

PUBLIC WORKS COMMITTEE
11:00 a.m., Tuesday, September 6, 2016

The regular meeting of the Public Works Committee was called to order at 11:00 a.m., Tuesday, September 6, 2016 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Ferencz and Kinghorn, Chair Ward, Administrator Tucker, Public Works Director Pitts, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business.

1. Chair Ward 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 Ferencz moved to approve the minutes of the regular meeting of August 1, 2016 as submitted; Councilmember Kinghorn seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments – None**

4. **Departmental Reports for August 2016 – Director Pitts**

Vehicle Maintenance and Trash Collection Tracking Reports

According to the Director, the City's compactor and pad on Front Beach were thoroughly cleaned twice in the month of August; the contractor HDR Services was called to the island three (3) times in the month to mow rights-of-way. Public Works personnel were called upon to remove some limbs at the Mayor Carmen R. Bunch Park for the construction of the golf cart path between 18th and 20th Avenues. Miscellaneous garbage increased for August, but yard debris and household garbage collections were at a five (5) year high. With no unusual expenses, vehicle maintenance was relatively low, putting the Department back within budget.

5. **Old Business**

A. Update on Phase II Drainage

Administrator Tucker reported that the IOP Water and Sewer Commission has not returned the executed easement documents needed for the project to move forward; Civil Site Environmental was asked if the drainage could follow another route, but answer was that it must remain as drawn.

The Administrator noted that Assistant Fragoso is working on a rural infrastructure grant to assist in funding the project.

B. Discussion of Pooper-scoopers

Director Pitts explained that there are two (2) types of waste bags, therefore, two (2) types of dispensers. The header style bags come stacked on a card for individual dispensing, like a tissue box; the roll style bags come on a large roll, just like the produce bags at the grocery store. The roll style bags and dispensers are the cheapest, but per bag cost is deceptive. This is true

because when bags are on a roll, dog owners have a habit of pulling out more than one (1) bag at a time. Header bags, in contrast, are pulled out of the dispenser one (1) at a time because each bag is individually secured to the card. Although more expensive on the front end, the header bags save money in the long run; they are generally preferred by residents because they are larger, easier to open and have a convenient handle right on the bag.

Since the City is currently using the header bags and dispensers and because the header bags are the preferred option, the Committee thanked the Director for his research and chose to take no action.

C. Update on golf cart path on Palm Boulevard between 18th and 20th Avenues

Administrator Tucker reported that the problem is that a water line must be lowered that was not anticipated as necessary when the project was designed and bid. Since the City cannot move a storm drainage box that is part of the design and a requirement by SCDOT, the IOP Water and Sewer Commission has required that the path be a certain distance from the drainage box. An additional issue is to have the IOP Water and Sewer Commission approve Landscape Pavers, the City's contractor, as a contractor qualified by the IOP Water and Sewer Commission; Director Kerr has contacted Eadies for an estimate for the work as well.

Director Kerr reported that Eadies estimates that the work will take one (1) day and they could begin to work two (2) weeks from receiving the "go ahead;" they will provide the City with pricing and a written quote by the end of the month. Meanwhile the City's civil engineer on the project is trying to convince the IOP Water and Sewer Commission that there is another solution, a conflict box of some type.

When Councilmember Kinghorn asked about the estimated cost, Director Kerr said that civil engineer had guessed that it could cost more than the entire project because the IOP Water and Sewer Commission wants a separation of eighteen inches (18 in.) where the separation today is two to three inches (2-3 in.).

Councilmember Kinghorn asked whether the City could request the IOP Water and Sewer for some type of exemption and opined that the City should press for the exemption while awaiting cost estimates. Staff could press the point that the City is doing a small project and that the cost of the changes requested is excessive.

When the City re-submitted the permit application, DOT said that their biggest concern was the drainage and the way it had been designed; they would not concede moving the drainage line.

D. Discussion of effect of \$10,000 expenditure at public restrooms toward 50% rule

Chair Ward said that Councilmember Ferencz had asked that this item be on the Agenda.

