

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

Date: Tuesday, September 7, 2010

Time: 4:00 P.M.

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

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

Present from Town Staff: Stephen G. Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Curtis L. Coltrane, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Scott Liggett, *Public Projects & Facilities Director*; Susan Simmons, *Director of Finance*; Teri Lewis, *LMO Official*; Paul Rasch, *Emergency Management Coordinator*; Nancy Gasen, *Human Resources Director*; Tom Fultz, *Director of Administrative Services*; Brian Hulbert, *Staff Attorney*; Ed Boring, *Deputy Fire Chief*; Brad Tadlock, *Deputy Fire Chief*; Julian Walls, *Facilities Manager*; Marcy Benson, *Senior Grants Administrator*; Shea Farrar, *Senior Planner*; Heather Colin, *Development Review Administrator*; Nicole Dixon, *Planner*; Jayme Lopko, *Senior Planner – DRZ*; Mike Roan, *Urban Design Administrator*; Susan Blake, *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**
- 6) **Approval of Minutes**
 - a. **Regular Town Council meeting of August 3, 2010**

Mr. Harkins moved to approve. Mr. Williams 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. **Semi-annual report of the Parks & Recreation Commission – John McCann, Chairman**

Mr. McCann was unable to attend this meeting.
 - c. **Census Bureau Update – Terry Seabrook**

Mr. Seabrook provided a brief update on how everything was coming together for the 2010 Census. Beaufort County response rate was 72% versus a 61% response in the 2000 census.

Hilton Head Island's response rate increased by 12% over 2000 census responses to 69%.

8) Reports from Members of Council

a. General Reports from Council

Mr. Ferguson said he had some legal issues that he would like to discuss with Council but they were private matters. They only came to his attention in the past 24 hours.

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

No report.

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

Mr. Laughlin reported that, as far as he knew all vacancies for boards and commission had now been filled.

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

No report. The meeting was cancelled due to a lack of agenda items.

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

The Committee just held a two hour meeting and they discussed the concerns regarding the erosion at the "heel" of the Island at Port Royal Plantation. It had accelerated to the point that immediate action was now necessary and it was projected to cost \$12.5 million. The Public Facilities Committee voted unanimously to recommend that the Town Council move forward with haste to renourish this area.

Mr. Safay was pleased to report that after nearly two years of study, research and countless meetings, the Committee has now recommended that Town Council approve the granting of a franchise to Republic Services and the entire system of recycling to be administered by the Town. Mayor Peebles pointed out that people would still be able to take their waste and recycling to the convenience center if they did not want to pay for pickup service. Mr. Ferguson brought up a recommendation he made to the Public Facilities Committee regarding bonding that he wished to discuss at this time. The Mayor responded that this was a committee report venue and that Mr. Ferguson would have ample opportunity to discuss his concerns when the matter came before Council as an agenda item.

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

No report.

9) Appearance by Citizens

None.

10) Unfinished Business

a. None.

11) New Business

- a. **Consideration of a recommendation that the Town Council for the Town of Hilton Head Island approve in concept the conveyance of permanent easement rights to Hilton Head Island Public Service District for the establishment and operation of a regional sewer lift station on Town owned property located at the corner of US278 and Old Wild Horse Road.**

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

- b. **First Reading of Proposed Ordinance No. 2010-18 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapter 4, to revise Section 16-4-1305. This amendment commonly referred to as the Auto Sales LMO Amendment as noticed in the Island Packet on June 13, 2010, includes changes that provide for amendments to auto sales; and providing for severability and an effective date.**

Mr. Harkins moved to approve. Mr. Safay seconded.

Mr. Laughlin recused himself because his law firm represents a party with an interest in this proposal.

Mr. Williams expressed concerns with this particular amendment because the changes would allow numerous auto sales lots along Arrow Road, New Orleans Road, Office Park Road and similarly situated zoning areas like that. He did not understand why they couldn't find a way to either take auto sales uses out of those particular zoning districts or find another way to take care of it. Mr. Williams felt that this amendment could result in multiple car sales lots located up and down these particular streets, and then it would result in issues with aesthetics, traffic and those types of problems. He did not have a problem with these proposed changes for light industrial areas or the new OCIL zoning. Mr. Williams stated his intention to vote against this proposed amendment and hoped that his fellow councilmen would consider his concerns about this migrating into areas not very well suited for car sales lots.

Mr. Safay asked if the Council did vote to approve this proposal, would these businesses be subject to the Design Review Board (DRB) review. Nicole Dixon, Planner, replied that the only requirement for DRB review would be if there were any exterior changes to a site where there was an existing building to be occupied. If changes were going to be made to the building or landscaping, then it would have to be approved by the Design Review Board.

Mr. Harkins observed that the trend in auto sales was to have campuses as they see on Highway 278 off-Island. However, Mr. Harkins said that he shared Mr. Williams' concerns.

Mr. Safay noted that he originally voted in favor of this at the Committee level because he thought this would be a pro-business move that would benefit the Island. But based on the issues raised by Mr. Williams, Mr. Safay said he was going to vote against it. He hoped that there would be another opportunity to find a common ground with a pro-business attitude for auto sales.

Mayor Peebles said that he was worried that if they did not take action, they would end up without any auto dealers on Hilton Head Island. The marketplace would control the number of dealers that actually opened for business. He thought it would be a mistake not to move forward with this.

The motion failed by a vote of 2-3-1. Mayor Peebles and Mr. Ferguson were in favor; Mr. Williams, Mr. Safay and Mr. Harkins were opposed; and Mr. Laughlin abstained.

c. Consideration of a recommendation that the Town Council for the Town of Hilton Head Island approve three proposed sites, identified by the Public Art for Hilton Head Island Committee of the Community Foundation of the Lowcountry, as potential sites for placement of Public Art on Hilton Head Island.

Mr. Safay moved to approve. Mr. Laughlin seconded. Mr. Ferguson asked how much consideration had been given to the residents living near the sites proposed for public art. He liked the idea of public art, but also thought neighbors directly adjacent to the proposed sites should be given an opportunity to express their concerns. Mayor Peoples mentioned that there had been a public meeting to discuss the proposed sites and no one came forward to speak against the locations.

Representatives from the Community Foundation of the Lowcountry Public Art Committee, Carolyn Torgensen and Mark Baker discussed the three proposed sites at the Chamber of Commerce Welcome Center, Jarvis Creek Park and town-owned land in the Chaplin community. They welcomed Mr. Ferguson's suggestions regarding neighbor feedback prior to final site selection.

The motion was approved by a vote of 6-0.

d. Consideration of a recommendation that the Town Council for the Town of Hilton Head Island make some commitment to lease Fish Haul Creek Park property to the Mitchelville Preservation Project contingent upon finalizing the plan and showing the financial ability to carry out the construction and long term management of the facility.

Mr. Safay moved to approve. Mr. Laughlin seconded.

Mr. Thomas Barnwell, Chairman of the Mitchelville Project, made a presentation to Town Council to officially request that the approximately 15 acres of the Fish Haul Park receive the same 99 year lease arrangement as the Coastal Discovery Museum on the Honey Horn property. They would also seek approval to rename the park to Mitchelville Freedom Park.

Mark Baker showed power point slides to the Town Council which depicted the various aspects of the park's proposed layout and some of the activities that were envisioned to take place at the Freedom Park.

Mr. Ben Williams spoke of the significance of Mitchelville in American history and the need to tell this inspiring and compelling story. He viewed Mitchelville as a heritage attraction and an important draw for visitors coming to Hilton Head Island.

Michael Marks, Coastal Discovery Museum, voiced the support of the Museum for the Mitchelville Preservation project and the request for leasing of the Fish Haul property.

Pamela Martin Ovens, President of the Beaufort County Historical Society, expressed the Society's endorsement of the Mitchelville project.

Bob Smith, president of the Heritage Library Foundation, extended the Foundations support for this project as well.

Mr. Safay said he was personally very proud to be voting in favor of this proposal. He urged his fellow council members to vote in favor also.

Mr. Harkins added that our community was truly going to be enriched by this project and it was an honor to participate in one small way with a vote to make this happen.

Mr. Laughlin thought it would be a wonderful asset for the Island and he fully supported it.

Mr. Ferguson noted that there were grave sites with the Ferguson name and they were direct descendants of Mitchelville inhabitants. He was going to be voting in favor of this proposal.

Mayor Peebles recalled that at their planning retreat, many of the Council members had discussed this as a laudable goal for our Town to be moving forward with. He applauded the committee for all their hard work accomplished thus far. The motion was approved by a vote of 6-0.

e. Consideration of a recommendation that the Town Council for the Town of Hilton Head Island authorize staff to move forward with regard to utilizing the Coligny Circle as a pedestrian friendly area and to pursue the possibility of taking over the roads from the State of South Carolina.

Mr. Safay moved to approve. Mr. Laughlin seconded.

Mr. Williams wanted it understood that they were not approving a specific design tonight, but rather they were approving the concept for that area as they go forward.

Mayor Peebles concurred that was correct, this was a general recommendation.

Mr. Harkins said he hoped they didn't get so fixated in circulation patterns, and taking over streets, which were important, without giving more time to developing a really out of the box type master plan for the area and asking the question of the people who live and work there: "What can this be?" This was a signature location and should not be constrained by roads and pathways.

Mr. Safay asked if the very next step was to contact the State to learn their requirements for taking over the roads. Mike Roan, Urban Design Administrator, said that they first needed a firmer idea how the roads would integrate with the overall master plan, before approaching the State.

Steve Riley added that to really have an impact, staff needed to go back and think strategically about the whole area and one of the main constraints are the state roads and their requirements, which have a real limiting factor on what can be done. Staff is also looking for direction on the Coligny circle. The goal was to get Council's direction to go and create a really interesting master plan.

Mr. Williams said he was fully supportive of this concept but he also thought the key would be to involve the adjacent property owners to find out what they felt they needed.

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 regarding land acquisition, including a request to use town-owned land; and legal advice pertaining to pending and potential litigation.

At 5:17 p.m., Mr. Williams moved to go into Executive Session for the reasons stated by the Town Manager. Mr. Laughlin seconded. The motion was approved by a vote of 6-0.

At 6:37 p.m., the Mayor called the meeting to order and asked if there was any business to take up as a result of executive session. He also stated for the record that Mr. Safay had to leave after executive session and therefore, was not on the dais.

Mr. Ferguson moved that the Town Council for the Town of Hilton Head Island adopt a Resolution authorizing the Mayor and Town Manager to execute and deliver a right of entry to Sandy Stern, Patty Burke and Bill Dalton d/b/a the Cancer Survivors Park of HHI Foundation

across real property owned by the Town of Hilton Head Island, South Carolina, located on U.S. Hwy 278 and Chamberlin Drive for the purposes of taking surveys for possible use as the Cancer Survivor Park. Mr. Laughlin seconded. The motion was approved by a vote of 5-0.

Mr. Williams moved that the Town Council for the Town of Hilton Head Island adopt a Resolution authorizing the Mayor and Town Manager to accept the abandonment of certain right of way located at the intersection of Beach City Road and Mathews Drive from South Carolina Department of Transportation. Mr. Harkins seconded. The motion was approved by a vote of 5-0.

Mr. Williams moved that the Town Council for the Town of Hilton Head Island adopt a Resolution authorizing the Mayor and Town Manager to execute and deliver a right of entry to American Towers, Inc., a Delaware Corporation d/b/a American Towers (Delaware), Inc. across real property owned by the Town of Hilton Head Island, South Carolina known as Fire Station #7 located on Marshland Road and at Crossings Park for the purposes of taking surveys for possible future placement of towers. Mr. Laughlin seconded. The motion was approved by a vote of 5-0.

13) ADJOURNMENT

At 6:40 p.m., Mr. Williams moved to adjourn. Mr. Laughlin seconded. The motion was approved by a vote of 5-0.

Susan Blake, Secretary

Approved: 9/21/2010

Thomas D. Peeples, Mayor