

PUBLIC SAFETY COMMITTEE
5:00 p.m., Monday, May 4, 2009

The regular meeting of the Public Safety Committee was held at 5:00 p.m. on Monday, May 4, 2009 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Chairman Buckhannon, Councilmen Bettelli and Loftus, City Administrator Tucker, Chief Buckhannon, Chief Graham and City Clerk Copeland. Dave Johnson with Cole+Russell was an invited guest at the meeting

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

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

MOTION: Councilman Bettelli moved to approve the minutes of the regular meeting of April 2, 2009 as submitted; Councilman Loftus seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments**

Jim Raih, 3904 Cameron Boulevard, relayed to the Committee that he had spoken to several of his neighbors on Cameron Boulevard and they all were pleased with the closure of Cameron at 41st Avenue. He ask the Committee to consider installing a crosswalk at 40th Avenue and Palm to slow the traffic as it leaves the 41st and Palm intersection; he did state that there was a beach access at 41st Avenue.

Jeffrey Ott of Southeastern Pyrotechnics asked the Committee's authorization to stage a private fireworks display for a wedding at 8:30 p.m. on Saturday, May 9 at the Exchange Club. He explained that the show would involve only small mid-aerial effects; the show would last no more than four (4) minutes; the company has two million dollars (\$2,000,000) of liability insurance and the City has been listed as an additional insured. The firing will be electronic and fire monitors will be in place. The show is for a wedding; therefore, the show will be elegant, not like a July 4th celebration.

Councilman Loftus asked the Administrator if the City had approved similar events in the past; she responded that there had been a private fireworks show in Wild Dunes where the nearest fire hydrant was across the street.

Administrator Tucker inquired of the need to notify the neighbors; Mr. Ott said that the display would not be disruptive since the fireworks were designed to use indoors.

Since the setup will be in the parking lot, Councilman Loftus was concerned about parking for the wedding guests; Mr. Ott stated that the couple had arranged

transportation for their guests from the church to the Exchange Club totally eliminating guest parking.

Mr. Ott noted that the live charges would arrive on the island Saturday and will be available for inspection by 7 p.m.

MOTION: Chairman Buckhannon moved to authorize a small, private fireworks display at 8:30 p.m., Saturday, May 9 at the Exchange Club put on by Southeastern Pyrotechnics; Councilman Loftus seconded and the motion PASSED UNANIMOUSLY.

Administrator Tucker noted that she would notify the balance of Council, and she asked Mr. Ott to provide the City with a copy of the liability insurance naming the City as an additional insured party.

4. Old Business

Update on Public Safety Building

- a. Dave Johnson of Cole+Russell**
- b. Consideration of Change Orders**

Administrator Tucker stated that she had asked that Mr. Johnson attend the meeting to explain the forthcoming change order that relates to time impact for various things that have occurred over the course of construction. Based on the terms and conditions in the contract, the time impact equates to money. Since there are multiple issues that went into generating this change order that will be a greater expense to the City, she believed that Mr. Johnson's information would be valuable to the Committee in making a decision. The Administrator added that Mr. Johnson truly works to ensure that the City "gets the best bang for its buck."

By way of construction update, Mr. Johnson stated that Mashburn is waiting for the metal roof panels; generally, final grading is being done on the site, the retaining wall at the rear of the building is in progress and they are completing the drywall installation. Mr. Johnson judges the construction is eighty-five percent (85%) complete.

Mr. Johnson refers to this change order as "the delay stage change order." As the Administrator said, Part One of the change order covers the full span of the contract through March 31, 2009. There are four (4) issues that have affected delays in construction; they are (1) weather, (2) shop drawing review, (3) special inspections and (4) generator curb.

On the subject of weather delays, Mr. Johnson explained that Mashburn is claiming, from the start of the project, forty-four (44) days on which they could not work because of weather conditions; related to the contract, these forty-four (44) days equate to forty-four thousand dollars (\$44,000) and forty-four (44) additional days. Mashburn had anticipated twenty-two (22) days of weather delays, leaving nineteen (19) days to be claimed. Mr. Johnson explained that the contractor must prove to him that the weather was abnormal and that it did, in fact, delay work; they then go through each day to confirm the weather conditions that existed. He noted that a log is kept at the site that indicates the weather and its affect on Mashburn's work. Cole+Russell eliminated three (3) days where the weather conditions were not enough to be abnormal, so the compromise was a claim for sixteen (16) weather days.

The second claim is for a delay based on steel shop drawings; Mr. Johnson contended that Mashburn did not allow sufficient time for the inspection of the structural steel considering the time when the product was needed on site. Mashburn had submitted a claim for eighteen (18) days and none were allowed by Cole+Russell.

Mr. Johnson reported that Mashburn had submitted a claim for twelve (12) days for special inspections. This issue related to the reinforcing steel; the inspector was on site and wanted to inspect the reinforcing and the welding that was taking place. Mashburn informed him that an inspection was unnecessary because they were using a heavier reinforcing bar than was specified. The inspector insisted on testing them; unfortunately the testing equipment broke in the course of testing and the materials had to be sent to the lab to complete the testing. The parties agreed to allow a claim for three (3) days.

