

**MINUTES  
GREENVILLE COUNTY COUNCIL  
APRIL 16, 2013  
COUNCIL CHAMBERS  
6:02 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	LOTTIE GIBSON
VICE CHAIRMAN WILLIS MEADOWS	SID CATES
JOE DILL	FRED PAYNE
JOE BALDWIN	DAN RAWLS
JIM BURNS	BUTCH KIRVEN
XANTHENE NORRIS	LIZ SEMAN

**COUNCIL MEMBER(S) ABSENT:**

NONE

**STAFF PRESENT:**

JOE KERNELL, County Administrator  
MARK TOLLISON, County Attorney  
THERESA KIZER, Clerk to Council  
REGINA MCCASKILL, Deputy Clerk to Council  
PAULA GUCKER, Assistant County Administrator, Public Works  
TOM MEEKS, Planning Department  
BOB MIHALIC, Governmental Relations Officer  
JOHN OWINGS, Planning Department  
SHANNON HERMAN, Assistant to County Administrator  
BRENDA JAMES, Assistant to Director Planning and Code Compliance  
HERB YINGLING, Deputy Building Official/Principal Plan Examiner

**OTHERS PRESENT:**

NONE

**CALL TO ORDER**

Chairman Bob Taylor

**INVOCATION**

Councilor Jim Burns

## PLEDGE OF ALLEGIANCE

### Item (4)

#### APPROVAL OF MINUTES

**ACTION:** Councilor Rawls made a motion to approve the April 2, 2013, County Council minutes.

Motion carried unanimously by all County Council Members present.

### Item (5)

#### INTRODUCTION

Councilor Dill introduced the new Upcountry History Museum/Furman University, Executive Director, Dana Thorpe. He stated Ms. Thorpe would give ideas on the future of the Upcountry Museum at a future Committee of the Whole meeting.

Ms. Thorpe stated the newly formed partnership between Furman University and The Upcountry History Museum was innovative and was envied by museums throughout the country. Ms. Thorpe gave thanks to Greenville County and its citizens for financial support.

### Item (6)

#### PUBLIC HEARINGS

##### **(a) Donation Box Requirements**

A public hearing was held for the purpose of receiving public comments regarding an ordinance requiring a person or entity locating a receptacle in Greenville County for donated clothing, footwear or household goods, to clearly display certain information on the receptacle.

- Reid Lehman, 1918 Bethel Road, Simpsonville – appeared in favor of the proposed
- Jim Marshall, 1621 Poplar Drive, Greer – appeared in favor of the proposed

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

##### **(b) Adoption of the Administrative Portions of the Collective Building Codes; Associated Appendix; Property Maintenance and Swimming Pool Codes**

A public hearing was held for the purpose of receiving public comments regarding an ordinance to comply with the directives of the South Carolina Building Codes Council by repealing Ordinance Number 4198 and adopting the Administrative Provisions (Chapter 1) of the various codes promulgated by the South Carolina Building Codes Council relating to design review and inspection activities of the County of Greenville and enforcement of building provisions as provided in said codes; and, an ordinance to adopt the Property Maintenance Code, the Standard Swimming Pool Code and existing Building Code in Greenville County as authorized by the South Carolina Building Codes Council; and to adopt certain appendices of the adopted codes to recognize certain variations in the codes based on physical conditions found within Greenville County; and further, to repeal Ordinance Number 3440 to establish procedures, areas, authorities, and rules for the Greenville County Codes Department relating to code enforcement. And repeal Ordinances

Numbers 178, 325, and 376; and further, to repeal Ordinance Number 4288 to comply with the directives of the South Carolina Building Codes Council to implement the National Electrical Code, 2008 Edition, as published by the National Fire Protection Association; and to adopt the necessary provisions to administer and enforce this regulatory code in the County of Greenville.

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

**Item (7) APPEARANCES**

There were no speakers.

**Item (8) CONSENT AGENDA**

- (a) **Community Project/ Piedmont Park Fire District – Air Monitoring Equipment (\$2,533.40)**
- (b) **Community Project / Slater Marietta Fire Department – CAD Interface for Emergency Reporting (\$14,940.00)**
- (c) **Former Greenville Northern Railroad Right-of-way for Springs Park Public Sewer Project**

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

Motion carried unanimously all County Council Members present.

**Item (9) RESOLUTION**

- (a) **Resolution Regarding Solid Waste Flow Control**

**ACTION:** Councilor Cates moved to suspend the rules to allow discussion regarding solid waste flow control.

Motion to suspend the rules carried unanimously by all County Council Members present.

**ACTION:** Councilor Burns moved for adoption a resolution in opposition to House Bill 3290 and Senate Bill 203 currently pending before the South Carolina General Assembly.

Councilor Cates explained the issue that precipitated the introduction of the bill.

**ACTION:** Councilor Cates moved to amend the resolution by striking from the 4<sup>th</sup> paragraph (*to ultimately increase the costs of solid waste disposal to Greenville County citizen's by creating*), so it would now read (*Greenville County Council believes that the effect of H. 3290 and S. 203 would be created conditions that diminish Greenville's long-term investment in public solid waste systems*)

Councilor Burns accepted Councilor Cates' amendment as a friendly amendment.

Councilor Baldwin stated he was in favor of home rule and in favor of competition.

Mr. Kernell stated if passed, the bills would affect Greenville County. He stated currently there was no franchise for trash collection in Greenville County. The proposed bills would affect franchise fees in the future.

Councilor Burns stated the legislation gave the State the power to mandate the County's intake ability to Greenville County landfills. He stated the State would have control of the landfills.

Mr. Kernell stated the proposed had the possibility to prevent transporting trash outside the County.

Councilor Kirven stated trash collection was currently competitive in Greenville County.

Councilor Baldwin asked if the County had the ability to pass an ordinance mandating the trash collection site as Twin Chimneys.

Mr. Kernell stated although he did not anticipate that happening, the County did have the ability to set up a franchise system designating a specific collection site. Currently the proposed bills would not affect Greenville County because they were the receiver of trash, but if mandates changed due to the proposed bills, it could influence the County.

Councilor Payne stated even though he would vote in favor of the proposed, he felt it would not alter the outcome of the State's vote.

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

**Item (10)**

**ORDINANCES – SECOND READING**

**(a) Zoning Ordinances**

1. **CZ-2013-7**, Property of Mina Kelada located on Anderson Road requesting rezoning from R-M20 to C-3. The Planning Commission and Committee recommended denial.

**ACTION:** On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

Councilor Norris moved to hold the item.

Motion to hold, carried unanimously by all County Council Members.

2. **CZ-2013-8**, Property of Jack Suttles located on Hallcox Street requesting rezoning from R-20 to R-7.5. The Planning Commission and Committee recommended approval.

**ACTION:** On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

Motion carried unanimously by all County Council Members.

3. **CZ-2013-9**, Property of Angela Hurks located on S. Washington Avenue requesting rezoning from S-1 to C-1. The Planning Commission and Committee recommended approval.

**ACTION:** On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

Motion carried unanimously by all County Council Members.

4. **CZ-2013-10**, Property of Harry James Creasy located on W. Warehouse Court requesting rezoning from R-MA to S-1. The Planning Commission and Committee recommended approval.

**ACTION:** On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

Motion carried unanimously by all County Council Members.

5. **CZ-2013-11**, Property of Tommy Thompson located on W. Warehouse Court at Waddell Road requesting rezoning from R-M20 to I-1. The Planning Commission and Committee recommended approval.

**ACTION:** On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

Motion carried unanimously by all County Council Members.

6. **CZ-2013-12**, Property of Greg Saad located on S. Washington Avenue requesting rezoning from C-1 to S-1. The Planning Commission and committee recommended approval.

**ACTION:** On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

Motion carried unanimously by all County Council Members.

7. **CZ-2013-13**, Property of Donald Ausmus located on Shelter Court/Drive requesting rezoning from I-1 to S-1. The Planning Commission recommended denial and the Committee recommended approval.

**ACTION:** On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

Councilor Payne stated he appreciated the information presented by the property owner.

Councilor Cates stated he visited the site and a good part of the land was a floodplain area. He stated he did not think rezoning was appropriate for the area.

Councilor Burns stated he did not agree with changing the land use. He stated the area was surrounded by industrial type uses.

The motion as presented was denied by a vote of five in favor (Gibson, Payne, Dill, Baldwin, Norris) and seven in opposition (Seman, Rawls, Kirven, Meadows, Cates, Burns, Taylor).

8. **CZ-2013-15**, Property of John Meeks located on Batesville Road and Highway 14 requesting rezoning from PD to PD Major Change for Signage Only. The Planning Commission and Committee recommended approval with conditions.

**ACTION:** On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

**AMENDMENT:** Councilor Dill moved to amend the request by adding the following amendments:

1. Existing free standing signage on the site may be rebuilt at the same scale (height and width) and location with one additional free standing sign for each of the two strip shopping buildings permitted, one for the vacant parcel, and a free standing sign for the day care.
2. Building signage can remain as permitted in the original PD with the current signs on site allowed to remain, be replaced, or be refaced with the same style of signage.
3. Tenants may change to channel letters not to exceed 48 square feet per sign per tenant space. Corner tenants with secondary frontage are permitted to have an additional building sign on the side of their unit. In addition, if a tenant occupies what is equal to more than one tenant space, they may increase the size of their sign(s) by 100% of the maximum allowable or 96 square feet.
4. No electronic reader boards are permitted.

Motion to amend carried unanimously by all County Council Members.

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

Motion as amended carried unanimously by all County Council Members.

**(b) Donation Box Requirement**

**ACTION:** Councilor Payne moved for approval at second reading an ordinance requiring a person or entity locating a receptacle in Greenville County for donated clothing, footwear or household goods, to clearly display certain information on the receptacle.

**ACTION:** Councilor Payne moved to refer the item back to the Public Works and Infrastructure Committee.

Motion carried unanimously by all County Council Members.

(c) **Adoption of the Administrative Portions of the Collective Building Codes; Associated Appendix; Property Maintenance and Swimming Pool Codes**

**ACTION:** Councilor Payne moved for approval at second reading an ordinance to comply with the directives of the South Carolina Building Codes Council by repealing Ordinance Number 4198 and adopting the Administrative Provisions (Chapter 1) of the various codes promulgated by the South Carolina Building Codes Council relating to design review and inspection activities of the County of Greenville and enforcement of

building provisions as provided in said codes; and, an ordinance to adopt the Property Maintenance Code, the Standard Swimming Pool Code and existing Building Code in Greenville County as authorized by the South Carolina Building Codes Council; and to adopt certain appendices of the adopted codes to recognize certain variations in the codes based on physical conditions found within Greenville County; and further, to repeal Ordinance Number 3440 to establish procedures, areas, authorities, and rules for the Greenville County Codes Department relating to code enforcement. And repeal Ordinances Numbers 178, 325, and 376; and further, to repeal Ordinance Number 4288 to comply with the directives of the South Carolina Building Codes Council to implement the National Electrical Code, 2008 Edition, as published by the National Fire Protection Association; and to adopt the necessary provisions to administer and enforce this regulatory code in the County of Greenville.

Motion carried unanimously by all County Council Members.

(d) **Board and Commission Members / Recusal Ordinance**

**ACTION:** Councilor Meadows moved for approval at second reading an ordinance to amend Section 2-83 of the Greenville County Code to prohibit County board and commission members from participation in matters of economic interest; to provide for written disclosure, recusal, and reporting of conflicts; and removal of members for violations.

**AMENDMENT:** Councilor Meadows moved to amend the title by removing the word “of” and inserting the words “involving their” after “matters”.

Motion to amend carried unanimously by all County Council Members.

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

Motion to allow for amendments at third reading carried.

The motion as amended carried by a vote of ten in favor (Seman, Gibson, Rawls, Kirven, Payne, Baldwin, Cates, Burns, Taylor, Norris) and two in opposition (Dill, Meadows).

**Item (11) ORDINANCES – FIRST READING**

**Zoning Ordinances**

Councilor Dill presented for first reading Zoning Dockets CZ-2013-16 and CZ-2013-17.

Chairman Taylor referred the items to the Planning and Development Committee.

**(b) Anderson / Greenville MCIP Agreement / Project EMB**

Councilor Meadows presented for first reading an ordinance to develop a jointly owned and operated industrial/business park (SMF-SC,LLC) 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, et sequitur, 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 locating in said park; and to permit a user fee in lieu of Ad Valorem taxation within said park.

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

**Item (12) BOARDS AND COMMISSIONS ELECTIONS**

**(a) Greenville Area Development Corporation (3 vacancies)**

Chairman Taylor stated Marshall Franklin, Mary Ann Pires and Thomas Quantrille were elected to fill the three vacancies on the Greenville Area Development Corporation.

**Item (13) COMMITTEE REPORTS**

There were no further Committee Reports.

**Item (14) APPEARANCES**

- Frances Moore, 230 Gap Creek Road, Marietta – appeared regarding the River Falls Fire District
- Ed Paxton, 1 York Circle, Greenville – appeared regarding the advertising of the sale of County assets

**Item (15) ADMINISTRATOR'S REPORT**

County Administrator Joe Kernell stated House Bill 3265 reduced the tax rate ratio/assessment ratio from 10.5 to 6% for manufactured property and business personal properties. He stated staff had been in contact with members of the Greenville Delegation regarding the impact this bill would have. SCAC has also been very involved in trying to get across to the delegations just how significant this bill will be. It has been estimated that over the four-year phase-in period, it could cost the local governments \$182 million. Mr. Kernell stated Greenville County has calculated the cost due to the argument that most of the properties were in FILOT agreements and it has been determined that Greenville County has about \$75 million of assessed property in FILOT agreements but the remaining \$105 million was not. He stated the bill would have a direct annual impact to Greenville County in the amount of \$2.2 million. The school district would lose about \$8 million annually, totaling \$10 million lost between just the two entities and there were many others. Mr. Kernell felt this was something the County should strongly oppose and felt they should try to convince the Delegation the bill was not a good thing, especially in light



of the current short-falls in the budget which were mostly due to previous mandates generated by Columbia.

Councilor Kirven asked if passed, would local governments be forced to increase taxes to make up the difference of the shortfall.

Mr. Kernell stated when state tax laws changed, the costs were shifted to local governments. He stated when caps were changed, the costs would be shifted to lower income level citizens.

Councilor Dill stated he was adamantly against raising taxes on the citizens of Greenville County. He suggested drafting a resolution.

Mr. Kernell was directed to write a strong letter of opposition to the bill and to circulate it among Council members in the next few days.

**Item (16)**

**REQUESTS AND MOTIONS**

- Councilor Seman stated SCTAC's tenant Carbures just announced a \$4 million expansion and 100 new jobs, which was their second major investment in the last two years.
- Chairman Taylor acknowledged Ms. Seman regarding her new position with Furman University.
- Councilor Kirven expressed his appreciation to everyone for their prayers for Diane's recovery from her recent surgery.
- Councilor Payne stated the GCEDC recently created an Ad Hoc Advisory Committee and was in the process of formulating the guidelines for that Committee. They would like to have 5 to 15 people on the Committee to help make plans and decisions regarding the railroad right-of-way. He stated his desire was for some of those applicants who applied for GADC, but were not appointed, to consider serving the economic development of Greenville County by volunteering for this Ad Hoc Advisory Committee.
- Councilor Burns requested a copy of the GADC ballots be placed in the Council packets on Friday.
- Councilor Meadows wished Joel Dill a Happy Birthday.

**Item (17)**

**ADJOURNMENT**

**ACTION:** Councilor Norris moved to adjourn the meeting at 7:13 p.m. Motion carried unanimously by all County Council members present.

Respectfully submitted:

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Theresa Kizer, Clerk to Council