

TOWN OF HILTON HEAD ISLAND PUBLIC FACILITIES COMMITTEE

Date: August 27, 2018

Time: 9:00 A.M.

Members Present: Marc Grant, David Ames, Tom Lennox

Members Absent: None

Staff Present: Scott Liggett, Jeff Buckalew, James Cook, Josh Gruber, Brian Hulbert,
Jennifer Ray, Teri Lewis

Others Present: None

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:

Approval of Minutes: June 25, 2018 – Councilman Ames moved to approve. Councilman Lennox seconded. The minutes from the June 25, 2018 meeting were unanimously approved. **July 23, 2018** – Councilman Lennox moved to approve. Chairman Grant seconded. The minutes from July 23, 2018 were unanimously approved.

4. Unfinished Business

None

5. New Business

• **Murray Avenue and Alice Perry Road Rights of Way Acquisition**

Jeff Buckalew, Town Engineer stated in order to establish public road rights of way associated with Murray Avenue and Alice Perry Road, staff recommends the Public Facilities Committee endorse the proposed road right of way (R/W) limits as depicted and recommend to Town Council Town staff be directed to pursue the donation of land necessary to assemble these public road rights of way. Staff proposes that the road rights of way be established as follows:

Alice Perry Road – 50' wide with proposed R/W limits to follow modified existing road alignment and include Horse Sugar Lane. Alice Perry Road is connected back to Fish Haul Road via a segment of Horse Sugar Lane to form a dual connection loop road is 0.23 miles long, with the combined roads serving 21 dwellings.

Murray Avenue – 50' wide, with proposed R/W limits to follow existing road alignment.

Murray Avenue is a privately owned dead end road off Squire Pope Road. The road is 0.15 miles in length, serves 25 dwellings and turn around facility is needed at the end.

Councilman Lennox asked if the Town has started the process of approaching the property owners yet. Mr. Buckalew said we have not. If we are given direction to pursue this road, the first thing we would do is send out a petition asking property owners affected by the acquisition if they are willing to donate right of way, we would have a public meeting explaining the program, the limits, how the road would be paved if it becomes a public right of way, etc. We have not done the legal research to find out the true property corners and boundaries.

Councilman Ames inquired whether lots 5, 26 and 21 would be usable lots. Mr. Buckalew said lots 26 and 21 maybe a taking which I cannot see a donation forthcoming if that is the case. I don't think there would be enough buildable area to build on that lot.

Councilman Ames mentioned that a few meetings ago we had discussed whether or not it was possible to use the legal term easement rather than right of way and staff was discouraging us from going in that direction. If an easement document were basically stating that whatever you could do in a right of way you could do in an easement, what would the hang-ups be – what would the problems for the Town be down the road?

Mr. Buckalew said depending how the easement orders are written, it would have to be written very comprehensively, very tightly to provide us everything we would need to maintain infrastructure within that right of way. When you are the owner, when you own it in fee simple and it is a right of way of course, you have complete control. Those wishing to construct within that would need to come to us for an encroachment permit. If someone wants to put in a driveway, pipe in a ditch, etc. we would have control over that. I suppose the easement could be written to give us that power if the owner granted us those rights and controls over the infrastructure, road and drainage. Councilman Ames asked if we would head in that direction, would that avoid the setbacks that the LMO requires. Mr. Buckalew asked Teri Lewis to help with that.

Teri Lewis, LMO Official stated previously it used to be that way that we had setbacks and buffers from rights of way only and not from access easements. When we did the LMO rewrite in 2014 we changed that to require setbacks and buffers from access easements as well. Now as we look at various LMO Amendments to accommodate these dirt road paving projects that is something that we can look at as well. Right now we have been concentrating on it becoming a right of way and what kind of flexibility should be provided to accommodate that right of way while still giving people the available density that they have right now. If we were going to pursue an easement, we would want to look at that too – look at whether for easements related to the same dirt road paving policy project whether we would want to provide some flexibilities for setbacks and buffers. These are already subdivided and typically we don't go back in to properties that are already subdivided and put a setback and buffer on an access easement that already exists. If there are any properties that were not developed yet, that would be where it would come into play.

Chairman Grant asked Ms. Lewis if there is an LMO coming to the Planning Commission to look at this? Ms. Lewis said right not we are working on a list of proposed amendments and that is part of it. We would take that forward on its own separate track so that if any of the amendments would get hung up, this one could keep going forward. We are proposing within the next two weeks to meet with the LMO Committee to go ahead and get their buy

in with what we are proposing to bring forward and then those amendments would be drafted and go to the Planning Commission, PPC and Town Council.

Scott Liggett said regarding comparing easements to road rights of way. If we go the route of easements, keep in mind we would effectively be creating what would function in our eyes as a public road right of way. The easement does not unburden the land owner from paying taxes on the land that would function in the way that would not allow him to fully use it. Also because we are unable to provide any sort of indemnification to private owners there is some liability for what may occur within that easement as relates to the motoring public that there is some peril that the landowner would be exposed to as well.

Councilman Lennox asked Mr. Buckalew what the likelihood is in getting the cooperation you need from the property owners on a project like this. Mr. Buckalew said it is not high especially given lots 5, 26 and 21. No one is going to willingly donate that much land that may preclude any further development. We need to do some of the title work also to see and verify the lot lines and make sure we are dealing with the correct property owners. This was the next highest ranked based on cost benefit, number of dwellings served, condition of road, etc. If we wanted to go forward, have a meeting, send out the questionnaire/petitions, gage the interest and if it is very low move on to the next.

Councilman Ames said for him it is a fundamental issue – are we doing this for the public good or are we doing this for the good of a subdivision? I think that bears to some degree on where the flexibility has to lie. I do not have a clear answer in mind if you polled these people that would be served by this proposed road how many would be saying oh my gosh, I want a road out in front of my house.

Councilman Ames asked Chairman Grant asked how he interprets the situation where the Town is spending time and resources to accommodate and improve neighborhoods and the community and yet the neighbors aren't coming forward and saying this is what we want. Chairman Grant said he thought this one would be difficult especially with Lots 5, 26 and 21 which look like unoccupied lots at this time. If I owned the lots and I lose density at this particular time or lose the opportunity to develop it to its full value, I wouldn't give it up.

Chairman Grant said it is his opinion that we should pass on this particular road right now. I want to look at easements and get an LMO done in terms of easements first and then look at other options of how we could do roads similar to this. I spoke to our Town Manager about crush and run possibilities and then we won't have to worry about speed bumps and then maybe we could reduce and do what is required to get from A to B on this particular road and still hopefully meet fire use. I want to look at what we can do in that direction prior to dealing with this particular road. I do not support going forward with these roads at this particular time.

Councilman Ames asked Mr. Liggett if we were to go in the direction of some alternate design of a road system, i.e., crush and run, where does that take us down the road. Mr. Liggett said he would not recommend that the town endeavor to do anything but pave roads that we may own. The notion that we have dirt roads or paved roads that become a Town maintenance responsibility concerns me. Having said that, if that is the direction of Council and want to look at the LMO and see what changes could be made as part of the LMO to speak to or provide for Town public roads being surfaced in a finish other than pavement, we can have that discussion. With respect to these roads and all the other roads if we would like to let the LMO debate decision and potential revisions take place before

we jump back into that and essentially take a break on these roads and return when those LMO revisions are considered, we can certainly do that. The notion of having very maintenance intensive roads in perpetuity concerns me much more than having paved roads.

Chairman Grant moved to table this recommendation until we have a discussion on LMO options. Chairman Lennox seconded. The motion unanimously passed.

6. Adjournment

Councilman Grant adjourned the meeting at 9:22 am.

Respectfully submitted,

Karen D. Knox
Senior Administrative Assistant