

The minutes of the regular meeting of the Town Council of the Town of James Island held Tuesday, December 16, 2003 at 7:00 p.m. at Town Hall, 1246 Camp Road.

The meeting was called to order by Mayor Clark with Councilmen Joe Qualey, Bill Wilder, Parris Williams and Bill Woolsey present, as well as 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 December 2, 2003 meeting as submitted with no corrections, additions or changes; Councilman Williams seconded the motion which was unanimously approved.

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:**

None.

**Citizen's Comments:**

Tommy Brooks scheduled to speak tonight has postponed until the January 6<sup>th</sup> meeting.

**Robert Kline**, 661 Fort Sumter Drive: Shared information regarding the hiring of a Grant Writer. He commended his committee and cited the accomplishments that it has made thus far; building blocks are beginning to get into place very rapidly. Mayor Clark presented a grant proposal to the Grants Committee worthy of pursuing. Mr. Kline stated that MaryJo Thomas no longer works with COG; she is now working independently. He urged Mayor and Council to give serious consideration to the hiring of Ms. Thomas on an hourly or contract basis. The Town's purchasing policy requires bids for expenditures over \$2,000.00; however, Mr. Kline reiterated the urgency in getting this process started.

Mr. Kline submitted a resolution requesting that money be allocated for the purpose of hiring an Aide and Enforcement Officer for the Planning and Zoning Commission and the Board of Zoning Appeals. The rationales for these positions including salaries are spelled out in the correspondence. Mr. Kline complimented Leonard Blank, Chairman of the Planning and Zoning Commission, for doing an outstanding job. He once again urged Mayor and Council to give serious thought to the resolution. Mr. Kline made a request for a Councilman to place his resolution on the agenda.

**Sandra Stovall**, 2184 Edward E. Singleton Drive (Sol Legare) questioned FEMA's flood zones. Sol Legare is a category "Z", the worst possible classification. Folly Beach and other places on the water are category "A". The category is unfair and creates hardship for residents wanting to build and insurance premiums. She asked that this situation be researched to determine if Sol Legare's category could be changed. She also requested that a traffic signal at Sol Legare onto Folly Road be installed; traffic is especially difficult during the summer months.

**Committee Reports:**

**Grants:** Written report Attached

**Planning Commission:** Leonard Blank reported on 3 cases heard at its last meeting:

Applicant Prince Smalls on Grimball Road - 4.2 acres of land; divided into 7 lots was approved. All of the lots were over 1/3 acre and met the standards of our new ordinance.

Lakeside Village-Clarks Point & Riverview -this development was turned down a few months ago; originally the developer was requesting 23 lots. The developer has worked with the Town and its residents. Approval was granted for 17 lots to be built which are over a 1/3 acre.

Backman -rezoning request from legal non-conforming to commercial. A quorum was not present; deferred to a later date.

Councilman Qualey asked about the status of the cemetery at Clarks Point. Mr. Blank stated that the plat registered with Charleston County does not show a cemetery. The Planning Commission has to look at plats as they are recorded; if anyone knows that a cemetery is there, they must provide the proof; however, no one has done so. It was mentioned that if the cemetery is found once construction begins, the work will have to stop. In addition, the Town can "sound" for the cemetery before construction begins. The builder is not obligated to do anything as far as the cemetery is concerned because there is no record of proof.

Councilman Wilder asked about FEMA flood zoning categories and who could make an appeal. Mr. Socha stated that the Town or an individual can make an appeal; however, there must be a basis for the appeal, i.e. you must have proof from an engineer that a mistake has been made, not simply because a person's rate is too high. There is a 90-day timeframe for the appeal process. Discussion ensued about having the Citadel Engineering Department conduct a research for the Town; however, no decisions were made about what would happen next.

**Public Safety:** Written report attached. Councilman Woolsey added that the County of Charleston is offering CERT (Community Emergency Response Team) Training, beginning in January then in March. He encouraged all interested citizens to sign up for this training.

**Ways and Means:** Mr. Socha reported that during Ways and Means, the committee voted to approve a Resolution authorizing \$5,000 be given to the James Island Little League. It also voted in favor of authorizing \$750.00 from the General Fund to the Planning and Zoning Committee for the purpose of sending letters to residents of the Town and the City regarding Central Park Road and the City's plans for development, as well as informing residents of the accomplishments made by the Planning Commission and the Town on the Comprehensive Plan and Land Use Element. The Cable Franchise Agreement with the County was postponed until the next meeting; consideration will be given at that time to adopting the County's Cable Franchise Regulations Ordinance.

**Old Business:**

**Ordinance# 2003-21 -Land Use & Subdivision Regulations to add Article 9.11.4-Political Signs Ordinance: copy not received.** Mr. Socha commented on the enforcement provision, suggesting that the Town follow the Land Use Ordinance relating to signs. Notice should be provided to the owner of the property where the sign is located giving them 30 days to remove the sign after which time other enforcement action will be taken. Voting was postponed on this ordinance until next month's meeting.

**New Business:**

**Resolution #2003-26 Request Funds for James Island Little League (\$5,000):** Councilman Wilder made a motion that the budget be amended to allocate \$5,000 to the James Island Little League, the motion was seconded by Councilman Qualey. Councilman Woolsey made a motion to amend the proposal to provide \$30.00 per participant using the estimate of 120 children for a total of \$3600.00 to the James Island Little League, no second was made to the motion and it failed. **Vote:** Councilman Qualey-aye; Councilman Wilder-aye; Councilman Williams-aye; Councilman Woolsey-no; Mayor Clark-aye.

**Amendment to Comprehensive Plan & Land Use Ordinance:** Mr. Socha presented **Ordinance 2003-27** noting that the crossed out words are the words that will be eliminated; the highlighted words are new. There will be 7 amendment changes; 3 changes to the Comprehensive Plan Land Use Element and 4 changes to the Land Use Ordinance. Councilman Qualey made a motion to adopt the amendments as written with the corrections, seconded by Councilman Wilder. Councilman Woolsey made a motion to amend the proposal so that the change from 6,000 to 10,000 is not made. The motion failed for lack of a second.

**Vote:** Councilman Qualey-aye; Councilman Wilder-aye; Councilman Williams-aye; Councilman Woolsey-aye; Mayor Clark-aye. A public hearing will be held on January 20 @ 5:30 p.m.

**Appointment to Public Safety Committee:** Councilman Woolsey made a motion that Council appoint Jacqueline Singleton-Brown to the Public Safety Committee as a representative from Sol Legare, the motion was seconded by Councilman Qualey and unanimously approved. **Vote:** Councilman Qualey-aye; Councilman Wilder-aye; Councilman Williams-aye; Councilman Woolsey-aye; Mayor Clark-aye.

Councilman Qualey asked that the agenda be amended to add Robert Kline's **Resolution -2003-25**, there were no objections and the agenda was amended. Councilman Qualey made a motion for Council to consider allocating funds for the purpose of hiring an Aide and Enforcement Officer to assist the Planning Commission and Board of Zoning Appeals, seconded by Councilman Wilder.

Council discussed referring this matter to the Planning and Zoning Committee chaired by Councilman Qualey for review. Since most of the committee members are on the Planning and Zoning Commission, Councilman Qualey said he will schedule a meeting and will solicit input from Planning Commission and BZA members. Councilman Williams suggested that Mayor and Council make decisions on how law enforcement will be handled on the island. Councilman Woolsey questioned with all the specialization in County Government, would we need to have someone different to enforce firework violations and someone to enforce a zoning violation. Mr. Socha said a municipal or Mayor's court would need to be established first. Councilman Wilder asked about deputization; he also suggested that, until the litigation with the City is resolved, we should continue to work with the Sheriff's office. Mayor Clark asked for clarification of deputization. Mr. Kline responded that the person would act in the capacity of a law enforcement officer, having the authority to demand the removal of junk vehicles; if this is not done after a period of time, the person would be authorized to issue summons. Councilman Qualey made an amendment to the motion that this matter be referred to the Planning and Zoning Committee for review. Councilman Woolsey agreed and made a motion that this matter be postponed until the Planning and Zoning Committee gives a report, seconded by Councilman Wilder. **Vote:** Councilman Qualey-aye, Councilman Wilder-aye; Councilman Williams-aye; Councilman Woolsey-aye; Mayor Clark-aye.

Councilman Qualey asked for the agenda to be amendment to propose the Town undertake a "sounding" of the proposed development site at Clarks Point to determine the existence of a cemetery. There were no objections and this item was added to the agenda. A motion to this effect was made by Councilman Qualey, seconded by Councilman Wilder. Mayor Clark shared information that someone from the South Carolina Archives and History in

charge of soundings will be in Charleston tomorrow. Also during the History and Preservation Committee meeting, a representative from the Battleground Trust said that, under State Law, if you know the existence of a cemetery, you cannot interfere with it. Mayor Clark said she knows the cemetery is there, noting 12-15 sites that she has documented. She documented the graveyard with the Preservation consultants who did a study in 1989, the main large tabletop stone was removed at her request to a graveyard at Millbrook Plantation on Highway 61. The cemetery on Clark's Point is located behind lots 2&3 on Hood Street. Mayor Clark said she knows and has researched the fact that over one dozen people are buried at this site. Councilman Qualey said he would like to avoid having the developer spend money and then discover that there is a cemetery. Mayor Clark did not think the cost would be very much. She further mentioned that we are not satisfying the people or the developer; this is a State Law. Councilman Qualey stated that by having empirical data, we will not relying on someone's memory, remnants or other information that are no longer available. Councilman Qualey then made an amendment to his motion for the Town to undertake the sounding and to restrict spending to \$750 to determine if a cemetery on the development site and the extent to where the cemetery lie, the motion was seconded by Councilman Wilder. Mr. Socha stated that the Town will need a right of entry agreement to the property from the owners; Mr. Blank commented that the developers now own the property, if the Town decides to do a sounding, it should pay whatever it costs rather than to affix a cost to it. Councilman Woolsey stated that the Town has no responsibility to find the cemetery, it should be the responsibility of the developer to pay, we should not incur the cost of finding out if a cemetery is on his property, we should have no obligation beyond telling him that we think a cemetery is there.

Mayor Clark asked for and received permission to share information with the developer after she meets with the Department of Archives. Councilman Woolsey made a motion that consideration of Councilman Qualey's motion be postponed until the January 6 meeting; seconded by Councilman Wilder and unanimously approved. **Vote:** Councilman Qualey-aye; Councilman Wilder-aye; Councilman Williams-aye; Councilman Woolsey-aye; Mayor Clark-aye.

Councilman Qualey made a motion that legal council prepare a resolution for the allocation of \$750.00 requested by the Planning and Zoning Committee for publication or payment of postage, seconded by Councilman Wilder and unanimously approved.

Councilman Woolsey suggested that the resolution include where in the budget the funds will come from.

#### **Citizen's Comments:**

**Leonard Blank**, commented that the Town passes ordinances such as animal control, noise and firecracker ordinances, regulating how the residents of James Island should behave; the citizens of James Island are not informed that

these ordinances are in effect. This makes it difficult for the people to do what the ordinances say they should do. Secondly, we have nothing in place to enforce these ordinances. If we are going to write ordinances, we should convey it to the people who have to enforce it as well as the residents of the Town.

**Robert Kline** agreed with Mr. Blank and mentioned the possibility of being able to hire MaryJo Thomas. He asked for the Mayor to get consensus from Council.

**Mike Socha** mentioned that while we do have ordinances, we do not have a municipal code. He will begin compiling one.

**Councilman Woolsey** commented that we do not have special ordinances for animal control, noise or firecrackers; we have adopted the County ordinances. We decided that we would not adopt a firecracker ordinance.

**Councilman Wilder** suggested ordinances be published in the Journal.

**Mayor Clark** asked attorney Socha about the hiring of a grant writer. Mr. Socha cautioned against the hiring of a specific person. The position must be advertised, and a position description and qualifications for the position must be specified. Mr. Kline will meet with the attorney to establish the criteria.

There being no further business to come before the Council, a motion to adjourn was made by Councilman Wilder, seconded by Councilman Woolsey and unanimously approved.

The next meeting will be held on Tuesday, January 6, 2004.