

# TOWN OF HILTON HEAD ISLAND PUBLIC FACILITIES COMMITTEE

Date: January 25, 2016

Time: 10:00 A.M.

Members Present: Lee Edwards, Kim Likins, Tom Lennox

Members Absent: None

Staff Present: Scott Liggett, Brian Hulbert, Susan Simmons, Jill Foster, Shawn Colin, Jayme Lopko, Rene Phillips

Others Present: Bill Harkins, John McCann, *Councilmen*, Chris Creed, *Olsen Associates, Inc.*, Ralph Wagner, *Shore Beach Services*

Media Present: Zach Murdock, *Island Packet*

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**1. Call to Order:**

The meeting was called to order at 10:05 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. Committee Business:**

**Approval of Minutes:** There was no quorum to approve the Minutes of December 15, 2015.

**4. Unfinished Business:**

None

**5. New Business**

• **Review of Proposed Ordinance 2016-01 to Prohibit Fishing on the Beach During Certain Hours During Summer Beach Season**

Chairman Edwards stated Councilman Lennox will be joining us later as he is in another meeting.

Brian Hulbert, Staff Attorney advised last summer, several Council Members received complaints from some residents that centered around tents and canopies on the beach. The Finance & Administrative Committee (F&A) decided to have a Public Hearing in which the public could come in and express any issues that had to do with the beach. The Public Hearing was held and several items came out of it. Some of the complaints were about the tents and canopies, alcohol on the beach, noise on the beach, holes in the beach and complaints that people were fishing on the beach amidst the swimmers.

After the Public Hearing they considered the issue, came back, had another meeting and decided that the Town Ordinances that dealt with the noise and the alcohol were fine and there was no reason to address those issues any further. As far as the tents and canopies,

they decided that it was not the right time to regulate them at this time on Hilton Head Island. The recommendation to Town Council centered on deciding there was merit to the complaints about the fishing on the beach where they are fishing amidst the swimmers. They were given three options. They chose the option to make the fishing on the beach parallel where we allow dogs on the beach. When the dogs are allowed on the beach, they could fish, but when we prohibit dogs on the beach between 10:00 a.m., and 5:00 p.m. from the Friday before Memorial Day until Labor Day they would not allow fishing on the beach. They were prohibiting just during those hours during the summer season was the recommendation they took to Town Council.

On January 5, 2016, Town Council addressed the issue and decided that maybe that is not the best approach and referred it back to this Committee. We are back here to decide whether or not there is a need to regulate fishing on the beach.

The Ordinance proposed would prohibit fishing between the hours of 10:00 am and 5:00 pm from Memorial Day weekend until Labor Day. There was discussion at the meeting about whether it was in the best interest of the Town to regulate fishing on the entire beach, or whether it would be more appropriate to only limit fishing in certain locations. Only the subject of regulating fishing on the beaches was referred to the Committee for consideration.

It is important to understand what the beach is. The beach is defined in our Municipal Code and it is from the Creek at Fish Haul Creek Park going around to Lands End. Mitchelville Beach Park and Fish Creek Park are not part of the beach so you can fish there. You would not be prohibited or regulated from fishing in that area, nor along Hilton Head Plantation on the inlet coming in there. From Lands End through Calibogue Sound all the way up and around to Fish Haul Creek again inward you can fish any time. They are only addressing the beach and that is from the Creek at the south part of Fish Haul Park going around to Lands End in Sea Pines.

Chairman Edwards stated at the full Town Council Meeting F&A recommended we proceed with the ban and there were several of us who felt that was a bit extreme and we needed to talk about it more. Several of us were adamantly opposed so we decided to bring it back to this Committee. I have a real problem with the Ordinance as it is written. We wanted to hear from the public and revisit this issue. There were very few people who spoke about the fishing discussion at that previous meeting so we wanted to give everyone a chance to speak and let everyone's voices be heard and come up with a reasonable solution.

Mrs. Likins asked Mr. Hulbert to clarify what the regulations are right now and did we have designated swimming areas. Mr. Hulbert responded that Coligny Beach Park, Burkes Beach Access, Folly Field Beach Park, Islanders Beach Park and Driessen Beach Park are designated swimming areas. During the summer season, you are prohibited from fishing in those areas. Chairman Edwards asked how big of an area is prohibited. All added up together is about ½ mile Mr. Hulbert responded.

Mr. Hulbert stated he has been with the Town for over ten years and Code Enforcement has worked for me all those years. My Code Enforcement Officers patrol the beach. The

complaints that come into the Town eventually work their way to my Department for my people to address. I would say that I probably, through patrolling the beach with my Officers or through complaints that come to my office, we get 15-20 complaints that rise to my level each season about fishing amongst the swimmers. I have had no complaints that have come to me where people have been hurt. It is more of a nuisance is the feeling I get about the complaints. Shore Beach gets far more complaints about the fishermen fishing amidst the swimmers. I will let Ralph Wagner address that with the Committee.

