



The Town of Hilton Head Island

Regular Town Council Meeting

October 20, 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 distributed 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, October 6, 2015
- 7) Report of the Town Manager**
 - a. Volunteers in Medicine Presentation
 - b. Land Acquisition Update
 - c. Quarterly Update on USCB
 - c. Town Manager's Items of Interest
 - (1) Town News
 - (2) Noteworthy Events
- 8) Reports from Members of Council**
 - a. General Reports from Council
 - b. Report of the Intergovernmental Relations Committee – Bill Harkins, Chairman
 - c. Report of the Community Services Committee – Kim Likins, Chairman
 - d. Report of the Public Planning Committee – Tom Lennox, Chairman
 - e. Report of the Public Facilities Committee – Lee Edwards, Chairman
 - f. Report of the Public Safety Committee - Marc Grant, Chairman
 - g. Report of the Finance and Administrative Committee - John McCann, Chairman
 - h. Report of the Circle to Circle Committee - Tom Lennox, Town Council Liaison
- 9) Appearance by Citizens**

10) Unfinished Business

None.

11) New Business

a. First Reading of Proposed Ordinance 2015-23

First reading of Proposed Ordinance 2015-23 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance (LMO), Chapters 2, 3, 4, 5, 6 and 10 and Appendices a and d to revise various sections. These amendments, commonly referred to as *2015 LMO Amendments* as noticed in the Island Packet on September 6, 2015, include changes that provide for general amendments to a variety of sections in the LMO, and providing for severability and an effective date.

b. 2016 Island-wide Beach Renourishment Contract Award Recommendation

c. Town Attorney Potential Contract Renewal

d. Consideration of Finance and Administrative Committee Recommendation – Annual Town Council Workshop Agenda

12) Executive Session

a. Contractual Matters

Discussion of negotiations incident to proposed contractual arrangements:

1. related to proposed contractual arrangement with the Hilton Head Island-Bluffton Chamber of Commerce and Visitors Convention Bureau.

13) Possible actions by Town Council concerning matters discussed in executive session

14) Adjournment

THE TOWN OF HILTON HEAD ISLAND
REGULAR TOWN COUNCIL MEETING

Date: Tuesday, October 6, 2015

Time: 4:00 P.M.

Present from Town Council: Bill Harkins, *Mayor Pro Tem*; Marc Grant, Tom Lennox, Kim Likins, John McCann, Lee Edwards, *Council Members*

Absent from Town Council: David Bennett, *Mayor*

Present from Town Staff: Steve Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Scott Liggett, *Director of Public Projects & Facilities/Chief Engineer*; Brad Tadlock, *Fire Chief*; Susan Simmons, *Director of Finance*; Jennifer Ray, *Urban Designer*; Brian Hulbert, *Staff Attorney*; John Valvo, *Systems Analyst*; Joheida Fister, *Fire Marshal*; Cinda Seamon, *Fire and Life Safety Educator*; Numerous staff/crew members of Fire Rescue; Vicki Pfannenschmidt, *Executive Assistant/Town Clerk*

Present from Media: Zack Murdock, *Island Packet*

1) CALL TO ORDER

Mayor Pro-Tem Harkins 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 distributed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

1) Proclamations and Commendations

a. Fire Prevention Week

Joheida Fister, Cinda Seamon and numerous staff/crew members of Hilton Head Island Fire Rescue were present to accept the proclamation.

b. Beaufort-Jasper Water & Sewer Authority/Hilton Head-Broad Creek-South Island Public Service Districts– *Imagine a Day Without Water Campaign*

Representatives from each district were present to accept the proclamation.

2) Approval of Minutes

a. Town Council Meeting, September 15, 2015

Mrs. Likins moved to approve. Mr. McCann seconded. The minutes of the September 15, 2015 Town Council regular meeting were approved by a vote of 4-0-2. Mr. Edwards and Mr. Harkins abstained as they were not present at the meeting.

3) Report of the Town Manager

a. Update on Beach Renourishment Project Status – Scott Liggett, Director of Public Projects and Facilities

Mr. Liggett updated Council on the status of the bids received and gave detailed information regarding the bid process which was advertised with three options. He noted that they received four bids with two of them submitting pricing for all three options and two vendors submitting pricing for only one option. Mr. Liggett said he would be meeting with various officials of the gated communities for input. He explained he would be coming forward on October 20 with the detailed results and a recommendation.

b. Presentation of Storm Ready Community Designation – Ron Morales, Warning Coordination Meteorologist

Mr. Riley explained the presentation had to be cancelled due to the recent flooding in South Carolina. He said Mr. Morales was in the field conducting surveys of the damage.

c. Town Manager's Items of Interest

Mr. Riley reported on the items below.

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

8) Reports from Members of Council

a. General Reports from Council

Mr. McCann moved that the draft of the agenda for the November Town Council Workshop be placed on the agenda of the upcoming meeting of the Finance & Administrative Committee, inviting all members of Council to attend, citing the importance of expressing the important issues that belong on the agenda, those items being a full report from the Arts & Cultural Strategic Planning Committee, Circle to Circle, and PSD's on sewers which may mean expanding of the time of the program, with all contributing to the formation of the workshop agenda. Mr. Edwards seconded. The motion was approved by a vote of 6-0.

Mr. Lennox stated he attended the Lowcountry Area Transportation Study (LATS) Policy Committee meeting on Friday, October 2. He reviewed the agenda items in detail explaining the process for prioritization of projects. Mr. Lennox noted the SCDOT anticipates construction to begin on approximately 109 million dollars in transportation projects between fiscal year 2016 and 2019 in the LATS Metropolitan Organization area which encompasses Beaufort and Jasper Counties with 22 million dollars being spent in Beaufort County. He detailed the projects.

Mrs. Likins stated that due to the devastation from the flooding in Columbia and as a Town Government she would like to ask the Town Manager to place a call to the municipality offering assistance and support. Mr. Riley informed Council that the MASC is coordinating a response effort and Hilton Head Island has offered a variety of resources to the endeavor.

b. Report of the Intergovernmental Relations Committee – Bill Harkins, Chairman

No report.

c. Report of the Community Services Committee – Kim Likins, Chairman

Mrs. Likins reported the Arts & Cultural Strategic Planning Committee continues to meet and will be prepared to make recommendations at the November Workshop. She stated the meetings

d. Report of the Public Planning Committee – Tom Lennox, Chairman

Mr. Lennox reported the Committee will meet on October 8 and the agenda topic is visioning and a master plan for the Island.

e. Report of the Public Facilities Committee – Lee Edwards, Chairman

No report.

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

No report.

g. Report of the Finance and Administrative Committee - John McCann, Chairman

Mr. McCann proposed that the Finance and Administrative Committee at its Tuesday, October 13 meeting, in executive session, review the proposed DMO contract with the Town and the Hilton Head Island – Bluffton Chamber of Commerce. He requested the item be placed on the agenda. The Mayor Pro-Tem agreed to place it on the Committee agenda.

Mr. McCann reported that at the Committee meeting held last week they conducted a beach issue session with 35 to 40 people in attendance and received 35 to 40 emails with follow up. He reported the Committee members are formulating the opinions that came forward and the item will go back to the Finance and Administrative Committee in the next two weeks for further review and they will then make a recommendation to Town Council.

h. Report of the Circle to Circle Committee - Tom Lennox, Town Council Liaison

Mr. Lennox reported the Committee met on September 16 and reviewed and analyzed the results of the June, 2015 traffic study conducted regarding Sea Pines Circle. He stated the study shows that during the three peak hours the Circle is significantly stressed and that mitigation of the traffic circle is going to be required. He said the Committee has recommended engaging the services of an urban planner to evaluate the existing corridor and the corridor as it could be improved under the new LMO. Mr. Lennox explained the RFP has been structured and will go out within the next 15 days for urban planning services.

9) Appearance by Citizens

Mary Lou Bolger addressed Council regarding her perception of a dangerous driving culture on Hilton Head Island and the lack of enforcement.

Peter Buonaiuto, Ron Clifford, Donald C. Peterson and Skip Hoagland addressed Council regarding requiring audits of the Hilton Head Island-Bluffton Chamber of Commerce.

10) Unfinished Business

a. Second Reading of Proposed Ordinance 2015-16

Second Reading of Proposed Ordinance 2015-16 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 2-5-50, Agenda and Order of Business; and providing for severability and an effective date.

Mrs. Likins moved to approve. Mr. McCann seconded. The motion was approved by a vote of 6-0.

b. Second Reading of Proposed Ordinance 2015-19

Second Reading of Proposed Ordinance 2015-19 to adopt an updated Town of Hilton Head Island Design Guide, and providing for severability and an effective date.

Mrs. Likins moved to approve. Mr. McCann seconded. The motion was approved by a vote of 6-0.

11) New Business

None.

12) Executive Session

Mr. Riley stated he needed an executive session for contractual matters pertaining to the proposed sale, lease or purchase of property related to: a parcel near the corner of US278 and Wild Horse Road; parcels on Palmetto Bay Road; a parcel in the Mitchelville area; a matter relating to 5th Street; and a personnel matter relating to the Town Attorney Annual Performance Review.

