

TOWN OF HILTON HEAD ISLAND
PUBLIC SAFETY COMMITTEE SPECIAL MEETING

Date: February 11, 2014

Time: 5:00 p.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*; Brian Hulbert, *Staff Attorney*; Lavarn Lucas, *Fire Chief*; Joheida Fister, *Fire Marshal*; Brad Tadlock, *Deputy Fire Chief – Operations*; Julian Walls, *Facilities Manager*; Derrick Coaxum, *Assistant Facilities Manager/Maintenance Administrator*; Charles Cousins, *Director of Community Development*; Jayme Lopko, *Senior Planner*; and Lynn Buchman, *Administrative Assistant*

Others Present: Lee Edwards, *Council Member*

Media Present: Rebecca Lurye, *The Island Packet*

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 February 3, 2014

A motion to approve the minutes of the February 3, 2014 meeting of the Public Safety Committee was made by Mr. Harkins and seconded by Mr. McCann. The motion was approved by a vote of 3-0.

4. Unfinished Business

a. Consideration of a Proposed Ordinance Regarding Open Burning of Yard Waste

Lavarn Lucas, Fire Chief, referenced the proposed amended Ordinance and cover memo, which were included in the agenda packet. He briefly noted the changes from the existing regulations in place and those that had existed since 1999, and the discussions, recommendations, and concerns that were taken into consideration when drafting the attached proposed Ordinance. Chief Lucas reviewed the proposed Ordinance, which would allow the burning of yard debris for 4 weeks per year, to occur during the first weeks in March, April, November, and December. He explained a one-time permit would be required, and the burn must be registered with a phone call on the day of the burn so that the crews of the local fire stations would be aware of the burn and could spot check to ensure compliance with the rules and regulations set forth on the permit. He pointed out that restrictions as

to size and number of piles per property would be relaxed to conform with the rules established in the International Fire Code, which is an adopted Code by the Town. He also pointed out the comparison of differences between the previous regulations for yard waste fires and those in the proposed Ordinance and Fire Code as set forth in Table A, as well as the differences for recreational fires set forth in Table B. Chief Lucas stated that while fire pits were not mentioned in the cover memo, nor specifically mentioned in the Fire Code, an interpretation had been sought and an interpretation received that the fire pit should be considered exactly the same as an approved, portable container - meaning it should be 15' from the structure for non 1-2 family dwellings, with no distance limitation for 1-2 family dwellings. He stated he was available to answer any questions.

Mr. Harkins and Chief Lucas discussed the possibility of adding further limitations on the size of the yard waste fires and on distances from structures for recreational fires.

Chairman Grant and Chief Lucas discussed the proposed ordinance that provides no limitations on the number of piles for yard waste fires, which Chief Lucas indicated was in accordance with the Fire Code. Chairman Grant asked for public comments.

Peter Ovens stated he was in favor of no burning, but if burns are allowed, he asked that they be restricted to a properly designed barrel that does not allow excessive smoke and ash to escape. While agreeing with Chief Lucas on most points, he pointed out that the timing for burning should be less restrictive and available as needed.

Dot Law, President of the Marshland/Chaplin/Gardner POA, stated that although it was not what they wanted, they were willing to compromise, and they could live with the 4 weeks per year restriction if an exception is added to allow burning when needed in the event of storms. She noted a petition in her possession containing over 300 signatures of Ward 1 residents who were unable to attend but wanted the Committee to know how strongly they felt about having the right to burn. She asked for clarification from Chief Lucas about the burn permit and the need to register the burn. Ms. Law expressed her appreciation for the efforts made to find a workable solution.

Greg Clements, Denise Stringer, and Margie Gaynor, members of the Hilton Head No-Burn Organization, expressed their support for the burning ban, which they noted is needed for the health and safety of all citizens. Recognizing that compromise was necessary, they indicated reducing the burning period was the right thing to do for a transition period, with the issue to be re-visited in 6 months to 1 year. They suggested that more attention be directed to debris solutions rather than rush to any solution. Ms. Stringer shared with the Committee her findings from communities she had contacted, including Myrtle Beach, North Myrtle Beach, Charleston, Surfside Beach, and Beaufort. Ms. Gaynor noted educational resource information available through DHEC and the Town of Bluffton pointing out the health and safety risks involved in open debris burning. They offered assistance in finding a solution that would take into consideration the health and safety concerns of the citizens of Hilton Head Island.

Charles Young, III, a resident of the Baygall community, thanked the Committee, Chief Lucas, and the Facilities Committee for taking the time to obtain the feelings of the various communities involved. He noted his agreement with the Chief's proposal of a compromise trial to be evaluated and adjusted as needed.

Lee Edwards, Council Member for Ward 3, noted his personal agreement with a burning ban from a community health standpoint, but felt it was unfair to a large segment of residents on the Island. He stated that enforcement is a big problem, not only of the current law, but the previous law, as well. Whatever is done moving forward, he noted the Council must be willing to instruct Town Staff to

enforce the laws. He agreed with Mr. Clements that a solution should not be rushed into, that 4 weeks would not be enough for burning, and that enforcement with substantial tickets issued should be required. He noted he was not in agreement with the Town's involvement in yard debris removal, as it would be too expensive and onerous, but felt that a compromise could be found.

Thomas Curtis Barnwell, III, from Squire Pope/Stoney/Gum Tree Road/Wildhouse Road POA, noted there is a hardship created if burning of yard debris is not allowed 2 to 3 days a month, as piles of yard debris create areas for pests, rodents, and snakes to hide. David Murray from the Squire Pope area agreed and stated he needs the ability to burn debris at least 26 times per year. He urged compromise rather than a complete ban of burning.

Nell Barnwell Hay, Vice-President of the Baygall POA, asked that the Committee give the communities what they need to keep their properties clean and healthy.

Vio Jones from the Squire Pope area stated that burning 4 times per year was not enough, and a ban would infringe on the rights they have had for many years. Veronica Miller, President of the Squire Pope/Stoney/GumTree POA, agreed with the previous comments, and added that she thought this was being rushed and time should be taken to consider more solutions for the entire Island.

Michael Cohen, Jr., a native Islander from the Spanish Wells/Jonesville area, expressed his support of controlled burning for yard debris for 26 weeks in the year, and defended the use of burns to clean properties and dispose of yard debris that has been a tradition for generations.

Kristin Keller, a resident of Squiresgate, voiced her support for permitted burning, citing the tree limbs and 40 plus bags of leaves to be cleared from her yard that exceed the limit for daily disposals at the dump. She noted there is a need for an alternative to the ban on burning of yard debris.

Palmer Simmons, a resident of the Spanish Wells area of Ward 3, expressed his concern that any rule or law that adversely affects a portion of the citizens is wrong, with Wards 1 and 3 being most affected and bearing the greatest brunt of the ban. He questioned why burning was such a hot topic requiring a ban, and suggested a compromise is needed. Nadine Chaplin agreed that a compromise was needed for everyone, and pointed out there are elderly citizens who are unable to transport their yard debris.

Thomas Barnwell, Jr., a 79 year resident, thanked Town Staff and Council Members for making a time adjustment to allow more citizens and native Islanders to attend the meeting. He also thanked the citizens who provided the research on other communities who ban burning, but he questioned if those communities have the diversity of land mass still owned by natives. He asked that the ban be repealed or the number of days for permitted burns be increased for year round cleanup.

Rita Jones expressed her support for allowing permitted burning of yard debris for 1 week per month.

Lawrence Orage expressed his gratitude for the meeting being held late enough for him to attend, and noted his opposition to the burning ban, citing that he, his father, and grandfather had been burning yard debris all their lives, with no adverse health issues.

Mr. McCann noted this is a difficult decision, but understanding both sides of the situation, he suggested changing the proposal to recommend that burning be allowed to occur 2 days per month instead of the 4 times per year, with provisions for additional burning days per year in case of storms or high winds as needed for a 1 year trial. He also suggested a Committee be appointed immediately consisting of Town Staff, Fire and Rescue, Facilities, Denise Stringer, and possibly 2 or 3 people currently in the room, to meet and report in 1 year on any adjustments that may be needed.

Mr. Harkins indicated his support for the direction set forth by Mr. McCann, and pointed out the positives to be gained from compromise. He suggested the Committee be comprised of 6 to 8 people, including Dot Law and Denise Stringer, who meet on a quarterly basis to take a hard and vigorous look at the issue from all standpoints, with a set time of 12 months to report back.

Chairman Grant and Chief Lucas discussed what procedures could be followed for permitted burns in the event of a storm. Chief Lucas noted the Town has an existing Debris Management Program, and in the case of a major storm, this would allow the pickup of materials and burning or disposal of those materials on Town property. In a minor storm, there was a provision in the old ordinance that could be added back to the proposed Ordinance to allow open burning by special permit if such need is determined by the Town Manager, with the Fire Chief's approval.

Chief Lucas clarified several questions posed by prior speakers, including the one-time permit process, enforcement issues, and damages caused by fires to structures, cars, and fences, including 2 deaths caused by inappropriate burning. He noted the proposed ordinance will give authority to extinguish fires only when it is a danger and a public safety issue, and not simply because of complaints about smoke being a health issued.

Chairman Grant noted the reality was that one of the problems with the ban was that no true solution to solve the problem was found prior to the ban taking effect. He stated his understanding of the need to dispose of yard debris, and while not in favor of a burning ban, he expressed his belief that a compromise could be reached.

A discussion followed among the Committee members, Chief Lucas, and Greg DeLoach, Assistant Town Manager, as to some suggested recommendations to be incorporated into a proposed ordinance. After much discussion, a motion was made by Mr. McCann that the Committee recommend to Town Council a proposed Ordinance allowing the burning of yard debris for 2 days each month, reinstating the special circumstances for storms provision from the previous ordinance, with an appointed citizen/Town working Committee co-chaired by Denise Stringer and Dot Law to start immediately to convene on a quarterly basis to evaluate the program and, if appropriate, make suggestions for improvements, with a report from the Committee requested in 12 months. The motion was seconded by Mr. Harkins.

Further discussions and clarifications followed among the Committee members, Chief Lucas, and Mr. DeLoach. The motion was approved by a vote of 3-0.

5. New Business

None

Adjournment

At 6:40 p.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: 3/3/2014

Marc A. Grant, Chairman