Administrator Tucker commented that the mural that is to be painted on the building will not count toward the fifty percent (50%) rule. She reported that staff has ordered a new appraisal of the

building since values have gone up. Once the City receives the report, she and Director Kerr can re-evaluate the fifty percent (50%) rule against that new value to know if additional work can be done to the existing building. Staff is also getting pricing to move the showers off the back of the building and construct free standing showers.

Councilmember Ferencz asked what was included in the word “maintenance” as it applies to the fifty percent (50%) rule.

Director Kerr explained that the City tracks the cost for everything, from a light bulb and to replacing a toilet, but then questioned that the City was holding itself up to a higher standard than, for example, Coconut Joe’s. In the past when searching for a definitive answer, staff contacted the State Flood Plain Coordinating Office, a part of the Department of Natural Resources, who said that the City was doing the right thing in tracking every cost that could be associated with the maintenance of the public restrooms. When the subject of the mural came forward, the City again searched for guidance about what items or work must be considered in relation to the fifty percent (50%) rule and found information contradictory to what they had been told by the state two or three (2-3) years ago. The guidance written in 2015 by FEMA states that, if the work does not require a permit, it should not be counted, which eliminates tracking light bulbs and repairs to a leaky faucet and should help the City with its new evaluation of the fifty percent (50%) rule.

After receiving the new appraisal, the Administrator and Director Kerr will compare the cost estimates of the work that needs to be done to where the building now stands with the fifty-percent (50%) rule.

The Administrator also acknowledged the risk to the City of investing in a building that could be damaged and have to be torn down and re-built to meet the current standards.

Director Kerr agreed that an advantage with a cinder block building is that it would be tough to damage it, but a problem with a cinder block building is that is it worth nothing.

The fifty-percent (50%) rule is part of having ordinances in place to encourage the construction of flood resistant properties, particularly in a V zone where structures should be elevated or flood proofed.

E. Status of trailers on IOP

Administrator Tucker noted that this issue is, currently, before the Planning Commission who did not reach a conclusion at their last meeting.

Director Kerr stated that the Planning Committee is specifically looking at outdoor sales activities and the process that governs their approval. The Director explained that any business activity that occurs outdoors is considered “outdoor sales activities,” for example, Wild Dunes is asking to have a concessions stand from a window of a permanent structure. Currently the code says the Board of Zoning Appeals must approve it and there are five (5) criteria, that the Director believes are relatively easy to comply with, that must be met; assuming all five (5) are in place, BOZA would likely approve the request.

Responding to Councilmember Kinghorn's question, Director Kerr said that he had checked other municipalities to learn how they handles sales from trailers and had learned that in some it is loosely regulated while others ban them entirely.

Chair Ward commented that the local restaurateurs are "vehemently opposed" to the City's allowing food trucks on the island, and he agreed with them. He did indicate that he was find for food trucks to be allowed for special events like "Music in the Park" or the annual Street festival.

The problem with the trailer at the marina was that they never approached the City about a Special Exception; they simply found a quick solution to their immediate problem, i.e. moving their operation away from the boat ramp for safety reasons.

F. Update on Palm Boulevard from Breach Inlet to the Connector and bike path improvements

Administrator Tucker informed the Committee that she and the Mayor were still trying to schedule a meeting with SCDOT to discuss the City's long-standing request for bike paths on both sides of Palm Boulevard from Breach Inlet to 57th Avenue. She and Assistant Administrator Fragoso met with Vonnie Gilreath at the Council of Governments (COG) relative to their initiative for a comprehensive bike path plan; they were interested in knowing if their scope of work would include the island-wide study proposed by Councilmember Ferencz at the last meeting. The items that the City would like to see included in the COG's work product are as follows:

- Feasibility and suitability analysis of the creation of regulations bicycle lanes on both sides of Palm Boulevard for the entire length of Palm Boulevard from Breach Inlet to 57th Avenue.
- Construction of a multi-use path to connect the right shoulder of the Isle of Palms Connector, which is used by bicyclists and pedestrians, to the sidewalk on Palm Boulevard.
- Construction/expansion of regulation bicycle lanes/multi-use paths along Waterway Boulevard and Forest Trail.

The Administrator and Assistant Administrator will be attending a meeting on September 15th sponsored by the COG on this subject.

Councilmember Kinghorn asked what the City's process was for street cleaning and/or cleaning the bike paths.

The Administrator said that technically the City has no responsibility; the responsibility falls to SCDOT, and, if there are problems, the City calls them. As is well known, they do not have an adequate maintenance budget, and sometimes, when things get in such poor conditions, the City sends personnel to remove rocks or overgrowth. The City is limited in what it can do because it does not have the right equipment. She confirmed that the City has a contract for street sweeping, but the full length of the bike paths is not within their scope; their scope is the Connector, the central business district, the Front Beach area, the 21st Avenue and 41st Avenue curves and the Breach Inlet bridge. Administrator Tucker opined that the state SCDOT has a street sweeping contract that includes the Connector, but, if the City were to rely on the SCDOT

contract, the residents would not be happy with the result. Therefore, the City has its own street sweeping contract.

The City's contract is structured such that street sweeps occur a specific number of times each month; there is also an amount for the City to request special sweepings, for example, right before the Connector Run. If City Council were to decide to broaden the scope, that second amount could fund it.

Administrator Tucker said that she was well satisfied with the contractor's work, and Director Pitts remarked that the City was not pleased with the previous contractor's work and decided to go with a local company. The work product has improved significantly.

Councilmember Kinghorn asked whether the City had done a cost/benefit analysis of the City purchasing the necessary equipment and sweeping its own streets versus outsourcing.

The Administrator replied that the City had not done that; she also noted that the City would have to increase personnel because the street sweeping must be done at night.

Director Pitts said that the City's contractor sweeps the Connector on the opposite weeks from SCDOT schedule.

Councilmember Kinghorn's final question was what approach has the City taken to communicate to property owners that are having an impact on the bike paths that they have a responsibility to blow the rocks from their yard/driveway off the bike paths.

The Administrator indicated that she has not routinely communicated with property owners in this regard.

Councilmember Kinghorn had three (3) propositions for the Committee to consider:

- 1) The City should do what it can to sweep the bike paths;
- 2) The City should notify the property owners where clearly their parking lots are putting debris onto the bike paths and the street that they assist in removing the debris;
- 3) The Committee should look at the current contract. Does the City need to do more? If so, what is the recommendation? The City should proceed with a cost/benefit analysis of doing it in-house versus outsourcing.

Chair Ward said that he has no problem with considering all three (3) suggestions although he was less enthusiastic of #3 because street sweeping equipment is very expensive, as well as adding staff to operate it.

Councilmember Kinghorn also proposed a partnership with Wild Dunes and/or Sullivan's Island.

6. New Business

A. Consideration of representation at IOP Water and Sewer Commission meetings

Councilmember Kinghorn stated that he had learned that, in the past, the City had representation at the regular meetings of the Water and Sewer Commission, and Administrator Tucker confirmed that to be true. He recalled that, in his brief tenure on Council, the City has had a number of intersections with the Commission, but has not received positive responses to what it believes to be reasonable requests.

He asked why the situation had changed and whether or not it would be in the City's best interest to have a presence at their meetings.

Administrator Tucker recalled that a member of Council had volunteered to be the City's "eyes and ears" of the City at Water and Sewer Commission meetings; she opines that it fell off because it was the same person every time. She thought that, if attendance had been setup on a rotating basis for Council or Committee members, it would have been less demanding and possibly continued.

Councilmember Ferencz asked if this person then reported on the Water and Sewer meeting at the City Council meeting.

According to the Administrator, if there was something to report or if their meeting had contained other than routine matters.

Councilmember Kinghorn was concerned about their perception of a Councilmember attending their meetings. Would it be seen as the City showing more interest?

Administrator Tucker said she thought it would be positively received by the Commission.

Chair Ward suggested that the topic be put forth to the full City Council for discussion.

Councilmember Ferencz suggested having a Commission member attend the Public Works Committee meeting to report on what was happening on the island from their perspective.

Since the Water and Sewer Commission is under new management, it might be helpful to the City to be aware of their long-range plans.

Councilmember Kinghorn expressed the opinion that Water and Sewer Commission should be a strategic partner for the City, but he was sensing a disconnect that needed to be brought back together.

B. Discussion of Front Beach cleanup

Councilmember Kinghorn said that he had walked from the pier to 10th Avenue on Monday and was amazed by the amount of litter on the street. He asked whether the City could do more to clean up litter and what that something was.

Director Pitts reported that, on Monday mornings, Mr. Schupp pays members of the Public Works Department for beach cleanup beginning at 6:45 a.m. to 7:30 a.m.

When Councilmember Kinghorn asked whether the City received many complaints about trash cleanup, the Administrator responded that there are a few, and, when they do come in, Director Pitts sends personnel to clean it up.

Councilmember Kinghorn then asked if there was an area of the website that addressed clean beaches and whether the signage was appropriate; Assistant Fragoso indicated that a portion of the website spoke to the issues of clean beaches. He also asked that the educational and promotional the need for clean beaches in the other forms of social media in which the City participates.

C. Discussion of validity of resolutions

According to Councilmember Ferencz, this subject came up in relation to a resolution the Administrator found from 1980 that says “there will be no parking in residential areas,” causing her to ask what was the validity of a resolution.

Administrator Tucker explained that a resolution was a statement of opinion and has no enforceability. It is similar to a motion in that it has no legislative or statutory power.

D. Consideration of security lighting for municipal parking lots

Councilmember Ferencz recalled that the Public Works Committee had been instrumental in getting the decorative lights at Front Beach in collaboration with SCE&G; she questioned whether the City could use funds from the non-standard service clause to get pretty, security lighting in the municipal parking lots.

The Administrator voiced the opinion that it could be discussed, but she did not think the same type of decorative lighting would be appropriate for a big open space, which is what it appears to be in the off-season.

Councilmember Ferencz commented that the parking lots are considered a part of Front Beach, and, if the City begins to mow them and improve the look of them, people might get a better impression of what the City is all about. She added that she does not want the City to bear the full expense.

The Administrator stated that SCE&G will not pay for security lighting, but will use funds from the non-standard service clause for decorative lighting. She reminded the Committee that the budget does contain funds for an expanded video feed for security and remarked that consideration for those who live around and near the parking lots when lighting is contemplated.

Councilmember Kinghorn suggested volleying this and any other consideration of future improvements to the parking lots to the Real Property Committee. He also pointed out that the County Park does not have lights in its parking lot.

E. Discussion of voting procedures at Committee and Council meetings

MOTION: Councilmember Ferencz moved that any item sent to Ways and Means Committee and City Council with less than a unanimous approval at the committee level and/or at Ways and Means must be voted on individually and not grouped together; Chair Ward seconded.

Councilmember Ferencz stated that any time there is not a unanimous decision, the only time that the meetings are video recorded is at City Council; when everything is grouped together, the residents have no opportunity to know what the discussion was.

Councilmember Kinghorn countered that residents have the opportunity to attend all Committee meetings, the opportunity to attend Ways and Means Committee meetings and the opportunity to read the minutes of all.

Councilmember Ferencz noted that the minutes do not reflect all of the discussion; to which the Administrator responded that often residents ask for the audio recording that City Hall staff will provide or, if there are citizen concerns about the dynamics of a meeting, staff offers to make them a copy of the recording.

Councilmember Ferencz added that many people tell her that they go to the website to watch the recording of the meeting.

Councilmember Kinghorn indicated that he hears the opposite from residents, and all meetings have an impact on staff's time.

Councilmember Kinghorn reviewed the City's budget process, where each Committee studies and, ultimately, approves the budget for the department of City government that are under their purview; the same budget is presented at the Ways and Means Committee where it is all debated again; until finally the full budget is before City Council where it again gets approval. He questioned the usefulness of that months' long process, when it comes time to purchase a truck that is included in the approved budget, it must go through the same process again. When items included in the budget should come up for purchase, that purchase should be made – as long as it is within budget – without getting three (3) more approvals. On the other hand, when an item is over budget or not budgeted, it should require action from Ways and Means and City Council.

Chair Ward pointed out that several items on the Council Agenda for approval were not budgeted.

According to Councilmember Kinghorn, the reform in procurement is to approve the budget and let the Administrator and Department Heads manage the budget.

Councilmember Ferencz remarked that, between the time the budget is passed and the time a purchase is to be made, things may have changed. She expressed the opinion that any deviation from the budget, under or over, should go back to City Council for another approval.

Chair Ward said that the FY17 budget did not pass unanimously; the Chair voted against the budget because of certain items that were in it. He wants to have time to discuss the items with his constituents and let them know what is happening.

Chair Ward went on to say that he wants his voice heard on items he is opposed to for those people who voted him into office.

Councilmember Ferencz asked whether the City Code stipulated that budgeted items must come to Ways and Means Committee.

The City Administrator said that she was hearing two (2) different things, i.e. Councilmember Ferencz and Chair Ward would prefer that Council not lump things together for a vote, particularly, in Council meetings when the votes are recorded and will be watched by citizens because individually, as things come up, they want to be ensured that they will have an opportunity to make their position known on the record.

The Administrator heard more about procurement issues from Councilmember Kinghorn, and she agreed that the procurement code needs to be revised. The toggles included in it for what does or does not need to be awarded by Council are based on calculations made fifteen (15) years ago; in addition, developments in law and opinions related to procurement codes need to be incorporated. She recalled that a review of the procurement code had started just before the internal controls audit and it was not picked up again. If revised, it would address some of Councilmember Kinghorn's concerns that could be approved upon; currently any purchase in excess of ten thousand dollars (\$10,000) must be awarded by Ways and Means and City Council.

In Councilmember Kinghorn's opinion, the nexus of her motion should be that when the budget has been thoroughly reviewed and put before the citizenry, a twenty-five thousand dollars (\$25,000) purchase of a truck has already been approved on all levels.

Assuming that the motion passes, it will become a recommendation or suggestion to Council, but as long as the City continues to adhere to its Code and Robert's Rules of Order; there would be no violation if, in the future, a Councilmember lumps items together for a vote.

Councilmember Ferencz stated that she feels that, as an elected official, it is her responsibility to keep her constituents informed about discussions for which they were not present.

Chair Ward called for the vote, and the vote to stop debate was UNANIMOUSLY APPROVED.

VOTE ON ORIGINAL MOTION: The motion PASSED on a vote of 2 to 1 with Councilmember Kinghorn casting the nay vote.

F. Clarification of Miscellaneous Business on meeting agendas

Administrator Tucker said that the appearance of "Miscellaneous Business" on an agenda is the structure of the agenda established in the City Code; if nothing is written under that heading, there is no "Miscellaneous Business" to go before the Committee or Council. If something needs to be

discussed that does not fit any other category on the agenda, it should appear under "Miscellaneous Business" on the printed agenda.

Councilmember Kinghorn thought that the appearance is confusing and that if there was no miscellaneous business to discuss, the heading should not appear on the agenda.

Clerk Copeland interrupted to say that the structure of IOP meetings is laid out in the City Code; therefore, to omit the heading would require an amendment to the Code.

The consensus was to insert the work "None" after the "Miscellaneous Business" heading on an agenda in the future.

7. Miscellaneous Business

Next Meeting Date: 1:00 p.m., Tuesday, October 11, 2016

8. Adjourn

MOTION: Councilmember Kinghorn moved to adjourn the meeting to 12:42 p.m.; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk