

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**  
**June 13, 2019**

**ATTENDANCE**

Present: Mayor Wiley Johnson, Councilmembers Christine Czarnik, Aaron Brown, Kima Garten-Schmidt, Walter Bailey, Bob Jackson and Bill McIntosh. 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, June 13, 2019 by Mayor Johnson. The meeting was opened with prayer led by Mayor Pro Tem Bob Jackson, followed by the Pledge of Allegiance.

**PUBLIC HEARING**

Mayor Johnson opened the first public hearing regarding the proposed development agreement between the Town of Summerville and Hoyer Investment Company regarding Town of Summerville (Berkeley County) parcel TMS#208-00-02-013, located along Interstate 26, Drop Off Drive, and Linda Way, Summerville, SC.

George Bulwinkle with Nexsen Pruet, the representative of Hoyer Investment Company, stated that the company would like to move forward with the annexation and rezoning. He also stated that the Development Agreement is binding unless both parties agree to any changes. He would like to meet with the residents of the adjacent Del Webb neighborhood to address their concerns with the new development.

Tom Connery, a representative of the Del Webb residents, stated that they welcome the rezoning to residential. However, the Del Webb residents have four concerns: they need a larger buffer between the two developments, the through road needs to go on the other side of the development, the possibility of multi-family homes being built near their property buffer, and the loss of security. The residents support the rezoning with a modified development agreement to alleviate their concerns.

Peter Gorman of South Magnolia Street expressed his concerns with the development not being in line with the Town's comprehensive plans. He stated that the development does not offer

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enough commercial space to balance out the tax base with more residential being added to the Town.

With no further comments, Mayor Johnson closed the public hearing at 6:17pm.

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

Mr. Brown made a motion, seconded by Mr. McIntosh, to approve the minutes of the May 9, 2019 Town Council meeting. The motion carried unanimously, and the minutes were accepted into record.

#### **APPROVAL OF COUNCIL COMMITTEE REPORTS**

Mr. Jackson made a motion, seconded by Mr. McIntosh, to combine the Parks and Recreation, Planning and Development, Public Safety, and Public Works committee reports from the June 10, 2019 meetings for approval. The motion carried unanimously. Ms. Czarnik abstained from the vote, as she was not present at the June 10, 2019 meeting.

Mr. Jackson made a motion with no second, to amend the surplus vote from the Finance Committee meeting on June 10, 2019. Mayor Johnson stated that the item be put on the next Finance committee agenda for further review once more information was received. Council then decided that it could be put on the agenda for the June 19, 2019 UDO meeting. Mr. Jackson made a motion, second by Mr. McIntosh, to accept the minutes of the June 10, 2019 Finance Committee meeting. The motion carried unanimously, with Ms. Czarnik abstaining due to absence from the June 10 meeting.

#### **PUBLIC COMMENTS- Items on June 13, 2019 Council Agenda**

Mayor Johnson called for any comments from the public related to items on the Town Council June 13, 2019 agenda.

Linda Saylor-Marchant promoted the Juneteenth Festival in Town Square for June 15, 2019.

Dora Ann Reeves requested that all citizens participating in public comment sign in.

Pete Wyckoff of Tupper Lane expressed his concern with what would happen to Tupper Lane with the proposed Five Points roundabout. He is most concerned with how emergency vehicles would reach Tupper Lane if it was closed off. He also expressed his concern with what the roundabout would do to the property value of his home and the surrounding homes of Main Street near the roundabout.

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John Kwist of 123 Tupper Lane stated that he and his wife are both in favor of the roundabout at Five Points. He is only concerned about the access for emergency vehicles to get to Tupper Lane.

Robert Sullivan of 406 North Hickory Street expressed his concerns that there are no traffic calming measures on North Hickory. He also stated that he would like more sidewalks on North Hickory. He is concerned that the opening of the Rollins Edwards Community Center will increase traffic on that street.

Ty Pepin of 116 Tupper Lane spoke on behalf of the resident at 1000 South Main Street. He read aloud a letter from the resident, which expressed her concern with the proposed roundabout at Five Points. She is concerned that pedestrian safety is not being considered, and she would like to see the third phase of the Berlin G Myers Parkway finished before the roundabout is considered.

Robbie Robbins, commissioner for the South Carolina Department of Transportation, agrees with Mr. Kwist that safety is an issue with the roundabout. However, he stated that the roundabout is actually a traffic calming device, and that it supports the concept of the intersection improvement.

Carol Cumming of 924 South Main Street stated that she is not opposed to the proposed roundabout at Five Points. However, she believes that the three way stop at Marion and West Carolina would cause additional backup for the roundabout. She is also concerned about emergency vehicles being able to access Tupper Lane if it is closed off.

Nancyjean Nettles, a representative from the Public Works Art Center, defended the State ATAX Advisory Committee's recommendation to give money to the organization. She stated that the organization is a cultural asset to the community, promoting arts and cultural events, which is allowed to be paid for by State ATAX money.

Mary Comer of 708 West Richardson Avenue expressed her concern with speeding on her street. She would also like Council to consider and keep an open mind about the improvements that the roundabout at Five Points would bring. She spoke in favor of the roundabout.

Gary Brewer, 110 Boonehill Parkway, was in agreement with Mr. Robbins's previous comments. He spoke in favor of the proposed roundabout at Five Points intersection.

Monica Shows with the Flowertown Players was there to answer questions that Council had of their State ATAX application. There were no questions from Council.

Russ Touchberry of 111 President Circle spoke in favor of the proposed roundabout at the Five Points intersection. He stated that the roundabout would be much quieter than a signalized

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intersection, it would improve the air quality due to less idling, and it would improve the water quality due to less oil dripping from stopped cars.

Joyce Bell of 119 Reynolds Road spoke in opposition of the proposed roundabout at Five Points intersection. She stated that the Berlin G Myers Parkway Phase 3 needs to be given a chance to alleviate traffic before a roundabout is considered.

Zandria Riley of 102 Daisy Circle stated that her organization would be holding youth workshops at the Rollins Edwards Community Center.

Harry Avant of 909 South Main Street stated that he is not completely opposed to roundabouts. However, he is concerned about the driveways that are on South Main Street near the proposed roundabout at Five Points intersection. He stated that it would be very difficult for residents to exit their driveways with the continued traffic flow at the roundabout.

John Mott of 244 B Luden Drive expressed his concerns about the proposed roundabout at Five Points intersection. He would like to know how this will affect the intersection of East Carolina and Pine Grove. He gave suggestions as to how to improve the roundabout concept.

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

### **PETITIONS**

Mr. McIntosh made a motion, seconded by Mr. Jackson to approve on first reading of an ordinance to annex Dorchester County TMS# 144-04-10-018 (approximately 0.32 acres), Lot 74, located at 113 Niblick Road, currently zoned R-2 Single-Family Residential in Dorchester County and will be zoned R-2 Single-Family Residential upon annexation into the Town of Summerville's municipal limits. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Brown, to approve on first reading of an ordinance to annex Dorchester County TMS# 145-09-06-010 (approximately 1.86 acres) located at 116 Farm Road, currently zoned CG General Commercial in Dorchester County and will be zoned B-3 General Business upon annexation into the Town of Summerville's municipal limits. The motion carried unanimously.

Mr. Brown made a motion, seconded by Mr. Jackson, to approve on first reading of an ordinance to annex Charleston County TMS# 379-00-00-029 (approximately 0.21 acres), located at 518 E. Richardson Avenue, currently zoned R-4 Single-Family Residential in Charleston County and will be zoned R-2 Single-Family Residential upon annexation into the Town of Summerville's municipal limits. The motion carried unanimously.

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Mr. McIntosh made a motion, seconded by Mr. Bailey, to approve on first reading of an ordinance to annex Berkeley County TMS# 208-00-02-013 (approximately 973 acres) located off of the Nexton Parkway Interchange and Linda Way, currently zoned HI, Heavy Industrial, and Flex1, Agricultural, in Berkeley County and will be zoned PUD, Planned Development District, upon annexation into the Town of Summerville's municipal limits, with the exception that second reading would be delayed until the August 2019 Council meeting. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Ms. Garten-Schmidt, to approve on first reading of an ordinance to annex Dorchester County TMS# 136-12-02-032 (approximately 0.5 acres), Lot 13, Block B, located at 124 Wilson Drive, currently zoned R-2 Single-Family Residential in Dorchester County and will be zoned R-1 Single-Family Residential upon annexation into the Town of Summerville's municipal limits. The motion carried unanimously.

#### **PENDING BILLS AND RESOLUTIONS**

Mr. Jackson made a motion, seconded by Ms. Czarnik, to approve on second and final reading of an ordinance to annex Berkeley County TMS# 232-00-02-051 (approximately 1.66 acres) located at 1107 through 1111 N. Main Street, currently zoned GC General Commercial in Berkeley County and will be zoned B-3 General Business upon annexation into the Town of Summerville's municipal limits. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Ms. Czarnik, to move second reading of an ordinance to grant a quit claim deed to Hoover Summerville, LLC for an unopened portion Gum St. Extension, preserving unto the Town a perpetual easement for drainage and public utilities to the August Council meeting. The motion carried unanimously.

Mr. Bailey made a motion, seconded by Mr. Brown to approve on second and final reading of an ordinance to amend the PUD for Palmetto Place, owned by NVR, Inc., located off of Gahagan Road and Grand Palm Lane. Amendments include but may not be limited to the following: allow model homes which may be used as a sales office for the marketing and sales of the townhome units. Parcels affected by this request include: TMS# 379-00-00-300 through 379-00-00-365, 379-00-00-065, and 379-00-00-171 through 379-00-00-189, approximately 18.77 acres. The motion carried unanimously.

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

Mr. Jackson made a motion, seconded by Mr. Bailey, to approve on first reading of an ordinance to amend Section V of Ordinance 18-1201, the Operating Budget for the Town of Summerville, SC for the fiscal year 2019 to reflect a \$258,254 increased revenue in the stormwater budget. The motion carried unanimously.

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Mr. McIntosh made a motion, seconded by Mr. Brown, to table the first reading of an ordinance to approve a Proposed Development Agreement for Hoyer Investment Company (Whitfield Tract) or its successor in title and authorizing the execution and delivery of a Development Agreement and other instruments including the implementation of a Planned Unit Development document relating thereto by and between the Town of Summerville and Hoyer Investment Company – Berkeley County TMS# 208-00-02-013 for a total of 973 acres. The motion carried unanimously.

### MISCELLANEOUS

Mr. Jackson made a motion, seconded by Mr. Bailey, to accept the recommendations of the State Accommodations Tax Advisory Committee for distribution of 2019 State ATAX funds. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Bailey, to accept the Parks and Recreation fee schedule as presented in the Parks and Recreation Committee meeting on June 10, 2019. Mr. Brown stated that the Town needs to give the underprivileged kids a better opportunity to use the Rollins Edwards Community Center. Ms. Garten-Schmidt stated that she does not agree with the rental fees for the multipurpose room; she stated that she would like to see the fees cut in half. Some discussion followed. Ms. Garten-Schmidt made a motion, seconded by Mr. Brown, to amend the fee schedule to reduce the multipurpose room rental rate by half to include resident and non-resident prices. The motion to amend carried unanimously. The original motion as amended carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Brown, to authorize the Town Administrator to enter into a contract agreement with Dorchester County for stormwater collection fees. Some discussion followed. The motion carried unanimously.

Ms. Garten-Schmidt made a motion, seconded by Mr. Bailey, to issue a change order to ALS North Carolina in the amount of \$47,719.56 for the completion of the Mast Arms Installation at Berlin G and Highway 17A. Funds to come from Hospitality Fund balance. Ms. Garten-Schmidt made the motion to start discussion. Russ Cornette, Director of Public Works and Town Engineer, explained what work was done as a part of the change order. Some discussion followed regarding the work done. Mr. Cornette stated that the work in the change order has already been completed. Some discussion followed regarding the legality of the authorization of the change order by staff. Mr. Bailey requested that Town Attorney GW Parker look at the contract to see if the Town is responsible for the payment. Mr. Bailey made a motion, seconded by Ms. Garten-Schmidt, to postpone the item to the Special Called Council meeting (UDO Workshop) on June 19, 2019 to get more information from the Town Attorney. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Brown, to move ahead with developing right-of-way plans for the design options provided: 2 lane roundabout or turn lanes only. Some

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discussion followed. Mr. Bailey made a motion to postpone the item until the Town can get the property plats. Some discussion followed, and he withdrew his motion. Mr. McIntosh made a motion, seconded by Mr. Bailey, to amend the original motion to authorize staff to develop right of way plans for both options. The motion to amend carried unanimously. The original motion as amended carried unanimously.

**MAYOR'S REMARKS:**

Mayor Johnson welcomed the Summerville High School Youth Student Council.

**PUBLIC COMMENT (Open):**

Mayor Johnson called for any comments from the public.

Mark Carter expressed his opposition to the proposed development near his house by American Homes 4 Rent. He stated that the landlord is not a reputable company and that the development would decrease his property value.

Connie Davis, expressed her opposition to the proposed development near her house by American Homes 4 Rent. She stated that her property value would decrease, that the landlord was not reputable, and that the traffic would be a problem on the surrounding streets.

Miguel Pagas, a resident of Lowndes Lane, spoke on behalf of his neighbors to express his opposition to the proposed development near their houses by American Homes 4 Rent. They would like the Council to take more time researching the development and time to give more public comment opportunities.

Bessie Simmons, 443 Parkwood Drive, expressed her opposition to the proposed development near her home by American Homes 4 Rent.

Blanche Fowler of 416 Parkwood Drive expressed her opposition to the proposed development near her home by American Homes 4 Rent. She stated that the ditch separating her house from the development is not large enough to hold the rain that they receive now. She also stated that the drainage problem would affect other people's properties with the addition of 23 new homes.

Frank Freeman of 108 King Charles Circle stated that before a roundabout at Five Points is built, a study needs to be done of worldwide roundabouts to look at the proper design for the intersection.

**EXECUTIVE SESSION:**

Town Attorney G.W. Parker explained the topics to be discussed in Executive Session: Legal matter related to right of way condemnation process for North Maple Street project: Tract 81 – 919 West 5th North Street., TMS# 130-10-00-078 Tract 45 – 925 West 5th North Street., TMS# 130-10-00-082 Tract 57 – North Maple Street., TMS# 130-10-00-070; Contractual matter related to proposed agreement with Southeast Development; Contractual matter related to Sheep Island Development Agreement; and Personnel matter related to appointment to the Comprehensive Plan Advisory Committee.

Mr. McIntosh made a motion, seconded by Mr. Jackson, to enter into Executive Session at 8:40pm. The motion carried unanimously.

**OTHER BUSINESS:**

Council reconvened at 10:05pm in Chambers. Town Attorney GW Parker explained that no action was taken on Legal matter related to right of way condemnation process for North Maple Street project: Tract 81 – 919 West 5th North Street., TMS# 130-10-00-078 Tract 45 – 925 West 5th North Street., TMS# 130-10-00-082 Tract 57 – North Maple Street., TMS# 130-10-00-070; Contractual matter related to proposed agreement with Southeast Development; Contractual matter related to Sheep Island Development Agreement; and Personnel matter related to appointment to the Comprehensive Plan Advisory Committee.

Mr. McIntosh made a motion, seconded by Mr. Jackson, to authorize corporate Counsel and staff to initiate the condemnation process for the following four tracts on North Maple Street: Tract 81 – 919 West 5th North Street., TMS# 130-10-00-078 Tract 45 – 925 West 5th North Street., TMS# 130-10-00-082 Tract 57 – North Maple Street., TMS# 130-10-00-070. The motion carried 6-1, with Mr. Brown voting in opposition.

Mr. McIntosh made a motion, seconded by Mr. Brown, to postpone first reading of an ordinance to approve a Proposed Development Agreement for Hoyer Investment Company (Whitfield Tract) or its successor in title and authorizing the execution and delivery of a Development Agreement and other instruments including the implementation of a Planned Unit Development document relating thereto by and between the Town of Summerville and Hoyer Investment Company – Berkeley County TMS# 208-00-02-013 for a total of 973 acres until after the second public hearing on July 11, 2019 at 6pm. The motion carried unanimously.



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**ADJOURN**

There being no further business, the meeting adjourned at 10:09p.m. on motion of Mr. McIntosh, seconded by Mr. Jackson.

Respectfully submitted:

APPROVED:

  
Beth Messervy, Town Clerk

  
William W. Johnson, Mayor