



The Town of Hilton Head Island

Regular Town Council Meeting

March 15, 2016

4:00 P.M.

BENJAMIN M. RACUSIN COUNCIL CHAMBERS

AGENDA REVISED

**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**
 - a. Disabilities Awareness Month
 - b. Mayor's Honored Islander Awards
 - a. Dylan Jacy Brown
 - b. Trish Elliot
 - c. Cinda Seamon
- 6) Approval of Minutes**
 - a. Town Council Meeting, March 1, 2016
- 7) Report of the Town Manager**
 - a. Engineering Excellence Award for the Mathews Drive/Marshland Road Roundabout Project – Jeff Buckalew
 - b. 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

a. Second Reading of Proposed Ordinance 2016-03

Second Reading of Proposed Ordinance 2016-03 of the Town of Hilton Head, South Carolina, authorizing the execution of a purchase and sale agreement and the execution of a deed for the sale of approximately 1.106 acres of real property along Dunnagan's Alley to the Village At Wexford Owners Association, Inc. 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 2016-04

Second Reading of Proposed Ordinance 2016-04 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.

c. Second Reading of Proposed Ordinance 2016-05

Second Reading of Proposed Ordinance 2016-05 of the Town of Hilton Head Island, South Carolina, authorizing the execution of a sale and purchase agreement and related documents for the sale of approximately 0.59 acres of real property on William Hilton Parkway to PWK Enterprises, LLC, 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. Consideration of a Recommendation – US278 Study

Consideration of a Recommendation to authorize the Town Manager to contract with a qualified engineering firm to complete, within 90 days, a US 278 Roadway Corridor Improvements Study encompassing area from Moss Creek Plantation to Squire Pope Road.

e. 2016 Beach Renourishment Project Revised Schedule

11) New Business

a. Consideration of Recommendations – Process for Out-of-Cycle ATAX Grants

Consideration of a Recommendation by the Finance and Administrative Committee that Town Council approve the proposed process for out-of-cycle State Accommodations Tax (ATAX) grants.

b. Consideration of a Recommendation – Council Compensation

Consideration of a Recommendation by the Finance and Administrative Committee to recommend to Town Council that the Town Manager be directed to prepare an ordinance which would amend Municipal Code section 2-3-60 (c) and (d) to increase for all Town Council Member attendance fees from \$40.00 to \$50.00. Further, that maximum combined payment of base annual pay plus attendance fees shall be for: (1) council members at \$20,300.00; (2) the Mayor Pro Tem at \$21,550.00 and (3) the Mayor at \$35,000.00.

c. Consideration of a Recommendation – Mayor's Speechwriting budget

Consideration of a Recommendation by the Finance and Administrative Committee that Town Council increase the Mayor's speechwriting budget from \$5,000.00 to \$10,000.00.

d. Consideration of a Resolution – Charles Lasky and Debra Lasky vs. Town of Hilton Head Island

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, authorizing the settlement agreement between plaintiffs, Charles Lasky and Debra Lasky and defendant, the Town of Hilton Head Island Board of Zoning in Case No.: 2015-CP-07-02211.

e. Consideration of a Resolution – Charles H. Hughes, et al v. Town of Hilton Head Island

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, authorizing the settlement agreement between plaintiffs, Charles H. Hughes and Jan Dils Hughes and defendant, the Town of Hilton Head Island in Case No.: 2008-CP-07-03177.

12) Executive Session

a. Land Acquisitions

Discussion of negotiations incident to the proposed sale, lease or purchase of property:

- 1) related to granting an easement on a parcel near Summit Drive.
- 2) related to potential land acquisition in the Shelter Cove area.

b. Legal Matters

Receipt of Legal Advice:

- 3) related to a potential settlement agreement of a BZA appeal with Charles Lasky and Debra Lasky.
- 4) related to a potential settlement agreement of a BZA appeal with Charles H. Hughes, et al.
- 5) related to pending litigation concerning the USCB Campus on Hilton Head Island.

c. Economic Development

For purposes of discussion of matters relating to the proposed location, expansion, or the provisions of service encouraging location or expansion of industries or other businesses.

13) Possible actions by Town Council concerning matters discussed in Executive Session.

14) Adjournment

Proclamation

By
The Town of Hilton Head Island

Whereas, individuals with developmental disabilities, their families, friends, neighbors and co-workers encourage everyone to focus on the abilities of all people; and,

Whereas, the most effective way to increase this awareness is through everyone's active participation in community activities and the openness to learn and acknowledge each individual's contribution; and,

Whereas, opportunities for citizens with developmental disabilities to function as independently and productively as possible must be fostered in our community; and,

Whereas, we encourage all citizens to support opportunities for individuals with developmental disabilities in our community that include full access to education, housing, employment, and recreational activities;

NOW, THEREFORE, I, David Bennett, Mayor of the Town of Hilton Head Island, South Carolina, do hereby proclaim March 2016, as

DISABILITIES AWARENESS MONTH

and encourage our citizens to work together to promote increased opportunities for people with disabilities; to recognize the many contributions made by people with disabilities to our community; and to honor the dedication of the caregivers who bring support and hope to their fellow citizens.

*IN TESTIMONY WHEREOF, I have hereunto set my hand and caused this seal of the Town of Hilton Head Island to be affixed this **Fifteenth day of March, in the year of our Lord, Two Thousand and Sixteen.***

David Bennett, Mayor

Attest:

Victoria L. Pfannenschmidt, Town Clerk

Honored Islander Award

presented to

Dylan Jacy Brown

*In recognition and appreciation for outstanding volunteer service and
personal commitment towards the betterment of our community.*

Presented this 15th day of March, 2016

Mayor David Bennett

Honored Islander Award

presented to

Trish Elliot

In recognition and appreciation for outstanding volunteer service and personal commitment towards the betterment of our community.

Presented this 15th day of March, 2016

Mayor David Bennett

Honored Islander Award

presented to

Cinda Seamon

*In recognition and appreciation for outstanding volunteer service and
personal commitment towards the betterment of our community.*

Presented this 15th day of March, 2016

Mayor David Bennett

THE TOWN OF HILTON HEAD ISLAND
REGULAR TOWN COUNCIL MEETING

Date: Tuesday, March 1, 2016

Time: 4:00 P.M.

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

Absent from Town Council: Lee Edwards, *Council Member*

Present from Town Staff: Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Jill Foster, *Deputy Director of Community Development*; Scott Liggett, *Director of Public Projects & Facilities/Chief Engineer*; Jeff Buckalew, *Town Engineer*; Darrin Shoemaker, *Traffic & Transportation Engineer*; Brad Tadlock, *Fire Chief*; Brian Hulbert, *Staff Attorney*; Susan Simmons, *Director of Finance*; John Troyer, *Deputy Finance Director*; Melissa Cope, *Systems Analyst*; Vicki Pfannenschmidt, *Executive Assistant/Town Clerk*; Steve Riley, *Town Manager* arrived late and participated in Executive Session.

Present from Media: Don McLoud, *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 distributed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

5) Proclamations and Commendations

Information Technology Task Force Recognition

Mayor Bennett stated the Information Technology Task Force was formed in February, 2011 as the Telecommunications Task Force which was an advocacy group to improve cell service of Hilton Head Island. He reviewed their accomplishments and current projects. Mayor Bennett recognized the following members for their efforts and expressed his thanks. The members are Joe Baker, Kathy Ewell, Shea Farrar, Bill Jordan, John Lundin, Dick Mathews Paul McMenamin, Bill Schmitt, Dick Sell and their Chairman, Jim Collett.

