



**Town of Summerville
Council Meeting
Summerville Municipal Complex
Wednesday, April 8, 2015 at 7:30 p.m.**

AGENDA

- 1. Invocation and Pledge of Allegiance – Kima Garten-Schmidt**
- 2. Public Comments**
- 3. Approval of Minutes of Previous Meetings**
 - a. Council Meeting, March 11, 2015
 - b. Special Council Meeting, March 24, 2015
- 4. Approval of Council Committee Reports**
 - a. Finance Committee Report, April 6, 2015
 - b. Public Safety Committee Report, April 1, 2015
- 5. Petitions**
- 6. Pending Bills and Resolutions**
 - a. Second and final reading of ordinance # 15-0301 authorizing the issuance and sale of limited obligation 20-year bonds pledging hospitality fees not to exceed \$9,500,000
 - b. Second and final reading of ordinance # 15-0302 authorizing the issuance and sale of limited obligation 20-year bonds pledging franchise fees not to exceed \$18,000,000
- 7. Introduction of Bills and Resolutions**
 - a. A Resolution to Adopt a Town of Summerville Right of Way Acquisition Policy
 - b. A Resolution to Authorize Construction and Improvements to Gahagan Plantation Trail by SCDOT
- 8. Miscellaneous**
- 9. 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
MARCH 11, 2015**

ATTENDANCE

Present: Mayor Bill Collins and Council members Walter Bailey, Aaron Brown, Kima Garten-Schmidt, Bob Jackson and Bill McIntosh. Mr. Jenkins was absent. 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, March 11, 2015. The meeting was opened with prayer by Mr. Jackson, followed by the Pledge of Allegiance.

PUBLIC COMMENTS

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

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Mr. Brown made a motion, seconded by Mr. Jackson, to approve the minutes of the February 11, 2015 council meeting and the March 2, 2015 special council meeting as presented. The motion carried unanimously.

APPROVAL OF COUNCIL COMMITTEE REPORTS

Mr. Jackson made a motion, seconded by Ms. Garten-Schmidt, to approve the March 9, 2015 Finance Committee Report, the March 4, 2015 Public Safety Committee Report, the March 4, 2015 Public Works Committee Report and the March 4, 2015 Parks and Recreation Committee Report as submitted. The motion carried unanimously.

PETITIONS

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

PENDING BILLS AND RESOLUTIONS

Mr. Brown made a motion, seconded by Mr. Bailey, to have second and final reading of an ordinance to rezone TMS #'s 145-10-02-030, 145-10-02-031 and 145-10-02-032, owned by Berlin G. Myers Lumber Corp., located along Limehouse Drive and currently zoned R2, Single

Family Residential to be rezoned to B2, "Neighborhood Commercial Center". Mr. McIntosh recused himself and abstained due to a conflict. The motion carried unanimously with one abstention.

Ms. Garten-Schmidt made a motion, seconded by Mr. Jackson, to have second and final reading of an ordinance to grant a quitclaim deed for 2,787 sq. feet of right-of-way to the owners of Limehouse Plantation. The motion carried unanimously.

Ms. Garten-Schmidt made a motion, seconded by Mr. Bailey, to have second and final reading of ordinance to grant a quitclaim deed for 98 square feet of right-of-way to the owners of Limehouse Plantation. The motion carried unanimously.

INTRODUCTION OF NEW BILLS AND RESOLUTIONS

Ms. Wallace reported there were no new bills and resolutions.

MISCELLANEOUS

There were no miscellaneous items to discuss.

ADJOURN

There being no further business, the meeting adjourned at 7:37 p.m. on motion of Mr. Jackson, seconded by Ms. Garten-Schmidt.

Respectfully submitted,

Lisa Wallace, Director of Administrative Services
Clerk and Treasurer

APPROVED:

William C. Collins, Mayor

RECUSAL STATEMENT

Member Name: WILLIAM E. MCINTOSH

Meeting Date: 3/11/15

Agenda Item: Section _____ Number: _____

Topic: Re-zoning of three parcels owned by
Berlin G Myers Lumber Corp.

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

Professionally employed by or under contract with principal

Owns or has vested interest in principal or property

Other: provide legal representation to
owner of property

Date: 3/11/15 William E. McIntosh
Member

Approved by Parliamentarian: _____

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
SPECIAL COUNCIL MEETING MINUTES
MARCH 24, 2015
5:00 p.m.

ATTENDANCE

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

NEW BUSINESS

Mayor Collins called the meeting to order at 5:00 p.m. and announced that the purpose of the meeting was to receive information on the proposed road projects to be funded with the proposed bond issue and called forward Russ Cornette. Mr. Cornette presented Council with a PowerPoint presentation listing the projects including their proposed cost estimates. These projects include Sheep Island/Maple St. Extension, Bear Island Road, and Maple Street improvements estimated at \$22.71 million. The presentation was accepted as information.

EXECUTIVE SESSION

Mr. Jackson made a motion, seconded by Ms. Garten-Schmidt, to enter into executive session at 5:10 p.m. to discuss contractual and legal matters related to right-of-way acquisition. Council returned to public session at 5:25 p.m. and announced that no action was taken.

ADJOURN

There being no further business, the meeting adjourned at 5:25 p.m.

Respectfully submitted,

Lisa Wallace, Director of Administrative Services
Clerk and Treasurer

APPROVED:

William C. Collins, Mayor

**TOWN OF SUMMERVILLE
FINANCE COMMITTEE REPORT
APRIL 6, 2015**

The Finance Committee met at 8:00 a.m. on Monday, April 6, 2015 in the Training Room of the Summerville Municipal Complex. Present were Mayor Bill Collins and Council members Walter Bailey, Kima Garten-Schmidt, Bob Jackson, Terry Jenkins and Bill McIntosh. Aaron Brown was absent. 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.

Presentation of Financial Report	Belinda Harper presented the March 2015 financial report. The report was accepted as information.
Approval of Financial Requisitions	<p>Mr. Jenkins made a motion, seconded by Mr. Jackson, to execute an agreement and issue a purchase order to Michael Baker International in the amount of \$264,228 for final roadway construction plans for Bear Island Road to be paid from the major road repair fund. The motion carried unanimously.</p> <p>Mr. Jenkins made a motion, seconded by Mr. McIntosh, to award the bid and issue a purchase order to IPW Construction Group in the amount of \$122,281 for the Parkwood Drive sidewalk project to be paid from hospitality tax fund balance (approved in 2014 budget). The motion carried unanimously.</p>
Discussion of Council Committee Reports	Mr. Bailey gave the report of the April 1, 2015 Public Safety Committee meeting. He reported that there has been a problem with turnover in both the police and fire departments due to non-competitive salaries. He added that the committee received the reports for information and suggested that this be discussed further at the upcoming budget retreat. The public safety committee report was accepted as information.
Discussion of Proposed/Upcoming Council Agenda Items	There were no questions about the upcoming council agenda.
Miscellaneous	There were no miscellaneous items to discuss.
Executive Session	<p>Mr. Jenkins made a motion, seconded by Ms. Garten-Schmidt, to enter into executive session at 8:09 a.m. to discuss contractual matters related to solid waste collection services and contractual matters related to federal funding opportunities. The motion carried unanimously.</p> <p>The finance committee returned to public session at 8:34 a.m. and announced that no action was taken.</p> <p>Mr. Jenkins made a motion, seconded by Mr. Bailey, to authorize a 6-month extension with Keller McIntyre under the existing terms. Ms. Garten-Schmidt, Mr. McIntosh, Mr. Jenkins, Mr. Bailey and Mayor</p>

	Collins voted in favor of the motion and Mr. Jackson opposed. The motion carried.
Adjourn	There being no further business, the meeting adjourned at 8:35 a.m.

Respectfully submitted,



Lisa Wallace
Director of Administrative Services
Clerk/Treasurer

PUBLIC SAFETY COMMITTEE REPORT
April 1, 2015

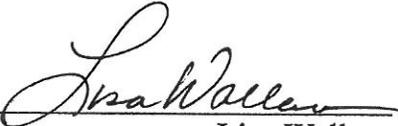
The Public Safety Committee met on Wednesday, April 1, 2015 at 4:00 p.m. in the training room at the Summerville Municipal Complex. Present were Chairman Walter Bailey and committee members Aaron Brown and Terry Jenkins. Members of the public and the press were duly notified of the meeting.

Chairman Bailey called the meeting to order and reported that the only item on the agenda was discussion of the public safety departments' salary structure and asked Public Safety Director, Bruce Owens, to present his findings. Chief Owens reported that the Summerville Police Department is losing officers to surrounding agencies, mostly due to other agencies having the flexibility to offer higher salaries for certified police officers. He also reported that other agencies have provisions for "step increases" for longevity. Chief Waring reported similar issues with the Summerville Fire Department stating that other fire departments provide for step increases and rewards for longevity. Chief Owens added that there also seems to be a lack of comparability for Summerville dispatchers with other agencies.

After some discussion, committee members requested that staff contact other agencies to determine what percentage of police officers are lost to other law enforcement agencies within this area. The committee also requested that the finance director put together an analysis of what it might cost for the town to incorporate a step process for salary increases for longevity. The committee then accepted these reports for information to be considered at the upcoming budget retreat.

There being no further business, the meeting adjourned at 4:51 p.m.

Respectfully submitted,


Lisa Wallace

A RESOLUTION

STATE OF SOUTH CAROLINA) A RESOLUTION TO ADOPT
COUNTY OF DORCHESTER) A TOWN OF SUMMERVILLE
TOWN OF SUMMERVILLE) RIGHT OF WAY ACQUISITION POLICY

WHEREAS, the Town of Summerville intends to undertake several transportation improvement projects which require the acquisition of right of way; and

WHEREAS, the Town of Summerville Town Council wishes to create an efficient and prudent system to acquire necessary right of way; and

WHEREAS, a right of way acquisition case settlement process is a necessary part of transportation improvement projects, and

WHEREAS, Town of Summerville Town Council hereby finds that the process and details provided in Exhibit A are in the best interests of the Town in order to create a reasonable, efficient and prudent system of resolving right of way acquisition matters.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Councilmembers of the Municipality of the Town of Summerville, in Council assembled, that Exhibit A attached hereto is formally and officially approved and adopted as the Town of Summerville right of way case settlement process.

THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ITS ADOPTION.

SIGNED, SEALED AND DELIVERED THIS 8th DAY OF March, 2015.

William C. Collins, Mayor
Town of Summerville

ATTEST:

Lisa L. Wallace
Clerk of Council

EXHIBIT A

Transportation improvement projects and other public improvement projects often necessitate the Town of Summerville's acquisition, under threat of eminent domain or by the commencement of an eminent domain action, of right of way for public use. The exercise of the Town's eminent domain power permits the Town to acquire real property upon payment of just compensation to the Landowner. In many cases the Town and the named Landowner disagree as to the appropriate amount of just compensation. Transportation projects often involve a significant number of affected parcels and it is prudent to effectuate a process for the monetary settlement of the numerous claims.

The Town's estimate of just compensation in a case is usually based on the opinion of a professional real estate appraiser. Landowners have the right to offer their own estimate of just compensation, usually determined by the opinion of a professional real estate appraiser. The value of a condemnation may be affected by a series of factors including, but not limited to, the following:

1. Opinion of values of estimated by professional appraisers or Landowner;
2. The quality of a particular appraisal report;
3. The Landowner's decision to engage counsel and the quality of said counsel;
4. Accrual of statutory interest;
5. Likelihood that the Landowner will recover attorney fees and costs and provided by state statute;
6. Litigation fees and costs.

In a typical project involving the acquisition of right of way the Town will engage a right of way agent to initiate contact with the respective landowners and attempt to negotiate a resolution as to just compensation. Should resolution not be achieved the matter is referred to corporation counsel for commencement of eminent domain proceedings. Should resolution not be achieved during the litigation process, the amount of just compensation will be determined by a jury or judge following a trial.

Settlement authority limits in all cases are as follows:

1. Right of way agents have settlement authority in an amount up to and including ten percent (10%) over the Town's estimate of just compensation. The Town's Public Works Director shall identify complex or substantial cases in which the authority granted to the right of way agent is not appropriate;
2. The Mayor, upon consultation with the Public Works Director and Corporate Counsel, shall have settlement authority in an amount up to and including One Hundred Thousand Dollars (\$100,000.00) or ten percent (10%) over the Town's estimate of just compensation, whichever is greater. In any circumstance, the Mayor may require the Town Council to approve a settlement offer.



South Carolina
Department of Transportation

March 11, 2015

Mr. Russ Cornette, Jr., P.E.
Town of Summerville
104 Civic Center
Summerville, South Carolina 29483

RE: Municipal Agreement for Gahagan Plantation Trail

Dear Mr. Cornette:

The South Carolina Department of Transportation is proposing to construct a multi-use path at Gahagan Park in Dorchester County. Preliminary plans are currently being developed by the department.

Since a portion of the project is located within the corporate limits of the Town of Summerville, a signed municipal agreement between the Town and the SCDOT is required prior to finalizing the development of this project. Please sign and return the agreement to me at the following address: P.O. Box 191, Columbia, SC 29202-0191

Thank you for your continued cooperation as this project develops. Do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Brooks Bickley
Program Manager
803-737-4685



MUNICIPAL STATE HIGHWAY PROJECT AGREEMENT

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER) RESOLUTION

Road/Route **Gahagan Park**
Project ID **0036326**
Project **Gahagan Plantation Trail**

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 City").

WHEREAS, the City 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 City 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 City 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 City'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 City 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 City 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 City-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 City or its contractors. Future utility installations by the City 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 City hereby signifies its agreement to accept for maintenance purposes those sections of a highway remaining after the highway is relocated pursuant to S. C. Code Ann. 57-5-120 upon notification by the SCDOT of its abandonment of the highway.

BE IT FURTHER RESOLVED, that the City 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 Eighth day of April, 2015, 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

Clerk

