

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

Date: Tuesday, September 19, 2017

Time: 4:00 P.M.

Present from Town Council: David Bennett, *Mayor*; Kim Likins, *Mayor Pro Tem*; David Ames, Marc Grant, Bill Harkins, Tom Lennox, John McCann, *Council Members*

Present from Town Staff: Steve Riley, *Town Manager*, Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Brian Hulbert, *Staff Attorney*; Brad Tadlock, *Fire Chief*; John Troyer, *Director of Finance*; Tom Fultz, *Director of Administrative Services*; Jenn McEwen, *Arts & Culture Network Director*; Shawn Colin, *Deputy Director of Community Development*; Jennifer Ray, *Planning and Special Projects Manager*; Teri Lewis, *LMO Official*; Emily Sparks, *Project Lead, Hilton Head Island – Our Future*; Jayme Lopko, *Senior Planner*; Erica Madhere, *Finance Administrator*; Cindaia Ervin, *Finance Assistant*; Melissa Cope, *Systems Analyst*; Krista Wiedmeyer, *Executive Assistant/Town Clerk*

Present from Media: Alex Kincaid, *Island Packet*

1. Call to Order

Mayor Bennett called the meeting to order at 4:00 p.m.

- 2. FOIA Compliance** - Public notification of this meeting has been published, posted and distributed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

3. Executive Session

Mr. Riley stated he needed an Executive Session for: (a) Contractual Matters; discussion of negotiations incident to proposed contractual arrangements with the Town Manager, (b) Legal Matters; receipt of legal advice related to the employment of outside legal counsel, and (c) Land Acquisition; discussion of negotiations incident to the proposed sale, lease, or purchase of property related to property near Shelter Cove.

At 4:01 p.m. Mrs. Likins moved to go into Executive Session for matters mentioned by the Town Manager. Mr. Harkins seconded.

Mr. McCann moved to amend the original motion by removing item 3(a), namely, "Discussion of negotiations incident to proposed contractual arrangements with the Town Manager" from executive session and adding the item as an open meeting discussion in the new business section of the agenda as item 12(g). Mr. Grant seconded, the motion passed by a vote of 4-3. Mayor Bennett, Mr. Ames, and Mrs. Likins voted against.

The original motion as amended passed by a vote of 4-3. Mayor Bennett, Mr. Ames, and Mrs. Likins voted against.

Council returned to the dais at 5:02 p.m.

4. Pledge to the Flag

5. Invocation

6. Proclamations & Commendations

Mayor Bennett presented the National Hunger Awareness Month Proclamation to Ms. Margie Tomczak of Second Helpings.

7. Approval of Minutes

a. Town Council Meeting, August 1, 2017

Mrs. Likins moved to approve. Mr. Harkins seconded. Town Council Meeting Minutes for August 1, 2017 were approved by a vote of 6-0-1, Mr. Grant abstained from the vote as he was absent from the August 1, 2017 meeting.

8. Report of Town Manager

a. Hilton Head Island – Our Future: Monthly Update

Emily Sparks, Project Lead of the Vision Project Management Team, reviewed the Hilton Head Island – Our Future monthly update discussing the events that took place throughout the month of August and the September events that have been postponed due to Tropical Storm Irma. She said the team is currently looking at dates in October and to keep an eye out for the upcoming event dates. Ms. Sparks noted new Kiosks will be posted for citizens to drop off their surveys, one of them now set up at Town Hall.

b. Fire Rescue – Commission of Fire Accreditation International

Fire Chief Brad Tadlock made remarks as they related to the Commission of Fire Accreditation International reaccreditation Fire Rescue recently received. Chief Tadlock presented Mayor Bennett with the CFAI Accreditation Award, thanking him for his support. Mayor Bennett returned the praises to the members of Fire Rescue for their dedication, especially their efforts during Tropical Storm Irma.

c. Mitchelville Preservation Project Update

Executive Director of the Mitchelville Preservation Project, Ahmad Ward addressed Council providing an update from the last three months. Mr. Ward noted the Project has been making many strides as it continues to grow. He noted the Project continues to work on the funding the goals too. Mr. Ward thanked the Town for its continued support with the Mitchelville Preservation Project, and noted in the coming months Mitchelville would be celebrating its 155th Anniversary with details to come soon.

d. Items of Interest

i. Town News

Mr. Riley reported on Town news including some upcoming public meetings and Committee meetings.

ii. Noteworthy Events

Mr. Riley reported on upcoming noteworthy events taking place in the coming weeks.

9. Reports from Members of Council

a. General Reports from Council

Mr. Grant thanked the Town for the Commendation for Ms. Gertrude Brown Grant in recognition of her 100th birthday on August 27, 2017. He said having the Commendation made her birthday that much better. Mr. Grant also thanked the Town for their support of the Old Island School Committee and the historical marker placed on Beach City Road for Robinson Junior High School. He said the Town's continued support of this Committee is appreciated as these schools are continued to be recognized.

Mr. McCann reported that the Finance and Administrative Committee met in the previous months where they had approved to bring forward the South Island Dredging Fund for discussion at the October 3, 2017 Town Council meeting. Mr. McCann further reported that the Committee had met earlier in the day and unanimously approved a recommendation for Town Council to seek the potential engagement of a search firm for the purposes of the assistance of searching and hiring a new Town Manager with the assistance of the Municipal Association of South Carolina.

Mayor Bennett reported that the Beaufort County Economic Development Corporation has one candidate that they plan to extend an offer to for the Executive Director role, with the hopes that this individual can start at the beginning to middle of October. He further reported the Board will meet September 20, 2017 to hopefully finalize discussions concerning the agreement with the Southern Carolina Alliance. Mayor Bennett attended a meeting with the Project Safe Task Force which continues to make good progress. He reported that the Community Foundation of the Lowcountry has raised approximately \$1.3 million of their \$3 million goal, and are continuing to speak with more prospects as they work towards their final goal.

b. Report of the Intergovernmental & Public Safety Committee – Bill Harkins, Chairman

No report this week.

c. Report of the Community Services Committee – Kim Likins, Chairman

Mrs. Likins reported to Council that the Venue Committee met on August 16, 2017 to review the Phase 2 scope of work, and have unanimously approved to move forward with having a proposal put together by the Consultant. Mrs. Likins reported that the Accommodations Tax Advisory Committee received a resignation and will be accepting applications to fill the opening quickly.

d. Report of the Public Planning Committee – David Ames, Chairman

Mr. Ames reported to Council that there will be an important Public Planning Committee meeting on September 28, 2017 at 3:00 p.m. to discuss the possible next steps for affordable housing, and the short and long term action ideas. He reported that these ideas have evolved from meetings and discussions that have taken place with employers, developers, nonprofits and those in need of affordable housing. Mr. Ames reported that the Committee would be moving these matters forward in the coming months.

e. Report of the Public Facilities Committee – Marc Grant, Chairman

Mr. Grant reported to Council that the Committee will be meeting on September 25, 2017 to begin discussions of what the process is for public events. The intent of this meeting is to have a clear understanding of the policies the Town has in place for the public to have events or peaceful open protests. Mayor Bennett confirmed with Mr. Riley that the Beaufort County Sheriff's Office should be invited to the meeting for this topic of discussion.

f. Report of the Finance & Administrative Committee – John McCann, Chairman

Nothing further to report.

10. Appearance by Citizens

James Ackerman. Addressed Council concerning the condition of the parks, tennis courts, and property located in the Cordillo Courts area. He wanted Council to note the condition of the parks and said property in hopes that there could be a joint effort between the board he represents and the Town to clean up and repair the area.

Lou Benfante, Linda Piekut, and Barry Riordon. Gave a brief history of Ft. Mitchel and reported that the National Parks Service has added Ft. Mitchel to the National Register of Historic Places. The group further reported of upcoming events at the Heritage Library.

Randy Tardy. Addressed Council about private and public funding for the Arts Center of Coastal Carolina. He explained that he had experienced both situations, stating the organizations that were privately funded succeeded, and those that were publicly funded did not.

Taiwan Scott. Addressed Council regarding his concerns with the Town and his property on 15 Marshland Road. Mr. Scott expressed his support for the final decision made for the properties located on Herron Street.

11. Unfinished Business

a. Second Reading of Proposed Ordinance 2017-17 (Bradley Circle)

Second Reading of Proposed Ordinance 2017-17 to amend Title 16, "The Land Management Ordinance," of the Municipal Code of the Town of Hilton Head Island, South Carolina, by amending Section 16-1-107, the Official Zoning Map with respect to those certain parcels identified as Parcels 22G, 22J, 22K, 22L, 22M, 22P, 22R, 22S, 22T, 22U, 22V, 279, 498, 499, 501, 502, 503, 505, 513, 575, 576, 591, 596, 597, 619, 624, 625, 635, 645, 669, 670, 671, 672 AND 673 on Beaufort County Tax Map #8 and as Parcels 11B, 11D, 11E, 264, 896, 1072, 1073, 1075, 1086, 1087, 1088, 1095, 1096, 1097, 1102, 1103 and 1201 on Beaufort County Tax Map #9 to rezone the parcels from the RD (Resort Development) zoning district to the RM-8 (Moderate Density Residential) zoning district; and providing for severability and an effective date.

Mrs. Likins moved to approve the Second Reading of Proposed Ordinance 2017-17. Mr. Harkins seconded the motion.

Mr. Grant moved to amend the motion, to exclude parcels 22G (10 and 12 Bradley Circle), 498 (14 Bradley Circle), and 503 (16 Bradley Circle) on Beaufort County Tax Map #8. Mr. Harkins seconded the motion.

Mr. Grant addressed the members of Council to explain the reason for the amended motion. He stated that because the three referenced parcels belonged or had belonged to Robert Singleton, a Native Islander who wanted to keep his property within his family and considered it a form of inheritance.

Mr. Grant further stated that these properties should be exempt from the rezoning to keep the properties equity from declining since he had started the renovations to buildings, grounds and properties to reflect the RD zoning codes. He stated that should the Town not be willing to exempt this citizen from the rezone, then the Town should consider compensation back reflecting the potential loss in equity.

Several members of the community including residents of the Bradley Circle area, business owners, attorneys, and developers spoke both in support of excluding the three referenced parcels and against excluding the three referenced parcels.

Mr. Ames addressed the members of Council and the audience stating that community impact can be measured by safety. Given the configuration of Bradley Circle, which is actually a horseshoe, with a limited right-of-way, leaving very few options to improve the safety conditions in this area. He further explained that with proper planning, growth of any particular area can be anticipated, and lays the groundwork for infrastructure. He pointed out that in the case of Bradley Circle, proper planning has not been done. Mr. Ames stated that the building mass of Bradley Circle stretches far beyond what is reasonable for the infrastructure that is currently in the ground. Mr. Ames discussed environmental sensitivity stating that he regrets what he sees now at Bradley Circle, as it has been devastating to the marsh, vegetation, any kind of wildlife that was there. He said that the anticipation of adding more density to an area that is already without cover, would be a mistake. Mr. Ames expressed that the main fear he has is the incompatibility of the commercial uses permitted under RD that are not allowed under RM-8. He said from a community impact standpoint, he feels it is clear that the property should be zoned RM-8 until the County and the Town decide what kind of investment they want to make in this area to make a difference in the capacity to accommodate the structures that are already there or any additional structures that are anticipated. Mr. Ames stated that he is of the opinion that the Town has not done a good job in balancing community impact and equity. He further stated that it would be a mistake to zone any property within the Bradley Circle area anything other than RM-8.

