



**Town of Summerville
Council Meeting
Summerville Municipal Complex
Wednesday, August 12, 2015 at 7:30 p.m.**

AGENDA

- 1. Invocation and Pledge of Allegiance – Kima Garten-Schmidt**
- 2. Public Comment**
- 3. Approval of Minutes of Previous Meetings**
 - a. Council Meeting, July 8, 2015
- 4. Approval of Council Committee Reports - None**
- 5. Petitions**
- 6. Pending Bills and Resolutions**
 - a. Second and final reading of ordinance #15-0701 to annex TMS# 144-16-03-001 located at 105 King Charles Circle to be zoned R2, "Single Family Residential"
 - b. Second and final reading of ordinance #15-0702 to annex TMS# 144-03-01-001 located at 111 Longleaf Drive to be zoned R2, "Single Family Residential"
 - c. Second and final reading of ordinance #15-0703 to annex TMS# 129-12-04-014, 3.07 acres located at 1507 W. 5th N. Street to be zoned B3, "General Business"
- 7. Introduction of Bills and Resolutions**
 - a. Introduction and first reading of an ordinance to rezone TMS#145-02-10-002, 114 E. Carolina Avenue from R1, Single Family Residential to R2, Single Family Residential (Planning Commission held a public hearing and made a recommendation for denial on July 20, 2015)
 - b. Resolution authorizing the Mayor to execute the first amendment to the Public-Private Partnership Agreement with Applegate & Co.
- 8. Miscellaneous**
 - a. Approve Hutchinson Square Master Plan to be implemented as funds become available (Phase 1 has been funded)
 - b. Authorize Mayor to execute a grant of easement agreement with Summerville CPW for location and installation of sewer lines at Fire Station 2
 - c. Appoint Mandy Pitcock as an alternate on the Town of Summerville Grievance Committee
 - d. Appoint Associate Municipal Judge
- 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
JULY 8, 2015**

ATTENDANCE

Present: Mayor Bill Collins and Council members Walter Bailey, Aaron Brown, Bob Jackson, Terry Jenkins and Bill McIntosh. Kima Garten-Schmidt 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, July 8, 2015. Mayor Collins made some remarks on the passing of former long-time Mayor Berlin G. Myers and requested a moment of silence for Berlin Myers who passed away on July 8, 2015. Mr. Jackson provided the invocation, followed by the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Collins called for any comments from the public. Sandy Reed of 115 Melanie Lane spoke about the flooding in her back yard. She hired a contractor to install a pump and the town told her she had to run a line to the front instead of the back. She has since discovered that the town has fixed the flooding problem at 111 Melanie Lane and would like to be reimbursed for the expense of fixing the flooding problem in her yard. Jim Sitler of 309 Lilac Drive and current President of Robynwyn crime watch stated that he had several issues to bring to the attention of the town including road conditions that need to be addressed such as potholes at Tulip Street and Lilac Drive and Clover Street, Bluebell Avenue, and Violet Drive. He also reported that there are several vacant homes that are in terrible states of disrepair and there continues to be illegal dumping on Iris Street. He requested that Wastepro mail out a brochure annually with trash pick-up schedules and instructions on how to dispose of large house hold items. He also asked for consideration of speed bumps to slow traffic. Additionally, he requested that a police officer be assigned to Wassamassaw Park during open hours and patrolled at night during closed hours in addition to overall increased police presence in their neighborhood. Donna Jenkins of 107 N. Hickory Street stated that she has concerns about the sidewalk being placed on N. Hickory and S. Hickory Streets saying that it is a thoroughfare across town that gets a lot of traffic. She also stated that she is very concerned about the bridge condition at Central Avenue near the Baptist Church reporting that it is dilapidated and that is really needs attention. There being no further public comments, the Mayor declared that 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 June 10, 2015 council meeting as presented. The motion carried unanimously.

APPROVAL OF COUNCIL COMMITTEE REPORTS

Mr. Jenkins made a motion, seconded by Mr. Bailey, to approve the July 6, 2015 Finance Committee Report, the July 1, 2015 Parks and Recreation Committee Report and the July 1, 2015 Planning and Development Committee report as submitted. The motion carried unanimously.

PETITIONS

Mr. McIntosh made a motion, seconded by Mr. Jackson to accept the petition and have first reading of an ordinance to annex TMS# 144-16-03-001 located at 105 King Charles Circle to be zoned R2, "Single Family Residential". The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Brown, to accept the petition and have first reading of an ordinance to annex TMS # 144-03-01-001 located at 111 Longleaf Drive to be zoned R2, "Single Family Residential". The motion carried unanimously.

Mr. Brown made a motion, seconded by Mr. Jenkins, to accept the petition and have first reading of an ordinance to annex TMS# 129-12-04-014 which is 3.07 acres located at 1507 W. 5th N. Street to be zoned B3, "General Business". The motion carried unanimously.

PENDING BILLS AND RESOLUTIONS

Mr. McIntosh made a motion, seconded by Mr. Jackson, to have second and final reading of an ordinance to annex TMS #144-16-02-008 located at 114 King Charles Circle to be zoned R2 "Single Family Residential". The motion carried unanimously.

Mr. Brown made a motion, seconded by Mr. Jackson, to have second and final reading of an ordinance authorizing a quit-claim deed to Summerville CPW for portions of W. 1st North Street, W. 2nd North Street and N. Cedar Street right-of-ways. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Jenkins, to have second and final reading of an ordinance authorizing a quit-claim deed to Nancy Deitch for a portion of Briarwood Lane right-of-way. The motion carried unanimously.

Mr. Brown made a motion, seconded by Mr. Jenkins, to have second and final reading of an ordinance to rezone TMS #'s 130-10-00-027, 130-10-00-028, 130-10-00-087, 130-10-00-089, 130-14-00-019 and portions of 130-14-00-003 located at 500 Bryan Street to R2, "Single Family Residential". The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Jenkins, to have second and final reading of an ordinance to amend Section 16-5 of the Code of Laws of the Town of Summerville to clarify the definition of "Public Place". The motion carried unanimously.

INTRODUCTION OF NEW BILLS AND RESOLUTIONS

Ms. Wallace reported there were no new bills or resolutions to be considered.

MISCELLANEOUS

Mr. Jackson made a motion, seconded by Mr. Brown, to authorize the Mayor to execute a Joint Use Agreement between the Town of Summerville and the Summerville Family YMCA to improve the parking area for the Sawmill Branch Trail at the Oakbrook Family YMCA. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Bailey, to authorize the Mayor to execute a Memorandum of Understanding between the Town of Summerville, Marymeade Investment Partners, LLC and Marymeade Associates Limited Partnership. The motion carried unanimously.

ADJOURN

There being no further business, the meeting adjourned at 7:55 p.m. on motion of Mr. Brown, seconded by Mr. Bailey.

Respectfully submitted,

Lisa Wallace, Director of Administrative Services
Clerk and Treasurer

APPROVED:

William C. Collins, Mayor

TO: Councilmen and Mayor of the Town of Summerville

RE: Flooding at 115 Melanie Lane

DATE: June 10, 2015

My name is Sandy Reed. I live at 115 Melanie Lane in Summerville. My husband and I moved in June 1, 2008.

Our back yard flooded very badly from the beginning and my husband contacted our councilman, Bob Jackson who came out several times during the past 7 years, sometimes with a town engineer.

Every time anyone came out, my husband was told that the **town had to have an easement from the owners of the house next door to us**. They always refused to give an easement, I believe because they thought land was being taken away from them.

My husband, Jim Reed, passed away in October of 2013 and I have called the town several times and Councilman Jackson once or twice.

In January or thereabouts, of this year, I talked to Russ Cornett and told him that the town should have placed the easement on the back lines before the town approved the subdivision plat. He said he would check on it. About 3 weeks later I called him again and he said it was on his list of things to do. I immediately called Bob Jackson who came out a few days later and told me **the easement had been left off of the plat**.

By the time he came out I had hired Matthew Ward Landscaping to put a pump in my back yard. Mr. Jackson called Russ Cornett who said we couldn't empty the water from the pump in the back, where there is a sort of a ditch with sides higher than my yard. We would have to run the line to the front, which we did. Bob Jackson said the Town could have run the line to the front. I was afraid the Town would put off doing the job and I needed to get it done.

Since all this has happened, I have found out that the Town has fixed the flooding problem at 111 Melanie and maybe more. No one from the Town told us.

I have spent a total of \$4,840.91 to have my yard fixed, of which \$819.82 was for running the line to the street. Please consider reimbursing me for the total amount I have paid to correct this problem, keeping in mind that the town approved the subdivision plat without the easement and the 7 years my husband and then I spent so much time trying to get something done.

My name is Jim Sitler and I am the current president of the Robynwyn Crime Watch. We have several members present tonight at this meeting of Summerville's Town Council.

As residents and tax payers of Summerville and Dorchester County, we would like to bring to the attention of the appropriate departments within this jurisdiction, several issues that we feel need to be addressed. These issues, we feel, are contributing to the low property values and crime incident rates within our community.

1. Road conditions: several roads within Robynwyn need to be repaired and repaved. For instance, at the intersection of Tulip Street and Lilac Drive, there are pot holes as well as rough road conditions. There are also pot holes on Clover Street at Bluebell Avenue, at 302 Violet Drive and at the intersection of Violet Drive and Bluebell Avenue. There is a street sign lying on the ground at the corner of Lilac Drive and Bluebell Avenue. Also, at the end of Shamrock Drive at N. Maple Street, there are bad drop-offs on both sides of the road. (Ditches)

2. There are vacant homes that are in bad states of disrepair and some of these homes appear to have been broken in to. The addresses are as follows: 107 Lilac Drive, 501 Tulip Street, 108 Daffodil Street, 308 Violet Drive and 317 Violet Drive. Couldn't the home owners be located and served notice to clean up and secure their property before a fine is levied?

3. Dumping on Iris Street continues. At times, what has been dumped, sits for weeks before it is picked up.

4. We would ask that Waste Pro annually mail out their pick-up schedule as well as instructions on how to have large household items picked up due to resident turn-over.

5. Because Wassamassaw Park is on the outskirts of Robynwyn, we would ask for a police officer to be present there during the hours of operation with the authority to enforce the rules and regulations posted at the park entrance. The park is currently not being utilized for what it was designed to provide for the citizens because it is not safe. It should be patrolled at night because there are people inside the park at all hours. Therefore, we would like to request that the following safety rules be implemented for the safety of all citizens in our town parks and recreational facilities.

A. There will be a town police officer present in each park and recreational facility during hours of operation with the authority to enforce the rules and regulations of each park.

B. No drugs will be allowed in any park or recreational facility at any time.

C. No firearms of any type shall be allowed in any park or recreational facility other than authorized functions, such as gun shows or safety demonstrations that are permitted and supervised by the Town of Summerville Police Department.

D. No alcoholic beverages shall be allowed in the park and recreational facility other than at functions permitted and supervised by the Town of Summerville Police Department.

E. The rules should be clearly posted at each park and recreational facility and vigorously enforced by the Town of Summerville Police Department.

6. There are a lot of children in the streets now, and speed bumps would help deter the vehicles speeding.

7. We respectfully request an increase of police presence and visibility.

We thank you for your time and consideration.

**TOWN OF SUMMERVILLE
FINANCE COMMITTEE REPORT
AUGUST 10, 2015**

The Finance Committee met at 8:00 a.m. on Monday, August 10, 2015 in the Training Room of the Summerville Municipal Complex. Present were Mayor Bill Collins and Council members Aaron Brown, Kima Garten-Schmidt, Bob Jackson, Terry Jenkins and Bill McIntosh. Walter Bailey 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 July 2015 financial report. The report was accepted as information.
Approval of Financial Requisitions	<p>Mr. Jenkins made a motion, seconded by Mr. Jackson, to award the bid to Southern Disaster Recovery as the on-call primary contractor for disaster debris removal and to list Crowder Gulf as the secondary contractor. The motion carried unanimously.</p> <p>Mr. Jackson made a motion, seconded by Mr. Jenkins, to award the bid and issue a purchase order to Satchel Commercial Interiors in the amount of \$53,793 for town hall renovations and upfit to be paid from municipal impact fees. The motion carried unanimously.</p> <p>Mr. Brown made a motion, seconded by Mr. Jackson, to award the bid and issue a purchase order to Tupco in the amount of \$927,153 for reconstruction and expansion of Fire Station 2 to be paid from budgeted capital funds and fire/municipal impact fees. The motion carried unanimously.</p>
Discussion of Council Committee Reports	There were no committee meetings held this month.
Discussion of Proposed/Upcoming Council Agenda Items	Mr. Brown asked about the funding for the Hutchinson square project and wanted clarification that Phase I has been funded and that funding for future phases would have to be approved by Council as funding becomes available. Mayor Collins confirmed that statement. Mr. Brown also mentioned that he wants to continue to use CDBG funds in low to moderate income areas in the future.
Miscellaneous	Mr. Jenkins made a motion, seconded by Ms. Garten-Schmidt, to declare a 2006 Fire Department Dodge Charger (VIN 2B3KA43H06H504133), a Maintenance Shop SICAM wheel balancer (SBN850), a 2010 Chevrolet HHR, (Vehicle #P216), and a 2006 Dodge Caravan (Vehicle #P116) as surplus and authorize the sale of those vehicles and equipment. The motion carried unanimously.

Executive Session	<p>Mr. Brown made a motion, seconded by Mr. Jenkins, to discuss contractual matters related to the Dorchester County Senior Citizens Center; contractual matters related to Keller McIntyre and federal funding opportunities; contractual matters related to the Public-Private Partnership agreement with Applegate & Co.; contractual matters related to the tourism management agreement with Chamber of Commerce; personnel matters related to the appointment of Associate Municipal Judge; and legal matters related to pending litigation. The motion carried unanimously. The Finance Committee returned to public session at 9:22 a.m. and the Town Attorney announced that no action was taken.</p> <p>Mr. Jenkins made a motion, seconded by Mr. Jackson, to authorize the extension of the Keller McIntyre agreement through December 31, 2015. The motion carried unanimously.</p>
Adjourn	There being no further business, the meeting adjourned at 9:25 a.m.

Respectfully submitted,

Lisa Wallace
Director of Administrative Services
Clerk/Treasurer

ORDINANCE

TO ANNEX TO, AND INCORPORATE WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUMMERVILLE, THE AREA OWNED BY TERESA AND MICHAEL BYRNES 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 # 144-16-03-001, located at 105 King Charles Circle described as 1 lot 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 R2, Single Family Residential and be classified as R2, Single Family Residential under the Zoning Ordinance of the Town of Summerville.

Ratified this _____ day of _____, 2015 A.D.

