

PUBLIC SAFETY COMMITTEE

9:30 a.m., Wednesday, January 6, 2016

The regular meeting of the Public Safety Committee was held at 9:30 a.m., Wednesday, January 6, 2016 in the Conference Room of City Hall, 1207 Palm Boulevard, Isle of Palms South Carolina. Attending the meeting were Councilmembers Bergwerf, Bettelli and Carroll, Administrator Tucker, Fire Chief Graham, Police Captain Usry, Administrator Tucker, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business.

1. Administrator Tucker 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. Election of Chair and Vice Chair

Councilmember Bergwerf nominated Councilmember Bettelli for the position of Committee Chair; Councilmember Carroll seconded and the nomination was unanimously approved.

Councilmember Carroll nominated Councilmember Bergwerf for the position of Vice Chair; Chair Bettelli seconded and the nomination was unanimously approved.

3. Approval of Previous Meeting's Minutes

MOTION: Chair Bettelli moved to approve the minutes of the regular meeting of November 5, 2015 as submitted; Councilmember Bergwerf seconded and the motion **PASSED UNANIMOUSLY**.

4. Citizens' Comments

Discussion of Service Provided by Charleston County EMS as it relates to Development of Quick Response Vehicle – Christine Durant, Deputy City Administrator

Chair Bettelli welcomed the residents who had weathered a cold morning to attend this meeting.

Administrator Tucker recalled that the City has been considering the need for a quick response vehicle (QRV) or similar system for the past couple of years; the most attractive move for the City would be more and better services from Charleston County or a way in which the County could work with the City to provide better medical response to the island.

Present to discuss this issue were Christine Durant, Deputy County Administrator, and Chief Medical Operations Officer Todd McGeorge. Ms. Durant stated that, as the only consolidated public service safety system in the county, the goal is to provide comprehensive medical response to every citizen regardless of geographical location. She noted that, for the past year, they have been providing that service without the resources to meet the demand; over the past five (5) years, the call volume has doubled. With that growth, County Council, through its budget process, approved the largest public safety expansion in the history of the County funded by a millage increase. Phase One expansion begins this year and addresses some of the QRV geographic challenges; the way that Charleston County EMS provides services is to keep its resources in constant movement based on what is happening in the County.

Responding to the City Administrator's question, Ms. Durant explained that the difference between a QRV and a transport vehicle is that the QRV does not have a bed, but does have all of the medical provisions and equipment necessary for a paramedic on the transport vehicle, ambulance.

One of the things she works with medical directors on is having the right service to meet the need. With DHEC, the County is working on some initiatives to solve some of the calls that are received that could avoid a trip to the emergency room, i.e. mental health, drug-related issues, etc.

At the Dispatch Center, EMS uses a predictive software that, based on a certain number of years' data on call volumes and the typical call received from a general area, help dispatchers know where to move these service vehicles. The resources are moved all over the county to meet the demand based on where the other resources are located.

Since Charleston is a linear county, there are different needs based on the geography variances that makeup the county, rural to urban. The County is planning to implement the QRV hybrid so that certain resources are stationed in strategic geographic areas, as the County did with the QRV on the weekends on the island during the summer. Having the paramedic in the area allowed paramedics to arrive at the scene quickly, assess the problem and decide whether transport was needed; this appears to be a much more effective and efficient way for the County to use its resources. Based on national standards, the County strives to have response times less than nine minutes (9 min.) for any medical advanced life support system, which could be a QRV or a transport vehicle; Ms. Durant stated that she has learned that medical intervention has a greater impact on survivability than just getting to the hospital.

Chief Graham reminded the Committee that the County's paramedics can administer drugs which the City's EMT employees cannot.

The strategic geographic positioning of the QRV on the island over the summer resulted in a significant decrease in response times for the first paramedic on site. Ms. Durant stated that she believes that the transport rate from the City is between forty and fifty percent (40-50%).

Ms. Durant announced that the City would see the implementation of Phase One in February 2016 and expanded again in July or August 2016 as part of Phase Two.

Chief McGeorge stated that Phase One should roll out February 8th when a QRV will be placed on the island during peak hours, 10 a.m. to 10 p.m., seven (7) days per week staffed by a paramedic capable of full ALS response and intervention. Beginning in July or moving into August, the QRV will convert to a full twenty-four hours (24 hrs.) a day and seven (7) days per week. Additionally in July, the County is planning to add more transport vehicles/ambulances allowing the call volume per truck to decrease.

Administrator Tucker stated that this was great news for the City.

Since a QRV will be placed in Awendaw, the unit assigned to IOP would not be asked to respond, and the unit would remain on the island.

Through this process, the County plans to add fifty-one (51) new employees.

Chair Bettelli stated that he looked forward to delivering the good news to City Council and thanked Ms. Durant and Captain McGeorge for attending the meeting.

Michael and Ann Maughon, 7 Wills Way, addressed the Committee about the coyote issue on the island. From the November meeting minutes, he asked where the brochure was that was discussed then and why it had not been distributed to residents of the island. He said that, if they had seen the brochure, their cat might still be alive. He noted that there was information on the City's website about how to live with coyotes, but nothing was there about the seriousness of the problem. As he and his wife walk in the evenings, they have seen many "have you seen lost cat/dog?" signs posted in the neighborhood. He asked why residents have not been warned about the extent of the coyote problem on the island; Mr. Maughon stated that he had been told that only twenty percent (20%) of the island's deer population remain. He thought that the brochure should have been put in every resident's mailbox.

Mrs. Maughon said she thought the City would have an ordinance related to overgrown vacant lots; in her opinion, coyotes are using these vacant lots as staging areas. She referred to the coyotes as non-native, invasive animals.

The Maughon's goals for attending this meeting is to see the public notified of the problem as quickly as possible and to learn the City's plan for controlling the coyotes and how soon it would be implemented.

Councilmember Carroll encouraged residents to "be-friend" the City of Isle of Palms on Facebook because the City posts a lot of information there.

Mrs. Maughon commented that there used to be a blinking light at a driver goes into the curb at 1st Avenue that warned "pedestrian walkways next 2.5 miles." That warning is no longer there resulting in many drivers who do not even slow down for pedestrians trying to cross to their cars from the beach. She asked that the white stripes be placed on Palm Boulevard at each beach access indicating that pedestrians have the right-of-way.

Allen Bowen, 108 Summer House, reported that he had sent a letter to City Council stating his concerns; in his opinion, there is a disconnect between the new noise placard for rental properties and the City's ordinances. When he returned to the island recently, he was surprised to learn that he was already in violation because he did not have the placard posted and that he could be sentenced to thirty (30) days in jail; as a result he began to research the situation. The placard calls for "absolute silence" during certain hours, but the noise ordinance for the City is primarily concerned with amplified noise. He stated that this matters to him because he rents in the summer to be able to live on the island in the winter. He said he was pleased to see the subject on the *Agenda* for discussion later in the meeting.

5. Old Business

A. Consideration of Noise Ordinance Amendment

Administrator Tucker noted that this business was carried forward from 2015; it was primarily put up for discussion because of occurrences at Morgan Creek Grill that have now been resolved. In the ensuing legal review, the City Attorney discovered things that needed to be changed and instances where a section was inadvertently omitted when the noise ordinance was amended one year to the next. The advice from counsel is to consider amending the ordinance; the City also delayed action on an amendment during the time Morgan Creek Grill was trying to rectify disturbances reported by nearby residents and to eliminate confusion for police officers in enforcement.

The Administrator suggested that the Committee delay any action on the amendment until after the Executive Session.

B. Discussion of Noise Ordinance Placard in Rental Unit

Speaking to Mr. Bowen, Administrator Tucker stated that his was not the only complaint about the new placard requirement to be displayed in rental properties demanding “absolute silence.” The action was the result of complaints from residents to City Council about outdoor noise from rental units; the placard was a mechanism to remind vacationers of the City’s noise ordinance when they are in outdoor spaces like pools, porches, decks, etc., and that there might be people next door who have to get up and go to work the next day. The Administrator opined that, in the discussions, the small rental units on the island were not likely to have a pool party or game of corn hole happening in the equally small outdoor space. Although there was an expense associated with changing the language on the placard, the Administrator thought possible changes to the placard should be considered by the Public Safety Committee and the Planning Commission.

Councilmember Carroll acknowledge that he was the person who recommended a new placard for rental units relative to the noise ordinance, but stated that he was not aware of the use of the words “absolute silence.”

Chair Bettelli recalled that the Public Safety Committee had unanimously approved the language of the placard to be posted in outdoor gathering places of rental units. He added that the City was not trying to prohibit outdoor conversations or music, but Council’s responsibility was for the entire island, particularly the full-time residents.

Chair Bettelli stated that the subject would remain on the *Agenda* and look forward to input from the Planning Commission.

Administrator Tucker commented that the calls to City Hall had been from the owners of smaller rental units who suggested that the placards should be directed toward the large rental units that are creating the problems. So it might be that the requirement for posting the placard should be directed to residences with a specific number of square feet.

C. Status of Beach Parking Signs Request for Bids

Administrator Tucker reported that the City had received only one (1) bid which exceeded the amount in the revised budget for the beach access parking signs, so it was rejected. The RFB is being re-bid. Staff is hopeful that the City will receive more than one (1) bid since the holiday season is over; some vendors had indicated that the timeframe for producing the signs was too short for the holidays when they were short-staffed. The bids will be opened January 12th at 11:00 a.m.; assuming the City gets more competitive bids, the contract award will go straight to the Ways and Means Committee for approval.

6. New Business

- A. Consideration of Purchase of 4 Portable Radios and Accessories for Parking Management Program from Mobile Communications for \$19,018.02, state contract pricing**

MOTION: Chair Bettelli moved to approve the radio purchase as detailed above; Councilmember Bergwerf seconded.

Councilmember Carroll asked why the radios were needed.

Captain Usry replied that, with the implementation of the parking management program, the City will hire four (4) additional Beach Services Officers (BSOs) for a total of ten (10), and command must be able to communicate with them.

VOTE: The motion PASSED UNANIMOUSLY.

- B. Consideration of Purchase of 2016 Chevrolet Colorado Pickup Truck from Love Chevrolet in the amount of \$27,611, state contract pricing, for the Parking Management Program**

Councilmember Carroll asked whether this purchase was "absolutely necessary."

Chair Bettelli said that he had full faith in the Police Department; therefore, it was necessary.

Councilmember Carroll then asked if the new vehicle was a full-sized truck and was told that it was not.

VOTE: The motion PASSED UNANIMOUSLY.

- C. Consideration of Purchase of one 2016 Ford Police Interceptor Sedan (marked) from Benson Ford in the amount of \$24,415, state contract pricing**

MOTION: Chair Bettelli moved to purchase one Ford Interceptor Sedan as noted above; Councilmember Bergwerf seconded.

Councilmember Carroll asked whether this vehicle would replace one (1) with high mileage.

Captain Usry responded that the vehicle would replace a marked patrol unit with ninety-five thousand miles (95,000 mi.).

Chair Bettelli reminded the Committee that the City has a specified vehicle replacement schedule that it follows.

As a point of information, Councilmember Carroll explained that tourism funds are used to pay for some public safety vehicles.

VOTE: The motion PASSED UNANIMOUSLY.

- 9. MOTION: Chair Bettelli moved to re-order the Agenda and to go into Executive Session at 10:30 a.m. in accordance with S.C. Code Section 30-4-7(a)(2) to receive legal advice related to potential claims concerning the City's noise ordinance; Councilmember Bergwerf seconded and the motion PASSED on a vote of 2 to 1 with Councilmember Carroll dissenting.**

The Committee returned to open session at 11:12 a.m., and the Chair announced that the Committee had taken neither action nor a vote in Executive Session, but had received legal advice related to the noise ordinance.

Administrator Tucker summarized the changes that would allow for outdoor amplified music on City property, which was motivated by learning that the City was out of compliance based on some language in its existing ordinance. The changes are as follows:

- In Section 9-2-5(a) and (b), language changes have been made to include "reasonable person of ordinary sensibilities" in multiple paragraphs on pages 1 and 2;
- In 9-2-5(3) reference is made to "City-owned property subject to commercial lease is exempt from the requirements of this paragraph," meaning that businesses at the IOP Marina would be allowed to play amplified music; and
- Sections (e) and (f) on page 3 identify the exemptions that allow for amplified music for specific City-sponsored events where the Police Chief has given permission for the event.

The Committee has discussed certain tweaks to the language, and, as the amendment goes forward for First Reading at the January meeting, they will likely be included. One such language change was to paragraphs (b) and (c) to better distinguish between the hours of music relative to daytime play and nighttime play.

In Section 9-2-5(g) – Enforcement procedures will have some language tweaks based on conferring with the Police Department to define circumstances that should be considered when responding to a noise complaint. A provision has also been added that would declare that repeated violations of the noise ordinance would constitute a nuisance and that repeat offenders could have the business license suspended or revoked.

Responding to Jay Clarke's question regarding number 15 under Enforcement, Attorney Halversen explained that the officer cannot consider whether the noise is music, advertising, commercial or residential, i.e. the content is not the constitutional issue, but should consider

where the noise is coming from, the context under which the noise is being generated, the time of day, etc.

MOTION: Councilmember Carroll moved to present the amendment to the noise ordinance dated November 20, 2015 for First Reading at the January Council meeting; Councilmember Bergwerf seconded.

Administrator Tucker suggested that the City Attorney be allowed to make the changes discussed to the amendment and to present that version to Council for First Reading; she opined that, when it is discussed by full Council, other changes might be made for Second Reading.

Carla Pope of Morgan Creek Grill asked for a definition of the term “plainly audible” in 9-2-5(b); the Administrator replied that Attorney Halversen has been tasked with providing clarification on the term.

Attorney Halversen commented that the phrase was used in reference to nighttime play which has a different standard from daytime play; the daytime standard refers to “in the circumstances as to disturb the quiet, comfort or repose of any reasonable person of ordinary sensibilities in any dwelling or other residence.”

Councilmembers Carroll and Bergwerf withdrew the motion and second respectively.

MOTION: Councilmember Carroll moved for the City Attorney make the changes that have been discussed and to bring them forward for First Reading at the January 2016 Council meeting; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

7. Highlights of Departmental Reports

Fire Department – Chief Graham

Chief Graham reported that a lot of work was done on the trucks after the October storm; some of which was reimbursed by insurance – every large fire apparatus was damaged to some extent while responding to a fire call during the peak of the storm.

On December 20th, personnel responded to a water leak at a condominium on Palmetto Drive emanating from a fire hose box; the property management company was contacted for a maintenance person to shut off the water to the three (3) buildings until repairs could be made.

Personnel responded to a total of fifty-two (52) calls in the month, and twenty-four (24) of them were EMS calls. For the calendar year 2015, the Department wrote one hundred seventy-eight (178) incident reports and saw four hundred ninety-eight (498) patients. Two (2) large maintenance bills for storm damage were completed in December. FEMA has indicated they might not reimburse for some of the damages because they compensate for usage during an emergency, and they considered the Department’s fire response during the storm to be “normal wear and tear.” Twenty-one (21) fire inspections were performed in December where thirteen

(13) violations were found. Members of the Department were involved in the typical public relations activities ranging from assisting residents to getting a cat out of a tree.

Chair Bettelli stated that he would like the report to include usage off the medical loan closet.

Police Department

Captain Usry reported that, on December 3rd, officers responded call to a construction site where an unknown female had gotten into a worker's truck and gone to sleep; investigation revealed that she had outstanding warrants with the state Department of Probation, Parole and Pardon so she was lodged in the Charleston County Detention Center. Having received information about a possible underage drinking party in the 900 block of Carolina, officers arrived and made contact with several underage subjects consuming beer; twenty (20) youth were arrested and released to their parents. On Christmas Day, there was a burglary in the 8000 block of Palmetto Drive where two (2) televisions were stolen; the serial number off one (1) TV was entered into NCIC. Telecommunication Specialists answered forty-three hundred seventy-eight (4,378) calls in December of which thirty-seven hundred thirty-one (3,731) were for the Police Department; they answered a total of sixty thousand forty-six (66,046) calls for the year. Three hundred eight (308) traffic stops were made in the month with one hundred four (104) tickets issued; the island experienced one hundred eleven (111) traffic collisions in 2015. One hundred six (106) reports were written in December and forty-four (44) arrests were made. In 2015, officers received two thousand nine hours (2,009 hrs.) of training. Four (4) noise complaints were made in the month, and three (3) of them received warnings.

8. Miscellaneous Business

Councilmember Bergwerf noted that only three (3) coyote sightings were reported in December, and she asked whether the small animal deaths, cats and dogs that are being attributed to coyotes were being reported to the Police Department.

Administrator Tucker related to the Committee a couple of things the City might do if it were inclined to incur the expense; they are to do mass mailings and/or put up signs like Mount Pleasant and Sullivan's Island have done. The Administrator has read that public education is the most important thing because we, as humans, often do things that exacerbate the problem. Recalling the Maughon's complaints about overgrown lots, the Administrator acknowledged that the City does have mechanisms in place to address them.

Captain Usry cautioned that what the Maughons believe to be overgrown may not fit the City's definition in the ordinances. The Captain explained that the process is to contact the property owner by phone or mail, and, if he does not respond to the communication by mowing/clearing the lot, the City steps in and does the job and a citation is issued.

Chair Bettelli commented that, when the property is cleared, the vermin living there disperse into the neighborhoods.

In the Administrator's opinion, the City should continue its current process for overgrown lots, but do more public education on the coyotes.

Councilmember Carroll suggested noticing on the message boards that coyote literature is available at City Hall; Chair Bettelli suggested adding a request to residents to report coyote sightings to 843/886-6522.

Assistant Administrator Fragoso noted that all of the City's coyote information was posted to the City's website and that City Hall has received few calls about coyotes in recent weeks.

Councilmember Carroll commended the actions of ACO Enourator who stayed with a dog left alone in a truck for more than two hours (2 hrs.). Captain Usry added that the owner of the truck was the same man whose money ACO Enourato later found and returned.

Councilmember Bergwerf asked how many officers comprise a shift for the Police Department and was told that a shift is composed of one (1) sergeant and two (2) patrol officers. The Councilmember laughed as she reported that she often hears the complaint that there are too many police officers on the island.

Captain Usry announced that Detective Sergeant Swain has been promoted to Captain of Support Services.

Administrator Tucker asked Captain Usry to provide an update on the traffic camera to be installed on the Connector; Captain Usry reported that Chief Buckhannon had determined that there was a router problem and he was working to correct it.

The Administrator also announced that the City's new website will be launched on Monday, January 18th; it will have a new look and be more user-friendly.

Next Meeting Date: 9:30 a.m., Monday, February 8, 2016 in the Conference Room

10. Adjourn

MOTION: Councilmember Carroll moved to adjourn the meeting at 11:53 a.m.; Chair Bettelli seconded, and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk