



**The Town of Hilton Head Island
Regular Town Council Meeting
February 10, 2015**

4:00 P.M. – BENJAMIN M. RACUSIN COUNCIL CHAMBERS

AGENDA

**As a Courtesy to Others Please Turn Off/Silence 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**
Dr. Charlie H. White
- 6) Approval of Minutes**
 - a. Town Council Meeting, January 20, 2015
- 7) Report of the Town Manager**
 - a. Semi-Annual Update of the Parks & Recreation Commission – Heather Rath, Chairman
 - b. Town Manager's Items of Interest
 - (1) Town News
 - (2) Noteworthy Events
- 8) Reports from Members of Council**
 - a. General Reports from Council
- 9) Appearance by Citizens**
- 10) Unfinished Business**
 - a. **Second Reading of Proposed Ordinance 2014-26**
Second Reading of Proposed Ordinance 2014-26 of the Town of Hilton Head Island, South Carolina, authorizing the execution and delivery of a lease of real property owned by the Town of Hilton Head Island, South Carolina, with the Beaufort County Sheriff's Office and Beaufort County, South Carolina, pursuant to the authority of S.C. Code Ann. § 5-7-40 (Supp. 2011), and § 2-7-20, Code of the Town of Hilton Head Island, South Carolina, (1983); and providing for severability and an effective date.

b. Second Reading of Proposed Ordinance 2015-01

Second Reading of Proposed Ordinance 2015-01 of the Town Council of the Town of Hilton Head Island, South Carolina, authorizing the execution of a lease with the Drydock Enterprises, Ltd. d/b/a The Drydock, pursuant to the authority of S.C. Code Ann. § 5-7-40 (Supp. 2011), and § 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983); and providing for severability and an effective date.

c. Second Reading of Proposed Ordinance 2015-02

Second Reading of Proposed Ordinance 2015-02 of the Town Of Hilton Head Island, South Carolina, authorizing the execution of a sale and purchase agreement and the execution of a deed for the sale of approximately 2.4 acres of real property along Spanish Wells Road to the Paddocks Limited Liability Company, pursuant to the authority of S.C. Code Ann. § 5-7-40 (Supp. 2011), and § 2-7-20, *Code of The Town of Hilton Head Island, South Carolina*, (1983); and providing for severability and an effective date.

d. Second Reading of Proposed Ordinance 2015-05

Second Reading of Proposed Ordinance 2015-05 of the Town of Hilton Head Island, South Carolina, to amend Title 2 General Government and Administration of the Municipal Code of the Town of Hilton Head Island, South Carolina by amending Chapter 5 (Meetings of Council and Rules of Procedure) Section 2-5-60, Committees of Council; and providing for severability and an effective date.

11) New Business

a. Consideration of a Recommendation – Crazy Crab Restaurant/Old Welcome Center Site

Consideration of a Recommendation that Town Council provide direction on a request for certain easements associated with the relocation of the entrance to the Crazy Crab Restaurant located along US 278 next to the former Welcome Center site.

12) Executive Session

a. Legal Matters

(1) Legal advice on pending litigation

13) Adjournment

COMMENDATION

of the Town of Hilton Head Island Honoring **Dr. Charlie H. White**

***WHEREAS**, Dr. Charlie H. White was born on November 15, 1929 and attended elementary school on Hilton Head Island, and graduated from Penn School in 1949, received his Bachelor's Degree from Savannah State College, Master's Degree from The College of New Jersey, and a Doctorate of Education from Utah State University; and*

***WHEREAS**, Dr. White was not only a dedicated educator but was known as a patient, selfless, generous, caring, and kind man who was a true leader, serving as a Sergeant in the U.S. Army during the Korean Conflict earning both the United Nations Service Award and a bronze star; and*

***WHEREAS**, Hilton Head Island was the "fortunate" benefactor of Dr. White's dedication of his time, energy, and knowledge to the Hilton Head Island community; and*

***WHEREAS**, Dr. White played an instrumental role in the development and the implementation of the Ward One Master Land Use Plan (1999) by devoting many hours of hard work as a Member of the Mayor's Resource Committee for Native Island Affairs; and*

