



MINUTES
GREENVILLE COUNTY COUNCIL
Regular Council Meeting
November 3, 2015
6:13 p.m.
County Square – Council Chambers

COUNCIL MEMBERS

Mr. Bob Taylor, Chairman
Mr. Butch Kirven, Vice Chairman
Mr. Joe Dill
Mr. Joe Baldwin
Mr. Willis Meadows
Mr. Sid Cates

Mr. Jim Burns
Mrs. Xanthene Norris
Mrs. Liz Seman
Mrs. Lottie Gibson
Mr. Lynn Ballard
Mr. Fred Payne

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 MEMBER(S) ABSENT:

None

STAFF PRESENT:

Joe Kernell, County Administrator
Mark Tollison, County Attorney
Dean Campbell, Deputy 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
John Vandermosten, Assistant County Administrator, Public Safety
Bob Mihalic, Governmental Relations Officer

OTHERS PRESENT:

None

CALL TO ORDER

Chairman Bob Taylor

INVOCATION – *Introduced by Councilor Butch Kirven*

Rev. Zach Terry
Chief of Canebrake Fire Department
Pastor of Cedar Falls Baptist Church

PLEDGE OF ALLEGIANCE

Item (4) APPROVAL OF MINUTES

ACTION: Councilor Norris moved to approve the minutes of the October 20, 2015, Regular Council Meeting.

Motion carried unanimously.

Item (5) PUBLIC HEARINGS

**(a) Greenville / Anderson Multi County Industrial Business Park Agreement
Amendment – Project Machine**

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing an amendment to the agreement for the development of a joint county industrial and business park by and between Greenville County, South Carolina and Anderson County, South Carolina, in order to expand the boundaries of the park to include certain property located in Anderson County and other matters related thereto.

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

**(b) Greenville / Anderson Multi County Industrial Business Park Agreement
Amendment – Project Owl**

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing an amendment to the agreement for the development of a joint county industrial and business park by and between Greenville County, South Carolina and Anderson County, South Carolina, in order to expand the boundaries of the park to include certain property located in Anderson County and other matters related thereto.

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

(c) Hospitality Tax Amendment / Cancer Survivors Park

A public hearing was held for the purpose of receiving public comments regarding an ordinance to amend Exhibit A established as an addendum to Ordinance 4079, as last amended by Ordinance No. 4686, so as to appropriate additional operating funds for tourist related projects.

- **Judy Cromwell**, 25 Southland Avenue, Greenville – *appeared in favor of the proposed*
- **Gerald Pollard**, 201 Covington Road, Greenville – *appeared in opposition to the proposed*

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

**(d) Greenville / Anderson Multi County Industrial Business Park Agreement
Amendment – CH2M Hill Inc.**

A public hearing was held for the purpose of receiving public comments regarding an ordinance to amend an agreement for the development of a joint county industrial and business park (2010 Park) of Anderson and Greenville Counties so as to enlarge the park.

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

(e) Mitsubishi Polyester Film Inc. (formerly Project Diamondback) / Fee in Lieu of Tax Agreement

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing a fee in lieu of tax and infrastructure improvement credit arrangement pursuant to a fee in lieu of tax agreement between Greenville County, South Carolina and Mitsubishi Polyester Film, Inc.; and other matters relating to the foregoing.

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

(f) Used / Waste Tire Ordinance

A public hearing was held for the purpose of receiving public comments regarding an ordinance to add provisions to the Greenville County Code to regulate tire businesses selling used and/or waste tires in the unincorporated areas of Greenville County.

