

MINUTES
LAURENS COUNTY PLANNING COMMISSION
TUESDAY, FEBRUARY 16, 2016 – 5:30 P.M.
CHURCH STREET OFFICE COMPLEX

ATTENDANCE: MEMBERS PRESENT - Kay Weeks, Chairwoman; Commission Members Bob Brewington, Posey Copeland, Beth Holmes (departed at 6:30 P.M.) and Sam Peden (arrived at 5:35 P.M.).

MEMBERS ABSENT: Commission Members Michael Smith and Randy Bishop (resigned).

COUNTY STAFF: Chuck Bobo, Laurens County Building Codes Official; Betty Walsh, Laurens County Clerk to Council; Sandy Cruickshanks, County Attorney; Rob Russian, Public Works Director; Ernie Segars, Laurens County Administrator.

COUNTY COUNCIL MEMBERS PRESENT: County Councilman Garrett McDaniel.

GUESTS: None

PRESS – No Press

SCHEDULED AGENDA ITEMS – 1.) Call to Order; 2.) Invocation and Pledge of Allegiance; 3.) Approval of Agenda February 16, 2016; 4.) Approval of minutes from January 16, 2016; 5.) New Business: A.) Review of proposed “Variance Procedure” for Planning Commission; 6.) Old Business; A.) Discussion of Planning Commission Policy and Procedure; B.) Continued Discussion / Review of proposed amendments to the amending Junkyard Ordinance; C.) Clarification of former discussion from licensing requirements with the Junkyard Ordinance; 7.) Public Comment; 8.) Administrative Reporting; 9.) Commission Member Comments; 10.) Adjournment.

CALL TO ORDER – Chairwoman Weeks called the meeting of the Planning Commission to order at 5:32 P.M. in the Conference Room of the Church Street Office Complex on January 19, 2016.

Chairwoman Weeks asked for all to stand for the invocation delivered by Commissioner Copeland and was followed by the Pledge of Allegiance by everyone.

APPROVAL OF AGENDA – The February 16, 2016 agenda was approved upon a MOTION from VICE CHAIRMAN BREWINGTON and SECONDED by COMMISSIONER COPELAND; VOTE 5-0.

APPROVAL OF MINUTES – The January 19, 2016 minutes were approved upon a MOTION from COMMISSIONER COPELAND and SECONDED by VICE CHAIRMAN BREWINGTON; VOTE 5-0.

Commissioner Paden arrived (5:35 PM).

NEW BUSINESS:

A.) **REVIEW OF PROPOSED “VARIANCE PROCEDURE” FOR PLANNING COMMISSION** - Chairwoman Weeks opened by asking if all had read the document and had any comments.

Commissioner Copeland replied that he did and that it appeared to him that the document was implying taking away the powers from the Planning Commission and in favor of the Codes Department.

COMMISSIONER COPELAND made the MOTION to table any further discussions. VICE CHAIRMAN BREWINGTON SECONDING; VOTE 5-0.

Vice Chairman Brewington added, “We have enough of fees and taxes on the taxpayers. We are paying taxes to take care of some of these things”.

Commissioner Peden asked, “In reading the minutes from the last meeting, the variance request about a

fifty feet (50') driveway. Is that not very wide already? Greenville County is twenty feet (20'). I just feel that that is too excessive". Mr. Bobo replied that it was a long distance and is large enough for even a subdivision....."It is customary for a County to alter the width for families".

Vice Chairman Brewington said, "It appears to me that the bad word used in 2000, that they would be in non-conformance and could not build anything on the side of the property".

OLD BUSINESS:

- A.) **DISCUSSION – "POLICY AND PROCEDURE"** – Chairwoman Weeks asked for comments from the Members about the provided "Policy and Procedure".

Commissioner Copeland replied that he had read it and said, "It just basically describes what we are doing and how to do it".

Commissioner Peden replied that he felt it was about the same if you collected others from other Planning Commissions.

Mrs. Walsh replied, "It most certainly could be the same because it was a document recommended by the South Carolina Association of Counties and I only changed the tense to fit Laurens County".

Vice Chairman Brewington said, "Same State, just a different pasture".

Chairwoman Weeks said, "*The only thing that I saw that we have not been doing is from page seven (7), item number nine (9); "Except for public hearings, no person shall speak at the Commission meeting unless invited to do so by the Commission"*". Commissioner Holmes replied, "That was my comment last month. I just want this to be on record as my comment".

Commissioner Peden stated, "I really don't think to have been a problem from the past but, I have only been on this Commission for several months".

Vice Chairman Brewington, "I consider these folks sitting over there to be a member of this team and if there is dialogue going on that they may have more information on, then they should be privileged to speak". Chairwoman Weeks replied that she felt the same way that since they were here attending the meeting, we should be allowed to ask them of their opinion.

Commissioner Holmes said, "The way I read this is that that sentence adds order to the meetings...just like you calling on us to speak....speaking one at a time".

COMMISSIONER COPELAND made the MOTION to approve the "Policy and Procedure" with VICE CHAIRMAN BREWINGTON SECONDING; VOTE 5/0.

REVIEW OF PROPOSED AMENDMENTS TO THE JUNKYARD ORDINANCE BY THE COUNTY

ATTORNEY - Vice Chairman Brewington replied that keeping some of the same titles the same throughout does appear to sound better.

Commissioner Copeland asked for the County Attorney to go through the Ordinance explaining his changes.

Mrs. Walsh insert – Due to the sporadic dialogue, I have just submitted the changes within the Ordinance made by the County Attorney as follows:

Attorney Cruickshanks stated that everything in red, was areas changed or added (see as follows):

“AN ORDINANCE TO RESCIND AND REPEAL ~~AMEND IN TOTAL,~~ LAURENS COUNTY ORDINANCE #433, WHICH IS THE ORDINANCE FOR THE REGULATION OF JUNKYARDS IN LAURENS COUNTY— AND - LAURENS COUNTY ORDINANCE #554, WHICH IS AN AMENDING ORDINANCE FOR ORDINANCE #433 AND REPLACE SAID ORDINANCES WITH THE THE NEW TEXT AS SET FORTH IN THE ATTACHED EXHIBIT A AND ALL OTHER MATTERS RELATED THERETO FOR THE REGULATION OF JUNKYARDS IN LAURENS COUNTY”

WHEREAS, ~~Collectively,~~ the Laurens County Council and the Laurens County Planning Commission have determined the need to consolidate, modify, revise, clarify and improve the ability to enforcement ordinances of the regulation of junkyards in Laurens County, and;

WHEREAS, Laurens County Council, pursuant to the authority granted in the South Carolina Code of Laws, may from time to time rescind, amend, adopt and enact such ordinances as the Council may deem necessary and appropriate to better serve the health, safety and welfare of it citizens.

NOW THEREFORE, BE IT ENACTED ORDAINED BY THE LAURENS COUNTY COUNCIL FOR LAURENS COUNTY:

SECTION 1. FINDINGS - Laurens County Council finds it in the public’s best interest to regulate the operation of commercial junkyards in Laurens County. The implementation and administration of this Ordinance, while repealing Ordinance 433 and 554, will fulfill the purposes of the Ordinance to protect and promote the health, safety and welfare of Laurens County citizens, as well as to reduce waste disposal, conserve energy, promote recycling and a cleaner and more attractive environment.

SECTION 3. ACTION TAKEN: Pursuant to the enactment of this ordinance, the Laurens County Council repeals and rescinds Ordinances 554 and 443 in their entirety and replaces said ordinances with the language set forth in the attached Exhibit A.

SECTION 4. AUTHORITY: This ordinance is adopted pursuant to the authority and process granted by the South Carolina Code of Laws and by the Constitution of the State of South Carolina. Jurisdiction shall be exclusively in Laurens County, South Carolina.

SECTION 5. APPLICABILITY: This ordinance shall apply to all unincorporated areas of Laurens County, South Carolina.

SECTION 6. LANGUAGE: The language used in this Ordinance, if used in the present tense, shall include the future tense. Words used in the singular shall include the plural, and the plural the singular, unless, however, the context clearly indicates the contrary. The use of the word “shall” is mandatory and the word “may” is permissive.

SECTION 7. EFFECTIVE DATE: The effective date of this Ordinance shall be upon three (3) readings and a public hearing as required by law.

SECTION 8. SEVERABILITY: Should any paragraph, clause, phrase, or provision of this Ordinance be judged invalid or held unconstitutional by a Court of competent jurisdiction, such declaration shall not effect the validity of any other section of the Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional. All meanings, enforcement and interpretations shall be pursuant to the laws of the State of South Carolina.

- m.) Junkyard Control Act – refers to South Carolina Code Statutes ~~(Exhibit C)~~ 57-27-10. Et. Seq. which is incorporated herein by reference.
- t.) Permit – ~~Is an~~ The official document that gives permission. ~~In this case, it consists of an official permit allows ing~~ for the conducting of a business consisting of a junk yard / salvage yard within the

unincorporated areas of Laurens County. ~~It also shall consist of yearly renewal permits or other permitting as allowed by this Ordinance and / or the Laurens County Codes and Enforcement Department.~~ **Permits are issued by the Laurens County Codes Building Official and must be renewed annually** (See “Exhibit B ~~C – Fees / Fines~~”)

- x.) Screening - All junkyards shall be enclosed on all sides by a visual screen consisting of a fence or a combination of a fence and approved vegetation (See Exhibit A B). ALL grandfathered junkyards as of the initial date of registering with Laurens County will have one (1) year **from the date of enactment of this ordinance** to comply with the provisions ~~of the new Ordinance~~ **contained herein.**
- f.) If a junkyard closes **or ceases operation for a period of 90 days and desires to reopen**, it must comply with the provisions of Section 7. ~~for new junkyards to reopen.~~ Evidence of closing shall be established by written notification, inspection of the property, and / or non-renewal of a junkyard permit.
- h.) **Any transfer of ownership by the owner of any building or structure who has received a notice of violation to sell, transfer, mortgage, lease or otherwise dispose of such building or structure unit the provisions of the notice of violation have been complied with, or until such owner shall furnish to the Building Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such notice of violation. Any citation for violation of this section shall be issued to the transferor of the property listed on the face of the document evidencing conveyance of property.** **reword**
- i.) Permitting Requirements:
 - 2.) Licensing Permitting Period – The license **permit** will be effective from January 1st to December 31st **of the year granted and the permit must be renewed annually** ~~of the license year.~~ ~~Failure to renew the license~~ within thirty (30) days after the expiration date. **Failure to renew the permit** will cause the business to be classified as abandoned **and will require its removal** at the expense of the owner. **Not sure what you are requiring to be removed?**

SECTION 7-5. NEW JUNKYARDS / SALVAGE YARD PROCEDURES

All junkyards, within the unincorporated areas of Laurens County, are required to obtain a junkyard permit. Such permit shall be valid until ~~January 1st~~ **December 31st** of each calendar year. **To renew a permit the junkyard** ~~and~~ will have to be inspected by ~~County Code Staff~~ **Building Official or designee**, each year to maintain the original permit. There will be a late fee charged (see Exhibit B – fees / fines schedule) for each month a junkyard is open or in operation without a permit. A permit shall be issued by the Building Codes Department upon completion of fencing and screening requirements. For junkyards established, opened, or re-opened after enactment of this ordinance, the permit shall only be issued upon approval of a junkyard plan by the Building Codes Department.

- b.) No person shall establish, possess, open, reopen, own, enlarge, or operate a junkyard without first complying with the provisions ~~set forth herein~~ **of this ordinance.**
- k.) Failure to pay a permit fee, **annual fee**, or late fee shall be punishable by a fine of not more than two hundred dollars (\$200) or by imprisonment for not more than thirty (30) days. Each day any violation of this Ordinance continues shall constitute a separate offense. **What court? Do you write a citation for the ordinance violation?**

SECTION 8 6 EXEMPTIONS (I would use EXCEPTIONS)

SECTION 10 8– NOTICE OF VIOLATION. It shall be the duty of the **Laurens County Office of Building Standards**, or its designee (as **designed** by Laurens County Council) to serve, or cause to be served, a notice upon the owner or occupant of any property, who has permitted a violation of this Ordinance. Such notice shall demand abatement within sixty (60) days of service.” **Need to be consistent on the department name. What is Council designing?) To have a ‘violation’ is a ‘ticket’ going to be issued or some other document? Do you need to personally serve the person or can it be sent by certified mail?**

SECTION 11 9. ENFORCEMENT OF NOTICE. I

Notice of violation shall be issued to any property owner in violation of any provision contained herein this chapter. Such notice shall be directed to the property owner **ordering** him and requiring him within a reasonable and specified time to abate or correct the violation. **Who will issue the order?**

If a person served with notice of a violation as provided in **Section 7 ??** does not abate the violation within sixty (60) days after **service**, the County may seek a court order to compel the owner or occupier to abate the violation, or it may proceed with its own resources or by contracting with another to abate such violation, keeping account of the expenses of the abatement, and such expense shall be charged and paid by the owner or occupant of the property. **How will they be served? Proof of service?**

The penalty for each violation of this Ordinance shall be **punishable by** a fine of not more than two hundred dollars (\$200) or by imprisonment for not more than thirty (30) days. Each day any violation of this Ordinance continues shall constitute a separate offense. (See “Schedule B – Fees / Fines” **What court? So this is a criminal fine not a civil fine?**

(Exhibit B)

FEE / FINES SCHEDULE

A.) Junkyard / Salvage Permitting Fees:

Initial Permit Fee	\$100.00
Annual Registration Fee	\$ 50.00 not defined
Late Fee	\$ 75.00

B.) Junkyard / Salvage Fines: **already in the text of the ordinance**

Delete- referred to in the ordinance

Exhibit C

South Carolina “Junkyard Control Act”

Chapter 27

Exhibit D

“GRANDFATHERED”

Existing Junkyards at the time implementing Ordinance #433 in 1997 and have been permitted.

Previously permitted or existing

Chairwoman Weeks asked, “Referring to the courts and prosecution, you said yesterday that the courts do have problems with these cases because they were different from what they thought. And, would the Codes Officer be the one to go to these hearings or do you defend the County towards the ordinances”. Attorney Cruickshanks replied, “The Magistrate Courts typically deal with violations of State Laws. County Ordinances, which are local laws and have the same force and effect, the Magistrate Courts are not interested in handling these. I think that is something that we are going to start to see more of. If you are not a law enforcement officer, the courts could say you are practicing law without a license”.

Administrator Segars added, “Laurens County does not have anyone to prosecute cases. Some jurisdictions allow the regional prosecutor to handle it. We do not do that here. The majority of what we have deputies and / or

humane officers prosecuting cases in Magistrate Courts.” Chairwoman Weeks replied, “Why don’t we have a lawyer with them when cases come up like this?” Administrator Segars replied, “That is a valid point and should be looked into but the holdup is costs to secure a prosecutor”.

Chairwoman Weeks replied, “I’m sorry but aren’t you the County Attorney Sandy and would you not represent the County. Because if things keep coming up for Chuck and Rob and others, and, they keep losing, what is the purpose in doing all of this? ”. Attorney Cruickshanks replied, “I have in the past and that it is different for law enforcement officers than it is for my part. If I attend and defend a case where a State Law is concerned, the Solicitors Office can get involved. If it is a local issue dealing with the Codes Officer and Humane Officers the courts say one is practicing law without a license”.

Chairwoman Weeks said, “I have been told that if a Litter Humane Office has an offense he is taking to court, that the Magistrates won’t handle because the Litter Humane Officers do not know how to speak in Court. That is a terrible way to lose a case”. Attorney Cruickshanks replied, “I have an assistant now and if the Council wishes for me to do so, I will”.

Commissioner Peden asked the Codes Official how many times he has had to go to court over the last year and how much money was taken in. Mr. Bobo replied, “At least twelve (12) or more times. I usually start with minimum fine and go up from there with repeat offenders. The minimum ticket I write is four hundred seventy five dollars (\$475.00) with part of it going to the state with a very small portion going to the County”. Attorney Cruickshanks then said that ten percent (10%) of the County funds would be going to the Attorney. Administrator Segars explained that the Ordinances were written as instructed by the County Council so as to try to work them out before going to Court.

Chairwoman Weeks asked for an updated grandfather list to go along with the revised Ordinance and we will table any further discussion now until the Ordinance is again cleaned up.

PUBLIC COMMENTS – Chairman Woman opened the floor for any public comments. Having none, she continued with the agenda items.

ADMINISTRATIVE REPORTING - Chairman Woman opened the floor for any public comments. Having none, she continued with the agenda items.

COMMISSION MEMBER COMMENTS:

- 1.) Commissioner Copeland asked Mr Bobo, “At the last month’s meeting we put the man through the hoops about his driveway. Did you actually go out and look at the driveway”? Mr. Bobo replied that he had no idea that the man was coming other than what was on the agenda.... “He came into the office on Friday and Monday he had his variance. That is why I wrote the variance process and the Commission did not want to review it. I sent him to the Public Works Department and from there, I do not know what happened”.

Continuing, Commissioner Copeland said, “My point is that we do not have zoning in Laurens County. Where ever you worked before, they probably had zoning. We are Laurens County and we operate like Laurens County operates, not like another County”. Mr. Bobo replied that he felt like the County should have given public notice allowing any interest from those nearby could be at the meeting. If you do not give public notice, no one has the opportunity to attend the meeting. Chairwoman Weeks stated that it actually was his own property and why would anyone else want to say anything about it.

Vice Chairman Brewington said, “We discussed this in detail at the last meeting. What has actually evolved from this”? Mr. Bobo said, “As I recall Mr. Segars interjected to go ahead and to allow for a vote and

advertise the next day. I took it to the County Attorney and he agreed it should have been public notice”. Administrator Segars said, “There are two (2) things here. This is a public body appointed by County Council and under the Freedom of Information Act, we are required to post the agenda in a public location. That goes to provide means of a public notice. When we had variances with the previous Commission, usually the Department Head involved was in attendance. We did not have a policy of public notification. What the staff worked on for presentation tonight was an attempt to try to get to a place where there would be a paper trail for the staff as to what was being done. My point was the fact that the Department Heads would be notified about the variance”.

Chairwoman Weeks stated, “If a variance is requested, can not the person just go to Mr. Bobo and fill out the application and then take it to Betty Ann? Then Betty Ann send notice to the Department Head and the Planning Commission. The variance that was written up was a big production”. Administrator Segars commented that he thought that was what was supposed to happen. Commissioner Peden said, “I was on the zoning board in Fountain Inn and that is the process we had to use. Also, the owner was given a public notice to post on the property for a zoning hearing to be held on a certain date. We are in different territory here and I want to know how it works.”

Public Works Director Rob Russian said, “At the last meeting of the Commission, you all voted to allow him his variance, the next step was to bring a plat in to me so that the plat could be stamped and my writing on it that it was to be a twenty foot (20’) driveway instead of a fifty foot (50’) driveway. He has not come into my office yet. When he came in to my office that Friday, I was not there and my people sent him up to Mrs. Betty Ann where he told her that he was there to get on the agenda for the Planning Commission”.

Chairwoman Weeks said, “It all has been such a big production that should have been simple. The people that go to Codes should be able to fill in an application with it being sent to Mrs. Walsh; then to the Planning Commission and then to a Department Head responsible. I am new at this and was not aware that things of this nature could be tabled. I would like for this Planning Commission to have enough time to research a matter.”

Commissioner Copeland said, “The problem I had with the document was that it was taking away the business process from the Planning Commission and putting it somewhere where it did not belong”.

Mrs. Walsh asked for clarification as to a request for a right-of-way and a driveway. Mr. Bobo replied that there is a difference. A right-of-way is a legal easement and a driveway can be just a driveway. Mrs. Walsh then stated that she felt like that was what he was asking for, was a driveway. Mr. Bobo replied that Mr. Dendy asked for an easement to cross over his father’s property, which was the wrong thing.

Chairwoman Weeks asked Mr. Russian what Ordinance the request applied to. Mr. Russian replied, “The Subdivision Ordinance of which I deal with mostly as it relates to plats. It is in the Ordinance that a fifty foot (50’) wide access should be in place to a strip of property, access to a public road or an easement back to a public road for any parcel when it is subdivided or redone in some way. The driveway could be as narrow as eight foot (8’) and still accommodate a car but ditches and utilities are to be factored in as well”.

Vice Chairman Brewington noted, “The Ordinance was set up that way because of multiple housings of twenty (20) or thirty (30) or more. Developers would come in and develop the property, sell it and be on their merry way”.

Administrator Segars said, “Part of this problem situation is staff trying to communicate with each other. The idea is creating an agenda to give you heads up towards what is coming. Mrs. Walsh does an excellent job of pulling agenda packages together but the situation is one of which she has meetings back to back – County Council, Planning Commission, County Council and a variety of meetings in between. A deadline is set for County Council at noon on Wednesday with deliveries on Thursday or no later than Friday for a meeting on Tuesday.”

Continuing. Administrator Segars said, “You may have seen in the local papers where there is an effort by the Chamber of Commerce and individuals such as King Dixon and Bill Baldwin, where they have been meeting with County Council Members, the Chamber Board about getting with the Planning Commission and conducting some Long Range Planning. Like infrastructure, retail sales. Their intention is because we do not really have a plan per say and the County is losing population. You all know what the retail sales are like for Laurens County as compared to Greenville and Greenwood. Their presentation has been made to several groups with others like the Farm Bureau, the Cattleman’s Association. They intend on coming to the Planning Commission in the very near future with the information that they have got. They are looking at some land use principles; not zoning”.

Commissioner Copeland replied, “This is getting back to zoning.”

Administrator Segars replied, “Not really. It all goes back several years ago when a landfill development was coming into the Gray Court area and the residents objecting to it and Council had their hands tied not able to do anything. The residents pulled together, hired an Attorney, fought and paid for the battle as far as the Supreme Courts, by themselves and won. Laurens County so far has been very fortunate to not get the deep pockets of landfills, battery industries and hog farms. As time goes on, this County is going to have to do something. I personally think that this is an important process. There are twelve (12) counties in this State that lost population during the last Census. Laurens County was the biggest by far. We went from seventy thousand (70,000) to sixty seven thousand (67,000) in a matter of ten (10) years. The State grew by three point two percent (3.2 %) and the County dropped.”

Vice Chairman Brewington asked how this project differed from the Comprehensive Plan just updates. Administrator Segars replied that the Comprehensive Plan is a document that they used while creating this project and will be used as a tool because of the several elements in it. Vice Chairman Brewington said, “There is a motivating factor may be out there behind this. And maybe they know what it is. I think we can do what is need by regulatory ordinances.” Administrator Segars said, “With the Department of Health and Environmental Control (DHEC), if there is something else there other than environmental issues, they could care less what goes. As to landfills, the County has in place an ordinance that states that nor more than three (3) privately held landfills in the County.”

- 2.) Chairwoman Weeks stated that she felt like there should be something in the Junkyard Ordinance about the general public reporting / complaints about junkyards. Mrs. Walsh noted that that is where the Nuisance Ordinance comes into play and that if a complaint came in to the Codes Department, they would know immediately what Ordinance needed to come into play.
- 3.) Administrator Segars asked if the Planning Commission would entertain looking at the notification process for variances if reworked. Chairwoman Weeks replied that they would if simplified without all the legal garble.

ADJOURNMENT - Having no further business, there was a CONSENSUS to adjourn at 7:06 P.M.

Chairman Woman opened the floor for any public comments. Having none, she continued with the agenda items.

Respectfully Submitted

Betty C. Walsh
Laurens County Clerk to Council

