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

Also present: Marc Orlando, Town Manager; Curtis Coltrane, Town Attorney; Kimberly Gammon, Town Clerk

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

The attachments to the letter were not read.

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 there is about $300 million committed to the Project, with a delta of about $60 million for the Projects. 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 extensions granted in the past and some have not. He reiterated Secretary Powell's statement that, absent Municipal Consent, they will go forward with replacement of or repairs on the Mackey Creek 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 for the Gullah Community, which has been a top priority of his, 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 the residents on the north end of the Island. She stated her opinion that this will expand further north to 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 many residents of Ward 6 and most agree the bridges need replaced but do not want three travel lanes in each direction 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.

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

Thoms C. Barnwell, Jr. addressed Council thanking all Town council, Beaufort County Counsil 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 Cliffe 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.

Diederick 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 Buxser 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 Harrington 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 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 bicyclists 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. After Town Council discussion, Mr. Ames called the question.

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

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 for the vote. **Amended motion carried 6-1 (Becker opposed).**

<u>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</u>

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

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 Town's expectation that all of the things set out in Secretary Powell's correspondence to the mayor will be complied with and 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 recently received the advice from the Secretary on what the SCDOT says it requires. Council would then have to amend the agenda to consider adding the resolution which requires a 2/3 vote.

Mayor Perry asked for public comment.

Christopher Cliffe 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 P030450 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.

Ms. Brison objected to being forced with Municipal Consent without conditions she cited clear precedent with SCDOT accepting "conditional consent" for the Cross-Island Parkway and with other jurisdictions.

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 authorizing Municipal Consent be given to SCDOT, without conditions, as amended.

The Mayor called for public comment.

Christopher Cliffe stated that the Council should only approve Municipal Consent with conditions.

After discussion the motion 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 new, rather it is a change of the methodology. Mr. Alfred seconded. Concluding discussion by the Council, the motion carried 6-1 (Becker opposed).

Consideration of a Resolution of the Town of Hilton Head Island Expressing the Sense of the Town Council Regarding Compliance with Elements of the U.S. Highway 278 Corridor Project.

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

Mayor Perry asked for public comment.

Christopher Cliffe 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, there is no way of enforcing the conditions in this resolution.

The Council held further discussion on the proposed resolution. **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. Standford 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: September 17, 2024

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