

TOWN OF HILTON HEAD ISLAND
PUBLIC SAFETY COMMITTEE REGULAR MEETING

Date: February 6, 2012

Time: 10:02 a.m.

Members Present: Bill Harkins, *Chairman*; Kim Likins; George Williams, *Alternate*

Members Absent: Lee Edwards

Town Staff Present: Brian Hulbert, *Staff Attorney*; Greg Deloach, *Assistant Town Manager – Administration*; Susan Simmons, *Director of Finance*; and Lynn Buchman, *Administrative Assistant*

Others Present: Ken Heitzke, *Council Member/Mayor Pro-Tem*; Bill Ferguson, *Council Member*; Captain Toby McSwain, *BCSO*; P.J. Tanner, *Sheriff, Beaufort County*; Art Benoit; Peter Kristian; and various towing and wrecker service companies' owners

Media Present: Tom Barton, *Island Packet*; WTOC-TV

1. Call to Order

2. Freedom of Information Act 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

a. Regular Public Safety Committee Meeting of January 9, 2012

Motion to approve the minutes of the January 9, 2012 Regular Public Safety Committee meeting was made by Kim Likins and seconded by Bill Harkins. The Motion was approved by a vote of 2-0. Mr. Williams did not vote, as he was not in attendance as a Committee member at the last meeting, and is now serving as Alternate in the absence of Committee Member Lee Edwards.

Chairman Harkins stated the desire of the Committee to change the order of the agenda and begin with the New Business item ahead of Unfinished Business.

5. New Business

a. 4th Quarter 2011 Crime Statistics – Capt. Toby McSwain

Captain McSwain reported that the Sheriff's Department is basically at full staff starting the busy tourist season. He noted that bar patrols are continuing and have been effective, although less activity has been noted than in the past, possibly because of the proactive presence of law enforcement. In addition, plans were disclosed for the longer Spring Break season, with colleges sending students being identified, along with destinations, and contacts being made with those

colleges to advise them of rules and regulations to be followed. In addition, bar detail funds are being used to implement a new program to bring deputies in during the daytime to meet the arriving students, welcome them to the Island, and make them aware of the police presence. Ms. Likins and Captain McSwain discussed how these efforts were part of the commitment made to the residents of the North and South Forest Beach areas. Brian Hulbert, Staff Attorney, also advised Ms. Likins and the Committee that a letter had been drafted to the rental companies and property owners in that area, with Code Enforcement officers making personal visits to reinforce the message. Mr. Williams and Captain McSwain also noted that the concept of zero tolerance for drinking on the beach would be supported by beach patrols to keep the season calm.

Overall, Captain McSwain reported the crime statistics were the lowest 4th quarter numbers for the past 4 years. Contributing to this reduction in crime was a burglary detail that saturated the area for a 3-week period in December, and was very productive in arrests, contacts, and identification of suspects. He agreed with Ms. Likins that the use of cameras has also proved beneficial and acts as a deterrent, but noted the need for cameras on the roadways at intersections, as well.

Captain McSwain explained a program he recommended the Town consider, which uses a real-time camera that could be mounted to a police cruiser, fix-mounted to the side of a bridge or from an overhanging traffic light. The camera would constantly scan and capture every vehicle tag number, run it through a DMV database, and within seconds provide a wealth of information to identify vehicles with expired insurance or wanted by another state. It is currently in use by Charleston and other metropolitan areas at a cost of \$15,000 per patrol car.

Captain McSwain briefly reviewed the 4th quarter 2011 crime statistics, vehicle collisions, tickets issued, volunteer and reserve hours, and drug violations. He noted the reduced numbers of crimes against persons from previous years resulting in part from good cases and significant arrests for multiple burglaries made over the last quarter. Ms. Likins noted last year at this time meetings were conducted with the Forest Beach area residents in connection with burglaries in that area, and questioned whether a reduction for that area had occurred. Captain McSwain was unable to confirm that without a detailed comparison, which he agreed to provide at a later time.

A suggestion for consideration in the next budget was made by Captain McSwain for an electronic speed sign that could be moved where needed. Mr. Williams noted that Sea Pines has one that is not in use at all times, and suggested that Captain McSwain explore the possibility with Sea Pines of sharing the sign when not in use. Any logo could be covered with magnetic stickers, and this might cover the immediate need while the financial issues are addressed.

Mr. Williams asked Captain McSwain to expand upon the marine patrols provided by the Sheriff's Department, and he reported that two boats are in the waterways – one is devoted to full-time Hilton Head Island use. The Department is looking at grants for a new and bigger boat, since only one is large enough to cover the beachside rougher waters.

In conclusion, he noted that drug violations have fluctuated somewhat but basically remain the same as prior quarters and years. The Committee thanked Captain McSwain for his report.

4. Unfinished Business

a. Discussion of Towing and Wrecker Services Ordinance

Chairman Harkins noted that the Committee was still in the fact-finding process, trying to determine what has been done and developed for Beaufort County and other locations throughout the State, and what might best suit the needs of Hilton Head Island. In particular, a common concern has been shared by the Committee to protect the residents and tourists from excessive charges. He asked Brian Hulbert, Staff Attorney, who has done a great deal of background work gathering information, to report to the Committee his findings since the last meeting. He also noted the Committee would like to hear from the representatives from the towing industry, POA leadership, and general public as to their opinions.

Brian Hulbert noted that after the last meeting, he had met with management of the planned unit developments and their security officers, as well as representatives of the towing and wrecker service companies, although he noted only two towing companies attended. Incorporating comments received at those meetings, he revised the draft Ordinance, which was now before the Committee, and he reviewed in detail the deletions and revisions that had been made.

A lengthy discussion among the Committee members, Mr. Hulbert, and Sheriff Tanner ensued as the revised draft was reviewed, and guidance was given for possible future changes. Sheriff Tanner also pointed out State laws applicable when a property has been platted and registered with Beaufort County, such as private communities. Roads within those communities would be considered public roads, and the individual POA could not enforce their individual rules on those particular roads. He suggested changes to the proposed ordinance and agreed to provide additional information to Mr. Hulbert for drafting purposes.

Chairman Harkins noted that the key motivating factor is to protect the resident and tourist from an unusually inflated fee structure without putting additional burdens on property owners, and Ms. Likins questioned whether regulation by the Town is actually needed.

A comparison of the Appendix A Schedule of Fees with the fees established under the Beaufort County Ordinance was provided by Mr. Hulbert, and Chairman Harkins requested further comment on fees and other issues from the towing companies present.

Chuck Padgett, owner/operator of Advanced Automobile and Towing, Josh Sigler with Palmetto Towing, and Dennie Miller with D&M Towing appeared before the Committee and answered questions posed by the Committee members, with agreement to the answers confirmed by other towing company representatives in the audience. They commented on the liability and responsibility assumed by their companies in connection with non-consensual tows and the difficulty in collecting on abandoned vehicles, and often the likelihood of not being paid. They recognized the need to regulate fees to keep residents and tourists from being charged excessively, however, they asked the Committee to keep in mind that the expense to operate on Hilton Head Island was much more than in the County or surrounding Counties.

Chairman Harkins reviewed the proposed Schedule of Fees with those towing companies in attendance, and higher fees were suggested in all instances, mostly reflecting the fees established by the Beaufort County Ordinance.

Mr. Williams noted that this discussion would be continuing with this Committee and was a work in progress that would probably proceed to Town Council. Chairman Harkins asked for comments from the POA representatives present.

Peter Kristian expressed his admiration of the perseverance of the Committee and noted there was no easy solution to this complicated issue. He explained the procedure provided for in their covenants for towing from private property, and asked that any proposed ordinance not circumvent the authority they presently have under the covenants. He recognized the need to protect citizens and tourists from unreasonable fees, but urged the Committee not to “use a sledgehammer on a flea.”

Greg Winn, President of GW Services, who manages about 32 entities on Hilton Head Island from small regimes to larger HOAs, explained their use of an independent security company that patrols the area and contacts the towing companies when needed. He reminded the Committee that most violations occur in the middle of the night, and that the fee structure should be reasonable for the tow truck operators, as well.

Chairman Harkins concluded the meeting and noted that the Committee was reaching a point of focus, which appeared to point in the direction of fee structure being the key interest. The complex problem was how to expeditiously and simply as possible assure the public that there is a reasonable fee structure in place that is respectful of the towing companies.

5. Adjournment

At 12:13 p.m. Ms. Likins moved to adjourn the meeting and Mr. Williams seconded. The motion was approved by a vote of 3-0.

Respectfully submitted:

Lynn W. Buchman
Administrative Assistant

Approved: 3/5/2012

Bill Harkins, Chairman