



Town of James Island, Regular Town Council Meeting
November 19, 2020; 7:00 PM; 1122 Dills Bluff Road, James Island, SC 29412

Amended Agenda

VIRTUAL MEETING, SEE DETAILS BELOW

Notice of this meeting was published and posted in accordance with the Freedom of Information Act and the requirements of the Town of James Island.

The Town invites the public to provide comments prior to its Town Council meeting. For residents wishing to address Council virtually, you will be limited to three (3) minutes and must sign in to speak prior to the meeting by noon on Thursday, November 19 by emailing your name and contact information to info@jamesislandsc.us. You may also send in your comments ahead of the meeting by emailing to info@jamesislandsc.us, or mail to P.O. Box 12240, Charleston, SC 29422 or placed inside the drop box outside of Town Hall at 1122 Dills Bluff Rd.

1. Roll Call

2. Presentation of 2019-2020 Financial Statement: Love Bailey CPA

3. Public Comment

4. Consent Agenda:

a. Minutes: October 15, 2020 Regular Town Council Meeting

b. Minutes: November 5, 2020 Special Town Council Meeting

c. 2020 Small Business Saturday Proclamation

5. Election of Mayor Pro Tem

6. Information Reports:

a. Finance Report

b. Administrator's Report

c. Public Works Report

d. Island Sheriffs' Patrol Report

7. Requests for Approval:

- Holiday Festival of Lights – Traffic Review Proposal

- **Repair Care Estimate**
- **MOU with City of Charleston – Folly Rd. Green Bike Lanes Maintenance Agreement**
- **MOU with Charleston County for JI Creek TMDL MS4 Monitoring**
- **Scope and Fee - Sidewalk Extension and Repair on Camp Rd.**
- **Scope and Fee from Latham Consulting for BRIC Grant**
- **Scope and Fee for Drainage Study along Schooner Rd.**
- **Sinkhole Repair in Lynwood**
- **Ditch work in Lawton Bluff**
- **Curb Inlet Repair @ 964 Stillwater**
- **Driveway Apron Repair @ 977 Mt. Vernon**
- **Farmington @ Camp Sidewalk Repair**
- **IT for JIACC**
- **Annual Subscription for Town Zoom Account**
- **Brown Drive Drainage Work**

8. Committee Reports:

- Land Use Committee
- Environment and Beautification Committee
- Children’s Committee
- Public Safety Committee
- History Committee
- Rethink Folly Road
- Drainage Committee
- Business Development Committee
- Trees Advisory Committee
- James Island Intergovernmental Council

9. Proclamations and Resolution:

Resolution #2020-17: Resolution in Recognition of Arbor Day

Resolution #2020-18: Resolution Honoring Town of James Island as 2019 Tree City, USA

10. Emergency Ordinances:

Emergency Ordinance: E-07-2020 Providing for Required Face Coverings in Public Places due to the COVID-19 Virus and Exceptions Thereto: Expires 11-19-2020

11. Ordinances up for Second/Final Reading:

12. Ordinances up for First Reading:

Ordinance #2020-11: Amendment to Flood Plain Ordinance for Town of James Island

13. New Business:

Request Legal Counsel Research and Report on payments to PSD by Town Residents and the Town (Councilman Boles)

14. Executive Session: The Town Council will/may enter into an Executive Session in accordance with 30-4-70(a) Code of Laws of South Carolina. Upon returning to Open Session, Council may act on matters discussed in Executive Session.

15. Return to Regular Session:

16. Announcements/Closing Comments:

17. Adjournment

This Town Council meeting will be live-streamed on the Town's YouTube channel, link found at: <http://www.jamesislandsc.us/videos-and-meeting-archive>

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84947230447?pwd=RExnZjZVRDFCL1RxL0gycGsxT0dtdz09>

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Town of James Island 2020 Audit Meeting Presentation

Opinion

The draft has an unmodified opinion. What does that mean:

Town Responsibility:

1. Maintain effective internal controls and regularly assess risk.
 - a. i.e. proper approvals and signoffs on payables/payroll | proper use of CCs | proper use of grant funds, etc.
 - b. No findings.
2. Financial Statements – we prepare but the books we audit must be complete and accurate.
 - a. We had just a few AJEs but nothing that causes any findings; I believe the Town has good controls based on the size.

Love Bailey Responsibility:

1. Issue an opinion – reasonable assurance that the financial statements are materially correct.
 - a. We audit the numbers on the trial balance for reasonableness.
2. We review the internal controls but the audit is not to detect fraud (if it existed) however we design procedures to try to pick up on any possible fraud of which we had no discoveries.
3. Our audit does not address the financial condition or provide suggestions as to what direction the Town should take.

New items to FY2020

No new GASBs issued that the Town needed to implement.

Governmental Funds Balance Sheet (p5)

- The GF cash balances decreased from \$3.193m in FY19 to \$2.956m in FY20.
 - Hospitality cash increased by \$133k to \$1.463m
 - Storm Water funds held by County decreased slightly by \$64k to \$543k.
- Receivable accounts of \$804k is similar to FY19 and presents:
 - LOST funds \$242k, Brokers Insurance (MASC) \$246k, Hospitality \$105k are the biggest items.
- Accounts Payable was approx. half of prior year at 109k – nothing unusual
- Total fund balance decreased \$111k to \$5.621m of that amount; \$3.614m was unassigned which means these resources can be used for any purpose.
- The unassigned fund balance of \$3.614m is 90% of the GF FY20 expenditures of \$3.992m (remove the JIPSD tax relief and unassigned fund balance increases to 122%).
- The GFOA recommends a minimum of 16.7% (two months) however we like that number to be 3months (25%) due to timing of various revenue receipts (heavier in Nov-Mar), reimbursements for capital projects can lag 2-3months or longer, debt payments and other capital improvement projects that are not financed so The Town is well positioned at 90-122%.

Stmnt of Rev/Exp (p6)

GF Rev/Exp Highlights

Revenues

- Overall GF revenues decreased slightly \$46k from 2019 (\$3.695m FY19) to \$3.649m
 - LOST: \$1.492m FY20 vs \$1.505 FY19
 - Business Licen: \$376k FY20 vs \$332k FY19
 - State Aid: \$273k FY20 vs \$263k FY19
 - Franchise Fees: \$371k FY20 vs \$377k FY19
 - Insurance Collection: \$953k FY20 vs \$955k FY19
 - Other Revenue: \$110k FY20 and \$240k FY19 (\$88k Homestead dollars FY17/FY18 in FY19 and additional investment income prior to paying off the bond \$21k)
- Stormwater Revenues: \$318k FY20 vs \$320k FY19
- Hospitality Revenues: \$557k FY20 vs \$573k FY19

Expenses

- General Fund expenditures increased by \$1.60m from \$2.633m (FY19) to \$3.992m (FY20):
 - JIPSD Tax Relief: \$1.010m
 - Capital Outlay increased \$231k
 - Code and Safety increased \$89k due to increased labor and benefits for law enforcement

Budget vs Actual (General Fund) (p25)

- Revenue was higher than budget by \$537k; it was across all categories however the big increase over budget was the insurance collection program which was \$333k higher than budget.
- Total Expenses were slightly over budget by \$43k

Other Notes

- Net Pension liability increased from \$1.397m to \$1.658m. The Town's contribution percentage has increased over the last few years to help offset the overall plan liability of \$22billion
 - 14.41% FY19
 - 13.41% FY18
 - 11.41% FY17
- Every 1% increase cost the Town an additional \$9k

Capital Assets

The Town spent \$1.259m in capital outlay across these projects:

- Infrastructure Projects (Drainage and Traffic)
- Pickney Park
- Arts and Culture Center
- Land Easement Purchase

The Town of James Island held its regularly scheduled meeting at 7:00 p.m. at the Town Hall, 1122 Dills Bluff Rd. James Island, SC, Thursday, October 15, 2020 by Zoom. Councilmembers present: Boles, Mignano, Milliken, Mullinax, and Mayor Woolsey, presided. Also, Town Administrator, Ashley Kellahan, Town Attorney, Bonum S. Wilson, Finance Director, Merrell Roe, Public Works Director, Mark Johnson, Island Sheriff's Patrol, Sgt. Shawn James, and Town Clerk, Frances Simmons. A quorum was present to conduct business.

This meeting was held in compliance with the Freedom of Information Act and the requirements of the Town of James Island. Information was provided for public participation.

Public Comment:

The following persons submitted emails: Lauren Robertson: in favor of reducing the speed limit and adding speed humps on Oceanview Rd.

Joseph M. Walters: In favor of traffic calming on Oceanview Rd. Also, an email in opposition to tax increases and encouraged Town Council to investigate the Special Assessment process as an alternative to millage increases or any reduction in tax credit relief for all James Islanders.

Comments on Zoom: Dr. Gretchen Bowles, spoke in support of James Island Charter HS request for funding through the Town's Community Assistance Grants Program.

Ashley Mulkey spoke in support of traffic calming on Oceanview. Thanked the Town for looking into lowering the speed limit and to place a radar sign to determine speed.

Leigh Ohlandt represents Oceanview neighborhood. Thanked the Town for putting this request on the agenda to lower the speed limit on Oceanview Rd. She hopes the Town will approve the request and place a radar speed sign to determine speed.

Ashley Johnson, lives on Oceanview @ Trenholm spoke in favor of lowering the speed limit and providing traffic calming on Oceanview. Expressed concerned for families and children outside because of COVID and speeding in the neighborhood.

Consent Agenda:

Minutes: September 17, 2020, Regular Town Council Meeting and October 1, 2020 Special Town Council Meeting: Motion to approve by Councilman Mullinax, seconded by Councilman Milliken.

Vote

Councilman Boles	Yes
Councilwoman Mignano	Yes
Councilman Milliken	Yes
Councilman Mullinax	Yes
Mayor Woolsey	Yes
Passed Unanimous	

Information Reports:

Finance Report: Finance Director, Merrell Roe, reviewed the Finance Report and gave an overview of the monthly revenue and expenditures. Report accepted as information.

Councilman Boles asked to move up the Island Sheriff's Patrol Report on the agenda to allow Sgt. James attendance at a wedding. Granted without objection.

Island Sheriff's Patrol Report (ISP): Sgt. James gave an update on recent car break-ins on Oceanview Rd. and the ISP is continuing to investigate. He has spoken to neighborhood representative, Mrs. Ohlandt and informed her that a heavy police presence is being given to this matter. Crime statistics report given.

Administrator's Report: Town Administrator, Ashley Kellahan, gave an overview of the Administrator's report complementing Finance Director, Merrell Roe for preparing for the audit. Auditor Love Bailey is expected to present the Financial Statement in November. Mrs. Kellahan informed Council that a report on Dominion's Tree Trimmings is included in their packet. Councilman Milliken said he looked at the pictures the arborist included and is ghastly what is happening to the trees on our island. He asked what can be done. He said it seems that we have an agreement with Dominion that is not being abided because they continue to hack trees in opposition to what we have specified and what our arborist would like them to do. Councilman Milliken said he wonders what our recourse is because this should not continue, and the pictures are horrible. Mrs. Kellahan said Mr. Wilson, the Town's Attorney is present and if Council chooses to go into Executive Session to discuss the contract in more detail they could. Councilman Milliken asked if this could be done at the end of the meeting if everyone agrees and Mrs. Kellahan said yes.

Councilwoman Mignano asked for additional information on the Technical Subcommittee/Water Quality Taskforce. Mrs. Kellahan said the Subcommittee oversees the TMDL for James Island Creek. She is the Chair along with staff at the City, County, and the Town. The Subcommittee is charged with presenting to the full Taskforce an MOU for a cost-share with the City and County and Town on water testing; scope and services, what that would look like, and where the testing sites would be. Andrew Wunderly, Charleston Waterkeepers, is also on the Subcommittee. The next meeting is scheduled at the end of the month and the MOU should be ready to present to Council in November. Councilmembers Mignano and Milliken asked to be notified of the meeting. Councilman Milliken asked how members are selected and Mrs. Kellahan explained from the staff level. Mayor Woolsey explained how the elected officials were selected by Mayor Tecklenburg. Councilman Milliken said as the Chair of the Environment and Beautification Committee, he would be happy to participate in this worthy cause. Mayor Woolsey commented that this is not a Town committee and he could volunteer to serve through Mayor Tecklenburg.

Annual Department Report: Mrs. Kellahan commented that the Annual Department Report represents an overview of each department's goals and objectives and serves as a good yearbook for the Town. She thanked Town Clerk Simmons for helping to put the report together. The Annual Report is on the website. Councilman Milliken thanked staff for a good job.

Public Works: Public Works Director, Mark Johnson, gave an overview adding a meeting with reps. from SCDOT that Dills Bluff Rd. would be closed the weekend of October 24 to replace a failed 36" corrugated metal pipe with a reinforced concrete pipe and an additional 48" reinforced concrete pipe near the boardwalk. This is a project the Town has been looking at doing for some time that will be paid by the DOT. He thanked Town Council, Senator Senn, Representative Wetmore, County Council Honeycutt, and City Council Jackson for helping to get this done. Mr. Johnson also mentioned that emergency repairs are being done on Peregrine & Bob White for a sinkhole caused by a pipe failure. Councilman Milliken asked if an employee had been hired for Public Works and Mr. Johnson said not yet. Councilwoman Mignano asked if the failed pipes on Dills Bluff Rd. would impact the drain that is close to Williams Rd. Mr. Johnson said there had been discussion with the DOT about doing this concurrently with Dills Bluff, but it was not mentioned during today's meeting.

Requests for Approval:

Request to lower speed limit from 30 to 25 mph on Oceanview Rd: Mrs. Kellahan gave a brief history of Oceanview neighborhood's request for traffic calming. The neighborhood representative, Mrs. Leigh Ohlandt submitted a request in summer of 2019 with a petition signed by 71 residents in support of reducing the speed limit; 45 persons favored speed humps, and 22 opposed. This information was presented to Town

Council in March to move forward with some type of traffic calming but was delayed due to COVID. Mr. Johnson has since placed the counter in the area and obtained data. A public meeting was held on October 5 with good feedback for traffic calming options. Mrs. Kellahan said the takeaway from staff is first to reduce the speed limit and make request to the SCDOT to reevaluate the need to pursue engineering for speed humps. Motion in favor by Councilwoman Mignano, seconded by Councilman Mullinax.

Councilman Boles said he had sent an email to staff asking the possibility of putting a speed measuring sign on Oceanview and remembered being told that if it were a SCDOT rd. we could not put one there. He asked the possibility of doing this. Mr. Johnson said we have placed radar signs on DOT rd. before and they do not like it and have asked us politely to remove it, or they remove it. Mayor Woolsey said his understanding is the SCDOT is open to us putting a radar sign on their road with permission. Mrs. Kellahan gave explanation of radar signs placed on Ft. Johnson Rd. and the DOT has expressed being open to placing them at the intersection because of crash data that we have. She said they do not like having them on residential streets but is something that we could explore further.

Councilwoman Mignano asked the length of Oceanview Rd. to the middle and Mr. Johnson said 0.6 miles, a straight run, and a third of a mile is where you should place the sign. Councilman Boles asked if the speed measuring device is attached to the digital display sign or is it separate and can be placed in the middle of the rd. Mrs. Kellahan explained that we have two types: one that does not have the radar speed sign attached to it collects better data. And the other has the speed feedback sign and also calculates data. Councilman Boles asked if we could put the counter without the sign attached on the rd. without incurring wrath from the DOT and Mr. Johnson said yes.

Councilman Boles moved to amend the motion to add the counter to the lowering of the speed limit; Councilman Mullinax seconded. Mayor Woolsey asked how long the counter would need to be left out because we generally leave it out for a week. He asked if this would be permanent. Mayor Woolsey explained that the counts on Oceanview were low because it occurred during COVID, but he does not think this needs to be a part of the motion. Councilman Boles said the motion was not to leave the device out permanently, but for a reasonable time to access data for the residents and for law enforcement's help in writing tickets. Councilman Boles withdrew the amendment without objection. Councilman Milliken said it is a good idea to have counts before the signage goes up, a pre and post, to see the effectiveness and evaluate moving forward whether or not this works.

Main Motion Vote:

Councilman Boles	Yes
Councilwoman Mignano	Yes
Councilman Milliken	Yes
Councilman Mullinax	Yes
Mayor Woolsey	Yes
Passed Unanimous	

Award of RFP #5-2020 Grant Writing Services: Mrs. Kellahan reported that the Town advertised Request for Proposals for Grant Writing services to help secure federal and state funding for projects such as drainage improvements, the Arts & Cultural Center, and possibly for law enforcement. Five proposals were received. The Evaluation Committee consisting of Mrs. Kellahan, Mayor Woolsey, and Councilman Mullinax is recommending three firms: 1) Global Partners, 2) Lathan Consulting, and 3) Thomas & Hutton. Mrs. Kellahan said these firms have been successful in securing the types of grants the Town is seeking. Motion in favor by Councilman Mullinax, seconded by Mayor Woolsey.

Councilman Milliken said it was hard to discern between the three firms because they seem to specialize in different things. He said Lathan Consulting and Thomas & Hutton seemed to be good with Public Works

and Global Partners not so much but had the advantage in offering a flat rate. Lathan did not include their costs, and he was left wondering what it would be. Another concern is the firms are far from us; we did not have anyone local. It seems all of the firms require some travel and knowledge of a different state's opportunities as with Global Partners in North Carolina. Councilman Milliken said he was hoping that we would get someone closer to home, perhaps in Town, or someone who worked in the field of grant writing and hire them. He was taken aback at the expense of Thomas & Hutton and did not know what Lathan's cost would be. His feeling is there must be someone local to do this for us. Mayor Woolsey said the proposal procures the three firms and the Town Administrator would work with each on projects where they have specialized skills. Mrs. Kellahan said Lathan's fee schedule includes minor grants on an hourly basis. If awarded, the standard fee is \$3,000. Ms. Lathan is not in Charleston County, but has done work here and was the only firm to hand-delivered the proposal. Mrs. Kellahan said she spent a good amount of time with her and was impressed. Mrs. Lathan has contact at the State level, especially at the Department of Commerce, and is a Civil Engineer by trade with experience with hazard mitigation, federal grants, and benefits cost analysis.

Mrs. Kellahan said Global Partners is from Columbia but is based in Winston-Salem. The firm specializes in cultural and mentoring programs, a good fit for Arts and Cultural Center. The firm received a SC Palmetto Grant for police gear and has secured grants for juvenile justice programs and public safety. Thomas and Hutton is in Mt. Pleasant and they reached out to us because they are working on our Asset Management and the Oceanview Phase II Project and feel these projects are excellent for federal grants.

Councilwoman Mignano asked the number of grants each firm would do in a year and is there a division of labor estimate. Mrs. Kellahan said the first step would be to determine what our needs are. Councilman Milliken said one of the ideas he had with having someone close is they would be able to research potential here. He asked if these firms would be doing that or what we ask them. Mrs. Kellahan said they would do both. She reached out to the state-wide managers list serve for firms that worked on a local level and did not get good feedback. Councilwoman Mignano asked if these firms would be looking for applicable grants for the Town and paid when the grant is written or would they be paid for research also. Mrs. Kellahan said before a grant is submitted, we would determine if it is a good fit for both parties and if approved the scope and fee would come before Council before proceeding.

Vote

Councilman Boles	Yes
Councilwoman Mignano	Yes
Councilman Milliken	Yes
Councilman Mullinax	Yes
Mayor Woolsey	Yes
Passed Unanimous	

JIACC HVAC Options: Jennifer Charzewski (Liollio) gave an overview of the discussion at the direction of Council at its September meeting regarding the HVAC unit. Mrs. Charzewski said a year ago, an initial assessment was done and one of the findings was that the HVAC system was at the end of its life and \$200,000 was the estimated cost for a fully functional system replacement including duct work. The Town previously had repair companies look at the system to see if it could be repaired and it was recommended that a new system was needed. Mrs. Charzewski said they were pleased to receive 10 bids for the interior work at the Arts and Cultural Center and Lockridge Contractors offered the low bid. She introduced James Lockridge stating that he was on tonight's meeting. Further at September's meeting, Council requested options on HVAC units that were budget friendly and Mr. Lockridge has investigated those options. Mrs. Charzewski said Mr. Lockridge, and RMF Engineering has put together three options for Council's consideration tonight.

Mr. Lockridge presented the following options. His presentation detailed the pros and cons of each option and it was followed by discussion, questions, and answers to Council.

Option 1) (\$93K): New 25T System mounted on the roof

Option 2) (\$83K): New 25T AC System mounted on concrete pad

Option 3) (\$64K) Install 20 T Allied Air Split/AC with 60 KW Heat Kit

Council asked questions about specific issues regarding the HVAC unit such as cost for reinforcing the roof under Option 1; the cost of adding a dehumidifier to Option 3; and whether the duct work needed to be taken apart for pressure testing. These questions and concerns were addressed by Mr. Lockridge and Mrs. Charzewski.

Councilman Milliken asked if the County knew about the HVAC and what is their role in helping to pay for it. Mayor Woolsey recalled the last time this came about, the lease was extended to 10 years because of money we would be spending on the building. He did not believe we had updated the County on the HVAC but feel it is unlikely that they would contribute to it. Mrs. Kellahan said the County knew the HVAC was on its way out and it was made clear in our agreement and to staff that they would not be responsible for any of those costs.

Councilman Milliken motioned to move forward with the duct work assessment because of the difference in cost and would like an estimate on the structural modifications for Option 1 to put the unit on the roof to give Council more information for a decision. Councilman Mullinax seconded.

Councilwoman Mignano expressed concern about the costs we are already putting into the building. She noted the last quote from Liollo was \$78,800, and if we did the 2nd Option that is \$83,000 and that is a lot of money to put into a building we do not own. Mayor Woolsey said he understood but \$20,000/year is a reasonable cost, and the possibility exists that the lease could be extended as long as we want. He said his best knowledge of why the County would not give us the building outright is if we use it as a library, they will take it back. Councilwoman Mignano said we could be put into a contract that the building would never be used as a library. Mayor Woolsey commented that the County has extended our lease from 3 to 10 years and perhaps after the Arts Center up and running that would be the appropriate time to suggest transferring the building to us because we will have had some success with the Arts Center.

Mayor Woolsey reiterated the motion to postpone a decision for further research on the scope of the duct work and structural costs. Mrs. Charzewski shared information on the structural costs from the beginning assessment of the building. She said there was money proposed for structural assessments and based on the scope it wasn't used and could fall under that. She said the Structural Engineer is very reasonable and would do the calculations on an hourly basis, not to exceed \$1500. Further she mentioned at the September meeting that the bids for the paint and interior carpet finishes was good for 60 days and at least 30 days have elapsed. She said the contract has been prepared and signed by Mr. Lockridge but not by the Town because Council wanted to hear other options for the HVAC. She said there is time left on the original bid of \$74,800 for the interior renovations and Mr. Lockridge would greatly appreciate the execution of the contract to begin the work. Mayor Woolsey said he was concerned about the timing of the contract and a further delay concerns him. He leans towards Option 2 because of the structural issues of the roof for Option 1. He believes Option 2 has all of the benefits and this what Liollo recommends. He thinks Council should make the decision to move forward because this is the safest course for the structural issues to the roof and sign the contract.

Councilman Milliken said he agree but would like more information, especially about the quality of the existing duct work. He does not think Council is restricted to waiting until next month's meeting and could have a special meeting in two weeks once information is received.

Vote:

Councilman Boles	No
Councilwoman Mignano	Yes
Councilman Milliken	Yes
Councilman Mullinax	Yes
Mayor Woolsey	No

Passed 3-2

Mr. Lockridge said his Mechanical Contractor has three cameras designed for duct work inspections and the work could be done next week. He will provide the costs to the Town by the end of the week. Councilwoman Mignano spoke to Mr. Lockridge that Council is not trying to drag their feet and waste his time, but this is a lot of money and more information is needed before making a decision. Mr. Lockridge thanked Council and expressed appreciation for their thoroughness.

2020 Community Service Grant Awards: Mrs. Kellahan presented the 2020 request for Community Service Grant awards to non-profits organizations that provides health, education, and human needs to James Island as a whole. Two new organizations have applied for funding: Backpack Buddies and True Vine Tabernacle. Mayor Woolsey stated that he would recuse himself from voting because he serves on several Boards. A total of \$33,500 will be disbursed. Motion in favor by Councilman Mullinax, seconded by Councilman Milliken. No discussion.

Vote

Councilman Boles	Yes
Councilwoman Mignano	Yes
Councilman Milliken	Yes
Councilman Mullinax	Yes
Mayor Woolsey:	Recusal attached

Passed

Committee Reports:

Land Use Committee:

- Nomination to Planning Committee: Councilwoman Mignano moved for the appointment of Mark Maher to the Planning Commission to replace Kay Kernodle, seconded by Councilman Milliken.

Vote:

Councilman Boles	Yes
Councilwoman Mignano	Yes
Councilman Milliken	Yes
Councilman Mullinax	Yes
Mayor Woolsey	Yes

Passed Unanimous

Councilwoman Mignano announced that she is working on a date to schedule a Land Use Committee meeting.

Environment and Beautification Committee: Councilman Milliken announced James Island Pride's Adopt-a-Highway litter pickup Saturday October 24, 9-11 a.m. on Riverland Drive. Supplies are to be picked up at the Town Hall. He thanked Mark Johnson and Ashley Kellahan for securing the "red" dumpster for litter disposal.

Children's Committee: No Report.

Public Safety Committee: Councilman Mullinax will determine from Chair, Zennie Quinn if a meeting of the Neighborhood Council would be held.

History Committee: Mayor Woolsey announced the History Council is sponsoring a Revolutionary War Event on Sunday, November 15, @ 1 p.m. at Fort Johnson.

Rethink Folly Road Committee: Mayor Woolsey announced the Steering Committee meeting on Wednesday, October 28 at 3:30 p.m. on Zoom. An overview of the Phase 1 Sidewalk project will be discussed.

Drainage Committee: Councilman Mullinax announced next meeting to be determined.

Business Development Committee: No Report.

Trees Advisory Committee: Councilman Milliken announced meeting on October 13 where the Council approved the design for the Canopy Tree Yard of the Month Sign. He thanked Mrs. Kellahan for putting the tree information on the website. A brief update was given on the Asian Longhorn Beetle. For further information and to report call 1-866-702-9938.

James Island Intergovernmental Council: Mayor Woolsey announced meeting on Wednesday, October 21 and. An agenda will be posted tomorrow.

Proclamation and Resolution: None

Emergency Ordinances:

Emergency Ordinance: E-07-2020: Providing for Required Face Coverings in Public Places due to the COVID-19 Virus and Exceptions Thereto: Councilman Milliken moved for the extension of the Emergency Ordinance to November 19. Councilman Boles seconded. Councilman Boles asked if anyone knew if there were statistics from the Governor's Office or statewide orders and Mayor Woolsey said there is no mandatory face mask ordinance. Councilman Boles asked about the County's Ordinance and Mayor Woolsey said their ordinance is similar to ours and applies to unincorporated areas. The County's ordinance was also extended to November. Councilwoman Mignano asked if we had recent statistics since school is open. Mayor Woolsey replied that DHEC discontinued this information by zip codes several months ago and we do not have regular information about James Island. Councilman Milliken also stated that the City had extended their ordinance to November. Councilwoman Mignano spoke as a Chiropractor that sees patients and wants everyone to be safe. She commented about seeing patients with huge ulcers around their face from wearing masks. She does not say that is equal to someone losing a life; but would like to get back having people make their own decisions. She thinks everyone has been diligent since school opened and the death cases reported by the State is low. Although one death is too many; but we cannot have a mask mandate forever.

Mayor Woolsey said the Town's face mask ordinance models Charleston County's and requires employees in businesses in the Town with contact with the public to wear masks. He realizes this could be burdensome. He said people that patronize those businesses are only required to wear masks for a short time. He said it is important to understand that we are making a decision for businesses in the Town, not the entire James Island. Councilwoman Mignano also commented about children having headaches from wearing masks that has never had them before. She said we need to move away from this mandate and allow businesses to run their business.

Vote:

Councilman Boles	Yes
Councilwoman Mignano	No
Councilman Milliken	Yes
Councilman Mullinax	Yes
Mayor Woolsey	Yes
Passed	

Ordinances up for Second/Final Reading: None

Ordinances up for First Reading: None

New Business:

Requests for Reports and Public Hearing

Councilwoman Mignano requested a report on millage and what our options would have been at the Special meeting that was held. Mayor Woolsey asked if she wanted to make a motion to request a report of staff for options to impose a millage in the Town. Councilwoman Mignano said ‘no. Councilwoman Mignano moved to request a report on options regarding millage and cost sharing. Councilman Milliken seconded.

Councilman Boles asked who would be tasked with gathering information and Mayor Woolsey said the staff, that he would develop most of the information for the Town Administrator. Councilwoman Mignano said at the Special meeting there was no information to understand what was talked about and at the meeting she requested information on percentages, millage, or a number, and that kind of information requires a report. Also, the Town Administrator will soon prepare for the budget in December and if the public were interested, this is something they need to know.

Mayor Woolsey said he does not support this and it is a waste of staff time unless the majority of Council is serious about making the people in the Town pay a property tax which has never been done before on top of what they already pay to the PSD. If the majority of Council thinks this is something to seriously consider, then it would be worth developing the report. On the other hand, if we continue with the policy that the second, third, and fourth Town has had since 2012 not collecting property taxes, we should not waste our time. He said if the majority of Council wants to move forward and explore this option they should vote yes. If the vote is in favor, he and the Town Administrator would develop options and a presentation of different ways we can begin to collect taxes from the people in the Town. If the majority of Council is not interested in this, they should vote no, and we would not waste our time.

Councilman Milliken said there is no harm in understanding the basic mechanics of what they were asked to do. He commented not understanding the components that goes into the equation and want to understand it. As an example, he asked, what is the number for population and would like to understand what they did, He noted that Councilwoman Mignano is looking for an explanation do their jobs effectively and to understand moving forward. Mayor Woolsey said lessons on the operation of property tax in SC could be gotten through the Municipal Assn., but it is not the same as developing options to reduce property taxes. Mayor Woolsey said the motion on the floor is to propose options to require the Town to provide a property tax of different millage rates, how much revenue would be generated; and different credits. Councilwoman Mignano asked the Mayor to repeat the motion because she heard it to say raise property tax. Mayor Woolsey stated the motion is for a report on options for millages and property tax credits and Councilwoman Mignano said that is what she would like to have. Mayor Woolsey said to develop that information Council would need to adopt a property tax for the people in the Town to pay.

Councilman Boles said that is not entirely accurate. He said Council is voting to learn about millage options, not to raise taxes. He said at the Special meeting it was repeated by the Mayor that if you do *this* then you

want to raise taxes and that oversimplifies the question. He said a vote in favor does not mean anyone wants to raise taxes. He said they agreed, and the Mayor confirmed that Council does not impose taxes, the only thing Council can do is withhold some of the tax relief to the citizens. He spoke to Mayor Woolsey that when he goes on his Blog and write that Council voted to raise residents' taxes, he hopes anyone listening understands that is false. He said Councilwoman Mignano is asking for options to understand what we may do going forward, and it is a false statement to say that anyone present at this meeting intends to raise taxes; and Council cannot raise property taxes.

Mayor Woolsey said the Town can raise property taxes and that process is through the budget and the Town can raise a property tax millage. There was discussion that by Councilman Boles that millage and taxes are not the same and rolling back is not the same as raising taxes. Councilman Boles said what will happen tomorrow after the report has been requested, is the Mayor will repeat the only reason we want to do this is to raise taxes; and that simply is not true. He asked everyone watching the meeting on YouTube, the Internet, and those who may watch later (and for the purpose of these minutes) that Council is not voting to raise taxes, they are asking for information.

Mayor Woolsey stated the information they are requesting are different options to make the people in the Town write checks based on their property value and that is collecting a property tax. He said the current millage is 17.9 and some options would be to raise that and others would be to reduce the amount of property tax credit the Town provides. He said all of these options would require the people in the Town to write checks that they have never done before, and he calls that an increase in property tax.

Councilman Milliken explained that he watched the City Council meeting where an accountant gave 4-16 scenarios of different ways that it could be done. He said the City Council did not vote on it; it was an administrative decision. He asked if the PSD rolled back taxes. He doesn't not know, it is a mystery, but it should not be a mystery how we do things. Councilman Milliken said he is confused as to why they were forced to vote on something they did not fully understand the components of. He said that type of information cannot be gotten from the Municipal Assn. or a manual because it is opaque and obtuse. He does not understand and is why he is asking for information. Mayor Woolsey suggested that Councilman Milliken join him in voting down Councilwoman Mignano's motion and ask for a different type report on its calculations.

Councilwoman Mignano stated this is her second time to request information and does not understand why she can't get it so the public can be aware and can voice their opinion. She does not understand why the Mayor is fighting it so hard because nothing can be done until the next budget. Mayor Woolsey responded that Councilwoman Mignano is speaking as there is information he is holding back, but is asking him and staff spend time developing reports that the only purpose is to impose a property tax and then ask the public if they are in favor of it or not. He noted that Councilman Milliken is asking for something different and is unsure what Councilman Boles wants but guesses for more information. Councilman Milliken said he does not understand why they did not have a presentation similar to what the City had with data and formulas into the process. He said this would be useful moving forward if we do this again in five years but does not recall doing this in 2015 or approving a rollback and his confusion about the process is a lack of information. Mayor Woolsey explained that a reassessment was done in 2015 and noted in retrospect and in hindsight that he should have done the rollback administratively, but at the time thought it necessary to bring it before Council.

Councilman Milliken asked for the motion to be repeated and Mayor Woolsey said it is to develop a report of options for millage and property tax credits. Mayor Woolsey asked Councilwoman Mignano if she wanted to add anything else to her request and she said information on percentages, i.e., 1% vs, 5% or 10% and what that millage would be. Mayor Woolsey added that the results of this would be how much property tax and credits the Town would receive and what the bill would be for various property classes, such as

vehicles, homes, and boats. The report would show that if someone pays X, the Town would receive X amount of money, and to him, that is working towards a property tax increase.

Councilwoman Mignano asked the Mayor that when he posts information on social media to let the people know all of the facts before saying taxes would be raised.

Vote:

Councilman Boles	Yes
Councilwoman Mignano	Yes
Councilman Milliken	Yes
Councilman Mullinax	No
Mayor Woolsey	No

Passed

Mayor Woolsey said the report would be worked on and given to Council as soon as it can. He asked Councilwoman Mignano when she wanted to have the Public Hearing and she moved for the December meeting because she will not be at the November meeting due to surgery. No second was offered, and the motion failed. Councilman Milliken said he would like to have the report before scheduling a Public Hearing.

Executive Session: Mayor Woolsey asked for a motion to enter into an executive session to discuss the tree trimming contract with Dominion Energy. Motion by Councilman Mullinax, seconded by Councilman Boles. Council entered at 9:26 p.m.

Vote:

Councilman Boles	Yes
Councilwoman Mignano	Yes
Councilman Milliken	Yes
Councilman Mullinax	Yes
Mayor Woolsey	Yes

Passed

Return to Regular Session: Council returned to regular session at 10:00 p.m. Mayor Woolsey announced that no votes were taken during the executive session.

Announcements/Closing Comments: None

Adjournment: There being no further business to come before the body, the meeting adjourned at 10:01 p.m.

Respectfully submitted:

Frances Simmons
Town Clerk

The Town of James Island held a Special Town Council meeting on Thursday, November 5, 2020 at 7:00 p.m. at Town Hall, 1122 Dills Bluff Rd. James Island, SC, by Zoom. Councilmembers present: Boles, Mignano, Milliken, Mullinax and Mayor Woolsey, presided. Also, Town Administrator, Ashley Kellahan, and Town Clerk, Frances Simmons. A quorum was present to conduct business.

This meeting was held in compliance with the Freedom of Information Act and the requirements of the Town of James Island. Information was provided for public participation.

Public Comment: email from JIPSD **Commissioner Postor** and resident **Cheryl Jones-Crouch** in support of passing HVAC unit for the JI Arts & Cultural Center. Emails attached.

Requests for Approval:

HVAC Options for James Island Arts & Cultural Center (JIACC): Mayor Woolsey moved for the adoption of the staff's recommendation of Option 1; Councilman Milliken seconded.

Mrs. Kellahan stated good news was found out about the ductwork. At the October Council meeting Council had requested to have the ductwork inspected and to evaluate additional costs to place the HVAC unit on the roof. Lockridge has reported that the ductwork is in good shape and they do not anticipate that any of it needs to be replaced. Mrs. Kellahan said while inspecting the ceiling joists to place the new unit on the roof some structural issues were discovered that needs to be brought to code. She noted a difference of \$5,000 in Option 1 and 2 in keeping the unit where it is. There was no discussion. Mayor Woolsey called for the vote.

Recommendation: Option 1, 25T Roof Mounted System @ 108K.

Vote:

Councilman Boles	Yes
Councilwoman Mignano	Yes
Councilman Milliken	Yes
Councilman Mullinax	Yes
Mayor Woolsey	Yes

Passed Unanimous

Executive Session: Not Needed.

Adjournment: There being no further business to come before the body, the meeting adjourned at 7:05 p.m.

Respectfully submitted:

Frances Simmons
Town Clerk

A Proclamation Recognizing November 28 as 2020 Small Business Saturday

Whereas, the government of the Town of James Island, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are 31.7 million small businesses in the United States, they represent 99.9% of all firms with paid employees in the United States, are responsible for 65.1% of net new jobs created from 2000 to 2019; and

Whereas, small businesses employ 47.1% of the employees in the private sector in the United States, 62% of U.S. small businesses reported that they need to see consumer spending return to pre-COVID levels by the end of 2020 in order to stay in business, 65% of U.S. small business owners said it would be most helpful to their business to have their “regulars” return and start making purchases again, and three-quarters of U.S. consumers are currently looking for ways to Shop Small® and support their community; and

Whereas, 96% of consumers who shopped on Small Business Saturday® agree that shopping at small, independently-owned businesses supports their commitment to making purchases that have a positive social, economic, and environmental impact and 97% of consumers who shopped on Small Business Saturday agree that small businesses are essential to their community; and

Whereas, 95% of consumers who shopped on Small Business Saturday reported the day makes them want to shop or eat at small, independently-owned businesses all year long, not just during the holiday season; and

Whereas, the Town of James Island supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

Whereas, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now, Therefore, I, Bill Woolsey, Mayor of the Town of James Island do hereby proclaim, November 28, 2020, as:

SMALL BUSINESS SATURDAY

And urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Enacted this 19th day of November, 2020

Bill Woolsey, Mayor

ATTEST

Frances Simmons, Town Clerk

Town of James Island

% FY Complete 33%

Monthly Budget Report

Fiscal Year 2020-21

1st Quarter			2nd Quarter	4th Quarter	TOTAL	BUDGET
July	August	September	October	June		

GENERAL FUND REVENUE

Accommodations Tax				12075.12		12,075	25,000
Brokers & Insurance Tax			3,879			3,879	720,000
Building Permit Fees		1,137	1,662	541		3,340	10,000
Business Licenses	1,594	24,761	29,279	10,649		66,283	312,000
Grant Reimbursement						-	
Franchise Fees	133,428			3,554		136,982	315,000
Interest Income	28	71				99	550
Alcohol Licenses -LOP						-	10,000
Local Assessment Fees						-	1,000
Local Option Sales Tax (PTCF)			194,281	92,316		286,598	953,640
Local Option Sales Tax (rev)			78,761	37,894		116,655	385,050
Miscellaneous		2,149	29			2,178	500
Planning & Zoning Fees	1,146	701	1,442	1,121		4,410	12,000
Stormwater Fees		200	500	1,204		1,904	
State Aid to Subdivisions		-		68,307		68,307	273,228
Telecommunications						-	20,000
Tree Mitigation						-	1,000
Facility Rental Fees				152		152	8,000
Homestead Exemption						-	48,000
	136,195	29,019	309,834	227,814	Total	702,862	3,094,968
					% of Budget		23%

ADMINISTRATION

Salaries	30,418	20,114	20,158	20,059		90,749	282,040
Benefits, Taxes & Fees	11,379	7,546	7,557	7,533		34,015	106,800
Copier	325	586	330	330		1,572	5,500
Supplies	102	288	194	673		1,257	7,000
Postage	214	17	1,756	1,644		3,631	6,000
Information Services	4,337	3,899	2,672	3,289		14,196	60,200
MASC Membership						-	5,500
Insurance	16,533			1,337		17,870	40,000
Legal & Professional Services		930	4,288			5,218	40,000
Town Codification		110		132		241	2,000
Advertising				1,020		1,020	5,000
Audit						-	16,000
Mileage Reimbursement		29	29	29		86	800
Bonding						-	700
Employee Training & Wellness		270	405	270		945	3,800
Dues and Subscriptions						-	1,500
Training & Travel				50		50	2,000
Grant Writing Services							13,000
Employee Appreciation	52					52	800
Mobile Devices	55	212	305	216		788	2,300
Credit card (Square)	78	113	82	104		377	
Bank Charges (Payroll Expenses)	250	900	(404)	236		982	2,000
	63,743	35,014	37,371	36,921	Total	173,049	602,940
					% of Budget		29%

ELECTED OFFICIALS

Salaries	5,654	3,769	3,769	3,769		16,961	50,000
Benefits, Taxes & Fees	5,186	3,457	3,457	3,457		15,558	46,960
Mayor Expense						-	1,000
Council Expense						-	2,000
Mobile Devices		10	59	38		107	2,100
	10,840	7,237	7,285	7,264	Total	32,626	102,060
					% of Budget		32%

GENERAL OPERATIONS

Salaries	38,158	25,439	25,439	25,439		114,475	360,022
Benefits, Taxes & Fees	13,655	9,103	9,104	9,103		40,966	137,350
						155,441	497,372
					% of Budget		31%

