

The minutes of the regular meeting of the Town Council of the Town of James Island held Tuesday, November 4, 2003 at 7:00 p.m. at Town Hall, 1246 Camp Road.

The meeting was called to order by Mayor Mary Clark with Councilmen Joe Qualey, Bill Wilder, Parris Williams and Bill Woolsey present, as well as Town Attorney Mike Socha and Clerk Treasurer Marie Copeland. There was a quorum present to conduct business.

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

A motion was made by Councilman Wilder to accept the minutes of the October 21 meeting as submitted with no corrections, additions or changes; Councilman Williams seconded the motion which was unanimously approved. The minutes of the Public Hearing of October 21 were also presented for approval. Councilman Qualey moved for acceptance of the minutes with no changes, and Councilman Williams seconded. The minutes were unanimously approved as submitted.

Mayor Clark announced that the meeting was being held following Robert's Rules of Order and in compliance with the Freedom of Information Act.

**Mayor's Comments:**

Mayor Clark recognized the children in attendance from Hot Wheels Skating who came to present to the Town the money they have collected for the Town over the past year by putting their change into a large jar. In total, they presented \$116.00 to the Special Events Fund of the Town of James Island. The Mayor then related the following to those present: "I can't resist this one because I was out at the parking lot today, and the City of Charleston transportation workers came and removed the signs on the right of way in front of the Town Hall. They didn't give an explanation today because they didn't want to stick around very long. I was on the side of the truck and they said, 'Move aside; move aside!' So I have called Mr. Henan Pena, who is the Transportation Director of the City; he did not return my call. I told them that I would like a phone call from him, but I doubted that he would give me one today, and he did not. I have called Jimmy Bailey's camp; I have called the US attorney's office and Rocky D and all the ships at sea. Mr. Lee is going to do a story. They took these up to Milford Street, which is up off upper King Street under I-26, and they dump them out. Jimmy Bailey got word last week that they had taken his signs; he went up there to retrieve them and they had put a bunch of stuff on top of them so that they could not be gotten out. This is dirty! I call it Rotten Riley Communistic Tactics, and I will say that where ever I need to say it. Because, if we have nothing else in this country, we have to have honest and open and decent elections. And that means that people have to have a way of introducing themselves to the people. I have asked Mr. Socha

to prepare an ordinance, and it is not done yet since I asked him today. I would like the Town to have an ordinance that says, in effect, that within a certain period, say 2 weeks before an election, that signs can go up everywhere on the right of way, and they must be taken down within 1 or 2 days after the election. In the event of a runoff, it will, of course, stay the extra 2 weeks. But this is the Town of James Island, and, if the City of Charleston wants to go into the all city neighborhoods and take down all the signs, not just the opposition to Mr. Riley, but his as well, then they are welcomed to do so. But they are not welcome in the TOWN OF JAMES ISLAND. So that will be ready for next week. I had to say this today because I want it to go in our minutes on the website.”

### **Citizens' Comments:**

Greg Kent of 833 Burnett Drive has been selected spokesperson for Burnett Drive; he first stated his appreciation for the work put forth to the meeting on Monday that discussed traffic-calming policies. He implored the Council to adopt the plan as amended following the meeting; he repeated the fact that the citizens on his street were willing to finance their own speed humps had the Town not come up with a policy. He stated that he has decided to join the Roads and Drainage Committee in order to assist with solving the traffic problems on the island.

Susan Milliken thanked the James Island residents for attending the Candidate Forum put on by the James Island Citizens Council and held at the Rec Center recently. She stated that the Council is composed of James Island residents of both the Town and the City who come together to share information and concerns and to share areas of common interest. They are planning to put on another Candidate Forum in June focusing on the candidates for offices of the Town of James Island. She encouraged the residents present to become involved in this group.

Margaret Deere read a letter addressed to the citizens of James Island from Jim Palmer. A copy of that letter is attached.

### **Committee Reports:**

Environment Committee-written report attached.

Grants Committee-Bob Kline reminded those present that on October 3 the Grants Committee had presented information on the Town's becoming a part of the County's entitlement program; as a result of that, a letter has been sent to the County stating the Town's interest in joining the program. Actions are being taken to prepare a letter to HUD stating the same, which is a requirement. He also reminded the Mayor and Council that, at the same time,

he had presented a draft resolution that would authorize the Mayor to enter into a cooperative agreement between Charleston County and the Town of James Island to qualify the Town for Urban Entitlement status; he urged the Council to consider seriously and to act upon it at the next Council meeting. Mr. Kline also reminded those present that, on November 18, the Charleston County Grants Administration will conduct a public hearing prior to the Ways and Means Committee meeting; this will be held for the County to get input for developing a needs assessment for James Island. He requested that a notice of this hearing be placed in the newspaper to ensure that everyone is aware of it. Ways and Means Committee report was given by Councilman Woolsey. He stated that a recommendation will be made to Council by the Committee to reduce revenue for the 2003-2004 year by \$2,498.00 as a result of leaving the Business License Rates the same as they are currently. The other matter discussed was the expense of in-house computer training, and the decision was made to pay those expenses and to go forward with the training.

### **Old Business:**

Mike Socha presented Ordinance 2003-18 - AN ORDINANCE ESTABLISHING METHODS OF ELECTION FOR MAYOR AND TOWN COUNCIL for second reading. Councilman Woolsey moved that the Council adopt the ordinance as set forth; the motion was seconded by Councilman Wilder. The vote was unanimous to adopt this ordinance establishing methods of electing mayor and council. Socha reminded the Council that they should be ready to name their nominees for the Election Commission at the next meeting.

Ordinance 2003-20 - AN ORDINANCE AMENDING THE TOWN OF JAMES ISLAND ZONING MAP BY REZONING PROPERTY AT 928, 934 AND 938 FOLLY ROAD FROM LOW DENSITY SUBURBAN RESIDENTIAL (RSL) TO PLAN DEVELOPMENT (PD-97) was also presented for second reading. Mr. Socha reminded Council that this is the property that Goodwill intends to occupy. Councilman Qualey moved that this ordinance be adopted by Council, and Councilman Wilder seconded. The vote was unanimous to adopt the zoning change offered in Ordinance 2003-20. Willie Heffner, representative of Piedmont Companies, was recognized to say that, despite his efforts to the contrary, Calvary Baptist Church wanted to control the easement between this property and its own.

### **New Business:**

Pursuant to a meeting with members of the Charleston County Planning Department, the Town's Planning Commission has been asked to put their interpretation of the infill policy in the Land Use Ordinance on paper for them to use in processing subdivision requests in the RSL zoning district. Leonard Blank, Chairman of the Planning Commission, chose to start with a definition of

Infill by saying that it occurs when someone goes into an existing neighborhood and tries to in-fill with a development inside of another. The town's ordinance has a provision that lists requirements for an in-fill development; Charleston County seldom used those infill requirements despite questioning by the Town's Planning Commission. The County's interpretation was that infill only applied to lots of less than 6,000 square feet. He then read the County's current statement on infill:

Existing neighborhood infill development shall only apply to subdivisions within the RSL Zoning District involving development within existing neighborhoods and may be approved by the Planning Director when the following conditions are present:

1. The average lot area of a lot shall be no less than the average lot area of the existing residential neighborhood (excluding multi-family dwelling units) measured within 500 feet of the boundary of the proposed subdivision in which the proposed lot is to be created, and in no case shall be smaller than 6,000 square feet, provided that public water and/or sewer service are available;
2. The infill development is a total of five acres or less in total gross acreage;
3. Meets the average lot width to depth ratio contained in this Ordinance; and
4. Each proposed lot meets the minimum lot width requirements for the RSL Zoning District and the minimum setbacks, buffers, cover and height requirements set forth in the RSL Development Standards.

The Planning Commission for the Town has never used the infill concept to turn down any subdivisions, but the Town of James Island, during an appeal, used the infill requirements to defend their appeal. It appears that the Town will use the infill requirement. The only change Mr. Leonard made to the existing policy was to add the word "all" in the first sentence between "apply to" and "subdivisions;" he did not feel that there was a great deal of definition required as he did not think it difficult to understand.

Councilman Qualey commented to the fact that there have been discussions about taking this concept out of the ordinance entirely. Mr. Socha stated that was a possibility, but, in the meantime, there are applications pending that were filed before the town enacted its ordinance, which fall under the old one, and County Planning wants to know just what the Town wants done.

Mr. Blank restated the fact that the infill applies only to the RSL zoning district; therefore, it does not apply to the entire island. He further stated that the County has interpreted this as all of James Island; they were concerned about the Sol Legare area, but Sol Legare is not zoned RSL so it does not apply.

Councilman Woolsey stated his belief that a developer should answer to a neighborhood's restrictive covenants in a situation as was being discussed; he thought this to be the ideal solution. If neighborhood covenants do not exist,

there is a problem since residents are depending on zoning to solve the issues. In relating his view of the interpretation, he gave the example of several 5 acre plots adjacent to one another; one plot is subdivided into ½ acre lots for development, but an adjacent one is not subdivided. Since it is within 500 feet, the neighbor would have to develop his property like the other neighbor. He did not feel that the policy addressed the situation being internal to a neighborhood; therefore, he disagreed with the way the policy was written.

Councilman Qualey commented that anything adjacent would come under the regular zoning.

Chairman Blank noted that it all goes back to how one interprets what it says and the policy states “within a subdivision, not next to.”

Councilman Qualey commented that, “We, at the Town, do not think the infill is open for interpretation, but, if it is to be interpreted, we want that interpretation to be ours.” By providing this to the County we are eliminating their dilemma.

Councilman Woolsey noted again that he does not believe that the infill specifically states “within an existing subdivision.” The Mayor and Councilmen pointed out to him that the words were included. Woolsey then remarked that the wording is “within existing neighborhoods,” and, to him, a neighborhood is not the same as a subdivision. Chairman Blank referred Councilman Woolsey to Webster’s Dictionary. After brief discussion, Council agreed to amend the wording by adding “or subdivisions” following neighborhoods in the first sentence.

Councilman Qualey then moved

    THAT the Town Council provides the Charleston County Planning Department with the amended interpretation of infill to be used, where applicable, to subdivisions within the Town of James Island.

Councilman Wilder seconded and the vote was unanimous to adopt the amended interpretation.

Councilman Williams offered Resolution 2003-19 for the Town to adopt the James Island Traffic Calming Policy. The resolution was seconded by Councilman Woolsey and the vote was unanimous to adopt the policy.

Councilman Woolsey presented Resolution 2003-18, which was recommended for approval by the Ways and Means Committee, to leave the Business License rates the same for 2004 as they have been for 2003. Councilman Williams seconded the resolution and it was unanimously approved as submitted.

Councilman Woolsey moved for the agenda to be amended to add a Treasurer's report. The motion was seconded by Councilman Wilder, and there was no opposition.

Ms. Copeland stated that each Councilman should have a copy a written report for October 2003 that details deposits and certain disbursements that are not made on a regular basis. A copy of this report is attached. She also announced that Greg McLain will be in the Town Hall on Wednesday, November 12 to begin the audit.

Mayor Clark spoke to James Lee of *The Journal* asking if the public notices could all be placed in one area rather than scattered throughout the paper. He responded that some people pay an additional fee for specific placement of ads, so basically the public notices are placed where there is space. If the Town wants to have a designated placement, it will be charged a higher rate. He also stated that, with a smaller paper like *The Journal*, 12-18 pages, it would be difficult to make any guarantees.

#### **Citizens' Comments:**

Greg Kent thanked the Mayor and Council for passing the traffic calming policy and asked when the policy would go into effect, can the policy be put on the website that the Town has a policy now and when the public would be able to acquire applications? The response was that the policy went into effect immediately; yes the information can be put on the website and that applications are available now.

Mayor Clark stated that she expects her street to be the first to have a speed hump since a neighbor has requested that she not speed through her neighborhood. She was quite surprised as she has had other drivers make comments and motions to her about her lack of speed on the roads.

Councilman Qualey thanked Greg Kent and Susan Milliken for being so diligent in getting the traffic calming policy; he was told that Councilman Woolsey should be included in his thanks for his efforts.

Councilman Williams stated that he and Councilman Woolsey had decided at the first of the year to work together to develop a traffic calming policy and he was very thankful for the work that had gone into producing the policy. He also stated that currently there are only 2 people on the Roads and Drainage Committee, and he appealed for assistance from the community.

Councilman Williams noted that the speed limit on Grimball Road at the new elementary school is 35 mph; Greg Kent interjected that he thought there was a county or state law that demanded 25 mph. It was pointed out that, if Grimball is a state road, it will be very difficult to get the speed limit lowered.

There was no additional business to come before the Council, so the meeting was duly adjourned at 8:10 p.m.

The next meeting will be Tuesday, November 18, 2003.