

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

Date: Tuesday, June 16, 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, *Councilmen*.

Absent from Town Council:

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*; Heather Colin, *Development Review Administrator*; Jayme Lopko, *Senior Planner, DRZ*; Cary Gaffney, *Storm Water Administrator*; Susan Blake, *Executive Assistant*

Present from Media: Daniel Brownstein, *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**
 - a. **Presentation of the Order of the Palmetto to W. J. “Bill” Mottel**

Mr. Mottel was unable to attend so his family accepted the award on his behalf.
- 6) **APPROVAL OF MINUTES**
 - a. **Special Town Council Meeting of May 11, 2009**

Mr. Heitzke moved to approve. Mr. Williams seconded. Mr. Williams noted some corrections to the minutes. The corrected minutes were approved by a vote of 6-0.
 - b. **Regular Town Council Meeting of May 19, 2009**

Mr. Williams moved to approve. Mr. Safay seconded. The motion was approved by a vote of 5-0-1. Mr. Heitzke abstained because he did not attend the May 19 meeting.
 - c. **Special Town Council Meeting and CIP Budget Workshop June 2, 2009**

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

7) REPORT OF THE TOWN MANAGER

a. Town Manager's Items of Interest

The Town Manager reported on some items of interest.

b. June 2009 Policy Agenda, Management Targets and CIP Updates

Steve Riley noted that the May 2009 updates were attached and invited Council Members to contact him if they had any questions.

8) REPORTS FROM MEMBERS OF COUNCIL

a. General Reports from Council

None.

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

Mr. Williams noted that the committee did not meet as often this year as they had in the past because the legislature was especially occupied with the budgeting process. There were a lot of pending bills which the committee was monitoring but no action was needed at this time.

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

The Committee would be meeting again in the following weeks because they had one vacancy left to fill.

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

No report.

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

No report.

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

No report.

9) APPEARANCE BY CITIZENS

None.

10) UNFINISHED BUSINESS

- a. Second Reading of Proposed Ordinance No. 2009-23 authorizing the execution of that certain Avigation Easement Agreement with Beaufort County over property owned by the Town of Hilton Head Island, South Carolina, pursuant to the authority of S.C. Code Ann. Sec. 5-7-40 (Supp. 2008), and Sec. 2-7-20, Code of the Town of Hilton Head Island, South Carolina (1983); and providing for severability and an effective date.**

Mr. Heitzke moved to approve. Mr. Safay seconded. The motion was approved by a vote of 4-2. Mr. Ferguson and Mr. Williams were opposed.

11) NEW BUSINESS

- a. **Consideration of a recommendation that the Town Council for the Town of Hilton Head Island approve the abandonment of a portion of Town-owned land to the S.C. Department of Transportation (SCDOT) as public highway right-of-way necessary to construct a turn lane on William Hilton Parkway to serve Burkes Beach Road.**

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

- b. **First Reading of Proposed Ordinance No. 2009-22 to amend Title 16 “The Land Management Ordinance” (LMO), of the Municipal Code of the Town of Hilton Head Island, South Carolina, by amending Chapter 4, section 16-4-102, the official zoning map, specifically to rezone parcel 192 on Beaufort County Tax Map #5 from RM-4, Light to Moderate Residential to IL, Light Industrial; and providing for severability and an effective date.**

Mr. Laughlin moved to approve. Mr. Safay seconded. Chester Williams, attorney for the applicants, gave Town Council a brief background history of the property and intentions of the applicant. Town Council had some questions that were addressed to the applicant regarding the intended use. The applicant said he wanted to construct large storage units for RV's and boats. Mr. Ferguson asked that the record reflect that the property owners in the Baygall/Mitchelville area have expressed their opposition to this rezoning request and he would be voting in accordance with their desires. The motion was approved by a vote of 4-2. Mayor Peebles and Mr. Ferguson were opposed.

- c. **First Reading of Proposed Ordinance No. 2009-17 to amend Title 16 “The Land Management Ordinance” (LMO), 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 Hilton Head Plantation Master Plan with respect to that certain .94 acre parcel, known as Lot 29 Main Street, to add motel as a permitted use with a maximum of 25 rooms; and providing for severability and an effective date.**

Mr. Heitzke moved to approve. Mr. Safay seconded. Several residents of Hilton Head Plantation with homes in proximity to the applicant's property expressed their opposition to the rezoning request. Mr. Safay observed that the ongoing operation of the Main Street Inn had been creating disturbances in the neighborhood and the concern was that adding to the Inn's capacity would cause an increase in the number and frequency of disturbances.

Mr. Laughlin pointed out that while he understood and was sympathetic to the concerns of the nearby residents, he also thought the existing allowable uses were just as problematic as the proposed use.

The motion was defeated by a vote of 1-5. Mr. Laughlin voted in favor of the motion.

