

TOWN OF HILTON HEAD ISLAND
PUBLIC SAFETY COMMITTEE SPECIAL MEETING

Date: January 20, 2016

Time: 10:02 AM

Members Present: Marc A. Grant, *Chairman*; Bill Harkins and Lee Edwards, *Council Members*

Members Absent: None

Town Staff Present: Greg DeLoach, *Assistant Town Manager*; Brian Hulbert, *Staff Attorney*; Charles Cousins, *Director of Community Development*; Jill Foster, *Deputy Director of Community Development*; Bob Klein, *Building Official*; Teri Lewis, *LMO Official*; Brad Tadlock, *Fire Chief*; Joheida Fister, *Fire Marshal*; and Lynn Buchman, *Senior Administrative Assistant*

Others Present: David Bennett, *Mayor*; Capt. Joey Woodward and Kiera Morris, *Beaufort County Sheriff's Office*; various residents of South Forest Beach area, Xanadu, and Ocean Walk; and Eleanor O'Key, *Lowcountry Inside Track*

Media Present: Zack Murdoch, *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 January 4, 2016

Chairman Grant pointed out 2 corrections to be made: On Page 3, the reference to Xanadu Bylaws in Linda Ward's comments should be changed to "Ocean Walk Bylaws," and on Page 5, the date the LMO Code was adopted should be changed from October of 2015 to "October of 2014." A motion to approve the January 4, 2016 minutes as corrected was made by Mr. Edwards and seconded by Chairman Grant. The motion was approved by a vote of 2-0. Mr. Harkins was not in the room when the vote was taken.

4. Unfinished Business

a. Background Regarding Lockouts and Crime Statistics

i. Presentation by Town Staff

Captain Joey Woodward from the Beaufort County Sheriff's Office reported the breakdown in crime statistics for the period January 1, 2015 through December 20, 2015 for Ocean Walk indicating 98 calls for service resulting in 13 written crime reports. He noted that extra patrols of the complex this week resulted in drug arrests, and he encouraged residents to report incidents so that appropriate action can be taken. Capt. Woodward compared calls for service during the same period for Hilton Head Island as a whole, and for South and North Forest Beach Drive and other areas in both the south and north ends of the Island. A discussion followed concerning the key issues and root causes and whether

the existence of lockouts or better management affects the crime statistics. Capt. Woodward could not attribute crime in the area to the lockouts. If requested, he noted the Sheriff's Office could provide threat assessments, set up Crime Watch meetings with owners or concerned individuals, and encourage the use of the free NIXLE system. In addition, he stated patrols will continue to proactively police the area and to respond to calls. In order to better identify those committing crimes and patterns that may be established, Capt. Woodward agreed to include profiling information with future crime statistics presented to the Committee.

Questions from the public concerning crime statistics were addressed by Capt. Woodward and clarifications were provided.

Bruce Bartow noted there is a crime problem at Ocean Walk that is directly tied to cheap split rentals where no identification for utilities allows criminals to hide. He suggested this behavior should not be happening in the heart of the tourist district.

Addressing the issue of lockouts, Brian Hulbert, Staff Attorney, noted the importance of recognizing that no one living in a lockout unit without immediate access to a breaker has complained or appeared to voice concerns. He stated the focus should be on the real issue of crime.

Charles Cousins, Director of Community Development, provided a brief history of lockouts, how they have been addressed by the LMO, and the existence of lockouts in other developments on the Island and across the country. A discussion ensued concerning the intended use of lockouts as hotel rooms for short-term, the negative consequences now being faced with long-term residential use, and possible solutions and problems involving LMO amendments or changes in management or restrictive covenants of the affected properties. Mr. Cousins suggested Town Council may want to direct the Town Manager to seek legal input on the Town's ability to limit occupancy terms, whether units are grandfathered, and how enforcement would be accomplished.

