

TOWN OF HILTON HEAD ISLAND
PUBLIC SAFETY COMMITTEE REGULAR MEETING

Date: October 7, 2013

Time: 10:00 a.m.

Members Present: Marc A. Grant, *Chairman*; John J. McCann and Bill Harkins, *Council Members*

Members Absent: None

Town Staff Present: Greg DeLoach, *Assistant Town Manager*; Lavarn Lucas, *Fire Chief*; Brad Tadlock, *Deputy Fire Chief - Operations*; Ed Boring, *Deputy Fire Chief – Support Services*; Tom Dunn, *Emergency Management Coordinator*; Joheida Fister, *Fire Marshal*; Scott Liggett, *Director of Public Projects & Facilities/Town Engineer*; Tom Fultz, *Director of Administrative Services*; Steve Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Susan Simmons, *Director of Finance*; Brian Hulbert, *Staff Attorney*; and Lynn Buchman, *Administrative Assistant*

Others Present: Captain Joey Woodward, *Beaufort County Sheriff's Office*; Kiera Morris, *Beaufort County Sheriff's Office*; and Eleanor O'Key, *Lowcountry Inside Track*

Media Present: None

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 July 1, 2013

A motion to approve the minutes of the July 1, 2013 meeting of the Public Safety Committee was made by Mr. McCann and seconded by Mr. Grant. The motion was approved by a vote of 2-0. Mr. Harkins abstained, since he was not in attendance at that meeting.

b. Regular Public Safety Committee Meeting of August 5, 2013

A motion to approve the minutes of the August 5, 2013 meeting of the Public Safety Committee was made by Mr. Harkins and seconded by Mr. McCann. The motion was approved by a vote of 2-0. Chairman Grant abstained, since he was not in attendance at that meeting.

4. Unfinished Business

None

5. New Business

a. Proposed 2014 Public Safety Committee Meeting Dates

Chairman Grant noted the proposed meeting dates for 2014 included in the agenda packet. A motion to approve the 2014 meeting dates was made by Mr. Harkins and seconded by Mr. McCann. The motion was approved by a vote of 3-0.

b. Recommendation Regarding Yard Debris Pickup Program

Lavarn Lucas, Fire Chief, referenced the agenda packet materials concerning the proposed Ordinance to ban the open burning of yard debris, and the possible need for a yard debris pickup program. Chief Lucas presented numerous slides outlining the statistics on burn permits issued from 2012 and year-to-date 2013. The statistics included the total number of open burn permits issued, one-time and multiple permits issued by address, warnings issued for burns without permits, and estimated illegal burns not detected, which totaled 175 addresses. He reported that in both 2012 and 2013 there were only 51 addresses that obtained open burning permits in both years, with an average of 19 addresses who obtained repeat permits for burning 3 times per year, which would indicate seasonal yard debris burning. He acknowledged there is a 2-load limitation at the Beaufort County Recycle Center, but he noted the current size regulation for a burn pile would fit into 2 pickup loads consisting of 9 legal-size burn piles uncompressed or 12 piles compressed. He also noted there are very few parcels that would generate 12 piles to be disposed of in one day, and it would require approximately 3 days of burning to dispose of these. The number of permits for 3-day open burning totaled 2 addresses for 2012 and 2013, and none were issued for more than 3-day burnings. Looking at 4-acre parcels on the Island, including those with multiple addresses, there were a total of 3 permits issued in 2012 and 2013, for a total of 7 burns, with no repeat addresses between 2012 and 2013.

Joheida Fister, Fire Marshal, displayed a graph depicting one-time and multiple permits issued to a single address.

Mr. McCann expressed this is a public health problem to every resident of the Island, not just those directly affected, and every Council Member has an obligation to find a way to resolve this issue.

Chief Lucas commented on several contacts that had been made concerning yard debris pickup by private companies and an investigation of grant programs to offset the cost of composting.

Chairman Grant stated the goal is to focus on assisting those in the community who open burn their yard debris, and once that opportunity and right is taken away from them, a solution needs to be found.

Mr. Harkins pointed out several factors that should be considered, including the detrimental impact that open burning has on the health of all of our citizens, the unnecessary danger placed on citizens and our fire department, and the role that should be taken by government or government in conjunction with the private sector. Taking a positive slant on the problem, he noted it would provide an opportunity for the community to participate under the leadership of the Town.

Chairman Grant indicated he supported the proposed ordinance to ban open yard debris burning, but pointed out that the reality is you cannot create an ordinance without having solutions to a problem presented. Chairman Grant stated that in terms of the Town's role to provide quality lifestyle for all of its citizens, a solution is needed.

Steve Riley, Town Manager, explained that he had asked Chief Lucas to show that this was not a huge issue requiring a grand solution, but rather a small scale issue needing targeted response. He

noted past joint efforts with others, including Rotary Clubs and the Martin Luther King Committee. While other communities provide garbage and debris pickup service, the citizens of those communities pay for such service. He pointed out that our current paid subscription agreement with Republic is not an option since only half of the citizens are participating. However, he noted that smaller scale ideas can be developed and brought back to the Committee.

Chairman Grant agreed that this issue does not require a grand solution, and suggested that in the future, before passing an ordinance that may create a problem, solutions should be presented at the same time as the proposed ordinance.

Mr. Harkins asked for community input to help design a solution that would be helpful to the individuals involved, respectful and would create a sense of goodwill among the entire community.

