



MINUTES
GREENVILLE COUNTY COUNCIL
Regular Council Meeting
December 8, 2015
6:04 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 left @ 6:45, returned @ 6:48 p.m.

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
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
Eric Vinson, Director, Planning and Code Compliance
Bob Mihalic, Governmental Relations Officer

OTHERS PRESENT:

None

CALL TO ORDER

Chairman Bob Taylor

INVOCATION – *introduced by Councilor Fred Payne*

Ms. Kathy Robinson
Children's Ministry, First Baptist Church
Simpsonville, SC

PLEDGE OF ALLEGIANCE

RECOGNITION

Chairman Taylor recognized Girl Scout Troop 721 from Paris Elementary School and Audrey Price, Troop Leader.

Item (4)

APPROVAL OF MINUTES

ACTION:

Councilor Norris moved to approve the minutes of the November 17, 2015, Regular Council Meeting.

Motion carried unanimously.

Item (5)

PROCLAMATION

(a) Honoring the Greenville County Sheriff's Office

Councilor Joe Dill and Councilor Sid Cates presented a proclamation to Chief Deputy John Eldridge on behalf of the Greenville County Sheriff's Office.

On September 22, 2015, numerous deputies from all divisions of the Sheriff's Office assisted in the search and ultimate apprehension of an armed, wanted suspect that was involved in a shooting in a neighboring jurisdiction and fled in a vehicle into Greenville County and crashed on Highway 11. The deputies involved in this incident responded swiftly, communicated with one another to set up a perimeter over a large area, and searched methodically through the wooded areas and buildings in the area.

The level of professionalism, work ethic, and cohesiveness of the Greenville County Sheriff's Office is second to none when looking at agencies across the state.

Greenville County Council honored the men and women of the Greenville County Sheriff's Office in recognition of their hard work, dedication, and positive, professional manner in serving Greenville County.

Item (6)

PUBLIC HEARINGS

(a) Land Development Regulations Amendment / Family Subdivisions

A public hearing was held for the purpose of receiving public comments regarding 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.

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

(b) Sage Automotive Interiors Inc., (formerly Project Pumpkin) / Fee in Lieu of Tax Agreement

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing (1) the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and Sage Automotive Interiors, Inc. a Company previously identified 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.

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

(c) ScanSource Inc. (formerly Project Orange) / 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 and ScanSource, Inc., whereby Greenville County will enter into a fee-in-lieu of tax arrangement with ScanSource, Inc., and providing for payment by ScanSource, Inc. of certain fees-in-lieu of ad valorem taxes; providing for the allocation of fees-in-lieu of taxes payable under the agreement for the establishment of a multi-county industrial/business park; and other matters relating thereto.

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

(d) Greenville / Anderson Multi County Industrial Business Park Agreement Amendment ScanSource Inc. (formerly Project Orange)

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.

Item (7) APPEARANCES – Current Agenda Items

- *Gwendolyn Bayne, 116 Childress Circle, Greenville - appeared regarding tire ordinance*
- *Gerald Pollard, 201 Covington Road, Greenville - appeared regarding tire ordinance*

Item (8) CONSENT AGENDA

- (a) ASPCA Adoption Ambassador Program Grant Application**
- (b) 2016 Palmetto Pride Community Pride Grant**
- (c) DSS Afterschool Snack Program**
- (d) Victims of Crime Act Grant Applications – CDV Court Advocate**

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

Motion carried unanimously.

Item (9) RESOLUTIONS

- (a) Transfer of Fee Agreement / Ellcon-National, Inc. to Faiveley Transport North America, Inc.**

ACTION: Councilor Kirven moved for adoption a resolution to consent to the transfer and assignment of the lease agreement by and between the County of Greenville and Ellcon-National, Inc. and Ellcon Drive, LLC dated June 1, 1997 to Faiveley Transport North America, Inc.

Motion carried unanimously.

Item (10) ORDINANCES – THIRD READING

(a) Zoning Ordinances

1. **CZ-2015-61:** Property of Daniel W. Patterson, Sierra TPG, LLC, located at Highway 14 South of East Suber Road requesting rezoning from I-1 to S-1.

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

 Motion carried unanimously.

2. **CZ-2015-62:** Property of Stoner South Carolina LLC, located at Woodruff Road East of Highway 14 requesting rezoning from R-S to R-15.

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

 Motion carried unanimously.

3. **CZ-2015-63:** Property of Sueda LLC, located at 1625 S. Highway 14 requesting rezoning from I-1 to S-1.

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

 Motion carried unanimously.

(b) Land Development Regulations Amendment / Family Subdivisions

ACTION: Councilor Dill moved for adoption at third 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.

 Motion carried unanimously.

(c) Sage Automotive Interiors Inc., (formerly Project Pumpkin) / Fee in Lieu of Tax Agreement

ACTION: Councilor Kirven moved for adoption at third 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 Sage Automotive Interiors, Inc. a Company previously identified 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.

(d) ScanSource Inc. (formerly Project Orange) / Fee in Lieu of Tax Agreement

ACTION: Councilor Kirven 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 and ScanSource, Inc., whereby Greenville County will enter into a fee-in-lieu of tax arrangement with ScanSource, Inc., and providing for payment by ScanSource, Inc. of certain fees-in-lieu of ad valorem taxes; providing for the allocation of fees-in-lieu of taxes payable under the agreement for the establishment of a multi-county industrial/business park; and other matters relating thereto.

 Motion carried unanimously.

(e) Greenville / Anderson Multi County Industrial Business Park Agreement Amendment ScanSource Inc. (formerly Project Orange)

ACTION: Councilor Kirven moved for adoption at third 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 – SECOND READING

(a) Zoning Ordinances

1. CZ-2015-66: Property of Money Tree Inc., located at 1903 Suber Mill Road requesting rezoning from R-S to S-1. The Planning Commission and the Committee recommended approval.

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

Motion carried unanimously.

2. CZ-2015-67: Property of John D. Hollingsworth on Wheels Inc., Hollingsworth Funds Inc., located at the north side of Laurens Road, southeast of I-85 requesting rezoning from I-1 and S-1 to R-M16. The Planning Commission and the Committee recommended approval.

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

Motion carried unanimously.

3. CZ-2015-68: Property of Palmetto Trust c/o Nick Franchina, located on Strange Road requesting rezoning from R-12 and PD to R-10 and PD (Major Change). The Planning Commission and Committee recommended approval.

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

Councilor Cates stated the request was simply an extension of the existing development and he had no problem with the proposed rezoning change.

Motion carried unanimously.

4. CZ-2015-69: Property of Crown Properties c/o Nick Franchina, located on Tanner Road requesting rezoning from R-20 and R-12 to R-7.5. The Planning Commission and Committee recommended approval as amended to R-10.

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

AMENDMENT: Councilor Dill moved to amend the request to R-10.

Councilor Cates stated Mr. Franchina, the builder, had requested the item to be held. Councilor Cates stated the property was 6.2 acres and contained a large public swimming pool that had not been maintained for years. Several HOA members showed up at the Public Hearing and expressed concern about the rezoning request and the proposed attached housing plans. Councilor Cates stated there was a huge traffic problem in the area. Mr. Franchina was willing to compromise by closing the gate that led into Edwards Forest; he would also look into detached houses but he did not feel detached homes would make a profit.

ACTION: Councilor Cates moved to hold the item until the next regular County Council meeting scheduled for January 5, 2016.

Motion to hold carried unanimously.

5. CZ-2015-56: Property of Marcelo Torricos, LLC, located at the NW corner of W. Georgia Rd. and Mimms Road requesting rezoning from RR-1 to R-S. The Planning Commission recommended denial and the Committee had no recommendation.

NOTE: CZ-2015-56 was not released by the Planning and Development Committee and was inadvertently placed on the agenda.

No action was required for this item.

(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.

AMENDMENT: Councilor Dill moved to amend the request to reflect the changes outlined in the amended version that was included in the agenda packet.

Councilor Meadows stated during the Public Hearing for the item, several business owners expressed concern that the proposed ordinance would put them out of business or cause great hardship. He stated the Planning and Development Committee reviewed the ordinance and accommodated the business owners and still accomplished what was intended with the amendments.

Motion to amend carried unanimously.

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

Motion carried unanimously.

ACTION: Councilor Dill moved to reconsider the item.

Motion to reconsider carried unanimously.

ACTION: Councilor Dill moved to allow for amendments at third reading.

Motion to allow for amendments carried unanimously.

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

Motion carried unanimously.

(b) Bosch Rexroth Corporation (Project Titan) / Special Source Credit Agreement

ACTION: Councilor Kirven moved for approval at second reading an ordinance authorizing, under certain conditions, the execution and delivery by Greenville County, South Carolina of a special source credit agreement with Bosch Rexroth Corporation with respect to a manufacturing testing and product proving grounds facility in the County whereby the project would be subject to payment of certain fees in lieu of taxes, and whereby Bosch Rexroth Corporation will be provided certain credits against fee payments in reimbursement of investment in related qualified infrastructure; and providing for related matters.

Motion carried unanimously.

Item (12) ORDINANCES – FIRST READING

(a) Greenville - Laurens Multi-County Industrial Business Park Agreement / Project Needle

Councilor Kirven presented for first reading an ordinance to amend the existing agreement for development of joint county industrial and business park between Laurens County, South Carolina and Greenville County, South Carolina, to enlarge the boundaries of the park to include certain additional property located in Laurens County, South Carolina; and authorizing other related matters.

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

(b) Greenville – Laurens Multi-County Industrial Business Park / Ordinance No. 2560 Amendment

Councilor Kirven presented for first reading an ordinance to amend the park agreement authorized by Ordinance No. 2560 relating to the multi county industrial business park of Greenville County and Laurens County so as to provide for the continuation of the park.

Chairman Taylor referred the item to the Finance Committee.

(c) Greenville – Anderson Multi-County Industrial Business Park Agreement

Councilor Kirven 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, such park to be geographically located in Greenville 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 referred the item to the Finance Committee.

Item (13) COMMITTEE REPORTS

(a) Finance Committee

1. Accommodations Tax – Remaining Balance of FY 2015

ACTION: On behalf of the Committee, Councilor Kirven moved to move to approve the recommended allocation of the remaining FY 2015 Accommodations Tax Funds.

ACTION: Councilor Dill moved to amend the recommendation to reflect the changes outlined in the handout provided to all Council Members. Councilor Dill also requested the money (\$15,000) allocated to the Greenville Chapter of the South Carolina Restaurants and Lodging Association be allocated to the Scottish Games.

Councilor Dill stated there were 26 applicants for the Accommodations Tax Fund and only 6 of the applicants brought business into Greenville County. He added the City of Greenville collected its own Accommodations Tax and the money was given to events held in the city. Councilor Dill stated the City of Greenville also gave money to many of the 26 applicants. He stated Council needed to review the allocation of money and support events held in Greenville County.

Councilor Gibson asked if the Cultural Exchange applied for assistance from the Accommodations Tax Fund.

Chairman Taylor stated the Cultural Exchange did not apply for assistance and money could only be allocated to eligible recipients who actually applied.

Councilor Dill stated some of the applicants have complained as they did not receive any money at all. He stated Councilor Cates had advised him of one entity who applied and was not on the list.

Councilor Cates stated Foothills Symphony applied but was not included on the list of applicants.

Councilor Kirven stated the Accommodations Tax Fund was created by the hotel industry to benefit industries and events that attracted visitors to the area and generated more business for the hotels. He stated the Accommodations Tax Advisory Committee had met to determine the allocation of the remaining funds and concentrated on "B" and "C" projects; the Committee did not include any "D" projects in the review. Mr. Kirven stated any project rated "D" was unable to show documentation of revenue for the hotel industry. He stated the recommendations complied with the intent of the law and he felt the Committee would be very frustrated if Council did not implement their recommendations.

Councilor Seman stated she wanted to reiterate her disdain for Council's habit of re-allocating the dollars the Accommodations Tax Advisory Committee recommended. She stated Council appointed experts to serve on the Committee and they had made recommendations which followed established guidelines. Councilor Seman stated she was not in favor of allocating additional funds to a signature event that had already received a significant amount of money.

Councilor Ballard inquired if Carolina Elite Soccer Academy would receive an additional \$15,000 even though it was rated a "signature event".

Councilor Dill confirmed Carolina Elite Soccer Academy would receive an additional \$15,000 for a total of \$65,000. He stated Artisphere was allocated \$12,500 and the Committee recommended an additional \$12,500. Councilor Dill stated in his proposal the Fountain Inn Younts Center for the Performing Arts allocation of \$10,000 remained as he felt money should also be spent in the outlying areas of Greenville County. He stated he

suggested \$2000 for the Travelers Rest Farmer's Market as \$683 was originally allocated. Councilor Dill stated he had recommended \$10,000 to the Upcountry History Museum to assist with a heating problem as well as \$2000 to the Historical Society of Travelers Rest. Councilor Dill suggested Council members make their own suggestions regarding the allocation of the money if they were not satisfied with his suggestions.

Councilor Burns stated he understood Council Dill's suggestions and concerns but the Accommodations Tax allocations were limited by law. He stated the Accommodations Tax Advisory Committee appeared to have tried to accommodate Council's expectations and was unable to allocate money to an event that was unable to show how it generated business for area hotels.

Councilor Gibson stated she felt the recommendations of the Accommodations Tax Advisory Committee should be considered, however, she stated the minority community was not represented and had fought to bring large, national organizations into Greenville County. Councilor Gibson added those groups have spent large amounts of money in Greenville County.

ACTION: Councilor Dill withdrew his amendment.

ACTION: Councilor Dill moved to amend the recommendation to reflect a decrease of \$3500.00 from Artisphere and the money be allocated to the Travelers Rest Historical Society in the amount of \$2000.00 and to the Travelers Rest Farmer's Market in the amount of \$1500.00 (original allocation of \$683.87 for a total of \$2183.87). Councilor Dill stated he had no other amendments.

