



Town of Hilton Head Island

Town Council Meeting

Tuesday, July 23, 2024, 3:00 PM

**1 Town Center Court, Hilton Head Island, SC
Benjamin M. Racusin Council Chambers**

The meeting can be viewed on the [Town's YouTube Channel](#), the [Beaufort County Channel](#), and Spectrum Channel 1304.

- 1. Call to Order**
- 2. Pledge to the Flag**
- 3. Invocation – Reverend Diane Knauf, First Presbyterian Church**
- 4. Adoption of the Agenda**
- 5. Approval of the Minutes**
 - a. Special Workshop Minutes of June 17, 2024
 - b. Regular Meeting Minutes of June 18, 2024
 - c. Special Workshop Minutes of June 20, 2024
 - d. Special Meeting Minutes of June 28, 2024
- 6. Presentations and Recognitions**
 - a. Report of the Town Manager
 - b. Sand Shark Welcome Week Proclamation - Mayor Perry
 - c. Parks and Recreation Month Proclamation - Mayor Perry
 - d. Office of Cultural Affairs Update - Natalie Harvey, Director of Cultural Affairs
- 7. Reports from Members of Town Council**
 - a. General Reports from Town Council
 - b. Report of the Lowcountry Area Transportation Study – Glenn Stanford

- c. Report of the Lowcountry Council of Governments – Tammy Becker
- d. Report of the Beaufort County Airports Board – David Ames
- e. Report of the Southern Lowcountry Regional Board – Glenn Stanford
- f. Report of the Island Recreation Association Board – Alex Brown
- g. Report of the Community Services and Public Safety Committee – Tammy Becker
- h. Report of the Public Planning Committee – David Ames
- i. Report of the Finance and Administrative Committee – Alex Brown

8. Unfinished Business

- a. Consideration of an Ordinance of the Town of Hilton Head Island Authorizing the Execution and Delivery of a Quit Claim Deeds for a Portion of Property Owned by the Town of Hilton Head Island and Beaufort County Identified as 54 Muddy Creek Road and the Purchase of a Stormwater Easement for the Same- Second and Final Reading - Josh Gruber, Deputy Town Manager

9. New Business

- a. Consideration of a Resolution Authorizing the Acceptance of a Donated Right-of-Way and Corresponding Pathway Easement for Property Located at 272 Mitchelville Road - Josh Gruber, Deputy Town Manager
- b. Consideration of a Resolution Relating to the Declaration of Intent by the Town of Hilton Head Island, South Carolina, to Reimburse Certain Expenditures Prior to the Execution and Delivery of a Tax-Exempt Equipment Lease for Purchase of Fire Rescue Vehicles in an Amount not to Exceed Twelve Million Dollars - John McGowan, Assistant Finance Director

10. Public Comment - Non Agenda Items

11. Executive Session

- a. Discussion of Negotiations Incident to Proposed Contractual Arrangements and Discussions for the Proposed Sale or Purchase of Property (Pursuant to the South Carolina Freedom of Information Act Section 30-4-70 [a]) related to:
 - 1. Pope Avenue Area
 - 2. Hilton Head Public Service District Easement Request at the Old Welcome Center Tract
 - 3. Hilton Head Public Service District Easement Request at the Ashmore Tract
 - 4. Former Modern Classic Motors Site
 - 5. Former Driftwood Stables Site

6. Status Update on Beaufort County Greenspace Applications

- a. Mitchelville Road
- b. Jonesville Road
- c. Marshland Road
- d. William Hilton Parkway

b. Discussion Regarding the Development of Security Personnel or Devices
(Pursuant to South Carolina Freedom of Information Act 30-4-70(a)(3))

1. Receipt of Legal Advice from the Town Attorney on the Use of Automatic License Plate Readers

c. Discussion of the Employment, Appointment, Compensation, Promotion, Demotion, Discipline, or Release of a Person Regulated by a Public Body
(Pursuant to South Carolina Freedom of Information Act 30-4-70(a)(1)) related to:

1. Discussion of the Annual Performance Review of the Town Attorney and Contractual Matters Related Thereto.

12. Action from Executive Session

13. Adjournment

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.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Hilton Head Island will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. Auditory accommodations are available. Any person requiring further accommodation should contact the Town of Hilton Head Island ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

Municipal Association of South Carolina (MASC) Civility Pledge:

"I pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of my city or town."



Town of Hilton Head Island TOWN COUNCIL SPECIAL WORKSHOP Monday, June 17, 2024, 5:00 PM Minutes

Call to Order

Mayor Perry called the workshop to order at 5:00 p.m.

Council Members present: Alan Perry, Mayor, David Ames, Ward 3, Mayor Pro-Tempore; Alex Brown, Ward 1; Patsy Brison, Ward 2; Tammy Becker, Ward 4; Steve Alfred, Ward 5; Glenn Stanford, Ward 6

Adoption of the Agenda

Mr. Ames moved to approve. Mr. Alfred seconded. Motion carried 6-0.

Report of Findings from Gateway Corridor Project Independent Study

Shawn Colin, Assistant Town Manager, Engineering and Capital Projects provided background information regarding the proposed project. He introduced the following: Jared Fralix, Assistant County Administrator; Thomas Boxley, Executive Director, Gullah Geechee Historic Neighborhoods CDDC; Brian Kinzelman, Senior Principal, MKSK; and representatives of Lochmueller Group.

Mr. Colin proceeded to his presentation.

This project began in 2017 as a need was identified by the South Carolina Department of Transportation (SCDOT) to improve the eastbound Mackay Creek Bridge that connects the mainland to the island (there are two bridges in each direction). The Town and County requested a more comprehensive approach to address this corridor rather than a series of projects and improvements over several years.

November, 2018 - Sales Tax Referendum was approved containing the following: » \$80 Million would go towards U.S. 278 Corridor Traffic Improvements including repairing and replacing the existing spans of the bridges to Hilton Head Island and the other improvements between Moss Creek Drive and Suire Pope Road. » Since that time, Beaufort County as the project sponsor and SCDOT as the project Manager have involved time and funding to conduct an evaluation of alternatives and prepared a draft Preferred Recommendation following the NEPA process. There has been public involvement, with many workshops, well over 60 public meeting, and opportunities to provide comments.

April, 2021, the Town worked with technical consultants with expertise in engineering, planning, and design, starting in April 2021 to review the project and draft recommendations to improve the corridor alignment and design elements.

Town Council approved 26 recommendations on October 12, 2021, to be considered within the project to improve the corridor alignment and design elements.

In order to make certain that all reasonable alternatives have been evaluated before a final decision is made. Town Council approved a Memorandum of Agreement (MOA) with Beaufort County on October 4, 2022. The MOA outlined a critical path and steps to take to reach a point for municipal consent consideration.

Town Council created the William Hilton Parkway Gateway Corridor Independent Review Advisory Committee in February, 2023. Appointments made on March 21, 2023.

Town Council approved Request for Proposals and Scope of Work for Independent Study in June, 2023.

August, 2023 to October, 2023 Consultant, The Lochmueller Group, Inc. procured to conduct Independent Study.

October, 2023 CBB Transportation Engineers and Planners, contracted through Beaufort County, presented findings from its Independent Review of the Gateway Corridor.

October, 2023 to present Hilton Head Island Procured Independent Study in progress (10 public meetings of the Committee occurred between November 3, 2023, and June 12, 2024).

December, 2023 – June, 2024 the Lochmueller Group presenting findings and recommendations to the Committee in accordance with the Town Council approved Scope of Work.

The purpose of this project is to address structural deficiencies, identified by SCDOT in 2015 at the existing eastbound Mackay Creek bridge and reduce congestion within the project study area. The Mackay Creek bridge was built during the 1950s (opened in 1956) and is scheduled for replacement as part of SCDOT's bridge replacement program.

Cracks can be seen on the underpinnings of the mainland end of U.S. 278's Karl S. Bowers Bridge over Mackay Creek on Aug. 18, 2015. The span, built in 1956, has been listed among South Carolina's 25 most structurally deficient bridges.

Mr. Colin reviewed the full project extent and reference points.

In order to see the full presentation and preferred alternative video for the WHP Gateway Corridor project please go to the following link:

[William Hilton Parkway Corridor June 17, 2024 Town Council Workshop Presentation \(hiltonheadislandsc.gov\)](https://hiltonheadislandsc.gov/William-Hilton-Parkway-Corridor-June-17-2024-Town-Council-Workshop-Presentation)

[HHI_Final_V5 on Vimeo](#)

Throughout the presentation, Council members held discussion, asked questions and made comments regarding: clarification of the February 18 report – the Committee proposed a mitigation plan for Stoney and Town Council did not adopt it at that time; confirmation that the guiding principal to consider future transportation alternatives has been completed; inquiry as to notification and involvement process for Jenkins Island and Windmill Harbour regarding the current design; an opinion the proposed project is not

aesthetically designed; question as to whether all guiding principals have been met; inquiry and confirmation photos regarding congestion were taken during a.m. workday peak traffic hours; confirmation the environmental assessment prepared by SCDOT was reviewed; inquiry as to a second bridge alternative; inquiry as to the County's position on a second bridge; clarification a second bridge alternative is not part of his specific project; comment that decisions are being made prior to determination being assessed; clarification the new proposed bridge will be very close in proximity to the same distance as the existing bridge; clarification as to what trees will be impacted; inquiry as to better access to pickleball courts on Old Schoolhouse property; inquiry as to cost of improvements put forth from Hilton Head Island Town Council and confirmation of additional costs for Hilton Head Island as they are not included in the projected cost; confirmation SCDOT and the County did not agree to the costs for the additional items and overruns regarding requests and they will be incurred by local funding; concern over the process for Municipal Consent; concern over what recourse they have after giving Municipal Consent; confirmation that until there is a final design a line item cost estimate cannot be completed; discussion regarding width and medians on the existing bridge and proposed project; confirmation the medians will be concrete barriers; concern over minimal impact of time saved in commuting to the Island; suggestion transportation alternatives need to be discussed; lengthy discussion on the impact on the Stoney Community; and confirmation discussions have been ongoing with business and private property owners.

Public Comment

John Stewart addressed Council regarding his concern regarding noise pollution and spoke in opposition to the plan.

Linda Herrington addressed Council regarding her opposition to the plan by reading her statement noting they are risking destroying the habitat without proper studies.

Christopher Cliff addressed Council regarding his opinion that there is no need for a bridge this size with a useless bike lane.

Chris Ruffner addressed Council stating a larger bridge will bring more people and suggested tax incentives and flexible work hours could possibly alleviate the traffic issues.

Frank Babel addressed Council stating the existing bridge is failing and businesses are failing because people cannot get here. If we can't get the bridge fixed, the Town will be in trouble.

Skip Hogland addressed Council regarding allowing too much tourism and the effect it has on the Island. He stated the Town needs to stop promoting Hilton Head Island and the proposed corridor will not solve traffic problems.

Felice Lamarka address Council stating the more we build, the more people will come. She proposed looking at other solutions.

Gray Smith addressed Council in opposition to the plan noting he supports refurbishing the existing bridge.

John O'Toole addressed Council stating the need for empathy for people dealing with the bridge traffic and the need to address an aging infrastructure before a major catastrophe takes place.

David Johnson addressed Council stating the guiding principals need to be revisited.

Steve Robinson addressed Council stating the bridge is not safe and a new one needs built. His opinion is the lights are the issue with traffic.

Angie Hutchins addressed Council regarding the need to be creative due to the job shortage.

Deiderick Advocaat addressed Council stating the advisory committee has yet to make a final recommendation and encouraged Council not to dissolve the committee.

Lynn Greeley addressed Council regarding the crowdedness of Hilton Head Island and the traffic lights do not address the issue of traffic back-up.

Peter Kristian addressed Council and encouraged them to address the growth issue on the Island and implement a moratorium on development.

John Casey addressed Council stating the advisory committee has not yet made a recommendation to Council and suggestions the Town is being pressured by Beaufort County.

Memorandum of Understanding with Beaufort County for the William Hilton Parkway Gateway Corridor Project

Due to the lateness of the hour, this item was not discussed.

Ms. Brison expressed concern regarding the Town Council meeting scheduled for June 20 which included action items regarding William Hilton Parkway. Mayor Perry stated he would take the concerns under advisement to determine the next steps forward.

Adjournment

The meeting was adjourned at 10:49 p.m.

Approved:

Kimberly Gammon, Town Clerk

Alan R. Perry, Mayor

The recording of this Meeting can be found on the Town's website at www.hiltonheadislandsc.gov



Town of Hilton Head Island TOWN COUNCIL MEETING Tuesday, June 18, 2024, 3:00 PM Minutes

Call to Order

Mayor Perry called the meeting to order at 3:00 p.m.

Council Members present: Alan Perry, Mayor, David Ames, Ward 3, Mayor Pro-Tempore; Alex Brown, Ward 1; Patsy Brison, Ward 2; Tammy Becker, Ward 4; Steve Alfred, Ward 5; Glenn Stanford, Ward 6

Invocation – Pastor Brett Meyers, First Baptist Church of Hilton Head Island

Pastor Meyers delivered the invocation.

Adoption of the Agenda

Mr. Ames moved to approve. Mr. Stanford seconded. Motion carried 7-0.

Adoption of the Minutes

Regular Meeting Minutes of June 4, 2024

Mr. Ames moved to approve. Mr. Alfred seconded. Motion carried 7-0.

Report of the Town Manager

Mr. Orlando introduced Derrick Coaxum, Facilities Director. He stated Mr. Coaxum previously worked at the Town and has more than 25 years of experience and welcomed him back as part of the team.

General Reports from Town Council

Mayor Perry announced that the originally scheduled meeting for Thursday, June 20 at 3:00 p.m. has been changed from a meeting to a workshop where the discussion regarding the William Hilton Parkway Gateway Corridor Project will continue. He stated the room set-up will be the same as a Town Council meeting to accommodate the attendees.

Ms. Brison referenced Wednesday, June 19 as Juneteenth and expressed her appreciation to the Mitchelville Board of Directors for the wonderful celebration held on Saturday, June 15.

Mr. Ames recognized Sam Gillman stating he will be competing in the trials for the United States Olympic Team in the 1500 meter race on Friday, June 21 at 8pm. He encouraged all to root Sam on in his endeavor.

Report of the Lowcountry Area Transportation Study - Glenn Stanford

Mr. Stanford stated there was a meeting on June 7 and reviewed the County-wide Transportation Impact Analysis ordinance in an effort to move it forward, they approved support for the South Carolina Department of Transportation (SCDOT) East Coast Greenway Active Transportation infrastructure investment, and discussion regarding

Section 5.b of the Bluffton Parkway Project. He added that SCDOT presented a report on where the improvements to Interstate 95 will occur.

Report of the Lowcountry Council of Governments - Tammy Becker

No report.

Report of the Beaufort County Airports Board - David Ames

No report

Report of the Southern Lowcountry Regional Board - Glenn Stanford

Mr. Stanford stated the Board met on May 28 and received an update from Joel Taylor, President, Hilton Head Regional Hospital regarding the new ownership and the impacts emphasizing the large investment the new owners are going to make in the hospital facilities. Beaufort County Council Chairman conducted a presentation regarding the proposed tax referendum.

Report of the Island Recreation Association Board - Alex Brown

No report.

Report of the Community Services and Public Safety Committee - Tammy Becker

Ms. Becker stated the Committee has conducted interviews for upcoming vacancies for boards, commissions and committees and will be making recommendations to the full Council during Executive Session.

Report of the Public Planning Committee - David Ames

No report.

Report of the Finance and Administrative Committee - Alex Brown

No report.

Appearance by Citizens

John Casey addressed Council expressing his appreciation that Thursday's meeting is now a workshop to further the William Hilton Parkway Corridor Project.

John Davidson addressed Council regarding the need to focus on how decisions impact health care providers and workers. He stated the primary responsibility of Council is the enhancement of property values. He expressed his opinion the Town needs to hire an Urban Economic Law Firm.

Skip Hoagland addressed Council stating the need for transparency and a forensic audit.

Unfinished Business

Consideration of an Ordinance Amending Section 10-5-50 of the Municipal Code of the Town of Hilton Head Island to Award a Non-Exclusive Commercial Beach Franchise Agreement - Second and Final Reading - Josh Gruber, Deputy Town Manager

Mr. Gruber assured Council that everything discussed at the June 4 Town Council meeting has been incorporated into the document before them for consideration of approval.

Mayor Perry asked for public comment. There was none.

Council members made comments, asked questions and held discussion regarding: confirmation that the Franchise Fee is 3%.

Mr. Ames moved to approve. Mr. Alfred seconded. Motion carried 7-0.

Consideration of an Ordinance Amending Sections 2-5-15 (Public Meetings and Public Hearings of Town Council and Boards and Commissions); 2-5-50 (Agenda and Order of Business); 2-5-70 (Appearance by Citizens During Public Meetings); and 2-5-80 (Rules of Decorum) of the Municipal code of the Town of Hilton Head Island - Second and Final Reading - Josh Gruber

Mr. Gruber stated there were no changes to the proposed ordinance since first reading. He added there have been no public comments or feedback submitted. He said the item changes code regarding the order of items on agendas, the process by which people can make public comment and an outline of the expected behavior when speaking at public meetings

Mayor Perry asked for public comment.

John Davidson addressed Council suggesting asking people who speak during public comment if they are taxpayers and how they are impacted by the item being addressed because the primary duty of this Council is to promote the growth of real property values.

Mr. Ames moved to approve. Mr. Alfred seconded.

Council members made comments, asked questions and held discussion regarding: inquiry as to how the public is going to be educated and informed regarding the rules; inquiry as to how Boards, Committees and Commissions will be trained; confirmation this will define the expectations regarding conduct and procedures when there are public comments; confirmation ongoing training will take place annually for all Boards, Committees and Commissions and a confirmation public comment will still take place regarding agenda items and non-agenda items.

Ms. Becker voiced her opposition to the ordinance stating her belief that it is a violation of the First Amendment, she further inquired as to what resources were used to determine behavior and decorum requirements.

Motion carried 6-1 (Becker opposed).

Skip Hoagland addressed Council regarding the question of legality when it comes to awarding Power of Attorney to a second party to speak on your behalf.

Chester Williams stated Council has the right to regulate the time, place and manner of speech but not what an individual can say.

Christopher Cliff inquired as to why this is being done.

Mr. Gruber continued by highlighting the revisions that were being addressed which are an attempt to clean up matters within Code in order to go through the order of business of Council and take public comment at the appropriate times.

New Business

Consideration of an Ordinance of the Town of Hilton Head Island Authorizing the Execution and Delivery of Quit Claim Deeds for a Portion of Property Owned by the Town

of Hilton Head Island Identified as 54 Muddy Creek Road and the Purchase of a Stormwater Easement for the Same - First Reading - Josh Gruber, Deputy Town Manager

Mr. Gruber conducted a presentation regarding the item. He went through a chronological order of how and why this item is pending before Council.

Several years ago, the Town was contacted by members of the Williams/Jones family who were concerned that a portion of their family property located at 54 Muddy Creek Road had been inappropriately acquired by the Town. Staff and the Town Attorney conducted a search of the Town's property records associated with this acquisition and determined that the Town purchased its property in 2003 for a purchase price of \$22,000.

The Town's title derives from a deed from Mr. Hubert Bernheim, that was recorded at the time of the Town's acquisition in 2003. Mr. Bernheim's title derives from a Treasurer's tax deed he received in 1996. The property that Mr. Bernheim bought at the tax sale was titled in the name of a "William Campbell." Neither the Town nor Mr. Bernheim cleared the title to the property and therefore, the Town's title is uncertain, and a title clearance action would have to be pursued to establish its ownership of the property. Sometime after 2003, a sewer lift station was installed on the southernmost portion of the Town's property. That use continues to the present day and is currently fenced in on the property.

While the Town was researching the title issues associated with this property, staff within the Stormwater Division determined that it was necessary to acquire an easement on a portion of this property as well as a portion of the main Williams Family property. A survey identifying this easement along with a corresponding property appraisal establishing the purchase value of the easement was obtained. Information pertaining to both items is enclosed as Attachments 1 and 2 respectively.

Based upon extensive discussions with the Williams/Jones family, the Town is proposing to exchange Quit Claim Deeds with the family to release any interest that it may have in the 54 Muddy Creek Road parcel while at the same time solidifying its interest in the sewer lift station property which would be retained. Additionally, the Town would purchase the stormwater easement from the family once these Quit Claim Deeds have been exchanged and recorded by the parties. The Town's appraisal indicated a fair market value of \$27,904. Based upon negotiations with the Williams/Jones family, they have requested compensation of \$35,000 to sign over the requested easement. Staff supports this requested value and believes that it is justifiable under the circumstances of this transaction.

If the Town Council is supportive of exchanging the quit claims deeds identified above as well as supporting the acquisition of a stormwater easement for the requested \$35,000, an Ordinance authorizing the transfer of the property and a Resolution authorizing the purchase of the property will be prepared by the Town Attorney for consideration by Town Council.

Mayor Perry asked for public comment.

John Davidson addressed Council inquiring as to the merit of the transaction

Skip Hoagland addressed Council stating all transactions should benefit the Town.

Mr. Ames moved to approve. Mr. Stanford seconded.

Council members made comments, asked questions and held discussion regarding: confirmation the public benefit to this transaction is that the Town is able to maintain the

sewer lift station and also gain an easement for stormwater purposes; inquiry as to how the \$35,000 purchase price was determined; and confirmation fair market value was considered.

Motion carried 7-0.

Consideration of a Resolution to Accept the Hilton Head Island Conditions and Trends Assessment - Shawn Colin, Assistant Town Manager

Shawn Colin provided a presentation and the following information:

The Town of Hilton Head Conditions and Trends Assessment has been presented to the Public Planning Committee on 3 occasions. The most recent presentation on May 9, 2024 was to address all outstanding questions and feedback on the report. At that meeting, the Town of Hilton Head Public Planning Committee voted 4 to 0 to recommend that Town Council consider a resolution to accept the Town of Hilton Head Conditions and Trends Assessment.

This assessment is the result of the Island's pursuit of excellence in serving the community through decision-making based on these facts and trends. Town Council named the establishment of a Growth Management Strategy as one of the top 15 priorities for the town. This project was a key primary step to help shape that strategy. As a living document, the Conditions and Trends Assessment will be updated regularly to continuously monitor community datapoints, benchmarks and indicators for the Town of Hilton Head Island.

The report and dataset are designed to enhance the community's shared understanding of current and emergent issues. This assessment will be used by the Town in several ways including:

- Provide a common starting point
 - Add context to community conversations with respect local and regional trends
 - Connect key information; share source data and resources
 - Remove the mystery on community needs, gaps, or opportunities
- Inform future plans and studies
 - Provide base set of findings to help initially focus and direct work
 - Accelerate the data assembly process with ready-made resources, tables, maps, and other resources
 - Uncover pressing or emergent issues, opportunities, and/or needs
 - Synchronize data across multiple planning efforts, departments, and community partners
- Measure progress
 - Take a moment-in-time "snapshot" of the Island across multiple trends
 - Measure progress or movement against this benchmark
 - Evaluate policy effectiveness
 - Quantify short and long-term impacts of major projects

The Town of Hilton Head Conditions and Trends Assessment pulls together benchmark community information and statistics in 10 key topic areas including:

- Demographics
- Workforce
- Economics
- Real Estate
- Natural and Cultural Environment
- Housing
- Governance
- Community Engagement
- Systems
- Land Use

Mayor Perry asked for public comment.

Skip Hoagland addressed Council stating the Bridge Corridor project should be stopped.

Christopher Cliff addressed Council and complimented the Community Development Team on producing a fabulous document with important information.

John Davidson addressed Council stating the greater amount of data, the better decisions can be made by the Town.

Mr. Ames moved to approve. Mr. Alfred seconded.

Ms. Becker voiced her concerns regarding the foundation for future land use and with those concerns voiced her opposition to the resolution.

Motion carried 6-1 (Becker opposed).

Executive Session

Discussion of Appointment to Boards, Commissions, and Committees [Pursuant to the South Carolina Freedom of Information Act Section 30-4-70(a)(1)] related to:

1. Accommodations Tax Advisory Committee
2. Board of Zoning Appeals
3. Construction Board of Adjustments and Appeals
4. Design Review Board
5. Gullah Geechee Historic Neighborhood Community Development Corporation
6. Gullah Geechee Task Force
7. Housing Action Committee
8. Parks and Recreation Commission
9. Planning Commission

Discussion and Negotiations Incident to Proposed Contractual Arrangements for the Northpoint Public-Private Partnership Workforce Housing Project [Pursuant to the South Carolina Freedom of Information Act Section 30-4-70 (a)(2)]

Mayor Perry asked the Town Manager if there was a need to enter Executive Session. Mr. Orlando stated there was a need regarding the items listed above.

At 4:04 p.m. Mr. Ames moved to enter into Executive Session for the reasons cited by the Town Manager. Ms. Brison seconded. Motion carried 7-0

At 4:59 p.m. Ms. Brison moved to come out of Executive Session. Mr. Stanford

seconded. Motion carried 7-0.

Action from Executive Session

Mayor Perry asked if there was any business as a result of Executive Session.

Mr. Ames moved to appoint Ray Kisiah, Ruthie Kucharewski and reappoint Christina Kristian to the Parks and Recreation Commission with terms ending 06/30/2027. Ms. Becker seconded. Motion carried 7-0.

Mr. Ames moved to appoint Ed Cordes and reappoint Tom Henz, Ellen Whaley and Bruce Siebold to the Planning Commission with terms ending 06/20/2027. Ms. Becker seconded. Motion carried 7-0.

Mr. Ames moved to appoint Megan Fitzpatrick, Kevin Bradenburg, Patricia Pastor and reappoint Tom Parker to the Design Review Board with terms ending 06/30/2027. Ms. Becker seconded. Motion carried 7-0.

Mr. Ames moved to reappoint Pastor Louis Johnson to the Gullah Geechee Historic Neighborhoods Community Development Corporation with a term ending 06/30/2027. Ms. Becker seconded. Motion carried 7-0.

Mr. Ames moved to appoint Thomas Dowling, Adriaan Radder and reappoint John Farrell to the Accommodations Tax Advisory Committee with terms ending 06/30/2027. Ms. Becker seconded. Motion carried 7-0.

Mr. Ames moved to appoint Carolyn McVitty and reappoint David Finderhut and Michael Sackhaim to the Board of Zoning Appeals with terms ending 06/30/2027. Ms. Becker seconded. Motion carried 7-0.

Mr. Ames moved to approve a Resolution approving a Development Agreement for Workforce Housing between the Town of Hilton Head Island and OneStreet Residential. Ms. Brison seconded. Motion carried 6-1 (Becker opposed).

Adjournment

The meeting was adjourned at 5:10 p.m.

Approved:

Kimberly Gammon, Town Clerk

Alan R. Perry, Mayor

The recording of this Meeting can be found on the Town's website at www.hiltonheadislandsc.gov



Town of Hilton Head Island

TOWN COUNCIL SPECIAL WORKSHOP

Monday, June 20, 2024, 3:00 PM

Minutes

Call to Order

Mayor Perry called the workshop to order at 3:00 p.m.

Council Members present: Alan Perry, Mayor, David Ames, Ward 3, Mayor Pro-Tempore; Alex Brown, Ward 1; Patsy Brison, Ward 2; Tammy Becker, Ward 4; Steve Alfred, Ward 5; Glenn Stanford, Ward 6

Discussion of the William Hilton Parkway Corridor Project.

Ms. Becker moved to have a 15-minute public comment period before discussion begins. Mr. Ames seconded. Motion carried 7-0.

Richard Bizz addressed Council regarding his opinion that Council did not ask enough questions on Monday and questioned the assumption the additional lanes will reduce traffic congestion.

Ashley Phillips addressed Council questioning the aesthetics of the proposed bridge, concern over the character of the Island, voiced her objections to Municipal Consent; expressed concern for the Gullah Community, and her opinion the new bridge will not bring more employees to the Island.

Skip Hoagland addressed Council stating people moved here for Island life – not Myrtle Beach.

Doris Grant addressed Council stating the meeting times are inconvenient for the working people of the Island. She expressed concern and questioned closing the turning land to Squire Pope Road.

Steven Woodall addressed Council stating Council needs to remain in the conversation but don't need to approve Municipal Consent. He asked that Council vote no on the matter.

Mayor Perry asked that Shawn Colin address the question of closing the turn lane at Squire Pope Road. Mr. Colin stated there is no discussion of closures but there has been discussion of limiting peak hour left turns within the Stoney Community.

Mayor Perry made a statement regarding the items at hand. He stated that Council cannot operate by inaction. He stated that over the past seven years there has been great community engagement for this project from the SCDOT, Beaufort County and the Town of Hilton Head Island. He noted it is a difficult decision for Town Council, but it is no reason for hatred. There is an issue of the philosophical question regarding the project

and a lot of different answers. He reminded all there is a deadline and stated that after Monday's meeting, they reached out to Secretary Justin Powell to see if an extension could be granted. He proceeded to read a letter he received in return which is below:



Justin P. Powell
Secretary of Transportation
803-737-0874 | 803-737-2038 Fax

June 20, 2024

Mayor Alan Perry
Town of Hilton Head Island
1 Town Center Court
Hilton Head Island, SC 29928

Dear Mayor Perry:

I wanted to follow up on inquiries from the Town of Hilton Head Island as it pertains to the US-278 eastbound bridge over Mackay Creek and the South Carolina Department of Transportation's (SCDOT) plans for it.

The bridge was built by SCDOT in 1956 and was widened in 1984. SCDOT inspects all bridge structures in the state at a minimum of every two years. Due to the age and condition of the bridge, SCDOT inspects it annually. In the last inspection completed on January 12, 2024, the superstructure and substructure of the bridge were rated a four, or poor, on a nine point scale. While the bridge is not load posted and is safe to drive over, it is approaching the end of its design life.

Due to these factors, SCDOT placed the bridge on its statewide priority list. As Beaufort County developed its sales tax project to build a new six-lane bridge between the mainland and Hilton Head Island, SCDOT agreed to contribute \$74,500,000 toward Beaufort County's project. This was in lieu of pursuing a stand-alone project to rebuild the US-278 eastbound bridge over Mackay Creek. This contribution was based on the estimated cost for SCDOT to replace the US-278 eastbound bridge with a new two-lane structure.

The existing Mackay Creek bridge continues to age in a challenging environment with tides and saltwater. While not load posted today, future inspections may necessitate SCDOT putting a load posting on the bridge which could impact the movement of trucks, buses, and emergency vehicles onto Hilton Head Island.

Should the Town not provide municipal consent to the proposed US-278 bridge project in a timely manner, SCDOT will be prepared to use those funds allocated to the project and proceed with a project focused solely on the US-278 eastbound bridge. In initiating a project focused solely on that one structure, SCDOT would first evaluate if rehabilitation or replacement would yield the most cost-effective option and develop a project accordingly. It should be noted that in SC Code Section 57-5-820, SCDOT is not required to obtain municipal consent for construction work on structurally deficient bridges over the Intracoastal Waterway like the US-278 eastbound bridge over Mackay Creek.

I hope this addresses the questions from the Town of Hilton Head Island. Please do not hesitate to reach out to my office should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Justin P. Powell", is written over a horizontal line. Below the signature, the name "Justin P. Powell" and title "Secretary of Transportation" are printed.

Justin P. Powell
Secretary of Transportation



Post Office Box 191
955 Park Street, Room 309
Columbia, SC 29202-0191

www.scdot.org
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Affirmative Action Employer
855-GO-SCDOT (855-467-2368)

Mayor Perry invited Senator Tom Davis to address Council and provide input from the State's perspective.

Senator Davis explained that the first thing that comes to mind is what does a timely manner mean? He offered his thoughts regarding what he thinks it means. He stated we've been operating under an environmental assessment period for three years, which terminates on June 28, and once that deadline passes it is his understanding that it's possible to obtain an extension of the environmental assessment but that would be up to the Corps of Engineers as to whether to extend it or go back to one of the more beginning processes. He summarized that he doesn't know what would happen if Municipal Consent is not given by June 28. Senator Davis expressed his opinion that Secretary Powell says in a timely manner, he means a decision one way or the other, yes or no affirmatively by that date. He added that from speaking with Secretary Powell that if Municipal Consent is not given that he feels like he has no choice but to go forward and allocate the \$74 million that SCDOT has set aside for that first span and begin the process of deciding whether you're going to rehabilitate it or replace it. He stated that one of the practical consequences of Municipal Consent either not being given by delaying the vote or a no affirmatively would be SCDOT going forward on that Plan B going forward on repairing that first span.

He added his thoughts that if the project doesn't go forward, or the project as presented doesn't go forward one question that arises is what happens to the \$80 million that was raised in the penny sales tax in 2018 for the purpose of this project. He reviewed three different scenarios that could take place: 1) the \$80 million raised is what's used first to conduct the repairs in lieu of the \$74 million; 2) if Municipal Consent is not granted it would be difficult to hold on to the \$120 million that was awarded to Beaufort County for the project and 3) the money would be reallocated during the next round of projects.

Senator Davis stated he has been focusing on two things throughout the process. 1) Trying to hold in place the funding and cobble together enough money to make the project work; and 2) give the Town enough time so that it becomes a decision they feel comfortable with, which has been a good process.

Senator Davis stated that irrespective of the decision, whether to give Municipal Consent or not give Municipal Consent, he will stand behind the Town of Hilton Head Island and try to help accomplish what the Town wants to accomplish by working with the SCDOT, Federal Government and the General Assembly.

Council members made comments, asked questions and held discussion with Senator Davis regarding: an expression of appreciation from all Council members regarding Senator Davis' hard work that he's done on this project; explanation and pointed out that the penny sales tax was to repair or replace the bridge and the interpretation that nothing was mentioned regarding expansion; confirmation the funding would not go away automatically but the Delegation would have to put on a full court press to keep that \$120 million set aside for the project and it would be difficult to keep that \$120 million set aside for Hilton Head Island if they move into July without a deciding vote; confirmation from the Senator that if Hilton Head Island would decide they need more time, he would make

the best case he could in representing Hilton Head Island and it would be very difficult; confirmation there is approximately \$300 million dollars dedicated to the project and a gap of \$180 million dollars; an explanation of sources to cover the gap in funding which could possibly be: go back to the State Infrastructure Bank and ask for more; approach SCDOT for additional funding and a scenario of Beaufort County obtaining bonding; confirmation that if conditions are required they need to be included in Municipal Consent as well as the MOU; and an expression of concerns over the Stoney area and plans to make it better;

Mayor Perry invited Mr. Orlando to provide comments and insight as to how we got to this point.

Mr. Orlando expressed appreciation to Senator Davis for his assistance during this process. He reviewed how we got to this point noting the Eastbound Mackey Creek Bridge showed structural damage and it was noted in an SCDOT inspection in 2015, and then Hurricane Mathew hit in 2016. Following that Beaufort County initiated at Bridge and Corridor Improvement Project through a voter referendum sales tax referendum in 2018. Following the referendum, Hilton Head Island Town Council created a US 278 Corridor Committee in 2019 and a year later subsequently adopted Guiding Principles from the Committee to establish project expectations in 2020. Council adopted the Committee Report but did not endorse an associated proposed mitigation plan at that time. He added that since then, there have been several years of discussions and project assessments with Council, Community Members, affected Community members, and affected property owners, SCDOT and Beaufort County.

He noted the project sponsor is Beaufort County and is being designed by SCDOT and their selected design consultants. Many project alternatives have been presented to the Hilton Head Island Community by Beaufort County and SCDOT over time. He noted that this started well before his time began with the Town of Hilton Head Island as well as before the time of several seated Council members serving. In 2021, Council directed Mr. Orlando to establish a way to best represent Hilton Head Island as this project was being considered. In 2021, Beaufort County presented a project plan with significant impacts in the Stoney Neighborhood. It was a consensus of Council and Hilton Head Island Staff to object to the proposal. The goal was to see if the Town could affect the project positively and bring it back to Council to consider Municipal Consent.

Beaufort County and the Town entered into a mutual agreement in 2022, which included recommendations of Town Council and a commitment to work together to try and achieve those initiatives. The project was further refined, further assessed by several traffic engineers. SCDOT, Beaufort County and the Town of Hilton Head Island. The Town separately hired traffic and transportation engineers for input and the project was further enhanced.

Since Council's directive Mr. Orlando has met with SCDOT Secretary Christie Hall and the newly appointed Secretary, Justin Powell to explain the challenges and to explain the project challenges for Hilton Head Island. He made it clear that just because these elements were included in the project it didn't mean that he would bring this back for a

predetermined Municipal Consent. He suggested discussing the bridge, the corridor, the project and the program and all the variables that go into it and review impacts. He stated he believes staff has done their best to provide Council with as much consultant data and analysis from SCDOT, Beaufort County and from the Town traffic and transportation consultants. He closed by stating that Council's decision whether to support or oppose this major corridor and bridge to and from Hilton Head Island must consider many factors to ensure that the collective decision aligns with the Community's best interest. Mr. Orlando introduced Shawn Colin to conduct a presentation regarding the matter.

Mr. Colin proceeded to his presentation.

Section 57-5-830 of the South Carolina Code of Laws states that, *"[i]n every case of a proposed permanent improvement, construction, reconstruction, or alteration by the Department of any highway or highway facility within a municipality, the municipality may review and approve the plans before the work is started; except that a municipality may not have the right to review and approve plans to remove, replace, or improve a bridge and its approaches within its limits where such bridge and its approaches have been certified by the Department to be functionally obsolete or structurally deficient and if the bridge crosses the intracoastal waterway."*

New Full Bridge Construction

- While the Town has requested consideration for a 4-lane bridge, according to SCDOT, if a new bridge is built, it will be built as 3 lanes each way, plus inside and outside shoulders.
- 12-foot travel lanes.
- 1 10-foot outside shoulder and 1 6 foot inside shoulder in each direction.
- 1 span that replaces all 4 current bridges
- Provides uniform 75+ year lifespan for bridge
- Design Speed of 45mph
- Posted speed of 40 mph
- Current bridge widths - 80' and 100' as explained Monday.
- New Bridge is 121' wide which includes 14' to accommodate the pathway.
- New bridge would be 107' wide without the pathway
- Town Council recommendations and MOU requested the additional pathway.
- 1 12-foot shared-use pathway along the southern side of the bridge
- 2 bulb-out refuges, 20 feet wide by 50 feet long, located along the southern shared-use path at Mackay Creek and Skull Creek
- Shared-use pathway to connect to mainland pathway system at Buckingham Planation Road and to pathway system on Jenkins Island
- Construction methods will cause this bridge to shift south within current power line easement.
- Bridge height clearance to remain at 65 feet over Skull Creek
- Bridge height clearance over Pinckney Island minimum of 17.19 feet
- Bridge length is 1.376 miles of the 4.218-mile project
- Seismic and storm impact mitigation elements included in the overall structural

design.

