

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

Date: Wednesday, November 17, 2010

Time: 4:00 P.M.

Present from Town Council: Thomas D. Peeples, *Mayor*; John Safay, George Williams, Bill Harkins, Drew Laughlin, Bill Ferguson, *Councilmen*.

Absent from Town Council: Ken Heitzke, *Mayor Pro-Tem*

Present from Town Staff: Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Scott Liggett, *Director of Public Projects and Facilities*; Lavar Lucas, *Fire Chief*; Brad Tadlock, *Deputy Fire Chief, Operations*; Ed Boring, *Deputy Fire Chief, Support Services*; Susan Simmons, *Finance Director*; Nancy Gasen, *Director of Human Resources*; Tom Fultz, *Director of Administrative Services*; Jill Foster, *Deputy Director of Community Development*; Julian Walls, *Facilities Manager*; Brian Hulbert, *Staff Attorney*; Sally Krebs, *Natural Resources Administrator*; Sarah Skigen, *Natural Resources Associate*; Nicole Dixon, *Senior Planner*; Paul Rasch, *Emergency Management Coordinator*; Connie Pratt, *Code Enforcement Officer*, Rick Arnold, *Code Enforcement Officer*; Alice Derian, *Contract and Services Administrator*; Rene Phillips, *Website/Court Systems Administrator*; Vicki Pfannenschmidt, *Executive Assistant*

Present from Media: Tom Barton, *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

a. Arbor Day

Sally Krebs accepted the Proclamation.

6) APPROVAL OF MINUTES

a. Joint Town Council/Beaufort County Council Meeting of October 27, 2010

Mr. Williams moved to approve. Mr. Harkins seconded. Mayor Peeples referred to the last sentence of Item 5 and stated the words “in a two phase process” should be included at the end because that was the actual recommendation. Everyone was in agreement. The amended minutes were approved by a vote of 6-0.

b. Regular Town Council Meeting of November 3, 2010

Mr. Williams moved to approve. Mr. Harkins seconded. The motion was approved by a vote of 6-0.

7) REPORT OF THE TOWN MANAGER

a. Town Manager's Items of Interest

The Town Manager reported on some items of interest.

b. November 2010 Policy Agenda, Management Targets and CIP Updates

Steve Riley noted the November updates were included in the agenda package and invited Council to contact him or staff if they had any questions.

8) REPORTS FROM MEMBERS OF COUNCIL

a. General Reports from Council

None.

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

Mr. Williams explained the November meeting had been cancelled due to a lack of agenda items.

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

Mr. Laughlin reported the Committee would be making a recommendation to fill a vacancy later in the meeting.

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

Mr. Ferguson explained the November meeting had been cancelled due to a lack of agenda items.

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

No report.

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

No report.

9) APPEARANCE BY CITIZENS

Mary Amonitti spoke on general topics.

Mr. Tom Barnwell spoke on the topic of Mitchelville. After Mr. Barnwell spoke, Mayor Peebles suggested Council ask Steve to draft a letter of intent to lease the Fish Haul Park property to the Mitchelville Historic Preservation Project. He said the Committee needs to have a more affirmative statement to take to people stating the property will be made available when the group meets the required criteria for the lease. Mr. Williams said he thought that was what was being done, but if that is what they need he supported it. All Council members present were in agreement.

10) UNFINISHED BUSINESS

a. Second Reading of Proposed Ordinance No. 2010-27 providing for the issuance and sale of not exceeding \$25,000,000 in aggregate principal amount of the Town of Hilton Head Island, South Carolina, Stormwater System Revenue Bonds, in one or more series, for the purpose of financing certain capital improvements and refinancing all

or a portion of the \$17,000,000 original principal amount, Town of Hilton Head Island, South Carolina, Stormwater System Revenue Bonds, Series 2002, and other matters related thereto; and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. Safay seconded. The motion was approved by a vote of 5-1. Mr. Williams was opposed.

b. Second Reading of Proposed Ordinance No. 2010-24 granting Republic Services, Inc. a non-exclusive franchise for the purpose of conducting waste hauling and recycling collection for single family residential and certain multi-family residential units within the Town of Hilton Head Island; and providing for severability and an effective date.

Mr. Safay moved to approve. Mr. Williams seconded. Mr. Williams asked about the 18 month time frame for transition. Sarah Skigen explained the process. Mr. Williams asked if during the time of transition, customers notified their existing haulers giving notice that they were changing to Republic Waste Haulers as of April 1, and their existing hauler discontinued service, would Republic step in and take on that customer for the rates in the contract to begin on April 1. Sarah Skigen replied that Republic Waste would do so but the rates of the contract do not begin until April 1, so they do not apply before that date. She stated rate structure before April 1 would be entirely up to Republic Waste. After public comment and discussion, the motion was approved 4-2. Mr. Ferguson and Mr. Harkins were opposed.

c. Second Reading of Proposed Ordinance No. 2010-25 to amend Title 9 (Health and Sanitation) of the Municipal Code of the Town of Hilton Head Island, South Carolina by amending Chapter 6 (Recycling) Section 9-6-10, Section 9-6-20, and Section 9-6-30; and providing for severability and an effective date.

Mr. Safay moved to approve. Mr. Williams seconded. After discussion concerning the language in the agreement and a consensus in favor of moving forward, the motion was approved by a vote of 4-2. Mr. Ferguson and Mr. Harkins were opposed.

11) NEW BUSINESS

a. First Reading of Proposed Ordinance No. 2010- 15 to amend Title 15 (Building and Building Codes) of the Municipal Code of the Town of Hilton Head Island, South Carolina by adding a new chapter to the Title to include duties of the Building Official; general property maintenance and aesthetics regulations; notices and orders; enforcement actions; appeals process; emergency measures; amending Chapter 1 of Title 15 regarding quorum and voting; and providing for severability and an effective date.

Mr. Safay moved to approve. Mr. Harkins seconded. Mr. Chet Williams spoke in opposition and questioned the enforcement of such an ordinance. Mr. Harkins asked if eliminating the economic language would impact the intent of the proposed ordinance. Mr. Williams asked how it is going to be determined who was responsible for the violation. Jill Foster stated it would be done on a case by case basis and went on to answer questions concerning the language of the proposed ordinance and plans for enforcement. Mr. Laughlin stated he could not support the proposed ordinance as it was written. He stated the language was too broad and someone leasing property should not be cited for violations which are the responsibility of the property owner. Mr. Harkins moved to approve the document eliminating the economic language contained within. Mr. Ferguson seconded. The amendment was approved by a vote of 5-1. Mr. Williams was opposed. Mr. Harkins

moved to have staff review the ordinance and add the appropriate specificity to address the concerns expressed by Mr. Laughlin and report back to Council within 45 days. After further discussion, Mr. Harkins withdrew the amendment. Mayor Peebles spoke in support for the need of the proposed ordinance. He explained any concern he had for code enforcement was satisfied by the fact that all violations would go through the Construction Board of Adjustment and Appeals comprised before citations were issued. The amended motion failed by a vote of 3-3.

b. Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, authorizing the Town Manager or his designee to execute any and all documents necessary to cause the termination of the Forward Delivery Agreement associated with the 2002 Stormwater Utility Bonds.

Mr. Williams moved to approve. Mr. Safay seconded. Steve Riley explained the reason for the resolution. Frannie Heizer from McNair Law Firm spoke concerning the purpose of the Resolution and offered to answer any questions. After discussion, the motion was approved by a vote of 6-0.

c. First Reading of Proposed Ordinance No. 2010-28 authorizing the execution of that certain Utility Easement Agreement with Hilton Head No. 1 Public Service District over property owned by the Town of Hilton Head Island, South Carolina, near the intersection of William Hilton Parkway and Old Wild Horse Road pursuant to the authority of 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. Williams moved to approve. Mr. Ferguson seconded. Richard Cyr, General Manager, Hilton Head Public Service District, detailed the areas for the easements. The motion was approved by a vote of 6-0.

d. First Reading of Proposed Ordinance No. 2010- 29 authorizing the execution of that certain Utility Easement agreement with Hilton Head No. 1 Public Service District over portions of property owned by the Town of Hilton Head Island, South Carolina, along William Hilton Parkway pursuant to the authority of 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. Williams moved to approve. Mr. Harkins seconded. The motion was approved by a vote of 6-0.

12) EXECUTIVE SESSION

Mr. Riley said that he needed an executive session for contractual matters relating to land acquisition, including requests to use town-owned land; contractual matters pertaining to an OCRM Grant for the Port Royal renourishment project; contractual matters pertaining to the Storm Water Utility; legal matters pertaining to condemnation negotiations; and personnel matters pertaining to appointments to Boards and Commissions.

At 5:21 p.m., Mr. Williams moved to go into Executive Session for the reasons stated by the Town Manager. Mr. Ferguson seconded. The motion was approved by a vote of 6-0.

Mayor Peeples called the meeting back to order at 5:46 p.m. and asked if there was any business to take up as a result of executive session.

Mr. Laughlin moved Town Council recommend Joe Hall for appointment by Beaufort County to the County Corridor Committee. Mr. Williams seconded. The motion was approved by a vote of 6-0.

Mr. Laughlin moved Town Council appoint Debra Welch to fill the currently vacant seat on the Design Review Board. Mr. Williams seconded. The motion was approved by a vote of 6-0.

13) ADJOURNMENT

At 5:47 p.m., Mr. Williams moved to adjourn. Mr. Ferguson seconded. The motion was approved by a vote of 6-0.

Vicki Pfannenschmidt, Secretary

Approved: 12/7/2010

Thomas D. Peeples, Mayor