

**GREENVILLE COUNTY COUNCIL
REGULAR MEETING
April 3, 2012
6:28 p.m.
County Square – Council Chambers**

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at County Square and made available to the newspapers, radio stations and television stations and concerned citizens.

COUNCIL MEMBERS PRESENT:

CHAIRMAN BUTCH KIRVEN
VICE CHAIRMAN BOB TAYLOR
SID CATES
JOE BALDWIN
WILLIS MEADOWS
LOTTIE GIBSON

FRED PAYNE
XANTHENE NORRIS
JOE DILL
JIM BURNS
DAN RAWLS

COUNCIL MEMBERS ABSENT:

LIZ SEMAN

STAFF PRESENT:

MARK TOLLISON, County Attorney
JOHN HANSLEY, Deputy County Administrator
THERESA KIZER, Clerk to County Council
REGINA MCCASKILL, Deputy Clerk to County Council
MELLONE LONG, Assistant County Administrator, Planning
PAULA GUCKER, Assistant County Administrator, Public Works
BOB MIHALIC, Governmental Relations Officer
WAYNE MULLEN, Coordinator, Human Resources
STEPHANIE BROWN, Coordinator, Human Resources
JEFF WILE, Assistant County Attorney
DEAN CAMPBELL, Assistant County Attorney
TOM MEEKS, Planning Department

OTHERS PRESENT:

NONE

CALL TO ORDER

Chairman Butch Kirven

INVOCATION

Jon Chalmers
St. Francis Bon Secours

PLEDGE OF ALLEGIANCE

Item (4)

APPROVAL OF MINUTES

ACTION: (a) Councilor Meadows moved to approve the minutes of the March 20, 2012 regular County Council meeting.

Motion carried unanimously with Councilor Seman absent.

Item (5)

PROCLAMATIONS

(a) Greenville County Soil and Water Conservation District

Chairman Kirven presented the Greenville County Soil and Water Conservation District staff and commissioners with a proclamation for being selected as the State of South Carolina's "Most Outstanding" District. The "Outstanding Conservation District Award" recognized diverse conservation programs and honored the leadership provided by the District staff and Commissioners. The department had an extended list of accomplishment in the areas of land application conservation and technical assistance and education.

Councilor Gibson stated Long Branch Baptist Church needed congratulations and a proclamation for their efforts with the project.

Item (6)

PUBLIC HEARINGS

(a) Greater Greenville Sanitation District Annexation – certain properties off Lake Drive, Sandra Drive and E. Mountain Creek Road

A public hearing was held for the purpose of receiving public comments regarding a resolution enlarging the boundaries of the Greater Greenville Sanitation District to include certain properties located off of Lake Drive and Sandra Drive and a property located off of East Mountain Creek Road; and to provide for public notice thereof.

There being no speakers, Councilor Meadows declared the Public Hearing closed.

(b) Dissolution of the Upper Paris Mountain Special Tax District

A public hearing was held for the purpose of receiving public comments regarding an ordinance to dissolve the Upper Paris Mountain Special Tax District pursuant to Section 4-9-30(5)(e) of the Code of Laws of South Carolina, 1976, as amended; and other matters related thereto.

There being no speakers, Councilor Meadows declared the Public Hearing closed.

(c) Ionic Technologies Inc. (formerly Project Sugar) / FILOT Agreement

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing the execution and delivery of a Fee in Lieu of Tax Agreement between Greenville County, South Carolina and Ionic Technologies, Inc.; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes.

There being no speakers, Councilor Taylor declared the Public Hearing closed.

Item (7)

APPEARANCES

There were no speakers.

Item (8)

CONSENT AGENDA

- (a) **FY2013 Used Oil Grant**
- (b) **FY2013 Waste Tire Grant**
- (c) **FY2013 Solid Waste Reduction and Recycling Grant**
- (d) **Community Project Application / Slater Marietta Fire Department**

ACTION: Councilor Dill moved to approve the Consent Agenda items.

Motion carried unanimously with Councilor Seman absent.

Item (9)

RESOLUTIONS

- (a) **Greater Greenville Sanitation District Annexation / Certain Properties off Lake Drive, Sandra Drive and E. Mountain Creek Road**

ACTION: Councilor Meadows moved for adoption a resolution enlarging the boundaries of the Greater Greenville Sanitation District to include certain properties located off of Lake Drive and Sandra Drive and a property located off of East Mountain Creek Road; and to provide for public notice thereof.

Motion carried unanimously with Councilor Seman absent.

- (b) **Referendum Result Report / North Greenville Fire District**

ACTION: Councilor Taylor moved for adoption a resolution declaring the results of a referendum held in the North Greenville Fire District, South Carolina, on March 20, 2012, to determine whether the District shall be empowered to issue not exceeding \$1,750,000 total principal amount of general obligation bonds for the purpose of funding the costs of the acquisition, construction, renovation, installation, equipping, and furnishing of a new fire station in the District.

Councilor Burns stated considering only about one percent of the approximately 7,000 voting population chose to participate in voting report. A referendum would give a better response.

Motion carried unanimously with Councilor Seman absent.

- (c) **Project IKE II / Inducement Agreement**

ACTION: Councilor Taylor moved for adoption a resolution authorizing the execution and delivery of an inducement agreement by and between Greenville County, South Carolina and a company known to the County as Project Ike II, whereby, under certain conditions, Greenville County will execute a Fee in Lieu of Tax Agreement with respect to an industrial project in the County involving not less than \$90,000,000 investment and will provide a related infrastructure tax credit to the company.

Motion carried unanimously with Councilor Seman absent.

Item (10)

ORDINANCES – THIRD READING

(a) Zoning Ordinances

- 1. CZ-2012-5**, Property of Anne Pittman located at 22 Cathey Street at Orders Street requesting rezoning from R-7.5 to S-1.

ACTION: Councilor Payne moved adoption of the ordinance at third reading.

Motion carried unanimously with Councilor Seman absent.

- 2. CZ-2012-6**, Property of Joel Nunez located at 108 Snipes Road requesting rezoning from R-S to R-20.

ACTION: Councilor Payne moved adoption of the ordinance at third reading.

Motion carried unanimously with Councilor Seman absent.

(b) Creating the Construction Board of Adjustments and Appeals to Replace the Building and Housing Board of Adjustment and Appeals

ACTION: Councilor Meadows moved for adoption at third reading an ordinance to repeal Ordinance No. 1848, as last amended by Ordinance No. 2055, relating to the Building and Housing Board of Adjustments and Appeals, to create the Construction Board of Appeals, to define its membership qualifications and responsibilities, and to amend Ordinance No. 2001 as to the name of the board contained therein.

Motion carried unanimously with Councilor Seman absent.

(c) Dissolution of the Upper Paris Mountain Special Tax District

ACTION: Councilor Meadows moved for adoption at third reading an ordinance to dissolve the Upper Paris Mountain Special Tax District pursuant to Section 4-9-30(5)(e) of the Code of Laws of South Carolina, 1976, as amended; and other matters related thereto.

Motion carried unanimously with Councilor Seman absent.

(d) Ionic Technologies Inc. (formerly Project Sugar) / FILOT Agreement

ACTION: Councilor Taylor moved for adoption at third reading an ordinance authorizing the execution and delivery of a Fee in Lieu of Tax Agreement between Greenville County, South Carolina and Ionic Technologies, Inc.; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes.

Motion carried unanimously with Councilor Seman absent.

(e) Alltrista Plastics LLC d/b/a Jarden Plastic Solutions (formerly Project Vision) / FILOT Agreement

ACTION: Councilor Taylor moved for adoption at third reading an ordinance authorizing a fee-in-lieu-of-tax arrangement on behalf of Alltrista Plastics LLC d/b/a Jarden Plastic Solutions, pursuant to a fee in lieu of tax agreement between Greenville County, South Carolina and the Company; and other matters relating to the foregoing.

