

**TOWN OF HILTON HEAD ISLAND**  
**PUBLIC SAFETY COMMITTEE REGULAR MEETING**

**Date:** December 7, 2009

**Time:** 10:00 a.m.

**Members Present:** Bill Harkins, *Chairman*, George Williams, Bill Ferguson

**Members Absent:** None

**Town Staff Present:** Lavarn Lucas, Fire Chief; Charles Cousins, Director of Community Development; Jill Foster, Deputy Director of Community Development; Paul Rasch, Emergency Management Coordinator; Teri Lewis, LMO Official; Sally Krebs, Natural Resources Administrator; Vicki Pfannenschmidt, *Administrative Assistant*

**Others Present:** Mayor Tom Peeples; Council Members Ken Heitzke and John Safay; Stu Rodman, Beaufort County Council Member; Gary Kubic, Beaufort County Administrator; Paul Andres, Director of Beaufort County Airports; Numerous members of the public

**Media Present:** Laura Nahmais, *Island Packet*

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**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:**

- August 3, 2009

Mr. Harkins invited Mr. Heitzke to the dais to vote on the August 3, 2009 minutes.

Mr. Heitzke moved to approve the Minutes of August 3, 2009. Mr. Ferguson seconded the motion. The Minutes of August 3, 2009 were approved 2-0. (Mr. Harkins and Williams abstained because they were not present at the August 3, 2009 meeting.)

Mr. Heitzke left the dais.

- November 9, 2009

Mr. Williams moved to approve the Minutes of November 9, 2009. Mr. Ferguson seconded the motion. The Minutes of November 9, 2009 were approved unanimously. (3-0)

**4. Chairman's Report:**

None.

**5. Unfinished Business:**

None.

**6. New Business:**

- **LMO Amendments** - The Town of Hilton Head Island is proposing to amend Chapters 3 and 4 of the Land Management Ordinance (LMO) to revise the following sections:

**Section 16-4-403.** These changes will create more flexibility for tree pruning or removal to address height limitation in the airport approach path.

Mr. Williams moved to approve as a recommendation to Town Council. Mr. Ferguson seconded. Mr. Harkins invited Charles Cousins to approach the podium with an explanation of the updated proposal. Mr. Cousins reviewed both the original and the updated changes while explaining the requirements for the approach path at the airport. He referred to overhead projections of the affected area pointing out the regulations and requirements. He also reviewed the point by point results the amendment would achieve. He explained this amendment would treat on and off airport property the same and to only prune or remove trees that are currently in the approach path or have the potential to be within ten years. Mr. Ferguson asked for clarification concerning the removal of trees stating he was not in favor of clear-cutting the trees in the area and feared that the language did not clearly state there would be no clear-cutting. Mr. Cousins explained that the language in the amendment states they could not remove any tree that is not within ten feet of the slope. He added that the language in the amendment states *arborist shall determine which trees have exceeded or have the potential to exceed the height requirements and within ten years of the approval date; the arborist will then evaluate which of these trees can be pruned to address this ten year growth period. Those that cannot be pruned may be topped as long as the tree will not become a hazard to nearby improvements or may be removed.* Mr. Cousins noted that it does not say all trees can be removed noting the language was specific as to how to determine which trees can be removed. Mr. Ferguson stated he was suggesting the language be clear as to not being able to remove all trees. Mr. Harkins suggested the language state *else may be removed* as opposed to *or may be removed*. Mr. Cousins asked if the change covered Mr. Ferguson's concern. Mr. Ferguson stated it covered it but he was concerned about the general public. Mr. Cousins noted if they need to clarify that, they would work on the language to make it clear. Mr. Williams stated he wanted to make a general comment that this meeting was only concerning the tree issue and not any expansion of the airport. Mr. Harkins asked what the Town gains or loses with this process. Mr. Cousins explained with this process it will move much more quickly and the arborist will help expedite the matter along with better record keeping. He also explained the conflict in the code requiring BZA review and approval.

Mr. Kubic spoke to the Committee noting the assumption of risk the County and Town are undertaking with the airport operation. He encouraged them to include looking out multiple years from now for a maintenance contingency fund. He introduced Paul Andres and stated Mr. Andres would review the list of questions submitted to Beaufort County and Airport representatives. Mr. Andres addressed each question submitted. During his presentation he stated he supported the originally proposed amendments that allowed more trees to be

removed on airport property. He asked if there were additional questions. Mr. Williams stated the Town and County will have to have an ongoing plan for expenses. Mr. Williams asked about the easements outside the airport and if the FAA was paying for them. Mr. Andres replied that the FAA will pay 95% of the cost. Mr. Williams asked if the permits were in line for the work and Mr. Andres responded most permitting will occur once the project is designed.

Mr. Graham Carr, a retired commercial airline pilot and Mr. Dave Ames and private pilot both spoke in favor of the original amendments which allowed more trees to be removed on airport property stating public safety as the issue.

Mr. Harkins called for a recess at 11:25 a.m. and the meeting reconvened at 11:35 a.m.

Mr. Harkins then called for comments from the public. Mr. Charlie White, Mrs. Fran White, Mr. Chet Williams, Ms. Mary Amonitti and Mr. Ed Batan spoke against the amendment and Mr. Charles Raley, Mr. Stu Rodman and Mr. Charlie Reed spoke in favor of the amendment. Mayor Peeples explained the charge given to the committee was not whether trees will be removed but how they would be removed. He further stated that he supported modifying the current proposal to allow all trees on airport property that had the potential to get into the slope to be removed. The detailed comments from individuals in attendance at this meeting are recorded and a matter of public record

After lengthy discussion, Mr. Williams then moved to amend the motion on the table with the addition of the wording *to trim or remove tree on airport property that are in the glide slope or have the potential to grow into the glide slope except for wetlands and buffer areas*. He moved to meld this with the original proposal which was to *accept the recommendations for off airport property per the amendment before them today*. Mr. Ferguson asked for clarification from Mr. Cousins that the language in the 6<sup>th</sup> bullet in his memo will be changed. Mr. Cousins said he will revisit it with alternative language and have it ready for consideration by the scheduled Town Council meeting. Mr. Harkins seconded the motion. The motion passed 2-1 (Mr. Ferguson opposed)

Mr. Ferguson explained his opposition. He stated he feels the airport has outgrown usefulness and he believes there is property between Hilton Head Island and Bluffton which can be utilized to construct a new airport which would meet the length and FAA requirements.

Mr. Williams moved to place on the recommendation to Town Council to approve the Public Safety Committee amended motion that Town Council also consider pending ordinance doctrine at that time. Mr. Harkins seconded the motion. The motion passed 2-1 (Mr. Ferguson opposed)

**Section 16-3-402.** These changes will create more flexibility for tree topping to address height limitation in the airport approach path.

Mr. Harkins noted a correction in Section 16-3-402.A. Item 4 the line *except as noted in Section 16-4-402.C.2.c* should read *except as noted in Section 16-4-403-C.2.c*. Mr. Cousins agreed and stated the correction would be made.

Mr. Cousins explained the item was an amendment which will allow tree topping to occur not just on airport property but on off airport property as well. Mr. Williams moved to recommend to Town Council to approve the amendment. Mr. Harkins seconded the motion. The motion passed 2-1. (Mr. Ferguson opposed)

**7. Adjournment:**

Mr. Williams moved to adjourn the meeting. Mr. Ferguson seconded the Motion. The meeting adjourned at 12:40 p.m.

Respectfully submitted:

Vicki L. Pfannenschmidt, Secretary

Approved: February 1, 2010

Bill Harkins, Chairman