

MINUTES
LAURENS COUNTY PLANNING COMMISSION
TUESDAY, MAY 17, 2016 – 5:30 P.M.
CHURCH STREET OFFICE COMPLEX

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

MEMBERS ABSENT: Commission Members Bob Brewington, Sylvester Grant and Michael Smith (resigned).

COUNTY STAFF: Chuck Bobo, Laurens County Building Codes Official; Betty Walsh, Laurens County Clerk to Council and Rob Russian, Public Works Director.

COUNTY COUNCIL MEMBERS PRESENT: County Councilmen Joe Wood and Garrett McDaniel.

GUESTS: No Guests

PRESS – No Press

SCHEDULED AGENDA ITEMS – **1.)** Call to Order; **2.)** Invocation and Pledge of Allegiance; **3.)** Approval of Agenda May 17, 2016; **4.)** Approval of minutes from April 19, 2016; **5.)** New Business: **A.)** Overview of Laurens County Ordinance #522 – “International Building Codes” – Chuck Bobo, Codes Officer; **6.)** Old Business: a.) Status update of proposed Junkyard Ordinance – Kay Weeks, Chair; **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 Hillcrest Square, Administrative Offices May 19, 2016.

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

APPROVAL OF AGENDA – The May 17, 2016 agenda was approved with a MOTION from COMMISSIONER HOLMES and a SECOND from COMMISSIONER COPELAND; VOTE 5-0.

APPROVAL OF MINUTES – The April 19, 2016 minutes were approved with the correction of the header date. COMMISSIONER COPELAND made the MOTION with COMMISSIONER PEDEN SECONDING: VOTE 5-0.

NEW BUSINESS:

- a.) Overview of Laurens County Ordinance #522 – “International Building Codes” – Mr. Chuck Bobo, County Codes Officer, briefed the Commission on the forthcoming updates of the Code Laws becoming effective in July, 2016. And, after he had reviewed the County Ordinance that adopted these codes in April 2000, found that the Ordinance would not be up to standards.

Continuing, Mr. Bobo said, “I talked with the State to conclude that in the adoption of the appendices A through J was not allowed for us but only for Greenville County as it relates to radon. We need to have the most recent version once it is adopted by South Carolina so to have it covered legally and technically. Our ordinance needs to make reference to Chapter One which is the administration of each code that allows one to write tickets. The State said that if we do not reference Chapter One, then we can not use it”.

In conclusion, Mr. Bob said that the following needed to be deleted or changed within the County Ordinance #522:

Page 1 – Section 4 – FROM: Section 4. Adoption: Laurens County Council hereby adopts, in all respects, the 2000 Edition of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Property Maintenance, Energy and Fire Protection Codes, including Appendices A through J, inclusive, and any amendments or editions thereof as may be adopted from time to time in the future. It is the intent of this Ordinance to automatically adopt changes, updates or corrections to these Codes, without further action by the Council, unless, however, Laurens County Council elects, by Ordinance, to otherwise alter, amend or repeal portions of or all of said Codes in future action by Council. Laurens County Council further adopts, in all respects, the 1999 National Electrical Code, together with any appendices thereto, and further adopts any amendments thereto as may be adopted from time to time in the future. The most recent version of the International Codes and National Electrical Codes are hereby adopted by reference, in toto, as through fully set forth herein, to include future amendments thereto.

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TO ADD – Verbiage about Chapter One (to be provided later).

Chairwoman Weeks asked all to review the present document and that further details would be provided by Mr. Bobo at the next meeting of the Commission.

OLD BUSINESS:

- a.) Status update of proposed Junkyard Ordinance – Mrs. Weeks, Commission Chair, reported to the Commission that the County Council rejected the Ordinance and declined hold the public hearing and third reading of Ordinance #814.

Continuing, Chairwoman Weeks said that Mrs. Walsh has provided us with copies of questions posed by Council Chairman Wood and Councilman Jones.

- From Councilman Wood:

1. Page 5 screening- screening only needs to be facing main highways or houses.
Page 5 screening- should say all new junkyards instead of all grandfathered
2. Section 2- general provisions page 6, C. fencing or screening- facing road or house
d. should say no NEW junkyards- Twice d-1-a fenced- scratch {B}
3. Section 3 Page 6 scratch [B] have to sell when price is right
4. Section 4 [A] page 7 From main highways and houses, not all property lines
5. Section 4 Page 8 [E] facing main roads or houses [C] change of ownership- Scratch
6. Section 5 [H] page 9 Fencing J-2- Scratch
7. Section 6 Page 10 D. Delete 25

- From Councilman Jones:

1. Are there any current junkyards that are less than 5 acres? Ref. section 2, b
2. Will section 2, c force any current junkyards to add additional fencing or screening to meet compliance with the new ordinance?
3. Please define adequate off street parking, referring to section 3-operation, c
4. Section 4,a/d - Does this mean current junkyards have 1year to install fencing, screening or evergreens?
5. Section 4,a/d - will business have to screen/fence entire property? Or just visible areas?
6. section 5,g- Please explain what a "side driveway" is.

- Some recommendations from junkyard business owners:

1. Have reasonable set backs- 1000ft is excessive.
2. Property tax deductions or write offs for property beautification via screenings

Council Chairman Wood approached the Planning Commission by saying, “A lot of the paragraphs are contradictions and asked the Members of the Commission to follow him as he goes through his concerns”.

PAGE 5 – SECTION 1 - DEFINITIONS - aa.) 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 1). *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 contained herein.*

PAGE 3 – SECTION 1 - DEFINITONS – j.) Fencing - The term “fence” shall mean a six (6) foot tall chain link or wooden fence which forms a substantial physical barrier which is capable of withstanding the effects of the local climate and which completely surrounds the items defined as “junk”. Other fencing materials may be approved by the Building Official.

Page 8 – SECTION 3 – GENERAL PROVISIONS - c.) Fencing or Screening. All junkyards shall be enclosed on all sides by evergreen screening (See Exhibit 1) of an approved type; a chain link fence with vinyl, metal or wooden strips or slats woven into the fence fabric; a wooden privacy fence or other type material which has been given approval by the Building Official. Visual Screening shall apply to the front of the property facing a public paved road.

Page 5 – SECTION 1 – DEFINITIONS dd.) Visual Screen - The term “Visual Screen” shall mean a static barrier which shields the junkyard from view. The visual screen shall extend from the ground to a height of eight (8) feet. Not more than twenty-five (25) percent of the vertical surface shall be open to allow the passage of air, but any such openings shall be designed to obscure visibility.

- Councilman Wood said, “This section basically says that all have to put evergreen screening all around the junkyard with chain link fence or wooden privacy fencing. If you were to approach a business and gave them this, they would think they have to put all of the visual screening and screening and it would cost them well over two hundred thousand dollars (\$200,000) to put up screening like that. We don’t want to try to put people out of business with this ordinance.”
- Commissioner Holmes replied “This says they are given a choice. When reading, one must take into consideration the semicolons, which is a way editorially to make a list that says or. It is giving you a choice of either. What we are saying is collectively screening or no screening, a business does not need to be an eyesore”.
- Commissioner Copeland said, “A prime example is the one on Old Airport Road. It is entirely visible from the road and he is grandfathered”.

Commissioner Holmes said, “County Council asked us to volunteer our time to look through these ordinances and for us to give our best to make Laurens County better. We did that for six (6) months on this one (1) ordinance. Please hear me out. If County Council has extreme opinions on this ordinance, rather than us waste our volunteer time and then just throw it out, then maybe ya’ll should be the ones that go through these ordinances first. I feel like what we have said and done doesn’t count and we have wasted hours on this. I’m having a real problem with this and if there is no trust here after we have gone through this word for word, I feel this to be a firm slap in the face. We all have wasted months on this”.

Councilman Wood said, “I am only one (1) person on Council and I don’t speak for others. I’m only giving my opinion of this. The Planning Commission can’t pass ordinances, Council has to pass ordinances”.

Commissioner Peden stated, “We worked hard on this for six months or more. I feel like I have just wasted six (6) of rushing to get here to work on this and this is not a paid position; even no gas money”.

Commissioner Copeland said, “Mr. Wood, County Council has the authority to approve anything. This Planning Commission is only advisory. We have been working on this for months and if County Council wants to throw it out, why doesn’t County Council just rewrite the ordinance like they want it.”

Mrs. Walsh stated, “That if Council wished to work these ordinances, it would have been sent to a Council Committee and in all probability it would look just as this one does. Simply because there is not that much changing this one versus the old version, except for more definitions and it was broken out into several sections for clarity – new versus grandfathered”.

Mr. Bobo asked if the Commission to look at Section 2 General Provisions and Section 3 Operations and put as a subtitle under junkyards, it may accomplish what you are wanting.

Councilman Wood went on to address several other areas such as the required stacking limits, permitting periods.

Commissioner Holmes asked Councilman Wood to please explain to us why he was so opposed to this ordinance and the fee structure. Councilman Wood replied that it was because Laurens County does not require business licenses and we are singling out junkyards.

Chairwoman Weeks said, “We are only saying that Council asked us to do this job and we all took it very seriously and went word by word and semicolon and now not only are you speaking for the Council, trying to trash and throw out all we have concluded. Plus now you are wanting us to remove some of the old ordinance which makes it completely void. Why even have an ordinance period. We have wasted our time doing this. And, from what you are saying, we have not pleased anybody. So why ask us to do it? At least give us credit for having half a brain and five or six people to agree with it. The things that were changed in the ordinance was because Council stated that they wanted the ordinance cleaned up so the public would not have to see the junky areas; because ya’ll didn’t want new companies coming in to see this trash. And, you did not want tourists coming through seeing all this trash in Laurens County. We are not trying to put anyone out of business. If they are legit businesses and running appropriately like DHEC requires, then they don’t have anything to worry about. All we get for our hard work is that ya’ll did a terrible job. Where do we come out winning on this?”

Mrs. Walsh added that the County Attorney has looked at this twice and has given it his blessings.

Councilman Wood stated that all he wanted was to change a few words in it not the whole ordinance.

Commissioner Copeland said, “This Planning Commission is an advisory board only. If the County Council doesn’t like what we’ve done, then change it. Let County Council change it like they like it. That’s my last statement on this.”

Councilman Wood said, “That fine, if that’s how you feel. It’s just like I said, if I had put it up for third reading, it would have not passed”.

Commissioner Holmes stated that she just did not know why there was a Planning Commission in this County. Mrs. Walsh stated, “By State law, if a County is to have any enforcement ordinances that there has to be a Planning Commission.”

Commissioner Holmes called for a point of order and asked the Chairwoman to close any further discussions on this tonight

NEXT ORDINANCE TO BE REVIEWED BY THE PLANNING COMMISSION – NUISANCE ORDINANCE. This was put on hold until the next meeting due to time restraints.

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

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

COMMISSION MEMBER COMMENTS – None.

ADJOURNMENT - Having no further business, there was a CONSENSUS to adjourn at 7:04 P.M.

Respectfully Submitted

Betty C. Walsh
Laurens County Clerk to Council