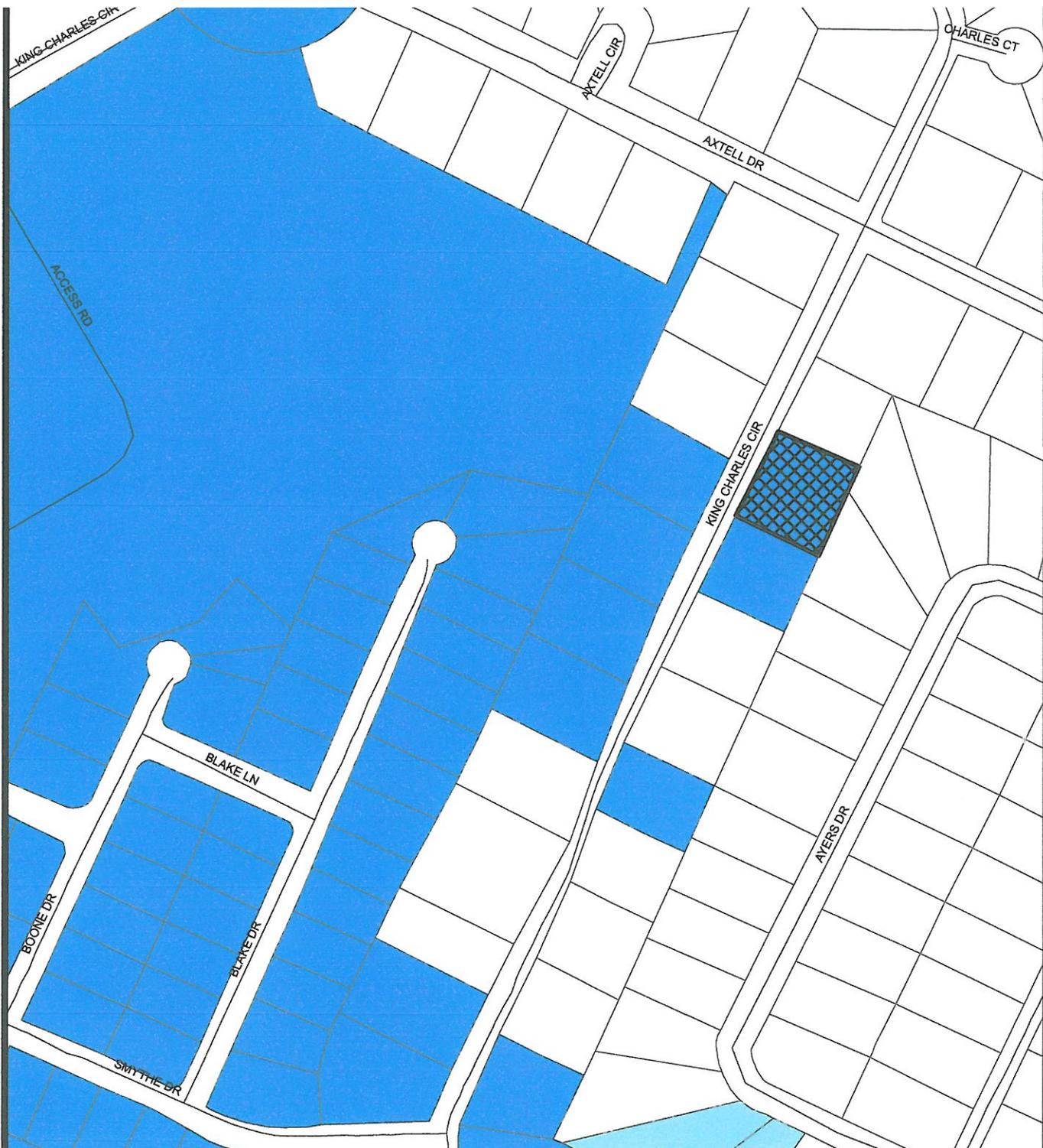
William C. Collins, Mayor

Lisa Wallace, Clerk to Council

PUBLIC HEARING: June 15, 2015

FIRST READING: July 8, 2015

SECOND READING: August 12, 2015



**Annexation of 144-16-03-001
105 King Charles Circle
To be zoned R-2, Single Family Residential**



Legend

Parcels	PL
Annexation Request	PUD
Zoning AC	PUD/DA
B-1	R-1
B-2	R-2
B-3	R-3
I-1	R-5
I-2	R-6
	R-7



Disclaimer: This map is a graphic representation of data obtained from various sources. All errors are the responsibility of the user.

ORDINANCE

TO ANNEX TO, AND INCORPORATE WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUMMERVILLE, THE AREA OWNED BY REGINA HUGGINS 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 # 144-03-01-001, located at 111 Longleaf Drive described as 1 lot 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 R2, Single Family Residential and be classified as R2, Single Family Residential under the Zoning Ordinance of the Town of Summerville.

Ratified this _____ day of _____, 2015 A.D.

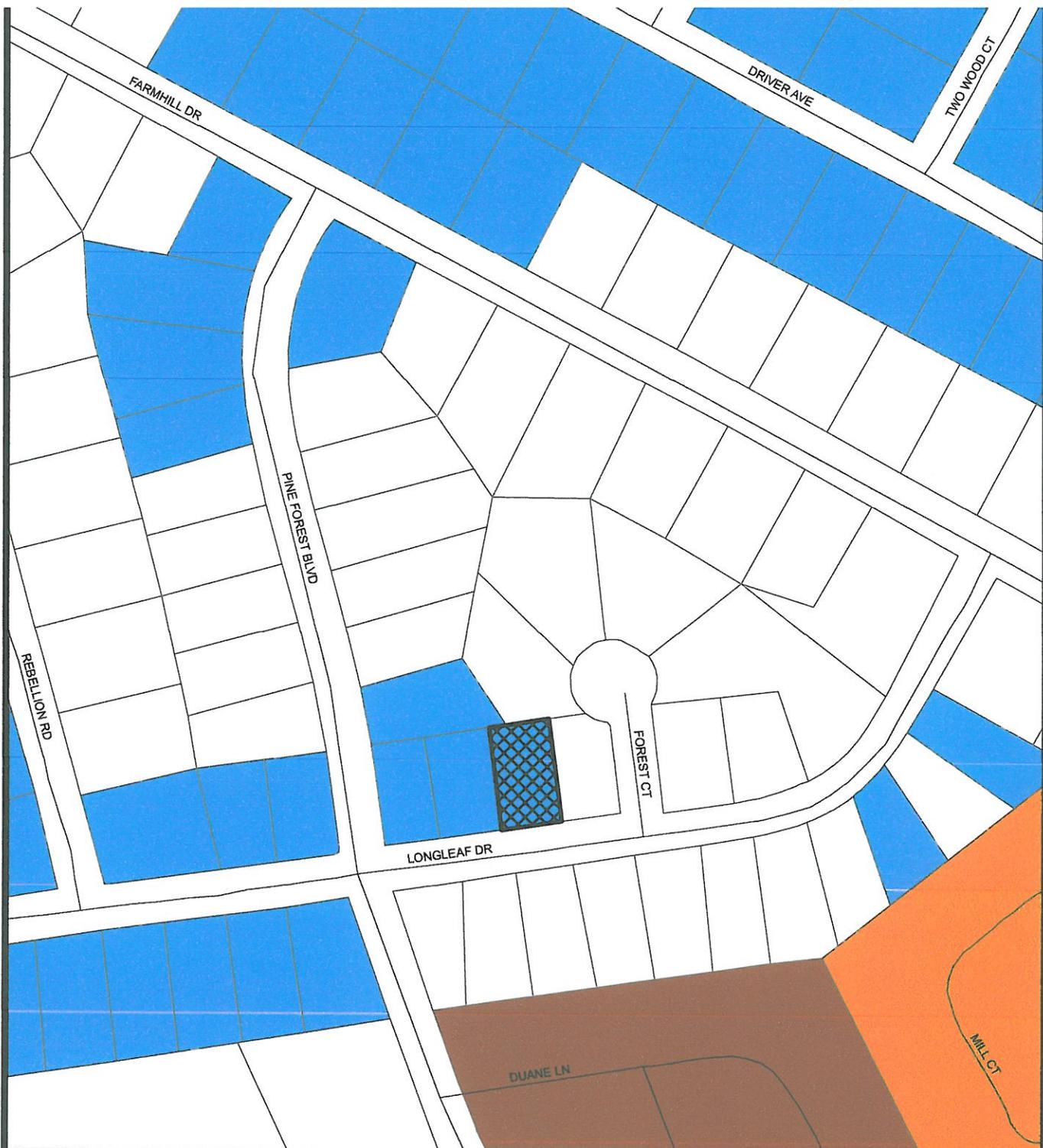
William C. Collins, Mayor

Lisa Wallace, Clerk to Council

PUBLIC HEARING: June 15, 2015

FIRST READING: July 8, 2015

SECOND READING: August 12, 2015

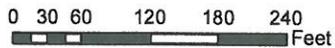


**Annexation of 144-03-01-001
111 Longleaf Drive
To be zoned R-2, Single Family Residential**



Legend

- | | |
|--------------------|-----|
| Parcels | PL |
| Annexation Request | PUD |
| Zoning | |
| AC | R-1 |
| B-1 | R-2 |
| B-2 | R-3 |
| B-3 | R-5 |
| I-1 | R-6 |
| C-1 | R-7 |



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ORDINANCE

TO ANNEX TO, AND INCORPORATE WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUMMERVILLE, THE AREA OWNED BY JOHN W. RILEY, JR. 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 # 129-12-04-014, located at 1507 W. 5th N. Street described as approximately 3.07 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 Business and be classified as B3, General Business under the Zoning Ordinance of the Town of Summerville.

Ratified this _____ day of _____, 2015 A.D.

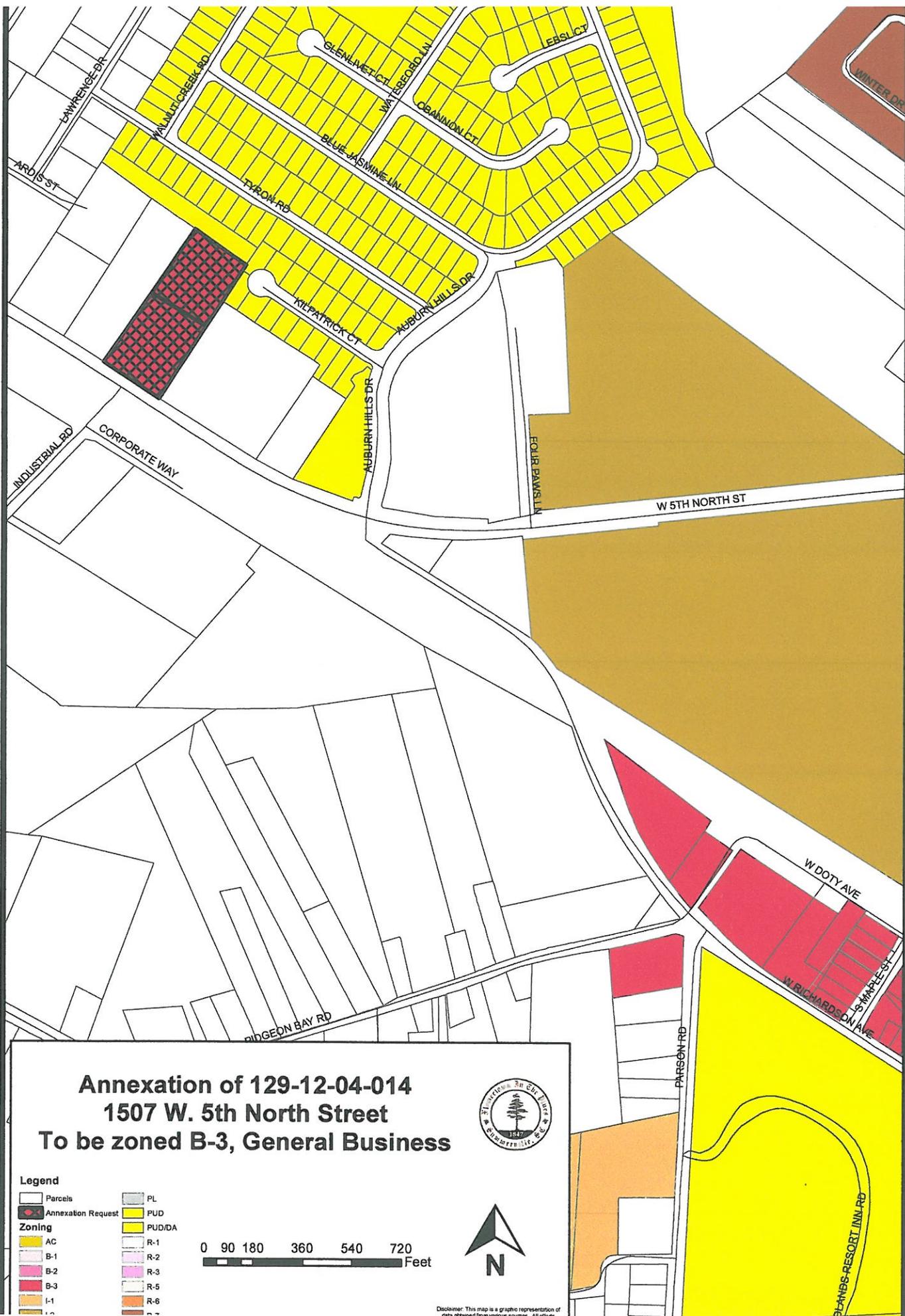
William C. Collins, Mayor

Lisa Wallace, Clerk to Council

PUBLIC HEARING: June 15, 2015

FIRST READING: July 8, 2015

SECOND READING: August 12, 2015



**Annexation of 129-12-04-014
1507 W. 5th North Street
To be zoned B-3, General Business**



- Legend**
- ▭ Parcels
 - ▭ Annexation Request
 - Zoning**
 - ▭ AC
 - ▭ B-1
 - ▭ B-2
 - ▭ B-3
 - ▭ I-1
 - ▭ PL
 - ▭ PUD
 - ▭ PUD/DA
 - ▭ R-1
 - ▭ R-2
 - ▭ R-3
 - ▭ R-5
 - ▭ R-6



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A RESOLUTION

Whereas the Town of Summerville published a request for proposals from developers to propose a boutique hotel project to include a possible conference center to be operated in a public-private partnership;

Whereas this was understood by the Town to principally be a contract for professional services which included planning, design and management of a boutique hotel facility on Town Property;

Whereas the Town did not and does not believe such a project could or should have been done on a sealed bid basis as it was a professional service;

Whereas Applegate and Co. was not only the sole entity responding to the request for proposal, Applegate and Co. also owned or has under contract certain adjacent properties that make the Town's land and the overall project more valuable and viable;

Whereas the addition of land under the control of Applegate and Co. to the project further justifies the Town having entered into the prior contract and this First Amendment on the basis of a "sole source" exception;

Now, therefore, the duly elected Town Council of the Town of Summerville authorizes the Mayor to sign the attached First Amendment to the Public-Private Partnership Agreement on behalf of the Town of Summerville;

Done in meeting duly assembled this ____ day of _____, 2015

TOWN OF SUMMERVILLE, SOUTH CAROLINA

By: _____
Mayor, Town of Summerville, South Carolina

ATTEST:

By: _____
Clerk, Town of Summerville, South Carolina

FIRST AMENDMENT TO PUBLIC-PRIVATE PARTNERSHIP AGREEMENT

THIS FIRST AMENDMENT TO THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT BETWEEN TOWN OF SUMMERVILLE, TOWN OF SUMMERVILLE REDEVELOPMENT CORPORATION AND APPLGATE AND CO. (the "FIRST AMENDMENT") is entered into as of _____, 2015 by and between the Town of Summerville, a body corporate and a municipal corporation of the State of South Carolina (the "TOWN"), the Town of Summerville Redevelopment Corporation ("RDC"), a 501(c)(4) nonprofit organization, and Applegate & Co., a corporation incorporated under the laws of the State of South Carolina ("DEVELOPER," and together with the TOWN and RDC, "PARTIES").

PREAMBLES

PARTIES have previously entered into a PUBLIC-PRIVATE PARTNERSHIP AGREEMENT BETWEEN TOWN OF SUMMERVILLE, TOWN OF SUMMERVILLE REDEVELOPMENT CORPORATION AND APPLGATE AND CO. (the "PPP AGREEMENT") dated as of July 9, 2014, to provide for the development, construction, and operation of the PROJECT (as defined therein).

The PPP AGREEMENT sets forth certain timeframes by which development activities are expected by the PARTIES to occur and other details with respect to the PROJECT.

The PPP AGREEMENT provides for other development activities to occur without providing timeframes by which they are expected to occur.

Since the date of the PPP AGREEMENT, the PARTIES have engaged in the development activities as provided in the PPP AGREEMENT and are now in the position to set forth with more certainty the timeframes of various development activities provided under the PPP AGREEMENT and other details with respect to the PROJECT.

For good and valuable consideration and the mutual covenants and agreements set forth herein, the PARTIES now agree to modify the PPP AGREEMENT to properly reflect the timeframes and other details as set forth below.

AGREEMENT

1. Section 1(a)i is amended as follows:
 - i. DEVELOPER will procure all necessary easements or property rights and construct a new mixed-use project on the PROJECT SITE along West Richardson Avenue, South Cedar Street and West 2nd South Street, that will include both private and public improvements as defined in Sections 1(b) and 1(c) (together referred to as "PROJECT"). The project will represent an expected total private capital investment of approximately Twenty Million and No/100 Dollars (\$20,000,000.00), and the DEVELOPER will use its best effort to complete the Project within twenty four (24) months from the

date of funding of the grant by the TOWN to the RDC as provided in Section 2(b), but in no event later than thirty (30) months from such date.

2. Section 1(b)(ii) is amended as follows:
 - i. Approximately 27 residential condominium units and associated shared common space.
3. Sections 2(a)-(b) are amended as follows:
 - a. TOWN will convey to RDC the TOWN PROPERTY by deed within one hundred twenty (120) days of Board of Architectural Review (“BAR”) final approval of the PROJECT. The TOWN PROPERTY shall be used solely for the development of the PROJECT. Any other use of the TOWN PROPERTY shall require approval by the TOWN.
 - b. TOWN will gift to the RDC a grant in the amount of Five Million Two Hundred Thousand and No/100 Dollars (\$5,200,000) for purposes of participation in the PROJECT, per the terms of the Grant Agreement attached as Exhibit C, within Ninety (90) days of the issuance of the Town’s hospitality fee revenue bonds.
4. Section 3(a) is amended by adding the following sentence thereto:

The GAP LOAN in the amount of \$3,750,000 will be funded from existing Hospitality Tax fund balance. Upon commencement of construction of the PROJECT, Fifty percent (50%) of the GAP LOAN will be deposited into the RDC account. Any additional amounts necessary to fund the GAP LOAN will be deposited into the RDC account as the gap occurs.
5. Section 4(a) is amended as follows:
 - a. **PROPERTY LINE ADJUSTMENT PLAT AND SITE PLAN.** Within sixty (60) days after the funding of the initial draw request of the DEVELOPER for costs associated with the PUBLIC IMPROVEMENTS set forth under Section 3(b) of this PARTICIPATION AGREEMENT (the “FIRST PUBLIC IMPROVEMENT REIMBURSEMENT”), DEVELOPER will (i) instruct its surveyor to prepare and submit for review by, and approval from, the RDC a plat necessary to adjust and relocate the property lines within the PROJECT SITE (“PROPERTY LINE ADJUSTMENT PLAT”), and (ii) using the PROPERTY LINE ADJUSTMENT PLAT, instruct its architect and/or engineer to prepare a drawing showing the proposed improvements to be constructed on the PROJECT SITE (“SITE PLAN”). The SITE PLAN will show the parking garage and the conference center located on separate subdivided parcels, each with a separate tax map identification number. Upon approval by the RDC of the PROPERTY LINE ADJUSTMENT PLAT, DEVELOPER will submit the PROPERTY LINE ADJUSTMENT PLAT to the appropriate governmental authority for approval to prepare for closing of the construction loan and the property swap as outlined in Section 6 of this Agreement.

6. Section 10(a) is amended as follows:
 - a. DEVELOPER will, no later than one hundred eighty (180) days following the final Board of Architectural Review (“BAR”) approval of the PROJECT, provide the RDC with (i) a final construction cost breakdown for the PUBLIC IMPROVEMENTS and the PRIVATE IMPROVEMENTS and (ii) evidence acceptable to the RDC of a loan commitment from a financial institution acceptable to the RDC (in the RDC’s reasonable discretion) (the “Construction Lender”) for construction financing (the “Construction Loan”) and any required equity from investors (the “Equity Investors”) sufficient to complete construction of the PROJECT.
7. Attachment A to the Parking Garage/Conference Center Operation Agreement, is hereby amended to delete paragraphs 13 & 14 in their entirety.
8. Any orders issued by courts regarding any litigation with respect to the PROJECT shall toll the applicable timeframe or timeframes set forth in the PPP AGREEMENT as amended.
9. Except as amended herein, the PPP AGREEMENT shall continue in full force and effect.
10. All capitalized terms not otherwise defined herein shall have the meanings assigned to such terms in the PPP AGREEMENT.
11. This First Amendment shall inure to the benefit of and shall be binding upon the PARTIES, and their respective successors and assigns.
12. This First Amendment may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument.
13. This First Amendment shall be deemed to be contracts made under the laws of the State of South Carolina and for all purposes shall be governed by and construed in accordance with the laws of the State of South Carolina.

IN WITNESS WHEREOF, the parties have set their hands the day and year first above written.

TOWN OF SUMMERVILLE, SOUTH CAROLINA

ATTEST:

Mayor, Town of Summerville, South Carolina

Clerk, Town Council of the
Town of Summerville, South Carolina

TOWN OF SUMMERVILLE REDEVELOPMENT CORPORATION

By: _____
Its: Chairman

APPLEGATE & CO.
a South Carolina Corporation

By: _____
Its: _____



Stantec | LS3P | Charleston Engineering | Cornerstone Surveying
July 14, 2015



Hutchinson Square Master Plan

Town of Summerville, SC

EXECUTIVE SUMMARY

The Hutchinson Square Master Plan is a framework for improvements for the redevelopment of the park to provide an engaging and highly functional amenity within the downtown core of Summerville. The location could not be more significant. The investment in the park is a commitment to the quality of life for the downtown communities and the Town at large.

Created through a process of analysis, public involvement, and meaningful design, the Master Plan expresses a vision for Hutchinson Square that fulfills its potential as the signature urban park within the Town's core. This vision was guided by the following goals:

- Signature gateway entry to the downtown core
- Improve circulation and make destinations accessible
- Increase safety and visibility
- Open pavilion for event space
- Integrate public art into the project
- Improve the visibility of the lawn areas for events
- Protect and save the grand live oaks

The Master Plan balances the introduction of new elements, such as the open air pavilion, with the unique forms and charm of the original park. New seating opportunities and plazas are planned to provide access and a safe visitor experience into the park.

This update in the design of the park now makes a strong/historic connection between Town Hall through the core of the park terminating at the open air pavilion that is reflective of the original train depot. The increased visibility in and through the park makes the spaces feel safer by opening the center core to pedestrian traffic and pulling plant beds to the edges.

Circulation

Pedestrian circulation was carefully studied and walkways and paths are proposed to safely and comfortably allow patrons to experience the park. A central walkway, once historic to the original Hutchinson Square, is incorporated into the Master Plan once more, providing a strong pedestrian and visual connection from Town Hall to the proposed open air pavilion. Additionally, the central walkway is focused around a garden feature that also connects patrons from the businesses on Little Main Street to the existing parallel parking on Main Street. There are also interior paths that guide patrons to one of two plazas that anchor both ends of the park. Lastly, the sidewalk abutting the businesses on Little Main Street is proposed to be upgraded with pavers, lighting, and granite curbing to aesthetically tie the area into the rest of the park.

In an effort to reclaim land for the park edges, Doty Avenue is proposed as a two lane road and the existing parking at the north end of the park is to be reclaimed. Additionally, the striped asphalt along West Richardson Avenue will be incorporated into Hutchinson Square to provide an additional area for an urban plaza that celebrates the Town's Christmas holly while providing provides a functional, usable, aesthetic space for pedestrians.

Parking

The parking surrounding Hutchinson Square has been evaluated and it is proposed to be the Master Plan that the parking along Little Main Street be re-designed. The angled parking space design shall be maintained but the layout will

be reworked to provide for landscape islands and a better organized lot. There will be a total of 59 spaces on Little Main Street with 14 of those allocated to be blocked off for large public events with removable bollards. The existing parallel parking along Main Street will be retained and 10 new spaces are proposed along Doty Avenue.

Lighting

Lighting updates are proposed for Hutchinson Square and include the removal of SCE&G cobra heads at Little Main Street and the replacement of the existing acorn fixtures along Main Street with LED fixtures. Lighting within the park and along Little Main Street will match the fixtures and posts along Main Street. Additional low level pedestrian lighting will be included in the park upgrades. Landscaping uplighting on the grand oak trees and within the landscape beds is proposed. Lighting at the holly near Town Hall is also included within the project.

Utilities

Many of the existing utilities within the park will be removed or relocated to more appropriate locations within the park. New meters and power centers will be installed and electrical outlets placed for use during public events.

Grading and Drainage

The topography within the park is relatively flat. Minimal grading will be performed within the park with the exception of what is necessary to create the two plazas at each end of the park. In contrast, there is a large crown in the drive aisle of the parking area at Little Main Street. Regrading of this parking area will allow for a gentler slope that will connect the edges of the park and the businesses along Little Main Street for pedestrian circulation when larger events occur.

Vegetation

Vegetation is an important feature of the Hutchinson Square Master Plan. Using the existing grand live oaks as a main feature, a series of landscape beds and understory trees are proposed on the perimeter of the Park to provide safety and open the center for lawn area / multi-use space. Plant material used will be native to the area.

A Grand Lawn is proposed under the oaks facing the signature gateway entry feature and open air pavilion at the corner of Doty Avenue and Main Street. This lawn will provide an additional multi-use space for outdoor events.

Architecture

The Master Plan proposes two architectural features; an open-air pavilion at the plaza at the intersection of Doty Avenue and Main Street and at this prominent corner, a gateway entry feature that pays tribute to the historical sign that once existed upon entering downtown Summerville.

Capital Cost of Project

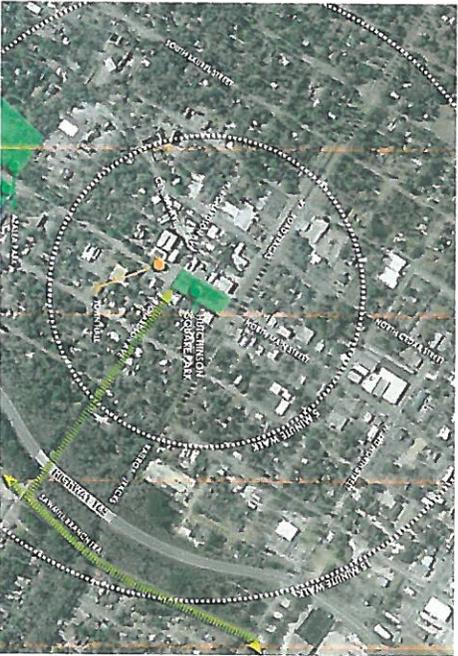
The total Capital Cost investment for the project is estimated at \$ 2,374,103 million. The project is anticipated to be executed in five phases:

- Phase 1 - Utilities Improvements: \$ 333,794.00
- Phase 2 - Landscaping and Hardscaping of Existing Square: \$ 805,660.00
- Phase 3 - Pavilion Courtyard and Doty Avenue Improvements: \$ 467,741.00
- Phase 4 - Little Main Street Parking Area: \$ 568,683.00
- Phase 5 - South Main Street Vegetated Median: \$ 198,225.00



PROJECT OVERVIEW

The proposed improvements included in the Master Plan for the 0.67 acre Hutchinson Square have been developed through close coordination and design workshops with the Town of Summerville, the general public and the Design Team comprised of Landscape Architects, Engineers, and Architects. The following is a project overview of Hutchinson Square and the master planning process.



Hutchinson Square is a rectangular park centered in the heart of Downtown Summerville. It is bordered by Doty Avenue to the north, Little Main Street to the west, Main Street to the east and West Richardson Avenue to the south. The central business district for downtown lines Little Main Street and Main Street and attracts residents and visitors alike to the area.

As part of the Summerville Vision Plan, Hutchinson Square was identified as one of the key sites within the Town that was a priority for improvements thus a master planning process was initiated by the Town.

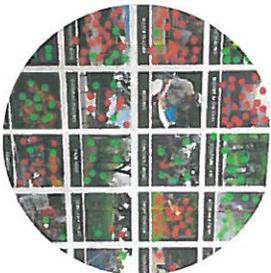
Prior to the beginning this process, guiding principles were developed that served as the cornerstones for the project. The guiding principles for Hutchinson Square are as follows:

1. To expand the **INFLUENCE** of the square on the surrounding commercial and civic uses;
2. To **RESPECT** the historic significance of the square;
3. To **ENHANCE** the utilization of the square and expand its appeal for citizens of all ages and;
4. To **CREATE** opportunities for a variety of activities.

Upon the development of these guidelines, the Town and the Design Team began the master planning process through a very detailed site analysis of available survey, GIS, and historical data. The Team attended numerous site visits, observing

the existing conditions and way in which the park is currently used. Things like safety, circulation, lighting, vegetation, and parking among many other items were studied in order to gain an understanding of the constraints and opportunities that exist at Hutchinson Square today.

The Design Team then synthesized that data and created a list of programmatic elements that were suggested for the Park. These elements included items like water features, landscape lighting, parking, concerts/music, gateway features, and events among many others. These were presented prior to the development of two conceptual master plans to the public at a workshop and voted on both at the workshop and in an on-line survey. The information was collected and the preferences of the public were used as a guide as the Team developed the two master plan concepts.



A few months after the initial workshop, the Design Team presented the two master plans at a second public workshop. The two master plan concepts were presented and the public provided feedback on elements within each that they liked and disliked. A preferred conceptual master plan was identified to be further developed.

The Design Team created the final master plan, incorporating comments received at the workshop and further guidance by the Town into the final master plan. The final product is a master plan, as included in this document, for Hutchinson Square that fits within the parameters of the Town of Summerville's Vision plan, and also pays homage to history of Hutchinson Square while providing a usable space that residents and visitors can enjoy.



Hutchinson Square Master Plan ♦ Summerville, SC
 Stanlec | US3P | Charleston Engineering | Cornestone Surveying

PARK MASTER PLAN

Parking Calculations

Existing Parking Spaces:	
Main Street (Park Side):	12
Doty Avenue:	06
Little Main Street:	66
TOTAL:	84

Proposed Parking Spaces:	
Main Street (Park Side):	12
Doty Avenue:	10
Little Main Street:	59
TOTAL:	81

* Net Loss of 3 Spaces.

PERSPECTIVE KEY PLAN



VEGETATED MEDIAN
 Visual character to Main Street is improved by installing a planted median, where the painted median exists today, complete with decorative fencing and native vegetation.

STREET TREES

Street trees are proposed to replace the existing hollies along the businesses at Main Street to create cohesion and visual unity between Hutchinson Square and the businesses on both sides of Main Street.

PARALLEL PARKING
 The parallel parking along both sides of Main Street will be retained.

GATEWAY FEATURE
 Modeled after the historic entrance sign that once welcomed visitors to the Town, is a proposed gateway feature at the corner of Main Street and Doty Avenue.

GRAND LAWN
 Positioned under the existing Live Oaks is a multi-purpose lawn that is perfect for public events.

WALKWAYS
 Throughout the park, blue stone walkways lead patrons to various areas. Sculptures and art installations are strategically placed along these walkways.

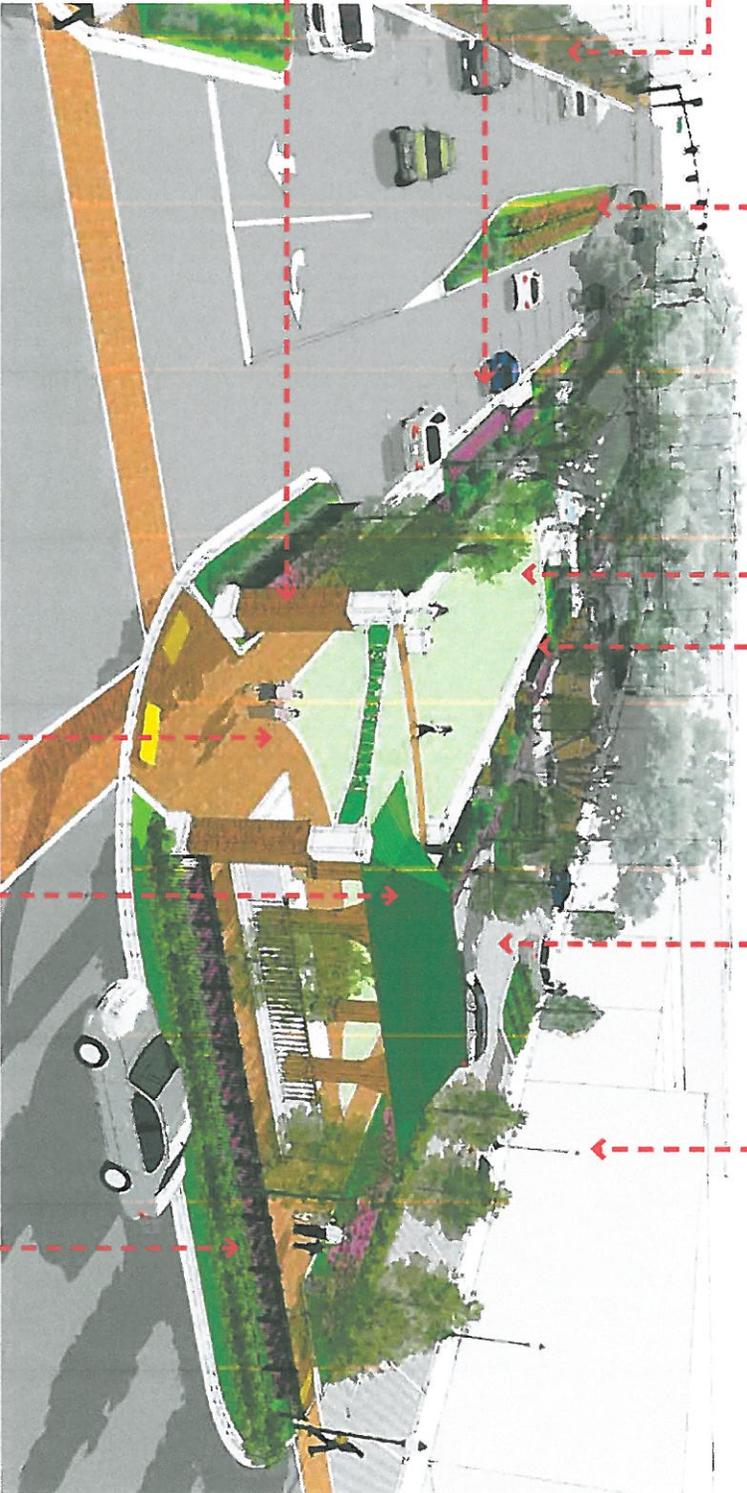
PARKING
 Parking at Little Main Street will be redesigned to include specialty paving, and landscaped islands.

LIGHTING
 Lighting will be updated throughout the park and on Little Main Street and Main Street.

GATHERING PLAZA
 Anchoring this end of the park, a brick gathering plaza is proposed. Additionally, the walkways in this area incorporate the historic bricks that remain from the historic location of Main Street.

PAVILION
 An open air pavilion with its architectural style inspired by the historic train depot that once existed near Hutchinson Square, this is the perfect place for a small concert or event.

LANDSCAPED PARK EDGE
 Landscaped edges are created to frame the park visually, and provide added safety for patrons.



PERSPECTIVE A: VIEW FROM WEST RICHARDSON AVENUE



PERSPECTIVE B: CENTRAL WALKWAY LOOKING TOWARDS PAVILION

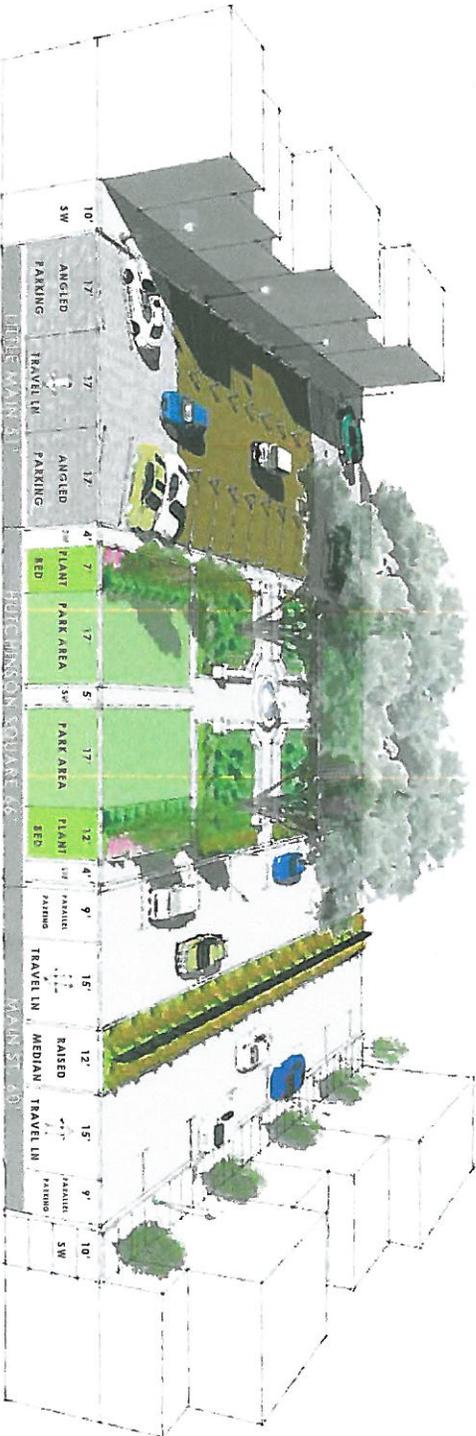


PERSPECTIVE C: VIEW FROM GRAND LAWN TO PAVILION





EXISTING CONDITIONS AT HUTCHINSON SQUARE



PROPOSED CONDITIONS AT HUTCHINSON SQUARE

LIGHTING LEGEND

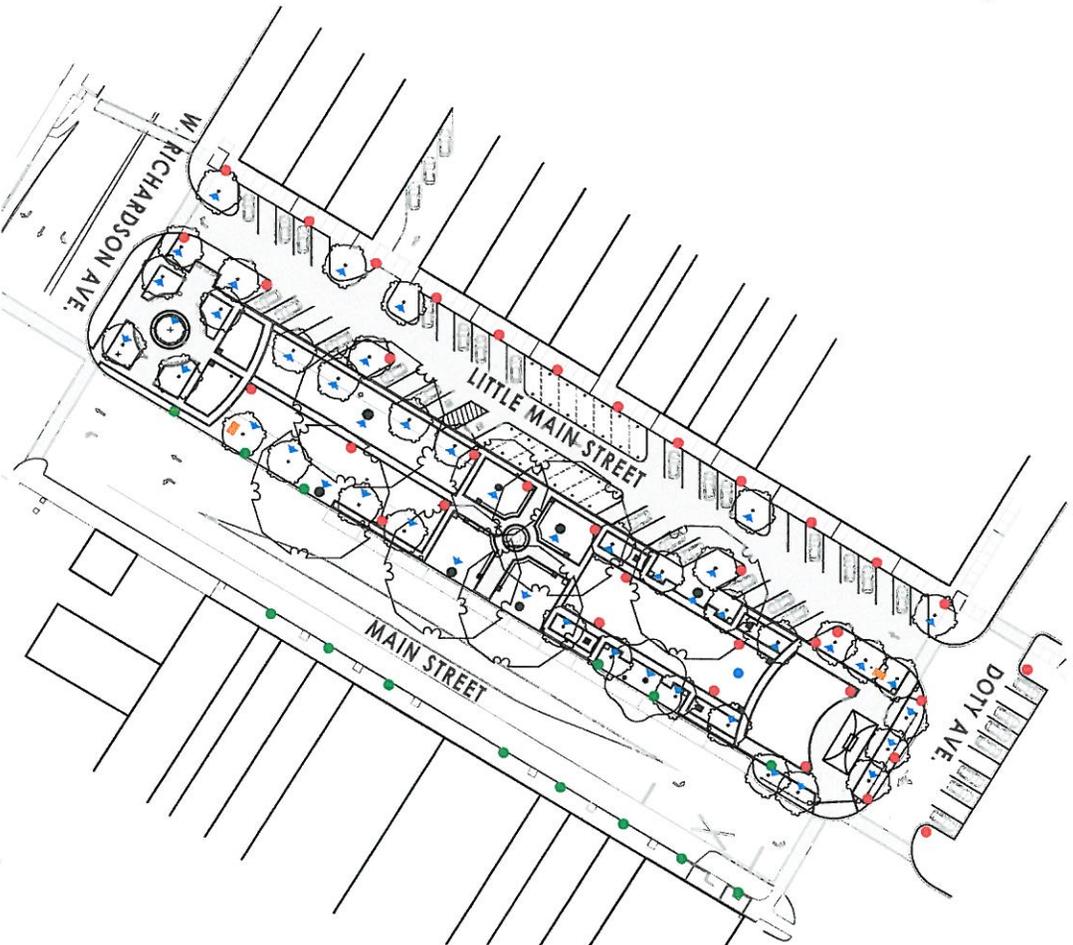
- Existing Acorn Fixture to be Retrofitted to LED Lamp
- New LED Summerville Standard Acorn Area Light
- ◆ Power for Tree Lighting
- ◆ New Meter and Power Station

LIGHTING IMPROVEMENTS

The lighting Master Plan for Hutchinson Square incorporates the use of existing site lighting, as well as the addition of new lighting fixtures. Existing pedestrian acorn fixtures on the Town of Summerville's standard green light pole will be updated with LED fixtures. These fixtures currently line both sides of Main Street.

New pedestrian lighting, matching the existing acorns and pedestals, will be added throughout the park and along Little Main Street. Landscape uplighting will be strategically placed to not only highlight the existing grand live oaks, but also the understory trees that are proposed in the Master Plan. The Christmas holly across from Town Hall will also be highlighted with lighting.

The existing electrical panels will be removed and replaced with new, smaller panels at more appropriate locations.



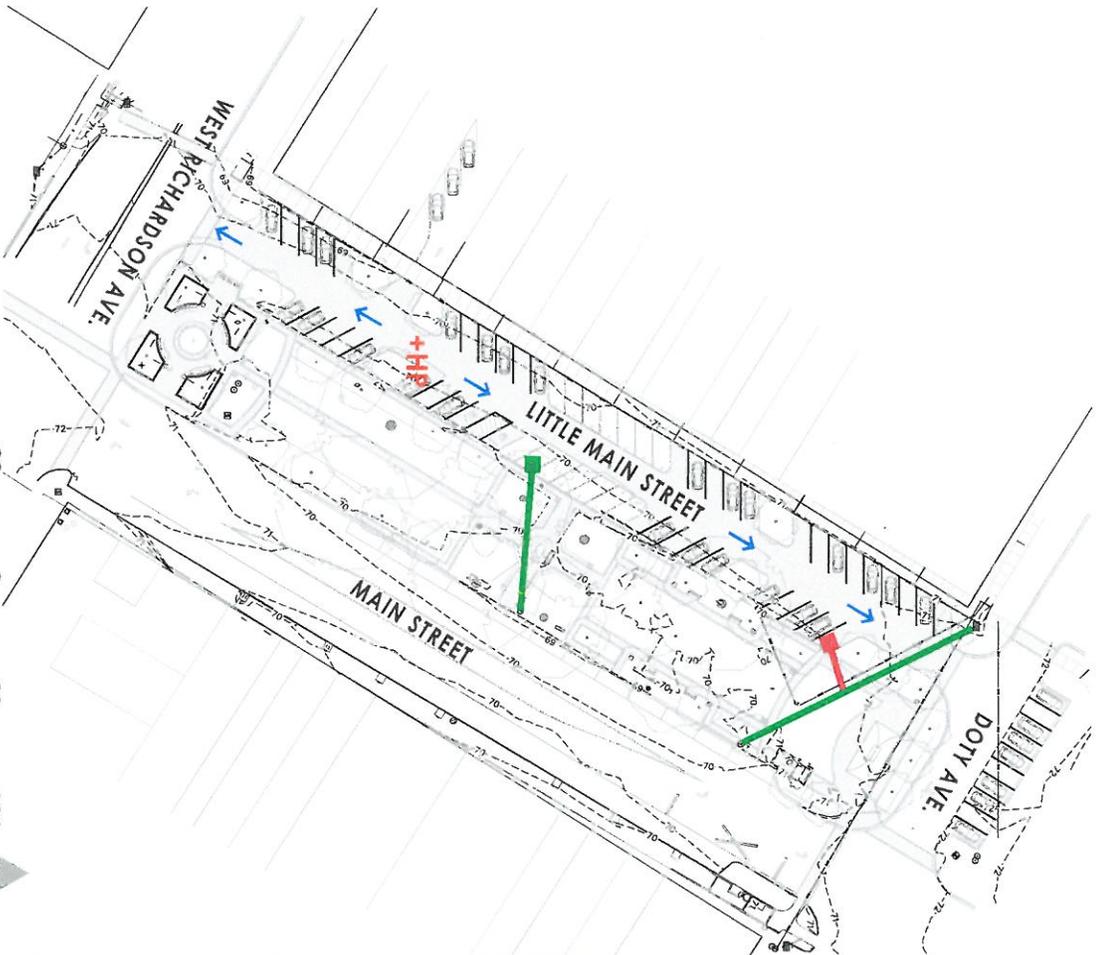
Town of Summerville
Standard Pedestrian Light

DRAINAGE LEGEND

- Existing Stormwater Pipe to be Cleaned
- Existing Drainage Inlet to be Replace
- Proposed Stormwater Pipe
- Proposed Drainage Inlet
- +HP High Point
- ↙ Flow Direction of Stormwater Runoff

DRAINAGE IMPROVEMENTS

The Drainage Master Plan suggests that existing pipe be replaced with additional stormwater pipe added to those existing runs, for additional drainage improvements. The parking lot at Little Main Street will be regraded and the existing crown in the drive aisle softened. The grades will slope towards existing drainage structures, as well as those that are proposed. Drainage pipes and structures that will remain as is should be cleaned to ensure that they are functioning properly. Grading within Hutchinson Square will remain primarily as is.



Existing Steep Crown at Little Main Street Parking

GRADING PLAN

PAVILION

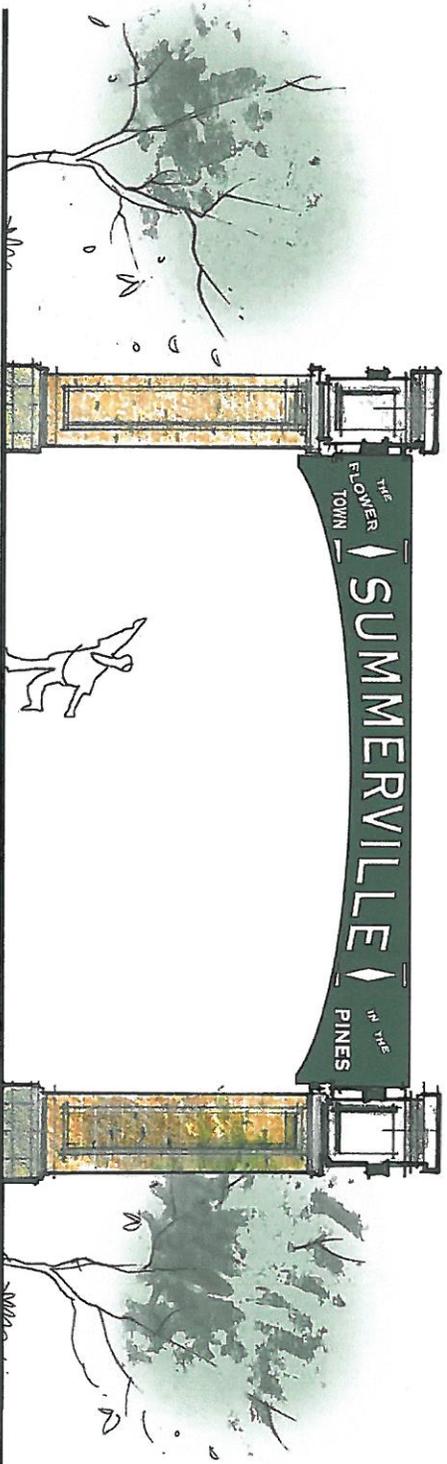
Taking architectural inspiration from the historic train depot that once existed adjacent to Hutchinson Square, the proposed pavilion provides a visual terminus to the Park. The structure measures approximately 780 square feet and sits on a slightly elevated platform. It provides a place for a multitude of activities and public gatherings.





GATEWAY / ENTRANCE FEATURE

Upon arriving into downtown Summerville, visitors and residents are greeted by a unique gateway feature at the corner entrance into Hutchinson Square. Located at the corner of Main Street and Doty Avenue, this gateway has been designed to pay tribute to the previous entrance sign that once stood over Main Street. The gateway features two brick columns framing a signage archway. The text style reflected in the sign is to match the historic text as much as possible.



Phase 1 (Construction Documents and Utility Upgrades) - \$333,794.00

- a) Construction documents, architectural (landscape and structural) drawings, and material specifications for the entire project (all five (5) phases).
- b) Electrical upgrades to include new electrical wiring, service panels, and street lighting (retrofitting existing street lights to LED and addition of new street lighting in square and along Little Main).
- c) New irrigation/water 'stub ups' to all areas of square (finalized in later phases).
- d) Upgrades to site drainage systems.
- e) New sidewalk/curbing along business front of Little Main.

Phase 2 (Renovation of Existing Hutchinson Square) - \$805,660.00

- a) Site work (removal of existing landscaping and hardscapes, site grading).
- b) Installation of new landscaping and finish irrigation installation.
- c) Installation of new hardscapes/sidewalks throughout square.
- d) Renovation of Christmas holly plaza (added hardscapes, seat walls, etc.).
- e) Installation of square centerpiece (fountain and/or sculpture).
- f) Installation of new site furnishings (park benches, bike racks, trash cans).

Phase 3 (Pavilion and Archway) - \$467,741.00

- a) Demolition of existing parking area at north end of square along Doty Ave.
- b) Construction of new parking area along railroad tracks at north end of square.
- c) Construction of pavilion and archway features.
- d) Installation of new landscaping at north end of square.
- e) Installation of new hardscapes/sidewalks at north end of square.

Phase 4 (Little Main) - \$586,683.00

- a) Demolition of existing paving on Little Main and grading.
- b) Specialty paving of Little Main (concrete or brick pavers).
- c) Installation of removable bollards for flexible parking area.
- d) Installation of street trees in landscaped areas.

Phase 5 (South Main) - \$198,225.00

- a) Installation of landscaping in median and replacement of street trees along business front to match Hutchinson Square/Little Main.
- b) ****Optional – removal of mast arm at corner of Hutchinson Square and installation of additional arm on pole at corner of Town Hall. (If we choose not to do this option, remove \$110,000 from the cost of this phase).*

TOTAL PROJECT COST (ALL FIVE PHASES) \$2,374,103.00

(a) The TOWN will make no use of the area occupied by the said easement which is inconsistent with the uses and the purposes for which the easement has been granted, and without limiting the generality of this provision, the TOWN agrees that no permanent structures such as buildings, sheds and other structures shall be placed upon the easement area described above at any time.

(b) SCPW agrees that in the event it becomes necessary in the future to disturb the surface in order to affect maintenance, repair or replacement, it will thereafter restore the surface to the extent practicable, including sodding, landscaping and replacing paved surfaces.

(c) The TOWN represents that the property above described is owned by the TOWN, free and clear of all liens and encumbrances.

TO HAVE AND TO HOLD, all and singular, the easement rights and privileges above described unto THE COMMISSIONERS OF PUBLIC WORKS OF THE TOWN OF SUMMERVILLE, SOUTH CAROLINA its successors and assigns.

And, the TOWN does hereby bind itself and its heirs, successors, administrators and assigns to warrant and forever defend all and singular the said premises unto THE COMMISSIONERS OF PUBLIC WORKS OF THE TOWN OF SUMMERVILLE, SOUTH CAROLINA its successors and assigns, against it and its heirs, successors and assigns and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

IN WITNESS WHEREOF, the TOWN has hereunto set forth its Hand and Seal this _____ day of _____, 20__.

SIGNED, SEALED AND DELIVERED (TOWN OF SUMMERVILLE)
IN THE PRESENCE OF:

Witness #1 (print name below signature)

By: _____

Title: Mayor

Witness #2 (print name below signature)

STATE OF SOUTH CAROLINA

)

) PROBATE

COUNTY OF DORCHESTER

)

PERSONALLY appeared before me the undersigned witness, who, on oath, states that he/she saw the within named Grantor through its authorized agent or officer sign, seal and as its act and deed, deliver the within written instrument and that he/she with the other witness whose signature appears above, witnessed the execution thereof.

Witness #1 (print name below signature)

SWORN TO before me this

_____ day of _____, 20__.

Notary Public for

My Commission Expires:

EXHIBIT I

JOHN P. & JEAN M. CARIGAN
 DEED BK/PG: 615/257
 T.M.S. #144-07-10-003
 PLAT CAB./PG: 1/377

PLANTERS VILLAGE
 DEED BK/PG: 2723/313
 LAT CAB./PG: D/119
 T.M.S. #144-00-00-027

NEW VARIABLE WIDTH SEWER EASEMENT
 ±228.35'

EXISTING 10' UTILITY EASEMENT (PLAT C/182)
 N 15°13'25" W
 205.98'

10'

16.75'

N 72°54'30" W
 39.75'

N 73°12'04" E
 147.54'
 SUMO PROPERTIES LLC
 DEED BK/PG: 8175/074
 T.M.S. #144-00-00-072
 PLAT CAB./PG: L/154

T.M.S. #144-00-00-041
 PLAT CAB./PG: C/182
 FIRE STATION # 2
 DEED BK/PG: 394/303
 AREA: 0.714 AC. (31,096 SQ. FT.)
 THE TOWN OF SUMMERVILLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	29.98'	47.21'	42.48'	S 27°56'01" W	90°14'00"
C2	92.00'	93.47'	89.50'	S 44°43'34" W	58°12'34"
C3	93.46'	54.36'	53.59'	S 00°05'28" E	33°19'27"

S 16°53'22" E 163.21'

LUDEN DRIVE (S-18-706) 60'R/W



Town of Summerville Grievance Committee

July 9, 2014 – July 9, 2017

Don Brown, Inspections

George Ploth, Parks and Recreation

Cassandra Williams, Police

Alternates:

Andy Mahon, Street

Mandy Pitcock, Court (appointed Aug. 10, 2015 to fill unexpired term)