

The Town of James Island held its regularly scheduled meeting on Thursday, February 16, 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 YouTube Channel.

The following members of Council were present: Boles, Mignano, Milliken, Mullinax, and Mayor Woolsey, presided. Also, Niki Grimball, Town Administrator, Merrell Roe, Finance Director, Mark Johnson, Public Works Director, Kristen Crane, Planning Director, Town Attorney Bonum S. Wilson, Deputy Chris King, 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. Councilwoman Mignano asked Council to take a Moment of Silence and wished a speedy recovery to Lt. Shawn James, who is in the hospital. The Pledge of Allegiance followed.

Public Comment:

Kathy Woolsey, 961 Mooring Dr. stated that she attended the BZA meeting in January and like everyone that attended, she heard the arborist report and found it to be very thorough. Later she heard that the BZA recommended the two trees in question to be cut down for the roundabout. Mrs. Woolsey said a few weeks later she sent an email to the SC Department of Transportation, (DOT) that reads as follows: *"I would like to call your attention to an arborist report about two large trees located at the end of Camp Rd. and Fort Johnson Rd. on James Island. And I gave them the Town's website to the arborist report. Then I said what I find alarming disturbs me and forwarded them the arborist report. Based on this level 2 evaluation, I have determined that the 36' Live Oak, the 44' Live Oak, 23' Laurel Oak, 32' Live Oak, and the 44' Laurel Oak outlined in this report would not sustain preconstruction. They are structurally compromised, an imminent hazard, and should be removed as soon as possible to reduce unnecessary risk, vandal, injury to people, and damage to cars. I continued that the James Island Public Service District has over 50 trucks that travel Camp Road daily. They include fire trucks, garbage trucks and wastewater service trucks. When a large tree falls on vehicles someone easily dies. I would hate to lose a valued member of our community and damage an expensive fire truck if one of these trees fall. The two trees have been marked with cladding tape that are only a few feet from the road. Please remove these dangerous trees as soon as possible- Kathy Woolsey."* Mrs. Woolsey said she did this without anyone's knowledge and felt it was her responsibility to protect her employees and the equipment at the James Island Public Service District.

Jeff Hays, 781 Clearview Drive: Chairman of James Island Charter High School spoke on behalf of fellow colleagues Cathy Woodall (Vice Chairwoman), Dr. Henry Meeuwse (Treasurer), Dr. Berry Anderson (Secretary) Josh Stokes (Board Member) and Tim Thorne (Principal). They have submitted in writing a support letter for the roundabout at the intersection of Camp and Fort Johnson Rd. that they see as a matter of public safety for the students and the betterment of their travels to and from school.

Brook Lyon, 669 Port Circle: stated that she has lived on James Island for over 30 years and served on the BZA for over 10 years since the Town was reinstated and served as Chairperson for three of those years. She said last month the BZA met for the third time to vote on the removal of two Grand Live Oak trees on Camp Rd. to make way for a roundabout at Fort Johnson and Camp Rd. No one questioned that changes needed to be made for a safer intersection. However, there were many questions about whether or not the project could be modified to save these trees. At the October meeting the County presented an overall plan and an arborist report indicating that the trees were rated "C". The County offered to check with SCDOT to see if a waiver could be granted regarding drainage in order to possibly save one or two of them. At the second meeting in November, the County indicated that they needed more time to gather the information so a deferment was granted. At the third meeting the County presented a brand new arborist report and presented grading the trees an "F" saying they were a safety hazard. She stated that the BZA never received

any details from the County representatives as to the possibility of modifying the drainage other than they could not change it. After three agonizing meetings, the BZA voted 3-2 to allow the removal of the trees with the stipulation that they would not be removed until all municipalities had approved the project and all plans had been completed, possibly saving the trees if changes could be made. She wondered what makes different arborists grade a tree so differently. Could it be that a certain arborist was chosen because of what he would testify to rather than his expertise? Is it possible that removing these trees immediately would make it more likely for approval of this roundabout as originally presented?

Today she received a call that the SCDOT was cutting down the trees. She was told that the trees were being removed based on the recent arborist report and that SCDOT could take them down arbitrarily based on that. She said all BZA members feel they have been manipulated. Their decision was based on safety, not on the varying grades of the trees. She stated she believes there is a consensus that the board has considered a mass resignation. Further she stated they have all suffered the “slings and arrows” thrown at them over their decisions and they all agonize over each and every case and do their due diligence. They especially agonized over this one. She concluded that the board feels very betrayed and manipulated and asked that someone explain how they were not manipulated and betrayed.

Amy Emde, Fetteressa Avenue, applicant for the proposed zoning map amendment for the 1439 Jeffords Street property is present and availed herself to answer questions from Council.

Sean Kitch, Jamsie Cove, lives on James Island and spoke on the roundabout at Camp and Fort Johnson Rds. Mr. Kitch said he is a runner and often runs down Fort Johnson Rd. He said that area has some of the prettiest trees on James Island. He is new to discussions about the roundabout and may be missing some prior information such as stop signs or stop lights there.

Presentation: Charleston County Transportation Department: Fort Johnson Rd/Camp Rd. Intersection Improvements Project: John Martin, Charleston County Transportation Project Manager, thanked the Mayor and Council for allowing their presentation. Mr. Martin introduced members of County staff and gave an overview of the roundabout planned at the intersection of Camp and Fort Johnson Rds. He shared a slide presentation noting the purpose of the roundabout is to improve safety. He shared statistics on vehicle accidents from 2016-2022; totaling 35 including one fatality and 15 injuries. He shared that the intersection improvements project has been underway since 2019 and noted its proposed timeframes. Mr. Don Alexander, Parrish and Partners, gave a summary and discussed right-of-way acquisitions, alternatives, and modifications to the existing plan, proposed relocation of the stone post monuments drainage and tree impacts affecting the plan.

Councilman Boles asked about James Island Public Service District (JIPSD) role in the project. Mr. Martin said their involvement is to coordinate on utilities and sewer. Councilman Boles also asked if the County has had to submit construction plans to the PSD. Mr. Martin answered that they have been coordinating with the PSD for a couple years but have not reached a final memorandum of agreement. Councilman Boles said he is curious why we are having this conversation if a PSD Commissioner could send an email to the SC Department of Transportation (SCDOT) and get things done. Why wouldn't the County just go that route? Why did they go to the BZA, and why are we having this meeting? Further, why were three arborists hired if an email could just be sent and the trees taken down? Ms. DeToma (County staff) spoke from the audience that the County had nothing to do with that. Councilman Boles agreed and that he called the DOT and their impression was getting an email from the Town and learned today that it was from a PSD Commissioner. He said what spooks him about this is that it changes the Plan the County has done a lot of work on. He appreciates everyone that talked with him and he met with County Councilwoman Honeycutt who answered his questions.

Councilman Boles continued that Council is considering whether to approve the Plan and it is erosive to the trust of the people in this room if all it takes is an email from a single person to change and derail the process. He asked how would we know if the Plan as it is laid out will follow the proper stance. Mr. Martin answered that the County's stance is to follow the process and have no desire to circumvent it. He said what happened today was unfortunate and wasn't a part of the Plan. They cannot predict what could go wrong but will get permits from the Town, City, and the other agencies involved so the project is not circumvented in any way. Councilman Boles said if the PSD is a part of this and is going to send individual correspondence, perhaps we should have a Memorandum of Understanding between all the shareholders to make sure it goes through the proper review before getting ahead of ourselves. He said he would hate to see the stone posts torn down ahead of schedule or without everyone knowing where they are going to be rebuilt. He said the County has laid out studies since 2016 with a lot of manhours and tax dollars spent. He respects and appreciates the attention he received from questions he asked but if we are going forward we may want to think about a way to keep rogue elements from derailing the collective trust everyone is working towards.

Ms. DeToma spoke that the DOT can take out trees that pose a threat to the public and Councilman Boles agreed and said there are conflicting reports and understands the DOT was presented with a single report and was unaware there are other opinions. He said had they asked the Town, they would've been told that was one report, but here is another, and another, to consider before exercising discretion but that wasn't presented to them. Councilman Boles asked about traffic safety. He said in his anecdotal experience as a resident of James Island, the serious collisions he has seen, not in person, but later in coming home appears to be from people who are going straight across Camp Rd. and is unaware of the stop sign. He continued by asking if the data that was cited, if it is broken down in the travel direction of the vehicles that were involved. Ms. DeToma made reference to a Road Safety Audit that she could provide a copy of. She noted that engineers would have to study that to come up with design solutions. Councilman Boles added that perhaps one way of travel may have a higher percentage. It was noted that travel on Fort Johnson is a lot higher than on Stone Post/Camp Rds. at the intersection and is why a light cannot be put there. Mr. Martin added that the design for the roundabout is the best option for this project as it would slow people before Fort Johnson which is a big problem for accidents. Having a roundabout can act to slow traffic while maintaining the traffic flow. With all aspects considered, a roundabout is really the best thing for safety at this intersection.

