



The Town of Hilton Head Island

Regular Town Council Meeting

January 9, 2018

**4:00 P.M. EXECUTIVE SESSION
CONFERENCE ROOM #3**

**5:00 P.M. REGULAR MEETING
BENJAMIN M. RACUSIN COUNCIL CHAMBERS**

REVISED AGENDA

****Please note, the Town Council Meeting will be Called to Order in Conference Room Number Three, and return to Council Chambers for the Regular Session at 5:00 P.M.****

As a courtesy to others please turn off/silence ALL mobile devices during the Town Council Meeting, Thank You.

- 1. Call to Order**
- 2. FOIA Compliance** - Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.
- 3. Executive Session**
 - a. Land Acquisition**

Discussion of negotiations incident to the proposed sale, lease, or purchase of property near the:

 - i. Intersection of Squire Pope Road and Gum Tree Road**
 - b. Personnel Matters**
 - i. Discussion of appointments of members related to Boards and Commissions.**
- 4. Pledge to the Flag – 5:00 p.m.**
- 5. Invocation**
- 6. Proclamations & Commendations - None**
- 7. Approval of Minutes**
 - a. Town Council Meeting, December 19, 2017**
- 8. Report of Town Manager**
 - a. Update from the Design Review Board – Dale Strecker, Vice Chairman**
 - b. USCB Quarterly Review**
 - c. Items of Interest**
 - i. Town News**
 - ii. Noteworthy Events**

9. Reports from Members of Council

- a. General Reports from Council
- b. Report of the Intergovernmental & Public Safety Committee – Bill Harkins, Chairman
- c. Report of the Community Services Committee – Kim Likins, Chairman
- d. Report of the Public Planning Committee – David Ames, Chairman
- e. Report of the Public Facilities Committee – Marc Grant, Chairman
- f. Report of the Finance & Administrative Committee – John McCann, Chairman

10. Appearance by Citizens

11. Unfinished Business

a. Second Reading of Proposed Ordinance 2017-26

Second Reading of Proposed Ordinance 2017-26 to amend the Municipal Code of the Town of Hilton Head Island by creating Chapter 4 of Title 9, establishing regulations and requirements relating to single-use plastic bags in the Town of Hilton Head Island; and providing for severability and an effective date.

12. New Business

a. Consideration of a Recommendation – Private Dirt Road Policy Issues

Consideration of a Recommendation from Town staff that Town Council review the five key policy issues as identified by the Public Facilities Committee, and approve the five key policy decisions needed to guide the private unpaved road acquisition and paving program.

b. Consideration of a Recommendation – Roadway Improvements on Office Park Road.

Consideration of a Recommendation that Town Council amend the Town's Consolidated Municipal Budget for 2017-2018, the Capital Improvement Program Fiscal Year 2017-2018 Funding, to provide sufficient funding to contract for the immediate construction of capital roadway improvements on Office Park Road.

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

14. Adjournment

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

Date: Tuesday, December 19, 2017

Time: 4:00 P.M.

Present from Town Council: David Bennett, *Mayor*; Kim Likins, *Mayor Pro Tempore*; John McCann, Bill Harkins, Marc Grant, Tom Lennox, David Ames, *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*; John Troyer, *Finance Director*; Jennifer Ray, *Planning and Special Projects Manager*; Anne Cyran, *Senior Planner*; Erica Madhere, *Finance Administrator*; Cindaia Ervin, *Finance Assistant*; Andrew Nicholls, *System Analyst*; Krista Wiedmeyer, *Executive Assistant/Town Clerk*

Present from Media: Alex Kincaid, *Island Packet*

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; Discussion of negotiations incident to proposed sale, lease or purchase of property land near (i) Palmetto Bay Road, and (ii) Spanish Wells Road; and (b) Personnel Matters, (i) discussion regarding the FY17 performance evaluation of the Town Attorney.

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. Invocation

6. Proclamations & Commendations - None

7. Approval of Minutes

a. Town Council Meeting, December 5, 2017

Mrs. Likins moved to approve the Town Council meeting minutes from December 5, 2017. Mr. Harkins seconded, the motion was approved by a vote of 7-0.

8. Report of Town Manager

a. Hilton Head Island: Our Future

Linda Piekut, Executive Director of the Heritage Library and Iva Welton, Board of Advisors of the Heritage Library provided an update regarding the St. Luke's Parish and the Zion Chapel of Ease Cemetery's acceptance to the National Register of Historic Places. Ms. Piekut stated that the cemetery is the seventy-seventh listing in the County, and the ninth on Hilton Head Island. She went on to say that the listing with the Register is important as it draws tourists and funding for the cemetery. Ms. Piekut turned the remaining update over to Ms. Welton who provided further information regarding the historical importance of the cemetery.

b. Items of Interest

i. Town News

Mr. Riley reported that the Administrative Offices would be closed on Monday, December 25th and Monday, January 1st. He reviewed upcoming meetings taking place at Town Hall through the end of the month and discussed the January 2, 2018 Town Council meeting with the members of Council. Mr. Riley recommended that Council move the January meetings from the first and third Tuesday of the month to the second and fourth Tuesday.

