

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

Date: Tuesday, March 1, 2011

Time: 4:00 P.M.

Present from Town Council: Drew A. Laughlin, *Mayor*; Ken Heitzke, *Mayor Pro-Tem*; Bill Ferguson, George Williams, Bill Harkins, Kim Likins, Lee Edwards, *Council Members*.

Present from Town Staff: Stephen G. Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Scott Liggett, *Director of Public Projects and Facilities*; Lavarn Lucas, *Fire Chief*; Nancy Gasen, *Director of Human Resources*; Susan Simmons, *Director of Finance*; Tom Fultz, *Director of Administrative Services*; Brad Tadlock, *Deputy Fire Chief – Operations*; Brian Hulbert, *Staff Attorney*; Julian Walls, *Facilities Manager*; Jeff Buckalew, *Town Engineer*; Paul Rasch, *Emergency Management Coordinator*; Teri Lewis, *LMO Official*; Heather Colin, *Development Review Administrator*; Shawn Colin, *Comprehensive Planning Manager*; Mike Roan, *Urban Design Administrator*; Nicole Dixon, *Senior Planner*; Jayme Lopko, *Senior Planner*; Anne Cyran, *Senior Planner*; Marcy Benson, *Senior Grants Administrator*; Rene Phillips, *Website/Court Systems Administrator*; Bruce Seeley, *Inspections, Collections and Audit Manager*; Lori Schmidt, *Billing & Cash Receipting Manager*; Kim Kominski, *Administrative Assistant*; Vicki Pfannenschmidt, *Executive Assistant*

Present from Media: Tom Barton, *Island Packet*

1) CALL TO ORDER

Mayor Laughlin called the meeting to order at 4:00 p.m.

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) SWEARING IN OF TOWN COUNCIL MEMBER

a. Lee Edwards – Ward 3

Municipal Judge Maureen Coffey administered the Oath of Office for Lee Edwards. Mr. Edwards then joined Town Council at the dais.

6) PROCLAMATIONS AND COMMENDATIONS

a. Red Cross Month

Mr. Jim Hicks and Mr. Otto Ferrene accepted the Proclamation

b. Disabilities Awareness Month

Mr. Harold Watson, Director of PEP accepted the Proclamation.

7) **APPROVAL OF MINUTES**

a. Regular Town Council Meeting – February 1, 2011

Mr. Heitzke moved to approve. Mr. Williams seconded. The minutes were approved by a vote of 5-0-2. Mr. Ferguson and Mr. Edwards abstained because they were not present at the meeting.

b. Special Town Council Meeting – February 2, 2011

Mr. Williams moved to approve. Mr. Harkins seconded. The minutes were approved by a vote of 4-0-3. Mr. Heitzke, Mr. Ferguson and Mr. Edwards abstained because they were not present at the meeting.

8) **REPORT OF THE TOWN MANAGER**

a. Town Manager’s Items of Interest

Mr. Riley invited Scott Liggett to give an update on the status of the recycling program. Mr. Liggett reviewed the schedule of events for the program.

Mr. Riley reported on some Items of Interest.

b. Semi-Annual Report of the Planning Commission – Al Vadnais, Chairman

Mr. Vadnais provided Town Council with an update on the Planning Commission activities for the second half of 2010.

9) **REPORTS FROM MEMBERS OF COUNCIL**

a. General Reports from Council

Mr. Williams said he received a call from a representative of a company interested in conducting helicopter tours on Hilton Head Island from the airport. He wanted to go on record that he was against such a venture. Mr. Williams moved to send a letter to the company under the Mayor’s signature stating Council’s opposition. Mr. Harkins seconded. The motion was approved by a vote of 6-1. Mr. Ferguson was opposed.

Mr. Williams spoke on the issue of dredging stating the MID Law only allows dredging of canals. Mr. Williams moved to send a letter to the Legislative Delegation urging them to amend the MID status by inserting “canals and/or waterways” where required. Mrs. Likins seconded. The motion was approved by a vote of 7-0.

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

Mr. Williams reported the Committee met on February 22, 2011 to review bills and discuss issues relevant to the Town.

c. Report of the Personnel Committee – Bill Ferguson, Acting Chairman

None.

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

Mr. Ferguson stated the Committee met on February 23, 2011 and there will be three recommendations for approval coming forward to Town Council. He said they recommended approval to designate April as Fair Housing Month, approval of an increase in height of cell towers on Fire Station 7 property and approval of a zoning map amendment for Fire Station 7.

Report of the Public Facilities Committee – Kim Likins, Chairman

Mrs. Likins stated the Committee met today and approved to recommend that Town Council hire a consultant to review and evaluate data for the proposed Sea Pines dredging project.

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

Mr. Harkins explained one of the goals of the Public Safety Committee is to extend a welcome mat to area neighborhoods that wish to meet to discuss particular issues or concerns they may have. He announced there will be a meeting with Sheriff's Department and citizens of North and South Forest Beach area on March 3, 2011 at 5:30 p.m. He stated the Sheriff's Department hopes to get ideas from citizens and will report back to the Public Safety Committee.

10) APPEARANCE BY CITIZENS

Mr. Clint Van Aswegen spoke concerning the need for additional hard surface tennis courts.

11) UNFINISHED BUSINESS

- a. Second Reading of Proposed Ordinance 2011-03 authorizing the transfer of 1.390 acres of real property being a portion of the realigned Wildhorse Road and Horseshoe Road rights of way to South Carolina Department of Transportation, 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. Heitzke moved to approve. Mr. Ferguson seconded. The motion was approved by a vote of 6-0-1. Mr. Edwards abstained.

12) NEW BUSINESS

- a. First Reading of Proposed Ordinance 2011-01 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 Sections 16-4-1601 and 16-4-1602. This amendment commonly referred to as the *Density Conversion LMO Amendments* as noticed in the Island Packet on November 28, 2010, includes changes that provide for amendments to density standards; and providing for severability and an effective date.**

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved by a vote of 6-0-1. Mr. Edwards abstained.

- b. First Reading of Proposed Ordinance 2011-02 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 16-4-1307. This amendment commonly referred to as the *Airport Runway Length Amendment* as noticed in the Island Packet on November 7, 2010, includes changes that provide for an amendment to aviation/surface passenger terminal; and providing for severability and an effective date.**

Mr. Harkins moved to approve. Mr. Williams seconded. Mr. Harkins asked if this proposed ordinance placed any restriction or limitation on the recent joint County/Town resolution endorsing the Talbert and Bright Master Plan supporting a two phased approach leading to the possibility of a 5400 foot runway. Mr. Riley said it does not. He stated the joint resolution is support for an extension in two phases. He explained this proposed ordinance deals with phase one and said as things become more involved there will be other LMO changes required to accommodate phase one. Mr. Riley informed Council other changes will be necessary as we move to phase two, including actual land uses because that involves actual acquisition of property that is not currently zoned for airport use. He explained this is step one in a multi-step process.

Mr. Bob Richardson, Mr. Bob Gentzler, Mr. Ron Smetek and Mr. Leo Brennan spoke in opposition to the proposed ordinance. As a matter of record, their printed comments are an attachment to the minutes. Mr. Dan Cleyrat spoke in opposition to the proposed ordinance and had no printed remarks. Mr. Heitzke and Mr. Ferguson both spoke against the proposed ordinance. The motion was approved by a vote of 5-2. Mr. Heitzke and Mr. Ferguson were opposed.

- c. First Reading of Proposed Ordinance 2010-26 to Amend Title 16 of the Municipal Code Of The Town Of Hilton Head Island, South Carolina, the Land Management Ordinance, by amending Section 16-4-102, the Official Zoning Map, specifically amending a 1.97 acre parcel identified as Parcel 218 on Beaufort County Tax Map #18, within the Sea Pines Master Plan under the Planned Development Mixed-Use District, to assign residential use to Lot A Cordillo Parkway; and providing for severability and an effective date.**

Mayor Laughlin disclosed a potential conflict of interest, handed the gavel to Mr. Heitzke and temporarily left the dais. Mr. Heitzke accepted the gavel and conducted this portion of the meeting. Mr. Ferguson moved to approve. Mr. Williams seconded. The motion was approved by a vote of 6-0-1. Mayor Laughlin recused. (Conflict of Interest form attached.)

Mayor Laughlin returned to the dais at this time. Mr. Heitzke passed the gavel to Mayor Laughlin to conduct the remainder of the meeting.

- d. Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, creating the Land Management Ordinance (LMO) Rewrite Committee composed of a broad range of Islanders formed to rewrite the LMO to simplify the Town's land development regulations after reviewing and making recommendations in the following areas:**

Development Application Review and Permitting Processes and Procedures; Zoning Districts; Design Standards; Administrative Waivers; Nonconformities; PD-1's; and Identification and Prioritization of Revitalization and Investment Zones.

