

*Mayor*  
Wiley Johnson

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



*Town Administrator*  
Colin L. Martin

*Town Clerk*  
Beth Messervy

*Town Attorney*  
G.W. Parker

## **Town of Summerville**

### **COUNCIL MEETING MINUTES September 12, 2019**

#### **ATTENDANCE**

Present: Mayor Wiley Johnson, Councilmembers Christine Czarnik, Walter Bailey, Kima Garten-Schmidt, Aaron Brown, Bob Jackson and Bill McIntosh. A quorum was present. Town Administrator Colin Martin, Executive Assistant P.J. Harbert, and Town Attorney G.W. Parker were also present. Public and press were duly notified.

#### **CALL TO ORDER**

The regular monthly meeting of Summerville Town Council was called to order at 6:00pm on Thursday, September 12, 2019 by Mayor Johnson. The meeting was opened with prayer led by Councilmember Brown, followed by the Pledge of Allegiance.

#### **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

Mr. Brown made a motion, seconded by Ms. Garten-Schmidt, to approve the minutes of the August 8, 2019 Town Council Meeting, as well as the Special Called Council Meetings of August 23, 2019 and August 30, 2019. The motion carried unanimously, and the minutes were accepted into record.

#### **APPROVAL OF COUNCIL COMMITTEE REPORTS**

Mr. Jackson made a motion, seconded by Mr. Bailey, to accept all council committee reports including: Parks and Recreation Committee dated September 9, 2019; Planning and Development Committee dated September 9, 2019; Public Works Committee dated September 9, 2019; and, Finance Committee dated September 9, 2019. The motion was passed unanimously.

#### **PUBLIC COMMENT**

Mayor Johnson called for any comments from the public.

John Mott of 244B Luden Drive spoke in regards to the Gum Street Extension. He is in favor of having one way out; however, he feels there needs to be a provision made for pedestrian traffic.

Diane Sarrocco of 1000 South Main Street asked Town Council to please reconsider the Five-Points Intersection Roundabout. She stated her belief that a roundabout is not good for the historical district and putting in the roundabout will decrease the value of properties affected. Ms. Sarrocco submitted paperwork stating her arguments.

Randy Charpia of Salisbury Drive indicated he is in opposition of the moratorium adopted by Town Council.

Judy Walters of 119 Tupper Lane expressed her concerns to the roundabout as well. She also stated that she believes the value of the homes affected will be decreased and is further opposed to closing Tupper Lane. She indicated that this will increase congestion on Carolina Avenue and may hinder an exit route if Tupper is blocked during a storm due to debris.

Susan Jaques of 1002 South Main Street also indicated her opposition to the proposed roundabout. She expressed her concern regarding the depreciation of home values and further stated that at this time, having lights at the intersection makes it easier for those living there to be able to leave their residences.

Brian Goldsbery of 100 West Carolina Avenue also spoke in opposition of the roundabout. He stated his belief that finishing the Berlin Myers Parkway is a better solution at this time.

Fred Hoose of 116 Tallow Street expressed his desire to put “teeth” into the proposed Unified Development Ordinance. He gave four (4) options as to how Town Council could proceed going forward.

### **PETITIONS**

N/A

### **PENDING BILLS AND RESOLUTIONS**

Mr. McIntosh made a motion, seconded by Mr. Brown, to approve the second and final reading of an ordinance to annex Dorchester County TMS #136-00-00-140 (approximately 3.82 acres), Lots 1 and 2, located at 111 W. Butternut Road, currently zoned R-4 Multi-Family Residential in Dorchester County and will be zoned R-3 Single-Family Residential Attached Buildings (Lot 2) and B-2 Neighborhood Business Center (Lot 1) upon annexation into the Town of Summerville’s municipal limits (Council District 1). The motion carried unanimously.

Mayor Johnson made a motion, seconded by Ms. Czarnik, to postpone the Unified Development Ordinance that was previously proposed to repeal and replace in its entirety Town Code, Chapter 32, Zoning; Chapter 22, Stormwater Management; Chapter 20, Article II, Planning Commission; and Article III, Development Standards, Section 20-71, Roads; and Chapter 6, Article III, Flood Damage Prevention no later than the October Town Council meeting. The motion passed 6-1, with Mr. Brown voting in opposition.

Mr. Jackson made a motion, seconded by Mr. McIntosh, to amend the motion to postpone second reading of the UDO until the October UDO Workshop. The motion again passed with a 6-1 vote, with Mr. Brown voting in opposition.

Mayor Johnson made a motion, seconded by Ms. Garten-Schmidt, to postpone the second and final reading of an ordinance to grant a quit claim deed to Hoover Summerville, LLC for an unopened portion Gum Street Extension, preserving unto the Town a perpetual easement for drainage and public utilities until the October Town Council meeting. After discussion from Town Attorney G.W. Parker who stated that the court has issued a ruling on this and Hoover Summerville is appealing this ruling, the Mayor and all Councilmembers unanimously voted down the motion to postpone.

Mr. McIntosh, seconded by Mr. Jackson, made a motion to not approve the second and final reading of the quit claim ordinance. The motion to not approve carried unanimously.

Mayor Johnson made a motion, seconded by Ms. Czarnik, to approve the second and final reading of an ordinance to amend Chapter 2, Article V (Finance), Division 2 (Purchasing), Sec. 2-322 by adding subparagraph (6). The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Bailey, to approve the second and final reading of an ordinance to amend Chapter 20-Planning and Development; Article V-Traffic Impact Analysis; Section 20-152-Traffic Impact Analysis Required, Subsection (a)-Applicability. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Bailey, to not approve the second and final reading of an ordinance to amend Chapter 32-Zoning, Article III-Zoning District Regulations, Sections 32-122, 32-123, 32-124, 32-125, 32-126, 32-127, and 32-128 by adding a new section to provide for a moratorium on the subdivision of a tract of land into five or more parcels. The motion carried 6-1 with Ms.Czarnik voting in opposition.

## **INTRODUCTION OF BILLS AND RESOLUTIONS**

N/A

## **MISCELLANEOUS**

Ms. Garten-Schmidt made a motion, seconded by Mr. Jackson, to proceed with the design and permitting of Five-Points Intersection Roundabout project. Mr. Bailey presented the question of price and length of time needed to Director of Public Works Russ Cornette. Mr. Cornette stated that the design process would cost approximately \$25,000.00 and would roughly take 6-8 months to complete. Some discussion followed regarding which designs were being considered and their effects on Tupper Lane. The motion carried unanimously.

Mayor Johnson made a motion, seconded by Ms. Czarnik, to postpone the resolution of the Historic District Guidelines until the October Town Council meeting. Director of Planning Jessi Shuler spoke regarding the timeframe of the 140 page document that Mayor Johnson stated was received the previous day. Ms. Shuler indicated that minimal changes were made to the document since the previous one was received by council at the end of August. She further stated that there is a grant deadline of September 30, 2019 in order to reimburse the grant monies. The final version has already been submitted and changes can be made accordingly. The motion to postpone failed by a vote of 2-5 with Mayor Johnson and Ms. Czarnik voting in favor of postponing.

Mr. Jackson made a motion, seconded by Mr. Brown to approve the Historic District Guidelines. Ms. Czarnik expressed that she had concerns about 4 items in the guidelines. After much discussion, it was decided that the wording of "landscaping" found on page 6, first paragraph, line 2 should be amended to "site development features." Mr. McIntosh made a motion, seconded by Mr. Jackson, to change the wording as stated. Mr. Jackson seconded the motion. The motion carried unanimously. After further discussion, it was decided to include additional amendments to the agenda for Wednesday, September 18, 2019 Special Called Council meeting (UDO). The motion to approve the Historic District Guidelines as amended passed 5-2, with Mayor Johnson and Ms. Czarnik voting in opposition.

Mr. Brown made a motion, seconded by Ms. Garten-Schmidt, to approve the MASC Hometown Economic Development Grant. The motion carried unanimously.

Mayor Johnson made a motion, seconded by Ms. Czarnik, to proceed with a one-way road out of the Home Depot parking lot for a multi-use path. The money to be used is from the budgeting of Capital Funds. Mr. Bailey expressed concern that the Town of Summerville will likely face a lawsuit if this proceeds. The motion failed 2-5, with Mayor Johnson and Ms. Czarnik voting in favor of the one way road.

## **MAYOR'S REMARKS**

Mayor Johnson thanked the Town of Summerville staff for all of their preparation for Hurricane Dorian, particularly the Roads, Parks and Recreation, Police and Fire Departments. He recognized the Summerville Student Council that was in attendance. Mayor Johnson also expressed his thoughts on the

resolution that was passed by Town Council in a Special Called meeting on September 11, 2019 revoking the Executive Order regarding the tree ordinance. He stated that this is an illegal act perpetuated by Town Council.

**PUBLIC COMMENTS (OPEN)**

Diane Sarrocco spoke regarding the Five-Points Intersection roundabout, expressing her disappointment that Town Council is moving forward with the design project.

John Kwist of 123 Tupper Lane also spoke regarding the roundabout in regards to the tractor trailers and their usage of a roundabout.

**EXECUTIVE SESSION**

Executive Assistant P.J. Harbert explained the topics to be discussed in Executive Session: Legal matter related to condemnation of tracts in the North Maple Street project; legal matter related to all lawsuits against the Town of Summerville; legal advice regarding pending litigation on E911 case; and, legal matter regarding mediation between D. Sarrocco and the Town of Summerville.

Mr. Jackson made a motion, seconded by Ms. Czarnik, to enter into Executive Session. The motion carried unanimously, and Council entered into Executive Session at 7:16pm.

**OTHER BUSINESS**

Council reconvened in Chambers at 8:18pm. The Town Attorney stated that no action was taken in Executive Session on the legal matter related to condemnation of tracts in the North Maple Street project; legal matter related to all lawsuits against the Town of Summerville; legal advice regarding pending litigation on E911 case; or legal matter regarding mediation between D. Sarrocco and the Town of Summerville. Mr. McIntosh made a motion, seconded by Ms. Garten-Schmidt, to allow mediation in regards to the pending litigation of the E911 case. Town Attorney G.W. Parker will attend mediation with a fellow representative from Town Council. The motion carried unanimously.

**ADJOURN**

There being no further business, the meeting adjourned at 8:22pm, on motion of Mr. Jackson, seconded by Mr. McIntosh.

Respectfully Submitted,

APPROVED:

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P.J. Harbert, Executive Assistant

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William W. Johnson, Mayor