



GREENVILLE COUNTY COUNCIL MINUTES

REGULAR MEETING

APRIL 18, 2017

6:04 P.M.

COUNTY SQUARE – COUNCIL CHAMBERS

COUNCIL MEMBERS

MR. BUTCH KIRVEN, CHAIRMAN

MR. WILLIS MEADOWS, VICE CHAIRMAN

MRS. XANTHENE NORRIS, CHAIRMAN PRO TEM

MR. JOE DILL

MR. MIKE BARNES

MR. SID CATES LEFT @ 6:46 P.M.

MR. RICK ROBERTS

MR. BOB TAYLOR

MRS. LIZ SEMAN

MR. ENNIS FANT, SR.

MR. LYNN BALLARD ABSENT

MR. FRED PAYNE

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.

STAFF PRESENT

Joe Kernell, County Administrator

Mark Tollison, County Attorney

Dean Campbell, Deputy County Attorney

Jeff Wile, Assistant County Attorney

John Hansley, Deputy County Administrator

Theresa Kizer, Clerk to Council

Regina McCaskill, Deputy Clerk to Council

Jessica Stone, Administrative Assistant, Clerk to Council

Bob Mihalic, Governmental Relations Officer

Paula Gucker, Assistant County Administrator, Public Works

John Vandermosten, Assistant County Administrator, Public Safety

Chief Deputy Eldridge, Sheriff's Office

Shannon Herman, Assistant to the County Administrator

OTHERS PRESENT

None

CALL TO ORDER

Chairman Butch Kirven

INVOCATION – introduced by Councilor Sid Cates

Dr. John McCormick, Administrator
Hidden Treasure Christian School
Taylors, SC

PLEDGE OF ALLEGIANCE

Item (4) **APPROVAL OF MINUTES**

ACTION: Councilor Seman moved to approve the minutes of the April 4, 2017, Regular Council Meeting.

Motion carried unanimously by Council Members present.

Item (5) **PUBLIC HEARINGS**

(a) Caristrap America Inc. (formerly Project Mousetrap) / Fee in Lieu of Tax Agreement

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and Caristrap America Inc. and with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto.

- **Thomas Barilovits**, 9 Middlewick Court, Simpsonville – appeared in opposition to the proposed

There being no other speakers, Vice-Chairman Meadows declared the public hearing closed.

(b) Pelham Batesville Fire District / General Obligation Bond

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance authorizing the Pelham-Batesville Fire District, South Carolina to issue general obligation bonds, in one or more series; providing for the publication of notice of the said findings and authorization; and generally approving other matters relating thereto.

- **Phill Jolley**, 10 Brown Beaver Way, Taylors – appeared in favor of the proposed

There being no other speakers, Vice-Chairman Meadows declared the public hearing closed.

(c) Clear Spring Fire and Rescue Department / General Obligation Refunding and Improvement Bond

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance to provide for the issuance and sale of not exceeding \$4,500,000 Greenville County, South Carolina, General Obligation Refunding and Improvement Bonds (Clear Spring Fire and Rescue District Project), Series 2017; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto.

- **James Roberts, Jr.**, 47 Copperdale Dr., Simpsonville – appeared in favor of the proposed

There being no other speakers, Vice-Chairman Meadows declared the public hearing closed.

Item (6) **APPEARANCES – current agenda items**

- **Thomas Barilovits**, 9 Middlewick Ct., Simpsonville – appeared regarding Item 7.d. Repeal of Section 3 of Ordinance 3867
- **Raymond Pepper**, 3 Hackamore Trail, Piedmont – appeared regarding Item 7.d. Repeal of Section 3 of Ordinance 3867
- **Shirley Pepper**, 3 Hackamore Trail, Piedmont – appeared regarding Item 7.d. Repeal of Section 3 of Ordinance 3867
- **James Pepper**, 116 Melvin St., Piedmont – appeared regarding Item 7.d. Repeal of Section 3 of Ordinance 3867
- **Christine Pepper**, 116 Melvin St., Piedmont – appeared regarding Item 7.d. Repeal of Section 3 of Ordinance 3867

Item (7) **ORDINANCES – THIRD READING**

(a) **Zoning Ordinances**

1. **CZ-2017-06: Property of Thomas Ernest Kerhulas Trust, located at 351 E. Lake Shore Drive, requesting rezoning from R-7.5 to C-1.**

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

ACTION: Councilor Dill moved to hold the item for two weeks.

Motion to hold carried unanimously by Council Members present.

(b) **Caristrap America Inc. (formerly Project Mousetrap) / Fee in Lieu of Tax Agreement**

ACTION: Vice-Chairman Meadows moved for adoption at third reading an ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and Caristrap America Inc. and with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto.

Chairman Kirven stated the assessment rate of 10.5% for manufacturing properties was set by the State Constitution. He added that the State Legislature devised the fee in lieu agreement in order to make South Carolina competitive with other states and reduce the commercial property rate to 6%. Chairman Kirven stated changing the assessment rates for manufacturing and commercial properties was beyond the control of County Council.

Motion as presented carried unanimously by Council Members present.

(c) **Pelham Batesville Fire District / General Obligation Bond**

ACTION: Vice-Chairman Meadows moved for adoption at third reading an ordinance authorizing the Pelham-Batesville Fire District, South Carolina to issue general obligation bonds, in one or more series; providing for the publication of notice of the said findings and authorization; and generally approving other matters relating thereto.

Councilor Dill asked if Spartanburg County had dealt with its part of the issue.

Chairman Kirven stated he was not sure and asked Mark Tollison for an update.

Mr. Tollison deferred the question to Attorney Margaret Pope, Bond Council for Pelham Batesville Fire District.

Councilor Roberts stated he spoke to the Spartanburg Councilman for the area bordering Greenville County and the plan was to follow Greenville County's lead.

Attorney Margaret Pope stated the plan was to have the General Assembly authorize the request as the Pelham Batesville Fire District was a special purpose tax district located in two counties. She added that the Constitution only prohibited legislation that involved matters within one county. Ms. Pope stated the General Assembly created the Pelham Batesville Fire District and could authorize the debts; however, she added the general statute which was being used, stated a County Council could join in the action of the General Assembly. She stated the legislation had passed the Senate and was now with the House Ways and Means Committee. Ms. Pope stated it was believed that the legislation would move fairly quickly through the House and become a law. Greenville County Council's action in giving third reading was conditional upon that happening. She stated if the legislation was not passed, there would be a referendum in Greenville County. Ms. Pope stated Spartanburg County was asked to do the same thing. Their general precedent was to have a referendum which was scheduled for late June. She stated Spartanburg County would begin readings on their ordinance which was conditional upon the referendum. She stated the referendum was not a legal requirement under the statute. County Councils may have a referendum but were not required to do so. Ms. Pope stated the request from the fire district was well within the district's debt limit. She stated when you have special purpose tax districts located in more than one county, the results may be a little different. Ms. Pope stated Greenville County Council was being asked to give third reading and join in with the General Assembly as the authorizing elected body.

Councilor Dill asked what would happen if Greenville County approved the request and Spartanburg County did not.

Ms. Pope stated the request may not go forward. If the bond issuance was approved, the taxes must be uniformly imposed across the district. She stated special purpose tax districts were mainly autonomous political subdivisions just like cities, counties and school districts. In some of the special purpose tax districts, the commissions were appointed and prior to Home Rule, all matters pertaining to special purpose tax districts were handled by the General Assembly. Ms. Pope stated both counties would have to approve the bond request.

Motion as presented carried unanimously by Council Members present.

(d) Repeal Section 3 of Ordinance No. 3867 Concerning Voting Requirements for Approval of Certain Fiscal Matters

ACTION:

Vice-Chairman Meadows moved for adoption at third reading an ordinance to repeal Section 3 of Ordinance No. 3867 concerning voting requirements for approval of certain fiscal matters.

Motion carried by a roll call vote of seven (Roberts, Taylor, Norris, Seman, Fant, Kirven and Payne) in favor and four (Dill, Barnes, Meadows and Cates) in opposition. Council Ballard was not present.

Item (8) **ORDINANCES – SECOND READING**

(a) **Zoning Ordinances**

1. **CZ-2016-66: Property of James Wilson, located on Locust Hill Road, requesting rezoning from R-10 to C-1.** The Planning Commission and Committee recommended denial.

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

AMENDMENT: At the applicant's request, Councilor Dill moved to amend the zoning request to O-D.

Motion to amend carried by Council Members present with Councilor Payne voting in opposition.

ACTION: Councilor Payne moved to return the item to the Planning and Development Committee.

Motion to return the item to the Planning and Development Committee carried by Council Members present with Councilor Seman voting in opposition.

2. **CZ-2017-12: Property of JHM Hotels, located at 1408 Boiling Springs Road, requesting rezoning from FRD to FRD with major change.** 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 Council Members present.

3. **CZ-2017-14: Property of RMS2 Enterprises, LLC, located at 2328 Roper Mountain Road, requesting rezoning from R-S to R-15.**

Councilor Dill stated the request had been withdrawn by the applicant.

4. **CZ-2017-15: Property of Ayers Family Trust, located at 1008 and 1010 Highway 14, requesting rezoning from R-15 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 Dill moved to return the item to the Planning and Development Committee.

Chairman Kirven stated the property was located in his district and the prospective buyer had indicated a desire to move forward with a rezoning request of FRD as opposed to S-1.

Motion to return the item to the Planning and Development Committee carried unanimously by Council Members present.

5. **CZ-2017-18: Property of Norman Agnew Waldrop, located at 121 Rutherford Road, requesting rezoning from C-2 to C-3.** 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 Council Members present.

6. **CZ-2017-19: Property of Ameen K. Aljaouni, located at 3807 White Horse Road, requesting rezoning from R-12 to FRD.** The Planning Commission recommended approval with conditions and the Committee recommended denial.

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

AMENDMENT: Councilor Dill moved to amend the request to add the following conditions:

1. Remove temporary signage clause from the Statement of Intent.
2. The proposed sign is required to be 15 feet from the right-of-way line.
3. Remove an additional 100 square feet of concrete on the northwest side of the proposed detention area for tree health and so concrete area will not be compromised from tree growth.
4. Place additional landscaping along adjacent residentially zoned area.

Councilor Payne asked if the recommendations were made by the Planning Commission.

Councilor Dill stated it was his understanding the recommendations were made by the Planning Commission.

Motion to amend was denied unanimously by Council Members present.

Motion as presented was denied unanimously by Council Members present.

7. **CZ-2017-20: Property of Brent Jones, located at 3725 and 3729 Woodruff Road, requesting rezoning from R-S to R-15.** The Planning Commission and Committee recommended approval.

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

Chairman Kirven stated the property was located in his district and the plan was for stick-built houses and a nice subdivision.

Motion carried unanimously by Council Members present.

8. **CZ-2017-21: Property of M & T Enterprises, Inc. located at 1145 White Horse Road, 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 Council Members present.

Councilor Cates left the meeting.

(b) Clear Spring Fire and Rescue District / General Obligation Refunding and Improvement Bond

ACTION: Vice-Chairman Meadows moved for approval at second reading an ordinance to provide for the issuance and sale of not exceeding \$4,500,000 Greenville County, South Carolina, General Obligation Refunding and Improvement Bonds (Clear Spring Fire and Rescue District Project), Series 2017; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto.

Chairman Kirven stated the fire district had not requested a millage increase to build a new fire station.

Motion carried unanimously by Council Members present.

(c) Project Vandiver / Fee In Lieu of Tax Agreement

ACTION: Vice-Chairman Meadows moved for approval at second reading an ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and a Company or Companies known to the County at this time as Project Vandiver with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, including the provision of certain special source credits; and other matters related thereto.

Motion carried unanimously by Council Members present.

Item (9) ORDINANCES – FIRST READING

(a) Zoning Ordinances

Councilor Dill presented for first reading Zoning Dockets **CZ-2017-22** through **CZ-2017-23**.

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

(b) Brookfield Tax District / Millage Request

Vice-Chairman Meadows presented for first reading an ordinance to approve the Brookfield Special Tax District Commissioners' request for an increase to its current ad valorem property tax millage levy.

Chairman Kirven stated the item would remain on the floor.

(c) Supplemental Appropriation / E911

Vice-Chairman Meadows presented for first reading an ordinance to authorize a supplemental appropriation from the E911 Special Revenue Fund - Fund Balance to increase Fiscal Year 2016-2017 budgeted E911 Revenues \$375,000 and to increase Fiscal Year 2016-2017 budgeted E911 Expenditures \$375,000 to cover the cost of an unanticipated purchase of 9-1-1 call reporting software and replacement of computer equipment.

Chairman Kirven stated the item would remain on the floor.

Item (10) BOARD AND COMMISSION BALLOTING

(a) Arena District Commission (3 vacancies)

Chairman Kirven stated Michael Allen, Neetu Patel and James Pitman were elected by ballot vote to fill three (3) vacancies on the Arena District Commission.

(b) Greenville Area Development Corporation (3 vacancies)

Chairman Kirven stated David Kelley, Eugene Langan, III and Debbie Nelson were elected by ballot vote to fill three (3) vacancies on the Greenville Area Development Corporation.

Item (11) **COMMITTEE REPORTS**

None

Item (12) **APPEARANCES BY CITIZENS**

- **Bobby Davis**, 6 Setinel Ct., Greenville – appeared regarding proper government authority
- **Demetrius Sims**, 127 Chick Springs Rd., Taylors – appeared regarding waste of money going into homeless agencies

Item (13) **ADMINISTRATOR'S REPORT**

County Administrator Joe Kernell stated in March the County's Animal Care Services reached a significant achievement, a 93.7% save rate. Overall, this represents a 97% save rate for dogs and an 83% save rate for cats. The 93.7% rate exceeded the recognized rate of 90% needed by shelters to be considered "No Kill." He thanked Paula Gucker, Shelley Simmons and the entire Animal Care staff for a job well done.

Item (14) **REQUESTS AND MOTIONS BY COUNCIL MEMBERS**

- Councilor Payne expressed his gratitude to live in a great community.
- Councilor Fant recognized those persons present from Vision 25 and District 25.
- Councilor Seman hoped everyone saw the announcement that Greenville/Furman and the Southern Conference will once again host the first round of the Men's Tournament in 2022 and the regional of the Women's Tournament in 2020. She then thanked everyone who was able to attend last week's T50-A event with Senator Lindsey Graham. SCTAC appreciated the great support that Greenville County provided to them and to their largest tenant, Lockheed Martin.
- Councilor Seman stated she had the opportunity to attend Veteran's Treatment Court with Upstate Warrior Solutions. She stated their pilot program was an intense and coordinated effort between the 13th Circuit Solicitor's Office, the Veteran's Administration Health System, Greenville's Pre-trial Intervention and community volunteers. The organization's goal was to reduce the veterans' criminal activity and potentially harmful behavior by helping them turn their lives around. Their hope was to identify and assist veterans in need. Ms. Seman stated the 13th Solicitor has been in operation for four years and has had 12 participants. All the participants are post-9/11 veterans with charges in Greenville County; most were first-time offenders. There have been six graduates to-date with three more scheduled in the fall. The program was predominately run by volunteers with support through Upstate Warrior Solutions. Both Spartanburg and Anderson Counties were starting their own Veteran's Trial Court based on Greenville's model. She asked the Chairman if they could perhaps have Charlie Hall, President of Upstate Warrior Solutions, make a presentation to Committee of the Whole at some point in the future.
- Councilor Roberts stated it was an honor to be able to support Mr. Greenlaw and his efforts to put together a terrific Veteran's Memorial Park. He then expressed his amazement at the number of hours it took to serve as a Council member. He stated his appreciation to Mr. Payne for his visionary thinking and his tireless efforts.

- Councilor Norris stated after working with staff, they were able to find Demetrius Sims a place to stay. She stated the Recreation District was working with them at Phillis Wheatley.
- Chairman Kirven stated Mr. Payne was a tireless and passionate worker with a vision of innovative, economic development that would create opportunities in the future for the Greenville community. Mr. Kirven stated in January Council discussed creating an ad hoc committee that would continue to bring experts and ideas as well as money into the county from outside organizations. He encouraged everyone to help support Mr. Payne's ventures and hopefully in the near future everyone would be able to see what Mr. Payne sees.
- Councilor Barnes stated the Veteran's Memorial Park was a great opportunity to serve the military. He felt it would be a great project that would serve to pull the community together and he encouraged everyone to become involved.
- Councilor Dill stated the woman he mentioned at the previous meeting, who was to be evicted from her home, was now homeless. Due to a medical condition she was currently in the hospital, but once her condition improved, she would have nowhere to go. Mr. Dill stated his research revealed to him that there were several places for homeless men to find shelter, but unless a woman was on drugs or abused, there was nowhere for her to go. He felt there was a great need here for some organization to fill.
- Councilor Taylor stated the Veteran's Memorial was something in which they should all get involved and he was looking forward to what the Committee would come up with. He then stated he had enjoyed working with Mr. Payne and that he had created a synergy in Greenville when it came to automated transportation.

Item (15)

ADJOURNMENT

ACTION: Councilor Taylor moved to adjourn the meeting.

Motion carried unanimously by Council Members present and the meeting was adjourned at 7:08 p.m.

Respectfully submitted:

Theresa B. Kizer, Clerk to Council