

## **PUBLIC SAFETY COMMITTEE**

9:00 a.m., Monday, May 6, 2019

The regular meeting of the Public Safety Committee was held at 9:00 a.m., Monday, May 6, 2019 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Present for the meeting were Councilmembers Bell and Ward, Chair Buckhannon, Interim City Administrator Fragoso, Captain Swain, Chief Graham, and City Clerk Copeland; a quorum of the Committee was present to conduct business.

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

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

**MOTION: Councilmember Bell moved to approve the minutes of the regular meeting of April 2, 2019 as submitted; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.**

### **3. Citizens' Comment**

Susan Page, 5 Forest Trail Court 1, told the Committee about the deplorable conditions that exist at the house next to hers; she said that it has become a habitat for raccoons, rats, etc. and the pool in the back is green and nasty looking. The owner of the property lives on the island, and appears periodically to mow the "grass", but he has made no attempt to renovate or do any repairs. She asked the Committee if the City could do something to force the owner to take some kind of action.

George Page, 5 Forest Trail Court 1, stated that he has been complaining about the property next to his home for three (3) years with no positive results; the porch is falling off the house and the porch railings have fallen off. He stated that the livability officer has told him that property rights trump livability rights; but he contends that he has rights too. Despite being forced by the City to close up the eaves of the house, the owner has done nothing to the backyard. Mr. Page was very concerned about the impact of this property on the value of his home because the house has no value. He wanted the City to take action on this property, and he wanted a date when he could expect to see a change. According to Mr. Page, the owner has become quite belligerent, and Mr. Page has stopped confronting him. The house is falling down, is a nuisance and a hazard; it is covered with mold.

Becky Parris, 3 Forest Trail Court 1, is the neighbor on the other side and stated that she agreed with everything the Pages said. She told the Committee that she bought her house when prices were high, and she knew that the value of her home was going down for every minute that house was allowed to continue to deteriorate. The number of raccoons in her yard has increased, and they have begun to leave feces around the pool in the backyard; in addition, they have begun to sit on the edge of the pool and pull out the caulking. She said that, for the first time, she was having issues with rats. Since the owner does not maintain the yard, Ms. Parris went over one afternoon to pick up the palm fronds and other large leaves; the owner rode by, saw her and stopped to tell her that she was trespassing. She reported that the owner has a radio going 24/7 – he contends that the noise keeps the raccoons away. She told the Committee that they have contacted environmental people, the City, and DHEC in an effort to get something done.

Dick Valvay, 3 Forest Trail Court 1, asked, "What is going to be done?" He has heard a rumor that an ordinance will come before Council that will put more teeth in the existing ordinance regarding neglected, nuisance, dilapidated homes. He noted that he has also spoken with a police officer and the livability officer who have told him that the house does not qualify as a safety hazard so the City cannot do anything.

George Page, 5 Forest Trail Court 1, recalled that, one to two (1 – 2) years ago, the property owner put out some construction materials on the street, and one (2) item was a steel door, which no one would take. He called to complain, and, when he arrived home, a police officer and the livability officer were moving the door to the backyard. He reiterated that something needs to be done.

**MOTION: Chair Buckhannon moved to suspend the rules to address Item 5C at this time; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

## **5. New Business**

### **C. Consideration from Wild Dune for City sanctioned night work**

The PowerPoint presentation is attached to the historical record of the meeting.

Interim Administrator Fragoso stated that Wild Dunes was requesting City-sanctioned night work for continuous concrete pour events that will take place at the new hotel at various times over the summer months. She noted that the City's work hours were 7:30 a.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. to 4:00 p.m. on Saturdays, and work was not allowed on Sunday.

Mike Manzinger, Vice President of Lowe who is primarily in charge of construction activities, informed the Committee on the progress made to-date on the new hotel; he stated that the work started in late July or early August of 2018. To-date they have rerouted water and sewer lines, driven approximately seven hundred fifty (750) piles that was seventy-five percent (75%) done; started foundation work. Over the next two (2) weeks, a tower crane will be erected to be used in the construction process; some excavation work has begun in preparation for the foundation. The large concrete pours will require numerous and continuous concrete truck deliveries, likely fifty to sixty (50 – 60) trucks with one arriving right after another every six to ten (6 - 10) minutes. This work is what they would like the City to sanction to take place between the hours of 2:00 a.m. and 7:00 a.m. He said that all construction traffic will be limited to Palm Boulevard which will lead to extended traffic backups, an increased safety risk for pedestrians, and hinder access for first responders. They have calculated a need for thirty-five (35) events for the nighttime operation with the concentration in August, September and October of 2019; the events will continue into April of 2020.

Councilmember Bell indicated that he has done the math on the number of trucks involved and it is upward of twenty-six hundred (2,600); in August and September the truck number would be in the neighborhood of eight hundred to one thousand (800 – 1,000).

Mr. Manzinger noted that trucks delivering construction materials and trucks hauling out dirt will also be using Palm Boulevard throughout the day. They are dealing with the logistics of getting the trucks on site and reducing the noise of the backup alarms to a minimum.

Mr. Manzinger announced that they will hold a public meeting in a couple of weeks to inform the community about the happenings over the coming weeks and months. He reported that he meets with Fire Inspector Travis Stafford and Interim Administrator Fragoso weekly.

Councilmember Bell pointed out that the pouring events will happen in the height of hurricane season.

The Interim Administrator stated that the weekly meetings will include the Police Department, the Fire Department, the Building Department and administration. She agreed that these pour events were less than ideal, but Wild Dunes is doing a great deal to keep the noise level to a minimum and to impact the residents as little as possible. She announced that the public meeting was scheduled for 6:00 p.m. on May 16<sup>th</sup> at the Recreation Center.

**MOTION: Councilmember Bell moved to recommend to City Council to approve a not-to-exceed number of 35 City-sanctioned night work events per the schedule provided; Chair Buckhannon seconded.**

Chair Buckhannon expressed concern about the tower crane in hurricane season.

Mr. Manzinger agreed that the procedures for the crane in a storm should be shared with the community to alleviate some of their concerns. He explained that the protocol is for the operator to take the brakes off and insure that it does not have any loads attached and the weather vanes; it is designed to turn with the winds. When asked, Mr. Manzinger did not know the wind rating, but would get it and relate it to the Interim Administrator.

**VOTE: The motion PASSED UNANIMOUSLY.**

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**MOTION: Councilmember Ward moved to suspend the rules to address Item 5.A. at this juncture in the meeting; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

**A. Discussion of more stringent standards for dilapidated structures**

The Committee asked Building and Planning Director Kerr to join the discussion.

Since unkempt houses was discussed in the past couple of years in the Real Property Committee, Councilmember Bell offered to bring the other members of the Committee up-to-date on those discussions. The conclusions he recalled were related to potential storm damage and the destruction that would cause in creating dilapidated structures, but they did not delineate between an egregious situation that needed to be corrected and storm damaged residences. He agreed that the City needed to find a way to help these residents who were living next door to a house that should not be allowed to exist on the Isle of Palms.

Director Kerr stated that, although each is different, four or five (4 – 5) houses on the island would fit into the general category of dilapidated. The City's position has been that the structure cannot be "an attractive nuisance," i.e. a place that would draw kids in to create mischief; entrances to the house were to be boarded up to keep out young people and animals. He told the Committee that the homeowner has the right to have a vacant house on his property, and the Police Department deals with keeping the properties mowed. The City statutes have covered the bare minimum; it has always been an issue of safety. Wild Dunes has adopted codes that deal with the aesthetics of properties. The Code the City currently uses is the International Set of Building

Codes; the International Property Management Code gets into aesthetics, such as prohibiting rot, peeling paint, leaks in the roof, etc. Knowing that the island has historically been made up of vacant houses, Council has not seen the need to regulate that properties must be pristine at all times.

Councilmember Bell said that the island has many homes with some degree of rot or peeling paint, and he thought any action on such matters would be an overreach, but he believes that the property in question needs a big placard out front saying "This Property is Condemned."

Director Kerr quickly commented that condemnation was a very dramatic step that was only taken when the structure was at risk of falling in; he noted that the specifics have been laid out in case law.

Councilmember Bell said that it was inconceivable to him that this home was not a safety concern.

The Director commented that between the Police Department and the Building Department, this house on Forest Trail Court 1 was constantly being monitored, and that the owner was forced to take some kind of corrective action about twice a year. As these corrective actions take place, the house was selectively being demolished now as it becomes unsafe. He remarked that the owner did what he was required to do, nothing more, and the Director agreed that it was awful looking by any standards. He added that to regulate to the point that it was illegal would have a snowballing effect.