6) Approval of Minutes

a. Town Council Meeting, February 16, 2016

Mr. Harkins moved to approve. Mr. McCann seconded. The minutes of the February 16, 2016 regular Town Council meeting were approved by a vote of 6-0.

7) Report of the Town Manager

a. Semi-Annual Update of the Planning Commission – Alex Brown, Chairman

Mr. Brown reviewed the previous six months activity of the Committee. He stated they look forward to the Circle to Circle report in the near future. Mr. Brown said he had the pleasure of meeting with Steven Ames regarding the Visioning Plan and the Committee stands willing and ready to assist in the process.

b. Palmetto Electric Overhead to Underground Burial Project Update

Mr. Tony Pierce introduced Mr. Wil Saleeby, Vice President of Engineering & Operations for Palmetto Electric. Mr. Saleeby presented a power point concerning the procedures and status of the power line burial program.

c. Town Manager's Items of Interest

Mr. Riley reported on the items of interest below.

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

8) Reports from Members of Council

a. General Reports from Council

Mr. McCann inquired as to the status of acquiring the dirt roads. Mr. Riley responded that originally the plan was to acquire four per year but funds are no longer available. He stated an alternative funding report would be coming forward in the future.

Mrs. Likins updated Council on a conference call held with herself, Mr. DeLoach and the Town's Public Communications Firm. She stated they provided the firm with background on the recently adopted recommendations of the Arts & Cultural Strategic Planning Committee.

She stated she would like the following recommendations to Council as directives for the PR firm:

1. To direct Rawle Murdy to provide the town options on how to best market the town as an Arts & Cultural Destination to both residents and visitors alike. This would include using current town communications mediums, the DMO marketing tools and any new media recommendations. The goal being that residents and visitors/would-be visitors will gain a better understanding of the rich and varied AC&H assets and organizations the town enjoys.
2. To direct Rawle Murdy to provide suggestions on how to best educate residents on the importance of creating the Hilton Head Island Culture & Arts Network and the value it will bring to the Arts & Cultural community, as well as the Island residents. And, to educate citizens about why we are committing local funding to pay for the organization's Executive Director. We explained that HHICAN will have as its primary mission to develop, advocate and market the Island's AC&H community.
3. To direct Rawle Murdy to provide suggestions on how to best educate residents about the potential value/importance/impact a cultural arts center provides for residents quality of life and tourism attraction. We explained the Beaufort County Project Sales Tax potential, the impact of the competing Beaufort County School District sales tax proposal, and the need for private investment in such a center for long term sustainability.

Finally, she recommended that Council direct Rawle Murdy to recommend and develop information that educates our residents about traffic concerns associated with the facility development, economic and social impacts of the facility, student enrollment and graduation rates in the Hospitality Management program and measures the town is

taking to mitigate traffic issues in the Sea Pines Circle and Pope Avenue area noting that she believed this should be a joint effort between the town and USCB.

Mr. McCann requested the item be placed on the next Town Council meeting agenda so Council could review in advance of voting. Mr. Harkins asked that in addition to the items Mrs. Likins mentioned that the communications firm should work on the Vision Process that will be coming forward to Council. Mr. Lennox concurred stating that communication with the public regarding status on Arts & Cultural and Circle to Circle should not be too far ahead of the Vision Plan. Mr. Grant expressed concern over the process. Mr. DeLoach reviewed the original policy adopted by Council regarding the process. After lengthy discussion regarding Mrs. Likins' request Mr. Harkins moved that Council identify the items as targets for the communication program and encourage the firm that Council identifies these as two topics to start doing their homework and research but don't come up with direction yet. Mrs. Likins clarified that the firm would investigate the best way to approach communication regarding the items and come back to Town Council with a plan as to how to proceed. Mr. Lennox seconded the motion. The motion was approved by a vote of 6-0.

Mr. Likins read the following statement for the record:

As we all know in prior meetings during public comment, Mr. Hoagland has made baseless personal attacks on me and I have not publicly responded to these even when he has sought to draw me into an argument with him. However, because he continues with the relentless attacks, I do feel compelled to at least make one public statement regarding his accusations. I want the public to know that I have done my very best to serve this community with honor and dignity. First of all, I have always listened to the points of view, comments and concerns expressed by the citizens. I respect the opinions of my constituents even when I may not agree with them. I have never lied about listening to the comments of citizens or anything else that Mr. Hoagland has suggested. Number two, any time Council has address an issue where there has been any potential conflict of interest on my part either personal or professional, I have recused myself. And finally, number three. Mr. Hoagland's attacks on me personally became increasingly personal and caused me to be forced to file a defamation lawsuit against him. He has stated that I have conflicts of interest on Town Council and that I am a liar, that I am corrupt, that I have violated the public's trust and that I am even not fit for my own job. All of these statements about me are completely false and I am pursuing my lawsuit against him to prove that he has maliciously stated these false things. I felt compelled to make this statement so that in the future, when Mr. Hoagland makes statements regarding me, my integrity, my fitness for serving, my profession, that my silence will not be construed as any type of admission or acknowledgement, rather my silence reflects my respect for the purpose of the Town Council meetings, which is to make important decisions impacting our citizens, my respect for my fellow council members and my respect for the citizens in the audience.

Mayor Bennett stated he and Mr. Riley were honored and privileged to participate in the Hilton Head Island Fire Rescue Awards and Advancement program this past weekend. He also updated Council on the heritage tourism effort and distributed an updated list of advisory committee members, a complete listing of the historical and cultural sites in Beaufort County and an initial rating by the advisory committee on those heritage tourism assets. He said the committee will meet again mid-March.

Mr. McCann suggested televising the Circle to Circle Committee and Visioning Process meetings, as well as other important meetings the community would have an interest in. Mr. Harkins agreed. Mr. DeLoach explained the existing contract with Beaufort County for broadcasting. He said communication with the County would need to take place as to availability for them to broadcast. Mayor Bennett requested that Mr. Riley check into whether or not the County could accommodate broadcasting the Circle to Circle Committee meetings and follow up with the Visioning meetings. Mr. Grant suggested other Committee meetings be considered for broadcasting such as the Economic Development Corporation and also suggested one of the current Committees review and decide which meetings are to be televised.

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

Mr. Harkins stated a meeting will be scheduled between Hilton Head Island, City of Savannah and the Town of Bluffton which will be an opportunity for complementation versus competition for all parties.

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

Mrs. Likins stated the Committee is currently accepting applications for the Venue Committee.

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

Mr. Lennox said he has reviewed drafts and expects the final report from Steven Ames, of Ames Group Consulting soon and he will make it available to Town Council, adding that it will be part of the agenda packet for the March 3 meeting.

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

No report.

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

Mr. Grant stated the next meeting will be held on Monday, March 7 at 10:00 a.m.

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

Mr. McCann reported the Committee met earlier in the day to review the Accommodations Tax Advisory Committee's proposed for off cycle grants, discuss an increase in Council compensation for meeting attendance, and increasing the budget for the Mayor's speechwriting. He said recommendations from the Committee will come forward to Council at the March 15 meeting. He said they also discussed and approved that they would proceed with a performance audit of the Beaufort County Sheriff's Office.

