

**MINUTES
GREENVILLE COUNTY COUNCIL
JUNE 3, 2014
COUNCIL CHAMBERS
6:01 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	XANTHENE NORRIS
VICE CHAIRMAN WILLIS MEADOWS	LIZ SEMAN
JOE DILL	LOTTIE GIBSON
JOE BALDWIN	BUTCH KIRVEN
SID CATES	FRED PAYNE
JIM BURNS	

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
BOB MIHALIC, Governmental Relations Officer
JEFF WILE, Assistant County Attorney
DEAN CAMPBELL, Deputy County Attorney
PAULA GUCKER, Assistant County Administrator, Public Works
KIM WUNDER, Assistant County Attorney
SANDRA YUDICE, Assistant to the County Administrator
CONWAY BELANGIA, Director Election Commission
HESHA GAMBLE, County Engineer

OTHERS PRESENT:

NONE

CALL TO ORDER

Chairman Bob Taylor

INVOCATION

Dr. Tony Bruce
Mount Emmanuel Missionary Baptist Church

PLEDGE OF ALLEGIANCE

Item (4)

APPROVAL OF MINUTES

ACTION: Councilor Gibson moved to approve the minutes of the May 20, 2014, County Council meeting.

Motion carried unanimously by all County Council Members.

Item (5)

PUBLIC HEARINGS

(a) Anderson / Greenville Multi County Industrial Business Park Agreement – Tetramer Technologies, LLC and South Mechanic Street Properties LLC (formerly Project Choco)

A public hearing was held for the purpose of receiving public comments regarding an ordinance to develop a joint county industrial and business park, Tetramer Technologies LLC and South Mechanic Street Properties LLC (formerly Project Choco), in conjunction with Anderson County, such industrial and business park to be geographically located in the town of Pendleton, in Anderson County and established pursuant to Article VIII, Section 13 of the South Carolina Constitution, and 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 jobs tax credits allowed by law be provided for businesses locating in said park; to permit a user fee-in-lieu of *ad valorem* taxation within said park; and other matters related thereto.

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

(b) University Center Public Facilities Corporation / Refunding Certificates of Participation

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing Greenville County, South Carolina, to execute documents including a second supplement to lease agreement by and between Greenville County, South Carolina and University Center Public Facilities Corporation; consenting to the issuance of Refunding Certificates of Participation in the second supplement to lease agreement in the aggregate principal amount of not exceeding \$5,500,000; approving the form of a second supplement to trust agreement between University Center Public Facilities Corporation and the Trustee named thereunder; and other matters relating thereto.

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

(c) Hospitality Tax Refunding Bond

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing Greenville County, South Carolina, to execute documents including a second supplement to lease agreement by and between Greenville County, South Carolina and Greenville County Tourism Public Facilities Corporation; consenting to the issuance of refunding Certificates of Participation in the second supplement to lease agreement in the aggregate principal amount of not exceeding \$29,300,000; approving the form of a second supplement to trust agreement between

Greenville County Tourism Public Facilities Corporation and the Trustee named thereunder; authorizing a pledge of and lien on the Hospitality Tax revenues to secure the payment of the base rent under the lease agreement; and other matters relating thereto.

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

(d) Transportation Projects Funding Referendum Ordinance

A public hearing was held for the purpose of receiving public comments regarding an ordinance to levy and impose a one percent (1%) Sales and Use Tax, subject to a referendum within Greenville County pursuant to Section 4-37-30 of the Code of Laws of South Carolina, 1976, as amended; to define the purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum time for which such tax may be imposed; to provide the estimated cost of the projects to be funded from the proceeds of the tax; to provide for a county-wide referendum on the imposition of the sales and use tax and prescribe the contents of the ballot question; to provide for the conduct of the referendum by the Greenville County Election Commission; to provide for the administration of the tax, if approved; and other matters relating thereto.