Chairman Edwards asked what type of complaints Mr. Hulbert's Department gets. Mr. Hulbert responded they ask why we allow fisherman to fish where people are swimming. Why can they fish where the swimmers are? Mrs. Likins asked how many times are the fisherman really breaking the regulations. Mr. Hulbert said he didn't recall them ever fishing in the designated swimming areas. Shore Beach Services does a great job addressing that where it doesn't rise to my level. The complaints that I get are just because they are fishing there or because they have seen them either chumming or using bloody fish. At the beginning of last season, we had a complaint where people were chumming the water (which is prohibited.) Shark fishing or chumming the waters to draw in the sharks is prohibited by Code anywhere on the beach already. We found that a local bait shop was telling people how to do that so we put a stop to it.

I had my Officers out there 4-5 mornings a week to educate the fisherman who were fishing as to what our rules are and that they couldn't have bloody bait when they were doing that and had to have clean fish, use shrimp or squid and they couldn't use any chum.

Mostly it is the fishing amongst the swimmers that is a nuisance and again it is 20-25 per season out of the 1,000,000+ visitors we have all summer.

Mrs. Likins said she agrees with Mr. Edwards and had attended the meeting. I was surprised that this issue rose to the point that we were considering changing our Ordinance. I do think it is good to have this conversation and particularly to hear from some of the professions that are here today about the matter. If it is just more public perception or concern because of the issues we had last year in North Carolina and some of the shark attacks, I think it would be nice for the public to hear comments from the professionals.

Mr. Edwards asked for public comment at this point. Many citizens spoke in opposition to the proposed fishing ban ordinance. There were none who spoke in favor of the ban.

Ralph Wagner, Shore Beach Services stated there is a policy that was adopted several years ago approved by the Town that basically anyone fishing, chumming or using bloody bate is considered shark fishing as well as if someone catches a shark we will ask them to stop fishing for the day because whatever they have been using is attractive to sharks. The policy has worked out very well. If we see someone fishing near swimmers we do ask them to move. Most of the time, they do. If they don't we ask the swimmers to move. That is where some of the conflict arises.

As far as the number of complaints, we have about 500 a year which we deal with which are considered violations of policy. As far as perceptions of shark attacks, I believe we have had approximately 10 in the last 25 years. We had one last year toward the end of the

season that was confirmed and we had one earlier in the season that was not confirmed. We have never been able to correlate where we have had a bite where there have been fisherman in the area. Chairman Edwards confirmed with Mr. Wagner that none of the bites that you know of were ever associated with someone fishing on the beach. Mr. Wagner said that was correct.

Mrs. Likins stated she feels like there is not a need to change the Ordinance to the degree that we are going to ban fishing all day, all summer long. I think it sounds like the Ordinance we have is pretty good. Since we have as a Council created this opportunity to use our communication firm for different things, because this does seem to be quite a bit of a PR issue, I recommend that we talk with them about putting some information together like the fact that there have been no instances associated with fishing and shark bites – some factual data that could be shared with the public.

Chairman Edwards said that was a great idea and his feeling is when we hear about 500 incidents or violations and the fact that according to the DNR there is zero shark attacks caused by fishing it seems to be that our current rules are working just fine. Ten shark bites over 25 years is a pretty small number especially if you think of the millions of people in the water. My tendency right now is to recommend to Council that we not pursue any ban.

Mrs. Likins moved the Public Facilities Committee not accept the F&A's recommendation that we ban fishing from Memorial Day to Labor Day during daytime hours on Hilton Head Island. Chairman Edwards seconded. The motion passed unanimously.

- **Public Art Site Selection**

Jayne Lopko, stated staff recommends the Public Facilities Committee forward a recommendation to Town Council to approve the new Coligny Park, the old Gullah market, and the NW corner of Squire Pope Road and William Hilton Parkway as potential sites for placement of Public Art on Hilton Head Island.

Mrs. Likins asked when an area is chosen you said that Town Staff works with the Community Foundation as to where the placement of the piece of art goes in that particular area. Ms. Lopko said absolutely.

Mrs. Likins moved that the Public Facilities Committee recommend to Town Council they approve the new Coligny Park, the old Gullah Market and the NW corner of Squire Pope Road and William Hilton Parkway as potential sites for placement of Public Art on Hilton Head Island as presented. Mr. Lennox seconded. The motion passed unanimously.

- **2016 Beach Renourishment Project Update**

Scott Liggett, Director of Public Projects & Facilities/Chief Engineer gave an update on the upcoming 2016 Beach Renourishment and Chris Creed, Vice President and Senior Coastal Engineer with Olsen Associates, Inc., which is the Town's Coastal Engineering Consultant gave an in-depth history of the beach renourishment process. The Committee thanked both Mr. Liggett and Mr. Creed for their very informative presentation.

6. **Adjournment**

Mrs. Likins moved to adjourn. Mr. Lennox seconded. The meeting was adjourned at 12:10 p.m.

Respectfully Submitted,

Approved: February 22, 2016

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**Karen D. Knox**  
**Senior Administrative Assistant**