

The Town of James Island held its regularly scheduled meeting on Thursday, August 17, 2023 at 7:00 p.m. in person at the Town Hall, 1122 Dills Bluff Rd., James Island, SC. This meeting was also live streamed on the Town's You-Tube Channel.

The following members of Council were present: Boles, Mignano, Milliken, Mullinax, and Mayor Woolsey, who presided. Also, Niki Grimball, Town Administrator, Merrell Roe, Finance Officer, Mark Johnson, Public Works Director, Bonum Wilson, Town Attorney, Lt. Shawn James, Island Sheriff's Patrol, and Frances Simmons, Town Clerk. A quorum was present to conduct business. This meeting was held in accordance with the SC Freedom of Information Act and the requirements of the Town of James Island. Notification provided to the public.

Opening Exercises: Mayor Woolsey called the meeting to order at 7:00 p.m. Councilman Boles offered a Moment of Silence and lead the Pledge of Allegiance.

Public Comment:

John Peters, 1301 Hampshire Rd: Mr. Peters spoke on the potential planned unit development (Marsh Walk Village) @ Dills Bluff Rd. near Whitehouse Plantation. He is opposed to the development and feels it would bring irreparable damage to the neighborhood surrounding it, and harm to the residents in the area as opposed to having green space.

Consent Agenda:

Minutes: July 20, 2023 Regular Town Council Meeting: Councilman Milliken moved to approve the July 20, 2023 meeting minutes, Councilman Mullinax seconded. Passed unanimously.

Information Reports: Finance Officer, Merrell Roe, provided a brief overview of the monthly revenue and expenditures. She noted that the figure under ARPA is a beginning figure and would change because we are still accruing from the last fiscal year.

Councilwoman Mignano asked about a \$25,039 expenditure under Public Works Asset Management. Ms. Grimball clarified it was for the annual subscription to GeoThinQ Mapping System.

Town Administrator's Report: Town Administrator Niki Grimball reported that current and upcoming projects are moving along, including the Dock Street Park Design Services, Brantley Park Phase I close-out, Brantley Park dock maintenance quotes and current drainage projects. Traffic control plans for the Camp Road Tree Preservation Project has been submitted to SC DOT. As soon as the approval is given, the contractor (Natural Directions), would like to begin work prior to getting deep into the hurricane season. Quotes for constructing speed humps on Pauline Avenue is forthcoming. Some corrections needed to be made to the plans and were resubmitted to the DOT. The filing period for the Town's election opens at 12 noon, Thursday, August 24 and closes at 12 noon, Thursday, September 7. Ms. Grimball and Ms. Simmons will be handling the materials submitted at the Town. The Town has been advertising flyers and pertinent information regarding the election through social media to keep the public informed.

The James Island Arts & Cultural Center is beginning to schedule their fall lineup of activities and programs at the Center. The Town ran an ad today for a Permitting and Licensing Manager for Building Services. The person hired will be instrumental in setting up the program and get us through what we need to do for the transition of those services in-house.

Councilwoman Mignano asked about the numbers of cases on the code enforcement report. After totaling them, it did not equal the 947 as the report indicates. Ms. Grimball explained that those cases are the most common; there are other case types that equals that amount. Councilwoman Mignano asked if the 947 is

for this period and Ms. Grimball said no, it's a total of all cases handled since the Town came into existence. She asked further if any of the new cases were for short-term rentals and Ms. Grimball answered no.

Public Works Report: Public Works Director Mark Johnson reported that a review of the hurricane plan procedures was done with newly hired staff. Staff attended a seminar on pavement rejuvenation with Charleston County. Staff participated in the kickoff meeting for the James Island Creek Basin Study. coordination continues with the engineer and monitoring construction is ongoing for the Greenhill-Honey Hill Drainage Project that is underway. The Oceanview-Stonepost Drainage Project utility locations is being monitored as it has caused challenges for placing the new culvert under Stonepost Rd. Septic tank inspections: two new inspections, both of which passed, bringing the totals to 78 inspected with 12 failures. There are 136 inspections remaining.

Councilwoman Mignano asked what is the timeline for repair of the 12 septic tanks that failed. Mr. Johnson said those repairs have been completed. He said typically when someone finds out that their septic failed, the repair is scheduled at that time.

Island Sheriff's Patrol Report: Lt. James reported that the National Night Out event was successful having a good turnout. The crime report was given that included incidences that occurred in the Town and City. Issues regarding speeding continues to be monitored on Pauline Avenue and Julian Clark Rd. Lt. James reminded everyone that school opens next week. Councilman Boles shared that he and his children attended National Night Out and had a very good time.

Requests for Approval:

Request to Purchase Display Cases for James Island Arts & Cultural Center: Ms. Grimball requested approval for four clear glass wall cases to display exhibits and artifacts at the Center. Ms. Self is planning to make a call-out to persons having exhibits or artifacts that would like to display them at the Center for a period of time. The display would be located in the area near the history panels. The cost of four panels is \$2,885. Motion in favor by Councilman Milliken, seconded by Councilman Mullinax. No discussion. Motion passed unanimously.

Request to Approve Agreement with James Island Public Service District (JIPSD) Allocating State Appropriated Funds to James Island Creek Sewer Project: Ms. Grimball reminded Council that at the last meeting she reported that \$1 million was earmarked to the Town from the State budget for the restoration of the James Island Creek through the upcoming sewer expansion project. She said in order to implement the funding, The Town needs to enter an agreement with the James Island Public Service District (JIPSD) to set up the process of how the Town will get the money to the JIPSD. This funding will be used to assist property owners by covering the expense for fees and the cost to run the new sewer lines to each owner's house from the main line. The cost is roughly \$6,000 per property and the Town would cover that portion on behalf of Town residents from the \$1 million allocated on behalf of Town residents.

Specifically, Ms. Grimball further described the specifics in the Agreement. The JIPSD would take an application from each property owner and verify that they are Town residents and the Town would receive a bill for the applications processed each month. Should any funds be left over, the Town and PSD would need to amend the Agreement after determining how to use the remaining funds for the project. This Agreement would be between the Town and the PSD. The PSD will pass a resolution accepting the Agreement at their next meeting, if approved by Town Council.

A motion in favor was made by Councilman Milliken, seconded by Councilman Mullinax. Councilman Boles asked if the Town will be receiving the \$1 million and the PSD would invoice us on a monthly basis, to which Ms. Grimball responded 'yes. He said in theory, if no one did it, if the money was not spent, the Town would have \$1 million at the end of the term of a year. Ms. Grimball said she is awaiting specific information from the Rural Infrastructure Authority (RIA) who manages the grant funds, but that it is her understanding that if the funds are not spent on this particular project it would be returned to the State. Councilman Boles clarified that this is different from the Town's Cost Sharing Agreement where the Town pays the PSD a lump sum over the course of the year and Ms. Grimball said yes, this is different. Councilman Boles asked if its different in that instead of the PSD receiving \$1 million, it would be billed for the work per job or for what work performed over a period of time. Ms. Grimball responded yes, that Town staff felt the best way to manage the grant funds, and in order to report on the expenditures accurately, it would be best for the PSD to request funding on a monthly basis for the properties that had made requests.

There was lengthy discussion regarding the language in *Section 3: Remedies in the Agreement*. Councilman Boles said the language in this section indicates that the Town and the PSD could sue each other. He asked how strongly does Council feel a need to sue each other to enforce the Agreement. Ms. Grimball said with having funding from the State she does not see a suit because if the money is not spent as appropriated, the Town would need to give it back to the State, and further, this is not set up like other funding sources that the Town must account for. Mayor Woolsey explained the language to read that if the PSD had work done and the Town did not pay, then they could sue us. If the Town pays the PSD and they didn't do the work, we could sue them. Councilman Boles said it sounds like this is done through retroactive payments; the work done first and the bills submitted to the Town and Ms. Grimball confirmed.

Councilman Boles moved to amend the motion to remove *Section 3: Remedies from the Agreement*. Councilwoman Mignano seconded. Councilman Boles said he thinks the enforcement mechanisms are already in place. He knows there are nice folks at the PSD and at the Town, but the lawyer in him see it is not in our control if they feel the Town did not live up to its end of the bargain and take us to court because we agreed to give the money. He said there are already remedies of law. To him if this was a gift or goodwill cooperation between each other we would have to talk about it. Mayor Woolsey said we are paying the services for our residents that the PSD would be directly paying for and the Town would compensate the PSD's cost. Essentially, this is a gift from the Town to our residents. He is unsure why the PSD thought it needed to say in the Agreement they could sue us. He thinks they could sue us anyway if we fail to keep the Agreement so he doesn't see a reason to remove the clause and doesn't see how we would sue them. Councilman Boles asked if the PSD employees would be doing the work or would they contract with a third party. Ms. Grimball confirmed that the service would be contracted. Further, Councilman Boles asked who sets the price of the third party. He is concerned that they might see a big pot of money and set the price of doing the work for more than it used to be. As an example: if the Town refuses to pay \$8,000 when the job was \$5,000, a disagreement happens and we are sued. Mayor Woolsey said he thinks the rest of the Agreement would allow them to sue us anyway. Councilman Milliken commented that we do not need to have the remedies under Section 3 in the Agreement if we could be sued anyway. Mayor Woolsey asked the Town Attorney for an opinion and Mr. Wilson said he would be glad to give one, but had not reviewed the Agreement.

Councilman Milliken asked if a motion for an executive session was needed to allow time for Mr. Wilson to review the Agreement. No action was taken. Councilman Boles expressed that there are no attorney fees in the Agreement and it doesn't have "teeth" for a forum selection, but if third parties are involved who will do the work and invoice the PSD, will administrative fees be added and invoiced to the Town for what the third party did as the PSD did in the Cost Sharing Agreement. He further commented that later if we get the

invoices and one member of Council says I think we're being over billed and stop paying until we can sort it out, he doesn't want them to look at the contract and declare us in default. He said as Councilman Milliken and the Mayor pointed out, it is redundant.

Councilman Boles said in his experience when you put something such as this in an agreement it is something that people look at and think about. He said if it already exists in law and is redundant, we don't need it. It sounds what we're saying is the PSD drafted this agreement that they might need to sue us; why would they put that in there. Mayor Woolsey replied that he thinks their concern would be that they in good faith incur the costs and some members of Town Council refuse to pay saying it's a gift. Councilman Boles said it sounds like they will get the bill from the contractor and hand it to the Town plus whatever administration fee and Mayor Woolsey said he doesn't think they will choose an administrative fee on a case-by-case basis; that is not in the Agreement. Councilman Boles noted that it doesn't say they cannot do that; it says they will administer it. Further he said there is nothing in the Agreement that tells how the contractor is selected. What happens if the contractor does a bad job and has to redo work. Will they just be sending bills and the Town pays. Ms. Grimball explained how the new account credit program works and that the credit program document attached to the Agreement is more specific about what will be paid and how it is billed to the Town.

Councilman Boles asked if we looked into having residents make application to the Town? He asked why not let the homeowner select their own contractor and we pay the costs. Ms. Grimball said the issue would be that they would not use that funding; then turn it around and pay the PSD for the connection. Mayor Woolsey said it is more cost effective for a firm to go into a neighborhood and do 50-100 taps at a time rather than having them done on a case-by-case basis. Councilman Boles said that sounds nice but there are a lot of grey areas. Mayor Woolsey said the costs comes out to \$6,000 on average. Councilman Milliken asked if the \$6,000 per home is comparable to other tie-ins that happens in the low country; and, if it is, we have a standard that we are trying to meet. He also asked if this would be bid on and Mayor Woolsey said yes and a process by which oversight in the cost for the tie-in would be a part of a bid.

Councilwoman Mignano reiterated Councilman Boles' point as to why couldn't the homeowner select a contractor and submit the bill. She said the PSD has expressed multiple times that they want everyone on sewer (not septic) so perhaps they are doing it this way so they would have more participation and the homeowner doesn't have to pay themselves and be reimbursed.

Mayor Woolsey restated the motion to amend the Agreement to remove *Section 3: Remedies* and it passed 4-1. Mayor Woolsey voted in opposition. The vote on the main motion passed as amended 4-1. Councilman Boles voted in opposition.

Request to Approve/Purchase New Welcome Sign at Ellis Creek Bridge: Ms. Grimball showed a mockup of several options for a new "Welcome to the Town of James Island" sign near the new Carolina One building on Folly Road. The existing Town sign will need to be removed due to its placement on the property, and to fulfill Councilman Mullinax's request to have a flag display, and this seemed to present a good opportunity to combine both projects. Ms. Grimball explained each of the three mockups for Council to review. She said the material would be the same quality and composition as the Town Hall sign in front of our administrative building with the lettering consisting of brushed nickel. She showed different options for the seal or the logo. Another option for Council to consider is if the flagpole is not pursued, a seal for all branches of the armed forces at the bottom of the sign could be a good alternative. Ms. Grimball included images of the flagpole alongside each mockup to assist with how this would look and explained each. Ms. Grimball said she is working to get pricing on the flagpole but wanted to make this presentation to Council

because the old Town sign needs to be taken down soon and seeks direction from Council in moving forward.

Mayor Woolsey called for a motion asking Council which sign they preferred. Councilman Mullinax moved for option #1 (logo on the “Welcome to the Town of James Island” sign with the flagpole to the right), Councilwoman Mignano seconded. Councilman Mullinax expressed his liking for the nautical design. He said originally he had envisioned having multiple flagpoles until Ms. Grimball showed him this design. He thinks the sign looks very nice and people could see it as they travel to the beach and it would fit well into the space that we have.

Councilman Boles asked if the flagpole would be placed behind the sign and Ms. Grimball said it would go to the right and the new sign would complement the Carolina One sign sitting low in front of it and oriented at the same angle. Councilman Boles expressed his liking of the sign with the colored seal and the two-way pole vs. the four-way and the flag display would be seen better. Councilman Milliken asked if the Carolina One sign would remain where it is and Ms. Grimball said no, that is a temporary sign used during construction. Confirmation was given that staff will coordinate with Carolina One on the location of the sign and flagpole. After discussion, the motion passed unanimously.

Request to Purchase New Flagpole: Ms. Grimball requested to postpone this agenda item because she is waiting on a quote for the flagpole. This information should be received by the next meeting. Request granted without objection.

Committee Reports:

Land Use Committee: Councilwoman Mignano gave an update from the recent Planning Commission meeting regarding the Planned Development proposed on Dills Bluff Rd that a decision was deferred at that meeting.

Environment and Beautification Committee: Councilman Milliken announced a James Island Pride Adopt-a-Highway litter pickup scheduled on Saturday, September 9, 9-11 a.m., noting the roads on the island are looking pretty bad. After the cleanup a pizza lunch will be served. Helping Hands is scheduled to meet on Saturday, August 19. Councilman Milliken encourage interested groups and persons to volunteer their service in helping citizens that cannot care for their yards. Helping Hands has seven clients at this time and could use more help. The Chair for Helping Hands is Stan Kozikowski. Persons interested in volunteering should contact Robin Sanders at the Town Hall (843) 795-4141.

Children’s Committee: No report.

Public Safety Committee: Councilman Mullinax moved for the appointment of Deborah Womack to serve as the representative for the Stonepost neighborhood; Councilman Boles seconded. Passed unanimously. The next meeting of the Neighborhood Council is Thursday, September 28 at 7:00 p.m. Mayor Woolsey complimented Councilman Mullinax on a great National Night Out event.

History Committee: Mayor Woolsey announced the next meeting on Tuesday, September 12 @ 6:00 p.m.

Rethink Folly Road: Ms. Grimball announced that the Steering Committee meeting will be held on Wednesday, August 23 at 3:30 p.m. on Zoom.

Drainage Committee: Councilman Mullinax announced that a good meeting was had on August 9 and thanked Mark Johnson for his input.

Business Development Committee: No report.

Trees Advisory Committee: No report.

James Island Intergovernmental Council: Next meeting scheduled for Wednesday, October 25 at 7:00 p.m.

Proclamations and Resolutions: None.

Ordinances up for First Reading: None.

Ordinances up for Second/Final Reading: None.

Executive Session: Not required.

Announcements/Closing Comments:

Councilman Boles reminded everyone that school opens next week.

Councilwoman Mignano thanked staff for the work that they do.

Councilman Milliken reminded everyone of the Adopt-a-Highway litter pickup on Saturday, September 9, 9-11 a.m.

Councilman Mullinax thanked staff: Mark Johnson and Niki Grimball for all that they do.

Mayor Woolsey reminded citizens that the Town's filing period for the November election will open Thursday, August 24 at 12:00 noon to Thursday, September 7 at 12:00 noon. He shared that he has served as Mayor since 2010 and would not be seeking reelection.

Adjournment: There being no further business to come before the body, the meeting adjourned at 7:40 p.m.

Respectfully submitted,



Frances Simmons
Town Clerk