

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, June 16, 2016. The following members of Council were present: Mayor Pro-Tem Leonard Blank, Garrett Milliken, Darren “Troy” Milliken, 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, Mark Johnson, Public Works Director, Kristen Crane, Planning Director, Sergeant Shawn James, Island Sheriffs’ Patrol, 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 on Proposed Changes to Town of James Island Zoning and Land Development Regulations Ordinance, including amendments regarding Small Animal Boarding, Pet Stores and Grooming Salons:

Teri Lynn Herbert, 1726 Brantley Drive, spoke in opposition; information provided attached.

Mary Edna Fraser, 1723 Oak Point Road, spoke in opposition; information provided attached.

John Sperry, 1723 Oak Point Road, said he doesn’t speak Latin, but recognize an egret, the marsh, and waterway in the Town’s logo so obviously these are important to James Island. He said fecal contamination of the creek has ruined crab, shrimp, oysters, is bad for boaters, swimmers and kayakers. Dogs put out more feces per pound than a cow does, and in urban waterways one-third of fecal material in waterways are from dogs. He said the idea of making it easier, and not restrict where a kennel could be, (where there is an accumulation of dogs), doesn’t make sense from an environmental, recreational, or public health standpoint. He is opposed to any change that would decrease restriction; if anything, we need to figure out how to get them from the waterway. Noise is an issue, but to him, health is a bigger issue. As a Pediatrician he cares about that.

Andrew Wunderley, Charleston Waterkeeper, 1630 Meeting Street Road, Charleston Waterkeeper is a local non-profit organization dedicated to protecting and restoring Charleston’s local waterways. Mr. Wunderly spoke in opposition and provided communication to Town Council. Information attached.

Ryan Reed, Owner, Wag Factory, was unable to attend this meeting but provided communication in support of the proposed change to eliminate the 2,000 square feet stipulation that requires all such businesses to obtain a Special Exception. Read by Town Clerk and attached.

Public Hearing on Amendments to Protected Tree Requirements, including Adding Requirements for Major Subdivisions:

Mary Beth Berry, 1104 Harbor View Road, spoke in support for the Tree Fund to be used to mitigate trees that are lost. She loves shrubs, but perhaps they can be covered through funds for landscaping She said losing trees are more serious than losing a shrub or planting new shrubs. Looking at James Island, you might think we have tons of trees; but we lose them every day for construction and every one we lose causes some environmental damage. If we replace trees that are lost on our island we will be doing what we can to make sure the life giving oxygen we get from them will be here for years to come. This is something we can do for our children.

Public Comments:

Tom Meteraud, 473 Wade Hampton Drive, expressed concern about speeding in Fort Johnson Estates and for children's safety. He asked the Town to help get the speed limit lowered and post those speed limit signs at both entrances.

Presentation by Charleston County on Proposed Storm Water Utility Increase: Frank Pandullo, Charleston County Storm Water Technical Manager, and Stuart Ruelle, Storm Water Utility Coordinator, gave a presentation on the Storm Water Rate Increase. An overview was given and questions of Council were answered. The Storm Water Fee in Charleston County is \$72.00/a year. Municipalities may participate in the program as long as the fee they charge does not go below \$48.00/year. The Town of James Island is a participant.

Presentation by Hussey, Gay, Bell: Richard Bailey gave an overview of the Master Plan for Pinckney Park and reviewed the five phases. Doug Bostick, SC Battleground Trust, was charged with conducting the historical research of the property. Mr. Bostick said the property is located in an immensely historic area; however, this particular property has nothing of significant historic value on it. Questions from Council were addressed.

Consent Agenda:

- a. Minutes: May 19, 2016 Regular Town Council Meeting
- b. Minutes: June 2, 2016 Special Town Council Meeting
- c. Proclamation for National Police Week, 2016

Motion to approve the Consent Agenda was made by Councilman Stokes, seconded by Councilman Mullinax and passed unanimously.

Information Reports:

- a. Finance Report: Senior Finance Clerk, Merrell Roe, reported \$59,318 in franchise fees were received; Business License, and Planning/Zoning fees met budget; \$20,000 was spent from the Projects Budget for Seaside Lane, (2) driveway aprons, drainage easements on Stone Post and Tall Wood; \$11,500, speed humps; and \$135,500 paid to the Master in Equity for the new Town Hall. Councilman Milliken asked if town businesses are ready for the hospitality taxes in July. Mrs. Kellahan answered they are and the County will be sending letters and coupon booklets on how to remit payments. Payment will begin in August.

Administrator's Report: Mrs. Kellahan shared a new revenue source through the SC Department of Revenue collecting accommodations tax on Airbnb's and remitting them locally. Mrs. Kellahan reported on the Town's preliminary official statement for its bond posting. The bond posted today and is expected to close June 28 of 29. Moody's Credit opinion was provided to Council that showed an initial rating of Aa2 for the Town. The preliminary layout for the new Town Hall was prepared by Liollo and will be presented to Council soon. After that workshop will be held for the public. The Building Inspector position is open and resumes are accepted until June 30. Mayor Woolsey gave a report on Fort Johnson Park. He said the idea came about from the James Intergovernmental meeting where they voted in support by resolution. Stakeholders include: DNR, College of Charleston President McConnell, MUSC, CCPRC, and the Town.

Public Works Report: Mr. Johnson introduced Marvin Harris, summer intern in the Public Works Department. Mr. Harris is a rising senior civil engineering student at Howard University. Seaside Lane community will meet on June 23rd at 6:00 p.m. at the Town Hall for an update on the sidewalk concept and drainage improvements. An initial meeting was held with area churches to form the

James Island Interfaith Disaster Council. The James Island Emergency Planning Committee met and discussed evacuation routes and plans for a tabletop exercise on June 29th.

Island Sheriffs' Patrol Report: Sergeant James gave the crime report. May's statistics: traffic stops: 465; hours worked: 372; tickets written: 43; written warnings: 418; calls for service: 73; field interviews: 26; and arrests: 9.

Requests for Approval:

Pinckney Park Master Plan: Mrs. Kellahan recommended approval of the Master Plan. She said much work and thought have gone into the plan, as well as support and feedback from the community. Councilman Stokes moved to approve, Councilman Milliken seconded. No discussion. Motion passed unanimously.

Pinckney Park Design Fee Proposal, Phases I-III: Mrs. Kellahan quoted a cost of \$72,000 that includes Phases I-III. A large bulk of the design structures for the playground will be done by Rosenblum Coe. Motion to approve was made by Councilman Stokes, and seconded by Councilman Blank. No discussion. Motion passed unanimously.

Playworld Quote for Pinckney Park: Mrs. Kellahan reported a cost of \$74,600.00 for playground equipment which includes \$13,000 for installation. She said the design has been scaled back from what was originally presented; however, the price is still competitive because the firm wants to build a municipal park. Councilman Stokes moved to approve, and Councilman Blank seconded. Councilman Stokes asked if the cost is for the entire playground, (not only the equipment); Mrs. Kellahan said it did not include site costs and some grading may be required. Motion passed unanimously.

Committee Reports

Land Use Committee: Councilman Blank announced that the Wag Factory withdrew their application to the Board of Zoning Appeals.

Environment and Beautification Committee: Councilman Milliken announced that James Island Pride will not meet in July. A trash pickup may be held in August. The next litter pickup is September 10.

Helping Hands: Helping Hands, a division of James Island Pride takes care of yards for people who have lost the ability to do so. Councilman Milliken called forward Mary Beth Berry, Chair of Helping Hands, and Drew Balsa, volunteer and President of Health Occupations Students of America (HOSA). Helping Hands recognized Angelique Wilson, a volunteer of two years for her steadfast and tireless efforts, Ms. Wilson has brought a number of students from HOSA whose help has been invaluable. Ms. Wilson is moving to Florida and was presented the Helping Hands Spirit Award. Drew Balsa accepted for her.

Children's Commission: No report

Public Safety: Councilman Mullinax thanked Alan Laughlin, Mark Johnson, and Mayor Woolsey for their help during the recent Hurricane Expo at Lowes. Ken Godwin, the neighborhood representative for White House Plantation has resigned and a replacement is being sought. Contact Alan Laughlin for interest in serving. Neighborhood Council meeting is June 23rd at 7:00 p.m.

History Commission: Mrs. Kellahan announced that the History Commission submitted the application to the SC Department of Archives and History for a historical marker for Simeon Pinckney. She thanked committee member Inez Brown-Crouch for her invaluable service in researching and assembling the

information for submission. The Dills Bluff Marker has been approved by the SC Department of Archives and History; a dedication ceremony will be held after the marker is installed.

Resolutions: None

Ordinances up for Second Reading:

- a. Ordinance #2016-05: An Ordinance Amending the Town of James Island Zoning and Land Development Regulations Ordinance, Section 153.110 and 153.52: Motion in favor for second reading was made by Councilman Stokes, Councilman Blank seconded. Mayor Woolsey explained that this ordinance does not allow the Wag Factory to stay at its current location; or to move to any other location; it is not directly related to the Wag Factory. The ordinance requires any animal boarding facility to obtain a Special Exception from the Board of Zoning Appeals (BZA). Currently large boarding facilities over 2,000 sq. ft. already go before the BZA. He said the Wag Factory was proposing to move into a location on Folly Road (near Brantley) that was more than 2,000 sq. ft. and they applied for a special exception; they have withdrawn that request. He said the change in the ordinance, even if a facility is smaller, would still require a special exception. Mayor Woolsey said during the Public Hearing he heard concerns that the ordinance will make it easier for people to open boarding facilities, which is incorrect. He said many of the comments expressed were well taken and would have been very appropriate at next week's BZA meeting but the application has been withdrawn.

Councilman Milliken said he would like to table the approval of the ordinance. He said some comments about waste disposal and the proximity to a waterway may merit consideration by the Planning Commission to modify the Comprehensive Plan to address these concerns which he thinks are very real. He said we have to do more to protect our marshes and waterways; and if there is a way to do it through our Comp Plan we should try to. He said instead of passing the ordinance now; he would like to ask the Planning Commission to revisit this and write better standards to protect our waterways and to address issues about waste disposal. Councilman Blank stated the reason applicants appear before the BZA. He said most of our community commercial business abuts residential properties, and the BZA may place special restrictions on them to protect surrounding neighborhoods. He said to ask the Planning Commission to consider this request is one thing; but the responsibility should not be taken away from the BZA. Councilman Milliken moved to table and Councilman Mullinax seconded. As discussion continued, Mayor Woolsey said there is no reason to table the approval because the change in the ordinance will improve the current situation and it does not prevent the Planning Director from developing restrictions if animal boarding facilities are located close to marshes, noise issues, or water contamination. He said if we want to change our ordinance specifically for these things we could. Councilman Milliken withdrew the motion and recommended that the Planning Commission address the concerns he stated. Mayor Woolsey said the motion received a second and had to be carried through. The motion to table failed. Motion to approve Ordinance #2016-05 passed unanimously.

Ordinances up for First Reading:

- a. Ordinance #2016-06: An Ordinance Amending the Town of James Island Land Development Regulations Ordinance, Number 2013-07, Sections: 153.334 Tree Protection and Preservation: Motion in favor was made by Councilman Blank, Councilman Stokes seconded for discussion.

Councilman Stokes asked to be corrected if needed; he said an issue was raised earlier that the ordinance allows the Tree Fund to be used for plants and shrubs outside of trees, and he also received information relative to this before tonight's meeting. He said he read the ordinance and the Tree Fund doesn't say anything about adding shrubs or bushes; the change only adds "*and maintenance*" but before it read, the planting of trees on James Island. Mayor Woolsey said *and*

maintenance is the recommendation from the Planning Commission. He said the original version presented to the Planning Commission included language that funds could be used for beautification; but that is not in the language before Council for approval. Councilman Milliken spoke that he appreciates major subdivisions are included in tree protection; but he is very concerned about some things that are associated with ceding some of the authority of the BZA to our Planner, and he is unsure that is the right thing to do. He thinks the BZA should decide what is reasonable mitigation. He has not seen the schedule determined by the Zoning Administrator, and is unsure what type of mitigation would be involved in the schedule. He would like to see language that specifies inch-by-inch mitigation for trees that are removed; but he doesn't see it; rather it seems vague and non-specific. He would like to see a draft of the mitigation schedule. This is his primary problem; and the fact that the BZA is being left out of the process is a problem. He said it would probably be better for the BZA to determine where the replacement occurs; in the buffer zones, or elsewhere. He thinks there are several aspects that excludes the BZA that are probably ill advised because they are not specific. He appreciates the addition of planting and maintenance of trees on James Island because it uses some of the tree fund to remove vines from trees and overall tree health. But, he does not like the idea of ceding the authority of the BZA to the Zoning Administrator with an unspecified schedule of replacement. Mayor Woolsey said there has been no change in the ordinance regarding the language about the schedule; so the vagueness of the ordinance regarding the schedule is not a change. He said the BZA, as a quasi-judicial body, should focus on decisions whether or not a grand tree should be removed; decisions where new trees should be planted; whether funds go into the tree fund, or how many trees fits onto a piece of property is more suitable for the technical expertise of our Planning Director. This is why he thinks the change is appropriate. Motion passed 3-2; Councilmembers Milliken and Mullinax voted no.

- b. Ordinance #2016-07: An Ordinance to Establish Storm Water Management Utility Fees for the Town of James Island: Motion in favor was made by Councilman Stokes, Councilman Blank seconded. Mayor Woolsey stated that he and the Town Administrator determined a fee of \$48.00 which is included in the ordinance. Councilman Milliken asked the possibility of paying the residents portion with the Local Option Sales Tax. Mayor Woolsey answered this is dependent on the outcome of the litigation with the Town. 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 8:43 p.m.

Respectfully submitted,



Frances Simmons
Town Clerk

I'd like to comment on the proposed zoning ordinance on small animal boarding and the variance request for moving the setback line at 765 Folly Road.

I'll do some verbal bullet points:

Folly Road in this area is mostly designated as business. However, this is just a narrow strip – it is adjacent to residential areas, very close behind the current businesses. The creek (James Island Creek or Ellis Creek runs right behind the proposed relocation of the boarding facility), - only 20 feet from the back of the existing building! In October of last year, the Town of James Island Public Works Dept. issued a flooding advisory – this particular property had some erosion on the banks of the creek in this area and the parking lot had standing water. Not a good place for a kennel!

The existing dog boarding facility has had numerous complaints about barking dogs after hours and for probable pollution of the creek with animal feces. Before it moved there, the creek was cleaner, with less bacterial contamination with the exception of when Huff's Seafood was located in it's original location. When Huff's was at 765 Folly, the creek was often covered with a slimy brown bacterial bloom, and smelled fishy. When Huff's moved next door, further from the creek, the water quality improved.

State DHEC does not have any regulations on the location of boarding facilities, however, they are involved in keeping our waters clean and safe. DHEC has no regulations for additional septic systems if there is existing sewer provided by the infrastructure. BUT, Both the state and Charleston County Stormwater Divisions set best-practice guidelines to try and prevent storm run-off and pollution of our creeks. They outline screening, buffers, retention ponds, etc to minimize pollution.

The request to build out even closer to the creek doesn't allow for any of these prescribed buffers. 14 feet isn't much! And during King Tides, heavy rains, this property has had standing water problems.

In summary, there are many substantial reasons NOT to amend the zoning ordinance nor allow set back variance, or even allow such a facility to be located in areas so close to residential neighborhoods. There are a couple of locations further down Folly Road zoned industrial, and some properties on River Road, Johns Island that would be much more appropriate and healthier for our creek, the dogs as well as the neighbors..

I want to be able to fish and crab off my dock again and not worry about getting sick from the bacterial contamination.

Teri Lynn Herbert
1726 Brantley Dr.
James Island, SC 29412-3503

Frances Simmons

From: Mary Edna Fraser <info@maryedna.com>
Sent: Thursday, June 16, 2016 10:22 AM
To: Leonard Blank; Garrett Milliken; Darren Troy Mullinax; Josh Stokes; Kristen Crane; Ashley Kellahan; Frances Simmons
Cc: Cheryl Carmack; Andrew Wunderley; Katie Zimmerman
Subject: Item #2, Public Hearing on Proposed Changes to Town of James Island Zoning and Land Development Regulations Ordinance, including amendments regarding Small Animal Boarding, Pet Stores and Grooming Salons

June 16, 2016

Town of James Island Council
1238B Camp Road
James Island, SC 29412

RE: Item #2, Public Hearing on Proposed Changes to Town of James Island Zoning and Land Development Regulations Ordinance, including amendments regarding Small Animal Boarding, Pet Stores and Grooming Salons

Dear Members of James Island Town Council:

I reported to James Hackett the code enforcement officer for James Island on June 23, 2015 a 3' x 2' floating pile of dog poo coming from the Wag Factory channel of the creek. This often happens across from the Wag Factory since they located here. Cheryl Carmack, Staff Scientist joined Charleston Waterkeeper in 2012 and monitors water quality from our dock. After almost every rain and often with no rain James Island Creek is unswimable. DHEC has also been called.

Since the Wag Factory moved to our creek levels have ramped up high for the fecal bacteria for testing from our dock. The Wag Factory is supposed to bag the dog poo but they may have employees that do not do this smelly job. Also runoff is constant. Bo Wilson was the town lawyer at the time and we have a large group of folks concerned about this as well as the crying of the barking dogs at all hours.

Jim Palmer was reticent at first on this matter as the code enforcement officer but when he went he saw and heard what we are experiencing he even apologized for not realizing how bad it is for all who live near The Wag Factory.

Please heed the citizens who own residential property on James Island Creek (also known as Ellis Creek) in our plea to keep the maximum square footage limitations in place as this leaching of pet waste into our waterway is rampant presently. A facility like the Wag Factory should never be on a creek in a residential area.

Katie Zimmerman's thoughtful letter echoes our problem as program director of the Air, Water, and Public Health for the Coastal Conservation League.

Sincerely,
Mary Edna Fraser

CHARLESTON
WATERKEEPER®

Andrew J. Wunderley, Esq.

*Protecting the public's right to
swimmable, drinkable, fishable water.*

Charleston Waterkeeper
1630 Meeting Street Road, Suite 205
Charleston, South Carolina 29405
Phone: (843) 906-7073
Email: andrew@charlestonwaterkeeper.org

June 16, 2016

Town of James Island
Town Council
1238-B Camp Road
James Island, South Carolina 29412

Re: Proposed Ordinance 2016-05 amending ZLDR sections 153.110 and 153.152

Dear Town Council Members,

Charleston Waterkeeper is a local nonprofit organization dedicated to protecting and restoring Charleston's local waterways for fishing and swimming. As your Waterkeeper, my job is to speak for all of our local waterways — including James Island Creek — and stand up for our right to safely fish and swim without fear of pollution. Thank you for the opportunity to offer these comments and suggestions regarding proposed Ordinance 2016-05 amending the Town of James Island's Zoning and Land Development Regulations Ordinance (ZLDR).

Charleston Waterkeeper operates a DHEC approved and certified water quality testing program. The program is designed to measure levels of bacteria in local tidal creeks and rivers to determine whether they are safe for swimming. We regularly test 15 sites including two in James Island Creek: one near the Harbor View Road bridge and another near the Folly Road bridge.

In more than 3 years of testing, we have collected and analyzed over 140 samples from James Island Creek. That testing reveals that James Island Creek fails to meet its state water quality standard for safe swimming due to high bacteria levels. In fact, DHEC recently listed the creek as a top priority for TMDL regulation in its biennial report of South Carolina's impaired waterways.

Bacteria enters our local waterways from a variety of sources including wild and domestic animal waste, sanitary sewer overflows, malfunctioning sewage treatment plants, vessel

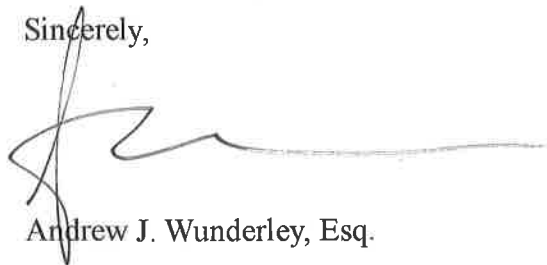
discharges, and failing septic tanks. Stormwater runoff from riparian land uses like small animal boarding facilities is also a potential source of bacteria contamination for nearby tidal creeks and salt marsh. Charleston Waterkeeper believes such land uses are most appropriate situated away from riparian zones with a direct connection to our tidal creeks and salt marsh.

If the Town determines small animal boarding facilities are an appropriate Conditional Use or Special Exception adjacent to James Island Creek, their potential impact can be mitigated through best management practices designed to limit both the exposure of animal waste to stormwater and the amount of stormwater discharged from the facility site. Accordingly, Charleston Waterkeeper suggests the Town consider the following:

1. Require small animal boarding facilities to develop an enforceable waste management plan and/or stormwater plan that eliminates the exposure of animal waste to stormwater. The plan should, at a minimum, detail the waste disposal practices employed at the facility and the steps taken to eliminate contact between stormwater and animal waste.
2. Apply the setbacks and buffers proscribed in ZLDR Section 153.337. Setbacks and buffers are an effective tool to control both the quality and quantity of contaminated stormwater runoff. In fact, Section 153.337 itself recognizes that buffers and setbacks are important for protecting "water quality and wildlife habitat."

As a sea island surrounded salt marsh, tidal creek, and rivers, the Town is blessed with a wealth of water resources enjoyed and treasured by locals and visitors alike. We all share a responsibility to ensure it stays that way. Thank you for your consideration.

Sincerely,

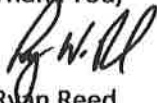
A handwritten signature in black ink, appearing to read "Andrew J. Wunderley", with a long horizontal flourish extending to the right.

Andrew J. Wunderley, Esq.

James Island Town Council Members,

As the owner of one of the few Small Animal Boarding Facilities and Grooming Salons within the Town of James Island's jurisdiction, I would like to voice my support for the proposed changes eliminating the 2,000 square feet stipulation, thus requiring all such businesses to obtain a Special Exception.

Thank You,

A handwritten signature in black ink, appearing to read 'R. Reed', written over the printed name.

Ryan Reed

Owner – Wag Factory