The final claim relates to a generator curb. The specifications called for a curb on all mechanical equipment on the roof, but one thing that was not accounted for was the weight of the fuel tank underneath the generator. Mashburn submitted a request for information to Cole+Russell to resolve the issue. Mashburn has submitted a claim for seven (7) days, and the compromise was to allow three (3) days.

From these four (4) claims, the total number of days allowed by Cole+Russell is twenty-two (22).

However, Mr. Johnson informed Mashburn that the City was due credits for use of the City's parking lots for storing materials and several substitution requests for equal or better products than were specified – typically there is a benefit to the contractor when a substitution is made, and Cole+Russell determined that the benefit was time. Mashburn agreed to credit three (3) days for a total of eight thousand dollars (\$8,000).

The total number of days allowed in the claim was twenty-two (22), less the three (3) days' credit results in a claim for nineteen (19) days and \$17,312. This cost per day is

the cost to the contractor of having people and equipment on site, the performance bond, insurance, etc. The addition of nineteen (19) days makes the substantial completion date June 13, 2009. Mr. Johnson informed the Committee that the per-day cost was established early in the project and is \$1,148 per day.

Mr. Johnson stated that discussion had been related to Part 1, and he was going to continue with Part 2, which are the delays in April. Mr. Johnson stated that he has judged the original Mashburn Part 2 proposal unacceptable; the claim is for three (3) weather days and the second part of the claim relates to the roof. In summary, he stated that the metal roofing is not yet on site, and Mashburn is claiming that the roofing would be on site had the decision not been made to upgrade the roof. He explained that, because the metal roof has not been installed, there has been some water inside the building in several areas. Mashburn has had roofers out on several occasions to try "to button it up" and they have been unsuccessful to a certain extent; this last effort has not been tested yet, but they are hopeful that there will not be any leakage. The problems related to the water in the building created delays in installing drywall.

In Mr. Johnson's opinion the questions are when would they have had the roofing material; should it be on site now; and should they have waited so long? He recalled that his discussions today had centered on the fact that they were never told not to order the materials; they should have continued with their work until they had a change order or change directive in hand. Mashburn contends that the completion date now is July 1, and Mr. Johnson made it clear to them that date was unacceptable. He intends to resolve this claim by Friday. Mr. Johnson noted that, in his opinion, the installation of the roof should have come earlier in the construction process.

Councilman Buckhannon asked when the roofing material was expected to be delivered; Mr. Johnson stated that he had been told the drop-dead date was May 15, but they expect it to be sooner. Administrator Tucker commented that there had been a quick turnaround on the roofing change order; Mr. Johnson agreed that, once the new costs were submitted, a decision was made in a week. Any time lost was due to the time it took Mashburn to get the costs to Cole+Russell, and Mashburn was never told to stop work relative to the roofing issue.

It was decided that there should be two (2) change orders; one for the period through March 31, 2009 and the second for April.

Councilman Buckhannon asked when, according to the construction schedule, was the roof to have been installed; Mr. Johnson stated that the schedule says the end of March. He added that one would think that the order for the panels would have been made four to six (4-6) earlier.

MOTION: Chairman Buckhannon moved to recommend to Ways and Means the approval of Change Order #10 to Mashburn Construction in the amount of \$17,312 and an additional nineteen (19) days to the contract making substantial completion June 13; Council Bettelli seconded and the motion PASSED UNANIMOUSLY.

Mr. Johnson stated that Mashburn was concerned about liquidated damages; therefore, there was the possibility of giving Mashburn additional days without paying any additional money.

Mr. Johnson stated that it would only take a couple of weeks to install the roof panels once they arrive.

5. New Business

A. Award of Contract to Motorola in the amount of \$11,130.00 for an upgrade/dispatcher antennae system for the Public Safety Building.

Chief Graham explained that this change was a recommendation that came as a result of the recent system audit that Motorola performed to Mount Pleasant and the Isle of Palms; the purchase includes two (2) eight (8) port control station combiners and an associated Omni antennae. This equipment is intended to reduce the interference created on the island. The Chief stated that an antenna had been a part of the original purchase and that it was still in the radio shop for assembly for the Public Safety Building; she anticipates a credit for that antenna against this one or it could be a simple swap of equipment, because the City has not accepted delivery.

Chief Buckhannon stated that the cost was not included in the budget because the original radio purchases had taken place last year.

Since generating the purchase order, Chief Graham was notified of the actual cost of the equipment, which is \$10,019.27

MOTION: Councilman Bettelli moved to recommend to Ways and Means to approve the award of a contract to Motorola for two (2) eight (8) port control station combiners and an associated Omni antennae in the amount of \$10,019.27 understanding that there is value for the antenna previously ordered; Councilman Loftus seconded and the motion PASSED UNANIMOUSLY.

B. Discussion of use of Charleston County Law Enforcement support on the weekends

Councilman Loftus was concerned to know that there was sufficient police coverage to ensure the ordinary citizens could get assistance when there were incidents of large parties creating noise violations and underage drinking. Chief Buckhannon stated that he did not hesitate to call in extra officers to answer calls, including Lieutenant Wright and himself, but there were a couple of problems with using County officers, i.e. they will not enforce the City code, only state laws, and the second was that cases in which they are involved do not go to the Isle of Palms court. The Chief said that Folly Beach regularly uses County officers to augment their force at a rate of twenty-five dollars an hour (\$25/hr).

Councilman Loftus asked if the Department was taxed when an officer had to transport someone to Leeds Avenue and could the County officers used for this purpose, thereby, leaving Isle of Palms' officers on the island. Chief Buckhannon stated that typically an officer transports his own prisoners, and it was conceivable that an officer would be away from the island for four to six (4-6) hours.

Chief Buckhannon explained that he changes the regular schedules for the officers for holiday weekends; he stated that he tends to save up overtime in his budget for the tourist season.

When asked by Councilman Loftus if he thought he had adequate coverage, Chief Buckhannon stated that he would not hesitate to call upon off-duty City officers or Charleston County officers if he thought they were needed.

6. Highlights of Department Reports – April 2008

A. Fire Department – Chief Graham

According to Chief Graham the highlights were on April 10 when the DNR plane landed on the beach at Isle of Palms, April 23-24 when two (2) crews were sent to Conway to fight the wildfire and April 25 when the Department assisted Sullivan's Island and Mount Pleasant with the crash of a light plane in the marsh. Six (6) fire inspections were performed during the month finding fourteen (14) violations. She stated that vehicle maintenance continued to be over budget, but she had cutback in other areas in an attempt to compensate.

Chief Graham gave a brief update on the status of the digital radios; she stated that the new antennae will be pointed down to eliminate overdriving the signal.

B. Police Department

Chief Buckhannon reported that the Police Department had also assisted with the DNR plane that landed on the beach; in addition, officers had assisted with the Triathlon and the Bike Rodeo at the Recreation Center.

7. Miscellaneous Business

Councilman Bettelli asked who was responsible for the timing of the lights at Highway 17, Hungry Neck Boulevard and Rifle Range because traffic is not moving smoothly and bottlenecks are developing on the Connector. Chief Buckhannon said that the responsibility for the lights lies with Mount Pleasant, but they use an engineer from the City of Charleston to resolve issues with the lights.

Administrator Tucker asked Chief Buckhannon to call Mount Pleasant to get a study of the timing of these lights and to tie the request into the construction at the Ben Sawyer Bridge.

Councilman Loftus asked if there had been any problems at 41st Avenue and Palm Boulevard over recent weekends as more tourists have been on the island; Chief Buckhannon state that there had been no traffic problems. A decision on the intersection will be made after Memorial Day weekend when there will be a large volume of vehicles through the intersection.

Councilman Loftus also asked if the signage had come in limiting the time one can park on 25th Avenue; Chief Buckhannon responded that they have not arrived, but he has confirmed that the sign shop has the work order.

Administrator Tucker announced that one (1) of the two (2) Isle of Palms officers at the Police Academy was going to receive the Academy's highest honor, the J. P. Strom Award; Wesley Funsch had received the highest grade for all nine (9) weeks of the school. Officer Funsch had been a Beach Services Officer on the Isle of Palms for two to three (2-3) years while in college. Chief Buckhannon is to deliver the commencement address for this session at the Academy.

Administrator Tucker reported that the Police Department had prepared an additional grant request to submit to the United States Department of Justice, Office of Justice Programs that will be funded by the 2009 Stimulus and Recovery Act. The grant requests two (2) automated license plate recognition systems and twenty-two (22) security cameras; the plate recognition systems would be placed at 14th and Palm Boulevard and at Breach Inlet while the security cameras would be placed at City Hall,

the marina, the Recreation Center, Ocean Boulevard, on Front Beach and near the Windjammer.

MOTION: Councilman Bettelli moved to approve the grant requests from the Police Department; Councilman Loftus seconded.

Chairman Buckhannon expressed his dislike of the idea of “just generally watching people.”

Call for the Question: The motion PASSED on a vote of 2 to 1 with Chairman Buckhannon casting the nay vote.

The next meeting was scheduled for 5 p.m., Tuesday, June 2, 2009.

As the meeting was about to adjourn, Mike Roach approached the Committee stating that he had been told he would be on the agenda to request approval for Chapter 264 of Lowcounty Star Touring and Riding motorcycle group to ride through the Isle of Palms on Saturday, June 20. He described his group as family-oriented, motorcycle riders who observe the highway laws and limits and safety is key; he added that alcoholic beverages would not be consumed. There will be approximately three hundred (300) riders following two (2) different routes and there will be not stops on the island.

Chief Buckhannon said that since there would be no stops on the island and no blockers at the Connector, he had no problem with the groups coming through.

Councilman Loftus asked that a link to the City’s website be put on their website, and Mr. Roach agreed.

Administrator Tucker stated that a notification will be placed on the City’s website to inform the residents about the ride.

8. Adjourn

MOTION: Councilman Loftus moved to adjourn the meeting at 6:50 p.m.; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk