

# TOWN OF HILTON HEAD ISLAND PUBLIC FACILITIES COMMITTEE

Date: June 25, 2018

Time: 9:00 A.M.

Members Present: David Ames, Tom Lennox

Members Absent: Marc Grant

Staff Present: Scott Liggett, Charles Cousins, Brian Hulbert, Jeff Buckalew, Teri Lewis, James Cook

Others Present: Kim Likins, *Council Member*

Media Present: None

---

## 1. **Call to Order:**

The meeting was called to order at 9:00 a.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:** Councilman Ames stated that in the interest of time, they are going to start the meeting and hopefully Marc Grant, Chairman will join us in progress.

### **Approval of Minutes:**

#### • **April 23, 2018**

Councilman Ames moved to approve the Minutes of April 23, 2018. Councilman Lennox seconded. The Minutes were unanimously approved.

## 4. **Unfinished Business**

## 5. **New Business**

### • **Proposed Memorandum of Understanding – Island Recreation Association**

Brian Hulbert, Staff Attorney stated he has been asked to get the ball rolling for the discussion on this. This is the proposed Memorandum of Understanding (MOU) for the Island Recreation Association. What it does is renew our term of agreement with them for another five years. It would take it out till September, 2023. We first went to the Parks & Recreation Committee and they voted unanimously to forward to this Committee and then to Town Council for approval.

This Agreement and MOU manages most of the Town parks, but not all of them. The ones that are left out are the obvious ones – the beach parks which they don't manage. The Town continues to manage those.

There are a few new changes that we have added here. 1) We have Special Events that we have in our parks and we found that the events were taking too long occupying the park after the event was over. Julian Walls asked that we add a term here where they have to tear down everything and be out of the park by the end of the first business day after the

event is held so they can get back to normal use of the park. We have also added the new park that we are going to have here that is going to be built in the coming years – Low Country Celebration Park and we have added the proposed Lease to the Sandbox that Council approved a year ago. One other change is they now have to prepare an annual metrics report and submit those to the F&A Committee by February of each year. They have to report the previous years' metrics to the F&A Committee at the first meeting in February. Other than that, not too much has changed.

Councilman Lennox stated the liability issue is referenced in the MOU and there is a hold harmless clause in there that protects the Town and there is an insurance liability insurance policy in the amount of \$1,000,000 that is maintained by the Island Recreation Association. Is there any way that a claim could penetrate the hold harmless clause? Mr. Hulbert said they would have to do it through Court obviously and it would have to be litigated, but Island Rec is part of that hold harmless they have to indemnify us so they have to defend us as well. Should the Town choose to defend ourselves – yes if we found that there is some liability where we were really the ones responsible. Councilman Lennox asked Mr. Hulbert if he was comfortable that the Town is well protected. Mr. Hulbert said they have taken all reasonable precautions to defend ourselves to protect us should something happen.

Councilman Ames asked if a million dollars is the right number for liability coverage. Mr. Hulbert said in this day and age, probably yes, but could there be significantly more, yes but again they are supposed to hold harmless and indemnify us. If they choose to have more insurance that is a decision they make.

Councilman Ames said he is accepting this as a document that has served us well in the past. There is a provision that the Rec Center will fund 50% of the Operating Budget. Do we know how that has been tracking in the past? Are we close to that 50%? Frank Soule, Island Rec Center said he has been directed by their Board of Directors every year to come in at 30% for overall funding from the Town. We have never even come close to reaching the 50% funding request from the Town.

Councilman Lennox said he believes the two issues that are to be dealt with upcoming will be 1) the ultimate resolution of the Parks with the County and 2) what kind of numbers are we going to see with the recently completed Rec Center.

Councilman Ames moved that the Public Facilities Committee recommend that the Memorandum of Understanding and Agreement between the Town of Hilton Head Island and the Island Recreation Association be approved and forwarded to Town Council for their approval. Councilman Lennox seconded. Councilman Lennox asked for public comment.

Kim Likins, Councilmember asked Frank Soule said she would like to hear what they are doing for security because it is so important and in the news right now. Mr. Soule said there will be 81 cameras when the new facility is said and done. We have a lot of swipe keys coming. Even though we have a new building that had probably the latest technology for security, I think with what has happened in the last year or so as we open we need to evaluate that again and figure out how we could even improve that. Ms. Likins asked if they have active shooter training for their staff. Mr. Soule said they are working with the Sherriff's Department and summer staff and all staff got trained on active shooter.

After the public comment, the motion passed unanimously.

