

Wiley Johnson, Mayor

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
January 10, 2019

ATTENDANCE

Present: Mayor Wiley Johnson, Mayor Pro-Tem Bob Jackson and Councilmembers Aaron Brown, Christine Czarnik, Kima Garten-Schmidt, and Bill McIntosh. Walter Bailey was absent. A quorum was present. Town Administrator Colin Martin, Town Clerk Beth Messervy 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 6:00 p.m. on Thursday, January 10, 2019 by Mayor Johnson. The meeting was opened with prayer, followed by the Pledge of Allegiance led by Councilman Aaron Brown.

PRESENTATION

David Bourgeois from the Summerville Sweet Tea Half Marathon presented checks from funds raised at the 2018 race to the Summerville Fire Department, the Summerville Police Department, and the Dorchester County EMS.

PUBLIC COMMENTS

Mayor Johnson called for any comments from the public.

Felicia Whetsell, 155-B Pidgeon Bay Road, spoke to express her concerns with the Resolution passed at the December 13, 2018 Council meeting regarding the ban of James Martin from Doty Park. She reported that the tennis courts at Doty are not being utilized.

Louis Smith spoke to express his concerns with limiting public comment during Council meetings, as well as limiting the Mayor from talking.

Heather Johnson with the Summerville Beautification Committee gave an update on the committee's progress in 2018, which included focusing on litter reduction, having a monthly presence at the Farmers Market, and hand-delivering books and resource packets to every school in Dorchester District 2. She also reported that the committee will focus on cleaning up the litter in 2019 so that they can move on to more beautification projects.

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John Nicholas Hayes, 319 Dupont Way, addressed the agenda item regarding the first reading of the Unified Development Ordinance (UDO). He also addressed the renewal of the contract with Stantec for the UDO. He is concerned with water management and the UDO (Chapter 11).

Charles Schutt, the Director of Keep Dorchester County Beautiful, reported that the organization held several cleanups in 2018, including pulling 2 tons of litter from the Jessen Boat Landing. This year, the cleanup effort at Jessen will be land-based. He also reported that the organization received a Palmetto Pride grant to be used for 1000 man-hours of litter cleanup in Summerville.

There being no further comments from the public, Mayor Johnson closed this part of the meeting.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Mr. Jackson made a motion, seconded by Mr. McIntosh, to approve the minutes of the December 13, 2018 Council meeting. Ms. Czarnik pointed out a correction to the minutes, and Ms. Messervy made the amendment. The motion carried unanimously, and the minutes were accepted into record as amended.

APPROVAL OF COUNCIL COMMITTEE REPORTS

Mr. Jackson made a motion, seconded by Mr. Brown, to approve the combined minutes of the January 7, 2019 reports from Parks and Recreation, Planning and Development, Public Works, Public Safety, and Finance. The motion carried unanimously, and the reports were accepted into record.

PETITIONS

N/A

PENDING BILLS AND RESOLUTIONS

Mr. Jackson made a motion, seconded by Ms. Czarnik, to approve second and final reading of an ordinance to rezone TMS# 153-00-00-026, 1600 Old Trolley Road, approximately 5.00 acres, and owned by Grace Lutheran Church, Inc. from R-2, Single-Family Residential, to B-3, General Business. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Ms. Czarnik, to approve on second and final reading of an ordinance to add Article V-Traffic Impact Analysis to Chapter 20 – Planning and Development. The motion carried unanimously.

INTRODUCTION OF BILLS AND RESOLUTIONS

Mr. Jackson made a motion, seconded by Mr. Brown, to approve first reading of an ordinance to amend Chapter 2, Administration, Article II, Mayor and Council, Section 2-98, Addressing Council by Member. Mr. Jackson explained that he would like to have public comment for agenda items only at the beginning of the meeting, and then do additional public comment on non-agenda items at the end of the meeting.

Mayor Johnson pointed out that the ordinance change presented on the agenda for the meeting did not include Section 2-97 that Mr. Jackson was referring to. Some discussion followed regarding what ordinance changes were to be voted on at that time, and it was decided that only Section 2-98 was on the table.

Mr. Jackson made a request that the time allotted for each public comment speaker be displayed on the screen. Mayor Johnson pointed out that the request was not in the proposed ordinance change. More discussion followed regarding which Section of Chapter 2, Article II was being voted on.

Ms. Czarnik stated her concerns with language in Section 2-97 that would contradict the language in Section 2-98. She also stated that she is content with the ordinance as it currently is written, and pointed out that this may be the only forum where the public can make their voices heard.

Mr. McIntosh stated that the language that Ms. Czarnik was referring to would not contradict each other. He agrees that 3 minutes is enough time for someone to make their point.

Mr. Brown stated that limiting the time on a speaker is not because Council does not want to hear that speaker; instead, it is because it will give more people the chance to speak during public comment.

Ms. Garten-Schmidt agreed with Mr. Brown that the time limit is to give more people the chance to speak. She stated that if someone needed more time to speak, they could request it from Council.

The motion to give first reading to the ordinance change failed with a tie vote, 3-3, with Ms. Garten-Schmidt, Ms. Czarnik, and Mayor Johnson voting in opposition. Mr. Brown, Mr. Jackson, and Mr. McIntosh voted in favor.

Ms. Garten-Schmidt made a motion, seconded by Mr. Brown, to give first reading to an ordinance to amend Chapter 16, Offenses and Miscellaneous Provisions, Article I, In General, Section 16-15 – Smoking of tobacco products, Subsections (b) Intent, (c) Definitions, (d) Prohibition of Smoking in Indoor Workplaces/Indoor Public Places, and (f) Exceptions. Ms. Garten-Schmidt explained that the changes that would include a smoking ban in Town parks and property and special events held on Town property.

Ms. Czarnik voiced her support for first reading of the ordinance, but would like to see changes made to include vaping. She would like to add definitions and clear up some language between first and second reading.

Mayor Johnson stated that enforcement could be difficult, but the ordinance change would definitely help with the complaints from citizens and trash from cigarette butts. He agreed with Ms. Czarnik that vaping needed to be incorporated into the ordinance change.

Mr. McIntosh stated that he would not be supporting the smoking ban ordinance. He does not believe that this should be done by ordinance, as it will be criminalizing the offense.

Mr. Brown expressed his concerns with keeping the public safe from secondhand smoke. He also believes that the ordinance change needs to be tweaked in between first and second reading.

The motion carried 5-1, with Mr. McIntosh voting in opposition.

Mr. Jackson made a motion, seconded by Ms. Garten-Schmidt, to give first reading to an ordinance 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. (Referred to as the Unified Development Ordinance, or "UDO.")

Mr. Jackson presented the ordinance, stating that the development standards that the Town has now are so varied that they cause much confusion amongst developers and the staff. To unify the ordinance makes it easier for developers and staff to properly plan. He does not think that the document as presented is a finished product and does still need changes.

Ms. Czarnik expressed her concern that the first guiding principle in the UDO is to keep Summerville's small-town charm; however, the remainder of the document does not do such. She stated that the document is a roadmap to transform what the town looks like now, especially north of the train tracks. She would like to wait until the Historic District guidelines are completed before passing the UDO.

Ms. Czarnik made a motion, seconded by Mayor Johnson, to postpone the first reading of the ordinance until the Town gets the Historic District Guidelines from the consultant.

Jessi Shuler, Director of Planning, reported that the Historic District Guidelines would not be back from the consultant for approval until September 2019. She clarified that the Historic District is not exempt from the UDO, only from Chapter 4. She stated that the UDO protects the nature of the small-town atmosphere. She also clarified that the Historic District Guidelines are not standards; the document will be a living document that is subject to change. Ms. Shuler

expressed her concern that the majority of Council has not given her clear-cut changes or concerns that they have with the UDO.

Mr. Brown expressed his concern that Brownsville is not being treated as part of the Historic District in the UDO and that the area is being “decimated” by the proposed ordinance changes. He also stated that the problem with the UDO is that it is such a large document. He is concerned with residents being pushed out of affordable housing. He stated that if he had to vote on it tonight, he would vote against it because it does not serve the entire footprint of the Town.

Mayor Johnson suggested that staff and Council hold workshops in order for Council to have a better grasp of the contents of the UDO and to be able to ask questions and make changes.

Ms. Czarnik revised her motion, and Mayor Johnson agreed as the second, to postpone the first reading of the UDO indefinitely. Mr. Jackson stated that he would vote to table it to save it; and stated that the Town is losing economic development opportunities because the UDO has not been adopted yet. Mr. McIntosh stated that he would support Ms. Czarnik’s revised motion to postpone indefinitely. Some discussion followed regarding the process of reviewing the UDO with full Council.

The revised motion to postpone first reading indefinitely carried unanimously, and the item was tabled until further notice.

MISCELLANEOUS

Mayor Johnson addressed the issue on the agenda of proposed purchase of CPW building. Mr. Jackson stated that he would like to speak with the Chamber and some additional people and have more time before deciding on the purchase offer from the CPW.

