

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

May 13, 2021

ATTENDANCE

Present: Mayor Ricky Waring, Councilmembers Terry Jenkins, Walter Bailey, Kima Garten-Schmidt, Aaron Brown, Bob Jackson and Bill McIntosh. 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

The regular monthly meeting of Summerville Town Council was called to order at 6:00pm on Thursday, May 13 2021 by Mayor Waring. The meeting was opened with prayer led by Councilman Terry Jenkins, followed by the Pledge of Allegiance.

PROCLAMATION PRESENTATIONS

Beth Messervy, the Town Clerk, read proclamations for Economic Development Week, Municipal Clerks Week, Public Works Week, and Fair Housing Month.

SPECIAL PRESENTATIONS

Mayor Waring presented a proclamation to Miss Aussie Talbott for her bravery in saving her family from a house fire. Ms. Messervy presented certificates of appreciation to members of the Town's citizen boards, commissions, and committees.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Mr. Jenkins made a motion, seconded by Ms. Garten-Schmidt to approve the minutes of the Town Council meeting minutes – April 8, 2021; the Special Council Meeting – April 26, 2021; the Special Council Meeting (Budget Retreat) – May 5, 2021; and the Standing Committee Meeting minutes – May 10, 2021. Mr. Bailey made a motion, seconded by Ms. Garten-Schmidt, to amend Item D on the May 10, 2021 Public Works minutes to clarify the direction given to staff regarding Golf Road. The motion to amend carried. The original motion as amended carried unanimously, and the minutes were accepted into record.

HEARING FOR BUSINESS LICENSE FEE APPEAL

Mr. McIntosh, the Mayor’s designee, opened the hearing regarding the appeal of a business license fee by Summit Contracting Group. Mr. Leesman, representing Summit Contracting Group, stated that the purpose of the appeal is to see that the calculation of the license fee correct for doing business as a general contractor. Mr. Leesman stated that the correct calculation would be \$7410.20 for the business license fee and that the Town’s calculation came in at over \$125,000. Mr. Cornelius explained the process of business licenses in construction projects. Mr. Leesman asked Council to reverse the Town’s calculation of Summit’s business license.

Town Attorney, GW Parker, called Andrew Shelton as a witness to explain the MASC model ordinance and guidelines. Mr. Parker then called Belinda Harper as a witness to explain how the model ordinance was created and how the Town updated their license ordinance to reflect the model ordinance. Mr. Parker asked that Ms. Harper be called as an expert witness. Some discussion followed. Ms. Harper explained more about the process when dealing with construction companies and subcontractors.

Mr. Leesman gave a closing statement. Mr. Parker gave a closing statement.

Mr. McIntosh opened the floor for Council to ask questions of Mr. Parker and Mr. Leesman. Some discussion followed. Mayor Waring stated that he would like to go into Executive Session to discuss the matter. Mr. McIntosh stated that he did not feel it was necessary.

The vote on the business license fee appeal is as follows:

- Mr. Jenkins: deny
- Mr. Bailey: deny
- Ms. Garten-Schmidt: deny
- Mayor Waring: approve
- Mr. Brown: deny
- Mr. Jackson: deny
- Mr. McIntosh: deny

The appeal was denied 6-1, with Mayor Ricky Waring voting to grant the appeal.

PUBLIC COMMENT (ITEMS ON THE APRIL 8, 2021 AGENDA)

Peter Gorman of South Magnolia Street stated his concerns with the “Open for Business” ordinance and how it would affect the residential area on South Magnolia Street. He also expressed his concerns with transparency of the ordinance and the benchmarks for measuring success.

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

PETITIONS

Mr. McIntosh made a motion, seconded by Mr. Jackson, to give first reading to an ordinance to annex Dorchester Co. TMS# 136-00-00-105, located at 908 Central Avenue and totaling approximately one (1) acre. 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 1). The motion carried unanimously.

PENDING BILLS AND RESOLUTIONS

Mr. Jackson made a motion, seconded by Mr. Brown, to give second and final reading to an ordinance to amend Chapter 8 – Businesses, Section 8-33 – Purpose and Duration to change the calendar end date from May 31 to April 30. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Jackson, to give second and final reading to an ordinance to amend Chapter 8 – Businesses, Appendix A, 8.7 NAICS 524127-Insurance Companies for Article I, Article II, and Article III so that license taxes for insurance companies shall now be due and payable on or before April 30 in each year. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Brown to give second and final reading to an ordinance to amend Chapter 16 – Offenses and Miscellaneous Provisions, Article I – In General, by adding a new Section 16-18 – Home Detention, to provide for a home detention program as an alternative to incarceration in certain cases in the Town of Summerville. Mr. Bailey made a motion, seconded by Mr. Jackson, to amend the ordinance to remove paragraph 2, dropping “and non-electronic.” The motion carried 6-1 with Mr. McIntosh voting in opposition. The original motion as amended carried unanimously.

from

INTRODUCTION OF BILLS AND RESOLUTIONS

Mr. Jenkins made a motion, seconded by Mr. Jackson, to give first reading of an ordinance to adopt an operating budget for the Town of Summerville, SC for the fiscal period beginning July 1, 2021 and ending June 30, 2022. Mr. Bailey stated that he would vote to have first reading, but would like staff to make a case for the new positions included in the proposed budget. Mr. McIntosh expressed his concerns at the rate of growth of the administrative positions. Mayor Waring stated that he would like to have another budget meeting for a breakdown of the budget. The motion to give first reading to the budget carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. McIntosh, to give first reading of an ordinance to amend Chapter 14 – Fire Prevention and Protection to change the chapter title to “Public Safety.” Some discussion followed. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Jackson, to give first reading of an ordinance to amend Chapter 14, Article II, Section 14-42 – Appointment of Officers.; an ordinance to amend Chapter 14, Article II, Section 14-44 – Board of Trustees of Firefighter’s Insurance and Inspection Fund; and first reading of an ordinance to amend Chapter 14 to add Article III entitled “Police Department” to include new Section 14-49 – Composition and new Section 14-50 – Appointment and Removal of Officers. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Jackson to give first reading of an ordinance to authorize the Mayor or Town Administrator to execute a quit-claim deed to Mary Jo Swanson for all that certain piece, parcel or lot of land, a 0.11 Acre of land lying adjacent to South Laurel Street and TMS# 137-06-08-009 shown as Parcel A in Square 24 on Detmold’s Plan in