At 4:54 p.m. Mrs. Likins moved to go into Executive Session for the reasons as set forth by the Town Manager. Mr. McCann seconded. The motion was approved by a vote of 6-0.

Mayor Pro-Tem Harkins called the meeting back to order at 6:13 p.m. and stated there was nothing to take up as a result of Executive Session.

13) Adjournment

Mr. McCann moved to adjourn. Mr. Grant seconded. The motion was approved by a vote of 6-0. The meeting was adjourned at 6:14 p.m.

Vicki L. Pfannenschmidt
Executive Assistant/Town Clerk

Approved:

William D. Harkins, Mayor Pro-Tem

TO: Town Council
FROM: Susan M. Simmons, Director of Finance
VIA: Stephen G. Riley, Town Manager
DATE: October 13, 2015
RE: **Land Acquisition Update**

Available Funding – FYE June 30, 2015 - Unaudited

The Town's Land Acquisition Program has the following available funds at FYE 2015.

2010 GO Referendum Bonds	\$1,545,901
Sale of Land Account	<u>3,225,212 *</u>
Total	<u>\$4,771,113</u>

* Significant transactions closed or pending **since June 30** (estimated revenues/expenditures):

Pineland Station Proceeds	\$ 995,000
Palmetto Bay/Target Road Parcels Pending	<u>(2,600,000)</u>
Sale of Land Estimated Balance	<u>\$1,620,212</u>

Land and Park transactions related to the Shelter Cove Park and Development Agreement are **not** reflected above or on the attachment. GO Bonds will be issued in FY 2016 for the Town's portion of the park costs.

The land acquisition transactions that occurred in the last six months and the status of pending items are attached.

Semi-Annual Update
Announced/Acquired Properties since January 1, 2015

Name	Acreage	Location	Cost	Source of Funding	Use
Target Road/Palmetto Bay Road Area (The Bridge Shops)-purchased from Palmetto Bay Holdings, LLC	3.75 acres (4 parcels) and a 21,042 square feet commercial building and warehouses	Target Road/Palmetto Bay Road	\$1,930,000.00	Resell of Property Account	To be determined
Target Road/Palmetto Bay Road Area-purchased from Caheti 3-Dry, LLC	.57 of an acre	Target Road/Palmetto Bay Road	\$550,000.00	Resell of Property Account	To be determined

SOLD PROPERTIES

- ❖ **Sold 2.4 acres (SCDOT/Spanish Wells Road parcel) to Paddocks Limited Liability Company/Tim Wright.**
- ❖ **Sold all of Pineland Mall Parcel (10 acres) to Pineland Associates II, LLC/This sale was originally announced in May 2014, but the transaction closed in August 2015.**

LEGALLY CLOSED PROPERTIES/CLOSING DATES

Name	Acreage	Cost	Source of Funding	Use	Closing Date
Time Warner Cable Office Building/Office Park Road	1.04 acres (2 commercial lots) and a 5,800 square feet office building	\$680,000.00	Tax Increment Financing	Demolish building/clear land for USCB project	07/29/2015



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA~CM, *Town Manager*
VIA: Charles Cousins, AICP, *Community Development Director*
FROM: Jennifer Ray, ASLA, *Urban Designer*
DATE: October 8, 2015
SUBJECT: USCB-Office Park Road quarterly project update

Existing vacant buildings are being used for training exercises by the Town of Hilton Head Island Fire Rescue and Beaufort County Sheriff's Office through November 2015. The buildings are scheduled to be demolished in early-mid 2016.

USC has hired a design team led by Liollo Architecture that is finalizing building floor plans and elevations and making site plan adjustments to accommodate the updated building footprint. USCB will be submitting the Phase II package for approval to the following Boards and Committees:

Building and Grounds Committee	November 20, 2015
Board of Trustees	December 15, 2015
Committee on Higher Education	January 7, 2016
Joint Bond Review Committee	Mid-Late January 2016
State Fiscal Accounting Authority	Late January 2016

It is anticipated that in late 2015 to early 2016, the project will be submitted to Town of Hilton Head Island Boards and Committees including the Planning Commission and the Design Review Board as well as the Sea Pines Commercial ARB.



To: Steve Riley
Hilton Head Island Town Manager

From: Dr. Charles Calvert, Chair
Department of Hospitality Management
University of South Carolina Beaufort

Date: October 12, 2015

Subject: Quarterly Project Update
USCB Hilton Head Island Campus

The development of the Hilton Head Island campus of the University of South Carolina Beaufort is making substantial progress. The South Carolina Commission on Higher Education's Committee on Finance and Facilities approved the project on April 2, 2015. In April and May, the Architect Selection Committee reviewed proposals by 6 architects. Four architects made presentations to the committee on June 2, 2015. Liollo Architecture and their outside consultant specializing in Hospitality Management teaching facilities, Mark Olson, of Bialosky & Partners Architects, were chosen to design the building. In August and September, the architects led a series of internal design charettes at USCB with all key stakeholders to determine guiding criteria. They are developing a series of draft proposals for discussion. The workshops will continue in October.

USCB Hospitality Management signed an articulation agreement—a faculty to faculty agreement that validates course credits-- for students transferring from USC Sumter in September.

New Faculty joined USCB Hospitality Management Faculty this fall as the program expands its curriculum and increases enrollment in preparation for the opening of the HHI campus.

- Adjunct Faculty Member Suzanne Gibson is teaching Spa Management
- Assistant Professor (tenured) Nancy Hritz is teaching Tourism and Hospitality courses.

CC/lwm

A handwritten signature in blue ink, appearing to be "all" followed by a flourish.



ITEMS OF INTEREST OCTOBER 20, 2015

Town News

A majority of Town Council, Steve Riley, Greg DeLoach and Brad Tadlock participated in a Habitat for Humanity Work Day on Wednesday, October 14 from 8:00 a.m. until 12 noon. Council, along with other volunteers accomplished framing an entire house during that time. Habitat for Humanity is a nonprofit organization seeking to eliminate substandard housing and homelessness, and to break the cycle of poverty fostered by inadequate housing. Habitat was founded in 1976 to make decent affordable housing a matter of conscience and action. Habitat invites people of all backgrounds, races and religions to build houses together in partnership with families in need. If you have a group of 3 or more volunteers who would like to work together, please call the Habitat Coordinator Jaunell Murphy for further information at 843-384-9939.

(Contact: Steve Riley, Town Manager at 843-341-4700 or stever@hiltonheadislandsc.gov)

In preparation for the upcoming 2015-2016 beach renourishment project, the Town has created a new e-subscription service category for subscribers to receive project updates via email and/or text notifications. Please visit our website at www.hiltonheadislandsc.gov to sign-up for this free service and stay up-to-date on the latest beach renourishment project information as well as a variety of other topics.

(Contact: René Phillips, Website Administrator, at renep@hiltonheadislandsc.gov or 843-341-4792)

Reminder: The Town of Hilton Head Island now has a Facebook page. You can access it and follow the Town at <http://facebook.com/TownofHiltonHeadIslandSC>

Noteworthy Events

Some of the upcoming meetings at Town Hall:

- Circle to Circle Committee – October 21, 2015, 8:30 a.m.
- Planning Commission – October 21, 2015, 3:00 p.m.
- Accommodations Tax Advisory Committee – October 22, 2015, 9:00 a.m.
- Public Facilities Committee – October 26, 2015, 10:00 a.m.
- Board of Zoning Appeals - October 26, 2015, 2:30 p.m.
- Arts and Cultural Strategic Planning Committee – October 26, 2015, 3:00 p.m.
- Community Services Committee – October 27, 2015, 9:00 a.m.
- Design Review Board – October 27, 2015, 1:15 p.m.
- Construction Board of Adjustments and Appeals – October 27, 2015, 5:30 P.M.
- Circle to Circle Committee – October 28, 2015, 8:30 a.m.
- Accommodations Tax Advisory Committee – October 29, 2015, 9:00 a.m.
- Public Safety Committee – November 2, 2015, 10:00 a.m.
- Arts and Cultural Strategic Planning Committee – November 2, 2015, 3:00 p.m.
- Finance and Administrative Committee, November 3, 2015, 2:00 p.m.
- Town Council – November 3, 2015, 4:00 p.m.

(Additional meetings may be scheduled and all meetings are subject to change and/or cancellation. Please visit the Town of Hilton Head Island website at www.hiltonheadislandsc.gov for Committee meeting dates and agendas.

2015 Hilton Head Island Events

October 24, 2015 11:00 a.m.-5:00 p.m.	Hilton Head Island Burgers & Brew Festival	Shelter Cove Community Park
October 30, 2015 4:00 p.m.-8:00 p.m.	Pumpkin Patch	Shelter Cove Community Park
October 31, 2015 2:00 p.m.-6:00 p.m.	Take a Stand in the Sand	Coligny Beach
October 31 & November 1, 2015 9:00 a.m.-4:00 p.m.	Hilton Head Island Motoring Festival & Concours d'Elegance	Port Royal Golf Club



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA~CM, *Town Manager*
VIA: Jill Foster, AICP, *Deputy Director of Community Development*
CC: Charles Cousins, AICP, *Director of Community Development*
FROM: Teri B. Lewis, AICP, *LMO Official*
DATE: October 7, 2015
SUBJECT: Proposed 2015 LMO Amendments

Recommendation: The Planning Commission met on October 7, 2015 to review the proposed 2015 LMO Amendments. The Commission voted 9–0 to recommend forwarding the amendments to Town Council with a recommendation for approval.