***WHEREAS**, Dr. White served with passion and pride to promote the rich and significant culture of Ward One as a board member of the Native Island Business and Community Affairs Association, Baygall Property Owners Association, a Charter Member of the American Legion #49, and a member of the St. James Baptist Church building committee; and*

***WHEREAS**, Dr. White's contributions to the Town of Hilton Head Island were numerous - notably serving as a Member of the Mayor's Citizens of the Month Committee (2002-2010) and for eleven years (2001-2012) as the Town of Hilton Head Island's representative on the Beaufort-Jasper Water and Sewer Authority Board of Directors; and*

***WHEREAS**, Dr. White will always be remembered as a person of integrity, commitment, and devotion because of his leadership and distinguished service and concern for the welfare of the citizens of Hilton Head Island.*

***NOW, THEREFORE**, I, David Bennett, Mayor of the Town of Hilton Head Island, on behalf of Town Council and its residents, do hereby commend and honor Dr. Charlie H. White for his contributions to this community.*

***IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hilton Head Island to be affixed this **10th** day of **February, Two Thousand and Fifteen**.*

David Bennett, Mayor

THE TOWN OF HILTON HEAD ISLAND
REGULAR TOWN COUNCIL MEETING

Date: Tuesday, January 20, 2015

Time: 4:00 P.M.

Present from Town Council: David Bennett, *Mayor*; Bill Harkins, *Mayor Pro Tem*; Lee Edwards, Marc Grant, Tom Lennox, 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*; Nancy Gasen, *Director of Human Resources*; Scott Liggett, *Director of Public Projects and Facilities/Chief Engineer*; Brian Hulbert, *Staff Attorney*; Susan Simmons, *Director of Finance*; Jeff Buckalew, *Town Engineer*; Darrin Shoemaker, *Traffic and Transportation Engineer*; Julian Walls, *Facilities Manager*; Anne Cyran, *Senior Planner*; Heather Colin, *Development Review Administrator*; Jennifer Ray, *Urban Designer*; Vicki Pfannenschmidt, *Executive Assistant/Town Clerk*

Present from Media: Dan Burley, Island Packet

1) CALL TO ORDER

Mayor Bennett 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 Meeting, January 6, 2015

Mr. Harkins moved to approve. Mr. McCann seconded. The minutes of the January 6, 2015 Town Council Regular Meeting were unanimously by a vote of 5-0-2. Mrs. Likins and Mr. Edwards abstained as they were not present at the January 6 meeting.

7) Report of the Town Manager

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

Chairman Sodemann presented the update for the months of July through December 2014.

b. Town Manager's Items of Interest

Mr. Riley reported on some items of interest listed below.

- (1) Town News
- (2) Noteworthy Events

8) Reports from Members of Council

a. General Reports from Council

Mr. Harkins stated he met with John Salazar of USCB and an economist from Clemson University concerning economic impact. He said he is expecting a proposal from them and will share it with Council for review.

Mayor Bennett asked if Council objected to him selecting four or five members of the public to do a strategic scan of competitors of Hilton Head Island. He said he was not envisioning a formalized Committee but would certainly entertain that if that's the vision of Council. Mr. Lennox suggested the Chamber of Commerce or Dr. Salazar of USCB be tasked with gathering the information. Mr. Edwards added that a definition of the Town's competition is needed and the Economic Development Corporation would also be a great resource.

Mayor Bennett reported he met with Simon Fraser and Steve Wilmot and received an update on the RBC Heritage. He said he also met with the Planning Commission Chairman, Vice-Chairman and Town Staff regarding the Circle to Circle Master Plan and Transportation Study and the creation of a task force.

Mayor Bennett stated Mr. Riley was working on a map detailing all town-owned parcels defining the source of funding and restrictions for Council to review in advance of the workshop.

Mayor Bennett said he had attended a meeting concerning Mitchelville along with representatives from the Coastal Discovery Museum, the Heritage Library, the Mitchelville Preservation Group, as well as representatives from the Gullah Geechee Consortium and noted the groups are working on collaboration.

Mr. Grant asked if three to four Council members are a part of an association and attend and participate in meetings if it is considered a quorum of Town Council. He also requested clarification on the procedure for distribution as to what has been discussed at meetings they attend. Mr. Riley explained the procedure for distributing materials to Council and routing items through Committees or placing on the Town Council agenda. Mr. Riley stated he would get an answer concerning the legal question.

9) Appearance by Citizens

Mr. Peter Ovens addressed Council regarding the Mathews Drive/Marshland Road roundabout.

10) Unfinished Business

a. Revised First Reading of Proposed Ordinance 2014-26

Revised First Reading of Proposed Ordinance 2014-26 of the Town of Hilton Head Island, South Carolina, authorizing the execution and delivery of a lease of real property owned by the Town of Hilton Head Island, South Carolina, with the Beaufort County Sheriff's Office and Beaufort County, South Carolina, pursuant to the authority of S.C. Code Ann. § 5-7-40 (Supp. 2011), and § 2-7-20, Code of the Town of Hilton Head Island, South Carolina, (1983); and providing for severability and an effective date.

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

b. Second Reading Proposed Ordinance 2015-04

Second Reading of Proposed Ordinance 2015-04 to amend Title 16, the Land Management Ordinance, of the Municipal Code of the Town Of Hilton Head Island, South Carolina, by amending Section 16-1-107, the Official Zoning Map and the Hilton Head Plantation Master Plan with respect to the certain parcels identified as Parcels 89A, 121, 126, 127 and 128 on Beaufort County Tax District R510 Map 3, within the Hilton Head Plantation Master Plan under the PD-1 Zoning District, by changing the allowed use from commercial to group living, and by increasing the allowed density on Parcels 89a, 127, and 128 from 10,283 square feet to 126 dwelling units, and by increasing the allowed density on parcels 121 and 126 from zero to 26 dwelling units or a 50,000 square foot assisted living facility, and providing for severability and an effective date.

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

11) New Business

a. First Reading of Proposed Ordinance 2015-01

First Reading of Proposed Ordinance 2015-01 of The Town Council of the Town of Hilton Head Island, South Carolina, authorizing the execution of a lease with the Drydock Enterprises, Ltd. d/b/a The Drydock, pursuant to the authority of S.C. Code Ann. § 5-7-40 (Supp. 2011), and § 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983); and providing for severability and an effective date.

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

b. First Reading of Proposed Ordinance 2015-02

First Reading of Proposed Ordinance 2015-02 of the Town of Hilton Head Island, South Carolina, authorizing the execution of a sale and purchase agreement and the execution of a deed for the sale of approximately 2.4 acres of real property along Spanish Wells Road to the Paddocks Limited Liability Company, pursuant to the authority of S.C. Code Ann. § 5-7-40 (Supp. 2011), and § 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983); and providing for severability and an effective date.

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

c. First Reading of Proposed Ordinance 2015-05

First Reading of Proposed Ordinance 2015-05 of the Town of Hilton Head Island, South Carolina, to amend Title 2 General Government and Administration of the Municipal Code of the Town of Hilton Head Island, South Carolina by amending Chapter 5 (Meetings of Council and Rules of Procedure) Section 2-5-60, Committees of Council; and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. McCann seconded. After lengthy discussion, Mr. Harkins moved to amend Section 1. Sec. 2-5-60 – Committees of Council (a) to strike the last sentence - ~~To assist such council committees, the Mayor may appoint town resident citizens to serve as committee members; provided, however, if any council member objects to such committee appointment, a majority of council shall make the appointment.~~, and to amend Sec. 2-5-60 (b) to amend the second sentence so it reads **To assist such council committees, the** strike **Mayor** insert **Council may appoint town resident citizens to serve as committee members.**, Striking ~~provided, however, if any council member objects to any such committee appointment, a majority of council shall make the appointment.~~ Mr. McCann seconded. The amendment was approved by a vote of 6-1 (Mayor Bennett opposed.) The amended motion was approved by a vote of 6-1 (Mayor Bennett opposed.)

12) Adjournment

Mayor Bennett adjourned the meeting at 5:31 p.m.

