

Town of James Island
Regular Council Meeting
March 2, 2004

The regular meeting of the Town Council was called to order at 7:00 p.m. at the Town Hall, 1246 Camp Road by Mayor Mary Clark. Those present included Councilmen Joe Qualey, Bill Wilder, Parris Williams and Bill Woolsey. Also present were Secretary Frances Simmons and Attorney Mike Socha. Mayor Clark advised that members of the press and the public were duly notified of the meeting in accordance with State law and the Freedom of Information Act and that the meeting would be conducted according to Robert's Rules of Order.

Councilman Williams opened the meeting with the invocation and led everyone in the Pledge of Allegiance.

Mayor Clark introduced City Councilman Henry Fishburne, District 1. Councilman Fishburne announced that he is a candidate for State Senate, District 43; this includes a good portion of James Island. He is looking forward to walking through the neighborhoods and meeting the people. He also complimented the Town on its efforts with the lawsuit and wished it success before the Supreme Court.

Approval of Minutes - Rezoning Public Hearing - February 17, 2004: A motion to accept the minutes with no corrections, additions or changes was made by Councilman Qualey, seconded by Councilman Wilder and unanimously approved.

Approval of Minutes - Regular Meeting - February 17, 2004: Councilman Qualey made a correction to the minutes under Citizen's Comments made by Van Fleming. Mr. Fleming's comment was that he asked Council to consider the application for the building of houses on Cummings Point. His Civic Committee had met and had sent in enough letters to require a public hearing on the matter. He asked that the Town write a letter of protest to the construction or development of any kind on Morris Island. He stated that it was not a proper place to put housing; their proposal is for a single septic tank to accommodate 15-20 houses, pumping sewage from the houses to one tank. He thanked the Town for its fight in keeping the development on Fort Lamar Road from happening; although it was approved by the judge he hopes the Town will appeal it. He commented that the \$65,000 salary proposed for a mayor of James Island is ludicrous; it is not proper, the people do not want it and he hopes it will not pass. A motion to approve the minutes with the correction was made by Councilman Qualey, seconded by Councilman Williams and was unanimously approved.

Mayor Clark announced that Frances Simmons was attending the meeting for Clerk-Treasurer Marie Copeland who is out on medical leave. She will return to work on March 8th on a limited basis.

Mayor's Comments:

Mayor Clark reported that everyone had a great ride to Columbia today to hear the Oral Arguments before the State Supreme Court. She wishes that the next time a bus is taken for a Town event that more people are able to participate. She commented on salaries for mayor and council as an aside by stating that 25 years ago she had swept the halls at the Palms Apartments earning \$10,000 a year; about fifteen years ago, she worked for 10 years cooking for Colonel Wideman on Johns Island earning a grand salary of \$55.00 a day which amounted to \$15,000 a year; she is a better cook and hall sweeper than a mayor. The salary issue has been beaten to death and she is glad it has been resolved; she did not believe that anyone ran for office for the money since no one has gotten any money to date. Personally if she held an office for the money, she would go back to sweeping halls and cooking.

Citizen's Comments:

Gary Keull, James Island Citizens Council - Mr. Keull explained that the James Island Citizens Council is a group of neighborhood representatives from all parts of James Island which includes the City, Town and the County. He commented that the group came together in an effort to discuss issues of common concerns to all residents of the island and to present a unified voice to local government on issues that concern everyone. Candidates seeking elective office in the Town will be invited to present their ideas and opinions at a Forum to be held on Monday, April 19th at Fort Johnson Middle School. The Forum will be co-sponsored by the James Island Citizens Council and the League of Women Voters. A Planning Committee will determine the format, using input from the candidates; the forum will be moderated and timed in an effort to give all candidates equal time to respond. The candidates will have the opportunity to make opening and closing statements and respond to questions on a broad range of issues that are common to all James Island residents. The questions can come from the audience, be prepared questions from the Planning Committee, or a combination of both. After the filing deadline, a letter will be sent to all candidates inviting them to participate.

Sandy Just, was not able to attend the meeting regarding the Ellis Oaks trees in the City; she thanked the following individuals: Shirley Hudel, a Landscape Architect from Summerville; Carol Jacobsen, Margaret Fabri, Frank and Rita Lepera and anyone who attended the meeting to support the saving of the trees at Ellis Oaks. Ms. Just noted that she understood that there were passionate and wonderful arguments in favor of saving the trees. Thank you to everyone for doing their part.

Greg Kent, a member of the Roads and Drainage Committee, stated that six applications for traffic calming had been turned in; a few are ready to be processed. One member of the committee has resigned, but the Committee is

at a point where it should be presenting its recommendations to Council. Mr. Kent asked that Council review the applications that have been complete and have the County provide a study on where the speed humps should be placed on the streets along with the cost for installing them. He said this has been a long process and there are a few streets that have met the deadlines. Mr. Kent represents Burnett Drive for traffic calming; the residents have been fighting for this to be done. There are no sidewalks on this street which was designed as a cut thru. The problem is that it is 928 feet long and the average speed on the street is in excess of 35mph when it is posted at 25mph. Mr. Kent urged Council to begin this process; there a number of streets that have been waiting a long time. He also urged interested persons to join the Roads and Traffic Committee.

Robert Kline commented on the proposed candidate forum and hopes the public will have the opportunity to ask questions. He was extremely chagrined at the City of Charleston's Mayoral Forum because the public was not allowed to ask questions. Mr. Kline concurred that today was what he hopes and believes, a good day for the Town of James Island in Columbia. It was good to have Mayor Clark and all members of the Council at the hearing as well as everyone who went on the trip; he believes the Town will succeed. Mr. Kline also reviewed his request to hire someone to assist the Planning and Zoning Commission and the Board of Zoning Appeals. He provided information from the State of South Carolina and referred to page 4 where it outlines what Council is able to do. Job responsibilities and duties for the aide were also provided as information. Mr. Kline said that a person cannot receive remuneration for personal gain or profit; if the person proposed for the position is a member of the Commission, that it is not construed as personal gain or profit; the person will be working hard for whatever remuneration they receive. He urged the Mayor and Council to take action on this matter as his next step is to take this issue to the court of public opinion as an editorial or a live letter.

Eugene Platt commented that he was honored to be with the Town's people today for the trip to Columbia. As a fringe benefit, he was able to lobby the request that Council consider a moratorium on subdivision developments on the island until January of 2005 or until a new Council is elected. Mr. Platt referred to an article in the Journal where several of our "natural citizens" are sitting on a sign post in the James Island creek; the caption reads: All eyes on the island. He said the caption is apt because throughout the State, all eyes are on the new Town of James Island. Mr. Platt gave a hypothetical situation that in twenty to thirty years from now, the population of the Town of James Island is 350,000 and it takes an hour to get from Town Hall to Folly Road without the rush hour traffic; your children or grandchildren will ask why didn't the Town Council pass a moratorium on development when they had the chance or at least, why didn't they talk about it. Mr. Platt made a plea that Council talk about this situation, formally establish a committee, or place it on the agenda for discussion at the next meeting.

Committee Reports:

Planning Commission: None

Planning & Zoning Committee:

Councilman Qualey reported that he and Councilman Williams will be reviewing the traffic calming applications and will contact the County to determine the placement of the traffic calming devices.

Ways and Means:

Mr. Socha reported that the minutes of the February 17, 2004 meeting were approved and a suggestion was entertained by Councilman Wilder that the speakers and microphone system be upgraded.

Old Business:

- a. Grand Concourse Traffic Calming: Councilman Qualey made a motion to defer the Traffic Plan for Grand Concourse, seconded by Councilman Wilder. Councilman Qualey reported that the residents have asked Council to allow them more time to address some other concerns that were brought forth at the public hearing that was held to discuss this matter. Councilman Woolsey said a Resolution was approved that the Roads and Drainage Committee establish a policy on Road Closings; when asked the status of the request, Councilman Williams replied that the committee has not yet developed a policy. Councilman Woolsey also said that approval had been given for the Clerk-Treasurer to obtain the cost of an island-wide traffic study from the County. Mayor Clark said the last study was done in 2000 and was given an "F" rating for most of the intersections on Folly Road, a portion of Fort Johnson Road, and Harbor View Road and was another study necessary. Councilmen Woolsey and Qualey reiterated that Council requested the information to determine cost and several other factors; the Clerk-Treasurer will be asked to follow-up on this request when she returns. After discussion on this matter; the motion to defer a traffic plan for Grand Concourse was unanimously approved.
- b. Update on FEMA Appeal: Sol Legare Flood Zones: Councilman Woolsey announced that the Public Safety Committee will be meeting on Thursday and will make a report. Alan Laughlin, Vice Chairman of the Public Safety Committee, stated that he had contacted local colleges to find out which offered engineering or architectural courses and if students could do surveying for a class grade. Both The Citadel and Clemson Extension offer engineering and architectural programs. The programs are forecasted three semesters ahead as to where the surveying is done; the college does not have the flexibility to make any adjustments. Clemson suggested that the Town contact a junior or senior student and hire them as temporary workers; the survey could be used as a benchmark against what FEMA has established.
- c. Update on Status of Grants: Attached. Mayor Clark requested from MaryJo Thomas and Sussan Chavis a list of all the grants that have been

- applied for and the status of them; additionally, grants that will be applied for in the future.
- d. Second Reading Ordinance# 2004-05 to Rezone Property at Old Folly Road from RR-1 to CC: A motion for adoption of **Ordinance# 2004-05** was made by Councilman Wilder, seconded by Councilman Woolsey and was unanimously approved.
 - e. Second Reading Ordinance# 2004-07 to Rezone Property at Folly Road from RSL to OR: A motion for adoption of **Ordinance#2004-07** was made by Councilman Wilder, seconded by Councilman Qualey and was unanimously approved.
 - f. Second Reading Ordinance# 2004-01 Ordinance to Adopt Charleston County Franchise Ordinance with Comcast: A motion for adoption of **Ordinance# 2004-01** was made by Councilman Qualey, seconded by Councilman Wilder and was unanimously approved.
 - g. Second Reading Ordinance# 2004-02 Ordinance to Adopt Charleston County Franchise Ordinance with Knology: A motion for adoption of **Ordinance# 2004-02** was made by Councilman Woolsey, seconded by Councilman Wilder and was unanimously approved.
 - h. Second Reading Ordinance# 2004-03 Ordinance to Adopt Charleston County Franchise Ordinance Providing for Grant & Regulation of Non-exclusive Franchises w/ Respect to Cable TV: A motion for adoption of **Ordinance# 2004-03** was made by Councilman Qualey, seconded by Councilman Wilder and was unanimously approved.

New Business:

Councilman Woolsey requested and was granted permission to amend the agenda for the discussion of traffic calming. Councilman Woolsey requested that the Chairman of the Road and Traffic Committee approve the two traffic calming applications and that the Clerk-Treasurer or Mayor contacts the County to determine where the speed humps should be placed on those roads. Councilman Williams stated that there were more than two applications that needed to be considered; all of the traffic calming applications needs to be reviewed. Councilman Qualey stated that he will meet with Councilman Williams and Greg Kent to review and process the applications.

Councilman Qualey requested and was granted permission to amend the agenda for the discussion of a potential new position of administrative assistant for the Planning Commission. Councilman Qualey stated that this issue has been discussed for some time; it is agreed that it is appropriate that someone be hired to fill this position and the likely person is Leonard Blank. Mr. Socha had been requested to determine any ethical issues or conflicts of Mr. Blank being hired and paid for these duties. Councilman Qualey referred to information presented by Mr. Kline which indicates that members of the Planning Commission are able to be paid. He said if Mr. Blank is able to do this without it being a conflict that it should be done, or someone needs to be hired. He then outlined some duties the position would be responsible for including

interpretation of codes, interfacing with the public, answering calls and a number of other issues. This person would be similar to an ombudsman or a liaison for the Town. Councilman Qualey reiterated the importance of filling this position quickly. Mr. Socha stated that under State Law, Planning Commission members can be compensated; in article 12 of the Town's Zoning Ordinance, it states that Planning Commission members serve without compensation. He said it would take a month to change the Ordinance because a public hearing needs to be held. He also said the position is what Mr. Blank is already doing. It was debated that a month is too long before having someone in place. Mr. Socha offered a reminder that all positions for hire must be advertised which could take a month. Councilman Qualey asked Mr. Socha to research the changing of Zoning Ordinance to include salary/compensation. Councilman Woolsey suggested that the Ordinance, when it is changed, not state that the Chairman is paid, but rather that, according to State Law, compensation is determined by Town Council. Councilman Woolsey made a motion that the Planning Commission makes a recommendation to change the Zoning Ordinance allowing Town Council to determine salaries for Planning Commission members; the motion was seconded by Councilman Wilder and unanimously approved. Councilman Wilder made a motion for Planning Commissioners and BZA members to be paid mileage expenses, seconded by Councilman Williams. Councilman Woolsey offered that a policy needs to be established regarding this matter, it needs to be considered that everyone who attend a meeting on behalf of the Town be reimbursed for mileage and or expenses. The motion made by Councilman Wilder and seconded by Councilman Williams was withdrawn.

Councilman Williams made a motion that someone is hired to work with the Roads and Drainage Committee or enter into a contract with Charleston County Public Works. Councilman Williams stated that there is too much work for one person to handle; Mrs. Milliken has resigned from the Committee and the meetings are poorly attended. He complimented the community for their participation and for working with him; none-the-less, there is much work to be done by this committee. Councilman Wilder seconded the motion for the purpose of discussion. Councilman Wilder offered that a study be done before making a decision to hire someone. Mayor Clark stated that we are in the middle of a ruling and the election process. She asked if this could be studied and postponed until after some of the other issues are resolved. Councilman Qualey offered that he does not want to return anything back to the County; we should be taking projects away from them. He agreed that more manpower is needed and is willing to offer assistance to the Roads and Drainage Committee. Mayor Clark stated that we will need an entire Roads and Drainage study because the County has returned 10 roads back to the Town. Discussion ensued about the status of these roads. Mr. Socha was given direction to clarify the status of the meeting with the County and to find out why the 10 roads were released back to the Town. Councilman Woolsey felt that this was not the time to hire a staff person; he believes the Town could continue to

contract with the County. Councilman Williams said he receives a number of phone calls and has to handle these issues by himself; he said the Town needs professional help. After discussion, the motion made by Councilman Williams and seconded by Councilman Wilder was withdrawn. Councilman Williams asked Mr. Socha to research the technical aspects of hiring someone to work with the Roads and Drainage Committee.

Citizen's Comments

Barbara Gray commented that the residents of Nabors Drive, Regatta Road and Grand Concourse wish to keep their speed hump application active until a plan is approved to take its place.

Robert Kline thanked Council for addressing the issue of compensating volunteers. It is high time that consideration is given to those who volunteer on committees and commissions; these people give a lot of their time and are getting burned out. He urged Council to give serious thought about compensating all members of commissions and committees for their attendance at meetings. Please review all the options.

Carol Jacobsen reported that the Corridor Design Review Board meeting was truly interesting. Everyone on the Board wanted the residents of James Island to speak because they, too, do not want the removal of the trees. This shows that cooperation can be done; we should consider having a cooperation committee with the City of Charleston for issues, such as Grand Concourse, because they have a stake in this too; we should try to get along with them as much as we can.

Councilman Williams announced that Susan Milliken has resigned from the Roads, Drainage and Traffic Committee. He thanked Susan for the hard work, dedication and the support she has given to this committee. We have good people on James Island; however, we must remember that this isn't instant coffee or mashed potatoes, the issues we face will take time to resolve. Thank you to Barbara Gray for the work she has done to resolve traffic issues on Grand Concourse, Regatta and Nabors; this too will take time; it cannot be done hurriedly. He urged and encouraged everyone to continue to work with all of the Town's committees... this is your Town.

Mayor Clark recognized **Alfred Moore**, who lives in the City portion of James Island. Mr. Moore stated that the residents of his neighborhood had no information about the closing of Grand Concourse or about traffic calming until it was seen in the newspaper. He said no one asked for their input; there is cut through traffic on Lawton Harbor subdivision with people going to Harbor View. There is standing water in his lot from Nabors Drive when it rains, if Grand Concourse is closed and traffic reverted, it will be disastrous.

Mayor Clark stated that all agree that we must have cooperation with the City of Charleston. She is hopeful that when the ruling is rendered that this will happen. The people are already together and know what the problems are; because of different jurisdictions, it is difficult to address these issues. We will need a cooperative effort for the sake of the people on James Island.

With no further business to come before the Council, a motion to adjourn at 8:25 p.m. was made by Councilman Williams, seconded by Councilman Wilder and was unanimously approved.