

THE TOWN OF HILTON HEAD ISLAND
SPECIAL TOWN COUNCIL MEETING

Date: Thursday, October 4, 2012

Time: 4:30 P.M.

Present from Town Council: Drew A. Laughlin, *Mayor*; George Williams, Lee Edwards, Bill Harkins, Kim Likins, *Council Members*

Absent from Town Council: Ken Heitzke, *Mayor Pro-Tem*; Bill Ferguson, *Council Member*

Present from Town Staff: Steve Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Lavarn Lucas, *Fire Chief*; Charles Cousins, *Director of Community Development*; Scott Liggett, *Director of Public Projects and Facilities/Chief Engineer*; Brian Hulbert, *Staff Attorney*; Jill Foster, *Deputy Director of Community Development*; Shawn Colin, *Comprehensive Planning Manager*; Heather Colin, *Development Review Administrator*; Teri Lewis, *LMO Official*; Jennifer Ray, *Urban Designer*; Vicki Pfannenschmidt, *Executive Assistant*

Present from Media: Tom Barton

1) CALL TO ORDER

Mayor Laughlin called the meeting to order at 4:34 p.m.

2) 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.

3) New Business

a. First Reading of Proposed Ordinance 2012-23

First Reading of Proposed Ordinance 2012-23 of the Town Council of the Town of Hilton Head Island, South Carolina, authorizing the execution of a development agreement with Shelter Cove Towne Centre, LLC for the redevelopment of the Mall at Shelter Cove pursuant to the authority of S.C. Code Ann. Sec. 5-7-40 (Supp. 2011), and Sec. 2-7-20, Code of the Town of Hilton Head Island, South Carolina, (1983); and providing for severability and an effective date.

Mrs. Likins moved to approve. Mr. Harkins seconded.

Heather Colin provided a summary and update of the Proposed Development Agreement. She explained that on August 7, 2012 Town Council deferred the item to the Planning Commission for review and recommendations. The Planning Commission held the Public Hearing on October 3, 2012 at 9:00 a.m. and recommended two changes which were as follows and indicated with a double underline.

1. Article VII. – Setbacks

a. Sec. 16-5-704. – Minimum Required Setback Area

Modify A. to include the following:

"Where residential multi-family buildings are adjacent to community park and public open space, setbacks may be reduced to zero with no setback angle requirement", with the exception of the multi-family buildings on the Southern side of the Community Park. A 10 foot adjacent use setback will be maintained on this portion of the development.

2. Article XII. – Parking and Loading Standards

a. Sec. 16-5-1201. - Off-Street Parking Required

Omit the second sentence in A and replace with the following:

"On-street parking on non-arterial streets can be utilized for public parks, multi-family residential, and commercial within the Mall Tract." A minimum of 80 percent of the required parking for the multi-family residential will be provided on-site of the units that they are serving. The remaining required parking will be provided with on-street parking.

Mrs. Likins moved to include the recommended changes from the Planning Commission in the Proposed Development Agreement. Mr. Harkins seconded. The amendment was approved by a vote of 5-0.

Mayor Laughlin asked for Public Comment on the amendment. There was none. He then asked Council to consider the motion as amended.

Mr. Wes Jones spoke representing the Developer. He introduced all in attendance. He thanked Town Council for scheduling the special meeting and thanked staff for their efforts. Mr. Mark Senn thanked Town Council and said that he was available to answer any questions as they arise.

Mayor Laughlin asked for clarification on the number of pumps at the gas station noting that he understood it would be eight pumps and consist of 16 stations. Mr. Senn agreed that the development agreement states eight pumps as the maximum amount. He said that Kroger was planning on installing seven pumps. Mr. Riley said that number could be changed in the Proposed Development Agreement. Mr. Williams asked how many islands would be located at the gas station. Developer staff replied there would be a kiosk and on one side there would be two sets of two and on the other side would be one set of two and a single pump directly in front of the kiosk. A rendering of the gas station was displayed and discussion ensued concerning the site plan and design for the gas station and the landscaping surrounding the area. Mr. Harkins moved to revise the Development Agreement and Exhibit "D" to limit the number of fuel pumps at the gas station from eight (8) to seven (7). Mr. Williams seconded. The amendment was approved by a vote of 5-0.

Mayor Laughlin noted the agreement states that the relocation of Shelter Cove Lane will be at the expense of the Developer and there is a provision later in the agreement that basically provides that the Town may to the extent necessary exercise its powers of eminent domain to obtain title to the land necessary to do that. He asked that it be clear that in the event that becomes necessary that the cost of acquiring the property as well as the cost of the proceeding itself would be the responsibility of the Developer. Wes Jones affirmed that is the understanding.

Barbara Hall, a property owner in Newport, spoke in opposition to the location of the gas station.

The motion, as amended was approved by a vote of 5-0.

b. First Reading of Proposed Ordinance 2012-24

First Reading of Proposed Ordinance 2012-24 authorizing the sale of real property owned by the Town of Hilton Head Island, South Carolina, in exchange for land owned by Shelter Cove Towne Centre, LLC in conjunction with the Mall at Shelter Cove Development Agreement and pursuant to the authority of S. C. Code Ann. § 5-7-40 (Supp. 2011), and § 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983, As Amended); and providing for severability and an effective date.