The LMO Committee met on September 23, 2015 to review the proposed 2015 LMO Amendments. The Committee recommended forwarding the amendments to the Planning Commission with a recommendation for approval with the changes as discussed by the Committee.

Staff recommends that the Planning Commission forward the attached amendments to Town Council with a recommendation of approval.

Summary: The following changes were made to the proposed amendments as a result of the meeting on October 7th:

- Administrative Amendments - No Changes
- Functional Amendments:
 - Table 16-5-102.D (Adjacent Use Setback Requirements) – added superscripts 4 and 5 to the IL zoning district.
 - Table 16-5-103.E (Adjacent Use Buffer Requirements) – added superscript 4 to the IL zoning district.

Background: Staff has identified a number of proposed amendments to the Town's Land Management Ordinance (LMO). The reason for each proposed amendment is listed above the amendment. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

Please contact me at (843) 341-4698 or at teril@hiltonheadislandsc.gov if you have any questions.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2015-#

PROPOSED ORDINANCE NO. 2015-23

AN ORDINANCE TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE (LMO) , CHAPTERS 2, 3, 4, 5, 6 AND 10 AND APPENDICES A AND D TO REVISE VARIOUS SECTIONS. THESE AMENDMENTS, COMMONLY REFERRED TO AS 2015 LMO AMENDMENTS AS NOTICED IN THE ISLAND PACKET ON SEPTEMBER 6, 2015, INCLUDE CHANGES THAT PROVIDE FOR GENERAL AMENDMENTS TO A VARIETY OF SECTIONS IN THE LMO, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on October 7, 2014, the Town Council did adopt a new Land Management Ordinance (LMO); and

WHEREAS, after ten months of utilizing the new LMO, staff has identified a variety of administrative and functional amendments to the LMO; and

WHEREAS, the LMO Committee held a public meeting on September 23, 2015 at which time a presentation was made by staff and an opportunity was given for the public to comment on the proposed amendments; and

WHEREAS, the LMO Committee recommended that the proposed amendments be forwarded to Planning Commission with a recommendation of approval with the changes as discussed by staff and the Committee

WHEREAS, the Planning Commission held a public hearing on October 7, 2015 at which time a presentation was made by staff and an opportunity was given for the public to comment on the proposed LMO amendments; and

WHEREAS, the Planning Commission, after consideration of the staff presentation and public comments, voted 9-0 to recommend that Town Council approve the proposed amendments; and

WHEREAS, after due consideration of said LMO amendments and the recommendation of the Planning Commission, the Town Council, upon further review, finds it is in the public interest to approve the proposed amendments.

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

Section 1. Amendment. That the *2015 LMO Amendments* are adopted as indicated on the attached pages (Exhibits A and B). Newly added language is illustrated with double underline and deleted language is illustrated with ~~striketrough~~.

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

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

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

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA

David Bennett, Mayor

ATTEST:

Victoria L. Pfannenschmidt, Town Clerk

Public Hearing: October 7, 2015

First Reading:

Second Reading:

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

EXHIBIT A

DRAFT 2015 ADMINISTRATIVE LMO AMENDMENTS

CHAPTER 16-2: ADMINISTRATION

Staff Explanation: This change will return to the LMO the list of sections with which single-family structures have to comply.

Section 16-2-103. Application Specific Review Procedures

G. Development Plan Review (Minor and Major)

1. – 2. No Changes

3. Exemptions

The following activities or **uses** are exempt from Development Plan Review (although they may be reviewed under a separate administrative procedure, or may be governed or prohibited by private covenants and restrictions):

a. – c. No Changes.

d. All **structures** (including factory-built housing) built or placed on an individual **single-family** residential **lot** with no other **dwelling** on it although such structures shall comply with the provisions set forth below:

- i. Section 16-3-106.H, Forest Beach Neighborhood Character Overlay (FB-NC-O) District;
- ii. Section 16-3-106.I, Folly Field Neighborhood Character Overlay (FF-NC-O) District;
- iii. Section 16-3-106.J, Holiday Homes Neighborhood Character Overlay (HH-NC-O) District;
- iv. Section 16-3-104, Residential Base Zoning Districts;
- v. Section 16-3-105, Mixed-Use and Business Districts;
- vi. Section 16-5-102, Setback Standards;
- vii. Section 16-5-105.I, Access to Streets;
- viii. Section 16-5-106, Parking and Loading Standards;
- ix. Section 16-5-111, Fire Protection Water Supply;
- x. Section 16-6-102.D, Wetland Buffer Standards; and
- xi. Title 15, Building and Building Codes, Chapter 9, Flood Damage Controls, of the Municipal Code of the Town of Hilton Head Island.

Staff Explanation: This change will provide a reference in the buffer section to the requirement for a buffer from a loading area.

CHAPTER 16-5: ZONING DISTRICTS

Section 16-5-103. Buffer Standards

Table 16-5-103.F: Buffer Types

Minimum Buffer Width and Screening Requirements^{1, 2, 3, 4, 5, 6, 7}

Type A Buffer – Type C Buffer. No Changes

Type D Buffer

The buffer includes high-density screening designed to eliminate visual contact up to a height of six feet and create a strong spatial separation between *adjacent uses*. A Type D buffer is required adjacent to all loading areas per Section 16-5-107.H.8.d, Buffering of Loading Areas.

Staff Explanation: These changes will fix incorrect State Code section references.

APPENDIX A: Advisory and Decision Making Bodies and Persons

A-3. Board of Zoning Appeals

A. Powers and Duties

1. – 2. No Changes

3. Carry out any other powers and duties delegated to it by the *Town Council*, consistent with the S.C. Code of Laws Section 6-29-340 800, et seq.

B. – C. No Changes

D. Officers, Meetings, Quorum

1. – 3. No Changes

4. Notice of Meetings

Public notice of all meetings of the *Board of Zoning Appeals* shall be provided in compliance with the requirements of S. C. Code of Laws Section 30-4-10, et seq.; S. C. Code of Laws Section 6-29-340 790, et seq.; and this *Ordinance*.

A-4. Design Review Board

A. Powers and Duties

1-3. No Changes

4. Carry out any other powers and duties delegated to it by the *Town Council*, consistent with the S.C. Code of Laws Section 6-29-340 880, et seq.

B. – C. No Changes

D. Officers, Meetings, Quorum

1. – 3. No Changes

4. Notice of Meetings

Public notice of all meetings of the *Design Review Board* shall be provided in compliance with the requirements of S. C. Code of Laws Section 30-4-10, et seq.; S. C. Code of Laws Section 6-29-340, et seq.; and this *Ordinance*.

Staff Explanation: This will change the term ‘Administrator’ to ‘Official’.

APPENDIX D: Application Submittal Requirements

D-1. – D-5. No Changes

D-6. Development Plan Review, Major

A. – H. No Changes.

I. Site Lighting Plan

Site lighting plans shall clearly demonstrate conformance to Sec. 16-5-108, Site Lighting Standards. Site lighting plans shall be submitted at a scale of 1"=30' or other appropriate scale acceptable to the ~~Administrator~~ Official, and shall include:

1. – 4. No Changes.

J. – S. No Changes

T. Emergency Preparedness Documentation

1. Affected **applicants** listed below shall submit an emergency preparedness plan consistent with the provisions of this section to the ~~Administrator~~ Official and to the Beaufort County Emergency Management Director at the time of **development** plan approval **application**:

D-7 – D-19. No Changes

Staff Explanation: This change will return to the LMO the plat stamping requirement.

D-20. Plat Stamping

A plat **application** shall be considered complete when the following items have been submitted.

A. Application Form

An **application** form as published by the **Official**.

B. Plat

A minimum of three plats (one for the **Town** and two for Beaufort **County**). These plats shall contain a signature block which shall be signed by the owner of record before these plats can be stamped for recording purposes; this requirement may be waived if the applicant presents a written acknowledgement of the action in a legally recordable form, such as, but not limited to an easement, a right of entry, or a deed. The above requirement shall not apply to plats related to public projects. Upon such plat shall appear:

1. Owner of Record Signature (Sign plat as it appears on the deed). Example: “I the undersigned as the Owner of Record of parcel(s) R#### #### ####, agree to the recording of this plat.” This requirement may be waived if the applicant presents a written acknowledgement of the action in a legally recordable form, such as, but not limited to an easement, a right of entry, or a deed. This requirement shall not apply to plats related to public projects, such as easements obtained through condemnation for a public pathway.
2. Title – Purpose of plat.
3. Vicinity Sketch – Map of property location.
4. Address, State and County where property to be recorded is located.
5. Who the survey was prepared for, name(s) on deed.
6. Tax District, Map and Parcel Number of subject property.
7. Total acreage of parcel(s).
8. All property access improvements.
9. Easements.
10. Date of survey and date of any revisions.
11. Graphic and numeric scale.
12. North arrow.
13. Certification of surveyor stating “class” of survey.
14. Existing monuments – property pins.
15. Improvements.
16. Surveyor’s original embossed seal, signature, surveyor ID, address and registration number.
17. “S.C. Certificate of Authorization” embossed seal when survey done by corporation, firm, association, partnership, or other such entity.
18. FEMA zone information – property assigned flood zone.
19. Flood disclosure statement.
20. Notation of specific reference plats.
21. OCRM critical line and base line.

22. Space for stamp – Minimum 4x4 inches

C. Other Requirements

1. Property Deed/Title Source.
2. Recorded easement documents.
3. Transfer agreement – legal document showing property owner change.

Staff Explanation: This change will re-number these sections.

D-~~20~~ 21. Appeals of Official's Decision and Written Interpretations to Board of Zoning Appeals

D-~~21~~ 22 Appeals of Official's Decision to Planning Commission

D-~~22~~ 23 Appeals of Official's Decision to Design Review Board

D-~~23~~ 24 Application Deadlines

EXHIBIT B

DRAFT 2015 FUNCTIONAL LMO AMENDMENTS

CHAPTER 16-2: ADMINISTRATION

Staff Explanation: The way the language is currently written if Town Council makes a recommendation that differs from the Planning Commission recommendation, then the application needs to go back to the Planning Commission for review. This creates an unnecessary delay for the applicant. The applications (text amendments, zoning map amendments and PUD zonings) should only go back to Planning Commission if the application itself changes after it has been reviewed by Planning Commission. For example, the applicant decides to ask for fewer units.

Section 16-2-103. Application Specific Review Procedures

- A. No Changes
- B. Text Amendment
 - 1. – 2.d. No Changes

e. Decision-Making Body Review and Decision

i. The ***Town Council*** shall review the ***application***, staff report, and ***Planning Commission*** recommendation, and make a final decision on the ***application***. If the applicant proposes a change or departure from the text amendment that is different than what was reviewed by Planning Commission ~~No change in or departure from the text amendment as recommended by the ***Planning Commission*** may be made by the ***Town Council*** unless the change or departure is shall first be submitted to the ***Planning Commission*** for review and recommendation in accordance with ***State*** law. The ***Town Council's*** decision shall be one of the following:~~

- 01. Adopt an ***ordinance*** approving the Text Amendment; or
- 02. Adopt a resolution denying the Text Amendment.

ii. If the applicant proposes a change or departure from the text amendment that is different than what was reviewed by Planning Commission ~~If the ***Town Council*** proposes any changes or departures from a Text Amendment as recommended by the ***Planning Commission***, it shall first remand the ***application*** shall be remanded to the ***Planning Commission*** for review of and a recommendation on the proposed changes and departures. The ***Planning Commission*** shall deliver its recommendation on the proposed changes and departures to the ***Town Council*** within 30 days after the remand; if the ***Planning Commission*** fails to do so, it is deemed to have recommended approval of the proposed changes and departures.~~

- C. Zoning Map Amendment (Rezoning)
 - 1. – 2.e. No Changes

f. Decision-Making Body Review and Decision

i. The **Town Council** shall review the **application**, staff report and **Planning Commission** recommendation, and make a final decision on the **application**. If the applicant proposes a change or departure from the Zoning Map Amendment that is different than what was reviewed by Planning Commission ~~No change in or departure from the Zoning Map Amendment as recommended by the~~ **Planning Commission** may be made by ~~Town Council~~ unless the change or departure is shall first be submitted to the **Planning Commission** for review and recommendation in accordance with **State** law. The **Town Council's** decision shall be one of the following:

01. Adopt an **ordinance** approving the Zoning Map Amendment; or

02. Adopt a resolution denying the Zoning Map Amendment.

ii. If the applicant proposes a change or departure from the Zoning Map Amendment that is different than what was reviewed by Planning Commission ~~If the **Town Council** proposes any changes or departures from a Zoning Map Amendment as recommended by the~~ **Planning Commission**, it shall first remand the **application** shall be remanded to the **Planning Commission** for review of and a recommendation on the proposed changes and departures. The **Planning Commission** shall deliver its recommendation on the proposed changes and departures to the **Town Council** within 30 days after the remand; if the **Planning Commission** fails to do so, it is deemed to have recommended approval of the proposed changes and departures.

D. Planned Unit Development (PUD) District

1. – 2.e. No Changes

f. Decision-Making Body Review and Decision

i. The **Town Council** shall review the **application**, staff report, and **Planning Commission** recommendation, and make a final decision on the **application**. If the applicant proposes a change or departure from the PUD zoning that is different than what was reviewed by Planning Commission ~~No change in or departure from the PUD zoning as recommended by the~~ **Planning Commission** may be made by the ~~Town Council~~ unless the change or departure is shall first be submitted to the **Planning Commission** for review and recommendation in accordance with **State** law. The **Town Council's** decision shall be one of the following:

01. Adopt an ordinance approving the PUD District as submitted; or

02. Adopt a resolution denying the PUD District.

ii. If the applicant proposes a change or departure from the PUD zoning that is different than what was reviewed by Planning Commission ~~If the **Town Council** proposes any changes or departures from a PUD District as recommended by the~~ **Planning Commission**, it shall first remand the **application** shall be remanded to the **Planning Commission** for review of and a recommendation on the proposed changes and departures. The **Planning Commission** shall deliver its recommendation on the proposed changes and departures to the **Town Council** within 30 days after the remand; if the **Planning Commission** fails to do so, it is deemed to have recommended approval of the proposed changes and departures.

Staff Explanation: Currently any development that is not visible from an arterial can be approved by staff rather than the Design Review Board (DRB). The unanticipated consequence of this is that large projects that would typically require a two-step review by the DRB would not go through this review process.

E. – H. No Changes

I. Corridor Review (Minor and Major)

1. – 2.a. No Changes

b. Minor and Major Corridor Review

There are two types of Corridor Review: Major and Minor.

i. Minor Corridor Review is required for the following types of **development** within the Corridor Overlay District:

01. **Multifamily accessory structure**;

02. The addition of minor **building** or site elements (such as patios, decks, railings, awnings, and shutters, landscaping, exterior lighting, fences and walls, dumpster enclosures);

03. The use of the same color(s) on the exterior of an **accessory structure** as authorized by a Major Corridor Review approved for the principal **structure**; and

04. Outdoor merchandising; ~~and~~

05. Any **development** alteration/addition within the Corridor Overlay District that is not visible from an arterial **street**, the OCRM Beachfront Baseline, or the OCRM Critical Line.

CHAPTER 16-3: ZONING DISTRICTS

Staff Explanation: Group Living was inadvertently left out as a permitted use in the Main Street zoning district. The consequence of this is that Indigo Pines is currently a nonconforming use.

Section 16-3-105. Mixed-Use and Business Districts

A. – E. No Changes

F. Main Street (MS) District

MS Main Street District			
1. Purpose			
The purpose of the Main Street (MS) District is to provide lands for shopping center , other commercial, and mixed-use development at moderate to relatively high intensities in the Main Street area and the portion of Indigo Run between U.S. Highway 278 and Pembroke Drive. Generally, the district places an emphasis on moderate-scale buildings , quality design, and pedestrian orientation (balanced with some accommodation of auto-oriented development).			
2. Allowable Principal Uses			
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Residential Uses			
<u>Group Living</u>	<u>P</u>		<u>1 per 3 rooms</u>

CHAPTER 16-4: USE STANDARDS

Staff Explanation: Group Living was inadvertently left out as a permitted use in the Main Street zoning district. The consequence of this is that Indigo Pines is currently a nonconforming use.

Section 16-4-102. Principal Uses

A.1 – 5. No Changes

6. Principal Use Table

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE																					
P = Permitted by Right PC = Permitted Subject to Use-Specific Conditions SE = Allowed as a Special Exception Blank Cell = Prohibited																					
USE CLASSIFICATION/ USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS						MIXED-USE AND BUSINESS DISTRICTS											USE-SPECIFIC CONDITIONS	
	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SPC	CC	MS	WMU	S	MF	MV	NC	LC	RD		MED
RESIDENTIAL USES																					
Group Living						P	P	P				PC						P			

CHAPTER 16-5: DEVELOPMENT AND DESIGN STANDARDS

Staff Explanation: When the new LMO was adopted, the requirement that the single-family setback only apply to the exterior subdivision boundary was inadvertently eliminated. This change fixes that error.

Section 16-5-102. Setback Standards

A. – C. No Changes

D. Adjacent Use Setback Requirements

TABLE 16-5-102.D: ADJACENT USE SETBACK REQUIREMENTS ¹

PROPOSED USE ³	MINIMUM SETBACK DISTANCE ¹ / MAXIMUM SETBACK ANGLE ²			
	USE OF ADJACENT DEVELOPMENT PROPERTY ³			
	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATION; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS	INDUSTRIAL USES
	ZONING OF ADJACENT VACANT PROPERTY			
	CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	CR, CC, WMU, S, RD, SPC, LC, MF, MV, MS, NC, MED	IL
<i>Single-Family</i>	20 ft ^{4,5,6} / 75°	20 ft ^{4,5,6} / 75°	30 ft ^{4,5,6} / 60°	40 ft ^{4,5,6} / 45°
<ul style="list-style-type: none"> Any Other Residential <i>Uses</i> Commercial Recreation 	20 ft ⁶ / 75°	20 ft ⁶ / 75°	25 ft ⁶ / 75°	30 ft ⁶ / 60°
<ul style="list-style-type: none"> Public, Civic, Institutional, and Education Resort Accommodation Offices Commercial Services Vehicle Sales and Services Boat Ramps, Docking Facilities, or Marinas 	30 ft ⁶ / 60°	25 ft ⁶ / 75°	20 ft ⁶ / 75°	20 ft ⁶ / 75°
Industrial <i>Uses</i>	40 ft ^{4,5,6} / 45°	30 ft ⁶ / 60°	20 ft ⁶ / 75°	20 ft ⁶ / 75°

1. Measured from the common property line to the closest portion of a **structure**.

2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a **height** of 20 feet above the **base flood elevation** or **pre-development grade**, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-102.D, Use Setback Angle).

3. See Sec. 16-10-103 for a description or definition of the listed **use** classification and types.

4. Single family subdivision exterior boundary only.

5. For all Minor Subdivisions and Small Residential Developments, the entire single family exterior boundary setback may be reduced by 50% in area. The setback area shall not be reduced to less than 5 feet wide at any point; it may be reduced to 5 feet where adjoining another **single-family dwelling lot** in the same **subdivision**; may be reduced to less than 5 feet if it, when combined with the platted setback distance for the adjoining **lot**, is at least 10 feet.

6. May be reduced by up to 10 percent in any district on demonstration to the **Official** that:

- The reduction is consistent with the character of **development** on surrounding **land**;
- Development resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;
- The reduction either (1) is required to compensate for some unusual aspect of the site or the proposed **development**, or (2) results in improved site conditions for a **development** with **nonconforming site features** (e.g., allows the extension of a wall or fence that screens an existing **outdoor storage** area);
- The reduction will not pose a danger to the public health or safety;
- Any adverse impacts directly attributable to the reduction are mitigated (e.g., the closer proximity of **buildings** to a property line are mitigated by a wider or more densely screened adjacent use buffer along that property line); and
- The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 10 percent.

Staff Explanation: The intent of the LMO Rewrite Committee in creating the CR (Coligny Resort) zoning district was to eliminate the adjacent street buffers and instead create very specific adjacent street setback standards. The exception for street buffers was inadvertently left out during the LMO rewrite. This error is corrected with this amendment.

Section 16-5-103. Buffer Standards

A. No Changes

B. Applicability

1. General

Except as provided in subsection 2 below, the requirements of this section shall apply to all *development* in the *Town*.

2. Exceptions

a. For *development* within a PD-1 District, adjacent street and use buffer standards shall apply only along those *lot* lines and *street rights-of-way* located within a Corridor Overlay District, located outside any *gates* restricting *access* by the general public to areas within the PUD, or constituting the boundaries of the district.

b. For *development* within a PD-2 District, adjacent street and use buffer standards shall apply only along those *lot* lines and *street rights-of-way* located within a Corridor Overlay District or constituting the boundaries of the district.

c. For zero *lot* line *subdivisions*, adjacent street and use buffer standards shall apply only along those *lot* lines and *street rights-of-way* constituting the perimeter of the *subdivision*.

d. Adjacent street buffers shall not apply to *development* within the CR District.

Staff Explanation: When the new LMO was adopted, the requirement that the single-family buffer only apply to the exterior subdivision boundary was inadvertently eliminated. This change fixes that error. Additionally, a review of the table indicated that there was an error in the required buffer between a proposed single-family use and an existing other residential use or commercial recreation use.

C. – D. No Changes

E. Adjacent Use Buffer Requirements

TABLE 16-5-103.E: ADJACENT USE BUFFER REQUIREMENTS¹

PROPOSED OR EXISTING USE ²	REQUIRED BUFFER TYPE ²			
	USE OF ADJACENT DEVELOPED PROPERTY ³			
	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATIONS; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS	INDUSTRIAL USES
	ZONING OF ADJACENT VACANT PROPERTY			
	CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	CR, CC, WMU, S, SPC, RD, MS, MV, MF, LC, NC, MED	IL
Single-Family	n/a ⁴	C ⁴	C ⁴	D ⁴
<ul style="list-style-type: none"> All Other Residential Uses Commercial Recreation 	A	n/a	B	D
<ul style="list-style-type: none"> Public, Civic, Institutional, and Education Resort Accommodations Offices Commercial Services Vehicle Sales and Services Boat Ramps, Docking Facilities, or Marinas 	C	B	n/a	A
Industrial Uses	D ⁴	D	A	n/a

NOTES: n/a = not applicable

1. Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.F. Buffer Types.

2. When a shared **access easement** is located along a common property line, any required buffer shall be provided to the interior of the **access easement**.

3. See Sec. 16-10-103 for a description or definition of the listed **use** classification and types.

4. Single family subdivision exterior boundary only.

Staff Explanation: Applicants often want to plant ornamentals in the street buffer adjacent to the sign and to the driveway entrance. The Design Review Board often approves ornamental plantings in these specific areas. This change will allow ornamental plants when reviewed as part of a minor or major corridor review application.

F. – H. No Changes

I. Buffer Materials

At the time of planting, overstory and understory *trees* included as part of required buffers shall comply with the size standards for supplemental and replacement *trees* in Sec. 16-6-104.I, Standards for Supplemental and Replacement Trees; evergreen shrubs shall be at least three feet in *height* above ground level. All buffer plantings must be native species of plants, see Appendix C, except where ornamental plantings or plants that have historically been prevalent on Hilton Head Island are approved as part of a Corridor Review approval.

Staff Explanation: This language specifies when a street is considered a cul-de-sac.

Section 16-5-105

A. – E. No Changes

F. Cul-de-Sac

To be classified as a *cul-de-sac*, a street must terminate at one end with the hammerhead or *cul-de-sac* geometric end treatment described in 16-5-105.F and 16-5-105.G, respectively.

G. No Changes

H. 1-5. No Changes

Staff Explanation: The changes within the figure more accurately reflect the associated language in the LMO.

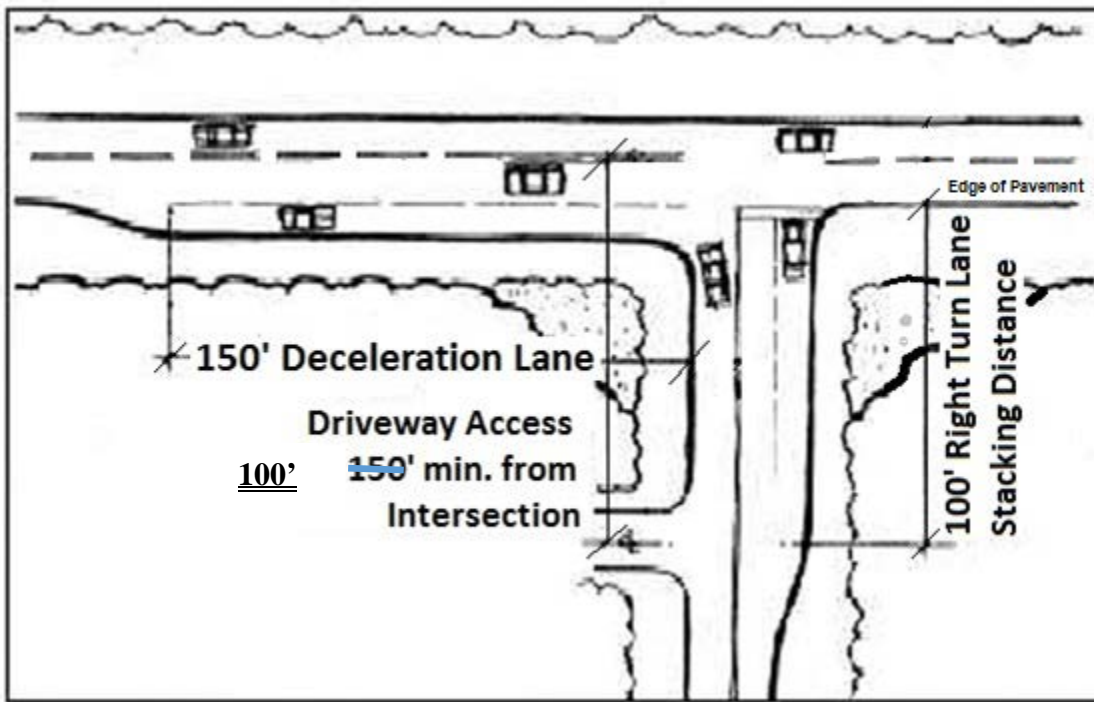


Figure 16-5-105.H.6 Deceleration Lanes

Staff Explanation: The LMO currently does not permit LED lights. This change will allow LED lights to be used.

Section 16-5-108. Lighting Standards

A. – B. No Changes

C. General Exterior Lighting Standards

1. No Change

2. Light Source (lamp)

Only LED, incandescent, florescent, metal halide, or color corrected high-pressure sodium may be used. The same type must be used for the same or similar types of lighting on any one *development* site or Planned Unit Development district.

Staff Explanation: This change will clarify that in a redevelopment scenario, only the new impervious surfaces shall be used when calculating the on-site retention of the first inch of runoff.

Section 16-5-109

A - C. No Changes

D. 1-2. No Changes

D.3.a All **development** shall provide for **on-site** retention (dry or wet) or percolation of a minimum of one inch of runoff from **on-site impervious surfaces**, ~~regardless of pre-development condition~~. Major drainage canals may not be used for retention where doing so may adversely impact the storm hydrology upstream or downstream.

Staff Explanation: It is important for emergency purposes that the Town's critical facilities (such as fire stations, hospitals, etc.) be built at an elevation of 20'. Currently fill materials is limited to 3' above grade regardless of the elevation of the site. This amendment would provide an exception to this regulation for critical facilities only. A definition of critical facilities is also being added.

Section 16-5-112

A. – B. No Changes

C. Elevation of Sites

Sites shall not be elevated with fill material to an average **height** greater than three feet above existing **grade** with the exception of critical facilities. The fill material shall be retained under the footprint of the **structure**. Other methods of elevation may be used solely or in conjunction with three feet of fill to meet **base flood elevation** requirements. **Single-family** residential **development** is exempt from this provision.

CHAPTER 16-6: NATURAL RESOURCE PROTECTION

Staff Explanation: The prior LMO had language that allowed mobi-mats or similar products for the purpose of providing handicap access to the beach. This language was inadvertently left out during the rewrite. This change fixes that omission. The prior LMO also allowed small wooden decks per OCRM regulations; this was also left out during the rewrite. This change fixes that omission.

Section 16-6-103. Beach and Dune Protection

F. Development on Dunes

1. General

No **dune** in an active **beach** system shall be leveled, breached, altered, or undermined in any way by **development** or other human-caused activity, and no **dune** vegetation may be disturbed or destroyed, except for:

- a. The **construction** and **maintenance** of very limited elevated boardwalks with a two foot minimum clearance or similar beach access for handicap accessibility necessary for pedestrian and bicycle **access** to the **beach**, in accordance with the standards in paragraph 2 below and their associated wooden deck not larger than 144 square feet;

Staff Explanation: The prior LMO allowed flexibility for tree replacement during the development of single-family subdivisions, athletic fields, airport runways and golf courses given the nature of these types of development. This language was inadvertently left out during the rewrite. This change fixes that omission.

Section 16-6-104. Tree Protection

A. – F. No Changes

G. Minimum Tree Coverage Standard

1. Applicability

- a. All new **development** except for the **construction** of any public **street**, pathway, drainage project, single family subdivision, athletic field, airport runway, golf course or minor utility and the redevelopment or alteration of existing **development** (see subparagraph b below) shall include at least 900 adjusted caliper inches (ACI) of **trees** per acre of **pervious** surface area. **Pervious** surface area equals the **gross acreage** less the maximum **impervious cover** required for the proposed **development**.
- b. Redevelopment or alteration of existing **development** shall have the option of meeting the standard in subparagraph a above or meeting replacement requirements in Sec. 16-6-104.I, Standards for Supplemental and Replacement Trees, based on **trees** removed by **tree** category
- c. For the construction of any public **street**, pathway, drainage project, single family subdivision, athletic field, airport runway, golf course or minor utility the applicant shall make all reasonable efforts to save significant trees and stands of trees. In these cases, at the discretion of the official, a centerline field inspection may relieve the applicant of the tree survey requirement. Reasonable tree replanting may be required by the Official for these uses.

CHAPTER 16-10: DEFINITIONS, INTERPRETATION, AND MEASUREMENT

Staff Explanation: This has been changed to match the language used in 16-2-102.E.2.1.

Section 16-10-101. General Rules for Interpretation

A. – C. No Changes

D. Computation of Time

1. The time in which an act is to be done shall be computed by excluding ~~first day the day the notice is postmarked or published and including the day of the hearing, and including the last day.~~ If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the **Town**, the deadline or required

date of action shall be the ~~next~~ day prior that is not a Saturday, Sunday, or holiday observed by the *Town*. References to days are calendar days unless otherwise stated.

Staff Explanation: A definition is being provided for critical facilities in conjunction with the proposed amendment which will allow an exception to the maximum fill requirements for critical facilities.

Section 16-10-105. General Definitions

Critical Facility

A structure or other improvement that, because of its function, size, service area, or uniqueness, has the potential to cause serious bodily harm, extensive property damage, or disruption of vital socioeconomic activities if it is destroyed or damaged or if its functionality is impaired. Critical facilities include but are not limited to health and safety facilities, utilities and government facilities.

Staff Explanation: The Design Review Board (DRB) is dependent on design professionals. At-large members without a design background typically have little to nothing to add compared to trained professionals and this is a disservice to the community.

Appendix A: Advisory and Decision Making Bodies and Persons

A-4. Design Review Board

A. No Changes

B. Membership, Terms and Compensation

1. Number, Appointment

The ***Design Review Board*** shall consist of seven members, appointed by the *Town Council*, and shall include, ~~to the extent practicable, at least one attorney and at least two but not more than three~~ design professionals (such as ~~a~~ registered architects, ~~a~~ landscape architects or ~~a~~ graphic artists). None of the members shall hold elected public office in the *Town* or *County*.

Appendix D: Application Submittal Requirements

Staff Explanation: This section is being amended to make it clear which days count in the computation.

D-23. Application Deadlines

All *applications* shall be completed and submitted to the Administrator not less than the following number of days prior to the meeting at which the permit, appeal or approval will be considered. The date of the hearing shall be included when computing the required deadlines.



TOWN OF HILTON HEAD ISLAND

TO: Stephen G. Riley, ICMA-CM, Town Manager
FROM: Scott Liggett, PE, Director of Public Projects & Facilities
DATE: October 14, 2015
SUBJECT: 2016 Beach Renourishment Contract Award Recommendation

Recommendation: Staff recommends that Town Council accept the “Option A” bid submitted by Weeks Marine Incorporated (Weeks) in response to our 2016 Island-wide Beach Renourishment Project solicitation and authorize contract award and execution. The bid submitted by Weeks includes the following elements:

Mobilization / Demobilization	\$ 5,725,000
Beach Fill - 2,063,000 CY @ \$7.22/CY (avg.)	\$14,890,000
Beach Tilling	\$ 65,000
Business License Allowance	\$ 25,000
Total Price	\$ 20,705,000

Additionally, in accordance with Weeks’ proposal, the estimated start date for the work referenced above is February 1, 2016. The full, project based, segment and acceptance section schedule is attached, as is the assessment of bids from Olsen Associates, the Town’s Coastal Engineering consultant.


A first draft of the required budget ordinance is expected to be reviewed by Town Council on November 2, 2015 with Beach Preservation Revenue Bonds to be issued later during fiscal year 2016.

Summary: In accordance with Title 11 of the Town Code, sealed competitive bids were solicited for the above referenced project. A mandatory pre-bid conference was held on September 9, 2015. Four contractors attended, each of which submitted bids. The bid tabulation is attached. In accordance with State and Federal Permits, sand placement activities along the Port Royal Sound shoreline MUST occur between April 15 and August 15. Also, no work is planned to occur on our central ocean-front beach between June 15 and August 15. Three start date options for the work were developed with these time constraints reflected in the solicitation. Weeks is also the low bidder for “Option B” (start date no earlier than March 1) with a price of \$20,705,000 and Norfolk Dredging Company is the low bidder for “Option C” (start date no earlier than June 1) with a price of \$20,724,300. While the pricing is very similar for all options, it is very important to realize that the proposed project duration as submitted by Norfolk is roughly twice as long as the schedule submitted by Weeks – 8 months vs. 4 months.

Background: The project as proposed includes the placement of 2,063,000 cubic yards (CY) of beach compatible sand along the Island’s Atlantic Ocean-front and Port Royal Sound-front shorelines. Funding is expected to come from yet to be issued Beach Preservation Fee Revenue Bonds. Overall, Staff is satisfied that the project and its funding demands are consistent with the 2010 beach management program sustainability investigation reviewed and approved by Town Council.

MEMORANDUM

TO: Scott P. Liggett, P.E.

FROM: Christopher G. Creed, P.E. 

DATE: 13 October 2015

RE: Town of Hilton Head Island 2016 Beach Renourishment Project
Review of Bid Submittals



We have reviewed the bid submittals for the Town of Hilton Head Island 2016 Beach Renourishment Project. The project will provide for the placement of approximately 2,000,000 cy of sand along portions of the (1) South Beach, (2) South Forest Beach, (3) North Forest Beach, (4) Palmetto Dunes/Singleton Beach, (5) Port Royal Plantation, and (6) Fish Haul Creek/Spa shorelines. Sand for the project will be dredged from two offshore borrow areas and delivered to the island through a pipeline.

