

REVISED TO REFLECT REMOVAL OF ITEM 8(b) AND ADDITION OF ITEM 9(a)

Town of Hilton Head Island Special Meeting of Town Council Tuesday, May 19, 2020, 2:00 p.m. REVISED AGENDA

This meeting is being conducted electronically and broadcast on the Town's Facebook Page (<u>http://facebook.com/TownofHiltonHeadIslandSC</u>), the Town's website (<u>https://www.hiltonheadislandsc.gov/</u>), the Beaufort County Broadcast Channel website (<u>https://beaufortcountysc.gov/the-county-channel/live.html</u>), and Hargray Channels 9 & 113 and Spectrum Channel 1304.

- 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. Pledge of Allegiance
- 4. Invocation
- 5. Approval of Agenda
- 6. Approval of Minutes
 - a. Special Town Council Meeting, May 12, 2020, 1:30 p.m.
 - b. Special Town Council Meeting, May 12, 2020, 2:00 p.m.
- 7. Update from Jeremy Clark, CEO of Hilton Head Regional Healthcare
- 8. New Business

a. Consideration of a Recommendation – Shelter Cove Towne Center

Consideration of a Recommendation from Town staff to Town Council to forego the pier element included in the Shelter Cove Community Park preliminary master plan and to authorize the Town Manager to reallocate these funds and any other unspent Shelter Cove Park funds toward the execution of the concept plan for Shelter Cove Connectivity. Staff further recommends that Town Council authorize the Town Manager to negotiate and execute an extension with Shelter Cove Towne Center, LLC to the 5-year performance period to install additional parking improvements in the Shelter cove Area, currently set to expire June 5, 2020.

9. Unfinished Business

a. Discussion of Beach Access Parking

10. State of Emergency Business

a. Consideration of Proposed Emergency Ordinance 2020-14 - Extension of Electronic Town Council Meetings

Reading of Proposed Emergency Ordinance 2020-14 of the Town Council of the Town of Hilton Head Island, South Carolina, extending the standards for electronic meetings in the Town of Hilton Head Island, and providing for severability and an effective date.

b. Consideration of a Resolution – Urging Citizens to Wear Face Masks

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, urging all citizens, residents, tourists, and visitors to wear protective face masks anytime they are outside of their home or place of lodging.

11. Town Council Discussion

12. Executive Session

a. Land Acquisition

Discussion of negotiation incidents to the proposed sale, lease, or purchase of property in the

- i. Stoney area; and
- ii. Union Cemetery area.

13. Possible Actions Taken by Council as a Result of Discussions in Executive Session

14. Adjournment

Public comments concerning agenda items can be submitted electronically via the Town's Virtual Town Hall portal (<u>https://hiltonheadislandsc.gov/opentownhall/</u>). The portal will close <u>TWO (2) HOURS</u> prior to the scheduled meeting. All comments will be provided to Town Council for review and made part of the official record.

THE TOWN OF HILTON HEAD ISLAND TOWN COUNCIL SPECIAL MEETING MINUTES

Date: Tuesday, May 12, 2020

Time: 1:30 p.m.

Present from Town Council: John J. McCann, *Mayor;* Bill Harkins, *Mayor Pro-Tempore;* David Ames, Tamara Becker, Marc Grant, Tom Lennox, Glenn Stanford, *Council Members*

Present from Town Staff: Steve Riley, *Town Manager;* Josh Gruber, *Assist. Town Manager;* Shawn Colin, *Director of Community Development;* Krista Wiedmeyer, Exec. Assist/Town Clerk

1. Call to Order

Mayor McCann called the meeting order at 1:30 p.m. By way of roll call, Mayor McCann confirmed the attendance of all members of Council.

 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. Approval of Agenda

Mr. Harkins moved to approve. Mr. Stanford seconded. By way of roll call, the agenda was approved as written by a vote of 7-0.

4. First Reading of Proposed Ordinance 2020-12 - Fiscal Year 2021 Budget

First Reading of Proposed Ordinance 2020-12 to raise revenue and adopt a budget for the Town of Hilton Head Island, South Carolina, for the Fiscal Year ending June 30, 2021; to establish a Property Tax Levy; to establish funds; to establish a policy for acquisition of rights of way and easement; and providing for severability and an effective date.

