

# **The Town of Hilton Head Island**

## **Regular Town Council Meeting**

**August 6, 2013**

**4:00 P.M.**

### **“REVISED” 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 Mid-Year Update – June 3, 2013
  - b. Town Council Meeting– July 2, 2013
- 7) Report of the Town Manager**
  - a. Semi-Annual Report of the Parks and Recreation Commission – Heather Rath, Chairman
  - b. 350/30 Celebration Week Update – Leslie Richardson, Chairman
  - c. Town Manager’s Items of Interest
  - d. July, 2013 Quarterly Report
- 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 2013-12**

Second Reading of Proposed Ordinance 2013-12 of the Town of Hilton Head, South Carolina, authorizing the granting of an easement encumbering real property owned by the Town of Hilton Head Island, South Carolina, commonly known as "Barker Field Expansion", being 17.56 acres on Mitchelville Road, pursuant to the authority of S. C. Code Ann. § 5-7-40 (Supp. 2010), and § 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983, As Amended); and providing for severability and an effective date.

## **11) New Business**

### **a. Consideration of a Resolution – Distance Requirements**

Consideration of a Resolution by the Town Council of the Town of Hilton Head Island directing staff to pursue an amendment to the Land Management Ordinance (LMO) to eliminate the distance requirements between an auto sales site and an existing residential use.

### **b. First Reading of Proposed Ordinance 2013-13**

First Reading of Proposed Ordinance 2013-08 to repeal Chapter 7 of Title 9 of the Municipal Code of the Town of Hilton Head Island, South Carolina and to reenact a new Chapter 7 of Title 9, open burning; and providing for severability and an effective date.

### **c. Consideration of a Recommendation – CDBG Entitlement Community Eligibility**

Consideration of a Recommendation that the Town Council of the Town of Hilton Head Island declines participating in the United States Department of Housing and Urban Development Community Development Block Grant (CDBG) Entitlement Program.

### **d. First Reading of Proposed Ordinance 2013-14**

First Reading of Proposed Ordinance 2013-14 to amend the Municipal Code of the Town of Hilton Head Island, South Carolina; to amend Chapter 1 (Beaches) of Title 8, Beaches, Waterways and Recreational Areas, Part A, General Beach Prohibitions, Section 8-1-211 (17), Unlawful Activities Enumerated; and providing for severability and an effective date.

### **e. Consideration of a Recommendation – Fire Station #6 Project**

Consideration of a Recommendation that the Town Council of the Town of Hilton Head Island authorize the Town Manager to execute a work change directive not to exceed \$375,000 regarding the Fire Station #6 Project.

### **f. Consideration of appointments to Boards and Commissions**

## **12) Executive Session**

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

(1) Appointments to Boards and Commissions

## **13) Adjournment**

**THE TOWN OF HILTON HEAD ISLAND**  
**TOWN COUNCIL WORKSHOP MID YEAR UPDATE**

**Date:** Monday, June 3, 2013

**Present from Town Council:** Drew A. Laughlin, *Mayor*; Ken Heitzke, *Mayor Pro-Tem*; George Williams, Bill Harkins, Bill Ferguson, Kim Likins, Lee Edwards, *Council Members*.

**Present from Town Staff:** Steve Riley, *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*; Jill Foster, *Deputy Director of Community Development*; Shawn Colin, *Comprehensive Planning Manager*; Teri Lewis, LMO Official; Mike Roan, *Urban Design Administrator*; Jennifer Ray, *Urban Designer*; Jeff Buckalew, *Town Engineer*; Staff members from various departments at different times during the workshop.

**Present from Media:** None.

---

**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 9:00 a.m. Mayor Laughlin opened the meeting with some remarks and introduced Mr. Lyle Sumek of Lyle Sumek Associates, Inc., and stated he would be leading the discussion. A summary of items discussed are attached and will be considered for approval by Resolution at the June 18, 2013 Town Council meeting.

**4) ADJOURNMENT**

The workshop adjourned at 4:00 p.m.

---

Victoria L. Pfannenschmidt  
Executive Assistant

Approved:

---

Drew A. Laughlin, Mayor

## **MAJOR POLICY DISCUSSION AND DIRECTION TOWN OF HILTON HEAD ISLAND**

### **1. ARTS COLLABORATION AND SUPPORT**

**POLICY TOP PRIORITY**

#### **2012 DIRECTION**

- 1. Work with community arts organizations**
- 2. Develop a Community Arts Master Plan (study)**
- 3. Define the Town's role in the arts**
- 4. Explore USCB arts and cultural partnership**

#### *OUTCOMES*

1. The Arts is an important part of Hilton Head Island in the attraction of residents and in support of economic development.
2. The Arts Center facility doors should remain open.
3. The Town needs to complete the study.
4. The Arts Center needs a realistic and sustainable operational and business plan.
5. The Town needs to define its role and policies with the arts.

#### *DIRECTION*

The Arts Study completion

- a) Selection of Consultant. 6/13
- b) Final Agreement. 7/13
- c) Initial Information to Mayor and Town Council before ATAX. 11/13
- d) Complete Final Report. 1/14 or 2/14

### **2. ARTS CENTER SHORT TERM DIRECTION**

**POLICY TOP PRIORITY**

#### **2012 DIRECTION**

- 1. Define the Town's role**
- 2. Request an operation and business plan**
- 3. Address urgent building needs**

#### *DIRECTION*

1. The Town government should make a loan to the Arts Center to address urgent maintenance needs to address health and safety issues/problems and to keep the doors open: HVAC/power system, portico, stage and sound system.

### **3. BEAUFORT COUNTY RECREATION SERVICES: FIELD MAINTENANCE, LEVEL OF SERVICE AND FUNDING. HORIZON**

#### **INFORMATION**

1. PALS: responsible for scheduling selected parks and facilities and lights.
2. County Public Works: responsible for field maintenance (estimated costs: \$400,000 - \$500,000 for the Town to takeover).

*DIRECTION*

1. Monitor activities by Beaufort County.
2. No Town Actions.

**4. RECREATION ORGANIZATION, MANAGEMENT AND PERFORMANCE AUDIT.                    POLICY MODERATE PRIORITY**

**2012 DIRECTION**

- 1. Define performance standards**
- 2. Define expectations and responsibilities**
- 3. Develop a business plan**
- 4. Advocate for the Town's interests**

*DIRECTION*

1. The charge to the Parks and Recreation Commission is:
  - a) to identify "best practices" and evaluate their application to Hilton Head Island;
  - b) to evaluate the community's recreational needs;
  - c) to evaluate current programs: performance, participation level, effectiveness;
  - d) to explore alternative service delivery mechanisms;
  - e) to provide financial oversight;
  - f) to develop outcome based measures and comparative analysis of recreation programs.
2. The Island Recreation Association should provide a monthly report to the Parks and Recreation Commission and a quarterly report to the Public Facilities Committee.

**5. RECREATION CENTER EXPANSION PROJECT.                    POLICY HIGH PRIORITY**

**2012 DIRECTION**

- 1. Phase I: Construction**
- 2. Determine the direction on future phases**

*DIRECTION*

1. Complete construction of Phase I.
2. Update the site plan for future phases.    FY 2014
3. Initiate design.    To Be Determined
4. Begin permitting. To Be Determined
5. Decide on project funding.    To Be Determined
6. Initiate construction.    To Be Determined

## **6. AQUATIC CENTER: DIRECTION.**

**HORIZON**

### **2012 DISCUSSION**

- 1. Define the scope**
- 2. Assess community needs**
- 3. Determine location**
- 4. Determine funding**

#### *DIRECTION*

1. Possible location is at Chaplin Park.
2. Project is on hold.

## **7. TIF DISTRICT EXTENSION.**

**MANAGEMENT TOP PRIORITY**

### **2012 DIRECTION**

- 1. Review the concept of TIF**
- 2. Complete an analysis: benefits and costs**
- 3. Decide on extension**

#### *INFORMATION*

1. Current TIF allocated for Coligny: \$5.8 million.
2. USCB need: \$12 million for project.
3. TIF Extension: \$30 million available for projects.
4. USCB needs to conduct fund raising.
5. Future funding for operations and maintenance needs to be determined.

#### *DIRECTION*

1. TIF is important to attracting USCB to Hilton Head Island.
2. The Mayor and Town Council agreed that USCB is an important priority for Hilton Head Island's future and the TIF extension is linked to USCB.
3. The Town should continue meetings with other governments to discuss the extension of the TIF. 7/13 and 8/13
4. Agreements on a TIF Extension with other governments should be completed by 10/13.

## **8. COLIGNY AREA DEVELOPMENT TOWN PROJECTS. PRIORITY**

**POLICY TOP**

### **2012 DIRECTION**

- 1. Complete community input sessions and process with residents.**
- 2. Determine direction on Town projects**
- 3. Determine funding**

#### *DIRECTION*

1. Complete negotiations with consultant on an agreement to refine the plan.
2. Develop an activity outline: activities and time frame.

3. Continue meeting for soliciting input with property owners, POAs and the community.
4. Provide an opportunity for Mayor and Town Council input on the plan update.
5. Complete the updated plan.
6. Decide on the plan adoption.
7. The potential purchase of the "Old Sheriff's" building is on hold until the plan is completed.

## **9. CHAPLIN LINEAR PARK AND BOARDWALK. POLICY TOP PRIORITY**

### **2012 DIRECTION**

- 1. Approve detailed plan**
- 2. Determine direction on land acquisition**
- 3. Initiate permitting process**

### **INFORMATION**

1. Project: \$2 million.
2. Tree house tower is more important than iconic bridge.

### **DIRECTION**

1. Complete negotiation on agreement with consultant. 7/13
2. Develop an activity outline: activity and time frame.
3. Meet with the community.
4. Complete design. 11/13
5. Discuss at Annual Strategic Planning Retreat. 11/13

## **10. ECONOMIC DEVELOPMENT ORGANIZATION: CREATION AND OPERATIONS. POLICY TOP PRIORITY**

### **2012 DIRECTION**

- 1. Develop a charter**
- 2. Appoint the Board of Directors**
- 3. Determine operations**
- 4. Determine the Town's funding level**

### **DIRECTION**

1. Appoint Board.
2. Continue as planned.

## **11. SHELTER COVE AREA REDEVELOPMENT PROJECT (private project). MANAGEMENT IN PROGRESS and SHELTER COVE AREA PUBLIC PROJECTS. MANAGEMENT TOP PRIORITY**

### **INFORMATION**

1. Kroger store is under construction and to be completed by Fall 2013.
2. Road is under construction.
3. The Town is addressing the potential issue of parking for 4th of July Celebration.
4. Potential future issue is reallocation of apartments which would require rezoning.

#### *DIRECTION*

1. The Town should continue to advocate for a 200-300 foot boardwalk 20 feet wide and oppose a 900 foot that is 10 feet wide with South Carolina DHEC.

### **12. SOUTH ISLAND MARINA DREDGING.      MANAGEMENT IN PROGRESS**

#### **INFORMATION**

1. Permit 6/13.
2. Bid Dredging is next step.

#### **KEY ISSUES**

1. Overall role of Town government.
2. Management system.
3. Funding mechanism (long term).
4. Agreement with Sea Pines community.

#### *DIRECTION*

1. The topic is to be addressed at the annual Strategic Planning Retreat.

### **13. LMO MODIFICATIONS.      POLICY HIGH PRIORITY**

#### **2012 DIRECTION**

- 1. Process: Chapter 1 and Chapter 2**
- 2. Site Development Standards**
- 3. Zoning Districts/Allowable Uses**
- 4. PUD: Transfer of Responsibility**
- 5. Allowable Uses**

#### **INFORMATION**

1. Committee is beginning to review zoning.
2. Committee process extremely open including audience participation.
3. No Committee update/status reports to Mayor and Town Council.
4. Committee is getting side tracked on other issues, such as historic preservation for Mitchelville.

#### *DIRECTION*

Overall: Committee needs to get back on track and complete their Charter.

1. Meeting with Chair: Mayor and Town Manager.
2. Review charter to the Committee.
3. Receive regular update reports from Committee and to Mayor and Council.
4. Develop an activity outline and time frame to get back on track.



#### **14. EDUCATION STRATEGY.    POLICY HIGH PRIORITY**

##### **2012 DIRECTION**

- 1. Identify educational needs and critical issues**
- 2. Determine direction (overall)**
- 3. Define Town's role and responsibilities**
- 4. Participate "Know To" project**

##### **BACKGROUND**

1. Two elementary schools: Those with limited English proficiency: 34% and 41%;  
Of these, 7.7 % graduate from high school.

##### ***DIRECTION***

1. The topic will be discussed at the Annual Strategic Planning Retreat in 11/13.

#### **15. ROWING AND SAILING CENTER/COMMUNITY PARK.    MAJOR PROJECT**

##### ***DIRECTION***

1. The Mayor and Town Council agree that the Town should go ahead with the park for \$1 million as currently planned.
2. The cost of the dock is currently unknown.
3. The Mayor and Town Council also agree to come up with a name for the park.

# THE TOWN OF HILTON HEAD ISLAND

## REGULAR TOWN COUNCIL MEETING

**Date:** Tuesday, July 2, 2013

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

**Present from Town Council:** Drew A. Laughlin, *Mayor*; George Williams, Kim Likins, Marc Grant, John McCann, *Council Members*

**Absent from Town Council:** Bill Harkins, *Mayor Pro Tem*; Lee Edwards, *Council Member*

**Present from Town Staff:** Greg DeLoach, *Assistant Town Manager*, Charles Cousins, *Director of Community Development*; Lavar Lucas, *Fire Chief*; Scott Liggett, *Director of Public Projects and Facilities/Chief Engineer*; Tom Fultz, *Director of Administrative Services*; Susan Simmons, *Director of Finance*; Jill Foster, *Deputy Director of Community Development*; Brad Tadlock, *Deputy Fire Chief – Operations*; Julian Walls, *Facilities Manager*; Nancy Gasen, *Director of Human Resources*; Joheida Fister, *Fire Marshal*; Brian Hulbert, *Staff Attorney*; Rene Phillips, *Website Administrator*; Lynn Buchman, *Administrative Assistant*; Vicki Pfannenschmidt, *Executive Assistant*

**Present from Media:** Brian Heffernan, *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. Parks and Recreation Month

Frank Soule was present to accept the proclamation.

### 6) Approval of Minutes

#### a. Town Council Special Meeting – June 11, 2013

Mr. Williams moved to approve. Mr. McCann seconded. The minutes of the June 11, 2013 Town Council Special Meeting were approved by a vote of 5-0.

#### b. Town Council Special Meeting/Budget Workshop/Public Hearing – June 11, 2013

Mr. Williams moved to approve. Mr. McCann seconded. The minutes of the June 11, 2013 Town Council Special Meeting/Budget Workshop/Public Hearing were approved by a vote of 5-0.

#### c. Town Council Special Meeting – June 12, 2013

Mr. William moved to approve. Mr. McCann seconded. The minutes of the June 12, 2013 Town Council Special Meeting were approved by a vote of 5-0.

**d. Town Council Special Meeting – June 18, 2013**

Mr. Williams moved to approve. Mr. McCann seconded. The minutes of the June 18, 2013 Town Council Special Meeting were approved by a vote of 5-0.

**e. Town Council Meeting – June 18, 2013**

Mr. Williams moved to approve. Mr. McCann seconded. The minutes of the June 18, 2013 Town Council Meeting were approved by a vote of 5-0.

**7) Report of the Town Manager**

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

Chairman Sodeman presented an activity report for the first six months of 2013.

**b. Semi-Annual Report of the Board of Zoning Appeals – Roger A. DeCaigny, Chairman**

Chairman DeCaigny presented an activity report for the first six months of 2013.

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

Mr. DeLoach reported on some items of interest. Mr. DeLoach stated there would be no Town Council meeting the third Tuesday in July noting the next Town Council meeting was scheduled for August 6. He added that the August 6 meeting is scheduled to be broadcast on the County Channel.

**8) Reports from Members of Council**

**a. General Reports from Council**

Mrs. Likins stated she had gone to Statesboro to the Splash in the Boro Water Park and she has hopes that as plans continue to move forward something similar would be considered for the Town.

**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**

No report.

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

No report.

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

Mr. Grant reported the Committee met on Monday, July 1 and Chief Lucas reviewed the Hilton Head Island Fire and Rescue Annual Report and gave an update on the Strategic Plan.

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

Mrs. Likins stated the Committee met the previous week and discussed opportunities to provide the POA management greater responsibilities concerning tree maintenance and management. She said the next meeting was scheduled for July 11 at 8:30 a.m.

**9) Appearance by Citizens**

None.

## **10) Unfinished Business**

### **a. Second Reading of Proposed Ordinance 2013-07**

Second Reading of Proposed Ordinance 2013-07 to amend the Municipal Code of the Town of Hilton Head Island by adding Article 6 Section 12-1-611 to Chapter 1 of Title 12, establishing a regulation prohibiting the use of a handheld electronic communication device for the reviewing, drafting, or sending of electronic communications while operating a motor vehicle in the Town of Hilton Head Island; and providing for severability and an effective date.

Mrs. Likins moved to approve. Mr. McCann seconded. The motion was approved by a vote of 4-1. Mr. Williams opposed.

### **b. Second Reading of Proposed Ordinance 2013-09**

Second Reading of Proposed Ordinance 2013-09 of the Town of Hilton Head Island, South Carolina, authorizing the execution of a lease with the Island Recreation Association, Inc. for property owned by the Town of Hilton Head Island, South Carolina, pursuant to the authority of S.C. Code Ann. Sec. 5-7-40 (Supp. 2012), and Sec. 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983); and providing for severability and an effective date.

Mrs. Likins moved to approve. Mr. McCann seconded. The motion was approved by a vote of 5-0.

## **11) New Business**

### **a. First Reading of Proposed Ordinance 2013-08**

First Reading of Proposed Ordinance 2013-08 to repeal Chapter 7 of Title 9 of the Municipal Code of the Town of Hilton Head Island, South Carolina and to reenact a new Chapter 7 of Title 9, Open Burning; and providing for severability and an effective date.

Mrs. Likins moved to approve. Mr. McCann seconded. Mr. Williams expressed his concern and dissatisfaction with the content of the proposed ordinance. Mr. Williams moved to table the item until such time Council can call a workshop to go through the proposed ordinance item by item. The motion failed for a lack of a second. Mayor Laughlin invited Chief Lucas to the podium to discuss the proposed ordinance. Chief Lucas reviewed the items of concern explaining reasoning for their inclusion. After lengthy discussion, Mayor Laughlin invited members of the public to speak. Thomas Curtis Barnwell, III and Thomas C. Barnwell, Jr. and Irvin Campbell spoke in opposition to the proposed ordinance. Greg Clements spoke in support of the proposed ordinance. The original motion was defeated by a vote of 2-3. (Mayor Laughlin, Mrs. Likins and Mr. Williams were opposed.)

### **b. First Reading of Proposed Ordinance 2013-12**

First Reading of Proposed Ordinance of the Town of Hilton Head, South Carolina, authorizing the granting of an easement encumbering real property owned by the Town of Hilton Head Island, South Carolina, commonly known as "Barker Field Expansion", being 17.56 acres on Mitchelville Road, pursuant to the authority of S. C. Code Ann. § 5-7-40 (Supp. 2010), and § 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983, As Amended); and providing for severability and an effective date.

Mr. Williams moved to approve. Mrs. Likins seconded. The motion was approved by a vote of 5-0.

## 12) Executive Session

Mr. DeLoach stated he needed an Executive Session for land acquisition and personnel matters related to appointments to Boards and Commissions.

At 5:26 p.m. Mrs. Likins moved to go into Executive Session for the reasons given by the Assistant Town Manager. Mr. Williams seconded. The motion was approved by a vote of 5-0.

Mayor Laughlin called the meeting back to order at 5:48 p.m. and the remaining New Business item was addressed.

### c. Consideration of appointments to Boards and Commissions

Mr. Williams moved that the term of Bob Spears recent appointment to the Accommodations Tax Advisory Committee be amended to reflect that he shall serve the unexpired term of Bret Martin, namely until June of 2015. Mrs. Likins seconded. The motion was approved by a vote of 5-0.

## 13) Adjournment

Mr. Williams moved to adjourn. Mrs. Likins seconded. The meeting was adjourned at 5:49 p.m.

---

Vicki L. Pfannenschmidt  
Executive Assistant

Approved:

---

Drew A. Laughlin, Mayor



# Items of Interest

## August 6, 2013

### 1. Town News

The Code Council Board of Directors has created a new Standard Consensus Committee on Solar Energy as recommended by the ICC Codes and Standards Council. The charge of the committee is to develop two standards which are a minimum Standard for Solar Thermal Collectors and Solar Water Heating Systems. Bob Klein, Building Official, has been appointed to this new committee. ICC Committees are the foundation upon which the system of the *ICC International Codes* Standards and related services are built.

**(Contact: Jill Foster, Deputy Director of Community Development - 341-4694)**

The 2014 Accommodations Tax Grant Application will be available on the Town's website on Monday, August 19. The deadline for submitting an Application will be Friday, September 20 at 4:00 pm.

**(Contact: Erica Madhere, Finance Assistant – 341-4646)**

### 2. Noteworthy Events

a) Some of the upcoming meetings at Town Hall:

- Planning Commission - August 7, 2013, 9:00 a.m.
- LMO Rewrite Committee – August 8, 2013, 8:30 a.m.
- Design Review Board – August 13, 2013, 1:15 p.m.
- ATAX Application Available Online at [www.hiltonheadislandsc.gov](http://www.hiltonheadislandsc.gov)–August 19, 2013, 8:00 a.m.
- Planning Commission – August 21, 2013, 3:00 p.m.
- LMO Rewrite Committee – August 22, 2013, 8:30 a.m.
- Planning & Development Standards Committee Special Meeting – August 26, 2013, 9:00 a.m.
- Board of Zoning Appeals – August 26, 2013, 2:30 p.m.
- Accommodations Tax Advisory Committee Meeting/Applicant Workshop– August 27, 2013, 9:00 a.m.
- Design Review Board – August 27, 2013, 1:15 p.m.
- Planning & Development Standards Committee – August 28, 2013, 4:00 p.m.
- LMO Rewrite Committee – August 29, 2013, 8:30 a.m.
- Town Administrative Offices Closed in observance of Labor Day – September 2, 2013
- Public Projects and Facilities Committee – September 3, 2013, 2:00 p.m.
- Town Council – September 3, 2013, 4:00 p.m.

Please Note: There is no Town Council meeting scheduled for Tuesday, August 20, 2013.