The town received bids from qualified dredging contractors for all three bid Options. Two bids were offered for Options A and B. Four bids were offered for Option C. Weeks Marine Construction, Inc. (Weeks) offered the lowest bid of \$20,705,000.00 for Options A and B. Norfolk Dredging Company, Inc. (Norfolk) offered the lowest bid of \$20,724,300.00 for Option C. The bid for Options A and B offered by Weeks is \$19,300.00 less than the bid offered by Norfolk for Option C. After detailed review of both the Weeks and Norfolk bid submittals, we find them to be complete and consistent with the requirements of the solicitation. It is noted that these bids are lower than the anticipated construction cost for the project of \$23.7M estimated in March 2015 from a market analysis.

Although the difference in price for Options A/B (Weeks) and C (Norfolk) are modest, there are substantive differences between the (1) equipment, (2) construction schedule and (3) time to complete work in the bids offered by each firm. Specifically, Weeks plans to mobilize the 30-inch hydraulic pipeline dredge "C.R. McCaskill" along with attendant pipeline and one pipeline booster. This dredge and setup has a reported monthly production rate of 600,000 cubic yards per month. Conversely, Norfolk proposes to mobilize the hydraulic pipeline dredge, "Charleston" along with attendant pipeline and two pipeline boosters. This dredge and proposed setup has a reported monthly production rate of 300,000 cubic yards per month. Accordingly, Weeks would be expected to construct the project in approximately half the time required for Norfolk to complete the project. There would no difference in the final project delivered by either firm.

Another difference, as represented by the bid Options, would be the time of year the project would be constructed. Weeks is the low bidder for Options A and B which require that the project be constructed during the first half of 2016. The project sequence for Option A would have work occurring along the southern areas of the island, South Beach, South Forest Beach, North Forest Beach, and the southern areas of Palmetto Dunes generally between about mid-February and mid-April. Work along the northern areas of the project, Singleton Beach, northern Palmetto Dunes, Port Royal Plantation, and Fish Haul/Spa, would be constructed generally between mid-April and mid-June. Weeks expects project construction for Option A to take 117 days.

The project sequence for Option B would have work occurring along the southern areas of the island, South Beach, South Forest Beach, North Forest Beach, and the southern areas of Palmetto Dunes generally between about mid-March and mid-May. Work along the northern areas of the project, Singleton Beach, northern Palmetto Dunes, Port Royal Plantation, and Fish Haul/Spa, would be constructed generally between mid-May and mid-July. Weeks expects project construction for Option B to take 117 days.

For Option C, the low bidder, Norfolk, is proposing to construct the Port Royal Plantation and Fish Haul/Spa project areas during June and July, the South Beach, South Forest Beach, North Forest Beach, and southern Palmetto Dunes project reaches between early August and early November, and along the northern Palmetto Dunes and Singleton Beach shoreline between early November and late December. Norfolk expects project construction to require 228 days.

In regard to a specific recommendation from Olsen Associates, Inc., given that bids from all three Options are essentially equivalent and it is expected that both Weeks and Norfolk would deliver the required project as designed, the decision to select a Contractor should be based on the construction schedule and time to construct that is favored by the Town. If the Town's preference is to construct the project during the first half of 2016 and minimize the amount of time required to construct the project, the Town should consider selecting Weeks as the construction contractor. Conversely, if the Town would prefer that construction occur during the second half of 2016 and does not find the time to construct to be a concern, the Town should consider selecting Norfolk as the contractor. Any one of the three schedules offered by the Weeks and Norfolk would avoid the environmental and local restrictions described in the bid documents.

Please contact us if you have any questions regarding our review of the bid submittals.

Thank you.

Town of Hilton Head Island, SC
2016 BEACH RENOURISHMENT PROJECT
OPTION A
Bid Tabulation Form - Unofficial

Bidder #				1 – Set 4		2 – Set 3		3 – Set 11		4 – Set 7	
Bidder Name				Norfolk Dredging Company		Great Lakes Dredge & Dock Co		Marinex Construction, Inc.		Weeks Marine, Inc	
Bidder City, State				Chesapeake, VA		Oak Brook, IL		Charleston, SC		Covington, LA	
Item		Est. Quantity	Units	Cost		Cost		Cost		Cost	
1	Town Business License	1		\$ 0.00		\$ 25,000.00		\$ 0.00		\$ 25,000.00	
South Beach, Central Atlantic, The Heel, Port Royal											
2	Mobilization/Demobilization	1	allow	\$ 0.00		\$ 11,050,000.00		\$ 0.00		\$ 5,075,000.00	
South Beach											
3	Beach Fill	360,000	CY	\$ 0.00/cy	\$ 0.00	\$ 5.85/cy	\$ 2,106,000.00	\$ 0.00/cy	\$ 0.00	\$ 7.75/cy	\$ 2,790,000.00
4	Beach Tilling	1	LS	\$ 0.00		\$ 14,500.00		\$ 0.00		\$ 10,000.00	
Central Atlantic											
5	Beach Fill	1,100,000	CY	\$ 0.00/cy	\$ 0.00	\$ 9.60/cy	\$ 10,560,000.00	\$ 0.00/cy	\$ 0.00	\$ 7.50/cy	\$ 8,250,000.00
6	Beach Tilling	1	LS	\$ 0.00		\$ 74,000.00		\$ 0.00		\$ 40,000.00	
The Heel											
7	Beach Fill	310,000	CY	\$ 0.00/cy	\$ 0.00	\$ 5.75/cy	\$ 1,782,500.00	\$ 0.00/cy	\$ 0.00	\$ 6.00/cy	\$ 1,860,000.00
8	Beach Tilling	1	LS	\$ 0.00		\$ 10,500.00		\$ 0.00		\$ 5,000.00	
Port Royal											
9	Beach Fill	235,000	CY	\$ 0.00/cy	\$ 0.00	\$ 5.80/cy	\$ 1,363,000.00	\$ 0.00/cy	\$ 0.00	\$ 6.00/cy	\$ 1,410,000.00
10	Beach Tilling	1	LS	\$ 0.00		\$ 7,000.00		\$ 0.00		\$ 7,500.00	
Fish Haul/Spa											
11	Mobilization/Demobilization	1	LS	\$ 0.00		\$ 545,000.00		\$ 0.00		\$ 650,000.00	
12	Beach Fill	58,000	CY	\$ 0.00/cy	\$ 0.00	\$ 7.75/cy	\$ 449,500.00	\$ 0.00/cy	\$ 0.00	\$ 10.00/cy	\$ 580,000.00
13	Beach Tilling	1	LS	\$ 0.00		\$ 3,000.00		\$ 0.00		\$ 2,500.00	
	TOTAL			\$ 0.00		\$ 27,990,000.00		\$ 0.00		\$ 20,705,000.00	

2016 BEACH RENOURISHMENT PROJECT
OPTION B

Bid Tabulation Form - Unofficial

Bidder #				1 – Set 4			2 – Set 3			3 – Set 11			4 – Set 7	
Bidder Name				Norfolk Dredging Company			Great Lakes Dredge & Dock Co			Marinex Construction, Inc.			Weeks Marine, Inc	
Bidder City, State				Chesapeake, VA			Oak Brook, IL			Charleston, SC			Covington, LA	
Item		Est. Quantity	Units	Cost			Cost			Cost			Cost	
1	Town Business License	1		\$ 0.00			\$ 25,000.00			\$ 0.00			\$ 25,000.00	
South Beach, Central Atlantic, The Heel, Port Royal														
2	Mobilization/Demobilization	1	allow	\$ 0.00			\$ 10,540,000.00			\$ 0.00			\$ 5,075,000.00	
South Beach														
3	Beach Fill	360,000	CY	\$ 0.00/cy	\$ 0.00	\$ 5.65/cy	\$ 2,034,000.00	\$ 0.00/cy	\$ 0.00	\$ 7.75/cy	\$ 2,790,000.00			
4	Beach Tilling	1	LS	\$ 0.00			\$ 14,500.00			\$ 0.00			\$ 10,000.00	
Central Atlantic														
5	Beach Fill	1,100,000	CY	\$ 0.00/cy	\$ 0.00	\$ 9.75/cy	\$ 10,725,000.00	\$ 0.00/cy	\$ 0.00	\$ 7.50/cy	\$ 8,250,000.00			
6	Beach Tilling	1	LS	\$ 0.00			\$ 74,000.00			\$ 0.00			\$ 40,000.00	
The Heel														
7	Beach Fill	310,000	CY	\$ 0.00/cy	\$ 0.00	\$ 6.00/cy	\$ 1,860,000.00	\$ 0.00/cy	\$ 0.00	\$ 6.00/cy	\$ 1,860,000.00			
8	Beach Tilling	1	LS	\$ 0.00			\$ 10,500.00			\$ 0.00			\$ 5,000.00	
Port Royal														
9	Beach Fill	235,000	CY	\$ 0.00/cy	\$ 0.00	\$ 6.00/cy	\$ 1,410,000.00	\$ 0.00/cy	\$ 0.00	\$ 6.00/cy	\$ 1,410,000.00			
10	Beach Tilling	1	LS	\$ 0.00			\$ 7,000.00			\$ 0.00			\$ 7,500.00	
Fish Haul/Spa														
11	Mobilization/Demobilization	1	LS	\$ 0.00			\$ 545,000.00			\$ 0.00			\$ 650,000.00	
12	Beach Fill	58,000	CY	\$ 0.00/cy	\$ 0.00	\$ 8.10/cy	\$ 469,800.00	\$ 0.00/cy	\$ 0.00	\$ 10.00/cy	\$ 580,000.00			
13	Beach Tilling	1	LS	\$ 0.00			\$ 3,000.00			\$ 0.00			\$ 2,500.00	
	TOTAL			\$ 0.00			\$ 27,717,800.00			\$ 0.00			\$ 20,705,000.00	

