

*Mayor*  
Ricky Waring

*Council Members:*  
Bob Jackson  
Walter Bailey  
Aaron Brown  
Christine Czarnik  
Kima Garten-Schmidt  
William McIntosh



*Town Administrator*  
Rebecca Vance

*Town Clerk*  
Beth Messervy

*Town Attorney*  
G.W. Parker

## **Town of Summerville**

### **COUNCIL MEETING MINUTES May 14, 2020**

#### **ATTENDANCE**

Present: Mayor Ricky Waring, Councilmembers Kima Garten-Schmidt, Terry Jenkins, Walter Bailey, Aaron Brown, Bob Jackson and Bill McIntosh. A quorum was present. Staff was also present. Public and press were duly notified. The meeting was held virtually via Zoom meetings and livestreamed on YouTube.

#### **CALL TO ORDER**

The regular monthly meeting of Summerville Town Council was called to order at 6:15pm on Thursday, May 14, 2020 by Mayor Waring. The meeting was opened with prayer led by Councilmember Terry Jenkins, followed by the Pledge of Allegiance.

#### **APPROVAL OF MINUTES**

Mr. Jenkins made a motion, seconded by Mr. Jackson, to accept the combined minutes from the Town Council meeting and Standing Committee meetings on April 9, 2020. The motion carried unanimously.

#### **PUBLIC COMMENT**

Due to the meeting being held virtually, public comments were accepted via email before 5pm on Thursday, May 14, 2020. The Town Clerk read the public comments out loud. They have been included with these minutes for permanent record.

#### **PUBLIC HEARING**

Mayor Waring opened the public hearing regarding the proposed Development Agreement between the Town of Summerville and HIC LAND, LLC regarding Town of Summerville (Berkeley County) TMS #208-00-02-013, approximately 973 acres, located along Interstate 26, Drop Off Drive, and Linda Way.

Due to the meeting being held virtually, comments from the public were accepted via email before 5pm on Thursday, May 14, 2020. The Town Clerk read the public comments regarding the public hearing out loud. They have been included with these minutes for permanent record.

Robbie Robbins and Stefan Hoyer attended the meeting via Zoom and spoke on behalf of HIC LAND, LLC to report the changes since the last Development Agreement was submitted in 2019, as well as to report that HIC LAND (Hoyer) has been working with the residents of Del Webb Nexton to alleviate their concerns with the development.

There being no further comments, Mayor Waring closed the public hearing.

### **PETITIONS:**

Mr. Jenkins made a motion, seconded by Ms. Garten-Schmidt, to approve first reading of an ordinance of a petition by Lina and Francisco Elizondo to annex Charleston County TMS# 379-00-00-028 (approximately 0.21 acres), located at 516 E. Richardson Avenue, currently zoned R-4 Single-Family Residential in Charleston County and will be zoned GR-5 General Residential upon annexation into the Town of Summerville's municipal limits. (Proposed Council District 1). The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Ms. Garten-Schmidt, to approve first reading of an ordinance of a petition by James P. Doherty and Andrea Doherty to annex Dorchester County TMS# 136-12-01-019 (approximately 0.39 acres), Lot 3, Block D, located at 1116 Central Avenue, currently zoned R-2 Single-Family Residential in Dorchester County and will be zoned GR-5 General Residential upon annexation into the Town of Summerville's municipal limits. (Proposed Council District 4). The motion carried unanimously.

### **PENDING BILLS AND RESOLUTIONS**

Mr. Jenkins made a motion, seconded by Mr. Bailey, to approve second and final reading of an ordinance to annex Dorchester County TMS#'s 130-00-00-020, 716 N. Maple Street; 130-00-00-004, 156 Labyrinth Lane; 130-00-00-005, 708 N. Maple Street; 130-00-00-006, 712 N. Maple Street; 130-00-00-036, N. Maple Street; 130-00-00-033, Old Dairy Road; 130-00-00-019, 81 E. Turner Street; and 130-00-00-034, N. Maple Street; and Berkeley County TMS# 730-00-00-036, Old Dairy Road (approximately 250.046 acres total), currently zoned R-4 Multifamily Residential in Dorchester County and Flex-1 in Berkeley County and will be zoned PUD, Planned Development District upon annexation into the Town of Summerville's municipal limits. (Proposed Council District 1). The motion carried 6-0, with Mr. McIntosh formally recusing himself of the vote.

Mr. Bailey made a motion, seconded by Mr. Jenkins, to approve second and final reading of an ordinance to annex Dorchester County TMS# 145-07-03-029, Lot 40, located at 109 Dove Lane, currently zoned R2 Single Family Residential in Dorchester County and will be zoned GR5 General Residential upon annexation into the Town of Summerville's municipal limits. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Bailey, to approve second and final reading of an ordinance to temporarily suspend portions of the provision of Town Ordinances Sections 8-122. – Payment (Accommodation Taxes) and 8-124. – Violation and Penalties (for non-payment of

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Accommodation Tax) and to correct the mailing address for payment. Mr. McIntosh made a motion, seconded by Mr. Jenkins, to amend the ordinance to change “June 1, 2020” to “July 1, 2020”. The motion to amend carried unanimously. The original motion as amended carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. McIntosh, to approve second and final reading of an ordinance to temporarily suspend the provision of Town Ordinance Section 8-142 – Payment of Local Hospitality Tax and Sections 8-145 – Violations. The motion carried unanimously.

Mr. Brown made a motion, seconded by Mr. Jenkins, to approve second and final reading of an ordinance to temporarily suspend the provision of Town Ordinance Section 8-42. – Delinquent License Taxes; Partial Payment. Subsection (a). The motion carried unanimously.

### **INTRODUCTION OF BILLS AND RESOLUTIONS**

Mr. Jenkins made a motion, seconded by Ms. Garten-Schmidt, to give first reading to an ordinance to amend Ordinance 2-291(a) by changing the fiscal year to begin on July 1 and end on June 30 of the following year. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Jenkins, to give first reading to an ordinance to amend the Summerville Unified Development Ordinance Title 8 Tree Protection, Landscaping & Screening, Chapter 3 Tree Protection, Subsection 3B3, Preservation During Construction. Some discussion followed. Council requested that the Town Attorney research whether or not the item had to go to the Planning Commission before second reading. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Bailey, to give first reading to an ordinance approving a Proposed Development Agreement for HIC LAND, LLC (Whitfield Tract) or its successor in title and authorizing the execution and delivery of a Development Agreement and other instruments including the implementation of a Planned United Development document related thereto by and between the Town of Summerville and HIC LAND, LLC for Berkeley County TMS# 208-00-02-013 for a total of 973 acres. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Jenkins, to give first reading to an ordinance to amend the Summerville Comprehensive Plan Section I and Town of Summerville Future Land Use Map #2, currently designated as Employed Growth District to Neighborhood Mixed Use with a commercial activity center focal point at the area closest to Interstate 26. The motion carried unanimously.

### **MISCELLANEOUS**

Town Attorney GW Parker reported that the Dorchester County Attorney (John Frampton) said that if there are any minor changes that will not change the substance to the agreement between the Town of Summerville and Dorchester County for the provision of fire service in the Miles Road area, that the agreement would not have to go back to Council again for approval. Mr. Parker agreed with Mr. Frampton’s request.

Mr. Jackson made a motion, seconded by Mr. Jenkins, to approve the agreement between the Town of Summerville and Dorchester County for the provision of fire service in the Miles Road area with Mr. Parker’s recommendation. The motion carried unanimously.

**ADJOURN**

There being no further business, the meeting adjourned at 6:54pm on motion of Mr. Jenkins, seconded by Mr. Bailey.

Respectfully Submitted,

APPROVED:

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Beth Messervy, Town Clerk

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Richard G. Waring, Mayor

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