- d. **Consideration of a Resolution by the Town Council for the Town of Hilton Head Island denying the application for zoning map amendment (ZMA090002) which requests an amendment to Chapter 4 of Title 16, “The Land Management Ordinance” (LMO), 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 Hilton Head Plantation Master Plan with respect to that certain .94 acre parcel, known as Lot 29 Main Street, to add motel as a permitted use with a maximum of 25 rooms.**

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

e. Consideration of a recommendation that the Town Council for the Town of Hilton Head Island approve the Mall Community Space Tenant Selection Process (Exhibit “C”) and qualifications and Selection Criteria (Exhibit “D”).

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

f. Consideration of a recommendation that the Town Council for the Town of Hilton Head Island approve the proposed solutions to the Mathews Drive Side Street Rehabilitation and Encroachment issues as outlined in the attached memorandum.

Mr. Heitzke moved to approve. Mr. Ferguson seconded. Mr. Williams noted some corrections to the memo deferring construction from FY2011 to FY2012. The maker and seconder of the motion agreed with the corrections. The amended motion was approved by a vote of 6-0.

Since it was only 5:15 p.m. and the next order of business was a Public Hearing scheduled for 6:00 p.m., the Mayor asked if there was any reason to go into executive session. Town Manager Steve Riley said that he needed an executive session for contractual matters pertaining to land acquisition, including requests to sell town-owned land; contractual matters pertaining to conveyance of utility easements across town-owned land; legal matters pertaining to pending litigation; personnel matters pertaining to appointments to Boards and Commissions and personnel matters pertaining to the mid-term review of the Town Attorney.

At 5:15 p.m., Mr. Heitzke moved to adjourn to Executive Session for the reasons stated by the Town Manager. Mr. Safay seconded. The motion was approved by a vote of 6-0. The Mayor said that they would return at 6:00 p.m. for the Public Hearing.

g. 6:00 p.m.: PUBLIC HEARING ON THE MUNICIPAL BUDGET FOR FY2009-2010

At 6:00 p.m., the Mayor opened the public hearing and invited comments from the public. Andy Patrick of the Greater Island Committee and the chairman of its Public Safety Committee expressed his support of Solicitor Duffie Stone’s request for a financial contribution from the Town for the Career Criminal Prosecution Team.

Fourteenth Circuit Solicitor Duffie Stone approached the Council and asked them to reconsider their decision regarding the funding of the Career Criminal Prosecution Team. He requested the amount of \$35,000.00 or 50% of the Town’s share of assessment and surcharges on traffic citations. This would be an annual recurring request and the amount would be pegged at 50% of the money the Town collected for citations. Town Council members expressed support for this request.

There was no other public comment on the budget so the Mayor closed the public hearing at 6:17 p.m.

h. Revised First Reading of Proposed Ordinance No. 2009-19 to raise revenue and adopt a budget for the Town of Hilton Head Island, South Carolina, for the fiscal year ending June 30, 2010; to establish a property tax levy; to establish funds; to establish a policy

for acquisition of rights of way and easements; and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Safay seconded. Mr. Ferguson moved that \$35,000 be added to the budget to contribute funding to the Career Criminal Prosecution Team. Mr. Laughlin seconded. The amendment was approved by a vote of 6-0. Mr. Williams had a few questions about the budget. Steve Riley gave an update on the Town's Reserve Fund balances. The amended motion was approved by a vote of 6-0.

12) EXECUTIVE SESSION

Steve Riley said that he needed to return to executive session for personnel matters pertaining to appointments to Boards and Commissions and personnel matters pertaining to the mid-year review of the Town Attorney.

At 6:24 p.m., Mr. Heitzke moved to return to Executive Session for the reasons stated by the Town Manager. Mr. Williams seconded. The motion was approved by a vote of 6-0.

Mayor Peeples called the meeting back to order at 6:40 p.m. and stated that they had conducted a review of the Town Attorney and were pleased with his work on behalf of the Town. The Mayor asked if there was any other business to take up as a result of executive session.

Mr. Heitzke moved that the Town Manager be authorized to execute and deliver to the Hilton Head Public Service District, a "certificate of non-litigation;" a "cost certificate;" a "bill of sale;" and, an "affidavit of title" in connection with the conveyance of water and sewer infrastructure that will serve the Fire and Rescue Training Center and the Facilities Management Headquarters. Mr. Safay seconded. The motion was approved by a vote of 6-0.

Mr. Safay moved that the Town Manager be authorized to execute and deliver a "right of entry" to permit Hargray Communications to install underground utility lines at the Town's Coligny Beach Park property. Mr. Heitzke seconded. The motion was approved by a vote of 6-0.

Mr. Laughlin moved that the Town Council approve appointments and re-appointments to boards and commissions and he announced each person's name, length of term and what board they would serve. Attached to the minutes of the June 16, 2009 meeting is a list of those persons who were nominated. Mr. Safay seconded the motion. The motion was approved by a vote of 6-0.

13) ADJOURNMENT

At 6:45 p.m., Mr. Heitzke moved to adjourn. Mr. Williams seconded. The motion was approved by a vote of 6-0.

Susan Blake, Secretary

Approved:

Thomas D. Peeples, Mayor