After much discussion from Council, Mrs. Likins made a motion to cancel the January 2, 2018 Town Council meeting, changing the meeting to January 9, 2018, and keeping the scheduled Town Council meeting on January 16, 2018. Mr. Harkins seconded, the motion was approved by a vote of 7-0.

Mr. Ames requested to the Mayor that Council also meet in January at a workshop to discuss the Town policy for affordable housing. Mayor Bennett ask Mr. Riley to have the Town Clerk work with Council to schedule an affordable housing workshop during the month of January.

ii. Noteworthy Events

Mr. Riley reported on upcoming noteworthy events taking place in the coming weeks.

9. Reports from Members of Council

a. General Reports from Council

Mr. Harkins reported that he met with the volunteer Telecommunication Task Force. He said that the Task Force has recommitted to work with the Town Manager and a designated leader from the Town in terms of IT. The Task Force intends to contact the home offices of the major firms in the world of IT, like AT&T. He said that the Task Force would like to have a letter from the Town endorsed by Town Council indicating their interest and need in upgrading the services in the years to come. Mr. Harkins also reported that he has met with Dr. Barry Bittman, a neurologist that has addressed the needs of an insufficient workforce in communities. He said that Dr. Bittman's approach builds on the thinking that has emanated from the members of Town Council, members of the community, and business owners. Mr. Harkins said that the Chamber has invited him to be a keynote speaker and participant at their session planned on this subject in about six weeks and encourages everyone to participate in the Chamber's event.

Mrs. Likins reported that she spoke earlier in the week with Mr. Riley about the applications for the Communications Officer position. She stated that at the closing of the posting, they had received approximately 140 applications for the position. Mrs. Likins said that during her conversation with Mr. Riley, she thought it would be beneficial that a member of Council participate in the vetting process of the candidates since the Communications Officer works with Council and their initiatives. Mayor Bennett suggested that Mrs. Likins is the appropriate person to work with Town staff during the vetting process. She accepted, and Mr. Riley noted as per Mayor Bennett's request.

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

Mr. Harkins stated that he did not have a report this week.

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

Mrs. Likins stated that she did not have a report this week. She did report that she had an update regarding the Consultants recommendations for the Community Arts Center. Mrs. Likins reported the final report should be to the Committee by the end of the year, and a meeting scheduled thereafter to discuss with Council.

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

Mr. Ames reported that the Committee was meeting on December 20, 2017 at 3:00 p.m. to discuss the policy questions that Town staff prepared for the Committee regarding affordable housing. He said after this meeting, the workshop in January will further define the policy stance of Town Council moving forward with affordable housing.

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

Mr. Grant reported that the Committee met earlier that morning to discuss the private dirt road policy issues on the Island. He said that Mr. Liggett, Director of Public Projects & Facilities/Chief Engineer, presented the five key policy issues for the Committee to review and subsequently approve to move forward with a recommendation to bring forward to the next Council meeting.

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

Mr. McCann reported that the Committee met earlier in the day where Mr. Netzinger, Assistant Town Engineer/Stormwater, and his team presented the yearend storm water update. He also reported that Mr. Troyer, Finance Director, provided the Committee with a yearend report, the condition of the Town's finances, the recovery of funds from Hurricane Matthew, and what is to be expected in the next 60 to 90 days.

10. Appearance by Citizens

Skip Hoagland. Addressed Council related to his matters with the Town, taxes, ATAX, and the HHI-Bluffton Chamber of Commerce.

11. Unfinished Business

a. Second Reading of Proposed Ordinance 2017-20

Second Reading of Proposed Ordinance 2017-20 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 with respect to those certain parcels identified as Parcel 7 on Beaufort County Tax Map #11 to rezone the parcel from RM-4 (low to moderate density residential) Zoning District to the WMU (waterfront mixed use) Zoning District [Property 1] and Parcel 302 on Beaufort County Tax Map #4H to rezone the parcel from the PD-1 (planned development mixed use) Zoning District to the MS (main street) Zoning District [Property 2] and Parcel 172 on Beaufort County Tax Map #11 to rezone the parcel from the WMU (waterfront mixed use) Zoning District to the PD-1 (planned development mixed use) Zoning District [Property 3]; and providing for severability and an effective date

Mrs. Likins moved to approve the Second Reading of Proposed Ordinance 2017-20. Mr. Harkins seconded, the motion was approved by a vote of 7-0.

b. Second Reading of Proposed Ordinance 2017-22

Second Reading of Proposed Ordinance 2017-22 the Third Supplemental Ordinance providing for the issuance and sale of not exceeding \$14,000,000 in aggregate principal amount of the Town of Hilton Head Island, South Carolina, Stormwater System Revenue Bonds, in one or more Series, for the purpose of financing certain capital improvements and refinancing all or a portion of the \$13,810,000 original principal amount Town of Hilton Head Island, South Carolina, Stormwater System Refunding Revenue Bond, Series 2010; delegating the authority to the Town Manager to determine certain matters with respect to new bonds; prescribing the form and details of such bonds; amending certain provisions to the General Bond Ordinance; other matters relating thereto; and providing for severability and an effective date.

