



Town of Hilton Head Island
Community Services & Public Safety Committee

Monday, November 25, 2019 at 9:00 am

Benjamin M. Racusin Council Chambers

MEETING MINUTES

Present From the Committee: Marc Grant, Bill Harkins, Tom Lennox

Present from Town Council: Tamara Becker

Present from Town Staff: Scott Liggett, Josh Gruber, Teri Lewis, Wendy Conant, Todd McNeill

Present from Media: Katherine Kokal, *The Island Packet*; Daniel Robinson, *WJCL*

1. Call to Order

2. FOIA Compliance - Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

3. Approval of Minutes – October 28, 2019 – Councilman Lennox moved to approve. Councilman Harkins seconded. The October 28, 2019 Minutes were unanimously approved.

4. Unfinished Business

5. New Business

a. 3rd Quarter 2019 Crime Statistics - BCSO –

Captain Angela Viens from the Beaufort County Sheriff's Department gave a presentation on the 3rd Quarter Uniform Crime Report. Captain Viens said there is not a whole lot of significant events to report. We have seen some decline in most of our statistics. I think we saw a little uptick in our burglaries across the Island for the 3rd Quarter. We had no Murders and Aggravated Assaults are down as are robberies. We are at the norm for Vehicle Collisions and had one fatality this Quarter – single vehicle collision vs. a tree. Our Tickets are remaining consistent – maybe a 7-8 ticket count difference from this time last year. Our Warnings have increased significantly. Part of our Traffic Enforcement is also education and making sure that the folks are familiar with the laws in our roadways, especially the visitors. Our Marine Stats have increased from this time last year. We have realigned one of our personnel to patrol specifically the waterways, in addition to the Marine Patrol assets that we already had. Our Volunteer Hours are consistent and our Calls for Service is pretty consistent with this time last year. Nothing really exciting to report. We are hoping to see a decrease 4th Quarter in everything with an increase in some traffic citations which would go along with our population during the winter months.

Chairman Grant stated at the last meeting it was brought to their attention that citizens would like to see more of a presence at the Schools because the traffic is bad and they want to make sure the children get to school safely.

After a brief discussion, Chairman Grant thanked Captain Viens for her presentation.

b. South Carolina Department of Natural Resources (SCDNR) Coyote Management Program

Josh Gruber stated they were asked to provide some follow-up information regarding a matter that had been brought before Council via public comment a number of months ago at a Town Council Meeting. There were some concerns from citizens about the presence of coyotes on the Island and the potential interaction with humans and domestic pets. Following that meeting we sought out someone who we thought would be pretty much as close to an expert on the subject of coyotes as we could identify and had a meeting with them to learn more about them as an entity to determine ultimately whether or not there was some kind of public safety matter that would require the Town to become involved in addressing the issue.

As a result of that meeting we learned more about coyotes than we ever really wanted to know on the subject. It is information that we do think is beneficial. Bottom line for our Island is that there are resources available for homeowners so that if they are concerned about coyote issues. Right now they are mostly maintained to utility rights of way and undeveloped land. They do interact somewhat with populated areas, but as a species they want to be left alone from those areas. The areas of the Island that you see are open spaces and undeveloped areas – those are the areas that you are typically seeing them. If a landowner is concerned, there are resources that the Department of Natural Resources provides. There is a list of approximately 20 different people identified that provide services within Beaufort County specifically related to the coyotes and coyote management. If someone has a concern that they are encroaching their property there are resources that they can reach out to.

In terms of providing some general tips, coyotes do not prey on domestic animals – that is not part of their diet. Their diet primarily is made up of entirely of deer fawn. That is one of their main sources of food during the season when deer are being birthed. The other parts of the year they typically eat small animals such as rabbits, squirrels and rodents. Coyotes are a nocturnal animal so if you have domesticated pets, bring them in at night. That is one of the easiest and best ways to ensure that there will not be interaction between them. If there does end up being an interaction, a lot of times it is a territorial issue between the coyote and the domestic animal, but they are not a source of food for them. In terms of humans, coyotes do not prey on humans and they are not a source of food for their diet. The biggest issue can be if a coyote contracts rabies or something along those lines. Those are very few and far between, but it is something that can happen.

