



**Town of Summerville  
Council Meeting**  
Summerville Municipal Complex  
**Wednesday, April 13, 2016 at 6:30 p.m.**

\*\*\*Please note new meeting time\*\*\*

**AGENDA**

*Revised*

1. **Invocation and Pledge of Allegiance:** Kima Garten-Schmidt
2. **Public Comment**
3. **Approval of Minutes of Previous Meetings**
  - a. Council Meeting, March 9, 2016
  - b. Special Council Meeting, April 4, 2016 (Town Administrator Interviews)
  - c. Special Council Meeting, April 5, 2016 (Town Administrator Interviews)
4. **Approval of Council Committee Reports**
  - a. Finance Committee Report, April 6, 2016
  - b. Planning and Development Committee Report, April 6, 2016
  - c. Public Works Committee Report, April 6, 2016
    - i. Update on Waste Pro
  - d. Public Safety Committee Report, April 6, 2016
    - i. Update on Old Fort Agreement
5. **Petitions**
  - a. Authorization to accept the petition and have first reading of an ordinance to annex Dorchester County TMS # 129-06-07-009, 0.46 acres, located on Renau Blvd and owned by Diane Hill to be zoned PUD "Planned Unit Development"
6. **Pending Bills and Resolutions**
  - a. Second and final reading of an ordinance to annex TMS # 232-00-01-055 located on Berkeley Circle, owned by Sticky Summerville, LLC currently zoned R2, Manufactured Residential in Berkeley Co. to be zoned B-3 General Business
  - b. Second and final reading of an ordinance to ordinance to annex TMS #232-00-02-052, 19.821 acres, located at the terminus of Jockey Court and owned by Marymeade Associates to be zoned B3 "General Business"
  - c. Second and final reading of an ordinance to establish rules applicable to peddlers, charitable solicitors, buskers and panhandlers

**7. Introduction of Bills and Resolutions**

- a. Introduction and first reading of an ordinance to amend Chapter 6, Section 6-37 of the Code of Laws of the Town of Summerville entitled Adoption of Building Codes
- b. A Resolution to authorize intersection improvements at Miles Jamison Road and Beverly Drive
- c. A Resolution to require the use of green and gold logos on Town of Summerville police cruisers as they are replaced or repaired

**8. Miscellaneous**

- a. Authorize the execution of an automatic aid agreement with Dorchester County Fire and Rescue

**9. Executive Session** – To review applications and discuss employment matters related to Chief Municipal Judge; contractual and employment matters related to Town Administrator; contractual and legal matters related to the Dorchester Hotel project and public-private partnership agreement; and legal matters related to Croft vs. Town of Summerville

**10. *Action to be Taken by Council Related to Executive Session***

**11. Adjourn**

Wiley Johnson, Mayor

*Council Members:*

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



*Clerk-Treasurer*  
Lisa L. Wallace

*Town Attorney*  
G. Waring Parker

Town of Summerville  
**COUNCIL MEETING MINUTES**  
**March 9, 2016**

**ATTENDANCE**

Present: Mayor Wiley Johnson, Mayor Pro-Tem Bob Jackson and Council members Walter Bailey, Aaron Brown, Christine Czarnik, Kima Garten-Schmidt, and Bill McIntosh. Also present were Lisa Wallace, Interim Town Administrator, 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 6:30 p.m. on Wednesday, March 9, 2016. The meeting was opened with prayer by Mr. Jackson, followed by the Pledge of Allegiance.

**PUBLIC COMMENTS**

Prior to public comments, Mayor Johnson asked Belinda Harper to give an update on the town's recent general obligation refunding bond sale. Ms. Harper reported the savings were even better than projected with a present value savings of over \$900,000. She added that the town has retained its Aa1 and AA+ bond rating status. Mayor Johnson also reported that if the council chambers reaches capacity, the training room on the second floor has live streaming video and hopes to have live streaming video over the internet in the near future. Mayor Johnson then called for comments from the citizens. John Hayes of Dupont Way reported that there is an impending mosquito infestation near the Oakbrook Commons area due to large mudholes near the property filled with water. He added that the property is incorrectly delineated as wetlands. Terry Jenkins of Laurel Street spoke about the proposed change to move the finance committee meetings back to the same week as the council meeting but keeping the 6:30 p.m. time slot stating that it makes it easier for people to have the meetings all in the same week. Linda Haynes-Whetsell of Atlantic Street thanked the Chief of Police for the additional security on her street. She added that there are no lines on parts of Carolina Avenue so it is hard to tell which lane you are on. She also asked Council not to renew the contract with Waste Pro stating that the wood fence they put up does not keep the noise out. She also asked why Briarwood Lane, a private road, was paved. Mayor Johnson reported that the town is working on road improvements including additional signage. He added that John Nail from Waste Pro said they would move the trucks away from the fence line. He also explained that the town had taken over Briarwood Lane from the county. Jamie Touchberry of President Circle said she was concerned because she heard the town is

considering not continuing to support the Children's Center and The Home of Hope adding that the Palmetto House recently closed. She urged council to continue to support these organizations. Mayor Johnson responded that the town had initially helped the Home of Hope with grant funds but they no longer qualify; however, that does not mean the town won't try to provide support in other ways. He also explained that the Children in Crisis Center is currently being supported by tax payer funds. June Van Steyn, representing the Flowertown Garden Club, would like the garden club to be involved in the plans for Hutchinson Square. They are concerned about the removal of some trees and would like to be included in the process. Brad Mallet updated everyone on the 25<sup>th</sup> Anniversary of the Famer's Market and commended the town's PIO and Special Events Coordinator, Tiffany Norton, and Tim Orvin with Parks and Recreation for their support of the 25<sup>th</sup> anniversary celebration. Keith Griffin of Townsend Way stated that he followed the recent campaign through the media but does not know what the vision is for the community. He would like to see some sort of public announcement to inform the public of what the vision is for the future. Dora Ann Reaves spoke about the Council Chamber's room capacity and the recent overflow crowds. She gave an example of a tragedy that occurred which sparked many of today's modern safety laws. She stated she is strongly in favor of enforcement of safety rules. Homer Gonzales of Weatherstone stated that Summerville needs to be saved from developers and Council needs to be held to a higher standard. Heyward Hutson of Golf Road wanted to draw attention to a grievance regarding the Board of Architectural Review and read a letter to the Mayor and council members regarding the conduct of the BAR and a possible illegal meeting. The letter requests that the incident be investigated. There being no further public comments, the Mayor declared the public comments portion of the meeting closed.

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

Mr. McIntosh made a motion, seconded by Mr. Jackson, to approve the minutes of the February 10, 2016 council meeting as presented. Ms. Czarnik stated that she would like the technical irregularities referenced in the minutes to be added to the minutes. She also requested that her points about the Bear Island and Sheep Island Road alternatives be recorded in the minutes and provided Ms. Wallace with a copy of her comments. She then made a motion to approve the minutes as amended with her notes, Mr. Jackson seconded the motion and the motion carried. Mayor Johnson then called for approval of the minutes as amended and the motion carried unanimously.

#### **APPROVAL OF COUNCIL COMMITTEE REPORTS**

Mr. McIntosh made a motion, seconded by Mr. Bailey, to approve the March 2, 2016 Finance Committee Report, the March 2, 2016 Public Safety Committee Report and the March 2, 2016 Planning and Development Committee Report as submitted. The motion carried unanimously.

### **PETITIONS**

Mr. Brown made a motion, seconded by Ms. Garten-Schmidt, to accept the petition and have first reading of an ordinance to annex TMS # 232-00-01-055 located on Berkeley Circle and owned by Sticky Summerville, LLC to be zoned B-3 General Business. The motion carried unanimously.

### **PENDING BILLS AND RESOLUTIONS**

Mr. Jackson made a motion, seconded by Mr. Brown to have second and final reading of an ordinance to annex Dorchester County TMS # 145-07-10-006 (1 lot) located at 420 Miles Jamison Road to be zoned R2, Single Family Residential. The motion carried unanimously.

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

Mr. Bailey made a motion, seconded by Mr. Jackson, to introduce and have first reading of an ordinance to establish rules applicable to peddlers, charitable solicitors, buskers and panhandlers. Mr. Brown stated that he did not want this ordinance to affect those organizations that solicit donations in front of Wal-Mart, for example. He added that he felt comfortable with the explanation that it would not. Mayor Johnson called for the vote and the motion carried unanimously.

### **MISCELLANEOUS**

There was some discussion of the Finance Committee meeting day and time. Mayor Johnson stated that there have been a number of suggestions, one being to move the finance committee meeting back to the Monday prior to the council meeting but keep the 6:30 p.m. meeting time. He added that would leave only 48 hours between meetings to prepare for the council meeting. Other suggestions include having the finance committee meeting on the first Wednesday of the month and roll immediately from the finance committee meeting to the other standing committee meetings. Mr. Bailey would like all of the meetings to be in the same week so you can work out vacation, work or other travel situations around that week. Mr. Brown stated he is in favor of having the finance committee and standing committee meetings on the same day. Ms. Wallace pointed out the concern about the Board of Architectural Review meetings being held at the same time. Mr. Bailey asked if the BAR meeting could be changed. Ms. Wallace reported that it was set by ordinance so it would have to be changed by ordinance. Mr. Jackson was in favor of having the finance and committee meetings at the same time and also felt having them all in the same week would be good. Mayor Johnson indicated that he would take this under advisement and meet with the BAR to see if they are willing to change their meeting time.

### **EXECUTIVE SESSION**

Mr. Brown made a motion, seconded by Ms. Garten-Schmidt, to enter into executive session at 7:23 p.m. to review applications and discuss employment matters related to the Town Administrator position. The motion carried unanimously.

Council returned to public session at 7:48 p.m. and announced that no action was taken.

**ADJOURN**

There being no further business, the meeting adjourned at 7:48 p.m. on motion of Mr. Brown, seconded by Mr. Jackson.

Respectfully submitted,

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Lisa Wallace, Interim Town Administrator,  
Director of Administrative Services and  
Clerk/Treasurer

APPROVED:

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William Wiley Johnson, Mayor

Wiley Johnson, Mayor

*Council Members:*

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



*Clerk-Treasurer*  
Lisa L. Wallace

*Town Attorney*  
G. Waring Parker

Town of Summerville  
**SPECIAL COUNCIL MEETING MINUTES**  
**APRIL 4, 2016**

**ATTENDANCE**

Present: Mayor Wiley Johnson, Mayor Pro-Tem Bob Jackson and Council members Walter Bailey, Aaron Brown, Christine Czarnik, Kima Garten-Schmidt, and Bill McIntosh. Interim Town Administrator, Lisa Wallace was also present. Members of the press and the public were duly notified of the meeting.

**CALL TO ORDER**

A special meeting of Summerville Town Council was called to order at 9:00 a.m. on Monday, April 4, 2016.

**EXECUTIVE SESSION**

Mr. Jackson made a motion, seconded by Mr. Brown, to enter into executive session to discuss employment matters related to town administrator and for the purpose of interviewing candidates for town administrator. The motion carried unanimously. Council returned to public session at 4:23 p.m. and announced that no action was taken.

**ADJOURN**

There being no further business, the meeting adjourned at 4:23 p.m. on motion of Mr. Brown, seconded by Mr. Jackson.

Respectfully submitted,

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Lisa Wallace, Interim Town Administrator,  
Director of Administrative Services and  
Clerk/Treasurer

APPROVED:

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William Wiley Johnson, Mayor

Wiley Johnson, Mayor

*Council Members:*

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



*Clerk-Treasurer*  
Lisa L. Wallace

*Town Attorney*  
G. Waring Parker

Town of Summerville  
**SPECIAL COUNCIL MEETING MINUTES**  
**APRIL 5, 2016**

**ATTENDANCE**

Present: Mayor Wiley Johnson, Mayor Pro-Tem Bob Jackson and Council members Walter Bailey, Aaron Brown, Christine Czarnik, Kima Garten-Schmidt, and Bill McIntosh. Interim Town Administrator, Lisa Wallace was also present. Members of the press and the public were duly notified of the meeting.

**CALL TO ORDER**

A special meeting of Summerville Town Council was called to order at 9:00 a.m. on Monday, April 5, 2016.

**EXECUTIVE SESSION**

Mr. Brown made a motion, seconded by Mr. Jackson, to enter into executive session to discuss employment matters related to town administrator and for the purpose of interviewing candidates for town administrator. The motion carried unanimously. Council returned to public session at 11:10 a.m. and announced that no action was taken.

**ADJOURN**

There being no further business, the meeting adjourned at 11:10 a.m. on motion of Ms. Garten-Schmidt, seconded by Mr. Jackson.

Respectfully submitted,

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Lisa Wallace, Interim Town Administrator,  
Director of Administrative Services and  
Clerk/Treasurer

APPROVED:

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William Wiley Johnson, Mayor

**TOWN OF SUMMERVILLE  
FINANCE COMMITTEE REPORT  
APRIL 6, 2016**

The Finance Committee met at 6:30 p.m. on Wednesday, April 6, 2016 in the Council Chambers of the Summerville Municipal Complex. Present were Mayor Wiley Johnson, Mayor Pro-Tem Bob Jackson and Council members Walter Bailey, Aaron Brown, Christine Czarnik, Kima Garten-Schmidt, and Bill McIntosh. Also present were Town Attorney, G.W. Parker, Director of Administrative Services and Interim Town Administrator, Lisa Wallace and Finance Director Belinda Harper. Other staff members, members of the press and members of the public were also present.

<b>Welcome</b>	Mayor Johnson opened the meeting with prayer followed by the Pledge of Allegiance.
<b>Presentation of Financial Report</b>	Belinda Harper presented the March 2016 financial report. The report was accepted as information.
<b>Approval of Financial Requisitions</b>	There were no financial requisitions submitted for consideration.
<b>Discussion of Proposed/Upcoming Council Agenda Items</b>	Mayor Johnson asked if there was any discussion of proposed or upcoming council agenda items. Mr. Bailey stated that it is difficult to discuss the upcoming agenda items since he has not received the proposed agenda. Mayor Johnson reported that he plans to add a Resolution to the agenda for consideration and passed out a proposed Resolution related to the colors used on the logos for the police cruisers.
<b>Miscellaneous</b>	Mr. Brown made a motion, seconded by Mr. McIntosh, to declare a 2003 Chevrolet Silverado known as BI 116 as surplus and authorize the sale of that vehicle. The motion carried unanimously.
<b>Executive Session</b>	<p>Mr. Jackson made a motion, seconded by Mr. Brown, to enter into executive session at 6:40 p.m. to discuss employment matters related to the Town Administrator position and contractual matters related to the Dorchester Hotel project and the public-private partnership agreement and legal matters related to Croft vs. Town of Summerville. The motion carried unanimously.</p> <p>The Finance Committee returned to public session at 9:02 p.m. and Mayor Johnson announced that the committee entered into executive session to discuss the items previously announced although there was no discussion on Croft vs. Town of Summerville and no action was taken.</p> <p>Mr. McIntosh made a motion, seconded by Ms. Garten-Schmidt, to authorize the Town Attorney to enter into contract negotiations for the Town Administrator position with Mr. Colin Martin. Mr. Brown stated that he did not approve of the process stating that the selection</p>

should have been done by a ranking system and by secret ballot. Mr. Bailey stated that council is voting for one person out of three candidates making a ranking system useless and this was done appropriately and transparently. Mayor Johnson then called for the vote. Mr. Bailey, Ms. Garten-Schmidt, Mr. Jackson and Mr. McIntosh voted in favor of the motion. Ms. Czarnik, Mr. Brown, and Mayor Johnson voted against the motion. The motion carried.

**Adjourn**

There being no further business, the meeting adjourned at 9:05 p.m.

Respectfully submitted,



Lisa Wallace

Interim Town Administrator/  
Dir. Of Administrative Services, Clerk/Treasurer

**PLANNING AND DEVELOPMENT COMMITTEE**

**REPORT** for

April 6, 2016

4:00 PM

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

The Planning and Development Committee of Town Council met on April 6, 2016 at 6:30 PM immediately following the Finance Committee of Town Council. The meeting was held in Council Chambers, Town Hall, 200 S. Main Street, Summerville, SC. Committee members present included Bill McIntosh, Council District 4, Chairman; Walter Bailey, Council District 3; and, Bob Jackson, Council District 6. Staff members present included Madelyn Robinson, AICP, Director of Planning & Economic Development; and, Rich Palmer, Building Official.

The meeting was called to order at 9:08 PM by Mr. McIntosh following the adjournment of the Finance Committee.

**New Business:**

The first item under new business was the request to annex Dorchester County TMS#129-06-07-009 (approximately .46 acres) located on Renau Blvd., owned by Diane Hill, currently zoned R1-M, Residential Manufactured in Dorchester County and will be zoned PUD, Planned Unit Development upon annexation into the Town of Summerville's municipal limits and the existing PUD for Pine Forest Country Club shall be amended to include this parcel in the Linkside Village section for use as detached single family. (future Council District 4). Ms. Robinson gave a brief explanation of the petition including the developer's permission for the Pine Forest Country Club PUD to be amended to include this parcel. Ms. Robinson stated there were public comments at the Planning Commission meeting regarding future development of the property and its location in relation to the intersection. She stated that everyone in attendance at the Planning Commission meeting was aware that the property could be developed whether in the Town or not. Mr. Jackson asked if the property would have two homes on it and Ms. Robinson responded that no plans have been submitted to the Town yet, but that the property owner was looking to subdivide the parcel into two lots. Hearing no further discussion, Mr. Bailey made a recommendation to send the request to Council for first reading at the April Town Council meeting with Mr. Jackson making the second. The motion carried unanimously.

The second item was the discussion of the proposed amendment to Chapter 1, Administration, of the Building Code to decrease the number of days a demolition permit is valid from 180 to 60. Mr. Palmer explained the proposed amendment and stated that no other language was being amended. Mr. Jackson asked if this would help prevent another Heritage Square situation and Mr. Palmer responded that this change would help staff in resolving situations where a property owner pulls a demolition permit, removes materials such as siding from a structure (i.e., a recent mobile home situation), and then vacates all work. Hearing no further discussion, Mr. Jackson made a motion to recommend the amendment be sent to Town Council for first reading at the April Town Council meeting with Mr. Bailey making the second. The motion carried unanimously.

Following no additional business or discussion, the meeting was adjourned at 9:12 PM with a motion by Mr. Jackson and a second by Mr. McIntosh.

Respectfully submitted,



Madelyn Robinson, AICP  
Director of Planning & Economic Development

April 7, 2016

Wiley Johnson, Mayor

*Council Members:*

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



*Town Clerk and Treasurer*  
Lisa L. Wallace

*Town Attorney*  
G.W. Parker

**Town of Summerville**  
**MINUTES**  
**PUBLIC WORKS COMMITTEE MEETING**  
**April 6, 2016**

Present: Bill McIntosh, Kima Garten-Schmidt, Christine Czarnik, Russ Cornette  
Kima Garten-Schmidt called the meeting to order at 9:10 p.m. on Wednesday, April 6, 2016.

**1. Shepard Street – One-Way Conversion**

At the February Public Works Committee meeting, the committee agreed to poll the affected residents along Shepard Street on their opinion of converting the road into one-way in a westerly direction. Staff sent letters to approximately 30 residents and set up an online form on the Town's website for residents to respond. Staff received 13 responses on the online pole; 11 were against and two supported the one-way conversion. The spreadsheet showing the online results were provided for members of the committee to review. Several reasons were given for not supporting the conversion and solutions were offered to address the issue. Some suggested making Parkwood Drive and Shepard Street and 4-way stop intersection. Russ Cornette has made the request to SCDOT for the 4-way stop at Parkwood Drive and Shepard Street. After the discussion, members of the committee decided to not make the change to a one way street.

**2. Sidewalk Project Priority List**

In 2016, the Town Budgeted \$250,000 for new sidewalks. The Town's Bicycle Pedestrian Advisory Committee discussed and compiled a list of sidewalks they are recommending the Town use as a priority list to be considered for development as funds become available. If the committee agrees with the priority list, then staff would use the list this year and in subsequent years to develop plans for sidewalk projects.

- a. West Carolina Avenue, from West Richardson Avenue to Main Street. The priority section should be from West Richardson to Central Avenue. Staff will do a feasibility study of this section. Portions between W. Richardson and W. 2nd St. may be challenging. Suggested route using W. 2nd Street South and Hickory Street for connection between W. Carolina and W. Richardson. Many questions remain as to exactly how this area should be dealt with.
- b. (A) Springview Lane in Oakbrook, from Old Trolley Road to Midland Parkway  
(B) Bentons Lodge Road from Midlands Parkway to Ladson Road
- c. Lee Street in Woodland Estates, connecting King Charles Circle to Bacons Bridge Rd.  
4 - Laurel Street, connecting West Richardson to Central Avenue.
- d. West 5th South Street, connecting Sumter Avenue to Main Street.
- e. King Charles Circle in Newington Plantation, connecting Smythe Drive to Axtel Street  
7 - West Richardson Avenue, connecting from West Carolina to Maple Street
- f. West Richardson Avenue, connecting from West Carolina to Maple Street.

The committee was in agreement with the priority list, so staff will begin developing plans for the top priority project.

**3. Traffic Signal Mast Arms**

The SCDOT will be replacing and upgrading several signals in Summerville over the next several years. They have offered to collaborate with the Town on installing mast arms at the intersections that poles will be replaced if we choose to participate. If the Town would like to have the new mast arm signal poles designed, and purchase the poles and mast arms, the SCDOT has offered to have the poles installed. Of the three intersections considered for 2016-2017 budget year, there are plans to only perform minor upgrades such as new cabinets and signal heads.

Int. #	Intersection	Considered for 2016-2017 SCDOT Budget Year
11	17A & E Carolina/Tupper	Minor Upgrades
13	Cedar & Richardson	
16	17A & 1 <sup>st</sup> North St	
17	SC 165 & Trolley	
21	SC 165 & Carolina	
23	17A & 2 <sup>nd</sup> North St	
24	SC 165 & Stallsville	Minor Upgrades
25	Old Trolley & Crestview	Minor Upgrades

The committee would like to take advantage of the mast arm conversions by working with SCDOT on the intersections on US-17A and Cedar Street and Richardson Avenue if funds are in the Town's budget in future years for mast arms conversions.

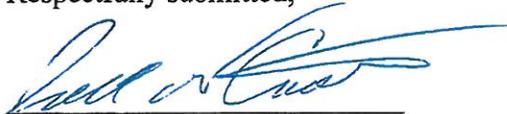
**4. West Richardson Avenue and Pine Street Quitclaim**

The home owners of 303 West Richardson Avenue, Todd and Tiffany Wilson, have requested the Town quitclaim a portion of the Detmold Right-of-way along West Richardson Avenue and Pine Street to them. The Detmold Plan shows a 100' wide ROW for both roads. SCDOT only took a 50' ROW for both roads, so there is an approximate 25' strip between the Detmold Line and SCDOT ROW line they are requesting the quitclaim on. Staff is unaware of plans to improve either West Richardson Avenue, or Pine Street, so there are no reservations on approving the quitclaim.

The committee discussed the possibility to widen West Richardson Avenue in the future because of the volume of traffic it carries. Councilman McIntosh made a motion to proceed with the quitclaim deed on the South Pine Street side of the property, but not the West Richardson side of the property. The motion was seconded by Councilwoman Czarnick.

*There being no further business the meeting was adjourned at 9:25 p.m.*

Respectfully submitted,



Russell W. Cornette

**PUBLIC SAFETY COMMITTEE REPORT**  
**April 6, 2016**

The Public Safety Committee met on Wednesday, April 6, 2016 at 9:30 p.m. in the Town Council Chambers at the Summerville Municipal Complex. Present were Chairman Walter Bailey and committee member Christine Czarmik. 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 item on the agenda was the proposed plan for service agreement with Dorchester County Fire-Rescue. Chief Richard Waring noted that the Town of Summerville attorney, G.W. Parker as well as Dorchester County attorney John Frampton had reviewed the final draft of the Interlocal Agreement for Automatic Aid and made two minor changes to the agreement. One was to add the word "of" in a sentence of number three of the Terms and Conditions. The next item added was to clarify that there would be no impact on Dorchester County EMS under number seven of the Terms and Conditions. The agreement would take effect on January 1, 2017.

Mr. Bailey recommended that the proposed agreement be presented to council. The motion was carried unanimously.

There being no further business, the meeting adjourned at 9:45 p.m.

Respectfully submitted,



Ella Knox

ORDINANCE

TO ANNEX TO, AND INCORPORATE WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUMMERVILLE, THIS PARCEL OWNED BY DIANE HILL, ADJACENT TO THE BOUNDARY LINE OF THE TOWN, AS DESCRIBED ON THE DEED AND PREPARED PLAT ATTACHED HERETO AND INCORPORATED BY REFERENCE AND TO AMEND THE EXISTING PLANNED UNIT DEVELOPMENT FOR PINE FOREST COUNTRY CLUB (LINKSIDE VILLAGE) TO INCLUDE THIS PARCEL FOR PURPOSES BELOW:

WHEREAS, the owner of the real estate designated as Dorchester County TMS # 1129-06-07-009, located on Renau Boulevard, described as 0.46 acres, has petitioned the Town Council of the Town of Summerville to annex into the Town of Summerville and to amend the existing Planned Unit Development for the Pine Forest Country Club (Linkside Village) to include this parcel.

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

SECTION I. That the described lands 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 parcels for the purposes of providing public service to the parcels.

SECTION II. That the existing Planned Unit Development for the Pine Forest Country Club (Linkside Village) be amended to include the described lands on the attached deed and prepared plat to be used for the purposes of single family detached.

SECTION III. 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; and, that the existing PUD for the Pine Forest Country Club (Linkside Village) be amended to include this parcel to be used as described herein.

Ratified this \_\_\_\_\_ day of \_\_\_\_\_, 2016 A.D.

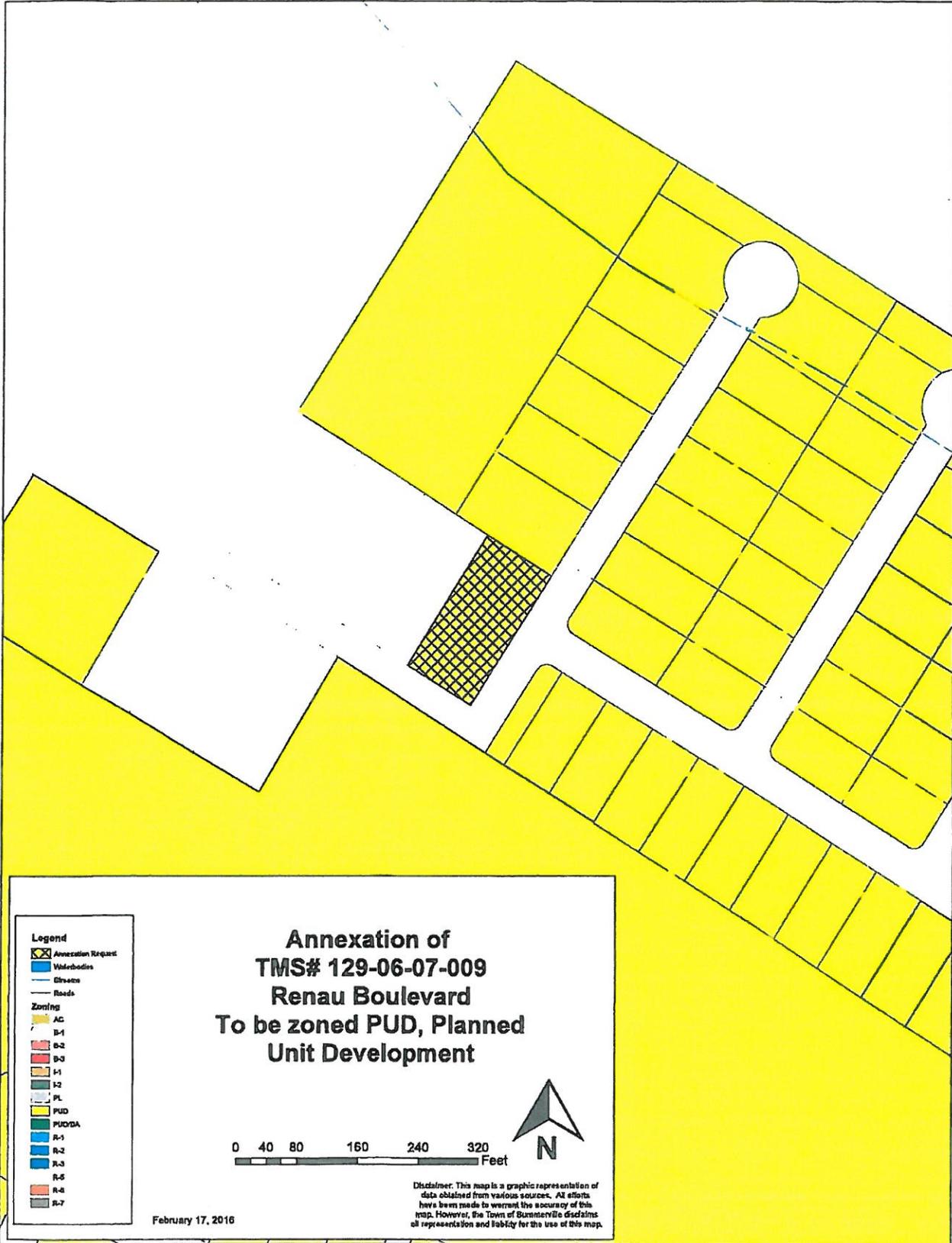
\_\_\_\_\_  
Wiley Johnson, Mayor

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

PUBLIC HEARING: March 21, 2016

FIRST READING: April 13, 2016

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



- Legend**
- Annexation Request
  - Waterbodies
  - Streams
  - Roads
  - Zonings**
  - AC
  - B-1
  - B-2
  - B-3
  - I-1
  - I-2
  - PL
  - PUD
  - PUD/DA
  - R-1
  - R-2
  - R-3
  - R-5
  - R-6
  - R-7

**Annexation of  
TMS# 129-06-07-009  
Renau Boulevard  
To be zoned PUD, Planned  
Unit Development**



Disclaimer: This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, the Town of Summerville disclaims all representation and liability for the use of this map.

February 17, 2016

ORDINANCE

TO ANNEX TO, AND INCORPORATE WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUMMERVILLE, THIS PARCEL OWNED BY STICKY SUMMERVILLE, LLC, 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 Berkeley County TMS # 232-00-01-055, located on Berkeley Circle, described as 1 lot (.161 acres), 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 B3 "General Business" and be classified as B3 "General Business" under the Zoning Ordinance of the Town of Summerville.

Ratified this \_\_\_\_\_ day of \_\_\_\_\_, 2016 A.D.

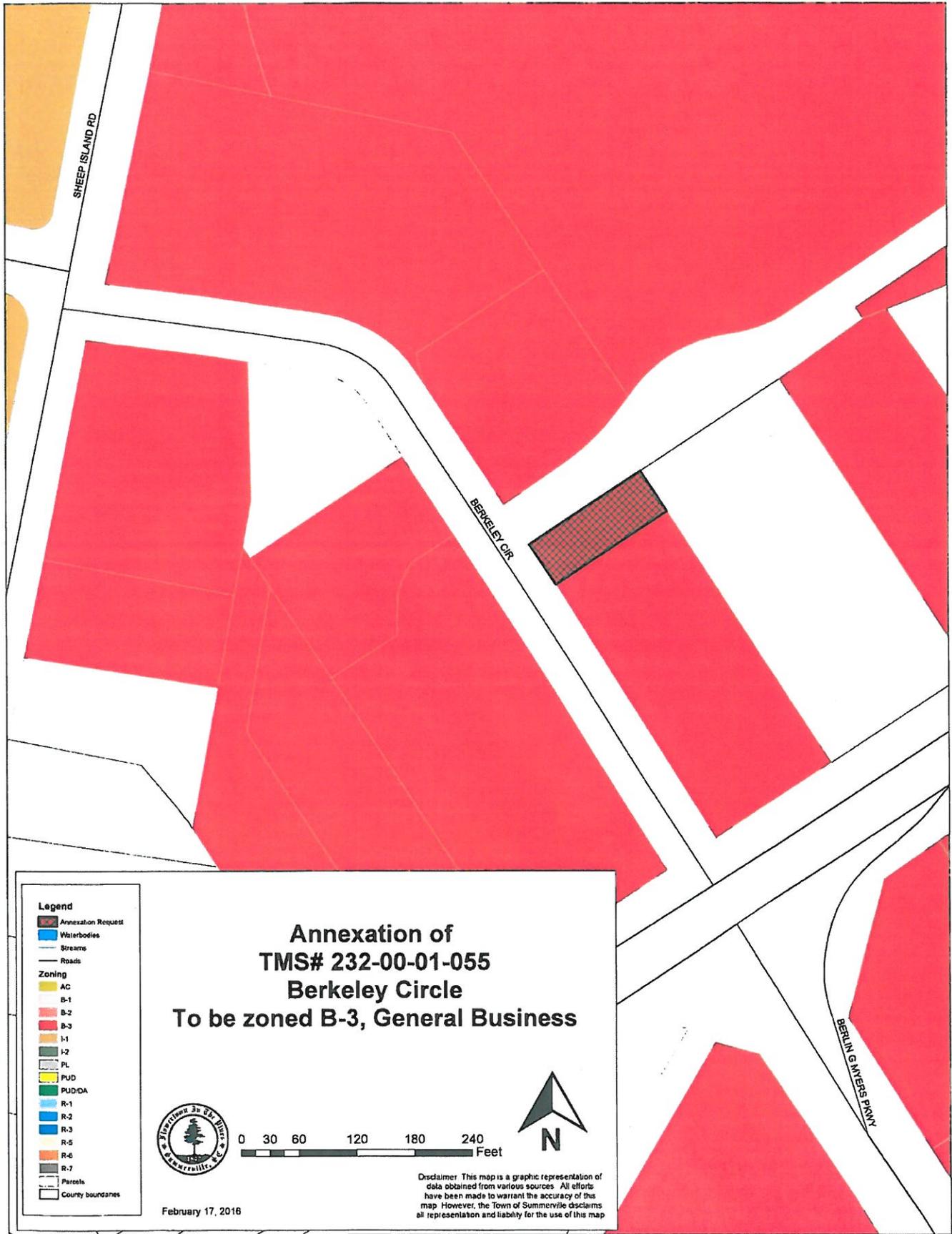
\_\_\_\_\_  
Wiley Johnson, Mayor

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

PUBLIC HEARING: February 22, 2016

FIRST READING: March 9, 2016

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



- Legend**
- Annexation Request
  - Waterbodies
  - Streams
  - Roads
  - Zoning**
  - AC
  - B-1
  - B-2
  - B-3
  - I-1
  - I-2
  - PL
  - PUD
  - PUD/CA
  - R-1
  - R-2
  - R-3
  - R-5
  - R-6
  - R-7
  - Parcels
  - County boundaries

**Annexation of**  
**TMS# 232-00-01-055**  
**Berkeley Circle**  
**To be zoned B-3, General Business**



0 30 60 120 180 240 Feet



Disclaimer: This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, the Town of Sumnerville disclaims all representation and liability for the use of this map.

February 17, 2016

ORDINANCE

TO ANNEX TO, AND INCORPORATE WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUMMERVILLE, A PORTION OF THE AREA OWNED BY MARYMEADE ASSOCIATES LP 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 a portion of Berkeley County TMS # 232-00-02-052, located at the terminus of Jockey Court described as 19.821 acres labeled as "New Tract A" (with 0.421 acres known as Jockey Ct. included and already within the Town of Summerville for a total of 20.242 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 B3, General Commercial and be classified as B3, General Business under the Zoning Ordinance of the Town of Summerville.

Ratified this 13th day of April, 2016 A.D.

\_\_\_\_\_  
Wiley Johnson, Mayor

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

PUBLIC HEARING: September 21, 2015

FIRST READING: October 14, 2015

SECOND READING: April 13, 2016





- Legend**
- Annexation Request
  - Waterbodies
  - Streams
  - Roads
- Zoning**
- AC
  - B-1
  - B-2
  - B-3
  - I-1
  - I-2
  - PL
  - PUD
  - PUDDA
  - R-1
  - R-2
  - R-3
  - R-4
  - R-5
  - R-6
  - R-7
- Parcels
  - County boundaries

**Annexation of a portion of**  
**TMS# 232-00-02-052**  
**Jockey Court**  
**To be zoned B-3, General Business**



September 15, 2015



Disclaimer: This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, the Town of Summerville disclaims all representation and liability for the use of this map.



## AN ORDINANCE

### TO ESTABLISH RULES APPLICABLE TO PEDDLERS, CHARITABLE SOLICITORS, BUSKERS, AND PANHANDLERS

BE IT ORDAINED, by the Mayor and Council members of the Town of Summerville, in Council assembled, that the Code of Ordinances of the Town of Summerville, South Carolina, is hereby amended by adding the section, to be numbered 16-17, which section shall read as follows:

#### **Sec. 16-17. Peddlers, Charitable Solicitors, Buskers, and Panhandlers.**

(a) *Definitions.* The following words and terms when used in this article shall have the meaning respectively ascribed to them in this section.

(1) Aggressive manner shall mean any of the following:

- a. Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, damage to or loss of property, or to otherwise be intimidated into giving money or other thing of value;
- b. Intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent in the course of soliciting;
- c. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact with the solicitor;
- d. Using violent or threatening gestures toward a person before, during, or after soliciting;
- e. Persisting in closely following or approaching a person, after the person has informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor; or
- f. Using profane, offensive or abusive language which is likely to cause the person solicited to be intimidated by such language before, during, or after the solicitation.

(2) Busker is a person who plays music or performs for entertainment on the public rights-of-way and other publically owned places.

(3) Charitable organization shall mean any person, organization, rescue squad, volunteer fire department or any other charitable or eleemosynary organization that

is established for any benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare or advocacy, public health, environmental conservation, civic or eleemosynary purpose, or for the benefit of law enforcement officers, firefighters or other persons who protect the public safety.

(4) Charitable soliciting shall mean any person on behalf of a charitable organization is traveling by foot or any type of conveyance, from place to place, from house to house, or from street to street, requesting, directly or indirectly, money, credit, property, financial assistance, remuneration, or other thing of value.

(5) Panhandling shall mean the solicitation of alms whether by offering something of nominal value in exchange for a donation or not.

(6) Peddling shall mean any person traveling by foot or any type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take refundable security or seat deposits, or requesting a person's commitment of time, or orders for the sale of goods, wares, and merchandise, or other personal property of any nature whatsoever for immediate or future delivery or for services to be furnished immediately or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not.

(7) Peddler shall mean any individual, whether a resident of the Town of Summerville or not, who engages in the business of peddling as defined above.

(8) Perform includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomiming, painting, juggling, magic, dancing, reading, puppetry, sidewalk art (working with non-permanent, water-soluble media, i.e., chalk, pastels, or watercolors directly on the pavement), and reciting. Perform shall not include the production of or the offer of items for sale at the location of the performance.

(9) Person shall mean an applicant, individual, corporation, limited liability company, association, partnership, trust, foundation or any other entity however styled.

(10) Right-of-way or Rights-of-way means a public road over which a person or entity has the legal right to access.

(11) Soliciting shall mean peddling, charitable soliciting, busking, panhandling, and vending as herein defined.

(12) Special event shall mean a pre-planned activity sponsored by an individual, group, organization or entity proposed to be held on public property, including public streets, sidewalks, trails, facilities, parks, or other property owned or managed by the

Town Of Summerville which would significantly impact either public property and/or normal vehicular and pedestrian traffic requiring the use of town services, and which shall include but not be limited to a parade, foot race, bike or wheeled race, celebration, amusement event, cultural recognition, sporting event, demonstration, competition, commercial movie or television production, photography shoot, commercial for-profit event, charitable cause, or other similar activity.

(b) *Obstructing public ways and means of ingress to and egress from private property.*

(1) Solicitors shall not obstruct or otherwise inhibit the free, safe and efficient flow of vehicular or pedestrian traffic on any public rights-of-way or public property even when transacting a sale.

(2) Solicitors shall not obstruct or otherwise inhibit the free, safe and efficient flow of vehicular or pedestrian traffic into and out of private property adjacent to any public right-of-way.

(c) *Conducting of business during certain hours prohibited.*

(1) No person shall engage in peddling or charitable soliciting, as defined in this section, between the hours of 8:00 p.m. and 8:00 a.m.

(2) No person shall engage in busking between the hours of 11:00 p.m. and 8:00 a.m.

(d) *Sale of food or drink with any alcohol contained therein prohibited.* No person shall engage in the sale or selling of food or drink with any alcohol contained therein. Notwithstanding the foregoing, the Town Council may authorize the sale of food or drink containing alcohol during a town-sponsored event or a permitted special event.

(e) *Approaching vehicular traffic prohibited.* Under no circumstances shall any moving vehicle be approached by a person soliciting.

(f) *Use of traffic islands, medians or other traffic control devices for storage of sale of tangible property prohibited.* Solicitors shall not store, keep or offer for sale any tangible property or service on any traffic island, median or other traffic control device located within the corporate limits of the town.

(g) *Peddling, charitable soliciting, and busking is unlawful on private property.* It shall be unlawful to engage in soliciting on any property where a sign is posted that states "No Trespassing," "No Peddlers," "No Solicitors," "No Buskers" or words of similar import.

(h) *Blocking rights-of-way.*

(1) Solicitors shall not block roadways, fire apparatus access roads, sidewalks, crosswalks, driveways, doors, stairways, curb cuts, handicapped access ramps or block access to buildings, parks, conveyances, businesses, traffic control poles containing pedestrian crosswalk button(s), or be within twenty (20) feet of a fire hydrant, fire department connection (FDC), or within twenty (20) feet of any fire alarm or other emergency communication device, either by their location, or by the location of any crowd that they may draw.

(2) Solicitors shall not attract a crowd sufficient to obstruct the public right-of-way; a police officer may disperse the portion of the crowd that is creating the obstruction. At a minimum there shall be at least a five-foot passageway on the sidewalk as required by the Americans with Disabilities Act.

(3) Personal property used for soliciting shall not be left unattended on any public rights-of-way or other publically owned places.

(i) *Penalty.* Any person who violates any provision of this section shall severally for each such violation be guilty of a misdemeanor, punishable as provided in section 1-8 of this Code.

Done at Summerville, South Carolina, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

First Reading March 9, 2016

Second Reading \_\_\_\_\_

Approved:

\_\_\_\_\_  
William W. Johnson, Mayor

Attest:

\_\_\_\_\_  
Lisa L. Wallace, Clerk/Treasurer

Ordinance Approved as to Form:

\_\_\_\_\_  
G.W. Parker, Town Attorney

## AN ORDINANCE

### TO AMEND CHAPTER 6, ARTICLE II, DIVISION 1, SECTION 6-37 OF THE CODE OF LAWS OF THE TOWN OF SUMMERVILLE ENTITLED ADOPTION OF BUILDING CODES

BE IT ORDAINED, by the Mayor and Council members of the Town of Summerville, in Council assembled, that Section 6-37 of the Code of Ordinances of the Town of Summerville, South Carolina, is repealed in its entirety and replaced with the following:

#### **Sec. 6-37. - Adoption of building codes. Modified**

The following codes are hereby amended and adopted by reference as though they were incorporated fully in this section. The application of these codes shall be the most current issue of adoption by the South Carolina Building Code Council and have an enforcement date the same as specified by the state and as provided under S.C. Code § 6-9-60 and including applicable amendments, appendices, and/or revisions thereto.

- (1) International Building Code, including Chapter 1, Administration with the following and Appendix H, Signs. The following are exceptions to Chapter 1:
  - a. Paragraph [A] 105.3.2 Time Limitation. Demolition permits shall be deemed to have been abandoned 60 days after the date of filings, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not to exceed 30 days each. The time extension shall be requested in writing and justifiable cause demonstrated.
  - b. Paragraph [A] 105.5 Expiration. Demolition permits shall become invalid unless the work on the site authorized by such permit is commenced within 60 days after issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 60 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 60 days each. The extension shall be requested in writing and justifiable cause demonstrated.
- (2) International Fire Code, including Chapter 1, Administration.
- (3) International Fuel Gas Code, including Chapter 1, Administration.
- (4) International Mechanical Code, including Chapter 1, Administration.
- (5) International Plumbing Code, including Chapter 1, Administration.
- (6) International Property Maintenance Code, including Chapter 1, Administration.
- (7) NFPA 70, National Electric Code.
- (8) International Residential Code, including Chapter 1, Administration and Appendix H, Patio Covers. . The following are exceptions to Chapter 1:

- a. Paragraph [A] 105.3.2 Time Limitation. Demolition permits shall be deemed to have been abandoned 60 days after the date of filings, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not to exceed 30 days each. The time extension shall be requested in writing and justifiable cause demonstrated.
- b. Paragraph [A] 105.5 Expiration. Demolition permits shall become invalid unless the work on the site authorized by such permit is commenced within 60 days after issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 60 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 60 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(9) International Energy Conservation Code, including Chapter 1, Administration.

(10) International Existing Building Code, including Chapter 1, Administration.

(11) International Swimming Pool and Spa Code, including Chapter 1, Administration.

(Ord. No. 2000-0501, § 4-20, 6-13-2001; Ord. No. 2002-04, § 4-20, 5-8-2002; Ord. No. 04-1004, 11-10-2004; Ord. No. 08-0303, 6-11-2008; Ord. No. 09-0503, 6-10-2009; Ord. No. 14-0802, 9-10-2014)

Done at Summerville, South Carolina, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Approved:

\_\_\_\_\_  
William W. Johnson, Mayor

Attest:

\_\_\_\_\_  
Lisa L. Wallace, Clerk/Treasurer

Ordinance Approved as to Form:

\_\_\_\_\_  
G.W. Parker, Town Attorney

MUNICIPAL STATE HIGHWAY PROJECT AGREEMENT

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DORCHESTER ) RESOLUTION

Road/Route S-377 (Miles Jamison Rd) @ L-1609 (Beverly Drive)  
Project ID 42922  
Project Intersection improvement @ Miles Jamison Road & Beverly Drive

WHEREAS, the South Carolina Department of Transportation ("SCDOT") proposes to construct, reconstruct, alter, or improve the certain segments of the highway(s) in the State Highway System referenced above which are located within the corporate limits of the Town of Summerville (hereinafter, "the Town").

WHEREAS, the Town wishes to authorize the construction and improvements of the aforesaid highway(s) in accordance with plans to be prepared by the SCDOT ("the Project Plans").

NOW THEREFORE, BE IT RESOLVED that, pursuant to S.C. Code Ann. §57-5-820 (1991), the Town does hereby consent to the construction or improvements of the aforesaid highway(s) within its corporate limits in accordance with the Project Plans. The foregoing consent shall be the sole approval necessary from the Town for SCDOT to complete the project under the Project Plans and constitutes a waiver of any and all other requirements with regard to construction within the Town's limits. The foregoing waiver and consent shall also extend to the benefit of utility companies engaged in relocating utility lines on account of the project. Further, the Town shall exempt all existing and new right-of-way and all other properties purchased in connection with right-of-way for the highway(s) from any general or special assessment against real property for municipal services.

BE IT FURTHER RESOLVED, that the Town will assist SCDOT in causing all water, sewer and gas pipes, manholes, or fire hydrants, and all power or telephone lines or poles located within the existing right-of-way to be relocated at the utility company's expense, except where the utility can demonstrate a prior right of occupancy. To the extent that Town-owned utilities are to be relocated, those utility lines and/or appurtenances may be replaced upon the new highway right-of-way at such locations as may be approved by SCDOT. SCDOT shall not be liable for damages to property or injuries to persons as a consequence of the placing, maintenance, or removal of any utilities by the Town or its contractors. Future utility installations by the Town within the limits of the new right-of-way after project completion shall be pursuant to a standard utility encroachment permit obtained in the normal course and issued pursuant to SCDOT's "A Policy for Accommodating Utilities on Highway Rights-of-Way."

BE IT FURTHER RESOLVED, that the Town hereby signifies its intention to faithfully observe the provisions of Chapter 5, Title 56, Code of Laws of South Carolina, 1976, and all amendments thereto relating to the regulation of traffic on the street, or streets, to be constructed, reconstructed, altered or improved as hereinabove identified and further agrees to refrain from placing or maintaining any traffic control devices upon any section of said street, or streets, without having first obtained written approval of the South Carolina Department of Transportation as required in S.C. Code §56-5-930 (1976, as amended), nor enacting any traffic regulation ordinances inconsistent therewith.

IN WITNESS WHEREOF, this Resolution is adopted and made a part of the Municipal records this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and the original of this Resolution will be filed with the South Carolina Department of Transportation at Columbia.

Dated: \_\_\_\_\_, South Carolina  
Municipality

ATTEST: By: \_\_\_\_\_  
Mayor/Administrator/Manager

\_\_\_\_\_  
Clerk  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A RESOLUTION

Whereas the Town of Summerville has historically recognized and adopted the colors of green and gold as a symbol of its identity;

Whereas the Summerville Police Department has traditionally placed the Town's logo in green and gold on the doors of our police cruisers;

Whereas a decision was made recently to change to color of the Town logo on police cruisers to blue;

Whereas blue is the logo color of other policing authorities such as Monck's Corner and North Charleston;

Whereas other county policing authorities such as Charleston and Berkeley County sheriff's cruisers have jurisdiction in addition to the Dorchester County sheriff's Department inside the Town limits of Summerville;

Whereas it is critically important for the citizens of Summerville be able to recognize and identify Summerville Police cruisers at crime scenes;

Now, therefore, the duly elected Town Council of the Town of Summerville directs the Summerville Police Department to henceforth apply green and gold logos on their cruisers as they are replaced or repaired;

Done in meeting duly assembled this \_\_\_day of \_\_\_\_\_, 2016

TOWN OF SUMMERVILLE, SOUTH CAROLINA

By: \_\_\_\_\_  
Mayor, Town of Summerville, South Carolina

ATTEST:

By: \_\_\_\_\_  
Clerk, Town of Summerville, South Carolina

**Interlocal Agreement for Automatic Aid and Response Between the  
Town of Summerville and Dorchester County.**

This agreement is made and entered into in \_\_\_\_\_ by and between the Town of Summerville and Dorchester County. This agreement is entered into under the provisions of the South Carolina Code of Laws, Section 6-11-1810.

**I. Recitals**

**Whereas**, the South Carolina Constitution, Article VIII, Section 13, provides that any county, municipality, or other political subdivision may agree with another political subdivision for the joint administration of any function and exercise of power and sharing of costs related thereto; and

**Whereas**, the South Carolina Code of Laws, Section 25-1-450 allows such entities to cooperate in developing and maintaining a plan for mutual assistance in emergencies; and

**Whereas**, the South Carolina Code of Laws, Section 6-11-1810, provides that any municipality, county, fire district or other fire protection party may provide mutual aid upon request at the time of a significant incident such as a fire or other emergency; and

**Whereas**, it is the purpose of this agreement to permit the participating entities to make the most efficient use of their resources and simultaneously improve public safety for all residents; and

**Whereas**, it is the goal of this agreement to have the closest appropriate emergency unit dispatched to each emergency; and

**Whereas**, the parties desire to enter into this Automatic Aid agreement to permit, under some circumstances, a fire party to respond automatically to an incident within the limits of another jurisdiction; and

**Whereas**, the parties desire to have this agreement set forth their rights, duties and responsibilities as allowed by State law.

**Now, therefore**, for and in consideration of the covenants contained herein the parties agree as follows:

## II. Terms and Conditions

- 1) The parties shall each provide and maintain suitable general liability and auto liability insurance coverage to protect against losses from activities contemplated by this agreement.
- 2) The parties shall maintain suitable workmen's compensation protection for the benefit of their own employees<sup>1</sup> without cost to the other parties to this agreement.
- 3) With the exception of hazmat supplies, each party shall be responsible for all costs of its own employees, supplies and equipment associated with aid and services rendered under this agreement. With regard to hazmat supplies, the host agency will upon request reimburse in a timely fashion the responding agencies for any hazmat supplies expended.<sup>2</sup> The host agency shall then have the right to seek recovery of the amount of any such reimbursement by billing the party responsible for creating the hazmat incident (the "responsible party".) The host jurisdiction's responsibility to reimburse responding agencies shall not be contingent on the host jurisdiction's ability to recover from the responsible party.
- 4) Each party shall be responsible for all repairs, maintenance, and upkeep of all equipment used in conjunction with this agreement.
- 5) Each party shall endeavor to have its members become familiar with the equipment operated by other participating parties. Responding personnel shall only operate or employ equipment which they are qualified to operate safely.
- 6) Deployment of the resources of the parties shall be done following a pre-determined and agreed upon methodology.
- 7) Services rendered pursuant to this agreement shall be fire, rescue, and non-transport emergency medical services; provided by Dorchester County Fire-Rescue and not Dorchester County Emergency Medical Services.
- 8) The parties recognize that the availability of resources is dependent on many factors and this agreement does not bind any party to provide services to another party in a manner that would cause undue risk to the safety of the citizens or employees of the parties.

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<sup>1</sup> The Term "employees" shall also be deemed to include volunteers.

<sup>2</sup>"Foam" is one example of such a hazmat consumable supply item.

- 9) This agreement shall be administered by a representative from each party. Each member being designated, in writing, by his/her respective Fire Chief.
- 10) The “first arriving officer” to an incident shall take command. Command may be passed to a more qualified officer based on the size and scope of the incident regardless of jurisdiction.
- 11) Each party shall adopt such common or complimentary Standard Operating Guidelines (SOG’s) as may be necessary to ensure that all personnel at a joint response incident operate in a common manner. Each party’s fire service branch will adhere to the National Incident Management System (NIMS). The fire service branch of each party will operate on common dispatch and incident radio channels at joint incidents in order to maintain safe and effective communication among responding units.
- 12) This agreement is made with the understanding that no charges will be assessed to any of the other parties to this agreement.
- 13) Safe and successful implementation of this agreement is dependent on training and familiarization between the parties to this agreement. Each party shall make its fire service members reasonably available to engage in joint training.
- 14) This agreement shall become effective thirty (30) days after being signed by each party and shall remain in full force and effect for one year from January 17, 2017. This agreement shall be automatically renewed unless terminated as provided herein below. A party may withdraw from this agreement by providing 90 days written notice to all other currently participating parties of its intent to withdraw. If all parties except one have withdrawn this agreement shall be “terminated.”
- 15) Severability. If any provision of this agreement or its application is held invalid, the remainder of the agreement or the application of the remainder of the agreement shall be impacted.
- 16) Court Decisions. This agreement shall not alter or terminate any court decision involving any of the parties to this agreement.
- 17) This agreement supersedes all prior agreements, drafts, or discussions. Accordingly, this signed agreement constitutes the entire agreement between the parties.
- 18) This agreement may only be amended or modified by way of written amendment signed by all then-participating parties.

- 19) This agreement will be inclusive of Dorchester County tax district 209 and the incorporated limits of the Town of Summerville.
- 20) The Town of Summerville Communications Center shall be responsible for dispatching fire department resources in Dorchester County tax district 209 and the incorporated limits of the Town of Summerville.
- 21) The parties shall maintain a similar level of staffing of certified and qualified personnel on each fire apparatus as well as maintain compatible communication equipment.

In witness whereof the parties have hereunto placed their hands on the day and year so indicated.

Town of Summerville

By: \_\_\_\_\_

Date: \_\_\_\_\_

Dorchester County

By: \_\_\_\_\_

Date: \_\_\_\_\_