Councilman Milliken said he had some concerns about the arborist report and for the remaining trees that have not been cut down. He said a number of those trees were also rated "F" and his concern with the project we have is a 70% build out plan at this point. He looked at the plan and did not see any trees on the plan and is concerned that given what happened today with the two trees that received approval for removal and the alleged danger of those trees, and for the remaining trees that have low ratings. He guesses that he cannot be given assurance that they will be preserved but he feels very strongly that every effort should be made to preserve them. He questioned the ratings that the third arborist gave for failing trees because we had our own arborist look at the two trees that were dangerous and taken out and he gave them both a "B" rating. A "B" rating is very far from an "F" rating, and closer to the original "C" rating that those trees received; so he doesn't appreciate revisionist history to some end of something and concern that the other trees that received low ratings are destined for the chainsaw because that seems to be what is indicated here.

Another issue he has is with the proximity of the Fire Station exit to the roundabout. He thinks it creates a safety issue for First Responders. He likes the fact that they think it will slow down on Fort Johnson Rd. which is an optimistic idea but he also believes the Fire Station driveway is in pretty close proximity to the roundabout. He questioned the reason for taking a signal out of consideration. He doesn't think you need to have great tremendously large turn lanes and three turn lanes going in one direction or two turn lanes and straightway going in one direction and thinks that is absurd. He thinks there were other types of potential modifications that could have been made in the traffic signal context in 2018, five years ago. He said if it

was traffic counts we didn't get then perhaps we can get there now, and if it is traffic counts sometimes the SCDOT needs to be told that this is the best solution. He would like to propose a trip line that activates the signal from Camp going towards Fort Johnson on a signal and that signal can be all "red" in the event of an emergency that involves the fire trucks accessing Fort Johnson Rd. He thinks that is a far safer way to go about it.

Ms. DeToma spoke that the DOT will not change their stance on the light because the volume on Camp Rd. does not warrant a traffic signal. Councilman Milliken commented that they were very willing to come out and cut down some trees at the "drop of a hat" because the Mayor's wife said they were dangerous and went on some third review of a tree arborist that was working for the County. He finds this very, very, very curious.

Ashley Connelly, Charleston Tree Experts asked to address Council. Charleston Tree Experts is the company hired by Charleston County and provided the arborist report to the BZA. Ms. Connelly addressed Council commenting that the previous arborist failed to diagnose disease in the trees having wood decay pathogen. Once a tree is diagnosed as diseased, the rating can go from an "A" grade to an "F" and the other arborist reports did not note that. She compared the pathogen to acting like a cancer and there is no cure for it. A tree could appear healthy with a beautiful canopy but be diseased. Councilman Milliken asked the trajectory of the disease progression because anyone who is not busy being born is busy dying. Mayor Woolsey asked if there is an estimate of how long a diseased tree would last or spread to other trees? Is it six months, one year or two years? Ms. Connelly said there is no way to determine the length of time and she further explained the disease and how it works.

Councilwoman Mignano said she took pictures of the stumps of the trees taken down today that weren't hollow and did not smell bad. They were solid. She showed it to Ms. Connelly. Ms. Connelly and Matthew Badeaux identified "white rot" in the stumps in the photo. Ms. Connelly explained how a diseased tree is compromised. Their report to the BZA does not only address disease, (which in and of itself makes it an "F") but also the multiple cavities, design saturations loathing towards the roadway, and compaction of the cars on the road that constantly impacts tree #1. Councilman Boles said the company is totally qualified and they are not grappling with their report. There are multiple reports and everybody can point to the one they like. What they are grappling with is a PSD Commissioner stepped around all of this. Charleston Tree Experts nor the County had anything to do with that and just learned about it today. He complimented the area on James Island as sensitive and a special place, like a postcard. If we're going change it what we have to grapple with is a procedure for how to do that. He appreciates the work Charleston Tree Experts has done and does not mean to put them on the spot or say they did an improper job. Ms. Connelly noted from their position there is some frustration in that two reports provided insufficient reports and their thorough report was questioned. When they were hired by the County they said they would cite their findings. She spoke that Charleston Tree Experts are tree preservationists and the importance of providing accurate reporting.

Mayor Woolsey asked Mr. Martin if Natural Directions did a tree survey in 2018. Mr. Martin said what the County has on record was produced in 2019 but Natural Directions did a survey in 2018 and the County had them to look at it again. He said there are no written reports or pictures and descriptions in the survey. Mayor Woolsey asked how many trees were surveyed and Mr. Martin did not recall the number but Mayor Woolsey said it was 47. He further said the two trees proposed to be taken down were graded "C". He asked Mr. Martin if he was familiar with how Natural Directions defined a "C" rating and Mr. Martin said he was not familiar with their methodology so Mayor Woolsey asked Ms. Crane, Town Planning Director if she remembered the definition of a "C" rating and she said it is fair.

Mayor Woolsey said they also looked at a report from Preservation Tree (Mr. Murphy's report) and how they define a "C" rating. He asked Mr. Badeaux if he knew how they defined a "C" and he noted not knowing their definitions. Mayor Woolsey read that a "C" rating is a tree with severe defects that has a

probable likelihood of failure. That is what the original survey from Natural Directions said but he denied that because he didn't think trees with severe defects or a probable likelihood of failure. He said when we look at Natural Directions they said the middle of the road tree had some defects, they did not say there is a probable likelihood of failure. Mayor Woolsey asked Mr. Badeaux if he was familiar with what was said about "B" and said they are trees with moderate defects with a possible likelihood of failure. So, while we talk about "B" being good, really "B" to him with moderate defects and possible likelihood of failure is close to what Natural Directions gave us to start with. However, Charleston Tree Experts are coming with an "F" and that seems to be substantially worse and most of their testimony tonight says they are diseased and that is why you came with neither of that. Ms. Connelly spoke that neither of the other arborist may have acknowledged the disease and that the Tree Preservation report did not fully assess both trees. There aren't photographs of all the defects and they didn't follow proper tree risk assessment qualifications. She said if you go to a doctor and they don't fully diagnose you isn't that malpractice, why then do living organisms like trees are not held to the same standards. Mayor Woolsey reiterated in the report the trees were rated "F" but what he found to be most important in their report is that they needed to be removed immediately because they were an imminent danger to the public and this would be whether the project goes forward or not that they should be removed immediately. Mayor Woolsey asked Mr. Beadeaux to briefly explain why that was said. He stated that the trees were diseased, there is a history of failure with the branches that have failed, hollow in the trunk, tree #2 is riddled with cavities, there were a lot of studies which showed decay pathogens on average travels 100 yards a year to the root system to the trees so the longer they stay there will affect the neighboring trees in the colonnade, the location is high risk for injury or fatalities. He shared that today a tree fell on Betsy Kerrison and noted that the DOT takes these things seriously. The last time he did a report he did it on behalf of a firm that was suing the DOT for a woman who was hospitalized for nearly a year for a tree that was documented as hazardous that the DOT did not remove. He is pretty sure they take these things more seriously now.

Mr. Martin said what is getting missed is when they had the three reports done it was a piece of data they needed to help make the best decision for the layout and where the road would go but was not the only factor they looked at. He said whether the tree rating was "F, B, or C" it was important to know but they also wanted to know the best way to fit it with the least amount of impact; not only the trees but the right-of-way as well. They wanted to get as much information as they could to make those decisions. So they had these arborists reports done and had two different arborists with different results. He said the reason the second report was done with Charleston Tree Experts is because during the BZA process they were asked to try to shift the road to the west away from the trees so they wouldn't have to be removed so that was a good exercise and thought they needed to have an arborist look at the trees. The arborist that was used previously, Natural Directions, was not interested in continuing with the project so Charleston Tree Experts was hired and they did a great job but did have different results. He said the reason they did all of this was to make the best decision and do it in a way to allow the project's goal for safety with the least amount of impact. It was not a matter of what trees had the highest rating so we could make it work. They had to do it the best way to fit the project with the least amount of impact. There were a lot of moving parts to that: the trees, tree health, how many trees would have to be removed, and right-of-way. They wanted to minimize having to take right-of-way from people's private property. He wants people to understand that was the goal in getting things done to do the design as best they could. Mr. Martin said he felt they did their due diligence.

Councilwoman Mignano asked the difference between placing a roundabout at Secessionville and Fort Johnson verses one at Camp and Fort Johnson Rds. since the traffic analysis doesn't warrant a light at that location. Ms. DeToma said that the DOT issued a memo that the volumes at Camp and Fort Johnson is nowhere near the volume necessary to warrant a light, but at Secessionville and Fort Johnson, the volume is close. The other issue at this intersection is that a great deal of land would have to be obtained for a roundabout which would take away much of the church parking lot and other private property at Secessionville. She said that a roundabout is not a "one size fits all" situation.

Councilman Milliken asked if a mini roundabout had been looked at for the Secessionville intersection. Ms. DeToma responded that they have looked at several design alternatives, including a “figure 8” to see what would work best.

Councilman Milliken added that Michael Murphy, who provided the Tree Preservationist report, is a Board Certified Master Arborist. Ms. Connelly spoke from the audience that he is not an “RCA”, Registered Consulting Arborist, which is a much harder credential to obtain. Mayor Woolsey stated that Councilman Milliken had stated earlier that Mr. Murphy is “our” arborist, and noted that the Town did not hire him, to which Councilman Milliken agreed.

Mayor Woolsey said that Councilman Milliken had asked questions previously in the meeting about safety at the Fire Station near the intersection in question. Mr. Martin said he has coordinated with the Fire Station and was working on making a few minor adjustments. Councilman Milliken said there is a station in Mt. Pleasant near a roundabout that the main entrance/exit to the station was on a side street as opposed to the main road like this situation. Mayor Woolsey stated that he had reached out to the Fire Chief and Mayor Tecklenburg and both are in full support of the roundabout. Mayor Woolsey asked Mr. Martin if he had insight as to what the Technical Review Committee (TRC) may have with the project. Mr. Martin said he did not think there would be any issues moving forward to gain that Committee’s approval. Mayor Woolsey also asked if the DOT had seen the plans and if they may want to “pull the plug”. Mr. Martin said they have been in discussions with DOT for a couple of years and are looking at the ROW plans and the concerns they had have already been addressed.

Mayor Woolsey asked when the final design plans would be and how Right-of-Way acquisitions may affect those plans. Ms. DeToma responded that the processes would run concurrently and that County Council has approved the use of eminent domain if necessary. Mr. Alexander noted that the final design plans are set to be completed this fall (2023). Mayor Woolsey asked when the plans would be reviewed by the City’s Technical Review Committee (TRC). Mr. Alexander said they would enter that process in the next month. Councilman Milliken asked where the stone posts were proposed to be placed as he didn’t see them on the 70% design plans he had reviewed. His concern is that they would likely need to be relocated in the Right-of-Way. Mr. Alexander showed the preferred location around the curvature of the roundabout, and also showed two additional options if the proposed location doesn’t work. Mr. Martin noted that additional information needs to be gathered from site visits and discussion with DOT, but he anticipates they are amenable to allowing them to remain in the Right-of-Way or obtain an easement if not in the DOT Right-of-Way. Councilman Milliken asked for assurances that they will be preserved and cared for appropriately, to which County staff agreed. Councilwoman Mignano asked about storage for the stone posts during construction. Mr. Alexander offered that those details would be set out in the specifications of the project so it is done appropriately.

Consent Agenda:

Minutes of January 19, 2023 Regular Town Council Meeting: Councilman Milliken moved to approve the January 19, 2023 meeting minutes, Councilman Mullinax seconded. Passed unanimously.

Information Reports:

Finance Report: Finance Director, Merrell Roe, gave an overview of January’s report and highlighted the line items for: December’s Local Option Sales Tax (LOST); \$4,600 Piccadilly project; \$13,500 credit for emergency management; \$1,571 Rethink Folly reimbursement from the City of Charleston was \$21,000. Councilman Milliken asked if the decrease in the utility bill of \$2,200 was from the solar panels and Ms. Roe answered no, it isn’t working yet.

Town Administrator’s Report: Town Administrator, Niki Grimball, reported that staff is working towards completion of the Go Gov app. A presentation of the features will be planned for March Council meeting.

Four drainage projects are planned for completion this year. Staff has met with Stantec and they plan to bid three of the projects together and close on them in mid-April. "Letters to My Mother" exhibit received good participation at the Art & Cultural Center. Caroline and Sara are working on the 2<sup>nd</sup> Annual Juried Art Exhibit. Drop off of the artwork is March 10 and 11, and a reception on April 6 6-8 p.m. Mayor Woolsey commented that by combining the drainage project it would allow us to mix and match them. Ms. Grimball further said we are hopeful that project costs would be reduced if one firm is able to mobilize all three projects. Councilman Milliken asked if the juried art exhibit would include high school students again this year. Ms. Grimball said yes, also and middle and elementary schoolers and adults are invited to participate.

Public Works Report: Public Works Director, Mark Johnson gave an overview of the Public Works Report that staff responded to requests for service, one of which was drainage related. Pet Helpers held their quarterly rabies clinic at the Town Hall and vaccinated 67 animals. Staff attended the kick-off meeting for the Camp Road Drainage Basin Study. Staff is planning its annual hurricane expo and met with Lowe's on James Island to begin planning for the event, Saturday, May 6. Five additional septic tank inspections were completed in January and we are getting a good response on them. He thanked Knight's for a good job in getting them completed. Councilwoman Mignano asked how many inspections failed in this report and Mr. Johnson said one (1). She also asked how many have failed at this point and Mr. Johnson said 1-2 percent.

Councilman Boles said after all of the phone calls he received about the trees being taken down today he called the SCDOT and the representative there referenced Mark Johnson and Mayor Woolsey as requesting that the trees be looked at and one of them transmitted the report identifying the trees. He said the first he heard of Commissioner Woolsey doing it was her admission today. He asked Mark Johnson if he knew if the Town also sent reports to the DOT related to the trees. Mr. Johnson said 'no', we did not. Councilman Boles asked if the Town made any requests for the DOT to address any of those trees and Mr. Johnson said 'no'. Councilman Boles also asked if the Town has made requests for other trees to be addressed and have they done that. Mr. Johnson said 'yes', in that particular grouping. He asked if there are other trees the Town has asked the DOT to look at that haven't been addressed and Mr. Johnson said there are several. Councilman Boles asked Mr. Johnson if he was ever a liaison with the PSD where they asked on behalf of the Town for trees to be taken down, and the answer was 'no'. Mayor Woolsey spoke that he did not request the DOT to take down the trees and he did not send anything to them; though he considered it and thought it would be justifiable. He attended the BZA meeting and read the report from Charleston Tree Experts and thought it was very thorough. When he saw the report from Natural Directions he saw that it was not awful. He believes the report from Tree Preservation was more thorough than Natural Directions but not nearly as good as Charleston Tree Experts. He thinks all of us having a good and thorough report should share that information with the PSD under the normal circumstances where there is a healthy tree involved. Last October they assumed Natural Directions report grading the trees a "C" were in decent shape and then a request would go to the BZA and if they approved taking down the trees they would not be taken down until the construction process begins a year from now, maybe sooner, and that would not be a problem, the trees would be in reasonable shape. He said Charleston Tree Experts' report was pretty alarming stating that the trees were an imminent danger and he believes the DOT, whose right-of-way those trees are on should be notified. He was not quite willing share that information although there was a good reason to as he thought it would have adverse effects. It didn't surprise him that someone shared the information because it is public information and it was his wife who shared it who is Chairwoman of the James Island PSD. Councilman Boles commented that an email from the Chairperson at the PSD carries a little more weight than the average citizen. Mayor Woolsey said he believed that if we shared the report with the DOT they would review and determine on their own whether the trees were an imminent risk.

Councilman Boles thanked the Mayor for his unsolicited comments on the Public Works Report and asked if they should expect other unanticipated information on the plan to think about while considering voting for it. What would happen with the second tree and will the DOT come back tomorrow to take that down. He said when things like this happen they are flooded with calls from neighbors and residents and he would

like to give them an answer. Mayor Woolsey said the DOT has not coordinated that with him. Mayor Woolsey said the DOT has the right to remove trees that are in their right-of-way if they consider them to be dangerous. Councilman Boles asked if the Town shared the other conflicting reports with the DOT and Mayor Woolsey said he has not.

Island Sheriff's Patrol Report: Deputy Chris King announced that Lt. James is in the hospital and is doing better and hopes to be released soon. Deputy King's report included offenses that occurred in the Town since last month, drug violations, burglaries, and DUI cases resulting in citations and/or arrests.

Mayor Woolsey asked Deputy King for his view on whether the Town should have a roundabout at Camp and Fort Johnson Rds. Deputy King said he respects everyone's view and does not negate any of them. In his personal and professional opinion from working on the island since he started with the Sheriff's Office and now being assigned to the Town, his opinion is that is a very dangerous intersection and a roundabout would help that. If it requires removing some trees he has to support that. Based on his 15-years' experience in this career, he has responded to some horrendous accident scenes and held people while taking their last breath and that changes you inside. He said if something can be done to reduce accidents at that intersection (which he's almost gotten hit himself) it should be done. People don't pay attention, even with police lights and sirens going. He supports the roundabout and doesn't want to get hurt going through there or anyone else. Councilman Boles asked when he works on the island does he have interaction with other law enforcement agencies; i.e., City and the Highway Patrol. Deputy King said 'yes', but rarely with the Highway Patrol. Councilman Boles noted the importance of other law enforcement entities cooperation with each other. For example, if one entity gets ahead of the other, even if they're headed in the same direction can gum up the gears. He asked Deputy King in his law enforcement experience if it is important for his Chief/Supervisors to communicate with another agency's Chief/Supervisors to make sure no one is stepping on the other's toes. Deputy King said 'yes', but it does happen, and primarily on James Island as we deal with the City. He said this is something that happens and won't ever be eradicate, but it is important to meet common goals and work together.

Requests for Approval by Staff:

Pinckney Park Fence Repair: Ms. Grimball reported that two fences were damaged during Hurricane Ian. Two quotes were received for Pinckney Park. 1) Lockridge Builders @ \$4,621; 2) Palmetto Windows & Exterior @ \$5,468. Staff has been working with our insurance provider (SMIRF) and expect reimbursement for the cost of repair. She said she is waiting on a second quote for the repair at Dock Street Park. Staff requests approval to accept the quote from Lockridge Builders. Motion to approve by Councilman Milliken, seconded by Councilman Boles. Motion passed unanimously.

Recommendation of Bid Award for Oceanview/Stone Post Drainage Project: Ms. Grimball reported that this is the first bid of the year with three being received. Two provided all qualifications and listed the documents requested. The qualified low bidder Landscape Pavers came in @ \$808,000, higher than what is budgeted for this project. The Engineering firm, Thomas & Hutton believes that is a good bid and a reasonable cost for this project. Other bids received were \$1,045,370 and \$1,382,488. Staff recommends award to Landscape Pavers. Motion to approve by Mayor Woolsey seconded by Councilman Boles. Ms. Grimball answered Councilman Boles question that the amount budgeted for this project was based on the 2020 estimated cost but prices have increased a great deal since then. They provided us with an estimate of probable costs at \$852,000 and felt that was an appropriate price for the market. Councilman Milliken asked what was budgeted and Ms. Grimball said \$384,000 in this year's budget. Mayor Woolsey stated that there are funds in the budget for the sewer expansion project of \$1.2 million but committed to \$384,000.

Councilwoman Mignano was given a description of the project. Ms. Grimball shared that it will be 450 linear ft of roadside channel improvements along Oceanview; 215 linear feet of piped improvements along and under Oceanview; and 50 linear feet of improvements under Stone Post Rd. Mayor Woolsey explained



the project will drain off of the private property and would involve obtaining easements and reconstructing a ditch that existed years ago to allow water from Oceanview to flow into the marsh on the other side of Sea Aire. Councilman Boles asked if Oxbow Rd. is included and Mayor Woolsey said 'yes'. Both Mayor Woolsey and Mark Johnson explained the scope of the project. Motion passed unanimously.

Town Hall Heat and A/C Unit Repair: Mayor Woolsey informed Council that the Town Administrator added this item to the agenda earlier this week and a majority vote of Council is needed in order to consider it. Councilman Milliken moved, seconded by Councilman Mullinax. Motion passed unanimously to add to the agenda.

Ms. Grimball explained that we have been having problems with the Town Hall heating system. The problem is with the heat pump that causes gas to emit from the coil. We have been experiencing a number of false alarms due to a system failure. A quote was received from Daikin to repair the unit at \$5,800. Motion to approve by Councilman Boles, seconded by Councilman Milliken. Councilman Milliken said the cost seemed high and asked what a new unit would cost, although this unit is not that old. Ms. Grimball explained the complexity of the system and thought the cost of a new unit would be \$12,000. The warranty on the unit covers the parts for the repair and the \$5,800 is for the labor. After discussion, Councilman Boles moved to approve the expenditure for repair, seconded by Councilman Mullinax. Passed unanimously.

#### Committee Reports:

Land Use Committee: Councilwoman Mignano reported on the tree removal on Camp Road and it being reported to the SCDOT. She feels it is a betrayal of the BZA's ruling because they ruled that the trees be removed once everything had been approved. She is sure there are other trees on James Island that are imminent danger trees. She feels this is a betrayal that has caused all of our BZA members to consider a mass resignation and is a slap in the face for all the work that they do. She finds it very disappointing that this happened as it causes distrust and suspicion is raised in making decisions more difficult because we feel that we cannot trust anything or that our decisions will be disregarded.

Environment and Beautification Committee: Councilman Milliken announced James Island Pride Adopt-a-Highway Litter Pickup on Saturday, March 11 @ 9-11 a.m. Pizza will be served at Town Hall afterward. James Island Pride will team with the Triangle Association on March 18 at Edison's Restaurant @ 9:00 a.m. for litter pickup between Greenhill Rd. and Seaside Lane. Enjoy pizza afterwards. We hope to get a good showing from the community. Councilman Milliken spoke regarding the removal of trees as a member on the Environment and Beautification Committee that it is a sad day when we lose trees; especially in a place that requires them. He argued that even though they might've found some potential disease in those trees they looked pretty good and thinks they could've survived for probably another 20 years. He said the truth is trees can recover from amazing things. They are resilient, can come back after a diseased state, or from losing a limb and there is no reason to rush to conclusions and do things that aren't warranted. He said it wasn't warranted to cut those trees down so soon. It was premature and he thinks a lot of people on the island are upset by it. He said a safety argument can be made all you want but it still takes away the trees. He is for the trees.

Children's Committee: No report.

Public Safety Committee: Councilman Mullinax announced the Neighborhood Council meeting on Thursday, February 23 at 7:00 p.m. Councilman Mullinax moved for the appointment of Casimer Kowalski to represent McCalls Corner, seconded by Councilman Milliken. Passed unanimously.

History Committee: Mayor Woolsey announced that the History Committee met and is working on the Civil War event, First Shot in April, and the Juneteenth Commemoration sometime around June 19<sup>th</sup>.

Rethink Folly Road: Mayor Woolsey announced that the Steering Committee meeting on March 1 @ 6 p.m. in person at the Town Hall.

Drainage Committee: Councilman Mullinax reported that the Committee met on February 8 and discussed James Island Drainage Studies, updates on the Oceanview Stone Post Drainage Improvements Project, and James Island Creek TMDL. Councilman Mullinax thanked Mark for his participation with the updates on these projects. The next meeting is scheduled for May 10 @ 3:00 p.m.

Business Development Committee: No report.

Trees Advisory Committee: Councilman Milliken reported that the committee met and set tree goals for next year. The goals are: preservation, protection and care of right-of-way trees. The committee will identify locations on the island where trees have a substantial amount of vines in them and undergrowth and try to eradicate those issues. They also discussed potential canopy tree awards and elected officers.

James Island Intergovernmental Council: Mayor Woolsey announced the next meeting on April 26 @ 7:00 p.m. at the Town Hall. Call for agenda items forthcoming.

Proclamations and Resolutions:

Resolution #2023-02: TST FY 2024 Application for Dills Bluff sidewalk, Phase IV: Ms. Grimball reported that the Town submitted an allocation application for Phase IV Dills Bluff Sidewalk and requested a 50% match to complete the connectivity from Fort Johnson Rd., down Dills Bluff connecting to Fort Sumter Drive/Harborview. The estimated cost is \$446,000 and the Town's match is 50% of \$223,000 in the Town's Capital Improvements Budget. Councilman Boles moved in favor, seconded by Councilwoman Mignano. Motion passed. Councilman Milliken abstained as he lives on Fort Sumter Drive.

Resolution #2023-03: TST FY 2024 Application for Rethink Folly Road Corridor, Phase II: Ms. Grimball reported that the contract with Toole Consultants expired at end of December. Toole had begun working on the application for Phase II of the multi-use path that would extend from the intersection of George Griffiths Blvd. down to South Grimball Rd. to complete the preliminary design of that project. Because staff is spearheading the procedural meeting portion of the Steering Committee until a new consultant is identified and procured, staff would like to submit on behalf of the Rethink Folly Road Steering Committee an application for TST funding for this project. No match would be required from any of the jurisdiction. The request is for \$482,500. Motion in favor by Mayor Woolsey, seconded by Councilman Mullinax.

Ms. Grimball clarified to Councilman Boles that the Town is submitting an application on behalf of the Steering Committee and is not committing any funding. He asked why wasn't the County asking for the money and Ms. Grimball gave an assumption because they are making the recommendations to fund the project. Mayor Woolsey said other jurisdictions will support the project and Ms. Grimball said that letters of support have been obtained by Charleston Moves, City of Folly Beach, City of Charleston, and the BCD Council of Governments. Ms. Grimball further noted that the Town is completing the application because there is no consultant. Councilman Milliken noted the high cost for design and was informed no right-of-way to require. Councilman Boles asked if this application would compete with the Town's request and Ms. Grimball answered 'yes'. Mayor Woolsey and Councilman Mullinax voted 'yes'; Councilman Boles, Councilwoman Mignano, and Councilman Milliken voted 'no'. Motion failed.

Ordinances up for First Reading: None.

Ordinances up for Second/Final Reading:

Ordinance #2023-01: Proposed Zoning Map Amendment on property located at 1439 Jeffords Street from Low-density Residential (RSL) to Residential Office (OR) Zoning District for pervious parking lot and stormwater facilities to support and adjacent lot/use (TMS #427-01-00-062): Motion in favor by Councilman Boles, seconded by Councilman Milliken. Councilman Boles asked if any opposition had been received and was told there was none. Motion Passed.

Old Business: None:

Executive Session:

Mayor Woolsey asked for a motion to enter into an executive session to receive legal advice in accordance with 30-4-70(a) Code of law of SC on the Town of James Island vs. Dominion Energy Legal Case. Councilman Milliken moved to enter; seconded by Councilman Mullinax. Passed unanimously. Council entered the executive session at 8:50 p.m.

Return to Regular Session:

Council returned to regular session at 9:04 p.m. Mayor Woolsey announced that no votes were taken while in executive session.

New Business:

Town of James Island vs. Dominion Energy Legal Case:

Councilwoman Mignano moved that Council accepts Option A of the Mediated Settlement Agreement with Dominion Energy; that defendant pay the sum of \$86,000 as soon as practicable, but no later than 20 days following plaintiff's Council's final approval and authorized signatures to the agreement. Councilman Milliken seconded. Passed unanimously.

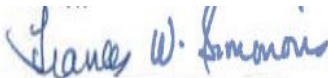
Announcements/Closing Comments:

All members of Council wished Lt. James a speedy recovery. Councilman Milliken added a reminder of the March 11 James Island Pride Litter Pickup.

Adjournment:

There being no further business to come before the body, the meeting adjourned at 9:06 p.m.

Respectfully submitted:



Frances Simmons  
Town Clerk