In speaking with the Chairman one of the things that you had talked about was landowners and their ability to hunt or shoot these animals. In terms of being able to shoot them, there is a Town Ordinance that generally prohibits the discharging of firearms within the Town municipal limit. However, there is an exception to that regulation with regard to hunting. It specifically says hunting of small game and in this instance it was from a Code Enforcement standpoint if someone is hunting a coyote for depredation purposes then it would be something that we wouldn't look to prevent them so long as they are engaging in the activity in a safe manner.

Councilman Harkins asked how the information could be shared in a proactive way. Mr. Gruber said a lot of the information we got, we got from the Department of Natural Resources themselves and they do make it available at a specific site that speaks to coyotes and within that not only do they have a brochure that talks about what the landowners

themselves can do, but they also have a list of wildlife management operators that are the people that they can reach out to and call who specifically are able to come in an deal with coyotes.

Councilman Lennox asked if DNR had issued any depredation permits. Mr. Gruber said the rule for coyotes is there is no season for them so you can shoot them at any time if you are within 100 yards of your residence you do not need any kind of hunting license or depredation permit. If you are more than 100 yards from your home, but still on your land, you can apply for a permit and there is no charge. If you are off the land and you want to hunt at night you would have to get a special kind of permit from DRN but those are probably unique circumstances that most of the licensed people would know what they need to go through.

Chairman Grant asked Mr. Gruber to put all the information on the website so the community can access it.

c. Mitchelville Lane Right of Way Acquisition – Status Report

Josh Gruber said he would tee this issue up, but turn it over to Curtis Coltrane to give you some of the background on it. The Town was looking at part of its dirt road paving programs identifying roads that are unpaved that the Town could go in an ultimately pave to provide a hard surface after the work would be done. One of those areas was an extension of Mitchelville Road – right now a portion of Mitchelville Road is already paved, but there is a portion that remains unpaved. As a part of undergoing that process, one of the things that we looked to do is acquire some kind of legal interest in the property that allows us to then go and make improvements to it by paving that particular area. I want to ask Curtis to come up and give you the specific background on this particular section of roadway and then we will turn it back over to you to discuss the next step going forward.

Curtis Coltrane said he was asked to look into the status of what is known as Mitchelville Lane which is a dirt road that runs from the paved end of Mitchelville Road in a straight line perpendicular to the beach over to an 18-20 acre parcel that the Town owns. It continues through the Town parcel but with respect to what I was asked to look at it is just the section from the end of Mitchelville Road to the Town boundary. What you have there is a large parcel on the west side of it owned by a consolidation of the Barnwell-White families and then there is one little lot that is at the corner of the Barnwell-White property and the Town's property. On the sound side there are a series of lots and many of them have been conveyed off of fairly recent surveys that show a boundary of the property being described as a 66 foot road right of way known as Mitchelville Lane. The problem is that the 66 foot road right of way shown as a descriptor on these plants may or may not actually exist. There is no set survey showing that other than the boundary surveys. Each of them have a call for the lot lines, but I have no way of knowing how far apart those lot lines actually are. There is another issue – all of this property and it was roughly rectangle – if you take my folder here and down here at the bottom is the sound and up at the top is the western boundary of it – it all comes out of a chain of title that was owned by a person named Simon Grant who passed away around the turn of the 20th Century. The properties came down through Mr. Grant and in the 60's, 70's and 80's there were a series of title clearance actions that were done on the various tracts in there. Some done with varying degrees of sophistication. What you have now is probably on the bounding properties the title is fairly clear but what is unclear is 1) the actual width of what is shown by those surveys and 2) the title to that. Right now there is not a defined thing known as Mitchelville Lane that is 66 feet wide that is owned by the public. What you have is an area of some width that the bounding property owners all probably still have some interest in and maybe going back as far as the

heirs of Simon Grant. The issue today is that there is not a set right of way there. It is not something that cannot happen but what would have to happen is that the area of the right of way would have to be defined by a survey so we know exactly what we are talking about and if you want 66 feet that may or may not impinge on any of the bounding property owners. Then you would have to condemn it and then in your condemnation just name everyone who could possibly have an interest in it and ultimately like we have had to do before, pay the money to the Clerk of Court and as the owners come forward and prove whatever their interest is they get part of it.

Chairman Grant asked if there are any houses back there. Mr. Coltrane said there are houses and actually there are houses beyond the piece where the Town owns. Chairman Grant asked if he had been in touch with the homeowners so they are aware what is going on. Mr. Coltrane said he hasn't personally, but staff has been in communication with them. There are some of the bounding owners who are very much in favor of getting this done. There is at least one I am aware of that is not.

Mr. Coltrane said what they need now is that Council will have to decide if it would like to create the 66 foot road right of way through there and then take the steps to do that. Councilman Lennox asked if doing nothing is an option. Mr. Coltrane said yes. All of the owners that use the existing unpaved road to access their property can do that.

Scott Liggett said you might remember the annual ranking program that the Town goes through and has put forth recommendations through this Committee ultimately to Town Council that have identified roads within those that are thought to be eligible to participate in this program. Historically this road has ranked very high in that list largely due to the understanding of the presence of that 66 foot road right of way. There is consideration given in our rating methodologies whereby we can recognize the existence of easements or rights of way or frankly where we have none obviously there is no benefit. Insofar as complete disclosure, I am compelled to inform the Committee here that if this road was revisited and re-ranked with the understanding that no right of way existed, it would fall significantly in the list of eligible projects. Insofar as one of the decision you all may want to consider – do we go ahead and re-rank this road based on the current facts of the matter and make a decision whether we advance the project or not, or do we take this misunderstanding so to speak and keep that artificially supported role and continue to work with the adjacent property owners. The interest that we would otherwise have in this road at the staff level falls significantly because of the lack of the existing road right of way. There is no other road by a pretty far margin that received as high of points in that category as this road. All of our work, not only here but elsewhere has been under the premise that we would accept donations and would work with willing property owners as opposed to have to force the condemnation discussion. Councilman Harkins asked if they knew how many property owners are for it and how many are against it. Mr. Liggett said as he understands it, there has only been one that has voiced an objection. The others seem supportive.

Chairman Grant asked if there was anyone from the public who wanted to comment. Craig Cleveland, Alan Coyne, Moshia Deckle and Thomas Barnwell, Jr., all in favor of getting the road paved as soon as possible.

Chairman Grant said he thinks we should move forward and get the road paved. We have 13 families that are willing to commit to get this road done and it is in bad shape.

After additional discussion, Chairman Grant moved that we move forward and ask that Town staff do what they need to do to get this road moving forward if it means condemnation or

not. Councilman Lennox seconded. Councilman Lennox asked Mr. Liggett if he understood what Chairman Grant's motion is authorizing. Mr. Liggett said he believes he does – that we would continue with the formal identification of a proposed right of way and will follow back up with the legal and surveying and tax records to go ahead and identify a formal platted right of way that would establish the land that we believe is necessary to facilitate the development that has been spoken of. Any condemnation action would have to be formally authorized by Town Council so the full Council will get another opportunity to directly authorize any condemnation action that may become necessary. Councilman Harkins said we are indicating support for paving this road if and only if the complexities that have been discussed here today are cleared up as soon as possible and to keep this Committee informed of the progress. The motion unanimously passed.

d. LMO Update

Teri Lewis said she is here to give a brief update this morning on the status of the Dirt Road LMO Amendments. They are drafted and the staff review team is going to review them one more time and then I believe the suggestion was to go out into the communities where these roads are proposed to be paved and to discuss what the amendments are proposed to be to make sure that we have captured everything. The staff team took those initial conversations we had had with property owners about what they are concerned with. Things like set back, buffers from the road that would be imposed, maximum right of way. The most important one we heard was the grandfathering of density. We have incorporated those in. Typically once we have drafted LMO amendments is we would bring them through the process – LMO Committee, Planning Commission, Public Planning Committee and then Town Council. Chairman Grant thanked Ms. Lewis for the update.

