



The Town of Hilton Head Island

Regular Town Council Meeting

December 5, 2017

4:00 P.M. EXECUTIVE SESSION

5:00 P.M. REGULAR MEETING

BENJAMIN M. RACUSIN COUNCIL CHAMBERS AGENDA

**As a courtesy to others please turn off/silence ALL mobile devices during the
Town Council Meeting, Thank You.**

1. Call to Order

- 2. FOIA Compliance** - Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

3. Executive Session

a. Contractual Matters

Discussion of negotiations incident to proposed contractual arrangements related to:

- i.** The Property Owners' Association Sub-Area Drainage Agreement within Hilton Head Plantation.

b. Land Acquisition

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

- i.** Land near the intersection of 278 and Mathews Drive.
ii. Land near the Hilton Head Island Airport.

c. Personnel Matters

- i.** Discussion of appointments of members related to Boards and Commissions.
ii. Discussion of the performance evaluation of the Town Attorney.

4. Pledge to the Flag – 5:00 p.m.

5. Invocation

6. Proclamations & Commendations

7. Approval of Minutes

- a.** Town Council Meeting, November 7, 2017

8. Report of Town Manager

- a. Hilton Head Island: Our Future – David Beurle, Future-iQ
- b. Update from Culture and Arts Advisory Committee - Jane Joseph
- c. **Items of Interest**
 - i. Town News
 - ii. Noteworthy Events

9. Reports from Members of Council

- a. General Reports from Council
- b. Report of the Intergovernmental & Public Safety Committee – Bill Harkins, Chairman
- c. Report of the Community Services Committee – Kim Likins, Chairman
- d. Report of the Public Planning Committee – David Ames, Chairman
- e. Report of the Public Facilities Committee – Marc Grant, Chairman
- f. Report of the Finance & Administrative Committee – John McCann, Chairman

10. Appearance by Citizens

11. Unfinished Business

a. Second Reading of Proposed Ordinance 2017-19

Second Reading of Proposed 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, 4, 5 and 10 to revise various sections. These Amendments, commonly referred to as 2017 LMO Amendments – Second Set as noticed in the Island Packet on August 20, 2017, include changes that provide for general amendments to a variety of sections in the LMO, and providing for severability and an effective date.

b. Second Reading of Proposed Ordinance 2017-22

Second Reading of Proposed Ordinance 2017-22 the Third Supplemental Ordinance providing for the issuance and sale of not exceeding \$14,000,000 in aggregate principal amount of the Town of Hilton Head Island, South Carolina, Stormwater System Revenue Bonds, in one or more Series, for the purpose of financing certain capital improvements and refinancing all or a portion of the \$13,810,000 original principal amount Town of Hilton Head Island, South Carolina, Stormwater System Refunding Revenue Bond, Series 2010; delegating the authority to the Town Manager to determine certain matters with respect to new bonds; prescribing the form and details of such bonds; amending certain provisions to the General Bond Ordinance; other matters relating thereto; and providing for severability and an effective date.

12. New Business

a. Request to Purchase Town-Owned Land by the Cordillo Courts Board of Directors.

b. First Reading of Proposed Ordinance 2017-20

First Reading of Proposed Ordinance 2017-20 to amend Title 16, “The Land Management Ordinance,” of the Municipal Code of the Town of Hilton Head Island, South Carolina, by amending Section 16-1-107, the Official Zoning Map with respect to those certain parcels identified as Parcel 7 on Beaufort County Tax Map #11 to rezone the parcel from RM-4 (low to moderate density residential) Zoning District to the WMU (waterfront mixed use) Zoning District [Property 1] and Parcel 302 on Beaufort County Tax Map #4H to rezone the parcel from the PD-1 (planned development mixed use) Zoning District to the MS (main street) Zoning District [Property 2] and Parcel 172 on Beaufort County Tax Map #11 to rezone the parcel from the WMU (waterfront mixed use) Zoning District to the PD-1 (planned development mixed use) Zoning District [Property 3]; and providing for severability and an effective date.

c. First Reading of Proposed Ordinance 2017-23

First Reading of Proposed Ordinance 2017-23 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 3, Municipal Council, Section 2-3-40, Powers and Duties of the Mayor; by amending Chapter 5, Meetings of Council and Rules of Procedure, Section 2-5-10, Date, Time, and Place, Section 2-5-50, Agenda and Order of Business, and Section 2-5-60, Committees of Council; and by amending Chapter 11, Officers and Departments, Section 2-11-30, Municipal Clerk; and providing for severability and an effective date.

d. Consideration of a Recommendation – Park Name Change

Consideration of a Recommendation that Town Council adopt the name change of the existing Fish Haul Creek Park to Historic Mitchelville Freedom Park and adopt the name change of the existing Mitchelville Beach Park to Fish Haul Beach Park.

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, November 7, 2017

Time: 4:00 P.M.

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

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*; Brian Hulbert, *Staff Attorney*; Brad Tadlock, *Fire Chief*; Shawn Colin, *Deputy Director of Community Development*; Jennifer Ray, *Planning and Special Projects Manager*; Teri Lewis, *LMO Official*; Marcy Benson, *Senior Grants Administrator*; Sally Krebs, *Sustainable Practices Coordinator*; Melissa Cope, *System Analyst*; Andrew Nicholls, *System Analyst*; Krista Wiedmeyer, *Executive Assistant/Town Clerk*

Present from Media: Alex Kincaid, *Island Packet*

1. Call to Order

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

2. 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.

Mayor Bennett moved to change the order of the agenda and address item number 6(a) Recognition of the participants and presentation of Student Government Day Certificates prior to going into Executive Session. Mrs. Likins seconded, the motion was approved by a vote of 7-0.

6(a) Recognition of the Participants and Presentation of Student Government Day Certificates

Mayor Bennett presented each of the students who participated in Student Government Day with their certificate. He made remarks about the day stating that this was the second year of this program and the students this year topped the expectations that had been set last year. Mayor Bennett asked the young man who was elected Mayor by his peers to explain their mock Town Council meeting and the potential ordinance related to the plastic bag ban. The student explained that he and his peers voted 1-6 to not approve the potential ordinance to ban plastic bags. Mayor Bennett commended the one student who stood their ground and for what they believed in.

3. Executive Session

Mr. Riley stated he needed an Executive Session for: (a) Land Acquisition; Discussion of negotiations incident to proposed sale, lease or purchase of property in the Stoney area.

At 4:06 p.m. Mrs. Likins moved to go into Executive Session for matters mentioned by the Town Manager. Mr. Harkins seconded, the motion was approved by a vote of 7-0.

Council returned to the dais at 5:00 p.m.

4. Pledge to the Flag

5. Invocation

6. Proclamations & Commendations

a. Recognition of the Participants and Presentation of Student Government Day Certificates

b. Pancreatic Cancer Awareness Month Proclamation

Mayor Bennett presented the Pancreatic Cancer Awareness Month to Mr. Bacabella. Mayor Bennett made some brief comments about Mr. Bacabella and his wife who had lost her battle to Pancreatic Cancer 8 years ago. Mr. Bacabella made remarks about Pancreatic Cancer awareness and early detection.

c. Arbor Day Proclamation

Mayor Bennett presented the Arbor Day Proclamation to Town staff Marcy Benson and Sally Krebs.

7. Approval of Minutes

a. Town Council Meeting, October 17, 2017

Mr. McCann moved to approve the Town Council meeting minutes from October 17, 2017. Mr. Ames seconded, the motion was approved by a vote of 5-0-2. Mr. Grant and Mrs. Likins were absent from the October 17, 2017 meeting.

8. Report of Town Manager

a. Hilton Head Island: Our Future

Jennifer Ray, Planning and Special Projects Manager addressed Council giving an updated about the recent Hilton Head Island: Our Future engagement sessions that took place, with over 480 citizens in attendance, including the Spanish engagement session. She stated that over 3,000 citizens have now been engaged either in person or via the online survey. Ms. Ray reported that the data visualization will be available online soon which will allow a virtual view of how many people attended the engagements, and the data from the online surveys. She also reported that within the next couple of weeks, the virtual engagement survey will be ready. This is for those who were unable to attend the engagement sessions. Ms. Ray said the next think tank takes place on December 4, 2017, 4:00 to 7:00 p.m. The invitations will be going out in the next week.

b. Update from the Gullah-Geechee Land and Cultural Preservation Task Force – Lavon Stevens and Alex Brown.

Mr. Lavon Stevens, Chairman of the Gullah-Geechee Land and Cultural Preservation Task Force, addressed Council to provide an update on the recent meetings and events that have taken place over the recent months since its creation. Mr. Stevens reported that the Task Force had their first meeting on July 11, 2017, where the Task Force voted unanimously on the name; Gullah-Geechee Land and Cultural Preservation Task Force. He further stated that on August 7, 2017 the Task Force, a couple Council members, and Town staff went on a bus tour of one of the Island neighborhoods. He further stated that during the bus tour, there was discussion that generated a lot of creative ideas. Mr. Stevens reported that on September 19, 2017, the Task Force approved a statement of work. Then at the October 24, 2017 the Task Force came up with four items to recommend to Town Council as a starting place to address issues affecting cultural preservation on Hilton Head Island. Mr. Stevens went through a prepared presentation which included the Task Force's mission statement and the four recommendations for Town Council to consider.

Mrs. Likins asked Mr. Stevens if the Task Force discussed a need with a greater partnership with Beaufort County as well as with the Town, and if that could play or should play a role in any of the recommendations. Mr. Stevens stated that he was not sure how deeply a partnership with Beaufort County had been explored, but that discussions had taken place as far as possible limitations of the Town. He said while the Task Force was developing the recommendations, they did realize that Beaufort County may have to step in on some things like the taxes, or work with the State on some of the LMO items too.

Mr. Alex Brown, Chairman of the Planning Commission addressed Council regarding the recommendations that Mr. Stevens discussed. Mr. Brown focused primarily on the first recommendation that asked for the Town to provide a staff liaison. Mr. Brown further explained why he felt it is important to have a Town staff employee that focused primarily on the Gullah-Geechee Land and Cultural Preservation Task Force.

Mayor Bennett ask Mr. Riley to schedule a meeting with Mr. Grant, Mr. Stevens, and Mr. Brown to have a discussion regarding the recommendations prior to the Town Council Workshop. Mayor Bennett stated that Mr. Brown will be available to speak at the last day of the Workshop on this subject.

c. Possible Cancellation of the November 21, 2017 Town Council Meeting

Mr. Riley reported that at least three members of Council will not be available for the November 21, 2017 Town Council meeting. He stated that the staff recommendation was to cancel that meeting, but does require a vote of Council since they set the annual Town Council meeting schedule by vote.

Mayor Bennett acknowledged that a vote by Council would be required and asked if there were any objections to cancelling the meeting on November 21, 2017 and returning to regular business on December 5, 2017.

Mrs. Likins moved to cancel the November 21, 2017 Town Council meeting. Mr. Harkins seconded, the motion was approved by a vote of 7-0.

d. Items of Interest

i. Town News

Mr. Riley reported that Fire Rescue Senior Fire Inspector Jeff Anderson was recently elected to the seat of 2nd Vice Present of the South Carolina Chapter of the International Association of Arson Investigators. He also reported on Town meetings taking place throughout the month of November, including the Town Council Workshop taking place November 16 and 17, 2017.

ii. Noteworthy Events

Mr. Riley reported on upcoming noteworthy events taking place in the coming weeks.

9. Reports from Members of Council

a. General Reports from Council

Mr. McCann stated that Section 2-7-40(a) of the Town's Municipal Code provides that any member of Council may propose an ordinance. He stated that tomorrow (Wednesday) he would be doing so, delivering a proposed ordinance to the Municipal Clerk, and asked that it be placed on the agenda for the next Town Council meeting. Mayor Bennett asked Mr. McCann to repeat what he had just stated. Mr. McCann again stated the above statement regarding Section 2-7-40(a) of the Town's Municipal Code. Mayor Bennett acknowledged Mr. McCann's statement.

Mrs. Likins reported to Council that she had recently attended an event where she had the opportunity to meet Dr. Cole, the President of MUSC. He discussed the use of telemedicine used between MUSC and Hilton Head Regional Medical Center. She stated having technology like this is a huge benefit to our community. Mrs. Likins reported that she noted a recent report of telemedicine being used in Georgetown ambulances. She stated that because we have provided for the replacement of our ambulances in our budget, perhaps this is something to consider.

Mr. Harkins reported that he had the opportunity of sitting with Jim Collett and the Telecommunications Task Force where they discussed where the Island was this time last year. Mr. Harkins said, he would like to ask everyone to just stay tuned in, and maybe Mr. Collett and his group can show a brief overview of where we are and where we need to go at the offsite Workshop. Mr. Harkins said that this is a low impact way to advance the Town dramatically.

Mr. Grant reported that on November 13, 2017 there will be a Ward One meeting at the Palmetto Electric Building at 6:30 p.m. and Mr. Riley would be present to answer questions. Mr. Grant also reported that he has been speaking with his constituents and business owners in Ward One about workforce housing. Mr. Grant said one of the matters he has been looking at was the zoning on Gumtree Road. He stated that he has a constituent that is interested in building workforce housing near Hilton Head Island High School, but, the zoning on Gumtree Road, is not consistent; one side of the road is zoned R8 the other side is zoned R4. He said that he would like to see the Planning Commission take a look at Gumtree Road, and see what would need to be done to move the zoning from R4 to R8. Mr. Grant went on to say that this is a good way to begin a new vision for Ward One, and a great way to begin an economic improvement. Mayor Bennett asked if Mr. Grant was speaking about a specific piece of property. Mr. Grant indicated that he said it would be wrong to spot zone one specific area, but if the Town was to zone the entire area and make it consistent, then it would be fair. Mayor Bennett asked Mr. Riley if he had any suggestions. Mr. Riley confirmed that this was a request to move this onto the Planning Commission, which if given the assignment, they would look at it, evaluate the need, and may or may not agree with it. Mayor Bennett said that he did not have a problem with a request to send this matter of evaluating Gumtree Road's zoning to the Planning Commission. He asked Mr. Riley to work with the Planning Commission on this request.

Mr. Lennox reported that he toured the Volunteers in Medicine facility. He stated that he was escorted throughout their facility by the Director of Development and the new incoming Chairman. Mr. Lennox said that he has had many individuals explain what it is that Volunteers in Medicine do, but it is not until you go into their facility and see it for yourself that you truly get the full picture. He recommended that if given the chance to see the facility or tour their organization that it be done.

Mayor Bennett reported that the Town hosted its second Student Government Day which was a resounding success. He gave his gratitude to Faidra Smith and the other members of Town staff that participated and orchestrated the project to make it such a big success. Mayor Bennett reported that he had asked Mr. DeLoach to look into broadcasting the Town Council Workshop on the County Channel. He said that he

felt that the Workshop is a very important discussion that should be available to any citizen, and he wanted to make everyone aware of that it would be broadcasted.

b. Report of the Intergovernmental & Public Safety Committee – Bill Harkins, Chairman

Mr. Harkins reported that the Committee met on November 6, 2017 and discussed two intersections that are problematic with higher than expected incidences of accidents. He said that through the Town Manager, he has asked the Town Engineer to look into the situation to see if any remedy could come forward. Mr. Harkins also reported on a public safety conference he attended in October hosted by MASC. He said one of the topics was related to community policing, and was presented very well. Mr. Harkins stated that in preparation of the review of how the Town does its policing, he will be sharing an article with the Town Manager.

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

Mrs. Likins reported that the Committee met on November 6, 2017, where interviews were conducted to place an additional member on the ATAX Commission with a focus on the arts. She stated that they will also be making a recommendation for three additional members for the Cultural and Arts Network Advisory Committee. Mrs. Likins also reported that the Venue Committee will meet on November 20, 2017 where the Committee will receive the Phase II report from the consultant regarding the community arts center.

d. Report of the Public Planning Committee – David Ames, Chairman

Mr. Ames reported that the Committee met on October 26, 2017 where they received an update from Mary Franzoni from Palmetto Breeze. He said that the plan is for Palmetto Breeze to begin shuttle service between Shelter Cove, Harris Teeter at Sea Pines, and Coligny Circle in May of 2018. Mr. Ames said that Committee noted that the schedule had many elements not yet completed. He said that the Committee requested that Town staff work closely with Ms. Franzoni to finalize the plan. Mr. Ames reported that the Committee also reviewed the need for no parking signs at Bradley Circle and voted to request that the County meet with residence in order to have the signs installed.

e. Report of the Public Facilities Committee – Marc Grant, Chairman

Mr. Grant reported that the Committee met on October 30, 2017 to discuss the proposed Cordillo tennis park. He said that the Committee discussed many elements related to the tennis courts, including adequate parking in the area. At the conclusion of the discussion, he said that the Committee determined to let the Town look into the topic and check into other areas that could also provide a similar benefit throughout the Town. Mr. Grant reported that the dirt road process was also discussed during the same meeting. He said that the Town Attorney explained the legal process to the Committee, the topic of clear titles, right of ways, and other legal issues that could come up related to the dirt road matter. Mr. Grant said that the Committee discussed financing bonds for later years, and how that process would be utilized if at all. He reported that the Committee concluded that they would like to see a road process that would be implemented and take about five to seven years to get all dirt roads taken care of. Scott Liggett, Director of Public Projects & Facilities/Chief Engineer discussed the five key policy issues or positions that are influencing the draft schedules for the private road improvements. Mayor Bennett asked Mr. Liggett if he was seeking the permission of Council to proceed. Mr. Liggett responded that he was simply making Council aware of these matters.

f. Report of the Finance & Administrative Committee – John McCann, Chairman

Mr. McCann stated that he did not have a report.

10. Appearance by Citizens

Mike Ray & Ray Kisiah, Parks & Recreation Commission. Addressed Council regarding recommendations that were discussed during their recent Commission meeting that was to be discussed during the upcoming Town Council Workshop. These recommendations would be to move forward with a comprehensive needs assessment for the parks and recreations for the Island. Mr. Harkins asked both gentlemen how this particular needs assessment will be woven into the visioning process. Answering on behalf of the Commission, Mr. Ames stated that the information being gathered for the Vision Project should give a good indication of the support in the community regarding the parks and recreation, and that's where it currently stands with respect to the visioning. Mr. Ray reiterated that they are looking to capture as much data as possible.

Frank Babel, Greater Island Council. Addressed Council in support of the Parks and Recreation Commission's recommendation for a comprehensive needs assessment. He presented Council with a letter

of support from the Greater Island Council which stated their unanimous support for the needs assessment.

Rodger Freedman, Business Owner. Addressed Council regarding workforce development and the issues the Island is facing due to the lack thereof. He stated that workforce housing is the only topic that we refer to as a crisis, but have been doing so for over three years with nothing being done. He also stated that the Town needed to do something sooner than relying on the County to provide a report in more than six months, the Town needs to act immediately.

Teresa White, Pan-African Family Empowerment & Land Preservation Network. Addressed Council to advocate for Native Island community. She said that she was speaking in favor of a Land Management Ordinance to ensure that the Native Islanders will be able to use their property for economic development, and not have it devalued.

Skip Hoagland. Addressed Council about his matters with the Town, HHI-Bluffton Chamber of Commerce, and DMO.

11. Unfinished Business

a. Second Reading of Proposed Ordinance 2017-19 (LMO Amendments)

Second Reading of Proposed 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 and 10 to Revise various Sections. These Amendments, commonly referred to as 2017 LMO Amendments – Second Set as noticed in the Island Packet on August 20, 2017, include changes that provide for general amendments to a variety of Sections in the LMO, and providing for severability and an effective date.

Mrs. Likins moved to approve the Second Reading of Proposed Ordinance 2017-19. Mr. Harkins seconded.

Mr. Ames stated that in the interest of time and accuracy that he respectfully demands a division of the question by taking up the sections related to the commercial parking lots, Section 16-3d(2) and Section 16-4-102a(6) and voting on them separately, after the other proposed LMO amendments. He said that believed that by stating the above, this would be a non-debatable option. Mayor Bennett agreed with Mr. Ames, affirming that the question would be divided, which allowed for a discussion and consideration of the LMO amendments separate from the discussion and consideration of the commercial parking lots. Mayor Bennett reaffirmed the question stating that there is a motion on the table for consideration of the approval of the LMO amendments without the commercial parking lots. Mr. Ames affirmed. Mr. Ames stated that the Public Planning Committee reviewed those amendments and voted unanimously to support them.

Mr. McCann asked the Mayor to confirm if by making this kind of change to the LMO amendments if it would revert back to a first reading instead of a second reading. Mayor Bennett stated, that he believed only the commercial parking lots would be considered a first reading, the remaining items under the LMO amendments would still be under a second read. Mr. Ames responded to the question with his understanding that although the question had been divided, it would still be a second reading on both.

Brian Hulbert, Staff Attorney was asked about the process for demanding a division of question. Mr. Hulbert stated that a motion would need to be made and seconded for this to have taken place. Mr. Ames responded that he had conducted some research, in hopes of moving this forward and be able to separate this out and have a discussion. Mr. Hulbert explained that Council has to follow the rules of procedure and Robert's Rules of Order, and asked Mr. Ames if there was a particular section within Robert's Rules that he was citing, there is no authority to move forward without a proper motion. Mayor Bennett cited page 245 of the Robert's Rules of Order stating that demand to divide would be found there. Affirming to Mr. Hulbert that it would be the latest version. Mr. Ames responded that the intent of the demand to divide is to have a debate on both items, and discuss them separately. Mayor Bennett stated that his understanding is that a motion had been made, then it was seconded, then Mr. Ames demanded a division of the question. Mr. Riley said, that this situation might be similar to previous years when they have reviewed recommendations not as a whole, but item by item. He clarified saying that Council wants to vote on this subset of the ordinance, then discuss and vote on this other subset of the ordinance.

Mayor Bennett asked Council if they were all clear that the item they were currently discussing was the LMO Amendments, without consideration of the commercial parking lots. Those would be discussed in a separate discussion and vote. All members affirmed.

Chester Williams addressed Council stating that he had reviewed the section of Robert's Rules being discussed, and then read it to Council. Mr. Williams expressed to Council that his interpretation of this particular section or Robert's Rules was not applicable to a matter such as the LMO Amendments.

With no further remarks from the audience, and no further discussion from the members of Council, Mayor Bennett asked for all those in favor of the motion and second to approve the LMO Amendments associated with the Proposed Ordinance 2017-19, not related to commercial parking lots. The motion was approved by a vote of 7-0.

Mayor Bennett asked if any of the members of Council had any comments for the LMO Amendments related to the commercial parking lots.

Mr. Grant discussed each district noted within the LMO Amendments, and the opportunities associated with the commercial parking lots. He said that he doesn't want to see the elimination of potential economic land growth for those at the North end of the Island. By allowing the commercial parking lots, this will introduce entrepreneurship within the community. Mr. Grant stated that if the commercial parking is approved, that it should be equitable to everyone on the Island.

Mr. Harkins stated that he does not take exception to anything that Mr. Grant stated. He said that looking into the future, there should be equal opportunity for everyone. Mr. Harkins said before the Town looks at the commercial parking matter, there are other matters that need to be looked into such as workforce housing, transportation, and others. He said that it is not appropriate to think there is one particular area available for commercial parking, and a plan must be in place before moving forward.

Teresa White, Tai Scott, and Ibrahim Abdul-Malik addressed Council regarding the split of the LMO Amendments, and the need for the commercial parking lots, especially on the North end of the Island. They agreed that the commercial parking lots will provide an economic advantage to those in the districts mentioned in the LMO Amendments. Tamara Becker and James McGrath addressed Council expressing their support to vote down this section of the LMO Amendments related to the commercial parking lots. They expressed the need to restrict the commercial parking lots until a plan is in place.

Mrs. Likins said she is often told by citizens not to turn paradise into a parking lot. She said that she knows this an old song, but this is another way to say there needs to be thoughtful planning in place before moving forward with the commercial lots.

Mr. Ames stated that he is someone not looking at the Island as a Councilman, but as someone who wears a community hat. He said that the challenge that this community faces is the reaction to growth, and not making a commitment to final outcome or accomplishment. Mr. Ames stated that a decision is needed to determine what it is that needs to be created on the Island, for the betterment of all people. He said that if done the right way, all of the community will receive the economic opportunity available. He further stated that if proper planning is not in place, then the community as a whole will suffer. Mr. Ames said that is why he is objecting to using land for commercial parking at this time.

Mr. Grant stated if a citizens property is zoned commercially, then allow that citizen to develop their property as they wish to. He said to make it the same for everyone, and a fair level playing field for every citizen. He went on to say that he wants to ensure everyone has an opportunity for growth, but let them decide.

Mayor Bennett stated that he believed that this discussion about the commercial parking lots came about because one citizen, asked to have a parking lot approved as a use in one district. He said from that point, we have expanded the potential use in one district to five districts from one end of the Island to the other. Mayor Bennett said that in his mind it is not about one ward over another, it is about the use on an Island. Mayor Bennett said with regards to the division of the vote, he said he is in favor of it because there are other LMO Amendments that he is strongly in favor of.

Mayor Bennett asked for all of those in favor of the motion and second to approve the LMO Amendments associated with Proposed Ordinance 2017-19, related to the commercial parking lots in the specified districts. The motion failed by a vote of 0-7.

12. New Business

a. First Reading of Proposed Ordinance 2017-22 (Stormwater Bond)

First Reading of Proposed Ordinance 2017-22 the Third Supplemental Ordinance providing for the issuance and sale of not exceeding \$14,000,000 in aggregate principal amount of the Town of Hilton Head Island, South Carolina, Stormwater System Revenue Bonds, in one or more Series, for the purpose of financing certain capital improvements and refinancing all or a portion of the \$13,810,000 original principal amount Town of Hilton Head Island, South Carolina, Stormwater System Refunding Revenue Bond, Series 2010; delegating the authority to the Town Manager to determine certain matters with respect to new bonds; prescribing the form and details of such bonds; amending certain provisions to the

General Bond Ordinance; other matters relating thereto; and providing for severability and an effective date.

Mrs. Likins moved to approve the Proposed Ordinance, Mr. Harkins seconded.

Tai Scott addressed Council with questions about the funding for the PUD fist versus the districts outside of the PUD. Mr. Ames addressed Mr. Scott and said that all but one district are in a PUD or non-gated area. He said this is an issue that we need to look at and need to ensure that all areas and districts are properly funded.

Mayor Bennett asked if there was any further discussion before calling the vote, the motion was approved by a vote of 7-0.

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

None

14. Adjournment

Mayor Bennett adjourned the meeting at 7:05 p.m.

Krista M. Wiedmeyer,
Executive Assistant/Town Clerk

Approved: 12/05/2017

David Bennett, Mayor



ITEMS OF INTEREST

December 5, 2017

TOWN OF HILTON HEAD ISLAND MEETINGS

- Vision Project Management Team – December 7, 2017 – 10:00 a.m.
- Community Services Committee – December 11, 2017 – 9:00 a.m.
- Gullah-Geechee Land & Culture Preservation Task Force – December 11, 2017 – 1:00 p.m.
- Design Review Board – December 12, 2017 – 1:15 p.m.
- Venue Committee – December 18, 2017 – 9:00 a.m.
- Board of Zoning Appeals – December 18, 2017 – 2:30 p.m. ****PUBLIC HEARING****
- Public Facilities Committee – December 19, 2017 – 9:00 a.m. ****SPECIAL MEETING****
- Finance & Administration Committee – December 19, 2017 – 2:00 p.m.
- Town Council, Executive Session – December 19, 2017 – 4:00 p.m.
- Town Council, Regular Session – December 19, 2017 – 5:00 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.

HILTON HEAD ISLAND EVENTS

Throughout December 5:30 – 9:00 p.m.	Tis the Season Holiday Lights	Shelter Cove Town Center
Throughout December 5:30 – 9:00 p.m.	Tis the Season Holiday Events	Shelter Cove Town Center & Shelter Cove Community Park
Thursday, December 7, 2017 6:00 – 9:00 p.m.	Movie in the Park The Polar Express	Shelter Cove Community Park
Thursday, December 14, 2017 6:00 – 9:00 p.m.	Movie in the Park Elf	Shelter Cove Community Park



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA~CM, *Town Manager*
VIA: Charles Cousins, AICP, *Director of Community Development*
VIA: Shawn Colin, AICP, *Deputy Director of Community Development*
FROM: Teri Lewis, AICP, *LMO Official*
DATE: November 30, 2017
SUBJECT: 2017 LMO Amendments – Second Set

Town Council reviewed the proposed 2017 LMO Amendments – Second Set at their meeting on November 7, 2017. At that meeting, Town Council voted to disapprove any amendments related to commercial parking lots. They voted to approve the remainder of the proposed amendments with no changes.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2017-#

PROPOSED ORDINANCE NO. 2017-19

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, 4, 5 AND 10 TO REVISE VARIOUS SECTIONS. THESE AMENDMENTS, COMMONLY REFERRED TO AS *2017 LMO AMENDMENTS – SECOND SET* AS NOTICED IN THE ISLAND PACKET ON AUGUST 20, 2017, 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, from time to time it is necessary to amend the LMO; and

WHEREAS, the LMO Committee met on July 26, 2017 to develop a list of proposed LMO Amendments; and

WHEREAS, the LMO Committee held a public meeting on August 16, 2017 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 the Planning Commission with a recommendation of approval with the changes as discussed by staff, the public and the Committee; and

WHEREAS, the Planning Commission held a public hearing on September 20, 2017 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 7-0 to recommend that Town Council approve the proposed amendments; and

WHEREAS, the Public Planning Committee held a public meeting on October 2, 2017 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 Public Planning Committee, after consideration of the staff presentation and public comments, voted 2-0 to recommend approval of the proposed LMO amendments as drafted with the exception of the amendments pertaining to commercial parking lots; 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 *2017 LMO Amendments – Second Set* are adopted as indicated on the attached pages (Exhibit A). Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

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 _____, 2017.

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA

David Bennett, Mayor

ATTEST:

Krista Wiedmeyer, Town Clerk

Public Hearing: September 20, 2017

First Reading: October 17, 2017

Revised First Reading: November 7, 2017

Second Reading:

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

EXHIBIT A

DRAFT 2017 LMO AMENDMENTS – Second Set

Town Council 12/5/17

GROUPED AMENDMENTS

CHAPTER 16-5: DEVELOPMENT AND DESIGN STANDARDS

Sec.16-5-102. - Setback Standards

Staff Explanation: Currently setbacks and buffers are required from all access easements. This creates issues when an access easement is located between commercial properties. These changes will eliminate the setback and buffer requirements for access easements located on non-single-family properties.

C. Adjacent Street Setback Requirements

Unless expressly exempted or modified in this subsection or for the CR, S, and IL Districts in Chapter 16-3: Zoning Districts, all portions of a **structure** shall be located to the interior of the vertical and angled planes established by the applicable minimum setback distance from an adjacent street and maximum setback angle shown in Table 16-5-102.C, Adjacent Street Setback Requirements, based on the proposed **use** and the classification of the **adjacent street**. (See Figure 16-5-102.C, Street Setback Angle.)

TABLE 16-5-102.C: ADJACENT STREET SETBACK REQUIREMENTS

PROPOSED USE	MINIMUM SETBACK DISTANCE ¹ / MAXIMUM SETBACK ANGLE ²
	ADJACENT STREET (BY CLASSIFICATION)

		MAJOR ARTERIAL	MINOR ARTERIAL	ALL OTHER STREETS
<i>Single-Family</i>	Structure > 24 in high	50 ft ^{3,4} /75°	40 ft ^{3,4} / 70°	20 ft ^{3,4} /60°
	Structure ≤ 24 in high	50 ft ^{3,4} /n/a	30 ft ^{3,4} /n/a	10 ft ^{3,4} /n/a
All Other <i>Uses</i>		50 ft ^{3,4} /75°	40 ft ^{3,4} /70°	20 ft ^{3,4} /60°
NOTES: in = inches ft = feet ° = degrees 1. Measured from the <i>adjacent street right-of-way</i> or <i>easement</i> line to the closest portion of a <i>structure</i> . <u>A street setback from an easement line is not required for non-single-family properties.</u>				

Sec.16-5-103. - Buffer Standards

E. Adjacent Use Buffer Requirements

1. Unless expressly exempted or modified in this subsection, ***development*** shall provide a buffer along common property lines with adjoining properties that is of the type designated in Table 16-5-103.E, Adjacent Use Buffer Requirements, for the proposed ***use*** and the classification of the ***use*** of the ***adjacent*** property (or zoning of a vacant ***adjacent*** property). Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.F, Buffer Types.

TABLE 16-5-103.E: ADJACENT USE BUFFER REQUIREMENTS ¹	
PROPOSED 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
<i>Single-Family</i>	A ⁴	A ⁴	C ⁴	D ⁴
<ul style="list-style-type: none"> • All Other Residential <i>Uses</i> • 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 • <i>Boat Ramps</i> , <i>Docking Facilities</i> , or <i>Marinas</i> 	C	B	n/a	A
Industrial <i>Uses</i>	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***. An adjacent use buffer from an easement line is not required for non-single-family properties.

Staff Explanation: Town Council asked staff to ensure that the ability to waive the setback and buffer between single-family properties was eliminated and that criteria were established to use related to the waiver.

Sec.16-5-102. - Setback Standards

D. Adjacent Use Setback Requirements

4. The ***Official*** may waive the requirement for an adjacent use setback for non-single-family properties on determining that the proposed ***development*** and the ***adjacent development*** function as a single ***development***. The criteria to determine if the properties will function as a single development may include the recording of a cross-access easement agreement between the two properties.

Sec.16-5-103. - Buffer Standards

E. Adjacent Use Buffer Requirements

2. The ***Official*** may waive the requirement for an adjacent use buffer for non-single-family properties on determining that the proposed ***development*** and the ***adjacent development*** function as a single ***development***. The criteria to determine if the properties will function as a single development may include the recording of a cross-access easement agreement between the two properties.

Staff Explanation: This change sets out what triggers the requirement that the buffers, EV charging stations and bike parking be brought into compliance when changes are being made to a building on the site.

Section 16-5-103 – Buffer Standards

F. Buffer Types

Table 16-5-103.F, Buffer Types, describes the five different buffer types in terms of their function, opacity, width, and planting requirements. Either of the options under a specific buffer type may be used at the option of the ***developer / applicant***. If the square footage of an existing building on a

site is being increased by more than 50% then the buffers must be brought into compliance with the standards in this table.

Section 16-5-107 – Parking and Loading Standards

D.10. Use of Parking Spaces as Electric Vehicle (EV) Charging Station

All **multifamily** and nonresidential **development** shall provide one **electric vehicle (EV) charging station** per **site**. If the development requires over 100 parking spaces, the electric vehicle (EV) charging station shall have a sign that states that only electric vehicles being charged can park in that particular parking space. If the square footage of an existing building on a site is being increased by more than 50% then the applicant will be required to provide an EV charging station on site.

H.7. Bicycle Parking

d. If the square footage of an existing building on a site is being increased by more than 50% then the applicant will be required to meet the bicycle parking standards.

Staff Explanation: This change establishes minimum and maximum widths for service driveways.

Sec. 16-5-105 – Mobility, Street, and Pathway Standards

A.5.e.ii. Driveway Width

01. All **driveways** shall comply with the following minimum and maximum width requirements:
 - (A) One-way one-lane **driveways** shall be at least 14 feet wide and no more than 20 feet wide, as measured between the edges of paving.
 - (B) Two-way, two-lane **driveways** shall be at least 20 feet wide and no more than 30 feet wide, as measured between the edges of paving.
 - (C) **Service driveways** shall be a minimum of 10 feet wide and no more than 14 feet wide, as measured between the edges of paving.
02. The **Official** may require a wider **driveway** on determining that it is needed to facilitate special vehicle or traffic demand requirements.

CHAPTER 16-10: DEFINITIONS, INTERPRETATION AND MEASUREMENT

Sec.16-10-105. General Definitions

Staff Explanation: This change establishes a definition for a service driveway.

Driveway, Service: a private driveway providing access for vehicles to a dumpster or something similar

STAND ALONE AMENDMENTS

CHAPTER 16-2: ADMINISTRATION

Sec. 16-2-103.I – Corridor Review (Minor and Major)

Staff Explanation: This change will make it clear that the final notice of action (not an interim notice of action) is what is required to be submitted to the DRB before the DRB can take final action on a project.

iii. Decision-Making Body Review and Decision

01. A private architectural review board whose jurisdiction includes the subject site shall submit written final notice of any action it takes on the proposed project. The applicant shall submit this final notice to the *Official* at least seven days before the meeting at which the *Design Review Board* conducts its final review of the Corridor Review *application*. The Board shall consider, but is not bound by, the action of such private architectural review board.

CHAPTER 16-3: ZONING DISTRICTS

Sec. 16-3-105 – Mixed Use and Business Districts

I. Mitchelville (MV) District

Staff Explanation: During a recent variance request before the Board of Zoning Appeals (BZA), it became clear that the maximum impervious coverage for the MV (Mitchelville) zoning district was much less than required for other mixed use districts. The majority of the area that is currently zoned MV had a maximum impervious coverage requirement of 50% prior to the LMO rewrite so staff suggests that the maximum impervious coverage requirement for this district be increased to 50%. The BZA has submitted a letter requesting that the maximum impervious coverage in the MV zoning district be re-studied.

3. Development Form Standards

LOT COVERAGE	
Max. <i>Impervious Cover</i>	35% <u>50%</u>

Sec. 16-3-106 – Overlay Zoning Districts

H. Forest Beach Neighborhood Character Overlay (FB-NC-O) District

Staff Explanation: During the LMO Rewrite process the driveway width in the Forest Beach Overlay District was changed from 24' to 18'. There is no obvious reason for this change and has created many nonconformities. This change will take it back to 24'.

4.b.ii. Buffers shall comply with the standards of Sec. 16-5-103, Buffer Standards, except that *driveways* for *street access* as permitted in Sec. 16-5-103.J, Development Within Required Buffers, shall be limited to a total of ~~48~~ 24 feet wide within the buffer.

CHAPTER 16-5: DEVELOPMENT AND DESIGN STANDARDS

Staff Explanation: This change will allow bollards in the setback and changes the language related to how far a deck or patio can encroach into a setback.

16-5-102 – Setback Standards

E. Allowable Setback Encroachments

Table 16-5-102.E, Allowable Setback Encroachments, identifies features that are allowed to encroach beyond the vertical and angled planes defined by minimum adjacent street and use setback requirements.

TABLE 16-5-102.E: ALLOWABLE SETBACK ENCROACHMENTS	
FEATURE	EXTENT AND LIMITATIONS
Fences or walls	<ul style="list-style-type: none">• Allowed in adjacent use setbacks if located along common property lines and no more than 7 feet high• Allowed in adjacent street setbacks if less than 4 feet high
Open balconies, fire escapes, or exterior stairways	May extend up to 5 feet into any setback
Chimneys or fireplaces	May extend up to 3 feet into any setback if no more than 5 feet higher than the highest point of <i>building</i> to which it is attached
Roof eaves and overhangs	May extend up to 3 feet into any setback
Awnings	May extend up to 5 feet into any setback

Bay windows	May extend up to 3 feet into any setback if no more than 9 feet wide
Sills or entablatures	May extend up to 1 foot into any setback
Uncovered porches, stoops, decks, patios; <u>or</u> terraces; or walkways	May extend or be located in any setback if set back from lot lines by a distance no more than the feature's height <u>May extend up to 5 feet into any setback</u>
Lighting fixtures	May be located in any setback if no more than 20 feet high
Roof dormers	May extend up to 5 feet beyond the setback angle plane (horizontally or vertically)
Spires, cupolas, domes, skylights, and similar rooftop architectural features	May extend up above the setback angle plane if they occupy no more than 25% of the roof area of the structure to which they are attached and extend no more than 25% more than the height limit defined by the setback angle plane at the point(s) of penetration
Solar collection devices	See Sec. 16-4-103.E.8
<i>Television or radio antennas</i>	May extend up to 10 feet above the setback angle plane if they are attached to a side or rear elevation of a structure
Small wind energy conversion systems	See Sec. 16-4-103.E.7
Amateur radio antenna	See Sec. 16-4-103.E.1
Bike racks, <u>bollards</u> and other site furnishings (<u>such as tables and chairs</u>)	Allowed in adjacent use and adjacent street setbacks
Other architectural features not listed above (parts of a structure that provide visual interest to the structure and are nonhabitable and decorative in nature)	May be allowed to penetrate the plane of the setback angle if the Official makes the following determinations: <ul style="list-style-type: none"> • The required setback angle cannot be met for the architectural elements using alternate site layouts without major modifications to an otherwise acceptable application ; • The excepted architectural elements will not be major or dominant features of the structure ; • The excepted architectural elements will not penetrate the vertical plane of the minimum required setback distance; • The exception is the minimum reasonably required to achieve

	<p>the architectural goal; and</p> <ul style="list-style-type: none"> • If applicable, the placement of the structure provides protection of prominent natural features on the site, such as trees , wetlands, or historic sites .
Flagpoles/Flags	Unless they constitute a "sign" and thus subject to Sec. 16-5-114.E, Flagpoles no more than 20 feet high and flags no greater than 20 square feet in area may be located in setbacks
Signs	See Sec. 16-5-114.E

Section 16-5-107. Parking and Loading Standards

Staff Explanation: This change establishes that parking requirements for golf courses and miniature golf courses should be based on the number of holes rather than the number of tees.

D. Parking Space Requirements

1. Minimum Number of Parking Spaces

Except as otherwise expressly provided elsewhere in this **Ordinance** , **development** shall provide the minimum number of off-street parking spaces in accordance with Table 16-5-107.D.1, Minimum Number of Parking Spaces, based on the **principal use(s)** involved and the extent of **development** . Required off-street loading spaces, spaces in **buildings** used for **auto repairs** or **car washes** , and stacking spaces in **driveways** serving **drive-through** and related **uses** shall not be counted as meeting parking space requirements.

TABLE 16-5-107.D.1: MINIMUM NUMBER OF PARKING SPACES		
USE CATEGORY/USE TYPE	MINIMUM NUMBER OF PARKING SPACES ^{1,2,3,4}	
	CR DISTRICT	ALL OTHER DISTRICTS
COMMERCIAL RECREATION		

<i>Indoor Commercial Recreation Uses</i>		1 per 7 <i>persons</i> + 1 per 300 GFA of office or similarly used area	1 per 3 <i>persons</i> + 1 per 200 GFA of office or similarly used area
<i>Outdoor Commercial Recreation Uses</i> Other than <i>Water Parks</i>	Golf Courses, Miniature Golf Courses, or Driving Ranges	1 per 2.5 tees <u>holes</u>	1 per tee <u>hole</u>
	Stadiums	1 per 5 spectator seats	1 per 4 spectator seats
	Other	1 per 4 <i>persons</i> max. occupancy + 1 per 300 GFA of office or similarly used area	1 per 3 <i>persons</i> max. occupancy + 1 per 200 GFA of office or similarly used area
<i>Water Parks</i>		See Sec. 16-5-107.D.2	See Sec. 16-5-107.D.2

Staff Explanation: This change will keep vehicles in parking spaces from intruding into sidewalks.

F. Design of Parking Areas

3. Curbs and Wheel Stops

- a. Permanently anchored wheel stops shall be provided at the end of all parking spaces that abut a sidewalk or walkway or are not bounded by curbing.
- b. The vehicle side of the wheel stop shall be no ~~less~~ more than 18 inches from the end of the parking space.

Sec.16-5-114. Sign Standards

H. Standards for Specific Types of Signs

Staff Explanation: This change establishes when post mounted banners will be allowed and establishes a maximum size limitation.

9. Temporary Special Event Signs

- a. Off-Premises Signs Directing Traffic

- i. **Signs** directing traffic to the site of an event may be used for events at which more than 5,000 attendees are expected.
- ii. **Signs** shall meet South Carolina DOT standards.

b. Off-Premises Signs Identifying Race Routes

Signs intended to direct pedestrians, runners, and bicyclists on race routes are subject to the following standards:

- i. Such **signs** shall be no larger than two square feet each.
- ii. Such **signs** may be displayed one day prior to the event, during the duration of the event, and one day after the event.

c. Off-Premises Post Mounted Banners

- i. Post mounted banners may only be used for events which are multi-day and at which more than 18,000 attendees are expected during the course of the event.
- ii. The banners shall be no larger than 16" in width and 45" in height.
- iii. The banners must be approved and installed as part of the Town permitting process.

e. d. On-Premises Signs Identifying an Event

Signs located at the entrances of **special events** that are meant to identify a special event are subject to the following standards:

- i. No more than two **signs** shall be displayed per event, with no more than four **sign faces**. Any single **sign face** shall not exceed 16 square feet.
- ii. **Signs** shall be constructed of ½-inch MDO, or a material of equal durability, mounted on four-by-four wood posts.
- iii. The amount of information on **signs** shall be no more than is necessary to provide reasonable identification of the event or other information to be conveyed.
- iv. **Signs** shall be displayed no sooner than one day prior to the event, during the duration of the event, and one day after the event.
- v. **Signs** shall not be illuminated by artificial light.

~~d.~~ e. On-Premises Signs

Signs displayed within a special event are subject to the following standards:

- i. **Signs** shall be displayed no sooner than one day prior to the event, during the duration of the event, and one day after the event.
- ii. Banners and pennants are permitted within the area where the special event takes place.

ADMINISTRATIVE AMENDMENTS

CHAPTER 16-3: ZONING DISTRICTS

Sec.16-3-103. – Mixed-Use and Business Districts

B. Coligny Resort (CR) District

Staff Explanation: This change lets people know that there are no street buffers in the CR zoning district. This language is currently only found in the buffer section in Chapter 5.

3. Development Form Standards

MODIFIED ADJACENT STREET AND USE SETBACK STANDARDS

Adjacent Street Setbacks	No Changes
Adjacent Use Setbacks	No Changes

MODIFIED ADJACENT STREET BUFFER STANDARDS

There are no adjacent street buffers in the CR zoning district.

Sec.16-3-106. – Overlay Zoning Districts

G. Planned Development Overlay (PD-2) District

Staff Explanation: Town Council adopted an amended master plan for the former Marsh Tacky Village PD-2 earlier in 2017. This change will reflect the updated information related to this PD-2 master plan.

5. PD-2 Listed Plans

- The following PUDs are included in PD-2 Overlay Districts and their Town-approved Master Plans including associated text and any subsequent amendments are hereby incorporated by reference as a part of the ***Official Zoning Map*** and LMO text.

TABLE 16-3-106.G.4: PD-2 LISTED MASTER PLAN			
FILE NAME		NUMBER PARCEL	TAX MAP #
Palmetto Headlands and H.H. Hospital	CUR-3-88	27/103/103A/337	4,8
Centre Court on Mathews Drive	CUR-1-89	88B	8
Presbyterian Conference Center	CUR-2-89	2	18
Marriott-South Forest Beach	CUR-1-90	67/69/71/73/252	15-A,18
Park Plaza Self Storage	CUR-2-90	336	15
Tidepointe Retirement	CUR-1-92	342/342A	14
Exec/Air Hilton Head	CUR-1-94	271A	5
Spanish Grove	CUR-1-95	34A/34B	10
First Baptist Church	CUR-1-96	138A/138C	18
Bermuda Point	CUR-1-97	1B	7
Waterside (Town Center)	N/A-JPC	202/202D	18
Palmetto Bay Marina	N/A-JPC	47/66A/273/273A/273C/314E	10
Marsh Tacky Village Tabby Village	ZMA080007 ZA-000954- <u>2017</u>	2B, 2D, 2E, 2F, 2H, 2I, 14, 14D, 14I, 16, 16A, 16B, 19C, 19D, 19E, 49, 58, 58A, and 223 <u>223, 49, 14D, 16, 14I, 14, 58, 58A</u>	3

CHAPTER 16-4: USE STANDARDS

Sec. 16-4-102 – Principal Uses

B. Use-Specific Conditions for Principal Uses

Staff Explanation: The word ‘have’ is missing from this condition. This change fixes the error.

7.c.iii. In the S District, a *bicycle shop* shall not have direct vehicular *access* to a major arterial.



MEMORANDUM

TO: Town Council

FROM: John Troyer, CPA, Director of Finance

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

DATE: December 5, 2017

RE: **Second Reading of Proposed Ordinance No. 2017-22**

Recommendation:

Staff recommends Town Council approve the second reading of Proposed Ordinance No. 2017-22 which authorizes the issuance of Stormwater bonds as contemplated in the 2018 budget and refunding of the 2010 Stormwater bonds for savings.

There have been no changes to the proposed ordinance.

THIRD SUPPLEMENTAL ORDINANCE

PROVIDING FOR THE ISSUANCE AND SALE OF NOT EXCEEDING \$14,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, STORMWATER SYSTEM REVENUE BONDS, IN ONE OR MORE SERIES, FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL IMPROVEMENTS AND REFINANCING ALL OR A PORTION OF THE \$13,810,000 ORIGINAL PRINCIPAL AMOUNT TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, STORMWATER SYSTEM REFUNDING REVENUE BOND, SERIES 2010; DELEGATING THE AUTHORITY TO THE TOWN MANAGER TO DETERMINE CERTAIN MATTERS WITH RESPECT TO THE NEW BONDS; PRESCRIBING THE FORM AND DETAILS OF SUCH BONDS; AMENDING CERTAIN PROVISIONS TO THE GENERAL BOND ORDINANCE; OTHER MATTERS RELATING THERETO; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council (the "Council") of the Town of Hilton Head Island, South Carolina (the "Town"), enacted Ordinance No. 2002-44 (the "General Bond Ordinance") on December 3, 2002, to authorize generally the issuance of Stormwater System Revenue Bonds (as defined in the General Bond Ordinance); and

WHEREAS, pursuant to the General Bond Ordinance, the Bonds are payable from and secured by a pledge of Revenues (as defined in the General Bond Ordinance); and

WHEREAS, the Town is presently undertaking, and contemplating the future undertaking, of the Projects (as defined herein); and

WHEREAS, the Town has heretofore issued its \$13,810,000 original principal amount Town of Hilton Head Island, South Carolina, Stormwater System Refunding Revenue Bond, Series 2010, dated December 1, 2010, which are presently outstanding in the principal amount of \$9,035,000 (the "Bond of 2010"); and

WHEREAS, the Town desires to issue not exceeding \$14,000,000 principal amount of its Stormwater System Revenue Bonds, in one or more series (the "Bonds") for any one or more of the following purposes: (1) to finance, among other things, the Costs of Acquisition and Construction (as defined in the General Bond Ordinance) of the Projects and (2) to refinance all or a portion of the Bond of 2010; and

WHEREAS, the Town desires to modify certain provisions or covenants contained in the General Bond Ordinance which would be in the interest of the Town; and

WHEREAS, the Council has been advised that in order to finance the Projects and refinance all or a portion of the Bond of 2010, and make such modifications to the General Bond Ordinance, the Council must enact an appropriate ordinance supplemental to the General Bond Ordinance authorizing the issuance of the New Bonds.

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

ARTICLE I

FINDINGS AND DETERMINATIONS

Section 1.01. Certain Findings and Determinations.

The Council hereby finds and determines:

(a) This Ordinance (the “Third Supplemental Ordinance”) constitutes and is a “Supplemental Ordinance” within the meaning of such quoted term as defined and used in Ordinance No. 2002-44 enacted by the Council on December 3, 2002, as amended (as so amended, the “General Bond Ordinance”), and is enacted under and pursuant to the General Bond Ordinance.

(b) The New Bonds (as defined herein) constitute and are “Bonds” within the meaning of the quoted word as defined and used in the General Bond Ordinance.

(c) The Revenues pledged under the General Bond Ordinance are not encumbered by any lien and charge thereon or pledge thereof, other than (i) the lien and charge thereon and pledge thereof created by the General Bond Ordinance and the Second Supplemental Ordinances (as defined herein) for payment and security of the Bond of 2010 and (ii) the lien and charge thereon and pledge thereof created by the General Bond Ordinance and this Third Supplemental Ordinance for payment and security of the New Bonds.

(d) There does not exist an Event of Default (as defined in the General Bond Ordinance), nor does there exist any condition which, after the passage of time or the giving of notice, or both, would constitute such Event of Default.

(e) The estimated Cost of Acquisition and Construction (as defined in the General Bond Ordinance) of the Projects is \$4,000,000, and the estimated cost of refinancing the Bond of 2010 is approximately \$9,200,000.

(f) Section 4.02(B) of the General Bond Ordinance provides that Bonds may be issued at any time for the purpose of refunding (including by purchase) other Bonds, including amounts to pay principal, redemption premium and interest to the date of redemption (or purchase) of the refunded Bonds; provided that (i) the aggregate Debt Service on all Bonds to be Outstanding after the issuance of the proposed Series of refunding Bonds shall not be greater than would have been the aggregate Debt Service of all Bonds not then refunded and the Bonds to be refunded; or (ii) the requirements of parts 4.02(A)1-6 and 4.02(A)(7)(a) of the General Bond Ordinance are met with respect to the refunding Bonds. Bonds issued upon compliance with Section 4.01 and Section 4.02 of the General Bond Ordinance shall be issued on a parity as to the Net Revenues of the System in all respects *inter sese*.

(g) Section 16.01 of the General Bond Ordinance provides that the obligations of the Town under the Ordinance and the liens, pledges, charges, trusts, covenants and agreements of the Town made or provided for therein shall be fully discharged and satisfied as to any Bond, and such Bond shall no longer be deemed to be Outstanding under the General Bond Ordinance when payment of the principal of, premium, if any, and interest on such Bond shall have been provided for by irrevocably depositing with the Paying Agent in trust and irrevocably set aside exclusively for such payment, (A) moneys sufficient to make such payment, or (B) Defeasance Obligations maturing as to principal and interest in such amounts and at such times as will ensure

the availability of sufficient moneys to make such payment, and all necessary and proper fees, compensation and expenses of the Trustee.

(h) The Town proposes to issue the New Bonds, in one or more Series (as defined in the General Bond Ordinance), for one or more of the principal purposes: (i) financing the Cost of Acquisition and Construction of the Projects, (ii) refinancing all or a portion of the Bond of 2010, (iii) financing the 2017 Reserve Fund Requirement (if any) through a deposit into the 2017 Debt Service Reserve Fund (if any) of cash, a Letter of Credit, a Surety Bond or a combination thereof, and (iv) paying the costs of issuing the New Bonds.

(h) The period of usefulness of the System is in excess of forty (40) years from the date hereof.

(i) It is in the best interest of the Town to authorize the issuance of the New Bonds for the purposes set forth in this Third Supplemental Ordinance.

ARTICLE II

DEFINITIONS

Section 2.01. Definitions. The terms in this Section 2.01 and all words and terms defined in the General Bond Ordinance as from time to time amended or supplemented by a Supplemental Ordinance (as so amended and supplemented, the “Ordinance”) (except as herein otherwise expressly provided or unless the context otherwise requires), shall for all purposes of this Third Supplemental Ordinance have the respective meanings given to them in the General Bond Ordinance and in Section 2.01 hereof.

“2017 Construction Fund” shall mean one or more Funds established pursuant to Section 4.03 hereof into which a portion of the proceeds of a Series of the New Bonds will be deposited and from which such proceeds will be disbursed to pay the Costs of Acquisition and Construction of the Projects (including the Costs of Issuance).

“2017 Debt Service Fund” shall mean one or more Funds established pursuant to Section 4.01 hereof to provide for the payment of the principal of and interest on the Series of the New Bonds related thereto.

“2017 Debt Service Reserve Fund” shall mean one or more Funds, if any, established pursuant to Section 4.02 hereof (a) to insure the timely payment of the principal and interest on the New Bonds related thereto; and (b) to provide for the redemption of the Series of the New Bonds related thereto.

“2017 Reserve Fund Requirement” shall mean the amount, if any, established pursuant to Section 4.02 hereof.

“Beneficial Owner” shall mean any purchaser who acquires beneficial ownership interest in an Initial Bond (to be defined) held by the Depository. In determining any Beneficial Owner the Town, the Trustee and the Paying Agent may rely exclusively upon written representations made and information given to the Town, the Registrar and the Paying Agent, as the case may be, by the Depository or its Participants with respect to any Series 2017 Bond held by the Depository or its Participants in which a beneficial ownership interest is claimed.

“Book-Entry Form” or “Book-Entry System” shall mean with respect to the Initial Bonds, a form or system, as applicable, under which (a) the ownership of beneficial interests in the Initial Bonds may be transferred only through a book-entry and (b) physical bond certificates in fully registered form are

registered only in the name of a Depository or its nominee as Holder, with the physical bond certificates “immobilized” in the custody of the Depository. The book-entry maintained by the Depository is the record that identifies the owners of participatory interest in the Initial Bonds, when subject to the Book-Entry System.

“Bond Insurer” shall mean the issuer of the Insurance Policy (if any) for one or more Series of the New Bonds, or a Surety Bond (if any) to satisfy the 2017 Reserve Requirement.

“Bond of 2010” shall mean the \$13,810,000 original principal amount Town of Hilton Head Island, South Carolina, Stormwater System Refunding Revenue Bond, Series 2010 dated December 1, 2010.

“Bonds to be Refunded” shall mean all or a portion of the Bond of 2010 (if any), as determined by the Town Manager, to be refunded with the New Bonds.

“Business Day” shall mean any day other than a Saturday, a Sunday or a day on which banking institutions in the State are required or authorized by law (including executive orders) to close.

“Code” shall mean the Internal Revenue Code of 1986, as amended, and any applicable Treasury regulations.

“Continuing Disclosure Certificate” shall mean the meaning given that term in Section 5.02 hereof.

“Depository” shall mean any securities depository that is a “clearing corporation” within the meaning of the New York Uniform Commercial Code and a “clearing agency” registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a Book-Entry System to record ownership of beneficial interests in the Initial Bonds, and to effect transfers of the Initial Bonds, in Book-Entry Form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Escrow Agent” shall mean the Paying Agent for the Bonds to be Refunded.

“Escrow Agreement” shall mean, collectively, one or more Escrow Deposit Agreements dated the date of its respective execution between the Town and the Escrow Agent.

“Escrow Fund” shall mean, collectively, the funds of that name created pursuant to the Escrow Agreement.

“First Amending Ordinance” shall mean Ordinance No. 2003-04 enacted by the Council on February 18, 2003.

“Initial Bonds” shall mean such Bonds (if any) which are registered and held subject to the Book-Entry System of the Depository.

“Interest Payment Date” shall mean March 1 and September 1 of each year commencing March 1, 2018, or such other dates as may be determined by the Town Manager.

“Insurer Default” shall mean there shall exist a default in the payment by the Bond Insurer of principal of or any interest on any New Bond when required to be made by the applicable Policy or Surety Bond.

“Letter of Credit” shall mean, subject to Section 4.02 hereof, a letter of credit (if any) issued by a bank or other financial institution satisfactory to the Town, to satisfy all or a portion of the 2017 Reserve Fund Requirement, if any.

“New Bonds” shall mean the Town of Hilton Head Island, South Carolina, Stormwater System Revenue Bonds, in one or more series, in the aggregate principal amount of not exceeding \$14,000,000 authorized to be issued hereunder.

“Paying Agent” shall mean the bank, financial institution or, subject to the amendments to the General Bond Ordinance authorized by Section 5.03(h) hereof, such other entity (including the Town) designated by the Town Manager to serve as Paying Agent for the New Bonds.

“Principal Payment Date” shall have the meaning given to such term in Section 3(a).

“Projects” shall mean, collectively, any and all replacements, enlargements, improvements, extensions, additions and betterments to the System; engineering legal and other professional services, monitoring permitting and other regulatory requirements, and inventory modeling and master planning related to capital improvement activities and functions; and all appurtenances, facilities, lands, rights in land, water rights, franchises and structures in connection therewith or incidental thereto and including the acquisition of any system which shall be combined with or consolidated into the System, including any one or more of the projects described in Schedule I hereto, and such other improvements as the Town may deem necessary or incidental to the System.

“Purchase Contract” shall mean the Bond Purchase Agreement (if any) to be dated the date of execution and delivery thereof between the Town and the Underwriter, as it may relate to one or more Series of New Bonds.

“Purchaser” shall mean the purchaser of one or more Series of the New Bonds, if sold through a private placement or sale. The Purchaser shall not mean the Underwriter.

“Registrar” shall mean the bank, financial institution or, subject to the amendments to the General Bond Ordinance authorized by Section 5.03(h) hereof, such other entity (including the Town) designated by the Town Manager to serve as Registrar for the New Bonds.

“Second Supplemental Ordinance” shall mean Ordinance No. 2010-23 enacted by the Council on November 17, 2010, authorizing the Bond of 2010.

“Stormwater Act” shall mean the Stormwater Management and Sediment Reduction Act, codified as Section 48-14-10 et. seq., Code of Laws of South Carolina, 1976, as amended.

“Surety Bond” shall mean, subject to Section 4.02, the Surety Bond or surety bond, if any, issued by the Bond Insurer in connection with the New Bonds and payable to the Paying Agent.

“Third Supplemental Ordinance” shall mean this Ordinance enacted by the Council on this date, authorizing the New Bonds.

“Trustee” shall mean the bank, financial institution, if any, or, subject to the amendments to the General Bond Ordinance authorized by Section 5.03(h) hereof, such other entity designated by the Town Manager to serve as Trustee under the General Bond Ordinance.

“Underwriter” shall mean such bank or financial institution selected by the Town Manager.

“Value” or “Values” means, if a Surety Bonds is in effect for a Series of New Bonds, with respect to any Permitted Investments for the 2017 Debt Service Fund and 2017 Debt Service Reserve Fund established for such Series of New Bonds, the amount calculated under the Ordinance determined as of any date of calculation as follows:

- (a) the bid price published by a nationally recognized pricing service as selected by the Town in its sole discretion;
- (b) as to certificates of deposit and bankers acceptances: the face amount thereof, plus accrued interest; and
- (c) as to any investment not specified above: the value thereof established by prior agreement between the Town and the Bond Insurer.

ARTICLE III

THE NEW BONDS

Section 3.01. Authorization of Bonds.

(a) There is hereby authorized to be issued one or more Series of Bonds (as defined in the General Bond Ordinance) designated “Town of Hilton Head Island, South Carolina Stormwater System Revenue Bonds, Series 2017” (the “New Bonds”), in the aggregate principal amount of not to exceed \$14,000,000. The proceeds of the New Bonds will be used for the purposes of providing funds to (i) finance the Cost of Acquisition and Construction of the Projects, (ii) refinance the Bonds to be Refunded, (iii) finance the 2017 Reserve Fund Requirement (if any) through a deposit into the 2017 Debt Service Reserve Fund (if any) of cash, the Letter of Credit (if any), the Surety Bond (if any) or a combination thereof, and (iv) pay the costs of issuing the New Bonds, including the payment of the premiums for the Insurance Policy or Surety Bond (if any); provided, however, that if any Series of New Bonds is issued after 2017, any references herein to such Series of New Bonds, the 2017 Debt Service Fund, the 2017 Debt Service Reserve Fund (if any), the 2017 Reserve Fund Requirement (if any) or otherwise, which is identified by the relevant year of issue, such references may be modified to reflect the actual year in which such Series of New Bonds is issued and the New Bonds shall bear such further numbers, letters or additional words as determined by the Town Manager in order to identify individual series thereof, to identify the purposes for which such Bonds are being issued and to identify the taxable or tax-exempt status thereof.

The New Bonds shall mature on such date in each of the years and in the principal amounts, and bear interest at the rates per annum, as determined by the Town Manager pursuant to Section 3.05 hereof.

(b) Such of the New Bonds as the Town Manager shall determine pursuant to Section 3.05 hereof shall be subject to mandatory redemption at a redemption price equal to the principal amount of the New Bonds to be redeemed, together with interest accrued from the date of redemption, in the years and in the amounts determined by the Town Manager pursuant to Section 3.05 hereof.

The Trustee or Registrar, if any, without further authorization or direction from the Town, shall give notice of all mandatory redemptions within the time periods and in the manner specified in Article IV of the General Bond Ordinance.

At its option, to be exercised on or before the sixtieth (60th) day prior to any mandatory redemption date, the Town may (i) deliver to the Trustee or Registrar, if any, for cancellation Bonds which are subject to mandatory redemption in any aggregate principal amount desired or (ii) receive a credit in respect of its mandatory redemption obligation for any such Bonds which, prior to such date, have been purchased or redeemed (otherwise than through the operation of the mandatory redemption requirement) by the Town and cancelled by the Trustee or Registrar, if any, and not theretofore applied as a credit against any mandatory redemption obligation. Each Bond so delivered or previously purchased or redeemed shall be credited by the Trustee or Registrar, if any, at one hundred percent (100%) of the principal amount thereof, to the obligation of the Town on those respective mandatory redemption obligations in such order as the Town may direct, and the principal amount of the New Bonds to be redeemed by operation of the mandatory redemption requirement shall be accordingly reduced.

(c) The New Bonds shall originally be dated the date of delivery thereof, and shall be issued as fully registered Bonds in the denominations of \$5,000 and integral multiples of \$5,000, or such other date or denomination (as applicable) as the Town Manager shall determine pursuant to Section 3.05 hereof.

(d) Principal of and redemption premium, if any, on the New Bonds shall be payable at the designated corporate trust office of the Trustee or Paying Agent, if any. Interest on the New Bonds shall be payable semiannually each Interest Payment Date commencing in 2018, in each case to the Holders as of the immediately preceding Record Date, such interest to be paid by check or draft mailed to each Holder at the address as it appears on the Books of Registry maintained at the designated corporate trust office of the Trustee or Registrar, if any, or, in the case of a Holder of \$1,000,000 or more in principal amount of Bonds, by wire transfer to an account within the continental United States upon the timely receipt of a written request of such Holder.

(e) A copy of the approving opinion to be rendered on the New Bonds shall be printed on the back of such Bonds, preceding the same a certificate shall appear, which shall be signed on behalf of the Town by a facsimile signature of the Town Clerk. Such certificate shall be in the form substantially as follows:

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the approving opinion of McNair Law Firm, P.A., Columbia, South Carolina, the original of which was manually executed, dated and issued as of the date of the delivery of and payment for the New Bonds, and a copy of which is on file with the Town.

THE TOWN OF HILTON HEAD, SOUTH CAROLINA

By: _____
Town Clerk

Section 3.02. Optional Redemption of Bonds. Such of the New Bonds as may be determined by the Town Manager pursuant to Section 3.05 hereof shall be subject to redemption prior to maturity, at the option of the Town, in whole or in part at any time in such order of their maturities as the Town shall determine and by lot within a maturity, at the respective redemption prices with respect to each Series 2017 Bond, expressed as a percentage of principal amount of the New Bonds to be redeemed, as shall be determined by the Town Manager pursuant to Section 3.05 hereof, together, in each such case, with the interest accrued on such principal amount to the date fixed for redemption.

Section 3.03. Designation of Trustee, Registrar, Paying Agent and Custodian. The Town Manager is hereby authorized and empowered to select the Registrar and the Paying Agent, if any, for the New Bonds

and the Custodian for the 2017 Construction Fund, and to take all actions necessary or desirable to designate the Trustee, if any, under the General Bond Ordinance and/or the Payment Agent for the Bonds to be Refunded. The Trustee, Registrar and Paying Agent (if any), and the Custodian shall signify their acceptances of their respective duties upon delivery of the New Bonds.

Section 3.04. Book-Entry System; Recording and Transfer of Ownership of the New Bonds.

The Initial Bonds will be eligible securities for the purposes of the Book-Entry System of transfer maintained by the Depository, and transfers of beneficial ownership of the Initial Bonds shall be made only through the Depository and its participants in accordance with rules specified by the Depository. Such beneficial ownership must be of \$5,000 principal amount of Initial Bonds of the same Series and maturity or any integral multiple of \$5,000.

The Initial Bonds will be issued in fully-registered form, as a single bond representing the entire principal amount of each Series of the New Bonds or one New Bond for each of the maturities of each Series of the New Bonds, in the name of Cede & Co., as the nominee of the Depository. When any principal of, premium, if any, or interest on the Initial Bonds becomes due, the Town shall transmit or cause the Paying Agent to transmit to the Depository an amount equal to such installment of principal, premium, if any, and interest. Such payments will be made to Cede & Co. or other nominee of the Depository as long as it is owner of record on the applicable Record Date. Cede & Co. or other nominee of the Depository shall be considered to be the owner of the Initial Bonds so registered for all purposes of this Third Supplemental Ordinance, including, without limitation, payments as aforesaid and receipt of notices. The Depository shall remit such payments to the Beneficial Owners of the New Bonds or their nominees in accordance with its rules and regulations.

Notices of redemption of the Initial Bonds or any portion thereof shall be sent to the Depository in accordance with the provisions of the General Bond Ordinance.

The Depository is expected to maintain records of the positions of Participants in the Initial Bonds, and the Participants and persons acting through Participants are expected to maintain records of the Beneficial Owners in the Initial Bonds. The Town, the Trustee, the Registrar and the Paying Agent (if any) make no assurances that the Depository and its Participants will act in accordance with such rules or expectations on a timely basis, and the Town, the Trustee, the Registrar and the Paying Agent (if any) shall have no responsibility for any such maintenance of records or transfer of payments by the Depository to its Participants, or by the Participants or persons acting through Participants to the Beneficial Owners.

The Town, the Trustee, the Paying Agent and the Registrar (if any) may treat the Depository (or its nominee) as the sole and exclusive owner of the New Bonds registered in its name for the purpose of payment of the principal of, interest or premium, if any, on the New Bonds, giving any notice permitted or required to be given to Bondholders under the General Bond Ordinance or this Third Supplemental Ordinance, registering the transfer of the New Bonds, obtaining any consent or other action to be taken by Bondholders and for all other purposes whatsoever, and shall not be affected by any notice to the contrary. The Town, the Trustee, the Paying Agent and the Registrar (if any) shall not have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the New Bonds under or through the Depository or any Participant, or any other person which is not shown on the Books of Registry of the Town maintained by the Trustee or Registrar (if any) as being a Bondholder, with respect to: the accuracy of any records maintained by the Depository or any Participant or the maintenance of any records; the payment by the Depository or any Participant of any amount in respect of the principal of, interest or premium, if any, on the New Bonds; the sending of any transaction statements; the delivery or timeliness of delivery by the Depository or any Participant of any notice which is permitted or required to be given to Bondholders thereunder; the selection of

Bondholders to receive payments upon any partial redemption of the New Bonds; or any consent given or other actions taken by the Depository as a Bondholder.

If (a) the Depository determines not to continue to act as securities depository for the New Bonds, and gives reasonable notice to the Registrar or the Town, or (b) the Town has advised the Depository of the Town's determination that the Depository is incapable of discharging its duties, then the Town shall attempt to retain another qualified securities depository to replace the Depository. Upon receipt by the Town or the Registrar of the Initial Bonds together with an assignment duly executed by the Depository, the Town shall execute and deliver to the successor depository, the New Bonds of the same principal amount, interest rate and maturity. If the Town is unable to retain a qualified successor to the Depository, or the Town has determined that it is in its best interest not to continue the Book-Entry System of transfer or that interests of the Beneficial Owners of the New Bonds might be adversely affected if the Book-Entry System of transfer is continued (the Town undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify Beneficial Owners of the New Bonds by mailing an appropriate notice to the Depository, upon receipt by the Town of the Initial Bonds together with an assignment duly executed by the Depository, the Town shall execute, authenticate and deliver to the Depository Participants the New Bonds in fully-registered form, in authorized denomination; provided, however, that the discontinuation of the Book-Entry System of registration and transfer with respect to the New Bonds or the replacement of the Depository or any successor depository shall be subject to the applicable rules and procedures of the Depository or such successor depository on file or otherwise approved by the Securities and Exchange Commission.

Section 3.05. Sale and Issuance of Bonds; Official Statement.

(a) The Town Manager of the Town is hereby authorized and empowered to determine the aggregate principal amount of the New Bonds, if less than authorized by this Third Supplemental Ordinance, and each Series of New Bonds, the principal amount of each maturity of each Series of New Bonds, the interest rates for each Series of New Bonds, the original issue dates, initial Interest Payment Dates and Principal Payment Dates for each Series of New Bonds, which Bonds (if any) are Initial Bonds and issued on a taxable or tax-exempt basis, the New Bonds to be subject to mandatory and optional redemption, the redemption prices of the New Bonds subject to optional redemption, any Underwriter's, Purchaser's or original issue discount at which the New Bonds will be sold, whether an Insurance Policy will be purchased with respect to each Series of New Bonds; whether the 2017 Debt Service Reserve Fund will be established and funded and, if so, the manner in which the 2017 Reserve Fund Requirement will be satisfied; the Trustee, Registrar and Paying Agent (if any) for the New Bonds; the Custodian for the Construction Fund; and such other terms and conditions related to the New Bonds.

(b) Each Series of the New Bonds shall either be sold publicly, following a private sale to the Underwriter, or directly to the Purchaser in a private offering. In connection with a public offering, the Town hereby finds and determines that the Purchase Contract to be dated the date of its execution, submitted by the Underwriter for the purchase of all or a portion (if any) of the New Bonds is fair and reasonable and in the best interest of the Town; that, if executed, the New Bonds contemplated by the Purchase Contract shall be sold to the Underwriter upon the terms and conditions set forth in the Purchase Contract and upon the basis of the representations therein set forth, and that all conditions precedent to or concurrent with the acceptance of the Purchase Contract by the Town have been met. The Town Manager is hereby authorized and directed to approve the form of Purchase Contract, together with such amendments and modifications to the form thereof as the Town Manager shall negotiate and approve, and to execute the Purchase Contract, as so modified and amended, and deliver the same to the Underwriter, the Town Manager's execution and delivery of the Purchase Contract constituting conclusive evidence of approval of the matters therein contained. Notwithstanding the foregoing, the Town Manager is hereby authorized to take all actions, including the preparation and dissemination of requests for proposals and the publication and/or distribution

of information relating to the Town and the System, to solicit interest and receive offers from financial institutions to purchase one or more Series of the New Bonds in a private offering, and to accept such offer which is in the best interest of the Town and execute such documents as may be necessary in connection therewith.

(c) The Town Manager is hereby authorized and directed to prepare a Preliminary Official Statement, relating to a public offering of the New Bonds (the "Preliminary Official Statement"), and to take such actions necessary to "deem final" the Preliminary Official Statement for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended.

(d) The Town hereby authorizes the Final Official Statement of the Town to be dated on or about the date of the execution and delivery of the Purchase Contract, relating to the New Bonds substantially in the form of the Preliminary Official Statement, with such modifications as the Town Manager approves; the Town Manager of the Town is hereby authorized and directed to execute copies of the Final Official Statement and deliver the same to the Underwriter, which execution and delivery shall be conclusive evidence of the approval of any such modifications; and the Town hereby authorizes the use of the Preliminary Official Statement and Final Official Statement and the information contained therein in connection with the public offering and sale of the New Bonds by the Underwriter.

(e) A copy of this Third Supplemental Ordinance shall be filed with the minutes of this meeting.

(f) The Town hereby authorizes and directs all of the officers and employees of the Town to carry out or cause to be carried out all obligations of the Town under the aforesaid Purchase Contract and to perform such other actions as they shall consider necessary or advisable in connection with the issuance, sale and delivery of the New Bonds.

(g) The Town hereby authorizes the use of the General Bond Ordinance and this Third Supplemental Ordinance, which together are the "Ordinance" and the information contained therein in connection with the public offering and sale of the New Bonds by the Underwriter.

(h) The Council hereby authorizes the Town Manager to negotiate the terms of, and execute, in the name and on behalf of the Town, and deliver investment agreements, forward delivery agreements, repurchase agreements and other agreements in connection with the New Bonds, to prepare and solicit bids for providers of such agreements and to execute, in the name and on behalf of the Town, written confirmations of any such agreements and other documents as may be necessary in connection therewith.

(i) The Council hereby ratifies, confirms and approves the actions of the Town Manager heretofore undertaken with regard to applications for Insurance Policies, Surety Bonds, Letters of Credit, and other credit enhancements and liquidity arrangements relating to the New Bonds from municipal bond insurance companies or financial institutions and to enter into, execute and deliver on behalf of the Town, such loan, insurance, reimbursement or guaranty agreements as shall be necessary and advisable, with advice of counsel, in connection with the transactions and other matters referred to herein; provided, however, that the representations and covenants contained in such agreements may be incorporated in this Third Supplemental Ordinance as if fully set forth herein.

Section 3.06. Form of Bonds. The New Bonds shall be in substantially the form set forth in Exhibit A hereto, with such necessary or appropriate variations, omissions and insertions as are incidental to the series, numbers, denominations, maturities, dates, interest rate or rates, redemption provisions, the purpose of issuance and other details thereof or as are otherwise permitted or required by law or by the Ordinance, including this Third Supplemental Ordinance. The New Bonds shall be executed in the name and on behalf of the Town by the manual or facsimile signatures of the Mayor and Town Clerk.

ARTICLE IV

ESTABLISHMENT OF FUNDS; DISPOSITION OF BOND PROCEEDS

Section 4.01. Establishment of 2017 Debt Service Fund. In accordance with Section 7.04 of the General Bond Ordinance, the 2017 Debt Service Fund is hereby directed to be established and held by the Trustee or, subject to the amendments to the General Bond Ordinance authorized by Section 5.03(h) hereof, the Paying Agent, if any, on the date of the original delivery of the New Bonds for the benefit of the Holders of the New Bonds; provided, however, that upon the issuance of more than one Series of New Bonds, separate funds or accounts may be established for the payment of debt service on such Series of New Bonds, with such additional numbers or letters to identify its relevance, but each such separate fund or account will be considered the “2017 Debt Service Fund” with respect to the related Series of New Bonds. Payments into the 2017 Debt Service Fund shall be made pursuant to the provisions of Section 7.02 of the General Bond Ordinance.

Section 4.02. Establishment of the 2017 Reserve Fund Requirement and 2017 Debt Service Reserve Fund. In accordance with Section 7.05 of the Ordinance, the Town Manager may determine whether it is necessary or desirable to establish the 2017 Debt Service Reserve Fund for the benefit of the Holders of one or more Series of New Bonds (if any) and the amount and timing of funding of the 2017 Reserve Fund Requirement, and, if so, such 2017 Debt Service Reserve Fund shall be established on the date of the original delivery of such Series of New Bonds and held by the Trustee or, subject to the amendments to the General Bond Ordinance authorized by Section 5.03(h) hereof, the Paying Agent, if any, with regard to the New Bonds, all as provided in the Ordinance; provided, however, that (1) upon the issuance of more than one Series of New Bonds, separate funds or accounts may be established (if at all) for each Series of New Bonds, with such additional numbers or letters to identify its relevance, but each such separate fund or account will be considered the “2017 Debt Service Reserve Fund” with respect to the related Series of New Bonds; and (2) in the event of any full or partial defeasance of a Series of New Bonds under Article XVI of the Ordinance, then the 2017 Reserve Fund Requirement established for such Series of New Bonds shall be recalculated based on the then Outstanding principal amount of such Series of New Bonds. If the 2017 Debt Service Reserve Fund is established, the 2017 Reserve Fund Requirement initially will be satisfied by the Town by the deposit of cash into the 2017 Debt Service Reserve Fund (which may, as designated by the Town Manager, be funded from the proceeds of the New Bonds on the date of delivery thereof or from Gross Revenues thereafter), by securing the Letter of Credit, with the purchase of the Surety Bond, or any combination of the foregoing, in each case for the benefit of the Holders of the Series of the New Bonds for which the 2017 Debt Service Reserve Fund (or separate funds or accounts, as applicable) is established.

Section 4.03. Establishment of 2017 Construction Fund. There is hereby created and established the 2017 Construction Fund which fund shall be held by the Town or by one or more banks or other financial institutions designated by the Town (the “Custodian”). If held by a Custodian, the Town Manager is authorized and directed to negotiate, execute and deliver such construction fund agreements or other agreements with such Custodian as may be necessary or desirable in connection therewith. The moneys on deposit in the 2017 Construction Fund shall be used and applied to the payment of the Cost of the

Acquisition and Construction of the Projects and to pay all Costs of Issuance incidental to the issuance and sale of the New Bonds, which may be issued for the purposes of funding costs of the Projects, refunding the Bonds to be Refunded or some combination of the foregoing.

Moneys held for the credit of the 2017 Construction Fund shall be invested to the fullest extent practicable and reasonable, in Authorized Investments, maturing at such times and in such amounts as shall be required to provide moneys to make the payments required to be made from such Fund.

Withdrawals from the 2017 Construction Fund shall be made in the manner withdrawals from other funds of the Town are made.

If after the payment in full of all costs of the Projects or after adequate provision has been made for such payment any moneys remain in the 2017 Construction Fund, such excess shall be paid in to the 2017 Debt Service Fund and shall be used only for the payment of the principal of and interest on the New Bonds or, in the alternative, to acquire Outstanding Bonds at a price (exclusive of accrued interest) not to exceed the face amount thereof.

Section 4.04. Disposition of Proceeds of New Bonds and Certain Other Moneys.

The proceeds derived from the sale of the New Bonds, net of the original issue discount or premium, the Underwriter's or Purchaser's discount, the premiums on the Insurance Policy and Surety Bond (if any), and accrued interest on the New Bonds (if any), shall be deposited with the Trustee, Paying Agent, Escrow Agent, Custodian or the Town, respectively, and used for one or more of the following purposes:

(a) An amount equal to the interest accrued upon the New Bonds from the date thereof to the date of delivery thereof and payment therefor shall be deposited in the Interest Account in the 2017 Debt Service Fund to be applied to the payment of the first installment of interest on the New Bonds.

(b) A portion of the proceeds of the New Bonds shall be deposited with the Town into the 2017 Construction Fund established in Section 4.03 hereof to be used and applied to the payment Cost of Acquisition and Construction and Cost of Issuance as provided in that Section.

(c) A portion of the proceeds of the New Bonds shall be paid over to the Paying Agent for the Bonds to be Refunded or the Escrow Agent (as applicable), an amount which the Town Manager determines to be required, together with amounts (if any) transferred from the Debt Service Fund related to the Bonds to be Refunded and other available moneys of the Town, to provide for the payment of principal of, redemption premium, if any, and interest on the Bonds to be Refunded upon the redemption thereof.

(d) If the Town Manager determines that a 2017 Debt Service Reserve Fund shall be established for a Series of the New Bonds and the 2017 Reserve Fund Requirement shall be funded with a portion of the proceeds of a Series of the New Bonds, there shall be deposited with the Trustee or, subject to the amendments to the General Bond Ordinance authorized by Section 5.03(h) hereof, the Paying Agent (if any) for deposit into such 2017 Debt Service Reserve Fund an amount equal to the 2017 Reserve Fund Requirement.

The respective amounts specified in this Section 4.04 shall be determined by the Town upon delivery of the Series of New Bonds applicable thereto.

Section 4.05. Authorization to Effect Refunding; Redemption of the Bonds to be Refunded. The Town Manager is hereby authorized and directed for and on behalf of the Town to take such actions, including but not limited to the execution by the Town Manager of the Escrow Agreement or other agreements, the giving of any such directions to the paying agent and/or registrar of the Bonds to be Refunded calling all or a portion

of the Bonds to be Refunded for redemption on one or more dates or other directions as shall be necessary to carry out the provisions of this Third Supplemental Ordinance. If executed, the Escrow Agreement shall be dated the date of delivery of the related Series of the New Bonds to the initial purchaser thereof, and substantially in the form approved by the Town Manager upon the advice of counsel to the Town. The execution thereof shall be evidence of the approval of any such form of agreement.

Upon delivery of the New Bonds, a portion of the principal proceeds thereof, together with amounts (if any) deposited in the Debt Service Fund with respect to the Bonds to be Refunded and other funds of the Town, shall be used to refinance the Bonds to be Refunded or, if applicable, be deposited with the Escrow Agent and held by it under the Escrow Agreement and in the Escrow Fund. Subject to the terms of the Escrow Agreement, it shall be the duty of the Escrow Agent to keep such proceeds invested and reinvested to the extent that it shall be practical in Defeasance Obligations and to apply the principal and interest of the trust so established in the manner prescribed in such Escrow Agreement and the General Bond Ordinance.

The Town Manager is hereby authorized to take such actions as may be necessary or desirable, upon the advice of counsel to the Town, to secure the Defeasance Obligations to be purchased under the Escrow Agreement, including but not limited to the preparation and dissemination of bid specifications and subscription documents and the execution of directions to purchase such Defeasance Obligations.

ARTICLE V COVENANTS AND AMENDMENTS

Section 5.01. Federal Tax Covenant. The Town hereby covenants and agrees with the Holders of any Series of New Bonds issued as tax-exempt obligations (the “Tax-Exempt Bonds”) that it will not take any action which will, or fail to take any action which failure will, cause interest on the Tax-Exempt Bonds to become includable in the gross income of the Holders for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the Tax-Exempt Bonds. The Town further covenants and agrees with the Holders of the New Bonds that no use of the proceeds of the New Bonds shall be made which, if such use had been reasonably expected on the date of issue of the New Bonds would have caused the New Bonds to be “arbitrage bonds,” as defined in the Code; and to that end the Town hereby shall:

- (a) comply with the applicable provisions of Section 103 and Sections 141 through 150 of the Code and any regulations promulgated thereunder so long as any of the New Bonds are Outstanding;
- (b) establish such funds, make such calculations and pay such amounts, if necessary, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebate of certain amounts to the United States; and
- (c) make such reports of such information at the times and places required by the Code.

The Town Manager is hereby further authorized, in accordance with the provisions of the Code, to make such election or designation (as applicable) necessary to be made by or on behalf of the Town that all or a portion of the New Bonds are “qualified tax-exempt obligations” as defined in the Code.

Section 5.02. Continuing Disclosure. Pursuant to Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended (“Section 11-1-85”), the Town covenants that it will file with a central repository for availability in the secondary bond market when requested:

- (a) An annual independent audit, within thirty days of the Town’s receipt of the audit; and

(b) Event specific information within thirty (30) days of an event adversely affecting more than five (5%) percent of Gross Revenues or the Town's tax base.

The only remedy for failure by the Town to comply with the covenant of this paragraph shall be an action for specific performance of this covenant. The Town specifically reserves the right to amend or delete this covenant to reflect any change in Section 11-1-85, without the consent of any Bondholder.

In addition, the Town Manager is hereby authorized and directed to approve the form of, and executed and deliver, a Continuing Disclosure or Reporting Certificate of the Town, related to one or more Series of the New Bonds as required by applicable law, and the Town hereby covenants and agrees that it will comply with and carry out all of the provisions of such Continuing Disclosure or Reporting Certificate. Notwithstanding any other provisions of this Third Supplemental Ordinance, failure of the Town to comply with the Continuing Disclosure or Reporting Certificate shall not be considered an Event of Default, and no liability for damages shall attach therefor. The sole remedy for such failure to comply shall be that any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Town to comply with their obligations under this paragraph.

Section 5.03. Modification of General Bond Ordinance. The following provisions of the General Bond Ordinance are hereby amended, which amendments to the General Bond Ordinance hereinafter set forth below shall not become effective until the earlier of: (1) all the Outstanding Bonds (other than the New Bonds authorized herein) shall cease to be Outstanding; or (2) the Holders of 51% in principal amount of the Bonds (as defined in the General Bond Ordinance) then Outstanding assent to and authorize any modification or amendment to the General Bond Ordinance as amended in accordance with Article XII of the General Bond Ordinance. Any Bonds (as defined in the General Bond Ordinance), including the New Bonds, issued after the date of enactment of this Third Supplemental Ordinance shall contain a reference to the amendments herein made.

(a) The definition of "Additional Bonds" shall be amended by deleting the definition in its entirety and replacing it with the following text:

"Additional Bonds" shall mean any obligations issued after the first Series of Bonds issued and Outstanding under this General Bond Ordinance, which shall be payable from Gross Revenues and security on a parity with Bonds issued under this General Bond Ordinance.

(b) The definition of "Expenses of Operating and Maintaining the System" shall be amended by deleting the last sentence thereof and replacing it with the following text in its entirety:

Notwithstanding the foregoing, Expenses of Operating and Maintaining the System shall not include (i) the payment of interest on Bonds, (ii) any allowance for depreciation or renewals or replacements of capital assets of the System, (iii) any amounts deemed to be payments in lieu of taxes or other equity transfers, (iv) any pension-related and other post-employment benefit-related expenses (other than such amounts actually paid) of the System, (v) any payment or amortization of financing expenses, underwriting discounts, call premiums, losses on the extinguishment of debt due to refinancing of the same, and other related and non-recurring expenses resulting from the issuance or refinancing of long term indebtedness, or (vi) any losses on the sale or other disposition of investments or fixed or capital assets.

(c) Section 5.01(C) shall be amended by replacing the text “and the amount to be deposited during such Fiscal Year” in the first sentence thereof with the following text: “and the amount to be deposited, if any, during such Fiscal Year”.

(d) Section 9.02 shall be amended by deleting such paragraph in its entirety and replacing it with the following text:

The Town further covenants and agrees to make available to the Trustee, if any, or any Bondholder upon request, but not sooner than February 1 after the close of each Fiscal Year, audited financial statements of the Town, made in accordance with recognized accounting practices, which shall include information pertaining to the System; provided, however, that the Town shall be deemed to be in compliance with the requirements hereof to the extent that its audited financial statements are available on the Municipal Securities Rulemaking Board’s EMMA system or similar publically available information repository.

(e) Section 9.04 shall be amended by deleting such section in its entirety.

(f) Section 10.01(A) shall be amended by replacing the text “in such amount as private corporations” with the following text: “in such amount as private corporations or public entities”.

(g) Section 12.02 of the General Bond Ordinance is hereby amended by adding the following text at the end thereof:

The Town expressly authorizes the underwriter or purchaser of any Series of Bonds, or provider of bond insurance for any Series of Bonds, to assent to and consent to such amendments to this General Bond Ordinance as contemplated by this paragraph in the same manner as the Holders of the Bonds.

(h) It is the Town's intention to simplify the formality and process of, and mitigate the cost relating to, the authentication, registration, transfer and exchange, payment and redemption of Bonds, while protecting the security of the Holders of the Bonds. As such, the General Bond Ordinance, including references thereto contained in the Second Supplemental Ordinance and this Third Supplemental Ordinance, is hereby amended as follows:

(1) The definitions of "Paying Agent" and "Registrar" are each hereby amended to replace "any other corporation or association" therein with the following text: "any other corporation or association (including the Town)", and any provisions of the General Bond Ordinance, the Second Supplemental Ordinance or this Third Supplemental Ordinance relating to the registration, transfer and exchange, payment or redemption of Bonds (including generally Article IV of the General Bond Ordinance) shall continue to have effect with respect thereto.

(2) The definition of "Trustee" is hereby amended to replace "the financial institution serving as Trustee" therein with the following text: "the financial institution or other entity (including the Town) serving as Trustee, if any,".

(3) The provisions of the General Bond Ordinance, including referenced sections thereof contained in the Second Supplemental Ordinance and this Third Supplemental Ordinance, related to or requiring the authentication of Bonds (including Sections 4.05 and 4.07 of the General Bond Ordinance) shall have no force and effect if no Trustee has been designated or the Town elects not to continue to designate a Trustee; in such event, any provisions of the General Bond Ordinance referring to a Bond's date of authentication shall instead mean the date of issuance of such Bond.

(4) The provisions of the General Bond Ordinance, including Section 7.04(B) and 7.05(B) thereof, and referenced sections thereof contained in the Second Supplemental Ordinance and this Third Supplemental Ordinance, that require the Debt Service Funds or Debt Service Reserve Funds, if any, to be kept in "the complete custody and control of the Trustee", shall be amended to permit such funds, if any, to be kept in "the complete custody and control of the Trustee, Paying Agent, if any, or the Town".

(5) The provisions of the General Bond Ordinance, including referenced sections thereof contained in the Second Supplemental Ordinance and this Third Supplemental Ordinance, requiring the delivery of items, documents or opinions to the Trustee, shall be amended to require such items, documents or opinions to be delivered directly to the Bondholders, upon request, in the event no Trustee has been designated or the Town elects not to continue to designate a Trustee.

(5) The provisions of the General Bond Ordinance, including referenced sections thereof contained in the Second Supplemental Ordinance and this Third Supplemental Ordinance, requiring the administration of functions by the Trustee, including the procedures to procure Bondholder approvals in Article XII and Events of Default and remedies thereafter described in Articles XIII and XIV, shall be amended such that, in the event no Trustee has been designated or the Town elects not to continue to designate a Trustee, Bondholders shall be authorized or permitted to take direct action

with respect to the Town and not require the Trustee to act on its behalf; further, in the event no Trustee has been designated or the Town elects not to continue to designate a Trustee, the Town shall not have any special or fiduciary duty or liability to the Bondholders as its agent or representative thereof and Article XV of the General Bond Ordinance (as to the duties, responsibilities or liabilities of a Trustee) shall have no force and effect.

(6) The requirements of 30 days' prior notice of the appointment of a substitute Paying Agent or Registrar contained in Sections 15.15 and 15.16 shall not apply with respect to the appointment of the Town with respect to the Bonds to be Refunded to the extent the Bonds to be Refunded are defeased simultaneously with the issuance of the New Bonds.

(7) The provisions of the General Bond Ordinance, including referenced sections thereof contained in the Second Supplemental Ordinance and this Third Supplemental Ordinance, relating to the defeasance of Bonds in Article XVI of the General Bond Ordinance, shall be amended such that any reference therein to "Trustee" shall be replaced with "Trustee or Paying Agent, if any".

ARTICLE VI MISCELLANEOUS

Section 6.01. Further Actions. The Mayor, Clerk, Town Manager, Director of Finance and Town Attorney are hereby authorized and directed to take any and all such further actions as shall be deemed necessary or desirable in order to effectuate issuance of the New Bonds pursuant to the Purchase Contract, to secure a Letter of Credit or purchase the Insurance Policy or Surety Bond (including the execution and delivery of the commitments relating thereto) and to carry out the intentions of this Third Supplemental Ordinance.

Section 6.02. Headings. The headings and titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this Third Supplemental Ordinance.

Section 6.03. Notices. All notices, certificates or other communications hereunder or under the General Bond Ordinance shall be sufficiently given and shall be deemed given when mailed by registered mail, postage prepaid, or given when dispatched by telegram addressed as follows:

If to the Town:

Town of Hilton Head Island, South Carolina
One Town Center Court
Hilton Head Island, South Carolina 29928-2701
Attention: Town Manager

The Town and the Trustee may, by notice given to the other parties, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent.

Section 6.04. Severability. If any section, phrase, sentence, or portion of this Third Supplemental 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 6.05. Codification. This Third Supplemental Ordinance shall be forthwith codified in the Code of Town Ordinances in the manner required by law.

Section 6.06. Effective Date. This Third Supplemental Ordinance shall be effective upon its enactment by the Council of the Town of Hilton Head Island, South Carolina.

Section 6.07. Repeal of Inconsistent Ordinances. All ordinances of the Town, and any part of any ordinance, inconsistent with this Third Supplemental Ordinance are hereby repealed to the extent of such inconsistency.

PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA ON THIS ____DAY OF _____, 2017.

David Bennett, Mayor

ATTEST:

Krista M. Wiedmeyer
Town Clerk

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

First Reading: November 7, 2017

Second Reading:

Introduced by Council Member:

Kimberly W. Likins

Schedule I

List of the Projects

TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA,
STORMWATER SYSTEM REVENUE BONDS, SERIES _____

No. R-____

Interest Rate

Maturity Date

Issue Date

CUSIP

Registered Holder:

Principal Amount:

THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA (the "Town") a public body corporate and politic and a political subdivision of the State of South Carolina (the "State"), created and existing by virtue of the laws of the State, acknowledges itself indebted and for value received hereby promises to pay, solely as hereinafter provided, to the Registered Owner named above or registered assigns, the Principal Amount set forth above on the Maturity Date stated above, unless this Bond be subject to redemption and shall have been redeemed prior thereto as hereinafter provided, upon presentation and surrender hereof at the corporate trust office of _____ in _____, and to pay interest on such Principal Amount at the annual Interest Rate stated above (calculated on the basis of a 360-day year of twelve (12) 30-day months), until the obligation of the Town with respect to the payment of such Principal Amount shall be discharged. Interest on this Bond shall be payable in semiannual installments on _____ 1 and _____ 1 of each year beginning _____, 2018, such installments to be of interest only through _____, and thereafter to consist of installments of interest only on each _____ 1 and principal and interest on each _____ 1. All payments shall be paid to the person in whose name this Bond is registered at the close of business on the fifteenth day of the calendar month preceding each Bond Payment Date (the "Record Date"). The payments shall be payable by check or draft mailed at the times provided herein from the Town (or the Paying Agent or its behalf) to the person in whose name this Bond is registered at the address shown on the registration books. The payments are payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

[If Bond is sold bank-qualified, insert Bank Qualification Rider, if any]

THIS BOND HAS BEEN ISSUED UNDER THE PROVISIONS OF TITLE 6, CHAPTER 21, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED AND SECTION 48-14-10 ET. SEQ., CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; THE BONDS DO NOT CONSTITUTE AN INDEBTEDNESS OF THE TOWN WITHIN THE MEANING OF ANY PROVISION, LIMITATION OR RESTRICTION OF THE CONSTITUTION OR THE LAWS OF THE STATE OF SOUTH CAROLINA, OTHER THAN THOSE PROVISIONS AUTHORIZING INDEBTEDNESS PAYABLE SOLELY FROM A REVENUE-PRODUCING PROJECT NOT INVOLVING REVENUES FROM ANY TAX OR LICENSE. THE TOWN IS NOT OBLIGATED TO PAY ANY OF THE BONDS OR THE INTEREST THEREON EXCEPT FROM GROSS REVENUES OF THE SYSTEM. THE BONDS ARE NOT GENERAL OBLIGATIONS OF THE TOWN, THE STATE OF SOUTH CAROLINA, OR ANY POLITICAL SUBDIVISION THEREOF.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been duly executed by the Trustee.

This Bond is one of an issue of bonds of the Town in the aggregate principal amount of _____ Million Dollars (\$_____) of like tenor, except as to number, rate of interest, date of maturity and redemption provides, issued pursuant to and in accordance with the Constitution and statutes of the State of South Carolina (the "State"), including particularly Chapter 21, Title 6, inclusive, Code of Laws of South Carolina, 1976, as amended, Section 48-14-10 et. seq., Code of Laws of South Carolina, 1976, as amended, Ordinance No. 2002-44 duly enacted by the Town Council of the Town (the "Council") on December 3, 2002, as amended (as so amended, the "General Bond Ordinance"), and Ordinance No. _____ duly enacted by the Council on _____, 2017 (the "Third Supplemental Ordinance") (the General Bond Ordinance and the Third Supplemental Ordinance are herein collectively referred to as the "Ordinances") for the purpose of providing moneys, which together with other moneys made available by the Town shall be sufficient to (i) make certain repairs, renovations and improvements to the stormwater drainage system of the Town, (ii) refinance the Bonds to be Refunded, (iii) [satisfy the 2017 Reserve Fund Requirement [through the purchase of a [Letter of Credit][Surety Bond], and (iv)] pay all costs of issuing the Bonds[, including the premium[s] for the Insurance Policy or Surety Bond].

Certain capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Ordinances. Certified copies of the Ordinances are on file in the office of the Trustee and in the office of the Clerk of Court for Beaufort County, South Carolina.

The Ordinances contain provisions defining terms, including the properties comprising the System; set forth the revenues pledged for the payment of the principal of and interest on this Bond and the Bonds of other series herewith which may hereafter be issued on a parity herewith under the Ordinances; set forth the nature, extent and manner of enforcement of the security of this Bond and of such pledge, and the rights and remedies of the Holder hereof with respect thereto; set forth the terms and conditions upon which and the extent to which the Ordinances may be altered, modified and amended; set forth the terms and conditions upon which this Bond is issued upon which other bonds may be hereinafter issued payable as to principal, premium, if any, and interest on a parity with this Bond and equally and ratably secured herewith; sets forth the rights, duties and obligations of the Town thereunder; and set forth the terms and conditions upon which the pledge made in the Ordinances for the security of this Bond and upon which the covenants, agreements and other obligations of the Town made therein may be discharged at or prior to the maturity or redemption of this Bond with provisions for the payment thereof in the manner set forth in the Ordinances. Reference is hereby made to the Bond Ordinance to all of the provisions of which any holder of this Bond by the acceptance hereof thereby assents. The provisions of the General Bond Ordinance pertaining to (1) the definitions of the "Additional Bonds," "Expenses of Operating and Maintaining the System," (2) the ability of underwriters, purchasers or bond insurers to assent to amendments to the General Bond Ordinance, and (3) certain other provisions of the General Bond Ordinance, have been amended by Supplemental Ordinances to the General Bond Ordinance. The provisions of the Act and the Ordinances shall be a contract with the holder of this Bond.

This Bond and the Series of Bonds of which it is one and the interest thereon are special obligations of the Town and are secured by and payable solely from, and secured equally and ratably by a pledge of and lien upon, the Revenues (as defined in the General Bond Ordinance) derived by the Town from the System.

The General Bond Ordinance authorizes the issuance of additional bonds on a parity with the Bonds of this issue which, when issued in accordance with the provisions of the General Bond Ordinance, will rank equally and be on a parity herewith.

This Bond and the interest hereon are exempt from all State, county, municipal, school district, and all other taxes or assessments imposed within the State, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer and certain franchise taxes.

This Bond is transferable, as provided in the Ordinances, only upon the registration books of the Town kept for that purpose and maintained by the Trustee, by the Holder hereof in person or by his duly authorized attorney, upon (a) surrender of this Bond and an assignment with a written instrument of transfer satisfactory to the Registrar, duly executed by the Holder hereof or his duly authorized attorney and (b) payment of the charges, if any, prescribed in the Ordinances. Thereupon a new Bond of the same aggregate principal amount, maturity and interest rate shall be issued to the transferee in exchange therefor as provided in the Ordinances. The Town, the Trustee and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or redemption price hereof and interest due hereon and for all other purposes.

For every exchange or transfer of this Bond, the Town or the Trustee or Registrar, as the case may be, may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer.

[Redemption Provisions]

If less than all the Bonds of any maturity are called for redemption, the Bonds of such maturity to be redeemed shall be selected at random by the Trustee or Registrar, if any. In the event any of the Bonds or portions thereof are called for redemption, the Trustee or Registrar, if any, shall give notice, in the name of the Town, of redemption of Bonds by first-class mail, postage prepaid, to the Holder thereof as shown on the Books of Registry of the Town and to such Securities Depositories as the Town may designate not less than thirty (30) days and not more than sixty (60) days prior to the date fixed for the redemption thereof. If this Bond be redeemable and shall have been duly called for redemption and notice of the redemption hereof mailed as aforesaid, and if on or before the date fixed for such redemption, payment thereof shall be duly made or provided for, interest hereon shall cease or accrue from and after the redemption date hereof.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the State to exist, be performed or happen precedent to or in the issuance of this Bond, exist, have been performed and have happened, that the amount of this Bond, together with all other indebtedness of the Town, does not exceed any limit prescribed by such Constitution or statutes.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been duly executed by the Trustee.

IN WITNESS WHEREOF, THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA has caused this Bond to be signed by the manual or facsimile signature of its Mayor, its corporate seal to be reproduced hereon and the same to be attested by the manual or facsimile signature of its Town Clerk.

THE TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

By: _____
Mayor

(SEAL)

ATTEST:

By: _____
Town Clerk

FORM OF CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue described in the within mentioned Ordinance.

_____, as Trustee

By: _____
Authorized Agent

Date: _____

FORM OF ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

(please print or type name and address of Transferee and Social Security or other identifying number of Transferee)

the within Bond and all rights and title thereunder, and hereby irrevocably constitutes and appoints attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Date: _____

STAMP Language

Signature Guaranteed: _____

NOTICE: Signature(s) must be guaranteed
By an institution which is a participant in the
Securities Transfer Agent Medallion Program
(STAMP) or similar program.

NOTICE: The signature to this assignment
must correspond with name as it appears
upon the face of the within bond in every
particular, without alteration or enlargement
or any change whatever.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA~CM, *Town Manager*
VIA: Charles Cousins, AICP, *Director of Community Development*
VIA: Shawn Colin, AICP, *Deputy Director of Community Development*
FROM: Jennifer Ray, ASLA, *Planning and Special Projects Manager*
DATE: November 21, 2017
SUBJECT: Recommendation to purchase Town-owned property

Staff recommends that Town Council review and consider the attached request to purchase Town-owned property by the Cordillo Courts Board of Directors.

Cordillo Courts
Sea Cabin Racquet Club II
Horizontal Property Regime
Board of Directors

James Ackerman
President
CORDILLO COURTS VILLAS
104 Cordillo Pkwy
Hilton Head Island, SC 29928
jeasg76@yahoo.com

November 27, 2017

Town Council
Hilton Head Island, SC 29928

Dear Town Council of Hilton Head Island,

Thank you for the opportunity to propose a purchase plan for the Town Park at 104 Cordillo Parkway. After much discussion with the Cordillo Court's Board we have come up with what we feel is a fair offer to the Town.

There are two thoughts on how we could proceed. The first is to have Cordillo Courts purchase the property and do the necessary repairs ourselves. Second would be to pay more for the property and have the Town do it so that both the Town and the owners of Cordillo Courts know it will get done and done right.

As you maybe aware of the property known as; "The Tennis Courts" is encompassed on all three sides by Cordillo Courts and the Hedges. On either side is Cordillo Courts and directly in front of you as you enter is the Hedges. The two regimes also have covenants on the Town property that restricts the use of such property. This makes it very restrictive when it comes to who would want to purchase it. In speaking with several appraisers it was explained to me that there would be three ways to value the property however, two would not really apply since there is no income being generated. This would leave one way to value the property, comps. From what I have been told comparables would be difficult since there are restrictions as to what the property can be used for. In conclusion, the property would be most valuable to the adjacent owners, which would be Cordillo Courts and the Hedges.

According to what I have learned The Town paid \$400,000.00 for the property around 10 years ago. There was a tax consideration of \$135,000.00 and \$265,000.00 in cash. Since the time of the purchase the Town has done nothing to maintain the tennis courts and are now in a position to have to invest even more money into the property. My understanding is that the Town allocated \$300,000.00 or more to this project. Unfortunately, just as in any business deal sometimes investments can go south. It should not be expected that

Cordillo Courts make the Town whole in this deal.

Going forward however, if Cordillo Courts were to purchase the property the goal would be to make the tennis court area green space and eventually gate the community. The Town made a very good point when it comes to being able to repair/maintain the property if we were to leave it as is. Therefore, it makes more sense to make it green space and give the residents space to enjoy the property.

Here are the two proposals:

1. Cordillo Courts, or owners of Cordillo Courts, purchases the property at 104 Cordillo Parkway, know as; "The Tennis Courts" for the sum of \$40,000.00 as is with a contingency that we would need to turn it into green space within 6 months to a year.
2. Cordillo Courts, or owners of Cordillo Courts, purchases the property at 104 Cordillo Parkway, know as; "The Tennis Courts" for the sum of \$70,000.00 with a contingency that the Town would turn it into green space within 6 months to a year.

In either case the Town is able to put back the \$300,000.00+ into their budget for other much needed projects plus another \$40,000.00. If you figure in the cost of other things like extra security, privacy fence, staff resources to monitor who is using the property and what for, upkeep, and I am sure a few other things I am not thinking of, the savings back to the Town will be much greater. In the end it will be the residents that will benefit from this deal. They will finally have an area where they can safely play and we will be able to monitor and keep the property clean and functional.

Just as a reminder, this proposal is contingent on both the Hedges and the owners all agreeing. I look forward to hearing back from you soon. Thank you.

Best regards,

James Ackerman
President Cordillo Courts II



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA~CM, *Town Manager*
VIA: Charles Cousins, AICP, *Director of Community Development*
VIA: Shawn Colin, AICP, *Deputy Director of Community Development*
FROM: Teri Lewis, AICP, *LMO Official*
DATE: November 20, 2017
SUBJECT: ZA-2102-2017

Recommendation: The Planning Commission held a public hearing on October 18, 2017 to review ZA-2102-2017. The Planning Commission voted 7-0 to recommend forwarding Properties 1, 2, and 3 to Town Council for approval.

Staff recommends that Town Council approve the proposed rezonings for Properties 1, 2 and 3.

Summary: The Town of Hilton Head Island is proposing to amend the Official Zoning Map by rezoning the following three properties: R510 011 000 0007 0000 (11 Simmons Road) from RM-4 (Low to Moderate Density Residential) to WMU (Waterfront Mixed Use) [Property 1], R510 004 00H 0302 0000 (4501 Meeting Street) from PD-1 (Planned Development Mixed Use) to MS (Main Street) [Property 2] and R510 011 000 0172 0000 (4 Marshland Lane) from WMU to PD-1 [Property 3]. The effect of these rezonings will be to change the allowable uses, densities, height and impervious coverage requirements. This rezoning will not change the zoning designation of property located at 1 Simmons Road which shares the same parcel number as property located at 11 Simmons Road.

Background: Staff originally took forward six properties as part of this rezoning request. The three properties that are not part of this packet [Properties 4, 5 and 6] are all properties which are owned by Beaufort County for Hilton Head Island Airport operations. At the public hearing on October 18th, Planning Commission recommended approval of Properties 5 and 6 and denial of Property 4, due in large part to comments received by members of the Palmetto Hall community. Town and County staff are currently in discussions with Palmetto Hall to determine what changes to the proposed rezoning may be necessary to garner support from Palmetto Hall. Staff determined that it made more sense to separate the properties proposed for rezoning and to take forward the non-Airport related rezonings at this time. The rezonings for the three Airport properties will be brought forward to Town Council at a later date.

As part of the LMO Rewrite project, the former zoning map was repealed and a new zoning map was adopted in its place on October 7, 2014. After the fact, three parcels (Properties 1, 2 and 3) were identified as having been erroneously zoned. Property 1, the location of Simmons Fish Camp restaurant, was previously zoned WMU; as part of the 2014 rezoning this property was rezoned to RM-4. The restaurant is now non-conforming to the zoning district. Property 2, the location of Congregation Beth Yam, was previously zoned PD-1; as part of the 2014 rezoning the non-single-family residential properties in this area were all zoned from PD-1 to MS with the exception of this parcel. The use is conforming in both districts but currently this is the only non-single-family property in the area not zoned MS. Property 3, the location of a portion of the Palmetto Pass office, was previously zoned PD-1; as part of the 2014 rezoning this property was zoned to WMU. This property has no frontage on the water and therefore the parcel is not appropriately located in this district.

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. 2017-#

PROPOSED ORDINANCE NO. 2017-20

AN ORDINANCE TO AMEND TITLE 16, "THE LAND MANAGEMENT ORDINANCE," OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, BY AMENDING SECTION 16-1-107, THE OFFICIAL ZONING MAP WITH RESPECT TO THOSE CERTAIN PARCELS IDENTIFIED AS PARCEL 7 ON BEAUFORT COUNTY TAX MAP #11 TO REZONE THE PARCEL FROM THE RM-4 (LOW TO MODERATE DENSITY RESIDENTIAL) ZONING DISTRICT TO THE WMU (WATERFRONT MIXED USE) ZONING DISTRICT [PROPERTY 1] AND PARCEL 302 ON BEAUFORT COUNTY TAX MAP #4H TO REZONE THE PARCEL FROM THE PD-1 (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT TO THE MS (MAIN STREET) ZONING DISTRICT [PROPERTY 2] AND PARCEL 172 ON BEAUFORT COUNTY TAX MAP #11 TO REZONE THE PARCEL FROM THE WMU (WATERFRONT MIXED USE) ZONING DISTRICT TO THE PD-1 (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT [PROPERTY 3]; 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 a new Official Zoning Map; and

WHEREAS, errors in the Official Zoning Map as a result of the LMO Rewrite project have been identified and it is desirous to correct these errors; and

WHEREAS, these zoning changes would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and further, would be in conformance with the Land Management Ordinance and Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on October 18, 2017 at which time a presentation was made by staff and an opportunity was given for the public to comment on the proposed zoning map amendment application; and

WHEREAS, the Planning Commission, after consideration of the staff presentation and the criteria set forth in Section 16-2-103, voted 7-0-0 to recommend that Town Council approve the proposed zoning map amendment application for Properties 1, 2, and 3; and

WHEREAS, after due consideration of said zoning map amendment application and the recommendation of the Planning Commission, the Town Council, upon further review, finds it is in the public interest that the subject parcels be rezoned.

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 Official Zoning Map of the Town of Hilton Head Island, as referred to in Section 16-1-107 of the LMO, be hereby amended to modify the zoning designation of those certain parcels identified as Parcel 7 on Beaufort County Tax Map #11 to rezone the parcel from the RM-4 (Low to Moderate Density Residential) zoning district to the WMU (Waterfront Mixed Use) zoning district [Property 1] and Parcel 302 on Beaufort County Tax Map #4H to rezone the parcel from the PD-1 (Planned Development Mixed Use) zoning district to the MS (Main Street) zoning district [Property 2] and Parcel 172 on Beaufort County Tax Map #11 to rezone the parcel from the WMU (Waterfront Mixed Use) zoning district to the PD-1 (Planned Development Mixed Use) zoning district [Property 3].

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 _____, 2017.

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA

David Bennett, Mayor

ATTEST:

Krista Wiedmeyer, Town Clerk

Public Hearing: October 18, 2017

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

One Town Center Court

Hilton Head Island, SC 29928

843-341-4757

FAX 843-842-8908

STAFF REPORT ZONING MAP AMENDMENT

Case #:	Name of Project or Development:	Public Hearing Date:
ZA 2102-2017	Zoning Map Fix Rezoning	October 18, 2017

Parcel Data or Location:	Applicant	Agent
<u>Parcel Numbers:</u> Property 1: R510 011 000 007 0000 Property 2: R510 004 00H 0302 0000 Property 3: R510 011 000 0172 0000 Property 4: R510 004 000 0344 0000 Property 5: R510 004 000 0375 0000 Property 6: R510 008 000 0221 0000 <u>Size:</u> Property 1: 1.79 acres Property 2: 2.05 acres Property 3: 1.04 acres Property 4: 2.35 acres Property 5: 0.6 acres Property 6: 1.71 acres <u>Addresses:</u> Property 1: 11 Simmons Road Property 2: 4501 Meeting Street Property 3: 4 Marshland Lane Property 4: 154 Beach City Road Property 5: No address assigned Property 6: 21 Dillon Road	Town of Hilton Head Island One Town Center Ct. Hilton Head Island, SC 29928	Same as Applicant
<u>Existing Zoning District</u> Property 1: RM-4 – Low to Moderate Density Residential Property 2: PD-1 – Planned Development Mixed Use Property 3: WMU – Waterfront Mixed Use Property 4: LC – Light Commercial Property 5: LC – Light Commercial Property 6: LC – Light Commercial	<u>Proposed Zoning District</u> Property 1: WMU – Waterfront Mixed Use Property 2: MS – Main Street Property 3: PD-1 – Planned Development Mixed Use Property 4: IL – Light Industrial Property 5: IL – Light Industrial Property 6: IL – Light Industrial	

<u>Existing Zoning Design Standards</u> See attached Zoning District Standards	<u>Proposed Zoning Design Standards</u> See attached Zoning District Standards	

Application Summary:

The Town of Hilton Head Island is proposing to amend the Official Zoning Map by rezoning the following six properties: R510 011 000 0007 0000 (11 Simmons Road) from RM-4 (Low to Moderate Density Residential) to WMU (Waterfront Mixed Use), R510 004 00H 0302 0000 (4501 Meeting Street) from PD-1 (Planned Development Mixed Use) to MS (Main Street), R510 011 000 0172 0000 (4 Marshland Lane) from WMU to PD-1, R510 004 000 0344 0000 (154 Beach City Road) from LC (Light Commercial) to IL (Light Industrial), R510 004 000 0375 0000 from LC to IL and R510 008 000 0221 0000 (21 Dillon Road) from LC to IL. The effect of these rezonings will be to change the allowable uses, densities, height and impervious coverage requirements. This rezoning will not change the zoning designation of property located at 1 Simmons Road which shares the same parcel number as property located at 11 Simmons Road.

Staff Recommendation:

Staff recommends the Planning Commission find this application to be consistent with the Town's Comprehensive Plan and serves to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein.

Background:

As part of the LMO Rewrite project, the former zoning map was repealed and a new zoning map was adopted in its place on October 7, 2014. After the fact, three parcels (Properties 1, 2 and 3) were identified as having been erroneously zoned. Property 1, the location of Simmons Fish Camp restaurant, was previously zoned WMU; as part of the 2014 rezoning this property was rezoned to RM-4. The restaurant is now non-conforming to the zoning district. Property 2, the location of Congregation Beth Yam, was previously zoned PD-1; as part of the 2014 rezoning the non-single-family residential properties in this area were all zoned from PD-1 to MS with the exception of this parcel. The use is conforming in both districts but currently this is the only non-single-family property in the area not zoned MS. Property 3, the location of a portion of the Palmetto Pass office, was previously zoned PD-1; as part of the 2014 rezoning this property was zoned to WMU. This property has no frontage on the water and therefore the parcel is not appropriately located in this district. The remaining three parcels that make up this rezoning (Properties 4, 5 and 6) were purchased by Beaufort County prior to or after the 2014 rezoning in order to facilitate Hilton Head Island Airport operations. These properties are all currently zoned LC; in order to be used by the airport, even if minimal improvements are proposed, the properties must be located within the IL zoning district.

Applicant's Grounds for ZMA

The Town is pursuing a zoning map amendment to rezone six properties around the island which are currently erroneously zoned.

The change in zoning will change the density, uses, height and maximum impervious coverage for each parcel.

Summary of Facts and Conclusions:**Findings of Fact:**

1. The application was submitted on September 18, 2017 as set forth in LMO 16-2-103.C and Appendix D-1.
2. Per LMO 16-2-102.E.1, when an application is subject to a hearing, the LMO Official shall ensure that the hearing on the application is scheduled for a regularly scheduled meeting of the body conducting the hearing.
3. The LMO Official scheduled the public hearing on the application for the October 18, 2017 Planning Commission meeting, which is a regularly scheduled meeting of the Planning Commission.
4. Per LMO 16-2-102.E, the LMO Official shall publish a notice of the public hearing in a newspaper of general circulation in the Town no less than 15 calendar days before the hearing date.
5. Notice of the October 18, 2017 public hearing was published in the Island Packet on October 1, 2017.
6. Per LMO 16-2-102.E.2, the applicant shall mail a notice of the public hearing by first-class mail to the owners of the land subject to the application and owners of record of properties within 350 feet of the subject land, no less than 15 calendar days before the hearing date.
7. The applicant mailed notices of the October 18, 2017 public hearing by first-class mail to the owners of record of the properties being rezoned and to the owners of record of properties within 350 feet of the subject land on October 2, 2017.
8. Per LMO 16-2-102.E.2, the LMO Official shall post conspicuous notice of the public hearing on or adjacent to the land subject to the application no less than 15 days before the hearing date, with at least one notice being visible from each public thoroughfare that abuts the subject land.
9. The LMO Official posted on October 1, 2017 conspicuous notice of the public hearing on the lands subject to the application.

Conclusions of Law:

1. The application was submitted in compliance with LMO 16-2-103.C and Appendix D-1.
2. The LMO Official scheduled the public hearing on the application for the October 18, 2017 Planning Commission meeting, in compliance with LMO 16-2-102.E.1.
3. Notice of the public hearing was published 16 calendar days before the meeting date, in compliance with LMO 16-2-102.E.2.
4. The applicant mailed notices of the public hearing to owners of record of the properties being rezoned and to the owners of record of properties within 350 feet of the subject land 15 calendar days before the hearing date, in compliance with LMO 16-2-102.E.2.
5. The LMO Official posted conspicuous notice of the public hearing on the lands subject to the application 16 calendar days before the hearing date, in compliance with LMO 16-2-102.E.2.

As set forth in LMO 16-2-103.C.2.e, Zoning Map Amendment (Rezoning) Advisory Body Review and Recommendation, the Commission shall consider and make findings on the following matters regarding the proposed amendment.

Summary of Facts and Conclusions of Law:

Criteria 1: Whether and the extent to which the proposed zoning is in accordance with the Comprehensive Plan (LMO 16-2-103.C.3.a.i):

Findings of Fact:

The Comprehensive Plan addresses this application in the following areas:

Land Use Element**Implication of the Comprehensive Plan – 8.8 Nonconforming Parcels by Use**

- Current zoning classifications should be reviewed along with the associated regulations for each use. Areas that have high instances of nonconforming uses should be reviewed closely and revisions should be made where necessary. Creative alternatives to traditional zoning classifications should be considered, such as form based and smart codes to reflect current building and development trends that are indicative of our Island character.

Goal 8.8 – Nonconforming Parcels by Use

- B. To evaluate the locations of nonconforming uses to determine areas to consider for Zoning Map Amendments.

Implication of the Comprehensive Plan – 8.10 Zoning Changes

- Reviewing the background information as well as analyzing the trends will guide future zoning changes, whether the changes are map amendments or text changes to the requirements for each district. Future land use decisions and requests for zoning changes will be determined using the background information contained in this plan as well as the future land use map, currently represented by the Town's Official Zoning Map.

Goal 8.10 – Zoning Changes

- A. To provide appropriate modifications to zoning designations to meet market demands while maintaining the character of the Island.

Transportation Element**Implication of the Comprehensive Plan – 9.6 Air Transportation**

- Viability for future commercial airline use as part of the overall transportation system serving the Island and leveraging off the value to the community of other Island airport models.

Goal 9.6 – Air Transportation

- A. To ensure that airport operations remain safe while providing air travel to Island.

Conclusions of Law:

1. This application is consistent with the Comprehensive Plan, as described in the Land Use Element as set forth in LMO Section 16-2-103.C.3.a.i.
2. In accordance with the Land Use Element, the proposed rezoning will change the existing use of Property 1, Simmons Fish Camp Restaurant, from non-conforming to conforming.
3. In accordance with the Land Use Element, the proposed rezoning will modify the zoning of Property 2, Congregation Beth Yam, and Property 3, a portion of the Palmetto Pass office, and to appropriately reflect the existing use of the property.
4. In accordance with the Transportation Element, the proposed rezoning of Properties 4, 5, and 6 will allow the airport to use the properties to make required facility improvements to ensure the airport operates safely.

Summary of Facts and Conclusions:

Criteria 2: Whether and the extent to which the proposed zoning would allow a range of uses that are compatible with the uses allowed on other property in the immediate vicinity (LMO 16-2-103.C.3.a.ii):

Findings of Fact:

Property 1:

1. The proposed zoning will allow a variety of residential and commercial uses.
2. The subject area is surrounded by properties zoned RM-4 (single-family neighborhood) and WMU (Broad Creek Marina and Up the Creek restaurant).

Property 2:

1. The proposed zoning will allow some residential uses and limited commercial uses.
2. The subject area is surrounded by properties zoned PD-1 (single-family neighborhood) and MS (adjacent churches).
3. This property has an existing religious institution on it.

Property 3:

1. The proposed zoning will permit a toll office and right-of-way.
2. The subject area is surrounded by multi-family residential (PD-1 and WMU) and the Cross Island Expressway.

Properties 4 – 6:

1. The proposed rezoning will permit a variety of light industrial type uses.
2. The subject areas are surrounded by properties zoned LC, PD-1 and IL.

Conclusions of Law:

The proposed rezonings will allow a range of uses that are compatible with the uses allowed on other property in the vicinity per LMO 16-2-103.C.3.a.ii.

Property 1:

1. The uses that would be allowed on the subject property as a result of the rezoning will be compatible with the uses on the adjacent WMU zoned parcels.
2. Some of the uses that would be allowed on the subject property as a result of the rezoning may not be compatible with the adjacent residential development; however, it is important to note that the subject property has been functioning as a commercial development for several years and was rezoned from WMU to RM-4 in error.

Property 2:

1. Prior to October 7, 2014, this property was zoned PD-1. As part of the LMO Rewrite project, the other non-single-family residential properties in this area were rezoned to a newly created zoning district (MS, Main Street).
2. The uses that would be allowed on the subject property as a result of the rezoning will be compatible with the uses on the adjacent MS zoned parcels.

Property 3:

1. The uses that would be allowed on the subject property as a result of the rezoning will be compatible with the uses on the properties in the immediate vicinity. It is important to note that prior to the LMO rewrite project, this property was zoned PD-1 as part of the Indigo Run master plan; it was rezoned to WMU in error.

Properties 4 – 6:

1. The uses that would be allowed on the subject properties as a result of the rezoning will be compatible with the uses on the adjacent IL zoned parcels.

2. Some of the uses that would be allowed on the subject property as a result of the rezoning may not be compatible with adjacent LC zoned parcels.

Summary of Facts and Conclusions of Law:

Criteria 3: Whether and the extent to which the proposed zoning is appropriate for the land (LMO 16-2-103.C.a.iii):

Findings of Fact:

1. The proposed rezonings are appropriate for the land. The first three properties already contain established existing uses (a restaurant, a religious institution, and a toll office and right-of-way). The remaining three uses were purchased by Beaufort County to assist in meeting goals of the FAA as they relate to the Hilton Head Island Airport.

Conclusion of Law:

1. The proposed rezonings are appropriate for the land in accordance with LMO 16-2-103.C.a.iii.

Summary of Facts and Conclusions of Law:

Criteria 4: Whether and the extent to which the proposed zoning addresses a demonstrated community need (LMO 16-2-103.C.a.iv):

Findings of Fact:

1. The first three properties were zoned incorrectly as part of the LMO Rewrite project in 2014. It is a disservice to their properties to be zoned incorrectly. The latter three properties will be used by the County for the Hilton Head Island Airport; to do that they must be located within the IL zoning district per LMO regulations.

Conclusion of Law:

1. The proposed rezonings demonstrate a community need in accordance with LMO 16-2-103.C.a.iv.

Summary of Facts and Conclusions of Law:

Criteria 5: Whether and the extent to which the proposed zoning is consistent with the overall zoning program as expressed in future plans for the Town (LMO 16-2-103.C.3.a.v):

Findings of Fact:

1. There are no future plans for Properties 1, 2 and 3 that would be in conflict with the proposed rezonings.
2. Properties 4, 5 and 6 were purchased by Beaufort County for the purpose of facilitating operations at the Hilton Head Island Airport.

Conclusions of Law:

The proposed rezonings are consistent with the overall zoning program as expressed in future plans for the Town per LMO 16-2-103.C.3.a.v).

1. There are no future plans for the Town related to properties 1, 2 and 3.
2. Rezoning properties 4, 5 and 6 would be consistent with future plans for these properties.

Summary of Facts and Conclusions of Law:

Criteria 6: Whether and the extent to which the proposed zoning would avoid creating an inappropriately isolated zoning district unrelated to adjacent and surrounding zoning districts (LMO 16-2-103.C.3.a.vi):

Finding of Fact:

1. The subject parcels are all proposed to be rezoned to districts that are immediately adjacent to the subject parcels.

Conclusion of Law:

1. Due to the nearby proximity of other like zoned parcels, the proposed rezonings will not create inappropriately isolated zoning districts that are unrelated to adjacent and surrounding zoning districts.

Summary of Facts and Conclusions of Law:

Criteria 7: Whether and the extent to which the proposed zoning would allow the subject property to be put to a reasonably viable economic use (LMO Section 16-2-103.C.3.a.vii):

Finding of Fact:

1. The properties as proposed to be rezoned will allow a variety of uses. As stated earlier, three of the parcels currently house existing established businesses and the latter three will be used to facilitate the operations of the Hilton Head Island Airport.

Conclusion of Law:

1. The rezoning of the proposed properties will allow the subject properties to be put to a reasonably viable economic use in accordance with LMO Section 16-2-103.C.3.a.vii.

Summary of Facts and Conclusions of Law:

Criteria 8: Whether and the extent to which the proposed zoning would result in development that can be served by available, adequate, and suitable public facilities (e.g. streets, potable water, sewerage, stormwater management) (LMO Section 16-2-103.C.3.a.viii):

Finding of Fact:

1. The infrastructure, to include streets, potable water, sewerage and stormwater management, is already in place.

Conclusion of Law:

1. The proposed rezonings will result in development that will be served by available, adequate and suitable public facilities in accordance with LMO 16-2-103.C.3.a.viii, as they are already developed with such facilities serving the existing developments.

Summary of Facts and Conclusions of Law:

Criteria 9: Is appropriate due to any changed or changing conditions in the affected area (LMO Section 16-2-103.C.3.a.ix):

Finding of Fact:

1. The first three rezonings (properties 1, 2 and 3) are appropriate given that they should have been zoned differently when the island-wide zoning was changed in 2014 as part of the LMO rewrite project. The latter three rezonings (properties 4, 5 and 6) are appropriate given that these properties are now owned by the County and were acquired for the purpose of facilitating operations at the Hilton Head Island Airport.

Conclusion of Law:

1. The proposed rezonings are appropriate for the affected areas due to the fact they are already developed or are in the process of being developed into uses that would be allowed by the

rezonings in accordance with LMO Section 16-2-103.C.3.a.ix).

LMO Official Determination

Staff recommends that the Planning Commission find this application to be **consistent with the Town's Comprehensive Plan and serves to carry out the purposes of the LMO**, based on those Findings of facts and Conclusions of Law as determined by the LMO Official and enclosed herein.

Staff recommends that the Planning Commission recommend **APPROVAL** to Town Council of this application, which includes amending the Official Zoning Map.

Note: If the proposed amendment is approved by Town Council, such action shall be by ordinance to amend the Official Zoning Map. If it is denied by Town Council, such action shall be by resolution.

PREPARED BY:

TL

Teri B. Lewis, AICP
LMO Official

October 12, 2017

DATE

REVIEWED BY:

AC

Anne Cyran
Senior Planner and Planning Commission Coordinator

October 12, 2017

DATE

REVIEWED BY:

SC

Shawn Colin, AICP
Deputy Director of Community Development

October 12, 2017

DATE

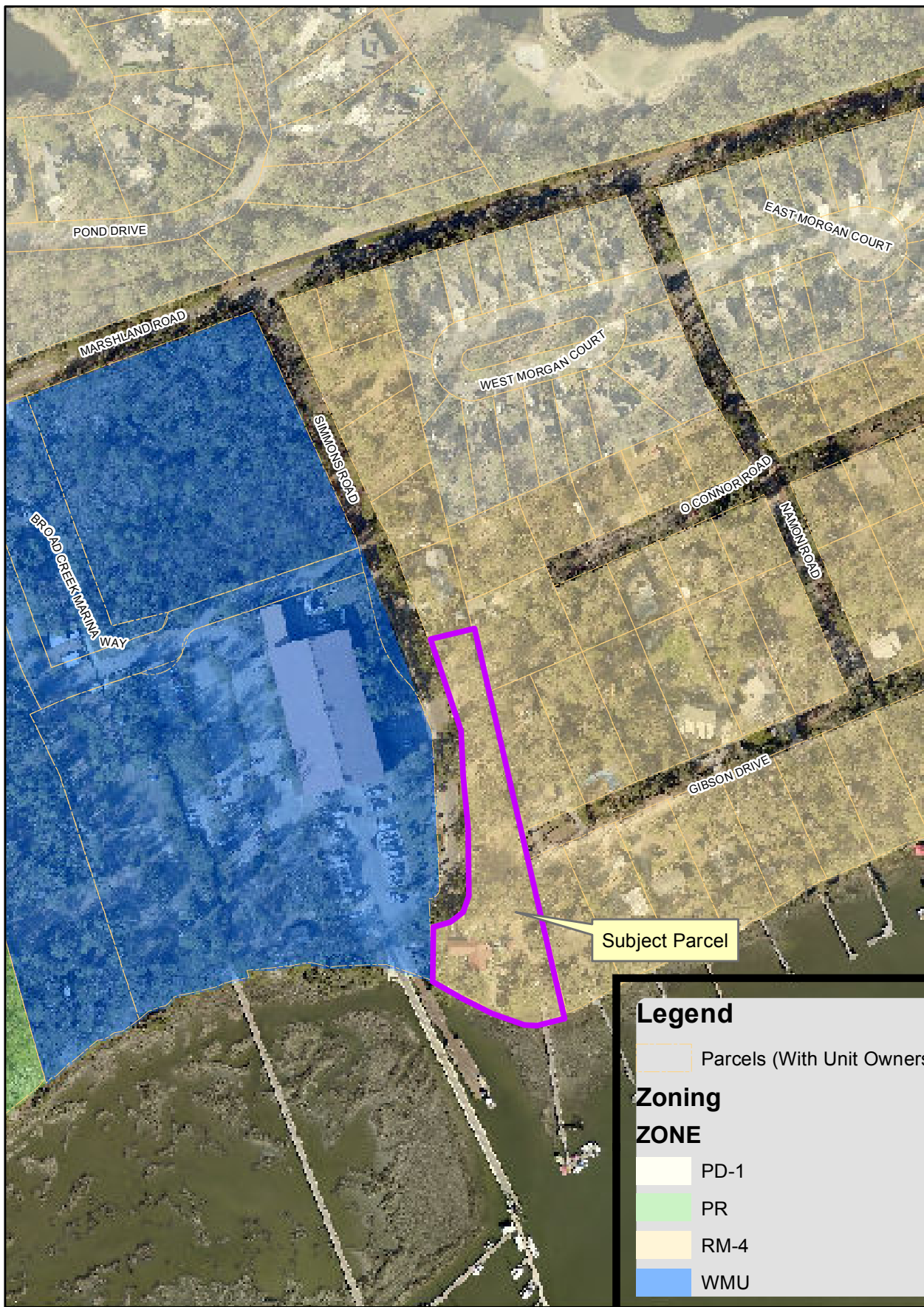
ATTACHMENTS:

