

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

May 12, 2022

ATTENDANCE

Present: Mayor Ricky Waring, Councilmembers Kima Garten-Schmidt, Bob Jackson, Aaron Brown, Russ Touchberry, Bill McIntosh, and Terry Jenkins. 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, May 12, 2022. Councilman Terry Jenkins gave the invocation, followed by the Pledge of Allegiance.

PROCLAMATION PRESENTATIONS

Mayor Ricky Waring presented proclamations for Firefighter Appreciation Day, National Police Week, Economic Development Week, and Municipal Clerks Week.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Mr. Jenkins made a motion, seconded by Mr. Brown, to approve the minutes of the April 14, 2022 Council Meeting; the April 21-22, 2022 Special Called Council Meetings; the May 4, 2022 Special Called Council Meeting, and the May 9, 2022 Standing Committee Meeting. The motion carried, and the minutes were accepted into record.

PUBLIC COMMENT – MAY 12, 2022 AGENDA ITEMS

Mayor Waring opened the floor for public comments for items on the May 12, 2022 agenda. There being no one signed up, Mayor Waring closed public comment.

PENDING BILLS AND RESOLUTIONS

Mr. Brown made a motion, seconded by Mr. McIntosh, to give second reading of an ordinance to annex Dorchester Co. TMS# 145-06-06-004, located off Paradise Point and totaling approximately 1.584 acres. Currently zoned CG, General Commercial in Dorchester County and will be zoned G-B, General Business, upon annexation into the Town of Summerville's municipal limits. (Council District 3). The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Jackson, to give second and final reading of an ordinance to amend Chapter 12, Article II of the Ordinances of the Town of Summerville by: amending Section 12-31 to add vibration(s); amending Section 12-32 by adding vibration(s); amending Section 12-33 to delete any reference to scientific measurement of decibel level; amending Section 12-34(3) to add vibrations which affect the environment; Section 12-36 to make it mandatory the officer exercise his/her judgment and that any factor may be weighed, add vibration to Subsections (1), (2), (3), (4), (5), (6), and adding new Subsections (7), (8), (9), (10); amending Section 12-37 by adding vibration; amending Section 12-39 by adding vibration; deleting Section 12-40 in its entirety; amending Section 12-41 by adding vibration. The motion carried unanimously.

INTRODUCTION OF BILLS AND RESOLUTIONS

Mr. Jenkins made a motion, seconded by Mr. Jackson, to give first reading to an ordinance to adopt an operating budget for the Town of Summerville, SC for the fiscal period beginning July 1, 2022 and ending June 30, 2023, with an amendment to the millage rate, changing the rate from 59.5 mills to 66 mills. Mr. McIntosh stated that no one had made motion to give first reading to the ordinance (without amendments).

Mr. Jenkins made a motion, seconded by Mr. Touchberry, to give first reading to an ordinance to adopt an operating budget for the Town of Summerville, SC for the fiscal period beginning July 1, 2022 and ending June 30, 2023. Mr. McIntosh asked if Mr. Jenkins had the amendment in writing. He stated that amendments in writing are required by state law and that by practice, the Council has always presented amendments to ordinances in writing. Town Attorney GW Parker stated that Council has amended an ordinance on first reading before, verbally and not in writing. Mr. Jenkins gave the Town Attorney a copy of the motion that he read to amend the ordinance on first reading, and Mr. Parker's paralegal left to make copies for Council.

Mr. McIntosh made a motion to table the amendment. With no second on the motion, the motion failed. Town Attorney GW Parker asked that Council move to the next item while his paralegal made copies of the budget ordinance amendment that was presented by Mr. Jenkins.

Mr. Jackson made a motion, seconded by Ms. Garten-Schmidt, to give first reading to an ordinance to amend and renumber Town Ordinance Chapter 24 – Streets, Sidewalks, and other Public Places, Article II – Picketing, Demonstrations, and Parades, Division I Sections 24-41, 24-42, 24-43, renumbering 24-44 to 24-45, adding new section 24-44, renumbering 24-4 to 24-48, adding new 24-45, adding new 24-46, adding new 24-47. Division II by renaming Division II, and amending sections 24-71, 24-72, 24-73, 24-74, 24-76, 24-77. Town Administrator Lisa Wallace explained that this amendment would change the time requirements when applying for special event, parade, and picketing permits. Mr. Parker stated that the timelines that are currently in place are borderline unconstitutional. Some discussion followed. The motion carried unanimously.

Council then returned to the first reading of the ordinance to establish an operating budget; Mr. Parker's paralegal gave a copy of Mr. Jenkins's amendment to each member of Council.

