

**GREENVILLE COUNTY COUNCIL
REGULAR MEETING
February 21, 2012
6:21 p.m.
County Square – Council Chambers**

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at County Square and made available to the newspapers, radio stations and television stations and concerned citizens.

COUNCIL MEMBERS PRESENT:

CHAIRMAN BUTCH KIRVEN
VICE CHAIRMAN BOB TAYLOR
JOE DILL
JOE BALDWIN
WILLIS MEADOWS
SID CATES

FRED PAYNE
XANTHENE NORRIS
LIZ SEMAN
JIM BURNS
DAN RAWLS
LOTTIE GIBSON

COUNCIL MEMBERS ABSENT:

NONE

STAFF PRESENT:

JOE KERNELL, County Administrator
MARK TOLLISON, County Attorney
JOHN HANSLEY, Deputy County Administrator
THERESA KIZER, Clerk to County Council
REGINA MCCASKILL, Deputy Clerk to County Council
MELLONE LONG, Assistant County Administrator, Planning
PAULA GUCKER, Assistant County Administrator, Public Works
JEFF WILE, Assistant County Attorney
DEAN CAMPBELL, Assistant County Attorney
BOB MIHALIC, Governmental Relations Officer
VIVIAN ANTHONY, Assistant County Administrator, Human Resources
WAYNE MULLEN, Coordinator, Human Resources
JOHN OWINGS, Planning
STEPHANIE BROWN, Coordinator, Human Resources
SANDRA YUDICE, Assistant to the County Administrator

OTHERS PRESENT:

CHIEF DEPUTY JOHN ELDRIDGE, Sheriff's Office

CALL TO ORDER

Chairman Butch Kirven

INVOCATION

Mark Reed, Assistant Pastor
Mitchell Road Presbyterian Church

PLEDGE OF ALLEGIANCE

Item (4)

APPROVAL OF MINUTES

ACTION: (a) Councilor Gibson moved to approve the minutes of the February 7, 2011 regular County Council meeting.

Councilor Burns requested a roll call vote.

Motion carried with twelve in favor (Dill, Baldwin, Meadows, Cates, Burns, Taylor, Norris, Seman, Gibson, Rawls, Kirven, Payne) and no one in opposition.

Item (5)

APPEARANCES

- John Bynum, 407 Morris Street, Greenville - appeared regarding Electronic Voting and A-Tax Allocations

COMMENTS

Councilor Gibson stated Greenville County decided to purchase an ad in the Black Pages because of individuals spending thousands of dollars within the county.

Chairman Kirven stated A-Tax monies came from hotels charging a tax on room rentals, not property tax or the general fund.

RECOGNITION

Councilor Dill recognized students in attendance from Mrs. Woods' Government class at Blue Ridge High School.

COMMENTS

Councilor Norris stated false statements and labels about ethnic groups and individual situations needed to stop.

Item (6)

RESOLUTION

- (a) **Ionic Technologies, Inc. (formerly Project Sugar) / Inducement Agreement**

ACTION: Councilor Taylor moved for adoption a resolution authorizing the execution and delivery of an Inducement Agreement by and between Greenville County, South Carolina and Ionic Technologies, Inc., whereby, under certain conditions, Greenville County will execute a Fee in Lieu of Tax Agreement for a project involving not less than ten million dollars investment.

Councilor Burns requested a roll call vote.

Councilor Payne stated he understood Councilor Burns was not comfortable with the decision made in the Committee of the Whole meeting; however he felt Councilor Burns needed to respect the majority vote. He stated he felt it would be appropriate for the Chairman to ask for a roll call vote if it was not clearly unanimous. He stated Councilor Burns was being childish and it was beneath the dignity of the office.

Motion carried with twelve in favor (Dill, Baldwin, Meadows, Cates, Burns, Taylor, Norris, Seman, Gibson, Rawls, Kirven, Payne) and no one in opposition.

Item (7)

ORDINANCES - SECOND READING

(a) Zoning Ordinances

- 1. CZ-2012-1**, Property of Jack Cochran located on Grove Road at White Horse Road requesting rezoning from R-MA, C-2 and S-1 to C-3. The Planning Commission and Committee recommended approval.

