



# **The Town of Hilton Head Island Regular Town Council Meeting**

**February 4, 2014**

**4:00 P.M.**

## **AGENDA**

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**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 Meeting – January 21, 2014
- 7) Report of the Town Manager**
  - a. Semi Annual Update of the Planning Commission – Gail Quick, Chairman
  - b. Semi-Annual Update of the Parks and Recreation Commission – Heather Rath, Chairman
  - c. 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 2013-26**

Second 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. Second Reading of Proposed Ordinance 2014-03**

Second Reading of Proposed Ordinance 2014-03 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, specifically rezoning 6.9 acres identified as Parcels 147B, 438, 147 and 440 on Beaufort County Tax Map 7 from IL, Light Industrial, to RM-4, Low Density Residential, and providing for severability and an effective date.

## **11) New Business**

### **a. Consideration of a Resolution – Palmetto Dunes Stormwater Agreement Amendments**

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, authorizing the execution of a second amendment to Drainage Agreement and a second amendment to Access, Drainage and Maintenance Easement with Palmetto Dunes Property Owners Association, Inc.

## **12) Executive Session**

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

## **13) Adjournment**

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

**Date:** Tuesday, January 21, 2014

**Time:** 4:00 P.M.

**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*; Scott Liggett, *Director of Public Projects and Facilities/Chief Engineer*; Susan Simmons, *Director of Finance*; Julian Walls, *Facilities Manager*; Brian Hulbert, *Staff Attorney*; Jennifer Ray, *Urban Designer*; Jayme Lopko, *Senior Planner*; Anne Cyran, *Senior Planner*; Melissa Cope, *Systems Analyst*; Vicki Pfannenschmidt, *Executive Assistant*

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

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**1) CALL TO ORDER**

Mayor Laughlin called the meeting to order at 4:00 p.m. and explained that Item 10.b. under Unfinished Business had been postponed at the request of the applicant and it would be placed on the February 4 Town Council meeting agenda.

**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**

None.

**6) Approval of Minutes**

**a. Town Council Meeting – January 7, 2014**

Mr. Harkins moved to approve. Mr. McCann seconded. The minutes of the January 7, 2014 Town Council meeting were approved by a vote of 6-0. Mr. Edwards abstained as he was not present at the meeting.

**7) Report of the Town Manager**

**a. Semi Annual Update of the Design Review Board – Scott Sodemann, Chairman**

Chairman Sodemann presented an activity report for the final six months of 2013.

**b. Semi-Annual Update of the Board of Zoning Appeals – Peter Kristian, Chairman**

Chairman Kristian presented an activity report for the final six months of 2013.

**c. Town Manager's Items of Interest**

Mr. Riley reported on some items of interest.

**d. 2013 Town Council Targets and Goals – year end update**

Mr. Riley noted the year end update was included in the packet and he would gladly address any questions from Council.

**8) Reports from Members of Council**

**a. General Reports from Council**

Mr. Harkins reported he attended the Economic Development Corporation Strategic Planning Sessions and stated he was encouraged by the quality of the work, the energy of the parties and the direction in which they are heading.

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

Mr. Williams said due to the Martin Luther King, Jr. Holiday the Committee would be meeting on Monday, January 27 at 10:00 a.m. He stated a representative from MASC would be present to discuss the upcoming legislative sessions.

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

No report.

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

No report.

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

No report.

**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 Thursday, January 23 at 8:30 a.m. to review Comparison Charts for the Zoning Districts and discuss Community Commercial versus Light Commercial Density.

**9) Appearance by Citizens**

Mr. Peter Ovens addressed Town Council concerning suggestions for the proposed USCB building site.

**10) Unfinished Business**

**a. Second Reading of Proposed Ordinance 2013-26**

Second 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.

Postponed at the request of the applicant as noted above.

**b. Second Reading of Proposed Ordinance 2014-02**

Second 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.

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

**11) New Business**

**a. First Reading of Proposed Ordinance 2014-03**

First Reading of Proposed Ordinance 2014-03 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, specifically rezoning 6.9 acres identified as Parcels 147B, 438, 147 and 440 on Beaufort County Tax Map 7 from IL, Light Industrial, to RM-4, Low Density Residential, and providing for severability and an effective date.

Mr. Williams moved to approve. Mrs. Likins 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; legal matters pertaining to a potential settlement of an ongoing dispute; legal matters pertaining to revisions of the Palmetto Dunes Stormwater Utility agreement; legal matters pertaining to a permitting dispute.

At 4:17 p.m. Mr. Harkins moved to go into Executive Session for the reasons given by the Town Manager. Mrs. Likins seconded. The motion was unanimously approved by a vote of 7-0.

Mayor Laughlin called the meeting back to order at 5:30 p.m. and stated there was no business as a result of the Executive Session.

**11)**

**b. Consideration of a Recommendation – Yard Debris Options- 5:30 p.m.**

Consideration of a Recommendation that the Town Council approve the Public Safety Committee's January 6, 2014 recommendation regarding Yard Debris Options.

Mr. Harkins moved to approve. Mrs. Likins seconded. Mr. Grant explained the Committee recommended Option 4 and he hoped it would pass so residents would have somewhere to take their yard debris due to the limitations at the Beaufort County Solid Waste site. Mr. Harkins expressed support and noted the plan would need to be evaluated during the year to ensure the needs of the community are being met.

Mr. Edwards asked about the costs for Option 4. Julian Walls approached the dais and answered questions concerning costs and proposed locations for pick up. Mr. Edwards stated that Option 4 did not have any provisions for residents who did not have the means to haul their debris to the drop off locations. Mr. Riley noted that conversations with community groups for assistance would need to take place.

Mr. Grant explained the two load per day limit at the Beaufort County site causes a hardship for many residents as they only have one day to clear and haul and can't go back numerous days in a row. He noted that of all the options, Option 4 was the most feasible way to handle the needs of the community. Mr. McCann stated he felt the two loads per day limit is a problem for many residents.

Maurice Orage, Dot Law, Nadine Chaplin, Viola Jones, Elinora Aiken, Louise Miller Coahen, Betty Davis, James Campbell, Mel Campbell, David Murray, Kernan Drazich, Michael Cohen and Thomas Curtis Barnwell spoke in opposition to the recommendation and the burning ban.

Mr. Edwards stated he was always against the burning ban and there is no simple solution to the problem. He said he feels it was a small problem and proper enforcement was what was needed. He suggested the burning ban be repealed until a solution that would work out for everyone can be brought forward.

Mr. McCann stated he would endorse Option 4 with two additional stipulations: 1) The Town would pursue the County to increase the limit of two loads per day to four loads per day during particular seasons and; 2) the Town permit open burning four days per year. Mrs. Likins said she supported Mr. McCann's suggestion. She added that the residents that spoke enlightened her as to what issues have come forward since the ban. She added that if the four days are approved for open burning, people with health problems could know in advance and make arrangements accordingly.

After lengthy discussion and input by all members of Council, Mr. McCann moved to send the item back to the Public Safety Committee to work with the staff on a revised proposal. Mr. Harkins seconded. Mr. Edwards emphasized the issue is Island-wide and not just in Ward 1. He stated there are many more issues in the burning ban concerning fire pits and recreational fires which cause problems for residents. Thomas Curtis Barnwell and Dot Law spoke encouraging Council to consider repealing the burning ban altogether. The motion to send the item back to the Public Safety Committee was unanimously approved by a vote of 7-0.

There was no action on the original motion for Item 11.b.

### **13) Adjournment**

Mr. Williams moved to adjourn. Mr. Harkins seconded. The motion was approved by a vote of 7-0. The meeting was adjourned at 6:32 p.m.

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Vicki Pfannenschmidt,  
Executive Assistant/Town Clerk

Approved:

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Drew A. Laughlin, Mayor



# Items of Interest

## February 4, 2014

### 1. Town News

Battalion Chief Michael Mayers has been hired as an intermittent Emergency Response Coordinator with the Department of Health and Human Services (HHS), Office of the Secretary, Assistant Secretary for Preparedness and Response, National Disaster Medical System (NDMS). Mick will remain with the Town. This is a part time position which will be activated when there are medical emergencies of National Significance. Mick will coordinate the Incident Response Coordination Team (IRCT) which is the overhead command and control for all federal HHS assets deployed as part of the NDMS. This includes Disaster Medical Assistance Teams (DMAT), Disaster Mortuary Operational Response Teams (DMORT), Veterinary Medical Assistant Teams (VMAT), and any number of public health assets.

(Contact Lavarn Lucas, Fire Chief at (843) 682-5153 or [lavarnl@hiltonheadislandsc.gov](mailto:lavarnl@hiltonheadislandsc.gov))

### 2. Noteworthy Events

- a) Some of the upcoming meetings at Town Hall:
- Planning Commission – February 5, 2014, 9:00 a.m.
  - Design Review Board – February 11, 2014, 1:15 p.m.
  - Parks and Recreation Commission – February 13, 2014, 3:30 p.m.
  - Intergovernmental Relations Committee, February 17, 2014, 10:00 a.m.
  - Accommodations Tax Advisory Committee – February 18, 2014, 9:00 a.m.
  - Town Council – February 18, 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](http://www.hiltonheadislandsc.gov) for meeting agendas.

### 2014 Hilton Head Island Events

Saturday & Sunday February 15 & 16, 2014 11:00am-6:00pm	Hilton Head Island Gullah Celebration	Honey Horn
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# TOWN OF HILTON HEAD ISLAND

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## *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:** January 22, 2014  
**SUBJECT:** ZMA130006 – Main Street Inn

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Town Council made no changes to proposed Ordinance No. 2013-26 as a result of first reading on January 7, 2014.



**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

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## *Community Development Department*

**TO:** Stephen G. Riley, ICMA~CM, *Town Manager*  
**VIA:** Teri B. Lewis, AICP, *LMO Official*  
**FROM:** Anne Cyran, AICP, *Senior Planner*  
**CC:** Charles Cousins, AICP, *Community Development Director*  
**DATE:** January 22, 2014  
**SUBJECT:** ZMA130008 – The Reserve on Old House Creek

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Town Council made no changes to proposed Ordinance No. 2014-03 as a result of first reading on January 21, 2014.

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**

**ORDINANCE NO. 2014-**

**PROPOSED ORDINANCE NO. 2014-03**

**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, SPECIFICALLY REZONING 6.9 ACRES IDENTIFIED AS PARCELS 147B, 438, 147 AND 440 ON BEAUFORT COUNTY TAX MAP 7 FROM IL, LIGHT INDUSTRIAL, TO RM-4, LOW DENSITY RESIDENTIAL, 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 ZMA130008, it is in the public interest that the subject 6.9 acre parcels be rezoned from IL (Light Industrial) to RM-4 (Low Density Residential); 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 January 8, 2014, 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 6-0-0 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 January 8, 2014, 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 6.9 acres identified as parcels 147B, 438, 147 and 440 on Beaufort County Tax Map 7 be rezoned from IL, Light Industrial, to RM-4, Low Density Residential.

**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: January 8, 2014  
First Reading: January 21, 2014  
Second Reading:

Approved as to form:

\_\_\_\_\_  
Gregory M. Alford, Town Attorney

Introduced by Council Member: \_\_\_\_\_



## **MEMORANDUM**

**TO:** Stephen G. Riley, ICMA-CM, Town Manager

**FROM:** Bryan McIlwee, PE, Assistant Town Engineer / Storm Water Manager

**VIA:** Scott Liggett, PE, Director of Public Projects and Facilities / Chief Engineer  
Jeff Buckalew, PE, Town Engineer

**DATE:** January 8, 2014

**SUBJECT:** Amended Storm Water Agreements and Easements with Palmetto Dunes  
Property Owners Association

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### **Recommendation:**

Staff recommends the Town amend the storm water maintenance and access agreements with Palmetto Dunes Property Owners Association, Inc. ("PDPOA") to include the addition of storm drainage easements that qualify for public service, are privately owned, and lie within the limits of the Planned Unit Developments (PUD) or Property Owners Associations (POA) which shares a storm drainage maintenance and access agreement with the Town.

