

**MINUTES
GREENVILLE COUNTY COUNCIL
SEPTEMBER 3, 2013
COUNCIL CHAMBERS
6:06 p.m.**

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.

COUNCIL MEMBERS PRESENT:

CHAIRMAN BOB TAYLOR	SID CATES
VICE CHAIRMAN WILLIS MEADOWS	LOTTIE GIBSON
JOE DILL	XANTHENE NORRIS
FRED PAYNE	BUTCH KIRVEN
JOE BALDWIN	LIZ SEMAN
JIM BURNS	

COUNCIL MEMBER(S) ABSENT:

DAN RAWLS

STAFF PRESENT:

JOE KERNELL, County Administrator
MARK TOLLISON, County Attorney
JOHN HANSLEY, Deputy County Administrator
THERESA KIZER, Clerk to Council
REGINA MCCASKILL, Deputy Clerk to Council
PAULA GUCKER, Assistant County Administrator, Public Works
BOB MIHALIC, Governmental Relations Officer
KIMBERLY WUNDER, Assistant County Attorney

OTHERS PRESENT:

NONE

CALL TO ORDER

Chairman Bob Taylor

INVOCATION

Pastor Curtis Johnson
Valley Brook Outreach Church

PLEDGE OF ALLEGIANCE

Item (4)

APPROVAL OF MINUTES

ACTION: Councilor Meadows moved to approve the August 20, 2013 County Council minutes.

Motion carried unanimously.

Item (5)

PUBLIC HEARINGS

(a) **Greenville/Anderson Multi County Industrial Business Park Agreement**

A public hearing was held for the purpose of receiving public comments regarding an ordinance to develop a jointly owned and operated industrial/business park (General Machine of Anderson, Inc.) in conjunction with Anderson County, such industrial/business park to be geographically located in Anderson County and established pursuant to South Carolina Code of Laws of 1976, 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 taxes to the counties and relevant taxing entities; to provide that job tax credits allowed by law be provided for businesses locating in said park; and to permit a user fee in lieu of Ad Valorem taxation within said park.

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

(b) **Ortec, Inc. and L-Square Company (formerly Project Commodore) / Fee-in-Lieu-of-Tax Agreement**

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and Ortec, Inc. and L-Square Company, 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.

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

Item (6)

APPEARANCES

There were no speakers.

Item (7)

CONSENT AGENDA

(a) **Mutual Aid Assistance Agreement between the Greenville County Sheriff's Office and the Oconee County Sheriff's Office**

(b) **Water Line Grant Assistance, Reedy Acres Drive**

ACTION: Councilor Seman moved to approve the Consent Agenda items.
Motion carried unanimously.

Item (8) RESOLUTIONS

(a) Metropolitan Sewer Subdistrict Annexation / Property Adjacent to Morton Road – Request for Public Hearing

ACTION: Councilor Payne moved for adoption a resolution to hold a public hearing to consider enlarging the Metropolitan Sewer Subdistrict to include the real property of Anthony Neglia and Chris Neglia; designated as Greenville County Tax Map Number 0559.03-01-003.00.

Motion carried unanimously by all County Council Members present.

Item (9) ORDINANCES – THIRD READING

(a) Zoning Ordinances

1. CZ-2013-22, Property of Lee and Associates located at 20 and 101 Lowery Drive requesting rezoning from R-MA and S-1 to I-1.

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

Motion carried unanimously by all County Council Members present.

2. CZ-2013-27, Property of Gregory Heintz located at 1325 Brushy Creek Road requesting rezoning from R-15 to POD.

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

Councilor Cates stated he was in favor of the rezoning.

Motion carried unanimously by all County Council Members present.

3. CZ-2013-28, Property of Erik Horton located on S. Buncombe Road, Commerce Drive and Commerce Court requesting rezoning from C-2 and I-1 to C-3.

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

Motion carried unanimously by all County Council Members present.

(b) Greenville / Anderson MCIP Agreement

ACTION: Councilor Meadows moved for adoption at third reading an ordinance to develop a jointly owned and operated industrial/business park (General Machine of Anderson, Inc.) in conjunction with Anderson County, such industrial/business park to be geographically located in Anderson County and established pursuant to South Carolina Code of Laws of 1976, 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 taxes to the counties and relevant taxing entities; to provide that job tax credits allowed by law be provided for businesses locating in said park; and to permit a user fee in lieu of Ad Valorem taxation within said park.

Motion carried unanimously by all County Council Members present.

(c) River Falls Fire District/General Obligation Bond

Councilor Meadows recused himself from the River Falls Fire District/General Obligation Bond item.

ACTION: Councilor Burns moved for adoption at third reading an ordinance to provide for the issuance and sale of a not exceeding \$427,542 Greenville County, South Carolina, General Obligation Bond (River Falls Fire District Project), Series 2013; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto.

Motion carried with ten in favor and one written abstention (Meadows).

(d) Greenville Technical College / General Obligation Bond Issuance

ACTION: Councilor Meadows moved for adoption at third reading an ordinance to provide for the issuance and sale of not exceeding \$25,000,000 Greenville County, South Carolina, General Obligation Bonds (Greenville Technical College Project), Series 2013e; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto.

AMENDMENT: Councilor Meadows moved to amend the ordinance to reflect the changes outlined in the black-lined version provided in the Council Agenda packet.

Councilor Cates recused himself from the Greenville Technical College / General Obligation Bond Issuance item.

Motion to amend carried with ten in favor and one written abstention (Cates).

ACTION: Councilor Meadows move approval of the ordinance as amended.

Motion as amended carried with ten in favor and one written abstention (Cates).

(e) Drive Automotive / Fee Agreement

MOTION: Councilor Meadows moved for adoption at third 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 Drive Automotive Industries of America,

Inc., as sponsor, and MI Developments (America) Inc., as 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.

Motion carried unanimously by all County Council Members present.

(f) Drive Automotive / Fee Agreement Extension

ACTION: Councilor Meadows moved for adoption at third reading an ordinance authorizing an 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 MI Developments (America) Inc., as sponsor affiliate, to extend the term of said agreement; and other matters related thereto.

Motion carried unanimously by all County Council Members present.

(g) Greenville County Recreation District / Debt Transfer

ACTION: Councilor Meadows moved for adoption at third reading an ordinance providing for the assumption by Greenville County of certain indebtedness of Greenville County Recreation District; for the execution and delivery of one or more assumption agreements; for the delivery of substitute bonds; and other matters related thereto.

Motion carried with Councilor Baldwin voting in opposition.

(h) Ortec, Inc. and L-Square Company (formerly Project Commodore) / Fee-in-Lieu-of-Tax Agreement

ACTION: Councilor 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 Ortec, Inc. and L-Square Company, 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.

Motion carried unanimously by all County Council Members present.

Item (10)

ORDINANCES – SECOND READING

(a) Zoning Ordinances

1. CZ-2013-26, Property of QuikTrip Corporation located on N. Pleasantburg Drive at Montebello Drive, requesting rezoning from PD to C-3. The Planning Commission recommended denial and the Committee recommended approval.

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

Councilor Dill stated as a member of the Planning and Development Committee, he felt it would be better suited as C-3. He stated the ability to define what would be considered Italian

style architecture was a topic of discussion during the Planning and Development Committee meeting.

Councilor Payne stated QuikTrip Corporation would be a good corporate neighbor to the neighborhood.

Councilor Norris stated she wanted to insure a written agreement was made between the owner of a parcel on Thrift Street and QuikTrip Corporation.

Mr. Tollison stated he spoke with the property owner on Thrift Street, and she informed him she was satisfied with the agreement. County Council would not be able to enforce an agreement.

By a roll call vote the motion carried by a vote of nine in favor (Cates, Burns, Taylor, Seman, Kirven, Payne, Dill, Baldwin, Meadows), one in opposition (Gibson), one abstention (Norris) and one absent (Rawls).

(b) Duncan Chapel Fire District / General Obligation Bond

ACTION: Councilor Meadows moved for approval at second reading an ordinance finding that Duncan Chapel Fire District may conditionally issue not exceeding \$1,500,000 General Obligation Bonds; to authorize the Board of Fire Control of Duncan Chapel Fire District to issue such bonds and to provide for the publication of notice of the said findings and authorization; and other matters relating thereto.

AMENDMENT: Councilor Meadows moved to amend the ordinance to reflect the changes outlined in the black-lined version provided in the Council Agenda packet.

