

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, April 20, 2017. The following members of Council were present: Garrett Milliken, Joshua P. Stokes, and Mayor Bill Woolsey, who presided. Absent: Mayor Pro-Tem Leonard Blank, and Darren "Troy" Mullinax. 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, Sergeant Shawn James, Island Sheriff's Patrol, and Frances Simmons, Town Clerk.

Opening Exercises: Mayor Woolsey called the meeting to order 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: Proposed Fiscal Year 2017-2018 Annual Budget: No one signed in to speak. Mayor Woolsey closed the Public Hearing.

Public Comments:

Alan Laughlin, 847 Darwin Street, spoke about the election ordinance on tonight's agenda. He stated that he has a problem with the general idea about it. In 2014, one of the things he felt was a problem was there were no staggered terms for members of Council. Since there are two/two Councilmembers that does not change the election. If changes were made, he would like to see staggered election terms so there are two Councilmembers replaced/re-elected; or two years after that the other two; and four-year terms from that point on. This way, terms will always be staggered.

Courtney Chavis, Community Outreach Coordinator with Windwood Family Services thanked Mayor, Council, and staff for a Proclamation recognizing Child Abuse Prevention Month and displaying a pinwheel garden the month of April.

Consent Agenda:

- a. Minutes of March 16, 2017 Regular Town Council Meeting
- b. Fair Housing Month Proclamation

Councilman Milliken moved to approve the consent agenda; Councilman Stokes seconded. Passed unanimously.

Information Reports:

- a. Finance Report: Written report provided by Senior Finance Clerk, Merrell Roe and accepted as information. Ms. Roe announced a shred day event on Monday, May 22, 10-1 p.m. in the parking lot at the Town Hall.
- b. Administrator Report: Written report provided by Town Administrator, Ashley Kellahan and accepted as information. Mrs. Kellahan announced that Charleston Magazine would be publishing an article about Pinckney Park to run in the June or July edition. Council was reminded about a Ribbon Cutting Dedication for Harbor View Road, Friday, April 21. Taste of James Island will be held on Saturday, April 29, and the Department of Social Services will have a meet and greet for adoptive parents on Saturday, April 29 at James Island County Park. The Town and the Island Sheriffs' Patrol has partnered with DSS by providing food and fun for the event.
- c. Public Works Report: Written report provided by Public Works Director, Mark Johnson and accepted as information. Mr. Johnson gave an update on upcoming CERT activities. Next meeting CERT meeting is Monday, May 15 on the topic of Hurricane Preparedness.
- d. Island Sheriffs' Patrol Report: Sergeant James reviewed crime statistics and March Island Sheriffs' Patrol report. Councilman Milliken commented on a safety concern at James and Waites Drive.

Requests for Approval:

Request for Waiver of one-year waiting period for submittal of Application for Special Exception for the demolition of three (3) historic structures at 221 Fort Johnson Road: Mrs. Kellahan explained the process by which an applicant appears before the Board of Zoning Appeals (BZA). She said if an application is denied the applicant has option to reapply after one year or could request to have the one-year waiting period waived. MUSC's request has been denied by the BZA and they are requesting to waive the one-

year waiting period. MUSC believes the BZA could have considered their application for the three (3) historic structures separately as opposed to considering them together. Mayor Woolsey asked for a motion in favor. Councilman Stokes moved, seconded by Mayor Woolsey. Councilman Milliken said he was curious and he had heard that the application was incomplete. He asked if this was the issue. Mrs. Kellahan said she attended the BZA meeting and they questioned the thoroughness of one of the structures- that there was not a lot of information about the condition of the warehouse. She said there was a structural report on the storage building, but not much on the warehouse. Councilman Stokes asked if the waiver is granted, if MUSC would do it differently to make sure each structure is addressed separately. Mrs. Kellahan said she was unsure, and MUSC has the right to apply the same; but she feels they will revise their application. Mayor Woolsey said we would make it clearer to the BZA. He said at the BZA meeting, a statement was made by a member that they had to deal with all of the buildings as one; and could not deal with them separately; which was false. He said in the request submitted by MUSC they said the BZA made a false statement and have asked Town Council for a waiver to return to the BZA. Mayor Woolsey said he presumes this would be partly on the basis that the BZA could at least consider each building separately. In addition, he said anyone who looks at the condition of the buildings could tell they are widely different. Councilman Stokes said this is not an effort to overturn the BZA's decision; it is to allow MUSC to ask the BZA for another chance. Mayor Woolsey agreed, rather than them waiting a year, it could be done right away. Councilman Milliken asked if the situation was that MUSC submitted a single application for the three structures. Moreover, is that normally how it happens at BZA, or is each structure considered individually. He said the Town has not done many demolitions and he is curious how that is done. Mayor Woolsey said he thought MUSC could submit one application for the three buildings and the BZA could consider each building separately by noting substantial justification for one, two, three or none. He said the problem is that the BZA in their discussion said that they were required to deal with all as one, which was a false statement. Councilman Milliken asked if we had received legal counsel that it is a false statement and Mayor Woolsey answered yes. Mayor Woolsey called for the vote and it passed. Councilman Milliken opposed.

