



**The Town of Hilton Head Island**  
**Regular Town Council Meeting**  
**August 5, 2014**  
**4:00 P.M.**  
**AGENDA**

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

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- 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**
  - a. Hilton Head Island High School Class of 2014 International Baccalaureate Diploma Program Candidates and Recipients
  - b. Aviation Week
- 6) Approval of Minutes**
  - a. Town Council Workshop, July 8, 2014
  - b. Town Council Special Meeting, July 11, 2014
  - c. Town Council Meeting, July 15, 2014
- 7) Report of the Town Manager**
  - a. Semi Annual Update of the Planning Commission – Gail Quick, Former Chairman
  - b. Semi-Annual Update of the Parks and Recreations Commission – Heather Rath, Chairman
  - c. Town Manager's Items of Interest
  - d. July, 2014 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 2014-15**

Second Reading of Proposed Ordinance 2014-15 to repeal Section 12-1-611 of the Municipal Code of The Town of Hilton Head Island; and providing for severability and an effective date.

**11) New Business**

**a. Consideration of a Recommendation – Beaufort County Sheriff's Office Contract**

Consideration of a Recommendation to Amend the Beaufort County Sheriff's Office (BCSO) Contract Dated January 17, 2012.

**b. Consideration of a Recommendation – CDBG Entitlement Community Eligibility**

Consideration of a Recommendation that Town Council direct the Town Manager to execute a written letter to accept participating in the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Entitlement Program for federal fiscal year 2015 and direct Town staff to draft the required consolidated plan.

**c. Consideration of a Recommendation – Private Road Acquisition Application**

Consideration of a Recommendation that Town Council reject the dedication of private road rights of way for East and West Morgan Courts.

**d. Consideration of a Resolution – Audit**

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, to award a contract to Scott & Company, L.L.C. for financial audit services for the years ending June 30, 2014 through 2017

**e. Consideration of Resolutions pertaining to Palmetto Hall Drainage**

**f. Consideration of Sale of Land**

**g. Consideration of an Amendment to the Planters Row Golf Course Lease Agreement**

**12) Executive Session**

**a. Land Acquisition**

(1) Consideration of Sale of Land

**b. Legal Matters**

**c. Contractual Matters**

(1) Consideration of Resolutions pertaining to Palmetto Hall Drainage

(2) Consideration of an Amendment to the Planters Row Golf Course Lease Agreement

**13) Adjournment**

# Proclamation

BY  
THE TOWN OF HILTON HEAD ISLAND

**WHEREAS**, Orville Wright and his brother, Wilbur, invented the first airplane to achieve powered, sustained, heavier-than-air, controlled human flight; and

**WHEREAS**, the Wright Flyer was first flown by Orville for a length of 120 feet in 12 seconds, at a speed of 6.8 miles per hour over the ground at Kill Devil Hills, North Carolina, in December of 1903; and

**WHEREAS**, President Franklin Delano Roosevelt first established National Aviation Day in 1939 to coincide with the birthday of Orville Wright, which is August 19, 1871; and

**WHEREAS**, aviation has revolutionized all aspects of modern world history and impacts all of our lives on a daily basis, with the aviation industry in the Palmetto State blossoming to include commercial carrier, military, and general aviation airports, as well as a thriving aerospace industry; and

**WHEREAS**, Charles Fraser, Chairman of County Council, officially opened the Hilton Head Island Airport in 1967, and the pilot of the first plane to land was Arnold Palmer; and

**WHEREAS**, the Beaufort County Airport was built in the 1950's, was taken over by Beaufort County in 1998, and has also become known as Lady's Island Airport and nicknamed Frogmore International Airport; and

**WHEREAS**, both the Hilton Head Island Airport and the Beaufort County Airport have grown and have had a significant economic impact by providing commercial, military, business and pleasure flights for the residents and visitors of Beaufort County.

**NOW, THEREFORE, I, Drew A. Laughlin, Mayor, of the Town of Hilton Head Island, South Carolina do hereby proclaim the week of August 17 – August 23, 2014 as**

## **Aviation Week**

*in Hilton Head Island to recognize the importance of aviation to our citizens and visitors.*

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hilton Head Island to be affixed this **5th day of August, Two Thousand and Fourteen.**

*Drew A. Laughlin, Mayor*

*Attest:*

*Victoria L. Pfannenschmidt, Town Clerk*

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

**Date:** Tuesday, July 8, 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*; Charles Cousins, *Director of Community Development*; Teri Lewis, *LMO Official*; Vicki Pfannenschmidt, *Executive Assistant*

**Present from Media:** Dan Burley, *The Island Packet*

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**1) CALL TO ORDER**

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

**2) FOIA COMPLIANCE** – Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

**3) Overview/Discussion of the Draft Land Management Ordinance (LMO)**

Mayor Laughlin explained that Mr. Jim Gant, LMO Rewrite Committee member was present and would be conducting a presentation to review suggested changes within the Land Management Ordinance. Mayor Laughlin noted the immense time and effort the committee spent on the redraft of the LMO and he stated the product reflects the commitment and effort of all and thanked the Committee members for their hard work.

Mr. Gant pointed out that the work done by the Committee over the last three years was focused on the guiding principles for the Island and making sure they held true to them.

He explained the presentation would consist of topics and issues that have been brought up by individual Town Council members along with major points of interest within the draft. He reviewed the Town Council Charter to the Committee and noted they were focused on addressing inhibitors to redevelopment, listening to the citizens that appeared before the Committee and specifically, reducing nonconformities.

The following items were covered in Mr. Gant's presentation and reviewed by Council and discussed in detail:

- Changes to density, allowed uses and height in various zoning districts
- Density, parking and design and performance standards in the proposed Coligny Resort District
- Elimination of the 500' separation between liquor stores
- Elimination of the prohibition on operating businesses out of storage units
- The addition of additional conditions on convenience stores in the RM-4 zoning district
- The ability or inability of the LMO to help address decaying properties
- Changes to the adjacent use setbacks and buffers
- Setback distance and lighting requirements for telecommunication towers
- The elimination of interval occupancy (timeshare) as a specific use in the LMO

Mr. Williams noted his concerns on the increase in density overall, most notably in the Sea Pines Circle area. He stated the current infrastructure would not be able to handle it. Mr. Gant explained the variables are many and the Committee chose to define zoning changes that would stimulate redevelopment and if redevelopment would occur each one would probably require a traffic study concerning the infrastructure in place. All members of Council participated in lengthy discussion about density.

Council provided input and their concerns on each item listed and Mr. Gant answered questions. Tom Crews, Chairman of the LMO Rewrite Committee, provided information and definitions concerning setbacks from property lines.

Thomas Barnwell, Jr., Perry White, Charles Ryan, Jocelyn Staigar, Michael Mogul, Gail Quick, David Ames, Joe Kernan, Peter Kristian and Jim Collett spoke on various items within the Draft LMO.

Mayor Laughlin thanked the LMO Rewrite Committee Members, staff and citizens for their time and commitment to the project.

#### **4) Adjournment**

The workshop adjourned at 6:16 p.m.

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Vicki Pfannenschmidt

Executive Assistant/Town Clerk

Approved:

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Drew A. Laughlin, Mayor

# THE TOWN OF HILTON HEAD ISLAND

## SPECIAL TOWN COUNCIL MEETING

**Date:** Friday, July 11, 2014

**Time:** 8:00 a.m.

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

**Absent from Town Council:** Bill Harkins, *Mayor Pro-Tem*; Marc Grant, *Council Member*

**Present from Town Staff:** Steve Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*, Susan Simmons, *Director of Finance*; Brian Hulbert, *Staff Attorney*; Bruce Seeley, *Inspections, Collections and Audit Manager*; Vicki Pfannenschmidt, *Executive Assistant*

**Present from Media:** Dan Burley, *Island Packet*

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### 1) CALL TO ORDER

Mayor Laughlin called the meeting to order at 8:00 a.m.

### 2) FOIA Compliance – Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

### 3) Business License Appeal Hearing

#### a. Kigre Inc./Appeal of Denial of Business License and Calculation of Business License Fee

Mayor Laughlin opened the hearing. Tom Taylor, Attorney for the Appellant, gave opening remarks and called his first witness, Susan M. Simmons. Mayor Laughlin conducted the oath. Mr. Taylor questioned Susan Simmons concerning the procedures used in business licensing for classification of businesses and the events that led to the appeal. He submitted the following Exhibits:

Exhibit 1 – Letter from Mr. Taylor to Susan Simmons dated July 31, 2013

Exhibit 2 – Printed copies of information on Kigre, Inc. Website

Exhibit 3 – Letter from Mr. Taylor to Mayor Laughlin and Town Council dated June 13, 2014

Exhibit 4 – Letter from Mr. Taylor to Mayor Laughlin and Town Council dated July 3, 2014

Exhibit 5 – Memo from Stephen G. Riley, via Susan M. Simmons dated May 31, 2013

Mr. Hulbert questioned Ms. Simmons and submitted the following exhibit:

Exhibit 6 – Loose leaf Notebook entitled Kigre, Inc. – Appeal of the 2013-14 Business License Fee to the Town Council of the Town of Hilton Head Island dated July 11, 2014

Mr. Taylor redirected.

Mr. Taylor called Mr. Jeffrey Myers as a witness. Mayor Laughlin conducted the oath. Mr. Taylor questioned Mr. Myers concerning his business and his determination of his class of business and his reasoning for the classification. Mr. Hulbert questioned Mr. Myers.

Mr. Taylor conducted his summation and Mr. Hulbert conducted his summation.

#### **4) Executive Session**

At 10:22 a.m. Mr. Williams moved to go into Executive Session to confer with legal counsel. Mrs. Likins seconded. The motion was unanimously approved by a vote of 5-0.

Mayor Laughlin called the meeting back to order at 11:03 a.m. and stated that prior to Town Council going into Executive Session, Mr. Taylor advised that he objected to the Town Manager or any of the Town Manager's staff being present in the Executive Session. Mayor Laughlin stated for the record that the Town Manager nor any of his staff were present and the only people that participated in Executive Session were Town Council Members and Town Attorney Gregg Alford. Mayor Laughlin asked Council if there was any business to take up as a result of Executive Session.

Mr. Edwards moved that the Town Council deny the appeal of Kigre, because the licensing official had a rational basis and appropriately determined the classification of Kigre and the application of penalties based on the information provided by Kigre at the time that the licensing official made the determinations. Mr. McCann seconded. The motion was unanimously approved by a vote of 5-0.

#### **5) Adjournment**

Mr. Williams moved to adjourn. Mr. McCann seconded. The motion was approved by a vote of 5-0. The meeting was adjourned at 11:06 p.m.

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Vicki L. Pfannenschmidt  
Executive Assistant

Approved:

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Drew A. Laughlin, Mayor

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

**Date:** Tuesday, July 15, 2014

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

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

**Present from Town Staff:** Steve Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Brad Tadlock, *Fire Chief*; Charles Cousins, *Director of Community Development*; Susan Simmons, *Director of Finance*; Nancy Gasen, *Director of Human Resources*; Jennifer Ray, *Urban Designer*; Teri Lewis, *LMO Official*; Jeff Buckalew, *Town Engineer*; Lori Schmidt, *Billing and Cash Receipting Manager*; Brian Hulbert, *Staff Attorney*; Darrin Shoemaker, *Traffic and Transportation Engineer*; Bob Klein, *Building Official*; Julian Walls, *Facilities Manager*; Cary Gaffney, *Storm Water Operations and Maintenance Technician*; Lynn Buchman, *Senior Administrative Assistant*

**Present from Media:** Dan Burley, *Island Packet*

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**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**

None

**6) Approval of Minutes**

**a. Town Council Workshop, May 19, 2014**

Mr. Harkins moved to approve. Mr. McCann seconded. Mr. Riley stated that on page 7 of the attachment there were typographical errors which were corrected and distributed to all. The minutes of the May 19, 2014 Town Council Workshop were approved by a vote of 7-0.