Vicki L. Pfannenschmidt,
Executive Assistant/Town Clerk

Approved:

David Bennett, Mayor



Items of Interest

February 10, 2015

1. Town News

The Town has been approved for acceptance into the Federal Emergency Management Agency (FEMA) Public Assistance Alternative Procedures Pilot Program for Debris Removal. This pilot program provides the Town a one-time two percent (2%) Federal cost share increase for debris removal operations performed within 90 days from the start of the incident period of a major disaster or emergency declaration. The approval is based on FEMA's review of the Town's Debris Management Plan and the debris removal and management contracts we have in place.

To help quantify the financial benefit to the Town, in a hypothetical Category 3 hurricane scenario, given the estimated volume of debris to be expected and the extent of the Town's responsibilities for debris removal, this 2% additional cost share is estimated to be approximately \$400,000. Key Staff involved in this effort are: Jennifer Lyle, Jeff Buckalew and Tom Dunn.

(Contact: Scott Liggett, Director of Public Projects and Facilities/Chief Engineer)

2. Noteworthy Events

- a) Some of the upcoming meetings at Town Hall:
- Town Council – February 17, 2015, 4:00 p.m.
 - Town Council Land Acquisition Workshop – February 24, 2015, 4:00 p.m.

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

2015 Hilton Head Island Events

February 14 & 15, 2015 11:00 a.m. – 5:00 p.m.	2015 Hilton Head Island Gullah Celebration	Honey Horn
--	---	------------

MEMORANDUM

TO: Town Council

FROM: Stephen G. Riley, ICMA-CM, Town Manager
Via: Greg D. DeLoach, Esquire, Assistant Town Manager
Brian E. Hulbert, Staff Attorney

RE: Second Reading of Proposed Ordinance Number 2014-26/Execution of a Lease with Beaufort County, South Carolina and the Beaufort County Sheriff's Office

DATE: January 20, 2015

No changes were made to Proposed Ordinance #2014-26 or to the proposed lease with the Beaufort County Sheriff's Office as a result of the Revised First Reading on January 20, 2015.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.: 2014-26

PROPOSED ORDINANCE NO. 2014-

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE OF REAL PROPERTY OWNED BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, WITH THE BEAUFORT COUNTY SHERIFF'S OFFICE AND BEAUFORT COUNTY, SOUTH CAROLINA, PURSUANT TO THE AUTHORITY OF S.C. CODE ANN. § 5-7-40 (SUPP. 2011), AND § 2-7-20, CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, (1983); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town of Hilton Head Island, South Carolina, owns a parcel of real property which is located at 70 Shelter Cove Lane, Hilton Head Island, South Carolina; and

WHEREAS, The Town of Hilton Head Island, South Carolina, purchased the property located at 70 Shelter Cove Lane, in part, to provide a location for the Hilton Head Island Office of the Beaufort County Sheriff's Office; and

WHEREAS, the Town Council for the Town of Hilton Head Island, South Carolina has determined that it is in the best interests of the Town to enter into a Lease Agreement with the Beaufort County Sheriff's Office and Beaufort County, South Carolina, Hilton Head Island, South Carolina.

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

Section 1 Execution of Lease.

(a) The Mayor and Town Manager are hereby authorized to execute and deliver the "Lease" which is attached hereto as Exhibit "A"; and

(b) The Mayor and Town Manager are hereby authorized to take such other and further actions as may be necessary to complete the fulfillment of the Town's obligations under the Lease which is authorized hereby.

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

Section 3 Effective Date. This Ordinance shall be effective upon adoption thereof by the Town Council for 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 _____, 2015.

David Bennett, Mayor

ATTEST:

Victoria L. Pfannenschmidt, Town Clerk

First Reading: _____, 2015

Revised First Reading: _____, 2015

Second Reading: _____

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA – CM, Town Manager

FROM: Charles F. Cousins, AICP, Community Development Director

DATE: January 26, 2015

SUBJECT: Lease with Drydock Enterprises, LTD.

Town Council made no changes to the Lease with Drydock Enterprises, LTD as a result of the first reading on January 20, 2015.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE EXECUTION OF A LEASE WITH THE DRYDOCK ENTERPRISES, LTD. D/B/A THE DRYDOCK, PURSUANT TO THE AUTHORITY OF S.C. CODE ANN. § 5-7-40 (SUPP. 2011), AND § 2-7-20, *CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA*, (1983); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

LEGISLATIVE FINDINGS

WHEREAS, on October 27, 2014, the Town of Hilton Head Island, South Carolina (the “Town”) took ownership of certain real property generally known as the Sapelo Building, located on Hilton Head Island, South Carolina and located within/upon property known as Beaufort County Tax Map # R552-015-000-0154-0000; and

WHEREAS, prior to October 27, 2014, The Drydock Enterprises, Ltd. d/b/a The Drydock (“The Drydock”) entered into that certain Commercial Space Lease with Glover Real Estate, LLC, dated August 11, 2009, for leasing a portion of the Sapelo Building from the then-current owner of the Building; and

WHEREAS, the Town and The Drydock desire to terminate the existing lease between The Drydock and Glover Real Estate, LLC, and execute a new lease between the Town and The Drydock; and

WHEREAS, the Town Council for the Town has determined that the proposed Lease attached hereto as Exhibit “A” is in the best interests of the citizens, residents and visitors on Hilton Head Island; and

WHEREAS, under the provisions of S.C. Code Ann. § 5-7-40 (SUPP. 2011) and § 2-7-20, *Code of the Town of Hilton Head Island , South Carolina*, (1983), the conveyance or granting of an interest in real property owned by the Town of Hilton Head Island must be authorized by Ordinance.

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

Section 1. Execution of Lease.

- (a) The Mayor and/or Town Manager are hereby authorized to execute and deliver the Lease in a substantially similar form to that attached hereto as Exhibit "A" for the lease of Town-owned real property to The Drydock Enterprises, Ltd. d/b/a The Drydock; and
- (b) The Mayor and/or Town Manager are hereby authorized to take such other and further actions as may be necessary to complete the transactions contemplated in the Amendment as authorized hereby.

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 adoption thereof by the Town Council for the Town of Hilton Head Island, South Carolina.

(SIGNATURE PAGE FOLLOWS)

**PASSED, APPROVED AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN
OF HILTON HEAD ISLAND, SOUTH CAROLINA, ON THIS ____ DAY OF
_____, 2015.**

David Bennett, Mayor

ATTEST:

Victoria L. Pfannenschmidt, Town Clerk

First Reading: _____

Second Reading:_____

Approved as to form: _____
Gregory M. Alford, Town Attorney

Introduced by Council Member:_____



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA – CM, Town Manager

FROM: Charles F. Cousins, AICP, Community Development Director

DATE: January 26, 2015

SUBJECT: Sale of 2.4 Acres of Town land on Spanish Wells Road to the Paddocks Limited Liability Company

Town Council made no changes to the Sale of 2.4 Acres of Town land on Spanish Wells Road to the Paddocks LLC as a result of the first reading of the ordinance on January 20, 2015.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE EXECUTION OF A SALE AND PURCHASE AGREEMENT AND THE EXECUTION OF A DEED FOR THE SALE OF APPROXIMATELY 2.4 ACRES OF REAL PROPERTY ALONG SPANISH WELLS ROAD TO THE PADDOCKS LIMITED LIABILITY COMPANY, PURSUANT TO THE AUTHORITY OF S.C. CODE ANN. § 5-7-40 (SUPP. 2011), AND § 2-7-20, *CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA*, (1983); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

LEGISLATIVE FINDINGS

WHEREAS, the Town of Hilton Head Island (hereinafter “Town”) owns approximately 2.4 acres of real property known as R510-007-000-147B-0000 (hereinafter referred to as the “Property”), which is located on Hilton Head Island, Beaufort County, South Carolina; and,

WHEREAS, the Town has agreed to sell the Property to The Paddocks Limited Liability Company in accordance with the terms and conditions set forth in that certain Sale and Purchase Agreement, a copy of which is attached hereto as Exhibit “A” (the “Contract”); and,

WHEREAS, under the provisions of S.C. Code Ann. § 5-7-40 (SUPP. 2011) and § 2-7-20, *Code of the Town of Hilton Head Island , South Carolina*, (1983), the conveyance or granting of an interest in real property owned by the Town of Hilton Head Island must be authorized by Ordinance.

