

**GREENVILLE COUNTY COUNCIL  
REGULAR MEETING  
March 20, 2012  
6:04 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	FRED PAYNE
VICE CHAIRMAN BOB TAYLOR	XANTHENE NORRIS
LIZ SEMAN	SID CATES
JOE BALDWIN	JIM BURNS
WILLIS MEADOWS	DAN RAWLS
LOTTIE GIBSON	JOE DILL

**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  
BOB MIHALIC, Governmental Relations Officer  
VIVIAN ANTHONY, Assistant County Administrator, Human Resources  
WAYNE MULLEN, Coordinator, Human Resources  
STEPHANIE BROWN, Coordinator, Human Resources  
KIMBERLY WUNDER, Assistant County Attorney  
JIM DORRIETY, Assistant County Administrator, Detention Center

**OTHERS PRESENT:**

CHIEF DEPUTY JOHN ELDRIDGE, Sheriff's Office  
MARTIN LIVINGSTON, Executive Director, Redevelopment Authority  
PATRICK HADDEN, Executive Director, Disabilities and Special Needs  
JIM EVERS, Chairman, Upstate S.C. Alliance  
JENNIFER MILLER, Vice President, Upstate S.C. Alliance

**CALL TO ORDER**

Chairman Butch Kirven

**INVOCATION**

Dr. Bruce McAlister, Director  
Ministerial Training and Outreach Ministry  
Bob Jones University

## PLEDGE OF ALLEGIANCE

### **Item (4)**

#### APPROVAL OF MINUTES

**ACTION:** (a) Councilor Rawls moved to approve the minutes of the March 6, 2011 regular County Council meeting.  
Motion carried.

### **Item (5)**

#### PROCLAMATIONS

##### **(a) National Community Development Week**

Councilor Norris presented Martin Livingston with a proclamation, proclaiming the week of April 8-14, 2012 as National Community Development Week and April 13, 2012 as Community Development Day in Greenville County.

##### **(b) Disabilities Awareness Month**

Councilor Dill presented Patrick Hadden and the Disabilities and Special Needs Board members present with a proclamation to recognize the contributions of all those with disabilities and their caregivers by naming the month of March as Disability Awareness Month in Greenville County.

### **Item (6)**

#### PRESENTATION

##### **(a) Upstate Alliance Economic Development Leadership Award**

Mr. Jim Evers and Ms. Jennifer Miller presented County Council Chairman Kirven with an award for being an effective leader and his help with funding for their organization. Mr. Evers stated it was the first award of this kind Upstate S.C. Alliance had given.

Chairman Kirven stated the award was given out tonight because it was the only opportunity where all County Council members would be present for acceptance.

### **Item (7)**

#### PUBLIC HEARINGS

##### **(a) Alltrista Plastics LLC d/b/a Jarden Plastic Solutions (formerly Project Vision) / FILOT Agreement**

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing a fee in lieu of tax arrangement on behalf of Alltrista Plastics LLC d/b/a Jarden Plastic Solutions, pursuant to a fee in lieu of tax agreement between Greenville County, South Carolina and the Company; and other matters relating to the foregoing.

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

### **Item (8)**

#### APPEARANCES

There were no speakers.

**Item (9)**

**CONSENT AGENDA**

- (a) **FY2012 DUI Prosecution Grant**
- (b) **FY2012 Juvenile Justice Grant - Juvenile Facility Equipment**
- (c) **Mutual Aid Agreement / Spartanburg County Sheriff's Office**
- (d) **2012 Grievance Committee Pool Recommendations**

**ACTION:** Councilor Norris moved to approve the Consent Agenda items.

Motion carried unanimously.

**Item (10)**

**RESOLUTIONS**

- (a) **Roy Metal Finishing Company Inc., & JPCR LLC / FILOT 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 Roy Metal Finishing Company, Inc. and JPCR, LLC, whereby, under certain conditions, Greenville County will execute a Fee in Lieu of Tax Agreement with Roy Metal Finishing Company, Inc. and JPCR, LLC with respect to an industrial project in the County, whereby the project would be subject to certain fees in lieu of taxes; and providing for related matters.

Motion carried unanimously.

**Item (11)**

**ORDINANCES – THIRD READING**

- (a) **Zoning Ordinances**

- 1. **CZ-2012-2**, Property of Vulcan Lands, Inc., located on Brown Road (Vulcan Quarry) requesting rezoning from R-S to I-1 as amended.

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

Motion carried unanimously.

**Item (12)**

**ORDINANCES – SECOND READING**

- (a) **Zoning Ordinances**

- 1. **CZ-2012-5**, Property of Anne Pittman located at 22 Cathey Street at Orders Street requesting rezoning from R-7.5 to S-1. The Planning Commission and Committee recommended approval.

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

Motion carried with Councilor Burns voting in opposition.

- 2. **CZ-2012-6**, Property of Joel Nunez located at 108 Snipes Road requesting rezoning from R-S to R-20. The Planning Commission and Committee recommended approval.

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

Motion carried unanimously.

**(b) Alltrista Plastics LLC d/b/a Jarden Plastic Solutions (formerly Project Vision) / FILOT Agreement**

**ACTION:** Councilor Taylor moved for approval at second reading an ordinance authorizing a fee in lieu of tax arrangement on behalf of Alltrista Plastics LLC d/b/a Jarden Plastic Solutions, pursuant to a fee in lieu of tax agreement between Greenville County, South Carolina and the Company; and other matters relating to the foregoing.

**AMENDMENT:** Councilor Taylor moved to amend the ordinance and agreement to reflect the changes outlined in the red-lined versions provided in the agenda packet.

Motion to amend carried unanimously.

**ACTION:** Councilor Taylor moved approval of the ordinance as amended.

Motion as amended carried unanimously.

**(c) Ionic Technologies Inc. (formerly Project Sugar) / FILOT Agreement**

**ACTION:** Councilor Taylor moved for approval at second 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.

Motion carried unanimously.

**(d) Creating the Construction Board of Adjustment and Appeals to Replace the Building and Housing Board of Adjustments and Appeals**

**ACTION:** Councilor Meadows moved for approval at second reading an ordinance to repeal Ordinance No. 1848, as last amended by Ordinance No. 2055, relating to the Building and Housing Board of Adjustments and Appeals, to create the Construction Board of Appeals, to define its membership qualifications and responsibilities, and to amend Ordinance No. 2001 as to the name of the board contained therein.

Councilor Burns asked was there not already a Construction Board of Appeals in existence.

Mr. Tollison stated the proposal would update the ordinance by renaming the board.

Councilor Taylor stated he understood Councilor Burns' confusion; construction was used in the name, although it was not part of the official name. The proposed ordinance would make the necessary update.

Mr. Tollison stated the current board members would remain until their terms end.

Councilor Baldwin stated he felt the board would have a better chance of filling vacancies because there was not a need to have different specialties as part of the board.

Chairman Kirven requested a roll call vote.

Motion carried by a vote of twelve in favor (Cates, Burns, Baldwin, Norris, Seman, Gibson, Rawls, Payne, Taylor, Kirven, Meadows, Dill) and none opposed.

**(e) Dissolution of the Upper Paris Mountain Special Tax District**

**ACTION:** Councilor Meadows moved for approval at second reading an ordinance to dissolve the Upper Paris Mountain Special Tax District pursuant to Section 4-9-30(5)(e) of the Code of Laws of South Carolina, 1976, as amended; and other matters related thereto.

Motion carried unanimously.

**Item (13)**

**ORDINANCES – FIRST READING**

**(a) Zoning Ordinances**

Councilor Payne presented for first reading Zoning Dockets CZ-2012-8 and CP-2012-1.

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

**Item (14)**

**COMMITTEE REPORTS**

There were no further Committee Reports.

**Item (15)**

**APPEARANCES BY CITIZENS**

- Robin Duncan, 140 Oak Hill Drive, Greenville – appeared regarding zoning
- Jim Hargett, 359 Reedy Fork Rd, Greenville – appeared regarding additional monies for Conestee Lake Nature Park

**Item (16)**

**ADMINISTRATOR’S REPORT**

There was no Administrator’s Report.

**Item (17)**

**REQUESTS AND MOTIONS**

- Councilor Gibson stated she would be making a public announcement of her candidacy on Thursday, March 22<sup>nd</sup> at 10:00 a.m. at County Square.
- Councilor Seman passed around pictures of the construction progress of the South Carolina Army National Guard project at SCTAC. She stated it was a \$26 million aviation facility that would house two helicopter units and about 200 guardsmen. The facility is adjacent to the Greenville Tech Aircraft School on Perimeter Road. She then thanked those Council members who were presented for the Lake Conestee groundbreaking. Councilor Seman reminded everyone that Wednesday was the celebration for March for Meals; she thanked them for any support they could give.
- Chairman Kirven stated he was bothered by the transparency and electronic voting issues. He stated there were a couple of letters in the newspaper and speakers at County Council meetings. He stated under the banner of transparency, switching from manual voting to electronic voting was proposed. He stated the electronic voting proposal gave the implication that without electronic voting, votes were not being recorded; which was incorrect. Chairman Kirven stated County Council did not have secret votes. He stated about 95% of all votes was unanimous and all actions were recorded, however, on the few issues where County Council was divided, a roll call, which records each Council member’s vote, was almost invariable taken for the record. He stated although there was nothing wrong with the current method of voting, he felt most Council members would vote for an electronic voting system, when it was clearly shown to be more efficient and effective. Chairman Kirven stated a step in the direction of electronic voting was taken when County Council authorized Mr. Kernell to investigate the market for voting systems that would achieve improvements in both efficiency and accuracy in recording County Council votes. In due course, Mr. Kernell stated electronic voting machines for small bodies like County Council were expensive; however, he did select one of the cheapest systems for County Council to tryout. An interactive demonstration of the system was held for County Council in August 2011. The equipment itself was a disappointment to some Council members, who expected a more professional system. After some review, many shortcomings were identified, which would cause it to be more labor intensive for Council members and staff and a higher probability for mistakes, causing it to be less

efficient than the current method and more confusing to the public. Electronic voting was designed for large legislative bodies with large amounts of matters to vote on, sometimes on a daily basis. Chairman Kirven stated County Council would continue to look for improved methods and practices that were economical, efficient and transparent, including electronic voting.

- Chairman Kirven then requested the County Administrator to continue his research to refine and develop an affordable and practical electronic voting system, if one existed, that was both more efficient and more effective than the current method of recording Council's actions and votes.
- Councilor Taylor stated he voted against an electronic voting system because he was unsure how the system would record his vote in the computer, how would the information be placed on-line for citizens viewing and other concerns. He stated County Council rules and policies would have to be rewritten for adoption. Councilor Taylor announced he would run for re-election.
- Councilor Meadows stated until County Council started to use a voting system, citizens have to be assured that the Council was transparent and all votes were recorded.

### **COUNTY COUNCIL RULES AMENDMENT**

**ACTION:** Councilor Meadows moved to suspend the Council rules relating to notice.

Councilor Payne stated he took time to look over the updated version of Mason's Rules relating to the different options of voting. He commended Chairman Kirven on his earlier commentary and suggested offering the comments to the media for their publication or use in communicating the clarity of County Council's transparency to the public.

Councilor Meadows stated if the rules were suspended, he would move to amend Council Rules Section (3) (B) relating to the notice to members to present a proposed rule change, relating to recording of votes by Council members.

Councilor Gibson called the question.

Motion to suspend the notice rule carried unanimously.

**ACTION:** Councilor Meadows moved to suspend Council Rule Section (6) (A) in order to be able to make a motion to amend Council Rule III (D) (7). He stated the purpose of this motion was to be able to vote on an item that did not appear on the meeting's agenda.

Motion to suspend Council Rule Section (6) (A) carried unanimously.

**AMENDMENT:** Councilor Meadows moved to amend Council Rule III (D) (7) so that it read: "Votes of members shall be recorded for roll call votes. Any member may have his vote recorded on any question. The Chairman shall announce for recording in the minutes all unanimous votes. On any vote that is not unanimous, the Chairman shall announce for recording in the minutes the names of those voting "no" and to strike the word "only"."

Councilor Meadows requested a roll call vote.

Motion to amend Council Rule III (D) (7) carried by a vote of twelve in favor (Dill, Baldwin, Meadows, Cates, Burns, Taylor, Norris, Seman, Gibson, Rawls, Kirven, Payne) and none opposed.

**REQUESTS AND MOTIONS con't**

- Councilor Cates stated there was a misunderstanding among the citizenry that some people on Council did not want to be transparent or wanted to hide votes. He stated the whole issue that was being questioned was the method of transparency, not that of being transparent. He wanted to make that clear for anyone who had a question about it.
- Councilor Cates then wished Mr. Meadows a Happy Birthday.

**Item (18)**

**ADJOURNMENT**

**ACTION:** Councilor Cates moved to adjourn the meeting.

Motion carried and the regular meeting of Greenville County Council was adjourned at 7:12 p.m.

Respectfully submitted:

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Theresa B. Kizer, Clerk to Council