



Town of James Island, Regular Town Council Meeting
November 19, 2015; 7:00 PM; 1238-B Camp Road, James Island, SC 29412

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.

1. Opening Exercises
2. Presentation of FY 2014-2015 Annual Audit
3. Public Comments
4. Consent Agenda
 - a. Minutes: October 15, 2015 Regular Town Council Meeting
5. Information Reports
 - a. Finance Report
 - b. Administrator's Report
 - c. Island Sheriffs' Patrol Report
6. Awards and Recognitions
 - Proclamation - Carol S. Jacobsen
 - Proclamation - Veterans Day Recognition; Sergeant Edward Green, U.S. Army
7. Requests for Approval
 - a. Acceptance of FY 2014-2015 Annual Audit
 - b. RFQ #2-2015: Recommendation to enter into negotiations with Hussey Gay Bell for Pinckney Park
8. Committee Reports
 - Land Use Committee
 - Environment and Beautification Committee
 - Children's Commission
 - Public Safety Committee
 - History Commission
9. Resolutions:
 - a. Resolution #2015-20: Island Sheriffs' Patrol Officer of Third Quarter
10. Ordinances up for Second Reading:
 - a. Ordinance # 2015-12: Proposed Zoning Map Amendments (rezoning) 521 Harbor View Circle (TMS# 424-07-00-013); from Low-Density Suburban Residential District (RSL) to Residential Office District (OR) for Professional Offices/Residential Uses
 - b. Ordinance #2015-13: Proposed Zoning Map Amendment (rezoning) 541 Harbor View Circle (TMS# 424-07-00-010) from Low-Density Suburban Residential District (RSL) to Residential Office District (OR) for Professional Offices/Residential Uses

- c. Ordinance #2015-14: Proposed Zoning Map Amendment (rezoning) 527 Harbor View Circle (TMS # 424-07-00-012) from Low-Density Suburban Residential District (RSL) to Residential Office District (OR) for Professional Offices/Residential Uses

11. Ordinances up for First Reading:

- a. Ordinance #2015-15: An Ordinance Amending Chapter 91: Town of James Island Regulations Concerning Weeds, Rank Vegetation and Solid Waste

12. New Business

13. Executive Session: The Town Council may/will enter into an Executive Session in accordance with 30-4-70(a) Code of Laws of South Carolina

14. Return to Regular Session

15. Adjournment

The Town of James Island held its regularly scheduled meeting at 7:00 p.m. in Council Chambers, 1238-B Camp Road, James Island, SC on Thursday, October 15, 2015. The following members of Council were present: Mayor Pro-Tem Leonard Blank, Garrett Milliken, Darren “Troy” Mullinax, Joshua P. Stokes, and Mayor Bill Woolsey, who presided. A quorum was present to conduct business. Also present: Ashley Kellahan, Town Administrator, Bo Wilson, Town Attorney, Merrell Roe, Senior Finance Clerk, Mark Johnson, Public Works Coordinator, Kristen Crane, Planning Director, and Frances Simmons, Town Clerk.

Opening Exercises: Mayor Woolsey called the meeting to order. He opened in prayer and followed with the Pledge to the Flag. FOIA: This meeting was published and posted in accordance with the Freedom of Information Act and the requirements of the Town of James Island.

Presentation by Charleston Water System (CWS) on Proposed Rezoning Request at 521; 541; and 527 Harbor View Circle: Town Council heard a presentation from Mark Cline, Capital Project Officer (CWS), Kin Hill, Chief Executive Officer, and Lucas Padget, Esquire, Attorney. Mr. Cline said the Charleston Water System is seeking to rezone properties located at: 521, 541; and 527 Harbor View Circle, from a Residential Suburban Low-density (RSL) zoning, to Residential Office (OR) zoning, to use the properties for professional and administrative offices. He said Office Residential (OR) structures are located throughout the County and an OR zoning would maintain the residential character and use of those properties. He explained that the Plum Island Phase 3 Improvements Project, (a \$55 million project), is scheduled to begin in the spring of 2016. The expansion of the Charleston Wastewater Treatment Facility will require temporary additional office space for staff and parking for the duration of the project, which is anticipated to be 36 months. Charleston Water Systems owns the three parcels. They do not plan to use 521 Harbor View Circle for office space at this time because it is currently in a lease agreement but want it rezoned in case a need arises in the future. There will be no change to the appearance of the properties and there will be no structural changes; screenings and vegetation along the road will remain; and any parking areas that are placed will be pervious and restored to pre-project condition following the construction. Mr. Cline said they intend to have the properties return to residential use after the project. Mr. Cline availed himself to answer questions from Town Council. No questions were asked.

Public Hearing: Ordinance # 2015-12; 2015-13; and 2015-14: Proposed Zoning Map Amendments (re-zoning) 521 Harbor View Circle (TMS# 424-07-00-013; 541 Harbor View Circle (TMS# 424-07-00-010); and 527 Harbor View Circle (TMS # 424-07-00-012) from Low-Density Suburban Residential District (RSL) to Residential Office District (OR) for Professional Offices/Residential Uses:

Mayor Woolsey opened the Public Hearing at 7:08 p.m. No comments were made, and the Public Hearing closed.

Public Comments: The following persons addressed Town Council:

Bill & Claire Lacey, 504 Cecilia Cove Drive: Mr. Lacey announced that the James Island Charter HS Band Backers is sponsoring a BBQ dinner for Homecoming Day on Friday, October 30, 4-7 p.m. in the school cafeteria. Dinner is provided by Swig & Swine and tickets will be sold for \$10.00. Monies raised will go towards helping children participating in the Charleston Symphony Orchestra instruction and tuition costs.

Edward Green, 1115 Seaside Lane: Mr. Green addressed Council about drainage issues at his property. He said the rainwaters that falls from his house settles onto the road and when he goes to his mailbox, he has to shovel the water into the ditch. He said work was recently done in the street that is causing the water to

settle on his property; as a taxpayer, it is not his job to shovel off water. He asked the Town to look into this so that the water will drain into the ditch.

Anne Peterson Hutto, 659 Oakfield Drive: Mrs. Peterson-Hutto said she felt a little redundant because she has probably spoken to every councilman at this meeting. She said the Mayor came to her house on Saturday while she was gone; but she wanted to state for the record what they have been through. She is here on behalf of everyone on her street, the people behind her on Stiles Drive, and those on the other side on Fort Johnson Drive. She said today is the first day that her back yard could be considered dry. She has had two weeks of anywhere from 18” to 2’ of water in her back yard. She said the water started from about 10’ from the road going through her yard; through her house; and through the fence to the neighbor’s yard. She had a County vac truck come out and worked for 2 days; and from what she can tell, they took out about 20 gallons of water. She said to live in a no flood zone, and not have flood insurance to cover that, she is concerned about finding solutions going forward. She is here tonight, in part to say that she is willing to offer her help in finding that solution. She is grateful for the response that she got but it took almost three days to get somebody to acknowledge the problem - and that was frustrating. She said if it is ditches, or the lack thereof, let’s figure out how to do it, if it is a major engineering problem that we need to work with the County on, then let’s do that. She said it was a 1,000 year or 100 year flood event but a lot of her friends in Columbia didn’t have water damage. She said there was almost two weeks of standing water in her yard. She wanted to put this on record and to offer her help.

Consent Agenda:

- a. Minutes: September 17, 2015 Regular Town Council Meeting
- b. Breast Cancer Awareness Month Proclamation
- c. Lights On Afterschool Proclamation
- d. Fort Johnson Christian School Proclamation

Motion to approve the Consent Agenda was made by Councilman Milliken, seconded by Councilman Mullinax and passed unanimously.

Information Reports:

- a. Finance Report: Ms. Roe, Senior Finance Clerk presented the Finance Report. There were no questions.
- b. Administrator’s Report: Mrs. Kellahan reviewed highlights: Repair Care construction has begun; a photocopy of a handicapped ramp recently installed at one of the homes was provided to Council. Mrs. Kellahan and Mrs. Simmons attended the MASC Regional Advocacy meeting in North Charleston. Mrs. Kellahan said the Uber Transportation System was discussed and as information is obtained on this method of transportation it will be provided to Council. Request for Qualifications (RFQ) for Pinckney Park has been narrowed to three (3) firms for interview. Mrs. Kellahan said she hopes to make a recommendation to Council at its November meeting. The Municipal Emergency Operations Center (MEOC) was activated during the recent flood. Mrs. Kellahan thanked the staff for their availability and participation during this event. The Town operated under its Hurricane Plan, however, Scott Cave, our consultant with Atlantic Continuity System, will prepare a Flood Plan for the Town. Mrs. Kellahan gave highlights from each Department. Mrs. Kellahan recognized William Almonte, a senior engineering student at the Citadel, interning with Mark Johnson, Public Works.
- c. Island Sheriffs’ Patrol (ISP): Sergeant James gave the Crime Statistics report. He said shattered glass reported at the Living Word Church on Folly Road is under investigation. Sergeant James asked everyone to be aware of phone calls being made by persons asking money for family members in trouble. He informed everyone that the Sheriffs’ Office can help with water damage. Island Sheriffs’ Patrol report: total stops – 670; total hours worked – 568; tickets issued – 54; warnings – 633; calls for service – 48; field interviews – 10, and 15 arrests were made. Councilman

Milliken asked if there were leads from the reward the Town is offering in the Payne Church shootings; Sergeant James said there are no leads.

