

A regular meeting of the Town of James Island was held on Tuesday, January 22, 2008 at 7:00 p.m. at the James Island Public Service District Office, 1739 Signal Point Road, James Island, South Carolina.

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

Also present were: Bonum (Bo) Wilson, Attorney, Roy DeHaven, Planning Consultant, and Frances Simmons, Town Clerk.

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

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

Mayor's Comments: At the last meeting I meant to share with you that the Town of James Island was incorporated on January 8, 1993. That was the 15 year anniversary of a Town that has taken longer to establish than the United States of America. I would like for that date to become our anniversary date. We did not acknowledge this date or celebrate because we do not have the Town Hall ready yet; but we will soon and this will become our incorporation date.

A record of everything that was done in the last two towns is in storage at the Town Hall. There were so many things that would have been done for James Island had the Town been left alone. There were spiral-bound specifications for the bike paths from Folly Road to Fort Johnson on both sides of the street. There were already bike paths on Harbor View down to Folly Road. There were plans for the \$800,000 Senior Citizens Center; the grant was taken over by someone else after the Town was dissolved. The list is endless of what the Town would've accomplished for the people of James Island. I would like for us to remember January 8, 1993. Our Town seal says established in 1993, but January 8 is the actual day, and we will celebrate it as the Town moves forward.

Recognition: Mayor Clark recognized and introduced Donald Hollingsworth, James Island Public Service District Commissioner; Lyndy Palmer, Chairperson of the Town's Planning Commission and Van Fleming, former James Island Public Service District Commissioner.

Public Comments: The following individuals addressed Council:

Lyndy Palmer – Peregrine Drive: Asked when the Town Hall will be available for meetings. Mayor Clark said a number of setbacks have caused the delay in opening the Town Hall. She shared some of the complaints that were made to the Justice Department to require the Town's compliance with ADA (Americans with Disabilities Act) regulations. These complaints have prompted visits and investigations from the Justice Department, as well as additional time and money to ensure that all regulations are in place before opening. An architect designed the layout of the Town Hall and the drawings have been sent to the Justice Department. We are waiting on them to do a walk or give clearance to open.

Hilde Maricq – commented about clean air quality. She will leave a packet at the Town Hall for anyone interested to review.

Van Fleming – commented about a December Planning Commission meeting where an informational presentation was made by the developers of Five Points. He expressed dissatisfaction that the citizens were not allowed to speak; the Town's legal counsel had ruled that comments were not allowed by the public even though it had been advertised that the public could speak. He voiced his objections to this and expressed concerns about legal advice that has been given to our towns.

Mayor Clark asked about this and Mr. DeHaven explained that the meeting was not a public hearing; if the opposition is allowed to speak, it is then considered a public hearing. He said the Planning Commission will meet on January 24th to make its recommendation to Council for its February 5th meeting. Council will conduct a public hearing on the Ordinance if it passes a first reading.

Mayor Clark commented that the Five Points issue has been a complicated process because of changing residential zoning to commercial zoning. This has come before the Planning Commission and Town Council numerous times and the voices of the people have been heard. Ms. Palmer, the chairperson of the Planning Commission said she will allow citizens to speak at Thursday's meeting. She commented that the citizens should've been allowed to speak at the last Planning Commission meeting since it was advertised that they could.

Consideration of Minutes: January 8, 2008: A motion to approve the minutes of January 8, 2008 was made by Councilman Wilder, seconded by Councilman Blank and unanimously approved.

Public Hearing: Mr. DeHaven opened the Public Hearing for discussion on the following Noise Ordinances:

Ordinance #2007-15: An Ordinance for Loud Noises

Ordinance #2007-16: An Ordinance for Excessive Noise

Ordinance #2007-17: An Ordinance for Sound Amplification Devices

No one spoke in favor of or in opposition to these Ordinances. Mr. DeHaven declared the Public Hearing to be closed.

Public Hearing: Mr. DeHaven opened the Public Hearing for discussion on Ordinance #2007-18: An Ordinance Establishing a Storm Water Management Program.

No one spoke in favor of or in opposition to this Ordinance. Mr. DeHaven declared the Public Hearing to be closed.

Town Counsel Report: Mr. Wilson asked that a personnel matter be discussed in the executive session. He then presented the following Ordinances for second and final reading:

Second and Final Reading: Ordinance #2007-15: An Ordinance for Loud Noises

Second and Final Reading: Ordinance #2007-16: An Ordinance for Excessive Noise

Second and Final Reading: Ordinance #2007-17: An Ordinance for Sound Amplification Devices

A motion to adopt Ordinance #2007-15; Ordinance #2007-16; and Ordinance #2007-17 was made by Councilman Blank, seconded by Councilman Wilder.

Mayor Clark called for the vote. The roll was called and votes were recorded as follows:

Councilman Blank - Yes Councilman Qualey - Absent
Councilman Wilder - Yes Councilman Williams - Yes
Mayor Clark - Yes

The motion was approved on a vote of 4 yes; (1 member absent), for the adoption of Ordinance #2007-15; Ordinance #2007-16 and Ordinance #2007-17.

Second and Final Reading: Ordinance #2007-18: An Ordinance Establishing a Storm Water Management Program.

A motion to adopt Ordinance #2007-18 was made by Councilman Williams, seconded by Councilman Wilder.

During discussion, Mayor Clark asked if the Town will sign onto the County's Storm Water Management Plan or will the County develop a plan for the Town at a cost. Mr. Wilson said as other towns in the County, the Town will become a part of the County's plan. He did not foresee a separate charge to the Town; rather a charge to the entire County, of which James Island is a part of.

Councilman Blank asked if Charleston County had made a decision to provide services to the Town; and is the Town passing an Ordinance that the County will not provide services for. Mr. Wilson said the Ordinance sets up the utility and it will be in place if the Town enters into an agreement with the County. All municipalities of the Town's density in the State are required to establish a Storm Water Management Program based on density not population. Mayor Clark called for the vote. The roll was called and votes were recorded as follows:

Councilman Blank - Yes Councilman Qualey - Absent
Councilman Wilder- Yes Councilman Williams – Yes
Mayor Clark - Yes

The motion was approved on a vote of 4 yes; (1 member absent), for the adoption of Ordinance #2007-18 to Establish a Storm Water Management Plan.

Other discussion involved Councilman Blank referring to correspondence sent to a citizen from Paul Thurmond (County Council) regarding services to the Town of James Island. Councilman Blank asked about services to the Town. Mr. Wilson said the Town and County have not entered into an agreement. However, the County has asked the Town for a report of its revenues from Local Option Sales Tax (LOST); Business License revenues and Building Permit fees.

Mayor Clark gave a recap from a recent meeting between the Town and the County. She said the Town did not have the support of the County for services. No one spoke on behalf of the Town other than Councilman Thurmond. Mr. Wilson will contact Mr. Bustraan (County) for information and an update on this matter.

Planning Consultant Report:

Authorization to Expend Funds for Clear View Drainage Project- \$26,000: Mr. DeHaven reported that this is one of the first steps in the Clear View area to fix the undersized pipe that empties into one of the lakes. This project is being done in conjunction with the State

Department of Transportation and is slated to begin in February. The engineer has estimated the cost to be \$26,000; however, this amount could be lower or slightly higher once the contractor submits a bid. **A motion to authorize the expenditure of \$26,000 for the Clear View Drainage project was made by Councilman Wilder, seconded by Councilman Blank.**

Councilman Blank asked and Mr. DeHaven verified that funds are available for the expense of this project. Funding will come from the Public Works budget.

Councilman Williams asked where the location was; Mr. DeHaven replied on Sterling Drive at Clear View. He said this will relieve some of the problems on Mr. Leasure's property. One-third of the water that is settling on his property will now drain directly into the pond. Mayor Clark called for the vote. The roll was called and votes were recorded as follows:

Councilman Blank -	Yes	Councilman Qualey -	Absent
Councilman Wilder-	Yes	Councilman Williams –	Yes
Mayor Clark -	Yes		

The motion was approved on a vote of 4 yes; (1 member absent), authorizing approval to expend \$26,000 for the Clear View Drainage Project.

