



MINUTES

FORMAL MEETING OF CITY COUNCIL

COUNCIL CHAMBERS - CITY HALL

JULY 9, 2007
5:30 P.M.

1. Call to Order
Mayor White called the meeting to order.
2. Invocation
Councilman David Sudduth
3. Pledge of Allegiance
All
4. Roll Call
The following members of Council were present: Mayor Knox White, Chandra Dillard, Deb Sofield, Diane Smock, Lillian Flemming and David Sudduth. Michelle Shain was absent.
5. Approval of the Minutes – June 25, 2007 and July 2, 2007 - approved as submitted.
6. Communications/Announcements from the Mayor and Council
7. Citizens Wishing to Address Council

Mr. Eric Thompson, 126 St. Augustine Drive, representing the Eastside Neighborhood Alliance, stated that he was here to discuss the land use plan for the area that borders the City and the County. Mr. Thompson made reference to a proposal and draft resolution he emailed to Council prior to the meeting. Mr. Thompson also made reference to 18 months ago when Walgreens came to the eastside area followed by an agreement to do a joint land use plan between the City and County, and that the preliminary plan was presented to Council at that time as part of an annexation request.

Mr. Thompson then provided as part of a slide presentation the final approved plan, which was approved by County Council subsequent to the Walgreens annexation. Mr. Thompson stated that his purpose today was to follow-thru with joint planning for the City and the County by requesting that the City initiate a process to approve a joint resolution adopting the final approved plan.

Mayor White acknowledged that the City did initiate some type of joint plan and pointed out that the City did adopt a plan, but the County did not at the time. Mayor White pointed out that the City had just launched its Comprehensive Plan for the entire City and stated that this request should be made part of the City's Comprehensive Plan process as the plan would include areas outside the city.

Mayor White also mentioned annexation of the eastside neighborhoods, and urged Mr. Thompson and other residents in the area to seriously consider annexing into the City as it would cost less to reside within the City pointing out tax differential data and City services. Mayor White suggested two or three key residents from the neighborhood to work with the

City to review the data.

Mr. Thompson stated that he would report back to the neighborhood Board to see who might be interested to meet to discuss annexation.

Ms. Cherie Keese, 104 Ashford Avenue, submitted a packet of information addressed to Ms. Valarie Williams, SC State Housing Finance & Development Authority, stating objections to the form and content of the application for Section 42 Tax Credits for the Brookside Gardens project. Ms. Keese mentioned that she and other residents planned to attend the neighborhood meeting scheduled tomorrow with the Douglas Group developers concerning the Brookside project and urged members of Council to be present. Ms. Keese also submitted a petition of approximately 308 signatures from residents requesting Council to place back on the agenda tonight to defeat the ordinance appropriating \$25,000 for the Douglas Group for its project on Brookside Circle.

Mayor White commented that first reading approval of the ordinance did not necessitate a second reading, and that at the time first reading took place Council was still learning more about the project, which prompted the neighborhood meeting with the developer.

Ms. Evelyn Angelleti, 50 Westview Avenue, representing Neighborhoods United, in response to Mayor White during the last Council meeting, provided proposed amendments to the draft Zoning Ordinance she emailed to Council prior to the meeting. Ms. Angelleti pointed out that there were dozens of changes that should be made to the draft Zoning Ordinance, such as a neighborhood preservation overlay district, redevelopment districts and big box retailers. Ms. Angelleti then presented the following three amendments for consideration she stated were already in the current Zoning Ordinance:

- ▶ Section 19.3.1.1 - Compliance with District Standards - Add the following language:

No lot existing at the time of passage of the ordinance from which this Article is derived shall be reduced below the minimum requirements set forth in this Ordinance. Lots created after the effective date of this Article shall meet at least the minimum requirements established by this Ordinance. (Source of proposed change: Current Ordinance Section 50-6(e))
- ▶ Section 19-3.2.2 - Establishment of Zoning Districts and Specific Purposes: Insert the word "detached between the words "single-family and "residential." (Source of proposed change: Current Ordinance Section 50-153 (b))
- ▶ Section 19-5.2.11 - Cluster Subdivision - Add subsection B - Dimensional Requirements (1) Permitted Density. (Source of proposed change: Current Ordinance Section 50-211(b))

Mr. Kevin Miller, 3 McBee Chapel Road, Mauldin, SC, Upstate SC Regional Coordinator for American Whitewater, and member of many upstate recreation and conservation organizations, commented about the unsafe conduct in park waterways ordinance and stated that he wanted to share some lessons from American Whitewater in an effort to save river users and the City from legal problems in the future. Mr. Miller pointed out that

the Falls were considered a Class IV Rapid, a navigable river, stating that law enforcement officers were not always aware of what whitewater paddling entailed. Mr. Miller cited sections of state law prohibiting obstruction, including signs banning navigation or officers prohibiting navigation. Mr. Miller pointed out a typo in the proposed draft dealing with the word "safe" vs. "unsafe." Mr. Miller also suggested that additional language be added to the proposed for clarity to include that "unsafe activity does not include navigation of the waterways using appropriate watercraft and safety equipment."

Ms. Michelle Miller, 3 McBee Chapel Road, Mauldin, spoke in support of safe waterways, and expressed that Council's efforts would be better served to get the Reedy River off the State's list of polluted rivers.

8. Presentation: None

CONSENT AGENDA

There will be no discussion of these items unless a Council member so requests in which event the item in question will be considered separately.

9. **UNFINISHED BUSINESS – (Ordinances - Second and Final Reading)**

Councilman Sudduth moved, seconded by Councilman Smock, to approve second and final reading of items **9a and 9d**, and first reading of item **10a**. The motion carried unanimously.

- a. Ordinance to appropriate \$39,880 in the Miscellaneous Grants Fund for the Mauldin Road Recycling Convenience Center.
- b. Ordinance to repeal Ordinance No. 2007-32 providing for the dissolution of the Greenville Transit Authority and to re-enact ordinance establishing the same authority Ordinance No. 74-33.

Councilman Smock moved, seconded by Councilman Dillard, to approve second and final reading.

In response to Councilman Sudduth, City Manager James Bourey explained that Ordinance 2007-32 would have abolished GTA and established a new transit agency provided that the County had taken similar action, and that since the County opted not to take similar action it was Council's desire to rescind its previous action adopting Ordinance No. 2007-32.

After discussion, the motion carried unanimously.

- c. Ordinance to add Section 26-49, "Unsafe Conduct in Park Waterways" to the City Code to promote public safety and environmentally safe conduct in waterways in the City parks.

Councilman Sudduth moved, seconded by Councilman Dillard, to approve second and final reading.

Councilman Smock thanked Mr. & Mrs. Miller for their comments and questioned whether the Legal Department considered some of the legal aspects pointed out by Mr. Miller. In response, City Attorney Ron McKinney commented that the legal aspects pointed out by Mr. Miller were considered and that the draft ordinance was drafted in such a way as to deliberately not prevent the use of kayaks under safe conditions. Mr. McKinney offered to meet with the Millers to discuss the proposal after the meeting.

After discussion, the motion carried unanimously.

- d. Ordinance to amend Section 50-327 of the City of Greenville Code of Ordinances to add language as subsection (j) to include regulations for on-site banners for Institutional Uses. (Z-11-2007)

10. NEW BUSINESS – (Ordinances – First Reading)

- a. Ordinance to authorize the City Manager to execute a lease agreement or other appropriate documents to lease approximately 16 square feet of space on top of City Hall to ACSINC.NET, LLC for an internet communication antenna in return for increasing the bandwidth of the wireless facilities that the City uses for secondary internet connection.
- b. Ordinance to authorize the City Manager to execute easement transactions and other related documents as they relate to stormwater and sanitary sewer within the city limits of Greenville.

Councilman Dillard moved, seconded by Councilman Sofield, to approve first reading.

Councilman Dillard questioned whether this proposal represented a new procedure and would it address the approval process. In response, Mr. McKinney commented that this proposal would confirm that for voluntary, minor easements that the authority to grant such easements could be vested with the City Manager, similar to the master ordinance for sale of land for Donaldson Center.

In response to Councilman Flemming regarding takings and limitation of property value, Mr. McKinney stated that the proposal would not address this issue pointing out that most easements acquired by the City were voluntary and did not involve compensation. Mr. McKinney stated that should there be a need for compensation then an appropriation would be required. Mr. McKinney pointed out that involuntary

easements would still require Council approval.

After discussion, the motion carried unanimously.

11. **NEW BUSINESS – (Resolutions - First and Final Reading)**

None.

REGULAR AGENDA

12. **UNFINISHED BUSINESS – (Ordinances - Second and Final Reading)**

- a. Ordinance to repeal Chapter 50, "Zoning" of the City Code and to adopt a new Zoning Ordinance and to provide for an effective date. **(Z-5-2007) (Revised)**

Councilman Smock moved, seconded by Councilman Sudduth, to approve second and final reading.

Mr. Barry Nocks, member of the Planning Commission, urged Council to approve the proposal tonight stating that the proposal takes existing processes and puts them in a more understandable framework. Mr. Nocks stated that the Planning Commission had been involved in revisions since January this year, and stated that the Planning Commission was open to additional modifications over time, and that the Planning Commission would like to suggest one change now with regard to public interaction for which he referred to Ms. Jean Pool to elaborate.

In response, Ms. Jean Pool, Planning and Development, referred to the agenda packet containing revised language with regards to neighborhood meetings and explained that if one abutting property owner shared a boundary with the proposed project this would necessitate a public meeting hosted by the developer. In addition, Ms. Pool stated that if 20% of all property owners within 500 feet request a public meeting, then the developer would also be required to host a meeting. Ms. Pool pointed out that the Planning Commission and Council could require a public meeting at any time.

Mayor White urged staff to include Ms. Angelleti's concerns as other modifications were considered. Ms. Pool stated that staff did review Ms. Angelleti's amendments and in all three instances the Zoning Ordinance provided the level of protection requested.

Councilman Smock thanked members of the Planning Commission and City staff for their time and expertise on the zoning amendments. Councilman Sudduth also thanked Commissioners for their efforts and thanked them for being responsive to public comments.

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After discussion, the motion carried unanimously.

- b. Ordinance to amend Sections 50-158 (d) and 50-160 (d) of the City of Greenville Code of Ordinances to include "automobile wash and detailing" facilities as uses permitted by "Special Exception" within C-3, General Commercial, and S-1, Service Districts. **(Z-9-2007)**

Councilman Dillard moved, seconded by Councilman Flemming, to approve second and final reading. The motion carried unanimously.

13. **NEW BUSINESS – (Ordinances – First Reading)**

None.

14. **NEW BUSINESS – (Resolutions - First and Final Reading)**

- a. Resolution to reaffirm City Council's commitment to public transit in the Greater Greenville area and to endorse a process for planning for transit growth in the future.

Councilman Sudduth moved, seconded by Councilman Smock, to approve first and final reading.

In response to Councilman Sudduth regarding a special transit committee referred to in the proposal, Mr. Bourey explained that the transit committee that was established had a limited duration and as part of the recommendations of the committee it was recommended that a full transit committee jointly appointed by the City and County be established to look at longer range issues.

After discussion, the motion carried unanimously.



15. **CITY MANAGER'S REPORT**

- ▶ A grant the Conestee Foundation applied for to purchase land from the City near the landfill was approved, and that the City will move forward with working with the Foundation on the necessary transactions and Council action.
- ▶ The MASC Conference will convene on Thursday of this week. Hotel registrations are going well and approximately 1400 delegates are expected. Kudos to City staff for clean-up efforts downtown, and to Nancy Whitworth and her staff for convening a tour.

Councilman Flemming recognized Councilman Dillard as a member of the MASC Board of Directors and President of the Conference of Black Elected Officials as she will host a reception on Friday evening.

Councilman Sudduth thanked staff for their efforts on a great Red White and Blue Festival during 4th of July.

16. ADJOURN - There being no further business, the meeting adjourned at 6:14 p.m.


Knox H. White, Mayor
Cheryle R. Ratliff, City Clerk

MEETING NOTICE POSTED AND MEDIA NOTIFIED: July 6, 2007