

The Town of James Island held its regularly scheduled meeting at 7:00 p.m. in Council Chambers, 1122 Dills Bluff Rd., James Island, SC, on Thursday, August 15, 2019. The following members of Council were present: Leonard Blank, Mayor Pro-Tem, Garrett Milliken, Joshua P. Stokes, Darren "Troy" Mullinax, and Mayor Bill Woolsey, presided. Also, Ashley Kellahan, Town Administrator, Brandon Reeser (for Town Attorney, Bo Wilson), Merrell Roe, Finance Director, Mark Johnson, Public Works Director, Sgt. Shawn James, Island Sheriff's Patrol, and Frances Simmons, Town Clerk.

Opening Exercises: Mayor Woolsey called the meeting to order, led Council in prayer and followed with the Pledge of Allegiance. FOIA: This meeting was published and posted in accordance with the Freedom of Information Act and the requirements of the Town of James Island.

Public Hearing: Ordinance #2019-06: Cost Sharing Agreement with James Island Public Service District (JIPSD): Mayor Woolsey opened the Public Hearing. The following persons spoke:

Kathy Woolsey, Vice Chair, James Island PSD: Thanked the Town for the Cost Sharing Agreement. She hopes it will lower property taxes for the citizens of James Island, offset some costs of the PSD; and take a little bite of the 13% tax increase the PSD went through last year.

Commissioner Inez Brown-Crouch, James Island PSD: Commissioner Brown-Crouch said she has been on the PSD for 20 years. She thanked Mayor and Council for the Cost Savings Agreement and what it would do for the people of James Island. She hopes it will go through so that people know that we are doing more than just talking.

Public Comments: No one signed in to speak.

Consent Agenda:

- a. Minutes of July 25, 2019 Regular Town Council Meeting: Motion to approve by Councilman Stokes, seconded by Councilman Mullinax. Passed unanimously.

Information Reports:

- a. Finance Report: Presented by Finance Director, Merrell Roe. Correction was made that the Franchise Fee of \$150,000 is Dominion Energy. Santee Parking is six (6) months' rent, and \$3,900 Capital Improvement is Railing deposit.
- b. Administrators' Report: Presented by Town Administrator, Ashley Kellahan. Notice of Election for filing of the Nov. 5 Election has been advertised for Mayor and Council seats. Filing will take place Thursday, August 22, 12N at Town Hall until Sept. 5 at 12N. Staff is now using the GeoThink app., a web-based GIS software. Seventy-four (74) residents attended the Clearview/Eastwood Traffic Calming meeting. As Plan Review meetings are held, these meetings will be held by neighborhoods. A Public Charrette will be scheduled for the island-wide drainage study. There were seventeen (17) Code Enforcement cases this month. Councilman Milliken asked if the GeoThink app. could determine the location of grand trees and ROW in the Town. Mrs. Kellahan said that it could.
- c. Public Works Report: Presented by Public Works Director, Mark Johnson. In addition to report, Mr. Johnson commented that the new Street Sign program is going well. It began in Clark's Point. Eleven (11) signs have been replaced and fourteen (14) were cleaned. Councilman Milliken thanked Mark Johnson and Douglas Sparling for their prompt attention to replace the Stop Sign on Ft. Sumter Drive. Councilman Mullinax also thanked Public Works staff for the placement of the Radar Sign at the Ft. Johnson and Lighthouse Blvd. intersection.
- d. Island Sheriffs' Patrol Report: Sgt. James reviewed Crime Statistics. He said some break-in cases are being worked on and an update would be forthcoming. Sgt. James said Charleston County has taken over a few schools (Harbor View, Stiles Pont) from the City. County Officers will patrol

the schools. The Island Sheriffs' Patrol Report was reviewed and received as information. Sgt. James was informed that the No Parking signs have been installed on Grand Concourse. A deputy will be on duty on Wednesday morning for school opening.

Requests for Approval:

Demolition of Unsafe Structure: Mrs. Kellahan presented a quote from Berry Demolition to take down an unsafe structure at 1261 Ft. Johnson Rd., \$11,500. Our Building Official has declared the building uninhabitable. Motion in favor by Councilman Blank, seconded by Councilman Milliken. Councilman Stokes asked if the Town would recover any monies for the demolition. Mrs. Kellahan said the Town would file a lien on the property. Motion passed unanimously.

Tree Protection Agreement with Dominion Energy: Mrs. Kellahan presented the Agreement and noted its similarity to the City of Charleston's Agreement. Motion in favor by Councilman Blank, seconded by Councilman Mullinax.

Councilman Milliken said this is a great start and there are good intentions behind this. He likes the language: "*the Town may Town Designee may elect to have an arborist working on behalf of the Town to be present when pruning activities are taking place on Grand Trees and may require twenty-four (24) hour notice for any work to be performed on trees, including Grand Trees, identified by the Town Designee to be special in nature*". He further noted the importance in having an Agreement that is somewhat consistent with the City because it would make Dominion's tree trimming process a bit easier. He complimented the staff for doing a good job.

Councilman Stokes said he is in favor of the additional requirements and asked if discussions had been held with Dominion about the Agreement. Mrs. Kellahan said Dominion is on board and have had discussions with the Town. Motion passed unanimously.

Engineering Proposal for Phase III of Dills Bluff Sidewalk: Mrs. Kellahan presented a fee proposal from Johnson, Laschober & Associates (JLA) \$26,500, for design, implementation and construction drawings for the Dills Bluff Sidewalk, Phase 3. This portion of the sidewalk will run from Seaside Ln. to Condon Dr. Motion in favor by Councilman Stokes, seconded by Councilman Mullinax.

Councilman Milliken commented this being a great plan because it is on the side of the Rd. to help preserve many of the Grand Trees. He asked if this would affect any Grand Tree on the side of the Rd. if we go further down. Mrs. Kellahan stated the Conceptual Plans did not show any impacts, but she was unsure. There may be impacts to limbs and we would know more as we get into the design. Mrs. Kellahan will research and respond to Councilman Milliken. Motion passed unanimously.

Oceanview-Stonepost Drainage Easement Engineering Work, Phase II: Mayor Woolsey requested deferral of this agenda item to the September meeting and was granted without objection.

Old Camp Rd. Library - Community Facility Study: Mrs. Kellahan presented a request from Liollo Architecture for possible uses of the old Camp Rd. Library, \$18,700, plus reimbursable expenses. Motion in favor by Councilman Milliken, seconded by Councilman Mullinax. No discussion. Motion passed unanimously.

Committee Reports:

Land Use Committee: No Report.

Environment and Beautification Committee: Councilman Milliken announced that the James Island Pride Committee meets on the third Thursday at 5:30 p.m. and encouraged citizen participation. Adopt-a-

Highway pickup on September 7, 9-11 a.m., Folly Beach Sweep on September 21. Volunteers are still needed for Helping Hands. Please contact Chairman, Stan Kozikowski, (860) 847-0544 to volunteer.

Children's Commission: Councilman Stokes announced that Lights On after school would be held on Thursday, October 24, 6-8 p.m. at Town Hall. Lights On is a nationwide event that celebrates after school programs and the important role it plays in the lives of children. The event is held annually with the four Kaleidoscope sites on James Island.

Public Safety Committee: Councilman Mullinax thanked everyone that helped make National Night Out a success. Neighborhood Council will meet on Thursday, August 22 at 7 p.m.

History Commission: Mayor Woolsey announced that the Committee is waiting on the publication of the History Booklet.

Rethink Folly Road Committee: Mayor Woolsey announced the next meeting on Wednesday, September 25.

Drainage Committee: No Report.

Proclamations and Resolutions:

Resolution #2019-14: Island Sheriffs' Patrol Officer of the Second Quarter: Mayor Woolsey read the Resolution to recognize Deputy James (Hank) Carter as Island Sheriffs' Patrol Officer of the Second Quarter. Motion in favor was made by Councilman Stokes, seconded by Councilman Milliken. Passed unanimously. Deputy Sidney Phillips received tokens of appreciation for Deputy Carter who is on military leave.

Resolution #2019-15: Referendum to Increase Town Council from Four to Six Members: Councilman Mullinax said this is something he has thought about for some time. He commented there are towns in Charleston County (Ravenel, Hollywood, and some in Berkeley County) that has populations that is less than us -- we are at 12,000 and hope to grow more next year. Councilman Mullinax said he thought it was a good idea to put this question on the ballot for the November 2019 Election. This is similar to a question on the ballot in 2010 and it passed with 60% of the votes. He believes there is a strong public support for this and is something that is needed. If the referendum passes, the election to add two additional seats on Council would be held November 2021, and we could stagger those terms and not everyone on Council would be up for election the same time. He said this is a concern that have been expressed by many people. Motion in favor made by Councilman Mullinax, seconded by Councilman Milliken.

Councilman Stokes spoke that he is not opposed to increasing the size of Council. He thinks four members and a mayor have served well for the last seven years. He acknowledges and appreciates the idea that if we were able in the future to annex more properties into the Town, with the additional population that additional representation would be reasonable and welcomed. He agrees with that. We have been working on annexation for quite a while and he hopes that would happen sooner rather than later, but there is no guarantee that it would. Councilman Stokes said he is not in favor of the referendum resolution as worded and would offer an amendment to change the language that if the Town is successful in annexing additional properties.

Councilman Stokes moved to amend that the language reads: Shall the Town of James Island change its number of members of Council from four to six if the Town is successful in annexing significant additional properties into the Town with the two additional positions filled at the next municipal election occurring after the annexation of those additional properties. Councilman Blank second.

Councilman Milliken spoke in opposition to the amendment because it is important to have a body that governs James Island, its statutes, and elections for the State of SC. He said it is important that we have staggered terms because it is specified by the State in that election law. He does not think it should be contingent upon an increase in population because logically if, and when they are all voted off Council, there would be a new cast of characters not having continuity in the process that has taken place prior to that. He think it is important to have some sort of continuity by having a staggered election and should not wait. It should happen sooner rather than later.

Councilman Blank said he agreed that staggered elections would be wonderful; however, many municipalities in the tri-county area that do not have them. He said all of their seats become open at the same time and does not think it has been a problem. Historically, he does not think we have had everyone on Council voted off at the same time. He feels that four people is enough and it is not right to add two persons to stagger an election.

Councilman Stokes commented if this is only to stagger elections that we could stagger terms with the current size of Council. His concern is that we have fixed revenue sources. It is not an enormous increase in our administrative costs; but it is an increase in our administrative costs without an accompanying revenue to come from additional properties annexed into the Town. This is his reason for tying it to that particular issue. He said this is akin to voting as Council to raise the pay they receive and benefit from that vote down the road. He see this as increasing administrative costs of the Town and is uncomfortable in this particular situation. He said if it is to stagger elections, there are different ways to do that.

Councilman Milliken asked if there is a statute and Councilman Mullinax was unaware of one. Councilman Mullinax said the question on the ballot would allow the public to speak to what is best for them, not us telling them. Councilman Stokes noted he is not doing this to tell constituents what is best for them, but Council is elected to make decisions for the Town. He does not want to put a ballot referendum before people to vote on when he is uncomfortable with it, or if it would happen. Councilman Mullinax reiterated that with a population of 12,000, six councilmembers would be good to serve and have the people vote on what is best for them. Councilman Milliken expressed the importance of complying with the SC Code for Municipal Elections.

Mayor Woolsey addressed Councilman Milliken that he does not believe the SC Code for municipalities requires staggered terms and believes there are alternative ways to stagger terms. He used an example of a four-member council and two low vote getters would have staggered terms; but this has not been traditionally popular on those councils. He supposes even at this late time, that Council could pass an ordinance with staggered terms, so with the upcoming election, the low vote getters would be up for election in 2021. He thinks the best way for staggered terms is to increase the size of Council, but has always felt the best time to increase Council's size is subsequent to succeeding in reuniting the Town. He is optimistic that this would happen. Mayor Woolsey said when we have the election in November, if we are able to reunite the Town between now and 2021, at that time a change in the size of Council with staggered terms would work well. He hopes that could happen before 2021. Mayor Woolsey said he has mixed feelings but does not think this is the last chance to allow for staggered terms on Council if we succeed in reuniting the Town.

Councilman Blank said we are not required to have a referendum to add two council seats. It would require a vote of Council, so it is not a necessity to have the referendum. Councilman Mullinax summed that he did not produce the resolution for staggered terms. He said he was approached by people that expressed interest in them if we are able to do it. He pointed out that six members would allow better representation per ratio for our constituents, not for staggered terms. Mayor Woolsey said in the statute that describes the procedures for expanding council, the language in the question must be substantially similar to the language in another section of law for the form of government. Mayor Woolsey called for the vote.

Vote on Amendment: Aye: Councilmen Stokes, Blank

Nay: Councilmen Mullinax, Milliken, and Mayor Woolsey. Amendment Failed:

Mayor Woolsey called for the vote on the main motion. Councilmembers Stokes and Milliken gave their position on how they would vote.

Vote on Main Motion: Aye: Councilmen Mullinax, Milliken

Nay: Councilmen Blank, Stokes, and Mayor Woolsey

Motion Failed

Ordinances up for Second/Final Reading:

Ordinance #2019-04: Proposed Change to Zoning and Land Use Development Regulations to include a Change to Add Sentence to Allow LED Message Board Signage for Civic/Institutional Uses (i.e., churches, schools): Motion in favor made by Councilman Blank, seconded by Councilman Stokes. No discussion. Passed unanimously.

Ordinance #2019-05: Proposed Zoning Map Amendment (rezoning) for rear portion of two (2) Low-Density Suburban (RS) District Lots (front portion of RSL to remain RSL) to Community Commercial (CC) District to combine with adjacent CC Zoned Lot for Parking Lot Use: Motion in favor was made by Councilman Blank, seconded by Councilman Milliken. Councilman Blank added that the Planning Commission voted unanimously. Passed unanimously.

Ordinance #2019-06: Cost-Sharing Agreement with James Island PSD: Motion in favor made by Councilman Blank, seconded by Councilman Stokes.

Mayor Woolsey moved to amend the Agreement. He stated that the amended version in front of Council included the Monitoring Clause in Section 10. He said Michael Timbes, (Pope Flynn Group), recommended small editorial changes, which is included, and the Severance Clause is slightly different. The Severability Clause would allow the Agreement to continue if some part of it were deemed illegal by the Court. Councilman Stokes seconded the amendment. Councilman Milliken asked for more clarity of the Severability Clause and Mayor Woolsey gave the explanation. Amendment Passed unanimously.

Mayor Woolsey called for the vote on the Main Motion. Councilman Milliken said he would vote against the main motion because both PSD Commissioners spoke that the Cost-Sharing Agreement is for all James Islanders and, plain and simple, it is not. Councilman Milliken said he represents the people in the Town, but he likes to believe that we are all James Islanders and believes this is unfair to other James Islanders.

Councilman Stokes reiterated his comments from First Reading last month. He said this is something that he has worked for and have been in favor of for a long time. He hopes, as we heard from those Commissioners, that they would evaluate the PSD's financial structure down the road and see if this proposal could make things even better to benefit all of their constituents; not only those in the Town. He said we have an opportunity to make a decision tonight that could have a large impact on the constituents in the Town. He thinks by not acting and doing something that is good for those people because we cannot do it for everybody shirks our responsibility to a certain extent. He will vote for it, and looks forward to tax credits for Town taxpayers and they would see a significant reduction. He said this would help in many places and would make a big difference for everyone.

Mayor Woolsey pointed out that because the Town is paying for services on behalf of our residents, the PSD would collect \$50,000 per year that would benefit all residents in the PSD. He hopes that one day the other people in the PSD would join the Town. He noted that the Town spends its monies on Town residents

and this is a situation where Town funds would be used to help pay for services to our residents in the PSD (fire services, solid waste) to ease the burden. He hopes that people in the unincorporated areas of the PSD would strongly advocate having opportunity to join the Town. Mayor Woolsey said he strongly supports the Agreement. Councilman Milliken said he is glad they are getting \$50,000 but also talked about oversight by Charleston County. Mayor Woolsey called for the vote. Passed 4-1. Councilman Milliken voted No.

Ordinances up for First Reading:

Ordinance #2019-07: An Ordinance to Amend Chapter 150 of the Town Building Regulations to include Fire Prevention and Protection: Motion in favor made by Councilman Stokes, seconded by Councilman Blank. Mayor Woolsey explained the key points in the Ordinance. Councilman Milliken asked for an explanation of Section 102.10.1 relating to Historic Buildings. He asked if the History Commission is approved by the Department of Interior and Mayor Woolsey answered no. Councilman Milliken asked what the process would be and expressed concern that Ft. Johnson may not receive protection under this clause. Mayor Woolsey explained that the Ordinance was recently approved by County Council and we are updating it into our Zoning and Land Use Development Regulations (ZLDR). He said there was no role in this by our History Commission. Councilman Milliken requested further clarification on the Historic Building section and Mrs. Kellahan will provide follow-up. Motion Passed; Councilman Milliken voted no.

Ordinance #2019-08: An Ordinance Replacing Chapter 151 of the Town Regulations Concerning Flood Damage Prevention and Protection: Motion in favor made by Councilman Blank, seconded by Councilman Stokes. No discussion. Passed unanimously.

New Business: None.

Executive Session: Not Needed.

Adjournment: There being no further business to come before the body, the meeting adjourned at 7:59 p.m.

Respectfully Submitted:


Frances Simmons
Town Clerk