



Town of Hilton Head Island
TOWN COUNCIL
Tuesday, July 21, 2020 at 4:00 p.m.
MEETING MINUTES

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

Absent from Town Council: John McCann, *Mayor*

Present from Town Staff: Steve Riley, *Town Manager*; Josh Gruber, *Assist. Town Manager*; Shawn Colin, *Director of Community Development*; Teri Lewis, *Deputy Director of Community Development*; Nicole Dixon, *Development Review Administrator*; Alice Derian, *Assistant Facilities Manager*; Krista Wiedmeyer, *Exec. Assist/Town Clerk*

1. Call to Order

Mayor Pro-Tem Harkins called the meeting order at 4:00 p.m. By way of roll call, the attendance of Town Council was confirmed. All members were present except for Mayor McCann.

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 – Pastor Steve Salvas, Grace Community Church

Pastor Steve delivered the invocation.

5. Approval of Agenda

Mr. Lennox moved to approve the agenda as written. Mr. Stanford second. The agenda was approved by a vote of 6-0.

6. Public Hearing

a. Palmer Simmons Appeal of Removal from the Planning Commission

Mayor Pro-Tem Harkins called the Public Hearing to order at 4:04 p.m. He asked Mr. Riley to provide an update on this matter.

Mr. Riley gave a brief status update as to the steps and actions that were taken leading up to the public hearing. Upon the conclusion of his update, Mayor Pro-Tem Harkins called on Mr. Simmons and/or his legal counsel to address Council on this matter.

6. Public Hearing (cont.)

Sean Bolchoz, legal counsel for Mr. Simmons said that he had been asked by his client to sit in on the hearing, but that Mr. Simmons would speak on his own behalf. Mr. Simmons addressed Council stating first that he objected to the holding of the public hearing since it could not be conducted in a live, in-person setting. He said that he did not understand why postponing the meeting until it could be conducted live causes any inconvenience or hardship to Town Council, stating that he felt it was only hurting him. Mr. Simmons said that removing him from the Planning Commission because of a citation he received last February was unfair. He continued by comparing this matter with another Town matter that took place with the Board of Zoning and Appeals; stating that he felt the situations were similar, but the outcome was different. Mr. Simmons stated that removing him from the Planning Commission was unnecessary as he would have recused himself from any discussions that were related to the use of his property. He said he felt that removing him from the Planning Commission was another way to punish him; stating that he represented both Hilton Head Island and his community well in his role on the Planning Commission. He went on to say that events leading up to the hearing was due to a complaint from a neighbor who he has been in a dispute with. Mr. Simmons stated that washing his truck on his land was fully legal, and at some point, he hopes there will be some clarification to this. He closed by stating that the culture coming out of the Town has become very unfriendly.

Mayor Pro-Tem Harkins opened the discussion to members of the public that signed up to address Council. Mr. Tai Scott, Mr. Ibrahim Abdul-Malik, and Mr. Skip Hoagland addressed Council in support of Mr. Simmons, and against his removal from the Planning Commission.

Mayor Pro-Tem Harkins asked the members of Town Council if they wished to comment on this matter. Mr. Ames stated that Mr. Simmons is a good person, and he wanted the broader community to know that. He said that he agreed that there is a distance to go to become one island, one community. Mr. Grant stated that he would like a little clarification concerning the matter Mr. Simmons brought up regarding the Board of Zoning Appeals Chairman and how that matter was different from this matter with Mr. Simmons. Mr. Riley stated that he recalled speaking about the Chairman from the BZA, noting that the situation was in violation of the LMO. He said that during a meeting of the BZA, they had overturned the recommendation from staff, and determined that this matter was an allowable use. Having had that determination, removal of the Chairman was no longer an option. Mr. Riley stated that in this current matter, there is a conviction by the courts of a violation, which gives the distinction of the two matters.

Having no further discussion, Mayor Pro-Tem stated that he would need a motion to either sustain Councils previous actions or to rescind them. Mr. Lennox moved to sustain the actions taken by Town Council at the May 5, 2020 Town Council meeting. Mr. Stanford seconded. By way of roll call, the motion was approved by a vote of 5-1, Mr. Grant opposing the motion.

At 4:34 p.m., Mayor Pro-Tem Harkins closed the public hearing.

7. Approval of Minutes

- a. Special Meeting of Town Council, June 16, 2020
- b. Special Meeting of Town Council, June 23, 2020
- c. Special Ad Hoc Meeting of Town Council, June 26, 2020
- d. Special Meeting of Town Council, June 29, 2020
- e. Special Meeting of Town Council, June 30, 2020
- f. Special Meeting of Town Council, July 8, 2020

Mr. Lennox moved to approve all the minutes as written. Mr. Stanford seconded. By way of roll call, the motion was approved 6-0.

8. Report of the Town Manager

- a. June Beach Statistics Report

Alice Derian, Assistant Facilities Manager, reviewed the June Beach Statistics report with Council, answering questions posed about the same.

- b. Items of Interest

Mr. Riley reviewed the current items of interest.

9. Reports from Members of Council

- a. General Reports from Council

There were no general reports from the members of Town Council.

- b. Report of the Intergovernmental Committee – Bill Harkins

Mayor Pro-Tem Harkins reported that the Committee had an open forum meeting where they discussed safety concerns related to COVID-19. He said that the Committee and staff provided feedback on comments submitted as well as had a couple citizens speak on the record.

- c. Report of the Community Services & Public Safety Committee – Marc Grant

Mr. Grant reported that the Committee last discussed safety measures the Town has taken with regard to COVID-19. He said the Committee has also reviewed and interviewed applicants for the ATAX Committee. Mr. Grant said that the Committee hoped to have a recommendation to Council soon.

