



GREENVILLE COUNTY COUNCIL MINUTES

REGULAR MEETING

MARCH 7, 2017

6:04 P.M.

COUNTY SQUARE – COUNCIL CHAMBERS

COUNCIL MEMBERS

MR. BUTCH KIRVEN, CHAIRMAN

MR. WILLIS MEADOWS, VICE CHAIRMAN

MRS. XANTHENE NORRIS, CHAIRMAN PRO TEM

MR. JOE DILL

MR. MIKE BARNES

MR. SID CATES **ABSENT**

MR. RICK ROBERTS

MR. BOB TAYLOR

MRS. LIZ SEMAN

MR. ENNIS FANT, SR.

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.

STAFF PRESENT

Joe Kernell, County Administrator

Mark Tollison, County Attorney

Dean Campbell, Deputy County Attorney

Jeff Wile, Assistant County Attorney

John Hansley, Deputy County Administrator

Theresa Kizer, Clerk to Council

Regina McCaskill, Deputy Clerk to Council

Jessica Stone, Administrative Assistant, Clerk to Council

Bob Mihalic, Governmental Relations Officer

Paula Gucker, Assistant County Administrator, Public Works

Chief Deputy Eldridge, Sheriff's Office

John Vandermosten, Assistant County Administrator, Public Safety

OTHERS PRESENT

None

CALL TO ORDER

Chairman Butch Kirven

INVOCATION – introduced by Councilor Willis Meadows

Curtis Dubose, Assistant Pastor
Mitchell Road Presbyterian Church

PLEDGE OF ALLEGIANCE

Item (4) **APPROVAL OF MINUTES**

ACTION: Councilor Norris moved to approve the minutes of the February 21, 2017, Regular Council Meeting.

Motion carried unanimously by Council Members present.

Item (5) **PUBLIC HEARINGS**

(a) Greater Greenville Sanitation Annexation / Properties on Montague Circle

A public hearing was held for the purpose of receiving comments from the public regarding a resolution to enlarge the boundaries of the Greater Greenville Sanitation District to include the properties on Montague Circle, and to provide for public notice thereof.

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

**(b) Hospitality Tax / Supplemental Appropriation –
SC Children’s Theatre and Greenville Center for Creative Arts**

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance to amend Exhibit A established as an addendum to Ordinance 4079, as last amended by Ordinance No. 4868, so as to appropriate additional operating funds for tourist related projects.

There being no speakers, Vice-Chairman Meadows declared the public hearing closed.

(c) Public Safety Communications and Road Maintenance Fees

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance to establish a uniform charge for the provision of upgraded county-wide public safety telecommunication services to all real property within Greenville County; and to amend Ordinance No. 2474, as amended, so as to increase the County Road Maintenance Fee.

- **Stephen Graham**, 221 Kylemore Ln., Greer – appeared in favor of the proposed
- **William McDowell**, 908 Crestwyck Ln., Greenville – appeared in favor of the proposed
- **Jimmy Jones**, 169 Haskell Jones Rd., Cedar Mountain, NC – appeared in favor of the proposed
- **Nina Hallisey**, 800 Butler Springs Rd., Greenville – appeared in favor of the proposed
- **Valerie Wade**, 752 W. Gap Creek Rd., Greer – appeared in opposition of the proposed
- **Jan Lee Williams**, 6 Crabapple Ct., Greenville – appeared in opposition of the proposed
- **Charles Crosby**, 209 Shadecrest Dr., Mauldin – appeared in opposition of the proposed
- **Anthony Gilliard**, 527 Valley Creek Dr., Greer – appeared in opposition of the proposed
- **William Shives, Jr.**, 110 Dexter Dr., Taylors – appeared in opposition of the proposed

There being no other speakers, Vice-Chairman Meadows declared the public hearing closed.

**(d) AVX Corporation (formerly Project Desperado) /
Fee in Lieu of Tax Agreement and Amended and Restated Infrastructure Credit Agreement**

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and AVX Corporation with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; authorizing the execution and delivery of an amended and restated infrastructure credit agreement between Greenville County, South Carolina and AVX Corporation reflecting an extension of the credit period and an increase in the amount of the infrastructure credit; and other matters related thereto.

There being no speakers, Vice-Chairman Meadows declared the public hearing closed.

Item (6) APPEARANCES – current agenda items

None

Item (7) CONSENT AGENDA

(a) 2017 Grievance Committee

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

Motion carried unanimously by Council Members present.

Item (8) RESOLUTIONS

(a) Greater Greenville Sanitation Annexation / Certain Properties on Montague Circle

ACTION: Councilor Seman moved for adoption a resolution to enlarge the boundaries of the Greater Greenville Sanitation District to include the properties on Montague Circle, and to provide for public notice thereof.

Motion carried unanimously by Council Members present.

Item (9) ORDINANCES – THIRD READING

(a) Zoning Ordinances

- 1. CZ-2017-01: Property of Byron Ramirez Aristizabal, located at 1703 Rutherford Road, requesting rezoning from I-1 to S-1.**

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

Motion carried unanimously by Council Members present.

- 2. CZ-2017-02: Property of Jay Beeson, Mark III Properties, located on Reedy Fork Road, requesting rezoning from R-S to R-12.**

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

Motion carried unanimously by Council Members present.

3. **CZ-2017-03: Property of Niki P. Kythas, located at 1303 Geer Highway, requesting rezoning from C-1 to C-3.**

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

Motion carried unanimously by Council Members present.

4. **CZ-2017-04: Property of Two Messers, LLC, located on Turrentine Circle, requesting rezoning from R-20 to R-10.**

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

Motion carried unanimously by Council Members present.

5. **CZ-2017-05: Property of Easlan Capital, located on State Park Road and Worley Road, requesting rezoning from PD to PD-MC, with conditions**

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

Motion carried unanimously by Council Members present.

6. **CZ-2017-07: Property of Lisa Marie Stamey-Looper, located at 250 Sulphur Springs Road, requesting rezoning from O-D to R-M2.**

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

Motion carried unanimously by Council Members present.

7. **CZ-2017-08: Property of Charles P. Willimon, located on the west side of Standing Springs Road, requesting rezoning from R-S to R-12.**

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

Motion carried unanimously by Council Members present.

8. **CZ-2017-11: Property of Kevin Buckner, located on Easley Bridge Road, requesting rezoning from R-M20 to FRD, with conditions**

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

Motion carried unanimously by Council Members present.

(c) Public Safety Telecommunications and Road Maintenance Fees

Without objection, Chairman Kirven stated Item 9 (c) Public Safety Telecommunications and Road Maintenance Fees would be heard before Item 9 (b) Hospitality Tax / Supplemental Appropriation – SC Children’s Theatre and Greenville Center for Creative Arts as Councilor Taylor had to leave the meeting early.

ACTION: Vice-Chairman Meadows moved for adoption at third reading an ordinance to establish a uniform charge for the provision of upgraded county-wide public safety telecommunication services to all real property within Greenville County; and to amend Ordinance No. 2474, as amended, so as to increase the County Road Maintenance Fee.

ACTION: Councilor Fant moved to suspend Council Rules to allow for amendments at third reading.

Councilor Dill stated Council previously voted on the same issue at second reading. He inquired if the issue could be brought to the table continuously.

Chairman Kirven stated as an amendment, the issue could be brought to the table again. If Council voted to suspend the rules, the amendment would be in order.

Vice-Chairman Meadows asked Mark Tollison for further verification.

Mark Tollison stated if Council voted in favor to suspend the rules, the ordinance was susceptible to the amendment.

Councilor Dill asked even if a vote had already occurred on the issue. He added that Councilor Fant had presented a motion but did not recall the previous action of the Council.