Mrs. Likins moved to approve. Mr. Williams seconded. The motion was approved by a vote of 5-0.

c. First Reading of Proposed Ordinance 2012-28

First Reading of Proposed Ordinance 2012-28 authorizing the establishing of covenants and restrictions on real property in conjunction with the Mall at Shelter Cove Development Agreement and pursuant to the authority of S. C. Code Ann. § 5-7-40 (supp. 2011), and § 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983, As Amended); and providing for severability and an effective date.

Mr. Williams moved to approve. Mr. Harkins seconded. The motion was approved by a vote of 5-0.

d. First Reading of Proposed Ordinance 2012-29

First Reading of Proposed Ordinance 2012-29 authorizing the extinguishment of covenants and restrictions on real property in conjunction with the Mall at Shelter Cove Development Agreement and pursuant to the authority of S. C. Code Ann. § 5-7-40 (Supp. 2011), and § 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983, As Amended); and providing for severability and an effective date.

Mrs. Likins moved to approve. Mr. Williams seconded. The motion was approved by a vote of 5-0.

e. First Reading of Proposed Ordinance 2012-19

First Reading of Proposed Ordinance 2012-19 to amend Title 16, "The Land Management Ordinance," of the *Municipal Code of the Town of Hilton Head Island, South Carolina*, by amending Section 16-4-102, the Official Zoning Map and the Palmetto Dunes Resort Master Plan with respect to the certain parcels identified as Parcel 26, on Beaufort County Tax Map #12B, and a 9.3 acre portion of Parcel 12 on Beaufort County Tax Map #12C, within the Palmetto Dunes Resort Master Plan under the PD-1 Planned Development Mixed Use District, to amend the uses and associated density for Parcel 26, Tax Map #12B to 295,000 square feet of commercial uses, excluding uses listed in LMO 16-4-209, but permitting liquor store and gas sales, community park and 76 multi-family dwelling units; and the portion of Parcel 12, Tax Map #12C to 134 multi-family dwelling units and community park; and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. Williams seconded. Barbara Hall spoke and asked each member of Council to go over and view the site for the gas station. Michelle Houston, a resident of Newport, expressed her appreciation to the Developer for reducing the number of residential units on the Newport end of the overall

development. She asked that going forward they would work closely with Newport to reduce the impact of lights from cars. Steve Riley said that this reading specifically states numbers of units on each parcel and due to the Developer moving proposed units from one parcel to another there will have to be a rezoning to clarify the actual number of units on each parcel. He explained the change could not take place at this time because the Public Hearing was held on the original numbers but could take place at a later date. The motion was approved by a vote of 5-0.

f. Consideration of a Resolution

Consideration of a Resolution to amend Resolution No. 2012-14 relating to the declaration of intent by the Town Council of the Town of Hilton Head Island, South Carolina, to reimburse certain expenditures prior to the issuance by the Town of its tax-exempt debt.

Mrs. Likins moved to approve. Mr. William seconded. The motion was approved by a vote of 5-0.

g. First Reading of Proposed Ordinance 2012-34

First Reading of Proposed Ordinance 2012-34 to amend the budget for the Town of Hilton Head Island, South Carolina, for the Fiscal Year ending June 30, 2013; to provide for the expenditures of certain funds; and to allocate the sources of revenue for the said funds.

Mr. Williams moved to approve. Mr. Harkins seconded. The motion was approved by a vote of 5-0.

h. Discussion of Town Council Compensation

Mr. Riley referred to the Mayor 30, 2012 Town Council Mid-Year Workshop with Lyle Sumek and the discussion of Town Council compensation and benefits. He stated it was decided that staff would look in to what other communities provide in terms of salary and benefits including health care and retirement. He explained that due to the fact the Town does not participate in the State Retirement plan for employees, the Council members do not qualify for participation, noting that most communities in the State do participate in the plan. Mr. Riley added that the salary for the Mayor and Town Council has not been adjusted since 1996 and there has been a cost of living increase of 56% since that time. Mr. Riley referred to a recommendation he distributed to Town Council before the meeting. It included a proposed salary for the Mayor of \$25,000 and \$12,800 for each Council member, along with an increase in the stipend for additional meetings attended from \$33 to \$40. The stipend would qualify for up to 100 meetings for Council members and 125 meetings for the Mayor and Mayor Pro-Tem.

After discussion, Mr. Williams moved that the Town Manager bring forward a proposed ordinance for consideration at the October 16, 2012 Town Council meeting. Mr. Harkins seconded. The motion was approved by a vote of 5-0.

4) Executive Session

Mr. Riley stated he did not need an Executive Session.

5) ADJOURNMENT

Mr. Williams moved to adjourn. Mrs. Likins seconded. The meeting was adjourned at 5:44 p.m.

Victoria L. Pfannenschmidt
Executive Assistant

Approved:

Drew A. Laughlin, Mayor