



Town of Hilton Head Island
PUBLIC PLANNING COMMITTEE MEETING
Thursday, April 28, 2022, 10:00 AM
AGENDA

The Public Planning Committee meeting will be held in-person at Town Hall in the Benjamin M. Racusin Council Chambers. The meeting can be viewed on the [Town's Public Meetings Facebook Page](#), the [Beaufort County Channel](#) and Spectrum Channel 1304.

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. **Roll Call**
4. **Approval of the Agenda**
5. **Approval of the Minutes**
 - a. Regular Meeting - March 24, 2022
6. **Appearance by Citizens** Citizens who wish to address the Committee may do so by contacting the Town Clerk at 843.341.4701, no later than 4:30 p.m., Wednesday, April 27, 2022. Citizens may also submit comments on the agenda items via the eComment portal at: [Public Planning Committee Meeting Information](#)
7. **New Business**
 - a. Discussion of Palmetto Breeze Trolley Service Enhancements that Deliver an Innovative and Memorable Rider Experience
 - b. Consideration of Proposed Ordinance 2022-08 Amending Sections 12-1-110 and 12-1-511 of the Municipal Code for the Town of Hilton Head Island, South Carolina with Regard to e-Bike Regulations
8. **Adjournment**

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



Town of Hilton Head Island PUBLIC PLANNING COMMITTEE Thursday, March 24, 2022, 10:00 a.m. MINUTES

Present from Committee: David Ames, *Chairman*; Alex Brown, Tamara Becker, Glenn Stanford, *Committee Members*

Present from Town Staff: Marc Orlando, *Town Manager*; Josh Gruber, *Deputy Town Manager*; Angie Stone, *Assistant Town Manager*; Shawn Colin, *Assistant Town Manager, Community Development*; John Tuttle, *Technology & Innovation Director*; Carolyn Grant, *Communications Director*; Anne Cyran, *Interim Community Planning Manager*; Krista Wiedmeyer, *Town Clerk*

1. Call to Order

Mr. Ames called the meeting to order at 10:00 a.m.

2. FOIA Compliance

Ms. Wiedmeyer confirmed compliance with the SC Freedom of Information Act.

3. Roll Call

Ms. Wiedmeyer called the roll, confirming the attendance of all the members.

4. Approval of the Minutes

- a. Rescheduled Meeting – March 9, 2022

Mrs. Becker moved to approve. Mr. Stanford seconded. Motion carried 7-0.

5. Appearance by Citizens

Ms. Wiedmeyer confirmed that one citizen did sign-up to speak, but would reserve his comments until after the presentation was delivered.

6. Unfinished Business

- a. Consideration of Proposed Ordinance 2022-06 Amending, Title 10 of the Municipal Code of the Town of Hilton Head Island, South Carolina, by Adding Chapter 2 Entitled "Short-Term Rentals"

Ms. Cyran delivered a presentation on the proposed ordinance regarding Short-Term Rentals. She reviewed the recommendations, the project purpose statement, project timeline, revised draft ordinance, effective and implementation date, proposed permit fee, and an example of the complaint portal. She pointed out that the lack of such an ordinance has led to an imbalance between residential resort districts and the elimination of some of the long-term single-family neighborhoods. Ms. Cyran said the proposed Short-Term Rental Ordinance was drafted with a fair, predictable, and balanced approach to manage those impacts on our neighborhoods, economy, housing, stock, public facilities, and the quality of life of our residents and the experience of our visitors. She noted that Curtis Coltrane, the Town Attorney had reviewed and assisted in the drafting of the ordinance and had approved the legality of the same. Ms. Cyran reviewed the changes in the ordinance since the last time it was presented. She pointed out that the recommendations from the last meeting had been incorporated. After a full review of the first of two recommendations, Ms. Cyran answered questions posed to her by the Committee. Most of the Committee members stated that they were at a point to move the proposed ordinance forward to Town Council, allowing the full body to debate the matter. Mrs. Becker was not quite

at that point and explained that additional research is needed before moving forward. Specifically pointing out the parking requirements and some additional wordsmithing, shall versus may. Mr. Ames pointed out that there is a difficult balancing act between the neighborhoods, residents, and visitors. He noted that he was ready to move this ordinance along to the full Town Council. Mr. Ames asked Mr. Coltrane if the Committee could move the ordinance forward to Town Council, but with the caveat that the language could be amended by Town Council? Mr. Coltrane affirmed. The Committee continued with various questions concerning inspections of the rentals, the response time for complaints and enforcement of the violations. It was noted that the draft was not perfect or in its final state, but was at a good point to forward to Town Council. Upon the conclusion of the Committee discussion, Mr. Ames opened the discussion to the citizens.

Jack Daly addressed the Committee about the requirement of utilizing an affidavit affirming the property has been maintained and is compliant the building, health, and fire code requirements. He said he felt all the properties should be properly inspected and not take the word of the property owner.

Risa Prince addressed the Committee with similar concerns as Mr. Daly, with an emphasis on the safety standards of the properties. She also questioned the viability of the Town's enforcement, noting that the Town must be prepared to manage this.

John Davidson addressed the Committee with his overall dissatisfaction of the ordinance.

Dru Brown addressed the Committee pointing out that moving the ordinance forward to Town Council and allowing for amendments during their debate without public review was not fair and/or predictable. He asked the Committee to reconsider their position on moving the ordinance forward.

Laura Holtsman addressed the Committee as a part-time resident asking that the ordinance not be considered or passed. Noting that she has been renting for over 20 years and considers herself to be a responsible property owner.

Lisa Roberts addressed the Committee as a property manager for short-term rentals and said she takes a lot of pride in taking care of her properties and visitors. She said she did not agree with the Town getting involved with short-term rentals.

Robert Rainy addressed the Committee expressing his concern with the "two strikes and your out" approach to the violations. He stated that some residents just don't like short-term rentals in their neighborhoods and asked what stops them from being a chronic complainer.

Paul Segó with VRBO addressed the Committee, noting that he felt this has been the most open and welcoming process. He said that his group would like to be able to partner with the Town as it moves forward with the ordinance.

Susan Treadway addressed the Committee stating that she loves seeing the visitors in and around the neighborhood.

Kate McCulenn addressed the Committee stating she was a full-time resident and worked for a short-term rental management company. She too questioned how the management companies are supposed to handle the chronic complainers.

Gina Faucet-Farbman addressed the Committee as a property manager and said she takes that responsibility very seriously. She asked the Committee not to move too fast on this ordinance and to consider every part of it.

Tom Reid addressed the Committee as the President and Broker in Charge of Charter One Realty. He stated that if people do not want to live in and around a nuisance, then they need to find other places to live. He also addressed the policy of two strikes and one hour response time, noting he was not a fan.

Beth Petrone addressed the Committee stating that she felt the ordinance still needed some refinement.

Jeremy Kline addressed the Committee about the permit fees, stating they should be based on value of the property, not flat rate.

After hearing the citizen's comments, the Committee had additional thoughts on the inspection versus affidavit, the Town's enforcement capabilities, and response time for complaints. Mr. Ames stated that Town Council knows they will not be able to satisfy everyone's needs or wants. He and other Committee members said that this has not been a rushed process and they are at a point where it is time to move the item forward.

With no further discussion, Mr. Stanford moved that the Public Planning Committee recommend adoption of the ordinance to the full Town Council, subject to such revisions by the Town Council as agreed upon at the time of that meeting. Mr. Brown seconded. With some continued conversation, the motion carried by a vote of 3-1; Mrs. Becker objected.

Ms. Cyran continued her presentation reviewing the second recommendation concerning the preliminary framework for the examination of high occupancy short-term rentals and high floor ratio single-family homes. With little discussion, Mr. Stanford moved that the Public Planning Committee support the preliminary framework for the examination of high occupancy short-term rentals and high-floor area ratio single-family homes. Mrs. Becker seconded. The motion carried by a vote of 4-0.

7. Adjournment

With no further business, the meeting adjourned at 12:21 p.m.

Approved:

Drafted and Submitted by:
Krista M. Wiedmeyer, Town Clerk

The recording of this meeting can be found on the Town's website at
www.hiltonheadislandsc.gov



TOWN OF HILTON HEAD ISLAND

Staff Report Memo

TO: Public Planning Committee
FROM: Anne Cyran, AICP, *Interim Community Planning Manager*
VIA: Shawn Colin, AICP, *Assistant Town Manager – Community Development*
DATE: April 13, 2022
SUBJECT: Discussion of The Breeze Shuttle Service Enhancements

Recommendation

That the Public Planning Committee provide direction to Palmetto Breeze regarding enhancements to The Breeze shuttle service that will deliver innovative and memorable user experiences.

Summary

Mary Lou Franzoni, the Executive Director of Palmetto Breeze, will discuss options to enhance The Breeze shuttle service, including using alternative vehicles such as eco-shuttles, as shown in Attachment A.

Background

In 2022, The Breeze will operate from April 9 to Labor Day. The Breeze's two routes for 2022 are shown on Attachment B.

As The Breeze shuttle service continues to gain ridership popularity, the Public Planning Committee continues to explore options to improve service to the community and to the experience of this service.

Attachments

- A. Examples of Eco-Shuttles
- B. 2022 The Breeze Map

Attachment A: Examples of Eco Shuttles



Attachment A: Examples of Eco Shuttles



THE Breeze

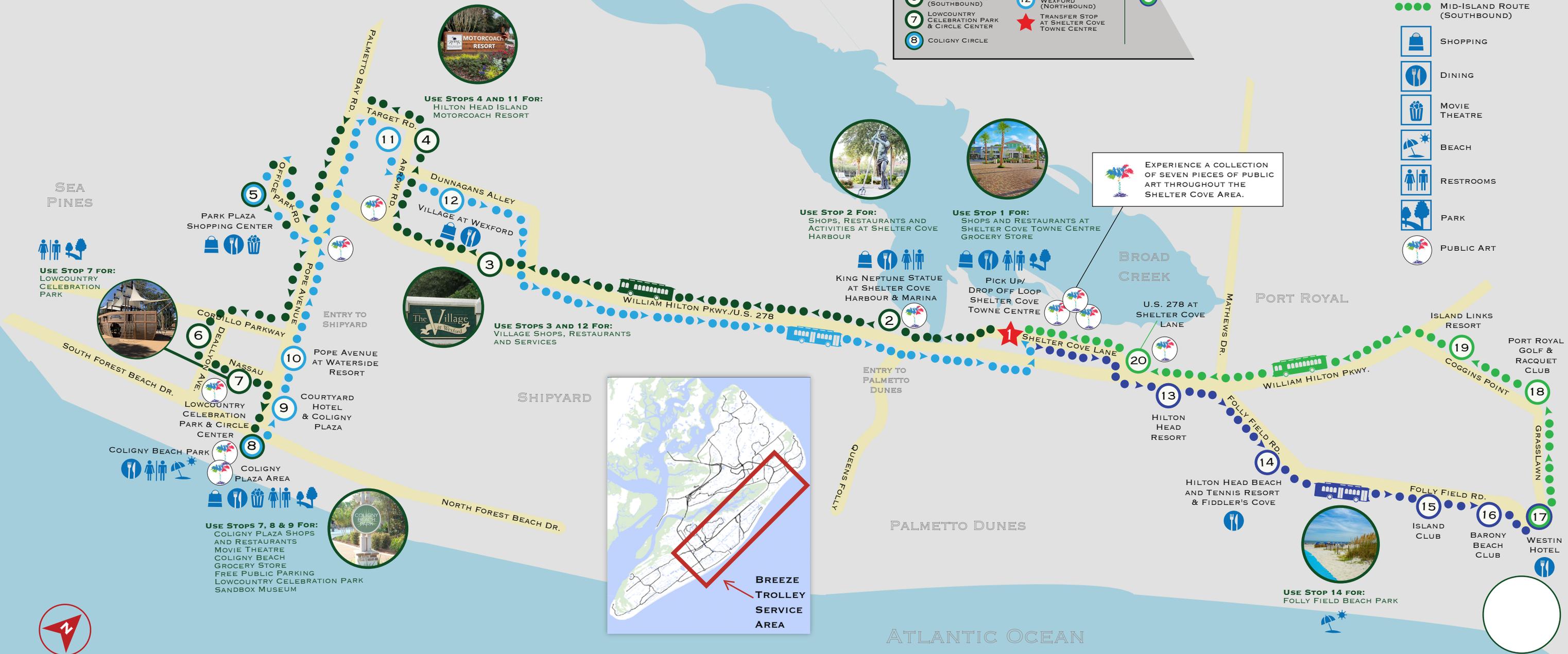
Attachment B 2022 The Breeze Map

TROLLEY PATRONS CAN REQUEST STOPS ALONG THE ROUTE AT OTHER KEY DESTINATION POINTS, BUT ONLY WHERE IT IS SAFE FOR THE TROLLEY OPERATOR TO STOP.

TROLLEY STOPS

SOUTH ISLAND ROUTE		MID-ISLAND ROUTE	
SOUTHBOUND	NORTHBOUND	NORTHBOUND	SOUTHBOUND
★ TRANSFER STOP AT SHELTER COVE TOWNE CENTRE	8 COLIGNY CIRCLE	★ TRANSFER STOP AT SHELTER COVE TOWNE CENTRE	17 WESTIN
2 KING NEPTUNE STATUE AT SHELTER COVE HARBOUR & MARINA	9 COURTYARD HOTEL & COLIGNY PLAZA	13 HILTON HEAD RESORT	18 PORT ROYAL GOLF & RACQUET CLUB
3 VILLAGE AT WEXFORD (SOUTHBOUND)	10 POPE AVENUE AT WATERSIDE RESORT	14 HILTON HEAD BEACH AND TENNIS RESORT & FIDDLER'S COVE	19 ISLAND LINKS RESORT
4 ARROW RD. AT HHI MOTORCOACH RESORT (SOUTHBOUND)	5 PARK PLAZA	15 ISLAND CLUB	20 U.S. 278 AT SHELTER COVE LANE
5 PARK PLAZA	11 ARROW RD. AT HHI MOTORCOACH RESORT (NORTHBOUND)	16 BARONY BEACH CLUB	★ TRANSFER STOP AT SHELTER COVE TOWNE CENTRE
6 DEALLYON AT CORDILLO PKWY. (SOUTHBOUND)	12 VILLAGE AT WEXFORD (NORTHBOUND)	17 WESTIN	
7 LOWCOUNTRY CELEBRATION PARK & CIRCLE CENTER	★ TRANSFER STOP AT SHELTER COVE TOWNE CENTRE		
8 COLIGNY CIRCLE			

- ### LEGEND
- ★ TRANSFER STOP
 - TROLLEY STOP
 - SOUTH ISLAND ROUTE (SOUTHBOUND)
 - SOUTH ISLAND ROUTE (NORTHBOUND)
 - MID-ISLAND ROUTE (NORTHBOUND)
 - MID-ISLAND ROUTE (SOUTHBOUND)
 - 🛍️ SHOPPING
 - 🍴 DINING
 - 🎬 MOVIE THEATRE
 - ☀️ BEACH
 - 🚻 RESTROOMS
 - 🌳 PARK
 - 🎨 PUBLIC ART



SEA PINES

BROAD CREEK

EXPERIENCE A COLLECTION OF SEVEN PIECES OF PUBLIC ART THROUGHOUT THE SHELTER COVE AREA.

BROAD CREEK

PORT ROYAL

SHIPYARD

PALMETTO DUNES

ATLANTIC OCEAN





TOWN OF HILTON HEAD ISLAND

Community Development Memo

TO: Public Planning Committee
FROM: Missy Luick, Principal Planner
VIA: Josh Gruber, Deputy Town Manager
CC: Shawn Colin, Assistant Town Manager – Community Development
DATE: April 12, 2022
SUBJECT: Consideration of Draft E-bike Ordinance and Bike Safety, Education and Etiquette Materials

Recommendation:

Staff recommends that the PPC consider recommending approval to Town Council an Ordinance allowing for the use of lower speed electric bicycles on the Town's pathways and proposing certain related safety requirements.

Background:

In January 2022, the Public Planning Committee authorized the Town staff to prepare a draft Ordinance for their consideration regarding the use and regulations of electric bicycles on Town owned pathways. Additionally, the Committee requested that the Town engage in communication efforts to both survey and gather responses from local bicycles related business regarding these proposed efforts. Town staff sent survey letters to Island bike rental companies requesting input on how to best regulate the use of e-bikes. We also requested general feedback regarding regulating e-bikes in the areas of speed, enforcement, education, and bike etiquette. The Town received several responses which are attached.

In February and March 2022, the Town met with representatives from Bike Walk Hilton Head to discuss the creation of a safety, education and etiquette message that would accompany the rental or purchase of a bike or e-bike at the point-of-sale. The attached etiquette document is a bike safety and education message that applies to all pathway users (not just e-bikes). The etiquette rules are guidelines and not regulations. The document includes a paragraph about e-bikes that illustrates how e-bikes are different.

Summary:

The Town has been reviewing its codes and regulations as it pertains to e-bikes, such that Town code is consistent with South Carolina law. The Public Planning Committee has discussed the e-bike matter at several meetings and is now prepared to discuss a proposed Ordinance addresses

these issues. It is anticipated that there will remain an ongoing and active discussion regarding how all forms of bicycles can and should be operated safely on the Town's pathways.

Enclosures: Attachment A) Bike/E-Bike Etiquette Message
Attachment B) E-Bike Communications from Bike Rental Companies/Interested Parties
Attachment C) Draft Ordinance With Corresponding Exhibit "A"
Attachment D) E-Bikes Regulations Powerpoint

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.

PROPOSED ORDINANCE NO. 2022-08

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND TO AMEND CHAPTER 1 (OPERATION OF MOTOR VEHICLES) OF TITLE 12 (MOTOR VEHICLES AND TRAFFIC CONTROL), OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, BY AMENDING SECTION 12-1-110 OF ARTICLE 1 (MOTOR VEHICLE DEFINED), SECTION 12-1-511 OF ARTICLE 5 (MOTOR VEHICLES PROHIBITED ON PATHWAYS), AND ADDING ARTICLE 6 (ELECTRIC-ASSIST BICYCLES); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council originally adopted Chapter 1 of Title 12 on February 6, 1984 and subsequently amended Chapter 1 of Title 12 on May 20, 1985, July 6, 1987, September 17, 1990, June 6, 1995, and July 3, 2001; and

WHEREAS, electric-assist bicycles have gained popularity across the United States and have increased significantly in number on the publicly-owned pathways within the Town of Hilton Head Island; and

WHEREAS, the South Carolina General Assembly adopted Act No. 114 in 2020 amending the South Carolina Code of Laws Section 56-1-10 by adding a definition of “electric-assist bicycles”; and

WHEREAS, through research, public input and feedback, Town Council finds that certain electric-assist bicycles should be allowed for use on publicly-owned pathways with safety regulations; and

WHEREAS, to protect the general health, safety and welfare of the citizens and visitors of and to the Town of Hilton Head Island, Town Council desires to establish reasonable regulations for electric-assist bicycles to include the issuance of mandatory educational/safety training materials in connection with the rental and sale of electric-assist bicycles and to require the utilization of technology on electric-assist bicycles to limit the maximum speed at which a helper motor will continue to supply power for any electric-assist bicycle allowed to be used on a publicly-owned pathway; and

WHEREAS, Town Council now desires to amend Chapter 1 (Operation of Motor Vehicles) of Title 12 (Motor Vehicles and Traffic Control) to allow the use of electric-assist bicycles on publicly-owned pathways. .

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND

IT IS HEREBY ORDERED AND ORDAINED BY AND UNDER AUTHORITY OF SAID TOWN COUNCIL, AS FOLLOWS:

Section 1: Amendment. That the amendments to Chapter 1 of Title 12 are adopted and the Municipal Code of the Town of Hilton Head Island is amended as shown on Exhibit “A” to this Ordinance. Newly added language is illustrated with **underlined and bolded portions.**

Section 2: Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held 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 adopting by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL OF THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2022.

By: _____
John J. McCann, Mayor

ATTEST:

By: _____
Krista M. Wiedmeyer, Town Clerk

First Reading: _____, 2022

Second Reading: _____, 2022

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

EXHIBIT “A”

TITLE 12 MOTOR VEHICLES AND TRAFFIC CONTROL¹

Chapter 1 OPERATION OF MOTOR VEHICLES

ARTICLE 1. GENERAL PROVISIONS

Sec. 12-1-110. Motor vehicle defined.

For the purpose of this chapter, the term "motor vehicle" shall mean every device by which a person or property may be transported or drawn upon a highway by mechanical means, including, but not limited to, automobiles, trucks, buses, motor homes, motorized campers, boats, airplanes, motorcycles, motor scooters or tractors. **The term motor vehicle does not include “electric-assist bicycles,” as defined by S. C. Code Ann. § 56-1-10(29).**

ARTICLE 5. PATHWAYS

Sec. 12-1-511. Motor vehicles prohibited on pathways.

Any publicly owned pathway or lane designed for pedestrians or bicycles shall not be traversed or utilized in any way by any of the following:

- (1) Cars, trucks, tractors, or any other motorized vehicles, with the exception of emergency vehicles, authorized maintenance vehicles, or electric-powered wheelchairs for the handicapped.
- (2) Motorcycles, motor-assisted bicycles such as mopeds, motor scooters, golf carts, lawn mowers, all-terrain vehicles, go-carts, or any other similar, small motorized vehicles.
- (3) Horses or any other large animals, except for small pets such as dogs and cats on a leash.
- (4) Surreys and other types of carriages.

Sec. 12-1-512. Electric-assist Bicycles or Bicycles with Helper Motors.

“Electric-assist bicycles” or “bicycles with helper motors,” as defined by S.C. Code Ann. § 56-1-10(2), and Sec. 12-1-610 of this Code may traverse and utilize any publicly owned pathway designed for pedestrians or bicycles. Bicycles with electric motors that exceed the limitations for an “Electric-assist bicycle” or a “bicycle with helper motor” set out in S. C. Code Ann. § 56-1-10, are prohibited on publicly-owned pathways.

¹ **Cross reference(s)**—Vehicles on beaches, § 8-1-211; traffic flow design standards, § 16-5-501 et seq. **State law reference(s)**—Obedience to traffic laws, generally, S.C. Code 1976, § 56-5-730; obedience to authorized person directing traffic, § 56-5-740.

ARTICLE 6. ELECTRIC-ASSIST BICYCLES

Sec. 12-1-610. Purpose.

The purpose of this article is to maintain public safety on publicly-owned pathways designed for pedestrians and bicycles.

Sec. 12-1-611. Electric-assist bicycle defined.

For the purpose of this chapter, the term "electric-assist bicycle" is as defined in S. C. Code Ann. South Carolina Code of Laws § 56-1-10(29).² The term includes "bicycles with helper motors".

Sec. 12-1-612. Public Safety Provisions.

- (1) Any business engaged in renting or selling "electric-assist bicycles," as well as all other electric bicycles that exceed the speed or motor power of "electric-assist bicycles," must provide a Town-issued safety and etiquette pamphlet upon each transaction to consumers.**
- (2) An "electric-assist bicycle," operated on publicly-owned pathways and roads in the Town of Hilton Head shall have a label permanently affixed to the device indicating its wattage or horsepower and maximum electrically assisted speed, as required by S.C. Code Ann. § 56-1-10(29). To the extent that such "electric-assist bicycle" possesses the technological capability to have the maximum speed limit at which an electrically assisted motor will disengage, such technological capability shall be utilized to set the maximum speed at which an electrically assisted motor will disengage when the electric-assist bicycle reaches a speed of twelve (12) miles per hour.**

Sec. 12-1-612. Violations and Penalties.

(1) Violations. It shall be a Violation of this Chapter to:

(a) Fail to comply with any requirement of the Chapter.

(2) Violations of this Chapter are subject to the penalties and remedies available under Sec. 1-5-10, Sec. 10-1-150, Sec. 9-1-111, *et seq.* These remedies are in addition to any other remedies available at law or in equity for a Violation.

² "

S. C. Code Ann. § 56-1-10(29) "Electric-assist bicycles" and "bicycles with helper motors" means low-speed electrically assisted bicycles with two or three wheels, each having fully operable pedals and an electric motor of no more than 750 watts, or one horsepower, and a top motor-powered speed of less than twenty miles an hour when operated by a rider weighing one hundred seventy pounds on a paved level surface, that meet the requirements of the Federal Consumer Product Code provided in 16 C.F.R., Part 1512, and that operate in a manner such that the electric motor disengages or ceases to function when their brakes are applied or the rider stops pedaling. Manufacturers and distributors of electric-assist bicycles shall apply a label that is affixed permanently, in a prominent location, to each electric-assist bicycle, indicating its wattage and maximum electrically assisted speed. The owner or user of an electric-assist bicycle shall not remove or tamper with the label. If a user tampers with or modifies an electric-assist bicycle, changing the speed capability, he must replace the label indicating the vehicle's wattage or horsepower. Electric-assist bicycles and bicycles with helper motors are not mopeds.

(3) Any business or individual engaged in the leasing or sale of electric-assist bicycles that is the subject of three or more convictions of violations of this Chapter in any twelve-month period shall be declared a nuisance under Sec. 9-1-111, *et seq.*, and the violator shall be subject to all remedies available to the Town under Sec. 1-5-10, and 10-1-150.

ATTACHMENT A

WE'RE A BIKE FRIENDLY COMMUNITY!



Town of Hilton Head Island

BIKE/E-BIKE ETIQUETTE



KNOW THE LAW

In South Carolina, motorists have the right of way at all crosswalks, intersections and curb cut entrances.

On pathways, pedestrians have the right of way.

Please be courteous and respect of other pathway users, bikes, and pedestrians at all times.

PATHWAY SAFETY

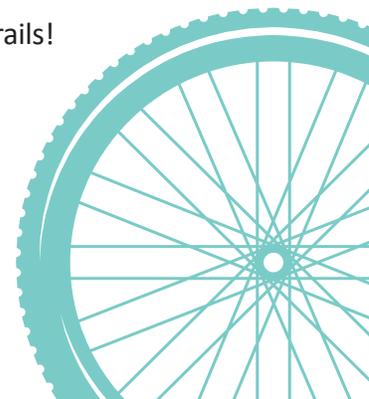
Pathway safety is important! All pathway users should adhere to the guidelines below as you explore the Island's trail experience. These guidelines are provided to ensure everyone's safe enjoyment of our recreational resources.

- ⦿ Keep right, pass left
- ⦿ Announce to pass: Use your bell or voice ("passing on your left") when passing others
- ⦿ Observe a 12 MPH speed limit on pathways
- ⦿ If you stop, pull off the path
- ⦿ At intersections, stop, look, listen. Make eye contact with turning traffic
- ⦿ Wear a helmet, especially children 12 and under
- ⦿ Respect all pathway users

E-BIKE ETIQUETTE

These safety and etiquette guidelines apply to all bike riders including e-Bike riders while on Island pathways. Before you ride, it is important to understand an e-Bike is different from other bicycles. It can be faster, heavier, handles differently, needs longer stopping distances, and requires some practice to operate. Practice mounting, dismounting, stopping, and starting your e-Bike in a safe location prior to your first ride.

Have fun, stay alert and happy trails!



Luick, Missy

From: Frank Babel [REDACTED]
Sent: Tuesday, January 25, 2022 4:22 PM
To: Gruber, Josh
Cc: Luick, Missy; Steve Alfred; Jim Hall; Frank Babel
Subject: Comments of potential e-bike regulations from Bike Walk HHI

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

Josh

Steve Alfred, Jim Hall and I from Bike Walk HHI have reviewed the materials you forwarded in connection with the e-bike regulation presentation at Thursday's upcoming meeting of the Public Planning Committee of Town Council. The e-bike matter is something we have been involved in for an extensive period of time. We appreciate your reaching out to us. Here is our input for your consideration:

1. Post Speed Limit Signs. We are proponents for reasonable speed limits on the pathways and beach. But we have concerns about the limit of rental controllers eliminating pathways safety concerns from e-bikes. We have found from long experience that a "point of sale" approach is the most effective means of reaching cyclists and pedestrians; that is, the information should be placed at the location where it is to be applied. Therefore, we believe the most effective way to reach cyclists is to start with a phased in approach and post speed limit signs on our most heavily traveled bike pathways including Pope Ave., North and South Forest Beach, Cordell Pkwy. and some stretches of the Wm. Hilton Pkwy. Even if enforcement of posted speed limits is not practical, at least cyclists will be aware of what the appropriate conduct is or should be. That alone should have some benefit and provide guidance if coupled with other planned bike-ped courtesy/etiquette efforts being contemplated by the Town and Bike Walk HHI in the not too distant future. Moreover, limiting efforts to HHI bike shops omits a very sizable number of e-bikes that are in private hands here or brought onto the Island and not rented or purchased through our local bike shops. We believe that the number of e-bikes in private hands now exceeds the number in the rental fleet and are increasing rapidly in number. Therefore, with the number of private bikes destined to greatly outnumber rental e-bikes, the approach we are suggesting would not place an undue burden on rental companies limiting their controllers.

2. Suggested Speed Limits. We are generally of the opinion that safe speed limits on highly-traveled pathways range from 8 mph in tight or visibility limited conditions to 12 mph on our busiest pathways. We suggest that this be verified by local speed studies observing and measuring cyclists behavior with potentially different limits based upon conditions. The speed governor on e-bikes is an entirely separate matter, unrelated to this regulatory effort. Those limits cannot exceed 20 mph under existing laws although some of our local bike shops may favor a lower number, such as 16 mph for general safety reasons. The reason that the speed limit set on the governor should be separate is that those e-bikes can be ridden elsewhere than on HHI pathways, in situations where it is entirely appropriate to ride at a speed faster than 12 mph. An example would be the Pope Ave. bike lanes once they are up fitted.

3. The Beach. Guidance should also be developed for riding e-bikes on the beach. This past spring, there was an incident of a half-dozen or so teenagers with locally-rented e-bikes racing them on the beach, where toddlers walk back and forth between their blankets and the ocean. We recommend that Beach Services employees in vehicles be tasked to approach faster riding e-bike on the beaches and issue a warning. If speeding and reckless behavior persists over the summer, a more aggressive approach may be warranted. But we would recommend reliance on safety and courtesy information being read and required as a basis of an e-bike rental, as has been recommended.

We strongly agree with the suggestions regarding bicycle safety courtesy/etiquette materials required to be read and signed for as a condition of e-bike rentals along with a public education program specifically targeted to educate pathways users- both cyclists and pedestrians. We believe such programs are long overdue on our island given current demands on our pathways system, technology changes and anticipated growth.

Thank you for your consideration.

Steve Alfred, Jim Hall, Frank Babel
Bike Walk HHI

Luick, Missy

From: Jason Bullock <[REDACTED]>
Sent: Sunday, January 23, 2022 2:14 PM
To: Luick, Missy
Cc: Cindy Bullock; Lewis Teri; Farrar, Shea; Busch, Diane
Subject: E-Bike Letter

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

Missy,

I received your letter dated January 20, 2022 today regarding E-Bikes. I'm sorry that I did not know about the December 16th meeting, I would like to have attended. How do I get on the distribution list of the meeting notices again? We once received information, but it appears we were removed. I know there are some in the industry that would prefer we not be a part of those discussions, but as those with the largest bike inventory on the island, our regular and direct input can be useful. We would like to be a part of the January 27th, February 24th and all future meetings. With regard to our answer below, I request the entirety of my email be made a part of the public record.

While we agree E-Bikes are here to stay and personal riders should be allowed to ride as they see fit, we disagree with the concept of renting electric bikes. However, we recently came to the conclusion the Town will either take no action or not enact a ban on renting them and have begun increasing our inventory and will continue to do so through 2022. We were sold out over the holidays and actually needed to assemble all of the electric bikes in our retail inventory to accommodate the rental demand. The consumers have spoken and they want the assistance of electric motors. The only problem is they have the same lack of care for electric bikes as they do for our other products. We find they abuse and don't lock \$1,500 bikes the same way they do \$250 bikes and are unfortunately now experiencing theft of the E-Bikes, which the customer begrudgingly is responsible for repayment. This is a great example of how we can communicate in 3 different methods (orally, email, and text) during 5 different events the importance of locking a bike and they still don't do so. I say this because if the renters can't understand after all that communication to use a lock, they are not going to comprehend anything we say about E-Bike rules and regulations.

With regard to the specific questions raised in your letter our answers are as follows:

Speed:

- Speed limits are going to be more trouble than they are worth. The Town is ineffectual in their enforcement of current rules and requirements. What makes the Town think it can enforce speed limits on pathways? Having a rule that is unenforced or inconsistently enforced is worse than no rule at all.
- If you do make the mistake of instituting a speed limit, having them be different in different places will be even more difficult to enforce.

Enforcement:

- If there is safety material distributed it should be produced by the Town and provided to each of the bike shop operators. That way there is one, consistent message given to all riders and does not allow for us to use the information for marketing differentiation.

- Signs are a waste of resources. How many times have each of us almost run over a bike rider at an intersection? Riders don't pay attention to the stop and yield signs on the path, why would they pay attention to detailed rules?
- Bike Ambassadors are nice and can give people info, but I don't think they will affect behavior.
- We can give the consumer information, but as above we can't be responsible for their actions. Once the products are in their hands there is nothing we can do. Just as we can't make them lock the bike or stop at an intersection, we can't control how they ride the bike.
- It is illegal for us to modify a bicycle. The bikes are built to a specification - Federal standard and Manufacturer's. A retailer modifying the product transfers liability from the manufacturer to themselves. The Town requiring us to improperly modify a bike would then make the Town a party to that liability. We can ask that the consumer adjust the max speed themselves, but can not force it on them or do it for them.
- Again, we can hand out Town produced information.
- People have free will. Just as Hertz is not going to take a car back from you if you get multiple parking tickets, we can't take a bike back for multiple path and/or beach rule infractions. If the Town is going to institute rules, then it is up to the Town to enforce them. The Town can not enact a rule and then put enforcement to the private sector.
- Business Licensing should be done consistently with what is promulgated in the LMO. I'm guessing this question is written specifically about me. I've played by the LMO rules as they are written, made very specific business decisions, and spent considerable sums of money based on those rules. For others to be able to benefit from not following the LMO requirements and then the Town not enforcing the LMO as written means the Town is providing a competitive advantage to those who break the rules. That competitive advantage means the Town is allowing the rule breakers to be more profitable than those that follow the LMO. To then consider changing the rules because one or two people figured out how the LMO can benefit them further puts the Town in a position of picking winners and losers. Leave the LMO as written and enforce what is written.
 - I do believe the Town should have specific requirements for the minimum level of General Liability, Workers Compensation, and Automobile Insurance for bike operators and make them part of our Business License. This ensures the consumer is dealing with a reputable, professional company and should there be a problem, has the resources to be able to properly cover issues. The large operators have something to lose and are most likely well covered as we are. Those with smaller operations or limited assets are less likely to spend the considerable amount for proper insurance. This will also limit the chance for a bike operator to make illegal cash payroll payment to employees. These cash payments unfairly penalize the worker in the long run with lower Social Security wages, while providing the employer with improper gain.

Pathway Traffic Control:

- These are all great courtesy rules, but we know that people rarely follow rules like these. How many of us drink alcohol out of a red solo cup on the beach, speed on 278, or let our dog run on the beach without a leash? We all know these things are against the law, but still consciously decide to not follow the rule and risk penalty. When the pain of that penalty is low - such as bikes path rules and regulations - the chances of noncompliance increase. The Town can ask people to do these things, but unfortunately many people don't see the need to have common courtesy anymore.

The next important question the Town needs to grapple with is what is an "E-Bike" and do you attempt to enforce regulations for electric things on the beach and path. For example, which of these two wheeled things are an E-Bike:











If the definition of something that achieves 20 mph max speed is applied then they are all E-Bikes except for the thing that looks like a traditional bicycle with pedals - it is a Class 3 E-Bike. How will an enforcement officer be able to determine what is and is not allowed on the paths? Why should only a pedaled E-Bike be able to be ridden on the path or beach? There is an older woman I regularly see riding the path near Palmetto Dunes on something similar to the above white scooter with the seat and rear basket. She is traveling in the 15ish mph range, on the right, and wearing a helmet. Will she still be able to ride this style of 2 wheeled thing on the path or will the new regulations only allow Class 1 & 2 E-Bikes with pedals?

In the end, there is really nothing the Town can do for personal use of electric things on the beach and path. There are many residents with One Wheels, E Bikes of all kinds, electric scooters, etc. Those riders are not the problem because there are not enough of them to be disruptive. The problem comes when you get hundreds or thousands of visitors renting electric things combined with the fun and carefree nature of being on vacation. They are paying the extra money over a traditional bike for the fun of it - faster than they can pedal and something different than they have at home. They want to go fast, that is part of the thrill. They want it to be different - the cooler the better. They do not want to be told what they can and can't do and where they can and can't do it.

So, for one last time I offer to dispose of my rental E Bike inventory in support of the Town enacting a ban on renting electric bikes. If residents have electric things or a tourist brings them from home, let them have fun since there are not enough to matter. Eliminating rental electric bikes is the simplest and only way to really provide safer use of the beach and path.

Thank you for taking the time to read my thought and answers. We look forward to being a larger part of these discussions.

Jason

C. Jason Bullock





January 25, 2022

Ms. Missy Luick
Senior Planner
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928

Dear Ms. Luick,

I received your survey letter today and appreciate that the Town is soliciting input from stakeholders including the bike shops. As background, my wife and I purchased HHBC in May, 2020, and moved to the Island full time. We had been visitors for over 20 years and always loved biking on the Island so having a bike shop is a dream come true for us. After purchasing the shop, we brought on ebikes as part of our rental fleet and we are also one of the leading shops selling ebikes on the Island. Over the last two years we have learned a lot about how ebikes are being used and our experience has been extremely positive and the feedback from customers has also been excellent.

We also collect data from our customers that includes birth dates. Each customer signs a waiver whether they are renting or taking a bike for a test ride. Of interest is the median age of our rider is 54, meaning that half of the riders are older than that, and the average age is 50. About 8% of our riders are 21 or younger and almost all of them were part of rental groups with their parents. In short, our experience validates that the vast majority of riders are:

- Older
- Many have orthopedic issues
- A large portion are people getting back on bikes after years of non-riding
- Having a lot of fun

Our experience has been fortunate so far as we have had zero complaints about our renter's behavior, nor have we had any accidents involving our bikes. Our ebikes are easily identified and clearly display our company name and phone number. While many people have expressed concerns and anecdotes about ebikes being used on the Island, our extensive experience demonstrates these situations are not as frequent as some people believe. So I begin by asking just how serious this problem is or are a few anecdotes driving the negative discussion?

Here are my thoughts on your survey questions:

SPEED

I currently ride my regular bike at 12-15 mph on many of our paths. I support posting speed limits which should vary based on density and path conditions. There are plenty of places where more than 12mph is safe and areas where due to congestion 12mph is not safe. If any committee member would like to ride an ebike and see what 8mph is like, they can come to our shop and we will happily let you take a bike. A person running 7.5 minute miles would pass someone on an ebike at that speed, and it is actually a little difficult to ride our bikes at speeds lower

than 8mph while using pedal assist. Our staff here at the shop includes experience cyclists, and as a team we would support speed limits of 10-12 MPH in congested areas and 18MPH in non-congested areas. Areas around Coligny and where paths have tight turns and blind spots would be the lower while paths on 278 with long straightaways, Marshland, and Mid Island could support higher limits.

As for the beach, common sense is the primary issue- you just can't ride through crowds at higher speeds, and that behavior should be stopped. One anecdote that is often cited is a group of teenagers that were reported with high speed on the beach. What is important to know is that the people citing this story were not there and reports of 35mph were circulated. Standing still it is very difficult to actually recognize speed and the bikes cannot do that speed. More importantly, this one incident was reported to me and while they were not our bikes I knew who had rented them. I called the owner of that rental company and he personally went to the home of the renters, notified them about the complaint and turned the maximum speed of the bikes down. I do not doubt that there are valid concerns, however the vast majority of people riding ebikes do so responsibly.

Anecdotes that don't get the same attention include a recent customer of our shop who is legally blind and now uses his ebike to commute to his job at Publix. In fact, there are several of our ebikes parked at Publix everyday and are used by workers there. For another customer who had braces on both legs, we customized his bike to allow him to carry his crutches. My point is there is way more good happening with the use of ebikes and that is why sales continue to grow.

Enforcement-

I agree with:

- Providing safety materials
- Signs encourage courtesy and etiquette
- Expanding Bike Ambassador program although not in any enforcement role
- Bike shops can be a resource and play an active role in education and safety and can have policies to revoke rentals for reported poor behavior on bikes.
- Bike shops should provide education on safety and etiquette
- Safety and etiquette should be coordinated with a campaign from the Town.

I do not agree that:

- Shops should be required to govern bikes below what is allowed by state law.
 - Bikes can and will be ridden on streets and need to keep pace with traffic
 - Many people are using ebikes to commute, reducing the speed of the bike will discourage this
 - The vast majority of riders bike responsibly, and adding regulations are not the best way to change bad behavior by a small group of people.
 - There are plenty of places where riding at 18-20mph is fun and can safely be done.
 - Not all bikes have the ability to govern speed. Some of the bikes we have that can be governed are only changed in pedal assist mode, but can still go up to 20 MPH using the throttle.
 - Governing speed does not stop someone from pedaling the bike faster than 12 MPH.
 - Anybody with access to Google can figure out how to reprogram the controllers as they are not password protected.
 - There are plenty of bikes that do not have controller enabled governing, so this requirement is easily circumvented.

Business Licensing-

I have strong concerns about this based on what has happened over the last two years. The bike shop community is currently dealing with targeted enforcement of ordinances. One bike shop successfully lobbied the Town to enforce existing ordinances against competitors. At times, this has resulted in bike shops having to hire lawyers and at least one bike shop closing. In several other cases it resulted in thousands of dollars in wasted expense only to have the Town ultimately agree with the shop regarding compliance and/or with business licenses. I am not in favor of giving the Town more authority when it is then used by competitors to push the Town toward enforcement. When shops are forced to spend time and money to defend themselves, and ultimately the Town agrees with the defense, there is no consequence to the competitor that started the investigation. I am speaking from personal experience as well as from discussions with close to 10 other shops who had to, or are still, dealing with problems from this. Giving the town the ability to revoke business licenses when shops are providing product that are legal under state and federal law will further polarize the Town and the Bike Shop community.

More importantly, I don't believe this will have much of an impact. For every bike in my rental fleet we have sold 15. And that number grows every day. Add bikes purchased online or brought by visitors and the rental fleets are becoming a smaller percentage of the ebike population every day. I have strong doubts about what the impact of this will be on the actual experience on the paths.

Recommendation-

Realizing that there has yet to be a solution that balances all the concerns, and a wish to take action, I would recommend starting with making the program voluntary.

There are several areas of common agreement that would be a good place to start. The first would be no Class III bikes in our rental fleets. The vast majority of class III bikes can be turned into Class II bikes with no expense meaning that existing fleets can still be used. Secondly, promoting safety and education, as well as etiquette rules is something most bike shops will support and coordinating this in conjunction with the Town would be a positive event. Doing this on a voluntary basis and complying would allow the shop to display and market that the shop supports "Bike Safety on Hilton Head". Of course the name of the program is TBD, and it could also come with a badge for display on the website and a window sticker. Compliance could be managed via Bike Walk Hilton Head Island by an annual interview with the shop.

While this is going on, the Town can then study what the actual speeds are on the paths at peak times this summer and determine what the limits should be. More importantly, working with the bike shop community may have unexpected positive results compared to what is happening right now.

Please reach out if I can answer any questions, and I look forward to working with the Town towards a positive solution for all stakeholders.

Sincerely,

A handwritten signature in blue ink that reads "James E. Hall". The signature is written in a cursive style and is positioned above a light blue rectangular stamp.

James E. Hall
Owner

Luick, Missy

From: Steve Maleh [REDACTED]
Sent: Thursday, February 3, 2022 3:48 PM
To: Luick, Missy
Subject: e equipment

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

Hello Missy and thank you for your email

I appreciate your call today, and thank you. In discussing this letter and e equipment in general, I wanted to have my point of view understood and heard with this matter.

Over the past several years my son, who enjoys electronic equipment, has brought with him to Hilton head every summer his electronic toys.

Those include
an e hover board
a razor e scooter
a mepo e skateboard
and this year he is eyeing and speaking to his grandparents for his birthday a single wheel e hoverboard.

I mention these items, because each year we bring with us to Hilton head one of these electronic items, and each year he is pulled over by a local police officer, and or officer in a gated community saying that he is not allowed to ride the particular item that he is riding on.

One day last summer, I got a call from a beaufort county sheriff's officer, asking me to come pick up the e scooter that my son was riding. An 11 year old boy, stopped by local police, warned and thought the worst, all because of him riding his scooter. Neither fair, nor right.

I do appreciate the town for bringing up this issue with respect to E bikes. However, E bikes does not encompass these other items that I mentioned above. It does not make sense to me that with dozens of E items out there that just e bikes can be discussed.

If the town is already going to go through the process of incorporating rules, speed limits, ambassadors, and point of sale rules and regulations, then they should include all e items as well. I would argue that there are probably 10 times more electronic items like scooters, skateboards, hoverboards, and many others owned by private individuals that vacation on our island like myself and my son. E bikes are much more expensive than the other items families buy for their children. If you are going to only limit this discussion and change to E bikes, you will probably eliminate 90% of all electronic equipment that families bring to the island.

Thus after any rules or regulations made, and all the time spent on this, will all be a waste for everyone else and their E equipment.

I ask and implore the town committee to not only incorporate E bikes to the proposed changes, but to allow and encompass other E equipment so that families like myself with small children do not get in trouble with local law enforcement, and are given safe policies to adhere to when they are vacationing on Hilton head Island

Blessings and Light

Steve Maleh