Landscape Pavers Proposal – Mr. DeHaven asked Council to accept the proposal from Landscape Pavers in the amount of \$30,798. He also asked Council to review and prioritize a list of roads for grading. Councilman Williams asked for a report of the projects that were funded from the Public Works Budget and the total that is left in this budget category. Mr. DeHaven said there is roughly \$400,000 in the Public Works budget, and funds are available in the unbudgeted monies. Councilman Blank commented that no cost was given for grading Arsburn Road. Mr. DeHaven said the contractor was unable to locate the road; he will have this information at the next meeting. Councilman Williams asked that Honey Hill Road be added to the list.

A motion to authorize the expenditure of \$30,798 to Landscape Pavers for road improvements was made by Councilman Blank and seconded by Councilman Wilder. Councilman Wilder asked that every effort is made to accommodate the citizens that live along Arsburn Road because he has received numerous complaints from citizens about the condition of this road. Mayor Clark called for the vote. The roll was called and votes were recorded as follows:

Councilman Blank -	Yes	Councilman Qualey -	Absent
Councilman Wilder-	Yes	Councilman Williams –	Yes
Mayor Clark -	Yes		

The motion was approved on a vote of 4 yes; (1 member absent), authorizing approval of \$30,798 to Landscape Pavers for road improvements.

Treasurer's Report: Mr. DeHaven said a fax came in from Edward Waring, the Treasurer Consultant, today regarding the financial status of the Town. Mr. Waring is working with the auditor and did not have the report ready for Council tonight.

Grants: Mary Jo Thomas, Grant Coordinator, has submitted a list of grant submittals for the Town. Ms. Thomas is also working on a grant for the Old Sol Legare Lodge. Councilman Wilder gave a brief update on the status of the lodge. Grants information attached.

Grice Marine Lab: Liollo Architectural Firm and the Grice Marine Lab gave an informational presentation to the Board of Zoning Appeals on January 17th. They discussed the design for a new building to be erected at the end of Fort Johnson Road. Mr. DeHaven said this is a state project and does not need approval by the Town.

The Five Points and the Wilton Street Planned Unit Development will be heard by the Planning Commission at its meeting on Thursday, January 24th at 6:30 p.m. at the Town Hall.

Certificate of Occupancy: Mr. DeHaven said issues regarding the Dollar General certificate of occupancy with England Associates will be discussed in the executive session.

Mayor Clark announced that a meeting will be held on Friday, January 25th at 7:00 p.m. at the Saint James Church with the James Island PSD; Town Council members may attend. A meeting notice will be posted in the Town Hall window for compliance with the Freedom of Information Acts. Commissioner Hollingsworth was unaware of a meeting, but will advise the Mayor if a meeting has been scheduled.

Mr. DeHaven introduced Mr. Gary Whitehead, a resident of James Island and community leader in North Charleston. Mr. Whithead has been in charge of code enforcement with the City of North Charleston for 13 years.

Executive Session: Mayor Clark asked for a motion to enter into executive session to discuss personnel, legal, accounting, and/or contractual matters. **The motion was made by Councilman Williams, seconded by Councilman Wilder and carried.** Council entered into executive session at 8:10 p.m.

At the conclusion of the executive session, Mayor Clark stated that no action or votes had been taken while Council was in executive session. Council reconvened to regular session at 9:04 p.m.

Adjustment to Town Clerk's salary: **A motion to increase the line item in the budget for the Town Clerk's salary to \$45,000/year; authorizing the Mayor to dispense the funds as she deems fit was made by Councilman Blank, seconded by Councilman Wilder and was unanimously approved.**

Legal Services: **A motion to adjust the budget by \$37,000 from Public Works Budget to the Legal Services Budget, was made by Councilman Wilder, seconded by Councilman Williams and was unanimously approved.**

There being no further business to come before the body, a motion to adjourn was made by Councilman Wilder, seconded by Councilman Williams and carried. The meeting adjourned at 9:10 p.m.