Requests for Approval:

- a. Community Assistance Grants: Mayor Woolsey asked for a motion in favor, Councilman Stokes moved, and Councilman Mullinax seconded. Mrs. Kellahan presented the following organizations for approval for the 2015-2016 fiscal year:

| | |
|--|---|
| James Island Outreach: \$4,000 | Pet Helpers: \$2,000 |
| Sea Island Habitat for Humanity: \$2,000 | Barrier Island Free Medical Clinic: \$2,000 |
| Friends of McLeod: \$1,500 | James Island Youth Soccer Club: \$2,000 |
| Wounded Warrior Project: \$2,000 | Tri-County Recovery Fund: \$2,000 |

Mrs. Kellahan said these requests total \$17,500 and \$8,000 remains in the Community Assistance Grants budget. Motion passed unanimously.

- b. Town Administrator's Employment Contract: Mayor Woolsey asked to postpone this item to the Executive Session. There were no objections and the request was granted.

Committee Reports:

Land Use Committee: No report.

Environment and Beautification Committee: Councilman Milliken reported that James Island Pride participated in the Carolina Green Fair on September 20th by staffing a booth and sharing information about what James Island Pride does. Helping Hands has been very active and assisted six clients in September -- three other clients were not helped because of a lack of resources. Councilman Milliken said they need to determine how to allocate more resources or to get more people to volunteer. James Island Arts had its first meeting of the season to plan the James Island Arts Auction for the last weekend in February. The event is designed as a juried Art Show for art students and to raise funds for Art Teachers on James Island. The Arbor Day Celebration will be held on December 4th at Fort Johnson Middle School; three trees has been purchased for the event. The community is invited to attend. Adopt-a-Highway trash pickup will be held Saturday, November 7th 9-11 a.m. The route has not been determined and a lunch will be provided after the pickup. Councilman Milliken encouraged everyone to nominate Community Heroes for recognition by the Town and James Island Pride. He thanked Mrs. Kellahan for activating the link on the website and Mrs. Simmons for sprucing up the application. Nomination Forms can be completed on-line or copied and brought to the Town Hall. Councilman Milliken encouraged everyone to support the James Island Charter HS Band Backers.

Children's Commission: Councilman Stokes presented adding two appointments to the Children's Commission: Leslie Medlin, and Robin Carter. Mayor Woolsey asked for a motion in favor. Councilman Blank moved, seconded by Councilman Mullinax. Motion passed unanimously.

Councilman Stokes announced that the Children's Commission has been planning an event with Steven Kugleman, head of the James Island Expanded Learning and Community Education Program; also known as Kaleidoscope, (an afterschool program for elementary school students). He said Mr. Kugleman is at tonight's meeting. Councilman Stokes said the National Program for Lights On Afterschool celebrates the work that the Afterschool Programs do. National Lights On Day is at the end of October and the Children's Commission, through collaboration with Mr. Kugleman, Leslie Medlin and Robin Carter, (James Island Kaleidoscope Site Administrators) have planned an event for Saturday, October 31, 10:00 a.m. to 12:00 Noon at Town Hall. A flyer was

given to each council member. An ad promoting the event ran in Wednesday's James Island Messenger, and will run again for the next two weeks. Parents of Kaleidoscope students will also be given a flyer and the flyer will be posted on The Town's website. Everyone is invited; children are encouraged to wear costumes and adults appropriate costumes. He said one of the Proclamations that passed under the Consent Agenda was Lights On Afterschool - National Lights On Day.

Councilman Stokes announced that the Children's Commission meetings has been changed to the second Thursday of the month. The next meeting is Thursday, November 12th at 5:00 p.m.

Public Safety Committee: Councilman Mullinax announced that the Neighborhood Council will meet on Thursday, October 22nd at 7:00 p.m.

History Commission: Mayor Woolsey announced that the History Commission continues to meet monthly.

Resolutions:

- a. Resolution #2015-20: Island Sheriffs' Patrol Officer of Third Quarter – postponed to next month.

Ordinances up for Second Reading:

- a. Ordinance #2015-10: An Ordinance to Regulate the use of Fireworks in the Town of James Island: Mayor Woolsey asked for a motion in favor. Councilman Mullinax moved, seconded by Councilman Milliken. No discussion. Motion passed; Councilman Blank opposed.
- b. Ordinance #2015-11: Recovery of Collection Costs as a part of Delinquent Debts Collected Pursuant to the Setoff Debt Collection Act: Mayor Woolsey asked for a motion in favor. Councilman Stokes moved, seconded by Councilman Mullinax. No discussion. Motion passed unanimously.

Ordinances up for First Reading:

- a. Ordinance #2015-12: Proposed Zoning Map Amendment (rezoning) 521 Harbor View Circle (TMS# 424-07-00-013); from Low-Density Suburban Residential District (RSL) to Residential Office District (OR) for Professional Offices/Residential Uses: Mayor Woolsey asked for a motion in favor. Councilman Blank moved, and Councilman Stokes seconded. No discussion. Motion passed unanimously.
- b. Ordinance #2015-13: Proposed Zoning Map Amendment (rezoning) 541 Harbor View Circle (TMS# 424-07-00-010); from Low-Density Suburban Residential District (RSL) to Residential Office District (OR) for Professional Offices/Residential uses: Mayor Woolsey asked for a motion in favor. Councilman Blank moved, and Councilman Stokes seconded. No discussion. Motion passed unanimously.
- c. Ordinance #2015-14: Proposed Zoning Map Amendment (rezoning) 527 Harbor View Circle (TMS# 424-07-00-012); from Low-Density Suburban Residential District (RSL) to Residential Office District (OR) for Professional Offices/Residential uses: Mayor Woolsey asked for a motion in favor. Councilman Blank moved, and Councilman Stokes seconded. No discussion. Motion passed unanimously.

New Business:

- a. Discussion of Drainage at Fort Johnson and Lighthouse Boulevard: Mayor Woolsey asked Mark Johnson, Public Works Coordinator to report. Mr. Johnson referred to the County Stormwater inventory map where it showed areas in blue where the recent floods occurred. Mr. Johnson said

the green line shows where the sidewalk on Lighthouse Boulevard will be constructed; that the sidewalk will be over an existing drainage ditch, so it will have to be piped in. He said the other end at Eaglewood Retreat is being investigated to determine if there is an old, existing pipe that goes underneath the road. That is not shown on the inventory map but it could be another way to convey water out of that area. Mr. Johnson gave several options he thought could help resolve the drainage: 1) when the sidewalk is constructed on Lighthouse Boulevard, have it piped in so the waters drain into the ditch; 2) if there is a pipe under Fort Johnson at Eaglewood, opening it will allow waters to flow that way; 3) both options 1 and 2. Mr. Johnson said these options are being looked into to permanently fix the problem. Councilman Milliken asked what resources are needed for this to be done. He asked if an allocation of funds needs to be placed on an agenda for a Study to choose between the two options. Mr. Johnson said he didn't think we need to do that at this point because the County can do it under our normal contract with them; and he has already discussed this with them. He said a topographical survey will show which way the water flows. Councilman Blank asked the timeframe for the sidewalk on Lighthouse Boulevard. Mrs. Kellahan answered that our engineers are currently working on a project on Rembert Road and Lighthouse Boulevard is scheduled next. She said preliminary engineered drawings have been done so the project has a good start; the full engineered drawings will be ready soon to bid. Mayor Woolsey added that we will have to make adjustments if we go under Fort Johnson Road, and if we get to that point, it will come to Council for approval. He said if we were to add a culvert under Fort Johnson Road to connect to the City's ditch; that would also come to Council. Councilman Blank said this was one of the worse areas during the flood. Mr. Johnson said Fort Johnson Road, where Representative Peterson-Hutto lives, is a State road. He said the County Stormwater Engineers said the County will be cleaning the culverts, even though they are maintained by the State. Councilman Stokes asked if there is a timeline for the cleaning; to which Mr. Johnson said it should be sometime this month. Mr. Johnson complimented the Stormwater Engineers at the SCDOT, Charleston County, and the City of Charleston because the Quarterly meetings they have with the Town has made a difference in drainage on the island for the past two years. He said what we saw was minor compared to other areas in the County. Mayor Woolsey commented that if the drainage had not been cleared those years, the swamp behind Oxbow, if it had overflowed, would have effected many of the homes there. Council thanked Mr. Johnson for the job he has done.

Executive Session: Mayor Woolsey asked for a motion to enter into an executive session in accordance with 30-4-70(a) Code of Laws of South Carolina to discuss personnel matters regarding the Town Administrator's Contract Renewal. Councilman Blank moved and Councilman Stokes seconded. Motion passed unanimously and Council entered at 7:43 p.m.

Return to Regular Session: Town Council returned to regular session at 7:54 p.m. Mayor Woolsey announced that no votes were taken during the Executive Session. Mayor Woolsey moved to approve extending Ashley Kellahan, the Town Administrator's contract for another two year period at \$75,000.00 per year. Councilman Milliken seconded. No discussion. Motion passed unanimously.

Adjournment: There being no further business to come before the body, the meeting adjourned at 7:56 p.m.

Respectfully submitted:

Frances Simmons
Town Clerk

Town of James Island

% FY Complete 33%

Monthly Budget Report

Fiscal Year 2015 / 2016

| | 1st Quarter | | | 2nd Quarter | | | 3rd Quarter | | | 4th Quarter | | | TOTAL | BUDGET |
|-------------------------------|-------------|---------------|---------------|---------------|----------|----------|-------------|----------|-------|-------------|-----|------|--------------------|----------------|
| | July | August | September | October | November | December | January | February | March | April | May | June | | |
| GENERAL FUND REVENUE | | | | | | | | | | | | | | |
| Property Taxes | - | - | - | - | - | - | - | - | - | - | - | - | - | 1,040,000 |
| Franchise Fees | 165,901 | - | - | 6,607 | - | - | - | - | - | - | - | - | - | 420,000 |
| Brokers & Insurance Tax | - | - | 25 | - | - | - | - | - | - | - | - | - | - | 375,000 |
| Local Option Sales Tax (rev) | - | 32,331 | - | 29,241 | - | - | - | - | - | - | - | - | - | 327,080 |
| State Aid to Subdivisions | - | - | - | - | - | - | - | - | - | - | - | - | - | 256,060 |
| Business Licenses | - | 4,636 | - | - | - | - | - | - | - | - | - | - | - | 190,000 |
| Telecommunications | - | - | - | - | - | - | - | - | - | - | - | - | - | 27,500 |
| Liquor Licenses | - | - | - | 2,000 | - | - | - | - | - | - | - | - | - | 16,500 |
| Building Permit Fees | - | 503 | 440 | 1,063 | - | - | - | - | - | - | - | - | - | 10,000 |
| Planning & Zoning Fees | 800 | 1,201 | 975 | 1,325 | - | - | - | - | - | - | - | - | - | 10,000 |
| Miscellaneous | - | - | - | - | - | - | - | - | - | - | - | - | - | 1,000 |
| Interest Income | 96 | 98 | - | 55 | - | - | - | - | - | - | - | - | - | 225 |
| Transfer Funds Balance | - | - | - | - | - | - | - | - | - | - | - | - | - | 483,582 |
| | | 38,769 | 1,440 | 40,292 | | | | | | | | | | |
| | | | | | | | | | | | | | Total | 247,297 |
| | | | | | | | | | | | | | % of Budget | 8% |
| ADMINISTRATION | | | | | | | | | | | | | | |
| Salaries | 15,867 | 15,875 | 15,749 | 24,021 | - | - | - | - | - | - | - | - | - | 205,200 |
| Fringe Benefits | 5,336 | 5,471 | 5,044 | 7,560 | - | - | - | - | - | - | - | - | - | 74,000 |
| Copier | 351 | 334 | 360 | 374 | - | - | - | - | - | - | - | - | - | 5,300 |
| Supplies | 976 | 223 | 359 | 852 | - | - | - | - | - | - | - | - | - | 13,000 |
| Postage | 223 | 355 | (55) | 257 | - | - | - | - | - | - | - | - | - | 6,700 |
| IT | 2,346 | 2,741 | 1,693 | 4,778 | - | - | - | - | - | - | - | - | - | 35,000 |
| MASC Membership | - | - | - | - | - | - | - | - | - | - | - | - | - | 5,500 |
| Insurance | - | 11,023 | - | 166 | - | - | - | - | - | - | - | - | - | 19,200 |
| Legal Services | 2,225 | - | 5,364 | - | - | - | - | - | - | - | - | - | - | 60,000 |
| Town Codification | - | - | 5,168 | 739 | - | - | - | - | - | - | - | - | - | 1,500 |
| Advertising | 128 | - | 606 | 460 | - | - | - | - | - | - | - | - | - | 5,000 |
| Audit | - | - | - | - | - | - | - | - | - | - | - | - | - | 12,000 |
| Elections | - | - | - | - | - | - | - | - | - | - | - | - | - | 500 |
| Mileage Reimbursement | - | 56 | 302 | 29 | - | - | - | - | - | - | - | - | - | 800 |
| Bonding | - | - | 70 | - | - | - | - | - | - | - | - | - | - | 1,750 |
| Employee Training / Screening | - | - | - | - | - | - | - | - | - | - | - | - | - | 850 |
| Dues and Subscriptions | 35 | - | 110 | 174 | - | - | - | - | - | - | - | - | - | 1,060 |
| Training & Travel | 378 | - | 22 | - | - | - | - | - | - | - | - | - | - | 2,460 |
| Mobile Devices | 35 | 35 | 402 | (36) | - | - | - | - | - | - | - | - | - | 660 |
| Children's Commission | - | - | - | 190 | - | - | - | - | - | - | - | - | - | 1,000 |
| Business Development Council | - | - | - | - | - | - | - | - | - | - | - | - | - | 1,000 |
| History Commission | - | - | - | - | - | - | - | - | - | - | - | - | - | 1,000 |
| Employee Appreciation | - | - | - | - | - | - | - | - | - | - | - | - | - | 500 |
| Bank Charges | 61 | 60 | 133 | 52 | - | - | - | - | - | - | - | - | - | 500 |
| | | 36,174 | 35,325 | 39,616 | | | | | | | | | | |
| | | | | | | | | | | | | | Total | 139,075 |
| | | | | | | | | | | | | | % of Budget | 31% |

Town of James Island

% FY Complete 33%

Monthly Budget Report

Fiscal Year 2015 / 2016

| | 1st Quarter | | | 2nd Quarter | | | 3rd Quarter | | | 4th Quarter | | | TOTAL | BUDGET |
|---------------------------|-------------|---------------|---------------|---------------|----------|----------|-------------|----------|-------|-------------|-----|------|---------------|----------------|
| | July | August | September | October | November | December | January | February | March | April | May | June | | |
| ELECTED OFFICIALS | | | | | | | | | | | | | | |
| Salaries | 3,769 | 3,769 | 3,769 | 5,654 | - | - | - | - | - | - | - | - | 16,961 | 50,000 |
| Fringe Benefits | 2,129 | 2,129 | 2,129 | 3,198 | - | - | - | - | - | - | - | - | 9,585 | 17,000 |
| Mayor Expense | 551 | - | - | 200 | - | - | - | - | - | - | - | - | 751 | 2,000 |
| Council Expense | - | 35 | - | 129 | - | - | - | - | - | - | - | - | 164 | 4,000 |
| Mobile Devices | 114 | 114 | 114 | 114 | - | - | - | - | - | - | - | - | 456 | 1,410 |
| | | 6,047 | 6,012 | 9,295 | | | | | | | | | 27,918 | 74,410 |
| | | | | | | | | | | | | | % of Budget | 38% |
| GENERAL OPERATIONS | | | | | | | | | | | | | | |
| Salaries | 15,698 | 14,942 | 14,774 | 22,161 | - | - | - | - | - | - | - | - | 67,576 | 216,200 |
| Fringe Benefits | 5,271 | 5,021 | 5,156 | 7,714 | - | - | - | - | - | - | - | - | 23,162 | 73,500 |
| | | 19,964 | 19,931 | 29,875 | | | | | | | | | 90,739 | 289,700 |
| | | | | | | | | | | | | | % of Budget | 31% |
| PLANNING | | | | | | | | | | | | | | |
| Supplies | - | - | 42 | - | - | - | - | - | - | - | - | - | 42 | 500 |
| Advertising | 128 | 225 | 128 | - | - | - | - | - | - | - | - | - | 481 | 2,000 |
| Mileage Reimbursement | - | - | - | - | - | - | - | - | - | - | - | - | - | 200 |
| Dues and Subscriptions | - | - | - | - | - | - | - | - | - | - | - | - | - | 325 |
| Training & Travel | 85 | - | 220 | - | - | - | - | - | - | - | - | - | 305 | 1,000 |
| Mobile Devices | 35 | 35 | 35 | (28) | - | - | - | - | - | - | - | - | 78 | 660 |
| Uniform / PPE | - | - | - | - | - | - | - | - | - | - | - | - | - | 250 |
| Planning Commission | - | 250 | 200 | 258 | - | - | - | - | - | - | - | - | 708 | 4,000 |
| Board of Zoning Appeals | - | - | 200 | 176 | - | - | - | - | - | - | - | - | 376 | 4,000 |
| | | 510 | 825 | 406 | | | | | | | | | 1,990 | 12,935 |
| | | | | | | | | | | | | | % of Budget | 15% |

Town of James Island

% FY Complete 33%

Monthly Budget Report

Fiscal Year 2015 / 2016

| | 1st Quarter | | | 2nd Quarter | | | 3rd Quarter | | | 4th Quarter | | | TOTAL | BUDGET |
|----------------------------|-------------|--------|-----------|-------------|----------|----------|-------------|----------|-------|-------------|-----|------|-------------|--------|
| | July | August | September | October | November | December | January | February | March | April | May | June | | |
| BUILDING INSPECTION | | | | | | | | | | | | | | |
| Mileage Reimbursement | - | - | 16 | 45 | - | - | - | - | - | - | - | - | 61 | 200 |
| Mobile Devices | 35 | 35 | 35 | (28) | - | - | - | - | - | - | - | - | 78 | 660 |
| Supplies | - | - | 210 | - | - | - | - | - | - | - | - | - | 210 | 1,000 |
| Equipment / Software | - | - | - | - | - | - | - | - | - | - | - | - | - | 1,500 |
| Uniform / PPE | - | - | - | - | - | - | - | - | - | - | - | - | - | 250 |
| Dues & Subscriptions | 50 | - | - | - | - | - | - | - | - | - | - | - | 50 | 800 |
| Travel & Training | - | - | - | - | - | - | - | - | - | - | - | - | - | 1,000 |
| | | 35 | 261 | 17 | | | | | | | | | 399 | 5,410 |
| | | | | | | | | | | | | | % of Budget | 7% |

| | | | | | | | | | | | | | | |
|-------------------------|-------|-------|-------|-------|---|---|---|---|---|---|---|---|-------------|---------|
| PUBLIC WORKS | | | | | | | | | | | | | | |
| Mileage Reimbursement | - | - | - | - | - | - | - | - | - | - | - | - | - | 300 |
| Training & Travel | - | - | - | 189 | - | - | - | - | - | - | - | - | 189 | 1,000 |
| Projects | 2,135 | 3,218 | 6,955 | 271 | - | - | - | - | - | - | - | - | 12,579 | 725,500 |
| Engineering Services | - | - | - | - | - | - | - | - | - | - | - | - | - | 25,000 |
| Permits | - | - | - | - | - | - | - | - | - | - | - | - | - | 1,000 |
| Mobile Devices | 54 | 54 | 54 | - | - | - | - | - | - | - | - | - | 161 | 660 |
| Traffic Control Devices | - | - | - | - | - | - | - | - | - | - | - | - | - | 30,000 |
| Uniform / PPE | - | - | - | - | - | - | - | - | - | - | - | - | - | 500 |
| Supplies | - | - | 156 | 15 | - | - | - | - | - | - | - | - | 171 | 2,000 |
| Emergency Management | - | 4,714 | - | 1,189 | - | - | - | - | - | - | - | - | 5,902 | 12,000 |
| Groundskeeping | - | 180 | 820 | - | - | - | - | - | - | - | - | - | 1,000 | 30,000 |
| | | 8,165 | 7,985 | 1,664 | | | | | | | | | 20,002 | 827,960 |
| | | | | | | | | | | | | | % of Budget | 2% |

| | | | | | | | | | | | | | | |
|-----------------------------|--------|--------|--------|--------|---|---|---|---|---|---|---|---|-------------|---------|
| CODES & SAFETY | | | | | | | | | | | | | | |
| Mobile Devices | 54 | 54 | 54 | - | - | - | - | - | - | - | - | - | 161 | 660 |
| Mileage Reimbursement | - | - | - | - | - | - | - | - | - | - | - | - | - | 300 |
| Equipment | - | - | - | - | - | - | - | - | - | - | - | - | - | 1,000 |
| Radio Contract | - | 342 | - | - | - | - | - | - | - | - | - | - | 342 | 2,740 |
| Training | - | - | - | - | - | - | - | - | - | - | - | - | - | 1,000 |
| Supplies | - | - | - | - | - | - | - | - | - | - | - | - | - | 500 |
| Uniform / PPE | - | - | - | - | - | - | - | - | - | - | - | - | - | 250 |
| Sheriff's Office Contract | 17,648 | 13,275 | 16,438 | 10,592 | - | - | - | - | - | - | - | - | 57,952 | 165,000 |
| Unsafe Buildings Demolition | - | 9,622 | 325 | - | - | - | - | - | - | - | - | - | 9,947 | 7,000 |
| Overgrown Lot Clearing | - | - | - | - | - | - | - | - | - | - | - | - | - | 1,200 |
| Crime Watch Materials | - | - | - | - | - | - | - | - | - | - | - | - | - | 500 |
| Neighborhood Council | 399 | 589 | - | - | - | - | - | - | - | - | - | - | 988 | 1,500 |
| Teen CERT Program | - | - | - | - | - | - | - | - | - | - | - | - | - | 500 |
| | | 23,882 | 16,816 | 10,592 | | | | | | | | | 69,390 | 182,150 |
| | | | | | | | | | | | | | % of Budget | 38% |

Town of James Island

% FY Complete 33%

Monthly Budget Report

Fiscal Year 2015 / 2016

| | 1st Quarter | | | 2nd Quarter | | | 3rd Quarter | | | 4th Quarter | | | TOTAL | BUDGET |
|-----------------------------------|-------------|----------------|---------------|---------------|----------|----------|-------------|----------|-------|-------------|-----|------|--------------------|------------------|
| | July | August | September | October | November | December | January | February | March | April | May | June | | |
| PARKS & RECREATION | | | | | | | | | | | | | | |
| Recreation | 400 | 345 | 1,000 | - | - | - | - | - | - | - | - | - | 1,745 | 5,000 |
| Pinckney Park | - | (3,150) | 750 | 1,250 | - | - | - | - | - | - | - | - | (1,150) | 85,000 |
| Special Events | 146 | - | - | - | - | - | - | - | - | - | - | - | 146 | 12,000 |
| Youth Sports Program | - | - | - | 3,925 | - | - | - | - | - | - | - | - | 3,925 | 14,000 |
| | | (2,805) | 1,750 | 5,175 | | | | | | | | | 4,667 | 116,000 |
| | | | | | | | | | | | | | % of Budget | 4% |
| FACILITIES & EQUIPMENT | | | | | | | | | | | | | | |
| Utilities | 1,486 | 1,325 | 1,372 | 1,228 | - | - | - | - | - | - | - | - | 5,411 | 21,600 |
| Rent | 6,178 | 6,178 | 6,461 | 6,460 | - | - | - | - | - | - | - | - | 25,277 | 77,700 |
| Security Monitoring | - | - | - | - | - | - | - | - | - | - | - | - | - | 3,000 |
| Janitorial | 440 | 477 | 440 | 477 | - | - | - | - | - | - | - | - | 1,835 | 6,620 |
| Equipment / Furniture | - | 336 | - | - | - | - | - | - | - | - | - | - | 336 | 3,000 |
| Building Maintenance | 65 | - | 276 | 220 | - | - | - | - | - | - | - | - | 561 | 12,000 |
| Vehicle Purchase | - | - | - | 27,118 | - | - | - | - | - | - | - | - | 27,118 | 25,000 |
| Vehicle Maintenance Expense | 65 | 77 | 51 | 163 | - | - | - | - | - | - | - | - | 357 | 5,000 |
| Generator Maintenance | - | - | 195 | - | - | - | - | - | - | - | - | - | 195 | 750 |
| Street Lights | 10,437 | 10,438 | 10,437 | 10,437 | - | - | - | - | - | - | - | - | 41,748 | 120,000 |
| Town Hall | 400 | - | 1,750 | - | - | - | - | - | - | - | - | - | 2,150 | 200,000 |
| Lease Purchase | - | - | - | - | - | - | - | - | - | - | - | - | - | 840,000 |
| | | 18,832 | 20,982 | 46,103 | | | | | | | | | 104,987 | 1,314,670 |
| | | | | | | | | | | | | | % of Budget | 8% |
| COMMUNITY SERVICES | | | | | | | | | | | | | | |
| Repair Care Program | - | - | - | - | - | - | - | - | - | - | - | - | - | 30,000 |
| Community Service Contributions | - | 500 | - | - | - | - | - | - | - | - | - | - | 500 | 20,000 |
| | | 500 | | | | | | | | | | | Total | 500 |
| | | | | | | | | | | | | | % of Budget | 1% |

Town of James Island

% FY Complete 33%

Monthly Budget Report

Fiscal Year 2015 / 2016

| | 1st Quarter | | | 2nd Quarter | | | 3rd Quarter | | | 4th Quarter | | | TOTAL | BUDGET |
|---|-------------|-----------|------------|-------------|----------|----------|-------------|----------|----------|-------------|----------|----------|----------------|------------------|
| | July | August | September | October | November | December | January | February | March | April | May | June | | |
| LOCAL OPTION SALES TAX ROLLBACK FUND | | | | | | | | | | | | | | |
| LOST Rollback | - | 86,720 | - | 72,336 | - | - | - | - | - | - | - | - | 159,056 | 841,060 |
| LOST Rollback - Interest Income | - | - | - | - | - | - | - | - | - | - | - | - | - | 475 |
| Transfer In from Property Tax Credit Fund Balance | - | - | - | - | - | - | - | - | - | - | - | - | - | 198,465 |
| Total | | | | | | | | | | | | | 159,056 | 1,040,000 |
| TREE MITIGATION FUND | | | | | | | | | | | | | | |
| Tree Mitigation revenue | 1,480 | 1,968 | 1,968 | 488 | - | - | - | - | - | - | - | - | 12,790 | 8,732 |
| Tree Mitigation expense | - | - | - | - | - | - | - | - | - | - | - | - | - | (8,732) |
| Total | | | | | | | | | | | | | 12,790 | - |
| ART AUCTION | | | | | | | | | | | | | | |
| Art Auction donations | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Art Auction revenue | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Total | | | | | | | | | | | | | | |
| Art Auction expense | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| JAMES ISLAND PRIDE | | | | | | | | | | | | | | |
| James Island Pride donations | 10 | 5 | 20 | - | - | - | - | - | - | - | - | - | 210 | - |
| Helping Hands donations | - | - | - | - | - | - | - | - | - | - | - | - | 426 | - |
| Total | | | | | | | | | | | | | | |
| James Island Pride expense | 252 | 75 | 58 | 70 | - | - | - | - | - | - | - | - | 455 | 2,500 |
| Helping Hands expense | - | - | 250 | 46 | - | - | - | - | - | - | - | - | 296 | - |
| Total | 252 | 75 | 308 | 116 | - | - | - | - | - | - | - | - | 751 | 2,500 |

