

The minutes of the regular meeting of the Town Council of the Town of James Island held Tuesday, October 7, 2003 at 7:00 p.m. at the Town Hall located at 1246 Camp Road.

Mayor Mary Clark called the meeting to order; attending were Councilmen Joe Qualey, Bill Wilder, Parris Williams and Bill Woolsey. Also present were Town Attorney Mike Socha and Clerk-Treasurer Marie Copeland.

Councilman Parris Williams gave the invocation, which was followed by the Pledge of Allegiance to the Flag.

Councilman Woolsey moved that the minutes of the regular meeting of September 16, 2003 are accepted without additions, corrections or omissions. This motion was seconded by Councilman Wilder and was unanimously approved by Council. The Mayor announced that the meeting would be conducted under Robert's Rules of Order and in compliance with the Freedom of Information Act.

The Mayor chose to dispense with her usual comments to go right into

Citizen's Comments:

John McGee, 1134 Sigsbee Road, stated that he had spoken with Charleston County Public Works who had told him that the permits and design work for the paving of Sigsbee had been done; he was, therefore, asking that Council approve the funding for the work to be done. He also noted that he had talked with Councilman Williams who had told him that, if the project were to be done in 2003, the Town of James Island would only pay materials costs, whereas waiting until 2004 the Town will pay for labor, equipment rent and materials.

Prince Brown of 1761 Grimball Road attended the meeting to express his desire to have Elias Lane paved.

Bob Kline, 661 Ft. Sumter Drive, restated his views from a 9/11/03 letter to Council to get assistance for the Planning Commission in the form of an ombudsman. He then brought up the concerns that he has over the number of college students who are living in one residence and, generally, to the large number of college students who are renting residences on James Island. These rental locations are lowering property values in the neighborhoods and causing traffic congestion as well.

Henry Halter, 762 Jordan, voiced his concern over the proposed new grand tree portion of the Land Use Ordinance.

Tom Traher encouraged the adoption of the proposed Land Use Ordinance; he stated the opinion that the Town will lose its residential community if rentals continue.

Mayor Clark announced that, in keeping with services provided by the Town, Frank Procaccini will be using the Town Hall for a meeting on October 15, 2003 at 7 pm for an organizational meeting for a James Island chapter of the Charleston Democratic Party.

At this point the meeting was turned over to Frank Toland from the Charleston County Planning Department to present the information on the possibility of the Town's accepting the public dedication and maintenance of the road right-of-way and drainage system. Cathy Klineman, Executive Director with Charleston Affordable Homes, stated that this road is in a new subdivision composed of 28 entry-level homes ranging in price from \$149,000 to \$159,000; the subdivision is located off Grimball Road and is being built by Charleston Affordable Homes. To assist moderate income families in acquiring these homes, Charleston Affordable Housing will be raising grants, down payment assistance in closing costs, low interest financing and other forms of subsidy to help these people become home owners. Councilman Woolsey moved

THAT the Town of James Island accepts the road and drainage system into the public maintenance system.

The motion was accepted and discussion ensued. When Councilman Williams asked if the Town had to pay for these, Mr. Toland responded that the County will take out a bond to hold for 2 years; if anything should fail in that period, the developer must pay for all repairs or forfeit the bond. The vote for the motion was unanimous approval.

Mayor Clark then asked Bob Kline to introduce his guest, Phil LaRoche, Community Development Manager in the Grants Administration for Charleston County. He related the history of the Community Development Block Grant program that he administers. In 1998 Charleston County applied to HUD to become a County Urban Entitlement Area. The Urban Entitlement Program is made up of 9 participating jurisdictions, i.e. Awendaw, Mt. Pleasant, Sullivan's Island, Isle of Palms, Lincolville, Meggett, Hollywood, Ravenel and unincorporated Charleston County. This is a competitive program for the HUD funds that come to Charleston County; the grants are in 3 forms, i.e. Community Development Block Grant funds, HOME for the development of new, affordable housing and ESG or Emergency Shelter Grants focusing on the homeless. He stated that everything they do is through organizations, either non-profit or jurisdictions and the funds must serve a population that qualify in terms of income, i.e. they can make no more than 80% of the median income for Charleston County. Currently the median income for Charleston County is \$45,000-47,000 per year, which means that those who qualify for the program this year must have an income of between \$36,000 and \$37,500 per year. CDBG funds can be used for infrastructure, sewer connection, rehabilitation to homes, public facilities, park improvements, etc. He commented that each participating jurisdiction is asked to sign a new cooperative agreement every 3 years; this agreement is a statement that the jurisdiction will cooperate with the County in terms of its rules and regulations and the rules and regulations

that come from HUD. Once you sign this cooperative agreement, you are in for 3 years unless you elect to step out. He remarked that it takes approximately 1 year to go through all of the paperwork and all of the steps necessary to become a participating jurisdiction; therefore, if James Island chooses to become a participating jurisdiction, the Town must sign a cooperative agreement with Charleston County, a letter will sent to HUD saying that the Town is desirous of being a part of this program. The Town can send 1 representative from the Town to sit on the Advisory Board, which is made up of representatives from the 9 jurisdictions and 1 or 2 representatives from industry. Ultimately the Advisory Board decides how these HUD funds are distributed among the 9 members. James Island is currently in the process of becoming a member, as such a public hearing is scheduled for Tuesday November 18 at 6:00 p.m. where citizens are encouraged to come in to indicate what they consider to be the needs of the community. It will be July 1, 2004 before the Town of James Island can be approved as a participating jurisdiction. Funding for the entire urban area is based on low to moderate income population; funding for the individual jurisdictions is based on need. The window for funds for the new year begins October 15, 2003 and runs through January 15, 2004; the Town is eligible to apply for these funds. Mr. LaRoche brought a packet with him and gave it to the Clerk-Treasurer. Mr. Kline asked if there was anyone in the Grants Administration Dept at the County who would assist the Town in getting grants, for instance, to assist the Little League; Mr. LaRoche said he was not involved with that area, but there was someone who could assist in such an endeavor. He went on to say that the Town would need either to be a non-profit organization or, in the position that James Island is in today, apply through a non-profit agency, possibly COG. He did state that COG charges as much as 20% of the grant. He did leave several brochures on the HUD grants as information for the Council.

COMMITTEE REPORTS:

The Mayor commented on the fact that all of the committees were not listed on tonight's agenda. In an effort to shorten the meetings that will soon be starting at dark, all committee chairmen have been asked to provide written reports to Town Hall by Thursday before Council meetings. These written reports will be attached to the agenda at the meeting the following Tuesday. Those who submit written reports are requested to give a brief summary at the Council meeting, while those who do not have a written report will not be expected to give oral ones. Included with your agenda tonight are written reports from the Environment and Grants Committees and Planning Commission. Leonard Blank did ask to be recognized to remind citizens of the Public Hearing on the appeal involving Camp Road Estates that will be Wednesday, October 8 at 5 p.m.

OLD BUSINESS:

Since the public hearing was held earlier this evening, Mike Socha was asked to present the Land Use Ordinance, Ordinance #2003-19, for second reading. Councilman Qualey moved

THAT the Town Council adopts Ordinance 2003-19, AN ORDINANCE ESTABLISHING ZONING REGULATIONS, REGULATIONS FOR THE SUBDIVISION OF LAND, AND THE COMMUNITY FACILITIES AND LAND USE ELEMENT OF THE COMPREHENSIVE PLAN.

The motion was seconded by Councilman Wilder. Mayor Clark requested that the citizens be given another opportunity to speak to this ordinance as a vote on this ordinance will make it law; she stated that it is a very important step that the Town is taking and that any and all questions should be answered. Frank Procaccini of Biltmore Drive voiced his opinion that the suggested change to the zoning map using Office Residential zoning for Folly Road between Harbor View Road and Signal Point Road was too restrictive. He spoke as a realtor saying that some of the units are too small and referred to the traffic issues on Folly Road making certain units incapable of being developed. He further asked, if a syndicate were to buy 3-4 of the properties and combine them, would a zoning variance be possible? In response to his concerns, Leonard Blank noted that the Office Residential Zoning is only a suggestion, a proposal for future land use; as such, it is subject to different types of zoning. Henry Halter, 762 Jordan Avenue, expressed his concerns over the change in the definition of grand tree from 24" to 12". His family has had a 9-acre tract of land along Folly Road for many years, and the taxes have become quite high. The family is very concerned if they cannot do anything with trees over 12" in circumference. He asks that this issue be reconsidered. There were no more citizens wishing to speak, so the discussion moved to the Council members. Councilman Woolsey moved

THAT the current definition of a grand tree being 24" in diameter is retained for the Land Use Ordinance.

There was no second; therefore, the motion failed. Councilman Woolsey then moved

THAT the definition of a grand tree be defined as a live oak.

There was no second; therefore, the motion failed. Councilman Wilder addressed Mr. Halter's comments saying that this "document is like an infant..., quite naturally it will be changed;" basically it is a starting point. If you have a need to do something with your land, there is the Board of Zoning Appeals. Councilman Qualey chose to address the tree issue in the beginning of his comments; basically his opinion is that a 24" tree is a huge tree and that trees that were not previously protected now are. His second comment was that this ordinance is where the Town of James Island makes its stand; this is how we are going to deliver to the people what we promised. He stated that he has frequently been asked to stop the condominiums, small home subdivisions, etc. and that this ordinance is the Town's opportunity to do just that. Councilman Woolsey noted that the developments like Meridian Place cannot be stopped

because they are in the City. His interpretation of the Land Use Ordinance is an attempt to down zone property so that, instead of people putting 4 units per acre, now they can only put 3 units; he states that he feels changing that zoning is the wrong thing to do; to think that this change will prevent another Meridian Place, which again is in the City, is unrealistic. He believes "it is a small taking of people's property rights and it is the wrong thing to do." Councilman Woolsey moved

THAT the Low Density Suburban Residential (RSL) zoning district of the Land Use Ordinance remains 4 dwellings per acre and leave the minimum lot size at 8,000 square feet.

With no second, the motion fails. Mayor Clark asked Leonard Blank for a clarification on the County Plan and its statement of 4 dwellings per acre. Mr. Blank stated that Charleston County and the suburbs are zoned for 2 to 4 dwellings per acre, and it is supposed to be based on the character of the neighborhoods, which is why the flexibility is built into the ordinance. The 4 units per acre is the maximum number of dwellings allowed. The vote on Ordinance 2003-19 was as follows: Qualey - aye, Wilder - aye, Williams - aye, Woolsey - nay and Mayor Clark - aye.

The second reading of Ordinance 2002-15, AN ORDINANCE ENTERING INTO A PLAN FOR WASTEWATER, FIRE PROTECTION AND SANITATION SERVICES TO BE PROVIDED DIRECTLY TO THE RESIDENTS, CITIZENS AND PROPERTY OWNERS IN THE TOWN OF JAMES ISLAND BY THE JAMES ISLAND PUBLIC SERVICE DISTRICT IN WHICH THE BOUNDARIES OF THE JAMES ISLAND PUBLIC SERVICE DISTRICT CONTINUE UNCHANGED, was presented by Mike Socha. Councilman Woolsey moved

THAT Ordinance 2002-15 is adopted.

Councilman Qualey seconded. Councilman Woolsey confirmed with Mike Socha that there was an out clause if the PSD were to lose their case, which would mean that the people of the Town of James Island could no longer vote for the PSD commissioners, but would still have to pay taxes to the PSD. He is of the opinion that this should not be adopted without such a clause. Mike Socha said it was a good idea to amend the ordinance to put in the escape clause. Councilman Woolsey then moved

THAT Ordinance 2002-15 be amended to include a clause stating that the Ordinance applies so long as the people of the Town of James Island have an equal right to vote for PSD commissioners.

Councilman Qualey seconded the amendment. As discussion began, Councilman Wilder questioned when the PSD ruling was expected to be handed down. Mike Socha agreed to look into the status and report at a later date. The vote for the amendment was unanimous in favor of its approval. The vote on the amended ordinance followed and it was also unanimous to adopt.

As in the Ways and Means Committee, the road paving issue has been postponed until the next meeting. Mike Socha reported that a letter was going to be written to the County requesting specifics on the paving of 4 roads.

NEW BUSINESS:

The question of increasing the number of councilmen was tabled after Mike Socha stated that it was his recollection that this could be accomplished by resolution.

As the Land Use Ordinance has been adopted by Council, arrangements must be made to reproduce the ordinance for Charleston County Planning Department, the BZA, the Planning Commission, members of Council and office editions. As a result, Councilman Woolsey moved

THAT the 2003-2004 budget is amended to reduce the Reserve by \$2,000 and increase Printing by \$2,000 to finance the printing of the Land Use Ordinance.

The motion was seconded by Councilman Williams. There was no discussion, and the vote was unanimously in favor of the motion.

The next item of business was the first reading of Ordinance 2003-20 - THE JAMES ISLAND BUSINESS LICENSE ORDINANCE. Councilman Woolsey moved

THAT the Town Council adopts Ordinance 2003-20 as the new Business License Ordinance.

Councilman Wilder seconded the motion. Councilman Woolsey then asked why these changes were being made, and Mike Socha explained that one situation driving the changes is that the classifications have changed; this represents the County bringing their ordinance up to date. Since the Town relies on the County to administer the Business License Ordinance, we are bound to have the same ordinance. He did relate that, since some of the classifications have changed, businesses may be in a classification that has a lower rate, thereby changing the amount the Town will receive next year. If the Town is interested in collecting at least as much as it has this year, the County has a program that will tell us what the fees must be; Mike Socha offered to find out what the Town will need to do between readings. To the question of when this Ordinance goes into effect, the answer was January, 2004. The vote was unanimous to adopt Ordinance 2003-20.

The final item on the agenda involves the election to be held in June, 2004. Mayor Clark stated that she has spoken with Barbara Gray, who served as one of the election managers in the formation of the town; Ms. Gray agreed to serve as an adviser this time. Councilman Woolsey stated that he had prepared a resolution to establish an election committee, but that Mike Socha has prepared an ordinance that, he feels, is much more extensive in its coverage of election issues than his. He then moved

THAT the Council adopt Ordinance 2003-18 - AN ORDINANCE ESTABLISHING METHODS OF ELECTION FOR MAYOR AND TOWN COUNCIL.

His motion was seconded by Councilman Wilder. Councilman Wilder noted that the ordinance calls for fees, and are they to be set at this meeting? Council agreed to filing fees of \$150 for Mayor and \$100 for Council. Councilman Qualey questioned that the terms for election commissions were to be 6 years; it was pointed out to him that this is in accordance with State Code. Councilman Qualey then suggested that Councilman Woolsey give his resolution to Mike Socha to incorporate into his ordinance for presentation to the Council at the next meeting. It was also decided that requests for persons interested in serving be placed in *The Journal* so that they can come by the Town Hall to complete applications as has been done in the past for commissions. At this point, Councilman Woolsey moved that the motion be postponed for consideration until the next meeting. Vote was unanimous to postpone.

Councilman Qualey then asked to add an item to the agenda related to the appeal hearing set for October 8. Councilman Woolsey seconded and there were no objections from Council members.

Councilman Qualey proceeded to state that he had been asked to make the presentation to the Planning Commission on behalf of the Town. Lydia Johnson's attorney, Curtis Bostic, who happens to be on County Council, sent Councilman Qualey a letter stating that Qualey's involvement raised a potential conflict of interest. Councilman Qualey contacted the state Ethics Commission to get an opinion from them as to whether or not this situation presented a conflict of interest, and their response was that there was no conflict here. Councilman Qualey then contacted Curtis Bostic with the Ethics Commission decision citing the law to him and asking him to sign off on that as acceptance. Councilman Qualey is most concerned that his involvement not be an issue of contention should the ruling be challenged. Bostic's response was that, where he may not disagree with the ruling, he was not in a position to waive his objection. Despite the fact that Councilman Qualey believes that he can continue, he has chosen not to do so; he does not want to put the Town in the situation where there could be a question of impropriety. He stated that he had spent a large part of the day with attorney Bonham Wilson going over the data and that attorney Wilson was ready and able to take on the case. He added that attorney Wilson would be appropriate should the case be appealed further. Therefore, Councilman Qualey moved

THAT the Town of James Island employs Bonham Wilson to represent its interests in the appeal on Camp Road Estates and that any costs he might incur associated with the case be reimbursed.

Councilman Wilder seconded the motion. When Councilman Williams asked why the Town's attorney, Mike Socha could not represent the Town, Councilman Qualey stated that Mr. Socha will be representing the Staff of the County Planning Commission who acted on behalf of the Town. With no additional discussion, the vote was taken; it was 4 to 1 to employ Mr. Wilson; the dissenting vote was cast by Councilman Woolsey.

Councilman Wilder asked for a verbal financial report to go with the written report in the meeting packets. Councilman Woolsey stated that he would like to see a Treasurer's report on the agenda the first meeting of each month. Clerk-Treasurer Marie Copeland recapped the financial report she had provided for Council. (Copy attached) Mayor Clark asked for a total of the extraordinary expenses, which was \$7,333. Councilman Woolsey then commented to the Town's receipts from Local Option Sales Taxes which have totaled \$1,210,322.37 since the Town's inception. He stated that, like other residents, he is in receipt of his tax bill, which has increased again this year; he reported that the \$1.2 million would result in a 25% decrease in property taxes to James Island residents if the Town were not in litigation. Assuming that the Town is successful in the suit, the Council hopes to distribute it eventually.

Citizens' Comments:

Carol Jacobsen spoke to Councilman Wilder's concern about increasing the number of councilmen to 6 for the future. She stated her apology about the Letter to the Editor that voiced praise to the Town's volunteers, but neglected to mention Mayor Clark and the Councilmen. She also noted that many other entities in the local area have their meetings at 5:00 p.m. She commented to the fact that she had written the letter to Council stating that there needs to be 6 Council members; she thinks that the Councilmen are overwhelmed and that the workload will only increase after the positive ruling from the Supreme Court.

Since there was no additional business to come before the Council, Councilman Wilder moved for adjournment, and the meeting was duly closed at about 8 pm.

The next meeting of Town Council will be Tuesday, October 21, 2003.