

*Mayor*  
Ricky Waring

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



*Town Administrator*  
Rebecca Vance

*Town Clerk*  
Beth Messervy

*Town Attorney*  
G.W. Parker

## **Town of Summerville**

### **COUNCIL MEETING MINUTES February 11, 2021**

#### **ATTENDANCE**

Present: Mayor Ricky Waring, Councilmembers Kima Garten-Schmidt, Terry Jenkins, Walter Bailey, Aaron Brown, Bob Jackson and Bill McIntosh. A quorum was met. Public and press were duly notified. The meeting took place electronically via Zoom; it was livestreamed and recorded from the Town's website.

#### **CALL TO ORDER**

The regular monthly meeting of Summerville Town Council was called to order at 6:00pm on Thursday, February 11, 2021 by Mayor Waring. The meeting was opened with prayer led by Councilmember Terry Jenkins, followed by the Pledge of Allegiance.

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

Mr. Jackson made a motion, seconded by Mr. Brown, to approve the minutes from the Town Council meeting on January 14, 2021, the Special Called Council meeting on February 4, 2021 and the Standing Committee Meetings on Monday, February 8, 2021. The motion carried unanimously.

#### **PUBLIC COMMENT (ITEMS ON THE FEBRUARY 11, 2021 AGENDA)**

Ms. Messervy reported that she received public comments via email before 4:30pm on the day of the meeting. Ms. Messervy read all of the emails aloud. The emails were accepted into record.

There being no further comments, Mayor Waring closing this part of the meeting.

## **PETITIONS**

Mr. McIntosh made a motion, seconded by Mr. Bailey, to accept the petition by Philip A. Berlinsky and give first reading to an ordinance to annex Dorchester County TMS#s 153-00-00-012, 013, and 032, located off of Ridge Road and Samuels Lane and totaling approximately 35.82 acres. Currently zoned R-4 Multi-Family residential in Dorchester County and will be zoned MF-R, Multi-Family Residential upon annexation into the Town of Summerville municipal limits. (Council District 5). The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Bailey, to reject the petition by Diana T. Davis and decline first reading of an ordinance to annex TMS#s 145-07-05-056, located at the corner of Miles-Jamison Road and Pebbles Lane and totaling approximately 0.55 acres. Currently zoned R-1, Single Family Residential in Dorchester County, and will be zoned MF-R, Multi-Family Residential, upon annexation into the Town of Summerville's municipal limits. (Council District 3) Some discussion followed. The motion to reject the petition and decline first reading carried unanimously.

Mr. McIntosh made a motion, seconded by Ms. Garten-Schmidt, to reject the petition by Julius W. and Andrea T. Bean and deny first reading of an ordinance to annex TMS#145-07-05-054, located at the 507 Miles-Jamison Road and totaling approximately 1.57 acres. Currently zoned TRM, Transitional Residential District in Dorchester County, and will be zoned MF-R, Multi-Family Residential upon annexation into the Town of Summerville's municipal limits. (Council District 3). The motion to reject the petition and deny first reading carried unanimously.

## **PENDING BILLS AND RESOLUTIONS**

Mr. Brown made a motion, seconded by Mr. Jackson, to give second and final reading of an ordinance to amend Chapter 28-Traffic and Vehicles, Article IV – Wrecker Services, Section 28-121 – General Regulations. The motion carried unanimously.

Mr. Bailey made a motion, seconded by Mr. Brown, to give second and final reading of an ordinance to amend Chapter 12 – Environment, Article II – Noise, Section 12-31 – Generally. Mr. Jenkins made a motion, seconded by Mr. Bailey, to amend Section 12-35 by adding a new subsection (8), taking into consideration fireworks for Fourth of July and New Year's Eve. Some discussion followed. The motion to amend carried unanimously. The original motion as amended carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Brown, to give second and final reading to an ordinance to amend Chapter 2 – Administration, Article I – In General, Section 2-6 – Municipal Court. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Brown, to deny second and final reading of an ordinance to authorize the Mayor of Town Administrator to execute a quit-claim deed for a

1,127.16 square foot portion of an unimproved right-of-way to Noisette Row to AMH. Some discussion followed. The motion to deny second reading carried unanimously.

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

Mr. Brown made a motion, seconded by Mr. McIntosh, to give first reading to an ordinance to amend Chapter 28-Traffic and Vehicles, Article III – Stopping, Standing or Parking, to add Section 28-92, Heavy Vehicles Prohibited. Some discussion followed. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Bailey, to give first reading to an ordinance, by title only, to authorize the Mayor of Town Administrator to execute a quit-claim deed for Mary Jo Swanson, Berniece G. Ball (life estate), Diane Frankenburger, and Marvin Cregger for a portion of the unimproved West 3<sup>rd</sup> South Street right of way. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Ms. Garten-Schmidt, for purposes of discussion, to give first reading to an ordinance to rezone a portion of TMS# 137-09-01-057, located on Central Avenue, approximately 2.98 acres, and owned by 725 Central LLC, from PUD, Planned Development District, to MF-R, Multi-Family Residential. (Council District 1). Some discussion followed. Mr. Jackson made a motion, seconded by Mr. Brown, to postpone the item until the March 11, 2021 Council Meeting. The motion carried unanimously, and the item was postponed.

Mr. McIntosh made a motion, seconded by Mr. Bailey, to deny first reading of an ordinance to rezone TMS#145-07-05-057, located on Miles-Jamison Road, approximately 4.59 acres, and owned by Diana T. Davis, from PUD, Planned Development District, to MF-R, Multi-Family Residential. (Council District 3). The motion to deny first reading carried unanimously.

### **MISCELLANEOUS**

Mr. Jenkins made a motion, seconded by Mr. Jackson, to approve the site plan provided for the Summerville Elementary School bus loop and District Office / Stadium parking. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. McIntosh, to approve the newly designed Town seal and logo. Some discussion followed. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by **XXXXXXXX**, to appoint Mandy Pitcock as the Clerk of Court, with a salary of \$52,000 retroactive to Monday, February 8, 2021. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Jenkins, to hold a public hearing on the ordinance to repeal and replace the Unified Development Ordinance at the March 15, 2021 Planning Commission meeting. The motion carried.

**PUBLIC COMMENT (OPEN):**

There were no public comments.

**EXECUTIVE SESSION:**

Mr. Jenkins made a motion, seconded by Mr. Brown, to go into Executive Session to discuss legal matter regarding a proposed tax increment financing district; legal matter regarding Summerville Fire and Rescue fire service; personnel matter related to Legal Department; legal matter related to Farm Springs Road; and contractual matter related to listing agreement for the sale of the following pieces of Town-owned property described as follows: 213 W. Second South Street (TMS#137-07-04-007), 208 Cedar Street (TMS#137-07-04-005), and 213 W. Richardson Avenue (TMS#137-07-04-002). The motion carried unanimously, and Council entered into Executive Session at 7:36pm.

Council reconvened at 8:33pm. Town Attorney GW Parker stated that no action was taken on the following items within Executive Session: legal matter regarding a proposed tax increment financing district; legal matter regarding Summerville Fire and Rescue fire service; personnel matter related to Legal Department; legal matter related to Farm Springs Road; and contractual matter related to listing agreement for the sale of the following pieces of Town-owned property described as follows: 213 W. Second South Street (TMS#137-07-04-007), 208 Cedar Street (TMS#137-07-04-005), and 213 W. Richardson Avenue (TMS#137-07-04-002).

**OTHER BUSINESS**

Mr. Jenkins made a motion, seconded by Mr. Bailey, to approve a listing agreement with Robert Pratt at Re/Max Pro for the following properties for \$1.5 million: legal matter regarding a proposed tax increment financing district; legal matter regarding Summerville Fire and Rescue fire service; personnel matter related to Legal Department; legal matter related to Farm Springs Road; and contractual matter related to listing agreement for the sale of the following pieces of Town-owned property described as follows: 213 W. Second South Street (TMS#137-07-04-007), 208 Cedar Street (TMS#137-07-04-005), and 213 W. Richardson Avenue (TMS#137-07-04-002).

Town Attorney GW Parker asked that Council include in the motion that Mr. Parker can have the authority to add to the motion if necessary. Mr. Jenkins amended his motion to include Mr. Parker's request. The original motion carried unanimously.

**ADJOURN:**

Mr. Brown made a motion, seconded by Mr. McIntosh, to adjourn. The motion carried unanimously, and the meeting adjourned at 8:37pm.

Respectfully Submitted,

APPROVED:

---

Beth Messervy, Town Clerk

---

Ricky Waring, Mayor

DRAFT