

The Town of James Island held a Special meeting on Wednesday, April 1, 2020 at 3:00 p.m. by virtual platform (1122 Dills Bluff Road). The following members of Council were present: Councilmembers Boles, Mignano, Milliken, Mullinax and Mayor Woolsey, who presided. Also, Town Administrator, Ashley Kellahan, Town Attorney, Bonum S. Wilson, and Town Clerk, Frances Simmons. A quorum was present to conduct business.

In compliance with the Freedom of Information Act and the requirements of the Town of James Island, members of the public were provided a link to log into the proceedings of the meeting. One member of the public was present.

Mayor Woolsey called the meeting to order and asked Council to identify themselves before speaking.

Ordinance: E-03-2020: To Amend Ordinance E-01-2020 Emergency Ordinance Pertaining to Electronic Meetings, Adding all Town Council Meetings, Boards, Committees and Advisory Councils

Mayor Woolsey called for a motion to amend Ordinance E-03-2020. Motion was made by Councilman Milliken, seconded by Councilman Boles.

Councilman Milliken moved to amend the ordinance by substitution. Councilman Mullinax seconded for consideration.

Councilman Milliken stated that he would vote against the original ordinance because it is not specific in identifying the committees and commissions to reflect what Council passed in February with respect to the committee structure of the Town. He compared the two versions of the emergency ordinance and noted that the one he is bringing forward differs from the original because the Planning Commission and the Board of Zoning Appeals (BZA) would be excluded from electronic meetings. His reason is because we do not have the opportunity to allow the public their due process in the deliberations. He commented that the BZA is a quasi-judicial body having a series of steps involved and the importance of having the public in those deliberations. He said developers and property owners could wait 60 days until we are back to normal or the ordinance is revisited. Other meetings are fine and could be hosted electronically because there is not a lot of public participation in those.

Councilwoman Mignano asked if we could add public participation in those meetings electronically so we would not have to postpone them. Mayor Woolsey responded that it is possible to allow the public to speak through platforms such as Zoom. He said the ordinance provides access for comments for Council, Planning and Zoning and the BZA by individual(s) sending in letters or emails. His view is that the governing body of Town Council is equally appropriate to the Planning Commission and the BZA. Councilwoman Mignano said some time there is a back and forth in Planning and the BZA with the public. Also, some people are more tech savvy than others and they may not be able to participate as they normally would. Mayor Woolsey explained that with the BZA a member of the public may give testimony and we would need to have a method to allow for that. Further, he stated that the general public should not be participating in those general proceedings. The Planning Commission is a recommending body and the public makes comments the same as they would at a Town Council meeting.

Councilman Milliken said Town Council has regularly scheduled meetings that residents are aware of. He noted that the Planning Commission and the BZA only met three times last year. He noted that some BZA meetings are highly charged with matters that citizens are passionate about (i.e., car wash, or grand tree removals) and there is a participatory aspect with the numbers of people that turn out having interest in the issue. Mayor Woolsey expressed uncertainty about when our current situation would end. He said the emergency ordinance expires in 60 days; however, he thinks that we would be in a similar situation, at least through early summer and does not believe it is appropriate to put all Town business on hold because some

issues may result in large numbers of people attending a meeting. Councilwoman Mignano agreed and asked if Council would compromise by having a larger window of time that the agenda is published. This would allow citizens more time to either record a video, email, or send a letter to the Town for presentation. Councilman Milliken thought it was a good idea but did not know if people would participate in that way. He said the onus would be on us to get the word out in publicizing issues coming before the Planning Commission and BZA. We would need to do a better job in getting the word out in advance so that people are aware of what is going on and respond in a timely manner. Mayor Woolsey said the ordinance applies to all meetings. BZA and Planning meetings can be cancelled if there is no business, but Town Council meetings cannot.

Councilwoman Mignano asked about allowing extended time for publicizing the agenda during this situation. Councilman Mullinax said he agreed with the comments made by Councilman Milliken and Councilwoman Mignano. He said if it were up to him, he would like that applied to Town Council meetings also because we have had highly charged and largely attended meetings. He realizes that we must meet for emergency issues, but he is against discussing regular business during the height of this pandemic. Councilman Milliken said perhaps we need to consider things that are germane to our situation. He did not think that building a gas station or cutting down trees is an emergency now because there are other things we need to consider for our citizens. Mayor Woolsey said there is substantial work to be done on the annual budget for June 30. He said the Planning Commission does not remove trees or puts in gas stations so he thinks in this situation we could have public comments through electronic means, which is safe, rather than putting everything on hold for the next two months.

Councilman Boles asked if BZA variance requests could be separated and the other business move forward electronically. He said anyone needing a variance could have it scheduled at a later date. Mayor Woolsey agreed and stated that the Town needs to move forward with work and putting everything on hold for two months is not wise. He hopes to have the April Town Council meeting done electronically. He noted that the Advisory Councils may not have pressing issues at this time, but they could also meet electronically and having a BZA variance request postponed for two months is reasonable.

After further discussion, Mayor Woolsey asked Council to vote down Councilman Milliken's changes and to remove the BZA in the original emergency ordinance. He said Council would come back with suggestions for the BZA to consider at a later date. Councilman Milliken said the request was reasonable and he would also like to consider Councilwoman Mignano's suggestion to extend the notice period for the agenda, so people have more time to respond. He said if that could be incorporated into the language of the ordinance it would be useful. Councilwoman Mignano asked that the time be extended because of the extenuating circumstances we are all trying to get through. The agenda would go out on the Wednesday of the week prior to the Town Council meeting. She said this would not be permanent, but only for this time. Mayor Woolsey said the date that Council submits agenda items would also need to be changed. Councilman Milliken asked that the correct names of the Councils and Committees is included in the Ordinance.

The amendment by substitution failed; Councilman Mullinax voted Yes.

Councilwoman Mignano moved to amend the Original Emergency Ordinance that agendas are to be published three (3) days prior to the deadline, which includes the deadline day; seconded by Councilman Milliken.

Vote:

Councilman Boles	Yes
Councilwoman Mignano	Yes
Councilman Milliken	Yes

Councilman Mullinax Yes
Mayor Woolsey Yes
Passed.

Councilman Milliken moved that a statement be included that the Emergency Ordinance does not apply to the Board of Zoning Appeals and a decision would be made at a later date. Councilman Boles seconded.

Vote:
Councilman Boles Yes
Councilwoman Mignano Yes
Councilman Milliken Yes
Councilman Mullinax Yes
Mayor Woolsey Yes
Passed

Councilman Milliken moved to include the names of Town Councils and Committees in the Ordinance, seconded by Councilwoman Mignano.

Vote:
Councilman Boles Yes
Councilwoman Mignano Yes
Councilman Milliken Yes
Councilman Mullinax Yes
Mayor Woolsey Yes
Passed

Main Motion Passed and changes will be incorporated into the Original Emergency Ordinance.

Council asked everyone to remain safe during the pandemic and Mayor Woolsey reminded everyone to continue social distancing.

There being no further business to come before the body, the meeting adjourned at 3:38 p.m.

Respectfully submitted:



Frances Simmons
Town Clerk