PLANNING

Supplies		93				93	600
Advertising						-	1,500
Mileage Reimbursement						-	200
Dues and Subscriptions						-	1,040
Training & Travel		20				20	1,000
Mobile Devices	27	31	31	31		121	660
Equipment/Software							2,800
Uniform / PPE						-	500
Planning Commission	250		276	200		726	4,000
Board of Zoning Appeals	200	200	1,715	200		2,315	4,000
	477	344	2,023	431	Total	3,276	16,300
					% of Budget		20%

BUILDING INSPECTION

Mileage Reimbursement						-	500
Community Outreach						-	250
Mobile Devices	65	66	60	60		251	780
Supplies						-	600
Equipment / Software						-	300
Uniform / PPE						-	250
Dues & Subscriptions			90			90	800
Travel & Training		605				605	1,400
	65	671	150	60	Total	946	4,880
					% of Budget		19%

PUBLIC WORKS

Mileage Reimbursement						-	300
Training & Travel			245			245	1,925
Public Outreach							500
Projects	3,555	8,219	39	1,051		12,864	145,000
Mobile Devices	86	94	81	81		342	1,345
Uniform / PPE				117		117	700
Supplies	643	201	565	1,113		2,523	12,200
Emergency Management	351	1,021	302	1,676		3,350	25,000
Dues and Subscriptions		218				218	425
Asset Management		26,235		16,068		42,303	50,000
Tree Maintenance and Care							20,000
Groundskeeping	4,222	5,357	418	5,871		15,869	61,000
	8,857	41,345	1,406	26,222	Total	77,830	318,395
					% of Budget		24%

CODES & SAFETY

Mileage Reimbursement						-	100
Equipment						-	900
Radio Contract		342				342	1,400
Training						-	500
Supplies		828				828	250
Uniform / PPE						-	250
ISP Dedicated Officer Annual Expense							59,840
ISP Programs & Supplies		40	795	56		891	14,220
ISP Salaries	20,805	17,145	17,588	16,125		71,663	204,880
Deputy Benefits, Taxes & Fees	5,616	4,615	4,738	4,336		19,305	59,660
Unsafe Buildings Demolition						-	20,000
Overgrown Lot Clearing						-	8,000
Animal Control						-	500
Crime Watch Materials						-	250
Mobile Devices		56	59	64		179	
Membership/Dues							250
	26,421	23,027	23,179	20,581	Total	93,207	371,000
					% of Budget		25%

PARKS & RECREATION

JIRC Contribution			300			300	4,750
Pinckney Park							
Park Maintenance		870	522	1,749		3,141	14,500
Special Events						-	5,000
Youth Sports Program						-	14,725
		870	822	1,749	Total	3,441	38,975
					% of Budget		9%

FACILITIES & EQUIPMENT

Utilities		2,806	2,572	2,453		7,831	34,000
Security Monitoring	76	226		152		454	1,000
Janitorial		1,275	848	550		2,673	9,420
Equipment / Furniture	296	583	592			1,471	5,700
Facilities Maintenance	421	379	609			1,409	6,500
Vehicle Maintenance Expense	242	562	215	2,739		3,758	6,500
Generator Maintenance						-	1,000
Street Lights		10,472	10,598	10,612		31,682	149,000
	1,035	16,303	15,434	16,506	Total	49,278	213,120
					% of Budget		23%

COMMUNITY SERVICES

Repair Care Program						-	35,000
Teen Cert Program						-	500
Drainage Council						-	500
History Council						-	3,780
Neighborhood Council		350		114		464	3,750
Children's Council						-	500
Business Development Council						-	3,500
Tree Council	200			195		395	5,000
Community Service Contributions						-	30,000
	200	350	-	309	Total	859	82,530
					% of Budget		1%

CAPITAL PROJECTS

<u>INFRASTRUCTURE</u>							
Dills Bluff Sidewalk, Phase III & IV			2628	4528		7,156	179,720
Lighthouse Point & Ft. Johnson Intersection						-	38,000
Lighthouse Point Blvd Sidewalk and Drainage Phase I						-	55,000
Regatta Road Sidewalk			1100			1,100	26,500
Town Hall Sidewalks to Hillman and to Camp						-	93,000
Capital Improvement Projects						-	25,000
Traffic Calming Projects	104975			962		105,937	135,000
<u>Capital Equipment</u>							
ISP - Dedicated Deputy Initial Expense						-	75,741
Public Works Equipment						-	48,625
<u>PARK IMPROVEMENTS</u>							
Pinckney Park	1210	23624	8599	401		33,834	50,000
Brantley Park							14,910
<u>DRAINAGE PROJECTS</u>							
Greenhill/Honey Hill Drainage Phase I						-	157,110
Lighthouse Pt. Sdwalk & Drainage Phase 1						-	55,000
Oceanview Stonepost Drainage Basin -I-II			13180	6670		19,850	32,900
Hazard Mitigation Project	420752		3356	72		424,180	150,000
Drainage Outflow Valve Devices							48,000
Drainage Improvement Projects	22938					22,938	42,938
James Island Creek Basin Drainage Improvements							32,000
Highwood Circle Drainage Improvements							35,000
Highland Ave Drainage Improvements		13300		14475		27,775	159,750
	444,900	141,899	28,862	27,107		642,768	1,454,194
					% of Budget		44%

JIPSD FIRE & SOLID WASTE SERVICES

JIPSD Tax Relief	75,000	75,000	75,000	75,000		300,000	900,000
Admin Expense							9,000
Auditor Expense							5,000
	75,000	75,000	75,000	75,000			914,000

HOSPITALITY TAX

Hospitality Tax Revenue			47,565	42,998		90,563	375,000
Hospitality Tax Transfer In						-	330,610
TOTAL							705,610
GENERAL							
The Town Market							2,975
Guide to Historic James Island						-	10,000
Rethink Folly Phase I-III, Staff Cost-Sharing				1,775		1,775	20,000
Santee Street Public Parking Lot	13,800					13,800	32,000
James Island Arts & Cultural Center OPS		322	331	299		953	51,320
Promotional Grants						-	20,000
Folly Road Public Safety						-	6,650
Camp and Folly Landscaping Maintenance						-	9,600
Community Events						-	5,000
Total Non-Capital Expense						-	157,545
PROJECTS							
Camp/Folly Landscaping						-	30,000
Folly Road Beautification						-	10,000
Pinckney Park Pavilion	403		15			418	
Brantley Park		1,255				1,255	185,692
James Island Arts & Cultural Center		4,850	22,745	2,571		30,165	232,068
Undergrounding Power Lines						-	142,000
Ft. Johnson						-	100,000
Folly Road Multi Use Path Wilton-Ft. Johnson						-	42,000
Other Tourism-Related Projects						-	50,000
	14,203	6,427	23,091	4,645	% of Budget	48,366	1,106,850
							4%

TREE MITIGATION FUND

Tree Mitigation revenue						1,392	500
Tree Mitigation expense						-	500
	-	-	-	-	Total	1,392	

JAMES ISLAND PRIDE

James Island Pride revenue/donations						426	3,500
Jsmes Island Pride expense							
Helping Hands Donations						423	
Helping Hands Expense							
					Total		-

ADMINISTRATOR'S REPORT

Nov-20

ADMIN NOTES

- 1) Town was awarded a Hometown Economic Dev. grant in the amount of \$25,000 from MASC
- 2) The Town hired a new part-time receptionist, Mrs. Anna-Parsons Noble.
- 3) Held a kick-off meeting with Global partners grant consulting to begin researching possible grants to explore, in particular public safety and for the JIACC
- 4) Attached notification letter went out to residents nearby the N. Stiles Project - anticipate bidding project out by end of Nov.
- 5) All necessary permits for Brantley Park have been obtained from City and DOT - moving to bid phase
- 6) Shed install date at Pinckney Park is scheduled for first week of January.
- 7) Town staff is planning a drive-thru Tree Lighting ceremony this year with COVID protocols in place.

Business Licenses **58**

*52 of those processed at Town hall (33 DataMax)

Code Enforcement Cases

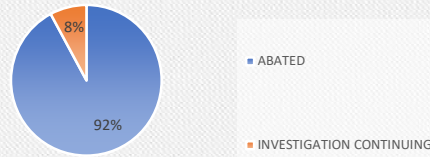
TOTAL CASES	650
ABATED	599
INVESTIGATION CONTINUING	51
RANK VEGETATION / SOLID WASTE	161
INOPERABLE VEHICLE	120
TREE CASES	44
NUISANCE PROPERTY	61

#8 new cases

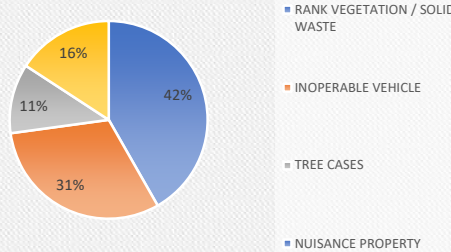
Building Permits & Inspections

	Permits	Inspections
	80	116
Building	19	54
Electrical	21	18
Plumbing	9	12
Mechanical	4	8
Gas	11	18
Pool	3	
Roofing	8	
Fire System	-	0
Sign	-	
Trades	5	
Manufactured Home	-	
Previous Month	46	126

Code Enforcement - Case Status



Code Enforcement - Case Type

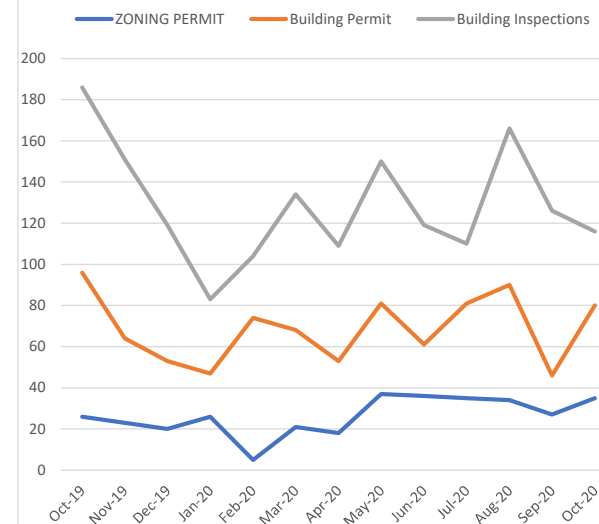


PERMIT TYPE	Sep-20
ACCESSORY STRUCTURE	
CLEARING & GRUBBING	
DEMOLITION PERMIT	
EXEMPT PLATS	
FIREWORK STAND	
HOME OCCUPATION	7
LSPR	
NON-EXEMPT PLAT	
PD AMENDMENT (REZONING)	
RESIDENTIAL ZONING	16
REZONING	
SPR	
SIGN PERMIT	-
SITE PLAN REVIEW	
SPECIAL EVENT	
SPECIAL EXCEPTION	
TEMPORARY ZONING	-
TREE REMOVAL	1
TREE TRIMMING	
VARIANCE	
ZONING PERMIT	3
TOTAL	27

PUBLIC WORKS NOTES

- 1) There were 8 new requests for service in October, 3 were drainage related. Staff has responded to all requests.
 - 2) Staff participated in a planning meeting for traffic issues related to the Holiday Festival of Lights at the County Park.
 - 3) Staff participated in a virtual open house of the SC Interagency Drone Users Consortium to see how other government agencies in South Carolina are using drone technology in their work.
 - 4) The monthly stormwater managers meeting was held by teleconference.
 - 5) Staff participated in a meeting of the James Island Creek Water Quality Task Force.
 - 6) Staff participated in a virtual meeting of County and City staff to discuss maintenance jurisdictions for stormwater and other infrastructure assets that overlap political jurisdictions. James Island will be the prototype example for cooperative maintenance of infrastructure assets in the area.
 - 7) Staff participated in the pre-construction meeting for the drainage improvements at Grimball Road for the Signal Point Road drainage system improvements.
 - 8) Staff participated in the virtual meeting with Dominion Energy for the switch over to LED street lighting.
- Staff cleaned 10 signs in October and installed 3 new STOP sign and 5 new street name signs. Staff filled 2 potholes with 4 bags of material.

PERMITS - 13 MONTH HISTORY



Town of James Island

Bill Woolsey
Mayor



Council Members
Daniel C. Bales
Dr. Cynthia Mignano
Garrett Milliken
Darren "Froy" Mullinax

Clearview Resident

November 3, 2020

Re: 670 N. Stiles Drive – FEMA HAZARD MITIGATION GRANT NOTIFICATION

Dear Resident:

The Town of James Island recently acquired a nearby property to your home – 670 N. Stiles Drive in the Clearview subdivision. The Town was awarded a FEMA Hazard Mitigation Grant earlier in 2020 and purchased this property utilizing those grant funds. The existing home is a repeat flood property and it was determined by FEMA that this property would remain vulnerable to flood risks including property damage and health hazards. Therefore, the grant will also fund the demolition of the existing home on the property to reduce any future negative impacts to the property, residents, and community.

This property is now deed restricted and will remain an open space in perpetuity to restore and conserve the natural floodplain functions. The Town is working with Stantec Engineering to develop the demolition and landscaping plan for this property. The landscaping plan will include removing the existing hardscape and swimming pool and replanting those areas with native and low maintenance vegetation. This property will be preserved greenspace for the community that the Town will maintain. Attached to the back of this letter is a site plan for the project.

This project is scheduled to take place during the winter of 2021, and the timeline for completion is subject to permitting and weather delays.

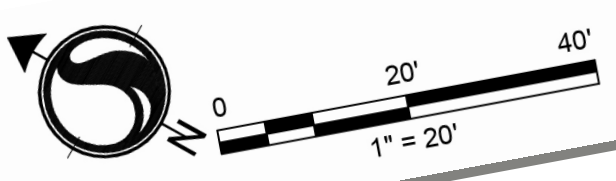
Please don't hesitate to contact me at akellahan@jamesislandsc.us with any questions or concerns. We look forward to being good neighbors and would appreciate any feedback.

Respectfully,

A handwritten signature in black ink that reads 'Ashley Kellahan'.

Ashley Kellahan, Town Administrator

www.JamesIslandSC.us





Town of James Island

Memo

To: Mayor and Town Council
From: Ashley Kellahan, TA
Date: November 13, 2020
Re: Festival of Lights Traffic Study

- The Town was approached by CCPRC Director David Bennett regarding working together to improve the traffic situation at the holiday Festival of Lights. The festival always draws large crowds and impacts surrounding neighborhoods and the traffic flow on the main roads in James Island. The goal is to find ways to help alleviate resident concerns. In turn, alleviating congestion will also serve to improve the visitor experience for the park as the festival is an important tourism generator, helping to support Town restaurants and businesses.
- After several discussions with CCPRC, it was decided to approach Stantec Engineering who conducted a traffic light study along Folly Rd. a few years back to look into a scope and fee for recommending improvements.
- The Town of James would manage the contract with Stantec under its existing IDC and contribute a third of the \$9,500 cost, for a total of \$2,850. The remaining 2/3 cost will be paid by CCPRC and possibly a contribution from the City of Charleston.
- See attached Scope and Fee



Stantec Consulting Services Inc.
4969 Centre Pointe Drive Suite 200, North Charleston SC 29418-6952

October 22, 2020

Ashley Kellahan
Town Administrator
Town of James Island
1238-B Camp Road
James Island, South Carolina, 29412

Dear Ashley,

Reference: James Island Holiday Festival of Lights Traffic Review and Consulting – Letter Proposal

Stantec Consulting Services Inc. (Stantec) is pleased to submit this letter proposal to the Town of James Island (Client) for the evaluation of vehicular traffic conditions and recommendation of potential improvements for traffic and operations in the vicinity of the James Island County Park in James Island, South Carolina. This letter has been formatted to describe the scope of services offered, schedule, and fee for the above-referenced project.

Thank you for meeting with Stantec recently to discuss the historical issues with traffic operations during the period when the Holiday Festival of Lights is open each year. We are appreciative of the opportunity for Stantec to review the existing traffic patterns and operations during the peak of this event to evaluate the effectiveness of existing traffic control and operations and to determine recommendations for any potential improvements to vehicular traffic flows.

SCOPE OF SERVICES

Task 1 – Traffic Data Collection & LOS Analysis

Stantec will collect data to document and evaluate the existing vehicular traffic conditions in the vicinity of the County Park, including the access points to the park along Riverland Drive, Central Park Road, Camp Road and Folly Road as well as driveways or intersections internal to the site as deemed necessary. Exact locations for data collection are to be determined based upon coordination with the Client.

Stantec will collect vehicular turning movement counts at up to five (5) intersections with exact locations to be determined. The turning movement counts will be collected based upon the festival's hours of operations: approximately 6 hours (4:30pm-10:30pm). The turning movement counts will be collected on a date to be determined by the client.

Stantec will analyze the data collected to determine the level of service (LOS) for existing conditions utilizing the Transportation Research Board's *Highway Capacity Manual 2010* methodologies of the *Synchro*® Version 10 software. These analyses will be conducted for up to three (3) hours of each day that data is collected: the overall peak hour, the ingress peak hour, and the egress peak hour.

Reference: James Island Holiday Festival of Lights Traffic Review and Consulting – Letter Proposal

Task 2 – Observations

Stantec will perform on-site/in the vicinity observations of traffic operations, flow, demand, and congestion during the peak periods previously discussed for one day to be determined by the client that would be representative of near peak conditions. Stantec will have one staff member observing the Riverland Drive and Camp Road corridors and park main access point and one staff member observing the Central Park Road and Folly Road corridor each for up to six (6) hours of the day. Stantec will observe and note traffic conditions including such as queues and congestion.

Task 3 – Summary Report and Recommendations

Stantec will prepare a report summarizing the data collection, results of the LOS analyses, observation notes, existing deficiencies, and a list of recommended potential improvements. Stantec will be available to present the report and recommendations for the Client and any other key stakeholders.

Task 4 – Origin-Destination and Trip Data

In addition to the services described in Tasks 1 through 3, Stantec may optionally evaluate and summarize the existing and historical origin-destination and trip data for patrons visiting the Holiday Festival of Lights. This data would be provided by StreetLight Data, Inc., a traffic analytics service which monitors and records the movement of cell phones and similar devices using GPS or location-based-services. Based upon the tracking of this data, the origin, destination, routing, and travel time of vehicle trips can be estimated for devices in the vicinity of the Festival of Lights. Stantec considers this an optional task.

Reference: James Island Holiday Festival of Lights Traffic Review and Consulting – Letter Proposal

PROPOSED SCHEDULE

Based upon our current workload projections and the scope of services as stated herein, we anticipate work can commence upon notice to proceed with the majority of effort taking place on a date to be determined.

Stantec anticipates collecting traffic data and observing peak traffic operations on one date to be determined with the client while the Holiday Festival of Lights is operational (November 13, 2020 through December 31, 2020).

The draft summary report will be submitted to the Client four (4) weeks after the receipt of the count data; it is anticipated that it will take two (2) weeks to receive the collected traffic data. Once comments are received from the Client, final revisions to the summary report will be completed within two (2) weeks.

PROPOSAL FEE

Stantec will perform the services described in the Scope of Services according to the fees outlined in the following table.

Task	Fee Type	Fee
1) Traffic Data Collection & LOS Analysis	Lump Sum	\$3,000
2) Observation	Lump Sum	\$2,500
3) Summary Report and Recommendations	Lump Sum	\$4,000
Subtotal (Tasks 1,2,3)		\$9,500
4) Origin-Destination and Trip Data	Lump Sum	\$15,000
Total (Tasks 1,2,3,4)		\$24,500

Any services not specifically described in the above scope of services, as well as any changes to the project understanding by the Client, will be considered additional services.

Terms and conditions for this proposal will follow the attached Stantec standard professional services terms and conditions.

Reference: James Island Holiday Festival of Lights Traffic Review and Consulting – Letter Proposal

CLOSING

Thank you for this opportunity to work with the Town of James Island. If the aforementioned scope and fee are acceptable to you, please sign below and return to my attention. Please initial below to indicate if you wish to authorize Tasks 1-3 alone or also Task 4 (optional). Please do not hesitate to contact me if you need additional information or have questions.

Regards,

Stantec Consulting Services Inc.



Stuart W. Day PE, PTOE
Senior Associate
Phone: 843 329 3425
Fax: 843 740 7707
Stuart.Day@stantec.com

oe

Maria Ortega Construction

4558 West Montague Avenue

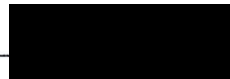
North Charleston, SC 29418

843-814-0374



Date: 10.21.20

Customer Information:



LEMONTREE LANE

JAMES ISLAND

Work Site Information:

- Lift up tub
- install joyses
- remove plywood and install new plywood in closet
- install 2 pillars
- repair water heater leak

Invoice Total:

\$ 3000.00

STATE OF SOUTH CAROLINA)
)
CHARLESTON COUNTY)

**FOLLY ROAD – GREEN BIKE LANES
MAINTENANCE AGREEMENT**

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) entered into this _____ day of _____, 2020 by and between the **Town of James Island, South Carolina**, the address of which is 1122 Dills Bluff Road, James Island, SC, 29412 (hereinafter the **“Town”**) and the **City of Charleston, South Carolina**, the address of which is 80 Broad Street, Charleston, SC 29401 (hereinafter the **“City** each of which is a separate public body corporate and politic and political subdivision of the State of South Carolina, (**“Party”** as to each; collectively the **“Parties”**).

WITNESSETH:

WHEREAS, the Town and City are a body politic with all the rights and privileges of such including the power to contract as a necessary and incidental power to carry out the functions covered under this Agreement;

WHEREAS, the Town and City have agreed to work together to maintain the striping of green bikes of the hereinafter described project;

WHEREAS, Folly Road is a State maintained public right-of-way;

WHEREAS, a portion of Folly Road is located in the Town and a portion is located in the City;

WHEREAS, Folly Road is undergoing an improvement project known as the Folly Road Bike/Pedestrian Improvement Project;

WHEREAS, for the safety of pedestrian and vehicular traffic along the Folly Road Corridor, the Town and the City desire to install intermittent green bike lanes along sections of the Folly Road Bike/Pedestrian Improvement Project;

WHEREAS, in an effort to maximize congruency and efficiency of efforts, and to minimize administrative costs across the municipal boundaries of Folly Road, the Town and the City desire to jointly fund and maintain the green bike lanes based upon the pro-rata share hereinafter determined.

NOW, THEREFORE, in consideration of these promises, of the mutual covenants herein set forth, and the above-referenced recitals incorporated herein by reference, the Town and City agree as follows:

I. PROJECT DESCRIPTION:

The scope of the project shall include ongoing maintenance of the intermittent green bike lane striping that is to be installed as a part of the Folly Road Bike/Pedestrian Improvement Project and will be strategically placed at high-volume intersections and driveways from Ellis Creek to Wilton Rd. on the Folly Road Corridor.

The specified material is known as Durable Liquid Pavement Markings (DLPM) that is an epoxy/resin or MMA – acrylic based resin substance. The skid resistant and retro-reflective material is very durable and is expected to need little to no maintenance for 5 years. The application can be spot treated for higher wear and tear areas. The recommended maintenance plan should include allocated funds for annual spot treatment and funds for a full re-application every 6 years.

II. PERIOD OF AGREEMENT:

The effective date of this Agreement is the date of its execution, and this Agreement shall continue for two years. Thereafter it will extend automatically until terminated by either party giving the other a written two-month minimum termination notice.

III. THE TOWN AGREES:

- a. Provide administration and management of the procurement, permitting and coordination of the maintenance contract.
- b. Provide to the City correspondence concerning project changes in schedules, routine communication, or any other such activities that may impact the Project.
- c. Provide access to the Project records during and after the project to enable the City to review and make proposed changes to the Project.
- d. Request approval from the City regarding pay requests relating to the Project prior to payment of any invoices, along with notice of any change orders, which affect the cost of the Project. Pay requests shall be provided to each Party's staff representative within 48 hours of the Town receiving a pay request for review.

IV. THE CITY AGREES:

- a. Provide timely review comments on the project scope.
- b. Provide to the Town correspondence concerning project design changes, routine communication, or any other such activities that may impact the Project.
- c. To report any known maintenance issues to the Town.

V. COMPENSATION AND PAYMENT TERMS:

The Town will advance payment to the Contractor. The City agrees to pay the Town for 30% share of the project costs.

This share is subject to change upon any change or amendment to the project scope.

The City further agrees that Pay requests shall be remitted to the Town within thirty (30) days of receipt of a Pay request. The City shall designate in writing to the Town a staff representative and email address for the purpose stated in this Paragraph.

VI. TERMINATION:

For convenience: The City reserves the right to terminate this Maintenance Agreement when it is in best interest of the City. If this Agreement is so terminated, the City shall provide the Town with fifteen (15) days written notice of such termination. No costs or damages shall be allowed for a termination of convenience.

For default: If the Town fails to comply with the terms of this Agreement, the City shall notify the Town in writing with the specifics regarding such noncompliance. If the Town fails to cure the noncompliance within (7) days of the notice, the City shall terminate this Agreement by written notice to the Town within fifteen (15) days thereafter. Town shall not be entitled to any costs or damages resulting from termination for default.

VII. GENERAL PROVISIONS:

- a. Nothing contained in this Agreement shall be construed to require the Town to undertake or complete the Project or any phase thereof. Those obligations shall be solely governed by the actions of the Town of James Island Town Council.
- b. Nothing contained in this Agreement shall be construed to require the Town to undertake or complete any subsequent project for green bike lanes. Those obligations shall be solely governed by the actions of the Town of James Island.
- c. The Town and City agree to conform to all Federal, State and local laws, rules and regulations governing agreements or contracts relative to the conduct of the work covered by this Agreement.
- d. Any and all reviews and approvals required of the Town and the City shall not be unreasonably denied, delayed, or withheld.
- e. The Town and the City each binds itself, its successors executors, administrators, and assigns to the other party with respect to these requirements, and also agrees that neither party shall assign, sublet, or transfer its interest in the Agreement without the written consent of the other.

f. The laws of the State of South Carolina shall govern this Agreement. All litigation arising under this Agreement shall be litigated in the Circuit Court in the Ninth Judicial Circuit of Charleston County, South Carolina.

VIII. AMENDMENTS: This Agreement constitutes the entire agreement between the parties; no amendment or modification changing its scope shall have any force or effect unless in writing and signed by all Parties.

IX. NOTICES: All notices or other communications hereunder shall be deemed properly given when delivered in person, or mailed by certified mail, return receipt requested, postage prepaid, addressed as follows, or to such other places may be designated in writing by the Parties:

AS TO THE TOWN:

Ashley Kellahan
Town Administrator
1122 Dills Bluff Rd
James Island, SC, 29412

Bill Woolsey, Mayor
1122 Dills Bluff Rd
James Island, SC, 29412

Bonum S. Wilson III (Bo), Esq.
James Island Counsel
924 Folly Rd
Charleston, SC 29412

AS TO THE CITY:

Keith Benjamin
Director of Traffic & Transportation
180 Lockwood
2nd Floor
Charleston, SC 29403

John J. Tecklenburg, Mayor
80 Broad Street
Charleston, SC 29401

Janie Borden
Asst. Corporation Counsel
50 Broad Street
Charleston, SC 29401

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed on the date indicated above.

Signed, sealed and executed for the TOWN.

WITNESS:

Town of James Island

By: _____
(Signature)

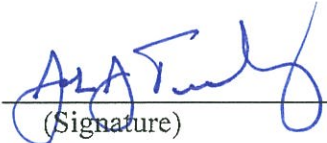
Title: _____

Signed, sealed and executed for CITY.

WITNESS:

City of Charleston



By: 
(Signature)

Title: Mayor

The effective date of this Agreement is the date of the execution by the Parties hereto and shall terminate upon completion of the Project unless terminated earlier pursuant to the terms of the Agreement.

III. TERMINATION:

The **County** may terminate this Agreement for any reason, at the **County's** sole discretion, with sixty (60) days written notice to the addresses set forth below. To the extent either the City or Town desires to withdraw from participation in this Agreement, either Party may do so with sixty (60) days written notice to the addresses set forth below. In case of such a withdrawal the Agreement shall proceed, in accordance with the terms described herein, between the County and the remaining Party.

IV. SCHEDULE:

The sequence and timing of the PROJECT within the PROJECT schedule will be determined by the CONSULTANT and the **COUNTY**. The **COUNTY** reserves the right to amend the PROJECT schedule at its sole discretion. The **COUNTY** will provide reasonable notification to **CITY** and **TOWN** of changes to the PROJECT schedule.

V. THE COUNTY SHALL:

- a. Provide to the **CITY** and **TOWN** timely correspondence concerning PROJECT scope changes, changes in schedules, routine communication, or any other such activities that may impact the PROJECT.
- b. Include **CITY** and **TOWN** in any progress meetings as they may pertain to the PROJECT.
- c. Provide access to the Project records for **CITY** and **TOWN** to review the PROJECT.
- d. Allow **CITY** and **TOWN** to review consultant pay requests relating to the PROJECT prior to payment and any change orders which affect the cost of the PROJECT.
- e. Maintain sole contact with the CONSULTANT relating to PROJECT scope, work order directives, pay requests, and other correspondence.

VI. CITY AND TOWN SHALL:

- a. Review and provide comments, as necessary for all CONSULTANT pay requests related to the PROJECT prior to payment and any change orders that affect the cost of the PROJECT. Comments shall be made within seven (7) calendar days of receipt by CITY and TOWN of notification from the COUNTY of the CONSULTANT's pay request or change order.
- b. If CITY nor TOWN do not approve any portion of the PROJECT or any pay request, the reasons therefore must be clearly stated in writing delivered to the COUNTY along with corrective recommendations within seven (7) calendar days of receipt by CITY and TOWN of the CONSULTANT's pay request or change order.
- c. If the COUNTY does not receive approval or written documentation of reasons for not approving the CONSULTANT's pay request or change order within seven (7) calendar days of receipt, the COUNTY shall consider the pay request or change order as approved for payment.
- d. If the CITY or TOWN withdraw from this Agreement prior to completion of the PROJECT, the CITY or TOWN shall be responsible for payment of its share of the completed work and/or work that has been agreed to up to that point.

VII. FUNDING:

- a. COUNTY estimates the total cost of the PROJECT with the CONSULTANT to be less than \$25,000 per year in order to comply with SCDHEC guidelines. Additional monitoring, if desired by ALL parties, will be negotiated and approved of collectively by all parties.
- b. COUNTY shall pay the contract invoice amounts of the PROJECT to the CONSULTANT.
- c. COUNTY will be responsible for 8.00% of the total cost of the PROJECT to be performed by the CONSULTANT.
- d. CITY will reimburse the County for 58.00% of the total cost of the PROJECT to be performed by the CONSULTANT.
- e. TOWN will reimburse the County for 34.00% of the total cost of the PROJECT to be performed by the CONSULTANT.
- f. Should the negotiated price and any addendums for the PROJECT exceed what is previously estimated, the COUNTY will provide CITY and TOWN the opportunity to concur with the increased cost. If CITY and/or TOWN do

not concur with the increased cost, the **COUNTY** may choose to authorize the additional cost at its own expense. All agreed upon project costs will be shared per Section VII, Funding, Items c, d and e above. Should only two parties agree with the change, the costs will be shared on a pro rata basis among those parties.

- g. **CITY and TOWN** shall remit payments of its share of the monthly cost, to the **COUNTY** for the **PROJECT** within thirty (30) calendar days of receiving an invoice from the **COUNTY**.

VIII. GENERAL:

- a. Upon **COUNTY'S** acceptance of the **PROJECT**, or any specific portion thereof, **COUNTY** will assume sole and complete responsibility for the **PROJECT**. For purposes of this Agreement, **COUNTY** will be considered to have accepted the **PROJECT**, or any specific portion thereof, by issuing a written acceptance of the monitoring to the **CONSULTANT**.
- b. Upon completion of monitoring events during the **PROJECT**, any data collected under this agreement shall be made available to the **CITY, TOWN and COUNTY** regardless of who requested the monitoring.

IX. NOTICE:

All notices or other communications hereunder shall be sufficiently given and shall be given when delivered in person, or mailed by certified mail, return receipt requested, postage prepaid, addressed as follows, or to such other places may be designed in writing by the Parties:

AS TO THE CITY:

Matthew Fountain, P.E., P.G.
Department of Stormwater Management
2 George Street
Charleston, SC 29401

John T. Tecklenburg, Mayor
P.O. Box 304
Charleston, SC 29401

Janie Borden, Esq.
Assistant Corporation Counsel
50 Broad Street
Charleston, SC 29401

AS TO THE TOWN:

Mark Johnson, Public Works Director
1122 Dills Bluff Road
James Island, SC 29412

Bill Woolsey, Mayor
1122 Dills Bluff Road
James Island, SC 29412

Ashley R. Kellahan, Town Administrator
1122 Dills Bluff Road
James Island, SC 29412

AS TO COUNTY:

Steve Thigpen, Director of Public Works
Lonnie Hamilton III, Public Service Building
4045 Bridge View Drive, Suite B309
North Charleston, SC 29405

X. SUCCESSORS AND ASSIGNS:

This Agreement shall be binding upon and insure to the benefit of the successors and assigns of the Parties hereto. There shall be assignment, by either Party, of any rights or responsibilities in this Agreement without written consent of the other Party.

XI. GOVERNING LAW:

This Agreement shall be construed and enforced in accordance with the laws of the State of South Carolina. All litigation arising under this Agreement shall be litigated only in a nonjury hearing in the Court of Common Pleas, Ninth Judicial Circuit, Charleston County, South Carolina.

XII. SEVERANCE:


Should any part of this Agreement be determined by a Court of competent jurisdiction to be invalid, illegal, or against public policy, said offending Section shall be void and of no effect and shall not render any other Section herein, nor this Agreement as a whole, invalid. Any terms which, by their nature, should survive this suspension, termination or expiration hereof shall be deemed to so survive.

XIII. ENTIRE AGREEMENT:


This Agreement, when fully executed, shall supersede any and all prior and existing agreements between the Parties, either oral or written, and contains all of the covenants and agreements between the Parties with respect to the subject matter of this Agreement. Any amendments or modifications of this Agreement must be made in writing and signed by all Parties.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed on the date indicated above.

WITNESSES:


Jennifer Cook

CITY OF CHARLESTON

By: 
(Signature)
Title: Mayor

WITNESSES:

TOWN OF JAMES ISLAND

By: _____
(Signature)
Title: _____

WITNESSES:

CHARLESTON COUNTY

By: _____
(Signature)
Title: _____

DRAFT Scope of Services

James Island Creek Grab Sampling

Project Understanding

The State of South Carolina National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems (SMS4), SCR030000 requires Charleston County, the City of Charleston, and the Town of James Island, as permittees, to implement a monitoring plan to measure pollutant levels within a Total Maximum Daily Load (TMDL) watershed. The permit requires monitoring to be conducted beginning not more than 18 months after the TMDL effective date, which was January 2020 for the James Island Creek TMDL. The permittees would like to implement a grab sampling effort within the watershed to assess the water quality.

To begin collecting data within the James Island Creek watershed, the permittees would like to collect seasonal wet weather grab samples at two locations (JIC1 and JIC2), monthly dry weather samples, and optional additional sampling and testing. This project includes the collection of the grab samples, laboratory analysis for *enterococcus*, and associated reporting for a 12 month period.

Task 1 – Compliance Sampling

To maintain permit compliance, the permittees need to sample at least once per season (e.g. winter, spring, summer, and fall) during a storm event. This task includes the collection of manual grab samples once per season during a wet weather event at both monitoring locations. At a minimum, samples will be analyzed for the pollutant of concern in the James Island Creek TMDL, *enterococcus*. This task will require coordination during a potential approaching storm and guidance on the spacing of grab sampling during the storm event. Up to six (6) samples per storm event per location will be spaced based upon the anticipated duration of storm water runoff, but the period of time for collection during each event will be heavily influenced by inclement or dangerous weather conditions, daily tidal cycles, pollutant holding times, and/or laboratory business hours. The grab samples must be analyzed by a state certified lab for *enterococcus*, which is Trident Laboratory in Ladson, SC. Bacteria sample results will be sent to the County no later than one week after Woolpert receives the results from the laboratory.

Task 1 Deliverables:

- Raw laboratory data

Task 1 Fee Estimate

Task	Fee (NTE)
Manual Grab Samples and Wet Weather Monitoring	\$6,000
Reimbursables (Lab fees, mileage, etc.)	\$4,000
TOTAL FEE (annually)	\$10,000

Task 2 – Dry Weather Sampling

This task includes the collection of dry weather manual grab samples once a month at both monitoring locations. Woolpert will collect up to four (4) dry weather samples in a single day, at varying tidal conditions to the extent possible. The flow conditions, weather conditions, and ebb or flow of the tide will be documented at the time of sampling. At a minimum, samples will be analyzed for the pollutant of concern in the James Island Creek TMDL,

enterococcus. The grab samples will be analyzed by Trident Laboratory in Ladson, SC. Bacteria sample results will be sent to the County no later than one week after Woolpert receives the results from the laboratory.

Task 2 Deliverables:

- Raw laboratory data

Task 2 Fee Estimate

Task	Fee (NTE)
Manual Grab Samples and Dry Weather Monitoring	\$11,500
Reimbursables (Lab fees, mileage, etc.)	\$8,000
TOTAL FEE (annually)	\$19,500

Task 3 – Additional Sampling

Permittees may decide to collect additional grab samples to supplement the grab samples included in Task 1 and Task 2. These samples may be at alternative sampling locations within the James Island Creek watershed, or may be at the two existing monitoring stations, but at days and times designated by the permittees, as permitted by laboratory business hours. The flow conditions, weather conditions, and ebb or flow of the tide will be documented at the time of sampling. These samples will be collected as directed by the permittees to Woolpert and will be collected on a per sample basis. At a minimum, the samples will be analyzed for the pollutant of concern in the James Island Creek TMDL, *enterococcus*. The grab samples will be analyzed by Trident Laboratory in Ladson, SC. Bacteria sample results will be sent to the County no later than one week after Woolpert receives the results from the laboratory.

In an effort to better understand the potential contributing sources of bacteria within the James Island Creek watershed and to identify appropriate methods of reducing bacteria within these watersheds (and other receiving waters in the future), the permittees may want to conduct microbial source tracking (MST). This approach would remove some of the uncertainty associated with the measurement of indicator bacteria, by identifying DNA from various warm blooded animals such as humans and domestic and wild animals that are present within manual grab samples. Woolpert will collect samples for MST analysis at the direction of the permittees and will use Source Molecular laboratory in Miami, FL to perform the quantitative polymerase chain reaction analysis for each source and each sample is analyzed for 4 sources (human, dog, bird, and ruminant).

Task 3 Deliverables:

- Raw laboratory data

Task 3 Fee Estimate

Task	Fee*
Additional Samples, Each sample	\$500
MST Sample Analysis, Each sample (4 sources)	\$3,500

*Fee covers collection of sample, lab analysis cost, and all other incidental costs

Task 4 – Reporting

Woolpert will evaluate the laboratory results and compare these to the field notes taken during the sampling event. When applicable, Woolpert will also compare these results to available rainfall, tide, and flow data at nearby stations. This data will be summarized in a quarterly memo submitted to the permittees.

Task 4 Deliverables:

- Quarterly memo (4)

Task 4 Fee Estimate

Task	Fee (NTE)
Quarterly Memos (4)	\$8,000



FEE PROPOSAL

PROPOSAL #: Task Order #6

DATE: November 11, 2020

To: Ashley Kellahan
Town Administrator
Town of James Island

SENT BY: Phone 843-795-4141
 Fax
 Email akellahan@jamesislandsc.us

RE: Camp Road Sidewalk Repair and Extension Project - Phase 1 Engineering and Administration

BY: Laura S. Cabiness, P.E.

SCOPE OF SERVICES:

Johnson, Laschober & Associates, P.C. (JLA) is pleased to submit a proposal to assist the Town of James Island with permits and construction drawings for the replacement of a portion of sidewalk and an extension to complete the connection with and existing sidewalk. The project is approximately 500 linear feet beginning at the intersection of Oyster Point Row and extending generally east along Camp road to the existing sidewalk adjacent to the CCSD property. The following proposal assumes that a standard SCDOT permit will be required.

Total length is approximately 500 LF. Breakdown of the fee is as follows:

(1) Survey	\$3,500
(2) Construction Documents	\$4,500
Subtotal	\$8,000

In addition, we are proposing that services for SCDOT and Land Disturbance permitting be provided based on our hourly rates. If a council presentation is desired add \$1,500.

Thank you for the opportunity to submit this proposal. We look forward to working with you on this project.

Sincerely,

JOHNSON, LASCHOBBER & ASSOCIATES, P.C.

Laura S. Cabiness, PE

Please return a signed copy of this proposal, a purchase order, or a contract before work commences. This proposal will be considered in effect if work commences without a signed copy being received by JLA. The terms and conditions on the following page of this proposal are part of this agreement.

Accepted by:

[Signature]

[Date]





Town of James Island

Memo

To: Mayor and Town Council
From: Ashley Kellahan, TA
Date: November 13, 2020
Re: Grant Project with Latham Consulting– BRIC Application

- The State is currently accepting applications for the Building Resilient Infrastructure and Communities (BRIC) – this replaces the existing pre-disaster mitigation program.
- Reimbursement-based mitigation grant (75/25).
- The Greenhill Drainage Project is a good candidate for funding for the following reasons:
 - Construction plans already developed
 - Intergov. Cooperation – DOT currently doing a portion of project on Dills Bluff
 - The drainage analysis has already been performed by Stantec as required thru the benefit/cost analysis needed
 - Island-Wide Drainage Study, Priority #1 basin – James Island Creek basin
 - Permits already submitted to OCRM and DOT
 - Can receive funding while continuing to wrap-up easement work
 - Area within LMI area of Town
- Major grant – consultant cost is a flat \$3,000 which is reimbursable thru approved grant
- Please reference attached Contract with Latham

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

ON-CALL AGREEMENT

THIS ON-CALL AGREEMENT made and entered into this the 16th day of October 2020, by and between the Town of James’s Island, SC, hereinafter referred to as the “Town” and Lathan Consulting Corporation, hereinafter referred to as the “Consultant”.

WHEREAS, the Town has determined that it is necessary to, and in the best public interest to obtain professional services for grant application/proposal writing for various grant projects the Consultant is qualified to apply for, and thereby is establishing this On-Call Agreement to provide these professional services; and,

WHEREAS, the Consultant hereby agrees to provide said services to the Town for a period of one (1) year commencing on 16 October 2020; and,

WHEREAS, the Consultant shall meet with Town to determine applicability of the potential grant project and if it is determined to be an appropriate grant to pursue, the Consultant shall submit a proposal detailing services to be provided for the applicable grant project.

WHEREAS, the Consultant agrees to provide grant application/proposal writing services to the Town for Three Thousand and 00/100 Dollars (\$3,000.00) per major project. Each grant project will be evidenced by a finalized Town Purchase Order. Payments for Consultant’s services shall be then paid for completed services rendered under each executed Purchase order. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment and incidentals necessary to complete the work; any incidentals necessary to completed the work must be pre-approved by the Town; and,

WHEREAS, the Consultant understands, accepts and agrees that the Town makes no minimum guarantees with regard to the amount of services, if any, the Consultant may be extended under this On-Call Agreement.

This On-Call Agreement must be signed by a principal duly authorized by the Consultant to approve contracts, agreements or any bidding contractual arrangement.


The Consultant, sub-recipient or Subconsultant shall not discriminate on the basis of race, color, national origin, physical disability, or sex in the performance of this Agreement. The Consultant shall carry out all applicable requirements of state and federal law as well as the Town's anti-discrimination policies in the award and administration of contracts. Failure by the Consultant to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the Town deems appropriate.

NOTWITHSTANDING any provisions to the contrary, the Consultant further represents to the Town that he is qualified to act as the Consultant and is licensed by all appropriate agencies and entities having authority over the Consultant. The Consultant further agrees that he will maintain all necessary licenses, permits or other authorizations necessary to act as the Consultant until all the obligations herein have been satisfied. The Consultant shall further assume full responsibility to the Town for the improper act and omissions of his sub-consultant or other employed or retained by him in connection with furnishing grant writing services.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed on the day first written above.

TOWN OF JAMES'S ISLAND

LATHAN CONSULTING CORPORATION

By: 
Ashley Kellahan – Town Administrator

By: 
Jannie Lathan
Chief Executive Officer
Date: 10/16/2020

ATTEST:



DAVIS & FLOYD

SINCE 1954

November 16, 2020

Mark Johnson
Public Works Director
Town of James Island
1122 Dills Bluff Road
James Island, SC 29412

via email: mjohnson@jamesislandsc.us

Re: Proposal and Scope of Services
Lighthouse Pointe Drainage Study

Dear Johnson:

Davis & Floyd is pleased to offer a proposal to perform a drainage study and develop an engineering solution to resolve flooding of properties along Schooner Road within the Lighthouse Pointe neighborhood. This proposal will help identify and quantify existing flooding associated with stormwater runoff, recommend drainage improvements to alleviate such flooding, and an opinion of probable construction costs of the recommended improvements. Data gathering and field investigations, hydrologic and hydraulic stormwater modeling, and cost estimating have all been included in this proposal.

We truly appreciate the opportunity to offer our services in this capacity. Please do not hesitate to contact us should you have any questions regarding our project approach, scope of services, and corresponding lump sum fee that are currently proposed. We look forward to hearing from you.

Very truly yours,

DAVIS & FLOYD

Ryne C. Phillips, PE
Senior Civil Engineer

Michael V. Horton, PE, CFM
Chief Engineering Officer

3229 W. Montague Avenue, North Charleston, SC 29418

☎: (843) 554-8602 ✉: (843) 747-6485

WWW.DAVISFLOYD.COM

DAVIS & FLOYD

SINCE 1954

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement, made this _____ day of _____, 20____ between _____ (Client) and Davis & Floyd, Inc. (D&F), along with the referenced Attachments, constitute the entire Contract. Acceptance is limited to the terms and conditions stated herein and attached.

SERVICES: Client authorizes D&F to provide services as set forth below in connection with Client's project (Project) described as follows:

SCOPE: D&F agrees to provide the Professional Services as defined in the attached Scope of Services (Attachment A).

COMPENSATION: Compensation for the Professional Services described above will be billed on a Lump Sum basis for a total amount of \$_____.

CONTRACT VALIDITY: This Contract is valid only if signed within thirty calendar days of the date of this Agreement as noted above unless officially agreed to by both parties. No modifications, alterations, changes, or waiver to the Standard Terms and Conditions shall be valid or binding unless officially agreed to and acknowledged by both parties. A sample Amendment to Agreement for Professional Services is included as Attachment C.

Through the signing of this Agreement the signatory represents and warrants that they are duly authorized to enter into this Agreement on the Client's behalf. Signatory further acknowledges receipt and acceptance of Standard Terms and Conditions (Attachment B).

Client Acceptance

Davis & Floyd, Inc.

Signature

Signature

Name of Signatory

Name of Signatory

Title

Date

Title

Date

Attachments:

- A) Scope of Services
- B) Standard Terms and Conditions
- C) Sample Amendment to Agreement for Professional Services
- D) Cost Summary

LS Revised 1/23/2020

DAVIS & FLOYD

SINCE 1954

Summary of Scope

Davis & Floyd, Inc. (D&F) will provide professional engineering services to complete a drainage study and evaluate solutions to alleviate reported flooding near 622 Schooner Road within the Lighthouse Pointe neighborhood. The drainage study will identify and quantify existing flooding associated with stormwater runoff and present recommend mitigation solutions. Services to support the drainage study, as outlined in this scope, shall include data gathering and field investigations; existing condition hydrologic and hydraulic modeling services; and development and evaluation of conceptual drainage improvements.

Task 1 – Data Gathering & Field Investigation

The project will initiate with a project kickoff meeting held at the Town of James Island (Town). This meeting will allow the Town to provide an overview of current flood concerns and provide documentation of drainage infrastructure and flooding history. A desktop level analysis will be performed to gather pertinent data to assist in with the drainage study. Such data may include, but may not be limited to, LiDAR and digital elevation/terrain data; USDA soils data; land cover data products; SCDOT record drawings; historical flood data; and other available records and plans (e.g., Town GIS data sets). Each of the aforementioned data sets will be used to generate hydrologic basin parameters and identification of significant hydraulic features (e.g., channels/ditches and culverts).

D&F will use the Town's available assess management data sets for to collect pertinent stormwater features which collect water along Schooner Road. Features will be spot checked during field investigations to augment and verify missing data required to complete stormwater modeling.

Field investigations will be completed to evaluate current conditions of the watershed(s) which may contribute to flooding reported along Schooner Road. Such investigations will aim to identify visually apparent drainage deficiencies and qualitatively evaluate proposed solutions to alleviate reported flooding.

Task 2 – Existing Condition Hydrologic and Hydraulic Modeling

An existing conditions hydrologic and hydraulic stormwater model will be developed to evaluate the performance of the current infrastructure. A stormwater model utilizing the EPA SWMM computational engine will be developed for this drainage study. This will allow dynamic modeling parameters to be investigated, including varying rainfall-runoff patterns, pipe and channel flow simulations, infiltration technologies, and storage.

The existing conditions model will be developed to investigate stormwater conveyance system performance within the major drainage paths including channels, culvert crossings, and significant underground conveyances. The 50% (2-year) and 10% (10 year) rainfall events will be used to evaluate existing flood conditions at and adjacent to 622 Schooner Road. Results of the rainfall-runoff simulations will be presented to the Town and property owners to validate the existing conditions model.

Task 3 – Evaluation of Drainage Improvements

Mitigation practices to reduce flood hazards identified in Task 2 will be investigated. Improvements may include increasing conveyance capacities (i.e., larger pipe or channel sizes) and flow diversions. Proposed improvements will be incorporated into the hydraulic model to quantify changes in flooding. Two recommended flood mitigation alternatives will be evaluated during this task. Our team will work with the Town to select the two alternatives for analysis.

Potential level-of-service improvements to the drainage network will be quantified based on water surface elevations, inundation limits, and reductions in flood time. These results will be compared to existing flood conditions. Results from the improvement alternatives analysis may be presented in tabular, profile, and/or inundation map form. Opinions of probable construction costs will be developed for the alternatives. A meeting will be held at the Town to review the results. This will allow D&F and the Town to collectively evaluate each alternative and select a preferred plan along with any required phasing that best serves the Town's needs and requirements.

Final recommendations will be summarized in an abbreviated engineering report, along with existing conditions results and opinions of probable construction cost.

(End of Scope of Services)

Attachment D - Scope Cost Summary

Project Name: Lighthouse Pointe Drainage Study
D&F Project #: 000110.00/0007
Date: 11/16/2020

Task	Description	Cost
1	Data Gathering & Field Investigation	\$ 2,500.00
2	Existing Conditions Hydrologic and Hydraulic Modeling	\$ 5,900.00
3	Evaluation of Drainage Improvements	\$ 6,600.00
	Lump Sum Cost	\$ 15,000.00

Charleston County Public Works Task Estimate

BASIC INFORMATION

Est Start Date _____ Request ID 9752
 Requesting Agency / Billable Dept : Town of James Island
 Contact : Mark Johnson Phone : 843-709-2394
 Details : At 1456 Kentwood Cir, excavate and repair drainage box as needed.

Total Labor Cost \$2,210.10
Total Equipment Cost \$1,466.10

Material

ID	Description	Usage	Material Cost
38006	Sand, Builders or Masonry Sand	0.25	\$13.43
37049	Fabric, Geotextile (N035), 15' x 360'/Roll	20.00	\$2.80
39027	Cement, Portland (94lb AND 90LB bag).	2.00	\$29.42
39003	Brick, Cement 2.5" x 4" x 8" (720 or 900 ea per Pallet. varies)	50.00	\$20.50
			\$66.15

Other

Date	Short Description	Purchase Order	Vendor	Cost
Total Other				\$0.00
Sub Total				\$3,742.35
10% Contingency				\$374.24
Grand Total Estimate				\$4,116.59

Agency Signature : _____ **Date:** _____

Org Key (For non-General Fund Request) : _____ **Obj Code:** _____

(For Public Works Use Only)
F/O Manager/Director Approval : _____ **Date:** _____

Kentwood Sinkhole Repair





Charleston County Public Works Task Estimate

BASIC INFORMATION

Est Start Date 11/4/2020 Request ID 10935
 Requesting Agency / Billable Dept : Town of James Island
 Contact : Mark Johnson Phone : (843) 795-4141
 Details : Hydro excavate ditch back to grade

Total Labor Cost \$3,282.60
Total Equipment Cost \$1,593.32

Material

ID	Description	Usage	Material Cost
			\$0.00

Other

Date	Short Description	Purchase Order	Vendor	Cost
Total Other				\$0.00
Sub Total				\$4,875.92
10% Contingency				\$487.59
Grand Total Estimate				\$5,363.51

Agency Signature : _____ **Date:** _____

Org Key (For non-General Fund Request) : _____ **Obj Code:** _____

(For Public Works Use Only)

F/O Manager/Director Approval : _____ **Date:** _____

Completed By : _____ **Date:** _____ **Task ID:** _____

Outfall Ditch in Lawton Bluff on Montgomery Dr.





Charleston County Public Works Task Estimate

BASIC INFORMATION

Est Start Date _____ Request ID 10366
 Requesting Agency / Billable Dept : Town of James Island
 Contact : Mark Johnson Phone : (843)795-4141
 Details : 964 Stillwater Pl/Inspect drainage box, and repair damaged or deteriorating areas.

Total Labor Cost \$1,451.60
Total Equipment Cost \$242.84

Material

ID	Description	Usage	Material Cost
39003	Brick, Cement 2.5" x 4" x 8" (720 or 900 ea per Pallet. varies)	50.00	\$20.50
39027	Cement, Portland (94lb AND 90LB bag).	2.00	\$29.42
39024	Cement, Hydraulic	30.00	\$47.40
38006	Sand, Builders or Masonry Sand	1.00	\$72.03
			\$169.35

Other

Date	Short Description	Purchase Order	Vendor	Cost
Total Other				\$0.00
Sub Total				\$1,863.79
10% Contingency				\$186.38
Grand Total Estimate				\$2,050.17

Agency Approval : _____ **Date:** _____

Org Key (For non-General Fund Request) : _____ **Obj Code:** _____

(For Public Works Use Only)
F/O Manager/Director Approval : _____ **Date:** _____

Stillwater Inlet Repair



Charleston County Public Works Task Estimate

BASIC INFORMATION

Est Start Date 12/7/2020 Request ID 11018
 Requesting Agency / Billable Dept : Town of James Island
 Contact : Mark Johnson Phone : 843-709-2394
 Details : At 977 Mt Vernon Dr. excavate broken concrete apron, replace failed culvert with 16' of 15" T&G RCP and pour new concrete apron approx.10'x16'.

Total Labor Cost \$4,394.20
Total Equipment Cost \$2,416.02

Material

ID	Description	Usage	Material Cost
37008	Pipe, RCP 15in x 8ft	2.00	\$200.70
38007	Stone, Macadam Base	2.00	\$61.04
			\$261.74

Other

Date	Short Description	Purchase Order	Vendor	Cost
10/6/2020	4 yards concrete		Port City Concrete	\$589.69
Total Other				\$589.69
Sub Total				\$7,661.65
10% Contingency				\$766.17
Grand Total Estimate				\$8,427.82

Agency Signature : _____ **Date:** _____

Org Key (For non-General Fund Request) : _____ **Obj Code:** _____

(For Public Works Use Only) F/O Manager/Director Approval : _____	Date: _____
---	--------------------

Mt. Vernon Driveway Apron Repair



Charleston County Public Works Task Estimate

BASIC INFORMATION

Est Start Date 12/7/2020 Request ID 10811
 Requesting Agency / Billable Dept : Town of James Island
 Contact : Mark Johnson Phone : 843-709-2394
 Details : At 1035 Farmington Rd, excavate broken section of sidewalk, construct deeper rock subgrade and pour new sidewalk approx. 5'x10'with detectable inlay.

Total Labor Cost \$4,394.20
Total Equipment Cost \$2,416.02

Material

ID	Description	Usage	Material Cost
38007	Stone, Macadam Base	2.00	\$61.04
			\$61.04

Other

Date	Short Description	Purchase Order	Vendor	Cost
10/6/2020	2 yards concrete		Port City Concrete	\$462.16
10/6/2020	Detectable Inlay		Port City Concrete	\$256.00
Total Other				\$718.16
Sub Total				\$7,589.42
10% Contingency				\$758.94
Grand Total Estimate				<u>\$8,348.36</u>

Agency Signature : _____

Date: _____

Org Key (For non-General Fund Request) : _____

Obj Code: _____

(For Public Works Use Only)
 F/O Manager/Director Approval : _____

Date: _____

Farmington at Camp Sidewalk Repair





VC3

Assess | Improve | Manage
Information Technology

VC3 Inc.
1301 Gervais Street Suite 1800
Columbia, South Carolina 29201

Phone: 803-733-7333
Fax: 803-733-5888

QUOTE

Customer:

Town of James Island, SC
1122 Dills Bluff Road
James Island, SC 29412
United States

Account Manager	Date	Quote #	Terms
Raynay Irkhin	Nov 4, 2020	VC3Q16541	Net 15

Line	Qty	Description	Unit Price	Ext. Price
1		Cultural Center		
2				
3		Monthly Cost:		
4	1	MOA Seat	\$126.00	\$126.00
5	6	Kiosk - No Office Suite, Support Included	\$209.70	\$1,258.20
6		SubTotal		\$1,384.20
7		One-Time Cost:		
8	1	MOA Seat Set-Up and Activation Fee	\$252.00	\$252.00
9		SubTotal		\$252.00
10		Hardware/Software:		
11	1	Juniper EX2300-24P Switch	\$1,300.00	\$1,300.00
12	1	1 Year Maintenance & Support - EX2300-24P	\$123.63	\$123.63
13	1	SonicWall TZ400	\$826.88	\$826.88
14	1	1 Year Maintenance & Support - Standard	\$148.84	\$148.84
15	1	SonicWall TZ400 Rack Mount Kit	\$153.13	\$153.13
16	2	Ubiquiti Wireless Access Points	\$164.25	\$328.50
17		SubTotal		\$2,880.98
18		Cost of Cabling		
19	1	Install Access Points	\$10,500.00	\$10,500.00
20		Scope of Services:		
21		VC3 will provide all labor and materials necessary to install, terminate and test thirteen (13) Dual Cat6 plenum data cables and two (2) Single Cat6 plenum data cables for AP's.		
22		VC3 will install one (1) 2' tall x 24" deep lockable wall mount enclosure cabinet with one (1) Leviton Cat6 48 port patch panel and cable manager for all cable terminations in the network closet.		

Continued On Next Page ...

*** Hardware will be invoiced upon ordering.

This Quote is part of, and incorporated into, the Master Services Agreement between Customer and VC3, Inc., and is subject to the terms and conditions of the Agreement and any definitions contained in the Agreement. If any provision of this Quote conflicts with the Agreement, the terms and conditions of this quote shall control.

Printed Name

Signature

Date

Line	Qty	Description	Unit Price	Ext. Price
23		All cables will be terminated on Cat6 RJ45 jacks at the station side with appropriate wall plates and/or biscuit boxes.		
24		VC3 will provide twenty-eight (28) 3' patch cables for the network switch side.		
25		J hooks will be installed in the ceiling for cable support where needed.		
26		Assumptions:		
27		This quote assumes conduit will be in place for all floor and/or wall drops.		
28		This quote does not include any afterhours work.		
29		This proposal does not include any electronic equipment (i.e. Hubs, switches, routers, telephone, paging equipment, wireless etc.) or configuration of electronic equipment.		
30		This proposal does not include any conduit, external wiremold, raceway or cable tray unless specified differently.		
31		The customer shall provide access to all areas specified for work, including necessary access badges, keys, and combinations to complete work in a timely manner.		
32		VC3 is not responsible for obtaining permits or licenses for the work to be completed. If needed, it will be added to the final bill.		
33		The customer shall identify and protect all critical existing equipment.		
34		SubTotal		\$10,500.00
35		VC3 Professional Services: T&M		
36	4	Estimated hours to install SonicWall TZ400	\$142.00	\$568.00
37	2	Estimated hours to install Juniper EX2300-24P Switch	\$142.00	\$284.00
38	2	Estimated hours to install 2 Access Points	\$142.00	\$284.00
39	4	Estimated hours to configure, install, and test kiosk	\$142.00	\$568.00
40	4	Travel Time	\$95.00	\$380.00
41	4	Project Management	\$158.00	\$632.00
42		This is a Time and Materials project with estimated hours which are based on VC3's review of the Customer's objectives and required scope. The services cost are based on work provided during business hours and the rates listed in the Master Services Agreement. These estimates are neither fixed nor guaranteed. The Customer will be invoiced for all service hours as they are incurred.		
43		SubTotal		\$2,716.00
44		Tax and shipping costs are not shown here but will be present on the final invoice.		

Total	\$17,733.18
--------------	--------------------

Shipping and sales tax not included.

*** Hardware will be invoiced upon ordering.

This Quote is part of, and incorporated into, the Master Services Agreement between Customer and VC3, Inc., and is subject to the terms and conditions of the Agreement and any definitions contained in the Agreement. If any provision of this Quote conflicts with the Agreement, the terms and conditions of this quote shall control.

Printed Name

Signature

Date



Town of James Island

Memo

To: Mayor and Town Council
From: Ashley Kellahan, TA
Date: November 13, 2020
Re: Zoom Account

- Since COVID began, we have been on a basic Zoom plan and until recently were paying \$240 a month. It includes two account users, webinar capability, and dedicated toll-free conference line. The problem with this plan was limited cloud data storage, lack of users, and limited ability for tech support.
- We currently upgraded to a monthly business account plan for \$449.90 out of necessity for additional cloud storage and more account users. Current plan includes 100 GB of cloud storage (upgraded from 2 GB), 10 user licenses, automatic transcription for cloud recordings, and 24/7 phone support.
- If we move to an annual license, payment will be reduced to \$363.25 in addition to receiving a free month.
- So far, we have been reimbursed for our Zoom expenses and according to guidance, they will continue to be reimbursed as emergency-management related expenses throughout duration of pandemic.

