

## **PUBLIC SAFETY COMMITTEE**

5:30 p.m., Tuesday, May 4, 2010

The regular meeting of the Public Safety Committee was held at 5:30 p.m., on Tuesday, May 4, 2010 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf and Loftus, Chair Bettelli, City Administrator Tucker, Fire Chief Graham, Police Chief Buckhannon, Assistant to the Administrator Dziuban and City Clerk Copeland.

1. Chair Loftus 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 April 5, 2010 as submitted; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.**

### **3. Citizens' Comments**

Chief Graham introduced Walt Smalls and Bill Tunick from Charleston County, as well as Greg Saylor, Greg Malcolm, and Terry Scruggs from Motorola and Kevin Henry from Crown Castle, the tower construction company. According to Administrator Tucker, these gentlemen were present to tell the Committee what was wrong with the digital radio system, how the problem(s) could be fixed and what options the City has, if any.

Greg Saylor identified himself as the Senior Account Manager from Motorola who works in the Charleston County with Mr. Smalls and Mr. Tunick. He stated that Motorola has been working with Charleston County regarding enhancements to the current radio system; he indicated that the evaluation has been ongoing for approximately one to one and a half years (1-1½ yrs). The enhancements that Motorola believes are needed have been identified, and the system's expansion will require additional tower infrastructure. He introduced Greg Malcolm, the Motorola Systems Engineer who is responsible for the Charleston County system, to address the tower requirements as they relate to the Isle of Palms.

Mr. Smalls explained that his department had been directed by the Charleston County Council to hire a consultant, which they had done, to study Motorola's long-range solution to enhance the County's digital radio communication system. The Motorola solution involves substantial costs, and the County wants to ensure that the investment is the right solution. Mr. Smalls noted that the long-range plan is divided into three (3) phases, and phases 1 and 2 would be implemented with phase 3 planned for some time in the future.

Mr. Tunick stated that phases 1 and 2 were designed to address the most critical areas – the coastal areas of Mount Pleasant, Sullivan's Island, Isle of Palms and Folly Beach. He added that he had faith in the solutions that Motorola was proposing.

Greg Malcolm stated that he had been with Motorola for more than twenty (20) years; he reported that he had met with the users' group to learn what their requirements were and what improvements and upgrades they felt were necessary for the digital radio system to meet their

needs. Among their requests were additional coverage, in-building coverage and higher audio quality; in order to meet their needs, additional tower sites are required. Mr. Malcolm explained that many locations throughout the County have been evaluated, including here on the island. The location that Motorola believes to be the best choice to resolve the communication problems for the City is the one currently occupied by the water tower owned by the Water and Sewer Commission; a tower on this site would provide coverage for the Isle of Palms and Sullivan's Island.

Chair Bettelli questioned Mr. Malcolm about the height required for a tower on the island; Mr. Malcolm responded that the tower would be two hundred thirty feet (230 ft) tall.

Councilmember Loftus asked for confirmation that the construction of a tower on the Isle of Palms would solve the communication problems. Mr. Malcolm commented that many of the issues are the result of interference that tends to peak in the warm months and disappear in the winter months. He added that, when Motorola bid the project in 2005, the "constellation of the (tower) sites was a fixed thing – they were already there;" Motorola upgraded the system using the existing tower sites. Mr. Malcolm noted that, in a cost saving measure, no sites were added. According to Mr. Malcolm, construction of additional towers, thereby reducing site separation, is required to improve the audio quality and provide in-building coverage.

In response to Councilmember Loftus' comment that he did not see the current actions as an upgrade, but getting what was paid for originally, Mr. Saylor stated that these actions are enhancing what was purchased in 2005. Mr. Malcolm added that the change in 2005 from analog to digital was to get away from legacy equipment that was no longer being supported, and the change resulted in getting into the digital realm. He reported that Motorola engineers had run coverage maps, and the coverage predictions were based on a level of interfering noise floor to overcome those things so that, when there is an interfering signal, the issues can be overcome with the amount of radio frequency "put on the street."

Mr. Malcolm stated that the Isle of Palms was only looking at having one (1) tower, but the County was anticipating many more tower placements.

Administrator Tucker reported that informal conversations have taken place on the island related to removing the water tower, but one (1) complication to that proposal is that, over time, various entities have placed communications structures on the water tower. She asked whether those communications structures could be integrated onto the tower that is being proposed, eliminating the need for the water tower since it is not longer used for water storage. Mr. Tunick responded that the tower would be built to support additional communications antennae, as that is a good source of revenue for the City. Mr. Tunick related that he, along with Chief Graham and Councilmember Bettelli, had gone to two (2) different properties as possible sites for the placement of tower, so he had seen the antennae that are on the water tower. The addition of these antennae to the proposed tower is "feasible from both a technical and structural standpoint."

Secondly, the Administrator expressed worry that the Motorola survey team had looked at the wrong site on the east end of the island – that they had not gone to the golf course maintenance site, but to the water treatment site. Chief Graham stated that the golf course maintenance site

did not provide a large enough footprint for the tower. Administrator Tucker noted that some members of Lowe Wild Dunes Investors have indicated that they would be cooperative partners in this situation. In addition, the Administrator stated that the Mayor had expressed to her that he would prefer to see the tower at location where it would generate the least amount of physical damage to property and people should it go down; the area surrounding the water tower represents the highest density of people on the island. For that reason, Administrator Tucker said that she would want to be certain that Motorola had surveyed the correct site before any decision was made regarding the placement of the tower.

Mr. Malcolm stated that he preferred the water tower site because it was in the center of the island, therefore, would provide the best coverage.

When Councilmember Loftus asked if the tower could be constructed on Little Goat Island, Mr. Malcolm responded that Little Goat Island would not put the radio frequency where it was needed to provide in-building coverage and to overcome interference. Mr. Malcolm pointed out that the majority of the homes have metal roofs that present a difficult issue to overcome.

Mr. Saylor noted that the locations of the tower have been referred to as a constellation, and, for the system to work as designed, the placement of each individual tower has an effect on the performance of the system overall. To vary and to place the tower on Little Goat Island, there is an implication impact – in this case, a negative impact – on the overall performance of the total constellation in the simulcast world.

Councilmember Bergwerf countered that the water tower location is not the center of the island either geographically or by population; the Committee agreed that 32<sup>nd</sup> Avenue was closer to being the geographical center of the island. Mr. Malcolm asked if vacant property existed around 32<sup>nd</sup> Avenue.

Councilmember Loftus suggested that back area of the parking lot for the County Park as an alternate site, and Mr. Saylor commented that it could be a good alternative.

Kevin Henry, a construction manager with Crown Castle, explained that the tower would be a lattice-type tower, like the Eiffel Tower, because this type was one (1) of the most structurally sound towers that could be built. The difficulty in constructing this type tower is the square footage needed for the footprint. Mr. Henry informed the Committee that his company has erected twenty-three thousand (23,000) towers in the United States and that the company inspects the towers on a quarterly or annual basis, including climbed inspections, to ensure that the towers are structurally sound. He stated that it was a rare occurrence for one (1) of the towers to fall. When asked by the Administrator whether the Company had constructed towers in hurricane-prone areas, Mr. Henry replied that one of their towers was located at Edisto Beach.

Considering the complete compound, Mr. Henry stated that the footprint needed for the IOP tower was approximately one hundred feet square (100 ft x 100 ft); this footprint size is also dependent upon using the water tower site. He added that staying in that location would also provide an easy transition with very little downtime for the cellular carriers that are presently located on the water tower.

Chief Graham asked what the wind rating was on the towers, to which Mr. Henry answered that the towers were rated for winds up to one hundred thirty (130) miles per hour. Bill Tunick added that the tower specifications met those of the International Building Code and the IOP tower would be built to the most recent International Building Code, which the state of South Carolina has not yet adopted.

Administrator Tucker expressed concerns that remote, but heavily populated areas of the island, could continue to experience communication problems if the new tower were located where the water tower is located now. Greg Tunick distributed a map of Phases 1 and 2 of the enhancements being proposed that will become a part of the contract. Mr. Henry explained that the map showed, in yellow, the coverage area including a strong interfering signal, similar to the interference the City gets in the summer months. The map shows the new IOP tower, the Six Mile Road upgrade and a new tower at Sewee; the island will reap the benefits two (2) new towers, plus a significant upgrade to the Six Mile tower making it higher and a simulcast tower for better performance. The coverage depicted on the map illustrates in-building coverage in a moderate structure, like City Hall. Mr. Malcolm explained that simulcast towers all broadcast at the same time and on the same frequency.

When Councilmember Loftus asked about the timeframe for the implementation of Phases 1 and 2, Mr. Smalls was unable to be specified noting, again, that this project involved a significant investment by the County and that the County, like Isle of Palms, was in the middle of the budget process at the present time.

Administrator Tucker reminded the Committee that the City's current Code does not allow for a tower of this height; in order to erect the recommended tower, the Committee would need to initiate a change to the Code. Since the change would be a part of the Zoning codes, the ordinance would have to go through the Planning Commission and a Public Hearing. Chief Graham stated that Mr. Malcolm had told her that, in York County where a similarly sized tower had been constructed, the City's code had been amended to allow for towers for public safety purposes but no other; she stated that she would follow-up with York's public safety personnel.

In summary, Mr. Tunick noted that he would get with Chief Graham to ensure that they had inspected the correct site and go to the second site if they had been wrong initially and that he would contact the IOP Water and Sewer Commission.

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

Administrator Tucker asked to re-order the agenda to allow for discussion on the 41<sup>st</sup> Avenue and Palm Boulevard intersection so as not to detain Jeff Ingham of Thomas & Hutton longer than necessary.

**MOTION: Councilmember Bergwerf moved to re-order the agenda to allow for discussion on the Change Order for 41<sup>st</sup> Avenue as the first item of Old Business; Councilmember Loftus seconded and the motion PASSED UNANIMOUSLY.**

**B. Update on Project at 41<sup>st</sup> Avenue/Palm Boulevard Intersection – Change order**

Administrator Tucker recounted that the City had received some unanticipated assistance from Charleston County in resolving other issues at 41<sup>st</sup> Avenue and Palm, and, as appreciated as that assistance was, it has impacted on the planned project at that location resulting in a change order in the amount of twenty-nine hundred dollars (\$2,900) to meet permit compliance. She asked Jeff Ingham to come forward to provide the details of the change order to the Committee.

Mr. Ingham noted that, in order for project completion by Memorial Day, it had to be bid out in March; prior to that, Thomas and Hutton had applied to SCDOT for an encroachment permit – meaning that the project was bid before Thomas and Hutton received comments from SCDOT on the project; therefore, the bid did not contemplate milling. Their plan was to overlay the pavement and, along the edge and curb, there would be a small lip to aid in drainage, but one (1) of the DOT comments was to mill, cut the asphalt down, and overlay so that the road maintains the same elevation and flush with the existing curb. When Charleston County took their part of the project, after the City's project was bid and awarded, they milled the full width of the area in which they worked. Therefore, in order to comply with the DOT encroachment permit, milling must take place to match the County's project, and, as stated previously, milling was not in the original scope of the project; on that basis, Thomas and Hutton believe this to be a justifiable change order request. Mr. Ingham commented that the project was on schedule and that concrete work and landscaping are scheduled for next week.

**MOTION: Councilmember Loftus moved to approve the Change Order in the amount of \$2,900 for milling; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.**

**A. Update on Public Safety Building**

Administrator Tucker stated that the primary difficulties needing to be corrected are plumbing issues and the air conditioning in the third floor living quarters where it has continually been hot. The HVAC sub-contractor has been out frequently making modifications, and discussions continue between the architect and the sub; the City is hopeful that the most recent modification will be the last. On the identified plumbing problems, several things have been done, but a repair may need to be made that is under the floor on the first floor; scheduling will be done to ensure that the work does not interfere with the operation of the building or the Disaster Preparedness Expo that is scheduled for Friday, June 18.

Chief Graham noted that there have been other minor issues, such as doors that do not close properly, but she was pleased to report that no more water has come through the wall in the bays.

**C. Consideration of Request from Sea Cabins for Lifeguards**

Chair Bettelli noted that this item had been carried over from the meeting in April; he noted that it had been tried before, but he was of the opinion that, before it was tried again, the City should have a formal agreement with the County, and he looked to the Administrator for an opinion on

including Sea Cabins in the agreement. He thought an agreement might eliminate questions after the fact.

Responding to Councilmember Bergwerf's question as to why Sea Cabins was making the request, Administrator Tucker related that, when the guarded area was expanded last time, the Sea Cabins' visitors and owners liked it; therefore, they have requested that it be brought back. The Administrator stated that, when the expansion was allowed before, the City did not look at the issue of whether the City could legally allow the County Park to expand outside of their extended property line areas. She recommended that this time the City take a different approach and determine whether the City can legally allow the County Park to have jurisdiction outside of their extended property line boundaries. If the determination is that doing so would be legal, the City should draw up the parameters, or scope, that specifies that; the Administrator further explained that the City does not want to put the County personnel in a situation where they are enforcing outside of where they have jurisdiction to enforce and then call upon the IOP Police Department to back them up and the City's Police Department to be enforcing something they have nothing behind. Basically, she was suggesting further legal study on the request before acting.

When questioned by Councilmember Loftus, Chief Buckhannon stated that problems occur on non-County side of the pier because that is where the surfers like to go, and the City ordinance states that there is to be no surfing within two hundred feet (200 ft) of the pier or within one hundred feet (100 ft) of any swimmer. The Chief reported that no citations have been issued to surfers, but surfers have been pulled out of the water in enforcement efforts.

The Committee agreed to get a resolution to the legal issues before making a decision one way or the other.

## **5. New Business**

### **A. Discussion of Enforcement of Short-term Rental Occupancy Regulations**

From comments made at the City Council meeting, Chair Bettelli asked Chief Buckhannon to explain the Police Department's policies regarding the enforcement of the short-term rental occupancy limits. Chief Buckhannon explained that, in the three (3) years since the short-term rental ordinances were enacted and the Livability Court established, very few complaints have been filed for excess occupancy. He provided the following data for the Committee:

<u>Year</u>	<u>Over 40 In Unit</u>	<u>Excess Vehicles</u>	<u>Exceeds Overnight</u>
2009	0	8	3
2008	0	1	1
2007	0	1	0

Chief Buckhannon noted that citations for excess occupancy between the hours of 11 p.m. and 9 a.m. are given as the result of complaint of a different nature at the residence, such as noise, or an officer might notice too many vehicles at a rental residence as he is patrolling the island.

The Chief continued by stating that, in the case of a juvenile noise complaint, according to the U.S. Supreme Court, exigent circumstances allow the officer(s) to enter the premises and to sweep it to ensure that there is no juvenile in distress or in trouble; Administrator Tucker interrupted to clarify that, by the term "juvenile," the Chief was referring to young people who might be involved in under-age drinking or the use of illegal drugs. The same does not hold true in a case of an adult noise complaint because, if the officer is not invited into the residence, he/she could only write a citation for too many vehicles. To enter the house, without an invitation, the officer must obtain a search warrant. When the officer is invited to enter the residence, he can note the occupancy limit on the wall plaque and ask the renters how many persons are staying in the unit. The Administrator pointed out that this situation would be the same no matter what the City's occupancy limit was for short-term rental residences; in other words, reducing the occupancy limit would not change the Police Department's mode of enforcement.

Councilmember Loftus repeated comments made by citizens at the Council meeting fearing that the Police Department would violate the rights of individuals and begin to do bed checks; he added that he knew that would not be the case and was pleased with the comments made by the Chief.

Administrator Tucker asked Director Kerr what the Building Department's response would be if a residence were cited multiple times violations of the occupancy section of the ordinance. Chief Buckhannon initiated the response stating that once a residence has two (2) citations, a letter is sent to the rental agent, if one is involved, one letter to the owner of the residence and a notice is sent to the Building Department that the second violation has occurred. The Chief reported that the Police Department has issued a second citation to one (1) residence on the island this year and that the Building Department was notified in writing.

Director Kerr stated that his understanding of the short-term rental ordinances was that an owner could be issued a citation for a residence where habitual violations occurred; he commented that, once the situation comes to a point where the owner is being held accountable, the recourse with the owner would be revocation or suspension of the business license. Although one (1), and possibly two (2), residences have received two (2) citations this year, the City has not had to initiate such proceedings since the short-term rental ordinances were enacted. The City has defined habitual nuisance as any residence that receives three (3) convictions; therefore, the City could be faced with a revocation this season. According to Chief Buckhannon, the key point Director Kerr made was that the convictions must occur, not just the issuance of the citations.

Councilmember Loftus questioned Director Kerr as to the timing of a suspension if the owner of the residence has rented it for the balance of the summer; the Director responded that he thought the suspension would be delayed because he did not think the City could prevail against contracts into which owner had entered. Director Kerr noted that the City would need to receive legal counsel on this type of detail before initiating a suspension or revocation.

**B. Discussion of Beach Patrols between 6 pm and sundown**

Chief Buckhannon stated that an incident had occurred on the beach a couple of weeks past that created quite a disturbance; from studying groups and individuals on the beach since this episode, the Police Department has learned that, in the hours between late afternoon and sundown, large groups of young people were beginning to congregate on the beach and tended to create disturbances. The Chief has, therefore, directed the officers to step-up their visibility on the beach during these hours, and he has seen fewer of the “riff-raff” on the beach since he initiated this effort by the officers.

In addition, Chief Buckhannon has instructed the Beach Patrol Officers to look for debris left on the beach or holes that have been dug during the day and to ride the length of the beach in the mornings picking up debris and filling in holes to keep the beach more orderly.

**C. Review of Operating and Capital Budgets for Fire and Police Departments**

Administrator Tucker noted that no changes had been made to either the Fire or Police Department budgets at the Ways and Means Committee meeting, but the “yellow” budget does incorporate the changes that were made at that meeting. The budget schedule calls for First Reading of the budget at the May Council meeting to be followed by a Public Hearing and Second Reading at the June Council meeting. The Administrator reminded the Committee that the budget as presented is a balanced budget with no tax increase despite learning from the Municipal Association that the City would be allowed to increase the millage rate by six tenths of one percent (0.6%) if it needed to do so.

Councilwoman Bergwerf had to leave for another meeting.

**D. Consideration of Award of Contract in Excess of \$10,000 - None**

**6. Highlights of Departmental Reports**

Fire Department, Chief Graham

Chief Graham noted that, on page 6 of the Public Safety minutes for April, a correction needed to be made because Fire Station 2 does not have a wall-mounted AED unit, but a unit is installed at the marina.

From the monthly report, the Department received a call of a dog in distress in the ocean, but the dog was not recovered. On April 15-18, the Fire Department assisted the Coast Guard with the Blue Angels shows to maintain the safety zone; they also assisted with the search for two (2) youths who reported jumped from the Connector into Hamlin Creek on April 27. During the month of April, the Fire Department responded to sixty-five (54) incidents, thirty-three (33) of which were EMS calls. The Fire Inspector made twenty-nine (29) inspections and found seventy-four (74) violations. One (1) item of significance on the vehicle maintenance report was the replacement of one of two (1 of 2) alternators on the ladder truck; a large percentage of the expense was in diagnosing the problem, and the truck was out-of-service for four (4) days. The Department was involved with the fundraiser for Dan Mills that raised approximately sixty-five



hundred dollars (\$6,500); with other contributions added, the total came closer to seventy-five hundred dollars (\$7,500). On the topic of the digital radios, Chief Graham reported that a meeting would take place the following day to address short-term resolution to interference issues this summer. The Chief noted that, as requested of her last month, she had sent ninety-five (95) letters to Goat Island property owners asking that they contact the Isle of Palms before doing any outside burning, as well as maintaining the appropriate numbers on the docks.

Chair Bettelli thanked all who had been involved in the fundraiser for Firefighter Mills.

#### Police Department, Chief Buckhannon

On April 1, Chief Buckhannon, Lt. Wright, Det. Sgt. Caldwell and Det. Tarr met with the Director of Operations, the Front Office Operations Manager and the Director of Wild Dunes Security to discuss security within Wild Dunes and mutual assistance with security issues. The City's officers discussed specifically problems with under-age drinking after hours at the Grand Pavilion; officers have been directed to patrol in that area during specific time frames. This was the first of regular meetings that will be held to coordinate security efforts within the gates of Wild Dunes; a meeting is also being scheduled with the community's security committee for ways the City can enhance security at Wild Dunes. On April 30, the City's newest patrol officer, Jessica Newman-Nelson, graduated from the Police Academy; she is now getting the Field Officer training in order to be on the street by July 4. As a point of interest, Chief Buckhannon stated that the Police Academy is expanding its nine-week (9 wk) course to twelve (12) weeks. In the month of April, thirty-five hundred forty-four (3,544) calls were dispatched, and, of that number, eleven hundred sixty-three (1,163) were service calls. Citations were written for eighty-seven (87) of the one hundred seventy-eight (178) traffic stops, or forty-nine percent (49%). From the Livability Report, the Chief noted that there had been ten (10) noise citations written during the month of April.

#### **7. Miscellaneous Business**

Disaster Preparedness Expo, Public Safety Building, Friday, June 18, 5-7 p.m.

From May 17-20, approximately eight (8) members of the Army Reserve will be on the island in the Humvees participating in training exercises.

**Next Meeting Date: 5:30 p.m., Wednesday, June 9 in Council Chambers.**

#### **8. Adjourn**

**MOTION: Councilmember Loftus moved to adjourn the meeting at 7:14 p.m.; Chair Bettelli seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copland  
City Clerk