

Public Works Committee
11:00 a.m., Tuesday, October 11, 2016

The regular meeting of the Public Works Committee was called to order at 11:00 a.m., Tuesday, October 11, 2016 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Ferencz and Kinghorn, Chair Ward, Administrator Tucker, Public Works Director Pitts and City Clerk Copeland; a quorum was present to conduct business.

1. Chair Ward 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 Ferencz moved to approve the minutes of the regular meeting of October 11, 2016 as submitted; Councilmember Kinghorn seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments

Ann Mahon, 7 Wills Way, reported that three (3) of the four (4) corner lots at Wills Way and 31st Avenue are totally overgrown and home to some unwanted creatures, i.e. rats and coyotes; she brought pictures showing the problem properties. She and her husband initially thought this was a public safety issue and appealed to the Public Safety Committee to get the lots cleared, but nothing has happened. She referred to Section 6-1-32(d) of the City Code that states the following:

"It shall be the duty of every nonresident owner of a vacant lot or other vacant property to appoint a resident agent who shall have responsibility for keeping that lot free of litter and unsightly growth."

She continued reading from Section 6-1-32(e) that states ". . . the City Public Works Department shall be authorized to serve written notice to the owner or appointed agent to correct such violation within five (5) days. Failure to comply shall constitute grounds for prosecution."

Also stated in this section is an appeal process, the statement that "The determination of the City Administrator shall be made in writing and shall be final" and continued from Section 6-1-33(c) that states:

"In the event the responsible person fails to correct the conditions which violate this article within the time prescribed in the notice, the City Administrator may authorize agents or employees of the City to enter onto the property and take corrective action. The cost of corrective action taken by the City shall be a lien upon the property which shall be added to and collected in the same manner as the ad valorem taxes on the property."

Mrs. Mahon reported that the couple living beside her have small children and are having problems with rats underneath their house; neighbors have reported coyote sightings of them leaving the underbrush. (Pictures of lots are attached to the historical record of the meeting.)

Administrator Tucker assured Mrs. Mahon that she would contact her relative to any action the City may take. The lots are located at the intersection of 30th Avenue and Wills Way.

Chair Ward thanked Mrs. Mahon for telling the Committee about the problem, stating that Council needs “the eyes and ears of the citizens” to help them get things done.

MOTION: Councilmember Kinghorn moved to re-order the Agenda to take up the first item under New Business – Post Matthew Report next; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.

6. New Business

A. Post Matthew Report

Chair Ward reported that several residents had called him since Sunday who were concerned about the stair structures extending from private residences over the dunes; as a result of Matthew, many have become dislodged and are dangling over the beach with no support.

Director Kerr reported that he was in communication with OCRM to learn what their position is going to be in these circumstances; there are several such structures on the south end of the island near Breach Inlet and at Beachwood East. Once the water comes up and those structures are on the active beach, they are, technically, in OCRM’s jurisdiction. The City is hesitant to do or order anything in OCRM’s jurisdiction; therefore, the City has appealed to ORM for their opinion on who is responsible for dealing with such structures. He has unofficially learned that if the space is habitable, OCRM will handle it, but, if it is not habitable, such as a deck, walkover or boardwalk, the responsibility will fall to the local government. The City’s procedure has been that, if the structure is unattached, Pubic Works personnel will remove it, but, if it remains attached, the property owner will be asked to take care of it. Currently, staff is inventorying these locations to reach out to the property owners first in case they plan to remove them and are working toward that goal. If the property owners ignore the City’s outreach, the City will order these structures to be removed, which could lead to court action.

Then Chair Ward asked who issued permits for these dune walkovers, Director Kerr stated that the City writes the permits according to OCRM’s regulations and requirements. He also stated that OCRM likes these walkovers and encourages their construction to keep people from walking on the dunes.

In an effort to allow Director Kerr to leave the meeting and return to his job, Chair Ward asked the Committee for their permission to move through the Agenda to those items which involve him.

5. Old Business

Update on golf cart path on Palm Boulevard between 18th and 20th Avenues

The Administrator reported that the contractor was making progress on the path until Matthew arrived, resulting in the job being abandoned; members of the Committee reported that work resumed today.

6. New Business

Discussion of Proposal from Jones & Frank related to underground storage tank

Administrator Tucker reminded members of the Committee that the City has underground storage tanks at the marina, the Public Safety Building and the Public Works site, and Director Pitts is the operator of record for each of them based on his knowledge and past experience. She added that the City has never been out of compliance with any of its tanks. The City had an inspection of the tanks and was cited for non-compliance with the tank at the Public Safety Building which came as a surprise to City staff. At issue was leak detector system testing, and since it was the newest tank and a closed system, staff suspected that, with newer technology, the leak detector was actually there. The City did learn that the leak detector was not on that tank and got the proper device installed, but there is no way to use that device without doing a “widget” override to the way the system is designed. Ultimately, the City signed the consent order and paid the one thousand dollar (\$1,000) fine – first fine in the City’s history. Although staff appealed the ruling and fine, they learned that the problem was stated to be an egregious one and would stand.

The City could continue with the leak detection in the manner in which they (Jones & Frank personnel) described to staff it could be done, but staff was concerned about safety and thought there must be another way enabling it to be done automatically like on the other tanks. The proposal from Jones & Frank for an automatic leak detection device and installation was included in meeting packets, and staff recommends taking the expense of approximately ten thousand five hundred dollars (\$10,500) from the Capital Projects Fund and equally dividing between the Police and Fire Departments as unbudgeted expenses.

Since the City is involved in a process relative to that building and its deficiencies, Administrator Tucker assured the Committee members that this issue will be added to the list; the leak detection device should have been a part of the original installation based on DHEC regulations. She assured Councilmember Kinghorn that DHEC approved the system when it was installed and that she had appealed the fine in every way possible.

MOTION: Councilmember Kinghorn moved to recommend to the Ways and Means Committee the award of a contract to Jones & Frank in the amount of \$10,499.52 for an electronic line leak detection device for the tank at the Public Safety Building; Councilmember Ferencz seconded.

Councilmember Kinghorn suggested that the Administrator send a letter to the director of DHEC appealing the ruling and the fine.

Chair Ward urged the Administrator to find a source of funds other than Capital Projects from which to pay for the device, and the Administrator agreed to look for another source for the Ways and Means Committee meeting.

VOTE: The motion PASSED UNANIMOUSLY.

4. Departmental Reports for September 2016 – Director Pitts

Garbage collection was down slightly, but in the average range. The Director stated that he had expected that debris would be higher than previous months, but he was surprised to see such a

large increase. To resolve the problem, Director Pitts has reorganized his staff. Vehicle maintenance for the month was under target for the month.

Post Matthew Report

The Administrator was pleased to report that City Council and employees worked well together; she reported no complaints and no hesitation on anyone's part to go above and beyond the call of duty to do what needed to be done. On the initial trip to the island, personnel found debris-covered roads, flooded roads and minor damage to some City-owned buildings; the first objective was to clear the debris from the roads so that residents could get back to their homes as quickly as possible. Members of the City staff also checked on the properties that were already threatened, i.e. Grand Pavilion, Beachwood East, some of Dunecrest, Seacape and Ocean Club Building 1; they needed immediate attention. Building officials had to inspect these homes to make sure they were structurally sound, and the City needed to set this protective dune before the unusually high tides come in next week.

The City executed an emergency contract in the amount of thirty thousand dollars (\$30,000) to Coastal Science and Engineering to conduct a post-storm survey of the beach to determine how much beach was lost and to supervise the contractor moving sand on the beach. Yesterday afternoon, the Administrator signed the draft contract with Ashridge/Lake Moultrie, the lower of two (2) estimates received; they will mobilize today, will stage at Property Owners Beach House and begin work at low tides.

As for debris removal, the City is in a relationship with Charleston County for their debris removal contractor to mobilize here. Director Pitts noted that the trucks are staged on the Mount Pleasant side of the Connector and are waiting for DHEC to approve a dump site on Rifle Range Road.

When Chair Ward recalled that the Corps of Engineers had been on the island right after Hugo, Administrator Tucker reported that the National Guard's response was equivalent to the Corps' response; they were on the island on Sunday photographing the damage to the beach. In addition, the City had put in a request for the National Guard to mobilize equipment to push sand, but she is worried that they will not get to the Isle of Palms soon enough for the properties in jeopardy. The Guard will first respond to those areas that sustained much more damage than the City of Isle of Palms.

The Administrator also informed the Committee that she had contacted the City's FEMA representative to confirm that the work the City was undertaking would fall into the emergency category and be reimbursable; he assured her it would be.

Explaining the delay in a disaster declaration, the Administrator said that local governments that had damage have not had the time to provide a reasonable damage assessment to the County who, in turn, will compile the data from all of the local governments to submit for reimbursement. The total amount of that assessment determines whether a disaster declaration will be issued; insurance claims have also not been filed.

Responding to Councilmember Kinghorn's query about the wave dissipation devices, Administrator Tucker stated that the believers would say they definitely made a difference in the

severity of the damage, but she pointed out that the waves went over the devices and under the homes.

The Administrator stated that she had written into the contract with the sand-moving contractor that they would be working under the emergency order or under the City's shoal management permit that would allow sand to be harvested from outside the problem area; the hope is that work can be completed under the emergency order.

Chair Ward acknowledged the controversy over the wave dissipation devices but stated that they were better than sandbags. The Administrator said that these devices required much less maintenance than sandbags and that they give the property owners some peace of mind. Whether they are scientifically effective or not, she did not know.

Additionally, Administrator Tucker wanted everyone to know that the staff at the Homewood Suites, who closed to the public and housed IOP personnel, did a "phenomenal job of taking care of" personnel who stayed there. About every hour, someone was checking on the staff and asking if they needed anything. They kept the small kitchen open and provided two (2) meals a day.

Chair Ward stated that he had received a lot of compliments on the way the Police Department handled the re-entry to the island. He continued to compliment the entire staff for their preparation and work relative to Hurricane Matthew.

7. Miscellaneous Business

Next Meeting Date: 11:00 a.m., Wednesday, November 2nd in the Conference Room.

8. Adjournment

MOTION: Councilmember Ferencz moved to adjourn the meeting at 1:55 p.m.; Councilmember Kinghorn seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk