

**MINUTES  
GREENVILLE COUNTY COUNCIL  
MAY 7, 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  
JOHN HANSLEY, Deputy County Administrator  
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  
SHANNON HERMAN, Assistant to County Administrator  
JEFF WILE, Assistant County Attorney  
DEAN CAMPBELL, Assistant County Attorney  
JIM DORRIETY, Assistant County Administrator, Public Safety  
SANDRA YUDICE, Assistant to the County Administrator  
TERESA BARBER, Fire Code Official/Code Enforcement Supervisor

**OTHERS PRESENT:**

NONE

**CALL TO ORDER**

Chairman Bob Taylor

**INVOCATION**

Councilor Bob Taylor

## **PLEDGE OF ALLEGIANCE**

### **Item (4)**

#### **APPROVAL OF MINUTES**

**ACTION:** Councilor Kirven moved to approve the April 16, 2013 County Council minutes.

Motion carried unanimously by all County Council Members.

### **Item (5)**

#### **RECOGNITION**

Councilor Seman recognized Scout Matthew Lower and Scout Walker Suer who were working on their citizenship badge.

### **Item (6)**

#### **PUBLIC HEARINGS**

##### **(a) Langston Charter Middle School / JEDA Bonds**

A public hearing was held for the purpose of receiving public comments regarding a resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (Langston Charter Middle School, Inc. Project) Series 2013, Pursuant to the provisions of Title 41 Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$6,550,000.

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

##### **(b) Anderson / Greenville Multi County Industrial Business Park Agreement / SMF-SC, LLC (formerly Project EMB)**

A public hearing was held for the purpose of receiving public comments regarding 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.

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

### **Item (7)**

#### **APPEARANCES**

- Seth Powell, 108 Andrews Street, Greenville – appeared regarding Board and Commission Recusal Ordinance
- Jan Williams, 6 Crabapple Court, Greenville – appeared regarding Consent Agenda and Board and Commission Recusal Ordinance
- Jim Hargett, 359 Reedy Fork Road, Greenville – appeared regarding Waste Tire Grant

**Item (8)**

**CONSENT AGENDA**

- (a) Paul Coverdell Forensic Science Improvement Grant**  
**Total Grant Request \$26,151 / County Match = \$0**
- (b) FY2014 Justice and Mental Health Collaboration Program**  
**Total Grant Request \$218,627.14 / County Match = (20%) \$43,725.43**
- (c) FY2014 Used Oil Grant**  
**Total Grant Request \$7,750.00 / County Match = \$0**
- (d) FY2014 Waste Tire Grant**  
**Total Grant Request \$54,080.65 / County Match = \$0**
- (e) Redevelopment Authority – FY2013 Annual Action Plan**
- (f) Community Project Application – Aviation Park at Greenville Downtown Airport - \$10,000**

**ACTION:** Councilor Kirven moved approval of the Consent Agenda items.

Councilor Baldwin requested Item 8 (B) be removed from the Consent Agenda.

Motion to approve the remaining Consent Agenda items carried unanimously all County Council Members.

**Item (9)**

**RESOLUTION**

- (a) Langston Charter Middle School / JEDA Bonds**

**ACTION:** Councilor Meadows moved for adoption a resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (Langston Charter Middle School, Inc. Project) Series 2013, Pursuant to the provisions of Title 41 Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$6,550,000.

Councilor Gibson stated she had an issue with some charter schools being one race or one religion.

Motion as presented carried with eleven voting in favor and one in opposition (Gibson).

**Item (10)**

**ORDINANCES – THIRD READING**

- (a) Zoning Ordinances**

- 1. CZ-2013-8, Property of Jack Suttles located on Hallcox Street requesting rezoning from R-20 to R-7.5.**

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

Motion carried unanimously by all County Council Members.

2. **CZ-2013-9**, Property of Angela Hurks located on S. Washington Avenue requesting rezoning from S-1 to C-1.

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

Motion carried unanimously by all County Council Members.

3. **CZ-2013-10**, Property of Harry James Creasy located on W. Warehouse Court requesting rezoning from R-MA to S-1.

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

Motion carried unanimously by all County Council Members.

4. **CZ-2013-11**, Property of Tommy Thompson located on W. Warehouse Court at Waddell Road requesting rezoning from R-M20 to I-1.

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

Motion carried unanimously by all County Council Members.

5. **CZ-2013-12**, Property of Greg Saad located on S. Washington Avenue requesting rezoning from C-1 to S-1.

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

Motion carried unanimously by all County Council Members.

6. **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 with conditions.

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

Motion carried unanimously by all County Council Members.

**(b) Board and Commission Member / Recusal Ordinance**

**ACTION:** Councilor Meadows moved for adoption at third 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 Dill moved to amend the proposed ordinance by adding the following: All members of Boards and Commissions shall give the source and type of all income received that is confirmed on a W-2, K-1, 1099, or any other reporting form used by the Internal Revenue Service for the disclosure of income. The source, type, and amount or value of all income received by the member, a business with which he is associated or a family member must be disclosed. All present members of Boards or Commissions shall file the income disclosure form by July

1, 2013. After the initial filing, the disclosure of income form must be filed by each Board or Commission member by May 1 of each year. Applicants for a position on a Board or Commission shall file the disclosure of income with their application.

Councilor Burns suggested deleting “amount or value” from the proposed amendment.

Councilor Dill accepted Councilor Burns’ suggestion as a friendly amendment.

Councilor Dill stated the forms would be filed with the Clerk to Council’s office.

After a brief discussion, Councilor Dill included the term “immediate family” to more define family member.

Councilor Payne asked if Boards and Commissions members filed a Statement of Economic Interest.

Councilor Burns stated the Boards and Commissions set up by the State had to file a Statement of Economic Interest.

Councilor Payne suggested County Council wait until the State of South Carolina made a decision with an item currently in discussion in relation to defining family members.

Councilor Burns stated he thought it was illegal to ask an individual to turn in IRS forms for the purpose of a Boards and Commission position.

Mr. Kernell stated having personal information on file would be a major concern. He stated the State’s Statement of Economic Interest form was filed online without a Social Security number or other identifying information.

Councilor Meadows stated what Councilor Dill presented was similar to the proposed State Law. With the amendments, he felt it was a good ordinance to pass.

Councilor Baldwin suggested the County copy the State’s Statement of Economic Interest form to use for Boards and Commissions and request it be filed in the County Council Clerk’s Office.

Councilor Cates suggested they only ask for the name of the companies with whom they received income, without revealing the amount.

Councilor Dill stated the same rules that apply to County Council should also apply to Boards and Commissions.

Councilor Burns stated although he agreed with the intent, he did not agree with the particular form. He was not sure where or how the proposed amendment would fit into the proposed ordinance. He then inquired about those persons who file for an extension with the IRS; how would those be handled.

Councilor Dill’s motion to amend was denied by a vote of four in favor (Rawls, Dill, Meadows, Cates) and eight in opposition (Gibson, Kirven, Payne, Baldwin, Burns, Taylor, Norris, Seman).

**ACTION:** Councilor Meadows moved to hold the item until the State of South Carolina made a decision on a comparable legislative bill currently on their floor.

Councilor Cates asked if the legislative bill passed, would it affect County Council.

Councilor Baldwin stated it would not affect the boards and Commission, but would affect County Council.

The motion to hold was denied by a vote of four in favor (Gibson, Dill, Meadows, Cates) and eight in opposed (Rawls, Kirven, Payne, Baldwin, Burns, Taylor, Norris, Seman).

**AMENDMENT:** Councilor Baldwin moved to amend by adding all Boards and Commissions Members submit to the Clerk to County Council's Office, a form equal to the State's Statement of Economic Interest form.

Councilor Seman asked if it were possible to modify the County's application for Boards and Commissions to provide income disclosure information.

Councilor Baldwin stated the point of his proposed amendment was Boards and Commissions Members would comply with the requirements of all elected officials. He stated ethics was about honesty and they would have to trust that individuals to make notification of their conflicts of interest.

Councilor Kirven asked if it were possible to act on the proposed ordinance and make revisions at a later date if deemed necessary. He stated he agreed with County Council waiting on the State to make a decision before voting on the ordinance.

Councilor Baldwin stated he felt the County had the ability to draft a form to put online for the Boards and Commissions applicants to file disclosing economic interest information in relation to conflict of interest.

Councilor Kirven stated once the State law was decided, County Council would know how to proceed.

Councilor Burns suggested directing the County Administrator / County Attorney to report to the Committee of the Whole of the State's decision.

Councilor Rawls called for the question.

Motion to call for the question carried with one in opposition (Payne).

Motion to amend was denied by a vote of four in favor (Gibson, Dill, Meadows, Baldwin) and eight in opposition (Rawls, Kirven, Payne, Cates, Burns, Taylor, Norris, Seman).

The motion as presented was on the floor.

Councilor Dill stated an item was held in the Committee of the Whole meeting earlier that evening, per the outcome of said item in the County Council meeting. He stated if the proposed ordinance carried, the intended outcome of the item held in the Committee of the Whole would not be feasible; he encouraged everyone to vote in opposition.

Councilor Seman called for the question.

Motion to call for the question carried unanimously.

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

**(c) Adoption of the Collective Building Codes, Property Maintenance and Swimming Pool Code, and Related Administrative Provisions**

**ACTION:** Councilor Payne moved to suspend the rules to allow for amendment at third reading.

Motion carried unanimously.

**ACTION:** Councilor Dill moved for adoption at third 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.

**AMENDMENT:** Councilor Payne moved to amend the title of the proposed ordinance by replacing “directives of” with “regulations promulgated by.”

Motion to amend carried unanimously.

Motion as amended carried unanimously.

**Item (10)**

**ORDINANCES – SECOND READING**

**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 stated she was in favor of the rezoning. She stated the purpose for the request was to allow the family of a disabled father to open a mechanic shop and a car dealership.

Motion as presented carried unanimously.

**Anderson / Greenville Multi County Industrial Park Agreement / SMF-SC, LLC  
(Formerly Project EMB)**

**ACTION:** Councilor Meadows moved for approval at second 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.  
Motion carried unanimously.

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

**(a) Greenville County Disabilities and Special Needs Board Ordinance**

This item was held in the Committee of the Whole meeting, therefore no action was required.

**Item (12) COMMITTEE REPORTS**

**Item (7) (B) Consent Agenda**

**FY2014 Justice and Mental Health Collaboration Program**

Councilor Baldwin asked if the program was for incarcerated inmates.

Mr. Kernell stated the purpose of the item was to provide additional mental health and addiction services to females and juvenile offenders while incarcerated. He stated the Detention Center had a successful mental health and drug treatment program within the facility. He stated the County Detention Center was the only facility in the state that was DHEC licensed. Funds would go toward counseling, treatment and education.

Chairman Taylor stated Greenville County had \$300,000 annually in line item funds to go toward grant matching for the program.

Councilor Gibson stated she agreed with the allotment of funds. She called for the question.

Motion as presented carried unanimously.

**Item (13) APPEARANCES**

- Jack Logan, 5051 Old Augusta Road, Greenville – appeared regarding the Sheriff's Office



**Item (14)**

**ADMINISTRATOR'S REPORT**

County Administrator Joe Kernell informed Council Members of the 2013 Cardiac Survivors Ceremony which would be held on Friday, May 10<sup>th</sup> at 2:00 p.m. at the Embassy Suites.

**Item (15)**

**REQUESTS AND MOTIONS BY COUNCIL MEMBERS**

- Councilor Gibson asked her colleagues to help acquire funding for the Sheriff's Office in order to put additional deputies on the street in District 25. She stated her district just experienced it's 13<sup>th</sup> killing this year. Ms. Gibson stated she was trying to reorganize the community and they were kicking off a project called "107 Days of Non-Violence."
- Councilor Kirven wished Mr. Burns a Happy Birthday.
- Councilor Payne invited Mr. Jim Marshall (the speaker who was not allowed to speak on the matter of Donation Boxes because of its previous public hearing) to his next Public Works and Infrastructure Committee meeting where he would be allowed to make his comments.
- Mr. Payne announced Innoventure 2013 would start in the morning. He encouraged his colleagues to get registered. He then stated he and Ms. Norris were to be involved in a workshop regarding Connectivity and PRT (public rapid transit). The workshop would be held on Thursday from 5:00 - 8:00 p.m. and then on Friday from 8:00 - 12:00 noon at the University Center and it was open to the public.
- Councilor Dill stated he was reflecting on how they could differ on issues but then they could always come together to sing Happy Birthday in unison.
- Councilor Baldwin informed Council Members of a deed recording scam that had been discovered. He inquired of staff how they could get the word out.
- Chairman Taylor announced his appointment of Hunter Howard to another term on the Greenville Area Development Corporation.
- Councilor Norris stated they were currently dealing with homeless people on Pete Hollis Blvd. She stated near there was a center called the Way-Back Center which was open 7 days a week. The center provided lunch and a devotional service; they also provided transitional housing. She stated the center was having trouble finding funding. She encouraged her colleagues to visit the center and consider assisting them with their funding.
- Councilor Dill stated through everyone's affiliations with the various churches and organizations, they should be able to help find some funding for this center.
- Councilor Seman stated SCTAC hosted the 2013 Glider Challenge Competition for 8<sup>th</sup> grade students across the Upstate on April 25<sup>th</sup>. She stated the Glider Challenge was the capstone of the STEM (Science, Technology, Engineering and Mathematics) Education Program for all 8<sup>th</sup> graders; 18 teams competed.

**Item (16)**

**ADJOURNMENT**

**ACTION:** Councilor Seman moved to adjourn the meeting at 7:24 p.m. Motion carried unanimously by all County Council Members.

Respectfully submitted:

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Theresa Kizer, Clerk to Council