

PUBLIC WORKS COMMITTEE

5:30 p.m., Wednesday, February 6, 2013

The regular meeting of the Public Works Committee was held at 5:30 p.m. on Wednesday, February 6, 2013 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Loftus and Ward, Chair Buckhannon, City Administrator Tucker, Director Pitts, Assistant to the Administrator Dziuban and City Clerk Copeland; a quorum was present to conduct business.

1. Chair Buckhannon 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 January 9, 2013 as submitted; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments** – None

4. **Department Reports for January 2013** – Director Pitts

Maintenance and Trash Collection Tracking Reports

Director Pitts reported that the focus for January had been tracking Charleston County's cleaning of the vegetation from island ditches, and, rather than leaving the vegetation lying in the ditches, the County removed it. Personnel also cleaned the sidewalk at Breach Inlet from 10th Avenue to 13th Avenue. SCDOT was on the island correcting some deteriorating sidewalks.

Vehicle maintenance was high for the month due to the purchase of four (4) tires.

Garbage collection was down twenty tons (20T), but yard debris increased substantially.

5. Old Business

A. Discussion of Tree Ordinance Research

Administrator Tucker indicated that this issue had not yet been sent to the Planning Commission, pending the Committee's decision based on research done by Director Kerr. The Director contacted several local governments to learn how they handled the issues of tree roots undermining the foundation of a residence and invasive trees. The Administrator distributed a handout detailing Director Kerr's findings and stating his recommendations. (A copy of this handout is attached to the historical record of the meeting.) The Director's recommendations were to exempt invasive species as defined by the South Carolina Exotic Pest Council and to formalize a process for the structural damage caused by tree roots. If the Committee agrees with the Director's recommendations, the issues could be assigned to the Planning Commission for a potential ordinance change.

Administrator Tucker indicated that staff could craft the specific ordinance changes and send that draft to the Planning Commission after First Reading by City Council.

Councilmember Loftus expressed the opinion that the issue should be sent directly to the Planning Commission for them to craft the ordinance change. Having been a member of the Planning Commission when the present tree ordinance was developed, he stated that the ordinance is complicated; therefore, the Planning Commission should do their due diligence to modify the ordinance. He advised that the Planning Commission should keep the tree ordinance tight, but provide relief to the resident with the structural problem.

In addition, Councilmember Loftus thought the Planning Commission should consider the issue of invasive trees; he noted that the island's canopy must be preserved.

Chair Buckhannon asked the Administrator to send the research to the Planning Commission for action.

B. Discussion of Right-of-Way Enforcement Related to Recycling Bins

Administrator Tucker stated that staff does not believe that the City has a good mechanism in place to regulate getting recycling bins off of the right-of-way. The Administrator noted that, if it is the will of this Committee and of City Council, the City would need to have an ordinance similar to the ordinance for roll-out carts for recycling bins that would put a time frame around when the carts can be rolled to the curb and when to be returned to the residence. The Administrator indicated that to rely on the right-of-way opinions about the Police Department writing tickets has not worked successfully thus far with other right-of-way encroachments; therefore, she is not of the opinion that it would translate well to recycling bins.

Councilmember Loftus recounted that this discussion taken place by this Committee a year ago and that the City and County have done all in their power to educate, encourage, coerce, etc, residents to conform. The large majority of island residents comply. He explained that he sees the issue of recycling as a change in technology; therefore, a change in ordinance is called for to address it.

MOTION: Councilmember Loftus moved for a modification to the City's code for an ordinance similar to the roll-out cart ordinance for recycling bins; Councilmember Ward seconded.

Councilmember Ward asked if the problem was one of enforcement, and Councilmember Loftus stated that enforcement was the issue because the City has no law on the books.

Administrator Tucker recalled that, when the subject was last discussed, single-stream recycling was not island-wide and the Committee delayed taking action until the entire island was included in the process. Councilmember Loftus added that discussions have been on-going for two (2) years at both the Public Safety and Public Works Committees.

Councilmember Ward asked if the City could legally enforce since the recycling bins are the property of Charleston County. The Administrator was of the opinion that by modifying the existing roll-out cart ordinance to include Charleston County recycling bins was not a problem, but Attorney Halversen would be required for a definitive answer.

