

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

July 13, 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 13, 2023. Councilmember Russ Touchberry gave the invocation, followed by the Pledge of Allegiance.

KNIGHTS OF COLUMBUS AWARDS

Rodney Profit presented awards to Town of Summerville emergency personnel for their hard work and dedication to the Town.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Mr. McIntosh made a motion, seconded by Mr. Jackson, to approve the minutes of the June 8, 2023 Council meeting and the July 7, 2023 Standing Committee Meetings. The motion carried.

PUBLIC HEARING: Impact Fee Ordinance Amendment

Kevin Carroll stated that lowering the discount fee on parks and recreation impact fees is a good idea.

Ms. Wallace answered questions from the public, explaining that this ordinance would increase the impact fee on developers.

There being no further questions, Mayor Waring closed the public hearing.

PUBLIC COMMENT - JULY 13, 2023 AGENDA ITEMS

David Neal stated that removing 500 North Main Street will erode the tax base of the tif due to the exception of the County. He also stated that other businesses in the district would have to cover the differences.

Pat Cone stated that she thinks that the County should not remove the Veterans Memorial at 500 North Main Street.

Andrew Banks stated that Council has not considered the impact of traffic and parking if 500 North Main Street is redeveloped. He expressed his concern that the County did not do any traffic impact studies before they proposed a new development for the property.

Dickie Miler stated that the Town needs to preserve the Town with a strategic annexation plan, and by preserving the downtown shopping district. He also stated that the property at 500 North Main Street is important, and he would like the County to have more transparency in their plans.

Anna Wade Banks read a public comment on behalf of Colonel Thomas Dion. Col Dion stated that 500 North Main Street was created by the citizens of the Town of Summerville. He also stated that the property has continued to serve citizens and serves as a welcoming history structure.

Heyward Hutson spoke on behalf of the Preservation Society. He stated that he expects the Town and County leaders to preserve and protect historic buildings in Town. He stated that the historic preservation ordinance is a law.

Barbara Mojonier stated that she does not want to see 500 North Main Street removed from the tif district because it will enable the Dorchester County Council to demolish the building. She stated that there would be too much traffic if 500 North Main was redeveloped and that the Summerville skyline will be parking garage.

Tricia Melton stated that she does not believe the County has the power to demolish the building at 500 North Main.

Ben Lafond spoke in representation of Samuel Pennington, who is applying for annexation and rezoning of his property on North Maple Street. Mr. Lafond stated that Mr. Pennington wants to put a small car dealership on the property, and it would have to be zoned UC-MX in order to do that.

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

PETITIONS

Mr. Brown made a motion, seconded by Mr. Jenkins, to deny the petition by Samuel G. Pennington and Hallie Perkins to annex TMS#130-10-00-018, located at 518 N. Maple Street and totaling approximately 0.58 acres. Currently zoned OI, Office and Institutional District in Dorchester County and will be zoned UC-MX, Urban Corridor Mixed-Use, upon annexation into the Town of Summerville's municipal limits. (Council District 1). Mr. Touchberry stated that

the property size and width would not be able to support the requirements of UC-MX zoning. He also stated that N-MX is zoning more appropriate for that area. Some discussion followed. Mr. McIntosh made a motion, seconded by Mr. Jackson, to table the motion to deny. The motion carried 5-2 with Mr. Brown and Mayor Waring voting in opposition. Mr. McIntosh made a motion, seconded by Mr. Touchberry to amend the petition and strike UC-MX and replace with N-MX upon annexation. The motion carried 5-2 with Mr. Brown and Mayor Waring voting in opposition. The vote on the petition as amended carried 5-2 with Mr. Brown and Mayor Waring voting in opposition.

PENDING BILLS AND RESOLUTIONS

Mr. Jackson made a motion, seconded by Mr. Jenkins, to give second and final reading of 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. The motion carried 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 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. The motion carried unanimously.

Mr. Touchberry made a motion, seconded by Mr. Jackson, to give second and final reading of 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.

INTRODUCTION OF BILLS AND RESOLUTIONS

Mr. Jenkins made a motion, seconded by Mr. Jackson, to give first reading of an ordinance to release the existing lease and approve the new lease of 100 West Richardson Ave., Suite C. Some discussion followed. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Jenkins, to give first reading of an ordinance to Amend The Town Of Summerville Midtown Redevelopment Plan In Order To Remove One Parcel From The Redevelopment Project Area And Making A Specific Finding Of Benefit To The Redevelopment Project Area Of A Town Public Safety And General Administrative Facility; Provide For Notice To Overlapping Taxing Jurisdictions In Connection With The Foregoing; Provide For Publication Of Notice Of Adoption Hereof; And Other Matters Related Thereto. Mr. Jackson stated that the Town does not get any revenue from this property and that what the Town does with this ordinance does not impact what Dorchester County plans to do to the property. Mr. McIntosh stated that the fact that there is no revenue from 500 North Main Street is included in the TIF agreement. He stated that the ultimate decision to demolish the building at 500 North Main is the Board of Architectural Review's. Mr. McIntosh stated that he doesn't care about if the property is in the TIF or not, but that he does care about what the County does to it. Mayor Waring stated that it is not up to the Town Council to demolish the building at 500 North Main, and that he trusts the BAR to make the right decision. Mr.

Touchberry stated that the TIF bonds did not factor in any revenue from 500 North Main Street. He also stated that Dorchester County Council has been responsive to him in regards to the plans for the property. He stated that there is no information in front of the Town of Summerville staff or Council showing the County's plans. Ms. Garten-Schmidt stated that she is not impressed with the initial plan that the County presented, but that County Councilmembers are working on a new plan. Mr. Jenkins stated that he feels strongly about certain buildings, but that the decision on taking the property out of the Midtown TIF does not change what can happen on that property. The motion carried 6-1, with Mr. McIntosh voting in opposition.

Mr. McIntosh made a motion, seconded by Mr. Jenkins, to approve a resolution to approve a new Organizational Chart for the Town of Summerville as presented in the agenda packet. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Touchberry, to approve a resolution to adopt the Town of Summerville Urban Forest Master Plan. The motion carried unanimously.

MISCELLANEOUS

Mr. Touchberry made a motion, seconded by Mr. Jenkins, to defer the police department's agreements with the Charleston County Sheriff's Office and Dorchester School District Two until the August Council meeting. The motion carried unanimously.

PUBLIC COMMENTS (open)

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

Kevin Carroll stated that promoting recycling will reduce the trash impact and possibly the solid waste collection fees. He also suggested that all residential streets have a speed limit of 25mph. He then expressed his concern with the Dorchester School District Two putting chains and locks on all of the playgrounds and fields.

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

EXECUTIVE SESSION:

Mr. Jenkins made a motion, seconded by Ms. Garten-Schmidt, to enter into Executive Session to discuss the following:

- a) Receive legal advice and possible resolution of Applegate, LLC v. Town of Summerville
- b) Discussion of personnel matter relating to the position of Town Prosecutor
- c) Contractual and Legal Matters Related to Proposed Acquisition of Property
- d) Receive legal advice and update on the matter of Tyler v. Town of Summerville
- e) Discussion of personnel matter regarding appointment of Chief Judge
- f) Contractual matter related to FY 23 Audit Services
- g) Personnel Matters Related to Proposed Salary Adjustments for Council Direct Reports

The motion carried unanimously, and Council entered into Executive Session at 7:29pm.

Council returned from Executive Session at 8:55pm. Town Attorney GW Parker stated that Council met in Executive Session to discuss the following and that no action was taken:

- a) Receive legal advice and possible resolution of Applegate, LLC v. Town of Summerville
- b) Discussion of personnel matter relating to the position of Town Prosecutor
- c) Contractual and Legal Matters Related to Proposed Acquisition of Property
- d) Receive legal advice and update on the matter of Tyler v. Town of Summerville
- e) Discussion of personnel matter regarding appointment of Chief Judge
- f) Contractual matter related to FY 23 Audit Services
- g) Personnel Matters Related to Proposed Salary Adjustments for Council Direct Reports

OTHER BUSINESS:

Mr. McIntosh made a motion, seconded by Mr. Touchberry, to authorize the Mayor to sign the mutual release ending all claims in the Applegate, LLC vs. Town of Summerville litigation. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Jackson, to appoint Trey Jameson as Chief Judge for a term of 4 years effective immediately. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Touchberry, to appoint Greene Finney as auditors for fiscal year 23 audit services. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Jackson, to authorize the Town Administrator and Town Attorney to advertise for the position of Town Prosecutor. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Touchberry, to authorize the Mayor to increase the salaries of the Town Attorney and Town Administrator. Mr. McIntosh stated that he didn't agree with going from the Police Chief as the only employee making over \$100,000 to, twelve years later, having other staff members making over \$100,000. The motion carried 6-1, with Mr. McIntosh voting in opposition.

ADJOURN:


Mr. Jenkins made a motion, seconded by Mr. Jackson, to adjourn. The motion carried unanimously, and the meeting adjourned at 9:02pm.

Respectfully Submitted,



Beth Messervy, Town Clerk

APPROVED:



Ricky Waring, Mayor