

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

Date: Tuesday, March 15, 2011

Time: 4:00 P.M.

Present from Town Council: Drew A. Laughlin, *Mayor*; Ken Heitzke, *Mayor Pro-Tem*; Bill Ferguson, George Williams, Bill Harkins, Kim Likins, Lee Edwards, *Council Members*.

Present from Town Staff: Stephen G. Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Scott Liggett, *Director of Public Projects and Facilities*; Lavarn Lucas, *Fire Chief*; Nancy Gasen, *Director of Human Resources*; Susan Simmons, *Director of Finance*; Brad Tadlock, *Deputy Fire Chief – Operations*; Brian Hulbert, *Staff Attorney*; Julian Walls, *Facilities Manager*; Jeff Buckalew, *Town Engineer*; Teri Lewis, *LMO Official*; Heather Colin, *Development Review Administrator*; Mike Roan, *Urban Design Administrator*; Nicole Dixon, *Senior Planner*; Shea Farrar, *Senior Planner*; Anne Cyran, *Senior Planner*; Kim Kominski, *Administrative Assistant*; Debra Cyrilla, *Accounting Specialist*; Vicki Pfannenschmidt, *Executive Assistant*

Present from Media: Tom Barton, *Island Packet*

1) CALL TO ORDER

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

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. Boys and Girls Club Week

The following members of the Board of Directors and staff were on hand to accept the proclamation: Dick Farmer, President; Joe Buckingham, Vice President; Jacque Johnson, Board Member; Joyce Wright, Unit Director. Also in attendance were Boys and Girls Club members.

b. Arts Center of Coastal Carolina

Kathi Bateson accepted the commendation.

6) Approval of Minutes

a. Regular Town Council Meeting – March 1, 2011

Mr. Heitzke moved to approve. Mr. Williams seconded. The minutes from the March 1, 2011 meeting were approved by a vote of 7-0.

7) Report of the Town Manager

- a. Semi-Annual Report of the Disaster Recovery Commission, Ward Kirby, Chairman

Due to a scheduling conflict Mr. Kirby was not present to give his report. His presentation will be rescheduled.

- b. Town Manager's Items of Interest

Mr. Riley reported on some Items of Interest.

- c. March, 2011 Policy Agenda, Management Targets and CIP Updates

Steve Riley noted the March updates were included in the agenda package and invited Council to contact him or staff if they had any questions.

8) Reports from Members of Council

- a. General Reports from Council

Mayor Laughlin reported he and Greg DeLoach attended a meeting concerning obtaining a sponsor for the Heritage Classic Golf Tournament.

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

None.

- c. Report of the Personnel Committee – Lee Edwards, Chairman

None.

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

None.

- e. Report of the Public Facilities Committee – Kim Likins, Chairman

None.

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

Mr. Harkins reported that during the Public Safety Committee meeting held on Monday, March 7, the Committee discussed the Neighborhood meeting held recently with the Beaufort County Sheriff's Office and representatives from North and South Forest Beach. He said the meeting was well attended with over 50 residents in attendance. He stated the representatives from the Sheriff's Office shared with the audience key things that can be done as private citizens to help address any crime activity in any particular neighborhood. He explained they focused on lighting, placement of shrubbery, locking vehicles and homes, security cameras, and motion detectors. Mr. Harkins stated the presentation was well received by the attendees and said it would be well worth repeating in other neighborhoods, if requested.

9) Appearance by Citizens

None.

10) Unfinished Business

a. Second Reading of Proposed Ordinance 2011-01

Second Reading of Proposed Ordinance 2011-01 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapter 4, to revise Sections 16-4-1601 and 16-4-1602. This amendment commonly referred to as the *Density Conversion LMO Amendments* as noticed in the Island Packet on November 28, 2010, includes changes that provide for amendments to density standards; and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved by a vote of 7-0.

b. Second Reading of Proposed Ordinance 2011-02

Second Reading of Proposed Ordinance 2011-02 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapter 4, to revise Section 16-4-1307. This amendment commonly referred to as the *Airport Runway Length Amendment* as noticed in the Island Packet on November 7, 2010, includes changes that provide for an amendment to aviation/surface passenger terminal; and providing for severability and an effective date.

Mr. Williams moved to approve. Mr. Harkins seconded the motion. Mr. Ron Smetek spoke against the proposed ordinance. As a matter of record, his printed comments are attached to the minutes. Mr. Perry White, spoke against the proposed ordinance as a member of St. James Baptist Church and the Baygall Community Association. The motion was approved by a vote of 5-2. Mr. Ferguson and Mr. Heitzke were opposed.

c. Second Reading of Proposed Ordinance 2010-26

Second Reading of Proposed Ordinance 2010-26 to Amend Title 16 of the Municipal Code Of The Town Of Hilton Head Island, South Carolina, the Land Management Ordinance, by amending Section 16-4-102, the Official Zoning Map, specifically amending a 1.97 acre parcel identified as Parcel 218 on Beaufort County Tax Map #18, within the Sea Pines Master Plan under the Planned Development Mixed-Use District, to assign residential use to Lot A Cordillo Parkway; and providing for severability and an effective date.

Mayor Laughlin disclosed a potential conflict of interest, and passed the gavel to Mr. Heitzke and temporarily left the dais. Mr. Heitzke accepted the gavel and conducted this portion of the meeting. Mr. Williams moved to approve. Mrs. Likins seconded. The motion was approved by a vote of 6-0-1. Mayor Laughlin recused. (Conflict of Interest form attached.)

Mayor Laughlin returned to the dais. Mr. Heitzke passed the gavel to Mayor Laughlin to conduct the remainder of the meeting.

11) New Business

a. First Reading of Proposed Ordinance 2011-04

First Reading of Proposed Ordinance 2011-04 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 with respect to the certain parcel identified as Parcel 276 on Beaufort County Tax Map 11, from PD-1 (Planned Development Mixed Use), with assigned uses of "Residential" And "Private & Semi-Private Recreation" to PD-1 (Planned Development Mixed Use), with assigned uses of "Residential" And "Private & Semi-Private Recreation" and "Telecommunications Facility"; and providing for severability and an effective date.

Mr. Heitzke moved for approval. Mr. Williams seconded. The motion was approved by a vote of 7-0.

b. Consideration of a Recommendation – Cell Tower Height/Style

Consideration of a Recommendation that the Town Council of the Town of Hilton Head Island endorse a tower height of 140', with camouflaged external antennae for the cell tower proposed on the Fire Station 7 site.

Mr. Heitzke moved to approve. Mr. Harkins seconded. The motion was approved by a vote of 7-0.

c. Consideration of Recommendations from the Accommodations Tax Advisory Committee

Consideration of Recommendations from the Accommodations Tax Advisory Committee for the purpose of allocating the remaining \$148,850 of the Accommodations Tax Funds and of 2012 forward funded grants.

The Mayor invited Willis (Bud) Shay, Chairman of the Accommodations Tax Advisory Committee to approach the dais and speak concerning the recommendations before Town Council. Mr. Shay gave a report concerning the process the Committee used in coming up with their final recommendations concerning awarding the \$148,850. He explained the Committee also included in this recommendation to discontinue forward funding after payment of the 2012 ATAX funds which would take place in 2013. Mr. Harkins moved to approve. Mrs. Likins seconded.

The Mayor went through the list of recommendations and each applicant was given the opportunity to speak and answer questions. Kathi Bateson spoke for the Arts Center of Carolina. Tom Barnwell and Carlton Dallas spoke for the Mitchelville Project. Carolyn Vanagel spoke for the Concours. Susan Thomas spoke for the Visitor and Convention Bureau. Mary Briggs spoke for the Hilton Head Symphony Orchestra. There was no one present to speak for the Main Street Youth Theatre and The Sandbox. After lengthy discussion and questions and answers, Mr. Heitzke moved to amend the motion that if any additional revenues come in over the \$148,850 that up to \$10,000 of additional revenues be awarded to the Arts Center of Coastal Carolina. Mr. Ferguson seconded. The

amendment was approved by a vote of 7-0.

Mr. Williams stated that originally the Hilton Head Symphony Orchestra had applied for a supplemental grant of \$30,000 for use in their search for a new conductor and had been denied that amount. He noted in this request they had applied for an educational supplement. He was concerned this would begin a policy of applicants changing their application. Mr. Williams moved to amend the amended motion and remove the \$15,000 for the Hilton Head Symphony Orchestra from the recommendations. Mrs. Likins seconded.

Mr. Harkins said he did not feel the request for funding for educational purposes was an add-on to the original application. He stated the return on investment in educational programs for youth is well worth it. Mrs. Likins explained that while she understood what Mr. Williams was trying to say concerning an even playing field, after the question and answer period with Mary Briggs, she was satisfied that the educational supplement was always a part of their general request. The amendment to the amended motion failed 3-3-1. Mrs. Likins, Mr. Harkins and Mr. Ferguson were opposed. Mr. Edwards abstained. The amended motion was approved by a vote of 6-0-1. Mr. Edwards abstained.

d. Consideration of a Recommendation – Dredging Studies

Consideration of a Recommendation that the Town Council of the Town of Hilton Head Island authorize the use of funds (up to \$25,000) which have been allocated in the Town's Consolidated Municipal Budget for Fiscal Year (FY) 2011 to hire an independent consultant that will help gather all of the information and validate it concerning the current situation and directions available for the dredging in the Sea Pines waterways.

Mr. Williams moved to approve. Mrs. Likins seconded. Mr. Williams said this recommendation was from the Public Facilities Committee stating it is just one more step for the Town to identify its role in this particular project. Mr. Harkins spoke in favor of the project. Mr. Heitzke urged that caution be taken in committing the Town to such a project. Mr. Ferguson stated he thought the \$25,000 placed in the budget was for all marinas and questioned why all the funds were being utilized for the Sea Pines marinas. Mrs. Likins explained there was no other need at this time so the Committee recommended the use for this study. Mr. Ferguson stated he felt there was a change in policy at this time and he didn't mind changing policy but he felt it should be done properly.

Mr. Harkins moved to amend the recommendation to state "the Committee further recommends that the Town Council be permitted to draw from the \$25,000 funded amount for marinas on the Island." Mr. Ferguson seconded. Mayor Laughlin stated he did not recollect the exact language used when the funds were placed in the budget and invited Scott Liggett to explain. Mr. Liggett explained his recollection was the funds were available to use for anywhere on the Island. Mr. Ferguson stated he was in protest to this action and left the dais at this time. Mayor Laughlin noted for the record that Mr. Ferguson left the dais.

Mr. Williams said he was the one that suggested the \$25,000 be set aside and concurred with Mr. Liggett. He added that this does not obligate the Town to go any further than this study. Mayor Laughlin stated the immediate need is to get a handle on the situation in the south Island waterways and Harbour Town and this recommendation is to use the money set aside to conduct separate independent investigations and not rely completely on information given to the Town by third parties. He went to confirm the motion at hand is to assist us as to what solutions are available and to give the Town information to decide what, if anything, the Town can do to help. Mr. Riley stated that for clarification of Mr. Harkins' amended motion Council should consider changing the word "marinas" to "dredging." Mayor Laughlin stated he agreed and he feels this will help get the best information they can for discussion concerning the problem that exists in the south Island waterways.

Mr. Riley noted this does not preclude coming back and studying any other needs on the Island as to dredging. Mr. Harkins concurred with the change and asked Mr. Riley to read the sentence with the change. Mr. Riley noted the change would be in the 2nd sentence of the Memorandum to Town Council and stated it as follows: "The Committee further recommends the Town Council authorize the use of funds (up to \$25,000) which have been allocation in the Town Consolidated Municipal Budget for Fiscal Year (FY) 2011 *for dredging* to hire an independent consultant that will help gather all the information and validate it concerning the current situation and directions available for the dredging in the Sea Pines Waterways." Mr. Harkins moved to amend the amendment as stated above. Mr. Williams seconded. The amendment was approved by a vote of 6-0. The amended motion was approved by a vote of 6-0.

12) Executive Session

Mr. Riley stated he needed an executive session for contractual matters pertaining to land acquisition; contractual matters pertaining to a right of entry for Palmetto Electric; contractual matters pertaining to the Heritage Classic Golf Tournament; legal advice pertaining to pending and threatened litigation; and personnel matters pertaining to appointments to Boards and Commissions.

At 6:05 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 6-0.

Mayor Laughlin called the meeting back to order at 7:18 p.m. and asked if there was any business to take up as a result of executive session.

Mr. Heitzke moved that the Town Council for the Town of Hilton Head Island, South Carolina adopt a resolution granting Palmetto Electric a right of entry over Town Property adjacent to Cooperative Way to allow Palmetto Electric to perform drainage studies for the purpose of determining the need for a drainage easement. Mr. Harkins seconded. The motion was approved by a vote of 6-0.

13) Adjournment

Mr. Heitzke moved to adjourn. Mr. Williams seconded. The meeting was adjourned at 7:19 p.m.

Vicki Pfannenschmidt, Secretary

Approved: April 5, 2011

Drew A. Laughlin, Mayor