TOWN OF HILTON HEAD ISLAND
PUBLIC FACILITIES COMMITTEE

Date: July 1, 2014 Time: 2:00 P.M.

Members Present: Kim Likins, Marc Grant, George Williams

Members Absent: John McCann

Staff Present: Scott Liggett, Charles Cousins, Jeff Buckalew, Darrin Shoemaker

Others Present: Bill Harkins, *Councilman*, Richard Jackson, *President, Middleton Place POA*

Media Present**:** None

---

1. Call to Order:
The meeting was called to order at 2:00 p.m.

2. 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.

3. Committee Business:
Approval of Minutes: Councilman Grant moved to approve the Minutes of May 6, 2014. Chairman Likins seconded. The Minutes of May 6, 2014 were unanimously approved.

4. Unfinished Business:

- **Private Road Acceptance Application – East and West Morgan Courts**

Scott Liggett, Director of Public Projects & Facilities/Chief Engineer stated he is here today again to present to you the same request that you initially heard back in May. At that meeting the matter of the public dedication of East and West Morgan Courts was tabled. In addition to that, there was discussion at that Committee meeting that suggested we examine the greater policy as a whole. That is moving forward and as a way of maybe a glimpse into the future; the Mayor has authorized discussion of that policy and recommendation from staff here at the upcoming Town Council Meeting on July 15th.

We have two separate items, both that came from the Committee – one that dealt with the over arching policy we will take up here in a couple of weeks and still the disposition here of the East and West Morgan Courts public roads dedication application having previously been submitted. I think it is safe to say that at least in part we are here because of the failure in my part to adequately direct staff to carry out the program the Town Manager intended and understood would be carried out. In that regard, let me attempt to try to explain the three pronged approach that he envisioned we would go through as part of any staff recommendation.

The first two prongs deal with the technical provisions that are explicitly called out for and described in the hard copy application – pavement widths, rights of way width, condition of

pavement, construction – those things that were made part of this application and are included here today with condition of pavement and construction standards. In addition to that, the application generally speaks to financial impacts. Even if we have a road that meets the technical standards – how expensive might it be for us long term to assume public dedication? I don't believe it was the intent of Council and I know it was not the intent of staff just because we had a road that satisfied one or both of those items that it was automatically going to be accepted or conversely if it failed in either of those two – if it wasn't built to standard or proved to be inordinately costly it was automatically disapproved. I think the impression still today even remains with the Committee and ultimately Council to decide how they want to accept or decline these offers for public dedication.

The missing piece to the previous recommendation and this is where we get into what the Manager understood we would carry out was an examination into the nature and extent of any public benefit that would come our way through these acquisitions. For instance, when you ask the question just because we can acquire these roads, should we? Is there broad sweeping community benefit from our acquisition of one or more of these roads? Is there a primary benefit to the community at large or is it mostly the unburdening of the current road owner of the maintenance responsibilities going forward? Is there a goal on the board over here that could be best achieved through the public dedication of these roads? Is there a benefit to the public roadway network? Are we making a connection between two publically owned roads whether they are town, county or state? Are we filling a gap in that regard? Are we expanding the public roadway networks such that we can provide alternate routes, whether it is William Hilton Parkway or any of the other primary roads here on the Island? Does it serve a benefit in that regard? Does it provide access to town property or other critical facilities? From the standpoint of examining all of these dedications, we have the technical, the financial and the other piece that speaks to the nature and extent of the public dedication. Can we achieve something from public acceptance that is otherwise is unachievable? In the course of the matter here before you, nothing has changed as it relates to what is being offered. The road, its condition, its right of way, its pavement remains the same. It still meets the technical standards. The financial impacts by and large remain the same and are detailed in the application. Obviously in this particular case we have a markedly different staff recommendation which is namely denial as a result of a failure to adequately demonstrate what the broad sweeping public benefit, the community at large type benefit from our acceptance of these very low order residential streets. The net result of our examination since your last meeting delved into these items I have tried to describe here and as a result of that they essentially provide a trump card so to speak that causes staff to rethink, repackage and reorientate its recommendation for denial as a result of a failure to demonstrate an overarching community benefit to its acceptance.