Councilor Kirven stated he did not want all the funds taken from Artisphere as it was a premiere event for Greenville County. He stated Artisphere had a \$5,545,000 economic impact on Greenville County last year. Councilor Kirven stated Artisphere had won numerous awards nationwide and its record of success deserved the support of Council.

AMENDMENT: Councilor Burns offered a friendly amendment to decrease the allocation to Artisphere by \$1500.00 and decrease the allocation to Metropolitan Arts by \$2000 and disperse the money as recommended by Councilor Dill.

Councilor Dill accepted Councilor Burns' friendly amendment.

Councilor Meadows stated if Metropolitan Arts Council collected money and then donated the money to other entities, it would not qualify for assistance from the Accommodations Tax Funds.

Councilor Burns stated the Metropolitan Arts Council donated money to Greenville Open Studios which supported artists throughout Greenville County. He stated none of the money allocated to the Metropolitan Arts Council was donated to any charitable organizations.

Councilor Meadows asked why Greenville Open Studios didn't apply for assistance from the Accommodations Tax Funds.

Councilor Burns stated Metropolitan Arts Council sponsored Greenville Open Studios and the application was made on its behalf.

Councilor Cates stated he felt the Accommodations Tax Advisory Committee had done the very best they could in making recommendations. He stated they were able to look at each applicant and the impact on lodging for Greenville County. Councilor Cates stated he appreciated the work of the Accommodations Tax Advisory Committee and was not interested in making any adjustments to their recommendations.

Councilor Norris stated Council needed to support the Accommodations Tax Advisory Committee's recommendations. She stated people did not have to serve on committees and Council needed to be objective and appreciative of the work the committees have done.

Motion to amend carried with Councilor Cates, Councilor Norris and Councilor Seman voting in opposition.

Motion as amended carried with Councilor Cates voting in opposition.

Item (14) APPEARANCES – non agenda items

- *Thomas Barilovits, 9 Middlewick Ct, Simpsonville – appeared regarding property taxes.*
- *Ed Paxton, 1 York Circle, Greenville – appeared regarding Council's procedures*
- *Audrey Price / Girl Scout Troop #721, 104 Timber Lane, Greenville – appeared regarding Girl Scout Project*
- *Timothy Barilovits, 782 E. Butler Road, Apartment 1209, Mauldin – appeared regarding Greenville Hospital System and property taxes*

Item (15) ADMINISTRATOR'S REPORT

None

Item (16) REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- Councilor Norris stated her event at Springfield Baptist for the Whittenburg Scholarship Program was very successful.
- Councilor Seman stated SCTAC have planned a luncheon for both City and County Councils on December 14th, beginning at 11:30 a.m. at Clemson University in the ONE Building located at 1 N. Main Street. President & CEO, Jody Bryson would be giving a short presentation. She asked Council members to please RSVP to Karen Gordon, if they had not already done so.
- Councilor Gibson stated her discontent with the changing of meeting dates as it impacted previous plans. She also expressed her concern with the hospital system applying for a 501c (3) classification. She asked staff to investigate the matter.
- Councilor Ballard thanked the troop of Girl Scouts for attending the meeting.
- Councilor Kirven wished everyone a Merry Christmas.
- Councilor Payne stated Greenville County and the City of Greenville submitted an application to be a part of Envision America. He stated Greenville was selected as one of the ten cities and counties across the nation to be a part of the program for the first year.
- Councilor Payne stated on Friday, December 4th, the Senate and the House approved a Transportation Bill called the FAST Act, Fixing America's Surface Transportation. He stated \$300 billion would be set aside over a 5-year period to improve roads, bridges and transportation systems. He hoped Greenville County would be applying for some of those funds.

- Councilor Dill commended his colleagues for the work they had accomplished together over the past year. He then wished everyone a Merry Christmas.
- Councilor Baldwin stated Sunday night he attended a Jewish celebration and was thankful they could still openly participate in religious activities in Greenville County.

(a) Reconsideration of the Tax Increment Financing Agreement

Councilor Meadows withdrew his request to reconsider the Tax Increment Financing after talking with staff. He felt Council Rules needed to clarify that, after a vote on financial matters, a Council Member could not come back and revisit the matter; therefore, Council needed to be a little bit slower and more careful when considering issues and to have all the information they needed before they voted.

- Councilor Cates informed his colleagues of a free Christmas pop music concert by the Foothills Philharmonic Symphony at Greer First Baptist on December 19th.
- Councilor Burns wished everyone a Merry Christmas.
- Chairman Taylor wished everyone a Merry Christmas.

Item (17)

ADJOURNMENT

ACTION:

Councilor Burns moved to adjourn the meeting.

Motion carried unanimously and the meeting was adjourned at 7:40 p.m.

Respectfully submitted:

Theresa B. Kizer, Clerk to Council