Motion to amend carried unanimously by all County Council Members present.

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

Motion as amended carried unanimously by all County Council Members present.

(c) Foothills Fire Service Area / Millage Request

ACTION: Councilor Meadows moved for approval at second reading an ordinance to provide for the millage rate to be levied by the Foothills Fire Service Area.

Councilor Meadows stated after reviewing the audit report, in lieu of a tax increase the \$1200 should come out of the Foothills Fire Service \$29,000 reserve funds. While the Finance Committee was led to believe more funds were spent than received, the audit report indicated they received more funds than used therefore, he would be voting against the proposed millage increase.

ACTION: Councilor Dill moved to return the item to the Finance Committee to allow the chief of the Foothills Fire Service Area to explain the situation and to answer questions

Motion to hold carried unanimously by all County Council Members present.

(d) Creation of the Lake Forest Special Tax District

ACTION: Councilor Payne moved for approval at second reading an ordinance to create the Lake Forest Special Tax District; to define the boundaries of the District and the purposes for which it is created; to establish the Lake Forest Special Tax District Commission; and to impose a tax levy of not more than \$25.00 annually on all real property located within the district.

Motion carried unanimously by all County Council Members present.

Item (11)

ORDINANCES – FIRST READING

(a) Ordinance to Reflect the Correct Section of the Adopted Property Maintenance Code

Councilor Payne presented for first reading an ordinance to update the Greenville County Code concerning the regulation of rubbish and litter to reflect the correct section of the adopted Property Maintenance Code.

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

(b) Greenville County Disabilities and Special Needs Board Ordinance

Councilor Meadows presented for first reading an ordinance to amend Ordinance No. 2378, as amended, to establish a Board of Directors for the Greenville County Disabilities and Special Needs Board; to define the membership, terms and appointment of board members; and to provide for the dissolution of the Interim Board of Directors.

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

Item (12)

COMMITTEE REPORTS

(a) South Carolina Appalachian Council of Governments / CEDS Letter

ACTION: On behalf of the Committee, Councilor Meadows moved to direct the Chairman of County Council to supply a letter of support for the CEDS Update and the Regional Economic Development District.

Motion carried unanimously by all County Council Members present.

(b) Board and Commission Survey

ACTION: On behalf of the Committee, Councilor Meadows moved to direct staff to survey the boards and commissions to determine if any commissioners have family members as clients of the agency for which they serve.

Motion carried with Councilor Gibson voting in opposition.

Item (13)

APPEARANCES

- Ed Paxton, 1 York Circle, Greenville – appeared regarding public hearings
- Dick Hills, 24 Green Valley Dr., Greenville – appeared regarding the Swamp Rabbit Trail

Item (14)

ADMINISTRATOR’S REPORT

There was no Administrator’s Report.

Item (15)

REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- Councilor Norris invited her colleagues to join her for the Hampton Avenue Bridge Unity Walk/Rally on Sunday, September 8th at Victory Temple Baptist Church at 5:00.
- Councilor Seman stated the Greenville Tech Aircraft Training School, located on the campus of SCTAC, was offering a new avionics program to meet the growing needs of the aviation industry in the upstate. She stated classes began August 19th and graduates of the program would receive a one-year certificate in avionics.
- Councilor Meadows inquired about the status of the National Guard building being located at SCTAC.
- Councilor Kirven stated the helicopter support facility was almost complete and an open house would be held sometime in October. He stated a second building was planned but was not yet underway. Mr. Kirven stated this was the only military project being built in South Carolina which has received money from the Defense budget.
- Councilor Gibson stated last Friday night, the Nicholtown Community held an appreciation banquet and dinner for Ms. Norris, recognizing her for her work in District 23.
- Councilor Payne stated there would be a GCEDC meeting on Monday, September 16th. He stated Cory Clothier, the gentleman working with the Wounded Warrior project at Fort Bragg, would be present to give an update on what they were doing and how Greenville County may be able to qualify for the same type of commercial application project.
- Councilor Dill pointed out an oversight in the state law regarding those who were registered to sell scrap metal.

Item (16)

ADJOURNMENT

ACTION: Councilor Meadows moved to adjourn the meeting at 9:49 p.m.

Motion carried unanimously by all County Council Members.

Respectfully submitted:

Theresa Kizer, Clerk to Council