

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

**Date:** Tuesday, April 21, 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, *Councilmen*.

**Absent from Town Council:** John Safay, *Council member*.

**Present from Town Staff:** Stephen G. Riley, *Town Manager*; Gregory D. DeLoach, *Assistant Town Manager*; Curtis Coltrane, *Assistant Town Manager*; Lavarn Lucas, *Fire Chief, Fire & Rescue*; Charles Cousins, *Director of Community Development*; Nancy Gasen, *Director of Human Resources*; Susan Simmons, *Director of Finance*; Scott Liggett, *Director of Public Projects & Facilities*; Brian Hulbert, *Town Attorney*; Julian Walls, *Facilities Manager*; Teri Lewis, *LMO Official*; Randy Nicholson, *Comprehensive Planning Manager*; Shawn Colin, *Senior Planner*; Heather Colin, *Development Review Administrator*; Marcy Benson, *Senior Grants Administrator*; Shea Farrar, *Senior Planner*; Nicole Dixon, *Planner*; Vicki Pfannenschmidt, *Administrative Assistant*

**Present from Media:** Daniel Brownstein, *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. World Tai Chi and Qigong Day**

Linda Archinaco accepted the Proclamation.

**b. Sexual Assault Awareness Month**

Jeanne Owens accepted the Proclamation.

**c. National Prayer Day**

No one was present to accept the Proclamation.

**6) APPROVAL OF MINUTES**

**a. Special Land Acquisition Workshop March 23, 2009**

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

**b. Regular Town Council Meeting of April 7, 2009**

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. U.S. Census Bureau – Terry Seabrook, Partnership Specialist**

Ms. Seabrook spoke briefly concerning the activities of the U. S. Census Bureau, emphasizing the monumental task to be undertaken. She explained she is to be an assistant to this Community in reaching groups and distributing information. Ms. Seabrook noted South Carolina was ranked 49<sup>th</sup> out of the 50 states in returning forms in the 2000 Census and said her goal is to improve the ranking.

**b. Town Manager’s Items of Interest**

The Town Manager reported on some items of interest.

**8) REPORTS FROM MEMBERS OF COUNCIL**

**a. General Reports from Council**

None.

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

The meeting scheduled for today was cancelled. The Committee has addressed all issues of concern and is awaiting updates on the Bills in question.

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

The Committee is in the process of scheduling interviews for vacancies. They will also be reviewing applications recently received.

**d. Report of the Planning and Development Standards Committee – Drew Laughlin, Chairman**

The Committee reviewed the proposed developer agreement with the Mall at Shelter Cove. This will be coming to full Council on May 5.

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

No report.

**f. Report of the Public Safety Committee – George Williams, Acting Chairman**

There will be a review of the First Quarter Crime Statistics at the May 4, 2009 meeting.

**9) APPEARANCE BY CITIZENS**

None.

**10) UNFINISHED BUSINESS**

**a. Second Reading of Proposed Ordinance No. 2009-09 granting a renewal term of five years to Shore Beach Services, Inc. for a non-exclusive franchise for the purpose of conducting certain commercial activities within specified public beach areas on Hilton Head Island; and providing for severability and an effective date.**

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

- b. Second Reading of Proposed Ordinance No. 2009-10 to amend Title 9 (Public Nuisance) of the Municipal Code of the Town of Hilton Head Island, South Carolina by amending sections 9-1-112, 113, 114, 115, and 116; and adding new section 9-1-112, Common Nuisances, 9-1-117 Failure to Abate; Abatement by Town; and Section 9-1-118 Public Nuisance Abatement; and providing for severability and an effective date.**

Mr. Heitzke moved to approve. Mr. Williams seconded.

Mr. Robert M. Kuhn, Jr., a resident of Outdoor Resorts stated he read the proposed ordinance and did not find within the ordinance any power for the Town Manager to revoke a business license and asked why. Mr. Riley responded that Town Council has that power.

