

**GREENVILLE COUNTY COUNCIL
REGULAR MEETING
June 5, 2012
6:33 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

FRED PAYNE
XANTHENE NORRIS
JOE DILL
JIM BURNS

LOTTIE GIBSON
LIZ SEMAN
WILLIS MEADOWS
DAN RAWLS

COUNCIL MEMBERS ABSENT:

NONE

STAFF PRESENT:

JOE KERNELL, County Administrator
MARK TOLLISON, County Attorney
JOHN HANSLEY, Deputy County Administrator
THERESA KIZER, Clerk to County Council
REGINA MCCASKILL, Deputy Clerk to County Council
PAULA GUCKER, Assistant County Administrator, Public Works
KIMBERLY WUNDER, Assistant County Attorney
SHANNON HERMAN, Assistant to the County Administrator
JIM DORRIETY, Assistant County Administrator, Detention Center
BOB MIHALIC, Governmental Relations Officer

OTHERS PRESENT:

NONE

CALL TO ORDER

Chairman Butch Kirven

INVOCATION

Reverend Darean Blue
Nicholtown Baptist Church

PLEDGE OF ALLEGIANCE

Item (4)

APPROVAL OF MINUTES

ACTION: (a) Councilor Dill moved to approve the minutes of the May 15, 2012 regular County Council meeting and the May 22, 2012 special County Council meeting.

Motion carried unanimously.

Item (5)

PUBLIC HEARINGS

(a) **Laurens / Greenville Multi County Industrial Business Park / Octagon Park Agreement Amendment (Project Coast)**

A public hearing was held for the purpose of receiving public comments regarding an ordinance to amend the Master Agreement governing the Octagon Industrial Park of Laurens and Greenville Counties so as to enlarge the park.

There being no speakers, Councilor Taylor declared the public hearing closed.

(b) **Project Coast / Infrastructure Credit Agreement**

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing the execution and delivery of an Infrastructure Credit Agreement between Greenville County, South Carolina and a company known to the County as Project Coast; and other matters relating thereto including, without limitation, authorization of an Infrastructure Credit.

There being no speakers, Councilor Taylor declared the public hearing closed.

(c) **Laurens / Greenville Multi County Industrial Business Park / Octagon Park Agreement – Milliken & Company / Addition to Exhibit A – 1**

A public hearing was held for the purpose of receiving public comments regarding an ordinance to amend the Master Agreement governing the Octagon Industrial Park of Laurens and Greenville counties so as to enlarge the park.

- John Bynum , 407 Morris Street – appeared in opposition

There being no further speakers, Councilor Taylor declared the public hearing closed.

Item (6)

APPEARANCES

- Ed Paxton, 1 York Circle, Greenville – appeared regarding Master Equipment Lease Agreement, the SCTAC National Guard Lease and the Library budget

Item (7)

CONSENT AGENDA

- (a) **City of Travelers Rest / Community Project Account Application – Elements Festival Coordination Element (\$3,000)**
- (b) **City of Simpsonville / Community Project Account Application – Independence Day Heritage Park (\$15,000)**

(c) City of Greenville / Community Project Account Application – Streetscape Project (\$34,357)

Councilor Seman questioned why the amounts for Items 7(B) and 7(C) were greater than what was usually seen in previous community project requests.

Mr. Kernell stated in the policy the monies were separated and \$5000 per Council member was put aside for expenses. The rest was pooled for community projects in an amount equal to \$17,500 from each district; however, the monies were not allocated by district. Staff has been tracking the amounts requested and the amounts haven't exceeded \$17,500 on any one district. There was no rule in the policy stating a council member can't ask for a larger portion.

Councilor Seman requested to move Items 7(B) and 7(C) from the Consent Agenda.

ACTION: Councilor Norris moved to approve Item 7(A) on the Consent Agenda.

Motion carried unanimously.

Item (8)

RESOLUTIONS

(a) Greenville County Master Equipment Lease Financing

ACTION: Councilor Taylor moved for adoption a resolution authorizing an Equipment Lease Agreement in the principal amount of not exceeding \$1,000,000 relating to the financing of various equipment for public purposes; authorizing the execution and delivery of various documents including a Master Lease Agreement; and other matters relating thereto.

Motion carried unanimously.

(b) Project Sparta / Fee in Lieu of Tax Arrangement

ACTION: Councilor Taylor moved for adoption a resolution identifying a project to satisfy the requirements of South Carolina Code annotated Section 12-44-40, so as to allow investment expenditures incurred by a Company known to the County as Project Sparta (including its affiliated and related entities) to qualify as expenditures eligible for a fee-in-lieu of taxes arrangement with Greenville County, South Carolina; to provide for the inclusion of the project in a multi-county business or industrial park; to provide for the grant of special source revenue credits; and to commit to enter into necessary agreements with the Company to effectuate the intent of this resolution; and other related matters.

Motion carried unanimously.

Item (9)

ORDINANCES – THIRD READING

(a) Zoning Ordinances

1. CZ-2012-11, Property of Joel Vause located on Flamingo Drive at Alco Street and Cuttino Circle, requesting rezoning from R-20 to R-15.

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

Motion carried unanimously.

2. **CZ-2012-12**, Property of Konstantinos Sialmas located at 201 Eastbourne Road at Whitehaven Drive, requesting rezoning from R-10 to R-S.

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

Motion carried unanimously.

3. **CZ-2012-13**, Property of Doug Sprayberry / Key Real Estate LLC located on 109 Monroe Drive, requesting rezoning from I-1 to S-1.

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

Motion carried unanimously.

(b) Text Amendment / to Allow for Additional Public Comment during the Rezoning Process (CZ-2012-14)

ACTION: Councilor Payne moved for adoption at third reading an ordinance to amend Section 3:2 of the Greenville County Zoning Ordinance, as amended, to allow for the option of additional public comment before the Planning Commission on zoning dockets and to update public hearing provisions. The Planning Commission and Committee recommended approval.

Councilor Burns stated he thought it was straightforward, but after the discussion at last night's Planning and Development Committee, he was having second thoughts.

Mr. Tollison stated the proposal would allow the Planning and Development Committee to refer an item back to the Planning Commission for additional public comments. The public would be notified of any additional public comment sessions. At anytime, the P&D Committee chairperson was allowed to have public comments during a meeting.

Councilor Burns stated there was a need for a uniformed guide for the public to understand when they were allowed to speak.

Councilor Payne stated he had always felt if there was a need for public comments, citizens should be allowed to speak at the committee level and as chairman, he had allowed citizens to speak.

Councilor Burns stated the proposal needed to be sent back to the Planning and Development Committee for the purpose of adding when the public would be able to speak.

ACTION: Councilor Dill made a motion to refer the item back to the Planning and Development Committee.

Councilor Baldwin stated initially the text amendment proposal was made because numerous cases would drag on for months and citizens would attend the County Council meeting with comments.

Motion to return to Committee carried unanimously.

Item (10)

ORDINANCES – SECOND READING

(a) JTEKT Automotive (formerly Project IKE II) / FILOT Agreement

ACTION: Councilor Taylor moved for approval at second reading an ordinance authorizing the execution and delivery of a fee agreement between Greenville County and JTEKT Automotive South Carolina, Inc. providing for a fee in lieu of tax in connection with investment in an industrial project there under; the granting of an infrastructure tax credit with respect to such project; and other matters relating thereto.

Motion carried unanimously.

(b) Laurens / Greenville Multi County Industrial Business Park / Octagon Park Agreement Amendment (Project Coast)

ACTION: Councilor Taylor moved for approval at second reading an ordinance to amend the Master Agreement governing the Octagon Industrial Park of Laurens and Greenville Counties so as to enlarge the park.

Motion carried unanimously.

(c) Project Coast / Infrastructure Credit Agreement

ACTION: Councilor Taylor moved for approval at second reading an ordinance authorizing the execution and delivery of an Infrastructure Credit Agreement between Greenville County, South Carolina and a company known to the County as Project Coast; and other matters relating thereto including, without limitation, authorization of an Infrastructure Credit.

Motion carried unanimously.

(d) FY 2013 Greenville County Library System Budget

ACTION: Councilor Taylor moved for approval at second reading an ordinance to approve the appropriation of funds for the Greenville County Library System for the Fiscal Year beginning July 1, 2012 and ending June 30, 2013; and to authorize the annual Ad Valorem Property Tax Millage Levy for library purposes.

Councilor Taylor stated the ordinance did not include a tax increase.

Motion carried unanimously.

(e) Greenville County Disabilities and Special Needs Board / Governance Structure

ACTION: Councilor Seman moved to suspend Council Rule 4 (A) to allow for consideration of this ordinance without committee action.

Motion carried unanimously.

ACTION: Councilor Seman moved for approval at second reading an ordinance to repeal Section 4 of County Ordinance Number 2378 establishing the governance structure of the Greenville County Disabilities and Special Needs Board.

ACTION: Councilor Dill moved to allow for amendments at third reading.

Motion to amend carried unanimously.

Motion as amended carried unanimously.

Item (11)

ORDINANCES – FIRST READING

(a) Anderson / Greenville Multi County Industrial Business Park Agreement Amendment - Lollis Metals

Councilor Taylor presented for first reading an ordinance to authorize the Nineteenth 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.

**(b) Laurens / Greenville Multi County Industrial Business Park / Octagon Park Agreement
- Milliken & Company / Addition to Exhibit A-1**

Councilor Taylor presented for first reading an ordinance to amend the Master Agreement governing the Octagon Industrial Park of Laurens and Greenville counties so as to enlarge the park.

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

(c) Project Eagle / Infrastructure Credit Agreement

Councilor Taylor presented for first reading an ordinance authorizing the execution and delivery of an infrastructure credit agreement by and between Greenville County, South Carolina, and a Company known to the County as Project Eagle, its affiliates and assigns, to provide for a special source revenue credit; and other related matters.

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

(d) SCTAC / National Guard Lease

Councilor Seman presented for first reading an ordinance to authorize and direct the Chairman of County Council and the County Administrator to execute a lease with the Military Department of the State of South Carolina, Office of the Adjutant General, for parcels of real property located at the South Carolina Technology & Aviation Center (SCTAC).

Chairman Kirven referred the item to the Finance Committee.

Item (12)

COMMITTEE REPORTS

(a) Committee of the Whole

1. Board and Commission Policy Amendment

ACTION: On behalf of the Committee, Councilor Taylor moved to amend Section XVIII of the County's Board and Commission Policy to add language to the title and the body of the section so that it now reads:

"Newly Created Boards, Temporary and Interim Boards"

Any timeline set forth in this Policy may be waived or extended by a two-thirds (2/3) vote of County Council. By two-thirds (2/3) vote of County Council, any and all requirements of this Policy may be waived or modified in order to nominate or appoint members to fill newly created boards, or temporary and/or interim boards."

Motion carried unanimously.

2. Local DSN Interim Board of Directors - Nominations

ACTION: On behalf of the Committee, Councilor Taylor moved to nominate to the Governor the following persons for the interim board of the Greenville County Disabilities and Special Needs and to authorize their duties to begin immediately:

Judy Gilstrap, Pearlie Harris, Bob Ariail, Alex McNair and Jay Rogers.

Motion carried with nine in favor (Baldwin, Cates, Burns, Taylor, Kirven, Norris, Seman, Payne, Gibson) and three in opposition (Dill, Meadows, Rawls).

Item (13)

APPEARANCES BY CITIZENS

- Seth Powell, 108 Anders Street, Greenville – appeared regarding boards and commissions
- Ed Paxton, 1 York Circle, Greenville – appeared regarding tax assessment
- Jan Williams, 6 Crabapple Court, Greenville – appeared regarding transparency on consent agenda

Item (14)

ADMINISTRATOR’S REPORT

There was no Administrator’s Report.

Item (15)

REQUESTS AND MOTIONS BY COUNCIL MEMBERS

(a) Reopen Application Period for Greenlink Board (GTA)

ACTION:

In accordance to the County Board and Commission Policy, Section XII - Emergency Application Process, Councilor Meadows moved to open an application period for the Greenlink Board for a period of 15 days for the purpose of receiving applications to fill the vacancy left by Mr. James Gray upon his recent resignation.

Motion carried unanimously.

(b) Consent Agenda Items 7 (B) and (C)

Councilor Seman asked in reference to Consent Agenda Items, City of Simpsonville / Community Project Account Application – Independence Day Heritage Park (\$15,000) and City of Greenville / Community Project Account Application – Streetscape Project (\$34,357), if Council districts were charged equally for the amounts. She was concerned funds may not be available for future projects.

Mr. Kernell stated although it was possible, hopefully a project would not arise when funds were not available. He stated the funds were not designated by district; further stating good judgment was used in appropriation. He stated it was approximately \$17,500 per district in the collection of funds.

Councilor Burns did not agree with funds from all districts being in one fund.

Councilor Seman stated there may be a need for input of verbiage within the policy, relating to the County’s funding limit.

Councilor Meadows stated as the policy was written, the monies were not segregated by district.

Councilor Baldwin stated the purpose was to look after the compiled interest of the county verses individual districts; it was an attempt to clear up the perception of slush funds.

Councilor Dill stated Councilor Burns requested the change due to his transparency concerns; however, it has not worked that way; as it was, the funds were grants which groups could apply for.

Mr. Kernell stated there had been other grant requests, however, they were not being forwarded to the Finance Committee because of the lack of remaining funds.

Councilor Burns stated he wholeheartedly agreed with voting on project requests. He stated the policy needed modification and additional guidelines.

Councilor Seman stated in an effort to maybe give some funding, she would like to see all project requests.

Mr. Kernell stated in the future, staff would inform County Council on up-to-date project requests on a regular basis.

Councilor Taylor asked were the projects treated on a first come first serve basis. He stated all requests should be submitted to the Finance Committee, even if the total was more than funding available.

ACTION: Councilor Rawls moved to return Consent Agenda items 7 (B) and (C) back to the Finance Committee.

Councilor Dill stated he was concerned with funding not being available for future projects.

Councilor Payne stated projects should have funding limits.

Councilor Gibson called the question.

Motion carried unanimously, with Councilor Cates absent for the vote.

REQUESTS AND MOTIONS BY COUNCIL MEMBERS, continued

- Councilor Dill encouraged his colleagues to contact their State House Representatives and ask them to leave in the budget the allocation made by the Senate to the Local Government Fund.
- Councilor Burns inquired about some articles regarding dissention on the Alcohol and Drug Abuse Commission. He asked the County Administrator to provide them with a report on the matter.
- Councilor Burns stated Dolph Bell wrote an article in the Greenville News about tourism and the portal Reedy Square would become, which generated a lot of activity. He stated there was also an editorial that stated the tourism center deserved support and gave credit to Council for being the catalyst of that project and other projects that have promoted tourism.
- Councilor Seman stated SCTAC was honored to host Senator Graham for a tour which included a visit to Lockheed Martin and the newly constructed South Carolina Army National Guard Aviation Support Facility on Donaldson Field. She also commented on the Cardiac Survivor Ceremony on May 24th stating it was a very special event.
- Councilor Gibson commented on the challenges facing the Alcohol and Drug Abuse Commission. She stated they were working through those matters.
- Councilor Payne expressed his hope that Council would work to involve everyone in the process going forward to identify the guidelines for the permanent Disabilities and Special Needs Board.
- Councilor Meadows wished Ms. Gibson a Happy Birthday.

Item (16)

ADJOURNMENT

ACTION: Councilman Meadows moved to adjourn the meeting.

Motion carried and the regular meeting of Greenville County Council was adjourned at 7:54 p.m.

Respectfully submitted:

Theresa B. Kizer, Clerk to Council