Mr. Brown stated the following and asked that it be included in the minutes verbatim:

“While I’m happy that we are increasing pay for our employees with this budget and especially with our police, fire, and lower level employees who are past due for a raise, I am concerned about the lower income residents who live in my district and other parts of Town who are losing their homes and other real estate to the ever increasing burden of property taxes at the delinquent tax sale or being forced to sell for less than market value. The dilution of minority residents in Germantown, Sasportas, Brownsville, and Robynwyn notably amounts to unintentional gentrification and the loss of identity of people who have lived here in Summerville many years before Summerville became the 7th largest town in South Carolina. Again, I agree with the need for higher wages to be more competitive and to increase employer retention, but an increase in taxes by a millage increase is something that is difficult to swallow. Hopefully we will learn to be more frugal with the taxpayers money in the future and place stop gap measure in place to avoid the need for additional tax increases in the future. The Town must learn to live within a budget, and if the millage is not adequate to meet the needs of the residents, then the Town must review what entities are creating the shortfall and make adjustments beyond the lowly homeowner.”

Mr. McIntosh stated that he is bothered by the lack of transparency and procedure. He stated that the three times that a balanced budget had been presented to Council, the millage rate was 59.5 and there was no talk of a millage increase.

Ms. Garten-Schmidt stated that she agrees with Mr. McIntosh in that increasing the budget by 6.5 mills is too much at this time. She stated that she would prefer to vote on the budget as-is for the first reading; if she had to vote at this time, she would vote “no.”

Mayor Waring stated that the Town of Summerville is in trouble financially, and that if the Town does not raise taxes this year, they will be in even more trouble next year. Mayor Waring stated that he is relying on Ms. Wallace and Finance Director Rhonda Moore to give Council the truth and the right guidance. He also stated that citizens living in the Town of Summerville have to give up something in order to live in a great city.

Mr. Jenkins stated that Mr. McIntosh is accurate in saying that people did see online that Council was presented a balanced budget. He then stated, however, that upon further review of the budget, one would know that the Town had to balance the budget using American Rescue Plan funds. He stated that the Town is somewhere around \$4.5-\$5 million short in the budget, and that a 6.5 mill increase would generate \$1.8 million in revenue. He pointed out that while the Town’s budget would still be a million short, it would allow the Town to have the remainder of the ARP funds to use next year while the Town tries to get in a better financial position.

Mr. McIntosh stated that he does talk with the Town’s senior managers, but that he was no aware of some things that other Councilmembers were saying. He expressed his concern that the 2021 audit is not yet complete, and that the Finance Director estimates that the audit will show a surplus in the millions of dollars. He stated that the Town does not have a revenue problem, but instead a spending problem.

Mr. Jackson said that he does agree with the lack of transparency, and that the amendment should have gone out in writing. He stated, however, that the Town is behind financially, citing the need for a police station, fire station, and courthouse. Mr. Jackson stated that part of the need for the millage increase is because the Town has been “living on the cheap” by not

increasing the millage in years past. He stated that he would vote for a millage increase, and that he will take responsibility for his vote.

Mr. Brown stated that if the Town raises taxes, it will lower the attractiveness of the Town. He stated that the Town does not have a stop gap in place to make sure they aren't spending money on things that they don't need to be spending money on. Mr. Brown agreed with Mr. Jenkins in that something needs to be done.

Mr. Jackson stated that the engineering department's budget has gone up because the Town is doing projects that are important and beneficial to the residents. He stated that he is standing up for the Town.

Mr. Touchberry stated that stewardship is not just about cutting costs and employees, but rather it is about making tough decisions and deciding where the Town's money goes. He stated that he will work with Council to give staff the encouragement and support that they need, and he will help to find the funds to do the projects that the Town needs. Mr. Touchberry stated that he will vote for a millage increase.

Ms. Garten-Schmidt stated that after hearing all of the other Councilmembers' statements, she will vote for the proposed millage increase. She explained her decision in that the Town now has to make up for the times that the millage rate was lowered.

The vote on the amendment to the motion passed 6-1, with Mr. McIntosh voting in opposition.

Discussion on the original motion as amended began. Mr. McIntosh stated that he agrees that there has been a lack of vision on Council's part; and he said that staff are not stewards of the money, but rather Council is. Mr. McIntosh stated that the Town is in financial trouble because of the mismanagement of former staff members, but also that Council shares some of the blame. He stated that each time the Town cut taxes, the number of tax revenues were higher than the previous year. He also stated that tax cuts spur economic development. Mr. McIntosh stated that the millage increase was hidden.

Mayor Waring stated that if, after the 2021 audit is complete, the Town does have a surplus, that they could do a tax rollback. He stated that he is not against that at all.

The vote on the original motion as amended was 6-1, with Mr. McIntosh voting in opposition.

Ms. Garten-Schmidt made a motion, seconded by Mr. Jackson, to give first reading to an ordinance to amend Chapter 22 - Water Management, Flood Damage Prevention, and Stormwater Management, Section 22-124 - Stormwater control, Item (f) - Minimum runoff control requirements, Subsection (2). Mr. McIntosh made a motion, seconded by Mr. Jackson, to amend the original motion to strike 50% from the ordinance language and replace it with 75%. Mr. McIntosh stated that what the Public Works and Committee on Water Supply talked about at their May 9, 2022 meeting was that they didn't want citizens to have to hire people to help them understand the ordinance. Mr. Jenkins stated that there was discussion in the committee meeting to add 50% to the previously proposed language. Mr. McIntosh stated that the committee asked staff to set the amount. He stated that 75% would be accepted by the public.

Mr. Touchberry made a motion, seconded by Mr. McIntosh, to send the item back to the Public Works and Committee on Water Supply to have staff present different surfaces. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Jenkins, to give first reading of an ordinance to authorize the Mayor or Town Administrator to execute an economic development incentive agreement for Project Wood in the Town of Summerville. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Touchberry, to approve a resolution to change the Town of Summerville Organizational Chart, with the changes being to remove the positions of Assistant Town Administrator and Assistant to the Mayor. The effective date would be July 6, 2022. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Ms. Garten-Schmidt, to give first reading to an ordinance to authorize the Mayor or Town Administrator to execute a quit-claim deed to North Maple MBM, LLC for the property described in the ordinance. Mr. McIntosh asked the price in the quit-claim deed, and Mr. Cornette replied "\$5,017."

MISCELLANEOUS

Town Administrator Lisa Wallace stated that she would like Council to give staff a direction as to how to proceed with pursuing a preliminary redistricting plan. Mr. McIntosh stated that the Town has used the Budget and Control Board in the past to redraw the district lines and that staff should stay out of the redrawing process. He stated that he would like the League of Women Voters and NAACP to submit their proposed redistricting maps. Mr. Brown stated that the district maps are supposed to evenly distribute citizens among the 6 Council districts and that it is important that there be a district that shows minority vote representation. Ms. Wallace stated that it was never her intent for staff to have any participation in redrawing the lines. More discussion followed.

Town Attorney GW Parker stated that WCBD News2 would like to put a live-streaming web cam on the Town of Summerville's annex building and that he sent a copy of the proposal to Council prior to the Council meeting. Some discussion followed. Mr. Jenkins made a motion, seconded by Ms. Garten-Schmidt, to approve the agreement. The motion carried unanimously.

Mayor Waring stated that Chris Kahler with the Summerville Commissioners of Public Works would like the Town to get with all of the public utilizes to discuss a possible franchise fee before Council votes on one so that everyone is on the same page. Mr. McIntosh made a motion, seconded by Ms. Garten-Schmidt, to table consideration of establishing a franchise fee for the Summerville CPW. Some discussion followed. The motion to table the item carried unanimously.

PUBLIC COMMENTS (open)

Mayor Ricky Waring opened the floor for public comments for any topic.

Linda Whetsell of 108 Atlantic Street voiced her concern with construction sounds on her street at 6am, noise until 9pm, the Summerville Police Department doesn't show up when you call them, the police cars are "gunning it" when they go down the street, and she cannot go into her

backyard because of the mosquitoes. She also stated that there is noise, dust, chemicals, and mud on Atlantic Street. She stated that Council should stop spending money, and that she cannot get a loan because she does not have any credit. Ms. Whetsell stated that there are homeless people who do not have food and that Council is not doing their job.

EXECUTIVE SESSION:

Mr. McIntosh made a motion, seconded by Mr. Jenkins, to amend the agenda to strike item c) “receive legal advice on rescinding the General Bond Ordinance passed by Council on July 9, 2020 to allow Summerville CPW to issue water and sewer bonds to fund various projects” from the Executive Session. The motion carried unanimously. Mr. Jenkins made a motion, seconded by Ms. Garten-Schmidt, to enter into Executive Session as amended to a) receive legal advice on the matter of Applegate v. Town of Summerville; and b) receive an update on a personnel matter related to previously discussed South Carolina Law Enforcement investigation. The motion carried unanimously, and Council entered into Executive Session at 7:59pm.

Council reconvened at 8:17pm. Town Attorney GW Parker stated that Council met in Executive Session to a) receive legal advice on the matter of Applegate v. Town of Summerville; and b) receive an update on a personnel matter related to previously discussed South Carolina Law Enforcement investigation and that no action was taken in Executive Session.

ADJOURN:

Ms. Garten-Schmidt made a motion, seconded by Mr. Jackson, to adjourn. The motion carried unanimously, and the meeting adjourned at 8:18pm.

Respectfully Submitted,



Beth Messervy, Town Clerk

APPROVED:



Ricky Waring, Mayor