- **David Stephenson**, 415 Westcliff Way, Greenville – appeared in favor of the proposed
- **Tim Hughes**, 107 Lockhart Dr., Belton – appeared in opposition of the proposed
- **Bill Springfield**, 4 Meddabrook Dr., Greenville – appeared in opposition of the proposed
- **Tim Grant**, 1375 Garrison Rd., Piedmont – appeared in opposition of the proposed
- **Trish Springfield**, 4 Meddabrook Dr., Greenville – appeared in opposition of the proposed

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

Item (6) APPEARANCES – Current Agenda Items

- **Ed Paxton**, 1 York Circle, Greenville – appeared regarding the Land Development Regulations Amendment / Family Subdivisions

Item (7) CONSENT AGENDA

- (a) FY2016 Highway Safety Grant / Enhanced DUI Enforcement**
- (b) FY2015 Homeland Security Grant / Bomb Team Enhancements**
- (c) FY2015 Homeland Security Grant / SWAT Team Enhancements**
- (d) Community Project Application / Piedmont Park Fire Department – Smoke Alarm Installation \$5,088.00**
- (e) Community Project Application / Slater-Marietta Fire Department – Annual Christmas Parade and New Commercial Holiday Lights \$7,000.00**
- (f) Community Project Application / Tigerville Fire District – Fire Hydrants along Highway 25 North \$5,580.00**

ACTION: Councilor Burns moved approval of the Consent Agenda Items.

Motion carried unanimously.

Councilor Dill congratulated the Tigerville Fire Department on decreasing their ISO rating from 6 to 4.

Item (8) RESOLUTIONS

(a) Project Blue Sky / Inducement and Millage Rate Agreement

ACTION: Councilor Kirven moved for adoption a resolution authorizing an inducement and millage rate agreement between Greenville County, South Carolina and Project Blue Sky relating to the County's execution and delivery of a fee in lieu of tax agreement and an infrastructure improvement credit related to the fees in lieu of taxes thereunder pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended, and the placement of certain properties in a multi-county industrial/business development park established by the county.

Motion carried unanimously.

(b) Project Pumpkin / Inducement Resolution

ACTION: Councilor Kirven moved for adoption a resolution authorizing (1) the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and a Company identified for the time being as Project Pumpkin, acting for itself, one or more affiliates, and/or other project sponsors, pursuant to which the County shall covenant to accept certain negotiated fees in lieu of ad valorem taxes with respect to the establishment and/or expansion of certain facilities in the County; and (2) other matters relating thereto.

Motion carried unanimously.

Item (9) ORDINANCES – THIRD READING

(a) Zoning Ordinances

- 1. CZ-2015-52:** Property of Christopher T. Corley and Corpro Properties LLC, located at 300 Ben Hamby Drive requesting rezoning from I-1 to S-1.

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

Chairman Taylor asked Councilor Dill if part of the property was considered residential.

Councilor Dill stated not to his knowledge.

Councilor Cates stated the property was located in an industrial area but there were several residences close to the property. He stated he had asked for the item to be put on hold at the last Council meeting as he had concerns about pollutants, particularly mercury vapors being emitted from the crematory. Councilor Cates stated there were four crematories in Greenville County. He stated if there were proper filters or scrubbers on top of the stacks, which would take care of the pollutants. He stated the proposed buyer of the property had agreed to install filters. Councilor Cates stated he was satisfied pollutants would not be a problem but if the property was sold, the new owners may not be as diligent.

Chairman Taylor stated putting the filters or scrubbers on top of the stacks would double the cost of the crematory.

Councilor Burns stated he had the same concerns but had learned DHEC monitored crematories 2 or 4 times per year. Even if sold, the new owner would have to maintain the same integrity of the system in order to comply with State regulations.

Councilor Ballard stated once regulations were in place, even if ownership changed, the regulations were still in place.

Motion as presented was approved with Councilor Cates and Councilor Meadows voting in opposition.

2. **CZ-2015-55:** Property of P.E.S., LLC located at 1801 Rutherford Road requesting rezoning from I-1 to S-1.

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

Motion carried unanimously.

3. **CZ-2015-57:** Property of J. Vaughn Jr. trust (Ann Stephens) located on Neely Ferry Road, West of Fairview Road, requesting rezoning from R-S to R-15 as amended.

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

Councilor Ballard stated he expressed his concerns at the last Council meeting and would not repeat them, however, his concerns remained on the table.

Motion as presented approved with Councilor Gibson and Councilor Ballard voting in opposition.