Mrs. Likins moved to approve Proposed Ordinance 2017-22, Mr. Harkins seconded, the motion was approved by a vote of 7-0.

12. New Business

a. Consideration of Recommendations of the Accommodations Tax Advisory Committee

Mr. McCann made a motion to accept the Recommendations of the Committee in its entirety. Mr. Lennox seconded.

Mr. Harkins made a motion to amend the Recommendations of the Committee up to \$100,000 from the carryover to the Airport contingent of a 2 to 1 match from Beaufort County. Mrs. Likins seconded the motion to amend.

Mr. Brown, Chairperson of the Accommodations Tax Advisory Committee addressed Council stating giving an overview of what the Committee of what their discussions were that lead them to their final recommendations.

Many citizens addressed Council regarding the Art Center of Coastal Carolina. Asking Council to approve the original \$400,000 that was approved the previous year. Explaining to Council that the Art Center is a diverse attraction, and is important to keep funding it and not take funding away. Mr. McCleod explained that the members of the Art Center’s Finance Committee is made up of finance experts, for example former bankers, investment bankers, and auditors. He said that they are focused on oversight and ask that Council please consider the \$400,000. Others stated that expenses have gone up, not down, and that taking money away doesn’t do anything more than do more harm to the Art Center.

After lengthy discussion regarding the Art Center of Coastal Carolina, Mr. McCann moved to increase the original recommendation for the Art Center from \$385,000 to \$400,000. Mr. Lennox seconded.

Council continued to discuss all off the recommendations presented by the Committee, and at the conclusion of their discussion, Mayor Bennett asked for any final discussion and called the vote.

The motion made by Mr. McCann to increase the funding for the Art Center of Coastal Carolina from

\$385,000 to \$400,000, then seconded by Mr. Lennox was approved by a vote of 4-3. Mayor Bennett, Mr. Ames, and Mrs. Likins opposed.

The motion made by Mr. Harkins to amend the original motion, providing up to \$100,000 to the Airport in a 1 to 2 matching grant with Beaufort County, agreeing no later than March 1, 2018, then seconded by Mrs. Likins was approved by a vote of 7-0.

The original motion made by Mr. McCann to approve the Recommendation of the Accommodations Tax Advisory Committee, as amended, excluding the recommendations for the Boys and Girls Club and the First Tee of the Lowcountry, then seconded by Mr. Lennox was approved by a vote of 7-0.

The final motion made by Mr. Harkins considering the Recommendations of the Accommodations Tax Advisory Committee for the Boys and Girls Club and the First Tee of the Lowcountry, then seconded by Mr. McCann was approved by a vote of 6-0-1. Mrs. Likins recused herself from the vote, see the attached recusal form attached at the conclusion of the minutes.

b. First Reading of Proposed Ordinance 2017-26

First Reading of Proposed Ordinance 2017-26 to amend the Municipal Code of the Town of Hilton Head Island by creating Chapter 4 of Title 9, establishing regulations and requirements relating to single-use plastic bags in the Town of Hilton Head Island; and providing for severability and an effective date.

Mrs. Likins moved to approved Proposed Ordinance 2017-26. Mr. Harkins seconded.

The members of Council discussed the proposed ordinance, asking questions related to Section 9-4-40, Exemptions.

Christopher Inglese, Assistant County Attorney addressed Council answering the questions that they had related to the proposed ordinance as well as explaining the process that the Beaufort County Council was currently following with regards to the ordinance they had just passed during a second reading on December 11, 2017. Mr. Inglese also invited Rikki Parker with the Coastal Conservation League to help answer questions as well.

Ms. Parker answered Council's question related to pharmacists and veterinarians use of plastic bags. She stated that the Food and Drug Administration regulations requires that the exemption exist within the ordinance for pharmacists and veterinarians for prescribing and/or dispensing medications only. The exemption does not apply to the business.

After much discussion from the members of the community showing their support in favor of the ordinance, Mayor Bennett asked the members of Council if there was any further discussion on the matter. Council continued to discuss the importance of the environment of the Island, as well as the importance of passing an ordinance like this.

At the conclusion of the discussion, Mr. Grant moved to amend the original motion adding in language under Section 9-4-40 Exemptions. Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities "as per FDA regulations." Mr. McCann seconded, the motion passed by a vote of 7-0.

