

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, September 15, 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, Merrell Roe, Senior Finance Clerk, Kristen Crane, Planning Director, John Porcelli, Jr., Building Inspector, Sergeant Shawn James, Island Sheriff’s Patrol, 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 #2016-08: An Ordinance to Amend the Town of James Island Zoning and Land Development Regulations (ZLDR), Section 153.334 Tree Protection and Preservation, (A) General, (4) Measurements and Definitions, adding a provision to protect 18” DBH trees within 25’ from the edge of the road in residential zones: Mayor Woolsey opened the Public Hearing. No one spoke.

Public Comment:

Tom Sheridan, 1038/1046 Folly Road: Mr. Sheridan addressed Town Council last month about the chicken ordinance. He submitted 100 signatures in support of chickens/roosters. He feels roosters need to be included in the ordinance for humanitarian and animal welfare reasons. Last month he distributed scientific data about roosters. He told his girls about tonight’s meeting and they were upset thinking their roosters would be taken away. He said roosters are more elegant than hens and people collect them for visual impact. People generally take care of their animals; they either get enjoyment or sustenance from them.

Julie McElroy, 1142 Skiff Street, a CCSD Nurse, has kept backyard chickens for five years. She previously asked the Planning Commission and Town Council to reconsider the limit on the number of chickens someone may have. She used numbers to illustrate what was a reasonable request and is grateful Council listened. She feels property owners should have the right to do what they want on their property as long as it does not infringe upon the rights of others. Items B-F in the ordinance addresses those rights without limiting a property owner’s rights. 13 people were present at the last Council meeting and spoke in favor of chickens; no one spoke against. She asked Council to consider striking “A” from the ordinance; if “B-F” is maintained, “A” is unnecessary.

Fred Jainchill, 1152 Bradford: commented the Town is not 30 years ago; and it is not rural anymore. People are only allowed to have a certain number of cats and dogs. Regarding roosters in residential neighborhoods, he asked if we are a farming neighborhood? These things should be taken into consideration with the neighborhood and surroundings.

Consent Agenda:

- a. Minutes of August 18, 2016 Regular Town Council Meeting
- b. Constitution Week Proclamation, September 17-23, 2016

Motion to approve was made by Councilman Stokes, seconded by Councilman Milliken and passed unanimously.

Information Reports:

- a. Finance Report: Presented by Senior Finance Clerk, Merrell Roe. Councilman Milliken asked about the \$541 expenditure under the Elected Officials category. Ms. Roe explained a billing problem with Verizon that has been resolved.
- b. Administrator’s Report: Presented by Town Administrator, Ashley Kellahan. Mrs. Kellahan introduced Building Inspector, John Porcelli. The Town will soon conduct Plan Reviews in-house.

- c. Public Works: Provided. Mrs. Kellahan announced Alexander White, engineering intern in Public Works with Mark Johnson.
- d. Annual Report: Provided. Mrs. Kellahan presented an overview of goals and objectives for 2015-2016 by department. The report contains information on two large capital projects: Pinckney Park and Town Hall.
- e. Island Sheriffs' Patrol Report: Sergeant James updated Council on a recent checkpoint on Camp Road, monthly crime statistics, and Island Sheriffs' Patrol reports.

Requests for Approval

- a. Town Hall Site Clean-up Proposal: Target Contractors: Mrs. Kellahan reported that Target Contractors has been retained to remove a large amount of debris, an old house, and a concrete pad on the property. Cost is \$19,500. Motion made by Councilman Stokes, seconded by Councilman Mullinax. Councilman Milliken asked if an inspection for hazardous materials had been done. Mrs. Kellahan said it is being done. We do not expect the house to have asbestos because of its age. Terracon, (Environmental Engineers) will begin that process and if asbestos is found, there will be a slight change in the cost; between \$500 - \$1,000 to remove it. Motion passed unanimously.
- b. Fort Johnson Vegetation Control Proposal: Natural Directions: Mrs. Kellahan gave an overview of a proposal from Natural Directions. The request is for vegetation control on Fort Johnson Road; (Bayview Soccer Complex to Bayview Farms subdivision). Cost is \$11,500. Natural Directions recommends that the Town develop a maintenance plan for future vegetation control. Motion made by Councilman Milliken, seconded by Councilman Stokes. Councilman Milliken said a maintenance plan is a good idea and perhaps it could be done in spring before new growth begins. He asked if the City could help with the maintenance costs because Bayview Farms is City and it seems reasonable to ask for help along that stretch. Mayor Woolsey suggested this could be an item of discussion at the Intergovernmental Council meeting. Councilman Stokes noted that the proposal did not include cleaning debris from the previous tree operation. Mrs. Kellahan said the dump truck the company uses to haul debris is being repaired; however, the cleanup will occur. Motion passed unanimously.
- c. Pinckney Park Signage Design and Quote: Signature Signs: Mrs. Kellahan presented a proposal from Signature Signs for Pinckney Park for \$3,800. She noted that the base of the sign will be done in "old Charleston" brick; two-sided; and the design will tie in with the surrounding neighborhoods. Mrs. Kellahan said she would like to have the sign installed prior to bidding Phase I. Motion made by Councilman Stokes, seconded by Councilman Mullinax. Councilman Milliken said it is good to have signage at a park but he is concerned about consistency. He compared this sign to that at Dock Street Park and would like the Town to have a branding process as we develop designs for signs. He is also concerned about the cost of \$3,800. Mrs. Kellahan explained that the sign will be a concrete wall with the bricks. She said most of the cost will go towards building the foundation. Motion passed; Councilman Milliken voted no.

Committee Report:

Land Use Committee: Councilman Blank gave an update on Planning and Zoning: subdivision approval of four (4) homes on Highland Avenue; Hen & the Goat Restaurant opens this fall; Sermets and the Blues Burger Joint are now open; Planning Director, Kristen Crane will attend the American Planning Association (APA) conference next week and present the Complete Streets Folly Road project; Bootlegger subdivision is undergoing extensive storm water review.

Environment and Beautification: Councilman Milliken announced a successful James Island Pride Adopt-a-Highway litter pickup on Saturday, September 10th. Over 60 individuals volunteered along with 3 Boy Scout Troops, James Island Charter HS Student Council, the National Honor Society,

and the Exchange Club. Over 100 bags of litter were collected estimating 1,785 pounds. Next pickup is Saturday, November 5th.

Children's Commission: Councilman Stokes announced the Children's Commission is working with the Kaleidoscope Program on the Second Annual Lights Out event. The event will be held Saturday, October 22nd, 10-12 N. in the parking lot of Town Hall. Next Children's Commission meeting is Thursday, October 13th at 5:00 p.m.

Public Safety Committee: Councilman Mullinax announced the Neighborhood Council meeting on Thursday, September 22nd at 7:00 p.m.

History Commission: Mayor Woolsey announced the SC Department of Archives and History approved the historical marker for the Battle of Dills Bluff. The marker has been ordered and a dedication ceremony will be scheduled. The marker will be erected on Dills Bluff Road near the court.

Resolutions:

- a. Resolution #2016-14: Provide Local Match for MASC Hometown Economic Development Grant: Mrs. Kellahan reported this is the first Economic Development Grant by the Municipal Association. The Grant promotes small businesses in the community. This grant will be used for the Folly Road Streetscape/Parking Improvements Project to help minimize curb cuts, parking, and sidewalk. The Town is required to pass a Resolution and commit to a match of \$3,750 (15%) to receive a \$25,000 Grant. Motion made by Councilman Stokes, seconded by Councilman Blank. No discussion. Motion passed unanimously.

Ordinances up for Second 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: Mayor Woolsey reported this Ordinance addresses accessory structures in setbacks. Motion made by Councilman Blank, and seconded by Councilman Stokes. No discussion. Motion passed unanimously.

Ordinances up for First Reading:

- a. Ordinance #2016-08: An Ordinance to Amend the Town of James Island Zoning and Land Development Regulations (ZLDR); Section 153.334 Tree Protection and Preservation, (A) General, (4) Measurements and Definitions, adding a provision to protect 18" DBH trees within 25' from the edge of the road in residential zones: Motion made by Councilman Mullinax and seconded by Councilman Milliken.

Councilman Mullinax said he wants to offer a balance and preserve some 18" trees, while allowing people the flexibility to do what they desire on their property. He said the amendment is 25' from the edge of the road; and has nothing to do with public right of way. Trees within 25' from the edge of the road will be 18"; and those beyond that will be at 24". He said this will give homeowners the ability to access trees that may be damaging a home's foundation; and they can build a porch, garage, or a room. This is a balance that would stand the test of time and not change with every new Council; it will be consistent, simple, and precise.

Councilman Blank said there should be one definition for a grand tree; not two. He believes this will confuse residents and they will have to figure out whether they are 25' from the edge of a road. If someone lives on a dirt road, they would not be able to determine where the edge of the road is.

He does not understand why there should be a difference in a tree 25' from the edge of a road than a tree anywhere. There should be one size for grand trees.

Councilman Milliken said he would like to offer an amendment that may satisfy Councilman Blank's concern about the present definition of a grand tree. What he proposes is already in Councilman Mullinax's amendment but separates clearly what a grand tree is and what a tree that is 25' from the edge of the road is. Councilman Milliken moved that under Section 153.334 Tree Protection and Preservation, (A) General, (4) Measurements and Definitions: Trees located 25' or less from the edge of a road in residential zones; that trees located in such a zone would be protected if measured 18" or greater DBH. Grand Trees and trees located within 25' of roads in residential zones measuring 18" DBH or greater are prohibited from removal unless a tree removal permit is issued. He said this adds criteria for trees that are 25' from the edge of a road. Councilman Mullinax seconded. No further discussion. Motion failed 3-2; Councilmembers Blank, Stokes, and Mayor Woolsey voted no. Main Motion: Failed 3-2; Councilmembers Blank, Stokes, and Mayor Woolsey voted no.

- b. Ordinance #2016-10: An Ordinance Amending the Town of James Island Zoning and Land Development Regulations Ordinance, Number 2013-07, Section 153.211 Animals, and Corresponding Applicable Ordinances in Livability Regulations, Section 90.17: Mayor Woolsey recalled at the last Council meeting that discussions were discontinued and amendments were made and sent to the Planning Commission for advice. Council then resumed discussion on the proposed Ordinance as amended with the two amendments: 1) one chicken per 2500 square feet with a limit of 12; and, 2) if greater than 12 chickens are to be housed in a residential zoning district, an approved chicken housing permit must be issued.

Mayor Woolsey said he would like to propose some amendments. After reviewing the Ordinance over the last few weeks he said there are areas of concern in the Ordinance that refers to the Livability Ordinance. Mayor Woolsey moved to amend under Section 90.17: Raising/Keeping Chickens on Residential Property: Chickens: strike "in residential zoning districts"; Councilman Blank seconded. Mayor Woolsey said this is mostly an editorial change but it is not appropriate to refer to Zoning Districts in the Livability Ordinance. Councilman Blank asked the staff's opinion on permitting chickens. Mayor Woolsey said staff is willing to work towards what Council decides; however, they believe it would be complicated and difficult. Councilman Milliken asked to review the ZLDR because he would like to know what it says about other pets. Mayor Woolsey said that is not in the Zoning Ordinance; it is in the Livability Ordinance. Councilman Blank noted the majority of the Town is in a Residential Zoning District and it does not need to be in the Ordinance. Councilman Milliken said since we are passing this for homeowners to keep chickens, he agreed that it would be redundant. Motion passed unanimously.

Next, Mayor Woolsey moved to strike the second sentence of Section (A): If greater than 12 chickens are to be housed in a residential zoning district, an approved chicken housing permit must be issued; Councilman Blank seconded. Mayor Woolsey said he is personally supportive of a chicken permit, however, the language has several problems. He is troubled by the last three words that says "must be issued". He thinks the intention is that the homeowner must have a permit; but the homeowner will not issue it, the Town will - - we do not want to say that the Town must issue, it should read "may" issue. The second concern is the sentence includes in a "residential zoning district", which is not appropriate in the Livability Ordinance. The third concern is it seems the Town would only be authorized to issue chicken permits for 13 and more chickens. If a homeowner has a half-acre parcel, under the regular rules they would be allowed to have 9 chickens but a permit could only be issued for 13. There would be no legal permit for 10, 11, or 12 chickens. He thinks the wording is inappropriate and it should be changed. Mayor Woolsey asked to strike "If greater

than 12 chickens are to be housed in a Residential Zoning District, an approved chicken housing permit must be issued”.

Councilman Blank stated his concerns about criteria for a permit and said until that is determined, the language should be stricken. Councilman Stokes expressed similar concerns about issuing a permit for greater than 12 chickens and gave examples of the number someone could have under the current language. Councilman Milliken said it would be easy to modify the language to address these concerns; however, he detects a lack of desire to permit any chicken use on the island for numbers that people presently have. He explained why he suggested a permit because he thought it was unfair to people who had a greater number of chickens presently. Further, he said his amendment was written in haste in a meeting but he was glad that it passed. Council expressed they were not being critical of the amendment but the language needs to be changed for the betterment of all. There was some discussion about the legality of chickens in the Town. Mayor Woolsey said chickens are illegal. Councilman Blank asked Attorney Wilson if chickens are legal while there is a pending ordinance and he answered ‘no’, they are illegal. After discussion, Councilman Milliken moved to strike under Section A: one chicken is allowed per 2500 square feet per parcel, and require a permit for all chickens. No second was offered and the motion failed. Mayor Woolsey called for the vote to strike: Section (A): If greater than 12 chickens are to be housed in a residential zoning district, an approved chicken housing permit must be issue. The motion passed. Councilmembers Milliken and Mullinax voted no.

Mayor Woolsey motioned to add the following amendment: (B) In exceptional circumstances, the Town may issue a special chicken housing permit to allow for chickens otherwise prohibited by this section. Criteria including the size of the parcel, the character of the neighborhood, current development of neighboring parcels, distance to neighboring residences and agreement by nearby residents may be considered. The Town may revoke a special chicken housing permit at its sole discretion. Councilman Stokes seconded.

Councilman Milliken offered an amendment to strike “character of the neighborhood”, Councilman Mullinax seconded. Councilman Stokes asked the reason for wanting to strike this and Councilman Milliken said character of the neighborhood is not well defined; and a problem having something that is not well defined in an ordinance. No vote was taken.

Councilman Blank moved to table (B), Councilman Milliken seconded. Councilman Blank asked Council to put their thoughts together and forward them to the Planning Director. He also thought it would be a good idea to have a one-day ad hoc meeting to discuss and review this matter. Motion to table Amendment (B) passed unanimously.

Mayor Woolsey asked for further discussion on the main motion. No discussion. Mayor Woolsey announced Ordinance #2016-10 and Amendment (A) passed First Reading. Mayor Woolsey said the permitting process under (B) can be brought off the table at the next meeting for Second Reading or a future date.

Adjournment: There being no further business to come before the body, the meeting adjourned at 8:00 p.m.

Respectfully submitted:
Frances Simmons
Town Clerk