

PUBLIC SAFETY COMMITTEE
5:30 p.m., Wednesday, May 14, 2008

The Public Safety Committee held its regular meeting at 5:30 p.m. on Wednesday, May 14, 2008 in Council Chambers of City Hall, 1207 Palms Boulevard, Isle of Palms, South Carolina. Attending the meeting were Chairman Bettelli, Councilman Buckhannon, Mayor Sottile, Police Chief Buckhannon, Fire Chief Graham, City Administrator Tucker, Assistant to the Administrator Dziuban and City Clerk Copeland.

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

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

MOTION: Mayor Sottile moved to approve the minutes of the regular meeting of April 9, 2008 as submitted; Councilman Buckhannon seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments**

There were representatives from the ALS Race that is scheduled for Saturday, June 7, 2008, present to ensure that they had provided all that the City needed in order to give the race the support that it has had in the past. The Committee was reminded that the ALS Race was on the list of approved events to be held on the island, and both Chiefs agreed that their departments were prepared.

MOTION: Mayor Sottile moved to approve the ALS Race for Saturday, June 7, 2008; Councilman Buckhannon seconded and the motion PASSED UNANIMOUSLY.

Bobby Simmons, part owner of the Acme Cantina, stated to the Committee that the bars on the island were very concerned that the City might impose a smoking ban without the input from these business owners, managers or employees.

Councilman Bettelli informed Mr. Simmons that this was the first meeting where the possibility of a smoking ban had appeared on the agenda. He assured Mr. Simmons that, before any ordinance would be passed, there would be opportunities for input from the community.

Councilman Cronin explained that he had initiated the City's discussions on a smoke-free workplace and he felt strongly about it. He read an e-mail from Bob and Linda Faia, 1 Morgan's Cove Drive, who were unable to attend tonight's meeting; the e-mail is attached to the minutes.

Noel Scott, 6809 Back Bay Drive, expressed his appreciation to the Committee for the time and attention they have paid to the traffic flow at 41st Avenue and Pal Boulevard intersection. He stated that most residents were not aware of any alternatives for the intersection other than the roundabout; on the other hand, he was familiar with the study done by Wilbur Smith and Associates. Mr. Scott noted that Option 3 of that study was the one that was recommended by both the engineers and DOT; that option called for a single stop sign coming from the marina on 41st Avenue and a right in/right out on Cameron. He stated that the people with whom he has discussed this alternative were totally supportive of it.

Mary Pringle, director of the Turtle Team, urged passage of Ordinance 2008-03 that addresses beach debris and holes. She likened it to the lighting ordinance that has given the Turtle Team so much help when they address persons who had their lights on; she added that just having the ordinance would begin to educate people.

Bev Ballow, also of the Turtle Team, stated that the passage of Ordinance 2008-03 would protect nighttime beach goers, as well as the turtles; she expressed her opinion that the rule of law caused people to do the right thing. She suggested signage at the entrance to beach, rather than on the street, informing people of this ordinance's content.

Rose Drier stated that she did not support this ordinance; she preferred the educational route. She remarked that an ordinance was useless without enforcement.

4. Old Business

A. Status of Public Safety Building

Administrator Tucker informed the Committee that the City had not received the signed contract from Mashburn Construction for the construction of the building. Once it is received, the City would move forward on the bond issue. She reminded the Committee that the groundbreaking was planned for 3:00 p.m. on Friday, May 16 at the site of the new building.

The Administrator added that the City had opened bids on Special Inspections for the building; she noted that she had hoped to present them tonight for a recommendation to Ways and Means. There were a couple of problems with the two (2) low bidders that needed to be resolved before moving forward; assuming they were resolved, the bid packet would be on the agenda for the Ways and Means Committee. Chairman Bettelli commented that he had no problem going directly to Ways and Means because he knew that it was a time sensitive issue.

B. Discussion of Additional Golf Cart Parking

Councilman Buckhannon reported that he has been gathering information and pictures and has spoken again with Chief Buckhannon; he planned to make a presentation to Council very soon.

Administrator Tucker reported that SC DOT was ready to retract a statement in a letter after realizing that the statement on golf cart parking might not have been correct. Councilman Bettelli related that the letter was one dated December 2007 that had stated that NO PARKING signs did not apply to golf carts; he noted that he had asked Chief Buckhannon to research if that truly was the correct interpretation.

C. 21st Avenue Walkover

Administrator Tucker reported that the walkover had been inspected today where minor problems had been found with the construction. She added that the old temporary trail from 42nd Avenue would be placed at the beach end of the wooden path to the hard sand.

D. 41st Avenue Intersection – New DOT Proposal

In a letter, Mark Nesbitt of DOT suggested an experimental demonstration project for 41st Avenue and Palm Boulevard intersection that involved temporarily closing Cameron Boulevard by barricades where it meets 41st Avenue then all way stops for all approaches to the intersection. DOT would assist with all signage and barricades. They also suggested that the project be implemented during the tourist season in order to get an accurate picture of the impact of the change. If the project did not result in a workable solution, it would be determined relatively quickly and could be removed.

Councilman Bettelli commented that he would be willing to try it to relieve the congestion at the intersection. He also liked the idea that it would be temporary and funded by DOT. If the Administrator could get sketches of this concept for the next meeting, the Committee would act on the proposal.

E. Status of Ordinance 2008-03 – Beach Holes/Debris

Administrator Tucker recounted that the ordinance had come forward, followed by the decision to hire Bill Schupp's company to fill the holes. At that point, she understood that the City attorney did not need to do any additional work on the Ordinance, and she had gotten the impression that the City attorney interpreted the situation in the same. If this Committee and other Council members want the attorney to work to refine this Ordinance, she would like know.

Mayor Sottile related that he had asked that the Ordinance be returned to the Public Safety Committee for further review; he explained that he had done that because the attorney was not satisfied with it and the Police Chief did not believe that it was enforceable. The Mayor added that, if the Ordinance was to go forward, he did believe that the Committee needed to work with the attorney to clarify the language. The Mayor reminded the Committee that last year he had stated that he wanted to deal with these issues through education to the public with the assistance of the realtors and signage; he noted that the City staff had been asked to design signage for the beach access paths – he was still interested in trying this process for a year to determine if there was a real need for an ordinance.

Councilman Bettelli voiced his agreement to proceed with the signage as well as what clarifications might be needed to the ordinance.

Councilman Buckhannon stated he knew it would be difficult to define a hole, but it had also been difficult to define noise; he added that, many times, the decision was left to the officer's discretion. He expressed that his only issue with the ordinance was in Section 7-3-14 with the words "sculptures, or structures dug or erected in the sand," and "or leveled to grade" that he thought could simply be deleted. With that change, he stated that he would be ready to have second reading on Ordinance 2008-03.

MOTION: Mayor Sottile moved to send Ordinance 2008-03 back to the City Attorney to clarify the language; Councilman Buckhannon seconded and the motion PASSED UNANIMOUSLY.

Mayor Sottile recommended that the revised ordinance should come before Committee for review before being presented to City Council for second reading.

Councilman Bettelli remarked that the City would proceed with the signage with or without the ordinance.

F. Right-of-Way Parking at 42nd Avenue

Administrator Tucker reported that the City had continued to get letters from the Sea Oats Homeowners Association concerning the parking on 42nd Avenue; they want to see parallel parking enforced and to have the emergency access marked for emergency vehicles only. Since Chief Buckhannon and Director Pitts had visited the site, Chief Buckhannon explained that the fencing along the edge of the Sea Oats property was constantly being damaged by vehicles parked perpendicular to it or at an angle; therefore, the owners were continuously repairing it. In an effort to reduce the damage to the fence, they have put in posts connected by chain to forcing vehicles to stop farther from the fence; the Chief also noted that there were impediments in the right-of-way on the opposite side of the road. If a recommendation were to be made for

parking, it would be for parallel parking only because of the impediments on the opposite side which made it a problem for people backing. Chief Buckhannon noted that seven (7) parking spaces would be lost if parallel parking only was to be put in place; Administrator Tucker interjected that these seven (7) spaces had been counted in the Beach Management Plan.

