

TOWN OF HILTON HEAD ISLAND

PUBLIC SAFETY COMMITTEE REGULAR MEETING

Date: January 5, 2009

Time: 10:00 AM

Members Present: George Williams, *Acting Chairman*, Bill Ferguson, Ken Heitzke, *Alternate*

Members Absent: Bill Mottel

Town Staff Present: Greg DeLoach, *Assistant Town Manager*; Brian Hulbert, *Staff Attorney*; Vicki Pfannenschmidt, *Administrative Assistant*

Others Present: John Safay, *Council Member*; Sheriff P. J. Tanner, Captain Toby McSwain, *Beaufort County Sheriff's Office*; Ann-Marie Adams-Arrington, *Hilton Head Area Hospitality Association*; Roy Prescott, Mary Amonitti, Barb Maniotis, Scott Tubbs, Jerry Kendall

Media Present: Daniel Brownstein, Island Packet

1. Call to Order.

The meeting was called to order at 10:00 a.m.

2. FOIA Compliance:

Public notification of this meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

3. Approval of Minutes:

Mr. Ferguson moved to approve the Minutes of December 1, 2008. Mr. Williams seconded the motion. Mr. Heitzke abstained because he was not in attendance as a Committee member at said meeting. The Minutes of December 1, 2008 were approved 2-0-1.

4. Chairman's Report:

None.

5. Unfinished Business:

None.

6. New Business:

• Request of Council by Solicitor Duffie Stone for \$40,000 for Career Criminal Team.

Mr. Williams announced that Solicitor Stone has requested a postponement of his request due to a scheduling conflict.

- **Consideration of Bar Closing Request by Beaufort County Sheriff's office to require bar closings at 2:00 A.M. and consideration of related options.**

Mr. Williams stated he would like the Sheriff to give an update on the status of matters since October. He then said he will have staff present options available and then he would open the floor to the public for comments. Mr. Williams said it is his intent, as Chairman, to have some sort of recommendation for Council as a result of this meeting. Mr. Williams invited Sheriff Tanner to approach the dais.

Sheriff Tanner updated the Committee on the bar patrols which commenced on May 16, 2008 through December 19, 2008. He noted they were conducted on Fridays from 10:00 p.m. - 5:00 a.m. in Heritage Plaza, Hilton Head Plaza and Park Plaza. He said they had issued 164 citations during this period with 980 man hours at \$37.50 per hour for a total of \$36,750.

Mr. Williams then asked if Brian Hulbert would approach the dais. Mr. Hulbert stated he submitted a letter to the Committee with options concerning the issue. He emphasized that Town Staff was not making any particular recommendation. He just compiled facts and information for the Committee to review and discuss in coming up with any recommendation. He reviewed a few other options as opposed to the 2:00 a.m. closing. He reviewed the following: 1.) Requesting the Sheriff's Department to increase patrols during high times such as weekends, tourist season and holiday weekends which would consist of increased cost. 2.) They could look at beefing up the municipal ordinances in related areas such as loitering and public nuisances and then address the issues with the bars that are declared a public nuisance in the opinion of Council and make a case against them and either suspend their license or revoke their license and have penalties with the process. 3.) This option would be to adopt an ordinance in which the Town closes bars at a certain hour with no exceptions or to allow them to remain open for the sale of food or other options which may include a permit to remain open. Mr. Hulbert noted enforcement would be a problem with any of the options. He went on to elaborate on options within the options noting there are many avenues the Committee could recommend. Mr. Williams asked if there was a count of bars that stay open past 2:00 a.m. Mr. Hulbert stated he did not have an exact count but from all indications it is a small number of five or less. Mr. Williams questioned as to who would be responsible for enforcement of any type of public nuisance ordinance. Mr. Hulbert replied the Sheriff's Department would be best equipped to handle this explaining they have the training and carry the weapons, which helps in enforcement.

Mr. Heitzke asked if there has been any analysis as to why these particular areas are always the ones that have problems. Sheriff Tanner stated the calls increase after 2:00 a.m. and there would be more prevention of this if businesses would close by 2:00 a.m. He said from a public safety aspect and based on their knowledge his recommendation is to close all bars at 2:00 a.m. for consistency and to factor in a nuisance clause even before 2:00 a.m. as well as after 2:00 a.m. He stated as far as enforcement, if it is a criminal penalty the Sheriff's office will enforce it, but if it is a civil penalty it will be up to the Town Code Enforcement or another network within the Town to enforce. He made reference to Charleston's recent enforcement of 2:00 a.m. bar closing. He said in the beginning it was rocky but the City of Charleston is in better shape now than before. He also noted that if Hilton Head Island changes to a 2:00 a.m. bar closing he will try to get it county wide.

Mr. Williams asked for public comment.

Mr. John Safay suggested the Committee recommend that Council explore options to create an ordinance that would impact the bar owner financially if violations occurred. He suggested the concept of an after hours license with criteria and a hefty cost. If the bar did not have this license they would have to close at 2:00 a.m. He recommended the cost would be based on square footage. He suggested the Committee recommend to Council to consider implementing it for a year and if it doesn't work they would reconsider the Sheriff's recommendation at that time. Mr. Safay stated he would like to attempt handling it that way before resorting to 2:00 a.m. closing.

Ms. Barb Maniotis, a resident of Coligny Villas stated the Heritage Plaza area is a continuous problem. Her position is that all bars should close by 2:00 a.m.

Mr. Roy Prescott, of Remy's reviewed the report from the Sheriff's Department concerning the bar patrols. He noted the majority of citations occurred during peak tourist season. He stated public safety and the image of Hilton Head Island is of major concern to every food and beverage operator on Hilton Head Island. Mr. Prescott noted everyone needs to work together but he does not believe the 2:00 a.m. closing is the solution. He feels the solution is the municipality needs to step in and give the Sheriff's Department ordinances which can be enforced targeting the nuisance establishments.

Ms. Mary Amonitti addressed the Committee as a concerned citizen of Hilton Head Island. She stated she feels that anyone who owns a facility should be responsible for whatever happens at their establishment. Owner responsibility and consequences for operating a nuisance establishment should be implemented.

Mr. Scott Tubbs of a local security service informed the Committee if the option would be private security, after consulting his general counsel they would not be interested providing such a service. He noted it would be an extreme liability his company would not be willing to take. He stated he could not speak for other security companies but wanted to inform the Committee of their stand.

Mr. Jerry Kendall of Outdoor Resorts stated they have had to make numerous calls to the Sheriff's Department concerning an establishment close to the Resort. He stated the image of the Island is a family environment and this is having a negative impact. He suggested focusing on individual establishments and not penalizing every establishment for the acts of a few.

Mr. Williams voiced concerns and stated if nothing is done tourism may diminish and noted the problem needs addressing as soon as possible. Mr. Ferguson stated communication should be better between owners, staff, and citizens. He also recognized this needs addressing as soon as possible. Mr. Heitzke said the issues can be discussed for days and days and he does not feel the 2:00 a.m. closing is going to reduce anything. He feels there is a root cause and that should be addressed even if that means closing down businesses that are responsible for the problem. Sheriff Tanner then asked the Committee to consider suspending the license of Club Life immediately until a solution is found to the problem. He feels there is a nuisance there and recommended a 90 day license suspension. Mr. Williams asked staff if this was possible. Mr. Hulbert stated a license

suspension cannot be done without a case and a presentation to Council. He said he can explore it and see if there is a case to present to Town Council or if an ordinance needs amended before they can proceed. He will obtain the evidence from the Sheriff and review the laws to see if this can be done.

Mr. Heitzke moved to recommend to Town council to set up a 2:00 a.m. closing until such time they come up with a better solution to address the matter. Mr. Ferguson seconded the motion. Mr. Prescott raised the question if the Committee members felt they didn't want to punish all businesses why do it? Mr. Heitzke stated they were following the guidance of the Sheriff who has more experience in these matters. Mr. Prescott stated this doesn't solve the problem. He suggested giving the Sheriff the funds to place a police presence. Mr. Ferguson wanted clarification concerning the 2:00 a.m. closing. He asked if the establishments could remain open and continue serving food. Sheriff Tanner stated they are asking to stop sale and consumption of alcohol only, the establishments could continue serving food. Mr. Heitzke moved to withdraw his original motion. Mr. Ferguson seconded the motion. The motion passed unanimously. Mr. Heitzke moved the Public Safety Committee recommend to Town Council that Town Council pass an ordinance in reference to stopping sale and consumption of alcoholic beverages (beer, wine and liquor) at 0200 hours (2:00 a.m.) and the Sheriff's Department take the necessary actions to close Club Life down until further notice. Mr. Ferguson seconded the motion. The motion passed unanimously.

7. Adjournment:

Mr. Heitzke moved to adjourn the meeting. Mr. Ferguson seconded the Motion. The meeting adjourned at 11:40 a.m.

Respectfully submitted:

Vicki L. Pfannenschmidt, Secretary

Approved by:

George Williams, Acting Chairman