

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, January 19, 2017. 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, James Hackett, Code Enforcement Officer, Sergeant Shawn James, Island Sheriff's Patrol, and Frances Simmons, Town Clerk.

Opening Exercises: Mayor Woolsey called the meeting to order. Boy Scout Troop #44 presented the colors and led the Pledge of Allegiance. 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: Opened at 7:05 p.m. Mayor Woolsey announced there are three public hearings tonight; the first is Ordinance #2017-01, regarding signage, murals, inflatables, and monument signs.

Mary Beth Berry, 1104 Harbor View Road: the Town has opened the door to a conversation about art; and this is a good opportunity for Council to consider more than what is proposed in the Ordinance. The Town has an opportunity to promote something of great value to the entire island ...public art. A wealth of artists lives and works here and we need to promote their work. We need to give them an opportunity to portray their gifts in an appropriate way for our island. She mentioned the numbers of people moving to James Island and the island's population is going to explode. She would like to think those people will consider themselves James Islanders; not Charlestonians who happens to sleep here. People need to identify with something they can be proud of, and public art is a wonderful way to do that. The Town has a very strong, committed, and intelligent Arts Committee who could work with the Town's Planning Director to encourage public art in a way that is aesthetically pleasing and appropriate so everyone that lives here is proud. She hopes Council will consider that possibility.

Pat Hiott-Mason, 1083 Renwood Drive: spoke as an Art Educator and Artist. She said the mural painted on Camp Road does not look like professional artists painted it; because it was not. High school students painted the mural and it represents their presence. She believes this experience will encourage ownership in these young artists as they grow into adulthood to continue to serve their community in a positive manner.

Scott Pfeiffer, 941 Clear Spring: business owner, 873 Folly Road, said his Board of Directors wants to paint a mural on the side of the building using the talent of the students at James Island High School. He said restricting art in that sense is sad. People driving along Folly Road are barraged with logos of fast food restaurants, empty buildings, nail salons, and auto body shops. Murals are a great way to expand what James Island looks like and what it stands for. He hopes the Town will not restrict murals to something small; keep it big, and allow those who want to do it.

Pam Paxton, 551 Fort Johnson Road: lived and worked in the Avondale area for 26 years. She said a good friend did the art installations in the Avondale Shopping District, and he enlivened a dead business area with his art installations and annual art fairs. Shepard Fairy, a famous international artist, born in Charleston, did an installation on that building. She asked Council not to not deny artists in the community their talent; the Town would be hurting our community. She said the Town wants to make everything homogenized; but it should not be. She is in support of the arts.

Katherine Williams, 1846 Cornish Avenue: Chair of the Town of James Island Arts Committee spoke about the economic impacts of restricting mural art. Statement attached.

Gloria B. Jenkins, 2172 Stonewood Drive: commented 30 years ago, the Town was formed to combat the City taking over and telling us what to do -- we did not trade that for the Town to tell us what to do. She

watched over the years how the Town has followed Mt. Pleasant, the City of Charleston, and all the nicker-picky regulations that encroach living our lives. She said if the City goes to a 2 a.m. bar closing, the Town has to; if they ban smoking in bars, the Town does that too. She has watched the ridiculous stuff about murals in Mt. Pleasant and found out that our Town is going to do this too and cannot believe we have come to this. Murals and inflatable Santa Claus do not hurt anyone. It seems before government takes away property rights there should be some demonstrative harm. Is it better to have a blank concrete wall or mural? Murals is not a bad thing for the Town to have.

\*comments sent to Council attached.

Public Hearing: Ordinance #2017-02: Amending Town of James Island Zoning and Land Development Regulations Ordinance #2013-07: Use Table 153.110; and addition of Special Exception requirements for Fast Food Restaurants, Convenience Stores, and Service Stations in Community Commercial (CC) and Neighborhood Commercial (CN) Zoning Districts: No one signed in to speak.

Public Hearing: Ordinance #2017-03: Proposed Zoning Map Amendments (rezoning); specifically, on property located at 1122 Dills Bluff Road, TMS #428-03-00-055; 1126 Dills Bluff Road, TMS# 428-03-00-054 and 1109b Camp Road, Lot 4, TMS #428-03-00-117 from Low-Density Suburban Residential (RSL) to Residential Office District (OR) for the Town of James Island Town Hall, (Government Office: No one signed in to speak.

Public Hearing closed at 7:16 p.m.

Public Comments: No one signed in to speak.

Presentations:

Eagle Scout Project: Tree Adoption Program Developments: Sam English presented his Eagle Scout Project on a Tree Adoption Program. Sam has designed elements that the Town may wish to implement at Pinckney Park. He will develop an application to adopt trees. He thanked Councilman Milliken for recommending this assignment. Councilman Milliken acknowledged Boy Scout Troops #44 and #88 and thanked them for supporting Sam with this project.

Charleston County New Stormwater Manual Presentation: Council heard a presentation by Chris Wannamaker, Stormwater Manager, about the new permitting standards and procedures for the County's Stormwater Program. The new manual will go into effect April 2017.

Recognition of Alan Laughlin: Mayor Woolsey presented Alan Laughlin with a plaque in appreciation for his years of service as Chair of the Neighborhood Council.

Special Order of Service:

Election of Mayor Pro-Tempore: Mayor Woolsey moved to elect Councilman Blank; Councilman Stokes seconded. There were no other nominations. The motion passed unanimously for Councilman Blank to serve a one-year term.

Commission of Code Enforcement Officer: Mayor Woolsey administered the oath of office and commissioned James Hackett, Code Enforcement Officer.

Consent Agenda:

a. Minutes: December 15, 2016 Regular Town Council Meeting

Councilman Stokes moved to approve the consent agenda; seconded by Councilman Mullinax and passed unanimously.

#### Information Reports:

- a. Finance Report: Written report provided by Senior Finance Clerk, Merrell Roe and accepted as information.
- b. Administrator Report: Written report provided by Town Administrator, Ashley Kellahan and accepted as information. Mrs. Kellahan added an update on the Town Hall project, ribbon cutting for Black Magic Café is scheduled for next week; the Town received recognition from the Municipal Association for its website. Mrs. Kellahan complimented staff for keeping the site updated with current and pertinent information.
- c. Public Works Report: Written report provided by Public Works Director, Mark Johnson and accepted as information.
- d. Island Sheriff's Patrol: Written report provided by Sergeant Shawn James and accepted as information. Sergeant James gave an update to the Crime Report about car break-ins; the majority of the cars were unlocked.

#### Requests for Approval:

- a. Award Contract: On-call ROW Services: Mrs. Kellahan announced that the Town received two proposals for On-Call Right-of-Way Services. The Evaluation Committee met and each member provided independent scores. Both firms, Michael Baker Intl., and Primacq Group are recommended for award. Mrs. Kellahan said primarily work will be done on drainage easements at Stone Post, Teal, Sea Aire. Councilman Blank moved to approve, Councilman Stokes seconded. Motion passed unanimously.
- b. Extend Contract with Anne Peterson, Esq. for Lobbying Services for \$2,000 month ending June 12, 2017: Councilman Blank moved to approve, Councilman Stokes seconded. Motion passed. Councilman Milliken abstained.

#### Committee Reports:

Land Use Committee: No report.

Environment and Beautification Committee: Councilman Milliken announced the James Island Pride Litter pick-up on Saturday, February 4, 9-11 a.m. Lunch provided. The 4<sup>th</sup> Annual Art Auction will be held on Saturday, February 25. Monies raised from the auction will help to purchase art supplies for James Island Art Teachers. Councilman Milliken asked for the Community Hero award to be on February's Council agenda.

Childrens Commission: No report.

Public Safety Committee: Councilman Mullinax announced the James Island Neighborhood Council meeting on Thursday, January 26 at 7:00 p.m. Councilman Mullinax moved to appoint Sherman Evans to the Neighborhood Council, Councilman Stokes seconded. Motion passed unanimously. Mr. Evans will represent the Queensborough neighborhood.

History Commission: No report.

#### Resolutions

- a. Resolution #2017-01: Island Sheriffs' Patrol of the 4<sup>th</sup> Quarter: Mayor Woolsey called Deputy Austin Rissanen forward. Sergeant James complimented Deputy Rissanen and shared the statistics that honored him as the 4<sup>th</sup> Quarter winner. Mayor Woolsey read and presented the Resolution and thanked him for his service. Sergeant James also recognized and thanked Constable Kitchener for the many hours of service he provides to the community.

#### Ordinances up for Second Reading:

- a. Ordinance #2016-11: Amending the Town of James Island Zoning and Land Development Regulations Ordinance #2016-10, to Allow Special Chicken Housing Permit: Mayor Woolsey asked for a motion in favor. Councilman Stokes moved to approve, Councilman Blank seconded. No discussion. Motion passed unanimously.

- b. Ordinance #2016-12: Adjusting the Boundary between the City of Charleston and the Town of James Island: Mayor Woolsey asked for a motion in favor. Councilman Stokes moved to approve, Councilman Mullinax seconded. Mayor Woolsey thanked Mayor Tecklenburg and the City Council for working with the Town on the boundary adjustment.
- c. Ordinance #2016-13: Property Swap – First Baptist Church and Town of James Island: Mayor Woolsey asked for a motion in favor. Councilman Stokes moved to approve, Councilman Mullinax seconded. No discussion. Motion passed unanimously.
- d. Ordinance #2016-14: An Ordinance to Amend the Town of James Island Ordinance #2012-08, and Adopt by Reference Charleston County’s Flood Ordinances, #1838, #1839, and #1840: Mayor Woolsey asked for a motion in favor. Councilman Milliken moved to approve, Councilman Mullinax seconded. No discussion. Motion passed unanimously.

Ordinances up for First Reading:

- a. Ordinance #2017-01: Proposed Changes to Town of James Island Zoning and Land Development Regulations Ordinance as it relates to signage regarding murals, inflatables and monument signs: Mayor Woolsey asked for a motion in favor. Councilman Stokes moved, seconded by Councilman Blank. Without objection, Council considered the three proposed changes separately. 1) Murals, 2) Inflatables, and 3) Monument Signs. Mayor Woolsey proposed adding an amendment to a section regarding murals. He said if the amendment pass, where murals is listed under prohibited signs would be removed.

**AMENDMENT:** Murals on exterior building walls are permitted when included in the number and square footage applying to wall/façade signs. (See Table 153.341.C). Other murals visible to the public or neighboring property owners may be permitted due to artistic, historic, or other cultural interest by special exception. Mayor Woolsey moved to adopt the amendment, seconded by Councilman Blank.

Discussion on Amendment. Councilman Milliken said this is a step in the right direction but he thinks it places an undue burden on whoever want to have a mural because they will be required to get a special exception from the Board of Zoning Appeals (BZA) and there is a fee for that. He is for many of the changes in the Sign Ordinance; but feel best if we either drastically modify the mural aspect or drop it all together from this consideration. He considers murals to be art; not signage. He said if we come up with adequate definitions, we could easily differentiate between the two. He has looked up a couple of definitions that are not in our Comprehensive Land Use Plan, but should be. He said a sign as defined in our ZLDR, is any device or visual communication used to announce; direct attention; inform; or advertise to the public. Murals are not defined in the ZLDR and it probably needs to be. A mural as a painting or other work of art executed directly on a wall; and is different from a sign. He noted that we could differentiate a mural from a sign by the content of that information and it would be worthwhile to have that differentiation. Councilman Milliken said if we wish to regulate murals, we could do it under the advice of our Arts Committee. The Arts chair and the Planning Director could meet and make recommendations to Council on the quality of a proposed mural. These are better for the Planning Commission to consider rather than to have something onerous go before the BZA, the person pays a fee, and the BZA considers whether someone can have a mural on the business. There was no further discussion. Mayor Woolsey called for the vote. The Amendment passed; Councilman Milliken voted no.

Mayor Woolsey said in his view, the first sentence in the amendment that expressly allows for murals as long as they are included in the square footage of the wall façade signs, is not a substantive change but the second sentence is, that will allow other murals that are larger than the ones that would otherwise be permitted. He said the amendment would be forwarded to the Planning Commission for further study and recommendation. Councilman Milliken suggested a

friendly amendment, that by definition it is not proper to refer to square footage to sign square footage. This is not how it is in the ZLDR; it is area of signs. It has a specific definition. He thinks the wording should be symmetrical with what is in the ZLDR. Mayor Woolsey said that would be an editorial change and the Planning Director will make sure it is consistent.

Inflatables: Councilman Milliken said it would be worthwhile; (since this is a small business issue), for the Chair of the Small Business Commission to get with the Planning Director to consider proposed uses of inflatables for advertising that could be short or long-term assessments. It would be worthwhile to have the people responsible for small business concerns and the Planning Director make recommendations to Council for those decisions. Mayor Woolsey asked if the proposed change prohibits inflatables used for holiday decorations at private homes. Mrs. Crane answered it applies to commercial business. Mayor Woolsey asked if a commercial business were to have the type of decoration a private home has in front of their business, is that a prohibition. Mrs. Crane answered yes, because it attracts attention to the business. Mrs. Crane answered questions from Council and clarified the use of inflatables as outlined in the ordinance. Mayor Woolsey called for the vote and it passed 3-2. Councilman Milliken and Mayor Woolsey voted no.

Monument Signs: Councilman Milliken recalled that the Folly Road Overlay District was in agreement with Charleston County, the City, and the Town, that monument style signs to be the standard for that corridor. He asked if the proposed change is a result of what passed for Rethink Folly Road. Councilman Blank explained that monument style signs blocks on-coming traffic and drivers are unable to see beneath them. Councilman Stokes asked and Mayor Woolsey confirmed that the proposed change do not prohibit businesses from having a monument sign. Motion passed unanimously.

Mayor Woolsey said there would be a second reading for Inflatables and Monument Signs. Murals will go to the Planning Commission.

Ordinance #2017-02: Amending Town of James Island Zoning and Land Development Regulations Ordinance #2013-07: Use Table 153.110 (Exhibit A) and addition of a Special Exception requirement for Fast Food Restaurants, Convenience Stores, and Service Stations in Community Commercial (CC) and Neighborhood Commercial (CN) Zoning Districts: Mayor Woolsey asked for a motion in favor. Councilman Blank moved, seconded by Councilman Stokes. Councilman Blank said the reason for the proposed change is most commercial businesses abut residential neighborhoods. Councilman Bank said restrictions such as hours of operations, lighting, and alcohol sales should be regulated for people that live behind them. He said some businesses are open 24 hours a day and this does not work well for the people living behind them. Councilman Milliken asked if this applies to existing and new businesses. Mrs. Crane said this is already required along Folly in the Overlay, but will be an extra requirement for future businesses in our other commercial areas (such as Harbor View and Camp Roads). Mayor Woolsey said this would not change anything for businesses already in existence, but for future potential ones. Mayor Woolsey called for the vote and it passed. Mayor Woolsey voted no.

Ordinance #2017-03: Proposed Zoning Map Amendment (rezoning) specifically on property located at 1122 Dills Bluff Road, TMS#428-03-00-055; 1126 Dills Bluff Road, TMS#428-03-00-054; and 1109b Camp Road, Lot 4, TMS#428-03-00-117 from Low-Density Suburban Residential District (RSL) to Residential Office District (OR) for the Town of James Island Town Hall (Government Office): Mayor Woolsey asked for a motion in favor. Councilman Blank moved, seconded by Councilman Stokes. Councilman Milliken questioned that the agenda specifically states rezoning for the Town Hall. Mayor Woolsey explained that the rezoning is Residential

Office; it is not specifically tied to the Town Hall. Councilman Blank described the characteristics of buildings in a Residential Office zoning district. 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 8:21 p.m.

Respectfully submitted:

A handwritten signature in cursive script that reads "Frances Simmons". The signature is written in black ink and is positioned above the printed name.

Frances Simmons  
Town Clerk

Katherine Williams  
1846 Cornish Avenue  
Chair of James Island Arts

Let's consider the economic impacts  
of restricting murals.  
The trouble with going bland for investment potential is,  
generic investors are not settlers.  
Stable communities have character  
expressed by neighbors prospering in place  
and raising children.

S.C. Secretary of Commerce Bobby Hitt writes,  
"Businesses don't locate to states or regions  
but, rather, to communities."  
Avondale, Riverland Terrace, and Folly Beach  
have lively commercial districts  
with significant mural art  
that shows off an interesting community.  
In these desirable neighborhoods,  
rents average \$2-300 more a month  
than their surroundings.  
Such spirit attracts movers and shakers  
who invest. Paducah, Marfa, and Santa Cruz  
are prime national examples, and in SC,  
there's Lake City and Walterboro.

The Arts are a lucrative industry  
with low startup costs  
that's healthy, fun, doesn't pollute.  
Nationwide, the return on investment  
is the parable of the loaves and fishes.  
During the Great Recession,  
arts nonprofits were granted 4 billion dollars.  
They generated 61 billion  
AND 74 billion their audiences spent on related things,

yielding \$2 billion in tax revenue  
and 4 million full-time jobs.

Of course, big cities outperformed,  
but in Athens, about the size of Charleston,  
the arts yield 350 full-time jobs and a million in taxes.  
SC is underperforming, but that's room to grow.  
If James Island did as well as Santa Cruz per capita,  
audiences would spend 2M and household income  
would be 4M, yielding 300 thousand in taxes  
and 160 full-time jobs.

Here's how an arts district works.  
A theater has 100 people between eight and eleven o'clock.  
An art show maybe 100 visitors in the course of a day,  
a rehearsal studio, a dozen folks coming and going every hour.  
That's a full day of positive foot traffic –  
*people eating meals, shopping and taking public transpo.*  
*You have every mayor's dream."*

Murals are the cheapest public art there is.  
The wall is already there, no infrastructure to build,  
free labor, free design, and a captive audience.  
Just the thing to attract all those beachgoers  
stranded on Folly Road  
into our James Island shops.

If you don't want this, all you have to do  
is suppress artistic activity,  
and then all that potential  
will up and go where it's wanted.  
Town Council, you are deciding much more here  
than how to define a mural.

## Frances Simmons

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**From:** Ashley Kellahan  
**Sent:** Thursday, January 19, 2017 2:52 PM  
**To:** Frances Simmons  
**Cc:** Kristen Crane  
**Subject:** FW: Please don't put murals in the sign ordinance

Another one for Council, thanks

Ashley R. Kellahan  
Town Administrator

**From:** Susan Milliken [mailto:sbmilliken@aol.com]  
**Sent:** Thursday, January 19, 2017 2:48 PM  
**To:** Mayor Woolsey GMail <mayorwoolsey@gmail.com>; lblankfamily@knology.net; josh@mccoyandstokes.com; darrentroyemullinax@myway.com; MILLIKENG@COFC.EDU; Ashley Kellahan <akellahan@jamesislandsc.us>; kathexis@earthlink.net  
**Subject:** Please don't put murals in the sign ordinance

Mayor Woolsey and all,

Please do not make the change to the Town's sign ordinance tonight pertaining to murals.

It seems that the Town could study the issue more, or have the land use plan be silent on murals.

Or it could be put in that if someone wants to paint a mural, they need to get a permit from Town Hall, and Town Hall can work with JI Arts on this issue. It is so important that artists are able to be at the table on this kind of permit and decision-making. The mural plan or design for the mural could be reviewed, discussed and approved, and a permit could be issued.

Please take more time with this.

Murals are wonderful.

Thank you,  
Susan Milliken  
762 Fort Sumter Drive  
James Island, SC



## Frances Simmons

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**From:** Warren Sloane <warren@sloaneteamrealty.com>  
**Sent:** Thursday, January 19, 2017 12:00 PM  
**To:** Mayor Woolsey GMail; Loenard Blank; Garrett Milliken; Darren Troy Mullinax; Josh Stokes  
**Cc:** Frances Simmons; Ashley Kellahan; Kristen Crane  
**Subject:** Murals  
**Attachments:** jjysc mural\_0001.pdf; jjysc mural\_0001(1).pdf

Mr Mayor and Councilmen,

I have to apologize as I am unsure if I will be able to attend the meeting tonight. If I am not able to attend, I did want to express my opinion and concerns about the proposed restrictions on Murals on James Island.

Driving around the island, there are lots of examples of murals that serve add to the aesthetics to buildings and the neighborhoods around them. The most famous on the island are the ones behind Rogue Motion however there are many more examples. From White Duck to the tattoo shop. Pour House on Maybank Hwy to even the James Island Youth Soccer Club. At JIYSC we have 2 murals that are a part of our culture and mean something to our members and the artists that painted them.

One of our murals is on the concession stand painted by the JICHS art class a few seasons ago. The other is our kicking wall. I have attached a picture of the students of Fort Johnson Middle school painting our kicking wall. We try and have the wall update yearly although the rash of tagging has prevented it this year.

I realize that you may consider JIYSC as different than a restaurant and maybe that is the point of my concern. A blanket rule prohibiting murals or limiting murals to size of an allowed sign is too wide of a prohibition.

Ultimately I hope that you would consider not limiting art on James Island because a few residents may not find it aesthetically pleasing to them. Art in this way speaks to more than just a company logo.

With regards to the prohibition of inflatable advertising. I would caution that while beautification of Folly Road is a honorable goal, it can not be reached by just banning each thing you may not like. The Town should be encouraging rather than banning. Teaching and providing resources to land owners instead of strictly defining what every blade of grass should be like. I find it troublesome that Town officials convinced/required that Santa be removed without a rule being in place.

When I was on the planning commission I asked staff what I thought was a simple questions that I think was very important. Does the government through zoning laws (or any laws for that matter) GRANT rights or RESTRICT them? To me, it is painfully obvious that by their very nature all government rules seek RESTRICT citizen rights. Government should not move on one complaint. Be it chickens, work trucks, murals or inflatables; government should **show significant restraint** whenever it moves to restrict the rights of citizens.

I appreciate you taking the time to read this email and I hope that you have a VERY successful meeting tonight.

Please feel free to contact me if you have any questions.

## Kristen Crane

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**From:** Sandra Stringer <sandra\_stringer@yahoo.com>  
**Sent:** Tuesday, January 17, 2017 8:04 PM  
**To:** Kristen Crane  
**Subject:** Murals on James Island

Dear Ms. Crane,

Full disclosure: I am the Editor of the James Island Bugle, and I wrote an article informing our readers of the meeting on Thursday night.

As a private citizen, I wanted to give my opinion of the possible new regulations tied to Ordinance #2017-1.

In my view, this is a classic case of "throwing the baby out with the bathwater". Murals enhance community spaces. Certainly they can be done poorly. But for the most part the examples I've seen everywhere in the lowcountry have been rather amazing.

It makes the most sense to have your Arts & Culture Committee make judgements on murals. To me, if there are no words on the mural, it is art and not advertising or signage, and should be allowed. If words are incorporated, then that would be considered advertising or signage. It seems pretty simple.

I believe art in our environment is almost always welcome. I agree that there shouldn't be billboards, that sign heights should be regulated, and that giant inflated Santa Clauses could be done without. But don't give up on murals. Some of our best local art comes in that form, and taking it away the right for people and businesses to have their buildings used as canvases is just unfair.

Thanks for your attention.

Sandra Stringer Helping Pine Ridge Reservation, one donation at a time! <http://FriendsofPineRidgeReservation.org>