

TOWN OF HILTON HEAD ISLAND  
**INTERGOVERNMENTAL & PUBLIC SAFETY COMMITTEE**

Minutes of the Monday, June 4, 2018

Regular Meeting

*Members Present:* Bill Harkins, *Chairman*, David Ames, *Council Member*  
*Members Absent:* David Bennett, *Mayor and Committee Member*  
*Others Present:* Thomas Lennox, *Council Member*  
*Staff Present:* Brian Hulbert, *Staff Attorney*; Charles Cousins, *Director of Community Development*, Shawn Colin, *Deputy Director of Community Development*, Chris Yates, *Building Official*; and Phyllis Deiter, *Senior Administrative Assistant*  
*Media Present:* Eleanor Lightsey, *Lowcountry Inside Track*

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**1. Call to Order**

The meeting was called to order at 10:00 AM by Chairman Harkins.

**2. Freedom of Information Act Compliance**

Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

**3. Approval of Minutes**

A motion to approve the minutes of the May 7, 2018 Intergovernmental and Public Safety Committee meeting was made by David Ames and seconded by Bill Harkins. The motion was approved by a vote of 2-0.

**4. Unfinished Business**

**A. ASPPPO/CSA Land Use Management Committee**

i) Current Findings:

Chairman Harkins opened the meeting welcoming Richard Matthews, Co-Chair of the Land Use Management Committee of Sea Pines Plantation. Mr. Matthews thanked Town Staff and the Committee for beginning the dialog on managing properties inside and outside the gated communities with potential health and safety issues. They would like to review the Town Municipal Code, identifying areas of concern related to health and safety and find if and where changes could be made. Mr. Matthews noted both boards, CSA (Community Services Association of Sea Pines) and ASPO (Land Use Management Committee), want to resolve the issues related to the Sand Fiddler Property and start the process to amend the covenants.

ii) Outcome of meeting with Town Staff:

Asking for clarity on Town Code, Mr. Matthews questioned the relevant code sections related to harboring rats, and clarity on the definition of a safe structure vs one that should be torn down. He also questioned what modifications need to be made in the current code to

specifically resolve health and safety issues.

Mr. Ames spoke of the responsibility between home owner and/or owners in bankruptcy, the POA's (Property Owner Associations) and the Town's responsibility. Different gated communities on the Island operate in a slightly different way towards upkeep, aesthetics, management, club operations, etc. There also needs to be consideration of other Islanders living in structures on the Island that would not necessarily pass an aesthetic code in a PUD (Planned Unit Development.) There are cultural attitudes as well as lack of financial capability to remedy some situations. A balance must be achieved between those behind the gates and the overall brand seen for Hilton Head Island. Mr. Matthews agreed that aesthetics is not a solvable problem. A specific neighbor contends that this is not about property values going down or an aesthetic issue, this issue is specific to health and safety. She expressed her belief that the house is dangerous, needs to be torn down and is infested with rats, raccoons and fleas.

Mr. Hulbert, Staff Attorney, was called upon for further clarity. Mr. Hulbert said that a public nuisance is one that affect the entire community or a large number individuals. This property is a private nuisance, affecting only the surrounding properties. Regarding the concern over health and safety, if there are any rabid animal(s), then animal control should be notified to check the situation and remove the pest. If there was a large infestation that is spreading disease, then this would constitute a public nuisance. Until that point, it is a private responsibility, not the Town's. Furthermore, the State of South Carolina nor the Town regulates mold and bedbugs. The ordinance addresses uninhabited buildings, and structures that are deemed to be structurally unsafe (per the building officials expertise.) The ordinance also addresses buildings having adequate egress, what constitutes a fire hazard or are otherwise dangerous to human life. Experts would be needed to determine whether a building is dangerous to human life because of a mold condition.

Bret Martin, President of CSA, stated their Plantation covenants look at developing properties and the related aesthetics. The covenants are beyond the issues that are occurring in this neighborhood. Cosmetic changes with landscaping and outdoor improvements will not remedy the situation.

Mr. Ames indicated that the Town has a very diverse population. Town ordinances apply across the Island. The very law that might solve the issue on Sand Fiddler might cause an unachievable hurdle for another individual on this Island. The fact that it is an isolated neighborhood situation indicates this is something that needs to be solved within Sea Pines.

Mr. Ames asked for clarity on what bank was involved. A citizen, Dana Guazzo, detailed the bank ownership and the building maintenance firm handling the specifics of the property. Charles Cousins, Director of Community Development, was questioned about the bank's response. At first the issues were addressed very slowly however, the bank has made improvements; such as: putting up a fence, replacing front steps, and fixing the roof. It was agreed that another letter to the bank would be needed requesting additional repairs to make the building secure.

iii) Suggested next steps:

The Chairman asked for any other comments.

Various local citizens addressed the Committee regarding matters associated with this situation and the impact on the Island.

Peter Kristin, General Manager of Hilton Head Plantation, agreed that the Town's involvement needs to be at a high level. Sea Pines should first look at enforcement from within having the ability to fine property owners and apply as part of the dues and a payable lien on the property. Hilton Head Plantation had amended their covenants overall in 1997 to include such language.

Andrew Schumacher, CEO of the Palmetto Dunes Property Owners Association, also noted that his Plantation has similar covenants to Hilton Head Plantation. They have had to assess fines and attend to safety issues on specific properties in the past. However, they have never had an issue with a structurally unsound property.

Chairman Harkins noted that the next step is a meeting with the POA Managers and Town Staff to develop a basic list of best practices that could be incorporated into POA Covenants throughout the Island. They would also review the Town Ordinances for any recommendations.

**5. New Business**

**6. Adjournment**

With no further discussion items, there was a motion for adjournment by David Ames. The meeting was adjourned at 11:08 A.M.

Respectfully submitted:

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Phyllis Deiter  
Senior Administrative Assistant

Approved on: \_\_\_\_\_

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Bill Harkins, Chairman