

**GREENVILLE COUNTY COUNCIL  
REGULAR MEETING  
November 6, 2012  
6:04 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  
LIZ SEMAN  
DAN RAWLS

FRED PAYNE  
JOE DILL  
WILLIS MEADOWS  
JOE BALDWIN

JIM BURNS  
XANTHENE NORRIS

**COUNCIL MEMBERS ABSENT:**

SID CATES  
LOTTIE GIBSON

**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  
BOB MIHALIC, Governmental Relations Officer  
KEITH DRUMMOND, Director, Planning and Code Compliance  
JIM DORRIETY, Assistant County Administrator, Detention Center  
KIMBERLY WUNDER, Assistant County Attorney  
TERESA BARBER, Supervisor, Fire Code Official / Code Enforcement  
SHANNON HERMAN, Assistant to the County Administrator

**OTHERS PRESENT:**

NONE

**CALL TO ORDER**

Chairman Butch Kirven

**INVOCATION**

Scott Shuford  
Greenville County Area Director  
Fellowship of Christian Athletes

**PLEDGE OF ALLEGIANCE**

**Item (4)**

**APPROVAL OF MINUTES**

**ACTION:** (a) Councilor Rawls moved to approve the minutes of the October 16, 2012 regular County Council meeting.

Motion carried unanimously by all Council Members present.

**Item (5)**

**PUBLIC HEARINGS**

**(a) Dunklin Fire District / Millage Continuation**

A public hearing was held for the purpose of receiving public comments regarding a resolution to provide for a continuation of current the Ad Valorem Property Tax to be levied by the Dunklin Fire District which represents no increase in taxes or millage rate.

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

**(b) Drive Automotive Industries of America Inc. (formerly Project Sparta) / Fee in Lieu of Tax 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 Ad Valorem taxes and incentive agreement by and among Greenville County, South Carolina, and Drive Automotive Industries of America, Inc., as sponsor, and Mid Realty Holdings, L.L.C., as sponsor affiliate, to provide for a fee in lieu of Ad Valorem taxes incentive, granting of certain special source revenue credits and other matters related thereto.

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

**(c) Drive Automotive Industries of America Inc. (formerly Project Sparta) Fee in Lieu of Tax Agreement Extension**

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing the amendment of that certain fee in lieu of Ad Valorem taxes agreement by and among Greenville County, South Carolina, and Drive Automotive Industries of America, Inc., as sponsor, and Mid Realty Holdings, L.L.C., as sponsor affiliate, to extend the term of said agreement; and other matters related thereto.

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

**(d) Anderson / Greenville Multi County Industrial Business Park Amendment – Drive Automotive Industries of America Inc. (formerly Project Sparta)**

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing an amendment to an agreement for development for joint county industrial park by and between Greenville County, South Carolina, and Anderson County, South Carolina, to expand the boundaries of the park to include certain real property located in Greenville County; and other related matters.

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

**(e) SCIO Diamond (Project GEM) / Fee in Lieu of Tax Agreement**

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing a fee in lieu of tax arrangement for the benefit of SCIO Diamond Technology Corporation, pursuant to a fee in lieu of tax agreement between Greenville County, South Carolina and the Company; and other matters relating to the foregoing.

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

**Item (6)**

**APPEARANCES**

There were no speakers.

**Item (7)**

**CONSENT AGENDA**

**(a) Additional Roads for the 2013-2014 Road Paving List**

**ACTION:** Councilor Norris moved to approve the Consent Agenda item.

Motion carried unanimously by all Council Members present.

**Item (8)**

**RESOLUTIONS**

**(a) Dunklin Fire District / Millage Continuation**

**ACTION:** Councilor Taylor moved for adoption a resolution to provide for a continuation of current the Ad Valorem Property Tax to be levied by the Dunklin Fire District which represents no increase in taxes or millage rate.

Councilor Payne stated all the volunteers at Dunklin Fire Department were hard working individuals.

Motion carried unanimously by all Council Members present.

**(b) Project Gina / Inducement Resolution**

**ACTION:** Councilor Taylor moved for adoption a resolution authorizing (1) the execution and delivery of an Inducement and Millage Rate Agreement between Greenville County, South Carolina and a company known to the County as Project Gina, acting for itself, one or more affiliates or other project sponsors, whereby, under certain circumstance, the County will enter into a fee in lieu of tax and incentive agreement in connection with the expansion of certain manufacturing and related facilities at one or more locations in the County, in which Incentive Agreement the County will covenant to accept certain negotiated fees in lieu of Ad Valorem Taxes with respect to the expansion project; (2) Approval of a ten-year extension of the term of an existing fee in lieu of tax arrangement between the County and the Company; (3) Certain special source revenue credits in connection with the expansion project; (4) the benefits of a multi-county industrial or business park to be made available to the Company and the expansion project; and (5) other matters relating thereto.

Chairman Kirven stated the item went through an extensive discussion during the Finance Committee meeting earlier that evening. An Inducement Resolution would not take affect until the companion ordinance was approved by County Council. He stated the company had time sensitive

issues requiring the approval on the Inducement Resolution; however, all of the facts were not available to County Council. He stated approving the Inducement Resolution would in no way commit the County to something they don't know the details about. He felt the County was protected because the ordinance would have three readings and a public hearing. Councilor Burns stated it was his understanding an Inducement Resolution was the preamble of an ordinance.

Mr. Tollison stated an Inducement Resolution was usually the preamble of an ordinance. It would state the company's development plan and what the county would offer the company. Sometimes Inducement Resolutions are approved, but the ordinance or development never happens.

Councilor Burns stated he wanted to make sure the message was sent to companies that Greenville County was a great place to do business and the County would do as much as possible, however, the uncertainty of the proposed gave him a lot of pause. He stated staff should communicate to GADC to please not bring forth uncertainties to County Council to vote on in the future.

By roll call vote motion carried unanimously by all Council members present.

**Item (9)**

**ORDINANCES – THIRD READING**

**(a) Zoning Ordinance**

1. **CZ-2012-36**, Property of Walter Dahlgren located on S. Industrial Drive and Colony Centre Way requesting rezoning from O-D to C-3.

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

Motion carried unanimously by all Council Members present.

2. **CZ-2012-39**, Property of Gray Development located on Orr Street and Beacon Street requesting rezoning from R-7.5 to NC.

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

Motion carried unanimously by all Council Members present.

**(b) Drive Automotive Industries of America Inc. (Formerly Project Sparta) / Fee in Lieu of Tax Agreement**

**ACTION:** Councilor Taylor moved for adoption at third reading an ordinance authorizing the execution and delivery of a fee-in-lieu of Ad Valorem taxes and incentive agreement by and among Greenville County, South Carolina, and Drive Automotive Industries of America, Inc., as sponsor, and Mid Realty Holdings, L.L.C., as sponsor affiliate, to provide for a fee in lieu of Ad Valorem taxes incentive, granting of certain special source revenue credits and other matters related thereto.

**AMENDMENT NOTICE:** Councilor Taylor stated County Council was provided with an amendment shown on the red-lined copy of the ordinance and agreement in the packet. Since no motion was made at second reading to allow for amendments at third reading, these documents will serve as notice and the amendments will be taken up at the next Council meeting.

Motion to hold carried unanimously by all Council Members present.

**(c) Drive Automotive Industries of America Inc. (Project Sparta) / Fee in Lieu of Tax Agreement Extension**

**ACTION:** Councilor Taylor moved for adoption at third reading an ordinance authorizing the amendment of that certain fee in lieu of Ad Valorem taxes agreement by and among Greenville County, South Carolina, and Drive Automotive Industries of America, Inc., as sponsor, and Mid Realty Holdings, L.L.C., as sponsor affiliate, to extend the term of said agreement; and other matters related thereto.

**ACTION:** Councilor Taylor moved to hold the item until the next Council meeting in order to keep all the Drive Automotive items on the same schedule.

Motion to hold carried unanimously by all Council Members present.

**(d) Anderson / Greenville Multi County Industrial Business Park Amendment - Drive Automotive Industries of America Inc. (Project Sparta)**

**ACTION:** Councilor Taylor moved for adoption at third reading an ordinance authorizing an amendment to an agreement for development for joint county industrial park by and between Greenville County, South Carolina, and Anderson County, South Carolina, to expand the boundaries of the park to include certain real property located in Greenville County; and other related matters.

**AMENDMENT NOTICE:** Councilor Taylor stated County Council was provided with an amendment shown on the red-lined copy of the ordinance in the packet. Since no motion was made at second reading to allow for amendments at third reading, the document will serve as notice and the amendments will be taken up at the next Council meeting.

Motion to hold carried unanimously by all Council Members present.

**Item (10)**

**ORDINANCES – SECOND READING**

**(a) Text Amendment / Permitted Conditional Uses Relating to Chickens (CZ-2012-35)**

**ACTION:** Councilor Payne moved for approval at second reading an ordinance to amend Table 6.1 Uses Permitted and Section 6:2 Use Conditions of the Greenville County Zoning Ordinance, relating to permitted conditional uses.

Councilor Payne stated the proposed Chicken text amendment before them was an amendment to the Greenville County Zoning Ordinance and did not include nor would it affect the municipalities. In addition, the text amendment did not apply to the unzoned areas of the County, **or the R-20A, R-S, R-R1, and R-R3 districts**, only those specified zoning districts as listed in the proposed amendment where chickens were not currently allowed.

**AMENDMENT:** Councilor Payne moved to amend the ordinance to reflect the changes as outlined in the amended version included in the agenda packet. The Committee recommended approval of the ordinance with these amendments.

1) Amend Section 6.2: Condition (29) by striking Items I and J and amending Item K by adding the words “one time” before “permit fee.”

2) Amend Part 3 by adding a Section 3 that reads, “Section 3. Committee Review Required. Staff shall report to the Planning and Development Committee one year after the effective date of this ordinance for the purposes of updating the Committee on the effectiveness of the text amendment.”

**AMENDMENT:** Councilor Payne moved to amend the ordinance under Section 6.2: Condition (29) Item C to read, “Chickens may not be allowed to roam ~~free~~ off the owner’s property and must be enclosed in pens/coops/enclosures as follows:” This amendment did not go before the Committee for consideration.

Councilor Rawls stated out of the twenty-seven cases reported last year in relation to chickens, seven were unzoned in his district. He stated there were about 465,000 citizens in the County, twenty cases were not bad, and therefore he was in opposition to the proposed.

Councilor Baldwin stated there was a lot of interest at a previous County Council meeting, however no one showed up at the Planning and Development Committee public comment session to speak. He stated the ordinance was still misunderstood by many.

Councilor Taylor stated he would support the proposed. He stated currently there were approximately sixty reported cases in zoned areas.

Councilor Dill stated County Council was attempting to regulate everything. Subdivisions needed to make their own rules. He felt County Council was over stepping its bounds.

Councilor Payne stated some people had illegal chickens; the proposed ordinance would give citizens the right to have chickens if they wanted to. If a subdivision or homeowners association voted to not allow chickens on the property, it would override the County ordinance. Individuals had to have a structure on the property to possess chickens in their backyard.

By a roll call vote the motion to amend was carried by a vote of seven in favor (Payne, Baldwin, Burns, Norris, Seman, Taylor, Kirven), three in opposition (Rawls, Dill, Meadows) and two absent (Cates, Gibson).

**AMENDMENT:** Councilor Dill moved to add chickens to the animal control ordinance.

Councilor Burns stated it was agreed to review the proposed in one year to determine the success of the ordinance. If the ordinance oversteps its boundaries it would be corrected.

Councilor Taylor stated enclosing chickens would not require an expensive structure.

Councilor Rawls called the question.

**ACTION:** Councilor Payne moved approval of the ordinance as amended.

By a roll call vote of seven in favor (Payne, Baldwin, Burns, Norris, Seman, Taylor, Kirven), three in opposition (Rawls, Dill, Meadows) and two absent (Cates, Gibson), the motion as amended was denied.

Mr. Tollison stated the Planning Commission denied the motion, which meant County Council would require a supermajority vote (8) to pass the proposed ordinance as amended at second reading.

**(b) Anderson / Greenville Multi County Industrial Business Park Agreement (Project Paint)**

**ACTION:** Councilor Taylor moved for approval at second reading an ordinance to develop a jointly owned and operated industrial/business park (Project Paint) in conjunction with Anderson County, such industrial/business park to be geographically located in Anderson County and established pursuant to South Carolina Code of Laws of 1976 Section 4-1-170, as amended; to provide for a written agreement with Anderson County providing for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of Ad Valorem taxes to the counties and relevant taxing entities; to provide that job tax credits allowed by law be provided for businesses located in said park; and to permit a user fee in lieu of Ad Valorem Taxation within said park.

Motion carried unanimously by all Council Members present.

**(c) SCIO Diamond (Project Gem) / Fee in Lieu of Tax Agreement**

**ACTION:** Councilor Taylor moved for approval at second reading an ordinance authorizing a fee in lieu of tax arrangement for the benefit of SCIO Diamond Technology Corporation, 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 by all Council Members present.

**Item (11)**

**ORDINANCES – FIRST READING**

**(a) Project Guardian / Fee in Lieu of Tax Agreement**

Councilor Taylor presented for first reading an ordinance authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement between Greenville County, South Carolina and a company known to the county as Project Guardian, acting for itself, one or more affiliates or other project sponsors, whereby the County shall covenant to accept certain negotiated fees in lieu of Ad Valorem Taxes in connection with the expansion of certain facilities at one or more locations in the County; (2) the benefits of a multi-county industrial or business park to be made available to the Company and the expansion project; and (3) other matters relating thereto. I request this item be referred to the Finance Committee.

Chairman Kirven referred the item to the Finance Committee.

**(b) Project Gina / Fee in Lieu of Tax Agreement**

Councilor Taylor presented for first reading an ordinance authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement between Greenville County, South Carolina and a company known to the county as Project Gina, acting for itself, one or more affiliates or other project sponsors, whereby the County shall covenant to accept certain negotiated fees in lieu of Ad Valorem Taxes in connection with the expansion of certain manufacturing and related facilities at one or more locations in the County; (2) the execution and delivery of one or more amendments and other agreements or instruments in connection with approval by the County of a ten-year extension to the payment period term of an existing fee in lieu of tax arrangement between the County and the Company; (3) certain special source revenue credits in connection with the expansion project; (4) the benefits of a multi-county industrial or business park to be made available to the Company and the expansion project; and (5) other matters relating thereto. I request this item be referred to the Finance Committee.

Chairman Kirven referred the item to the Finance Committee.

**(c) Arena District Capital Plan and Refinance**

Councilor Taylor presented for first reading an ordinance consenting to the issuance by the Greenville Arena District, South Carolina of one or more series of Accommodations Fee Revenue Bonds; approving an Intergovernmental Agreement among Greenville County, Greenville Arena District and the City of Greenville; approving an Escrow Agreement among Greenville County, the City of Greenville and an Escrow Agent; amending Ordinance No. 2594, as amended, which established the implementation and collection of a local Accommodations Fee and other matters related thereto. I request this item be referred to the Finance Committee.

Chairman Kirven referred the item to the Finance Committee.

**Item (12)**

**COMMITTEE REPORTS**

There were no further Committee Reports.

**Item (13)**

**APPEARANCES BY CITIZENS**

- Clay Andrews, Upstate Alliance – appeared regarding new Director of Investor and Public Relations
- Ed Paxton, 1 York Circle, Greenville – appeared regarding Board of Tax Assessment and Appeals
- Dick Hills, 24 Green Valley Drive, Greenville – appeared regarding the Swamp Rabbit Trail

Chairman Kirven requested the County Administrator to look into the issue of safety and licensing relating to scrap metal vendors.

Councilor Baldwin stated Spartanburg County had an ordinance relating to scrap metal vendors.

**Item (14)**

**ADMINISTRATOR'S REPORT**

There was no Administrator's Report.

**Item (15)**

**REQUESTS AND MOTIONS BY COUNCIL MEMBERS**

- Councilor Seman stated SCTAC's newest tenant was Nu Coal of Biomasters Cycling Company. She stated this addition made the 86<sup>th</sup> company operating out of SCTAC.
- Councilor Norris thanked Chairman Kirven for substituting for her at the Brutontown event
- Councilor Burns asked staff to look into a mailer he received from a for-profit company regarding a 2012 property tax assessment analysis. He felt the mailer gave the impression that Greenville County had made a mistake in people's reassessment. Mr. Burns then stated he had also received correspondence from the Goodwill CEO regarding the growing problem they were having with for-profit donations boxes being set up around the area and people mistaking them for non-profit donations. He stated he would like to look into the matter so that citizens were not being taken advantage of.
- Councilor Dill wished Mr. Rawls a Happy Birthday.

**Item (16)**

**ADJOURNMENT**

**ACTION:** Councilor Dill moved to adjourn the meeting.

Motion carried and the regular meeting of Greenville County Council was adjourned at 7:12 p.m.

Respectfully submitted:

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Theresa B. Kizer, Clerk to Council