



The Town of Hilton Head Island
Planning Commission
LMO Rewrite Committee Meeting
October 6, 2011
1:00 p.m.
Benjamin M. Racusin Council Chambers

AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting.

- 1. Call to Order**
- 2. Freedom of Information Act 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.
- 3. Approval of the Agenda**
- 4. Approval of the Minutes – September 29, 2011 meeting**
- 5. New Business**
 - A. Public Comment
 - B. Finalize RFP – Teri Lewis
 - C. Review the list of people/places the RFP should be directed to – Teri Lewis
 - D. Discuss Selection Committee for RFP – Charles Cousins
 - E. Open Session for committee discussion on Goals, Concepts, Concerns and other broad scope thoughts.
- 6. Adjournment**

Please note that a quorum of Town Council may result if four (4) or more of Town Council members attend this meeting.

TOWN OF HILTON HEAD ISLAND
Planning Commission
LMO REWRITE COMMITTEE MEETING

September 29, 2011 Minutes

1:00p.m. – Benjamin M. Racusin Council Chambers

DRAFT

Committee Members Present: Chairman Tom Crews, Vice Chairman Gail Quick, David Bachelder, Irv Campbell, Chris Darnell, Jim Gant, Walter Nester, Councilwoman Kim Likins, *Ex-Officio*; Charles Cousins, *Ex-Officio*

Committee Members Absent: David Ames

Planning Commissioners Present: None

Town Council Members Present: Bill Ferguson

Town Staff Present: Jill Foster, Deputy Director of Community Development
Teri Lewis, LMO Official
Tom Fultz, Director of Administrative Services
Kathleen Carlin, Administrative Assistant

1) CALL TO ORDER

Chairman Crews called the meeting to order at 1:00p.m.

2) FREEDOM OF INFORMATION ACT

Public notification of this meeting has been published, posted and mailed in compliance with the Freedom of Information Act and Town of Hilton Head Island requirements.

3) APPROVAL OF THE AGENDA

The agenda was approved as presented by general consent.

4) APPROVAL OF THE MINUTES

The minutes of the September 29, 2011 meeting were approved as presented by general consent.

5) NEW BUSINESS

A. Public Comment:

Chairman Crews requested public comments from the audience and none were received.

B. Review draft RFP and process for obtaining Town Council approval

Chairman Crews presented opening statements in concern of the staff's change from RFQ (Request for Qualifications) to RFP (Request for Proposals). Ms. Lewis stated that the change was made following a meeting with the Town's procurement staff and the staff attorney. At

that time the staff evaluated the benefits of RFP versus RFQ and determined that RFP was the better option. Ms. Lewis reviewed the basic differences in RFQ and RFP. With the RFQ, (we) are just looking for firms to submit their qualifications with no pricing information included. The prices would be negotiated at a later time. With the RFP (we) are asking for specific prices to be included in the submission. One benefit of the RFP is that it will, hopefully, free up some time. Secondly, having the pricing information may assist the committee later in a possible request for additional funds from Town Council.

Mr. Tom Fultz presented the benefits of RFP versus RFQ on behalf of the procurement staff. Mr. Fultz discussed the scope of work, the skill set, the point system, and follow-up negotiations. The committee and the staff discussed these issues. They also discussed Town requirements. Mr. Fultz stated that the Town Manager will make the final decision on the issue. Mr. Fultz stated that the staff will work to determine a fair and reasonable price, but the process is difficult without some basic guidelines to start with. The Town is not required to accept the lowest bid in regards to an RFP..

The committee and the staff discussed the possibility of modifying the RFP for a more custom fit. One possible modification would be the submission of two separate packages (one containing qualifications and the other containing costs). The committee and the staff discussed guiding strategies, the analysis of data, and quantifying the results. The committee stated that the public should be aware that the committee is considering costs in this process.

Following this discussion the staff and the committee discussed next steps and the appointment of a Selection Committee. The committee discussed the identification of potential firms to consider. The committee also discussed advertising the project which should have national exposure.

Following this discussion, Ms. Lewis and the committee reviewed the meeting schedule for the month of October. In the interest of time, the committee decided to hold only one meeting in October (October 6th). The committee tentatively decided to meet the first or second week of both November and December. Ms. Lewis requested that the committee bring their calendars to the October 6th meeting so that the meeting schedule in November and December can be finalized.

