



**Town of Summerville  
Council Meeting  
Summerville Municipal Complex  
Wednesday, January 14, 2015 at 7:30 p.m.  
Revised  
AGENDA**

- 1. Invocation and Pledge of Allegiance – Mayor Collins**
- 2. Presentation – Kelly Hazel, Chairman Sweet Tea Half Marathon Planning Committee**
- 3. Public Comments**
- 4. Approval of Minutes of Previous Meetings**
  - a. Council Meeting, December 10, 2014
- 5. Approval of Council Committee Reports**
  - a. Finance Committee Report, January 12, 2015
  - b. Planning and Development Committee Report, January 7, 2015
  - c. Public Safety Committee Report, January 7, 2015
- 6. Petitions**
  - a. Authorization to accept the petition and have first reading of an ordinance to annex Dorchester County TMS# 136-00-00-134; approximately 34 acres; located at 429 W. Butternut Rd., Summerville, SC; owned by Annette K. Dopson; currently zoned R4, Multifamily Residential to be zoned PUD, Planned Unit Development
- 7. Pending Bills and Resolutions**
  - a. Second and final reading of an ordinance to amend the Code of Laws of the Town of Summerville relating to business license rates
  - b. Second and final reading of an ordinance (as amended) to amend the Code of Laws of the Town of Summerville relating to noise
- 8. Introduction of Bills and Resolutions**
  - a. Introduction and first reading of an ordinance to approve the PUD "Planned Unit Development" for TMS # 136-00-00-134
- 9. Miscellaneous**
- 10. *Executive Session – To discuss legal matters related to pending litigation***
- 11. Adjourn**

William C. Collins, Mayor

*Council Members:*

Terry Jenkins, Mayor Pro Tem  
Walter Bailey  
Aaron Brown  
Kima Garten-Schmidt  
Bob Jackson  
William McIntosh



*Clerk-Treasurer*

Lisa L. Wallace

*Town Attorney*  
G. Waring Parker

## Town of Summerville

### COUNCIL MEETING MINUTES DECEMBER 10, 2014

#### ATTENDANCE

Present: Mayor Bill Collins and Council members Walter Bailey, Aaron Brown, Kima Garten-Schmidt, Bob Jackson, Terry Jenkins and Bill McIntosh. Also present were Lisa Wallace, Director of Administrative Services & Clerk-Treasurer, and G.W. Parker, Town Attorney. Members of the press and the public were duly notified of the meeting and were also present.

#### CALL TO ORDER

The regular monthly meeting of Summerville Town Council was called to order at 7:30 p.m. on Wednesday, December 10, 2014. The meeting was opened with prayer by Ms. Garten-Schmidt, followed by the Pledge of Allegiance.

#### PRESENTATION OF EMPLOYEE LENGTH OF SERVICE PINS

Mayor Collins recognized the following employees for their years of service to the Town of Summerville: 10 Years – Michael Morse, Ira Smalls, Michael Williams, Nicholas Morella, Nazario Yangco, Glen McLendon, and Amanda Pitcock; 15 Years – Herman Hampton, Jon Rogers, Sheri Williams, Timothy Jones, Cassandra Williams, John Sahlmann, and Cynthia Brown; 20 Years – Ronald Cooper and Tommy Chambers; and 25 Years – Charlton Cochran.

#### PRESENTATION FROM CHARLESTON REGIONAL DEVELOPMENT ALLIANCE

Bob Whitten, the Immediate Past Chair of the Charleston Regional Development Alliance, introduced President David Ginn, Vice President Mike Graney and former Chairman of the Board Robert Pratt. Mr. Whitten reported that he is a resident of the Town of Summerville and has been for the past 27 years. He thanked Council members for agreeing to fund the town's membership to the CRDA and hopes the town will continue to be members in the future. He added that the CRDA is staffed with very talented people and the organization contributes greatly to the economic development of our region. Mayor Collins thanked Mr. Whitten for his presentation.

#### PUBLIC COMMENTS

Mayor Collins called for any comments from the public. There being no comments offered, the Mayor declared the public comments portion of the meeting closed remained

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Mr. Jackson made a motion, seconded by Mr. Brown, to approve the minutes of the November 12, 2014 council meeting and the November 12, 2014 special council meeting as presented. The motion carried unanimously.

**APPROVAL OF COUNCIL COMMITTEE REPORTS**

Mrs. Garten-Schmidt made a motion, seconded by Mr. Jenkins, to approve the December 8, 2014 Finance Committee Report as submitted. The motion carried unanimously.

**PETITIONS**

Ms. Wallace reported that there were no petitions for annexation.

**PENDING BILLS AND RESOLUTIONS**

Mr. McIntosh made a motion, seconded by Mr. Brown, to have second and final reading of an ordinance to rezone TMS #137-03-18-002, 312 N. Laurel St. (Armory, Senior Center); TMS #137-15-04-002, 1 lot, John McKissick Way (Town Skate Park); and TMS #144-15-01-027, 601 King Charles Circle (Newington Plantation Playground) all owned by the Town of Summerville from R-2 "Single Family Residential" to PL "Public Lands. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Jenkins, to have second and final reading of an ordinance to authorize the Mayor to execute a quit-claim deed to Rutherford and Carolyn Smith. The motion carried unanimously.

**INTRODUCTION OF NEW BILLS AND RESOLUTIONS**

Mr. Brown made a motion, seconded by Mr. Bailey, to introduce and have first reading of an ordinance to amend the Code of Laws of the Town of Summerville relating to business license taxes. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Brown, to introduce and have first reading of an ordinance to amend the Code of Laws of the Town of Summerville relating to noise. The motion carried unanimously.

**MISCELLANEOUS**

Mr. Brown made a motion, seconded by Mr. Jackson, to confirm the Mayor's nominations to various citizens' boards and commissions (list attached). The motion carried unanimously.

Mr. Bailey made a motion, seconded by Mr. Brown, to appoint Michael Murphy and Vernida Hill as Associate Municipal Judges for a two-year term each. The motion carried unanimously.

**ADJOURN**

There being no further business, the meeting adjourned at 7:50 p.m. on motion of Mr. Jenkins, seconded by Mr. Jackson.

Respectfully submitted,

\_\_\_\_\_  
Lisa Wallace, Director of Administrative Services  
Clerk and Treasurer

APPROVED:

\_\_\_\_\_  
William C. Collins, Mayor

**TOWN OF SUMMERVILLE  
FINANCE COMMITTEE REPORT  
JANUARY 12, 2015**

The Finance Committee met at 8:00 a.m. on Monday, January 12, 2015 in the Training Room of the Summerville Municipal Complex. Present were Mayor Bill Collins and Council members Walter Bailey, Aaron Brown, Kima Garten-Schmidt, Bob Jackson, Terry Jenkins and Bill McIntosh. Also present were Town Attorney, G.W. Parker, Director of Administrative Services, Lisa Wallace and Finance Director, Belinda Harper. Other staff members, members of the press and members of the public were also present.

<b>Presentation of Financial Report</b>	Belinda Harper presented the December, 2014 financial report. The report was accepted as information.
<b>Approval of Financial Requisitions</b>	<p>Mr. Bailey made a motion, seconded by Mr. Jackson, to authorize the following purchase orders: a purchase order to Butler Chrysler Dodge in the amount of \$319,891 on state contract for (13) Dodge Chargers; a purchase order to Watch Guard in the amount of \$80,545 on state contract for (15) In-Car video systems; a purchase order to West Chatham Warning Devices in the amount of \$56,344 on state contract to outfit (13) police vehicles; and a purchase order to Motorola in the amount of \$57,869 on state contract for (15) APX radios – all to be paid from budgeted capital funds. The motion carried unanimously.</p> <p>Mr. Brown made a motion, seconded by Mr. Jackson, to authorize a purchase order to Dick Smith Ford in the amount of \$73,613 on state contract for a 2015 Ford F650 trash truck and dump body to be paid via lease purchase with BB&amp;T. Mr. Bailey asked how much the town would pay in financing fees. Belinda Harper reported that she believes the interest rate is around 1.85% but would send an email out to council members after the meeting to confirm. The motion to approve the purchase order was approved unanimously.</p>
<b>Discussion of Council Committee Reports</b>	Mr. McIntosh gave the report of the January 7, 2014 Planning and Development Committee meeting and Mr. Bailey gave the report of the January 7, 2015 Public Safety Committee meeting. These reports will be on the upcoming Council agenda for approval.
<b>Discussion of Proposed/Upcoming Council Agenda Items</b>	There were no questions about the upcoming council meeting agenda.
<b>Miscellaneous</b>	Mr. Jackson made a motion, seconded by Mr. Jenkins, to authorize the Chief of Police to present a S&W model 12 revolver, serial number 2D48827, to Lt. Ron Manchester upon his retirement and departure from the town. The motion carried unanimously.
<b>Executive Session</b>	Mr. McIntosh made a motion, seconded by Mr. Jenkins, to enter into executive session at 8:12 a.m. to discuss contractual matters related to tourism management and legal matters related to pending litigation. The motion carried unanimously.

The finance committee returned to public session at 9:43 a.m. and announced that no action was taken. Mr. Jackson then made a motion, seconded by Mr. Brown, to authorize the Mayor to execute a Tourism Management Agreement with the Greater Summerville Dorchester County Chamber of Commerce to manage tourism and promotion for the town through December 31, 2015. The motion carried unanimously.

**Adjourn**

There being no further business, the meeting adjourned at 9:44 a.m.

Respectfully submitted,



Lisa Wallace  
Clerk/Treasurer

**PLANNING AND DEVELOPMENT COMMITTEE**

**REPORT** for

January 7, 2015

4:00 PM

TOWN HALL – BOARDROOM A  
200 S. Main Street, Summerville, SC

The Planning and Development Committee of Town Council met on January 7, 2015 at 4:00 PM in the Training Room, Town Hall, 200 S. Main Street, Summerville, SC. Committee members present included Bob Jackson, Council District 6; Bill McIntosh, Council District 4, Chairman; and, Walter Bailey, Council District 3. Staff members present included Madelyn Robinson, AICP, Director of Planning & Economic Development; Jessi Shuler, Zoning Administrator, AICP; and, Russ Cornette, PE, Town Engineer.

The meeting was called to order at 4:00 PM by Mr. McIntosh.

**New Business:**

The first item under new business was the request to annex Dorchester County TMS#136-00-00-134; approximately 34 acres; located at 429 W. Butternut Rd., Summerville, SC; owned by Annette K. Dopson; currently zoned R4, Multifamily Residential District in Dorchester County; and, will be zoned PUD, Planned Unit Development upon annexation into the Town of Summerville's municipal limits. Ms. Robinson briefly explained the applicant has petitioned to annex in order to develop the property. She stated that the Planning Commission held a public hearing on December 15, 2014 and made a recommendation for approval. Mr. McIntosh suggested the Committee discuss this item and the second item together which was the consideration of the PUD document that would govern this development. The Committee agreed.

The second item was the request for recommendation for approval for the Planned Unit Development and associated document for the proposed annexation of Dorchester County TMS#136-00-00-134. Proposed uses include mixed uses of single family residential including 64 detached dwelling units; and, educational and recreational uses including an interpretive pathway throughout the development and a recreational area for a playground. Ms. Robinson provided an overview of the proposed PUD for the Dopson tract including the location, the proposed uses and number of dwelling units. Mr. McIntosh asked if the document included design standards and Ms. Robinson asked Mr. Richard Loudin with Crescent Homes and representative for the applicant to provide this information. Mr. Loudin stated that the siding of the homes would be *cementious* and/or hardiplank, no vinyl would be allowed and the homes would be similar to the product being built in a couple of the adjacent developments and that the price point would be on the higher end. Mr. McIntosh stated that in deference to the Town's adopted Vision Plan, he felt the Town should negotiate more specific design standards of an elevated nature such as materials, pitched roofs, porch sizes, etc., as listed in the top 10 things the Town needs to address as stated on the Vision Plan. Mr. Jackson agreed. Mr. McIntosh stated that he wasn't expecting to hold this development up but going forward he would prefer the Town request design standards be specific and included in these documents. Ms. Robinson stated the Planning Commission held a public hearing on December 15, 2014 and made a recommendation for approval. She also stated that a couple of residents of the Trotter's Ridge subdivision were concerned about additional stormwater and how that would affect their neighborhood as well as sewer concerns. Ms. Robinson stated that at the meeting, how the stormwater was going to be managed including that the flow was away from Butternut and towards the back of this property the residents were satisfied. Ms. Robinson also explained that the development would be served by Dorchester County Sewer regardless of the annexation and that County Council would have to approve those plans.

Ms. Robinson asked if the Committee would like to have two separate votes on the items as they are listed separately and Mr. McIntosh stated that for the Council meeting and ordinance reading they should stay separate but for the purposes of the Committee meeting if the Committee was in favor of a recommendation for approval that the motion could include both items. Mr. Bailey made a motion to recommend approval of the annexation of TMS# 136-00-00-134 and for the proposed PUD for this property. Mr. Jackson made the second. The motion carried unanimously.

Following no additional business or discussion, the meeting was adjourned at 4:10 PM upon a motion by Mr. Bailey and a second by Mr. Jackson.

Respectfully submitted,



Madelyn Robinson, AICP  
Director of Planning & Economic Development

January 7, 2015

**PUBLIC SAFETY COMMITTEE REPORT**  
**January 7, 2015**

The Public Safety Committee met on Wednesday, January 7, 2015 at 4:11 p.m. in the training room at the Summerville Municipal Complex. Present were Chairman Walter Bailey and committee members Aaron Brown and Terry Jenkins. Members of the public and the press were duly notified of the meeting and were also present.

Chairman Bailey called the meeting to order and reported that the executive session to discuss legal matters related to The Ville has been removed from the agenda. He then reported that the proposed changes to the noise ordinance are scheduled for second reading at the upcoming council meeting. He added that Councilman McIntosh expressed some concerns related to the ordinance so Mr. Jenkins requested that it be added to the agenda for discussion. Mr. McIntosh explained that the town's existing ordinance is not clear and may pose a problem when it comes to enforcement. He supports the decision to revise the ordinance but does not believe the proposed changes are sufficient enough to address the concerns about ambiguity and enforcement. Mr. Jenkins stated that his understanding was that Chief Owens feels more comfortable with the new ordinance versus the old one and suggested that the committee move forward with this ordinance with the understanding that the ordinance still needs some work unless the town attorney is able to make appropriate revisions prior to the council meeting. Town Attorney Parker stated that he would attempt to have the revisions done prior to the upcoming council meeting.

Mr. Jenkins made a motion, seconded by Mr. Brown to recommend that the ordinance move forward to full council for final approval provided satisfactory changes have been made; otherwise, the recommendation is that the ordinance be tabled until the February Council meeting. The motion carried.

Respectfully submitted,



\_\_\_\_\_  
Lisa L. Wallace

ORDINANCE

TO ANNEX TO, AND INCORPORATE WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUMMERVILLE, THAT AREA OWNED BY ANNETTE K. DOPSON, ADJACENT TO THE BOUNDARY LINE OF THE TOWN, AS DESCRIBED ON THE DEED AND PREPARED PLAT ATTACHED HERETO AND INCORPORATED BY REFERENCE:

WHEREAS, the owner of the real estate designated as Dorchester County TMS #136-00-00-134 located 429 W. Butternut Road, approximately 34 acres on the attached plat, has petitioned the Town Council of the Town of Summerville to annex into the Town of Summerville.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Members of Town Council duly assembled;

SECTION I. That the described land on the attached deed and prepared plat, contiguous to the boundary of the Town of Summerville is hereby annexed to, taken into and made a part of the Town of Summerville and including the public roadway (s) immediately adjacent to the property lines of the parcel for the purposes of providing public service to the parcel.

SECTION II. That the property above described and hereby annexed shall be Zoned PUD "Planned Unit Development" and be classified as PUD "Planned Unit Development" under the Zoning Ordinance of the Town of Summerville.

Ratified this \_\_\_\_\_ day of \_\_\_\_\_, 2015 A.D.

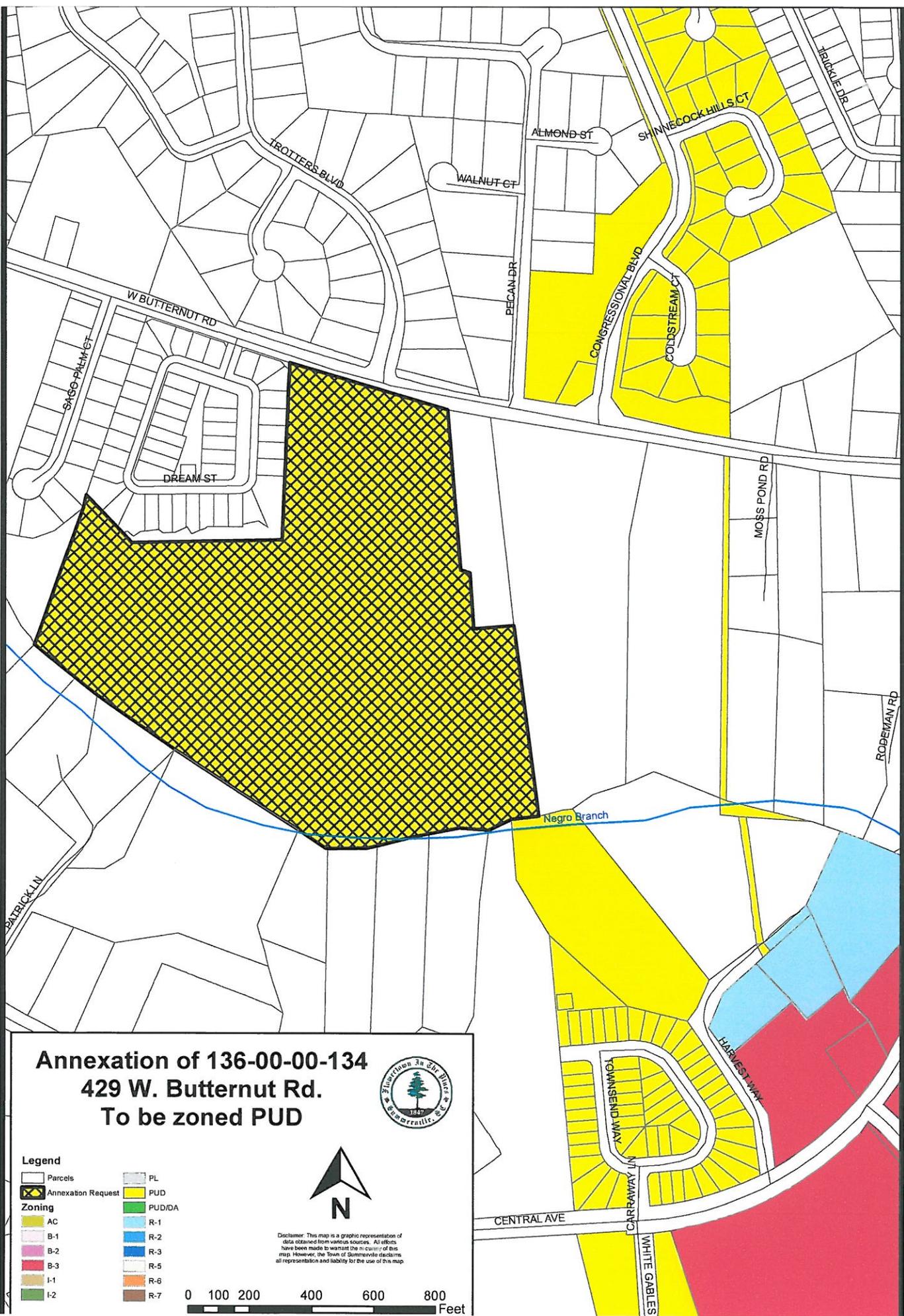
\_\_\_\_\_  
William C. Collins, Mayor

\_\_\_\_\_  
Lisa Wallace, Clerk to Council

PUBLIC HEARING: December 15, 2014

FIRST READING: January 14, 2015

SECOND READING: \_\_\_\_\_



Negro Branch

CENTRAL AVE

YOUNGSEND WAY  
CARRAWAY LN

WHITE GABLES

HARVEST WAY

MOSS POND RD

RODEMAN RD

TRUCKEE DR

SHINNICOCK HILL S CT

ALMOND ST

WALNUT CT

PECAN DR

CONGRESSIONAL BLVD

COLDSTREAM CT

TROTTERS BLVD

W BUTTERNUT RD

SAGE PALM CT

DREAM ST

PATRICK LN

AN ORDINANCE  
 AMENDING THE CODE OF ORDINANCES OF THE  
 TOWN OF SUMMERVILLE  
 PROVIDING FOR BUSINESS LICENSE TAXES

WHEREAS, it is in the interest of the Town of Summerville that the business license ordinance be revised and updated from time to time; and

WHEREAS, the Town of Summerville recently appointed a committee comprised of citizens, business owners, and staff to review the current business license rate structure for the Town of Summerville, and, in particular, the declining rates for gross revenues over \$1,000,000 and make recommendations to town council; and

WHEREAS, after several meetings, the committee made the following recommendations for changes to the business license rate structure for the Town of Summerville:

**RATES**

RATE CLASS	<u>INCOME: 0 - \$2000</u> MINIMUM FEE	<u>ALL OVER \$2000</u> Rate per Thousand or fraction thereof
1	\$30.00	\$1.10
2	\$35.00	\$1.45
3	\$40.00	\$1.80
4	\$45.00	\$2.15
5	\$50.00	\$2.50
6	\$55.00	\$2.85
7	\$60.00	<del>\$3.20</del> \$3.10
8	See individual business in	Class 8.

**NON-RESIDENT RATES**

Unless otherwise specifically provided, all minimum fees and rates shall be doubled for non-residents and itinerants having no fixed principal place of business within the municipality.

**DECLINING RATES**

Declining Rates apply in all Classes for gross income in excess of <del>\$2,000,000</del> \$1,000,000	
Gross Income in \$ Millions	Percent of Class Rate for each additional \$1,000
<del>0-2</del> 0 - 1	100%
<del>2-3</del> 1 - 2	<del>95%</del> 90%
<del>3-4</del> 2 - 3	<del>90%</del> 80%

4—5 3 - 4	85% 70%
Over 5 Over 4	80% 60%

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Summerville, South Carolina, that these changes hereby be approved and that the business license ordinance of the Town of Summerville be amended to reflect those changes.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK TO COUNCIL

Introduction and  
First Reading: December 10, 2014

Final Reading: January 14, 2015

## AN ORDINANCE

### TO AMEND ARTICLE II SECTION 12-31, 12-32 and 12-33 OF THE CODE OF LAWS OF THE TOWN OF SUMMERVILLE RELATED TO NOISE

BE IT ORDAINED, by the Mayor and Council of the Town of Summerville that the Code of Laws of the Town of Summerville be hereby amended as follows by deleting sections 12-31, 12-21 & 12-33 in their entirety and replacing it with the following:

#### Sec. 12-31. – Generally

(a) Prohibited. Excessive noise is a serious hazard to the public health, welfare, peace and safety and the quality of life of its residents and visitors. A substantial body of science and technology exists by which excessive noise may be substantially abated; that people have a right to and should be ensured an environment free from excessive sound that may jeopardize their public health, welfare, peace and safety or degrade the quality of life or diminish property values; and therefore, town council finds that it is the policy of the town to prevent such excessive sound.

(b) It shall be unlawful for any person, entity, or establishment to make, continue, or allow to be made or continued, any clamorous singing, yelling, shouting, whooping, bellowing, hollering, or other loud, disruptive, wanton and unseemly noises, or to make, continue, or allow to be made or continued, any loud gatherings, either in the daytime or at night, which disturb the peace and quiet of the town, whether in the public street, on privately owned or controlled property, or within enclosures, public or private.

(c) It shall be unlawful for the howling or barking of any dog, the bellowing or lowing of any cow, the bleating or crying of any goat, sheep, or other animal, affecting the health, comfort or peace of the public shall constitute a nuisance.

(d) It shall be unlawful for any person to ride, drive, propel or otherwise operate a motorized vehicle in a manner which emits loud and unnecessary noise or long continued noise, either in the daytime or at night, which disturbs the peace and quiet of the town, whether in the public street or on private property, or within enclosures, public or private. The prohibitions of this subsection shall include operating a motorized vehicle by rapid throttle advancing (revving) of an internal combustion engine resulting in increased noise from the engine.

(e) For purposes of this section, motorized vehicle includes but is not limited to cars, trucks, vans, buses, motorcycles, motor scooters, motorized skateboards, mopeds, and low-speed neighborhood electric vehicles.

(f) Nothing in this section shall be construed to extend to the blowing of a motorized vehicle horn or other signal device by the operator of either a public or private motorized vehicle for the purpose of notifying passengers or other persons of the presence of such motorized vehicle or as a safety precaution in the actual operation of the motorized vehicle; sirens used by Emergency Medical vehicles, Fire and Police Department vehicles; power equipment used in residential or commercial property for yard and lawn maintenance during daylight hours.

(g) In addition to prohibitions contained in subsection (b), it shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated, any radio, amplified musical instrument including but not limited to brass or drum instruments or the amplified device or

apparatus making or reproducing musical or other sounds within a privately owned or controlled courtyard or outdoor area after 11:00 p.m. and before 7:00 a.m. in such a manner as to be audible in any public street or right-of-way.

(h) Notwithstanding subsection (b) and (f) herein, it shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated, any radio, amplified musical instrument including but not limited to brass or drum instruments, or other amplified device or apparatus making or reproducing musical or other sounds after 11:00 p.m. and before 7:00 a.m. when the said sounds emanate from an open window or door opening of a structure in such a manner as to be audible in any public street or right-of-way.

(i) Notwithstanding the provisions of subsection (a) of this section, it shall further be unlawful for any person to play, use, operate or permit to be played, used or operated, any radio, cassette or CD player or any other sound-amplifying device if the sound generated is audible and deemed to be a nuisance or violation of paragraph (a) as determined by the responding law enforcement officer. To be in violation of this section it is not necessary that words or phrases be discernible and bass reverberations are considered included in the term "plainly audible."

(j) Except when necessary to preserve life, safety, or property, it shall be unlawful for any person to conduct any construction operations between the hours of 11:00 p.m. and 7:00 a.m. The Mayor or his designee may grant a written variation to allow construction on a public or private project on a case by case basis.

(l) Nothing herein shall be construed to prevent the mayor or his designee from issuing temporary permits for outdoor events sponsored by public, non-profit, educational, or religious entities on such terms and conditions as are in the public interest.

(l) Penalties and forfeiture; confiscation and disposition of sound equipment for violations. The penalty for first violation of the excessive noise from sound-amplifying devices shall be a fine of not more than \$250.00. For the second and subsequent violations, the penalty shall be not more than \$500.00 or 30 days imprisonment for each violation. The arresting officer or other law enforcement officer must confiscate the sound-amplifying device at the time of the arrest for a third violation. The chief of police shall be authorized to promulgate regulations for the confiscation described in this section. The sound-producing device shall be returned if a person is found not guilty of violating the provisions of this section for the third time.

Done at Summerville, South Carolina this 14<sup>th</sup> day of January, 2015

\_\_\_\_\_  
William C. Collins, Mayor

ATTEST:

\_\_\_\_\_  
Lisa L. Wallace, Clerk to Council

First Reading: December 10, 2014

Second Reading: January 14, 2015