



# GREENVILLE COUNTY COUNCIL

Minutes

## Regular Meeting

September 4, 2018

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  
Mr. Rick Roberts  
Mr. Bob Taylor  
Mrs. Liz Seman  
Mr. Ennis Fant, Sr.  
Mr. Lynn Ballard  
Mr. Fred Payne

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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 Absent**

None

### **Staff Present**

Joe Kernell, County Administrator  
Mark Tollison, County Attorney  
Dean Campbell, Deputy County Attorney  
Jeffrey Wile, Assistant County Attorney  
Kimberly Wunder, Assistant County Attorney  
John Hansley, Deputy County Administrator  
Regina McCaskill, Clerk to Council  
Jessica Stone, Deputy Clerk to Council  
Pam Gilliam, Administrative Assistant, County Council Office  
Paula Gucker, Assistant County Administrator, Public Works  
Sarah Holt, Planning Director  
Bob Mihalic, Governmental Relations Officer  
John Vandermosten, Assistant County Administrator, Public Safety

### **Others Present**

### **Call to Order**

Chairman Kirven

### **Invocation**

Councilor Liz Seman

### **Pledge of Allegiance**

**Item (4)      Approval of Minutes**

**ACTION:**      Councilor Norris moved to approve the minutes of the August 21, 2018, Regular Council Meeting.

Motion carried unanimously.

**Item (5)      Public Hearings**

**a.    NHT Augusta Grove 17, LLC (formerly Project Rosie) / Fee in Lieu of Tax 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 and incentive agreement by and between Greenville County, South Carolina and NHT Augusta Grove 17, LLC, with respect to certain property in the County, whereby such property would be subject to certain fees in lieu of taxes; and other matters related thereto.

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

**Item (6)      Appearances – current agenda items**

- Lori Raymond, 404 Crossvine Way, Simpsonville – appeared regarding tethering
- Marlene Smith, 205 Stokes Road, Simpsonville – appeared regarding tethering
- Susan Bufano, 314 Yorkshire Drive, Greenville – appeared regarding tethering
- Penny Lillis, 115 Keeler Bridge Road, Marietta – appeared regarding tethering
- Kelley Teal, 1322 McKelvey Road, Fountain Inn – appeared regarding tethering
- Barbara Richardson, 202 Longview Drive, Piedmont – appeared regarding tethering

**Item (7)      Consent Agenda**

- a.    FY 2018 Justice Assistance Grant Program** (Finance)
- b.    Golf for Greenville Grant** (Finance)

**ACTION:**      Councilor Payne moved to approve the Consent Agenda Items.

Motion carried unanimously.

**Item (8)      Resolutions**

**a.    Greater Greenville Sanitation District Annexation – Certain Real Properties on Kimberly Drive / Request for Public Hearing**

**ACTION:**      Councilor Seman moved for adoption a resolution to hold a public hearing to consider enlarging the Greater Greenville Sanitation District to include certain properties located on Kimberly Drive, Travelers Rest, South Carolina.

Motion carried unanimously.

**b. Greater Greenville Sanitation District Annexation – 5 Hannah Springs Court / Request for Public Hearing**

**ACTION:** Councilor Seman moved for adoption a resolution to hold a public hearing to consider enlarging the Greater Greenville Sanitation District to include 5 Hannah Springs Court, Taylors, South Carolina.

Motion carried unanimously.

**c. Belmont Fire and Sanitation District / Request for Public Hearing**

**ACTION:** Councilor Taylor moved for adoption a resolution calling for a public hearing to be held upon the question of the issuance of not exceeding \$1,250,000 of General Obligation Bonds of the Belmont Fire and Sanitation District and to provide for the publication of the notice of such hearing.

Motion carried unanimously.

**d. Roy Metal Finishing Company Inc. / Assignment and Assumption**

**ACTION:** Councilor Taylor moved for adoption a resolution authorizing the assignment and assumption of certain rights under a fee in lieu of tax agreement among Greenville County, South Carolina, Roy Metal Finishing Company, Inc. and JPCR, LLC, and certain matters related thereto.

Motion carried unanimously.

**Item (9) Ordinances – Third Reading**

**a. Zoning Ordinances**

**1. CZ-2018-39:** Property of Silver Hawk LLC, located at 16 New Circle Road, requesting rezoning from C-2 to S-1.

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

Motion carried unanimously.

**2. CZ-2018-40:** Property of Willene Allen, located at 400 East Lee Road, requesting rezoning from O-D to C-1.

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

Motion carried unanimously.

**3. CZ-2018-41:** Property of Hro Properties LLC, located on Old Howell Road, requesting rezoning from O-D to C-1.

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

Motion carried unanimously.

4. **CZ-2018-49:** Property of Jack Jamison, Simpsonville Woodruff LLC, located at 2525 Woodruff Road, requesting rezoning from PD to PD, Major Change

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

Chairman Kirven stated Council approved allowing amendments at third reading for the item at the last Council meeting held on August 21, 2018.

**ACTION:** Councilor Ballard moved to amend the ordinance to include four conditions that were recommended by staff:

- Provide a minimum of 10 to 15 feet for a planted (evergreen trees) buffer between the sewer easement and building in the rear
- Proposed max height of 38 feet
- Provide architectural mitigation with design features such as: stepping back the façade, fenestration, and/or other methods for the three blank walls to the sides and rear
- Provide more landscaping on the northwest side for buffering

Chairman Kirven stated the question had been raised that since the rezoning request was for PD (Planned Development District), with a proposed major change, the Planning Commission could possibly review the item but it was not required. Mr. Kirven added that Council could also refer it back to the Planning Commission but had every prerogative legislatively to address the item at the meeting.

Motion to amend was approved unanimously.

Motion as amended was approved unanimously.

**b. Zoning Text Amendment / Initiation of Zoning by Petition (CZ-2018-47)**

**ACTION:** Councilor Ballard moved for adoption at third reading an ordinance to amend Section 3:2.3 of the Greenville County Zoning Ordinance relating to initiation of Zoning by Petition to provide time for contiguous property owners to request initial zoning.

Motion carried unanimously.

**c. Sale of County Owned Property / 114 N. Poinsett Highway**

**ACTION:** Councilor Taylor moved for adoption at third reading an ordinance to authorize the sale and transfer of county owned property located at 114 North Poinsett Highway in Travelers Rest.

Motion carried unanimously.

**d. NHT Augusta Grove 17, LLC (formerly Project Rosie) / Fee in Lieu of Tax Agreement**

**ACTION:** Councilor Taylor 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 NHT Augusta Grove 17, LLC, with respect to certain property in the County, whereby such property would be subject to certain payments in lieu of taxes; and other matters related thereto.

Motion carried unanimously.



2. **CZ-2018-46:** Property of Upstate Custom Builders, located at 3 Owens Road, requesting rezoning from R-20 to R-7.5.  
The Planning Commission and the Committee recommended approval.

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

Motion carried unanimously.

3. **CZ-2018-48:** Property of Doris A. Shaver, Bobbie F. Hayes and Susan Lee Hayes, located on Baldwin Road, requesting rezoning from R-S to FRD.  
The Planning Commission and the Committee recommended denial.

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

Councilor Payne stated there had been an appeal to be annexed into the City of Mauldin by the property owners. He inquired if it was appropriate for Council to vote on the item.

Chairman Kirven stated the item was entitled to a vote as there was no documentation presented to confirm the property had been annexed.

Councilor Ballard stated the City of Mauldin had a first reading regarding the annexation request but that was as far as it had gone.

Councilor Payne stated the property was located in his district and the owners had spoken with him about the parcel some time back. He stated he had not heard from them since and he had no opinion what needed to be done at that point.