- Pat Dillow, 41 Forest Lake Drive, Simpsonville – appeared in favor of the proposed
- Pat Howard, 104 Brandy Star Court, Greer – appeared in favor of the proposed
- Sheila Jackson, 2528 Racine Court, Greenville – appeared in favor of the proposed
- Lisa Parish, 110 Wallingford Road, Greenville – appeared in favor of the proposed
- Donna Smith, 405 Bent Creek Drive, Greer – appeared in favor of the proposed
- Bill Jacobson, 224 Chancellors Park Court, Greenville – appeared in favor of the proposed
- Sam Zimmerman, 6 Allendale Lane, Greenville – appeared in favor of the proposed
- Patricia Carson, 1141 Parkins Mill Road, Greenville – appeared in favor of the proposed
- Dan Powell, 329 Viewmont Drive, Greenville – appeared in favor of the proposed
- Milton Shockley, 212 Kilgore Circle, Simpsonville – appeared in favor of the proposed
- Mike Freeman, 5 Creekside Park Court, Greenville – appeared in favor of the proposed
- Diane Bagwell, 4 N. Gatewood Drive, Greenville – appeared in favor of the proposed
- Edward Robinson, 26 Baker Street, Greenville – appeared in favor of the proposed
- Ed Paxton 1 York Circle, Greenville – appeared in opposition to the proposed
- Walter McSherry, 108 Idlewild Court, Spartanburg – appeared in opposition to the proposed
- Jan Williams, 6 Crabapple Court, Greenville – appeared in opposition to the proposed
- Seth Powell, 108 Andrews Street, Greenville – appeared in opposition to the proposed
- Dan Pope, 11 Catbriar Court, Simpsonville – appeared in opposition to the proposed
- Josiah Magnuson, 3 Bob White Lane, Taylors – appeared in opposition to the proposed
- Barry Strohl, 620 Langley Road, Travelers Rest – appeared in opposition to the proposed
- Patricia Taylor, 311 Poplar Lane, Mauldin – appeared in opposition to the proposed
- Russ Costa, 426 Graystone Drive, Piedmont – appeared in opposition to the proposed
- Michael Ham, 208 Stoney Creek Drive, Greenville – appeared in opposition to the proposed
- Victoria Powell, 3 Brookford Court, Greenville – appeared in opposition to the proposed
- Tom Cannon – 213 Horseshoe Bend, Easley – appeared in opposition to the proposed
- Jim Hargett, 359 Reedy Fork Road, Greenville – appeared in opposition to the proposed
- James Cramer, 2725 Anderson Road, Greenville – appeared in opposition to the proposed
- John Farmer, 49 Crossridge, Greenville – appeared in opposition to the proposed

Due to the allotted time having expired, Councilor Meadows declared the public hearing closed.

Item (6)

APPEARANCES – CURRENT AGENDA ITEMS

There were no speakers.

Item (7)

ORDINANCES – THIRD READING

(a) Zoning Ordinances

1. **CZ-2014-11**, Property of D. Alan Chastain located at 310 Clearview Drive requesting rezoning from R-S to C-3.

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

Motion carried unanimously by all County Council Members.

2. **CZ-2014-14**, Property of Ellis O. Meredith Sr., Ellis W. Meredith, Jr., and Flavelia Morton located on Morton Road and McKinney Road requesting rezoning from R-S to R-15.

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

Motion carried unanimously by all County Council Members.

3. **CZ-2014-16**, Property of Culvin Enterprises, LLC, Joe Brookshire III and Natalie Brookshire located on Locust Hill Road requesting rezoning from NC and R-S to C-1.

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

Motion carried unanimously by all County Council Members.

(b) Unattended Donation Receptacles

ACTION: Councilor Payne moved for adoption at third reading an ordinance prohibiting unattended donation receptacles in Greenville County.

AMENDMENT: Councilor Cates moved to amend Section (2) *Prohibition* by removing: “collects used clothing, footwear, books, or other salvageable household goods for resale or donation as a primary business function owns and maintains the receptacles”. The following information must be clearly and conspicuously displayed on the exterior of the receptacle: and by adding “and owns and maintains the receptacles and the following information must be clearly and conspicuously displayed on the exterior of the receptacle, the name and address of the property owner who owns the receptacle and the name of any entity that may share, profit or benefit from any donations collected via the receptacle” and to change “prohibiting” to “regulating” in the Title.

Councilor Cates stated there was a penalty of not more than \$200 per day for violation of this ordinance and the amendment would also allow a broader interpretation of the ordinance rather than only being allowed in the parking lot of a like-minded business.

Councilor Gibson stated a \$200 fee was excessive.

Councilor Payne stated he did not have any reservations regarding the proposed changes.

Chairman Taylor asked for clarification that the business where the donation receptacles were located must be owned and maintained by that business or if the donation receptacle was the property of Goodwill or another organization, the contact information would be located on the receptacle.

Councilor Cates stated Chairman Taylor's understanding was correct. He stated the business owners would also be required to keep the area clean and safe.

Councilor Kirven thanked Councilor Cates for taking an interest in the matter and improving the proposed ordinance. He stated he planned to support the amendment.

Motion to amend carried unanimously by all County Council Members.

Motion as amended carried unanimously by all County Council Members.

(c) Laurens / Greenville Multi County Industrial Business Park Amendment

ACTION: Councilor Meadows moved for adoption at third reading an ordinance to amend the agreement for development of a joint county industrial park, by and between Laurens County, South Carolina and Greenville County, South Carolina, providing for the development of a jointly owned and operated industrial/business park, so as to include additional property in Laurens County as part of the joint county industrial park.

ACTION: Councilor Meadows moved to hold the item until July 8th, at which time the public hearing would be held.

Motion to hold carried unanimously by all County Council Members.

(d) Anderson / Greenville Multi County Industrial Business Park Agreement – Tetramer Technologies LLC and South Mechanic Street Properties LLC (Formerly Project Choco)

ACTION: Councilor Meadows moved for adoption at third reading an ordinance to develop a joint county industrial and business park, Tetramer Technologies LLC and South Mechanic Street Properties LLC (formerly Project Choco), in conjunction with Anderson County, such industrial and business park to be geographically located in the town of Pendleton, in Anderson County and established pursuant to Article VIII, Section 13 of the South Carolina Constitution, and 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 jobs tax credits allowed by law be provided for businesses locating in said park; to permit a user fee-in-lieu of *ad valorem* taxation within said park; and other matters related thereto.

Motion carried unanimously by all County Council Members.

(e) University Center Public Facilities Corporation / Refunding Certificates of Participation

Chairman Taylor stated refunding ordinances came up every once in a while and meant the County would be able to save a significant amount of money.

ACTION: Councilor Meadows moved for adoption at third reading an ordinance authorizing Greenville County, South Carolina, to execute documents including a second supplement to lease agreement by and between Greenville County, South Carolina and University Center Public Facilities Corporation; consenting to the issuance of Refunding Certificates of Participation in the second supplement to lease agreement in the aggregate principal amount of not exceeding \$5,500,000; approving the form of a second supplement to trust agreement between University Center Public Facilities Corporation and the Trustee named thereunder; and other matters relating thereto.

Motion carried unanimously by all County Council Members.

(f) Hospitality Tax Refunding Bond

ACTION: Councilor Meadows moved for adoption at third reading an ordinance authorizing Greenville County, South Carolina, to execute documents including a second supplement to lease agreement by and between Greenville County, South Carolina and Greenville County Tourism Public Facilities Corporation; consenting to the issuance of refunding Certificates of Participation in the second supplement to lease agreement in the aggregate principal amount of not exceeding \$29,300,000; approving the form of a second supplement to trust agreement between Greenville County Tourism Public Facilities Corporation and the Trustee named thereunder; authorizing a pledge of and lien on the Hospitality Tax revenues to secure the payment of the base rent under the lease agreement; and other matters relating thereto.

Motion carried unanimously by all County Council Members.

(g) Transportation Projects Funding Referendum Ordinance

ACTION: Councilor Meadows moved for adoption at third reading an ordinance to levy and impose a one percent (1%) Sales and Use Tax, subject to a referendum within Greenville County pursuant to Section 4-37-30 of the Code of Laws of South Carolina, 1976, as amended; to define the purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum time for which such tax may be imposed; to provide the estimated cost of the projects to be funded from the proceeds of the tax; to provide for a county-wide referendum on the imposition of the sales and use tax and prescribe the contents of the ballot question; to provide for the conduct of the referendum by the Greenville County Election Commission; to provide for the administration of the tax, if approved; and other matters relating thereto.

Councilor Cates stated he agreed with both sides of issue; the roads were bad and some citizens didn't want additional taxes. He stated this had been a very hard decision for him. The total cost per year was \$67 million with 30% of that being paid for by citizens in municipalities; leaving \$50 million for County residents. He divided the 470,000 to 475,000 residents in Greenville County by \$50 million for an average an approximately \$100 per person/per capita. Councilor Cates stated it was the State's responsibility to build, repair and maintain state roads. He said the State had the power to come up with the money to repair the roads, but they have refused to do their job. He stated the taking in of an additional \$67

million in taxes was uncalled for. Councilor Cates stated he would vote against the proposed ordinance on the principal that the State of South Carolina had not done their job.

Councilor Dill passed out an amendment requiring the County Administrator to provide County Council with a quarterly report on the road projects.

Chairman Taylor suggested to Councilor Dill that instead of adding his amendment to the proposed referendum ordinance that they take up the suggestion with the County Administrator during Requests and Motions.

Councilor Baldwin stated he agreed with Councilor Cates and if there would have been any changes within the Legislature this week, he was prepared to ask the vote be put off until the Legislature closed down its session; however, it seemed as if nothing was going to happen this year. He stated the current Governor, Nikki Haley, indicated she would veto any gas tax increase, which was the way it should have been done. He stated if she was to win her re-election, the County would be stuck for another 4 years without any gas tax increase. He stated this matter was not an easy vote. During a recent meeting, one of the roads complained about was determined to be in Spartanburg County, which sort of suggested there was a statewide problem. He felt they could not wait another 4 years. Councilor Baldwin stated this had been the toughest decision he had to make since being on County Council, but he would be voting in favor of the proposed referendum ordinance

Councilor Payne asked what the cost would be if the roads were not improved. He stated there was a study of urban areas in the United States, and Greenville was on the list. The study showed \$407 was spent per vehicle as the annual cost of damage to vehicles due to bad road conditions and congested traffic. He stated he was in favor of the proposed referendum ordinance.

Councilor Meadows stated when you did the math on the study mentioned by Councilor Payne, \$66 million was spent annually by citizens in Greenville County. He stated he did not agree with that study and would like to review the study himself. Councilor Meadows stated he would also like to discuss policy matters.

Councilor Dill stated there were some things that had been changed from the original document.

Councilor Kirven stated during the last County Council meeting it was discussed that there were formatting issues that made it appear that there were changes, but there were not any. He stated the ordinance reflected the Citizen Roads Advisory Committee's Report.

Councilor Meadows stated it was true the order had been changed; however the Number One project on the list (Edwards Road to Roeford Road - \$2 million) was no longer the Number One project. He stated the new Number One project was Main Street in Travelers to Highway 25.

Councilor Kirven stated there was a degree of flexibility because of real world issues.

Councilor Burns asked if the priority had changed from the recommendation of the Citizen Roads Advisory Committee Report.

Mr. Kernell stated to his knowledge the priority had not changed. He stated there were some cleanup things done (e.g. duplication - project listed twice). He stated one of the lists received by County Council was presented by district order, regardless of priority. The sorting may have been different from the previous list, but the priority stayed the same in

that if a project was given a 10 priority, it was still grouped with the 10's. He stated there were some formatting changes.

Councilor Meadows asked if the Edwards Road to Roeford Road Project was still the Number One project on the list.

Mr. Kernell stated to the best of his knowledge the priority of that project had not changed.

Councilor Cates agreed with Mr. Kernell and stated he noticed the formatting needed changing. Formatting and categorizing by district was the only change he noticed.

Councilor Meadows encouraged all County Council Members to look over the book and compare it to the last list that was passed out to them. He stated his issue was if projects were changed it was useless to hand the list to citizens and say this is what we were going to do.

Mr. Kernell stated because of the amount of space, the first list did not include the priority number; that information was located on a much wider spreadsheet.

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

Chairman Taylor stated the Citizen Roads Advisory Committee worked very hard and he thanked Lisa Stevens for her work in chairing the committee.

Item (8)

ORDINANCES – SECOND READING

(a) Floodplain Ordinance Amendments

ACTION: Councilor Payne moved for approval at second reading an ordinance to amend Chapter 8, Article II of the Code of Greenville County, entitled "Flood Control, Drainage, Stormwater Management - Floods and Flood Control" so as to adopt certain changes in the National Flood Insurance Program mandated by the Department of Homeland Security FEMA, National Flood Insurance Program; to increase ease of permitting and enforcement; to maintain records for future federal audits; and to incorporate map, technical and language modernization in the Greenville County Flood Damage Prevention Ordinance.

Councilor Dill asked if the proposed amendment was a requirement and had the State of South Carolina passed the proposed amendment.

Mr. Tollison stated the proposed amendment was required by the State of South Carolina and the National Flood Insurance Program. He stated the proposed amendment was for the purpose of updating the existing Floodplain Ordinance pursuant to the requirements of DHEC and FEMA in an attempt to keep structures out of floodplains.

Ms. Paula Gucker stated the proposed amendment was a request from staff via FEMA and DNR to allow adoption of updated Floodplain Maps that would be available in mid-August. In order to adopt and use the new floodplain map, the ordinance had to be updated. She stated the proposed ordinance had gone through a review by FEMA and DNR to ensure it was in compliance with the National Flood Insurance Program that Greenville County participated in and allowed citizens to see reduced rates in flood insurance on an annual basis.

Councilor Dill asked if the amendment was mandated by the State or was the County taking the initiative to make the change.

Ms. Gucker stated the proposed amendment was a decision made by the County. She stated in order to use the Floodplain Maps the amendment had to be in place.

Councilor Payne questioned an online date change from December 2, 2014 to August 14, 2014.

Ms. Gucker stated the date change of August 14, 2014 was the effective date to begin using the Floodplain Maps.

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

Motion to allow amendments at third reading carried unanimously by all County Council Members.

Motion as amended carried unanimously by all County Council Members.

(b) Greenville Library System / FY2014 – 2015 Budget Ordinance

ACTION: Councilor Meadows moved for approval at second reading an ordinance to approve the appropriation of funds for the Greenville County Library System for the fiscal year beginning July 1, 2014 and ending June 30, 2015; and to authorize the annual ad valorem property tax millage levy for library purposes.

Councilor Meadows stated the Library System did not raise their taxes.

Councilor Seman stated there was a \$322,000 increase in the salaries, wages and benefits line; she asked if there was a discussion on the number of new employees that amount would cover.

Councilor Meadows stated he did not know if the \$322,000 increase covered new employees.

Councilor Cates stated he understood the Library System employees received the same increase as County employees.

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

Motion to allow amendments at third reading carried unanimously by all County Council Members.

Motion as amended carried unanimously by all County Council Members.

Item (9)

COMMITTEE REPORTS

There were no Committee Reports.

Item (10)

APPEARANCES

- Ed Paxton, 1 York Circle, Greenville – appeared regarding assessment
- Bob Davis, 6 Setinel Court, Greer – appeared regarding defending faith / freedom

Item (11)

ADMINISTRATOR'S REPORT

There was no Administrator's Report.

Item (12)

REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- Councilor Dill requested the County Administrator provide Council with a quarterly report showing the Sales Tax Road Program projects and the work progress on those projects, should the referendum pass public vote. County Administrator Joe Kernell volunteered to provide them with monthly reports.
- Councilor Meadows requested Council create a six-member committee to review the RFPs as they are received for the road projects. He requested the membership be made up of two representatives from the County, one from SCDOT and one each from the cities of Greenville, Mauldin and Simpsonville. Mr. Kernell suggested they not create a hard, fast rule on the process at this time. He stated they had time to set up the practices and procedures they would need for the projects.
- Councilor Meadows requested all construction projects be awarded by competitive sealed bids and awarded to the lowest bidder; bids to be accepted from the contractors on the SCDOT pre-authorized prime contractors list or from those who have been pre-qualified by Greenville County. Councilor Kirven suggested the Council schedule a workshop to discuss and set up the procedures for oversight and accountability rather than make a hard decision on the matter that evening.
- Councilor Seman stated the test track at SCTAC now had an urban component to the landscape. She stated the component allowed users to test technology across several city blocks using several building heights, overhead utility lines, hydrants and other structures to create metropolitan layouts and scenarios. She stated the results had been extremely positive.
- Councilor Kirven recognized SC House Representative Chandra Dillard. He then wished Mr. Burns a happy birthday.

Item (13)

ADJOURNMENT

ACTION: Councilor Payne moved to adjourn the meeting at 8:09 p.m.

Motion carried unanimously by all County Council Members present.

Respectfully submitted:

Theresa Kizer, Clerk to Council