

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

**Date: Tuesday, June, 20 2017**

**Time: 4:00 P.M.**

**Present from Town Council:** David Bennett, *Mayor*; Kim Likins, *Mayor Pro Tem*; David Ames, Marc Grant, Bill Harkins, Tom Lennox, John McCann, *Council Members*

**Present from Town Staff:** Steve Riley, *Town Manager*, Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Scott Liggett, *Director of Public Projects & Facilities/Chief Engineer*; Brad Tadlock, *Fire Chief*; Brian Hulbert, *Staff Attorney*; John Troyer, *Director of Finance*; Nancy Gasen, *Director of Human Resources*; Tom Fultz, *Director of Administrative Services*; Steven Markiw, *Deputy Finance Director*; Shawn Colin, *Deputy Director of Community Development*; Ed Boring, *Deputy Fire Chief – Support Services*; Julian Walls, *Facilities Manager*; Jennifer Ray, *Planning and Special Projects Manager*; Teri Lewis, *LMO Official*; Melissa Cope, *Systems Analyst*; Cuiwei Zhang, *Systems Analyst*, Erica Madhere; *Finance Administrator*; Cindaia Ervin; *Finance Assistant*; Krista Wiedmeyer, *Executive Assistant/Town Clerk*;

**Present from Media:** Alex Kincaid, *Island Packet*; Shelby Roberts, *WGTS, Fox 28 News*

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**1. Call to Order**

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

- 2. FOIA Compliance** - Public notification of this meeting has been published, posted and distributed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

**3. Executive Session**

Mr. Riley stated he needed an Executive Session for: (a) Land Acquisition Matters; the discussion of negotiations incident to the proposed sale, lease, or purchase of property related to; (i) property in the Cordillo Parkway area; (b) Legal Matters; the receipt of legal advice related to pending, threatened, or potential claims related to; (i) pending litigation related to potential settlement of ArborNature appeal and lawsuit; (c) Personnel Matters related to the; (i) appointments to Boards and Commissions, and (ii) membership of the Gullah-Geechee Land and Preservation Task Force; and (d) Contractual Matters; discussions of negotiations incident to proposed contractual arrangements related to; (i) POA Sub-Area drainage agreement within Hilton Head Plantation.

At 4:02 p.m. Mrs. Likins moved to go into Executive Session for matters mentioned by the Town Manager. Mr. Harkins seconded. The motion was approved by a vote of 7-0.

Council returned to the dais at 5:00 p.m.

**4. Pledge to the Flag – 5:00 p.m.**

**5. Invocation**

**6. PUBLIC HEARING – Town of Hilton Head Island Comprehensive Plan with all appendices, including the Beach Management Plan.**

Mayor Bennett called to Order the Public Hearing on the Town of Hilton Head Island Comprehensive Plan with all appendices, including the Beach Management Plan at 5:02 p.m. Mr. Allen Perry addressed Council with his concerns about Chapter 10, Section 10.78, asking that this Section be expanded a little to include all of the community organizations that support the community's recreational programs. With no further requests to address Council, Mayor Bennett closed the Public Hearing.

**7. Proclamations & Commendations**

**a. Gullah/Geechee Nation Appreciation Week**

Mayor Bennett presented the Gullah/Geechee Nation Appreciation Week Proclamation to Queen Quet, Chieftess of the Gullah/Geechee Nation who made some brief comments to Council about Gullah/Geechee Nation Appreciation Week, and the upcoming events.

**8. Approval of Minutes**

**a. Town Council Meeting, June 6, 2017**

Mrs. Likins moved to approve. Mr. Harkins seconded. Town Council Meeting Minutes for June 6, 2017 were approved by a vote of 7-0.

**b. Town Council Public Hearing/Special Meeting, June 13, 2017**

Mrs. Likins moved to approve. Mr. Harkins seconded. Town Council Public Hearing/Special Meeting Minutes for June 13, 2017 were approved by a vote of 6-0. Mr. Ames abstained as he was not present for the June 13, 2017 meeting.

**9. Report of Town Manager**

**a. Emergency Beach Renourishment Update**

Scott Liggett updated Council with the state of the Emergency Beach Renourishment project. Noting that due to the time constraints, Staff is seeking approval from Council to move ahead when a reasonable bid is received for the renourishment project.

**b. Items of Interest**

**i. Town News**

Mr. Riley reported on meetings taking place throughout the remainder of the month within the Town. Reminded members of Council about the Vision Think Tank taking place Friday, June 23, 2017.

