

A regular meeting of the Town of James Island was held on Tuesday, February 5, 2008 at 7:00 p.m. at the James Island Public Service District Offices, 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 Coordinator, 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. Notice of meeting and agendas were provided to the media and persons requesting notification.

Mayor's Comments:

Proclamation for National Parent Leadership Month: Mayor Clark read the following Proclamation into the minutes:

PROCLAMATION

NATIONAL PARENT LEADERSHIP MONTH

- WHEREAS, Parent Leadership is a recognized component in effective family strengthening and support programs; and
- WHEREAS, developing Parent Leadership in families is recognized as an essential and effective means of preventing child abuse and neglect; and
- WHEREAS, the power of parents speaking publicly about their experiences has made, and will continue to make, a positive impact on the lives of children and families everywhere; and
- WHEREAS, meaningful Parent Leadership occurs when parents receive support and training in order to gain the knowledge and skills necessary to function in meaningful leadership roles; and
- WHEREAS, learning about Parent Leadership encourages and enables parents to offer their "parent voice" and to share responsibility and expertise in the planning , implementation, oversight and evaluation of programs that effect families , communities, and public programs; and
- WHEREAS, each year more Parent Leaders develop vital partnerships with service providers, policymakers and key stakeholders seeking to build stronger, safer communities for children; and

- WHEREAS, Parents Anonymous Inc. has created National Parent Leadership Month to recognize the extraordinary courage and tenacity of parents who have worked to become Parent Leaders; and
- WHEREAS, Parents Anonymous of South Carolina, Inc. Supports the vital importance of partnering with parents and works to create more Parent Leaders in South Carolina; and
- WHEREAS, Parents Anonymous of South Carolina , Inc. assists in public systems, private organizations and other key stakeholders to effectively implement Parent Leadership strategies; and
- WHEREAS, Parents Anonymous of South Carolina , Inc. has developed a South Carolina Parent Leadership Team to actively support parents in meaningful Parent Leadership roles with families throughout the state; and
- WHEREAS, Parent Anonymous of South Carolina, Inc. , will recognize, honor and celebrate Parent Leadership across South Carolina and in The Town of James Island at the Fifth Annual “Parents Leading the Way Conference”, on February 23, 2008 at the Summerville Presbyterian Church in Summerville , South Carolina, to which it invites the public to attend in order to learn about Parent Leadership and creating strong, safe families;

NOW THEREFORE IT BE RESOLVED THAT I, Mary Clark, Mayor of the Town of James Island do hereby declare February 2008 as National Parent Leadership Month in the Town of James Island and recommend this observance to all of our citizens.

Mayor Clark commented on Bernard Baruch, an elder statesman of the United States from South Carolina. When asked who the greatest people he ever knew were, he gave accolades to parents and their care of their families. Mayor Clark said our children and families is the most important thing in our society and in our lives.

Public Comments: The following individuals addressed Council:

Mike Powers, 2223 Peninsula Street: In favor of the development at Five Points and applauded the efforts of the Planning Commission and Town Council on this proposal.

Beverly Keith, 1149 Cottage Road: Presented a memorandum regarding maintenance of East and West Road, North and South and Cottage Roads for fire, rescue and EMS response issues. A copy of the memorandum is attached to the minutes.

Mr. DeHaven said maintenance of these roads were on the first list; he will check with Landscape Pavers to get a timeframe from them.

Lyndy Palmer, 1227 Peregrine Drive: Thanked everyone for their cooperation on the Five Points development issue at Maybank Highway and Woodland Shores Road. Mayor Clark recognized Mrs. Palmer as Chairperson of the Town's Planning Commission.

Ruth Yack, 414 Carol Street: Stated opposition to the proposed development at Five Points at Maybank and Woodland Shores Road.

James Eve, 1050 Pauline Avenue: Would like to see more businesses and money come to James Island; the property on Maybank Highway seems to be a good parcel for what is being proposed there.

Hilde Maricq, 728 Jim Isle Drive: Asked if Harbor View Road is zoned residential or commercial; commented about traffic and large trucks that damage the road.

Jonathan Yates, Attorney for J.L. Woode, thanked the Town's Planning Commission for the decision it made on the Five Points development; he also thanked Council and staff for utilizing the process for this development.

Consideration of Minutes: January 22, 2008: A motion to approve the minutes of January 22, 2008 was made by Councilman Wilder, seconded by Councilman Williams and unanimously approved.

Town Counsel Report: Mr. Wilson reported on the following:

Knology Franchise: Mr. Wilson has been in contact with Knology's attorney. They have agreed to begin paying the Town its franchise fees and will identify monies paid to Charleston County and assist in getting it refunded to the Town.

Stormwater Utility: Mr. Wilson reported that received a copy of an Intergovernmental Agreement for Storm water Management with Charleston County. He recommends that the Town enters into an agreement with the County to coordinate its storm water run-off. The Town will, beginning next session, consider adopting an Ordinance that establishes the fees; the same that is charged to other municipalities. The Mayor is authorized to sign the agreement. The agreement is year-to-year contract; and would be a significant cost savings by entering into an agreement with the County. **A motion authorizing the Mayor to enter into an agreement with Charleston County for Storm water Management was made by Councilman Blank and seconded by Councilman Wilder and was unanimously approved.**

Mr. Wilder asked for an update regarding the Low-country Heritage Overlay District Mr. Wilson is working on. Mr. Wilson said he had planned to obtain information from the City of North Charleston because they are also working on an overlay district. They have GIS images that include James Island and maps identifying the historical overlay. They are not able to share their maps with us because of proprietary rights. Though it is not crucial to have their information, Mr. Wilson said it could have been a good starting point to work on the Town's overlay; however, he is continuing to work on this project.

Councilman Wilder will work towards an overlay district for the Woodland Shores area to help prevent residential property from being rezoned to commercial uses in the future.

Disaster and Emergency Coordinator Report: Mr. Rhodes reported that the CERT (Community Emergency Response Team) held a workshop on Saturday, February 2nd at the Town Hall.

Approximately 75 individuals have been trained through Charleston County, and a small number remain interested in participating in disaster awareness and training in the community. Plans are to conduct an expo at the Town Hall to prepare for the upcoming hurricane season.

Mr. Rhodes attended a workshop at Charleston County for public works and cleanup of debris after storms. He reviewed an evacuation route which is attached.

Mr. Rhodes asked for permission to pursue a proposal from Motorola for 18 radios through a lease purchase agreement (copy attached). **A motion for Mr. Rhodes to investigate the next step was made by Councilman Qualey, and seconded by Councilman Williams. This motion is for the investigation; not a commitment to purchase the 18 radios. The motion was unanimously approved.**

Mr. Rhodes will provide a Hazard Mitigation Timeline to Charleston County by February 15th (copy attached).

Mayor Clark asked if CERT members could be responsible for different areas or subdivisions in the Town should a disaster strike. Mr. Rhodes said this is something that could be done. Councilman Wilder asked if an emergency occurred, who would be in charge of operations at the Town Hall since Mr. Rhodes and Mayor Clark will be operating from the EOC at the County; Mr. Rhodes said it is likely that a member of the Fire Department would man the Town Hall. He will put together an chain-of-command chart for Council's consideration.

Executive Session: Mayor Clark asked for a motion to enter into executive session to discuss the pending litigation with the City of Charleston with its legal counsel. **The motion was made by Councilman Williams, seconded by Councilman Wilder and carried.** Council entered into executive session at 7:50 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 8:10 p.m.

Planning Consultant Report:

Kentwood Circle Drainage Maintenance: Mr. DeHaven reported that a number of telephone calls have been received from citizens regarding drainage issues on Renwood Drive that drains into Kentwood Circle. A proposal has been submitted by Lew Whaley to perform the work for \$10,500.00; \$5,250 per two weeks, with an estimated completion date of two weeks. The work will be coordinated through E.M. Seabrook. **A motion to accept the proposal for the amount authorized was made by Councilman Wilder, seconded by Councilman Williams and was unanimously approved.**

Arsburn Road: Mr. DeHaven reported that Landscape Pavers did not submit a proposal. This is a drainage issue rather than a road grading issue; the road has already been bush hogged. Mr. Whaley has submitted a proposal for \$2,700 to grade Arsburn Road, maintain the swail and clean out the drainage ditches. **A motion to authorize funding for the grading of Arsburn Road was made by Councilman Wilder, seconded by Councilman Williams and was unanimously approved.**

First Reading of Ordinance #2008-01: 0.79 Acre Tract of Maybank/Woodland Shores Parcels: Mr. DeHaven reported that this is a Planned Unit Development on the former Hucks site for a

bank; the Planning Commission recommends approval. **A motion for First Reading of Ordinance #2008-01 was made by Councilman Qualey, seconded by Councilman Blank.**

Discussion:

Councilman Blank said he was not in agreement when residential property is rezoned for commercial uses; he considers this to be a travesty. He said people did not purchase their homes to have a store built next door to them. The bank on the former Hucks site is possibly the best use of the property. He said most of the people who live along Woodland Shores Road do not like having a bank at the property, but do not totally disagree because of what could be built there. Under a PUD development, any commercial use could be allowed.

Councilman Qualey commented that this issue has been around for quite some time. It has been analyzed and scrutinized and the developers have worked with the Town and its citizens to make the plans user-friendly. He said at the joint meeting, most of the people did not disagree with the plans, one citizen was satisfied after an explanation of the height restriction was brought to her attention - how high the building could actually be. Also, the Planning Commission has recommended approval. This is a great opportunity for the Town to have a building at a location that is far more benign than what could go there.

Mayor Clark said she did not attend the public hearing but received many calls from citizens concerning this development. Most of the comments were from people reminding her that the Town was formed to control development. Mayor Clark said she has promised not to vote against the neighborhoods; and has always stood with the neighborhoods. She briefly discussed over development in the Town and commented that she could not vote for a development that will rezone residential property (RSL) into commercial uses.

Councilman Wilder said he too attended the public hearing and heard the citizens' comments. He said more people were in favor of having a bank built on the property because it would be a 9-5 operation. Councilman Wilder addressed the traffic issues noting that the Planning Commission was instrumental in having the developers work the plan to re-route some of the traffic concerns expressed by the public. He said a 9-5 operation would be more suitable on the site than a Gas Station or a fast food restaurant. He addressed concerns about what could be built on the parcel if the Town loses the lawsuit.

Councilman Williams expressed concerns stating that if one property was commercial; he could vote in favor of the development. He said there are two properties, one being commercial and the other residential. Councilman Williams shared his platform when he ran for office, and said he cannot vote to rezone residential property into commercial uses.

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

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

The motion was approved on a vote of 3-2 for First Reading approval of Ordinance #2008-01: 0.79 Acre Tract of Maybank Highway/Woodland Shores Road Parcels.

First Reading of Ordinance #2008-02: 1.495 Acre Tract of Maybank/Woodland Shores Parcel: Mr. DeHaven reported that the Planning Commission recommended *Concept B* out of all of the concepts that were presented. This concept is for a coffee shop and another proposed bank. The Planning Commission recommends approval.

A motion for First Reading of Ordinance #2008-02: 1.495 Acre Tract of Maybank/Woodland Shores parcels was made by Councilman Qualey, and seconded by Councilman Blank for discussion.

Discussion: *Councilman Williams* received clarification that this tract is zoned residential (RSL).

Councilman Wilder asked if the Town existed when the houses on this tract were purchased and taken down; and, how many houses were taken down? Mr. DeHaven said the Town was in existence and the developers had permits to take down the five houses that were on the lot.

Councilman Blank reiterated comments he expressed earlier. He said any time there are commercial uses, there will be an increase in traffic. He did not think that a bank would create additional traffic, however, an ice cream shop, or coffee shop would. Councilman Blank commented that there are no definite uses for the property and could not support this development.

Councilman Williams said the property is residential and should remain residential; he is not in favor of the development.

Councilman Qualey said the property much like Folly Road and other major arteries is no longer suitable for residential use. He commented on the condition of the houses that were torn down when developers purchased the lot. This development has been scrutinized and analyzed by the Planning commission, Town Council, the residents, and many others - deference should be given to the Planning Commission for doing the job they were charged to do. At the last public hearing, he said people expressed their concerns about traffic or massaging the plan but they did not oppose the development. The Town needs to begin looking at parcels and determine what is right for the site; not what it was originally zoned to be. If the Town does not survive, developments such as apartment complexes will be built there. The Town has a chance to do something that is good and right with smart grown while this parcel is in its jurisdiction.

Mayor Clark commented that a precedence is set every time residential property is rezoned for commercial uses.

Councilman Wilder commented that he was not in favor of rezoning residential property to commercial uses. He did not like having two banks across from each other and the user for the site was not defined. Councilman Wilder reiterated having an overlay to prevent future residential properties from being rezoned.

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

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

The motion failed for the First Reading of Ordinance # 2008-02: 1.495 Acre Tract of Maybank/Woodland Shores parcels. The vote was 4 members voting in opposition and 1 vote in favor.

First Reading of Ordinance #2008-03: PUD Wilton Street and Folly Road: Mr. DeHaven reported that the Planning Commission recommended approval of this request. This is the vacant lot at the corner, totaling three lots; the lots that fronts Folly Road are already zoned office residential.

A motion for First Reading of Ordinance #2008-03: PUD Wilton Street and Folly Road: was made by Councilman Qualey, and seconded by Councilman Wilder.

Mr. DeHaven gave a brief recap of the development and entertained questions of Council. Everyone within 300 feet has been contacted. A number of calls were received from individuals in support of the development. Alcohol sales are prohibited, as well as tattoo parlors, kennels and any establishment creating a nuisance or giving off obnoxious odors. The accepted uses are: coffee shop, deli, dining establishment, office professional space, dental, chiropractic or medical professional office, retail space uses including cellular retail stores, insurance agency, copy/print service and hair cutting establishment or specialty retailers. A copy of plan attached.

Councilman Blank commented that he could not vote on the development because he was not familiar with it.

Councilman Williams asked what is proposed for the site, to which Mr. DeHaven responded a one-story retail building, (a strip mall) of 8,000 square feet.

Councilman Qualey asked the total acreage and was there opposition from the community. Mr. DeHaven said the total parcel is 0.99 acres and there was no opposition from the community.

Councilman Wilder received clarification that the developer will work with the SC Department of Transportation regarding the curb cuts should the project receive the approval to move forward.

Mayor Clark asked about the flow of traffic onto Wilton Street; Mr. DeHaven said the SC Department of Transportation has the final authority on traffic issues and curb cuts, which the developer will meet with them about.

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

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

The motion was approved on a vote of 3-2 for First Reading approval of Ordinance #2008-03: PUD Wilton Street and Folly Road.

Election Commission: The Municipal Election Commission will hold a meeting this month to begin the election process for the August 2008 elections. The members will be sworn in at its first meeting and will run the first notice of election in February.

Charleston County Public Works has informed Mr. DeHaven that Parris Williams and James Prioleau Roads application will be sent to the SC DHEC this month. Mr. DeHaven asked Council to allow him to execute the documents the County will send over in order to keep the process moving forward. The last step in the process is the OCRM permit for the storm water drainage created by the paved road; this has been funded by Charleston County Council. **A motion authorizing Mr. DeHaven to sign the necessary documents required by Charleston County was made by Councilman Williams, seconded by Councilman Wilder and was unanimously approved.**

Fire and Burglar Alarm System Bid: Now that the Town Hall renovation is nearly completed, Mr. DeHaven asked for permission to advertise for a fire and burglar alarm system. The Justice Department has not given the Town a written release, however, they have given verbal clearance for meetings to be held at the Town Hall as long as any deficiencies their inspectors may find is corrected. **Mayor Clark made a motion to advertise for bids for the fire and burglar alarm system, seconded by Councilman Qualey and was unanimously approved.**

Woodland Shores Drainage: E.M. Seabrook has completed the drainage study to correct flooding along Woodland Shores Road. Mr. Trey King, a property owner has been able to get Charleston County to clear some of the silt in the ditch behind the County's property.

Comprehensive Plan: Councilman Blank has requested that the Planning Commission address the one-third acre lot requirement and clear up the information in the Comprehensive Plan concerning the minimum lot size required by the Town. **A motion to refer this request to the Planning Commission to clearly define how to apply the minimum lot size in RSL and RSM developments, was made by Councilman Blank, seconded by Councilman Williams and was unanimously approved.**

Council applauded Hanna Wehmeyer for the work she has done for the Town. She will be leaving at the end of the month to return to school in Germany. Hanna has organized much of the planning and building files and continues to work on the mapping for the Town.

Business License Report: Attached.

Executive Session: Mayor Clark asked for a motion to enter into executive session to discuss legal matters (update on pending lawsuit) and contractual matters. **The motion was made by Councilman Williams, seconded by Councilman Wilder and carried.** Council entered into executive session at 8:59 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 9:15 p.m. **upon a motion by Councilman Qualey and a second by Councilman Blank.**

There being no further business to come before the body, **a motion to adjourn was made by Councilman Qualey, seconded by Councilman Wilder and carried.** The meeting adjourned at 9:23 p.m.