- A) Vicinity Map of Property 1
- B) Vicinity Map of Property 2
- C) Vicinity Map of Property 3
- D) Vicinity Map of Properties 4 & 5
- E) Vicinity Map of Property 6

NARRATIVE

The Town is pursuing a zoning map amendment to rezone six parcels within the Town. Three of the parcels were erroneously rezoned to an incorrect zoning district as part of the LMO Rewrite project. The remaining three parcels have been acquired by Beaufort County for the Hilton Head Island Airport and must therefore be rezoned. The six parcels are proposed to be rezoned as follows:

1. R510 011 000 007 0000
Fish Camp Restaurant
11 Simmons Road
Property owner: Simmons Family Holdings, LLC
Proposed to be rezoned from RM-4 (Low to Moderate Density Residential) to WMU (Waterfront Mixed Use)
2. R510 004 00H 0302 0000
Beth Yam Congregation
4501 Meeting Street
Property owner: Beth Yam Congregation
Proposed to be rezoned from PD-1 (Planned Development Mixed Use) to MS (Main Street)
3. R510 011 000 0172 0000
Cross Island Expressway Right of Way and Palmetto Pass office
4 Marshland Lane
Property owner: South Carolina Department of Transportation
Proposed to be rezoned from WMU (Waterfront Mixed Use) to PD-1 (Planned Development Mixed Use)
4. R510 004 000 0344 0000
Property acquired by Beaufort County for Hilton Head Island Airport
154 Beach City Road
Property owner: Beaufort County
Proposed to be rezoned from LC (Light Commercial) to IL (Light Industrial)
5. R510 004 000 0375 0000
Property acquired by Beaufort County for Hilton Head Island Airport
Property owner: Beaufort County
Proposed to be rezoned from LC (Light Commercial) to IL (Light Industrial)
6. R510 008 000 0221 0000
Property acquired by Beaufort County for Hilton Head Island Airport
21 Dillon Road
Property owner: Beaufort County
Proposed to be rezoned from LC (Light Commercial) to IL (Light Industrial)



Legend

Parcels (With Unit Ownership Info)

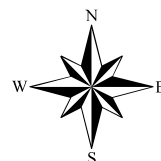
Zoning

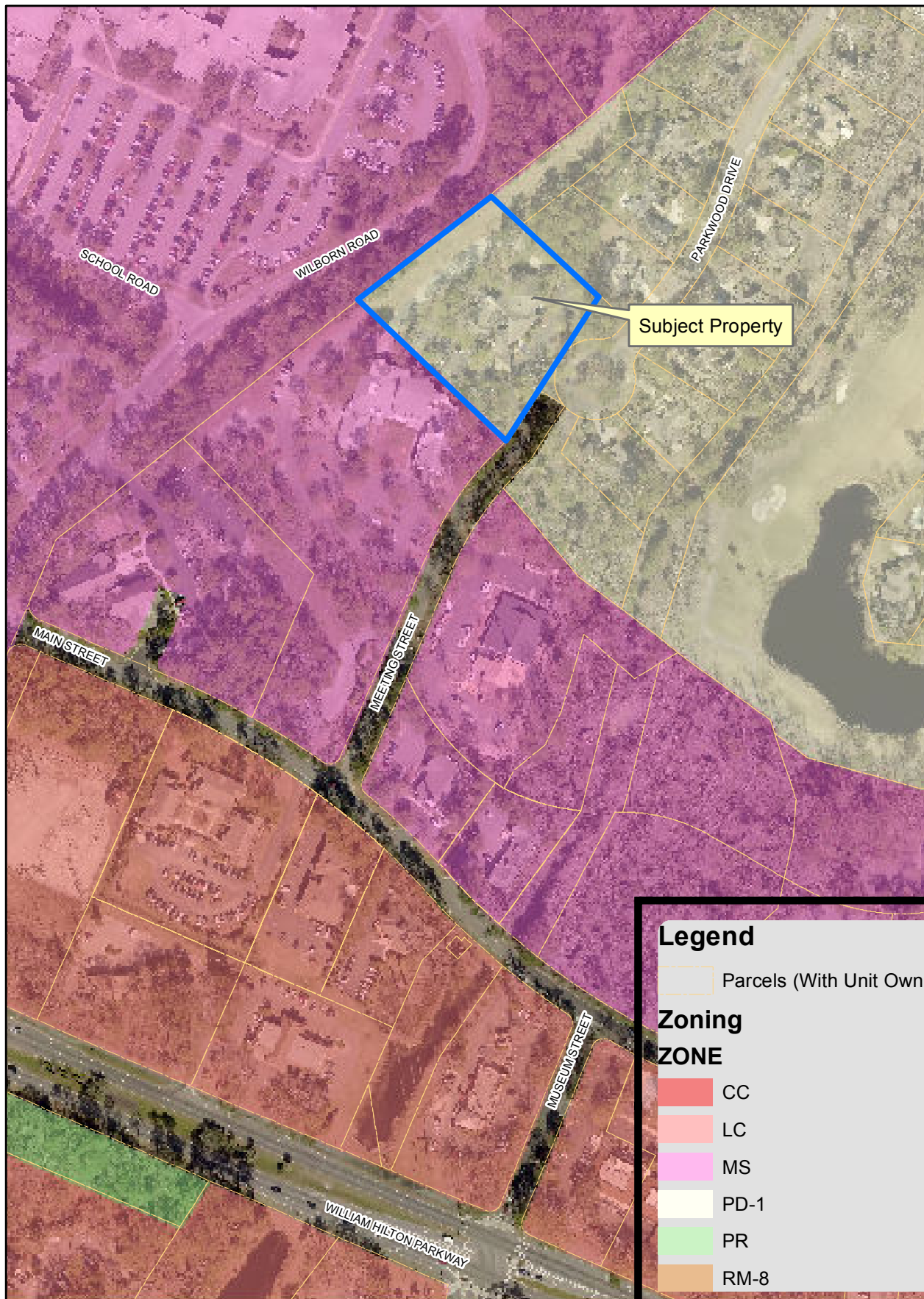
ZONE

- PD-1
- PR
- RM-4
- WMU

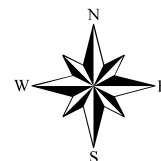


Vicinity Map
Map 11, Parcel 007
11 Simmons Road



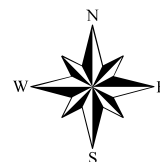


Vicinity Map
Map 4H, Parcel 302
4501 Meeting Street





Vicinity Map
Map 11, Parcel 172
4 Marshland Lane





TOWN OF HILTON HEAD ISLAND

Executive Department

TO: Town Council
FROM: Krista Wiedmeyer, Town Clerk
VIA: Stephen G. Riley, ICMA-CM, Town Manager
DATE: November 27, 2017
SUBJECT: Proposed Ordinance 2017-23 | Amendments to the Municipal Code

Pursuant to Section 2-7-40(a) of the Town of Hilton Head Island Municipal Code, Councilman John McCann submitted an ordinance to Krista Wiedmeyer, the Municipal Clerk on November 20, 2017 at approximately 11:45 a.m. By way of email, Ms. Wiedmeyer gave notice to all the members of Town Council of the Proposed Ordinance 2017-23.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

PROPOSED ORDINANCE NO. 2017-_____

ORDINANCE NO. 2017-_____

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 3, MUNICIPAL COUNCIL, SECTION 2-3-40, POWERS AND DUTIES OF THE MAYOR; BY AMENDING CHAPTER 5, MEETINGS OF COUNCIL AND RULES OF PROCEDURE, SECTION 2-5-10, DATE, TIME AND PLACE, SECTION 2-5-50, AGENDA AND ORDER OF BUSINESS, AND SECTION 2-5-60, COMMITTEES OF COUNCIL; AND BY AMENDING CHAPTER 11, OFFICERS AND DEPARTMENTS, SECTION 2-11-30, MUNICIPAL CLERK; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on September 26, 1983, the Town Council of the Town of Hilton Head Island, South Carolina adopted The Municipal Code of the Town of Hilton Head Island, South Carolina pursuant to Ordinance No. 83-5; and

WHEREAS, on January 20, 1986, the Town Council of the Town of Hilton Head Island, South Carolina adopted and enacted a New Code of Ordinances To Be Known as The Municipal Code of the Town of Hilton Head Island, South Carolina pursuant to Ordinance No. 86-1; and

WHEREAS, on May 15, 1989, Town Council of the Town of Hilton Head Island, South Carolina adopted and re-enacted a Re-codified Code of Ordinances To Be Known as The Municipal Code of the Town of Hilton Head Island, South Carolina pursuant to Ordinance No. 89-7; and

WHEREAS, Town Council of the Town of Hilton Head Island, South Carolina deems it appropriate to amend The Municipal Code of the Town of Hilton Head Island, South Carolina;

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:

NOTE: New text is indicated by a double underline, deleted text is indicated by ~~strike through~~, and unchanged text is indicated by [No Change].

Section 1. Amendment of Title 2, General Government and Administration, Chapter 3, Municipal Council, of The Municipal Code of the Town of Hilton Head Island, South Carolina.

That Municipal Code 2-3-40 is amended to read as follows:

Sec. 2-3-40. - Powers and duties of the mayor.

The mayor shall have the same powers, duties, and responsibilities conferred by law on any member of the council. In addition, the mayor shall:

- (1) ~~Establish the agenda for and serve~~ Serve as presiding officer at council meetings.

(2) [No Change]

(3) [No Change]

(4) [No Change]

(5) [No Change]

~~(6) Appoint council members to the standing committees of council as provided for in Municipal Code subsection 2-5-60(a).~~

Section 2. Amendment of Title 2, General Government and Administration, Chapter 5, Meetings of Council and Rules of Procedure, of The Municipal Code of the Town of Hilton Head Island, South Carolina. That Municipal Code sections 2-5-10, 2-5-50, and 2-5-60 are amended as follows:

Section 2.A. Amendment of Municipal Code section 2-5-10. Municipal Code section 2-5-10 is hereby amended to read as follows:

Sec. 2-5-10. - Date, time and place.

(a) [No Change]

(b) Special meetings of the council may be held on the call of the mayor or on the call of a majority of the members of the council by written notice to the municipal clerk. Public notice of a special or rescheduled meeting shall be given as early as is practicable but not less than twenty-four (24) hours in advance of the time of the meeting by the municipal clerk. The public notice shall include the agenda, date, time and place of the special or rescheduled meeting. Such notice shall be given at least twenty-four (24) hours in advance of the time of the meetings to all available members of the council by the municipal clerk.

(c) [No Change]

Section 2.B. Amendment of Municipal Code section 2-5-50. Municipal Code section 2-5-50 is hereby amended to read as follows:

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 by the municipal clerk and conform to the order of business of council.

(b) [No Change]

(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 (24) hours' notice to the public, which must be made in the same manner as the original posting. After the meeting begins, the agenda may be amended to add or delete items by a majority vote of the members present; provided, however, that an item upon which action can be taken may only be added to the agenda by a two-thirds (2/3) 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 (2/3) 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) Confirmation of compliance with the requirements of the South Carolina Freedom of Information Act.
- (3) Approval and adoption of the agenda.
- ~~(34)~~ Executive session.
- ~~(35)~~ Pledge of allegiance.
- ~~(46)~~ Invocation.
- ~~(57)~~ Proclamations and commendations.
- ~~(68)~~ Reading of minutes of previous meeting, their consideration and approval.
- ~~(79)~~ Reports from municipal officers.
- ~~(810)~~ Reports of council.
- ~~(911)~~ Reports of committees.
- ~~(1012)~~ Appearances by citizens.
- ~~(1113)~~ Unfinished business.
- ~~(1214)~~ New business.

(1315) Possible actions by town council concerning matters discussed in executive session.

(1416) Adjournment.

(e) Executive session agenda items shall be consistent with applicable state law, and shall consist of matters referred to council by the town manager, and matters approved by a majority vote of council.

(f) New business agenda items shall consist of matters referred to council by a majority vote of committees, board and commissions, matters referred to council by the town manager, ordinances proposed by members of council, and matters approved by a majority vote of council.

(eg) [No Change]

(fh) Executive sessions, if necessary, for regular meetings shall begin at 4:00 p.m. and end no later than 5:00 p.m. The pledge of allegiance and the public portion of the regular meeting shall begin at 5:00 p.m. and end no later than 8:00 p.m. ~~The mayor-Council~~ shall have the discretion to extend the meeting if circumstances warrant. Council may reenter executive session at any time during the public portion of the meeting if a majority of council determines it necessary.

Section 2.C. Amendment of Municipal Code section 2-5-60. Municipal Code section 2-5-60 is hereby amended to read as follows:

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

(a) The town council shall have standing committees to assist in the efficient operation of the town council, namely the finance and administrative committee, intergovernmental and public safety committee, community services committee, public planning committee, and public facilities committee. Each committee shall be composed of three (3) town council members and an alternate, who shall also be a member of council. ~~The mayor-council shall appoint the members and the alternate and shall designate a chairman of each standing committee.~~

(b) [No Change]

(c) [No Change]

Section 3. Amendment of Title 2, General Government and Administration, Chapter 11, Officer and Departments, Section 2-11-30, Municipal Clerk, of The Municipal Code of the Town of Hilton Head Island, South Carolina. That Municipal Code section 2-11-30 is hereby amended as to read as follows:

Sec. 2-11-30. - Municipal clerk.

- (a) [No Change]
- (b) [No Change]
- (c) The municipal clerk shall perform the following duties:
 - (1) Prepare the agenda for and give ~~Give~~ notice to the public and members of the council of ~~regular and special~~ meetings of the council;
 - (2) [No Change]
 - (3) [No Change]

Section 4. Severability. If any sections, 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 attest the validity of the remaining portions thereof.

Section 5. Effective Date. This Ordinance shall be effective upon its adoption 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 _____, 2017

David G. Bennett, Mayor

ATTEST:

_____, Town Clerk

First Reading: _____ (Date)
Second Reading: _____ (Date)

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right, positioned over the line for the Council Member's name.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley ICMA~ CM, *Town Manager*
VIA: Charles Cousins, AICP, *Community Development Director*
VIA: Shawn Colin, AICP, *Deputy Director of Community Development*
FROM: Jennifer Ray, ASLA, *Planning and Special Projects Manager*
CC: Jayme Lopko, AICP, *Senior Planner*
DATE: November 21, 2017
SUBJECT: Park Name Change Recommendations

Recommendation: That Town Council adopt the name change of the existing Fish Haul Creek Park to Historic Mitchelville Freedom Park and adopt the name change of the existing Mitchelville Beach Park to Fish Haul Beach Park.

The Parks & Recreation Commission met on October 12, 2017 and voted unanimously to recommend that Town Council change the name of the existing Fish Haul Creek Park to Historic Mitchelville Freedom Park and change the name of the existing Mitchelville Beach Park to Fish Haul Beach Park.

The Public Facilities Committee met on October 23, 2017 and took action to recommend the same name changes for approval by the full Town Council.

Summary: The Town of Hilton Head Island owns an approximately 33 acre tract of land at the end of Beach City Road currently referred to as Fish Haul Creek Park. This park is classified as a special use park by the Comprehensive Plan and historically has been a passive park with trails to the beach and a boardwalk over the creek.

The Town of Hilton Head Island owns an approximately 23 acre tract of land along Mitchelville Road currently referred to as Barker Field Expansion and Mitchelville Beach Park. This park is classified as a community park by the Comprehensive Plan with the Barker Field Expansion containing fields used for sports such as soccer and a boardwalk to overlook the ocean and Mitchelville Beach Park containing parking, restrooms, and beach access.

In April of 2017, the Town executed a lease of the Fish Haul Creek Park property to the Mitchelville Preservation Project (MPP). MPP requested the name of the park be changed to Historic Mitchelville Freedom Park. This request is consistent with current park naming conventions and consistent with LMO requirements.

In order to avoid duplication and confusion over using the Mitchelville name in parks, Town staff is proposing to change the name of Mitchelville Beach Park. The requested name of Fish Haul

Beach Park is consistent with current park naming conventions and consistent with LMO requirements.

Background: Historically, after ensuring compliance with the Town's LMO, staff has presented proposed park names to the Parks and Recreation Commission for consideration and recommendation of approval to Town Council.

The following criteria from the Town's LMO were followed when developing the name of the park:

16-2-103.N.4.a

No new development project name, or proposed modified name of a development, except phases of the same development project, shall duplicate, be phonetically similar to, or in any way be likely to be confused with an existing development project name, despite the use of prefixes or suffixes.

16-2-103.N.4.b

Names shall be simple, logical, easy to read and pronounce, and clear and brief. Use of frivolous or complicated words or unconventional spellings in names shall not be approved.

16-2-103.N.4.c

It is desirable to use names that have some association with Hilton Head Island and specifically with the immediate location of the street or place, such as reference to local history or physiographic features.

16-2-103.N.4.d

The proposed name of the development project shall in all respects emphasize the project's distinctive name rather than the name of the company or corporation that owns the development. This will reduce confusion on the location of a separate development owned by the same company or corporation.

The Town's Fire Rescue Department approved the names with regard to not duplicating or being similar to another development or project in Beaufort County. The names are logical and easy to understand and are significant to the specific locations and immediate areas of the parks. Representatives from the area Property Owner's Association also reviewed the proposed names and had no objection to the new names.

The Town of Mitchelville is significant and distinct to this area of the island. Mitchelville was the first self-governed settlement for freedmen in the United States after the Civil War. The name, "Historic Mitchelville Freedom Park", was requested by the Mitchelville Preservation Project to signify the historic nature of the park as well as acknowledging Mitchelville, the name of the settlement, and freedom in honor of the first freedmen after the war.

The sign at Fish Haul Creek Park has read "Future Home of Historic Mitchelville Freedom Park" since 2011. The Mitchelville Preservation Project executed a lease with the Town for Fish Haul Creek Park in April of 2017 and are prepared to purchase and install a new sign panel on the existing sign base in accordance with the existing design and specifications.

MITCHELVILLE PRESERVATION PROJECT. Inc

P. O. Box 21758
536 William Hilton Parkway, Suite 134
Hilton Head Island, SC 29925
www.exploremitchelville.org

August 17, 2017

EXECUTIVE OFFICERS

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**Jayme Lopko
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928**

Dear Jayme,

I am writing to officially request that the name of Fish Haul Creek Park be changed to Historic Mitchelville Freedom Park. Per our previous conversation, the Mitchelville Preservation Project accepts the financial responsibility for the creation and installation of the new sign on Beach City Road. Please let me know if you require any additional information to aid this request.

Thank you in advance for your consideration in this manner and please feel free to contact me if you have any questions.

Sincerely,



**Ahmad Ward
Executive Director**

Hilton Head Island, South Carolina

The Mitchelville Preservation Project is a 501(c)(3) tax-exempt organization. Your contribution is tax-deductible to the extent permitted by law.



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE 843.334.4600

Date Created:
Project: mapnet

Town of Hilton Head Island Park Name Change Requests September, 2017



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