

PUBLIC WORKS COMMITTEE
5:30 p.m., Tuesday, May 13, 2015

The regular meeting of the Public Works Committee was held at 5:30 p.m., Tuesday, May 13, 2015 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Ferencz and Loftus, Chair Ward, Administrator Tucker, Director Pitts, Assistant Administrator Dziuban and Clerk Copeland; a quorum was present to conduct business.

1. Chair Ward 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 9, 2015 as submitted; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments** – None

4. Departmental Reports for April 2015 – Director Pitts

Director Pitts noted that personnel spent a large part of April on right-of-way maintenance; the highlights for the month were the stormwater repairs between 42nd and 43rd Avenues and the hazardous materials recycling and shred day on April 25th. As noted, one hundred seventy-one (171) residents participated in the event; only one hundred seventeen (117) participated in 2014; he will present the breakdown at the next meeting.

Councilmember Loftus asked whether the City had followed up with the County to tell them how great this was for the residents and that the City wanted it to continue; Director Pitts said that to do so was on his radar, but he had been too busy to follow up until now.

On the subject of vehicle maintenance, the Director remained confident that the Department would end the year within budget.

For the month of April, yard debris was up, but it was less than the same month in 2014. Director Pitts commented that he had one (1) CDL driver since the middle of January, and he might have to hire additional temp labor to get the job done.

5. Old Business

Update on Drainage

Lauden

Administrator Tucker prefaced her comments saying that the issues with the drainage ditch on Lauden has been "the most difficult challenge" staff has faced in a while. She reported that she had studied the ditch earlier in the day and that "things" were living in it; the water continues to go nowhere. She voiced the opinion that multiple factors were contributing to the problem; one (1)

has to do with the outfall, but she also thought that engineering analysis needed to be done to determine whether some vegetation should be cut and a camera should go where the pipes go under rights-of-way and from one drop inlet to another looking for blockages. Since the water is not moving, the vegetation is flourishing.

The City had hoped to get assistance from Charleston County with cleaning the outfall. The Administrator explained that a leadership change has taken place at the County, so the City has been dealing with a shift in how things are getting done. The City has a couple of inventories of the drainage system that show where the lines are and one (1) specific drawing shows the outfall for Lauden as a County-maintained outfall. The County now states that they may have maintained it at some point, but, since there is not easement there, they would not maintain it now without some protection for liability – they would prefer that the City secure an easement there. The other issue about the outfall is that it goes from Waterway Boulevard to the IntraCoastal Waterway; the path to get there is across the Harbor Golf Course which the County has technically determined to be private property. The problem with the drainage is clearly a public problem on public right-of-way.

Assistant Dziuban reported that Charleston County has explained that they are not legally obligated in any way and were just assisting previously as a courtesy to the City.

According to the Administrator, the City now has something in writing stating the conditions under which they would help, but staff believes that, between the City using temp labor and some people with the County who are willing to assist, some of the work can get done. The additional issue is that this drainage ditch is also a tidal ditch, so the City must be careful not to damage any tidally-protected vegetation and that is a concern.

Administrator Tucker advised that the City needed to continue to try to work with the County to get past this issue for future projects; the City needs to understand what the County can and cannot do for the City under the new administration and guidelines.

The Administrator reiterated the opinion that the City needed a civil engineering analysis of what needs to be done to get the whole area flowing; she continued that she believes that the vegetation should be cut in the Lauden open ditches, the areas that are not visible should be examined via camera, and the problem with the outfall should be resolved.

Originally, the Administrator had thought that, once the County cleaned the outfall, water would begin to flow out of the ditch, but further examination has cast doubt on that solution. If the City could get the water flowing out of the residential area and was held at the bigger ditch on Waterway, the situation on Lauden would be improved.

Responding to Councilmember Loftus, the Administrator stated that her concerns were that the City could clean the outfall, which would be risky because personnel would be required to wear hard hats when working, could be hit by golf ball or bitten by a snake, in addition to the worry of cutting some protected vegetation and the water still would not flow. If the standing water could first flow out of the Lauden ditches, the residents would be more satisfied, and then the City could clean the outfall.

Councilmember Loftus advocated for the City to “hold the County’s feet to the fire.” He noted that resident’s taxes continue to go up and he thinks the maintenance of this outfall was their responsibility.

When asked whether she had contacted County Councilman Schweers, the Administrator reported that she had gone to the supervisor of the person with whom she had been working.

Assistant Dziuban explained that she had shown the person at Charleston County the map with the legend identifying the County as the responsible party for the outfall. He responded very clearly that, despite what is indicated on the map, the title research he had done shows no drainage easement there, and, if the County ever maintained the outfall, it was not because it was a County ditch but a courtesy done for the City. The County has indicated that, if the City wants the County to do the work, they have some stringent stipulations on the work; they are viewing the job, not as their obligation, but as a favor they would do to help the City. The County wants the City to take on all of the liability, knowing that their equipment would be very heavy and could inflict some damage; they want the City to reimburse the costs of the work; and they want the City to get legal permission from the golf course for right-of-way access. They are not refusing to help the City.

Director Pitts said that he was not sure that the County has ever cut into the area that requires attention now. The Director commented that the City’s vendor for fifteen (15) years, Eadies’, cuts every ditch on the island to the critical line; prior to their coming to the City, a biologist, possibly from OCRM, studied the ditch and declared it off limits to the City based on the tidal vegetation growing there. In addition, the Director said that he does not remember seeing the County clean the ditch beyond the golf cart path on the eighth hole. Director Pitts stated that, when he met with County engineers when the problems first surfaced, the engineer said that he was working with OCRM to get approval for maintenance of the ditch because he has similar problems on all of islands.

From discussions with Charleston County earlier in the day, Administrator Tucker was told that the County is trying to get OCRM to put a procedure in effect to be able for entities like the County to be able to secure a maintenance permit.

In working with the County to resolve the Lauden issue, the Administrator said that she thought the County’s posture had changed based on new personnel who are being very literal in their interpretation of the NPDES requirements and they are taking the position that they do not consider what has historically been done and will now do only what they are required to do.

The interesting dynamic through this process is that, when the County talks about the NPDES program and what they are doing for the City, they sound like they can do a lot to help the City. When a local government actually has a problem that needs to be done, it is not as simple as they have made it sound, like a letter explaining what the need.

When asked by Councilmember Ferencz if there would be problems with the Public Works site, the Administrator said that she did not know and it was a legitimate concern.

Administrator Tucker noted that the next item on the *Agenda* was about work the City has already done and for which it has filed for reimbursement through NPDES funds. She explained that, if one's property abuts a SCDOT street and the Isle of Palms has put drainage improvements in that right-of-way, the County interprets the regulations such that it would be a SCDOT problem, and NPDES funds would not pay for it.

The Administrator recalled that, when the City first partnered with the County, the NPDES program was very new, and, since it appeared that the City would have to hire staff to run the program, partnering with Charleston County seemed to be reasonable. The County is fulfilling its responsibilities relative to public education and compliance, i.e. if someone was going to build a new house, there are certain things the property owner should to avoid stormwater from carrying things into the drainage system. These inspections are being done on every property and putting in requirements, similar to what happened on 49th. For the City, the most important part of the NPDES program is being able to get smaller drainage projects done and drainage improvements and compliance like at the Public Works site.

The Administrator noted that the City had been told that in order to be reimbursed for some of the smaller drainage projects, the City simply had to send a letter. The City had to make the emergency repair on Palm between 42nd and 43rd Avenues; the total expense was sixty-two thousand dollars (\$62,000); and Administrator Tucker sent the request for reimbursement out of NPDES funds. Basically the County opines that, because that problem was on SCDOT right-of-way, they want the City to withdraw the request. The contact with the County said to Assistant Dziuban that he did not think the reimbursement would survive an EPA audit. If the City decides not to withdraw the request, it would have a contingent liability for the reimbursed amount.

Councilmember Loftus asked how the money being paid in NPDES fees would come back to the City. Assistant Dziuban related having asked the same question and being told that, by the letter of the law, the County is only obligated to provide public education and compliance; they will try to assist with maintenance when they can, but it is not required.

Councilmember Loftus reiterated that the City should push back hard and involve some of the County representatives.

Administrator Tucker commented that the City might want to investigate getting out of the agreement with Charleston County to manage the NPDES program in-house; controlling the program would also mean that the City has control of its money.

Councilmember Loftus stated that the Committee should take this matter to the Ways and Means Committee and that the City should not withdraw its request for reimbursement of the sixty-two thousand dollars (\$62,000) spent in repairing the drainage at Palm and 42nd and 43rd Avenues. He stated that these were legitimate NPDES expenses that the County has reimbursed the City for in the past.

Assistant Dziuban explained to the Committee that Charleston County was not refusing to reimburse the City; they have made it clear that they think it was unwise because they think it would be a red-flag in an audit since they were not supposed to do projects for a different entity, which is how they see SCDOT rights-of-way.

Palm Boulevard along Bike Path, 43rd toward 42nd

This subject has been discussed.

Handicap Space at 21st Avenue

Administrator Tucker reported that she had met with SCDOT earlier in the day and had the opportunity to talk about this space; they reported that they are still working on the matter.

On a side note, the Administrator reported that the Blackwells, who have built the new house where the two (2) handicap spaces are, have made comments that they want to put in a different driveway. The City has the encroachment permit and the handicap spaces were put in by Charleston County at the City's request. For the Blackwells to have a different driveway, the handicap spaces would have to be relocated, and the Blackwells have been told that the relocation would be at their expense. The Administrator commented that, if the handicap spaces have to be relocated, the flooding problem might be resolved.

In the meantime, the City would continue to look to Charleston County for a solution to the flooding at the present location of the handicap spaces.

Ditch at 29th and Palm

After stabilizing the ditch with sand-shell, the City has installed a sign reading NO PARKING WITHIN 4 FT OF ROAD in an effort to keep vehicles from backing into the ditch.

6. New Business

A. Consideration of FY16 CTC Requests

Administrator Tucker reminded that CTC has two (2) arms, i.e. one that deals with the paving of roads and a second arm that does smaller projects like drainage, paving roads, etc. The City's 2015 CTC requests were the 46th to 52nd Avenue Drainage Project, the handicap accessibility at 21st Avenue and cycling improvements, in that order of priority; the Public Safety Committee chose to resubmit the projects from 2015 and in the same order of priority.

The Administrator reported that, in the past, CTC and TST have, historically, been strong participants of the City's major drainage projects

Councilmember Loftus said that the importance of the bike paths on the island should be elevated; his opinion is that cyclists on the island represent an accident waiting to happen. He commented that, since the County had bad engineering for the 21st Avenue handicap spaces, the County should fix the flooding there without using CTC funds.

Councilmember Ferencz indicated that she did not think the rights-of-way were wide enough to meet the requirements.

Councilmember Loftus noted that he was talking about Palm Boulevard for the bike path.

MOTION: Councilmember Loftus moved that the Public Works Committee recommended that the 2016 CTC requests, in order of importance, be the 46th to 52nd Avenue Drainage project and a bike path on Palm Boulevard; Chair Ward seconded and the motion PASSED UNANIMOUSLY.

B. Consideration of Extension of Ditch Maintenance Contract with Eadie's

The Administrator reported that, when the last contract was entered into, the City had inserted a renewal clause for another five (5) years.

She recalled that, when the RFP was sent out five (5) years ago, the City received one (1) other bid that was well in excess of one million dollars (\$1,000,000).

In addition, the Administrator reported that the City has been very pleased with Eadies service on this aspect of their work and that they have agreed to renew at the same price.

Chair Ward asked whether Director Pitts was familiar with new technology for cleaning ditches.

According to Director Pitts, the contract stated that they restructure so many linear feet of ditch each year; to do that properly, the vendor must have a vacuum truck. The vacuum truck would set up and lay pipe in the ditch, and then they cut an eighteen inch (18 in.) V back to its original form; they do that with a pressure washer on one (1) end and the pipe on the other with a man physically in the ditch cutting the vegetation with high pressure that goes into the vacuum truck. The silt in the truck was hauled away and de-watered.

Assistant Dziuban explained that Eadies worked off of a five-year (5-yr.) plan because that is the number of years required to clean all of the ditches on the island.

Administrator Tucker stated that Eadies has completed year five (yr. 5) of a five-year (5 yr.) contract.

MOTION: Councilmember Loftus moved to recommend to Ways and Means that the City renew a five-year (5 yr.) ditch maintenance contract with Eadie's; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

C. Consideration of Award of Contract for Engineering Design for NPDES Project

The Administrator noted that the City received three (3) bids for the engineering design for the NPDES Project; she commented that, initially, the City had looked at construction supervision as a pricing component as well, but the pricing came in much higher than staff had anticipated. Based on that financial information, Directors Kerr and Pitts believe that they can do the supervision during construction since, essentially, the project is drainage and a Butler building.

Stantec submitted the lowest bid, but Administrator Tucker indicated that any of the three (3) bidders could do the work. She reported that, from the references staff checked, Stantec was equally qualified to do the work.

MOTION: Councilmember Loftus moved to recommend to Ways and Means to award a contract to Stantec for the NPDES project; Chair Ward seconded.

Councilmember Ferencz stated that she was not impressed with Stantec; she said that had plenty of words, but she was concerned that the additional out-of-scope services. She opined that the out-of-scope services were the “meat” of the project; whereas Thomas and Hutton has the design phase, the consulting – their exclusions were less than those of Stantec.

Administrator Tucker commented that Civil Site Environmental has always gone “beyond the call of duty or their scope” and never sent the City an invoice.

Councilmember Ferencz repeated that she had been more impressed with Thomas and Hutton because they appeared to hone in on the engineering.

Having worked with all three (3) bidders, Director Kerr said that Thomas and Hutton had found permit requirements in the NPDES general permit that the Director did not think Charleston County was aware. The Director added that it was very obvious that this was the type of project they do all the time, but any one (1) of the three (3) would do a good job in the Director's opinion. He added that staff did not think the complexity of the job warranted paying more money. Stantec had been the most responsive bidder, and staff has felt that the project needed to get underway as quickly as possible. Thomas and Hutton may have taken longer to respond based on their due diligence. The Director concluded that there were pros and cons to each bidder.

Councilmember Loftus and Chair Ward withdrew the motion and second.

MOTION: Councilmember Ferencz recommended that the Public Works Committee recommend a contract award to Thomas and Hutton for the NPDES project; Councilmember Loftus seconded and the motion PASSED UNANIMOUSLY.

7. Miscellaneous Business

Next Meeting Date: 5:30 p.m., Wednesday, June 3rd in the Conference Room

8. Adjourn

MOTION: Councilmember Loftus moved to adjourn the meeting at 6:36 p.m.; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted.

Marie Copeland
City Clerk