(b) Decostar Industries, Inc. (formerly Project Heritage) / Fee in Lieu of Tax Agreement

ACTION: Councilor Kirven moved for adoption at third reading an ordinance authorizing the execution and delivery of a first amendment to a fee-in-lieu of ad valorem taxes and incentive agreement to provide a fee-in-lieu of ad valorem taxes, infrastructure credits, and other incentives necessary to induce Decostar Industries, Inc. to locate in the County; authorizing the sale of real property which is a portion of a parcel currently known as Greenville Tax Map No. 0409000100103; authorizing the execution and delivery of documents necessary to effect the intent of this ordinance; and other related matters.

AMENDMENT: Councilor Kirven moved to amend the agreement to reflect the changes outlined in the red-lined version provided in the agenda packet.

Motion to amend carried unanimously.

Motion as amended carried unanimously.

(c) Mitsubishi Polyester Film Inc. (formerly Project Diamondback) / Fee in Lieu of Tax Agreement

ACTION: Councilor Kirven moved for adoption at third reading an ordinance for authorizing a fee in lieu of tax and infrastructure improvement credit arrangement pursuant to a fee in lieu of tax agreement between Greenville County, South Carolina and Mitsubishi Polyester Film, Inc.; and other matters relating to the foregoing.

AMENDMENT: Councilor Kirven 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.

Motion as amended carried unanimously.

(d) Greenville / Anderson Multi County Industrial Business Park Agreement Amendment – Project Machine (in Anderson County)

ACTION: Councilor Kirven moved for adoption at third reading an ordinance authorizing an amendment to the agreement for the development of a joint county industrial and business park by and between Greenville County, South Carolina and Anderson County, South Carolina, in order to expand the boundaries of the park to include certain property located in Anderson County and other matters related thereto.

Motion carried unanimously.

(e) Greenville / Anderson Multi County Industrial Business Park Agreement Amendment – Project Owl (in Anderson County)

ACTION: Councilor Kirven moved for adoption at third reading an ordinance authorizing an amendment to the agreement for the development of a joint county industrial and business park by and between Greenville County, South Carolina and Anderson County, South Carolina, in order to expand the boundaries of the park to include certain property located in Anderson County and other matters related thereto.

Motion carried unanimously.

Item (10) ORDINANCES – SECOND READING

(a) Zoning Ordinances

- 1. CZ-2015-38:** Property of John Broadbent located at the NE quadrant of Chick Springs Road at E. Main Street in Taylors requesting rezoning from R-12 to R-M5. The Planning Commission recommended approval and the Committee recommended denial.

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

ACTION: Councilor Baldwin moved to table the item.

Councilor Gibson asked why Councilor Baldwin wanted to table the item.

Councilor Baldwin stated a large part of the problem was the sewer issue. ReWa and Taylors Sewer were working to resolve the issue. He added if the item was tabled, it would not “kill it” but would put it at a point where it could be brought up in the future. If no one moved to bring the item to the table, it would be over with.

Councilor Kirven stated he disagreed with the motion to table the item. If the motion to table was approved, it would have the effect of killing it under the County Council rules.

Councilor Baldwin stated if the item was denied the owner could request a more restrictive zoning classification.

Mark Tollison confirmed the owner could request a more restrictive zoning classification within the appropriate time period.

ACTION: Councilor Baldwin withdrew the motion to table the item.

Councilor Cates stated he met with representatives from ReWa, Metroconnects and Taylors Sewer on October 28, 2015 along with Councilor Baldwin and Paula Gucker. ReWa indicated they would not accept any more affluent sewage from Taylors Sewer due to overflow issues caused by rainwater infiltrating cracked pipes. The developer of the proposed 47 units was unable to hook up to the Taylors Sewer System until the overflow problem was fixed either by ReWa or Taylors Sewer. The two entities have reached an impasse. He added there was a possible solution but ReWa has not agreed to fix the problem. Councilor Cates stated the Taylors area was losing new subdivisions due to this problem.

Councilor Baldwin stated he would recommend denial at this point.

Motion as presented was denied unanimously.

- 2. CZ-2015-56:** Property of Marcelo Torricos, LLC located at the NW Corner of W. Georgia Road and Mimms Road requesting rezoning from RR-1 to R-S. The Planning Commission and the Committee recommended denial.

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

Motion was denied with Councilor Ballard voting in favor.

Councilor Ballard stated he had wanted to move to return the item to the Planning and Development Committee prior to the vote but was not recognized. He stated information not brought out in the original discussions had come out in the last week or so and he had received several phone calls about the item.

ACTION: Councilor Dill moved to reconsider the previous vote.

Motion to reconsider carried unanimously.

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

Motion carried unanimously.

3. **CZ-2015-59:** Property of Oceana Rapid, LLC located at 1320 Hampton Avenue Ext. requesting rezoning from I-1 to S-1. The Planning Commission and the Committee recommended approval as amended.

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

Motion carried unanimously.

(b) Used / Waste Tire Ordinance

ACTION: Councilor Dill moved for approval at second reading an ordinance to add provisions to the Greenville County Code to regulate tire businesses selling used and/or waste tires in the unincorporated areas of Greenville County.

ACTION: Councilor Baldwin moved to return the item to the Planning and Development Committee based on comments heard during the Public Hearing.

Motion to return the item to the Planning and Development Committee carried unanimously.

(c) Hospitality Tax Amendment / Cancer Survivors Park

ACTION: Councilor Kirven moved for approval at second reading an ordinance to amend Exhibit A established as an addendum to Ordinance 4079, as last amended by Ordinance No. 4686, so as to appropriate additional operating funds for tourist related projects.

Councilor Burns requested a quarterly report on the Hospitality Tax Funds in order to review funds available and make informed decisions on other project requests.

Councilor Dill stated he had concerns about the project but felt it should be approved. He agreed Councilor Burns' request for a quarterly report would be beneficial.

Councilor Gibson stated it was a committed group of people sponsoring the project.

Motion as presented carried with Councilor Meadows voting in opposition.

(d) Greenville / Anderson Multi County Industrial Business Park Agreement Amendment – Project Lab and Project Liba

ACTION: Councilor Kirven moved for approval at second reading an ordinance to amend an agreement for the development of a joint county industrial and business park (2010 Park) of Anderson and Greenville Counties so as to enlarge the park.

Motion carried unanimously.

(e) Project Pumpkin / Fee in Lieu of Tax Agreement

ACTION: Councilor Kirven moved for approval at second reading an ordinance authorizing (1) the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and a Company identified for the time being as Project Pumpkin, acting for itself, one or more affiliates, and/or other project sponsors, pursuant to which the County shall covenant to accept certain negotiated fees in lieu of ad valorem taxes with respect to the establishment and/or expansion of certain facilities in the County; and (2) other matters relating thereto.

Motion carried unanimously.

(f) Project Blue Sky / Fee in Lieu of Tax Agreement

ACTION: Councilor Kirven moved for approval at second reading an ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and Project Blue Sky the granting of certain infrastructure tax credits to the Company; and other matters relating thereto.

Motion carried unanimously.

(g) Greenville / Anderson Multi County Industrial Business Park Agreement Amendment – Project Blue Sky

ACTION: Councilor Kirven moved for approval at second reading an ordinance to amend an agreement for the development of a joint county industrial and business park (2010 Park) of Anderson and Greenville Counties so as to enlarge the park.

Motion carried unanimously.

(h) Greenville / Anderson Multi County Industrial Business Park Agreement Amendment – CH2M Hill Inc.

ACTION: Councilor Kirven moved for approval at second reading an ordinance to amend an agreement for the development of a joint county industrial and business park (2010 Park) of Anderson and Greenville Counties so as to enlarge the park.

Motion carried unanimously.

Item (11) ORDINANCES – FIRST READING

(a) Land Development Regulations Amendment / Family Subdivisions

Councilor Dill presented for first reading an ordinance to amend the Greenville County Land Development Regulations, as amended, to exempt from the summary plat requirements the conveyance of subdivided land to immediate family members.

