



Town of Hilton Head Island
Public Planning Committee Special Meeting
June 16, 2021 at 9:00 a.m. Virtual Meeting
MEETING MINUTES

Present from the Committee: Chairman David Ames, Tamara Becker, Alex Brown, Glenn Stanford

Absent from the Committee: None

Others Present from Town Council: Bill Harkins, Tom Lennox

Present from Town Staff: Marc Orlando, Town Manager; Jennifer Ray, Interim Community Development Director; Teri Lewis, Deputy Community Development Director; Diane Busch, Staff Attorney; Nicole Dixon, Development Review Administrator; Anne Cyran, Senior Planner; Curtis Coltrane, Town Attorney; LaQuin Andrus, Legal Intern; Cindaia Ervin, Finance Assistant; Karen D. Knox, Senior Administrative Assistant

1. Call to Order

Chairman Ames called the meeting to order at 9:00 a.m.

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

3. Roll Call – See as noted above.

4. Approval of Agenda

Chairman Ames asked for a motion to approve the agenda. Mr. Stanford moved to approve. Ms. Becker seconded. By way of roll call, the motion passed by a vote of 4-0-0.

5. Approval of Minutes

a. Special Meeting of June 2, 2021

Chairman Ames asked for a motion to approve the minutes of the Special Meeting of June 2, 2021. Mr. Stanford moved to approve. Ms. Becker seconded. By way of roll call, the minutes were approved by a vote of 4-0-0.

6. Citizen Comments

Public comments concerning agenda items were to be submitted electronically via the Town's Open Town Hall portal. Those comments were provided to the Committee and made part of the official record. Citizens were also provided the option to comment on agenda items during the meeting by phone and four callers signed up to speak at today's meeting regarding E-Bikes.

7. Unfinished Business - None

8. New Business

a. Regulation of E-Scooters

Diane Busch, Staff Attorney stated staff has identified multiple concerns stemming from motorized or electric powered devices traveling on Town pathways and roads. She explained this came up as a result of a businessman applying for a business license to provide rentals of such devices. She noted the following concerns in reviewing the business license application: rider safety, pedestrian safety, bicyclists and motorist's safety; crowded pathways; enforcement of the requirement of a helmet; and the need for safe access to Town pathways for individuals with disabilities. She informed the Committee there is no Federal or South Carolina law that specifically addresses motorized scooters. Ms. Busch explained Town Code defines motor scooters within the definition of motor vehicles which means they are not lawful on our pathways. Ms. Busch stated many gated communities on Hilton Head Island have or are looking to enact regulations on their pathways.

The Committee expressed their concerns and the following comments were made regarding the subject: the addition of E-scooters would add to the already crowded bike paths; excessive speed concerns; safety concerns; and enforcement of any rules and regulations. Ms. Busch recommended the Committee consider an Ordinance that the Town prohibit them on pathways and Town-owned properties such as parks, parking lots, etc.

Curtis Coltrane provided additional clarification about how E-Scooters are in their own category. He referred to text in the SC Code that an electronic bicycle is not a moped and not a motorcycle. He stated there is a separate section in the Code that says all regulations pertaining to bicycles also pertain to E-Bikes. He added the introduction of motorized vehicles on the pathways is going to create a very dangerous situation.

After lengthy discussion, Mr. Stanford moved that staff prepare an Ordinance prohibiting E-Scooters. Ms. Becker seconded. By way of roll call, the motion passed by a vote of 4-0-0.

b. Regulation of E-Bikes

Frank Babel, Jason Bullock, Patsy Brison and Jim Hall called in to the meeting to speak on their opposition to operation of E-Bikes on Town pathways.

LaQuin Andrus, Legal Intern for the Town, stated that in 2002, U.S. Congress enacted a law which established how electric bicycles are regulated as consumer products under the Consumer Product Safety Act, and are subject to the same regulations that govern traditional, human-powered bicycles. He added that it does not preempt the Town's ability to regulate traffic laws and vehicle codes. He noted these bikes are expressly stated to have the same rights and duties as a traditional bike. Mr. Andrus informed the Committee there is a State law that says municipalities may exercise their police power to regulate the operation of bicycles on streets and highways under their jurisdiction as long as they do not conflict with State Code. He explained the Municipal Code does not define bicycles which would mean that the E-Bikes are allowed on sidewalks and pathways. He stated there is an Ordinance that prohibits the use of motor vehicles on the pathways. Mr. Andrus said many gated communities on Hilton Head Island have or are looking to enact regulations on their pathways regarding E-Bikes.

Mr. Andrus concluded that under State Law, E-Bikes are bicycles and the Town should adopt the State definition; and under that definition, the Town would be permitted to adopt the class definition that would distinguish the bikes in terms of their characteristics and their capabilities. He stated that under State law, the Town is able to limit the speed of bicycles, however, it would apply to all bicycles and not just E-Bikes. Mr. Andrus reviewed options available to the Town regarding regulation of E-Bikes through business license requirements.

Chairman Ames and the entire Committee thanked Mr. Andrus for his very well researched and thorough presentation.

The Committee made comments and inquiries regarding: the State definition of E-Bikes; the inability to prohibit E-Bikes on the pathways; consideration of adoption of regulations limiting speed; safety concerns; interest in seeing how the State model Ordinance adopted in other States might work in South Carolina; improvement of the pathways from a safety standpoint; consideration of weight limitations on E-Bikes; restricting pathway usage to Class 1 E-Bikes; and requiring rental companies to have liability insurance.

Chairman Ames said it is his recommendation that the Town Manager make a recommendation of how stakeholders can contribute to the conversation regarding additional research and a potential Ordinance.

c. Trolley Service Update

Mary Lou Franzoni, Executive Director and General Manager of Palmetto Breeze Transit reported Trolley ridership has increased this year with a count to date of over 20,000 passengers. She reported the addition of a route to the Westin and traversing on Folly Field Road.

The Committee made comments and inquiries regarding: the intention of the second route; marketing considerations; funding regulations; Trolley stop improvements; passenger safety and behavior; increased ridership; opportunities to educate riders of bike path rules, beach rules, etc.; possibility of electric trolleys; possibility of the addition of a transportation service for employers; coordinating efforts with the Sea Pines trolleys; adhering to the time schedule for the service; the speed of the trolley; the need for shade at the stops; consideration of improvements on reporting ridership; and consideration of the addition of an airport route.

9. Staff Reports - None

10. Committee Business - None

11. Adjournment

With no other business before the Committee, Chairman Ames asked for a motion to adjourn. Mr. Stanford moved to adjourn. Ms. Becker seconded. The meeting was adjourned at 11:41 a.m.

Submitted by: Vicki Pfannenschmidt, Secretary

Approved: July 21, 2021