Request to change July Town Council Meeting to July 13: Mrs. Kellahan announced that the Municipal Association of SC will hold its Annual Meeting on July 20-23, (July 20 is the regular scheduled Town Council meeting). Mrs. Kellahan made request to change the Town Council meeting to July 13. She noted that every other year this meeting falls on our Town Council meeting. A motion to change the Town Council meeting to Thursday, July 13 was made by Councilman Stokes, seconded by Councilman Milliken and passed. Mayor Woolsey opposed.

IFB #1-2017 Centerville Speed Humps: Asphalt Concepts, LLC: Mrs. Kellahan reported that one bid was received from Asphalt Concepts, LLC. She noted that the Town reserves the right to reject any or all bids. The estimate was \$50,000 and the bid came in at \$49,887 for nine (9) speed humps in the Centerville subdivision. Mayor Woolsey asked for a motion in favor. Councilman Milliken moved, seconded by Councilman Stokes. Passed unanimously to award the bid to Asphalt Concepts, LLC.

Construction Materials Testing & Special Inspections for Town Hall – ECS Southeast, LLP: Mrs. Kellahan explained why the construction materials testing is not included with the bid. She said that has to be independent of the general contractor that is selected. Liollio Architecture has gathered and reviewed three (3) proposals and recommends ECS Southeast, LLP. Mrs. Kellahan said the Town has worked with ECS before. Their services includes inspections beyond what our Building Official would perform, such as earthquake drains and specialized materials testing. The estimate cost is \$10,969 along with the fee schedule. Motion in favor was made by Councilman Stokes, seconded by Councilman Milliken. Councilman Stokes asked if the fee schedule is included in the \$10,969 or in addition to. Mrs. Kellahan said it is a mixture; some costs are included and some are not. Mayor Woolsey said an itemized bill would be provided that should total the estimated cost. Councilman Milliken asked if the service would continue after construction ends. Neither Mrs. Kellahan nor Mayor Woolsey thought that it would continue. Motion passed unanimously.

#### Committee Reports:

Environment and Beautification Committee: Councilman Milliken announced that James Island Arts had concluded the art auction and 12 art teachers would receive \$275.00 along with a \$25 gift card from Artist and Craftsman. Kenneth Johnson is sponsoring a car wash on Saturday, April 22, 1:30-3:30 p.m. at Modern

Glass for \$10.00 per vehicle, proceeds goes to Helping Hands. Next James Island Pride Adopt-a-Highway litter pickup is Saturday, May 6; 9-11 a.m. Mayor Woolsey complimented the Arts Committee on a successful Art Auction and their service to our children and the community.

Children's Commission: Councilman Stokes announced that the first annual Easter Egg Roll was a resounding success. He said many children attended and their parents were very appreciative. Special thanks to staff for helping to ready the event. Next Children's Commission meeting is Thursday, May 11 at 5 p.m.; Mayor Woolsey complimented Councilman Stokes on a successful event that he thoroughly enjoyed.

History Commission: No report

Resolution #2017-05: Participation in Police Officers Retirement System (PORS): Mrs. Kellahan reported that the FY 2017-2018 Annual Budget includes contributions to the Police Officers Retirement System. Police Officers are currently enrolled under the SC Retirement System. They are eligible to participate in PORS however; a resolution must be passed by Town Council. A motion in favor was made by Councilman Stokes, seconded by Councilman Milliken. Motion passed unanimously.

Resolution #2017-06: Island Sheriffs' Patrol Officer of First Quarter: Mayor Woolsey recognized and read a resolution for Deputy Michael Buenting, Island Sheriffs' Patrol Officer for the first quarter of 2017. Resolution passed unanimously.

Proclamation for Child Abuse Prevention Month: Mayor Woolsey read a Proclamation recognizing April as Child Abuse Prevention Month. A motion in favor was made by Councilman Stokes, seconded by Councilman Milliken. Motion passed unanimously.

#### Ordinances up for Second Reading

Ordinance #2017-04: Amending the Town of James Island Zoning and Land Development Regulations Ordinance, §153.336 Architectural and Landscape Design Guidelines (c) (3) Building Color (c) Murals: Motion in favor was made by Councilman Stokes, seconded by Councilman Milliken. Councilman Milliken said he was in receipt of a memo from legal counsel and wondered how far Council should go into discussing it. Mayor Woolsey said his concern relates to the placement of this amendment in the overall ordinance; and how it relates to site place development and his inclination is to vote no. Councilman Milliken said if Council votes no, it would mean there would be no regulations on murals, and Mayor Woolsey agreed. Councilman Stokes said it would also mean that the same standards apply to other portions of our ordinance that has limits on the number of colors on the outside of a building. Mayor Woolsey said that would still be a requirement for site plan review. Mayor Woolsey called for the vote and all opposed. The amendment failed.

#### Ordinances up for First Reading:

Ordinance #2017-05: An Ordinance to Adopt the Fiscal Year 2017-2018 Annual Budget for the Town of James Island: Motion in favor was made by Councilman Stokes, seconded by Mayor Woolsey. Councilman Milliken asked how the estimate for the construction of the Town Hall would affect the budget; once we know what that cost will be. Mayor Woolsey said when we determine what the estimates are; we will have a better idea. He said any effect on the budget or possible amendment would relate to the difference between the amounts we are authorized to pay through the lease purchase agreement and any extra costs beyond that amount. He said that could require a change in the budget but we will not know it until the estimate comes in. Mayor Woolsey called for the vote and it passed. Councilman Milliken abstained from voting until he has more information about the costs of Town Hall.

Ordinance #2017-06: To Amend Ordinance #202-16: Establishing Purchasing Procedures for the Town of James Island, SC: Mrs. Kellahan said the amendments were primarily patterned after the Municipal Association's model ordinance and the Isle of Palms'. The Isle of Palms revised their ordinance in February this year. She said the changes were reviewed and approved by Mr. Wilson, legal counsel, and permissible under state law. Mrs. Kellahan said she felt comfortable with the proposed amendments. Some changes: combine the second and third section due to redundancy; threshold raised from \$2,500 to \$5,000 for quicker

quotes, collaboration on the types of bonds required for procurement; section on cooperative government purchasing, and a section on real estate procurement. Motion in favor was made by Councilman Stokes, seconded by Mayor Woolsey. Councilman Milliken asked if small procurements would be quicker by doubling the cost to \$5,000. Mrs. Kellahan explained the process that requires three (3) quotes and that sometimes there is no one to do the type of work we need to have done. Councilman Milliken asked if a quicker response has an effect on price to make it more expensive. Mrs. Kellahan said this is the only area that increased and requests \$10,000 and above are approved by Town Council. Mayor Woolsey added that the current ordinance is repetitive; and unclear about who is responsible for making decisions and other types of professional services are not specified. He said the changes would be consistent with other municipalities, specifically with the Isle of Palms. Mayor Woolsey called for the vote and it passed. Councilman Milliken opposed.

Ordinance #2017-07: Date of Town Election: A motion in favor was made by Councilman Milliken, seconded by Councilman Stokes. Councilman Milliken said when he ran for Council in 2014 the Notice of Election was for a four-year term - that is what he signed for. When the BCD COG manual came out this year, he found out that 15 months were added to Council's term to 2019. He said it is a good idea to have elections in odd numbered years because we are non-partisan, and it is a tremendous benefit to continue that kind of tradition. If we follow the ordinance that was passed, prior to his coming on Council the next election would be 2015; and 2017 would be the odd year to begin the process. He said Mount Pleasant wrestled with this issue to extend terms to get to odd numbered years. They acquired several opinions from the Attorney General (AG) Office. Councilman Milliken said a body can extend or diminish the length of its term and both are permissible and within the law (2006 Opinion). He said logically 2017 might be a good time to begin the process. He noted that Mr. Laughlin raised a good point during public comments that this could be an opportunity to stagger terms and add two seats, but for our purposes now, we could follow the ordinance that passed by having an election in 2017.

Councilman Stokes said he does not agree that the next election should have been in 2015. He said Council was elected in 2014 and the term changed to four years to 2018. He said the residents voted for those four-year terms; and it should be that, not shorter than that. He does not think an election should happen earlier than November 2018. He commented that if an election in 2019 increase terms, an election in 2017 does the same thing in reverse by shortening the terms unilaterally and he does not agree with that. Councilman Stokes said he has legal concerns about the ordinance overall. He commented that Mr. Laughlin mentioned staggered terms, and this ordinance does nothing to stagger terms. He does not agree with changing someone's term while in office. There is a precedence that the same might be in place if there was compensation with an office. If compensation is changed, it does not take effect until the next election occurs. He does not see the point in doing this now. It is not the right time to move an election forward to 2017.

Councilman Milliken said the opinion was clear about compensation and it was not a problem as long as someone received the same as before, if they chose to extend the term. He said a body can chose to extend or limit its terms, which he takes little exception with; but when it comes down to what the people voted for, it is better to err on the side of caution and limit terms rather than extend them. He said arguments could be made either way but it is not what the people voted for. Councilman Stokes reiterated that the people voted for four years at least to November 2018. The issue for him is do we change this to something prior to November 2018? His answer to that is no.

Mayor Woolsey said State law plainly says that municipalities have two types of terms - - two or four years. The Incorporation laws states that when an incorporation election or referendum occurs, a decision is made whether those terms will be for two or four years. In his view, the people who were elected the end of July 2014 serves at least until the end of July 2018. If an election were held in November 2017, it would create lame ducks for nine months. He said we could hold an election in 2017, but it would not shorten anyone's terms, it would continue until terms are up and the new people come on. Forever we would have a lame duck nine months situation, which is not desirable. He said those ordinances were passed in 2014 and his view was in keeping four year terms and shifting the date was to let the terms end. The incumbents would continue to serve until their replacements were elected in November 2019. Mayor Woolsey commented that his preference was to have an election in 2018; however, the County Election Commission said no.

That would mean terms would be ended and new people would be elected three months later. It had nothing to do with the offices being partisan or non-partisan. The Election Commission said they would be too busy and it was difficult to have yet another kind of election during that period. He said it is not impossible to schedule elections at other times, and he believes that we could change the election date, though he is not in favor of that. He thinks it is desirable to go to November of odd years because the Election Commission is trying to have a General Municipal Election Day. A preferred solution, if Council wishes to change, is to change it so that it would come into application to the people who are elected in 2019 and be applied to future elections. For staggered terms, he was in favor of staggering terms in 2014, but there was insufficient support on Council and he agreed to defer the matter because if the Town is reunited, its size would increase and it would be appropriate to add to Council that would require a referendum. Mayor Woolsey gave his view on staggered terms and that the proposed ordinance did not address that and he is not in support of it. Councilman Milliken said the issue of getting to an election in 2017 puts the Town with the City, Mt. Pleasant, and other municipalities' in November. It also complies with the ordinance that passed in 2014 an odd year. He said this fits the bill on a number of levels, it is whether it is embraced, and it is not. He thinks we have a problem and we need to come up with solutions to transition and stagger terms. Councilman Milliken said he does not know that we can wait for legislation to reunite the Town. We need to think about staggered terms in the immediate future rather than later. Mayor Woolsey called for the vote and it failed. Councilman Milliken voted in favor.

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

Respectfully submitted:  
Frances Simmons  
Town Clerk