Mr. Heitzke moved to approve. Mr. Ferguson seconded. Mr. Williams noted the covenants of all properties on the Island should be considered while this work is being done. Mrs. Likins moved to amend Attachment A of the resolution – Process for Comprehensive Review and Update of LMO concerning the membership to read: “*Membership: The composition of the Committee shall include seven (7) voting and three (3) non-voting members whose qualifications may include the following:*” and incorporate a change of one (1) member to two (2) members of Town Council. Mr. Harkins seconded. The motion on amending Attachment A was approved by a vote of 7-0. The original motion as amended was approved by a vote of 7-0.

e. Consideration of a proposal to do television advertising on the Heritage Classic Golf Tournament.

Mr. Williams moved to approve. Mr. Heitzke seconded. Mr. Riley explained the best source of funding would be to utilize the Emergency Advertising Account. He stated he would be coming forward with a recommendation to Town Council for changes concerning the account. He explained he would like to establish procedures where Town Council on a one-time basis could spend money over the one million dollars and that would also free up funds not spent during the fiscal year to go to supplemental advertising. Mayor Laughlin explained this is for the cost of producing the ads. Mr. Riley noted if a sponsor comes forward for the Heritage Tournament, the Town may not get all the ad time speculated but will still incur production costs. The motion was approved by a vote of 7-0.

**13) 5:30 P.M. BUSINESS LICENSE REVOCATION HEARING –
R. H. REALTY & RENTALS, INC.**

Mr. Steven Markiw spoke on behalf of the Town of Hilton Head Island. Mr. Robert Hoisington and Mr. William Hoisington spoke on behalf of R. H. Realty and Rentals. They asked if Town Council would consider letting them keep their business license. At 5:55 p.m. Mr. Williams moved to adjourn to Executive Session for the purpose of obtaining advice from Legal Counsel. Mr. Ferguson seconded. Mayor Laughlin called the meeting back to order at 6:18 p.m. At that time, Mrs. Likins moved that Town Council continue this hearing until the first Tuesday in May of 2011 upon the conditions that: (1) R. H. Realty & Rentals allows a complete review of all financial records of R. H. Realty & Rentals immediately; (2) R. H. Realty & Rentals agrees to resume payment of the \$2,500 per month beginning March 20, 2011 until a decision is made by Town Council. Mr. Williams seconded. Mayor Laughlin asked if there was any comment from anyone from R. H. Realty and Rentals. Mr. Robert Hoisington asked if someone was to review their books immediately. It was confirmed that was the case. He then stated he understood they were to resume original agreement of payment of \$2,500 per month until Town Council meets again on the subject. The motion was approved by a vote of 7-0.

Mayor Laughlin emphasized this agreement depends on R. H. Realty and Rentals full and complete cooperation with the review of the financials. He stated Steven Markiw will get in touch with them to arrange for the review.

14) EXECUTIVE SESSION

Mr. Riley stated he needed an executive session for contractual matters pertaining to land acquisition; contractual matters pertaining to a request for an encroachment agreement across Summit Drive to serve the new County Airport crash and rescue facility; contractual matters pertaining to a request for a right-of-entry over a portion of the Ashmore Tract for Palmetto Electric; legal matters pertaining to potential litigation; and personnel matters pertaining to appointments to the LMO Rewrite Committee.

At 6:20 p.m., Mr. Heitzke moved to go into Executive Session for the reasons stated by the Town Manager. Mr. Williams seconded. The motion was approved by a vote of 7-0.

Mayor Laughlin called the meeting back to order at 7:43 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 adopt a resolution authorizing the Mayor and/or Town Manager to execute and deliver a right of entry to Hargray Telephone Company over a portion of Summit Drive for the installation of a telecommunications cable. Mr. Williams seconded. The motion was approved by a vote of 7-0.

Mr. Edwards moved that the Town Council for the Town of Hilton Head Island appoint the following members to the LMO (Land Management Ordinance) Rewrite Committee: Tom Crews, David Ames, Gail Quick, Walter Nestor, Chris Darnell, Jim Gant and a Realtor to be named at a later time by the Mayor, as well as, Charles Cousins, Kim Likins and Bill Ferguson as ex-officio members. George Williams seconded. The motion was approved by a vote of 7-0.

15) ADJOURNMENT

Mr. Williams moved to adjourn. Mr. Heitzke seconded. The meeting was adjourned at 7:44 p.m.

Vicki Pfannenschmidt, Secretary

Approved: March 15, 2011

Drew A. Laughlin, Mayor