The original motion made by Mrs. Likins, as amended and seconded by Mr. Harkins was approved by a vote of 7-0.

c. Consideration of a Recommendation – Cordillo Tennis Courts Park

Consideration of a Recommendation from the Public Facilities Committee that Town Council approve the recommended list of potential park elements to be used to develop plans for permitting and construction at the Cordillo Tennis Courts Park.

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

After listening to a member of the Cordillo Courts Board, the members of Council discussed the recommendation and the potential park elements list. Council debated if the list was a starting off point to begin the discussion for improvements to the Cordillo Tennis Courts Park, or if the park elements list had been reviewed and approved before being forwarded to Council to review.

Charles Cousins, Director of Community Development clarified stating that the potential park elements list, had already been to the Parks and Recreation Commission for approval, who then forwarded it to the Public Facilities Committee for approval and recommendation to Council. Mr. Cousins said, the

recommendation as it reads, is the recommendation that came from the Public Facilities Committee. Mr. Riley also clarified, that the project itself will need to come back to Council for budgetary approval.

At the conclusion of Council's discussion, the motion passed by a vote of 7-0.

d. Consideration of a Recommendation – Bradley Circle “NO PARKING” Signs

Consideration of a Recommendation from the Public Planning Committee that Town Council approve Town staff coordination with Beaufort County for the installation of “NO PARKING” signs along Bradly Circle and the subsequent enforcement thereof by the Town.

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

After a brief discussion, the motion passed by a vote of 7-0.

e. Consideration of a Resolution to allow investment in the State Local Government Investment Pool

Consideration of a Resolution to establish authority for the Town to participate in the South Carolina Local Government Investment Pool as managed by the South Carolina State Treasurer.

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

After a short discussion between Council and Town staff, the motion passed by a vote of 7-0.

f. Consideration of the Adoption of the Key 2018 Town Council Priorities

Mrs. Likins moved to adopt the 2018 Town Council Priorities. Mr. Harkins seconded, the motion passed by a vote of 7-0.

g. Consideration of a Recommendation – Analysis to determine the possibility of adding a traffic light at Long Cove

Consideration of a Recommendation from the Public Facilities Committee that Town Council direct Town staff to collect the necessary data, and that a signal warrants analysis for the intersection of Long Cove Drive and William Hilton Parkway (U.S. 278 (Bus.)) be conducted by the SCDOT.

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

After some discussion from Council concerning the safety related to the intersection at Long Cove Drive and U.S. 278, Mr. Riley stated that the motion as made is not supported by staff. He said there is the concern is that the Town is setting a precedence of what should be a private party's responsibility to collect data.

Council continued to discuss the matter, and concluded that there could be an opportunity for reimbursement to Long Cove if they would like to collect the data necessary for this project. The reimbursement would be for no more than \$2,000

Upon final agreement from the members of Council that Long Cove could contract to do the analysis on their own and the Town would reimburse Long Cove for the work up to \$2,000. Mayor Bennett called the vote, passing by a vote of 7-0.

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

14. Adjournment

Mayor Bennett adjourned the meeting at 6:57 p.m.

Krista M. Wiedmeyer,
Executive Assistant/Town Clerk

Approved: 01/09/2018

David Bennett, Mayor



UNIVERSITY OF
SOUTH CAROLINA
BEAUFORT

Date: December 20, 2017

To: Stephen G. Riley, ICMA-CM, Town Manager
One Town Center Court
Hilton Head Island SC 29928

From: Mike Parrott, USC Beaufort

Re: USCB Hospitality Management 4th Quarter 2017 Construction Report

CONSTRUCTION PROGRESS

Work continues as scheduled. The 1st floor concrete slab is complete as well as the underground mechanical, electrical, and plumbing rough-ins. Structural steel installation is complete. The 2nd floor metal decking is installed and 50% of the 2nd floor concrete is poured. The balance of that concrete floor is scheduled to be poured before Christmas. Roof trusses are on site. Laminated wood beams are being fabricated. Those components are scheduled to be installed after the first of the year. Exterior wall framing has begun. 2nd floor mechanical, electrical, and plumbing rough-ins are underway.

SCHEDULE

The current contractor schedule allows the University to occupy the facility September 21, 2018.

BUDGET

Budget numbers continue to track well. We have committed \$17,964,679 in contracts to the architect, construction contractor, and a testing and inspections firm. The furniture, site lighting, and audio visual instructional equipment procurements are underway.

Total expenses paid to date are \$5,023,574.



ITEMS OF INTEREST

January 9, 2018

TOWN NEWS

- In observance of Martin Luther King, Jr. Day, the Town of Hilton Head Island Administrative Offices will be closed Monday, January 15, 2018.