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

Mr. Lennox stated the Committee met on February 24. He said Mr. Salvagin reviewed the traffic study, the 2015 actual measurements as a baseline to be used in calibrating a model to forecast additional and future traffic, along with a demographic model and the 2020 and 2030 projections and reviewed in detail some mitigation options and recommended mitigations and sequence and their timing. He explained the urban planning consultants followed with a presentation on the transportation options available based on traffic volumes and anticipated growth.

9) Appearance by Citizens

Skip Hoagland previously registered, was called on and was not present to speak.

Karl Engelman addressed Town Council regarding his opinion of the lack of details in meeting minutes.

10) Unfinished Business

None.

11) New Business

a. First Reading of Proposed Ordinance 2016-03

First Reading of Proposed Ordinance 2016-03 of the Town of Hilton Head, South Carolina, authorizing the execution of a purchase and sale agreement and the execution of a deed for the sale of approximately 1.106 acres of real property along Dunnagan's Alley to the Village At Wexford Owners Association, Inc. 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 approved by a vote of 6-0.

b. First Reading of Proposed Ordinance 2016-04

First Reading of Proposed Ordinance 2016-04 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.

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

c. First Reading of Proposed Ordinance 2016-05

First Reading of Proposed Ordinance 2016-05 of the Town of Hilton Head, South Carolina, authorizing the execution of a sale and purchase agreement and related documents for the sale of approximately 0.59 acres of real property on William Hilton Parkway to PWK Enterprises, LLC, 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 approved by a vote of 5-1. (Mr. Grant was opposed.)

d. Consideration of a Recommendation – Public Art Site Selection

Consideration of a Recommendation that Town Council approve the new Coligny Park, the old Gullah Market, and the NW corner of Squire Pope Road and William Hilton Parkway as potential sites for placement of Public Art on Hilton Head Island.

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

e. Consideration of a Recommendation

Consideration of a Recommendation that Town Council endorse the County's recommended alternative solution (2-A, also known as the Restricted Crossing U-Turn or Super Street option) for transportation safety and access management improvements along US 278 on Jenkins Island.

Mr. Harkins stated for discussion he moved for approval. Mr. McCann seconded.

Scott Liggett stated he and staff were available for questions. He invited Darrin Shoemaker to conduct a presentation regarding the options. Mr. Shoemaker reviewed all details concerning both options.

At the conclusion of the presentation, Mr. Harkins suggested deferring any vote on the item and requested it be sent back for a concerted effort for a plan covering the area between Moss Creek and Jenkins Island.

Mr. Grant referenced the Squire Pope area and his concern for safety as well as traffic flow noting the difficulty residents have in crossing the intersection at this time.

The Mayor invited public comment.

Mr. Joseph Kernon spoke in opposition to the options.

Mr. Mike Garrigan urged Council to support option 2A.

Frank Babel addressed Council requesting bicycling facilities be added to the project.

Paul Krunkleton noted the need for communication for the project to benefit all concerned and supported the change of two lanes to six lanes all the way to Squire Pope Road.

Mr. Ron Knight spoke in support of Mr. Babel's request.

Mr. Gary Kubic, on behalf of Beaufort County Council endorsed option 2A. He stated it would still be on the list for County projects and if not approved they will go for bonds which will increase taxes county-side.

Mr. Robert McLaughlin expressed concerns for u-turns for large vehicles in that area and for traffic safety issues in the Squire Pope community.

Mr. Harkins expressed concern in completing either project with future bridge replacement connectivity.

Mrs. Likins thanked the County and Staff for the presentation at the Public Facilities Committee.

Mayor Bennett expressed his concern that the improvements do not convey the same quality of life expected. He questions if Option 2A is the only alternative. He noted that Option 1 may take longer and cost more but that should not be the drive to select Option 2A. He added that he is not comfortable with segments being address and they should work on the entire area, even if they have to implement them in phases.

Mr. Lennox noted that Mr. Birdwell of Sea Pines Resort made it clear they do not support a traffic light and he feels the Option 2A is the best choice for public safety.

Mr. Grant stated they need to stop compromising and focus consideration on how the Squire Pope area will be affected. He encouraged the County to talk with the residents of the area to gain input into their needs.

Council continued to review and discuss the options at great length and in great detail and, at the conclusion, the motion failed by a vote of 2-4 (Mayor Bennett, Mr. Grant, Mr. Harkins and Mr. McCann were opposed.)

Mr. Harkins moved to recommend the Town develop a concept plan for the area between Gumtree Road and Moss Creek and that it is done with reasonable dispatch. Mr. McCann seconded.

Mayor Bennett asked Mr. Riley how to best go about the effort. Mr. Riley stated that they would have to sit down and figure out what it means to workload and budget. He said staff would have to take the motion and develop a report and bring it back to Council.

Mayor Bennett asked if part of the funding included from the Town to the bridge effort for the County's request to the Capital Project Sales Tax Commission could be expanded to include a look at the entire corridor and some additional master planning. Mr. Riley stated it could but questioned what reasonable dispatch would be. Mr. Riley explained the Council history of the subject of finding a solution to Windmill Harbour's traffic problem and expressed concern this would be further delay in solving the problem. He noted it would take years to come up with any type of conceptual design. He stated he could come back to Council with a proposal for the entire study area but said he did not recommend that weighing in on the sales tax is at all a prudent thing to do with that type of study.

Mayor Bennett stated he is still looking for a complete comprehensive solution and he is the first guy in line to get something done on a comprehensive basis.

Mr. Harkins clarified his original motion. Mr. Harkins moved that a conceptual plan defining the sequence and timing of project elements including roads, bridges, traffic lights, if any, median cuts between Moss Creek and Gumtree Road be undertaken with reasonable dispatch. Mr. Harkins said the motion is offered to assure the connectivity elements, such as access to Pinckney Island, Windmill Harbour, Blue Heron, Squire Pope Road and Gumtree design once and built once. Mr. McCann as the seconder of the original motion agreed and seconded the clarified motion.

Mrs. Likins stated she respected the fact the original motion failed and that they need to start back at ground zero. She said Council needs to keep in mind that priorities were established at the annual workshop and staff is directed to work on them and when something falls apart they should not make it the next priority and add to the staff workload. She said if Council is going to add items to the workload they need to look at items they can remove.

Mayor Bennett commented that additional staff could be added to accomplish the objective. He said he would be happy to sit down with Mr. Riley and anyone from Council that would like to join them to address the best way to accomplish the directive.

Mr. Lennox stated everything in Mr. Harkins' motion was covered in the presentation to the Public Facilities Committee the previous week. He said he didn't know where they would go beyond what they currently have that would improve upon the recommendations before them. He said he is concerned about public safety and the opportunity to do things that couldn't ordinarily be done to include the available funding and the timing of that available funding they see before them. He said he felt

Mr. Harkins' motion was satisfied by the presentations to Public Facilities and Town Council.

The motion was approved by a vote of 4-2 (Mrs. Likins and Mr. Lennox were opposed.)

12) Executive Session

Mr. Riley stated he needed an executive session for legal matters for receipt of legal advice related to pending litigation concerning the USCB Campus on Hilton Head Island and related to a potential settlement agreement with Kigre, Inc. which is a business license lawsuit matter.

At 6:57 p.m. Mr. Harkins moved to go into executive session for reasons as stated by the Assistant Town Manager. Mr. McCann seconded. The motion was approved by a vote of 6-0.

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

Mayor Bennett called the meeting back to order at 7:33 p.m. and stated there was no action taken during executive session and asked if there was any business to take up as a result of executive session.

Mrs. Likins moved that the Town Council for the Town of Hilton Head Island adopt a resolution adopting and approving a Mediated Settlement Agreement with Kigre, Inc., to end all litigation with Kigre. A copy of the agreement shall be made available to the public immediately. Mr. McCann seconded. The motion was approved by a vote of 6-0.

14) Adjournment

Mayor Bennett adjourned the meeting at 7:34 p.m.

Vicki L. Pfannenschmidt
Executive Assistant/Town Clerk

Approved:

David Bennett, Mayor



ITEMS OF INTEREST

MARCH 15, 2016

Town News

Hilton Head Island Fire Rescue held their Advancement and Awards Ceremony on February 27, 2016 to recognize employees and citizens who, through exceptional dedication, hard work, courage or professional conduct, exemplify the highest ideals and standards of the fire service. The following received awards from the 2015 year:

Star of Life

Firefighter of the Year

EMT of the Year

Officer of the Year

Employee of the Year

Leadership Award

Lieutenant Jonas Stephens

Firefighter Jaison Hrobar

Senior Firefighter Sebastian Arango

Captain Chris Blankenship

Fire Inspector Jeff Anderson

Lieutenant Jonathan Bills

Unit Citation

Battalion Chief Jeff Hartberger, Lieutenant Jonas Stephens, Sr Firefighter Corey Chumney, Fire Apparatus Operator Robert Pinelli, Fire Apparatus Operator Reggie Malphrus Ret., Firefighter Joe Bostick, Senior Firefighter Nick Pfeifer, and Dispatchers Tom Curl & Ernestine Reed

Unit Citation

Dispatchers Tammye Brown & Patti Robinson

Chiefs Award

Tom Dunn

Letters of Commendation

Dispatcher Kathleen Strobe

Firefighter Kyle Ramsey

Senior Firefighter Tina Sanders

Civic Award

Lieutenant Jeff Hinton

Civic Award

Knights of Columbus

Battalion Chief Benton Waller

Civic Award

South Carolina Society Sons of the American Revolution

Lieutenant BJ Ferguson

South Carolina Society Sons of the American Revolution

Noteworthy Events

Some of the upcoming meetings at Town Hall:

- Planning Commission – March 16, 2016, 3:00 p.m.
- Design Review Board – March 22, 2016, 1:15 p.m.
- Circle to Circle Committee – March 23, 2016, 8:30 a.m.
- Public Facilities Committee – March 28, 2016 – 10:00 a.m.
- Board of Zoning Appeals - March 28, 2016, 2:30 p.m.
- Public Safety Committee – April 4, 2016, 10:00 a.m.
- Finance and Administrative Committee – April 5, 2016, 2:00 p.m.
- Town Council – April 5, 2016, 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.

2016 Hilton Head Island Events

March 18, 2016 5:00pm-9:00pm & March 19, 2016 11:00am-6:00pm	Wingfest Island Recreation Association	Shelter Cove Community Park
March 26, 2017 6:00am-12:00pm	Make a Wish 5K	Jarvis Creek Park/Pembroke Drive
March 26, 2016 8:00am-12:00pm	Run/Walk for Hunger	Fish Haul Park
April 2, 2016 8am-10:00am	Girls on the Run 5K	Shelter Cove Community Park



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA~CM, *Town Manager*
FROM: Charles Cousins, AICP, *Community Development Director*
DATE: March 2, 2016
SUBJECT: Village at Wexford Request to Purchase Town Land

Town Council made no changes to Proposed Ordinance No. 2016-03 as a result of the first reading of the ordinance on February 17, 2015.

AN ORDINANCE OF THE TOWN OF HILTON HEAD, SOUTH CAROLINA, AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT AND THE EXECUTION OF A DEED FOR THE SALE OF APPROXIMATELY 1.106 ACRES OF REAL PROPERTY ALONG DUNNAGAN'S ALLEY TO THE VILLAGE AT WEXFORD OWNERS ASSOCIATION, INC. 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 1.106 acres of real property known as all or a portion of R552-015-000-001B-0000 ("Property"), which is located on Hilton Head Island, Beaufort County, South Carolina; and,

WHEREAS, the Town has agreed to sell the Property to The Village at Wexford Owners Association, Inc. in accordance with the terms and conditions set forth in that certain Purchase and Sale Agreement, a copy of which is attached hereto as Exhibit "A" (the "Agreement"); 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 Agreement in a substantially similar form to that attached hereto as Exhibit "A" for the conveyance of Town-owned real property to The Village at Wexford Owners Association, Inc.; 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 Agreement as authorized hereby, including the execution and delivery of the Deed and all other documents called for in the Agreement.

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
_____, 2016.**

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
Via: Brian Hulbert, Staff Attorney
RE: Proposed Ordinance Number 2016-04 Agenda and Order of Business
DATE: March 1, 2016

At the First Reading of the Proposed Ordinance 2016-04 on March 1, Town Council made no changes to the proposed ordinance.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.

PROPOSED ORDINANCE NO. 2016-04

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 2-5-50, AGENDA AND ORDER OF BUSINESS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Hilton Head Island, South Carolina previously adopted Ordinances 1983-5, 1994-09, 2002-01, and 2008-03 to address the setting of agendas and the order of business for Town Council meetings for the efficient operation of the Town Council; and

WHEREAS, the Town Council now desires to amend Section 2-5-50 to provide for an efficient operation of the Town Council meetings 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. 2-5-50. – Agenda and order of business.

- (a) Matters to be considered at a regular meeting or called special meeting, except a called emergency special meeting, of council shall be placed on a written agenda and conform to the order of business of council.
- (b) The municipal clerk shall post the agenda on the Town website and on a bulletin board in a publicly accessible place at Town Hall or at the meeting place of the Town Council as early as is practicable but not later than 24 hours before the meeting.
- (c) Once an agenda for a regular, called, special, or rescheduled meeting is posted pursuant to this section, no items may be added to the agenda without an additional twenty-four hours notice to the public, which must be made in the same manner as the original posting. After the meeting

begins, an item upon which action can be taken may only be added to the agenda by a two-thirds vote of the members present and voting; however, if the item is one upon which final action can be taken at the meeting or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given in accordance with this section, it only may be added to the agenda by a two-thirds vote of the members present and voting and upon a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda.

- (d) The order of business of council shall be as follows:
- (1) Call to order by presiding officer.
 - (2) Pledge of allegiance.
 - (3) Invocation.
 - (4) Proclamations.
 - (5) Reading of minutes of previous meeting, their consideration and approval.
 - (6) Reports from municipal officers.
 - (7) Reports of council.
 - (8) Reports of committees.
 - (9) ~~Appearances by citizens.~~ **Unfinished business.**
 - (10) ~~Unfinished business.~~ **New business.**
 - (11) ~~New business.~~ **Appearances by citizens.**
 - (12) ~~Possible actions by Town Council concerning matters discussed in executive session.~~ **Executive Session.**
 - (13) ~~Adjournment.~~ **Possible actions by Town Council concerning matters discussed in executive session.**
 - (14) **Adjournment.**
- (e) If it is desired to transact business out of its order, it shall be necessary to suspend the rules by a vote of a majority of members present.

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 _____, 2016.

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: Stephen G. Riley, ICMA~CM, *Town Manager*
FROM: Charles Cousins, AICP, *Community Development Director*
DATE: March 2, 2016
SUBJECT: Adventure Cove Request to Purchase Town Land

Town Council made no changes to Proposed Ordinance No. 2016-05 as a result of the first reading of the ordinance on February 17, 2015.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE EXECUTION OF A SALE AND PURCHASE AGREEMENT AND RELATED DOCUMENTS FOR THE SALE OF APPROXIMATELY 0.59 ACRES OF REAL PROPERTY ON WILLIAM HILTON PARKWAY TO PWK ENTERPRISES, LLC, 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 0.59 acres of real property known as parcels R511-008-000-0587-0000 and R511-008-000-0096-0000 (hereinafter referred to as the “Town Property”), which is located on Hilton Head Island, Beaufort County, South Carolina; and,

WHEREAS, the Town has agreed to sell the Town Property to PWK Enterprises, LLC 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, the Town has also agreed to establish certain Covenants and Restrictions on the Town Property, and retain an easement on the Property for a multi-purpose pathway, all as provided for in 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 PWK Enterprises, LLC; 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, the Declaration of Covenants and Restrictions, the Pathway Easement Agreement, 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
_____, 2016.**

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

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

FROM: Scott Liggett, PE, Director of Public Projects & Facilities

DATE March 14, 2016

SUBJECT: 2016 Beach Renourishment Project - Revised Schedule

Recommendation: Staff recommends that Town Council accept the schedule modification proposed by Weeks Marine Incorporated (Weeks) which indicates an estimated start date of June 1, 2016. Heretofore, this work window alternate was referred to as "Option C."

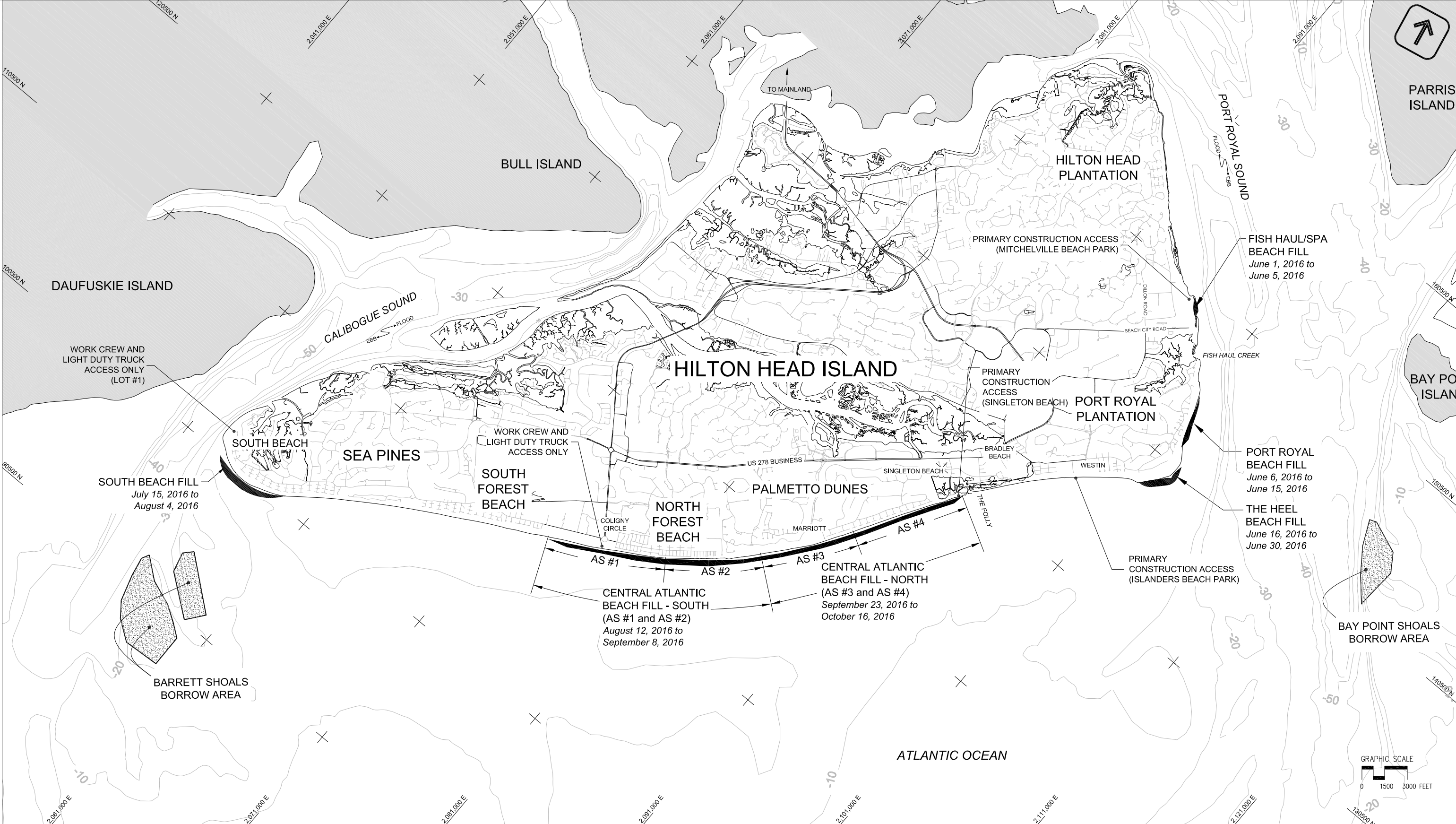
If approved, the overall project contract completion date would be January 15, 2017. As proposed this is a no cost modification to the agreement.

Summary: The alternate schedule as proposed by Weeks is consistent with one of the work window options for which prices were originally solicited. If accepted, work would commence with the Port Royal Sound shoreline segments. From there, the dredge would be repositioned to the south and work along the Sea Pines shoreline would occur next from mid-July to early August. Lastly, the central oceanfront beach would be built from mid-August to mid-October. The production rate assumptions remain unchanged though there is a slight increase in the total project duration as a result of the need to reposition the dredge twice.

Background: As a result of weather and mechanical delays encountered by Weeks which are associated with the execution of their prior contractual commitments, a material deviation from the schedule previously selected by the Town is required. Weeks has submitted two alternative schedule proposals.

As an option to the schedule recommended by Staff, Weeks has also proposed a schedule which aligns with the "Option B" scenario previously discussed with Council. Staff is concerned that the schedule proposed is insufficiently conservative. Further deviation from it would have impacts at the height of visitor season.

In accordance with State and Federal Permits, sand placement activities along the Port Royal Sound shoreline MUST occur between April 15 and August 15. No work is planned to occur on our central ocean-front beach between June 15 and August 15.



- Notes:**
1. Elevations in FEET relative to NGVD29.
 2. Horizontal positions in SC State Plane (NAD83, Int'l FEET)
 3. Beach fill not to scale.

