



***Town of Summerville***  
***Standing Committees of Council***  
**Monday, November 9, 2020 - 5:30 pm**  
**Council Chambers – 200 South Main Street**  
**AGENDA**

**1. Parks and Recreation Committee**

*No meeting this month.*

**2. Planning and Development Committee**

- a. Proposed amendments to the Summerville Unified Development Ordinance, Chapter 13, Section 13.10.1 Administrative Adjustment. *Planning Commission held a public hearing and made a recommendation for approval at their meeting on October 19, 2020*

**3. Public Safety Committee**

- a. Fire and Safety Department Quarterly Update
- b. Police Department Quarterly Update
- c. Discussion of proposed ordinance change regarding rules and regulations for public parks and public facilities

**4. Public Works Committee**

- a. Public Works Project Updates
  - a. 2020 Fall Resurfacing
  - b. Maple Street
  - c. Cedar Street Extension
  - d. Central Avenue Sidewalk
  - e. West 5th South St Sidewalk
  - f. Lee Street Sidewalk Project
  - g. North Hickory Street Sidewalk
  - h. Shepard Park Drainage
  - i. US-78 North Summerville Drainage Study
  - j. Springview Lane Oakbrook Drainage Study
- b. Acquisition of Luden Drive property
- c. Legare Lane quitclaim deed request
- d. Parking garage changes / additions
- e. Discussion of one-way Waring Street

## **5. Finance Committee**

- a. Presentation of October 2020 financial reports
- b. Sculpture in the South presentation
- c. Authorization to enter into contract with ESP Associates, Inc. for creation of construction documents to be used for RFP for Oakbrook Ashley River Preserve boat landing area.
- d. Financial Requisitions
  - a. Authorization to issue a purchase order to Lee Transport Equipment, Inc. in the amount of \$57,970.00 for a LowBoy Trailer. Funds to come from Stormwater Fund Balance. This is on State Contract.
  - b. Authorization to issue a purchase order to Blanchard Caterpillar, Inc. in the amount of \$311,644.38 for a Caterpillar 326 long reach excavator. Funds to come from Stormwater Fund Balance. Item purchased through RFP.
  - c. Authorization to approve a purchase order in the amount of \$27,745.00 to Santee Automotive for a 2021 Dodge Durango. This is a state contract purchase. This is a grant vehicle and being paid from the Domestic Violence/Sexual Assault Grant funding
- e. Discussion of 2021 Fiscal Year Budget

## **6. Adjourn**

**UDO AMENDMENT  
STAFF REPORT  
PLANNING & DEVELOPMENT COMMITTEE  
November 9, 2020**

**Description: Amendment of Chapter 13, Section 13.10.1 Administrative Adjustment**

**Reason for request:** The requested amendment was made by staff at the behest of Councilmembers. This language was included in the original draft of the UDO, but it was later removed prior to the UDO adoption. Staff is requesting to add back the same language, which will give staff some greater flexibility in addressing very minor variance requests when staff finds that the request meets the intent of the UDO. The Planning Commission made a recommendation for approval at their meeting on October 19, 2020, and no public comment has been received regarding this proposed amendment.

The Town of Summerville Planning Commission Meeting  
Minutes  
October 19, 2020

This meeting of the Town of Summerville Planning Commission was held virtually via the Zoom Cloud Meeting Application and was attended by Commission Members, Jim Reaves, Chairman; Kevin Carroll; Charlie Stoudenmire; Betty Profit; Jonathan Lee; and Elaine Segelken. Staff in attendance included Jessi Shuler, AICP, Director of Planning. The public viewed the meeting via live-stream and could register to participate in the public hearing or submit any comments in advance of the meeting through email or by phone.

Jim Reaves, Chairman, called the meeting to order at 4:00 PM.

**Approval of Minutes:**

The Chairman asked if there were any edits or additions to the minutes from the meeting on September 21, 2020. Hearing none, the minutes were accepted as presented.

**Public Hearings:**

The first public hearing opened at 4:01 PM and was for the proposed amendments to the Summerville Unified Development Ordinance, Chapter 13, Section 13.10.1 Administrative Adjustment. Mr. Reaves introduced the item and asked Ms. Shuler if staff had received any public comment on this item. Ms. Shuler responded that she had not received any public comment.

Hearing no requests from the public to offer any comments and receiving no emails for public comment, this public hearing was closed at 4:01 PM.

**Old Business**

There were no items under Old Business.

**New Business:**

The first item under New Business was New Street Names. Ms. Shuler stated that she did not have any new street names for consideration at this time.

The second item under New Business was the proposed amendments to the Summerville Unified Development Ordinance, Chapter 13, Section 13.10.1 Administrative Adjustment. Ms. Shuler explained that this language was in the original draft of the UDO, but it was taken out prior to adoption. A couple of Council members have now asked for it to be added back in to give staff greater flexibility in unique situations, and she stressed that it would only apply to the numerical standards specified in Chapter 2. Ms. Segelken asked if staff had to approve every request, or if it could be denied. Ms. Shuler noted that staff was not under any obligation to approve every request, only those that they deemed met the intent of the ordinance. She also clarified that if staff did not feel comfortable approving a request, it would not be denied, but would be forwarded to the BZA as a traditional variance request.

Following the discussion, Ms. Segelken made a motion to recommend approval to Council as proposed, and Mr. Carroll made the second. Mr. Reaves called for the vote and the motion passed unanimously.

**Miscellaneous:**

Ms. Shuler informed the Commission that she would be emailing out the adopted version of the Comprehensive Plan in PDF format.

**Adjourn**

With no further business for the Commission, Mr. Carroll made a motion to adjourn with Ms. Segelken making the second. The motion carried and the meeting was adjourned at 4:05 PM.

Respectfully Submitted,

Date: \_\_\_\_\_

Jessi Shuler, AICP  
Director of Planning

Approved: \_\_\_\_\_  
Jim Reaves, Chairman or Kevin Carroll, Vice Chairman

## AN ORDINANCE

### TO AMEND THE SUMMERVILLE UNIFIED DEVELOPMENT ORDINANCE, SECTION 13.10.1 ADMINISTRATIVE ADJUSTMENT, OF THE TOWN OF SUMMERVILLE CODE OF ORDINANCES

**BE IT ORDAINED** by the Mayor and Council members of the Town of Summerville, in Council assembled, that the Summerville Unified Development Ordinance, Section 13.10.1 Administrative Adjustment, is amended by adding subsection D, Adjustment of Numerical Standard, and adjusting the lettering as follows:

#### 13.10.1 ADMINISTRATIVE ADJUSTMENT

A. Applicability: Administrative Adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be:

1. Compatible with surrounding land uses;
2. Harmonious with the public interest; and
3. Consistent with the purposes of this Code.

B. Process Type: Administrative

C. Public Notification: None

D. Adjustment of Numerical Standard: The Administrator shall have the authority (but is not compelled) to authorize modification of up to 10% from any numerical standard set forth in Article 2 Districts of this Code. Any request greater than 10% shall be treated as a variance handled by the Board of Zoning Appeals (BZA) subject to the requirements of Section 13.10.5.

E. Restrictive Covenants, Public Easements and Rights-of-Way: Where a public right-of-way, utility easement, or restrictive covenant prohibits strict compliance with the standards of this ordinance, Town Staff may waive or adjust the standard as appropriate to assure compliance to the extent practical.

F. Required Application Information: An application for an Administrative Adjustment shall include a brief description of the requirement to be varied and any other material necessary to ensure the criteria in Section 13.10.1.H below are met.

G. Administrator Review: Town Staff shall review the application and approve, approve with conditions, or deny the application based upon the criteria in Section 13.10.1.H below. A written decision including affirmative findings on the criteria set forth below shall be mailed to the applicant.

H. Administrative Adjustment Criteria: To approve an application for an Administrative Adjustment, Town Staff shall make an affirmative finding that the following criteria are met:

1. That granting the Administrative Adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards;
2. That granting the Administrative Adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;
3. That granting the Administrative Adjustment will not adversely affect property values in any material way; and
4. That granting the Administrative Adjustment will be generally consistent with the purposes and intent of the UDO.

5. Criteria Specific to Landscaping and Tree Conservation: The intent of this UDO is that the landscaping and tree conservation requirements in Chapter 8 (Tree Protection and Landscaping) are administered to meet the objectives of the minimum standards while promoting a positive relationship between the town and property owners based on mutual economic, ecological and aesthetic interests; employing open-minded judgment and common sense and encouraging and rewarding proper planning and effectiveness of design. It is not the intent that this UDO be construed to limit severely the design process, stifle creativity or curtail imaginative solutions to design problems. The standards shall be applied in a flexible manner and Town Staff may approve deviations from strict compliance with the standards wherever Town Staff reasonably determines that:

- a. The particular nature of the property--its location, setting, size, shape, or physical characteristics, or other aspects of the property or its proposed use--substantially justifies some adjustment in the standards;
- b. The intent of specific standards can be achieved on the site through alternative means or special design approaches; or
- c. Methods volunteered by the applicant will effectively remediate or mitigate any potential adverse impacts.

I. Appeals: Appeals of decisions by Town Staff shall be taken to the Board of Zoning Appeals within 30 days of the decision, in accordance with the procedures found in Section 13.10.2.

J. Expiration and Lapse of Approval: Property owners shall have 6 months from the date of approval of an Administrative Adjustment to secure a Building Permit or related land development permit to carry out the proposed improvements. If a complete Building Permit application has not been filed within 6 months of the date of approval, the approval shall be void.

Ratified this \_\_\_\_\_ day of \_\_\_\_\_, 2020 A.D.

\_\_\_\_\_  
Richard Waring, Mayor

\_\_\_\_\_  
Beth Messervy, Town Clerk

PUBLIC HEARING: October 19, 2020

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

Sec. 16-12. - Rules and regulations for public parks and public facilities.

- (a) The town administrator is hereby authorized to post necessary rules and regulations for the protection of property and the preservation of peace and order in all public parks and public facilities owned and maintained by the town, whether situated wholly within or without, or partly within and partly without, the corporate limits of the town. Such rules and regulations shall have, within the limits of any such facilities, like force and effect as though such facilities were situated wholly within the corporate limits of the town.
- (b) Such rules and regulations are hereby adopted by reference as if fully contained in this section.
- (c) Violation of these rules and regulations adopted and posted pursuant to this section shall be punishable by imprisonment for a period not exceeding 30 days, or a fine not exceeding \$500.00.
- (d) The municipal court of the town shall have jurisdiction of all offenses against such rules and regulations. All offenders against them shall be subject to arrest and detention by the police officers of the town in the same manner and to the same extent as in cases of violation of municipal ordinances within the corporate limits.

(Ord. No. 08-0202, 3-12-2008)



# PROPOSED

Sec. 16-12. – Rules and regulations for public parks, playgrounds, gathering areas, and public facilities.

- (a) The town administrator is hereby authorized to post necessary rules and regulations for the protection of property and the preservation of peace and order in all public parks, playgrounds, gathering areas, and public facilities owned and maintained by the town, whether situated wholly within or without, or partly within and partly without, the corporate limits of the town. Such rules and regulations shall have, within the limits of any such facilities, like force and effect as though such facilities were situated wholly within the corporate limits of the town.
- (b) Such rules and regulations are hereby adopted by reference as if fully contained in this section.
- (c) Violation of these rules and regulations adopted and posted pursuant to this section shall be punishable by imprisonment for a period not exceeding 30 days, and/or a fine not exceeding \$500.00.

1. The following acts are prohibited in all public parks and other publicly owned facilities/grounds:

- a. Because of the interference of the park use by others is inherit in the conduct of *sleeping* or reclining in a horizontal position in inappropriate places, no person shall *sleep* or recline, except in medically exigent circumstances, behind, on or in as the circumstances apply to park buildings, pavilions, shelters, restrooms, trash receptacles, benches, picnic tables, as well as recreational activity areas (such as athletic courts and playing fields, dug outs, and playgrounds), pedestrian or vehicular traffic ways (such as roads, sidewalks, bike paths, and jogging paths), and landscaped areas (such as mulched flower gardens, hedge planting areas, and cultivated planters).
- b. Unlawful to use the parks after hours. No person shall enter upon the premises of any park, playground, public gathering area or public facility during the hours that such are closed to the public. No person shall use occupy or congregate in these facilities at times other than the approved hours of access. No person shall remain upon the premises of any these facilities during the hours that such are closed to the public.
- c. It shall be unlawful to camp or to store personal property in any park, playground, public gathering area, and or publicly owned area or facility owned by the Town.
- d. Public streets. It shall be unlawful to camp, to sleep, to store personal property, to sit or to lie down on any public street.
- e. Other public property. Blocking ingress and egress. It shall be unlawful to camp, to sleep, to store personal property, to sit or lie down on any public

