

**GREENVILLE COUNTY COUNCIL
REGULAR MEETING
October 2, 2012
6:01 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
LIZ SEMAN
DAN RAWLS

FRED PAYNE
JOE DILL
SID CATES
JOE BALDWIN

JIM BURNS
XANTHENE NORRIS
WILLIS MEADOWS
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
PAULA GUCKER, Assistant County Administrator, Public Works
BOB MIHALIC, Governmental Relations Officer
DEAN CAMPBELL, Deputy County Attorney
KEITH DRUMMOND, Code Enforcement, Director
TOM MEEKS, Planning Department
SANDRA YUDICE, Assistant to the County Administrator
JOHN OWINGS, Planning Department
SKIP LIMBAKER, Planning Department
BROOKE FERGUSON, Planning Department

OTHERS PRESENT:

CHIEF DEPUTY JOHN ELDRIDGE, Sheriff's Office
JIM BARBARE, Planning Commission, Chairman

CALL TO ORDER

Chairman Butch Kirven

INVOCATION

Reverend Dr. Richard Gibbons
First Presbyterian Church
Greenville, SC

PLEDGE OF ALLEGIANCE

Item (4)

APPROVAL OF MINUTES

ACTION: (a) Councilor Seman moved to approve the minutes of the September 18, 2012 regular County Council meeting.

Motion carried unanimously by all Council members present.

Item (5)

PROCLAMATION

(a) Community Planning Month

Councilor Payne presented a proclamation, proclaiming October, 2012 as Community Planning Month, to the Greenville County Planning Department. The month of October is designated as National Community Planning Month throughout the United States of America and its territories. The celebration of National Community Planning Month gives us the opportunity to publicly recognize the professionals in the Planning and Code Compliance Division, the Planning Commission, and all other citizen planners who have contributed their time and expertise to the improvement of the quality of life for all in Greenville County.

Item (6)

PRESENTATION

(a) American Lung Association

Ms. Tiffany S. Linder, Area Manager of the American Lung Association of South Carolina, recognized and presented Chief Jones and members of the Parker Fire Department with three awards:

1. "2012 Fight for Air Climb" held at the Bi-Lo Center (climbed thousands of stairs and the overall fastest time)
2. "Charleston Fight for Air Climb Upstate" (overall fastest time of any fire team in any division)
3. Individual Palmetto Awards were presented to Zachary Crechfield, Kalub Story, Steve Albertson, Brad Malone, Brad Bellue and Jason Gordon.

Item (7)

PUBLIC HEARINGS

(a) South Carolina Plastics LLC (formerly Project Worthwile) / Incentive Ordinance

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing the execution and delivery of one or more incentive agreements by and among Greenville County, South Carolina and, South Carolina Plastics, LLC, and one or more existing or to-be-formed or acquired subsidiaries, or affiliated or related entities, as sponsor, to provide for a fee in lieu of *Ad Valorem* taxes incentive; to provide for the inclusion of the project in a multi-county business or industrial park; to provide for special source revenue credits; addition of sponsor affiliate; and other related matters.

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

(b) New Horizon Family Health Services Inc. Project / JEDA Bonds

A public hearing was held for the purpose of receiving public comments regarding a resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its economic development revenue bonds (New Horizon Family Health Services, Inc. Project) Series 2012, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$16,000,000.

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

(c) Buxton Tax District / Millage Request

A public hearing was held for the purpose of receiving public comments regarding an ordinance to approve the operational budget and expenditures of tax revenues by the Buxton Special Tax District, and to provide for an increase in the tax millage to be levied by the district.

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

Item (8)

APPEARANCES

There were no appearances.

Item (9)

CONSENT AGENDA

(a) Commissioning Greenville County EMS Paramedic as a Member of the Sheriff's Office SWAT Team

(b) Pedigree / Petfinder Operational Grant (\$1,000)

ACTION: Councilor Dill moved to approve the Consent Agenda items.

Motion carried unanimously by all Council members.

