

AGENDA
OF THE SIMPSONVILLE CITY
BUSINESS MEETING
May 14, 2024
6:00PM
Council Chambers – City Hall

1. **CALL TO ORDER**.....Mayor Shewmaker

2. **ROLL CALL**.....City Clerk, Ashley Clark

3. **PLEDGE OF ALLEGIANCE**

4. **APPROVAL OF MINUTES**- April 09, 2024

5. **CITIZEN COMMENTS**

6. **BUSINESS**
 - A. **2nd Reading of Z-2024-02 Proposed Rezoning of Property located at 504 Boyd Ave**.....Jon Derby, Planner
 - B. **SP-2024-05 Harrison Park ID Major Change**.....Jon Derby, Planner
 - C. **1st Reading of Z-2024-03 Proposed Rezoning to ID, Property located on W. Georgia Rd**.....Jon Derby, Planner
 - D. **1st Reading of TX-2024-01 Misc. Refinements to the Zoning Ordinance**.....Jon Derby, Planner
 - E. **1st Reading of FY 2024-2025 Budget**..... Dianna Gracely, City Administrator

7. **EXECUTIVE SESSION**

To discuss a personnel matter related to the Fire Department. Upon leaving Executive Session, Council may take action on the matter.

8. **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.

CITY OF SIMPSONVILLE, SOUTH CAROLINA

TITLE: AN ORDINANCE TO ADOPT THE BUDGET FOR THE CITY OF SIMPSONVILLE, SOUTH CAROLINA, FOR FISCAL YEAR 2024-2025 ACCORDING TO THE TERMS AND PROVISIONS CONTAINED THEREIN; FIXING THE MILLAGE RATE AT 59.8 MILS; AUTHORIZING THE TRANSFER OF UP TO \$612,377 FROM THE SPECIAL REVENUE FUND TO PAY FOR OPERATIONAL EXPENSES; AUTHORIZING THE TRANSFER OF UP TO \$244,512 FROM THE SEWER FUND TO PAY FOR OPERATIONAL EXPENSES; AUTHORIZING THE TRANSFER OF UP TO \$250,000 FROM PUBLIC WORKS ENTERPRISE FUND FOR ROAD IMPROVEMENT EXPENSES; AUTHORIZING THE TRANSFER OF UP TO \$250,000 TO THE CAPITAL PROJECTS FUND; AUTHORIZING THE TRANSFER OF UP TO \$250,000 TO A STORMWATER CAPITAL FUND; SETTING THE PUBLIC WORKS FEE TO BE COLLECTED ON ALL IMPROVED REAL PROPERTY; AND REPEALING ANY PREVIOUS ORDINANCE IN CONFLICT THEREWITH

BASIS FOR THE ORDINANCE: SOUTH CAROLINA CODE ANN. § 5-11-40 *et. seq.* South Carolina Code of Laws

EFFECTIVE DATE OF ORDINANCE: July 1, 2024, and upon final approval by Council after second reading and signing by the Mayor.

WHEREAS, pursuant to S.C. Code Ann. §5-11-40 the City Council shall adopt an annual budget for the operation of the City and capital improvements for Fiscal Year 2024-2025; and

WHEREAS, Council has carefully studied and examined the financial needs for operations for the coming fiscal year after discussions with the City Administrator and all Department Heads; and

WHEREAS, having considered the budget requests for the coming fiscal year and having determined that it is in the best interests of the taxpayers of the City to adopt a comprehensive budget based upon estimated revenues and to provide appropriations for City operations and debt service for all City departments; and

WHEREAS, pursuant to S.C. Code Ann. §6-1-80 the City has provided notice to the public by advertising the public hearing before the adoption of the budget for the next fiscal year in a newspaper of general circulation in the area, given that not less than fifteen days in advance of the public hearing in the form as prescribed by law; and

WHEREAS, after a public hearing and receiving public comment the City Council finds that the budget for Fiscal Year 2024-2025 should be adopted;

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

SECTION 1. ADOPTION OF THE BUDGET FOR THE CITY OF SIMPSONVILLE, SOUTH

adopted by City Council or, at City Council's direction, as formulated and implemented by the City Administrator, either existing or adopted.

1.12. The County Auditor of Greenville County shall levy an ad valorem tax on all taxable property owned and used in the City of Simpsonville, South Carolina, except such as may be exempt from taxation under the Constitution and laws of the state of South Carolina. The tax shall be collected and paid into the treasury of Greenville County for credit to the City of Simpsonville.

1.13. City Council reserves the right to amend and alter any appropriation contained herein.

1.14. Any transfer of funds, except as allowed for in this ordinance and except for transfers within a department's budget line items (provided the overall department's budget appropriations do not change) must be reported in the monthly Financial Report to City Council and must be approved by a majority vote of the City Council.

1.15. Expenditure of funds from the General Fund and other City funds, as outlined in the General Fund budget or other budget as approved by City Council, is hereby approved by the City Council and the City Administrator is authorized to expend funds in accordance therewith.

1.16. The annual budget documents and the estimated revenue for the payment of same is hereby adopted and is made a part of this Ordinance as fully as if incorporated herein.

1.17. The purchase of supplies and repairs must be in accordance with provisions of the City's Procurement Ordinance; however, the City Administrator is authorized to purchase used vehicles and equipment from scheduled surplus equipment sales sponsored by City, County, State and Federal government agencies, outside of the requirements of the Procurement Ordinance and procedures of the City of Simpsonville.

1.18. Fees collected by all offices of the City shall be remitted to the City Administrator or her designee for deposit for general City purposes.

1.19. The City Administrator is hereby directed to transfer that sum which represents 75% of the surplus funds, as determined by the annual audit, to the Capital improvement Fund.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES: All ordinances, order, 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 and after its passage and approval.

SECTION 3. 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 4. AUTHORIZATION: The Mayor, 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 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 and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after July 1, 2024, as set forth herein.

Done in meeting duly assembled this 11th day of June, 2024

SIGNATURE OF MAYOR:

Paul D. Shewmaker

ATTEST:

APPROVED AS TO FORM:

Ashley Clark
City Clerk

Daniel Hughes
City Attorney

FIRST READING: May 14, 2024
SECOND READING: June 11, 2024

CITY OF SIMPSONVILLE, SOUTH CAROLINA

**AN ORDINANCE TO AMEND ARTICLE 7 OF THE CITY OF
SIMPSONVILLE ZONING ORDINANCE**

WHEREAS, the Simpsonville City Council reviews the city ordinances at various times to make necessary improvements and/or changes; and,

WHEREAS, City of Simpsonville has determined that amendments to its zoning ordinance are needed to allow for a simple majority to override a Planning Commission recommendation; and,

WHEREAS, the City of Simpsonville finds that allowing Council to override a recommendation from Planning Commission by a simple majority rather than a concurring 5 votes will provide Council with more control of the development of the city; and,

WHEREAS, the City of Simpsonville Zoning Ordinances may be amended from time to time as circumstances and the best interests of the community have required; and,

WHEREAS, the City of Simpsonville Planning Commission recommended approval of the zoning amendments contained herein at a public hearing on April 11, 2024 after due notice for the purpose of considering the proposed amendments to the City of Simpsonville Zoning Ordinance.

WHEREAS, the Mayor and City Council, after considering all of the facts and circumstances surrounding the proposed amendments to the City of Simpsonville Zoning Ordinance, do hereby find that the amendments as set forth herein are in the best interests of the City of Simpsonville.

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

*NOTE: Language in section 1 of this ordinance that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and *** represents sections of the Zoning Ordinance that have been skipped and remain unchanged.*

SECTION 1. That the City of Simpsonville Zoning Ordinance is hereby amended as follows:

7.3.5 Actions by the City

C. The City Council shall consider the recommendation of the Planning Commission in taking action to approve or deny the application. A concurring vote of at least five a

simple majority of City Council members shall be required to override the recommendation of the Planning Commission.

7.4.5 Actions by the City

C. The City Council shall consider the recommendation of the Planning Commission in taking action to approve or deny the application. A concurring vote of ~~at least five a~~ simple majority of City Council members shall be required to override the recommendation of the Planning Commission.

7.5.5 Actions by the City

C. The City Council shall consider the recommendation of the Planning Commission in taking action to approve or deny the application. A concurring vote of ~~at least five a~~ simple majority of City Council members shall be required to override the recommendation of the Planning Commission.

