



**Town of Summerville**  
**Council Meeting**  
Summerville Municipal Complex  
**Wednesday, June 10, 2015 at 7:30 p.m.**  
*Revised*  
**A G E N D A**

1. **Invocation and Pledge of Allegiance** – Aaron Brown
2. **SCDOT Presentation:** Right-of-Way Improvements on S. Main Street
3. **Public Comment**
4. **Approval of Minutes of Previous Meetings**
  - a. Council Meeting, May 13, 2015
5. **Approval of Council Committee Reports**
  - a. Finance Committee Report, June 8, 2015
  - b. Public Works Committee Report, June 3, 2015
  - c. Planning and Development Committee Report, June 3, 2015
6. **Petitions**
  - a. Authorization to accept the petition and have first reading of an ordinance to annex TMS #144-16-02-008 located at 114 King Charles Circle to be zoned R2 "Single Family Residential"
7. **Pending Bills and Resolutions**
  - a. Second and final reading of an ordinance authorizing the transfer of properties located at 208 Cedar Street and 210 A & B W. Richardson Avenue (also known as the Finucan property) from the Town of Summerville to the Summerville Redevelopment Corporation
8. **Introduction of Bills and Resolutions**
  - a. Introduction and first reading of an ordinance authorizing a quit-claim deed to Nancy Deitch for a portion of Briarwood Lane right-of-way
  - b. Introduction and first 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"
  - c. Introduction and first 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"
9. **Miscellaneous**
10. ***Executive Session*** – *To discuss legal matters related to pending litigation and to receive legal advice on accommodation tax fund distributions*
11. **Adjourn**

William C. Collins, Mayor

*Council Members:*

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



*Clerk-Treasurer*

Lisa L. Wallace

*Town Attorney*  
G. Waring Parker

Town of Summerville

**COUNCIL MEETING MINUTES  
MAY 13, 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, May 13, 2015. The meeting was opened with prayer by Mayor Collins, followed by the Pledge of Allegiance.

**PRESENTATION OF AUDIT REPORT**

Charlotte Allen of Webster Rogers, LLP presented Town Council with the FY 2014 Audit Report. The report was accepted as information.

**PUBLIC COMMENTS**

Mayor Collins called for any comments from the public. Carolyn Gorman of Third and Magnolia Streets stated that the community development statute authorizes the formation of a redevelopment corporation to help blighted areas and she disputes that the area of the proposed hotel and conference center development is blighted. Dora Ann Reaves of Simmons Avenue and a representative Sculpture in the South invited everyone to attend a rededication of Fantasy Flight on Friday evening from 6 to 8 p.m. Louis Smith stated that the town is ahead of the bell curve by having successful town hall meetings with the Summerville Police Department. He applauded the Summerville Police Department for being a professional organization and thanked Mayor Collins for starting these town hall meetings. William Harbeson thanked the Mayor, his Councilmember, Terry Jenkins, and Dorothy of the Public Works Department for arranging to have the ditches and culvert cleaned out at 403 W. 2<sup>nd</sup> South Street. Adrian Kwist of 109 Reynolds Road spoke about the recent addition to the Italian Restaurant at the corner of W. Richardson Avenue and Short Central. He stated that it is his opinion that it is an eyesore and that he understands that the building may be in violation of some building codes. He added that if there are any code violations he hopes that the town will override the BAR's decision to approve the project.

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

Mr. McIntosh made a motion, seconded by Mr. Jackson, to approve the minutes of the April 8, 2015 council meeting as presented. The motion carried unanimously.

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

Mrs. Garten-Schmidt made a motion, seconded by Mr. Jenkins, to approve the May 11, 2015 Finance Committee Report and the May 6, 2015 Public Works Committee Report as submitted. The motion carried unanimously.

### **PETITIONS**

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

### **PENDING BILLS AND RESOLUTIONS**

Ms. Wallace reported that there were no pending bills or resolutions.

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

Mr. Jenkins made a motion, seconded by Mr. Brown, to introduce and have first reading of an ordinance authorizing the transfer of properties located at 208 Cedar Street and 210 A & B Richardson Avenue from the Town of Summerville to the Summerville Redevelopment Corporation. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Jackson, to introduce and have first reading of an ordinance authorizing a quit-claim deed to adjacent property owners for a portion of unimproved right-of-way on East 2<sup>nd</sup> South Street. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Jenkins, to introduce and have first reading of an ordinance authorizing a quit-claim deed to Summerville CPW for portions of W. 1<sup>st</sup> North Street and N. Cedar Street rights-of-way. The motion carried unanimously.

### **MISCELLANEOUS**

Mr. Jenkins made a motion, seconded by Mr. Bailey, to authorize the Mayor to execute an addendum to the contract with WastePro for the provision of solid waste collection services. Mr. Jackson requested a briefing on the addendum. Public Works Director, Russ Cornette, explained that the addendum allows for 2 one-year extensions. The first extension for 2016 would be at the same rate with a proposed CPI adjustment of 3% for 2017 – if the town chooses to grant the extension and adjustment based on performance. After some discussion about concerns over past performance and acknowledgement of their recent improvements, Mayor Collins called for the vote. Mr. Jenkins, Mr. Bailey, Ms. Garten-Schmidt, Mr. Jackson, Mr. McIntosh and Mayor Collins voted in favor of the motion and Mr. Brown voted against the motion. The motion carried.

Mr. Jackson made a motion, seconded by Mr. Brown, to authorize the approval of an amendment to the tower site lease agreement with American Tower at Fire Station III. The motion carried unanimously.

**ADJOURN**

There being no further business, the meeting adjourned at 8:06 p.m. on motion of Mr. Jackson, seconded by Mr. Jenkins.

Respectfully submitted,

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Lisa Wallace, Director of Administrative Services  
Clerk and Treasurer

APPROVED:

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William C. Collins, Mayor

**TOWN OF SUMMERVILLE  
FINANCE COMMITTEE REPORT  
JUNE 8, 2015**

The Finance Committee met at 8:00 a.m. on Monday, June 8, 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, Terry Jenkins and Bill McIntosh. Bob Jackson 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.

<b>Presentation of Financial Report</b>	Belinda Harper presented the May 2015 financial report. The report was accepted as information.
<b>Approval of Financial Requisitions</b>	There were no requests for financial requisitions.
<b>Discussion of Council Committee Reports</b>	Mr. Jenkins gave the report of the June 3, 2015 Public Works Committee meeting. Mr. McIntosh gave the report of the June 3, 2015 Planning and Development Committee meeting. The reports were accepted as information.
<b>Discussion of Proposed/Upcoming Council Agenda Items</b>	There were no questions about the upcoming council meeting agenda.
<b>Miscellaneous</b>	Mr. Bailey made a motion, seconded by Mr. Jenkins, to approve the State Accommodations Tax Advisory Committee recommendations so it could be opened for discussion. The motion carried. During discussion, there were some concerns about awarding an organization funding for a new event that does not already have a proven track record of success. There was also some discussion about organizations that also apply for hospitality tax funds for the same event. Mr. Bailey also raised concerns about the \$20,000 recommended for advertisement of the Summerville Trolley Service since it is a privately owned company. After further discussion, Mr. Bailey made a motion, seconded by Mr. Brown, to table approval of these recommendations until they could receive legal advice from the town attorney and after staff communicates their concerns to the State Accommodations Tax Advisory committee. The motion carried unanimously.
<b>Executive Session</b>	Mr. Bailey made a motion, seconded by Mr. Brown, to enter into executive session at 8:56 a.m. to discuss legal matters related to pending litigation and contractual matters related to a public-private partnership agreement with Applegate & Co. The motion carried unanimously. The Finance Committee returned to public session at 8:56 a.m. and announced that no action was taken.

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**Adjourn**

There being no further business, the meeting adjourned at 8:56 a.m.

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Respectfully submitted,



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Lisa Wallace  
Director of Administrative Services  
Clerk/Treasurer

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

Present: Terry Jenkins, Bill McIntosh

Chairman Jenkins called the meeting to order at 4:17 p.m. on Wednesday, June 3, 2015.

#### 1. Briarwood Lane Quitclaim Request

Staff received a request from Nancy Deitch of 101 Old Postern Road to quitclaim a portion of the Briarwood Lane Right-of-way. The rear of her property is adjacent to Briarwood Lane. The area being requested is triangular shaped and is approximately 230 square feet. A portion of this area is used for on-street parking and is not part of the travel way of the road. An exhibit is provided for reference. Staff recommends approval of the quitclaim request. Mr. McIntosh made a motion, seconded by Mr. Jenkins, to recommend approval of this request and to send to full council for final approval.

*There being no further business the meeting was adjourned at 4:19 p.m.*

Respectfully submitted,

Dorothy D. Richards

**PLANNING AND DEVELOPMENT COMMITTEE**

**REPORT** for

June 3, 2015

4:00 PM

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

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

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

**New Business:**

The first two items under new business were taken together as they were submitted together and reviewed together by the Planning Commission. These two items were the requests to rezone the following TMS#'s: 153-01-03-002 and 153-01-03-001, 1860 Bacon's Bridge Rd, 2 lots, owned by Andrew D. Branton; and, TMS#153-01-03-011 and 153-01-03-012, Bacon's Bridge Rd, 2 lots, owned by Lynn G. Branton all currently zoned R1, Single Family Residential to be rezoned to B1, Residential Business (Council District 5). Ms. Robinson stated that the Planning Commission held the public hearing for these rezoning requests in April and held the items until staff could provide additional information regarding restrictive covenants and an opinion from the Town's attorney. She also stated that the neighborhood was well represented by residents opposing the request including the submission of a signed petition. Staff explained the information found regarding the original plat of the neighborhood that included these properties as well as the reference to the recorded covenants that were obtained from the County's RMC office. Ms. Robinson stated that it appeared the covenants did apply to these properties and that because staff has been given knowledge of these covenants, even if the property were rezoned as requested by Council, the Town's attorney advised that staff would be prohibited from issuing any zoning permits allowing uses other than residential as directed by state statute, §6-29-114. The Planning Commission's motion that was tabled included a recommendation to approve as the Town's Comprehensive Plan does support the request as this area is considered appropriate for mixed commercial; but, the motion failed on the vote.

Mr. McIntosh suggested that a legal determination concluding the properties are not subject to the restrictive covenants could be sought by the property owners or the homeowner's association who is responsible for enforcing the covenants could release the properties from the covenants or amend the covenants. He also followed that should one of these definitive actions happen, he would support the request to rezone as the B1 zoning classification is most probably the best classification for the properties that front Bacon's Bridge Road due to the current widening and that there is B3 across the roadway as well as many properties along Bacon's Bridge that have already converted to more lenient commercial uses than the Town's B1 zoning classification that allows professional offices as the extent of commercial uses. He also included that the Town's Comprehensive Plan recognized the changing conditions and supports commercial uses in this area. Mr. Jackson suggested that during the current work with the rewriting of the Town's zoning ordinance that changes to areas with similar situations be considered along with the county's zoning classifications. Ms. Robinson provided that the covenants would still be in place and with the current state statute, staff would not be able to issue permits for commercial uses. Mr. Jackson offered to table the request to work with the property owners until they could seek a remedy

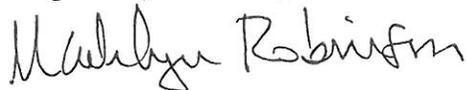
regarding the covenants. Mr. Bailey stated he would support the tabling as did Mr. McIntosh. Mr. Jackson made a motion to table the request with Mr. Bailey making the second. The motion carried unanimously.

The third item on the agenda was the request to annex the following Dorchester County property: TMS# 144-16-02-008, 114 King Charles Circle, owned by Thomas William Wolter & Patricia Kulina Wolter, currently zoned R1, Single Family Residential in Dorchester County and to be zoned R2, Single Family Residential upon annexation into the Town of Summerville's municipal limits. (Council District 5). Ms. Robinson explained that the property owners are currently building a new home on the property and in order to have access to sewer from SCPW, they are required to petition to annex. She stated that the Planning Commission made a recommendation to approve the annexation with the requested zoning classification as that is the classification the Newington Plantation neighborhood. Mr. Bailey made a motion to recommend approval with Mr. Jackson making the second. The motion carried unanimously.

The final item on the agenda was the request to approve the rezoning of the following parcels to R2, Single Family Residential from the current zoning classifications as indicated: TMS#s130-10-00-027, 130-10-00-028, 130-10-00-087, 130-10-00-089 – all I1, Industrial; and, 130-14-00-019 and a portion of 130-14-00-003 tracts B-3-1 & B-3-2 – all R5, Mixed Residential, all located at 500 Bryan Street and owned by Dorchester District II Schools (Council District 1). Ms. Robinson explained that the school district had purchased these parcels and was requesting the rezoning in order to abandon the interior property lines and include all of the properties under one parcel number. She stated that the Planning Commission recommended approval. Mr. Bailey asked if the PL, Public Lands, classification had been considered or could be applied. Ms. Robinson explained that the Town had historically used that classification for Town owned properties as well as those owned by SCPW but that the post office on N. Gum St. was also zoned PL. She said other government owned properties such as those by the school district, county, state and the post office in Oakbrook were not zoned PL. Mr. Bailey asked if that was due to the ordinance or policy. Ms. Robinson stated that she felt it was more towards policy as the ordinance allows for any parcel owned by a government agency could be zoned PL. Ms. Shuler offered that perhaps the PL classification was not used for other government owned properties because language in the ordinance stated that Town Council must approve plans. Mr. McIntosh offered that Council probably would not want to review any plans that could best be responded to by the government agency that owned the property, such as the school district for school properties. Mr. Bailey made a recommendation to approve the rezoning request with Mr. Jackson making the second. The motion carried unanimously.

Following no additional business or discussion, the meeting was adjourned at 4:13 by the chairman.

Respectfully submitted,



Madelyn Robinson, AICP  
Director of Planning & Economic Development

June 4, 2015

ORDINANCE

TO ANNEX TO, AND INCORPORATE WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUMMERVILLE, THE AREA OWNED BY THOMAS WILLIAM WOLTER AND PATRICIA KULINA WOLTER 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 # 144-16-02-008, located at 114 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.

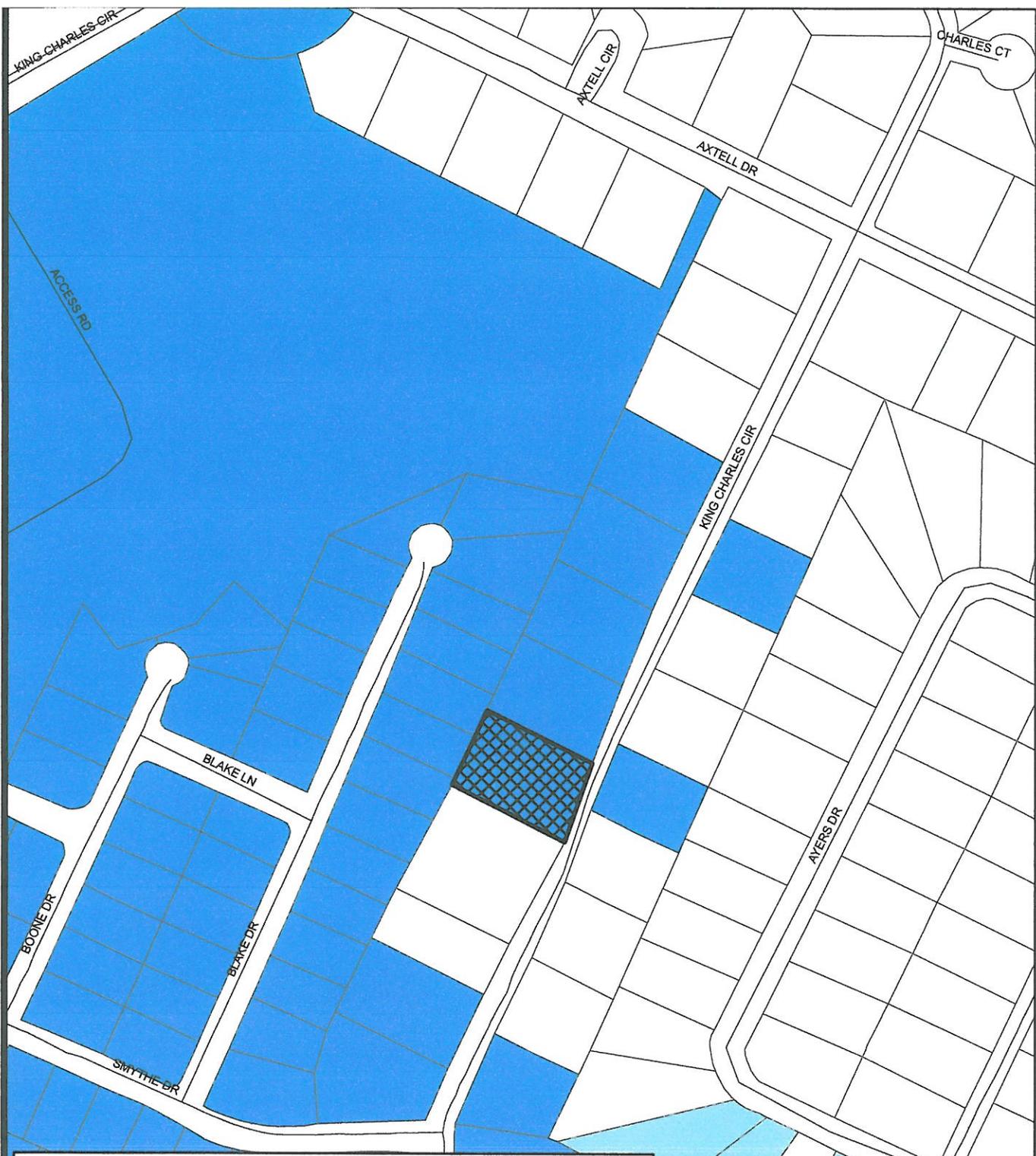
\_\_\_\_\_  
William C. Collins, Mayor

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

PUBLIC HEARING: May 18, 2015

FIRST READING: June 10, 2015

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



**Annexation of 144-16-02-008**  
**114 King Charles Circle**  
**To be zoned R-2, Single Family Residential**



**Legend**

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



Disclaimer: This map is a graphic representation of data obtained from various sources. All rights reserved.

**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

May 13, 2015

Second Reading

\_\_\_\_\_

Approved:

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

Attest:

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

ORDINANCE

To Amend the Zoning Map of the Town of Summerville

BE IT ORDAINED, by the Mayor and Council members of the Town of Summerville in Council assembled that the following parcels all owned by Dorchester District 2 schools, known as TMS# 130-10-00-027, 130-10-00-028, 130-10-00-087, 130-10-00-089 all currently zoned I1, Industrial; and, TMS#s 130-14-00-019, and portions of 130-14-00-003 (tracts B-3-1 and B-3-2) all currently zoned R5, Mixed Residential and all located at 500 Bryan St. be rezoned to the classification of R2, Single Family Residential.

The Zoning Map of the Town of Summerville is hereby amended so as to incorporate this change.

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

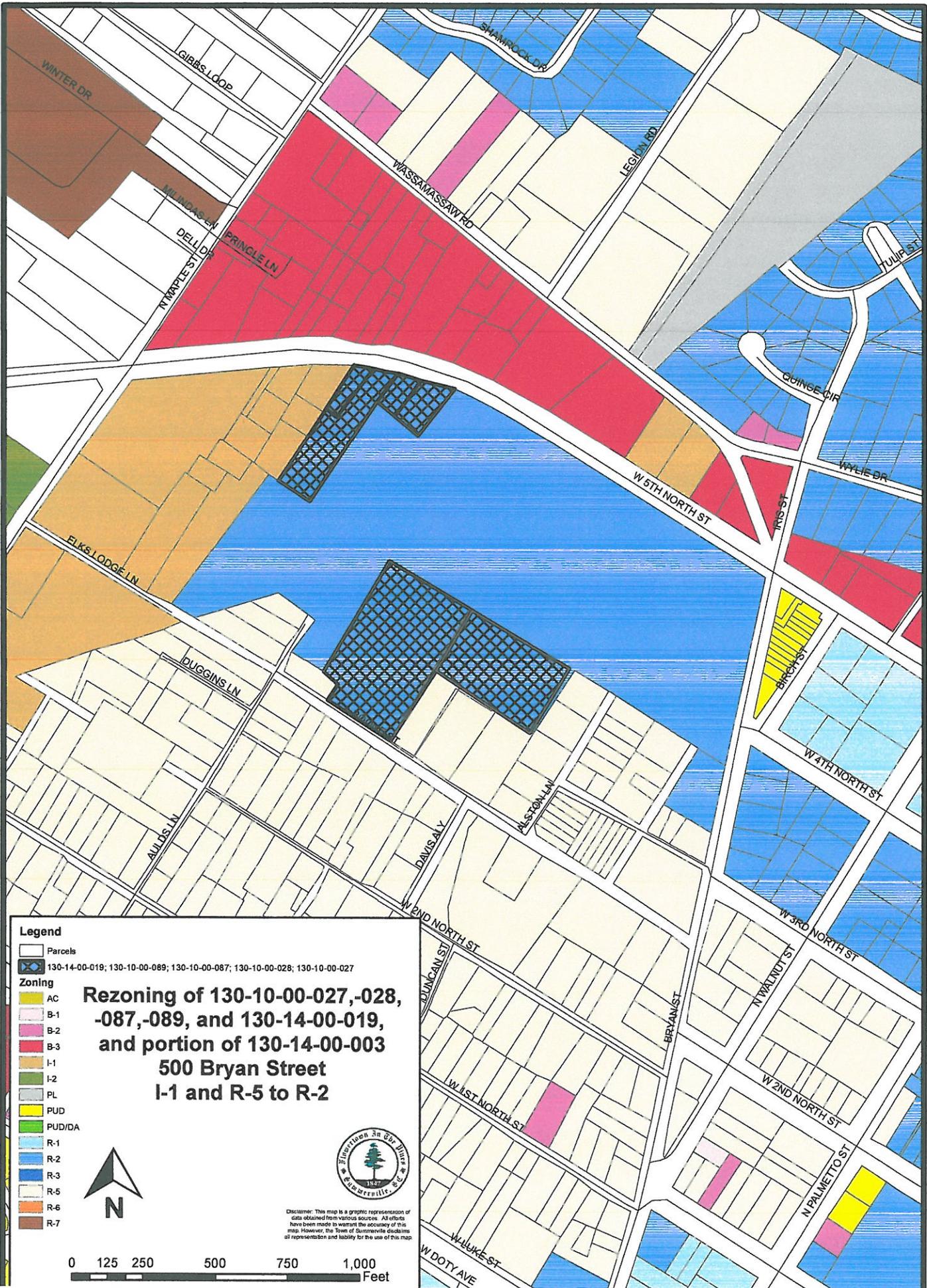
\_\_\_\_\_  
William C. Collins, Mayor

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

PUBLIC HEARING: May 18, 2015

FIRST READING: June 10, 2015

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



**Legend**

Parcels

130-14-00-019; 130-10-00-089; 130-10-00-087; 130-10-00-028; 130-10-00-027

**Zoning**

- AC
- B-1
- B-2
- B-3
- I-1
- I-2
- PL
- PUD
- PUD/DA
- R-1
- R-2
- R-3
- R-5
- R-6
- R-7

**Rezoning of 130-10-00-027, -028, -087, -089, and 130-14-00-019, and portion of 130-14-00-003**  
**500 Bryan Street**  
**I-1 and R-5 to R-2**



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



0 125 250 500 750 1,000 Feet

**AN ORDINANCE AMENDING SECTION 16-5 OF THE CODE OF ORDINANCES FOR THE TOWN OF SUMMERVILLE TO CLARIFY THE DEFINITION OF "PUBLIC PLACE"**

**WHEREAS**, Section 16-5 of the Code of Ordinances for the Town of Summerville governs matters involving possession of alcoholic beverages within the Town limits and provides for the regulation of possession of an open container; and,

**WHEREAS**, Town Council desires to clarify public places wherein the possession of alcoholic beverages are exempted from the provisions prohibiting possession of an open container; and,

**BE IT HEREBY ORDAINED BY** Town Council, in a meeting duly assembled, that Section 16-5 of the Code of Ordinances shall be amended as follows:

*Sec. 16-5. – Possession of alcoholic beverages in public places.*

A. It shall be unlawful for any person to have in his possession any beer, wine, or distilled liquor in an open container, or in any container with a broken seal, in any public place with the corporate limits of the Town of Summerville, except as provided herein below.

B. For the purposes of this Section the term "public place" shall be defined as:  
1) any real property owned by any Federal, State, County, or Municipal Government or any agency thereof; ~~and, 2)~~ or any real property, regardless of ownership, which is open to members of the public, save and except real property where drinking is allowed pursuant to a permit or license from the State of South Carolina.

C. The prohibition provided in Section A regarding beer and wine herein above shall not be applicable to: 1) Any areas designated by Resolution of Town Council as a Special Events Area to include, but not limited to, any public park, street sidewalk or any portion thereof, for limited durations, and designated as the site of a public festival or other special event; or, 2) Any areas as designated in a Special Event Permit issued by the Town pursuant to the provisions of Section 24-71 et seq., of the Code of Ordinances for the Town of Summerville.

D. The application of this Section shall in no way affect the enforcement or prosecution of violations of Section 16-4, Disorderly Conduct, or of Section 16-5.1, Public Intoxication, or of any other Town Ordinance or State law.

Ordinance No. \_\_\_\_\_

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Done this \_\_\_\_\_ day of \_\_\_\_\_, 2015, at Summerville, South Carolina.

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

Attested to:

\_\_\_\_\_  
Lisa Wallace, Clerk of Council