Item (10)

RESOLUTION

(a) New Horizon Family Health Services Inc. / JEDA Bonds

ACTION: Councilor Taylor moved for adoption a resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its economic development revenue bonds (New Horizon Family Health Services, Inc. Project) Series 2012, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$16,000,000.

Councilor Taylor stated the bonds were not a county obligation; however, organizations needed county consent in order to obtain funding from the state.

Motion as presented carried unanimously by all Council members.

Item (11)

ORDINANCES – THIRD READING

(a) Zoning Ordinance

1. **CZ-2012-27**, Property of Stephen Southerlin located at 2 Skyland Avenue requesting rezoning from R-7.5 to NC.

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

Motion carried unanimously by all Council members present.

(b) South Carolina Plastics LLC (Formerly Project Worthwhile) / Incentives Ordinance

ACTION: Councilor Taylor moved for adoption at third reading an ordinance authorizing the execution and delivery of one or more incentive agreements by and among Greenville County, South Carolina and, South Carolina Plastics, LLC, and one or more existing or to-be-formed or acquired subsidiaries, or affiliated or related entities, as sponsor, to provide for a fee in lieu of *Ad Valorem* taxes incentive; to provide for the inclusion of the project in a multi-county business or industrial park; to provide for special source revenue credits; addition of sponsor affiliate; and other related matters.

Motion carried unanimously by all Council members.

(c) Buxton Tax District / Millage Request

ACTION: Councilor Taylor moved for adoption at third reading an ordinance to approve the operational budget and expenditures of tax revenues by the Buxton Special Tax District and to provide for an increase in the tax millage to be levied by the district.

Motion carried with Councilor Rawls in opposition.

Item (12)

ORDINANCES – SECOND READING

(a) Zoning Ordinances

1. **CZ-2012-28**, Property of Reichert Consulting LLC, located on Scuffletown Road and Lee Vaughn Road requesting rezoning from R-S to NC. The Planning Commission and Committee recommended approval with conditions.

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

AMENDMENT: Councilor Payne moved to amend the ordinance to include the following conditions:

1. Stub-outs to the adjacent parcels to the north and south should be shown on the plan to provide connectivity to the adjoining parcels if they are developed for any use other than single-family residential.
2. Automobile service stations/gas stations and convenience stores shall not be permitted.
3. Sidewalks are required along all external road frontages.
4. Buildings must be designed to have double façades (i.e. the main entrances face internally and the rear faces the road but looks like a secondary front with windows and a façade).

Motion to amend carried unanimously by all Council members.

ACTION: Councilor Payne moved approval of the ordinance as amended.

Motion as amended carried unanimously by all Council members.

2. CZ-2012-29, Property of Kimberly Haines located on Old Hundred Road and Reedy Fork Road requesting rezoning from R-R3 to R-R1 and C-1. The Planning Commission and Committee recommended approval.

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

Motion carried unanimously by all Council members.

3. CZ-2012-30, Property of Mike Kiriakides located on Eldorado Drive requesting rezoning from R-MA to C-2. The Planning Commission and Committee recommended approval.

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

AMENDMENT: Councilor Meadows moved to amend the request to C-3. The amendment was at the request of the applicant.

Motion to amend carried unanimously by all Council members.

ACTION: Councilor Payne moved approval of the ordinance as amended.

Motion as amended carried unanimously by all Council members.

4. CZ-2012-31, Property of Joel Kirby and James Burriss located on Feaster Road requesting rezoning from I-1 to NC. The Planning Commission and Committee recommended approval.

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

Motion carried unanimously by all Council members.

5. ZONING DOCKET CZ-2012-32 WAS WITHDRAWN BY THE APPLICANT

6. ZONING DOCKET CZ-2012-33 WAS WITHDRAWN BY THE APPLICANT

7. CZ-2012-34, Property of Inland Western Greenville Five Forks LLC, located at 2607 Woodruff Road requesting rezoning from C-1 to C-2. The Planning Commission and Committee recommended approval.

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

Motion carried unanimously by all Council members.

(b) Text Amendment / Permitting Conditional Uses Relating to Chickens (CZ-2012-35)

ACTION: Councilor Payne moved for approval at second reading an ordinance to amend Table 6.1 Uses Permitted and Section 6:2 Use Conditions of the Greenville County Zoning Ordinance, relating to permitted conditional uses. The Planning Commission recommended denial and the Committee recommended approval as amended.

AMENDMENT: Councilor Payne moved to amend the ordinance to include Utility Easements in Section 29 (G) along with railroad and watercourse.

Councilor Dill stated there were misunderstandings relating to the proposed item. He stated Council members need to give input on the proposed.

Motion to amend carried unanimously by all Council members.

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

Councilor Seman stated in looking through the summary, staff performed a considerable amount of research of the last couple of years and she appreciated their efforts. She suggested educating the citizens on the proposed amendment rather than sending it back to committee.

Councilor Burns stated he agreed with educating the citizens, unless there were specific details of concern.

Chairman Kirven stated it was possible to have another public hearing before third reading consideration.

Councilor Dill stated County Council had to elevate the perception in the minds of citizens before voting.

Chairman Kirven stated the historical zoning reasoning behind the allowance on smaller lots was because of possible neighbor issues. He stated he helped the citizens he spoke with understand the text amendment.

Councilor Payne stated the problematic feedback he received from citizens related to on-site slaughter, raise for commercial purposes and eggs sold for profit; feedback suggested it was not possible to monitor/enforce those items. He suggested deleting Items (I) and (J) from the proposed text amendment and eliminating or reducing the permit fee in Item (K).

Chairman Kirven felt the permit fee was a one-time fee. Any inspections after the initial permit fee would be complaint driven through Code Enforcement.

Councilor Taylor stated sending the item back to the Planning and Development Committee or allowing amendments at third reading were the only alternatives.

Councilor Gibson called for the question.

Motion to return the item to the Planning and Development Committee carried by a roll call vote of seven in favor (Gibson, Rawls, Dill, Baldwin, Meadows, Cates, Taylor) and five opposed (Norris, Seman, Payne, Burns, Kirven).

Councilor Burns suggested Council members voice their concerns to Councilor Payne before the next Planning and Development Committee meeting was held.

Councilor Baldwin suggested holding a public hearing at the next Planning and Development Committee meeting to allow for citizen input.

(b) Text Amendment / Add Coordination Element to the Greenville County Comprehensive Plan (CP-2012-02)

ACTION: Councilor Payne moved for approval at second reading an ordinance to amend the Greenville County Comprehensive Plan by adding the Coordination Element. The Planning Commission and Committee recommended approval.

Councilor Burns stated the proposed would not change the Greenville County Comprehensive Plan.

Motion carried unanimously by all Council members.

Item (13)

ORDINANCES – FIRST READING

(a) Project Sparta / 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 Ad Valorem taxes and Incentive Agreement by and among Greenville County, South Carolina, and Project Sparta, as sponsor, and a sponsor affiliate, to provide for a fee in lieu of Ad Valorem taxes incentive, granting of certain special source revenue credits and other matters related thereto.

Chairman Kirven stated the item would remain on the floor until the next County Council meeting.

(b) Project Sparta / Fee in Lieu of Tax Agreement Extension

Councilor Taylor presented for first reading an ordinance authorizing the amendment of that certain fee in lieu of Ad Valorem taxes agreement by and among Greenville County, South Carolina, and Drive Automotive Industries of America, Inc., as sponsor, and Mid Realty Holdings, L.L.C., as sponsor affiliate, to extend the term of said agreement; and other matters related thereto.

Chairman Kirven stated the item would remain on the floor until the next County Council meeting.

(c) Anderson / Greenville Multi County Industrial Business Park - Project Sparta

Councilor Taylor presented for first reading an ordinance authorizing an amendment to an agreement for development for joint county industrial park by and between Greenville County, South Carolina, and Anderson County, South Carolina, to expand the boundaries of the park to include certain real property located in Greenville County; and other related matters.

Chairman Kirven stated the item would remain on the floor until the next County Council meeting.

Item (14)

COMMITTEE REPORTS

(a) Committee of the Whole

1. Board and Commission Nominations

Accommodations Tax Advisory Committee (1 vacancy)

1. B. J. Koonce (D.22)

Autumn Hills Special Tax District (1 vacancy)

1. Jana Stankus (D.17)

Board of Tax Assessment and Appeals (7 vacancies)

1. Steven Bichel (D.21)
2. John Brumley Jr. (D.22)
3. Eric Carnell (D.24)
4. Paul Craven (D.21)
5. William Henry (D.18)
6. David Hill (D.20)
7. Cynthia Zerga (D.19)

Devenger Pointe Special Tax District (2 vacancies)

1. Lee Kazian (D.21)
2. Gail Randall (D.21)

Devenger Tax District (2 vacancies)

1. Richard Draper Jr. (D.21)

Donaldson Fire Service Area (1 vacancy)

1. Douglas Meyer (D.27)

Greater Greenville Sanitation District (1 vacancy)

1. Walter Easterling (D.20)

Human Relations Commission (5 vacancies)

1. John Culp (D.28)
2. Mary Dillard (D.20)
3. Angela Huntley (D.28)
4. Nichole Scott (D.25)
5. James Speed Jr. (D.22)

Lake Cunningham Fire District (1 vacancy)

1. Roland Pittman (D.17)

Metropolitan Sewer Subdistrict (2 vacancies)

1. William Lindsey (D.17)
2. Graham Proffitt, III (D.22)

Museum Commission (2 vacancies)

1. Scott Kilgore Sr. (D.24)
2. Harry Ussery (D.21)

Old Mill Estates Special Tax District (2 vacancies)

1. Pauline Brown (D.20)
2. Raymond Hammond Sr. (D.20)

Greenville County Redevelopment Authority (6 vacancies)

1. Kent Dillard (D.20)
2. Fletcher Martin (D.25)
3. Tom Van Norstrand (D.20)
4. Charlotte Osmer (D.23)
5. Charles Tremonti (D.20)
6. Kyler Yeomans (D.22)

Sterling Community Tax Commission (2 vacancies)

1. Dr. Allen Freeman (D.23)

ACTION: Councilor Taylor moved to close nominations and elect by acclamation the individuals listed.

Motion carried unanimously by all Council members.

Item (15)

APPEARANCES BY CITIZENS

- Pat Taylor, 311 Poplar Lane, Mauldin – appeared regarding Ethics and United Nations
- Robert Taylor, 1 Millbrooke Court, Greenville – appeared regarding ethics for CC members
- Bob Davis, 6 Sentinel Court, Greer – appeared regarding unfit to rule
- Ed Paxton, 1 York Circle, Greenville – appeared regarding minutes

Item (16)

ADMINISTRATOR’S REPORT

There was no Administrator’s Report.

Item (17)

REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- (a) **Amend Greenville County Council Rule Section III D (9)**

ACTION: Councilor Dill made a motion to refer the item to the Committee of the Whole. He stated there was a need to define family member, to define service and to make the final document an ordinance.

Councilor Payne suggested inviting the State Ethics Commission Director to attend the meeting to help answer questions and concerns.

Motion carried unanimously by all Council members.

REQUESTS AND MOTIONS BY COUNCIL MEMBERS, continued

- Chairman Kirven stated the Greenville County Redevelopment Authority has been recognized and awarded the Eagle Award for Excellence in Community Economic Development by the South Carolina Association of Community Development Corporation at their 13th annual Community Economic Development Conference.
- Chairman Kirven then informed the members of Council of Conway Belangia’s recent injury.
- Councilor Norris gave a report on the Hampton Avenue pedestrian bridge.

- Councilor Seman announced Samantha Warren, a Junior Communication student at Clemson University, was recently hired by SCTAC as their Public Relations Intern.
- Councilor Gibson thanked her colleagues for their prayers and phone calls during her two month illness. She then announced the Free Medical Clinic on Arlington Avenue would be celebrating 25 years of service in Greenville County.
- Councilor Cates wished Mr. Dill and Dr. Taylor 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 7:17 p.m.

Respectfully submitted:

Theresa B. Kizer, Clerk to Council