



Town of Summerville Council Meeting

Thursday, May 14, 2020 - 6:00 p.m.

Virtual Meeting

Meeting will be livestreamed via YouTube. The link to the livestream will be available on the Town's website: www.summervillesc.gov

Recording will be posted on the website after the meeting

AGENDA

1. Call to Order

2. Invocation - Councilmember Terry Jenkins

3. Approval of Minutes of Previous Meetings

- a. Town Council Meeting – April 9, 2020
- b. Standing Committee Meetings – April 9, 2020

4. Public Comment – *For items on the May 14, 2020 Town Council meeting agenda only*

Public comments must be emailed to publiccomments@summervillesc.gov by 5pm on Thursday, May 14, 2020. Submissions will be read by the Town Clerk during the meeting. Please note that your email in its entirety will become public record upon submission.

5. Public Hearing

Proposed development agreement between the Town of Summerville and HIC LAND, LLC. regarding Town of Summerville (Berkeley County) parcel TMS#208-00-02-013, approximately 973 acres, located along Interstate 26, Drop Off Drive, and Linda Way, Summerville, SC.

The public may submit their comments for the public hearing to publiccomments@summervillesc.gov by 5pm on Thursday, May 14, 2020. Submissions will be read by the Town Clerk during the meeting. Please note that your email in its entirety will become public record upon submission.

6. Petitions:

- a. Petition by Lina and Francisco Elizondo to annex Charleston County TMS# 379-00-00-028 (approximately 0.21 acres), located at 516 E. Richardson Avenue, currently zoned R-4 Single-Family Residential in Charleston County and will be zoned GR-5 General Residential upon annexation into the Town of Summerville's municipal limits. (Proposed Council District 1) *Planning Commission held a public hearing and made a recommendation for approval at their meeting on April 20, 2020.*

- b. Petition by James P. Doherty and Andrea Doherty to annex Dorchester County TMS# 136-12-01-019 (approximately 0.39 acres), Lot 3, Block D, located at 1116 Central Avenue, currently zoned R-2 Single-Family Residential in Dorchester County and will be zoned GR-5 General Residential upon annexation into the Town of Summerville's municipal limits. (Proposed Council District 4) *Planning Commission held a public hearing and made a recommendation for approval at their meeting on April 20, 2020.*

7. Pending Bills and Resolutions:

- a. Second and final reading of an ordinance to annex Dorchester County TMS#'s 130-00-00-020, 716 N. Maple Street; 130-00-00-004, 156 Labyrinth Lane; 130-00-00-005, 708 N. Maple Street; 130-00-00-006, 712 N. Maple Street; 130-00-00-036, N. Maple Street; 130-00-00-033, Old Dairy Road; 130-00-00-019, 81 E. Turner Street; and 130-00-00-034, N. Maple Street; and Berkeley County TMS# 730-00-00-036, Old Dairy Road (approximately 250.046 acres total), currently zoned R-4 Multifamily Residential in Dorchester County and Flex-1 in Berkeley County and will be zoned PUD, Planned Development District upon annexation into the Town of Summerville's municipal limits. (Proposed Council District 1)

- b. Second and final reading of an ordinance to annex Dorchester County TMS# 145-07-03-029 (approximately 0.27 acres), Lot 40, located at 109 Dove Lane, currently zoned R-2 Single-Family Residential in Dorchester County and will be zoned GR-5 General Residential upon annexation into the Town of Summerville's municipal limits. (Proposed Council District 3)

- c. Second and final reading of an ordinance to temporarily suspend portions of the provision of Town Ordinances Sections 8-122. – Payment (Accommodation Taxes) and 8-124. – Violation and Penalties (for non-payment of Accommodation Tax) and to correct the mailing address for payment.

- d. Second and final reading of an ordinance to temporarily suspend the provision of Town Ordinance Section 8-142 – Payment of Local Hospitality Tax and Sections 8-145 – Violations.

- e. Second and final reading of an ordinance to temporarily suspend the provision of Town Ordinance Section 8-42. – Delinquent License Taxes; Partial Payment. Subsection (a).

8. Introduction of Bills and Resolutions

- a. First reading of an ordinance to amend Ordinance 2-291(a) by changing the fiscal year to begin on July 1, and end on June 30 of each year.
- b. First reading of an ordinance to amend the Summerville Unified Development Ordinance Title 8 Tree Protection, Landscaping & Screening, Chapter 3 Tree Protection, Subsection 3.B.3. Preservation During Construction.
- c. First reading of an ordinance approving a Proposed Development Agreement for HIC LAND, LLC (Whitfield Tract) or its successor in title and authorizing the execution and delivery of a Development Agreement and other instruments including the implementation of a Planned Unit Development document relating thereto by and between the Town of Summerville and HIC LAND, LLC– Berkeley County TMS# 208-00-02-013 for a total of 973 acres.
- d. First reading of an ordinance to amend the Summerville Comprehensive Plan Section I and Town of Summerville Future Land Use Map #2, currently designated as Employed Growth District to Neighborhood Mixed Use with a Commercial Activity Center Focal Point at the area closest to Interstate 26.

9. Miscellaneous

- a. Consideration of agreement between the Town of Summerville and Dorchester County for the provision of fire service in the Miles Road area.

10. Adjourn

Mayor
Ricky Waring

Council Members:
Bob Jackson
Walter Bailey
Aaron Brown
Christine Czarnik
Kima Garten-Schmidt
William McIntosh



Town Administrator
Rebecca Vance

Town Clerk
Beth Messervy

Town Attorney
G.W. Parker

Town of Summerville

COUNCIL MEETING MINUTES April 9, 2020

ATTENDANCE

Present: Mayor Ricky Waring, Councilmembers Kima Garten-Schmidt, Terry Jenkins, Walter Bailey, Aaron Brown, Bob Jackson and Bill McIntosh. A quorum was present. Staff was also present. Public and press were duly notified. The meeting was held virtually via Zoom meetings and livestreamed on YouTube.

CALL TO ORDER

The regular monthly meeting of Summerville Town Council was called to order at 6:00pm on Thursday, April 9, 2020 by Mayor Waring. The meeting was opened with prayer led by Councilmember Bob Jackson, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Jenkins made a motion, seconded by Mr. Brown, to approve the minutes of the March 12, 2020 Council meeting, the March 16, 2020 Special Called Council meeting, and the March 19, 2020 Special Called Council meeting. The motion carried unanimously, and the minutes were accepted into record.

PUBLIC COMMENT (Items on the 4/9/20 agenda)

Due to the meeting being held virtually, public comments were accepted via email before 5pm on Thursday, April 9, 2020. The Town Clerk read the public comments out loud:

Peter Gorman of South Magnolia Street wrote in opposition of the annexation of a Planned Unit Development that he states “violates or ignores many of our UDO design and development ordinance requirements.”

PETITIONS:

Mr. Jenkins made a motion, seconded by Mr. Jackson, to approve the petition by William Tolman Salisbury, Jr.; The Tolman Salisbury Family L.P.; William T. & Kathy J. Salisbury (JTROS); Danny L. Wright, II & Jennifer S. Wright; Kathy J. & W. Tolman Salisbury (JTROS); William T. Salisbury, Jr.; and William L. McCormick to annex Dorchester County TMS#'s 130-00-00-020, 716 N. Maple Street; 130-00-00-004, 156 Labyrinth Lane; 130-00-00-005, 708 N. Maple Street; 130-00-00-006, 712 N. Maple Street; 130-00-00-036, N. Maple Street; 130-00-00-033, Old Dairy Road; 130-00-00-019, 81 E. Turner Street; and 130-00-00-034, N. Maple Street; and Berkeley County TMS# 730-00-00-036, Old Dairy Road (approximately 250.046 acres total), currently zoned R-4 Multifamily Residential in Dorchester County and Flex-1 in Berkeley County and will be zoned PUD, Planned Development District upon annexation into the Town of Summerville's municipal limits. (Proposed Council District 1). The motion carried 6-0, with Mr. McIntosh formally recusing himself of the vote.

Mr. McIntosh made a motion, seconded by Mr. Jackson, to approve the petition by Evan Bentley and Lily Sooter to annex Dorchester County TMS# 145-07-03-029 (approximately 0.27 acres), Lot 40, located at 109 Dove Lane, currently zoned R-2 Single-Family Residential in Dorchester County and will be zoned GR-5 General Residential upon annexation into the Town of Summerville's municipal limits. (Proposed Council District 3). The motion carried unanimously.

PENDING BILLS AND RESOLUTIONS

Mr. McIntosh made a motion, seconded by Mr. Jenkins, to approve second and final reading of an ordinance to annex Dorchester Co. TMS#s 129-05-10-003, -004, -005, -006, -007, -008, and -009; 129-05-09-007, -008, -009, -010, -011, -012, -013, and -014; and 129-09-06-009, -010, and -011, located along Renau Blvd., Major Dr., Michele Dr., and Richard Dr.; 18 parcels and two quit-claimed unimproved right-of-ways totaling approximately 8.5 acres. Currently zoned R-1(M), Single-Family Residential Manufactured Housing in Dorchester County and will be zoned GR-5, General Residential, upon annexation into the Town of Summerville's municipal limits. (Council District 4). Some discussion followed. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. McIntosh, to approve second and final reading of an ordinance to amend the Summerville Unified Development Ordinance, Chapter 13, Section 13.5.2.A, Site Analysis. Some discussion followed. The motion carried unanimously.

INTRODUCTION OF BILLS AND RESOLUTIONS

Mr. Jackson made a motion, seconded by Mr. Bailey, to approve first reading of an ordinance to temporarily suspend portions of the provision of Town Ordinances Sections 8-122. – Payment (Accommodation Taxes) and 8-124. – Violation and Penalties (for non-payment of Accommodation Tax) and to correct the mailing address for payment. Some discussion followed. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Jackson, to approve first reading of an ordinance to temporarily suspend the provision of Town Ordinance Section 8-142 – Payment of Local

Hospitality Tax and Sections 8-145 – Violations. Some discussion followed. The motion carried unanimously.

Mr. Brown made a motion, seconded by Mr. Bailey, to approve first reading of an ordinance to temporarily suspend the provision of Town Ordinance Section 8-42. – Delinquent License Taxes; Partial Payment. Subsection (a). Some discussion followed. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Ms. Garten-Schmidt, to approve first reading of an ordinance to renew Emergency Ordinance No. 20-0401 suspending the normal operating procedures of the Summerville Town Council and to authorize the Town Administrator and Mayor to develop and enact a plan to ensure the continuity in the delivery of Government Services during the 2019 Novel Coronavirus (“COVID-19”) Emergency. Some discussion followed. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Brown, to approve an amendment to the organizational chart of the Town of Summerville to create Division of Building Services. The motion carried unanimously.

MISCELLANEOUS

Mr. Jackson made a motion, seconded by Ms. Garten-Schmidt, to approve amendments to the leases of Town owned property on West Richardson Avenue. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Bailey, to approve emergency pay for non-exempt employees required to report for duty. The motion carried unanimously.

ADJOURN

There being no further business, the meeting adjourned at 6:23pm on motion of Mr. Jenkins, seconded by Mr. Brown.

Respectfully Submitted,

APPROVED:

Beth Messervy, Town Clerk

Ricky Waring, Mayor



TOWN OF SUMMERVILLE PARKS & RECREATION DEPARTMENT

"Creating Sense of Place Through Parks & Play"

TO: Beth Messervy, Town Clerk
CC: Rebecca Vance, Town Administrator
FROM: Amy Evans, Parks & Recreation Director
DATE: April 10, 2020
RE: April 2020 Parks & Recreation Committee Meeting Minutes

The Parks & Recreation Committee met virtually on Thursday April 9th, 2020 using Zoom. The meeting was streamed live on YouTube. Committee members Kima Garten-Schmidt, Aaron Brown, and Chairman Bob Jackson participated in the meeting. Chairman Bob Jackson called the meeting to order at 5:30PM.

- 1) Consideration of purchase of tables and chairs for Rollins Edwards Community Center
 - a. Ms. Evans shared with committee members that the current storage capacity at the RECC will allow for 200 tables and chairs. The total costs for racks, tables, and chairs is estimated at \$17,624.63 for 200 people and \$29,700.10 for 300 people. Ms. Evans shared that if more than 200 tables and chairs are desired, an outdoor storage building and an additional sidewalk will need to be built.
 - b. After some discussion Mr. Brown made a motion (seconded by Ms. Garten-Schmidt) to approve the purchase of tables and chairs to accommodate 200 people for the Rollins Edwards Community Center. The motion passed unanimously.

With no other business to discuss, Ms. Garten-Schmidt made a motion (seconded by Mr. Brown) to adjourn. Motion passed unanimously and the meeting adjourned at 5:34 PM.

Sincerely,

Amy Evans
Director, Parks & Recreation
Town of Summerville

PLANNING AND DEVELOPMENT COMMITTEE

REPORT for

April 9, 2020

5:30 PM

Virtual Meeting

The Planning and Development Committee of Town Council met on April 9, 2020 immediately following the Parks and Recreation Committee. The meeting was held virtually through Zoom Cloud Meetings. Committee members present included Bill McIntosh, Council District 4, Bob Jackson, Council District 6, and Terry Jenkins, Council District 2. Staff members present included Jessi Shuler, AICP, Director of Planning; and other Town staff.

The meeting was called to order at 5:35 PM by Mr. McIntosh.

Annexations:

Ms. Shuler introduced the petition by William Tolman Salisbury, Jr.; The Tolman Salisbury Family L.P.; William T. & Kathy J. Salisbury (JTROS); Danny L. Wright, II & Jennifer S. Wright; Kathy J. & W. Tolman Salisbury (JTROS); William T. Salisbury, Jr.; and William L. McCormick to annex Dorchester County TMS#'s 130-00-00-020, 716 N. Maple Street; 130-00-00-004, 156 Labyrinth Lane; 130-00-00-005, 708 N. Maple Street; 130-00-00-006, 712 N. Maple Street; 130-00-00-00-036, N. Maple Street; 130-00-00-033, Old Dairy Road; 130-00-00-019, 81 E. Turner Street; and 130-00-00-034, N. Maple Street; and Berkeley County TMS# 730-00-00-036, Old Dairy Road (approximately 250.046 acres total), currently zoned R-4 Multifamily Residential in Dorchester County and Flex-1 in Berkeley County and will be zoned PUD, Planned Development District upon annexation into the Town of Summerville's municipal limits. She stated that this annexation would be in Council District 1, and the Planning Commission held a public hearing and recommended approval at their meeting on March 16, 2020. Mr. McIntosh asked if the Committee had any questions. Hearing none, Mr. Jenkins made a motion to send the annexation to full Council for first reading with a recommendation for approval, and Mr. Jackson made the second. Mr. Jackson stated that the commercial area being modeled after Bluffton is great, and he believes it will fit in well with the Town. Following his comments, Mr. McIntosh called for the vote, and the motion passed with Mr. McIntosh abstaining.

Ms. Shuler introduced the next petition by Evan Bentley and Lily Sooter to annex Dorchester County TMS# 145-07-03-029 (approximately 0.27 acres), Lot 40, located at 109 Dove Lane, currently zoned R-2 Single-Family Residential in Dorchester County and will be zoned GR-5 General Residential upon annexation into the Town of Summerville's municipal limits. She stated that this annexation would be in Council District 3, and the Planning Commission held a public hearing and recommended approval at their meeting on March 16, 2020. Mr. McIntosh asked if this property was already developed, and Ms. Shuler confirmed that it already had a single-family home. He then questioned if the annexation was due to SCPW service. Ms. Shuler explained that it was not due to the need for sewer service, but that the homeowner recently purchased the property and wanted Town services, such as trash pick-up. Following the discussion, Mr. Jackson made a motion to send the annexation to full Council for first reading with a recommendation for approval, and Mr. Jenkins made the second. The motion passed unanimously.

Following no additional business or discussion, the meeting was adjourned at 5:40 PM on a motion by Mr. Jenkins, and a second by Mr. Jackson.

Respectfully submitted,



Jessi Shuler, AICP
Director of Planning

April 10, 2020

TOWN OF SUMMERVILLE
FINANCE COMMITTEE REPORT
April 9, 2020

The Finance Committee met on Thursday, April 9, 2020 virtually via Zoom meetings and broadcast on YouTube. Present were Mayor Waring and Committee members Bob Jackson, Aaron Brown, Walter Bailey, Kima Garten-Schmidt, Terry Jenkins and Bill McIntosh. Also present were Town Clerk Beth Messervy and Town Attorney G.W. Parker. Other staff members, members of the press and members of the public were duly notified.

Welcome	Mayor Waring welcomed everyone and called the meeting to order at 5:41pm.
Presentation of Financial Report	Andrew Shelton presented the March 2020 financial report. The report was accepted as information.
Vehicle Surplus	<p>Mr. Jenkins made a motion, seconded by Mr. Jackson, to approve the surplus of the following Stormwater Department vehicles:</p> <ul style="list-style-type: none"> a. W119 2000 Ford F-150 extended cab pickup b. W121 1997 Ford F-450 utility dump truck c. WT123 1997 Hudson 12 Ton dual axle equipment trailer <p>The motion carried unanimously.</p>
Financial Requisitions	<p>Mr. Jenkins made a motion, seconded by Mr. Jackson to approve the Town Administrator to negotiate and enter into an Agreement with AIS Advanced Imaging Systems, SC State Term Contract Number 4400010342, for the purposes of records conversion in the amount of \$268,401.13. Funds to come from fund balance. Some discussion followed. The motion carried unanimously.</p> <p>Mr. Jackson made a motion, seconded by Mr. Bailey to approve the purchase order to Dillon Supply Company in the amount of \$51,115.75 for Yale Crane and Installation. The request is from the Maintenance Dept and funds come from budgeted funds. The motion carried unanimously.</p> <p>Mr. Brown made a motion, seconded by Mr. Jackson, to approve the Parks and Recreation Department to spend up to \$17,625 for the purchase of chairs, tables and all supplies for the Rollins Edwards Community Center to be paid from Hospitality Fund Balance. Some discussion followed. The motion carried unanimously.</p> <p>Mr. Jackson made a motion, seconded by Mr. Brown, to approve the Parks and Recreation Department to spend up to \$10,757 for the replacement of the Gahagan Concession Roof to be paid from Hospitality Fund Balance. Some discussion followed. The motion carried unanimously.</p> <p>Mr. Jenkins made a motion, seconded by Mr. Bailey, to approve a purchase order in the amount of \$844,515.00 to Michael Baker International for the engineering of the Cedar Street Extension</p>

	<p>project with funds to come from general fund balance. The request is from the Public Works Department. Some discussion followed. The motion carried unanimously.</p>
Vehicle Surplus	<p>Mr. Jackson made a motion, seconded by Mr. Bailey, to approve the surplus and sale of the following Parks and Recreation equipment: 1999 New Holland Backhoe and 1992 John Deere Tractor. The motion carried unanimously.</p> <p>Mr. Jackson made a motion, seconded by Mr. McIntosh, to approve the surplus and sale of the following Streets Department equipment:</p> <ol style="list-style-type: none"> 1. 1998 Chevrolet C-8500 debris truck. 2. 1998 International 4900 dump truck. 3. 2007 Freightliner M2-106 leaf vacuum truck. 4. Lee Boy 250 gal tack distributor trailer. <p>The motion carried unanimously.</p>
Discussion of Fiscal Year Change	<p>Andrew Shelton, Director of Finance, presented more information regarding the change from a January 1-December 31 budget year to a July 1 -June 30 fiscal year. He stated that the Town Attorney would have to review the ordinances regarding the budget process in order to make the appropriate changes with the new fiscal year. Mr. McIntosh made a motion, seconded by Mr. Jackson, to move the item to full Council in April for consideration of an ordinance change.</p>
Interchange 197 Landscaping Proposal	<p>Amy Evans, Director of Parks and Recreation, presented a conceptual plan and quote of \$245,509 to the Finance Committee for consideration to assist monetarily with the landscaping design of Interchange 197. Some discussion followed regarding the lack of signage for “Summerville” on the signs at that interchange. Brent Gibradlo with Nexton stated that Nexton is in full support of additional signage being installed at the intersection to direct people to Summerville. The committee requested that Ms. Evans take the information received by the committee to the SCDOT and Nexton.</p>
Adjourn	<p>Mr. McIntosh made a motion, seconded by Mr. Jackson, to adjourn. The meeting adjourned at 5:54pm with a unanimous vote.</p>

Respectfully submitted,


 Beth Messervy
 Town Clerk

ORDINANCE

TO ANNEX TO, AND INCORPORATE WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUMMERVILLE, THE PARCEL OWNED BY LINA AND FRANCISCO ELIZONDO, ADJACENT TO THE BOUNDARY LINE OF THE TOWN, AS DESCRIBED ON THE DEEDS AND PREPARED PLATS ATTACHED HERETO AND INCORPORATED BY REFERENCE:

WHEREAS, the owner of the real estate designated as Charleston County TMS# 379-00-00-028, 516 East Richardson Avenue, described as approximately .21 acres, has petitioned the Town Council of the Town of Summerville to annex into the Town of Summerville.

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

SECTION I. That the described land on the attached deed and prepared plat, contiguous to the boundary of the Town of Summerville is hereby annexed to, taken into and made a part of the Town of Summerville and including the public roadway (s) immediately adjacent to the property lines of the parcel for the purposes of providing public service to the parcel.

SECTION II. That the property above described and hereby annexed shall be Zoned GR-5 "General Residential" and be classified as GR-5 "General Residential" under the Zoning Ordinance of the Town of Summerville.

Ratified this _____ day of _____, 2020 A.D.

Ricky Waring, Mayor

Beth Messervy, Town Clerk

PUBLIC HEARING: April 20, 2020

FIRST READING: , 2020

SECOND READING: , 2020



Annexation Exhibit - 516 E. Richardson Ave.

2020

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.

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

- Streets
 - Parcels
 - ▨ Annexation Request
- Zoning**
- AC
 - GR-5

ORDINANCE

TO ANNEX TO, AND INCORPORATE WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUMMERVILLE, THE PARCEL OWNED BY JAMES P. AND ANDREA DOHERTY, ADJACENT TO THE BOUNDARY LINE OF THE TOWN, AS DESCRIBED ON THE DEED AND RECORDED PLAT ATTACHED HERETO AND INCORPORATED BY REFERENCE:

WHEREAS, the owner of the real estate designated as Dorchester County TMS# 136-12-01-019, 1116 Central Avenue, described as approximately 0.39 acres, has petitioned the Town Council of the Town of Summerville to annex into the Town of Summerville.

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

SECTION I. That the described land on the attached deed and recorded 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 GR-5 "General Residential" and be classified as GR-5 "General Residential" under the Zoning Ordinance of the Town of Summerville.

Ratified this _____ day of _____, 2020 A.D.

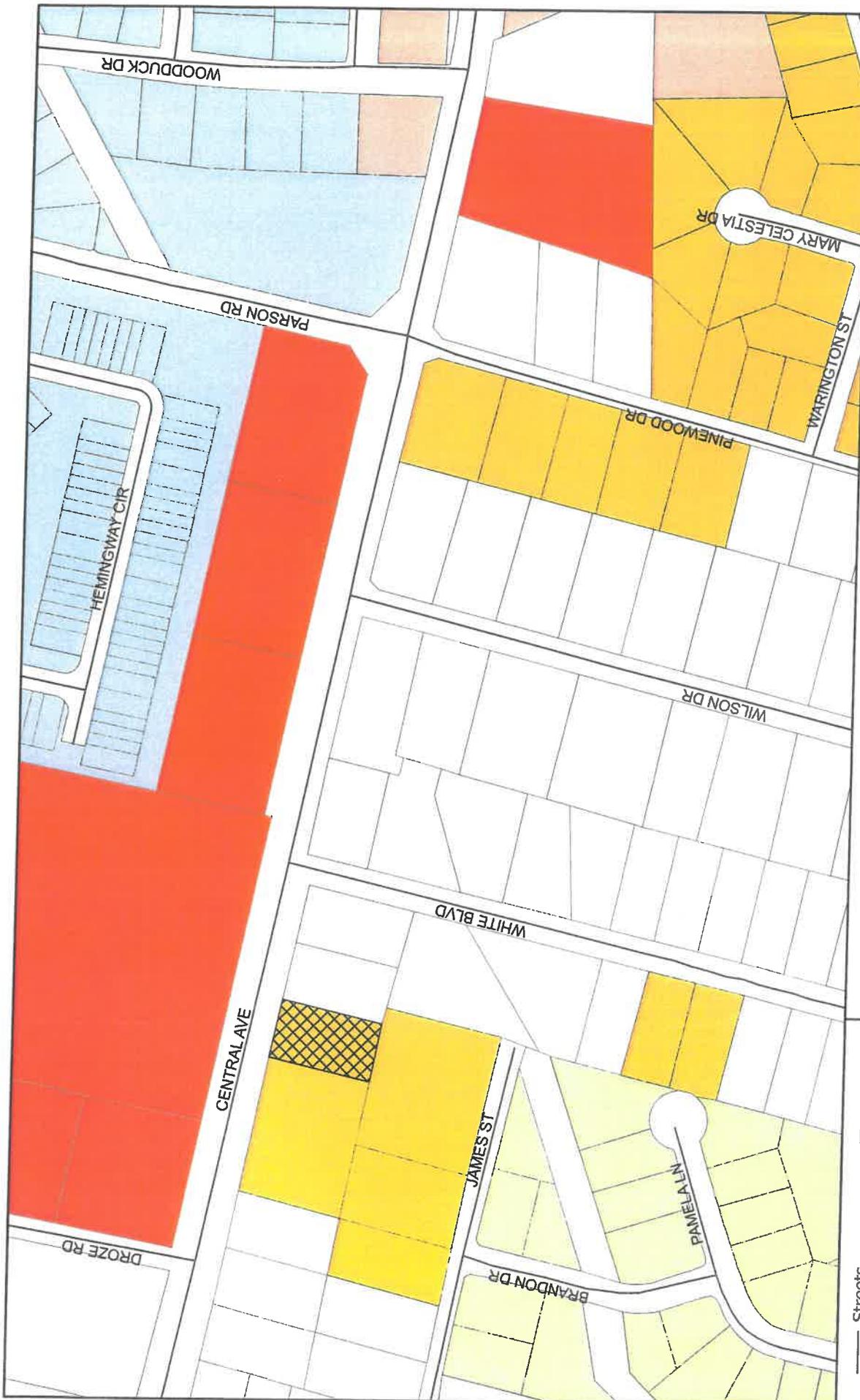
Ricky Waring, Mayor

Beth Messervy, Town Clerk

PUBLIC HEARING: April 20, 2020

FIRST READING: . 2020

SECOND READING: . 2020



Annexation Exhibit - 1116 Central Ave.

2020

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Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

Zoning	
	G-B
	GR-5
	N-B
	N-R
	PUD

	Streets
	Parcels
	Annexation Request

ORDINANCE

TO ANNEX TO, AND INCORPORATE WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUMMERVILLE, THE PARCELS OWNED BY WILLIAM TOLMAN SALISBURY, JR.; THE TOLMAN SALISBURY FAMILY L.P.; WILLIAM T. & KATHY J. SALISBURY (JTROS); DANNY L. WRIGHT, II & JENNIFER S. WRIGHT; KATHY J. & W. TOLMAN SALISBURY (JTROS); WILLIAM T. SALISBURY, JR.; AND WILLIAM L. MCCORMICK, ADJACENT TO THE BOUNDARY LINE OF THE TOWN, AS DESCRIBED ON THE DEEDS AND RECORDED PLATS ATTACHED HERETO AND INCORPORATED BY REFERENCE:

WHEREAS, the owners of the real estate designated as Dorchester County TMS #s 130-00-00-020, 716 N. Maple Street; 130-00-00-004, 156 Labyrinth Lane; 130-00-00-005, 708 N. Maple Street; 130-00-00-006, 712 N. Maple Street; 130-00-00-036, N. Maple Street; 130-00-00-033, Old Dairy Road; 130-00-00-019, 81 E. Turner Street; and 130-00-00-034, N. Maple Street; and Berkeley County TMS# 730-00-00-036, Old Dairy Road (approximately 250.046 acres total in nine parcels), 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 deeds and recorded plats, 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 properties above described and hereby annexed shall be Zoned PUD “Planned Development District” and be classified as PUD “Planned Development District” under the Zoning Ordinance of the Town of Summerville.

Ratified this _____ day of _____, 2020 A.D.

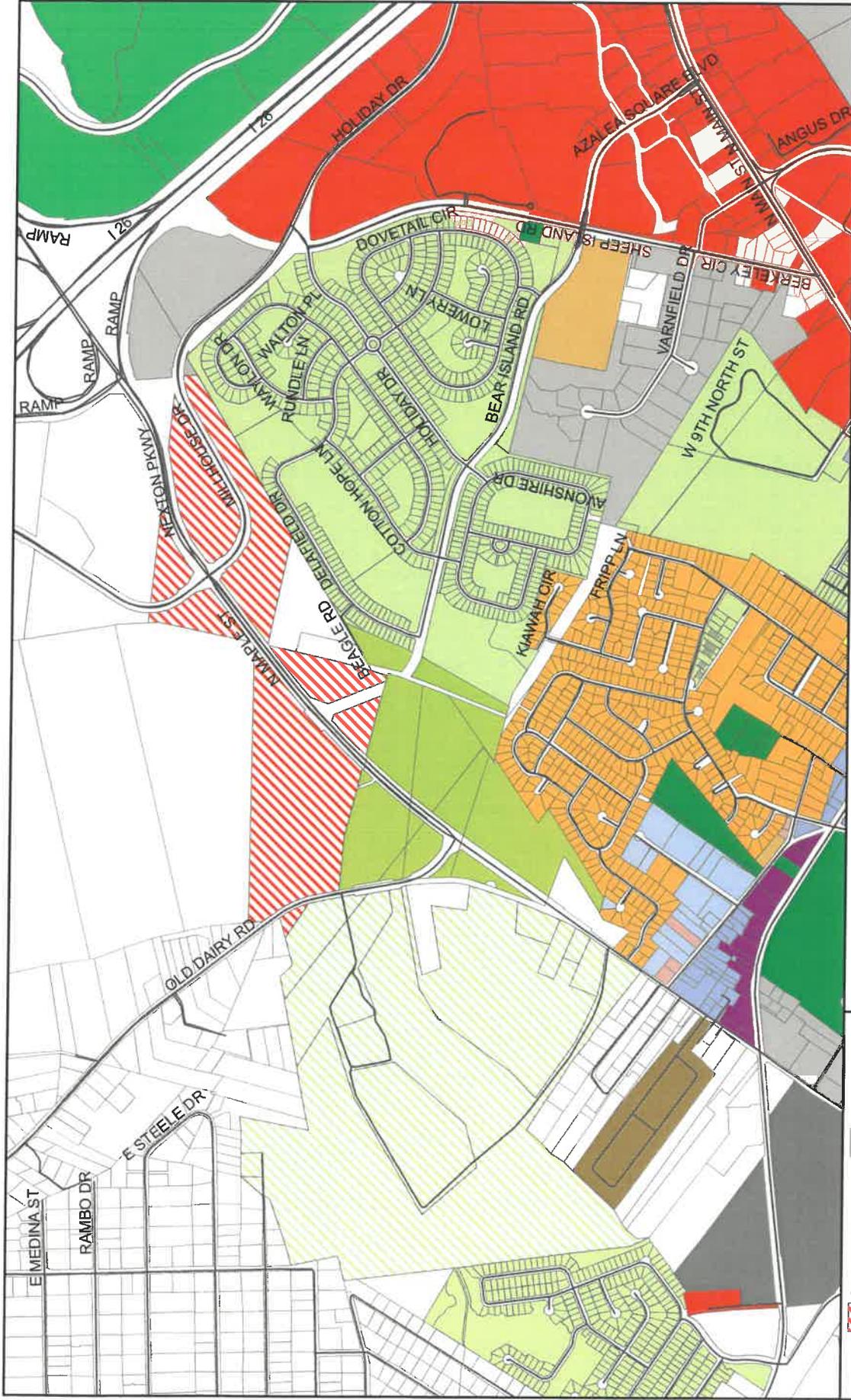
Ricky Waring, Mayor

Beth Messervy, Town Clerk

PUBLIC HEARING: March 16, 2020

FIRST READING: April 9, 2020

SECOND READING: _____



Annexation Exhibit

2020

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Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

- G-B Annexation Request
- PUD Annexation Request
- Zoning**
- AC
- D-MX
- G-B
- GR-2
- GR-5
- HI
- LI
- MF-R
- MH-R
- N-B
- N-MX
- N-R
- PL
- PUD
- PUD/DA
- UC-MX

ORDINANCE

TO ANNEX TO, AND INCORPORATE WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUMMERVILLE, THE PARCEL OWNED BY EVAN BENTLEY AND LILY SOOTER, ADJACENT TO THE BOUNDARY LINE OF THE TOWN, AS DESCRIBED ON THE DEED AND RECORDED PLAT ATTACHED HERETO AND INCORPORATED BY REFERENCE:

WHEREAS, the owner of the real estate designated as Dorchester County TMS# 145-07-03-029, 109 Dove Lane, described as approximately 0.27 acres, has petitioned the Town Council of the Town of Summerville to annex into the Town of Summerville.

