

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**  
**July 11, 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, July 11, 2019 by Mayor Johnson. The meeting was opened with prayer led by Councilmember Kima Garten-Schmidt, 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.

Stefan Hoyer with Hoyer Investment Company reported that Hoyer has had good communication with the residents of Del Webb and that there are only a few outstanding concerns that need to be worked out. He stated that the fiscal impact analysis is 95% complete, but that it already shows that the annexation would be financially advantageous to the Town. Hoyer is committed to paying for the impacts themselves.

Robbie Robbins, the new Counsel representative for the Hoyer Investment project, complimented the Town staff for working with Hoyer on the project. He stated that the fiscal impact analysis is almost complete. He reiterated Mr. Hoyer's statement that Hoyer is committed to paying for the impacts themselves.

Tom Conry, a representative for the Deb Webb residents, stated that they support the rezoning into a PUD. He reported that Hoyer has worked closely with the Del Webb residents to resolve the issues of a buffer areas and keeping the multi-family homes away from the Del Webb property line. However, Mr. Conry stated that they would still like to see the through road

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relocated from the east side of the property to the west side. He stated that the Del Webb residents will expedite the interactions with the developer.

Jeff Tibbles, representing the Nexton development and WestRock properties, stated that his clients are concerned that the traffic study is missing key data and isn't following the Town's Traffic Impact Analysis ordinance. He reported that the Hoyer traffic engineers are going back to incorporate the missing pieces, but he urged Council to table the first reading of the Development Agreement until the issue of missing information is resolved.

Brent Gibadlo, the manager of the Nexton development, spoke to express his concerns that the traffic study lacked existing land-uses that Nexton has. He reported that he met with Hoyer a month ago to discuss the missing elements of the traffic study, which could affect the fiscal impact report. Mr. Gibadlo is concerned that the primary access point to the Hoyer development would be through Nexton property. He urged Council to hold off on first reading of the Development Agreement.

Mark Lewis, representing WestRock, stated that the development's significant change in allowed use will affect the traffic. He has requested to evaluate the impact on WestRock's vested rights.

John Mott, 244 Luden Drive, stated that he believes that the development agreement should include a pedestrian and bicycle plan. He asked Council to hold off on first reading to figure out more details of the development agreement.

With no further comments, Mayor Johnson closed the public hearing at 6:31pm.

### **PUBLIC HEARING**

Mayor Johnson opened the first public hearing regarding the ordinance to amend ordinance 18-1201, the operating budget for the Town of Summerville for Fiscal Year 2019, to include an increase in revenues in the stormwater fund. Finance Director Andrew Shelton stated that the increased revenue is based on adjusted rates and additional future collections for stormwater budget.

With no further comments, Mayor Johnson closed the public hearing at 6:36pm.

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

Mr. Brown made a motion, seconded by Mr. Jackson, to approve the minutes of the June 13, 2019 Town Council meeting. The motion carried unanimously, and the minutes were accepted into record.

Mr. McIntosh made a motion, seconded by Mr. Jackson, to approve the minutes of the Special Called Council Meeting – Budget Workshop on June 14, 2019. The motion carried unanimously, and the minutes were accepted into record.

**APPROVAL OF COUNCIL COMMITTEE REPORTS**

Mr. McIntosh made a motion, seconded by Mr. Jackson, to accept the combined minutes of the July 8, 2019 meetings of the Planning and Development Committee, Public Safety Committee, Public Works Committee, and Finance Committee. The motion carried unanimously, and the minutes were accepted into record.

**PUBLIC COMMENTS- Items on July 11, 2019 Council Agenda**

Mayor Johnson called for any comments from the public related to items on the Town Council July 11, 2019 agenda.

Linda Saylor-Marchant thanked Council for their support of the Juneteenth festival and presented certificates of appreciation to all members.

Matthew Watts, 708 Classic Street, spoke on behalf of a group of residents surrounding the proposed American Homes 4 Rent subdivision. He stated that the group is against the development. He also thanked the Mayor and Council for responding to the residents' concerns.

Brian Kelley, 107 Manning Court, spoke to express his concern with the way that Council has approached the request by citizens to stymie the proposed development by American Homes 4 Rent. His comments were submitted to the Town Clerk to be included in the minutes.

Fred Hoose, 116 Tallow Street, presented a petition signed by 483 citizens to prevent the American Homes 4 Rent subdivision from being built.

Jimmy Myers, 505 North Palmetto Street, spoke against the proposed rezoning of 602 West 5<sup>th</sup> North Street, stating that the current zoning of R1 is disappearing and is changing the face of Summerville.

John Mott, 244 Luden Drive, asked Council and staff to consider using the Gum Street Extension as a bike and pedestrian corridor.

Kathy Ward, 712 West 5<sup>th</sup> North Street, spoke in support of the Unified Development Ordinance, since she will not have to move her property or pay corporate taxes after the rezoning.

Stan Glenn spoke in favor of the proposed rezoning at 602 West 5<sup>th</sup> North Street. He stated that this rezoning has been in the comprehensive plan for years for the homes in that area to be zoned commercial. He also stated that Council has rezoned properties near and adjacent to the property in question.

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Adrian Kwist, 109 Reynolds Road, spoke against the proposed development by American Homes 4 Rent. He stated that the company has a low rated reputation and that rental properties are not maintained by the renters or landlord.

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

**PETITIONS**

N/A

**PENDING BILLS AND RESOLUTIONS**

Mr. McIntosh made a motion, seconded by Mr. Jackson to approve on second and final 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 second and final 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. Bailey, to approve on second and final 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.

Mr. McIntosh made a motion, seconded by Ms. Garten-Schmidt, to approve on second and final 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.

Mr. Jackson made a motion, seconded by Ms. Garten-Schmidt to approve on second and final 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 include an additional \$258,254 from increased revenue to the stormwater budget. Some discussion followed. The motion carried unanimously.

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Mayor Johnson made a motion, seconded by Mr. McIntosh, 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.

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

Mr. Brown made a motion, seconded by Mr. Jackson, to approve on first reading of an ordinance to rezone TMS# 130-15-04-002, located at 602 W. 5th North Street, approximately 0.81 acres, and owned by Helen Morris Glenn Estate from R-1, Single-Family Residential, to B-1, Residential Business (Council District 1). Some discussion followed regarding the intended use of the property if rezoned. Mr. Bailey stated that this would continue the slow encroachment of moving residential properties out of that area on Highway 78. Ms. Czarnik concurred.

Mr. Jackson stated that other adjacent properties have already been rezoned to B-1 and B-2. Mr. Brown stated that Council should change this area to B-1 because Highway 78 is becoming a commercial corridor. Mr. McIntosh was in agreement with Mr. Brown and Mr. Jackson. He stated that he could not justify not allowing professional office space at this property when the rezoning has been done for the neighbors. Mayor Johnson stated that he still would like to know what the property would be used for if rezoned. Mr. Brown stated that the Town has an obligation to allow individual property rights. The motion carried 5-2, with Mr. Bailey and Ms. Czarnik in opposition.

Mayor Johnson made a motion, seconded by Mr. Bailey, to table the first reading of an ordinance to amend Chapter 32 – Zoning; Article III – Zoning District Regulations; to amend Sec. 32-121- Zoning Districts Enumerated and to add Section 32-142 - R-1A single family residential until after Executive Session. The motion carried unanimously.

Mayor Johnson made a motion, seconded by Mr. Brown, to table the first reading of an ordinance to amend Chapter 20 – Planning and Development; Article V – Traffic Impact Analysis; Section 20-152 – Traffic Impact Analysis Required, Subsection (a) – Applicability until after Executive Session. The motion carried unanimously.

Mayor Johnson 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 until after Executive Session. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Bailey to give first reading to a Unified Development Ordinance proposed to repeal and replace in its entirety Town Code, Chapter 32,

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Zoning; Chapter 22, Stormwater Management; Chapter 20, Article II, Planning Commission; and Article III, Development Standards, Section 20-71, Roads; and Chapter 6, Article III, Flood Damage Prevention.

Mr. Bailey stated that he seconded the motion for first reading because it would encourage Council to focus more on the changes that they are making to the UDO. Mr. McIntosh concurred.

Mr. Jackson stated that because the UDO is not yet in place, Oakbrook has missed out on some economic development opportunities.

Mayor Johnson stated that the UDO workshops have not been completed yet, and Council has not examined the entire document with staff to make changes.

Mr. Bailey stated that the draft that Council is working on right now will be amended before the second reading.

Mr. Jackson made a motion, seconded by Mr. Bailey, to amend his original motion to approve the first reading of the Unified Development Ordinance with the changes made by Council through July 11, 2019. The motion carried unanimously.

Ms. Czarnik stated that while Council has made good progress on the changes to the UDO, she believes that the changes are meaningless until they are applied to the zoning map. She does not like the treatment of the area north of the railroad tracks. Mayor Johnson does not want second reading until the public has seen the draft to which Council has made changes.

The original motion as amended carried 5-2, with Mayor Johnson and Ms. Czarnik voting in opposition.

### **MISCELLANEOUS**

Mr. Jackson made a motion, seconded by Ms. Czarnik to approve the option to upgrade existing lights on East and West Richardson Avenue to LED lights and to install additional LED lights on existing poles. Some discussion followed regarding the other options presented at the Public Works committee meeting on July 8, 2019. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Bailey, to remove the stop signs on West Carolina Avenue at Marion Street. Some discussion followed regarding the future traffic flow at that intersection if a roundabout at Five Points was approved. Mayor Johnson stated that it would be nearly impossible to take a left from Marion onto West Carolina if the stop signs were taken out. The motion failed 3-4 with Mayor Johnson, Ms. Garten-Schmidt, Mr. McIntosh, and Mr. Brown in opposition.

Mr. Jackson made a motion, seconded by Mr. Bailey, to approve the 2% contract increase for Carolina Waste. Some discussion followed regarding the total cost of the increase. The motion carried unanimously.

Mayor Johnson made a motion, seconded by Mr. Brown, to table “consideration of moratorium on building permits with the Town of Summerville’s municipal limits” until after Executive Session. The motion carried unanimously.

**PUBLIC COMMENT (Open):**

Mayor Johnson called for any comments from the public.

A member of the public asked for clarification on the process of public hearings and first ordinance readings for the Hoyer development agreement.

There being no further comments, Mayor Johnson closed public comment.

**EXECUTIVE SESSION:**

Town Attorney G.W. Parker explained the topics to be discussed in Executive Session: Personnel matter related to appointment to Comprehensive Plan Advisory Committee; Legal matter related to amendments, additions or deletions to Town Ordinances: Chapter 32 – Zoning, Article III – Zoning District Regulations; and Chapter 20 – Planning and Development, Article V – Traffic Impact Analysis; Legal matter related to law suit regarding flooding on East 9th North Street.

Mr. Brown made a motion, seconded by Mr. McIntosh, to enter into Executive Session. Mr. McIntosh made a motion, seconded by Mr. Jackson, to amend the original motion to include “consideration of a moratorium” to the items to be discussed in Executive Session. The motion to amend carried unanimously. The original motion as amended carried, and Council entered into Executive Session at 7:45pm.

**OTHER BUSINESS:**

Council reconvened at 8:46pm in Chambers. Town Attorney GW Parker explained that no action was taken on Personnel matter related to appointment to Comprehensive Plan Advisory Committee; Legal matter related to amendments, additions or deletions to Town Ordinances: Chapter 32 – Zoning, Article III – Zoning District Regulations; and Chapter 20 – Planning and Development, Article V – Traffic Impact Analysis; Legal matter related to law suit regarding flooding on East 9th North Street; or consideration of a moratorium on building permits.

Ms. Garten-Schmidt made a motion, seconded by Mr. Bailey, to appoint Rita May Ranck to the Comprehensive Plan Advisory Committee. 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 amend Chapter 32 – Zoning; Article III – Zoning District Regulations; to amend Sec. 32-121- Zoning Districts Enumerated and to add Section 32-142 - R-1A single family residential until after Executive Session until the next regularly scheduled Council meeting or a special Council meeting, whichever comes first. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Brown to table the first reading of an ordinance to amend Chapter 20 – Planning and Development; Article V – Traffic Impact Analysis; Section 20-152 – Traffic Impact Analysis Required, Subsection (a) – Applicability until after Executive Session. The motion carried unanimously. until the next regularly scheduled Council meeting or a special Council meeting, whichever comes first. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. McIntosh to approve a first reading of an ordinance approving 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.

Mr. McIntosh stated that the Council still has to give first reading to an ordinance to annex this property in the Town of Summerville. Mr. Bailey stated that he would vote for first reading to get more information, but that he has reservations about annexing a large tract unless there is a strong mix of residential and commercial. Mr. Brown concurred with Mr. Bailey, and he stated that he does not see how to development is going to pay for itself. Mayor Johnson stated that he also has reservations about the development, and he questioned the 20 year plan written in the agreement. Ms. Czarnik expressed her concern that the development agreement and the comments by Mr. Hoyer in the public hearing were not aligned with each other. Ms. Garten-Schmidt stated that she would like to see an updated version of the Development Agreement, including the fiscal impact analysis before she makes a decision.

The motion failed with a tie of 3-3. Mr. Jackson, Mr. McIntosh, and Mr. Bailey voted in favor, Ms. Czarnik, Ms. Garten-Schmidt, and Mayor Johnson voted in opposition, and Mr. Brown did not vote.

Mr. McIntosh made a motion, seconded by Mr. Brown to table giving first reading of an ordinance to establish a moratorium on all developments subdividing into 5 lots or more until the next regularly scheduled Council meeting or a special Council meeting, whichever comes first. The motion carried unanimously.




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**ADJOURN**

There being no further business, the meeting adjourned at 9:03pm on motion of Mr. Jackson, seconded by Mr. Brown. The motion carried unanimously.

Respectfully submitted:

APPROVED:

  
Beth Messervy, Town Clerk

  
William W. Johnson, Mayor