

THE TOWN OF HILTON HEAD ISLAND
REGULAR TOWN COUNCIL MEETING

Date: Tuesday, February 19, 2013

Time: 4:00 P.M.

Present from Town Council: Drew A. Laughlin, *Mayor*; Bill Harkins, *Mayor Pro Tem*; George Williams, Kim Likins, Lee Edwards, Marc Grant, John McCann, *Council Members*

Present from Town Staff: Steve Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Scott Liggett, *Director of Public Projects and Facilities/Chief Engineer*; Charles Cousins, *Director of Community Development*; Shawn Colin, *Deputy Director of Community Development*; Lavarn Lucas, *Fire Chief*; Randy Lindstrom, *Administrative Battalion Chief*; Joheida Fister, *Fire Marshal*; Ed Boring – *Deputy Fire Chief – Support Services*; Brad Tadlock – *Deputy Fire Chief – Operations*; Benton Waller – *Battalion Chief – Training*; Tom Dunn, *Emergency Management Coordinator*; Cathy Jones-Gooding, *Communications Manager*; Nancy Gasen, *Director of Human Resources*; Susan Simmons, *Director of Finance*; Brian Hulbert, *Staff Attorney*; Jill Foster, *Deputy Director of Community Development*; Heather Colin, *Development Review Administrator*; Jeff Buckalew, *Town Engineer*; Darrin Shoemaker, *Traffic & Transportation Engineer*; Anne Cyran, *Senior Planner*; Lynn Buchman, *Administrative Assistant*; and Vicki Pfannenschmidt, *Executive Assistant*

Present from Media: Brian Heffernan, *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.

Mayor Laughlin noted that New Business Item 11.a. is potentially a lengthy discussion matter. Mr. Williams moved to change the order of the agenda to move Item 11.a to the last item of New Business. Mr. Harkins seconded. The motion was approved by a unanimous vote of 7-0.

5) Proclamations and Commendations

None.

6) Approval of Minutes

- a. Town Council Meeting – February 5, 2013**

Mr. Harkins moved to approve. Mr. McCann seconded. Mr. Williams moved to amend the motion to correct the minutes to reflect under New Business Item (b) that a discussion on the poor condition of the building followed the comment by Mr. Moore. Mr. Harkins

seconded. The motion to amend was approved by a unanimous vote of 7-0. The motion to approve the minutes as corrected was approved by a unanimous vote of 7-0.

7) Report of the Town Manager

a. Town Managers Items of Interest

Mr. Riley reported on several items of interest.

b. 2013 Policy Agenda, Management Targets and CIP Updates

Mr. Riley noted the Policy Agenda update through January was included in the agenda packet, and he was happy to answer any questions from Council at this time or at some future point.

c. Tax Increment Financing Annual Report

Mr. Riley noted the annual report was prepared by Susan Simmons, Director of Finance, and included in the agenda packet, and she was available to answer questions.

8) Reports from Members of Council

a. General Reports from Council

Mr. Harkins commented on the high insurance rates paid by Island residents. He has asked Mr. Williams, as Chairman of the Intergovernmental Relations Committee, to extend an invitation to a Beaufort County resident who is well versed in the situation to share his information with the Committee, with any action item recommended by the Committee to be referred to Town Council. Mayor Laughlin expressed his support for referral of this issue to the Intergovernmental Relations Committee for investigation, and Mr. Williams indicated this had been discussed briefly at the Intergovernmental Relations Committee meeting held earlier today.

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

In addition to the issue of insurance rates to be investigated by the Committee, Mr. Williams reported that because of the Committee meeting scheduled for the 3rd Tuesday of the month, it precludes inviting any of the Legislative Delegation because of their duties in Columbia. Therefore, the Committee has decided to move its meeting date to the 3rd Monday of the month at 10:00 AM. He also reported a discussion with Jim Minor, Solid Waste Manager for Beaufort County, concerning House Bill 3290, Senate Bill 203, that could possibly impact the cost of solid waste dealing with flow control. Mr. Williams referenced a draft letter that had been prepared by Town Staff that had been distributed to Council Members, and he moved that Town Council authorize the Mayor to sign such a letter in opposition to this Bill. Mr. McCann seconded. The motion was approved by a unanimous vote of 7-0.

c. Report of the Personnel Committee – Lee Edwards, Chairman

No report.

d. Report of the Planning & Development Standards Committee – John McCann, Chairman

No report.

e. Report of the Public Facilities Committee – Kim Likins, Chairman

No report.

f. Report of the Public Safety Committee – Marc Grant, Chairman

No report.

g. Report of the LMO Rewrite Committee – Kim Likins, Ex-Officio Member

Mrs. Likins reported that the Committee continues to meet bi-monthly to provide the consultants feedback as they bring forth drafts of the new LMO chapters. She encouraged public attendance at the Committee meetings.

9) Appearance by Citizens

None

10) Unfinished Business

a. Second Reading of Proposed Ordinance 2012-41

Second Reading of Proposed Ordinance 2012-41 authorizing the execution of that certain encroachment easement agreement with Springwood Owners' Association, Inc. encumbering real property owned by the Town of Hilton Head Island, South Carolina, 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.

Mr. Harkins moved to approve. Mrs. Likins seconded. The motion was approved unanimously by a vote of 7-0.

11) New Business

b. Consideration of a Recommendation – Mainland Transportation Projects (including Bluffton Parkway Phase 5A with Flyover)

Consideration of a Recommendation that the Town Council of the Town of Hilton Head Island direct the Town Manager to:

- Release to the County the \$400,000 previously committed for the Bluffton Parkway Phase 5A feasibility study;
- At least partially fund and potentially lead the landscaping and beautification program subsequent to project (including Bluffton Parkway Phase 5A with Flyover) completion. In order to accomplish this, the Committee recommends that up to \$1 Million of Council's previous commitment be reserved to satisfy the landscaping requirement. The Town Manager shall develop future year's municipal budget proposals accordingly.
- Hold back the remaining balance (\$1.1 Million) to be made directly or indirectly available to fund Town operating expenses for road and other property maintenance through time, as may be needed. The Town Manager shall develop future year's municipal budget proposals accordingly.

Mayor Laughlin explained the two issues – one relating to the \$2.5 million previously committed by Council to help fund mainland road improvements on a specific list. Subsequently, the County received Federal stimulus money to fund part of those projects, and as a result Council felt it was no longer appropriate to fund the entire \$2.5 million. That issue has not been resolved between the Town and County since that time, with the funds set aside

in reserve. The other issue is the Town's position on support or opposition the flyover project itself. Mayor Laughlin proposed to take up the issue of the proposal for the resolution of the issue of the \$2.5 million, and then separately take up the issue of what the position of Council will be on the flyover.

Mr. Harkins moved that the Recommendation be approved. Mr. Williams seconded.

Discussion followed and Mayor Laughlin clarified that the \$400,000 would be released immediately to the County, with \$1 million held in reserve to be used if Council decides to fund additional aesthetic enhancements to the flyover if the County builds it. If not used for such purposes, the money would be redirected, but no absolute commitment of such funds to the flyover project is intended. The remaining \$1.1 million would be retained by the Town and used for operating expenses for road and other property maintenance.

A discussion ensued among the Council Members concerning the Town's monetary commitment to the project. Gary Kubic, Beaufort County Administrator, appeared before the Council and confirmed that the \$400,000 was committed as part of a feasibility study in 2004, and the County has not considered as an account receivable any pledge of additional funds from the Town. He outlined the award process under Federal guidelines and the limitations until the contract is awarded.

Further discussion followed among the Council members, including whether support of the Recommendation would give the appearance of approval of the flyover. Language to amend the Recommendation was proposed so that the first sentence of the second bullet would read: "Hold back up to \$1 Million to potentially lead the landscaping and beautification program subsequent to project (including Bluffton Parkway Phase 5A with Flyover) completion should the County proceed." Mr. Harkins and Mr. Williams, the maker and seconder of the original motion, accepted the amendments to the motion, so the motion was amended.

Public comment was solicited on the motion, and in response to a request for clarification from a citizen, Mr. Riley explained the Phase 5A segment of the Bluffton Parkway. Another citizen spoke from the audience and did not approach the podium, and her remarks are inaudible on the tape.

