

A regular meeting of the Town of James Island was held on Tuesday, November 6, 2007 at 7:00 p.m. at the James Island Public Service District, 1739 Signal Point Road, James Island, South Carolina.

Present at the meeting were the following: Mary Clark, Mayor, who presided, Council Members: Leonard Blank, Joe Qualey, Bill Wilder and Parris Williams.

Also present were: Bonum (Bo) Wilson, Attorney, Roy DeHaven, Planning Consultant, Charlie Rhodes, Disaster and Emergency Preparedness Coordinator, MaryJo Thomas, Grant Coordinator, and Frances Simmons, Town Clerk.

Councilman Williams gave the invocation and led in the pledge to the flag.

Mayor Clark announced that this meeting was being held in accordance with the Freedom of Information Act, and would be conducted under Roberts Rules of Order.

Mayor's Comments: Mayor Clark welcomed those present. Comments were suspended due to a full agenda.

Public Comments: The following individuals addressed Council:

Van Fleming, 1331 Battalion Drive: Mr. Fleming reminded Council about the Public Hearing held on August 30<sup>th</sup> on the rezoning of the Five Points area in Riverland Terrace. He said the opposition at that time was unquestionable with a building packed with people. He hopes that Council will realize what the people want; only not the residents of Riverland Terrace, but the people of James Island. He asked Council to consider this request and vote against it.

Tom Meteraud, 473 Wade Hampton Drive: Expressed concerns about traffic on Harbor View Road. The biggest problem on Harbor View Road is North Shore Drive. He mentioned that the Town has the final say about Harbor View Road. Mr. Meteraud lives in Fort Johnson Estates, which has two exits from the subdivision, North Shore has four exits. He briefly addressed sidewalks on Fort Johnson Road – he said no one spoke about maintaining these sidewalks; if there is no budget for maintenance, a nuisance is being built. He asked Council to address the Harbor View Road issue.

Chris Dowling, 1132 Shoreham Drive: Mr. Dowling announced that this was his third appearance before Council to address his drainage problem. He said for the past three months he has requested 100 yards of drainage ditch be cleaned. The ditch runs parallel to Willton Street between Lake Oakcrest and Folly Road. Mr. Dowling said he spoke with Mr. DeHaven and was told that a permit from OCRM would be required before the ditch could be cleaned. Upon contacting the OCRM he was told that no permits were necessary because it is not in the critical area

and it appears to be a maintenance issue. Mr. Dowling said he had 4 inches of water in his home - the City and County has spent a great deal of money to maintain its share of this drainage-way but its all for nothing unless everyone maintains their portion. He said the ditch has not been serviced since the Town was formed. He asked when the drainage ditch would be cleaned.

Mayor Clark asked if the ditch had been maintained on a regular basis before the Town was formed; Mr. Dowling replied that both the City and County provided him with a cleaning schedule when the ditch would be serviced.

Lyndy Palmer, 1227 Peregrine Drive: Asked when the Town Hall renovations would be completed; and is the Town paying the full cost for using the building.

Eric Draper, 1536 Highland Avenue: Mr. Draper has conducted two Palmetto Pride clean-up drives which won two grants: one for \$1,000 for a re-beautification project and the other for \$500 for the Dock Street Park in the Bayfront subdivision. Mr. Draper said he took the liberty of looking into repairing the dilapidated and sinking dock at the park. He has spoken with American Dock and Marine who has given him a bid of \$8,150 to repair the problem. American Dock and Marine, (which is based on James Island), is willing to donate \$2,000. Mr. Draper said if \$1,500 in grant monies is used, the total remaining bill would be \$4,650.00; he is willing to donate \$500 which would leave a total cost of \$4,150. Mr. Draper asked Council to consider this request. Copy of proposal attached to minutes.

Russell Roper, 2158 Shrimp Street: Mr. Roper lives at the end of Shrimp Street on a creek. He said the County installed a metal dyke with trap doors a number of years ago to control the flow of water to and from the creek. The trunk has eroded causing water from Folly Creek to wash away portions of his property. Mr. Roper said he spoke to County staff years ago and was told that the Soil Conservation Service would need to intervene to help resolve the problem. Since this has been years ago, the wash-out has gotten worse. He asked for help in resolving this problem. Councilmen Qualey and Wilder asked Mr. DeHaven to have E.M. Seabrook investigate.

Consideration of Minutes: October 16, 2007: A motion to approve the minutes of October 16, 2007 was made by Councilman Wilder, seconded by Councilman Williams and unanimously approved.

