

PUBLIC SAFETY COMMITTEE

5:00 p.m., Tuesday, January 8, 2013

City Hall Conference Room

The regular meeting of the Public Safety Committee was held at 5:00 p.m., Tuesday, January 8, 2013 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf and Bettelli, Mayor Cronin, City Administrator Tucker, Fire Chief Graham, Police Chief Buckhannon, Attorney Halversen, Assistant to the Administrator Dziuban and City Clerk Copeland; a quorum was present to conduct business.

1. Administrator Tucker 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. Election of Chair and Vice Chair

Mayor Cronin nominated Councilmember Bettelli for Chair and Councilmember Bergwerf as Vice Chair; Councilmember Bergwerf seconded and the nomination passed unanimously.

3. Approval of Previous Meeting's Minutes

MOTION: Mayor Cronin moved to approve the minutes of the regular meeting of November 7, 2012 as submitted; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

4. Citizens' Comments

Turtle Lessons Project Presented by Members of the Turtle Team

Ann Bauer and Catherine Malloy represented the Turtle Team to describe this initiative by the Isle of Palms/Sullivan's Island Turtle Team. The goal of the program is to educate island children ten (10) years of age and younger on the nesting habits of the loggerhead turtles and beach environmental issues. The details of the event are in the literature submitted to the Committee and attached to the historical record of the meeting.

Mayor Cronin asked if this program had been offered in the past; Mrs. Bauer responded that Folly Beach Turtle Team has held very successful events over the past couple of years.

Councilmember Bergwerf indicated that this event would have no impact on police and/or fire departments.

Chair Bettelli commented that the Turtle Team did not plan to advertise this event too widely; they were seeking to educate primarily the children of Isle of Palms and Sullivan's Island through the school and the Recreation Department e-newsletter.

5. Old Business

A. Status of Consultant's Work on Beach Access Parking

Rick Day of Stantec was present to inform the Committee of their progress.

Mr. Day reminded the Committee that Stantec is working on two (2) different, but related, issues for the City; they are wayfinding signs and beach access parking. On the issue of signage, Mr. Day reported that they have inventoried the island's signs and developed a plan of the elements to be included in the island-wide wayfinding program. They have also been provided positive guidance on parking in the core Front Beach area; this concept has been submitted to SCDOT for review and permitting. Stantec anticipates the placement of signage before the coming tourist season.

Stantec personnel have also reviewed Planning Commission minutes, Council minutes and the minutes of citizens' forums on the topic of parking on the island in the tourist season. They have come up with a list of ideas – some new, some old and some tweaked – to present to City staff and Council for consideration; Mr. Day added that none of the ideas are going to be easy. Stantec staff will present their ideas to staff to ensure they are on the right path prior to presenting to this Committee or City Council.

Councilmember Bergwerf asked how soon Stantec would be proceeding with meetings with staff on parking; Mr. Day responded that he hopes to have the wayfinding signs in place before the season begins. Administrator Tucker remarked that the installation of signs is dependent upon how quickly SCDOT approves the plan.

On the subject of parking, Mr. Day indicated that Stantec wants to have several viable strategies to present to City Council for consideration and debate; whatever approaches are deemed worthy of consideration by the City's leadership will then be presented to the citizenry for input.

B. Update on Consolidated Dispatch

Administrator Tucker reported that a ribbon cutting for the new building will take place later in the month; in addition, the City has begun to use the same system that is used at the Consolidated Dispatch Center (CDC). In doing so, some of the reasons for the difficulties other users have pointed to have been seen firsthand.

Mayor Cronin distributed a handout that, to his understanding, was provided to Mount Pleasant by the Consolidated Dispatch staff; the information is an illustration of how calls are routed through the dispatch center depending on the seriousness of the call. The route of the call is determined by the CDC call taker, and the call is only passed to the actual dispatcher when the call taker has gotten all of the information he/she is required to get.

Administrator Tucker informed the Committee that she had gotten real-life experience with the CDC when she and her husband were recently involved in a minor traffic accident in North Charleston. Due to her expressed concern over the impending transition, she requested and has received a copy of the recording of the call between her and the CDC to educate residents about the changes that are to come. The Administrator explained that the call taker has a pre-determined set of questions, which adhere to a national standard, that must be answered and must be answered in order – no questions can be skipped, and they cannot be taken out of order. The Administrator was not told assistance was on the way until all of the information was gathered and that took six (6) minutes. Administrator Tucker did note that she had told the call taker immediately that the accident was minor and that no one appeared to be injured.

Chief Buckhannon explained that, since the Administrator had stated that the accident was minor, the call may have been assigned a less urgent call type resulting in other, more critical calls being responded to first, or the call volume may have been so great that the response was delayed. Councilmember Bergwerf stated that she was under the impression that, once the address was confirmed, assistance was dispatched to the scene; Chief Buckhannon reiterated that calls with the highest priority were responded to first.

Administrator Tucker voiced the opinion that an important message to both residents and visitors was to be as calm and patient as possible when calling 911; the call takers have a protocol they must follow exactly – frustration on the part of the caller will only serve to slow the response.

Chair Bettelli reiterated the need for every house on the island to have house numbers both inside near the telephone and outside easily seen from the street.

Mayor Cronin indicated that listening to the Administrator's 911 call has served to generate more questions, and he would like to have representatives of the Charleston County Consolidated Dispatch Center come to a meeting soon to respond.

Chief Buckhannon stated that the ribbon-cutting will be Thursday, January 24th and that Mount Pleasant will be transitioning in February 2013.

6. New Business

Discussion of SCDOT Documentation Related to 52nd Avenue and Other Roads

Administrator Tucker introduced Robert Clark, District Engineering Administrator, and Beacham Brooker, Jr., Assistant Chief Counsel, with SCDOT; the Administrator asked that they explain how the determination is made that a road belongs to IOP, SCDOT or otherwise, specifically the situation with 52nd Avenue.

Mr. Brooker unrolled three (3) maps that show the Isle of Palms and its roads. He explained that secondary highways in the state come from various acts in the 1940s and 1950s that tell SCDOT to take in roads from the county road systems; counties got the roads through dedications or long-time public use, referred to as "prescriptive public rights." According to Mr. Brooker, 52nd Avenue was originally constructed by The Beach Company and platted as a road; SCDOT has not seen any documentation from the Beach Company dedicating it to Charleston County as a public road and asking them to maintain it. SCDOT has maintained 52nd Avenue for the past twenty (20) years; therefore, they are not required to find an express dedication, but have a prescriptive right. He indicated that Mr. Clark's staff has an extensive stack of regular maintenance reports for 52nd Avenue, which will be vital should residents try to litigate that it is a private road.

Responding to Mayor Cronin's question about number of years of maintenance history that exists, Mr. Clark stated that maintenance records are kept for seven (7) years.

Administrator Tucker explained that the 52nd Avenue HOA has obtained a quitclaim deed for the road and signage has been installed indicating the road is private. She inquired about what the next step for SCDOT would be.

Mr. Clark commented that the PRIVATE ROAD signs are down and SCDOT maintains that 52nd Avenue is part of the state road system; he indicated that it is unlawful to place signs in the public right-of-way without permission.

On the subject of the quitclaim deed, Mr. Brooker stated that a deed is relative to the land under the road and that the road encumbers the land; he noted that deeding and the status of the public road are separate issues.

In the Administrator's opinion, the deed should refer to both the land under the road and the road itself; she expressed the opinion that the quitclaim could carry more weight than the possible existence of maintenance records on the road.

Mr. Brooker said that it was 1968 before SCDOT began to condemn and buy land for roads.

Mayor Cronin asked whether the City had the right to construct a stormwater system under the road through land that SCDOT does not own; according to Mr. Brooker public utilities are allowed as a matter of right-to-locate in the public right-of-way being considered a public use for a public road.

On the subject of the quitclaim deed, Chief Buckhannon questioned how it affected the land along the side of the road where people park. Mr. Brooker remarked that the extent of a right-of-way or public easement for roadside parking is a use that the City needs; therefore, public rights extend to that use. In addition, Mr. Brooker stated that town and cities in the state have the right to regulate parking on public highways within their boundaries.

Attorney Halversen asked for a clarification on SCDOT's stance on the abandonment of roads, under what circumstances would an abandonment occur, and whether or not the City would be notified if an abandonment were contemplated by SCDOT.

Mr. Brooker indicated that SCDOT does not abandon roads at all; SCDOT will only remove a road from the state highway system and the road automatically falls, as a matter of law, under the jurisdiction of the local municipality.

Attorney Halversen followed up by asking, if SCDOT chose not maintain a road and take it out of the state road system, whether or not the City would be notified. In that case, the road would be turned over to the City.

Mayor Cronin noted that there are many roads on the island that are not in the SCDOT system, but the County paves them for the City and the Isle of Palms maintains them. Despite these facts, the residents of these streets contend they are private.

On a related subject, Administrator Tucker recalled a discussion she had with Mr. Clark relative to the differences in the treatment of encroachments in the right-of-way based on when roads were accepted into the system.

Mr. Clark stated that, when SCDOT builds or improves a road, it frequently gets a municipal agreement that indicates the municipality wants the work done and the municipality will assist SCDOT to ensure that no unpermitted encroachments are placed in the right-of-way. For instance, when Palm Boulevard was widened, a municipal agreement was signed between the City and SCDOT, but the same is likely not the case for many of the secondary roads on the island which may have been constructed before there was a city. The Administrator summarized that for the roads covered by a municipal agreement, the City can enforce unpermitted encroachments, but, on the secondary roads, enforcement falls to SCDOT. The Mayor asked if would be possible to get a municipal agreement to cover the secondary roads on the island, and Mr. Brooker expressed the belief that it could. Mr. Clark suggested generating a document that would delegate or ask for assistance in policing unpermitted encroachments in the rights-of-way to the City.

Councilmember Bergwerf repeated that SCDOT maintains that 52nd Avenue is not a private road; therefore, the IOP Police Department can ticket illegally parked cars and that PRIVATE ROAD and NO PARKING signs cannot be placed along 52nd Avenue.

7. Highlights of Departmental Reports

Fire Department – Chief Graham

Due to time constraints, Chief Graham concentrated her report on the month of December. Included in the report for the first time was the response time report using the CAD system that ties into the CDC; the Chief explained that the calls are prioritized using Alpha, least serious, to Bravo, Charlie and Delta, most serious. Personnel responded to fifty-five (55) total calls in December; thirty-four (34) calls were for EMS. For the year, personnel responded to nine hundred sixty (960) calls, responded to five hundred twenty-five (525) medical calls and treated five hundred eighty-five (585) patients. Engineer Puckhaber completed the Basic EMS course. Fire Inspector Ryan Kunitzer has joined the Lowcountry Investigation Team that will afford him experience in fire investigations that he would not get on the Isle of Palms.

Mayor Cronin commended the Fire Department for the work with the helicopter/aquatic rescue team training that took place on the island over the weekend involving volunteers from all over the state. Chief Graham stated that she has gotten only positive feedback on the event, including indications from the County Park and the participating agencies that they would like to repeat the exercise at IOP.

The Mayor noted that Chief Graham will be attending the 2013 National Hurricane Conference and suggested that questions be fed to her for answers at the conference.

Police Department – Chief Buckhannon

Chief Buckhannon indicated that December had been a rough month for the Department related to burglaries and larcenies; on one (1) evening there were four (4) petit larcenies on boats, six (6) thefts from vehicles, and four (4) burglaries - a total of nine (9) burglaries for the month. On the night this occurred, officers developed a suspect, who has since been charged with, at least, one (1) of the car break-ins; officers also have suspects in the burglaries that occurred, particularly those on Palm Boulevard. Dispatchers responded to thirty-five hundred forty-four (3,544) calls; twenty-nine hundred eighty-six (2,986) were for the Police Department. For 2012, dispatchers responded to fifty-two thousand two hundred twenty-seven calls (52,227); forty-one thousand three hundred twenty (41,320) for the Police Department, an increase of ten percent (10%) over 2011.

The Chief noted that one (1) officer has completed three (3) weeks at the academy, and a second officer will begin in March; the Department is also down two (2) dispatchers.

8. Miscellaneous Business

Next Meeting Date: 5:00 p.m., Tuesday, February 12, 2013 in the Conference Room.

9. Executive Session to receive legal advice relating to potential legal claims – not held

10. Adjourn

MOTION: Mayor Cronin moved to adjourn the meeting at 6:02 p.m.; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk