

**MINUTES
GREENVILLE COUNTY COUNCIL
JULY 8, 2014
COUNCIL CHAMBERS
6:01 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	XANTHENE NORRIS
VICE CHAIRMAN WILLIS MEADOWS	LIZ SEMAN
JOE DILL	LOTTIE GIBSON
JOE BALDWIN	BUTCH KIRVEN
SID CATES	FRED PAYNE
JIM BURNS	LYNN BALLARD

COUNCIL MEMBER(S) ABSENT:

NONE

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
JIM DORRIETY, Assistant County Administrator, Public Safety
BOB MIHALIC, Governmental Relations Officer
JEFF WILE, Assistant County Attorney

OTHERS PRESENT:

NONE

CALL TO ORDER

Chairman Bob Taylor

INVOCATION

Councilor Liz Seman

WELCOME

Chairman Taylor welcomed Councilman Lynn Ballard to his first meeting.

PLEDGE OF ALLEGIANCE

Item (4)

APPROVAL OF MINUTES

ACTION: Councilor Seman moved to approve the minutes of the June 17, 2014 County Council meeting.

Motion carried unanimously by all County Council Members.

Item (5)

PUBLIC HEARINGS

(a) Laurens / Greenville Multi County Industrial Business Park Amendment – Flame Spray North America Inc.

A public hearing was held for the purpose of receiving public comments regarding an ordinance to amend the agreement for development of a joint county industrial park, by and between Laurens County, South Carolina and Greenville County, South Carolina, providing for the development of a jointly owned and operated industrial/business park, so as to include additional property in Laurens County as part of the joint county industrial park.

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

(b) General Electric Company and GE Gas Turbines (Greenville) LLC (formerly Project Foundation) / Fee In Lieu of Tax Agreement

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Greenville County, South Carolina and General Electric Company and GE Gas Turbines (Greenville) LLC; the application of a special source revenue credit to fees-in-lieu of tax payments, and providing for other matters relating thereto.

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

(c) Pickens / Greenville Multi-County Industrial Business Park Agreement Amendment – General Electric Company and GE Gas Turbines (Greenville) LLC

A public hearing was held for the purpose of receiving public comments regarding an ordinance to amend the agreement for development of a joint county industrial park dated November 4, 1996 by and between Greenville County, South Carolina and Pickens County, South Carolina, providing for the development of a jointly owned and operated industrial/business park and established pursuant to South Carolina Code of Laws of 1976 Section 4-1-170, et sequiter, as amended; so as to include additional property and to further describe such property in that portion of the joint county industrial park geographically located in Greenville County, South Carolina, and other matters related thereto.

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

(d) Conveyance of County-Owned Real Property / Holiday Lake and Dam

A public hearing was held for the purpose of receiving public comments regarding an ordinance to authorize and approve the conveyance of approximately 12.08 acres of county-owned real property including Holiday Lake and Holiday Lake dam and to direct the Chairman of County Council and the County Administrator to execute appropriate deeds and agreements related thereto.

- Lib Tickle, 5325 Geer Highway, Cleveland – appeared in opposition to the proposed
- Ed Paxton, 1 York Circle, Greenville - appeared in favor and in opposition to the proposed

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

Item (6) APPEARANCES – CURRENT AGENDA ITEMS

There were no speakers.

Item (7) CONSENT AGENDA

- (a) Greenville County Workforce Investment Board – Program Year 2014 Funding Recommendation / WIA Youth Proposal (Finance)**
- (b) Community Project Application / River Falls Fire Department – Operating Expense - \$539.00 (Finance)**

ACTION: Councilor Seman moved approval of the Consent Agenda items.

Motion carried unanimously by all County Council Members.

Item (8) RESOLUTIONS

- (a) Greater Greenville Sanitation District Annexation / Drexel Terrace Subdivision – Request for Public Hearing**

ACTION: Councilor Payne moved for adoption a resolution to hold a public hearing to consider enlarging the Greater Greenville Sanitation District to include certain properties located in the Drexel Terrace Subdivision.

Motion carried unanimously by all County Council Members.

- (b) Project Infinium / Inducement Resolution**

ACTION: Councilor Meadows moved for adoption an inducement resolution with respect to Project Infinium.

Motion carried unanimously by all County Council Members.

Item (9)

ORDINANCES – THIRD READING

(a) Zoning Ordinances

- 1. CZ-2014-12**, Property of Lewis McDonald located on Woodruff Road and S. Bennett's Bridge Road, requesting rezoning from R-S to R-M4.

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

Motion carried unanimously by all County Council Members.

- 2. CZ-2014-18**, Property of John D. Hollingsworth on Wheels located at 897 N. Main Street and Knollwood Drive, requesting rezoning from R-12 to S-1.

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

Councilor Seman recused herself from the item.

Motion carried with eleven voting in favor and one written abstention (Seman).

- 3. CZ-2014-19**, Property of Charles C. Chadwick located at 300 Five Forks Road and Roberts Road, requesting rezoning from R-12 to R-S.

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

Motion carried unanimously by all County Council Members.

- 4. CZ-2014-22**, Property of Washington Partners LLC, located at 490 – 498 Garlington Road, requesting rezoning from I-1 to S-1.

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

Motion carried unanimously by all County Council Members.

(b) Text Amendment to Allow Banquet Hall, Chapel Commercial and Wedding Chapel Commercial (CZ-2014-17)

ACTION: Councilor Dill moved for adoption at third reading an ordinance to amend Article 4 Definitions, Table 6.1 Uses Permitted, and Section 6:2 Use Conditions of the Greenville County Zoning Ordinance, relating to special event facilities.

Councilor Cates thanked the Planning staff for their hard work on the item.

Motion carried unanimously by all County Council Members.

(c) Comprehensive Plan Amendment to Include the New Washington Heights Community Plan (CP-2014-1)

ACTION: Councilor Dill moved for adoption at third reading an ordinance to adopt the New Washington Heights Community Plan as an amendment to the Greenville County Comprehensive Plan.

Motion carried unanimously by all County Council Members.

(d) Conveyance of County-Owned Real Property / Holiday Lake and Dam

ACTION: Councilor Meadows moved for adoption at third reading an ordinance to authorize and approve the conveyance of approximately 12.08 acres of county-owned real property including Holiday Lake and Holiday Lake dam and to direct the Chairman of County Council and the County Administrator to execute appropriate deeds and agreements related thereto.

Councilor Kirven stated when the Recreation District acquired the property, they agreed to operate Camp Spearhead at that site. They also agreed to donate the property should the camp ever cease to be operated on that property. As inheritors of the Recreation District, he felt the County was bound by the agreement that was made by the Recreation District years ago to donate the land, not to sell the land.

ACTION: Councilor Meadows moved to hold the item due to new developments on the matter and asked to have the Administrator or the Attorney provide Council with a report on the cost and on what was being done at that site.

Chairman Taylor asked Mr. Meadows if he would entertain having that information provided for them at that time.

Mr. Kernell stated the County received the property when the Recreation District was acquired by the County. Due to DHEC's concerns with the condition of the dam and other safety issues, the County has lowered the level of Holiday Lake by 7-feet in an effort to alleviate those concerns. Currently the County was working with DHEC to develop a long-range plan and that information would be forthcoming. Mr. Kernell stated there were some required repairs to be made to the dam to make it safe to refill. The estimated cost of those repairs was between \$125,000 and \$150,000. This expense would fall to the County should they remain the property's owner. He stated it was their intention to transfer ownership of the property to Blue Wall LLC, that way the new owners would be the responsible party for the repairs as they moved forward.

Councilor Meadows asked if Blue Wall, LLC did not make the required upgrades as instructed by DHEC, would the liability fall back on the County.

Mr. Tollison stated Blue Wall, LLC would become the responsible party once the title was transferred over to them. Blue Wall LLC would then be responsible to DHEC to complete any requirements relative to continuing the operation of the dam. As the current owner, Greenville County was working with DHEC and complying in all matters relating to the dam, but once the ownership of the property transferred to Blue Wall LLC, so did all the responsibility.

