



The Town of Hilton Head Island Regular Intergovernmental and Public Safety Committee Meeting

January 7, 2019

10:00 a.m. – Benjamin M. Racusin Council Chambers

AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting

- 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. Intergovernmental and Public Safety Committee Meeting of November 5, 2018
 - b. Intergovernmental and Public Safety Committee Special Meeting of November 13, 2018
- 4. Unfinished Business**
 - a. Discussion to Request to Enter into Agreement with Beaufort County to Allow Enforcement of Beaufort County Ordinances within the Municipal Boundaries of Hilton Head Island
 - b. Update on Overhead Lighting of William Hilton Parkway at Un-signalized High-Speed Crosswalks
- 5. New Business**
 - a. Proposed Ordinance Number 2018-14 Amendment to Title 17 (Noise Control)
- 6. Adjournment**

Please note that a quorum of Town Council may result if four (4) or more of Town Council members attend this meeting.

TOWN OF HILTON HEAD ISLAND
INTERGOVERNMENTAL & PUBLIC SAFETY COMMITTEE

Minutes of the Monday, November 5, 2018

Regular Meeting

Members Present: Bill Harkins, *Chairman*, David Ames, *Council Member*, David Bennett, *Mayor and Committee Member*

Members Absent: None

Others Present: Captain Angela Viens, *Beaufort County Sheriff's Office*; Kierra Morris, *Beaufort County Sheriff's Office*; Tallulah Trice, *Director of Beaufort County Animal Shelter*; Franny Gerthoffer, *Hilton Head Island Humane Association*; Chris Inglese, Esq.; Frank Babel, *Co-Chair of the Hilton Head Island Bicycle Advisory Committee*; Heather Rath, Patsy Brison, Larry Landry

Staff Present: Josh Gruber, *Assistant Town Manager*; Brian Hulbert, *Staff Attorney*; Chris Blankenship, *Deputy Fire Chief- Operations*; Scott Liggett, *Director of Public Projects & Facilities/ Chief Engineer*; Jeff Buckalew, *Town Engineer*; Charles Cousins, *Director of Community Development*; Shawn Colin, *Deputy Director of Community Development*; Darrin Shoemaker, *Traffic & Transportation Engineer*; Joheida Fister, *Fire Marshal*; Tom Bouthillet, *Battalion Chief- Emergency Medical Services*; Cathy Jones-Gooding, *E911 Communications Manager*; Tom Dunn, *Emergency Management Coordinator*; Carolyn Grant, *Communications Director*; Jenn McEwen, *Director of Cultural Affairs*; Jayme Lopko, *Senior Planner*; Taylor Ladd, *Senior Planner- DRZ*; Teri Lewis, *LMO Official*; Chris Darnell, *Urban Designer*; Phyllis Deiter, *Senior Administrative Assistant*;

Media Present: Eleanor Lightsey, *Lowcountry Inside Track*

1. Call to Order

The meeting was called to order at 10:03 AM by Chairman Harkins.

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. A motion to approve the minutes of the September 10, 2018 Intergovernmental and Public Safety Committee meeting was made by Ames and seconded by Bennett. The motion was approved by a vote of 3-0.
- b. A motion to approve the minutes of the October 17, 2018 Intergovernmental and Public Safety Committee Special meeting was amended by Mr. Ames. It was requested that the comment made by a citizen to draft a resolution be included in the minutes. With that amendment, a motion to approve the minutes of the October 17, 2018 Intergovernmental and Public Safety Committee Special meeting was made by Ames and seconded by Mayor Bennett. The motion was approved by a vote of 3-0.

4. Unfinished Business

a. Overhead Lighting of William Hilton Parkway at Un-signalized High-Speed Crosswalks

