

*Mayor*  
Ricky Waring

*Council Members:*  
Bob Jackson  
Russ Touchberry  
Aaron Brown  
Terry Jenkins  
Kima Garten-Schmidt  
William McIntosh



*Town Administrator*  
Lisa Wallace

*Town Clerk*  
Beth Messervy

*Town Attorney*  
G.W. Parker

## **TOWN of SUMMERVILLE**

### **COUNCIL MEETING MINUTES**

**April 13, 2023**

#### **ATTENDANCE**

Present: Mayor Ricky Waring, Councilmembers Kima Garten-Schmidt, Bob Jackson, Aaron Brown, Russ Touchberry, Terry Jenkins and Bill McIntosh. Also in attendance were Town Administrator Lisa Wallace, Town Attorney GW Parker, and Town Clerk Beth Messervy. A quorum was met. Public and press were duly notified. The meeting took place in Council Chambers at 200 South Main Street and was livestreamed from the Town's website.

#### **CALL TO ORDER**

Mayor Waring called the meeting to order at 6:00pm on Thursday, April 13, 2023. Councilman Terry Jenkins gave the invocation, followed by the Pledge of Allegiance.

#### **PROCLAMATION PRESENTATIONS**

Mayor Waring presented proclamations for Child Abuse Awareness Month, Autism Acceptance and Awareness Month, and National Public Safety Telecommunicators Week.

He then presented a proclamation to Fire Chief Richard Waring, declaring that Fire Station #5 be named in Chief Waring's honor.

#### **AUDIT PRESENTATION – FY ENDING JUNE 30, 2022**

Grant Davis from Mauldin and Jenkins stated that the Town received an unmodified opinion (clean opinion) for the audit of the fiscal year ending June 30, 2022. He went over the basic financial statements, as well as the General Fund balance sheet. Mr. Davis reported that of the Town's \$23.4 million Fund Balance, \$10.6 million is in the unassigned category. Using \$42 million in expenditures for FY22, Mr. Davis calculated that the Town spent roughly \$3.5 million per month in FY22. He stated that if the Town continued to spend \$3.5 million per month without taking in any revenue, the \$23.4 million fund balance would cover 7 months of expenses. Mr. Davis further explained that the \$10.6 million of unassigned fund balance would cover 3 months of operating expenses. He also stated that this is in line with the Town's fund balance policy, as well as falling within the standard benchmark of general fund operating expenses. Mr. Davis said that the Town does not have an excessive fund balance. Mr. Davis reported that the audit firm issued an unmodified opinion of the Town's compliance in federal spending of roughly \$4 million in FY22.

Mr. McIntosh asked for clarification if the Town's actual revenue exceeded projected revenue by \$1.265 million, and if the Town added \$2.674 million to Fund Balance. Mr. Davis stated that the actual revenues did exceed the projected revenues by \$1.265 million and that the expenses were underspent by \$1.4 million. He noted that for FY22, the finance purchase obligation was issued at \$2.4 million, but not all of it was spent, which is a factor in what the Town underspent. Mr. McIntosh stated that this was in the same month that the Town increased property taxes and questioned whether the Council would have raised property taxes if they had known that actual revenues exceeded the projected revenues by \$1.265 million and that \$2.674 million was added to Fund Balance.

Mr. Jackson asked if the \$2.674 million added to fund balance includes real estate property that was sold. Mr. Davis confirmed by stating that the sale of capital assets in the amount of \$1.2 million is included in the \$2.674 million to fund balance. Mr. Jackson asked that if the actual amount put into fund balance would be cut in half if the \$1.2 million in real estate property sold was subtracted from operating funds. Mr. Davis confirmed that Mr. Jackson was correct.

Mr. Jenkins thanked Mauldin and Jenkins for getting the Town back on track with its audits. Mr. McIntosh thanked Finance Director Rhonda Moore for her hard work as well.

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

Mr. Jenkins made a motion, seconded by Mr. Jackson, to approve the minutes of the March 9, 2023 Council meeting, the March 15, 2023 Special Council meeting, both Special Council meetings on March 30, 2023, and the Standing Committee meetings on April 10, 2023. The motion carried unanimously.

#### **PUBLIC COMMENT – APRIL 13, 2023 AGENDA ITEMS**

Ginny Vicini with the Dorchester County Community Outreach thanked the Mayor and Council for annexing in the DCCO's new property on Miles-Jamison Road.

There being no further comments, Mayor Waring closed this part of the meeting.

#### **PETITIONS**

Mr. Jackson made a motion, seconded by Mr. Brown, to give first reading to an ordinance to annex TMS#220-00-02-147, located on N. Maple Street and totaling approximately 10.34 acres. Currently zoned PD – OP/IP, Planned Development – Office Park/Industrial Park, in Berkeley County and will be zoned G-B, General Business, upon annexation into the Town of Summerville's municipal limits. (Council District 2) The motion carried unanimously.

#### **PENDING BILLS AND RESOLUTIONS**

Mr. Jenkins made a motion, seconded by Mr. Touchberry, to give second and final reading to an ordinance to annex TMS#146-14-00-009, located on Jamison Road and totaling approximately 3.45 acres. Currently zoned CG, General Commercial, in Dorchester County and will be zoned G-B, General Business, upon annexation in the Town of Summerville's municipal limits. (Council District 3). The motion carried unanimously.

Mr. Touchberry made a motion, seconded by Mr. Jenkins, to give second and final reading to an ordinance to amend the Unified Development Ordinance (UDO), 13.3.4, Tree Protection Board (TPB) by: more fully setting forth the authority under which the TPB was created; clarify the section under which an administrative review is appropriate; and, add a new section 13.3.4(C)(5) Appeals from Decisions of the TPB. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Jackson, to give second and final reading to an ordinance to amend the Unified Development Ordinance, Chapter 3, to provide an “Event Venue” use and provide for the districts in which it is allowed in Section 3.3, and to provide for the applicable conditions to allow the use in Section 3.4. Mr. Jackson stated that he would like more information from the residents who want to use their homes as event venues before second reading. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Ms. Garten-Schmidt, to give second and final reading to an ordinance to amend the Unified Development Ordinance, Chapter 13, Section 13.8.2(A)(4) to exclude demolition of noncontributing accessory structures. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Ms. Garten-Schmidt, to give second and final reading to an ordinance to amend the Unified Development Ordinance, Chapter 15, Definitions, to provide the definition for “Event Venue” and correct the definition for “Utility Pole.” The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Brown, to give second and final reading to an ordinance to modify the sublease with Dorchester County for 312 North Laurel Street known as the Faith Sellers Senior Citizens Center. Mr. Jenkins clarified that the sublease extended to August 2042. Some discussion followed. The motion carried 6-1, with Mr. McIntosh voting in opposition.

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

Mr. Jenkins made a motion, seconded by Mr. Jackson, to give first reading of an ordinance to amend Chapter 8, Article II, Section 8-42(2) to exclude business licenses for insurers, insurance brokers, and telecommunication from the one-month interest free grace period for non-payment of business license taxes. The motion carried unanimously.

Ms. Garten-Schmidt made a motion, seconded by Mr. Jenkins, to give first reading of an ordinance authorizing and directing the Town of Summerville to enter into an Intergovernmental Agreement relating to South Carolina Local Revenue Services; to participate in one or more local revenue service programs; to execute and deliver one or more participant program supplements; and other matters relating thereto. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. McIntosh, to give first reading of an ordinance to rezone TMS#232-00-02-131, located on Marymeade Drive and Angus Drive, approximately 12.983 acres, and owned by Invesco LP, from L-I, Light Industrial, to G-B (General Business). The motion carried unanimously.

### **MISCELLANEOUS**

Mr. Brown made a motion, seconded by Mr. Jenkins, to authorize the Town Administrator to sign a Memorandum of Understanding between the Town of Summerville and the Commissioners of Public Works of the Town of Summerville to allow exemption from the Town's Tree Protection Ordinance for removing trees within SCPW's easements per UDO Section 8.2.1.C.5. The motion carried unanimously.

Mr. Jenkins made a motion, seconded by Mr. Jackson, to issue a purchase order to O.C. Welch Ford in the amount of \$59,580.00 for the purchase of a Red 2022 Ford F-250 for the Fire Department. Funds to come from Fire Department Vehicles/Rolling Equipment (To be reimbursed by insurance.) The motion carried unanimously.

### **PUBLIC COMMENTS (open)**

Mayor Ricky Waring opened the floor for public comments for any topic.

Linda Whetsell thanked the Summerville Police Department for coming to her house when she called them. She stated that the music behind her house is too loud, Atlantic Street is cracking from the beginning to the end, the ditches are still flooding because of trash, people are using the bathroom in her backyard, there are too many mosquitos, and that there is debris from the granite shop behind her house.

Jason Fernandez, the VP of the Local Fraternal Order of Police, stated that the Town of Summerville needs to offer better starting salary and benefits for police officers. He compared different municipalities' starting salaries, as well as the starting hourly wages of cashiers at Parker's Gas Station. He asked Council to invest in their police officers.

Adriaan Kwist stated that his topic for public comment was "fuel to the fire." He stated that the is "sick and infuriated" at three major developments in the Town. He spoke in opposition of Dorchester County demolishing the old hospital building in the historic district. He stated that it would ruin the character of Summerville and make traffic even worse than it already is. He also spoke in opposition of the proposed sports complex on the Town's Woodlands tract. He stated that Council needs to preserve and protect the Town.

Frank Harris, FOP Lodge 48 President, echoed the comments of Mr. Fernandez. He stated that Summerville has the best Police Department in the state of South Carolina. He spoke of the need for retention in the Police Department, as well as investing in the young police officers so that they stay on board.

Peter Gorman spoke in opposition of Dorchester County's proposal of redevelopment of 500 North Main Street. He questioned how the project got so far without any public knowledge. He stated that the traffic would be significantly worse if this development is built. He also spoke on the importance of the required public hearings of the project when it goes before the Town of Summerville's Board of Architectural Review.

Heyward Hutson thanked Council for their service. He spoke in opposition of Dorchester County demolishing the old hospital building for a new development. He said that many decisions were made under the radar. He stated that Councilmembers needs to get out of the

business of development, because that runs the risk of ethics violations. He expressed his anger about the thought of relocating the Veteran’s Memorial that stands at 500 North Main Street now.

**EXECUTIVE SESSION:**

Mr. Jenkins made a motion, seconded by Mr. McIntosh, to enter into Executive Session to receive legal advice on potential purchase of real property; discuss a personnel matter regarding Director of Community and Economic Development position, and discuss a personnel matter regarding State Accommodations Tax Advisory Committee. The motion carried unanimously, and Council entered into Executive Session at 7:14pm.

Council returned from Executive Session at 7:52pm. Town Attorney GW Parker stated that Council met in Executive Session to receive legal advice on potential purchase of real property; discuss a personnel matter regarding Director of Community and Economic Development position, and discuss a personnel matter regarding State Accommodations Tax Advisory Committee. He stated that no action was taken in Executive Session.

**OTHER BUSINESS:**

Mr. Jenkins made a motion, seconded by Ms. Garten-Schmidt, to authorize the Town Attorney to pursue condemnation of 205 and 209 West Luke Street for public parking use. The motion carried unanimously.

Mr. Brown made a motion, seconded by Mr. Jenkins, to appoint Sonia Hanchard to the State Accommodations Tax Advisory Committee. The motion carried unanimously.

**ADJOURN:**

Mr. Jenkins made a motion, seconded by Mr. Jackson, to adjourn. The motion carried unanimously, and the meeting adjourned at 7:53pm.

Respectfully Submitted,

APPROVED:

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Beth Messervy, Town Clerk

Ricky Waring, Mayor