- **Standards to be used in Acquiring Private Unpaved Roads and Discussion on the Next Four Roads**

Scott Liggett, Director of Public Projects & Facilities stated that as a result of the recommendation that had come from this Committee and the action of Town Council to direct staff to pursue developing background information on these next four roads, I would like to give a bit of an introduction on these next four roads, update the Committee on the work that has been done to date by staff as we assemble the exhibits that are associated with these roads. We still need to cover some ground and frankly get back into the discussion that occurred starting with the public meeting but then was continued here with the Committee regarding the establishment of one way traffic patterns which frankly for the next four roads do not apply for three of them because they are cul de sacs. The second item was the discussion of assembling easements vs. road rights of way. We can talk the virtues of one or the other of those issues. The third dealt with the absolute widths of these rights of way which are largely driven by the LMO requirements. I know in your package we did include an LMO excerpt in that regard. I also know that Teri Lewis has been in discussions with her staff about the potential changes that we could consider that may either maximize development potential which was one of the concerns that was raised by the participating groups on the prior roads. The LMO speaks to minimum rights of way widths should that development potential be realized.

Mr. Liggett showed the Committee Pine Field Road which is a road off of Marshland Road. One of the reasons I wanted to draw your attention to this road is because we have an existing road right of way, albeit a narrow one. It is a straight as an arrow type road, largely surrounded by developed properties that are right now single family type use. We do have the potential complication of an appropriate end treatment which isn't in place. What staff would recommend, notwithstanding the discussion that we need to have on those three prior topics, what we are recommending is that we devote a significant amount of attention to this road because this appears to be as easy as they are going to get from our perspective. Not to say that it is an easy process, but there is a lot of appeal with respect to this road.

Mr. Liggett proceeded to show the Committee the Mitchellville Lane extension. Again a road that is relatively straight and is also contained in an existing road right of way. In both cases we would obviously have to do Title Search work to identify who the rights of way owners are, but because of its relatively straight nature, there is some appeal to make this happen as well. We do not have the benefit in this case of developed land around it. Quite the contrary – you have some large parcels that maybe have increased development potential, particularly with the sewer that is soon to be in place. We need to be mindful of those plans when we talk about assembling rights of way going into the future. The other roads are Alice Perry Drive, which is a horseshoe shaped road, Murray Avenue, a cul de sac. Mr. Liggett asked Jeff Buckalew to address the Committee.

Jeff Buckalew, Town Engineer stated that pursuant to policy, the Town is offering to accept, pave and maintain certain private unpaved roads if the property owners donate land sufficient for a public road right of way. Town staff presented the program's offerings to affected property owners on Aiken Place, Alfred Lane and Cobia Court and solicited their interest in donating land for a public road right of way. There was an overwhelming lack of interest to donate land sufficient for the public right of way.

Staff recommended to Town Council at its May 1, 2018 meeting that acquisition efforts be redirected to the next four highest ranked qualifying private unpaved roads, and abandon active acquisition pursuits of Aiken Place, Alfred Lane and Cobia Court due to the lack of responses indicating the willingness of property owners to participate in the program. The next four highest ranked qualifying private unpaved roads are Murray Avenue, Mitchellville Lane, Alice Perry Drive and Pine Field Road. Town Council deferred action on that recommendation and asked staff to provide recommendations on considerations and concessions on certain standards that may enhance property owner participation in the program; these are (1) converting two way private roads to one-way public roads and (2) acquiring permanent easements instead of public rights of way, and (3) consideration of right of way widths less than the LMO standards.

Staff is prepared to begin acquisition efforts on the next four highest ranked qualifying private unpaved roads – Murray Avenue, Mitchellville Lane, Alice Perry Drive and Pine Field Road.

1) Converting two way private roads to one-way public roads

At a recent public meeting explaining the program to property owners, one resident asked if the Town could accept the road and convert it to a one-way road, as a means to reduce the right of way width. Staff recommends strongly against this for several reasons and the right of way width would still need to be at least 40 foot, the minimum allowed by the LMO and minimum required for functional operation and maintenance. The roads which qualify for this program are all currently two-way roads and to our knowledge have been since their creation. Safety, law enforcement, driver adherence and road shoulder maintenance are all concerning issues to such a conversion. Property values may decrease from such a conversion as well. Staff sees no reasons or positive benefits to a one way conversion, but several potential negative impacts that may be realized by the Town and the adjacent property owners.

2) Acquiring permanent easements instead of public rights of way

For these roads to be accepted and maintained in perpetuity by the Town as public roads, staff strongly recommends that they lie within a public right of way. Fee simple acquisition of rights of way shall afford the Town regulatory control of encroachments and undesirable actions within the roadway corridor, as well as more control to coordinate utilities. The LMO requires that all streets in the Town shall comply with the street and right of way standards established in Table 16-5-105.D1. While easement language could be crafted to grant the Town maintenance rights and restrict encroachments and undesirable acquisitions that may inhibit safe public travel and other roadway functions, there may be other adverse impacts such as limiting the future development potential of the adjoining properties.

3) Consideration of right of way widths less than the LMO standards

The area required to be donated is obviously one of the main points of consideration for the affected property owners. Beaufort County requires a standard of 50 foot width right of way be donated in their dirt road acquisition and paving program and this could be considered a typical standard of most governments for these classifications of streets. The LMO requires certain right of way standards for new development that staff has employed thus far in its acquisition efforts. For the next four roads to be acquired, the LMO requires minimum widths of rights of way as follows: Murray Avenue – 50', Mitchellville Lane extension – 50', Alice Perry Drive – 50' and Pine Field Road – 40'.

Acquiring less than the LMO minimum right of way widths may have adverse impacts on development potential of adjacent lots. Therefore, staff recommends all applicable LMO standards be employed in the acquisition, design and maintenance of roads under this program, including the minimum right of way widths, with the exception of turn around end treatments. It is recommended that turn around facilities dimensions may be reduced due to private property impacts to expedite and enhance the acquisition efforts and likelihood of property owner participation in the program. Staff will make judgment determinations on the design of turn around facilities to minimize property impacts while providing for safe, functional and maintainable infrastructure.

Councilman Ames stated he wished Chairman Grant was here because he is the spokesman for a number of these things and I am somewhat uncomfortable to make judgments without him being able to speak for himself and his constituents.

On item 1) converting two way private roads to one way public roads, I think we have to prevent this from being a precedent if we were to do it. I also think that the people living on that piece of ground now have worked out their way of handling that. So that under circumstances that exist today, I am not as concerned about having a one way road for that particular piece of ground barring any additional development occurring on it. I think there has to be some kind of an understanding that if we were to go in this direction, the conditions that exist today would have to go forward. Acquiring permanent easements instead of public rights of way I think we are dealing there with a perception of lost value which is somewhat ethereal and from my standpoint that once you put utilities in the ground, you need to have access to get to them and so an easement would probably not be as direct a way to handle those things. On number 2) I would say it should be a public right of way.

On number 3) consideration of right of way width less than the LMO standards – again, it has to do with future development potential. I don't have a problem with a 40' right of way given certain circumstances.

Councilman Lennox agreed with Councilman Ames wishing Chairman Grant was here because he is more intimate with some of these locations than certainly we are.

Councilman Lennox stated the item we are asked to deal with is to discuss and resolve the standards to be employed. I think we have discussed three standards that you are recommending. Do we want to move these forward to Town Council without Chairman Grant weighing in or would you prefer to have Mr. Grant's input on this.

Scott Liggett encouraged the Committee to hear Teri Lewis, but said what staff is prepared to do is absent objection from the Committee is to spend some time from how and your next meeting in July – taking aboard the philosophies that you have shared and come back to you at least on the two roads we have spoken of – Pine Field Road and Mitchelville Lane extension with specific defined rights of way – two way dimension along with specific end treatments and seek an endorsement of the Committee before we go out to the community to share what it is we are seeking them to donate.

Teri Lewis stated she attended the meetings with staff as well with the first roads and what we heard was people were concerned about losing some of their property and how

that would affect their density. We took that and tried to determine what we would do with it. We cannot do it through the current LMO. In the current LMO there is no way to grandfather the density that they do have on that property when we take away a portion of it. We have been exploring drafting LMO amendments that we would take to the LMO Committee in July with some options as a way to be able to get the right of way, the portion of land that staff needs for the right of way while still allowing the property owner to retain the density that they need to be able to develop should they want to in the future. We are exploring that right now, looking at some way that we would be able to tie into this dirt road paying program so it would be applicable here and be something that someone would inadvertently take advantage of that we would end up in a position like that. You heard Jeff talk about development potential – what I have done with each of the roads when we look at moving forward is look at the maximum density that would be on that road if everyone would develop to their full amount. That helps determine what size that right of way should be. We don't want to be in the position where we approve it at less than it should be and then only some people can develop and then they come back down the road and we have to deny permits because the right of way isn't what it needs to be.

Councilman Lennox asked Mr. Liggett what they are being asked to do. Mr. Liggett said if there are no objections and with the approval of the Mayor to assign it to your next month's meeting, staff will be prepared to come back as I mentioned to share very specific exhibits regarding Pine Field Road and Mitchellville Lane in hopes of getting the endorsement of the Committee prior to us holding any public meetings. There is no positive action required right now.

Councilman Lennox said the Committee will take no action and will await the upcoming Committee meeting for specifics on Mitchellville Lane and Pine Field Road.

## **6. Adjournment**

Councilman Lennox moved to adjourn the meeting. Councilman Ames seconded. The meeting was adjourned at 9:55 am.

Respectfully submitted,

---

Karen D. Knox  
Senior Administrative Assistant