TOWN OF HILTON HEAD ISLAND MEETINGS

- Culture & Arts Advisory Committee – January 10, 2018 – 9:30 a.m.
- Parks & Recreation Commission – January 11, 2018 – 3:30 p.m.
- Finance & Advisory Committee – January 16, 2018 – 2:00 p.m.
- Town Council, Executive Session – January 16, 2018 – 4:00 p.m.
- Town Council, Regular Session – January 16, 2018 – 5:00 p.m.

Additional meetings may be scheduled and all meetings are subject to change and/or cancellation. Please visit the Town of Hilton Head Island website at www.hiltonheadislandsc.gov for Committee meeting dates and agendas.

HILTON HEAD ISLAND EVENTS

Friday, January 12, 2018 6:00 – 8:00 p.m.	MLK Community Religious Service	Queen Chapel A.M.E Church
Saturday, January 13, 2018 9:00 – 12:00 p.m.	MLK Community Service Day Breakfast & Project Work	All Saints Episcopal Church
Monday, January 15, 2018 10:00 – 1:30 p.m.	MLK March, Award, & Cookout	Hilton Head Island High School

MEMORANDUM

TO: Town Council

FROM: Staff Attorney

RE: Request by Beaufort County for the Town to adopt an ordinance related to the use of single-use plastic bags.

DATE: December 7, 2017

CC: Stephen G. Riley, ICMA-CM, Town Manager
Gregory D. DeLoach, Esq., Assistant Town Manager for Administration

At the first reading on December 19, 2017 of Proposed Ordinance #2017-26, section 9-4-40 B was amended to add the language “as required by the U.S. Food and Drug Administration (FDA)”.

All other sections of the Ordinance remain the same.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

PROPOSED ORDINANCE NO. 2017- 26

ORDINANCE NO.:

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND BY CREATING CHAPTER 4 OF TITLE 9, ESTABLISHING REGULATIONS AND REQUIREMENTS RELATING TO SINGLE-USE PLASTIC BAGS IN THE TOWN OF HILTON HEAD ISLAND; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Beaufort County Council seeks to protect the health, safety, and general welfare of the residents and visitors within the County; and

WHEREAS, the Beaufort County Council seeks to improve and protect the environment within the County by encouraging the use of reusable checkout bags and recyclable paper carryout bags and banning the use of single-use plastic bags for retail checkout of purchased goods throughout the County; and

WHEREAS, the Town Council seeks to protect the health, safety, and general welfare of the residents and visitors within the Town; and

WHEREAS, the Town Council seeks to improve and protect the environment within the Town by encouraging the use of reusable checkout bags and recyclable paper carryout bags and banning the use of single-use plastic bags for retail checkout of purchased goods; and

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS HEREBY ORDERED ORDAINED BY AND UNDER THE AUTHORITY OF THE SAID TOWN COUNCIL, AS FOLLOWS:

NOTE: Underlined and bold-face typed portions indicate additions to the Municipal Code. ~~Stricken~~ portions indicate deletions to the Municipal Code.

Section 1. That Chapter 4 of Title 9 of the Municipal Code of the Town of Hilton Head Island, South Carolina, is hereby created as follows:

“Regulations and Requirements Relating to the Use of Single-Use Plastic Bags.”

“Section 9-4-10. Purpose and Intent.

This chapter is adopted to improve the environment of the Town by encouraging the use of reusable checkout bags and recyclable paper carryout bags and banning the use of single-use plastic bags for retail checkout of purchased goods. Business establishments are encouraged to make reusable bags available for sale, to make recyclable paper carryout bags available for distribution and to continue offering bins for all recyclable products including but not limited to plastic products.

Section 9-4-20 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

• Business Establishment. Any commercial enterprise that provides carryout bags to its customers through its employees or independent contractors associated with the business. The term includes sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity, whether for profit or not for profit.

• Single-Use Plastic Carryout Bag. A bag provided by a business establishment to a customer typically at the point of sale for the purpose of transporting purchases, which is made predominantly of plastic derived from either petroleum or a biologically-based source. "Single-use plastic carryout bag" includes compostable and biodegradable bags, but does not include reusable carryout bags.

• Reusable Carryout Bag. A carryout bag that is specifically designed and manufactured for multiple reuse, and meets the following criteria:

(1) Displays in a highly visible manner on the bag exterior, language describing the bag's ability to be reused and recycled;

(2) Has a handle; except that handles are not required for carryout bags constructed out of recyclable paper with a height of less than 14 inches and width of less than eight inches; and

(3) Is constructed out of any of the following materials:

(a) Cloth, other washable fabric, or other durable materials, whether woven or non-woven; or

(b) Recyclable plastic, with a minimum thickness of 2.25 mils;

• Customer. A person who purchases merchandise from a business establishment.

Section 9-4-30 Prohibitions.

(A) No person may provide single-use plastic carryout bags at any Town facility, Town-sponsored event, or any event held on Town property.

(B) No business establishment within the Town may provide single use plastic carryout bags to its customers.

(C) Business establishments within the Town are strongly encouraged to provide prominently displayed signage advising customers of the benefit of reducing, reusing and recycling and promoting the use of reusable carryout bags and recyclable paper carryout bags by customers.

(D) All business establishments are encouraged to provide or make available to a customer reusable carryout bags or recyclable paper bags.

Section 9-4-40 Exemptions.

This chapter shall not apply to:

(A) Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste;

(B) Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities, as required by the U.S. Food and Drug Administration (FDA);

(C) Bags used by a customer inside a business establishment to:

(1) Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;

(2) Contain or wrap frozen foods, meat, or fish, whether or not prepackaged;

(3) Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases; or

(4) Contain unwrapped prepared foods or bakery goods; and

(D) Bags of any type that the customer bring to the store for their own use for carrying away from the store goods that are not placed in a bag provided by the store.

Section 9-4-50 Penalties.

(A) Any business establishment that violates or fails to comply with any of the provisions of this chapter after a written warning notice has been issued for that violation shall be deemed guilty of a misdemeanor. The penalty shall not exceed \$100 for a first violation; \$200 for a second violation within any 12-month period; and \$500 for each additional violation within any 12-month period. Each day that a violation continues will constitute a separate offense.

(B) In addition to the penalties set forth in this section, repeated violations of this chapter by a person who owns, manages, operates, is a business agent of, or otherwise controls a business establishment may result in the suspension or revocation of the business license issued to the premises on which the violations occurred. No business license shall be issued or renewed until all fines outstanding against the applicant for violations of this chapter are paid in full.

(C) Violation of this chapter is hereby declared to be a public nuisance, which may be abated by the Town by restraining order, preliminary and permanent injunction, or other means provided for by law, and the Town may take action to recover the costs of the nuisance abatement.

Severability. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Effective Date and Review.

(A) The provisions of this Chapter shall take effect 8 months from the date Town Council enacts this Ordinance provided that the same or a substantially similar Ordinance has been adopted by the Beaufort County Council. If the same or substantially similar Ordinance has not been adopted by the Beaufort County Council on the date Town Council adopts this Ordinance, then this Ordinance shall take effect 8 months from the date the Beaufort County Council does adopt such an Ordinance.

(B) Provided this Ordinance takes effect, the Town Council will review and evaluate this Ordinance and the effect of the Ordinance three (3) years from the date this Ordinance goes into effect.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2018

By: _____
David Bennett, Mayor

ATTEST:

By: _____
Krista Wiedmeyer, Town Clerk

First Reading: December 19, 2018

Second Reading: _____

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____



TOWN OF HILTON HEAD ISLAND

Public Projects and Facilities Management Department

TO: Stephen G. Riley, ICMA-CM, Town Manager
VIA: Scott Liggett, PE, Director of PP&F/Chief Engineer
FROM: Jeff Buckalew, PE, Town Engineer
James Cook, Engineering Technician
CC: Brian Hulbert, Staff Attorney
DATE: January 9, 2018
SUBJECT: Recommendation of Policies to Guide the Private Unpaved Road
Acquisition and Paving Program

Recommendation:

Staff recommends that Town Council approve five key policy decisions needed to guide the private unpaved road acquisition and paving program.

Summary:

At their December 19, 2017 meeting, the Public Facilities Committee voted unanimously to approve the five policy issues as stated below, with the condition that the first issue be amended as 1-A to include roads with less than six dwellings under the circumstances listed. The five key policy issues to be resolved for the advancement of the private, unpaved road acquisition and paving program are listed below with staff recommendations.

1. **To qualify for this program, the road must serve more than 5 dwellings / address points.** (Exhibit A is attached listing the thirty-four currently qualifying roads.)
 - 1-A. **If a private unpaved road serving 5 dwellings or less, lying within a low-moderate income area, that emergency responders have deemed impassable, and there is 100% participation amongst all affected property owners to donate a public road right of way to the Town, staff shall bring that road before the Public Facilities Committee and Town Council as an exception to the policy and for consideration of dedication and acceptance.**
2. **Property owners must express interest in public road right of way assemblage (100% willing participation).**
3. **Land for the public road right of way must be donated to the Town.**
4. **Condemn land only as necessary due to unclear title issues (i.e., heirs' property).**
5. **Community volunteers may assist staff with facilitating right of way donations.**

Background:

1. To qualify for this program, the road must serve more than 5 dwellings / address points

This mimics the Beaufort County policy for accepting private roads (must serve at least six dwelling units) and is based on the premise that the Land Management Ordinance allows for subdivisions to be created / developed for 5 lots and less without having to establish and record a road right of way or install right of way infrastructure (road pavement and drainage) to current standards. Although private roads serving five or less dwellings may have a name for addressing purposes, they are essentially private driveways.

1-A. If a private unpaved road serving 5 dwellings or less, lying within a low-moderate income area, that emergency responders have deemed impassable, and there is 100% participation amongst all affected property owners to donate a public road right of way to the Town, staff shall bring that road before the Public Facilities Committee and Town Council as an exception to the policy and for consideration of dedication and acceptance.

This recommendation was discussed and added at the Public Facilities Committee review of this item. There may be special exceptions which warrant Town Council review and action.

2. Property owners must express interest in public road right of way assemblage (100% willing participation)

This policy issue also mimics the Beaufort County policy and puts the onus on those property owners with land at stake to achieve a consensus agreement that they want the road to be public and to be maintained by the government. The Town does not intend to forcibly make a road public without the willing consent of the affected land owners. This will be a major factor in the implementation schedule for the program.

3. Land for the public road right of way must be donated to the Town.

This is strictly a voluntary program for private road owners that want their road to be public. The Town will not compensate land owners for the road right of way or the right to improve their private roads. This will require a fee simple transfer of land to the Town. In return, the Town will maintain the road right of way in perpetuity. The Town will absorb the cost of surveying, title work and legal services necessary for recording the transfer.

4. Condemn land only as necessary due to unclear probate or recording title issues (i.e., heirs' property)

There will only be "friendly" condemnations done out of necessity as part of this program. These will entail properties where the locally residing owner wishes to donate land necessary for a public right of way, but due to clouded title they are unable to legally do so. The qualifying types of issues will be probate or gaps in the title chain, such as heirs' properties where the local or majority owner wishes to donate the land, but legally cannot do so. The Town will provide legal assistance where recording errors or incorrect legal descriptions cause the title to be clouded. The Town will not condemn in cases where the property needs to be cleared of liens, foreclosures, or fraud. The Town Attorney will prepare condemnation documents for filing upon Town Council direction and

approval. This does not mean the Town will act to fully clear the title on the remaining balance of the property.

5. Community volunteers may assist staff with facilitating right of way donations.

Community volunteers may provide aid in facilitating right of way donations. This may be in the form of communication and organization regarding the program, distribution and collection of petitions, forms, exhibits, documents, etc., and promoting the general benefits of this opportunity. The Town's project manager shall work closely with the volunteer(s) - holding public meetings, meeting with individual property owners, providing documents, data, exhibits, etc. It is very important that there be clear communication that this is a voluntary program and an opportunity for property owners to work together for government assistance to improve their neighborhood.

Attachments: Exhibit A – List of the thirty-four currently qualifying roads

EXHIBIT A

PRIVATE DIRT ROAD ACQ RATINGS (GROUPED BY # OF DWELLINGS & ADT)

ROAD NAME	CONCIL DISTRICT	LENGTH (MILES)	# OF HOUSES SERVED	SECTION 1 ROAD USE	SECTION 2 MAINTENANCE	SECTION 3 EXISTING EASEMENTS	SECTION 4 BENEFIT / COST	TOTAL SCORE	RANK	# OF PARCELS /ADT	
FY 14-16 (GREATER THAN 5 DWELLINGS)											
Alfred Lane	1	0.152	18	18	30	8	1.33	62.64	1	14	180
Murray Avenue	1	0.137	22	22	25	5	1.67	60.33	2	20	220
Aiken Place	1	0.206	17	22	25	2	1.05	54.23	3	15	170
Cobia Court	1	0.319	14	17	25	5	0.50	49.50	4	10	140
Alice Perry Drive	6	0.148	9	20	25	5	0.90	54.51	5	7	90
Pine Field Road	1	0.118	10	10	25	15	0.57	52.83	6	15	100
Mitchellville Lane	6	0.275	11	11	15	25	0.27	52.36	7	13	110
Bligen Lane	1	0.250	18	20	25	0	0.48	47.40	8	14	180
FY 17 (GREATER THAN 5 DWELLINGS)											
Amelia Drive	1	0.122	7	7	30	10	0.36	48.80	1	7	70
Christopher Drive	1	0.187	10	10	30	5	0.32	46.60	2	11	100
Freddies Way	1	0.079	11	11	20	5	0.67	39.36	5	8	110
Manatee Way	3	0.255	17	17	10	10	0.33	38.64	6	2	170
Sam Frazier Retreat	1	0.061	9	9	20	5	0.67	37.37	7	7	90
Horse Sugar Lane	6	0.136	6	6	30	0	0.21	37.06	8	5	60
Orage Lane	1	0.121	14	14	20	0	0.53	36.63	9	8	140
Mackeral Drive	1	0.120	9	9	20	5	0.34	35.71	12	6	90
Farmers Club Drive	1	0.056	6	6	25	0	0.45	33.23	18	4	60
Sadie Common	1	0.076	6	6	25	0	0.33	32.63	19	11	60
Junior Trace	1	0.080	6	6	20	5	0.31	32.55	20	5	60
Great Barracuda Lane	6	0.092	10	10	20	0	0.44	32.18	21	6	100
Benjamin Drive	1	0.135	6	6	20	5	0.18	31.92	22	6	60
Red Tip View	1	0.153	6	6	25	0	0.16	31.81	23	6	60
William Drive	1	0.106	6	8	20	0	0.28	29.41	25	7	60
Palm Tree Place	6	0.156	8	8	20	0	0.19	28.96	26	2	80
Blossom Place	1	0.041	6	6	20	0	0.51	28.53	27	2	60
Eugene Drive	1	0.059	6	6	10	10	0.35	27.76	28	5	60
Sassafras Lane	1	0.089	6	6	20	0	0.23	27.17	34	4	60
Candy Doll Bluff	1	0.089	10	10	10	5	0.37	26.87	35	8	100
Amelia Court	1	0.135	6	6	15	5	0.15	26.77	36	4	60
Indian Pipe Lane	1	0.069	7	7	15	0	0.30	23.48	50	2	70
Triggerfish Trail	6	0.146	6	6	15	0	0.12	21.58	51	6	60
Grant Drive	1	0.094	7	7	10	0	0.17	17.84	60	2	70
Clifford Miller Drive	1	0.103	7	7	0	0	0.06	7.32	71	2	70
Sapos Place	6	0.041	6	6	0	0	0.12	6.59	73	3	60

TEXT COLOR DENOTES ROADS IN SEWER MASTER PLAN



TOWN OF HILTON HEAD ISLAND

Public Projects and Facilities Management Department

TO: Stephen G. Riley, ICMA-CM, Town Manager
VIA: John Troyer, CPA, Director of Finance
FROM: Scott Liggett, PE, Director of PP&F/Chief Engineer
CC: Jeff Buckalew, PE, Town Engineer
Jennifer Lyle, PE, Asst. Town Engineer
DATE: January 9, 2018
SUBJECT: Recommendation for Budget Transfer within the CIP to Facilitate
Construction of Roadway Improvements on Office Park Road

Recommendation:

In accordance with policies in the Budget Process Overview adopted in the most recent Budget Ordinance, staff recommends that the Town Manager amend the Town's Consolidated Municipal Budget for 2017-2018, the Capital Improvement Program Fiscal Year 2017-2018 Funding, in the following manner to provide sufficient funding to contract for the immediate construction of roadway improvements on Office Park Road.

Summary:

This transfer of funds (\$605,000.00) is recommended to fully fund the timely construction of this important project. On October 6, 2017 the Town solicited proposals for construction services on Office Park Road. Staff recommends contract award to the proposal with a fee of \$2,454,584.00. The current total of unobligated and available funds in the project account is \$2,360,000.00. The total funds recommended to complete the project, including contingencies (utility conflicts/relocations and construction change orders), legal fees, land acquisition closings, and field inspection service total \$2,965,000.00. This requires a transfer of \$605,000.00 and staff recommends these funds be transferred from the Coligny Area Improvements account. This donor project is scheduled for construction in next year's CIP and can be supplemented in the FY-19 CIP budget. All funding involved is Tax Increment Finance revenue.

CIP PROJECT	CURRENT AVAILABLE FUNDS	REQUIRED FUNDS	ADD	DEDUCT	NEW BALANCE of AVAILABLE FUNDS
OFFICE PARK ROADWAY IMPROVEMENTS (TIF)	\$2,360,000	\$2,965,000	\$605,000	-	\$2,965,455
COLIGNY PARK (TIF)	\$9,478,805	FUTURE	-	\$605,000	\$8,873,805

Fund Transfer for Office Park Road

1/9/18
Page 2

Background:

These improvements were identified in the USCB campus Traffic Study. Furthermore, the Town's agreement with USCB obligates the Town to make any necessary off-site traffic and roadway improvements as called for in the traffic study.

This transfer of funds is needed now to fully fund the timely construction of the project. This work is to be done prior to USCB opening for classes and staff desires it be completed prior to the summer tourist season as well. With a 120-day performance requirement in the construction contract, we will need to begin work by February to avoid working into June (summer season). Construction will directly affect Pope Avenue and Greenwood Drive, thus virtually all traffic accessing the south end of the island.

TRANSFER SUMMARY

RECIPIENT ACCOUNT: Office Park Roadway Improvements (CIP 320000MR-R0066)

\$ 2,360,000.00	FY 2018 Current Balance (Approved Budget)
+ \$ 605,000.00	<u>Budget Transfer (TOTAL ADDITION)</u>
\$2,965,000.00	Proposed Balance

DONOR ACCOUNT: Coligny Park Improvements (CIP Project-N0030)

\$ 9,478,805.00	FY 2018 Current Balance (Approved Budget)
- \$ 605,000.00	<u>Budget Transfer (TOTAL DEDUCTION)</u>
\$ 8,873,805.00	Proposed Balance