

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

Date: Tuesday, November 3, 2009

Time: 4:00 P.M.

Present from Town Council: Thomas D. Peeples, *Mayor*; Ken Heitzke, *Mayor Pro-Tem*; George Williams, Drew Laughlin, Bill Ferguson, John Safay, Bill Harkins, *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*; Scott Liggett, *Director of Public Projects & Facilities*; Susan Simmons, *Finance Director*; Nancy Gasen, *Director of Human Resources*; Jill Foster, *Deputy Director of Community Development*; Brian Hulbert, *Staff Attorney*; Paul Rasch, *Emergency Management Coordinator*; Teri Lewis, *LMO Official*; Randy Nicholson, *Comprehensive Planning Manager*; Heather Colin, *Development Review Administrator*; Jayme Lopko, *Senior Planner*; Sarah Skigen, *Natural Resources Associate*; Nicole Dixon, *Planner*; Susan Blake, *Executive Assistant*

Present from Media: Josh McCann, *Island Packet*

- 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**
- 6) **APPROVAL OF MINUTES**
 - a. **Regular Town Council Meeting of October 20, 2009**

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

The Town Manager reported on some items of interest.
 - b. **Annual report of the Disaster Recovery Committee – Ward Kirby, Chairman**

Chairman Kirby presented a report of the Committee’s activities for the past year.
 - c. **“Future of the Island” presentation – Steve Riley**

Town Manager Steve Riley gave a power point presentation to the Town Council members on the issues that affect the future of the Town.
- 8) **REPORTS FROM MEMBERS OF COUNCIL**

a. General Reports from Council

Mr. Williams mentioned that he would like to see additional beach matting placed at the Coligny Beach Park to widen the access path for individuals in wheelchairs.

The Mayor commented on Steve Riley’s powerpoint presentation. Mayor Peeples stated that he would consider appointing a task force to study the long term issues facing the Island.

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

The Committee reviewed proposed changes to crime-related bills in the State Legislature at their last meeting and subsequently, met with the Sheriff’s Department to hear their point of view on these proposals. The Committee did not feel any action was necessary at this time and would continue to monitor these bills.

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

They would be making a recommendation for a candidate to fill the vacancy on the Airport Advisory Board.

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

No report.

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

This Committee met earlier that day and heard a presentation from Frank Soule of the Island Recreation Association. This would be coming forward with a recommendation that the Town Council budget funds for a master plan study of the Island Recreation’s proposed enhancements.

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. 2009-37 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, The Land Management Ordinance, Chapter 4, to revise various articles and sections. These amendments, commonly referred to as OCIL (Office/Light Commercial/Light Industrial) Zoning District LMO Amendments include changes that provide for amendments to: Designation of Districts, Use Table, Industrial Use Categories, Contractor’s Materials, Contractor’s Office, Kennel, Boarding/Pet Store/Veterinary Hospital, Light Industrial, Other Retail Sales and Service, Density Standards Table, Maximum Impervious Coverage and Minimum Open Space, Maximum Structure Height; and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Laughlin seconded.

Mr. Ferguson stated that Beach City Road around the section of the OCIL zone needed improvements and that a traffic flow study should be conducted. Mayor Peeples suggested that

this be brought up as a discussion during the review and prioritizing of the Capital Improvements Program.

Mr. Laughlin thought the Use Table in Section 16-4-1104, page 3 “Other Retail Sales or Service” was confusing. Staff agreed to try to further clarify on the chart that Other Retail Sales are not permitted and Services Uses are permitted by condition.

Mr. Heitzke acknowledged the hard work of Heather Colin, Teri Lewis and Nicole Dixon on these revised amendments.

The motion was approved by a vote of 7-0.

11) NEW BUSINESS

a. Consideration of a recommendation that Town Council should direct staff to draft a Request for Proposal (RFP) to assess the feasibility of designating two collection zones for the Island and within those zones to franchise recycling and waste services for all single family residences.

Mr. Heitzke moved to approve. Mr. Safay seconded. Bill Libertoff suggested that a citizen referendum should be conducted to determine the level of interest in a recycling franchise.

Mr. Williams noted that there were some multi-family dwellings, such as condominiums, in addition to single family residences that still have individual garbage pick ups. So the RFP should include any place that has individual pick ups, not just single family residences.

Mr. Harkin observed that the success of this effort would be directly related to volume. He would like to offer consideration of having one zone for the Island instead of two – as he thought this would increase the volume and the probability of success.

Mr. Ferguson asked if it had been decided what this service was going to cost each household.

Mayor Peoples thought it would be appropriate to clarify exactly what was being considered by Council with this motion. All they were doing here was taking a vote on if they wanted to ask staff to move forward with the drafting of an RFP which would go back to the Public Facilities Committee for review and public comment. The Mayor also stipulated that they were not suggesting that residents put out their recycling on the curb - they would continue to support service yard pickup.

After further discussion, Mr. Harkins moved to amend the recommendation to read “.....direct staff to draft a Request for Proposal to assess the feasibility of franchising recycling and waste services for all residences with service yards.” Mr. Ferguson seconded. The amendment was passed by a vote of 7-0.

The amended motion was approved by a vote of 7-0.

b. Consideration of a Resolution of the Town Council of the Town of Hilton Head Island to consider at a Public Hearing on November 17, 2009 at 5:00 p.m. Proposed Ordinance Number 2009-39, an Ordinance to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance by amending Chapter 4 Article IV (Airport Overlay District) to provide for changes to tree pruning and removal requirements in the approach path of the Hilton Head Island Airport.

Mr. Heitzke moved to approve. Mr. Harkin seconded. Charles Cousins, Community

Development Director, made a presentation to the Council members about the background of tree removal issues at the airport and what this Ordinance was going to be proposing.

Mr. Perry White spoke at length about his concerns related to the tree pruning and removal procedures contained in this proposed ordinance.

During the council members' discussion, it became apparent that they were not prepared to invoke pending ordinance doctrine at this time. Mr. Heitzke moved to remove pending ordinance enactment from the Resolution. Mr. Harkins seconded. The amendment was approved by a vote of 7-0.

The amended motion was approved by a vote of 6-1. Mr. Ferguson was opposed.

c. ATAX committee recommendation for existing forward-funded grants and review of CY2009 Accommodations Tax revenues to date.

Mr. Williams moved to approve. Mr. Harkins seconded. Bud Shay, the Chairman of the Accommodations Tax Advisory Committee, addressed the Town Council concerning the committee's recommendation to amend the funding level to the "forward-funded" organizations to 85%. The motion was approved by a vote of 7-0.

12) EXECUTIVE SESSION

Steve Riley said that he needed an executive session for contractual matters pertaining to land acquisition, contractual matters pertaining to an agreement with Indigo Run POA regarding storm water utility; legal matters pertaining to ongoing litigation including a possible settlement agreement; and personnel matters related to a nominee for the Beaufort County Airport Advisory Committee.

At 5:33 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 7-0.

Mayor Peeples called the meeting back to order at 6:01 p.m. and asked if there was any business to take up as a result of executive session.

Mr. Laughlin moved that the Mayor and Town Manager be authorized to execute and deliver a Drainage Easement and an Access Drainage and Maintenance Agreement by and between the Indigo Run Community Owners Association, Inc., the Indigo Run Golf Club Community Association, Inc., The Broad Pointe Owner's Association, Inc., The River Club Land Owners Association, Inc., Indigo Run Asset Corporation and the Town of Hilton Head Island, South Carolina. Mr. Ferguson seconded. The motion was approved by a vote of 7-0.

Mr. Laughlin moved that the Town Council approve Joseph Zimmerman for recommendation to the County to serve on the Airport Advisory Board committee. Mr. Safay seconded. The motion was approved by a vote of 7-0.

Mr. Williams moved to approve a Resolution that the Town Council of the Town of Hilton Head Island, South Carolina, authorize the execution of that certain settlement agreement with Carolina Office Park, LLC. Mr. Heitzke seconded. The motion was approved by a vote of 7-0.

14) ADJOURNMENT

At 6:02 p.m., Mr. Heitzke moved to adjourn. Mr. Ferguson seconded. The motion was approved by a vote of 7-0.

Susan Blake, Secretary

Approved:

By Thomas D. Peeples, Mayor on November 17, 2009