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

Section 1. Execution of Agreement.

- (a) The Mayor and/or Town Manager are hereby authorized to execute and deliver the Contract in a substantially similar form to that attached hereto as Exhibit "A" for the conveyance of Town-owned real property to The Paddocks Limited Liability Company; and

- (b) The Mayor and/or Town Manager are hereby authorized to take such other and further actions as may be necessary to complete the transactions contemplated in the Contract as authorized hereby, including the execution and delivery of the Deed and all other documents called for in the Contract.

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 adoption thereof by the Town Council for the Town of Hilton Head Island, South Carolina.

(SIGNATURE PAGE FOLLOWS)

**PASSED, APPROVED AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN
OF HILTON HEAD ISLAND, SOUTH CAROLINA, ON THIS ____ DAY OF
_____, 2015.**

David Bennett, Mayor

ATTEST:

Victoria L. Pfannenschmidt, Town Clerk

First Reading: _____

Second Reading: _____

Approved as to form: _____
Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

MEMORANDUM

TO: Town Council

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

RE: Second Reading of Proposed Ordinance Number 2015-05 Committees of Council

DATE: January 21, 2015

At the First Reading of the Proposed Ordinance 2015-05 on January 20, 2015 Town Council made two changes to the proposed ordinance.

In Town Code Section 2-5-60 (a), Town Council (6-1) decided to delete language that would have authorized the Mayor to appoint resident citizens to Town Council standing committees.

In Town Code Section 2-5-60 (b), Town Council (6-1) decided to further amend Proposed Ordinance 2015-05 to provide for the appointment of town resident citizens as members to non-standing committees by Town Council.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.

PROPOSED ORDINANCE NO. 2015-05

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, TO AMEND TITLE 2 GENERAL GOVERNMENT AND ADMINISTRATION OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA BY AMENDING CHAPTER 5 (MEETINGS OF COUNCIL AND RULES OF PROCEDURE) SECTION 2-5-60, COMMITTEES OF COUNCIL; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Hilton Head Island, South Carolina previously adopted Ordinance 2008-03, amending Section 2-5-60 for the purpose of codifying Town Council Standing Committees (Intergovernmental Relations Committee, Personnel Committee, Planning and Development Standards Committee, Public Facilities Committee, and Public Safety Committee) and establishing authority of the Mayor to appoint council members to such committees as he shall seem necessary and appropriate for the efficient operation of the Town Council; and

WHEREAS, the purpose of the Town Council Standing Committee system is to facilitate a more efficient Town Council system within the Town Council/Manager form of government and to allow for in-depth analysis of issues, proposed ordinances, and other Town-related matters; and

WHEREAS, the Town Council now desires to amend Section 2-5-60 by establishing a new Town Council Standing Committee (Finance and Administrative Committee), incorporating the existing Personnel Committee into a newly-formed Town Council Standing Committee (Community Services Committee), renaming the existing Planning and Development Standards Committee to the Public Planning Committee and establishing the authority for the Town Council to appoint town resident citizens to serve on Town Council non-standing Committees in order to provide for an efficient operation of the Town Council that will benefit both the Town and its citizens.

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

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

Section 1. Sec. 2-5-60. - Committees of council.

- (a) The Town Council shall have standing committees to assist in the efficient operation of the Town Council, namely the **Finance and Administrative Committee**, Intergovernmental Relations Committee, ~~Personnel~~ **Community Services** Committee, ~~Planning and Development Standards~~ **Public Planning** Committee, Public Facilities Committee, and Public Safety Committee. Each committee shall be composed of three (3) Town Council members and an alternate, who shall also be a member of council. The Mayor shall appoint the members and the alternate and shall designate a chairman.
- (b) The Town Council may appoint, by resolution, such other committees **i.e. non-standing committees**, composed exclusively of council members as it shall deem necessary and appropriate for the efficient operation of the Town Council. To assist such council committees, the **Town Council** ~~Mayor~~ may appoint town resident citizens to serve as committee members. ~~; provided, however, if any council member objects to any such committee appointment, a majority of council shall make the appointment.~~ The term of the committee membership of any town resident citizen shall be as prescribed by resolution, but in no event shall the term of any committee extend beyond the term of the then sitting council.
- (c) The Town Council may, by resolution, adopt rules and procedures to guide the operation of standing committees. The Town Council may, at the time of the creation of any other committees of council, as part of the resolution creating the committee, or separately, adopt rules and procedures to guide the conduct of such committees.