Mr. Harkins moved to approve. Mrs. Becker seconded. Mr. Riley addressed Council, noting that the proposed budget was originally submitted as part of the biennial budget approved by Council last year. Mr. Riley stated that staff began making changes, but due to the current COVID-19 matter, it was not possible to project revenues properly. He reported that all staffing and raises for this next fiscal year have been frozen. Mr. Riley reported that prior to the pandemic, the Town had 9 very good months, and hoped to finish the current fiscal year strong. John Troyer, Finance Director, made a presentation to Council reviewing highlights of the proposed budget. Upon the conclusion of his presentation, Mr. Troyer answered questions posed by the members of Council. After some discussion related to the proposed budget, the motion was approved by a vote of 6-1, Mrs. Becker opposing.

5. Adjournment

By unanimous vote, the meeting adjourned at 2:10 p.m.

Approved: May 19, 2020

Krista M. Wiedmeyer, Town Clerk

John J. McCann, Mayor

THE TOWN OF HILTON HEAD ISLAND TOWN COUNCIL SPECIAL MEETING MINUTES

Date: Tuesday, May 12, 2020

Time: 2:00 p.m.

Present from Town Council: John J. McCann, *Mayor;* Bill Harkins, *Mayor Pro-Tempore;* David Ames, Tamara Becker, Marc Grant, Tom Lennox, Glenn Stanford, *Council Members*

Present from Town Staff: Steve Riley, *Town Manager;* Josh Gruber, *Assist. Town Manager;* Shawn Colin, *Director of Community Development;* Krista Wiedmeyer, Exec. Assist/Town Clerk

1. Call to Order

Mayor McCann called the meeting order at 2:11 p.m. By way of roll call, Mayor McCann confirmed the attendance of all members of Council.

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. Invocation – Rev. Bill McCutchen, Hilton Head Presbyterian

Rev. McCutchen delivered the invocation.

4. Approval of Agenda

Mr. Harkins moved to approve. Mr. Stanford seconded. By way of roll call, the agenda was approved as written by a vote of 7-0.

5. Approval of Minutes

a. Special Town Council Meeting, April 28, 2020

b. Special Town Council Meeting, May 5, 2020

Mr. Harkins moved to approve the minutes from April 28, 2020 and May 5, 2020. Mr. Stanford seconded. With no discussion on this items, by way of roll call, the motion was approved by a vote of 7-0.

6. Lowcountry Area Transportation Study Update – Councilman Glenn Stanford

Councilman Glenn Stanford gave a brief update to his fellow Council members about ongoing matters taking place with the Lowcountry Area Transportation Study. Mr. Stanford noted that Craig Winn, Project Manager from the SCDOT, recently made a presentation covering the US 278 project.

7. Unfinished Business

a. Second Reading of Proposed Ordinance 2020-11 – Town Code Update of Parking and Towing

Second Reading of Proposed Ordinance 2020-11 to amend the Municipal Code of the Town of Hilton Head Island, South Carolina, by amending Sections 12-3-211, 12-3-412, 12-3-413, and 12-5-112, and by adding Section 12-3-213 and by deleting Section 12-3-411, to declare certain activities related to the parking of vehicles to be unlawful, to declare unlawfully parked vehicles to be a public nuisance, to provide for the towing of vehicles that are found to be a public nuisance; providing for exemptions; and providing for severability and an effective date.

Mr. Harkins moved to approve. Mrs. Becker seconded. The members of Council had a brief discussion on this item. By way of roll call, the motion was approved 7-0.

8. New Business

a. Consideration of a Resolution – Community Development Block Grant Entitlement Program 2020-2024 Consolidated Plan Request

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina to approve the Community Development Block Grant (CDBG) Entitlement Program five-year Consolidated Plan (2020-2024) and the Annual Action Plan for Program Year 2020.

Mr. Harkins moved to approve. Mr. Stanford seconded. With no discussion, and by way of roll call, the motion was approved by a vote of 7-0.

b. Consideration of a Resolution – Community Foundation of the Lowcountry Community Development Block Grant Memorandum of Agreement

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina authorizing the execution of a Memorandum of Agreement by and between the Town of Hilton Head Island and the Community Foundation of the Lowcountry Board of Directors on behalf of the Community Foundation of the Lowcountry.

Mr. Harkins moved to approve. Mr. Ames seconded. With no discussion, and by way of roll call, the motion was approved by a vote of 7-0.

