City Council Agenda

Agenda Of 5-11-2020

Documents:

AGENDA OF 5-11-2020.PDF

Draft - Formal Minutes Of 4-27-2020

Documents:

DRAFT - FORMAL MINUTES OF 4-27-2020.PDF

Item 11a

Documents:

ITEM 11A - AGREEMENT - CENTRAL REALTY HOLDINGS LLC FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (NORTHPOINTE).PDF

Item 11a Presentation

Documents:

ITEM 11A - PRESENTATION - CENTRAL REALTY HOLDINGS LLC FIRST AMENDMENT TO DEVELOPMENT AGREEMENT.PDF

Item 11b

Documents:

ITEM 11B - AX-2-2020 - ANNEXATION OF OLD AUGUSTA ROAD AND MONTEITH CIRCLE.PDF

Item 11b Presentation

Documents:

ITEM 11B - PRESENTATION - AX-2-2020 - ANNEXATION OF OLD AUGUSTA ROAD AND MONTEITH CIRCLE.PDF

Item 11c

Documents:

ITEM 11C - MORATORIUM EXTENSION - ACCEPTANCE OF APPLICATIONS IN CERTAIN AREAS ADJACENT TO UNITY PARK.PDF

Item 11c Presentation

Documents:

ITEM 11C - PRESENTATION - MORATORIUM EXTENSION - ACCEPTANCE OF APPLICATIONS IN CERTAIN AREAS ADJACENT TO UNITY PARK.PPTX.PDF

Item 11d

Documents:

ITEM 11D - CITY CODE - AMEND SECTION 19-3.2.2Q AND ADOPT SECTION 19-6.12 NRO DISTRICT (Z-22-2019).PDF

Item 11d Presentation

Documents:

ITEM 11D - PRESENTATION - CITY CODE - AMEND SECTION 19-3.2.2Q AND ADOPT SECTION 19-6.12 NRO DISTRICT (Z-22-2019).PDF

Item 11e

Documents:

ITEM 11E - Z-1-2020 REZONE 2.02 ACRES IN WEST GREENVILLE OVERLAY DISTRICT.PDF

Item 11e Presentation

Documents:

ITEM 11E - PRESENTATION - Z-1-2020 REZONE 2.02 ACRES IN WEST GREENVILLE OVERLAY DISTRICT.PDF

Item 11f

Documents:

ITEM 11F - EASEMENT - WELBORN STREET AND RENEWABLE WATER RESOURCES FOR INSTALLING AND MAINTAINING SEWER TRUCK LINES.PDF

Item 11g

Documents:

ITEM 11G - EMERGENCY ORDINANCE - TEMPORARY MORATORIUM ON PERMITS FOR SHORT TERM RENTALS.PDF

Item 14a

Documents:

ITEM 14A - PROCEDURES - PUBLIC HEARINGS DURING STATE OF EMERGENCY - REVISED.PDF

Item 15a

Documents:

ITEM 15A - CITY CODE - AMEND CHAPTER 36, ARTICLE IV, PUBLIC NOTIFICATION PRIOR TO WORK.PDF

Item 16a

Documents:

ITEM 16A - CERTIFY ABANDONED BUILDING SITE - 205 ANDERSON STREET.PDF

Item 16a Presentation

Documents:

ITEM 16A - PRESENTATION - CERTIFY ABANDONED BUILDING SITE - 205 ANDERSON STREET.PDF

Item 16b

Documents:

ITEM 16B - INTERGOVERNMENTAL AGREEEMENT WITH GREENVILLE TECHNICAL COLLEGE CAMPUS POLICE DEPARTMENT.PDF

Questions on an agenda item? Contact Camilla Pitman, city clerk, at cpitman@greenvillesc.gov*.*
All media inquiries, please contact Communications Director Beth Brotherton, at *bbrotherton*@greenvillesc.gov*.*

AGENDA

FORMAL MEETING OF CITY COUNCIL

Monday, May 11, 2020 - 5:30 p.m.

Greenville City Hall is currently closed to the public.
Please use the following methods to participate in the meeting.

Virtual Meeting Viewing
https://www.greenvillesc.gov/meeting
Password: meetnow

Telephone: 1-415-655-0002
WebEx Event Number: 712 310 941

Remote Viewing Location:
Greenville Convention Center, 1 Exposition Drive – Room 102

The city of Greenville seeks input from citizens while adhering to public health and safety guidelines. All attendees at the remote viewing location will be subject to a temperature screening with a touch-less forehead thermometer. Anyone with a temperature reading above 100 degrees Fahrenheit will not be admitted. Attendees will be required to wear a covering over their mouth and nose, unless it violates a religious tenant or belief or causes difficulty breathing.

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1. Call to Order **Mayor Knox H. White**

2. Invocation **Councilmember Wil Brasington**

3. Pledge of Allegiance

4. Roll Call

5. Approval of the Minutes **April 27, 2020**

6. Communications/Announcements from the Mayor and Council

7. Citizens Wishing to Address Council

Citizens wishing to address Council are requested to contact the City Clerk at cpitman@greenvillesc.gov or 864-467-4431 by 3:00 p.m. on the day of the meeting and to provide their name, address, and agenda item they wish to speak on. The names will be added to a sign-in list and individuals will be acknowledged one at a time to provide public comments for no more than three (3) minutes.

8. Presentation
None

9. Public Hearing
None

10. APPOINTMENTS – Boards and Commissions
None

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.

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

a. Ordinance to approve First Amendment to Development Agreement with Central Realty Holdings, LLC for a project located at 2 Wade Hampton Boulevard (Northpointe)
(Presented by Senior Economic Development Project Manager Tracy Ramseur)
(Roll Call)

b. Ordinance to annex approximately 0.092 acre of real property located at Old Augusta Road and Monteith Circle, to include the property in the Pleasant Valley Special Emphasis Neighborhood Boundary, and to provide the zoning designation of R-6, Single family residential district (a portion of Tax Map Number 0365000200100 (AX-2-2020)
(Presented by Economic Development Project Manager Kevin Howard)
(Roll Call)

c. Ordinance to extend a temporary moratorium in certain areas adjacent to Unity Park which were not rezoned as part of the adoption of the Unity Park Neighborhood District Code
(Presented by Interim Community and Economic Development Director Ginny Stroud)
(Roll Call)

d. Ordinance to amend Section 19-3.2.2(Q) and adopt Section 19-6.12 of the Code of Ordinances of the City of Greenville to modify and add design standards to the NRO, Neighborhood Revitalization Overlay District (Z-22-2019)
(Presented by Interim Planning and Development Services Director Jay Graham)
(Roll Call)

e. Ordinance to rezone approximately 2.02 acres of real property located within the West Greenville Overlay District from RM-1, Single-family and multifamily residential district, to RM-1.5, Single-family and multifamily residential district (Tax Map Numbers: 0076020400500, 0076020400501, 0076020400502, 0076020400503, 0076020400504, 0076020400505, 0076020400506, 0076020400507, 0076020400508, 0076020400509, 0076020400510, AND 0076020400511) (Z-1-2020)
(Presented by Interim Planning and Development Services Director Jay Graham)
(Roll Call)

f. Ordinance to approve an easement in favor of Renewable Water Resources for the purposes of installing and maintaining sewer truck lines on property located on Welborn Street (Tax Map Numbers 0053000400200, 0055000100200, 0055000100203, 0055000100204, 0055000100205, 055000100303, 0055000100400, 055000100401)
(Presented by Engineering Services Manager Dwayne Cooper)
(Roll Call)

g. Ordinance to impose a temporary moratorium on acceptance of applications for permits, licenses, certificates of appropriateness, and other approvals for a short term rental, or a for development which includes such use
(Presented by City Attorney Mike Pitts and Interim Planning and Development Services Director Jay Graham)
(Roll Call)

12. NEW BUSINESS -- (Ordinances – First Reading)
None

13. NEW BUSINESS -- (Resolutions – First and Final Reading)
None

REGULAR AGENDA

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

a. Ordinance to provide for alternative procedures for public hearings during a state of emergency; and matters related thereto (REVISED)
(Presented by City Attorney Mike Pitts)
(Roll Call)

15. NEW BUSINESS -- (Ordinances – First Reading)

a. Ordinance amending Article IV of Chapter 36 of the Code of Ordinances of the City of Greenville to provide for public notification prior to commencement of utility work in the public right-of-way
(Presented by City Attorney Mike Pitts)
(Roll Call)

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

a. Resolution to certify 205 Anderson Street as an abandoned building site (Tax Map Number 0082000201200)
(Presented by Economic Development Project Manager Kevin Howard)

b. Resolution to enter into an Intergovernmental Agreement with the Greenville Technical College Campus Police Department for the provision of 911 telecommunications services by the Greenville Police Department
(Presented by Interim Police Chief J.H. Thompson)

17. STAFF REPORTS

a. Census Update
(Assistant City Manager Shannon Lavrin)

18. ADJOURN

MINUTES
FORMAL MEETING OF CITY COUNCIL

Monday, April 27, 2020 - 5:30 p.m.

Greenville City Hall - Closed to the Public

Virtual Meeting Viewing: https://www.greenvillesc.gov/meeting

Remote Viewing Location:
Greenville Convention Center, 1 Exposition Drive – Room 102

Facebook:
Greenville, South Carolina – Official City Government Homepage

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1. CALL TO ORDER
Mayor Pro Tem Lillian Flemming

2. INVOCATION
Councilmember John DeWorken

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL
The following members of City Council were in attendance: John DeWorken, Lillian Flemming, Ken Gibson, Wil Brasington, Russell Stall, and Dorothy Dowe

Absent: Mayor Knox White

5. APPROVAL OF THE MINUTES
March 23, 2020; Approved as submitted
April 3, 2020; Approved as submitted

6. COMMUNICATIONS / ANNOUNCEMENTS FROM THE MAYOR AND COUNCIL
None

7. CITIZENS WISHING TO ADDRESS COUNCIL
None

8. PRESENTATION
None

9. PUBLIC HEARING
None

10. APPOINTMENTS – Boards and Commissions
None

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.

Councilmember Brasington moved, seconded by Councilmember Stall, to approve second and final reading of agenda items 11a, 11b, and 11c of the Consent Agenda. The motion carried unanimously.

11. UNFINISHED BUSINESS – (Ordinances – Second and Final Reading)

a. Ordinance to rezone approximately 17 acres of real property located within the West End Overlay District to remove certain properties from the West Greenville Neighborhood Revitalization Overlay District (Z-23-2019)
(Presented by Interim Planning and Development Services Director Jay Graham)

b. Ordinance to approve an easement in favor of Duke Energy Carolinas, LLC for the purposes of undergrounding utilities on property located on Welborn Street (Tax Map Numbers 0055000100501, 0055000100204, 0055000100200, 0055000100301, 0055000100304, 0055000100210, 0055000100302, 0055000100212, 0055000100101, 0055000100100)
(Presented by Engineering Services Manager Dwayne Cooper)

c. Ordinance to appropriate $2,316,169 in the Miscellaneous Grants Fund and $187,219 in the Capital Projects Fund for the Fairforest Way Rehabilitation Project
(Presented by Engineering Services Manager Dwayne Cooper)

12. NEW BUSINESS – (Ordinance – First Reading)
None

13. NEW BUSINESS – (Resolutions – First and Final Reading)
None

REGULAR AGENDA

14. UNFINISHED BUSINESS – (Ordinances – Second and Final Reading)
None

15. NEW BUSINESS – (Ordinances – First Reading)

a. Ordinance to provide for alternative procedures for public hearings during a state of emergency; and matters related thereto
(Presented by City Attorney Mike Pitts)

Councilmember Stall moved, seconded by Councilmember Dowe, to approve first reading.

City Attorney Michael Pitts stated the proposed Ordinance puts in place procedures for public hearings to be conducted during a state of emergency and provides for remote viewing sites and access for public participate. Mr. Pitts also stated the Ordinance addresses boards and commissions conducting public hearings.

Councilmember DeWorken shared his concern with citizens having the ability to effectively express their opposition to an agenda item during a public hearing.

Councilmember Brasington asked if a matter can be delayed from being placed before a body. Mr. Pitts responded matters can always be deferred, however, it depends upon the request of the applicant and the prescribed timelines under state law.

Councilmember Flemming stated she supports the Ordinance because there are several ways for the public to participate in a meeting and express their opinions.

Councilmember Dowe asked, for example, how a developer is currently able to conduct a public information session for developments. Mr. Pitts responded there are requirements for noticing the neighborhood, however, the Ordinance does not address neighborhood meetings. Interim Planning and Development Services Director Jay Graham responded developers are conducting meetings by virtual means and are still required to meet notification requirements. Mr. Graham stated if they do not meet these requirements, it can stop the process.

Councilmember DeWorken stated he would support the Ordinance because of the unusual times we are in, but shared his hope that boards and commissions defer any item that would be considered contentious until meetings can be conducted in person.

After discussion, the motion carried unanimously.

b. Ordinance to approve First Amendment to Development Agreement with Central Realty Holdings, LLC for a project located at 2 Wade Hampton Boulevard (Northpointe)
(Presented by Senior Economic Development Project Manager Tracy Ramseur)

Councilmember Dowe moved, seconded by Councilmember Stall, to approve first reading.

Senior Economic Development Project Manager Tracy Ramseur explained the purpose for the amendment to the development agreement, referring to the owner's need to complete the conduit installation and utilizing funds to pay the owner for those services rendered instead of paying Duke Energy. Ms. Ramseur stated the cost is anticipated to be approximately $144,000, which is less than the $200,000 set aside.

Councilmember Dowe asked if the City has been invoiced by the owner yet for the $600,000. Ms. Ramseur responded the project has to be completed to the City's standards and in accordance with the agreement, which is anticipated around the fall.

After discussion, the motion carried unanimously.

c. Ordinance to annex approximately 0.092 acre of real property located at Old Augusta Road and Monteith Circle, to include the property in the Pleasant Valley Special Emphasis Neighborhood Boundary, and to provide the zoning designation of R-6, Single family residential district (a portion of Tax Map Number 0365000200100 (AX-2-2020)
(Presented by Economic Development Project Manager Kevin Howard)

Councilmember Stall moved, seconded by Councilmember Brasington, to approve first reading. The motion carried unanimously.

d. Ordinance to extend a temporary moratorium in certain areas adjacent to Unity Park which were not rezoned as part of the adoption of the Unity Park Neighborhood District Code
(Presented by Interim Community and Economic Development Director Ginny Stroud)

Councilmember Dowe moved, seconded by Councilmember Gibson, to approve first reading.

Interim Community and Economic Development Director Ginny Stroud explained the purpose for the temporary moratorium and stated the item was scheduled to go before the Planning Commission in April, however, with the COVID-19 virus, the Planning Commission did not meet and the item was moved to the May agenda. Ms. Stroud also stated the temporary moratorium now needs to be extended to allow for the public hearing to be conducted.

After discussion, the motion carried unanimously.

e. Ordinance to amend Section 19-3.2.2(Q) and adopt Section 19-6.12 of the Code of Ordinances of the City of Greenville to modify and add design standards to the NRO, Neighborhood Revitalization Overlay District (Z-22-2019)
(Presented by Interim Planning and Development Services Director Jay Graham)

Councilmember Gibson moved, seconded by Councilmember Stall, to approve first reading.

Mr. Graham stated the intent of the Ordinance is to codify adopted guidelines that are currently voluntary so they can be enforced. Mr. Graham also stated staff has met several times with the neighborhoods involved and they are in support of this action.

After discussion, the motion carried unanimously.

f. Ordinance to rezone approximately 2.02 acres of real property located within the West Greenville Overlay District from RM-1, Single-family and multifamily residential district, to RM-1.5, Single-family and multifamily residential district (Tax Map Numbers: 0076020400500, 0076020400501, 0076020400502, 0076020400503, 0076020400504, 0076020400505, 0076020400506, 0076020400507, 0076020400508, 0076020400509, 0076020400510, AND 0076020400511) (Z-1-2020)
(Presented by Interim Planning and Development Services Director Jay Graham)

Councilmember Gibson moved, seconded by Councilmember DeWorken, to approve first reading.

Mr. Graham explained the properties are adjacent to Unity Park and stated the applicant's intent is to increase density to build affordable housing.

Councilmember Dowe asked if the COVID-19 virus has affected the applicant's intentions. Ms. Stroud responded Homes of Hope plans to apply for funding for this development through the South Carolina State Housing Finance and Development Authority in late May.

After discussion, the motion carried unanimously.

g. Ordinance to approve an easement in favor of Renewable Water Resources for the purposes of installing and maintaining sewer truck lines on property located on Welborn Street (Tax Map Numbers 0053000400200, 0055000100200, 0055000100203, 0055000100204, 0055000100205, 055000100303, 0055000100400, 055000100401)
(Presented by Engineering Services Manager Dwayne Cooper)

Councilmember Gibson moved, seconded by Councilmember DeWorken, to approve first reading.

Engineering Services Manager Dwayne Cooper stated the easement affects the ReWa trunk lines near Unity Park and the tunneling project, allowing for an increase in capacity.

After discussion, the motion carried unanimously.

h. Ordinance to impose a temporary moratorium on acceptance of applications for permits, licenses, certificates of appropriateness, and other approvals for a short term rental, or a for development which includes such use
(Presented by City Attorney Mike Pitts and Interim Planning and Development Services Director Jay Graham)

Councilmember Gibson moved, seconded by Councilmember Stall, to approve first reading.

Mr. Pitts stated the Ordinance poses a six-month moratorium on issuing permits or required approvals for short term rentals and advised there are no regulations currently

in place. Mr. Pitts also stated the moratorium will allow time for City Council and city staff to review and discuss the issue.

Councilmember Stall moved, seconded by Councilmember Brasington, to amend the Ordinance time frame from six-months to 90 days with the option to extend the time if necessary.

Councilmember Gibson stated due to the current COVID-19 virus and reduced staffing, it would be more prudent to pass the Ordinance with the proposed six months and remove the moratorium early than to mislead the public with a 90 day moratorium and then extend it to in order to complete the review.

Councilmember Dowe stated she believes it is a lot to ask of staff to develop a policy within a short time period and that six months may be needed.

Councilmember Brasington stated he believes a moratorium should be as short in duration as possible and, if necessary, an extension could be made.

Councilmember DeWorken stated he sees the validity of both time frames, but would defer to the shorter period, providing an extension if necessary.

Councilmember Stall commented the he believes the City needs the option of a shorter time frame for the moratorium.

The amended motion failed by a 3-3 vote, with Councilmembers Gibson, Dowe, and Flemming voting in opposition.

After discussion, the original motion carried unanimously.

16. NEW BUSINESS – (Resolution – First and Final Reading)

a. Resolution to approve a Municipal State Highway Agreement between South Carolina Department of Transportation and the City of Greenville for the Woodruff Road Corridor Safety Improvement Project
(Presented by Engineering Services Manager Dwayne Cooper)

Councilmember Gibson moved, seconded by Councilmember Brasington, to approve first and final reading. The motion carried unanimously.

b. Resolution to approve the Bylaws of the Richland Cemetery Advisory Committee
(Presented by Parks and Recreation Director Marlie Creasey-Smith)

Councilmember Gibson moved, seconded by Councilmember Stall, to approve first and final reading. The motion carried unanimously.

c. Resolution approving a restated investment policy statement for the Firefighters' Pension Fund
(Presented by OMB Director Kai Nelson)

Councilmember Stall moved, seconded by Councilmember Brasington, to approve first and final reading.

OMB Director Kai Nelson provided a brief history of the pension plan and referred to a comparison of the prior and the new investment policy statements. Mr. Nelson stated the Firefighters' Pension Fund Board adopted the new statement in April after a year review of the prior statement.

Councilmember Gibson asked for the board's vote regarding this measure, and Mr. Nelson responded the vote was unanimous.

After discussion, the motion carried unanimously.

d. Resolution to accept right-of-way dedications from Hollingsworth Funds, Inc., Verdae Owners Association, Inc., and Verdae Properties, LLC for right of way along Verdae Boulevard, Green Heron Road, and Woodruff Industrial Lane (portions of Parallel Parkway)
(Presented by Engineering Services Manager Dwayne Cooper)

Councilmember Brasington moved, seconded by Councilmember DeWorken, to approve first and final reading. The motion carried unanimously.

17. STAFF REPORTS

City Manager John McDonough provided information on the following items:

a. Saturday's Storm Damage. Fire Chief Steve Kovalcik discussed the Fire Department's response to storm and tornado damage on Saturday night. Chief Kovalcik stated there were approximately a dozen trees and a few power lines down in the City and referred to recovery assistance provided by Duke Energy and the City's Public Works Department. Councilmember DeWorken stated he and his family visited with neighbors in the North Main and Stone Lake areas and spoke with people who were complimentary of the City's assistance. Councilmember Flemming also expressed appreciation for everyone's assistance.

b. 2020 Census. Assistant City Manager Shannon Lavrin provided an update on the 2020 Census stating as of April 22, the City residents' response rate to the Census is up to 44% percent. Ms. Lavrin advised the self-response requests are due back by October 31 and the City Manager is creating a committee with internal and external members to assist with boosting the City's response rate.

c. Retirement of Kai Nelson. Mr. McDonough recognized Office of Management and Budget Director Kai Nelson on his retirement and acknowledged his work in leading

the City to becoming the only municipality in South Carolina with an AAA credit rating from all three major agencies.

d. Parks and Recreation reopening plan. Mr. McDonough informed Council of a plan to reopen Parks and Recreation facilities and stated he will be seeking their input in the upcoming days.

18. ADJOURN. There being no further business, the meeting adjourned at 6:46 p.m.

_____
KNOX H. WHITE, MAYOR

_____
CAMILLA G. PITMAN, MMC, Certified PLS
CITY CLERK

MEETING NOTICE POSTED AND MEDIA NOTIFIED ON APRIL 24, 2020.

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REQUEST FOR COUNCIL ACTION
City of Greenville, South Carolina

TO: Honorable Mayor and Members of City Council

FROM: John F. McDonough, City Manager

Agenda Item No. 11a

☐ Ordinance/First Reading ☑ Ordinance/Second & Final Reading ☐ Resolution/First & Final Reading ☐ Information Only

AGENDA DATE REQUESTED: May 11, 2020

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO APPROVE THE FIRST AMENDMENT TO A DEVELOPMENT AGREEMENT WITH CENTRAL REALTY HOLDINGS, LLC FOR A PROJECT LOCATED AT 2 WADE HAMPTON BOULEVARD (NORTHPOINTE)

SUMMARY BACKGROUND:

Central Realty Holdings, LLC (the "Owner") and the City of Greenville (the "City") entered into a Development Agreement on November 29, 2016 (the "Development Agreement") for the NorthPointe development project located at 2 Wade Hampton Boulevard.

Per the Development Agreement, the City agreed to pay (a) the Owner up to $600,000 for approved expenditures associated with certain public infrastructure improvements, and (b) Duke Energy Carolinas up to $200,000 for lighting improvements, including installation of underground conduit to service streetlights and pedestrian lights associated with the project.

However, during construction, due to unforeseen circumstances and scheduling conflicts, Duke Energy Carolinas was unable to complete the conduit installation in a time frame that was compatible with the Owner's schedule for certain site improvements. So, Duke Energy Carolinas instead authorized the Owner to complete the conduit installation.

The City now desires to amend the Development Agreement to allow the City to reimburse the Owner (in leiu of Duke Energy Carolinas) for expenses associated with said conduit installation.

IMPACT IF DENIED:

The Development Agreement will not be amended and the City will not be able to reimburse Central Realty Holdings, LLC for expenses associated with the installation of underground conduit to service streetlights and pedestrian lights associated with the NorthPointe project.

FINANCIAL IMPACT:

No additional funding will be appropriated.

REQUIRED SIGNATURES

Department Director	DocuSigned by: Ginny Stroud FE9DC7E5A9C7477...	**City Attorney**	DocuSigned by: Michael Pitts 5E0F2A267E2D413...
OMB Director		**City Manager**	DocuSigned by: John McDonough FDC2AC15040F440...

DocuSign Envelope ID: 8923590F-E482-4D12-988E-AE41886D25C1

A N O R D I N A N C E

TO APPROVE THE FIRST AMENDMENT TO A DEVELOPMENT AGREEMENT WITH CENTRAL REALTY HOLDINGS, LLC FOR A PROJECT LOCATED AT 2 WADE HAMPTON BOULEVARD (NORTHPOINTE)

WHEREAS, Central Realty Holdings, LLC (the "Owner") and the city of Greenville (the "City") are parties to that certain Development Agreement recorded on November 29, 2016, in Book DE 2501 at Page 1318 in the Office of the Register of Deeds for Greenville County, South Carolina (the "Development Agreement") for a project located at 2 Wade Hampton Boulevard, Grenville, SC (NorthPointe) (the "Project"); and

WHEREAS, the Development Agreement established the procedures under which the City will reimburse the Owner for approved expenditures associated with certain public infrastructure improvements; and

WHEREAS, due to unforeseen circumstances and scheduling conflicts with Duke Energy Carolinas, the Owner will be responsible for the installation of three inch (3") conduit to service the pedestrian lights and streetlights associated with the Project; and

WHEREAS, the City desires to reimburse the Owner for expenses associated with said conduit installation; and

WHEREAS, the City and the Owner desire to amend the Development Agreement as more fully set forth in the First Amendment to City of Greenville and Central Realty Holdings, LLC Development Agreement for a Project Located at 2 Wade Hampton Boulevard, Greenville, SC (NorthPointe), attached hereto and incorporated herein as Attachment A ("First Amendment").

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, City Council approves entering into a First Amendment to Development Agreement with Central Realty Holdings, LLC in substantially the same form as that First Amendment to Development Agreement, which is attached hereto and incorporated herein by reference as Attachment A. The City Manager, in consultation with the City Attorney, may make or accept minor modifications to the wording and designations of the attached documents as may be necessary or appropriate, provided there is no compromise of the substantive purposes of this Council action. Should the City Manager or City Attorney, or both, determine that any modification of previously negotiated terms is significant and warrants further action by City Council, then the matter shall be presented to Council for further review before the final execution. This Ordinance shall become effective upon passage on the second and final reading.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2020.

_____
MAYOR

ATTEST:

_____
CITY CLERK

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APPROVED AS TO FORM:

_____
CITY ATTORNEY

REVIEWED:

_____
CITY MANAGER

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ATTACHMENT A

STATE OF SOUTH CAROLINA	)	FIRST AMENDMENT TO
	)	CITY OF GREENVILLE
	)	AND CENTRAL REALTY HOLDINGS, LLC
	)	DEVELOPMENT AGREEMENT FOR A PROJECT
	)	LOCATED AT 2 WADE HAMPTON BOULEVARD
COUNTY OF GREENVILLE	)	GREENVILLE, SC (NORTHPOINTE)

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (the "First Amendment") is entered into this ___ day of _____ 2020 by and between Central Realty Holdings, LLC, a South Carolina limited liability company, duly authorized by the Secretary of State of South Carolina to do business in the State (the "Owner"), and the City of Greenville, a municipal corporation under the laws of South Carolina (the "City")

RECITALS

WHEREAS, Owner and City are parties to that certain Development Agreement recorded on November 29, 2016 in Book DE 2501 at Page 1318 in the Office of the Register of Deeds for Greenville County, South Carolina (the "Development Agreement") for a project located at 2 Wade Hampton Boulevard, Grenville, SC (NorthPointe) (the "Project"); and

WHEREAS, due to unforeseen circumstances and scheduling conflicts with Duke Energy Carolinas, the Owner will be responsible for the installation of three inch (3") conduit to service the pedestrian lights and streetlights located on public property as well as portions of the Property directly adjacent to public property along North Church Street, Column Street, East Stone Avenue and Wade Hampton Boulevard; and

WHEREAS, the City desires to reimburse the Owner for expenses associated with said conduit installation; and

WHEREAS, the Owner and City now desire to amend the Development Agreement as more particularly set forth herein.

NOW THEREFORE, in consideration of the terms and conditions set forth herein, and other good and valuable consideration, including the potential economic benefits to the City and Owner by entering this First Amendment, the receipt and sufficiency of such consideration being hereby acknowledged, the City and Owner agree that the Development Agreement is amended as follows:

1. The above recitals and the definitions in the Development Agreement are hereby incorporated into this First Amendment.

2. Section 1.j. of the Development Agreement is hereby deleted in its entirety and replaced with the following:

   a. *Pedestrian Lights and Streetlights.* The Owner agrees to (i) coordinate with Duke Energy Carolinas ("Duke") for the installation of Mini Bell LED pedestrian lights, standard (non-decorative) LED streetlights and electrical equipment to be located on

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public property as well as portions of the Property directly adjacent to public property along North Church Street, Column Street, East Stone Avenue and Wade Hampton Boulevard and (ii) install three inch (3") conduit to service the aforementioned lighting and equipment (collectively, the "Lighting Improvements"), as more fully set forth in Exhibit A, attached hereto and incorporated herein by reference. Coordination shall include, but not be limited to, maintaining communication with Duke throughout the duration of the Project; scheduling and ensuring installation of the Lighting Improvements; and overseeing coordination with Owner's contractors. In the event the Lighting Improvements are not installed by December 31, 2023, the Owner shall immediately reimburse the City for all sums paid by the City to Duke as set forth below in Paragraph 2(d). The Owner agrees to provide Duke with a permanent easement for the installation, maintenance and operation of said Lighting Improvements to be located on the Property, directly adjacent to public property along North Church Street, Column Street, East Stone Avenue and Wade Hampton Boulevard. The Owner agrees to provide Duke with executed easement agreement prior to the Owner receiving reimbursement from the City pursuant to Paragraphs 2(a) and 2(b) below.

3. Section 2.d. of the Development Agreement is hereby deleted in its entirety and replaced with the following:

a. *Pedestrian Lights and Streetlights Participation.* In addition to the Reimbursement Payment called for in Paragraphs 2(a) and 2(b) and subject to the reimbursement contingencies set forth above in Section 2(c), the City (i) agrees to pay Duke a one-time payment not to exceed One Hundred and Sixty Thousand Dollars and No/100 ($160,000.00) and the Owner a one-time payment not to exceed Forty Thousand Dollars and No/100 ($40,000) for the Lighting Improvements, as referenced in Paragraph 1(j) above, and (ii) shall be responsible for ongoing service and energy fees associated with the operation and maintenance of said Lighting Improvements. The City will be responsible for final approval of all Lighting Improvements associated with the Project.

4. Except as expressly amended by this First Amendment, the Development Agreement remains in full force and effect and is hereby expressly ratified and confirmed in its entirety by the parties hereto.

5. This First Amendment may be executed in counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

(Signatures on the Following Page)

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IN WITNESS WHEREOF, the parties have executed this First Amendment as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

CENTRAL REALTY HOLDINGS, LLC

_____
Witness

By:_____

_____
Witness

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGMENT
COUNTY OF GREENVILLE)

THE FOREGOING INSTRUMENT was acknowledged before me this _____ day of _____, 2020 by _____ as _____ of Central Realty Holdings, LLC.

_____[SEAL]
Notary Public for South Carolina

Print Name: _____

My Commission Expires:_____

[Signatures continued on next page]

DocuSign Envelope ID: 8923590F-E482-4D12-988E-AE41886D25C1

IN WITNESS WHEREOF, the parties have executed this First Amendment as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

CITY OF GREENVILLE

_____
Witness

By: _____

Its: City Manager

_____
Witness

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGMENT
COUNTY OF GREENVILLE)

THE FOREGOING INSTRUMENT was acknowledged before me this _____ day of _____, 2020 by _____ as City Manager of the City of Greenville, South Carolina.

_____[SEAL]
Notary Public for South Carolina

Printed Name: _____

My Commission Expires:_____

DocuSign Envelope ID: 8923590F-E482-4D12-988E-AE41886D25C1

APPROVED AS TO FORM:

_____
CITY ATTORNEY

REVIEWED BY:

_____
INTERIM ECONOMIC & COMMUNITY DEVELOPMENT DIRECTOR

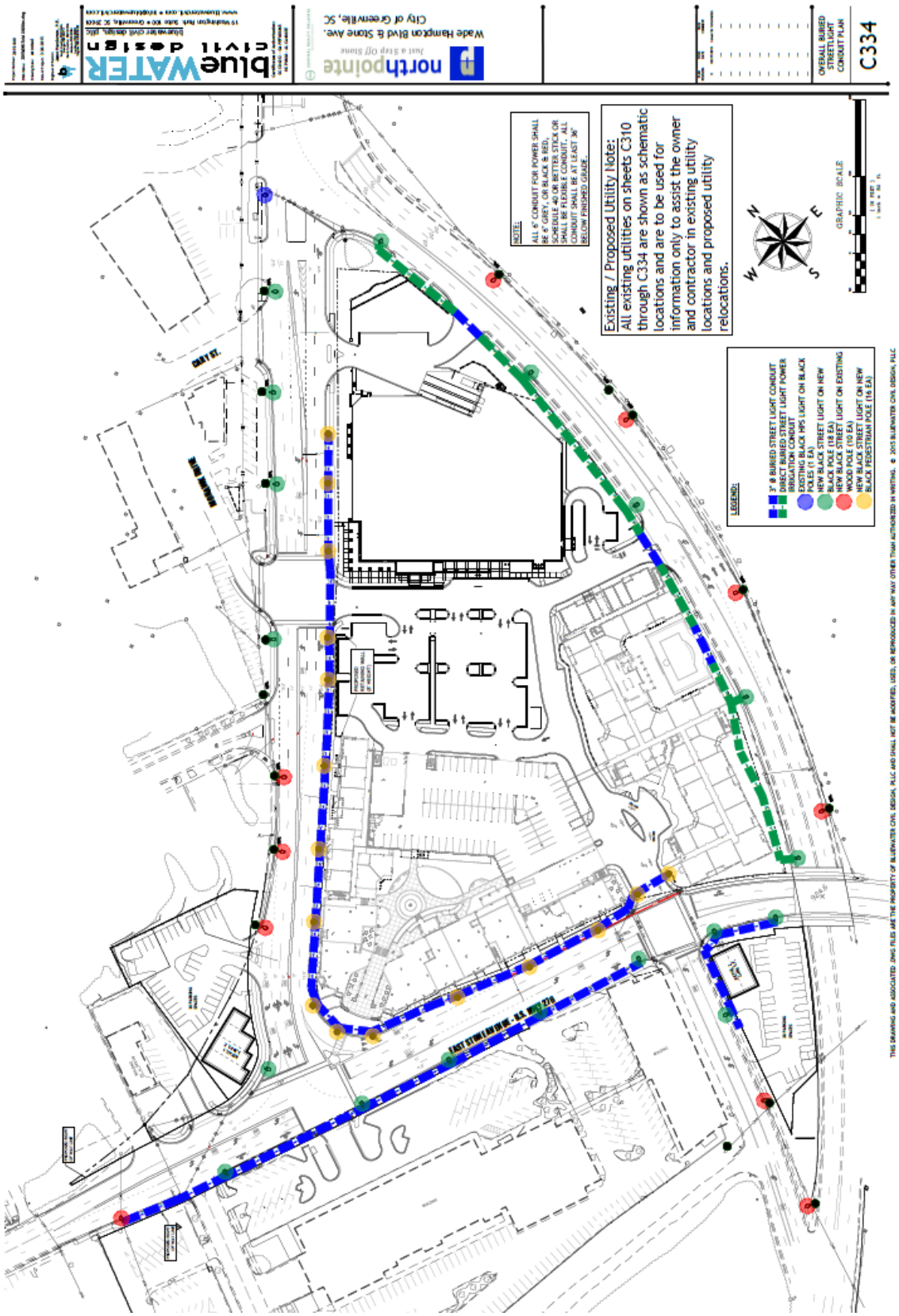
_____
PUBLIC WORKS DIRECTOR

_____
OMB DIRECTOR

_____
PURCHASING ADMINISTRATOR

DocuSign Envelope ID: 8923590F-E482-4D12-988E-AE41886D25C1

EXHIBIT A



YEARGIN POTTER SMITH CONSTRUCTION

North Pointe Apartments & Parking Deck

Image # 23
Date : 01.20.2020
Aero Photo 888.542.0231

DocuSign Envelope ID: B0923350-F816-43FB-8315-BFEF1CBDD8FB

REQUEST FOR COUNCIL ACTION
City of Greenville, South Carolina

TO: Honorable Mayor and Members of City Council

FROM: John F. McDonough, City Manager

Agenda Item No. 11b

☐ Ordinance/First Reading ☑ Ordinance/Second & Final Reading ☐ Resolution/First & Final Reading ☐ Information Only

AGENDA DATE REQUESTED: May 11, 2020

ORDINANCE/RESOLUTION CAPTION:

AN ORDINANCE TO ANNEX APPROXIMATELY 0.092 ACRE OF REAL PROPERTY LOCATED AT OLD AUGUSTA ROAD AND MONTEITH CIRCLE, TO INCLUDE THE ANNEXED PROPERTY IN THE PLEASANT VALLEY SPECIAL EMPHASIS NEIGHBORHOOD BOUNDARY, AND TO PROVIDE THE ZONING DESIGNATION OF R-6, SINGLE-FAMILY RESIDENTIAL DISTRICT (A PORTION OF TAX MAP NUMBER 0365000200100) (AX-2-2020)

SUMMARY BACKGROUND:

Allen Temple CEDC, as owner of subject property, applied for annexation of approximately 0.092 acre of real property located on Monteith Circle (the "Property"), and applied for rezoning of the Property from county zoning designation R-10, Residential district, to City zoning designation of R-6, Single-family residential district.

The City Planning Commission, pursuant to public notice, held a public hearing on March 19, 2020, to consider the annexation, inclusion of the Property in the Pleasant Valley Special Emphasis Neighborhood Boundary, and the proposed rezoning. A motion to approve the application was approved by a vote of 6-0.

Planning Staff Recommendation: Approval with a zoning designation of R-6, Single-family residential district and inclusion of the Property in the Pleasant Valley Special Emphasis Neighborhood Boundary

Planning Commission Recommendation: Approval of motion to annex, include the Property in the Pleasant Valley Special Emphasis Neighborhood Boundary, and zone the property R-6 by a vote of 6-0

IMPACT IF DENIED:

The Property will not be annexed, included in the Pleasant Valley Special Emphasis Neighborhood Boundary, or rezoned.

FINANCIAL IMPACT:

The Property annexed by this ordinance shall be subject to an intergovernmental agreement with Gantt Fire and Sewer District and governed by its terms.

REQUIRED SIGNATURES

Department Director	DocuSigned by: Ginny Stroud FE9DC7E5A9C7477...	**City Attorney**	DocuSigned by: Michael Pitts 5E0F2A267E2D413...
OMB Director		**City Manager**	DocuSigned by: John McDonough FDC2AC15040F440...

DocuSign Envelope ID: B0923350-F816-43FB-8315-BFEF1CBDD8FB

A N O R D I N A N C E

TO ANNEX APPROXIMATELY 0.092 ACRE OF REAL PROPERTY LOCATED AT OLD AUGUSTA ROAD AND MONTEITH CIRCLE, TO INCLUDE THE PROPERTY IN THE PLEASANT VALLEY SPECIAL EMPHASIS NEIGHBORHOOD BOUNDARY, AND TO PROVIDE THE ZONING DESIGNATION OF R-6, SINGLE-FAMILY RESIDENTIAL DISTRICT (A PORTION OF TAX MAP NUMBER 0365000200100) (AX-2-2020)

WHEREAS, Allen Temple CEDC, as owner of subject property, applied for annexation of approximately 0.092 acre of real property located at Old Augusta Road and Monteith Circle (a portion of Tax Map Number 0365000200100) (the "Property"), and applied for rezoning of the Property from County zoning designation R-10, Residential district, to City zoning designation of R-6, Single-family residential district; and

WHEREAS, Tax Map Number 0365000200100 is currently bisected by a jurisdictional boundary line with the portion in the City zoned R-6, Single-family residential, and included in the Pleasant Valley Special Emphasis Neighborhood and the portion in the County zoned Greenville County R-10, Single-Family Residential; and

WHEREAS, the City Planning Commission, pursuant to public notice, held a public hearing on March 19, 2020, to consider the annexation, proposed zoning, and inclusion of the Property in the Pleasant Valley Special Emphasis Neighborhood Boundary and unanimously recommended approval of the annexation, the R-6 zoning designation, and inclusion of the Property in the Pleasant Valley Special Emphasis Neighborhood Boundary; and

WHEREAS, City Council has reviewed the application of the owner and the recommendations of the Planning Commission and has found the proposed zoning change of R-6, Single-family residential district, and inclusion of the Property in the Pleasant Valley Special Emphasis Neighborhood Boundary, to be compatible with the City's Comprehensive Development Plan; and

WHEREAS, City Council has determined that annexation of the property would promote the City's policy of planned growth and development;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, the Property shall be annexed into the corporate limits of the city of Greenville. The Property is identified more particularly on the attached Exhibits A and B, providing the annexation plat and property description for a portion of Tax Map Number 0365000200100. The annexed Property is included in the Pleasant Valley Special Emphasis Neighborhood Boundary, is provided the zoning designation of R-6, Single-family residential district, and shall be included in City Council District 2.

Upon annexation, the Property shall become subject to the City's jurisdiction for the rendition of all municipal services, and all official maps regarding flood and storm water control shall be amended to include the Property in such manner as the City Engineer determines to be in compliance with the criteria set forth in the City's Flood Plan Management Regulations, as from time to time amended.

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The Property shall be subject to an intergovernmental agreement with Gantt Fire and Sewer District and governed by its terms.

This Ordinance shall take effect upon second and final reading and shall be effective for the 2020 tax year.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2020.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

REVIEWED:

_____
CITY MANAGER

DocuSign Envelope ID: B0923350-F816-43FB-8315-BFEF1CBDD8FB

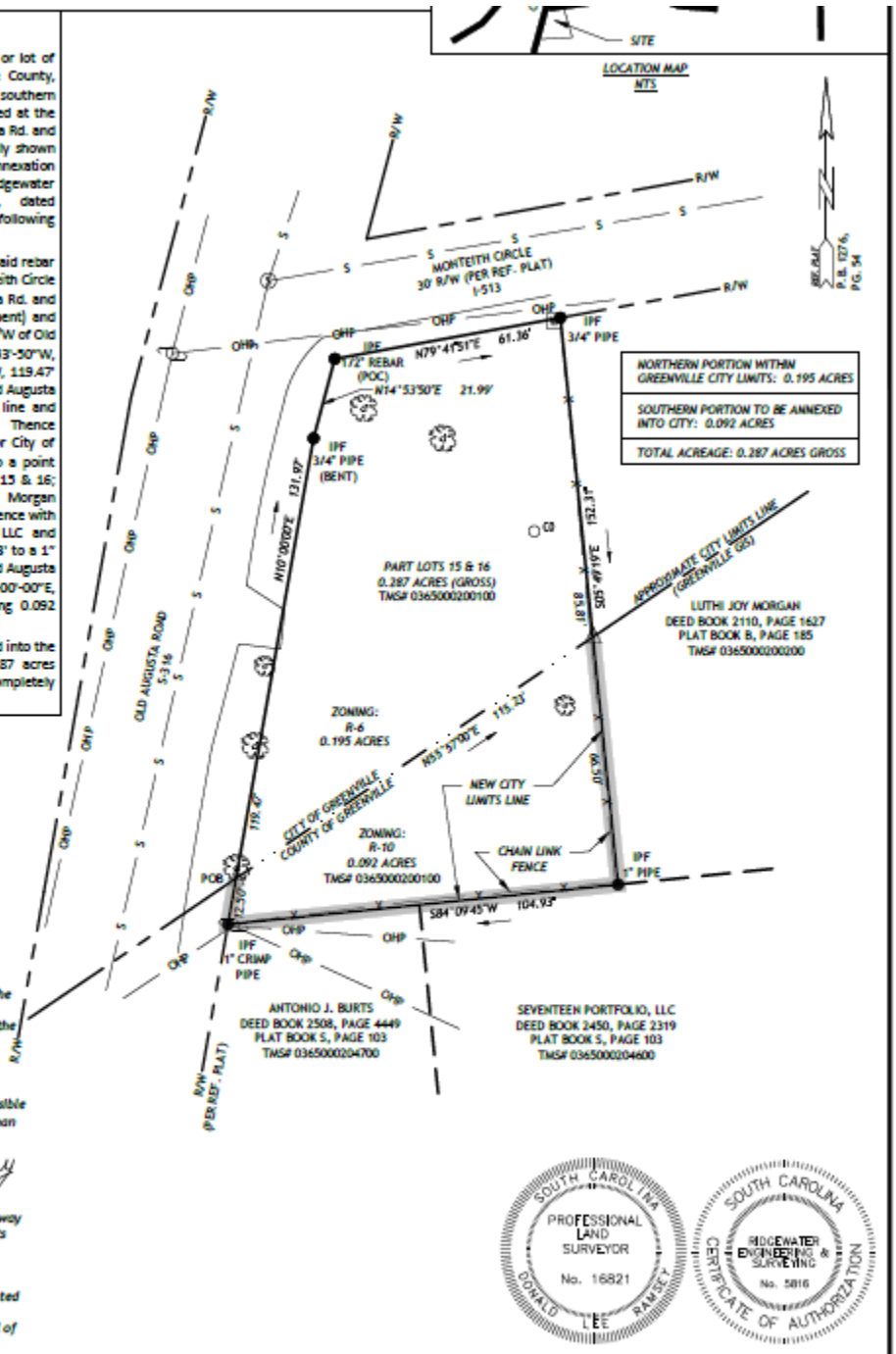
EXHIBIT A

PROPERTY DESCRIPTION

All that certain piece, parcel, or lot of land lying and being in Greenville County, State of South Carolina, being the southern portion of Part Lots 15 & 16, located at the southeast intersection of Old Augusta Rd. and Monteith Circle and being more fully shown and designated on a "Proposed Annexation Plat, 119 Monteith Circle", by Ridgewater Engineering & Surveying, LLC, dated November 14, 2019 and having the following metes and bounds, to wit:

Beginning at an old ½" rebar, said rebar being on the southern R/W of Monteith Circle and the eastern R/W of Old Augusta Rd. and noted P.O.C. (Point of Commencement) and running thence: along the eastern R/W of Old Augusta Rd. the following: S14°-53'-50"W, 21.99' to a ¾" pipe; S10°-00'-00"W, 119.47' to a point on the eastern R/W of Old Augusta Rd. and the Greenville City Limits line and noted P.O.B. (Point of Beginning) Thence running with the City Limits line for City of Greenville N55°-57'-00"E, 115.23' to a point on the eastern lot line of Part Lots 15 & 16; thence with the line of Luthi Morgan S05°-49'-19"E, 66.50' to a 1" pipe; thence with the line of Seventeen Portfolio, LLC and Antonio Burts S84°-09'-45"W, 104.93' to a 1" crimp pipe on the eastern R/W of Old Augusta Rd.; thence with said R/W N10°-00'-00"E, 12.50' to the P.O.B. and containing 0.092 acres.

Said 0.092 acres to be annexed into the City of Greenville making the 0.287 acres gross - Part Lots 15 & 16 being completely within the Greenville City Limits.



I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments or projections other than those shown.

Donald L. Ramsey
Donald L. Ramsey PLS 16821

This survey is subject to any rights of way and easements of record, and any facts which may be disclosed by a full and accurate title search.

This property does not lie in a designated flood hazard area.
This is a resurvey of an existing parcel of record.

SOUTH CAROLINA PROFESSIONAL LAND SURVEYOR No. 16821 DONALD LEE RAMSEY

SOUTH CAROLINA RIDGEWATER ENGINEERING & SURVEYING No. 5816 CERTIFICATE OF AUTHORIZATION

RIDGEWATER ENGINEERING & SURVEYING
PO BOX 806, ANDERSON, SC 29622
(864) 226-0980 ridgewatereng.com

REFERENCE:
P.B. 1276, PAGE 54
D.B. 2518, PAGE 5439
TMS# 0365000200100

STATE OF SOUTH CAROLINA
GREENVILLE COUNTY

30 0 15 30

PROPOSED ANNEXATION PLAT
119 MONTEITH CIRCLE
SURVEYED AT THE REQUEST OF:
ALLEN TEMPLE CEDC

DRAWN BY: DLR	DATE: 11-14-2019
CHECKED BY: TEW	RELEASE: 0

DocuSign Envelope ID: B0923350-F816-43FB-8315-BFEF1CBDD8FB

EXHIBIT B

PROPERTY DESCRIPTION

All that certain piece, parcel, or lot of land lying and being in Greenville County, State of South Carolina, being the southern portion of Part Lots 15 & 16, located at the southeast intersection of Old Augusta Rd. and Monteith Circle and being more fully shown and designated on a "Proposed Annexation Plat, 119 Monteith Circle", by Ridgewater Engineering & Surveying, LLC, dated November 14, 2019 and having the following metes and bounds, to wit:

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Said 0.092 acres to be annexed into the City of Greenville making the 0.287 acres gross - Part Lots 15 & 16 being completely within the Greenville City Limits.

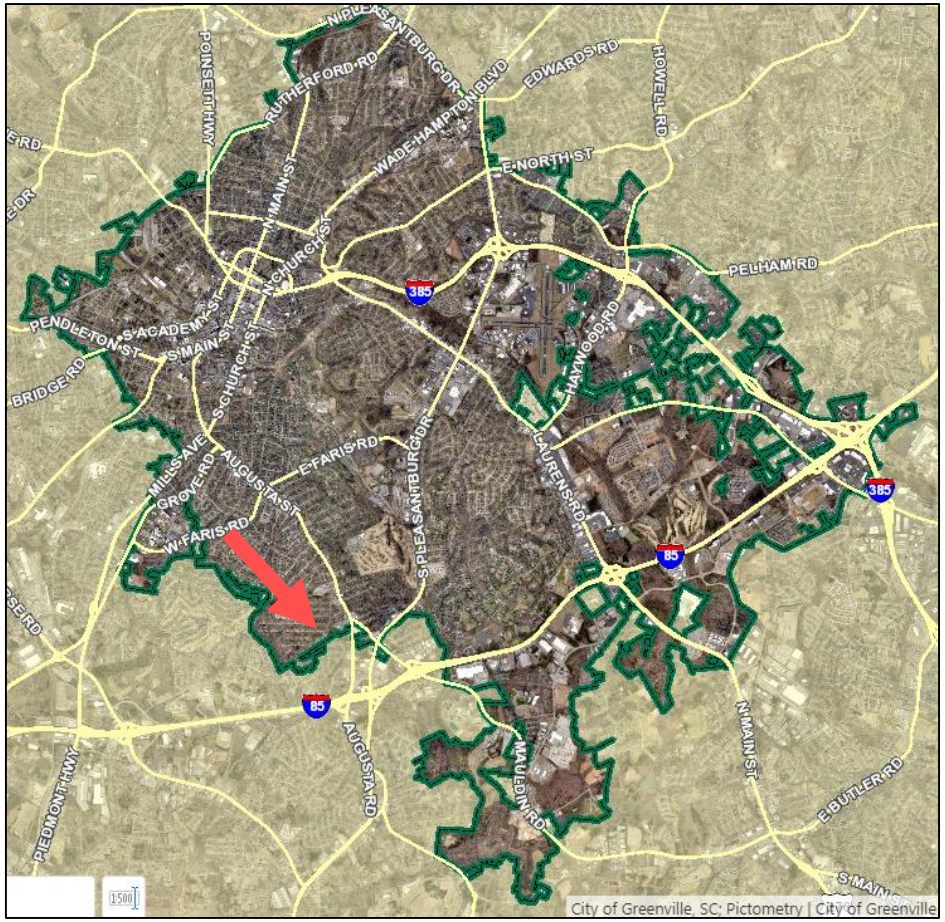
AX-2-2020 | **OLD AUGUSTA RD & MONTEITH CIR**

APPLICANT

Catherine Smith

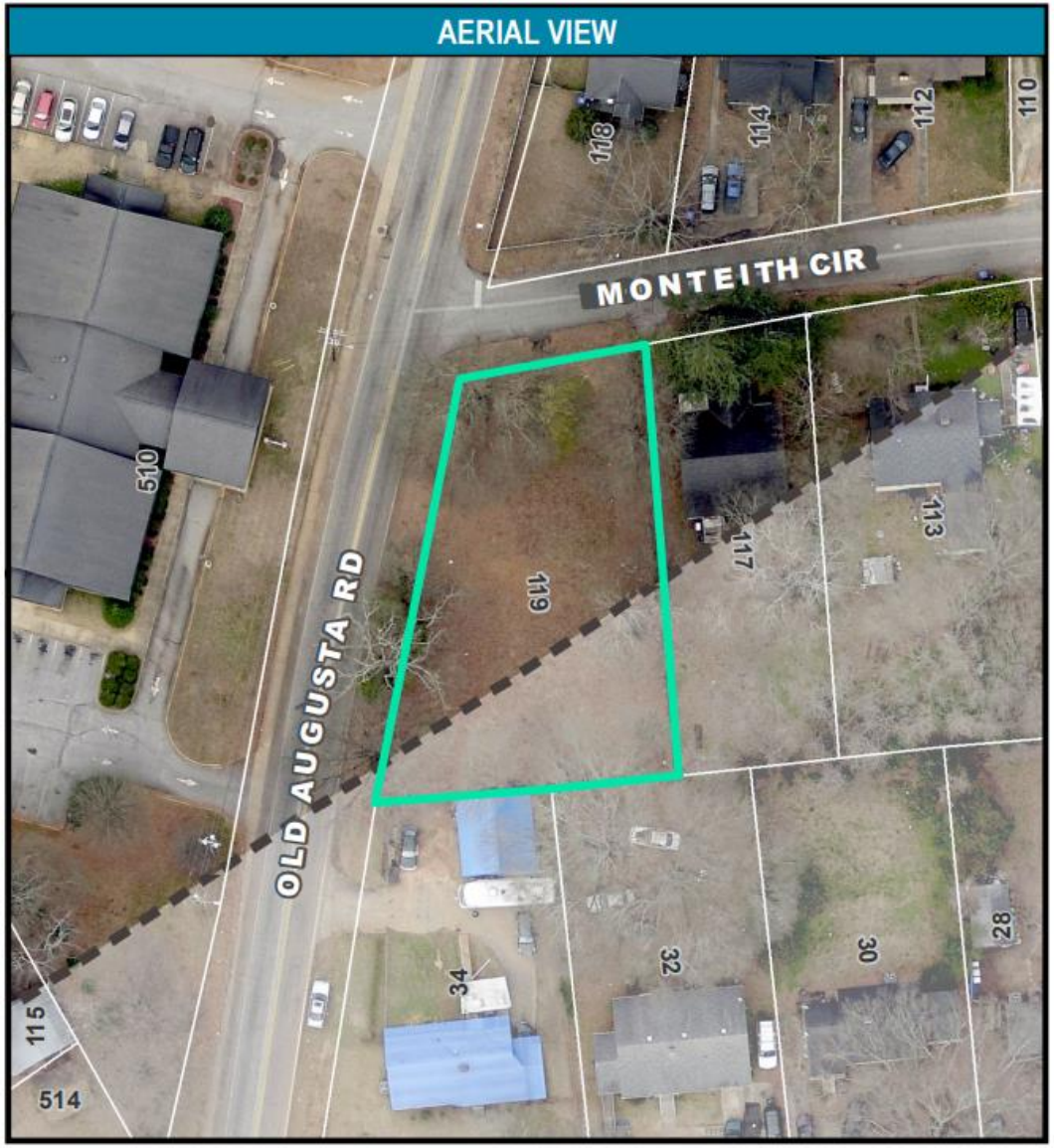
REQUEST

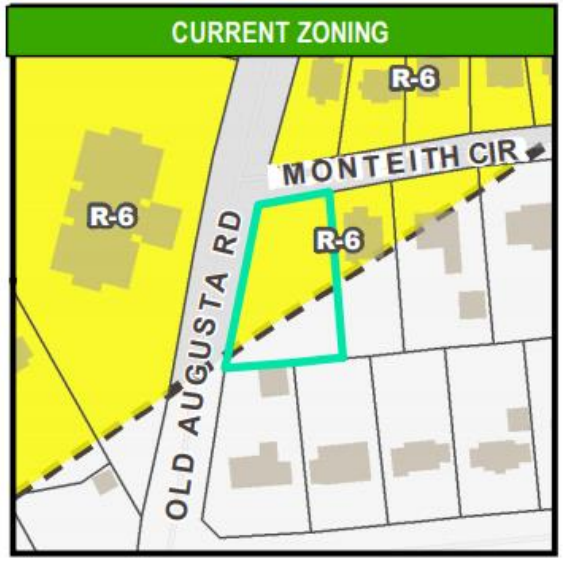
- **ANNEXATION** of 0.092 acre of property located at **OLD AUGUSTA RD** and **MONTEITH CIR** and **REZONE** from R-10, Single-family residential district, in Greenville County to R-6, Single-family residential district, in the City of Greenville (TM# 0365000200100).

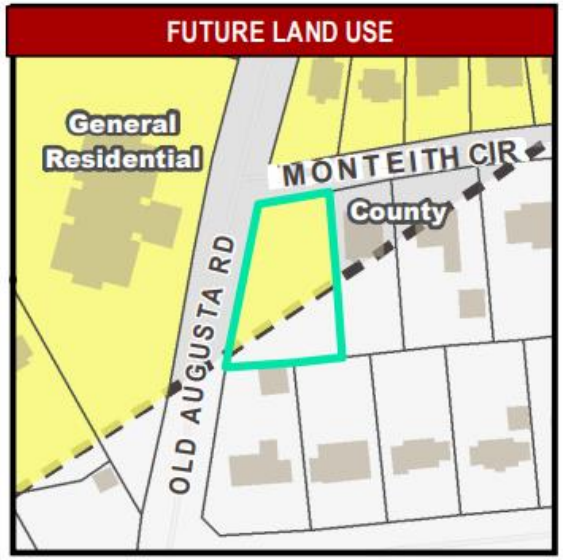


PLANNING COMMISSION
Regular Meeting & Public Hearing

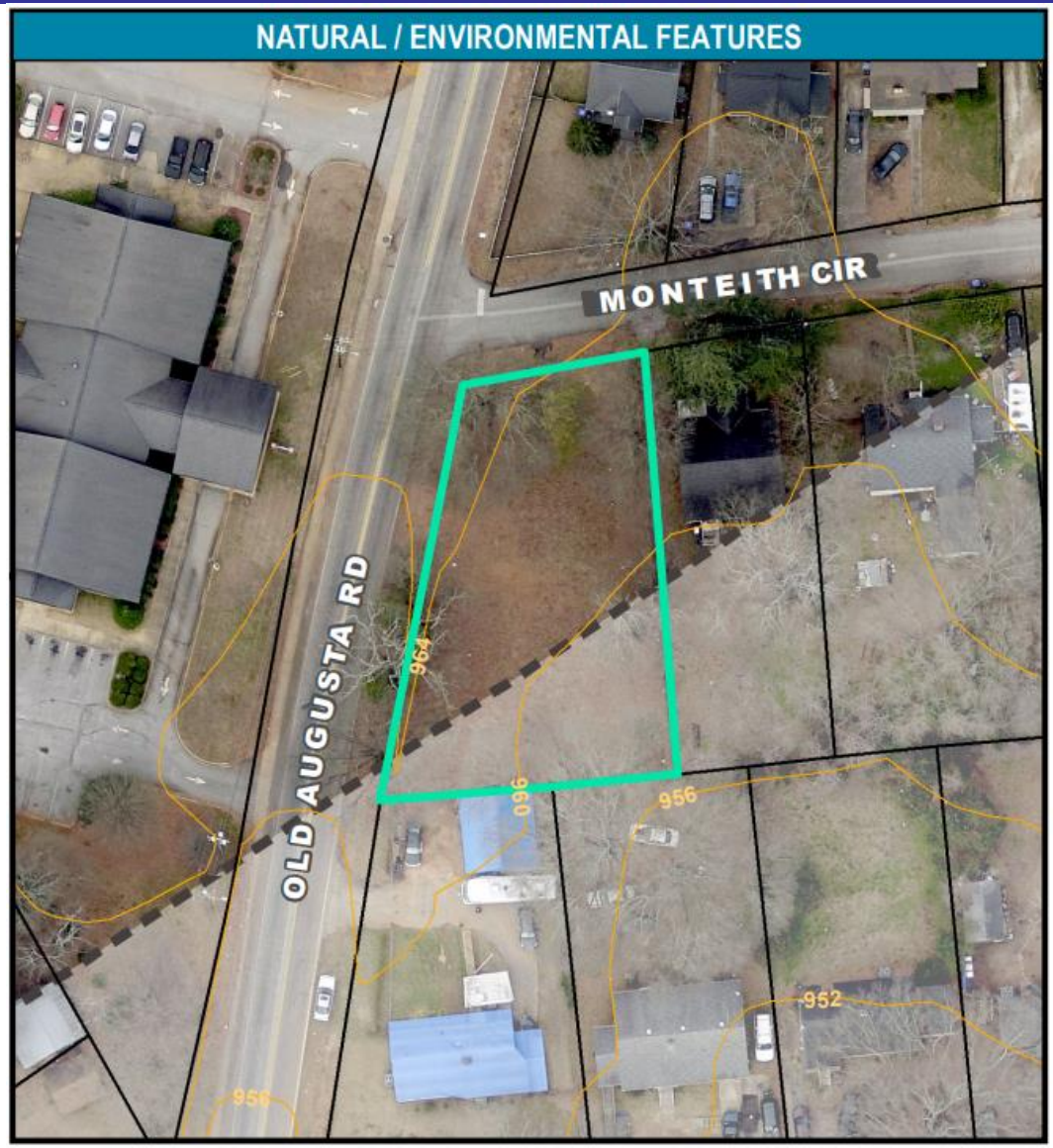
AX-2-2020 | **OLD AUGUSTA RD & MONTEITH CIR**

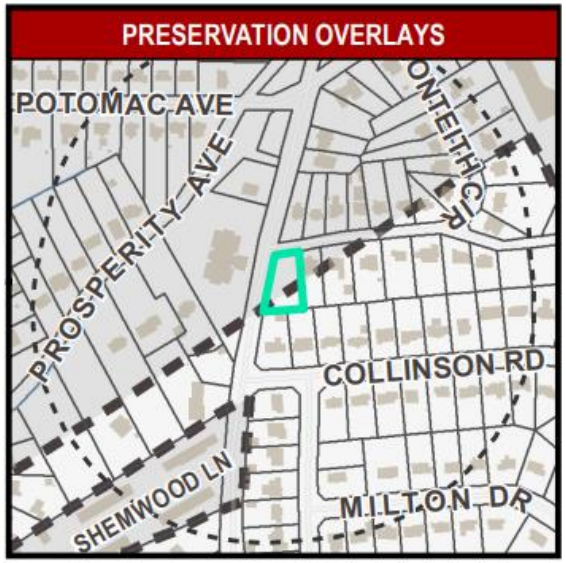




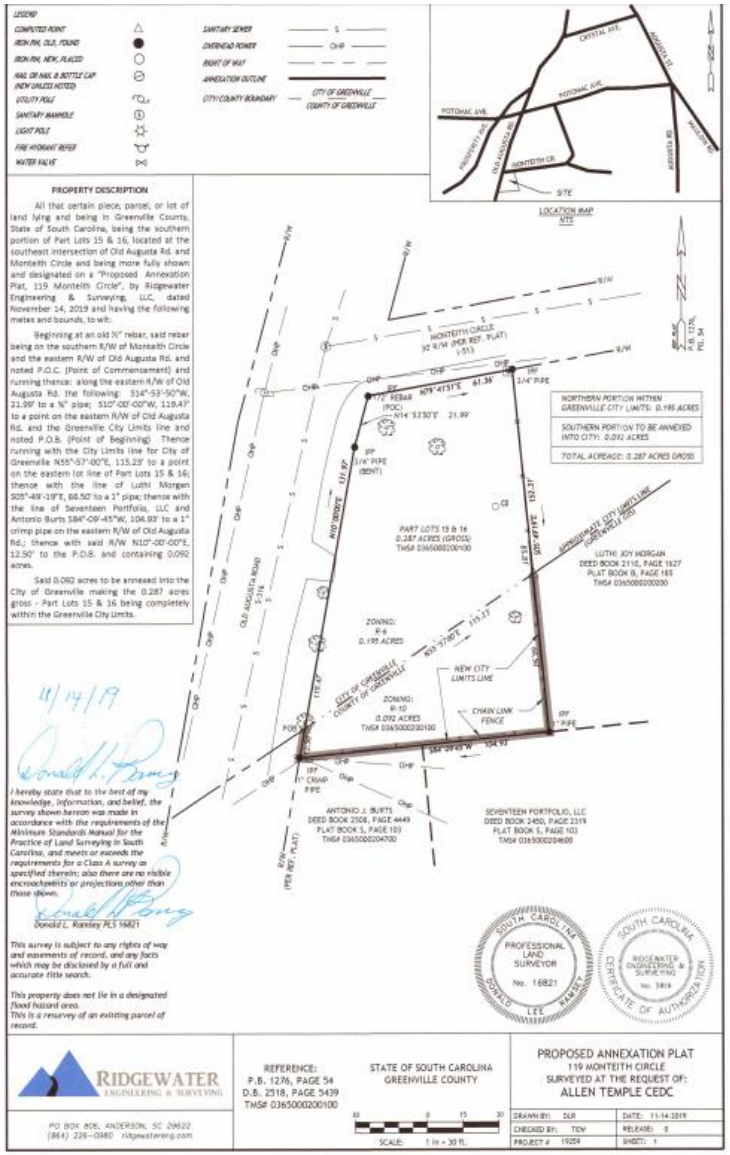


AX-2-2020 | **OLD AUGUSTA RD & MONTEITH CIR**





AX-2-2020 | **OLD AUGUSTA RD & MONTEITH CIR**



city of greenville

PLANNING COMMISSION

Regular Meeting & Public Hearing

STAFF RECOMMENDATION

Recommend approval of annexation and rezone of **R-6** to City Council

PLANNING COMMISSION DECISION

Recommend approval of annexation and rezone of **R-6** by a vote of 6-0

FISCAL IMPACT

None

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REQUEST FOR COUNCIL ACTION
City of Greenville, South Carolina

TO: Honorable Mayor and Members of City Council

FROM: John F. McDonough, City Manager

Agenda Item No. 11c

☐ Ordinance/First Reading ☑ Ordinance/Second & Final Reading ☐ Resolution/First & Final Reading ☐ Information Only

AGENDA DATE REQUESTED: May 11, 2020

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO EXTEND A TEMPORARY MORATORIUM IN CERTAIN AREAS ADJACENT TO UNITY PARK WHICH WERE NOT REZONED AS PART OF THE ADOPTION OF THE UNITY PARK NEIGHBORHOOD DISTRICT CODE

SUMMARY BACKGROUND:

On March 23, 2020, City Council adopted Ordinance No. 2020-31 which imposed a temporary moratorium on acceptance of applications for permits, licenses certification of appropriateness, and other approvals for an eating establishment or brewery, or for a development which includes such use in areas which were not rezoned as a part of the adoption of the Unity Park Neighborhood Code. The temporary moratorium is in effect for a period of 65 days from the effective date of Ordinance No. 2020-31, which was March 23, 2020. The proposed rezoning of the areas adjacent to Unity Park was included as an agenda item on the Planning Commission's April 16, 2020, agenda, however, due to COVID-19 pandemic and the challenges associated with conducting public meetings and ensuring the opportunity for public comment, the Planning Commission was unable to meet during the month of April. The proposed rezoning has been included on the May 21, 2020, agenda of the Planning Commission. The effective period for the extension will be for an additional 30 days from the expiration of the previously approved temporary moratorium.

IMPACT IF DENIED:

The current temporary moratorium will expire on or about May 27, 2020, which will not provide adequate time for the Planning Commission to consider its recommendation to City Council.

FINANCIAL IMPACT:

None

REQUIRED SIGNATURES

Department Director	DocuSigned by: Ginny Stroud FE9DC7E5A9C7477...	**City Attorney**	DocuSigned by: Michael Pitts 5E0F2A267E2D413...
OMB Director		**City Manager**	DocuSigned by: John McDonough FDC2AC15040F440...

DocuSign Envelope ID: 70422B10-26D4-457E-9D54-6B67F09BA687

Ordinance No. 2020-____

A N O R D I N A N C E

TO EXTEND A TEMPORARY MORATORIUM IN CERTAIN AREAS ADJACENT TO UNITY PARK WHICH WERE NOT REZONED AS PART OF THE ADOPTION OF THE UNITY PARK NEIGHBORHOOD DISTRICT CODE

WHEREAS, on March 23, 2020, City Council adopted Ordinance No. 2020-31 which imposed a temporary moratorium on acceptance of applications for permits, licenses certification of appropriateness, and other approvals for an eating establishment or brewery, or for a development which includes such use; and

WHEREAS, this temporary moratorium is in effect for a period of 65 days from the effective date of Ordinance No. 2020-31, which was March 23, 2020; and

WHEREAS, the proposed re-zoning of the areas adjacent to Unity Park was included as an agenda item on the Planning Commission's April 16, 2020, agenda, however, due to COVID-19 pandemic and the challenges associated with conducting public meetings and ensuring the opportunity for public comment, the Planning Commission was unable to meet during the month of April; and

WHEREAS, the proposed rezoning has been included on the May 21, 2020, agenda of the Planning Commission; and

WHEREAS, the effective period for the extension will be for an additional 30 days from the expiration of the previously approved temporary moratorium;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA to extend a temporary moratorium in certain areas adjacent to Unity Park Which were not rezoned as part of the adoption of the Unity Park Neighborhood District Code.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2020.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

REVIEWED:

_____
CITY MANAGER

Extension of Temporary Moratorium for Certain Parcels Around Unity Park

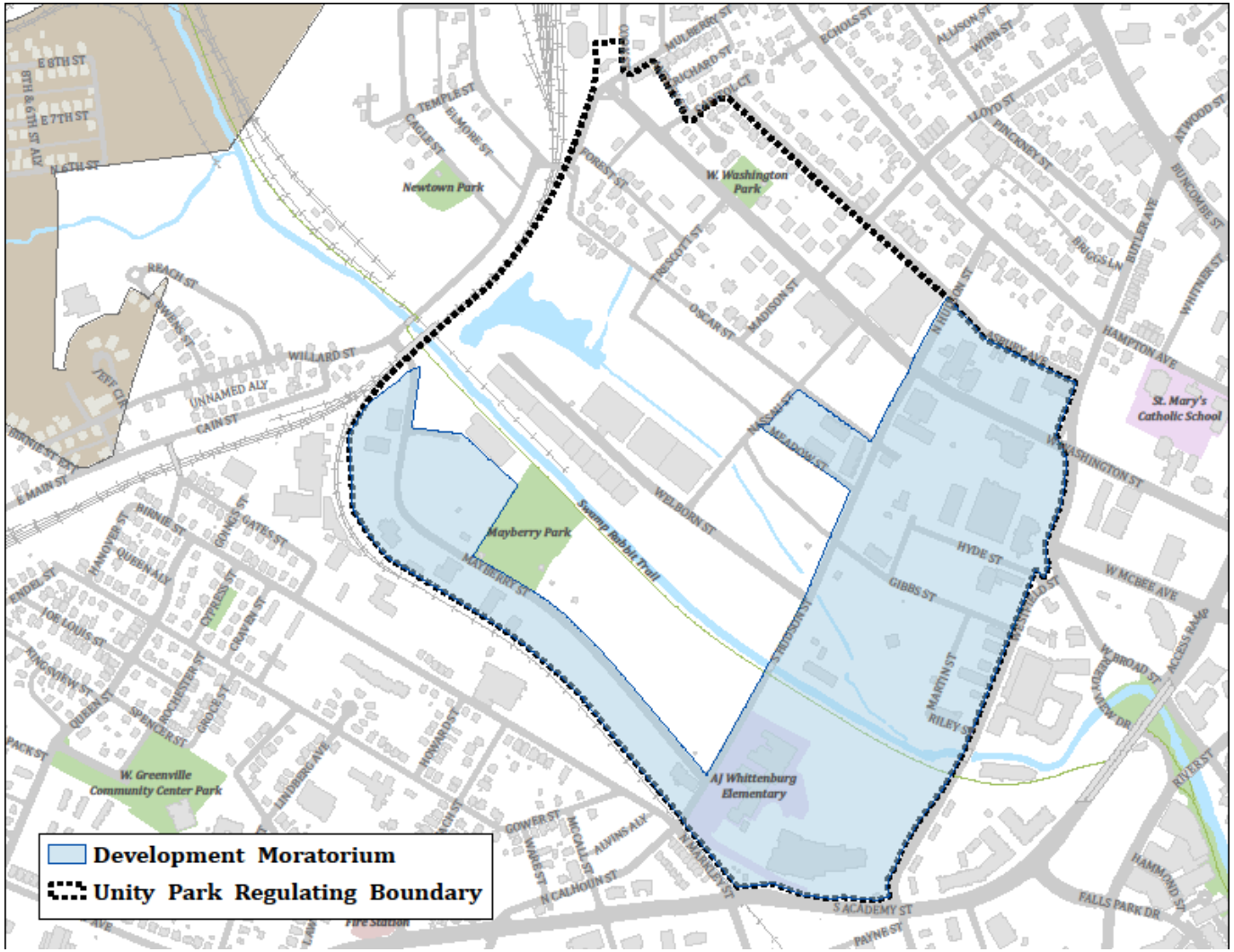
April 27, 2020

city of greenville

Extension of Temporary Moratorium for Certain Parcels Around Unity Park

- On March 23, 2020, City Council adopted an Ordinance which imposed a temporary moratorium on acceptance of applications for permits, licenses, certification of appropriateness, and other approvals for an eating establishment or brewery, or for a development which includes such use for parcels not rezoned as part of the adoption of the Unity Park Neighborhood District Code.
- Temporary moratorium is in effect for a period of 65 days from the effective date of Ordinance 2020-31, which was March 23, 2020 (May 27).
- The proposed re-zoning of the areas adjacent to Unity Park was included as an agenda item on the Planning Commission's April 16, 2020 agenda, however, due to COVID-19 pandemic, the Planning Commission did not meet.
- The proposed rezoning has been included on the May 21, 2020 agenda of the Planning Commission;
- The effective period for the extension will be for an additional 30 days from the expiration of the previously approved temporary moratorium (June 26).

Parcels included in Extension of Temporary Moratorium (highlighted in light blue)



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REQUEST FOR COUNCIL ACTION
City of Greenville, South Carolina

TO: Honorable Mayor and Members of City Council

FROM: John F. McDonough, City Manager

Agenda Item No.

11d

☐ Ordinance/First Reading ☑ Ordinance/Second & Final Reading ☐ Resolution/First & Final Reading ☐ Information Only

AGENDA DATE REQUESTED: May 11, 2020

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO AMEND SECTION 19-3.2.2(Q) AND ADOPT SECTION 19-6.12 OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO MODIFY AND ADD DESIGN STANDARDS TO THE NRO, NEIGHBORHOOD REVITALIZATION OVERLAY DISTRICT (Z-22-2019)

SUMMARY BACKGROUND:

Planning and Community Development staff worked with four neighborhoods that are designated as Neighborhood Revitalization Overlay districts in order to update the design guidelines for those particular neighborhood districts. The four neighborhood districts are West End, Greater Sullivan, Green Avenue and Nicholtown. Currently, there is a discrepancy between the Land Management Ordinance and the neighborhood district plans with respect to enforcement of the design guidelines. City staff conducted numerous public involvement workshops and neighborhood meetings to obtain public input and feedback about the proposed changes. Below is a summary of those events.

- Nicholtown Neighborhood Executive Board Presentation - August 19, 2019
- Nicholtown Neighborhood Assoc. Presentation - August 22, 2019
- Greater Sullivan Neighborhood Meeting Presentation - September 10, 2019
- Sterling Neighborhood Assoc. Meeting Presentation - September 12, 2019
- Public Meeting- Log Cabin, McPherson Park - September 24, 2019
- West End Neighborhood Assoc. Presentation - October 1, 2019
- West Greenville Neighborhood Assoc. Presentation - October 8, 2019
- City Council Work Session - January 13, 2020

Planning Staff Recommendation: Approval
Planning Commission Recommendation: Approval by a vote of 7-0.

IMPACT IF DENIED:

The text of the Code of Ordinances will remain the same and the discrepancies for how to enforce the design guidelines within NRO areas will remain.

FINANCIAL IMPACT:

None

REQUIRED SIGNATURES

Department Director	DocuSigned by: Jonathan B. Graham 219319F5AC3C445...	**City Attorney**	DocuSigned by: Michael Pitts 5E0F2A267E2D413...
OMB Director		**City Manager**	DocuSigned by: John McDonough FDC2AC15040F440...

DocuSign Envelope ID: D3391B59-80DE-4044-831C-874455F8F04E

Ordinance No. 2020-___

A N O R D I N A N C E

TO AMEND SECTION 19-3.2.2(Q) AND TO ADOPT SECTION 19-6.12 OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO MODIFY AND ADD DESIGN STANDARDS TO THE NRO: NEIGHBORHOOD REVITALIZATION OVERLAY DISTRICT (Z-22-2019)

WHEREAS, the city of Greenville (the "City") desires to modify and establish design standards for the established Neighborhood Revitalization Overlay District; and

WHEREAS, the Planning and Community Development staff worked with four Neighborhood Revitalization areas: West End, Greater Sullivan, Green Avenue, and Nicholtown; and

WHEREAS, the text amendment changes a discrepancy between the Land Management Ordinance and the neighborhood district plans with respect to enforcement of the design guidelines within these neighborhood areas; and

WHEREAS, these regulations shall apply to those lands located within the designated Neighborhood Revitalization Overlay districts located within the City; and

WHEREAS, the City Planning Commission, pursuant to public notice, held a public hearing on March 19, 2020, to consider the proposed text amendment, and the Commission recommended approval of the proposed text amendment; and

WHEREAS, City Council finds the text amendment to be compatible with the City's Comprehensive Development Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, Section 19-3.2.2(Q) is amended and Section 19-6.12 is adopted into the Code of Ordinances of the City of Greenville as set forth in Exhibit, A attached hereto and incorporated herein by reference. This Ordinance shall be effective upon second and final reading.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2020.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

REVIEWED:

_____
CITY MANAGER

DocuSign Envelope ID: D3391B59-80DE-4044-831C-874455F8F04E

EXHIBIT A

19-3.2.2 (Q) *NRO: Neighborhood revitalization overlay district.*

(1) *Purpose.* The purpose of the neighborhood revitalization overlay district (NRO) is to enhance the compatibility of new development with design ~~guidelines~~standards established for each neighborhood master plan approved by city council. Providing for compatible development in NRO districts increases the opportunity for public, nonprofit, and private funds to be invested in these areas and eliminates or reduces the need for continual re-investment of time and funds to maintain or improve the neighborhood's quality of life.

(2) *Location and applicability.* NRO districts are overlaid upon lands in the city having a base zoning district designation (see subsection 19-3.1.2). The boundaries of the various districts are reflected upon a map to be used in conjunction with the official zoning map; the regulations that apply to the districts, in addition to the underlying zoning district regulations, are contained within the NRO master plans approved by the city council.

(3) *District-specific development standards.*

~~(a) *Compliance with approved design guidelines.* No permit for any new construction or expansion of existing structures that results in an increase in building footprint area of 50 percent or more on property within the NRO district may be issued until the administrator determines that the proposal complies with the design *guidelines* established for the NRO in which the property is located.~~

~~(b) *Design guidelines.* Each NRO master plan shall identify the design criteria to be applied to all new construction and expansion of existing structures.~~

The design standards of section 19-6.12 shall apply to the following developments located within an NRO District:

(A) New lots created by summary plat or major subdivision (subsection 19-2.3.13).

(B) Construction of a new single-family attached or detached dwelling, duplex dwelling, or garage/carport.

(C) Addition of an attached garage/carport.

(D) Installation and/or expansion of a driveway.

(E) Renovations/additions to a dwelling whose construction value exceeds 50 percent of the fair market value of the property as reflected on the Greenville County Tax Assessor's role. Renovations/additions phased over a five-year period shall be combined to determine applicability of the percent threshold criteria. Renovations/additions which do not alter the site are exempt, but are calculated in the five-year phased period above.

(F) Additions that increase the principle building footprint square footage by more than 40 percent. Additions phased over a five-year period shall be combined to determine the applicability of the percent threshold criteria.

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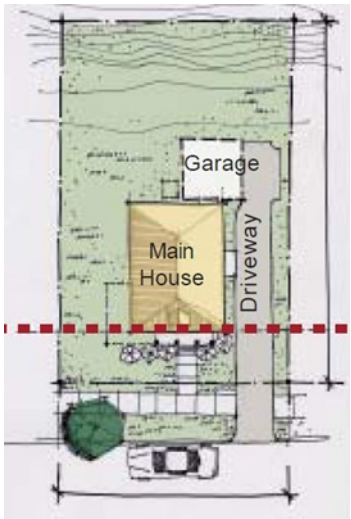
Sec. 19-6.12. – Design Standards for Neighborhood Revitalization Overlay Districts.

(A) *Single Family Detached and Duplex Dwellings*. New housing should be compatible with the existing fabric of the community and promote a walkable environment.



(1) Lot Width-40 feet minimum

(2) Driveways: Shall at no point be wider than 10 feet (except in rear yard or connecting to an alley) and shall only be located to the side and/or rear of a house. Parking in a front yard may be allowed by zoning administrator when conditions exist that do not allow access to the side or rear yard (i.e. topography, limited space between an existing house and lot line (an area less than ten feet wide). Backup space in a front yard may be allowed by zoning administrator when access to an adjacent street may be difficult due to traffic patterns on the street. The administrator shall determine that the design and landscaping of the parking and or backup space ensures adequate stormwater mitigation and protection of the character of the block.

(3) Walkways: All houses shall have a sidewalk between 3 and 5 feet wide that connects the front porch to the public sidewalk, or the front porch to the driveway if no public sidewalk exists.

(4) Retaining Walls: Must be faced in stone, brick, or stucco, if visible from the public street.

(5) Foundation: Slab foundations shall be elevated a minimum of 16 inches above finished grade on all elevations and shall consist of brick/stone. Crawlspace foundations shall consist of brick/stone veneer at a minimum height of 16 inches above finished grade on all elevations (zoning administrator may make exceptions considered for accessibility requirements).

(6) Building Height: 30 feet maximum, as defined in section 19-5.2.9(A).

(7) Roof: Shall be gable or hipped with pitch between 3/12 and 14/12.

(8) Eave Overhang: 12 inch minimum.

(9) Chimneys: Must be faced in stone or brick.

(10) Attached or Detached Garages: Must be located behind the back wall of the primary structure.

(11) Accessory Structures: See Section 19-4.4.

(12) Front Porches: Must have a front porch at least 6 foot minimum depth and 8 foot minimum width from edge of wall to edge of porch. Porches shall not be enclosed and have at least two columns with a minimum 6 inch nominal diameter each.

(13) Exterior Walls: No concrete block masonry or metal panel is permitted. Stucco may be used as an accent.

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(14) Trim Details: 4 inch nominal width minimum for siding or 2 inch minimum for brick masonry trim shall be used at windows, doors, corners, cornices, eaves, rakes, and fascias.

(15) Fenestration (Doors and Windows): 25% minimum of the front façade shall be fenestrated and 10% minimum of each of the side and rear façades shall be fenestrated.

(B) Single-Family Attached- New single-family attached housing should be compatible with the existing fabric of the community and promote a walkable environment.

(1) Driveways: All driveways/parking areas shall be located to the side and/or rear of a unit. No front yard parking locations are permitted. Parking in a front yard may be allowed by zoning administrator when conditions exist that do not allow access to the side or rear yard (i.e. topography, limited space between an existing house and lot line (an area less than ten feet wide). Backup space in a front yard may be allowed by zoning administrator when access to an adjacent street may be difficult due to traffic patterns on the street. The administrator shall determine that the design and landscaping of the parking and or backup space ensures adequate stormwater mitigation and protection of the character of the block.

(2) Shared Alleys: All attached developments shall be required to share a rear parking access through the use of a shared alley. To the extent possible, alleys shall be accessed via the side of the block. Where not possible (i.e., infill development in block interiors), alleys shall be accessed via the primary street but shall have no more than 2 curb cuts.

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DocuSign Envelope ID: D3391B59-80DE-4044-831C-874455F8F04E

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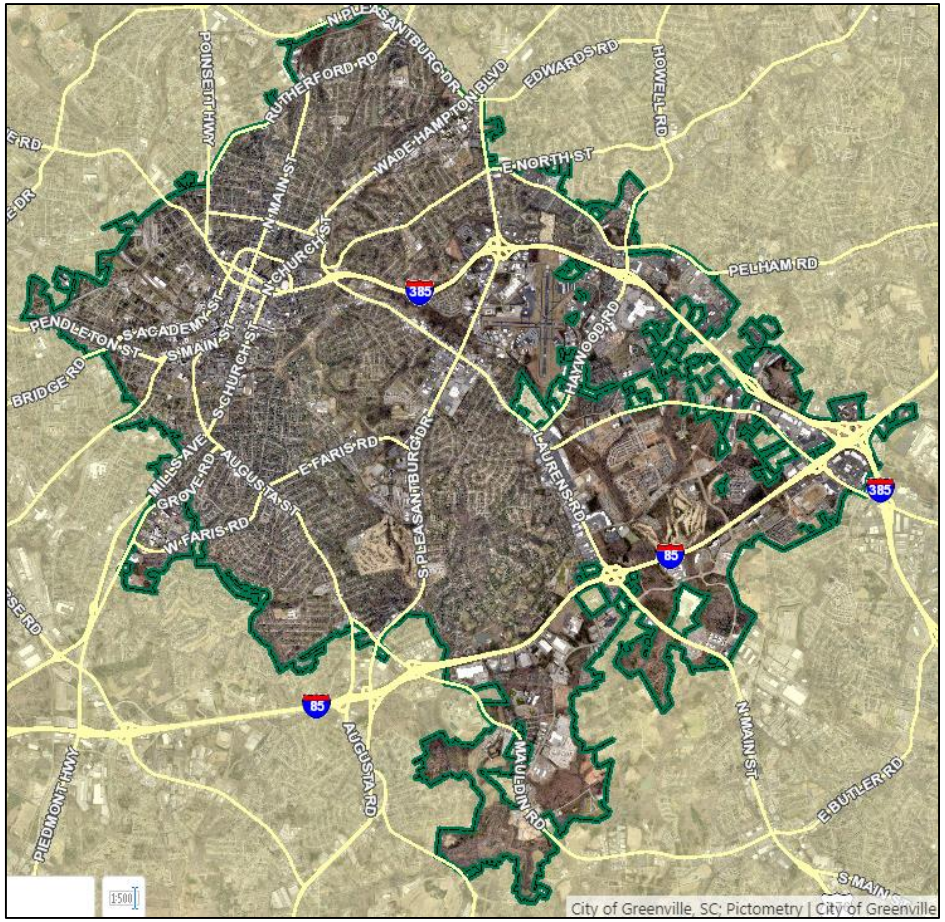
Z-22-2019 | **TEXT AMENDMENT**

APPLICANT

City of Greenville

REQUEST

- **TEXT AMENDMENT** to modify Section 19-3.2.2(Q), NRO: Neighborhood revitalization overlay district, and add new Section 19-6.12, Design Standards for Neighborhood Revitalization Overlay District



Z-22-2019 | **TEXT AMENDMENT**

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Z-22-2019 | **TEXT AMENDMENT**

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Z-22-2019 | **TEXT AMENDMENT**

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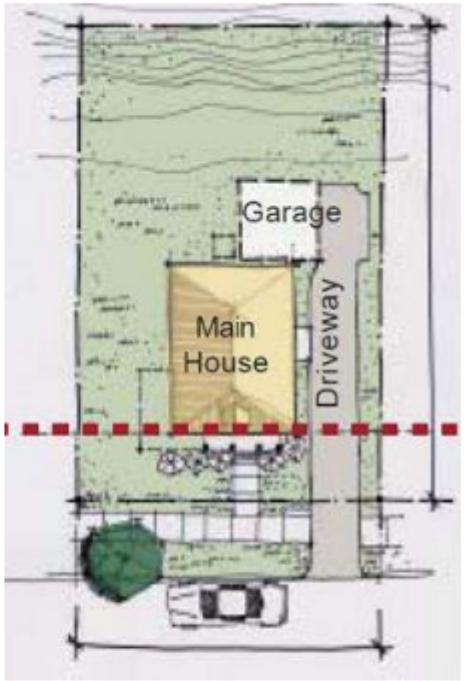

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Z-22-2019 | **TEXT AMENDMENT**

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Z-22-2019 | **TEXT AMENDMENT**

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Z-22-2019 | **TEXT AMENDMENT**

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Z-22-2019 | **TEXT AMENDMENT**

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(17) Fenestration: 25% minimum of the front façade and 10% minimum of the rear façade shall be fenestrated. On end units only, 10% minimum of the side façade shall be fenestrated.

STAFF RECOMMENDATION

Recommend approval of text amendment to City Council

PLANNING COMMISSION DECISION

Recommend approval passed by a vote of 7-0

FISCAL IMPACT

None

DocuSign Envelope ID: 337A1A84-5521-4DA3-97D7-3BD7F3F388C1

REQUEST FOR COUNCIL ACTION
City of Greenville, South Carolina

TO: Honorable Mayor and Members of City Council

FROM: John F. McDonough, City Manager

Agenda Item No. 11e

☐ Ordinance/First Reading ☑ Ordinance/Second & Final Reading ☐ Resolution/First & Final Reading ☐ Information Only

AGENDA DATE REQUESTED: May 11, 2020

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO REZONE APPROXIMATELY 2.02 ACRES OF REAL PROPERTY LOCATED WITHIN THE WEST GREENVILLE OVERLAY DISTRICT FROM RM-1, SINGLE AND MULTI-FAMILY RESIDENTIAL DISTRICT, TO RM-1.5, SINGLE AND MULTI-FAMILY RESIDENTIAL DISTRICT (TAX MAP NUMBERS: 0076020400500, 0076020400501, 0076020400502, 0076020400503, 0076020400504, 0076020400505, 0076020400506, 0076020400507, 0076020400508, 0076020400509, 0076020400510, AND 0076020400511) (Z-1-2020)

SUMMARY BACKGROUND:

The subject properties are located along Birnie Street, Howard Street, and Gower Street. The properties are currently zoned RM-1, Single-family and multifamily residential district, and are proposed to be zoned RM-1.5, Single-family and multifamily residential district, consistent with the abutting properties along Birnie Street. The applicant conducted a neighborhood meeting on March 10, 2020.

The City Planning Commission, pursuant to public notice, held a public hearing on March 19, 2020, to consider the proposed rezoning. The application was recommended for approval by a vote of 6-0.

Planning Staff Recommendation: Approve

Planning Commission Recommendation: Approval by a vote of 6-0

IMPACT IF DENIED:

The properties will remain RM-1 and ineligible for the increased residential density proposed for an affordable housing development project.

FINANCIAL IMPACT:

None

REQUIRED SIGNATURES

Department Director	DocuSigned by: Jonathan B. Graham 219319F5AC3C445...	**City Attorney**	DocuSigned by: Michael Pitts 5E0F2A267E2D413...
OMB Director		**City Manager**	DocuSigned by: John McDonough FDC2AC15040F440...

DocuSign Envelope ID: 337A1A84-5521-4DA3-97D7-3BD7F3F388C1

A N O R D I N A N C E

TO REZONE APPROXIMATELY 2.02 ACRES OF REAL PROPERTY LOCATED WITHIN THE WEST GREENVILLE OVERLAY DISTRICT FROM RM-1, SINGLE- & MULTI-FAMILY RESIDENTIAL DISTRICT TO RM-1.5, SINGLE- & MULTI-FAMILY RESIDENTIAL DISTRICT (TAX MAP NUMBERS: 0076020400500, 0076020400501, 0076020400502, 0076020400503, 0076020400504, 0076020400505, 0076020400506, 0076020400507, 0076020400508, 0076020400509, 0076020400510, AND 0076020400511) (Z-1-2020)

WHEREAS, Matthew Klein (the "Applicant"), on behalf of Waffle LLC, the owner of properties consisting of approximately 2.02 acres located along Birnie Street, Howard Street, and Gower Street, (Tax Map Numbers 0076020400500, 0076020400501, 0076020400502, 0076020400503, 0076020400504, 0076020400505, 0076020400506, 0076020400507, 0076020400508, 0076020400509, 0076020400510, and 0076020400511), has applied to the City Planning Commission and City Council to rezone the property from RM-1,Single and multi-family residential district, to RM-1.5, Single and multi-family residential district; and

WHEREAS, the City Planning Commission, pursuant to public notice, held a public hearing on March 19, 2020, to consider the proposed rezoning, and the Commission recommended approval of the proposed zoning designation of RM-1.5, Single and multi-family residential district; and

WHEREAS, City Council finds the RM-1.5 classification to be compatible with the City's Comprehensive Development Plan and with the zoning of surrounding properties;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, the parcels of property currently titled in the name of Waffle, LLC and designated as Tax Map Numbers 0076020400500, 0076020400501, 0076020400502, 0076020400503, 0076020400504, 0076020400505, 0076020400506, 0076020400507, 0076020400508, 0076020400509, 0076020400510, and 0076020400511 located along Birnie Street, Howard Street, and Gower Street, shall be rezoned RM-1.5, Single and multi-family residential district. The attached map shown as Exhibit A, prepared by the City of Greenville Zoning Division, is incorporated herein by reference for purposes of identifying the location of properties. This Ordinance shall be effective upon second and final reading.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2020.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

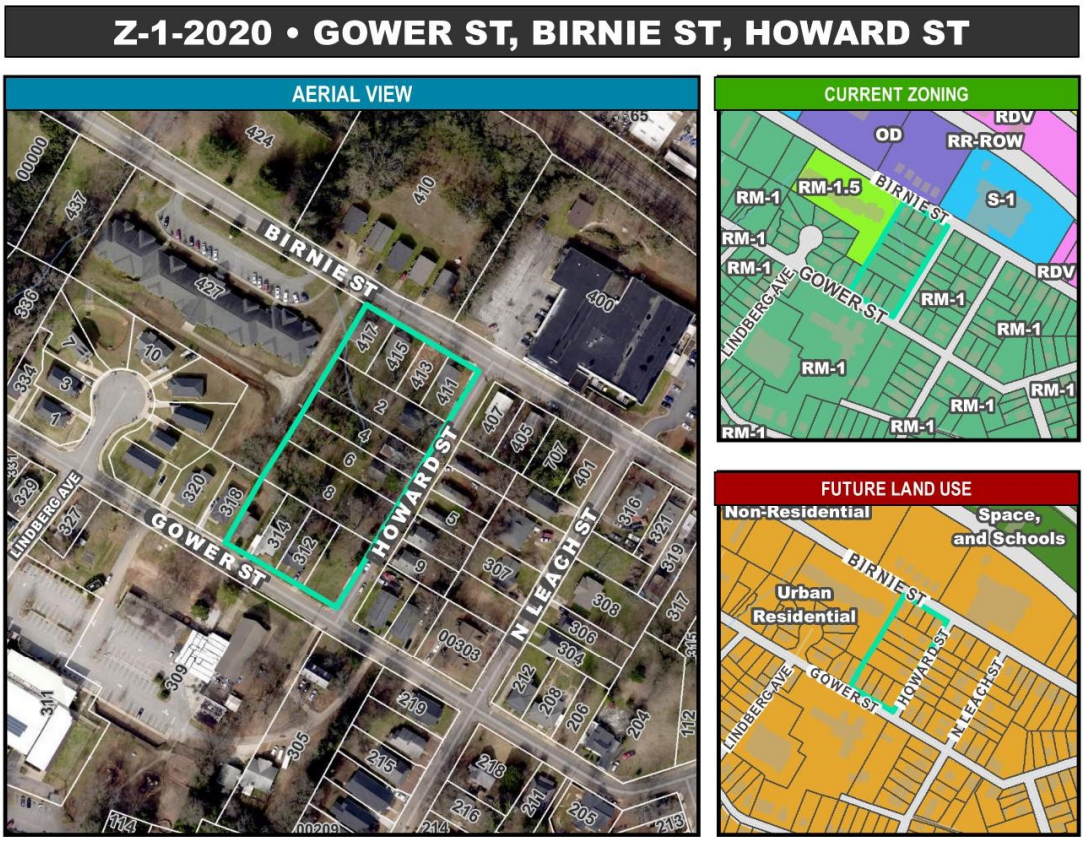
_____
CITY ATTORNEY

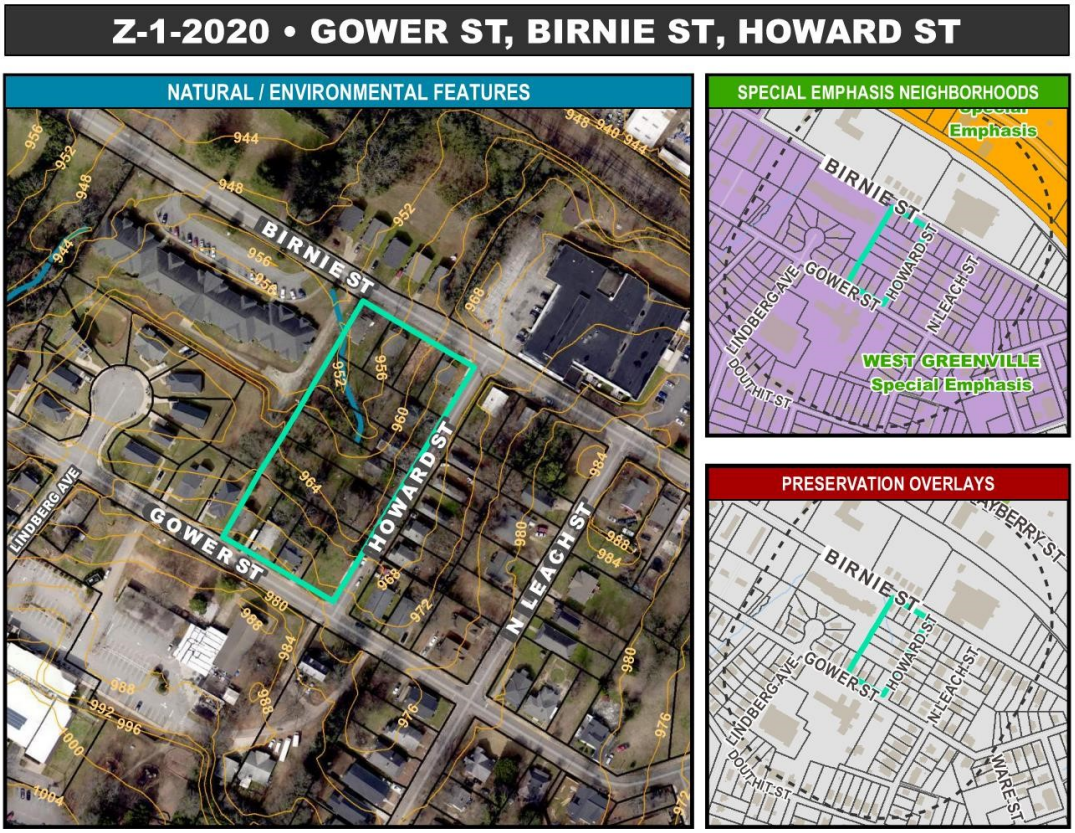
REVIEWED:

_____
CITY MANAGER

DocuSign Envelope ID: 337A1A84-5521-4DA3-97D7-3BD7F3F388C1

EXHIBIT A





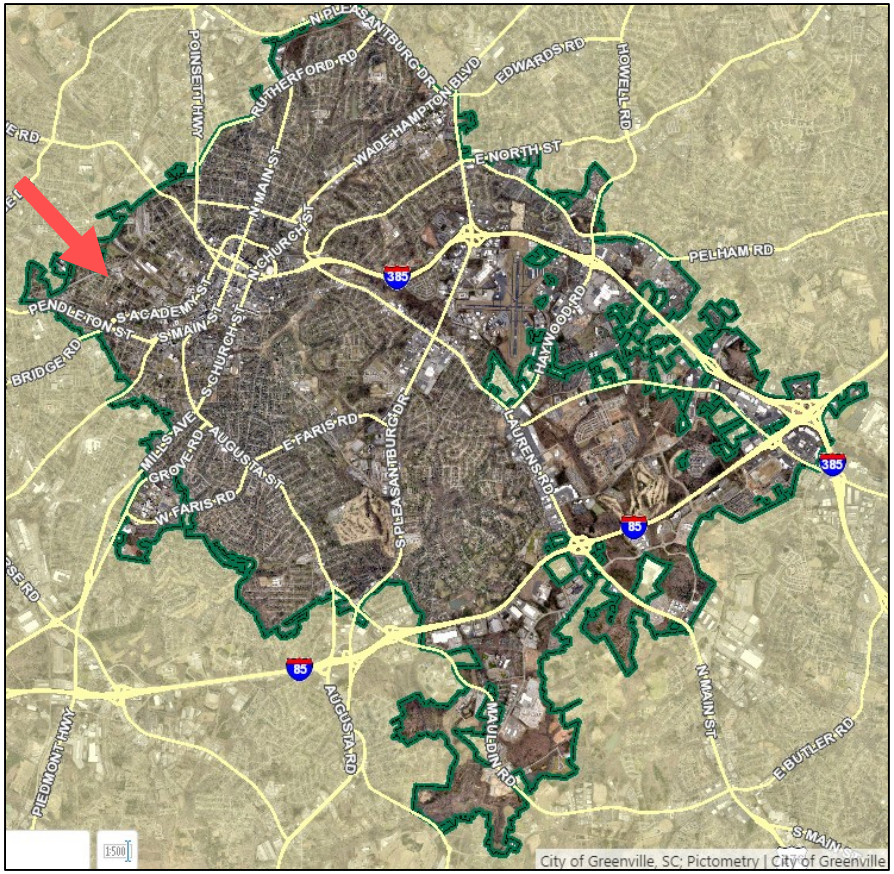
Z-1-2020 | GOWER ST, BIRNIE ST, AND HOWARD ST

APPLICANT

Matthew Klein

REQUEST

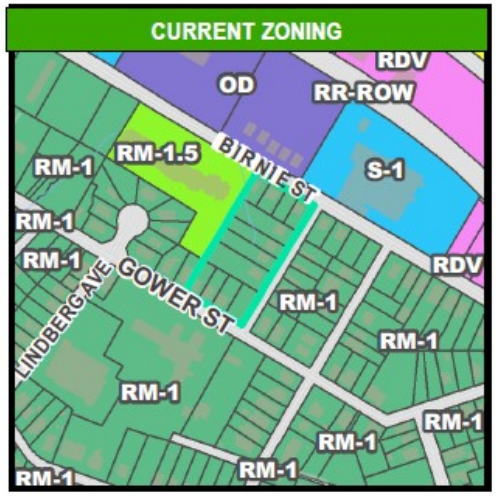
- **REZONE** 2.02 acres located at **316 Gower St; 417 Birnie St; 415 Birnie St; 413 Birnie St; 411 Birnie St; 2 Howard St; 4 Howard St; 6 Howard St; 8 Howard St; 312 Gower St; 414 Gower St** from RM-1, Single- & Multi-Family Residential District to RM 1.5, Single- & Multi-Family Residential District (TM#s 0076020400500; 0076020400501; 0076020400502; 0076020400503; 0076020400504; 0076020400505; 0076020400506; 0076020400507; 0076020400508; 0076020400509; 0076020400510; 0076020400511).



PLANNING COMMISSION
Regular Meeting & Public Hearing

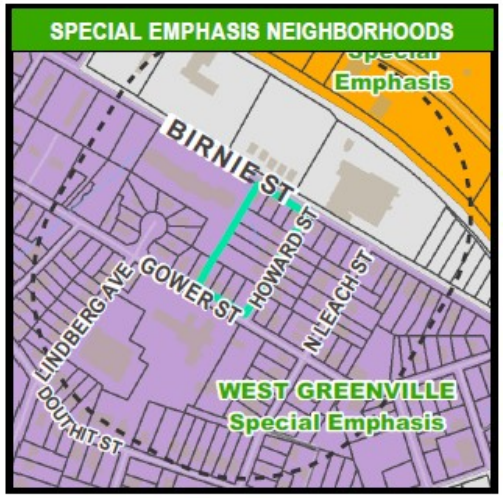
Z-1-2020 | **GOWER ST, BIRNIE ST, AND HOWARD ST**

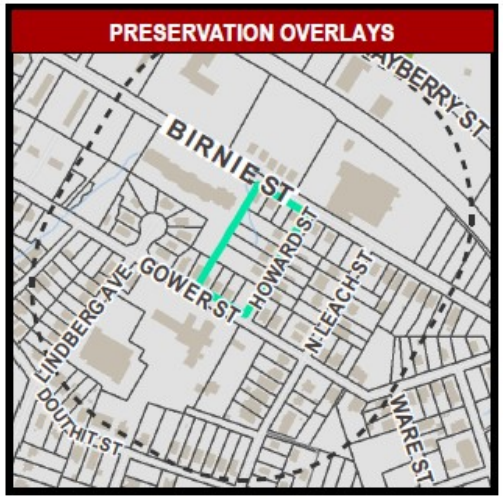
Z-1-2020 • GOWER ST, BIRNIE ST, HOWARD ST



Z-1-2020 | **GOWER ST, BIRNIE ST, AND HOWARD ST**

Z-1-2020 • GOWER ST, BIRNIE ST, HOWARD ST





STAFF RECOMMENDATION

Recommend approval of rezone to City Council

EFFECT OF PLANNING COMMISSION DECISION

Recommend approval of rezone of **RM-1.5** by a vote of 6-0

FISCAL IMPACT

Positive

DocuSign Envelope ID: FA1B9CBF-10B0-40BF-ACB6-C1706D1E3DF3

REQUEST FOR COUNCIL ACTION
City of Greenville, South Carolina

TO: Honorable Mayor and Members of City Council

FROM: John F. McDonough, City Manager

Agenda Item No. 11f

☐ Ordinance/First Reading ☑ Ordinance/Second & Final Reading ☐ Resolution/First & Final Reading ☐ Information Only

AGENDA DATE REQUESTED: May 11, 2020

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO APPROVE AN EASEMENT IN FAVOR OF RENEWABLE WATER RESOURCES FOR THE PURPOSES OF INSTALLING AND MAINTAINING SEWER TRUNK LINES ON PROPERTY LOCATED ON OR NEAR WELBORN STREET (TAX MAP NUMBERS 0053000400200, 0055000100200, 0055000100203, 0055000100204, 0055000100205, 055000100303, 0055000100400, AND 055000100401)

SUMMARY BACKGROUND:

Renewable Water Resources is making improvements to their sewer trunk line in and around the property located on or near Welborn Street. The new lines increase the capacity of the system and are part of the same system that the tunneling project will serve. Their route has been coordinated with the Unity Park plans.

IMPACT IF DENIED:

The easements will not be granted.

FINANCIAL IMPACT:

None.

REQUIRED SIGNATURES

Department Director	DocuSigned by: Mike Murphy B8351B3CF7524D2...	**City Attorney**	DocuSigned by: Michael Pitts 5E0F2A267E2D413...
OMB Director		**City Manager**	DocuSigned by: John McDonough FDC2AC15040F440...

DocuSign Envelope ID: FA1B9CBF-10B0-40BF-ACB6-C1706D1E3DF3

A N O R D I N A N C E

TO APPROVE AN EASEMENT IN FAVOR OF RENEWABLE WATER RESOURCES FOR THE PURPOSES OF INSTALLING AND MAINTAINING SEWER TRUNK LINES ON PROPERTY LOCATED ON OR NEAR WELBORN STREET (TAX MAP NOS. 0053000400200, 0055000100200, 0055000100203, 0055000100204, 0055000100205, 055000100303, 0055000100400, AND 055000100401)

WHEREAS, the city of Greenville ("City") is the owner of those certain tracts of land located on or near Welborn Street in Greenville, South Carolina, having Tax Map Numbers 0053000400200, 0055000100200, 0055000100203, 0055000100204, 0055000100205, 055000100303, 0055000100400, and 055000100401 (collectively, the "Land"); and

WHEREAS, Renewable Water Resources ("REWA") desires to install and maintain sewer trunk lines placed underground on the Land; and

WHEREAS, City Council has determined it is in the best interests of the City to enter into an Easement Agreement in favor of REWA for the purpose of installing and maintaining sewer trunk lines on the Land;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, City Council approves entering into an easement agreement in favor of REWA, subject to terms and conditions that are substantially similar to those as set out in Attachment 1, attached hereto and incorporated herein by reference. The City Manager, in consultation with the City Attorney, may make or accept minor modifications to the wording and designations of the attached documents as may be necessary or appropriate, provided there is no compromise of the substantive purposes of this Council action. Should the City Manager or City Attorney, or both, determine that any modification of previously negotiated terms is significant and warrants further action by City Council, then the matter shall be presented to Council for further review before the final execution.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2020.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

REVIEWED:

_____
CITY MANAGER

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ATTACHMENT 1

RIGHT OF WAY PROJECT: UNITY PARK

STATE OF SOUTH CAROLINA)
) Greenville County Block Book Designation as of:
COUNTY OF GREENVILLE) Greenville County Tax Map Parcel: 0053.00-04-002.00;
) 0055.00-01-002.00; 0055.00-01-002.03; 0055.00-01-002.04;
) 0055.00-01-002.05; 0055.00-01-003.03; 0055.00-01-004.00;
) 0055.00-01-004.01

1. **KNOW ALL MEN BY THESE PRESENTS**: That THE CITY OF GREENVILLE, a Municipal Corporation and Political Subdivision of the State of South Carolina, Grantor, in consideration of **$_____** paid by Renewable Water Resources, a body politic under the laws of South Carolina, hereinafter called the Grantee, its successors and assigns, receipt of which is hereby acknowledged, do hereby grant and convey unto the said grantee a right of way in and over my (our) tract(s) of land situate in the above State and County as set forth on the attached Exhibits A, B, C, D, E, F, G, H (collectively "Exhibits") ,which are incorporated and made a part hereof by reference hereto.

The following terms and conditions shall apply to those certain parcels of real property owned by Grantor, Tax Map Nos. 0053.00-04-002.00, 0055.00-01-002.00, 0055.00-01-002.03, 0055.00-01-002.04, 0055.00-01-002.05, 0055.00-01-003.03, 0055.00-01-004.00, 0055.00-01-004.01, as shown on the Exhibits attached hereto and made a part hereof, provided however, that in no event shall the width of a permanent easement granted herein extend further than 12.5 feet from either side of the pipeline.

The Grantor(s) herein by these presents warrants that there are no liens, mortgages, or other encumbrances to a clear title to these lands, except as follows: NONE

The expression or designation "Grantor" wherever used herein shall be understood to include the Mortgagee, if any there be.

2. The right of way is to and does convey to the grantee, its successors and assigns the following: The right and privilege of entering the aforesaid strip of land, and to construct, maintain and operate within the limits of same, pipe lines, manholes, and any other adjuncts deemed by the grantee to be necessary for the purpose of conveying sanitary sewage and industrial wastes, reclamation and transportation of water, and to make such relocations, changes, renewals, substitutions, replacements and additions of or to the same from time to time as said grantee may deem desirable; the right at all times to cut away and keep clear of said uses any and all vegetation including but not limited to branches, limbs or other outgrowth that projects onto the right of way which would, in the reasonable opinion of the grantee, endanger or injure the uses or appurtenances, or interfere with their proper operation or maintenance to the easement, the right of ingress to and egress from said strip of land across the land referred to above for the purpose of exercising the rights herein granted; provided that the failure of the grantee to exercise any of the rights herein granted shall not be construed as a waiver or abandonment of the right thereafter at any time and from time to time to exercise any or all of same. No building shall be erected over underground use nor so close thereto as to impose any load thereon.

3. It is Agreed: That the Grantor may plant crops, maintain fences and use this strip of land, provided: That crops shall not be planted over any pipes or other underground facilities where the tops are less than eighteen (18) inches under the surface of the ground; that the use of said strip of land by the Grantor shall not, in the reasonable opinion of the grantee, interfere or conflict with the use of said strip of land by the grantee for the purposes herein mentioned, and that no use shall be made of the said strip of land that would, in the reasonable opinion of the grantee, injure, endanger or render inaccessible the usage of the right of way or their appurtenances.

4. It is further agreed: That in the event a building or other structure should be erected contiguous to said pipe line and within a permanent easement granted herein and shown on an exhibit

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hereto, no claim for damages shall be made by the Grantor, his/her/their heirs or assigns, on account of any damage that might occur to such structure, building or contents thereof due to the operation or maintenance, or negligence of operation or maintenance, of said pipe lines or their appurtenances, or any accident or mishap that might occur therein or thereto.

5. All other or special terms and conditions of this right of this right of way are as follows:

Grantee shall repair all areas of the easement to the Grantor's satisfaction following any construction, maintenance, or operations. Any areas disturbed by such activities, including ingress and egress shall be repaired to the Grantor's satisfaction. Grantee shall give notice at least 24 hours in advance to the City prior to any activities taking place in the easement with the exception of inspection activities not requiring any disturbance in the easement, provided however, that Grantee may enter the property without advance notice when necessary to address an emergency situation. If Grantee makes an emergency entry onto the property, Grantee shall provide notice to Grantor as soon as reasonably possible after that entry. All construction, maintenance, or operation activities within the easement shall be performed expeditiously as to not cause interference with the operations of Grantor activities or park operations, festivals, or use of the park by the public. All construction activities and major maintenance shall be approved by the City of Greenville prior to execution.

IN WITNESS WHEREOF the hand and seal of the Grantor(s) herein has hereunto been set this _____ day of _____, 2020 A.D.

SIGNED, sealed and delivered in the presence of:

THE CITY OF GREENVILLE

_____, As to the Grantor(s) By:_____(SEAL)
Name:
Its:

_____, As to the Grantor(s) _____(SEAL)

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

PERSONALLY APPEARS before me the undersigned deponent, who on oath says that Deponent saw the above named Grantor (s) deliver the within written right of way, and that Deponent with the other subscribing witness shown thereon, witnessed the execution thereof.

SWORN to before me this _____

day of _____, 2020. _____
Deponent

_____(SEAL)
Notary Public for South Carolina

My commission expires:_____

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Exhibit A

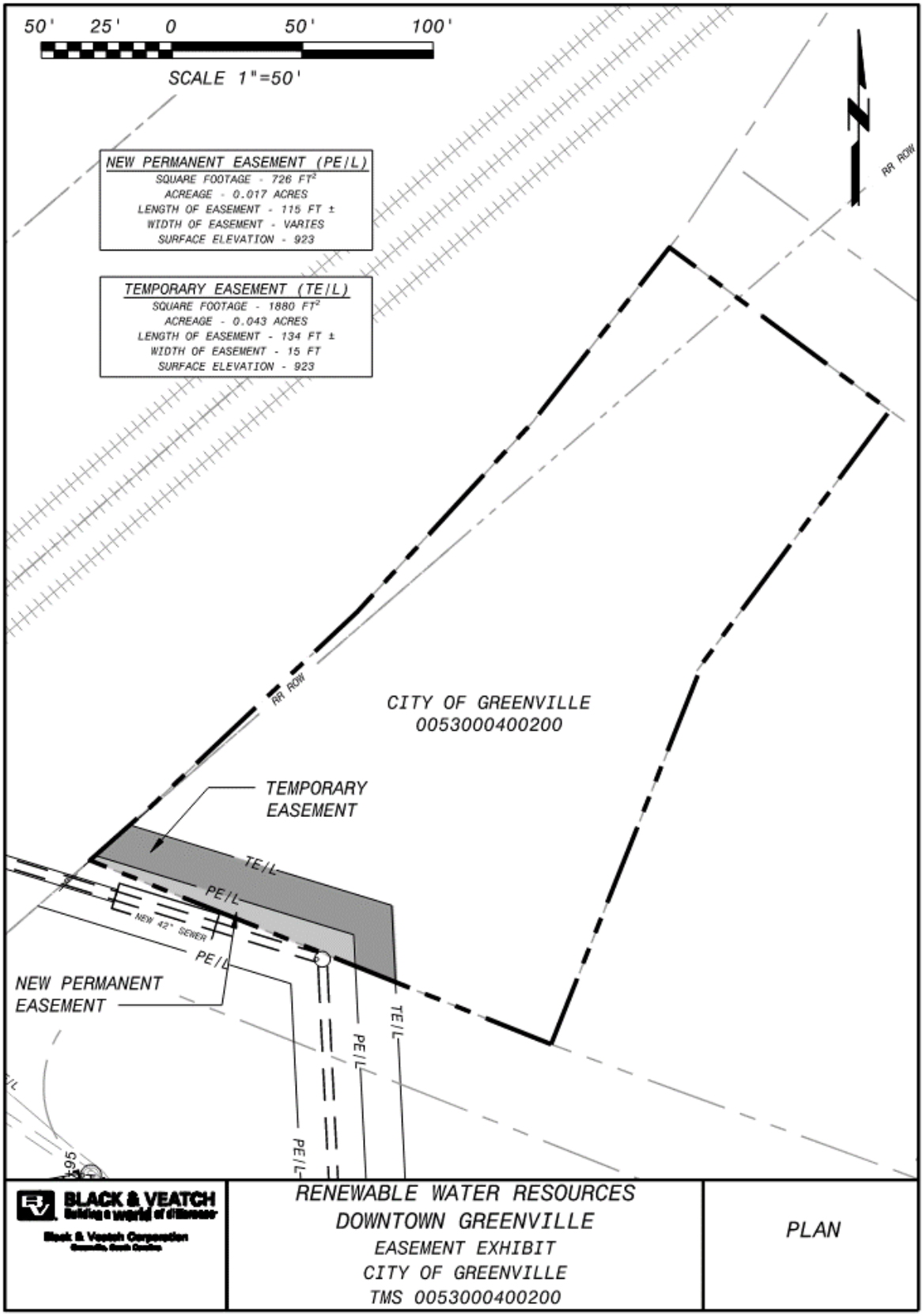

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Exhibit B

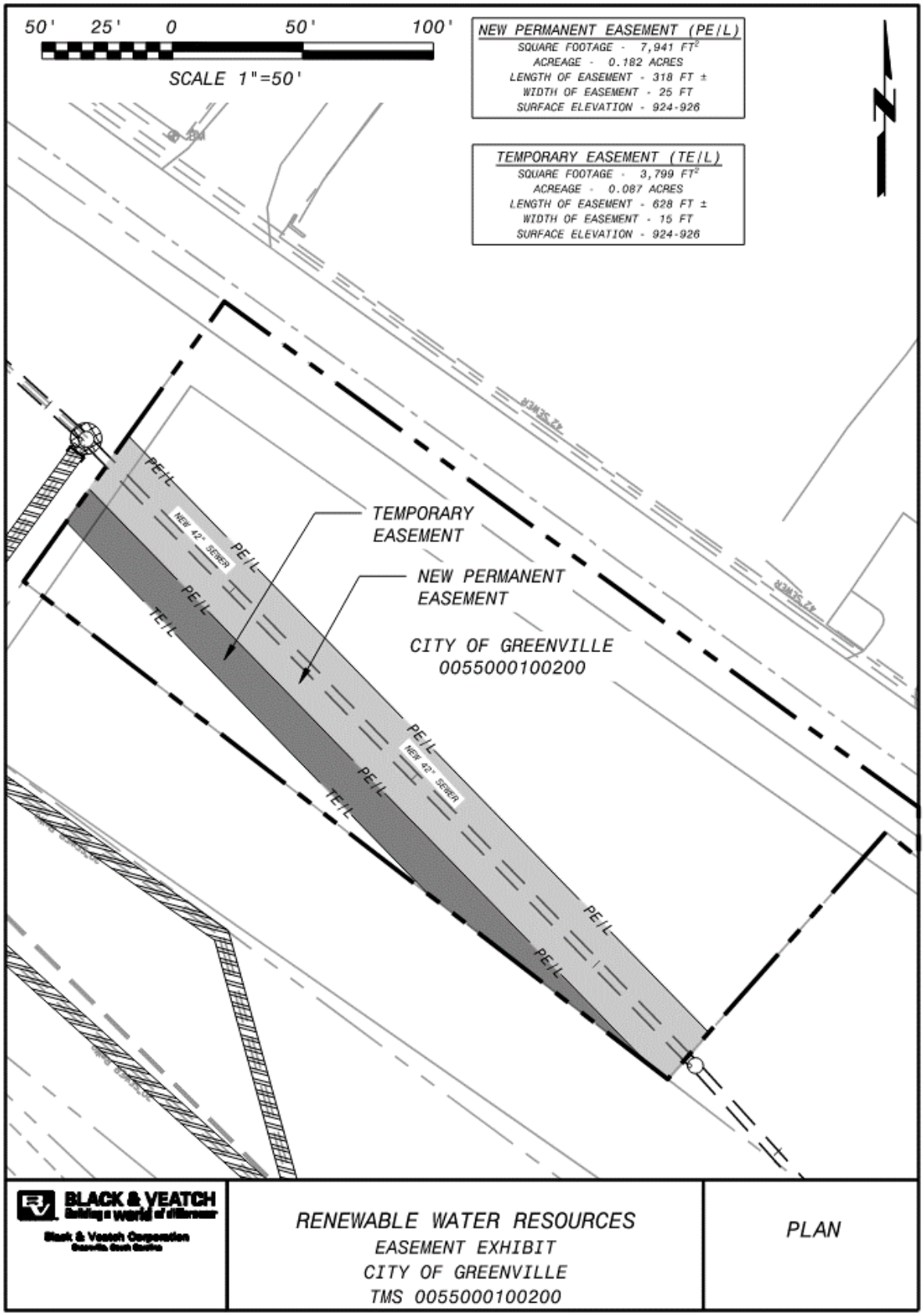

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Exhibit C

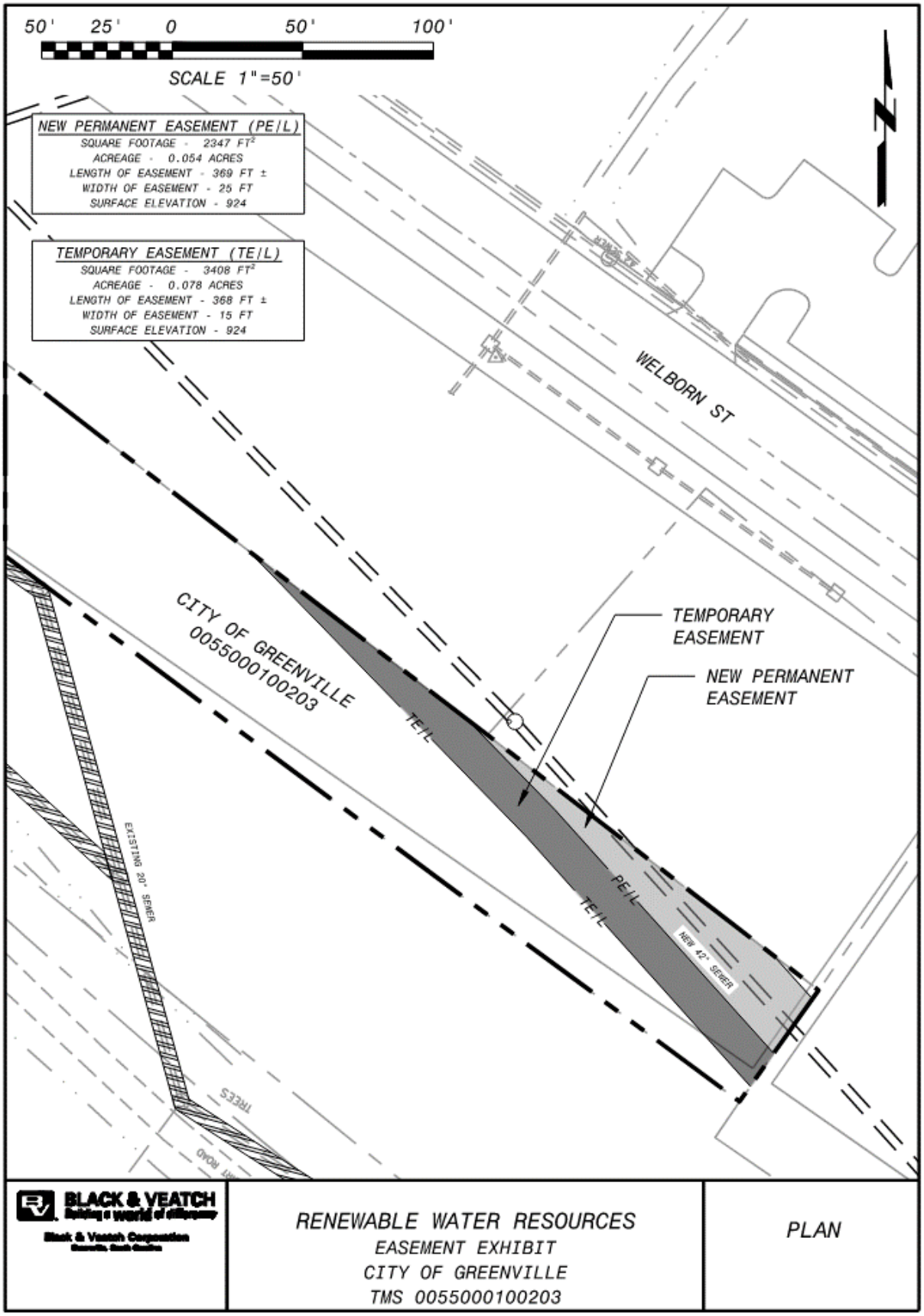

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Exhibit D

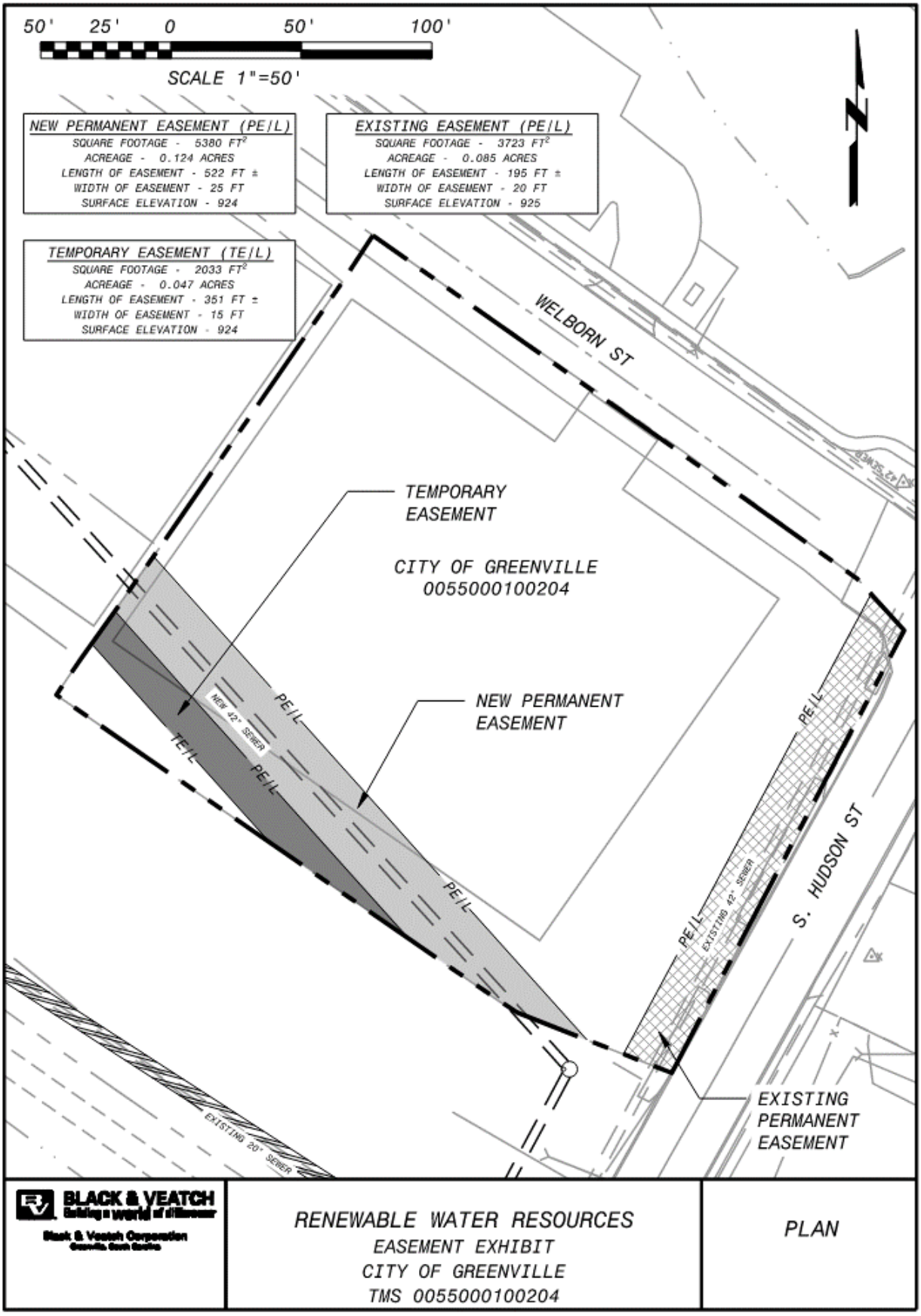

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Exhibit E

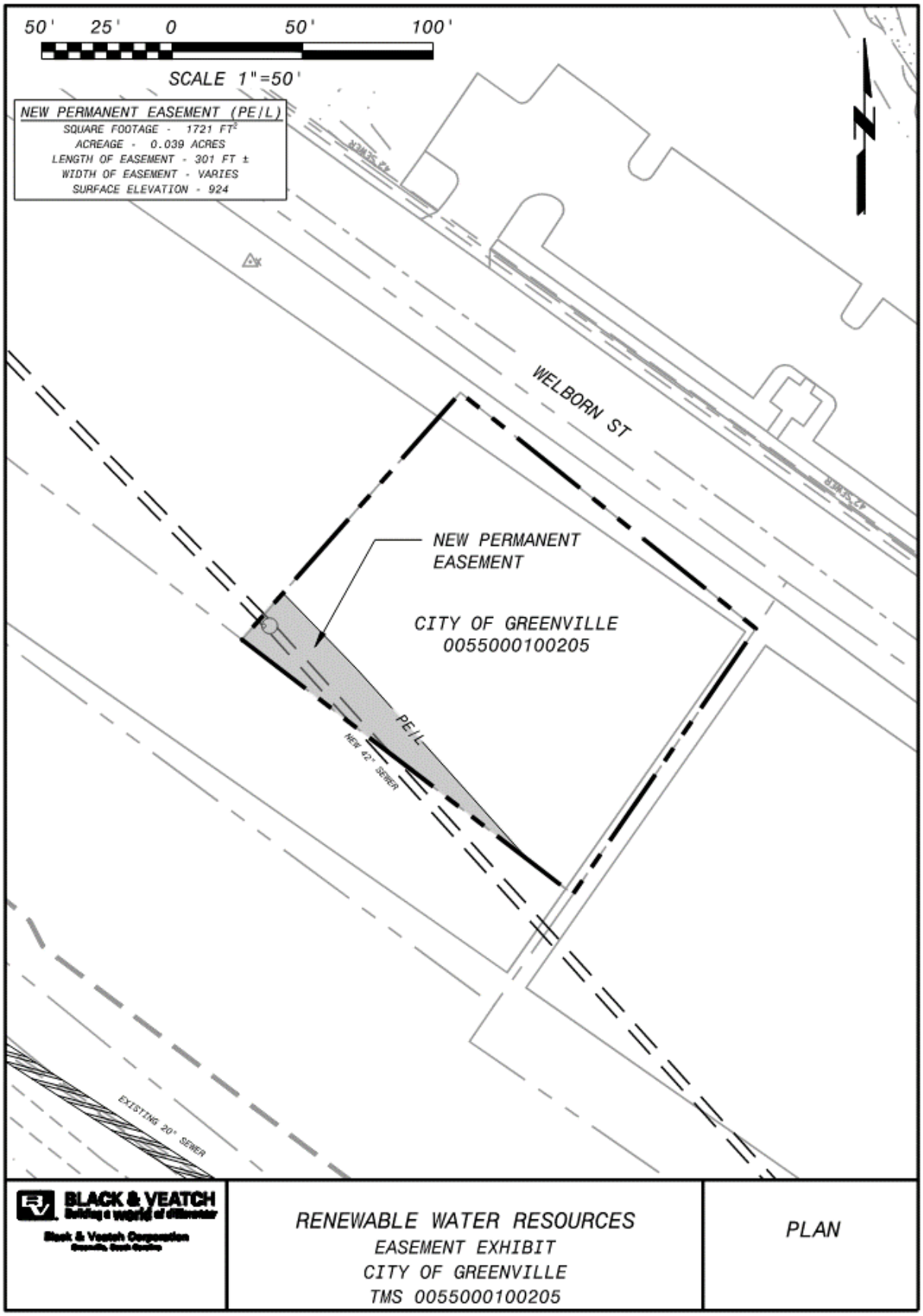

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Exhibit F

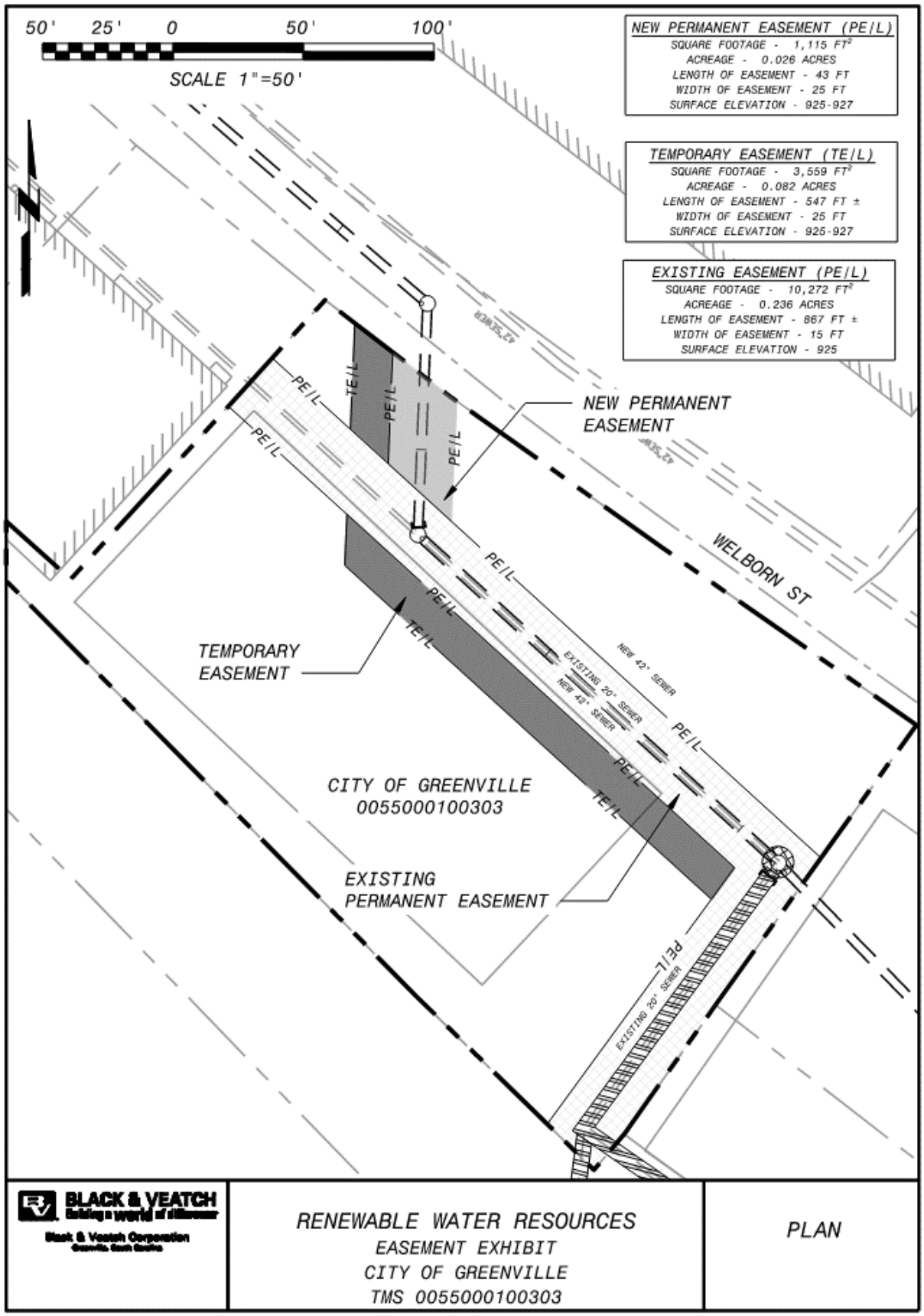

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Exhibit G

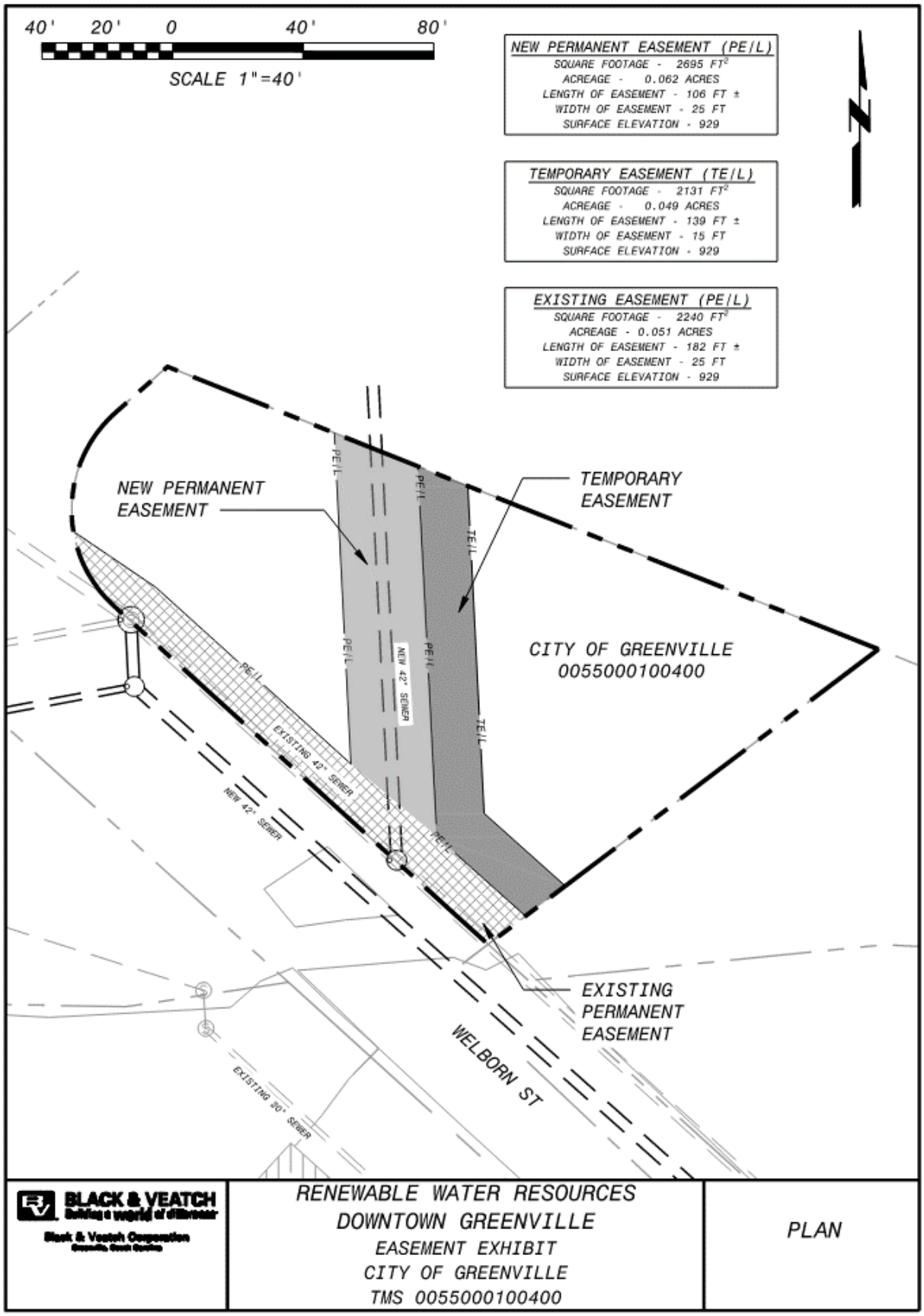

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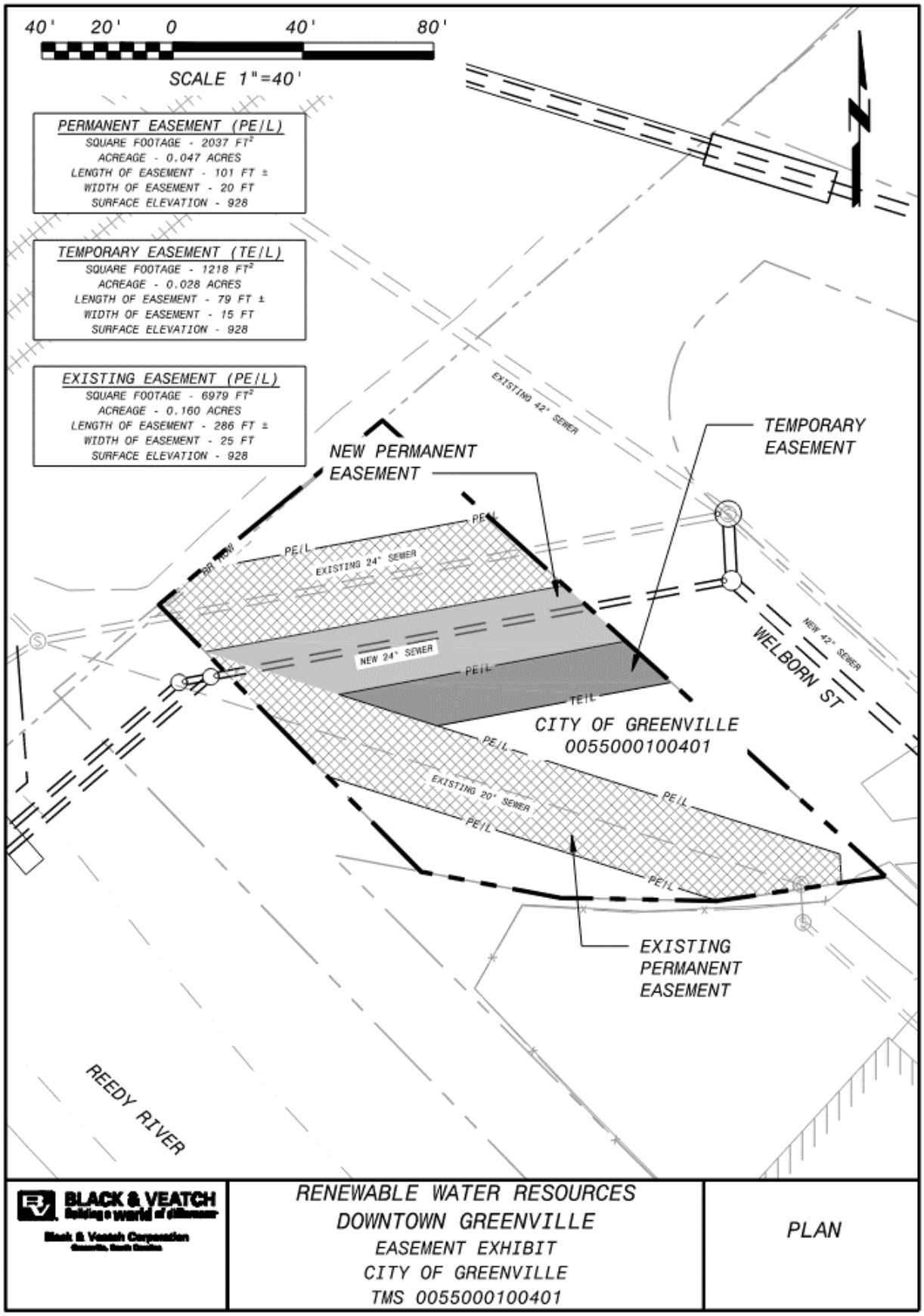
Exhibit H



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REQUEST FOR COUNCIL ACTION
City of Greenville, South Carolina

TO: Honorable Mayor and Members of City Council

FROM: John F. McDonough, City Manager

Agenda Item No. 11g

☐ Ordinance/First Reading ☑ Ordinance/Second & Final Reading ☐ Resolution/First & Final Reading ☐ Information Only

AGENDA DATE REQUESTED: May 11, 2020

ORDINANCE/RESOLUTION CAPTION:

EMERGENCY ORDINANCE TO IMPOSE A TEMPORARY MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR PERMITS, LICENSES, CERTIFICATES OF APPROPRIATENESS, AND OTHER APPROVALS FOR A SHORT TERM RENTAL, OR FOR A DEVELOPMENT WHICH INCLUDES SUCH USE

SUMMARY BACKGROUND:

This Ordinance places a six (6) month moratorium on all new permits and other approvals for short term rentals. The moratorium period will give City staff and City Council time to consider and implement appropriate regulations.

IMPACT IF DENIED:

The temporary moratorium will not go into effect.

FINANCIAL IMPACT:

N/A

REQUIRED SIGNATURES

Department Director	DocuSigned by: Jonathan B. Graham 219319F5AC3C445...	**City Attorney**	DocuSigned by: Michael Pitts 5E0F2A267E2D413...
OMB Director		**City Manager**	DocuSigned by: John McDonough FDC2AC15040F440...

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A N O R D I N A N C E

TO IMPOSE A TEMPORARY MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR PERMITS, LICENSES, CERTIFICATES OF APPROPRIATENESS, AND OTHER APPROVALS FOR A SHORT TERM RENTAL, OR FOR A DEVELOPMENT WHICH INCLUDES SUCH USE

WHEREAS, the city of Greenville ("City") Code of Ordinances contains regulations for the establishment of visitor accommodations; and

WHEREAS, since the adoption and last revision of those regulations there has been a significant increase in the number of dwelling units being offered as short term rentals due to the emergence and popularity of certain internet-based services, e.g. Airbnb, VRBO; and

WHEREAS, the City provides municipal planning and land use services, including, but not limited to land development regulation, zoning, land use planning, permitting, and licensing of businesses and properties, which are vital to the public health, safety, welfare, and quality of life in the City; and

WHEREAS, the proliferation of short term rentals poses a risk to public health, safety, welfare, and quality of life in the City due to the impact that such development has on city services, infrastructure, and resources, including, but not limited to, creating increased strain on and negative impact to roads, fire and emergency services, police services, traffic density, pedestrian safety, aesthetics, traditional single-family neighborhoods, and affordable housing stock; and

WHEREAS, City Council desires to reduce traffic congestion, promote the health and general welfare of the City's citizens, facilitate desirable living conditions, and encourage the most appropriate use of land within the City; and

WHEREAS, the pace of growth and the impact of the increase in short term rentals has created the need to review, revise and update the City's ordinances related to land development, zoning, land use planning, permitting, and licensing of visitor accommodations; and

WHEREAS, in order to preserve the status quo during the pendency of such review and adoption of amended ordinances, City Council finds it necessary to temporarily limit the development or establishment of short term rentals so as to provide time for City Council and city staff to closely study the aforementioned issues and draft appropriate amendments to the City's Code of Ordinances;

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

Section 1: *Moratorium*. There is hereby imposed a temporary moratorium on the acceptance of new applications for permits, licenses, certificates of appropriateness, and/or other approvals for short term rental(s) or development(s) which include short term rental(s) within any zoning district in the City. For purposes of this Ordinance, "short term rental" shall mean a privately owned dwelling unit, including a single-family dwelling (whether attached or detached), multiple-family dwelling, or any portion of such dwellings, which is rented for occupancy for dwelling, lodging, or sleeping purposes for any period of less than thirty (30) consecutive days; "short term rental" does not include bed and breakfast inns. This moratorium shall not apply to applications or uses that are vested in accordance with either S.C. Code Ann. § 6-29-1510, et seq., or Section 19-2.2.14 of the City's Code of Ordinances. Any city ordinances, rules, regulations, or policies that are inconsistent or conflict with

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this Ordinance are hereby suspended as to such inconsistency or conflict while this Ordinance is in effect.

Section 2: *Effective Period for Moratorium*. The moratorium set forth in this Ordinance shall be in effect for a period of six (6) months from the effective date of this Ordinance. This provision regarding final adoption shall in no way adversely affect the enforceability, applicability, and legality of the pending ordinance status, which shall be fully effective upon first reading approval. City Council may, by way of resolution, extend the temporary moratorium established in this Ordinance one (1) time for a period not to exceed ninety (90) days upon a finding by City Council that the problems giving rise to the need for the temporary moratorium established herein continue to exist and that reasonable progress is being made in carrying out a specific and prompt plan of action addressing concerns over the pace and impact of development involving short term rentals, but that additional time is reasonably needed to adequately address the issues facing the City.

Section 3: *Severability*. Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2020.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

REVIEWED:

_____
CITY MANAGER

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REQUEST FOR COUNCIL ACTION
City of Greenville, South Carolina

TO: Honorable Mayor and Members of City Council

FROM: John F. McDonough, City Manager

Agenda Item No.

14a

☐ Ordinance/First Reading ☑ Ordinance/Second & Final Reading ☐ Resolution/First & Final Reading ☐ Information Only

AGENDA DATE REQUESTED: May 11, 2020

ORDINANCE/RESOLUTION CAPTION:

Ordinance to provide for alternative procedures for public hearings during a state of emergency; and matters related thereto. (REVISED)

SUMMARY BACKGROUND:

This ordinance adopts procedures for conducting public hearings remotely during times of emergency.

NOTE: Revisions made since first reading for clarification purposes.

IMPACT IF DENIED:

The procedures will not be adopted.

FINANCIAL IMPACT:

N/A

REQUIRED SIGNATURES

Department Director		**City Attorney**	DocuSigned by: Michael Pitts 5E0F2A267E2D413...
OMB Director		**City Manager**	DocuSigned by: John McDonough FDC2AC15040F440...

A N O R D I N A N C E

TO PROVIDE FOR ALTERNATIVE PROCEDURES FOR PUBLIC HEARINGS DURING A STATE OF EMERGENCY; AND MATTERS RELATED THERETO

WHEREAS, on March 13, 2020, the Governor issued Executive Order 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an actual or imminent public health emergency for the State of South Carolina; and

WHEREAS, the COVID-19 pandemic has created a state of emergency in the city of Greenville, the State of South Carolina, the nation, and the world, which has drastically impacted the life, health, safety, and property of the people; and

WHEREAS, while the impact to the life, health, and safety of the people is of paramount concern, City Council finds it necessary to blunt, as much as reasonably feasible, the economic impact to the property of the people; and

WHEREAS, on March 17, 2020, the Governor of South Carolina issued Executive Order No. 2020-10 ("EO-10"), which, among other things, prohibits and directs the postponement, rescheduling or cancellation of any organized event or public gathering scheduled to be hosted or held at any location or facility owned and operated by the City, if any such event or gathering could or would involve or require simultaneously convening fifty (50) or more persons in a single room, area, or other confined or indoor space; and

WHEREAS, EO-10 also provides that the prohibition does not apply to meetings of local government bodies or gatherings of government officials or employees or other personnel that may be required in connection with the performance of essential government functions, but that, to the greatest extent possible, local government bodies should utilize any available technology or other reasonable procedures to conduct meetings and accommodate public participation via virtual or other remote or alternate means; and

WHEREAS, on March 28, 2020, the Governor issued Executive Order 2020-15, declaring an additional State of Emergency based on the increased threat of COVID-19 to the public health, safety, and welfare, and extending the efficacy of his previous Orders, including EO-10; and

WHEREAS, on April 12, 2020, the Governor issued Executive Order 2020-23 further extended the efficacy of certain previous Executive Orders, including EO-10; and

WHEREAS, the South Carolina Department of Commerce (the "Department") has recognized that public bodies responsible for land use determinations in at least one other jurisdiction were not deemed non-essential and that such bodies continue operating during this time of COVID-19 pandemic; and

WHEREAS, the Department has confirmed that in a least one jurisdiction, that it is in "the best interest of the State" for that jurisdiction's public bodies responsible for land use determinations to "continue operations or proceed, in whole or in part, on a normal or modified basis"; and

WHEREAS, in response to an inquiry from the city of Charleston, the Department on April 6, 2020, after consultation with the Attorney General, determined that the guidelines issued by the Supreme Court about how court proceedings are to be handled during this time are what we are pointing organizations to and that "[e]ssentially, all hearings are to be held using remote communication technology unless the judge finds that there is an emergency or other circumstances warranting an immediate determination and the hearing cannot be conducted adequately using remote communication."; and

WHEREAS, City Council finds that the aforementioned determinations of the Department should apply with equal force to those boards and commissions established by the city of Greenville (the "City") for the purpose of making land use determinations as well as to City Council itself for the purpose of conducting public hearings where required by State law; and

WHEREAS, due to the state of emergency caused by the COVID-19 pandemic, City Council finds that the City has a compelling interest in ensuring the continued predictability and stability of the local economy by continuing to process applications for development approvals in as orderly a manner as practical, while balancing such interest against the importance of ensuring that the general public and interested parties have a full and fair opportunity to voice their support or opposition to applications for development permits; and

WHEREAS, the COVID-19 pandemic has had and will continue to have a substantial financial and economic impact on City residents, property owners, business owners, and others, and the Department has concluded that the City's various boards and commissions charged with considering development applications, including but not limited to City Council, the Planning Commission, the Board of Zoning Appeals, and the Design Review Board should continue operations to serve the best interest of the State and the City; and

WHEREAS, the economic consequences arising from the suspension of the consideration of applications for such development approvals for an indefinite period of time will substantially and adversely impact the development community, persons employed by the development community, and, by extension, the local economy of the City; and

WHEREAS, City Council hereby establishes the following the procedures for meetings of the Planning Commission, the Board of Zoning Appeals, and the Design Review Board as well as the City Council in those circumstances where public hearings are required to be conducted by City Council pursuant to State Law, to be utilized during states of emergency including, but not limited to, pandemics;

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

Section 1. Definitions

"Development Approval" means an approval issued by the City or any of its Boards, regardless of the form of the approval, that is for the development of land, including but not limited to, an approval of concept plans, development plans, land development plans, final plats, special exceptions, variances, demolition permits, or a site-specific development plan.

"Boards" refers to all City boards, commissions, committees, or other City bodies, however named, charged with conducting public hearings ~~applications for Development Approvals~~, including but not limited to City Council, the Planning Commission, the Board of Zoning Appeals, and the Design Review Board.

"Board Member" or "Board Members" means all persons serving on Boards.

"Alternate Attendance" means attendance by alternate means (e.g., conference call, Webex, Zoom, GoToMeeting, or Skype), as set forth in the guidelines described below in Section 4; provided, however, at a minimum, all Board Members must be able to hear and be heard by all other Board Members, the member of City staff keeping minutes, the applicant, all interested parties, and members of the general public, subject to Section 3. The City shall set up a physical public input station or stations at a location or locations advertised in any notice of the public hearing, with proper social distancing precautions in place, to include a computer with a camera and a link to the virtual meeting, which may be utilized to accept public input during the hearing for those individuals without access to electronic means. The specific details for

compliance with Alternate Attendance, including the remote location requirement, shall be set forth in the Guidelines.

Section 2. Procedures

Notwithstanding any other provisions of this Ordinance to the contrary, and subject to Section 3, the following minimum procedures shall apply to public hearings before Boards during a state of emergency ~~declared by the Governor of the State of South Carolina~~:

A. Alternate Attendance (Board Members). For purposes of calculating a quorum, voting, and in all other respects, Alternate Attendance is permitted as to all Board Members.

B. Alternate Attendance (City Staff): For purposes of taking minutes and complying with other procedural requirements, only Alternate Attendance is permitted as to all members of City staff.

C. Alternate Attendance (Others): For purposes of public participation and the submission of information, comment, evidence, or testimony during a public hearing, only Alternate Attendance is permitted as to the applicant, other interested parties, and members of the general public.

D. Notice: Any required notice of a public hearing shall be provided in the same manner and according to the same time periods currently set forth in the City Code; provided, however, the date, time, and the appropriate information for permitting Alternate Attendance shall be provided in any such notice.

E. Information; Public Comment; Sworn Testimony. Any information or comment offered by the applicant, other interested parties, and members of the general public shall be taken only after the person providing any such information or comment identifies him or herself by name and address. Where an oath or affirmation is required by State or City Code, each person providing sworn testimony shall be individually sworn in by the Board chairperson by oath or affirmation in accordance with the general rules applicable to taking such testimony under oath or affirmation. Sworn testimony may be taken by virtual or other alternate means, provided all the requirements for Alternate Attendance are met. Interested parties and members of the general public may also submit written comments addressing an application, which must be received by email or United States mail no later than twenty-four (24) hours prior to any meeting conducted under this Ordinance.

F. Exhibits.

1. Posting Requirements. Application submissions, together with any exhibits (excluding official Staff Reports) to be utilized by City staff and/or the applicant at the public hearing, shall be posted to the City's website at least fifteen (15) calendar days in advance of the hearing. Nothing herein shall require the posting of exhibits or slideshows by other interested parties or the general public prior to the hearing. Nothing herein shall prohibit the applicant from providing testimony or exhibits in response to exhibits or slideshows provided by other interested parties or the general public at any time prior to or during the public hearing.

2. Documents and Exhibits. Any and all documents and exhibits submitted in connection with an application shall be submitted to City staff by electronic or other means on or before the application deadline set forth in the application schedule published by City staff on the City's website. All such submissions and exhibits shall be included on the City's website for review by Board Members, City staff, the applicant, other interested parties, and members of the general public. Any document offered at the public hearing must be provided electronically to a designated member of City staff and be available for viewing by all Board Members and other persons attending by Alternate Attendance simultaneously with the electronic submission of such documents. Nothing in this Section 2.F.2 shall supersede or amend the submission deadlines for applicants otherwise in effect under the City Code or the submission requirements in Section 2.F.1.

G. Other Procedures. Unless expressly amended or supplemented herein, all other procedures set forth in this Chapter for notice, meetings, public hearings, or otherwise on development approvals shall continue to apply.

Section 3 Disruption

To the extent reasonably necessary to avoid disruption of any public hearing, the chairperson of a Board may order that all persons attending by Alternate Attendance, except Board Members and members of City staff, be placed on mute; provided, however, the City must provide alternate means for individual participants to be recognized by the Board chairperson and taken off mute during the meeting; and, further provided, that all those participating shall at all times have the ability to hear what is being said by Board Members, City staff, the applicant, interested parties, and other persons who have been properly recognized during the meeting.

Section 4 Guidelines

The guidelines for Alternate Attendance (the "Guidelines") attached hereto and incorporated herein by reference as Exhibit A, shall apply. In order to provide some administrative flexibility and to reasonably maximize the ability of the applicant, other interested parties, and the general public to participate, the City Manager is hereby authorized to approve changes to the Guidelines upon the recommendation of the City's Planning Director, and upon the approval of the City Attorney, but any such changes shall comply with the minimum requirements for Alternate Attendance set forth in this Ordinance.

Section 5 Severability

Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation or Executive Order of the Governor of South Carolina, the remaining provisions, sections, paragraphs, sentences, or words of this ordinance as hereby adopted shall remain in full force and effect.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2020.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

REVIEWED:

_____
CITY MANAGER

EXHIBIT A

GUIDELINES

1. Introduction

As City planning staff conducts research and propose methods for continuing essential government meetings during the global coronavirus pandemic, the city of Greenville is committed to full transparency in all public hearings. This draft outlines the general proposal for holding fully participatory public hearings under social distancing guidelines.

2. Proposed Meeting Method: Webex

Meetings would be conducted using Webex, a standard platform for online hearings used around the world by private and public agencies. Webex fallows meetings to be conducted by the same process and rules as in-person meetings, with board members on camera and able to speak freely or as allowed by normal board operating rules. Members of the public may attend by logging into any computer with an internet connection, by any mobile device, or by audio with any telephone.

3. Public Comment

Public comments will be taken in writing and during the public input period of hearings, during the times allocated under normal procedures. During the hearing, administrators may open public input to individuals who will have their microphone enabled by the administrator, and participants will state their name and give input just as a regular in-person hearing. All public input would be recorded live.

4. Physical Location(s) for Public Input

A physical public input station may be setup at the Greenville Convention Center (1 Exposition Dr, Greenville, SC 29607), or such other location(s) set forth in the notice, with proper social distancing precautions in place. This station would be a computer with a camera and microphone, which will be linked to Webex and which can accept public input during the meeting, accessible to anyone without an internet connected device at home.

5. Live Broadcast

In addition to viewing for those logged into the Webex meeting, hearings may also be broadcast live on other platforms, in the City's discretion.

6. Trial hearings

City staff will run a series of simulated "trial" meetings to test all procedures, including public input.

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REQUEST FOR COUNCIL ACTION
City of Greenville, South Carolina

TO: Honorable Mayor and Members of City Council

FROM: John F. McDonough, City Manager

Agenda Item No.

15a

☑ **Ordinance/First Reading** ☐ **Ordinance/Second & Final Reading** ☐ **Resolution/First & Final Reading** ☐ **Information Only**

AGENDA DATE REQUESTED: May 11, 2020

ORDINANCE/RESOLUTION CAPTION:

Ordinance amending Article IV of Chapter 36 of the Code of Ordinances of the City of Greenville to provide for public notification prior to commencement of utility work in the public right-of-way

SUMMARY BACKGROUND:

This Ordinance requires utility providers and/or or their contractors to provide advance notification to adjacent property owners prior to commencing work in the public right-of-way.

IMPACT IF DENIED:

No notification requirement will be in effect.

FINANCIAL IMPACT:

N/A

REQUIRED SIGNATURES

Department Director		**City Attorney**	DocuSigned by: Michael Pitts 5E0F2A267E2D413...
OMB Director		**City Manager**	DocuSigned by: John McDonough FDC2AC15040F440...

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A N O R D I N A N C E

AMENDING ARTICLE IV OF CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO PROVIDE FOR PUBLIC NOTIFICATION PRIOR TO COMMENCEMENT OF UTILITY WORK IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, the city of Greenville ("City") enjoys broad powers under Section 5-7-30 of the South Carolina Code of Laws, to among other things, "enact regulations, resolutions, and ordinances, not inconsistent with the Constitution in the general law of the State, including the exercise of powers in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government and it…"; and

WHEREAS, City Council ("Council") has previously enacted Article IV of Chapter 36 of the Code of Ordinances of the City of Greenville ("City Code") to provide for right-of-way management and utility usage; and

WHEREAS, the purpose of the aforementioned Article is set forth in Section 36-91 of the City Code and those purposes are incorporated herein as if set forth verbatim; and

WHEREAS, consistent with the foregoing, Council desires to amend Article IV of Chapter 36 of the City Code to require any provider of utility services performing work in the right-of-way (as those terms are defined in Section 36-92 of the City Code) to provide public notification to adjacent property owners in advance of the commencement of utility work as set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, Article IV of Chapter 36 the Code of Ordinances of the City of Greenville shall be amended to include sections 1 through 4 as provided below. The codifier of the Code of Ordinances shall have the ability incorporate the sections and to make reasonable and appropriate formatting adjustments as may be necessary with the requested changes.

1. Public notification requirements. Unless exempted below pursuant to Section 4, all providers of utility services performing work in the right-of-way shall notify all adjacent property owners no less than 72 hours in advance to the commencement of said work. Notification should be placed in a non-destructive method on the front door of each dwelling, office space, or place of business.

2. Content of notice; Signage. The notice required above under Section 1 shall contain the following information: (a) dates of activity (start and end); (b) description of activity; (c) the name of the provider of utility services performing the work; (d) a 24 hour contact name and phone number for both the provider of utility services and any contractor(s) performing the work on its behalf; and (e) right-of-way management permit number. If the work includes more than 500 feet of underground work, the provider of utility services must provide roadside signage at each end of the work zone. Roadside signage will be a minimum of 30 inches wide by 36 inches tall with the aforementioned information legibly depicted.

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3. Pre-construction meeting requirement. For utility work in the right-of-way requiring the installation of more than 500 feet of underground work or requiring a total road closure, a pre-construction meeting is required with the city engineer's office. This meeting will occur no less than 72 hours in advance of beginning the work and requires, at a minimum, one representative each from the provider of utility services and any contractor(s) performing work on its behalf. Meetings may be conducted via web-based conference.

4. Emergency Repairs to Existing Facilities Exempted. This Ordinance shall not apply to any emergency repair of existing facilities within the right-of-way.

Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation or Executive Order of the Governor of South Carolina, the remaining provisions, sections, paragraphs, sentences, or words of this ordinance as hereby adopted shall remain in full force and effect.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2020.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

REVIEWED:

_____
CITY MANAGER

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REQUEST FOR COUNCIL ACTION
City of Greenville, South Carolina

TO: Honorable Mayor and Members of City Council

FROM: John F. McDonough, City Manager

Agenda Item No.

16a

☐ Ordinance/First Reading ☐ Ordinance/Second & Final Reading ☑ Resolution/First & Final Reading ☐ Information Only

AGENDA DATE REQUESTED: May 11, 2020

ORDINANCE/RESOLUTION CAPTION:

A RESOLUTION TO CERTIFY 205 ANDERSON STREET AS AN ABANDONED BUILDING SITE (TAX MAP NUMBER 0082000201200)

SUMMARY BACKGROUND:

This Resolution certifies real property located at 205 Anderson Street (Tax Map Number 0082000201200) as an abandoned building site for purposes of the South Carolina Abandoned Building Revitalization Act. The Resolution itself provides no tax relief. The applicant is seeking State Income Tax Credits.

IMPACT IF DENIED:

The site will not be certified as an abandoned building site.

FINANCIAL IMPACT:

N/A

REQUIRED SIGNATURES

Department Director	DocuSigned by: Ginny Stroud FE9DC7E5A9C7477...	**City Attorney**	DocuSigned by: Michael Pitts 5E0F2A267F2D413...
OMB Director		**City Manager**	DocuSigned by: John McDonough FDC2AC15040F440...

DocuSign Envelope ID: 6D9BA21C-68C6-4FDF-95EE-E37F4A45F9D9

RESOLUTION NO. 2020-_____

A RESOLUTION

TO CERTIFY 205 ANDERSON STREET AS AN ABANDONED BUILDING SITE (TAX MAP NUMBER 0082000201200)

WHEREAS, pursuant to the authority of Title 12, Chapter 67 of the Code of Laws of South Carolina, 1976, as amended (the "Act"), upon the satisfaction of certain statutory requirements set forth in the Act, a taxpayer is eligible for certain tax credits in connection with the rehabilitation of abandoned buildings; and

WHEREAS, the Act provides that restoration of abandoned buildings into productive assets for the communities in which they are located serves a public and corporate purpose; and

WHEREAS, Section 12-67-140 of the Act permits qualifying taxpayers to elect to receive the tax credits in the form of state income tax credits; and

WHEREAS, West End Townes, LLC (the "Company") is the owner and developer and is responsible for all of the rehabilitation expenses associated with certain real property located at 205 Anderson Street, Tax Map Number 0082000201200 (the "Property"); and

WHEREAS, the Company desires to subdivide the Property into two (2) phases or "units" for purposes of the Act, as depicted on Exhibit A (the "Building Sites"); and

WHEREAS, the Company has presented to the city of Greenville (the "City") an Affidavit of the prior owner dated March 6, 2020, confirming the buildings and structures located on the Property (the "Buildings") were Sixty-Six (66%) percent or more abandoned and continuously closed for business, as well as non-operational for income producing purposes, for at least five (5) years preceding the sale of the Property to the Company; and

WHEREAS, the City now desires to certify that the Property, and each of the Building Sites, qualify as an Abandoned Building Site pursuant to the definition of "abandoned building site" under Section 12-67-160(A) of the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA:

Section 1. The Company has submitted to the City a request to certify the Building Sites pursuant to Section 12-67-160 of the South Carolina Abandoned Buildings Revitalization Act.

Section 2. Based solely upon the information supplied by the Company and the City's search of its business license records, the City hereby certifies (i) each of the two Building Sites constitute an abandoned building as defined by Section 12-67-120(1) of the Act, and (ii) the geographic areas of the Building Sites on the Property are consistent with Section 12-67-120(2) of the Act.

Section 3. This Resolution provides no property tax relief whatsoever, and the City approves this Resolution with the understanding the Company will take any credits against State income taxes; further, and the City expresses no opinion regarding the availability of same to the Company beyond the certification contained herein.

Section 4. This Resolution shall be become effective upon the date of enactment.

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RESOLVED THIS _____ DAY OF _____, 2020.

_____
MAYOR

Attest:

_____
CITY CLERK

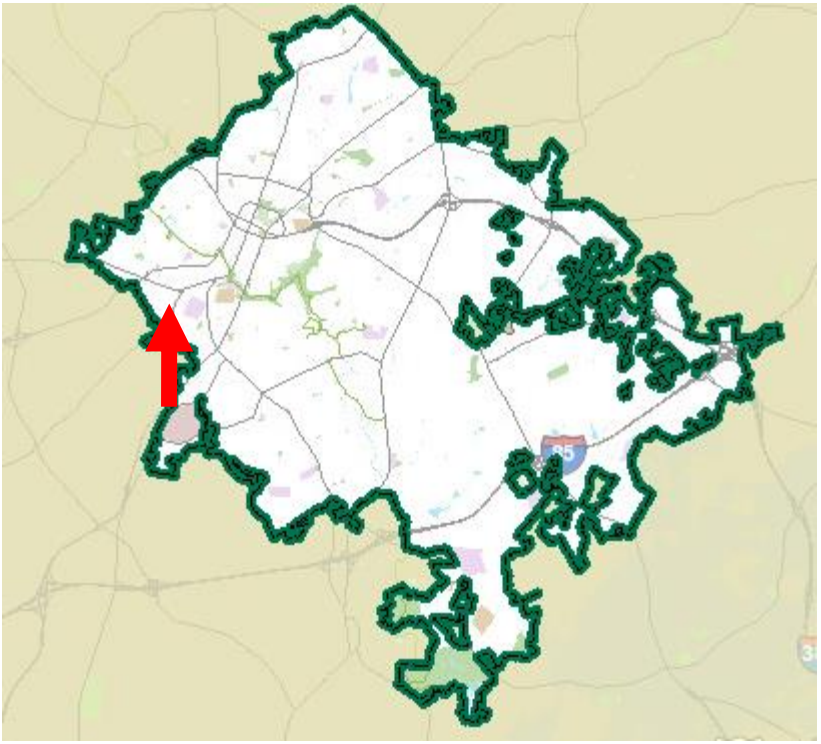
205 Anderson Street

APPLICANT

West End Townes, LLC

REQUEST

- Certify Property at 205 Anderson Street as an Abandoned Building Site



205 Anderson Street

PARCEL LOCATION
TMS# 0082000201200

205 Anderson Street

STAFF RECOMMENDATION

Approval

FISCAL IMPACT

No fiscal impact (seeking state Income Tax Credits)

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REQUEST FOR COUNCIL ACTION
City of Greenville, South Carolina

TO: Honorable Mayor and Members of City Council

FROM: John F. McDonough, City Manager

Agenda Item No. 16b

☐ Ordinance/First Reading ☐ Ordinance/Second & Final Reading ☑ Resolution/First & Final Reading ☐ Information Only

AGENDA DATE REQUESTED: May 11, 2020

ORDINANCE/RESOLUTION CAPTION:

Resolution to enter into an Intergovernmental Agreement with the Greenville Technical College Campus Police Department for the provision of 911 telecommunications service by the Greenville Police Department

SUMMARY BACKGROUND:

The purpose of this Resolution is to enter into an agreement where the Greenville City Police Department will provide 911 telecommunications service to the Greenville Technical College Campus Police Department.

IMPACT IF DENIED:

GPD will not provide the 911 telecommunications service to the Greenville Technical College Campus Police Department.

FINANCIAL IMPACT:

Incremental cost, if any, for provision of the services for another agency.

REQUIRED SIGNATURES

Department Director	DocuSigned by: Howie Thompson EDD8600A95F84FA...	**City Attorney**	DocuSigned by: Michael Pitts 5E0F2A267E2D413...
OMB Director		**City Manager**	DocuSigned by: John McDonough FDC2AC15040F440...

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RESOLUTION NO. 2020-_____

A R E S O L U T I O N

TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE GREENVILLE TECHNICAL COLLEGE CAMPUS POLICE DEPARTMENT FOR THE PROVISION OF 911 TELECOMMUNICATIONS SERVICE BY THE GREENVILLE POLICE DEPARTMENT

WHEREAS, Greenville Technical College (the "GTC") has a campus police department, (the "Campus Police Department" or "Campus Police"), and it needs to be able to respond promptly to 911 public safety emergency calls (the "911 calls") for issues arising on the GTC campus; and

WHEREAS, the Greenville Police Department (the "GPD") has the equipment and infrastructure to provide telecommunications services to GTC in order to aid the Campus Police in promptly responding to 911 calls; and

WHEREAS, GTC requests the assistance of the GPD in providing said 911 telecommunication services; and

WHEREAS, the GPD desires to provide the requested assistance to the Campus Police; and

WHEREAS, the city of Greenville will be required to hire an additional dispatcher to provide the assistance and GTC has agreed to fully fund said position; and

WHEREAS, to accomplish the foregoing, the GTC and the GPD desire to enter into an intergovernmental agreement, a copy of which is attached hereto and incorporated herein as Exhibit A (the "Agreement'); and

WHEREAS, subject to the appropriation of funds for the additional dispatcher position which is anticipated at a later date, City Council desires to approve the Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, the City Manager is authorized to approve and execute the Agreement. The City Manager, in consultation with the City Attorney, may make or accept minor modifications to the wording and designations of the attached documents as may be necessary or appropriate, provided there is no compromise of the substantive purposes of this Council action. Should the City Manager or City Attorney, or both, determine that any modification of previously negotiated terms is significant and warrants further action by Council, then the matter shall be presented to Council for further review before the final execution. This approval is made subject to the appropriation of funds by City Council for the additional dispatcher position contemplated under the Agreement.

RESOLVED THIS _____ DAY OF _____, 2020.

_____
MAYOR

Attest:

_____
CITY CLERK

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EXHIBIT A

INTERGOVERNMENTAL AGREEMENT FOR THE PROVISION OF 911 TELECOMMUNICATIONS SERVICE BY GREENVILLE POLICE DEPARTMENT TO GREENVILLE TECHNICAL COLLEGE CAMPUS POLICE DEPARTMENT

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

THIS AGREEMENT, made and entered into _____, by and between Greenville Technical College, herein after referred to as "GTC", whose address is 506 S. Pleasantburg Drive, Greenville, South Carolina 29606, and the City of Greenville, South Carolina, for and on behalf of the Greenville Police Department, herein after sometimes referred to as "GPD", whose address is 4 McGee Street, Greenville, South Carolina 29601.

WHEREAS, GTC has a campus police department, hereinafter sometimes referred to as the "Campus Police Department" and/or "Campus Police", and the need to be able to respond promptly to 911 public safety emergency calls ("911 calls") to said Campus Police for issues arising on the GTC campus located at the GTC address set out hereinabove, hereinafter referred to as the "GTC Campus"; and

WHEREAS, the GPD has the equipment, personnel, and infrastructure to provide telecommunications services necessary to promptly respond to 911 calls on behalf of the City of Greenville ("City"); and

WHEREAS, the GPD has the capacity to provide telecommunication services to GTC to aid the Campus Police in promptly responding to 911 calls to the Campus Police regarding issues on the GTC Campus; and

WHEREAS, GTC requests the assistance of the GPD in providing telecommunication services to the Campus Police to aid the Campus Police in promptly responding to said 911 calls regarding the GTC Campus; and

WHEREAS, the GTC and the GPD desire to enter into an agreement for the GPD to provide telecommunication services to GTC to aid the Campus Police in promptly responding to 911 calls regarding issues on the GTC Campus.

NOW, THEREFORE, for and in consideration of the foregoing and of the terms and conditions hereinafter provided, the GTC and the City agree, as follows:

1. <u>Necessary Modifications to Campus Police Telecommunications System</u>

   a. GTC shall be responsible for making modifications to the Campus Police

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telecommunications system such that 911 calls coming into the Campus Police Department shall automatically be electronically routed to the GPD Communications Center, hereinafter referred to as the "Communications Center".

b. GTC shall be responsible providing some method to filter calls coming into the Communications Center such that non-emergency business calls are not routed to the Communications Center.

2. General Scope of Services by GPD

Provided that GTC has made, or caused to be made, the modifications set out in Section 1, hereinabove, the GPD, through the Communications Center, shall:

a. Receive 911 calls to the Campus Police at the Communications Center through the Communication Center's Airbus Phone System.

b. Enter 911 calls to the Campus Police in the Communication Center's system for information management and retrieval via the Inform Computer Aided Dispatch System.

c. Initiate dispatch and communication calls, as necessary, to Campus Police safety officers.

d. Receive emergency communications from Campus Police safety officers.

e. Initiate calls, as necessary, to support Campus Police safety functions.

f. Provide data reports, as reasonably necessary and/or requested by GTC and/or the Campus Police to facilitate and evaluate Campus Police workload and manpower assessments, and/or Communication Center workload on behalf of the Campus Police.

3. Term of Agreement

This Agreement shall commence on the date first hereinabove written and shall continue in effect for a term of one year thereafter, unless earlier terminated by the parties hereto as elsewhere set out herein; provided that said Agreement shall automatically renew for successive one-year terms thereafter, unless terminated by the parties hereto as set elsewhere out herein.

4. Compensation

a. For the performance by the GPD of those services set out in Section 2, hereinabove, GTC shall pay to City an annual payment in an amount equivalent to the salary and benefits for one fully trained GPD telecommunications employee at the level of Communications Specialist II, said payment to be due and payable to the City of Greenville, Attention OMB Department, Post Office Box 2207, Greenville, South Carolina 29602, on or before the beginning of each year of this Agreement, identifying said payment as being for 911 call telecommunications services to Greenville Technical College Campus Police

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Department.

b. The amount of said initial payment shall be agreed upon in writing by the parties hereto on or before the commencement of this Agreement, which agreement shall be considered an addendum to this Agreement; and said amount shall be subject each subsequent year of this Agreement, if any, to adjustments to reflect salary and benefits increases and/or decreases for said position. The City shall advise GTC in writing of any such payment adjustments at least sixty (60) calendar days prior to the due date of said payment.

c. City shall additionally annually assess the workload performed by the Communications Center for the Campus Police, hereunder, and advise GTC in writing if GPD determines that additional personnel staffing is needed to handle the volume of work for the Campus Police. If GPD determines that additional staffing is needed for such purpose, then City shall advise GTC in writing the amount and cost of said necessary additional staffing hereunder, and said amount shall be added to the amount of payment to City due from GTC hereunder unless GTC decides to terminate this Agreement upon sixty (60) calendar days written notice to City.

5. Termination of Agreement

a. This Agreement may be terminated by GTC as set out in subsection 4.c, hereinabove.

b. Either party may terminate this Agreement for any reason as the party in its sole discretion shall decide, and be relieved of all obligations not incurred prior to said termination, upon ninety (90) calendar days written notice to the other party hereto.

c. Termination of this Agreement shall not relieve either party of any obligation incurred one to the other prior to said termination.

d. If this Agreement is terminated other than at the end of any year of this Agreement, and GTC shall have paid City, in advance, for the entirety of services hereunder for the upcoming and/or current year, then GTC shall be entitled to a pro rata refund representing that portion of the Agreement year for which GTC has paid City, but will not be receiving services from City, hereunder. Said pro rata refund, if any, shall be paid to GTC within sixty (60) calendar days of the termination of this Agreement.

6. Independent Contractors

The parties hereto shall at all times be considered independent contractors hereunder, and neither party hereto nor their respective employees shall, under any circumstances, be considered employees of the other party hereto; and neither shall be legally responsible for negligence or

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other wrong-doing, either intentional or unintentional, by the other party hereto or their respective employees.

7. Insurance

Both parties hereto shall procure and maintain insurance for the duration of this Agreement against any and all claims for injuries to persons or damages to property which may in any way arise from, or in connection with, the performance of the parties and/or their employees under this Agreement. Such insurance shall be in the following minimum amounts:

Minimum Coverages and Limits:

a.	Commercial General Tort Liability	$600,000 per occurrence
b.	Comprehensive Automobile Liability	$600.000 per occurrence
c.	Workers' Compensation	Statutory Limits
d.	Employers Liability	$100,000/$100,000/$100,000

Such insurance shall comply with all applicable state laws, and shall be placed with insurers with a current A.M. Best's rating of not less than A:VII and licensed to do business in the state of South Carolina.

8. Notices

All notices required hereunder shall be in writing and shall be deemed to have been duly given if either hand delivered or mailed by certified or registered mail, postage prepaid, addressed to the party to whom intended at the address provided below or at such other address as such party shall hereinafter designate to the other party in writing:

City: City of Greenville, State of South Carolina
Attention: Police Chief
4 McGee Street
Greenville, South Carolina 29601

GTC: Greenville Technical College
Attention: Campus Police Chief
506 S. Pleasantburg Drive
Greenville, South Carolina 29606

9. Assignment

The rights and obligations herein shall not be assigned by either party, in whole or in part, without the prior written consent of the other party.

10. Entire Agreement

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This Agreement constitutes the entire agreement between the parties hereto and may not be modified or amended except in writing signed by all parties hereto. In the case of any conflict between the terms and conditions of this Agreement and any other agreement between the parties hereto, the terms of this Agreement shall control.

11. Severability

If any part or provision of this Agreement is held invalid or unenforceable under applicable law, such invalidity or unenforceability shall not in any way affect the validity or enforceability of the remaining parts and provisions of this Agreement.

12. Nonwaiver

The waiver by City or GTC of a breach of this Agreement shall not operate as a waiver of any subsequent breach, and no delay in acting with regard to any breach of this Agreement shall be construed to be a waiver of the breach.

13. Governing Law and Venue

This Agreement and the rights, obligations and remedies of the parties hereto, shall in all respects be governed by and construed in accordance with the laws of the State of South Carolina, and venue for the resolution of all disputes regarding the terms of this Agreement or the performance thereunder, whether in law or in equity, shall be exclusively in the courts of Greenville County, South Carolina.

14. Waiver, Release, and Covenant Not to Sue

Notwithstanding anything herein to the contrary, GTC does hereby waive and release City and its employees, officers, and/or officials from and against any and all claims and/or liabilities resulting from property damages and/or personal injuries, including death, arising out of the performance of City's services hereunder, and covenants not to sue City for same, unless said damages and/or injuries are caused by City's gross negligence and/or willful misconduct.

15. Successors and Assigns

The rights and obligations herein shall inure to, and be binding upon, the successors and assigns of the parties hereto.

[*Signature pages follow*]

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ON BEHALF OF THE PARTIES HERETO, the duly authorized representatives of the parties have executed this Agreement as of the date first above written.

CITY OF GREENVILLE, SOUTH CAROLINA

_____
John McDonough
City Manager

GREENVILLE TECHNICAL COLLEGE

_____

Name: _____
Title: _____

Approved as to Form:

_____
City Legal Department

Reviewed:

_____
City Director of OMB

Reviewed:

_____
City Risk Manager

Reviewed:

_____
City Interim Chief of Police

Received:

_____
City Purchasing Administrator