- d. Report of the Public Planning Committee – David Ames

Mr. Ames stated that he did not have a report at this time.

- e. Report of the Finance & Administrative Committee – Tom Lennox

Mr. Lennox reported that the Committee had met earlier in the day where they were briefed on the budget and heard a presentation from Ms. Stone about the Town's compensation study. He said the Committee also discussed the DMO contract in executive session.

10. Proclamations/Commendations – NONE

11. Unfinished Business

a. Second Reading of Proposed Ordinance 2020-01 – Zero Lot Line LMO Amendments

Second Reading of Proposed Ordinance 2020-01 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance (LMO), Chapters 5 and 10. These amendments, commonly referred to as *Zero Lot Line Amendments* as noticed in the Island Packet on October 20, 2019, include changes that provide for General Amendments to several section in the LMO described on Exhibit “A” to the Ordinance, and providing for severability and an effective date.

Mr. Ames moved to approve. Mrs. Becker seconded. Staff provided and reviewed an example of what a zero lot line was. With no further discussion, by way of roll call, the motion was approved by a vote of 6-0.

12. New Business

a. First Reading of Proposed Ordinance 2020-03 – General 2019 Amendments Set 2

First Reading of Proposed Ordinance 2020-03 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance (LMO), Chapters 2, 3, 4k 5k 10, and Appendix D. These amendments, commonly referred to as *General 2019 Amendments – Set 2* as noticed in the Island Packet on December 15, 2019, include changes that provide for General Amendments to a variety of sections in the LMO described on Exhibit “A” to the Ordinance, and providing for severability and an effective date.

Mayor Pro-Tem Harkins reported that this set of LMO amendments had been reviewed and vetted by both the Planning Commission and Public Planning Committee. He said that staff requested that Section 16-5-109 related to Stormwater Management and Erosion and Sediment Control Stands be removed from the current amendments. Mr. Harkins said this would allow the current, more stringent Stormwater requirement in the Town’s code to remain in place, better serving the Town’s needs. With this, he asked for a motion to include the change and removal of this amendment.

Mr. Lennox moved to approve the 2019 LMO amendments set 3 with the exception of the proposed amendment to Section 16-5-109. Mr. Stanford seconded. Staff provided an overview of the current LMO amendments being reviewed and answered questions from Town Council. Staff was asked to go back and review the amendment related to HVAC units, and report back to Council in time for the second reading. With no further discussion, by way of roll call, the motion was approved by a vote of 6-0.

b. Consideration of a Recommendation – 2020 ATAX Grantees Affected by COVID-19

Consideration of a Recommendation to that Town Council approve a one-year extension for all 2020 Accommodations Tax grants, enabling the grant recipients the ability to use the 2020 funding through December 31, 2021, if needed.

Mr. Ames moved to approve. Mrs. Becker seconded. With little discussion, but with full agreement from Council, the motion was approved by way of roll call 6-0.

c. Discussion Concerning the Proposed Relocation of St. James Church

Mr. Riley gave a brief overview of where things currently stood with the proposed relocation of the Church. Council discussed the matter at length, ultimately deciding that they would support the relocation efforts.

Mr. Lennox moved that Town Council publicly support the relocation efforts of the St. James Baptist Church and that the relocations plans currently requested by the Church be sent to the Federal Aviation Administration for review and consideration of approval. Mr. Stanford seconded. Council discussed a little more and by way of roll call, the motion was approved by a vote of 6-0.

d. Consideration of the Findings and Recommendation of the Town's 2020 Classification & Compensation Study

Mr. Stanford moved to approve. Mr. Lennox seconded. Staff reviewed the study with Council, answering questions that were posed. With no further discussion, by way of roll call, the motion was approved by a vote of 6-0.

13. Executive Session

Mr. Riley stated that an Executive Session was needed for the following items; Land Acquisition: discussion of negotiations incidents related to the proposed sale, lease, or purchase of property in the: (i) Automobile Lane area, and (ii) Stoney area; and Contractual Matters: discussion of negotiations incidents to proposed contractual arrangements with Beaufort County.

At 5:27 p.m., Mr. Stanford moved to go into Executive Session for the reasons described by Mr. Riley. Mr. Lennox seconded. The motion was approved by a vote of 6-0.

14. Possible Actions by Town Council Concerning Matters Discussed in Executive Session

At 7:20 p.m., Town Council returned from Executive Session. Mayor Pro-Tem Harkins reported that Council would need to consider further actions concerning the contractual matters between the Town and Beaufort County. Mr. Riley reviewed the matter, providing the actions Council may wish to consider. He stated that the Town would agree to pay the County \$2 million annually for BCSO services, including Victim Services and the Detention Center for three years. The Town will accept responsibility for the operations and maintenance of all Town-owned parks and the County-owned Barker Field and jointly owned Hilton Head Park, entering into a three year lease-purchase agreement at one dollar per year. The Town will absorb the County's support of the Island Recreation Center programs and activities, with the exception of the youth swimming lesson programs, as long as the County continues to subsidize the youth swimming lessons County-wide through County pools. The Town will assume basic maintenance and repair of County-owned roads within the Town limits, entering into a three year lease-purchase agreement at one dollar per year. Mr. Riley stated that the Town encourages the County to engage an accounting firm with expertise in local government funding matters to undertake an analysis to examine opportunities for fair and equitable allocation of the costs for services.

Mr. Lennox moved for Council to accept the actions as described by Mr. Riley. Mr. Stanford seconded. After a short discussion, the motion was approved by a vote of 4-2. Mr. Ames and Mrs. Becker opposing.

15. Adjournment

By unanimous vote, the meeting adjourned at 7:27 p.m.

Approved: August 18, 2020

Krista M. Wiedmeyer, Town Clerk

John J. McCann, Mayor