

The Town of James Island held its regularly scheduled meeting at 7:00 p.m. in Council Chambers, 1238-B Camp Road, James Island, SC, on Thursday, August 18, 2016. The following members of Council were present: Mayor Pro-Tem Leonard Blank, Garrett Milliken, Darren “Troy” Mullinax, Joshua P. Stokes, and Mayor Bill Woolsey, who presided. A quorum was present to conduct business. Also present: Ashley Kellahan, Town Administrator, Mark Johnson, Public Works Director, Bonum S. Wilson, Town Attorney, 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: Ordinance #2016-09: An Ordinance to Amend the Town of James Island Zoning and Land Development Regulations (ZLDR) Section 153.207, Accessory Structures in Residential Office (OR) Zoning Districts: Adding a provision for Accessory Structures over 120 square feet: Mayor Woolsey opened the Public Hearing at 7:01 p.m. No one signed in to speak.

Public Hearing: Ordinance #2016-10: An Ordinance Amending the Town of James Island Zoning and Land Development Regulations, Livability: Sections 90.1, 90.17, ZLDR Sections 153.211 and 153.013, Adding a provision for keeping chickens on residential property: Mayor Woolsey opened the public hearing at 7:02 p.m. The following persons spoke:

Katherine Oakley, 724 Clipper Street: she had not originally thought about having chickens because she grew up with them. Her chickens have become therapy for her after the death of several family members. She has had them for three to four years and most neighbors don’t have a problem with them. Some people like hearing the roosters crow; but the number of roosters she had got out of hand when she became ill. Other than one person, she has had no complaints. Ms. Oakley said the chickens are not for commercial use; she barter their eggs for greens from the vegetable lady. She uses the chicken “poop” to compost and no one has complained about any odors.

Justin White, 830 Centerwood Drive: has six chickens. He doesn’t believe there is a difference in having two or ten; but perhaps 50 is a lot. He used to have a rooster but got rid of it because he wasn’t for him. We need to be careful about banning things. He lives on James Island because a lot of things aren’t banned and there aren’t a lot of rules. Once we start having lots of rules we become like a Mt. Pleasant.

Eric McElroy, 1142 Skiff Street: has a dozen chickens and they provide eggs for his family of five through the year. They have not purchased eggs from a grocery store in three or four years. The Town’s Ordinance is more restrictive than the City and Mt. Pleasant. Mt. Pleasant allows 50 chickens as long as it is not a nuisance. The City has square footage requirements that can be overridden with approval of the neighbors.

Chuck Bevers, 894 Darwin Street: in favor of having chickens.

Tom Sheridan, 1046 Folly Road: local veterinarian, was in attendance with two daughters and pet rooster, “Snuggles”. Mr. Sheridan shared facts about roosters; their intelligence, human/animal bond; and the important role of the rooster. He said an average family on James Island earns \$34,000 per person; and, at least 12 hens are needed to produce enough eggs for the 250 eggs per capita to supplement protein in a family’s diet. The six chicken limit does not make sense from an economic standpoint.

Julie McElroy, 1142 Skiff Street: school nurse with Charleston County School District has had backyard chickens for five years. Charleston is at the forefront for the local and backyard Farm to Table Movement. Limiting the number of chickens to six infringes upon property owner rights. Property owners should be able to do as they wish on their property so long as it does not infringe upon others’ rights to live peacefully.

Assigning a set number of chickens does not take into account the size of the owners' lot; needs of the chickens; or the family. It makes no sense to assign the same number to someone with a ¼ acre to someone with more acreage. Urban farmers raise backyard chickens for many reasons; but mainly for meat and eggs, and raising her own is healthier and cheaper. If her family of five eats one egg per day, they need 1,825 eggs a year. Many factors affect a hen's ability to lay eggs, but, if she had six prolifically laying hens that produced 200 eggs per year, that would be 1200 eggs; a shortage of 625 for her family. She asked Town Council to reconsider its decision to limit the number of chickens and take into account the property owner's lot size and family needs.

Frances Porcher, 1237 Stone Post Road: lives two doors from the lady with the chickens. She thinks it's terrible that someone has to give up something they are so fond of.

Melissa Dority, 753 Grimsley: her family has three pet chickens. She appreciates the Town's leniency on whatever it decides; apparently roosters are very important to a lot of people on the island.

Kay Kernodle, 753 Swanson: spoke as a private citizen. Thinking about chickens reminds her of Marilyn Muckenfuss, retired teacher at Stiles Point. Mrs. Muckenfuss hatched chickens and anyone who attended Stiles Point had to take a chicken home during spring break. The Town was formed to protect what people hold dear and their individual preferences; chickens are a part of that.

Brook Lyon, 669 Port Circle: spoke as a private citizen and Pres. of Lighthouse Point Neighborhood Assn., (320 homes). Mrs. Lyon has been President of the Association for 11 years and during that time, has had only one complaint from lady about a rooster in Bell Terre. Backyard chickens are good for holistic health; sustainable living; stress relief, and its feces can be used to compost. Raising chickens is a positive step towards sustainable living - the Farm to Table Movement. After talking with Councilman Blank and her husband, she understands that having too many could be a problem; but it doesn't seem fair to penalize everyone because of irresponsible people. She asked Council to consider the unanimous recommendation of the Planning Commission with no limit and a compromise could be a permit for additional chickens. We pride ourselves as a property rights community; but could have no rule and respond on a complaint basis.

Giovanni Richardson, 1788 Arnsburn Road: commented that Arnsburn Road is located on the century old Gaillard Farm. People there have chickens, goats, cows, horses, and pigs. The community would like to annex into the Town when the opportunity is allowed, but how will this ordinance affect them. She has four roosters and 12 hens and shares the eggs with the community. She asked Council to take this into consideration.

Anne Peterson, 659 Oakfield Drive: mother of two teenagers and proud chicken owner said her original flock of chickens predates the Town's 4<sup>th</sup> incorporation; having had them as chicks. The chicks' life began under heating lamps in her home and they are considered pets; just as her dogs and cats. The chickens now live in a coop in the backyard that is covered above and below for safety from predators because she does not have a rooster. She appreciates the ability to do what she wants on her property and proudly tells people as she travels the State for work that she loves James Island because she can have a boat in her front yard and chickens in her backyard. She'd like it to stay that way for whoever decides to raise chickens on the island.

Charles Towne, Sr. 866 Folly Road: did not know there were issues with chickens until a customer told him about tonight's meeting. He sells chickens; probably to many people at tonight's meeting. The spectrum of people wanting chickens ranges from age 5 to 85; and many people talk about the memories they had with them. He likes the fact that it teaches young people responsibility. The chickens he sells are 3 day old hens; roosters are not kept in stock and ordered at a customer's request. Chickens are a good food source. Some people have between 2-40 and share the eggs with the community. He cannot see why having chickens is

an issue. He asked the Town to handle complaints on a case-by-case basis and not limit the number someone can have.

Public Comments:

Alan Laughlin, 847 Darwin: announced his candidacy for the James Island PSD Commission.

Vonie Gilreath, Berkeley-Charleston-Dorchester Council of Governments (BCD COG): announced the COG's development of a Regional Master Plan for Walking and Bicycling "Let's Get Moving". Surveys left for information.

Presentation by the Charleston Chapter of the Surfrider Foundation. Council heard a presentation by Kate Ditloff, Chair, Charleston Chapter. Surfrider Foundation is a non-profit environmental organization dedicated to protection and enjoyment of oceans, waves, and beaches through conservation, activism and education. The presentation focused on ways to eliminate Single Use Plastics. The City of Folly Beach and the City of Isle of Palms have adopted ordinances and the Town was asked consider adopting an ordinance.

Recognition of Board of Zoning Appeals (BZA) Former Vice Chair, Jim Fralix: Mayor Woolsey recognized long-time BZA Vice Chairman, Jim Fralix, and presented him the Key to the Town plaque for his service.

Consent Agenda:

- a. Minutes of July 21, 2016 Regular Town Council Meeting: Motion to approve was made by Councilman Stokes, seconded by Councilman Mullinax and passed unanimously.

Information Reports:

- a. Finance Report: Senior Finance Clerk Merrell Roe reported revenues up 21.9% and SCE&G franchise fees received for \$163,859. Report provided.
- b. Administrator's Report: Town Administrator Ashley Kellahan gave an overview of the Administrator's Report. Report provided.
- c. Island Sheriffs' Patrol Report: included in Administrator's Report.
- d. Public Works Report: Public Works Director Mark Johnson gave an overview of the Public Works Report. Report provided.

Requests for Approval

- a. Proposal from Superior Blacktop Services re: asphalt repairs in Lynwood neighborhood: Mrs. Kellahan reported there are 10 areas in Lynwood subdivision (around Kentwood Circle), where Pine trees have caused damage to the asphalt. Superior Blacktop Services will remove all damaged asphalt, cut away the tree roots, and add two inches of new asphalt for \$18,180. Warranty is one-year. Mayor Woolsey asked for a motion in favor. Councilman Stokes moved, and Councilman Blank seconded.

Councilman Milliken asked if the one-year warranty is because of the tree roots; or is that a normal length of time for road repairs. Mrs. Kellahan said she would check into that. She explained there are pine trees in the right-of-way that can be taken down. She noted the roots on some of those trees may grow back and we do not want that to happen after making costly repairs. The homeowners will be asked to work with the Town to take some trees down. Mayor Woolsey added the Town would like to ask homeowners to plant other types of trees. He said warranties on other infrastructure projects have been one year. Councilman Stokes asked if discussions about the trees

had taken place with the neighborhood. Zennie Quinn, representative for Lynwood was present and confirmed the community's approval. Motion passed unanimously.

- b. Proposal from JLA, Inc. re: Traffic Control in Centerville neighborhood: Mrs. Kellahan said a traffic study was done a year-and-a-half ago by Stantec in the Centerville neighborhood to lower the speed limit on Santee and West Madison. The Town was successful in getting the SCDOT to lower the speed limit on Santee to 25 mph; but not on West Madison. We continue to receive complaints from residents on West Madison about speeding and cut through traffic from Folly Road. JLA's proposal for \$4,800, will designate where traffic calming devices should be placed in the neighborhood and submit that information to SCDOT to see if it meets their standards. This information will be shared with the neighborhood. The Engineers will ensure the devices are placed where a driver could not go through one of the cut-through streets; (i.e., Lady Cooper or Lady Ashley) to go around a speed hump. They will be strategically placed where a driver has to go over at least one speed hump. Mayor Woolsey asked for a motion in favor. Motion was made by Councilman Blank, seconded by Councilman Mullinax. No discussion. Motion passed unanimously.

Committee Reports:

Land Use Committee: Councilman Blank announced a vacancy on the Planning Commission and asked Mayor Woolsey for his nomination. Mayor Woolsey moved to appoint Zennie Quinn; Councilman Milliken seconded. Motion passed unanimously.

Environment and Beautification: Councilman Milliken announced an island wide cleanup on Saturday, September 10<sup>th</sup> from 8:30 a.m. to 11:00 a.m. Lunch provided.

Children's Commission: Councilman Stokes announced plans for the Annual Lights On After School Event planned the end of October. Children's Commission will meet Thursday, September 8<sup>th</sup> at 5:00 p.m.

Public Safety Committee: Councilman Mullinax announced the Neighborhood Council will meet Thursday, August 25<sup>th</sup> at 7:00 p.m.

History Commission: No report.

Ordinances up for First Reading:

- a. Ordinance #2016-09: An Ordinance to Amend the Town of James Island Zoning and Land Development Regulations (ZLDR), Section 153.207, Accessory Structures in Residential Office (OR) Zoning Districts: Adding a provision for accessory Structures over 120 square feet: Mrs. Kellahan reported that the Town requires accessory structures 3 ft. from the property line. This change would increase the setback to 5 ft. Mayor Woolsey asked for a motion in favor. Motion was made Councilman Blank, seconded by Councilman Stokes. No discussion. Motion passed unanimously for First Reading.
- b. Ordinance #2016-10: An Ordinance Amending the James Island Zoning and Land Development Regulations, Livability: Section 90.1, 90.17, ZLDR Sections 153.211 and 153.013, Adding a provision for keeping chickens on residential property: Mayor Woolsey asked for a motion in favor. Councilman Blank moved to pass Ordinance #2016-10; seconded by Councilman Stokes.

Councilman Blank moved to amend the motion to add (A): to allow one chicken per 2500 square feet of lot area on a single family residential lot with an overall cap, up to one acre at 12 chickens. Motion seconded by Mayor Woolsey.

Councilman Blank said the Planning Director and Town Administrator had done research and contacted a number of municipalities; as far as Rock Hill; and this is pretty standard. Councilman Milliken asked to amend Councilman Blank's amendment. He and Mayor Woolsey discussed whether his amendment is germane. Councilman Milliken explained that a remedy should be in place for people that already have lots of chickens. His amendment would be: "If greater than 12 chickens; an approved chicken housing permit must be issued and the resident could possibly be subject to inspections by code enforcement". Councilman Milliken said a permit would allow people who already have lots of chickens to keep them. Mayor Woolsey said the explanation was relevant and Councilman Mullinax offered a second.

Mayor Woolsey said discussion is now on Councilman Milliken's amendment to Councilman Blank's amendment to allow more than 12 chickens by permit. Councilman Blank stated a criterion is required to issue a permit; (*not for anyone to have all the chickens they want, and we give them a permit; this is why he capped it at 12*). Councilman Blank said he visited a farm on Wadmalaw Island and one in Beaufort; neither had more than 14 chickens and, they sold them. He commented not knowing what anyone would do with 40 chickens. Mayor Woolsey asked the size of the property and he answered about 20 acres. Councilman Blank also stated the Ordinance says chickens for personal use. He stressed understanding that people need to feed their families; however, this is not farmland, it is residential property. On a personal note he said a lady in his neighborhood had chickens and he didn't know it until she got a rooster that wake the neighbors at 5 a.m. Councilman Milliken said a permit would be granting an exception to allow more chickens than the specified number. And, as long as there is are no roosters crowing at 5 a.m. or malodors smells from the property.

Councilman Stokes asked if this passes, or if any ordinance passes to limit the number of chickens; could the property owner request a variance to the BZA for more. Mayor Woolsey said they would not go to the BZA for Variance or Special Exception - the Town would have to begin issuing permits for chickens, only if someone has more than the limit allowed per the ordinance; this is how he reads it. Councilman Blank spoke about zoning regulations and challenges that could occur; and again stressed criteria for issuing permits. Councilman Milliken said it would be appropriate to develop particular criteria since this amendment will go back to the Planning Commission to consider; just as the Planning Commission and the Planner could develop a schedule for reimbursement for trees taken down, that they've never seen. He said these are things we have passed in the past and he is confident that their colleagues on the Planning Commission could come up with reasonable criteria. Mayor Woolsey offered that Council vote down the amendment of the amendment; consider whether it wants to pass the first amendment; raise it again, and then vote on the original motion. Council will send both amendments to the Planning Commission if they pass to consider separately. Councilman Milliken said the fair thing is to use a permit as a remedy.

Councilman Stokes said he will vote against amending Councilman Blank's amendment; but he will support sending something separately to the Planning Commission to develop a permitting process if a limit is passed for more chickens beyond that.

Amendment to the Amendment: develop a permitting system for more than 12 chickens with possible inspections. Motion failed: 3-2; Councilmembers Stokes, Blank, and Mayor Woolsey cast dissenting votes.

Amendment to allow one chicken per 2500 square feet of lot area on a single family residential lot with an overall cap up to one acre at 12 chickens. Councilman Milliken said this is a motion that replaces no limitation on the number of chickens; what Council has from the Planning Commission

has no limit on the number of chickens because (A) was stricken. Mayor Woolsey said the Planning Commission voted against the staff's recommendation of six chickens. He said Council could vote to limit to six chickens, or it could follow the Planning Commission's recommendation with no limit. The third approach that Councilman Blank has proposed is something entirely different that will go to the Planning Commission. Mayor Woolsey said Council is not obligated to approve what the Planning Commission recommends to them. Councilman Milliken said if Council votes down Councilman Blank's amendment, we are back to the original motion without a limit.

Councilman Stokes asked to clarify Councilman Blank's amendment. He said 1 acre is 43,560 sq. ft., that divided by 2500 will allow 17 chickens. He said the way the amendment was phrased is one chicken per 2500 sq. feet up to one acre, capped at 12; but that is 17. Councilman Stokes asked and Councilman Blank confirmed the amendment as: **one chicken per 2500 sq. ft. with a total cap of 12 chickens regardless of lot size.** After discussion, the motion passed 3-2. Councilmembers Milliken and Mullinax cast dissenting votes.

Councilman Milliken said he would like to add under (E) a remedy for keeping greater than 12 chickens with a permit. The amendment would read: **If greater than 12 chickens are to be housed in a residential zoning district, an approved chicken housing permit must be issued.** Councilman Mullinax seconded.

Councilman Blank said he did not want anyone to leave thinking that he wants to take their chickens away. But we should be reasonable because other people live in residential areas, other than the people at this meeting, and we have had some complaints. He doesn't mind issuing a permit to people with more than 12 chickens; but criteria are needed. He said if that can be done; he has no problem with it. Councilman Milliken said he would help develop criteria because this is what he does at the College; there are government standards for research animals that are pretty stringent. We could make sure chickens have routine sanitation inspections, and adequate confines. These are some things that could easily be applied to a checklist and used by the Planner or Code Enforcement in any situation. Mayor Woolsey called for the vote on the amendment and it passed unanimously.

Mayor Woolsey said both amendments were significant and will be remanded to the Planning Commission for consideration. Town Council will hold a Public Hearing after receiving the Planning Commission's recommendation.

New Business: None

Adjournment: There being no further business to come before the body, the meeting adjourned at 8:21 p.m.

Respectfully submitted:

Frances Simmons  
Town Clerk