

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

Date: Tuesday, August 4, 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: Gregory D. DeLoach, *Assistant Town Manager*; Curtis Coltrane, *Assistant Town Manager*; Brad Tadlock, *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*; Steven Markiw, *Deputy Director of Finance*; Paul Rasch, *Emergency Management Coordinator*; Heather Colin, *Development Review Administrator*; Jayme Lopko, *Senior Planner-DRZ*; Sarah Skigen, *Natural Resources Associate*; 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) SWEARING IN OF TOWN COUNCIL MEMBER

a. William D. Harkins – Ward 2

Judge Francis Simon administered the Oath of Office to Mr. Harkins.

6) APPROVAL OF MINUTES

a. Special Town Council meeting of June 24, 2009

Mr. Heitzke moved to approve. Mr. Williams seconded. The minutes were approved by a vote of 6-0-1. Mr. Harkins abstained.

b. Regular Town Council Meeting of July 7, 2009

Mr. Heitzke moved to approve. Mr. Williams seconded. The minutes were approved by a vote of 6-0-1. Mr. Harkins abstained.

7) REPORT OF THE TOWN MANAGER

a. Town Manager's Items of Interest

Assistant Town Manager Greg DeLoach reported on some items of interest.

b. Report of the Board of Zoning Appeals – Jim Collett, Chairman

Mr. Collett provided Town Council with an update on the Board of Zoning Appeals activities

for the first half of 2009.

c. August 2009 Policy Agenda, Management Targets and CIP Updates

Greg DeLoach pointed out that the August updates were included with the agenda package. He invited council members to contact him if they had any questions. He also handed out the year end financial statements for their review.

8) REPORTS FROM MEMBERS OF COUNCIL

a. General Reports from Council

The Mayor asked Mr. Williams, as chairman of the Transportation Committee on the Lowcountry Council of Governments, to encourage LCOG to advocate for the widening of I-95 to three lanes up to the intersection with I-26.

1a. Town Council Committee assignments 2009-2010

The Mayor made some changes in the committee assignments to include Mr. Harkins.

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

No report.

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

The Personnel Committee would be recommending a candidate to Council to fill a vacancy on the Design Review Board.

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

No report.

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

They met this afternoon and examined a proposal for a municipal improvement district (MID) along Mitchelville Lane. Staff recommended that the Town not create a MID for this small area. For a variety of reasons, the committee was recommending that it not be approved. This will be coming forward at the next Town Council meeting.

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

Mr. Williams reported that he was unable to attend the Committee meeting but Mr. Ferguson chaired the meeting in his absence. Mr. Ferguson asked Mr. Heitzke to talk about an observation that he made relative to the Crime Statistics. Mr. Heitzke said that they had calculated the crime stats on a “per 10,000-person basis” and it showed that the majority of the types of crimes in the last six years were actually decreasing on a per 10,000 population calculation. He commended the Sheriff’s Department for doing an outstanding job. Mr. Ferguson observed that in the quarter being reported, there were two fatalities; one of which involved an individual who was not wearing a seat belt restraint and was thrown from the vehicle.

9) APPEARANCE BY CITIZENS

Peter Kristian spoke to Council to commend Scott Liggett and Cary Gafney for their work on the stormwater management project at Hilton Head Plantation. He also expressed his appreciation for Connie Pratt’s assistance in getting the landscaping at the Daufuskie ferry

area taken care of. Mr. Kristian noted that the Town does not have an ordinance regulating the height of grass, but Ms. Pratt was able to convince the owners to groom their property.

10) UNFINISHED BUSINESS

a. None.

11) NEW BUSINESS

a. Consideration of a recommendation that the Town's stormwater utility fee be increased to \$83.23 and that Council authorize the Mayor to send a letter to County Council Chairman Weston Newton.

Mr. Heitzke moved to approve. Mr. Safay seconded. Mr. Ferguson expressed concern about the impact of raising fees on some of the Island residents. He asked that it be confirmed that the fee is calculated on a three-tier scale relative to impervious surface on an individual property and observed that he would have liked to see that in writing. Mr. Williams said he voted against this at the committee level and would be doing so again. The reason he voted against it was because he was not convinced that some of these projects were any more than "nice to have" and he did not agree that this fee would also be used to pay additional indebtedness. It was noted by several council members that this rate was only sufficient to meet the current year's needs. And it was likely that next year's rate would need to be increased as more PUD's signed agreements with the Town for stormwater management. The motion was approved by a vote of 5-2. Mr. Ferguson and Mr. Williams were opposed.

b. First Reading of Proposed Ordinance No. 2009-20 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapters 3, 4, 5, 6 and 10. These amendments, commonly referred to as the Shoreline Protection Amendments include changes that provide for amendments to: Development exempt from approval, Designation of districts, Establishment of the critical storm protection and dune accretion area and the transition area, Required buffers, Dune protection standards, and Definitions; and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Safay seconded. Mr. Williams expressed his concern about the meaning of the term "in the vicinity of the beach." Sara Skigen responded that this was a designation that referred to the dune in the immediate vicinity of the beach in front of the existing line of construction along the beachfront. Ms. Skigen also elaborated that in defining a dune, staff used their own expertise in the field and they looked for vegetation that a dune was usually anchored by, such as sea oats, beach alder, beach morning glory, etc.

Mr. Laughlin said that when we bring forward proposed ordinances that would add restrictions and regulations; he thought it was critically important that staff also provide the impact on what would be rendered non-conforming as a result of passage of that ordinance. He wanted to remind staff that he had asked for this before and he would continue to be interested in that kind of information.

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

c. First Reading of Proposed Ordinance No. 2009-21 to amend Title 8 of the Municipal Code of the Town of Hilton Head Island, South Carolina, Chapter 1 to revise Sections 112, 223, 224, and 241. This amendment includes changes that provide for general amendments to Definitions, Activities and uses permitted and prohibited in the critical storm protection and dune accretion area, Activities and uses permitted in the

transition area, and Nonconforming structures; and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved by a vote of 7-0.

12) 5:30 P.M. BUSINESS LICENSE FEE APPEAL HEARING – Mr. A. P. Skaria

Mayor Peeples noted for the record that the Town had received a letter from the attorney representing Mr. Skaria asking that the appeal be withdrawn.

13) EXECUTIVE SESSION

Greg DeLoach said that he needed an executive session for land acquisition matters, proposed contractual matters, litigation matters and personnel matters related to an appointment to the Design Review Board.

At 4:45 p.m., Mr. Heitzke moved to go into Executive Session for the reasons stated by the Assistant Town Manager. Mr. Ferguson seconded. The motion was approved by a vote of 7-0.

Mayor Peeples called the meeting back to order at 6:37 p.m. and asked if there was any business to take up as a result of executive session.

Mr. Ferguson moved that the Town Council for the Town of Hilton Head Island adopt an ordinance authorizing the conveyance of real property known as the Squire Pope Roundabout to South Carolina Department of Transportation via execution and delivery of a quit claim deed. Mr. Laughlin seconded. The motion was approved by a vote of 7-0.

Mr. Safay moved that the Town Council for the Town of Hilton Head Island adopt an ordinance authorizing the conveyance of real property known as a 0.175 acre parcel on U.S. 278 at the intersection of Burkes Beach Road to South Carolina Department of Transportation via execution and delivery of a quit claim deed. Mr. Ferguson seconded. The motion was approved by a vote of 7-0.

Mr. Laughlin moved that Jennifer Moffatt be appointed to fill the vacancy of an unexpired term on the Design Review Board. Mr. William seconded. The motion was approved by a vote of 7-0.

14) ADJOURNMENT

At 6:49 p.m., Mr. Heitzke moved to adjourn. Mr. Williams seconded. The motion was approved by a vote of 7-0.

Susan Blake, Secretary

Approved:

Thomas D. Peeples, Mayor