

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, May 21, 2015. 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, Attorney Bo Wilson, James Hackett, Code Enforcement Officer, 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 7:03 p.m. to receive comments on the Town of James Island’s proposed Fiscal Year 2015-2016 Annual Budget. Some comments expressed here did not pertain to the budget. The following persons spoke:

Kent Bosworth said he hoped Council has received the proposal to create a passive park for James Island which would be an entrance that forms a natural barrier to the site and sound of the expressway. Since the proposal was brought forth, a fair amount of momentum has been gathered and they hope to create a park with contributions from municipalities, grants, and other conservation organizations to help prevent traffic accumulation beyond which can be managed and to have a natural gateway to James Island. The park will not require maintenance and it will be an incentive to the people living on Harbor View Road, the Homeowners Association of Harbor Creek (HOA), and North Shore residents, to mitigate the incredible growth that has been seen almost overnight. Mr. Bosworth said he hopes Council will give this consideration.

Anne Possenti, President of Harbor Creek HOA, residing at 604 Harbor Creek Boulevard: Mrs. Possenti commented that she has lived over half of her life on James Island; first on Rivers Row; and later with her late husband in Harbor Creek. Having lived here for over 30 years, she has seen growth, both good and bad, that has gone from terrible in getting out of her driveway to horrible by taking your life into your hands each morning. She reiterated that the proposal is a once in a lifetime opportunity to make a change and have a beautiful piece of heaven on Harbor View. She asked Council to work with them to make this happen.

Donald Hollingsworth, James Island PSD Chairman, residing at 1853 Saxony Drive: Chairman Hollingsworth said he was speaking in opposition to some things in the Town’s proposed budget because of a proposed millage increase or an ad valorem tax to be levied against the people in the Town; and about the Town taking over Solid Waste services. He said he did not understand why the Mayor would want to do that because under each of the Town’s incorporation the PSD had to sign a letter saying they would continue to provide services. If they did not agree, there would never have been any incorporations of the Town. He said the PSD continues to operate and provide services to the Town and the unincorporated areas, and it would be unfair to the residents in of the Town that already pay taxes. In his opinion, this borders on double taxation because the PSD’s Enabling Act requires them to provide Fire protection, Solid Waste removal, Sewer transportation, and Street Signs – he does not understand the Mayor’s reasoning for this. Chairman Hollingsworth said he and the Mayor have discussed this several times, when the Mayor asked the PSD to add

the Town's tax credit to their tax bill and was told that the PSD could not do it. He has also had discussions with Peter Tecklenburg (Charleston County), who said the County was not going to do it and if the County had a problem doing it, why would the PSD consider doing anything of that nature? He questioned why the Town wanted to take over services; that the Town would have to do their own start-up because the PSD was not going let any of their equipment go or lower its millage rate. Chairman Hollingsworth said this concerns him as something that does not need to be done. He want the Town and the PSD to work together, but this makes it hard because they don't understand what is coming from the Town. He said the best thing Town Council can do is to table the Resolution for the ad valorem tax and both entities meet and see if they can come to an amicable agreement.

Trent Kernodle, residing at 753 Swanson Avenue: Mr. Kernodle spoke as a private citizen. He commented that the Town's proposal was forwarded to him and several things in it caught his interest. He echoed Mr. Hollingsworth's comments, the Mayor as a founding father, and himself having had some involvement in the creation of the Town. He said one of the requirements for the Town's formation was to have the PSD agree to provide services (i.e. fire protection). He said a letter had to be signed that the PSD would agree to provide the services it provides and continue to operate autonomously as a self-taxing organization with elected officials. He said ever since the Town was formed the Mayor has tried to change that and it's not a good thing and wonders what affect that would have on the Town's charter. He also noticed reference to changing the PSD's Garbage and Fire Service to a contract, which he believes is something that is common under SC law: a transfer of service, under SC Code Section 5-3-300 and 310 (annexations). He said the Supreme Court ruled in Town #3, that an incorporation is not the same as an annexation, so he doesn't think this applies. Since 2000 with annexations the PSD has had contracts with the cities of Charleston and Folly Beach and those contacts specify that if you take over services you take them over but you continue to pay the PSD and they don't provide services. He said if this is the route the Town wants to go, he doesn't see how the City and Folly Beach would understand a different arrangement with the Town where they have to provide services and still pay the PSD. The day that the Town decides to do that, the PSD could simply say "ok", it's yours, take it. The Town would have to purchase its own Garbage Trucks because under the statute the Town would not acquire the equipment; and they would have to pay the PSD for a certain number of years to take care of the citizens and property owners. He doesn't know if this is something the Town contemplates doing. He is uncertain if everyone is familiar with that area of the law; but he suggests the Town consider a different way to do this.

June Waring, James Island PSD Commissioner, residing at 2050 Parkway, expressed concern about what she read in an email about the economic stability of the PSD. She said it sounded as if the PSD is almost destitute; which is far from it -- they are not going under. She said taxes were raised by 2%, and Sanitation Service was changed to once a week which will make money; taxes will not be increased for another 4-5 years. She said there was not a 4% raise; it was 2% to pay employees better. The Commission thought it was necessary to do this to provide higher, quality service to the citizens. She does not know how this was misconstrued, but the PSD is not destitute; it is financially solid. She also commented that the PSD cannot treat the Town any different from any other town that they have contracts with otherwise a citizen could sue them. She said if there is another way to help the Town to get its Local Option Sales Tax done within the parameters of the law, they would be happy to do that but they cannot violate any provisions in doing so.

Commissioner Waring said there is no vendetta against the Town and she hopes the Town and PSD can meet to see what can be done.

Susan Milliken, residing at 762 Fort Sumter Drive: asked Council to turn to the Budget Ordinance that shows that a public hearing was held on April 16, 2015, and she did not recall a public hearing being held before this evening. Mrs. Milliken said she is really concerned about this Budget; having watched the process over the last few months, it has become so confusing that she doesn't know which end is up. She received an email at 10:15 p.m. last night with yet a new amendment to what she had previously seen, which is not in the Draft Budget online in the packet this evening. She believes that the people here this evening, many of whom are here on PARD, and on license video cameras are unaware of what is before Council this evening. She said it is reminiscent of what is going on in Columbia where the Governor would like to issue a gas tax, and saying later that she will reduce income taxes. It looks like the issuance of an Ad Valorem Tax to pay for Solid Waste now and then get a tax credit later. What she sees is this Budget is predicated on what is happening at another governmental entity that had 4-5 workshops on their budget. These are elected commissioners who came to an agreement to pass a budget which is their right; they represent us. It looks like the Town's Budget is being predicated on what they are doing over there and what the millage is over there; and, with a lawsuit that has been filed. Mrs. Milliken said as a constituent and a taxpayer she has a real issue with her Town Budget being predicated on what is happening at the Public Service District, and what is happening with litigation that has been filed. She urged Council to vote against a tax to pay for Solid Waste to get a tax credit; she is opposed to that.

Public Hearing closed at 7:18 p.m.

Public Comments: No one signed in to speak. Citizen Ronald Scott asked to address Council and was granted permission. Mr. Scott shared a problem he is having with theft on his property where his tools are being taken. He said of 100 recorded thefts, he has been hit 4 times. He has installed a video camera which has identified the individual who took his tools. Mr. Scott asked Council for its help to establish a neighborhood watch in his community.

Mayor Woolsey explained the procedure that public hearings and public comments are conducted.

Special Order of Business:

Commission of Code Enforcement Officer: Mayor Woolsey read the Oath of Office and swore in James Hackett as the Code Enforcement Officer for the Town of James Island.

Consent Agenda:

- a. Minutes of April 16, 2015 Regular Town Council Meeting
- b. National Beach Safety Week Proclamation (June 7-13)

A motion to approve the Consent Agenda was made by Councilman Milliken, seconded by Councilman Stokes and passed unanimously.

Information Reports:

- a. Finance Report: Senior Finance Clerk, Merrell Roe reported that the Town is in good financial standing. For the month ending April, 2015, 83% of the FY budget has been completed; revenues were 54%; and expenditures year-to-date for all department at 35% of the budget.
- b. Town Administrator's Report: Town Administrator, Ashley Kellahan welcomed James Hackett, Code Enforcement Officer, and Merrell Roe, Senior Finance Clerk to the Town staff. Charleston RiverDogs: The Charleston RiverDogs will host the James Island Night on Saturday, June 6 at the RiverDogs Stadium. The annual employee appreciation will be held in conjunction with this event. Request for Qualifications will be advertised soon for architectural services for a Town Hall. Mrs. Kellahan and Mayor Woolsey has met with Keith Bustraan, Interim County Administrator to discuss taking over brick and mortar business license processing at the Town Hall. Charleston County will continue to process licenses for contractors. Mr. Bustraan was agreeable and we are working with the County on that transition. Staff has met with John Rhoden, Executive Director for Sea Island Habitat for Humanity on the Repair Care Program. Advertising for minor home repairs will begin next week and applications will be available at the Town Hall. Work is underway with Stubbs Muldrow and Herrin on a bus shelter design for the Town. Mrs. Kellahan has met with the Building and Grounds Committee at James Island Presbyterian Church as a possible site for a Town Farmers' Market. Building Services: 55 new building permits have been issued. Planning and Zoning: Kristen Crane has been promoted to Planning Director and will assume all residential planning and zoning duties. Ben Road: paving has begun with the completion expected in June. The HAM Radio training will be held at the Town Hall on May 29-30 from 8-5 p.m. Emergency Management Plan is expected to come before Council in June for adoption. Ms. Kellahan responded to Mrs. Milliken's question regarding the Town Budget Hearing scheduled for April 16th. She said due to the JIM transition the notice was not published in time for the April meeting and was published to be held tonight.
- c. Update on Greenbelt Fund Projects:
Gullah Cultural Center: Mrs. Kellahan reminded Council that last year they authorized \$200,000 of its Greenbelt funds to the Gullah Cultural Center. Mrs. Kellahan said that money has been spent and property has been purchased according to Cathy Ruff, with the Charleston County Greenbelt Program. Mrs. Kellahan has been in contact with Rev. Heyward about building the Center and they are searching for an Executive Director. Plans are moving forward with the interpretive trail and they are also looking at contractors for the design. This process will be open to the public.

Pinckney Park: Mrs. Kellahan announced that Attorney Bruce Berlinsky has informed the Town that the property owner, Mr. Harris, has filed a motion to dismiss the appeal. The motion should be heard within the next 30-60 days. Town Council will be updated as information becomes available. Councilman Milliken asked about the timeframe. His reason for asking is there may be other property that could potentially be available. He asked if the motion is dismissed if the Town could move forward with the sale. Mrs. Kellahan said if the appeal is dismissed, she see no reason why we couldn't close on the property.

- d. Island Sheriffs' Patrol: Detective M.L. Wilson gave an update on the crime statistics. He showed a map as of May 19th depicting home and automobile break ins. Detective Wilson availed himself to answer questions after the meeting.

Requests for Approval:

Purchase of two (2) Static Automobile License Plate Recognition (ALPR) Cameras: Mrs. Kellahan presented a request for the purchase of two (2) static automobile license plate recognition cameras. A presentation was given to Town Council at its April meeting by Sergeant James. The cost is \$22,000 which will be absorbed by the Island Sheriffs' Patrol's budget this year. Sergeant James believes a camera will do well on Folly Road and perhaps next year the Town can look at installing some on Harbor View Road. A motion to approve the purchase was made by Councilman Blank, seconded by Councilman Stokes. Councilman Blank asked and it was confirmed that \$22,000 is the cost for the two cameras. Councilman Stokes asked if the cameras will be owned by the Town or the Sheriffs' Office; Mrs. Kellahan responded that they will be owned by the Town. Councilman Stokes asked about the annual contract for ongoing maintenance costs and if it included service if the cameras become inoperable or stolen. Mrs. Kellahan answered that the maintenance will cover these services. The annual contract for maintenance is \$2,700. The motion passed unanimously.

Committee Reports:

Land Use Committee: Update on the trees at the Preserve at Dills Bluff: Councilman Blank gave an update on the Preserve at Dills Bluff and the flags on the trees there. He said the developer does not want to clear cut the property but want to save as many trees as possible. He said the fences are to protect the tree roots from the use of heavy equipment. Councilman Milliken complimented the applicant for doing a good job in saving many trees; many of which are small ones that are not protected by Town Ordinance. Councilman Milliken asked about a BZA contingency that the grand trees be pruned and fertilized and if this will be done after construction. Councilman Blank said the trees are supposed to be pruned and fertilized; and the Planning Director will check into that.

Environment and Beautification Committee: Councilman Milliken reported on the Art Auction held in February. He said extra money was made because there were a few extra artists this year. This year the artists were offered a return on the donation of their artwork and because of this, twice the amount of artwork were available for bids. Of the 57 pieces of artwork, 42 were sold, \$2,177 was grossed from bids, and \$545 were raised from the raffle. This allowed \$448 to be returned to artists and \$244 was given to each of the seven Art Teachers. Councilman Milliken recognized the following persons for conducting a successful event: Katherine Williams, Chair of the Arts Committee; Mary Beth Berry, Susannah Sheldon, Pat Hiott-Mason, Inez Brown-Crouch, Delia Washington, and Anna Fludd. James Island Pride had a successful Adopt-a-Highway trash pickup on May 2nd 21; volunteers collected 34 bags of trash from our roadways. Mary Beth Berry was successful in coordinating a Hazardous Waste Collection pick-up with Charleston County Recycling, on May 2nd filling nearly two containers with hazardous waste materials. Thanks to Smokey Oak for providing a free lunch to all who participated. Next trash pick-up is

September 12. Green Fair will be held on Sunday, September 20. There will be no meeting of James Island Pride in June.

Children's Commission: Councilman Stokes announced that the next meeting of the Children's Commission will be held on June 9th at 5:30 p.m.

Public Safety Committee: Councilman Mullinax announced that the next meeting of the Neighborhood Council will be Thursday, May 28 at 7:00 p.m.; representatives from the 9-1-1 Call Center will be present and give a presentation. Councilman Mullinax invited Ronald Scott to the Neighborhood Council meetings.

Councilman Mullinax presented two appointments to the Neighborhood Council: He moved to appoint Barbara Evans, representing Clark's Point; Councilman Blank seconded and the motion passed unanimously.

Councilman Mullinax moved to appoint June Murray, representing Harbor Bluff; Councilman Milliken seconded and the motion passed unanimously.

History Commission: Mayor Woolsey announced that the History Commission meeting scheduled for May 26th has been rescheduled for Tuesday, June 2nd at 6:00 p.m. at the Town Hall.

Resolutions:

- a. Resolution #2015-11: A Resolution in Support of CTC Funds for Camp Road Sidewalk Project: Mrs. Kellahan reported that the Town applied for TST funding for Phase II of the Camp Road sidewalk. She said the Town scored well but there were not enough funds available. Mrs. Kellahan requested that the Town request funding through the CTC funds. The Town's match is \$82,500. Councilman Milliken moved to approve, seconded by Councilman Stokes. There was no discussion. The motion passed unanimously.
- b. Resolution #2015-12: Municipal County Agreement for Lemon Tree Lane and Jeffrey Drive Project: Mrs. Kellahan reported that this is a Municipal Agreement with Charleston County for pervious pavement for Lemon Tree Lane and Jeffrey Drive. She announced that Molli LeMin, the Project Manager with Charleston County is present to answer questions of Council. Councilman Blank moved to approve, seconded by Councilman Stokes. Councilman Milliken expressed his appreciation that the pavement will be pervious. Motion passed unanimously.

Ordinances up for Second Reading: None

Ordinances up for First Reading:

- a. Ordinance #2015-05: An Ordinance to Adopt the Fiscal Year 2015-2016 Annual Budget for the Town of James Island: Mayor Woolsey asked for a motion for the First Reading for the Adoption of the FY 2015-2016 Annual Budget. Councilman Stokes moved, seconded by Councilman Blank.

Mayor Woolsey moved to make amendments to the 2016-2016 Budget along with all other editorial changes to adjust totals: The amendments are:

1. Changes to Budget Summary Page
From: Property Tax Credit, \$2,000,000 to Nonrefundable Property Tax Credit \$2,948,058
2. Changes to Revenue Page
From: Property Tax Revenue, \$2,000,000 to Property tax Revenue (17.7 mills) \$1,000,000
3. Changes to Public Works
Add: Solid Waste Collection \$1,000,000
4. Changes to Code and Safety
Delete: Fire Protection \$2,000,000

There was no discussion and Mayor Woolsey called for the vote on the amendment: The amendment passed upon a vote of 4-1; Councilman Milliken voted in opposition. Mayor Woolsey called for the vote on the main motion: There was no discussion and the main motion passed upon a vote of 4-1; Councilman Milliken voted in opposition.

- b. Ordinance #2015-06: An Ordinance to Introduce an Ad Valorem Property Tax in the Town of James Island: Mayor Woolsey moved to postpone consideration to the June meeting, Councilman Blank seconded. There was no discussion. Motion passed unanimously.

New Business: None

Executive Session: Not needed

Adjournment: There being no further business to come before the body, the meeting adjourned at 7:55 p.m.

Respectfully submitted:

Frances Simmons
Town Clerk