



GREENVILLE COUNTY COUNCIL

MINUTES

REGULAR MEETING

MAY 16, 2017

6:09 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

MR. RICK ROBERTS

MR. BOB TAYLOR

MRS. LIZ SEMAN

MR. ENNIS FANT, SR.

MR. LYNN BALLARD

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

Jeff Wile, Assistant County Attorney

Kimberly Wunder, 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

Rick Blackwell, E-911 Director

Chief Deputy Eldridge, Sheriff's Office

Shannon Herman, Assistant to the County Administrator

OTHERS PRESENT

None

CALL TO ORDER

Chairman Butch Kirven

INVOCATION

Councilor Rick Roberts

PLEDGE OF ALLEGIANCE

Item (4) APPROVAL OF MINUTES

ACTION: Councilor Payne moved to approve the minutes of the May 2, 2017, Regular Council Meeting.

Motion carried unanimously.

Item (5) PUBLIC HEARINGS

(a) Brookfield Tax District / Millage Request

A public hearing was held for the purpose of receiving public comments regarding an ordinance to approve the Brookfield Special Tax District Commissioners' request for an increase to its current ad valorem property tax millage levy.

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

(b) Supplemental Appropriation / E911

A public hearing was held for the purpose of receiving public comments regarding 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 911 call reporting software and replacement of computer equipment.

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

(c) Proposed Relinquishment of a Portion of Seaborn Line Road

A public hearing was held for the purpose of receiving comments from the public regarding the proposed relinquishment of a 2,105 sq. ft. portion of Seaborn Line Road to the adjacent property owner (TMS# 0107001202800).

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

Item (6) APPEARANCES – current agenda items

- **Wayne Brightman**, 20 Denford Court, Cleveland – appeared regarding River Falls Fire District Emergency Ordinance
- **Steven Darnell**, 2 Oak Ridge Road, Marietta - appeared regarding River Falls Fire District Emergency Ordinance
- **Kimberly Wright**, 257 Duckworth Road, Marietta - appeared regarding River Falls Fire District Emergency Ordinance
- **Lois Keenan**, 210 Devils Fork Road, Marietta - appeared regarding River Falls Fire District Emergency Ordinance
- **Kevin Owen**, 150 Asbury Drive, Cleveland - appeared regarding River Falls Fire District Emergency Ordinance
- **Arthur Spriggs**, 113 Selden Way, Fountain Inn - appeared regarding River Falls Fire District Emergency Ordinance
- **Thomas Warwick**, 160 Pinnacle Lake Road, Marietta - appeared regarding River Falls Fire District Emergency Ordinance

Item (7) **CONSENT AGENDA**

- (a) Proposed Relinquishment of a Portion of Seaborn Line Road
- (b) PetSmart Charities Grant Application
- (c) Intergovernmental Agreement with the City of Greenville (Greenville/Anderson MCIP – University Ridge)
- (d) Community Project Application – City View Camp Registration
- (e) Redevelopment Authority 2017 Annual Action Plan

ACTION: Councilor Norris moved approval of the Consent Agenda Items.

Motion carried unanimously.

Item (8) **RESOLUTIONS**

- (a) JTEK and AVIR / Transfer Resolution

ACTION: Vice-Chairman Meadows moved for adoption a resolution acknowledging and consenting to the acquisition of the ownership interest of Liberty Property Limited Partnership to Avir-Greenville LLLP and the addition of Avir-Greenville LLLP to the fee in lieu of tax agreement with Greenville County.

Motion carried unanimously.

- (b) Project Thor / Inducement Agreement

ACTION: Vice-Chairman Meadows moved for adoption a resolution authorizing the execution and delivery of an inducement agreement by and between Greenville County, South Carolina and a company or companies known to the County at this time as Project Thor, whereby, under certain conditions, Greenville County will execute a fee in lieu of tax and special source credit agreement with respect to a Project in the county whereby the Project would be subject to payment of certain fees in lieu of taxes, and whereby Project Thor will be provided certain credits against fee payments in reimbursement of investment in related qualified infrastructure; and providing for related matters.

Motion carried unanimously.

Item (9) **ORDINANCES – THIRD READING**

- (a) Brookfield Tax District / Millage Request

ACTION: Vice-Chairman Meadows moved for adoption at third reading an ordinance to approve the Brookfield Special Tax District Commissioners' request for an increase to its current ad valorem property tax millage levy.

Motion carried unanimously.

(b) Supplemental Appropriation / E911

ACTION: Vice-Chairman Meadows moved for adoption at third 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 911 call reporting software and replacement of computer equipment.

Motion carried unanimously.

Item (10) 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 OD.**

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.

2. **CZ-2017-23: Property of Lindsey R. Estela and Ruth Hernandez Estela, LLC, located on Stallings Road and New Tilth Road, requesting rezoning from R-M20 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.

Councilor Seman stated the property was currently zoned Multi-family Residential and the plan was to put a Dollar General Store on the site.

Councilor Cates stated the property, located in his district, was in a residential area but was very busy. Councilor Cates stated there were already three Dollar General Stores located in close proximity to the site. He stated he was opposed to retail businesses in residential areas as it was spot zoning. Councilor Cates urged his colleagues to deny the request.

Councilor Taylor stated he was also opposed to the request as it was spot zoning.

Motion was denied by a vote of two (Norris and Seman) in favor and ten (Dill, Barnes, Meadows, Cates, Roberts, Taylor, Fant, Ballard, Kirven and Payne) in opposition.

(b) Ordinance to Amend Ordinance 2474 / Road Maintenance Fee

ACTION: Vice-Chairman Meadows moved for approval at second reading an ordinance to amend Ordinance No. 2474, as amended, so as to increase the County Road Maintenance Fee.

Councilor Taylor stated Public Safety was the number one priority of County Council and Infrastructure was the number two priority. He added there was no millage increase involved in regards to the roads fee or communication services fee. Councilor Taylor stated the County's roads were currently in fairly good shape because money had been spent in the past for the roads; however, the money had now run out and the roads were starting to deteriorate.

ACTION: Vice-Chairman Meadows moved to allow for amendments at third reading.

Motion was denied by a vote of six (Dill, Barnes, Meadows, Cates, Taylor and Seman) in favor and six (Roberts, Norris, Fant, Ballard, Kirven and Payne) in opposition.

Motion as presented carried by a roll call vote of seven (Roberts, Taylor, Norris, Seman, Fant, Kirven and Payne) in favor and five (Dill, Barnes, Meadows, Cates and Ballard) in opposition.

(c) Ordinance to Establish a Uniform Charge for County-Wide Public Safety Communication Services

ACTION: Vice-Chairman Meadows moved for approval at second reading an ordinance to establish a uniform charge for the provision of upgraded County-wide public safety communication services to all real property within Greenville County.

Councilor Dill stated when a fee was implemented it made him think of an impact fee. He added the item was for 911 services and he was paying a 911 fee on his cellphone and home phone. He asked why the County would implement the same fee on a million dollar piece of property and a property worth \$15,000 - \$20,000. Councilor Dill stated the fees collected could only be used on 911 services. He added if the County added an additional \$.30 on each phone in Greenville County, the money collected would generate enough revenue to pay for the Communication Services. Councilor Dill stated he had received phone calls questioning his reluctance to approve the ordinance. He stated there were other ways to fund the request.

ACTION: Councilor Dill moved to amend the ordinance to implement a \$.30 monthly fee on all phones in Greenville County to fund upgrading the County-wide public safety communication services.

Councilor Cates asked, if in light of Councilor Dill's motion, should the ordinance be returned to the Finance Committee for consideration.

Chairman Kirven stated that would require a motion.

Councilor Taylor asked Joe Kernell about the feasibility of Councilor Dill's motion in regards to collecting the fees.

Joe Kernell stated he was not sure about the feasibility of the motion. He added that 911 funds currently being collected could not be used to fund the system. Mr. Kernell stated it was a radio system, not a call system, which was being requested. He added that State Law prohibited the use of 911 money to fund the radio system. Mr. Kernell stated the 911 fees collected from phones were sent to the State and dispersed to the Counties. He stated an analysis would need to be completed to see if the Councilor Dill's amendment would be sufficient to fund the system.

Vice-Chairman Meadows stated State statute prohibited adding Councilor Dill's proposed fee to the current 911 fees. He stated the fee could be added to phone bills but not as part of the 911 fees.

Councilor Payne asked if Councilor Dill's proposed fee applied to cell phones and land lines. He also asked how would an individual with a cell phone from out-of-state living in Greenville County be charged the proposed fee.

Councilor Dill said he had not looked into that aspect and had only researched how many cell phones and land lines were currently in Greenville County. He stated he was currently billed approximately \$1.60 per month for 911 services. Councilor Dill stated there was a \$5 million dollar reserve in the 911 fund, but State law only allowed certain expenditures from the fund.

Chairman Kirven stated the proposed ordinance would fund one of the most vital things the County needed. He added that he understood both sides of the argument, but the uniformity was in the quality of the services that all citizens received, regardless of income or standing in the community.

Councilor Ballard stated when there was an emergency in the County that required multiple fire districts, EMS and Law Enforcement to respond, all the parties involved were unable to communicate with each other. He added this presented a serious situation, especially when dealing with large fires. Councilor Ballard stated the system that was being investigated was fully supported by the Fire Chiefs and would allow interoperability among First Responders as well as all agencies that could possibly be involved in an emergency. He stated the proposed system would also be connected with the State system.

Councilor Fant stated the County really had no choice in the matter; First Responders needed the equipment. Councilor Fant stated he preferred ad valorem taxes be put in place to pay for the equipment, but, he supported the fee as Council's first responsibility was the safety of the citizens of Greenville County.

Vice-Chairman Meadows stated the debate was not whether the County needed to purchase the system but how to pay for it. He stated everyone on Council agreed the County needed the system.

Motion to amend was denied by a roll call vote of three (Dill, Barnes and Meadows) in favor and nine (Cates, Roberts, Taylor, Norris, Seman, Fant, Ballard, Kirven and Payne) in opposition.

ACTION: Councilor Dill moved to amend the ordinance to move money from Storm Water Fees to fund upgrading the County-wide public safety communication services.

Motion to amend was denied by a roll call vote of three (Dill, Barnes and Meadows) in favor and nine (Cates, Roberts, Taylor, Norris, Seman, Fant, Ballard, Kirven and Payne) in opposition.

ACTION: Councilor Seman called for the question.

Motion to call the question carried unanimously.

Motion as presented carried by a roll call vote of nine (Cates, Roberts, Taylor, Norris, Seman, Fant, Ballard, Kirven and Payne) in favor and three (Dill, Barnes and Meadows) in opposition.

(d) Automobile Sales Lot Moratorium

Councilor Dill moved for approval at second reading an ordinance declaring a moratorium on the issuance of building permits and certificates of occupancy for automobile sales in certain areas of Greenville County.

Motion carried unanimously.

Item (11) ORDINANCES – FIRST READING

(a) Zoning Ordinances

Councilor Dill presented for first reading Zoning Dockets **CZ-2017-25, CZ-2017-28, CZ-2017-29 and CZ-2017-31 through CZ-2017-36.**

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

(b) Sign Ordinance Update

Councilor Seman presented for first reading an ordinance to update the Greenville County Sign Ordinance to provide for the administration and enforcement of the regulation of signs and sign structures in the unincorporated area of Greenville County; and request the item be sent back to the Committee on Public Works and Infrastructure.

Chairman Kirven referred the item to the Committee on Public Works and Infrastructure.

(c) Greenville County Library / Proposed Budget

Vice-Chairman Meadows presented for first reading an ordinance to approve the appropriation of funds for the Greenville County Library System for the fiscal year beginning July 1, 2017 and ending June 30, 2018; and to authorize the annual ad valorem property tax millage levy for Library purposes.

Chairman Kirven stated the item would remain on the floor for second reading.

(d) Project Thor / Fee in Lieu of Tax and Special Source Credit Agreement

Vice-Chairman Meadows presented for first 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 Thor" 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.

Chairman Kirven stated the item would remain on the floor for second reading.

(e) Greenville / Anderson Multi County Industrial Business Park Agreement Amendment (2010 Park) – Project Thor

Vice-Chairman Meadows presented for first reading an ordinance to amend an agreement for the development of a joint county industrial and business park (2010 Park) of Anderson and Greenville Counties so as to enlarge the park.

Chairman Kirven stated the item would remain on the floor for second reading.

(f) Greenville / Anderson Multi County Industrial Business Park – University Ridge

Vice-Chairman Meadows presented for first reading an ordinance to develop a jointly owned and operated industrial/business park in conjunction with Anderson County, such industrial/business park to be geographically located in Greenville County and established pursuant to Sec. 4-1-170 of the Code of Laws of South Carolina, 1976, as amended; to provide for a written agreement with Anderson County to provide for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem taxation; and other matters related thereto.

Chairman Kirven stated the item would remain on the floor for second reading.

(g) Ordinance Restricting Hours of Operation for On-Premise Consumption of Alcohol

Councilor Ballard presented for first reading an ordinance to restrict the hours of operation of establishments that allow the on-premises consumption of alcohol; to provide penalties for violations thereof; and related matters thereto.

Chairman Kirven stated the item would remain on the floor for second reading.

(h) FY2018 Budget for Greenville County

Vice-Chairman Meadows presented for first reading an ordinance to adopt the County of Greenville Fiscal Year 2018 Budget as forwarded from the Committee of the Whole.

Chairman Kirven stated the item would remain on the floor for second reading.

(i) FY2019 Budget for Greenville County

Vice-Chairman Meadows presented for first reading an ordinance to adopt the County of Greenville Fiscal Year 2019 Budget as forwarded from the Committee of the Whole.

Chairman Kirven stated the item would remain on the floor for second reading.

Councilor Payne left the meeting.

Item (12) EMERGENCY ORDINANCE – RIVER FALLS FIRE DISTRICT ADMINISTRATION

Chairman Kirven stated an emergency ordinance regarding the River Falls Fire District Administration was up for consideration.

Councilor Dill stated the Chairman of the River Falls Fire District had resigned. A few years ago, the building fell down and the County had to help the community with a new building. Councilor Dill stated Council did not want to lose the River Falls Fire District but they wanted to get everything accounted for. He stated he had received a number of complaints regarding the service provided by the fire department and some had complained they were receiving no service at all. Councilor Dill stated the County just wanted to help the fire district.

Chairman Kirven stated Council wanted to make sure everyone in the County had adequate fire protection. He explained that the order to maintain services was temporary.

ACTION: Councilor Fant moved to approve an emergency order to authorize the County Administrator to maintain services in the River Falls Fire District.

Motion carried by all Council Members present. (Councilor Payne was absent)

Item (13) COMMITTEE REPORTS

None

Item (14) APPEARANCES BY CITIZENS

- **Angela Sherman**, 3579 Kernersville Road, Winston Salem NC – appeared regarding speed bumps on Fleetwood Drive
- **Bruce Wilson**, 14 Freestone Street, Greenville – appeared regarding housing in District 25
- **Cynthia Chance**, 33 Seyle Street, Greenville – appeared regarding community center in Dunean
- **Henry Lear**, 22 E. Montclair Avenue, Greenville – appeared regarding public transportation
- **Ben Ragan**, 113 Pepperwood Drive, Greenville - -appeared regarding municipal fines and violations

- **Christina Belge**, 18 Kimberly Drive, Travelers Rest – appeared regarding affordable housing
- **Arnold Houge**, 116 Stoney Brook Trail, Mauldin – appeared regarding Idlewild Community
- **George Greggs**, 55 Jackson Road, Piedmont – appeared regarding Idlewild Community
- **Lisa Sweeney**, 436 Woodbark Court, Mauldin - appeared regarding Idlewild Community
- **Jeffrey Redmond**, 6 Carillon Court, Simpsonville - appeared regarding Idlewild Community
- **Victoria Ellison**, 202 Old Saluda Dam Road, Greenville – appeared regarding Berea Community

Item (15) ADMINISTRATOR’S REPORT

No report

Item (16) REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- Councilor Seman stated Vetroresina, a fiberglass composite manufacturer, recently installed two solar arrays atop its facility at SCTAC in conjunction with Duke Energy’s Solar Rebate Program. Vetroresina CEO, Elena Colombarini, stated, “The energy savings, capital improvement, tax credits and our positive experience with solar...made it an easy choice.” Councilor Seman stated SCTAC was proud to be the location of Greenville County’s first net-positive manufacturer.
- Councilor Fant thanked the residents from District 25 for coming to the meeting. He asked for those members who were opposed to CZ-2017-22 to stand. He stated they had a petition that would be presented at the next Planning and Development Committee.
- Councilor Ballard reminded everyone that the next Drug Court Graduation Ceremony would be May 25th at 5:00 p.m.
- Councilor Dill thanked Joe Kernell and his staff for putting together a great budget. He thanked his colleagues for approving the River Falls Fire Department Ordinance insuring their continued fire service.
- Councilor Meadows invited everyone to the Swamp Rabbit Station on Saturday, May 20th at 1 p.m. for the unveiling of the mural and a book that had been published on the history of Berea.
- Councilor Cates expressed his appreciation to staff for preparing a budget for Council to consider. He stated this would make 25 years that Council has not raised taxes.
- Councilor Roberts stated he was encouraged to see so many new faces interested in County government. He stated his appreciation to staff for the budget proposal that was presented to Council and was impressed at how Greenville could keep their per capita costs so low.
- Councilor Taylor stated he would be having back surgery the following week and he coveted everyone’s prayers.

- Councilor Norris stated she was going to have a meeting at 10:00 am to talk about the Dunean Community and the hard times they were facing. She then mentioned affordable housing in District 23. Ms. Norris stated most of District 23 was in the City of Greenville and due to the voucher system, there were very few affordable houses left; vouchers were being given to the people living in District 23 who were then moving into District 25. She stated they needed to try to work together to make sure there was affordable housing in the City of Greenville. Ms. Norris stated the summer program at the Phyllis Wheatley Center was expecting 250-300 kids this year. She stated she was working with Legacy School in areas that did not have recreational facilities. Ms. Norris stated there was a problem with transportation in Greenville for the 10% of the population who did not own cars. She stated District 23 needed a lot of things and she was trying to help provide for those needs, but there was a long way to go.

Item (17)

ADJOURNMENT

ACTION: Councilor Norris moved to adjourn the meeting.

Motion carried unanimously by Council Members present and the meeting was adjourned at 7:44 p.m.

Respectfully submitted:

Theresa B. Kizer, Clerk to Council