**(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.**

## 2013 Hilton Head Island Events

Wednesdays, thru October 30, 2013 9:00am-1:00pm	Farmers Market	Shelter Cove Community Park
Tuesdays, July 9-August 13, 2013 7:00pm-10:00pm	Summer Jams	Shelter Cove Community Park
Wednesday, August 8, 2013 4:00pm-7:00pm	Water Fun Day	Shelter Cove Community Park

## July - 2013 QUARTERLY REPORT

<b>TOPIC:</b>	<b>Employee Compensation: Review and Direction</b>
CONTACT:	Nancy Gasen, Director of Human Resources
STATUS:	Ongoing. Consultant support solicited via RFP; proposals received and under review. Study to be initiated in September.
ISSUE:	Compensation & Classification Study will determine status of internal equity and external competitiveness of the Town's compensation program and provide recommendations to optimize its effectiveness.
BACKGROUND:	Formal studies were last conducted in 2001 and 2006. A new external review will help ensure the Town can continue to attract and retain highly qualified employees to support Town Council goals.
OUTLOOK:	Anticipate study completion by March of 2014.
<b>TOPIC:</b>	<b>Energov Permitting Software</b>
CONTACT:	Jill Foster, Deputy Director of Community Development
STATUS:	Ongoing. Consultant has been working with staff to create workflows and templates for database and screens. On site demonstrations to certain staff will take place during August 12 <sup>th</sup> week.
ISSUE:	Permits Plus software was installed in 1998 and needs replaced. Town contracted with Energov Company for its replacement.
BACKGROUND:	Energov has been working with staff since March 2013 for installation. Everything is on schedule.
OUTLOOK:	Go Live Date is on schedule for March 2014.





# **TOWN OF HILTON HEAD ISLAND**

## *Community Development Department*

<b>TO:</b>	Town Council
<b>VIA:</b>	Steve Riley, <i>ICMA-CM, Town Manager</i>
<b>VIA:</b>	Charles Cousins, <i>Community Development Director</i>
<b>VIA:</b>	Shawn Colin, AICP, <i>Deputy Director of Community Development</i>
<b>FROM:</b>	Shea Farrar, <i>Senior Planner</i>
<b>DATE</b>	June 19, 2013
<b>SUBJECT:</b>	Barker Field Pump Station Easement

No changes were made to Proposed Ordinance 2013-12 as a result of First Reading held on July 2, 2013.

**PROPOSED ORDINANCE: 2013-12**

**ORDINANCE: 2013-\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF HILTON HEAD, SOUTH CAROLINA, AUTHORIZING THE GRANTING OF AN EASEMENT ENCUMBERING REAL PROPERTY OWNED BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, COMMONLY KNOWN AS "BARKER FIELD EXPANSION", BEING 17.56 ACRES ON MITCHELVILLE ROAD, PURSUANT TO THE AUTHORITY OF S. C. CODE ANN. § 5-7-40 (SUPP. 2010), AND § 2-7-20, CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, (1983, As Amended); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

### **LEGISLATIVE FINDINGS**

WHEREAS, The Town of Hilton Head Island, South Carolina owns real property commonly known as "Barker Field Expansion", located off of Mitchelville Road which is more particularly known and described as:

All those certain pieces, parcels or tracts of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, containing 17.56 acres, more or less, shown and designated as "8.61 AC." and "8.95 AC." on that certain plat entitled "A Plat of 'Tract C' 17.56 Acres, Estate of Linda Perry", prepared by Coastal Surveying Company, Jerry L. Richardson, S.C.R.L.S. Number 4784, dated November 30, 1989, last revised January 17, 1990, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Plat Book 38 at page 28 (hereinafter the "Town Property")

Beaufort County Tax Parcel R510 005 000 006B 0000; and

WHEREAS, the Hilton Head #1 Public Service District has requested certain easements over, across and through a portion of the above described Town-owned property for the purpose of building, operating and maintaining a sewage pumping station, which sewage pumping station will facilitate sewage service to the Town's property and for ingress and egress to and from the sewage pumping station; and,

WHEREAS, The Town Council of the Town of Hilton Head Island, South Carolina has determined that it is in the best interests of the Town of Hilton Head

Island, South Carolina, to authorize the execution and delivery of the requested easement; and,

WHEREAS, under the authority of S.C. Code Ann. § 5-7-40 (Supp. 2012), and § 2-7-20, *Code of the Town of Hilton Head Island , South Carolina*, (1983, As Amended), the granting of an interest in real property owned by the Town of Hilton Head Island, South Carolina, must be authorized by the adoption of an ordinance by the Town Council for the Town of Hilton Head Island, South Carolina.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AS FOLLOWS:**

**Section 1. Execution, Delivery and Performance of an Easement encumbering Town Owned Property:**

- (a) The Mayor and Town Manager are hereby authorized to execute and deliver the Pump Station Easement which is attached hereto as Exhibit "A"; and,
- (b) The Town Manager is hereby authorized to take all other and further actions as may be necessary to complete the Town's obligations under the Pump Station Easement.

**Section 2. Severability:**

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

**Section 3. Effective Date:**

This Ordinance shall become effective upon its adoption by the Town Council for the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.**

THE TOWN OF HILTON HEAD ISLAND,  
SOUTH CAROLINA

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

ATTEST: \_\_\_\_\_  
Esther Coulson  
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, CM, *Town Manager*  
**VIA:** Teri Lewis, AICP, *LMO Official*  
**CC:** Charles Cousins, AICP, *Director of Community Development*  
**FROM:** Heather Colin, AICP, *Development Review Administrator*  
**DATE:** July 12, 2013  
**SUBJECT:** Proposed Resolution  
Eliminate the distance requirements between an auto sales site and an existing residential use.

---

#### **Recommendation:**

The Planning and Development Standards Committee considered the proposed resolution on June 26, 2013 and voted 3-0-0 to forward the resolution to Town Council with a recommendation of approval.

Staff recommends that Town Council approve the proposed resolution.

#### **Summary:**

The conditions associated with uses in the LMO (Land Management Ordinance) were discussed at the LMO Rewrite Committee on February 2013. The Committee agreed with staff's recommendation to eliminate the existing conditions in the LMO. A citizen has requested that this move more quickly than the entire LMO rewrite process and an amendment to the current LMO to be ultimately approved by Town Council. The only condition that is proposed to be deleted as part of this process is the distance requirement between an auto sales use and an existing residential use.

#### **Background:**

Currently the LMO allows auto sales uses with conditions in the CC (Commercial Center) and IL (Light Industrial) districts. The conditions are:

- A. No auto sales site shall exceed 7 acres in size.
- B. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503.
- C. The site is not located within 1,500 feet of an existing residential use.
- D. The site is not located within 1,500 feet of an existing auto sales site.

The condition that requires 1,500 feet between an auto sales site and an existing residential use eliminates numerous properties that may otherwise comply and operate an auto sales business. Staff does not believe that the elimination of this condition would create incompatibility between the two uses. Therefore, this condition is requested to be deleted.

