

**MINUTES
GREENVILLE COUNTY COUNCIL
MARCH 5, 2013
COUNCIL CHAMBERS
6:05 p.m.**

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

COUNCIL MEMBERS PRESENT:

CHAIRMAN BOB TAYLOR	LIZ SEMAN
VICE CHAIRMAN WILLIS MEADOWS	SID CATES
JOE DILL	FRED PAYNE
JOE BALDWIN	DAN RAWLS
JIM BURNS	BUTCH KIRVEN
XANTHENE NORRIS	

COUNCIL MEMBER(S) ABSENT:

LOTTIE GIBSON

STAFF PRESENT:

JOE KERNELL, COUNTY ADMINISTRATOR
MARK TOLLISON, COUNTY ATTORNEY
JOHN HANSLEY, DEPUTY COUNTY ADMINISTRATOR
PAULA GUCKER, ASSISTANT COUNTY ADMINISTRATOR, PUBLIC WORKS
THERESA B. KIZER, CLERK TO COUNCIL
SALINA PRUITT, ADMINISTRATIVE ASSISTANT, COUNTY COUNCIL
BOB MIHALIC, GOVERNMENTAL RELATIONS OFFICER
TOM MEEKS, PLANNING DEPARTMENT
JIM DORRIETY, ASSISTANT COUNTY ADMINISTRATOR, PUBLIC SAFETY
DEAN CAMPBELL, ASSISTANT COUNTY ATTORNEY

OTHERS PRESENT:

MAJOR SHEA SMITH, SHERIFF'S DEPARTMENT
ESTHER WAGNER, PRIDEWAYS COORDINATOR

CALL TO ORDER

Chairman Bob Taylor

INVOCATION

Bruce Mizell, Principal
Hampton Park Christian School

PLEDGE OF ALLEGIANCE

Item (4)

APPROVAL OF MINUTES

ACTION: Councilor Norris made a motion to approve the February 19, 2013, County Council minutes.

Motion carried unanimously by all County Council Members present.

Item (5)

PRESENTATION

Ms. Ester Wagner, Prideways Coordinator, presented the following companies with a Palmetto Pride Award recognizing their efforts to combat litter: 3M, Eurokera, Faurcecia, Fluor, Laurens Electric, Michelin, Republic Services, S.C. Beverages and T&S Brass and Bronze Works.

RECOGNIZED

Councilor Dill recognized students from Mrs. Wood's government class at Blue Ridge High School.

Item (6)

PUBLIC HEARINGS

(a) Pickens County Multi County Industrial Business Park Agreement / Michelin North America Inc. (formerly Project Gina)

A public hearing was held for the purpose of receiving public comments regarding an ordinance to amend an agreement for development of the joint county industrial park of Greenville and Pickens Counties so as to enlarge the park.

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

(b) General Obligation Refunding Bonds

A public hearing was held for the purpose of receiving public comments regarding an ordinance to provide for the issuance and sale of not exceeding \$25,000,000 Greenville County, South Carolina, General Obligation Refunding Bonds, in one or more series; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto.

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

Item (7)

APPEARANCES

There were no speakers.

Item (8)

CONSENT AGENDA

(a) Commissioning of Code Enforcement Officers

ACTION: Councilor Burns moved approval of the Consent Agenda Items.

Motion carried unanimously by all County Council Members present.

Item (9)

ORDINANCES – THIRD READING

(a) Zoning Ordinances

1. **CZ-2013-1**, Property of Gordon Mann located on Old Buncombe Road requesting rezoning from R-M20 to C-2.

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

Motion carried unanimously by all County Council Members present.

2. **CZ-2013-3**, Property of Thomas Benjamin located on Howell Road requesting rezoning from PD to PD with Major Change for Signage only.

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

Motion carried unanimously by all County Council Members present.

(b) Zoning Ordinance Text Amendment / Stormwater Banking Program

ACTION: Councilor Dill moved for adoption at third reading an ordinance to add Section 7.4 to the Greenville County Zoning Ordinance, relating to the Stormwater Banking Program.

Councilman Meadows Amendment:

Amend Section 1.1 Program Overview, “Basic Steps No. 1” to read as follows:

“1. Developer determines eligibility for and chooses to participate in the program. Developer applies to County Council for approval to utilize the Stormwater Banking Program which requires placement of the request on Council’s next Zoning Public Hearing. The application shall then be acted on and reported out by the Planning & Development Committee at its next regular meeting. The application shall be forwarded to County Council who shall take final action on the application at its next meeting.”

Councilor Burns stated he would like the amendments bifurcated.

Councilor Meadows clarified a proposed amendment previously proposed. He stated Council approval would be done at the beginning of the process, before any money was spent by developers. He stated the current ordinance allowed developers the ability to build without any recourse from County Council or residents. He stated he received a phone call from a highly regarded Greenville County developer who agreed the proposed amendment would not be a detriment to developers.

Councilor Kirven stated he appreciated Councilor Meadows' explanation of the proposed amendment. He stated flexibility to developers was needed to be useful, while still maintaining transparency and protection for the public.

Councilor Payne gave an outline of the process: 1) a developer made the decision to use the Stormwater Banking Program; 2) He comes to the County to confer with staff; 3) Staff schedules a Zoning and Planning Public Hearing on the 3rd Monday; 4) His item is referred to the Planning and Development Committee; 5) On the first Tuesday of the next month, County Council would hear the matter and give final vote on the item. Mr. Payne stated although the process was increased by a couple of weeks, the developer would have the strength of a County Council approval as he/she moved forward with this plan.

Councilor Burns asked why the item was referred to Planning and Development Committee.

Councilor Payne stated every item had to initiate from a committee before being forwarded to County Council.

Councilor Burns stated if the purpose of the proposed amendment was to streamline the process, he saw no need for an item to go through the Planning and Development Committee before being heard by County Council.

Councilor Cates asked if an item failed at the Planning and Development Committee meeting, would it require a super-majority vote.

Mr. Tollison stated unless a County Council Member directly placed an item before County Council through Requests and Motions, everything had to go through a committee before being heard by County Council. He suggested inserting "recommendation from the Planning and Development Committee" to the proposed amendment.

Councilor Kirven stated it was best if all County Council Members were involved in the initial screening rather than a committee.

Councilor Meadows stated allowing the item to go before the Planning and Development Committee would not prohibit County Council from its task. He further stated the Planning and Development Committee would not be able to hold an item. Councilor Meadows explained under the proposed amendment, developers had a chance to increase their bottom line profit. He stated the proposed amendment was good for the County, citizens and developers. He stated citizens needed a level of protection.

Councilor Seman asked if committees had to act on an item or were they able to receive an item and forward to full Council without acting on it.

Mr. Tollison stated a committee had the ability to vote recommendation or no recommendation.

AMENDMENT: Councilor Seman offered a friendly amendment by suggesting changing the language to include a statement saying an application received by the Planning and Development Committee at its next regular meeting and is reported out, which would have made the committee the vehicle for County Council to receive the item.

Councilor Meadows accepted Councilor Seman's suggestion as a friendly amendment.

Councilor Kirven stated there were a lot of standards and requirements built into the zoning, which restricted developers from opportunities to use the program. He stated the two-year trial period was a good idea. He concurred with Councilor Seman's friendly amendment.

Councilor Payne stated typically when a developer had a project idea in a particular district; they initially contacted the Council Member before contacting County staff. So the district Council Member would be involved, then staff and then everyone else would be involved when it finally comes to a public hearing. He stated he did not see that as an un-streamlined process.

Councilor Burns reiterated for clarification, when an item comes to Council for final action on the application, it comes to this body and they have a whole plate of options at their disposal for dealing with the request, as far as voting it up or down.

Councilor Meadows stated the final action would be made during the County Council meeting.

Councilor Cates stated although County Council had the final decision, Land Development had to ensure the developer followed all required regulations for the development. He stated it was a great plan.

Councilor Dill stated developers currently spent thousands of dollars during the zoning process and their requests have been denied. County Council has to represent the wishes of the citizens.

Mr. Tollison suggested Councilor Meadows refine the last sentence of the proposed amendment by adding "the application should be forwarded to County Council who shall take final action on the application at its next meeting."

AMENDMENT: Councilor Meadows incorporated the additional language provided by the County Attorney.

The motion to approve the proposed amendment, including the two friendly amendments, carried unanimously by all County Council Members present.

Eligibility Requirement

ACTION: Councilor Meadows moved to **add as the 5th Eligibility Requirement on Page 3:** Any Development that was previously denied a re-zoning request by Council or withdrew a rezoning request is ineligible for participation in the Program for one year from the date of the Council decision or withdrawal.

Motion carried unanimously by all County Council Members present.

(Added last sentence to the top paragraph P.5)

ACTION: Councilor Meadows moved to amend by adding: “The participation fee paid by developers will be directed to a restricted fund, also managed by the Greenville County LDD; that will be used to implement strategic stormwater retrofit projects that will benefit overall water quality in the County. Staff shall receive Council approval of the retrofit projects and associated funding prior to using SBP funds.”

Councilor Payne called the question.

Motion carried unanimously by all County Council Members present.

(Added sentence to Section 2.1 on P.5)

ACTION: Councilor Meadows moved to amend by adding: “Council approval is necessary to make changes to the elements which may include, but are not limited to: the participation fee levels, DMT elements, and instruction manual.”

Motion carried unanimously by all County Council Members present.

(Changed 3rd main bullet in Section 2.2 on P.5)

ACTION: Councilor Meadows moved to amend by adding: “To review and collect participation fee payments, ensuring funds are deposited and used for strategic stormwater retrofits.”

Motion carried unanimously by all County Council Members present.

(Revised end note in Section 2.3 P.6)

ACTION: Councilor Meadows moved to amend by adding: “It is understood the Planning Department may accept certified plans as sufficient verification to award points, or in addition may conduct a field visit as they see fit.”

Motion carried unanimously by all County Council Members present.

(Added language to Step 8 in SBP Flow Chart on P.7)

ACTION: Councilor Meadows moved to amend by adding: STEP 8, Install Retrofits

“LDD staff determines appropriate retrofit projects to install with SBP funds, upon Council approval.”

Motion carried unanimously by all County Council Members present.

(Revised second paragraph in Section 5.3, P.12)

ACTION: Councilor Meadows moved to amend by adding: “County staff may initiate new projects as participating projects are successfully completed. Upon completion of the Administrative or Development Review the County staff will report its findings to the Stormwater Banking

Program Stakeholders, including County Council, who will have the opportunity to submit comments. After receipt of comments, the County staff will decide whether to allow the program to function throughout the Program Area, or whether to recommend to Council the termination or required amendments to the SBP. A report of staff's findings must be presented to the SBP Stakeholders and County Council within two years of the enactment of this ordinance or the Program will be suspended until staff's findings are presented to the SBP Stakeholders and County Council.”

Councilor Payne asked who the Stormwater Banking Program Stakeholders were.

Councilor Meadows stated anyone involved in the project was a Stormwater Banking Program Stakeholder

Motion carried unanimously by all County Council Members present.

(1.2, P.4 insert)

I(b). Be approved by County Council

ACTION: Councilor Meadows moved to amend by adding: “In the instruction manual, a map with the streets and marked priority investment areas shall be shown for each Program Area.”

Motion carried unanimously by all County Council Members present.

Motion as amended carried unanimously by all County Council Members present.

(c) Text Amendment / To require auto wrecking facilities, junkyards, recycling collection and processing center, salvage yards, and scrap processors to be a Special Exception subject to conditions (CZ-2013-4)

ACTION: Councilor Dill moved for adoption at third reading an ordinance, as amended at second reading, to amend Table 6.1 Uses Permitted and Section 6:2 Use Conditions of the Greenville County Zoning Ordinance, and further amend Article 11 Provisions for Uses by Special Exception.

Motion carried unanimously by all County Council Members present.

(d) Text Amendment / Amend Comprehensive Plan to Include the Conestee Community Plan (CP-2013-1)

ACTION: Councilor Dill moved for adoption at third reading an ordinance to adopt the Conestee Community Plan as an amendment to the Greenville County Comprehensive Plan.

Motion carried unanimously by all County Council Members present.

(e) Pickens / Greenville Multi County Industrial Business Park Agreement - Michelin North America Inc. (Formerly Project Gina)

ACTION: Councilor Meadows moved for adoption at third reading an ordinance to amend an

agreement for development of the joint county industrial park of Greenville and Pickens Counties so as to enlarge the park.

Motion carried unanimously by all County Council Members present.

(f) General Obligation Refunding Bonds

ACTION: Councilor Meadows moved for adoption at third reading an ordinance to provide for the issuance and sale of not exceeding \$25,000,000 Greenville County, South Carolina, General Obligation Refunding Bonds, in one or more series; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto.

Motion carried unanimously by all County Council Members present.

Item (10) ORDINANCES – SECOND READING

(a) Revenue Refunding Bond / SCTAC Project

ACTION: Councilor Meadows moved for approval at second reading a fifth supplemental ordinance providing for the issuance and sale of (i) a not exceeding \$425,000 Greenville County, South Carolina, Revenue Refunding Bond (South Carolina Technology and Aviation Center Project) Series 2013a and (ii) a not exceeding \$2,000,000 Greenville County, South Carolina, Revenue Bond (South Carolina Technology and Aviation Center Project) Series 2013b, and other matters relating thereto.

AMENDMENT: Councilor Meadows moved to amend the ordinance to reflect the changes as outlined in the black-lined version of the ordinance provided in the agenda packet.

Motion to amend carried unanimously by all County Council Members present.

ACTION: Councilor Meadows moved for approval of the ordinance as amended.

Motion as amended carried unanimously by all County Council Members present.

Item (11) COMMITTEE REPORTS

(a) Committee of Finance

1. GADC Amended By-Laws

ACTION: On behalf of the Committee, Councilor Meadows moved for approval the GADC Amended By-Laws.

AMENDMENT: Councilor Meadows moved to amend **Section VI (K) Conflicts of Interest** Conflict of interest transactions, as defined in the Nonprofit Act § 33-31-831, are voidable as therein described. In addition to all other remedies, effects or liability provided by law, any Director not disclosing any conflict of interest transaction (as

above described) in advance to the Board shall be subject to removal from the Board by County Council. Members shall comply with any applicable rule of the County with respect to board and commission and conflicts if interest.

Councilor Cates asked was “and conflicts of interest” needed in the verbiage in the last sentence of the amendment

Mr. Tollison stated he would advise leaving “and conflicts of interest” in the last sentence of the amendment, because it defined the importance of the policy in relation to the matter.

Councilor Payne stated the proposed had not been discussed as a body and although he had confidence in the Finance Committee Members, he had not been involved in creating the amendment.

Councilor Seman stated the proposed amendment, if passed, would be in conflict with the current policy.

ACTION: Councilor Dill moved to hold the item.

Motion to hold the item carried.

Councilor Burns stated Section (6) Committee and Offices, Composition of the Executive Committee verbiage was left open-ended. He stated he would offer an amendment for the next meeting.

Item (12)

APPEARANCES

- Bob Davis, 6 Sentinel Court, Greer - appeared regarding freedom once lost.
- Ed Paxton, 1 York Circle, Greenville - appeared regarding property crimes

Item (13)

ADMINISTRATOR’S REPORT

County Administrator Joe Kernell stated March was Upstate International Month. In celebration, Greenville County was proudly showcasing their amazing workforce. He stated one of the great strengths of the Greenville County work force was its diversity. The County’s goal was to truly have a staff that reflected the community they served. Greenville County employed men and women from vastly different ethnic backgrounds, as well as various ages and educational levels and all contributed in his or her own, unique way. He stated diversity was more than what was obvious to the eye. Each day staff interacted with diverse thoughts and actions. Mr. Kernell stated we celebrate our strengths by utilizing our unique skills that make us exceptional. He then played a video showcasing Greenville County’s staff.

Item (14)

REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- Councilor Burns referenced the Greenville County Coroner’s Office Report which they had recently received. He stated he was surprised at the increase in the number of deaths. He noted there were spikes in a lot of different areas, such as drowning, falls, accidents, and drugs and alcohol use. Councilor Burns wanted to know if more information could be provided to explain why there was an increase and if there was anything the County could do to focus on those areas.

- Councilor Burns then congratulated Ms. Norris on having been honored at the Chamber of Commerce meeting for being an Athena Award winner for her many, many years of leadership in the Greenville Community.
- Councilor Seman stated Picanol of America would hold their Grand Opening Ceremony on March 21st at their new facility on SCTAC. She then stated Friday, March 22nd was delivery day at Meals on Wheels and she encouraged everyone to be a part of their Annual March for Meals effort.
- Councilor Kirven stated GADC had engaged a national economic development consulting firm, Applied Marketing, to do a comprehensive review of GADC and their focus was on their industry clusters. The company team has interviewed 19 companies including CU-ICAR since their arrival in February. They have planned interviews with the City of Greenville, Wells Fargo, TD Bank, Bosch Rexroth and others. Allied Marketing is also engaging with the SC Department of Commerce and they were promising the first draft of their report in about eight weeks.
- Councilor Payne stated at a meeting he attended at Upstate Alliance, there was a report from Peter Clark. Mr. Clark has a new program for young people, ages 8 to 18, called Coder Dojo. It is a free program where youth can come and learn how to code enough to write a video game that actually worked. He stated it was a great program and was indicative to what they needed to do across the board in the educational process. Mr. Payne stated this program played into the GADC summary of what they needed to look into for the future.
- Councilor Cates recognized Heather, with Upstate Forever, for the number of hours she put into creating the Stormwater Manual that was presented to Council. He stated the manual was a cutting-edge tool, not just for South Carolina but for the nation as a whole.
- Councilor Cates then wished Ms. Norris a Happy Birthday.

Item (15)

ADJOURNMENT

ACTION: Councilor Dill moved to adjourn the meeting at 7:33 p.m. Motion carried unanimously by all County Council members present.

Respectfully submitted:

Theresa Kizer, Clerk to Council