2016 BEACH RENOURISHMENT PROJECT
OPTION C

Bid Tabulation Form - Unofficial

Bidder #				1 – Set 4		2 – Set 3		3 – Set 11		4 – Set 7	
Bidder Name				Norfolk Dredging Company		Great Lakes Dredge & Dock Co		Marinex Construction, Inc.		Weeks Marine, Inc	
Bidder City, State				Chesapeake, VA		Oak Brook, IL		Charleston, SC		Covington, LA	
Item		Est. Quantity	Units	Cost		Cost		Cost		Cost	
1	Town Business License	1		\$ 25,000.00		\$ 25,000.00		\$ 25,000.00		\$ 25,000.00	
South Beach, Central Atlantic, The Heel, Port Royal											
2	Mobilization/Demobilization	1	allow	\$ 3,800,000.00		\$ 10,175,000.00		\$ 5,112,979.00		\$ 5,075,000.00	
South Beach											
3	Beach Fill	360,000	CY	\$ 7.10/cy	\$ 2,556,000.00	\$ 6.25/cy	\$ 2,250,000.00	\$ 6.22/cy	\$ 2,239,200.00	\$ 9.25/cy	\$ 3,330,000.00
4	Beach Tilling	1	LS	\$ 8,700.00		\$ 14,500.00		\$ 17,550.00		\$ 10,000.00	
Central Atlantic											
5	Beach Fill	1,100,000	CY	\$ 9.50/cy	\$ 10,450,000.00	\$ 10.60/cy	\$ 11,660,000.00	\$ 12.10/cy	\$ 13,310,000.00	\$ 9.25/cy	\$ 10,175,000.00
6	Beach Tilling	1	LS	\$ 45,900.00		\$ 74,000.00		\$ 92,475.00		\$ 40,000.00	
The Heel											
7	Beach Fill	310,000	CY	\$ 5.80/cy	\$ 1,798,000.00	\$ 6.15/cy	\$ 1,906,500.00	\$ 6.19/cy	\$ 1,918,900.00	\$ 7.00/cy	\$ 2,170,000.00
8	Beach Tilling	1	LS	\$ 8,500.00		\$ 10,500.00		\$ 7,826.00		\$ 5,000.00	
Port Royal											
9	Beach Fill	235,000	CY	\$ 5.80/cy	\$ 1,363,000.00	\$ 5.85/cy	\$ 1,374,750.00	\$ 6.53/cy	\$ 1,534,550.00	\$ 7.00/cy	\$ 1,645,000.00
10	Beach Tilling	1	LS	\$ 6,400.00		\$ 7,000.00		\$ 12,495.00		\$ 7,500.00	
Fish Haul/Spa											
11	Mobilization/Demobilization	1	LS	\$ 200,000.00		\$ 545,000.00		\$ 578,810.00		\$ 650,000.00	
12	Beach Fill	58,000	CY	\$ 7.90/cy	\$ 458,200.00	\$ 8.05/cy	\$ 466,900.00	\$ 18.03/cy	\$ 1,045,740.00	\$ 12.00/cy	\$ 696,000.00
13	Beach Tilling	1	LS	\$ 4,600.00		\$ 5,000.00		\$ 5,588.00		\$ 2,500.00	
TOTAL				\$ 20,724,300.00		\$ 28,512,150.00		\$ 25,901,113.00		\$ 23,831,000.00	

MEMORANDUM

TO: Town Council

FROM: Stephen G. Riley, Town Manager

DATE: October 15, 2015

RE: **Appointment of Town Attorney**

Town Council's appointment of the Town Attorney, Gregg Alford, expires on December 15th.

Having recently concluded its performance review of Mr. Alford, it is necessary for Council to consider an extension to his contract or whatever other action Council wishes to take.

A copy of Mr. Alford's current appointment letter is attached.

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

David Bennett
Mayor

William D. Harkins
Mayor ProTem

Council Members

Wm. Lee Edwards
Marc A. Grant
Thomas W. Lennox
Kim W. Likins
John J. McCann

Stephen G. Riley
Town Manager

December 16, 2014

Gregory M. Alford, Esq.
Post Office Drawer 8008
Hilton Head Island, SC 29938

Re: Appointment of Town Attorney

Dear Gregg:

This shall confirm your appointment to the position of Town Attorney for the Town of Hilton Head Island, South Carolina, subject to your acknowledgement of your acceptance of this appointment and also of the terms and conditions as set forth below.

(a) You shall hold office in accordance with the terms of § 2-11-40, Code of the Town of Hilton Head Island, South Carolina (1983), which provides that at the first regular meeting of each Council following the inauguration meeting, the Council shall appoint the Town Attorney, who shall hold office at the pleasure of the Council, or until a successor is duly appointed and qualified.

(b) You shall be compensated for services rendered as follows:

1. At an hourly rate of One Hundred Ninety-Five and no/100 (\$195.00) Dollars for services rendered by you.

2. At an hourly rate of One Hundred Forty-Five and no/100 (\$145.00) Dollars for work performed by Associate Attorneys in your office.

3. At an hourly rate of Eight-Five and no/100 (\$85.00) Dollars for work performed by paralegals in your office.

4. You shall be reimbursed for direct out-of-pocket expenses incurred by you, such as copy charges, printing charges, service of process charges, third party consulting fees (including title abstractors, environmental engineers, surveyors and the like), filing fees, court reporting fees, necessary travel expenses, long distance telephone charges, postage and other like expenses.

(c) You shall perform those legal and other services, which services may be requested from time to time by the Town Council, the Mayor or the Town Manager. In keeping with the established practice, you shall, when called upon by the Town Manager to do so, provide legal advice and representation to any

subordinate board or commission of the Town, and any Department Head or staff member. In so doing, you shall be guided by the following:

1. With respect to the assignment, your client is the collective body of The Town of Hilton Head Island, South Carolina, and not any individual or other group.

2. You have an ethical responsibility to bring all policy matters to the attention of the entire Council for its decision; and,

3. Matters presented to Council for information or decision shall include a written summary highlighting the benefits and/or liabilities or obligations involved or to be incurred, or a memorandum citing relevant authorities, whichever is appropriate to the situation or topic.

(d) It is understood between Council and the Town Attorney that on matters of land acquisition that the Town Attorney, or members of his firm, may serve as the Title Insurance agent.

(e) This appointment shall expire on December 15, 2015, or it may be terminated upon ninety (90) days written notice by either party hereto.

If you agree to accept the appointment upon the above written terms, please indicate your acceptance by signing below.

Sincerely,

David Bennett
Mayor

ACCEPTED ON DECEMBER, 16th, 2014.

By: _____
Gregory M. Alford, Esq.

On Tuesday, October 13, 2015, the Finance and Administrative Committee met to discuss Workshop Facilitator Patrick Ibarra's proposed agenda for our November 5th, 6th, and 7th meeting. Please find attached an agenda that reflects the Committee's recommendation. Once town council determines its agenda preference, the same shall be immediately sent to Mr. Ibarra.

Annual Town Council Workshop Draft Agenda as of 10-15-15 from F and A Cmtee

Thursday, November 5, 2015:

2:00 p.m.-2:10: Overview of today's meeting (Patrick Ibarra);

2:10 p.m.: Progress Update by Jim Gant, Chairman of the Circle-to-Circle Committee;

3:00-5:00 p.m.: Progress Update from Jane Joseph, Chairperson of Arts and Cultural Strategic Planning Committee.

6:00 p.m.: Dinner at Breakwater Restaurant (No spouses). Patrick Ibarra will briefly discuss Headwinds, Tailwinds, and Future Potential (currently items 7, 8, and 9 in Patrick's proposed workshop agenda).

Friday, November 6, 2015:

8:30-a.m.: Progress Update by Town Staff and HHI PSD regarding 5 year Sewer Plan.

Progress Update regarding the Vision and Masterplan.

Progress Update regarding Economic Development and the role of the Town and EDC.

Lunch

1:30 p.m.: In depth discussions regarding 5 Priorities; (1) Arts and Cultural Strategic Planning; (2) Circle-to-Circle; (3) 5 Year Sewer Plan; (4) Vision and Masterplan; and (5) Economic Development.

6:00: Dinner at Beaufort Inn with spouses.

Saturday, November 7, 2015:

8:30-12:00 p.m.:

Topics (alphabetically) to be discussed:

Arts Center Building;

Economic-related issues (Availability of Affordable Housing and Living Wages); Educational System-Local Schools;

Environmental (Green Initiatives and Sustainability);

Public Outreach (Social media);

Quality of Life Amenities-Island Recreation Center.

Wrap-up and Governance: (Role of Mayor, Council, Manager, Staff, Community Leaders).