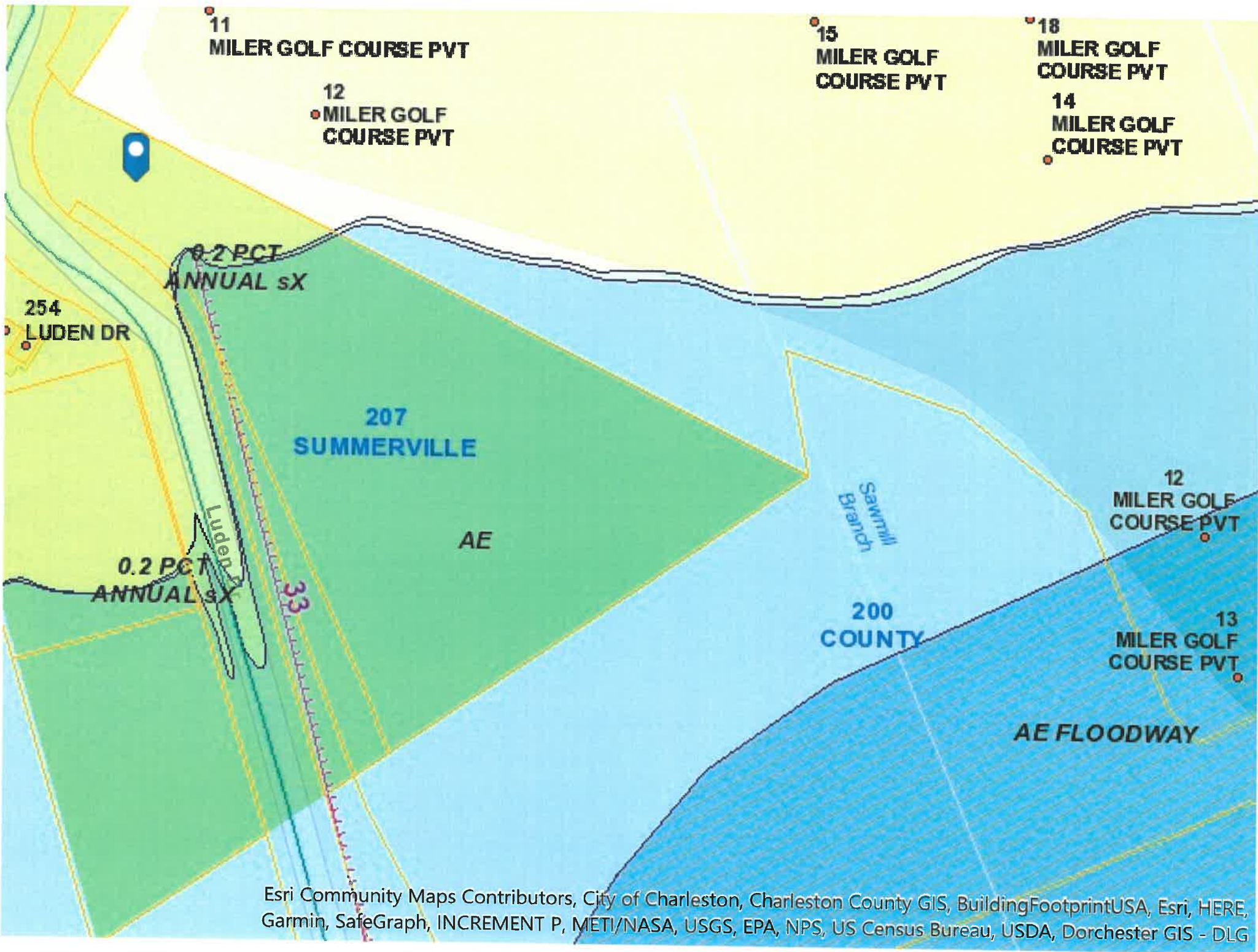
property so as to interfere with ingress or egress from public property and buildings.

- f. No person may be arrested for violating this code section until he or she has received an oral and written warning to cease the unlawful conduct. If the violator fails to comply with the warning issued, he or she is subject to arrest for violation of this ordinance.
- g. Exceptions. This code section shall not be construed to prohibit the following behavior:
  - i. Persons sitting or lying down as a result of a medical emergency;
  - ii. Persons in wheelchairs sitting on sidewalks;
  - iii. Persons sitting down while attending parades and which do not impede the parade;
  - iv. Persons sitting down while patronizing sidewalk cafés;
  - v. Persons lying down or napping while attending performances, festivals, concerts, fireworks, or other special events;
  - vi. Persons sitting on chairs or benches supplied by a public agency or the abutting private property owner;
  - vii. Persons sitting on seats in bus zones occupied by people waiting for the bus;
  - viii. Persons sitting, lying down, or sleeping while waiting in an orderly line outside a box office to purchase tickets to any sporting event, concert, performance, or other special event;
  - xi. Persons sitting or lying down while waiting in an orderly line awaiting entry to any building, including shelters, or awaiting social services, such as provision of meals;
  - x. Children sleeping while being carried by an accompanying person or while sitting or lying in a stroller or baby carriage; or
  - xi. Camping as permitted by the Town's Parks and Recreation Department.
  - xii. Individuals or families picnicking.
- 2. It shall be unlawful and prohibited for any person or entity to make, continue, or allow to be made or continued, any clamorous singing, yelling, shouting, whooping, bellowing, hollering, or other loud disruptive, wanton and unseemly noises by mouth and/or with the use of any device used to amplify sound which disturbs the peace and quiet of the Facility or prohibits or substantially affects the ability to conduct business within the Facility,

whether said disruptive behavior is generated from within or from the outside of the Facility. It shall be unlawful and prohibited for any person or group to picket, demonstrate or parade within the confines of any Public Facility.

- (d) The municipal court of the town shall have jurisdiction of all offenses against such rules and regulations. All offenders against them shall be subject to arrest and detention by the police officers of the town in the same manner and to the same extent as in cases of violation of municipal ordinances within the corporate limits.

(Ord. No. 08-0202, 10-22-2020)



**REFERENCES:**

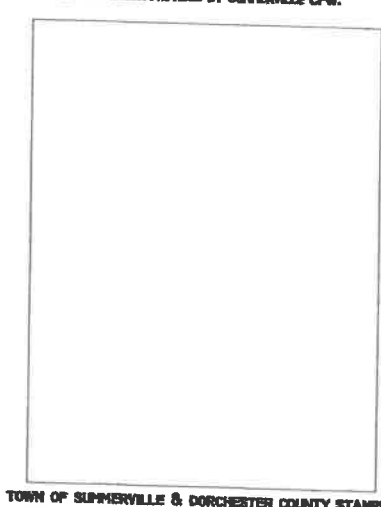
1. PLAT BY JOHN DAVID SAGE, DATED FEB 6, 1909, RECORDED IN PLAT BOOK J-127.
2. PLAT BY W.E. GILBERT, DATED JULY 11, 1976, RECORDED IN PLAT BOOK 22-222.
3. PLAT BY ANDREW GILLETTE, DATED NOVEMBER 12, 1991, RECORDED IN PLAT BOOK H-263.
4. PLAT BY MATTHEW J. HALTER, DATED JUNE 26, 2019, RECORDED IN PLAT BOOK H-179.

**NOTES:**

1. PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE X, PER FIRM 4503SC-0343E, DATED 7.18.2007.
2. DATUM REFERENCED TO SPC 3000.
3. FEATURES OUTSIDE OF THE SUBJECT PROPERTY ARE SHOWN FOR DESCRIPTIVE PURPOSES ONLY.
4. ONLY EASEMENTS AND RIGHTS-OF-WAY SHOWN ON THE REFERENCES AND/OR CONVEY TO THE SURVEYOR ARE SHOWN.
5. PROPERTY ZONED CR-2. SETBACKS: FRONT 30', REAR 25', SIDE 15'.
6. WATER AND SEWER PROVIDED BY SUMMERVILLE CPW.

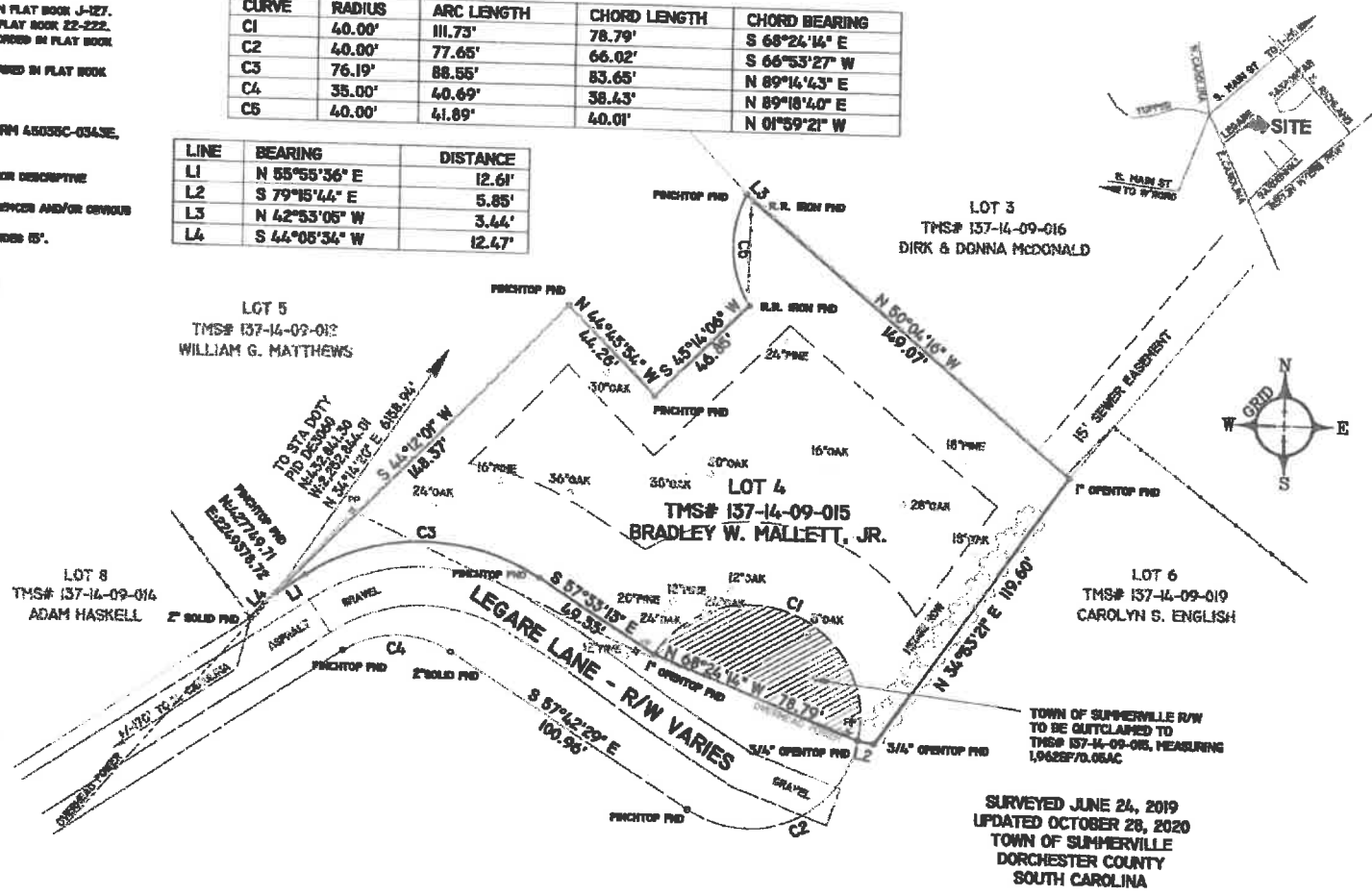
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	40.00'	111.73'	78.79'	S 66°24'14" E
C2	40.00'	77.65'	66.02'	S 66°53'27" W
C3	76.19'	88.55'	83.65'	N 89°14'43" E
C4	35.00'	40.69'	38.43'	N 89°18'40" E
C5	40.00'	41.89'	40.01'	N 01°59'21" W

LINE	BEARING	DISTANCE
L1	N 55°58'36" E	12.61'
L2	S 79°15'44" E	5.85'
L3	N 42°53'05" W	3.44'
L4	S 44°05'34" W	12.47'



**Matthew J. Halter, PE, FLS**  
 120 Sandhill Path  
 Summerville, SC 29483  
 843-514-9415  
 matthewhalter@gmail.com

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.



PLAT SHOWING 1,962SF/0.05AC OF PUBLIC R/W  
 TO BE QUITCLAIMED TO TMS# 137-14-09-015,  
 LOT 4, LEGARE LANE,  
 TOTALING 0.56 AC,  
 OWNED BY BRADLEY W. MALLETT, JR.

SURVEYED JUNE 26, 2019  
 UPDATED OCTOBER 28, 2020  
 TOWN OF SUMMERVILLE  
 DORCHESTER COUNTY  
 SOUTH CAROLINA

TOWN OF SUMMERVILLE R/W  
 TO BE QUITCLAIMED TO  
 TMS# 137-14-09-015, MEASURING  
 1,962SF/0.05AC