Jeff Buckalew started the discussion by providing highlights from the September 10, 2018 meeting. The proposed measures included markings on pavement, "PED XING" ahead, more reflectors in the area, more consistent signage (yellow diamond-shaped walking man sign) straddling both sides of the lanes of traffic, and illuminated LED lights around those signs. At the subsequent meeting, on October 17th, after much public input and consideration, the recommendations were revised to remove the LED lighting around the perimeter of the signs but to pursue, investigate and develop a plan for lighting of the crosswalks. This would not be an Island-wide policy with changes for street intersections and pathways. Rather, the Town was looking at the noted 11 high speed un-signalized crosswalks on US 278. The prototype model idea was to illuminate the entire crosswalk for motorists to identify people crossing at night. Today's meeting was to speak about what has been learned about illuminating the crosswalks. Regulations and design parameters of all of these crosswalks are within South Carolina Department of Transportation (SCDOT) right-of-way. Therefore, the Town must obtain an SCDOT encroachment permit to do any work. Mr. Buckalew explained that SCDOT strictly adheres to the AASHTO (American Association of State Highway & Transportation Officials) Roadway Lighting Design Guide which sets forth the average illuminance standards per the type of road. Mr. Harkins asked about lighting standards for this municipality. There was further discussion on illumination options, paying particular attention to avoiding confusion around pedestrians and motorists. The Town would need to meet the SCDOT standards and obtain approval from the Design Review Board for the aesthetic appeal of the lights. Town Staff has been in contact with Palmetto Electric Cooperative Incorporated (PECI), who has provided some preliminary layouts looking to meet the SCDOT standards. Mr. Ames questioned the safety of the pole as well as the type and style the Town was recommending.

Conversation continued, focusing on meeting SCDOT specifications. In order to meet SCDOT standards, some of these pole locations may change, paying particular attention to those that might require a right- of-easement for Palmetto Electric and the Town. Palmetto Electric gave the Town preliminary cost estimates: roughly \$20,000 for each location. The Town would own the pole and be responsible for the power bill. Palmetto Electric would offer the Town a long-term 15 year agreement, where they would provide operation and maintenance of the light. Mr. Harkins asked if Mr. Buckalew would succinctly describe what the features that are in the Yacht Cove crosswalk template. He understood the recommendation to the Town Council includes: markings on the Pavement: "PED XING" on each lane off set in advance of the crosswalk, raised reflectors in each of the lanes to further illuminate the stripe, each side of the road-ways would contain a walking man sign, each sign post would have reflective strips, and additional reflectors placed on the concrete noses. In addition, at the directive at the last meeting, there is the potential for 3 poles given the width and illumination requirements needed by SCDOT and Palmetto Electric.

Mr. Harkins opened up the floor for public comments. Frank Babel addressed the committee, speaking about South Forest Beach Drive and the idea that this area is substantially different from the high-speed cross walks on US 278. Two different prototypes will be needed to address different concerns. Brian Bobinchuck asked the Committee if these lights had the

potential to be solar powered. Mr. Buckalew indicated that they could look into this as an option. Patsy Brison concurred with Mr. Babel and spoke further about South Forest Beach Drive. She also addressed the draft policy she provided to the committee which included the International Dark Sky Association principals, the Illuminating Engineers Society (IES) principals and the Complete Streets philosophy. While she appreciates there is movement forward, Ms. Brison urges the Committee to keep pushing to see this done. Other residents spoke in favor of reducing the speed limit on the Island roads.

Mr. Harkins brought the matter back to the dais. Ms. Ames indicated that he would be in favor of a motion that moved the Committee towards lighting the intersection at Yacht Cove but would like to explore the design alternatives to make a community decision. He also noted that speed enforcement should be a part of the equation. Further conversation ensued. Mr. Ames went on to make a motion to move forward with the staff recommendations for Yacht Cove crosswalks advancing CIP funds in its 2018-2019 budget. He would like to pursue options for lighting design after more information on illumination options are available. Mr. Harkins reiterated the recommendation going to the Town Council colleagues with Town Staff's noted approach. Mayor Bennett seconded the motion.

