance, there has to have been a public hearing first on a certain scheme of changes. The public hearing that was held on November 17 referenced Section 16-4-403; it did not reference Section 16-3-402 which was “topping” and was added later. So if Council was going to invoke pending ordinance today he would suggest that it not include any reference to “topping of trees.” The maker and seconder of the motion agreed to this change.

The motion was approved by a vote of 5-2. Mr. Ferguson and Mr. Laughlin were opposed.

11) NEW BUSINESS

- a. **Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, establishing the Town of Hilton Head Island Vision Statement, The Five Year (2015) Goals, 2010 Policy Agenda/Targets for Action, and 2010 Management Agenda.**

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

12) EXECUTIVE SESSION

Mr. DeLoach stated that he needed an executive session for land acquisition matters and a pending litigation matter.

At 4:56 p.m., Mr. Heitzke moved to go into Executive Session for the reasons stated by the Assistant Town Manager. Mr. Williams seconded. The motion was approved by a vote of 7-0.

Mayor Peeples called the meeting back to order at 5:25 p.m. and asked if there was any business to take up as a result of executive session.

Mr. Heitzke moved that the Town Council for the Town of Hilton Head Island authorize the Town Manager to settle the matter of Shearon Parker v. the Town of Hilton Head Island on the terms proposed by counsel for the town. Mr. Ferguson seconded. The motion was approved by a vote of 7-0.

13) ADJOURNMENT

At 5:25 p.m., Mr. Heitzke moved to adjourn. Mr. Ferguson seconded. The motion was approved by a vote of 7-0.

Susan Blake, Secretary

Approved: 1/19/2010

Thomas D. Peeples, Mayor