**ii. Noteworthy Events**

Mr. Riley reported on upcoming noteworthy events taking place in the coming weeks and into the next month.

**10. Reports from Members of Council**

**a. General Reports from Council**

Mr. Harkins made a motion that the Town of Hilton Head Island join other coastal communities throughout South Carolina in opposition of seismic testing. Mr. McCann seconded. Mr. Ames asked about this being an appropriate place on the Agenda to be discussed. Mr. Riley explained since this was an item previously discussed, and Council's position had not changed, a general statement showing continued support would be sufficient. Mr. Riley further explained that since this was a previously discussed matter, this could be handled at the Staff level so as to not have to delay it. The motion was approved by a vote of 7-0.

Mr. Grant reported to Council that he and his family had attended Juneteenth, at Fish Haul Creek Park. He reported that this was an excellent event, and his entire family learned so much.

**b. Report of the Intergovernmental & Public Safety Committee – Bill Harkins, Chairman**

Mr. Harkins reported to Council about the recent South Carolina Community Development Tax Credit Bills introduced during the Senate and House Sessions. Mr. Harkins has asked that an invite be sent the local Delegation Members to meet with the Committee to discuss what the necessary steps are for next year.

**c. Report of the Community Services Committee – Kim Likins, Chairman**

Mrs. Likins reported to Council that the Venue Committee would be meeting June 22, 2017 with plans to work with Staff to move forward with the Consultants recommendations.

**d. Report of the Public Planning Committee – David Ames, Chairman**

Nothing to report.

**e. Report of the Public Facilities Committee – Marc Grant, Chairman**

Nothing to report.

**f. Report of the Finance & Administrative Committee – John McCann, Chairman**

Nothing to report.

## **11. Appearance by Citizens**

Mr. Tiawan Scott addressed Council about his matters with the Town of Hilton Head Island.

Ms. Renea Hushour addressed Council about the properties located at 3 and 5 Heron Street in the North Forest Beach Area.

## **12. Unfinished Business**

### **a. Second Reading of Proposed Ordinance 2017-10**

Second Reading of Proposed Ordinance 2017-10 to raise revenue and adopt a budget for the Town of Hilton Head Island, South Carolina, for the Fiscal Year ending June 30, 2018; to establish a property tax levy; to establish funds; to establish a policy for acquisition of rights of way and easements; and providing for severability and an effective date.

Mrs. Likins moved to approve the Second Reading of Proposed Ordinance 2017-10. Mr. Harkins seconded. The motion was approved by a vote of 7-0.

### **b. Second Reading of Proposed Ordinance 2017-11**

Second Reading of Proposed Ordinance 2017-11 to Amend Title 10 Chapter 1 and Chapter 9, of the Municipal Code of the Town of Hilton Head Island, to increase Business License and EMS fees by fifteen percent (15%), as per the adopted Fiscal Year 2018 Budget, and to update and amend Sections of Title 10, Chapter 1 to conform with current practice, and providing for severability and effective date.

Mrs. Likins moved to approve the Second Reading of Proposed Ordinance 2017-11. Mr. Harkins seconded. The motion was approved by a vote of 7-0.

### **c. Second Reading of Proposed Ordinance 2017-12**

Second Reading of Proposed Ordinance 2017-12 to amend Title 16, "The Land Management Ordinance," of the Municipal Code of the Town of Hilton Head Island, South Carolina, by amending Section 16-1-107, the Official Zoning Map, specifically to apply the Planned Development Overlay District (PD-2) to eight parcels. The PD-2 will incorporate three Waterfront Mixed Use (WMU) properties and five low to moderate density residential (RM-4) properties to allow for the permitted density and specific uses from the three WMU parcels to be transferred to the five RM-4 parcels. The WMU parcels will be rezoned Conservation District (CON) to be preserved as permanent open space. The proposed development will occur on the RM-4 parcels and consist of mixed-use residential and specific commercial uses. The subject parcels are located near the intersection of Squire Pope and Gumtree Roads and are further identified on Beaufort County Tax Map #3 as parcels 223, 49, 14D, 16, 14I, 14, 58 and 58A and providing for severability and an effective date.

Mrs. Likins moved to approve the Second Reading of Proposed Ordinance 2017-12. Mr. Harkins seconded. The motion was approved by a vote of 7-0.

### **d. Second Reading of Proposed Ordinance 2017-13**

Second Reading of Proposed Ordinance 2017-13 authorizing the issuance and sale of not to exceed \$28,500,000 General Obligation Bonds, in one or more Series, in one or more years, with appropriate Series designations, of the Town of Hilton Head Island, South Carolina, fixing the form and certain details of which the Bonds; authorizing the Town Manager or his lawfully authorized designee to determine certain matters relating to the Bonds providing for the payment of the Bonds and the disposition of the proceeds thereof, other matters relating thereto, and providing for severability and effective date.

Mrs. Likins moved to approve the Second Reading of Proposed Ordinance 2017-13. Mr. Harkins seconded. The motion was approved by a vote of 7-0.

### **e. Second Reading of Proposed Ordinance 2017-14**

Second Reading of Proposed Ordinance 2017-14 authorizing the issuance and sale of not exceeding \$32,000,000 Tax Increment Bonds, in one or more Series, with appropriate Series designations, of the Town of Hilton Head Island, South Carolina, for the purpose of paying the cost of certain redevelopment projects; delegating the authority to the Town Manager to determine certain matters with respect to the Bonds; prescribing the form and details of the Bonds, limiting the payment of the Bonds from the sources provided herein; providing for the disposition of the proceeds thereof, amending and restating Ordinance No. 2004-29, as previously amended, and confirming amendments to Ordinance No. 09-20, and other matters relating thereto.

Mrs. Likins moved to approve the Second Reading of Proposed Ordinance 2017-14. Mr. Harkins seconded. The motion was approved by a vote of 7-0.

**f. Second Reading of Proposed Ordinance 2017-15**

Second Reading of Proposed Ordinance 2017-15 providing for the issuance and sale of Town of Hilton Head Island, South Carolina, Special Obligation Bonds (Beach Preservation Fee Pledge), in one or more series, in the principal amount of not exceeding \$36,000,000; delegating the authority to the Town Manager to determine certain matters with respect to the Bonds, prescribing the form and details of such Bonds; other matters relating thereto; and providing for severability and an effective date.

Mrs. Likins moved to approve the Second Reading of Proposed Ordinance 2017-15. Mr. Harkins seconded. The motion was approved by a vote of 7-0.

**g. Second Reading of Proposed Ordinance 2017-16**

Second Reading of Proposed Ordinance 2017-16 authorizing the issuance and sale of not to exceed \$18,000,000 General Obligation Bonds, Taxable Series 2017A, or such other appropriate series designation, of the Town of Hilton Head Island, South Carolina, fixing the form and certain details of the Bonds; authorizing the Town manager or his lawfully authorized designee to determine certain matters relating to the Bonds; providing for the payment of the Bonds and the disposition of the proceeds thereof; and providing for severability and an effective date.

Mr. George Paletta addressed Council by asking if the general public would have an opportunity to purchase any of the bonds being sold. Mr. Riley confirmed that at some point, some the bonds may be made available to the general public. Mrs. Likins moved to approve the Second Reading of Proposed Ordinance 2017-16. Mr. Harkins seconded. The motion was approved by a vote of 7-0.

**13. New Business**

**a. First Reading of Proposed Ordinance 2017-02**

First Reading of Proposed Ordinance 2017-02 to provide for the adoption of updates to “The Town of Hilton Head Island Comprehensive Plan” and its appendices, including the Beach Management Plan; and to provide for severability and an effective date.

Mrs. Likins moved to approve the First Reading of Proposed Ordinance 2017-02. Mr. Harkins seconded. The motion was approved by a vote of 7-0.

**b. Consideration of a Resolution – Creating the Gullah-Geechee Land and Cultural Preservation Task Force**

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, creating the Gullah-Geechee Land and Cultural Preservation Task Force as an Ad Hoc Committee of the Planning Commission and providing a goal for the Committee.

Mrs. Likins moved to approve the Resolution creating the Gullah-Geechee Land and Cultural Preservation Task Force. Mr. Harkins seconded. The motion was approved by a vote of 7-0.

**14. Possible actions by Town Council concerning matters discussed in Executive Session**

**a. Boards and Commissions**

Mrs. Likins moved to appoint the following persons to boards and commissions:

For the Board of Zoning Appeals, appoint Charles Walczak to a 3-year term ending June 30, 2020, as an At-Large member to replace Glenn Stanford; and for the Parks and Recreation Commission, appoint Caroline Rinehart and Ray Kisiah to 3-year terms ending June 30, 2020, to replace Peter Keber and Heather Rath.

Mr. McCann seconded. The motion was approved by a vote of 7-0.

**b. Settlement of ArborNature appeal and lawsuit**

Mrs. Likins moved that Town Council for the Town of Hilton Head Island authorize the Town Manager enter into the Mediated Settlement Agreement with ArborNature. Mrs. Likins further moved, that a copy of the Agreement be entered into the record and minutes of this meeting as attached herein. Mr. McCann seconded. The motion was approved by a vote of 7-0.

**c. Membership of the Gullah-Geechee Land and Preservation Task Force**

Mr. Grant moved to appoint the following persons as members of the Gullah-Geechee Land and Preservation Task Force:

Lavon Stevens, Chairman, Planning Commission Member; Caroline McVitty, Attorney, Planning Commission Member; Todd Theodore, Landscape Planner, Planning Commission Member; Joyce Wright, Beaufort County Gullah/Geechee Consortium, Michelville Preservation Project; Ibrahim Abdul-Malik, National Action Network; Teresa White, Pan African Family Empowerment & Land Preservation Network; Palmer Simmons, Native Islander; Shani Greene, Native Islander; Martha Davis, Native Islander; Marc Grant, Town Council Liaison.

Mrs. Likins seconded. The motion was approved by a vote of 7-0.

**15. Adjournment**

Mayor Bennett adjourned the meeting at 5:44 p.m.

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Krista M. Wiedmeyer,  
Executive Assistant/Town Clerk

Approved: 07/18/2017

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David Bennett, Mayor

Proposed Settlement Agreement  
Between  
ArborNature, LLC & The Town of Hilton Head Island

WHEREAS, litigation currently exists between ArborNature, LLC and the Town of Hilton Head Island; and,

WHEREAS, both parties desire to compromise and settle all existing disputes between them; and,

WHEREAS, an agreement as follows was reached in mediation on June 14, 2017;

NOW THEREFORE, the parties hereto agree to compromise and settle all issues currently encompassed in those Beaufort County, South Carolina Circuit Court cases numbered 2017-CP-07-0374 and 2017-CP-07-0517 as follows:

1. The Town will convey to ArborNature, LLC four (4) acres of land located at the end of Summit Drive in a configuration to be agreed upon by the parties, that minimizes wetlands and specimen trees and allows ArborNature, LLC to use the land in its current zoning to the fullest reasonable extent.
2. Consideration for the sale will be Three Hundred Thousand and 00/100 Dollars (\$300,000.00) in total. The Town will lease the four (4) acres to ArborNature, LLC for the first year for one dollar and 00/100 (\$1.00) and the closing on the property will occur on or before one (1) year from the date the lease is signed.
3. As soon as the lease is signed, the Town will provide a topographic and wetlands delineation survey. The Town will waive any adherence to minimum tree coverage on the parcel to allow the full use of the four (4) acres, thereby exempting ArborNature from any tree requirements or regulations of the LMO on this parcel so long as the property is used for grinding. Provided, however, the parties agree that grinding shall only take place between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday or whatever laws may be adopted in the future by the Town Council. ArborNature shall apply for development plan approval within thirty (30) days of Town Council's approval of the settlement.
4. The Town shall amend the current zoning on the 6.7 acres owned by Adam Congrove at 76 Leg O'Mutton Road, to provide that grinding and logging activity shall not be allowed on the property, and the same shall keep the right to a Wholesale Landscape Nursery and Landscape Contractor's Office with outside storage. The rezoning shall provide that the property may alternatively be used for residential development at eight (8) units per acre.

5. The Insurance Reserve Fund will pay ArborNature Ten Thousand and 00/100 Dollars (\$10,000.00). ArborNature agrees to execute a release in favor of the Town of Hilton Head Island and the South Carolina Insurance Reserve Fund as well as a stipulation of dismissal.
6. The parties will bear all of their own costs.
7. The current litigation will be dismissed with prejudice by consent upon the adoption by the Town Council of the Ordinance approving the Master Plan Amendment for the Leg O'Mutton Road Property.
8. The parties agree to work in good faith to implement their Settlement Agreement, and to not publicly criticize or abuse the other.
9. All parties understand the Agreement is subject to approval by the Town Council.
10. Current grinding at Leg O'Mutton will cease thirty (30) days after issuance of development plan approval on the Summit Road property.

ArborNature, LLC

Town of Hilton Head Island

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Adam Congrove  
Its' President

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Stephen G. Riley  
Town Manager

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Thomas C. Taylor, Esquire

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Gregory M. Alford, Esquire

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Chester Williams, Esquire

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Robert Achurch, Esquire