

A regular meeting of the James Island Public Service District (JIPSD) Commission was held at 7:00 p.m. on February 27, 2023, at James Island Town Hall located at 1122 Dills Bluff Road, James Island, South Carolina.

Present at the meeting were the following members: Kathy Woolsey, Chair, who presided; Inez BrownCrouch, Paul Cantrell, Marilyn Clifford, Brenda Grant, Ronald Ladson and Susan Milliken.

Also present were: Representative Spencer Wetmore, House District 115; Bill Woolsey, Mayor, Town of James Island; Charlie Carmody, Realtor, CBRE Realty; Chip Bruorton, District Attorney; Tim Muller, District Attorney; Dave Schaeffer, District Manager; Tamara White, Assistant District Manager; Joanne Tucker, Administration Manager; Tom Glick, Fire Chief; Brad Smiley, Deputy Fire Chief; Shawn Engelman, Deputy Fire Chief for Administration & JIPSD Safety; Steve Aden, Director of Fleet Services; Joe Marcinkus, Director of Wastewater Services; David Major, Facilities Maintenance Specialist and Officer Colson, Charleston County Sheriff's Office.

Ms. Woolsey called the meeting to order.

1. The Freedom of Information Act Report – In compliance with the Freedom of Information Act, notice of this meeting and its agenda were provided to all news media and persons requesting notification.
2. The roll was called.
3. Oral and Written Petitions
 - A. Cynthia Mignano, 963 Fox Croft Road, presented a timeline of events that recently occurred regarding a request by Commissioner Woolsey to remove two grand oak trees without the consensus of the full Commission (attached).
 - B. Kay Smith, 1244 Peregrine Drive, stated that the Peregrine Point Townhome Association will be requesting an opportunity to inspect or obtain copies of public records from the District that indicate the number of users currently being billed a base fee by the District for more meters than are physically present on their property (attached).
 - C. Garrett Milliken, 762 Ft. Sumter Drive, stated that he is not representing the Town Council and came to address the authority of individual Commissioners to represent the whole body.
 - D. Susan Milliken, 762 Ft. Sumter Drive, expressed that she has been on the Commission for two years and has had great difficulty getting information on the agenda pursuant to the bylaws and she feels ignored. She went on to say that she is interested in a salary study, the Human Resources position, and the Commission not functioning by their bylaws, officer responsibilities and duties.
4. Consent Agenda
 - A. **Ms. Milliken moved to amend the executive session to add in legal advice on officer duties and responsibilities, seconded by Ms. Grant. A roll call vote was taken, and the motion carried 4 to 3 as follows:**

Ms. BrownCrouch		Nay
Mr. Cantrell	Aye	
Ms. Clifford		Nay
Ms. Grant	Aye	

Mr. Ladson	Aye	
Ms. Milliken	Aye	
Ms. Woolsey		Nay

B. **Ms. Clifford moved to approve the consent agenda, seconded by Mr. Cantrell. A roll call vote was taken and the motion carried unanimously.**

5. JIPSD Commission Recognition of House District 115 Representative Spencer Wetmore

A. Mr. Schaeffer stated that the District is very happy to welcome House District #115 Representative Spencer Wetmore this evening. Representative Wetmore was instrumental in the District obtaining a \$1 million earmark in the State’s Annual Budget signed into law in June 2022. This million dollars will go towards the efforts of improving water quality and restoring the James Island Creek Watershed. The District received the check for \$1 million in December 2022 and wanted to take a photo opportunity with the Commission and Representative Wetmore to post on social media about her efforts. He went to thank Representative Wetmore again for her continued support as the District moves forward together in this partnership with the State, the Town of James Island, Charleston Water System, the City of Charleston, and Charleston Waterkeeper.

6. Approve Fire Department’s 2023 FEMA AFG Grant

A. Mr. Schaeffer spoke to the District’s application for the next round of funding through AFG/FEMA and states that they hope to leverage \$29,023.81 of the District’s funding to obtain \$580,476.19 in Federal funding associated with the Total Air Pack Project - \$609,500 required to purchase 45 SCBAs (self-contained breathing apparatuses).

B. **Ms. Clifford moved to the Fire Department’s 2023 FEMA AFG Grant, seconded by Ms. BrownCrouch. A roll call vote was taken and the motion carried unanimously.**

7. Approve Ordinance Repealing Procurement Ordinance – First Reading

A. **Ms. Milliken moved to approve the Ordinance Repealing Procurement Ordinance for discussion purposes, seconded by Ms. Woolsey. A roll call vote was taken and the motion carried 6 to 1 as follows:**

Ms. BrownCrouch	Aye	
Mr. Cantrell	Aye	
Ms. Clifford	Aye	
Ms. Grant	Aye	
Mr. Ladson	Aye	
Ms. Milliken		Nay
Ms. Woolsey	Aye	

8. Review of Updated Draft Procurement Resolution based on Ways and Means Committee Decision

A. Mr. Schaeffer stated that on page 22 of the updated Procurement Resolution, Article IX – Section 9-901 (a) (2) = the last sentence now reads “*The sale of property requires two readings of the resolution.*” This was the only modification made to the Procurement Resolution based on the previous discussion. Much like the Ordinance to Repeal the Procurement Ordinance, the plan would be to publicly advertise and schedule the Public Hearing for the Procurement Resolution at 6:30pm on March 27, 2023. Discussion followed.

9. Update on the Potential Intergovernmental Paving Project for Plymouth Avenue (Fire Station 3)
 - A. Mr. Schaeffer stated that the District owns half a lane in front of Fire Station 3 and the other half of the lane is owned by the City. The County is mobilizing a paving crew to pave Plymouth Avenue down to the boat landing. The project involves multiple agencies. Discussion followed.
10. January District Management Report
 - A. Mr. Schaeffer reported:
 - The Next Adopt a Highway opportunity is Saturday, March 11, 2023 – we meet at 8:00 am on the Corner of Folly Rd and Fort Johnson Rd – I appreciate everybody’s help with the efforts to keep James Island clean.
 - The next Ways & Means Committee meeting is scheduled for 6:00 pm here at the Town of James Island and our Bond Counsel, Lawrence Flynn is scheduled to provide training to the Commission and that’s why we’re scheduled to begin a little earlier than normal. Lawrence will be able to answer any questions and can also provide clarifications on the District’s upcoming Capital Lease and SRF Loan Debt Issuance to complete the Phase 5 of the FY24 Rehab of the wastewater lines and manholes. All of this is incorporated into the District’s FY24 Budget that we will also be discussing.
 - We will also be able to present a more detailed version of the District’s Implementation Plan associated with the Strategic Plan approved by the Commission back in December of 2022.
 - Update on the FY23 Vehicles now being Pushed to FY24 – AutoCar Automated Side Loader now November or December 2023 (instead of June 2023); the same time frame is now expected for the International Dump Truck November or December of 2023 (instead of June 2023).
 - If you look at the financial rollup for the month ending January 2023, members of the Commission will notice a significant increase in the General Fund Revenue stated as \$5,138,997.54. That same figure from last month was only \$1,146,806.69 – an increase of nearly \$4 million or \$3,992,190.86 from December 2022 to the month ending January 2023. If you dive into the General Fund Revenue detail for the very first line real property Tax District 3-1 of \$3,675,340.61 – the District has collected almost 70% of that revenue and now over 90% of Personal Property Revenue for Tax District 3-1. Both of these revenue figures are the Charleston County’s Distribution of Tax Collections to the District through the month of January 2023. Tax bills went out in October 2022 and were due by January 18, 2023 – this is now 7 months into Fiscal Year 23 before the District is seeing significant bumps in revenue on its biggest General Fund revenue source – so this is good news.
11. Committee and JIPSD Representative Reports – none
12. Correspondence and/or Newspaper Articles – none
13. Oral and Written Petitions – none

14. Executive Session

- A. Ms. Milliken moved to enter into executive session to discuss the purchase agreement, an ordinance for the sale of property TMS# 425-12-00-298 and TMS# 425-12-00-185, a personnel matter of a retired employee and officer duties and responsibility. Ms. Grant seconded the motion. A roll call vote was taken, and the motion carried 6 to 1, with a nay vote from Ms. Woolsey.
 - B. The Commission entered executive session at 8:06 pm.
 - C. The Commission exited executive session at 8:57 pm. No action was taken.
15. Ms. Milliken moved to approve the Purchase Agreement for TMS# 425-12-00-298 and TMS# 425-12-00-185, seconded by Mr. Ladson. A roll call vote was taken and the motion carried unanimously.
 16. Ms. Milliken moved to approve the ordinance for the sale of TMS# 425-12-00-298 and TMS# 425-12-00-185 in the amount of \$1,899,000 to KT Properties, seconded by Ms. BrownCrouch. A roll call vote was taken and the motion carried unanimously.
 17. Ms. Clifford moved to adjourn the meeting, seconded by Ms. BrownCrouch. A roll call vote was taken, and the motion carried unanimously.
 18. Ms. Clifford adjourned the meeting at 8:57 p.m.



Ronald Ladson
Secretary
RL/TW

An open letter to the JIPSD

My name is Dr. Cynthia Mignano. I am a Chiropractor here on James Island and a member of Town of James Island Council. I am also the Land Use Chair for the Town of James Island. I would like to present a timeline of events that recently occurred. I have paraphrased for time constraints, but have attached documents with the complete rulings and information.

January 17, 2023: The Town of James Island BZA met and rendered the following decision:

Town of James Island BZA approves the variance for the removal of 2 grand trees for intersection improvements in the ROW adjacent to 1182 Fort Johnson Road.

There were four conditions. #4 is the one pertinent to my comment.

4. The trees shall not be removed until all permitting of the project is completed and all municipalities have signed off on the project.

Sunday, February 12, 2023 4:21 pm. Kathy Woolsey sends an email to Abolfazi Rajabi with SCDOT. Subject: dangerous trees. She requests immediate removal of the trees stating concern of danger to JIPSD vehicles and employees. Please see attached email. This email was sent as the Chairman of JIPSD.

February 16, 2023. One grand tree is cut down by contractors working for SCDOT.
12:50pm. I take pictures of the trunk of the felled tree.

February 16, 2023. Town of James Island Council meeting Public Comment.

Kathy Woolsey signs up for Public Comment and states that she, and she alone, contacted SCDOT to have the trees removed "because she was concerned about her vehicles."

This timeline of events has caused great discord at the Town of James Island.

The BZA ruling was ignored by the leader of another municipality. Resignation of the entire Board was considered and this consideration was stated at the Town of James Island Town Council meeting during public comment by Brook Lyon, Chair of BZA.

These actions taken by Kathy Woolsey, on public record and by her own statement, are a blatant disregard of Town of James Island's BZA. A formal apology is in order. This type of disregard for protocol can be damaging to a crucial relationship between the TOJI and PSD.

----- Forwarded Message -----

From: Town of James Island News <info@jamesislandsc.us>

To: Brook Lyon <lyongusts@aol.com>; David Savage <dsavage@savagelawchs.com>; Amy Fabri <shelbylynn833@yahoo.com>; Corie Erdman <corie@coriehipp.com>; roydavissmith@aol.com<roydavissmith@aol.com>

Cc: Kristen Crane <kerane@jamesislandsc.us>; Niki Grimball <ngrimball@jamesislandsc.us>; Flannery Wood <fwood@jamesislandsc.us>; Frances Simmons <fsimmons@jamesislandsc.us>

Sent: Friday, February 3, 2023, 12:25:01 PM EST

Subject: Town of James Island, Board of Zoning Appeals Decision of January 17, 2023

The Town of James Island Board of Zoning Appeals duly assembled on Tuesday, January 17, 2023 rendered the following decisions:

1.

Town of James Island BZA finds that Mr. John Martin, Transportation Project Manager, Charleston County Public Works ("the Applicant") filed an application for a Variance for the removal of two grand trees (44" DBH Live Oak and 37.5" DBH Live Oak) in the Right-of-Way (ROW) adjacent to property identified as TMS #428-03-00-004 and located at 1182 Fort Johnson Road, Town of James Island, South Carolina for intersection improvements at the intersection of Fort Johnson Road and Camp Road.

The Town of James Island Board of Zoning Appeals **approves** the Variance request for the removal of two grand trees (44" DBH Live Oak and 37.5" DBH Live Oak) for intersection improvements in the ROW adjacent to 1182 Fort Johnson Road, **with the below-referenced conditions.**

1. Prior to obtaining a Zoning Permit for the proposed site improvements, the applicant/owner shall install tree barricades around the protected trees on the property, as described in §153.334 of the *Ordinance*, throughout the duration of construction.
2. Prior to obtaining a Zoning Permit for the proposed site improvements, the applicant/owner shall provide documentation that the protected trees in the project area have been pruned and fertilized as recommended by a Certified Arborist, in order to mitigate potential damage to the trees caused by construction.
3. The applicant/owner shall mitigate the removal of the grand trees by submitting a mitigation plan to the Zoning Administrator, as described in 153.334 (E) (2) of the *Ordinance*.
4. The trees shall not be removed until all permitting of the project is completed and all municipalities have signed off on the project.

2.

Town of James Island BZA finds that Ms. Jeanette A. Kress and Mr. Douglas E. Ries ("the Applicant" and "Owner") filed an application for a Variance for the property identified as TMS #454-10-00-038 and located at 649 Harbor View Road, Town of James Island, South Carolina. The Applicants request a Variance for the construction of an 8' privacy fence in the front setback of a residential lot in the Low-Density Suburban Residential (RSL) Zoning District.

The Town of James Island Board of Zoning Appeals **approves** the Variance request for the construction of an 8' privacy fence in the front setback of a residential lot in the Low-Density Suburban Residential (RSL) Zoning District at property located at 649 Harbor View Road, **with the below-referenced condition.**

1. The applicant shall obtain the required zoning and building permits before fence construction.

Frances Simmons

Town Clerk and Secretary to the BZA

Town of James Island News

www.jamesislandsc.us

1122 Dills Bluff Rd. (843) 795-4141

From: Kathy Woolsey <woolseyk@jipsd.org>
Sent: Sunday, February 12, 2023 4:21 PM
To: Rajabi, Abolfazl A. <RajabiAA@scdot.org>
Subject: dangerous trees James Island

*** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source ***

I would like to call your attention to an Arborist report about 2 large trees located at the end of Camp Rd. near Ft. Johnson Rd on James Island SC. https://www.jamesislandsc.us/sites/default/files/uploads/tree-report_tra-1138-camp-road-002-.pdf (Town of James Island website)
What I found alarming was this paragraph:

Based on this level 2 evaluation, I have determined that the 36" Live oak (Tree #1), 44" Live oak (Tree #2), 23" Laurel oak (Tree #4), 32" Live oak (Tree #5) and 44" Laurel oak (Tree #6) outlined in this report would not sustain through construction, are structurally compromised, an imminent hazard and should be removed as soon as possible to reduce unnecessary risk of failure, injury to people and/or damage to property.

The James Island Public Service District has over 50 trucks which travel on Camp Road daily, including Firetrucks, Garbage trucks and Wastewater service trucks. When a large tree falls on a vehicle somebody usually dies. I would hate to lose a valued member of our team and damage an expensive Firetruck if one of these trees fall.

The 2 trees have been marked with flagging tape and are only a few feet from the road.

Please remove these dangerous trees as soon as possible

Thank you

Kathy Woolsey

Chairman JIPSD



James Island Public Service District

Quality Water and Sewer Service

Kathy Woolsey

Commissioner





Members of the PSD Commission, staff members, employees and citizens, I am here tonight to address my concerns with unilateral decision authority by the chair of this body. I would direct ^{YOUR} ~~the District Manager~~ ^{legal counsel} to investigate the by laws and charter of this organization to determine the extent to which individual members have the authority to represent all commissioners when they unilaterally demand action from other government entities. In particular, when that unilateral action is counter to ongoing actions by a previously friendly and cooperating government entity, the Town of James Island. The action taken by the PSD Chair to request to SCDOT for removal of two grand trees without consensus of the rest of commission was made in direct violation of the ruling by the Town of James Island's Board of Zoning Appeals. The BZA is a quasi-legal authority that ruled for the removal of the trees only after an associated road project plan was finalized and signed off on by the Town of James Island and City of Charleston. The PSD Chair ignored this ruling and instead used her authority to get a healthy tree removed. James Island will not look like James Island if all of our ROW trees are removed because we are concerned with trees falling on firetrucks, firemen or sanitation workers. I hope a vote of no confidence in PSD leadership will be considered as this poor decision will impact any future relationship with the Town of James Island.

This has NOT happened.

Memo

To: Commissioners, JIPSD

From: Kay Smith, President, Peregrine Point Townhome Association

Re: Freedom of Information Act Request

Under the **South Carolina Freedom of Information Act, §30-4-10 et seq.**, the Peregrine Point Townhome Association will be requesting an opportunity to inspect or obtain copies of public records from the James Island Public Service District that indicate the number of users currently being billed a base fee by the JIPSD. for more meters than are **physically present** on their property.

We believe that our recent request for a change in the base rate that we are being charged has not been adequately addressed: we have only one 2" meter on our property and yet we are being charged the base rate for ten 2" meters. We think that we may not be the only customers of JIPSD being so charged, so we will submit to a FOIA request for this information.