Councilmember Loftus remembered documentation from Charleston County saying that they have no County-wide regulations; therefore, it was up to the individual jurisdictions to enforce.

Chair Buckhannon stated his opinions that an ordinance addressing one obstruction would be unsuccessful in dealing with the problem and that, until every possible type of right-of-way obstruction was addressed, the problem would be a recurring one. The Chair remarked that the island has many types of right-of-way obstructions, which is a subject that the City has been hesitant to tackle.

Administrator Tucker stated that she was hearing two (2) issues being discussed; the first was the blue recycling bins and the second was encroachments into the rights-of-way. The Administrator noted that there are some mechanisms in the City Code to address the problems which call for enforcement actions to be taken by the Police Department that the City has never taken before. In the past when this issue was seriously considered, then City Attorney Sottile crafted mechanisms for the removal of obstructions in the rights-of-way that were not passed by Council because Councilmembers recognized that it was a radical action and would generate negative fallout in the community. Staff acknowledges that obstructions in the rights-of-way are a serious problem on the island, and staff has met with SCDOT about the problem; staff classified the obstruction in three (3) ways with safety hazards being the most serious and the most in need of removal.

Chair Buckhannon stated that the question remains about whether the City has enforcement authority because of SCDOT; he also stated that obstructions in the rights-of-way are not distinguished by temporary or fixed, but referred to only as obstructions in the right-of-way – the inability to utilize the right-of-way. The Chair contended that the City has an ordinance to handle these obstructions.

Administrator Tucker thought that the Chair was referring to Section 57-7-210 of the South Carolina Code which states the following:

It shall be unlawful for any person willfully to obstruct ditches and drainage openings along any highways, to place obstructions upon any such highway or to throw or place on any such highway any objects likely to cut or otherwise injure vehicles using them.

Chair Buckhannon expressed his understanding that the City “has taken an approach not to enforce that state code.” The Administrator explained that the City got into a lengthy discussion as to whether the City had the authority to defend SCDOT’s right-of-way, but the City did pass language relative to the City’s rights-of-way.

Based on the breadth of discussion, Administrator Tucker asked for clarification as to what the Committee wanted.

Councilmember Loftus was of the opinion that two (2) separate issues were being discussed; the original subject was the blue recycle bins. He commented that the City has changed its garbage process via single-stream recycling, but recycling is garbage. He thought the City should be consistent by having the recycling bins regulated like the roll-out carts are regulated.

Director Pitts stated that Charleston County considers recycling to be voluntary; therefore, the County's position is to do nothing that would deter people from recycling. Putting a law on the books about recycling bins might encourage the island's second home owners to not recycle, but to put all of their recyclables in the green roll-out carts.

Chair Buckhannon expressed the opinion that following his suggestion would address any and all obstructions in the rights-of-way.

Councilmember Ward voiced agreement with Director Pitts that an ordinance related to recycling bins would deter voluntary recycling.

Councilmember Loftus countered that if, the rule were to be established, people would follow it.

MOTION: Councilmember Ward called for the question; Chair Buckhannon seconded and the motion PASSED UNANIMOUSLY.

VOTE: The motion to modify the roll-out cart ordinance to include recycling bins DID NOT PASS on a vote of 1 to 2; Chair Buckhannon and Councilmember Ward cast the dissenting votes.

Chair Buckhannon concluded that the City should investigate adherence to the state code referenced earlier to determine whether it was meant to include fixed obstructions, but other items that block the right-of-way; he again stated that he believes this code is the solution to the island's problems.

Administrator Tucker voiced her understanding of the Chair's opinion that, based on the language of the state code, IOP police officers should write tickets for encroachments in the rights-of-way.

Councilmember Loftus suggested referring the matter to the Public Safety Committee for further study, and Chair Buckhannon suggested that the Police Chief review the law and how it could be applied for the City.

C. Update on Public Works Site Reconfiguration

Assistant Dziuban reported that the FY13 budget has forty-four thousand dollars (\$44,000) earmarked for this project and that no action has been taken to this point in the fiscal year. She recounted that landscape architect Kelly Messier had, at the City's request, devised a plan for the City Hall, Public Works and old Building Department properties. Councilmember Loftus noted that the project was halted due to the SCE&G tower that will be constructed and the easement granted to them for laying electrical lines. The City staff is currently reviewing the projects assigned to this fiscal year that have not been completed in an effort to do so before the year ends at June 30.

The Assistant referenced a part of that plan to create a new ingress and egress for the Public Works Department; recently the City has been notified that the Public Works site may be out of compliance with stormwater and drainage. Directors Pitts and Kerr are in dialogue with

Charleston County to determine what work is required to come into compliance, and they are hopeful of securing County funding to execute that project. This activity may alter the vision for that site.

Tonight staff is looking for approval to proceed with the City Hall parking lot piece of the overall plan. Among the specific issues to be addressed are broken parking stops with visible and protruding rebar and an improved ingress/ingress off of Oak Harbor assuming SCDOT approves the encroachment permit. Administrator Tucker added that Ms. Messier found that the City was not in full compliance with the handicapped access requirements which she resolves with her plan.

There was considerable discussion about the proposed new Oak Harbor ingress/egress; the need for two (2) access points on Oak Harbor was questioned. Councilmember Ward stated that he would speak with the residents on Oak Harbor behind City Hall before he would be comfortable making a decision on the proposed ingress/egress.

From the earlier discussions, Chair Buckhannon recalled that fifteen thousand dollars (\$15,000) was earmarked for the rehabilitation of the City Hall lot; he asked if that was the amount to be expected to be spent. To that, the Administrator answered that the City had received one (1) proposal for the work that totaled fourteen thousand nine hundred twenty-five dollars (\$14,925.00) that includes the following:

- Clean and seal coat parking lot;
- Re-stripe parking lot;
- Grade out for installation of base course and removal of excess soil;
- Install base material for asphalt;
- Install asphalt for 2 new drives;
- Remove and dispose asphalt from parking space damaged by roots;
- Install sidewalk;
- Remove and replace concrete parking bumpers;
- Topsoil graded on both sides of driveways; and
- Installation of sod on both sides of driveways.

The Administrator stated that she believes that it is the City's responsibility as stewards of the taxpayers' money to maintain taxpayers' property.

MOTION: Chair Buckhannon moved to proceed with the work in the City Hall parking lot minus the ingress/egress on Oak Harbor; Councilmember Ward seconded.

Councilmember Loftus questioned that the cost would increase if the decision were made in a few months to proceed with the Oak Harbor ingress/egress because the contractor would have to deploy his resources twice. Chair Buckhannon repeated that the City has not been granted the encroachment permit by SCDOT, and, therefore, cannot proceed with that activity.

VOTE: The motion PASSED UNANIMOUSLY.

6. New Business

A. Review of Long Range Capital Plan and Capital Budget for FY14

Administrator Tucker explained to the Committee that this was the first budget year where the capital threshold has increased from one thousand dollars (\$1,000) to five thousand dollars (\$5,000). In addition, the budgets being presented also include the action from City Council to avoid debt by saving to purchase capital equipment rather than lease it. Included for conversational purposes is the expense for road maintenance if the City were to take over ownership of the roads from SCDOT; in working with Stantec on beach access parking, one idea is to take over the roads to avoid the constraints on them from SCDOT. The Administrator shared with the Committee the information from Stantec the items to be included and considered if the City were to pursue that action, and a copy is attached to the historical record of this meeting. For the first time the City has a per mile realistic number to contemplate.

According to the Administrator, a difficulty in working with the Public Works' budget on the debt avoidance issue is that Public Works has two (2) large pieces of equipment to purchase, one (1) in FY14, the 1999 Mack for one hundred eighty-nine thousand dollars (\$189,000) and one in FY15, the 1998 Mack for one hundred ninety-three thousand dollars (\$193,000). These purchases make the debt avoidance fund very high as is seen on page 2.

Other FY14 capital budget items are as follows:

Replace 2005 F150 4x4 (127,777 miles)	\$ 25,500
Replace privacy fence along 13 th Avenue	5,000
Mobi Mat material to stabilize sand beach accesses	25,000

Councilmember Loftus recalled that Mobi Mat had been purchased last year; Administrator Tucker noted that this is to maintain the necessary inventory. It is in use at the 9th Avenue and 42nd Avenue beach access paths. Director Pitts stated that he wanted to use it at the 41st Avenue access where the boardwalk was removed; the Administrator noted that this is a very heavily used access path.

Special Projects

Drainage contingency	\$ 25,000
In case the City has a small drainage project, funds are available.	
Repeat drainage work based on 5-year maintenance schedule	80,100
Eadie's 5-year schedule amount.	
Re-budget replacement of walkover at Public Restrooms	90,000
City is continuing to negotiate with OCRM for desired width.	

Councilmember Loftus thought this estimate was high considering that the PermaTrak material will not be used; he asked that Director Kerr attend the next meeting to discuss the cost.

Construction of 46 th -52 nd Avenue drainage project (2-yr Project)	708,500
Consider adding this project to debt avoidance and continue to seek grants from County.	
Parking, configuration & safety improvement, 1303 Palm	44,000
If some portion can be done in FY13, number will be reduced.	

Sustainable funding for road maintenance: \$31,000/mile x 28 miles 968,000
(assumes ownership of all IOP SCDOT roads) + 1 employee include benefits

In the Administrator's opinion, the good about having this number is that, when Council begins to discuss beach access parking and the removal of roads from the state system, Council can go back to this information to know how to budget if an action were to be considered.

Councilmember Loftus questioned that the same large amount is repeated year after year; Administrator Tucker explained that the traffic engineers say the amount should be budgeted each year, not that it would be spent, in order to have a large enough fund to pave when the time comes.

In addition, the City must have an employee to manage the contracts and to be able to track the conditions; in taking a road, the City is also taking the sub-surface, the stormwater system and any appurtenances that go along with that road system.

Councilmember Ward remarked that "there are very few things more expensive than road."

The Administrator cautioned that "it is a serious decision and needs to be carefully considered if the City decides to go down this path."

Councilmember Ward commented that the first issue that comes to his mind is the millage increase that would be required to do take over the roads.

Councilmember Loftus inquired whether a transition to paying for capital equipment would mean a millage increase. Administrator Tucker said that, until revenues are matched up with expenses, she could not answer that question; she pointed out that this move is especially tricky for the Public Works Department since they have a large purchase in FY14 compounded by a large saving for FY15. Councilmember Loftus voiced concern that the debt avoidance program could begin in one (1) year, but may need to be phased in to avoid a tax increase for citizens; he suggested a Plan B that was a phased in process of paying for capital equipment.

Councilmember Ward expressed interest in knowing the amount of interest projected to be saved as well.

B. FY14 Transportation Sales Tax New Construction Projects

The deadline for submission is March 1; last year the City requested funding for the second phase of drainage as its first priority and the creation of bike paths along Palm Boulevard from Breach Inlet to 57th Avenue with a multi-use path from the foot of the IOP Connector to the Palm Boulevard sidewalk as the second. The City did not receive funding and the Administrator speculates that the City did not receive funding because the City was still in the design phase of the project. Chair Buckhannon said that the City was not expecting to have the design for several months, so the project would be in the same situation it was in last year.

Councilmember Loftus suggested switching the priorities on the two (2) projects; he expressed concern that the City will have a serious biking accident in the near future.

MOTION: Chair Buckhannon moved to submit the same two projects in reverse priority; Councilmember Loftus seconded and the motion **PASSED UNANIMOUSLY.**

7. Miscellaneous Business

FY 2013 CTC Resurfacing

Included in meeting packets was the list of streets that are to be re-paved on the island and the work will take place about this time next year; the streets that were on the list received last year will begin very soon as reported by a County employee earlier today.

Administrator Tucker agreed to give Councilmember Loftus an update on Stantec's work via phone tomorrow.

Following up on a topic from earlier in the meeting, Chair Buckhannon asked how it had been determined that the Public Works site was out of compliance with NPDES regulations. Director Pitts stated that it was the location of the water basin that exists now.

Next Meeting Date: 5:30 p.m., Thursday, March 7, 2013 in the Conference Room.

8. Adjourn

MOTION: Councilmember Ward moved to adjourn the meeting at 6:55 p.m.; Chair Buckhannon seconded and the motion **PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland
City Clerk