ACTION: Councilor Payne moved approval of the ordinance at second reading.

Councilor Burns requested a roll call vote.

Motion carried with twelve in favor (Dill, Baldwin, Meadows, Cates, Burns, Taylor, Norris, Seman, Gibson, Rawls, Kirven, Payne) and no one in opposition.

(b) Text Amendment / Condition 28 of Section 6:2 of The Greenville County Zoning Ordinance (CZ-2012-3)

ACTION: Councilor Payne moved for approval at second reading an ordinance to amend Condition 28 of Section 6.2 of the Greenville County Zoning Ordinance to clarify that mixed use development within the C-1, C-2, and C-3, Commercial Districts is allowed as a conditional use and to provide the criteria for single family, multifamily, and mixed use developments in the aforementioned districts. The Planning Commission and Committee recommended approval.

Councilor Burns requested a roll call vote.

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

(c) Floodplain Program Leases

ACTION: Councilor Taylor moved for approval at second reading an ordinance to authorize the execution of leases with Greengate Community Initiative for the use and care of adjacent property as part of the Greenville County Flood Buy-out Program.

Councilor Burns requested a roll call vote.

Motion carried with twelve in favor (Dill, Baldwin, Meadows, Cates, Burns, Taylor, Norris, Seman, Gibson, Rawls, Kirven, Payne) and no one in opposition.

(d) Anderson / Greenville Multi County Industrial Business Park Agreement Amendment - Bosch Rexroth

ACTION: Councilor Taylor moved for approval at second 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 South Carolina Code of Laws 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 Tax to Greenville County and relevant taxing entities.

Councilor Burns requested a roll call vote.

Motion carried with twelve in favor (Dill, Baldwin, Meadows, Cates, Burns, Taylor, Norris, Seman, Gibson, Rawls, Kirven, Payne) and no one in opposition.

Item (8)

ORDINANCES – FIRST READING

(a) Zoning Ordinances

Councilor Payne presented for first reading Zoning Dockets CZ-2012-5 and CZ-2012-6.

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

(b) Ionic Technologies Inc. (Formerly Project Sugar) / Fee In Lieu of Tax Agreement

Councilor Taylor presented for first reading an ordinance authorizing the execution and delivery of a Fee in Lieu of Tax Agreement between Greenville County, South Carolina and Ionic Technologies, Inc.; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes.

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

Item (9)

COMMITTEE REPORTS

(a) Committee on Finance

1. 2011 Accommodations Tax Funding Allocation

ACTION: On behalf of the Committee, Councilor Taylor moved for approval the 2011 Accommodations Tax Funding Allocations as recommended by the Committee.

Councilor Meadows asked about the for-profit organizations on the list stating in the past funds were not given to for-profit groups.

Mr. Tollison stated the Accommodations Tax Statute did not give direction from the state regarding for-profit and non-profit organizations; they just had to be tourism related agencies.

Councilor Meadows stated the Metropolitan Arts Council would not be able to be used as a pass through.

Mr. Tollison stated County Council's Policy prohibited the use of Accommodations Tax projects that involved solicitation of funds and maybe that was the rationale that arose with the Metropolitan Arts Council.

Councilor Meadows asked why the committee was not given the list of all 25 applicants.

Chairman Kirven stated the Accommodations Tax Committee was asked to be diligent with their recommendations and Council should accept their recommendations as much as possible because they represent tourism, the community and they interview the applicants. He stated he relied on the A-Tax Committee's recommendations.

Councilor Burns stated traditionally funding was given to the Metropolitan Arts Council for many years. He stated the request was for Open Studios, an event put on by the Metropolitan Arts Council.

Councilor Meadows stated Open Studios was not the Metropolitan Arts Council, it was a pass through, it was a stand alone entity.

Councilor Burns stated the entire Open Studios weekend was a tourist attraction.

Councilor Taylor stated artists made approximately \$300,000 during the Open Studios last year. He questioned if the artist made that much money, they should contribute towards the marketing.

Councilor Baldwin asked what was the proposed use for the appropriation made by Fountain Inn Chamber of Commerce.

Councilor Rawls stated the BMW golf tournament brought a lot of money into the area, which was given to charity. He stated Greenville County traditionally received \$5,000, however, last year Greenville County was cut because monies were given to agencies that were for-profit.

Mr. Kernell stated he did not recall BMW submitting an A-Tax application.

Chairman Kirven stated funding would not be given to organizations who did not apply.

Councilor Dill stated he had not seen the letter that was passed out, on behalf of Councilor Cates, prior to the meeting. He stated he did not agree with the Metropolitan Arts' Council giving money to art groups that put on events in the City of Greenville. Understandably, people would stay in hotels within the city because of convenience and the County would not benefit from the tax dollars.

ACTION: Councilor Dill moved to amend the Metropolitan Arts Council request by adding '*the arts events would be held in the county, outside the City of Greenville*'.

Councilor Burns stated the organization's application would have had to specify an event.

After a brief discussion, Councilor Dill withdrew his motion.

Mr. Kernell stated interviews for the next round of funding had started.

Councilor Dill stated he was told by different groups that applied with the Metropolitan Arts Council, and they were denied.

Councilor Burns requested a roll call vote.

The motion was denied by a vote of five in favor (Burns, Norris, Seman, Payne, Kirven) and seven in opposition (Baldwin, Meadows, Cates, Gibson, Rawls, Dill, Taylor).

Item (10)

APPEARANCES BY CITIZENS

- Debra Moore, 119 Orr Street, Greenville - appeared regarding the Greenville County Redevelopment Authority.
- Ed Paxton, 1 York Circle, Greenville - appeared regarding grand-standing

Item (11)

ADMINISTRATOR'S REPORT

There was no Administrator's Report.

Item (12)

REQUESTS AND MOTIONS BY COUNCIL MEMBERS

Reconsideration of the 2011 Accommodations Tax Funding Allocations

ACTION: Councilor Payne moved to reconsider the 2011 Accommodations Tax Funding Allocation that was defeated earlier in the meeting.

Mr. Tollison stated Councilor Payne would not be able to bring forth the reconsideration for the 2011 Accommodations Tax Funding Allocation because only the prevailing side had that ability.

ACTION: Councilor Gibson then moved to reconsider the 2011 Accommodations Tax Funding Allocation that was defeated earlier in the meeting.

Councilor Taylor stated he would like to hold the reconsideration until the next County Council meeting to allow time for some issues to get resolved.

Councilor Cates asked if the groups on the list, who were an issue for County Council, could be taken off and the remaining groups move forward to receive their funding.

Mr. Tollison stated over the years County Council had amended the A-Tax allocations recommendations. He also stated any Council Member could place a notice in the packet for reconsideration at the next meeting.

Councilor Gibson withdrew her motion, stating time was needed for discussion.

Councilor Baldwin stated his intent to have on the March 6th agenda, a motion by himself to reconsider the action taken regarding the 2011 Accommodations Tax Funding Allocations.

REQUESTS AND MOTIONS BY COUNCIL MEMBERS con't

- Councilor Gibson apologized to a constituent who was present, stating she was supposed to have had a proclamation to present at the meeting but it had slipped her mind.
- Councilor Seman stated site work on the South Carolina Army International Guard Aviation Complex at SCTAC was complete, and construction of the main hanger was now underway. She stated the facility was scheduled to be completed in early 2013. Ms. Seman then informed Council members that SCTAC Chairman Hopkins' mother had passed away and she asked that they keep the family in their prayers.
- Councilor Burns stated in regards to the recent Greenville Economic Development Corporation financial statements that were received, he would like to have an update brought to the next Finance Committee meeting.
- Councilor Dill requested a report on the To Go Center and the Blue Wall Experience be presented at the next Committee of the Whole meeting.

Item (13)

ADJOURNMENT

ACTION: Councilor Burns moved to adjourn the meeting.

Motion carried and the regular meeting of Greenville County Council was adjourned at 6:26 p.m.

Respectfully submitted:

Theresa B. Kizer, Clerk to Council