Councilman Bettelli asked if the impediments on the opposite side of the road were legal or illegal; Chief Buckhannon responded that they were not lawful in that the residents did not have permits to put them in the right-of-way.

Mayor Sottile remarked that he was not in favor of any reduction in the number of parking spaces on the island; he also pointed out that the small chain barrier that Sea Oats had placed next to their fence was in the right-of-way.

Councilman Bettelli agreed that the island could not afford to lose parking spaces and that he was not in favor of making any changes at 42nd Avenue. Administrator Tucker agreed to send a letter to the Sea Oats Homeowners Association informing them of the Committee's decision.

5. New Business

A. Discussion of Possible Smoke-Free Workplace Ordinance

Councilman Bettelli again announced that this was the first discussion of a smoking ordinance by a City Committee. He stated that one of the first things to be done was to contact businesses that such an ordinance would affect with a set of questions that would provide the City with a picture of what the establishment's policies were today, as well as the owner/manager's opinion of the impact a no-smoking ordinance would have on the business. The information gathered would provide the Committee and City Council a basis on which to base its decision. There are many smoke-free workplace ordinances in place in the state that would provide sources for research for the Isle of Palms.

Councilman Buckhannon asked that the Administrator be asked to send these letters to the businesses, as well as to various agencies within the state to determine why they were not taking up this cause.

Mayor Sottile initially corrected the rumor that was circulating that indicated he was opposed to a smoking ban; he remarked that he wanted to hear from both sides on the issue before making up his mind. He agreed that the City needed to do its due diligence and gather input from both businesses and residents. He wanted to know without a doubt that there was a problem on Isle of Palms, rather than act because other municipalities were doing so. The Mayor stated that he knew of five (5)

establishments that allowed smoking and asked if the City wanted to pass a law for five (5) businesses. In addition, he commented that the state had not and would not act on this subject because they had ruled that smoking was a local issue.

MOTION: Mayor Sottile moved for the City staff to contact the business community by letter to get their feedback and to have responses by the next meeting; Councilman Buckhannon seconded and the motion PASSED UNANIMOUSLY.

B. Request for 25th Avenue

Councilman Bettelli related that he had been contacted by a resident requesting that the City provide an access path of about four (4) feet at the left of the guardrail at the end of 25th Avenue. He noted that it was a valid request, but he did think it would be appropriate to contact the adjacent property owner notifying him of the plan.

Administrator Tucker related that this area was one that had been a topic of discussion with SC DOT regarding designated golf cart parking. Chief Buckhannon reported that he had contacted DOT, and they had stated that golf cart parking could be allowed because the NO PARKING did not apply to golf carts because golf carts were not considered vehicles. Chief Buckhannon did not agree with that interpretation and contacted DOT; they have decided to send out an engineer to look at the end of 25th Avenue. The Chief suggested to DOT putting a sign that would allow golf cart and bicycle parking only with a possible time limit; DOT agreed to consider that option.

C. Golf Cart Parking on Emergency Beach Accesses

Councilman Bettelli summed up earlier discussions that had called for proper signage at the emergency accesses and enforcement of the ordinance.

Chief Graham reported that there were quite a few signs at the 25th Avenue access and they were not keeping carts off the path. She noted that there were three (3) designated parking spots and, once they were filled, people parked along the path – sometimes on both sides – making it impossible for an emergency vehicle to get to the beach.

Councilman Buckhannon stated that possibly the 25th Avenue golf cart parking should be indicated as handicapped parking. He continued that one of the ideas he would put forth related to golf cart parking was a sticker for the carts to be issued by the City so that, when illegally parked carts were cited, the City could locate the owner for follow-up. Councilman Bettelli added that the City could also obtain proof of insurance and registration when the sticker was issued. Chief Buckhannon stated his opinion that the

City registration would work if the registration was for specific parking areas only, but he did think that the City should get a legal opinion before initiating the process.

D. 45th Avenue Crosswalk

Councilman Bettelli started by noting that there is no crosswalk at 45th Avenue. He related that there was a YIELD sign for persons leaving Wild Dunes and that drivers turning to the right would tend to look to their left last before pulling into traffic, but that prevents a clear sight of persons trying to cross at 45th Avenue.

Mayor Sottile noted that this had been an ongoing problem; he suggested putting a crosswalk there if DOT would allow. If DOT did not allow the crosswalk, placing one (1) of the temporary crosswalk signs in the middle of the street. He did express doubt that DOT would allow a crosswalk so close to the entrance to Wild Dunes.

Councilman Buckhannon suggested asking Wild Dunes to replace the YIELD with a STOP.

Mayor Sottile proposed that Chief Buckhannon ask DOT to look at the location for the possible placement of a STOP sign.

Administrator Tucker thought another possibility would be to approach Wild Dunes about placing a WATCH FOR PEDESTRIANS sign at 45th Avenue to alert drivers.

E. Research on Sprinkler Requirements

Administrator Tucker referred to an e-mail from Building Director Kerr reporting on his research that had found the following:

- 1) The City is limited to the mandates of the South Carolina Building Codes Council and
- 2) The City does not have the authority to modify the building/sprinkler codes to include a requirement for houses larger than 3500 square feet.

F. Review of Radio Operations

Councilman Bettelli directed the Committee members' attention to the schedules that had been included in their meeting packets. Administrator Tucker stated that she had understood from the Ways and Means meeting in April that the new members of Council had questions about the function of the radios in the department; as a result, she had asked that the department managers discuss day-to-day radio usage in their respective department at committee meetings. Since the Public Safety Committee was composed of seasoned members, she did not see the need for a lengthy presentation,

but schedules of radio assignments in the Police and Fire Departments had been provided for the Committee's review.

G. Consideration of Abandoned Vehicle Ordinance

Chief Buckhannon related that the Police Department had received a complaint recently for a resident regarding a vehicle that was legally on a neighbor's property – legally because the property owner was aware of it – with expired tags that had been in a state of disrepair for eight to nine (8 to 9) months; potentially the vehicle was harboring and breeding pests. Based on state guidelines that the City followed and the fact that the owner was aware that the vehicle was on the property, there was nothing that the Isle of Palms Police Department could do to get the vehicle moved. The complainant was concerned that the Police could do nothing. At that point, Sgt. O'Donnell and the Chief began to research how other municipalities handled this type of situation; the result is the information provided to the Committee from ordinances passed by the City of Charleston, Myrtle Beach and North Charleston.

Mayor Sottile commented that the City Attorney had advised against it when the City had looked at passing an ordinance on abandoned vehicles several years ago.

When asked by the Mayor how many calls he had received about abandoned vehicles, Sgt. O'Donnell described the number as "a healthy handful," but he also mentioned an anonymous letter he had received commenting on the Police Department's inability to act.

Mayor Sottile recounted that, in the past, residents had covered the vehicles with tarpaulins. He commented that he did not like telling property owners what they could or could not do with their property. The Mayor suggested that the Committee get an opinion from the City's attorney.

H. CTC Construction Project Request

Administrator Tucker referenced a letter from Brien Limehouse, Chairman of the Charleston Transportation Committee, where he explained that municipalities no longer needed to request for resurfacing of specific roads because that was being handled by the computerized Pavement Management System that prioritized resurfacing based on the technical evaluation/surface condition of each road. Instead, municipalities should request assistance with new construction projects.

The Administrator related that, in the past, the City has used this pool of money for the drainage project between 53rd and 57th Avenues, and she wanted to be certain that to make that request again would meet the Committee's approval. Councilman Bettelli

noted that the request was not due until the end of June, so the members had some time to ponder the request.

MOTION: Mayor Sottile moved to continue to request funding for the 53rd to 57th Avenue drainage project; Councilman Buckhannon seconded and the motion PASSED UNANIMOUSLY.

6. Highlights of Departmental Reports

Councilman Buckhannon asked Chief Buckhannon and Chief Graham if there had been any issues with the Triathlon; Chief Graham stated that she thought the event had gone smoothly. Lt Wright, speaking for the Police Department, said that they had made the suggestion to Mount Pleasant, who sponsors the event, that transition be moved to the County Park; he agreed that the event had gone smoothly. Chief Buckhannon reported that there had been a problem when the bicycles got on the Connector as cyclists opted to ride four or five (4 or 5) abreast, therefore, riding out into the road forcing vehicles into the median. Lt. Wright stated that he had brought this up at the debriefing and the problem had been duly noted.

Chief Graham referred to Committee to page 1 of Fire Department report that described three (3) youths on a raft drifting far from the beach without life jackets. She also reported that The Villages had had its last fire inspection and certificates of occupancy should be issued imminently.

Due to a tight budget and the expense in Personnel for the Fire Department from absences and turnover, the Administrator brought the request for additional overtime to the Committee for their approval. The Fire Department has been asked by the City of Charleston to cover a department as the City honors the first anniversary of the Sofa Super Store Fire where nine (9) firefighters lost their lives. Councilman Bettelli stated that the City should support the City in any way it could.

7. Miscellaneous

Weddings on the Beach

Administrator Tucker stated that the City would make sure that it was enforcing the ordinance stating that there could be no commercial activity on the beach; there could be no paid activity to include the delivery of chairs to the beach, setting them up and removing them. By way of education, the Building Department would be sending letters to the types of businesses that would typically be involved in this type of pursuit, and the website would also be modified to include chair delivery, etc. Chief Buckhannon reported that the Police Department was in the process of compiling a flyer that would contain information on what was and was not legal on the beach.

At the request of Councilman Taylor, Mayor Sottile asked Chief Buckhannon the status of placing the portable crosswalk signs at 21st and 41st Avenues; Chief Buckhannon replied that the signs had been ordered, but that he must get DOT approval to put anything in the roadway. Mayor Sottile remarked that there were a large number of people on the island now and that the signs should be displayed beginning with the coming weekend; he or the Administrator could call DOT for an approval. The Chief stated that the City did not yet have the signs.

On the subject of dredging in Wild Dunes, Mayor Sottile asked Administrator Tucker who would be responsible for public safety in the work area. The Administrator stated that the City would provide some signage to make the public aware, and she reported that the contractor would post the active work zone.

Mayor Sottile also reflected on guests to Wild Dunes who would be expecting a nice clean beach, but would instead find noise and no beach. Administrator Tucker informed the Committee that the realtors who handle properties impacted by the project have sent letters, and will continue to do so, to all people who have rented properties to make them aware of the project, and they were planning to do everything possible to move people around to areas of the beach that are outside of the project zone. They were also posting signs at the marina and the yacht harbor because there was a submerged line that mariners needed to be aware of that went into place today.

In response to the Mayor's question about when beach monitoring would begin, the Administrator answered that patrolling did not have to begin until the pumping of sand and opening of sandbags began.

Next meeting date: 5:30 p.m., Wednesday, June 11, 2008

8. Adjourn

MOTION: Councilman Buckhannon moved to adjourn the meeting at 7:00 p.m.; Mayor Sottile seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk