

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, March 17, 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, Bonum S. Wilson, Town Attorney, Merrell Roe, Senior Finance Clerk, Mark Johnson, Public Works Director, Kristen Crane, Planning Director, 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: Mayor Woolsey opened the Public Hearing at 7:00 p.m. on proposed amendments to the Town of James Island’s Zoning and Land Development Regulations (ZLDR) Ordinance: 1) Temporary Sales; 2) Specialized Manufacturing; 3) Manufacturing and Production; 4) Tree Protection and Preservation- Tree Removal; 5) Tree Protection and Preservation- Measurement and Definition); and 6) Private Road Standards.

Chris Gilbert, 674 Marsh Point Drive: 13 year resident on James Island commented that this issue came up two years ago and it was defeated; that the Planning Commission voted 3-2 not to increase the tree size. He asked why we continue to put this question forth; it seems to open the doors for developers to have much greater impact than necessary. He believes the onus should be placed on developers to work around the existing rules of our existing structures that are in place.

Public Comments:

William Goad, 741 Canopy Cove: President, Carolina East Home Owners Association, talked about the Town maintenance of Canopy Cove road. This is a new road owned by the homeowners. They pay HOA fees for lights and grass cuttings, etc. He expressed concern because the road is new now, but ten years from now sinkholes and other destruction will occur. He doesn’t think the homeowners should have to pay for road maintenance.

Consent Agenda:

- a. Minutes of February 18, 2016 Regular Town Council Meeting: Councilman Blank moved to approve; Councilman Stokes seconded. Passed unanimously.

Information Reports:

- a. Finance Report: (Provided) Senior Finance Clerk, Merrell Roe, reviewed several items in the Finance Report: Crime watch signs - \$1,892; Camera - \$23,000; Franchise fees: Comcast, \$38,000; and Bellsouth, \$29,000.
- b. Administrator’s Report: (Provided) Town Administrator, Ashley Kellahan reminded Council that the grand opening for the Camp and Folly Road intersection project is Friday, March 18<sup>th</sup>, 12:30 p.m. at Epworth United Methodist Church. James Island Intergovernmental Council meeting is April 11, 7:00 p.m., at Town Hall. Mrs. Kellahan provided an update on the MUSC/Fort Johnson project. She said MUSC is holding off on taking any action to demolish the historical buildings on the site. They will come to the Board of Zoning Appeals for procedure. Charleston County will give a presentation to Town Council at its April meeting on the proposed Stormwater fees. The public will have opportunity for input.

Public Works Report: (Provided) Public Works Director, Mark Johnson reported that permanent repairs to the pipe culvert under the sidewalk on Camp Road and S. Anderson was completed in February. He and Building Inspector, Berry Rudisill completed the FEMA Homeland Security for disaster Management. Both received certificates. Mayor Woolsey asked the status of Canopy Cove Road; Mr. Johnson answered that he will reach out to the HOA for information; specifically information they may have regarding an engineering study. Staff and consultant, Scott Cave, participated in an earthquake drill on March 15<sup>th</sup>. This was a statewide drill and staff interacted with the County and PSD as if an actual earthquake had occurred. Mrs. Kellahan said the exercise went well and it was good practice.

Councilman Milliken asked about the purchase of the three properties for Town Hall. Mrs. Kellahan answered that we hope to close on the White property soon. We have received final subdivision approval from the City and currently waiting on the TMS numbers for the parcels. Plans are moving forward to acquire the Brown property. Councilman Milliken thanked Mrs. Kellahan for having the vines removed from the trees at the entrance to Lighthouse Point.

- c. Island Sheriffs' Patrol Report: (Provided) Mrs. Kellahan reported that 536 traffic stops were made and 496 warnings were issued.

#### Requests for Approval:

- RFQ 1-2016: Professional Design/Consultant Engineering Services for Public Works Projects: Mayor Woolsey asked for a motion in favor. Councilman Milliken moved, Councilman Stokes seconded. Mrs. Kellahan announced that 11 firms responded to our RFQ for professional design and consultant engineering services for public works projects. Staff recommends award to four firms: E.M. Seabrook; Forsberg Engineering and Surveying, Inc.; Johnson, Laschober & Associates, and Stantec. Mrs. Kellahan answered Councilman Stokes' question that all of the firms offer full service and we will be able to work on multiple projects simultaneously. Passed unanimously.

#### Committee Reports

- Land Use Committee: No report.

Councilman Milliken asked about an article in the Messenger on the proposed development on Folly Road "the Lively". He said the article indicated that the councilmembers and officials that attended the meeting were successful in getting the project put off. Councilman Blank explained that the meeting was about the 300 apartments and two major garages. As discussion ensued, Mrs. Crane was asked if she knew what the plans were. She noted her understanding to be a Planned Development with 330 units. Mayor Woolsey said a request for rezoning would need to go before County Council.

- Environment and Beautification Committee: Councilman Milliken announced that President Obama did not approve off-shore drilling on the Carolina Coast. He attributed this success to many municipalities that passed ordinances to oppose it. He thanked the Town and others that helped to make this possible The Third Annual Silent Auction held on February 27<sup>th</sup> raised \$3,000 for James Island Art Teachers for art supplies. Katherine Williams and the James Island Arts Committee were thanked for making the auction a success; as well as Ashley Kellahan, Merrell Roe, Mark Johnson, and Berry Rudisill. James Island Pride's "Great American Clean-up" will be held on Saturday, April 9<sup>th</sup> from 9-12 noon. Recognition were given to Grant Scurry, DeAnne Grayson, Mary Beth Berry, Pat Hiott-Mason, Delia Washington, Stanley Kozikowski, Cathy Moore, Inez Brown-

Crouch, June Murray, Amy Ball, Henrietta Martin, and Katherine Williams for being central to the activities of James Island Pride.

- Children's Commission: No report.
- Public Safety Committee: Councilman Mullinax thanked everyone that participated in last month's field trip to the Sheriffs' Office, hosted by Sergeant James. The next meeting of the Neighborhood Council is Thursday, March 24<sup>th</sup> at 7:00 p.m.
- History Commission: Mayor Woolsey reported that the History Commission voted to purchase a two volume set of books for \$192.00 in the new budget year. History Commission is pursuing a Historical Marker for Simeon Pinckney; more information to follow. Ashley Welsh has resigned from the Commission and thanked her for her service.

Presentation of Draft Fiscal Year 2016-2017 Annual Budget: (Provided). Mrs. Kellahan reported that Council held a Budget Workshop on March 3<sup>rd</sup> and no changes have been made to this draft. The budget includes a 1% cost of living increase; 2% hospitality tax; and a capital improvement plan was added to better prepare for future public works projects. A public hearing on the budget and the hospitality tax will be held at the April 21<sup>st</sup> Council meeting.

Resolutions:

- a. Mayoral Proclamation for Sexual Assault Awareness Month: Mayor Woolsey asked for a motion in favor. Councilman Stokes moved, and Councilman Mullinax seconded. Passed unanimously.

Ordinances up for First Reading:

Ordinance #2016-01: Proposed Amendments to Town of James Island Zoning and Land Development Regulations (ZLDR) Ordinance: Mayor Woolsey asked for a motion in favor. Councilman Blank moved, and Councilman Stokes seconded.

Councilman Milliken moved with a counter motion to consider the amendments separately; Councilman Mullinax seconded. Passed unanimously.

**§153.231 TEMPORARY SALES**

- (A) Auctions or garage sales of second-hand merchandise which has been used on the premises may be conducted on a zoning lot where permitted as an accessory use elsewhere in these regulations. Such sales may be conducted **twice** in a calendar year from the same zoning lot.

Mayor Woolsey asked for a motion in favor. Councilman Stokes moved, seconded by Councilman Milliken. No discussion. Passed unanimously.

**§153.177 SPECIALIZED MANUFACTURING**

- (A) In zoning districts subject to condition (C), a structure or structures used for specialized manufacturing shall have a maximum floor area of 2,000 square feet and shall have no more than five non-resident employees.
- (B) All activities related to the specialized manufacturing use shall be confined to a structure that is entirely enclosed.
- (C) All specialized manufacturing uses shall comply with the site plan review requirements of this chapter

Mayor Woolsey asked for a motion in favor. Councilman Stokes moved, seconded by Councilman Mullinax. No discussion. Passed unanimously

**Table 153.110: MANUFACTURING AND PRODUCTION**

Beverage or related products manufacturing, including alcoholic beverages. (*Add an "S" in "CC" box*)

Mayor Woolsey asked for a motion in favor. Councilman Stokes moved, seconded by Councilman Blank, No discussion. Passed unanimously.

**§153.334 TREE PROTECTION AND PRESERVATION**

(E) *Tree removal*

- (1) *Generally.* Permits for tree removal may be approved where one or more of the following conditions are deemed to exist by the Zoning Administrator:
  - (a) Trees are not required to be retained by the provisions of this section.
  - (b) Trees are diseased, dead, or dying (as determined by the Zoning Administrator or a qualified arborist);
  - (c) Trees pose *a safety hazard* to nearby buildings or pedestrian or vehicular traffic (as determined by the Zoning Administrator or a qualified arborist); and/or
  - (d) Removal of required trees has been approved by the Board of Zoning Appeals.

Mayor Woolsey asked for a motion in favor. Councilman Blank moved, seconded by Councilman Stokes. No discussion. Passed unanimously.

**§153.334 TREE PROTECTION AND PRESERVATION**

(A) *General*

(4) *Measurements and definitions.*

GRAND TREE. Any species of tree measuring *24 inches or greater* diameter breast height (DBH) except Pine and Sweet Gum. All GRAND TREES are prohibited from removal unless a grand tree removal permit is issued.

Mayor Woolsey asked for a motion in favor. Councilman Stokes moved, Councilman Blank seconded. Councilman Milliken motioned to add under item (A) (4), a definition for a type of tree, called a Significant Tree. He explained a Significant Tree would be defined as any species of tree measuring 18-23.9 inches in diameter breast height (dbh) except for Pine and Sweet Gum. All Significant Trees would be prohibited from removal unless a Significant Tree Removal Permit is issued. Councilman Mullinax seconded the motion.

Mayor Woolsey said that is not an amendment, it is a proposal to add language and asked Councilman Milliken to present that to the Planning Commission. Mayor Woolsey said whether the Planning Commission approves or disapproves, it will come to Town Council for consideration. Councilman Blank said if the tree size is amended it needs to go to the Planning Commission for reconsideration. Councilman Milliken said the 24 inch tree definition should go back to the Planning Commission because they denied it.

Councilman Stokes said he see the additional language as a label change, and if this ordinance passes, a Grand Tree would be 24 inches. He said if we had grand trees that are 18-23.9 inches, we would go through the same process as a tree that is 24 inches and above and what we have done is label Grand Trees and

Significant Trees but there is no difference in how they are handled. Councilman Stokes said he did not agree with that, but he does not necessarily oppose it depending on what the circumstances would be for different treatment for trees greater than 24 inches; trees less than 24 inches; and trees less than 18 inches. He said there needs to be some difference in how they are handled, otherwise we have extra language in an ordinance which does nothing but label one tree as a Grand Tree and another as a Significant Tree. Councilman Milliken responded that by changing the definition to 24 inches, we are eliminating a lot of protection for trees that probably need to be saved. He said the 24 inch change will essentially only protect Oak Trees because we have eliminated the other trees that has the potential of getting that size, such as Pine and Sweet Gum. Councilman Milliken said he loves oak trees but they do not represent the diversity of all trees on the sea island and many other species will not get to be 24 inches which is his rationale for an 18 inch tree ordinance. He feels it is important to have that kind of diversity; and it is important to preserve younger, vibrant trees, not only the older trees. Other communities around us do not look like James Island because the predecessors that formed the Planning Commission in those communities did not pay attention to preserve trees like our predecessors did. He said when the Town was first incorporated, the tree size was a 12 inch dba limit on tree circumference and that saved a lot of trees and diversity of trees on James Island. If more trees are preserved, the island will continue to look like James Island; not like Mount Pleasant, West Ashley, or the City of Charleston. Councilman Milliken said he does not think there is confusion about where people live; and if so, that can be rectified. He thinks it would be easy to streamline the permitting process and educate residents about trees and the importance of preserving them. He does not think summarily changing the tree size to 24 inches is a good idea, rather it seems arbitrary. He noted that other municipalities around us have ordinances that are far more protective than 18 inches. He thinks 18 inches is a good diameter to keep and he see no reason to raise it to 24. We will be doing a tremendous service to future generations on the island by protecting our trees at 18 inches.

Councilman Blank said the tree size in the first incorporation in 1992 was 24 inches. He said the Town used Charleston County’s Land Use Ordinance and did not develop a Land Use Ordinance until 2003. At that time the trees went to 16 inches which lasted for a year-and-a half. It went back to 24 inches and stayed that size until a few years ago when it changed to 18 inches. He said the majority of the time, grand trees were protected at 24 inches. Councilman Stokes said if language is added, it is essentially a ‘no’ vote to the 24 inch tree. He addressed Councilman Milliken stating that is fine if he wants to vote ‘no’ but he does not see the point of adding language to a statute that functions as a ‘no’ vote. He did not think the language is a bad idea if it is flushed out; but it is not there at this point and time. Councilman Milliken said he would rather have the ‘no’ vote, but he is proposing what might be considered a way of working through it with other types of mitigation. Mayor Woolsey said for almost 10 years the definition of a grand tree in the Town was 24 inches and in 2013 it was changed to 18 inches on a close 3-2 vote. In his view this was a mistake because it places a great burden on homeowners in the Town. He said the benefit is insignificant and we hear talk that it will influence developers and they need to work around what we have. He said our Town is built out with very little undeveloped land and we have a definition of protected trees of 8 inches that applies to most types of new development. He believes that should be applied to residential development; but it does not at this time; and we will look into it. Mayor Woolsey said he does not think defining down grand trees from 24 inches to 18 inches is wise; nor does he think creating significant trees and treating them the same as grand trees is the right move and he will vote against the amendment. No further discussion. Mayor Woolsey called for the vote on the amendment to create a definition for a Significant Tree.

Roll call:

Councilman Blank	No
Councilman Milliken	Yes
Councilman Mullinax	Yes
Councilman Stokes	No
Mayor Woolsey	No

Amendment failed 3-2.

Councilman Mullinax moved for an amendment that “All trees, exempting those from the invasive species list, remain at 18 inches dba on the lot of an existing single-family detached residence or individually sited manufactured home within twenty-five (25) feet from any public right-of-way”. He has researched tree sizes in other municipalities and his amendment is patterned after the City of Hanahan Ordinance. Councilman Milliken seconded. Mayor Woolsey said the best way to pursue this is to present it to the Planning Commission - whether they approve or disapprove, a recommendation will come to Town Council. After discussion, Councilman Mullinax motioned to table his amendment and he will bring it forward to the Planning Commission. Councilman Stokes seconded. Motion to table passed.

Main Motion: GRAND TREE. Any species of tree measuring **24 inches** or greater diameter breast height (DBH) except Pine and Sweet Gum. All GRAND TREES are prohibited from removal unless a Grand Tree removal permit is issued.

Roll call:

Councilman Blank	Yes
Councilman Milliken	No
Councilman Mullinax	No
Councilman Stokes	Yes
Mayor Woolsey	Yes

Motion passed 3-2.

#### **Appendix A (Ordinance 2012-06, Attachment C) PRIVATE ROAD STANDARDS**

##### §A.2.2 Ingress/Egress Easement (**Maximum of 4 Lots**)

ADDITIONAL LANDOWNER/DEVELOPER RESPONSIBILITIES: The landowner/developer shall determine the location of easement(s) and the type of access to be provided. The location of the easement(s) shall be clearly depicted and labeled on submitted plats or plans.

Mayor Woolsey asked for a motion in favor. Councilman Stokes moved, seconded by Mayor Woolsey. No discussion. Passed unanimously.

Adjournment: There being no further business to come before the body, the meeting adjourned at 7:46 p.m.

Respectfully submitted:  
Frances Simmons  
Town Clerk