

Town of James Island
Regular Council Meeting
February 3, 2004

The regular Town Council meeting was called to order at 7:00 p.m. at the Town Hall, 1246 Camp Road by Councilman Bill Wilder, Mayor Pro-tem, presiding. Those present included Councilmen, Joe Qualey, Parris Williams, Bill Woolsey and Mayor Clark (who arrived at 8:30 p.m.) Also present were Clerk-Treasurer Marie Copeland and Attorney Mike Socha. Councilman Wilder advised that members of the press and the public were duly notified of the meeting in accordance with State law and that the meeting would be conducted according to Robert's Rules of Order.

Councilman Williams opened the meeting with the invocation and then asked everyone to join in the Pledge of Allegiance.

Mayor's Comments:

Councilman Wilder announced that Mayor Clark was en route from Columbia where she attended the Judiciary Hearing on the 5 mile annexation limit legislation.

Approval of Minutes:

Public Hearing - Inter-governmental Agreement on Franchise Fees: Councilman Woolsey made a motion to approve the minutes as submitted, seconded by Councilman Qualey and unanimously approved.

Public Hearing - Amendment to Land Use Ordinance: Councilman Woolsey made a motion to approve the minutes as submitted, seconded by Councilman Qualey and unanimously approved.

Regular Meeting - January 20, 2004: Councilman Qualey made a motion to approve the minutes as submitted, seconded by Councilman Williams. Councilman Woolsey made a correction to page 4, paragraph 5; it should read restrictions placed on placement of speed humps should be less restrictive than those imposed when a road is to be closed. The minutes were unanimously approved with the correction.

Citizen's Comments:

William Herron, a student at James Island Charter High School, gave a presentation about the Virtual Enterprise program. Virtual Enterprise is an organization designed to give young entrepreneurs a chance to discover the hardships as well as the rewards of starting a business. A trade show will be held on March 26 and 27; students will be competing with other schools and will be graded on booth themes and sales presentations. William requested the Town's support of \$100.00 for the entrance fee to attend the 2004 trade show. For additional information on Virtual Enterprise and the Charleston House of

Products, log on the website at 843-chop.com. Councilman Qualey thanked William for an outstanding presentation.

Sussan Chavis, representing the Concerned Citizens of Sol Legare, requested the assistance of Town Council in filing an appeal with FEMA. The purpose of the appeal is to request FEMA to change the flood zone category from V-E to A-E; the V-E category requires homes to be built on 6 to 8 feet stilts. Ms. Chavis stated that the zoning does not represent the area because of improved drainage systems. The River Front subdivision in 1988 was given a map revision from FEMA and was rezoned to an A-E flood zone; in addition, other businesses have had their category changed. Because of these discrepancies, the citizens are requesting FEMA to re-analyze the Sol Legare area. In addition to filing an appeal, Ms. Chavis also requested support for an analysis. The appeal must be submitted to Carl Simmons, Regional Coordinator with Charleston County, by Friday, February 6, 2004. Councilman Qualey asked if there will be a cost for the analysis, to which Ms. Chavis responded yes, in 1988 the cost was \$15,000. The change, if successful, will affect approximately 200 residents.

Margaret Fabri, attorney and James Island resident, commented that 4 commercial buildings are scheduled to be built at Ellis Oak on top of the oak trees. The Commercial Corridor Design Review Board has given preliminary approval to the buildings but not the location. She requested that Council adopt a resolution to stop the development; any arborist would testify that commercial buildings cannot be placed on top of trees and they survive. Everyone was urged to contact the Commercial Corridor Review Board to voice their concerns. Petitions were available for those wanting to sign it.

Proposed Traffic Calming for Grand Concourse/Regatta/Nabors Drive: 16 residents - some pro and some con were allotted 3 minutes to voice their concerns and make comments. (List attached) The major issues raised were: 1) speeding, 2) cut through traffic in neighborhoods and 3) traffic volume. **Alan Laughlin**, 847 Darwin, commented that Council and Mayor are aware of the traffic issues that were brought forth. He felt that the Town should not make decisions based on convenience, but for the safety of the people. He encouraged citizens to become interested parties in the Town and look at the other things it is doing.

Jim Palmer, 699 Sterling Drive, asked that something be done about the sound system; it is difficult for people in the back of the room to hear important issues that are discussed.

Councilman Wilder referred to comments made Ms. Fabri stating that the Town has fought hard to save the trees that remain on Folly Road; the citizens need to come together to stop the development in order to save these trees.

Councilman Woolsey requested and was granted permission to amend the agenda to add under New Business, the FEMA Appeal for Flood Zone Change for the Sol Legare Community and to consider changes to the Grants Committee

Councilman Qualey requested and was granted permission to amend the agenda to add under New Business, \$100.00 for Virtual Enterprise Tradeshow.

Committee Reports:

a. Grants Committee: Written Report Attached. Mr. Kline recommended that the Grants Committee be dissolved at the last Council meeting. He stated that the Committee had completed what was needed in order to apply for grants; in fact, two requests have been submitted. He presented a revised resolution outlining the role, purpose and responsibilities of the Grants Committee. Mr. Kline stated that the committee currently consists of seven members; four members who are encumbered (officials of the town) and three unencumbered members (citizens who volunteer their services). He urged Council to accept the proposed changes in the role, responsibility, and purpose of the committee because if they did, then they would be reasonably assured of keeping the unencumbered members of the committee on the committee. Mr. Kline then submitted his resignation as Chairman and member of the Grants Committee. He thanked the Mayor, Council and committee for the opportunity to have served as Chairman of the committee.

b. Planning Committee: Mr. Blank reported that the Planning Commission will hear two requests for rezoning on Wednesday, February 11th at 5:30 p.m. 1) parcel of land on Folly Road (across from Wal-Mart) to rezone from Residential to Office Residential and 2) a parcel of a land at the end of Howle Avenue to rezone as Planned Development.

c. Planning and Zoning Committee: Councilman Qualey reported that the Town has taken a position opposing the Wal Mart expansion on the island. The Riverland Terrace Association is concerned that the school district may be renovating a building adjacent to the school as a half-way house. Since this property is in the Town, it will be heard before the Planning Commission.

d. Public Safety: Written Report Attached.

e. Ways and Means: Mr. Socha reported that the following action was taken during the Ways and Means committee meeting: (1) the approval of the minutes of January 20, 2) audit approval, 3) approved coverage of \$20,000 for a truth and honesty bond for Council members and staff at a cost of \$850.00.

Treasurer's Report: Written Report Attached. Clerk-Treasurer, Marie Copeland reviewed the report, highlighting several areas for Council's information. There is approximately \$104,000 more in the budget than what was started out with at the beginning of the month. Legal expenses for the month totaled \$16,000.

Old Business:

a. Second Reading Ordinance# 2004-04 - Amendment to Election

Ordinance# 2003-18: Mike Socha reported that the change to this ordinance eliminates any reference to the petition method of filing for candidacy. Councilman Woolsey made a motion for adoption of Ordinance#2004-04, seconded by Councilman Williams and unanimously approved.

b. Resolution#2004-09 Truth and Honesty Bond: Mr. Socha reported that the Resolution is for the Town to purchase a Truth and Honesty Bond for coverage of \$20,000 for Council members and staff who handle money or sign checks. The cost is expected to be is \$850.00 per year. A motion to adopt Resolution# 2004-09 for a Truth and Honesty Bond was made by Councilman Woolsey, seconded by Councilman Qualey and unanimously approved.

c. Grand Concourse Traffic Calming: Mr. Socha reported that a recommendation was passed at the Roads and Traffic Committee's Public Hearing on February 2nd stating that Council enters into a contract with Charleston County to study the roads in the Harbor Woods subdivision and the entire area to determine the best way to resolve the ongoing traffic and speeding issues. Councilman Woolsey made a motion for the adoption of Resolution#2004-11 (copy attached) the motion was seconded by Councilman Williams. Councilman Woolsey then made a motion to review and vote on each section of the resolution separately, seconded by Councilman Williams.

Councilman Woolsey then presented the Resolution in parts: 1) Attorney research whether the area in question is in the City or Town by the next Council meeting. 2) Roads and Drainage Committee develop a policy for road closings in general. 3) Requirement to get road closed on Grand Concourse/Nabors and Regatta. 4) Mayor and Clerk contact County for an island-wide traffic study. 5) Determine cost of a study for the part of James Island that is specifically under consideration. 6) Attorney research and determine what NO THRU TRAFFIC means.

Councilman Wilder felt that the Town should first look at getting some kind of relief to the people, possibly as soon as tonight. Councilman Qualey agreed that the people needed to be relieved; however, we need to provide affirmative actions that Council will take and Council cannot provide them tonight. Councilman Qualey made a motion to table Councilman Woolsey's resolution, seconded by Councilman Wilder. Councilman Woolsey stated that by handling the resolution in part, sections could be voted on or postponed. Councilman Qualey amended the motion to table the entire document, seconded by Councilman Wilder and approved 4 to 1 with Councilman Woolsey, the dissenting vote.

Councilman Woolsey made a motion to postpone consideration of closing Grand Concourse until the attorney researches who has the jurisdiction over the area where the speed calming device is to be placed; the motion was seconded by Councilman Qualey. Councilman Woolsey stated that all of the maps show the area to be in the City and the Town needs to verify.

Councilman Qualey addressed the audience and stated that he did not want to another study done; Council is responsible for making decisions. This proposal came to Council two weeks ago and is not an adequate amount of time to make decisions or give proper notice to the public. James Island is the rear guard with increased density forced on the Town by the City of Charleston. Councilman Qualey stressed the importance of having more time to view the area and research options. Councilman Woolsey moved that this topic be postponed to the meeting of March 2; motion was seconded by Councilman Williams and passed 4 to 1 with Councilman Woolsey, the dissenting vote.

Councilman Williams stated that the Roads and Drainage Committee made a recommendation at the public hearing for further study with the assistance of the attorney and Planning Commission. He, too, felt that more time is needed before making a decision on such a major issue.

Councilman Woolsey then made a motion that Council request the Roads and Drainage Committee amend the Town of James Island Traffic Calming Policy to provide procedures and a timeline for street closings, seconded by Councilman Williams and was approved 4 to 1 with Councilman Qualey dissenting. Councilman Woolsey made a motion that Mayor and Clerk determine what Charleston County Public Works would charge for an island wide traffic study. Efforts should be made to share costs with the City of Charleston and the County, the motion was seconded by Councilman Wilder. Mayor Clark called a point of order stating that it was her understanding that all of Resolution 2004-11 had been tabled.

Mayor Clark explained that a traffic study was done in 2000 by the City of Charleston for James Island; it is her understanding that this study will be updated. After lengthy discussion, the motion was approved with Councilman Qualey dissenting. Councilman Woolsey asked Town Attorney, Mike Socha to research the enforcement of NO THRU TRAFFIC in the Grand Concourse area by March 2nd. Councilman Williams was asked to coordinate with Charleston County law enforcement for coverage of this area during peak traffic times.

New Business:

a. Resolution# 2004-10 James Island Historical Corridor: A motion to accept Resolution 2004-10 declaring James Island as a historical corridor was made by Councilman Wilder, seconded by Councilman Qualey. Mayor Clark reported that declaring James Island as a historical corridor is the first step; war sites will be documented and the Town will seek grants to preserve the sites. The historical corridor will encompass the entire island to Long Island, Folly Beach and Morris Island. Councilman Woolsey asked if this was to apply for grant funding to purchase historical properties. Mayor Clark stated that it was possible, and additionally grants for bike trails and historical sites that can be reached by bicycle. After discussion, Resolution# 2004-10 was unanimously approved.

b. Pre-application Conference with County: Councilman Qualey made a motion to endorse Leonard Blank, Chairman of the Planning Commission, to attend Pre-application conferences on behalf of the Town. The motion was seconded by Councilman Wilder. Mr. Blank stated that it is beneficial to the residents that someone attends the meetings and that he is sanctioned by the Town. The Planning and Zoning Committee will determine what the salary will be. Mayor Clark asked the status of our hiring someone to assist the Planning Commission; it was noted that discussion on this matter is still in process. The motion was unanimously approved.

c. Council and Mayoral Salaries: Report attached.

Mayor Clark announced that the purpose of this discussion tonight is to set a salary for mayor and council members who will serve beginning in June 2004. June Waring, Chairman of the Salary Review Committee, thanked Leo Simonin and Frank Lepera for the work they did in putting information together. Mrs. Waring reported that data presented was taken from the Municipal Association 2003 Compensation Survey taking into account towns with a population of 20,000 and greater. Most Towns have a weak-mayor strong council form of government, with the day-to-day operations guided by an administrator; the mayor acts as the administrator or CEO in the strong-mayor, weak council form of government. The committee's recommendation was to consider the mayor's salary equal to that of an administrator and council's salary at 10% of that of the mayor. The filing period for candidacy is February 5 to March 5, 2004.

Following the presentation of the Salary Review Committee, Mike Socha offered **Ordinance 2004-06** that provides for Mayor and Council compensation for approval, once the compensation decision was made. Mayor Clark reminded Councilmen that they were deciding upon a salary for the council that would be elected in May, 2004, not for themselves; she commented that the incoming Mayor and Council should inherit fair compensation. She also noted that the Mayor's primary responsibility is representing the residents of James Island, but

that the Mayor also is responsible to be the chief executive officer of the Town; she voiced her opinion that such weighty responsibility should be fairly compensated. She continued by saying that, to attract the caliber of person the Town needs, a fair salary is necessary as a lure. Councilman Woolsey countered by saying that the size of the Town of James Island does not warrant a chief executive officer and, therefore, does not warrant a CEO's salary. He stated his belief that there is a better use of taxpayer money than paying salaries. Councilman Qualey moved that the two salary questions be considered separately; the motion was seconded by Councilman Woolsey and the vote was unanimous to do so.

Following much debate, Mayor Clark moved for a Council salary of \$3600 per year, which is what the original Town paid. This was seconded by Councilman Wilder and passed 3 to 2 with Councilmen Williams and Woolsey dissenting.

Councilman Qualey made a motion to authorize \$100.00 for the Virtual Enterprise Tradeshow; seconded by Councilman Wilder and was approved 4-1, with Councilman Woolsey dissenting. The funds will be expended from the General Fund.

Debate returned to compensation for the mayor. Early in the discussions Councilman Woolsey had suggested \$10,000 as a reasonable salary for the Mayor; Councilman Qualey had seconded. The call for a vote on that amount was requested by Councilman Woolsey; the motion passed by a vote of 3 to 2 with Councilman Woolsey and Mayor Clark dissenting. Therefore, **Ordinance 2004-06** goes to the Ways and Means Committee for further review with compensation for the mayor at \$10,000.00 per year and compensation for councilmen at \$3,600.00 per year.

FEMA - According to Ms. Chavis, there must be a letter of intent filed by Friday and that the details on the discrepancies are in the process of being gathered. Councilman Qualey moved that the Town of James Island give its full support to the re-evaluation of the Sol Legare flood plain; it was seconded by Councilman Woolsey. Mr. Socha stated that he will check the research that was done before and that, if he is being asked to do the work on the appeal that the Town of James Island must file on behalf of Sol Legare. Councilman Qualey commented that he is uncomfortable with the Town fighting battles for everyone that comes forward; he is supportive of the Town giving assistance, but feels that the Sol Legare community association or a solitary resident should file this appeal. Councilman Woolsey voiced that he does not agree in that he believes that Sol Legare represents a special circumstance, but he did

add that the Town may find the cost to be prohibitive. The vote was 4 to 1 with Councilman Qualey dissenting.

Councilman Woolsey moved that the Council adopt the changes presented by Bob Kline to the Grants Committee; Councilman Qualey seconded and the vote was unanimous. (copy attached)

Citizen's Comments:

Jay Wade stated that he does not understand why Councilman Woolsey's resolution on Grand Concourse was tabled since all of the issues need to be examined before a decision is made by Council.

Councilman Woolsey then moved that the Council go into Executive Session to discuss personnel issues; second was given by Councilman Qualey and the vote was unanimous. The executive session began at approximately 10:20 p.m.

The regular meeting of the Town Council resumed at 10:40 p.m., and Mayor Clark stated that no votes had been taken in executive session.

With no further business to come before the Council, the meeting was adjourned at 10:45 p.m.

The next meeting will be held on Tuesday, March 2, 2004.