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

Item (12) COMMITTEE REPORTS

None

Item (13)

APPEARANCES – non agenda items

- *Ed Paxton, 1 York Circle, Greenville – appeared regarding County Drainage Project*
- *Scott Black, 100 Farm Valley Court, Greer – appeared regarding refugee resettlement*
- *Diane Hardy, 1209 E. Washington Street, Greenville – appeared regarding refugee resettlement*
- *Patricia Henderson, 9 Celriver Drive, Greenville – appeared regarding an adult entertainment business*
- *Pat Taylor, 311 Poplar Lane, Mauldin – appeared regarding refugee resettlement*
- *Barry Strohl, 620 Langley Road, Travelers Rest – appeared regarding refugee resettlement*
- *Bruce Cannon, 225 E. Shallowstone Street, Greer– appeared regarding refugee resettlement*

Item (14)

ADMINISTRATOR’S REPORT

None

Item (15)

REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- Councilor Burns asked the Chairman to schedule the GADC staff to come before the Committee of the Whole in January to discuss parameters and the direction the corporation should be taking.
- Councilor Burns inquired if there was any new information regarding the EMS issue. County Administrator Joe Kernell read a letter he received from the Greenville Health System.
- Councilor Norris stated the summer programs they were able to develop had been very successful. She asked that the Recreation Department incorporate those programs to make sure they were continuous. She praised Paul Guy and Beyond Differences for their continued success.
- Councilor Seman stated last week SCTAC announced their ITIC test track was now home to the nation’s leading wireless charging testing infrastructure. Wireless Power Transfer System was developed by CU-ICAR in collaboration with Oak Ridge National Laboratory, Toyota, Cisco, Duke Energy, and Evatran.
- Councilor Seman invited her colleagues to the Meals on Wheels open house and ribbon cutting on Tuesday, November 10th.
- Councilor Gibson asked how much tax money was the County putting into GADC and what were the benefits to the County.
- Councilor Ballard thanked Mr. Kernell and Mr. Gault for reviewing the EMS situation and moving the ambulances back into the fire stations effective November 1st.
- Councilor Payne expressed his appreciation for having been born in America and for living in Greenville County. He also expressed his appreciation for being able to serve with a great group of people. He stated the County was facing lot of issues such as refugee relocation, EMS, and law enforcement matters; he thanked his colleagues for their willingness to work through those issues.
- Councilor Kirven invited everyone to the Veterans Day Ceremony at County Square on Wednesday, November 11th at 10:00 am. He then endorsed Mr. Burns’ request to have GADC come speak before the Committee of the Whole.
- Councilor Dill asked those who spoke in regards to the waste tire ordinance to send any recommendations they may have for amending the proposed ordinance in an effort to meet the needs of the community.

- Councilor Dill stated the number one priority in the United States was public safety. He referenced the history of America and the lengths that were taken to keep America safe. He stated he did not feel safe.
- Councilor Baldwin stated history from the late 1930's to 1945 would be very instructive for all to review.
- Councilor Baldwin stated about a year ago the County increased the taxes on the municipalities by 4.7 mills. He asked if an agreement had been reached with the municipalities and, if not, what was the status.
- County Administrator Joe Kernell stated Council had given him authorization to provide up to \$1 million to municipalities. He stated there had been a lot of discussion back and forth; including a discussion with Greer's Mayor Danner as recent as last week. Mr. Kernell stated he had instructed Mr. Danner to get back in touch in order to move forward but he has yet to hear back from him.
- Councilor Cates reminded everyone that America fought a war in the early 1950's. It was one in which some of their parents participated and was often referred to as the "Forgotten War." He stated the Upstate History Museum has a Korean War exhibit on display. He encouraged everyone to go visit the exhibit as it was truly eye-opening.

Item (17)

ADJOURNMENT

ACTION:

Councilor Cates moved to adjourn the meeting.

Motion carried unanimously and the meeting was adjourned at 7:46 p.m.

Respectfully submitted:

Theresa B. Kizer, Clerk to Council