

The Town of James Island held its regular meeting at 7:00 p.m. in Council Chambers, 1238-B Camp Road, James Island, SC on Thursday, January 16, 2014. The following members of Council were present: Mary Beth Berry, Mayor Pro Tem Leonard Blank, Sam Kernodle, Darren “Troy” Mullinax, and Mayor Bill Woolsey, who presided. A quorum was present to conduct business.

Also present: Ashley Kellahan, Town Administrator, Bo Wilson, Town Attorney, Jane Hale, Finance Clerk, Mark Johnson, Public Works Coordinator, and Frances Simmons, Town Clerk.

Opening Exercises:

Mayor Woolsey called the meeting to order. He opened in prayer and followed with the Pledge to the Flag. FOIA: This meeting was published and posted in accordance with the Freedom of Information Act and the requirements of the Town of James Island.

Public Hearing: Residency Requirements for Planning Commission and Board of Zoning Appeals (BZA) Members: Mayor Woolsey opened the Public Hearing at 7:03 p.m. for comments regarding the Ordinance to amend the Town of James Island Zoning and Land Development Regulations Ordinance Chapter 2, §2.2.4: Composition of the Town of James Island Planning Commission and §2.3.4 Composition of the Town of James Island Board of Zoning Appeals.

Susan Milliken, 762 Fort Sumter Drive: Mrs. Milliken spoke in opposition to a residency requirement that would allow only residents of the Town of James Island to serve on the Planning Commission and the Board of Zoning Appeals.

Donna Parrish, 1203 Oakcrest Drive: Mrs. Parrish spoke in favor of a residency requirement that only residents of the Town of James Island serve on the Planning Commission and the Board of Zoning Appeals.

No other persons spoke. The Public Hearing closed at 7:09 p.m.

Public Comments:

Susan Milliken, 762 Fort Sumter Drive: Mrs. Milliken commented that the links on the Town’s website do not work; that she could not access information (tree cutting resolution) before attending the meeting. She stated that the Town is not being transparent about the subdivision plans for the Bright property. She had submitted a FOIA request for information and was told that she had to wait 90 days. She will submit another request.

Fred Whittle, 817 Robert E. Lee: Mr. Whittle announced that the James Island Exchange Club is being re-chartered. The focus of the club will be to serve James Island: town, city and the unincorporated areas. A meeting will be held on January 27 at 5:30 p.m. at the Crab House to charter the club. The Mayor and Councilman Blank are members; everyone is encouraged to join.

Consent Agenda: Councilman Blank moved to approve the items under the Consent Agenda:

- a) Minutes of December 19, 2013 Regular Town Council Meeting; and
- b) Approval of the Budget Schedule for FY 2014-2015. Both items passed unanimously.

Election of Mayor Pro Tempore: Mayor Woolsey moved to nominate Councilman Leonard Blank as the Mayor Pro Tempore; Councilman Mullinax seconded. The motion was unanimous in favor of electing Councilman Blank as the Mayor Pro Tempore.

Information Reports:

- a. Finance Report: Finance Clerk, Jane Hale reported that the percent of the FY budget completed at December 31st was 50%; revenues were at 32%. Total expenditures as of December 31st were at 20%.
- b. Town Administrator's Report: Town Administrator, Ashley Kellahan reminded Council of the upcoming Annexation Election on February 25 for certain contiguous properties west of Fort Johnson Road and east of Lighthouse Point. The polling location will be James Island Charter High School. A formal letter has been sent to CARTA's Board Chairman requesting that the Town have representation on the CARTA Board. Employee Evaluations are underway and the goal is to conduct them on an annual basis. The Town has formed an exploratory committee to look into the feasibility of putting on a Town Christmas Parade. James Island PSD Commissioner, Carter McMillian, will chair the committee. The right-of-way approval from the SC Department of Transportation for three "Welcome to James Island" signs has been received. One sign will be installed on Harborview Road and the other two will be installed on Folly Road. Ms. Kellahan informed Council that each of them received a response letter from the JIPSD.

Committee Reports:

James Island Environmental and Beautification Committee: Councilwoman Berry announced the next litter pickup on Saturday, February 1st. She encouraged others to join the Pride Team by choosing a road of their choice to clean. She is hoping that all of the roads on the island will be adopted. Councilwoman Berry thanked Mark Johnson, (Public Works Coordinator), for the signs at Dock Street Park prohibiting the use of glass objects.

Grant Scurry and DeAnn Grayson presented the new logo for James Island Pride. The winners are: 1st place Caroline Henry-Domrese and 2nd place, Dubose Stalvey. Both students attend Fort Johnson Middle School. A framed photo of the logo will be hung in the Town Hall. Copy attached.

Mr. Scurry and Ms. Grayson presented the First Annual Community Hero Award to the Milliken Family (Garrett, Susan, Joel, and Max) for their efforts in going above and beyond in service to the town and community. A letter of appreciation, written by a fellow JI Pride member, was read. The Milliken's received the First Annual "Golden Rake" award and a certificate. A plaque will be presented at a later time. Mr. Milliken commented that he was standing in a room full of heroes. He said everyone who serves on JI Pride, those who participate in the running of the town, and everyone that sacrifice time to attend these meetings are the heroes that make our community work.

James Island Children's Commission: No report.

James Island Public Safety Committee: Councilman Mullinax reminded everyone that the monthly meeting of the JI Neighborhood Council will be held on Thursday, January 23rd at 7:00 p.m. at the Town Hall.

Resolutions:

- a. Resolution #2014-01: A Resolution to BCD Council of Governments Regarding Tree Cuttings along I-26: Introduced by Mayor Woolsey. Town Administrator, Ashley Kellahan reported that she spoke with Ron Mitchum, the Executive Director at the Council of Governments (COG) regarding the status of tree cuttings along I-26. She was informed that they referred this matter to their attorney who in turn requested an opinion from the Attorney General whether or not there is

liability by voting “yea” or “nay” in either way. Mr. Mitchum hopes that the AG opinion will be received before the February meeting. Mrs. Kellahan stated that the SC Department of Transportation (DOT) is hosting a public hearing about this on January 21st from 5-7 p.m. at Summerville High School. Public comments from the hearing will be compiled and forwarded to COG. Mayor Woolsey asked for a motion in favor of Resolution #2014-01. Councilman Blank moved, seconded by Councilman Mullinax.

Councilman Blank asked if the Resolution will be sent to the DOT; Mayor Woolsey answered that the Resolution is to be sent to the COG. Ms. Kellahan added that the Town of Summerville sent the COG a Resolution in support of the tree cuttings and all Resolutions sent to them will be reviewed before a decision is reached. Mayor Woolsey said his understanding is that the COG would pass a resolution stating their opinion rather than their approval. This was not clarified.

VOTE:

Councilwoman Berry	yes
Councilman Blank	yes
Councilman Kernodle	yes
Councilman Mullinax	yes
Mayor Woolsey	no

Resolution #2014-01 passed 4-1;
Mayor Woolsey cast the dissenting vote

- b. Resolution #2014-02: A Resolution Adopting a Spending Policy for the Town of James Island, South Carolina: Introduced by Mayor Woolsey. Town Administrator, Ashley Kellahan, explained that the policy is for auditing and documenting purchases that are made. The Resolution addresses the approval criteria for emergency purchases. Mayor Woolsey asked for a motion in favor of Resolution #2014-02. Councilman Blank moved, seconded by Councilwoman Berry. Councilwoman Berry had a question about the approval process; whether it could be verbal or does it have to be a written request. Ms. Kellahan answered that the purchase order policy should be followed. She explained that expenditures of \$50.00 or less that require an immediate need; the committee chairperson should use his or her best judgment to approve the purchase. Expenditures over \$50.00 will require approval by the Town Administrator or Mayor.

VOTE:

Councilwoman Berry	yes
Councilman Blank	yes
Councilman Kernodle	no
Councilman Mullinax	yes
Mayor Woolsey	yes

Resolution #2014-02 passed 4-1;
Councilman Kernodle cast the dissenting vote

- c. Resolution #2014-03: A Resolution Adopting a Freedom of Information Request Policy (FOIA) Introduced by Mayor Woolsey. Town Administrator, Ashley Kellahan, announced that most municipalities and counties have FOIA policies on their websites. The purpose of the FOIA policy is not to discourage requests; rather it is to develop policies and procedures to ensure that we follow what is required by law. This policy will be helpful to the staff in the absence of the Town Administrator or the Town Clerk. Another reason for the policy is transparency. Mayor Woolsey asked for a motion in favor of Resolution #2014-03. Councilman Blank moved, seconded by Councilman Mullinax.

Councilman Blank asked if the fees are the same that the Town charged before. The Town Clerk commented that the Town did not charge a fee in the past. Mrs. Kellahan reviewed the fee structure. She noted that all requests are not FOIA requests; (copies of meeting minutes over the past six months; agendas, or information primarily benefitting the public). Mrs. Kellahan responded to Councilwoman Berry's question about the fifteen day response; and whether the public can obtain FOIA requests made by other individuals. She also explained that some requests may require a longer response time than fifteen days. This policy will be placed on the website.

VOTE:

Councilwoman Berry	yes
Councilman Blank	yes
Councilman Kernodle	no
Councilman Mullinax	yes
Mayor Woolsey	yes

Resolution #2014-03 passed 4-1;
Councilman Kernodle cast the dissenting vote

Ordinances up for Second Reading:

- a. Second/Final Reading: Ordinance #2013-17A: An Ordinance to Amend Ordinance #2012-14 Regarding Careless Driving; including a Provision Regarding Texting while Driving. Mayor Woolsey asked for a motion in favor. Councilwoman Berry moved, seconded by Councilman Mullinax. Mayor Woolsey moved to postpone consideration; seconded by Councilman Blank. Mayor Woolsey explained that he and the Town Administrator will be meeting with our Town Attorney and the County's Attorney on tomorrow. This item will be discussed at the February meeting. The motion to postpone passed unanimously.

Ordinances up for First Reading:

- a. First Reading Ordinance #2014-01: Residency Requirement for Planning Commission and Board of Zoning Appeals Members: Mayor Woolsey asked for a motion in favor. Councilman Blank moved, seconded by Mayor Woolsey.

Town Administrator, Ashley Kellahan, explained that Town Council had directed the Planning Commission to develop a residency requirement that persons serving on the Town's Planning Commission and its Board of Zoning Appeals be residents of the Town of James Island. The staff recommended the verbiage and the Planning Commission approved an amendment to the Zoning and Land Use Development Regulations Ordinance to include this as a residency requirement.

Councilwoman Berry said she had no objection to limiting membership to residents of the Town. Her objection is that it would not be retroactive, and that we would not ask anyone to leave. She stated that she did not see this language written in the Ordinance and asked if that was accurate. Mayor Woolsey gave his view, stating the requirements in the SC Constitution and the requirements of municipal electors that serve to reside within in their municipality. He does not think that we need an amendment to the Ordinance to limit membership to the Planning Commission or to the BZA. He stated the first place he would look to determine whether such requirements exist would not be the SC Constitution; it would be the Zoning Ordinance; this Ordinance would serve as clarification. The Ordinance does not contain any verbiage regarding retroactive removals.

Councilman Blank expressed his concern because of the wording in the SC Constitution. He said the Board of Zoning Appeals is a Quasi-judicial Board and the Planning Commission makes

serious decisions for the Town. He believes if we do not follow the SC Constitution that we swore to uphold that decisions that are made could be challenged in court.

VOTE:

Councilwoman Berry	yes
Councilman Blank	yes
Councilman Kernodle	no
Councilman Mullinax	yes
Mayor Woolsey	yes
Ordinance #2013-01 passed 4-1;	
Councilman Kernodle cast the dissenting vote	

New Business:

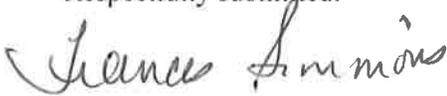
- a. Annexation: None

Executive Session: Mayor Woolsey asked for a motion to enter into an Executive Session at 7:39 p.m. for receipt of legal advice related to real estate matters. Councilman Blank moved, seconded by Councilman Mullinax. The motion passed unanimously.

Return to Regular Session: Council returned to regular session at 7:55 p.m. Mayor Woolsey stated that Council had not taken action or vote while in the Executive Session.

Adjourn: There being no further business to come before the body, the meeting adjourned at 7:56 p.m.

Respectfully submitted:



Frances Simmons
Town Clerk