**b. Town Council Meeting, June 17, 2014**

Mr. Harkins moved to approve. Mr. McCann seconded. The minutes of the June 17, 2014 regular Town Council meeting were approved by a vote of 6-0-1. Mrs. Likins abstained because she 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 first six months of 2014.

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

Chairman Kristian presented an activity report for the first six months of 2014.



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

Mr. Riley reported on some items of interest.

**d. June, 2014 Policy Agenda, Management Targets and CIP Updates**

Mr. Riley stated he would gladly answer any questions concerning the update.

**e. Semi-Annual Land Acquisition Update**

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

**8) Reports from Members of Council**

**a. General Reports from Council**

Mr. McCann reported the Heritage Group has changed their rate for Planters Row Golf Course to \$44.00 for Island residents and it is effective immediately. He said the rate includes golf and cart and reservations can be made in advance. He said it is in effect until the end of November, at which time it will be renegotiated.

Mrs. Likins gave kudos to Hilton Head Island EMS. She said one of her board members from the Boys and Girls Club was having chest pains and called 911 and within 27 minutes from the phone call he had surgery and stints placed in his arteries. She expressed thanks from the staff of the Boys and Girls Club and family and friends of the board member.

Mr. McCann suggested that Town Council send a letter of support for Joe Maffo of Critter Management to the DNR. All members of Council were in agreement that a letter of support should be sent under the Mayor's signature.

**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 July 7 and unanimously voted to recommend that Town Council authorize the Town Manager to execute an amendment to the Beaufort County Sheriff's Office (BCSO) contract removing the requirement to have a four person traffic team and allow the Sheriff to utilize the four positions in any manner he deems appropriate.

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

No report.

## **9) Appearance by Citizens**

Mrs. Linda Ferguson addressed Town Council concerning an event planned for the first anniversary of Mr. Ferguson's death. She stated it is being held on Saturday, August 23, 2014 at 12:30 p.m. and it will be held at Jarvis Creek Park. She invited Mr. Grant to speak on recent developments in Ward 1 and said that Pat Wirth of Habitat for Humanity will in attendance to speak concerning The Glen and asked if Mrs. Likins would get someone from First Tee to attend and speak concerning the program. She said the afternoon will also be full of music, games and a cookout and invited all to attend.

Mr. Steve Schultz of Segway of Hilton Head addressed Town Council regarding the use of Segways on the beach.

Mr. Peter Kristian, General Manager of Hilton Head Plantation, addressed Town Council regarding a pump failure at a lift station that controls the southern part of Hilton Head Plantation. He said within 15 minutes of his phone call to Scott Liggett that Cary Gaffney and Bryan McIlwee were at the station manually operating the pumps. He expressed appreciation for their efforts.

## **10) Unfinished Business**

None.

## **11) New Business**

### **a) Consideration of a Recommendation – Private Roads Right of Way Acceptance Policy Revisions**

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

### **b) First Reading of Proposed Ordinance 2014-15**

First Reading of Proposed Ordinance 2014-15 to repeal Section 12-1-611 of the Municipal Code of the Town of Hilton Head Island; and providing for severability and an effective date.

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

### **c) Consideration of a Resolution – Town of Hilton Head Island Council 2014 Policy Agenda/Targets for Action, 2014 Management Agenda, and Governance Actions**

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, updating Town of Hilton Head Island Council 2014 Policy Agenda/Targets for Action, 2014 Management Agenda, and Governance Actions.

Mr. Harkins moved to approve. Mrs. Likins seconded. Mr. McCann asked if any of the short-term or long-term objectives have been implemented concerning the Arts Center. Mr. Riley stated they had not. Mr. McCann asked that they be brought forward at the September 2 Town Council meeting. The Mayor concurred.

Mr. Riley stated that on page 7 of the attachment there were typographical errors which were corrected and distributed to all. Mrs. Likins stated that on page 11 of the attachment, Mary Briggs indicated Item 5 was incorrect. After Mrs. Briggs spoke it was the consensus of Council that the item should be modified to read "unsatisfied." The motion was approved by a vote of 7-0.

#### **d) Consideration of a Recommendation – LMO and Zoning Map**

Consideration of a Recommendation that Town Council direct that the appropriate ordinances be brought forward at the Town Council meeting on August 5<sup>th</sup>, 2014 to adopt a new LMO and zoning map and repeal the current LMO and zoning map as recommended by Planning Commission.

Mayor Laughlin asked that the recommendation be changed to reflect the date of September 2, 2014 as the date to bring forward the appropriate ordinances. Mr. Williams moved to change the date to September 2. Mr. Harkins seconded. The amendment was approved by a vote of 7-0.

Bret Martin, President of Sea Pines CSA spoke on behalf of the commercial resort and residential owners in Sea Pines. He expressed concerns with the Draft LMO and the proposed increase density in the Sea Pines Circle area. He offered to work with staff in trying to develop an overall traffic study and traffic plan for the Sea Pines Circle area. He said they are willing to participate and contribute to that plan with staff and try to expand the existing USCB study into a larger study.

Mr. Jim Collett, Chairman of the Telecommunications Task Force stated that they made some suggested adjustments to the Draft LMO relative to telecommunications. He asked if those would be carried forward or addressed at a later date. Mr. Riley stated what will go forward is what was brought forward from the Planning Commission. Mayor Laughlin stated there would be ample opportunity to discuss changes.

