



Town of Summerville
Council Meeting
Summerville Municipal Complex
Wednesday, May 13, 2015 at 7:30 p.m.
Revised
A G E N D A

1. **Invocation and Pledge of Allegiance** – Mayor Collins
2. **Presentation of FY 2014 Audit Report** – Charlotte Allen, Webster Rogers, LLP
3. **Public Comment**
4. **Approval of Minutes of Previous Meetings**
 - a. Council Meeting, April 8, 2015
5. **Approval of Council Committee Reports**
 - a. Finance Committee Report, May 11, 2015
 - b. Public Works Committee Report, May 6, 2015
6. **Petitions**
7. **Pending Bills and Resolutions**
8. **Introduction of Bills and Resolutions**
 - a. Introduction and first reading of an ordinance authorizing the transfer of property from the Town of Summerville to the Summerville Redevelopment Corporation
 - b. Introduction and first reading of an ordinance authorizing a quit-claim deed to adjacent property owners for a portion of unimproved right-of-way on E. 2nd South Street
 - c. Introduction and first 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 rights-of-way
9. **Miscellaneous**
 - a. Authorize the Mayor to execute an addendum to the contract with WastePro for the provision of solid waste collection services
 - b. *Approval of Amendment to tower site lease agreement at Fire Station III*
10. **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 APRIL 8, 2015

ATTENDANCE

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

CALL TO ORDER

The regular monthly meeting of Summerville Town Council was called to order at 7:30 p.m. on Wednesday, April 8, 2015. The meeting was opened with prayer by Ms. Garten-Schmidt, followed by the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Collins called for any comments from the public. Jane Orenstein representing the Cultural Arts Alliance gave an update on the Summerville Rocks project and invited everyone to attend their upcoming event on April 25th. Robin Caraway, owner of Four Green Fields and a representative of Summerville D.R.E.A.M., reported that they have exciting things coming up and invited everyone to attend their Third Thursday events. Carolyn Gorman requested that council reconsider the vote on the hotel project bond issue in light of recent legal filings for a motion for a partial summary judgement. She asked if council members have met with their constituents to ascertain how they feel about the project. She stated that the plaintiffs in the lawsuit have alleged that the town violated its purchasing ordinance and asked council not to commit any more money to the project until there is a ruling from the court. William Harbeson reported that no one has yet come out to clean out the culvert near his house. He also stated that he is concerned about truck traffic driving in front of his house and requested "No Thru Trucks" signs as they are in other parts of town. He also stated that he was concerned that the restaurant/bar area would not be sound proof. Joyce Delk of 208 Essex Drive stated that she felt compelled to ask council to vote "no" on the hotel bond and that council should hold off on taking any action until the lawsuit has been resolved. She was also concerned that there was no separation between the hotel and the condominiums. She also stated that she feels the hotel issue is a matter that should have transparency. Chris Melfi of 418 Central Avenue was concerned about the Pine Street/Central Avenue bridge reporting that support barriers have been added and that children play under that bridge. He is concerned that someone will get killed. He also requested sidewalks across the railroad tracks reporting that there were only two access points across the railroad. An unnamed woman stated that her husband spoke earlier and she wanted to

add to his comments. She stated that he mentioned a culvert on Laurel Street that needed to be cleaned but there is also a storm drain across the street that is totally clogged and would like to have that addressed also. Brian Peacher asked if the town made a payment to Applegate & Co. for preconstruction costs adding that, in his opinion, he finds it fiscally irresponsible to make payments for a project and issue bonds while the issue is still in the courts. Heyward Hutson said he had not intended to speak but he felt forced to challenge the claim that the town council is operating the same way it has for the last 40 years. He pointed out that boy scouts were present to see how government operates and asked about the 9 million dollars that was in reserve under the previous Mayor. Mayor Collins pointed out that that information is available online in the town's annual audit report. Mr. Hutson also requested that someone provide an explanation of the committee reports before approving them. Diane Frankenberger of 310 Central Avenue who also owns a business at 206 E. Richardson Avenue stated that she has lived all over the United States and has never been to a place where people can get up to address council and be so insulting and then treated so nicely in response adding that council has been very patient. She also reported that SCDOT is very close to repairing the bridge on Central Avenue. There being no further comments, the Mayor declared the public comments portion of the meeting closed.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Mrs. Garten-Schmidt made a motion, seconded by Mr. Bailey, to approve the minutes of the March 11, 2015 council meeting and the March 24, 2015 special council meeting as presented. The motion carried unanimously.

APPROVAL OF COUNCIL COMMITTEE REPORTS

Mr. Jackson made a motion, seconded by Mr. Jenkins, to approve the April 6, 2015 Finance Committee Report and the April 1, 2015 Public Safety Committee Report as submitted. The motion carried unanimously.

PETITIONS

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

PENDING BILLS AND RESOLUTIONS

Mr. Jenkins made a motion, seconded by Mr. Jackson, to have 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. The motion carried unanimously.

Mr. Bailey made a motion, seconded by Mr. Jenkins, to have 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. During discussion Mr. McIntosh stated that he did not vote for the franchise fee increase or first reading of the ordinance and hopes council will consider paying off the bond early. Mr. Jackson stated that he also voted against the franchise fee increase but feels that the town has much need for these roads. Mayor Collins called for the vote and Mr. Bailey, Mr. Jenkins, Ms. Garten-Schmidt, Mayor Collins, Mr. Brown and Mr. Jackson voted in favor of the motion and Mr. McIntosh voted against the motion. The motion carried.

INTRODUCTION OF NEW BILLS AND RESOLUTIONS

Mr. Brown made a motion, seconded by Mr. Jenkins, to authorize a Resolution adopting a Town of Summerville Right-of-Way Acquisition Policy. The motion carried unanimously.

Mr. Brown made a motion, seconded by Ms. Garten-Schmidt, to approve a Resolution authorizing construction improvements to Gahagan Plantation Trail by SCDOT. The motion carried unanimously.

MISCELLANEOUS

Ms. Garten-Schmidt asked Mayor Collins to explain to the public how the committee meetings and finance committee meetings work. Mayor Collins reported that there are four standing committees of council consisting of 3 members of council each: Planning and Development, Parks and Recreation, Public Works and Public Safety. He added that there is also a Finance Committee consisting of all members of council. These committees meet to consider the business of the town that falls within their jurisdictions. The Chairman of each committee then provides his or her report at the finance committee meeting to give other members of council and the public an opportunity to hear what took place. The reports are then forwarded to full council to be considered for approval.

ADJOURN

There being no further business, the meeting adjourned at 8:14 p.m. on motion of Mr. Brown, seconded by Mr. Jenkins.

Respectfully submitted,

Lisa Wallace, Director of Administrative Services
Clerk and Treasurer

APPROVED:

William C. Collins, Mayor

My comments April 8, 2015 Town Council meeting ~ Joyce Delk of 208 Essex Drive

The factor of the pending lawsuit about the Dorchester hotel/condo/conference center/parking garage project compels me to sincerely ask that our town council members vote "No" to the \$9.5 million bond sale. I am very concerned about "any" actions going forward at this time, financial or physical, until the completion of the suit. It would also be tragic if the town proceeds with demolition of the structures and cutting down trees which are on the planned location. It would be irreversible action, tragic, and heartbreaking to folks like myself.

The most important concern I have, believe it or not, is the fact that Mr. Applegate has refused to implement a separation space between the hotel and the condos. I think of fires. How about you? How much more secure I would feel if I were to live in a condo or stay there as a hotel guest if there were at least a reasonable gap space between them. I know that the construction will follow code with certain wall specifications which address the issue of fires, but I think we could do better! I strongly feel a separation would be better. I am disappointed that the BAR has approved the non-separation plan.

Something I find enlightening is a feasibility study, partially paid by town funds, that was done by Strategic Advisory Group and reported in the Journal Scene on March 1, 2012. The study group polled local corporations about their potential use of a center for meetings or training.

(Ref online <http://www.journalscene.com/article/20120301/SJ01/303019972>)

Quotes from the article are as follows: "Area corporations weren't enthusiastic about holding events in Summerville. Only 3 percent said they would probably book events at a Summerville civic center and 39 percent said they might or might not.

"Analysts prefer to see those positive responses in the 70-75 percent range, Reifert said. When he asked people why they wouldn't use a Summerville civic center, they tended to say their companies have space on-site or that they prefer to book events in Charleston where there's more to do."

A different matter I wish to comment about tonight is as follows: I feel that our Mayor and members of town council should be willing to answer questions posed by citizens at town council meetings when the question is about a public concern..... a matter deserving that all citizens at the meeting should hear, for policy, transparency, or for clarification. Surely if the answer is unknown at that moment, either it can be addressed later in the meeting, or at the next town council meeting! Transparency to the attendees is duly warranted and is important! Yes, I fully understand that a private individual's question for that which is only his or her individual situation should be addressed at another time and place, specifically during normal business hours of town offices.

Respectfully submitted,



Joyce Delk

**TOWN OF SUMMERVILLE
FINANCE COMMITTEE REPORT
MAY 11, 2015**

The Finance Committee met at 8:00 a.m. on Monday, May 11, 2015 in the Training Room of the Summerville Municipal Complex. Present were Mayor Bill Collins and Council members Walter Bailey, Aaron Brown, Kima Garten-Schmidt, Bob Jackson, Terry Jenkins and Bill McIntosh. Also present were Town Attorney, G.W. Parker, Director of Administrative Services, Lisa Wallace and Finance Director, Belinda Harper. Other staff members, members of the press and members of the public were also present.

Presentation of Financial Report	Belinda Harper presented the April 2015 financial report. The report was accepted as information.
Approval of Financial Requisitions	<p>Mr. Brown made a motion, seconded by Mr. Bailey, to add an additional \$300.00, for tax liability, to an earlier approved purchase order to Amick Equipment Co., Inc. in the amount of \$175,762 (new amount to be \$176,062) for a 2015 Tymco 600 Street Sweeper to be paid via lease purchase from BB&T. The motion carried unanimously.</p> <p>Mr. Bailey made a motion, seconded by Mr. Jenkins, to award the bid and issue a purchase order in the amount of \$214,755 to Green Wave Contracting, Inc. for sidewalk construction on S. Gum Street and E. Richardson Avenue to be paid from 2013 CDBG funds (\$171,948.21) and budgeted hospitality tax sidewalk funds (42,803.29). The motion carried unanimously.</p> <p>Mr. Jackson made a motion, seconded by Mr. McIntosh, to issue a purchase order to W.E. Davis Construction in the amount of \$50,120 for roofs over the fishing access areas of Jessen Boat Landing to be paid through a reimbursable grant from the S.C. Department of Natural Resources. The motion carried unanimously.</p>
Discussion of Council Committee Reports	Mr. McIntosh gave the report of the May 6, 2015 Public Works Committee meeting. Mr. Bailey indicated that he had some concerns about the proposed right of way improvements at the 90 degree curve on S. Main Street and would like this item sent to full council for consideration. [This item will be added to the June Council meeting agenda and a representative from DOT has been invited to attend.] The report was accepted as information.
Discussion of Proposed/Upcoming Council Agenda Items	There were no questions about the upcoming council meeting agenda.
Miscellaneous	<p>Mr. Brown made a motion, seconded by Mr. Jenkins, to approve the CDBG Five-Year Consolidated Plan and the 2015 Annual Action Plan. The motion carried unanimously.</p> <p>There was some discussion about the proposed tower site lease agreement at Fire Station III and questions about early termination terms, liquidated</p>

damages if the tower company goes bankrupt and ownership/removal of the structure, if necessary. Ms. Harper indicated that she would gather some additional information and this item could be re-considered at the upcoming council meeting.

Mr. Jenkins made a motion, seconded by Mr. Jackson, to declare eight (8) police vehicles as surplus (list attached) and authorize the sale of those vehicles. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Jackson, to declare a 1993 Pierce Arrow fire engine (#20) as surplus and authorize the sale of that vehicle. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Jenkins, to authorize the Chief of Police to present a Glock Model 23 SN XUT980 to Randy Olsen upon his retirement from the Summerville Police Department. The motion carried unanimously.

Executive Session	Mr. Jenkins made a motion, seconded by Mr. Brown to enter into executive session at 8:33 a.m. to discuss contractual matters related to solid waste collection services. The committee members returned to public session at 8:49 a.m. and announced that no action was taken.
Adjourn	There being no further business, the meeting adjourned at 8:49 a.m.

Respectfully submitted,



Lisa Wallace
Director of Administrative Services
Clerk/Treasurer

CDBG Five-Year Consolidated Plan/2015 Annual Action Plan Summary

On or before May 15, 2015, the Town is required to submit a Five-Year Consolidated Plan and 2015 Annual Action Plan to HUD to ensure continued participation in the Community Development Block Grant Program.

The Town's 2015 entitlement award is \$233,382. CDBG committee staff and the Mayor are proposing the following activities for Council approval in the 2015 Annual Action Plan:

Street Improvements: Hutchinson Square Rehabilitation- \$201,382

Allocated funding will be combined with project funding from the 2014 CDBG award to implement the future Council approved design for Hutchinson Square Park. Project work may entail installation of new street and landscape lighting, electrical and wiring upgrades, landscaping improvements, necessary sidewalk and paving treatments, fountain/benches and associated engineering costs.

Homeless Needs Support: Dorchester Home of Hope- \$30,000

Allocated funding will be used to pay monthly facility rental fees and transportation costs to 180 Place for supportive services for homeless individuals residing at Summerville's new men's homeless shelter. A sub-recipient agreement will be signed with the shelter upon acceptance of the grant award and will expire on June 30, 2016.

Program Administration- \$2,000

Allocated funding will be used to conduct administrative functions necessary to maintain compliance with rules and relations of the CDBG program (newspaper advertisements, report preparation, postage, office supplies, environmental reviews, staff training, etc.

Other Potential Projects Proposed in the Five-Year Consolidated Plan:

- Sidewalk Installation in Qualifying Areas
- Drainage/Stormwater Improvements in Qualifying Areas
- Street/Park Improvements in Qualifying Areas
- Future Rehabilitation of National Guard Armory Building
- Non-profit Organization Support
- Economic development initiatives in Qualifying Areas

Specific projects will be designated each year during the development of the Annual Action Plan and can be amended, as needed.

Wallace, Lisa

From: Owens, Bruce
Sent: Wednesday, April 22, 2015 9:45 AM
To: Wallace, Lisa
Subject: Vehicles to be Declared Surplus

Good Morning Lisa,

Please list the below vehicles on the Finance Committee meeting to be declared surplus. We actually took down 10 vehicles but I transferred two to the Fire Department.

DEADLINE VEHICLES

<u>Car #</u>	<u>Make</u>	<u>Year</u>
1. 153	Ford	2005
2. 155	Ford	2005
3. 161	Ford	2006
4. 163	Ford	2006
5. 172	Ford	2006
6. 187	Ford	2008
7. 188	Ford	2008
8. 199	Ford	2009

Thanks much,
Bruce

Bruce E. Owens
Chief of Police
Town of Summerville
300 West 2nd North Street
Summerville, S.C. 29483-6538

William C. Collins, Mayor

Council Members:

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



Town Clerk and Treasurer
Lisa L. Wallace

Town Attorney
G.W. Parker

Town of Summerville

**MINUTES
PUBLIC WORKS COMMITTEE MEETING
May 6, 2015**

Present: Bill McIntosh, Kima Garten-Schmidt, Russ Cornette
In Chairman Jenkins' absence, Bill McIntosh called the
meeting to order at 4:00 p.m. on Wednesday, May 6, 2015.

1. East 2nd South Street Right-of-way Quitclaim

Staff received a request from Steve and Trese-Ann Mount of 301 South Gum Street and Linda Sealy of 215 South Gum Street to quitclaim a portion of the unimproved right-of-way of East 2nd South Street. Their letter requested the property be quitclaimed at no cost or at a nominal cost. They also each sent a check for \$250 for the cost of the appraisal of the property.

The Town has no plans to improve this right-of-way, but there is a lot behind 301 South Gum that would become land locked and would not have legal access if the Town proceeded with the quitclaim. This lot is owned by Summerville Baptist Church. There are two other lots that front the Berlin Myers Parkway that are owned by SCDOT. Staff recommends the quitclaim, only if a portion of the right-of-way were retained or if an ingress/egress access easement was dedicated through the quitclaimed property to continue to provide access. Kima Garten-Schmidt made a motion to recommend to council that the Town quitclaim the Town's rights of way, only if all properties can be quitclaimed and all fees associated are paid by grantees. Councilman McIntosh seconded the motion.

2. South Main Street and Pine Grove Avenue Intersection Improvements

SCDOT has acquired federal safety funds to make improvements at the intersection US-17 and Pine Grove Avenue at the 90deg curve. From 2011 to 2014 there have been 32 accidents at or near this intersection. The causes of these accidents were for various reasons, but mostly Driving too Fast for Conditions (17) and Following too Closely (8). The SCDOT has plans to install a high-friction surface asphalt this fall to slow traffic and to help vehicles stop easier. They will be pruning limbs to open up site lines for the signs approaching the intersection this summer. They would also like to selectively clear a 100' site triangle that is in the right-of-way of the curve to increase and improve site distance around the curve. Before major clearing is done inside the curve, SCDOT wanted feedback from this committee. Photographs and exhibits will be available to review during the meeting. It was decided this item should be sent to full council.

3. Summerville CPW Quitclaim Request

Summerville CPW has requested the Town quitclaim portions of the West 1st North Street, West 2nd North Street, and North Cedar Street rights-of-way to them adjacent to their recently purchased property. The areas requested are between the SCDOT right-of-way lines and the Detmold Lines. The total area requested along the three roads total 0.33 acres. Summerville CPW has requested the Town waive any compensation for the quitclaim. Staff has no objections to the quitclaim. The rights-of-way would still leave enough room for sidewalks and utilities. Kima Garten-Schmidt made a motion to send to full council and Bill McIntosh seconded the motion.

4. New Business

Kima Garten-Schmidt requested staff discuss with SCDOT the installation of additional crosswalks at Berlin Myers Parkway and East Carolina Avenue.

There being no further business the meeting was adjourned at 4:35 p.m.

Respectfully submitted,

Dorothy D. Richards

**AN ORDINANCE AUTHORIZING THE TRANSFER OF PROPERTY FROM THE
TOWN OF SUMMERVILLE TO THE SUMMERVILLE REDEVELOPMENT
CORPORATION**

WHEREAS, on March 17, 2006, the Town of Summerville acquired property located at 208 Cedar Street and 210 A & B W. Richardson Avenue for the purpose of providing public parking for the downtown area; and

WHEREAS, it was later determined that it was in the best interest of the Town to construct a parking garage adjacent to the new Summerville Town Hall annex rather than on the Cedar Street location and consequently marketed the property for sale for a number of years; and

WHEREAS, on May 28, 2014, the Town of Summerville created the Summerville Redevelopment Corporation to help identify and redevelop blighted and/or conservation areas of the Town; and

WHEREAS, Summerville Town Council has determined that this property is in need of redevelopment and, in order to facilitate such redevelopment, desires to transfer ownership and title of this property to the Summerville Redevelopment Corporation.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Town Council, in Council assembled, that the Mayor and Clerk/Treasurer of the Town of Summerville are hereby authorized to transfer title and execute any necessary documents to convey TMS # 137-07-04-005 located at 208 Cedar Street and TMS #137-07-04-002 located at 210 W. Richardson Avenue to the Summerville Redevelopment Corporation.

Ratified this _____ day of _____, 2015.

First Reading _____

Second Reading _____

Approved:

William C. Collins, Mayor

Attest:

Lisa L. Wallace, Clerk/Treasurer

ADDENDUM TO CONTRACT

WHEREAS, the Town of Summerville ("the TOWN") has previously contracted with Waste Pro (CONTRACTOR) for the provision of Residential Solid Waste Collection plus enhanced recycling (collectively "the PARTIES") in a CONTRACT dated the 19th of October 2011; and

WHEREAS, the PARTIES desire to amend the CONTRACT so as to modify specifics therein; and

NOW THEREFORE, in consideration of mutual agreements, covenants, and considerations contained in the original contract, as well as this ADDENDUM, the TOWN, the CONTRACTOR hereby agree as follows:

1. The price effective January 1, 2016 will continue to be \$8.48 per month/per household unit. This price will be effective until December 31, 2016.
2. The price effective January 1, 2017 will increase to \$8.73 per month/per household unit after a CPI increase of 3%. Said CPI increase of 3% will only be increased if CONTRACTOR can show overall improvement in services, as determined by TOWN.
3. The term of this contract is changed to end on December 31, 2017. Upon agreement of the TOWN and the CONTRACTOR the CONTRACT may be extended for two (2) additional one (1) year terms
4. Except as modified herein, the existing CONTRACT between the PARTIES is confirmed. The adjustments reflected in this ADDENDUM, shall commence effective January 1, 2016.

IN WITNESS WHEREOF, The Town of Summerville and Waste Pro have executed this ADDENDUM on the _____ day of May 2015.

The Town of Summerville

Waste Pro

By: Mayor

By: Regional Vice President

Date: _____

Date: _____

ATTEST:

ATTEST:
