



Town of James Island, Regular Town Council Meeting
September 21, 2023; 7:00 PM; 1122 Dills Bluff Road, James Island, SC 29412

IN-PERSON MEETING

(This Meeting will also be live-streamed on the Town's You-Tube Channel, <https://www.youtube.com/channel/UCm9sFR-ivmaAT3wvHdAYZqw/>)

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 encourages the public to provide comments prior to its Town Council meeting. Residents wishing to address the Council will be limited to three (3) minutes and must sign in to speak. Comments may also be sent ahead of the meeting by emailing to: info@jamesislandsc.us, 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) Opening Exercises
- 2) Presentation: Opportunity Calls for Everyone: Summer 2023 Program Overview (Denise Johnson)
- 3) Public Hearing: Ordinance #2023-07: Proposed Zoning Map Amendment from RSL (TMS#425-12-00-185) and CC District (TMS#425-12-00-298) to the Marsh Walk Village Planned Development (PD 201)
- 4) Public Comment
- 5) Consent Agenda:
 - a) Minutes: August 17, 2023, Regular Town Council Meeting
- 6) Information Reports:
 - a) Finance Report
 - b) Town Administrator's Report
 - c) Public Works Report
 - d) Island Sheriff's Patrol Report
- 7) Requests for Consideration by Staff:
 - a) Request to Approve Traffic Calming Recommendations for Seaside Lane (Presentation: Laura Cabiness, JLA, Inc)
 - b) Request to Reserve Pinckney Park pavilion for Weekly Bear Scouts Troop 50 Use (Sept -May)
 - c) Request to Reserve Pinckney Park for Weekly Cub Scouts Den 3 (Weblos) Use (Sept – April)
 - d) Request to Approve Water Service Connection at Brantley Park (\$4,250)
 - e) Town Hall Feasibility Study – Fee Proposal to Add Hillman Property to Scope of Work (\$16,770)

8) Committee Reports:

- a) Land Use Committee
- b) Environment and Beautification Committee
- c) Children's Committee
- d) Public Safety Committee
- e) History Committee
- f) Rethink Folly Road
- g) Drainage Committee
- h) Business Development Committee
- i) Trees Advisory Committee
- j) James Island Intergovernmental Council

9) Proclamations and Resolutions:

- a) Breast Cancer Awareness Month, 2023
- b) Resolution #2023-09: Adopting the 2023-2024 Charleston Regional Hazard Mitigation Plan (5-Year Update)

10) Ordinances up for First Reading:

- a) Ordinance #2023-06: to Amend Business License # 2021-09 to Update Class Schedule
- b) Ordinance #2023-07: Proposed Zoning Map Amendment from RSL (TMS#425-12-00-185 and CC District (TMS#425-12-00-298 to the Marsh Walk Village Planned Development (PD 201))

11) Ordinances up for Second/Final Reading:

12) Old Business:

13) New Business:

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

15) Return to Regular Session:

16) Announcements/Closing Comments:

17) Adjournment:

ORDINANCE 2023-07

AN ORDINANCE REZONING REAL PROPERTY LOCATED ON DILLS BLUFF ROAD FROM THE LOW-DENSITY SUBURBAN RESIDENTIAL (RSL) ZONING DISTRICT (TMS #425-12-00-185) AND THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT (TMS #425-12-00-298) TO THE MARSH WALK VILLAGE (PD-201) PLANNED DEVELOPMENT DISTRICT (EXHIBIT A)

WHEREAS, properties located on Dills Bluff Road, identified as Tax Map Numbers 425-12-00-185 and 425-12-00-298 and referenced on the attached exhibit are currently zoned as Low-Density Suburban Residential (RSL) and Community Commercial (CC), respectively; and

WHEREAS, the applicant requests this parcel be zoned to the Marsh Walk Village (PD-201) Planned Development Zoning District to create flexibility in design to create a mixed-use community (single-family residential and commercial uses); and

WHEREAS, the applicant has submitted a complete application for Zoning Map Amendment (rezoning) pursuant to Section 153.044 and 153.078 of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR); and

WHEREAS, the Town of James Island Planning Commission has reviewed the proposed Zoning Map Amendment and adopted a resolution, by majority vote of the entire membership, and recommended that the Town of James Island Council (Town Council) approve with conditions the proposed Zoning Map Amendment based on the Approval Criteria of Section 153.078 (F) (5) (i) of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, Town Council held at least one public hearing and after close of the public hearing, Town

Council approved with conditions the proposed Zoning Map Amendment based on the Approval Criteria of Section 153.078 (F) (5) (i) of the ZLDR; and

WHEREAS, Town Council has determined the Zoning Map Amendment meets the following criteria;

1. The PD development plan complies with the standards contained in this section;
2. The development is consistent with the intent of the Comprehensive Plan and other adopted policy documents; and
3. The Town and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed.

NOW, THEREFORE, be it ordained by the Town of James Island Town Council, in meeting duly assembled, finds as follows:

SECTION 1. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. REZONING OF PROPERTY

- A. Town of James Island Council rezones the properties located on Dills Bluff Road, identified as Tax Map Numbers 425-12-00-185 and 425-12-00-298, and referenced on the attached "Exhibit A", from the Low-Density Suburban Residential (RSL) Zoning District and the Community Commercial (CC) Zoning District to the Marsh Walk Village (PD-201) Planned Development District; and

- B. Any and all development of the subject parcel must comply with the ZLDR and any and all other applicable ordinances, rules, regulations, and laws; and
- C. The Zoning Map of Tax Map Numbers 425-12-00-185 and 425-12-00-298 referenced on the attached "Exhibit A", are amended to Marsh Walk Village (PD-201) in accordance with Section 153.078 of the ZLDR.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon approval of Town Council following second reading.

ADOPTED AND APPROVED in meeting duly assembled this 19th day of October 2023.

TOWN OF JAMES ISLAND COUNCIL

By: _____
Bill Woolsey
Mayor of the Town of James Island

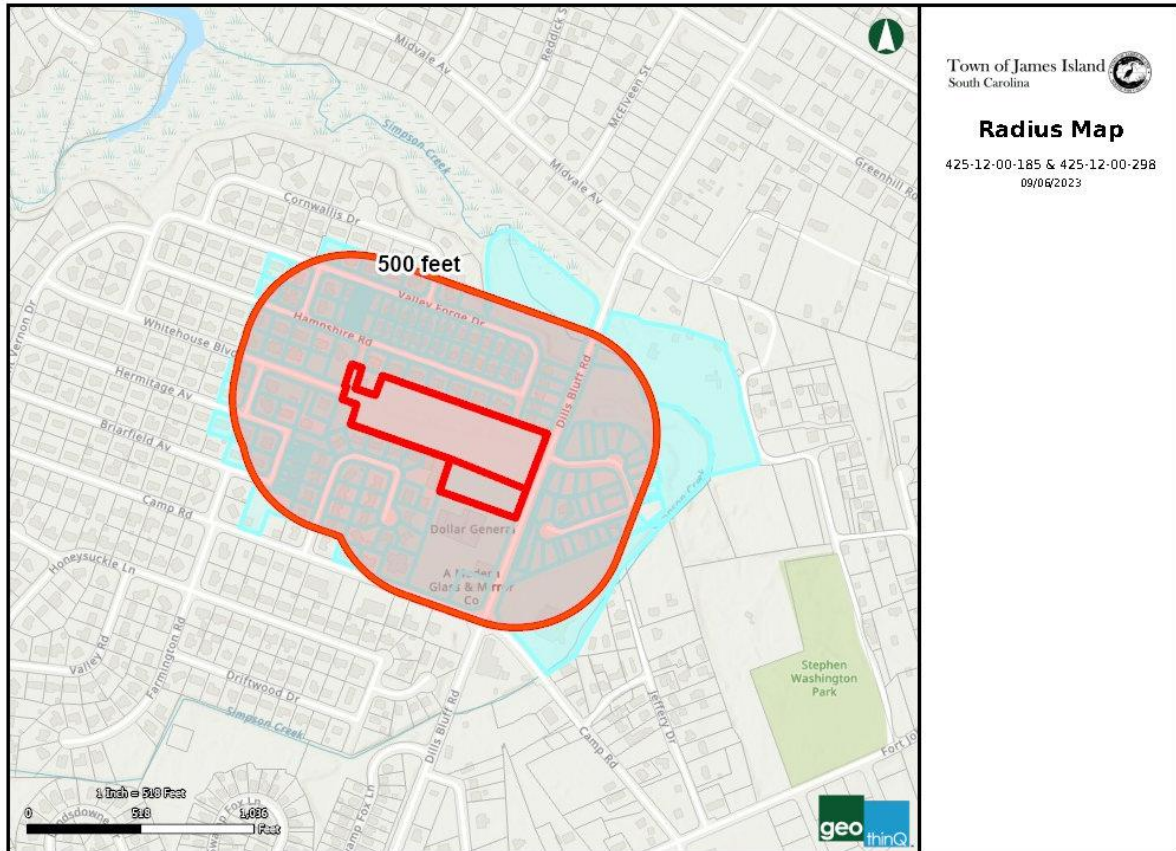
ATTEST:

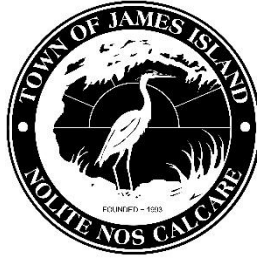
By: _____
Frances Simmons
Town Clerk of the Town of James Island

Public Hearing: September 21, 2023
First Reading: September 21, 2023
Second Reading: October 19, 2023

EXHIBIT A

<https://www.jamesislandsc.us/sites/default/files/uploads/marsh-walk-village-pd-pc-submittal.pdf>





**ZONING/PLANNING
DEPARTMENT**

TOWN OF JAMES ISLAND PLANNING COMMISSION:

August 10, 2023, September 14, 2023

Case Summary: ZPD-7-23-201 (PD-201)

**Request to rezone from the Low-Density Suburban Residential (RSL)
Zoning District and the Community Commercial (CC) Zoning District to the
PD-201, Marsh Walk Village Planned Development Zoning District**

History and Overview:

The proposed PD-201, Marsh Walk Village, is located near the corner of Dills Bluff Road and Camp Road. The properties are currently wooded with no structures located on them and are adjacent to an existing shopping center and two established neighborhoods (Whitehouse Plantation and Camp Center Villas). The parcels included in the current Zoning Map Amendment Request are a combined 6.52 acres in size and are in the RSL Zoning District and the Community Commercial Zoning District. The property owner for both parcels is the James Island Public Service District. There is no critical area designated by DHEC-OCRM on the subject parcels. TMS #s in the proposed PD are 425-12-00-185 and -298.

The applicant is seeking to rezone from the RSL and CC Zoning Districts to the Planned Development Zoning District (PD-201) to “create flexibility in design to create a mixed-use community that maintains the natural aesthetic and character of James Island”. Specifically, PD-201 requests the following:

- A maximum of 20 single-family attached traditional units (density of 3.07 units per acre), or 25 single-family attached workforce units (density of 3.83 units per acre);
- Residential Area: Uses as allowed in the RSL Zoning District, with additional uses allowed by right such as single-family attached units, Parks and Recreation, Special Events, Sewage Collector or Trunk Lines, Water Mains, and Model Home to be used as a sales office for homes in the PD;
- Village Commercial Area: Uses as allowed by right in the CC Zoning District, with additional allowances for the sale of beer, wine, and liquor without Special Exception requirements, as well as pet services including pet stores and grooming saloons without Special Exception requirements. Uses that shall be prohibited include pet and animal kennels, daycare and/or boarding, automotive sales and repairs, and gun/firearm sales;
- Community open space areas that will comprise at least 20% of the parcel and will be conveyed, owned and maintained by the Marsh Walk Village HOA in the Residential Area, and owned and maintained by the commercial

- property owner in the Village Commercial Area;
- Smaller lot size requirements;
 - Smaller front/street side, rear, and interior side setbacks; and
 - Increased maximum building cover in the Residential Area (increase from 30% to 80%).

Adjacent Zoning:

Surrounding properties on the west side of Dills Bluff Road are in the Low-Density Suburban Residential (RSL) Zoning District and the Community Commercial (CC) Zoning District in the Town of James Island, as well as Diverse Residential (DR-1F) in the City of Charleston. On the east side of Dills Bluff Road, properties are in the Preserve at Dills Bluff Planned Development (PD-101) Zoning District in the Town.

Staff Recommendation:

According to Section §153.075 (F) (5) (i) of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, applications for PD Development Plan approval may be approved only if Town Council determines that the following criteria are met:

a. The PD Development Plan complies with the standards contained in this Article;

Staff's response: The proposed Planned Development Zoning District complies with the requirements of the ZLDR. Additionally, the proposed density is equal to the the density allowed by the current zoning districts and the flexible lot standards proposed will allow for greater flexibility in site design.

b. The development is consistent with the intent of the *Comprehensive Plan* and other adopted policy documents;

Staff's response: The proposed Planned Development Zoning District is consistent with the intent of the *Comprehensive Plan, Future land Use Categories* which state, "*Incentives to retain the suburban character of the area such as site planning guidelines and conservation design should be provided in the zoning ordinance to preserve open space and protect natural and historic features*" in the Residential Category and "*to allow diverse retail and service uses that serve the residential population of the Island, and that do not negatively impact the surrounding community*" in the Commercial Category.

c. The Town and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;

Staff's response: The applicant has included in the proposed PD document letters from service providers stating they will be able to adequately serve the proposed development.

Staff recommends approval of this request with the following conditions:

1. The applicant must provide an updated Letter of Coordination from DHEC-OCRM as part of land disturbance permitting before any zoning permits can be issued.
2. The applicant must provide a Letter of Coordination from the South Carolina Department of Transportation.
3. Remove allowance for beer, wine, and alcohol sales without the need for a Special Exception from the BZA.
4. Remove sentence that allows slab on grade construction. Prohibit slab on grade construction in the Residential Area.
5. Remove allowance for "Workforce Residential" to keep maximum density at 20 attached traditional residential dwelling units.

Planning Commission Meeting: August 10, 2023 and September 14, 2023

Recommendation: Approval with 5 Conditions, referenced above (4-1 vote)

Speakers in support: 3 + 1

Speakers in opposition: 13 + 7

Notifications:

A total of 171 notification letters and emails were sent to owners of property within 500 feet of the boundaries of the proposed zoning map amendment and to the James Island Interested Parties List on September 6th, 2023. Additionally, this request was noticed in the Post & Courier on September 7th, 2023, and the property was posted on September 6th, 2023. The meeting notice was also sent to the Town News email recipients and was posted on the Town's Facebook page and website.

The Town of James Island held its regularly scheduled meeting on Thursday, August 17, 2023 at 7:00 p.m. in person at the Town Hall, 1122 Dills Bluff Rd., James Island, SC. This meeting was also live streamed on the Town's You-Tube Channel.

The following members of Council were present: Boles, Mignano, Milliken, Mullinax, and Mayor Woolsey, who presided. Also, Niki Grimball, Town Administrator, Merrell Roe, Finance Officer, Mark Johnson, Public Works Director, Bonum Wilson, Town Attorney, Lt. Shawn James, Island Sheriff's Patrol, and Frances Simmons, Town Clerk. A quorum was present to conduct business. This meeting was held in accordance with the SC Freedom of Information Act and the requirements of the Town of James Island. Notification provided to the public.

Opening Exercises: Mayor Woolsey called the meeting to order at 7:00 p.m. Councilman Boles offered a Moment of Silence and lead the Pledge of Allegiance.

Public Comment:

John Peters, 1301 Hampshire Rd: Mr. Peters spoke on the potential planned unit development (Marsh Walk Village) @ Dills Bluff Rd. near Whitehouse Plantation. He is opposed to the development and feels it would bring irreparable damage to the neighborhood surrounding it, and harm to the residents in the area as opposed to having green space.

Consent Agenda:

Minutes: July 20, 2023 Regular Town Council Meeting: Councilman Milliken moved to approve the July 20, 2023 meeting minutes, Councilman Mullinax seconded. Passed unanimously.

Information Reports: Finance Officer, Merrell Roe, provided a brief overview of the monthly revenue and expenditures. She noted that the figure under ARPA is a beginning figure and would change because we are still accruing from the last fiscal year.

Councilwoman Mignano asked about a \$25,039 expenditure under Public Works Asset Management. Ms. Grimball clarified it was for the annual subscription to GeoThinQ Mapping System.

Town Administrator's Report: Town Administrator Niki Grimball reported that current and upcoming projects are moving along, including the Dock Street Park Design Services, Brantley Park Phase I close-out, Brantley Park dock maintenance quotes and current drainage projects. Traffic control plans for the Camp Road Tree Preservation Project has been submitted to SC DOT. As soon as the approval is given, the contractor (Natural Directions), would like to begin work prior to getting deep into the hurricane season. Quotes for constructing speed humps on Pauline Avenue is forthcoming. Some corrections needed to be made to the plans and were resubmitted to the DOT. The filing period for the Town's election opens at 12 noon, Thursday, August 24 and closes at 12 noon, Thursday, September 7. Ms. Grimball and Ms. Simmons will be handling the materials submitted at the Town. The Town has been advertising flyers and pertinent information regarding the election through social media to keep the public informed.

The James Island Arts & Cultural Center is beginning to schedule their fall lineup of activities and programs at the Center. The Town ran an ad today for a Permitting and Licensing Manager for Building Services. The person hired will be instrumental in setting up the program and get us through what we need to do for the transition of those services in-house.

Councilwoman Mignano asked about the numbers of cases on the code enforcement report. After totaling them, it did not equal the 947 as the report indicates. Ms. Grimball explained that those cases are the most common; there are other case types that equals that amount. Councilwoman Mignano asked if the 947 is

for this period and Ms. Grimball said no, it's a total of all cases handled since the Town came into existence. She asked further if any of the new cases were for short-term rentals and Ms. Grimball answered no.

Public Works Report: Public Works Director Mark Johnson reported that a review of the hurricane plan procedures was done with newly hired staff. Staff attended a seminar on pavement rejuvenation with Charleston County. Staff participated in the kickoff meeting for the James Island Creek Basin Study. Coordination continues with the engineer and monitoring construction is ongoing for the Greenhill-Honey Hill Drainage Project that is underway. The Oceanview-Stonepost Drainage Project utility locations is being monitored as it has caused challenges for placing the new culvert under Stonepost Rd. Septic tank inspections: two new inspections, both of which passed, bringing the totals to 78 inspected with 12 failures. There are 136 inspections remaining.

Councilwoman Mignano asked what is the timeline for repair of the 12 septic tanks that failed. Mr. Johnson said those repairs have been completed. He said typically when someone finds out that their septic failed, the repair is scheduled at that time.

Island Sheriff's Patrol Report: Lt. James reported that the National Night Out event was successful having a good turnout. The crime report was given that included incidences that occurred in the Town and City. Issues regarding speeding continues to be monitored on Pauline Avenue and Julian Clark Rd. Lt. James reminded everyone that school opens next week. Councilman Boles shared that he and his children attended National Night Out and had a very good time.

Requests for Approval:

Request to Purchase Display Cases for James Island Arts & Cultural Center: Ms. Grimball requested approval for four clear glass wall cases to display exhibits and artifacts at the Center. Ms. Self is planning to make a call-out to persons having exhibits or artifacts that would like to display them at the Center for a period of time. The display would be located in the area near the history panels. The cost of four panels is \$2,885. Motion in favor by Councilman Milliken, seconded by Councilman Mullinax. No discussion. Motion passed unanimously.

Request to Approve Agreement with James Island Public Service District (JIPSD) Allocating State Appropriated Funds to James Island Creek Sewer Project: Ms. Grimball reminded Council that at the last meeting she reported that \$1 million was earmarked to the Town from the State budget for the restoration of the James Island Creek through the upcoming sewer expansion project. She said in order to implement the funding, The Town needs to enter an agreement with the James Island Public Service District (JIPSD) to set up the process of how the Town will get the money to the JIPSD. This funding will be used to assist property owners by covering the expense for fees and the cost to run the new sewer lines to each owner's house from the main line. The cost is roughly \$6,000 per property and the Town would cover that portion on behalf of Town residents from the \$1 million allocated on behalf of Town residents.

Specifically, Ms. Grimball further described the specifics in the Agreement. The JIPSD would take an application from each property owner and verify that they are Town residents and the Town would receive a bill for the applications processed each month. Should any funds be left over, the Town and PSD would need to amend the Agreement after determining how to use the remaining funds for the project. This Agreement would be between the Town and the PSD. The PSD will pass a resolution accepting the Agreement at their next meeting, if approved by Town Council.

A motion in favor was made by Councilman Milliken, seconded by Councilman Mullinax. Councilman Boles asked if the Town will be receiving the \$1 million and the PSD would invoice us on a monthly basis, to which Ms. Grimball responded 'yes. He said in theory, if no one did it, if the money was not spent, the Town would have \$1 million at the end of the term of a year. Ms. Grimball said she is awaiting specific information from the Rural Infrastructure Authority (RIA) who manages the grant funds, but that it is her understanding that if the funds are not spent on this particular project it would be returned to the State. Councilman Boles clarified that this is different from the Town's Cost Sharing Agreement where the Town pays the PSD a lump sum over the course of the year and Ms. Grimball said yes, this is different. Councilman Boles asked if its different in that instead of the PSD receiving \$1 million, it would be billed for the work per job or for what work performed over a period of time. Ms. Grimball responded yes, that Town staff felt the best way to manage the grant funds, and in order to report on the expenditures accurately, it would be best for the PSD to request funding on a monthly basis for the properties that had made requests.

There was lengthy discussion regarding the language in *Section 3: Remedies in the Agreement*. Councilman Boles said the language in this section indicates that the Town and the PSD could sue each other. He asked how strongly does Council feel a need to sue each other to enforce the Agreement. Ms. Grimball said with having funding from the State she does not see a suit because if the money is not spent as appropriated, the Town would need to give it back to the State, and further, this is not set up like other funding sources that the Town must account for. Mayor Woolsey explained the language to read that if the PSD had work done and the Town did not pay, then they could sue us. If the Town pays the PSD and they didn't do the work, we could sue them. Councilman Boles said it sounds like this is done through retroactive payments; the work done first and the bills submitted to the Town and Ms. Grimball confirmed.

Councilman Boles moved to amend the motion to remove *Section 3: Remedies from the Agreement*. Councilwoman Mignano seconded. Councilman Boles said he thinks the enforcement mechanisms are already in place. He knows there are nice folks at the PSD and at the Town, but the lawyer in him see it is not in our control if they feel the Town did not live up to its end of the bargain and take us to court because we agreed to give the money. He said there are already remedies of law. To him if this was a gift or goodwill cooperation between each other we would have to talk about it. Mayor Woolsey said we are paying the services for our residents that the PSD would be directly paying for and the Town would compensate the PSD's cost. Essentially, this is a gift from the Town to our residents. He is unsure why the PSD thought it needed to say in the Agreement they could sue us. He thinks they could sue us anyway if we fail to keep the Agreement so he doesn't see a reason to remove the clause and doesn't see how we would sue them. Councilman Boles asked if the PSD employees would be doing the work or would they contract with a third party. Ms. Grimball confirmed that the service would be contracted. Further, Councilman Boles asked who sets the price of the third party. He is concerned that they might see a big pot of money and set the price of doing the work for more than it used to be. As an example: if the Town refuses to pay \$8,000 when the job was \$5,000, a disagreement happens and we are sued. Mayor Woolsey said he thinks the rest of the Agreement would allow them to sue us anyway. Councilman Milliken commented that we do not need to have the remedies under Section 3 in the Agreement if we could be sued anyway. Mayor Woolsey asked the Town Attorney for an opinion and Mr. Wilson said he would be glad to give one, but had not reviewed the Agreement.

