

**AGENDA**  
**OF THE SIMPSONVILLE CITY**  
**BUSINESS MEETING**  
**August 13, 2024**  
**6:00PM**  
**Council Chambers – City Hall**

- 1. **CALL TO ORDER**.....Mayor Shewmaker
- 2. **ROLL CALL**.....City Clerk, Ashley Clark
- 3. **PLEDGE OF ALLEGIANCE**
- 4. **APPROVAL OF MINUTES**- July 09, 2024
- 5. **CITIZEN COMMENTS**
- 6. **BUSINESS**
  - A. **2nd Reading of O-2024-03 Stormwater Development Standards Ordinance**.....Mayor Shewmaker
  - B. **2nd Reading of O-2024-04 Fiber Franchise Ordinance**.....Dianna Gracely, City Administrator
  - C. **Proposed Speed Limit Change for Poinsettia**.....Tim Pinkerton, Councilmember
  - D. **Planning Commission Appointment**.....Jon Derby, Planning Director
- 7. **ADJOURN**

**PLEASE NOTE: This Agenda is accurate as of the Friday immediately preceding the Council meeting but is subject to change until twenty-four (24) hours prior to the meeting. Please contact the City Clerk the day of the meeting for the latest agenda information.**

**CITY OF SIMPSONVILLE ORDINANCE**

**AN ORDINANCE AUTHORIZING A FRANCHISE AGREEMENT**

**WHEREAS**, (“Franchisee”) seeks to enter into a Franchise Agreement with the City of Simpsonville (the “City”) to allow Franchisee to install, operate, use, maintain, repair, replace, upgrade and remove telecommunications facilities in the City owned right-of-way; and,

**WHEREAS**, Franchisee is considered a telecommunications company pursuant to the definition under Section 58-9-2200 of the Code of Laws of South Carolina (“Code”); and,

**WHEREAS**, Franchisee holds a certificate of public convenience and necessity granted by the Public Service Commission of the State of South Carolina; and,

**WHEREAS**, the City is required by S.C. Code § 58-9-2230 and Section 153 (2) of Title 47 of the U.S. Code to manage its public rights-of-way on a competitively neutral and nondiscriminatory basis and is entitled to impose a fair and reasonable franchise or consent fee on a telecommunications company, or an administrative fee upon a telecommunications company that is not subject to the franchise or consent fee, for the use of the public streets and public property on a nondiscriminatory basis, to provide telecommunications services unless the telecommunications company has an existing contractual, constitutional, statutory, or other right to contract or operate in the public streets and public property, in amounts not to exceed the amounts specified in said Section 58-9-2230; and,

**WHEREAS**, pursuant to Section 2-93 of the City of Simpsonville Code of Ordinances, Franchisee timely published a notice in the \_\_\_\_\_ Newspaper stating the nature of the requested franchise; and,

**WHEREAS**, the purpose of this franchise is to allow Franchisee the right to install, operate, use, maintain, upgrade, repair, replace and remove telecommunication services as contemplated by the Franchise Agreement attached hereto as **Exhibit “A;”** and,

**WHEREAS**, the City of Simpsonville desires to enter into the Franchise Agreement attached hereto as **Exhibit “A”**, the terms of which are incorporated herein as is set forth verbatim; and,

**WHEREAS**, pursuant to S.C. Code § 5-7-260, the grant, renewal, or extension of a franchise shall be made by Ordinance; and,

**WHEREAS**, the Mayor and City Council find that it is in the best interests of the City of Simpsonville to enter into the Franchise Agreement attached hereto as **Exhibit “A”**.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the City of Simpsonville, that the City Administrator is hereby authorized, empowered and directed to execute acknowledge and deliver the Franchise Agreement attached hereto as **Exhibit “A”**.

This Ordinance shall be effective upon second reading approval thereof and no further authorization is required to execute and deliver all documents related to Franchise Agreement contemplated by this Ordinance.

SIGNATURE OF MAYOR:

\_\_\_\_\_  
Paul Shewmaker

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Ashley Clark  
City Clerk

\_\_\_\_\_  
Daniel Hughes  
City Attorney

FIRST READING: July 09, 2024  
SECOND READING: August 13, 2024

**CITY OF SIMPSONVILLE, SOUTH CAROLINA**

**AN ORDINANCE TO AMEND ARTICLE 10 OF THE CITY OF SIMPSONVILLE LAND DEVELOPMENT REGULATIONS TO ADD SECTION 10.5 TO REQUIRE A STORMWATER MANAGEMENT SYSTEM FOR ALL PROPERTIES HERINAFTER DEVELOPMENT THAT ARE SUBJECT TO THE CITY OF SIMPSONVILLE'S MS4 PERMIT TO REQUIRE THAT ALL STORMWATER MANAGEMENT SYSTEMS MEET THE DESIGN REQUIREMENTS FOR A 100-YEAR STORM AS DEFINED HEREIN**

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

**WHEREAS**, the City of Simpsonville participates with Greenville County as a co-permittee in its National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit pursuant to the terms and conditions of Greenville County's Stormwater Management Design Manual ("Manual"); and,

**WHEREAS**, the Manual is designed to reduce the adverse impacts of stormwater on water quality and water quantity; protect downstream areas from adverse stormwater quantity and quality impacts resulting from development; identification of what is required for stormwater plan submittal and plan reviews; and, submittal of high-quality stormwater design plans from the design community; and,

**WHEREAS**, pursuant to Section 2.2 of Chapter 2 of the Manual, the minimum requirements for development of a stormwater management system under the City's MS4 Permit is the 25-year, 24-hour storm; and,

**WHEREAS**, the City of Simpsonville has determined it necessary and advisable to amend its land development regulations to require stormwater management systems under its MS4 Permit be designed to accommodate a 100-year storm as defined herein; and,

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

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

**SECTION 1.** That Article 10 of the City of Simpsonville Land Development Regulations is hereby amended as follows:

**10.5. STORMWATER MANAGEMENT SYSTEM REQUIREMENTS**

A. All construction, development and redevelopment activities of properties within the

City of Simpsonville subject to the City of Simpsonville’s MS4 permit with Greenville County shall be required to design its stormwater management system to accommodate a One Hundred (100) Year Frequency Storm.

- B. A One Hundred (100) Year Frequency Storm means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 100 years. It also may be expressed as an exceedance probability with a 1 percent change of being equaled or exceeded in any given year.

SIGNATURE OF MAYOR:

\_\_\_\_\_  
Paul Shewmaker

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Ashley Clark  
City Clerk

\_\_\_\_\_  
Daniel Hughes  
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