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

- c. Second Reading of Proposed Ordinance No. 2009-01 to amend the Municipal Code of the Town of Hilton Head Island by adding Section 17-3-115 to Chapter 3 of Title 17, Establishing a Regulation Restricting the Hours of Sale and Consumption of Alcoholic Beverages at Commercial Establishments in the Town of Hilton Head Island; 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.

## 11) NEW BUSINESS

- a. Consideration of a Resolution of the Town Council of the Town of Hilton Head Island authorizing a special election to be held on June 30, 2009 for the purpose of filling Town Council Ward 2 vacant seat.**

Mr. Heitzke moved to approve. Mr. Williams seconded.

Mayor Peeples stated while Council looks forward to having the vacancy filled, Mr. Mottel is missed by all.

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

- b. Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, SC to proclaim April 2009 as Fair Housing Month.**

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

- c. First Reading of Proposed Ordinance No. 2009-11 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapter 3, Articles I and XI. These amendments commonly referred to as Street Naming Amendments as noticed in the Island Packet on January 25, 2009, include changes that provide for amendments to: Street naming and renaming requirements; 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.

Mayor Peeples asked for a recess at 4:23 p.m. noting they would reconvene at 4:30 for the Public Hearing.

**d. PUBLIC HEARING – 4:30 P.M. – Proposed Comprehensive Plan Amendment**

Mayor Peeples opened the Public Hearing at 4:30 p.m. asking if anyone wished to speak or ask questions concerning the Proposed Comprehensive Plan Amendment. Shawn Colin was present to answer any questions. No one stepped forward. Mayor Peeples closed the Public Hearing at 4:33 p.m.

Mr. Heitzke moved to delay enforcement of restricting the hours for sale and consumption of alcohol until May 1, 2009 to give staff time to mail notices to all establishments concerned.

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

**e. First Reading of Proposed Ordinance No. 2009-13 to amend the “Land Use Element,” an element of the “Town of Hilton Head Island Comprehensive Plan;” and providing for severability and an effective date.**

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

**f. First Reading of Proposed Ordinance No. 2008-34 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 Shipyard Plantation Master Plan with respect to that certain 1.30 acre parcel, located at 10 Shipyard Drive to increase the density assigned to the parcel by 1,000 square feet for administrative offices with associated parking for the Shipyard Plantation Security Operations, the Shipyard Plantation Property Owners’ Association and for visitor pass distribution; and providing for severability and an effective date.**

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

**12) EXECUTIVE SESSION**

Steve Riley said that he needed an executive session for contractual matters pertaining to land acquisition, including a proposed easement over Town property for Pineland Mills shops; contractual matters pertaining to a request by the County for an avigation easement over town-owned land; contractual matters pertaining to a proposed waiver of rights of first refusal in Northridge; contractual matters pertaining to requests to purchase property; contractual matters pertaining to a proposed Intergovernmental Agreement with Beaufort County regarding contributions for mainland road improvements.

At 4:35 p.m., Mr. Heitzke moved to adjourn to 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 5:18 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 adopt a resolution authorizing the Town Manager to execute waivers of repurchase option for any properties included in the covenants and restrictions for Northridge. Mr. Ferguson seconded. The motion was approved by a vote of 5-0

Mr. Heitzke moved that the Town Council for the Town of Hilton Head Island adopt an ordinance authorizing the execution of an access easement agreement over property owned by the Town of Hilton Head Island, South Carolina in the vicinity of Mathews Drive to J.M.K.H. Properties, LLC, Pineland Associates, LLC and Cahoon Hilton Head, LLC. Mr. Williams seconded. The motion was approved by a vote of 5-0.

**13) ADJOURNMENT**

At 5:19 p.m., Mr. Heitzke moved to adjourn. Mr. Ferguson seconded. The motion was approved by a vote of 5-0.

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Vicki Pfannenschmidt, Secretary

Approved:

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Thomas D. Peeples, Mayor