

*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**

#### **June 8, 2023**

#### **ATTENDANCE**

Present: Mayor Ricky Waring, Councilmembers Kima Garten-Schmidt, Bob Jackson, Aaron Brown, Russ Touchberry, Terry Jenkins and Bill McIntosh. 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, July 10, 2023. Councilmember Aaron Brown gave the invocation, followed by the Pledge of Allegiance.

#### **PROCLAMATION PRESENTATIONS**

Mayor Waring presented a proclamation to the Summerville High School Girls' Softball Team for winning the State Championship.

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

Mr. Jenkins made a motion, seconded by Mr. Touchberry, to approve the minutes of the May 11, 2023 Council meeting; the May 19, 2023 Special Council Meeting; and the June 5, 2023 Standing Committee minutes (with a correction of a vendor name in the Finance minutes). The motion carried unanimously.

#### **PUBLIC HEARING:** Proposed budget for Fiscal Year 2024

Finance Director Rhonda Moore presented slides showing the actual revenues from 23 and projected revenues for 24. She answered questions from the Council regarding revenues in property taxes and business licenses. The public hearing was then opened to the public. There being no one to speak in the public hearing, the Mayor closed this section of the meeting.

**PUBLIC COMMENT – JUNE 8, 2023 AGENDA ITEMS**

Otis Engelman gave a brief history of Sculpture in the South and asked Council for reconsideration of giving the organization State Accommodations Tax money, even though the ATAX Committee voted to give the organization \$0.00.

Tricia Melton stated that she is concerned about the County wanting to remove the old hospital building at 500 North Main Street. She stated that there is a lack of transparency of the meetings where the issue was discussed. She expressed her concern that there was no public input in the planning phase of that property.

Peter Gorman stated that the Midtown TIF Ordinance was adopted with no transparency, no public input, and no participants in the public hearing. He stated that the public should have been better informed of the TIF ordinance and the financial repercussions.

Heyward Hutson stated that he was making his remarks on behalf of the Preservation Society. He stated that the public needs to be informed of the plans for 500 North Main Street in terms of the County’s plan for development and the Town’s removal of the property from the Midtown TIF.

Fran Harbeson stated that she echoed the previous speakers’ concerns about the redevelopment of 500 North Main Street. She stated that it is historically important and asked Council not to destroy it.

Adrian Kwist stated that Heyward Hutson has continued to preserve old buildings in the Town and questioned why the Town has a Preservation Society if the Town continues to break the rules on historic properties. He stated that there would be increased traffic if 500 North Main Street is redeveloped. He said that the Town should not compete with Charleston as a “hotel city.”

Tommy Feagin stated that 500 North Main Street is a historic area and that its uniqueness is what makes Summerville special. He expressed his concern with tearing down the County building.

Stuart Courtney stated that he is against the demolition of 500 North Main Street. He stated that it would take away the character of the Town.

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

**PETITIONS**

n/a

**PENDING BILLS AND RESOLUTIONS**

Mr. Jenkins made a motion, seconded by Mr. Jackson, to give second and final reading of an ordinance to adopt an operating budget for the Town of Summerville, SC for the fiscal period beginning July 1, 2023 and ending June 30, 2024. Mr. McIntosh made a motion, seconded by Ms. Garten-Schmidt, to amend the motion to include lowering the millage rate from 66 to 65, lowering the projection of property taxes by \$256,000 and increasing business license revenue by the same amount. Mr. McIntosh stated that raising the millage in 2022 was completely

unnecessary. Mr. Jackson stated that for the last two years, the Town has had an extra \$7 million “for free” to use what they needed. He also stated that two years ago, the Town didn’t have any money to buy capital and that this year, the Town has to dip into savings to pay for police cars. Mayor Waring stated that the Town cannot afford to cut taxes because the next Council in 2024 will then have to raise them back up again. Mayor Waring stated that while he would like to see the taxes get cut, the Town had to keep them at 66 mills in order to pay the staff what they deserve. Mr. Jenkins stated that when the Town hits its low point at \$9-\$10 million in fund balance, \$5 million of that is for the emergency fund. Mr. Jenkins stated that the Town is not “flush with cash.” Mr. McIntosh stated that the Town has doubled the fund balance since 2011. Mr. Touchberry stated that the Town needs a capital fund and a comprehensive plan on infrastructure as a part of the budget. Mr. Brown stated that the Town’s fund balance was less in 2011, but he pointed out that the Town had less people to serve. He stated that the Town is losing good staff members to other municipalities due to salaries. He stated that the Town should leave millage where it is. Ms. Garten-Schmidt stated that she seconded the amendment for discussion; she stated that when she looks at the budget, she sees needs that need funding. Mr. McIntosh stated that in 18 months, the Town will get an audit back for fiscal year 23 and the Town will collect property taxes in excess of \$250,000 past the projected number. The motion to amend failed 1-6, with Mr. McIntosh voting in favor. The original motion passed 6-1, with Mr. McIntosh voting in opposition.

Mr. Jenkins made a motion, seconded by Mr. Touchberry, to give second and final reading of an ordinance to amend Chapter 2 – Administration; Article II – Mayor and Council; Division 2 – Mayor; Section 2-63 – Authority to set meeting agenda. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Brown, to give second and final reading of an ordinance to amend Chapter 10 – Elections; Section 10-4 – Filing by candidates, Subsection (a). The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Jenkins, to give second and final reading of an ordinance to amend the Unified Development Ordinance, Chapter 5, Section 5.11.2 Required Improvement for Final Plat Approval, Subsection (A) to clarify the process in relation to the permit to operate (PTO) the water and sewer system. The motion carried unanimously.

Mr. Brown made a motion, seconded by Mr. Jenkins, to give second and final reading of an ordinance to amend the Unified Development Ordinance Chapter 13, Section 13.6.1 Pre-Application Conference, Subsection (A) Mandatory Pre-application Conference to include all subdivision review. Some discussion followed regarding the premise behind the amendment. The motion carried 6-1 with Mr. McIntosh voting in opposition.

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

Mr. Jackson made a motion, seconded by Mr. Brown, to give first reading to an ordinance to amend the Town of Summerville Code of Ordinances, Chapter 20, Article IV, Section 20-102, to reduce the eighty (80) percent discount of the maximum impact fee allowed to zero (0) percent (0%) so as to apply 100% of the maximum allowable Parks and Recreation Impact Fee. Mr. Jackson explained to the public that this applies to new construction only and that it frees up capital from the general budget without putting pressure on taxpayers. Ms. Wallace stated that if

Council wanted to agree to an effective date for the new impact fees to take place, it could be included at second reading. Mr. McIntosh stated that the Town raised impact fees a year ago, which he did not vote for. He stated that getting rid of the Parks and Recreation impact fee discount would raise impact fees from \$3441 to \$6523. Ms. Shuler stated that the impact fee does have a provision to exempt affordable housing from paying them. Mr. Jenkins asked that staff provide a future effective date and give them a list of projects that it would apply to. The motion carried 6-1, with Mr. McIntosh voting in opposition.

Mr. Brown made a motion, seconded by Mr. Jenkins, to give first reading to an ordinance to rezone TMS#130-14-13-009, located at 715 W. 5th North Street, approximately 0.22 acres, and owned by Thomas A. Limehouse, from N-MX, Neighborhood Mixed-Use to UC-MX, Urban Corridor Mixed-Use. Some discussion followed regarding the differences between N-MX and UC-MX. The motion carried unanimously.

Mr. Touchberry made a motion, seconded by Mr. Jenkins, to give first reading to an ordinance to rezone TMS#s 130-14-13-007 and -008, located at 100 N. Hampton Street and 711 W. 5th North Street respectively, totaling approximately 1.1 acres, and owned by Willie S. Limehouse, from N-MX, Neighborhood Mixed-Use to UC-MX, Urban Corridor Mixed-Use. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Touchberry, to approve a resolution to explore the request from Dorchester County to remove 500 North Main Street from the Midtown TIF District. Mr. McIntosh stated that the TIF exists for one reason: to generate revenues and capture revenues to fund North Maple Street. He stated that Dorchester County is “dangling carrots” in front of Town Council. He expressed his concern that the Town offered bonds to the public based on the Midtown TIF map, but now the map might change without knowing how it affects bonds. Mr. McIntosh called it a “serious and complicated issue.” The motion carried unanimously.

### MISCELLANEOUS

Ms. Wallace stated that she had sent a couple of scenarios to Council of amending the Midtown TIF District map. She stated that the Town’s bond attorneys said there is no legal reason why a change in the map cannot be done. Mr. McIntosh stated that if the Town does not end up using TIF money for 500 North Main, the only two options are to prepay bond payments to cut interest, or put money into new public safety headquarters. He said he has no objection to taking 500 North Main out of the TIF district. Mayor Waring stated that he is in favor of putting 300 West 2<sup>nd</sup> North in the TIF district, but not the Dominion property. Mr. McIntosh stated that Dorchester County wants to generate as much revenue out of 500 North Main as they can. Mr. Touchberry explained to the public that removing 500 North Main Street from the TIF district does not take it out of the historic district. Mayor Waring stated that the Town Council has nothing to do with the County demolishing the building at 500 North Main; the demolition request would have to go through the Town’s Board of Architectural Review. Mr. Jenkins made a motion, seconded by Mr. Touchberry, to not approve scenario #1 as presented in the agenda packet: remove 500 North Main Street and add 300 West 2<sup>nd</sup> North Street, and to do more research. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. McIntosh, to approve the State Accommodations Tax Advisory Committee's recommendations for State ATAX funding to local organizations as given and to explore other funding sources. Mr. McIntosh made a motion, seconded by Mr. Touchberry, to amend the motion to approve all but Flowertown Players (conflict of interest) and to consider giving money to Sculpture in the South. Some discussion followed. Mr. McIntosh withdrew his amendment. The original motion carried 6-0, with Mr. McIntosh recusing himself from the vote since he is on the Board of the Flowertown Players Theater.

Mr. Jackson made a motion, seconded by Mr. Touchberry, to approve an Intergovernmental Agreement with Berkeley County for Cedar St. project. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Ms. Garten-Schmidt, to approve an Intergovernmental Agreement with Dorchester County for Cedar Street project. The motion carried unanimously.

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

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

Matthew Lightsey asked Council to consider amending the Town's code of ordinances to allow skateboarding and roller-skating on roads.

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

### **EXECUTIVE SESSION:**

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

- a. Personnel Matter Related to the Municipal Election Commission
- b. Personnel Matter Related to Fleet Maintenance Manager
- c. Personnel Matter Related to Director of Community Development
- d. Personnel Matter Related to Finance Department
- e. Contractual Matters Related to Potential Purchase of Real Estate
- f. Receive Legal Advice and Discuss Contractual Matters Related to Memorandum of Understanding with Dorchester County

The motion carried unanimously, and Council entered into Executive Session at 8:10pm.

Council returned from Executive Session at 9:17pm. Town Attorney GW Parker stated that Council met in Executive Session to discuss the following and that no action was taken:

- a. Personnel Matter Related to the Municipal Election Commission
- b. Personnel Matter Related to Fleet Maintenance Manager
- c. Personnel Matter Related to Director of Community Development
- d. Personnel Matter Related to Finance Department
- e. Contractual Matters Related to Potential Purchase of Real Estate
- f. Receive Legal Advice and Discuss Contractual Matters Related to Memorandum of Understanding with Dorchester County

**OTHER BUSINESS:**

Mr. McIntosh made a motion, seconded by Ms. Garten-Schmidt, to appoint Ellen Priest to the Municipal Election Commission to fulfill the unexpired term of Dean Riegel. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Touchberry, to approve Ronnie Cooper as the new Fleet Manager. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. McIntosh, to accept the Town Administrator's recommendation and appoint Frank Neal as Director of Community and Economic Development. 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 9:19pm.

Respectfully Submitted,



Beth Messervy, Town Clerk

APPROVED:



Ricky Waring, Mayor