SIGNATURE OF MAYOR:

Paul Shewmaker

ATTEST:

APPROVED AS TO FORM:

Ashley Clark
City Clerk

Daniel Hughes
City Attorney

FIRST READING: May 14, 2024
SECOND READING: June 11, 2024

ORDINANCE NO. Z-2024-02

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA TO LAND LOCATED AT 504 BOYD AVE. TAX MAP# 0306.00-01-016.01 OWNED BY ROI FINANCIAL LLC

WHEREAS, the South Carolina Code of Laws of 1976, as amended, Chapter 23 Title 5 provides for the process for municipalities to rezone property; and

WHEREAS, the City of Simpsonville has enacted a Zoning Ordinance which governs amendments to the Official Zoning Map; and

WHEREAS, the hereinafter described property was advertised on February 15, 2024, and the City of Simpsonville Planning Commission held a public hearing on March 5, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIMPSONVILLE THAT:

1. **ZONING CLASSIFICATION:** The Official Zoning Map of the City of Simpsonville is hereby amended to assign portion of Tax Map # 0306.00-01-016.01 depicted in the deed contained in Book 2413 on Page 5898 of the official records of Greenville County Register of Deeds and as depicted on the survey in Exhibit "A", attached hereto, the zoning classification of B-G, Business General District.

2. **PROVISION SEVERAGE:** It is hereby declared to be the intention of the governing authority of this municipality that the sections, subsections, paragraphs, sentences, clauses and phrases are severable, and if any phrase, clause, sentence, paragraph, subsection, or section of this Ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such invalidity or unconstitutionality shall not effect any of the remaining portions of this Ordinance so held to be invalid.

3. **ORDINANCE SUPERSEDES PREVIOUS INCONSISTENT LEGISLATION:** All Ordinances or parts of Ordinances inconsistent herewith, which may have heretofore been passed by the Simpsonville City Council, are hereby repealed.

(SIGNATURE PAGE FOLLOWS)

ORDINANCE NO.: Z-2024-02

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This Ordinance shall be effective upon second and final reading by the City Council.

SIGNATURE OF MAYOR:

Paul Shewmaker

ATTEST:

APPROVED AS TO FORM:

Ashley Clark
City Clerk

Daniel Hughes
City Attorney

First Reading: April 9, 2024
Second Reading: May 14, 2024

ORDINANCE NO. Z-2024-03

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA OF LAND AT TAX MAP# 0574.03-01-002.01 (1212 W. GEORGIA RD) & 0574.03-01-002.03 (27305 W. GEORGIA RD) BY MARTHA A JAMES, & AT TAX MAP#0574.04-01-001.01 (1214 W. GEORGIA RD.), BY PHYLLIS BOWMAN

WHEREAS, the South Carolina Code of Laws of 1976, as amended, Chapter 23 Title 5 provides for the process for municipalities to rezone property; and

WHEREAS, the City of Simpsonville has enacted a Zoning Ordinance which governs amendments to the Official Zoning Map; and

WHEREAS, the hereinafter described property was advertised on March 13, 2024, and the City of Simpsonville Planning Commission held a public hearing on April 11, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIMPSONVILLE THAT:

1. **ZONING CLASSIFICATION:** The Official Zoning Map of the City of Simpsonville is hereby amended to assign Tax Map # 0574.03-01-002.01, & 0574.03-01-002.03, depicted in the deed contained in Book 2649 on Page 4292 and Tax Map # & 0574.04-01-001.01, depicted in the deed book contained in Book 2041 on Page 216 as depicted in Exhibit “A” & “B”, attached hereto, the zoning classification of I-D, Innovative—Development District.

2. **PROVISION SEVERAGE:** It is hereby declared to be the intention of the governing authority of this municipality that the sections, subsections, paragraphs, sentences, clauses and phrases are severable, and if any phrase, clause, sentence, paragraph, subsection, or section of this Ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such invalidity or unconstitutionality shall not effect any of the remaining portions of this Ordinance so held to be invalid.

3. **ORDINANCE SUPERSEDES PREVIOUS INCONSISTENT LEGISLATION:** All Ordinances or parts of Ordinances inconsistent herewith, which may have heretofore been passed by the Simpsonville City Council, are hereby repealed.

(SIGNATURE PAGE FOLLOWS)

ORDINANCE NO.: Z-2024-03

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This Ordinance shall be effective upon second and final reading by the City Council.

SIGNATURE OF MAYOR:

Paul Shewmaker

ATTEST:

APPROVED AS TO FORM:

Ashley Clark
City Clerk

Daniel Hughes
City Attorney

First Reading: May 14, 2024
Second Reading: June 11, 2024