



## **TOWN *of* SUMMERVILLE, SC**

### ***Special Called Town Council Meeting***

**Council Chambers – 200 South Main Street, Summerville, SC 29483**

**Friday, September 23, 2022 – 9:00am**

## **AGENDA**

1. Call to Order
2. Amendment to February 10, 2022 Council meeting minutes
3. First reading of an ordinance to supplement Ordinance 22-0106 of the Town of Summerville, as previously supplemented by Ordinance 22-0801, to amend the maximum interest rate in connection with the issuance of not exceeding \$20,000,000 Aggregate Principal Amount Limited Obligation Bonds (Tax Increment Pledge), Series 2022
4. Discussion of preventing demolition of Woodlands Barn & Cottage after sale
5. Adjourn

*Mayor*  
Ricky Waring

*Council Members:*  
Bob Jackson  
Russ Touchberry  
Aaron Brown  
Terry Jenkins  
Kima Garten-Schmidt  
William McIntosh



*Town Administrator*  
Lisa Wallace

*Town Clerk*  
Beth Messervy

*Town Attorney*  
G.W. Parker

## **TOWN of SUMMERVILLE**

### **COUNCIL MEETING MINUTES – AMENDED XXXX, XXX 2022** **February 10, 2022**

#### **ATTENDANCE**

Present: Mayor Ricky Waring, Councilmembers Kima Garten-Schmidt, Aaron Brown, Russ Touchberry, Bill McIntosh, and Bob Jackson. Councilman Terry Jenkins participated via Zoom in accordance with the Town's electronic meeting ordinance. Also in attendance were Town Administrator Lisa Wallace, Town Attorney GW Parker, and Town Clerk Beth Messervy. A quorum was met. Public and press were duly notified. The meeting took place in Council Chambers at 200 South Main Street and was livestreamed from the Town's website.

#### **CALL TO ORDER**

Mayor Waring called the meeting to order at 6:00pm on Thursday, February 10, 2022. Councilman Bob Jackson gave the invocation, followed by the Pledge of Allegiance.

#### **PROCLAMATION AND PRESENTATION**

Mayor Ricky Waring presented a proclamation to the family of Joseph Barletto in celebration of his 100<sup>th</sup> birthday on February 22, 2022. Mayor Waring also presented the SC Athletic Programs Youth Coach of the Year Award to Jim Pinner.

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

Mr. Brown made a motion, seconded by Ms. Garten-Schmidt, to approve the minutes of the Town Council Meeting on January 13, 2022; the Special Called Council Meeting on January 26, 2022; and the Standing Committee Meetings on February 7, 2022. The motion carried unanimously.

#### **PUBLIC HEARING: Development Agreement**

Mayor Waring opened the public hearing for the proposed Development Agreement between the Town of Summerville and BGMP Development, LLC, regarding parcel TMS# 138-00-00-001, approximately 57.76 acres, located at the intersection of Berlin G. Myers Parkway and E. 5th North Street (Highway 78). Tim Macholl, the Town's Zoning Administrator stated that this is the second public hearing for this proposed Development Agreement. There were no comments from the public. Mayor Waring closed the public hearing.

**PUBLIC HEARING: Midtown Redevelopment Plan/Tax Increment Financing Plan**

Mayor Waring opened the public hearing for the approval of the Tax Increment Financing Plan for the Redevelopment of the Midtown Redevelopment Project Area under the provisions of Chapter 6 of Title 31 of the Code of Laws of South Carolina 1976, as amended. Town Administrator Lisa Wallace showed a map of the redevelopment area and presented a slide show with the purpose of the redevelopment plan, the objectives of the plan, the projects to be funded by the plan, and the cost estimates and funding sources for the projects in the plan. There being no comments from the public, Mayor Waring closed this public hearing.

**PUBLIC COMMENT – FEBRUARY 10, 2022 AGENDA ITEMS**

Mayor Waring opened the floor for public comments for items on the February 10, 2022 agenda. There being none from the public, he closed the public comments section of the meeting.

**PETITIONS**

There were no petitions at the February 10, 2022 Council meeting.

**PENDING BILLS AND RESOLUTIONS**

Mr. McIntosh made a motion, seconded by Mr. Jackson, to give second and final reading to an ordinance to extend the Memorandum of Understanding for the sale of Town owned property known as 1.95 acres, more or less consisting of: 213 W. 2nd South Street., TMS 137-07-04-007; 208 Cedar Street, TMS 137-07-04-005; 210 W. Richardson Avenue, TMS 137-07-04-002. The motion carried unanimously.

Ms. Garten-Schmidt made a motion, seconded by Mr. Brown, to give second and final reading to an ordinance to amend Ordinance 21-1102, Chapter 2, Article II, Div. 4, Sections 2-132(b)&(c) of the Code Laws of the Town of Summerville to correct a scrivener's error using "commission" versus "committee" in section (b) and to designate that the Mayor shall serve as an "unpaid" ex-officio member of the Summerville Commissioners of Public Works in conformance with SC Code ann. §5-31-220 in Sect. 5. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Brown, to give second and final reading to an ordinance to amend Chapter 8, Article IV, Division 2 – Local Accommodations Tax, by amending: Section 8-122 to provide remittance made by electronic means; Section 8-123 to designate the Business License Official or his/her designee(s) to conduct inspections, audits, and administration and provide for applicable penalties; Section 8-124 by deleting the provision for collection by mutual agreement and provided for penalties for late remittance. Some discussion followed. The motion carried unanimously.

Mr. Brown made a motion, seconded by Mr. McIntosh, to give second and final reading to an ordinance to amend the Summerville Unified Development Ordinance, Chapter 3, Section 3.4.2.D.3 – Manufactured Housing Design Standards as it was presented by staff in the first reading with no amendments. Some discussion followed. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Touchberry, that Council approve the revision on page five (5) of the Ordinance Adopting the Town of Summerville Midtown Redevelopment Plan and documents related and attached thereto which clarify the date of 1st Reading and the

date of the Public Hearing AND on page D-1 which corrects the actual notice date of the Public Hearing as being February 10, 2022. The motion carried unanimously.

~~Mr. McIntosh made a motion, seconded by Ms. Garten-Schmidt, to give second and final reading to an ordinance providing for the execution and delivery of a Development Agreement concerning TMS #138-00-00-001 in the Town of Summerville, Dorchester County, South Carolina by and between the Town of Summerville and BGMP Development, LLC; authorizing the execution and delivery of a Public Infrastructure Improvements Purchase Agreement by and between the Town of Summerville, South Carolina and BGMP Development, LLC; and other matters relating thereto. The motion carried unanimously.~~

Mr. McIntosh made a motion, seconded by Ms. Garten-Schmidt, to give second and final reading to an ordinance adopting the Town of Summerville Midtown Redevelopment Plan; establishing the Midtown Redevelopment Project Area; making certain findings of blight within the Midtown Redevelopment Project Area; designating and defining certain redevelopment projects consisting of public improvements benefiting the redevelopment project area; designating and estimating appropriate redevelopment project costs; approving an overall redevelopment plan; approving an agreement between the Town and Dorchester County School District No. 2 relating to the foregoing, providing for notice and public hearing in connection with the foregoing; providing for notice of adoption hereof; and other matters related thereto. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Ms. Garten-Schmidt, for Council to approve the revisions to the ordinance which received approval at 1st reading on January 13, 2022 authorizing the issuance and sale of not exceeding \$20,000,000 aggregate principal amount limited obligation bonds (tax increment pledge), series 2022, of the Town of Summerville, South Carolina, for the purposes of defraying the cost of certain redevelopment projects within the town; fixing the form and details of the bonds; limiting the payment of the bonds from the sources provided herein; providing for the disposition of the proceeds thereof; providing for the terms and conditions under which additional bonds may be issued; and other matters relating thereto as follows:

- On page 4, the Finance Director has been changed to Director of Finance and the Town Clerk has been changed to Clerk to Council.
- On pages 7, 8, 9, 28 and EXHIBIT A, pages A-1 and A-3 - U.S. Bank, National Association has been changed to U.S. Bank Trust Company, National Association.
- On page 42, in reference to Exhibit C the word “additions” had been added so the phrase will now read “... additions and changes to ...”
- §19.2(b) – U.S. Bank Global Corporate Trust has been changed to U.S. Bank Trust Company, National Association
- On page 44 – Town Clerk has been changed to Clerk to Council
- EXHIBIT C – Pages: A-1 has been changed to CA-1; B-1 changed to CB-1; exhibits C-1, C-2 and C-3 have been changed to CC-1, CC-2 and CC-3 respectively

The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Ms. Garten-Schmidt, to give second and final reading to ordinance authorizing the issuance and sale of not exceeding \$20,000,000 aggregate principal amount Limited Obligation Bonds (Tax Increment Pledge), Series 2022, of the Town of

Summerville, South Carolina, for the purposes of defraying the cost of certain redevelopment projects within the town; fixing the form and details of the bonds; limiting the payment of the bonds from the sources provided herein; providing for the disposition of the proceeds thereof; providing for the terms and conditions under which additional bonds may be issued; and other matters relating thereto. The motion carried 6-0, with Councilman Touchberry recusing himself from the vote.

Mr. Brown made a motion, seconded by Mr. Jackson, to give second and final reading to an ordinance providing for the execution and delivery of a Development Agreement concerning TMS #138-00-00-001 in the Town of Summerville, Dorchester County, South Carolina by and between the Town of Summerville and BGMP Development, LLC; authorizing the execution and delivery of a Public Infrastructure Improvements Purchase Agreement by and between the Town of Summerville, South Carolina and BGMP Development, LLC; and other matters relating thereto. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Touchberry, to give second and final reading to an ordinance to adopt the 2021-2026 Capital Improvement Plan. The motion carried 6-1, with Mr. McIntosh voting in opposition.

Mr. McIntosh made a motion, seconded by Mr. Jackson, to postpone the second reading of an ordinance to dissolve the Summerville Redevelopment Corporation until the June 2022 Council meeting. Some discussion followed. The motion carried unanimously.

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

Mr. Jackson made a motion, seconded by Mr. Touchberry, to give first reading to an ordinance to adopt a revised impact fee ordinance for the Town of Summerville. Mr. McIntosh stated that he would vote to oppose first reading because the public does not understand that impact fees will be used for municipal buildings and not schools and roads. Mr. Jackson stated that the impact fees are on new construction only, and that the Town needs the buildings because of more people moving into the Town. Mayor Waring stated that public works and public safety are suffering because the Town does not have the money to fund their needs and that the impact fees will not affect the people who already live here. He also stated that the increased impact fees are the only way that the Town can catch up with the money that is needed to fund certain projects. Mr. McIntosh stated that the Town can only use impact fees for items that are on the approved Capital Improvements Plan, and that building new town facilities means hiring more employees. Ms. Garten-Schmidt stated that she agrees with the Mayor and Mr. Jackson, and also stated that the Town's citizens deserve the improvements that these impact fees can bring. Mr. Touchberry stated that since 2002, the impact fees' ability to help the Town has "eroded," and so much has changed, including the increased expectation of citizens. The motion carried 6-1, with Mr. McIntosh voting in opposition.

### **MISCELLANEOUS**

Mr. McIntosh made a motion, seconded by Mr. Jackson, to approve the site plans for Fire Station #6. The motion carried unanimously.

### **PUBLIC COMMENTS (open)**

Ms. Violet Saylor presented a sign that was made from the scrap metal of the old Saul Alexander playground. Ms. Linda Saylor-Marchant spoke on the African Americans on Tour, and stated that there will be another celebration for Juneteenth this year. A song and dance was performed by local children.

**EXECUTIVE SESSION:**

Mr. McIntosh made a motion, seconded by Ms. Garten-Schmidt, to enter into Executive Session to discuss the following items:

- Contractual matter related to potential purchase of 108 North Cedar Street
- Contractual matters related to a Contract for Services with Steven Fooshe and Associates
- Legal advice related to the condemnation of a drainage easement on TMS 161-04-04-002 for the Springview Lane Drainage Project.
- Personnel Matters Related to S.C. Law Enforcement Investigation

The motion carried unanimously, and Council entered into Executive Session at 7:10pm.

Council reconvened at 8:45pm. Town Attorney GW Parker stated that Council met in Executive Session to discuss the following items, and no action was taken in Executive Session:

- Contractual matter related to potential purchase of 108 North Cedar Street
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- Legal advice related to the condemnation of a drainage easement on TMS 161-04-04-002 for the Springview Lane Drainage Project.
- Personnel Matters Related to S.C. Law Enforcement Investigation

**OTHER BUSINESS AS NECESSARY:**

Mr. McIntosh made a motion, seconded by Mr. Touchberry, to authorize the Town Attorney to proceed with condemnation for a drainage easement on TMS 161-04-04-002 for the Springview Lane Drainage Project. The motion carried unanimously.

**ADJOURN:**

Mr. Jackson made a motion, seconded by Mr. McIntosh, to adjourn the meeting. The motion carried, and the meeting was adjourned at 8:46pm.

Respectfully Submitted,

APPROVED:

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Beth Messervy, Town Clerk

Ricky Waring, Mayor

**EXECUTIVE SESSION:**

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Respectfully Submitted,

APPROVED:

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Beth Messervy, Town Clerk

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Ricky Waring, Mayor

**AN ORDINANCE**

**SUPPLEMENTING ORDINANCE 22-0106 OF THE TOWN OF SUMMERVILLE, AS PREVIOUSLY SUPPLEMENTED BY ORDINANCE 22-0801, TO AMEND THE MAXIMUM INTEREST RATE IN CONNECTION WITH THE ISSUANCE OF NOT EXCEEDING \$20,000,000 AGGREGATE PRINCIPAL AMOUNT LIMITED OBLIGATION BONDS (TAX INCREMENT PLEDGE), SERIES 2022**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF SUMMERVILLE IN COUNCIL ASSEMBLED:**

**ARTICLE I**

**FINDINGS AND DETERMINATIONS**

Section 1.1. Findings and Determinations. The Town Council of the Town of Summerville (the “Council”), the governing body of the Town of Summerville, South Carolina (the “Town”), after due investigation, hereby finds and determines:

(a) The Council enacted Ordinance 22-0106 on February 10, 2022 (the “Original Bond Ordinance”), by which the issuance of not exceeding \$20,000,000 aggregate principal amount Limited Obligation Bonds (Tax Increment Pledge), Series 2022 (the “Series 2022 Bonds”), is authorized. The Original Bond Ordinance has been supplemented by Ordinance 22-0801, enacted by the Council on September 8, 2022. The Original Bond Ordinance, as so supplemented, is hereinafter referred to as the “Bond Ordinance.”

(b) Owing to recent changes in market conditions, the Council finds that it is necessary to further supplement the Bond Ordinance to amend the maximum permitted true interest cost stated therein and has determined to adopt this supplemental ordinance (“Ordinance”) for such purpose.

**ARTICLE II**

**AMENDMENT**

Section 2.1. Definitions. All capitalized terms appearing below, if not defined herein, shall bear the same definition as those found in the Original Bond Ordinance.

Section 2.2. Amendment. Notwithstanding the provisions of Section 12.1 of the Original Bond Ordinance, the true interest cost on the Series 2022 Bonds shall not exceed 5.50%.

Section 2.3. Savings. As supplemented hereby, the Bond Ordinance remains of full force and effect.

Section 2.4. Effectiveness of Ordinance. This Ordinance shall be in full force and effect from and after its adoption and shall be made available for public inspection at the office of the Clerk.

DONE, RATIFIED AND ENACTED this \_\_\_\_ day of \_\_\_\_\_ 2022.

TOWN OF SUMMERVILLE, SOUTH CAROLINA

By: \_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk to Council

First Reading: \_\_\_\_\_, 2022

Second Reading: \_\_\_\_\_, 2022

**STATE OF SOUTH CAROLINA**

**COUNTY OF DORCHESTER**

I, the undersigned, Clerk to Council of the Town of Summerville, South Carolina (the “Town”), **DO HEREBY CERTIFY:**

That the foregoing constitutes a true, correct, and verbatim copy of an Ordinance enacted by the Town Council of the Town (the “Town Council”). The Ordinance was read at two (2) public meetings of Town Council on two (2) separate days. An interval of at least six (6) days occurred between each reading. At each meeting, a quorum of Town Council was present and remained present throughout the meeting.

The meeting held on \_\_\_\_\_, 2022, was a special meeting of the Town Council for which notice was given pursuant to and in conformity with Chapter 4, Title 30 of the Code of Laws of South Carolina 1976, as amended. For such meeting, an agenda including the consideration of the Ordinance was posted in the administrative offices of the Town, posted on the Town’s public website, and provided to news media, in each case at least 24 hours prior to the commencement thereof.

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The original of the Ordinance is duly entered in the permanent records of the Town, in my custody as Clerk to Council.

The Ordinance is now in full force and effect.

**IN WITNESS WHEREOF**, I have hereunto set my Hand and the Seal of the Town of Summerville, South Carolina, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**(SEAL)**

\_\_\_\_\_  
Clerk to Council,  
Town of Summerville, South Carolina