Councilman Milliken asked if a motion for an executive session was needed to allow time for Mr. Wilson to review the Agreement. No action was taken. Councilman Boles expressed that there are no attorney fees in the Agreement and it doesn't have "teeth" for a forum selection, but if third parties are involved who will do the work and invoice the PSD, will administrative fees be added and invoiced to the Town for what the third party did as the PSD did in the Cost Sharing Agreement. He further commented that later if we get the

invoices and one member of Council says I think we're being over billed and stop paying until we can sort it out, he doesn't want them to look at the contract and declare us in default. He said as Councilman Milliken and the Mayor pointed out, it is redundant.

Councilman Boles said in his experience when you put something such as this in an agreement it is something that people look at and think about. He said if it already exists in law and is redundant, we don't need it. It sounds what we're saying is the PSD drafted this agreement that they might need to sue us; why would they put that in there. Mayor Woolsey replied that he thinks their concern would be that they in good faith incur the costs and some members of Town Council refuse to pay saying it's a gift. Councilman Boles said it sounds like they will get the bill from the contractor and hand it to the Town plus whatever administration fee and Mayor Woolsey said he doesn't think they will choose an administrative fee on a case-by-case basis; that is not in the Agreement. Councilman Boles noted that it doesn't say they cannot do that; it says they will administer it. Further he said there is nothing in the Agreement that tells how the contractor is selected. What happens if the contractor does a bad job and has to redo work. Will they just be sending bills and the Town pays. Ms. Grimball explained how the new account credit program works and that the credit program document attached to the Agreement is more specific about what will be paid and how it is billed to the Town.

Councilman Boles asked if we looked into having residents make application to the Town? He asked why not let the homeowner select their own contractor and we pay the costs. Ms. Grimball said the issue would be that they would not use that funding; then turn it around and pay the PSD for the connection. Mayor Woolsey said it is more cost effective for a firm to go into a neighborhood and do 50-100 taps at a time rather than having them done on a case-by-case basis. Councilman Boles said that sounds nice but there are a lot of grey areas. Mayor Woolsey said the costs comes out to \$6,000 on average. Councilman Milliken asked if the \$6,000 per home is comparable to other tie-ins that happens in the low country; and, if it is, we have a standard that we are trying to meet. He also asked if this would be bid on and Mayor Woolsey said yes and a process by which oversight in the cost for the tie-in would be a part of a bid.

Councilwoman Mignano reiterated Councilman Boles' point as to why couldn't the homeowner select a contractor and submit the bill. She said the PSD has expressed multiple times that they want everyone on sewer (not septic) so perhaps they are doing it this way so they would have more participation and the homeowner doesn't have to pay themselves and be reimbursed.

Mayor Woolsey restated the motion to amend the Agreement to remove Section 3: Remedies and it passed 4-1. Mayor Woolsey voted in opposition. The vote on the main motion passed as amended 4-1. Councilman Boles voted in opposition.

Request to Approve/Purchase New Welcome Sign at Ellis Creek Bridge: Ms. Grimball showed a mockup of several options for a new "Welcome to the Town of James Island" sign near the new Carolina One building on Folly Road. The existing Town sign will need to be removed due to its placement on the property, and to fulfill Councilman Mullinax's request to have a flag display, and this seemed to present a good opportunity to combine both projects. Ms. Grimball explained each of the three mockups for Council to review. She said the material would be the same quality and composition as the Town Hall sign in front of our administrative building with the lettering consisting of brushed nickel. She showed different options for the seal or the logo. Another option for Council to consider is if the flagpole is not pursued, a seal for all branches of the armed forces at the bottom of the sign could be a good alternative. Ms. Grimball included images of the flagpole alongside each mockup to assist with how this would look and explained each. Ms. Grimball said she is working to get pricing on the flagpole but wanted to make this presentation to Council

because the old Town sign needs to be taken down soon and seeks direction from Council in moving forward.

Mayor Woolsey called for a motion asking Council which sign they preferred. Councilman Mullinax moved for option #1 (logo on the “Welcome to the Town of James Island” sign with the flagpole to the right), Councilwoman Mignano seconded. Councilman Mullinax expressed his liking for the nautical design. He said originally he had envisioned having multiple flagpoles until Ms. Grimball showed him this design. He thinks the sign looks very nice and people could see it as they travel to the beach and it would fit well into the space that we have.

Councilman Boles asked if the flagpole would be placed behind the sign and Ms. Grimball said it would go to the right and the new sign would complement the Carolina One sign sitting low in front of it and oriented at the same angle. Councilman Boles expressed his liking of the sign with the colored seal and the two-way pole vs. the four-way and the flag display would be seen better. Councilman Milliken asked if the Carolina One sign would remain where it is and Ms. Grimball said no, that is a temporary sign used during construction. Confirmation was given that staff will coordinate with Carolina One on the location of the sign and flagpole. After discussion, the motion passed unanimously.

Request to Purchase New Flagpole: Ms. Grimball requested to postpone this agenda item because she is waiting on a quote for the flagpole. This information should be received by the next meeting. Request granted without objection.

Committee Reports:

Land Use Committee: Councilwoman Mignano gave an update from the recent Planning Commission meeting regarding the Planned Development proposed on Dills Bluff Rd that a decision was deferred at that meeting.

Environment and Beautification Committee: Councilman Milliken announced a James Island Pride Adopt-a-Highway litter pickup scheduled on Saturday, September 9, 9-11 a.m., noting the roads on the island are looking pretty bad. After the cleanup a pizza lunch will be served. Helping Hands is scheduled to meet on Saturday, August 19. Councilman Milliken encourage interested groups and persons to volunteer their service in helping citizens that cannot care for their yards. Helping Hands has seven clients at this time and could use more help. The Chair for Helping Hands is Stan Kozikowski. Persons interested in volunteering should contact Robin Sanders at the Town Hall (843) 795-4141.

Children’s Committee: No report.

Public Safety Committee: Councilman Mullinax moved for the appointment of Deborah Womack to serve as the representative for the Stonepost neighborhood; Councilman Boles seconded. Passed unanimously. The next meeting of the Neighborhood Council is Thursday, September 28 at 7:00 p.m. Mayor Woolsey complimented Councilman Mullinax on a great National Night Out event.

History Committee: Mayor Woolsey announced the next meeting on Tuesday, September 12 @ 6:00 p.m.

Rethink Folly Road: Ms. Grimball announced that the Steering Committee meeting will be held on Wednesday, August 23 at 3:30 p.m. on Zoom.

Drainage Committee: Councilman Mullinax announced that a good meeting was had on August 9 and thanked Mark Johnson for his input.

Business Development Committee: No report.

Trees Advisory Committee: No report.

James Island Intergovernmental Council: Next meeting scheduled for Wednesday, October 25 at 7:00 p.m.

Proclamations and Resolutions: None.

Ordinances up for First Reading: None.

Ordinances up for Second/Final Reading: None.

Executive Session: Not required.

Announcements/Closing Comments:

Councilman Boles reminded everyone that school opens next week.

Councilwoman Mignano thanked staff for the work that they do.

Councilman Milliken reminded everyone of the Adopt-a-Highway litter pickup on Saturday, September 9, 9-11 a.m.

Councilman Mullinax thanked staff: Mark Johnson and Niki Grimball for all that they do.

Mayor Woolsey reminded citizens that the Town's filing period for the November election will open Thursday, August 24 at 12:00 noon to Thursday, September 7 at 12:00 noon. He shared that he has served as Mayor since 2010 and would not be seeking reelection.

Adjournment: There being no further business to come before the body, the meeting adjourned at 7:40 p.m.

Respectfully submitted,

Frances Simmons
Town Clerk

	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter		TOTAL	BUDGET
	July	August	September	October	November	December	January	February	March	April	May		

BUILDING SERVICES

County Contract Building Permit Tech												-	-
Mobile Devices												-	600
Dues and Subscriptions												-	1,000
Equipment/Software												-	1,500
Mileage Reibursement												-	500
Supplies		49										49	600
Travel and Training												-	1,400
Uniform/PPE												-	250
Community Outreach												-	250
	-	49	-	-	-	-	-	-	-	-	-	49	6,100
													1%

PUBLIC WORKS

Mileage Reimbursement												-	300
Training & Travel												-	2,500
Public Outreach												-	250
Projects		142										142	50,000
Signage												-	4,000
Mobile Devices												-	1,100
Uniform / PPE												-	900
Supplies	358	215										573	8,000
Emergency Management	891	1,153										2,044	26,000
Dues and Subscriptions												-	725
Asset Management	25,039	39										25,077	45,000
Tree Maintenance and Care												-	10,000
Groundskeeping	305	5,233										5,539	70,000
	26,594	6,782	-	-	-	-	-	-	-	-	-	33,375	218,775
													15%

1st Quarter			2nd Quarter			3rd Quarter			4th Quarter		TOTAL	BUDGET
July	August	September	October	November	December	January	February	March	April	May		

CAPITAL PROJECTS

INFRASTRUCTURE

INFRASTRUCTURE												-	
Dills Bluff Sidewalk Phase III-Seaside to Winborn		459										459	
Dills Bluff Sidewalk, Phase IV-Winborn to HBVR												-	250,000
Regatta Road Sidewalk												-	9,000
Camp and Riverland Sidewalk (match)												-	
Town Hall 2nd Floor												-	45,000
1129 Hillman												-	
Hillman Street Property												-	
Capital Improvement Projects												-	
Secessionville to Ft. Johnson Sidewalk Connector												-	
Honey Hill Road Paving												-	
Nabors Phase I												-	
Underground Power Lines												-	
Traffic Calming Projects		2016										2,016	75,000
Septic Tank Testing		600										600	50,000
James Island Creek Septic and Sewer Projects												-	444,000
<i>Total Infrastructure</i>		3075										3,075	873,000

OTHER CAPITAL PROJECTS

OTHER CAPITAL PROJECTS												-	
Audio Visual Upgrades												-	
ISP Dedicated Officer Initial Expenses												-	66,300
Public Works Equipment												-	10,000
Dock Street Park												-	59,000
Pinckney Park												-	
Park Projects												-	
<i>Total Other Capital Projects</i>	0	0	0	0	0	0	0	0	0	0	0	-	135,300

DRAINAGE PROJECTS

DRAINAGE PROJECTS												-	280,000
Greenhill/Honey Hill Drainage Phase I-II												-	280,000
Oceanview Stonepost Drainage Basin -I-II		1465										1,465	808,000
Drainage Outflow Valve Devices												-	
Drainage Improvement Projects		6320										6,320	25,000
James Island Creek Basin Drainage Improvements												-	
Woodhaven Drainage Improvements												-	700,000
Quail Run Drainage Improvements												-	735,000
<i>Total Drainage Projects</i>	0	7,785	0	0	0	0	0	0	0	0	0	7,785	2,548,000
		10,860										10,860	3,556,300

0%

	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter		TOTAL	BUDGET
	July	August	September	October	November	December	January	February	March	April	May		

TREE MITIGATION FUND

Tree Mitigation revenue												96,488	500
Tree Mitigation expense	-	-	-	-	-	-	-	-	-	-	-	-	1,200
												96,488	

JIPSD FIRE & SOLID WASTE SERVICES

JIPSD Tax Relief	107,000	107,000										214,000	1,284,000
Auditor Expense												-	1,000
												214,000	1,285,000
													17%

American Rescue Plan

Beginning Balance 7/1/2023	2654452	2654452		0	0	0		0	0				
		10860											
	2654452	2643592	0	0	0			0	0	0			

ADMINISTRATOR'S REPORT

Aug-23

ADMIN NOTES

- 1) The filing period for the next election ended on Sept. 7. Three candidates have filed for Mayor, and 7 candidates filed for 4 Council seats. The election ballot will include a referendum to increase Council seats from 4 to 6.
- 2) This year's Community Assistance Grant application period is now open. Staff will prepare recommendations for approval and present at the October meeting.
- 3) The National Park Service announced that the Town, as the municipal agency representative, was awarded a \$1,772,000 grant for the transfer of property from MUSC (at Ft. Johnson) to the Battleground Preservation Trust. This project has been ongoing for several months, and the expected closing date for the purchase will occur sometime in October.
- 4) We have made significant strides over the past month in moving building services from Charleston County to the Town. We have hired a very well-qualified Permitting & Licensing Manager who is working diligently to prepare for the transfer of work. We will have a few ordinance amendments for Council's consideration before the end of the year. We will advertise for a Building Official in the coming months, and have set a goal to have this in place by the end of the year. Charleston County has been very responsive and helpful in making the transfer, and in providing archival documentation for all building activity on Town properties so we are able to work with our own archive.
- 5) Several bids have been posted this month and recommendations for awards, if qualified, will be brought to the October Town Council meeting. These projects include exterior and roof work at JIACC, traffic calming projects, on-call engineering services, and Brantley Park dock repairs. Additional quotes for consideration for a flagpole and new Town sign at Ellis Creek Bridge are expected as well.
- 6) Camp Road Tree Preservation Project: Traffic control plans are still under review by SCDOT; the contractor is ready to get the work started as soon as we gain approval.

JAMES ISLAND ARTS & CULTURAL CENTER

Continuing Classes : knitting group, watercolor group, area artist exhibits, children's art lessons, private art tutoring, History Council meetings, Historic Pathway meetings, Palmetto Youth Choir practices (including Primo Choir, Internezzo Choir, and Palmetto Peace Choir), adult watercolor classes, adult acrylic classes, children's yoga. New adult beginner acrylic painting class was taught by our own Kimberlee who works at the Center!

Upcoming Events : Aug 29-Sept. 23 The Pastel Society of South Carolina Exhibit, reception will be Sept. 23 from 12-3. The Annual Fall Fest will be scheduled soon.

CODE ENFORCEMENT

TOTAL CASE: 956
ABATED 911
ACTIVE 45

RANK VEGETATION / SOLID WASTE 262
INOPERABLE 151
TREE CASES 62
NUISANCE PROPERTY 76

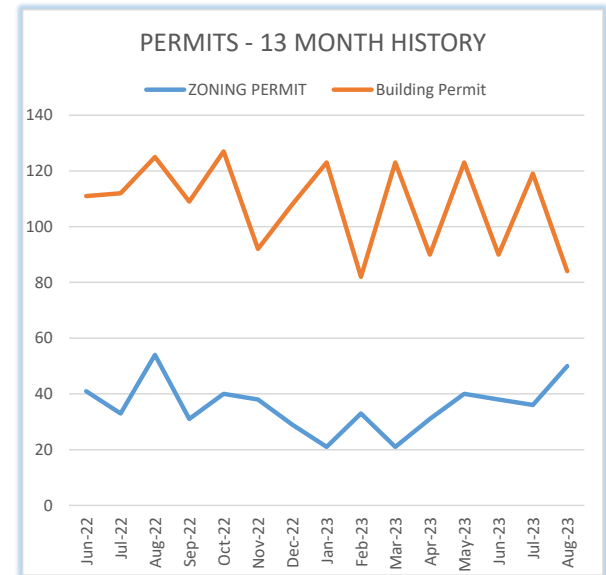
*9 new cases in August

**BUILDING PERMITS ISSUED
 AUGUST 2023: 84**

PERMIT TYPE	Aug-23
ACCESSORY STRUCTURE	4
CLEARING & GRUBBING	-
DEMOLITION PERMIT	-
EXEMPT PLATS	-
FIREWORK STAND	-
HOME OCCUPATION	5
LIMITED SITE PLAN REVIEW	1
NON-EXEMPT PLAT	-
PD/ PD AMENDMENT (REZONING)	-
RESIDENTIAL ZONING	18
REZONING	-
SPR	-
SIGN PERMIT	3
SITE PLAN REVIEW	-
SPECIAL EVENT	-
SPECIAL EXCEPTION	-
TEMPORARY ZONING	1
TREE REMOVAL	13
TREE TRIMMING	1
VARIANCE	-
ZONING PERMIT	4
TOTAL	50

PUBLIC WORKS NOTES

- 1) Staff participated in this year's National Night Out event.
- 2) Staff participated in a virtual meeting of the Small Cities and Rural Communities Committee for the national APWA.
- 3) Staff hosted a meeting of the Lowcountry Branch of the SC APWA at Town Hall with a presentation by Thomas and Hutton.
- 4) Staff has been asked to serve on a working group for septic tank maintenance issues by the BCDCOG Technical Committee and also participated in a working group meeting on septic tank maintenance issues statewide by DHEC.
- 5) Staff monitored the Greenhill-Honey Hill drainage project and met with the engineers and contractor on site several times.
- 6) Staff monitored the Oceanview-Stonepost drainage project which completed work on the new Stonepost Road culvert.
- 7) Staff participated in the public meeting for the James Island Creek Basin Study.
- 8) Field Staff attended training for the installation of Reinforced Concrete Pipe at Charleston County.
- 9) Staff attended a JIPSD meeting on the sewer expansion project.
- 10) Staff participated in a virtual meeting for finalizing the County Hazard Mitigation Plan.
- 11) Staff prepared for Hurricane Idalia and ran sandbag operations for residents.
- 12) Septic Tank Inspections: 5 new inspections, with one failed, bringing our totals to 83 inspected with 13 failed. We have 131 inspections remaining.
- 13) Staff replaced 1 street sign and filled 1 pothole in August.