9. State of Emergency Business

a. Discussion and Possible Actions Related to Town Beach and Park Access

Mr. Riley opened the discussion by reviewing what has been seen over the last two weeks. Scott Liggett, Director of Public Projects and Facilities/Chief Engineer, reviewed the staff recommendations for opening up access points to the beaches and parks. After much discussion; Mayor McCann made a motion to continue to allow beach pass parking at Islander's beach with overflow parking for the same at Driessen through May 22, 2020, at which time, both parking areas would return to normal operations. Mr. Harkins seconded. Council discussed the current motion, and by way of roll call, the motion passed 7-0. Mr. Grant made a motion to open access to all beaches on May 15, 2020. Mr. Lennox seconded. After much discussion, Mr. Harkins moved to amend the original motion. The amended motion was to open access to all of the beaches with the exception of Burkes Beach and only allow 50% of the parking area at Coligny to open. Mr. Ames seconded the amended motion. With additional discussion on the amended motion, by way of roll call, the motion passed by a vote of 6-1, Mr. Grant opposing. Council continued discussing the opening of some of the parks on the Island. Mr. Harkins made a motion to open access on May 15, 2020 to the Sailing and Rowing Center, Shelter Cove lawn area only, and the Barker Field Extension, all other facilities would be considered for opening on June 1, 2020. Mr. Stanford seconded. By way of roll call, the motion passed by a vote of 7-0.

b. Consideration of Proposed Emergency Ordinance 2020-13 – Electronic Meetings of Town Boards and Commissions

Consideration of Proposed Emergency Ordinance 2020-13 establishing the standards for electronic meetings of Town Boards and Commissions in the Town of Hilton Head Island.

Mr. Harkins moved to approve. Mr. Stanford seconded. Mr. Riley stated that the intent of this ordinance was to begin to start getting back to some regular Town business. With some discussion on this item, and by way of roll call, the motion was approved by a vote of 7-0.

10. Town Council Discussion

Mayor McCann called on each member of Council who discussed items of importance to the community.

11. Executive Session

Mr. Riley stated that he had a need to enter Executive Session for a discussion of negotiations incidents to proposed contractual arrangements with Beaufort County.

At 3:42 p.m. Mr. Harkins moved to enter Executive Session for the matter described by Mr. Riley. Mr. Stanford seconded. By way of roll call, the motion was approved by a vote of 7-0.

12. Possible action by Town Council concerning matters discussed in Executive Session

13. Adjournment

Council returned from Executive Session, and by unanimous vote, the meeting adjourned at 4:28 p.m.

Approved: May 19, 2020

Krista M. Wiedmeyer, Town Clerk

John J. McCann, Mayor



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO:	Stephen G. Riley, ICMA~CM, Town Manager
CC:	Joshua A. Gruber, Assistant Town Manager
CC:	Scott Liggett, PE, Director of Public Projects & Facilities/Chief Engineer
CC:	John Troyer, CPA, Director of Finance
FROM	Shawn Colin, AICP, Community Development Director
DATE:	May 11, 2020
SUBJECT:	Shelter Cove Towne Centre Remaining Items

Recommendation

Staff recommends Town Council forego the pier element included in the Shelter Cove Community Park preliminary master plan shown in Attachment A, and to authorize the Town Manager to reallocate these funds and any other unspent Shelter Cove Park funds toward the execution of the concept plan for Shelter Cove Connectivity, including the pathway enhancements and parking improvements illustrated in Attachment B. In addition, Staff recommends that Town Council authorize the Town Manager to negotiate and execute an extension with Shelter Cove Towne Centre, LLC (SCTC) to the 5–year performance period to install additional parking improvements in the Shelter Cove Area, currently set to expire on June 5, 2020.

Summary

Action from Town Council would provide final action on the proposed pier element, authorize redistribution of funds toward additional Shelter Cove area enhancements authorize staff to work with SCTC to complete remaining items that were included in the development agreement including maintaining access to developer contributions toward future parking improvements.

Background

The Town and Shelter Cove Towne Centre, LLC (SCTC) entered into a Development Agreement (Agreement) on November 19, 2014. While the Agreement had a five-year term which expired on November 19, 2019, there are outstanding elements of the Agreement that remain incomplete. These items include:

Community Park Pier

- The proposed pier illustrated on Attachment A was part of the initial park concept but required significant review and approval by OCRM. While OCRM did ultimately approve the proposed pier, it was much longer and narrower than what was initially desired. While the approved pier did not meet expectations, the Town accepted the permit to keep options open until the permit expiration date of May 11, 2022.
- The Agreement allowed both parties to forego the pier element.
- The money set aside could be used for another purpose if agreed to by both parties.
- Staff recommends that the Town not move forward with funding of the pier, but coordinate with SCTC to use the money identified for the pier for pathway enhancement in the Shelter Cove area.