**SCHEDULE OF WORK PROPOSED
BY WEEKS MARINE, INC.**

**COURTESY COPY
NOT FOR
CONSTRUCTION**

CHRISTOPHER G. CREED, P.E.
SC 23064

REVISIONS				
LTR	DESCRIPTION	BY	DATE	APPRVD



TOWN OF HILTON HEAD ISLAND 2016 BEACH RENOURISHMENT PROJECT	
LOCATION OF WORK	
DRAWN BY: ML	DATE: 08/19/15
CHECKED BY: CGC	DATE: 08/19/15
REVISED BY: PJS	DATE: 03/09/16



MEMORANDUM

TO: Town Council

FROM: Finance & Administrative (F&A) Committee, John McCann - Chairman

VIA: Susan M. Simmons, CPA, Director of Finance
Stephen G. Riley, ICMA-CM, Town Manager

DATE: March 3, 2016

RE: **Recommendations for the Process for Out-of-Cycle State ATAX Grants**

Recommendation: The F&A Committee recommends that Town Council approve the proposed process for out-of-cycle State Accommodations Tax (ATAX) grants.

Summary: The F&A Committee undertook a review of the State ATAX grants processes as one of its first actions when the Committee formed approximately one year ago. The Committee recommended improvements to the process which Town Council approved May 5, 2015. The seventh recommendation is included below.

Town Council shall establish a reserve fund of \$50,000 from each year's available grant funds to address unknown and emergent events that arise during the year; the reserve may be supplemented with available grant funds that Council may defer awarding until such time its annual goals are adopted; and ATAC is directed to develop and implement a streamlined process to award funds from the reserve.

At the completion of the regular Calendar Year 2016 ATAX grant awards, Town Council left the \$50,000 minimum reserve and an additional \$293,729 for a total of \$343,729. This amount can be awarded as out-of-cycle grants. If carried to regular 2017 awards, they must be awarded first.

The Accommodations Tax Advisory Committee met to discuss a process and received input from potential applicants. ATAC proposed and the F&A Committee voted unanimously to recommend the attached out-of-cycle grant process to Town Council.

Background: Both the ATAC and F&A Committee recommends this process serve the purpose of **only** awarding grants that meet the **emergent and urgent** requirements; the process is not intended to create a second regular grant awards process. The attachment is the proposed out-of-cycle grant application which also details the process. ATAC requests that this process be used in this initial year and the results be evaluated to determine if the process should be tweaked to carryforward as a permanent process.

This process calls for grant applications to open March 21 and close April 1, 2016. ATAC will review and make recommendations on April 7, 2016 which Council will consider at its regular meeting on April 19, 2016. This fast-tracked process is recommended because certain applicants indicated a "need to know" date (whether they would receive funds) of early May.



ACCOMMODATIONS TAX ADVISORY COMMITTEE
TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA

EMERGED AND URGENT Out-Of-Cycle ATAX Application
Spring 2016

I. GRANT PROCESS PURPOSE:

To serve truly **Emerg**ed and **Urgent** applications with appropriate funding from the “Hold Over” 2015 ATAX funds and to add the remaining “Hold Over” funds to the Fall cycle for disbursement.

II. APPLICATION PROCESS

- A. Applicant submits the completed application request during the scheduled application period to ATAC Committee Secretary.
- B. Town Director of Finance and Staff Attorney review applications to determine:
 1. Does the applicant qualify in compliance with the SC law?
 2. Does the request qualify in compliance with the SC law?
- C. Town Staff refers the application and qualification recommendations to ATAC
- D. ATAC convenes to hear applicant presentation (5 minutes + 10 minutes questions) and make recommendations on the applications.
- E. ATAC forwards its recommendations for Emerg and Urgent Out-of-Cycle ATAX funding to Town Council for approval and simultaneously informs Finance & Administrative Committee.

III. GRANT AWARD PERIOD:

As emerg and urgent grants, the grant period ends December 31 of current year. All expenditures must be incurred by December 31 of current year and reimbursement requests submitted by February 28 of next year.

All spring 2016 applications must be fully completed and emailed to
cindaiae@hiltonheadislandsc.gov no later than 4:00 p.m.
on Friday, April 1, 2016.

NOTE: *The spring 2016 Accommodations Tax Grant Application will be available at 8:00 a.m. on March 21, 2016 at www.hiltonheadislandsc.gov.*

I. APPLICANT INFORMATION:

Organization Name: _____

Address: _____

Phone: _____

Contact Person: _____ Email Address: _____

Please Note: If applicant organization is new to the ATAX application process, ***STOP and DO NOT USE THIS FORM.*** YOU MUST utilize the Fall 2015 application form. Contact Cindaia Ervin at 843-341-4646 to obtain access.

If applicant organization was a fall 2015 applicant – Describe any significant change in your financial situation that has occurred.

II. FINANCIAL INFORMATION:

TOTAL PROJECT BUDGET: \$ _____ ATAX GRANT REQUEST: \$ _____

You **must** attach a detailed budget request for the project. See suggested format at end of application.

III. EMERGING OPPORTUNITY:

A. What is the opportunity / event?

B. When and where will the opportunity take place?

- C. If the ATAX grant is less than the total cost of the project, how will the project be funded (what are the other sources of funding)?

- D. How will the ATAX Funds be used?

- E. Describe/Quantify the expected incremental benefit of the opportunity

- F. When did you first think of /identify the opportunity?

- G. When did the opportunity emerge? (this may or may not be the same as when you identified it)

H. Why was this request not included in your Fall 2015 application?

I. Why can this request not wait until the Fall 2016 cycle?

IV. URGENCY:

A. What is your deadline for a decision from ATAC and the Town?

B. When do you need to receive the award funds?

C. How long will it take to get the project organized, planned, & executed?

V. 2016 CALENDAR:

- March 1, 2016
 - ATAC Spring 2016 out-of-cycle ATAX Award Policy submitted to Finance and Administrative Committee of Town Council for approval.
- March 15, 2016
 - F&A Committee submits 2016 out-of-cycle ATAX Award Policy to Town Council for approval.
 - Upon Town Council approval of the out-of-cycle Awards Policy, Town staff will make public announcement of the policy and schedule.
- March 21, 2016
 - Application submissions OPENS at 8AM
- April 1, 2016
 - Application submissions CLOSES at 4 PM
- *BEFORE* April 7, 2016
 - Town Staff submits all applications with Town Staff compliance review to ATAC members
- April 7, 2016
 - ATAC reviews applications and determines recommended disbursement of 2016 out-of-cycle ATAX funding and forwards that recommendation to Town Council for approval.
- April 19, 2016
 - Town Council considers and decides approval of ATAC recommendation.

VI. NOTES:

- ATAC recommends this process for Spring 2016. Once completed, we will use this new experience to make any needed adjustments to the process with F&A approval AND set the schedule for out-of-cycle awards for 2017 once Town Council determines its 2017 meeting schedule.
- ATAC intention is to serve truly *Emerged and Urgent* applications with appropriate funding from the “Hold Over” 2015 ATAX funds and to add the remaining “Hold Over” funds to the Fall cycle for disbursement.
- ATAC seeks to avoid multiple out-of-cycle sessions, nice to do’s, and low incremental benefits applications.
- ATAC will consider “contingent” awards under limited circumstances.

OUT-OF-CYCLE ATAX GRANT REQUEST
SPRING 2016

Name of Organization: _____

Contact Name: _____

Name of Grant Requested: _____

Contact Phone: _____

Revenues:

Hilton Head Island ATAX Grant

Other Grants (specify source _____)

Ticket Sales

Donations

Other Revenues (specify source _____)

Total Revenues

Project Budget

(amounts only for the project covered by this request)

Hilton Head ATAX

All Other Funds

Total Funds

_____ 0 _____ 0 _____ 0

Expenses:

Advertising

Event/Program Costs

Facility Costs (specify whether construction, maintenance or operation: _____)

Public Services for event (specify type such as restrooms, security, etc.: _____)

Tourism Public Transportation

Other Costs - Describe the costs as you have identified them:

a.

b.

c.

Total Expenses

_____ 0 _____ 0 _____ 0

Excess of Revenues Over/(Under) Expenses

_____ 0 _____ 0 _____ 0

Your expenses must comply with State ATAX laws and be tourism-related. The Town will report the expenses to the State by type of allowed costs.

The Town will fully reimburse advertising and other expenses according to your tourism percentage of visitors.

Documented Number of Visitors Served

Total Number of Patrons Served

Tourism Percentage

#DIV/0! %

(Use the percentage reported on your 2015 grant request unless you can justify a higher percentage to be used for this grant.)

Justification if needed:

Eligible Category of Expenditure:

Destination Advertising/Promotion

Tourism-Related Events

Tourism-Related Facilities

Tourism-Related Public Services (governments only)

Tourist Public Transportation

Waterfront Erosion Control/Repair

Operation of Visitor Information Centers

Total Percentage

Percentage

%

%

%

%

%

%

%

0 %

must equal 100%

Note: If you are requesting funds for costs other than advertising and do not have non-grant revenues identified that will allow you to meet your required match, please contact Cindaia Ervin at 843-341-4646. We may be able to help you document your required match using your calendar year 2016 regular grant.

MEMORANDUM

TO: Town Council

FROM: Finance & Administrative Committee

DATE: March 4, 2016

At its Tuesday, March 1 Finance and Administrative Committee meeting, the Committee voted to recommend that the Town Manager be directed to prepare an ordinance which would amend Municipal Code section 2-3-60 (c) and (d) to increase for all Town Council Member attendance fees from \$40.00 to \$50.00. Further, that maximum combined payment of base annual pay plus attendance fees shall be for: (1) council members at \$20,300.00; (2) the Mayor Pro Tem at \$21,550.00 and (3) the Mayor at \$ 35,000.00.

If the above is changed, it will not be effective until after the next General Election.

MEMORANDUM

TO: Town Council

FROM: Finance & Administrative Committee

DATE: March 4, 2016

At its Tuesday, March 1 Finance and Administrative Committee meeting, the committee voted to recommend that Town Council increase the Mayor's Public Communication speechwriting budget from \$5,000.00 to \$10,000. The speechwriting budget may be used for the preparation of speeches, remarks, and media articles but not for responses to ministerial communications such as correspondence, emails and the like.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA~CM, *Town Manager*
VIA: Charles F. Cousins, AICP, *Community Development Director*
FROM: Teri B. Lewis, AICP, *LMO Official*
DATE: March 4, 2016
SUBJECT: Charles and Debra Lasky v. Town of Hilton Head Island

Recommendation: Staff recommends the Town Council adopt the attached resolution which provides a settlement for this lawsuit.

Summary: The Lasky's requested a variance from the Town's Board of Zoning Appeals for a proposed pathway through a wetland buffer. The Board denied the variance request and the Lasky's sought relief in Circuit Court. As part of pre-litigation mediation a settlement was reached that would allow the Lasky's to put in a pathway through the wetland buffer to the adjacent lagoon and construct a 12'x11' deck/dock as approved by the SC DHEC in the approved submittal to DHEC.

Background: At the July 27, 2015 BZA meeting, the Lasky's requested a variance to construct a patio and dock within the required 20' wetland buffer. The BZA tabled the application and asked the applicant to work with staff to revise the plan to be less intrusive in the wetland buffer. A revised plan was presented at the BZA meeting on August 24, 2015. The applicant worked with staff, as well as the Leamington ARB, to develop a plan that removed the original patio addition request and simply proposed a 5' wide pervious paver pathway from the existing patio to the proposed 12' wide by 6' long dock. The Board of Zoning Appeals denied the modified variance request. After the denial of the variance request by the Board of Zoning Appeals, the Lasky's sought relief in Circuit Court. Pursuant to the South Carolina Code, pre-litigation mediation was begun. As a result of the mediation, a settlement was identified to resolve this matter with the Lasky's. The settlement provides for the Lasky's to construct a 5' wide pervious paver pathway from the existing patio through the wetland buffer to the proposed dock.

RESOLUTION NUMBER:_____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE SETTLEMENT AGREEMENT BETWEEN PLAINTIFFS, CHARLES LASKY AND DEBRA LASKY AND DEFENDANT, THE TOWN OF HILTON HEAD ISLAND BOARD OF ZONING IN CASE NO.: 2015-CP-07-02211.

WHEREAS, Charles Lasky and Debra Lasky (“Laskys”), and Town Council for the Town of Hilton Head Island, South Carolina (“Town”) have negotiated a proposed settlement agreement whereby the Town will allow the Laskys to cross the buffer to the lagoon and construct a 12’X11’ deck/dock as approved by the SC DHEC in the approved submittal to DHEC; and

WHEREAS, the authorization of the attached settlement agreement would settle the pending litigation matter known as Charles Lasky and Debra Lasky vs. Town of Hilton Head Island Board of Zoning, Case No.: 2015-CP-07-02211; and

WHEREAS, the terms and conditions that have been negotiated between the Laskys and the Town are described in the Agreement in substantially similar form to that attached hereto as Exhibit “A”; and

WHEREAS, Town Council for the Town of Hilton Head Island finds the terms and conditions as stated in the attached Exhibit “A” to be acceptable; and therefore, authorize the execution of the attached Settlement Agreement.

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

1. The Mayor and/or Town Manager are authorized to execute the Settlement Agreement in substantially similar form to that attached hereto as Exhibit “A”.

**PASSED AND APPROVED BY THE TOWN COUNCIL THIS _____ DAY OF
_____, 2016.**

David Bennett, Mayor

ATTEST:

Victoria L. Pfannenschmidt, Town Clerk

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

Introduced by Council Member: _____

Ward: _____

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT	CIVIL ACTION NO. 2015-CP-07-02211
Charles Lasky and Debra Lasky, Plaintiffs, vs. Town of Hilton Head Island Board of Zoning, Defendant.	SETTLEMENT AGREEMENT

The Plaintiffs and the Defendant do hereby agree to settle their claims in the above captioned matter with the Defendant allowing the Plaintiff to cross the buffer to the lagoon and construct a 12'X11' deck/dock as approved by the SC DHEC in the approved submittal to DHEC. This approval is subject to ratification/ approval by Town Council.