Councilman Williams stated the way he remembers his thoughts on the whole private road acceptance was regardless of whether it does or does not meet the criteria, the final decision on whether to accept it or not would be left to Council. Therefore, I was willing to accept this previous one and I understand now how we got caught up into this issue, but it never was my intent just because a road meets the criteria and I would be supporting a particular road at a particular time without all the facts.

Chairman Likins thanked Mr. Liggett for clarifying where they left off last time because I was a little confused as I knew that we said we wanted Town Council to readdress the policy as it pertains to the acceptance. You clarified that it is a separate issue that is moving forward and will be dealt with. Mr. Liggett said as he understood it from the Mayor's perspective, he was very much interested in the Committee developing a recommendation regarding the application before you. Presumably whatever action occurs here today will go before Town Council at its next available opportunity and then we will take up with the entire Council any revisions or suggestions we have for the policy going forward. Chairman Likins stated she also appreciated Mr. Liggett's clarification too because I think last time when this came before us my concern was we can check off the boxes as far as criteria on the technical side, but that doesn't necessarily equate to public benefit on the other side. That was the issue that we were struggling with was that something can certainly quality but at the end of the day if there is no public benefit in doing it and there is a huge price tag associated with it then it doesn't make sense for us to do.

Councilman Williams moved that the Public Facilities Committee recommend to Town Council that the application from the Middleton Place POA to the Town to accept ownership and maintenance responsibility of the private road rights-of-way and associated drainage easements be denied. Councilman Grant seconded.

Richard Jackson, President of the Middleton Place POA asked the Committee if they were dealing with the policy in existence. Chairman Likins said yes they were. Mr. Jackson said his first question is why are we here today? At the May 6th meeting clearly states that this was all to go back to Town Council for review and addressing of the policy before any decision is made on the application.

Our roads may be dead end and low volume, but we are no different in that respect than others from many roads you currently own and maintain. I think that you currently own and maintain a large number of roads and you have accused us of trying to offload our responsibilities. We pay our taxes and don't think it is unreasonable as a Town to provide the same service to us that you provide to others. The Town Manager is correct when he said nothing is free around here. You have been using the drainage areas that we are trying to give to you for eight years without our knowledge with no agreement. You simply ran the pipe out. We have done everything that has been requested to submit to what you wanted. We paid a bunch of money for a survey so detailed that it had every telephone pod, every light pole, all of the driveways including what those driveways were made of.

You can use the term grandfathered to take us in, but it seems rather prejudicial to turn around 180 degrees from what you spent a year on developing, have one application only and then you are free to do whatever with the policy you wish. We worked under the one that we had and if it is rejected that it is only fair that you pay for the survey that you demanded that says dedicated to the Town of Hilton Head and the drawings are now worthless to anyone, including you if you do not take them. If we work on a negotiation on the cost, it is cheaper for you than to go back and redo this drainage swale issue and we will come to you for the $3,000 for the cost of the drawings. We tried to play by the rules and you should too.

Councilman Williams stated they are looking at it under the old policy and we are making recommendations based on the old policy. The new policy is coming through. I call your attention to the last page of this where it says an affirmative vote by simple majority of Town Council is required for public acceptance of the road rights of way. You will get that chance before Town Council when it comes to Town Council based on the actions today. At that time the full Town Council will vote whether to accept it under the old policy.

Chairman Likins stated there is a motion on the table to deny which has been seconded and called for a vote. The motion passed unanimously.

5. New Business - None

6. Adjournment:
Councilman Williams moved to adjourn. Councilman Grant seconded the motion. The meeting was adjourned at 2:35 p.m.

Respectfully Submitted,

_____

Karen D. Knox
Senior Administrative Assistant