Brown Drive Crossline Improvements

Background: 760 Brown Drive was a vacant lot in the Clearview Subdivision for many years. There is a drainage system that runs through the property, and this system starts at Regina Drive and Sterling Drive where it's a ditch, enters a closed system at Beauregard Street and runs through 24" RCP with inlet boxes down Regina and across Clearview Drive, under a residential structure and daylights (opens up into a ditch) in the rear of 760 Brown Drive. The ditch runs the length of the north side of the lot and empties into an open pipe on the right of way for Brown Drive. This pipe is 18" RCP, smaller than the upstream discharge, and this outfalls into Lake Edmunds. This information has been field verified.

Problem: New property owner wants to construct a residential home on the lot and in order to do so needs to fill in the ditch and level the property. The owner is a civil engineer and several solutions were discussed between us and staff from Charleston County Stormwater Management. The owner does not want to grant easement for a piped-in ditch.

Solution: We will install a drop inlet on the right of way of Brown Drive using a 5'x5' knock out box, dig up the roadway and replace the 18" pipe with new 24" RCP, connect the new pipe to the drop inlet and have it outfall into Lake Edmunds. We will install rip rap and geotextile for erosion protection on the lake discharge point. The owner will, at his expense, install 24" HDPE from the open pipe in his backyard to connect to our box on the right of way. Three inlet boxes will be placed on his property to collect stormwater as the current open ditch collects water.

Evaluation: This solution will allow the drainage system to properly function and can be maintained by the Town for the portions under our control. A maintenance agreement will be obtained from the owner that will require the property owner to maintain the inlet structures on the private property in perpetuity as a condition for the property owner to tie into the public infrastructure. The maintenance agreement will include a way for the Town to maintain the equipment and charge the property owner should for that work should that ever become necessary.

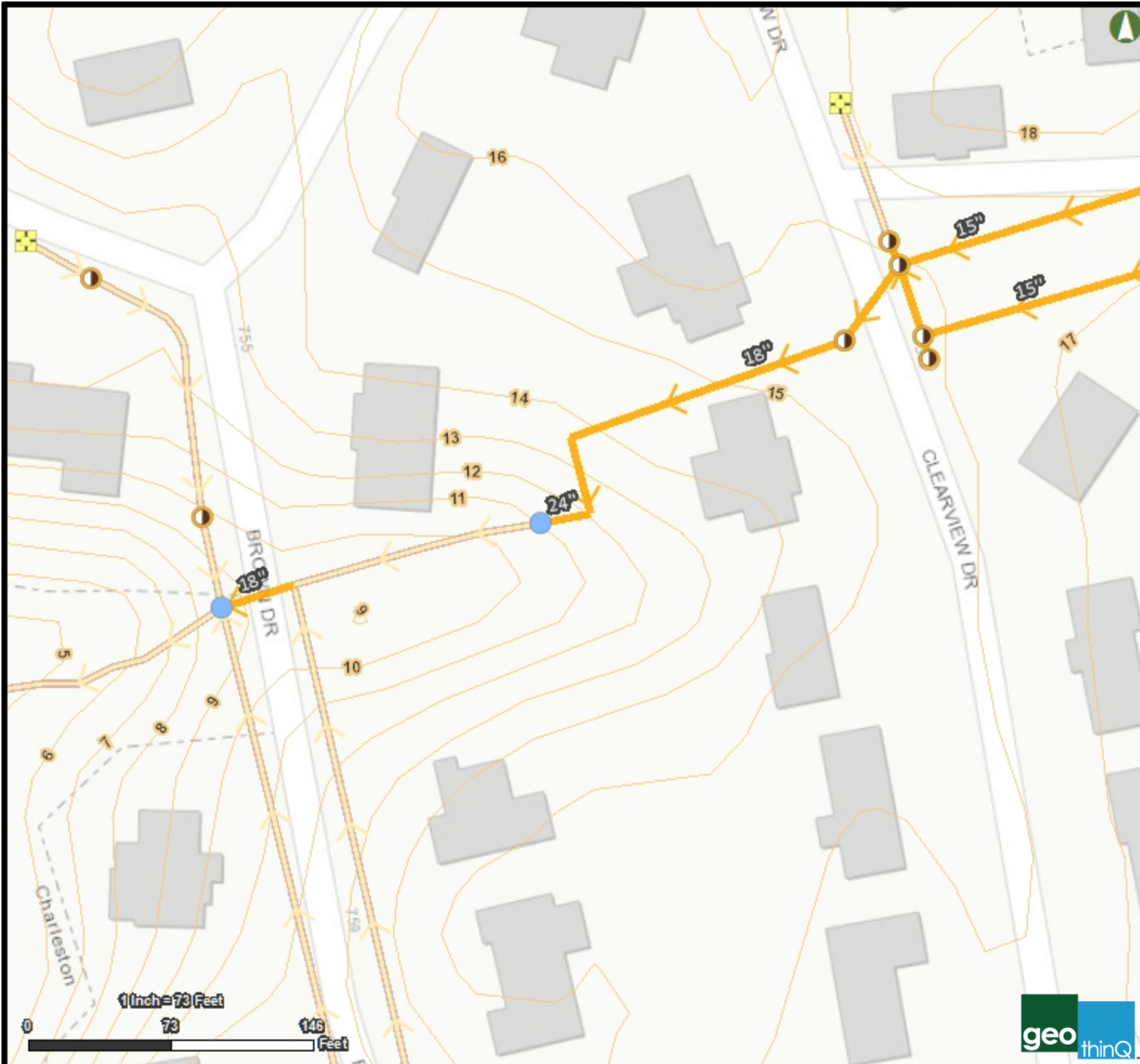
Submitted by Mark Johnson, Public Works Director



GQ QUICK MAP

THEME
11/16/2020

- Inlet
- Junction
- Manhole
- PipeIO
- Channel
- Pipes





3523 Williams Street, Patterson, GA 31557-0477
 Telephone: (912) 647-2847
 www.southeastpipe.com

Quote No. Q200283

Quote To:	Date:	Job Name:
Mark Johnson	October 7, 2020	760 Brown Outfall Pipe Replacement
Town of James Island		
1122 Dills Bluff Road		
James Island, SC 29412		
843-795-4141		
mjohnson@jamesislandsc.us		

Bid Item	Description	Qty	UOM	Unit Price	Bid Price
10	Mobilization	1	EA	\$5,865.00	\$5,865.00
20	Open Cut Replacement 24" Round Pipe	44	LF	\$214.50	\$9,438.00
25	Open Cut Additional Depth	2	VF	\$775.50	\$1,550.00
30	Box Repair 5'x5' Box	1	EA	\$7,010.00	\$7,010.00
40	Asphalt Patching	13	SY	\$198.00	\$2,574.00
50	Rip Rap and Filter Fabric	1	LS	\$2,220.00	\$2,220.00
				Total:	\$28,657.00

Scope of Work: Southeast Pipe Survey Inc. to provide all labor, equipment, and materials to perform work as per the above description.

James Island to provide:

- All permits
- All Rights of Entry
- All necessary erosion control measures
- Clearing/access to manholes and any site restoration
- Traffic Control
- Access to water source
- Dumpsite for debris removed from pipe

Exclusions:

- Point repairs
- Ground water pumping

Note:

Payment terms – Due upon completion and approved inspections. SPS will NOT be subject to retainage. Our invoices are to be paid in full. This proposal may be withdrawn by SPS if not accepted within (30) days. Any invoices not paid within thirty days from presentation will accrue interest at a rate of 1.5% per month on the unpaid balance. The fee estimate is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the engagement. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. Payment shall be based on actual field measurements from center of manhole to center of manhole.

1. All materials are guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate.
2. The above prices include one mobilization charge for each crew one time. If additional mobilizations are required due to delays in project by others, SPS will bill accordingly
3. Stand-by time of \$250.00 per hour will apply if crew cannot perform work due to delays caused by others or for circumstances beyond our control.

Southeast Pipe Survey, Inc. appreciates the opportunity to quote this project. If you have any questions feel free to call Mat Boatright at 912-647-2847 ext 246.

*A Resolution
Recognizing a Town of James Island
Community Arbor Day Observance and Celebration*

WHEREAS, in 1871 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for planting trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, the planting of trees is a vital step in developing civic pride and a sense of community; and trees provide an abundance of environmental and aesthetic advantages to citizens and wildlife, wherever they are found, and

WHEREAS, James Island residents have shown an interest in the preservation and protection of trees as part of environmental and beautification efforts on James Island, and

WHEREAS, an important part of James Island's culture, history and identity is directly related to its trees, and

WHEREAS, the Town of James Island has the goal of collaborating with the City of Charleston, Charleston County, the James Island Public Service District and other community groups and schools in the educating of the public relating to trees, the planting of trees and the care of trees on James Island, and

WHEREAS, the State of South Carolina has designated the first Friday in December of every years as South Carolina Arbor Day.

THEREFORE, BE IT RESOLVED that the Town of James Island will recognize December 4, 2020 as a Community Celebration and Observance of SC Arbor Day.

FURTHER, BE IT RESOLVED that on the first Friday of December 2020, the Town of James Island will plant trees and engage with the community and island youth to promote the planting of trees, and that the Town of James Island hereby designates Friday December 4, 2020 as Arbor Day, and urges all citizens to plant trees and to support our Town's efforts for tree preservation.

Enacted this 19th day of November, 2020

Bill Woolsey
Mayor

ATTEST _____

Frances Simmons
Town Clerk

*A Resolution
Honoring the Town of James Island
As a Tree City USA*

WHEREAS, the Tree City USA program is an Arbor Day Foundation Program in cooperation with the U.S. Forest Service, the Urban and Community Forestry Program and the National Association of State Foresters, and

WHEREAS, the Tree City USA program has been organized in cities and towns across the U.S. since 1976, and is a nationwide movement that provides the framework necessary for communities to manage and expand their public trees, and

WHEREAS, more than 3,400 communities have made the commitment to becoming a Tree City USA and have achieved Tree City USA status by meeting four core standards of sound urban forestry management, and

WHEREAS, the benefits of being a part of the Tree City USA program are substantial and include reducing costs for energy, stormwater management and erosion control, cutting energy consumption by planting additional trees, boosting property values, educating the community about the value of trees and sustainable tree management and improving community pride, and

WHEREAS, during 2020, the Town of James Island Trees Council sought recognition as a Tree City USA and worked closely with the Mayor and staff to seek this recognition, and

WHEREAS, on May 12, 2020, the Arbor Day Foundation notified the Town of James Island that they had been designated a Tree City USA, and

WHEREAS, as a Tree City USA, the Town of James Island has committed to the planting and caring for of trees as a vital step in developing civic pride and a sense of community, and

WHEREAS, an important part of James Island's culture, history and identity is directly related to its trees, and

WHEREAS, the Town of James Island will acknowledge and celebrate its designation as a Tree City USA in conjunction with the Town's celebration of SC Arbor Day on December 4, 2020 by planting trees at Town Hall, Pinckney Park and on the Dills Bluff Boardwalk, and the placing of a Tree City USA sign at Town Hall, and

THEREFORE, BE IT RESOLVED that the Town of James Island has achieved status and recognition from the Arbor Day Foundation as a Tree City USA and will recognize December 4, 2020 as a Community Celebration and Observance of this status and SC Arbor Day.

Enacted this 19th day of November, 2020

Bill Woolsey
Mayor

ATTEST _____

Frances Simmons
Town Clerk

EMERGENCY ORDINANCE PROVIDING FOR REQUIRED FACE COVERINGS IN PUBLIC PLACES DUE TO THE COVID-19 VIRUS, AND EXCEPTIONS THERETO

WHEREAS, the 2019 Novel Coronavirus ("COVID- 19") is a respiratory disease that can result in serious illness or death by the SARSCoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person; and

WHEREAS, the Centers for Disease Control and Prevention has warned of the serious public health threat posed by COVID-19 globally and in the United States; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act; and

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina (the "State") issued Executive Order 2020-08, declaring a State of Emergency based on a determination that the COVID-19 poses an actual or imminent public health emergency for the State; and WHEREAS, the Governor of the State has subsequently declared a continuing State of Emergency in subsequent Executive Orders, including Executive Order 2020-42 on June 26, 2020;

WHEREAS, on March 17, 2020, Mayor Woolsey declared a state of emergency in the Town of James Island; and

WHEREAS, the James Island is experiencing a dramatic increase in the number of identified new COVID-19 cases, and as of July 4, 2020 the South Carolina Department of Health and Environmental Control ("DHEC") reported the total number of reported cases in South Carolina is 44,715, the number of confirmed deaths is 813, the number of reported cases in Charleston County is 5,650 and the number of current cases on James Island in zip code 29412 is 350; and

WHEREAS, if COVID-19 cases continue to increase the demand for medical facilities may exceed locally available resources and the private and public sector workforce may be negatively impacted by absenteeism; and

WHEREAS, health authorities, including the CDC and DHEC have recommended the use of face coverings as a means of preventing the spread of COVID- 19; and

WHEREAS, S.C. Code Ann. §5-7-250 empowers Council to enact emergency ordinances affecting life, health, safety, or property; and

WHEREAS, James Island Town Council has determined, based on the recommendations of public health authorities, an emergency exists, and responsive to a serious threat to the public health, safety, and welfare of its citizens, that it would serve the public interest to require that individuals wear face coverings in certain situations and locations within the boundaries of the Town of James Island.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF JAMES ISLAND:

Section 1 Emergency Ordinance E – 06 -2020 is hereby repealed.

Section 2. Required Face Coverings. All persons who are present within the Town of James Island are required to wear an appropriate face covering any time they are in contact with other persons who are not household members in indoor public places and indoor businesses where it is not possible to maintain a six-foot distance from others or where social distancing is not or cannot be being practiced. This includes the following:

- A. While entering or inside any retail, restaurant, office or other business location;
- B. While entering or inside any government building or facility under the jurisdiction of the Town;

All business and organizations within the Town of James Island are required to comply with this Ordinance, which is applicable to patrons and employees.

Section 3. Exemptions. Face Coverings shall not be required:

- A. in outdoor or unenclosed areas where six-foot social distancing can be maintained;
- B. for those who cannot wear a face covering for medical reasons;
- C. for children under five years old, provided that adults accompanying children age two to five shall use reasonable efforts to cause those children to wear Face Coverings where six-foot social distancing is not possible or observed;
- D. for patrons of restaurants or similar locations while seated and dining or drinking, or while standing and maintaining a six-foot social distance;
- E. in private offices;
- F. in settings where it is not practical or feasible to use a face covering;
- G. for public safety employees when it is not practical to wear a face covering.
- H. For persons traveling in their own vehicles.

Section 4. Enforcement.

1) A Uniform Ordinance Summons for violations of this Face Covering Ordinance shall be written only to businesses or organizations that fail to attempt to enforce the Face Covering requirements. Operators of businesses and organizations are entitled to rely on their customers or patrons statements about whether they are exempted from the Face Covering requirements, and businesses and organizations do not violate this Ordinance if they rely on such statements.

2) This Face Covering Ordinance may not be enforced criminally against individual persons, but if a worker, customer, or patron of a business or organization fails and refuses, without good cause or good excuse, to leave immediately upon being ordered or requested to do so by the person in possession of the property or his agent or representative, such person may be charged with a violation of S.C. Code § 16-11-620 ("Entering premises after warning or refusing to leave on request").

Section 5. Expiration of Ordinance. This Ordinance shall expire automatically as of the sixty-first day following the date of enactment, unless sooner terminated by Town Council.

Section 5. Effective Date and Time. This Emergency Ordinance shall take effect upon approval.

Done in Council, duly assembled this 3rd day of September, 2020.

Bill Woolsey
Mayor

ATTEST

Frances Simmons
Town Clerk

This Emergency Ordinance was extended at the October 15, 2020 Town Council Meeting which was duly assembled and is slated to expire November 19, 2020, by affirmative vote of two-thirds of the members of Council present.

AMENDMENT OF THE FLOOD PLAIN ORDINANCE BY THE JAMES ISLAND TOWN COUNCIL

WHEREAS, it is in the best interests of the citizens of the Town of James Island to have an updated Ordinance for the management of the flood hazard areas in the Town in order for the citizens of the Town of James Island to be able to receive federal flood insurance through the National Flood Insurance program, and to receive discounts thereto as a result of the participation by the Town of James Island in the Community Rating System; and

WHEREAS, the Charleston County flood insurance rate maps have been updated by the Federal Emergency Management Agency (FEMA) into a County-wide format that provides more accurate risk data than previously available; and

WHEREAS, as the environment changes, rising floodwaters due to sea level rise and outdated or incomplete drainage systems is a growing concern in the Town of James Island; and

WHEREAS, this Ordinance takes strides to reduce flooding risk in adaptive and innovative ways to protect citizens; and

WHEREAS, the James island Town Council finds it in the public interest and a benefit to the general health, safety, and welfare of the residents of the Town of James island to adapt these amendments to the Town’s current floodplain management regulations.

NOW, THEREFORE, BE IT ORDAINED by Town Council, in meeting duly assembled December 17, 2020, that Chapter 151 of the Code of Ordinances, Town of James Island, South Carolina is amended.

Effective this ____ day of _____, 2020

Bill Woolsey
Mayor

ATTEST

Frances Simmons
Town Clerk

First Reading: November 19, 2020

Second Reading/Final Reading: _____

Changes highlighted in Yellow

CHAPTER 151: TOWN REGULATIONS CONCERNING FLOOD DAMAGE PREVENTION

Section

James Island, SC Code of Ordinances

General Provisions

- 151.1 Statutory authorization
- 151.2 Findings of fact
- 151.3 Statement of purpose
- 151.4 Objectives
- 151.5 Definitions
- 151.6 Lands to which this chapter applies
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- 151.40 General standards
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Appeals and

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Nuisances

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151.99 Penalty

Editor's note:

The regulations set forth in this chapter are those of Charleston County Ordinance 1838, adopted by the county on January 20, 2015, which was adopted by the town's Ordinance 2016-14 on January 19, 2017.

GENERAL PROVISIONS

§ 151.01 STATUTORY AUTHORIZATION.

The Legislature of the State of South Carolina has in Code of Laws, §4-9-30(5), delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of James Island, does ordain these flood damage prevention and protection regulations.

(Ord. 2016-14, passed 1-19-2017)

§ 151.02 FINDINGS OF FACT.

(A) The flood hazard areas of Charleston County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in flood plains, causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damage.

(C) In order for owners of property located within the town which is subject to periodic inundation to obtain flood damage insurance through the National Flood Insurance Program, the United States government, by statute and through regulations promulgated by the Federal Emergency Management Agency (FEMA), requires that the town enact flood plain regulations designed to reduce the amount of potential flood losses.

(D) The town has previously adopted various ordinances establishing regulations related to the prevention of flood damage.

(E) Based on the findings set forth above, the town finds it is in the public interest and a benefit to the general health, safety and welfare of the residents of the town, to adopt an ordinance revising and amending the town's flood damage prevention regulations.

(Ord. 2016-14, passed 1-19-2017)

§ 151.03 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (A) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (B) Require that structures vulnerable to floods, including appurtenant structures, be protected against flood damage.

(Ord. 2016-14, passed 1-19-2017)

§ 151.04 OBJECTIVES.

The objectives of this chapter are:

- (A) To protect human life and health;
- (B) To minimize expenditure of public money for costly flood control projects;
- (C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) To minimize prolonged business interruptions;
- (E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in flood plains;
- (F) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (G) To insure that potential homebuyers are notified that property is in a flood area.

(Ord. 2016-14, passed 1-19-2017)

(H) To provide protection to assets and infrastructure against sea level rise;

(I) To build resilience throughout the community to better respond to recurrent burdens and sudden disasters;

(J) To increase property protection for all structures during flooding events due to hurricanes and rainwater flooding, and;

(K) To protect the natural floodplain functions and capacity for flooding within the community

§ 151.05 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common

usage and to give this chapter its most reasonable application in light of its stated objectives. Where it states "means" is the literal definition.

"A"-ZONE. Areas subject to inundation by the 1% annual chance flood event. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown.

"AE"ZONE. Areas subject to inundation by the 1% annual chance flood event determined by detailed methods. BFEs are shown within these zones

Accessory Residential Structure. A structure on the same parcel of property as the principal structure, used for parking of vehicles or typical residential equipment, or for limited storage. **A SMALL ACCESSORY STRUCTURE** is defined as one that has a footprint of less than 120 square feet, and a **LOW VALUE ACCESSORY STRUCTURE** as one that has a value of less than \$1,000.

Addition (to an existing building) is an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

APPEAL. A request for a review of the building official's interpretation of any provision of the chapter to the Construction Board of Adjustment and Appeal.

APPURTENANT STRUCTURE. A structure which is on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure in light of its stated objectives.

AREA OF SPECIAL FLOOD HAZARD. The land in the flood plain within a community, subject to a 1% or greater chance of flooding in any given year. For purposes of these regulations, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard".

BASE FLOOD or 100 YEAR FLOOD. Means the flood having a 1% chance of being equaled or exceeded in any given year.

BASEMENT. Means area of a building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL. Means a wall that is not part of the structural support of a building that is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING. - See **STRUCTURE.**

BUILDING OFFICIAL. The individual charged with administration and enforcement of the building codes and flood plain regulations for the county.

BUILDING PERMIT. Includes mechanical, electrical, plumbing, and any other permits issued by the County Building Official.

COASTAL "AE" ZONE. Areas subject to inundation by at least 1% annual chance flood event as determined by detailed methods, and where wave action is expected with wave heights between 1.5 and 3.0 feet. **COASTAL AE ZONES** are landward of the VE Zone up to the Limit of Moderate Wave Action (LIMWA) line. This area may also be referred to as a Coastal "A" Zone.

COASTAL HIGH HAZARD AREA. Means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to flooding and high velocity waters caused by, but not limited to, hurricane wave wash. This includes zones V and VE.

CRITICAL FACILITY. Means a structure or facility that:

(1) Produces, uses, or stores highly volatile, flammable, explosive, toxic and/or water-reactive materials; or

(2) Is a hospital, nursing home, or housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood; or

(3) Is a police station, fire station, vehicle and equipment storage facility or emergency operations center that is needed for flood response activities before, during or after a flood; or

(4) Is a public or private utility facility that is vital to maintaining or restoring normal services to flooded areas before, during or after a flood.

CRITICAL FEATURE. Means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

CURVILINEAR LINE. Means the border on either a FHBM or FIRM that delineates the special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazard areas and consists of a curved or contour line that follows the topography.

DATUM. National Geodetic Vertical Datum of 1929 (NGVD 29) on FIRMs dated November 17, 2004 or before and North American Vertical Datum of 1988 (NAVD 88) measurement above "mean sea level" on the community adopted federal flood maps, on FIRMs dated after November 17, 2004.

DESIGN FLOOD ELEVATION. Base flood elevation (BFE) plus freeboard.

DEVELOPED AREA. Means an area of a community that is:

(1) A primarily urbanized, built-up area that is a minimum of 20 contiguous acres, has basic urban infrastructure including roads, utilities, communications, and public facilities, to sustain industrial, residential, and commercial activities, and

(a) Within which 75% or more of the parcels, tracts, or lots contain commercial, industrial, or residential structures or uses; or

(b) A single parcel, tract, or lot in which 75% of the area contains existing commercial or industrial structures or uses; or

(c) A subdivision developed at a density of at least two residential structures per acre within which 75% or more of the lots contain existing residential structures at the time the designation is adopted.

(2) Undeveloped parcel, tract, or lot, the combination of which is less than 20 acres and is contiguous on at least three sides to areas meeting the criteria of division (1)(a) above at the time the designation is adopted.

(3) A subdivision that is a minimum of 20 contiguous acres that has obtained all necessary government approvals, provided that the actual "start of construction" of structures has occurred on at least 10% of the lots or remaining lots of a subdivision of 10% of the maximum building coverage or remaining building coverage allowed for a single lot subdivision at the time the designation is adopted and construction of structures is underway. Residential subdivisions must meet the density criteria in division (1)(c) above of this definition.

DEVELOPMENT. Means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials or comparable activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity of use of land (such as an increase in the number of dwelling units in a structure); any change from one use of another use; and any activity that alters a river, stream, lake, pond, canal, woodland, wetland, endangered species habitat, or other natural resource area. Development does include agriculture and forestry operations.

DIRECTOR OF PUBLIC WORKS means the director of the Town of James Island Department of Public Works.

ELEVATED BUILDING. A non-basement building which has its lowest elevated floor raised above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls.

EXISTING CONSTRUCTION. Means any structures for which the start of construction commenced before ~~November 15, 1973.~~ January 1, 1975. **EXISTING CONSTRUCTION** may also be referred to as "existing structures".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION . Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before November 15, 1973

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FARM STRUCTURE. A structure which is constructed on a farm, other than a residence or a structure attached to it, for use on the farm including, but not limited to, barns, sheds and poultry houses, but not including public livestock areas.

FEMA. Means the Federal Emergency Management Agency.

FLOOD or FLOODING. Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Note: A flood inundates a floodplain. Most floods fall into three major categories: riverine flooding, coastal flooding, and shallow flooding. Structures could fall in the floodplain.

FLOOD ELEVATION STUDY. Means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM). Means an official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) and related erosion areas having special hazards have been designated.

FLOOD INSURANCE RATE MAP (FIRM). Means an official map of a community, on which the Federal Insurance Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A **FIRM** that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM). A **FIRM** may also refer to a Flood Insurance Risk Map.

FLOOD INSURANCE STUDY. See **FLOOD ELEVATION STUDY.**

FLOOD PLAIN OR FLOOD-PRONE AREA. Means any land area susceptible to being inundated by water from any source.

FLOOD PLAIN MANAGEMENT. Means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.

FLOOD PLAIN MANAGEMENT REGULATIONS. Means such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROOFING. Means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY. See **REGULATORY FLOODWAY.**

FLOODWAY ENCROACHMENT LINES. Means the lines marking the limits of floodways on federal, state and local flood plain maps.

FREEBOARD. A factor of safety usually expressed in feet above a mandatory base flood elevation for purposes of flood plain management.

FUNCTIONALLY DEPENDENT USE. Means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage or related manufacturing facilities.

HAZARDOUS VELOCITIES. Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than five feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.

HIGHEST ADJACENT GRADE. Means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE. Means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places that has been certified by the South Carolina Department of Archives and History.

(5) Individually listed on a local inventory of historic places as approved by Council.

Increased Cost of Compliance (ICC) – applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under Section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with State or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.

IMPROVEMENT. Any alteration, addition, or structural repair to an existing structure where "substantial improvement" or "substantial damage" is not a factor.

Land Characteristic is an attribute of land that can be measured or estimated.

Limit of Moderate Wave Action (LIMWA) is the line shown on FIRMs to indicate the inland limit of the area expected to receive 1.5-foot or greater breaking waves during a 1-percent-annual flood event.

Limited storage - an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of Article IV.A.4 of this ordinance. If the area is located below the base flood elevation in a V, VE and V1-V30 zone it must meet the requirements of Article IV.F of this ordinance.

Low value structure see "Accessory Structure."

Lowest Adjacent Grade (LAG) - is an elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.

LOWEST FLOOR. Means the lowest floor of the lowest enclosed area (including basement). Unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided such enclosure is not built so as to render the structure in violation of this chapter.

MANGROVE STAND. Means an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: Black mangrove (*Avicennia nitida*); Red mangrove (*Rhizophora mangle*); White mangrove (*Longunculariacemosa*); and buttonwood (*Conocarpus erecta*).

MANUFACTURED HOME. Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed to meet HUD standards, for use with or without a permanent foundation when attached to the required utilities. The term **MANUFACTURED HOME** does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION. Means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MANUFACTURED HOME PERMANENT FOUNDATION. A foundation designed by a professional engineer registered in South Carolina, with said design subject to the approval of the building official. A bolt-on/bolt-off foundation system is considered as a permanent foundation for mobile homes placed into a manufactured home park.

MEAN SEA LEVEL. ~~The average height of the sea for all stages of the tide as determined by the U.S. Army Corps of Engineers, used as a reference for establishing various elevations within the flood plain.~~ *is, for the purpose of this ordinance, the Nations Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the base flood elevations shown on a community's Flood Insurance Rate Maps (FIRM) are shown.*

MODULAR BUILDING UNIT. A building or set of building components manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site, and built in accordance to the Modular Construction Act of the State of South Carolina. This term is not to be limited to residential dwellings.

NEW CONSTRUCTION. Means, for flood plain management purposes, structures for which the start of construction commenced on or after the effective date of a Flood Plain Management Ordinance adopted by the community, November 15, 1973 and includes subsequent improvements to such structures. (Exception: An addition to an existing structure (built prior to November 15, 1973) is not considered "new construction" unless it is a substantial improvement.)

New development is any of the following actions undertaken by any person, including, without limitation, any public or private individual entity: a) division or combination of lots, tracts, or parcels or other divisions by plat or deed; b) the construction, installation, or alteration of land, a structure, impervious surface or drainage facility; c) clearing, scraping, grubbing or otherwise significantly disturbing the soil, vegetation, mud, sand or rock of a site, or changing the physical drainage characteristics of the site; or d) adding, removing, exposing excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, mud, sand or rock of a site. The transition from native landscapes to a developed condition reduces the infiltration, evapotranspiration, and surface roughness onsite, regardless of

the amount of green space and BMPs implemented into the site design.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed on or after November 15, 1973.

PLANNING AND ZONING OFFICIAL. The individual charged with administration and enforcement of planning and zoning for the town.

PRIMARY OCEANFRONT SAND DUNE. Means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

RECREATIONAL VEHICLE. Means a vehicle, for flood insurance purposes, which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopment is development on a previously developed site where the impervious surface on the previously developed site is equal to or greater than 20 percent of the total site or where any repair, reconstruction, or improvement to that site or to any structures located on that site such that the cumulative costs of repairs, reconstruction, or improvements, over a five-year period equals or exceeds 49 percent of the fair market value of the property and the structures located on that property. The cost of repairs, reconstruction, or improvements includes remodeling of existing building interiors, resurfacing of paved areas, and exterior building changes. The cost of repairs excludes ordinary maintenance activities that do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution

Repetitive Loss – a building covered by a contract for flood insurance that has incurred flood related damages on 2 occasions during a 10 year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

Flood Ordinance No. 2124 10

Repetitive Loss Area is an area with one or more repetitive loss structures and includes at-risk properties for flooding who may or may not be in a special flood hazard area (SFHA) as well as those who have made a flood insurance claim previously but do not qualify as a repetitive loss property.

Repetitive Loss Property is any insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period, since 1978. A RL property may or may not be currently insured by the NFIP.

Resilience is the ability of a community to respond, adapt, and thrive under changing conditions, including, but not limited to, recurrent burdens and sudden disasters

REGULATORY FLOODWAY. Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-half of one foot.

REMEDY A VIOLATION. Means to bring the structure or other development into compliance with state or local flood plain management regulations, or, if this is not reasonably possible as provided in the standards for grant of a variance, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal, state or local financial exposure with regard to the structure or other development.

RIVERINE. Means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SAND DUNE. Means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Sea Level Rise is an increase in sea level that is primarily related to climate change: added water from melting ice sheets and glaciers and the expansion of seawater as it warms. Global sea level has been increasing over the past century, and the rate has increased in recent decades. Section 1316 of the National Flood insurance Act of 1968 - The act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

SIXTY-YEAR SETBACK. Means a distance equal to 60 times the average annual long term recession rate at a site, measured from the reference feature.

Severe Repetitive Loss Property is a properties with at least four claims for buildings and/or contents of more than \$5,000 or at least two building-only payments that cumulatively exceeded the value of the property.

Small accessory structure see “accessory structure”

SPECIAL FLOOD HAZARD AREA (SFHA). See **AREA OF SPECIAL FLOOD HAZARD.**

SPECIAL HAZARD AREA. Means an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on a flood hazard boundary map or flood insurance rate map.

START OF CONSTRUCTION. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement, and means the date the construction permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stem walls are a solid perimeter foundation wall on a continuous spread footing backfilled to the underside of the floor slab. Refer to Flood Elevation Diagram Number 1B

STRUCTURE. Means, for flood plain management purposes, a walled and roofed building, including gas or liquid storage tanks, that is principally above ground, as well as modular and manufactured homes.

Subdivision is all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes resubdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combination of lots of record. (Stormwater and Planning/Zoning)

SUBSTANTIAL DAMAGE. Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred as determined by the Building Official. Flood plain management requirements for new construction apply to substantial damage.

SUBSTANTIAL IMPROVEMENT. Means any reconstruction, rehabilitation, addition or other improvement of a structure, taking place during any five consecutive years in the life of a building, the cumulative cost of which equals or exceeds 50% of the market value of the existing structure at the date of "start of construction" of the improvement as determined by the Building Official. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

THIRTY-YEAR SETBACK. Means a distance equal to 30 times the average annual long term recession rate at a site, measured from the reference feature.

Unnumbered A Zone is a zone without base flood elevations determined. These are still considered special flood hazard areas.

VARIANCE. A grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in exceptional hardship.

VE ZONE. High risk areas subject to inundation by at least a 1% annual chance flood event as determined by detailed methods, and where wave action is expected with wave heights of more than three feet. BFEs or base flood depths are shown within these zones.

VIOLATION. Means the failure of a structure or other development to be fully compliant with the city's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

Watersheds are areas of land that drains to a single point, bounded by higher elevations at the edges. Within a watershed, water travels over land until it reaches a body of water, and as the water passes farther downstream, draining a larger area, eventually everything leads to the ocean. In coastal areas, wetlands border the land, and many of the local streams and creeks enter wetlands before discharging to the ocean. Wetlands perform a crucial function in the watershed, intercepting pollutants carried downstream and removing them from the water in a natural treatment process. Additionally, wetlands slow the water down, acting as a buffer for hurricanes and reducing severity of flooding.

WATER SURFACE ELEVATION. The height of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

X ZONE (SHADED). Moderate risk areas within the 0.2% annual chance flood plain, areas of 1% annual chance flooding where the average depths are less than one foot. No BFEs or base flood depths are shown within these zones.

XZONE (UNSHADED). Minimal risk areas outside the 1% and 0.2% annual chance flood plains. No BFEs or base flood depths are shown within these zones.

(Ord. 2016-14, passed 1-19-2017)

§ 151.06 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of James Island.

(Ord. 2016-14, passed 1-19-2017)

§ 151.07 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

Charleston County declares that the Charleston County Flood Insurance Study, including the FIRMS, dated January 29, 2021, copies of which are on file in the Office of Building Inspection Services and online at charlestoncounty.org and msc.fema.gov, is hereby adopted and declared to be as fully a part of this chapter as if set forth herein. ~~The national flood insurance county-wide risk map for the areas of the Charleston County Flood Insurance Study, copies of which are on file in the Offices of Building Services and Planning, is hereby adopted by reference and declared to be as fully a part of this chapter as if set forth herein.~~ Letters of Map Change (LOMC) to these adopted maps authorized by the NFIP shall become effective immediately upon the date established by the NFIP.

(A) *Lands to which this chapter applies.*

(1) This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of James Island. ~~identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study, dated November 17, 2004 with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this chapter.~~

(2) ~~Upon annexation any special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the unincorporated areas of Charleston County, with accompanying map and other data are adopted by reference and declared part of this chapter.~~

(Ord. 2016-14, passed 1-19-2017; Ord. 2018-12, passed 10-18-2018)

§ 151.08 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. 2016-14, passed 1-19-2017)

§ 151.09 SEVERABILITY.

If any provision of this chapter or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, then this holding does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and, to this end, the provisions of this chapter are severable.

(Ord. 2016-14, passed 1-19-2017)

§ 151.10 PROVISIONS CUMULATIVE.

The provisions of this chapter are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this chapter, including, but not limited to, Ordinance No. 1526 and 1349, are hereby expressly repealed to the extent of any such inconsistency or conflict. The enactment of this chapter shall not serve to terminate or be cause for the termination of the prosecution of any civil or criminal actions under the prior ordinances which were pending at the time of the enactment hereof.

(Ord. 2016-14, passed 1-19-2017)

§ 151.11 ABROGATION AND GREATER RESTRICTIONS.

This chapter shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this chapter imposes a greater restriction, the provisions of this chapter shall control.

(Ord. 2016-14, passed 1-19-2017)

§ 151.12 EFFECTIVE DATE; APPLICATION.

~~This chapter shall be effective 60 days after ratification; provided, however, that this chapter shall not be applicable to new construction or substantial improvements for which the start of construction, as defined in § 151.05 of this chapter, was before the effective date of this chapter.~~

This Ordinance shall be effective immediately for all new permits issued on or after date of ratification.

(Ord. 2016-14, passed 1-19-2017)

ADMINISTRATION

§ 151.25 DESIGNATION OF BUILDING OFFICIAL.

The Town Building Official ("Building Official"), and/or his designee, is hereby appointed to administer and implement the provisions of this chapter.

(Ord. 2016-14, passed 1-19-2017)

§ 151.26 DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL.

Duties of the Building Official shall include, but not be limited to:

(A) Review all applications for construction permits to assure that the requirements of this chapter have been satisfied, the requirements of 44 CFR, and are adequate to determine whether proposed building sites will be reasonably safe from flooding.

(B) Review application for a construction permit on forms furnished by the Building Official, prior to authorizing the commencement of any construction activities. The following information, as a minimum, is required to be reviewed:

(1) Two sets of building plans drawn to scale and showing, at a minimum, elevations for

each exterior wall; floor plan(s); foundation and wall sections and details; stair details; and electrical, plumbing and mechanical riser diagrams. The plans shall give a full description of proposed construction including a site plan identifying area(s) having special flood related hazards as applicable.

(2) Plans shall indicate the BFE and the DFE elevation of the proposed building, verification that materials proposed below the design flood elevation (DFE) are flood resistant per FEMA Technical Bulletin 2; if applicable, include flood proofing certification (non-residential), hydrostatic venting information, breakaway wall details and certifications from a registered architect/engineer.

(C) Maintain permanent copy of building permits issued and copies of all required certifications for the life of the structure.

(D) Where interpretation is needed as to the exact location and elevation of all areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Building Official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

(E) Maintain a copy of letter of map changes (LOMC) issued by FEMA in the office of the Building Official.

(F) Maintain on file for public access flood maps issued by the Federal Emergency Management Agency (FEMA).

(G) Review violations that occur during the course of construction. Failure of the contractor to make required changes shall be cause for issuance of a stop-work order for the project.

(H) When base flood elevation or floodway data have not been provided by the applicants, the Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source.

(I) Advise owners, no new flood insurance coverage may be provided for any new construction of, or substantial improvement to, a structure located within the coastal barrier resources system as defined in Section 4 of the Coastal Barrier Resources Act.

(J) Determine the elevation requirement for construction in flood zones.

(K) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334 and that no adverse impact occurs during the development process as authorized by the 44 CFR 59 and 60.

(L) Notify adjacent communities and the S.C. Natural Resources Department prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

(M) Ensure that maintenance and inspections are provided within the altered or relocated portion of watercourses so that the flood-carrying capacity is not diminished, and maintaining records of the same until completion of the project.

(Ord. 2016-14, passed 1-19-2017)

(N) Notify all repetitive loss area structures of their risk of flooding and the services available to them.

§ 151.27 DUTIES AND RESPONSIBILITIES OF THE PLANNING AND ZONING OFFICIAL.

Duties and responsibilities of the Planning and Zoning Official shall include, but not be limited to: require a zoning permit to be issued in conformance with the provisions of the Town of James Island Zoning and Land Development Regulations, as amended, and/or the Town of James Island Comprehensive Plan prior to the commencement of any development or construction activities. The permit shall give a full description of proposed construction.

(Ord. 2016-14, passed 1-19-2017)

§ 151.28 DUTIES AND RESPONSIBILITIES OF THE PUBLIC WORKS OFFICIAL.

Duties and responsibilities of the Public Works Official shall include, but not be limited to, requiring stormwater permit approval in conformance with the provisions of the Town of James Island Public Works Stormwater Utility Fee Ordinance, the Town of James Island Stormwater Management Program, and the Town of James Island Stormwater Program Standards and Procedures Manual prior to the commencement of any land disturbance or development activities and requiring encroachment permit approval in conformance with the Encroachment Permit Manual prior to impacting public right-of-way or easement. The stormwater approval should provide a full description of the proposed construction.

- (A) To coordinate, implement, and manage the Town of James Island's drainage systems.
- (B) To deny a facility connection to Town of James Island stormwater systems or facilities or discharge to waters of the State if town requirements are not met.
- (C) To require the submittal of an application for all applicable construction activities that cause any land disturbance or alter the storm drainage characteristics of the land. The application shall include the information required to control stormwater pollutants and other components in accordance with the Town of James Island Stormwater Program Standards and Procedures Manual.
- (D) To require the development and enforcement of a stormwater pollution prevention plan (SWPPP) for all new and re-development projects.
- (E) To approve construction activities and to require as a condition of such approval structural or non-structural controls, practices, devices, operating procedures or other mechanisms to protect public and private property from flooding, erosion, pollutants, and attain total maximum daily loads (TMDLs) pollutant reductions and water quality standards.
- (F) To require the submittal of an application for all applicable activities that impact a public right-of-way or easement.
- (G) To require the removal of an encroachment, if necessary, at the expense of the permittee.

(Ord. 2016-14, passed 1-19-2017)

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 151.40 GENERAL STANDARDS.

(A) All new construction and substantial improvements within the areas of special flood hazard shall comply with the following:

- (1) Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including

the effects of buoyancy and debris impact.

(2) Be constructed to meet or exceed the required design flood elevation (DFE), which is the base flood elevation plus a two-foot freeboard.

(3) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.

(4) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(5) Be constructed with Class 4 or 5 materials resistant to flood damage as per FEMA Technical Bulletin 2, entitled "Flood-Resistant Materials Requirements for Buildings Located in Special Flood Hazard Areas", incorporated herein by reference, in all areas below the design flood elevation,

(6) Be constructed by methods and practices that minimize potential for flood damages.

(7) A temporary construction trailer may only be permitted to be on site for fewer than 180 consecutive calendar days at a time, and must be fully ready for highway use, and shall be attached to the site only by quick disconnect type utilities and security devices.

(8) Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of the base flood plus 2 feet (freeboard).

(9) Be constructed with methods and practices outlined in ASCE24 or an at least equally stringent standard.

(B) Elevation certificate requirements when a structure is constructed or substantially improved in the area of special flood hazard:

(1) A certified under construction elevation certificate is required, after the lowest floor is completed and before any further inspections are accepted and vertical construction commences.

(2) Floodproofing certificate for non-residential construction including floodproofing level is required immediately after the floodproofing is completed. When floodproofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

(3) A certified finished construction elevation certificate shall be provided after completion of construction including final grading of the site.

(4) Elevation certificates shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

(5) Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The Building Official shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed.

(6) Failure to submit certification or failure to make the corrections required hereby shall be cause to issue a stop work order for the project and/or the certificate of occupancy may be withheld.

(C) New development in the area of special flood hazard shall minimize disruption to

shorelines, stream channels, stream banks, and the regulatory floodway.

~~(D) Plumbing supply lines and wastewater disposal system piping shall be located and/or properly supported to withstand all loads imposed.~~ Water Supply Systems - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
Sanitary Sewage Systems

– New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(E) Existing buildings and structures:

(1) Where substantial improvement or substantial damage is not a factor, replacement of electrical, heating, plumbing, heating and air conditioning equipment to existing structures shall be elevated to at least the existing lowest floor level or to the design flood elevation; and replacement ductwork installed below DFE shall be designed so as to prevent water from entering or accumulating within during conditions of flooding.

(2) Improvements to a structure where substantial improvement or substantial damage is not a factor shall be designed and constructed so as to meet the requirements of this chapter, with an exception that the minimum elevation of the lowest floor of an improvement may match the existing legally non-conforming structure existing lowest floor.

(F) Modular construction shall be consistent with the South Carolina Modular Building Construction Act (S.C. Code § 23-43-10 et seq.) as may be amended from time to time, which is incorporated herein by reference.

(G) Enclosures below the design flood elevation, shall be the minimum necessary to allow for parking of vehicles, limited storage, or entry to the living area.

~~(H) An exterior door with a landing shall be installed at the top of the stairs that provides access to the building.~~

~~(I) Accessory residential structure specific standards: All new construction or substantially improved accessory residential structures, as defined herein shall meet the following conditions:~~

~~(1) Accessory residential structures shall be constructed in compliance with this chapter.~~

~~(2) Accessory residential structures shall not be used for human habitation.~~

~~(3) Flood elevation certificates may be required, if the structure has a footprint in excess of 600 square feet and is determined by the Building Official that these are necessary to determine the elevation of electric or other utility services provided to the accessory structure.~~

~~(4) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.~~

~~(5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to DFE.~~

~~(6) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.~~

~~(J) **Reasonably safe from flooding.** Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.~~

(Ord. 2016-14, passed 1-19-2017; Ord. 2018-12, passed 10-18-2018)

Accessory Residential Structure Specific Standards:

New construction or substantial improvements to residential accessory structures that contain habitable space shall meet the requirements of new construction as contained in this Ordinance.

Small and/or low value accessory structures that do not contain habitable space may be exempted from the elevation requirements in AE Zones only, provided the following conditions are met:

- a. The building is constructed of flood-resistant materials below the design flood elevation.
- b. Exterior perimeter walls are provided with openings to relieve hydrostatic pressure and the interior is not partitioned or finished into separate rooms.
- c. Electrical, heating, ventilation, plumbing, air conditioning, and other service facilities are prohibited, except for essential lighting and power circuits. Flood elevation certificates may be required to determine the elevation of electric or other utility services provided to the accessory structure. Services facilities such as electrical and heating equipment shall be elevated or floodproofed to DFE.
- d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
- e. The building is used only for parking of vehicles and/or limited storage of equipment used to service the principal building.

10. Manufactured Home Additional Specification Standards:

- a. Permits shall be obtained for placement of manufactured homes or temporary construction trailers.
- b. All manufactured homes permitted to be placed shall be installed using methods and practices which minimize flood damage, which include but are not limited to elevating the lowest floor of the manufactured home on a permanent foundation, as defined herein as a *manufactured home permanent foundation*, to or above the design flood elevation in A or AE zones only.
 - i. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement.
 - ii. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.
 - iii. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - iv. Designs for manufactured home permanent foundations are subject to approval of the Building Official.

11. Recreational Vehicles Additional Specific Standards:

All recreational vehicles, other than those parked at another permanent structure temporarily while not in use, placed or sited within special flood hazard areas must:

- a. Be on the site for fewer than 180 consecutive calendar days, and
- b. Be fully registered and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- c. If the vehicle is to remain in an A or AE zone, it must be elevated in accordance with requirements for manufactured homes as provided in section 151.41 of this article.

§ 151.41 SPECIFIC STANDARDS IN ADDITION TO GENERAL STANDARDS FOR UNNUMBERED A ZONES, AE ZONES AND VE ZONES.

(A) ~~***A and AE zone additional specific standards.***~~

(1) All new construction and substantial improvements of residential structures within Zone AE on the Charleston County FIRM shall be elevated so that the top of the lowest floor level (including basement) is elevated to or above the design flood elevation.

(2) All new construction and substantial improvements of non-residential structures within Zone AE on the community FIRM may be floodproofed below DFE if they are designed so that below the design flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy including attendant utilities and sanitary facilities.

(3) Where a non-residential structure is intended to be made watertight below the base flood level:

(a) A registered professional engineer or architect licensed in the state shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this chapter, including but not limited to **Floodproofing Non-Residential Buildings** (FEMA P-936) as published by the Federal Emergency Management Agency incorporated herein by reference; and

(b) A record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained with the Building Official.

(4) Enclosed areas below the design flood elevation, including foundation crawl space areas, shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect licensed in the state or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.

(d) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(e) The area of the opening is the net clear opening calculated as the open area (excluding area of screening or other coverings that prohibit the free flow of water through the opening).

(f) Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

(5) In special flood hazard areas without base flood elevation data, new construction or substantial improvements of structures shall be elevated to at least two feet above the anticipated flood elevation during a base flood, as determined through an engineering analysis meeting the Federal Emergency Management Agency guidelines for flood insurance studies with the floodway to be established with no more than 0.5 ft rise, or at a minimum so that the lowest floor is no less than four feet above the highest adjacent grade at the building site or above design flood elevation determined through other means approved by the Building Official, including but not limited to:

(a) Data available from a federal, state or local source to determine the anticipated base

flood level;

(b) Contour interpolation to estimate a base flood level;

(c) Data extrapolation for sites within 500 feet upstream of a stream for which a 100-year profile has been computed by detailed methods, as long as the flood plain and channel bottom slope characteristics are relatively similar to the downstream reaches; or

(d) Hydrologic and hydraulic calculations using FEMA approved methods, including but not limited to HEC-RAS 3.1.1 and up, HEC-1 4.0.1 and up, HEC-2 4.6.2, FLO-2D, QUICK 2, SFD, WSPRO.

Specific Standards in addition to 151.41 General Standards for VE and Coastal A Zones

(6) ~~Standards for streams without established base flood elevations located within the areas of special flood hazard (Zones A), are small streams where no base flood data has been provided and where no floodways have been identified. The following provisions apply within such areas:~~

~~(a) In all areas of special flood hazard where base flood elevation data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or five acres, whichever is less.~~

~~(b) No encroachments, including fill material, new construction, or substantial improvement shall be located within a distance of 100 feet of the stream bank unless certification by a registered professional engineer licensed in the state with supporting technical data is provided, demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.~~

~~(7) Standards for streams with established base flood elevations but without floodways along rivers and streams where base flood elevation (BFE) data is provided but no floodway is identified for a special flood hazard area on the FIRM or in the FIS. No encroachments, including fill material, new construction, or substantial improvement shall be located within a distance of 100 feet of the stream bank unless certification by a registered professional engineer licensed in the state with supporting technical data is provided, demonstrating that such encroachments will not increase the water surface elevation of the base flood more than one half of one foot at any point within the community.~~

(B) ~~**VE zone additional specific standards.**~~ VE zones and Coastal A Zones are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash, and therefore, the following provisions shall apply:

(1) All new construction and buildings that are substantially damaged or improved within VE and Coastal A zones are to be located landward of the reach of mean high tide.

(2) Provide that all new construction and substantial improvements in zone VE and Coastal A Zone, on the Charleston County FIRM, are elevated on pilings or columns so that:

(a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the design flood elevation; and

(b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by the **International Building Code** or **International Residential Code** as adopted and periodically amended by the state.

(c) A registered professional engineer or architect licensed in the state shall develop and/or review the structural design, specifications and plans for construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions.

(3) New construction and substantial improvements within the VE zone shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. A breakaway wall shall be permitted only if a registered professional engineer or architect licensed in the state certifies that the designs proposed meet the following conditions:

(a) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(b) The elevated portion of the building and supporting foundations system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards. ~~Such enclosed space shall be useable solely for parking of vehicles, building access, or storage.~~

(c) Electrical, mechanical and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads

(4) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. The Building Official shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist licensed in the state which demonstrates that the following factors have been fully considered:

(a) Particle composition of fill material does not have a tendency for excessive natural compaction;

(b) Volume and distribution of fill will not cause wave deflection to adjacent properties; and

(c) Slope of fill will not cause wave run-up or ramping.

(5) Man-made alteration of sand dunes and mangrove stands within zone VE **and Coastal A Zones** which would increase potential flood damage shall be prohibited.

(6) Pre-construction and as-built design and breakaway wall certifications, where applicable, shall be provided by registered professional engineers and/or architects licensed in the state for new and substantially improved structures in VE **and Coastal A** flood zones on the Charleston County FIRM. These certificates shall also be provided for all lateral additions to structures in the VE **and Coastal A** flood zones.

(7) Enclosed areas below the lowest floor shall be the minimum necessary to allow for parking of vehicles, limited storage, and access to the primary occupancy.

(8) Walls intended to break away under flood loads as specified shall have flood openings that meet the criteria in the general standards section for enclosed space below design flood elevation.

(9) Appurtenant features, defined as swimming pools, decks, gazebos, fences, and other features as determined by the Building Official as potentially causing an obstruction in the coastal high hazard area, must comply with the Federal Emergency Management Agency (FEMA) Technical Bulletin 5, **Free of Obstruction Requirements**, or any revisions thereto, incorporated herein by reference.

(10) Any and all other obstructions located in the VE Zone shall meet all applicable requirements of this ordinance.

(C) *Manufactured home and Recreational Vehicles additional specification standards in VE and Coastal A Zones.*

1. New or replacement manufactured homes (e.g. those designed to meet HUD standards) shall not be placed within property located in VE and Coastal A Zones.

2. Existing manufactured homes in VE and Coastal A Zones may be permitted to remain as long as the structure complies with minimum health and safety standards and is anchored to resist flotation, collapse, lateral movement or debris impacts.

3. The placement of a permanent recreational vehicle is prohibited in VE and Coastal A Zones.

(D) In Coastal A Zones, stem wall foundations supporting a floor system above and backfilled with soil or gravel to the underside of the floor system shall be permitted provided that the foundations are designed to account for wave action, debris impact, erosion and local scour. Where soils are susceptible to erosion and local scour, stem wall foundations shall have deep footings to account for the loss of soil. Stem walls are to be limited to a height of two feet above existing grade.

~~(1) Permits shall be obtained for placement of manufactured homes or temporary construction trailers.~~

~~(2) All manufactured homes permitted to be placed shall be installed using methods and practices which minimize flood damage, which include but are not limited to elevating the lowest floor of the manufactured home on a permanent foundation, as defined herein as a manufactured home permanent foundation, to or above the design flood elevation.~~

~~(a) For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement.~~

~~(b) Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.~~

~~(c) This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.~~

~~(d) Designs for manufactured home permanent foundations are subject to approval of the Building Official.~~

~~(3) New or replacement manufactured homes (e.g. those designed to meet HUD standards) shall not be placed within property located in zone VE.~~

~~(4) Existing manufactured homes in VE zones may be permitted to remain as long as the structure complies with minimum health and safety standards and is anchored to resist flotation, collapse, lateral movement or debris impacts.~~

~~(D) **Recreational vehicles additional specific standards.** All recreational vehicles, other than those parked at another permanent structure temporarily while not in use, placed or sited within zones A, AE, and VE must:~~

~~(1) Be on the site for fewer than 180 consecutive calendar days; and~~

~~(2) Be fully registered and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.~~

~~(3) If the vehicle is to remain in an A or AE zone, it must be elevated in accordance with requirements for manufactured homes as provided in this § 151.41.~~

~~(4) The placement of a permanent recreational vehicle is prohibited in VE zones.~~

~~(Ord. 2016-14, passed 1-19-2017)~~

§ 151.42 STANDARDS FOR REGULATORY FLOODWAYS.

Areas of special flood hazard established as regulatory floodways in the Charleston County Flood Insurance Rate Map (FIRM) and/or the Charleston County Flood Insurance Study, are the Charleston County designated floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

(A) Prohibition of encroachments, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice in accordance with the Charleston County Flood Insurance Study or as otherwise deemed appropriate by FEMA or the Building Official, certified by a state licensed engineer, that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharges.

(B) Encroachments may be permitted within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the town first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12 of 44 CFR and receives the approval of the federal insurance administrator.

Standards for streams with established base flood elevations but without floodways along rivers and streams where base flood elevation data is provided but no floodway is identified for a Special Flood Area on the FIRM or in the FIS. The following provisions apply within such areas:

a. No encroachments, including fill material, new construction, or substantial improvement shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point

(C) The area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one-half foot at any point.

(Ord. 2016-14, passed 1-19-2017)

§ 151.43 STANDARDS FOR SUBDIVISION PROPOSALS AND OTHER DEVELOPMENT.

Standards for subdivision proposals shall meet or exceed the following minimum criteria:

(A) All subdivision proposals shall be consistent with the need to minimize flood damage;

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;

(D) Base flood elevation data shall be provided for all subdivision proposals (including

manufactured home parks and subdivisions).

(E) In all areas of special flood hazard where base flood elevation data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments ~~containing at least 50 lots or five acres, whichever is less.~~

(Ord. 2016-14, passed 1-19-2017)

APPEALS AND VARIANCES

§ 151.55 APPEAL AND VARIANCE PROCEDURE.

(A) The Charleston County Construction Board of Adjustment and Appeals as established by the County Council shall hear and decide appeals and requests for variance meeting the following provisions from the requirements of this chapter:

(1) Public notice of all meeting of the Board shall be provided by at least electronic delivery to the news television stations, the newspaper of general circulation, the radio communication companies, and several individual town/jurisdictional distribution papers.

(2) Decisions on which a variance or appeal is requested shall be those made by the Building Official or his designee.

(3) Requests for a hearing for a variance or appeal of a decision shall be in writing, and shall be received in the office of the Building Official within 30 calendar days of notice to the appellant of the decision.

(4) The appellant shall be the owner of the property affected by the decision or his or her duly authorized representative.

(B) This Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building or the Planning and Zoning Official in the enforcement or administration of this chapter.

(C) Any person aggrieved by the decision of this Board or any taxpayer may appeal such decision, as provided in § 4-9-30 of the S.C. Code of Laws.

(D) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(E) Variances may be issued for a new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that requirements of this section are met and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(F) Variances may be issued to wet flood proof an expansion to an existing farm structure in accordance with Technical Bulletin 7, ***Wet Flood Proofing Requirements for Structures Located in Special Flood Hazard Areas*** in accordance with the National Flood Insurance Program available from the Federal Emergency Management Agency. The structure must meet all of the conditions and considerations for variances otherwise established within this chapter. In addition, the following standards shall apply:

(1) Use of the structure must be limited to agricultural purposes such as pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment; steel grain bins and steel frame corn cribs; and general purpose barns for temporary feeding of livestock;

(2) The expansion to an existing farm structure must be built or rebuilt, in the case of an existing building which is substantially damaged, with flood resistant materials for building elements below the base flood elevation;

(3) The expansion to an existing farm structure must be adequately anchored to prevent flotation, collapse or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic and debris impact forces;

(4) The expansion to an existing farm structure shall meet the requirements for hydrostatic venting requirements of this chapter;

(5) Electrical, mechanical or other utility equipment must be located at or above the design flood elevation, or must be maintained in a flood proofed enclosure complying with this chapter which is capable of resisting damage during flood conditions;

(6) The expansion to an existing farm structure must comply with floodway encroachment provisions of this chapter; and

(7) Major equipment or machinery must be protected from damage by flooding, which may include safely removing the contents of an expansion to an existing farm structure to a specified site out of the flood plain upon notification of potential flooding event.

(G) In passing upon such applications, this Board shall consider all staff reports and technical evaluations, all relevant factors and all standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent usage;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The conformance of the proposed use to the Town Comprehensive Plan and the Town of James Island Zoning and Land Development Regulations;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site during a base flood event; and

(10) The costs of providing governmental services to the site during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems, and streets and bridges.

(H) The Board may attach such reasonable conditions to the granting of variances as it deems necessary to further the purpose of this chapter.

(I) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result, nor shall a variance be based on financial hardship alone; nor solely due to existing or as-built elevation deficiencies that will cause extreme hardship.

(J) Conditions for variances.

(1) Variances shall be issued only on a determination that the variance is the minimum necessary needed to afford relief considering the flood hazard; and in the instance of an historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;

(2) Variances shall be issued only upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship; and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of a nuisance, fraud on or victimization of the public, or conflict with other existing laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the differences between the base flood elevation and the elevation of which the building is to be built and a statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(4) The Building Official shall maintain the records of all appeal actions and report any variances granted to the Federal Emergency Management Agency upon request.

(5) Variances may not be issued when the variance will make the structure in violation of other federal, state or local laws, regulations or ordinances.

(Ord. 2016-14, passed 1-19-2017)

COMPLIANCE FOR PROPOSED REAL ESTATE TRANSACTIONS

§ 151.70 PROVISION FOR INSPECTIONS.

(A) For the purpose of establishing pre-existing conditions which may not be in compliance with the Town of James Island Flood Damage Prevention and Protection Ordinance, it is hereby established that the Building Services Department is authorized to conduct inspections of existing structures at the request or with the consent of the owner of the structure or his agent for compliance with the Town of James Island Flood Damage Prevention and Protection Ordinance when requested for a proposed real estate transaction or insurance policy issue.

(B) The Building Official may promulgate regulations for the implementation of this program, consistent with the intent hereof and with the terms of the remainder of Chapter 151 of the Code of Ordinances of the Town of James Island.

(C) These inspections are to be conducted at a convenient time for the property owner or his agent and during the normal operating hours of the Building Services Department.

(D) Reports generated as a result of these inspections are to be considered public records and are to be maintained in the Office of the Building Official in accordance with the county records retention schedule.

(Ord. 2016-14, passed 1-19-2017)

NUISANCES

§ 151.85 NUISANCES WITHIN A SPECIAL FLOOD HAZARD AREA.

(A) ***Certain nuisances defined.*** Notwithstanding anything to the contrary set forth in the Code of Ordinances, Town of James Island, the following activities occurring within a special flood hazard area constitute a danger to the health, safety, and welfare of the residents of the town, are hereby defined as public nuisances and are prohibited within any special flood hazard area.

(1) The manufacture, processing, blending, mixing or refining of the following products as defined in the ***International Fire Code*** as adopted by the Town of James Island:

- (a) Explosives;
- (b) Blasting agents;

(2) Storage of the products listed in division (A)(1) above, except that the retail sale of packages products off-the-shelf at properly licensed and otherwise authorized retail sales outlets, is allowed.

(B) ***Defense - prior use of property.*** It shall be a defense to prosecution pursuant to division (A) above if:

(1) Property located within a special flood hazard zone was being used for a purpose defined as a nuisance in division (A)(1) above, before August 3, 1971, has been continuously used for such purpose thereafter, and such use:

- (a) Was a permitted use pursuant to the county zoning ordinance as of August 3, 1971; or

(b) Constituted a lawful non-conforming use under the county's zoning ordinance on August 3, 1971; and

(2) Property which becomes located within a special flood hazard area as the result of an amendment to the county's FIRM was being used for a purpose defined as a nuisance in division (A)(1) above, before the effective date of the amended FIRM, has been continuously used for such purpose thereafter, and such use:

(a) Was a permitted use pursuant to the town's zoning ordinance as of the effective date of the FIRM; or

(b) Constituted a lawful non-conforming use under the town's zoning ordinance on the effective date of the FIRM.

(Ord. 2016-14, passed 1-19-2017)

§ 151.99 PENALTY.

(A) **Criminal penalties.** Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the town from taking such other lawful actions as are necessary to prevent or remedy any violation.

(B) **Civil remedies.** In addition to any other criminal or civil remedies that may be available to the town, the town may seek and obtain an injunction against the owner or owner's representative with control over the property in accordance with applicable laws and procedures.

(Ord. 2016-14, passed 1-19-2017)