

AGENDA
OF THE SIMPSONVILLE CITY COUNCIL
BUSINESS MEETING
December 8, 2020
6:30pm
Virtual Go To Meeting

- 1. **CALL TO ORDER**..... Mayor Shewmaker
- 2. **ROLL CALL**..... City Clerk, Phyllis Long
- 3. **APPROVAL OF MINUTES** – November 10, 2020
- 4. **CITIZEN COMMENTS**
- 5. **BUSINESS**
 - a. 2nd Reading Ordinance #2020-03, Comprehensive Plan..... Planning & Economic Development, Jason Knudsen
 - b. 2nd Reading Ordinance #2020-04, Swamp Rabbit Trail..... City Administrator, Dianna Gracely
 - c. Commissions & Board Appointments..... Planner, Jon Derby
 - d. #E-2020-06, Emergency Ordinance..... City Administrator, Dianna Gracely
- 6. **ADJOURN**

PLEASE NOTE: This Agenda is accurate as of the Friday immediately preceding the Council meeting but is subject to change until twenty-four (24) hours prior to the meeting. Please contact the City Clerk the day of the meeting for the latest agenda information.

FORM FOR PROPOSAL OF ORDINANCES
CITY OF SIMPSONVILLE, SOUTH CAROLINA

TITLE: ORDINANCE NO. 2020-03. AN ORDINANCE TO ADOPT THE COMPREHENSIVE PLAN FOR THE CITY OF SIMPSONVILLE, S.C. PURSUANT TO THE 1994 STATE OF SOUTH CAROLINA COMPREHENSIVE PLANNING ENABLING ACT.

ENACTING CLAUSE: NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA

CITATION OF ORDINANCE REPEALED: N/A

PROVISION OF ORDINANCE: See provision of ordinance below.

ARTICLE/SECTION NUMBERS: N/A

EFFECTIVE DATE OF ORDINANCE: Upon final approval by Council after second reading and signing by the Mayor.

NAME OF PERSON REQUESTING INTRODUCTION OF ORDINANCE: Simpsonville Planning Commission.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA, AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for the enactment of this Ordinance is South Carolina Code of Laws 1976, Title 6, Chapter 29 entitled: The South Carolina Local Government Comprehensive Planning Enabling Act of 1994.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the Simpsonville City Council adopted a comprehensive plan on January 14, 2020, with subsequent additions and amendments made thereto, which enacted and amended comprehensive land use planning for the City in compliance with the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (Title 6, Chapter 29 of the Code of Laws of South Carolina 1976, as amended), hereinafter referred to as the "Planning Act"; and

WHEREAS, the Planning Act requires the City's Planning Commission to review the City's comprehensive land use planning efforts as often as is necessary and further requires that the City's comprehensive land use planning documents be updated at least every ten years; and

WHEREAS, pursuant to the Planning Act, the Simpsonville Planning Commission, during their November 04, 2020 meeting, voted unanimously to recommend that the Simpsonville City Council adopt the City of Simpsonville 2040 Comprehensive Plan, hereinafter referred to as the "Comprehensive Plan"; and

WHEREAS, The Comprehensive Plan shall replace the existing comprehensive plan for the City, adopted January 14, 2020; and

WHEREAS, pursuant to the Planning Act, the Simpsonville City Council held a public hearing on the Comprehensive Plan on November 10, 2020; and

WHEREAS, it appears to Council that the Comprehensive Plan is comprised of all required elements, is proper in all other material respects, and that the adoption of the Comprehensive Plan is in the best interests of the City.

SECTION 3. ADOPTION OF COMPREHENSIVE PLAN. Pursuant to Section 6-29-530, South Carolina Code of Laws (1976), as amended, Council does hereby adopt and approve the Comprehensive Plan including all recitals, findings, text, maps, and reference documents, which is attached hereto and incorporated herein by reference.

SECTION 4. CONFLICTING PROVISIONS. City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 5. SEVERABILITY. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be effective upon second and final reading by the City Council.

SIGNATURE OF MAYOR:

Paul Shewmaker

ATTEST:

APPROVED AS TO FORM:

Phyllis Long
City Clerk

David W. Holmes
City Attorney

First Reading: November 10, 2020
Second Reading: December 08, 2020

CITY OF SIMPSONVILLE, SOUTH CAROLINA

TITLE: AN ORDINANCE TO AMEND CHAPTER 32, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, BY ADDING ARTICLE VI, SWAMP RABBIT TRAIL, TO GOVERN THE USE OF THE CITY'S PORTION OF THE SWAMP RABBIT TRAIL

WHEREAS, the City of Simpsonville has adopted Chapter 32, Streets, Sidewalks and Other Public Places in the Code of Ordinances for the City of Simpsonville; and

WHEREAS, the City has been constructing a trail that is to become a portion of the Swamp Rabbit Trail; and

WHEREAS, the City Council of the City of Simpsonville believes that it is necessary and advisable to adopt an ordinance that govern the use of the Swamp Rabbit Trail;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA, as follows:

SECTION 1. That the Code of Ordinances, Chapter 32, Streets, Sidewalks and Other Public Places, be amended by adding Article VI as follows:

ARTICLE VI. SWAMP RABBIT TRAIL

Sec. 32-180 Jurisdiction.

The Simpsonville Police Department and the Greenville County Sheriff's Office shall enforce the provisions of this article and shall have jurisdiction to enforce provisions of state law and city ordinances on the Swamp Rabbit Trail.

Sec. 32-181 General Conduct on the Swamp Rabbit Trail.

It shall be unlawful for any person to commit any of the following acts while on the Swamp Rabbit Trail:

- (a) Operate a motorized vehicle or off-road recreation vehicle while on the Swamp Rabbit Trail. This provision shall not apply to law enforcement and/or emergency vehicles being used in their official capacity, to Greenville County Recreation District personnel in the course of their official duties, or to motorized wheelchairs being used by a person with a disability.
- (b) Operate a bicycle at a speed in excess of 20 miles per hour.
- (c) Sell, solicit, advertise, including but not limited to placing any type of sign or advertisement, or conduct any commercial enterprise on the Swamp Rabbit Trail unless such activity is authorized by the City of Simpsonville.

Sec. 32-182 Penalties.

Any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction, shall be punished in accordance with Section 1-9 of this Code of Ordinances.

SECTION 2. AUTHORIZATION. The Mayor, the City Administrator, and the City Clerk, for and on behalf of the City, acting jointly or individually, are fully empowered and authorized to take such further action as may be reasonably necessary to effect the amendments authorized by this Ordinance in accordance with the conditions herein set forth.

SECTION 3. REPEALER: All ordinances, orders, resolutions and parts thereof in conflict herewith are, but only to the extent of such conflict, are hereby REPEALED and this Ordinance shall take effect and be in full force from the Effective Date as set forth in Section 7.

SECTION 4. PROVISION SEVERAGE: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The CITY COUNCIL hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. SAVINGS CLAUSE: Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as stated in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6. The CITY CLERK is hereby ordered and directed to cause this ordinance to be published according to law.

SECTION 7. EFFECTIVE DATE: This ordinance shall become effective upon final approval by Council after second reading and signing by the Mayor.

DONE in Regular Meeting duly assembled this _____ day of _____ 2020.

SIGNATURE OF MAYOR:

Paul D. Shewmaker

ATTEST:

APPROVED AS TO FORM:

Phyllis Long
City Clerk

David W. Holmes
City Attorney

FIRST READING: _____
SECOND READING: _____

EMERGENCY ORDINANCE

TITLE: AN EMERGENCY ORDINANCE TO CONTINUE A DECLARATION OF A STATE OF EMERGENCY; TO SET PROCEDURES FOR COUNCIL MEETINGS AS A RESULT OF THE COVID-19 PANDEMIC; TO ALLOW COUNCIL MEETINGS TO BE CONDUCTED VIA ELECTRONIC MEANS; TO DISALLOW PUBLIC ATTENDANCE AT COUNCIL MEETINGS; TO DIRECT THE CITY ADMINISTRATOR TO PROVIDE PUBLIC ACCESS TO MEETINGS VIA THE INTERNET; AND VARIOUS PROVISIONS RELATING THERETO

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency as a result of the outbreak of the virus known as COVID-19; and

WHEREAS, on March 13, 2020, the Hon. Henry McMaster, Governor of the state of South Carolina issued Executive Order 2020-08 to declare a state of emergency concerning the outbreak of the virus known as COVID-19; and

WHEREAS, On March 15, 2020, Governor McMaster issued Executive Order 2020-09 that, *inter alia*, directed the closing of public schools and delayed all elections in the state and further called for the cancellation of all public gatherings where the number of attendees may exceed 100; and

WHEREAS, Executive Order 2020-09 does not apply to the City; however, the City Council believes that a state of emergency does exist and that the public and Council gathering for Council meetings increases the risk of exposure to COVID-19 and to the spread of the disease; and

WHEREAS, On March 23, 2020, the Governor issued Executive Order No. 2020-13, authorizing and directing law enforcement officers of the State, or any political subdivision thereof, to, *inter alia*, prohibit or disperse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in their discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health; and

WHEREAS, On March 24, 2020, the City Council passed Ordinance No. E-2020-01 declaring a state of emergency on the City of Simpsonville which shall expire, by law, on May 24, 2020; and

WHEREAS, on March 28, 2020, the Governor issued Executive Order No. 2020-15, declaring a new, separate, and distinct State of Emergency based on a determination that COVID- 19 posed an actual, ongoing, and evolving public health threat to the State of South Carolina and extending certain provisions of his previous Executive Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

WHEREAS, on April 12, 2020, the Governor issued Executive Order No. 2020-23, declaring an additional State of Emergency based on new facts and circumstances and a determination that the accelerated spread of COVID-19 throughout the State posed a different and distinct public health threat to the State of South Carolina and extending provisions of certain of his previous Executive Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

WHEREAS, On April 27, 2020, Governor McMaster issued Executive Order 2020-29 that, *inter alia*, declaring a continued State of Emergency because of COVID-19 and extending provisions of certain of his previous Executive Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

WHEREAS, on May 3, 2020, though Governor McMaster allowed certain previous Executive Orders to expire and allowed partial re-opening of certain businesses, he declared that a state of emergency continued to exist and continued to require social distancing and prohibited large public gatherings; and

WHEREAS, on June 11, 2020, Governor McMaster issued another Executive Order continuing the declaration a state of emergency as infections from COVID-19 continued to rise in South Carolina; and

WHEREAS, on August 2, 2020, August 25, 2020, and October 9, 2020, Governor McMaster issued Executive Orders continuing the declaration a state of emergency and imposing emergency measures to curb the rise of infections from COVID-19; and

WHEREAS, On November 23, 2020, by Executive Order 2020-72, Governor McMaster again declared a state of emergency in South Carolina because of the COVID-19 pandemic; and

WHEREAS, since the passage of Emergency Ordinance E-2020-05, infections of COVID-19 have risen and Greenville County has seen the highest number of infections in the state; and

WHEREAS, South Carolina Code Ann. §5-7-250 provides that cities may enact emergency ordinances to meet public emergencies affecting life, health, safety or the property of the people upon a single reading, provided that such ordinance does not levy taxes, grant, renew or extend a franchise or impose or change a service rate, upon the affirmative vote of at least two-thirds of the city or county council present, and provided that such emergency ordinance shall expire automatically on the sixty-first day following its enactment; and

WHEREAS, the conduct of the City's business should occur in such a manner that the public can be informed of the actions taken by City Council; and

WHEREAS, the City Council believes that through the use of modern technology, the Council can continue its work of properly governing the affairs of the City and allow the public to be fully informed of its proceedings;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA, AS FOLLOWS:

Section 1: A state of emergency continues to exist. Therefore, the Council directs as follows:

1. Council meetings may be conducted via electronic means. The Mayor and Members of Council may attend any meeting of council via telephone conference or other electronic means. The City Administrator is hereby authorized to take such action as may be necessary to provide for electronic, telephonic, or other means to allow the Mayor and Members of Council to attend meetings without having to attend in person.
2. Except as modified by this Ordinance, the City Council reaffirms and re-adopts the other provisions of Emergency Ordinance #2020-01 as fully as if set forth herein verbatim.

Section 2. This ordinance shall expire automatically as of the sixty-first day following the date of its enactment pursuant to S.C. Code Ann. §5-7-250 unless earlier ended at the direction of City Council or the Governor declares that the COVID-19 crisis has ended.

Section 3. Authorization. The Mayor, the City Administrator, and the City Clerk, for and on behalf of the City, acting jointly or individually, are fully empowered and authorized to take such further action as may be reasonably necessary to effect the provisions authorized by this Ordinance in accordance with the conditions herein set forth.

Section 4. Severability. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 5. Suspension of Conflicting Ordinances, Rules, Orders or Resolutions. All ordinances, rules, orders, resolutions and parts thereof in conflict herewith are, to the extent of such conflict, hereby suspended for the duration of this ordinance.

Section 6. Effective Date of the Ordinance. This ordinance shall be effective immediately upon passage.

DONE in meeting duly assembled this 8th day of December 2020.

SIGNATURE OF MAYOR:

Paul D. Shewmaker

ATTEST:

APPROVED AS TO FORM:

Phyllis Long
City Clerk

David W. Holmes
City Attorney