There being no further public comments or discussion from Council, the motion as amended was approved by a vote of 6-1, with Mr. McCann opposing.

Mr. Edwards moved that the Council rescind prior endorsements of the flyover project and request that the County not build Bluffton Phase 5A as currently designed. Mr. McCann seconded. Mr. Edwards provided background of the initial support given by Council, and his opposition to the flyover. Mr. McCann also voiced his concerns for the flyover.

In response to Mayor Laughlin's request for the historical background of the Bluffton Parkway, Mr. Kubic provided a history of the project going back to 2004, the reasoning and needs for the project, and the background of the referendum that was approved in 2006. He reported a redesign would result in not only a loss of the \$15 Million grant, but would require a new re-permitting process taking approximately 1 to 2 years, assuming a design is agreed upon. He indicated input from the Town would be sought concerning aesthetics decisions.

Further lengthy discussion ensued among the Council members and Mr. Kubic concerning projections used, the possibility of the ultimate connection of the Parkway to I-95, and the wording describing the Bluffton Parkway in the referendum. Mr. Riley added historical

background on hurricane evacuations and the need determined to take the Bluffton Parkway closer to Hilton Head Island. Mr. Kubic outlined the series of public hearings held to discuss the proposals and the potential alignment issues of noise and beautifications with all the surrounding communities affected, with renderings of the flyover available on the county website for over 5 years. Mr. Edwards stated he was not against the Bluffton Parkway nor connectivity to the Island, but he voiced his opposition to this design.

Discussion followed concerning an advertisement in opposition of the flyover that had appeared in the Island Packet, with Mr. Kubic expressing his displeasure at the inaccuracies cited.

Mayor Laughlin offered his opinion that US 278 is the lifeline of this community, and expressed his belief in the future of Hilton Head Island that includes economic growth. He rejected the notion that this is as good as it is ever going to get in terms of people coming by land. He reflected on the downsides of rejecting the grant. Acknowledging he had read all the citizens emails and understood their concerns, he felt that no visitors would be lost because of the flyovers, and reversing course would be a mistake.

Mr. Williams noted it was not an easy decision and cited the struggles he continued to have with the issues of aesthetics and economics, and thanked the citizens for contacting him stating their views. Mrs. Likins expressed similar struggles with the necessity and design, her desire to hear the citizens' comments, and expressed the hope that whatever was done reflected their desires. Mr. Grant noted he was not in favor of the flyover and his desire to use the same creativity that went into the design of the flyover to assure that every road on Hilton Head Island is paved. Mr. McCann stated he would prefer using his time to allow the public present to comment. Mr. Harkins cited issues to be considered, including beautification issues, confidence in the public officials, and achievable challenges.

Mayor Laughlin asked for public comment and outlined the general rules.

A request from a citizen was made that the power company be asked to remove, relocate, or bury existing power lines on the right side.

Numerous citizens, including several residents of the Gatherings, noted their opposition to the flyover and their reasons for such opposition. Tom Gardo, representing the Citizens Against the Hilton Head Flyover, requested that Council step back and urge County Council to look at alternate plans for the flyover, and specifically, that Town Council rescind its previous endorsement of the flyover. As the sponsor of the Island Packet ad opposing the flyover, Mr. Gardo presented copies of 111 emails sent to Town Council concerning the flyover.

Several citizens voiced their support of the Beaufort County project and stated their reasons for such support.

Beaufort County Councilman Stu Rodman presented slides showing an alternate plan to the flyovers and explained why it should be considered.

Craig Forrest, SC Department of Transportation Commissioner, noted that this is a Beaufort County project partnered with the SCDOT, and it is a local decision to be made.

After all public comments, Mayor Laughlin noted this is an issue that citizens feel strongly about and reflects well on our community that such a discussion can take place in such a respectful manner, and he commended all who attended and offered comments.

Final comments were made by Mr. Harkins and Mr. Edwards. Mr. Williams noted that the ultimate decision lies with Beaufort County and any vote by Town Council is an advisory vote only.

Suggestions for modification of the motion were made by Mr. Harkins, which were discussed and rejected by other Council members.