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

Section 3 Effective Date. This Ordinance shall be effective upon adoption thereof by the Town Council for 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 _____, 2015.

By: _____
David Bennett, 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

Community Development Department

TO: Town Council
FROM: Stephen G. Riley, ICMA~CM, *Town Manager*
CC: Charles Cousins, AICP, *Community Development Director*
DATE: February 2, 2015
SUBJECT: Crazy Crab Easements

Recommendation: Staff recommends that Town Council provide direction on a request for certain easements associated with the relocation of the entrance to the Crazy Crab Restaurant located along US 278 next to the former Welcome Center site.

Summary: The Crazy Crab Restaurant owners have been working on plans to redevelop their parking and entrance utilizing the property acquired from the Town. As their plans have progressed they have identified several easements that they need from the Town which are shown on the attached easements exhibit. Additionally, SCDOT is requiring a letter from the Town agreeing with the curb cut and agreeing that this curb cut will be the only US 278 access to the adjacent Town property.

Background: The Town owns property at 100 William Hilton Parkway (the location of the previous Welcome Center). The Town-owned property is adjacent to a parcel owned by William S. Toomer that operates as the Crazy Crab Restaurant. Prior to 2013 a Shared Access and Parking Rights Agreement with the restaurant owner allowed restaurant patrons to park on the paved parking areas on the Town's property.

The Town demolished the Welcome Center building with the intention of keeping that site green and providing open space and views to the marsh. The Town did not want to eliminate the parking nearest the restaurant since it is so heavily used. Town Council authorized the sale of approximately 1.8 acres of Town-owned property to the restaurant owner to facilitate off-street parking improvements.

There were several requirements placed on this property when it was sold by the Town. Requirements related to this sale included the following:

- A 75' buffer be provided from William Hilton Parkway.
- A 14' relocatable pathway easement along William Hilton Parkway be provided.
- Any existing encroachments into the 75' buffer be removed as part of the parking lot redevelopment.
- A 30' relocatable easement be provided for the Town to access their property.

The Crazy Crab Restaurant owners have been working on plans to redevelop the parking utilizing the property acquired from the Town. As their plans have progressed they have identified several easements that they need from the Town (shown on the attached plan) as well as a letter from the Town to SCDOT. Additional information about these requests follows:

1. A letter from the Town to the SCDOT stating that the Town agrees with the new access and agrees that this will be the only US 278 access to the Town property. Without this letter the SCDOT will not permit the relocation of this curb cut.
2. Town Access - Easement A
 - Allows the Town entry to its property across the Crazy Crab Restaurant property.
3. Crazy Crab Access – Easement B
 - Allows Crazy Crab entry across the Town property to provide an adequate radius for the new curb cut.
4. Landscape Easement – Easement C
 - This will be next to the new entrance into the Crazy Crab Restaurant site allowing the owners the opportunity to beautify their new entrance. This easement, which includes the right for the owners of the Crazy Crab Restaurant to grade and install landscaping and irrigation, is revocable in the event that the Town requires use of the area within the easement in the future. The landscaping will be installed and maintained by the Crazy Crab Restaurant.
5. Temporary Grading – Easement D
 - There is an existing berm on the Town's property. This easement would allow the Crazy Crab owners to grade the berm to blend it more with the finished grade of the redevelopment parking lot. The easement would include seeding and mulching a permanent stand of low maintenance grass that blends with the grass that is already on the Town's property.
6. Temporary Construction Staging and Storage – Easement E
 - This easement will allow the Crazy Crab owners to store and stage equipment and materials necessary for the completion of the parking lot redevelopment project. This easement is in the same location as Easement D so the area used for storage and staging will be seeded at the conclusion of the project.