Summerville. 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 of an ordinance to authorize the Mayor or Town Administrator to execute a quit-claim deed to Berniece G. Ball A Life Estate for all that certain piece, parcel or lot of land, a 0.28 Acre of land lying adjacent to South Laurel Street and TMS# 137-06-08-003 shown as Parcel B in Square 24 on Detmold's Plan in Summerville. Mr. Bailey made a motion, seconded by Mr. McIntosh, to correct the name on the quit-claim deed. The motion to amend carried unanimously. The original motion as amended carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Jenkins to give first reading of an ordinance to rezone TMS#136-00-00-117, located at 123 Harvest Way, approximately 4.97 acres, and owned by William H. and Laura Ashley White, from PUD, Planned Development District, to GR-2, General Residential. (Council District 4) The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Jackson, to give first reading of an ordinance to authorize and establish the "Summerville Open for Business Program" to encourage economic development and private investment in the Town of Summerville, South Carolina, and other matters related thereto. Some discussion followed. Mr. McIntosh made a motion, seconded by Ms. Garten-Schmidt, to amend the downtown commercial district map included in the ordinance to change the eastern border to mid-road on South Magnolia and the southern border to East Doty. The motion to amend carried unanimously. More discussion followed. The original motion as amended carried 5-2 with Mr. Bailey and Mr. McIntosh voting in opposition.

Mr. Jackson made a motion, seconded by Mr. Jenkins to give first reading of an ordinance to establish a Business License Tax Incentive Program to encourage business development and expansion in the Town of Summerville, South Carolina, amending the Town's Code of Ordinances to incorporate such amendments and other matters related thereto. Some discussion followed. Mr. Jackson made a motion, seconded by Mr. Bailey, to amend the ordinance to require that the applications for the incentive program be approved by Council. The motion to amend carried unanimously. The original motion as amended carried 5-2 with Mr. Bailey and Mr. McIntosh voting in opposition.

MISCELLANEOUS

Mr. Jackson made a motion, seconded by Mr. Brown, to donate pieces of the Saul Alexander park playground equipment to the Alston Heritage Group and to Alston Middle School. Mr. Jenkins stated that he would like Town Attorney GW Parker to include a clause about the Town having no liability to the equipment after it is removed and donated. *The motion carried unanimously*

Mr. Jackson made a motion, seconded by Mr. Brown, to approve the 2021 CDBG Annual Action Plan. Some discussion followed. The motion carried 6-1, with Mr. Bailey voting in opposition.

Mr. Brown made a motion, seconded by Mr. Jackson, to authorize staff to approve a license agreement with the Office of the Adjutant General for the use of the property adjacent to the Jerry Blackwell Sports Complex. The motion carried unanimously.

PUBLIC COMMENT (OPEN):

Linda Saylor-Marchant asked if there was anything she needed to do to have the Town recognize Juneteenth as a state holiday. She also expressed her concern with the lack of public transportation coming in and out of Summerville.

William Hamilton with the Best Friends of Lowcountry Transit, stated that it takes 4 hours to get from Mount Pleasant to Summerville on the current public transportation system in place. He asked how the decision was made to exclude Summerville from the Lowcountry Rapid Transit plan.

Vicki Westberg with the League of Women Voters stated that the League would like to offer educational program and public forums on the redistricting of Council district lines after the results of the 2020 Census were in.

EXECUTIVE SESSION:

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

- a. Personnel matter related to Board of Architectural Review open seat
- b. Personnel matter related to Finance Department
- c. Personnel matter related to Town policy regarding face masks in Town facilities
- d. Legal matter related to Employee Handbook
- e. Receive legal advice regarding removal of bridge over ditch on Allison Lane
- f. Legal matter related to 207 East 5th North Street and 215 East 5th North Street properties
- g. Contractual matter regarding sale of Town owned real property described as follows: 213 W. Second St. South – TMS# 137-07-04-007; 208 Cedar St., TMS# 137-07-04-005; 210 W. Richardson Ave., TMS# 137-07-04-002.

The motion carried unanimously, and Council entered Executive Session at 8:41pm.

Council returned from Executive Session at 9:50pm. Town Attorney GW Parker stated that Council met in Executive Session to discuss items a-g on the agenda and that no action was taken.

Mr. Jenkins made a motion, seconded by Mr. Bailey, to appoint Nancyjean Nettles to the Board of Architectural Review to fill the Arts Community seat previously held by Beth Huggins, who retired from the Board. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Ms. Garten-Schmidt, to authorize the Town staff to remove the bridge at the end of Allison Lane. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Jackson, to approve a Memorandum of Understanding for the sale of the Town-owned properties listed in Executive Session Item g. The motion carried unanimously.

ADJOURN:

Mr. Jenkins made a motion, seconded by Mr. Jackson, to adjourn. The motion carried unanimously, and the meeting adjourned at 9:53pm.

Respectfully Submitted,

APPROVED:



Beth Messervy, Town Clerk



Ricky Waring, Mayor