[SIGNATURES ON FOLLOWING PAGE]

**Charles Lasky and Debra Lasky v. Town of Hilton Head Island Board of Zoning
Civil Action No. 2015-CP-07-02211**

SETTLEMENT AGREEMENT

By: _____
Charles Lasky -*ProSe*

Debra Lasky -*ProSe*

Town of Hilton Head Island Board of Zoning,

By: _____
Its: Attorney
Gregg Alford,
Attorneys for Defendant



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA~CM, *Town Manager*
FROM: Charles Cousins, AICP, *Community Development Director*
DATE: March 4, 2016
SUBJECT: Charles H. Hughes et al. v. Town of Hilton Head Island

Recommendation: Staff recommends the Town Council adopt the attached resolution which provides a settlement for this lawsuit.

Summary: Mr. Hughes requested a variance from the Town's Board of Zoning Appeals for an encroachment he had placed in a buffer area. The Board denied the variance request and Mr. Hughes sought relief in Circuit Court. As part of pre-litigation mediation a settlement was reached that would allow the encroachments to remain and Mr. Hughes would install native vegetation valued at \$2,500 as mitigation.

Background: In 2008, Charles H. Hughes and Jan Dils Hughes submitted a variance application to the Board of Zoning Appeals for the Town of Hilton Head Island for an encroachment into the adjacent use buffer area. After a denial of the variance request by the Board of Zoning Appeals, Mr. Hughes sought relief in Circuit Court. Pursuant to the South Carolina Code, pre-litigation mediation was begun. As a result of the mediation, a settlement was identified to resolve this matter with Mr. Hughes receiving the variance. Rather than remove the encroachment which would cause further damage to the buffer area, Mr. Hughes would install native vegetation valued at \$2,500 as mitigation.

RESOLUTION NUMBER:_____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE SETTLEMENT AGREEMENT BETWEEN PLAINTIFFS, CHARLES H. HUGHES AND JAN DILS HUGHES AND DEFENDANT, THE TOWN OF HILTON HEAD ISLAND IN CASE NO.: 2008-CP-07-03177.

WHEREAS, Charles H. Hughes and Jan Dils Hughes (“Hughes”), and Town Council for the Town of Hilton Head Island, South Carolina (“Town”) have negotiated and agreed upon that the variance would be granted and the Hughes shall be entitled to retain the existing deck, hot tub, and fence in the adjacent use buffers at the property. In addition, the parties have agreed that the Hughes shall complete a landscaping project containing native plant mitigation within six (6) months of this Settlement Agreement. The landscaping plan will be submitted for approval to the Town’s Environmental Planner. The cost of the landscaping plan is capped at Two Thousand Five Hundred and No/100 (\$2,500.00) Dollars.; and

WHEREAS, the authorization of the attached settlement agreement would settle the pending litigation matter known as Charles H. Hughes and Jan Dils Hughes v. Town of Hilton Head Island, Case No.: 2008-CP-07-03177; and

WHEREAS, the terms and conditions that have been negotiated between the Hughes and the Town are described in the Agreement in substantially similar form to that attached hereto as Exhibit “A”; and

WHEREAS, Town Council for the Town of Hilton Head Island finds the terms and conditions as stated in the attached Exhibit “A” to be acceptable; and therefore, authorize the execution of the attached Settlement Agreement.

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

1. The Mayor and/or Town Manager are authorized to execute the Settlement Agreement in substantially similar form to that attached hereto as Exhibit "A".

**PASSED AND APPROVED BY THE TOWN COUNCIL THIS _____ DAY OF
_____, 2016.**

David Bennett, Mayor

ATTEST:

Victoria L. Pfannenschmidt, Town Clerk

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

Introduced by Council Member: _____

Ward: _____

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT)	CIVIL ACTION NO.: 2008-CP-07-03177
)	
)	
CHARLES H. HUGHES and)	
JAN DILS HUGHES,)	
)	
)	
Plaintiff,)	CONSENT ORDER APPROVING
)	SETTLEMENT AND DISMISSAL WITH
v.)	PREJUDICE
)	
TOWN OF HILTON HEAD)	
ISLAND,)	
)	
)	
Defendant)	
_____)	

This matter, which is before me with the agreement of both parties, involves a variance application by the Plaintiff to the Board of Zoning Appeals for the Town of Hilton Head Island. After a denial of the variance request by the Board of Zoning Appeals, this action was commenced by the Plaintiff in Circuit Court invoking pre-litigation mediation pursuant to the South Carolina Code. The parties have agreed to resolve this matter.

I FIND THAT, this matter is an Appeal from a decision of the Board of Zoning Appeals (the "BZA") for the Town of Hilton Head Island wherein the Plaintiffs' variance application was denied, and the Parties are before me pursuant to S.C. Code Ann. §6-29-825(D)(2) seeking this Court's approval of a mediated settlement.

On 28 July 2008 the BZA denied the Plaintiffs' application for a variance for an encroachment of a hot tub or spa into the adjacent use buffer area required by Section 16-5-806 of the Town's Land Management Ordinance, Title

16 of the Municipal Code of the Town of Hilton Head Island, South Carolina (1983), as amended (the “LMO”)¹ on the Plaintiffs’ property located at 6 Sea Oak Lane, on Hilton Head Island, South Carolina (the “Property”).

On 28 August 2008, the Plaintiffs filed this action, and requested pre-litigation mediation as provided for in S.C. Code Ann. §6-29-825.

The Plaintiffs are represented by Terry A. Finger of Finger, Melnick & Brooks, P.A. and the Defendant is represented by Gregory M. Alford of Alford & Thoreson, LLC. In accordance with S.C. Code Ann. §6-29-820 and §6-29-825, the parties held a pre-litigation mediation which resulted in an agreement by the parties to settle this action, and I hereby approve the parties’ agreement, and I find and adopt as the Order of this Court the following:

1. In accordance with S.C. Code Ann. §6-29-825, the Town Council of the Town of Hilton Head Island has approved the agreement set forth in this Order in a public session on _____ 2015.

2. The variance sought by the Plaintiffs is hereby granted on the condition that the Plaintiffs shall design and implement a landscaping plan to screen, to the extent possible, the existing deck, hot tub, and fence in the adjacent use buffers of the Property, and that the Plaintiffs shall complete the landscaping project within six (6) months of this Settlement Agreement. The landscaping plan will be submitted for approval to the Town’s Environmental Planner. The cost of the landscaping plan is capped at Two Thousand Five Hundred and No/100 (\$2,500.00) Dollars.

¹ The LMO was substantially revised on 07 October 2014. All references to sections of the LMO in this Order are to those sections as they existed at the time of the filing of the Plaintiffs’ variance application.

3. With the granting of the variance, the Plaintiffs shall be entitled to retain the existing deck, hot tub, and fence in the adjacent use buffers at the Property.

4. Any other claims of the Plaintiffs which were or which could have been brought in this action are hereby dismissed with prejudice

5. The parties shall pay their own attorneys' fees and costs.

AND IT IS SO ORDERED.

Dated this ____ day of _____, 2015
Beaufort, South Carolina

Honorable Marvin H. Dukes, III
Master in Equity

I SO CONSENT:

I SO CONSENT:

Gregory M. Alford
Alford & Thoreson, LLC.
P.O. Drawer 8008
Hilton Head Island, SC 29938
Attorney for Defendant

Terry A. Finger
Finger, Melnick & Brooks, P.A.
P.O. Box 24005
Hilton Head Island, SC 29925
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