

*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 January 13, 2022**

#### **ATTENDANCE**

Present: Mayor Ricky Waring, Councilmembers Terry Jenkins, Kima Garten-Schmidt, Aaron Brown, Russ Touchberry, Bill McIntosh, and Bob Jackson. Also in attendance were Town Administrator Lisa Wallace and Town Attorney GW Parker. Assistant Town Administrator Madelyn Robinson assumed the Town Clerk duties for this meeting. 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, January 13, 2022.

#### **PROCLAMATION AND PRESENTATION**

Mayor Ricky Waring presented a proclamation in celebration of the Town of Summerville's 175<sup>th</sup> Anniversary this year. Kelly Hazel with the Sweet Tea Half Marathon presented a donation from the event to the Town of Summerville Police and Fire, as well as to Dorchester County EMS.

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

Mr. Jackson made a motion, seconded by Mr. Jenkins, to accept the minutes of Town Council Meeting– December 9, 2021, Special Called Council Meeting – December 13, 2021, Standing Committee Meetings– January 10, 2022, and Special Called Council Meeting – January 10, 2022. The motion carried unanimously.

#### **PUBLIC HEARING**

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). Planning Director Jessi Shuler stated that the second public hearing would be held on Thursday, February 10, 2022 during the Council meeting. There were no comments from the public. Mayor Waring closed the public hearing.

**PUBLIC COMMENT – JANUARY 13, 2022 AGENDA ITEMS**

Tom Clark, resident of South Pointe, spoke in opposition of the proposed annexation of a property adjacent to his neighborhood. He stated that this would be a detriment to the quality of life of the residents, as well as a financial loss to the Town.

Ron Bullman, a representative of the developer and builder of the townhomes to go on the proposed annexed property, stated that he understands that it is Council's intention to deny the annexation request. He also stated that people are still moving to Summerville and have to go somewhere, so why not annex this property and collect taxes on them.

Daniel Probaska with Lions Vision Services spoke on the topic of the American Rescue Plan Funds. He stated that the Town's non profit community could benefit from the funds with a town-wide competitive grant program. He expressed his concern that the ARP funds should go to help the nonprofits that offer critical services to our community.

Raymond Tucker, resident of South Pointe Estates, stated that he was against the annexation of the South Pointe townhome property. He stated that the infrastructure of the Berlin G Myers Parkway and Highway 78 intersection is already lacking, and the addition of townhomes on that property would cause more flooding issues.

Tracy Hirsch, resident of South Pointe, stated that Highway 78 is not suitable for a townhome community to be added to it, and she supports a moratorium of new development. She stated that while Highway 78 is a Hurricane Evacuation Route, there are no plans for a few years to widen it where South Pointe is located.

Cindy Gillette, resident of South Pointe Estates, expressed her concern with the availability of emergency services to South Pointe with there being only one entrance/exit and how the addition of townhomes would hurt that. She stated that the infrastructure should be in place before the development.

Rose Marie Tucker, resident of South Pointe, stated that the Town needs to put a slow-down on new construction for any type of homes. She stated that short setbacks are making the Town ugly, and she is looking forward in the future to a bigger footprint.

Stephanie Krauss, resident of South Pointe, stated that she moved to Summerville because of the trees and charm, but the new development is getting rid of all of the trees. She expressed her concerns on the annexation because of safety, lack of resources, infrastructure, and flooding.

**PETITIONS**

Mr. Jackson made a motion, seconded by Mr. Brown, to deny first reading of an ordinance to annex Dorchester County TMS# 138-00-00-015, approximately 15.7 acres, located at South Pointe Boulevard and E. 5th North Street; 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 2). The motion carried unanimously.

**PENDING BILLS AND RESOLUTIONS**

Mr. Jenkins made a motion, seconded by Ms. Garten-Schmidt, to approve second and final reading of an ordinance to approve lease of 100 West Richardson Avenue, Suite C, Summerville, SC 29483. The motion carried unanimously.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

Mr. Jenkins made a motion, seconded by Mr. Jackson, to postpone the following item until after Executive Session. The motion carried unanimously.

*First reading of 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.*

Mr. Brown made a motion, seconded by Mr. Jackson, to give first 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. Jenkins, to give first 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. McIntosh made a motion, seconded by Mr. Brown, to give first 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.

Jenkins  
~~Mr. Jackson~~ made a motion, seconded by Mr. Jackson (for clarification), to give first 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. Some discussion followed. The motion carried 6-1, with Mr. McIntosh voting in opposition.

Mr. Jenkins made a motion, seconded by Ms. Garten-Schmidt, to give first reading to an 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 unanimously.

Mr. Jackson made a motion, seconded by Mr. Jenkins, to give first reading to an ordinance to adopt the 2021-2026 Capital Improvement Plan. The motion carried unanimously.

### **MISCELLANEOUS**

Mr. Brown made a motion, seconded by Mr. McIntosh, to appoint Bob Jackson as Mayor Pro Tempore. The motion carried 4-3 with Mr. Touchberry, Mr. Jenkins, and Mayor Waring voting in opposition.

Mr. McIntosh made a motion, seconded by Mr. Brown, to assign Councilmembers to Standing Committees as follows:

Parks and Recreation: Aaron Brown, Kima Garten-Schmidt, Bob Jackson

Planning and Development: Terry Jenkins, Bob Jackson, Russ Touchberry

Public Safety: Aaron Brown, Bill McIntosh, Terry Jenkins

Public Works: Kima Garten-Schmidt, Bill McIntosh, Russ Touchberry

The motion carried 5-1 with Mr. Jenkins voting in opposition and Mayor Waring abstaining from the vote.

Mr. McIntosh made a motion to approve \$100,000 in American Rescue Plan funds to Home Repairs and Weatherization in LMI Communities and \$125,000 in ARP funds to a Workforce Housing Program. Some discussion followed about who would develop and implement the Workforce Housing Program. Mr. McIntosh amended his motion to give the full \$225,000 go to Home Repairs and Weatherization in LMI Communities. Mr. Brown made a motion, seconded by Mr. McIntosh, to approve \$225,000 of American Rescue Plan funds to go to Home Repairs and Weatherization in LMI Communities. Mr. Brown then amended his motion, seconded by Mr. McIntosh, to include that Habitat for Humanity would implement the program. The motion to amend carried unanimously. The original motion as amended carried unanimously.

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

Mr. Kevin Carroll of 206 Thames Avenue thanked the Town for reinstating single stream recycling. He also stated that the Hutchinson Square holiday lighting was amazing, as was the Christmas Parade. He also expressed his excitement for the Town's 175<sup>th</sup> Anniversary.

**EXECUTIVE SESSION:**

Mr. Jenkins made a motion, seconded by Mr. Brown, to enter into Executive Session to discuss the following items:

- Receive legal advice and updates on Croft, et al v. Town, et al with related Harbison and Hudson cases and Applegate v. Town
- Receive legal advice regarding the dissolution of the Summerville Redevelopment Corporation
- Personnel matter related to harassment of Parks and Recreation staff members by a third-party citizen
- Contractual matter related to the sale of Town-owned property: 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, and Council entered into Executive Session at 7:10pm.

Council reconvened at 7:50pm. Town Attorney GW Parker stated that Council met in Executive Session to discuss the following items, and no action was taken in Executive Session:

- Receive legal advice and updates on Croft, et al v. Town, et al with related Harbison and Hudson cases and Applegate v. Town
- Receive legal advice regarding the dissolution of the Summerville Redevelopment Corporation
- Personnel matter related to harassment of Parks and Recreation staff members by a third-party citizen
- Contractual matter related to the sale of Town-owned property: 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.

**OTHER BUSINESS AS NECESSARY:**

Mr. Jenkins made a motion, seconded by Mr. McIntosh, to give first 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.

**ADJOURN:**


Mr. Jenkins made a motion, seconded by Mr. McIntosh, to adjourn the meeting. The motion carried, and the meeting was adjourned at 7:51pm.

Respectfully Submitted,



Beth Messervy, Town Clerk

APPROVED:



Ricky Waring, Mayor