ADMINISTRATOR'S REPORT Oct-15

ADMIN NOTES

- a. We've been moving forward working with Liollo on the needs assessment for our new Town Hall space. We are planning on having some information to send to Council soon for input and feedback.
- b. Our 1st Annual Halloween Event "Lights On" was a great success and the school district and after school program is looking forward to next year in making this an annual event.
- c. I presented a Farmer's Market proposal to JIPC and the church leadership decided they didn't want to pursue it at this time. We'll move forward in looking for an alternate location.
- d. Our Folly Rd sign was damaged and is currently being repaired. We have since had both signs insured.
- e. I've identified some funding sources to assist with funding our efforts at Pinckney Park. Those include the

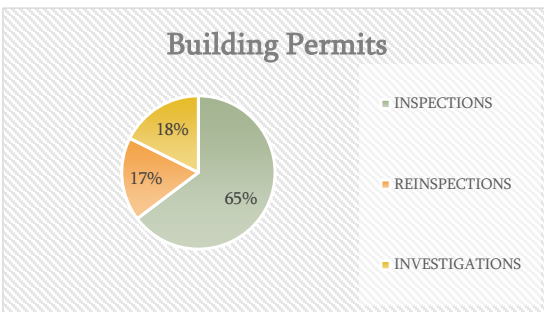
TOTAL Business Licenses* 15
 *This number currently does not include renewals

Code Enforcement

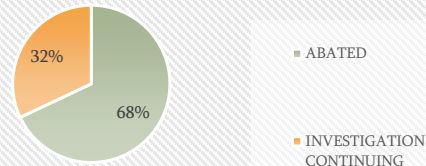
| | |
|---------------------------------|-----------|
| TOTAL CASES | 99 |
| ABATED | 68 |
| INVESTIGATION CONTINUING | 32 |
| RANK VEGETATION / SOLID WASTE | 23 |
| NUISANCE PROPERTY | 13 |
| TREE CASES | 10 |
| INOPERABLE VEHICLE | 10 |

Building Permits

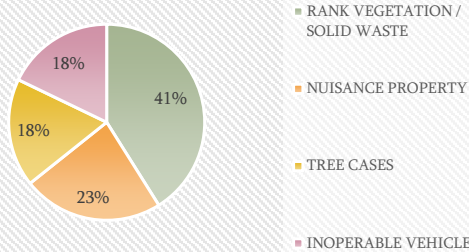
| | |
|--------------------------------|-----------|
| BUILDING PERMITS ISSUED | 58 |
| INSPECTIONS | 11 |
| REINSPECTIONS | 3 |
| INVESTIGATIONS | 3 |



Code Enforcement - Case Status



Code Enforcement - Case Type



PERMIT TYPE

| | |
|-------------------------|-----------|
| ACCESSORY STRUCTURE | 2 |
| CLEARING & GRUBBING | - |
| DEMOLITION PERMIT | 1 |
| EXEMPT PLATS | - |
| FIREWORK STAND | - |
| HOME OCCUPATION | 5 |
| LSPR | - |
| PD AMENDMENT (REZONING) | - |
| RESIDENTIAL ZONING | 3 |
| REZONING | - |
| SPR | - |
| SIGN PERMIT | 5 |
| SITE PLAN REVIEW | - |
| SPECIAL EVENT | - |
| SPECIAL EXCEPTION | - |
| TEMPORARY ZONING | 3 |
| TREE REMOVAL | 6 |
| TREE TRIMMING | - |
| VARIANCE | - |
| ZONING PERMIT | 3 |
| TOTAL | 28 |

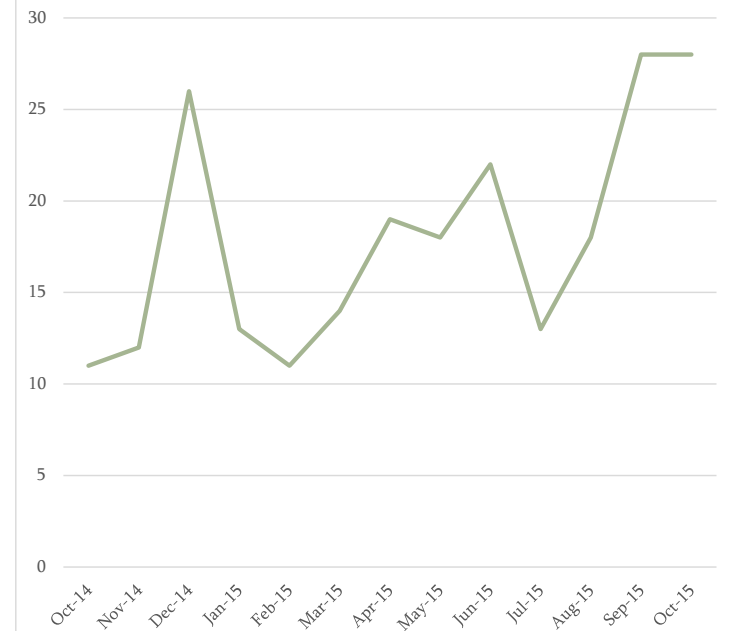
PUBLIC WORKS NOTES

- a. A great deal of time in Oct was spent on drainage issues due to after effects of the flood as well as continued rain under already wet conditions. Coordinating efforts with Charleston County, City, and DOT officials.
- b. Vines and dead limbs removed from trees along Ft. Johnson near Lighthouse Blvd in front of the James Island Soccer Club.
- c. AT&T has informed us the original contractor who was working to lay cable within the ROW left and a new contractor was coming in to clean up the debris they left and continue the work. They have been informed a permit is needed for this work.
- d. Quarterly Stormwaters Managers meeting is scheduled for Friday, Nov 20th and all participating entities - the City, County and DOT have confirmed their attendance.
- e. Mtg scheduled with Seabrook Engineering 11/16 to look at drainage easements between Tallwood and Canopy Cove.
- f. County performed Emergency repairs in Woodhaven. Temporary fixes fared well with recent rains but will continue coordinating a long-term solution.

ISLAND SHERIFF'S PATROL REPORT

Hours worked: 388
 Vehicles Stopped - 416; Tickets - 37; Warnings - 393
 Calls for service - 44; Field Interviews - 9; Arrests - 8

ZONING PERMITS - 13 MONTH HISTORY



A Proclamation in Recognition of the Life and Contributions of
Carol S. Jacobsen

WHEREAS, Carol S. Jacobsen was an exceptional citizen of the Town of James Island and worked tirelessly to help form the Town over the many attempts over the years; and

WHEREAS, Carol was a member and officer of many social organizations: the Navy Officers Wives Club, NATO Wives Club, James Island Yacht Club Auxiliary, Bridge Clubs and Church organizations, as well as a Kentucky Colonel; and

WHEREAS, in her professional life, Carol worked in real estate, research, and administration, but her true calling was a dedicated volunteer and community advocate; and

WHEREAS, one of Carol's proudest accomplishments was a founding member of Friends of McLeod, formed to protect and preserve the historic McLeod Plantation; and

WHEREAS, Carol was the recipient of many prestigious awards: the James Island Community Education Distinguished Service Award, and Certification of Appreciation from the Charleston County Parks and Recreation Commission for her work with the Friends of McLeod; and

WHEREAS, Carol entered into eternal rest on October 29, 2015, but will long be remembered for her outstanding accomplishments, dedicated service, and her motto from Winston Churchill: "Never give in. Never give in. Never, Never, Never, Never - - in nothing, great or small, large or petty";

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor Bill Woolsey do hereby recognize the life of Carol S. Jacobsen in the Town of James Island and the impact she has made in our community.

Done this 19th November, 2015

Bill Woolsey
Mayor

ATTEST

Frances Simmons
Town Clerk

Proclamation to Honor the Service of
Sergeant Edward Green

WHEREAS, Sergeant Edward Green was drafted into the United States Army in 1965; having had his Basic Training at Fort Gordon, Georgia, and advanced training at Fort Polk, Louisiana; and

WHEREAS, Sergeant Green served in Vietnam in the 1st Cavalry Division from May 1966 to May of 1967 and became a Squad Leader; and

WHEREAS, in August 1966, while on patrol, Sergeant Green's company of 118 made contact with 500 Vietcong and endured such fierce fighting that only 15 men survived; and

WHEREAS, the quick action taken by Sergeant Green to put a Bic Pen in his M60 Machine Gun when it stopped firing helped to save many lives; and

WHEREAS, because of his valor, Sergeant Edward Green received a Silver Star from the United States Army and his story was published in the Stars & Stripes; and

WHEREAS, the following honors has been bestowed upon Sergeant Edward Green:

Sergeant U.S. Army
Combat Infantry Men Badge
Silver Star
Bronze Star
National Defense Metal
Air Metal
Vietnam Service Metal
Republic of Vietnam Metal

NOW, THEREFORE, I, Bill Woolsey, Mayor of the Town of James Island, by virtue of the authority vested in me, do hereby honor the service of Sergeant Edward Green who fought for our country to help safeguard heritage and freedom for all people. Sergeant Green also served on the Town of James Island's Planning Commission during its second incorporation. Proclaimed this 19th day of November, 2015

Bill Woolsey
Mayor

ATTEST

Frances Simmons
Town Clerk



RESOLUTION 2015-20

A RESOLUTION HONORING ISLAND SHERIFFS' PATROL (ISP) THIRD QUARTER
WINNER, DEPUTY ZACHARY LINDSAY

WHEREAS, the Town of James Island promotes the protection, safety, and welfare of its citizens by utilizing the services of the Island Sheriffs' Patrol, and

WHEREAS, Deputy Lindsay has brought honor, and integrity by enforcing the laws in the Town of James Island, and

WHEREAS, Deputy Lindsay has been recognized by his supervisors and peers for providing outstanding law enforcement service;

NOW THEREFORE, BE IT RESOLVED that the Town of James Island Council does hereby recognize Deputy Zachary Lindsay as the Island Sheriffs' Patrol, Deputy of the Third Quarter, for August 2015 through October, 2015.

Enacted this the 19th day of November 2015.

Bill Woolsey
Mayor

ATTEST

Frances Simmons
Town Clerk

ORDINANCE 2015-12

AN ORDINANCE REZONING THE REAL PROPERTY LOCATED AT 527 HARBOR VIEW CIRCLE FROM SINGLE FAMILY RESIDENTIAL (RSL) ZONING DISTRICT TO RESIDENTIAL OFFICE (OR) ZONING DISTRICT.

WHEREAS, the property located at 527 Harbor View Circle, identified as Tax Map Parcel Number 424-07-00-012, is currently zoned Single Family Residential (RSL) Zoning District; and

WHEREAS, the applicant requests the parcel be rezoned to Residential Office Zoning District (OR) to allow for the use of the property as administrative, engineering and construction support office space; and

WHEREAS, the applicant has submitted a complete application for Zoning Map Amendment (Re-zoning) pursuant to Section 153.043 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 Town of James Island Council (Town Council) approve the proposed Zoning Map Amendment based on the Approval Criteria of Section 153.043 F 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 the proposed Zoning Map Amendment based on the Approval Criteria of Section 153.043 F of Section 153.043 of the ZLDR; and

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

- A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this Ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
- C. The Town and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities and services to the subject property, while maintaining adequate levels of service to existing development;
- D. The applicant provides documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, traffic congestion, wildlife and natural resources; and
- E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access and the presence of natural resources and amenities.

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

SECTION I. FINDINGS INCORPORATED

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

SECTION II. REZONING OF PROPERTIES

A. Town of James Island Town Council rezones the property located at 527 Harbor View Circle, identified as Tax Map Parcel Number 424-07-00-012, from Single Family Residential (RSL) Zoning District to the Residential Office (OR) Zoning 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 for Tax Map Parcel Number 424-07-00-012 is amended to Residential Office (OR) in accordance with Section 153.043 H of Section 153.043 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 November, 2015.

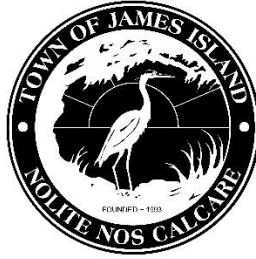
TOWN OF JAMES ISLAND TOWN COUNCIL

By: _____
Bill Woolsey
Mayor

ATTEST:

By: _____
Frances Simmons, Town Clerk

Public Hearing: October 15, 2015
First Reading: October 15, 2015
Second Reading: November 19, 2015



**ZONING/PLANNING
DEPARTMENT**

**Zoning Map Amendment
Case History: ZOR-8-15-003
FIRST READING: OCTOBER 15, 2015
SECOND READING: NOVEMBER 19, 2015**

Case Information:

Area: 527 Harbor View Circle

Parcel Identification: 424-07-00-012

History and Overview:

527 Harbor View Circle, is located adjacent to Harbor View Road and adjacent to the Charleston Commissioners of Public Works (CPW) Plum Island Water Pollution Control Plant (PIWPCP), on the East side of Harbor View Circle. The property currently has one house. The parcel included in the current Zoning Map Amendment Request is .8615 acres in size and is located in the RSL Zoning District.

The applicant, Mr. Mark Cline of Charleston Commissioners of Public Works, is seeking to rezone from the RSL Zoning District to the Residential Office (OR) Zoning District to enable the use of the property as administrative, engineering and construction support office space, while maintaining the residential character and use. The Plum Island Phase 3 Improvements Project, scheduled to begin in the spring of 2016, will include a needed expansion of Charleston's wastewater treatment facilities and will require temporary additional office space and staff parking for the duration of the project which is anticipated to last around 36 months. Charleston Water System is the current owner of the subject parcel.

Adjacent Zoning:

Surrounding properties on the east side of the subject property contain undevelopable marsh in the Town of James Island and the Charleston Commissioners of Public Works (CPW) Plum Island Water Pollution Control Plant (PIWPCP) which is in the City of Charleston's jurisdiction. Properties to the south, north and west are in the residential zoning district in the Town of James Island and the City of Charleston.

Approval Criteria:

According to Section §153.043 F of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, applications for Zoning Map Amendment (Re-zoning) approval may be approved only if Town Council determines that the following criteria are met:

A. The proposed amendment is consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance.

Staff's response: The proposed zoning map amendment is consistent with the intent of the Comprehensive Plan, Priority Investment Element Strategies, which states, "*Continue to coordinate with adjacent jurisdictions and agencies to balance adequate public facilities/services and protection of the Town's suburban residential character as well as its natural, cultural, and historic resources*".

B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;

Staff's response: Similar zoning map amendment requests for 521 and 541 Harbor View Circle are being filed concurrently which will allow for the compatibility of existing uses and zoning of nearby property. Additionally, the subject property will retain its residential character and the residential use capability will also be retained.

C. The Town and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities and services to the subject property, while maintaining adequate levels of service to existing development;

Staff's response: The subject property is currently being serviced by public facilities and the Town and other service providers will be able to continue these public facilities.

D. The applicant provides documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, traffic congestion, wildlife and natural resources; and

Staff's response: The applicant's letter of intent states, "Parking areas are well shielded from the road and neighboring properties by natural vegetation and there will be no impervious site improvements that impact storm water management. Public road access to the subject property is provided from Harbor View Circle and its located within the normal daily traffic pattern to and from the PIWCP, thus neighboring properties will not be adversely affected".

E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access and the presence of resources and amenities.

Staff's response: The subject property may be suitable for the proposed zoning classification due to the fact that no structural improvements are required for the use. Additionally, the applicant's letter of intent states, "An OR zoning classification for the subject property retains its residential compatibility with neighboring properties while also enabling its use as a professional office".

Planning Commission Meeting: October 8, 2015

Recommendation: Approval (5-0 vote)

Speakers in support: 0

Speakers in opposition: 0

Public Hearing: October 15, 2015

Notifications:

A total of 38 notification letters were mailed to owners of property within 300 feet of the boundaries of the proposed zoning map amendment and to the James Island Interested Parties List on September 30, 2015. An email notification was also sent to the James Island Interested Parties List on September 30, 2015. Additionally, this request was noticed in the *Post & Courier* on September 30, 2015 and the property was posted on September 28, 2015.

ORDINANCE 2015-13

AN ORDINANCE REZONING THE REAL PROPERTY LOCATED AT 521 HARBOR VIEW CIRCLE FROM SINGLE FAMILY RESIDENTIAL (RSL) ZONING DISTRICT TO RESIDENTIAL OFFICE (OR) ZONING DISTRICT.

WHEREAS, the property located at 521 Harbor View Circle, identified as Tax Map Parcel Number 424-07-00-013, is currently zoned Single Family Residential (RSL) Zoning District; and

WHEREAS, the applicant requests the parcel be rezoned to Residential Office Zoning District (OR) to allow for the use of the property as administrative, engineering and construction support office space; and

WHEREAS, the applicant has submitted a complete application for Zoning Map Amendment (Re-zoning) pursuant to Section 153.043 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 Town of James Island Council (Town Council) approve the proposed Zoning Map Amendment based on the Approval Criteria of Section 153.043 F 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 the proposed Zoning Map Amendment based on the Approval Criteria of Section 153.043 F of Section 153.043 of the ZLDR; and

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

- A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this Ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
- C. The Town and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities and services to the subject property, while maintaining adequate levels of service to existing development;
- D. The applicant provides documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, traffic congestion, wildlife and natural resources; and
- E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access and the presence of natural resources and amenities.

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

SECTION I. FINDINGS INCORPORATED

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

SECTION II. REZONING OF PROPERTIES

A. Town of James Island Town Council rezones the property located at 521 Harbor View Circle, identified as Tax Map Parcel Number 424-07-00-013, from Single Family Residential (RSL) Zoning District to the Residential Office (OR) Zoning 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 for Tax Map Parcel Number 424-07-00-013 is amended to Residential Office (OR) in accordance with Section 153.043 H of Section 153.043 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 November, 2015.

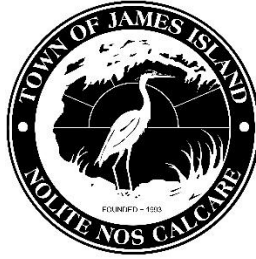
TOWN OF JAMES ISLAND TOWN COUNCIL

By: _____
Bill Woolsey
Mayor

ATTEST:

By: _____
Frances Simmons, Town Clerk

Public Hearing: October 15, 2015
First Reading: October 15, 2015
Second Reading: November 19, 2015



**ZONING/PLANNING
DEPARTMENT**

**Zoning Map Amendment
Case History: ZOR-8-15-004
FIRST READING: OCTOBER 15, 2015
SECOND READING: NOVEMBER 19, 2015**

Case Information:

Area: 521 Harbor View Circle

Parcel Identification: 424-07-00-013

History and Overview:

521 Harbor View Circle, is located adjacent to Harbor View Road and adjacent to the Charleston Commissioners of Public Works (CPW) Plum Island Water Pollution Control Plant (PIWPCP), on the East side of Harbor View Circle. The property currently has one house. The parcel included in the current Zoning Map Amendment Request is .8615 acres in size and is located in the RSL Zoning District.

The applicant, Mr. Mark Cline of Charleston Commissioners of Public Works, is seeking to rezone from the RSL Zoning District to the Residential Office (OR) Zoning District to enable the use of the property as administrative, engineering and construction support office space, while maintaining the residential character and use. The Plum Island Phase 3 Improvements Project, scheduled to begin in the spring of 2016, will include a needed expansion of Charleston's wastewater treatment facilities and will require temporary additional office space and staff parking for the duration of the project which is anticipated to last around 36 months. Charleston Water System is the current owner of the subject parcel.

Adjacent Zoning:

Surrounding properties on the east side of the subject property contain undevelopable marsh in the Town of James Island and the Charleston Commissioners of Public Works (CPW) Plum Island Water Pollution Control Plant (PIWPCP) which is in the City of Charleston's jurisdiction. Properties to the south, north and west are in the residential zoning district in the Town of James Island and the City of Charleston.

Approval Criteria:

According to Section §153.043 F of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, applications for Zoning Map Amendment (Re-zoning) approval may be approved only if Town Council determines that the following criteria are met:

A. The proposed amendment is consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance.

Staff's response: The proposed zoning map amendment is consistent with the intent of the Comprehensive Plan, Priority Investment Element Strategies, which states, "*Continue to coordinate with adjacent jurisdictions and agencies to balance adequate public facilities/services and protection of the Town's suburban residential character as well as its natural, cultural, and historic resources*".

B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;

Staff's response: Similar zoning map amendment requests for 527 and 541 Harbor View Circle are being filed concurrently which will allow for the compatibility of existing uses and zoning of nearby property. Additionally, the subject property will retain its residential character and the residential use capability will also be retained.

C. The Town and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities and services to the subject property, while maintaining adequate levels of service to existing development;

Staff's response: The subject property is currently being serviced by public facilities and the Town and other service providers will be able to continue these public facilities.

D. The applicant provides documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, traffic congestion, wildlife and natural resources; and

Staff's response: The applicant's letter of intent states, "Parking areas are well shielded from the road and neighboring properties by natural vegetation and there will be no impervious site improvements that impact storm water management. Public road access to the subject property is provided from Harbor View Circle and its located within the normal daily traffic pattern to and from the PIWCP, thus neighboring properties will not be adversely affected".

E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access and the presence of resources and amenities.

Staff's response: The subject property may be suitable for the proposed zoning classification due to the fact that no structural improvements are required for the use. Additionally, the applicant's letter of intent states, "An OR zoning classification for the subject property retains its residential compatibility with neighboring properties while also enabling its use as a professional office".

Planning Commission Meeting: October 8, 2015

Recommendation: Approval (5-0 vote)

Speakers in support: 0

Speakers in opposition: 0

Public Hearing: October 15, 2015

Notifications:

A total of 36 notification letters were mailed to owners of property within 300 feet of the boundaries of the proposed zoning map amendment and to the James Island Interested Parties List on September 30, 2015. An email notification was also sent to the James Island Interested Parties List on September 30, 2015. Additionally, this request was noticed in the *Post & Courier* on September 30, 2015 and the property was posted on September 28, 2015.

ORDINANCE 2015-14

AN ORDINANCE REZONING THE REAL PROPERTY LOCATED AT 541 HARBOR VIEW CIRCLE FROM SINGLE FAMILY RESIDENTIAL (RSL) ZONING DISTRICT TO RESIDENTIAL OFFICE (OR) ZONING DISTRICT.

WHEREAS, the property located at 541 Harbor View Circle, identified as Tax Map Parcel Number 424-07-00-010, is currently zoned Single Family Residential (RSL) Zoning District; and

WHEREAS, the applicant requests the parcel be rezoned to Residential Office Zoning District (OR) to allow for the use of the property as administrative, engineering and construction support office space; and

WHEREAS, the applicant has submitted a complete application for Zoning Map Amendment (Re-zoning) pursuant to Section 153.043 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 Town of James Island Council (Town Council) approve the proposed Zoning Map Amendment based on the Approval Criteria of Section 153.043 F 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 the proposed Zoning Map Amendment based on the Approval Criteria of Section 153.043 of Section 153.043 of the ZLDR; and

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

- A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this Ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
- C. The Town and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities and services to the subject property, while maintaining adequate levels of service to existing development;
- D. The applicant provides documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, traffic congestion, wildlife and natural resources; and
- E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access and the presence of natural resources and amenities.

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

SECTION I. FINDINGS INCORPORATED

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

SECTION II. REZONING OF PROPERTIES

A. Town of James Island Town Council rezones the property located at 541 Harbor View Circle, identified as Tax Map Parcel Number 424-07-00-010, from Single Family Residential (RSL) Zoning District to the Residential Office (OR) Zoning 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 for Tax Map Parcel Number 424-07-00-010 is amended to Residential Office (OR) in accordance with Section 153.043 H of Section 153.043 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 November, 2015.

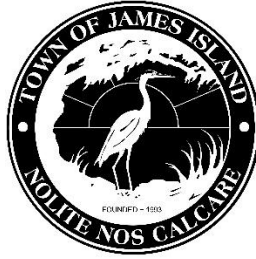
TOWN OF JAMES ISLAND TOWN COUNCIL

By: _____
Bill Woolsey
Mayor

ATTEST:

By: _____
Frances Simmons, Town Clerk

Public Hearing: October 15, 2015
First Reading: October 15, 2015
Second Reading: November 19, 2015



**ZONING/PLANNING
DEPARTMENT**

**Zoning Map Amendment
Case History: ZOR-8-15-005
FIRST READING: OCTOBER 15, 2015
SECOND READING: NOVEMBER 19, 2015**

Case Information:

Area: 541 Harbor View Circle

Parcel Identification: 424-07-00-010

History and Overview:

541 Harbor View Circle, is located adjacent to Harbor View Road and adjacent to the Charleston Commissioners of Public Works (CPW) Plum Island Water Pollution Control Plant (PIWPCP), on the East side of Harbor View Circle. The property currently has one house. The parcel included in the current Zoning Map Amendment Request is .8615 acres in size and is located in the RSL Zoning District.

The applicant, Mr. Mark Cline of Charleston Commissioners of Public Works, is seeking to rezone from the RSL Zoning District to the Residential Office (OR) Zoning District to enable the use of the property as administrative, engineering and construction support office space, while maintaining the residential character and use. The Plum Island Phase 3 Improvements Project, scheduled to begin in the spring of 2016, will include a needed expansion of Charleston's wastewater treatment facilities and will require temporary additional office space and staff parking for the duration of the project which is anticipated to last around 36 months. Charleston Water System is the current owner of the subject parcel.

Adjacent Zoning:

Surrounding properties on the east side of the subject property contain undevelopable marsh in the Town of James Island and the Charleston Commissioners of Public Works (CPW) Plum Island Water Pollution Control Plant (PIWPCP) which is in the City of Charleston's jurisdiction. Properties to the south, north and west are in the residential zoning district in the Town of James Island and the City of Charleston.

Approval Criteria:

According to Section §153.043 F of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, applications for Zoning Map Amendment (Re-zoning) approval may be approved only if Town Council determines that the following criteria are met:

A. The proposed amendment is consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance.

Staff's response: The proposed zoning map amendment is consistent with the intent of the Comprehensive Plan, Priority Investment Element Strategies, which states, "*Continue to coordinate with adjacent jurisdictions and agencies to balance adequate public facilities/services and protection of the Town's suburban residential character as well as its natural, cultural, and historic resources*".

B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;

Staff's response: Similar zoning map amendment requests for 521 and 527 Harbor View Circle are being filed concurrently which will allow for the compatibility of existing uses and zoning of nearby property. Additionally, the subject property will retain its residential character and the residential use capability will also be retained.

C. The Town and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities and services to the subject property, while maintaining adequate levels of service to existing development;

Staff's response: The subject property is currently being serviced by public facilities and the Town and other service providers will be able to continue these public facilities.

D. The applicant provides documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, traffic congestion, wildlife and natural resources; and

Staff's response: The applicant's letter of intent states, "Parking areas are well shielded from neighboring properties by natural vegetation and there will be no impervious site improvements that impact storm water management. Public road access to the subject property is provided from Harbor View Circle and its located within the normal daily traffic pattern to and from the PIWCP, thus neighboring properties will not be adversely affected".

E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access and the presence of resources and amenities.

Staff's response: The subject property may be suitable for the proposed zoning classification due to the fact that no structural improvements are required for the use. Additionally, the applicant's letter of intent states, "An OR zoning classification for the subject property retains its residential compatibility with neighboring properties while also enabling its use as a professional office".

Planning Commission Meeting: October 8, 2015

Recommendation: Approval (5-0 vote)

Speakers in support: 0

Speakers in opposition: 0

Public Hearing: October 15, 2015

Notifications:

A total of 41 notification letters were mailed to owners of property within 300 feet of the boundaries of the proposed zoning map amendment and to the James Island Interested Parties List on September 30, 2015. An email notification was also sent to the James Island Interested Parties List on September 30, 2015. Additionally, this request was noticed in the *Post & Courier* on September 30, 2015 and the property was posted on September 28, 2015.

AN ORDINANCE AMENDING
CHAPTER 91: TOWN OF JAMES ISLAND REGULATIONS CONCERNING WEEDS, RANK
VEGETATION AND SOLID WASTE

WHEREAS, Ordinance 2015-15 replaces sections 91.01 – 91.03 of Chapter 91 of the Town of James Island Code of Ordinances;

NOW, THEREFORE, The Town of James Island adopts the following:

- A. Improved property. It shall be unlawful for any owner or occupant of a business building, single dwelling or multiple dwelling, or any property improved for residential or commercial use, to allow weeds, grass or similar vegetation to grow to a height of 10 inches or more, and six feet in length for uncultivated briars, vines, or other similar vegetation. Such height constitutes a hazard or nuisance, real or potential, for harborage of vermin, accumulation of litter and debris or other unsightly or injurious conditions. Any lot which has been improved may not be allowed to revert to unimproved status. An unimproved lot is a lot upon which clearing and grubbing has not taken place. The following shall be exempt from this requirement:
- (1) Any premises or part thereof on which such growth may be reasonably demonstrated to be for agricultural or horticultural use and which is properly attended;
 - (2) Wooded portions of rear or side yards where standard mowing equipment cannot maneuver because of density, except that any 20-foot strip adjacent to developed property or streets must have weeds, grass and vines maintained below the height limitation and providing such lot is not otherwise in violation of the provisions of this chapter; or
 - (3) Unimproved lots on which new permitted construction work is taking place and during such time as the actual construction is in progress, except for a ten-foot strip adjacent to any developed property, road or right-of-way.
- B. Unimproved property. An unimproved lot less than one acre that is in a residential neighborhood shall be maintained in accordance with improved properties outlined in Section (a).
- C. Nuisances. Notwithstanding subsections (a) and (b) of this section, if any of the following conditions exist on any portion of a lot or parcel of any size, improved or unimproved, then such lot or parcel shall be deemed a nuisance and a detriment to health and safety:
- (1) The lot contains any accumulation of debris, rubbish, junk, tree debris, tires or any type of refuse.
 - (2) The lot contains weeds or other growth which encroaches onto a public sidewalk or roadway within ten feet above the level of the sidewalk or 14 feet above the level of the street.
 - (3) The lot contains evidence of the harboring of unlawful activity.
- D. It shall be the duty of the owner of any such lot or parcel in violation of this section, including abutting owners of alleys in violation thereof, to abate the unlawful condition. Owners and

occupants of properties which abut an alley shall be responsible up to the center point of such alley. Owners and occupants of properties which include a public street right-of-way shall be responsible up to and including the curb and gutter or street line.

Effective Date: This Ordinance shall become effective upon its enactment by the Town Council for the Town of James Island.

First Reading: November 19, 2015

Second Reading: _____

Bill Woolsey
Mayor

ATTEST

Frances Simmons
Town Clerk

**CHAPTER 91: TOWN REGULATIONS CONCERNING WEEDS, RANK VEGETATION,
AND SOLID WASTE**

Section

- ~~91.01 Definitions~~
- ~~91.02 Accumulation prohibited~~
- ~~91.03 Duty of owner to cut or remove~~
- 91.04 Declaration of nuisance
- 91.05 Notice to owner to comply
- 91.06 Failure to comply
- 91.07 Abatement of nuisance by town
- 91.08 Appeal; hearing board; procedures
- 91.09 Conflict with other ordinances;
severance

- 91.99 Penalty

Editor's note:

The regulations set forth in this chapter are based on those of Charleston County Code Chapter 10, Article 1, which was adopted by the town's Ordinance 2012-10 on October 18, 2012, and modified by the town in Ordinance 2012-22 on January 17, 2013.

~~§ 91.01 DEFINITIONS.~~

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL AREA. Any property having a commercial use or zoned for commercial use.

ENFORCEMENT OFFICER. Any duly appointed code enforcement officer of the town.

IMPROVED LOT. A lot which has been cleared and grubbed.

RESIDENTIAL AREA. Must meet all of the following conditions:

(1) Property zoned for residential use, e.g., low density suburban residential (RSL), moderate density suburban residential (RSM), manufactured subdivision (MHS), manufactured housing park district (MHP), or planned development (PD) allowing residential uses;

(2) Construction of streets and roads having begun; and

(3) Installation of water and/or sewer having begun.

SOLID WASTE. Refuse, rubbish, trash, garbage, offal, junk, litter, building materials, demolition materials, scrap, fallen trees, and any other matter deleterious to good health and public sanitation.

UNIMPROVED LOT. A lot upon which clearing and grubbing has not taken place.

WEEDS AND RANK VEGETATION. Dense, uncultivated, vegetative overgrowth over ten inches in height, or uncultivated briars, vines, or other similar vegetation exceeding six feet in length. (Ord. 2012-10, passed 10-18-2012; Ord. 2012-22, passed 1-17-2013)

~~§ 91.02 ACCUMULATION PROHIBITED.~~

(A) *Weeds and rank vegetation.* It shall be unlawful for any owner, lessee, or occupant, or any agent, representative, or employee of such owner (all persons hereinafter referred to as "owner") of any occupied or unoccupied improved lot which is located in a residential or commercial area within the town, to permit on any such lot the growth of weeds and rank vegetation. Any lot which has been improved may not be allowed to revert to unimproved status.

(B) *Solid waste.* It shall be unlawful for any owner of any occupied or unoccupied improved or unimproved lot which is located within any area of the town, to permit on any such lot the accumulation of solid waste.

(Ord. 2012-10, passed 10-18-2012; Ord. 2012-22, passed 1-17-2013) Penalty, see § 91.99

~~§ 91.03 DUTY OF OWNER TO CUT OR REMOVE.~~

(A) *Weeds and rank vegetation.* It shall be the duty of the owner of any lot which is located in a residential or commercial area within the town, to cut, or cause to be cut, all weeds and rank vegetation, as described in this chapter, or to remove solid waste as often as may be necessary to prevent the growth of such weeds and rank vegetation or the accumulation of such solid waste. Any lot which has been improved may not be allowed to revert to unimproved status.

(B) *Solid waste.* It shall be the duty of the owner of any improved or unimproved lot which is located in any area within the town to remove solid waste as often as may be necessary to prevent the accumulation of such solid waste.

(Ord. 2012-10, passed 10-18-2012; Ord. 2012-22, passed 1-17-2013)

§ 91.04 DECLARATION OF NUISANCE.

Weeds and other rank vegetation or solid waste allowed to accumulate and remain on lots as described above may be deemed and declared to be a public nuisance in the judgment of any duly appointed town

code enforcement officer. In the event such weeds and rank vegetation or solid waste, as described herein, have not been deemed and declared to be a public health hazard by the County Health Department, any town code enforcement officer may nevertheless deem and declare the same to be detrimental to the health and welfare of the community.

(Ord. 2012-10, passed 10-18-2012; Ord. 2012-22, passed 1-17-2013)

§ 91.05 NOTICE TO OWNER TO COMPLY.

(A) Any town code enforcement officer shall serve notice on the owner of the land to comply with the provisions of this chapter.

(B) It shall be sufficient notification to deliver the notice to the person to whom it is addressed or to deposit a copy of the notice in the United States mail, properly stamped, certified, and addressed to the owner of the property at the best address available, or to post a copy of the notice upon the premises.

(Ord. 2012-10, passed 10-18-2012; Ord. 2012-22, passed 1-17-2013)

§ 91.06 FAILURE TO COMPLY.

If the person to whom the notice is directed, under the provisions of § 91.05, fails or neglects to cause such weeds and rank vegetation to be cut and removed, or such solid waste to be removed, from the premises within ten days after such notice has been served, he or she shall be guilty of a misdemeanor and subject to a penalty as provided in § 91.99.

(Ord. 2012-10, passed 10-18-2012; Ord. 2012-22, passed 1-17-2013) Penalty, see § 91.99

§ 91.07 ABATEMENT OF NUISANCE BY TOWN.

After ten days have elapsed after notice has been served upon the owner, then the Public Works Department or a town-authorized agent or representative may enter upon any such lands and abate the nuisance by cutting and removing such weeds or other rank vegetation or solid waste, and the

cost of doing so shall become a lien upon the property affected, and may be recovered by the town through judgment proceedings. Persons desiring to contest the abatement order may request a hearing by filing a written request with the Public Works Director prior to the time specified for abatement.

(Ord. 2012-10, passed 10-18-2012; Ord. 2012-22, passed 1-17-2013)

day that a condition is in violation of this chapter shall constitute a separate offense.

(Ord. 2012-10, passed 10-18-2012; Ord. 2012-22, passed 1-17-2013)

§ 91.08 APPEAL; HEARING BOARD; PROCEDURES.

In the event that an owner requests a hearing in writing as set forth above, the appeal may be heard at the next regularly scheduled Board of Zoning Appeals (BZA) meeting. All appeals will be heard by the BZA in accordance with its procedures and schedule.

(Ord. 2012-10, passed 10-18-2012; Ord. 2012-22, passed 1-17-2013)

§ 91.09 CONFLICT WITH OTHER ORDINANCES; SEVERANCE.

Whenever there is, or appears to be, a conflict between any provision of this chapter with the provisions of any other lawful ordinance, regulation, or resolution, the more restrictive shall apply. 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, this holding shall 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. 2012-10, passed 10-18-2012; Ord. 2012-22, passed 1-17-2013)

§ 91.99 PENALTY.

Any person who violates this chapter as described in § 91.06 shall be subject to a fine of not more than \$500 or imprisonment of not more than 30 days. Each