For clarification, Mr. Riley noted the motion as moved and seconded was that the Council rescind prior endorsements of the flyover project and request that the County not build Bluffton Phase 5A as currently designed. The motion was approved by a vote of 6-1, with Mayor Laughlin opposing.

A short break was called for by Mayor Laughlin, and the meeting re-convened at 6:45 p.m.

c. Consideration of a Recommendation – Lease Agreement/Beaufort County School District

Consideration of a Recommendation of the Town Council of the Town of Hilton Head Island to endorse a revised lease agreement between the Town of Hilton Head Island and the Beaufort County School District (BCSD) to facilitate the Town's parking expansion project near the Island Recreation Center (IRC).

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

d. Consideration of a Resolution – Economic Development Corporation

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island to authorize the Town Manager to prepare the necessary documents to establish a nonprofit Economic Development Corporation to coordinate and implement economic development plans and initiatives for the Town of Hilton Head Island.

Mr. Williams moved to approve. Mrs. Likins seconded. Shawn Colin, Deputy Director of Community Development, referenced the materials in the agenda packet and briefly outlined the "Stage Gate" process showing the steps to be taken through implementation of the Economic Development Corporation. The process for screening candidates for the Board was discussed, with details to be worked out at a later time at future Council meetings. Mr. Colin noted the adoption of the policy agenda was shown as December 18, **2012** rather than December 18, **2013**. The motion was approved by a unanimous vote of 7-0.

e. Consideration of a Resolution – Hilton Head Island Land Trust

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, authorizing the execution and delivery of a right of entry between the Town of Hilton Head Island, South Carolina, and the Hilton Head Island Land Trust, Inc.

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

a. Consideration of a Recommendation – Fire and Rescue 2013 Strategic Plan

Consideration of a Recommendation that the Town Council of the Town of Hilton Head Island adopt the 2013 Fire & Rescue Strategic Plan (Plan) as presented and as edited following review by the Town Public Safety Committee (PSC).

Mr. Harkins moved to approve. Mr. Williams seconded. Chief Lucas noted that the Plan included in the agenda packet is an edited version showing strikeouts and additions as a result of the Public Safety Committee discussions. The Recommendation for an ordinance prohibiting open burning of yard debris was discussed at length, and Mr. Harkins outlined the previous discussion of the subject conducted at the Public Safety Committee. Mr. Grant and Mr. McCann also outlined the enforcement issues discussed at that meeting. After discussion among the Council Members and Chief Lucas as to certain Recommendations contained in the Plan and suggested revisions, Mr. Edwards recommended that no vote be taken pending further study. Mayor Laughlin confirmed with Chief Lucas that no adverse consequence would result from carrying this item over to the next meeting with a lighter agenda to allow more time to discuss the Recommendations. A consensus of the Council Members agreed, and the Recommendation was withdrawn.

12) Executive Session

Mr. Riley stated he needed an Executive Session for personnel matters pertaining to a recommendation for an appointment to the Beaufort Housing Authority and for contractual matters pertaining to a proposed amendment to the Town Attorney's contract.

At 7:29 p.m. Mr. Harkins moved to go into Executive Session for the reasons given by the Town Manager. Mr. Williams seconded. The motion was unanimously approved by a vote of 7-0.

Mayor Laughlin called the meeting back to order at 7:35 p.m. and the remaining New Business items were handled.

11) New Business

f. Consideration of a appointment to the Beaufort Housing Authority

Mr. Edwards moved that Town Council nominate Ernest "Steve" White to the Beaufort Housing Authority for a 4-year term. Mrs. Likins seconded. The motion was unanimously approved by a vote of 7-0.

g. Consideration of an Amended Town Attorney's Contract

Mr. Williams moved that Town Council amend the contract for the Town Attorney from Alford, Wilkins & Coltrane to Alford Law Firm, LLC. Mrs. Likins seconded. The motion was approved by a unanimous vote of 7-0.

Adjournment

Mr. Williams moved to adjourn. Mr. Harkins seconded. The motion was approved by a vote of 7-0. The meeting was adjourned at 7:37 p.m.

Lynn Buchman
Administrative Assistant

Approved: 3/5/2013

Drew A. Laughlin, Mayor