Mr. McCann stated that the bigger issue here is the health and safety of the community, with everyone being affected while we will work on a solution, and it is wrong to hold up the passage of the ordinance burning ban. Mr. Harkins encouraged Town Council to act and concurrently come up with an approach to deal with the yard debris.

Mr. McCann suggested that this item remain under “Unfinished Business” forever until everyone is satisfied that this has been done.

Chairman Grant asked for public comments.

Dot Law, President of the Marshland/Chaplin/Gardner POA, noted that she was encouraged to hear the Chief’s facts indicating how small the problem is, and also that it is not a gigantic problem which requires a gigantic solution. She indicated her disappointment if the ban is put in place without some kind of community effort to solve the problem created.

Alex Brown, a member of the Martin Luther King Planning Committee, noted that although community service is provided every 5th Saturday, unfortunately, he is not able to assist everyone that needs assistance. He pointed out issues including truckloads rejected by the Recycling Center, the long-standing cultural experience to be overcome, and the fact that older Native Islanders may not want strangers in their yards. He agreed with the change, but asked that solutions be in place before change occurs.

Mr. Harkins expressed his desire for a quick resolution involving Ms. Law, Mr. Brown, and others in the community working with the Town Manager and the Town Facilities Management to determine what needs to be done so that the native Islander feels they are being helped.

Irvin Campbell presented to the Committee Members a memo from the Spanish Wells-Jonesville POA to explain the effect on the Native Islanders when ordinances are enacted that change their custom and culture. He questioned the health problem created with the small numbers of open burns cited by Chief Lucas. While agreeing this was a small problem for a town with 37,000 residents, he noted it is a bigger issue for the Native Island population of approximately 1,800. He asked for assurance of a solution for debris pickup.

Thomas Barnwell, Jr., a Native Islander, spoke about retaining his right to burn tree limbs on his property, which he pointed out was a part of the custom, practice, and way of life from the farming days. He reminded the Committee that some people do not have a way to transport yard debris to the Recycle Center. He also noted that if the MLK Committee was included in the solution, he asked that funding be considered. He urged that the Town not take away the ability to burn yard debris without having something dependable in place that is just as safe as not burning.

Chairman Grant noted that while wanting the community support, the community should not be expected to take this on as a full-time responsibility, but rather the Town should be the leader for addressing the issue and funding it.

Mr. Campbell indicated he believed that it should be a Town-led project, with the Town fully responsible for the project, with input provided from the community.

Chairman Grant made a motion that the Committee recommend that the Town Manager, Steve Riley, in conjunction with the community, come up with a program to solve the yard debris pick-up problem. Mr. Harkins seconded the motion, and the motion was approved by a vote of 3-0.

c. Update on 2 Abandoned Boats

Greg DeLoach, Assistant Town Manager, explained the update that would be presented by the Staff Attorney, which would be a regulatory update with no recommendation, on the 2 abandoned boats. He further explained that Tom Fultz, the Town Procurement Officer, would outline the Request for Proposal (RFP) process to provide the path forward, which would be done with the recommendation of the Town Manager, without Council's involvement. He noted that no commitment would be made, and options would be brought back to Council shortly which would include cost estimates and sources of funds which have not yet been identified.

Brian Hulbert, Staff Attorney, briefed the Committee on the initial efforts taken in the form of letters from DHEC and the Town, with the expiration of the time period for action to be taken having expired for both boat owners. A scheduled DHEC enforcement meeting with the owner of one of the boats will be monitored closely by the Town. He outlined options available to the Town after seizing the boats that had been declared abandoned and creating a public nuisance.

Tom Fultz, Director of Administrative Services and Town Procurement Official, updated the Committee on the parallel and concurrent tasks that were being done, with the restriction of the legal process running its course. He outlined the normal policy and procedure of the Town in regard to issuance of a RFP, including identification of a funding source prior to such issuance. He noted that the Town Manager, if the situation warrants, has the authority to direct a RFP be issued. Mr. Fultz showed pictures of the boats and problems involved with removal were identified. The normal process for a RFP were outlined, which Mr. Fultz indicated that the RFP was 90% completed, so that a RFP could be issued as early as next week upon direction of the Town Manager.

In response to Mr. Harkins' inquiry about sources of funding available, Mr. DeLoach indicated the source would be identified once the cost estimates are determined. He noted that letters had been sent approximately 3 weeks ago from the Mayor to Senator Davis and Representative Patrick requesting any State assistance, but no response has been received as of this date, but follow-ups would be made.

Mr. Hulbert noted that political pressure may be needed to free up State funds, and he explained that no assistance is expected from the Federal level since the owners of the boats are known.

Mr. Fultz explained the timeline if a RFP is issued and the formal process to be followed. Once a recommendation is presented to the Town Manager, the results of the RFP will be reported to Town Council.

Mr. Harkins questioned how to avoid this becoming precedent setting. Mr. Fultz indicated this is not an unusual occurrence for older wooden boats according to marine contractors he has consulted, and such boats are not insurable. Mr. Hulbert also noted that this was an accident and there was no indication that this was an intentional act. Deterrents for intentional groundings would include

active enforcement with citations, demand for removal, and liens placed on the owner's property to recover any funds spent on removal.

Adjournment

At 11:40 a.m. Mr. Harkins moved to adjourn the meeting and Mr. McCann seconded. The motion was approved by a vote of 3-0.

Respectfully submitted:

Lynn W. Buchman
Administrative Assistant

Approved: 11/4/2013

Marc A. Grant, Chairman