Councilmember Bell then asked if standards for public safety could be established that would be independent of peeling paint and rotten boards.

Chair Buckhannon asked if the backyard was totally fenced in as it was required to be with the presence of a pool.

Captain Swain said that, when the owner has been told that something must be done about the pool, he typically was cooperative, and, from the pictures, he thought it was time to visit that issue again.

Interim Administrator Fragoso has found a section of State code that she thinks will help the City in this situation; it is §31-15-20 that states:

Title 31, Chapter 15, §31-15-20. Repairing, Closing or demolishing unfit dwellings.  
"Whenever a municipality of this State find that there exist in such municipality dwellings which are unfit for human habitation due to (a) dilapidation, (b) defects increasing the hazards of fire, accidents or other calamities, (c) lack of ventilation, light or sanitary facilities or (d) other conditions rendering such dwellings unsafe or unsanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of such municipality, such municipality may exercise its police powers to repair, close or demolish any such dwelling in the manner herein provided.

Councilmember Ward asked that staff address this section of the State Code immediately.

Director Kerr asked if the Committee was saying that they would want a house like the one (1) on Forest Trail Court 1 to be demolished. If not, where would they draw the line?

Councilmember Bell responded that the answer depended on how bad a public safety issue the house was. In a digression, the Councilmember repeated his belief that the City's punitive fines were not high enough; he believed that the fines should be commensurate with the violations if the City wanted the actions to change. On the other hand, if the fine was steep enough, the owner would do whatever was needed on his own to avoid paying the fine.

Director Kerr stated that the fines were established by State law.

Councilmember Ward thought that such properties were to be sealed, but, according to the neighbors, that was not the case in this instance because vermin were coming and going at will.

The Director thought that these animals might be around and under the house, but he doubted they were inside the house.

Councilmember Ward then asked if the City needed an engineer to help with this problem

Councilmember Bell repeated the earlier request to the Interim Administrator about applying State law and determining what those factors were. He opined that something had to be in the realm of public safety that would cause some real action to take place with this property beyond asking that the yard be mowed or the next section to be demolished.

The Interim Administrator stated that the State Code cites conditions that would make a house unfit for habitation by humans and would serve as guidance for the City if Council chose to expand the current ordinances. She asked if a house was determined to be unfit, what would be the next step.

Director Kerr said that each step has a time-period that would allow the owner to take remedial action after he was given notice of the situation. Once a property reaches the condition of this one, it is frequently not financially feasible for the owner to do what is required to meet even a minimum standard so it would be demolished.

When Councilmember Ward asked for a timeline, the Interim Administrator replied that she thought an ordinance could be put before City Council at the May meeting. She recalled that Director Kerr said that follow-up on these properties was going to put a strain on City staff, and consideration might be given to adding one (1) employee in the Building Department.

#### **4. Old Business**

##### **A. Update on Flowbird mobile app implementation**

Captain Swain reported that the Police Department has provided them with all of the information they requested; he understood that Treasurer Suggs was working with them on the transfer of money. The rollout is still planned for Memorial Day weekend, and they will have their "ambassadors" on the island to help people to sign up for the app and to demonstrate its use to drivers.

##### **B. Update on installation of test area for shoulder stabilizing product**

According to the Interim Administrator, this was a work in progress.

##### **C. Update on public transit initiative**

The Interim Administrator said that she continues to work with the COG and SCDOT; it is definitely on the DOT May agenda when they expect to get approval for the purchase of the vans. The primary users will be employees from Wild Dunes and the marina, and the rollout has been delayed until the end of June.

#### **D. Discussion of Coyote Management**

The last meeting on coyote management was with members of the Wild Dunes Community Association board, and the City staff was going to reach out to Lowe, SCDNR and to James Westerholt of the Horry Georgetown Technical College with the intention of setting up a meeting to discuss the options the City has relative to the coyote population. Captain Swain reported that he spoke with the coyote expert with the SCDNR Jay Butfiloski, who is a fount of information, but he does not appear to want to be involved beyond that. Mr. Westerholt, the professor from the technical college, was willing to bring his students here for a count, but he, too, was not interested in assisting the City in any other way. Captain Swain stated that someone had sprung all of the City's traps in one (1) location, and he confirmed that at least one (1) trap was on the golf course that was marked with a sign.

#### **E. Consideration of film permit**

Interim Administrator Fragoso referred the Committee members to a draft of the permit description in the meeting packet and indicated that she wanted to review it with the Committee. She reminded them that the purpose of the permit would be to streamline the approval process for small, unobtrusive film, video or still photography shoots on the beach. The permit application should be submitted with a minimum of a fourteen (14) day notice; the project would need to carry the City's established limit for liability insurance with the City named "additional insured." The permit's processing fee would start at ten dollars (\$10), but the fee could increase based on the project's need for City services. The City Administrator would make the final decision and report it to City Council.

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The only comment on the permit came from Councilmember Bell who thought that, rather than "unobtrusive," she should be specific with "not requiring any City services."

If adopted, changes to the City Code would be required.

**MOTION: Councilmember Bell moved to present the film permit to City Council; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.**

#### **F. Discussion of FY20 budget**

The Interim Administrator stated that the only change from the first edition of the budget is the impact of the implementation of the salary and wages changes made to the Police Department recently. This budget does not include any of the proposed staffing changes, but the new Chief of Police will be instructed to look at some of the vacancies as opportunities for restructuring.

Chair Buckhannon noted that a code enforcement officer did not need to be a certified police officer.

The Interim Administrator said that she and Councilmember Ward discussed the need to schedule a fourth budget meeting since the report on the Public Safety Building is expected this week. She

has reviewed the components of the report with Trident, and the cost for the remediation of the building is higher than was originally estimated. She and Treasurer Suggs will be working on funding scenarios to present to Council.

## **5. New Business**

### **B. Discussion of enforcement of parking related violations after the end of Beach Services Officers' shifts**

Councilmember Bell initiated his comments by saying, "Mimi does a phenomenal job!" He said that he asked for this to be on the Agenda because, based on his observations and comments from residents on the interior of the island, parking enforcement just stops once the BSOs day is over. He stated that he would like to know that police officers have a duty/responsibility to make sure that parking enforcement continues after the BSOs leave. He said that he was amazed by the people who are parking parallel to the left of the line and opening their doors into the lane of traffic, but people continue to do it because they have seen that enforcement is not at the same level it is when the BSOs are working.

Interim Administrator Fragoso informed the Committee that the Police Department has only hired three (3) BSOs; other applicants have been brought in, but they cannot pass the drug test, background check or the polygraph.

Captain Swain said that he has not seen any quality candidates, but he has received a new batch of resumes from HR to review.

On the subject of the BSOs' working hours, Captain Swain said that he typically staggers their hours and Mimi is the late person leaving usually around 7:00 p.m.

Councilmember Bell stated that the number of compliments he gets on Mimi from residents on her is "off the charts." It is "her demeanor, her courteousness, her attention to detail on the job", he wanted to say it publicly.

Captain Swain said that he does look at who is writing tickets, and officers do write a lot of parking tickets. He commented that no one would write more than Mimi.

### **D. Consideration of policy for golf carts on the beach**

Chair Buckhannon has been asked what would happen to the golf cart if the handicapped driver or passenger had an emergency and had to be transported. He said he wanted to notify the Police Department on the need for a policy; he thought the City Attorney could provide the assistance needed.

Interim Administrator Fragoso reported that this subject had come up in a staff meeting, and the Police and Fire Departments were working together to decide the most practical action to take.

## **6. Highlights of Departmental Reports**

Fire Department – Chief Graham See the City's website: [www.iop.net](http://www.iop.net)

Chief Graham reported that the roof at Fire Station #2 was inspected based on its age; as a result, they will be doing some roof maintenance to prevent leaks and to prolong the life. She said that she will prepare a schedule of roof maintenance to be done every five (5) years.

Police Department – Captain Swain See the City’s website: [www.iop.net](http://www.iop.net)

Captain Swain stated that the overall numbers were down because of the low number of officers on the road; currently, five (5) officers are attending the South Carolina Justice Academy.

Councilmember Bell asked if the officers have said anything about the parallel parking on Palm Boulevard; he thought it was much more orderly. He thought that the change to parallel has gone smoother than anticipated.

**7. Miscellaneous Business**

**Proclamation in Support of National Safe Boating Week, May 18-24, 2019**

**MOTION: Councilmember Bell moved to adopt the proclamation; Chair Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

**Next Meeting Date: 9:00 a.m., Monday, June 3, 2019 in the Conference Room**

**8. Executive Session – not needed**

**9. Adjournment**

**MOTION: Councilmember Bell moved to adjourn the meeting at 10:24 a.m.; Chair Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk