

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 August 11, 2022

ATTENDANCE

Present: Mayor Ricky Waring, Councilmembers Kima Garten-Schmidt, Bob Jackson, Aaron Brown, Russ Touchberry, Bill McIntosh, and Terry Jenkins. 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, August 11, 2022. Councilman Aaron Brown gave the invocation, followed by the Pledge of Allegiance.

RESOLUTION PRESENTATION

Mayor Ricky Waring presented a resolution to the Dorchester Dragons for winning the first ever 3 x 3 ladies basketball game played in the USA Games of the Special Olympics in June 2022.

AUDIT UPDATE

David Irwin of Mauldin & Jenkins gave an update on the June 30, 2021 audit. He stated that the report should be done in the next week, and that he anticipates a clean audit. Mr. McIntosh asked if Mr. Irwin was comfortable with the unaudited numbers of the Town's fund balance that are referenced in the bond ordinance on the agenda for the night, and Mr. Irwin stated that, yes, he was.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Mr. Jenkins made a motion, seconded by Mr. Brown, to approve the minutes of the July 14, 2022 Council meeting and the Standing Committee Meetings from August 8, 2022. The motion carried unanimously.

PUBLIC COMMENT – AUGUST 11, 2022 AGENDA ITEMS

Mayor Waring opened the floor for public comments for items on the August 11, 2022 agenda. There were no in-person public comments. Ms. Messervy read aloud an email submitted by Peter Gorman that expressed Mr. Gorman's concern with the possibility of the tennis courts at Laurel Street park being converted into pickleball courts. He stated that the pickle ball courts at Doty are frequently empty, whereas the tennis courts at Doty, Azalea, and Laurel are frequently full. He asked Council not to approve the switch to pickleball.

PETITIONS

PENDING BILLS AND RESOLUTIONS

Mr. Jenkins made a motion, seconded by Mr. Touchberry, to postpone the following agenda items until the October Council meeting. The motion carried unanimously.

- a. Second and final reading to an ordinance to annex Berkeley County TMS#s 221-07-05-132 and 133, Lots 31-A and 31-C (total of 20.833 acres), located along Brighton Park Blvd., currently zoned PD-MU, Planned Development Mixed Use in Berkeley County and will be zoned PUD, Planned Development District upon annexation into the Town of Summerville's municipal limits, and the existing Nexton PUD shall be amended to include this acreage and the additional land use intensities. (Council District 2). The motion carried unanimously.
- b. Second and final reading of an ordinance approving a proposed fifth amendment to the Nexton Development Agreement by and between NASH-NEXTON Holdings, LLC, and the Town of Summerville, for that certain property (known as Nexton) located along Highway 17A/N. Main St. in the Town of Summerville, South Carolina. Amendments include additional acreage; amended PUD; and amended exhibits. The motion carried unanimously.

Mr. Touchberry made a motion, seconded by Ms. Garten-Schmidt, to give second and final reading to an ordinance to annex TMS# 161-04-03-002, 6.18 acres located on Crosscreek Drive, currently zoned R-4, Multifamily Residential, 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 6). The motion carried unanimously.

INTRODUCTION OF BILLS AND RESOLUTIONS

Mr. Brown made a motion, second by Mr. Jenkins, to give first reading to an ordinance supplementing Ordinance 22-0106 of the Town of Summerville and approving the forms of a Preliminary Official Statement and a Bond Purchase Agreement to be executed by the Town in connection with the issuance of not exceeding \$20,000,000 Aggregate Principal Amount Limited Obligation Bonds (Tax Increment Pledge), Series 2022. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Jackson, to give first reading to an ordinance to rezone TMS# 137-11-14-005, 414 S. Main Street, approximately 0.64 acres, and owned by 414SMS, LLC, from GR-2, General Residential (2 units/acre), to N-MX, Neighborhood Mixed-Use. (Council District 2). The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Brown, to give first reading to an ordinance to rezone TMS# 154-13-05-002, on Ladson Road, approximately 9.54 acres, and owned by Summerville Commissioner of Public Works from PL, Public Lands, to G-B, General Business. (Council District 6). The motion carried unanimously.

MISCELLANEOUS

Mr. Jackson made a motion, seconded by Ms. Garten-Schmidt, to authorize the Town Administrator to sign Law Enforcement and Assistance and Support Agreement with Berkeley County Sheriff's Office. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Ms. Garten-Schmidt, to authorize the Town Administrator to sign agreement between Dorchester School District 2 and Town of Summerville for School Resource Officers. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Jenkins, to approve the Parks and Recreation Special Event Permit Guide as presented in the agenda packet. The motion carried unanimously.

Mr. Jackson stated that Parks and Recreation Director Amy Evans found a donor to give \$100,000 to build pickleball courts at Laurel Street Park. He suggested that the Town put tennis courts up in Oakbrook. Mr. Jenkins stated that the tennis courts on Laurel Street were the first ones in Town and that they work well on a residential street. He would like to look at another venue for pickleball courts. Ms. Evans clarified that the donor's proposal is to replace the tennis courts at Laurel Street with pickleball courts, and not to build onto the existing property. She reported that if the Town were to renovate the existing tennis courts as tennis courts, it would cost around \$60,000. Mr. McIntosh stated that the Town has asked a lot of the residents of South Laurel Street lately, and that he is concerned about more change to the street. Mr. Brown stated that the proposed donation is good and that the Town needs more of both types of courts. Mr. Touchberry asked Ms. Evans if the courts at Laurel could function for both tennis and pickleball at the same time. Ms. Evans explained that only 2 pickleball courts would fit at Laurel if the kept one tennis court. Ms. Garten-Schmidt suggested waiting until next month for this decision so that Ms. Evans could talk to the donor and brainstorm some more ideas. More discussion followed. The Mayor asked that the item be deferred to the October Parks and Recreation Committee meeting. Mr. Jackson agreed.

Mr. Jenkins made a motion, seconded by Mr. Touchberry, to authorize the Town to sign an affidavit claiming no interest in S-74 known as Brooks Moore Parkway, located on property of Dorchester School District 2. Town Attorney GW Parker explained that this is not a quit claim deed. Some discussion followed. The motion carried unanimously.

PUBLIC COMMENTS (open)

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

Dr. Hester Young introduced herself and stated that she is running for the Dorchester District 2 School Board.

EXECUTIVE SESSION:

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

- a. Personnel matter related to appointment to Tree Protection Board
- b. Contractual and Legal Matters Related to Property Acquisition of Dominion Building
- c. Contractual and legal matters related to sale of town-owned property on Woodlands tract
- d. Receive legal advice on security gate at terminus of Bailey Drive
- e. Contractual and legal matters related to town-owned property on Salkahatchie Street and Coosawatchie Street (Lakes of Summerville)
- f. Contractual and legal matters related to transfer of S-8-1259, a portion of Holiday Drive and Millhouse Drive, to the Town of Summerville

The motion carried unanimously, and Council entered into Executive Session at 6:39pm.

Council reconvened at 7:33pm. 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 appointment to Tree Protection Board
- b. Contractual and Legal Matters Related to Property Acquisition of Dominion Building
- c. Contractual and legal matters related to sale of town-owned property on Woodlands tract
- d. Receive legal advice on security gate at terminus of Bailey Drive
- e. Contractual and legal matters related to town-owned property on Salkahatchie Street and Coosawatchie Street (Lakes of Summerville)
- f. Contractual and legal matters related to transfer of S-8-1259, a portion of Holiday Drive and Millhouse Drive, to the Town of Summerville

OTHER BUSINESS:

Mayor Waring stated that he would like to appoint Claude Burns to the Tree Protection Board. Mr. Jenkins made a motion, seconded by Ms. Garten-Schmidt, to accept the Mayor's nomination. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Touchberry, to authorize the Mayor to execute the Agreement of Sale and Purchase for the real property of Dominion Energy South Carolina known as 108 N. Cedar St., in accordance with the document submitted to Council, for an amount not to exceed \$3,500,000, together with customary closing cost, Owner's Title Insurance and a survey. Further the Town attorney be authorized to make any minor, non-substantive revisions AND that the Mayor or Mayor pro-tem be authorized to execute the closing documents. \$1,000,000 of the purchase price is to come from Impact Fees and the Balance from the General Fund Fund Balance. Mr. McIntosh stated that while it is a great property at a fair price, he does not feel that the Town should get back into buying real estate. He stated that the façade on Cedar Street is better suited for private commercial development. Mr. Touchberry stated that as Chair of the Municipal Public Safety Facilities Committee, that

this purchase will temporarily initiate relief from the overcrowded Police Department headquarters without taking a large step too soon. Mr. Jenkins agreed with Mr. Touchberry's comments and stated that he understood Mr. McIntosh's point. Mr. Jenkins stated that the building could be used to take some traffic off of the court for services like paying fines. The motion carried 6-1, with Mr. McIntosh voting in opposition.

Mr. McIntosh made a motion, seconded by Ms. Garten-Schmidt, to list for sale to the public the barn and cottage on the Woodlands tract for a price of \$550,000. The sale is to be listed with Robert Pratt. The motion carried unanimously.

ADJOURN:

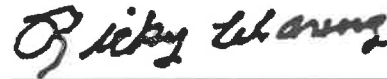
Mr. Jenkins made a motion, seconded by Mr. Jackson, to adjourn. The motion carried unanimously, and the meeting adjourned at 7:41 pm.

Respectfully Submitted,



Beth Messervy, Town Clerk

APPROVED:



Ricky Waring, Mayor