

**MINUTES
GREENVILLE COUNTY COUNCIL
OCTOBER 1, 2013
COUNCIL CHAMBERS
6:04 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	SID CATES
VICE CHAIRMAN WILLIS MEADOWS	LOTTIE GIBSON
JOE DILL	XANTHENE NORRIS
FRED PAYNE	BUTCH KIRVEN
JOE BALDWIN	LIZ SEMAN
JIM BURNS	DAN RAWLS

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
BOB MIHALIC, Governmental Relations Officer
KIMBERLY WUNDER, Assistant County Attorney
SANDRA YUDICE, Assistant to the County Administrator

OTHERS PRESENT:

NONE

CALL TO ORDER

Chairman Bob Taylor

INVOCATION

Chaplin George Aikens
American Legion, Post 3

PLEDGE OF ALLEGIANCE

COMMENT

Chairman Taylor commented on the World War II Honor Flight Veterans who requested to view the Veteran's Memorial in Washington, DC despite it being closed due to the shutdown of the Federal Government.

Item (4)

APPROVAL OF MINUTES

ACTION: Councilor Meadows moved to approve the minutes of the September 17, 2013 County Council meeting.

Motion carried unanimously.

Item (5)

PUBLIC HEARINGS

(a) Metropolitan Sewer Subdistrict Annexation / Property Adjacent to Morton Road

A public hearing was held for the purpose of receiving public comment regarding a resolution to enlarge the boundaries of the Metropolitan Sewer Subdistrict to include the real property designated as Greenville County Tax Map Number 0559.03-01-003.00, and to provide for public notice thereof.

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

(b) Ordinance to Reflect the Correct Section of the Adopted Property Maintenance Code

A public hearing was held for the purpose of receiving public comment regarding an ordinance to update the Greenville County Code concerning the regulation of rubbish and litter to reflect the correct section of the adopted Property Maintenance Code.

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

(c) Project Single / Fee in Lieu of Tax Agreement

A public hearing was held for the purpose of receiving public comment regarding an ordinance authorizing an amendment to a Fee-in-Lieu of Ad Valorem Taxes Agreement by and between Greenville County, South Carolina, and an entity known to the County at this time as Project Single, to provide for an extension of the investment period and an increase and extension of the Special Source Revenue Credit benefits thereunder; and to enter into such other necessary agreements or amendments to effect the intent of this ordinance; and other related matters.

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

Item (6)

APPEARANCES

There were no speakers.

Item (7)

CONSENT AGENDA

- (a) **2013 Local Emergency Management Performance Grant (Finance)**

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

Motion carried unanimously.

Item (8)

RESOLUTIONS

- (a) **Project Cherry Blossom /Inducement Resolution**

ACTION: Councilor Meadows moved for adoption an inducement resolution with respect to Project Cherry Blossom.

Motion carried unanimously.

- (b) **Metropolitan Sewer Subdistrict Annexation / Property Adjacent to Morton Road**

ACTION: Councilor Payne moved for adoption a resolution to enlarge the boundaries of the Metropolitan Sewer Subdistrict to include the real property designated as Greenville County Tax Map Number 0559.03-01-003.00, and to provide for public notice thereof.

Motion carried unanimously.

Item (9)

ORDINANCES – THIRD READING

- (a) **Ordinance to Reflect the Correct Section of the Adopted Property Maintenance Code**

ACTION: Councilor Payne moved for adoption at third reading an ordinance to update the Greenville County Code concerning the regulation of rubbish and litter to reflect the correct section of the adopted Property Maintenance Code.

Motion carried unanimously.

- (b) **Greenville County Disabilities and Special Needs Board**

ACTION: Councilor Meadows moved for adoption at third reading an ordinance to amend Ordinance No. 2378, as amended, to establish a Board of Directors for the Greenville County Disabilities and Special Needs Board; to define the membership, terms and appointment of board members; and to provide for the dissolution of the Interim Board of Directors.

Motion carried unanimously.

Item (10)

ORDINANCES – SECOND READING

(a) Zoning Ordinances

- 1. CZ-2013-25**, Property of Gary Morris located at 25 Draper Street (Brandon Mill) requesting rezoning from O-D and I-1 to PD. The Planning Commission and Committee recommended approval.

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

ACTION: At the request of the applicant, Councilor Dill moved to hold the item until October 15th.
Motion to hold carried unanimously.

- 2. CZ-2013-29**, Property of Spencer Bennett located at 4A Boling Road requesting rezoning from C-1 to C-2. 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 Cates stated Greenville County staff made a mistake and he hoped an apology had been given to Mr. Bennett. He stated the community had voiced their opposition of the rezoning of the property. Councilor Cates stated a college dormitory was located 450 feet from the property. He encouraged County Council to deny the proposed rezoning.

Councilor Gibson stated, at the direction of Greenville County staff, Mr. Bennett had invested in opening a liquor store; therefore, she was in favor of the proposed rezoning. She stated going into a liquor store was a choice.

Councilor Cates stated the proposed rezoning was approximately 450 feet away from a Presbyterian Seminary.

Councilor Baldwin stated he wanted to follow staff's recommendations. He stated although he understood Mr. Bennett was given miss-information, zoning decisions had to be based on facts.

Councilor Norris stated based on a staff mistake, the applicant invested monies with the intention of opening a liquor store. She stated the County was accountable for the miss-information given to the applicant.

Councilor Burns asked had Mr. Bennett obtained a state liquor license and had he met the standards of state law.

Chairman Taylor stated distance requirements were not always adhered to.

Councilor Dill stated the proposed item was a moral issue. He stated alcohol in any form was not good for the body.

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

3. **CZ-2013-30**, Property of Faby Broce located on Reedy Fork Road requesting rezoning from R-R1 to R-S. The Planning Commission and Committee recommended denial.

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

Motion was denied unanimously.

4. **CZ-2013-31**, Property of Shawn Kruglewicz located on Sandy Springs Road requesting rezoning from R-R1 to R-S. The Planning Commission and Committee recommended denial.

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

Motion was denied unanimously.

5. **CZ-2013-32**, Property of Chip Fogleman located on Log Shoals Road requesting rezoning from R-S to R-12. 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.

6. **CZ-2013-34**, Property of Lynn Solesbee located on Augusta Arbor Way requesting rezoning from C-2 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.

7. **CZ-2013-35**, Property of Bell Carrington & Price LLC located at 1504 Brushy Creek Road requesting rezoning from POD to PD. The Planning Commission and Committee recommended approval as amended.

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

AMENDMENT: Councilor Dill moved to amend the request so that the landscaping, lighting, signage and architectural features of Hudson Center PD would apply to this property.

Motion to amend carried unanimously.

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

ACTION: Councilor Burns moved to hold the item until the next County Council meeting, which would allow additional time for research.

Motion to hold carried unanimously.

8. CZ-2013-36, Property of Cindy Cason or Shelly Vinson located on 410 Haywood Road requesting rezoning from S-1 to C-3. The Planning Commission and Committee recommended approval.

ACTION: On behalf of the Committee, Dill moved approval of the ordinance at second reading. Motion carried unanimously.

(b) Comprehensive Plan Amendment to Expand the Eastern Boundary of Priority Investment Area Three (CP-2013-2)

ACTION: Dill moved for approval at second reading an ordinance to amend the Greenville County Comprehensive Plan by expanding the eastern boundary of Priority Investment Area three. The Planning Commission and Committee recommended approval.

Motion carried unanimously.

(c) Project Single / Fee-in-Lieu-of-Tax Agreement

ACTION: Councilor Meadows moved for approval at second reading an ordinance authorizing an amendment to a Fee-in-Lieu of Ad Valorem Taxes Agreement by and between Greenville County, South Carolina, and an entity known to the County at this time as Project Single, to provide for an extension of the investment period and an increase and extension of the Special Source Revenue Credit benefits thereunder; and to enter into such other necessary agreements or amendments to effect the intent of this ordinance; and other related matters.

ACTION: Councilor Burns moved to send the item back to the Finance Committee.

Motion carried unanimously.

(d) Fire District Operating Millage Referendum

ACTION: Councilor Meadows moved for approval at second reading an ordinance to provide a process whereby certain County-created fire districts and certain State-created fire districts may conduct operating millage referenda; and other matters related thereto.

Chairman Taylor thanked the Fire District Financing Ad Hoc Committee for their efforts and dedication in producing the proposed ordinance.

AMENDMENT: Councilor Dill moved to amend the proposed ordinance by inserting verbiage mandating a referendum to allow for a tax increase.

Councilor Kirven stated the proposed ordinance was an effort to give fire districts the opportunity to have better finance management and it would also add an incentive to minimize requests made to County Council for increases in millage.

Councilor Dill stated the verbiage in the proposed ordinance stated the County would pay for the cost of the referendum for a permanent millage.

Councilor Meadows stated the Committee of the Whole discussed having a referendum to allow the residents the opportunity to vote to determine whether or not they wanted a one-cent sales tax to fund road projects. He stated it was the same concept for the fire districts. Residents should make the decision if their taxes would be increased.

Councilor Burns stated a referendum would cost the County more than a fire district proposing a specified amount to County Council. He stated restricting increases to “by referendum only” was removing some of the responsibility from County Council, which he did not agree with.

Councilor Seman stated the proposed ordinance was presented after a lot of hard work and discussions from the ad hoc committee and fire districts.

Councilor Baldwin asked when the election would be held.

Mr. Tollison stated the election would occur in the odd year of the General Election.

Councilor Kirven stated the proposed ordinance would set a procedure, as well as planning and financial management. He urged County Council to approve the proposed ordinance.

Councilor Gibson called for the question.

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

Motion as presented carried unanimously by a roll call vote.

(e) Lease Agreement / University of South Carolina – Children’s Law Center

ACTION: Councilor Meadows moved for approval at second reading an ordinance to authorize and direct the Chairman of County Council and the County Administrator to execute a lease with the University of South Carolina – Children’s Law Center for the use of available office space at County Square.

Motion carried unanimously.

Item (11)

ORDINANCES – FIRST READING

(a) Project Cherry Blossom / Fee in Lieu of Tax Agreement

Councilor Meadows presented for first reading an ordinance authorizing the execution and delivery of a Fee Agreement by and between Greenville County, South Carolina and a Company known to the County at this time as Project Cherry Blossom with respect to certain economic development property, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto.

Chairman Taylor stated the item would remain on the floor until the next County Council meeting.

(b) City of Greer Fire Department Agreement

Councilor Meadows presented for first reading an ordinance to authorize the execution of a contract with the City of Greer for the provision of fire protection services to Greer Fire Service Area; and other mater related thereto.

Chairman Taylor stated the item would remain on the floor until the next County Council meeting.

Item (12)

COMMITTEE REPORTS

(a) Committee of the Whole

1. Board and Commission Appointments

ACTION: On behalf of the Committee, Councilor Meadows moved to close nominations and elect the following by acclamation:

a. Accommodations Tax Advisory Committee (5 vacancies)

Kris Bryant (D.18)
Katherine Davis (D.24)
Michael Heater (D.21)
Joyce McCarrell (D.22)

b. Economic Development Corporation (1 vacancy / at-large seat)

Peter Strub (D.17)

c. Research and Technological Development Corporation (1 vacancy)

Thomas Epting (D.22)

d. Airport Environs Planning Commission (2 vacancies)

Brad Medcalf (D.21)
Van Swafford (D.18)

e. Greater Greenville Sanitation District (1 vacancy)

Thomas Gilstrap (D.19)

f. Museum Commission (3 vacancies)

Heidi Aiken (D.23)
James Campbell (D.24)
Gwen Neighbors (D.26)

g. Construction Board of Adjustments and Appeals (1 vacancy)

William Graves (D.22)

h. Historic Preservation Commission (2 vacancies)

Cynthia Jenkins (D.17)

Rick Owens (D.27)

i. Zoning Appeals Board (1 vacancy)

James Patterson (D.19)

j. Autumn Hills Special Tax District (1 vacancy)

Allen Culver (D.17)

k. Foothills Fire District Commission (1 vacancy / unexpired term)

David Murphy (D.17)

l. Linkside Special Tax District (1 vacancy)

Kevin Polley (D.20)

m. Old Mill Estates Tax District (2 vacancies)

Sandra Fraser (D.20)

Edwin Tepera (D.20)

n. Devenger Point Special Tax District (1 vacancy)

Mary Riley (D.21)

o. Devenger Tax District (2 vacancies / unexpired terms)

Randy Price (D.21)

Scott Sharp (D.21)

p. Donaldson Fire Service Area (2 vacancies)

Michael Felix (D.21)

David McBride (D.21)

Motion carried unanimously.

ACTION: On behalf of the Committee, Councilor Meadows moved to close nominations and move to a ballot vote on October 15th the following:

a. Arena District (1 vacancy / unexpired term)

Stacy Kuper (D.21)
Joyce Smart (D.24)

b. Library Board of Trustees (5 vacancies)

Susan Barry (D.27)
Robert Clark (D.21)
Brady Gilbert (D.17)
Richard Jensen (D.19)
Glenda Julian (D.17)
Lindsey Myers (D.23)
Deryl Paradis (D.22)

Motion carried unanimously.

Item (13)

APPEARANCES

- Jan Williams, 6 Crabapple Court, Greenville – appeared regarding road funding
- Todd Williams, 119 Tanager Circle, Greer – appeared regarding animal care
- Brenda Brooks, 115 S. Blythe Shoals, Road, Cleveland – appeared regarding road funding
- Ed Paxton, 1 York Circle, Greenville – appeared regarding citizens road commission
- Lib Tickle, 5325 Geer Highway, Cleveland – appeared regarding road funding
- Patricia Taylor, 311 Poplar Lane, Mauldin – appeared regarding road funding

Item (14)

ADMINISTRATOR'S REPORT

There was no Administrator's Report.

Item (15)

REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- (a) Reconsideration of the August 20, 2013 Action Regarding the Boiling Springs Fire District / Millage Request Resolution - and the Adoption of an Amended Resolution**

ACTION: Councilor Burns moved to suspend Council Rule III (D) (9) in order to reconsider the vote taken on August 20, 2013 to adopt Resolution No. 1476 setting the millage levy for the Boiling Springs Fire District.

Councilor Meadows recused himself from discussion of the reconsideration.

Motion to suspend the rules carried with eleven in favor and one written abstention (Meadows).

AMENDMENT: Councilor Burns moved to amend Resolution No. 1476 to allow for a two-year look back period rather than the three-year look back that was submitted by the Boiling Springs Fire District in August.

Motion carried with eleven in favor and one written abstention (Meadows).

(b) Open Application Process for Two Newly Developed Boards / and / Residency Seat Number 1 on the Greenville Technical College Area Commission

ACTION: Councilor Meadows moved to waive the timeline under the County's Boards and Commissions Policy in order for County Council to proceed with the process to fill the vacancies on two newly created boards -- the Greenville County Disabilities and Special Needs Board of Directors and the Lake Forest Special Tax District Commission.

Motion carried unanimously.

ACTION: Councilor Meadows moved to open the application process for 30 days in order to fill the vacancies on two newly created boards; the Greenville County Disabilities and Special Needs Board of Directors and the Lake Forest Special Tax District Commission.

Motion carried unanimously.

ACTION: Councilor Meadows moved to open an application period for two weeks for the now vacant Greenville Tech Commission / Residency Seat Number 1, which is a shared, jointly represented Board and eligible for an application process at this time.

Motion carried unanimously.

REQUESTS AND MOTIONS, continued

- Councilor Burns encouraged his colleagues to join the United Way for the Crescent Tour.
- Councilor Seman reported SCTAC had paid off the bond on their building at 5 Hercules Way which completed the transition of the facility from a maintenance depot to a multi-purpose building, complete with incubator and office space, a conference room, a garage, dry storage and a fuel farm for users of the test track.
- Councilor Gibson stated the September 28th event at Heritage Park was a huge success.
- Councilor Dill requested future meetings regarding the road funding option sales tax begin no earlier than 6:00 p.m. to allow time for working citizens to arrive.
- Councilor Baldwin stated Council had a very interesting meeting the day before, and he hoped they would deal with the issue and not sweep it under the rug.
- Councilor Dill asked at what point were they going to be allowed to look at the possibility of taking a municipality out of the Recreation District.

- County Administrator Joe Kernell stated a meeting was planned with the city administrators but he felt it would be beneficial for Council to meet prior to the administrator's meeting to discuss some of those options.
- Councilor Cates suggested the speaker, Todd Williams, meet with Ms. Gucker after the meeting to discuss the falsified information he stated he had in his possession.
- Councilor Cates wished Mr. Dill and Dr. Taylor a Happy Birthday.

Item (16)

ADJOURNMENT

ACTION: Councilor Meadows moved to adjourn the meeting at 7:28 p.m.

Motion carried unanimously by all County Council Members.

Respectfully submitted:

Theresa Kizer, Clerk to Council