

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

**Date:** Tuesday, March 16, 2010

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

**Present from Town Council:** Thomas D. Peeples, *Mayor*; Ken Heitzke, *Mayor Pro-Tem*; George Williams, John Safay, Bill Harkins, *Councilmen*.

**Absent from Town Council:** Drew Laughlin, Bill Ferguson, *Councilmen*.

**Present from Town Staff:** Stephen G. Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Curtis Coltrane, *Assistant Town Manager*; Lavarn Lucas, *Fire Chief, Fire & Rescue*; Charles Cousins, *Director of Community Development*; Susan Simmons, *Finance Director*; Scott Liggett, *Director of Public Projects & Facilities*; Nancy Gasen, *Director of Human Resources*; Teri Lewis, *LMO Official*; Brian Hulbert, *Staff Attorney*; Sally Krebs, *Natural Resources Administrator*; Randy Nicholson, *Comprehensive Planning Manager*; Jayme Lopko, *Senior Planner*; Rene Phillips, *Website/Court Systems Administrator*; Susan Blake, *Executive Assistant*

**Present from Media:** Laura Nahmias, Island Packet

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- 1) **CALL TO ORDER**
- 2) **PLEDGE TO THE FLAG**
- 3) **INVOCATION**
- 4) **FOIA COMPLIANCE** – Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 5) **PROCLAMATIONS AND COMMENDATIONS**
  - a. **Disabilities Awareness Month**

Carol Meyers of PEP (Program for Exceptional People) accepted the proclamation.
- 6) **APPROVAL OF MINUTES**
  - a. **Special Town Council Meeting of February 23, 2010**

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved by a vote of 5-0.
  - b. **Regular Town Council Meeting of March 2, 2010**

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved by a vote of 5-0.
- 7) **REPORT OF THE TOWN MANAGER**
  - a. **Town Manager's Items of Interest**

The Town Manager reported on some items of interest.
  - b. **March 2010 Policy Agenda, Management Targets and CIP Updates**

Steve Riley pointed out that the updates were attached to the agenda package. He invited members of council to contact him if they had any questions.

## 8) **REPORTS FROM MEMBERS OF COUNCIL**

### a. **General Reports from Council**

No reports.

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

The committee met that afternoon and reviewed some bills on the State legislature's agenda. They also discussed the situation the Lowcountry Economic Network was facing regarding a loan renegotiation for the Beaufort Commerce Park. The Network was not going to be able to carry the loan more than a few more months. Mr. Williams moved that Town Council authorize the Mayor to send a letter to the Chairman of the Beaufort County Council advocating that the County purchase this Commerce Park. An added benefit if the County purchased the Commerce Park is that it would enable them to apply for State grants. Mr. Safay seconded. The motion was approved by a vote of 5-0.

### c. **Report of the Personnel Committee – Drew Laughlin, Chairman**

Mr. Laughlin was unable to attend this meeting but the Mayor reminded citizens that the Personnel Committee was seeking interested applicants to begin the process of filling vacancies on boards and commissions.

### d. **Report of the Planning and Development Standards Committee – Bill Ferguson, Chairman**

There was no report as Mr. Ferguson was not able to attend this meeting. Steve Riley noted that New Business Item 11.c. was on tonight's agenda and had come forward with a favorable recommendation from the Planning & Development Standards Committee.

### e. **Report of the Public Facilities Committee – John Safay, Chairman**

No report.

### f. **Report of the Public Safety Committee – Bill Harkins, Chairman**

No report.

## 9) **APPEARANCE BY CITIZENS**

None.

## 10) **UNFINISHED BUSINESS**

### a. **Second Reading of Proposed Ordinance No. 2009-39 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapter 4, Section 403. These amendments include changes that provide for amendments to: Airport Overlay District Regulations and the approach path; and providing for severability and an effective date.**

Mr. Harkins moved to approve. Mr. Williams seconded. The Mayor commented that he had been approached about conducting a noise study to determine a baseline of noise levels "pre-tree clearing" so the Town would have a better understanding of the landscaping needs for visual and noise barriers in the buffers surrounding the clear-cut area. Mayor Peoples agreed this should be done if a viable noise study did not already exist and that the Town should pay for it. Mr. Heitzke moved that the Town conduct a noise study at the Town's expense to be completed prior to the July 1, 2010 date when the County would begin tree removal and

pruning. Mr. Safay seconded. Mr. Williams asked if this motion was an amendment to the proposed ordinance. The Mayor said it was not; it was a new item. The motion was approved by a vote of 5-0.

Steve Riley said there was a small technical correction that needed to be addressed as a result of an amendment made at the last meeting. In Section 16-4-403 C. v. in the second to last sentence, “in the buffers and wetlands” needed to be deleted to be consistent with the changes made at the March 2, 2010 meeting. Mr. Heitzke moved to approve the correction and Mr. Williams seconded. The amendment was approved by a vote of 5-0.

The Mayor invited comments from the public.

Ron Smetek, VP, Palmetto Hall POA spoke on behalf of the residents of Palmetto Hall. It was their recommendation that Council review and decide on which option from the Master Plan to undertake. Then request the FAA to do an analysis of hazardous navigation based on the selected Master Plan option.

Bob Gentzler, Palmetto Hall Environmental Chairman, thanked the Town Council for supporting the noise study proposal. Mr. Gentzler recommended that Town Council table the motion before them until a noise study has been conducted.

Bob Richardson, President of Palmetto Hall, reiterated the previous speakers’ request for a noise study and delay of any LMO changes until after the study has been completed.

Perry White observed that the tree removal proposal was an issue of great concern to the residents in the area because of its impact. He recalled that he had a conversation with the man who donated the property for the airport who told Mr. White that he had made a mistake and that airport was in the wrong location. Mr. White thought that it would be an even greater mistake if the airport runway or any other facilities of the airport were expanded.

The next speaker observed that the issue tonight was “trees” and “airplanes” and they do not mix. It was an issue of safety.

A man who lived on Tucker Ridge spoke in opposition to any expansion of the airport runway and the negative impact it would have on their property values.

The Mayor reminded the audience that the only issue they were discussing this evening was the amendment to the LMO regarding tree removal.

Chester Williams, representing St. James Baptist Church, said that his clients continue to believe this LMO amendment was not in the best interests of the Church. He noted that the director of the airport has said that if he thought the airport was operating unsafely, he would shut it down. Since the airport is not shut down, then the director must think it was operating in a safe manner. Mr. Williams said that this was not a safety issue; it was a dollars issue.

Chuck Copely, a commercial pilot, said that he flies out of Hilton Head Island, Savannah and Ridgeland. He disagreed with the prior speaker’s contention that this was not a safety issue. Mr. Copely talked about wind sheer dangers as well as flight path safety. He said that when flying out in hot weather and with a high gross weight, the plane sometimes barely clears the trees. He also mentioned that they have an excellent sound study that was conducted two or three years ago during the Heritage Golf Tournament.

Starletta Hairston asked how much a new noise study would cost. Mayor Peebles said they didn’t know how much a new study would cost, but they have committed to support the study if a new one is necessary. They would first review the data that is currently available.

Mr. Safay said that to him, this was not primarily a dollars issue, but rather a safety issue. He wished to make this clear.

Mr. Williams wanted it clarified that if the tree trimming/cutting proceeded on schedule as planned and the runway was ultimately extended, would they have wasted money trimming and cutting the trees? Charles Cousin responded that any recommendations by the Airport Master Plan would take years to be implemented. The County cannot wait to deal with the safety issues created by the trees; they must be addressed now. Further, if the runway were extended, it would not save any of the trees that were targeted for cutting now.

Mr. Harkins added that he, too, was in favor of this ordinance because safety of the airport was the key motivator for his vote at this point in the process.

The amended motion was approved by a vote of 5-0.

## 11) NEW BUSINESS

### a. **Consideration of a request from the Public Art Committee of the Community Foundation of the Lowcountry seeking a commitment of \$75,000 from the Town to be paid over a two year period.**

Mr. Williams moved to approve. Mr. Harkins seconded. Mark Baker, the Chairman of the Public Art Committee addressed Town Council to explain the planned public art exhibition and outdoor sculpture competition at Honey Horn in fall 2011 for a six-week period. The committee was here today to seek funding support for that part of their program. Also present was Carolyn Torgersen, VP of Marketing and Communications. Mr. Baker explained that the intended outcome of this event was the acquisition of a piece of art that would then become public art to be placed permanently somewhere on the Island.

Several council members wondered if the funding request shouldn't have gone to the ATAX committee instead of Town Council. Mr. Baker said that they wanted to get through the first year's event before making that determination. He felt there was a strong possibility that they would be able to achieve their financial goals through corporate sponsorships and private donations which would preclude the need for ATAX funding. They were also going to be doing research on how other communities are funding their Public Art programs.

After considerable discussion, the Mayor suggested that the request should be assigned to the Public Facilities Committee first. Mr. Heitzke moved that they postpone consideration of the request until after the Public Facilities Committee had a chance to hold a public meeting. Mr. Safay seconded. The motion was approved by a vote of 5-0.

### b. **Consideration of a recommendation from the Accommodations Tax Advisory Committee regarding the pending applications for forward funding from the Arts Center, the Orchestra, and the Town of Hilton Head Island.**

Mr. Williams moved to approve. Mr. Heitzke seconded. Bud Shay, the chairman of the ATAX committee, reported on their meeting held to address the Town Council's request to re-review the forward funding issue. The committee voted again to recommend against forward funding commitments. However, if Town Council elected to approve forward funding, it was the ATAX committee's recommendation that the amount of commitment should be 82% of the amount granted in 2009. The Mayor expressed appreciation to Mr. Shay and his committee for their diligence.

Mr. Safay said he truly respected and appreciated all the hard work and commitment by the

members of the ATAX committee and the chairman, Bud Shay. However, he disagreed and asked that the Council not make any changes to the process that they have been following in the past for forward funding. He thought it was more important for the Symphony and the Arts Center to receive this forward funding than it was difficult and unwieldy for the Council to deny the funding. Mr. Safay agreed with the guidelines suggested by the ATAX Committee with one exception: Items 3.e. which recommended a 5% increase if this year's revenues were more than last year's. Mr. Safay suggested the amount of the increase should be left to the judgment of the Town Council.

Mr. Heitzke moved to approve forward funding at 82% of the amount granted in 2009 and that a review of the funding grants will be undertaken in November based on actual revenues. Mr. Harkins seconded. The maker and seconder of the original motion concurred with the amendment.

The amended motion was approved by a vote of 5-0.

- c. First Reading of Proposed Ordinance No. 2010-02 to amend Title 16, "The Land Management Ordinance," of the Municipal Code of the Town of Hilton Head Island, South Carolina, by amending Section 16-4-102, the official zoning map and the Sea Pines Master Plan with respect to those certain parcels totaling 6.25 acres, known as Sea Pines Center, identified as parcels 1191 and 174B on Beaufort County Tax Map #17, within the Sea Pines Master Plan under the PD-1 planned development mixed use district, to add liquor store as a permitted use; and providing for severability and an effective date.**

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved by a vote of 5-0.

- d. Consideration of a Resolution by the Town Council of the Town of Hilton Head Island denying the application for zoning map amendment (ZMA100001) which requests an amendment to Chapter 4 of Title 16, "the Land Management Ordinance", of the Municipal Code of the Town of Hilton Head Island, South Carolina, by amending Section 16-4-102, the official zoning map and the Sea Pines Master Plan with respect to those certain parcels totaling 6.25 acres, known as Sea Pines Center, identified as parcels 1191 and 174B on Beaufort County Tax Map #17, within the Sea Pines Master Plan under the PD-1 planned development mixed use district, to add liquor store as a permitted use; and providing for severability and an effective date.**

Since the Town Council voted in favor of First Reading of Proposed Ordinance No. 2010-02, the Resolution to deny was not needed.

- e. Consideration of a recommendation that the Town Council for the Town of Hilton Head Island review and approve the elements to include in a waste and recycling franchise collection Request for Proposals (RFP).**

Mr. Safay moved to approve. Mr. Heitzke seconded.

Bill Neville, a board member for the Spanish Wells Property Owners Association, told Town Council that they have had community-wide trash and recycling services since 2006. He advised them that their community was very satisfied with the level of service and pricing they were currently enjoying. Mr. Neville wanted to know if they were going to have to join the Town-contracted services or if they could continue with their existing provider.

Mayor Peoples advised that the intent of today's action, if approved, was to seek quotes for the

cost to contract with one or maximum of two providers for the entire Island. Details to allow for existing contracts would have to be worked out.

Mr. Williams asked if they had any assurances that the Beaufort County Public Works Department was comfortable with the Town's efforts to franchise their own waste and recycling service.

Jim Frey, Resource Recycling Services, advised that they had met with the county and discussed the question of waste disposal and the cost for it. They are trying to develop something that will work for right now. Mr. Williams expressed the opinion that the issues with the County will need to be solved sooner rather than later. He did not want them to be just left hanging.

Mr. Safay asked for an approximate time line. Jim Frey said they have draft documents in staff's hands and the Town's purchasing people are reviewing them. The draft documents have also been shared with potential vendors. They anticipate it will take two or two and a half weeks to complete the draft documents and were aiming for the first week of April as a release date. Potential vendors would have a month to submit their proposal and then it would take a couple of weeks for review and interviews with a recommendation to Town Council in late May. Mr. Frey thought it could be possible that the recycling program could initiate in September.

The motion was approved by a vote of 5-0.

## **12) EXECUTIVE SESSION**

Mr. Riley said that he needed an executive session for contractual matters pertaining to land acquisition; legal advice pertaining to ongoing litigation; legal advice pertaining to the audit process and personnel matters relating to the contract with the Municipal Court Judge.

At 5:32 p.m., Mr. Heitzke moved to go into Executive Session for the reasons stated by the Town Manager. Mr. Williams seconded. The motion was approved by a vote of 5-0.

Mayor Peeples called the meeting back to order at 6:03 p.m. and stated there was no business to take up as a result of executive session.

## **13) ADJOURNMENT**

At 6:03 p.m., Mr. Williams moved to adjourn. Mr. Heitzke seconded. The motion was approved by a vote of 5-0.

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Susan Blake, Secretary

Approved:

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Thomas D. Peeples, Mayor