Chairman Kirven stated that State Law was clear about certain criteria that must be in place in order for a property to be eligible for annexation into a municipality. He added that the property was far-removed from the city limits of Mauldin; although it was located in the County-contracted Mauldin Fire Service Area, that alone would not justify annexation.

Motion as presented was denied unanimously.

4. **CZ-2018-50:** Property of Donna Williamson, located at 908 Old Buncombe Road, requesting rezoning from S-1 to R-12.  
The Planning Commission and the Committee recommended approval.

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

Motion carried unanimously.

5. **CZ-2018-52:** Property of W. Lemuel Dillard and Ann D. Withrow (trustee), located on Beeco Road, requesting rezoning from R-S to S-1.  
The Planning Commission and the Committee recommended approval.

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

Motion carried unanimously.

**b. Foothills Fire Service Area / Millage Request**

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

Motion carried unanimously.

**c. Project Dream / Fee in Lieu of Tax Agreement**

**ACTION:** Councilor Taylor 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 a company known to the County at this time as Project Dream with respect to certain economic development property in the County, whereby such property would be subject to certain payments in lieu of taxes; and other matters related thereto.

**ACTION:** Councilor Taylor moved to hold the item until the next regular Council meeting scheduled for September 18, 2018.

Motion to hold carried unanimously.

**d. Terra Pines Estate Special Tax District / Creation**

**ACTION:** Councilor Seman moved for approval at second reading an ordinance to create the Terra Pines Estates Special Tax District; to define the boundaries of the district and the purposes for which it was created; to establish the Terra Pines Estates Special Tax District Commission; and to impose a tax levy of not more than fifty dollars annually on all real property located within the district.

Motion carried unanimously.

**e. Animal Control Ordinance Amendment / Tethering**

**ACTION:** Councilor Seman moved for approval at second reading an ordinance to amend the County Code at Chapter 4, Cruelty to Animals, to add provisions concerning tethering animals; and to remove requirements appearing in Code Section 4-18.

**ACTION:** On behalf of the Committee, Councilor Seman moved to amend the ordinance to substitute a new ordinance in its entirety as recommended by the Public Works and Infrastructure Committee which read:

Section 1. Amendment. Section 4-18(10) of the Code of Laws of Greenville County, as amended, titled "Unlawful Acts" shall be deleted and replaced as follows:

*It shall be unlawful in the county for any animal owner or other keeper of an animal to:*

~~DELETE FORMER # (10) Tether an animal by use of a choke collar or leash less than 12 feet long, or of such unreasonable weight or design so as to prevent the animal from moving about freely;~~

*ADD NEW # (10) tether a dog or dogs except when: (a) tethered pursuant to requirements of park, camping or recreational areas; or (b) tethered while engaged in lawful hunting activities; or (c) tethered to a running line, pulley or trolley system elevated no higher than seven (7) feet off the ground, in a manner that allows the tether to move freely along the length of the running line, pulley or trolley system and allowing the dog fifty (50) square feet of usable space. The tether must be connected to the dog by a buckle-type collar or body harness made of nylon, leather or other durable and non-metallic material and must be properly fitted so as to not cause injury to the dog or embed in the dog's neck. Only one dog may be attached to each running line, pulley or trolley system so as to prevent injury, strangulation, or entanglement.*

Councilor Seman thanked the members of the Public Works and Infrastructure Committee who studied the issue for a number of months as well as Councilor Dill who pulled together ordinances from other states, counties, etc. She also thanked the Code Enforcement officer who spoke to the Committee about the ability to enforce an ordinance. Councilor Seman stated she was aware the proposed ordinance may not have been strict enough for some people. She added that the County's ordinances were complaint driven and the codes officers had to be able to enforce them. She stated she was pleased the PWI Committee was able to bring something to the full committee for discussion.

Councilor Cates asked if the Animal Control officers worked on weekends.

Paula Gucker stated they were on-call during the weekends.

Councilor Taylor asked how the proposed ordinance related to animals confined by an electric fence.

Councilor Seman stated animals confined by an electric fence were fine.

Councilor Taylor asked about animals that were tethered and not protected by a fence; a tethered animal could not get away from a vicious dog that was running loose. Councilor Taylor stated Council may want to consider requiring a fence.

Councilor Seman stated there was no requirement for animals to be protected by a fence and the concern would be asking people to build fences. She added that sometimes compromise was the best strategy to get something on the books that could be enforced. Ms. Seman stated she would hate to "kill" the entire proposed ordinance and have nothing.

Councilor Roberts stated he was not in favor of having a public hearing and third reading for an item on the same night.

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

Motion carried unanimously.

Councilor Fant stated he applauded the passion that people had in regards to tethering and animals in general, but, he did not want anyone to lose sight of the fact that Greenville County did not have a minimum housing standard for people. Mr. Fant stated he hoped Council would be as passionate about housing for people, especially children, as they were for animals.

Motion to amend carried with Councilor Taylor voting in opposition.

**ACTION:** Councilor Dill moved to amend the ordinance as follows:

- B. *A litter of unidentifiable dogs or cats four months of age or younger may be turned over to any organization established for the purpose of caring for animals immediately so long as the litter is turned over for life-saving purposes.*
- C. *After any animal has been impounded for five calendar days and is unclaimed by its owner, and after the animal shelter employees have made a good faith effort to contact the identified owner, the animal shelter employees, unless the animal must be kept pending disposition of a criminal or civil trial involving the animal or unless a hearing on the disposition of the animals is held prior to the trial, may dispose of the animal by adoption or by euthanasia or the animal may be turned over to any organization established for the purpose of caring for animals, such as the Humane Society.*
- D. *All healthy, unidentifiable cats found or picked up from an outside area and considered stray may be sterilized within twenty-four hours and then, twenty-four hours after surgery if sufficiently recovered, may dispose of the animal by adoption, euthanasia or the animal may be turned over to any organization established for the purpose of caring for animals, such as the Humane Society, but may not return the animal to where it was picked up.*



Councilor Taylor stated Councilor Dill's recommendation was not germane to the issue and appeared to be a separate aspect of animal care.

Councilor Dill stated he was opposed to sending animals back to neighborhoods where they were picked up. He added the animals needed a chance to survive.

Councilor Roberts stated the proposed amendment suggested euthanasia.

Councilor Dill stated that was only one of the options suggested. He asked if it was appropriate to throw an animal on the side of the road to fend for itself.

Councilor Roberts stated it was worse to propose euthanasia after five days.

Councilor Dill stated the organizations established for the care of animals would have the opportunity to find homes, etc.

Councilor Seman stated she appreciated Councilor Dill's proposed amendment and suggested that it may not be appropriate as part of the tethering ordinance; it may be better suited to another section of the County's animal care ordinance.

Chairman Kirven stated Councilor Dill's proposed amendment hit on a good idea and suggested staff work with the Committee in regards to the amendment.

Councilor Dill withdrew his amendment.

**ACTION:** Councilor Seman moved to approve the motion as amended.

Motion as amended carried.

*Councilor Norris left the meeting at 7:07 p.m.*

**Item (11) Ordinances – First Reading**

**a. Belmont Fire and Sanitation District / General Obligation Bonds Issuance**

Councilor Taylor presented for first reading an ordinance finding that the Belmont Fire and Sanitation District may issue not exceeding \$1,250,000 General Obligation Bonds; to authorize the Belmont Fire and Sanitation Commission of the Belmont Fire and Sanitation District, South Carolina, to issue such bonds and to provide for the publication of notice of the said finding and authorization.

Chairman Kirven stated the item would remain on the floor.

**b. Donation and Transfer of Property / Talley Bridge Road**

Councilor Taylor presented for first reading an ordinance authorizing the donation and transfer of five (5) county owned lots located along Talley Bridge Road in Slater-Marietta to the Greenville County Redevelopment Authority for workforce housing; and authorizing the execution of deeds and any other appropriate documents and agreements related thereto.

Chairman Kirven stated the item would remain on the floor.

c. **Greenville / Anderson Multi County Industrial Business Park Agreement Amendment (2010 Park)**

Per notice given in the agenda packet, Councilor Taylor presented for first reading an ordinance to amend an agreement for the development of a joint county industrial and business park (2010 Park) of Greenville and Anderson Counties so as to enlarge the park.

Chairman Kirven referred the item to the Finance Committee.

**Item (12) Committee Reports**

a. **Committee of the Whole**

1. **Board and Commission Appointments**

a. **Board of Tax Assessment and Appeals**

**ACTION:** On behalf of the Committee, Vice-Chairman Meadows moved to close nominations and elect by acclamation the following to fill five of the nine vacancies on the Board of Tax Assessment and Appeals:

JoAnne Armstrong, Jeff Davis, Richard Poremba, Mark Xu and Bill Young.

Motion carried unanimously by Council Members present.

b. **Thrive Upstate**

**ACTION:** On behalf of the Committee, Vice-Chairman Meadows moved to close nominations and elect by acclamation the following to fill three vacancies on Thrive Upstate.

Bob Ariail, Alex McNair and Jason Strand.

Motion carried unanimously by Council Members present.

**Item (13) Appearances by Citizens**

- Cynthia Chance, 33 Seyle Street, Greenville – appeared regarding Dunean Community
- Ed Paxton, 1 York Circle, Greenville – appeared regarding Greater Greenville Sanitation

**Item (14) Administrator's Report**

No Report

**Item (15) Requests and Motions by Council Members**

- Vice-Chairman Meadows asked for prayers for his wife, Joanne, who was scheduled for surgery on Friday, September 7<sup>th</sup>.
- Councilor Dill asked everyone to keep Judge Looper in their prayers as his father-in-law had passed away; his mother-in-law passed away a few weeks ago.
- Councilor Roberts thanked Councilor Seman and the Public Works and Infrastructure Committee for bringing the tethering ordinance and amendment forward. He also stated the audience members dressed in red, who were in support of the ordinance, were also very passionate about the well-being of humans. Even though the amendment was not what he would have preferred, it was definitely a step in the right direction.

- Councilor Seman thanked everyone who attended the reception for Don Erickson's retirement. She stated in recognition of Mr. Erickson's vision, leadership and advancement of the Lockheed Martin Greenville site, SCTAC had designated Hangar 16 at Donaldson Field as the "Don Erickson Hangar." Mr. Erickson officially retired as Lockheed Martin General Manager and Site Director on August 31 after an outstanding career highlighted by the recently pronounced production of the F-16 at SCTAC.
- Councilor Fant thanked all the members of Vision 25 who were in attendance. Mr. Fant stated he recently attended a meeting with ReWa and Metroconnects along with Councilor Ballard, Councilor Fant and Chairman Kirven. He stated it appeared that the two entities would be working together to expand the sewer lines in the southern part of Greenville County, which would open up the area to industry and manufacturing, commercial development and mixed-use properties. The expanded lines would also offer greater opportunities for affordable housing.
- Councilor Ballard stated he would be representing Greenville County, along with Councilor Payne, at the South Carolina State and Local Leaders White House Conference on Thursday, September 6. He added that two Council members from Spartanburg County would also be attending.
- Councilor Payne stated he attended a meeting last week organized by a group known as Smart Greenville. Mr. Payne stated several progressive technologies were introduced; smart positioning, atomic clock or atomic timing and 5G communications. The group also expressed interest in using Greenville as a mid-sized metropolitan area to deploy the technologies and test them in a real world situation at SCTAC and in other local communities. He added the technologies were also tied into automated transportation.

**Item (16)**

**Adjournment**

**ACTION:**

Councilor Cates moved to adjourn the meeting.

Motion carried unanimously by Council Members present and the meeting was adjourned at 7:26 p.m.

Respectfully submitted:

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Regina G. McCaskill, Clerk to Council