

# THE TOWN OF HILTON HEAD ISLAND

## REGULAR TOWN COUNCIL MEETING

**Date:** Tuesday, November 5, 2013

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

**Present from Town Council:** Drew A. Laughlin, *Mayor*; Bill Harkins, *Mayor Pro Tem*, George Williams, Kim Likins, Marc Grant, John McCann, *Council Members*; Lee Edwards, *Council Member*, arrived at 5:59 P.M.

**Present from Town Staff:** Steve Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Lavarn Lucas, *Fire Chief*; Scott Liggett, *Director of Public Projects and Facilities/Chief Engineer*; Susan Simmons, *Director of Finance*; Jill Foster, *Deputy Director of Community Development*; Brian Hulbert, *Staff Attorney*; Brad Tadlock, *Deputy Fire Chief – Operations*; Ed Boring, *Deputy Fire Chief-Support Services*; Joheida Fister, *Fire Marshal*; Shea Farrar, *Senior Planner*; Julian Walls, *Facilities Manager*; Alice Derian, *Contracts and Services Administrator*; Shawn Colin, *Deputy Director of Community Development*; Jayne Lopko, *Senior Planner*; Jennifer Lyle, *Assistant Town Engineer*; Nancy Gasen, *Director of Human Resources*; Melissa Cope, *Systems Analyst*; Lynn Buchman, *Administrative Assistant*; Vicki Pfannenschmidt, *Executive Assistant*

**Present from Media:** Tom Barton, *Island Packet*

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### 1) CALL TO ORDER

Mayor Laughlin called the meeting to order at 4:00 p.m. Mayor Laughlin stated that Council Member Edwards had indicated he would be late in arriving to today's meeting.

### 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. Hilton Head Preparatory School “Dolphins” Varsity Girls Tennis Team SCISA Class 3-A State Championship

Coach deBoer, Assistant Coach Josh Myers, and members of the Tennis Team were present to accept the Commendation.

#### b. Pancreatic Cancer Awareness Month

Mr. Richard Boccabella was present to accept the Proclamation.

#### c. America Recycles Day

Kathy Diello and Becky Ford were present to accept the Proclamation.

### 6) Approval of Minutes

#### a. Town Council Meeting– October 15, 2013

Mr. Harkins moved to approve. Mr. Williams seconded. The minutes of the October 15, 2013 Town Council were approved by a vote of 6-0.

## 7) Report of the Town Manager

### a. Planning Commission Proposed Recommendations for 2014 Targets for Action suggested for Town Council - Terry Ennis

Mr. Riley invited Terry Ennis, Chairman of the Comprehensive Planning Sub-Committee, to make a presentation on their recommendations for the Targets for Action for next year in advance of the Workshop. Mr. Ennis displayed charts and explained the process utilized to develop the concepts, ideas, and objectives established from 3 workshops attended by a cross-section from the Town. These included recommended steps to reach particular objectives that can be begun in 2014 as a guide for the future, but not necessarily to be completed immediately. He briefly discussed with Mr. McCann the critical layer of broadband infrastructure needed and approaches to be taken, and the concept of Connect SC, which he recommended be considered. Mrs. Likins and Mr. Ennis discussed marketing efforts directed to the corporate hospitality arena, and efforts being made by the Chamber. Mr. Harkins suggested that this presentation should be made to the Economic Development Corporation (EDC), and Mr. Ennis noted the EDC does list some of these as their top objectives.

### b. Town Manager's Items of Interest

Mr. Riley reported on some items of interest and upcoming meetings. Mr. Riley asked Shawn Colin to update the Council on the Economic Development Corporation and its organizational efforts.

Shawn Colin, Deputy Director of Community Development, reviewed the meeting schedule for the Economic Development Corporation (EDC) and the progress made in establishing the organization, electing officers, adopting by-laws, and other background work completed, including an Island tour. He reported a 6-month plan has been identified, with one of the key next steps being a strategic planning session similar to the Council's for some time in January, to define the work to be done and to organize their assets and resources to execute an approach plan.

In response to Mr. McCann's inquiry concerning timing for the hiring of an Executive Director, Mr. Colin indicated once a workshop is completed to determine their objectives and expectations to define their work and focus, a selection of an Executive Director can be based on skills needed to execute the work. He noted the EDC is taking the lead on self-governing under the mission, charter, and expectations provided by Town Council.

Mr. Riley noted a Council Workshop scheduled for November 12, 2013 at 5:00 p.m to discuss the bigger picture of what they are trying to accomplish at Coligny. He also noted the series of meetings last week on the Arts Collaboration, resulting in a request by the consultants for a Council Workshop which has just been scheduled for December 11, 2013 at 4:30 p.m. to discuss the big picture issues needing guidance before they finalize their report. He noted the Recreation Center expansion workshop was moved to Thursday, November 7.

Mr. Riley stated that detailed district-by-district reassessment numbers have been provided and are now being reviewed and projections updated, and it appears that the Tax Increment Financing District (TIF) will be less impacted than earlier projected, with values showing less of a decline than other areas of the Island. Although the expectation was that no roll-up millage would be used, he reported that everyone did so, which resulted in a shortfall not of \$4 to \$5 million, but closer to \$500 - \$600 thousand. Therefore, he was recommending that the Mathews Connectivity project that had been shelved be brought back for consideration and re-prioritization for Staff, since the infrastructure improvements will benefit investors making improvements to their properties in that area.

**c. September/October, 2013 Policy Agenda, Management Targets and CIP Updates**

Mr. Riley noted he was available for any questions concerning the updates that were included in the packet.

**8) Reports from Members of Council**

**a. General Reports from Council**

Mr. Williams reported on his attendance at the Hilton Head Island/Bluffton Chamber of Commerce Governmental Affairs Committee meeting, where a presentation was given on flood, homeowners, and wind and hail insurance issues. The Chamber has been asked to support Senator Davis' bill, which will be considered by the Chamber's Board. Mr. Williams provided an update on the dredging scheduled to occur at South Beach and Harbour Town. Mayor Laughlin noted the Hilton Head Island/Bluffton Chamber of Commerce State of the Region Luncheon was held this week and was well attended by over 700 people, which was 200 more than their previous high attendance. He added that the Concours d'Elegance was also well attended, and the new venue was spectacular and will springboard that event to the next level without a doubt. He congratulated Carolyn Vanagel, Stew Brown, and the volunteers who helped with the event.

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

Mr. Williams reported that the next meeting is scheduled for November 18, 2013, at 10:00 a.m. Representative Andy Patrick and Senator Tom Davis are scheduled to attend and discuss the upcoming legislative session.

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

In the absence of Mr. Edwards, Mrs. Likins reported that several interviews had been conducted over the past few weeks, and recommendations would be coming forward in Executive Session.

**d. Report of the Planning & Development Standards Committee – John McCann, Chairman**

No report.

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

Mrs. Likins reported the Committee had met today and a motion was adopted to recommend to Town Council to approve the Resolution requesting the SCDOT to construct traffic safety improvements on US 278 near Jenkins Island. Also, a lengthy discussion took place and the Committee approved the conceptual master plan for the proposed Shelter Cove Park, with the change of the dock being modified to approximately 200 feet if that can be approved and permitted. Mayor Laughlin expressed his hope that Council will support the traffic improvements at Windmill Harbour, which while not ideal, is a big improvement and has the support of the Windmill Harbour POA and will not cost the Town.

**f. Report of the Public Safety Committee – Marc Grant, Chairman**

Mr. Grant stated the Committee met yesterday and were presented the crime statistics report for the 3<sup>rd</sup> quarter showing an overall lower crime rate, but specific safety issues at Northridge and Pope Avenue were discussed. On the issue of yard debris pickup, he reported that a Town appointed Committee or team had met with groups from the community, and they had urged that a realistic solution be found to address this small issue. It was suggested in an informal discussion of the Committee members that the Committee should give the Town team direction to investigate ideas such as a seasonal one-day program in the spring and fall for income-based assistance and involvement of local churches.

**g. Report of the LMO Rewrite Committee – Kim Likins, Ex-Officio Member**

Mrs. Likins stated the Committee has moved to the public process with the LMO draft, with the 10 chapters broken down into 3 different stages with public hearings set for Planning

Commission meetings on December 4, December 18, and January 15, 2014. She has requested that Town Council members receive a draft copy in advance so they may have time to review it in detail. Their attendance at the Planning Commission meetings was encouraged.

**9) Appearance by Citizens**

None.

**10) Unfinished Business**

**a. Second Reading of Proposed Ordinance 2013-13**

Second Reading of Proposed Ordinance 2013-13 to repeal Chapter 7 of Title 9 of the Municipal Code of the Town of Hilton Head Island, South Carolina and to reenact a new Chapter 7 of Title 9, open burning; and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was approved by a vote of 5-1, with Mr. Grant opposed.

**11) New Business**

**a. Consideration of a Resolution - Condemnations**

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, authorizing condemnation, pursuant to S.C. Code Section 28-2-10, *et seq.*, of temporary construction easement rights in property owned by Long Cove Club Associates, L.P., and pathway easement and temporary construction easement rights in property owned by Christian Renewal Church, Inc., The 2000 Group, LLC, 220 Pembroke Place Owners Association, Inc., and DDJ, LLC.

Mr. Harkins moved to approve. Mr. McCann seconded. Mr. Harkins and Mr. Riley discussed the ongoing attempts at dialog that have proved unsuccessful and the letters that would be sent that often generate a response. The motion was approved by a vote of 6-0.

**b. Consideration of a Recommendation – Sewer Capacity Rights**

Consideration of a Recommendation that Town Council approve the transfer of 50 REUs (Residential Equivalent Units) of sewer capacity rights, held by the Town, to the not-for-profit Project SAFE organization so as to assist income-qualified residents in connecting to the public sewer system.

Mrs. Likins moved to approve. Mr. McCann seconded. Mr. Harkins and Mr. Riley discussed the 31.67 REU's remaining for Town use, which could be released at some point in the future. Depending on future acquisitions, Mr. Riley pointed out there may be more. Mr. Grant and Mayor Laughlin agreed this was good for the community to obtain water and sewer service. The 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, including a proposal to sell a portion of the Old Welcome Center site; contractual matters pertaining to the Franchise Agreement with Republic Waste; and personnel matters pertaining to appointments to Boards and Commissions. He suggested that personnel matters pertaining to the annual review of the Town Manager be discussed only if time permitted.

At 4:56 p.m. Mr. Harkins moved to go into Executive Session for the reasons given by the Town Manager. Mrs. Likins seconded. The motion was approved by a vote of 6-0.

Mayor Laughlin called the meeting back to order at 5:31 p.m. As a result of the Executive Session the following items were addressed as stated below.

## 11) New Business

### c. First Reading of Proposed Ordinance 2013-21

First Reading of Proposed Ordinance 2013-21 of the Town of Hilton Head, South Carolina, authorizing the execution of a contract for purchase and sale and the execution of a deed for the sale of 1.8 acres of real property located on William Hilton Parkway to William S. Toomer and Mary K. Toomer pursuant to the authority of S.C. Code Ann. § 5-7-40 (Supp. 2011), and § 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983); and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. Williams seconded. The motion was approved by a vote of 6-0.

### d. First Reading of Proposed Ordinance 2013-23

First Reading of Proposed Ordinance 2013-23 amending the Republic Services, Inc. a non-exclusive franchise for the purpose of conducting wastehauling and recycling collection for single family residential and certain multi-family residential units within the Town of Hilton Head Island; and, providing for severability and an effective date.

Mr. Riley indicated there was an issue with the Proposed Ordinance in that the Franchise Agreement was referenced in the cover memo and the Ordinance, but the attachment was not included and made publicly available. Therefore, Mr. Riley suggested a discussion of the provisions follow to inform the public and to provide the Franchisee some measure of Council's willingness to make the changes, with no adoption of the Ordinance occurring today. He noted that without adoption of this Ordinance, there is no reason to adopt the following Ordinance, so both would be brought back for first reading.

Mr. Riley referenced the Staff Memo included in the agenda packet that highlighted the proposed changes. Briefly, he stated multi-family services would be terminated effective December 31, 2013. That market would be open to competitive bids, with a requirement that recycling be included in the base bids, and the possibility of penalties, tickets, fines leading to suspension or revocation would be included as suggested by a Councilmember. Single family, non-rental would remain under the Franchise Agreement for an additional 9 month period through September 30, 2014, during which time Council will need to make further decisions concerning waste collection and recycling for single family, non rental. The Franchisee's proposal is to terminate the franchise fee effective December 31, 2013, and the price increase of 2.25% originally scheduled for March 1, 2014, would be effective January 1, 2014, with Saturday collection services no longer offered to single family, non rental.

A discussion ensued among Mr. Riley, Brian Hulbert, Staff Attorney, and Mayor Laughlin concerning the definition of single family vs. multi-family, with comments added by Chester Williams and Steve Weber, attorney for Republic. Mr. Riley confirmed that a requirement in the bids would be to use the Recycling Center, which is already stated in the Ordinance, so that the very successful single stream recycling program will continue. Mr. Weber noted that the proposal includes transfer of the recycling carts purchased by Republic to the Town.

Concerns about the Republic proposal were discussed, including what options might be available for multi-family and rental properties by the end of the year, and the timing to have a new Franchise Agreement in effect by September 30, 2014 for single family, non-rental. Mr. Rob Moore, a multi-family property manager, expressed confidence that a new agreement at an

acceptable price point could be reached by the end of the year, including the ability to terminate for non-performance to the standards set. However, he noted meetings with the Boards of the various HPRs would need to be scheduled as soon as a decision is made to terminate the existing contract. He applauded the direction in which Council is headed.

Mr. Edwards arrived at 5:59 p.m. and joined the other Council Members at the dias.

Mr. Weber offered additional comments concerning the September termination date, and offered Republic's assistance in creating a new RFP and Ordinance using their past experience to get this done in a timely manner.

Mr. Riley expressed the need to send a message as quickly as possible that the Town is willing to proceed in this manner and encouraged the Council to indicate publicly whether they are comfortable with this direction. A suggested motion was made and Mr. Harkins moved to approve and Mrs. Likins seconded. After discussion, the motion and second were withdrawn by Mr. Harkins and Mrs. Likins. Mayor Laughlin suggested a motion to direct the Town Manager to prepare a Franchise Agreement similar to the terms and conditions discussed at the meeting for consideration by Council at its next meeting. Mr. Harkins moved to approve. Mrs. Likins seconded. The motion was approved by a vote of 7-0.

**e. First Reading of Proposed Ordinance 2013-25**

First Reading of Proposed Ordinance 2013-25 of the Town of Hilton Head, South Carolina, to amend Title 9 (Health And Sanitation) of the Municipal Code of the Town of Hilton Head Island, South Carolina by amending Chapter 6 (Collection of Solid Waste and Recycling), specifically Section 9-6-10, Section 9-6-20, Section 9-6-40, and Section 9-6-60; and providing for severability and an effective date.

No action was taken as discussed previously.

**f. Consideration of Appointments to Boards and Commissions**

Council Member Kim Likins moved that the following Town Board and Commission members be appointed:

For the Parks and Recreation Commission, appoint Mike Weaver to fill an unexpired term of July 1, 2011 to June 30, 2014;

For the Board of Zoning Appeals, appoint Steve Wilson to fill an unexpired term of July 1, 2012 to June 30, 2015;

For the Board of Zoning Appeals, re-designate Jeff North as the Attorney appointee;

For the Construction Board of Adjustments and Appeals, appoint Robert Zinn as an at-large appointee to fill the unexpired term of Ray Carlton of July 1, 2010 to June 30, 2014.

Mr. Williams seconded. The motion was unanimously approved by a vote of 7-0.

**g. Town Manager Review/Compensation**

Mayor Laughlin noted that Council would like to defer this until the next meeting.

**13) Adjournment**

Mr. Williams moved to adjourn. Mrs. Likins seconded. The motion was unanimously approved by a vote of 7-0. The meeting was adjourned at 6:14 p.m.

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Lynn Buchman  
Administrative Assistant

Approved: 11/19/2013

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Drew A. Laughlin, Mayor