Ms. Czarnik made a motion, seconded by Mr. McIntosh, that the Town transfer \$5,000 from the General Fund fund balance to the Summerville Redevelopment Corporation to cover the RDC’s operating expenses for 2019. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Ms. Garten-Schmidt, to adopt a resolution to authorize the Municipal Association of SC to act as claimant agency for collection of debt on behalf of Summerville Municipal Court in accordance with the Setoff Debt Collection Act. The motion carried unanimously.

Ms. Garten-Schmidt made a motion, seconded by Mr. Jackson, to create an ad hoc Comprehensive Plan Advisory Committee. The motion carried unanimously.

Mr. Brown made a motion, seconded by Mr. Jackson, to select Five Points (Highway 17-A/South Main at West/East Carolina Avenue) for an intersection improvement project. Mayor Johnson

pointed out that the motion is to consider this as a priority of Council to be done, and not a final approval of the construction. The motion passed unanimously.

Mr. Brown made a motion, seconded by Mr. Jackson, to issue a purchase order in the amount of \$1,200,000.00 to Safe Industries for the purchase of two (2) 2000 gallon per minute pumper engines. The request was from the Fire Department. Funds to come from budgeted Hospitality and Accommodations Tax funds. The motion carried unanimously.

Ms. Czarnik made a motion, seconded by Mr. McIntosh, to conclude the contract with Stantec for the Unified Development Ordinance. Town Attorney GW Parker explained that all of the work under the contract with Stantec has been performed except that the final file has not been delivered after further amendments are made.

Ms. Shuler stated that it would take an inordinate amount of time for her to make the changes to the document by herself, and she explained that it would be in the best interest of Council to let Stantec make any remaining changes. She explained that the Town has not given Stantec any more money than was agreed upon in the contract even though the process has lasted longer than anticipated. She also explained that in the future Stantec would be working on and paid on a by-the-hour basis to make changes to the document as requested by Council.

Ms. Czarnik stated that she would like to remove Stantec from the process. She believes that Council needs to own the document themselves.

Mr. McIntosh stated that he seconded the motion because he shares the concerns that Ms. Czarnik has. He does not think that the Town needs any more feedback from Stantec about the UDO.

Mr. Brown stressed that Council needs to express their concerns and changes about the UDO explicitly to Ms. Shuler. Some discussion followed regarding the process of making changes.

The motion failed with a vote of 0-6.

MAYOR'S REMARKS:

Mayor Johnson stated that "lighting for downtown area" would be included on the Finance Committee agenda for February. He also expressed the need for parking in order for the downtown area to grow.

EXECUTIVE SESSION:

Town Attorney G.W. Parker explained the topics to be discussed in Executive Session: personnel matter related to associate judge positions; personnel matter related to commission,

committee, and board positions; personnel matter related to Comprehensive Plan Advisory Committee; and personnel matter related to Town Administrator's contract.

Mr. Jackson made a motion, seconded by Ms. Garten-Schmidt, to enter into Executive Session at 7:33pm. The motion carried unanimously.

OTHER BUSINESS:

Council reconvened at 8:02pm in Chambers. Town Attorney GW Parker explained that no action was taken on personnel matter related to associate judge positions; personnel matter related to commission, committee, and board positions; personnel matter related to Comprehensive Plan Advisory Committee; and personnel matter related to Town Administrator's contract.

Mr. McIntosh made a motion, seconded by Mr. Jackson, to authorize the Town Attorney to negotiate a one-year extension on the Town Administrator's contract. The contract is to be brought back to Council. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Ms. Garten-Schmidt, to reappoint John Pardee, Richard Reiff, Kelly Anne Johnson, and Sarah Bares to the Bicycle and Pedestrian Advisory Committee. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Ms. Czarnik, to appoint Lawrence Trey Jameson to the position of Associate Municipal Judge for the Town of Summerville. The motion carried unanimously.

Mayor Johnson made a motion, seconded by Mr. Brown, to appoint Bob Jackson and Christine Czarnik to serve on the Comprehensive Plan Advisory Committee as the two members from the Planning and Development Committee. The motion carried unanimously. The additional nine appointments are set to be voted on at the February Council meeting.

ADJOURN

There being no further business, the meeting adjourned at 8:07 p.m. on motion of Mr. McIntosh, seconded by Mr. Brown.

Respectfully submitted:
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APPROVED:

Beth Messervy, Town Clerk

William W. Johnson, Mayor

DRAFT