Brad Tadlock, Fire Chief, discussed with the Committee the communications received from the State Fire Marshal concerning the Town's interpretation of the Fire Prevention Code and Building Code, and the support they have expressed. He noted that changes to the Fire Code would be difficult, as adoption of the Code was taken over by the State Legislature. A discussion followed concerning the effect of location of the breaker panel has for the lockout unit, the steps taken by Fire Rescue to access the panel in case of fire, and the protocol to get the occupants out of the building with no need for access to the panel, whether it is a lockout or a residential home. Further discussion ensued concerning what could be accomplished by a visit from the State Fire Marshal.

Mr. Hulbert provided additional information concerning approvals by the State Fire Marshal of the design plans for Ocean Walk in 1981, and the consistency in the Building and Electrical Codes from 1979 through present day. A discussion followed concerning the Town's ability to regulate short or long-term rentals anywhere on the Island, whether in multi-family units or single family residential homes, and legal issues that may need to be resolved.

ii. Public Comment

Jack Daly with the Forest Beach Association noted this is a complex issue intertwining public safety, electrical codes, and crime. He suggested a comprehensive process is needed involving local residents, elected officials, and State Fire Marshal review, focusing on the unique problems in the South Forest Beach area in a similar manner as the Circle to Circle. He provided a brief history of Ocean Walk built in 1982 and approved by the State Fire Marshal in 1981 and the 1995 vote by the Board to allow owners in Ocean Walk One to subdivide their units and rent both sides long-term, which he stated was in violation of the spirit of the LMO and Master Deed.

Comments were made by various residents of Ocean Walk, who felt the community was being unfairly represented as crime-ridden, and the fire hazard issue was not valid. Reasons for purchasing

and residing there were given, the benefits of the diversity of long-term and short-term residents were presented, and efforts made by management were outlined that are occurring to encourage background checks and higher rentals to discourage unwanted tenants, to enforce existing bylaws by the Board, and to utilize an eviction process where needed.

Various residents of Xanadu commented that they do not have similar problems as Ocean Walk and requested that the misconceptions being applied to lockouts and crime at Xanadu be noted. Concerns were expressed, however, about safety issues in separating lockout units for long-term rental and the Town's interpretation of the LMO and NEC codes.

The original resident manager at Ocean Walk noted that the units were never intended to be rented as two separate long-term rentals, but to be used for roommates renting the entire unit, and crime was not a problem at that time.

Former Presidents of the Ocean Walk Board indicated there are problems that are not seen all the time, but the lowest rent units appear to cause the most problems. A brief discussion followed concerning the restrictions placed on management by the bylaws and out-of-state owners that contribute to the problem. It was suggested that forbidding the rental of the lockouts for long-term rental would help decrease crime and increase property values, but the Board has been unable to obtain majority consent for changes to the bylaws, and that the Board has not communicated well with its owners.

Richard Patisall, a local real estate broker, suggested an on-site rental manager would provide a system of accountability in knowing who is there and what is happening within the complex.

Mr. Cousins pointed out that the Construction Board of Adjustment and Appeal, comprised of construction experts in the community, upheld the Town's determination that the lockouts were not separate units.

Chairman Grant asked the Committee members for solutions to present to Town Council, and he outlined his suggestions, with the goal to improve public safety and address crime problems in the South Forest Beach area.

After comments were made by all Committee members, Chairman Grant moved that the State Fire Marshal be invited to inspect Ocean Walk and provide a second opinion as to whether the situation there is compliant with Codes, that outside legal counsel review legal issues concerned and issue a second opinion, and that Town Council approve the creation of a Forest Beach Task Force with a facilitator, to work with formal and informal leaders from the community to come up with a detailed tactical plan to improve the quality of life in that area. Mr. Edwards seconded the motion, and the motion was approved by a vote of 3-0.

5. New Business

None.

Adjournment

Chairman Grant called the meeting adjourned at 12:19 PM.

Respectfully submitted:

Lynn W. Buchman
Senior Administrative Assistant

Approved by:

/Approved February 1, 2016
Marc A. Grant, Chairman