- Will meet highest seismic standards
- Designed to withstand Category 5 hurricane
- No at grade intersection on Pinckney Island

Jenkins Island Section

- Design Speed of 45mph
- Posted speed of 40 mph
- Bridge landing located within existing right-of-way
- 3 12-foot travel lanes eastbound
- 3 12-foot travel lanes westbound
- All Jenkins Island Traffic consolidated at Windmill Harbour intersection
- Jenkins Road access to William Hilton Parkway is removed
- Access to Hog Island, Mariners Cove, Blue Heron Point, Jenkins Island Cemetery, Hilton Head Harbor RV Resort and Hilton Head Harbor Marina will be from new frontage road on Jenkins Island
- No pedestrian crossings at Windmill Harbour intersection
- Windmill Harbour traffic signal upgraded with Adaptive Traffic Management System and included in Town system with 30 days of MOU
- Shared pathway on northern side of corridor located within Town-owned Property along new frontage road connecting to bridge to mainland and Town of Hilton Head Island pathway system
- Shared-use pathway on southern side from Windmill Harbour to connect to bridge, as well as connection via to under-bridge connection to the northern side shared-use pathway
- Access to Hog Island, Blue Heron Point, and Mariners Cove moved from southern side to northern side of corridor with maintain under bridge connection
- Landscaped medians with varying widths
- Exterior curbing installed to reduce right-of-way and handle drainage in Stoney Neighborhood Section
- Design Speed of 45mph
- Posted speed of 40 mph
- Within the current ROW for most of the corridor through Stoney neighborhood
- 2 x 11' lanes
- 1 x 12' lane
- Additional turn lanes
- Crosswalks at intersections
- 10' wide pathway
- Public open space
- Stormwater mitigation
- Landscaping
- Potential Relocation or Removal of 2 culturally sensitive structures

- Willie Young's Upholstery (Patterson's Store)
- Former Island Psychic
- Removal of curb cut at Memory Matters and William Hilton Parkway
- Total ROW impacts 2.78 acres
- Total ROW impacts on private property 0.89 acres (22 properties)

Overview of SCDOT US 278 Corridor Improvements Environmental Assessment

The National Environmental Policy Act (NEPA) requires federal agencies to consider the impacts their projects may have on the environment and to integrate the NEPA process with other environmental law compliance. In association with the Federal Highway Administration (FHWA) and Beaufort County, the SCDOT has developed an Environmental Assessment (EA) in accordance with NEPA. The EA includes a review of all proposed alternatives and evaluates potential impacts to the natural and human environment. This EA is the culmination of technical studies and reports, interagency coordination, and community outreach and feedback. The EA documents the purpose and need for the project; presents a discussion of the alternatives and the analysis of them; describes the affected environment, assessment of the environmental, transportation, social, and economic impacts; identifies potential community enhancements; and presents a Recommended Preferred Alternative. It also incorporates analysis and feedback from public and agency sources gathered during the various phases of the EA development.

US 278 Corridor Improvements Environmental Assessment Expires June 28, 2024

Town Council Approved Guiding Principles - February 18, 2020

- Fix the transportation issues in the corridor in a way that improves the safety and quality of life for all residents, workers, and visitors to Hilton Head Island
 - Address transportation needs for natural disasters and resiliency of island access
 - Consider future transportation alternatives
- Improve the safety and quality of life for the residents of the neighborhoods and businesses directly impacted by the US 278 corridor
 - Stoney Community
 - Neighborhoods on Jenkins and Hog Islands (including but not limited to Windmill Harbor)
- Have gateway to and from Hilton Head Island that the region will be proud of:
 - Aesthetically pleasing and reflecting the Hilton Head Island/Lowcountry values
 - Safe and functional pathways for pedestrians and cyclists
 - Minimizes environmental impacts and enhances the national asset of Pinckney Island

Town Council Approved Recommendations – October 12, 2021
Corridor Wide Recommendations

1. Reduce lane widths to 11' to calm traffic & reduce property impacts
2. Eliminate raised curbs in medians wherever possible, encourage existing vegetation and natural drainage in these areas
3. Vary median widths and meander roadway alignments where possible for traffic calming and aesthetics
4. Take advantage of Town-owned property for sake of Parkway improvements
5. Utilize ITS smart signal technology throughout
6. Reduce curb cuts & provide for alternative/safer property access throughout
7. Provide trails on both sides of Parkway where possible with sufficient separation from road and in lieu of sidewalks
8. Create a comprehensive system of safe, comfortable, and attractive shared use paths for cyclists and pedestrians
9. Open/encourage views to the water wherever possible, as a part of the Island's "signature"
10. Ensure integration of unique, Hilton Head-specific signage, landscape schemes, public art program, architectural vocabulary, iconic features, and accent lighting that distinguish this parkway from all others
11. Reduce design & posted speeds throughout the corridor
12. Evaluate the island-wide transportation system

Specific Recommendations

1. Encourage Moss Creek area improvements (commercial redevelopment, access/roadway improvements, trail connections)
2. Establish "Gateway Experience" threshold at west end of Mackay Creek bridges (landscape, island "icon", art, lighting)
3. Reduce bridge mass with two separate bridges and Shared-Use Path on south side of eastbound bridge
4. Reduce bridge lane width to 11', reduce shoulder width on left, only one breakdown lane on right.
5. Provide 14' minimum width non-motorized lane on the bridge with multiple viewing areas and protection/screening of vehicles
6. Attention to bridge design/details as viewed from afar and on-deck (parapet, railings, structural forms)
7. Consolidate Jenkins Island access to one signalized location at C. Heinrichs/Windmill Harbour Entrance
8. Provide traditional turn lanes and intuitive intersection configurations throughout Stoney
9. Eliminate confusing SCDOT U-turns
10. Eliminate left turns and traffic introduction onto Old Wild Horse

11. Create new park south of Parkway in Stoney to authentically showcase Gullah Geechee culture/heritage
12. Consider a new Visitors Center as a part of this park that intentionally showcases this heritage while introducing visitors to the Island's offerings
13. Create a Stoney-authored vision plan for the next generation of that neighborhood
14. Create and professionally staff a Development Corporation as a vehicle for Stoney Advancement

Town of Hilton Head Island/Beaufort County Approved Memorandum of Agreement – October 4, 2022

1. The County and the Town agree to advance the Project in a cooperative manner for the entire duration of the Project.
2. The County and the Town mutually agree to work together in good faith to address the feasibility, and merits of recommendations approved by Town Council on October 12, 2021 (as set forth in Exhibit A) (the "Recommendations") and further agree that one bridge will be designed and constructed for the Project.
3. The County will procure an independent consultant (the "Independent Consultant"), (i.e. – one that does not have a previous or current contractual relationship with SCDOT, the County, or the Town) to perform an additional independent review of the project. This Independent Consultant will conduct an end-to-end simulation and study through and beyond the Project limits to include additional intersections materially consistent with the Scope of Work set forth in Exhibit A.
4. The County and the Town will establish a committee (the "Committee") to select the Independent Consultant through a competitive bid process. The following County representatives shall sit on the Committee: (a) the County Administrator or his designee (b) the Assistant County Administrator for Infrastructure: (c) and the County Transportation Program Manager Consultant. The following Town representatives shall sit on the Committee: (d) the Town Manager or his designee; (e) the Assistant Town Manager of Community Development; and (f) the Town Engineer.
5. All recommendations from the independent review for areas within the project boundary will be considered for inclusion in the project. The County and Town agree to pursue the "Finding of No Significant Impacts" (FONSI) from the Federal Highway Administration concurrent with the Independent Review. If any findings from the Independent Review affect environmental documents submitted for the FONSI, those recommendations will be considered, and the environmental documents will be updated and resubmitted as agreed upon by the County and the Town.
6. The County and the Town, as required as part of the NEPA process, will coordinate with SCDOT to perform a value engineering of the project to identify and eliminate unwanted costs, and improve function and quality as well as to optimize initial and long-term investment, ultimately seeking the best value for the lowest cost.

7. The County and the Town mutually agree to work together, along with SCDOT and Lowcountry Area Transportation Study, to design, implement and maintain a connected and synchronized signal system along the entire length of US 278 from I-95 to Sea Pines Circle. The synchronized system will include fiber connectivity, Adaptive Signal technologies and other tools to help maximize flow. The County and the Town mutually agree to work together to seek funds necessary to acquire and implement the proposed improvements.
8. Any signal improvements from the synchronization project which are not already installed within the corridor prior to the construction of the Project, will be incorporated as such.
9. This Agreement does not provide the Town's municipal consent. Such consent may be provided by the Town Council after the Independent Review has been evaluated by the Town and County and before the right-of-way acquisition phase of the Project begins. Municipal consent by the Town will not be unreasonably withheld.
10. The County and the Town agree that the Independent Review will be the last and final study needed for the Town to make a final decision related to the Project.

Town Council – Project Considerations

- Project Scope
- Rehabilitate eastbound Mackay Creek Bridge or build new, single 6-lane bridge?
- Shared-use pathway on the south side of bridge?
- Meander roadway on Jenkins Island?
- Aesthetics on bridge and through corridor?
- Community Impacts and Improvements?
- Property Impacts and Improvements through Stoney Neighborhood?
- Quality of Life
- Traffic and Transportation
- Traffic Management Level of Service?
- Environmental Impacts?
- Cost, Funding, and Economic Impacts and Benefits?

Next Steps for Council Consideration

1. Town Council consideration of Beaufort County/SCDOT request for Municipal Consent
2. Path forward should Town Council not grant Municipal Consent to SCDOT
 - a. Per SCDOT Secretary Powell - the existing Mackay Creek bridge continues to age in a challenging environment with tides and saltwater. While not load posted today, future inspections may necessitate SCDOT putting a load posting on the

- bridge which could impact the movement of trucks, buses, and emergency vehicles onto Hilton Head Island.
 - b. SCDOT and Beaufort County to Address eastbound Mackay Creek Bridge
 - c. State Infrastructure Bank Funding would be reallocated to other projects.
3. Path forward should Town Council grant Municipal Consent to SCDOT
- a. Establish Town of Hilton Head Island/Beaufort County Memorandum of Agreement that includes the following project conditions:
 - i. Design Elements
 - ii. Neighborhood Improvements
 - iii. Economic Sustainability
 - b. SCDOT Project Schedule Advances

Council members made comments, asked questions and held discussion regarding: clarification of Section 57-5-820 and Section 57-5-830 of the South Carolina Code of Laws; confirmation that SCDOT said the bridge must be six lanes and their authority to do so; confirmation that the position of SCDOT that if it is a single span bridge it needs to be six lanes; confirmation that if the current project is rejected, Council will have to go back and redefine the project and get back in line to obtain funding, etc.; confirmation that if Municipal consent is not granted to the County and this project is not submitted as defined within the current purpose and need and a solution to this project would die and a new project would have to be defined by going through the full process again; confirmation that if the project doesn't move forward, SCDOT would work to determine which path was most effective and the best use of funds whether it's to rehabilitate or replace the Eastbound Mackey Bridge and it would be replacement with two lanes and if it's a rehab it would not include the seismic upgrades but a replacement would have seismic upgrades; a request to hold off until after the election; a request to ask Senator Davis to continue good work and obtain an extension on the Environmental Assessment along with funding; confirmation Mackey Bridge replacement is eminent; speculation three lanes offers the opportunity of an HOV lane; expression of the need for a bike lane is necessary; acknowledgement we need to control who we are; acknowledgement Council needs to stay on the topic which is bridges; a suggestion to deal with issues we can control; acknowledgment the County is in charge of the projects; acknowledgement the interests of the stoney Community are in the forefront; inquiry regarding methods to protect causeways due to possible storm surges and confirmation this will be addressed in future phases of design; inquiry into numbers used regarding correct width of existing bridge to the width of the proposed bridge; clarification on requirements for consent and adding conditions; acknowledgment of the need for conditions to be included in Municipal Consent and the MOU and the need to make it public; request for visuals regarding measurement; request that the pedestrian portion of the proposal needs to be changed; proposal to include pedestrian crossing safety as a condition; concern over SCDOT purpose and need to increase capacity and reduce congestion.

Ms. Brison made lengthy remarks to her process in coming to her views regarding the project and her proposed conditions.

Council members continued to make comments, ask questions and hold discussion regarding: a suggestion that in conjunction with the project and improvements to the Stoney area there should be address the infrastructure and redevelopment needs along with funding which could possibly include a TIF District in a timely manner; use of Town property within the Stoney area to accomplish the goals suggested; the need for an overpass for crossing US278 in the Stoney Area; inquiry as to what a no vote would do to any enhancements included for Stoney; confirmation the funds could be reallocated; and confirmation that if the current project is able to advance securing the current gap in funding is needed to move forward.

Public Comment

Christopher Cliff addressed Council regarding his opinion that the proposal doesn't solve traffic problems and the project will destroy the cache of the Island.

Chris Rates addressed Council expressing her concerns regarding transportation alternatives, the lack of bike paths when expecting people to bike from the mainland, the fact that the proposed project is not saving much travel time; and the need to protect the Stoney Community.

Chris Ruffner addressed Council stating additional lanes does not help reduce traffic congestion as well as speed limits do not assist either.

Mel Campbell addressed Council and stated he was a Native Islander and expressed his opinion that the bridge is needed and the changes that brought Stoney to where it is today were caused by design mistakes.

Ray Deal addressed Council noting the Chamber is a voice for all businesses on the Island. The workforce is top priority for all businesses. He urged Council to approve the project.

William Stewart addressed Council stated financial well and development needs to be addressed in the Stoney Community through partnership. He stated the need for safety to be addressed due to lost lives on US278 of which two of his brothers are included.

Steve Robinson addressed Council stating he couldn't believe that Council has to ask Staff as to what would happen if they voted no and if they knew what the purpose of the question was.

David Johnson addressed Council regarding that citizen comments have assisted in working through the project. Some residents are in favor of the project. He stated safety and traffic is a huge issue.

Frank Babel addressed Council stating Stoney needs revitalized and it is appositive thing to do so, and the traffic problems need fixed along with making the bridge structurally safe. He encouraged approving the project.

Eric Sommerville addressed Council and suggested the project move forward but to take the Stoney Area into consideration and not ruin it.

Peter Kristian addressed Council stating a need for six lanes for employees coming on the Island along with the need for bike lanes.

Cherry Norris addressed Council stating the Island is a special place and encouraged Council not to expand the bridge. Her concern is does a bigger bridge mean more development?

Dale Becker addressed Council stating Key West has more visitors that Hilton Head Island and they do fine. The Gullah Geechee community needs to be honored and taken care of and we do not need bike lanes on the bridge.

Angie Hutchinson addressed Council stating she likes clapping in meetings. She added that Beaufort County doesn't have a good track record. She stated the proposed bridge is wider than the Brooklyn and Manhattan Bridges.

Linda Harrington addressed Council inquiring as to the duties of the Town Attorney and asked why he wasn't in attendance at the meeting. She stated her opinion that the study for the proposed project is flawed.

Gray Smith addressed Council stating the Island shouldn't be asked to give up its power to others. Beaufort County is positional to take advantage of Hilton Head Island.

Carol Buxer addressed Council stating her opposition to the proposed bridge and the bike paths. She encouraged Council to celebrate the Gullah Geechee Community.

Mr. Stewart addressed Council stating he is a Stoney resident and does not trust the SCDOT. He spoke of drainage problems and too many tourists.

Lynn Greeley addressed Council stating the need is to beautify and not add a massive bridge and she feels there are too many tourists.

John O'Toole addressed Council saying he supports the bridge project noting that traffic is contributing to pollution. He stated he has confidence in Council and Staff.

Mayor Perry invited Shawn Colin to address the questions that were asked.

Mr. Colin stated that the travel time savings if a new bridge is put in place would be eight minutes and 49 seconds eastbound and 10 minutes and 36 seconds westbound.

He stated the Mackey Bridge was built in 1956, and the other three bridges were built in the early 1980's.

Mr. Colin explained that the purpose and need for the project identified deems a four-lane bridge does not achieve the purpose of reducing congestions, therefore it is rejected by the project.

Mr. Colin informed Council the impervious surface information is on the project website.

Council and staff discussed the next steps forward and the process that will take place.

Adjournment

The meeting was adjourned at 7:48 p.m.

Approved:

Kimberly Gammon, Town Clerk

Alan R. Perry, Mayor

The recording of this Meeting can be found on the Town's website at www.hiltonheadislandsc.gov



Town of Hilton Head Island TOWN COUNCIL MEETING Friday, June 28, 2024, 10:00 AM Minutes

Call to Order

Mayor Perry called the workshop to order at 10:00 a.m.

Council Members present: Alan Perry, Mayor, David Ames, Ward 3, Mayor Pro-Tempore; Alex Brown, Ward 1; Patsy Brison, Ward 2; Tammy Becker, Ward 4; Steve Alfred, Ward 5; Glenn Stanford, Ward 6

Invocation – Reverend Steve Salvas, Grace Community Church

Reverend Salvas delivered the Invocation.

Adoption of the Agenda

Mr. Ames moved to approve. Mr. Alfred seconded. Motion carried 7-0.

Ms. Becker moved to postpone the vote on Items 5a. and b. Motion failed due to lack of a second.

Ms. Becker explained her reasoning for asking that the votes be postponed. She referenced a book written by Buzz Carota – *Evolution of a Town*. She stated she is trying to remind members of Council that this project, just like the project that is described in the book with regards to the Cross Island Parkway, has the same elements that the County is looking to do this project to enhance what they can take out of our community without consideration for our residents.

Mr. Stanford reiterated that the County is the sponsor of the project, not the Town. The purpose of the meeting is to enter into an agreement that puts the Town firmly at the table for all decision making.

Mayor Perry read a second letter he received from Secretary Powell. It is below:

June 27, 2024

Mayor Perry:

It is my understanding that the Town of Hilton Head Island intends to take up a Municipal Consent resolution for the US-278 project at a special meeting called on Friday, June 28. I wanted to provide some comments on behalf of the South Carolina Department of Transportation (SCDOT) related to the pending action.

As stated in my letter dated June 20, 2024, time is of the essence. The Environmental Assessment for this project will expire on June 28 absent action from the Town of Hilton Head Island. Moreover, I remained concerned that the existing US-278 eastbound bridge over Mackay Creek will continue to

deteriorate absent a plan to move forward. Should Municipal Consent not be granted on June 28, I am prepared to instruct SCOOT staff to begin developing a plan to rehabilitate or replace the existing Mackay Creek bridge only. This could have ramifications to the South Carolina Transportation Infrastructure Bank's agreement to provide \$120,000,000 to Beaufort County for the project.

This project initiated out of a desire from Beaufort County to replace the bridges and improve traffic operations between Bluffton and Hilton Head Island. In lieu of a separate project for the Mackay Creek bridge only, SCOOT entered into an intergovernmental agreement with Beaufort County to serve as project manager of the US-278 bridge and improvement projects.

As is standard practice on any project of this scope and size, SCOOT has engaged with the public, Beaufort County, the Town of Hilton Head Island, and other interested stakeholders in substantial public involvement and studies related to the project. This has resulted in a modified recommended preferred alternative that generally conforms to the Lochmueller recommendation. On May 16, 2024, I sent a letter to Interim County Administrator John Robinson (attachment 1) indicating that the Department of Transportation is willing to proceed with the modified recommended alternative.

Per SC Code Section 57-5-810, SCOOT is required to obtain Municipal Consent when a project occurs within a municipality except for structurally deficient or functionally obsolete bridges that cross the Atlantic Intracoastal Waterway. For this project, SCOOT has determined that the project elements between the bridge approaches and the Cross Island Parkway necessitate Municipal Consent under state law. We are at a juncture where the Town of Hilton Head Island needs to approve or disapprove a resolution authorizing Municipal Consent.

I am in receipt of the draft Municipal Consent resolution. It is SCDOT's posture that it requires a clean Municipal Consent resolution consistent with its standard template (attachment 2) without further stipulations. Therefore, I request that if the Town of Hilton Head Island intends to approve Municipal Consent, it adopt a resolution consistent with our standard template with

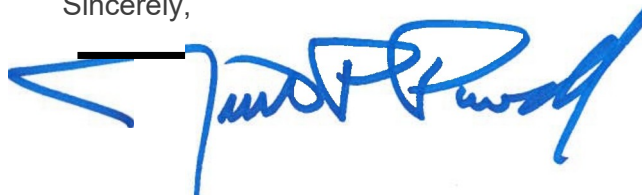
no additional stipulations being placed on SCOOT. I am amenable to deleting language related to utilities as requested by the Town as the Town does not own or operate a municipal utility.

I recognize that this project will make substantive changes to the crossing from Bluffton to Hilton Head Island, as well as the historic gateway onto the island. It is my intent that, if this project does proceed, SCOOT intends to deliver a quality project that meets all state and federal requirements and improves transportation on Hilton Head Island. To that end, I want to offer the attached comments to the proposed stipulations as a good faith effort that SCOOT intends to cooperatively pursue this project with Beaufort County and the Town of Hilton Head Island.

SCOOT appreciates the continued partnership with the Town of Hilton Head

Island and Beaufort County. We are prepared to deliver a quality project for the benefit of all parties involved.

Sincerely,



Justin P Powell

SCDOT

Secretary of Transportation

Mayor Perry invited Senator Tom Davis to speak to the efforts he has put into this throughout the process.

Senator Davis explained his role in the process to date which includes facilitating funding for the project, making sure the Town has enough time, space and resources to come up with a decision. He stated that irrespective of SCDOT being the contractor and builder and irrespective of the County being the sponsor and project manager, he has always looked to the Town of Hilton Head and the Council as being representatives of the citizens as being the primary determinant of whether or not this project goes forward.

Senator Davis noted that if Council deems more time is necessary, he will do his best to have the Environmental Assessment extended. He noted that there have been assessments granted in the past and some have not. He reiterated Secretary Powell's statement that absent Municipal Consent they will go forward with repairs on the Mackey Bridge.

Senator Davis reviewed the funding statistics noting that the State Infrastructure Bank has been pressured to take allocations and apply them to projects being built. He commented on comments from previous meetings from members of Council regarding a bilateral relationship with the Town and SCDOT as well as Beaufort County to assure needs are conveyed.

Senator Davis stated that if this project were to move forward, in terms of if consent is given, either with or without conditions, there would then be a process then he would engage in along with other members of the delegation to ensure that those conditions were discharged. He explained it would be to make appropriation advocations in the General Assembly, to work with the County for appropriation requests, work with the Town on a potential TIF District, to go to Washington, DC and talk with the Federal Delegation to come up with funding that is necessary and to make what Council envisions a reality. He said the process is going to take a couple years to move from where we are right now even if Consent is given. He stated the next step would then be for the SCDOT to submit an application to the Feds for a finding of no significant impact would which take months and there may be processes associated with it that would involve action by this Council. Concluding that, the SCDOT would complete the engineering drawings which the Town will be involved in and that step could take several months.

He summarized that his point is there is a tremendous amount of work to be done even if consent is given, which is going to entail Council's continued involvement throughout the

entire process.

He proceeded to review the funding obtained to date and the process to obtain further funding and answered questions from Council regarding the process.

He concluded with stating the primary thing is getting a project Council feels is reflective of what the people of Hilton Head Island want.

Mr. Orlando stated that he along with staff and the Town Attorney have incorporated directives given to them within the proposed resolution and memorandum of understanding. He invited Shawn Colin to come forward and review all the changes and additions.

New Business

Consideration of a Resolution of the Town of Hilton Head Island Authorizing a Memorandum of Agreement with Beaufort County for the William Hilton Parkway Gateway Corridor Project

Mr. Colin conducted a thorough review of the documents and the changes that were applied. He noted there were no changes to the Resolution but there were changes and additions to Exhibit A of the Resolution which is the Memorandum of Agreement (MOA). He detailed each change and projected them on the screen for viewing.

Mayor Perry asked for public comment.

Eric Sommerville addressed Council regarding his concern that rather than having less lanes he would prefer a traffic jam on the bridge.

Lynn Greeley addressed Council stating she feels like she is in Washington, DC and expressed her views in opposition to the project.

Skip Hoagland addressed Council noting the traffic problem is not caused by the resident but by allowing too much tourism. He stated tourism needs to be balanced and spoke in opposition to the project.

Dee Anthony address Council voicing her concern for Stoney and all of the residents on the north end of the Island. She stated her opinion that this will expand further north all all of the neighborhoods including Squire Pope, Gumtree, Spanish Wells, Marshland Road and many vulnerable neighborhoods.

Bill Fishburne addressed Council regarding his support for the project noting service workers need to have better access to Hilton Head Island.

Melinda Tunner addressed Council stating she has spoken with may residents of Ward 6 and most agree the bridges need replaced but do not want three travels lanes in each direction but two and most want two bridges as opposed to one structure.

Dale Becker addressed Council addressed travel time from Old Town Bluffton to Skull Creek noting driving time was 18 minutes, biking time was 46 minutes and walking was three hours. His point was a bike lane is not needed for the structure.

John Casey addressed Council stating the document is being produced in a rush and stated his opinion that Beaufort County will not take the Town's conditions into consideration. He encouraged Council to vote no to the resolutions.

Lynn Bullard addressed Council stating the project has been taken from its original

purpose with its size and number of lanes.

Ashley Phillips addressed Council reminding them that however they vote constituents are watching.

Thoms C. Barnwell, Jr. addressed Council thanking all Town council, Beaufort County Council and staff. He stated the highway needs to be improved, safety needs to be considered and repairs should be completed. He encouraged them to focus on evacuations during hurricane season.

Morris Campbell addressed Council stating history is different from everyone's perspective. He stated the proposal makes sense in securing the Stoney Neighborhood and the residents. He encouraged Council to keep working on it. He stated he realizes the process will take give and take.

Rosmary Kimball addressed Council asking that Council not rush this process. She encouraged them to postpone the vote.

Linda Harrington addressed Council stating she felt a TIF District is not appropriate. She added that the Greater Island Council is a lobbying group and if any Council members are members of the group they should recuse themselves from voting on these resolutions.

Christopher Cliff addressed Council needs to invest time and effort into finding a solution to getting traffic coming onto the Island more directly to the Cross Island Parkway and then backing into a bridge design. He emphasized the need to improve safety in the Stoney Community.

Jack Alderman addressed Council stating he supports the plan and they involve the best solutions. He feels important criteria includes: quality of life, workforce; community values and economic vitality.

Diedrik Advocaat addressed Council regarding the need to be a good neighbor. He stated he feels the WHP Advisory Committee has not finished its work and the need for better communication. He encouraged Council to not commit to two or three lanes but to wait to see what works best.

Joe Judge addressed Council suggesting the bridge should be repaired rather than expanding it.

Ira Polack signed up and was called on but was not present to speak.

Pamela Martin Ovens addressed Council stating the Safety Committee should review this project. She suggested just rebuilding the existing bridge as is and to address the problem with parking with the funds saved.

Chuck Lobaugh addressed Council thanking all for the compromise solution to access his building and business from US278 and Old Wild Horse Road.

Gerald DeVito addressed Council regarding the need for the improvements to deal with traffic congestion and safety issues.

John Stewart addressed Council encouraging them to make another way onto the Island.

William Stewart addressed Council stating he feels the plan was not properly prepared and was created by misinformed individuals.

John Smarszly addressed Council encouraging them to vote no on the resolutions.

Louise Cohen addressed Council noting her concerns regarding signage, and the black cemetery. She encouraged Council to replace the bridge but not to destroy things.

Steve Robinson addressed Council noting Council should not do what they think they should do but what their constituents want them to do.

Lee Lucier addressed Council regarding his support for the project stating it needs Hilton Head Island input and design.

A woman who did not identify herself spoke encouraging Council to move forward and listen to make the best decision they can.

John Score addressed Council in support of the project stating we need the people that travel to the Island.

Ken Campbell addressed Council voicing his support for the project and expressed his appreciation for all the hard work done by everyone and with the conditions and proposals going forward will ensure that it is done right.

Frank Babel addressed Council voicing his support for the project encouraging Council to not postpone the project but to move forward.

David White addressed Council and encouraged them to give Municipal Consent with conditions.

Carol Buxer addressed Council stating the need for the bridge but the proposed bridge is not designed the appropriate scale and design for Hilton Head Island. She expressed her opinion the bridge should not be 6 lanes and there should not be a bike path.

Jerry Cutrer addressed Council and expressed his support for passing the Consent resolution and encouraged Council to vote in favor of it.

Cole Peterson addressed Council and expressed his appreciation concerning the attention given to protecting the Gullah Community. He spoke in support of the project and encouraged Council to vote in favor of Municipal consent.

Brian Herrington addressed Council stating that there are 11,000 or more people against the project. He encouraged Council to listen to their constituents and wait until all alternatives are in before a decision is made.

Mayor Perry stated there was a need to enter into Executive Session for the purpose of advice from legal counsel.

At 1:03 p.m. Mr. Ames moved to enter into Executive Session for the purpose stated by the Mayor. Mr. Alfred seconded. Motion carried 7-0.

At 2:23 p.m. Ms. Brison moved to end Executive Session and return to the meeting. Mr. Alfred seconded. Motion carried 7-0.

Mayor Perry asked if there was any action to be taken during Executive Session. Mr. Ames stated no actions were taken during Executive Session.

Mr. Ames moved to approve the resolution of the Town of Hilton Head Island authorizing a memorandum of Agreement with Beaufort County for the Hilton Head Island Parkway Gateway Corridor Project as presented with the edits provided today. Mr. Alfred seconded.

Ms. Brison referenced Item #4 under Sub-Section C which reads up to two pedestrian overpasses and intersection protections. She suggested it reads to read: Up to two pedestrian overpasses within the Stoney Historic Community and intersection protections throughout the corridor that will facilitate safe movement of pedestrians and bicyclist across the proposed roadway area.

Mr. Ames amended his motion to correspond with Ms. Brison's recommendation.

Mr. Colin was asked to address the inquiry regarding turn lanes on or off Wildhorse Road. Mr. Colin stated that the Wildhorse Road turn lanes remain as they are today. He added that intersection has advanced upgrades with addition right turn lane an a second left turn lane off of Spanish Wells Road. He added there was a provision in the document that speaks to further consideration of left turn restrictions during peak hours which will be assessed with SCDOT. In conclusion, he said there no restriction in the intersection design for left turns.

Ms. Becker read a statement from Richard Bisi at his request. Mr. Bisi wrote the decision they are about to make will have ramifications for decades to come and could change the character of our Island. He stated the Advisory Committee has not finished their job and urged Council to vote against Municipal Consent.

Ms. Becker made a motion to remove Item 4.c. – the installation of up to two pedestrian overpasses from the document being reviewed for Municipal Consent and MOA and that further work be done to find a solution to bringing that community together. Motion failed due to lack of a second.

Ms. Becker made a motion to remove Item 5.a. from the document. Motion failed due to lack of a second.

Ms. Becker moved to amend Item 6.d by striking "County Council" as part of the language. Ms. Brison seconded.

Mr. Stanford stated the entrance to the bridge is not within Town limits and should require County approval. Mr. Colin added that the entire project is within the County. Clarification was provided that the Design Review Board would only have authority to review the aesthetics as you come through the corridor.

Motion failed 5-2 (Alfred, Ames, Brown, Perry, Stanford against).

Ms. Becker had numerous questions and Mr. Colin addressed each one as she asked.

Mr. Ames moved to close discussion. Mr. Alfred seconded.

Mayor Perry called the vote.

Amended motion carried 6-1 (Becker opposed).

Consideration of a Resolution of the Town of Hilton Head Island Authorizing Municipal Consent with the South Carolina Department of Transportation for the William Hilton Parkway Gateway Corridor Project

Mr. Colin clarified that the current resolution as written will include the amendments made in the earlier vote on the MOA.

Mayor Perry invited Senator Davis to speak.

Senator Davis addressed Council stating Secretary Powell made a suggestion that Council deliver the consent and that Council take up the conditions in a separate resolution which would communicate the Town's expectations and provide a blueprint for the Delegation to try to accomplish the things that the Town deems important in connection with this project.

Curtis Coltrane addressed Council explaining explained that following the information delivered by Senator Davis regarding the statements from Secretary Powell, two things have been completed for Council's consideration. The first is a proposal for a resolution for Municipal Consent with no conditions attached to it. He explained this is the form of Municipal Consent the Secretary delivered to the Town with his correspondence. He clarified it is not the text that is on today's agenda, or that was included in the agenda packet. If Council should decide that it wished to do this a motion to amend this resolution would be needed in order to conform the document to what the SCDOT wishes to see. Secondly, following the advice of Senator Davis, a second resolution has been created that expresses the will of Council that includes all of the items that were in the resolution that is on today's agenda packet, as well as incorporating the Towns expectation that all of the things set out in Secretary Powell's correspondence to the Mayor will be complied with. Including that the Town expects the assistance of the County's Legislative Delegation to push through the design, construction, and funding of this project in a manner consistent with what the Town wishes. Since this is a new resolution, in order for Council to consider that today, there would need to be a motion and finding by the Town that some form of emergency or exigent circumstance exists and in this case you are facing a deadline of 5:00 p.m. and we have only received the advice from the Secretary on what the SCDOT says it requires. Council would then have to amend the agenda to consider the resolution.

Mayor Perry asked for public comment.

Christopher Cliff addressed Council sharing his opinion that rather than using the word will rather than shall within the resolution. He stated he was of the opinion the document was a poor contract. He questioned the timing of Secretary Powell's response.

John Casey addressed Council stating he feels Council is just giving clean consent and a wish list. He doubts Beaufort County will honor the wish list. He feels the conditions should be within the Consent.

Mr. Ames moved to amend the proposed resolution by deleting the text of the proposed resolution following the words Project ID Number 030450 in its entirety and replacing it with the following text:

WHEREAS, the South Carolina Department of Transportation (SCDOT) proposed to construct, reconstruct, alter, or improve the certain segments of the highway in the State Highway System referenced above which is located within the corporate limits of the Town of Hilton Head Island, South Carolina (hereinafter, the "Town").

WHEREAS, the Town wishes to authorize the construction and improvements of the aforesaid highway in accordance with the plans to be prepared by or for SCDOT (the "Project Plans").

NOW, THEREFORE, BE IT RESOLVED that, pursuant to S. C. Code Ann. § 57-5-820 (2018, as amended), the Town does hereby consent to the construction or improvements of the aforesaid highway within its corporate limits in accordance with the Project Plans, and further, the Town, having reviewed the plans for said construction, does hereby approve said plans as provided in S. C. Code 57-5-830.

BE IT FURTHER RESOLVED that the foregoing consent and approval shall be the sole approval necessary from the Town for SCDOT to complete the project under the Project Plans and constitutes a waiver of any and all other requirements with regard to construction within the Town's limits. The foregoing waiver and consent shall also extend to the benefit of utility companies engaged in relocating utility lines on account of the Project. Further, the Town shall exempt all existing and new right-of-way and all other properties purchased in connection with right-of-way for the Highway from any general or special assessment against real property for municipal services.

BE IT FURTHER RESOLVED that the Town hereby signifies its intention to faithfully observe the provisions of Chapter 5, Title 56, Code of Laws of South Carolina, 1976, and all amendments thereto relating to the regulation of traffic on the Highway to be constructed, reconstructed, altered or improved as hereinabove identified and further agrees to refrain from placing or maintaining any traffic control devices upon any section of the Highway without having first obtained written approval of the South Carolina Department of Transportation as required by S. C. Code Ann. § 56-5-930 (1976, as amended), or enacting any traffic regulation ordinances inconsistent therewith.

Mr. Alfred seconded.

Ms. Becker moved to ask for an extension. Motion failed for lack of a second.

Council held discussion regarding the amendment and process. The Town Attorney clarified the items in question.

Mayor Perry called for a vote.

Motion passed 4-3 (Bown, Becker and Brison opposed).

Mr. Ames moved to approve the resolution as amended. After discussion the motions passed 5-2 (Becker and Brison opposed).

Mr. Ames moved to amend the agenda to add a resolution regarding the sense of Town Council related to this project and expectations of the Town Council regarding the US278 Corridor, and that the Town is faced with an emergency exigent circumstance related to the deadline that is imposed on the Town for the decision on Municipal Consent and the information delivered today by the SCDOT regarding the form of Municipal Consent that is acceptable to the Department in addition to the emergent and exigent circumstance. The text in the proposed resolution is the same text that is in the proposed Municipal Consent Resolution that was attached to the agenda for today's meeting, meaning that nothing in the proposed resolution to be added to the agenda is now, rather it is a change of the

methodology. Mr. Alfred seconded. Concluding discussion, the motion carried 6-1 (Becker opposed).

Shawn Colin approached the dias and explained the resolution that was added to the agenda. Council further discussed the MOA and the resolution with the conditions in detail.

Mayor Perry asked for public comment.

Christopher Cliff addressed Council noting Council's responsibilities are to the Town and Secretary Powell's responsibilities are to the SCDOT. He said with the Town signing off on the MOA with the County and the resolution for Municipal Consent with the SCDOT is all that is needed.

Concluding further discussion, Mr. Ames moved for Council to approve a resolution of the Town Council for the Town of Hilton Head Island, South Carolina, expressing the sense of the Town Council regarding the project to improve the US Highway 278 Corridor from the intersection of US Highway 278 and Moss Creek Drive to the Intersection of US Highway 278 and Spanish Wells Road and Wildhorse Road. Mr. Sandford seconded.

After points of view by various Council members were given Mayor Perry called for a vote. Motion carried 6-1 (Becker opposed).

Public Comment - Non Agenda Items

None.

Adjournment

The meeting adjourned at 4:26 p.m.

Approved:

Kimberly Gammon, Town Clerk

Alan R. Perry, Mayor

The recording of this Meeting can be found on the Town's website at www.hiltonheadislandsc.gov



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM:
DATE: July 23, 2024
SUBJECT: Sand Shark Welcome Week Proclamation - Mayor Perry

RECOMMENDATION:

SUMMARY:

BACKGROUND:

ATTACHMENTS:

1. USCB Sand Shark Week -2024

The Town of Hilton Head Island



Proclamation

WHEREAS, the University of South Carolina Beaufort is a fully accredited, comprehensive, baccalaureate institution within the University of South Carolina System; and

WHEREAS, USCB provides specialized instruction in twenty undergraduate degree and two graduate degree programs to fulfill its mission to respond to regional needs, draw upon regional strengths, and prepare graduates to contribute locally, nationally, and internationally; and

WHEREAS, USCB is a primary resource for exceptionally skilled healthcare professionals, teachers, hospitality managers, science-based researchers, and computational specialists in the South Carolina Lowcountry; and

WHEREAS, USCB has a reputation for institutional prominence as a regional catalyst for progress and engine for cultural and economic growth; and

WHEREAS, reports indicate that USCB's regional economic impact is in excess of 1,066 jobs, \$50.5 million in additional wage and salary income, \$122.4 million in output, and \$1.6 million in net government revenue; and

WHEREAS, USCB welcomes more than 2,100 students, their parents, other family members, and friends to campuses in Bluffton, Beaufort, and on Hilton Head Island and to athletic facilities in Hardeeville for the start of the 2024-2025 academic year.

NOW, THEREFORE, I, Alan R. Perry, Mayor of the Town of Hilton Head Island, South Carolina, hereby proclaim the week of August 19-24, 2024, as **USCB SAND SHARK WELCOME WEEK**.

IN TESTIMONY WHEREOF, I hereunto set my hand and caused the Seal of the Town of Hilton Head Island to be affixed this 23rd of July 2024.



Alan R. Perry, Mayor

Attest:

Kimberly Gammon, Town Clerk



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM:
DATE: July 23, 2024
SUBJECT: Parks and Recreation Month Proclamation - Mayor Perry

RECOMMENDATION:

SUMMARY:

BACKGROUND:

ATTACHMENTS:

1. Parks and Recreation Month

The Town of Hilton Head Island



Proclamation

WHEREAS, parks and recreation are an integral part of communities throughout this country, including Hilton Head Island, South Carolina; and

WHEREAS, parks and recreation promote health and wellness and time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being; and

WHEREAS, parks and recreation encourage physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

WHEREAS, parks and recreation services are a leading provider of healthy meals, nutrition services and education; and

WHEREAS, parks and recreation programming and education activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development; and

WHEREAS, parks and recreation increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation ensure the ecological beauty of communities and are essential and adaptable infrastructures that make communities resilient in the face of natural disasters and climate change; and

NOW. THEREFORE, I Alan R. Perry, Mayor of the Town of Hilton Head Island, South Carolina, do hereby proclaim July 2024 as **Parks and Recreation Month** in the Town of Hilton Head Island.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused this seal of the Town of Hilton Head Island to be affixed on this 23rd day of July, in the year of our Lord, two thousand and twenty-four.



Alan R. Perry, Mayor

Attest:

Kimberly Gammon, Town Clerk

Office of Cultural Affairs

Natalie Harvey - Director

HILTON HEAD ISLAND TOWN COUNCIL
JULY 23, 2024



Promote Hilton Head Island's Art, Culture, and History.

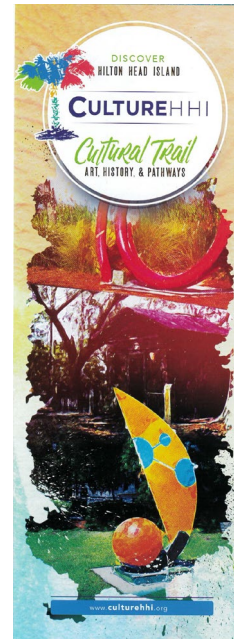
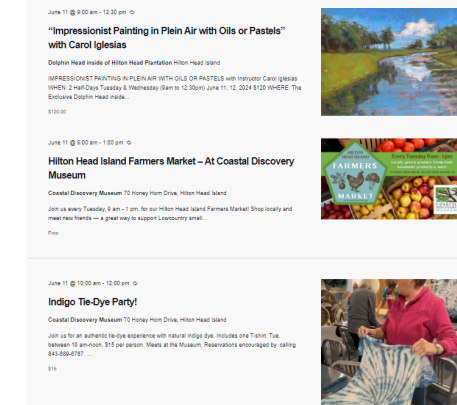
- Increased listings on CultureHHI.org event calendar
- Sponsored content with Georgia Public Broadcasting
- Distribution of Cultural Trail Map to visitors and residents
- Social Media followers (9,800 FB, 1,900 IG) and E-Newsletter subscribers (5,340) up 10% in FY24.

Increase the community's access to cultural, historical, and artistic experiences.

- 2 artist exhibits each month at Island Rec Center
- Assisted Arts Center of Coastal Carolina with a mural commission for Hilton Head Island Middle School

Create and implement community-oriented programs, events, and experiences connected to arts and culture.

- Rock painting activity at Island Rec Center's Party in the Park + Maker's Fair in cooperation with The Breeze Trolley
- Lantern workshops this fall
- Pursue a Cultural District application with SC Arts Commission in 2025



Public Art Projects

- Hilton Head Fishing Cooperative exhibit and mural unveiling
- Temporary installation at Shelter Cove Sculpture Trail changing in September

Outreach, Community Engagement, and Special Events

- Assisting with Juneteenth events at Historic Mitchelville Freedom Park
- OCA tents at community events (Gullah Celebration, Wingfest, Juneteenth, Oyster Festival, etc.) & attend events
- Presentations at 9 resort properties weekly – with over 6,000 in attendance since November.
- Attended SC Arts Advocacy Day in Columbia in February.

Crescendo and Lantern Parade

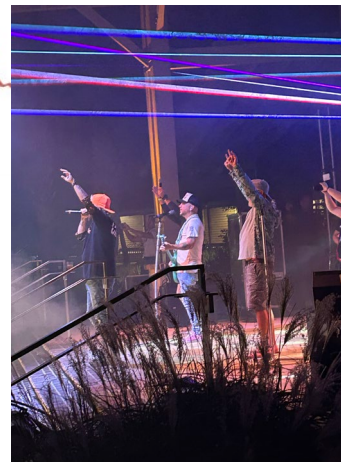
- Kickoff scheduled 10/15 – Guest artist, Grammy Award winner *Charlton Singleton & Contemporary Flow*
- Lantern Parade – 11/23





Coming soon!

Hilton Head
island jam
2023 songwriter festival
September 19-22



Crescendo

October 15 – November 23

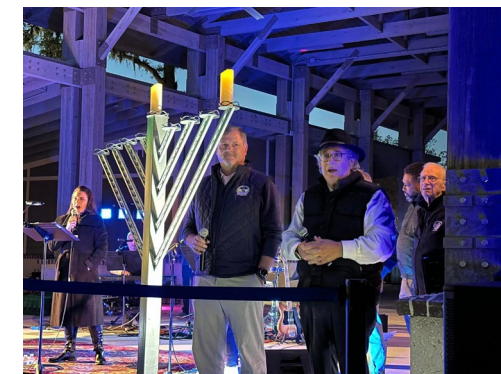
- Weekly Songwriters Concerts at LCP - Thursdays
- Family friendly entertainment at Community Market – Saturdays
- 100+ arts, culture, and history events scheduled



Lantern Parade – November 23



Community Tree Lighting & Program December 7



Community Menorah Lighting - TBD



TOWN OF HILTON HEAD ISLAND

TOWN COUNCIL

TO: Town Council Members
FROM: Joshua Gruber, *Deputy Town Manager*
CC: Marc Orlando, *Town Manager*
Curtis Coltrane, *Town Attorney*
DATE: July 23, 2024
SUBJECT: Consideration of an Ordinance of the Town of Hilton Head Island Authorizing the Execution and Delivery of Quit Claim Deeds for a Portion of Property Owned by the Town of Hilton Head Island Identified as 54 Muddy Creek Road and the Purchase of a Stormwater Easement for the Same

RECOMMENDATION:

The Town Council is requested to consider the potential acquisition and release of parcels of real property that are located adjacent to 54 Muddy Creek Road to resolve outstanding concerns related to the ownership of the properties and to secure a stormwater easement for future maintenance. If the Town Council determines that it is appropriate to pursue any one or more of these acquisitions, it should identify the terms and conditions upon which it would be willing to release a portion of these parcels and to acquire a dedicated stormwater easement.

At its meeting on June 18, 2024, Town Council voted unanimously to approve First Reading of this Ordinance.

PARCEL BACKGROUND:

Muddy Creek Road Area – 54 Muddy Creek Road

Several years ago, the Town was contacted by members of the Williams/Jones family who were concerned that a portion of their family property located at 54 Muddy Creek Road had been inappropriately acquired by the Town. Staff and the Town Attorney conducted a search of the Town's property records associated with this acquisition and determined that the Town purchased its property in 2003 for a purchase price of \$22,000.

The Town's title derives from a deed from Mr. Hubert Bernheim, that was recorded at the time of the Town's acquisition in 2003. Mr. Bernheim's title derives from a Treasurer's tax deed he received in 1996. The property that Mr. Bernheim bought at the tax sale was titled in the name of a "William Campbell." Neither the Town nor Mr. Bernheim cleared the title to the property and therefore, the Town's title is uncertain, and a title clearance action would have to be pursued to establish its ownership of the property.

Sometime after 2003, a sewer lift station was installed on the southernmost portion of the Town's property. That use continues to the present day and is currently fenced in on the property.

While the Town was researching the title issues associated with this property, staff within the Stormwater Division determined that it was necessary to acquire an easement on a portion of this property as well as a portion of the main Williams Family property. A survey identifying this easement along with a corresponding property appraisal establishing the purchase value of the easement was obtained. Information pertaining to both items is enclosed as Attachments 1 and 2 respectively.

Based upon extensive discussions with the Williams/Jones family, the Town is proposing to exchange Quit Claim Deeds with the family to release any interest that it may have in the 54 Muddy Creek Road parcel while at the same time solidifying its interest in the sewer lift station property which would be retained. Additionally, the Town would purchase the stormwater easement from the family once these Quit Claim Deeds have been exchanged and recorded by the parties. The Town's appraisal indicated a fair market value of \$27,904. Based upon negotiations with the Williams/Jones family, they have requested compensation of \$35,000 to sign over the requested easement. Staff supports this requested value and believes that it is justifiable under the circumstances of this transaction.

CONCLUSION:

If the Town Council is supportive of exchanging the quit claims deeds identified above as well as supporting the acquisition of a stormwater easement for the requested \$35,000, an Ordinance authorizing the transfer of the property and a Resolution authorizing the purchase of the property will be prepared by the Town Attorney for consideration by Town Council.

ATTACHMENTS:

1. Ordinance Authorizing the Execution and Delivery of Quit Claim Deeds for a Portion of Property Identified as 54 Muddy Creek Road and the Purchase of a Stormwater Easement

TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA

ORDINANCE NUMBER 2024-_____

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE CONVEYANCE OF THREE PARCELS OF REAL ESTATE IN WHICH THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, OWNS OR HAS AN INTEREST IN, AND AUTHORIZING THE ACQUISITION OF AN EASEMENT FOR DRAINAGE, UNDER THE AUTHORITY OF S. C. CODE ANN. § 5-7-40 (SUPP. 2023), AND § 2-7-20, *MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA* (1983), AND S. C. CODE ANN. § 5-7-40 (SUPP. 2023), AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

LEGISLATIVE FINDINGS

Whereas, the Town of Hilton Head Island, South Carolina, hold title to certain real property by virtue of a Limited Warranty Deed of Hubert L. Bernheim that is recorded the Office of The Register of Deeds for Beaufort County, South Carolina, in Official Record Book 1852 at Page 2182, which is known and described as follows:

All that certain piece, parcel or lot of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, containing 1.81 acres, more or less, shown as R500, Map 20, Parcel 34, on the Tax Maps for Beaufort County (herein, the “Town Property”).

Whereas, Hubert L. Bernheim held title to the own Property under a Tax Title issued by the Treasurer for Beaufort County, South Carolina, dated January 10, 1996, and recorded in the Office of The Register of Deeds for Beaufort County, South Carolina, in Official Record Book 829 at Page 349; and,

Whereas, Eugene Williams holds title to a parcel of real property described as R510 010 000 0035, under a Tax Title issued by the Treasurer for Beaufort County, South Carolina, date December 3, 2008, and recorded in the Office of The Register of Deeds for Beaufort County, South Carolina, in Official Record Book 2788 at Page 1746 (hereinafter the “Williams Property”); and,

Whereas, the state of the title and the boundaries of both the Town Property and the Williams Property are unclear, and the Town of Hilton Head Island, South Carolina, and Eugene Williams have agreed on the location of the common boundary line between the Town Property and the Williams Property; and,

Whereas, the Town of Hilton Head Island, South Carolina, also holds title to real property that adjoins both the Town Property and the Williams Property, that is known and described as follows:

All those certain parcels, tracts, and lots of land, collectively comprising 7.19 acres, more or less, and more particularly described as Lots A-1, A-2, A-3, A-4, A-5, A-6, B-1, B-2, B-3, B-4, B-5, B-6, C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8, and the rights of way shown as Bryant Road, Deep Fording, Still Run Ramble, Little Garden Path, and the area shown as “Open Space - Pond,” all as shown on a Plat entitled “Plat of Spanish Grove Subdivision, Bryant Road, Hilton Head Island, Beaufort County, South Carolina,” prepared by Michael A. Mack, PLS 12244 of Horizon Surveying Associates dated July 31, 1996, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 64 at Page 95 (herein, the “Spanish Grove Property”).

Whereas, the public record reveals the existence of a survey discrepancy along the common boundary line between the Williams Property and the Spanish Grove Property; and,

Whereas, a storm water drainage ditch exists on the property, and following the conveyances authorized by this Ordinance, the storm water drainage ditch will cross both the Town Property and the Williams Property; and,

Whereas, Eugene Williams has agreed to convey an easement for access to, use of and maintenance of the storm water drainage ditch for the appraised value of the easement; and,

Whereas, the Town Council for the Town of Hilton Head Island, South Carolina, finds that it is in the best interest of the Town and its citizens and residents to authorize

the conveyance of a part of the Town Property in exchange for a conveyance of a part of the Williams property to resolve the title and boundary issues described above, and to acquire an easement from Eugene Williams for access to, use of and maintenance of the storm water drainage ditch on the Williams Property; and,

Whereas, the Plat that is attached hereto as Exhibit “A” shows the location of the agreed upon common boundary lines between the Town Property, the Williams Property and the Spanish Grove Property and the location of the storm water drainage ditch; and Whereas, S. C. Code Ann. § 5-7-40 (Supp. 2023), § 2-7-20, *Municipal Code Of The Town Of Hilton Head Island, South Carolina* (1983), and S. C. Code Ann. § 5-7-40 (Supp. 2023), authorizes municipalities to acquire and own real property and interests in real property.

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

Section 1. Execution and Delivery of Conveyance and Payment for Easement.

(a) The Mayor and Town Manager rea hereby authorized to execute a Quit Claim Deed to Eugene Williams for the property shown and described as “Tract 1” on the Plat that is attached hereto as Exhibit “A”. The Quit Claim Deed shall be in a form and substance similar to the document attached hereto as Exhibit “B.”

(b) The Mayor and Town Manager rea hereby authorized to accept a Quit Claim Deed to Eugene Williams for the property shown and described as “Tract 2” and “Tract 3” on the Plat that is attached hereto as Exhibit “A”. The Quit Claim Deed shall be in a form and substance similar to the document attached hereto as Exhibit “C.”

(c) The Mayor and Town Manager rea hereby authorized to accept an Easement for a Permanent Storm Water Drainage Easement from Eugene Williams for the property

shown and described as “Drainage & Utility Reserve Easement, Area: 4,360 Sq. Ft., 0.100 Acres” on the Plat that is attached hereto as Exhibit “A”. The Quit Claim Deed shall be in a form and substance similar to the document attached hereto as Exhibit “D,” and to pay Eugene Williams the appraised value for the easement area, being the sum of Twenty Seven Thousand Nine Hundred Four and no/100 (\$27,904.00) Dollars.

(d) The Mayor and Town Manager are authorized to take such other and further actions as may be necessary to complete the conveyances of real property and the easement authorized by this Ordinance.

Section 2. Severability.

If any section, phrase, sentence, or portion of this Ordinance is, for any reason, held or deemed to be invalid or unconstitutional by any Court of competent jurisdiction, then such section, phrase, sentence, or portion shall be deemed to be a separate, distinct, and independent provision, and its invalidity or unconstitutionality shall not affect any other provision.

Section 3. Effective Date.

This Ordinance shall become effective upon adoption by the Town Council for the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF
HILTON HEAD ISLAND, SOUTH CAROLINA, ON THIS ___ DAY OF JUNE, 2024.

Alan R. Perry, Mayor

ATTEST:

Kimberly Gammon, Town Clerk

First Reading: June ___, 2024

Second Reading: July ___, 2024

Approved as to Form:

Curtis L. Coltrane, Town Attorney

EXHIBIT “A” TO ORDINANCE 2024-____

LEGEND

MCC

REAR

OTF/O

PK/O

CH/O

R/S/O

N/F

DB

PB

PG

R/W

MA/BOX

REAR & CREED CONTROL

REAR & CAP FOUND

OPEN TOP PIPE FOUND

PK NAIL FOUND

CONCRETE MONUMENT FOUND

REAR SET

NOW/FORMERLY

DEED BOOK

PLAT BOOK

PAGE

RIGHT OF WAY

MAILBOX

PROPERTY LINE

ADJACENT PROPERTY LINE

INTERIOR PROPERTY LINE

EASEMENT LINE

CONCRETE

ASPHALT PAVEMENT

BRICK

BUILDING

CHAIN LINK FENCE

WOOD FENCE

GATE

SIGN

VICINITY MAP - NOT TO SCALE

GROSS LAND AREA		
PARCEL	AREA (SQ FT, AC)	
SPANISH GROVE SUBDIVISION (TRACT 3)	313,063 SQ. FT., 7.186 AC	
TMS # R510-010-000-0034-0000 (TRACT 3)		
TMS # R510-010-000-0034-0000 (TRACT 2)	15,229 SQ. FT., 0.350 AC	
TMS # R510-010-000-0035-0000 (TRACT 1)	120,595 SQ. FT., 2.788 AC	

NOTES

1. FIELD SURVEY COMPLETION DATE: MAY 30, 2023.
2. ALL DISTANCES ARE HORIZONTAL, GROUND IN INTERNATIONAL FEET.
3. HORIZONTAL BEARINGS BASED ON SC GRID NAD83/2011. VERTICAL BASED ON NAVD83.
4. REFERENCES, AS SHOWN ON MAP.
5. THIS SURVEY IS NOT INTENDED TO EXPRESS AN OPINION REGARDING OWNERSHIP OR TITLE.
6. THE MUDDY CREEK SUBDIVISION IS INTENDED TO BE AN EXPRESSION OF PROFESSIONAL JUDGMENT BY THE SURVEYOR, WHICH IS BASED ON HIS BEST KNOWLEDGE.
7. SURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
8. THE EXISTENCE OR NONEXISTENCE OF WETLANDS ON SUBJECT PROPERTY HAS NOT BEEN DETERMINED BY THIS SURVEY.
9. SUBJECT TO ALL EASEMENTS, RIGHT OF WAYS AND OR ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.
10. ALL INFORMATION SHOWN OUTSIDE OF PROPERTY LINES ARE FOR ILLUSTRATIVE PURPOSES ONLY AND HAVE NOT BEEN LOCATED.
11. THIS PROPERTY IS LOCATED IN E1000 ZONE "X" AS INDICATED ON E1000 INSURANCE RATE MAP COMMUNITY PANEL NO. 450135 03496 & 450135 04425 DATED MARCH 28, 2021, PER FEMA.GOV.
12. ROAD R/W AND OTS SHOWN ON TRACT 3 ARE SHOWN PER THE REFERENCE PLAT OF SPANISH GROVE SUBDIVISION AND CURRENT GIS MAPPING, BUILDING FOOTPRINT, PAVEMENT LIMITS, OPEN SPACE POND, ETC. ARE SHOWN PER THE DATE OF THE FIELD SURVEY.

ZONING VERIFICATION	
BASE ZONING:	RM-4 - LOW TO MODERATE DENSITY RESIDENTIAL DISTRICT
SOURCE:	HILTON HEAD ISLAND ZONING DISTRICTS GIS MAP & HILTON HEAD ISLAND CODE OF ORDINANCES

1. RAYMOND B. DAWKER, JESSIE STAYE, THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE AND THE REQUIREMENTS OF THE STANDARDS OF PRACTICE EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 31ST DAY OF OCTOBER, AD 2023.

Preliminary

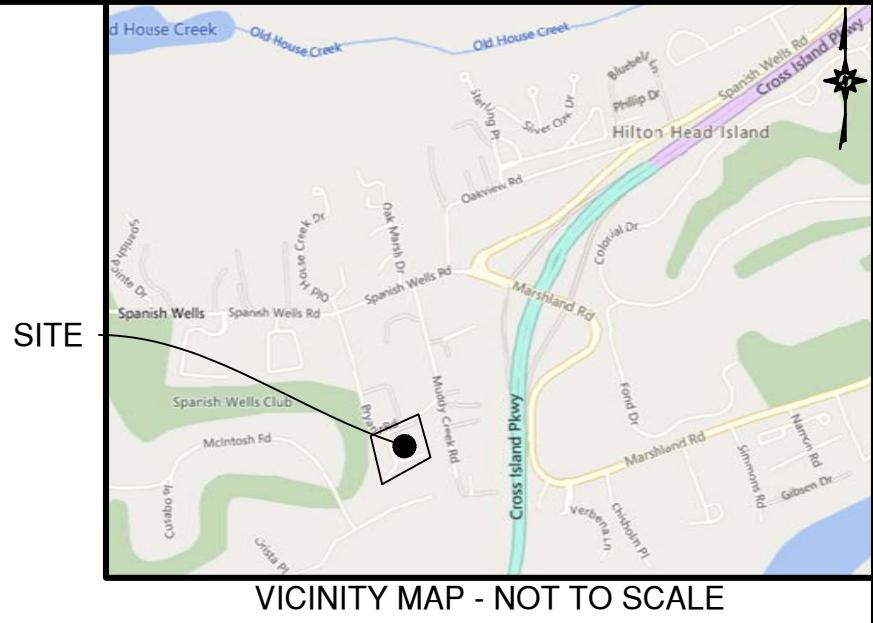
10/31/2023 7:39:40 AM

RAYMOND B. DAWKER,
SCPLS 24270
PROFESSIONAL LAND SURVEYOR

PLAT SHOWING THE ADJUSTED LINES BETWEEN
THE TOWN OF HILTON HEAD ISLAND
AND
THE EUGENE WILLIAMS FAMILY
BRYANT ROAD & MUDDY CREEK ROAD, HILTON HEAD ISLAND,
BEAUFORT COUNTY, SOUTH CAROLINA, 29926
OCTOBER 25, 2023

McKIM & CREED
454 DEANNA LANE SUITE A
CHARLESTON SC, 29492
TELEPHONE: (843) 459-7894
SOUTH CAROLINA FIRM COA NUMBER: 453
www.mckimcreed.com

GROSS LAND AREA	
PARCEL	AREA (SQ FT, AC)
SPANISH GROVE SUBDIVISION (TRACT 3)	313,063 SQ. FT., 7.186 AC
TMS # R510-010-000-0034-0000 (TRACT 2)	15,229 SQ. FT., 0.350 AC
TMS # R510-010-000-0035-0000 (TRACT 1)	120,595 SQ. FT., 2.768 AC



VICINITY MAP - NOT TO SCALE

TRACT 1

TMS# R510-010-000-0035-0000

ALL THAT CERTAIN PARCEL OF LAND LYING ON THE WESTERLY LINE OF MUDDY CREEK ROAD, IN THE TOWN OF HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA, KNOWN AS LAND NOW OR FORMERLY OF EUGENE WILLIAMS, JR. AND SHOWN ON PLAT BOOK __ PG __ AS RECORDED IN BEAUFORT COUNTY REGISTER OF DEEDS ON _____, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" REBAR SET AT THE SOUTHEAST CORNER TRACT 2 AS SHOWN ON SAID PLAT; ALSO, BEING THE NORTHEASTERLY CORNER OF LAND NOW OR FORMERLY GONZALO LOPEZ AGUILAR (DB 3328 PG 3173), SAID POINT HAVING SCSPC N 128929.20, E. 2071814.15 AND THE WESTERLY LINE OF MUDDY CREEK ROAD (40' PUBLIC ROW); THENCE ALONG MUDDY CREEK ROAD N.11°25'21" W 546.04' TO 2'X2' CONCRETE MONUMENT AND THE SOUTHEAST CORNER OF LAND NOW OR FORMERLY OF MARIA DEL CARMEN & SOTO VEGA (DB 4135 PG 1329), HAVING SCSPC N.129464.42, E. 2071706.02, THE TRUE POINT OR PLACE OF BEGINNING, RUNNING THENCE ALONG MUDDY CREEK ROAD S.11°25'21" E 426.27' TO A 5/8" REBAR SET AT THE NORTHEAST CORNER OF TRACT 2 AS SHOWN ON SAID PLAT AND ALSO THE NORTHERLY LINE OF LAND OF THE TOWN OF HILTON HEAD ISLAND; THENCE ALONG THE LINE OF TRACT 2 S. 60°59'07" W. 266.80' TO A COMPUTED POINT REFERENCED BY AN OLD IRON PIPE 2.0" SOUTHWEST OF SAID CORNER, AND BEING THE SOUTHEASTERLY CORNER OF THE FORMER SPANISH GROVE SUBDIVISION (PB 64 PG 95) NOW LAND OF THE TOWN OF HILTON HEAD ISLAND; THENCE N.15°31'24" W. 457.99' ALONG THE EASTERLY LINE OF SAID SUBDIVISION AND THE WESTERLY OF LAND NOW OR FORMERLY EUGENE WILLIAMS TO A 5/8" REBAR SET AT THE NORTH WEST CORNER OF TRACT 1 AND THE SOUTHWESTERLY CORNER OF LAND NOW OR FORMERLY OF CAROLYN DEBARR; RUNNING THENCE ALONG THE NORTH LINE OF TRACT 1 AND SOUTHERLY LINE OF THE LAND NOW OR FORMERLY OF CAROLYN DEBARR AND NOW OR FORMERLY MARIA DEL CARMEN SOTO VEGA N.68°40'53" E. 291.41' TO THE POINT OR PLACE OF BEGINNING. CONTAINING 120595 SQ FT, 2.768 ACRES

TRACT 2

TMS# R510-010-000-0034-0000

ALL THAT CERTAIN PARCEL OF LAND LYING ON THE WESTERLY LINE OF MUDDY CREEK ROAD, IN THE TOWN OF HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA, KNOWN AS LAND NOW OR FORMERLY OF EUGENE WILLIAMS, JR. AND SHOWN ON PLAT BOOK __ PG __ AS RECORDED IN BEAUFORT COUNTY REGISTER OF DEEDS ON _____, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" SET AT THE SOUTHEAST CORNER TRACT 2 AS SHOWN ON SAID PLAT; ALSO, BEING THE NORTHEASTERLY CORNER OF LAND NOW OR FORMERLY GONZALO LOPEZ AGUILAR (DB 3328 PG 3173), SAID POINT HAVING SCSPC N 128929.20, E. 2071814.15 AND THE WESTERLY LINE OF MUDDY CREEK ROAD (40' PUBLIC ROW); THENCE ALONG THE LINE OF TRACT 2 AND LAND NOW OR FORMERLY GONZALO LOPEZ AGUILAR S.87°19'26" W. 257.31' TO A COMPUTED POINT MARKED BY AN OLD IRON PIPE 2.0 SOUTHWEST OF SAID CORNER, AND BEING THE SOUTHEASTERY CORNER OF THE FORMER SPANISH GROVE SUBDIVISION (PB 64 PG 95) NOW LAND OF THE TOWN OF HILTON HEAD ISLAND; RUNNING THENCE ALONG THE SOUTHERLY LINE OF TRACT 1 N.60°59'07" E. 266.80' TO A 5/8" REBAR SET ON THE WESTERLY LINE OF MUDDY CREEK ROAD; THENCE S. 11°25'21" E. 119.77' TO THE POINT OR PLACE OF BEGINNING.

CONTAINING 15229 SQ FT, 0.350 ACRES

TRACT 3

FORMER SPANISH GROVE SUBDIVISION

ALL THAT CERTAIN PARCEL OF LAND LYING WEST OF MUDDY CREEK ROAD, IN THE TOWN OF HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA, KNOWN AS THE FORMER SPANISH GROVE SUBDIVISION (PB 64 PG 95) AND SHOWN ON PLAT BOOK __ PG __ AS RECORDED IN BEAUFORT COUNTY REGISTER OF DEEDS ON _____, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" SET AT THE SOUTHEAST CORNER TRACT 2 AS SHOWN ON SAID PLAT; ALSO, BEING THE NORTHEASTERLY CORNER OF LAND NOW OR FORMERLY GONZALO LOPEZ AGUILAR (DB 3328 PG 3173), SAID POINT HAVING SCSPC N 128929.20, E. 2071814.15 AND THE WESTERLY LINE OF MUDDY CREEK ROAD (40' PUBLIC ROW); THENCE ALONG THE SOUTHERLY LINE OF TRACT 2 AND LAND NOW OR FORMERLY GONZALO LOPEZ AGUILAR S.87°19'26" W. 257.31' TO A COMPUTED POINT MARKED BY AN OLD IRON PIPE 2.0 SOUTHWEST OF SAID CORNER, AND BEING THE SOUTHEASTERY CORNER OF THE FORMER SPANISH GROVE SUBDIVISION (PB 64 PG 95) NOW LAND OF THE TOWN OF HILTON HEAD ISLAND; THENCE N.15°31'24" W. 502.42' ALONG THE EASTERLY LINE OF SAID SUBDIVISION AND THE WESTERLY OF LAND NOW OR FORMERLY EUGENE WILLIAMS TO A PK FOUND AT THE NORTH EAST CORNER OF THE SPANISH GROVE SUBDIVISION, HAVING SCSPC N. 129401.28', E. 2071422.66' THE POINT OR PLACE OF BEGINNING;

RUNNING THENCE S.15°31'24" E. 502.42' TO A COMPUTED POINT MARKED BY AN OLD IRON PIPE 2.0 SOUTHWEST OF SAID CORNER, AND BEING THE SOUTHEASTERY CORNER OF THE FORMER SPANISH GROVE SUBDIVISION (PB 64 PG 95); THENCE ALONG THE SOUTHERLY LINE OF THE SPANISH GROVE SUBDIVISION, THROUGH A SERIES OF MONUMENTS MARKING THE SOUTHERLY ADJOINERS PARCELS S.60°58'49" W. 621.68' TO 2" OPEN TOP PIPE THE SOUTHWESTERLY CORNER OF SAID SUBDIVISION; THENCE N. 13°19'33" W. ALONG THE WESTERLY LINE OF THE SUBDIVISION 556.59' TO 2" X 2" CONCRETE MONUMENT THE NORTHWESTERLY CORNER OF THE SPANISH GROVE SUBDIVISION; THENCE ALONG THE NORTHERLY LINE OF THE SUBDIVISION N.65°34'34" E. 590.28' TO THE POINT OR PLACE OF BEGINNING.

CONTAINING 313063 SQ FT, 7.187 ACRES

I, RAYMOND B. DAWBER, HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 31ST DAY OF OCTOBER, AD 2023.

Preliminary
10/31/2023 7:39:46 AM

RAYMOND B. DAWBER.
SCPLS 24270
PROFESSIONAL LAND SURVEYOR

MCKIM & CREED
454 DEANNA LANE SUITE A
CHARLESTON SC, 29492
TELEPHONE: (843) 459-7894
SOUTH CAROLINA FIRM COA NUMBER: 453
www.mckimcreed.com

PLAT SHOWING THE ADJUSTED LINES BETWEEN
THE TOWN OF HILTON HEAD ISLAND
AND
THE EUGENE WILLIAMS FAMILY
BRYANT ROAD & MUDDY CREEK ROAD, HILTON HEAD ISLAND,
BEAUFORT COUNTY, SOUTH CAROLINA, 29926
OCTOBER 25, 2023

JOB NUMBER: 09065-0006
SCALE: N.T.S.
CAD NUMBER: VT101_09065-0006
PLS: RBD
PARTY CHIEF: JB
CAD TECH: RBV
FIELD BOOK/PAGE: CHS#69 13-19
DRAWING NUMBER: DWG
SHEET 2 OF 2

EXHIBIT “B” TO ORDINANCE 2024-____

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) QUIT CLAIM DEED

Know All Persons by These Presents, that The Town of Hilton Head Island, South Carolina, in the State aforesaid and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, to them in hand paid at and before the execution, sealing and delivery of these presents, by Eugene Williams, having an address of 54 Muddy Creek Road, Hilton Head Island, SC, 29926, in the State aforesaid, the receipt whereof is hereby acknowledged, subject to the easements, restrictions, and conditions set forth in the legal description below, have granted, bargained, released and quit claimed, and by these Presents does grant, bargain, release and quit claim to Eugene Williams, his heirs and assigns, forever the following property:

All that certain piece, parcel or lot of land lying and being on Hilton Head Island, Beaufort County, South Carolina, which is shown and described as "Tract 1", on a plat titled "Plat Showing the Adjusted Lines between the Town of Hilton Head Island and the Eugene Williams Family," dated October 25, 2023, prepared by McKim & Creed, Raymond B. Dawber, SCPLS 24270, which is recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book ___ at Page ____.

This conveyance is made subject to all applicable covenants, conditions, limitations, easements, affirmative obligations, etc., recorded in the Office of the Register of Deeds for Beaufort County, South Carolina.

This being a part of the same property conveyed to The Town of Hilton Head Island, South Carolina, by Deed recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Official Record Book 829 at Page 349;

This Deed was prepared in the law office of Coltrane & Wilkins, LLC, Post Office Box 6808, Hilton Head Island, South Carolina, 29938, by Curtis L. Coltrane.

A Part of TMS# R 510 010 000 0034 0000

Together with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

To Have and to Hold, all and singular, the said Premises before mentioned to Eugene Williams, his heirs and assigns forever.

Witness the hand and seal of the duly authorized officers of The Town of Hilton Head Island, South Carolina on this ____ day of July, 2024.

WITNESSES:

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA

Alan R. Perry, Mayor

Marc A. Orlando, Town Manager

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

UNIFORM ACKNOWLEDGMENT

The undersigned Notary Public does hereby certify that Alan R. Perry and Marc A. Orlando, the duly authorized Mayor and Town Manager of The Town of Hilton Head Island, South Carolina, personally appeared before me this day and acknowledged the due execution of this Quit Claim Deed.

Sworn to before me on this ____
Day of July, 2024.

Notary Public for South Carolina
My Commission Expires:_____

EXHIBIT “C” TO ORDINANCE 2024-____

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) QUIT CLAIM DEED

Know All Persons by These Presents, that Eugene Williams, in the State aforesaid and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, to them in hand paid at and before the execution, sealing and delivery of these presents, by The Town of Hilton Head Island, South Carolina, having an address of One Town Center Court, Hilton Head Island, SC, 29928, in the State aforesaid, the receipt whereof is hereby acknowledged, subject to the easements, restrictions, and conditions set forth in the legal description below, have granted, bargained, released and quit claimed, and by these Presents does grant, bargain, release and quit claim to The Town of Hilton Head Island, South Carolina and its successors and assigns, forever the following property:

All that certain piece, parcel or lot of land lying and being on Hilton Head Island, Beaufort County, South Carolina, which is shown and described as “Tract 2” and “Tract 3” on a plat titled “Plat Showing the Adjusted Lines between the Town of Hilton Head Island and the Eugene Williams Family,” dated October 25, 2023, prepared by McKim & Creed, Raymond B. Dawber, SCPLS 24270, which is recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book ___ at Page ___.

This conveyance is made subject to all applicable covenants, conditions, limitations, easements, affirmative obligations, etc., recorded in the Office of the Register of Deeds for Beaufort County, South Carolina.

This being a part of the same property conveyed to Eugene Williams, by Deed recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Official Record Book 2788 at Page 1746.

This Deed was prepared in the law office of Coltrane & Wilkins, LLC, Post Office Box 6808, Hilton Head Island, South Carolina, 29938, by Curtis L. Coltrane.

A Part of TMS# R 510 010 000 0035 0000

Together with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

To Have and to Hold, all and singular, the said Premises before mentioned to The Town of Hilton Head Island, South Carolina, its successors and assigns forever.

Witness the hand and seal of Eugene Williams on this ____ day of July, 2024.

WITNESSES:

Eugene Williams

STATE OF SOUTH CAROLINA)

)

UNIFORM ACKNOWLEDGMENT

COUNTY OF BEAUFORT)

The undersigned Notary Public does hereby certify that Eugene Williams personally appeared before me this day and acknowledged the due execution of this Quit Claim Deed.

Sworn to before me on this ____
Day of July, 2024.

Notary Public for South Carolina
My Commission Expires:_____

EXHIBIT “D” TO ORDINANCE 2024-____

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

PERMANENT STORM WATER

DRAINAGE EASEMENT

AGREEMENT

This Permanent Stormwater Drainage Easement Agreement (hereinafter the “Agreement”) is made this ____ Day of July, 2024, by and between Eugene Williams and the Town of Hilton Head Island, South Carolina.

Whereas, the Town has planned and desires to undertake drainage work which involves drainage improvements, ongoing maintenance, and related work thereto, on a storm and surface water drainage ditch that crosses the property of Eugne Williams as further described in this Agreement which work is for the benefit and use property in the vicinity of Muddy Creek Road including that of Eugene Williams; and,

Whereas, Eugene Williams has agreed to convey to the Town of Hilton Head Island, South Carolina, a permanent storm water drainage easement for access and for the improvement, maintenance and use of the aforementioned storm and surface water drainage ditch, subject to the terms and conditions set forth herein.

Now, Therefore, know all men by these presents, Eugene Williams, for and in consideration of the sum of Twenty Seven Thousand Nine Hundred Four and 00/100 Dollar (\$27,904.00) and no other valuable consideration, the receipt and sufficiency whereof is acknowledged, has bargained, granted, and sold and by these presents does

hereby bargain, grant, and sell to the Town of Hilton Head Island, South Carolina, its successors and assigns, a perpetual, non-exclusive easement on, under, over and across that portion of Eugene Williams' property, which is described as follows:

All that certain piece, parcel or lot of land lying and being on Hilton Head Island, Beaufort County, South Carolina, which is shown and described as "Drainage & Utility Reserve Easement Area: 4,360 SQ FT, o.100 Acres", on a plat titled "Plat Showing the Adjusted Lines between the Town of Hilton Head Island and the Eugene Williams Family," dated October 25, 2023, prepared by McKim & Creed, Raymond B. Dawber, SCPLS 24270, which is recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book ___ at Page ___.

A portion of Beaufort County Property ID (R510 010 000 0035 0000).

(herein, the "Easement Property").

The Easement granted herein is for the purpose of improving, maintaining, and using the Easement Property for the collection, conveyance and drainage of surface and storm water runoff. Eugene Williams further grants to the Town a perpetual, non-exclusive easement for the purpose of draining storm and surface water runoff through the storm and surface water drainage ditch in Easement Property pursuant to this Agreement. Eugene Williams further grants to the Town an easement for access, ingress and egress over property owned by Eugene Williams for access to and from the Easement Property in connection with the performance of work in accordance with the terms of this Agreement.

This Agreement is granted and accepted subject to the following terms:

1. This Agreement is entered into subject to all other easements, licenses, and conveyances of record and is subject to the rights herein reserved by Eugene Williams and his heirs and assigns, to utilize the Easement Property at any time, in any manner, and for any purpose, provided, however, that such use by Eugene Williams shall not be

inconsistent with nor prevent the full utilization by the Town of Hilton Head Island, South Carolina, of the rights and privileges granted herein.

2. Eugene Williams shall erect no permanent structure of any kind on, over or across the Easement Property, including but not limited to buildings, sheds, walls, or any other structures. Eugene Williams shall not impede, obstruct, or allow to be obstructed, the natural flow of storm and/or surface water through the Easement Property.

3. The Town agrees to plan the improvements and maintenance of and to the storm and surface water drainage ditch in the Easement Property, and further agrees that the improvements to, maintenance of, use of, and access to, the storm and surface water drainage ditch in the Easement Property shall be under the exclusive control of the Town, and that the Town shall at all times comply with all applicable laws, rules, codes, and regulations.

4. From the date of this Agreement, the Town of Hilton Head Island, South Carolina, shall, at its sole cost and expense, cause all timely clearing of natural debris, repair, renovation, and all other improvements in general to the storm and surface water drainage ditch and the Easement Property as shall be or shall become necessary and/or prudent in the discretion of the Town of Hilton Head Island, South Carolina.

5. The Town agrees to cause all work contemplated hereunder to be performed in a workmanlike fashion with minimal interference to Eugene Williams and his assigns, invitees, guests, licensees, and agents. The Town of Hilton Head Island, South Carolina, further agrees to cause the work contemplated hereunder to be completed in an expeditious and timely fashion, that the storm and surface water drainage ditch and the Easement Property shall at all times be maintained in a safe condition, and that all debris and construction materials relating to work undertaken by the Town of Hilton Head

Island, South Carolina, pursuant to the rights granted hereunder shall be promptly removed.

6. With the exception of any permanent improvements to be made in and to the storm and surface water drainage ditch and the Easement Property pursuant to completion of work performed in accordance with this Agreement, the Town agrees to restore the Easement Property to its pre-existing condition including the removal of all equipment, materials, litter, debris, etc. upon conclusion of any work.

7. The Town of Hilton Head Island, South Carolina, hereby warrants to Eugene Williams that the granting of the Easements described in this Agreement will not affect “set back” lines under The Town of Hilton Head Island, South Carolina’s jurisdiction on the of Eugene Williams.

8. Eugene Williams represents and warrants that it has full authority to execute, deliver and perform this Agreement.

To have and to hold, all and singular, the rights, privileges, and easements aforesaid unto the Town of Hilton Head Island, South Carolina, its successors, and assigns, forever.

In Witness whereof Eugene Williams has executed and delivered this Permanent Stormwater Drainage Easement Agreement on this ___ day of July, 2024.

WITNESSES:

_____ By: _____
Eugene Williams

STATE OF SOUTH CAROLINA	)	
	)	UNIFORM ACKNOWLEDGMENT
COUNTY OF BEAUFORT	)	

I, the undersigned Notary Public do hereby certify that Eugene Williams personally appeared before me on this day and duly acknowledged the execution of this Permanent Stormwater Drainage Easement Agreement.

Sworn to and Subscribed before me
this ___ Day of July, 2024.

Notary Public for South Carolina
My Commission Expires:_____

In Witness whereof, The Town of Hilton Head Island, South Carolina, by and through Alan R. Perry and Marc A. Orlando, its duly authorized Mayor and Town Manager has executed and delivered this Permanent Stormwater Drainage Easement Agreement on this ___ day of July, 2024

WITNESSES:

THE TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

By: _____
Alan R. Perry, Mayor

Attest: _____
Marc A. Orlando, Manager

STATE OF SOUTH CAROLINA

)

)

COUNTY OF BEAUFORT

)

UNIFORM ACKNOWLEDGMENT

I, the undersigned Notary Public do hereby certify that Alan R. Perry, Mayor, and Marc A. Orlando, Town Manager, personally appeared before me on this day and duly acknowledged the execution of this Permanent Stormwater Drainage Easement Agreement.

Sworn to and Subscribed before me
This ___ Day of July, 2024.

Notary Public for South Carolina
My Commission Expires: _____



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: Karla Vincent, PE, Senior Project Engineer
VIA: Marc Orlando, Town Manager
Curtis Coltrane, Town Attorney
Bryan McIlwee, PE, Director of Engineering
Shawn Colin, AICP, Assistant Town Manager
DATE: July 23, 2024
SUBJECT: Consideration of a Resolution Authorizing the Acceptance of a
Donated Right-of-Way and Corresponding Pathway Easement for
Property Located at 272 Mitchelville Road

Recommendation:

Consideration of a Resolution Authorizing the Acceptance of a Donated Right-of-Way and Corresponding Pathway Easement for Property Located at 272 Mitchelville Road.

Background:

The Town has been pursuing right of way donations along the private, westerly, dead-end segment of Mitchelville Road since 2016 under the Town's private Dirt Road Paving Program.

The Program affords a means for private road owners to each donate necessary rights of way to the Town to create a public road right of way, which shall then be improved (pavement and storm drainage construction) and perpetually maintained by the Town. All property owners required to donate rights to the existing private right of way along this segment of Mitchelville Road agreed to donate the necessary land rights, except for one property owner.

In 2011, the Town and County jointly purchased two parcels of land (R510 004 000 0007 0000 which is 5.2 acres and R510 004 000 0007 0000 which is 8.0 acres). It is in the Town and County's best interest to provide public road access to these publicly owned lands.

At the January 9, 2018 meeting, Town Council voted unanimously to approve the five key policy issues for staff to move forward in pursuit of public road rights of way on qualifying private unpaved roads as outlined below:

1. To qualify for this program, the road must serve more than 5 dwellings/address points.
 - a. If a private unpaved road serving 5 dwellings or less, lying within a low-moderate income area, that emergency responders have deemed impassable, and there is 100% participation amongst all affected property owners to donate a public road right of way to the Town, staff shall bring that road before the Public Facilities Committee and Town Council as an exception to the policy and for consideration of dedication and acceptance.
2. Property owners must express interest in public road right of way assemblage (100% willing participation).
3. Land for the public road right of way must be donated to the Town.
4. Condemn land only as necessary due to unclear title issues (i.e., heirs' property).
5. Community volunteers may assist staff with facilitating right of way donations.

At the August 14, 2018 meeting, Town Council unanimously approved a recommendation from the Public Facilities Committee to direct Town staff to pursue the acquisition of public road rights of way on the unpaved private road Mitchelville Road.

At the July 27, 2020 meeting, the Community Service and Public Safety Committee unanimously approved a motion that the Town move forward with acquisition of Mitchelville Road as part of the dirt road paving program.

The donation of right of way and easement on parcel R510 004 000 0307 0000 is the last remaining donation of land rights to the Town for the necessary public right of way.

Summary:

The primary objective of the Dirt Road Paving Program is to accept donations of public road rights-of-way on qualifying private unpaved roads with a goal to provide publicly maintained infrastructure within these rights-of-way. These acquisitions are prioritized based on a rating scheme which emphasizes public safety, the condition of the road, and the number of dwellings served. Town Council budgeted funds this fiscal year for both design and acquisition purposes. The acquisition funds shall include survey and legal costs necessary for acquisitions and are not intended for compensation to property owners.

Attachments:

1. Resolution
2. Right-of-Way and Easement Plat

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, UNDER THE AUTHORITY OF S. C. CODE ANN. § 28-2-10, *ET SEQ.* (SUPP. 2024), AND § 16-5-105(D)(5), *MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA* (1983), AUTHORIZING ACCEPTANCE OF PROPERTY FOR A PUBLIC RIGHT OF WAY FOR A ROADWAY KNOWN AS “MITCHELVILLE LANE,” AND A PATHWAY EASEMENT.

WHEREAS, on August 18, 2020, The Town of Hilton Head Island, South Carolina, adopted Resolution 2020-16, authorizing the acquisition of a parcel of real property that is occupied by an unpaved roadway known as “Mitchelville Lane”; and,

WHEREAS, Resolution 2020-16 was adopted by The Town of Hilton Head Island, South Carolina, under S. C. Code Ann. § 28-2-70 (Supp. 2024); and,

WHEREAS, Moshe Dekel, a landowner abutting the roadway parcel has agreed to convey a parcel of property to The Town of Hilton Head Island, South Carolina, of 0.161 acres, more or less, for road right of way for “Mitchelville Lane,” and a pathway easement of 0.023 acres; and,

WHEREAS, The Town of Hilton Head Island, South Carolina, determines that it is in the best interests of The Town of Hilton Head Island, South Carolina and its citizens and residents to accept the conveyance of 0.161 acres, more or less, for road right of way for “Mitchelville Lane,” and a pathway easement of 0.023 acres, as a donation under § 16-5-105(D)(5), *Municipal Code of The Town of Hilton Head Island, South Carolina* (1983).

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

1. The Town of Hilton Head Island, South Carolina, is authorized to accept the conveyance of 0.161 acres, more or less, for road right of way for “Mitchelville Lane,” and a pathway easement of 0.023 acres as a donation from Moshe Dekel under § 16-5-

105(D)(5), *Municipal Code of The Town of Hilton Head Island, South Carolina* (1983.

2. The Mayor and Town Manager are authorized to accept the conveyance of the road right of way parcel and the pathway easement in a form and substance similar to the documents attached hereto as Exhibits “A” and “B,” and to take all other and further actions as may be necessary to complete the transaction described in this Resolution.

MOVED, APPROVED, AND ADOPTED THIS _____ DAY OF JULY, 2024.

Alan R. Perry, Mayor

ATTEST:

By: _____
Kimberly Gammon, Town Clerk

APPROVED AS TO FORM:

Curtis L. Coltrane

EXHIBIT "A" TO RESOLUTION REGARDING ACCEPTANCE OF QUIT CLAIM DEED
AND PATHWAY EASEMENT FROM MOSHE DEKEL FOR MITCHELVILLE LANE

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) QUIT CLAIM DEED

Know All Men by These Presents, that Moshe Dekel (the “Grantor”), in the State aforesaid and in consideration of the sum of One and no/100 (\$1.00) Dollars, actual consideration, to him in hand paid at and before the execution, sealing, and delivery of these Presents, by The Town of Hilton Head Island, South Carolina (the “Town”), having an address of One Town Center Court, Hilton Head Island, SC, 29928, in the State aforesaid, the receipt whereof is hereby acknowledged, and as a donation by the Grantor to the Town under the Town’s Dirt Road Paving Program, subject to the easements, restrictions, and conditions set forth in the legal description below, has quit-claimed, bargained, sold, and released, and by these Presents does quit-claim, bargain, sell, and release to the Town, its successors and assigns, forever, all his right, title and interest in and to the following property:

All that certain piece or parcel of land shown and described as “Proposed Town of Hilton Head Island Public Road 50’ R/W 0.161 AC. (6,998 SF.)” on a Plat titled “A Right of Way Plat of Mitchelville Road, Hilton Head Island, Beaufort County, South Carolina” prepared by Nandina, d/b/a Sea Island Land Survey, dated April 28, 2023, last revised January 31, 2024, certified by Justin R. Kesselring, SCPLS 29901, which is recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book ___ at Page ____.

This Quit-Claim Deed was prepared in the law office of Coltrane & Wilkins, LLC, Post Office Box 6808, Hilton Head Island, South Carolina, 29938, by Curtis L. Coltrane.

A Part of TMS# R510 004 000 0307 0000

Together with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

To Have and to Hold, all and singular, the said Premises before mentioned to the Town, its successors and assigns, forever.

EXHIBIT “B” TO RESOLUTION REGARDING ACCEPTANCE OF QUIT CLAIM DEED
AND PATHWAY EASEMENT FROM MOSHE DEKEL FOR MITCHELVILLE LANE

STATE OF SOUTH CAROLINA)
) PATHWAY EASEMENT
COUNTY OF BEAUFORT)

This Pathway Easement is made and accepted this ____ day of July, 2024, by and between Moshe Dekel (the “Grantor”), whose address is 272 Mitchelville Road, Hilton Head Island, SC 29926, and The Town of Hilton Head Island, South Carolina, having an address of One Town Center Court, Hilton Head Island, South Carolina 29928, (hereinafter, the "Town").

WHEREAS, the Town has planned and desires to lay out and build a paved pathway for pedestrian and bicycle travel, a part of which will lie on the property which is described below, with the paved pathway being for the use and benefit of the general public; and,

WHEREAS, the Grantor is the owner of real property on which a part of the paved pathway will be located; and,

WHEREAS, the Town desires to acquire from the Grantor a permanent easement for the construction and maintenance of the paved pathway by the Town, and use of the paved pathway by the general public, subject to the terms and conditions set forth herein.

NOW, THEREFORE, know all men by these presents that the Grantor, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, the receipt and sufficiency whereof is acknowledged, has bargained, granted, and sold and by these presents does hereby bargain, grant, and sell to the Town, its successors and assigns, a perpetual, non-exclusive easement to plan, lay out, build, maintain and use a paved pathway and any necessary lighting and associated electrical equipment for pedestrian and bicycle travel, with said pathway to be utilized by the general public, on, over and across that portion of the Grantor's property which is described as follows:

All that certain piece, parcel or parcel consisting of .023 acres, shown and described as "Permanent Pathway Easement & Proposed Easement 2' Off of Right of Way 0.023 Ac. (1,042)" on a Plat titled "A Right of Way Plat of Mitchelville Road, Hilton Head Island, Beaufort County, South Carolina" prepared by Nandina, d/b/a Sea Island Land Survey, dated April 28, 2020, last revised January 31, 2024, certified by Justin R. Kesselring, SCPLS 29901, which is recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book ____ at Page ____ (hereinafter, the "Easement Property").

This easement is granted by the Grantor and accepted by the Town subject to the following terms:

1. This easement is conveyed subject to all covenants, conditions, restrictions, easements, licenses, mortgages, liens, encumbrances, reservations, and conveyances of record, to all matters shown on the above-referenced plat depicting the Easement Property, and to all matters that would be revealed by an accurate survey and inspection of the Easement Property, and is subject to the rights herein reserved by the Grantor and its successors and assigns, to utilize the Grantor's property at any time, in any manner, and for any purpose, provided, however, that such use by the Grantor shall not be

inconsistent with nor prevent the full utilization by the Town and the general public of the rights and privileges granted herein.

2. The Town agrees to plan, lay out, and build a paved pathway for pedestrian and bicycle travel by the general public on and across the Easement Property, and further agrees that the construction of, maintenance of, repair of, use of, access to , and travel upon the paved pathway shall be under the exclusive control of the Town and that the Town shall at all times comply with all applicable laws, rules, codes, and regulations in connection with the development, construction, use and maintenance of the Easement Property and the paved pathway to be located therein.

3. From the date of the commencement of the construction of the paved pathway described in this Pathway Easement, the Town shall be solely responsible for, at its sole cost and expense, all cleaning, maintenance, repair, renovation, landscaping, signage, striping, drainage improvements, lighting, and all other improvements in general in connection with the paved pathway as shall be or shall become necessary or prudent for the reasonable safety of the general public using said paved pathway.

4. The Town agrees to cause all work contemplated hereunder to be performed in a workmanlike fashion with minimal interference to the Grantor and its successors, assigns, residents, invitees, guests, licensees, and agents. The Town further agrees to cause the work contemplated hereunder to be completed in an expeditious and timely fashion, that the paved pathway shall at all times be maintained in a safe condition, and that all debris and construction materials pertaining to work undertaken by the Town pursuant to the rights granted in the Pathway Easement shall be promptly removed. The

Town shall restore any other part of the Grantor's property that may be damaged as a result of the Town's exercise of the rights granted in this Pathway Easement to its pre-existing state.

5. As a material inducement to the Grantor to grant the easement provided for herein, the Town hereby warrants to the Grantor (a) that neither the granting of the within easement nor the construction of the pathway or any other improvements pursuant hereto will now or in the future affect any buffers or "set backs" lines or requirements now or in the future provided for in the Town's Land Management Ordinance [§16-1-101, et seq., *Code of the Town of Hilton Head Island, South Carolina* (1983)]; and (b) that the pathway to be constructed by the Town within the Easement Property is a permitted use in the adjacent street buffer required by the provisions of the Town's Land Management Ordinance.

To have and to hold, all and singular, the rights, privileges, and easements aforesaid unto the Town of Hilton Head Island, South Carolina, its successors and assigns, forever.

In Witness whereof, the parties hereto have caused this Pathway Easement to be executed by the Grantor and by the duly authorized officers of the Town on this ____ day of July, 2024.

(Signatures on Following Pages)

WITNESSES

Moshe Dekel

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

UNIFORM ACKNOWLEDGMENT

I, the undersigned Notary Public do hereby certify that Moshe Dekel personally appeared before me on this day and duly acknowledged the execution of this Pathway Easement.

Sworn to and Subscribed before me
on this _____ Day of July, 2024.

Notary Public for South Carolina
My Commission Expires:_____

WITNESSES:

THE TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

----- By _____
Alan R. Perry, Mayor

----- By: _____
Marc A. Orlando, Manager

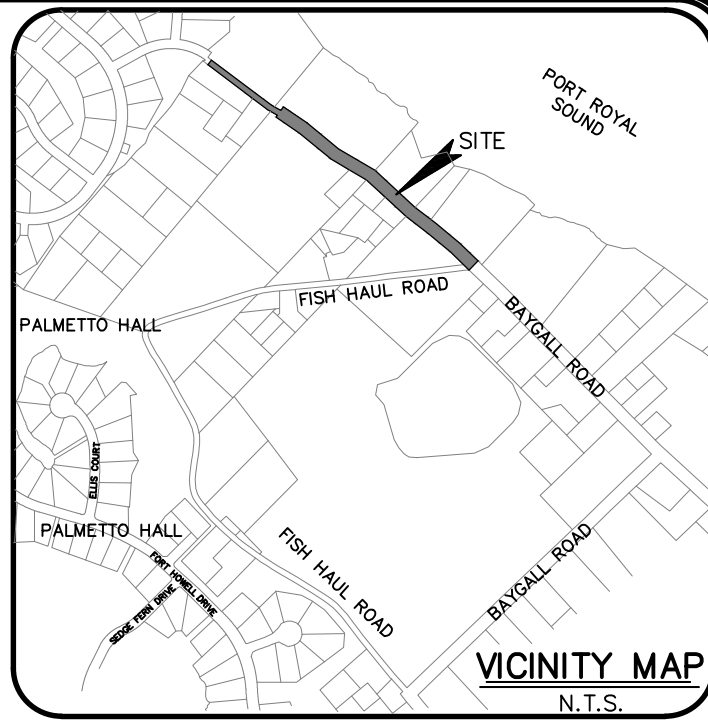
STATE OF SOUTH CAROLINA)
) UNIFORM ACKNOWLEDGMENT
COUNTY OF BEAUFORT)

I, the undersigned Notary Public do hereby certify that The Town of Hilton Head Island, South Carolina, by and through Alan R. Perry, Mayor, and Marc A. Orlando, Manager, personally appeared before me on this day and duly acknowledged the execution of this Pathway Easement.

Sworn to and Subscribed before me
on this _____ Day of July, 2024.

Notary Public for South Carolina
My Commission Expires: _____

CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C1	39.71	25.00	35.66	S80°50'20"W	91°00'07"
C2	38.83	25.00	35.04	N09°09'40"W	88°59'53"
C3	14.82	25.00	14.60	S70°37'00"E	33°57'55"



SYMBOLS

-  - ELECTRIC SERVICE
-  - TELEPHONE SERVICE
-  - TELEVISION SERVICE
-  - WATER METER
-  - VALVE BOX
-  - FIRE HYDRANT
-  - 1/2" UTILITY POLE
-  - GUY
-  - SIGN
-  - LIGHT POLE
- IPFF  - 3/4" IRON PIN FOUND
- IPF  - 1/2" IRON PIN FOUND
- CMF  - 3" CONCRETE MONUMENT FOUND
-  - MAIL BOX
-  - CLEANOUT
-  - WATER LATERAL
- RCP - REINFORCED CONCRETE PIPE

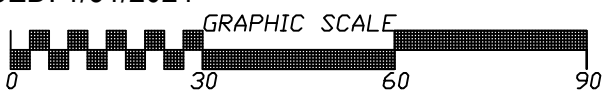
REFERENCE PLATS

- 1) PLAT OF THE PROPERTY OF DENNIS SMITH HEIRS, BEING A PORTION
OF FISH Haul PLANTATION, SITUATE ON HILTON HEAD ISLAND OF WHICH A PORTION
IS BEING CONVEYED TO OTIS C. CARTER, JR., BEAUFORT COUNTY, SOUTH CAROLINA
DRAWN: 11/22/68
RECORDED IN BOOK 17 , PAGE 82, DATED
RMC. BEAUFORT COUNTY, SC
BY: W. GENE WHITESSELL, S.C.R.L.S. # 3131
7/12/90
- 2) BOUNDARY CONSOLIDATION OF TAX PARCELS 5H & 6J, BAYGALL AREA,
BEAUFORT COUNTY, HILTON HEAD ISLAND, SOUTH CAROLINA
DRAWN: 4/09/04
RECORDED IN BOOK , PAGE , DATED
RMC. BEAUFORT COUNTY, SC
BY: RALPH O. VANADORE S.C.R.L.S. # 7606
- 3) A PLAT OF 2.828 AC. MITCHELLVILLE ROAD,
HILTON HEAD ISLAND, SOUTH CAROLINA
DRAWN: 10/27/81
RECORDED IN BOOK 30, PAGE 54, DATED
RMC. BEAUFORT COUNTY, SC
BY: JERRY L. RICHARDSON S.C.R.L.S. # 4784
- 4) A PLAT OF 11.62 AC. ELLIOT ROAD, "BOUNDARY SURVEY",
BAYGALL AREA ,HILTON HEAD ISLAND, SOUTH CAROLINA
DRAWN: 4/25/86, LAST REVISED: 6/7/90
RECORDED IN BOOK 39, PAGE 31, DATED:
RMC:BEAUFORT COUNTY, SC
BY:JERRY L. RICHARDSON S.C.R.L.S. # 4784
11/25/98
- BAYGALL COMMUNITY, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA
DRAWN: 12/06/04
RECORDED IN BOOK , PAGE , DATED:
RMC:BEAUFORT COUNTY, SC
- 5) BOUNDARY RECONFIGURATION PLAT OF SUBDIVISION OF TAX PARCEL 7C, FISH Haul ROAD,
6) A SUBDIVISION PLAT OF PARCEL A, PELICAN WATCH WAY,
A SECTION OF HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA
DRAWN: 8/27/02, LAST REVISED: 7/21/04
RECORDED IN BOOK 101, PAGE 57, DATED:
RMC:BEAUFORT COUNTY, SC
BY: MICHAEL R. DUNGAN, S.C.R.L.S. # 19105
- 7) A PLAT OF 0.420 ACRES, ADELL LANE, A PORTION OF LOT 1-A
N/F HARRIET SMITH, HILTON HEAD ISLAND, SOUTH CAROLINA
DRAWN: 11/14/96
RECORDED IN BOOK 58, PAGE 103, DATED:
RMC. BEAUFORT COUNTY, SC
BY: TERRY G. HATCHELL S.C.R.L.S. # 11059

SHEET 1 of 2 SHEETS
A RIGHT OF WAY PLAT OF:
MITCHELLVILLE ROAD,
HILTON HEAD ISLAND,
BEAUFORT COUNTY, SOUTH CAROLINA

PREPARED FOR:
TOWN OF HILTON HEAD ISLAND

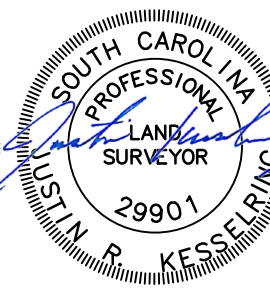
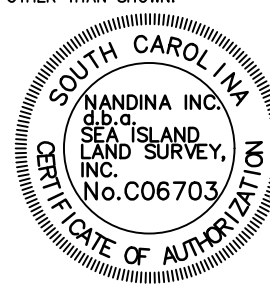
DATE : 04/28/20
REVISED: 1/31/2024



d.b.a. Sea Island Land Survey, Inc.
10 Oak Park Drive, Unit C1,
Hilton Head Island,
SC 29926
Tel (843) 681-3248
E-mail: admin@nandinainc.com
FILE No : 13068.5
DWG No. : 4-13068.5
COPYRIGHT © BY NANDINA, INC.
CAD: BA

REVISION 12/14/2023: ADDED A PERMANENT PATHWAY EASEMENT OVER PARCEL R510 004 000 0307. AND PROPOSED 2' EASEMENT OFF OF RIGHT OF WAY.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS

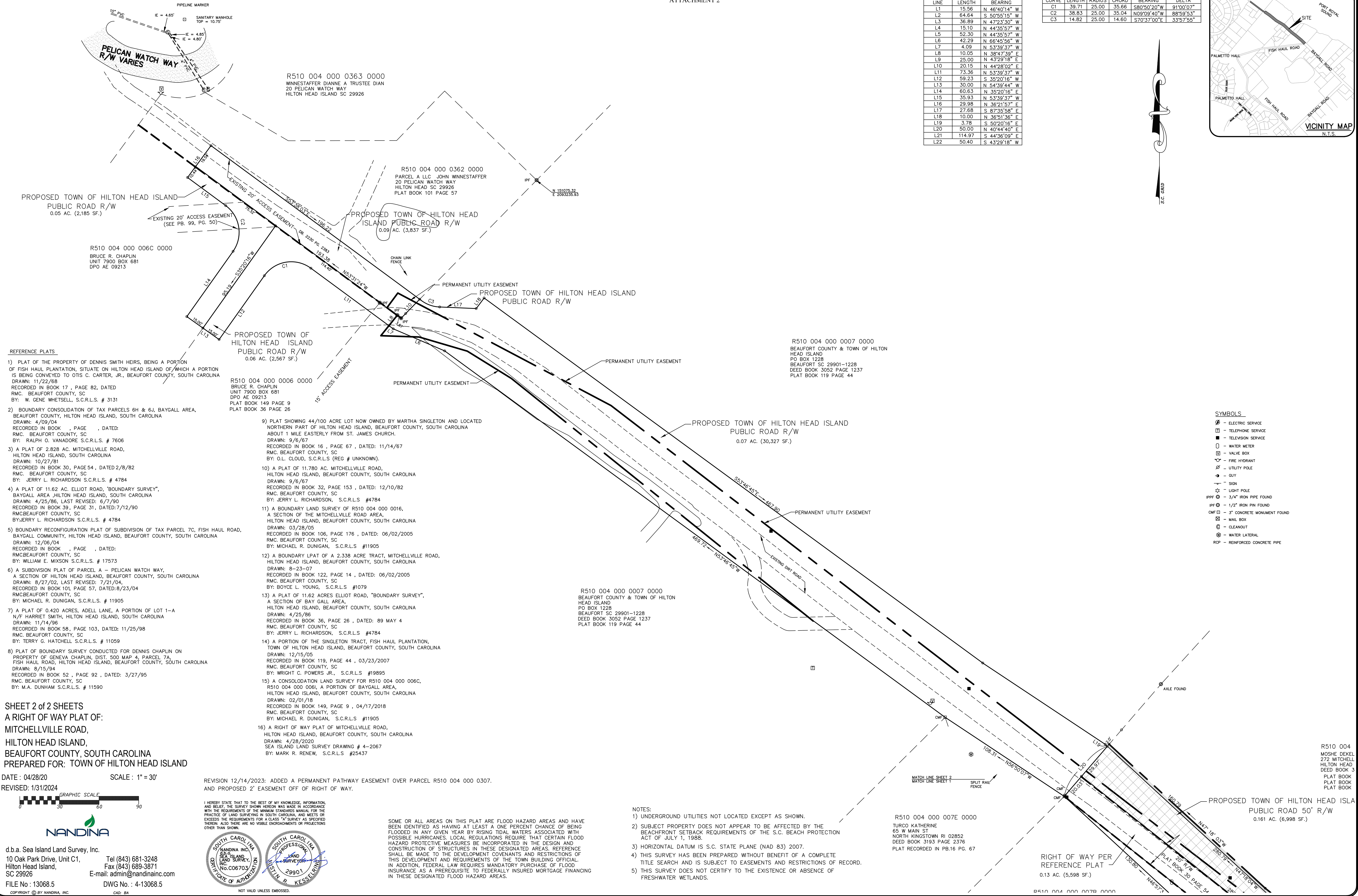
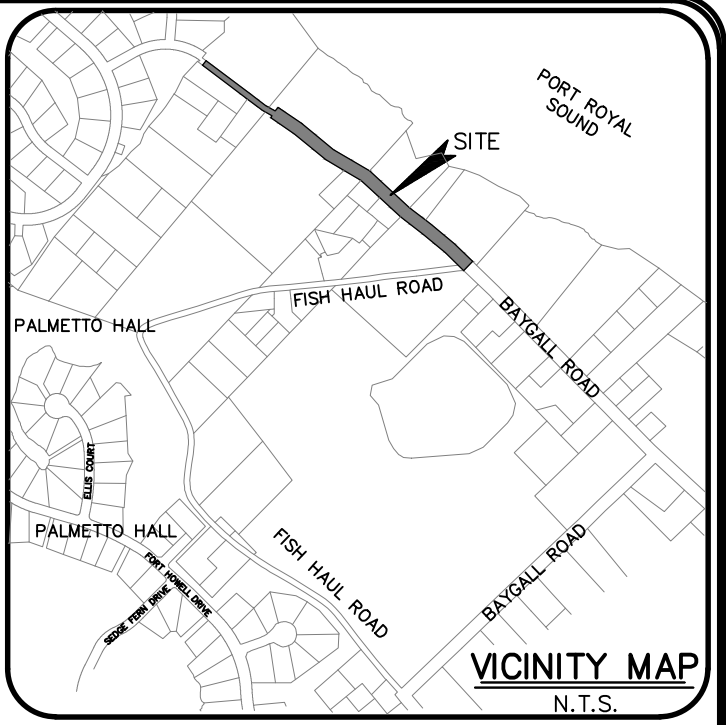


SOME OR ALL AREAS ON THIS PLAT ARE FLOOD HAZARD AREAS AND HAVE BEEN IDENTIFIED AS HAVING AT LEAST A ONE PERCENT CHANCE OF BEING FLOODED IN ANY GIVEN YEAR BY RISING TIDAL WATERS ASSOCIATED WITH POSSIBLE HURRICANES. LOCAL REGULATIONS REQUIRE THAT CERTAIN FLOOD HAZARD PROTECTIVE MEASURES BE INCORPORATED IN THE DESIGN AND CONSTRUCTION OF STRUCTURES IN THESE DESIGNATED AREAS. REFERENCE SHOULD BE MADE TO THE DESIGNATED COVENANTS AND RESTRICTIONS OF THIS DEVELOPMENT AND REQUIREMENTS OF THE TOWN BUILDING OFFICIAL. IN ADDITION, FEDERAL LAW REQUIRES MANDATORY PURCHASE OF FLOOD INSURANCE AS A PREREQUISITE TO FEDERALLY INSURED MORTGAGE FINANCING IN THESE DESIGNATED FLOOD HAZARD AREAS.

NOTES:

- 1) UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
- 2) SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE BEACHFRONT SETBACK REQUIREMENTS OF THE S.C. BEACH PROTECTION ACT OF JULY 1, 1988
- 3) HORIZONTAL DATUM IS U.S. STATE PLANE (NAD 83) 2007.
- 4) THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- 5) THIS SURVEY DOES NOT CERTIFY TO THE EXISTENCE OR ABSENCE OF FRESHWATER WETLANDS.

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C1	39.71	25.00	35.66	S80°50'20"W	91°00'07"
C2	38.83	25.00	35.04	N09°09'40"W	88°55'53"
C3	14.82	25.00	14.60	S70°37'00"E	33°57'55"





TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: John McGowan, Assistant Finance Director
CC: Marc Orlando, ICMA-CM, Town Manager
Adriana Burnett, Finance Director
Josh Gruber, Deputy Town Manager
DATE: July 11, 2024
SUBJECT: Consideration of a Resolution Relating to the Declaration of Intent by Town of Hilton Head Island, South Carolina, to Reimburse Certain Expenditures Prior to the Execution and Delivery of a Tax-Exempt Equipment Lease by the Town

RECOMMENDATION:

Town Council is requested to review and approve the attached Reimbursement Resolution, which will give the Town the ability to replenish Hospitality Tax fund balances expended for the initial purchase of fire trucks. This replenishment would be accomplished via proceeds from a Tax-Exempt Equipment Lease with a third-party financial institution, to be executed in FY2025.

BACKGROUND:

Town staff, including Fire Rescue Team leadership, had proposed replacing 10 fire vehicles as part of the FY2022 Budget, based on the vehicles exceeding their standard useful life of 10 years and growing repair costs/downtime associated with servicing these older vehicles. During the budget approval process, it was discussed that the funding for these vehicles would be sought through some form of an equipment lease. The funding for these equipment lease payments has subsequently been carried forward into the FY2023, FY2024 and FY2025 Budgets.

Based on the FY2022 budget approval, the Town entered into an agreement ("the 2021 Purchase Agreement") with Safe Industries on December 1, 2021 (updated and extended on November 14, 2023) to provide 10 new fire vehicles (8 pumpers and 2 quints) to the Town for a total cost of \$7,450,473. Due to production delays and supply chain issues, the initial delivery of these vehicles was delayed several times. The Town has now begun taking delivery of these vehicles in June, 2024, and is expected take delivery of all additional vehicles between July and December of 2024. Payment of each vehicle is due within 30 days of each delivery, and the Town will initially pay for each

vehicle purchased under the 2021 Purchase Agreement via cash from the Hospitality Tax revenues.

Additionally, as part of the approved FY2025 Budget, funding was included to allow for the acquisition of two ladder trucks, as the Town's two existing ladder trucks have now also reached the end of their useful life. Delivery of these ladder trucks is expected in late FY2025. The Finance team will work with Fire Rescue leadership to execute another purchase agreement to acquire these vehicles.

These FY2025 ladder trucks will also be purchased from Safe Industries, at a cost of \$4,500,000, thereby creating a combined purchase price of just under \$12,000,000 for all vehicles (FY2022 purchase: 8 pumpers, 2 quints; FY2025 purchase: 2 ladder trucks).

The plan is to reimburse the Hospitality Tax revenues for the upfront acquisition costs through an equipment lease arrangement. Given that the delivery of these vehicles is being spread out over multiple months, it is necessary to prepare documentation for Town Council's approval that will allow the Town to roll all these purchases into a single Tax-Exempt Equipment Lease.

The proposed Tax-Exempt Equipment Lease agreement will not count against the Town's 8% General Obligation Bond limitation, though it will be a long-term obligation of the Town until it is paid off.

SUMMARY:

Approving the attached Reimbursement Resolution provides the Town the ability to roll all of the upfront expenditures associated with the authorized Fire and Rescue vehicle purchases into a Tax-Exempt Equipment Lease, and to reimburse the upfront payments that it has made upon the delivery of each vehicle via the Tax-Exempt Equipment Lease proceeds. The Tax-Exempt Equipment Lease will be paid back over a 10-year period via Hospitality Tax revenues.

If approved by the Town Council, this reimbursement action would preserve a strong FY2025 Hospitality Tax fund balance and allows the Town to pursue additional approved capital projects. Additionally, matching the Town's annual lease payments to the anticipated 10-year useful life of the fire trucks is a more equitable way of paying for this long-term capital improvement relative to a one-time FY2025 \$12 million Hospitality Tax fund cash expenditure.

ATTACHMENTS:

Draft Reimbursement Resolution

A RESOLUTION

A RESOLUTION RELATING TO THE DECLARATION OF INTENT BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, TO REIMBURSE CERTAIN EXPENDITURES PRIOR TO THE EXECUTION AND DELIVERY OF A TAX-EXEMPT EQUIPMENT LEASE BY THE TOWN

WHEREAS, the Internal Revenue Service and U.S. Treasury Department have promulgated Section 1.150-2 of the Treasury Regulations (the “Regulations”) that authorizes an issuer to reimburse itself for expenditures made with respect to projects prior to the issuance or execution of tax-exempt obligations for such projects; and

WHEREAS, the Regulations require an issuer to adopt an official intent to reimburse an expenditure not later than sixty (60) days after the payment of the expenditure; and

WHEREAS, the Town of Hilton Head Island, South Carolina (the “Town”), anticipates incurring expenditures (the “Expenditures”) related to the acquisition of fire trucks (the “Projects”) prior to the execution of a tax-exempt equipment lease for such purpose by the Town (the “Lease”); and

WHEREAS, the Town reasonably expects that it will reimburse Expenditures from the proceeds of the Lease; and

WHEREAS, the Town expects that the maximum principal amount of the Lease to be issued for the Projects will not exceed \$12,000,000 plus costs of issuance.

NOW, THEREFORE, BE IT RESOLVED by the Council (the “Town Council”) of the Town:

Section 1. The Town Council hereby declares that this Resolution shall constitute its declaration of official intent pursuant to Section 1.150-2 of the Regulations to reimburse the Town from the proceeds of tax-exempt obligations in the form of the Lease to be executed pursuant to South Carolina state law, for Expenditures with respect to the Projects. The Town Council anticipates incurring Expenditures with respect to the Projects prior to the execution by the Town of the Lease for such purposes.

Section 2. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid, or (b) the date the first Project was placed in service, but in no event more than three (3) years after the original Expenditures.

Section 3. The Town understands that Expenditures which may be reimbursed are limited to Expenditures which are (1) properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Section 1.150-2 of the Regulations) under general federal income tax principles; or (2) certain de minimis or preliminary expenditures satisfying the requirements of Section 1.150-2(f) of the Regulations.

Section 4. The Town Council hereby authorizes the use of general fund monies or other legally-available funds on hand as the source of funds for the Expenditures with respect to the Projects.

Section 5. This Resolution shall be in full force and effect from and after its adoption as provided by law. This Resolution shall be made available for inspection during normal business hours by the general public at the offices of the Town.

Adopted this _____ day of _____, 2024.

TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

Mayor

(SEAL)

Attest:

Clerk, Town Council