



Town of Hilton Head Island  
**TOWN COUNCIL MEETING**  
**Tuesday, July 19, 2022, 3:00 PM**  
**AGENDA**

REVISED TO REFLECT THE ADDITION OF AGENDA ITEM 12(b)(i)

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The Town Council 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. **Pledge to the Flag**
5. **Invocation - Pastor Greg Kronz - St. Lukes Church**
6. **Approval of the Minutes**
  - a. [Regular Meeting - June 21, 2022](#)
7. **Report of the Town Manager**
  - a. Items of Interest
  - b. [Design Review Board Biannual Report - Cathy Foss, Chair](#)
  - c. Update on Solid Waste and Recycling Efforts - Jeff Buckalew, Town Engineer
  - d. Discussion Hilton Head Island Beach Regulations - Joshua Gruber, Deputy Town Manager
  - e. Update on the William Hilton Parkway Gateway Corridor Project - Shawn Colin, Assistant Town Manager of Community Development
8. **Reports of the Members of the Town Council**
  - a. General Reports from Town Council
  - b. Report of the Lowcountry Area Transportation Study – Councilman Stanford
  - c. Report of the Lowcountry Council of Governments – Councilwoman Becker
  - d. Report of the Southern Lowcountry Regional Board – Councilman Lennox
  - e. Report of the Beaufort County Airports Board – Councilman Ames

- f. Report of the Community Services & Public Safety Committee – Councilman Harkins
- g. Report of the Public Planning Committee – Councilman Ames
- h. Report of the Finance & Administrative Committee – Councilman Lennox

**9. Proclamations/Commendations**

- a. [Presentation of the Parks and Recreation Month Proclamation](#)

- 10. Appearance by Citizens** Citizens who wish to address Town Council may do so by contacting the Town Clerk at 843.341.4701 no later than 12:00 p.m. the day of the meeting. Citizens may also submit comments on agenda items via the eComment portal at [Town Council Meeting](#)

**11. New Business**

- a. [First Reading 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](#)
- b. [Consideration of a Resolution of the Town of Hilton Head Island Authorizing the Execution and Delivery of Drainage System Maintenance Agreements](#)

**12. Executive Session**

- a. Receipt of Legal Advice on Matters Covered by the Attorney-Client Privilege - Bylaws and Articles of Incorporation for Gullah-Geechee Historic Neighborhood Community Development Corporation [pursuant to SC Freedom of Information Act Sec. 30-4-70(a)(2)]
- b. Discussion of Negotiations Incident to the Proposed Sale or Purchase of Property [pursuant to SC Freedom of Information Act Sec. 30-4-70(a)(2)]
  - i. Bradley Circle
- c. Discussion of Negotiations Incident to Proposed Contractual Arrangements [pursuant to SC Freedom of Information Act Sec. 30-4-70(a)(2)]
  - i. Status Update on the Northpointe Public-Private Partnership Workforce Housing Project
- d. Receipt of Legal Advice on Matters Covered Under Attorney-Client Privilege - Town Attorney Monthly Update [pursuant to SC Freedom of Information Act Sec. 30-4-70(a)(2)]
  - i. Mount Calvary Missionary Baptist Church of Hilton Head Island, et. al. v. Town of Hilton Head Island, et. al.
  - ii. Circle Center Easement - Nassau Street
  - iii. Beaufort County v. Town of Hilton Head Island - Law Enforcement Fee
- e. Discussion of Personnel Matters Related to the Town Attorney Contract [pursuant to SC Freedom of Information Act Sec. 30-4-70(a)(1)]



Town of Hilton Head Island  
**TOWN COUNCIL MEETING**  
Tuesday, June 21, 2022, 3:00 p.m.  
**MINUTES**

**Present from Town Council:** John J. McCann, *Mayor*; Bill Harkins, *Mayor Pro-Tempore*; David Ames, Tamara Becker, Alex Brown, Tom Lennox, Glenn Stanford, *Town Council 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*; Ben Brown, *Senior Advisor to the Town Manager*; Brad Tadlock, *Fire Chief*; John Troyer, *Finance Director*; Marcy Benson, *Senior Grants Administrator*; Krista Wiedmeyer, *Town Clerk*

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**1. Call to Order**

Mayor McCann called the meeting to order at 3:00 p.m.

- 2. FOIA Compliance** Public notification of the 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**

Attendance of Town Council was confirmed by way of a roll call.

**4. Pledge to the Flag**

- 5. Invocation – Reverend Dr. Robin Dease - St. Andrew by the Sea United Methodist Church**

**6. Approval of the Minutes**

- a. Regular Meeting - May 17, 2022
- b. Workshop - May 24, 2022
- c. Regular Meeting - June 7, 2022

Mr. Harkins moved to approve the minutes. Mr. Stanford seconded. The motion carried 7-0.

**7. Report of the Town Manager**

- a. Items of Interest

Mr. Orlando reported on that Jennifer Ray, Capital Program Manager, had recently earned the Project Management Professional certification and was bestowed the global credential of Project Management Professional from the Project Management Institute. Mr. Orlando congratulated Boy Scout Troop 245 who had recently celebrated their 50<sup>th</sup> anniversary. Mr. Orlando reported that on July 31<sup>st</sup> the Atlanta Braves World Series Trophy would be at the Island Rec. Center. He said there would be food trucks, music, and the Braves game would be streamed. Lastly, Mr. Orlando introduced the new Senior Advisor to the Town Manager, Ben Brown. He gave an overview of Mr. Brown's background and welcomed to the Town of Hilton Head Island.

## **8. Reports of the Town Council**

### **a. General Reports from Town Council**

Mayor McCann spoke about the recent shooting at the Lowcountry Celebration Park. He said that Mr. Orlando had been speaking to the Sheriff's Office about what happened. The Mayor said that he has scheduled a meeting the second week of July with the Sheriff to go over this matter and other matters that are not so widely reported.

Mrs. Becker also spoke about the same matter as well as the reports of the vehicle break-ins. She reminded citizens that it is important that they remove their items from their vehicles and make sure to lock their vehicles too. She also asked about when the Sheriff's Office would be making their next Crime Statistics Report, asking that it be given soon.

Mrs. Becker also spoke about her concerns with the development on the Island and asked that this be made a higher priority of Town Council and that a capacity study be completed right away.

Mr. Harkins reported on the construction of the pavement on the Cross Island, asking the Town Manager if this was the final layer of pavement. Mr. Orlando stated that this was the initial layer and not the final. Mr. Harkins also spoke on the shooting matter and crime statistics reporting.

### **b. Report of the Community Services & Public Safety Committee – Councilman Harkins**

Mr. Harkins stated that he did not have a report.

### **c. Report of the Public Planning Committee – Councilman Ames**

Mr. Ames reported that the Committee voted unanimously on June 15<sup>th</sup> to approve moving the Electric Bike Regulations forward to Town Council, noting it would be on the next Town Council agenda.

### **d. Report of the Finance & Administrative Committee – Councilman Lennox**

Mr. Lennox reported that he as the Chair for the Committee worked with 8 members of staff to review responses from firms to work as the Town's auditor. He said two very qualified firms were interviewed and the Committee voted unanimously on the selection of the firm. Mr. Lennox stated that he anticipated this matter coming to Town Council in July or August.

## **9. Appearance by Citizens - NONE**

## **10. Unfinished Business**

- a. Second Reading of Proposed Ordinance 2022-15 Authorizing the Conveyance of 0.04 Acres of Real Estate Owned by the Town of Hilton Head Island, South Carolina, Under the Authority of SC Code Ann. Sec. 5-7-40 (Supp. 2021), and Sec. 2-7-20, Municipal Code of the Town of Hilton Head Island, SC (1983); and Providing for Severability and an Effective Date**

Mr. Harkins moved to approve. Mr. Stanford seconded. With no discussion, the motioned carried unanimously.

## **11. New Business**

- a. Consideration of a Resolution of the Town of Hilton Head Island Approving the Department of Housing and Urban Development Community Development Block Grant Entitlement Program Annual Action Plan for Project Year 2022**

Mr. Harkins moved to approve. Mr. Stanford seconded. Ms. Benson addressed Town Council providing the background of this matter. She answered questions posed to her by Town Council. With no further discussion, the motion carried unanimously.

## **12. Executive Session**

Mr. Harkins moved for Town Council to enter Executive Session for those matters referenced on the agenda. Mr. Stanford seconded. Motion carried 7-0.

## **13. Possible Actions by Town Council Concerning Matters Discussed in Executive Session**

Mr. Harkins moved to appoint Katheryn “Kay” Bayless as an At-Large member to the Board of Zoning Appeals for a Three-year term beginning July 1, 2022, and to appoint John G. Parsons as an At-Large member to the Parks and Recreation Commission for a three-year term beginning July 1, 2022. Mr. Stanford seconded. With no discussion, the motion carried unanimously.

Mr. Harkins moved to reappoint Stephen Arnold as a Hospitality member to the Accommodations Tax Advisory Committee for a three-year term beginning July 1, 2022; and Anna Ponder as an At-Large member and Robert S. Johnson as an Architect member to the Board of Zoning Appeals for a three-year term beginning July 1, 2022; and Marc Ellis as a Building Industry At-Large member, Randy May as an Electrical Industry member, Joe Nix as a Contractor member, and Robert Zinn as a Building Industry At-Large member to the Construction Board of Adjustments and Appeals for a four-year term beginning July 1, 2022; and John Moleski as an At-Large member to the Design Review Board for a three-year term beginning July 1, 2022; and John Campbell and Mark O’Neil as At-Large members to the Planning Commission for a three-year term beginning July 1, 2022. Mr. Stanford seconded. With no discussion, the motion carried unanimously.

Mr. Harkins moved to appoint Scott Wierman and Kumar Viswanathan and representing Town Council Alex Brown, David Ames, and Tom Lennox, to the Northpointe Public-Private Partnership Housing Advisory Committee. Mr. Stanford seconded. With no discussion the motion was approved 6-1, Mrs. Becker opposing.

## **14. Adjournment**

Town Council voted unanimously adjourned the meeting at 4:46 p.m.

**Approved: July 19, 2022**

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Krista M. Wiedmeyer, Town Clerk

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John J. McCann, Mayor



# TOWN OF HILTON HEAD ISLAND

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## *Design Review Board Memo*

**TO:** Town Council  
**FROM:** Cathy Foss, Chair of the Design Review Board  
**DATE:** June 14, 2022  
**SUBJECT:** Design Review Board Semi-Annual Report: January – June 2022

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Three (3) meetings were cancelled during the report period due to lack of agenda items.

### **New Developments**

1. Spanish Wells Office Warehouse (Final) – approved with conditions
2. Chimney Cove (Conceptual) – approved with conditions
3. Barker Field Picnic Pavilion (Final) – approved with conditions
4. Bailey's Cove (Conceptual) – approved with conditions

### **Alterations/Additions**

1. Lucky Beach Bar + Grill – approved with conditions
2. Mullen & Wylie Building Repaint – approved with conditions
3. The Sands Reroof – approved as submitted
4. Spinnaker Building – tabled
5. Northridge Walkway Canopy – approved with conditions
6. Belly Goat Burger – approved with conditions
7. KPM Flooring – approved with conditions

*The Town of Hilton Head Island*

# *Proclamation*

**WHEREAS**, parks and recreation programs are an integral part of communities throughout this country, including Hilton Head Island, South Carolina; and

**WHEREAS**, our parks and recreation programs are vitally important to establishing and maintaining the quality of life, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

**WHEREAS**, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreational services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

**WHEREAS**, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

**WHEREAS**, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

**WHEREAS**, parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

**WHEREAS**, the U.S. House of Representatives has designated July as Parks and Recreation Month.

**NOW, THEREFORE**, I John J. McCann, Mayor of the Town of Hilton Head Island, South Carolina, hereby proclaim July 2022 as

## **PARKS AND RECREATION MONTH**

*in the Town of Hilton Head Island, to recognize the benefits derived from parks and recreation resources.*

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hilton Head Island to be affixed this 19<sup>th</sup> day of July, in the year of our Lord, two thousand and twenty-two.



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*John J. McCann, Mayor*

*Attest:*

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*Krista M. Wiedmeyer, Town Clerk*



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## TOWN OF HILTON HEAD ISLAND

### *Community Development Memo*

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**TO:** Marc Orlando, ICMA~CM, *Town Manager*  
**FROM:** Missy Luick, *Community Planning Manager*  
**VIA:** Shawn Colin, AICP, *Assistant Town Manager – Community Development*  
**CC:** Josh Gruber, JD, MPA, *Deputy Town Manager*  
**DATE:** June 29, 2022  
**SUBJECT:** Consideration of Proposed Ordinance 2022-08, Electric Bicycle (E-Bike) Ordinance

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**Recommendation:**

That Town Council adopt proposed Ordinance 2022-08, the Electric Bicycle (E-Bike) Ordinance.

On June 15, 2022, the Public Planning Committee voted to forward the proposed E-Bike Ordinance to Town Council with a recommendation of approval.

**Summary:**

Attachment A is a presentation including the Committee recommendation, a summary of the project background and history, a review of communication efforts and public feedback, a review of the proposed Ordinance, and ongoing considerations.

The Public Planning Committee authorized Town staff to prepare an Ordinance to allow e-bikes to be used on public pathways with reasonable regulations and education to ensure public safety. Adoption of the proposed Ordinance, Attachment B, will allow riders to use e-bikes on Town pathways, set an expected speed limit for e-bikes, and create expectations of pathway etiquette, supported by an educational handout on bike etiquette, Attachment C, to be provided at the point of sale of e-bike purchase or rental.

After the Town Council reviewed the proposed Ordinance on May 7, 2022, it was revised to remove the requirement for a governor on e-bikes to limit their speed to 12 miles per hour.

**Background:**

As electric bicycles (e-bikes) became increasingly popular on the Island, their use on Town-owned pathways raised concerns regarding the safety of e-bike users and other pathway users due to the high speeds at which they can operate. The Town's Municipal Code prohibits motor vehicles on publicly-owned pathways. However, South Carolina state law defines e-bikes as bicycles not

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motor vehicles, therefore they cannot be prohibited from Town-owned pathways without also prohibiting non-electric bicycles.

On June 16, 2021, staff provided to the Public Planning Committee a legal overview of South Carolina Laws and Code changes pertaining to e-bike definitions and regulations. From August to November 2021, staff held a series of stakeholder meetings on the topic with members of Bike Walk Hilton Head, bike rental business owners, community and Property Owners' Association managers, interested members of the public, and other community leaders.

On January 27, 2022, the Public Planning Committee authorized Town staff to prepare a draft Ordinance for their consideration regarding the use and regulations of e-bikes on Town-owned pathways. Additionally, the Committee requested that Town staff engage in communication efforts to both survey and gather responses from local bicycle-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 and requested general feedback regarding regulating speed, enforcement, education, and bike etiquette. Attachment D includes the four responses received from the bike rental companies and interested parties.

There were two main areas of public comment: creation of pathway safety and etiquette materials and the required use of e-bike speed-limiting technology. There was wide support for the pathway etiquette and safety messaging, but some concern was expressed regarding requiring local business to distribute the materials instead of the Town. As far as limiting the speed of e-bikes there were concerns expressed regarding this recommendation. Some felt the 12 mile per hour speed limitation was too low, while some thought it was too high. Additionally, some felt the speed restriction is not necessary and places an undue burden on the business owner to make alterations to bicycles from their factory settings. One commenter stated they believe this could cause problems with their manufacturer's warranty.

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 etiquette document, Attachment C, is a bike safety and education message that applies to all pathway users, not just e-bikes. The etiquette guidelines were approved and endorsed by Bike Walk Hilton Head.

The proposed Ordinance amends the Municipal Code to:

- Amend Town Code to define that certain types of lower speed e-bikes are permitted on Town pathways; and
- Require that bicycle shops distribute bicycle safety/etiquette materials with each transaction; and
- Require the use of preexisting technology (governor) that would limit the speed at which an e-bike helper motor would continue to function to no greater than 12 miles per hour

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and that that a label indicating its horsepower and maximum assisted speed be affixed to the e-bike; and

- Establishes an enforcement mechanism for the lease or sale of e-bikes per existing Town nuisance and violation codes.

Ongoing considerations include but are not limited to possibly adding pathway signage depicting etiquette and other pertinent safety practices at critical areas and focal points of congestion along Town pathways; examining transportation related issues within the Pope Avenue Streetscape project in the FY-2022/2023 Capital Improvement Plan; further partnering with the Bike Walk Hilton Head Island Ambassador program to promote safe pathway behavior and etiquette; continuing to monitor the pathway safety programs; and continuing to monitor other e-equipment (i.e. e-scooters) usage within the Town.

Staff is also working to accelerate the delivery of a Complete Street concept for Pope Avenue with a primary focus on the segment from Cordillo Parkway to Coligny Circle. This will include short-term and long-term applications that meet or exceed the American Association of State Highway and Transportation Officials (AASHTO) Standards and address the options listed above. Attachment E contains examples of applications that meet or exceed AASHTO standards.

On April 28, 2022, the Public Planning Committee voted to forward the proposed E-Bike Ordinance to Town Council with a recommendation of approval.

On May 7, 2022, Town Council considered the proposed Ordinance and requested the Public Planning Committee review the requirement for a governor on e-bikes limiting their speed to 12 miles per hour.

On June 15, 2022, the Public Planning Committee considered the revised E-Bike Ordinance and Bike and E-Bike Etiquette handout. The E-Bike Ordinance was revised to remove the requirement for a governor on e-bikes limiting their speed to a maximum of 12 miles per hour. The Bike and E-Bike Etiquette handout was revised to remove a reference to a 12 miles per hour speed limit on pathways. After discussing the revisions and planned improvements related to Town pathways, the Committee voted to forward the revised E-Bike Ordinance to Town Council with a recommendation of approval.

**Attachments:**

- A. Presentation
- B. Proposed Ordinance 2022-08
- C. Educational Handout on Bike and E-Bike Etiquette
- D. Responses from Bike Rental Companies and Interested Parties
- E. Examples of Applications that Meet or Exceed AASHTO Standards

# Electric Bicycle (E-Bike) Ordinance

TOWN OF HILTON HEAD ISLAND, SC

Town Council | July 19, 2022



# Electric Bicycle (E-Bike) Ordinance

## Presentation Overview

1. Recommendation
2. Project Background
3. Project History
4. Review of Communication Efforts
5. Review of Public Feedback
6. Review of Draft Ordinance
7. Ongoing Considerations
8. Recommendation and Questions



# Electric Bicycle (E-Bike) Ordinance

## Recommendation

- That Town Council adopt proposed Ordinance 2022-08, the Electric Bicycle (E-Bike) Ordinance.
- On June 15, 2022, the Public Planning Committee voted to forward the proposed E-Bike Ordinance to Town Council with a recommendation of approval.



# Electric Bicycle (E-Bike) Ordinance

## Project Background

- The presence and utilization of electric bicycles (“e-bikes”) is growing at a rapidly increasing rate.
- This technology provides many positive attributes in allowing older individuals, individuals with disabilities, commuting workers, and people who may be new to biking, the ability to ride a bicycle and enjoy the Town’s recreational pathways.
- However, the use of e-bikes has led to increased demand on the Town’s pathways and therefore presents the need for education and regulations to ensure the continued safety of all bicyclists and pathway users.



# Electric Bicycle (E-Bike) Ordinance

## Project History

June 16, 2021 – Public Planning Committee Discussion

- Overview of South Carolina Laws and Codes pertaining to E-Bike definitions and regulations.
- Municipal Association of South Carolina (MASC) General Counsel Legal Opinion confirming support for the Town Attorney's interpretation that e-bikes are considered bicycles. E-bikes cannot be prohibited from Town pathways without also prohibiting non-motorized bicycles.

August to November 2021 – Stakeholder Meetings

- Members of Bike Walk Hilton Head
- Bike Rental Business Owners
- Community/POA Managers
- Interested Members of the Public
- Other Community Leaders



# Electric Bicycle (E-Bike) Ordinance

## Project History (continued)

January 27, 2022 – Public Planning Committee Discussion

- The Committee directed staff to prepare a draft Ordinance for their consideration regarding the use and regulations of e-bikes on Town-owned pathways.
- The Committee requested that staff engage in communication efforts to both survey and gather responses from local bicycle-related businesses regarding the proposed efforts.



# Electric Bicycle (E-Bike) Ordinance

## Project History (continued)

February to March 2022 – Staff Communication Efforts

- Sent written correspondence to bicycle rental or sales business requesting input on how to best regulate the use of e-bikes (37 letters issued).
- Provided draft documents to Bike Walk Hilton Head Island.
- Bike Walk Hilton Head Island approved and endorsed Bike/E-Bike Etiquette Message.
- Received four written responses to Town survey letter. See Attachment D.

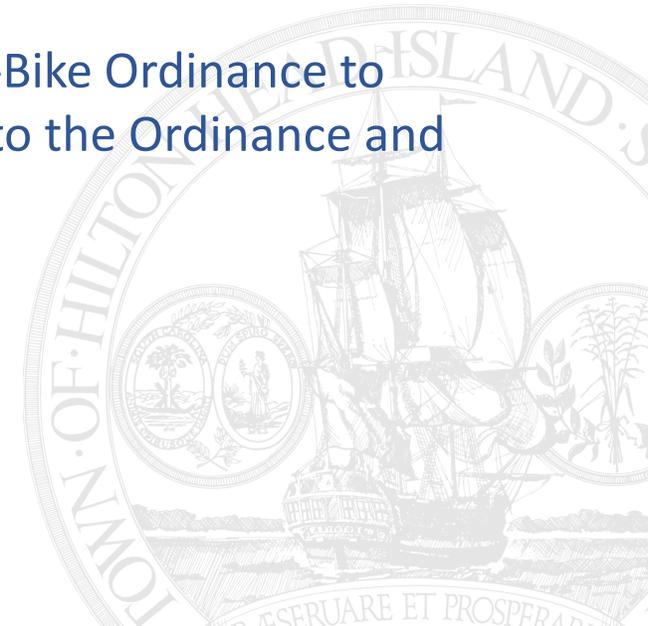


# Electric Bicycle (E-Bike) Ordinance

## Project History (continued)

### April to May 2022 – Ordinance Review

- On April 28, 2022, the Public Planning Committee voted to forward the proposed E-Bike Ordinance to Town Council with a recommendation of approval.
- On May 17, 2022, the proposed E-Bike Ordinance went before Town Council for First Reading. After public comment and Council discussion, the topic was sent back to Public Planning Committee for further review.
- Town Council discussion included removing the requirement for a governor limiting the speed of e-bikes to 12 miles per hour.
- On June 15, 2022, the Public Planning Committee voted to forward the revised E-Bike Ordinance to Town Council with a recommendation of approval, after discussing the revisions to the Ordinance and planned improvements related to Town pathways.



# Electric Bicycle (E-Bike) Ordinance

## Review of Public Feedback

- Two main areas of public feedback:
  1. Creation and distribution of safety/etiquette materials
    - Wide support for the creation and distribution of these materials.
    - Some concern by local businesses that the burden should remain on the Town for distribution, but otherwise many bike rental/sale businesses are on board with supplying this information.
  2. Required use of speed limiting technology
    - Several businesses and bicycling advocates expressed concerns regarding this recommendation.
    - After discussion during the Town Council meeting, this requirement was removed from the proposed Ordinance.



# Electric Bicycle (E-Bike) Ordinance

## Review of Draft Ordinance

The draft Ordinance was revised to remove the requirement that e-bikes have a governor to limit their maximum speed to 12 MPH.

As currently written, the draft Ordinance would amend the Town's code to address four (4) key points.

1. Amend Town Code to define that e-bikes are permitted on Town pathways.
2. Require the distribution of bicycle safety/etiquette materials with each transaction.
  - Materials have been produced in cooperation with Bike Walk Hilton Head Island and affected business owners.
  - These materials have been modified to remove the reference to a 12 MPH speed limit.
3. Require a label indicating its horsepower and maximum assisted speed be affixed to the e-bike.
4. Establish an enforcement mechanism for the lease or sale of electric-assist bicycles per existing Town nuisance and violation codes.



**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 safe & courteous 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!



TOWN OF HILTON HEAD ISLAND  
RESERVARE ET PROSPERARE

# Electric Bicycle (E-Bike) Ordinance

## Ongoing Considerations

1. Add pathway centerline stripes and add on-pavement cautionary guidance in congested areas. Add pathway signage depicting etiquette and other pertinent safety practices at critical areas and focal points of congestion along Town pathways.
2. Advance Pope Avenue streetscape project in the upcoming FY-2022/2023 Capital Improvement Plan to examine transportation and pathway related issues within this area. Items of study would include but would not be limited to, increasing pathway widths and enhance bicycle/pedestrian capacity, adding on-street bicycle lanes or multi-purpose travel lanes, uniform striping and signage, use of technology to improve safety and congestion, and other similar aspects for this corridor.
3. Further partner with the Bike Walk Hilton Head Island Ambassador program to educate and promote safe behavior and etiquette.
4. Staff is continuing to monitor other e-equipment (e-scooters) within the Town. Currently, motorized vehicles are prohibited on Town pathways.
5. Staff is working to accelerate delivery of a Complete Street concept for Pope Avenue with primary focus on the segment from Cordillo Parkway to Coligny Circle. This will include short-term and long-term applications that meet or exceed American Association of State Highway and Transportation Officials (AASHTO) Standards and address the options listed above.



# Electric Bicycle (E-Bike) Ordinance

## Recommendation

- That Town Council adopt proposed Ordinance 2022-08, the Electric Bicycle (E-Bike) Ordinance.
- On June 15, 2022, the Public Planning Committee voted to forward the proposed E-Bike Ordinance to Town Council with a recommendation of approval.



## Questions?



**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

**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 CONTROL<sup>1</sup>

#### 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.**

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<sup>1</sup>**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.

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**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).<sup>2</sup> 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. 12-1-613. 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.

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<sup>2</sup> "

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.

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- (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.

# 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

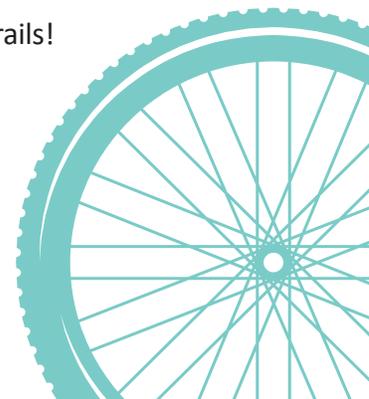
Pathway safety is important! All pathway users should adhere to the guidelines below as you explore the Island's trail experience. These guidelines are provided to ensure everyone's safe enjoyment of our recreational resources.

- ⦿ Keep right, pass left
- ⦿ Announce to pass: Use your bell or voice ("passing on your left") when passing others
- ⦿ Observe a safe & courteous 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

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**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**

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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

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**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

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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

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C. Jason Bullock

C/

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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

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

### THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

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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

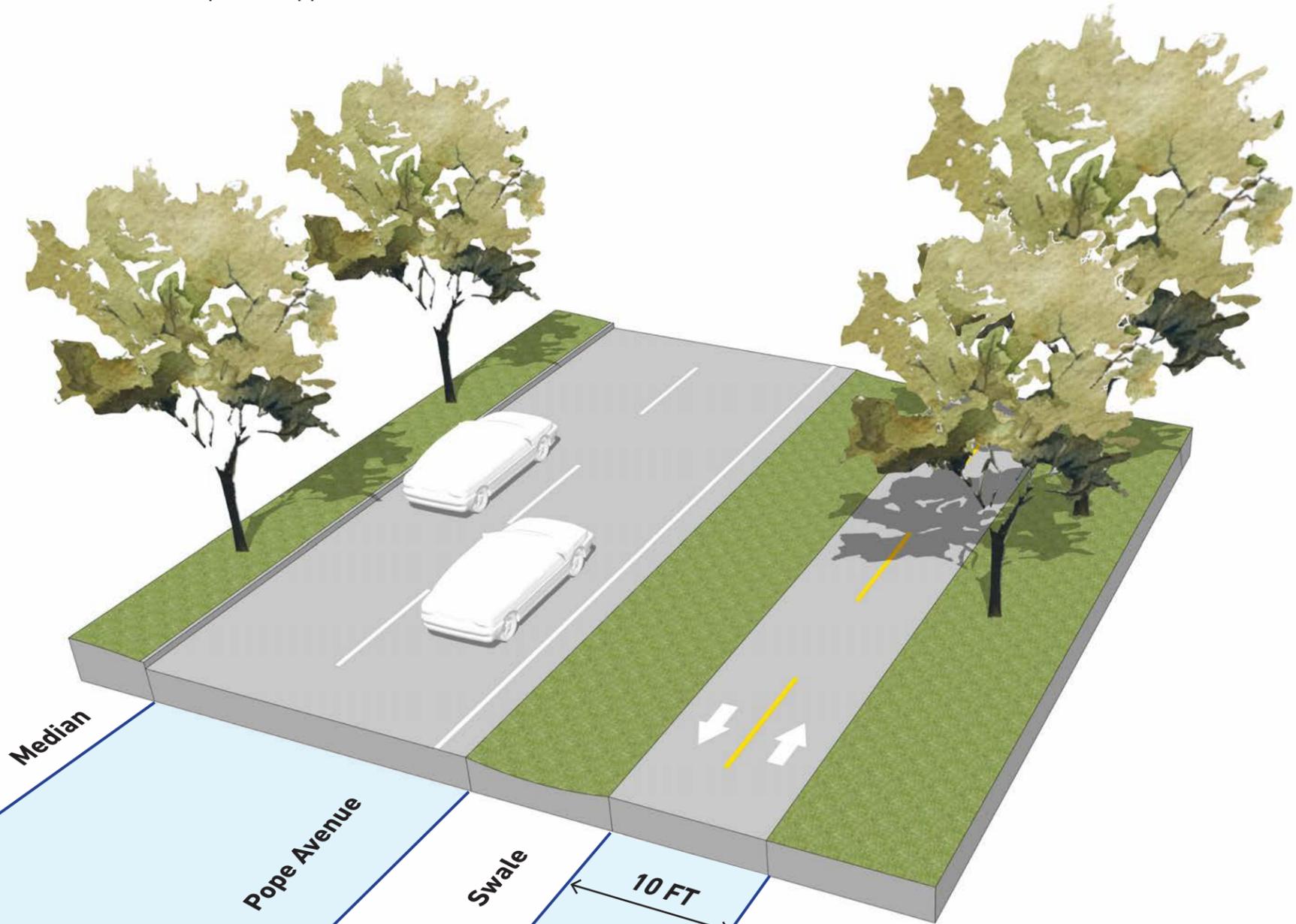
Blessings and Light

Steve Maleh



# Interim Option 1

Centerline Striping



Median

Pope Avenue

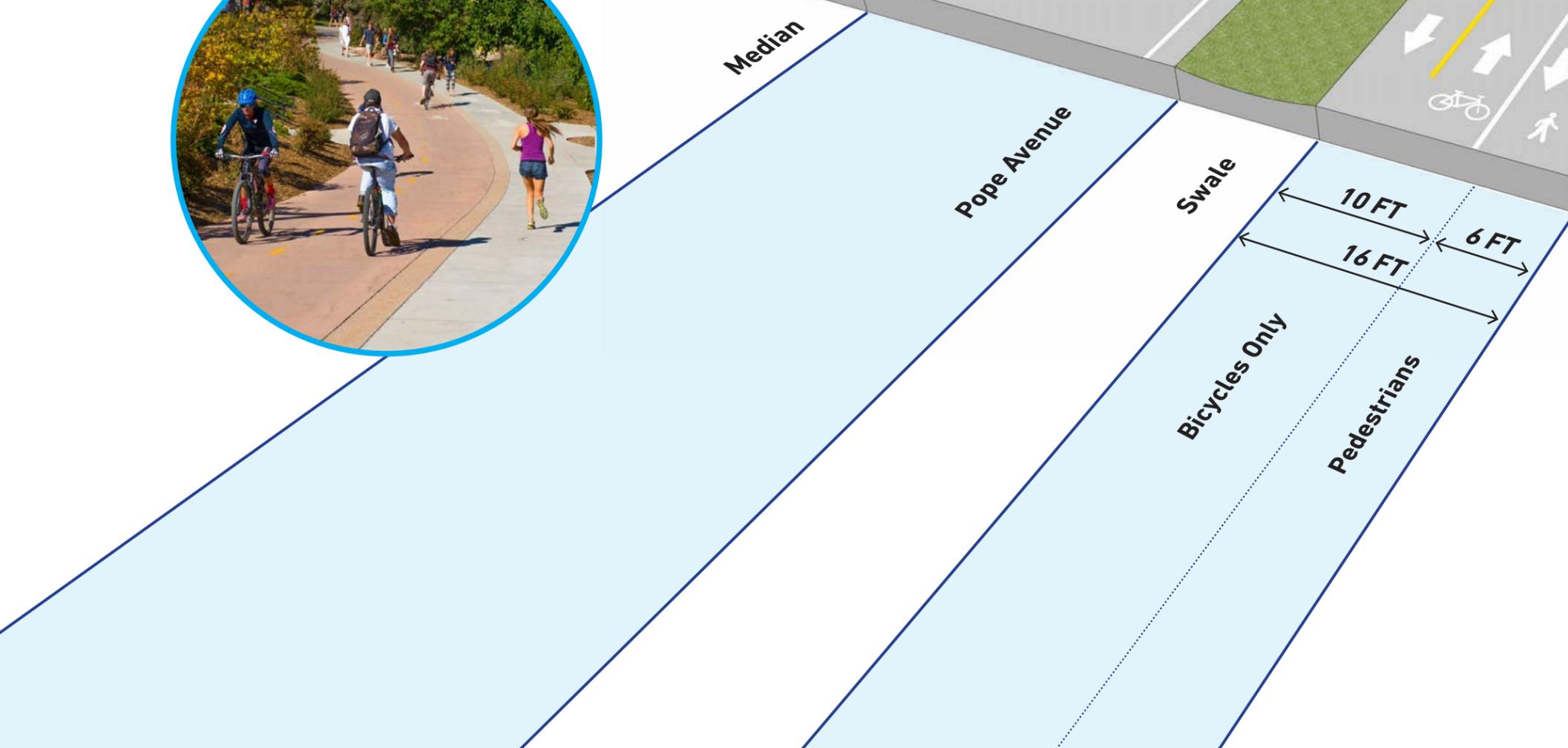
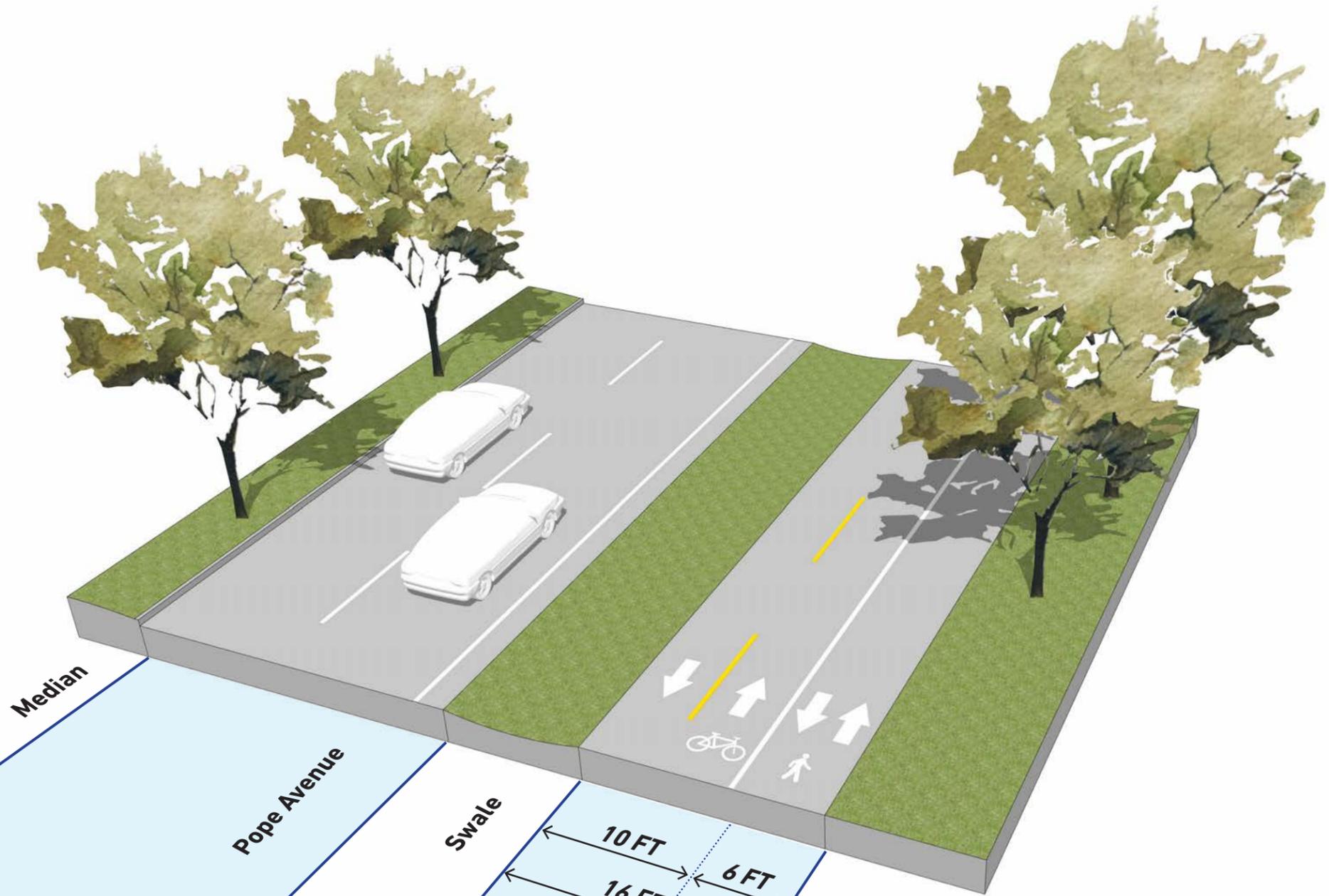
Swale

10 FT

Existing Pathway  
with Center Line

# Interim Option 2

Separated Bicycle and Pedestrian Zones





## TOWN OF HILTON HEAD ISLAND

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### *Staff Report Memo*

**TO:** Town Council  
**VIA:** Marc Orlando, Town Manager  
Curtis Coltrane, Town Attorney  
Jeff Buckalew, Town Engineer  
**FROM:** Jeff Netzinger, Stormwater Manager  
**COPY:** Josh Gruber, Deputy Town Manager  
Shawn Colin, Assistant Town Manager, Community Development  
**DATE:** June 23, 2022  
**SUBJECT:** Consideration of a resolution authorizing the Town to execute new standard drainage agreements with eleven current PUD agreement partners

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#### **Recommendation:**

Authorize by resolution Town execution of new standard drainage agreements with each of the following eleven current PUD agreement partners:

- Hilton Head Plantation
- Indigo Run
- Leamington
- Long Cove Club
- Palmetto Dunes
- Palmetto Hall
- Port Royal
- Sea Pines (CSA)
- Shelter Cove
- Shipyard
- Wexford

#### **Summary**

On November 4, 2020, Town Council approved a revised Standard Drainage Agreement for POAs and PUDs by a vote of 6-1. The new standard agreement will supersede respective current agreements.

#### **Background:**

After the creation of the Storm Water Utility in 2001, the Town offered to accept maintenance responsibility of storm water systems located within planned unit developments. Between 2007 and 2012, the Town executed and delivered drainage agreements with each of the original eleven partners listed in the recommendation. The recent agreement language standardization effort was initiated at the suggestion of the Town Council Finance and Administration Committee during a meeting in 2019. All existing and potential new partners had an opportunity to review the draft standardized terms and conditions and provide feedback in 2020. All feedback received was considered during the document revision process. The revised standard agreement includes

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clarifying language defining qualifying and non-qualifying system deficiencies, specific stipulation of responsibilities of both the Town and the POA, and refinement of terms and process requirements for agreement partners to receive reimbursement for maintenance work not undertaken by the Town. The final version was presented and discussed during the October 6, 2020 Town Council Finance and Administration Committee meeting and the Committee voted to approve the revised standard language by a unanimous 3-0 vote. During the September 21, 2021 meeting, Town Council approved a resolution to execute drainage agreements with six new POA partners based on the new standard terms and conditions by a vote of 7-0.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF DRAINAGE SYSTEM MAINTENANCE AGREEMENTS WITH SHELTER COVE COMPANY; PALMETTO HALL PLANTATION OWNERS' ASSOCIATION, INC.; ASSOCIATION OF LANDOWNERS OF PORT ROYAL PLANTATION, INC.; WEXFORD PLANTATION HOMEOWNERS' ASSOCIATION, INC.; COMMUNITY SERVICES ASSOCIATES, INC.; SHIPYARD PROPERTY OWNERS' ASSOCIATION, INC.; HILTON HEAD PLANTATION PROPERTY OWNERS' ASSOCIATION, INC.; INDIGO RUN COMMUNITY OWNERS' ASSOCIATION, INC.; LEAMINGTON ASSOCIATION, INC.; PALMETTO DUNES PROPERTY OWNERS' ASSOCIATION, INC.; AND LONG COVE CLUB OWNERS' ASSOCIATION, INC.**

WHEREAS, The Town of Hilton Head Island, South Carolina, has negotiated Agreements related to the management of storm and surface drainage with property owners' and homeowners' associations on Hilton Head Island, known as Shelter Cove Company; Palmetto Hall Plantation Owners' Association, Inc.; Association of Landowners of Port Royal Plantation, Inc.; Wexford Plantation Homeowners' Association, Inc.; Community Services Associates, Inc.; Shipyard Property Owners' Association, Inc.; Hilton Head Plantation Property Owners' Association, Inc.; Indigo Run Community Owners' Association, Inc.; Leamington Association, Inc.; Palmetto Dunes Property Owners' Association, Inc.; and Long Cove Club Owners' Association, Inc.; and,

WHEREAS, The Town Council of the Town of Hilton Head Island, South Carolina has determined that it is in the best interests of the Town of Hilton Head Island, South Carolina, to authorize the execution and delivery of the Agreements, and to authorize the completion of the work described in the agreements, as set forth below.

**NOW THEREFORE, BE IT RESOLVED AND IT HEREBY IS RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA:**

1. The Mayor and Town Manager are hereby authorized to execute the proposed Drainage Systems Maintenance Agreements between The Town of Hilton Head Island, South Carolina, and Shelter Cove Company; Palmetto Hall Plantation Owners' Association, Inc.; Association of Landowners of Port Royal Plantation, Inc.; Wexford Plantation Homeowners' Association, Inc.; Community Services Associates, Inc.; Shipyard Property Owners' Association, Inc.; Hilton Head Plantation Property Owners' Association, Inc.; Indigo Run Community Owners' Association, Inc.; Leamington Association, Inc.; Palmetto Dunes Property Owners' Association, Inc.; and Long Cove Club Owners' Association, Inc., a copy of which is attached hereto as Exhibits "A - L."
2. The Town Manager is hereby authorized to take all other and further actions as may be necessary to comply with the obligations of The Town of Hilton Head Island, South Carolina, in the Agreements.

**MOVED, APPROVED AND ADOPTED BY THE TOWN COUNCIL THIS  
\_\_\_\_\_ DAY OF JULY, 2022.**

\_\_\_\_\_  
John J. McCann, Mayor

**ATTEST:**

\_\_\_\_\_  
Krista M. Wiedmeyer, Town Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Curtis L. Coltrane, Town Attorney

Introduced by Council Member: \_\_\_\_\_