5. New Business

a. Beaufort County Animal Control Ordinance Amendment

Chairman Harkins welcomed those from the County, including Tallulah Trice, Director of Beaufort County Animal Shelter, and Franny Gerthoffer, Hilton Head Island Humane Association. Ms. Trice began by addressing the details that directly pertained to the changes in the Beaufort County Animal Control Ordinance Amendment. Since 2011, Hilton Head Island Humane Association and the Beaufort County Animal Shelter have been working together. This private-public partnership has had excellent results, including reducing the 86% euthanasia rate down to 12% (almost a no kill rate.) These draft ordinance changes brought forward today are important to the overall prevention, protection and spay/neutering in Beaufort County. One of the changes is the definition of a restricted breed, in particular, the definition of a "pit-bull." This was noted as not pertaining to the aggression in the breed but rather the problem with over-population. The second definition change would be for the word, "muzzle." It would establish the correct way to restrain a dog, thereby causing less attacks in the community. Mayor Bennett asked about the definition change of a "dangerous dog", defined as one who has injured someone seriously. Beaufort County would like to have the same definition as the State of South Carolina, allowing the Sheriff's department of enforce state law when necessary. Another change is putting in place an Administrative citation. This would be similar to a parking ticket as opposed to the current charge of going in front of the magistrate court. Before a criminal charge is placed on the animal owner, Beaufort County Animal Control would have the first-second-third offenses be monetary penalties.

Ms. Trice asked if there were any questions. Mr. Ames spoke of an incident in Hilton Head Planation, asking if these ordinance changes would help alleviate the noted problem. Ms. Trice explained the policy is for the Department of Health & Environmental Control (DHEC)

to be contacted for every dog bite. They are instructed to contact Beaufort County Animal Control or the Sheriff's department so there can be follow up, making sure a dangerous dog doesn't continue to bite. Chris Inglese, Assistant County Attorney for Beaufort County, addressed several questions with the Committee regarding dog bites and citations within the courts.

Additional questions were asked from the public. Brian Hulbert, Staff Attorney, came forward to address further concerns regarding the definition of Serious Injury, Tethering and Administrative Citations. Mr. Hulbert noted that he would like to ensure that Town Council understands what the County's intent is regarding enforcement. Since people change in government, there could be rules that are enforced differently based on the proposed language. Mayor Bennett noted that the Committee should be able to advance this today having Mr. Hulbert work with the County before bringing the Ordinance Amendments before Town Council.

Chairman Harkins asked if there were any other comments from the public. With none, he moved the item back to the dais. Mr. Ames made a motion to endorse the Amendment, subject to our Staff Attorney ironing out any ambiguities, and to move this forward to Town Council. Mayor Bennett seconded the motion. The motion was approved 3-0.

b. Presentation of the 2018 Fire Rescue Semi-Annual Report

Chris Blankenship, Deputy Fire Chief, started the presentation with a slide presentation beginning with the response statistics from January to June 2018. Starting with Total Call Volume, there was an increase of 3.15%. They also had an uptick in January, seeing over the past 4 years the responses through the winter months on Hilton Head Island have been going up. After finishing the EMS statistics, Deputy Chief Blankenship spoke of the six major fire losses this year. The largest fire loss was the Crazy Crab Restaurant. Regarding the fire loss of Starbucks, Joheida Fister, Fire Marshal, indicated that the Fire Rescue and the insurance company were unable to make a determination on the actual cause. They indicated that the fire started in the electrical and the water heater area. Continuing on with the presentation,

Deputy Chief spoke of the Opioid epidemic. This was something Fire Rescue started looking to track in 2017. Mr. Harkins asked if they were involved in any education programs to alert the public of the hazards. EMS Chief Battalion, Tom Bouthillet, indicated that they attended an event in the High School which was led by a coalition of stakeholders, including people from public health department, state epidemiologist, and law enforcement. Chief Battalion Bouthillet indicated that Fire Rescue was very concerned about this problem last year and have focused on training for these emergencies to save the patient's life. They found throughout the year in Beaufort County the opioid epidemic requires a true disciplinary approach with law enforcement, at multiple levels, leading to good intercommunication between all offices. Deputy Chief Blankenship continued on with the presentation, noting the response times for Fire Rescue and EMS. These statistics are good but the departments are continuously trying to improving upon them. There have also been some departmental changes, including his promotion as well as others within Fire Rescue. There has been some staff turnover, including some resignations, retirements and terminations. However, the team

has been rounded out with additional new hires. Deputy Chief Blankenship went on to note several accomplishments, including a two-day leadership retreat guided by outside facilitators. All officers up and including the Chief participated with some great feedback. They completed Community Driven Strategic Planning Process and the final draft will be presented to Town Council in the near future. There have been new purchases, including replacing the thermos imaging cameras and an EMS tool used to suction airways. Currently, the department will have the first two new ambulances arriving in March of 2019 with two units expected every month for a total of 10 ambulances. The new E9 phones system, installed by Beaufort County, along with new portable radios purchased by Beaufort County are expected to be installed over the next few months. The new CAD- Computer Aided Dispatch is to be installed in January of 2019, which was funded 80% by E911 Phone Tax Funding with the remaining 20% by Fire Rescue normal operating costs. This year the department was awarded \$61,000 by the Homeland security grants to support the Hazmat team and \$68,000 to support the regional rescue team.