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

SECTION I. That the described land on the attached deed and recorded 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 GR-5 “General Residential” and be classified as GR-5 “General Residential” under the Zoning Ordinance of the Town of Summerville.

Ratified this _____ day of _____, 2020 A.D.

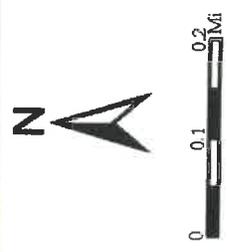
Ricky Waring, Mayor

Beth Messervy, Town Clerk

PUBLIC HEARING: March 16, 2020

FIRST READING: April 9, 2020

SECOND READING: , 2020



Annexation Exhibit - 109 Dove Lane

2020

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Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

	Annexation Request		LI
	AC		MF-R
	D-MX		MF+R
	G-B		N-B
	GR-2		N-MX
	GR-5		N-R
	HI		PL
			PUD
			PUD/DA
			UC-MX

Mayor
Ricky Waring

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



Town Administrator
Rebecca Vance

Town Clerk
Beth Messervy

Town Attorney
G.W. Parker

Town of Summerville

Memorandum

To: Town Council
From: Rebecca Vance, Town Administrator
Date: May 8, 2020
Subject: Accommodation Tax Late Penalties

ISSUE

Council approval is needed of second reading of an Ordinance to Temporarily Suspend the Provision of Town Ordinance Section 8-124. – Violation and Penalties (For Non-payment of Accommodation Tax) and to Correct the Mailing Address for Payment.

BACKGROUND/DISCUSSION

In an effort to assist businesses during the COVID-19 emergency, staff is asking that Council suspend the portion of Town Ordinances that requires a penalty if Accommodation Tax collections are not remitted by the 20th of the month following their collections. Staff is asking that this suspension be for the months of March, April and May. This suspension is only for the penalties and does not affect the actual payments.

RECOMMENDATION

Staff recommends approval of this request.

ORDINANCE

TO TEMPORARILY SUSPEND PORTIONS OF THE PROVISION OF TOWN ORDINANCES SECTIONS 8-122.-PAYMENT (ACCOMODATION TAXES) AND 8-124.-VIOLATION AND PENALTIES (FOR NON-PAYMENT OF ACCOMODATION TAX) AND TO CORRECT THE MAILING ADDRESS FOR PAYMENT

WHEREAS, on March 28, 2020, Governor Henry McMaster issued Executive Order No. 2020-08 related to 2019 Novel Coronavirus (“*COVID-19*”) and declared that a State of Emergency exists in South Carolina which he confirmed in Executive Order No. 2020-15; and

WHEREAS, on March 29, the President extended the provisions of his Coronavirus Guidelines for America until April 30, 2020; and

WHEREAS, on March 17, the Governor issued Executive Order 2020-19 severely restricting the use of lodging and rental establishments; and

WHEREAS, on March 19, 2020, Summerville Town Council passed an Emergency Ordinance declaring a State of Emergency in the Town; and

WHEREAS, Town Ordinance Sec. 8-124 states in part:

It shall be a violation of this division to:

- (2) Fail to remit to the town the accommodations tax collected, pursuant to this division.

Violations of this division are punishable by a fine of up to \$500.00 or 30 days in jail;

and

WHEREAS, Town Ordinance Sec.122 states in part:

The tax must be remitted to the town on the twentieth of each month when the estimated amount of average tax is more than \$50.00 per month; remitted quarterly when the estimated average amount of the tax is \$25.00 to \$50.00 a month; and remitted annually when the estimated amount of average tax is less than \$25.00. Payments should be made to the Finance Department, Town of Summerville, 104 Civic Center, Summerville, SC 29483;

and

WHEREAS, the correct address for the Finance Department, Town of Summerville is 200 S. Main Street, Summerville, SC 29483; and

WHEREAS, the Governor’s Executive Order N0. 2020-19 is and has created a severe financial hardship on businesses providing transient accommodations located within the Town of Summerville municipal limits; and

WHEREAS, it is the desire of Town Council to relieve, to the extent possible, the financial hardship thrust upon these affected businesses; and

WHEREAS, it is the desire of Town Council to correct the mailing address for the Finance Department of the Town

NOW THEREFORE

BE IT ORDAINED, by the Mayor and Council Members of the Town of Summerville, in Council assembled that:

1. The penalty provisions of Town Ordinance 8-124(2) dealing with late payments are hereby temporarily suspended retroactive to March 1, 2020 and ending at 11:59 pm on June 30, 2020. The temporary suspension of Sec. 8-142(2) shall not suspend the collection of the tax, only the late remittance. All other provisions of Ordinance 8-124 shall remain in full force and effect; and
2. Beginning at 12:01 am on June 1, 2020, the provisions of this Ordinance dealing with the suspension of penalties of late payments shall expire and the suspended provisions of Ordinance 8-124 in effect prior to the enactment of this Temporary Ordinance shall be automatically reinstated; and
3. The remittance address for mailing of payments shall be the Finance Department, Town of Summerville, 200 S. Main Street, Summerville, SC 29483; and

IT IS SO ORDAINED!

Date: _____

Richard G. Waring, Mayor

Attest: _____

1st Reading _____

2nd Reading _____

Beth Messervy, Town Clerk

Mayor
Ricky Waring

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



Town Administrator
Rebecca Vance

Town Clerk
Beth Messervy

Town Attorney
G.W. Parker

Town of Summerville

Memorandum

To: Town Council
From: Rebecca Vance, Town Administrator
Date: May 8, 2020
Subject: Hospitality Tax Late Penalties

ISSUE

Council approval is needed of second reading of an Ordinance to Temporarily Suspend the Provision of Town Ordinance Section 8-142 – Payment of Local Hospitality Tax and Sections 8-145 – Violations.

BACKGROUND/DISCUSSION

In an effort to assist businesses during the COVID-19 emergency, staff is asking that Council suspend the portion of Town Ordinances that requires a penalty if Hospitality Tax collections are not remitted by the 20th of the month following their collections. Staff is asking that this suspension be for the months of March, April and May. This suspension is only for the penalties and does not affect the actual payments.

RECOMMENDATION

Staff recommends approval of this request.

ORDINANCE

TO TEMPORARILY SUSPEND THE PROVISION OF TOWN ORDINANCE SECTION 8-142. – PAYMENT OF LOCAL HOSPITALITY TAX AND SECTION 8-145. – VIOLATIONS

WHEREAS, on March 13, 2020, Governor Henry McMaster issued Executive Order No. 2020-08 related to 2019 Novel Coronavirus (“**COVID-19**”) and declared that a State of Emergency exists in South Carolina which he confirmed in Executive Order No. 2020-15; and

WHEREAS, on March 29, the President extended the provisions of his Coronavirus Guidelines for America until April 30, 2020; and

WHEREAS, on March 17, the Governor issued Executive Order 2020-10 suspending on-premises restaurant service; and

WHEREAS, on March 19, 2020, Summerville Town Council passed an Emergency Ordinance declaring a State of Emergency in the Town; and

WHEREAS, Town Ordinance Sec. 8-142 states in part:

Taxes and required reports shall be submitted to the town by the 20th day of the month and shall cover sales of the previous month. Any taxes not timely remitted and late from one to 30 days shall be subject to a penalty of five percent of the sum owed for each month or portion thereof until paid. Any taxes not timely remitted and late for more than 30 days shall be subject to a penalty of ten percent of the sum owed. The failure to collect from patrons the tax imposed by this division shall not relieve any establishment subject to this division from making the required remittance;

and

WHEREAS, Town Ordinance Sec.8-145 states in part:

It shall be a violation of this division to:

- (1) Fail to collect the local hospitality tax in connection with the sale of prepared meals, food and beverages;
- (2) Fail to remit to the town the taxes collected pursuant to this division on a monthly basis, or as provided by state law;
- (3) Provide false information on the form of return submitted to the town;
- (4) Fail to provide or make available books and records to the license official or other authorized agent for the purpose of an audit upon 24 hours' written notice; or
- (5) Fail to comply with any other specific provision/requirement of this division. The failure of an establishment subject to this division to remit to the town the taxes required by the division, as and when due, shall constitute

a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment for up to 30 days, or both. Notwithstanding the foregoing, any misrepresentation of the information required by return(s) as set forth in this division or the failure to collect or timely remit to the town the taxes imposed by this division may result in the suspension and/or revocation of the business license of the offending establishment, as may be determined, after a hearing by the finance committee. At least ten days notice of such hearing shall be provided to the owner of the applicable establishment.

WHEREAS, Executive Order N0. 2020-10 is and has created a severe financial hardship on restaurants and businesses providing food subject to paying Hospitality Tax located within the Town of Summerville municipal limits; and

WHEREAS, it is the desire of Town Council to relieve, to the extent possible, the financial hardship thrust upon these affected businesses.

NOW THEREFORE

BE IT ORDAINED, by the Mayor and Council Members of the Town of Summerville, in Council assembled that:

1. The penalty provisions for fines in Town Ordinance 8-142 are hereby temporarily suspended retroactive to March 1, 2020 and ending at 11:59 pm on June 30, 2020.
2. So much of Town Ordinance 8-145 imposing criminal penalties for late payment of Hospitality Taxes are hereby temporarily suspended retroactive to March 1, 2020 and ending at 11:59 pm on May 30, 2020. The balance of the provisions of Town Ordinance 8-145 shall remain in full force and effect including any criminal penalties associated therewith
3. Beginning at 12:01 am on July 1, 2020, this Ordinance shall expire and the provisions of Ordinance 8-142 and Ordinance 8-145 in effect prior to the enactment of this Temporary Ordinance shall be automatically reinstated; and

IT IS SO ORDAINED!

Date: _____

Richard G. Waring, Mayor

Attest:

Beth Messervy, Town Clerk

1st Reading _____

2nd Reading _____

Mayor
Ricky Waring

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



Town Administrator
Rebecca Vance

Town Clerk
Beth Messervy

Town Attorney
G.W. Parker

Town of Summerville

Memorandum

To: Town Council
From: Rebecca Vance, Town Administrator
Date: May 8, 2020
Subject: Business License Late Penalties

ISSUE

Council approval is needed of second reading of an Ordinance to Temporarily Suspend the Provision of Town Ordinance Section 8-42. – Delinquent License Taxes; Partial Payment. Subsection (a).

BACKGROUND/DISCUSSION

In an effort to assist businesses during the COVID-19 emergency, staff is asking that Council suspend the portion of Town Ordinances that requires a penalty be charged if a Business License payment is not paid by June 30th of each year. Staff is asking that this suspension expire on September 1st. This suspension is only for the penalties and does not affect the actual payments.

RECOMMENDATION

Staff recommends approval of this request.

ORDINANCE

TO TEMPORARILY SUSPEND THE PROVISION OF TOWN ORDINANCE SECTION 8-42. – DELINQUENT LICENSE TAXES; PARTIAL PAYMENT. SUBSECTION (a)

WHEREAS, on March 13, 2020, Governor Henry McMaster issued Executive Order No. 2020-08 related to 2019 Novel Coronavirus (“**COVID-19**”) and declared that a State of Emergency exists in South Carolina which he confirmed in Executive Order No. 2020- 15; and

WHEREAS, on March 31, the Governor issued Executive Order No. 2020-17 suspending operation of non-essential businesses which was rescinded and superseded by his Executive Order No. 2020-18, expanding the provisions of Executive Order No. 2020-17; and

WHEREAS, on March 29, the President extended the provisions of his Coronavirus Guidelines for America until April 30, 2020; and

WHEREAS, on March 19, 2020, Summerville Town Council passed an Emergency Ordinance declaring a State of Emergency in the Town; and

WHEREAS, Town Ordinance Sec. 8-42 dealing with Business Licenses states in part:

- (a) For non-payment of all or any part of the correct license tax, the license official shall levy and collect a late penalty of five percent of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any license tax remains unpaid for 60 days after its due date, the license official shall report it to the municipal attorney for appropriate legal action.

and;

WHEREAS, the Governor’s Executive Orders have and will continue to have the creation of a severe financial hardship on business concerns located within the Town of Summerville municipal limits; and

WHEREAS, it is the desire of Town Council to relieve, to the extent possible, the financial hardship thrust upon these affected businesses.

NOW THEREFORE

BE IT ORDAINED, by the Mayor and Council Members of the Town of Summerville, in Council assembled that:

1. The penalty provisions of Town Ordinance 8-42 (a) are hereby temporarily suspended until September 1, 2020.
2. Beginning at 12:01 am on September 1, 2020, this Ordinance shall expire and the provisions of Ordinance 8-42 (a) in effect prior to the enactment of this Temporary Ordinance shall be automatically reinstated; and

IT IS SO ORDAINED!

Date: _____

Richard G. Waring, Mayor

Attest:

Beth Messervy, Town Clerk

1st Reading _____

2nd Reading _____

AN ORDINANCE

To Amend Ordinance 2-291(a) by changing the fiscal year to begin on July 1, and end on June 30 of each year.

WHEREAS, the current fiscal year begins on January 1 of each year and ends on December 31 of each year; and,

WHEREAS, South Carolina Code Ann. § 5-11-40(c) requires the Town to adopt a budget prior to the beginning of each fiscal year; and,

WHEREAS, The Town's current fiscal year end has made it difficult to set the Town's millage rate and provide this rate to the corresponding Counties in a timely and efficient manner

WHEREAS, it is the desire of Town Council that the change of the fiscal year to July 1 - June 30 be effective as of July 1, 2021 and an abbreviated fiscal year will commence on January 1, 2021 and terminate on June 30, 2021, and the budget for that period will be reflective of the abridged year.

NOW THEREFORE:

BE IT ORDAINED, by the Mayor and Council Members of the Town of Summerville, in Council assembled that:

1. Town Ordinance 2-291(a) is hereby amended so that it will read: (a) The fiscal year for the municipality shall commence on July 1 in each year and shall terminate on June 30 in each year.
2. The above recitals are hereby incorporated herein to these Ordainments.
3. Town Ordinance 2-291 shall remain in full force and effect except to the extent amended in this ordinance.

It is so Ordained this ____ day of _____ 2020.

Richard G. Waring, Mayor

ATTEST:

Beth Messervy, Clerk to Council

First Reading: _____ Second Reading _____

AN ORDINANCE

To Amend the Summerville Unified Development Ordinance Title 8 Tree Protection, Landscaping & Screening, Chapter 8 Tree Protection, Subsection 3.B.3. Preservation During Construction

WHEREAS, it is the desire of the Town Council of Summerville for the Unified Development Ordinance to have flexibility in providing protection for trees during construction of any type of structure,

NOW THEREFORE:

BE IT ORDAINED, by the Mayor and Council Members of the Town of Summerville, in Council assembled that:

1. Title 8 Tree Protection, Landscaping & Screening, Chapter 3 Tree Protection, Subsection 3.B.3. Preservation During Construction is hereby amended so that it will read: Protective barriers shall consist of barriers approved by the Planning Department (a minimum of 4 feet in height). Protective barriers shall remain in place until development activities are complete. The area within the protective barrier shall remain free of all building materials, stockpiled soil or other construction debris. Construction traffic, storage of vehicles and materials, and grading shall not take place within the protected areas of the existing trees. Any violation must be addressed immediately or a stop work will be issued.

It is so Ordained this ____ day of _____ 2020.

Richard G. Waring, Mayor

ATTEST:

Beth Messervy, Clerk to Council

First Reading: _____

Public Hearing: _____

Second Reading: _____

Mayor
Ricky Waring

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



Town Administrator
Rebecca Vance

Town Clerk
Beth Messervy

Town Attorney
G.W. Parker

Town of Summerville

Memorandum

To: Town Council
From: Jessi Shuler, Director of Planning
Date: May 12, 2020
Subject: Development Agreement for Hoyer Investment Company (Whitfield Tract)

ISSUE

Hoyer Investment Company is requesting first reading of a Development Agreement for the Whitfield Tract property (approximately 973 acres), which they have under contract.

BACKGROUND/DISCUSSION

The property owner is requesting for the above referenced parcel to be annexed into the Town from Berkeley County. The existing zoning in Berkeley County is HI, Heavy Industrial, and Flex1, Agricultural. This property received first reading for annexation with PUD zoning in June 2019; however, since that time, the conceptual plan has changed significantly due to a substantial increase in the amount of wetlands on the property (from approximately 367 acres originally to 573 acres currently). The original Development Agreement for the property did not receive first reading.

This property is included in the Town's 'Employment Growth' District within the Town's 2009-2011 Comprehensive Plan and Update as well as on the accompanying Future Land Use Map. Industrial land uses such as construction, manufacturing, transportation, communication, utilities, and wholesale trade are recommended for the Employment Growth District, and residential land uses are not encouraged. The Comprehensive Plan is in the process of being updated, and it should be noted that the draft Future Land Use Map currently shows this area as a mix of general commercial and residential uses. The original PUD proposed a maximum of 1,700 single-family dwelling units, 600 multi-family dwelling units, and 400,000 sf of general commercial uses. The

200 South Main Street, Summerville, SC 29483-6000 * 843.871.6000, Fax: 843.871.6954

www.SummervilleSC.gov

revised PUD proposes 700 single-family dwelling units, a maximum of 500,000 sf of commercial uses, and a maximum of 250,000 sf of light industrial uses.

An updated fiscal impact analysis has also been completed for the development based on the construction of 660 single-family homes; 100,000 square feet of office; 200,000 square feet of retail; 100,000 square feet of restaurant; 100,000 square feet of medical office, 250,000 sf of light industrial, and 2 100-room hotels. This analysis shows an estimated annual net revenue of \$364,555.95, not including the additional one-time revenue received from impact fees and building permits.

RECOMMENDATION

Staff has the following concerns that need to be addressed before final approval is recommended:

- First and foremost, the 3rd party TIA review must be completed and comments from it reviewed/addressed. Having one access on Drop off Drive seems inadequate for a development of this size and the developer should work with adjacent property owners or otherwise provide for another connection to the surrounding roadway network.
- Section V on p.2 and Section 7 on p.8 both state that the Development Agreement (DA) is consistent with the Town's Comprehensive Plan, which is required by State Law. As noted under the Background/Discussion, the DA is not entirely consistent with the Town's adopted Comprehensive Plan, specifically the Future Land Use Map. . The Comprehensive Plan is in the process of being updated, and it should be noted that the draft Future Land Use Map currently shows this area as a mix of general commercial and residential uses, which would make this DA consistent once the new plan is adopted.

ORDINANCE

AN ORDINANCE APPROVING A PROPOSED DEVELOPMENT AGREEMENT FOR HIC LAND, LLC (WHITFIELD TRACT) OR ITS SUCCESSOR IN TITLE AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DEVELOPMENT AGREEMENT AND OTHER INSTRUMENTS INCLUDING THE IMPLEMENTATION OF A PLANNED UNIT DEVELOPMENT DOCUMENT RELATING THERETO BY AND BETWEEN THE TOWN OF SUMMERVILLE AND HIC LAND, LLC – BERKELEY COUNTY TMS# 208-00-02-013 for a total of 973 acres.

WHEREAS, the South Carolina Local Government Development Agreement Act, South Carolina Code of Laws, Title 6, Chapter 31 (1976, as amended) (the “Act”), authorizes local governments to enter into development agreements with a developer as therein defined; and

WHEREAS, Summerville Town Council, the governing body of the Town of Summerville, South Carolina had adopted Ordinance No. 06-1002 (a amended) establishing the provisions for Development Agreements; and

WHEREAS, HIC LAND, LLC (the “Developer”) has applied for and prepared a Development Agreement and PUD document on behalf of the seller, The Whitfield Company, who owns certain land suitable for residential, commercial, light industrial, civic, recreational and open space, and;

WHEREAS, pursuant to the Act, the Town of Summerville is authorized to enter into binding development agreements with certain persons having legal or equitable interests in real property, and;

WHEREAS, the Town of Summerville and the Developer have not concluded their negotiations with respect to the terms of the development agreement for the property owned by the Developer or its successor in title.

NOW THEREFORE, BE IT ORDAINED by the Summerville Town Council, in a meeting duly assembled, that the development agreement, in substantially the form attached hereto as Exhibit A, with such changes as Summerville Town Council shall approve, the execution of a definitive development agreement to be conclusive evidence of such approval, is hereby approved.

ADOPTED this _____ day of _____ 2020.

Ricky Waring
Mayor

Town of Summerville, SC

ATTEST:

Beth Messervy, Town Clerk
Town of Summerville, SC

Public Hearing: May 14, 2020
Public Hearing: _____
First Reading: _____, 2020
Second Reading: _____, 2020

**Fiscal Impact Analysis
Estimating Annual and One-time Revenues
and Annual Expenses for A Planned Unit
Development Project In The Town of
Summerville, South Carolina**

May 5, 2020



Report Commission

Hoyer Investment Corporation commissioned this report to forecast the expected revenues and expenditures the Town of Summerville is expected to receive and incur once the company's proposed 900-acre Sheep Island Planned Unit Development is fully developed. The development contemplates the construction of 660 single-family homes; 100,000 square feet of office; 200,000 square feet of retail; 100,000 square feet of restaurant; 100,000 square feet of medical office, 250,000 sf of light industrial, and 2 100-room hotels.

The proposed development is situated off of Interstate 26 and is expected to be annexed into the Town of Summerville.

General Project Location



One-time revenues have also been estimated for the Town.

The study used the rates and fees that were in effect as of the date of the report. The expenditures have been estimated after consultation and discussions with the Town staff and especially the Police and Fire Chiefs.

Study Conclusions

The study concludes that the proposed development will generate more revenue than expenditures on an annual basis, even after considering the operation of an additional fire station that will serve more area than is being developed. The development will also pay for the costs of inspections during construction and will add significant amounts to the Town's capital program through the collection of impact fees.

The Town can be expected to generate about \$2,453,477.73 in revenues from various sources and will likely spend \$2,088,921.77 annually. The net revenue is estimated to be \$364,555.95 annually.

Over a 15 year forecast period, the project is expected to generate over \$3.0 million in positive cash flows.

The Town will receive over \$3.1 million in impact fees and building permits.

SOURCES OF REVENUES

The Town of Summerville levies taxes, fees, and charges on several activities. The Town also receives intergovernmental revenue, much of which is population based. The Town accounts for its revenues and expenditures in several funds. The primary fund is the Town’s General Fund, which is used to account for activities not specifically accounted for elsewhere. The other funds used by the Town and analyzed in this report are Special Revenue Funds (Local Accommodations and Hospitality Tax Fund, State Accommodations Tax Fund, E911 Fund, Stormwater Management Fund, and the Sanitation Fee Fund) and a Capital Projects Fund (Infrastructure Capital Projects Fund). For purposes of this report, we have combined all the activities without regard for the fund structure of the Town. The budget impact summary is listed in Table A on the following page:

Table A

Estimated Annual Revenues and Expenditures

Revenues

Real Property Taxes	1,177,326.78
Vehicle Property Taxes	53,110.18
Cable TV Franchise Fees	16,769.73
Electric and Gas Franchise	83,920.00
Business Licenses	194,979.08
Business License Insurance	133,086.12
Local Option Taxes	67,851.45
Aid To Subdivisions	42,696.68
Other	29,747.18
Hospitality Taxes	496,449.13
Stormwater Fees	52,856.47
Solid Waste Revenue	70,920.00
State Accommodations Fund	22,575.88
E911 Fund	11,189.04
Total Revenues	<u>2,453,477.73</u>

Expenditures

Municipal Court	25,840.66
Finance	-
Administration	-
Planning	-
Town Engineer	-
Police Department	363,000.00
Fire Department	779,805.69
Communications Center	55,369.42
Maintenance Department	33,278.27
Parks and Recreation	117,586.60
Debt Service	-
Building and Grounds	82,626.48
Stormwater	52,856.47
Solid Waste	70,920.00
E911	11,189.04
Hospitality Expenditures	496,449.13
Total Expenditures	<u>2,088,921.77</u>

Net Revenue

364,555.95



The Town levies various impact fees and building permits against new development. These fees are used for capital improvements within the Town or to pay for development-related improvements already made by the Town. Permits are collected to pay for the services provided new construction. Table B summarizes the one-time revenues that the Town of Summerville would receive from this proposed development:

Table B
One-Time Revenues

Building Permits	1,696,748.47
Parks and Recreation Impact Fees	226,485.86
Fire Protection Impact Fee	794,051.99
Municipal Facilities Impact Fee	411,478.10
Total One Time Revenues	<u>3,128,764.42</u>

(continued)

EXPLANATION OF REVENUE SOURCES, CALCULATIONS, AND ASSUMPTIONS

The various revenue sources, their impacts, and the major assumptions used in determining the projection are detailed in the following sections.

PROPERTY TAXES

The proposed residential project will generate \$1,177,326.78 annually in Town real property tax revenues.

Property taxes are a function of the property's taxable value and the property tax rate levied by the Town. Single-family homes have been assumed to average a market value of \$350,000. Hotel rooms were valued at \$252,877 each. Office space was valued at \$150/sf. Retail space was valued at \$125/sf. Restaurant space was valued at \$135/sf. Medical Office was valued at \$165/sf. Light Industrial was valued at \$130/sf. The taxable value for property tax purposes was 4% for single-family homes and 6% for all other uses. We did not take into consideration the senior homestead exemption nor did we account for single-family property ownership that would be levied at the higher 6% rate because of non-homestead ownership. We suspect that the taxable values would be slightly higher than estimated in this report. The tax rate that was used was 63.9 mills, or \$0.639 per \$1,000 of taxable value.

VEHICLE PROPERTY TAXES

The proposed project produces \$53,110.18 annually from taxes levied against the value of registered vehicles.

Vehicles in South Carolina must pay an annual tax on the value of the vehicle. There is an average of 2.09 vehicles per single-family home and 1.39 vehicles per multi-family dwelling unit. There are an estimated 32,319 vehicles currently in the Town of Summerville. The



estimated revenue per vehicle, using the 2019 revenue estimates of the Town, is \$43.73. We forecast the development will add another 1,214 vehicles to the Town, generating \$53,110.18 annually in taxes.

CABLE TV, ELECTRIC, AND GAS FRANCHISE FEES

The proposed project will generate \$100,689.72 annually from franchise fees on cable, electric and gas.

At this initial stage, we have utilized a per capita approach for these revenue streams. Utilizing the FY2018 audited financial information, and assuming a population increase of 2,178 people (3.3 persons per single-family household), we have forecasted \$16,769.73 for cable television franchise fees, and \$83,920.00 in electric and gas franchise fees.

BUSINESS LICENSES AND BUSINESS INSURANCE

Based upon the various development elements, we have estimated that 70 new businesses generating approximately \$2,800 annually each in business licenses income will produce \$194,979.08. Taxes on insurance policies will generate an estimated \$133,086.12 annually. We have forecasted the tax based upon a percent of the estimated tax base of the commercial activities. The percentage we used was an estimate of the existing tax base and the Town's current estimate of collected taxes on premiums

INTERGOVERNMENTAL REVENUE AND LOCAL OPTION TAXES

The proposed project will provide an additional \$110,548.14 in revenues from other governmental units and local option taxes to the Town.

The Town receives money from other units of government and from local option taxes. We have used a per capita approach in this estimate using the 2019 budgeted amounts and an estimate of an existing population of 50,000 persons. We again used our estimate of 2,178 persons expected to be added by the development.

-

HOSPITALITY TAXES

The proposed development will generate an estimated \$496,449.13 in Hospitality taxes annually to the Town.

We have assumed an 66% average occupancy rate for the two hotels that are contemplated and an average room rate total daily charge of \$131. The tax is 1% on transient rentals. Given the square footage of the restaurant element, we have anticipated food and beverage sales of \$21.67 million annually. The bed tax is estimated to be \$63,115.80 and the food and beverage tax to be \$433,333.33 annually, for a total of \$496,449.13. As noted below, we have also assumed that this is all spent during any particular year, making this revenue neutral. In reality, some of this revenue will offset some General Fund expenditures.

STORMWATER FEES

The Town levies a \$4/month/ERU stormwater fee. A single-family unit is 1 ERU (Equivalent Residential Unit). Commercial uses are calculated using the impervious area of the parcel and dividing that area by 2,975sf to determine the number of ERU's. Absent a site plan at this early stage, we have used a factor of 1.75 of the building sizes to determine an initial impervious area. This will ultimately be determined by the footprint of the building and any other impervious areas such as parking lots and sidewalks that would be built. Using these assumptions, we have calculated the stormwater fees to be \$52,856.47 annually and we have further assumed that this amount would also be spent annually.

SOLID WASTE REVENUES

For FY2019, the Town levies a \$9.85 monthly solid waste collection fee. The fee is collected as part of the property tax bill. Based upon the number of dwelling units being added, we forecast that the Town will generate \$78,012 annually and that this, too, will also be annually spent on solid waste collection services.

OTHER REVENUES

Other revenues that were forecasted were done so using a per capita approach using the Town's current budget estimates and our estimates of changes in the population.

ONE-TIME IMPACT FEES AND PERMIT REVENUE AND OTHER FEES

The proposed use would provide \$3,128,764.11 in one-time revenues.

The Town levies various impact fees and permit fees. Impact fees are levied for Parks and Recreation, Fire Protection, and Municipal Facilities. Permit and Inspection fees are charged at the time of building permit issuance.

Building permit fees have been calculated at .4418% of construction value, which was calculated based upon the permit reporting of the Town and the revenue posted for each of the last three years. This percentage approach was then applied to the estimates of value used for property tax purposes. The permit revenue was estimated at \$1.7 million, which seems more than sufficient to cover the permitting activity of the Town.

Impact fees were calculated using Section 20-109 of the Town's Code of Ordinances and the program elements previously described. The Town can expect to receive over \$1.4 million in impact fees, including more than \$794,051.69 for fire capital improvements, including new station costs and apparatus costs.

ESTIMATES OF ANNUAL EXPENDITURES

For many services, it is our estimate that the marginal costs of this development would have little to no budgetary impact. It is not likely that the Town will incur additional expenses for its Finance, Administrative, Engineering, or Debt Service programs, since these are largely fixed against a wide range of activity. We have also not included any additional expenses or revenues associated with the Planning function, but we would expect those costs and revenues to be fairly neutral.

For Stormwater, Solid Waste, E911 Communications, and Hospitality activities, we have assumed that both the revenues and expenditures would largely offset each other, though we do feel that these would likely be slightly revenue positive.

For every other budget program *except Fire and Police*, we have used a per capita approach for the expenditures. From a marginal cost perspective, we believe this to be a conservative approach, meaning that it likely overstates the expenditures. Absent better information regarding the Town's cost structure, we feel this is an appropriate method.

Fire Cost Exceptions. Fire costs are different in that they sometimes have large stepped costs. Here, we feel that the fire cost is either nothing or close to nothing or that another fire station would have to be operated. Fire calls for service typically represent about 10-15% of all fire rescue calls. It seems likely that the Town will at some point add an additional fire station north of Interstate 26 and that the station will serve an area greater than the PUD being contemplated by this study. When additional property is annexed into the Town or developed, the marginal cost for fire protection services at that point will be near -0- because the cost to the Town to serve future areas will have been satisfied by this development. Alternatively, were the station not to be built and operated, the Town would have an additional net revenue of nearly \$365 thousand. The Town will also collect \$794,051.69 in impact fees to help construct



and equip the new station. We have estimated annual fire service costs after consultation with the Fire Chief. Staffing for a new station would include three Captains, 3 Driver Engineers, and 6 Firefighters. The Chief provided us the costs of salaries for each position and we have added a 40% fringe benefit factor to those costs. We have also estimated the costs of operations on a per employee budgeted basis and an amortized cost of bunker gear for the 12 new suppression personnel to the annual estimated cost of the additional station were it to be built and staffed.

Police Cost Exceptions. Police costs were developed after discussions with the Police Chief, who provided us the current costs of personnel, with fringe benefits. The costs of outfitting a sworn officer and providing a fully equipped vehicle were amortized over the useful life of the outlay. We then based these costs on the assumption that 2 officers/1000 population would be added, or slightly more that 14 officers. This is a higher ratio than currently exists. As with the costs provided by the Fire Chief, the Police Chief was using costs he had developed while in the process of formulating his next year’s budget. In both cases, we believe these costs to be reasonable and we think our approach conservative.

Estimated Annual Runout of Revenues and Expenditures

The following table estimates the annual revenues and expenditures during the buildout of the development:

Estimated Annual Revenues and Expenditures

Revenues	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
Total Single Family Units	43	89	136	183	229	276	322	369	415	462	509	555	602	648	660
Total Multifamily Units	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Commercial SF	-	-	-	-	-	-	-	-	-	50,000	100,000	175,000	250,000	350,000	500,000
Total Industrial SF	-	-	-	-	-	-	-	-	-	25,000	50,000	87,500	125,000	175,000	250,000
Total Hotels	-	-	-	-	-	1	1	2	2	2	2	2	2	2	2
Real Property Taxes	38,378	79,709	121,531	163,354	204,684	343,460	385,282	524,058	565,388	646,509	727,631	827,909	928,679	1,049,099	1,177,327
Vehicle Property Taxes	3,452	7,170	10,932	14,694	18,412	22,174	25,935	29,697	33,415	37,177	40,939	44,657	48,419	52,181	53,110
Cable TV Franchise Fees	1,090	2,264	3,452	4,640	5,814	7,001	8,189	9,377	10,551	11,739	12,927	14,101	15,288	16,476	16,770
Electric and Gas Franchise	5,455	11,329	17,274	23,218	29,092	35,037	40,981	46,925	52,800	58,744	64,688	70,563	76,507	82,451	83,920
Business Licenses	-	-	-	-	-	2,785	2,785	5,571	5,571	24,512	43,453	71,864	100,275	138,157	194,979
Business License Insurance	-	-	-	-	-	-	-	-	-	13,309	26,617	46,580	66,543	93,160	133,086
Local Option Taxes	4,410	9,160	13,966	18,772	23,522	28,328	33,134	37,940	42,690	47,496	52,302	57,052	61,858	66,664	67,851
Aid To Subdivisions	2,775	5,764	8,788	11,813	14,802	17,826	20,850	23,875	26,863	29,888	32,912	35,901	38,925	41,949	42,697
Other	1,934	4,016	6,123	8,230	10,312	12,419	14,527	16,634	18,716	20,823	22,930	25,012	27,120	29,227	29,747
Hospitality Taxes	2,775	5,764	8,788	11,813	14,802	31,558	31,558	63,116	63,116	115,116	167,116	219,116	323,116	427,116	496,450
Stormwater Fees	2,059	4,277	6,521	8,765	10,982	13,226	15,470	17,714	19,932	24,294	28,655	34,049	39,470	45,949	52,856
Solid Waste Revenue	5,071	10,532	16,057	21,583	27,044	32,570	38,096	43,622	49,083	54,608	60,134	65,595	71,121	76,647	70,920
State Accommodations Fund	1,467	3,048	4,647	6,246	7,826	9,425	11,025	12,624	14,204	15,803	17,402	18,983	20,582	22,181	22,576
E911 Fund	727	1,511	2,303	3,096	3,879	4,671	5,464	6,257	7,040	7,832	8,625	9,408	10,201	10,993	11,189
Total Revenues	69,595	144,542	220,383	296,223	371,171	560,481	633,297	837,409	909,368	1,107,850	1,306,331	1,540,789	1,828,103	2,152,250	2,453,479
Expenditures															
Municipal Court	1,680	3,488	5,319	7,149	8,958	10,788	12,619	14,449	16,258	18,088	19,919	21,728	23,558	25,388	25,841
Finance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Administration	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Planning	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Town Engineer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Police Department	23,595	49,005	74,717	100,430	125,840	151,552	177,265	202,977	228,387	254,100	279,812	305,222	330,935	356,647	363,000
Fire Department	-	-	-	-	-	-	-	-	779,806	779,806	779,806	779,806	779,806	779,806	779,806
Communications Center	3,599	7,475	11,397	15,319	19,195	23,117	27,039	30,961	34,837	38,759	42,681	46,556	50,478	54,400	55,369
Maintenance Department	2,163	4,493	6,850	9,207	11,536	13,894	16,251	18,608	20,938	23,295	25,652	27,981	30,339	32,696	33,278
Parks and Recreation	7,643	15,874	24,203	32,532	40,763	49,092	57,421	65,751	73,982	82,311	90,640	98,871	107,200	115,529	117,587
Debt Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Building and Grounds	5,371	11,155	17,007	22,860	28,644	34,497	40,349	46,202	51,986	57,839	63,691	69,475	75,328	81,181	82,626
Stormwater	2,059	4,277	6,521	8,765	10,982	13,226	15,470	17,714	19,932	24,294	28,655	34,049	39,470	45,949	52,856
Solid Waste	5,071	10,532	16,057	21,583	27,044	32,570	38,096	43,622	49,083	54,608	60,134	65,595	71,121	76,647	70,920
E911	727	1,511	2,303	3,096	3,879	4,671	5,464	6,257	7,040	7,832	8,625	9,408	10,201	10,993	11,189
Hospitality Expenditures	2,775	5,764	8,788	11,813	14,802	31,558	31,558	63,116	63,116	115,116	167,116	219,116	323,116	427,116	496,450
Total Expenditures	54,683	113,573	173,163	232,754	291,643	364,966	421,532	509,656	1,345,363	1,456,047	1,566,731	1,677,808	1,841,551	2,006,353	2,088,923
Net Revenue	14,911	30,970	47,219	63,469	79,527	195,515	211,765	327,753	(435,995)	(348,197)	(260,400)	(137,020)	(13,448)	145,897	364,556
Cumulative Cash Flow	14,911	45,881	93,100	156,569	236,097	431,612	643,377	971,129	535,134	186,937	(73,463)	(210,482)	(223,931)	(78,033)	286,522



Regarding the Hoyer Proposal for the Whitfield Property

May 14, 2020

Dear Mayor Waring and Town Council Representatives Bailey, Brown, Garten-Schmidt, Jackson, Jenkins, and McIntosh,

We are sending along this written communication to become part of the public record for the comments portion of the agenda at the May 14 Town Council meeting, realizing that we will not be able to appear in person to make comments before the Council as some of us have regularly done in the past.

We are neighbors in the Del Webb Nexton community, writing to once more confirm our ongoing review of the proposed Sheep Island Development which will again come before the Council for consideration after plan revisions over the past few months. We know the PUD itself is not being considered at the May meeting but understand it is an exhibit of the Development Agreement which is on the May 14 agenda.

Our growing community, which now includes more than 200 homes, will eventually be made up of 1000 homes and some 2000 residents. We have moved to Summerville from every region of the country and from every career field. Many of our residents are veterans, and many have dedicated their lives to public service. We could have chosen anyplace to make our homes in our senior years, and we chose Summerville.

This is where we have made substantial investments in homes that range in cost above \$500,000. This is where we are glad to generously patronize stores and restaurants and doctors and dentists and local providers of every type. This is where we hold membership in churches and civic organizations, and where we reach out to serve in a wide range of volunteer causes—from toy drives and monthly food drives to serving in schools and, this month, sewing hundreds of face masks for medical workers in town. This is the place we enjoy calling home.

You would understand that, since first hearing of plans for sale of the Whitfield acreage, we have viewed with concern the new development proposed along the edge of our already established senior community. And you would understand that we would advocate to protect our property values as well as our security. Del Webb is a guarded/gated community; fees are required to cover that security for our residents' needs.

Over the past year, we have appreciated the outreach of the Summerville staff, keeping us informed of the proposal's status and granting us opportunities to make our requests known. The developer and his representative have also been open to meet with us and hear our input.

Our primary concerns from the outset have been: That no busy access road run along our community's edge; that only single-family-detached dwellings be built on parcels that abut our community—for the life of the development; and that a minimum 50-foot buffer of the mature, natural treeline vegetation currently in place be preserved along the development's boundary with Del Webb Nexton, to help insure privacy and security for communities on both sides.

We are pleased to see that the latest revision of the Conceptual Land Use Master Plan no longer shows an access road running the length of our community's edge.

We were pleased as well when we met with developer Stefan Hoyer last summer, and he assured us that only single-family-detached homes were planned for the land parcels which abut our community. We would be grateful to see documentation to that effect in the PUD, extending throughout the life of the development and pertaining to any developer which might assume the property.

Finally, we offer our sincere appreciation to Mr. Hoyer and his team for the notification to us early this month that the PUD will be amended to provide a 50-foot buffer preserving the natural treeline vegetation already in place where the Whitfield property borders our community. We anticipate the confirmation of that important buffer change to the PUD as well.

The incorporation of these provisions into the PUD would indicate Mr. Hoyer's willingness to honor our concerns over this past year and would exemplify his intention of being a good neighbor to the right-next-door residents of Del Webb Nexton. This gesture would generate a springboard of support for the type of development which adheres first to the hallmark standard of honoring a town and its people for betterment.

We look forward to appearing and offering comment in person at the June Town Council meeting, if conditions allow. While we are representing ourselves in this communication, we bring the support of a host of our neighbors who you will recall filled previous Town Hall audiences as the Sheep Island proposal appeared on the agenda last year.

Please reach out to us if we can provide further information. We look forward to your continued willingness to weigh the safety and well-being of the Del Webb Nexton community as we do all we can to be a vital part of Summerville now and in the years ahead.

Sincerely,

Del Webb residents Joel Arenson, Steve Bleecker, Tom Conry, Donna Dunevant, Earl Evertz, Pat Heckert, Frank Swigut, Suzie Turner

AN ORDINANCE

To Amend the Summerville Comprehensive Plan Section I and Town of Summerville Future Land Use Map #2, currently designated as Employed Growth District to Neighborhood Mixed Use with a Commercial Activity Center Focal Point at the area closest to Interstate 26

WHEREAS, the Town adopted a Comprehensive Plan on August 8, 2009, Amended on February 9, 2011, and

WHEREAS, the far northern quadrant across Interstate 26 to the left of Sheep Island Rd. is designated as an Employment Growth District to encourage industrial and commercial growth which is reflected on the Town of Summerville Planning Area Future Use Map #2, and

WHEREAS, this northern quadrant across Interstate 26 to the left of Sheep Island Rd. has been impacted by population changes and growth which have dictated this area be designated as Neighborhood Mixed Use with a Commercial Activity Center Focal Point at the area closest to Interstate 26, and

WHEREAS, South Carolina Code Ann. §6-7-1260 authorizes a Municipality to amend its Comprehensive Plan, and

WHEREAS, the Town Council of Summerville is desirous of promoting growth in this area with a balance of commercial and residential development

NOW THEREFORE:

BE IT ORDAINED, by the Mayor and Council Members of the Town of Summerville, in Council assembled that:

1. The far northern quadrant across Interstate 26 to the left of Sheep Island Rd. reflected on the Town of Summerville Planning Area Future Use Map #2 as Employment Growth District is hereby changed to Neighborhood Mixed Use with a Commercial Activity Center Focal Point at the area closest to Interstate 26, and
2. The Future Planning Area Use May #2 is hereby amended to reflect the above described quadrant as being described in Item I herein above, and

It is so Ordained this ____ day of _____ 2020.

Ricky Waring, Mayor

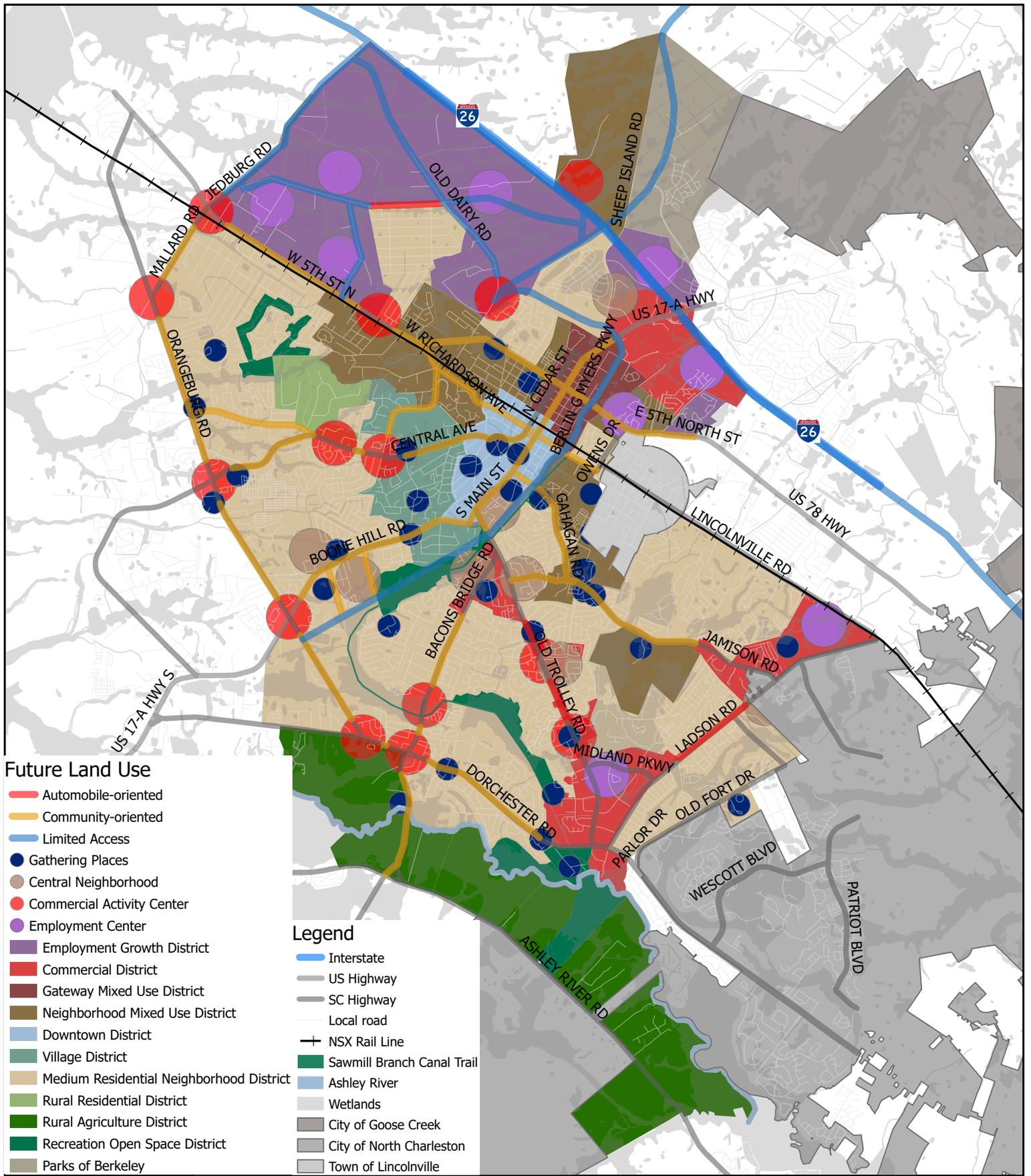
ATTEST:

Beth Messervy, Clerk to Council

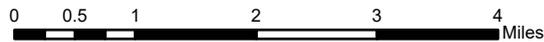
First Reading: _____

Public Hearing: _____

Second Reading: _____



Town of Summerville Planning Area
Future Land Use - Map # 2
May 14, 2020



Mayor
Ricky Waring

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



Town Administrator
Rebecca Vance

Town Clerk
Beth Messervy

Town Attorney
G.W. Parker

Town of Summerville

Memorandum

To: Town Council
From: Rebecca Vance, Town Administrator
Date: May 8, 2020
Subject: Fire Agreement with Dorchester County

ISSUE

Council approval is needed for an agreement between Dorchester County and the Town of Summerville for the provision of Fire service in the Miles Road area.

BACKGROUND/DISCUSSION

Council previously approved an agreement with Dorchester County for service in the Town and unincorporated areas around Miles Road. The County has agreed to provide the Town with land for a Fire Station in return for the Town providing service to the surrounding area. The County has asked that this agreement be amended to extend the agreement from 10 years to 15 years and to allow for a 180-day termination versus the 60 days included in the agreement approved by Town Council. Attached is the agreement with markups.

RECOMMENDATION

Staff recommends approval of this request and the designation of either the Mayor or Town Administrator to sign this agreement.

AGREEMENT

This Agreement is made by and between Dorchester County, SC (County) and the Town of Summerville, SC (Town) for the purpose of providing Fire Protection and Emergency Medical Services in the areas described herein below. This Agreement will become effective upon being approved by County Council and Town Council with all contingencies satisfied.

WHEREAS, County is seized in fee simple real property known as the "Pine Trace Tract" fronting on Miles Jamison Road and located in Dorchester County, SC; and,

WHEREAS, County is desirous of continued fire protection service for the area now served by their County Fire and Rescue, Station 22 which is described on "Exhibit A" attached hereto and incorporated herein; and,

WHEREAS, Town is desirous of providing fire protection service to Town residents who live adjacent to and/or near the area now served by County through Station 22; and,

WHEREAS, County is contemplating the sale of the real property upon which Station 22 is located; and,

WHEREAS, County is willing to grant to the Town a two (2) acre rectangular shaped parcel of land, free of wetlands and outside the FEMA Flood Plain, located in the "Pine Trace Tract", one side of said rectangle to be located on Miles Jamison Road; and,

WHEREAS, County is willing to pay for a survey of the tract to be conveyed which shall be approved by Town as to the two (2) acre tract location; and,

WHEREAS, Town is willing to construct a fire station on said tract to serve Town Residents and include sufficient space for Dorchester County EMS vehicles and support staff and to provide fire protection for the area now served by Station 22 as described in "Exhibit A" upon completion of Town's fire station; and,

WHEREAS, In order for Town to provide fire protection to the area described in "Exhibit A", County Dispatch will forward request for Summerville Fire Department services to the Town Communication Center. This may be subject to change with the agreement of both parties; and,

~~WHEREAS, In order for Town to provide fire protection to the area described in "Exhibit A", County Dispatch will forward request for Summerville Fire Department services to the Town Communication Center. This may be subject to change with the agreement of both parties; and,~~

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WHEREAS, Town and County agree this Agreement is contingent upon: (1) approval by Councils for Town and County; and, (2) a letter from the South Carolina Department of Transportation approving two (2) curb cuts on Miles Jamison Road for separate ingress/egress access.

NOW THEREFORE, Town and County agree as follows:

1. The above recitals are incorporated into this agreement to the same extent as if set out verbatim; and,
2. Both parties shall place this Agreement on their respective Agendas as soon as practicable and shall designate which governmental person shall have authority to execute this document; and
3. This Agreement shall remain in force and effect for a period of ~~ten (10)~~ **fifteen (15)** years and unless either party gives a ~~sixty (60)~~ **one hundred and eighty (180)** day notice of its intention not to renew this Agreement, it will continue with automatic renewal of successive five (5) year terms upon such terms and conditions as the parties shall mutually agree, said terms and conditions to be reasonable in all respects. The renewal terms shall be based upon the number of calls made to County residents and cost associated therewith.
4. The Town, upon signing an agreement for the construction of the contemplated Fire Station/EMS facility contemplated hereinabove, will immediately notify the County of the start date and date of completion to enable the County to plan for the disposition of Station 22 property.
5. This agreement will be effective as of the date on which the last Party signs.

Whereas, the parties hereunto have placed their hands and seals on this day and year so indicated.

Attest: _____
Clerk to Council

Town of Summerville
By: _____
Its: _____
Date: _____

Attest:

Dorchester County
By: _____
Its: _____
Date: _____