e. Code Enforcement Update

Josh Gruber said they were asked to put together some general information regarding the Code Enforcement Department's year to date status. In 2019 to date, we have had 901 issues addressed town wide on the beach and all incorporated areas of the Town. The goal of the Code Enforcement Department is primarily first and foremost to educate the public what the rules and regulations are that the Town has set forth. Once we have educated people to ensure that we have gotten compliance with those rules and regulations. One of the primary ways we go about doing that is making direct contact with citizens, property owners and other people to first make them aware of the Town's regulations regarding any magnitude of topics. Depending upon that interaction, it may result in a verbal notice to the person. Outside of a verbal notice we can also provide a written notice of violation. This is a document that is set forth on bright yellow paper that basically says to whomever the person is there is an issue, here is the Town Code Citation that references the issue that we are dealing with and then we always give them a period of time which to address that concern before elevating it to the next step. The next step is an actual issuance of a citation. A citation is a criminal violation that is punishable in Magistrate's Court by a fine up to and including \$500 and/or 30 days in jail depending upon the offense. There are some things out there like parking violations that have their own limits set forth in terms of what you can apply to the fines.

A general code enforcement violation does not have a specific penalty assigned to it. We have had 159 turtle/light violation notices. During the turtle season we have a staff member every weekend that goes out on turtle patrol with the turtle trackers to identify offending structures and properties and they typically what they will do is that Monday will follow back up with those properties and issue a verbal notice or some kind of written notice. If we have to make contact a second time and where the behavior has not been adequately corrected, then we will be at the point where we issue a violation. In terms of parking, we had 173

notices of violation. With regard to enforcing the Town's Land Management Ordinance, we had 93 verbal notices, we had 48 written notices of violation and then in terms of other notices of violation. These can be any of the Town's rules and regulations. We had 143 verbal notices and 101 written notices of violation. After all of that it led to 7 citations that were pursued in Magistrate's Court and then also the removal of 177 signs that do not comply with the Town's sign regulation. One things that we budgeted for as part of last year's going into this year's fiscal budget - we requested and were approved sufficient funding in order to equip our Code Enforcement Officers with body cameras. They are required to wear them any time they are out in the field and have them activated at all times. After a brief discussion, Chairman Grant thanked Mr. Gruber for the update.

f. Amendment to Town Code for Culture and Arts Advisory Committee

Josh Gruber said Jenn McEwan who is the Director of Cultural Affairs for the Town was not able to be here today so I am standing in in her place. What you have before you is a request by staff to move forward to Town Council if you see appropriate an Ordinance that would essentially do two things. First it would dissolve the Arts and Cultural Affairs Committee as it exists today and as it exists today is a formal Committee created by Town Council that has a set forth membership and set forth rules and regulations and a set forth purpose. What we are proposing is by doing away with the formal membership of this Committee it would allow us to create an informal group outside of the Town that would, at least at its initial formation would have approximately 20 members. What we would look to do is the current membership of the Arts Committee would carry over to be the inaugural group of this new outside Committee. Essentially they would be there to do two things – be a sounding board for Jenn as the Town's Director of Arts and Cultural Affairs and then also be a resource for her in taking that information and getting it back out in the public. Essentially for discussion purposes today the main thing is converting what is now a formal standing Committee of Town Council to an informal advisory body, outside of Town Council. We believe that is an appropriate action because the goals that were set forth at the time was looking to create this group we believe have been accomplished. That was essentially creating and improving upon the prestige of the Arts and Cultural Affairs Committee within the Town and I think things like the Lantern Parade which was just held a couple of weeks ago are a testament to how well this program has been run so far. We believe this is the next iteration of where it should go in the future. After a brief discussion, Councilman Lennox moved to forward the Ordinance to Town Council. Councilman Harkins seconded. The Motion unanimously passed.

6. Adjournment

Councilman Harkins moved to adjourn. Councilman Lennox seconded. The Meeting was adjourned at 10:12 a.m.

Submitted by:

Karen D. Knox

Approved: December 23, 2019