

**REVISED
AGENDA
OF THE SIMPSONVILLE CITY COUNCIL
BUSINESS MEETING
November 10, 2020
6:30pm
Virtual Go To Meeting**

1. **CALL TO ORDER**..... Mayor Shewmaker
2. **ROLL CALL**..... City Clerk, Phyllis Long
3. **APPROVAL OF MINUTES** – October 13, 2020
4. **PRESENTATIONS**
 - a. Small Business Saturday – November 28, 2020..... Mayor Shewmaker
 - b. Chamber of Commerce Update..... Allison McGarity, President
5. **CITIZEN COMMENTS**
6. **BUSINESS**
 - a. SP-2020-08, Burdette Central ID, Major Change..... Planning & Economic Development, Jason Knudsen
 - b. SP-2020-06, Waterleaf at Neely Ferry ID, Major Change..... Planning & Economic Development, Jason Knudsen
 - c. 1st Reading Ordinance #2020-03, Comprehensive Plan..... Planning & Economic Development, Jason Knudsen
 - d. 1st Reading Ordinance #2020-04, Swamp Rabbit Trail..... City Administrator, Dianna Gracely
7. **EXECUTIVE SESSION**

For the receipt of legal advice concerning Grounsell v. City of Simpsonville, et. al. On coming out of Executive Session, council may vote on items discussed during Executive Session.
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.

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CITATION OF ORDINANCE REPEALED: N/A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: _____