

The Town of James Island held its regularly scheduled meeting on Thursday, June 15, 2023 at 7:00 p.m. in person at the Town Hall, 1122 Dills Bluff Rd., James Island, SC. This meeting was also live streamed on the Town's You-Tube Channel.

The following members of Council were present: Boles (via Zoom), Mignano, Milliken, Mullinax, and Mayor Woolsey, who presided. Also, Niki Grimball, Town Administrator, Merrell Roe, Finance Director, Mark Johnson, Public Works Director, Bonum Wilson, Town Attorney, Flannery Wood, Planner II, Lt. Herman Martin (for Lt. James, Island Sheriff's Patrol), Sam Snider, MPA Intern, 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., lead Council in prayer and followed with the Pledge of Allegiance.

Public Comment:

Laura Mohan, 952 Anchor Rd: Teacher of the Learning Co-Op (homeschooling group) spoke regarding the request on tonight's agenda. Ms. Mohan explained that the Home School Co-Op started with the purpose of nature and its beauty. She said that Pinckney Park is the ideal location for the home school because of its beauty and nature. The Co-Op has secured a location for two days of the week and they hope to use Pinckney Park for the remaining two days. The Co-Op would like the children to experience nature, gardening, litter pickups, and contribute to making the park better than they found it. She asked Council to please vote in favor of this request.

John Peters, 1301 Hampshire Rd: Mr. Peters informed the Council that he sent comments to them about the 6.52 acres adjacent to Whitehouse Plantation(proposed development along Dills Bluff Road, TMS# 4251200185 and TMS #4251200298). He voiced concerns about flooding, crime, traffic, and that he propose green space as a use rather than development. He has met two people out of 100 and 98 people who do not want the development; they want green space. He is proposing green space and will push for that. Hopefully, that is what it will become. Comments attached.

Sarah Purcell, 1071 Harbor View Rd: Spoke about the Short-Term Rental Ordinance and that she sent an email to Council about that. She thanked the members of Council who responded back to her on this subject. She is present tonight to represent all of the other folks who are afraid to show their faces for fear that they may get into trouble and not be able to make money by using their home as a short-term rental. She is here to stick with her fellow citizens who will be affected by this. She believes this is a case of government overreach and less government is needed; not more in their lives. She doesn't believe this is something that is a crime. It is something that doesn't affect anybody. She knows that people say "there is too much traffic" but to her personally she could have a rental for a long term guest or a short term guest with the same number of vehicles and no more traffic than any other long term rental. She thinks this is not a crime in her opinion. The only thing that she sees in the Ordinance or any short-term rental ordinance, is that it makes the little guy poorer and the big guy richer and lining the pockets of government bureaucrats. She doesn't understand the reasoning for the restrictions on short-term rentals and would love an explanation as to why. The changes to the parking requirements on her street (Harbor View Road) make it completely an eye sore, where people have to walk in the front yard. She does not understand the logic behind this. Ms. Purcell read aloud the email she sent to Council:

My name is Sarah and I have been an STR host on James Island for the last six years. After going through a divorce the last two years, Short-Term Rentals have become my main source of income and the way I support myself and my four children. I love being hospitable to my guests, sharing all my local recommendations for James Island restaurants, activities, and even other small businesses. I've made lifelong friends who've shared a drink with me over our campfire, invited me into their home when I've gone on vacation (which I've taken them up on), and just enjoyed meeting people from all walks of life and all over the world. I homeschool my kids and love that they get exposed to different peoples and cultures without even having to leave home. It has been a rich blessing to my family, something I love and cherish.

When we purchased our home on James Island in 2017, it had been rented previously by a group of “frat boys” (according to the neighbors) who had loud parties until 3 am most weekends, never once mowed their lawn in the year they lived here and did not care for the property or respect the neighbors whatsoever. We purchased the home, cleaned it up, made strict rules for our STR (no parties, quiet hours, strict parking guidance, etc.). Our neighbors love the changes and have expressed how well our property is now maintained. They don’t hate that we have an Airbnb next door, they actually appreciate what it’s done for their own enjoyment of their property. If I weren’t renting my guesthouse as a STR, I’d have a long term renter there, with the same number of vehicles, so the argument that STRs bring more traffic is silly to me. I truly believe our STR has been a blessing to our neighbors as they’ve expressed their gratefulness to me a few times over the years.

Considering this is my livelihood, it would devastate me financially if your proposed ordinances meant I couldn’t rent my place as an STR. I also believe it would affect The Town and the other small businesses, as my guests spend money on James Island while here on vacation, following my “Local Recommendations” guidance I send to all my guests. Making it harder and harder for people to find a place to stay while on James Island is not the answer. There are no hotels on the island, and STRs keep that James Island vibe in our community, with neighbors loving neighbors and welcoming visitors to our area. I truly hope you will reconsider this ordinance. I don’t see it benefiting anyone but the pockets of government bureaucrats. Thank you for your consideration.

Matt Trainum, 1164 Seaside Ln: said he owns several properties on James Island and his argument is basically the same as the others about short-term rentals. He is not sure why this is such an issue because in dealing with many contractors in Mt. Pleasant, Isle of Palms, and Charleston, they all play by the same rules but here there is a different set of rules to play by. One thing he has a hard time understanding is how Fred Hollings has the ability to have so many short-term rentals on James Island and Folly Beach. He guesses it’s not a big concern to him. He is not sure what’s going on, but he is for short-term rentals in the community because it brings a lot of funding, and supports the local community, businesses and restaurants.

Tom Krahe, Cobb, Attorney with Dill & Hammett, LLC: Attorney for Chris Benson said he was asked to attend the meeting tonight to correct the record from the last Town Council meeting. He said to his understanding and according to the transcript, Ms. Grimball said the judge dismissed the case and that is not true. He said Mr. Benson was found not guilty of violating the statute. This is a matter of public record and he has a copy of the ruling if Council would like to see it. He said there was some confusion about why Mayor Woolsey was under the impression that Mr. Benson and the Town had reached some sort of agreement. He is unsure where that came from but Mr. Benson had to file a complaint asking why the verdict hadn’t been delivered in the 90 days that was required. He said another hearing was held with him, the Town’s Counsel, and Judge Harris and they argued this same exact point that the case was not dismissed and Mr. Benson was found not guilty of violating the Home Occupation statute or the Bed and Breakfast statute. He said if this conversation is about clarification of the statute, he is not sure what that means, but he does know that Mr. Benson was found not guilty of violating both of those statutes.

David Vernon, 1429 Ft. Johnson Rd: moved to James Island in 2015 after graduating from the College of Charleston in 2012. He loves James Island and Charleston and what they represent as a whole. He is speaking in support of short-term rentals and is against some of the things proposed in the Ordinance. Short-term rentals are in every town and it creates revenue for local businesses. Most importantly it creates revenue for the citizens of this Town. With the rising costs of homeownership and inflation this is needed for people who do not have an LLC. These are small people and this helps to support them. He said to his knowledge, there are no hotels on James Island so anyone who comes here to visit do not have other options on where to stay except for Air BnB’s. The current Ordinance only allows bedrooms in homes to be rented and that effectively outlaws 99% of the current listings on James Island. Ultimately he thinks that the Council should consider a cap on whole house rentals as other towns such as Mt. Pleasant and Folly Beach. Not having whole house rentals on James Island is the only township that outlaws them. There are some proposed language in the Ordinance regarding multiple kitchens and many residents have mother-in-law suites that existed prior to their ownership that are non-conforming to the existing regulations that has been there for some time. This includes him. A comment was made by a Planning Commissioner about this in a meeting a couple months ago. We all know that they exist but

the current Ordinance would outlaw them as short-term rentals. He should be able to rent out a mother-in-law suite in his own residence, but this Ordinance would not allow that. A lot of people speak about the detriments that short-term rentals have on the community. He said this is a situation of one “bad apple ruining it for the bunch”. There is technology that can be used for noise monitoring devices and that could be required by Ordinance to detect the likeliness of parties or intrusions on the neighborhood. He said this Ordinance supplies the same regulations as a traditional Bed and Breakfasts and short-term rentals and does not reflect the various ways residents use their homes to supplement income. In this growing time of inflation and the cost of homeownership, this is essential and would be a detriment to the citizens of this Town.

Sean Oddis, 825 Fred St: supports short-term rentals. He is a local entrepreneur and has a Roofing and General Contractor business on James Island. He is a property owner and he along with his fiancé live in the property and operates an Air BnB in the backyard. He spoke about a huge misconception that is driving the changes in the verbiage and regulations of short-term rentals as a disturbance to the neighborhood and drugs and alcohol. He said not at one time has his short-term rental created such a disturbance for the neighborhood. His next door neighbor also has a short-term rental and they have never had a problem. Two doors down is another short-term rental and they have never had a problem. Having a short-term rental gives him the ability to subsidize his income for his construction business. He could rationalize getting a smaller salary out of his business and give it to his employees or hire more employees based on a small income he is provided with a short-term rental. He believes the verbiage change to the Ordinance is a quick and easy way to terminate the majority of short-term rentals including his and others that operate without a disturbance. He believes there is a better way that the verbiage could be worded to implement and regulate issues that short-term rentals may have.

Jonathan Taylor 1059 Renwood: supports short-term rentals. This has been a huge part of his life since 2015 and it supplements his income. His house looks way better than it would otherwise and he loves hosting people.

Caitlyn Ong, 1027 Grand Concourse: supports short-term rentals. The Ordinance restricts short-term rentals and infringe upon the rights of property owners. She sent Council a copy of an Impact Study on short-term rentals in SC and asked them to read it. She stated that short-term rentals provides a strong source of revenue for the Town, jobs for those living on James Island, a place for visitors to come, and it increases property values. She said these are properties that would otherwise be worked on if there wasn’t somebody trying to advertise their property for short-term rentals. She mentioned statements about the neighborhood and believes it is in everyone’s best interest to meet with their neighbors, especially if they have a short-term rental. She has a strong relationship with her neighbors and would never sacrifice that. She thinks there is a better route than outright banning short-term rentals and this is a strong restriction that the Town is proposing.

Brook Lyon, 669 Port Circle: provided an email in support of restrictions on short-term rentals. Email attached.

Consent Agenda:

Minutes of May 18, 2023, Regular Town Council Meeting: Councilman Milliken moved to approve the May 18, 2023, meeting minutes, Councilman Mullinax second. Passed unanimously.

Information Reports: Finance Director, Merrell Roe, provided an overview of the monthly Budget Report: Local Option Sales Tax and Hospital Tax Revenues for April. She also informed the Council of the Shred event scheduled for Friday, June 30 in the parking lot at Town Hall from 10-1 p.m.

Town Administrator Report: Town Administrator, Niki Grimball report included information that staff has received notice from FEMA on its request for public assistance for funds expended during Hurricane Ian last year. The Town will be reimbursed for all expenditures, which is roughly \$20,000. She went on by reporting that the Town received a notice of intent from Dominion Energy to terminate its Tree Protection Agreement which goes into effect July 31st. Next she reported that the Camp Road Tree Preservation project is getting off the ground. There have been some scheduling issues and delays in meeting with the DOT to assure they are in agreement with the recommended maintenance. The project is planned to begin this summer. The Stone

Post/Ocean View Drainage project is monitored by Public Works weekly. Mr. Johnson is meeting with the engineers and residents that have questions about the project.

Ms. Grimbball addressed a request from Councilman Milliken about the Marsh Walk Village Planned Development (JIPSD property on Dills Bluff). She reported that the engineer has held three community workshops and one with the Town's Planning Commission. The staff has reviewed two drafts of the document and the developer has sent the final draft today. Once everything is finalized the request will be forwarded to the Planning Commission in August for consideration. The Planning Commission will then make a recommendation to the Town Council. A public hearing and two readings will be held prior to approval or denial. This project includes 21 attached dwelling units in groups of four, dedicated open space and stormwater ponds in a commercial area along Dills Bluff Road.

Councilman Milliken also asked staff to provide information on the Stone Post property subdivision. Ms. Grimbball reported that a plat was originally recorded in 1958 and there are four separate lots of record. She explained that staff had received zoning applications to build single family homes on each of those lots and because they were already platted and subdivided, they are being treated as independent developments instead of a new subdivision. The lots further down will go through a more formal process for subdivision to make sure the roadways meets current standards. She said this would happen later and is not part of what is currently being built there now.

Ms. Grimbball gave an overview of classes and events at the James Island Arts & Cultural Center as well as part-time staff newly hired to assist with Saturday and evening events. Councilman Milliken questioned Dominion Energy's intent to fully work with the Town. He said he is worried about that language provided in an email and asked if we could ask for a stronger commitment to work with the Town. Ms. Grimbball said that she would reach out to ask about that.

Code Enforcement Data Concerning Short-Term Rentals: Ms. Grimbball provided a memo in reference to the Council's request for information on code enforcement complaints of short-term rentals. She reported the following:

- 46 total cases involving Short-Term Rentals/ Bed & Breakfasts;
- 26 of the 46 total have ceased operation due to inability to comply with the ordinance;
- 8 of the 46 total have been issued Bed & Breakfast permits because they meet the requirements;
- 6 of the 46 total are now operating as long-term rentals (more than 30 day leases);
- The remaining 6 are still under investigation and/or in the process of coming into compliance or shutting down but code enforcement has not yet closed the cases.
- The majority of complaints are from folks that are uncomfortable with having "new neighbors" every weekend and feel uneasy about having transient people without an owner on site, especially if the complainants have children.
- Some complaints are about noise, parties, and excessive parked cars; these complaints are occasional.

Ms. Grimbball said there were an additional 23 properties the Planning Department has received complaints about since 2019. Those complaints are outside of what became official code cases and are considered to be in addition to the 46 total code cases. Councilwoman Mignano asked how many Short-Term Rentals are in the Town and Ms. Grimbball replied that about 30 legally operates with permits at this time.

Public Works Report: Public Works Director Mark Johnson, gave an overview of the monthly report. Staff participated in the SCOT/Stantec Road Safety Assessment of Folly Road. Staff met with contractors for the Seaside/Honey Hill Drainage project. Discussion is ongoing with the residents on Pauline Avenue regarding the traffic calming proposal. The Quarterly Drainage Committee Meeting will be held on August 9. Staff is monitoring the Oceanview/Stonepost Drainage project. The utility location has caused some challenges for placing the new culvert under Stonepost Road. Staff met with representatives of an alternative method of pipe lining for damaged culverts. There were three new septic tank inspections, bringing the total to 63 inspected of which 11 have failed.

Island Sheriff's Patrol: Lt. Herman Martin (reported for Lt. James) provided an updated crime report that occurred during the month.

Requests for Approval by Staff:

Pinckney Park Usage for Learning Co-Op, Mondays and Tuesdays, 8:00-1:00 during 2023-2024 School Year: This item was deferred at April's meeting for additional information regarding the days of the week that were needed by the requestor. Motion in favor by Councilman Milliken, second by Councilman Mullinax. Passed unanimously.

Request to Accept Greenhill/Honey Hill Drainage Project Bid from Integrity Contracting Solutions, LLC (\$236,200.00): Ms. Grimball reported that this request was put out for bid twice. The bid that was received and qualified came in slightly under budget at \$236,000. Motion in favor by Councilman Milliken, second by Councilman Mullinax. Passed unanimously.

Request to Accept Quail Run and Woodhaven Drainage Projects Bid from IPW Construction Group, LLC (\$1,780,950): Ms. Grimball reported that these two projects were put out for bid twice. She reported that both drainage projects were bid on together and the IPW bid came in at \$1,780,950, slightly above budget. The engineering firm thought this was a good bid considering today's construction market. Motion in favor by Councilman Mullinax, second by Councilwoman Mignano. Councilman Milliken was informed that one bid was received. Passed unanimously.

Request to Approve Ross Printing Quote for History Booklet Reprint (\$4,302.04): Ms. Grimball reported that the History Booklet is depleted due to its popularity. The cost to reprint 2500 additional booklets is priced at \$4,302. Motion in favor by Councilman Milliken, second by Councilwoman Mignano. Passed unanimously.

Request to Approve Ross Printing for GoGov Mailer to all Town Properties (\$2,777.57): Ms. Grimball reported on a marketing kickoff for the GoGov app for Town residents. She gave a presentation at the last Neighborhood Council meeting and everyone was excited to learn more about this feature and wanted the general public to be aware of this new Town service. This will be a postcard mailer. Motion in favor by Councilwoman Mignano, second by Councilman Mullinax.

Councilman Milliken asked Ms. Grimball to explain the features of the GoGov App. Ms. Grimball explained this is a citizen management module that allows citizens to download (My TOJI app) to make requests, i.e., for downed street signs, code enforcement complaints, and general requests. On the staff side, depending on the category selected, the request is forwarded to the correct department for follow-up. It also allows the Administrator to review outstanding requests for follow up. She said this provides an easy and quick way to communicate between staff and residents. A code enforcement module will be implemented soon to allow staff to have a full internal system to keep abreast of code cases. She mentioned that while working to compile data on the short-term rental complaints, she was excited to realize that with GoGov, she would've only had to click two buttons to get the information. There will also be an option to apply for zoning permits and stormwater reviews through the app as well. Passed unanimously.

Requests to Approve Quotes to Remove and Reinstall Existing License Plate Reader (LPR) Camera on Folly Road to New Location: Ms. Grimball reported that the multi-use path along Folly road require the Town to move the license plate reader on Folly Road near Brantley Park. It has been proposed to move the reader to the traffic light arm at the intersection of Eugene Gibbs near Chick-Fil-A. She said the request presented tonight is the first of two quotes. The \$2,700 is the cost to take the reader down and install it at the new location. Some electrical work will be required to retrofit the traffic arm for power and that additional cost will come before Council next month for approval. Motion in favor by Councilman Milliken, second by Councilman Mullinax. Passed unanimously.

Request to Consider Partnership with JIPSD for a Social Media Manager Contract: Ms. Grimball brought forth a request for Council to consider. She reported that the PSD's strategic plan includes improved communication and outreach to its citizens. She noted, as Dave Schaeffer (PSD Manager) described the JIPSD's current social media position "it can *only get better and can't get any worse than it already is*". The PSD will be putting together a Request for Proposal and contract with an agency later this month Ms. Grimball thought this would be beneficial for the Town because often times, she and the Town Clerk posts on social media but miss opportunities due to other priority work. The PSD has budgeted \$20,000 toward this effort and if the Town would like to participate in this contract, the Council could propose how much to contribute. The contractual term and time allocated to the Town would be worked out. The PSD would manage the contract and we would pay a monthly cost to them. Motion in favor by Councilman Mullinax for discussion, second by Councilman Milliken.

Councilman Milliken recalled that the PSD sends a monthly newsletter with their billings and he always thought it would be nice for the Town to cooperate with them and put something on the other side. He said if we could work that out it would be another way to get information to our citizens.

Councilman Boles thought we should wait and see the PSD's efforts for a couple of months then decide if we want to participate. He said Council just passed expensive drainage projects which has great merit, but his vote would be to wait and see what happens. If it works well it may be something we can do, but we should have a chance to study what they are doing and monitor their success.

Councilman Boles moved to defer this request, second by Councilwoman Mignano. Councilman Milliken asked if the person would be an employee of the PSD and Ms. Grimball said it would be a contract with a private individual or company and not an employee.

Councilwoman Mignano asked if we decide to partner with the PSD, would we be locked into an annual contract or on a month-to-month basis. Ms. Grimball said she believes it would be set for a year so this request would be for an annual allocation because the PSD would need to fund this in their future budget. Mayor Woolsey reiterated that the motion on the floor is to defer the request to see if the PSD's program works out before the Town decides to participate. Councilman Milliken asked if the PSD would be amenable to the Town deferring and joining after a year's cycle. Ms. Grimball said she believes if the Town does not participate in the initial partnership the Town could enter into its own contract with whoever the PSD selected. Mayor Woolsey stated that he did not think the PSD would include the Town after they establish a contract, but that the Town could pursue its own contract later. Councilman Milliken said he believes it is time that the Town has help with things such as promotions. Mayor Woolsey called for the vote. (Councilmembers Boles, Mignano, and Mullinax voted in favor to defer); (Councilman Milliken and Mayor Woolsey voted no). Motion to defer passed.

Committee Reports:

Land Use Committee: No Report.

Environment and Beautification Committee: Councilman Milliken reported that James Island Pride hosted an Adopt-A-Highway litter pickup on June 3 with volunteers from James Island Pride, the Exchange Club and citizens and they removed 20 bags of litter from our roadways. He said it is unfortunate that the SCDOT did not uphold its end of the Adopt-A-Highway agreement to retrieve the litter. It was found out 10 days after the cleanup

that they were short staffed. He thanked the good Samaritans and Mark Johnson for disposing of the litter. Helping Hands continues to meet and care for the citizens yards who do not have the ability to do it themselves. Volunteer groups interested in partnering with Helping Hands should contact Robin Sanders at the Town Hall (843) 795-4141 for further information.

Children's Committee: No Report.

Public Safety Committee: Councilman Mullinax announced that the next Neighborhood Council meeting will be held on Thursday, June 22 @ 7:00 p.m. at the Town Hall.

History Committee: Mayor Woolsey reported that the History Committee continues to work and is proposing to work with the state group on the 250th anniversary called SC250. The Committee hopes to have the GoGov app that will incorporate the James Island History Trails soon. History Committee meetings have been paused until September.

ReThink Folly Road: Mayor Woolsey announced that the next meeting will be held on June 28 at 5:30 p.m. at the Town Hall.

Drainage Committee: Councilman Mullinax announced that the next Quarterly Drainage Committee meeting will be held on Wednesday, August 9.

Business Development Committee: No Report.

Trees Advisory Committee: Councilman Milliken reported that the Tree Advisory Council identified a Canopy Tree Award and a Tree Steward Award winner to be announced in July.

James Island Intergovernmental Council: Ms. Grimbball announced that the next meeting will be held on Wednesday, July 26 @ 7:00 p.m. at the Town Hall.

Proclamations and Resolutions: None.

Ordinances up for First Reading: None.

Ordinances up for Second/Final Reading:

Ordinance #2023-04: Proposed Amendment Changes to Accessory Structure, Driveway Setbacks and Changes to Merge Bed & Breakfasts Term with Short-Term Rentals Terms; to further define/clarify regulations: Motion in favor by Councilman Milliken, second by Councilman Mullinax.

Councilman Boles said he doesn't know if everyone in the meeting is able to see him on YouTube but he heard all of the comments from the people who spoke and read everyone's emails. He said there was an overwhelming number of residents that asked us not to go forward with this Ordinance as it is proposed. He commented that last month he said that we should regulate Bed and Breakfasts under one set of rules and Short-Term Rentals under an independent set of rules. He said to amend our Bed and Breakfast rules to try to capture the Short-Term Rental rules would be a mistake. Also given the amount of interest we have from our constituents; he thinks that we definitely owe it to them to take a long hard look at this and study what other municipalities around us have done and come up with something that takes into consideration the things that we heard tonight and the emails that we've received from our constituents. As he said last month, he asked everyone to consider not passing the Ordinance. It doesn't mean that we give up on this issue but address it with more thought and in directed ways. He is against this and hopes Council will consider doing the same.

Councilwoman Mignano said she also read all of the emails. She asked about the language in the Ordinance that states "no kitchens" and asked if that is different; and will that be different for the Short-Term Rentals that we have now. Ms. Grimbball said "no", it already exists that you can only have one kitchen because you can only

have one dwelling unit per lot. Having two kitchens means having two dwelling units per lot. Councilwoman Mignano asked about mother-in-law suites and Ms. Grimball replied if it was something that was permitted before the Town came into effect or if it was built under the County's regulations those are essentially grandfathered in and considered as legal non-conforming. She said if that is the situation, it is looked upon on a case-by-case basis by looking at permits and the history and then staff determines if it were legally permitted then it would be considered for Short-Term Rental use as allowed by the Ordinance as it is now.

Mayor Woolsey asked Ms. Woods (Planner) if it is the case that one of the amendments to the language was that if there are two kitchens we would not allow a Bed and Breakfast or Short-Term Rental. Ms. Woods replied if it was previously permitted as a mother-in-law suite having its own kitchen separate from the main kitchen, then it would be allowed. If someone adds an additional kitchen illegally, it would not be allowed.

Councilman Boles said between our residents, Council, staff, and hearing our discussions tonight, we are not all on the same page. He urged caution before moving forward on something that doesn't appear that everyone is clear on. He said if you put it to the question of what would be the harm if we stood down right now, he hasn't heard anyone come forward and say, "if you don't immediately go forward with this there will be bad results to happen to me" and he hasn't heard anyone say that. Since he hasn't heard anyone say that, he doesn't know what harm could be in us waiting and taking a better look and come up with something that addresses a lot of the concerns people have brought up and to take older rules, that to him, reads like they're addressed for Bed and Breakfasts, which is not what Short-Term Rental is. He said to try to incorporate all of it under one umbrella would not be as helpful to our residents as it would be to say Bed and Breakfast will be regulated under a certain set of rules and Short-Term Rentals under a different set of rules, and everyone understands what those rules are. He said when you look at the lack of harm, that he is aware of, (and stands to be corrected) but there is no harm that he foresees with us waiting and looking at this a little bit longer. He does not think that we should pass the Ordinance now and we could take it up after we've had more time.

Mayor Woolsey spoke that the status quo in the Town is that Short-Term Rentals are prohibited except for a Bed and Breakfast, where the owner of the property lives on the property. That is the status quo. He said the Ordinance amendments are to clarify the Ordinance, to add language of Short-Term Rental because Short-Term Rental is something that people talk about so we are clarifying the Ordinance. He shared that in his neighborhood (Harbor Woods) there was a tremendous amount of discussions on their neighborhood email thread about the fact that someone was going to put Short-Term Rentals in the neighborhood and they had appealed the Town's staff decision that it was not allowed, and how horrible that was. He said the handful of people rounded up here, (we have 4,000 people living in the Town) and 10 people involved in Short-Term Rentals; some legal and some illegal. He does not think this is a fair poll of what the people in the Town think. He thinks most people don't want someone buying a house in the neighborhood renting it out overnight and making it into a small hotel on their street. He believes that clarifying the Ordinance is the best thing to do. If we do not clarify the Ordinance and the Town is told again that we need to make clarifications, he will instruct the Code Enforcement agent to use another judge, that would be our next step.

Councilwoman Mignano asked for explanation of the Mayor's comment and he said that we have an intergovernmental agreement with the County to find a Magistrate to interpret what the law says. Councilwoman Mignano said it sounds like the Mayor is saying if we don't pass the Ordinance, he will get a different judge and everyone will be in trouble. Mayor Woolsey explained that the judge we traditionally use asked that we clarify the Ordinance. He did not tell us that our Ordinance was invalid; he asked that we clarify it. If we do not clarify it we need to find a judge that will read the Ordinance as it is written today.

Councilman Milliken said he doesn't think it is helpful to say how to proceed but the task at hand is to clarify the language and he thinks most of the people here that spoke are in compliance with the Ordinance. It sounds to him that they are living in their property and posting the available space for the people coming. He said to him, the change is more a wording change, but everything else remains the same. He does not see it as being onerous and will support the change.

Councilwoman Mignano stated as far as the Ordinance goes, and we want it clarified, why not have the Short-Term Rental Ordinance separated from Bed and Breakfast as a compromise because she doesn't want to infringe upon people's rights when they are in compliance and does not want to take away supplemental income that helps people stay in their homes. She understands Councilman Boles' concerns with the Ordinance because she also has concerns. She asked if we could address Short-Term Rentals separately with its own language. Mayor Woolsey responded that Bed and Breakfast is currently the only legal Short-Term Rental in the Town and we are just clarifying the Ordinance.

Councilman Boles called for a point of order. He said there are two things in reverse order. He addressed Mayor Woolsey that he thinks he is right; that Bed and Breakfast under the current rule is the only lawful Short-Term Rental. So, everyone who does not operate a Bed and Breakfast, but rents out may be in violation of the Bed and Breakfast Ordinance that we have. Second, what Councilwoman Mignano said that we need (if someone want to run a Bed and Breakfast which is essentially an inn), that is different than someone who wants to rent out on the weekends the FROG over their garage or a mother-in-law suite, which is not a Bed and Breakfast, that's an entirely different animal and we need to address it accordingly. Secondly judge shopping is a big "no-no" and he is sure that it's not going to hurt Magistrate Harris' feelings to hear that we're going somewhere else; but when we go to the next Magistrate and that other resident whoever you're going after plays this YouTube clip where you declare that you're going to go judge shopping, I don't think that Magistrate is going to appreciate that either. So he does not think that is a solution and still no one in this meeting has said if we don't pass this tonight this is the harm that will immediately follow. He is not saying that we should not address Short-Term Rentals, but we should do it smartly and with its own set of rules, and not try to hang a square peg into a circle hole with Bed and Breakfast. He said we should adopt Short-Term Rental specific rules and this is not the way to do it. He said Council should not pass the Ordinance and need to come up with correct rules that addresses what the residents wants to do. We are elected to represent the people in the Town of which is closer to 12,000 than the 4,000 cited earlier. They put us here to help them and we should help them.

Councilman Mullinax asked if we could amend the Ordinance and revisit it later and Mayor Woolsey said yes. Ms. Grimboll offered clarification that no matter what it is called, Bed and Breakfast, Air BnB, or Short-Term Rental, what matters is the definition in the Ordinance. She cited as it reads today: "Bed and Breakfast is a portion of an owner-occupied dwelling unit in (residential zoning districts) or owner/innkeeper/manager-occupied dwelling unit (in non-residential zoning districts) offering transient lodging to paying guests on an overnight basis for an amount of time less than 30 days". She said the only proposed changes to the actual definition would be what Planning staff were using to determine if it met this definition. Also, removing detached accessory structure (from the definition) because that is not allowed in any zoning district and removing the clause that the definition states it is "with or without breakfast." She said if Council wishes to pursue separating them, they would need to have separate definitions but as currently written that is where they are combined and that's what makes Bed and Breakfast and Short-Term Rentals considered the same type of situation.

Councilman Boles addressed Ms. Grimboll that he heard the word "innkeeper" which she explained that an owner, innkeeper, or manager-occupied dwelling unit is allowed so it could be somebody else who has some responsibility for, and act as caretaker of the property who would be onsite when there are renters in the unit. Councilwoman Mignano questioned the definition Bed and Breakfast/Short-Term Rental when detached accessory structure is taken out, even if it were already existing, how would that work. (Example of having a garage apartment was given). Ms. Grimboll explained that if the appropriate building permits were obtained at the time it was constructed that made it a livable, habitable space and that language making it prohibited would not apply.

Mayor Woolsey called for the vote: Aye: Councilmembers: Milliken, Mullinax and Mayor Woolsey
Nay: Councilman Boles, Councilwoman Mignano. Passed 3-2.

Old Business: None.

New Business: None.

Executive Session: Mayor Woolsey announced that the Town Council will enter into an executive session in accordance with 30-4-70(a) Code of Laws of South Carolina for discussions relating to ongoing litigation and discussion of previous court cases regarding Short-Term Rentals. Motion to enter the executive session was made by Councilman Milliken, second by Councilman Mullinax. Passed unanimously. The Council entered at 8:09 p.m.

Return to Regular Session: Council returned to its regular session at 8:38 p.m. Mayor Woolsey announced that no votes were taken during the executive session.

Announcements/Closing Comments:

Members of Council thanked the staff for their hard work and the public for their input.

Adjournment: There being no further business to come before the body, the meeting adjourned at 8:40 p.m.

Respectfully submitted:



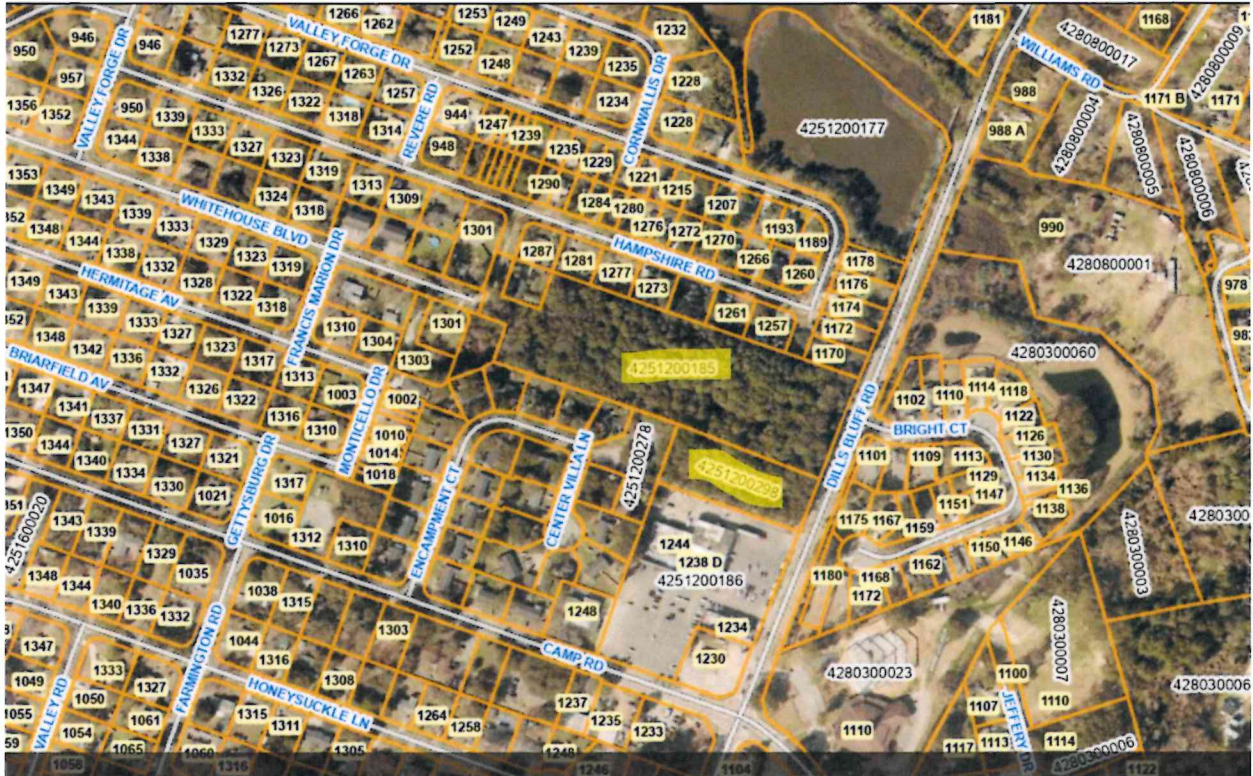
Frances Simmons
Town Clerk

Public Comment

June 14, 2023

John Peters, 1301 Hampshire Rd. Charleston, SC, 29412

Subject: Expressed Concern for the 6.52 Acres adjacent to Whitehouse Plantation under a Proposed Development along Dills Bluff Rd. identified as TMS Parcel ID: 4251200185 and TMS Parcel ID: 4251200298.



I want to address a shared concerns for James Island and this proposed development impacting flooding, traffic, our environment, over developing, increased crime, and the potential hardships it will cause the existing Whitehouse Plantation neighborhood as utilities are tapped into outdated infrastructure such as water lines and sewer systems. These concerns consist of the following:

The biggest concern for many residents is Flooding.

- The 6.52 acres of storm water will be travelling through Whitehouse Plantation, which already (like, most of the island) experiences flooding.
- The new development will have runoff ponds of which will overflow towards Whitehouse Plantation and the Camp Center Villas. If a development is built, for nature preservation reasons in this natural habitat, in leu of standard run off ponds, it is recommended a water garden be established. **Who will maintain this water garden?**

- If the developer installs stormwater pipes exiting into Whitehouse Plantation, they will add water to the streets not just the unfinished drainage ditches and trenches. Because when Whitehouse Plantation has significant rain, those ditches and trenches already fill to the top. The water flows very slowly and puddles during the significant tide and rain events.
- At the end of Whitehouse Blvd, you will find a runoff pond from the Camp Road Villas. This pond is not maintained and is grown in with Trees. This pond has a Stormwater box that houses the runoff that enters a 24-inch pipe and exits a 14 ½-inch pipe directly into a 1 ½' ditch in front of 1301 Whitehouse Blvd that sits 10ft above sea level on a slab foundation. There is concern the stormwater from this new development will overflow into this existing unmaintained stormwater pond and create other problems with the environment and flooding.
- The proposed developments stormwater will flow to the roads, trenches and ditches of Whitehouse Blvd, Hampshire Rd, Valley Forge Drive, Mount Vernon Dr, Revere Rd, Francis Marion Dr and Cornwallis Dr. You will find many old 1960's driveway stormwater pipes of 14 ½ inches either open and filled halfway with sediment or filled completely blocking the flow of water. There are 1 ½ 'to 3' deep trenches and ditches along these roads of which either retain water or allow it to flow slowly to the waterways. Not all the ditches are dug out, some have French drains while others have nothing. On the west end of Whitehouse Plantation, the tide rises through the ditches in front of the homes adjacent to the waterways. There are old 14 ½" to 40" pipes in the area of 950, 957 and 1285 Valley Forge Drive; 941 and 946 Mount Vernon Dr. On the east end of Whitehouse Plantation there are only 14' ½" driveway pipes and 1 ½' - 2' ditches that flow through the 1186 and 1212 Valley Forge Dr. area. **Are these stormwater pipes, trenches, and ditches efficient and affective enough to support the additional 6.52 acres of flow during future weather events? Please provide the residents of Whitehouse Planation proof that our established stormwater system is sufficient to support an additional 6.52 acres of flowing stormwater.**
- **Have assessments been completed to address aging infrastructure and repairs, and if so, we request the developer share these assessments with City/Town and adjacent neighborhood residents?** Additionally, once the stormwater assessment is shared, we would like to see if and how taxpayers will be impacted because we believe the stormwater system will in fact need to be brought up to code to accommodate the increased volume of water.
- **Regarding the water supply and tapping into aging infrastructure water lines, is the developer or taxpayer planning to provide a second water pressure regulation valve to each house in Whitehouse Plantation to insure we do not lose pressure or that our homes can manage the increased pressure?** Whitehouse Plantation is over 60 years old with only one water pump to my knowledge. There is no way this development will not encounter uninvited problems for the residents of Whitehouse Plantation.
- On James Island, when the flooding reaches a point of which it drains water into our sewer systems and overflows; it overflows into the streets and waterways. DHEC has proven that we have sediment, nutrients, fecal matter, and bacterial contamination in our waterways around James Island. This creates human health risks, shellfish bed closures, and an increase of drinking water costs. We can mitigate these non-point source pollutions by reducing the number of impervious surfaces and pollution we create. I encourage this land to remain as an upland vegetation buffer of which will sequester pollutants naturally through soil and vegetation.

- Just last week with high tides (no rain) some of our ditches were overflowing and flooding our streets. Many of us over the last 5 years have watched our yards disappear, by the foot, not inches. My neighbors submit request after request for City and Town maintenance of our trenches and ditches. My home, 7 feet above sea level, is adjacent to this planned development and has water and sand 6 feet under the ground. Many of us have concerns about how ineffective the storm water management will be. We believe the development planning is near sited for profit and not for long term mitigation of the problems it will cause in the future.

The next major concern for many residents is the developments Connection to Whitehouse Plantation.

- At the end of Whitehouse Blvd, the road ends into this proposed property development where it has the potential to establish a connected road or entrance of some type. We have been told repeatedly that a connection is not a concern, and that a connection will not be a part of the developing plans. However, we were also told this area will be used to run utilities and therefore we are apprehensive that this promise will not be honored and the forestation that is currently a natural privacy is going to be grossly thinned out to allow for running new water, sewer stormwater and electric lines.
- Whitehouse Plantation is private as you get towards the back streets, and we worry about how an access between these neighborhoods will be designed, and more importantly, maintained. **Will the Town of James Island or the established HOA maintain this area at the end of Whitehouse Blvd. to ensure it remains cosmetically pleasing?**
- Furthermore, depending on the access design, as many of you know we have an ATV problem on the island. These ATVs are hard to control and regulate. Currently, it is rare we see them in Whitehouse Plantation. We hear them, but connecting the neighborhoods will create a new riding area for the ATVs in the new development and Whitehouse Plantation that our residents do not want.
- I propose a solid fence (8-10 feet high) that prevents all traffic of any kind. A natural living barrier of trees should be established around this fence. An official guarantee and clear detail of this plan has yet to be provided to residents.
- As a potential compromise, I propose a solid fence (8-10 feet high) or at a minimum a gated fence that prevents any vehicle or ATV traffic but allows human and bicycle traffic to and from Whitehouse Plantations. A welcoming natural living barrier of trees should also be established around this fence and its gate. **If an HOA is dissolved, who will maintain this fence?**

This brings me to Crime as a major concern:

- I anticipate with this new proposed development that emergency calls will increase. A 5-year Freedom of Information Act (FOIA) from 01/2018-03/2023 was requested from the Charleston County 911 Dispatch Center for all the calls associated with Whitehouse Blvd, Hampshire Rd, Valley Forge Rd, Bright Ct., and Encampment Ct. They totaled, 2,738 calls, divide that by 5 years and there is an estimated annual average of 547 calls to this specific area.
- With an increase of calls, taxes will increase for local emergency services.
- Based on the 911 FOIA reports, this new development will invite more crime to our neighborhoods.

And Traffic concerns:

- It is interesting that this development was planned just under the threshold that triggers a detailed traffic study by DOT. With only one logical and reasonable entrance, and the developer noting that there is an anticipation of 70 peak hour trips, we are adding more traffic to an already busy James Island with poor road conditions and limited sidewalks.
- If a commercial area is developed, I am concerned there will not be enough parking, especially if there are business events that draw more attendees than normal. It should be anticipated the parking will overflow into the new residential development and along Dills Bluff Road, creating congestion and safety concerns. **Why are we congesting James Island?**

I am proposing Greenspace:

- According to the National Recreation and Park Association (NRPA), (a non-profit organization) the national guideline on sufficient distribution of parkland ranges from 6 acres to 19 acres per 1,000 of the population. As of 2022 the Town of James Island currently offers 8.58 acres of Park space to its 11,602 Town residences. In this statistic, using the minimum requirement of 6 acres, the Town is falling short by 62.8 acres of park space per 1,000 of its population. This means 10,466 citizens are not being properly accommodated by the Town with park space at a national standard. It is apparent the Town needs more Park Space to provide for the conservation of James Island and the wellness of its citizens. We require a park in the heart of James Island and this location is perfect.
- The 2019 Town of James Island Greenbelt Survey only had 282 people surveyed. I understood the Park survey to reflect that its citizens want greenspace, trails, playgrounds, and natural wilderness in an excellent location. Most residents want to see large, parceled properties as greenspace. This 6.52 acres on this proposed land is considered a large, parceled property on James Island. I suggest conducting a new widely advertised survey of which the James Island residence have access to so the predication of our future parks can be better determined. If we build on this land, it will no longer be available for potentially necessary greenspace. In addition to this land, you should also be considering other potential James Island developments for greenspace.
- If you look at the top left of the property, Parcel ID: 4251200185; it is shaped like an L. I recommend visiting this area at the end of Whitehouse Blvd. to see this proposed "Open Space". It is a dirt road "Easement" used by the JIPSD on a weekly basis and by residence daily. This easement on this property is an estimated 0.15 acres. This proposal has part of the new developments water supply entering, some stormwater and all the sewer exiting at this location. The property at 1285 Hampshire Rd is split into two land parcels, the parcel to the rear of 1285, TMS Parcel ID: 4251200238 has an established right of way that enters/exits from the easement. In all reality, it will continue to remain as an easement. To consider this 0.15 acres as "Open Space" for this development, would be inaccurate as it is already being used as a "right of way".
- We need more greenspace and better, protected buffers if this proceeds despite our grievances. A buffer is a thing preventing another thing from coming into contact with each other. For Developments, the distance is all that is required, not a natural living buffer. The neighbors to this development should expect grass and the select trees the developer has identified as the

buffer, nothing more. On this land, not enough trees can be saved. Saving as many grand trees as possible is what we should be aiming for going forward.

- There is an anticipated 20-yard buffer between the properties of Whitehouse Plantation and the new developments north roadway. While examining the developers drafted drawing you can see less of a distance between the properties of Whitehouse Plantation and the proposed home buildings in comparison to the distance of the north road. I would anticipate a two-story home with windows of which can see and hear their neighbors in their back yard from 17 yards away; fence or no fence, there is no privacy.
- Additionally, the Commercial Village business area is offering "Open Space" as a gathering area in the middle of the parking area that is clearly an afterthought and would be more like hanging out in a parking lot.
- Talking with many of my fellow James Island neighbors, we believe James Island needs more parks, greenspace, and places for our families to enjoy the wildlife such as hawks, falcons, foxes, owls, and deer; this wildlife, help to control our squirrel and rat problem. Taking down the trees and removing this natural habitat will only exacerbate this rodent control issue. Changing this land will affect the local environment more than any projection can anticipate. **If this land is developed, how will the noise abatement be addressed?**

Better Planning:

- It is obvious the development proposals cram as many buildings as possible onto this property only for the developer's personal financial gain, not quality of life. At the March 29th Community Workshop, the developer mentioned their "homes are like the ones around it". These homes are not conforming to the ones around it, if they were, we would see 10 homes or less on the proposals, not 20 homes plus and an anticipated 10-15 commercial businesses. If they were conforming, they would look like the homes in Whitehouse Plantation.
- In comparison to the neighboring developments, these proposals put 20 residence and 10 plus businesses on this 6.52 acres with 2-3 run off ponds. According to the Charleston County GSI website, https://gisccweb.charlestoncounty.org/public_search/, the Whitehouse Plantation neighborhood has an estimated 226 properties with 232 addresses on 42.59 acres. The Camp Center Villas neighborhood has an estimated 21 properties with 40 addresses on 7.58 Acres. Not including a 0.31-acre storm water pond. The Preserve neighborhood has an estimated 32 properties with 32 addresses on 5.19 acres. Not including two storm water ponds on 3.66 acres. The adjacent Business Park has 7 businesses on 3.8 acres.
- There are an estimated 15 properties directly adjacent to this proposed development with 21 resident addresses. Whitehouse Plantation has 10 properties with 10 residence addresses on 4.05 acres. The Camp Center Villas have 5 properties with 9 resident addresses on 1.91 acres. The adjacent business park has 3.5 acres to include their parking lots. These estimates do not include the acreage of roads in each development.
- The understanding of the developer's proposal, Option A, has an estimated 20 homes on 2 acres of land, of which is a 0.10 acre each to include their driveway and yard. Option B has an estimated 25 homes in clusters of 5 homes each on possibly the same amount of land, with a smaller yard.
- Regarding maintenance, we believe that we will eventually see an increase in service fees from JIPSD to service this new development.

- If concrete is poured, make it permeable and water absorbent. Use rainwater catchments systems, solar power to reduce strain on the aging infrastructure, and make this a place that preserves the beauty that is James Island—nature, grand oaks, and useable outdoor space.
- Some of the trees located at the end of Whitehouse Blvd in the identified “Open Space” are projected to stay according to the developer. If they stay; during the digging for the stormwater, sewer and water line installation, the roots to these trees will be destroyed potentially killing the trees. The developer should identify that these trees are likely to be removed in anticipation that the trees may die after construction is complete. A developer can plan to keep something but a few years later their impacts can destroy an original plan.
- As time passes, this newly developed neighborhood will change as all neighborhoods do. It will not keep its appealing nature that it starts with. We can see this based on adjacent neighborhoods that have been present for many years. HOA’s dissolve, upkeep diminishes, and crime increases.

Recommended Land Use:

1. Many of us do not want this land to be developed. This proposed development takes away the quality of life from the environment, the wildlife, the people, and James Island. **Under your aegis, the use for these 6.52 acres in the heart of James Island, would be best as greenspace, a park, a trail, and maybe something James Island does not already have, an educational wildlife fitness trail.**
2. If the land is to be developed into homes. Make them consistent with Whitehouse Plantation, 10 homes or less with room to live in peace.
3. If businesses are built, build them on TMS Parcel ID: 4251200298 of which is adjacent to the existing business park. Establish TMS Parcel ID: 4251200185 as a park that utilizes the new businesses to enrich the park and business. Community events could be held here weekly giving the citizens, vendors, and visitors a beautiful place to enjoy James Island.
4. Find out what the people of James Island want to do with this land by putting this on a voting ballot during the next election. Provide a few options for the citizens to select, such as, A Park, Other Greenspace, A Development, A Business Park, JIPSD Public Works Facilities, JI Town Farmers Market, Natural Wildlife Habitat, etc. Then use that land for what the people of James Island need.

The phrase “Less is More,” is what should be considered here. JIPSD is selling the people’s property to a private owner. Let us be responsible about this land and weigh the pros and cons of this development, the future of this land, and how it will affect our quality of life. It is my belief; this will bring Irreparable Damage and Irreparable Harm to our environment and our residents. This land is being processed through the Town of James Island, not the City of Charleston, we should manage it responsibly with respect to its current residence.

Very Respectfully,

John Peters
843-730-1901

Frances Simmons

From: lyongusts@aol.com
Sent: Thursday, June 15, 2023 3:02 PM
To: Garrett Milliken; Darren Mullinax; Cynthia Mignano; Daniel Boles; mayorwoolsey@gmail.com
Cc: Niki Grimball; Frances Simmons; James Hackett
Subject: Short Term Rentals Ordinance

CAUTION: This email originated from outside the Town of James Island. Maintain caution when opening external links/attachments

Hi Bill, Cynthia, Garrett, Dan and Troy,

I understand the second reading for short term rentals is on the agenda for tonight and thought I better weigh in! You may or may not know, Bill and I own a duplex in the Clearview neighborhood in the Town of James Island and could make a great deal more money renting both sides out as short term rentals instead of annually. Even so, we strongly support restrictions of short term rentals in our Town.

I am sure you know, I am president of the Lighthouse Point Civic Club and over the years we have had numerous problems with illegal short term rentals. We have managed to "shut down" these illegal short term rentals with the help of James Hackett that were set up and operated against Town regulations. We had to deal with large, loud parties, aggressive dogs, parking all over the place, etc. **These problems are less likely to occur if the short term rental's owner lives on site which is what the current regulations in the Town of James Island allow.**

While I am a strong supporter of property rights, I did not buy my house that I live in to live next to a "mini hotel," and potentially have the above mentioned problems, plus the loss of permanent neighbors and sense of community. Zoning is very important and I think the current regulations are a good balance between property rights and protecting neighbors and neighborhoods. I have also observed in other areas through my travels where there are no regulations the sense of community is no more.

I hope you will consider supporting defining and clarifying the current restrictions on short term rentals. Please do not hesitate to contact me for more details or information.

Sincerely

Brook Lyon,
669 Port Circle
James Island, SC 29412
843-670-1314 - cell