Ms. Lewis also requested that the committee create a list of the people or places that they would like to target the RFP to. Ms. Lewis requested that this information be sent to the staff in advance of October 6th, if possible. The committee agreed with these next steps. Ms. Carlin will send a reminder to the committee early next week.

Following final comments, the meeting was adjourned at 2:45pm.

Submitted by:

Approved by:

Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman

**TOWN OF HILTON HEAD ISLAND
REQUEST FOR PROPOSALS (RFP 2011-0035)
LAND MANAGEMENT ORDINANCE (LMO) REWRITE PROJECT**

The Town of Hilton Head Island is soliciting proposals from qualified consultants with extensive (15 years or more) direct experience in providing multiple professional planning services, resulting in the development of a new Land Management Ordinance (LMO) for the Town that provides sustainable development ideals, a hybrid of smart growth land development and redevelopment principles in a format that is user friendly and easy to understand and retains the features of the current LMO that have contributed to the character of Hilton Head Island. The proposed project team should also have extensive (15 years or more) directly related experience rewriting land management ordinances for communities similar to Hilton Head Island. **The new LMO should identify and propose proven, verifiable, successful innovative techniques** for the management of land use and environmental concerns (i.e. stormwater runoff, water quality, tree preservation and forest management) affecting the coastal zone and address other planning elements identified in the 2010 Comprehensive Plan and appendices and Town Council's Guiding Principles and Goals. The provided services will result in the development of a set of new documents that will replace in its entirety the existing LMO and become the organizing framework for redevelopment in the Town while supporting new development throughout the Town as well. The new LMO should consider a variety of land use planning techniques and include a focus on those methods that specifically achieve the items outlined above.

Proposals shall be hand carried or delivered by traceable means (i.e. Federal Express etc.) to Teri Lewis, LMO Official, at The Town of Hilton Head Island Town Hall, One Town Center Court, Hilton Head Island, SC 29928-2701. Proposals are due not later than 2:00 pm on November 14, 2011. Please submit 8 hardcopies copies of the submittal along with a CD containing a digital version (PDF format), all clearly marked on the outside of the sealed envelopes with the following label: **Land Management Ordinance (LMO) Rewrite Project**. Please note that the portion of the proposal that lists costs should be in a separate sealed envelope with the following label: **Land Management Ordinance (LMO) Rewrite Project – Cost Information**. For questions about this RFP 2011-0035, contact Teri Lewis at One Town Center Court, Hilton Head Island, SC 29928 (843-341-4698) or teril@hiltonheadislandsc.gov.

The Town will entertain questions concerning this RFP until 4:30 p.m. October 26, 2011. Answers to the questions will be published on the Town's website no later than 4:30 p.m. October 28, 2011.

The Town reserves the right to refuse any and all proposals and to waive any technicalities and formalities.

At the time of opening, the only information that will be made available to the public will be the names of the offerors submitting proposals. No other information will be made available until a contract is awarded.

The Town reserves the right to accept or reject any or all proposals received as a result of this request for proposals or to negotiate with all qualified offerors, or to cancel in part or in its entirety this solicitation if it is in the best interest of the Town to do so.

This solicitation does not commit the Town to award a contract or to pay for any costs incurred in the preparation of your proposal; or to procure or contract for any articles of goods or services.

Your proposal must be signed by an official of your company authorized to bind the offeror, and shall contain a statement that the proposal price is good for a period of at least 60 days from the date of the proposed opening.

No offeror can be directly affiliated with any member of the LMO Rewrite Committee.

PROJECT OVERVIEW:

The Town of Hilton Head Island was officially incorporated in 1983 and a Land Management Ordinance (LMO) adopted in 1987. At that time the goal was to slow development in this quickly developing municipality. The Town during that time was considered cutting edge in several planning related and environmental areas. The LMO was rewritten in 1998 generally to come into compliance with the State enabling legislation; since that time the LMO has been amended over 80 times in response to requests from citizens and Town Council.

In response to their 2011 goal of rewriting the LMO to foster greater flexibility, simplicity and revitalization, Town Council created an LMO Rewrite Committee in March 2011. This committee, which serves as a subcommittee of the Planning Commission, was created because Town Council recognized a need to rewrite the LMO to reflect the needs and expectations of its residents, business community and visitors so that the island remains a viable and attractive place to live, work and visit. Charges given to this committee include **rewriting the LMO to simplify the Town's land development regulations and reorganize them into a format that is user friendly and easier to understand and apply than the current LMO.** The new LMO should **reflect the use of innovative techniques and tools.** The code should **also encourage reinvestment to revitalize existing development and encourage investment in new development** consistent with the Town's guiding principles and goals. The Committee, working within seven directives provided by the council, has developed nine issue statements and associated objectives and tasks to assist the consultant team in their approach.

The Town is interested in a broad view based on experience in similar environments and specific research supporting the solutions proposed. The Committee's issue statements and objectives are based on our best knowledge at this time but are not intended to narrow the perspective provided by the offeror based on their experience.

SCOPE OF WORK:

The Scope of work shall include, but not be limited to, the elements defined in this RFP. The Town expects ordinances and other products that are tailored to meet the specific and unique conditions of the Town of Hilton Head Island. Qualifications should feature a Consultant team with specific experience in the development of codes, land use laws, ordinances and procedures that promote smart growth, innovative techniques and sustainability and encourage new development toward infill and redevelopment of existing sites while also improving certainty, flexibility and predictability in the development process.

The Consultant should be familiar with and demonstrate an understanding of the Town of Hilton Head Island's 2010 Comprehensive Plan and appendices, the existing LMO, the South Carolina Comprehensive Planning Enabling Act of 1994, the Mayor's Task Force for the Future final report, Town Council directives relative to the LMO Rewrite, the nine issue statements and associated objectives developed by the LMO Rewrite Committee. Additionally, the Consultant team should become aware of the current planning process to include permitting and development review. The Consultant team should be interdisciplinary in nature and show demonstrated experience in working with coastal zone communities, crafting land development regulations that address urban design, environmental preservation and economic development as well as innovative zoning and land use management strategies.

A key Town staff person will serve as a liaison between the consultant and the LMO Rewrite Committee. Staff will provide necessary background information and will assist on other assigned research tasks as designated by the committee as well. A list of staff tasks will be provided to the consultant upon selection. The consultant should coordinate with staff on these tasks to make sure they are consistent with their efforts and property integrated into the final LMO draft.

The LMO Rewrite Committee expects that the consultant will address the topics below in their approach:

a. LMO Structure and Procedures

- Review the improvements to the commercial permitting process that were recently developed by staff to ensure that all necessary changes have been appropriately captured and that there will be no conflicts between these process improvements and changes to the LMO.
- Rewrite the LMO in a format that is user friendly and easy to understand and apply.

b. Zoning Districts:

- Reduce number of zoning districts and broaden the number of land uses allowed within districts, minimize non-conforming uses and number of uses permitted by special exception.
- Develop a process to allow the creation of future reinvestment areas through a simplified approach (i.e. rezoning not required).

c. Design Standards:

- Create different design standards for specific focus areas.

d. Natural Resources:

- Determine how to shift the focus of tree preservation to allow some flexibility while still preserving the value and function of the trees.
- Provide a variety of techniques that can be used to protect water quality. These may include but are not limited to the use of different buffer standards depending on the type of water body and land use.
- Determine how to protect the dunes while at the same time encouraging the redevelopment of beachfront properties.

e. Non-conformities:

- Consider using flexible regulations and identify incentives to reduce the number of nonconformities and encourage redevelopment of nonconforming sites/structures/features.

f. Ward One:

- Explore development of reduced residential road, setback and buffer requirements for family subdivisions and heirs property and consider ways to alleviate installation cost being borne by the first property owner to build.

g. PD-1s

- Review the restrictions on density in PUDs and determine if those restrictions should be modified or deleted keeping in mind the Town's goals related to flexibility and redevelopment.
- Consider having consistent broader regulations among all PUDs and develop standardized nomenclature and expanded use designations within master plans.

h. Reinvestment Areas & Revitalization Areas:

- Create more flexibility and an easier process for redevelopment projects instead of using the redevelopment floating zone.
- Explore options to incent redevelopment and determine what barriers to redevelopment exist.
- Develop regulations that create reinvestment or redevelopment priority zones.

i. Administrative Waivers

- Ensure the administrative waiver process developed by staff does not conflict with the process improvements and changes to the LMO.
- Explore opportunities for additional waivers.

PROPOSED GENERAL PROJECT TASKS:

TASK (1): Develop and present for adoption a fully developed list of ideas and options for innovative techniques that encourage redevelopment and integrate them into the LMO.

TASK (2): Develop and present for consideration a fully developed list of ideas and options for incorporating innovative environmental preservation and management techniques into the LMO.

TASK (3): In coordination with staff develop a new zoning map for the Town of Hilton Head Island that is consistent with the new LMO and which identifies the revitalization and investment zones with the established priorities.

TASK (4): Attend a project kick-off meeting with the LMO Rewrite Committee and key staff to discuss code additions, modifications and alterations.

TASK (5): Coordinate with the LMO Rewrite Committee to engage community members and other stakeholders in the process.

TASK (6): Conduct a joint review of the recently revamped commercial permitting process and ensure any proposed changes to the LMO support and are consistent with that process model.

TASK (7): Review and analyze the Town's Procedural Manual and provide any recommended changes or additions. Ensure all changes and recommendations maintain the consistency between this manual and the recommended changes to the LMO.

TASK (8): Attend monthly meetings with staff (minimum of six) and the LMO Rewrite Committee to report project status.

TASK (9): Make presentations (minimum of six) to the LMO Rewrite Committee regarding suggested code additions, modifications and alterations.

TASK (10): Make monthly presentations to the Planning Commission and Town Council regarding the status of the project.

TASK (11): Ensure that the new LMO incorporates the goals of the 2010 Comprehensive Plan and Appendices, the Town Council directives set out in Resolution 2011-07 and the issue statements and associated objectives developed by the LMO Rewrite Committee.

TASK (12): Develop, support and assist staff with the presentation of the new LMO during the adoption and public education process (minimum of four presentations).

DELIVERABLES:

Drafts and presentation materials will be provided for public hearings and other public meetings as necessary.

All project materials will be provided in both electronic and hard copy format.

All mapping data must be provided in a compatible format.

Electronic format must be editable (no pdf or image files) and searchable, have navigation capabilities and be user friendly.

Upon satisfactory completion, all deliverables will become the property of the Town of Hilton Head Island.

Suggested Deliverables include:

1. Plan for public involvement.
2. Report outlining results of review of staff's revised permitting procedure
3. Report outlining results of review of staff's Procedure Manual
4. 1st draft of new LMO and final draft of new LMO
5. New Zoning Map
6. Proposed strategy and plan for implementing the new LMO and generating public support and understanding of the changes

*Note: Alternate deliverable list may be considered if provided.

MINIMUM REQUIREMENTS FOR PROPOSALS:

Responses must address and meet the following minimum requirements. Responses not meeting these requirements and general format shall not be considered responsive to this RFP and shall not be considered for award.

General project approach, application of resources and company background/ experience:

Provide a proposed draft work plan for accomplishing each task. The work plan should clearly reflect the consultant's understanding of the Committee's strategic vision, specific tasks and provide both details and insight as to the methodology and resources that will be allocated to complete all tasks and provide all deliverables in a timely and cost efficient manner. **The plan should also identify concepts, techniques or tools that may be used to accomplish the tasks set forth in this RFP, as well as any potentially beneficial services beyond those requested in this document. A successful work plan will identify and propose at least 10 proven, verifiable, successful innovative techniques for the management of land use and environmental concerns.** The work plan should include descriptions of quality control procedures used. The schedule should reflect a project timeline of six (6) to eight (8) months from the date of notice to proceed to deliver a draft LMO to the LMO Rewrite Committee.

Provide a detailed organizational chart identifying the proposed project team composition to include any sub consultants. Provide a detailed resume for each individual reflected on this chart. Clearly define the role and responsibilities of each person. Include in this information their education, professional certifications/registration and years of service with your company. The Town will consider minimum experience to be 5-9 years, required experience to be 10-15 years and significant experience to be more than 15 years.

Provide **at least** five similar projects completed successfully in the past 10 years (include client references – name and phone number). Higher points will be assigned to those proposals that have a higher number of successful completed similar projects. The personnel assigned to this project should have been involved in at least three of the projects referenced as similar.

Provide a list of any data, proposed use of Town staff and materials or supplies that the firm will expect of the Town.

Provide a cost estimate of professional fees to undertake each task outlined in the Scope of Work. The cost estimate should include labor costs, any mark-up for reimbursable items, overhead, profit and direct expenses such as transportation, printing and per diem. A breakdown of labor costs, including position, hours, hourly rates of pay and cost should also be provided. The specified projects will be either hourly not to exceed or lump sum contracts.

Provide an estimate of meetings costs for additional meetings beyond those described in the Tasks. This work will be on an as requested/as needed basis.

Provide a detailed description of the firm's familiarity with the Town of Hilton Head Island's ordinances, situation and conditions, and its ability to utilize local content. Those proposals demonstrating 5 -9 years of experience with the LMO will be considered to have some experience, those proposals demonstrating 10-14 years of experience with the LMO will be considered to have satisfactory experience and those demonstrating 15 or more years of experience with the LMO will be considered to have extensive experience.

Provide the present and anticipated workload of the project team during the time period of January 2012 – August 2012 and tell us how your workload will impact your ability to successfully complete this project. (Please show in tabular format with each team member's anticipated obligations depicted over the life of the project). Provide a description of available sub consultants, resources and their location.

Provide the name of any firm(s) that will be providing sub-consulting services to your firm. Also include the services they will provide, their office location, and a contact name and phone number.

List of related litigation history against your firm for the past 5 years.

Additional information you feel may be relevant.

Selection Criteria:

All proposals shall be reviewed and evaluated by a selection committee comprised of Town Staff and representatives from the LMO Rewrite Committee. Those offerors whose proposals are deemed susceptible for award will be invited to provide an oral presentation of their proposal to the selection committee.

Demonstrated understanding of the project tasks as reflected by your proposed work plan and the qualifications/abilities/experience of personnel assigned. Knowledge of local planning regulations. Demonstrated use of creative and innovative solutions to address the Town's objectives. 40 Points

Nature/Comparability/Quality of previously completed projects of similar scope. (Town projects can be referenced). Demonstrated success on projects of similar scope and size. 30 Points

Cost. 20 Points

Ability to meet the required delivery schedule (current workload and available resources). 10 Points

CONTRACT AWARD

Following the completion of the oral interviews the selection committee will finalize the selection process and do a final ranking of the firms. A contract will be drafted and forwarded to the Town Manager along with a detailed memo outlining the review process and their recommendation for contract award. Should the Town fail to reach satisfactory terms and conditions for a contract with the highest ranked firm that firm shall be eliminated from the process and discussions will take place with the next highest ranked firm. This process will continue until a contract has been approved and signed by both parties.

The contract that will be used for this project will be the Town's standard contract for services and supplies (see exhibit A) and comply with applicable laws and standard provisions and in general contain the following terms:

- Detailed scope of services;
- Schedule for providing services;
- Fee schedule itemized by tasks;
- Not-to-exceed contract amount.

GOVERNING LAW

The firm must comply with the laws of the State of South Carolina and the ordinances of the Town of Hilton Head Island, a municipal corporation organized and existing under the laws of the State of South Carolina.

AFFIRMATIVE ACTION

The firm shall take affirmative action in complying with all state and federal requirements concerning fair employment, and the treatment of all employees, without regard to, or discrimination by reason of race, color, religion, sex, national origin, or physical handicap.

INSURANCE

The firm shall maintain, throughout the performance of its obligations, a policy of Worker's Compensation insurance with such limits as may be required by law. It shall also maintain a policy or policies of general liability insurance insuring against liability for injury and death of persons, and damage and destruction of property. Such general liability insurance shall have limits as required by Town, county, state and federal standards.

BUSINESS LICENSE

Any Consultant regularly doing business in the Town is required to possess a current Town of Hilton Head Island Business License. For those consultants not located on Hilton Head Island and not regularly doing business in the Town a special business license will be issued.

INDEMNIFICATION

The Town, its directors, agents, and employees shall be held harmless from liability from any claims, damages, and actions of any nature arising from the completion of the project, provided that such liability is not attributable to negligence of the part of the town.