Town of James Island

Memo

To: Mayor and Town Council
From: Niki Grimball, TA
Date: September 14, 2023
Re: Pinckney Park Pavilion Reservation Requests for Approval

1. Bear Scouts Troop 50, Sarah Young (Den Leader), 10 children and their parents, from 5:30 to 7:30 pm on the following dates: 9/5/23, 9/19, 10/3, 10/17, 11/14, 11/28, 12/12, 1/9/24, 1/23, 2/6, 2/20, 3/5, 3/19, 4/2, 4/16, 4/30, 5/14, and for extended hours on 5/18 for their awards banquet
2. Cub Scout Den 3 (Weblos), Scott Drescher (leader), from 6:00-7:00 pm on the following dates: 9/11/23, 9/25, 10/9, 10/23, 11/6, 11/20, 12/4, 12/18, 1/15/24, 1/29, 2/12, 2/26, 3/11, 3/25, 4/9, and 4/22



August 31st, 2023

Niki Grimball
Town Administrator
Town of James Island
1122 Dills Bluff Road
James Island, SC 29412

RE: James Island Town Hall Annex / Park, Feasibility Study

Dear Ms. Grimball,

We are thrilled for the opportunity to continue our relationship with the Town of James Island as you continue to grow!

Based on our recent conversations, we are pleased to submit our design team's scope of professional services for a feasibility study and survey for a park and annex building, to help with the Town's planning. We understand that any subsequent work for this project will be negotiated after the feasibility study is complete.

Based on previous discussions, we understand the following are key components for the project scope for the recently acquired parcels on Hillman Street. The study will include two use options for the additional parcels: a light use park or a site for a Town Hall Annex building for office space for the Public Works Department (~4-6 people).

FEASIBILITY STUDY

Our proposed approach is to include consultation with a civil engineer. We see this scope as limited to the feasibility so are not including any structural, mechanical, electrical or plumbing consultation at this stage. This fee proposal is structured under the assumption of shared meetings, schedule and deliverables as the Town Hall Expansion study scope that has already been approved.

Feasibility Study deliverables include:

- Development of floor plans test fit for review in 2D
- Design narratives / annotated drawings identifying the scope of work for cost estimating

- One (1) Construction cost estimate for proposed modifications/options for budget planning purposes and decision-making

Feasibility Study Fee: _____ \$13,250

SURVEY

This scope includes survey of topographic to 1' contours, boundary, location of trees, utility location, FEMA flood information, and 2 benchmarks. Survey to be provided in CAD and PDF formats for the Design Team and Owner's use. Survey includes TMS 428-03-00-049 and TMS 428-03-00-062.

Survey Fee _____ \$3,520

Total for Study and Survey: _____ \$16,770

Please call if we can provide additional information regarding this proposal or our services, and we will look forward to discussing further. Thank you for your support and confidence on this exciting project.

Sincerely,
LIOLLIO ARCHITECTURE



Elissa Morrison, AIA
Project Manager

Accepted by

Niki Grimball
Town of James Island

Date

cc: Elissa Morrison, AIA
Lisa Gerth, File

Town of James Island
A Proclamation to Observe Breast Cancer Awareness Month
October 2023

WHEREAS, October 2023 marks 38 years that National Breast Cancer Awareness Month has educated women about early breast cancer detection; and

WHEREAS, National Breast Cancer Awareness Month is dedicated to increasing public knowledge about the importance of early detection of breast cancer; and

WHEREAS, breast cancer is the most commonly diagnosed cancer in women and is the second leading cause of the cancer death among women; and

WHEREAS, the American Cancer Society estimates that about 12.4% of American woman will develop breast cancer during their lifetimes; and

WHEREAS, approximately 268,000 new cases of invasive breast cancer will be diagnosed in women this year; and

WHEREAS, this year about 42,000 women will die from breast cancer; and

WHEREAS, through research and advocacy, significant advances have been made in the fight against breast cancer, including significant decreases in mortality; and

WHEREAS, the more than 2.8 million breast cancer survivors living in the United States today are a testament to courage, as well as to the importance of promoting awareness about breast cancer, providing information, funding research, following recommended screening guidelines and offering treatment to those who are affected.

NOW, THEREFORE, be it proclaimed that the Town Council of the Town of James Island, South Carolina does hereby recognize the month of October 2023 as Breast Cancer Awareness Month and ask all residents to join in this worthwhile cause, to celebrate successes and memorialize lost battles.

Enacted this the 21st day of September, 2023.

Bill Woolsey, Mayor

Garrett Milliken, Councilman

Cynthia Mignano, Mayor Pro Tem

Dan Boles, Councilman

Darren "Troy" Mullinax, Councilman

ATTEST

Frances Simmons, Town Clerk _____

**A RESOLUTION FOR THE ADOPTION OF THE AMENDED 2023-2024 CHARLESTON
REGIONAL HAZARD MITIGATION AND PROGRAM FOR PUBLIC INFORMATION PLAN BY
THE TOWN OF JAMES ISLAND**

Resolution No. 2023-09

WHEREAS the County of Charleston has experienced the effects of natural and man-made hazard events;
and

WHEREAS the Charleston Regional Hazard Mitigation and Public Information Plan Committee has prepared a recommended *Charleston Regional Hazard Mitigation and Program for Public Information Plan*; and

WHEREAS the recommended *Charleston Regional Hazard Mitigation and Program for Public Information Plan* has been widely circulated for review by residents / business organizations / professional organizations of the unincorporated and incorporated areas of Charleston County, state, federal, regional, and local government agencies and has been supported by those reviewers; and

WHEREAS the Town of James Island originally adopted the *Charleston Regional Hazard Mitigation Plan* in 2004 and readopted it in 2008, 2013, 2017, and 2019 and is required to adopt the amended version of this plan on a five-year cycle for the Town to remain eligible for certain Federal programs in which the Town of James Island participates; and

NOW THEREFORE be it resolved that:

The *Charleston Regional Hazard Mitigation and Program for Public Information Plan and all required future revisions from the South Carolina Emergency Management Division and the Federal Emergency Management Agency* is hereby adopted as an official plan of the Town of James Island. While content related to the Town of James Island may require revisions to meet the plan approval requirements, changes occurring after adoption will not require the Town of James Island to re-adopt any further iterations of the plan; and

The Charleston Regional Hazard Mitigation and Public Information Plan Committee is recognized as a continuing entity charged with reviewing, maintaining in accordance with Community Rating System, Flood Mitigation Assistance, Disaster Mitigation Act and Program for Public Information requirements, and periodically reporting on the progress towards and revisions to the plan to the James Island Town Council.

Effective this ____ Day of _____, 2023

Bill Woolsey, Mayor

ATTEST:
Frances Simmons, Town Clerk _____

Charleston Regional Hazard Mitigation Plan

Summary of Updates 2023

- New- section on climate change
- Updated- Plan Maintenance Section to be in accordance with FEMA Element D
- New- Capabilities Section
- Updated- services provided by Charleston County to reflect changes in service
- Updated- number of buildings in the SFHA
- Updated- public survey, survey narrative, and survey graphics
- Updated- all committee tables
- New- Social Vulnerability Analysis to better understand populations vulnerable to hazards
- Updated- all hazard frequencies
- Updated- probability of future occurrence to consider climate change
- Updated- current rate of sea level rise
- Updated- Table 4.1b
- Updated- Hazus modeling for hurricanes and earthquakes
- Updated- flood losses with most recent NFIP data
- Updated- development and population trends were updated to reflect 2020 census data
- Updated- total number of vulnerable buildings in the SFHA
- Updated- Public Information Plan
- Updated- CRS classes to reflect class improvements
- Updated- participation table
- Updated- meeting minutes from 2022 and 2023, earlier meeting minutes available upon request
- Updated- complete hazard history

AN ORDINANCE

AMENDING THE BUSINESS LICENSE ORDINANCE OF THE TOWN OF JAMES ISLAND TO UPDATE THE CLASS SCHEDULE AS REQUIRED BY ACT 176 OF 2020.

WHEREAS, the Town of James Island (the "Municipality") is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income;

WHEREAS, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the "Standardization Act"), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes;

WHEREAS, the Standardization Act requires that by December thirty-first of every odd year, each municipality levying a business license tax must adopt, by ordinance, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina (the "Association") and adopted by the Director of the Revenue and Fiscal Affairs Office;

WHEREAS, following the enactment of the Standardization Act, the Municipality enacted Ordinance No. 2021-09 on November 18, 2021, in order to comply with the requirements of the Standardization Act (the "Current Business License Ordinance");

WHEREAS, the Town of James Island Council (the "Council") now wishes to amend the Current Business License Ordinance to adopt the latest Standardized Business License Class Schedule, as required by the Standardization Act, and to make other minor amendments as recommended by the Association;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of James Island, as follows:

SECTION 1. Amendments to Appendix A. Appendix A to the Current Business License Ordinance, the "Business License Rate Schedule," is hereby amended as follows:

- (a) Class 8.3 is hereby amended by deleting the NAICS Codes and replacing them with NAICS 517111, 517112, 517122 – Telephone Companies.
- (b) Class 8.6 is hereby amended and restated in its entirety to read as follows: "**8.6 NAICS Code Varies – Billiard or Pool Tables**. A business that offers the use of billiard or pool tables shall be subject to business license taxation under its natural class for all gross income of the business excluding the gross income attributable to the billiard or pool tables. In addition, the billiard or pool tables shall require their own separate business licenses pursuant to SC Code § 12-21-2746 and shall be subject to a license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table longer than that."

SECTION 2. Amendments to Appendix B. Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” is hereby amended and restated as set forth on the attached Exhibit A.

SECTION 3. Repealer, Effective Date. All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective with respect to the business license year beginning on May 1, 2024.

ENACTED IN REGULAR MEETING, this ____ day of _____, 20__.

Mayor

ATTEST:

Town Clerk

Public Hearing: September 21, 2023
First Reading: September 21, 2023
Second/Final reading: October 21, 2023

**Exhibit A: Amendment to Classes 1 – 8 in Appendix B of the
Current Business License Ordinance**

APPENDIX B

Classes 1 – 8: Business License Class Schedule by NAICS Codes

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	1
21	Mining	2
22	Utilities	1
31 - 33	Manufacturing	3
42	Wholesale trade	1
44 - 45	Retail trade	1
48 - 49	Transportation and warehousing	1
51	Information	4
52	Finance and insurance	7
53	Real estate and rental and leasing	7
54	Professional, scientific, and technical services	5
55	Management of companies	7
56	Administrative and support and waste management and remediation services	3
61	Educational services	3
62	Health care and social assistance	4
71	Arts, entertainment, and recreation	3
721	Accommodation	1
722	Food services and drinking places	2
81	Other services	4
Class 8	Subclasses	
23	Construction	8.1
482	Rail Transportation	8.2
517111	Wired Telecommunications Carriers	8.3
517112	Wireless Telecommunications Carriers (except Satellite)	8.3
517122	Agents for Wireless Telecommunications Services	8.3
5241	Insurance Carriers	8.4
5242	Insurance Brokers for non-admitted Insurance Carriers	8.4
713120	Amusement Parks and Arcades	8.51
713290	Nonpayout Amusement Machines	8.52
713990	All Other Amusement and Recreational Industries (pool tables)	8.6

2023 Class Schedule is based on a three-year average (2017 - 2019) of IRS statistical data.

ORDINANCE 2023-07

AN ORDINANCE REZONING REAL PROPERTY LOCATED ON DILLS BLUFF ROAD FROM THE LOW-DENSITY SUBURBAN RESIDENTIAL (RSL) ZONING DISTRICT (TMS #425-12-00-185) AND THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT (TMS #425-12-00-298) TO THE MARSH WALK VILLAGE (PD-201) PLANNED DEVELOPMENT DISTRICT (EXHIBIT A)

WHEREAS, properties located on Dills Bluff Road, identified as Tax Map Numbers 425-12-00-185 and 425-12-00-298 and referenced on the attached exhibit are currently zoned as Low-Density Suburban Residential (RSL) and Community Commercial (CC), respectively; and

WHEREAS, the applicant requests this parcel be zoned to the Marsh Walk Village (PD-201) Planned Development Zoning District to create flexibility in design to create a mixed-use community (single-family residential and commercial uses); and

WHEREAS, the applicant has submitted a complete application for Zoning Map Amendment (rezoning) pursuant to Section 153.044 and 153.078 of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR); and

WHEREAS, the Town of James Island Planning Commission has reviewed the proposed Zoning Map Amendment and adopted a resolution, by majority vote of the entire membership, and recommended that the Town of James Island Council (Town Council) approve with conditions the proposed Zoning Map Amendment based on the Approval Criteria of Section 153.078 (F) (5) (i) of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, Town Council held at least one public hearing and after close of the public hearing, Town

Council approved with conditions the proposed Zoning Map Amendment based on the Approval Criteria of Section 153.078 (F) (5) (i) of the ZLDR; and

WHEREAS, Town Council has determined the Zoning Map Amendment meets the following criteria;

1. The PD development plan complies with the standards contained in this section;
2. The development is consistent with the intent of the Comprehensive Plan and other adopted policy documents; and
3. The Town and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed.

NOW, THEREFORE, be it ordained by the Town of James Island Town Council, in meeting duly assembled, finds as follows:

SECTION 1. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. REZONING OF PROPERTY

- A. Town of James Island Council rezones the properties located on Dills Bluff Road, identified as Tax Map Numbers 425-12-00-185 and 425-12-00-298, and referenced on the attached "Exhibit A", from the Low-Density Suburban Residential (RSL) Zoning District and the Community Commercial (CC) Zoning District to the Marsh Walk Village (PD-201) Planned Development District; and

- B. Any and all development of the subject parcel must comply with the ZLDR and any and all other applicable ordinances, rules, regulations, and laws; and
- C. The Zoning Map of Tax Map Numbers 425-12-00-185 and 425-12-00-298 referenced on the attached "Exhibit A", are amended to Marsh Walk Village (PD-201) in accordance with Section 153.078 of the ZLDR.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon approval of Town Council following second reading.

ADOPTED AND APPROVED in meeting duly assembled this 19th day of October 2023.

TOWN OF JAMES ISLAND COUNCIL

By: _____
Bill Woolsey
Mayor of the Town of James Island

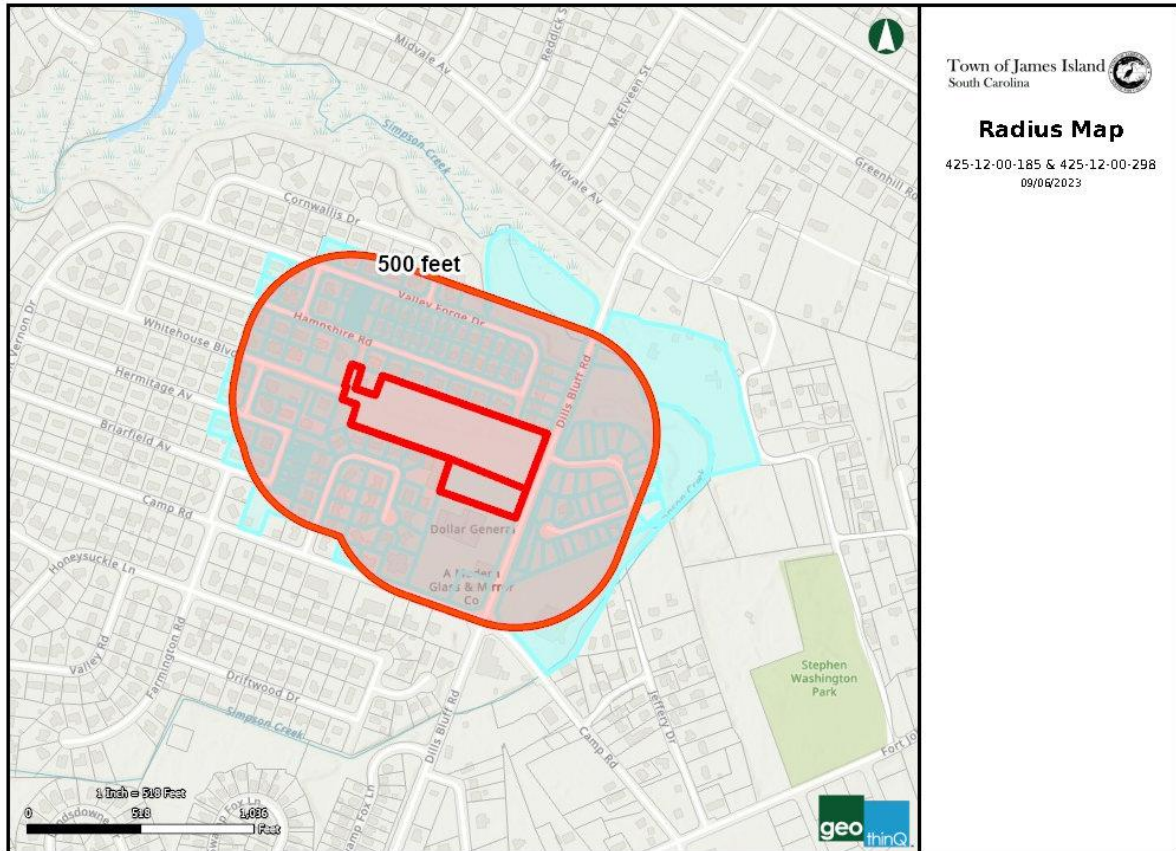
ATTEST:

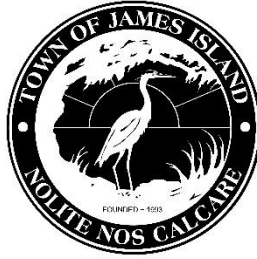
By: _____
Frances Simmons
Town Clerk of the Town of James Island

Public Hearing: September 21, 2023
First Reading: September 21, 2023
Second Reading: October 19, 2023

EXHIBIT A

<https://www.jamesislandsc.us/sites/default/files/uploads/marsh-walk-village-pd-pc-submittal.pdf>





**ZONING/PLANNING
DEPARTMENT**

TOWN OF JAMES ISLAND PLANNING COMMISSION:

August 10, 2023, September 14, 2023

Case Summary: ZPD-7-23-201 (PD-201)

**Request to rezone from the Low-Density Suburban Residential (RSL)
Zoning District and the Community Commercial (CC) Zoning District to the
PD-201, Marsh Walk Village Planned Development Zoning District**

History and Overview:

The proposed PD-201, Marsh Walk Village, is located near the corner of Dills Bluff Road and Camp Road. The properties are currently wooded with no structures located on them and are adjacent to an existing shopping center and two established neighborhoods (Whitehouse Plantation and Camp Center Villas). The parcels included in the current Zoning Map Amendment Request are a combined 6.52 acres in size and are in the RSL Zoning District and the Community Commercial Zoning District. The property owner for both parcels is the James Island Public Service District. There is no critical area designated by DHEC-OCRM on the subject parcels. TMS #s in the proposed PD are 425-12-00-185 and -298.

The applicant is seeking to rezone from the RSL and CC Zoning Districts to the Planned Development Zoning District (PD-201) to “create flexibility in design to create a mixed-use community that maintains the natural aesthetic and character of James Island”. Specifically, PD-201 requests the following:

- A maximum of 20 single-family attached traditional units (density of 3.07 units per acre), or 25 single-family attached workforce units (density of 3.83 units per acre);
- Residential Area: Uses as allowed in the RSL Zoning District, with additional uses allowed by right such as single-family attached units, Parks and Recreation, Special Events, Sewage Collector or Trunk Lines, Water Mains, and Model Home to be used as a sales office for homes in the PD;
- Village Commercial Area: Uses as allowed by right in the CC Zoning District, with additional allowances for the sale of beer, wine, and liquor without Special Exception requirements, as well as pet services including pet stores and grooming saloons without Special Exception requirements. Uses that shall be prohibited include pet and animal kennels, daycare and/or boarding, automotive sales and repairs, and gun/firearm sales;
- Community open space areas that will comprise at least 20% of the parcel and will be conveyed, owned and maintained by the Marsh Walk Village HOA in the Residential Area, and owned and maintained by the commercial

- property owner in the Village Commercial Area;
- Smaller lot size requirements;
 - Smaller front/street side, rear, and interior side setbacks; and
 - Increased maximum building cover in the Residential Area (increase from 30% to 80%).

Adjacent Zoning:

Surrounding properties on the west side of Dills Bluff Road are in the Low-Density Suburban Residential (RSL) Zoning District and the Community Commercial (CC) Zoning District in the Town of James Island, as well as Diverse Residential (DR-1F) in the City of Charleston. On the east side of Dills Bluff Road, properties are in the Preserve at Dills Bluff Planned Development (PD-101) Zoning District in the Town.

Staff Recommendation:

According to Section §153.075 (F) (5) (i) of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, applications for PD Development Plan approval may be approved only if Town Council determines that the following criteria are met:

a. The PD Development Plan complies with the standards contained in this Article;

Staff's response: The proposed Planned Development Zoning District complies with the requirements of the ZLDR. Additionally, the proposed density is equal to the the density allowed by the current zoning districts and the flexible lot standards proposed will allow for greater flexibility in site design.

b. The development is consistent with the intent of the *Comprehensive Plan* and other adopted policy documents;

Staff's response: The proposed Planned Development Zoning District is consistent with the intent of the *Comprehensive Plan, Future land Use Categories* which state, "*Incentives to retain the suburban character of the area such as site planning guidelines and conservation design should be provided in the zoning ordinance to preserve open space and protect natural and historic features*" in the Residential Category and "*to allow diverse retail and service uses that serve the residential population of the Island, and that do not negatively impact the surrounding community*" in the Commercial Category.

c. The Town and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;

Staff's response: The applicant has included in the proposed PD document letters from service providers stating they will be able to adequately serve the proposed development.

Staff recommends approval of this request with the following conditions:

1. The applicant must provide an updated Letter of Coordination from DHEC-OCRM as part of land disturbance permitting before any zoning permits can be issued.
2. The applicant must provide a Letter of Coordination from the South Carolina Department of Transportation.
3. Remove allowance for beer, wine, and alcohol sales without the need for a Special Exception from the BZA.
4. Remove sentence that allows slab on grade construction. Prohibit slab on grade construction in the Residential Area.
5. Remove allowance for "Workforce Residential" to keep maximum density at 20 attached traditional residential dwelling units.

Planning Commission Meeting: August 10, 2023 and September 14, 2023

Recommendation: Approval with 5 Conditions, referenced above (4-1 vote)

Speakers in support: 3 + 1

Speakers in opposition: 13 + 7

Notifications:

A total of 171 notification letters and emails were sent to owners of property within 500 feet of the boundaries of the proposed zoning map amendment and to the James Island Interested Parties List on September 6th, 2023. Additionally, this request was noticed in the Post & Courier on September 7th, 2023, and the property was posted on September 6th, 2023. The meeting notice was also sent to the Town News email recipients and was posted on the Town's Facebook page and website.