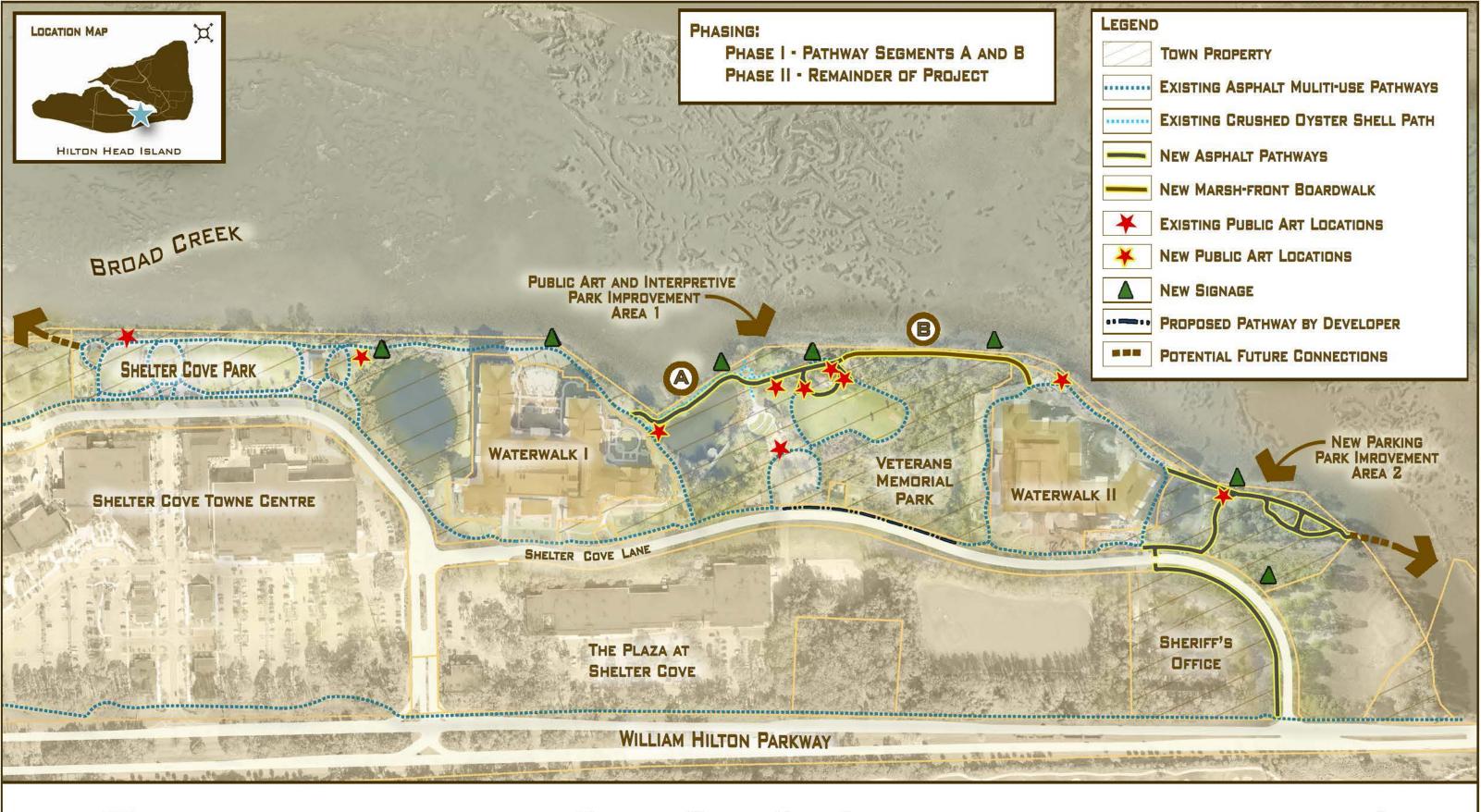
Parking Facilities

- The Agreement required SCTC to contribute \$200,000 to the Town to be used toward future parking improvements within the Shelter Cove area. The \$200,000 was received upon closing of the land swap and had a 5 year period to spend the money.
- According to the Agreement, this money needs to be spent by June 5, 2020 or it needs to be given back to the developer.
- Staff has completed a concept for additional parking and other park improvements, to include: improved pathway enhancements and boardwalk connections along the marsh-front of Broad Creek and along Shelter Cove Lane, additional parking, improved view sheds to Broad Creek, additional public art locations, and gateway, directional and interpretive signage.
- Finally, the current budget had supplemental funding to be used toward this project. However, the project estimates exceed that allocation.
- Staff recommends that the Town Council authorize the Town Manager to enter into an agreement with SCTC which authorizes the utilization of the \$200,000 toward implementation of Attachment B, Shelter Cove Connectivity Plan, the pathway enhancement and parking improvements concept plan, and includes an extension of the performance period from June 5, 2020 to coincide with the expiration of the TIF in December 2024.

Attachments: A-Shelter Cove Community Park, Preliminary Concept Master Plan B-Shelter Cove Connectivity Plan, Proposed Pathway Enhancements and Parking Improvements









TOWN OF HILTON HEAD ISLAND SHELTER COVE CONNECTIVITY PLAN PROPOSED PATHWAY ENHANCEMENTS AND PARKING IMPROVEMENTS

JANUARY, 2020

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SCALE: 1" = 250'



AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, EXTENDING THE STANDARDS FOR ELECTRONIC MEETINGS IN THE TOWN OF HILTON HEAD ISLAND, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, on March 13, 2020, Governor Henry McMaster issued Executive Order No. 2020-08 related to 2019 Novel Coronavirus ("COVID-19") and declared that a State of Emergency exists in South Carolina; and

WHEREAS, on March 16, 2020, Hilton Head Island Mayor John J. McCann, pursuant to Hilton Head Island Municipal Code 7-7-20; has declared a Local State of Emergency; and

