



Fort Mill Town Council Regular Meeting Minutes

August 8, 2022

6:00 p.m.

**Council Chambers
112 Confederate Street
Fort Mill, SC 29715**

PRESENT: Mayor Savage, Councilman Hudgins, Councilman Garrison, Councilman Helms, Councilwoman Cook and Councilman Moody were present. Councilman Wolfe was absent.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

Mayor Savage provided the invocation.

MINUTES

Minutes of the July 25, 2022, Town Council Meeting.

Councilman Helms made a MOTION to approve the minutes of the July 25, 2022, Town Council meeting. SECONDED by Councilman Hudgins. Passed 6-0.

PUBLIC COMMENT

Pursuant to Section 2-46 of the Code of Ordinances for the Town of Fort Mill, any citizen of the Town may appear before council for the purpose of providing public comments on any municipal matter (except personnel matters). Those who wish to speak must sign in outside of Council Chambers prior to the start of the meeting. Citizens will be given 3 minutes each to speak.

No one signed up for Public Comment.

PRESENTATIONS

Presentation #1

Proclamation for Fort Mill High School Softball Team State Champions

Mayor Savage presented a proclamation to Coach Chuck Stegall and members of the Fort Mill High School Softball Team in honor of their State Softball Championship win.

Presentation #2

Storm Drain Art Project

Mina MacDonald showed a presentation on the Fort Mill Storm Drain Art Project. She explained that they are looking for original student artwork that raises awareness about the impact we all have on local streams, rivers and lakes. Designs should reflect topics related to storm drains and the health of local waterways. Students are free to be creative with interpretations of the subject matter. Example topics include water quality, streams, rivers, Lake Wylie, Catawba River, native plants/animals and pollution. Communicating a message is the central point of the art project. Proposed ideas should be tasteful, positive and appropriate for all people in our community. Student artwork may include phrases or slogans, such as “keep it plain, only rain”, “we all live downstream”, “only rain down the storm drain” or other slogans that the student incorporates.

Student artwork will be utilized as inspiration by community artists to create a public mural in the Kingsley development in Fort Mill. Student artists will submit designs to be considered for inclusion in the mural. If a student artist’s work is selected for inspiration, they will also be invited to participate in the installation of the mural in spring 2023, working alongside community artists.

Students should submit artwork between October 15th and December 1st to be considered for the public mural. Art students, environmental club members and all others are encouraged to submit their work.

OLD BUSINESS ITEMS

There were no Old Business Items.

NEW BUSINESS ITEMS

New Business Item #1

Public Hearing and First Reading: An ordinance amending the Zoning Ordinance for the Town of Fort Mill; Article I, In General; Section 5(A), Establishment of Districts; so as to add a new zoning district to be called the TGOD Town Gateway Overlay District; and Article II, Requirements by Districts; so as to add a new section to be called Section 30,

TGOD Town Gateway Overlay District; to provide for a public hearing; and, to provide for other matters relating thereto.

Mayor Savage opened the floor for a Public Hearing. No one came forth to speak.

Councilman Garrison made a MOTION to defer this item back to the Zoning Committee for further research. SECONDED by Councilman Moody. Passed 6-0.

New Business Item #2

Public Hearing and First Reading: An ordinance to establish the standards for the placement of small wireless facilities in the Town of Fort Mill, South Carolina, and matters related thereto.

Mayor Savage opened the floor for a Public Hearing. No one came forth to speak.

Mr. Pettit stated that the State of South Carolina passed a law that requires municipalities to allow small cell wireless facilities, however they do allow municipalities to adopt an ordinance that provides some, albeit minimal, ability to manage the aesthetics of these facilities within certain areas.

Those areas would be the historic district, the corridor overlay district along Fort Mill Parkway, the currently proposed gateway overlay district, as well as within our MXU districts.

The draft ordinance was developed using a South Carolina Municipal Association model that was developed through their attorney to meet the state statute requirements and give the Town the most control as possible in regulating small cell wireless facilities. The only area for customization is Exhibit B to the ordinance which establishes the design criteria. The Planning Commission met and amended the draft ordinance to better fit the mold of Fort Mill. Changes were made to maximize ability to control aesthetics where possible.

Councilwoman Cook made a MOTION to approve an ordinance to establish the standards for the placement of small wireless facilities in the Town of Fort Mill, South Carolina, and matters related thereto. SECONDED by Councilman Garrison. Passed 6-0.

New Business Item #3

Public Hearing and First Reading: An ordinance amending the Zoning Ordinance for the Town of Fort Mill; Article VI, Administration, Enforcement, Penalties, and Fees; Section 4.4, Mobile Food Vendors; to amend the requirements for mobile food vendors; to provide for a public hearing; to provide for other matters relating thereto.

Mayor Savage opened the floor for a Public Hearing. No one came forth to speak.

Mr. Pettit stated that at the request of Town Council, staff has developed this text amendment to the Mobile Food Vendor requirements in an effort to bring the Town's ordinance more into conformance with regional jurisdictions, make it easier on staff to enforce, and make it easier on vendors to operate given the similarity to other regional jurisdictions.

The primary change to the ordinance relates to the locations where food trucks can operate. Previously, food trucks weren't given guidance on where they could operate except that they had to meet a long list of operational requirements. The amended ordinance gives much more clarity on where food trucks can operate and how to go about getting the necessary approvals to operate. Certain locations (at an approved special event, as an accessory to a craft brewery, as an accessory to a retail establishment of more than 100,000 square feet) allow Town staff to approve the conditional use administratively so long as they meet a list of operational requirements. Any other location requires Planning Commission approval.

Other changes were made to the operational requirements to more closely match those of neighboring jurisdictions, which will provide conformity and make it easier on mobile food vendors to know the regulations, and make it easier on staff to enforce as there will likely be less code violations given the regional similarities.

At the July 19, 2022, Planning Commission Meeting, the Planning Commission discussed the proposed ordinance. Questions arose relating to the ability to enforce, safety regulations that apply to food trucks, regulating the number of food trucks allowed at any given location at any given time, and reducing the square footage requirement for large retail establishments that food trucks can operate at. Following the Planning Commission's discussion, staff developed a new version of the ordinance that we believe further enhances its enforceability as well as ease of use. The "Original Draft" version that the PC reviewed consisted of one process, wherein the food truck owner was in charge of coming in and obtaining approval not only for their truck but also for the spaces in which they intended to operate. Since food trucks don't always know too far in advance of where they will be operating, it deters compliance with the ordinance as staff would likely never be able to approve plans fast enough (same day likely) for those unanticipated / last minute situations. Due to this, and following additional conversations with staff, we've developed an "Alternate Draft" that staff feels is more easily enforceable from the staff level, easier on the food truck (thus increasing compliance with the ordinance), and easier on the property owner.

The “Alternate Draft” has two separate processes, one that the food truck must follow to get approval for their truck to operate within the Town limits and another process that the property owner’s must go through to get a space on their property approved for the operation of a food truck.

Food Truck Process: The food truck owner would need to only obtain approval from the Fire Marshal (following an inspection), obtain a business license, and obtain information on remittance of hospitality taxes. At that point, the food truck has finished their approval process.

Property Owner Process: The property owner or property lessee (whichever is applicable) would need to apply to the Planning Department or Planning Commission (as applicable) for approval of the operation of a food truck on their respective property. The property owner, instead of having to work with each individual food truck that they intend to allow on the property (as the current process stands), would only have to get one blanket approval that would allow ANY APPROVED food truck to operate on the property so long as they followed the conditions of approval.

Staff Enforceability Enhancement: Following the “Alternative Draft” plan would create two lists of approvals, one list of all trucks that are approved to operate in Town and one list of sites in which food trucks are approved to operate. The biggest benefit to this “Alternative Draft” plan is the ability to put some responsibility on the property owner for ensuring compliance. Staff has put penalties in the ordinance for the property owner such that if they are found allowing a food truck without approval to operate on their property, then they risk losing their right to have a food truck operate on their property for a period of one year. In the past, enforcement on trucks was hard because they have wheels and move around, but having the ability to enforce not only trucks but also property owners make staff’s job of ensuring compliance with the ordinance significantly easier.

Councilwoman Cook made a MOTION to defer business item #3 back to Zoning Committee for further consideration. SECONDED by Councilman Moody. Passed 6-0.

New Business Item #4

Consideration to grant sewer easement for York County Utilities.

Davy Broom explained that Town staff is requesting Town Council’s consideration to grant a sewer easement across town owned property (tax map #0200114141). York County has offered \$117,161 for the easement which consists of 65,227 square feet or 1.49 acres. The contract language includes an easement for the town for a future trail. The county will grade and seed all disturbed areas to a smooth surface free of ruts, with a uniform slope to prevent ponding.

He spoke with Utilities Director, Greg Rushing about possible damage to creek bed and or Harris Street Park property from this project. His calculations showed no concern of damage to either during or aftermath of sewer main installation.

York County will also provide multiple communication efforts to inform nearby residents of the project. Those are:

- Provide a link on the York County Website for this project. Link will be designated: **York County/Steele Creek Force Main Construction Project (Phase 2) Along Dye Creek Branch**. The link will also consist of “Frequently Asked Questions” section such as: What is the purpose of this project? Why was this route selected? How long is the construction expected to last? Etc...
- Provide a mailer to the following neighborhoods: The Towns at River Crossing, Creekside Crossing, Riverwood, Old Orchard, Sharon Hills, Dogwood Lane, Walden Park, Residences on Jackson Street up to Ridge Street.
- York County Representative to do a quick segment about the project on York County On the Move
- Seek out opportunity to talk about it on Palmetto Mornings this month
- York County to provide an email and phone number for the town to communicate to our residents for questions, concerns, complaints, comments, etc.

Councilwoman Cook made a MOTION to accept the sewer easement agreement. SECONDED by Councilman Garrison. Passed 6-0.

INFORMATION/DISCUSSION

There were no Information/Discussion items.

ADJOURN

Councilman Helms made a MOTION to adjourn. SECONDED by Councilwoman Cook. Passed 6-0.

Being no more business to conduct, the meeting adjourned at 7:10 p.m.

The following press was notified of the meeting by email or fax in accordance of the Freedom of Information Act: The Herald; CN2; WRHI, WSOC and WBTV. The agenda was also posted on the board outside of the entrance to Town Hall the required length of time and on the Town website.

Respectfully Submitted:

Virginia C. Burgess
Virginia C. Burgess, CCC, CMC

Approved by Council: August 22, 2022