

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 October 13, 2022

ATTENDANCE

Present: Mayor Ricky Waring, Councilmembers Kima Garten-Schmidt, Bob Jackson, Aaron Brown, Russ Touchberry, and Bill McIntosh. Terry Jenkins was absent. 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, October 13, 2022. Councilman Russ Touchberry gave the invocation, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Mr. Jackson made a motion, seconded by Mr. Brown, to approve the minutes of the September 8, 2022 Council meeting; the September 23, 2022 Special Council meeting; the September 30, 2022 Special Council meeting; and the Standing Committee meetings from October 11, 2022. The motion carried unanimously, and the minutes were accepted into the record.

PUBLIC COMMENT – OCTOBER 13, 2022 AGENDA ITEMS

Mayor Waring opened the floor for public comments for items on the October 13, 2022 agenda.

Peter Gorman of South Magnolia Street spoke in opposition of the resolution for Council to support the Dorchester County referendum continuing the 1% tax for roads and open space. He stated that this would be a \$4,000 increase in taxes per person in Dorchester County, and that the referendum doesn't specify road paving or improvement projects. He stated that this is a bad time for a referendum and urges voters to reject the "Vote Yes" campaign.

Dianne Frankenburger stated that she did like the festivals that occurred over the weekend, but that there was a problem with litter and permitting. She met with DREAM members to come up with a solution. She also stated that she trusts the County and Town governments in their support of the "Continue the Penny" referendum.

PETITIONS

Mr. McIntosh made a motion, seconded by Ms. Garten-Schmidt, to approve acceptance of the petition by Marymeade Associates Limited Partnership and first reading of the ordinance to annex a portion of Berkeley County TMS# 232-00-02-052 (total of 7.76 acres) located off Marymeade Drive & Farm Springs Road, currently zoned PD-MU, Planned Development Mixed Use in Berkeley County and will be zoned G-B, General Business, upon annexation into the Town of Summerville's municipal limits. (Council District 2). The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Touchberry, to approve acceptance of a petition by Sum Bottles LLC to annex TMS#s 232-00-01-024 and -025, 1110 N. Main Street, and 232-00-01-029, 127 Berkeley Circle; three parcels totaling 1.388 acres, currently zoned GC, General Commercial, and RNC, Rural and Neighborhood Commercial, respectively, in Berkeley County and will be zoned G-B, General Business, upon annexation into the Town of Summerville's municipal limits (Council District 2). The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Touchberry, to reject the petition by Maudco LLC to annex TMS# 145-11-05-047, Deweese Lane, approximately 13 acres, currently zoned TRM, Transitional Residential, in Dorchester County and will be zoned N-R, Neighborhood Residential, upon annexation into the Town of Summerville's municipal limits. (Council District 3). The motion carried unanimously.

Mr. Brown made a motion, seconded by Mr. Touchberry, to approve acceptance of a petition by Mad Dog Development, LLC to annex TMS#s 145-06-04-006, Stallsville Loop, and 145-06-05-008, 265 Stallsville Loop; two parcels totaling 1.73 acres, currently zoned CG, General Commercial, in Dorchester County and will be zoned G-B, General Business, upon annexation into the Town of Summerville's municipal limits. (Council District 3). Some discussion followed regarding the need for another car wash in the area. The motion carried 5-1, with Ms. Garten-Schmidt voting in opposition.

PENDING BILLS AND RESOLUTIONS

Mr. Jackson made a motion, seconded by Mr. Touchberry, to give second and final reading to an ordinance to rezone TMS# 145-11-03-010, 160 Community Road, approximately 2.19 acres, and owned by Classic Car Restoration, LLC from G-B, General Business to PL, Public Lands. (Council District 3). The motion carried unanimously.

Mr. Brown made a motion, seconded by Mr. Jackson, to give second and final reading to an ordinance to rezone TMS#s 130-00-00-008 and -055, 130-00-00-053.999 and 130-00-00-054.999, owned by North Maple MBM, LLC; 130-00-00-057 and -058, owned by 7P Partners, Inc.; and a portion of 130-00-00-021, owned by Dustoff 22, LLC; seven parcels totaling approximately 4.599 acres, from G-B, General Business, to PUD, Planned Development District. The existing North Maple Mixed Use PUD shall be amended to include these parcels for commercial uses. (Council District 1). The motion carried unanimously.

Ms. Garten-Schmidt made a motion, seconded by Mr. McIntosh, to postpone the following items until the November Council meeting at the request of the applicant:

Second and final reading of 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)

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.

INTRODUCTION OF BILLS AND RESOLUTIONS

Mr. McIntosh made a motion, seconded by Mr. Jackson, to give first reading to an ordinance to sell real property of the Town of Summerville known as 333 Old Postern Road, Summerville, South Carolina; being a portion of the same property conveyed to the Town of Summerville by deed from Woodlands Village, LLC dated February 26, 2020 and recorded in the Register of Deeds office for Dorchester County in Book RB 12369 at page 317 on March 9, 2020. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Touchberry, to give first reading to an ordinance to grant a quit-claim deed of 4,038 SF (0.09 Ac) to CVEA Summerville III, LLC in the amount of \$2,031.09. The motion carried unanimously.

Mr. Touchberry made a motion, seconded by Mr. Jackson, to give first reading to an ordinance to grant a quit-claim deed of 1,990 SF (0.04 Ac) to Dustoff22, LLC in the amount of \$1,133.73. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Touchberry, to give first reading to an ordinance as presented at the Planning and Development Committee on October 10, 2022 to approve a major PUD amendment to the Knightsville Tract PUD (AKA Sweetgrass Station), TMS# 144-01-00-004 and 143-04-00-012, to allow the improvements to Orangeburg Road at the site entrance to be delayed until the completion of the 100th dwelling unit. (Council District 4). The ordinance as presented included the added requirement that once Phase 1A (64 units) is complete, the project cannot move forward without the SCDOT encroachment permit for the improvements on Orangeburg Road. Some discussion followed regarding the timing of the traffic study and the requirements for turn lanes for the developments on Orangeburg Road. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Brown, to give first reading to an ordinance to rezone TMS# 137-01-06-001, 333 Old Postern Road, approximately 1.16 acres, and owned by the Town of

Summerville, from PUD, Planned Development District, to GR-2, General Residential (2 units/acre). (Council District 2). The motion carried unanimously.

Mr. Touchberry made a motion, seconded by Mr. Jackson, to give first reading to an ordinance to rezone TMS# 137-00-00-002, Old Postern Road, W. Richardson Ave., and Parsons Road, approximately 29.51 acres, and owned by the Town of Summerville, from PUD, Planned Development District, to PL, Public Lands. The motion carried unanimously.

MISCELLANEOUS

Mr. Jackson made a motion, seconded by Mr. Touchberry, to approve a resolution stating that Town Council supports the continuation of the one percent countywide Transportation Sales and Use tax in Dorchester County. Mr. McIntosh stated that he is not going to vote on the resolution, but that he isn't necessarily against the referendum. He also stated that he does not think that Council should tell citizens how to vote, but that he will vote for the referendum in November. Mr. Touchberry stated that part of the reason for the referendum is because the Town doesn't have enough economic development and commercial taxes to pay for our needs to fix flooding and traffic. Mayor Ricky Waring stated that he agrees with Mr. Touchberry, and added that it takes money to run the Town. The motion carried 4-1 with Mr. Brown voting in opposition, Mr. McIntosh not voting, and Mr. Jenkins absent.

Mr. Touchberry stated that he received a great deal of feedback from business owners regarding the two festivals that were held the weekend before the Council meeting, and that he would like to work with business owners to find a solution. Mr. McIntosh also stated that he heard from business owners in downtown about the event on Saturday, October 8, 2022, as the parking garage was closed at both ends at one point, causing major traffic and parking problems. Mayor Ricky Waring said that Town Administrator Lisa Wallace has spoken to the Parks and Recreation Director, as well as the Police Chief, in order to work out a solution.

Mr. McIntosh made a motion, seconded by Mr. Brown, to install a three-way stop sign on Driver Avenue at Six Iron in Corey Woods. The motion carried unanimously.

PUBLIC COMMENTS (open)

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

Bill Ennis, the President of the Board of Lowcountry Tennis Association, reported that the LCTA has seen much growth over the past 5 years, and that Summerville has been a large part of the growth. He stated that the LCTA needs to work with Town Council and Parks & Recreation to find a compromise to the tennis v. pickleball situation.

Loel Morris spoke in support of keeping the tennis courts on Laurel Street instead of turning them into pickleball courts. She stated that the Town should not have to sacrifice one sport for the other, and that there are other viable alternative to building pickleball courts somewhere else.

April Geft, a coordinator for Junior Team tennis through the US Tennis Association, stated that she is often fighting for courts for junior team tennis to practice and play on in Summerville. She stated that you cannot play tennis on a tennis court with pickleball lines for any league play, tournaments, or junior tennis.

Bessie Simmons stated that there needs to be a four way stop sign on Germantown Road and Parkwood Drive. She said that there is no speed sign at that location, and that cars are coming too fast down Parkwood.

Pastor Simmons with the Central Church stated that the church has a problem with their parking lot, which is not paved. In 2019, he was told to get an engineer to come up with a proposal for a parking lot, which has been done and will be submitted to the Town for review. He urged Council to approve the parking lot.

Bill Nisson, a new resident to Summerville, stated that he is the citizen who offered up to \$100,000 to convert the Laurel Street tennis courts into pickleball courts. He pointed out that there are only 2 pickleball courts for the entire Town, and that he has a sincere desire to help Summerville.

Gregory Reed with the Central Church asked Council to consider approving a parking lot at his church.

Louis Fowler with the Central Church asked Council to consider approving a parking lot at his church.

Dr. Hester Young stated that she is running for Dorchester School District 2 School Board. She presented her platform for her campaign.

Cynthia Powell stated that she is running for Dorchester School District 2 School Board. She presented her platform for her campaign.

Matthew Hirsch stated that he is the captain for the men's tennis team that uses all three courts in Town for practice and play. He stated that taking 2 tennis courts away for an increasing population doesn't make sense.

Tracy Hirsch stated that pickleball is too loud for the residents of Laurel Street and that Council should put pickleball courts somewhere else where there is more room. She stated that the tennis league at Doty needs 5 courts for league play, which means that the overflow of players has to go to Laurel and Azalea.

Ben Hough stated that several municipalities smaller than Summerville have more public tennis courts than Summerville has. He stated that pickleball is noisier than tennis and that the Town cannot sacrifice tennis court for pickleball courts.

Beth Ann Armstrong sent an email to the Town Clerk prior to the meeting to be read into the record. The email is as follows: "As a local tennis captain, an avid player of a sport growing in popularity and diversity across multiple demographic measures and a resident/tax payer who envisions the inclusive, community building, healthy lifestyle promoting, value adding, and even revenue generating role tennis could play in Summerville, I adamantly oppose the usurping of the Laurel Street tennis courts for pickleball use and respectfully request the Council pursue a path that builds capacity instead reducing resources."

EXECUTIVE SESSION:

Mr. McIntosh made a motion, seconded by Mr. Jackson, to enter into Executive Session to discuss a legal matter related to revoking business license for 319 North Cedar Street and to receive legal advice on contractual matters related to sale of Town-owned property on the Woodlands tract (cottage and barn). The motion carried unanimously, and Council entered into Executive Session at 7:53pm.

Council reconvened at 8:13pm. Town Attorney GW Parker stated that Council met in Executive Session to discuss a legal matter related to revoking business license for 319 North Cedar Street and to receive legal advice on contractual matters related to sale of Town-owned property on the Woodlands tract (cottage and barn). He stated that no action was taken in Executive Session.

OTHER BUSINESS:

N/A

ADJOURN:

Mr. McIntosh made a motion, seconded by Mr. Jackson, to adjourn. The motion carried unanimously, and the meeting adjourned at 8:14pm.

Respectfully Submitted,

APPROVED:

Beth Messervy, Town Clerk

Ricky Waring, Mayor