Mark Tollison stated he did not feel there was a limitation on amendments at second or third reading under Council Rules.

Councilor Dill stated if Council Rules were suspended other amendments could be put on the floor.

Motion to suspend Council Rules was denied by a roll call vote of six (Roberts, Norris, Seman, Fant, Kirven and Payne) in favor and five (Taylor, Ballard, Dill, Barnes and Meadows) in opposition. Councilor Cates was absent.

Councilor Ballard stated the Attorney General had been asked to render an opinion to clarify a difference of opinion between the County Attorney and six Council Members. Councilor Ballard stated the County Attorney had stated that State Statute 6-1-330, which indicated fees could be approved by a majority of the body, superseded County Ordinance No. 3867, which required nine votes for approval. Councilor Ballard stated it was understood by the Home Rule Act that ordinances were the governing vehicle for Council.

ACTION:

Councilor Ballard moved to hold the item until the Attorney General had rendered an opinion regarding the number of votes needed for approval.

Motion to hold the item was denied by a roll call vote of five (Taylor, Ballard, Dill, Barnes and Meadows) in favor and six (Roberts, Norris, Seman, Fant, Kirven and Payne) in opposition. Councilor Cates was absent.

Vice-Chairman Meadows stated it appeared Council was not fully aware of what the ordinance entailed. He stated the first part of the ordinance dealt with public safety telecommunications and was vetted over a two year period of time. He stated the Fire Chiefs, Commissioners and Fire Districts came together and worked out their differences, and came up with an ordinance they could all agree on. He stated there had been no such discussions with the second part of the ordinance dealing with the Road Maintenance Fee. Vice-Chairman Meadows stated there were some good projects proposed and items that Council should certainly consider. He stated the item could be looked at as if the County invested 15% and received 85% back in returns. In that respect, it was a good investment and was a wise use of the County's money and the taxpayers' money. Vice-Chairman Meadows added there were a lot of questions that needed to be answered. He stated Council should defeat the ordinance and bring the items back up separately.

Councilor Roberts stated if Council waited to move forward on all the issues until all questions were answered, they would never be able to get anything accomplished. He stated he had heard from many of his constituents, as well as area business leaders, to get something done about the roads in Greenville County. Councilor Roberts stated many potential business leaders could decide not to locate or relocate their business in Greenville County due to the condition of the roads.

Councilor Fant stated the nine vote passage requirement was antithetical to a democracy and ran counter to the principles of a republic form of government. He added that Council did not need a Council from 15 years ago to protect the citizens of Greenville County. He stated the citizens of District 25 elected him to represent them, to change the status of their community, and to carve a better future for them as well as their children and generations yet unborn. Councilor Fant stated both established and prospective business owners have expressed frustration with Council's lack of commitment to roads and infrastructure. Businesses that were already here did not want to expand and potential businesses have questioned Council's commitment. Councilor Fant stated the current roads program was approximately \$6 million per year with \$4.4 million spent for road resurfacing and \$1.6 million spent for intersections, improvements, widenings and some match for outside funding. Councilor Fant stated \$6 million came from the road fees from approximately 400,000 vehicles at \$15 per vehicle. Over the last 10 years, the number of vehicles registered in Greenville County had increased 2.26% or 321,000 vehicles in 2007 to 400,000 in 2017. Councilor Fant stated the current budget allowed for the resurfacing of 23 miles of roads per year, of the approximately 1600 miles of roads in Greenville County. He stated at that rate, County roads could be resurfaced every 69 years. Councilor Fant stated 302 miles of roads had been added to the County road system since the \$15 road user fee was put in place. Resurfacing costs approximately \$185,700 per mile. He added the \$15 fee implemented in 1993 had lost 40.8% of its purchasing power while the cost of asphalt had increased from \$220 per ton to \$495 per ton in the last 10 years. Councilor Fant stated a \$10 increase in the road user fee would increase the County road program by \$4 million per year. He stated half of the money could be used to resurface over 10 miles per of roads year and the other half could be used for County road-widening projects, intersection improvements, and to bring in outside funds mainly for large-scale projects to address major congested areas and traffic bottlenecks that affected all drivers in Greenville County. He strongly urged his colleagues to pass the ordinance.

Vice-Chairman Meadows stated the County was operating under many ordinances that were much older than the item in question. He stated the number of registered vehicles has risen 2.5% every year for an increase of more than 11%. Vice-Chairman Meadows stated the \$4 million generated yearly from the road user fees was equal to 2 mils. He stated when Council did not vote to change the nine vote requirement during the last Council meeting, then that meant that Ordinance No. 3867 was still in effect and, therefore, the ordinance did not pass with seven votes. Vice-Chairman Meadows stated he supported contacting the Attorney General for clarification. Vice-Chairman Meadows stated there were some serious problems with the ordinance and Council needed to take time and work out the details. He urged his colleagues to vote against the ordinance.

Councilor Dill stated there was another way to pay for the telecommunications services and that was through the Stormwater money, which was already on the books. He added it would be a simple process and if the Stormwater money fell short in the future, Council could address the situation at that time. Councilor Dill cited a situation concerning an elderly female living in his area who wanted to stay in her home as long as possible. He stated the \$25 increase for both aspects of the ordinance could affect her greatly. Councilor Dill stated he was in favor of the telecommunications aspect of the ordinance and he wanted the roads to be fixed. He stated Council should sit down and discuss the road user tax or fees. He stated he would be voting against the ordinance.

Councilor Seman called for the question.

Motion to call the question carried unanimously by Council Members present.

Motion as presented carried by a roll call vote of seven (Roberts, Taylor, Norris, Seman, Fant, Kirven and Payne) in favor and four (Ballard, Dill, Barnes and Meadows) in opposition. Councilor Cates was absent.

Chairman Kirven stated by a ruling of the chair, the motion was approved by a vote of seven in favor and four in opposition. He stated Council would abide by the Attorney General's decision regarding the nine vote requirement.

Councilor Fant asked how Council should move forward in regards to the nine vote requirement for passage.

Mark Tollison stated the nine vote requirement could be amended in the ordinance that just passed or it could be amended in a stand-alone ordinance. He added that any Council Member was free to introduce an ordinance at first reading and have the proposed ordinance referred to the appropriate committee.

Councilor Taylor left the meeting.

**(b) Hospitality Tax / Supplemental Appropriation –
SC Children's Theatre and Greenville Center for Creative Arts**

ACTION: Vice-Chairman Meadows moved for adoption at third reading an ordinance to amend Exhibit A established as an addendum to Ordinance 4079, as last amended by Ordinance No. 4868, so as to appropriate additional operating funds for tourist related projects.

Motion carried unanimously by Council Members present.

(d) Transfer Property to Campbell Young Leaders

ACTION: Vice-Chairman Meadows moved for adoption at third reading an ordinance to authorize and approve the transfer of approximately 6.33 acres of real property located in the Woodside Mill Community to Campbell Young Leaders, a South Carolina non-profit corporation, or its assigns, and to authorize the execution of a deed and any other appropriate documents and agreements related thereto.

Motion carried unanimously by Council Members present.

(e) AVX Corporation (formerly Project Desperado) / Fee in Lieu of Tax Agreement and Amended and Restated Infrastructure Credit Agreement

ACTION: Vice-Chairman 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 AVX Corporation with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; authorizing the execution and delivery of an amended and restated infrastructure credit agreement between Greenville County, South Carolina and AVX Corporation reflecting an extension of the credit period and an increase in the amount of the infrastructure credit; and other matters related thereto.

Motion carried unanimously by Council Members present.

Item (10) ORDINANCES – SECOND READING

(a) False Alarm Ordinance Amendment

ACTION: Councilor Ballard moved for approval at second reading an ordinance to amend Chapter 11, Article IV of the County of Greenville, South Carolina Code of Ordinances so as to require an alarm system monitoring company to attempt to verify whether an alarm signal is valid before requesting dispatch; to change the number of permitted false alarms from per calendar quarter to per calendar year; to provide for graduated increases in the civil penalties for false alarms, and related matters thereto.

AMENDMENT: Councilor Ballard moved to allow for amendments at third reading.

Motion to allow for amendments at third reading carried unanimously by Council Members present.

Councilor Dill requested clarification regarding the term "site" in the ordinance. He asked if it meant the alarm company or where the alarm was located.

Councilor Ballard stated the term "site" indicated where the alarm was located. He added that the proposed amendment specified that the alarm system monitoring company was to attempt to verify whether an alarm signal was valid prior to requesting dispatch.

Councilor Dill stated the ordinance did not state the alarm system monitoring company was to attempt to verify whether an alarm signal was valid. He stated he was concerned that the alarm companies were not being held accountable for some of the false alarms.

Councilor Ballard stated a review of the false alarms totaling seven or more from specific sites within a six months period was studied. One of the companies on the list had 39 false alarms and another had 33 false alarms within the specified time period. Councilor Ballard stated the major offenders were all businesses, not residences. The ordinance and the amendment dealt with both businesses and residences. He added that a false alarm cost the County 20 – 45 minutes of deputy time to deal with the situation and the County was trying to address that issue by putting the burden on the chronic offenders of false alarms.

Councilor Dill asked who dispatched the police to the site of the false alarm.

Councilor Ballard stated the alarm company contacted law enforcement.

Councilor Dill asked why the alarm companies were not responsible for the false alarms.

Councilor Ballard stated the alarm companies were also responsible for the false alarms.

Councilor Dill asked if the alarm companies would have to pay the fines for the repeat offenders.

Councilor Ballard stated if an alarm goes off, the alarm company contacted the responsible party on file. Some of the alarm companies were only calling one number and not making additional efforts to contact the responsible party.

Councilor Dill stated he understood the alarm company contacting law enforcement if they were unable to contact the responsible party.

Councilor Ballard stated part of the change in the ordinance stated the alarm company had to make two calls to resolve the issue before contacting law enforcement.

Councilor Fant stated that \$500 was a lot of money and inquired if it was possible to reduce the amount of the fines.

Councilor Ballard stated that was why he requested amendments be allowed at third reading. Currently, the County charged \$100 for a false alarm after the first two per quarter. He added that the County did not want the money, they wanted to avoid dispatching law enforcement when it was not necessary.

Vice-Chairman Meadows stated he was glad the new ordinance had not gone into effect yet. He stated he had two false alarms recently and he felt it was the alarm sensor. Vice-Chairman Meadows stated he agreed Council needed to review the proposed fines.

Councilor Dill asked what the fees were used for.

Councilor Ballard stated all the monies collected from the fees went to the Sheriff's Office Communications Department and that was the department that monitored and set up alarms.

Councilor Dill asked if there was a shortfall of funds in that specific department.

Councilor Ballard confirmed there was a shortfall of funds in that department on a yearly basis and the shortfall had to be made up with the Sheriff's budget. He added the ordinance was not a money-making proposition for the Sheriff's Office

Motion as amended carried unanimously by Council Members present. Councilor Cates and Council Taylor were absent.

(b) Project Mousetrap / Fee in Lieu of Tax Agreement

Vice-Chairman Meadows 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 Mousetrap and 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; and delay third reading of the ordinance until April 4th in order for a public hearing to be scheduled.

Motion carried unanimously by Council Members present.

Item (11) COMMITTEE REPORTS

None

Item (12) APPEARANCES BY CITIZENS

- **Traci Fant**, 211 Creektop Ct., Greenville – appeared regarding pedestrian safety
- **William Jocoy**, 4 Polaski Ct., Simpsonville – appeared regarding pedestrian safety
- **Migdalia Abrams**, 154 Valley Brook Rd., Piedmont – appeared regarding pedestrian safety
- **Chris Teasley**, 159 Oakvale Dr., Piedmont – appeared regarding pedestrian safety
- **Miriam Champlin**, 336 Loop St., Greenville– appeared regarding a recreation center in New Washington Heights
- **Bobby Davis**, 6 Setinel Ct., Greer – appeared regarding socialist – immoral or moral
- **Demetrius Sims**, 127 Chick Springs Rd., Taylors – appeared regarding the Sheriff's Department
- **Patricia Taylor**, 311 Poplar Ln., Mauldin – appeared regarding property taxes
- **Bruce Wilson**, 14 Freestone St., Greenville – appeared regarding Greater Greenville Sanitation

Item (13) ADMINISTRATOR'S REPORT

No report

REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- Councilor Roberts stated his appreciation for everyone and hoped they could move forward working together.
- Councilor Norris stated her concerns for problems on the west side of Greenville, such as litter, recreation, and transportation. Regarding speaker Demetrius Sims, Ms. Norris stated he had served his debt and was now wanting to get a job and live a good life, but he needed help because jobs were not available for the poor.
- Councilor Fant encouraged everyone to keep moving forward and expressed his respect for each member of Council, reminding them they all wanted what was best for Greenville County. Mr. Fant shared with everyone a new app called "litter ends here" that was designed to help clean up litter in Greenville County. He encouraged everyone to download and use the app. He then recognized members of Vision 25, Executive Director of Planning and Communications Sanjay Dogan, Chairman of Economic Development George Singleton and Kris Ann Robinson who served on the Resident Engagement Committee,
- Councilor Ballard stated litter in his district was a problem given that the landfill was in his district and trash blew off trucks as they went down Highway 25. He and his constituents were encouraged by the new suction trucks now owned by the County. He thanked Ms. Gucker and her staff for helping clean up the street where his granddaughters were now living by removing a burned out house as well as a lot of old trailers. He stated the street however was very dark and was not utilized much and has become a dumping ground. He encouraged citizens to take pictures of these areas and send them in so that they could be taken care of.
- Chairman Kirven expressed his concern with the issue raised by the speakers regarding dark streets and the risk to pedestrians. He asked the Public Safety Committee to look into the matter to see what the County could do to make those streets safer.
- Councilor Payne stated he had attended the NACo meeting the previous week where he learned there were over 3000 counties nationwide and Greenville County was in the top 25 in terms of financial management. He stated Greenville was also on the cutting edge in technology and innovation. Mr. Payne stated in the next couple of weeks, CUICAR would be making an announcement regarding an Israeli company wanting to come to South Carolina to do a start-up. He then announced NACo offered a program for peer exchange visits; the next of which would be March 23-24 and would take place in Chatham County, Georgia. He asked that if any Council members were interested in participating to let him know.
- Councilor Dill encouraged his colleagues to participate in the questionnaires provided to them by NACo if they wanted their views and positions heard. Mr. Dill stated he finally saw the vacuum truck while down in District 27 and he couldn't wait to see them come down Memorial Drive just outside of Greer.
- Councilor Barnes stated he was hopeful that Council could work out their differences. He stated it was his desire that future matters be held separately in order to let them stand on their own merit. He wanted Council to get to the bottom of whether it would take nine votes or seven votes before they vote on any such matters in the future.
- Councilor Seman stated SCTAC management was honored to host Councilman Ennis Fant and Councilman Rick Roberts at the SCTAC corporate office for an overview presentation and orientation on March 1st. She then expressed birthday wishes to Councilor Norris.

Item (15) **ADJOURNMENT**

ACTION: Councilor Meadows moved to adjourn the meeting.
Motion carried unanimously and the meeting was adjourned at 8:11 p.m.

Respectfully submitted:

Theresa B. Kizer, Clerk to Council