

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, June 19, 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, Jane Hale, Finance Clerk, Bo Wilson, Town Attorney, Kristen Crane, Senior Town Planner, 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: Amendment to Chapter 9, Zoning and Land Development Regulations, §9.4.6: Tree Fund. The Public Hearing opened at 7:04 p.m.

Garrett Milliken, 762 Fort Sumter Drive: Mr. Milliken asked Town Council to agree with the Planning Commission's decision to disapprove changes to §9.4.6 Tree Fund. The Planning Commission was unanimous in its consent because they felt that Town resources should be used for improvements in the Town of James Island; and the spirit of tree mitigation is tree-for-tree; not tree for shrub. He said after the Planning Commission disapproved the staff's recommendation, they voted to affirm the current language as it is stated. A tree fund is a tree fund; not a shrub fund and it should be used for planting trees on James Island.

Public Hearing: Amendment to Chapter 9, Zoning and Land Development Regulations, §9.11.1 Prohibited Signs; §9.11.2 Standing Signs and §9.11.4C Shared Free Standing Signs: No one signed in to speak. Mayor Woolsey declared the Public Hearing closed at 7:07p.m.

Public Comments: Garrett Milliken, 762 Fort Sumter Drive: Mr. Milliken asked Council not to change the current wording of the Tree Fund. Commented on the importance of input from the public for Greenbelt Fund purchases; and the Town once had a Greenbelt Committee. Said there was a public meeting for the proposed purchase of property off of Riverland Drive (in the City) that did not occur. He commented that Cathy Ruff, Director for the Greenbelt Program, held a workshop in November '02, and responded to the Mayor's question about controversial purchases, that it is important to have citizen support in this process. Mr. Milliken said agenda item #9 could essentially take the public out of the process. This expenditure is among the largest and important decisions the Town will make and he hope the public will have input. Mr. Milliken also commented that several residents from the Honey Hill community attended the June 12 Planning Commission meeting and were upset because they were not notified of the PD (Planned Development) workshop that was held on June 3 at Town Hall. They voiced concern that homes in the \$300,000 range is out of character for this part of James Island and will cause their property taxes to increase. Mr. Milliken asked the Town to be more supportive of the nearby residents and notify them sooner of changes that affects their neighborhood.

Presentation: Mark Smith, co-owner of McAlister-Smith Funeral and Cremation provided information to Council about the services they provide. McAlister-Smith was founded in 1886 and is located in the former Roper Medical Center, 347 Folly Road. Kathy Sweeney was introduced as a member of the staff.

Consent Agenda:

- a. Minutes of May 15, 2014 Regular Town Council Meeting
- b. National Beach Safety Week Proclamation

Approved without objection.

Information Reports:

- a. Finance Report: Finance Clerk, Jane Hale, gave an overview of the May 2014 Finance Report. 92% of the fiscal year has been completed; total revenue is 71% and total expenditures are 37%.

- b. Town Administrator's Report: Mrs. Kellahan reported: Attorney General's Opinion: The Town has received an opinion from the Attorney General's Office about the questions it had about the Local Option Sales Tax Statute. The statute does not preclude a municipality from entering into an agreement with a County to lower its residents' property taxes. A copy of the Opinion has been sent to Charleston County; and a meeting will be scheduled with the County Administrator after review by their attorney. Mrs. Kellahan said an agreement will need to be approved by Town Council and Charleston County Council. Town Hall was used by the Sheriffs' Office as an Emergency Operation Center on May 30 for a situation that occurred in one of our neighborhoods. She thanked Island Sheriff Patrol Sergeant, Shawn James, one of the key officers, for helping to resolve this matter peacefully. The Town participated in the Charleston County Emergency Management Drill. Mark Johnson, Alan Laughlin, and Jim Palmer, has been working with the County for several months to simulate an actual emergency. Mayor Woolsey has received a letter from Mayor Riley about the Complete Streets Grant they received to fund a study of the Folly Road Corridor. Mayor Woolsey has appointed the Town Administrator, and Senior Planner to participate in this process. The Town Administrator and Senior Planner attended a follow-up meeting for the Riverland Drive Corridor Management Study. Councilwoman Berry announced that a public workshop will be held on June 26, 5:30 p.m. – 7:00 p.m. at Bethel AME Church, 1827 Central Park Road. The bid opening for sidewalk improvements on Foxcroft Road is scheduled for Friday, June 20th.

Requests for Approval

Request to Approve Working with a Consultant to Revise the Town's Emergency Plan: Mrs. Kellahan announced that funds are budgeted to revise the Town's Emergency Management Plan. Mrs. Kellahan, Mayor Woolsey, and Councilman Blank met with Cathy Haynes, (Chief of Operations for Charleston County Emergency Management Department) and she recommended that this would be good for the Town. Mrs. Kellahan said this would allow the Town to collaborate with other entities on James Island and determine the roles each will play in recovery efforts after a disaster. If this item is approved by Council, a request for bids will be publicized next week. Mayor Woolsey asked for a motion in favor. Councilman Blank moved, seconded by Councilman Mullinax. Councilwoman Berry asked what alternative would be used if the Town did not hire a consultant. Mayor Woolsey answered that it would be done by the staff. Motion passed unanimously.

Committee Reports

James Island Environmental and Beautification Committee: Councilwoman Berry announced a Litter Clean-up on Saturday, July 12 at 8:00 a.m. The first "Helping Hands" yard work is scheduled for Saturday, June 28; Boy Scouts will clean a resident's yard and earn service hours. If you know of someone that needs this type of assistance, a request form can be obtained at the Town Hall. The Green Fair event will be held in September; information will be provided closer to the date.

James Island Children's Commission: Councilman Kernodle reported a successful Memorial Day Festival. He drew attention to the art displays in the hallway and announced the winner as James Island Elementary School. The Art Department received \$150.00 for art supplies.

James Island Public Safety Committee: Councilman Mullinax announced that the Neighborhood Council will meet on June 26th at 7:00 p.m. The Yard of the Month Signs is in and will be distributed to the members of this committee. Each neighborhood will select a winner for the month. Councilman Mullinax

said the selection criteria are currently being worked on. He hopes everyone will enjoy this community spirited program.

Resolutions:

Resolution #2014-16: Authorization for Mayor to Negotiate Purchase of Land from James Island Public Service District (JIPSD): Mayor Woolsey asked for a motion in favor. Councilman Blank moved, seconded by Councilwoman Berry. Councilwoman Berry asked what is expected during preliminary negotiations; who will negotiate, and when will the public become involved.

Mayor Woolsey answered that the Town's realtor has contacted the PSD and the response she received is the PSD Commissioners have to determine if they are interested in selling. The Town Administrator will be involved in the negotiation process and have talked to the PSD Manager about a joint use of the facility. Mayor Woolsey explained that the Resolution is to purchase a part of the property; the PSD would retain the other part and it would be used as a joint Town/PSD administrative facility. Mayor Woolsey said our realtor, the Town Administrator, and the PSD Manager, would have preliminary discussions about the type of facility we want. This would be presented to Council for approval. Councilwoman Berry asked if this is just to get a feel about it. Mayor Woolsey said we need to see if a majority of PSD Commissioners want to pursue it. Councilman Blank commented that the facility has nothing to do with the Green Space purchase. Mayor Woolsey explained that the Resolution includes purchasing a part of the property; but if the PSD is not interested in a joint use, the Town is interested in purchasing the entire property; which will include a park. He said there will be public input if the PSD is interested in selling. Councilwoman Berry asked if we knew the appraised value. Mayor Woolsey expressed finding out if the PSD is interested in selling first. Mayor Woolsey also mentioned there was public input about the type of park, size, and location during the early stage of seeking information for a park using Greenbelt Funds. Councilwoman Berry responded to the comment made during the Public Comments; that we have not had any additional public hearings because there was nothing to report - there was a public hearing for the Bradham property because we had a willing seller. Mayor Woolsey said representatives for the Bradham property presented a workshop to Council; it was not a public hearing. Councilman Mullinax expressed the importance of having workshops, public hearings, and advertising, when information is available for the public; and asked for the realtor to be involved in the process. After discussion, the roll was called and votes recorded as follows:

Councilwoman Berry	yes
Councilman Blank	yes
Councilman Kernodle	no
Councilman Mullinax	yes
Mayor Woolsey	yes
Motion carried 4-1.	

Ordinances up for First Reading:

- a. Ordinance #2014-08: Amend Ordinance #2013-07, Town of James Island Zoning and Land Development Regulations (Development Standards) Chapter 9, §9.4.6 Tree Fund: Mayor Woolsey asked for a motion in favor. Councilman Blank moved, seconded by Councilwoman Berry. Councilman Blank moved to amend the motion, for the last sentence of §9.4.6, Tree Fund, of the Zoning and Land Development Regulation to read: All tree mitigation fees collected shall be paid to the Town of James Island and placed in an account established for public beautification through the planting of trees on James Island; Councilwoman Berry seconded.

Councilman Blank explained that the Town is fragmented; that if we wanted to plant an avenue of trees we would have to skip homes along that avenue that are in the City because they annex the right-of-way when they annex homes in most cases. We cannot give trees to schools because

the City has annexes them also. Councilman Blank said if the Tree Fund is used to plant trees on James Island it would benefit everyone. During discussion, Councilman Kernodle said he made an amendment some time ago and he got into trouble. He asked if Councilman Blank's amendment needed to go back to the Planning Commission. Mayor Woolsey explained that Councilman Blank's amendment does not delete some language; and what is left, he is proposing to delete other language. He said it does not add new language. If an amendment adds new language it has to go back to the Planning Commission. As discussion ensued, Councilman Kernodle asked if the difference between his amendment and Councilman Blank's was that he added new language and Councilman Blank deleted language. He asked if it mattered that the language changed the ordinance.

Councilman Kernodle asked Town Attorney, Wilson, for an interpretation of the amendment he made (months ago) and that of Councilman Blank. Mr. Wilson said he could not recall if the degree of the change was relevant or whether it was substantial or not, to give an opinion tonight. Mayor Woolsey asked Mr. Wilson to research Councilman Kernodle's question and respond to him.

Mayor Woolsey said the amendments differed. Councilman Kernodle asked the Mayor to clarify a diameter difference of the trees that he amended, and language that is completely removed from Councilman Blank's amendment. He believes Councilman Blank's amendment is something the Planning Commission did not approve.

Mayor Woolsey stated that Councilman Blank's amendment deletes two words rather than eight and that Council has authority to approve a portion of an amendment that is brought before them. Councilwoman Berry stated since the question has been raised she want to be sure that we are doing the right thing. When asked, Councilman Blank said he had no problem sending the amendment to the Planning Commission; however, Council is not obligated to accept the Planning Commission's recommendations. Mayor Woolsey said the Planning Commission did not recommend this change; and Council can make changes to the Ordinance. He stressed that the amendment does not add new language that the Planning Commission has never seen. Mayor Woolsey explained what occurred during the public hearing on the Grand Trees; that the Planning Commission did not propose changing the tree size. He said Councilman Blank's amendment includes changing a number of words and Council can accept a part of it. Further he said if the Planning Commission makes multiple changes that Council has the authority to accept all of the changes, some of the changes, or none of them. He said if Council changed the Ordinance to add language that was not presented at a public hearing then according to State law the amendment would have to be remanded to the Planning Commission. Mayor Woolsey said that is the difference between the Councilman Kernodle and Councilman Blank's amendments.

Councilwoman Berry said she is in favor of Councilman Blank's amendment and the Mayor is probably correct, but the question has been raised and now we are unsure. She asked if it would do harm to delay a decision until Mr. Wilson can give a ruling. She stressed the importance of making sure we do what is right.

Councilwoman Berry moved to postpone consideration to the July 17 Town Council meeting; Councilman Blank seconded. After additional comments, the roll was called and votes were recorded as follows:

Councilwoman Berry	yes
Councilman Blank	yes
Councilman Kernodle	yes

Councilman Mullinax yes
Mayor Woolsey no

The motion carried 4-1.

- b. Ordinance #2014-09 Amend Ordinance #2013-07, Town of James Island Zoning and Land Development Regulations (Development Standards) Chapter 9, §9.11.1 Prohibited Signs, §9.11.2 Standing Signs, §9.11.4C Shared Free Standing Signs: Mayor Woolsey asked for a motion in favor. Councilman Blank moved, seconded by Councilman Mullinax.

Councilman Blank said our Sign Regulation Ordinance is difficult to understand and confusing. The regulation for the Folly Road Corridor is easy to understand because only Monument Style Signs are allowed. Councilman Blank said that signs should be the same throughout the Town in the main corridors: Harbor View, Fort Johnson, and Camp Roads. As new signs are erected and existing ones replaced, the Monument Style Signs would be required everywhere in the Town. The roll was called and votes were recorded as follows:

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

The motion carried 4-1.

New Business: None

Executive Session: Not needed

Adjournment: There being no further business to come before the body, the meeting adjourned at 7:45 p.m.

Respectfully submitted:



Frances Simmons
Town Clerk