Morris Island Update: Mayor Clark announced that Morris Island is in the Town of James Island. The Cummings Point area is being purchased by the Trust for Public Land. Mayor Clark met with members of the Battleground Trust this week to discuss the preservation of Morris Island. Blake Hallman, along with Skipper Keith, of the Battleground Trust will make a presentation tonight. Mayor Clark introduced Blake Hallman and Skipper Keith.

Morris Island Presentation: Mr. Hallman gave a presentation on Morris Island noting that the Morris Island Coalition, South Carolina Battleground Preservation Trust and Fort Sumter/Fort Moultrie Trust, all have a vested interest in making sure that Morris Island remain a historic national treasure. Against the wishes of these groups, the Island was purchased by Bobby Ginn for \$6.8 million and was sold to the Trust for Public Land for \$4.5 million; leaving a \$2.3 million tax write-off. The Trust for Public Land will convey the Island to the City of Folly Beach and it will be managed by the County Park and Recreation Commission. Mr. Hallman said that the Trust for Public Land, and an ad-hoc Steering Committee, has come together to determine the best ways to manage and preserve Morris Island as well as to provide access to the public. The Battleground Trust would like to keep the Island in its present natural state.

Mr. Hallman shared concerns about pre-conditions in a contract agreement; that there should be no erection of any improvements *except* the minimal improvements necessary for security, safety and convenience of the public and those required for maintenance and management; and, except for the construction of two docks to ensure public access to the property; a water wedge for groups and special events, and the construction of public restroom facilities. He said this was not a zero infrastructure approach and considered this to be an inappropriate pre-condition in the contract.

Mr. Hallman said studies needed to be done to determine the appropriate features planned for the Island; a bonafide study would take between 6-8 months to complete; a study conducted by the Trust for Public Land took 6 weeks. Mr. Hallman shared the Battleground Trust's future management plans and Mr. Ginn's request for assurance from the Trust to determine future use before an agreement is reached. He said a memorandum of concern was done stating that the pre-conditions were inappropriate and the master plan should dictate what is best for the Island. Tom O'Rourke, Director of the Park and Recreation Commission, is willing to commit \$300,000 for an access study to take an in-depth look into this and detailed future access of the Island. However, the study cannot be done with the pre-conditions in the contract.

Mr. Hallman asked Council to consider zoning the Island against inappropriate development, such as docks, boardwalks, and bathrooms. He said the Island is an ecological jewel and is a part of our national history... it represents Black History. Black soldiers came and fought on this Island to prove that they were just as good as the White troops... and they did. Southerners fought to defend their homes... Northern troops came here to stop secessionism... to stamp out slavery. This Island is a part of our history; it is not divisive or inclusive and we should be proud of what happened there. He urged Council to consider making zoning changes to incorporate Morris Island from inappropriate development.

Council was given the opportunity to ask questions. Mayor Clark said that 2 ½ years ago the Town passed a Resolution for Morris Island; this time the Town

has jurisdiction over Morris Island, as well as Fort Sumter, and can address these issues. The Town has a responsibility to study this matter and will address it. Councilman Qualey asked Mr. Wilson and Mr. DeHaven to look into zoning and potential options for Morris Island. Councilman Blank asked that this charge be given to the Planning Commission. Mayor Clark agreed and asked Mr. Wilson and Mr. DeHaven to be involved. Councilman Qualey asked that a moratorium be considered, which could take effect immediately; he suggested discussion of this topic at the November 20<sup>th</sup> Council meeting. Mayor Clark thanked Mr. Hallman for his presentation.

#### Town Counsel Report:

Mr. Wilson gave a follow-up from the Council Workshop, held on Saturday, October 27<sup>th</sup>. A deputy from the Sheriffs Office was invited to speak to Council tonight regarding noise and a noise ordinance in the Town. However, due to the short notice he was unable to attend. He may attend the November 20<sup>th</sup> Council meeting.

Mr. Wilson e-mailed Peggy Moseley on October 19<sup>th</sup> regarding County revenues from property taxes in the Town. He has not gotten a response as yet. A detailed letter was sent the following week to the Chief Deputy Administrator. The letter posed a number of questions regarding the Sheriffs jurisdiction in the Town and the use of those services by town personnel, and percentages of the budget for certain activities, (i.e., public works, recycling, library services). Mr. Wilson said he requested information about how the County derived at a 5,000 municipality population that would not be allowed service without additional charge. He has not gotten a response from this request.

Councilman Qualey shared information that the Grimball tract property is coming up again. This item was on the City's Planning agenda and was deferred. He said everyone needs to be vigilant and aware of plans for this large undeveloped tract of land - it will have a major impact on traffic for everyone who lives on the island.

#### Grant Coordinator Report:

SC Forestry Commission Grant: MaryJo Thomas reported that the Town of James Island received a grant from the South Carolina Forestry Commission in the amount of \$10,500. The Town would like to use the grant for: 1) Arbor Day Celebration, the first Friday in December of this year; 2) Inventory of trees on public property; 3) Tree Ordinance for Tree City; 4) The planting of 50 trees in the Town.

Councilman Wilder requested that Ms. Thomas investigate grant opportunities for the preservation of the Old Sol Legare Lodge Hall; Mayor and Council agreed; Councilman Wilder will forward information to Ms. Thomas.

Planning Consultant Report:

Resolution #2007-11: Amend Operating Budget and to Accept South Carolina Forestry Grant for \$10,500: A motion to adopt Resolution #2007-11; was made by Councilman Qualey, seconded by Councilman Williams and unanimously approved.

Amend Budget: \$10,500 from Public Works to match Grant: Mr. DeHaven reported that within Resolution #2007-11, is an amendment to match the grant; to move monies from the Public Works budget for the tree grant. Councilman Blank made a motion to amend the budget to transfer funds from the Public Works Department to the Matching Grant Fund; the motion was seconded by Councilman Qualey and unanimously approved.

Ordinance #2007-11: TMS # 343-03-00-228 and TMS #343-03-00-227 – 0.79 Acre Tract at Maybank Highway and Woodland Shores Road: Mr. DeHaven reported that the developers of the Five Points area have two proposals for two different tracts for a planned unit development (PUD). Councilman Qualey asked if the Ordinances tonight were for First Reading and will a Public Hearing be scheduled for citizen input. Mr. DeHaven said if Council gives the Ordinances First Reading tonight, the Public Hearing will be scheduled within 30 days before the final reading is done. The Attorney, Jonathan Yates, partner, Jeremy Glendenning and the Land Planner will make a presentation tonight.

Mr. Yates gave a presentation noting the two pieces of property on Maybank Highway on both sides of the corner of Woodland Shores Road. He said traditionally in a PUD zoning there are additional rights, densities, or uses that aren't readily available - this request could be considered a reverse PUD because 24-25 uses were taken out of the CN District (Neighborhood Commercial).

Councilman Blank asked Mr. Yates if he was addressing the community commercial area or the residential area. Mr. Yates explained that they are rezoning to a PUD. On the 0.79 acres there is presently CC and RSL zoning, on the 1.495 (the other corner), it presently shows an RSL zoning; the developers are going to a PUD. He said the basis for the PUD is the Neighborhood Commercial; however, they are not asking for a Neighborhood Commercial zoning, they are taking a stripped down version – with a number of Neighborhood Commercial uses taken out of it. He said it was brought to the developers' attention, and they agree, that some uses would be inappropriate.

Councilman Blank questioned the surrounding area that would be included in the PUD that had homes on it. Mr. Yates responded that the 0.79 acres is presently under contract to a Regional Bank. He made reference to the area on the conceptual plan for Council's view. A Regional Bank would like to establish its headquarters here on the Island - the PUD was being created for the bank building.

Councilman Blank said the uses were being added since a residential zoning would not allow those uses. Mr. Yates referred to a zoning map and responded that they are asking for a highly restrictive CN zoning with 25 uses coming out of that. Mr. Yates reviewed the plans for the bank on the 0.79 acres. He noted that the square footage will be 5,000 square feet. The bank will allow for a drive-thru, entering on Maybank Highway, and exiting onto Woodland Shores Road. He said the curb-cuts were positioned to allow for easy traffic patterns coming back onto the intersection. He said the uses that were taken out were: fast foods, service stations, car washes, tattoo parlors, schools, etc. He said if the CN zoning were to be amended to add more uses, the developers have agreed that they will not be able to use them; they would only be able to use the existing CN less the 25 uses that were taken out. Councilman Blank asked what would be placed on the property if plans for the bank falls through; he said it would be limited to retail or office. There was discussion about a guarantee that the bank would be built; Mr. Yates said there is a guarantee that the bank is under contract; however, there is no guarantee that a bank would be there for the next 30 years. Some discussion continued about the pros and cons about the various zoning and possible uses should the bank not be built. Mr. Yates stated the likelihood of a doctor's office or professional office could be placed there. There was much discussion about a bank being erected in a residential area to which Mr. Yates replied that there would be a buffer (20 feet) from the commercial corridor into the residential area. After his presentation, he asked Council's consideration of this project.

Councilman Qualey made a motion to give First Reading to Ordinance #2007-11; for it to move towards the Public Hearing process. There was no second to the motion. The motion failed.

Council entertained discussion: Councilman Wilder offered a motion that the process go back to the Planning Commission. Mr. DeHaven said this matter needed to be resolved by November 23; under an agreement with the Planned Unit Development there are set timelines. If this Ordinance is given First Reading, a Public Hearing could possibly be done at the next Council meeting; sending it back to the Planning Commission would allow it to fail on time.

Councilman Qualey said Council should allow for the Public Hearing process to give citizens the opportunity to express their views. Mayor Clark said the Public Hearing in Riverland Terrace was well-attended and the citizens made their opinions known at that time. She talked about what the people expect from the Town and that she votes with the people/neighborhood. Mayor Clark added that the recommendations of the Planning Commission should be honored by Council.

Councilman Qualey said the plans are a different submittal; Council has plans the Planning Commission did not have. Councilman Blank noted that the former Town was involved in a PUD by Goodwill Industries; however, Goodwill's plans

were specific, there were no speculations about what was going to be built on the property. After some discussion, Ordinance #2007-12 was presented.

Ordinance #2007-12: TMS #343-03-00-208,209,210,211 and TMS #343-03-00-212 – 1.495 Acre Tract at Maybank Highway and Woodland Shores Road: Mr. Yates gave an overview of the proposed plans. The site development concept includes a single building which would consist of neighborhood commercial retail uses and /or professional offices. The retail and office use may include one or more tenant spaces in each building. The final development plan is proposed to minimize noise, provide for improved traffic circulation. Mr. Yates commented on responsible growth and town planning.

Councilman Blank commented on the uniqueness of the Town. Everyone who serves on Council lives on James Island; the “sell” is not to Council, it is to the people. If they were to agree with these plans, Council would probably agree - however, the people do not agree, and the residents do not want a bank in their backyards. Both Councilmen Qualey and Wilder stressed that a Public Hearing be reconsidered. In closing, Mr. Yates asked Council to reconsider the 0.79 and 1.495 acre tracts for a Public Hearing process then to Council for a decision. Councilman Wilder made a motion for the reconsideration of the 0.79 acre tract; the motion was seconded by Councilman Qualey.

Councilman Blank said a message is being sent to the people that one Public Hearing was not sufficient; Council appointed these representatives to serve on the Planning Commission and they followed the process. Additionally, they mediated on two separate occasions.

Councilman Williams voiced the same concerns; he asked why prolong the matter when the people have spoken.

Councilman Qualey reiterated that the plans were different. He also said he attended the Public Hearing in Riverland Terrace but was of the impression that the people were not educated about what was going to take place on the parcels. He expressed disbelief that a non-evasive bank building would be objectionable in the face of what could be built on the site. He asked that both Ordinances go through the First Reading process.

Councilman Wilder expressed his views, remembering what was done on the Grimball tract. He said at that time he voted against the project and later wished he had voted for it. He said since these developers plans have changed, it should move toward a Public Hearing process to give the people the opportunity to voice their concerns and then to Council for decision.

After discussion, Mr. DeHaven called for the vote, the roll was called and votes recorded as follows:

Councilman Blank - No  
Councilman Wilder - Yes  
Mayor Clark - No

Councilman Qualey - Yes  
Councilman Williams - No

The motion failed on a vote of 3-2 for the reconsideration of Ordinance #2007-11 for 0.79 acre tract.

A motion to approve Ordinance #2007-12 for 1.495 acre tract for First Reading was made by Councilman Qualey, there was no second; the motion failed.

Ordinance #2007-13: Amend text of Zoning Ordinance to provide for the safety of all Residential Housing to have only one Electric Meter per lot: Mr. DeHaven stated that this regulation is already used on the building side and by SCE&G. A motion to accept Ordinance #2007-13 was made by Councilman Blank, and seconded by Councilman Williams. Councilman Qualey made reference to an error in the Ordinance, the error was corrected.

Councilman Blank made an amended motion to accept Ordinance #2007-13 with the correction, the motion was seconded by Councilman Qualey and was unanimously approved.

Executive Session: Council did not enter into executive session.

There being no further business to come before the body, a motion to adjourn was made by Councilman Williams, seconded by Councilman Wilder and carried. The meeting adjourned at 8:55 p.m.