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND DIRECTING STAFF TO PURSUE AN AMENDMENT TO THE LAND MANAGEMENT ORDINANCE (LMO) TO ELIMINATE THE DISTANCE REQUIREMENTS BETWEEN AN AUTO SALES SITE AND AN EXISTING RESIDENTIAL USE.**

**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 ("LMO"); and

**WHEREAS**, at that time the Town Council determined that a separation requirement of 1,500 feet between a proposed auto sales use and an existing residential use was appropriate; and

**WHEREAS**, Town Council has revisited this separation requirement and finds that it is onerous to auto sales businesses and in conflict with Town Council's desire to keep some auto sales uses on Hilton Head Island; and

**WHEREAS**, the Town Council adopted a Destination 2028 Guiding Principle that states that the Town should, 'sustain community prosperity through a diversified, strong local economy based upon resort, retirement, and non-hospitality businesses'; and

**WHEREAS**, one of the Town Council goals for 2018 is to provide a positive climate for business investment.

**NOW, THEREFORE, BE IT, AND HEREBY IT IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THAT THE TOWN COUNCIL HEREBY DIRECTS STAFF TO PURSUE AN AMENDMENT TO THE LAND MANAGEMENT ORDINANCE (LMO) TO ELIMINATE LMO SECTION 16-4-1305.C, THE SEPARATION REQUIREMENT BETWEEN AUTO SALES AND EXISTING RESIDENTIAL USES.**

**MOVED, APPROVED, AND ADOPTED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.**

\_\_\_\_\_  
**Drew A. Laughlin, Mayor**

**ATTEST:**


\_\_\_\_\_  
**Esther Coulson, Town Clerk**

**Approved as to form:**

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

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

# **MEMORANDUM**

**TO:** Town Council, Town of Hilton Head Island  
**FROM:** Lavarn Lucas, Fire Chief   
**Via:** Stephen G. Riley, ICMA-CM, Town Manager  
**RE:** Proposed Ordinance Number 2013-08, Prohibiting the open burning of yard debris in the Town of Hilton Head Island  
**DATE:** July 18, 2013

---

## **Recommendation:**

The Town of Hilton Head Island should adopt an ordinance to prohibit residential open burning of yard debris in order to reduce the risk of wildland fires and provide a healthier environment to our citizens.

Staff has drafted the attached Proposed Ordinance Number 2013-08, repealing Title 9, Chapter 7 of the Municipal Code (Open Burning) and reenacting a new Title 9, Chapter 7.

## **Summary:**

This Ordinance prohibits the open burning of yard debris but will not prohibit recreational burning when done in accordance with the rules established within the ordinance. The ordinance under consideration includes changes from the previous ordinance considered at the July 2<sup>nd</sup>, 2013 Council meeting to include:

- All references to the pre-approval of a recreational fire container (non-commercial) have been removed.
- The requirement that a permit be acquired in order to conduct a recreational fire in an unapproved container has been removed.
- A prohibition on using flammable liquids, with the exception of charcoal lighter fluid, has been added.
- Flexibility has been added to the approval of dimensions for a non-commercially constructed fire pit or container.

## **Background:**

The current regulations which were enacted June 15, 1999 were a compromise reached to allow burning under very controlled situations.

The Public Safety Committee met on June 4, 2013 and voted 3-0 to forward the ordinance to Town Council with a recommendation to approve.

Council action on July 2<sup>nd</sup>, 2013 requested changes in the proposed ordinance which are contained herein.

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

**ORDINANCE NO. 2013-**

**PROPOSED ORDINANCE NO. 2013- 13**

**AN ORDINANCE TO REPEAL CHAPTER 7 OF TITLE 9 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA AND TO REENACT A NEW CHAPTER 7 OF TITLE 9, OPEN BURNING; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Hilton Head Island, South Carolina previously adopted Ordinance 99-18, Chapter 7 of Title 9 entitled "Open Burning" on June 15, 1999; and

**WHEREAS**, the Town Council now desires to amend various sections of Chapter 7 of Title 9 for the purpose of providing for the health and welfare of the residents and visitors of the Town; and

**WHEREAS**, smoke from outdoor burning in populated areas can present serious health hazards to individuals with respiratory ailments; and

**WHEREAS**, smoke from outdoor burning is a common cause of nuisance complaints between neighbors and is often a public nuisance impacting not only residents but visitors of the Town; and

**WHEREAS**, outdoor burning causing nuisance complaints places demands on resources of the Town of Hilton Head Island Fire & Rescue; and

**WHEREAS**, Forestry Commission firefighters respond to more than 3,000 wildland fires burning about 20,000 acres per year; 98% of the wildland fires are caused by human activities. Fire departments respond to more than 20,000 grass, brush, woods, or trash fires per year; and

**WHEREAS**, the Town Council now desires to reenact a new Chapter 7 of Title 9, Open Burning.

**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.**

- A. That Chapter 7 of Title 9 (Open Burning) of the Municipal Code of the Town of Hilton Head Island, South Carolina, is hereby repealed.
- B. A new Chapter 7 of Title 9 (Open Burning) of the Municipal Code of the Town of Hilton Head Island, South Carolina, is hereby adopted; see Attachment "A" for language of new ordinance.

**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 immediately 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 \_\_\_\_\_, 2013.**

\_\_\_\_\_  
**Drew A. Laughlin, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Esther Coulson, Town Clerk**

**First Reading:**

**Second Reading:**

**Approved as to form:** \_\_\_\_\_  
**Gregory M. Alford, Town Attorney**

**Introduced by Council Member:**

## Attachment "A"

### Chapter 7 OPEN BURNING

#### Sec. 9-7-10. Definitions.

- (a) Applicant(s). Individual(s) seeking a permit to conduct a fire.
- (b) Burn Permit. A legal document issued by the Fire Chief on behalf of the Town granting temporary permission to conduct a fire.
- (c) Commercial burn. Burning performed for the purpose of commercial profit, land clearing, and all other burning not classified as residential burning or recreational fire.
- (d) Fire Chief. The individual in charge of Fire & Rescue. For the purpose of this chapter, the Fire Chief may designate members of Fire & Rescue as his designee.
- (e) Fire-extinguishing equipment. A garden hose connected to a water supply or other approved equipment including but not limited to, a 2A:10BC fire extinguisher, 2.5 gallon pressurized water fire extinguisher or a 5 gallon bucket of sand .
- (f) Natural vegetation. Including, but not limited, to grass, pine straw, pine cones, tree limbs, branches, leaves and similar items of yard waste.
- (g) Open burning. The burning natural vegetation, outdoors when it is not contained within an incinerator, outdoor fireplace, barbecue grill, or barbecue pit.
- (h) Outdoor Fireplace – An assembly consisting of a hearth and fire chamber or similar prepared place of noncombustible material in which a fire may be made and which is built in conjunction with a chimney and receives a Town issued building permit.
- (i) Recreational fire. A fire for the purpose of pleasure, religious, ceremonial, or other similar purposes not including a fire intended for disposal of waste wood, pine straw, leaves, grass or trash.
- (j) Trash. All waste material not defined as natural vegetation.

#### Sec. 9-7-20. Open Burning Prohibited.

No individual or group of individuals shall be allowed to kindle or maintain any open burn, or to allow any such fire to be kindled or maintained. Open burning is prohibited except for the following:

- (a) Outdoor Cooking. This ordinance shall not apply to outdoor fixed and portable barbecues, food smoking units, and outdoor cooking stoves.
- (b) Outdoor Fireplace which receives a Town issued building permit and is properly maintained.
- (c) Recreational Fires.
  - (1) Recreational fires contained within a container, pit, barrel, or other non-combustible enclosure intended for recreational fires or

cooking must be located at least 15 feet from any structure or stored combustible materials. Examples of containers are metal fire rings or burn barrels, manufactured units for open flame type burning (such as a chimeneas and fire pits), other non combustible constructed enclosures with a minimum depth of 12 inches and completely enclosed by a non-combustible material such as steel, brick, masonry or stone lining the perimeter. An exception to the minimum depth must be approved by the Fire Chief.

- (2) Recreational fires not contained in a pit, barrel, or other non-combustible enclosure intended for recreation or cooking shall not be conducted within 50 feet of any structure or stored combustible material.
- (3) A recreational fire shall not include a fire intended for disposal of waste wood, pine straw, leaves, grass or trash.
- (4) A recreational fire shall not exceed an area greater than three feet in diameter and two feet in height, unless an exception is approved by the Fire Chief. Only one recreational fire may burn at a time on any site, unless an exception is approved by the Fire Chief.
- (5) Recreational fires are restricted to burning natural vegetation, commercially prepared fireplace logs, and charcoal, but shall not include the burning of trash or items of yard waste including but not limited to pine straw, leaves, grass.
- (6) Prior to burning, the automated burn permit line shall be called to determine if burning is allowed on that day.
- (7) A competent adult who is capable of controlling the fire, taking emergency action, and calling for assistance is required at the site at all times while the fire is burning.
- (8) The individual responsible for the recreational fire shall maintain a garden hose connected to a water supply where water is available. If water is not available, then alternate approved fire extinguishing equipment shall be on-hand to control and extinguish the fire.
- (9) No accelerants can be utilized to start a fire with the exception of charcoal lighter fluid. Such prohibited accelerants include, but are not limited to, gasoline, diesel fuel, or any other type of flammable fluid.
- (10) Fires that illuminate the beach shall be extinguished prior to 10:00 p.m. from May 1<sup>st</sup> to October 31<sup>st</sup>.
- (11) The Fire Chief shall be allowed access to inspect the property on which any recreational fire is located. The Fire Chief is authorized to require any recreational fire that is determined to be in an unsafe container or is a public safety or health hazard to be extinguished immediately.
- (12) No fires shall be allowed when an extraordinary fire hazard is declared as set forth in Sec. 9-7-40.

- (d) Open Burning by special permit -Exceptional Circumstances – Debris in the form of natural vegetation generated at the site of a one or two family dwelling as a result of severe windstorm, hurricane, tornado, or other natural disasters may be burned with approval of the Town Manager and the Fire Chief for a specific and limited timeframe. Prior to burning a permit is required to be obtained and the following regulations shall apply.
- (1) Burning may occur on the dates listed on the permit between the hours of 9:00 a.m. and 6:00 p.m. or sunset, whichever occurs first. All open burning fires shall be fully extinguished by 6:00 p.m. or sunset, whichever occurs first.
  - (2) The individual responsible for the burning shall have an approved permit in their possession at the site.
  - (3) Prior to burning, the automated burn permit line shall be called to determine if burning is allowed on that day.
  - (4) A competent adult who is capable of controlling the fire, taking emergency action, and calling for assistance is required at the site at all times.
  - (5) The individual responsible for the burning shall maintain a garden hose connected to a water supply where water is available. If water is not available, then alternate approved fire extinguishing equipment shall be on-hand to control and extinguish the fire.
  - (6) Burning is restricted to burning natural vegetation generated at the site and shall not include trash.
  - (7) Burning shall not be conducted within 50 feet of any structure or stored combustible material.
  - (8) The fire shall not exceed an area greater than three feet in diameter and two feet in height, unless an exception is approved by the Fire Chief. Only one recreational fire may burn at a time on any site, unless an exception is approved by the Fire Chief.
  - (9) The Fire Chief shall cause to be published in a newspaper of general circulation within the Town of Hilton Head Island, a public notice of the dates that will be authorized for burning by special permit. The Fire Chief shall cause to be published in a newspaper of general circulation, within the Town of Hilton Head Island, a public notice of revocation of any dates in which burning by special permit are revoked.

#### Sec. 9-7-30. Commercial burning.

##### Commercial burning is prohibited except for:

- (a) Storm debris. Debris in the form of natural vegetation generated as a result of severe windstorms, hurricanes, tornadoes, or other natural disasters may be burned at approved sites in accordance with the Town's Debris

Management Plan and with a permit issued by the Fire Chief and all other appropriate permitting agencies. All man-made materials and processed natural materials shall be disposed of in accordance with Federal Environmental Protection Agency and State Department of Health and Environmental Control Regulations.

- (b) Outdoor Fireplace which receives a Town issued building permit and is properly maintained.
- (c) Bonfires, ceremonial. Local schools may be issued special permits to conduct a bonfire. Items that may be burned in a bonfire are limited to untreated wood/lumber and other natural unprocessed forest products. The permit shall list the fuel area size limitations applicable to this burn. Inspections by the Fire Chief are required prior to and during the construction of the bonfire.
- (d) Recreational fires at commercial businesses. Commercial businesses may conduct recreational fires when contained within a container approved by the Fire Chief.
  - (1) Recreational fires contained within a pit, barrel, or other non-combustible enclosure must be located at least 15 feet from any structure or stored combustible materials. Examples of containers are metal fire rings or burn barrels, manufactured units for open flame type burning (such as a chimeneas and fire pits), constructed fire pits with a minimum depth of 12 inches and completely enclosed by a non-combustible material such as steel, brick, masonry or stone lining the perimeter, unless an exception is approved by the Fire Chief.
  - (2) A recreational fire shall not include a fire intended for disposal of waste wood, pine straw, leaves, grass or trash.
  - (3) A recreational fire shall not exceed an area greater than three feet in diameter and two feet in height, unless an exception is approved by the Fire Chief.
  - (4) Recreational fires are restricted to burning natural vegetation, commercially prepared fireplace logs, and charcoal, but shall not include the burning of trash or items of yard waste including but not limited to, pine straw, leaves, grass.
  - (5) Prior to burning, the automated burn permit line shall be called to determine if burning is allowed on that day.
  - (6) A competent adult who is capable of controlling the fire, taking emergency action, and calling for assistance is required at the site at all times while the fire is burning.
  - (7) The individual responsible for the recreational fire shall maintain a garden hose connected to a water supply where water is available. If water is not available, then alternate approved fire extinguishing equipment shall be on-hand to control and extinguish the fire.
  - (8) No accelerants can be utilized to start a fire with the exception of charcoal lighter fluid. Such prohibited accelerants include, but are

not limited to, gasoline, diesel fuel, or any other type of flammable fluid.

- (9) Fires that illuminate the beach shall be extinguished by 10:00 p.m. from May 1<sup>st</sup> to October 31<sup>st</sup>.
- (10) The Fire Chief shall be allowed access to inspect the property on which any recreational fire is located. The Fire Chief is authorized to require any recreational fire that is determined to be in an unsafe container or is a public safety or health hazard to be extinguished immediately.
- (11) No fires shall be allowed when an extraordinary fire hazard is declared as set forth in Sec. 9-7-40.

#### Sec. 9-7-40. Extraordinary fire hazards.

- (a) The Fire Chief shall have the authority to declare the existence of an extraordinary fire hazard when, due to climatic, meteorological or other conditions, the forest, grass, woods, wild lands, fields, or marshes within the Town of Hilton Head Island become so dry or parched as to create a fire hazard endangering life and property. The declaration and restrictions for burning shall remain in effect until such time as the Fire Chief determines that the extraordinary conditions which threaten life and property no longer exist.
- (b) After declaration of an extraordinary fire hazard, the Fire Chief shall cause to be published in a newspaper of general circulation within the Town of Hilton Head Island, a public notice of declaration of an extraordinary hazard.
- (c) The Fire Chief shall cause to be published in a newspaper of general circulation within the Town of Hilton Head Island a public notice of revocation of the declared extraordinary fire hazard.
- (e) During a declared extraordinary fire hazard, burning of any kind shall not be allowed with the exception of outdoor cooking such as outdoor fixed and portable barbecues, food smoking units, and outdoor cooking stoves.

#### Sec. 9-7-50 Violations

- (a) The Fire Chief is authorized to order the extinguishment of any fire that violates the provisions of this chapter or creates a public safety hazard, public nuisance or a public health hazard.
- (b) Any individual(s) violating any provision of this chapter shall be subject to the penalties set forth in section 1-5-10 of this Code. Each day's continued violation constitutes a separate offense.



# TOWN OF HILTON HEAD ISLAND

---

## *Community Development Department*

**TO:** Stephen G. Riley, ICMA-CM, *Town Manager*  
**VIA:** Charles Cousins, AICP, *Director of Community Development*  
**FROM:** Marcy Benson, *Senior Grants Administrator*  
**CC:** Shawn Colin, AICP, *Deputy Director of Community Development*  
**DATE:** July 24, 2013  
**SUBJECT:** CDBG Entitlement Community Eligibility Recommendation

---

**Recommendation:** Town staff recommends Town Council declines participating in the United States Department of Housing and Urban Development Community Development Block Grant (CDBG) Entitlement Program.

**Summary:** In June 2013 Town staff was notified by the South Carolina office of the United States Department of Housing and Urban Development (HUD) of the Town's new eligibility status to participate in the Community Development Block Grant (CDBG) Entitlement Program based on 2010 US Census data indicating an increase in Town population. The estimated annual amount of funding the Town would receive in this program directly from HUD is approximately \$220,000. These funds must benefit low-to-moderate income (LMI) households. There is no local match requirement and the annual allocation can fluctuate each year depending on HUD calculations.

Program stipulations require projects funded through the CDBG Entitlement Program to adhere to rigorous management, coordination, auditing, reporting, monitoring, and evaluation requirements, and cannot be administered by a consultant, such as a council of governments. Once a grant agreement is executed between the Town and HUD for the CDBG Entitlement Program the Town is held responsible for administering all of the program components. The exception to this is when writing the program-required consolidated plan; a consultant may be procured and paid for with CDBG funds.

In past Town projects funded with CDBG awards from the South Carolina Department of Commerce there was difficulty in qualifying project areas that met the LMI percentage requirements. Delays were experienced in these projects due to acquisition and environmental review requirements. These or other types of delays could arise in future projects, and when a project is funded with CDBG monies all program requirements must be met.

Other individuals who participate in or administer the CDBG Entitlement Program have relayed to Town staff their concerns that the amount of funding which would be available is not significant enough to justify the challenges the program presents. The Town must notify HUD of its decision to decline or accept participating in this program prior to September 7, 2013.

**Background:** Projects eligible for CDBG funding include, but are not limited to: acquisition; public facilities & improvements; clearance & remediation; and public services. There is flexibility with projects eligible to receive CDBG Entitlement Program funding, in that the projects do not have to go through a competitive selection process, but they must be listed in the program-required consolidated plan. This could allow individual dirt road paving projects, whereas in the state CDBG program a road project must be a component of a larger project. However, road paving projects must benefit areas with a minimum of 51% LMI residents, which has proven problematic to reach in the past for the Town. Additionally, land acquisition would be involved which has made it difficult to complete past projects in the required time frame of the program.

Eligible projects must be located in areas with a minimum 51% of households meeting the LMI requirements established by HUD. The Beaufort County median family income for fiscal year 2013, as established by HUD is \$67,000. The LMI limit for a family of four is 80% of the median family income which is \$53,600. Income limits fluctuate based on the size of the family; thus the larger number of persons in a family the higher the

LMI limit. The attached map shows census block groups with median incomes at or below \$53,000, which gives an indication of possible eligible project areas.

The CDBG Entitlement Program has all the same requirements as the CDBG competitive funding program through the South Carolina Department of Commerce, which the Town has received funding from in the past. The Town's past experiences attempting to reach the LMI requirements for the CDBG program have been difficult, if not impossible to meet. In all likelihood if the Town was to participate in the CDBG Entitlement Program, the same problems would occur as with the previous CDBG projects. In the most recent state funded CDBG, the Town received a portion of the grant funds from the state for project costs and then had to return those funds to the state and terminate the grant award because the LMI requirement in the project area could not be reached. There were also lengthy delays, of more than one year in the project due to property acquisition requirements that must be adhered to when federal funds are used in a project.



Should the Town decide to participate in the program a full consolidated plan is required to be submitted to HUD by May 15, 2014 for review and approval. This plan is a five year plan that must be written with public input. The plan should address community resources and includes a housing market analysis, a housing needs assessment, housing activities, non-housing community development activities, goals & objectives, and an annual action plan, which must list the projects intended to be constructed with CDBG funds. The consolidated plan can be written by a consultant on behalf of the Town. Consultant fees for providing a plan may be paid with CDBG funds. The maximum amount of funds available for administrative costs is 20% of the annual CDBG allocation. After the five year consolidated plan is approved by HUD, annual reports and certifications are required to be submitted to HUD each year. During the first year of program participation the Town is required to complete an analysis of impediments to fair housing and an action plan, which must list activities to be undertaken to rectify any impediments.

A recent example of a CDBG Entitlement Community similar in population to the Town of Hilton Head Island is Summerville, South Carolina. Summerville became a CDBG Entitlement Community in 2010 and during the first several months of program participation the grants administrator spent the majority of her work effort administering and training in the required components of the program. At present approximately 25% of her annual work effort is spent administering the program. Funds were allocated in the Summerville budget to build staff program knowledge through attending training workshops which focused on conducting environmental reviews; CDBG financial governance and management principals; federal procurement procedures; economic development and data reporting. The majority of Summerville's CDBG Entitlement Program projects are roadway and sidewalk improvements in LMI neighborhoods.

If the Town chooses to decline participating in the CDBG Entitlement Program in fiscal year 2014, the Town will likely re-appear on the eligibility list in fiscal year 2015, unless there is a drastic reduction in population. Declining to participate will not be a strike against future eligibility.










## Legend





-  Income Levels <= \$53,000
-  2010 Census Block Groups

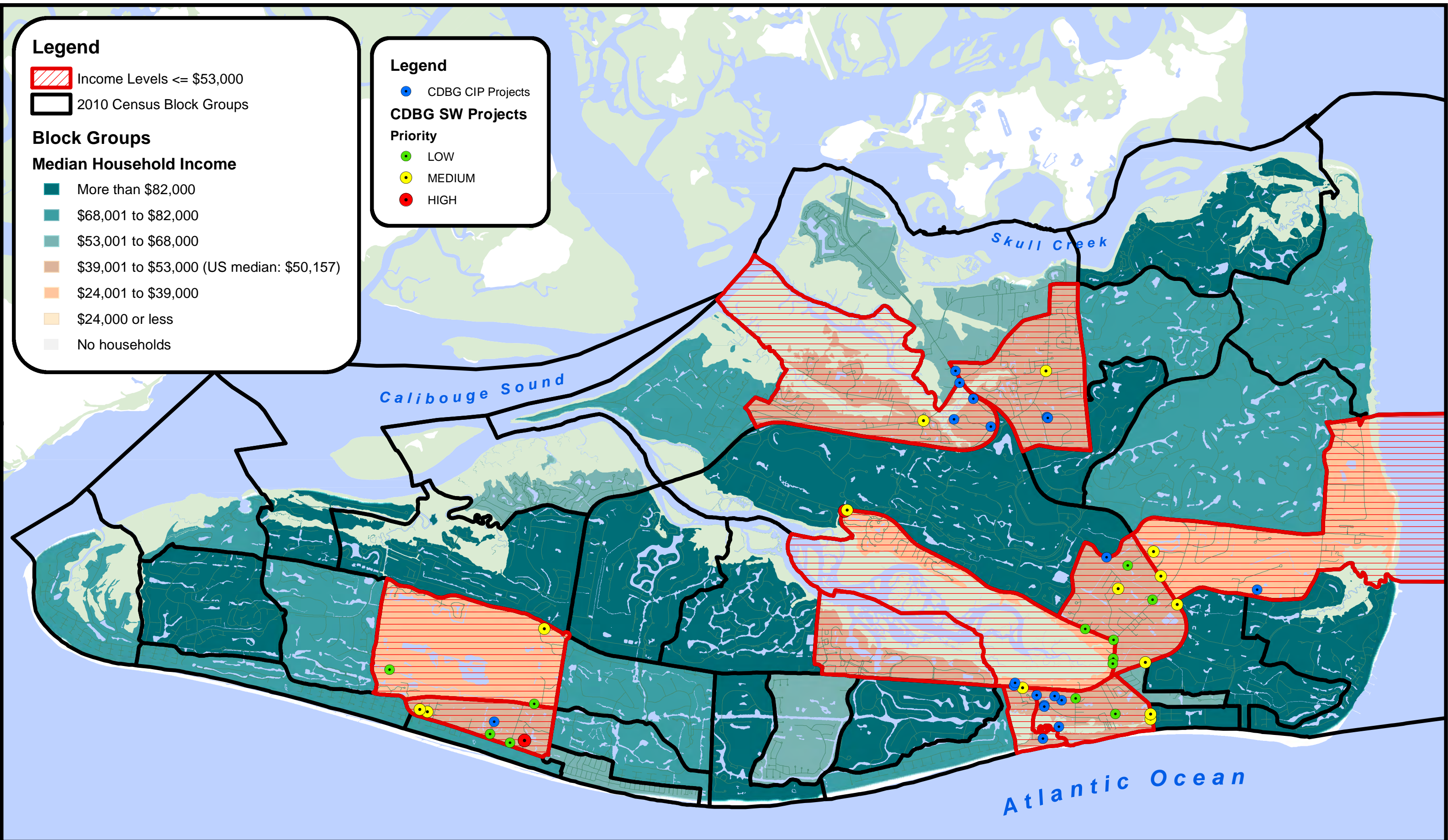
## Block Groups

### Median Household Income

-  More than \$82,000
-  \$68,001 to \$82,000
-  \$53,001 to \$68,000
-  \$39,001 to \$53,000 (US median: \$50,157)
-  \$24,001 to \$39,000
-  \$24,000 or less
-  No households

## Legend

-  CDBG CIP Projects
- CDBG SW Projects**
- Priority**
-  LOW
-  MEDIUM
-  HIGH



TOWN OF HILTON HEAD ISLAND  
ONE TOWN CENTER COURT  
HILTON HEAD ISLAND, S.C. 29928  
PHONE (843) 341-4600  
Date Created: Wednesday, July 17, 2013  
CDBG, Entitlement, Possible, LME, Area, 1.mxd

Town of Hilton Head Island  
Census Block Income Levels  
July 17, 2013

2,100 1,050 0 2,100 4,200 6,300 Feet  
1 inch = 4,167 feet



This 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 for any losses arising from the use of the map.

# **MEMORANDUM**

**TO:** Town Council

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

**RE:** Proposed Ordinance Number 2013-14, Amend Chapter 1 (Beaches) of Title 8, Section 8-1-211(17) Commercialization)

**DATE:** July 30, 2013

**CC:** Gregory D. DeLoach, Esq., Assistant Town Manager  
Scott Liggett, Director PP&F  
Brian Hulbert, Staff Attorney

---

**Recommendation:** Staff recommends that Town Council approve first reading of Proposed Ordinance Number 2013-14, amending Section 8-1-211 (17) Commercialization of the Municipal Code.

**Summary:** This Ordinance amends Section 8-1-211 (17) of the Municipal Code. Currently our municipal code prohibits any commercial activity on the beach, except when provided with a franchise from the Town. This amendment would allow the Town to approve commercial activity on occasions of the celebration of the anniversary of the Town incorporation or anniversary of Captain Hilton's sighting of the Island, or both .

**Background:** The Town will celebrate its 30th anniversary of incorporation this year and the 350th anniversary of the sighting of Hilton Head Island. The Town currently has a request for commercial activity to occur on the beach near Coligny Beach Park in conjunction with the planned celebration. The commercial activity would include the preparation and sale of food and beverages, entertainment, and sale of 350/30 merchandise. This type of activity would not be allowed to occur on the beach without an amendment to the municipal code.

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**  
**ORDINANCE NO. 2013-                      PROPOSED ORDINANCE NO. 2013-14**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; TO AMEND CHAPTER 1 (BEACHES) OF TITLE 8, BEACHES, WATERWAYS AND RECREATIONAL AREAS, PART A, GENERAL BEACH PROHIBITIONS, SECTION 8-1-211 (17), UNLAWFUL ACTIVITIES ENUMERATED; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council did previously adopt Chapter 1 of Title 8 entitled "Beaches" on May 21, 1984; and

**WHEREAS**, the Town Council finds it desirable to amend Chapter 1 of Title 8, Section 8-1-211 (9) to facilitate a 350/30 year anniversary in celebration of two historic dates in the history of Hilton Head Island.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS HEREBY ORDERED AND ORDAINED BY AND UNDER THE AUTHORITY OF 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 Subsection (17) of Section 8-1-211 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby is amended to read as follows:

**“Section 8-1-211. Unlawful activities enumerated.”**

(17) *Commercialization.* No commercial activity shall be undertaken on the beach on [or] in the waters within the jurisdiction of the town, including the sale, solicitation or offer for sale of any product, real estate or real estate interest, service or activity, the rental or offer of rental of any real or personal property, the distribution of any material, handouts, bills, promotional brochures or similar items, except in conformity with the provisions of this chapter. (See Article III, "Franchising".) **Except that an event to celebrate the anniversary of the sighting of Hilton Head Island or the anniversary of the incorporation of the Town, or both, which is approved by the Town, is permitted to be conducted on the beach at the approved location and time.**

Any person proposing to operate any commercial enterprise on private property contiguous to the beach shall be subject to all applicable provisions of this municipal code and must possess a valid town business license. (See Title 16 regarding development plan approvals.)

**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 no 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:**

\_\_\_\_\_  
**Esther Coulson, Town Clerk**

**First Reading:** \_\_\_\_\_

**Second Reading:** \_\_\_\_\_

**APPROVED AS TO FORM:**

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

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

**MEMORANDUM**

**TO:** Town Council

**FROM:** Scott Liggett, Dir. Public Projects and Facilities

**VIA:** Stephen G. Riley, ICMA~CM, Town Manager

**DATE:** August 1, 2013

**RE:** Fire Station # 6 – authorization to execute work change directive

---

**Recommendation:** Staff recommends Town Council authorize the Town Manager to execute a work change directive not to exceed \$375,000 regarding the above referenced project. Full disclosure via FY 14 budget amendment and follow up construction contract Change Order will be brought forward for Town Council action when ready, with the goal being to transfer funds from within the approved Capital Improvements Program budget, if possible. Time is of the essence as the completion of site work is on the project's critical path schedule. Waiting until September for Council budget amendment and Change Order approval will delay the project and expose the town to potential claims by the contractor.

**Summary:** Unforeseen and differing subsurface conditions from those believed to exist prior to construction have been encountered. As a result of pre-project geotechnical exploration it was believed that structurally adequate in-situ subsurface soil conditions existed for the construction of the Fire Station. On site excavation and test pits have exposed a variety of unacceptable materials within the proposed building's bearing envelope. Material buried on site includes chunks of asphalt and concrete, landscaping debris, roots, tree stumps and limbs, general refuse and scrap irrigation pipes. Approximately 6,500 cubic yards of material must be removed and replaced. The presence of the organic material at shallow depths below the slab-on-grade floor/foundation slab is potentially detrimental to the long term integrity of the structure. While all materials appear to be inert, they are unsuitable to remain in place as they create the potential for significant total or differential settlement to occur.

**Background:** In 2010, the Town commissioned ECS - Southeast, LLC to conduct a geotechnical exploration and report concerning the proposed site for Fire Station #6. As a result of the recommendations contained in the report, that the existing sub-grade material appeared suitable for the proposed building pad and pavement areas, the Fire Station was designed and construction documents developed which did not require removal and replacement of the existing soil. Conditions encountered dictate that a change in plans occur.