WHEREAS, on March 15, 2020 the Centers for Disease Control and Prevention issued guidance recommending the suspension of large events and mass gatherings that consist of 50 people or more in order to slow the spread of COVID-19; and

WHEREAS, on April 27, 2020, Governor Henry McMaster issued Executive Order No. 2020-29 extending the State of Emergency existing in South Carolina; and

WHEREAS, on May 12, 2020, Governor Henry McMaster issued Executive Order No. 2020-35, extending the State of Emergency existing in South Carolina; and

WHEREAS, while it is imperative for local government to continue to operate during States of Emergency, it is equally imperative for local governments to take steps to minimized the need for large gatherings in order to protect the public health and safety and the health and safety of local government officials and staff; and

WHEREAS, the South Carolina Freedom of Information Act, which is codified at Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended, (the "Act") defines a "Meeting' as "the convening of a quorum of the constituent membership of a public body, where corporal or *by mean of electronic equipment*, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power" (emphasis added); and

WHEREAS, due to the State of Emergency related to COVID-19, it is advisable to make provisions for the holding of electronic public meetings, while ensuring any electronic meeting fully complies with the open meeting requirements of the Act; and

WHEREAS, as of May 19, 2020 the Town of Hilton Head Island is still in a state of Emergency in response to the COVID-19 pandemic; and

WHEREAS, it is hereby determined that a public emergency affecting life, health, and safety does exist, and therefore, it is appropriate and necessary to enact this Emergency Ordinance.

NOW THEREFORE, be it hereby ordained in this special meeting of the Town Council (the "Governing Body"), as follows:

Section 1. Standards for Electronic Meetings, The Governing Body is hereby authorized to conduct public meetings exclusively in electronic form, provided the medium for such meeting, whether

telephonic, broadcast video, computer based, or other electronic media, or any combination of these, and the conduct of the electronic meeting, allows for the following standards and practices to be met:

- (a) At the beginning of any electronic meeting, the presiding officer shall poll the members of the Governing Body to confirm attendance, and any member of the Governing Body attending by way of electronic media shall be considered present for the purpose of constituting a quorum.
- (b) Throughout the duration of the electronic meeting, all members of the Governing Body, as well as any officials, staff, or presenters required to speak at such meeting, must have the capability to be heard at all times by any other member of the Governing Body and by the general public.
- (c) Any vote of the Governing Body must be conducted by individual voice vote of the members of the Governing Body, who shall verbally indicate their vote on any matter by stating "yay" or "nay." All individual votes shall be recorded by the clerk, secretary, or presiding officers as appropriate.
- (d) Meetings shall be recorded or minutes kept in the same manner as an in person meeting as required by the Act.
- (e) All members of the Governing Body, officials, staff, and presenters should identify themselves and be recognized prior to speaking. Members of the Governing Body shall strictly comply with the rules of the Governing Body as they relate to procedural matters in order to preserve order and allow for the effectiveness of electronic meetings.
- (f) Electronic executive sessions shall be permitted in accordance with the provisions of the Act and the Governing Body shall properly announce its reason for going into any executive session in conformance with Section 30-4-70 of the Act. Upon the entry into any electronic executive session, meeting minutes need not be kept and the electronic meeting utilized for such executive session may be held by (i) a separate telephonic, broadcast video, computerbased, or other electronic media, or any combination of these wherein the public shall not be permitted to participate, or (ii) on the initial telephonic, broadcast video, computerbased, or other electronic media, or any combination of these, with the implementation of necessary participation or listening restrictions, provided that in either instance all members of the Governing Body must have the capability to be heard at all times.
- (g) With respect to any electronic meeting or Public Hearing, any public comment periods provided for by local ordinance, Ordinance, policy, or bylaws are hereby suspended. For the purpose of any meeting or Public Hearing of the Town Council, If the electronic meeting platform has sufficient capability to allow members of the public to submit comments, either in written form or by voice, during the meeting or Public Hearing, then Council will allow public comment in which ever form the capabilities of the electronic meeting platform allow. In the event that the electronic meeting platform does not have sufficient capability to allow members of the public to submit comments, either in written form or by voice,

during the meeting, the complete agenda package for the meeting or Public Hearing shall be posted on the Town's web page one week prior to the date and time of the meeting, and members of the public may submit their comments via email up to two hours prior to the Public Hearings. Any comments submitted by the public shall be made a part of the record.

Section 2. Suspension of Local Provisions. During the period of effectiveness of this Ordinance, any ordinance, Ordinance, policy, or bylaw of the Governing Body that conflicts with the provisions hereof is suspended and shall be superseded hereby.

Section 3. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Effective Date; Expiration. The provisions hereof shall be effective upon a single hearing and two-thirds vote of the Hilton Head Island Town Council, and shall expire on the sixty-first day following the effective date hereof, or upon the termination of the local state of Emergency, whichever first occurs.

DONE AS AN EMERGENCY ORDINANCE AT A SPECIAL MEETING, and approved at a meeting duly assembled by no less than affirmative vote of two-thirds of the members of the Town Council present, this _____ day of May, 2020

MOVED, APPROVED, AND ADOPTED THIS _____ DAY OF MAY, 2020

John J. McCann, Mayor

ATTEST:

Ву:_____

Krista M. Wiedmeyer, Town Clerk

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

Read and Adopted on: May _____, 2020.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, URGING ALL CITIZENS, RESIDENTS, TOURISTS AND VISITORS TO WEAR PROTECTIVE FACE MASKS ANYTIME THEY ARE OUTSIDE OF THEIR HOME OR PLACE OF LODGING

WHEREAS, On March 16, 2020, our Mayor, under the authority of§ 7-7-20, Municipal Code of the Town of Hilton Head Island (1983), declared that a State of Emergency exists throughout the Town as a result of impacts arising from the COVID-19 pandemic; and

WHEREAS, the Governor of South Carolina issued Executive Order 2020-30 on May 1, 2020, which rescinded the mandatory self-quarantine and lodging and travel restrictions for individuals entering South Carolina from high risk areas; and

WHEREAS, the Governor of South Carolina issued Executive Order 2020-31 on May 1, 2020, which modified his previously issued Home or Work Order thereby allowing for greater access and use of commercial establishments to include permitting outdoor dining at restaurants; and

WHEREAS, the Town Council believes it is necessary to ensure the public health, safety and welfare of its residents, tourists, and visitors, that all individuals should be encouraged to wear appropriate face masks anytime they may be in a public setting that could bring them into contact with other people outside of their family unit and to continue their practice of safety measures recommended by the Centers for Disease Control and the South Carolina Department of Health and Environmental Control.

NOW THEREFORE, be it resolved that all Hilton Head Island residents, tourists, and visitors are urged to wear protective face masks whenever they are outside of their home or place of lodging and may be in a situation where they could come into contact with other individuals at any point in time during the continued State of Emergency.

MOVED, APPROVED, AND ADOPTED THIS _____ DAY OF MAY, 2020.

John J. McCann, Mayor

ATTEST:

Krista M. Wiedmeyer, Town Clerk

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____