Motion carried unanimously with Councilor Seman absent.

Item (11)

ORDINANCES – FIRST READING

(a) Clear Spring Fire and Rescue District / Fountain Inn Fire Service Area - Boundary Adjustment

Councilor Meadows presented for first reading an ordinance to establish a new boundary between the Clear Spring Fire and Rescue District and the Fountain Inn Fire Service Area so as to enlarge the Clear Spring Fire and Rescue District, and to diminish the Fountain Inn Fire Service Area; and to provide for public notice thereof.

Chairman Kirven stated the item would remain on the floor until second reading.

(b) Greenville / Anderson Multi County Industrial Business Park Amendment - Project Palmetto

Councilor Taylor presented for first reading an ordinance to authorize the eighteenth amendment to the agreement for development of joint county industrial park between Greenville County, South Carolina and Anderson County, South Carolina, dated as of October 6, 1998, so as to enlarge the boundaries of such joint county industrial park to include one or more parcels of property located in Anderson County; and other matters related thereto.

Chairman Kirven stated the item would remain on the floor until second reading.

Item (12)

COMMITTEE REPORTS

There were no further Committee reports.

Item (13)

APPEARANCES BY CITIZENS

- Robin Duncan, 140 Oakhill Drive, Greenville – appeared regarding the rezoning of lots

Councilor Meadows stated he spoke with the Planning Department and they were going to take a look at the zoning in that particular area.

Councilor Gibson stated if nothing was done now, there would not be a need in the future because all of the land would be occupied. She stated action needed to happen now.

Chairman Kirven instructed the County Administrator to delegate appropriate staff to look into the situation and notify County Council of their findings.

Councilor Burns stated Land Disturbance Permits were issued on the property in question.

Paula Gucker stated a Grading Permit was issued Friday, March 30, 2012, for the property in question.

Chairman Kirven stated laws would not be changed after the fact.

Councilor Meadows asked if there was recourse for not following the process or improperly completing a project.

Councilor Dill stated several years ago there was a similar issue with rezoning and County Council did a moratorium, however after lawsuits towards the County arose, the moratorium was lifted.

Councilor Taylor expressed his sympathy to the property owner's issue with the zoning.

Councilor Baldwin questioned if it were possible for the Restrictive Covenants to be reinstated.

Chairman Kirven requested staff to form a concise summary, including two or three courses of action or recommendations pertaining to the situation.

Councilor Burns suggested requesting staff to report their summary at the next Planning and Development Committee meeting; in doing so, if there were any actionable items at the Planning and Development Committee meeting, they could be taken up at the next County Council meeting the following evening.

APPEARANCES BY CITIZENS, con't

- Ed Paxton, 1 York Circle, Greenville – appeared regarding Public Safety

Item (14)

ADMINISTRATOR'S REPORT

There was no Administrator's Report.

Item (15)

REQUESTS AND MOTIONS

- Councilor Dill wished everyone a fine Easter.
- Councilor Baldwin complimented Mr. Hansley on the fine job he did tonight.
- Councilor Meadows requested the Chairman to call a meeting, as soon as possible, with the Greenville County Disabilities and Special Needs Board to ask that they provide answers to the questions raised in the Public Works and Infrastructure Committee meeting.
- Chairman Kirven stated if any Council Member was interested in taking a CPR course to contact Ms. Kizer. He extended wishes to everyone for a Happy Easter.
- Councilor Norris invited her colleagues to participate in the AKA regional conference and to attend the public meeting next Thursday, April 12th at 8 o'clock at the TD Convention Center. She extended her wish for everyone to have a Happy Easter.

Item (16)

ADJOURNMENT

ACTION: Councilor Payne moved to adjourn the meeting.

Motion carried and the regular meeting of Greenville County Council was adjourned at 7:13 p.m.

Respectfully submitted:

Theresa B. Kizer, Clerk to Council