

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 17, 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, Bo Wilson, Town Attorney, Merrell Roe, Senior Finance Clerk, 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.

Presentation: Town Council heard a presentation from Bret Gillis with Stantec on Phase III of the Camp Road Sidewalk Improvements Plan. Phase III will be the completion of a sidewalk along Camp Road from Folly Road to Riverland Drive. The Town and the City of Charleston have received CTC funding in the amount of \$300,000, which will go towards this project. The Town will be responsible for the section from Folly Road to Bishop Gadsden; the City will be responsible from Bishop Gadsden towards Riverland Drive; SCDOT will be installing sidewalks as a part of the round-about project at Riverland and Camp; and Charleston County PRC will be continuing the project as a 10’ multi-use path from the round-about to the James Island County Park. After the presentation, Council’s questions about the project were answered. Estimated cost sheets were provided to Council.

Public Comments: The following persons addressed Town Council:

Alan Laughlin, 847 Darwin: reminded everyone that his mother, Eda Laughlin is making cast off quilts for those in need this winter. The quilts are made from scrap material. Anyone interested in helping to make quilts should contact Eda Laughlin. Materials of all type can be dropped off at the Town Hall. Eight quilts have been made so far.

Sim Parrish, 1203 Oakcrest Drive: made a request to Town Council to clear the overgrowth on either side of Secessionville Road, from Fort Johnson to Camp Road. Mr. Parrish shared an experience he had on the way to the Council meeting with a female jogger that he nearly hit because the overgrowth causes a blind spot in that area.

The August 20, 2015 Town Council meeting minutes was pulled from the Consent Agenda.

Consent Agenda:

Constitution Week Proclamation: Motion to approve the Consent Agenda was made by Councilman Stokes; seconded by Councilman Milliken; and the motion passed unanimously.

Minutes of August 20, 2015 Regular Town Council Meeting: The following corrections were made: Mayor Woolsey said under Resolution #2015-18, to add a Citizens Committee for Trees, the vote on the amendment reflects a tie vote; he voted against the amendment.

Councilman Milliken made a correction under the Environment and Beautification Committee Report that it should be raffle for a tree giveaway; not a lottery. Under Resolution #2015-18, it should be Mayor’s wife, instead of Mary White. Mayor Woolsey asked for a motion to approve the minutes with the corrections. Councilman Blank moved, seconded by Councilman Stokes. Motion passed unanimously.

Information Reports:

- a. Finance Report: Ms. Roe, Senior Finance Clerk presented the Finance Report to Council. There were no questions.

- b. Administrator's Report: Mrs. Kellahan reviewed highlights from the Administrator's Report: Pre-proposal Conference for Pinckney Park, held on Wednesday. 13 companies expressed interest in submitting a Request for Qualifications (RFQ); afterward they visited Pinckney Park. Last day for questions is Friday. Proposals are due on September 25, with the hope of coming to Council for recommendation at the October meeting. Staff Needs Assessment: The staff met with Liollo Architecture to offer feedback on the Town Hall project. Council will meet with Liollo on the 23<sup>rd</sup> with a Public Workshop on September 24, 6-8 p.m. Councilman Milliken asked if there is a contract with Liollo. Mrs. Kellahan said we have not formally signed a contract; there has been some discussion on cost. Councilman Milliken asked if the contract will come to Council; Mayor Woolsey said as Mayor, he would negotiate for the best price. Mrs. Kellahan commented that Liollo uses the standard AIA forms for contracts and everything will go through Mr. Wilson, the Town Attorney for review. Repair Care Program: Mrs. Kellahan said the Town has identified three homes with critical needs for repair and Habitat will begin working on these homes next month. Yard signs displaying the cooperative efforts of Habitat and the Town with each logo will be posted in the owners' yards. Councilman Blank said only a certain amount of work will be done on the homes. He said it would be good if Churches would like to get involved and the help is appreciated. Volunteers as well as funds are needed to do some of the work. Councilman Stokes asked what type of work is needed; Councilman Blank said windows, heating units, siding, and wheel chair ramps; repairs to make the home livable.
- c. Island Sheriffs' Patrol (ISP): Sergeant James gave the Crime Statics Report. He mentioned that a number of areas were affected by sporadic hits and Island Sheriffs' Patrol is working to resolve them. Stats from the August report: 517 stops; 488 hours worked, 60 tickets written; 95 warnings; and 14 persons were arrested.

#### Requests for Approval:

Purchase of three (3) Burgundy Redbud Trees for Arbor Day Celebration: Mayor Woolsey asked for a motion in favor. Councilman Blank moved, and Councilman Stokes seconded. No discussion. Motion passed unanimously.

Emergency Management Related Expenses: Mrs. Kellahan recommended for purchase this year: HAM Radio and Station for \$1,290; Consulting Services for \$4,250 (includes consulting and staff training). She said \$12,000 was budgeted in this category and \$7,287 remains. Mayor Woolsey asked for a motion in favor. Councilman Blank moved, and Councilman Mullinax seconded. Councilman Stokes asked about the purchases at the bottom of the request; and Mrs. Kellahan said they are purchases that Atlantic Continuity Services recommends and the Town will look into them for future implementation. Motion passed unanimously.

Quotes from Palmetto Tree Service regarding Pinckney Park and Fort Johnson Road: Mrs. Kellahan gave an overview of the four quotes she received. Palmetto Tree Service came in as the low quote. Mrs. Kellahan stated, at the recommendation of Councilman Blank, that she would like to change \$10,500 from the Ground Maintenance Budget to the Pinckney Park Budget so that the Grounds Maintenance Budget is not depleted. She said the dead vines and a fallen tree at Pinckney Park will be taken care of and \$3,500 will clear the vines from eleven (11) Oak trees in Lighthouse Point. The \$3,500 will be charged to Grounds Maintenance Budget. Mayor Woolsey asked for a motion in favor. Councilman Stokes moved, and Councilman Milliken seconded. Councilman Blank commented for the sake of awareness, that when the vines are removed, that we may find they are what is holding the trees up; and we may end up taking out a tree. Motion passed unanimously.

Committee Report:

Land Use Committee: No report.

Environment and Beautification Committee: Councilman Milliken reported that James Island Pride had a great trash pickup on September 12. 30 volunteers that included families, the Exchange Club, and Boy Scout Troops #44 and #36, gathered 42 bags of trash from our roadways. He thanked Chick-fil-A for providing lunch after the pickup. The next pickup will be held on Saturday, November 7 from 9-11 a.m. The Carolina Green Fair will be held on Sunday, September 20 at James Island County Park, from 12-5 p.m. James Island Pride will be staffing a booth and everyone is invited to attend. Councilman Milliken reminded everyone to nominate a Community Hero. Nomination forms are on the Town's website at [www.jamesislandsc.us](http://www.jamesislandsc.us).

Children's Commission: Councilman Stokes announced that the next meeting is Tuesday, October 13 at 5:30 p.m.

Public Safety Committee: Councilman Mullinax announced that the Neighborhood Council meeting on the 24<sup>th</sup> has been cancelled in lieu of the Public Workshop for a Town Hall facility. He encouraged members of the Neighborhood Council to attend the workshop and give their feedback. The next meeting Neighborhood Council meeting will be held on October 22<sup>nd</sup> at 7:00 p.m.

History Commission: No report.

Resolutions:

- a. Resolution #2015-19: Authorization for Mayor to Enter into Intergovernmental Agreement with Charleston County for Disaster Debris Removal: Mrs. Kellahan provided an overview of the Resolution. She said Charleston County removes debris after a disaster and they are seeking to formalize their agreement with all municipalities in the County. Mayor Woolsey said the Resolution in the packets had some sentences, and if there were no objections, he would like to substitute them by removing the "Whereas" clauses. Mayor Woolsey asked for a motion in favor. Councilman Stokes moved, and Councilman Mullinax seconded.

Councilman Milliken asked if a cost is associated with the agreement. Mayor Woolsey said possibly, if there is an emergency FEMA pays a substantial portion and sometimes the State picks up the rest. If the State doesn't, the Town could be responsible to pay and there could be a substantial expense to pick up debris after a hurricane. As a part of the agreement, he said if there is debris that could be removed and the County determines that it is not covered by FEMA but the Town asks for it be removed, that could be an expense. He said there could be a possible expense due to error in removing the wrong debris. He noted that some of these expenses has been part of our agreement with the County. Councilman Milliken asked if there is a ceiling on the amount we would pay; and is that a part of the agreement. Mayor Woolsey said there is no ceiling; and all we can do to create a ceiling would be to call it off and leave the debris. If there is a major disaster and we need to remove large amounts of debris, in the end we may have to borrow money to pay. A part of our Emergency Plan is to have sufficient funding to pay for our share of these expenses; this is one reason we are starting a Reserve Fund which was a recommended by our consultant.