Mayor Bennett agreeing with Mr. Ames addressed Mr. Riley asking if it is it reasonable to compensate anyone because of a change in zoning, to try to deal with both the equity and the community impact. Mr. Riley stated that he would caution Council taking steps like that, as there are a lot of variables that go into this kind of process. He further stated that if the Town sets a precedence of writing checks to for rezoning property, it can create further precedence to every property being affected negatively by rezoning. It could create a situation where the Town would never rezone again.

Mr. Grant expressed to the Mayor, that the amended motion pending, and would like to see Council vote in favor of this amended motion. He further stated that before all the houses were built in the Bradley Circle area, the entire area was wooded. After the Town issued the initial zoning requirements, citizens started to build their homes in this area, and built close to the beach, with the understanding that there are some consequences with building close to the beach. Those considerations meant that they would build their living areas on top of their garages, about fifteen feet above the ground, so most flooding damage caused by storm surge would be at the garage level. Mr. Grant stated Mr. Singleton's parcels were deeded to him, and are his wealth. He said that he believes that Mr. Singleton should have the right to use his land how he sees fit to provide for his family. Mr. Grant continued by stating that what the properties are worth today, might not be the value ten years from now.

The motion to amend proposed Ordinance 2017-17 excluding parcels 22G (10 and 12 Bradley Circle), 498 (14 Bradley Circle), and 503 (16 Bradley Circle) on Beaufort County Tax Map #8, seconded by Mr. Harkins; was approved by a vote of 4-3. Mayor Bennett, Mr. Ames, and Mrs. Likins voted against.

The original motion to approve Ordinance 2017-17, as amended, seconded by Mr. Harkins, was approved by a vote of 4-3. Mayor Bennett, Mr. Ames, and Mrs. Likins voted against.

At 7:10 p.m. Mayor Bennett adjourned for a short recess. The Mayor called the meeting back to order at 7:25 p.m.

12. New Business

a. First Reading of Proposed Ordinance 2017-18

First Reading of Proposed Ordinance 2017-18 to amend the budget for the Town of Hilton Head Island, South Carolina, for the Fiscal Year ending June 30 2018, to provide for the budgeted appropriations of prior year budget roll forwards and the expenditures of certain funds; to allocate the sources of revenue for the said funds; and providing for severability and effective date.

Mrs. Likins moved to approve the First Reading of Proposed Ordinance 2017-18. Mr. Harkins seconded, the motion was approved by a vote of 7-0.

b. Consideration of a Resolution – HUD/CDBG Entitlement Program 2016 CAPER

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina to approve the Community Development Block Grant (CDBG) 2016 Consolidated Annual Performance Evaluation Report.

Mrs. Likins moved to approve the Resolution for the approval of the HUD/CDBG Entitlement Program 2016/CAPER. Mr. Harkins seconded, the motion was approved by a vote of 7-0.

c. Consideration of a Resolution – Dissolution of the Arts and Cultural Strategic Planning Committee

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina to dissolve the Arts and Cultural Strategic Planning Committee.

Mrs. Likins moved to approve the Resolution to dissolve the Arts and Cultural Strategic Planning Committee. Mr. Harkins seconded, the motion was approved by a vote of 7-0.

d. Consideration of a Resolution – Authorizing the Execution of a Gift Agreement for the Acquisition of Public Art Sculpture

Consideration of a Resolution by the Town Council of the Town of Hilton Head Island, South Carolina, authorizing the execution of a gift agreement with the Community Foundation of the Lowcountry for the acquisition of the “Setting Sun” sculpture.

Mrs. Likins moved to approve the Resolution authorizing the Town Manager to execute a gift agreement for the acquisition of a public art sculpture. Mr. McCann seconded, the motion was approved by a vote of 7-0.

e. Consideration of a Recommendation – Evaluation of a Community Arts Center

Consideration of a Recommendation for Town Council to authorize the Town Manager to direct staff to engage the consultant (Webb Management Services Incorporated) to move forward with the evaluation of a Community Arts Center as outlined in the Venue Committee’s recommendations from April 20, 2017 and as further updated July 27, 2017 as well as provide input on the Phase 2 Scope of Services for Conceptual Model for a Community Arts Center.

Mrs. Likins moved to approve the Recommendation to authorize the Town Manager to direct staff to engage the consultant to move forward with the evaluation of a Community Arts Center as outlined in the Venue Committee’s recommendations from April 20, 2017 and as further updated July 27, 2017, as well as provide input on the Phase 2 Scope of Services for Conceptual Model for a Community Arts Center. Mr. McCann seconded, the motion was approved by a vote of 7-0.

f. Consideration of a Recommendation – Removal of the Theatrical Lighting issue for the Arts Center of Coastal Carolina from the Venue Committee’s Task List

Consideration of a Recommendation from the Venue Committee that Town Council remove the theatrical lighting issue from its current task list, and further recommending Town Council to continue its evaluation of this issue directly with the Arts Center of Coastal Carolina.

Mrs. Likins moved to approve the Recommendation to remove the theatrical lighting issue from the Venue Committee’s current task list, and approve the Recommendation that Town Council will continue its evaluation of this issue directly with the Arts Center of Coastal Carolina. Mr. McCann seconded.

Mr. Harkins moved to amend the Recommendation, by taking under consideration on the next scheduled Town Council Agenda, that being October 3, 2017, the development of criteria, terms, and conditions under which the Town would support the significant portion of the cost of designing, acquiring, and installing a new stage lighting system for the Arts Center of Coastal Carolina. Mr. Grant seconded the amended motion.

After discussion from Council concerning the matter, Mayor Bennett called to Mr. Riley for comment, who suggested if a discussion was to take place by the next meeting to lay out criteria for the lighting system, this item should go back to committee for a discussion. Mayor Bennett asked Mrs. Likins if the Community Services Committee could meet in time to discuss this item and bring back recommendation for the next meeting, to which she replied she thought the Committee could do so.

Upon conclusion of all discussion, the amended motion was approved by a vote of 7-0. The original motion was approved by a vote of 7-0.

g. Discussion of Negotiations incident to proposed contractual arrangement with the Town Manager.

Mr. Ames made a motion to move Agenda Item 12(g) to the next Town Council meeting. Mrs. Likins seconded.

Mr. Harkins asked, due to the nature of the item, that Mayor Bennett consider holding a Special Meeting rather than holding the item until the October 3, 2017 meeting. Mayor Bennett said he will take it under consideration.

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

13. Possible actions by Town Council concerning matters discussed in Executive Session.

a. Legal Matters:

Receipt of legal advice related to the employment of outside legal counsel.

Mrs. Likins stated that Town Council previously entered into a professional services agreement with an employment law attorney from the McNair Law Firm to assist with the Town Manager employment contract.

Mrs. Likins moved that Town Council authorize the engagement of legal counsel for the employment law matter, ratify and affirm the agreement that was entered into with the McNair Law Firm, and authorize the Town to pay for the professional services rendered by the McNair Law Firm to Town Council on this matter. Mr. Harkins seconded, the motion was approved by a vote of 7-0.

Mayor Bennett stated that over a year ago Town Council was made aware that the Town Manager was a finalist for a few positions in other municipal management positions around the Country. At that time, because the Town and the Town Manager were and are parties to an employment contract, the Town Council believed it was in the best interest in the Town to engage the assistance of an attorney to determine the best course of action for everyone. Then Hurricane Matthew hit our Island, and these discussions came to an abrupt halt. They restarted this summer when Steve informed us that he was a finalist for the position in San Marcos, Texas, and that he intended to search for another job until he has successfully found one. We have now determined that we should have had an open vote prior to initiating the services of any legal counsel, not a procurement, as the services were never anticipated to exceed that action, but a vote to hire. Today, we have taken that vote.

14. Adjournment

At 7:50 Mrs. Likins made a motion to adjourn the meeting. Mr. Harkins seconded. The motion was approved by a vote of 7-0.

Krista M. Wiedmeyer,
Executive Assistant/Town Clerk

Approved: 10/03/2017

David Bennett, Mayor