Mr. Ames noted that he is proud to be in a community with this level of service in its Fire Rescue department. But as a Town Councilman, he is often asked if we are spending more money than we need to with Total Operation. How does Fire Rescue balance those two things? Deputy Chief Blankenship explained that having the equipment and trucks break down diminishes their ability to serve the public. The needs and requests start at the company level, filtered through himself, and then given to Chief Tadlock for review. The Chief focuses on the direction of Fire Rescue as a whole, then takes any purchases to Steve for the final approval.

Further comments were solicited. Mayor Bennett and other citizens complimented Fire Rescue on their response, professionalism and approachable, friendly engagement with the community.

c. 3rd Quarter 2018 Crime Statistics – Capt. Angela Viens

Captain Angela Viens began the conversation about the Opioid epidemic. Beaufort County Sheriff's Office has partnered with Beaufort Memorial Hospital and placed drug drop boxes at their Hilton Head Office, the Bluffton and Beaufort courthouses. These boxes allow individuals to come in anonymously and drop off any prescription pills. These pills are then placed in a self-sealing bag, forwarded to the evidence facility where they are weighed and tracked. As was spoken earlier, BCSO partnered with Low Country Coalition of Heathy Youth, and presented at Hilton Head Island High School as well as Coligny Plaza and Coligny Beach area.

Captain Viens proceeded with the report, looking at the third quarter which is July, August and September. She started with the statistics for aggravated assaults and forcible rapes, which are down from last year. The robbery numbers are up as indicated on the map of the Island. The department has found that regarding robberies involving car break ins, owners become a little bit complacent with their personal effects. There are quite a number of vehicles with keys left inside and stolen. This figure coincides with gun thefts. There is a large number of people leaving guns in their car overnight where they do not lock the car or

lock the glove box. Most guns that find their way to the streets illegally are being taken through car break-ins. The Collisions are down from this quarter to last quarter across the board. In terms of technology, the officers have just received State Link, which gives them the ability to run drivers' license and vehicle registration in their patrol car. This cuts down on the turnaround time for traffic stops.

Captain Viens asked for any questions. Mr. Ames noted Reilley's Plaza, and Kangaroo Express with regards crimes against property. He questioned if these are alcohol related? The Captain indicated that looking across the board statistically, there will be a higher increase of crimes against persons in places that are populated with bars or similar venue.

With no further questions, Mr. Harkins thanked the Captain.

6. Adjournment

With no further business items, and no further items there was a motion for adjournment made by the Mayor. It was seconded by Mr. Ames. The meeting was adjourned at 11:50 AM

Respectfully submitted:

Phyllis Deiter
Senior Administrative Assistant

Approved on: _____

Bill Harkins, Chairman

TOWN OF HILTON HEAD ISLAND
INTERGOVERNMENTAL & PUBLIC SAFETY COMMITTEE

Minutes of the Wednesday, November 13, 2018
Special Meeting

Members Present: Bill Harkins, *Chairman*, David Ames, *Council Member*, David Bennett, *Mayor and Committee Member*

Members Absent: None

Others Present: John McCann, *Council Member*; Kim Craven *Public Strategies Group*; Sheriff PJ Tanner, *Beaufort County Sheriff's Office*; Lieutenant Colonel Allan Horton, *Beaufort County Sheriff's Office*; Captain Angela Viens, *Beaufort County Sheriff's Office*; Kiera Morris, *Beaufort County Sheriff's Office*

Staff Present: Josh Gruber, *Assistant Town Manager*; Ed Boring, *Deputy Fire Chief, Support Services*; Brian Hulbert, *Staff Attorney*; Phyllis Deiter, *Senior Administrative Assistant*;

Media Present: Stassy Olmos, WSAV

1. Call to Order

The meeting was called to order at 12:06 PM by Chairman Harkins.

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

4. Unfinished Business

5. New Business

A. Discussion regarding Beaufort County Sheriff's Office Audit Report

Mr. Harkins began the meeting by welcoming people around the board room table, explaining the purpose of the meeting was to share a draft report presented by Kim Craven, from the Public Safety Strategies Group. The purpose of the review was to identify the focus of their study from the consultant's stand point. Mr. Harkins wanted to bring to focus the points where the information is unclear, address differences needing to be resolved, and thereby, improve services in the future.

Kim Craven began her conversation with a history of the Public Safety Strategies Group. She spoke of the experience of the seasoned consultants, data analysts, and a brief synopsis of the number of projects. Her agency focuses on organizational goals; helping communities see success.

Josh Gruber shared a history of how the Town began the process. This started in the spring of 2016 with the Town issuing an RFP, (Request for Proposal) for a performance audit of Town's contract for Beaufort County Sheriff's Office (BCSO) Services. The intent of the performance audit was to ensure the services provided are in accordance with the staffing levels. Within the RFP, there were several tasks that were discussed. Primarily, the evaluation shall include a determination whether the following police services reflect in the current agreement are being performed according to the agreement and whether the services are adequate per the national norms and standards of a community in similar size and nature. In May of 2016, the Public Safety Strategy Group with Kim Craven as director, submitted a proposal to the Town outlining their performance audit service as well as their background as a firm in performing such similar services. The Town ultimately selected this firm to perform the audit. In August of 2018, the draft report was provided and is what is seen by the committee members for this meeting.

The project first started in 2016 with an initial attempt to conduct interviews with the Beaufort County Sheriff's department. However, delays ensued due to Hurricane Matthew and Tropical Storm Irma. The site visit was ultimately completed and limited to 5 interviews, including one with the Sheriff and one with his Command Staff. Public Safety Strategy Group spoke to Greg DeLoach, then Assistant Town Manager, and it was decided to keep to only one site visit. Public Safety Strategies Group looked at key items in the contract with BCSO and Town. The contract includes a series of attachments which were considered in the study, including a large amount of data to review. Ms. Craven noted that the draft report defined the word "Readable" data that is in a form that can be used and understood by a computer. She also spoke about real time updates that track information quickly and easily. The BCSO uses a spread sheet process that is not considered readable. Ms. Craven also noted that her company was not allowed to directly observe nor spend time in the field with the officers. This reflected in the inability to see daily life, get a feel for extra services, relationships with the community, and how BCSO reacts with people. Within the BCSO/ Town contract, there is a list of required reports that should be, but not necessarily, provided. Ms. Craven noted better software options are available for the Sheriff's office to run the real numbers of staffing.

Regarding Patrol, BCSO looks to be meeting this very well. There is more staff out there on the Island than is what is required in the contract. Ms. Craven asked for the metrics used for setting this model but did not receive any backup documentation for questions on staffing. The presentation continued to drill down into specific areas, such as call time with further discussion on staffing models and ratios. There were notations on potential gaps during the shift change times. The Sheriff's department questioned the data and why numbers appeared skewed. Ms. Craven explained there are data inconsistencies while using multiple data bases. Such reasons for this could be human data entry, or various types of variables.

Sheriff Tanner had questioned the timing of the newest draft copy available. Ms. Craven responded that the initial document was meant as a "draft" where all parties would continue to work on the end product. They further spoke about 911 alarm calls pertaining to repeat offenders and how it affects the community. They also spoke about community involvement. Ms. Craven had interviewed members of the public and based on their comments identified a desire for more personal interactions with the Sheriff's office. She suggested different ways to engage the citizens, empowering them to be part of the process.

Mr. Harkins spoke that the Committee and Town Council wanted to be as informed as they can be, improving public safety through their partnership with the Beaufort County's Sheriff's office. He finished the meeting by reiterating that this is a draft and all sides are working towards a final product.

- B.** Discussion to Request to Enter into Agreement with Beaufort County to Allow Enforcement of Beaufort County Ordinances within the Municipal Boundaries of Hilton Head Island.

This item was tabled until the next meeting.

6. Adjournment

With no further discussion, there was a motion for adjournment made by the Mr. Ames. It was seconded by Mayor Bennett. The meeting was adjourned at 1:40P.M.

Respectfully submitted:

Phyllis Deiter
Senior Administrative Assistant

Approved on: _____

Bill Harkins, Chairman



P. J. Tanner
Sheriff

**OFFICE OF SHERIFF
BEAUFORT COUNTY**
POST OFFICE BOX 1758
BEAUFORT, SOUTH CAROLINA 29901

October 24, 2018

AREA CODE (843)	
SHERIFF	255-3200
CHIEF DEPUTY	255-3192
CRIMINAL RECORDS	255-3232
CRIMINAL WARRANTS	255-3228
CIVIL RECORDS	255-3188
JUDGMENTS	255-3189
FAX #	255-9405
WEB SITE	www.bcsco.net

Mayor David Bennett
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, South Carolina 29928

Dear Mayor Bennett:

In recent conversations with Mr. Josh Gruber the Assistant Town Manager, the need to enforce County ordinances within the municipal boundaries of the Town of Hilton Head by Deputy Sheriff's was discussed and agreed upon as valid and warranted. This situation most often arises in instances dealing in criminal matters dealing with resisting arrest and fleeing to evade such arrests.

After an in-depth review and interpretation of the applicable statutory provisions along with a thorough study of the most recent Attorney General's opinion concerning this issue, it is the consensus of opinion that the Town of Hilton Head Island could easily grant permission to our personnel (deputy sheriff) to enforce a County Ordinance within the municipal boundaries of the Town of Hilton Head. This opinion is validated by the fact that that permission, which in essence is a legal formality, has already been similarly granted by the Town in a previous scenario dealing with the Beaufort County Animal Control Ordinances.

Accordingly, I believe that this approval can be attained in the same manner consistent with the correspondence received recently from Mr. Steve Riley, Town Manager extending our authority for town ordinance enforcement; while the original town contract is in abeyance pending the performance audit.

Please feel free to contact me at any time to discuss this important matter of mutual concern.

Sincerely,

P. J. Tanner
Sheriff

RECEIVED

OCT 29 2018

BY: _____





TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

David Bennett
Mayor

October 30, 2018

Kim W. Likins
Mayor ProTem

Sheriff P.J. Tanner
Beaufort County Sheriff's Office
2001 Duke Street
Hilton Head Island, South Carolina 29902

Council Members

David Ames
Marc A. Grant
William D. Harkins
Thomas W. Lennox
John J. McCann

RE: Request to Enter into Agreement with Beaufort County to Allow Enforcement of Beaufort County Ordinances within the Municipal Boundaries of the Town of Hilton Head Island

Dear Sheriff Tanner:

Stephen G. Riley
Town Manager

I am in receipt of your letter dated October 24, 2018, and in which you have requested that the Town of Hilton Head Island consider entering into an agreement with Beaufort County so that your deputies would be authorized to enforce certain Beaufort County Ordinances within the Town's municipal boundaries. I have considered your request, and while I am not in agreement that the Town Manager has been authorized to enter into such agreement, I do believe that this would be an appropriate issue for the Town's Public Safety Committee to take up for possible recommendations and actions before the Town Council.

I have asked Town staff to add this matter as an agenda item to the next regularly scheduled Public Safety Committee. You will receive notification of the time and date for such meeting so that you, or an authorized representative of your organization, can attend this meeting to present this request and answer any questions that may be posed by the Committee.

If you should have any questions regarding this response, please do not hesitate to contact myself, Steve Riley or Josh Gruber to discuss this issue further.

Sincerely,

David Bennett
Mayor, Hilton Head Island

cc: Stephen G. Riley, C.M., Town Manager
Joshua A. Gruber, Assistant Town Manager

MEMORANDUM

TO: Public Safety Committee

FROM: Stephen G. Riley, ICMA-CM, Town Manager

RE: Proposed Ordinance Number 2018-14 Amendment to Title 17 (Noise Control)

DATE: December 19, 2018

CC: Josh Gruber, Assistant Town Manager
Brian Hulbert, Staff Attorney

Recommendation: Staff recommends approval of Proposed Ordinance Number 2018-14, amending Title 17 (Noise Control) of the Municipal Code.

Summary: This Ordinance amends the Noise Control section of the Municipal Code. These changes will limit the hours of commercial grinding and the hours which logs may be loaded and unloaded on the Island.

Background: In the past few years there has been an increasing number of noise complaints related to the loading and unloading of logs and the grinding of logs and tree stumps on the Island. Several complaints over the recent past have elevated the awareness of the Town staff, elected officials, and citizens to the loud noises caused by the grinding of tree stumps and the loading and unloading of logs and tree stumps on the Island. The complaints related to the noise often occurs during the evening and early morning hours and on weekends, which causes concern for the health, safety, and welfare of the Town's citizens and visitors. This amendment to the Noise Control Ordinance is an endeavor to lessen the impact of the excess noise on the residents and visitors by limiting the time period for which an exception is granted for this type of activity within the Town.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2018-

PROPOSED ORDINANCE NO. 2018-14

AN ORDINANCE TO AMEND TITLE 17 (NOISE CONTROL) OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA BY AMENDING SECTIONS 17-4-113 AND 115; AND PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Hilton Head Island, South Carolina previously adopted Ordinance 85-10, Chapter 4 of Title 17 entitled “Noise Control” on May 20, 1985; and

WHEREAS, the Town Council finds that excessive noise degrades the quality of life on Hilton Head Island; and

WHEREAS, the Town Council finds that excessive noise arises from a variety of industrial, recreational, commercial and personal activities; and

WHEREAS, the Town Council finds that residents and visitors of and to Hilton Head Island have a right to an environment free from excessive noise which may jeopardize their health, safety, and welfare and which may degrade the quality of life; and

WHEREAS, the Town Council finds that it is in the best interests of Island residents and visitors to amend certain sections of the Town’s Noise Control Ordinance; and

WHEREAS, the Town Council now desires to amend various sections of Chapter 4 of Title 17 for the purpose of providing for the health, safety, and welfare of the residents and visitors of the Town.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS HEREBY ORDERED ORDAINED BY AND UNDER THE AUTHORITY OF THE SAID TOWN COUNCIL, AS FOLLOWS:

NOTE: Underlined and bold-face typed portions indicate additions to the Municipal Code. ~~Stricken~~ portions indicate deletions to the Municipal Code.

Section 1. **Amendment.** That Chapter 1 of Title 9 (PUBLIC NUISANCE) of the Municipal Code of the Town of Hilton Head Island, South Carolina, is hereby amended as follows:

Chapter 4 NOISE CONTROL

Sec. 17-4-113. Definitions

The following definitions apply to the provisions of this chapter:

A-weighted sound level. The sound pressure level in decibels (dB) as measured on a sound level meter using the A-weighting network.

Alarm. Any device designed and intended to produce a sound signal as a method of providing a warning.

Ambient noise. The total of all sound normally associated with a particular location or environmental surrounding.

Chipping. The reduction of vegetative materials in size or volume into materials such as but not limited to mulch or chips.

Daytime. That portion of each day beginning at 7:00 a.m. and ending at 10:00 p.m.

Decibel, also dB. A unit for measuring the relative intensity of a sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measures to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter). In terms of human perception of continuous sound, a three (3) dB change is clearly perceptible, and a ten (10) dB change is perceived as a doubling or halving of loudness.

Emergency vehicle. Any ambulance, rescue vehicle, fire truck or police vehicle operated by the police department, highway patrol, any authorized emergency rescue service or the fire department, when operated in the performance of their official duty.

Emitter. Any person, group of persons, amplifier, horn, machine, animal, musical instrument, vehicle, radio, television, phonograph or any other thing which produces sound and the person having dominion, custody or control over any such thing.

Excessively loud sound. Any sound which, in light of the surrounding circumstances, including the normal level of ambient noise, is unreasonably loud, or which would annoy or disturb a person of reasonable sensibilities.

Frequency. One of the identifying characteristics of sound. The number of cycles per second imparted into the air by a vibrating body.

Grinding. The reduction of vegetative materials in size or volume into materials such as but not limited to mulch or chips.

Impulsive sound. Sound of short duration, with an abrupt onset and rapid decay, characterized by sound meter reading changes at a rate greater than ten (10) dBA within a five (5) second interval.

Nighttime. That portion of each day beginning at 10:01 p.m. and ending at 6:59 a.m.

Noise. Any excessively loud sound; any sound level in excess of the standards contained in this chapter; any sound which endangers, injures or interferes with the physical well-being or the safety of human beings or animals; or any sound which threatens to cause actual, physical harm to personal or real property, or which causes actual, physical harm to personal or real property.

Sound. An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces. "Sound" as defined herein may include any characteristic of sound, including, but not limited to, duration, pitch, frequency, intensity and loudness.

Sound level. The weighted sound pressure level obtained by the use of a Type 1 or Type 2 sound level meter and frequency weighting network such as A, B or C as specified in the current American National Standards Institute specifications for sound level meters (currently: ANSI

S1.4-1983). If the frequency weighting to be employed is not indicated in any provision hereof, the A-weighting shall apply.

Sound level meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time averages, output meter and weighting network used to measure sound pressure levels.

Sound pressure. The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

Sound pressure level. Twenty (20) times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micropascals ($20 \times 10^{-6} \text{ N/m}^2$). The sound pressure level is expressed in decibels.

Section. 17-4-115. Exceptions.

- (a) The provisions of this chapter shall not apply to:
- (1) The sounding of an alarm, or the utilization of a siren or other emission of sound for the purpose of alerting persons to the existence of an emergency or the approach of an emergency vehicle;
 - (2) Sound produced by an aircraft approaching, landing at, taking off from or utilizing the taxiways or runways of the Hilton Head Airport;
 - (3) Sound produced by a vehicle (not including sound produced by an emitter within any such vehicle) while the vehicle is moving on a public right-of-way or public waterway, or is otherwise being lawfully operated;
 - (4) Sound produced by a governmental body in the performance of a governmental function; or
 - (5) Sound produced by church bells or chimes, whether produced by the striking of a church bell or chime, or a recording thereof.
 - (6) Sound produced by **non-commercial** persons and machinery engaged in landscape maintenance, cleanup, **grinding or chipping of tree trunks or branches**, or tree shaping or removal, **at the location where the vegetative material was generated**, during the daytime; **and sound produced by commercial persons and machinery engaged in landscape maintenance, cleanup, grinding or chipping of tree trunks or branches, or tree shaping or removal, at the location where the vegetative material was generated, between the hours of 7:00 am and 6:00 pm on Monday through Saturday.**
 - (7) Sound produced by persons and machinery engaged in the lawful and permitted construction, excavation, renovation or demolition of any structure, including the installation of utilities and paving, during the daytime.
 - (8) Sounds produced by parades or athletic events, and permitted fireworks.
 - (9) Sounds produced by maintenance or repair activity within boat yards, during the daytime.

- (10) Sounds produced by ~~the~~ commercial **persons and machinery engaged in** sawing or grinding of tree trunks, branches or other organic matter into mulch, **at a location other than where the vegetative material was generated (generated off site), during the daytime between the hours of 9:00 am and 4:00 pm on Monday through Friday, excluding Federal and State holidays;** and sounds produced by ~~the~~ non-commercial **persons and machinery engaged in** sawing or grinding of tree trunks, branches or other organic matter into mulch, **at a location other than where the vegetative material was generated (generated off site), during the daytime on Monday through Saturday.**
- (11) Sounds produced by golf course or tennis maintenance or watering equipment.
- (12) **Sounds produced by the commercial persons and machinery engaged in loading or unloading of tree trunks or branches between the hours of 9:00 am and 5:30 pm on Monday through Friday, excluding Federal and State holidays; and sounds produced by the non-commercial persons and machinery engaged in loading and unloading of tree trunks or branches, during the daytime on Monday through Saturday.**
- (b) Applications for a semi-annual permit for relief from the noise restrictions designated in this chapter on the basis of undue hardship may be made to the town manager or his duly authorized representative. The relief requested may be granted upon a good and sufficient showing:
- (1) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with the provisions of this chapter;
 - (2) That the activity, operation or noise will be of temporary duration and cannot reasonably be done in a manner that would comply with this chapter; or
 - (3) That no reasonable alternative is available to the applicant.
- (c) The permit application shall be responded to conclusively within five (5) business days from the receipt of the application. If granted, the permit shall be in writing and contain all conditions upon which such permit is granted, including, but not limited to, the effective dates, and any time of day, location, sound pressure level or equipment limitation. The town manager or his duly authorized representative may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding area.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA ON THIS ____ DAY OF _____, 2019.

John McCann, Mayor

ATTEST:

By: _____
Krista Wiedmeyer, Town Clerk

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____