Councilman Stokes said the agreement does not change what has been in place; it formalize it. Councilman Blank added that it also depends upon whether the President or the Governor declares a disaster - FEMA would take over if the President declares a disaster. Mayor Woolsey noted that none of this would apply unless a disaster is declared; and in general, this is a situation where FEMA is involved. Mayor Woolsey said we have always been told that the Town would be

responsible for the portion that is not covered by FEMA or the State but we never signed an agreement. He said this Resolution formalizes that agreement with the County. Motion passed unanimously.

Ordinances up for First Reading:

Ordinance #2015-10: An Ordinance to Regulate the use of Fireworks in the Town of James Island: Mayor Woolsey asked for a motion to take the Ordinance off of the table. The motion was made by Councilman Mullinax and seconded by Councilman Milliken. As discussion ensued, Councilman Mullinax asked Mrs. Kellahan to give a synopsis of the Ordinance. Mrs. Kellahan said two ordinances were provided to Council. The first, is the original Ordinance with some language strike at the recommendation of our Town Attorney, Mr. Wilson. Mrs. Kellahan said the actual Ordinance is based upon regulating the hours that fireworks can be discharged; because it is against state law to ban fireworks in a municipality. She said some municipalities do, but if they were challenged she did not think it would be upheld according to what she has looked into and from the Municipal Association. She said there is also an Attorney General's Opinion that states municipalities can regulate the hours that fireworks are discharged and this is what the Ordinance is based on.

Councilman Blank asked how we would handle complaints when there is no one to enforce it. He asked what will we tell people - - that we passed a law that you can't shoot fireworks, but if you do there is no one to do anything about it. Mayor Woolsey asked Sergeant James to speak. Sergeant James said the Town has a Noise Ordinance and he gave a scenario of how the Island Sheriff's Patrol would handle it. He said sometimes it is a matter of a presence of someone in a uniform and professionalism rather than an enforcement. He said they do not get many complaints. Mayor Woolsey also asked Mr. Wilson to speak. Mr. Wilson said he has studied this extensively and he availed himself to answer questions Council has. Mr. Wilson said he has looked into the Ordinance and has read several opinions. He said Mrs. Kellahan has condensed it pretty well. He commented that you cannot make criminal what is not criminal; but you can enforce a civil fine. He said the Town has a Code Enforcement Officer and if he is on duty during the time, he could technically enforce the Ordinance. Councilman Blank asked if this is a duplication of the Noise Ordinance. Mr. Wilson said no; it would be how the County enforces it. Councilman Blank asked why we strike the Sheriff's Office from the Ordinance and Mr. Wilson said the Sheriff's Office indicated that they could not enforce it. Councilman Stokes said the Town has the ability to enforce and it did not have to be in the Ordinance to be able to enforce it. Mr. Wilson agreed. Councilman Mullinax added that the Ordinance is patterned after the City of Gaffney's Ordinance. Mrs. Kellahan said she has spoken to the City Manager in Gaffney and this Ordinance has been successful for them. Councilman Blank asked if the City of Gaffney has its own Police Department and Mrs. Kellahan answered yes. After discussion, Mayor Woolsey called for the vote. Motion passed; Councilman Blank voted in opposition.

Ordinance #2015-11: Recovery of Collection Costs as part of Delinquent Debts Collected Pursuant to the Setoff Debt Collection Act: Mayor Woolsey asked for a motion in favor. Councilman Stokes moved, seconded by Councilman Mullinax. Mrs. Kellahan said she and Senior Finance Clerk, Merrell Roe, attended a seminar at the Municipal Association of SC for the Town to participate in a Setoff Debt Collection Program. Participation will allow the Town to collect delinquent debts owed to us from State Tax returns. Mrs. Kellahan said the program could also be used if the Town has to take down a derelict house. An administrative cost of \$25 will be charged to the delinquent debt. The 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 7:51 p.m.

Respectfully submitted:  
Frances Simmons  
Town Clerk