



MINUTES
FORMAL MEETING OF CITY COUNCIL
August 11, 2022 - 6:00 PM

Meeting Location: Municipal Building, 300 Wall Street, Council Chambers
<https://www.youtube.com/channel/UC6JiYlrM1NUcM8Ea8BLXCfA>

1. Call to Order- Mayor McLeer

Mayor McLeer called the meeting to order.

All Councilmembers were present.

Staff present: Shawn Bell, Elizabeth Carpenter, Greg Gordos, Russell Haltiwanger, Michael Hamilton, Kate Kizito, Ronnie Myers, Eduardo Noriega, Russell Slatton, Austin Watters, Sandra Woods

2. Invocation and Pledge of Allegiance

Mayor McLeer gave the invocation.

3. Public Forum - Persons wishing to speak may signup 15 minutes prior to the meeting. Signups will be on a first-come, first-served basis. Your remarks will be limited to 3 minutes.

Lenny Green, Representing the Yard Bar and Georgia St Cafe - Spoke in opposition to the gravel pit on Georgia Street.

Belita Mack - GC resident, Simpsonville - V. I. Pink Breast Cancer Awareness Gala, Saturday, October 8th at 5:30 pm at Nirvana Cultural Center

Butch Moss - Reported eye sores in town that he would like cleaned up.

4. City Administrator's Report- Shawn M. Bell

a. July Reports

Mr. Bell updated Council on July activities by department.

Mr. Bell also commented that Kate Kizito, our Public Relations Manager, last day is tomorrow. We wish her well on her new venture.

5. **Consent Agenda- There will be no discussion of Consent Agenda items unless a Council member so requests in which event the item in question will be considered separately.**

a. **Approve July 14, 2022 Regular Council Meeting Minutes**

b. **Approve May 2022 Budget to Actual Financial Report (will include all activity from 7/1/21-5/31/2022)**

Motion by Mayor Pro Tem Clemmer, second by Councilmember Thomason to approve the July 14, 2022, Regular Council Meeting Minutes and the May 2022 Budget to Actual Financial Report that includes activity from 7/1/2022-5/31/2022. The motion carried unanimously 7/0.

6. **Unfinished Business -**

a. **Second Reading, Ordinance 2022-7 - Authorizing the execution and delivery of a project agreement with Beeson Development, LLC; Authorizing the execution and delivery of additional documents: and providing for related matters.**

Mr. Bell stated ordinance 2022-7 is authorizing the execution and delivery of a project agreement with Beeson Development, LLC authorizing the execution and delivery of additional documents and providing for related matters. The project agreement spells out that if the city is to rezone this property from R 12 to RM that this parcel cannot have any more than 51 townhome units; that the project cannot be visible from Main Street; the property can never be used for multifamily or apartment purposes. The developer would have five years to reach substantial completion after they have received all of their permits.

Mr. Bell recommended approval of Ordinance 2022-7 on Second Reading.

Motion by Councilmember Blackstone, second by Councilmember Sanders to approve on Second Reading, Ordinance 2022-7. The motion carried unanimously 7/0.

b. **Second Reading, Z 2022-5 Rezone Nash Street, containing approximately 5.3 acres, Laurens County Tax Map # 904-02-01-002 from R-12, Residential District to R-M, Residential Multifamily District**

Mr. Bell stated that this ordinance goes along with the previous project agreement. Z 2022-5 would rezone approximately an 8.7-acre parcel from R-12 to RM Residential Multifamily District. The Townhome and Multi-Family developments contain private roads, so there will be no city-

maintained roads if this parcel is developed.

Motion by Councilmember Blackstone, second by Councilmember Garrett to approve on second reading, Z 2022-5. The motion carried unanimously 7/0.

- c. **First Reading, Z 2022-6 Approval of a motion to deny the Planning Commission's recommendation to rezone P/O Greenville County TMS: 0337000100904 (approximately 2.36 acres) from C-2, Commercial District to S-1, Services District; and instead rezone the entirety of Greenville County TMS: 0337000100904 (approximately 5.3 acres) from C-2, Commercial District to S-1, Services District.**

Attorney Michael Kozlarek reminded Council that at the last meeting there was a recommendation from the Planning Commission to split zone this parcel. A motion and a second was made to deny the Planning Commission recommendation and zone the entire parcel S-1. Another motion and a second was made to table the motion. The tabled motion is what is on the table for tonight.

Motion by Mayor Pro Tem Clemmer, seconded by Councilmember Thomason to amend and deny the Planning Commission's recommendation to split zone and instead zone the entire parcel S-1.

Discussion

Roll Call Vote:

Aye: Councilmember Thomason, Mayor Pro Tem Clemmer, Councilmember Sanders, Councilmember Don

Nay: Mayor McLeer, Councilmember Blackstone, Councilmember Garrett

The motion failed 4/3.

Vote requires super majority to pass.

7. New Business -

- a. **First Reading, Ordinance 2022-8 - Amending Section 2-74 of the Code of Ordinances; Administrative Procedures**

Mr. Bell stated the Ordinance 2022-8 amends Section 2-74 of the Code of Ordinances of the City of Fountain Inn, SC.

Robert's rules of order to govern in absence of specific rule; Council may deviate from codified procedures. In all matters not otherwise covered by the rules set out in this division, the latest edition of Robert's Rules of

Order, Newly Revised, when applicable, shall govern the City Council. Any codified procedure of the City Council governed by this Code may be suspended, altered, or amended, by unanimous consent of the Council members then present, unless doing so would otherwise violate State law. Any procedure so suspended, altered, or amended automatically reverts to the codified procedure at the earlier of: (a) the matter under consideration related to which the suspension, alteration, or amendment was obtained, is acted on by the City Council, (b) the objection of a Council member who was absent from the City Council meeting when the unanimous consent request was made, immediately following that Council member's return to the meeting, and (c) the adjournment of the City Council meeting at which the specific procedure was suspended, altered, or amended.

Motion by Mayor McLeer, second by Councilmember Blackstone to approve on First Reading, Ordinance 2022-8 - Amending Section 2-74 of the Code of Ordinances; Administrative Procedures.

The motion carried unanimously 7/0.

b. First Reading, Ordinance 2022-9 - Adding Section 2-76 of the Code of Ordinances; Board Attendance

Mr. Bell stated that Ordinance 2022-9 adds Section 2-76 of the Code of Ordinances; Board Attendance

Sec. 2-76. – Removal of Members of Boards and Commissions. The City Council, by a vote of two-thirds of the Council members present and voting, may remove, for cause, any member of any board or commission, the members of which are appointed by the City Council. The existence of cause is a matter that may be discussed by the City Council in executive sessions as permitted by the South Carolina Freedom of Information Act. The determination of removal shall be by vote in public session without a public statement of cause. A removal results in the vacancy in the position of the member so removed. Any fact, which, in the discretion of the City Council, is deemed adversely to affect the public interest, including failure to attend at least 75% of the regularly scheduled meetings of the applicable board or commission, may constitute cause.

Motion by Mayor McLeer, second by Councilmember Sanders to approve on First Reading, Ordinance 2022-9 - Adding Section 2-76 of the Code of Ordinances; Board Attendance.

The motion carried unanimously 7/0.

c. First Reading, Ordinance 2022-10 - Amending Section 12:4 of Appendix A (Zoning) of the Code of Ordinances; Zoning Approving Procedures

Mr. Bell stated that Ordinance 2022-10 amends Section 12:4 of Appendix A (Zoning) of the Code of Ordinances of the City of Fountain Inn, SC, 1992, as amended ("Code"), as previously amended by Ordinance 2022-6

The City Council shall not consider any matter that has been considered by the Planning Commission unless and until at least the seventh day after the Planning Commission's having taken final action on the matter being presented to the City Council. Before taking such lawful action as the City Council may deem advisable, the City Council shall consider the recommendation of the Planning Commission on each proposed zoning amendment. If no vote is taken by the Planning Commission within 30 days from the date of the public hearing, then the Planning Commission shall be deemed to have approved the proposed amendment. The City Council may reject any recommendation of the Planning Commission by a favorable vote of two-thirds of the Council members present and voting. If the vote of the Planning Commission on any proposed amendment results in a tie, then the Planning Commission is deemed to have provided no recommendation to the City Council.

Motion by Mayor McLeer, second by Councilmember Don to approve on First Reading, Ordinance 2022-10 - Amending Section 12:4 of Appendix A (Zoning) of the Code of Ordinances; Zoning Approving Procedures.

The motion carried unanimously 7/0.

d. First Reading, Ordinance 2022-11, Amending Section 12:5 of Appendix A (Zoning) of the Code of Ordinances; Zoning Petition Procedure

Mr. Bell stated Ordinance 2022-11, Amending Section 12:5 of Appendix A (Zoning) of the Code of Ordinances; Zoning Petition Procedure

In case of a protest against any proposed zoning change signed by the owners of 20 percent or more of the lots included in the proposed change; or of those immediately adjacent to, in the rear, or on either side extending 100 feet; or of those directly opposite extending 100 feet from the street frontage of such opposite lots any amendment shall not become effective except by favorable vote of two-thirds of the Council members present and voting.

No protest petition shall be valid unless it is (1) written, (2) bears the actual signatures of the requisite number of property owners and states that they protest the proposed amendment, and (3) is received by the

Building Inspector in time to allow at least two normal work days (excluding weekends and legal holidays) prior to the public hearing on the amendment so as to allow time for municipal personnel to check the accuracy and sufficiency of the petition.

Motion by Mayor McLeer, second by Councilmember Garrett to approve on First Reading, Ordinance 2022-11, Amending Section 12:5 of Appendix A (Zoning) of the Code of Ordinances; Zoning Petition Procedure.

The motion carried unanimously 7/0.

e. First Reading, Ordinance 2022-12, Speed Humps

Mr. Bell stated that Ordinance 2022-12 amends Chapter 19 (Traffic and Motor Vehicles) of the Code of Ordinances of the City of Fountain Inn, South Carolina, 1992, as amended ("Code") to add Section 19-6 (Speed Humps).

The purpose of this section is to provide for the evaluation and selection of roadways for the installation of Speed Humps.

Mr. Bell reviewed the remainder of the ordinance with Council.

Motion by Councilmember Thomason, second by Councilmember Garrett to approve First Reading, Ordinance 2022-12, Speed Humps.

The motion carried unanimously 7/0.

8. Executive Session -

a. For the receipt of legal advice related to a threatened or potential claim covered by the attorney-client privilege.

After coming out of executive session, council may vote on items discussed during executive session.

Motion by Mayor Pro Tem Clemmer, second by Councilmember Sanders to meet in executive session.

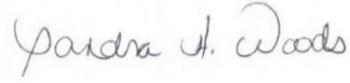
The motion carried unanimously 7/0

Motion by Councilmember Thomason, second by Councilmember Sanders for Council to come out of executive session.

Mayor McLeer commented that no votes were taken while in executive session.

9. Adjourn

Motion by Councilmember Sanders, second by Councilmember Garrett to adjourn the meeting. The motion carried unanimously.

A handwritten signature in cursive script that reads "Sandra H. Woods". The ink is dark and the signature is written on a light-colored background.

Sandra H. Woods, CMC
Municipal Clerk