



The Town of Hilton Head Island Regular Town Council Meeting

January 7, 2014

4:00 P.M.

AGENDA

**As a Courtesy to Others Please Turn Off All Mobile Devices During
the Town Council Meeting**

- 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) Proclamations and Commendations**
- 6) Approval of Minutes**
 - a. Town Council Workshop – November 21-November 23, 2013
 - b. Town Council Special Meeting – December 10, 2013
 - c. Town Council Workshop– December 11, 2013
 - d. Town Council Meeting – December 17, 2013
- 7) Report of the Town Manager**
 - a. Town Manager's Items of Interest
- 8) Reports from Members of Council**
 - a. General Reports from Council
 - b. Report of the Intergovernmental Relations Committee – George Williams, Chairman
 - c. Report of the Personnel Committee – Lee Edwards, Chairman
 - d. Report of the Planning & Development Standards Committee – John McCann, Chairman
 - e. Report of the Public Facilities Committee – Kim Likins, Chairman
 - f. Report of the Public Safety Committee – Marc Grant, Chairman
 - g. Report of the LMO Rewrite Committee – Kim Likins, Ex-Officio Member
- 9) Appearance by Citizens**

10) Unfinished Business

a. Second Reading of Proposed Ordinance 2013-23

Revised First Reading of Proposed Ordinance 2013-23 of the Town Of Hilton Head Island, South Carolina, to amend Title 10 of the Municipal Code of the Town of Hilton Head Island, South Carolina by amending Chapter 5 (Franchises), specifically Section 10-5-90; and providing for severability and an effective date.

b. Second Reading of Proposed Ordinance 2013-25

Revised First Reading of Proposed Ordinance 2013-25 of the Town Of Hilton Head, South Carolina, to amend Title 9 (Health and Sanitation) of the Municipal Code of the Town of Hilton Head Island, South Carolina by amending Chapter 6 (Collection of Solid Waste and Recycling); and providing for severability and an effective date.

b. Second Reading of Proposed Ordinance 2013-28

First Reading of Proposed Ordinance 2013-28 of the Town of Hilton Head Island, South Carolina, to amend Title 10 of the Municipal Code of the Town of Hilton Head Island, South Carolina by amending Chapter 5 (Franchises), specifically deleting section 10-5-90; and providing for severability and an effective date.

11) New Business

a. First Reading of Proposed Ordinance 2013-26

First Reading of Proposed Ordinance 2013-26 to amend Title 16, the Land Management Ordinance, of the Municipal Code of the Town of Hilton Head Island, South Carolina, by amending Section 16-4-102, the Official Zoning Map, the Hilton Head Plantation Master Plan, specifically rezoning 1.33 acres identified as Parcel 19 on Beaufort County Tax Map 7b to add Medical And Behavioral Health Services as a permitted use on the property and providing for severability and an effective date.

b. Consideration of a Recommendation – Chaplin Linear Park Schematic Master Plan

Consideration of a Recommendation that Town Council approve the Schematic Master Plan for the proposed Chaplin Linear Park to be used to further develop detailed plans for permitting and construction.

c. Consideration of a Recommendation

Consideration of a Recommendation that Town Council approve the attached policy for the dedication and acceptance of private road rights of way to the Town for perpetual maintenance.

d. First Reading of Proposed Ordinance 2014-02

First Reading of Proposed Ordinance 2014-02 to amend the budget for the Town Of Hilton Head Island, South Carolina, for the Fiscal Year ending June 30, 2014; to provide for the expenditures of certain funds; and to allocate the sources of revenue for the said funds.

12) Executive Session

- a. Land Acquisition**
- b. Legal Matters**
- c. Contractual Matters**

13) Adjournment

THE TOWN OF HILTON HEAD ISLAND
TOWN COUNCIL WORKSHOP

Date: Thursday, November 21, 2013 thru Saturday, November 23, 2013

Present from Town Council: Drew A. Laughlin, *Mayor*; Bill Harkins, *Mayor Pro-Tem*; George Williams, Kim Likins, Lee Edwards, Marc Grant, John McCann *Council Members*.

Present from Town Staff: Steve Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Lavarn Lucas, *Fire Chief, Fire & Rescue*; Scott Liggett, *Director of Public Projects and Facilities*; Susan Simmons, *Finance Director*; Nancy Gasen, *Director of Human Resources*; Tom Fultz, *Director of Administrative Services*; Staff members from various departments at different times during the workshop.

Present from Media: Tom Barton, *Island Packet*

1) CALL TO ORDER

- 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) NEW BUSINESS

The workshop convened at 10:00 a.m. on Thursday, November 21, 2012 at the Best Western Sea Island Inn, 1015 Bay Street, Beaufort, South Carolina, South Carolina. Mayor Laughlin introduced Mr. Lyle Sumek of Lyle Sumek Associates, Inc., and stated he would be leading the discussion. A summary of discussion can be found in the ***Leader's Guide 2013 Working Document*** maintained at the Town of Hilton Head Island Town Hall.

At 12:00 p.m.(noon) on Friday, November 22, Mr. Harkins moved to go into Executive Session for the purpose of Town Council's annual review of the Town Manager. Mr. Williams seconded. The motion was unanimously approved by a vote of 7-0.

Mayor Laughlin called the workshop back to order at 1:20 p.m. and stated there was no business to take up as a result of executive session.

4) ADJOURNMENT

The workshop adjourned at 12:00 p.m. (noon) on Saturday, November 23, 2013.

Vicki Pfannenschmidt, Executive Assistant

Approved:

Drew A. Laughlin, Mayor

THE TOWN OF HILTON HEAD ISLAND
SPECIAL TOWN COUNCIL MEETING

Date: Tuesday, December 10, 2013

Time: 4:00 P.M.

Present from Town Council: Drew A. Laughlin, *Mayor*; Bill Harkins, *Mayor Pro-Tem*; George Williams, Kim Likins, and Lee Edwards, Marc Grant and John McCann, *Council Members*.

Present from Town Staff: Steve Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Susan Simmons, *Director of Finance*; Brian Hulbert, *Staff Attorney*; Erica Madhere, *Finance Assistant*; Melissa Cox, *Systems Analyst*; Vicki Pfannenschmidt, *Executive Assistant*

Present from Media: Tom Barton, *Island Packet*

1. CALL TO ORDER

- 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. NEW BUSINESS

a. Consideration of recommendations of the Accommodations Tax Advisory (ATAX) Committee for the purpose of allocating the proceeds of the Accommodations Tax Funds.

Mayor Laughlin suggested Council discuss each application individually and the changes they would like to make, if any, and after in agreement that a motion be made to include all changes. All Council members were in agreement with the suggestion.

Town Council reviewed and discussed each recommendation.

During discussion of the Arts Center of Coastal Carolina Capital Improvement grant request it was the consensus of Council to approve the request of \$86,000 but to hold the funds pending the outcome of the Arts Study.

During discussion of the David M. Carmines Memorial Fund application, Kim Likins suggested increasing the grant. Mr. Harkins was in agreement and suggested \$4,000 or \$5,000. After discussion it was agreed to increase it to \$4,000.

During the discussion of the Hilton Head Choral Society grant request, Kim Likins requested that the stipulation for \$3,800 be used specifically for advertising a signature professional be removed and the grant award be increased to \$18,000. In addition, Mr. Harkins asked that Council suggest the funds be used for advertising as opposed to requiring it. All were in agreement.

During discussion of the Hilton Head Island Institute, Mr. Harkins suggested a grant of \$25,000 with a stipulation that the group reach out to other organizations to participate in the program. He expressed concern that if Town Council does not fund the project it will send a negative message to potential supporters. Mayor Laughlin stated he feels the program has great potential but he agreed with the ATAC recommendation. Kim Likins agreed with the Mayor noting that the Committee emphasizes that initial funding requires proof of success and other applicants have met that requirement and this applicant did not.

During discussion of the HHI Area Hospitality Association/Hilton Head Wine and Food, Inc. Mr. Harkins noted the ATAC recommendation had increased 250% from last year. Mayor Laughlin stated he felt that reflected how much the organization has strengthened in the direction they are going.

During discussion of the Chamber of Commerce-VCB Mr. Harkins asked that in they include areas of focus for the upcoming year in future grant applications noting the efforts for the Half Ironman Competition for next year.

During discussion of the Hilton Head Symphony Orchestra, Mr. McCann noted that the Symphony performs a year round service for residents and visitors alike and suggested fully funding their request. All were in agreement to award \$200,000.

During discussion of Main Street Youth Theater and concerns were expressed with the discrepancies in the application members of Council agreed to funding at the same level as the previous year in the amount of \$12,000. It was the consensus of Council that the applicant be better prepared during the application process next year.

During discussion of the Shelter Cove Merchants Association application it was the consensus of Council not to fund the request for Tuesday night fireworks Many voiced concerns it would show favoritism by granting the request.

During discussion of the South Carolina Repertory Company all agreed to increase the \$8,100 recommendation to \$12,000.

During discussion of the Heritage Library Mr. Harkins suggested increasing the \$12,000 recommendation to \$15,000 along with the \$2,150 non-recurring award. All were in agreement.

Mayor Laughlin invited Mr. Mike Alsko to participate in the discussion on various applicants.

Mayor Laughlin asked for applicant and public input. Willis Shay spoke on behalf of the Hilton Head Symphony Orchestra. Leonard Law spoke on behalf of the Native Island Business and Community Association. Andy Twisdale and Tammy Bream spoke on behalf of the Hilton Head Island Area Hospitality Association/Hilton Head Wine and Food, Inc. Mona Huff spoke on behalf of the Hilton Head Choral Society and Kathy Bateson spoke on behalf of the Arts Center of Coastal Carolina.

After further discussion, Mr. Harkins moved to approve the grant requests as modified at today's session. Mrs. Likins seconded. The motion was unanimously approved by a vote of 7-0.

A complete list of the ATAC recommendations and Town Council grant awards is listed below:

| | 2014 ATAC Recom- mendatio ns | ATAC Rec from Non- Recurring Funds | 2014 Town Council Awards | TC Awards from Non- Recurr- ing Funds |
|--|---|---|---|--|
| Art League of Hilton Head | 45,000 | | 45,000 | |
| Arts Center of Coastal Carolina | 365,000 | | 365,000 | |
| Arts Center of Coastal Carolina – Capital Improvement | | 86,000 | - | 86,000 |
| Beaufort County Black Chamber of Commerce | 0 | | 0 | |
| Beaufort County Government(Hilton Head Air Day) | 0 | | 0 | |
| Center for Service Leadership | 0 | | 0 | |
| David M. Carmines Memorial Foundation | 2,500 | | 4,000 | |
| Experience Green | 0 | | 0 | |
| Harbour Town Merchants Assoc. (July 4 th Fireworks) | 9,000 | | 9,000 | |
| Hilton Head Choral Society | 15,000 | | 18,000 | |
| Hilton Head Concours d'Elegance | 134,000 | | 134,000 | |
| Hilton Head Dance Theater | 12,000 | | 12,000 | |
| Hilton Head Island Institute | 0 | | 0 | |
| HHI St. Patrick's Day Parade | 12,000 | | 12,000 | |
| HHI Area Hosp Assoc/Hilton Head Wine and Food, Inc. | 100,350 | | 100,350 | |
| HHI/Bluffton Chamber of Commerce VCB | 330,000 | | 330,000 | |
| Hilton Head Symphony Orchestra | 175,000 | | 200,000 | |
| Italian American Club of Hilton Head | 5,000 | | 5,000 | |
| Lowcountry Golf Course Owners Association | 50,000 | | 50,000 | |
| Main Street Youth Theater | 5,000 | | 12,000 | |
| Mitchelville Preservation Project | 28,000 | | 28,000 | |
| Native Island Business and Community Assoc. | 95,000 | | 95,000 | |
| SC Lowcountry & Resorts Islands Tourism | 15,000 | | 15,000 | |
| Shelter Cove Harbour Company (July 4 th Fireworks) | 19,000 | 10,000 | 9,000 | 0 |
| Skull Creek July 4 th Celebration | 9,000 | | 9,000 | |
| South Carolina Repertory Company | 8,100 | | 12,000 | |
| The Coastal Discovery Museum | 185,000 | | 185,000 | |
| The Heritage Library | 12,150 | 2,150 | 15,000 | 2,150 |
| The Sandbox | 50,000 | | 50,000 | |
| Town of Hilton Head Island | 1,045,176 | | 999,776 | |
| Sub Total | 2,812,276 | | 2,802,276 | |
| Reserve for Future Allocation (Non-Recurring Funds) | 468,460 | | 478,460 | |
| Totals | 3,280,736 | 98,150 | 3,280,736 | 88,150 |

Mayor Laughlin thanked the Accommodations Tax Advisory Committee for their hard work.

6. ADJOURNMENT

Mr. Harkins moved to adjourn the meeting at 5:15 p.m. Mr. Williams seconded. The motion was approved by a vote of 7-0.

Vicki Pfannenschmidt, Executive Assistant

Approved:

Drew A. Laughlin, Mayor

DRAFT

**THE TOWN OF HILTON HEAD ISLAND
TOWN COUNCIL WORKSHOP**

Date: Tuesday, December 11, 2013

Present from Town Council: Drew A. Laughlin, *Mayor*; Bill Harkins, *Mayor Pro-Tem*; George Williams, Kim Likins, Lee Edwards, Marc Grant, John McCann, *Council Members*.

Present from Town Staff: Steve Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Jill Foster, *Deputy Director of Community Development*; Melissa Cope, *Systems Analyst*; Vicki Pfannenschmidt, *Executive Assistant*

Present from Media: Tom Barton, *The Island Packet*

1) CALL TO ORDER

Mayor Laughlin called the meeting to order at 4:30 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) Presentation by the Arts Consultants – The Cultural Planning Group

Representatives of The Cultural Planning Group reviewed their survey results in detail and discussed options on how to proceed. The handouts distributed by The Cultural Planning Group with the survey results and Scenarios are available in the Administrative offices.

They stated the need for direction from Council on priorities.

After discussion of the survey results and focus areas, the consultants were asked to focus their report on suggested levels of funding, ways to generate income and avenues of resources. They were also asked to focus on short term and long term solutions to the problems with the Arts Center. The report will be completed by the end of February.

4) Adjournment

The workshop adjourned at 6:27 p.m.

Vicki Pfannenschmidt
Executive Assistant/Town Clerk

Approved:

Drew A. Laughlin, Mayor

THE TOWN OF HILTON HEAD ISLAND
REGULAR TOWN COUNCIL MEETING

Date: Tuesday, December 17, 2013

Time: 4:00 P.M.

Present from Town Council: Drew A. Laughlin, *Mayor*; Bill Harkins, *Mayor Pro Tem*; George Williams, Kim Likins, Marc Grant, John McCann, Lee Edwards, *Council Members*

Present from Town Staff: Steve Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Lavarn Lucas, *Fire Chief*; Scott Liggett, *Director of Public Projects and Facilities/Chief Engineer*; Susan Simmons, *Director of Finance*; Jill Foster, *Deputy Director of Community Development*; Bret Martin, *Deputy Director of Finance*; Victoria Shanahan, *Accounting Manager*; Jim Alm, *Accounting Supervisor*; Julian Walls, *Facilities Manager*; Brian Hulbert, *Staff Attorney*; Jill Foster, *Deputy Director of Community Development*; Heather Colin, *Development Review Administrator*; Jayme Lopko, *Senior Planner*; Brian McIlwee, *Town Engineer*; Nancy Gasen, *Human Resources Director*; Melissa Cope, *Systems Analyst*; Vicki Pfannenschmidt, *Executive Assistant*

Present from Media: Tom Barton, Island Packet

1) CALL TO ORDER

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

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) Proclamations and Commendations

a. Hilton Head Island High School Girls Cross Country Team – 3-A State Championship

Coaches and members of the Girls Cross Country Team were present to accept the Commendation.

b. Hilton Head Island High School Boys Cross Country Team – 3-A State Championship

Coaches and members of the Boys Cross Country Team were present to accept the Commendation.

6) Approval of Minutes

a. Town Council Meeting– December 3, 2013

Mr. Harkins moved to approve. Mr. McCann seconded. The minutes of the December 3, 2013 Town Council regular meeting were approved by a vote of 7-0.

7) Report of the Town Manager

a. FY2013 CAFR and Audit Presentation – Gary Cooke, Elliott Davis, LLC

Mr. Riley invited Gary Cooke to approach the dais for review of the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2013. Mr. Cooke thanked Susan Simmons, Victoria Shanahan and the entire Finance Staff for their transparency, cooperation and timeliness during the audit. He referred to the opinion and stated the Town received an Unmodified Opinion which is the highest opinion indicating the Town financial statements were presented fairly and in compliance with generally accepted accounting principles and that there were no exceptions. Mayor Laughlin thanked staff and Mr. Cooke for their efforts. Mr. Riley informed Council that after they review the document, staff will be available to discuss and answer any questions they may have.

b. Town Manager's Items of Interest

Mr. Riley reported on some Items of Interest.

c. November, 2013 Policy Agenda, Management Targets and CIP Updates

Mr. Riley noted he was available for any questions concerning the updates that were included in the packet.

d. Semi-Annual Land Acquisition Update

Mr. Riley reviewed the information and stated he was available for any questions.

Mr. Riley invited Scott Liggett to update Council on the capsized shrimp boats. Mr. Liggett informed Council that today was the deadline for the boat owners to remove the boats and as of tomorrow, December 18, 2013, the owners are subject to a \$1800 fine and \$100 a day for each day thereafter that the boats remain in the water. He said that if Council wanted to have the Town remove the boats we would have to do a request for consent from the owners to remove them. Mr. Liggett explained that a budget amendment in the amount of \$175,000 would be required in order for the Town to enter in to a contract for removal of the boats. After discussion, it was the consensus of Council for staff to initiate the request for consent from the owners and that staff should bring forward a budget amendment in the amount of \$175,000 to Council for the cost of removing the boats.

8) Reports from Members of Council

a. General Reports from Council

None.

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

No report.

c. Report of the Personnel Committee – Lee Edwards, Chairman

No report.

d. Report of the Planning & Development Standards Committee – John McCann, Chairman

Mr. McCann reported the Committee met on December 5 and voted in favor of a zoning amendment and it would be coming forward to Town Council on January 7.

e. Report of the Public Facilities Committee – Kim Likins, Chairman

Mrs. Likins reported the Committee met earlier in the day and voted in favor of the Chaplin Linear Park Schematic Master Plan and the draft policy for the acceptance and dedication of private roads rights of way and they would be coming forward to Town Council on January 7.

f. Report of the Public Safety Committee – Marc Grant, Chairman

No report.

g. Report of the LMO Rewrite Committee – Kim Likins, Ex-Officio Member

Mrs. Likins stated the Committee would be meeting on Wednesday, December 18 at 8:30 a.m.

9) Appearance by Citizens

None.

10) Unfinished Business

a. Second Reading of Proposed Ordinance 2013- 20

Second Reading of Proposed Ordinance 2013-20 to amend the budget for the Town of Hilton Head Island, South Carolina, for the fiscal year ending June 30, 2013; to provide for the expenditures of certain funds; and to allocate the sources of revenue for the said funds.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

b. Second Reading of Proposed Ordinance 2013- 19

Second Reading of Proposed Ordinance 2013-19 to amend the budget for the Town of Hilton Head Island, South Carolina, for the fiscal year ending June 30, 2014; to provide for the expenditures of certain funds; and to allocate the sources of revenue for the said funds.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

c. Second Reading of Proposed Ordinance 2013- 17

Second Reading of Proposed Ordinance 2013-17 to amend the budget for the Town of Hilton Head Island, South Carolina, for the Fiscal Year ending June 30, 2014; to provide for the budgeted appropriations of prior year encumbrances and for the expenditures of certain funds; and to allocate the sources of revenue for the said funds.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

d. Second Reading of Proposed Ordinance 2013-18

Second Reading of Proposed Ordinance 2013-18 to amend the budget for the Town of Hilton Head Island, South Carolina, for the Fiscal Year ending June 30, 2014; to provide for the budgeted appropriations of prior year budget roll-forwards and the expenditures of certain funds; and to allocate the sources of revenue for the said funds

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

e. Second Reading of Proposed Ordinance 2013-27

Second Reading of Proposed Ordinance 2013-27 of the Town Of Hilton Head Island, South Carolina, authorizing the execution of a contract for purchase and sale; the execution of a deed for the sale of 0.24 acres of real property located near William Hilton Parkway and the Fresh Market Shoppes to HCP Acquisition, LLC, in exchange for 0.50 acres of real property located near William Hilton Parkway and the Fresh Market Shoppes from HCP Acquisition, LLC; and the granting of an access easement to HCP Acquisition, LLC, pursuant to the authority of S.C. Code Ann. § 5-7-40 (Supp. 2011), and § 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983); and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

f. Second Reading of Proposed Ordinance 2013-24

Second Reading of Proposed Ordinance 2013-24 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance, Chapter 4, Article XIII. this amendment, commonly referred to as the *LMO Amendment to Amend Auto Sales Standards*, as noticed in the Island Packet on August 11, 2013, includes a revision to Chapter 4, Article XIII, Section V, Auto Sales; and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

g. Revised First Reading of Proposed Ordinance 2013-23

Revised First Reading of Proposed Ordinance 2013-23 of the Town Of Hilton Head Island, South Carolina, to amend Title 10 of the Municipal Code of the Town of Hilton Head Island, South Carolina by amending Chapter 5 (Franchises), specifically Section 10-5-90; and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

h. Revised First Reading of Proposed Ordinance 2013-25

Revised First Reading of Proposed Ordinance 2013-25 of the Town Of Hilton Head, South Carolina, to amend Title 9 (Health and Sanitation) of the Municipal Code of the Town of Hilton Head Island, South Carolina by amending Chapter 6 (Collection of Solid Waste and Recycling); and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. McCann seconded. Mr. Williams motioned to amend Section 9-6-40(f) to read that all recyclable materials collected by any waste hauler will be transported to a town-approved recycling processing location. Mr. Harkins seconded the amendment. The amendment was unanimously approved by a vote of 7-0. The amended motion was unanimously approved by a vote of 7-0.

11) New Business

a. First Reading of Proposed Ordinance 2013-28

First Reading of Proposed Ordinance 2013-28 of the Town of Hilton Head Island, South Carolina, to amend Title 10 of the Municipal Code of the Town of Hilton Head Island, South Carolina by amending Chapter 5 (Franchises), specifically deleting section 10-5-90; and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

b. Consideration of a Resolution – Hilton Head Plantation Drainage Agreement

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, authorizing the execution of a first amendment to amended and restated drainage agreement and a first amendment to modification of access, drainage and maintenance easement and partial assignment with Hilton Head Plantation Property Owners Association, Inc.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

c. Consideration of a Resolution – Sea Pines Drainage Agreement

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, authorizing the execution of a first amendment to drainage agreement and a first amendment to access, drainage and maintenance easement with Community Services Associates, Inc.

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

d. Consideration of a Resolution establishing principles, goals, policy agenda and management agenda

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, establishing the Town of Hilton Head Island Destination 2029 Guiding Principles, the Five Year (2019) Goals, 2014 Policy Agenda/Targets for Action, and 2014 Management Agenda.

Mrs. Likins moved to approve. Mr. Harkins seconded. The motion was unanimously approved by a vote of 7-0.

12) Executive Session

Mr. Riley stated he needed an Executive Session for contractual matters pertaining to land acquisition; contractual matters pertaining to a proposed pathway easement; and personnel matters pertaining to the review of the Town Manager.

At 4:37 p.m. Mr. Williams moved to go into Executive Session for the reasons given by the Town Manager. Mr. Harkins seconded. The motion was unanimously approved by a vote of 7-0.

Mayor Laughlin called the meeting back to order at 4:51 p.m. and asked if there was any business as a result of the Executive Session.

e. Town Manager Review/Compensation

Mr. Harkins moved to amend the Town Manager's Contract of Employment to provide for a base pay increase of 3% or \$5,103; provide for an increase from 8% to 9.5% in the Town's contribution to Mr. Riley's 457 Plan account; provide supplemental Long-Term Disability coverage to produce a benefit equal to 65% of Mr. Riley's base pay; provide additional individual life insurance coverage to produce a total life insurance benefit equal to at least 2 (two) times Mr. Riley's annual salary; and clarify language pertaining to reimbursement of Cross Island Parkway toll charges; to be effective with the Contract term starting July 1, 2013 or as soon as possible thereafter in the case of new disability and life insurance coverage (where policy review and medical underwriting are required). Mr. Williams seconded. The motion was unanimously approved by a vote of 7-0.

13) Adjournment

Mr. Williams moved to adjourn. Mr. Harkins seconded. The motion was unanimously approved by a vote of 7-0. The meeting was adjourned at 4:52 p.m.

Vicki Pfannenschmidt,
Executive Assistant/Town Clerk

Approved:

Drew A. Laughlin, Mayor



Items of Interest

January 7, 2014

1. Town News

Staff Attorney Brian Hulbert was elected Vice President of the South Carolina Municipal Attorneys Association at the annual meeting on December 6, 2013. The Association is comprised of the Municipal Attorneys from across South Carolina and is an affiliate of the Municipal Association of South Carolina.

(Contact Brian Hulbert, Staff Attorney at (843)-341-4633 or brianh@hiltonheadislandsc.gov)

2. Noteworthy Events

- a) Some of the upcoming meetings at Town Hall:
- Planning Commission – January 8, 2014, 9:00 a.m.
 - Planning & Development Standards – January 8, 2014, 3:00 p.m.
 - LMO Rewrite Committee – January 9, 2014, 8:30 a.m.
 - Parks and Recreation Commission – January 9, 2014, 3:30 p.m.
 - Economic Development Corporation – January 14, 2014, 9:00 a.m.
 - Design Review Board – January 14, 2014, 1:15 p.m.
 - Planning Commission – January 15, 2014, 3:00 p.m.
 - Planning & Development Standards Committee – January 16, 2014, 9:00 a.m.
 - Town Offices Closed in Observance of Martin Luther King Day, January 20, 2014
 - Town Council – January 21, 2014, 4:00 p.m.

(Meetings subject to change and/or cancellation. Please visit the Town of Hilton Head Island website at www.hiltonheadislandsc.gov for meeting agendas.)

MEMORANDUM

TO: Town Council

FROM: Stephen G. Riley, ICMA-CM, Town Manager

VIA: Gregory M. Alford, Alford Law Firm

DATE: December 18, 2013

SUBJ: Republic Services Franchise Termination Agreement and Proposed Ordinance 2013-23

Recommendation: Town staff recommends the approval of second reading for Proposed Ordinance 2013-23, incorporating a Residential Waste Collection Franchise Mutual Termination Agreement as relates to Republic Services for the purpose of conducting waste hauling and recycling collection for single-family non-rental and single-family long-term rental residences within Hilton Head Island. Specifically, Town staff and Republic Services recommend the approval and execution of the attached Residential Waste Collection Franchise Mutual Termination Agreement and second reading of Proposed Ordinance 2013-23.

Summary: There have been no changes to the Termination Agreement or Proposed Ordinance 2013-23 by virtue of first reading on December 17, 2013.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, TO AMEND TITLE 10 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA BY AMENDING CHAPTER 5 (FRANCHISES), SPECIFICALLY SECTION 10-5-90; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 5-7-30 of the Code of Laws of South Carolina 1976 (Annotated), as amended, provides that a municipal government within the State of South Carolina may “grant franchises for the use of public streets and make charges for them”; and,

WHEREAS, Section 2-7-20 of the Municipal Code of the Town of Hilton Head Island provides that Council grant, renew, or extend franchises, licenses, or rights in public streets or property by ordinance; and,

WHEREAS, the Town Council granted Republic Services of South Carolina, LLC d.b.a Republic Services of Hilton Head a non-exclusive franchise to conduct waste hauling and recycling pick-up for single family residential and cart based multi-family residential properties pursuant to the terms as listed in the “Residential Waste and Recycling Collection Franchise Agreement” (“Franchise Agreement”) dated November 18, 2010; and,

WHEREAS, the Town Council desires to amend the non-exclusive franchise and the terms of the Franchise Agreement by executing a “Residential Waste Collection Franchise Mutual Termination Agreement” and adding it to the franchise.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS ORDAINED BY SAID AUTHORITY OF COUNCIL:

NOTE: Underlined and bold-face typed portions indicate additions to the Municipal Code. ~~Stricken~~ portions indicate deletions to the Municipal Code.

Section 1. **Amendment.** That Chapter 5 (Franchises) of Title 10 of the Municipal Code of the Town of Hilton Head Island, South Carolina, is hereby amended as follows:

Section 10-5-90. Waste hauling and recycling collection franchise granted to Republic Services, Inc.

A non-exclusive franchise for the use of the public streets and roads within the town limits is granted to ~~Republic Services, Inc.~~ **Republic Services of South Carolina, LLC d.b.a. Republic Services of Hilton Head** to conduct waste hauling and recycling collection service to single family and cart based multi-family residences pursuant to the terms and conditions of the franchise agreement **and franchise mutual termination agreement** which ~~is~~ **are** attached hereto and made a part hereof by reference.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF
HILTON HEAD ISLAND ON THIS ____ DAY OF _____, 2013.**

Drew A. Laughlin, Mayor

ATTEST:

Victoria L. Pfannenschmidt, Town Clerk

First Reading: _____

Revised First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

MEMORANDUM

TO: Town Council

FROM: Stephen G. Riley, ICMA-CM, Town Manager

VIA: Gregory M. Alford, Alford Law Firm

DATE: December 18, 2013

SUBJ: Proposed Ordinance 2013-25

Recommendation: Town staff recommends that Town Council approve second reading of Proposed Ordinance Number 2013-25, amending Chapter 6 of Title 9 of the Municipal Code.

Summary: This Ordinance amends several portions of Chapter 6 of Title 9 of the Town's Municipal Code. At the last Council meeting on December 17, 2013, only one (1) change was proposed to this Ordinance, which dealt with Section 9-6-40(f), providing that all recyclable materials be transported to a town-approved recycling processing location. There are no further changes to this Ordinance.

AN ORDINANCE OF THE TOWN OF HILTON HEAD, SOUTH CAROLINA, TO AMEND TITLE 9 (HEALTH AND SANITATION) OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA BY AMENDING CHAPTER 6 (COLLECTION OF SOLID WASTE AND RECYCLING); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Hilton Head Island, South Carolina previously adopted Ordinance 96-41, Chapter 6 of Title 9 entitled “Recycling” on December 3, 1996; and,

WHEREAS, the Town Council previously adopted Ordinance 2010-22, containing amendments to Chapter 6 of Title 9 on November 17, 2010; and,

WHEREAS, the Town Council now desires to amend various sections of Chapter 6 of Title 9 for the purpose of providing for the health and welfare of the residents and visitors of the Town; and,

WHEREAS, the Town Council finds that it is in the best interests of Island residents and visitors to amend certain sections of the Town’s Waste and Recycling Code; and,

WHEREAS, the Town Council now desires to amend Chapter 6 of Title 9, Waste and Recycling Code.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS HEREBY ORDERED ORDAINED BY AND UNDER THE AUTHORITY OF THE SAID TOWN COUNCIL, AS FOLLOWS:

NOTE: **Underlined and bold-face typed** portions indicate additions to the Municipal Code. ~~Stricken~~ portions indicate deletions to the Municipal Code.

Section 1. **Amendment.** That Chapter 6 (Collection of Solid Waste and Recycling) of Title 9 of the Municipal Code of the Town of Hilton Head Island, South Carolina, is hereby amended as follows:

Chapter 6 COLLECTION OF SOLID WASTE AND RECYCLING

Sec. 9-6-10. Definitions.

The following definitions shall apply:

Commercial establishment: Any income-producing establishment, for profit or nonprofit, including, but not limited to, those used for retail, wholesale, industrial, manufacturing, dining, offices, professional services, automobile services, hotels, motels and restaurants. **For purposes of this title pertaining to collection of solid waste and recycling**

only, commercial establishments shall include dumpster-based multifamily residential dwellings, and shall exclude all other residential dwellings.

~~*Franchise collector:* The entity that has entered into a franchise agreement with the Town to perform solid waste and recycled materials collection.~~

Hazardous Materials: Any substance or chemical which is a "health hazard" or "physical hazard," including: chemicals which are carcinogens, toxic agents, irritants, corrosives, sensitizers; agents which act on the hematopoietic system; agents which damage the lungs, skin, eyes, or mucous membranes; chemicals which are combustible, explosive, flammable, oxidizers, pyrophorics, unstable-reactive or water-reactive; and chemicals which in the course of normal handling, use, or storage may produce or release dusts, gases, fumes, vapors, mists or smoke which may have any of the previously mentioned characteristics.

Multifamily: For the purposes of this title pertaining to collection of solid waste and recycling only, multifamily means a structure containing more than one (1) residential dwelling unit or residential structures clustered in a manner by which waste and recycling collection can be consolidated, **including without limitation apartment buildings, condominiums, villas and duplexes.**

Recyclable materials: Materials, as designated in section 9-6-~~50~~**30**, that would otherwise become solid waste that can be separated, collected, processed and returned to the economic stream in the form of raw materials or products, **excluding Hazardous Materials.**

Recycling: ~~Any~~ **A Single-Stream** process by which materials that would otherwise become solid waste are separated, collected, processed and returned to the economic stream in the form of raw materials or products.

Recycling collection service: Recycling service provided by waste haulers ~~or participated in by subscribers.~~

Refuse: Any solid waste, as defined herein, originating from typical household activities, **and excluding Hazardous Waste.**

Residential dwelling: A building or part of a building designed and occupied exclusively for residential purposes by an individual or family unit.

Single-Stream: A recycling process in which materials are collected all mingled together with no sorting required by individual recyclers. Therefore, all materials listed under section 9-6-~~50~~**30** can be deposited in the same receptacle for pickup by the hauler.

Solid waste: Garbage, debris, commercial waste, industrial waste, nonorganic yard waste, white goods, furniture, bedding, ashes, rubbish, paper, junk, building materials, glass or plastic bottles, other glass, cans and any other discarded or abandoned material, including solid, liquid, semisolid or contained gaseous material. For purposes of the chapter, **Hazardous Materials and/or** any waste specifically regulated under any state or federal law shall be excluded from the definition of solid waste.

~~Subscriber: One who voluntarily participates in the waste and recycling collection service offered by the Town's franchised collector.~~

Waste hauler: An individual, corporation, partnership or other legal entity which collects solid waste and recycling commercially and hauls it to the designated county landfill or recycling processing location.

~~Sec. 9-6-20. General conditions for granting franchise agreements for solid waste and recycling collection.~~

~~(a) The entire incorporated area of the Town shall be subject to the requirements of this chapter.~~

~~(b) Trash, nonorganic yard trash, household articles, and recyclables shall be collected in the entire incorporated area of the Town under the following conditions: any single family or cart-based multifamily residential household shall have the right and option to subscribe to the franchised collector's solid waste and recycling collection service and to receive such service, upon payment to the collector of such fee as specified in the franchise agreement approved by the town council.~~

~~(c) Franchise agreements may be obtained from either competitive bidding through the town procurement process or through negotiations with prospective collectors of solid waste and recycling materials.~~

~~(d) Any single family or cart-based multifamily residential households which have signed contracts in place for waste or recycling collection services on April 1, 2011, shall have until their existing contract expires or until September 30, 2012, whichever date is earlier, to begin using the collection services of the franchised collector.~~

~~Sec. 9-6-30. Franchise agreement.~~

~~— Upon award by town council, a franchise shall not become effective until the franchise collector has executed a written franchise agreement consistent with the terms of the bid specifications, or such terms as are approved by the town manager.~~

Sec. 9-6-40~~20~~. Solid waste and recycling collection service.

(a) ~~The town's franchise solid waste and recycling collector~~ Waste haulers will **may** provide waste and recycling collection service to all ~~cart-based single family and multifamily residential dwellings~~ **and commercial establishments**.

(b) Waste haulers shall ~~offer~~ **provide** a reasonable voluntary **single-stream** recycling collection service to all ~~commercial establishments~~ **residential dwellings which they service (excluding dumpster-based multifamily dwellings), and such recycling service shall be offered at a minimum one (1) time per week and shall be included in the base price for collection services of any waste hauler operating in the town. As**

determined by the town manager or designee, any failure by a waste hauler to provide a reasonable voluntary single-stream recycling collection service to any residential dwelling(s) (excluding dumpster-based multifamily dwellings), by any failure by a waste hauler to offer such recycling service at a minimum of one (1) time per week, or any failure by a waste hauler to include such recycling service in its base price, may result in the suspension and/or revocation of any such waste hauler's business license in accordance with Town Municipal Code Section 10-1-10, et al.

~~(b)~~**(c)** The adequacy and reasonableness of the waste and recycling collection service shall be determined by the town manager or designee through an annual review. ~~The franchise collector agreement will be fully evaluated after a five-year term.~~

~~(c)~~**(d)** Waste haulers ~~and the town's franchise collector~~ shall file a semiannual report (providing information for the six-month period of operation ending December 31 and June 30 of each calendar year) on February 1 and August 1 with the town that shall include the following information:

- (1) Waste hauler's fee schedules and frequency of pickup for residential and commercial recycling;
- (2) Number of residential solid waste customers and the percent using the hauler's recycling service;
- (3) Number of commercial solid waste customers and the percent that are using the hauler's recycling service; and
- (4) Tonnage of recycling from residential customers and tonnage of recycling from commercial customers.

Sec. 9-6-50**30**. Recyclable materials.

A waste hauler recycling collection service, at a minimum, will offer pickup of the following recyclable materials clean of food and contamination:

- (1) Newspapers, newspaper inserts, cardboard, pizza boxes, magazines, catalogs, phone books, residential mail, junk mail, office paper, paper bags, box board, cereal cartons, beverage cartons, gift wrapping paper, shredded office paper;
- (2) All closed-mouth plastic bottles, #1 through #7 household plastics (no Styrofoam);
- (3) Glass containers of any color;
- (4) Milk/juice cartons and aseptic containers;

- (5) Aluminum cans, other aluminum, aluminum foil, steel cans, tin cans, aerosol cans, and other small household scrap metal.

Sec. 9-6-60~~40~~**40**. Collection of recyclable materials.

- (a) It shall be unlawful for any person to place any material not designated for recycling in section 9-6-50~~30~~**30** in the recyclable material receptacles.
- (b) All information on proper procedures for disposal of recyclable materials and collection dates shall be provided by the waste hauler.
- (c) All materials listed in section 9-6-50~~30~~**30** shall be collected in a manner compliant with a single-stream method.
- (d) For improperly set-out recyclables, ~~the franchise collector~~ **waste haulers** will affix to nonconforming recyclables a sticker or tag approved by the town stating the reason for the noncollection and notify the town if collection is not made.
- (e) ~~The franchise collector~~ **Waste haulers** will shall make available provide a recycling receptacle(s) sufficient to serve each ~~single-family residence or cart-based multifamily dwelling unit~~ **residential dwelling which they service (excluding dumpster-based multifamily dwellings)**. The town shall retain ownership of all ~~its~~ **of the Town's** recycling receptacles and the resident and/or management company shall take proper care to protect such receptacle from loss or damage. ~~Receptacles that are lost or stolen will be replaced one (1) time free of charge. Should repeated loss occur it shall be the responsibility of the resident and/or management company of each property to purchase a replacement from the franchise collector within forty-five (45) days.~~
- (f) All recyclable materials collected by ~~the town's franchise collector~~ **any waste hauler** will be transported to a ~~town-designated~~ **town-approved** recycling processing location.

Sec. 9-6-70~~50~~**50**. Receptacle requirements; placement of receptacles in service yard areas **Receptacles Generally.**

- (a) ~~Receptacles generally.~~ Every person producing or having refuse or recyclable materials collected by ~~the franchise collector~~ **a waste hauler** shall keep, on the premises or property occupied or used by him **or her**, recycling carts, **refuse carts**, or bulk containers ~~as specified in this article [chapter]~~, in locations accessible using normal collection methods, to handle accumulations of refuse and recyclable materials on the premises or property in the interval between collections by ~~the franchise collector~~ **a waste hauler**.
- (b) ~~Placement in service yard area.~~ Refuse and recyclables containers are to be placed in the service yard area no later than 7:00 a.m. on the day of the collection.
- (c) ~~Refuse carts.~~ A refuse cart(s) may be rented from the franchise collector or properties may provide their own suitable refuse cart. Rented carts remain the property of the franchise collector for use of the residences to which they are issued. Residents who

~~damage carts issued to them must pay for repairing the carts or purchasing replacement carts from the franchise collector. Carts that are damaged through normal use as a result of being emptied by franchise collector will be repaired or replaced at the franchise collector's expense. Collection may be suspended at any location at which a cart is missing or at which a cart is damaged to such an extent as to interfere with normal collection methods.~~

- ~~(d) Recyclables containers. A recyclables container shall be issued by the franchise collector to each requesting household which desires to use the franchise collector for the collection of recyclables. The recyclables container(s) shall remain the property of the town for use of the household to which they are issued. Residents who damage or lose the recyclables container(s) issue to them must pay for purchasing a replacement recyclables container(s) from the franchise collector. Recyclables containers that are damaged through normal use as a result of being emptied by franchise collector will be replaced at the franchise collector's expense.~~

~~Sec. 9-6-80. Placement of waste in receptacles.~~

~~Garbage and rubbish must be placed in refuse carts or bulk containers as specified in this chapter. Recyclable materials, in order to be recycled, must be placed in recyclable container(s). Glass and plastic shall have all lids removed prior to being placed in the recyclables container(s). Other material resulting from normal household use should be placed in refuse carts, provided the total weight of the filled receptacle shall not exceed 200 pounds.~~

~~Sec. 9-6-90. Materials not to be placed in receptacles.~~

- ~~(a) Bulky waste. Appliances, furniture, bedding and other bulky items resulting from normal household use shall be subject to special collection upon call to the franchise collector and scheduling a pickup time for a fee approved in the franchise agreement. These items shall be placed at the service yard area only on the day agreed to for pickup.~~
- ~~(b) Tree trimmings and organic yard waste. Shrubbery trimmings, tree trimmings, grass clippings, leaves and other outdoor vegetation shall be kept separate from all other garbage rubbish or other household materials. Residents will be responsible for disposing of this waste separately at approved locations.~~
- ~~(c) Hazardous waste. This collection service does not include collection of waste deemed as hazardous, as established by this chapter, or state or federal regulations.~~

~~Sec. 9-6-100~~**60**. Enforcement generally; penalty; citations.

It shall be the duty of the town manager, with the assistance of such other persons or code enforcement officials as the town manager may direct, to see that the provisions of this chapter are enforced except where otherwise specifically provided for by ordinance. Individuals violating the provisions of this chapter are guilty of a misdemeanor, punishable, upon conviction, in accordance with section 1-5-10. The code enforcement officials, or such other personnel as

the town manager may direct shall issue citations to individuals violating the provisions of this chapter.

Section 2. **Severability.** If any section, phrase, sentence or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. **Effective Date.** This Ordinance shall be effective April 1, 2014.

**PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE
TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA ON THIS ____DAY OF
_____, 2013.**

Drew A. Laughlin, Mayor

ATTEST:

By: _____
Victoria L. Pfannenschmidt, Town Clerk

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

MEMORANDUM

TO: Town Council

FROM: Stephen G. Riley, ICMA-CM, Town Manager

VIA: Gregory M. Alford, Alford Law Firm

DATE: December 18, 2013

SUBJ: Proposed Ordinance 2013-28

Recommendation: Town staff recommends the approval of second reading for Proposed Ordinance 2013-28, which reflects changes to the waste hauling and recycling collection market in the Town, particularly as relates to Proposed Ordinance 2013-23 and its attendant Residential Waste Collection Franchise Mutual Termination Agreement, which terminates the franchise agreement with Republic Services, as well as Proposed Ordinance 2013-25.

Summary: There have been no changes to Proposed Ordinance 2013-28 by virtue of first reading on December 17, 2013.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, TO AMEND TITLE 10 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA BY AMENDING CHAPTER 5 (FRANCHISES), SPECIFICALLY DELETING SECTION 10-5-90; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 5-7-30 of the Code of Laws of South Carolina 1976 (Annotated), as amended, provides that a municipal government within the State of South Carolina may “grant franchises for the use of public streets and make charges for them”; and,

WHEREAS, Section 2-7-20 of the Municipal Code of the Town of Hilton Head Island provides that Council grant, renew, or extend franchises, licenses, or rights in public streets or property by ordinance; and,

WHEREAS, the Town Council granted Republic Services of South Carolina, LLC d.b.a Republic Services of Hilton Head a non-exclusive franchise to conduct waste hauling and recycling pick-up for single family residential and cart based multi-family residential properties pursuant to the terms as listed in the “Residential Waste and Recycling Collection Franchise Agreement” (“Franchise Agreement”) dated November 18, 2010; and,

WHEREAS, the Town Council desires to terminate the non-exclusive franchise.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS ORDAINED BY SAID AUTHORITY OF COUNCIL:

Section 1. Amendment. That Chapter 5 (Franchises) of Title 10 of the Municipal Code of the Town of Hilton Head Island, South Carolina, is hereby amended as follows:

Section 10-5-90 of the Municipal Code of the Town of Hilton Head Island, South Carolina is deleted in its entirety.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective April 1, 2014.

(SIGNATURE PAGE FOLLOWS)

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF
HILTON HEAD ISLAND ON THIS ____ DAY OF _____, 2013.**

Drew A. Laughlin, Mayor

ATTEST:

Victoria L. Pfannenschmidt, Town Clerk

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA-CM, *Town Manager*
VIA: Teri B. Lewis, AICP, *LMO Official*
FROM: Jayme Lopko, AICP, *Senior Planner*
CC: Charles Cousins, AICP, *Community Development Director*
DATE: December 11, 2013
SUBJECT: ZMA130006 – Main Street Inn

Recommendation: The Planning & Development Standards Committee met on December 5th at 3pm to review the attached application for Zoning Map Amendment (ZMA130006) and voted 3-0-0 to recommend to Town Council that the rezoning request be approved, finding that the application is consistent with the Comprehensive Plan and serves to carry out the purposes of the Land Management Ordinance.

The Planning Commission met on November 20th at 3pm to review the attached application for Zoning Map Amendment (ZMA130006) and voted 7-0-0 to recommend to Town Council that the rezoning request be approved, finding that the application is consistent with the Comprehensive Plan and serves to carry out the purposes of the Land Management Ordinance.

Staff recommends Town Council approve the attached application, finding that the application is consistent with the Comprehensive Plan and serves to carry out the purposes of the Land Management Ordinance.

Summary: A request from Walter J. Nester, III on behalf of Main Street Inn, LLC proposing to amend the Official Zoning Map by amending the Hilton Head Plantation Master Plan to add Medical and Behavioral Health Services as a permitted use on property located at 2200 Main Street.

Background: Main Street Inn was rezoned in 1998 to make the use conforming to the actual use of the property. It did not meet the definition of the bed and breakfast inn so it was rezoned to a 34 room motel and 1200 square foot restaurant limited to 67 seats.

This application proposes to add medical and behavioral health services as a permitted use on the property. Medical and behavioral health services would allow a facility to provide clinical services including diagnosis, treatment and rehabilitation for medical and behavioral conditions, but excluding incarceration or post incarceration patient services. This use would not be considered a medical office because it would include overnight accommodations.

The permitted density on the property would be a 34 room motel with a 1200 square foot restaurant (up to 67 seats) or a 14,696 square foot medical and behavioral health services facility.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2013-

PROPOSED ORDINANCE NO. 2013-26

AN ORDINANCE TO AMEND TITLE 16, THE LAND MANAGEMENT ORDINANCE, OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, BY AMENDING SECTION 16-4-102, THE OFFICIAL ZONING MAP, THE HILTON HEAD PLANTATION MASTER PLAN, SPECIFICALLY REZONING 1.33 ACRES IDENTIFIED AS PARCEL 19 ON BEAUFORT COUNTY TAX MAP 7B TO ADD MEDICAL AND BEHAVIORAL HEALTH SERVICES AS A PERMITTED USE ON THE PROPERTY AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on July 21, 1998, the Town Council did amend Title 16 of the Municipal Code of the Town of Hilton Head Island by enacting a revised Land Management Ordinance (the "LMO"); and

WHEREAS, the Town Council now finds that, upon further review of application ZMA130006, it is in the public interest that the subject 1.33 acre parcel be rezoned to add Medical and Behavioral Health Services as a permitted use on the property; and

WHEREAS, this zoning change would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and, further, would be in conformance with the Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on November 20, 2013, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning Commission, after consideration of the staff report, public comments, and the criteria set forth in Section 16-3-1505 of the LMO, voted 7-0-0 to recommend to Town Council that the rezoning request be approved, finding that the application is consistent with the Comprehensive Plan and serves to carry out the purposes of the Land Management Ordinance; and

WHEREAS, the Planning and Development Standards Committee held a public meeting on December 5, 2013, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning and Development Standards Committee, after consideration of the staff report, public comments, and the criteria set forth in Section 16-3-1505 of the LMO, voted 3-0-0 to recommend to Town Council that the rezoning request be approved, finding that the application is consistent with the Comprehensive Plan and serves to carry out the purposes of the Land Management Ordinance; and

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SC; AND IT IS ORDAINED BY SAID AUTHORITY OF COUNCIL:

Section 1. Amendment. That the official zoning map of the Town of Hilton Head Island, as referenced by Section 16-4-102 of the Land Management Ordinance, be, and the same hereby amended as follows:

The 1.33 acres identified as parcel 19 on Beaufort County Tax Map 7B be rezoned to add Medical and Behavioral Health Services as a permitted use on the property.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____ 2014.

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA

Drew Laughlin, Mayor

ATTEST:

Victoria L. Pfannenschmidt, Town Clerk

Public Hearing: November 20, 2013
First Reading: January 7, 2014
Second Reading:

Approved as to form:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____



TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court | Hilton Head Island, SC 29928 | 843-341-4757 | FAX 843-842-8908

STAFF REPORT ZONING MAP AMENDMENT

| Application Number | Name of Project | Public Hearing Date |
|--------------------|-----------------|---------------------|
| ZMA130006 | Main Street Inn | November 20, 2013 |

| Parcel Data | Owner | Applicant |
|--|--|---|
| <u>Existing & Proposed Zoning District:</u> PD-1 <u>Applicable Overlay District(s):</u> Corridor Overlay <u>Existing Permitted Uses:</u> Motel & Restaurant <u>Proposed Permitted Uses:</u> Motel & Restaurant OR Mental & Behavioral Health Services <u>Parcel Affected:</u> R510 007 00B 0019 0000 | Main Street Inn, LLC 1 Vance Gap Rd. Asheville, NC 28805 | Walter J. Nester, III McNair Law Firm, P.A. 23-B Shelter Cove Lane, Suite 400 Hilton Head Island, SC 29928 |

Application Summary

This application is a request from Walter J. Nester, III on behalf of Main Street Inn, LLC proposing to amend the Official Zoning Map by amending the Hilton Head Plantation Master Plan to add Medical and Behavioral Health Services as a permitted use on property located at 2200 Main Street.

Staff Recommendation

Staff recommends that the Planning Commission find this application to be consistent with the Town's Comprehensive Plan and serves to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein.

Background

Main Street Inn was rezoned in 1998 to make the use conforming to the actual use of the property. It did not meet the definition of the bed and breakfast inn so it was rezoned to a 34 room motel and 1200 square foot restaurant limited to 67 seats.

This application proposes to add medical and behavioral health services as a permitted use on the property. Medical and behavioral health services would allow a facility to provide clinical services including diagnosis, treatment and rehabilitation for medical and behavioral conditions, but excluding incarceration or post incarceration patient services. This use would not be considered a medical office because it would include overnight accommodations.

The permitted density on the property would be a 34 room motel with a 1200 square foot restaurant (up to 67 seats) or a 14,696 square foot medical and behavioral health services facility.

Summary of Facts and Conclusions of Law

Findings of Fact:

1. Notice of the Application was published in the Island Packet on October 13, 2013 as set forth in LMO (Land Management Ordinance) Sections 16-3-110 and 16-3-111.
2. Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
3. A public hearing will be held on November 20, 2013 as set forth in LMO Section 16-3-1504A.
4. The Commission has authority to render their decision reached here in LMO Section 16-3-1504.

Conclusion of Law:

1. The application, notice requirements, and public hearing comply with the legal requirements as set forth in LMO Sections 16-3-110, 16-3-111 and 16-3-1504.

As set forth in Section 16-3-1505, Zoning Map Amendment Review Criteria, Planning Staff has based its recommendation on analysis of the following criteria:

Summary of Facts and Conclusions of Law

Criteria 1: Consistency (or lack thereof) with the Comprehensive Plan (LMO Section 16-3-1505A):

Findings of Fact:

The Comprehensive Plan addresses this application in the following areas:

Land Use Element:

Goal 8.1 – Existing Land Use

- A. The goal is to have an appropriate mix of land uses to meet the needs of existing and future populations.

An Implication for Building Permit Trends

Redevelopment of our existing built environment and infill development should be a focus for the future development of our community, while the Town has entered a more mature level of development.

Goal 8.3 –Planned Unit Developments (PUDs)

- A. The goal is to provide flexibility for the PUDs as future policies, regulations and requirements are adopted Town-wide.
- B. The goal is to have an appropriate mix of land uses to accommodate permanent and seasonal populations and existing market demands is important to sustain the Town's high quality of life and should be considered when amending PUD Master Plans.

Implementation Strategy 8.3– Planned Unit Developments (PUDs)

- A. Consider flexibility within the PUDs to address appropriate commercial or service land uses in areas with a high residential concentration.

Goal 8.4 – Existing Zoning Allocation

- A. An appropriate mix of land uses to accommodate permanent and seasonal populations and existing market demands is important to sustain the Town's high quality of life and should be considered when amending the Town's Official Zoning Map.

An Implication for Land Use Per Capita

A fundamental policy of land use is whether or not the Town has sufficient land uses to support the population, both the permanent and seasonal population. It is also important that the portion of each land use classification is supported and sustainable in terms of infrastructure and natural resources to ensure a high quality of life that contributes to the character defining features of our community.

Goal 8.5 – Land Use Per Capita

- A. The goal is to have an appropriate mix and availability of land uses to meet the needs of the existing and future populations.

An Implication for Build-out

Because of the anticipation of build-out, creative redevelopment policies and alternatives to traditional zoning and land development regulations should be a focus for all land use policies and regulations.

Goal 8.10 – Zoning Changes

- A. The goal is to provide appropriate modifications to the zoning designations to meet market demands while maintaining the character of the Island.

Conclusions of Law:

1. Staff concludes that this application is consistent with the Comprehensive Plan, as described in the Land Use Element as set forth in LMO Section 16-3-1505A.
2. The proposed rezoning would provide an appropriate mix of land uses that meets the needs of the population and maintains the character of the Island, by providing an additional permitted use within an existing building.

Summary of Facts and Conclusions of Law

Criteria 2: Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood (LMO Section 16-3-1505B):

Findings of Fact:

1. Nearby parcels are zoned in the PD-1 Zoning District (Hilton Head Plantation) and the CC (Commercial Center) Zoning District.
2. The conforming uses on nearby parcels include: golf course, restaurant, office, and open space (wetlands).
3. The applicant is not proposing any new development for this parcel. Any future development will require approval by the Town's Design Review Board (DRB).

Conclusions of Law:

1. Staff concludes that the proposed uses are compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood as set forth in LMO Section 16-3-1505B.
2. The subject parcel will remain in the PD-1 Zoning District, which is compatible with the neighboring properties in the PD-1 Zoning District.
3. The Town's Design Review Board will ensure any future development's site design, architecture, and landscaping will be compatible with the character of the neighborhood.

Summary of Facts and Conclusions of Law

Criteria 3: Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment (LMO Section 16-3-1505C):

Findings of Fact:

1. The uses permitted on the subject parcel would be Motel & Restaurant or Medical and Behavioral Health Services.
2. The site has existing infrastructure to support the permitted uses.

Conclusion of Law:

1. Staff concludes that the property is suitable for the use that would be permitted by the proposed rezoning as set forth in LMO Section 16-3-1505C because the subject parcel has adequate infrastructure to support both the existing and proposed use.

Summary of Facts and Conclusions of Law

Criteria 4: Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505D):

Findings of Fact:

1. The conforming uses on the subject parcel are a 34 room Motel & 1200 square foot Restaurant limited to 67 seats.
2. The site has existing infrastructure to support the currently permitted uses.

Conclusion of Law:

1. Staff concludes that the subject parcel is suitable for the uses currently permitted in the PD-1 Zoning District as set forth in LMO Section 16-3-1505D because the subject parcel adequate infrastructure to support the permitted uses.

Summary of Facts and Conclusions of Law

Criteria 5: Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505E):

Finding of Fact:

1. This amendment would permit an additional use on the subject parcel.

Conclusions of Law:

1. Staff concludes that the marketability of the parcel may be improved as set forth in LMO Section 16-3-1505E.
2. The fact that the existing uses are specific limits the marketability of the property. By allowing an additional more broad use, the property may appeal to a wider range of buyers.

Summary of Facts and Conclusions of Law

Criteria 6: Availability of sewer, water and stormwater facilities generally suitable and adequate for the proposed use (LMO Section 16-3-1505F):

Findings of Fact:

1. The subject parcel has adequate water and sewer service and stormwater facilities.
2. The proposed change in use permitted on the parcel would not change the water and sewer capacity or the stormwater facilities of the parcel.
3. If the parcels were redeveloped, a letter from the Hilton Head Island Public Service District confirming their ability to meet the water and sewer demands of the development would be required as part of the Development Plan Review (DPR) application.
4. If the parcels were redeveloped, the Town's engineering staff would confirm as part of the DPR application that the site would be able to meet the LMO's stormwater performance standards.

Conclusion of Law:

1. Staff concludes that the property has water, sewer and stormwater facilities suitable and adequate for the proposed uses as set forth in LMO Section 16-3-1505F.

LMO Official Determination

Staff determines that this application is consistent with the Comprehensive Plan and does serve to carry out the purposes of the LMO as based on the Findings of Fact and Conclusions of Law detailed in this report.

Note: If the proposed amendment is approved by Town Council, such action shall be by ordinance to amend the Official Zoning Map. If it is denied by Town Council, such action shall be by resolution.

PREPARED BY:

JL

Jayme Lopko, AICP
Senior Planner

November 8, 2013

DATE

REVIEWED BY:

TBL

Teri B. Lewis, AICP
LMO Official

November 8, 2013

DATE

Attachments:

- A) Vicinity Map
- B) Zoning Map
- C) Applicant's Narrative
- D) Public Comment



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-6000

Town of Hilton Head Island
ZMA130006 - Vicinity Map
ATTACHMENT A



250 130 0 250 Feet

This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.

Legend

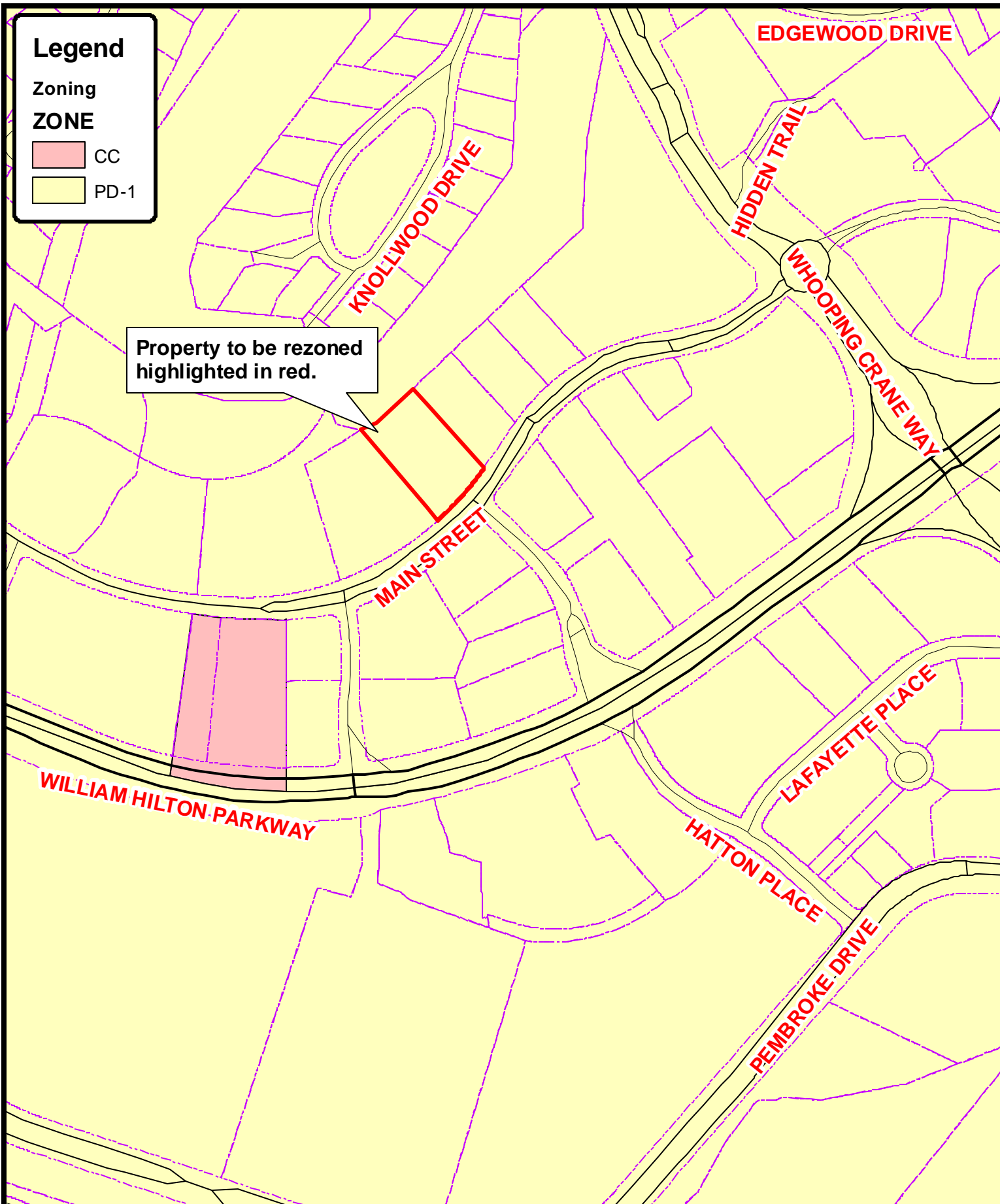
Zoning

ZONE

CC

PD-1

Property to be rezoned
highlighted in red.



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-6000

Town of Hilton Head Island ZMA130006 - Zoning Map ATTACHMENT B



360 180 0 360 Feet

This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.

STATE OF SOUTH CAROLINA) BEFORE THE PLANNING COMMISSION
) OF THE
) TOWN OF HILTON HEAD ISLAND, SC
COUNTY OF BEAUFORT) ZMA 130006

SUPPLEMENT
TO
THE ZONING MAP AMENDMENT APPLICATION
OF
MAIN STREET INN, LLC
REGARDING
LOT 28, HILTON HEAD PLANTATION
COMMERCIAL SUBDIVISION

This Supplement is submitted with and is intended to be incorporated in and comprise a part of the Application for Zoning Map Amendment (the "Application") of Main Street Inn, LLC, a Nevada limited liability company authorized to conduct business in South Carolina (the "Applicant"). This narrative is submitted to the Planning Commission and the Town Council of the Town of Hilton Head Island, South Carolina (the "Town") to describe how the Application meets the criteria of Section 16-3-1505 of the Town's Land Management Ordinance (the "LMO") as required by the Application and Section 16-3-1502 of the LMO.

I. NARRATIVE

A. INTRODUCTION AND REQUEST.

The Applicant is the owner of a certain 1.30 acre parcel of real property, more or less, with improvements located thereon, which real property is designated in the Beaufort County property tax records as: TMS District 510, Map 7B, Parcel 19 and which real property is known and described as Lot 28, Hilton Head Plantation Commercial Subdivision (the "Property"). The Applicant submits this Application requesting the approval of an amendment to the Town's official zoning map, described in Section 16-4-102 of the LMO in order to change the use authorized under the base zoning district applicable to the Property (PD-1) to add to the current

use designated in the Hilton Head Plantation Master Plan as “34-room hotel and 1,500 square foot restaurant limited to 67 seats” with the additional use designation of “Medical and Behavioral Health Services. A facility to provide clinical services including diagnosis, treatment and rehabilitation for medical and behavioral conditions, but excluding incarceration or post incarceration patient services.”.

B. BACKGROUND.

The Applicant acquired the Property pursuant to a deed dated February 25, 2010 and recorded in the Office of the Register of Deeds for Beaufort County in Book 2943 at Pages 1064-1067.¹ The Property is currently used and operated as a hotel known as the Main Street Inn & Spa. The base zoning district is PD-1, and the Property is located on Main Street. The Property is part of the Hilton Head Plantation Master Plan which was approved by the Town in 1984. The Property has a paved entrance providing direct access to Main Street, a minor arterial street.²

The Main Street Inn & Spa is a 33-room bed and breakfast facility with meeting rooms and gathering areas for weddings and similar events.³ The building was constructed in 1996, consists of three stories and is approximately 14,696 square feet in size. In addition to the building, the Property is improved with gardens, walkways, landscaping, parking areas, an entry drive and a +/- 304 square foot pool, as well as associated structures, all as shown in the as-built survey attached as Exhibit “B” and incorporated herein. Efforts to expand the Main Street Inn & Spa to incorporate adjacent property and to expand the size of the facility and services offered have not been successful.⁴ The Property is the subject of a contract of sale and the contract purchaser owns and operates medical and behavioral health services facilities in other regions of the United States.

C. CURRENT AND PROPOSED DENSITY AND USE.

The current density of the Property is 14,696 square feet. The by-right permitted use for the Property is a “34-room hotel and 1,500 square foot restaurant limited to 67 seats”. The Applicant

¹ See copy of deed attached as Exhibit “A”

² See LMO Section 16-5-503

³ Although permitted for 34 rooms, only 33 used as hotel rooms

⁴ See ZMA 09 0002

proposes to retain the base zoning of PD-1; to retain the current approved use as an alternative use; and to add the following as a new use: “Medical and Behavioral Health Services. A facility to provide clinical services including diagnosis, treatment and rehabilitation for medical and behavioral conditions, but excluding incarceration or post incarceration patient services.”. This proposed additional use allows for the short term, voluntary inpatient diagnosis and treatment of non-violent patients with medical and behavioral conditions. It specifically excludes the treatment of incarcerated or post-incarcerated patients. No other uses are proposed. The proposed change in use requires no alterations or renovations to the building exterior and no additional density is proposed, requested or required to support the proposed change in use.

D. REZONING CRITERIA.

1. Consistency (or lack thereof) with the Comprehensive Plan.

(a) **Natural Resources Vision.** *The Natural Resources Vision of the Comprehensive Plan instructs the Town to protect Hilton Head Island's diverse natural resources, which are pivotal to the economic well-being of the community and the high quality of life on Hilton Head Island.⁵* The Applicant is seeking to amend the Official Zoning Map to change the use of the Property, but does not require and does not seek an increase in the density for the Property. The Applicant's proposed amendment to change the approved use of the Property requires no exterior physical changes, renovations or improvements to the building, the building's structure, the access drive, parking areas or other exterior features and improvements currently existing on the Property. No new development is proposed, and there is no impact to the natural resources and existing natural environment of the Town due to the change in use proposed. The proposed change in use does, however, create an economically viable use of an existing site that has already been developed and improved and is consistent with the Comprehensive Plan, while maintaining the current approved use as an alternative use.

⁵See July 3, 2012 Comprehensive Plan, Page 20.

(b) **Population Vision.** *The Population Vision of the Comprehensive Plan seeks to maintain a diverse population in the Town of Hilton Head Island, which is given the opportunity to be well-educated, financially secure and enjoy a high quality of life.⁶ The change in use proposed by the Applicant is consistent with the Population Vision as it provides additional medical and healthcare services to support the existing and future population of the Town.⁷ The proposed change in use does not require additional density, does not otherwise impact the Population Vision, and is consistent with the Comprehensive Plan.*

(c) **Housing Vision.** *The Housing Vision of the Comprehensive Plan seeks to promote and facilitate entrepreneurial housing initiatives that will result in the development of diverse housing types for all income levels on Hilton Head Island and to support affordable housing initiatives to supplement housing on Hilton Head Island.⁸ The Applicant's proposed amendment to change the approved use of the Property does not implicate the Housing Vision since the existing use does not involve housing as contemplated in the Housing Vision. A hotel provides transient housing.⁹ Hotels are mentioned in the Housing Vision of the Comprehensive Plan, but only as a description as a type of housing in terms of function. There is, however, an economic development element to the goals and instructions for implementing a strategy to support the Housing Vision of the Comprehensive Plan. The use proposed by the Applicant supports the continuation and increase of employment opportunities for skilled and unskilled workers, and provides the availability of additional medical services to Hilton Head Island's residents and guests, and is consistent with the Comprehensive Plan.*

(d) **Community Facilities Vision.** *The Community Facilities Vision of the Comprehensive Plan encourages the Town to provide facilities for the residents*

⁶ See July 3, 2012 Comprehensive Plan, Page 34.

⁷ See July 3, 2012 Comprehensive Plan, Page 40.

⁸ See July 3, 2012 Comprehensive Plan, Page 50.

⁹ See Section 16-10-201 of the LMO for definition of "Hotel": "A commercial building . . . designed for and occupied by transients renting rooms on a daily basis and usually staying less than 7 days . . .".

*and visitors of Hilton Head Island, which are maintained at the highest levels of service and efficiency consistent with facilities of a world class community.*¹⁰

The approval of this Application does not negatively impact the Town's Community Facilities. The infrastructure for the use proposed in the Application, including roadways, sanitary sewer, solid waste, drainage, potable water, electricity, telephone and cable, is already in place. The Applicant's proposed change in use supports and is consistent with the Comprehensive Plan, as it adds the opportunity for expanded healthcare services to residents and visitors to Hilton Head Island without burdening community facilities.¹¹

(e) **Economic Development Vision.** *The Economic Development Vision of the Comprehensive Plan seeks to define, foster and enhance the economic environment that sustains Hilton Head Island's unique way of life.*¹² The Comprehensive Plan recognizes that the provision of first class medical services and facilities has contributed to Hilton Head Island's economic success. The Applicant's proposed change in use provides for the economically viable use of the existing development on the Property. The current approved use is not economically viable, as the facility does not have the sufficient size or density to be economically viable. This is evidenced by efforts to expand the hotel as well as efforts to sell the Property for alternative uses such as the additional use being proposed by the Applicant. The Applicant's proposed change in use provides Hilton Head Island's residents and guests with expanded health services and treatments, maintains the Property as a successful business enterprise with employment opportunities for skilled and unskilled workers and contributes to a stable tax base, and is consistent with the Comprehensive Plan. Additionally, the proposed change in use preserves the existing use as an alternative use, should economic conditions change in the future.

(f) **Land Use Vision.** *The Land Use Vision of the Comprehensive Plan seeks to ensure a high quality of life by planning for population growth, public*

¹⁰ See July 3, 2012 Comprehensive Plan, Page 60.

¹¹ See July 3, 2012 Comprehensive Plan Goal, Section 6.8, Page 86 and Implementation Strategy, Section 6.8, Page 87.

¹² See July 3, 2012 Comprehensive Plan, Page 89.

*and private development and redevelopment, and the proper distribution, location and intensity of land uses with adequate levels of services, while maintaining and protecting the natural resources, residential neighborhoods and the overall character of the Town.*¹³ Rather than manage growth, the Comprehensive Plan provides that “... future policies should focus more on redevelopment strategies and should consider creative alternatives to traditional zoning classifications and regulations.”¹⁴ The Applicant’s proposed change in use is a creative way to transform the existing use, which is economically unviable, to one that is viable without “redevelopment” of the Property. The Applicant’s proposed use for the Property is supported by the existing infrastructure on the Property and within the Town. The Property, while subject to a base zoning of PD-1, is not “behind the gates” of a PUD and is accessible by the public. The change in use proposed by the Applicant does not adversely impact or burden the natural environment and infrastructure, and is consistent with the Comprehensive Plan.¹⁵

(g) Transportation Vision. *The Transportation Vision of the Comprehensive Plan seeks to provide a safe, efficient, environmentally sound, aesthetically sensitive, and fiscally responsible transportation system which is integrated into the regional network to enhance quality of life for those living in, employed in, and visiting Hilton Head Island.*¹⁶ The Applicant’s proposed use is consistent with and supports the Transportation Vision of the Comprehensive Plan. The existing use as a hotel contributes to the higher volume of motor vehicle traffic on the roadway and transportation infrastructure of the Town and greater communities. Under the proposed use, traffic to the Property would not be seasonal, but would instead be more consistent. However, the proposed change in use does not provide for increased density and would not create a higher volume of motor vehicle traffic. Furthermore, the Property is located on a minor arterial road and is supported by the existing roadway and transportation

¹³ See July 3, 2012 Comprehensive Plan, Page 102.

¹⁴ See July 3, 2012 Comprehensive Plan, Page 102.

¹⁵ See Goals and Implementation Strategies, Section 8.11, Page 111.

¹⁶ See July 3, 2012 Comprehensive Plan, Page 117.

infrastructure. The change in use proposed by the Applicant has no negative impact on the Town's transportation system, and is consistent with the Comprehensive Plan.

(h) **Recreation Vision.** *The Recreation Vision of the Comprehensive Plan seeks to enrich the quality of life for residents and visitors by providing diverse recreational facilities and programs which respond to changing needs of the population.*¹⁷ The Comprehensive Plan seeks to foster use and development of recreational facilities and programs, through both the Town's efforts and also through public and private recreational organizations. Such organizations promote leisure programs and activities as well as promote the rich cultural and natural resources of Hilton Head Island. The Applicant's proposed change in use does not negatively impact the Recreation Vision as the proposed change in use neither seeks additional density nor requires development or redevelopment. The proposed change in use provides an economically viable use for the Property as well as additional employment opportunities for skilled and unskilled workers. Moreover, the proposed change in use provides needed health services for Hilton Head Island residents and guests who, through treatment, may thereafter have the opportunity to use the Town's recreational amenities and enjoy its natural resources, and is therefore consistent with the Comprehensive Plan.

E. REVIEW CRITERIA.

1. **Compatibility with present zoning and conforming uses of nearby property and with the character of the neighborhood.** The current use of the Property is an economically unviable hotel. Immediately adjacent to the west on Main Street are a vacant open space parcel, business offices, synagogues and churches. Across Main Street and to the west are various business and medical offices, high-turnover restaurants, hotels, automobile repair facilities, a natural gas wholesale business and vacant lots. Adjacent to the east along Main Street are an eating establishment, retail shops and business offices. Across Main Street and to the east is Main Street Village, with various eating establishments, business offices and retail sales and services. Further,

¹⁷ See July 3, 2012 Comprehensive Plan, Page 142.

along Main Street and beyond the Hilton Head Plantation traffic circle, zoning consists of the Office/Institutional District and Commercial Center. This area contains various offices, financial institutions, medical offices and institutions including convalescent, nursing and continuing care facilities.

Given the predominately commercial, office, retail and institutional nature of the development along Main Street and various properties in the vicinity of the Property, the Applicant believes the use of the Property as proposed is consistent and conforming with the uses of nearby properties and with the character of the neighborhood.

While the Property has a base zoning of PD-1, it is “outside of the gates” and is a lot within what is known and designated as “Main Street Commercial Subdivision”.

2. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment. The Applicant believes that the Property is uniquely suitable for the “Medical and Behavioral Health Services” use proposed in the Application. The existing improvements on the Property fully support the proposed use without creating any additional density, improvements or redevelopment. The Property has direct access to Main Street, a minor arterial street with excellent connections to U.S. Highway 278 and beyond. The Property has and is connected to all necessary and readily available utilities and stormwater drainage facilities. The proposed use creates virtually no light, noise, use, discharge or other impacts on adjacent properties nor on other properties located within or beyond the neighborhood. In fact, the natural surroundings, limited noise, limited traffic and ease of access enhance the desirability of the Property for the use proposed in the Application are the same qualities that made north Main Street a desirable location for similar uses that are located and are successfully operating there.

3. Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment. The only approved use of the Property that exists at the time of this Application is as a “34-room hotel and 1,500 square foot restaurant limited to 67 seats”. As indicated above the efforts to expand the size of the hotel and to market and contract the sale of the Property for a different use evidence that the current use is not

economically viable. While the Property was improved for use as an inn and spa, it is within an area that is better suited to the institutional, retail and restaurant uses which succeed along Main Street. This location struggles to compete with those hotels and resort accommodation facilities that are located closer to beaches and resort areas of the Town. This evidence all leads to the reasonable conclusion that the Property is not suited for the uses currently permitted by the zoning district applicable to the Property.

4. **Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment.** As discussed above, the current limited use authorized under the PD-1 base zoning district makes the Property economically unviable; therefore, the marketability of the Property for the currently permitted use is poor. The limitations on specific commercial parcels within the PD-1 base zoning district may create limitations on marketability of such commercial parcels as time passes and as Hilton Head Island develops and matures. That is the case with the Property.

The Property is currently under contract of sale. The contract purchaser successfully owns and operates medical and behavioral health services facilities in other regions of the United States. The approval of the Application shall improve the marketability of the Property, as it shall result in the sale thereof to an owner with a viable business and plan for the use of the Property for such business. In addition, the Applicant believes that the approval of this Application shall not have an adverse effect on the marketability of other properties in the vicinity.

5. **Availability of sewer, water and stormwater facilities generally suitable and adequate for the proposed use.** The Property is currently served by sewer, water and stormwater facilities that are suitable for the proposed use. Given that there are no renovations or additional improvements proposed or anticipated, and no additional density requested by the Applicant, these utilities are suitable and sufficient for the use proposed in the Application.

F. CONCLUSION.

The Applicant believes the foregoing narrative demonstrates that this Application is in conformance with the Town's Comprehensive Plan, and meets the criteria set forth in LMO Section 16-3-1505. Accordingly, the Applicant respectfully requests that the Planning Commission:

1. Review this Application and the supporting testimony and documentation which will be entered into the record; and
2. Find the following:
 - (a) That this Application and the supporting testimony and documentation establish that the requested zoning map amendment is consistent with the Town's Comprehensive Plan; and
 - (b) That this Application and the supporting testimony and documentation establish that while the current use on the Property is consistent with the present zoning, that the current use is economically unviable, and the proposed rezoning is also consistent with conforming uses of nearby properties and with the character of the neighborhood around the Property; and
 - (c) That this Application and the supporting testimony and documentation establish that the Property is suitable for the use permitted by the zoning district that would be made applicable to the Property by the requested zoning map amendment; and
 - (d) That this Application and the supporting testimony and documentation establish that the Property is not economically suitable for the use permitted by the zoning district that is currently applicable to the Property; and
 - (e) That this Application and the supporting testimony and documentation establish that the marketability of the Property for the use permitted by


the zoning district that is currently applicable to the Property will be increased by the approval of the requested zoning map amendment; and

- (f) That this Application and the supporting testimony and documentation establish that there will be no material change in the Property's requirements for sewer, water and stormwater facilities, and that such utilities are sufficient for the existing use of the Property under the requested zoning map amendment are available to the Property; and

- 3. Recommend to the Town Council that they approve this Application and the rezoning of the Property to add as an additional approved use the use defined as: "Medical and Behavioral Health Services. A facility to provide clinical services including diagnosis, treatment and rehabilitation for medical and behavioral conditions, but excluding incarceration or post incarceration patient services."

Respectfully submitted on behalf of the Applicant this 17th day of October, 2013.

McNAIR LAW FIRM, P.A.



Walter J. Nester, III

WJN:amb
Enclosures

EXHIBIT "A" TO SUPPLEMENT

Deed

4
10 P/B
C. Williams
5978

RECORDED
2010 Jul -08 11:12 AM
Sharon G. Burns
BEAUFORT COUNTY AUDITOR

BEAUFORT COUNTY SC - ROD
BK 02943 PGS 1084-1087
FILE NUM 2010015814
09/24/2010 09:42:30 PM
REC'D BY P BAXLEY RCPT# 612290
RECORDING FEES 10.00

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT) TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS:

THAT **FESTIVA DEVELOPMENT GROUP, LLC**, a Nevada limited liability company (the "**Grantor**"), in the state aforesaid, for and in consideration of the sum of TEN AND NO/100 (US\$10.00) DOLLARS to it in hand paid at and before the sealing of these presents by **MAIN STREET INN, LLC**, a Nevada limited liability company (the "**Grantee**"), One Vance Gap Road, Asheville, NC 28805, in the state aforesaid, the receipt of which is acknowledged, subject to the covenants, conditions, restrictions, easements, and other matters referred to below, has granted, bargained, sold, and released, and by these presents does grant, bargain, sell, and release unto the **Grantee**, its successors and assigns, forever, in fee simple, the following described property, to-wit:

See attached Exhibit "A" for property description.

Being TMS District 510, Map 007, Submap 00B, Parcel 0019, Blocks 0001, 0002, 0003, 0004, 0102, 0104, 0106, 0108, 0112, 0114, 0116, 0118, 0202, 0204, 0206, 0208, 0210, 0212, 0214, 0216, 0218, 0220, 0222, 0224, 0226, 0302, 0304, 0306, 0308, 0310, 0312, 0314, 0316, 0318, 0320, 0322, and 0324.

This deed was prepared in the Law Office of Chester C. Williams, LLC, Post Office Box 6028, Hilton Head Island, SC 29938, by Chester C. Williams, Esquire.

TOGETHER with all and singular the rights, members, hereditaments, and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the **Grantee**, its successors and assigns, forever.



©2010 Chester C. Williams, LLC
X:\Clients\Active\01492-003 FDG\2010-02-09 Deed.doc

AND the **Grantor** does hereby bind itself and its successors, administrators, executors and assigns to warrant and forever defend all and singular the said premises unto the **Grantee**, its successors and assigns, against itself and its successors and assigns and all persons whomsoever lawfully claiming or to claim the same, or any part thereof.

IN WITNESS WHEREOF, Festiva Development Group, LLC, a Nevada limited liability company has caused this Title to Real Estate to be signed and sealed this 25th day of February, 2010.

**SIGNED, SEALED, AND
DELIVERED IN THE PRESENCE
OF:**

**FESTIVA DEVELOPMENT GROUP,
LLC**, a Nevada limited liability
company

Angela Morille

By: Herbert H. Patrick, Jr. (L.S.)
Herbert H. Patrick, Jr., President

Kristen L. Shivers

STATE OF NORTH CAROLINA

COUNTY OF MACON

ACKNOWLEDGEMENT

***FESTIVA DEVELOPMENT GROUP, LLC**

I, the undersigned Notary Public, do hereby certify that Herbert H. Patrick, Jr., President of ~~HERBERT H. PATRICK, JR., LLC~~, a Nevada limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 25th day of February, 2010.



Miriam M. Day (SEAL)
Notary Public for North Carolina
My Commission Expires: 10/30/2013



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X:\Clients\Active\01492-003 FDG\2010-02-09 Deed.doc

EXHIBIT A
PROPERTY DESCRIPTION

ALL those certain condominium apartments or units situate, lying, and being in Main Street Commercial Subdivision, on Hilton Head Island, Beaufort County, South Carolina, designated as Units 102, 104, 106, 108, 112, 114, 116, 118, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, A, B, C, and D in Main Street Inn Horizontal Property Regime, and being more particularly shown and described in the Master Deed of Main Street Inn, LLC establishing Main Street Inn Horizontal Property Regime dated May 27, 2008 and recorded June 20, 2008 in the Office of the Register of Deeds for Beaufort County, South Carolina in Record Book 2736 at Page 121 and in Plat Book 125 at Pages 80 through 84, and re-recorded on September 25, 2008 in said Register's Office in Record Book 2768 at Page 702.

AND ALSO, all of the rights, privileges, and common elements appertaining to the above described Units as set forth in said Master Deed establishing Main Street Inn Horizontal Property Regime and the related By-Laws.

This being the same property conveyed to Festiva Development Group, LLC by deed of Main Street Inn, LLC recorded on September 18, 2008 in said Register's Office in Record Book 2765 at Page 1818, and by corrective deed of Main Street Inn, LLC recorded on October 8, 2008 in said Register's Office in Record Book 2772 at Page 2539.

SAID PROPERTY is conveyed subject to all applicable, covenants, conditions, restrictions, and easements of record, including, without limitation, that certain Declaration of Covenants, Conditions and Restrictions for Main Street Subdivision of Hilton Head Plantation recorded in said Register's Office in Deed Book 466 at Page 831.

SAID PROPERTY is further conveyed subject to that certain mortgage from Main Street Inn, LLC to Main Street Inn Development Company, LLC recorded in said Register's Office in Record Book 2205 at Page 896.



**AFFIDAVIT OF CONSIDERATION FOR REAL ESTATE TRANSFER FEE, PURSUANT
TO TOWN OF HILTON HEAD ISLAND ORDINANCE 90-26, SECTION 4-5-100,
CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA**

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

AFFIDAVIT OF CONSIDERATION

PERSONALLY appeared before me Herbert H. Patrick, Jr., who, being duly sworn, deposes and says that the following is a true and correct statement concerning the consideration for the conveyance set forth below:

GRANTOR: **FESTIVA DEVELOPMENT GROUP, LLC**, a Nevada limited liability company

GRANTEE: **MAIN STREET INN, LLC**, a Nevada limited liability company

GRANTEE MAILING ADDRESS: One Vance Gap Road, Asheville, NC 28805

DATE OF DEED: February 25th, 2010

CONSIDERATION: No pecuniary consideration; transfer between affiliated entities.

PROPERTY DESCRIPTION (TAX MAP/PARCEL NO.): R510-007-00B-0019-0001, 0002, 0003, 0004, 0102, 0104, 0106, 0108, 0112, 0114, 0116, 0118, 0202, 0204, 0206, 0208, 0210, 0212, 0214, 0216, 0218, 0220, 0222, 0224, 0226, 0302, 0304, 0306, 0308, 0310, 0312, 0314, 0316, 0318, 0320, 0322, and 0324.

EXEMPTION (if applicable): This transfer is exempt from the fee requirement of Town Ordinance 90-26 based on Section 4-5-80, subparagraph _____.

Festiva Development Group, LLC, a
Nevada limited liability company

By: Herbert H. Patrick, Jr. (SEAL)
Herbert H. Patrick, Jr., President

SWORN TO and subscribed before me this
25th day of February, 2010.

Miriam M. Day
NOTARY PUBLIC FOR NORTH CAROLINA
My Commission Expires: 10/30/2013



RMC OFFICE AND TOWN USE ONLY

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BEAUFORT COUNTY TAX MAP REFERENCE

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EXHIBIT "B" TO SUPPLEMENT

As-Built Survey

| Model | Model | Model |
|-----------|-----------|-----------|
| Model 1 | Model 2 | Model 3 |
| Model 4 | Model 5 | Model 6 |
| Model 7 | Model 8 | Model 9 |
| Model 10 | Model 11 | Model 12 |
| Model 13 | Model 14 | Model 15 |
| Model 16 | Model 17 | Model 18 |
| Model 19 | Model 20 | Model 21 |
| Model 22 | Model 23 | Model 24 |
| Model 25 | Model 26 | Model 27 |
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| Model 34 | Model 35 | Model 36 |
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| Model 295 | Model 296 | Model 297 |
| Model 298 | Model 299 | Model 300 |
| Model 301 | Model 302 | Model 303 |
| Model 304 | Model 305 | Model 306 |
| Model 307 | Model 308 | Model 309 |
| Model 310 | Model 311 | Model 312 |

Rehab center plans on the table

Businesses are riled over a proposal that would turn The Main Street Inn & Spa into an inpatient treatment center.

By TOM BARTON

tbarton@islandpacket.com
843-706-8169

Plans to turn The Main Street Inn & Spa, a boutique hotel on Hilton Head Island, into an inpatient treatment center for patients suffering from drug and alcohol addiction and mental health disorders are upsetting nearby business owners.

Town Council's Planning and Development Standards Committee voted unanimously Thursday to recommend to the full council that the property be rezoned to allow the change.

"I respect their fears, but I don't believe there's much substance behind



TOM BARTON • Staff photo
Main Street Inn & Spa on Hilton Head Island. The 33-room hotel is being offered to a buyer who plans to turn it into a treatment center for drug, alcohol and mental health issues.

and offices along Main Street that provide medical, dental and psychiatric care.

Nester said the buyer, Behavioral Health Solutions, operates several facilities across the U.S. that treat addictions and psychological disorders, including licensed residential rehab centers in California, Florida, Massachusetts and Oregon.

"This is for individuals whose

family and friends have come to them and said, 'You have a problem, and you need some inpatient therapy to help you with your problem,' " Nester said. "The proposed operator will not allow someone to be admitted unless they want to be admitted. ... You will not have a police van and (officers) exiting someone in handcuffs. There won't be bars on the windows or change in the look of the building."

Owners and managers of neighboring shops and restaurants, however, worry they'll lose business they get from the inn's guests and argue such a treatment center is inappropriate for the commercial area.

"It takes away visitors who are spending money to eat in our restaurants and shop in our stores," Brian Bambeck, owner and operator of Mangiamo restaurant, said Thursday. "...I didn't mortgage my life away to build a business next to a mental hospital."

SERG Restaurant Group, Quality Inn & Suites and Pyra-

mids gift store voiced concerns at a Nov. 10 Commission meeting. The commission also is considering rezoning.

Nester argues rezoning will be "a win-win" for the area and its residents. "We're a family and friends at nearby hotels and businesses while receiving treatment. The area could see business from the professionals who work at the center, and would still be needed for housekeeping."

Bambeck disagrees. "Family members will drive up, drop their kids and drive away. They're not there to shop and visit. They're coming here to relax and have a party."

Town Council is scheduled to take up the issue Dec. 10.

Follow reporter Tom Barton at twitter.com/IPBG_

Please see REHAB on 9A

ON THE WEB

Click on this story at islandpacket.com to view video discussing plans to turn The Main Street Inn & Spa on Hilton Head Island into a drug and alcohol rehab and mental health clinic.

Hilton Head Com Dev.

Consider what happened at Tulifiny in Pritchardville and, after that with the weight loss facility. The owners are now having to take it back. And in

what condition? Main St is an asset and very unusual for Hilton Head (alternative to big commercial hotels). We don't want to sacrifice the character of Hilton Head.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, CM, *Town Manager*
VIA: Charles Cousins, AICP, *Director of Community Development*
FROM: Jennifer B. Ray, ASLA, *Urban Designer*
DATE: December 19, 2013
SUBJECT: Proposed Chaplin Linear Park – Schematic Design Plans

Recommendation: Staff recommends Town Council approve the Schematic Master Plan for the proposed Chaplin Linear Park to be used to further develop detailed plans for permitting and construction.

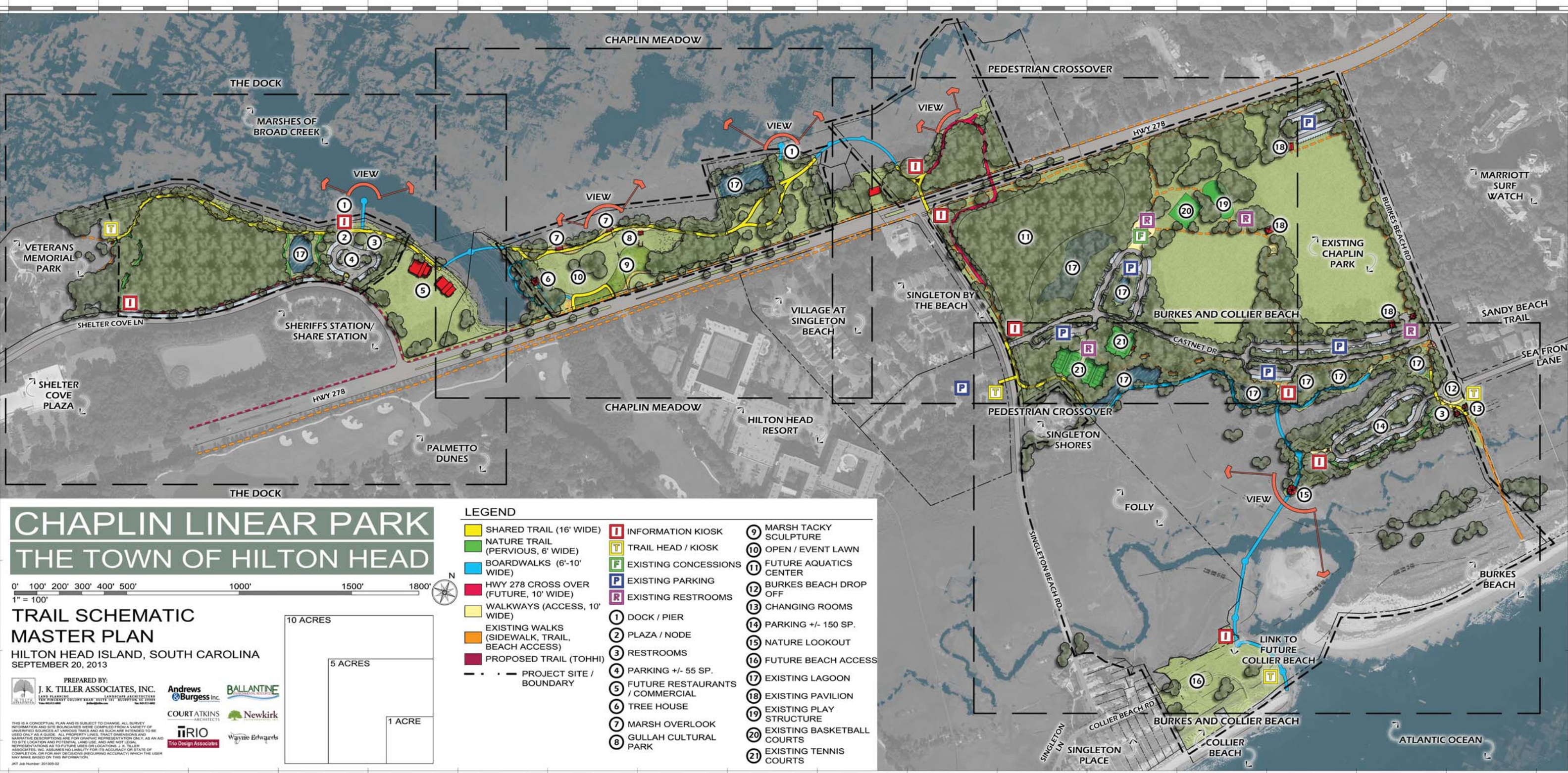
Summary: Town Council previously identified Chaplin Linear Park and Boardwalk as one of its Targets for Action as a Top Priority. In August 2012, Council authorized staff to move forward with design, permitting, and construction for the park based on a concept plan that included gateways to the Broad Creek and the Atlantic Ocean, a linear park trail connecting the Shelter Cove area with Collier Beach Park, upgrades to Collier Beach Park, upgrades to Chaplin Park, pedestrian enhancements and crossings, enhanced parking, and additional signage. J.K. Tiller Associates has been hired by the Town of Hilton Head Island to provide detailed design, permitting, and construction phase services for the Chaplin Linear Park. The Schematic Master Plan has been developed based on the concept plan approved by Town Council.

Background: The Chaplin Linear Park will provide a unique opportunity for both recreation and environmental observation and education for Island residents and visitors. The linear park will connect the proposed Shelter Cove Community Park and the existing Veterans Memorial Park on Broad Creek to the existing Chaplin Park and Collier Beach Park on the Atlantic Ocean

Key features of the park as shown on the attached schematic master plan (prepared by J.K. Tiller Associates, dated September 20, 2013) include a 16' wide paved trail that follows the edge of the marsh; parking and restrooms; fishing & observation piers; a pedestrian bridge at the Broad Creek inlet; a tree house/observation tower and canopy walk; connections to existing park trails and pathways; a marsh-edge boardwalk; a nature pavilion; restrooms, changing rooms, and additional beach parking; a boardwalk across the folly connecting Chaplin Park to Collier Beach Park, and site furnishings and signage including trail head and information kiosks, interpretational signage, and way-finding. Cost estimates prepared based on the Schematic Master Plan represent a +/- \$8 - 9 million investment. A +/- \$2 - \$2.5 million phase 1 project could include the paved trail, the pedestrian bridge at the Broad Creek inlet, and parking at either end of the trail.

The Parks and Recreation Commission moved to approve the Schematic Master Plan as presented on November 14, 2013. The primary comments received from the Parks and Recreation Commission focused on pedestrian safety and the priority of moving pedestrians away from William

Hilton Parkway, park maintenance, parking naming, and the inclusion of a harder surface at the end of Burkes Beach Road at the beach access point. The Planning Commission discussed the project at their November 20, 2013 meeting and shared concerns regarding pedestrian safety as well as environmental concerns related to the Folly, Collier Beach, and the boardwalk connection from Chaplin Park. On December 17, 2013 the Public Facilities Committee voted 2-1 to approve the schematic master plan and to move forward with phase 1 construction.



CHAPLIN LINEAR PARK

THE TOWN OF HILTON HEAD

0' 100' 200' 300' 400' 500' 1000' 1500' 1800'

1" = 100'

TRAIL SCHEMATIC

MASTER PLAN

HILTON HEAD ISLAND, SOUTH CAROLINA

SEPTEMBER 20, 2013

PREPARED BY:

J. K. TILLER ASSOCIATES, INC.

LAND PLANNING LANDSCAPE ARCHITECTURE

100 PARKWAY DRIVE SUITE 101 HILTON HEAD, SC 29928

PH: 843.681.0000

Andrews Burgess Inc.

BALLANTINE

COURT ATKINS ARCHITECTS

Newkirk

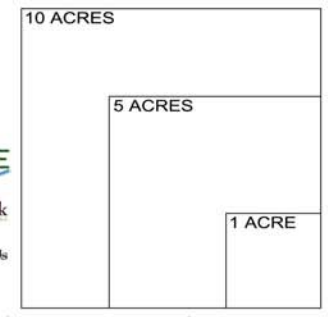
Wayne Edwards

TRIO

TRIO Design Associates

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JKT Job Number: 201305-02



- #### LEGEND
- SHARED TRAIL (16' WIDE)
 - NATURE TRAIL (PERVIOUS, 6' WIDE)
 - BOARDWALKS (6'-10' WIDE)
 - HWY 278 CROSS OVER (FUTURE, 10' WIDE)
 - WALKWAYS (ACCESS, 10' WIDE)
 - EXISTING WALKS (SIDEWALK, TRAIL, BEACH ACCESS)
 - PROPOSED TRAIL (TOHHI)
 - PROJECT SITE / BOUNDARY
 - INFORMATION KIOSK
 - TRAIL HEAD / KIOSK
 - EXISTING CONCESSIONS
 - EXISTING PARKING
 - EXISTING RESTROOMS
 - DOCK / PIER
 - PLAZA / NODE
 - RESTROOMS
 - PARKING +/- 55 SP.
 - FUTURE RESTAURANTS / COMMERCIAL
 - TREE HOUSE
 - MARSH OVERLOOK
 - GULLAH CULTURAL PARK
 - MARSH TACKY SCULPTURE
 - OPEN / EVENT LAWN
 - FUTURE AQUATICS CENTER
 - BURKES BEACH DROP OFF
 - CHANGING ROOMS
 - PARKING +/- 150 SP.
 - NATURE LOOKOUT
 - FUTURE BEACH ACCESS
 - EXISTING LAGOON
 - EXISTING PAVILION
 - EXISTING PLAY STRUCTURE
 - EXISTING BASKETBALL COURTS
 - EXISTING TENNIS COURTS

CHAPLIN LINEAR PARK THE TOWN OF HILTON HEAD

0' 50' 100' 150' 200' 250' 500'
1" = 50'

N

THE DOCK
SCHEMATIC PLAN
HILTON HEAD ISLAND, SOUTH CAROLINA
SEPTEMBER 20, 2013

PREPARED BY:
J. K. TILLER ASSOCIATES, INC.
LANDSCAPE ARCHITECTURE
1000 PINEAPPLE COUNTRY ROAD SUITE 101 KILPATRICK, SC 29556
803.465.1400

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Andrews & Burgess Inc.
PLANNING & DESIGN

COURT ATKINS
ARCHITECTS

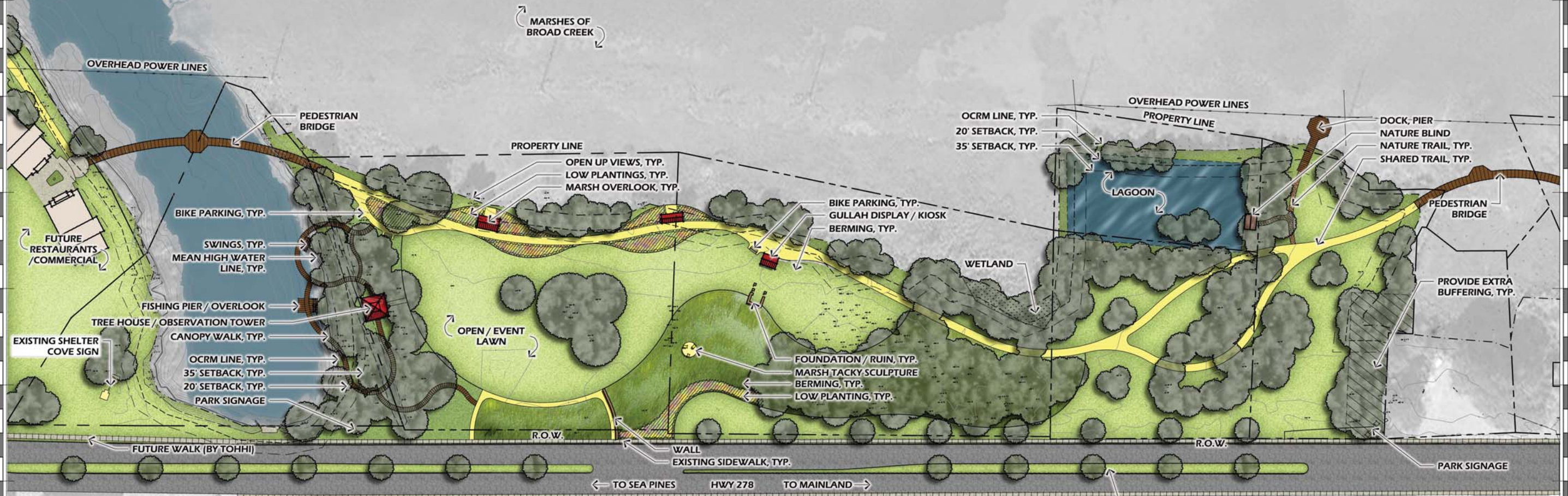
Trio
Trio Design Associates

BALLANTINE
ENVIRONMENTAL RESOURCE

Newkirk
LANDSCAPE ARCHITECTS

Wayne Edwards
LANDSCAPE ARCHITECTS





CHAPLIN LINEAR PARK

THE TOWN OF HILTON HEAD

0' 50' 100' 150' 200' 250' 500'

1" = 50'

CHAPLIN MEADOW
SCHEMATIC PLAN
HILTON HEAD ISLAND, SOUTH CAROLINA
SEPTEMBER 20, 2013

PREPARED BY:
J. K. TILLER ASSOCIATES, INC.

Andrews & Burgess Inc.
BALLANTINE
COURT ATKINS ARCHITECTS
NEWKIRK
Wayne Edwards

TRIO
Trio Design Associates

THIS IS A CONCEPTUAL PLAN AND IS SUBJECT TO CHANGE. ALL SURVEY INFORMATION AND SITE BOUNDARIES WERE COMPILED FROM A VARIETY OF UNVERIFIED SOURCES AT VARIOUS TIMES AND AS SUCH ARE INTENDED TO BE USED ONLY AS A GUIDE. ALL PROPERTY LINES, TRACT DIMENSIONS AND NARRATIVE DESCRIPTIONS ARE FOR GRAPHIC REPRESENTATION ONLY, AS AN AID TO SITE LOCATION AND POTENTIAL LAND USE, AND ARE NOT LEGAL REPRESENTATIONS AS TO FUTURE USES OR LOCATIONS. J. K. TILLER ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ITS ACCURACY OR STATE OF COMPLETION, OR FOR ANY DECISIONS (REQUIRING ACCURACY) WHICH THE USER MAY MAKE BASED ON THIS INFORMATION. PICTURES TAKEN FROM VARIOUS WEBSITES.

JKT Job Number 201305-03



CHAPLIN LINEAR PARK

THE TOWN OF HILTON HEAD

0' 50' 100' 150' 200' 250' 500' N
1" = 50'

PEDESTRIAN CROSSOVER SCHEMATIC PLAN

HILTON HEAD ISLAND, SOUTH CAROLINA
SEPTEMBER 20, 2013

PREPARED BY:
J. K. TILLER ASSOCIATES, INC.
LANDSCAPE ARCHITECTS
1000 PINEAPPLE COUNTRY ROAD SUITE 101 HILTON HEAD, SC 29928
843.724.1111

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ARCHITECTS

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Wayne Edwards
LANDSCAPE ARCHITECTS

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JKT Job Number: 201305-03

AT GRADE
PEDESTRIAN
CROSSING

TIE
WALKWAY
INTO
EXISTING
PARKING
LOT
TRAIL
HEAD /
KIOSK

SHARED TRAIL

EXISTING
TENNIS
COURTS

EXISTING
TENNIS
COURTS

EXISTING BIKE TRAIL, TYP.
35' SETBACK, TYP.
20' SETBACK, TYP.
FOLLY BOARDWALK, TYP.
OCRM LINE, TYP.

LAGOON

EXISTING PARKING

EXISTING PARKING

EXISTING RESTROOMS
EXISTING PAVILION

EXISTING PARKING

CASTNET DR

LAGOON

INFORMATION KIOSK

FOLLY BOARDWALK, TYP.

NATURE PAVILION, TYP.

OBSERVATION POINT, TYP.

FOLLY BOARDWALK, TYP.

OCRM SETBACK
OCRM LINE, TYP.

INFORMATION KIOSK & LINK TO FUTURE
COLLIER BEACH PARK
EXISTING RIP RAP

BOARDWALK, TYP.

TRAIL HEAD / KIOSK

BOARDWALK RAMP, TYP.

EMERGENCY BEACH ACCESS, TYP.

SANDY BEACH TRAIL

PARK SIGNAGE
OPEN UP VIEWS
ROOKERY / LAGOON

BENCH, TYP.

SEA FRONT LANE

BIKE PARKING, TYP.
RESTROOMS, TYP.
TRAIL HEAD / KIOSK
DROP OFF
CHANGING ROOMS,
TYP.
SHOWER AREA

35' SETBACK, TYP.
20' SETBACK, TYP.
OCRM LINE, TYP.

BEACH ACCESS TRAIL
OCRM LINE, TYP.

OCRM
SETBACK

OCRM
BASE
LINE

BURKES BEACH

ATLANTIC OCEAN

COLLIER
BEACH

OCRM
BASE
LINE

CHAPLIN LINEAR PARK THE TOWN OF HILTON HEAD

0' 60' 120' 180' 240' 300' 600' N
1" = 60'

BURKES AND COLLIER BEACH SCHEMATIC PLAN HILTON HEAD ISLAND, SOUTH CAROLINA SEPTEMBER 20, 2013

PREPARED BY:
J. K. TILLER ASSOCIATES, INC.
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1000 PINEAPPLE COUNTRY ROAD SUITE 101 HILTON HEAD, SC 29928
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JKT Job Number: 201305-03



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, CM, *Town Manager*
VIA: Charles Cousins, AICP, *Director of Community Development*
FROM: Jennifer B. Ray, ASLA, *Urban Designer*
DATE: December 19, 2013
SUBJECT: Proposed Chaplin Linear Park – Schematic Design Plans

Recommendation: Staff recommends Town Council approve the Schematic Master Plan for the proposed Chaplin Linear Park to be used to further develop detailed plans for permitting and construction.

Summary: Town Council previously identified Chaplin Linear Park and Boardwalk as one of its Targets for Action as a Top Priority. In August 2012, Council authorized staff to move forward with design, permitting, and construction for the park based on a concept plan that included gateways to the Broad Creek and the Atlantic Ocean, a linear park trail connecting the Shelter Cove area with Collier Beach Park, upgrades to Collier Beach Park, upgrades to Chaplin Park, pedestrian enhancements and crossings, enhanced parking, and additional signage. J.K. Tiller Associates has been hired by the Town of Hilton Head Island to provide detailed design, permitting, and construction phase services for the Chaplin Linear Park. The Schematic Master Plan has been developed based on the concept plan approved by Town Council.

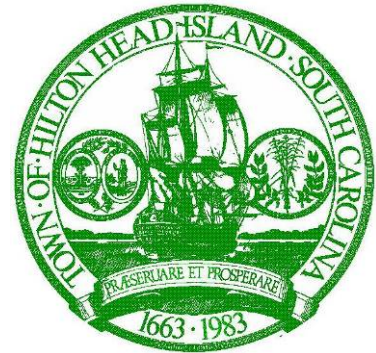
Background: The Chaplin Linear Park will provide a unique opportunity for both recreation and environmental observation and education for Island residents and visitors. The linear park will connect the proposed Shelter Cove Community Park and the existing Veterans Memorial Park on Broad Creek to the existing Chaplin Park and Collier Beach Park on the Atlantic Ocean

Key features of the park as shown on the attached schematic master plan (prepared by J.K. Tiller Associates, dated September 20, 2013) include a 16' wide paved trail that follows the edge of the marsh; parking and restrooms; fishing & observation piers; a pedestrian bridge at the Broad Creek inlet; a tree house/observation tower and canopy walk; connections to existing park trails and pathways; a marsh-edge boardwalk; a nature pavilion; restrooms, changing rooms, and additional beach parking; a boardwalk across the folly connecting Chaplin Park to Collier Beach Park, and site furnishings and signage including trail head and information kiosks, interpretational signage, and way-finding. Cost estimates prepared based on the Schematic Master Plan represent a +/- \$8 - 9 million investment. A +/- \$2 - \$2.5 million phase 1 project could include the paved trail, the pedestrian bridge at the Broad Creek inlet, and parking at either end of the trail.

The Parks and Recreation Commission moved to approve the Schematic Master Plan as presented on November 14, 2013. The primary comments received from the Parks and Recreation Commission focused on pedestrian safety and the priority of moving pedestrians away from William

Hilton Parkway, park maintenance, parking naming, and the inclusion of a harder surface at the end of Burkes Beach Road at the beach access point. The Planning Commission discussed the project at their November 20, 2013 meeting and shared concerns regarding pedestrian safety as well as environmental concerns related to the Folly, Collier Beach, and the boardwalk connection from Chaplin Park. On December 17, 2013 the Public Facilities Committee voted 2-1 to approve the schematic master plan and to move forward with phase 1 construction.

Memo



To: Stephen G. Riley, Town Manager

Via: Scott Liggett, Director of Public Projects &
Facilities / Chief Engineer
Mitch Thoreson, Town Attorney's Office

From: Jeff Buckalew, Town Engineer

Subject: Proposed Town Policy for Dedication and Acceptance of Private Road Right of Way

Date: January 7, 2014

Recommendation:

Staff recommends Town Council approve the attached policy for the dedication and acceptance of private road rights of way to the Town for perpetual maintenance.

Summary:

At their December 17, 2013 meeting, the Public Facilities Committee approved a motion to forward the above recommendation to Town Council for consideration. A formal policy is needed for the Town's consideration and acceptance of private road dedications. The Town has been approached by private road owners desiring to dedicate their roads to the Town for public ownership and perpetual maintenance responsibilities. The policy strives to serve the public interest, while defending against placing a public burden on maintaining private interests. The acceptance of more roads will have a direct impact on future road maintenance budgets, staff obligations, and potentially the level of services provided and the Capital Improvements Program. Beaufort County has recently approved a similar policy (attached), with which staff has tried to avoid conflicting philosophies.

Background:

The current inventory of Town maintained roads includes 50 roads, totaling 11.60 miles. It had been the policy of the Town to ultimately convey ownership of our roads to the County for perpetual maintenance; however the County has recently rejected the Town's dedication offer of 31 roads. Thus a new paradigm is required regarding both the acquisition and long term maintenance of Town roads. The Engineering Division operating budget includes a newly created category for road maintenance, with \$180,000 allotted for this fiscal year. Future budgets will likely require additional funding as the inventory and maintenance needs increase.

Staff's assessments and recommendations for the road's being dedicated shall consider the funding implications. Town Council may elect to defer the timing of the acceptance for maintenance responsibilities contingent on pending or future budget approvals. The roads being offered may require extensive maintenance repairs or even capital improvements. Surface or pavement failures, sub-standard width, sub-standard signs, pavement markings, and inadequate drainage infrastructure may need to be addressed in the short term. Pathways or sidewalks may also be recommended, which would require capital funding.

Furthermore, the Town's Land Management Ordinance (Sec 16-5-513) requires that all streets offered for public dedication shall be constructed and surfaced with finished paving in conformance with the latest edition of the Standard Specifications for Highway Construction, South Carolina Department of Transportation. If there is no such documentation for the dedicated roads, the applicant should bear the cost of additional testing and inspections. This policy reserves the right to require the road owner to make repairs or provide testing data if deemed necessary.

TOWN OF HILTON HEAD ISLAND
(DRAFT) POLICY FOR THE DEDICATION AND
ACCEPTANCE OF PRIVATE ROAD RIGHTS OF WAY

January 7, 2014

The Town desires a policy for the dedication and acceptance of private roads that clearly defines the requirements and procedures for the offer of dedication and further to guide staff and Town Council in the decision to accept or reject the offer. The Town Council of Hilton Head Island has approved the following policy on the management of these dedications and their disposition.

The following definitions are intended for use with this policy:

Town Road – Any road or street, paved or unpaved, improved or unimproved, that is owned and maintained by the Town of Hilton Head Island and available for use by the traveling public.

Public Road – Any road or street, that is owned and maintained by a public or governmental entity and available for use by the traveling public; all Town roads are public roads.

Private Road – Any road or street, that is owned and maintained by a privately-held landowner or multiple landowners, be they an individual, multiple individuals, or a corporation, and that is situated in a dedicated right-of-way recorded with the Beaufort County Register of Deeds, and subdivided from adjoining parcels.

Private Driveway - Any facility providing vehicular access, that is owned and maintained by a privately-held landowner or multiple landowners, be it an individual, multiple individuals, or a corporation, that is not situated within a readily identifiable dedicated right-of-way subdivided from adjoining parcels.

Dwelling Unit – A building, or a portion of a building, providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

ACCEPTANCE CRITERIA

To be considered for acceptance of ownership and perpetual maintenance responsibility by the Town of Hilton Head Island, a private road must:

1. Be situated in a readily identifiable, dedicated right-of-way recorded with the Beaufort County Register of Deeds;
2. Be directly accessible by and connected to a public road;

3. Provide exclusive access to at least six (6) dwelling units or multiple non-residential properties, or have an Annual Average Daily Traffic (AADT) volume of one thousand (1,000) or greater;
4. Be formally proposed for acceptance by the Town of Hilton Head Island via submission of a road dedication application as defined herein by the roadway's owner or owners;
5. Be free of liens against (or other clouds on) title to the road's dedicated right-of-way, and be free of any other covenants, restrictions, or encumbrances substantially affecting the Town's ability to use the road as a Town Road; and
6. Be situated within a dedicated right-of-way of a minimum width that satisfies the requirements of Section 16-5-504 of the Town's Land Management Ordinance.
7. All streets offered for public dedication shall be constructed and surfaced with finished paving in conformance with the latest edition of the Standard Specifications for Highway Construction, South Carolina Department of Transportation (per Section 16-5-504 of the Town's Land Management Ordinance).

ROAD RIGHT OF WAY DEDICATION APPLICATION PROCEDURE

1. A completed Application for Road Right of Way Dedication must be submitted to the Town of Hilton Head Island by the owner(s) of the private road right of way. It will be the applicant's responsibility to have each and every owner sign the application. One hundred percent participation on the part of the right of way (property) owners is required for acceptance consideration.
2. A complete application must include a copy of the deed on file that evidences the applicant's ownership of the road, a survey plat of the road right of way, and a topographic survey of the physical features within the road right of way. This plat and survey shall be certified by a professional land surveyor registered in South Carolina. The Town reserves the right to ask for additional information such as pavement corings and construction reports if deemed necessary for condition assessment and cost-estimating purposes. The Town further reserves the right to require the road owner to make certain repairs if deemed a necessary condition for acceptance. The application shall also include a right of entry to allow Town staff to inspect the right of way.
3. Applications shall be submitted to the Town Manager. The Town Manager will assign review of the application to the Town Engineer and Town Attorney.
4. The submission of a completed application indicates the property owners' willingness to:

- a. donate that amount of land needed to assemble a dedicated right-of-way of minimum width that satisfies the requirements of 16-5-504 of the Town's Land Management Ordinance,
 - b. donate any existing or proposed drainage easements that the Town Engineer considers necessary for adequate storm drainage conveyance, and
 - c. have the road designated for public use
5. Engineering staff shall assess the existing conditions of the right-of-way and develop an inventory of immediate, short-term, and long-term maintenance needs, as well as a cost estimate associated with each. This information shall include the Town Engineer's estimated costs of any potential rights-of-way and easement acquisition as outlined in the preceding item. This information will be provided to the Town Manager for consideration by Town Council accompanied by a staff recommendation on whether the Town should consider accepting the ownership and perpetual maintenance responsibility for the road. The staff recommendation shall include a discussion on the impacts to existing and future budgets, and whether improvements or compensation to address deficiencies by the roadway owner(s) is recommended.
6. Staff will present the offer of dedication and its recommendation as an item to the Public Facilities Committee and Town Council.
7. The Town Attorney shall advise the Town Manager when the acquisition process has been completed. The road will then be added to the Town's road inventory and the Town shall be responsible for perpetual maintenance, with a level of service based on a prioritization scheme and available funding.

ROADWAY INSPECTION

Once a complete Application for Road Right of Way Dedication is received, the Town Engineer shall determine the length of the road and the number of discrete dwelling units served by the road. The Town Engineer, or their designee, shall conduct an inspection of the existing roadway for the purpose of assessing needed repairs, surface conditions, drainage adequacy, and the estimated cost of bringing the road up to acceptable condition. A summary of these findings, along with staff comments and recommendations shall be documented and attached to the application. The inspection report shall include projected yearly maintenance cost as well as estimated life cycle replacement cost.

PUBLIC FACILITIES COMMITTEE

The Town Engineer shall prepare an agenda item summarizing all of the data regarding the subject road dedication. The agenda item shall include a recommendation of the Engineering Division to accept or reject the dedication. The Public Facilities Committee shall act on the staff recommendation and forward its recommendation to the full council.

TOWN COUNCIL

An affirmative vote by simple majority of Town Council is required for public acceptance of the road right of way.

RIGHT-OF-WAY DEEDS

Once Town Council has approved the acceptance of the dedication, the Town Attorney shall prepare the necessary right-of-way deeds. Each deed will reference the applicant's survey and plat of the proposed road right-of-way. The deeds will be mailed to the property owner(s) at the address used by the County Treasurer for property tax mailings. All deeds must be properly executed and returned to the Town Attorney and the Town Attorney must record the deed(s) with the Beaufort County Register of Deeds to consummate the acceptance of ownership and perpetual maintenance responsibilities.

NOW THEREFORE, BE IT RESOLVED, the Hilton Head Island Town Council does approve this Policy for Dedication and Acceptance of Private Road Rights of Way.

Adopted this ___ day of _____, 2014.

TOWN COUNCIL OF HILTON HEAD ISLAND

By: _____
Drew Laughlin, Mayor

ATTEST:

_____, Town Clerk

POLICY FOR THE ACCEPTANCE OF PRIVATE ROADS

Policy Statement (PS-15) adopted by County Council on July 28, 2003, outlined the County's policy with regard to "...WORKING ON PRIVATE PROPERTY". As a related issue, PS-15 also outlines a general procedure for qualifying and accepting private roads into the County's road maintenance inventory.

The demand for private road acceptance has grown significantly since the adoption of PS-15. County Council recognizes the necessity of treating private road acceptance as a separate issue, and wishes to clarify and refine the acceptance procedure. The new policy set forth herein is intended to supersede only those portions of PS-15 that deal with the acceptance of private roads and the definitions of "private road" and "private driveway".

Definitions:

1. Private road: a road, street or other vehicular pathway, paved or unpaved, that is owned and maintained by a non-governmental body (e.g., private individual or individuals), property owners association, developer, etc., and that has not been designated for public use
2. Private driveway: a vehicular pathway where ownership of the land abutting both sides of the pathway is the same
3. Dwelling unit: any residential unit including detached single-family dwellings, townhouse units, condominium units, individual apartments, and mobile homes; dwellings may be owner-occupied or rental units

Qualifying Requirements

To be considered for acceptance, a private road must meet each of the four criteria listed below:

1. ...not be a "private driveway as defined above
2. ...be directly accessible by a State or County road
3. ...serve at least six (6) dwelling units
4. ...Property owners must submit a "Road Acceptance Application" as outlined below

Road Acceptance Application

1. Submission of written application (petition): any property owner with land abutting a private road may request a "Road Acceptance Application" from the County Engineering Division
 - (a) Requests will be forwarded to the R/W Manager who will return an application form and a list of the names and mailing addresses of the abutting property owners

- (b) It will be the applicant's responsibility to have each and every owner sign the application and then return the completed document to the R/W Manager. One hundred per cent participation on the part of the property owners is required for acceptance consideration
 - (c) The R/W Manager will ensure that all necessary signatures have been obtained; he/she will notify the applicant of any deficiencies
2. The completed application indicates the property owners' willingness to
- (a) donate that amount of land needed to assemble a 50'-wide right-of-way (a lesser right-of-way may be considered if it can be demonstrated that it is not feasible to assemble a full 50' right-of-way)
 - (b) donate any existing or proposed drainage easements that the Public Works Dept. considers necessary for adequate drainage
 - (c) have the road designated for public use
3. The completed application also indicates the property owners' permission for County employees to enter their property, as necessary, for the purpose of inspecting the existing roadway, assessing drainage needs, and surveying the proposed 50' right-of-way.

Right-Of-Way Deeds

When it is determined that an application has been properly executed, the R/W Manager will prepare the necessary right-of-way deeds. Each deed will reference the County's survey of the proposed 50' right-of-way. The deeds will be mailed to the property owner at the address used by the County Treasurer for property tax mailings. All deeds must be properly executed and returned to the R/W Manager.

Road Inspection

R/W Manager will determine the length of the road and the number of discrete dwelling units served by the road. He/she will relay this information to the Public Works Director whose staff will conduct an inspection of the existing roadway for the purpose of assessing needed repairs, drainage adequacy, and the estimated cost of bringing the road up to acceptable condition. A summary of these findings, along with comments and recommendations, will be returned to the R/W Manager.

Public Facilities Committee Agenda Item

The R/W Manager will prepare an agenda item summarizing all the data regarding the subject road. The agenda item will include the recommendations, if any, of the Engineering Division and Public Works Dept.

Public Facilities Committee and County Council

An affirmative vote by simple majority, first by the Public Facilities Committee and then by County Council, is required for road acceptance.

NOW THEREFORE, BE IT RESOLVED, the Beaufort County Council does approve the Policy for the Acceptance Private Roads.

Adopted this _____ day of _____, 2013.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST:

Suzanne M. Rainey, Clerk to Council

COUNTY COUNCIL OF BEAUFORT COUNTY

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D. PAUL SOMMERVILLE
CHAIRMAN

STEWART H. RODMAN
VICE CHAIRMAN

COUNCIL MEMBERS

CYNTHIA M. BENSCH
RICK CAPORALE
GERALD DAWSON
BRIAN E. FLEWELLING
STEVEN G. FOBES
WILLIAM L. MCBRIDE
GERALD W. STEWART
ROBERTS "TABOR" VAUX, JR.
LAURA L. VON HARTEN

Committee Members:

Gerald Dawson, Chairman
Steve Fobes, Vice Chairman
Cynthia Bensch
Rick Caporale
Brian Flewelling
William McBride
Jerry Stewart

GARY KUBIC
COUNTY ADMINISTRATOR

BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

JOSHUA A. GRUBER
COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA PUBLIC FACILITIES COMMITTEE

Monday, October 21, 2013

4:00 p.m.

Conference Room, Building 2, Beaufort Industrial Village
102 Industrial Village Road, Beaufort

Staff Support:

Rob McFee, Division Director

1. CALL TO ORDER – 4:00 P.M.
2. RESOLUTION FOR SAFETY ENHANCEMENTS IN THE WINDMILL HARBOUR, BLUE HERON AND JENKINS ISLAND AREA ([backup](#))
(Windmill Harbour POA and Blue Heron POA exhibits)
3. AN ORDINANCE AUTHORIZING THE TRANSFER OF ANY COUNTY-OWNED INTEREST IN BOWLING LANE AND ANY ADJOINING OR CONNECTING EASEMENTS TO THE CITY OF BEAUFORT, SOUTH CAROLINA ([backup](#))
4. PALMETTO ELECTRIC COOPERATIVE UTILITY EASEMENT ON COUNTY PROPERTY ([backup](#))
5. PROPOSED POLICY FOR THE ACCEPTANCE OF PRIVATE ROADS (POLICY STATEMENT #17) ([backup](#))
6. CONSIDERATION OF CONTRACT AWARDS
 - A. Household Hazardous Waste Collection Services Contract Extension ([backup](#))
 - B. Ferguson Enterprises Contract Renewal for High Density Polyethylene Pipe (HDPE) with Stormwater Management ([backup](#))
7. DISCUSSION / INFORMATION ONLY
 - A. Change Order 10 - SC 170 Widening Construction / Beaufort County Sales Tax Project #3 ([backup](#))
 - B. Change Order 11 - SC 170 Widening Construction / Beaufort County Sales Tax Project #3 ([backup](#))
8. ADJOURNMENT



E. AN ORDINANCE AUTHORIZING ISSUANCE OF AN EASEMENT TO PALMETTO ELECTRIC COOPERATIVE UTILITY ON COUNTY PROPERTY (backup)

1. Consideration of approval to occur October 28, 2013
2. Public Facilities Committee discussion and recommendation to approve occurred October 21, 2013 / Vote 6:0

F. POLICY FOR THE ACCEPTANCE OF PRIVATE ROADS (NEW POLICY STATEMENT #17) (backup)

1. Consideration of approval to occur October 28, 2013
2. Public Works Committee discussion and recommendation to approve occurred October 21, 2013 / Vote 6:0

G. HOUSEHOLD HAZARDOUS WASTE COLLECTION SERVICES CONTRACT EXTENSION (backup)

1. Contract award: CARE Environmental, Inc., Valdosta, Georgia
2. Contract amount: Dependent upon the amount of material received, but not expected to exceed \$80,000
3. Contract funding: Account 1001340-51160, Professional Services
4. Public Works Committee discussion and recommendation to approve occurred October 21, 2013 / Vote 6:0

13. PUBLIC COMMENT

14. ADJOURNMENT



**COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY ENGINEERING DEPARTMENT**
102 Industrial Village Road, Building #3, Beaufort, SC 29906
Post Office Drawer 1228, Beaufort, SC 29901-1228
Telephone: 843-255-2700 Facsimile: 843-255-9420

TO: Councilman Gerald Dawson, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator
Josh Gruber, Staff Attorney

FROM: Robert McFee, Director of Engineering and Infrastructure

SUBJ: **Proposed Policy for the Acceptance of Private Roads (PS-17)**

DATE: October 15, 2013

BACKGROUND: A draft version of PS-17, Policy for the Acceptance of Private Roads was presented to the Public Facilities Committee on September 25, 2012. The purpose of the policy was to clarify and refine private road acceptance procedures. As written, the proposed policy would have disqualified private roads with abutting "heirs properties". The Committee had reservations concerning this disqualifier, and voted to recommend that Council not approve the new policy. On October 8, 2012, the Council Chairman, without objection, referred this matter back to the Public Facilities Committee.

The language regarding "heirs properties" has been removed. The policy is once again being presented to the Committee for consideration.

FOR ACTION: Public Facilities Committee on October 21, 2013.

RECOMMENDATION: The Public Facilities Committee approve and recommend to County Council the Policy for the Acceptance of Private Roads (PS-17).

JRMjr/EWK/cvs

Attachments: 1) Draft of Proposed PS-17
2) Public Facilities Committee Minutes 9-25-12
3) County Council Minutes 10-8-12

cc: Eddie Bellamy, Director Public Works

ROW/PS-17



MEMORANDUM

TO: Town Council

FROM: Stephen G. Riley, Town Manager

VIA: Susan Simmons, Director of Finance

DATE: December 26, 2013

RE: **First Reading of Proposed Ordinance No. 2014-02**

Recommendation:

Staff recommends Council approve first reading of Proposed Ordinance No. 2014-02 amending fiscal year 2014 General Fund' budget for the removal of two abandoned boats.

Summary:

This ordinance adds \$175,000 to the General Fund, Facilities Management budget for the estimated cost plus a contingency reserve for the removal of the two boats. The source of funds is the fund balance or prior years' funds of the General Fund.

Background:

The Town has worked with state and federal authorities as well as the two boat owners to meet the legal requirements for removing the boats. At the point, the remaining recourse is for the Town to have them removed if it so desires.

Staff determined that transferring a portion of the funds from the Capital Projects Fund as originally recommended by the Director of Public Projects and Facilities was not desired when we discovered that the project's source of funds is property taxes. Such a transfer would have been a reclassification of millage which is not desired. Staff now proposes the entire boat removal be provided from the fund balance of the General Fund. There are adequate funds for this purpose.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.

PROPOSED ORDINANCE NO. 2014-02

AN ORDINANCE TO AMEND THE BUDGET FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, FOR THE FISCAL YEAR ENDING JUNE 30, 2014; TO PROVIDE FOR THE EXPENDITURES OF CERTAIN FUNDS; AND TO ALLOCATE THE SOURCES OF REVENUE FOR THE SAID FUNDS.

WHEREAS, Section 5-7-260 of the Code of Laws of South Carolina requires that a municipal council act by ordinance to adopt a budget and levy taxes, pursuant to public notice; and

WHEREAS, the Town Council did adopt the budget on June 18, 2013, and

WHEREAS, pursuant to the budget amendment policy as stated in the Town's annual budget document, the Town Council is desirous of amending the budget so as to provide for the expenditures and certain other commitments from the Fund Balance in the General Fund.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID TOWN COUNCIL:

Section 1 Amendment. The adopted 2014 fiscal year budget is amended to make the following changes as increases and decreases to the funds from prior years and to the projected revenue and expenditure accounts as follows:

General Fund

| <u>Account Description</u> | <u>Source of Funds</u> | <u>Amount</u> |
|--|------------------------|-------------------|
| Revenues: | | |
| Funds From Prior Years | | \$ 175,000 |
| Total Revenues | | \$ 175,000 |
| Expenditures: | | |
| PP&F/Facilities Mgmt. - Operating | | |
| Abandoned, Demo, and Clean Up of Property | Funds From Prior Years | \$ 175,000 |
| Total Expenditures | | \$ 175,000 |

ORDINANCE NO.

PROPOSED ORDINANCE NO. 2014-02

The effect of this amendment will be to increase the General Fund to \$35,300,434. The Capital Projects Fund at \$25,333,270, the Debt Service Fund at \$17,050,403 and the Enterprise Fund at \$5,152,835 remain unchanged.

Section 2 Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3 Effective Date. This Ordinance shall be effective upon its enactment by the Town Council of the Town of Hilton Head Island on this _____ day of _____, 2014.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF
HILTON HEAD ISLAND ON THIS ____ DAY OF _____, 2014.**

Drew A. Laughlin, Mayor

ATTEST:

Victoria L. Pfannenschmidt
Town Clerk

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____