### **Summary:**

The amendment to the storm water maintenance and access agreement reflects the addition of storm drainage easements from Hickory Cove Villas Phase I & II and St. Andrews Commons which are both located within the boundaries of Palmetto Dunes. PDPOA and the sub-POA's have executed drainage easement agreements which convey and dedicate the access and maintenance rights of the sub-POA to PDPOA. The exhibit delineating the areas of the Town's responsibility has been updated to reflect these additional easements. The Town will use storm water utility fee revenues to provide maintenance and improvements on those systems in accordance with the master

agreement with Palmetto Dunes.

**Background:**

After the creation of the Storm Water Utility, the Town offered to accept the maintenance responsibility of the storm water systems located within Planned Unit Developments. The Town has entered into agreements for access and drainage maintenance with Palmetto Dunes, among others.

Unbeknownst to the Town prior to the execution of the maintenance and access agreements, there exist storm drainage infrastructure systems that lie within property or easements where the PUD has no rights to maintain this infrastructure. Some smaller developments within the PUD have their own POA (Sub-POA) and have approached the Town wishing to dedicate maintenance of their drainage infrastructure. While the master PUD / POA may not hold sovereignty over these Sub-POA regimes with respect to storm drainage access and maintenance rights, staff believes it is most prudent for these Sub-POA to dedicate such rights to the master PUD / POA with which the Town has an agreement. This will allow staff and the PUD to better manage the maintenance of these systems by funneling all easement and work request through the PUD and allowing the Town to deal directly with a single entity per PUD area.

On November 8, 2012, Town Council approved a policy for the acquisition of these storm drainage easements that qualify for public service, are privately owned, and lie within the limits of a Planned Unit Development or Property Owners Association that shares a storm drainage maintenance and access agreement with the Town.

While this will increase the extents of the Town's responsibilities regarding storm water maintenance, no increase to the storm water utility fee is being recommended.

**Attachments:**

- Palmetto Dunes POA Second Amendment to Drainage Agreement
- Palmetto Dunes POA Second Amendment to Access, Drainage and Maintenance Easement and Partial Assignment
- Palmetto Dunes Revised Drainage Easement Exhibit (area of responsibility)

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO DRAINAGE AGREEMENT AND A SECOND AMENDMENT TO ACCESS, DRAINAGE AND MAINTENANCE EASEMENT WITH PALMETTO DUNES PROPERTY OWNERS ASSOCIATION, INC.**

WHEREAS, on October 25, 2011, the Town and Palmetto Dunes Property Owners Association, Inc. ("PDPOA") entered into a "Drainage Agreement" and "Access, Drainage and Maintenance Easement" (hereinafter collectively referred to as "the Drainage Agreement and Easement") relating to certain real property of PDPOA which, among other things, set forth the obligations of the parties relating to the performance of maintenance and related actions to the Drainage System located within Palmetto Dunes Plantation, and to grant the necessary easement(s) in connection therewith to the Town; and,

WHEREAS, the Town and PDPOA now wish to amend the Drainage Agreement and Easement for the purpose of incorporating additional property into, and as covered by, the Drainage Agreement and Easement; and,

WHEREAS, in order to amend the Drainage Agreement and Easement, it is necessary for the Town and PDPOA to execute a "Second Amendment to Drainage Agreement" and a "Second Amendment to Access, Drainage and Maintenance Easement", copies of which are attached hereto as Exhibit "A"; and

WHEREAS, the Town Council for the Town of Hilton Head Island, South Carolina has determined that it is in the best interests of the citizens and visitors of the Town of Hilton Head Island to undertake the actions stated above.



**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE  
TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA:**

1. The Mayor and/or Town Manager are hereby authorized to execute and deliver a Second Amendment to Drainage Agreement and a Second Amendment to Access, Drainage and Maintenance Easement in forms substantially similar to that which is attached hereto as Exhibit "A"; and
2. The Mayor and/or Town Manager are hereby authorized to take such other and further action as may be necessary to complete the actions authorized hereby.

**PASSED AND APPROVED BY THE TOWN COUNCIL THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2014.**

\_\_\_\_\_  
**Drew Laughlin, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Victoria L. Pfannenschmidt, Town Clerk**

**Approved as to form:**

\_\_\_\_\_  
**Gregory M. Alford, Town Attorney**

**Introduced by Council Member: \_\_\_\_\_**

# **EXHIBIT “A”**

**STATE OF SOUTH CAROLINA        )**  
**)**  
**COUNTY OF BEAUFORT            )**       **SECOND AMENDMENT TO**  
**)**       **DRAINAGE AGREEMENT**

This Second Amendment to Drainage Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between Palmetto Dunes Property Owners Association, Inc. ("PDPOA") having an address of 23 A Shelter Cove Lane, Hilton Head Island, SC 29928 (mailing address: PO Box 7974, Hilton Head Island, SC 29938) and the Town of Hilton Head Island, South Carolina, having an address of One Town Center Court, Hilton Head Island, South Carolina, 29928 ("Town").

**WITNESSETH**

WHEREAS, PDPOA and the Town previously entered into that certain Drainage Agreement dated October 25, 2011 (the "Drainage Agreement"), whereby the Town undertook the maintenance and improvement of the storm and surface water Drainage System within Palmetto Dunes Resort, which Drainage System was shown and described on the map attached as Exhibit A to the Drainage Agreement; and

WHEREAS, PDPOA and the Town subsequently entered into that certain First Amendment to Drainage Agreement dated August 14, 2012, whereby the Drainage Agreement was supplemented and amended to incorporate an updated Exhibit A; and

WHEREAS, PDPOA and the Town now desire to incorporate additional areas within Palmetto Dunes Resort into the Drainage System as defined in the Drainage Agreement and all amendments thereto; and

WHEREAS, PDPOA and the Town desire to hereby amend the Drainage Agreement to incorporate the attached Exhibit "A" into the Drainage Agreement, and all amendments thereto, by replacing the current Exhibit A with the attached Exhibit "A".

NOW, THEREFORE, know all men by these presents, PDPOA and the Town, for and in consideration of the sum of One and No/100 (\$1.00) Dollar, each paid to the other at and before the execution and delivery of this Agreement, the receipt and sufficiency whereof is acknowledged, hereby agree as follows:

1. Exhibit A of the Drainage Agreement is deleted in its entirety and replaced with the document attached hereto as Exhibit "A".
2. All other portions and provisions of the Drainage Agreement, and any amendments thereto, shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, PDPOA and the Town, by and through their duly authorized officers, have executed and delivered this Second Amendment as of the date first above written.

(SIGNATURE PAGE FOLLOWS)

WITNESSES:

PALMETTODUNES PROPERTY  
OWNERS ASSOCIATION, INC.

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

Attest: \_\_\_\_\_

THE TOWN OF HILTON HEAD  
ISLAND, SOUTH CAROLINA

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

Attest: \_\_\_\_\_

**STATE OF SOUTH CAROLINA        )**  
**)**  
**COUNTY OF BEAUFORT            )**       **SECOND AMENDMENT TO**  
**)**       **ACCESS, DRAINAGE AND**  
**)**       **MAINTENANCE EASEMENT**

This Second Amendment to Access, Drainage and Maintenance Easement is made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between Palmetto Dunes Property Owners Association, Inc. ("PDPOA") having an address of 23 A Shelter Cove Lane, Hilton Head Island, SC 29928 (mailing address: PO Box 7974, Hilton Head Island, SC 29938) and the Town of Hilton Head Island, South Carolina, having an address of One Town Center Court, Hilton Head Island, South Carolina, 29928 ("Town").

**WITNESSETH**

WHEREAS, PDPOA and the Town previously entered into that certain Access, Drainage and Maintenance Easement dated October 25, 2011 and recorded October 31, 2011 in the Office of the Register of Deeds for Beaufort County, South Carolina in Record Book 3094 at Page 1824 (the "Drainage Easement"), whereby the Town undertook the maintenance and improvement of the storm and surface water Drainage System within Palmetto Dunes Resort, which Drainage System was shown and described on the map attached as Exhibit A to the Drainage Easement; and

WHEREAS, PDPOA and the Town subsequently entered into that certain First Amendment to Access, Drainage and Maintenance Easement dated August 14, 2012 and recorded August 28, 2012 in the Office of the Register of Deeds for

Beaufort County, South Carolina in Record Book 3170 at Page 742, whereby the Drainage Easement was supplemented and amended to incorporate an updated Exhibit A; and

WHEREAS, PDPOA and the Town now desire to incorporate additional areas within Palmetto Dunes Resort into the Drainage System as defined in the Drainage Easement and all amendments thereto; and

WHEREAS, PDPOA and the Town desire to hereby amend the Drainage Easement to incorporate the attached Exhibit "A" into the Drainage Easement, and all amendments thereto, by replacing the current Exhibit A with the attached Exhibit "A".

NOW, THEREFORE, know all men by these presents, PDPOA and the Town, for and in consideration of the sum of One and No/100 (\$1.00) Dollar, each paid to the other at and before the execution and delivery of this Agreement, the receipt and sufficiency whereof is acknowledged, hereby agree as follows:

1. Exhibit A of the Drainage Easement is deleted in its entirety and replaced with the document attached hereto as Exhibit "A".
2. All other portions and provisions of the Drainage Easement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, PDPOA and the Town, by and through their duly authorized officers, have executed and delivered this Second Amendment as of the date first above written.

WITNESSES:

Palmetto Dunes Property Owners  
Association Inc.

\_\_\_\_\_

By:\_\_\_\_\_

\_\_\_\_\_

Attest:\_\_\_\_\_

**STATE OF SOUTH CAROLINA    )**   **UNIFORM ACKNOWLEDGMENT**  
  )  
**COUNTY OF BEAUFORT         )**   **S.C. CODE §30-5-30 (SUPP. 2011)**

I, the undersigned Notary Public do hereby certify that  
\_\_\_\_\_ personally appeared before me on this  
day and duly acknowledged the execution of the foregoing instrument on behalf  
of Palmetto Dunes Property Owners Association, Inc.

Sworn to and Subscribed before me  
on this \_\_\_\_\_ Day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires:\_\_\_\_\_



WITNESSES:

THE TOWN OF HILTON HEAD  
ISLAND, SOUTH CAROLINA

\_\_\_\_\_

By: \_\_\_\_\_  
Drew A. Laughlin, Mayor

\_\_\_\_\_

Attest: \_\_\_\_\_  
Stephen G. Riley, Manager

**STATE OF SOUTH CAROLINA**

**COUNTY OF BEAUFORT**

**) UNIFORM ACKNOWLEDGMENT**

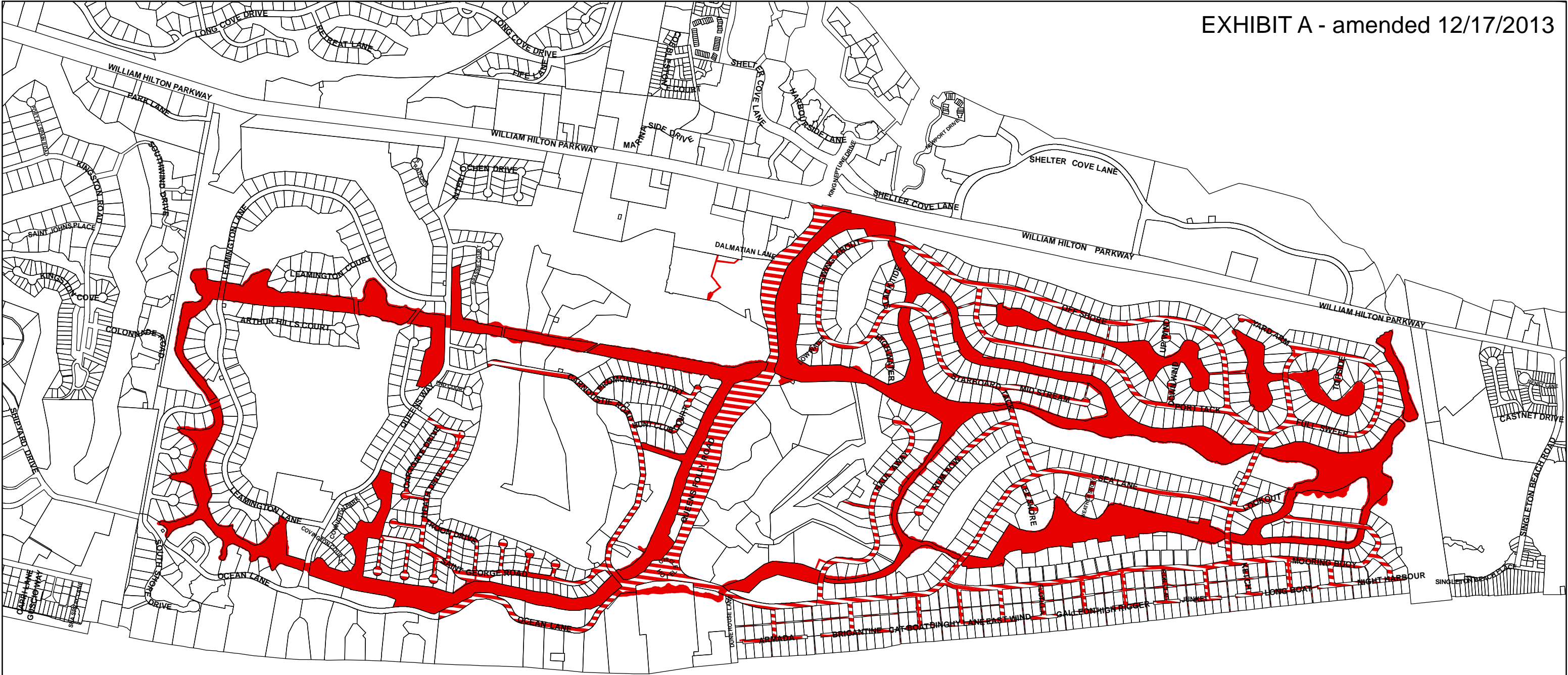
**)**

**) S.C. CODE §30-5-30 (SUPP. 2011)**

I, the undersigned Notary Public do hereby certify that Drew A. Laughlin and Stephen G. Riley personally appeared before me on this day and duly acknowledged the execution of the foregoing instrument on behalf of The Town of Hilton Head Island, South Carolina.

Sworn to and Subscribed before me  
on this \_\_\_\_\_ Day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

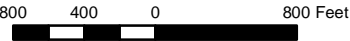
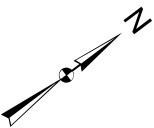


Parcels    Drainage Easement

- Parcels
- Lagoons and Pipes
- Road Right of Way

Note: Drainage easement widths are 20 feet centered on pipes that convey public runoff and 15 feet from the top of bank along open channels and lagoons that receive public runoff.

# Palmetto Dunes Drainage Easement Exhibit



The information on this map has been compiled from a variety of sources and is intended to be used only as a guide. It is provided without any warranty or representation as to the accuracy or completeness of the data shown. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion or for any losses arising from the use of the map.