Councilor Meadows asked what costs had the County incurred so far in relation to the dam.

Mr. Kernell stated costs thus far had been minimal given that they used County staff to lower the lake level. Should they remain the owners of the property however, the cost for repairs would be: \$57,000 for dam repair design and \$120,000 for dam repair "toe blanket" drain only.

Mr. Tollison stated to-date the cost to the County had been approximately \$5,000, which was to lower the lake level. He stated no other costs had been incurred at this time.

Councilor Gibson asked if the proposed ordinance was something the County was doing for the Recreation Department.

Mr. Kernell stated when the Recreation Department became part of the County, the County became owner of the dam and the lake. He stated the recommendation was to transfer ownership to Blue Wall, LLC then they would be responsible for the dam and the lake.

Councilor Gibson stated she wished they could get someone who could do something for the Staunton Bridge Recreation facility where children were sweating and passing out during the summer. She stated an air conditioned building had been promised to them for many years.

Councilor Kirven asked if the perspective owner of the property was aware of the cost they would be responsible for in taking ownership of the property. He also asked how likely was it to get another person or entity to take over the dam at this time, given that same knowledge.

Mr. Kernell stated Blue Wall LLC had the engineering done which was where the estimates came from for the repairs; they were well aware of the costs associated with obtaining the property. He felt it was not possible to find anyone else who would want the property because all the surrounding property was controlled by the group they were suggesting take it over. No one else would be able to utilize the lake or dam without going through them.

Councilor Meadows stated the deed prohibited the County from conveying the property to anyone without the consent of Naturaland Trust, and according to the deed, the conveyance had to be to a non-profit organization. He stated Blue Wall LLC was not a non-profit group, however, Naturaland Trust had waived that restriction and the County was on legal footing to move forward.

Mr. Tollison stated Naturaland Trust was responsible for putting the "non-profit" criteria on the deed and they had reserved the rights relative to the criteria. He stated Naturaland Trust understood the situation surrounding the property and have consented to the transfer to Blue Wall, LLC. He stated an agreement showing Naturaland Trust's consent to the transfer would be recorded with the deed.

Councilor Dill stated he remembered when the deed was lost for Camp Spearhead and when a new park had to be built at Pleasant Ridge for handicapped children. He stated this property was part of that original deal. He was shocked to find out the Recreation District had accepted ownership of the lake in the middle of the property. The deed stated the money and the ownership of the property had to be used for handicap people. Mr. Dill inquired about the agreement the County had with Blue Wall, LLC, requiring the building of a facility; that if they did not build a facility, would the property on Highway 11 revert back to the County as it was with the property downtown.

Mr. Kernell stated the property downtown was a separate group and did revert back to the County if the facilities were not erected by a specified date. He stated the property on Highway 11 was being leased by Blue Wall LLC; therefore they did not own the property. If Blue Wall LLC did not carry through with the terms of the lease, the lake and any property would revert back to the owners.

Councilor Dill asked how much the County paid for the property.

Mr. Tollison stated when the former Recreation District was on the property running Camp Spearhead; they were under a lease arrangement on the property. He stated this was a similar situation.

Mr. Kernell stated the County monies spent to-date were on demolition costs for the old Camp Spearhead and some design costs. He stated the property was still owned by another party and would be leased by Blue Wall LLC.

Councilor Dill stated he was concerned about the liability of owning the property. He stated many people used the property and walked around the pond; he felt it was a dangerous situation. Mr. Dill asked if County Council voted in favor of the proposed, would the County be free and clear of the property and the liabilities.

Mr. Tollison answered affirmably.

Councilor Meadows withdrew his motion to hold.

Councilor Baldwin asked if the property was supposed to go to a charitable organization and the County did not convey it to a charitable organization, who would have the right to attack the deed.

Mr. Tollison stated Naturaland Trust, who was the beneficiary of the restriction, would be the only party to have the ability to either enforce or consent to the transfer under the terms set in the deed.

Councilor Payne asked if the County had a written document from the Naturaland Trust stating their permission to convey the property to Blue Wall LLC.

Mr. Tollison stated the document was being drafted, and that there would not be a conveyance without written consent from the Naturaland Trust.

Councilor Norris asked if the property in question included Camp Spearhead and Pleasant Ridge.

Mr. Tollison stated the property being discussed was at the former location of Camp Spearhead. He stated it was his understanding the current property for Camp Spearhead and Pleasant Ridge were combined.

Motion as presented carried unanimously by all County Council Members.

(e) Laurens / Greenville Multi County Industrial Business Park Amendment – Flame Spray North America Inc.

ACTION: Councilor Meadows moved for adoption at third reading an ordinance to amend the agreement for development of a joint county industrial park, by and between Laurens County, South Carolina and Greenville County, South Carolina, providing for the development of a jointly owned and operated industrial/business park, so as to include additional property in Laurens County as part of the joint county industrial park.

Motion carried unanimously by all County Council Members.

(f) General Electric Company and GE Gas Turbines (Greenville) LLC (formerly Project Foundation) / Fee In Lieu of Tax Agreement

ACTION: Councilor Meadows moved for adoption at third reading an ordinance authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Greenville County, South Carolina and General Electric

Company and GE Gas Turbines (Greenville) LLC; the application of a special source revenue credit to fees-in-lieu of tax payments, and providing for other matters relating thereto.

Motion carried unanimously by all County Council Members.

Item (10)

ORDINANCES – SECOND READING

(a) Zoning Ordinances

1. CZ-2014-21, The item was withdrawn by the applicant, no action was required.

2. CZ-2014-23, Property of Pedro Mateo located at 1325 Brushy Creek Road requesting rezoning from POD to PD and R-15. The Planning Commission forwarded the docket with no recommendation and the Committee recommended denial.

ACTION: On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

Councilor Cates stated he spoke with the property owner and a neighboring pastor and both had issues with the proposed. He recommended denial of the proposed rezoning.

Motion was denied unanimously by all County Council Members.

3. CZ-2014-24, Property of Greer State Bank located at 164 Old Pelzer Road requesting rezoning from S-1 to R-S. 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 by all County Council Members.

4. CZ-2014-25, Property of Cypress Equities located on Old Buncombe Road and Duncan Chapel Road requesting rezoning from C-1 to C-3. The Planning Commission and Committee recommended approval.

ACTION: On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

ACTION: Councilor Meadows moved to allow amendments at third reading.

Motion to allow amendments at third reading carried unanimously by all County Council Members.

Motion as amended carried unanimously by all County Council Members.

5. CZ-2014-26, Property of Samuel Duane Phillips located on W. Phillips Road and Johns Road requesting rezoning from R-S to S-1. 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 by all County Council Members.

6. CZ-2014-27, The item was held in Committee, no action was required.

(Councilor Cates left the room).

(b) Creation of Brutontown Special Tax District

ACTION: Councilor Payne moved for approval at second reading an ordinance to create the Brutontown Special Tax District; to define the boundaries of the District and the purpose for which it is created; to establish the Brutontown Special Tax District as an administrative division of Greenville County; and to impose an annual fee of \$50.00 on all improved real property located within the District and an annual fee of \$25.00 on all unimproved real property located within the District.

Motion carried by all County Council Members present.

(c) Pickens / Greenville Multi County Industrial Business Park Agreement Amendment – General Electric Company and GE Gas Turbines (Greenville) LLC

ACTION: Councilor Meadows moved for approval at second reading an ordinance to amend the agreement for development of joint county industrial park dated November 4, 1996 by and between Greenville County, South Carolina and Pickens County, South Carolina, providing for the development of a jointly owned and operated industrial/business park and established pursuant to South Carolina Code of Laws of 1976 Section 4-1-170, et sequiter, as amended; so as to include additional property and to further describe such property in that portion of the joint county industrial park geographically located in Greenville County, South Carolina, and other matters related thereto.

Motion carried by all County Council Members present.

Item (11)

ORDINANCES – FIRST READING

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

Councilor Meadows presented for first reading an ordinance authorizing and approving (1) the development of a joint county industrial and business park pursuant to Section 4-1-170 of the Code of Laws of South Carolina 1976, as amended, in conjunction with Anderson County (the “park”), such park to be geographically located in Anderson County; (2) the execution and delivery of a written park agreement with Anderson County as to the requirement of payments of fee in lieu of *ad valorem* taxes with respect to park property and the sharing of the revenues and expenses of the park; (3) the distribution of revenues from the park within Greenville County; and (4) other matters related thereto.

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

(b) Caesar's Head Fire Service Area / Millage Request

Councilor Meadows presented for first reading an ordinance to provide for an increase to the millage rate levied by the Caesar's Head Fire Service Area.

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

(c) Ashwicke Special Tax District / Millage Request

Councilor Meadows presented for first reading ordinance to provide for an increase in the tax millage to be levied by the Ashwicke Special Tax District.

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

Item (12)

COMMITTEE REPORTS

There were no Committee Reports.

Item (13)

APPEARANCES

- David McCraw, 109 Breeds Hill Way, Greer – appeared regarding Sunday alcohol sales
- Ed Paxton, 1 York Circle, Greenville – appeared regarding helicopters at Donaldson
- Butch Taylor, 1 Millbrooke Court, Greenville – appeared regarding Battalion of Huey helicopters at Donaldson

(Councilor Cates returned to the meeting).

Item (14)

ADMINISTRATOR'S REPORT

County Administrator Joe Kernell announced the retirement of Assistant County Administrator of Public Safety, Jim Dorriety. He stated Mr. Dorriety's last day would be August 1, 2014.

Item (15)

REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- Councilor Seman stated preliminary construction was underway on Perimeter Road at SCTAC. She wanted to make special mention of Mr. Rawls who worked tirelessly to make sure that happened.
- Councilor Gibson stated she was sorry to hear Mr. Dorriety was retiring.
- Councilor Dill requested information regarding the helicopters at Donaldson.
- Councilor Baldwin requested County Council propose a resolution asking the Governor to spell out her "proposal" prior to the election in order to see if she had any plans that would somehow impact the purpose of the 1% Sales Tax referendum.

(Councilor Dill left the room).

- Councilor Meadows requested information regarding the helicopters at Donaldson. He stated he would like to get a report at the next meeting as to what was going on at Donaldson.
- Councilor Meadows stated there was an article in the June 16th issue put out by the National Association of Counties entitled “Don’t Let EPA Put Your County Under Water.” He stated there was a proposal by EPA on Stormwater; redefining what the waters of the US were. He stated if their proposal passed, it would no longer be just rivers and lakes, but would also include ditches and drains. He felt the proposal would dramatically increase the cost to all counties and he encouraged his colleagues to look into the matter.
- Councilor Cates noted the passing of Mr. Johnny Mack Walters who was the IRS Chairman/Commissioner during President Nixon’s administration. He stated Mr. Walters was a man of character and integrity.
- Councilor Burns welcomed Mr. Ballard to County Council.
- Councilor Burns stated the Sunday Alcohol Sales item was held in the Committee of the Whole. He expected to see the item on the next meeting’s agenda. He then inquired about the meeting schedule for August.
- Chairman Taylor stated due to the SCAC Conference, the next meeting would be August 19th.
- Councilor Burns informed everyone that Greenville County would once again be hosting the youth soccer tournament, The President’s Cup, over the weekend. He stated there would be over 1,000 participants in the tournament and the events would be held at multiple fields across the County.

Item (16)

ADJOURNMENT

ACTION: Councilor Burns moved to adjourn the meeting at 7:09 p.m.

Motion carried unanimously by all County Council Members.

Respectfully submitted:

Theresa Kizer, Clerk to Council