

PUBLIC SAFETY COMMITTEE
5:30 p.m., Tuesday, November 9, 2010

The Public Safety Committee held its regular meeting in the Public Safety Building at 5:30 p.m. on Tuesday, November 9, 2010 with Councilmembers Bergwerf and Loftus, Chair Bettelli, City Administrator Tucker, Fire Chief Graham, Police Lieutenant Wright, City Attorney Halversen, Assistant to the Administrator Dziuban and City Clerk Copeland attending. There was a quorum present to conduct business.

1. Chair Bettelli called the meeting to order and acknowledged that the press and public had been duly notified of the meeting in accordance with the Freedom of Information Act.

2. **Approval of Previous Meeting's Minutes**

MOTION: Councilmember Loftus moved to approve the minutes of the regular meeting of the October 12, 2010 as submitted; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments**

Suzanne Bland, Executive Director of the Mid-Atlantic Chapter of the National Multiple Sclerosis (MS) Society, addressed the Committee regarding the Challenge Walk MS scheduled for March 4-6, 2011, which is in its eleventh year. The event will involve two hundred persons and a fifty-mile (50-mile) walk over three (3) days with the goal of raising three hundred seventy-five thousand dollars (\$375,000). Ms. Bland described that average walker as a forty-eight (48) year old female with an income in excess of one hundred thousand dollars (\$100,000) per year. On the first day, walkers will travel from historic Charleston to Fort Moultrie; on the second day, they walk through Mount Pleasant ending at Patriots Point; and the third day the walkers will take approximately four and a half (4½) hours walking ten (10) miles through the Isle of Palms ending in Wild Dunes around noon. She explained that support arrangements that have been made to assist the walkers that are made up of volunteers from throughout the area, and, as a result of those arrangements, Ms. Bland does not anticipate requiring assistance from the City's public safety personnel. In the area covered by the Mid-Atlantic Chapter, approximately eight thousand (8,000) people are impacted with MS, and they rely on the MS Society to educate people and to fund research.

Responding to Lieutenant Wright's question, Ms. Bland stated that the walkers would not have staggered start, but all the faster walkers will be in the lead. The Lieutenant also was interested in knowing if volunteers would be stationed at the points where walkers will cross Palm Boulevard; she answered that volunteers would be posted at those locations, but she was open to any suggestions the City's Police Department had to offer.

Councilmember Loftus complimented Ms. Bland on her presentation to the Committee.

Administrator Tucker asked for clarification on the indication of "Rest Stop 2 – Isle of Palms Recreation Dept" that appears on the Sunday route information because the Recreation Department is staffed by part-time personnel for the few hours that it is open on a Sunday. Ms. Bland explained that the rest stops, typically, are small spaces where a tent could be erected where medical and other support, as well as port-a-potties, can be provided for the walkers. Since the Recreation Center is in the heart of a residential neighborhood, the Administrator

pointed out that sensitivity exists among the neighbors to the presence of port-a-potties; therefore, delivery and pick-up of the port-a-potties should be timed close to the beginning and end of the event. The Administrator advised Ms. Bland to coordinate with Director Page regarding the placement of the port-a-potties and noted that all businesses contracted to assist with the event must have valid Isle of Palms' business licenses.

Lieutenant Wright asked for additional information regarding the use of the Citadel Beach House; Ms. Bland explained that the "Final Mile Celebration" – all participants walk the final mile together - will begin at the Citadel Beach House after all have shared lunch. Ms. Bland explained that the walkers would leave the Citadel Beach House, cross Palm Boulevard and proceed through the main gates into Wild Dunes and to the Pavilion; event volunteers would be used to block traffic as they cross the street.

Responding to a query from Administrator Tucker, Ms. Bland stated that she was working with the Wild Dunes Community Association for their formal approval for the event, but stated that a verbal approval had been given.

Referring to a statement earlier in Ms. Bland's presentation, Councilmember Loftus asked whether the event had taken place in Charleston in 2009 or whether 2010 was the first year in Charleston. Ms. Bland responded that 2010 was the first year in Charleston and that the Chapter has signed a two-year (2-yr.) contract with Wild Dunes; if the event is approved by the Committee tonight, they would be making a similar request a year from now.

Chair Bettelli explained that the list of City-sponsored events was full, and this one would not be added to that list. The Challenge Walk is scheduled for the off-season on the island, and Administrator Tucker stated that she was unaware of a conflict with a City-sponsored event.

MOTION: Chair Bettelli moved to approve the request for Challenge Walk MS to be held March 4-6, 2011; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

Administrator Tucker informed Ms. Bland that the City would need a Certificate of Insurance naming the City as "additional insured;" Ms. Bland assured the Administrator that it would be forwarded to her.

Ms. Bland assured the Committee that the Isle of Palms would be promoted, and a link to the City's website could be added to the Challenge Walk website.

4. Old Business

A. Update on Digital Radio Tower

Administrator Tucker informed the Committee that she, Assistant Dziuban and the City's Chiefs had met with Bill Tunick, Walt Smalls, Donnie Jacomo and Allen O'Neal of Charleston County regarding the digital radio system. The Administrator listed the following points of interest that came from the meeting:

- The County is clearly committed to Motorola;
- The County is not contemplating falling back to an analog system; and
- The County is committed to solving the problems with the system with Motorola.

Administrator Tucker explained that the contract the County is expected to approve in November is structured in such a way as to take pressure off the City to make a decision on a tower; the equipment required for a tower on the island will be included in the initial phase of the contract. Should the City decide to proceed with a tower at either the present water tower location or the Recreation Center, the equipment would be available; should the City decide to delay a decision to allow for a re-evaluation of the system at a later date, the equipment would be available; should the City decide against a tower on the island, the equipment would be allocated to a later phase of the County's plan. During the course of the meeting, Charleston County indicated that the radio user fees would be increased, but the amount or the time frame for the increase was not yet available. The Charleston County staff did agree to attend a meeting with the IOP City Council to provide a comprehensive review of the radio situation and the County's plan for its improvement; at that time, City Council can pose their questions to the Charleston County staff. The County staff did ask for that meeting to be delayed until January 2011 to give them time to inform the Charleston County Council.

Administrator Tucker related that she had asked the County to charge Motorola with evaluating the tower at 41st Avenue behind Fire Station 2 to determine whether it could be raised, thereby eliminating the need to erect a second tower on the island. The Administrator explained that other municipalities have been able to increase the height of existing towers rather than construct an additional one.

In addition, the Administrator explained that the City has responded to the Freedom of Information request from *The Post and Courier* regarding the digital radio situation; the newspaper has also contacted Mount Pleasant, Folly Beach and Charleston County, as well.

Administrator Tucker stated that one (1) piece of new information that she agreed was a good strategy for Charleston County was that, in light of the focus on the failures of the 800-digital radio system both here and in other municipalities across the country, they have focused their attention to the areas where the system has worked well, why it has worked and the differences between those places and the places where the system has not worked, such as the number of towers, the geography, etc.

Councilmember Loftus questioned his understanding that the City would have an opportunity to determine how the system works without a tower on the island before making a decision on a tower; the Administrator stated that would be true if that was the decision of Council. Administrator Tucker did suggest that Council delay its decision until after hearing the County's presentation in January, but she noted that she expected that the County would encourage the City to choose a tower site.

The Administrator confirmed that the City was not being pressured to make a final decision at this time, but could delay a decision, still be a part of the Charleston County system, and still potentially have an improved circumstance based on other improvements to the system. If those improvements do not resolve the communication problems on the island, the City could decide at that time for the placement of a tower on the island since the Charleston County contract provides for the purchase of the equipment for an Isle of Palms tower.

Councilmember Loftus inquired about the anticipated completion date for Phase One of the County Plan that originally included the Isle of Palms; Assistant Dziuban recalled that the County expected thirteen (13) months, but added that they thought the timeline was somewhat aggressive because it did not contain any contingency.

Assistant Dziuban informed the Committee that, should the City delay its decision to test the effects of the other improvements, then decide to proceed with a tower on the island, the City could experience financial consequences related to mobilization and demobilization that would be avoided if a tower were to be constructed along with the other towers in Phase One.

Administrator Tucker commented that she expects the County's presentation will be quite extensive and that the Charleston County staff will be well-prepared when they appear before the IOP City Council.

Chief Graham noted that the primary reason Charleston County anticipates meeting the thirteen (13) month time frame is that plans are to utilize twice the number of power crews that would be called for normally. The Chief reminded the Committee that a true test of the digital radio system had to occur in the summer months when the radio interference from the ocean was at its height.

Responding to Councilmember Bergwerf's question about when Motorola would evaluate the 41st Avenue tower, Chief Graham stated that Motorola had been asked to expedite the work.

Chair Bettelli expressed the opinion that "great strides" had been made on this issue, and he thanked all who have been involved.

B. Update on the Public Safety Building

Administrator Tucker related her conversation earlier in the day with Dave Johnson of Cole+Russell concerning the HVAC. Mr. Johnson indicated that the plan is to put a sensor in the ceiling for each room so that the sensors appropriately tell the damper to close; the engineers have determined that the damper is staying open longer than it should and is allowing in unconditioned air. The sensors installed originally are not operating properly; with a sensor in each room, they will cause the damper to close. The other issue at-hand is architects and contractors debating whether the HVAC was installed as designed and who will be responsible for the fix. According to Mr. Johnson, another item being discussed is when it would be appropriate to remove the dehumidifiers that have been installed and the potential for baseline testing regarding the air or mold that may be remaining. The Administrator commented that a few

small items remain on the punch list that need to be repaired, for instance, problems with the stair handrail in the lobby, with the siding re-attachment and a slope in an approaching sidewalk.

C. Consideration of Abandoned Vessels Ordinance 2010-14

Administrator Tucker informed the Committee that she had asked City Attorney Halversen to attend the meeting to provide legal advice in Executive Session. The Administrator stated that she wanted the Committee and interested citizens to be aware that passage of this ordinance will not solve the problem of abandoned vessels in the dunes on the island that have been the inspiration for the ordinance.

From discussions between Chief Buckhannon and Lieutenant Wright, Lieutenant Wright had a couple of concerns regarding the ordinance to bring before the Committee; they are as follows:

- The notice required to be placed on the vessels for thirty (30) days would be susceptible to the weather, so an appropriate method of signage had to be devised;
- Clarification of the City's responsibility for removal at the end of the thirty (30) days- removal might be cost-prohibitive;
- Clarification of how and who would remove the vessels from the beach without damaging the beach or the dunes;
- Negotiation with the vendor removing the vessels for reasonable daily storage rate to be charged to the owner of the vessel; and
- Assurance that the City would not be responsible, in any way, for unclaimed vessels.

5. New Business

A. Consideration of Amendment to the City's Alarm Ordinance

Chief Graham distributed a copy of the alarm ordinances from the City Code.

The Chief explained that when a fire alarm goes off, the Fire Department requires that someone must come to the location of the alarm to re-set it. Chief Graham related that several instances have occurred recently when property owners could not be reached or refused to come to the residence which means that fire personnel must remain at the scene for an indefinite period of time and are unavailable for other emergencies that might occur. The ordinance change that Chief Graham was seeking was to impose a fine of possible twenty-five dollars (\$25.00) when the property owner is unreachable or refuses to come to the island to re-set the alarm.

Lieutenant Wright noted that most alarms are both burglar and fire alarms and that the existing ordinance refers to both and accords a property three (3) false alarms per calendar year with a fine of fifty dollars (\$50.00) for the fourth, fifth and sixth false alarm and one hundred dollars (\$100.00) for any additional false alarms in a year. Alarm activations caused by natural disaster, weather conditions, power failure, etc. are not considered false alarms.

Chief Graham read from Section 7.4.4(b) of the Code as follows:

All alarm businesses shall have personnel available to respond at the request of the Police Department to any alarm location within thirty (30) minutes of notification.

Chief Graham repeated that too frequently the Police Department cannot contact anyone or persons refuse to respond to the request.

When queried by Councilmember Loftus whether the problem Chief Graham was referencing was with commercial properties or with rental properties on the island, the Chief explained that, for rental properties, problems occur when trying to contact property managers because the alarms typically do not activate during the daily business hours. Lieutenant Wright pointed out that no penalty exists for not coming to the location to deactivate the alarm.

When asked what other communities are handling the problem, Chief Graham answered that Mount Pleasant does have a fine attached to their ordinance.

The Committee asked that Chief Graham research how similar communities are responding to this issue and report to the Committee at the next meeting.

B. Consideration of Amendment to the City's Short-term Rental Business License Application

Chief Graham distributed copies of the Short-term Residential Rental Application with a proposed change on page 3; the change is an addition of the following:

E.8. Smoke Detector Requirement Each rental unit shall have working smoke detectors installed per the International Fire Code Chapter 9, as adopted by the South Carolina Building Code Council. Each unit shall have a working smoke detector in all sleeping areas, all areas of travel for egress from the rental and any areas used as sleeping quarters. All smoke detectors need batteries replaced twice yearly.

The Chief reported that she has discussed this addition with Building Director Kerr and that he agrees that the section should be added to the application. He noted that the application process is a one-time occurrence; therefore, any change would apply only to new applicants.

Additionally, Chief Graham commented that she had also discussed with Director Kerr a way of updating the information on the rental licenses from phone numbers to changes in the property itself, because the Fire Department has found, frequently, that "information in the computer does not match the property." Chief Graham noted that an emergency phone number is not required to be on the placards that are in the rental units.

Councilmember Loftus expressed his opinion that the new requirement and a request for an emergency phone number should be added to the rental renewal making it a requirement for all of the rentals on the island.

Chief Graham was asked to work with the Building Director to derive a system for maintaining current information on rental units that can become a normal part of the licensing process.

7. Executive Session, to receive legal advice

MOTION: Councilmember Loftus moved to re-order the Agenda to go into Executive Session to receive legal advice related to the Ordinance 2010-14 at this juncture in the meeting at 6:31 p.m.; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

The Public Safety Committee returned to regular session at 6:50 p.m.; Chair Bettelli reported that the Committee had not taken a vote or any other action while in Executive Session.

MOTION: Chair Bettelli moved to recommend to Council First Reading of Ordinance 2010-14; Councilmember Bergwerf seconded.

Councilmember Loftus stated that he could not support this ordinance because he believes it is a property rights issue; however, he wanted to make his feelings clear that, should this ordinance be adopted, it would not allow the City to remove the vessels that generated the discussions that led to this ordinance being drafted. The Councilmember thanked resident Jim Owens for bringing the issue to the City's attention.

Chair Bettelli remarked that the ordinance does not affect property rights as it does not allow the City to go onto private property without the owner's permission.

VOTE: The motion PASSED on a vote of 2 to 1 with Councilmember Loftus casting the dissenting vote.

C. Contracts in Excess of \$10,000

1. Award of Contract to Herndon Chevrolet for 3 Chevrolet Impalas at State Contract Pricing of \$19,957/each, or \$57,871.00.

Councilmember Loftus queried Lieutenant Wright about the mileage on the vehicles being retired; Lieutenant answered between one hundred and one hundred twenty-five thousand (100,000 and 125,000). Councilmember Loftus then asked if the Police Department needed to replace all three (3) vehicles or could it get by with replacing only two (2) in light of current economic conditions; Lieutenant Wright responded that, according to Capital Plan, the Department was scheduled to replace four (4) vehicles in FY10, but had opted to replace only three (3) because the fourth has lower mileage.

Councilmember Loftus suggested that the City consider a six and a half (6.5) year replacement cycle for vehicles in hard economic times. Lieutenant Wright remarked that state contract pricing is published once per year and that, generally, factories close one (1) week per year to manufacture police vehicles. The Lieutenant also reminded the Committee that, if a vehicle is ordered in November, it, typically, is not put on the road until March or April. Councilmember

Loftus stated that he would vote to support the motion to take it before Ways and Means, but, at W&M, he plans to introduce the subject of lengthening replacement schedule.

MOTION: Chair Bettelli moved to recommend to the Ways and Means Committee to award a contract to Herndon Chevrolet for 3 Chevrolet Impalas at State contract Pricing of \$19.957/each or a total of \$59,871; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

1. Award of Contract to Safe Industries for air packs in the amount of \$22,790.00.

Chief Graham explained this purchase represented the routine replacement of equipment for the Fire Department, but, that the Department was changing the brand of air pack. The Chief indicated that she had arranged to trade in eight (8) of the old ones for eight (8) new and was buying four (4) additional air packs; the Department would then have twelve (12) in new packs.

Motion: Councilmember Bergwerf moved to recommend to the Ways and Means Committee to award a contract to Safe Industries for air packs in the amount of \$22,790.00; Councilmember Loftus seconded and the motion PASSED UNANIMOUSLY.

6. Highlights of Departmental Reports

Fire Department Report – Chief Graham

Chief Graham related that the Department had responded to a brush fire at Sea Cabins on October 4 that had ignited in freshly laid pine straw that had blown into a light with a broken fixture. In the month of October, the Department responded to a total of sixty-three (63) calls that included thirty-four (34) EMS calls. The Fire Inspector conducted forty-six (46) inspections and found a total of one hundred six (106) violations. Career personnel completed fourteen hundred three and a half (1,403.5) hours of training while volunteers completed nearly four hundred (400) hours of training. Chief Graham reported that hydrant flushing had been completed in the month which required using over five hundred thousand (500,000) gallons of water.

On the Maintenance Report, Councilmember Loftus questioned that over one thousand dollars (\$1,000) has been spent to replace a seat cover; Chief Graham explained that most of the money had been spent in replacing the pump packing and that the entry should have shown that expense first.

Councilmember Loftus complimented the Department on the public relations efforts put forth in October.

Police Department Report – Lieutenant Wright

Lieutenant Wright began his comments by stating that nothing unusual had happened in the month of October. Dispatchers received twenty-seven hundred thirty-three (2,733) calls, seven hundred fifty-four (754) of which were for the Police Department. Officers made one hundred sixty-six (166) traffic stops that resulted in sixty-six (66) tickets being issued.

Councilmember Loftus commented that he had been participated in Adopt a Highway through the IOPNA; based on the volume of trash they picked up, he expressed the opinion that officers should be writing more citations for littering. Lieutenant Wright explained that, often, an incidence of littering will initiate a stop, but a more serious offense is found and becomes the incident that is reported; the Lieutenant added that an act of littering must be witnessed by the officer if the citation is to hold up in court.

Councilmember Loftus suggested that officers be rewarded for writing littering citations - maybe eight (8) citations would earn an officer a restaurant gift card. Lieutenant Wright noted that to do so would be tantamount to creating a quota system, but that he would speak to the officers to be more vigilant about littering on the island.

In October, the Livability Sergeant wrote two (2) citations for business license violations and four (4) warnings for roll-out cart violations.

Councilmember Loftus asked for the structure of the Livability Report could be changed to include the nature of the offense on the same page that indicates the addresses where the offenses occur.

In addition, Councilmember Loftus commented that 3015 Waterway had an “unfounded” complaint on October 8th and a “founded” complaint on October 10th. The Councilmember asked Lieutenant Wright, when officers were dispatched to an address, whether they were informed that officers had been sent to the same address recently, and the Lieutenant responded that the dispatchers do related recent history to officers when dispatching them to a call.

Councilmember Loftus questioned two (2) complaints for 80 Forty-first Avenue on October 30; Lieutenant Wright noted that the address is that of Morgan Creek Grill.

8. Miscellaneous Business

Next Meeting Date: 5:30 p.m., Tuesday, January 11, 2011.

9. Adjourn

MOTION: Councilmember Loftus moved to adjourn at 7:20 p.m.; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk