



Town of James Island, Regular Town Council Meeting
March 16, 2023; 7:00 PM; 1122 Dills Bluff Road, James Island, SC 29412

IN-PERSON MEETING

(This Meeting will also be live-streamed on the Town's You-Tube Channel, see link at end of agenda)

Notice of this meeting was published and posted in accordance with the Freedom of Information Act and the requirements of the Town of James Island.

The Town encourages the public to provide comments prior to its Town Council meeting. Residents wishing to address Council will be limited to three (3) minutes and must sign in to speak. Comments may also be sent ahead of the meeting by emailing to: info@jamesislandsc.us, mail to P.O. Box 12240, Charleston, SC 29422, or placed inside the drop box outside of Town Hall at 1122 Dills Bluff Rd.

- 1) Opening Exercises
- 2) Public Comment:
- 3) Consent Agenda:

Minutes: February 16, 2023, Regular Town Council Meeting

- 4) Information Reports:
 - a) Finance Report
 - b) Town Administrator's Report
 - c) Presentation of Draft Fiscal Year 2023/2024 Annual Budget
 - d) Public Works Report
 - e) Island Sheriff's Patrol Report
- 5) Requests for Approval by Staff:
 - a) Refresh Mulch @ Camp & Folly Roads
 - b) Quote for Dock Street Fence
- 6) Action Items:
 - a) Allocation of \$15,000 for pruning, vine removal, and care of Camp Rd.
Grand Trees (between Dills Bluff & Fort Johnson Rds.)
- 7) Committee Reports:
 - a) Land Use Committee

- b) Environment and Beautification Committee
 - c) Children's Committee
 - d) Public Safety Committee
 - e) History Committee
 - f) Rethink Folly Road
 - g) Drainage Committee
 - h) Business Development Committee
 - i) Trees Advisory Committee
 - j) James Island Intergovernmental Council
- 8) Proclamations and Resolutions:
- a) American Red Cross Month Proclamation
 - b) Resolution #2023-04: Camp Road Grand Trees Preservation Project
 - c) Resolution #2023-05: Usage of Town Hall and Town Hall Facilities
- 9) Ordinances up for First Reading:
- Ordinance #2023-02: Amending Ordinance #2021-09: Authorizing the Town of James Island to continue participating in South Carolina Local Revenue Services with Municipal Association of South Carolina (MASC)
- 10) Ordinances up for Second/Final Reading:
- 11) Old Business:
- 12) New Business:
- a) Discussion of potential election ballot referendum to create a President of Town Council position
- 13) Executive Session: The Town Council may enter into an Executive Session in accordance with 30-4-70(a) Code of Laws of South Carolina. Upon returning to Open Session Council may act on matters discussed in Executive Session.
- 14) Return to Regular Session:
- 15) Announcements/Closing Comments:
- 16) Adjournment:

This meeting will also be live-streamed and available for public view via the Town's YouTube channel:
<https://www.youtube.com/channel/UCm9sFR-ivmaAT3wvHdAYZqw/>

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 Grimbail, 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 2nd 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. Grimbball 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. Grimbball 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. Grimbball 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. Grimbball 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 McCall's 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 19th.

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

ADMINISTRATOR'S REPORT

Feb-23

ADMIN NOTES

- 1) Work continues to get staff on board with the new GoGov system. We have been doing a "soft launch" so all are familiar with the product before going live. We will start our marketing campaign mid-March so the public can begin to use the system as well. Internally, the Code Enforcement module is ready for use, and the Zoning Permit module is almost complete. I estimate that we will do our second tier of marketing for these processes sometime in April.
- 2) We had the bid opening for the Oceanview-Stonepost drainage project and Landscape Pavers, LLC was awarded the construction contract. They began work this week. Construction will be completed by the end of 2023.
- 3) Time will be spent re-working the signage project at the corner of Camp Road and Folly Road and new concept plans will be presented to Council in the next month.

Code Enforcement Cases

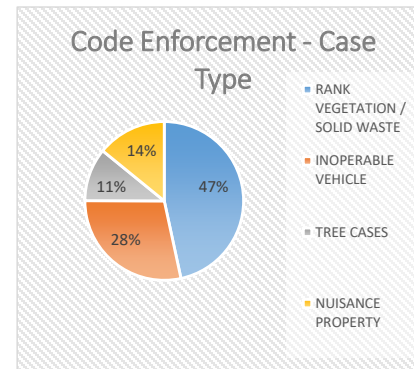
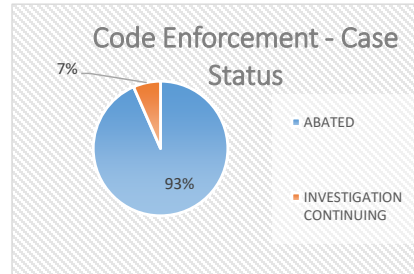
TOTAL CASES	898
ABATED	839
INVESTIGATION CONTINUING	59
RANK VEGETATION / SOLID WASTE	241
INOPERABLE VEHICLE	147
TREE CASES	56
NUISANCE PROPERTY	73

*7 new cases in February

James Island Arts and Cultural Center

Continuing Classes: knitting group, watercolor group, area artist exhibits, children's art lessons, private art tutoring, princess parties, History Council meetings, Historic Pathway meetings, Palmetto Youth Choir practices, energy classes, QiGong sessions.

Upcoming Events: "Letters to My Mother" closing reception, 2nd Annual Juried Art Exhibit; art drop off 3/10 & 3/11; Reception on April 6 from 6:00-8:00pm.

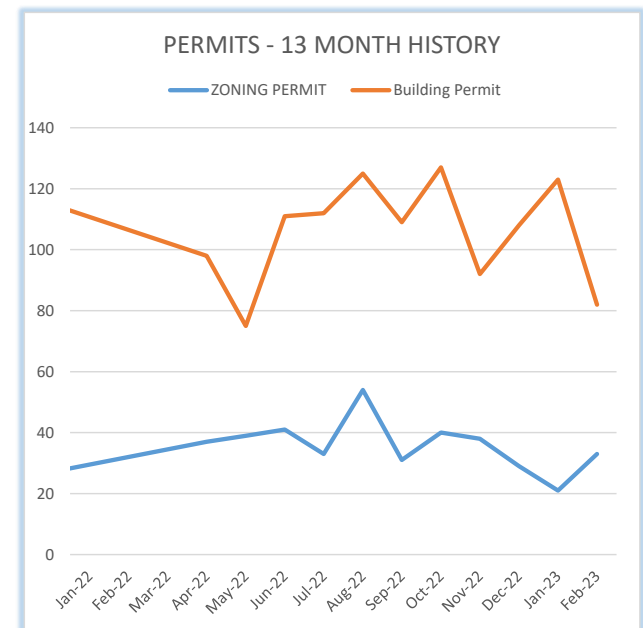


PERMIT TYPE	Feb-23
ACCESSORY STRUCTURE	1
CLEARING & GRUBBING	-
DEMOLITION PERMIT	1
EXEMPT PLATS	-
FIREWORK STAND	-
HOME OCCUPATION	4
LIMITED SITE PLAN REVIEW	-
NON-EXEMPT PLAT	-
PD AMENDMENT (REZONING)	-
RESIDENTIAL ZONING	14
REZONING	-
SPR	-
SIGN PERMIT	2
SITE PLAN REVIEW	1
SPECIAL EVENT	-
SPECIAL EXCEPTION	-
TEMPORARY ZONING	-
TREE REMOVAL	9
TREE TRIMMING	-
VARIANCE	-
ZONING PERMIT	1
TOTAL	33

PUBLIC WORKS NOTES

- 1) There were no new requests for service in February. It should be noted that this period of time we were transitioning to our new work request system. Any requests that came in, were addressed by staff.
- 3) Staff held the monthly stormwater managers meeting.
- 4) Staff participated in discussions with Clemson Extension to plan a citizen's training seminar for Low Impact Development practices to deal with stormwater issues on residential properties.
- 5) Staff participated in the quarterly Drainage Committee meeting (next meeting is May 10th at 3 PM).
- 6) Staff sent out the invitations to participants in this year's 18th annual James Island Hurricane Expo at Lowe's.
- 7) Staff met with Sierras Construction to discuss the replacement of the Fort Johnson radar sign that was run over.
- 8) 13 additional septic tank inspections were accomplished in January. This is over 100% of the responding residents, 21.5% of total needed. 3 residents sent in inspection reports because they were scheduled to have the work done and heard we needed the information.
- 9) Staff attended the Charleston Regional Hazard Mitigation Plan meeting.
- 10) Staff did some vegetative maintenance and filled 1 pothole and repaired no signs in February.

BUILDING PERMITS ISSUED FEBRUARY 2023: 82



----- Estimate -----

1768 Lady Cooper St.
Charleston, SC 29412 US
(843)270-5223

Estimate #: 1763
Date: 01/31/2023
Exp. Date: \$4,575.00

Address:

Mark Johnson
James Island Public Works
PO Box 12240
James Island, SC 29412
Charleston

Activity	Service	Qty	Rate	Amount
2 cu.ft. bags of brown mulch	Bags of Br	350	5.50	1,925.00
Removal of all Excess Debris	Disposal F	1	150.00	150.00
General Labor/ Installation/ Removal	Labor	1	2,500.00	2,500.00
Trimming of Existing Sweet Grass/Installation of New Mulch in Currently Maintained Bed Areas @ Camp and Folly Intersection				
Total:				\$4,575.00

Hope all is well, this estimate covers annual trimming of sweet grass and installation of new mulch in currently maintained beds @ camp and folly intersection



Town of James Island

Memo

To: Mayor and Town Council
From: Niki Grimball, TA
Date: March 10, 2023
Re: Fence Repairs

During Hurricane Ian, we had two fences damaged by fallen trees at Pinckney Park and Dock Street Park. We have obtained two quotes to repair the fence at Pinckney Park and Town Council accepted the lower bidder (Lockridge Builders @ \$4621). Staff have been working with the insurance provider (SCMIRF) and we expect reimbursement for the full cost to repair both fences.

We anticipate receiving a second quote for Dock Street Park by the March Town Council meeting, however, if the second quote is not in hand by then, staff request approval to accept the lowest of two bids when the second bid arrives. The bid obtained from Lockridge Builders is \$4140. The repair would entail removal of damaged fence sections, damaged limbs, and clear around the fence line; and install split rail fence to match the existing fence.



AMERICAN RED CROSS MONTH, 2023 A Proclamation

During American Red Cross Month in March, we celebrate the humanitarian spirit of JAMES ISLAND and reaffirm our commitment to helping ensure no one faces a crisis alone.

Caring for one another is at the heart of our community and exemplified by the people of JAMES ISLAND, whose simple acts of kindness through the Red Cross provide help and hope in people's most difficult moments — continuing the lifesaving legacy of Clara Barton, who founded the organization more than 140 years ago to prevent and alleviate human suffering.

In the Lowcountry, local families have relied on the Red Cross of South Carolina volunteers for comfort and hope while coping with a pandemic, home fires, tornadoes, floods, and storms. Last year, over 630 active volunteers served in local communities, deployed to local disasters, and responded in person and virtually to national disasters like hurricanes and wildfires. Volunteers also helped more than 1,400 people affected by over 360 home fires in the Lowcountry by addressing their urgent needs like food, lodging, and recovery support.

Red Cross of South Carolina volunteers have supported local families in other ways too. Last year in South Carolina, the Red Cross provided nearly 12,400 case services to U.S. service members, veterans, and their families; collected more than 71,200 units of lifesaving blood; and trained more than 62,000 people in lifesaving skills like First Aid and CPR.

Every day, these ordinary individuals lend a helping hand to make an extraordinary difference for neighbors in need — whether it's providing emergency shelter, food and comfort for families displaced by home fires and other disasters; donating lifesaving blood for cancer patients, accident victims, and people with sickle cell disease and other life-threatening conditions; supporting military members and veterans, along with their families and caregivers, through the unique challenges of service; using vital skills like first aid and CPR to help others survive medical emergencies; or delivering international humanitarian aid and reconnecting loved ones separated by crises around the world.

Their support, volunteerism, and generous donations are critical to our community's resilience. We hereby recognize this month of March in honor of all those who fulfill Clara Barton's noble words, "You must never think of anything except the need and how to meet it," and ask everyone to join in this commitment.

NOW, THEREFORE, I, MAYOR BILL WOOLSEY, and members of Town Council of JAMES ISLAND by virtue of the authority vested in me by the laws of the TOWN OF JAMES ISLAND and the STATE OF SOUTH CAROLINA, do hereby proclaim March 2023 as Red Cross Month. I encourage all citizens of JAMES ISLAND to reach out and support its humanitarian mission.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of March, in the year of our Lord two thousand twenty-three, and of the TOWN OF JAMES ISLAND, SOUTH CAROLINA.

BILL WOOLSEY, MAYOR

ATTEST:

FRANCES SIMMONS, TOWN CLERK



American Red Cross
Lowcountry South Carolina

A RESOLUTION FOR A “CAMP ROAD GRAND TREES PRESERVATION PROJECT” TO COMMIT TOWN OF JAMES ISLAND FUNDING, RESOURCES AND STAFF OVERSIGHT TO TREE PRUNING AND TREE CARE ON CAMP ROAD BETWEEN DILLS BLUFF ROAD AND FORT JOHNSON ROAD

WHEREAS, over 50% of the portion of Camp Road between Dills Bluff Road and Fort Johnson Road lies within the Town of James Island borders; and

WHEREAS, all of Camp Road, including that portion between Dills Bluff Road and Fort Johnson Road is also a South Carolina state road maintained by the SC Department of Transportation (SCDOT); and

WHEREAS, the portion of Camp Road between Dills Bluff Road and Fort Johnson Road has located upon its public right-of-way more than two dozen grand trees protected by the Town of James Island and by the City of Charleston’s grand tree ordinances; and

WHEREAS, many of these trees are dated at over 100 years old and are in need of pruning, care and vines removal as soon as possible to improve their overall health and life spans; and

WHEREAS, the Town of James Island’s goal in the “Camp Road Grand Trees Preservation Project” is to prune, care for, remove vines, and treat for disease if necessary to prolong the life spans of grand trees along this corridor; and

WHEREAS, three (3) of the grand trees in this location have been rated as “Poor” by at least two board certified master arborists and may need to be removed for safety reasons at some future date; and

WHEREAS, the Town of James Island is designated as a “Tree City USA”, has a Tree Advisory Council and greatly values the ecological importance, scenic beauty and historical nature of James Island trees and seeks to care for trees and also to replace any grand trees that may be removed due to “Poor” ratings by two or more board certified master arborists.

NOW BE IT RESOLVED, that:

- (1) The Town of James Island will institute and establish a “Camp Road Grand Trees Preservation Project” beginning on March 17, 2023.
- (2) The Town of James Island will direct funding and resources beginning on March 16, 2023 to the care, pruning, vines removal and treatment of disease for grand trees located on the public right-of-way between Dills Bluff Road and Fort Johnson Road, except those grand trees rated as “Poor” by two or more board certified master arborists, with reports of their ratings being provided to Town Council.

- (3) To accomplish this project, funds shall be made available on an ongoing basis from the Town of James Island's 2022-2023 and 2023-2024 annual budgets, by hiring one or more reputable, experienced, insured tree company to prune, care for and treat these grand trees beginning in April 2023 until the grand trees not rated as "Poor" by two or more board certified master arborists are pruned and cared for.
- (4) The Town Administrator shall report to Town Council monthly at town council meetings as part of her administrator's report beginning April 2023 on the progress of the "Camp Road Grand Trees Preservation Project" and bring monthly to Town Council if necessary any request for funding necessary to accomplish this project.
- (5) If it is determined by at least two board certified master arborists that any grand tree in this vicinity should need to be removed due to rating or condition, the Town Administrator shall bring this information and request to Town Council for discussion and a determination before contacting SCDOT or any other entity to remove any grand tree.
- (6) The Town of James Island shall hold a public ceremony in recognition of the completion of the "Camp Road Grand Trees Preservation Project" prior to the commencement of any future adjacent Charleston County intersection project.
- (7) If any grand tree rated as "Poor" by two or more board certified master arborists is removed along this section of Camp Road, as part of this project a live oak tree will be planted by the Town of James Island to replace the removed tree somewhere in the vicinity using TOJI funding.
- (8) If the SCDOT or Charleston County determines that any grand tree on this section of Camp Road is not protected by the Town's grand tree ordinance and advises or requests its removal for any reason, town staff shall bring this information to Town Council for information with at least two (2) board-certified master arborist reports before any grand tree removal is undertaken by any agency, not including any grand tree/s already addressed in a ruling by the Town's Board of Zoning Appeals.

Adopted this 16th day of March 2023.

Bill Woolsey, Mayor

ATTEST

Frances Simmons, Town Clerk

**RESOLUTION TO ADDRESS THE USAGE OF JAMES ISLAND TOWN HALL
AND TOWN FACILITIES AT 1122 DILLS BLUFF ROAD
BY ST. JAMES ANGLICAN CHURCH**

WHEREAS, the James Island Town Hall and Town of James Island facilities located at 1122 Dills Bluff Road, James Island, SC have as their main purpose to provide municipal services to residents and for the Town of James Island governmental functions and operations, and

WHEREAS, the James Island Town Hall and Town facilities (restrooms) located at 1122 Dills Bluff Road are made available as often as is reasonable and possible to the community and to residents of James Island for group, organization, club and community meetings and events pursuant to the “Town of James Island – Town Facilities Policy” and the “Town Hall Meeting Space Application/Agreement Form” (attached as Exhibit A) and on the Town’s website at <https://www.jamesislandsc.us/sites/default/files/uploads/admin-forms/town-facilities-policy-packet.pdf>, and

WHEREAS, the “Town of James Island – Town Facilities Policy” includes the usage of Town Hall, Pinckney Park and Dock Street Park, and

WHEREAS, the parking lots located near and adjacent to 1122 Dills Bluff Road, also accessible from Camp Road, are owned by both the Town of James Island and First Baptist Church of James Island (1110 Camp Road), and

WHEREAS, the St. James Anglican Church, formerly located at 1872 Camp Road, Charleston, SC 29412 seeks to periodically use the Town of James Island Town Hall, Town of James Island facilities and parking beginning in November of 2022, and

WHEREAS, the Mayor and Town Council of the Town of James Island are in receipt of the request and “Town Hall Meeting Space Application/Agreement Form” for Town of James Island Town Hall, facility and parking use from the St. James Anglican Church beginning in the fall of 2022 (attached as Exhibit B), https://jamesislandsc-my.sharepoint.com/:b:/g/personal/fsimmons_jamesislandsc_us/EccVGSdU6WVCms598eq84okBUaUPqYiYDobi3_1qQLTfDQ?e=1XYQL, and

WHEREAS, the Town Council of the Town of James Island seeks to accommodate groups and community organizations who may need and/or desire meeting space to the extent possible in a fair and equitable manner and in a way that does not disrupt Town of James Island governmental operations or services; or put any additional burden on Town of James Island staff members or janitorial services.

NOW BE IT RESOLVED, that:

- (1) James Island Town Council agrees to provide meeting space and facility usage to the St. James Anglican Church from November 27, 2022 through and including March 18, 2023 pursuant to the “Meeting Space Application/Agreement Form” attached as Exhibit B and after March 18, 2023 on Sundays only through April 10, 2023;
- (2) This Resolution is separate and apart from any agreement the St. James Anglican Church may have with the First Baptist Church of James Island for present and/or

future usage of the historic church building and facilities located at 1101 Camp Road and the parking adjacent to that address.

- (3) Any application for Town of James Island Meeting Space usage on consecutive Saturdays or Sundays or during Town business hours Monday-Friday at 1122 Dills Bluff Road by any organization, community group and/or church including St. James Anglican Church after April 10, 2023 will be brought to Town Council for review and for input from Town staff.
- (4) Any usage of Town of James Island facilities including those at 1122 Dills Bluff Road, Pinckney Park and Dock Street Park shall be added to the public Town meeting calendar available for view on the Town of James Island's website upon approval of use.

Adopted this 16th day of March 2023.

Mayor Bill Woolsey

Councilman Garrett Milliken

Councilmember Cynthia Mignano
Mayor Pro Tem

Councilman Darren "Troy" Mullinax

Councilman Dan Boles

ATTEST

Frances Simmons
Town Clerk

Exhibits A and Exhibit B attached and incorporated



Town of James Island

Town Facilities Policy

Town Facilities:

Town Hall – 1122 Dills Bluff Rd.

Pinckney Park – 461 Fort Johnson Rd.

Dock Street Park – 749 Sprague St.

Complete and submit this form to apply for use of a Town facility or park.

Special Events at Town Facilities

1. Any event held at a Town Facility will require a Special Event Permit through the Planning Dept. The form can be obtained online here: [Special Events Permit](#). **Town-sponsored events are not required to obtain a Special Event Permit.**
2. There is a required \$25 fee for all Special Events Permits. Civic, Institutional and Non-Profit Organizations may be waived with proof of status (federal exempt identification number).
3. Group Organizers for a Special Event may be required to purchase a special event liability policy through a private insurance carrier depending on the function, size and/or use of alcohol.
4. Applications must be submitted thirty (30) days prior to the event.
5. Incomplete applications will not be considered. Completion and submittal of this application does not guarantee approval.

Special Considerations:

1. Please notify the Town Clerk Frances Simmons at Town Hall, (843) 795-4141 or email fsimmons@jamesislandsc.us if there is an event change, (time, date(s), location, route, etc.)
2. Inaccurate and/or deviation from final approval may result in immediate revocation of the permit; the event may be invalidated and cannot proceed.
3. Tobacco use is not allowed at any Town Facility event.

4. Vehicles or cookers cannot be driven on grass or sidewalks at any Town facility.

Meeting Space at Town Hall Policy

1. Meeting space at the Town of James Island is available at no charge for use by groups of a size that do not exceed the established safe capacity of the meeting space they request to use. Meeting space is based on availability on a first come, first-served basis. Meeting space is limited to Town Council Chambers (139 capacity) and a Conference Room that seats 10-12 persons. Meeting space will not take precedence over Town meetings or functions. To schedule meeting space, contact Frances Simmons, (843) 795-4141 or forward Meeting Space Application to fsimmons@jamesislandsc.us
2. Groups that meet on a regular schedule will be permitted to reserve meeting space up to three (3) months in advance. Groups wishing to use a meeting room on a regular weekly or bi-weekly schedule must relinquish the use of the meeting room in the event of an unplanned Town related meeting or function. Any change or cancellation of a meeting must be reported to the Town as soon as possible.
3. Meeting space will not be made available for social gatherings (such as private parties, birthday parties, showers, or weddings) or for gaming purposes (such as bingo or card parties). Depending on the type of meeting, a special event liability policy through a private insurance carrier may be required.
4. The Town of James Island reserves the right to cancel your meeting space at any time, i.e., meetings, functions of the Town takes precedence.
5. The limited kitchen facility may be used for light refreshments.
6. Tobacco use is not allowed on Town premises.
7. All groups are expected to leave the meeting space clean and orderly. If a group damages the facility, payment for repairs will be the responsibility of the meeting organizer. All debris from meeting activities or refreshments served must be completely cleared away and discarded in trash receptacles. Town equipment (audio visual, microphones, etc.) may be used with prior approval.
8. A signed application/meeting room usage agreement must be on file with the Town of James Island prior to use of meeting room. Meeting rooms must be reserved by adults only. Youth organizations using the meeting rooms must have an adult sponsor present at all times.

9. The applicant must pick up a visitor pass to have access to the building (i.e., for a Saturday/Sunday meeting, the pass must be picked up on the Friday prior to 5:00 p.m.) and returned the next business day. A charge will be assessed for lost passes.
10. The use of the meeting space does not constitute an endorsement of an organization's policies or beliefs.

Hold Harmless Clause

Permitter/organization hereby shall assume all risks incidental to or in connection with the permitted activity and shall be solely responsible for damages, or injury, of whatever kind or nature to person or property directly or indirectly arising out of or in connection with the permitted activity or the conduct of permittee's operation. Permitter hereby expressly agrees to defend and save the Town of James Island harmless from any penalties for violation of law, ordinance, or regulation affecting its activity and from any and all claims, suits, loss of damages, or injuries directly or indirectly arising out of or in connection with the permitted activity or conduct of its operation or resulting from the negligence or intentional acts or omission of permittee or its officers, agents, and employees.

Acknowledgement: Signature(s) indicates that you have read, understand, and agree to the terms of this application, the Hold Harmless Clause, and event rules as described.

Signature/Date

Town of James Island/Date



Town of James Island

Town Hall Meeting Space Application/Agreement Form
1122 Dills Bluff Road, James Island, SC 29412

Council Chambers ☐ max 139: Large Conf. Rm ☐ max 12: Small Conf. ☐ max 6

Name of Group: _____

Contact: _____
Print Name Phone

Address: _____

Cell Phone: _____ Email: _____

Date(s) of Use: _____
Month Day Year

Purpose of Meeting (Additional Pages may be needed):

I have read the Use of Meeting Space Agreement Policy and agree to abide by all aspects of this policy. I understand that any misuse may result in our not being able to use facilities in the future.

Signature

Date

Please email completed form to: fsimmons@jaesislandsc.us for notification of availability.

Approved by: Town of James Island

Date



Town of James Island

Town Hall Meeting Space Application/Agreement Form
1122 Dills Bluff Road, James Island, SC 29412

Council Chambers ☒ max 139: Large Conf. Rm ☐ max 12: Small Conf. ☐ max 6

Name of Group: Saint James Anglican Church

Contact: Bill Read 843 442 8480
Print Name Phone

Address: P.O. Box 14456

Cell Phone: Same Email: Bill.Read@saint-james.org

Date(s) of Use: Nov 27 2022
Month Day Year

Sundays
7am - 1pm Purpose of Meeting (Additional Pages may be needed): Through Jan 29 2022 Feb. 26, 2023

2 worship services 8AM & 10AM
Setup 7am out 1pm 70 per service

I have read the Use of Meeting Space Agreement Policy and agree to abide by all aspects of this policy. I understand that any misuse may result in our not being able to use facilities in the future.

Signature [Signature]

11/9/22
Date

Please email completed form to: jsimmons@jamesislandsc.us for notification of availability.

[Signature]
Approved by: Town of James Island

11/9/22
Date

9. The applicant must pick up a visitor pass to have access to the building (i.e., for a Saturday/Sunday meeting, the pass must be picked up on the Friday prior to 5:00 p.m.) and returned the next business day. A charge will be assessed for lost passes.
10. The use of the meeting space does not constitute an endorsement of an organization's policies or beliefs.

Hold Harmless Clause

Permitter/organization hereby shall assume all risks incidental to or in connection with the permitted activity and shall be solely responsible for damages, or injury, of whatever kind or nature to person or property directly or indirectly arising out of or in connection with the permitted activity or the conduct of permittee's operation. Permitter hereby expressly agrees to defend and save the Town of James Island harmless from any penalties for violation of law, ordinance, or regulation affecting its activity and from any and all claims, suits, loss of damages, or injuries directly or indirectly arising out of or in connection with the permitted activity or conduct of its operation or resulting from the negligence or intentional acts or omission of permittee or its officers, agents, and employees.

Acknowledgement: Signature(s) indicates that you have read, understand, and agree to the terms of this application, the Hold Harmless Clause, and event rules as described.

Signature/Date

Town of James Island/Date

Date: February 28, 2023

To: Mayors, Managers, Administrators, Clerks and
Local Revenue Service Contacts

From: Caitlin Cothran, Manager for Local Revenue Services

Re: Ordinance, Agreement, and Supplement for Local Revenue Service Programs
PROMPT ACTION REQUIRED

For many years, the Municipal Association has offered collection programs for certain business license taxes. These programs include the Insurance Tax Collection Program, the Brokers Tax Collection Program, and the Telecommunication Tax Program. The Municipal Association has collectively rebranded these programs as Local Revenue Services and has renamed the three business license programs as the Insurance Tax Program (ITP), the Brokers Tax Program (BTP), and the Telecommunication Tax Program (TTP).

In addition, by Act 176 of 2020,¹ the General Assembly standardized business licensing in the State of South Carolina. Following the adoption of this Act, the Municipal Association provided a revised model business license ordinance. Every municipality in the State has adopted a revised business license ordinance based on Act 176 and the new model ordinance.

As a result of the Local Revenue Services rebranding and the adoption of new local business license ordinances under Act 176, the Association is required to update the ordinances and agreement by which municipalities may participate in Local Revenue Services. Please note as follows:

- There are THREE attachments to this memo: (1) an ordinance to participate in Local Revenue Services, (2) an intergovernmental agreement for the programs, and (3) a program participant supplement by which a municipality elects which programs to join.
- In order to continue to participate in Local Revenue Services, **your municipality must (1) enact the attached ordinance and, (2) once the ordinance is enacted, sign the attached agreement and supplement.**
- The ordinance must be **completed where highlighted and then enacted exactly as written.**
- The agreement must be **signed exactly as written.**
- The supplement must be **completed where highlighted and then signed exactly as written.**
- The Setoff Debt Program is not affected by the attached documents, which relate only to ITP, BTP, and TTP.
- The Association must have a certified copy of your amended ordinance, together with the original signed agreement and supplement, by **May 26, 2023**. We will send you a copy of the final agreement with the Municipal Association's signature for your file. If you require an original signed agreement for your files, provide two signed agreements to the Municipal Association.

¹ The Business License Standardization Act, found at S.C. Code Sec. 6-1-400 to -420.

The new program documents will not substantially change the operation of the Local Revenue Services programs from your perspective. The Municipal Association will continue to administer and collect business license taxes within ITP, BTP, and TTP. The rates for the Municipal Association's services will remain exactly the same as they are now. Finally, distributions of collected amounts will be made in the same manner and at approximately the same times as they are now.

The substantial changes to the Local Revenue Services programs are as follows:

- The new agreement is an intergovernmental agreement among all of the participating governments, rather than a series of standalone agreements.
- Local Revenue Services will act in its own name as a division of the Municipal Association and will be governed by a committee of the Municipal Association's Board of Directors.
- The terms on which the Municipal Association is delegated the authority to resolve litigation on behalf of its members have been clarified.
- An appeals process, as required by and consistent with Act 176, has been formally adopted.

If you have questions about the attached documents, please contact Caitlin Cothran at (803) 354-4786 or ccothran@amsc.sc.

If your municipal attorney has questions about the attached documents, please direct him or her to contact Eric Shytle, General Counsel of the Municipal Association, at (803) 933-1214 or eshytle@masc.sc.

AN ORDINANCE

AUTHORIZING AND DIRECTING THE TOWN OF JAMES ISLAND TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT RELATING TO SOUTH CAROLINA LOCAL REVENUE SERVICES; TO PARTICIPATE IN ONE OR MORE LOCAL REVENUE SERVICE PROGRAMS; TO EXECUTE AND DELIVER ONE OR MORE PARTICIPANT PROGRAM SUPPLEMENTS; AND OTHER MATTERS RELATING THERETO.

WHEREAS, the TOWN of JAMES ISLAND (the “Municipality”) is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income;

WHEREAS, under State law, certain business license taxes are applicable in a manner or at a rate that applies throughout the State (“Statewide Business License Taxes”);

WHEREAS, such Statewide Business License Taxes include without limitation the business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; to brokers under Title 38, Chapter 45 of the S.C. Code; and to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code;

WHEREAS, the Municipal Association of South Carolina (the “Association”) has previously established local revenue service programs in which the Association administers Statewide Business License Taxes on behalf of and for the benefit of participating municipalities;

WHEREAS, such local revenue service programs include a program known as the Insurance Tax Program (“ITP”) that administers business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; a program known as the Brokers Tax Program (“BTP”) that administers business license taxes applicable to brokers under Title 38, Chapter 45 of the S.C. Code; and a program known as the Telecommunications Tax Program (“TTP”) that administers business license taxes applicable to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code;

WHEREAS, the Municipality currently participates in the Insurance Tax Program (ITP), Brokers Tax Program (BTP), and Telecommunications Tax Program;

WHEREAS, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the “Standardization Act”), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes;

WHEREAS, following the enactment of the Standardization Act, the Municipality enacted Ordinance No. 2023-02 on April 20, 2023, in order to comply with the requirements of the Standardization Act (the “Current Business License Ordinance”);

WHEREAS, in connection with the enactment of the Standardization Act and the adoption of locally compliant business license ordinances, the municipalities of the State have determined that it would be advisable and prudent to update the existing local revenue service programs;

WHEREAS, in particular, the municipalities of the State have determined to establish and join South Carolina Local Revenue Services (“LRS”) by intergovernmental agreement, which among other things will administer Statewide Business License Taxes on behalf of its participants, including but not limited to by continuing to offer the services provided by the ITP, BTP, and TTP;

WHEREAS, Article VIII, Section 13(A) of the South Carolina Constitution provides that “(a)ny county, incorporated municipality, or other political subdivision may agree with the State or with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof;”

WHEREAS, the Town Council of the Municipality (the “Council”) now wishes to authorize and direct the Municipality to join LRS and to participate in one or more local revenue service programs;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town James Island, as follows:

SECTION 1. Direction to Apply to and Join LRS. The form of the Local Revenue Services Agreement (the “Agreement”) pursuant to which a municipality may request to participate in LRS and, if approved, become a participant is attached hereto as Exhibit A. The Town Administrator (the “Executive Officer”) is hereby authorized and directed to apply to participate in LRS. If the Municipality’s application is approved by LRS, then the Executive Officer shall execute and deliver a counterpart to the Agreement in substantially the form attached hereto. The Council hereby approves the terms and conditions of and agrees to comply with the Agreement upon the execution and delivery thereof by the Executive Officer.

SECTION 2. Participation in Local Revenue Service Programs. The Council determines that, if admitted to LRS, the Municipality will participate in the [ITP, the BTP, and the TTP]. The Executive Officer is hereby authorized and directed to execute and deliver any required Participant Program Supplements (as such term is defined in the Agreement) as may be necessary to participate in such local revenue service programs.

SECTION 3. Business License Taxes Applicable to Insurance Companies. Notwithstanding anything in the Current Business License Ordinance to the contrary, the following provisions shall apply to insurance companies subject to Title 38, Chapter 7 of the S.C. Code.

- a) Except as set forth below, “gross premiums” for insurance companies means gross premiums written for policies for property or a risk located within the municipality. In addition, “gross premiums” shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company’s office located in the municipality, (2) the insurance company’s employee conducting business within the municipality, or (3) the

office of the insurance company's licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.

- b) As to fire insurance, "gross premiums" means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.
- c) As to bail bonds, "gross premiums" shall exclude any amounts retained by a licensed bail bondsman as defined in Title 38, Chapter 53 of the S.C. Code for authorized commissions, fees, and expenses.
- d) Gross premiums shall include all business conducted in the prior calendar year. Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums, or deposit.
- e) Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.
- f) The business license tax for insurance companies under Title 38, Chapter 7 of the S.C. Code shall be established at the rates set forth below. Declining rates shall not apply.

NAICS Code

524113 **Life, Health, and Accident.** 0.75% of Gross Premiums.

524126 **Fire and Casualty.** 2% of Gross Premiums.

524127 **Title Insurance.** 2% of Gross Premiums.

- g) License taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

SECTION 4. Business License Tax Applicable to Brokers. Title 38, Chapter 45 of the S.C. Code (the "Brokers Act") establishes a blended premium tax rate applicable to brokers of 6 percent, comprising a 4 percent State premium tax and a 2 percent municipal premium tax, each to be collected by the South Carolina Department of Insurance. Pursuant to §§ 38-45-10 and 38-45-60 of the Brokers Act, the Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker's premium tax.

SECTION 5. Business License Taxes Applicable to Telecommunication Companies.

- a) Notwithstanding any other provisions of the Current Business License Ordinance, the

business license tax for “retail telecommunications services,” as defined in S. C. Code Section 58-9-2200, shall be at the maximum rate authorized by S. C. Code Section 58-9-2220, as it now provides or as provided by its amendment. Declining rates shall not apply.

- b) The business license tax year for retail telecommunications services shall begin on January 1 of each year. The business license tax for retail telecommunications services shall be due on January 1 of each year and payable by January 31 of that year, without penalty. The delinquent penalty shall be five percent (5%) of the tax due for each month, or portion thereof, after the due date until paid.
- c) In conformity with S.C. Code Section 58-9-2220, the business license tax for “retail telecommunications services” shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.
- d) Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement. All fees collected under such a franchise or contractual agreement shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.

SECTION 6. No Exemption for Interstate Commerce. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

SECTION 7. LRS to Appoint Business License Official and to Designate Appeals Board. Pursuant to the Agreement, LRS is hereby authorized to appoint one or more individuals (each, an “LRS Business License Official”) to act as the Municipality’s business license official for purposes of administering Statewide Business License Taxes. In addition, LRS is hereby authorized pursuant to the Agreement to designate an appeals board (the “Appeals Board”) for purposes of appeals arising with respect to such taxes. The LRS Business License Official so appointed and the Appeals Board so designated shall have all of the powers granted to the Municipality’s business license official and appeals board under the Current Business License Ordinance, except as may be modified by this ordinance.

SECTION 8. Appeals Process. With respect to the calculation, assessment, and collection of Statewide Business License Taxes, in lieu of the appeals process described in the Current Business License Ordinance, the following appeals process required by S.C. Code Section 6-1-410 shall

apply:

- a) If a taxpayer fails or refuses to pay a Statewide Business License Tax by the date on which it is due, the LRS Business License Official may serve notice of assessment of the Statewide Business License Tax due on the taxpayer by mail or personal service. Within thirty days after the date of postmark or personal service, a taxpayer may request, in writing with reasons stated, an adjustment of the assessment. An informal conference between the LRS Business License Official and the taxpayer must be held within fifteen days of the receipt of the request, at which time the taxpayer may present any information or documents in support of the requested adjustment. Within five days after the conference, the LRS Business License Official shall issue a notice of final assessment and serve the taxpayer by mail or personal service with the notice and provide a form for any further appeal of the assessment by the taxpayer.
- b) Within thirty days after the date of postmark or personal service, the taxpayer may appeal the notice of final assessment by filing a completed appeal form with the LRS Business License Official, by mail or personal service, and by paying to LRS in protest at least eighty percent of the business license tax based on the final assessment. The appeal must be heard and determined by the Appeals Board. The Appeals Board shall provide the taxpayer with written notice of the hearing and with any rules of evidence or procedure prescribed by the Appeals Board. The hearing must be held within thirty days after receipt of the appeal form unless continued to another date by agreement of the parties. A hearing by the Appeals Board must be held at a regular or specially called meeting of the Appeals Board. At the appeals hearing, the taxpayer and LRS have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The hearing must be recorded and must be transcribed at the expense of the party so requesting. The Appeals Board shall decide the assessment by majority vote. The Appeals Board shall issue a written decision explaining the basis for the decision with findings of fact and conclusions and shall inform the taxpayer of the right to request a contested case hearing before the Administrative Law Court. The written decision must be filed with the LRS Business License Official and served on the taxpayer by mail or personal service. The decision is the final decision of LRS on the assessment.
- c) Within thirty days after the date of postmark or personal service of LRS's written decision on the assessment, a taxpayer may appeal the decision to the Administrative Law Court in accordance with the rules of the Administrative Law Court.

SECTION 9. Repealer, Effective Date. All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective on the date of final reading.

ENACTED IN REGULAR MEETING, this ____ day of _____, 20 ____.

Bill Woolsey, Mayor

ATTEST:

Frances Simmons, Town Clerk

First reading: _____

Final reading: _____