Mr. Steve Birdwell, President of Sea Pines Resort spoke concerning the proposed increase in density in Sea Pines Circle area. He urged Town Council and the LMO Rewrite Committee to carefully review and evaluate the proposed increase commercial density.

Mayor Laughlin noted that there is no reason the LMO Rewrite Committee could not meet and review the list of concerns discussed at the Town Council Workshop. Mrs. Likins said the Committee was meeting at the end of the month and would review the items.

The amended motion was approved by a vote of 7-0.

#### **e) Consideration of a Recommendation – Coligny Area temporary parking improvements**

Consideration of a Recommendation that Town Council provide direction on short-term and intermediate term concepts to create additional parking at the Coligny Beach Parking Lot.

Jennifer Ray reviewed the area of concern. She stated the Planning Commission met and suggested some immediate improvements for the Coligny area of which one of them was to redesign the existing beach parking lot to increase parking spaces in the short term and expand on to Town owned property. Ms. Ray explained three options suggested by the consultant and what would need to be done to implement them and the estimated costs for each option.

Mr. Williams expressed concern that if the Coligny area redevelopment is moved forward as Council discussed the cost for these improvements would be wasted. Mr. Riley explained even if there was a plan for Coligny it would be at least 18 months to two years before the project would commence.

After lengthy discussion concerning overflow parking needs, the traffic/parking study that is underway and the concern for all beach parks and parking issues at each park, Council agreed the issue is a priority.

Mr. Edwards invited David Martin to speak on the parking problems in the Coligny area. Mr. Martin thanked Council and staff for their assistance and explained the problems the merchants have concerning beachgoers parking in their parking spaces. He encouraged Council to come up with a plan and offered assistance in coming up with a solution.

Mr. Riley pointed out that this is not just an issue of beach parking. He noted the additional outdoor dining areas added to restaurants in the Coligny area with no increase in parking places also needs to be taken into consideration.

Mr. Harkins moved to acknowledge that there is nothing Council can get completed for this current season and that they will convene a meeting or series of meetings to discuss the bigger picture and what needs done for next season for all Town beach parking.

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

**f) Consideration of a Resolution for the purchase of property within the Pope Avenue Corridor**

See below. Item 11.f. was addressed after Executive Session.

**12) Executive Session**

Mr. Riley stated he needed an Executive Session for contractual matters pertaining to land acquisition for the proposed USCB campus and contractual matters pertaining to a proposed joint acquisition with Beaufort County.

At 5:28 p.m. Mr. Harkins moved to go into Executive Session for the reasons as set forth by the Town Manager. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

Mayor Laughlin called the meeting back to order at 5:47 p.m. and asked if there was any business to take up as a result of Executive Session.

Mr. Williams moved that the Town Council for the Town of Hilton Head Island, South Carolina, adopt a resolution authorizing the execution of a sale and purchase agreement for purchase of property consisting of approximately 1.04 acres and located at 11 Office Park Road on Hilton Head Island, South Carolina from Time Warner Cable Southeast, LLC D/B/A Time Warner Cable for six hundred eighty thousand dollars (\$680,000).

**13) Adjournment**

Mr. Edwards moved to adjourn. Mr. McCann seconded. The motion was unanimously approved by a vote of 6-0. The meeting was adjourned at 5:49 p.m.

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Vicki L. Pfannenschmidt,  
Executive Assistant/Town Clerk

Approved:

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Drew A. Laughlin, Mayor



# Items of Interest

## August 5, 2014

### 1. Noteworthy Events

a) Some of the upcoming meetings at Town Hall:

- Planning Commission – August 6, 2014, 9:00 a.m.
- Design Review Board – August 12, 2014, 1:15 p.m.
- Planning Commission – August 20, 2014, 3:00 p.m.
- Design Review Board – August 26, 2014, 1:15 p.m.
- Construction Board of Adjustments & Appeals – August 26, 2014, 5:30 p.m.
- Town Hall Administrative Offices Closed September 1, 2014 in Observance of Labor Day
- Public Facilities Committee – September 2, 2014
- Town Council – September 2, 2014, 4:00 p.m.

Reminder: There is no Town Council meeting scheduled for Tuesday, August 19, 2014.

(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.

## July- 2014 QUARTERLY REPORT

<b>TOPIC:</b>	<b>Shelter Cove Park update</b>
<b>CONTACT:</b>	Jennifer Ray, Urban Designer
<b>STATUS:</b>	Staff is working with the developer to obtain cost estimates and construction documents. Following this, the building permit can be applied for and construction can begin.
<b>ISSUE:</b>	Park Development and Construction
<b>BACKGROUND:</b>	The Development Plan Approval (DPR) and the Design Review (DR) have been approved.
<b>OUTLOOK:</b>	Hope to start construction soon with less than 6 months construction.
<b>TOPIC:</b>	<b>ISO/BCEGS audit of Building Division</b>
<b>CONTACT:</b>	Bob Klein, Building Official
<b>STATUS:</b>	The Town is being audited for the Building Code Effectiveness Grading Schedule (BCEGS).
<b>ISSUE:</b>	Building Division is audited every 3 years.
<b>BACKGROUND:</b>	This program assesses the building codes and how the community enforces them with special emphasis on mitigating losses from natural hazards. A good rating could potentially lower homeowners' insurance rates. We are currently a Class 4 (1 being the highest) in both residential and commercial.
<b>OUTLOOK:</b>	Scheduled for August 5 <sup>th</sup> .
<b>TOPIC:</b>	<b>Airport Tree Mitigation</b>
<b>CONTACT:</b>	Teri Lewis
<b>STATUS:</b>	The mitigation planting project is well underway at the north end of the runway and staff is starting to walk the site with the Airport and the contractor to determine what areas still need to be planted.
<b>ISSUE:</b>	Replanting of trees removed for expansion of runway

# **MEMORANDUM**

**TO:** Town Council

**FROM:** Staff Attorney

**Via:** Stephen G. Riley, ICMA-CM, Town Manager  
Gregory D. DeLoach, Esquire, Assistant Town Manager

**RE:** Repeal of Municipal Code Section 12-1-611, Prohibiting the composition, reviewing, or sending of electronic messages while operating a motor vehicle in the Town of Hilton Head Island

**DATE:** July 16, 2014

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No changes were made to Proposed Repeal of Municipal Code Section 12-1-611 as a result of First Reading on July 15, 2014.

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

**PROPOSED ORDINANCE NO.: 2014-15**

**ORDINANCE NO.: 2014-**

**AN ORDINANCE TO REPEAL SECTION 12-1-611 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Hilton Head Island, South Carolina previously adopted Ordinance 2013-06, Chapter 1 of Title 12 entitled "Text Messaging" on July 2, 2013; and

**WHEREAS**, the State Legislature has enacted Section 56-5-3890 of Code of Laws for the State of South Carolina which makes it a violation to use a wireless electronic communication device to compose, send, or read a text-based communication while operating a motor vehicle on the public streets and highways; and

**WHEREAS**, §56-5-3890 preempts local ordinances, regulations, and resolutions adopted by municipalities, counties, or other local government entities regarding people using wireless electronic devices while operating motor vehicles on the public streets and highways.

**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.

That Section 611 of Chapter 1 of Title 12 of the Municipal Code of the Town of Hilton Head Island, South Carolina, is hereby repealed.

**Article 6. TEXT MESSAGING**

~~"Section 12-1-611. Electronic Communications While Operating a Motor Vehicle.~~

~~(a) Definitions:~~

~~"Electronic communications device" means an electronic device used for the purpose of composing, reading, or sending an electronic message, but does not include a global positioning system or navigation system or a device that is physically or electronically integrated into the motor vehicle.~~

~~"Electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. "Electronic message" includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an internet site.~~



~~(b) It shall be unlawful for a person to use an electronic communication device to compose, read, or send an electronic message while operating a motor vehicle on the streets and roads within the Town.~~

~~(c) Exceptions. This section shall not apply to a person operating a motor vehicle while:~~

~~(1) off the traveled portion of a roadway;~~

~~(2) using an electronic communication device in a hands free, voice activated, or voice-operated mode that allows the driver to review, prepare and transmit an electronic message without the use of either hand except to activate, deactivate, or initiate a feature or function;~~

~~(3) summoning medical or other emergency assistance; or~~

~~(4) using a citizens band radio, commercial two-way radio communication device, in-vehicle security, or amateur or ham radio device.~~

~~(5) public safety personnel employed by a federal, state, county, or municipal organization who are utilizing an electronic communication device during the course and scope of their official duties.~~

~~(d) Penalty. A person who violates this section is guilty of misdemeanor distracted driving and, upon conviction, shall be fined one hundred dollars for a first offense, two hundred dollars for a second offense, and three hundred dollars for a third or subsequent offense. This fine is subject to all applicable court costs, assessments, and surcharges.~~

**Section 2. Severability.** If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 3. Effective Date.** Ordinance shall become 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 \_\_\_\_\_, 2014**

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

**ATTEST:**

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

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

**APPROVED AS TO FORM:**

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

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



## **Town of Hilton Head Island**

One Town Center Court  
Hilton Head Island, SC 29928

### **MEMORANDUM**

July 7, 2014

**FROM:** Staff Attorney  
**TO:** Town Council  
**Via:** Town Manager

**RE:** Request for Authorization to Amend the Beaufort County Sheriff's Office (BCSO) Contract Dated January 17, 2012

The Public Safety Committee met on July 7, 2014 and unanimously voted to recommend that Town Council authorize the Town Manager to execute an amendment to the Beaufort County Sheriff's Office (BCSO) contract. This amendment would remove the requirement to have a four person traffic team operating on Hilton Head Island as part of the contract and allow the Sheriff to utilize the four positions in any manner he deems appropriate on Hilton Head Island.

The Town currently contracts with BCSO for the provision of Police Services. As part of the Agreement, BCSO provides a four person traffic team to operate within the Town's boundaries. At the Town Council Budget Meeting on May 21, Sheriff P. J. Tanner made a request for funding for a Special Enforcement Unit which would consist of three deputies. This unit would operate on special assignments related to law enforcement and be assigned as needed throughout the year.

**STATE OF SOUTH CAROLINA    )**

**)**

**BEAUFORT COUNTY                  )**

**ADDENDUM #1 TO TOWN/  
BEAUFORT COUNTY/SHERIFF'S  
OFFICE AGREEMENT**

**WHEREAS**, an Agreement (C01-2012) was made and entered into on the 17<sup>th</sup> day of January 2012 between the Town of Hilton Head Island (hereinafter the “Town”), Beaufort County (hereinafter the “County”), and the Beaufort County Sheriff’s Office (hereinafter “BCSO”); and

**WHEREAS**, the County and BCSO entered into an Agreement with the Town for the purpose of providing police services; and

**WHEREAS**, the Town, County, and the BCSO desire to amend the Agreement to remove the requirement for BCSO to provide a four member traffic enforcement team; and

**NOW THEREFORE**, the “Town,” “County,” and “BCSO” hereby mutually agree that Schedule 1 paragraph 3 shall be deleted in its entirety.

All other terms and conditions as set forth in the original Agreement remain binding upon all parties.

**IN WITNESS WHEREOF**, the parties hereto have caused the within Addendum to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**WITNESSES**

# BEAUFORT COUNTY

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**Gary Kubic, Beaufort County Administrator**

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# BEAUFORT COUNTY SHERIFF'S OFFICE

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**P. J. Tanner, Beaufort County Sheriff**

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# TOWN OF HILTON HEAD ISLAND

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

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## **AGREEMENT FOR POLICE SERVICES**

### **SCHEDULE “1”**

#### **BASIC LAW ENFORCEMENT SERVICES**

1. **SHERIFFS PATROL.** The BCSO shall provide a minimum of four (4) staffed patrol units on duty 24 hours a day, seven days a week to provide basic sheriffs patrol within the Town Boundaries.
2. **PATROL UNIT SUPERVISOR.** In addition to the minimum staffing requirements above, staffing shall consist of not less than one (1) “Patrol Unit Supervisor” on duty at all times, responsible for basic law enforcement patrol activities within the Town boundaries 24 hours per day, seven days a week.
3. **TRAFFIC ENFORCEMENT TEAM.** ~~The BCSO shall provide a four (4) person, two (2) unit Traffic Enforcement Team to work traffic during the hours of 0700—1900 within the Town Boundaries.~~
3. **MARINE/BEACH PATROL.** The BCSO shall provide and maintain a Marine/Beach Patrol Team consisting of at least two (2) designated uniformed deputy sheriffs. The Marine/Beach patrol shall patrol as deemed necessary to provide specialized enforcement on the beaches and waterways within the Town Boundaries.
4. **EVIDENCE TECHNICIAN.** The BCSO shall provide one deputy sheriff whom is tasked primarily with the collection, cataloging, custody and preservation of evidence collected at crime scenes within the Town Boundaries.
5. **CRIMINAL INVESTIGATORS.** The BCSO shall provide three (3) deputy sheriffs assigned to investigate major criminal incidents occurring within the Town Boundaries.
6. **DRUG INVESTIGATORS.** The BCSO shall provide two (2) deputy sheriffs assigned to enforce narcotics laws within the Town Boundaries.
7. **CLERK.** The BCSO shall provide three (3) clerks assigned to the Sheriff’s Substation on Hilton Head Island for the purpose of performing administrative duties such as correspondence and record keeping.
8. **VICTIM’S ADVOCATE.** The BCSO shall provide one deputy sheriff who is assigned as the Victim’s Advocate to work with victims of crimes occurring within the Town Boundaries in compliance with state statutes.
9. **COMMAND OFFICER.** At all times during the Term, BCSO shall employ a Command Officer to exercise authority over the Southern Enforcement Branch of the Enforcement Division. The Command Officer shall meet and confer with the Town Manager or his designee as needed, for the purpose of maintaining the viability and vitality of this Agreement.



# TOWN OF HILTON HEAD ISLAND

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## *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 16, 2014  
**SUBJECT:** CDBG Entitlement Community Eligibility Recommendation

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**Recommendation:** Town staff recommends Town Council direct the Town Manager to execute a written letter to accept participating in the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Entitlement Program for federal fiscal year 2015 and direct Town staff to draft the required consolidated plan.

**Summary:** In June 2014 Town staff was notified by the South Carolina office of HUD of the Town's eligibility status to participate in the CDBG Entitlement Program for federal fiscal year 2015. Participation in the program is 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 \$181,200 for federal fiscal year 2015. A minimum of 70% of 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. A full five-year consolidated plan and one-year action plan must be submitted by May 15, 2015 and approved by HUD prior to execution of a CDBG Entitlement Program grant agreement. If approved, program funds should be available effective July 1, 2015.

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. Environmental reviews must be conducted for all projects funded with CDBG Entitlement Program funds. These reviews are to be coordinated with HUD. Compliance with all federal program regulations must be maintained for any CDBG Entitlement Program funded projects.

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 Town must notify HUD of its decision to accept participating in this program prior to August 8, 2014.

**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 pathway projects, sewer infrastructure projects or individual dirt road paving projects. Considering recent reductions in pathway funding and other capital improvement budgets, the CDBG Entitlement Program could be an alternate source of funding. However, these projects must benefit areas with a minimum of 51% LMI residents, which has proven problematic to reach in the past for the Town.

Eligible projects must be located in areas with a minimum 51% of households meeting the LMI requirements established by HUD. Census data is used to determine whether there are a sufficiently large percentage of LMI persons residing in an activity area. If the Town believes Census data does not reflect current relative income levels a survey of residents to determine percentage of LMI persons in the area can be conducted. The survey must meet standards of statistical reliability that are comparable to the Census.

The Beaufort County median family income for fiscal year 2014, as established by HUD is \$63,400. The LMI limit for a family of four is 80% of the median family income which is \$50,950. Income limits fluctuate based on the size of the family; thus the larger number of persons in a family the higher the LMI limit. Based on

2010 US Census data, of the 42 census block groups within the Town there are ten with median incomes at or below \$53,000. This gives an indication of possible eligible project areas but does not guarantee the 51% LMI minimum could be met.

In order to participate in the program a full five-year consolidated plan and one-year action plan are required to be submitted to HUD by May 15, 2015 for review and approval. Plan development must include public input; provide a 30 day citizen review and comment period, and address comments in the plan submittal. HUD has 45 days to review and accept the consolidated plan. The plan should address community resources and includes a housing market analysis, a housing needs assessment, a homeless needs assessment, housing activities, non-housing community development activities, goals & objectives, a citizen participation plan and an annual action plan, which must list the projects intended to be constructed with CDBG funds. The consolidated plan can be written by Town staff and submitted to HUD via the online electronic eCon Planning Suite program developed by HUD. Twenty percent of the annual CDBG allocation can be used for administrative costs, including Town staff salaries. After the 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.

An 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.

# Memo

**To:** Stephen G. Riley, ICMA-CM, Town Manager  
**From:** Scott Liggett, Director of Public Projects & Facilities/Chief Engineer  
**Date:** July 7, 2014  
**Re:** Public Dedication of Private Road Rights-of-Way – East and West Morgan Courts

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## **Recommendation:**

Staff recommends that Town Council reject the dedication of private road rights of way for East and West Morgan Courts.

## **Summary:**

At their July 1, 2014 meeting, the Public Facilities Committee approved a motion to recommend that Town Council reject the offer of public dedication regarding the private road rights of way and associated drainage easements associated with East and West Morgan Courts. The staff recommendation for rejection is based on the lack of general public benefit to be derived by the ownership and perpetual maintenance of these roads. In accordance with the policy, an affirmative vote by Town Council is required for public acceptance of the road right of way.

## **Background:**

In January of 2014, Town Council adopted a policy for the dedication and acceptance of private road rights of way (Exhibit B). This policy was revised by Town Council at the July 15, 2014 meeting to limit the eligibility requirements. The Middleton Place Property Owners Association owns East Morgan Court and West Morgan Court and submitted the requisite application to dedicate these roads to the Town (Exhibit A) on April 21, 2014. East Morgan Court and West Morgan Court are dead-end residential streets located near Marshland Road that each serves a total of fifteen single family residences, with lengths of 0.11 and 0.16 miles, respectively. The roads were constructed in 2001 and remain in very good condition.

Bringing these street's signs and pavement markings up to current standards would require an initial investment estimated to be \$2,000. An annual recurring cost of approximately \$6,000 for landscaping and routine road maintenance is projected, and the need for capital improvements in the form of milling and resurfacing may be realized within the next ten years at an estimated future cost of \$80,000. These estimates are attached as Exhibit C. These cost projections do not include any future maintenance or upgrades to storm drainage infrastructure, which would be funded by the Storm Water Utility fees if necessary. Staff submitted operating budgets for Fiscal Year 2015 before the receipt of this application, and the roadway maintenance budget would need to be adjusted to reflect these costs upon the acceptance of these roads.



At the May 6th, 2014 Public Facilities Committee meeting staff had recommended that the roads be accepted, with the condition that additional roadway maintenance funding be provided. There was discussion regarding the public benefit of accepting local residential roads and the intent of the policy. Action on this recommendation was deferred by the Committee and the committee recommended that Town Council would need to re-evaluate the policy.

The current inventory of roads and streets that are owned and maintained by the Town includes 51 roads with an aggregate length of 11.81 miles. The acceptance of this application would increase these figures to 53 and 12.08 miles respectively. In 2012, Beaufort County denied a request by the Town to dedicate 31 roads for acceptance into the County-maintained system. Without any legal obligation to accept the roads and the County's recent position, Town Council should be fully aware that any additional roads accepted for public ownership and maintenance by the Town are likely to remain a Town responsibility.

# EXHIBIT A

## TOWN OF HILTON HEAD ISLAND APPLICATION FOR THE DEDICATION OF PRIVATE ROAD RIGHT OF WAY

Private Road Name: East and West Morgan Court

Date of Application: 4.21.14

### Data for Eligibility Requirements:

☒ Right of Way (R/W) Width: 50 (feet)

☒ Connecting Public Road R/W: Namoh

### The Road Serves (check those that apply)

- ☒ Exclusive Access to 30 Dwelling Units (>5)  
☒ Exclusive Access to 3 Non-residential Parcels (>1)  
☐ Average Annual Daily Traffic (AADT) volume of \_\_\_\_\_ (>1000)  
☒ Copy of the R/W Deed (Attached)

I (We) as the sole owner(s) of this road right of way acknowledge and agree the following to be accurate and true to the best of my (our) knowledge:

- ☒ The property is free of liens against (or other clouds on) title to the road's dedicated right-of-way, and is free of any other covenants, restrictions, or encumbrances substantially affecting the Town's ability to use the road as a Town Road
- ☒ The right of way offered for dedication meets or exceeds the minimum width requirements of Section 16-5-504 of the Town's Land Management Ordinance.
- ☒ The street was constructed and surfaced with finished paving in conformance with the latest edition of the Standard Specifications for Highway Construction, South Carolina Department of Transportation (per Section 16-5-504 of the Town's Land Management Ordinance).

Furthermore, I (we) as the sole owner(s) of this road right of way agree to:

- donate that amount of land needed to assemble a dedicated right-of-way of minimum width that satisfies the requirements of 16-5-504 of the Town's Land Management Ordinance,
- donate any existing or proposed drainage easements that the Town Engineer considers necessary for adequate storm drainage conveyance,
- have the road designated for public use,
- grant Town staff or their assigns right of entry to inspect the road right of way, and
- conduct pavement testing and analysis.



Right of Way Owner: Richard N. Jackson PLS Date: Apr. 21 2014  
(Print name here) For Middleton Place POA (RICHARD N. JACKSON)

Right of Way Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Print name here) \_\_\_\_\_

☐ (Check here and add sheets if more than two owners involved)

**Survey Data:**

☒ **Right of Way plat**, Signed, Sealed, dated by Professional Land Surveyor registered in South Carolina. Provide eight (8) hard copies at legible scale, PDF file and AutoCAD file. Plat must comply with the attached Plat Checklist.

☒ **Topographic survey**, Signed, Sealed, dated by Professional Land Surveyor registered in South Carolina. Provide eight (8) hard copies at legible scale, PDF file and AutoCAD file. Topographic Survey within the road Right of Way must contain the following information.

- Road profile and cross sections at 50-foot intervals (centerline and edges of pavement)
- Storm drainage features with invert/rim elevations (pipes - size and material, structures, ditches)
- Visible utilities (manholes, valves, poles, junction boxes, lights, etc.)
- Driveways (width, material)
- Curb and gutter and sidewalk/pathway if present
- Trees ( $\geq 6"$  DBH)
- Signs and Yard appurtenances (fences, mailboxes, landscaping, irrigation, etc.)
- Property corners at the road R/W

**Additional Data:**

If available or required by the Town, the applicant shall provide the following data:

- ☐ Construction Plans
- ☐ Materials Testing Reports from construction
- ☐ Any Easement Encumbrances or evidence of utility claims to prior rights
- ☐ Maintenance or repair logs
- ☐ Post construction testing or analysis of pavement or road sub-structure
- ☒ Other additional evidence of title or conveyance of interests in relation to the Right of Way (Deeds, Plats, Easements, Mortgages, etc.)



**Do Not Write Below This Line**  
**To Be Filled out by Town Staff**

☒ LMO Right of Way Width Requirement \_\_\_\_\_  
☒ Minimum Eligibility Requirements Met \_\_\_\_\_

☒ Yes ☐ No Are additional drainage easements necessary? If yes, define extents and owners involved via an exhibit. DOWNSTREAM STORM DRAINAGE

☐ Yes ☐ No Are immediate road repairs necessary? If yes, define repairs and estimate cost. STOP SIGNS, STREET SIGNS, STOP BARS (PAVEMENT MARKINGS)

☐

**Funding Implications:**

\$ 2,000 Estimated Cost of Immediate Repair Needs  
\$ 6,000 Estimated Average Annual Maintenance Cost (PAVEMENT AND LANDSCAPING)  
\$ 80,000 Life-Cycle Replacement Cost (in 5-10 years)  
\$ \_\_\_\_\_ Other Potential R/W Cost – Pathway, Storm, Landscaping

**Staff Recommendation:**

☒ ACCEPT R/W ☐ REJECT R/W

Town Engineer: \_\_\_\_\_

Date: 5-6-14

JEFFREY S. BUCKALEW

☒ Conditions for Acceptance: APPLICANT MUST GRANT PERMANENT STORM DRAINAGE EASEMENT TO THE TOWN. TOWN BUDGETS MUST BE INCREASED ACCORDINGLY.

☐ Reasons for Recommendation to Reject: \_\_\_\_\_

☒ If this road is accepted for maintenance, an increase of \$ 3,400 will be recommended for the next fiscal year's Road Maintenance budget.

(FY-15)

List of Attachments:

- R/W DEDICATION PLAT AND SURVEY
- ROAD R/W DEED
- DRAINAGE EASEMENT
- DECLARATION OF COVENANTS

## **EXHIBIT B**

### **TOWN OF HILTON HEAD ISLAND POLICY FOR THE DEDICATION AND ACCEPTANCE OF PRIVATE ROAD RIGHTS OF WAY**

January 7, 2014

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

The following definitions are intended for use with this policy:

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

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

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

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

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

#### **ACCEPTANCE CRITERIA**

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

1. Be situated in a readily identifiable, dedicated right-of-way recorded with the Beaufort County Register of Deeds;

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

#### **ROAD RIGHT OF WAY DEDICATION APPLICATION PROCEDURE**

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

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

### **ROADWAY INSPECTION**

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

### **PUBLIC FACILITIES COMMITTEE**

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

**TOWN COUNCIL**

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

**RIGHT-OF-WAY DEEDS**

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

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

Adopted this \_\_\_ day of \_\_\_\_\_, 2014.

**TOWN COUNCIL OF HILTON HEAD ISLAND**

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

ATTEST:

\_\_\_\_\_

\_\_\_\_\_, Town Clerk



# TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA

## MEMORANDUM

**TO:** Town Council  
**VIA:** Stephen G. Riley, *ICMA-CP, Town Manager*  
**FROM:** Susan Simmons, *Director of Finance*  
**DATE:** July 29, 2014  
**SUBJECT:** Financial Audit Services Award

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### **Recommendation:**

In accordance with Municipal Code Title 4, Finance and Taxation, Section 4-1-30, staff recommends that Town Council award a contract for financial audit services for the years ended June 30, 2014 through 2017 to Scott & Company, L.L.C.

### **Summary:**

According to Section 4-1-30, the Town is required to have an independent annual audit of all financial records and transactions. The audit is to be conducted by a certified public accountant that has no personal interests, direct or indirect, in the fiscal affairs of the Town or any of its officers.

This resolution will satisfy these requirements. The attached Resolution has been approved in previous years.

The selection team collectively recommends Scott & Company, L.L.C. be awarded the contract for these services. Their fee amount is \$ 122,000 for financial audit services for the fiscal years ending June 30, 2014 through 2017.

### **Background:**

Nine proposals were received in response to RFP 2014-007 by the advertised closing date of June 27, 2014. The proposals were evaluated and scored based upon (a) professional experience and technical qualifications (b) proposed audit approach and (c) fees. After a complete review of all nine proposals, three were determined to be qualified of being selected for award. Of those three, Scott & Company, L.L.C. was determined to be the most qualified proposal and received the highest evaluation score. Discussions were held with Scott & Company, L.L.C. to assure their full understanding of the solicitation requirements and for the purpose of clarifying how they would deliver the required services.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA TO AWARD A CONTRACT TO SCOTT & COMPANY, L.L.C. FOR FINANCIAL AUDIT SERVICES FOR THE YEARS ENDING JUNE 30, 2014 THROUGH 2017.**

**WHEREAS**, the Town of Hilton Head Island is required by Municipal Code Title 4, Finance and Taxation, Section 4-1-30; to have an independent annual audit of all financial records and transactions; and

**WHEREAS**, the Town of Hilton Head Island rejects discrimination on the basis of race, religion, color, sex, national origin, disability and/or familial status in the employment or the provision of goods and services; and

**WHEREAS**, Scott & Company, L.L.C. is awarded the contract for financial audit services for the years ending June 30, 2014 through 2017 for a fee not to exceed \$ 122,000;

**NOW THEREFORE, BE IT, AND IT HEREBY IS RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA DOES HEREBY AWARD A FINANCIAL AUDIT SERVICES CONTRACT FOR THE YEARS ENDING JUNE 30, 2014 THROUGH 2017 TO SCOTT & COMPANY, L.L.C.**

**MOVED, APPROVED AND ADOPTED THIS \_\_\_\_ DAY of \_\_\_\_, 2014**

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

\_\_\_\_\_  
Victoria Pfannenschmidt, Town Clerk

APPROVED AS TO FORM:

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

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