



GREENVILLE COUNTY COUNCIL

Minutes

Regular Meeting

October 1, 2019

6:20 p.m.

County Square – Council Chambers

301 University Ridge

Greenville, South Carolina 29601

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. Dan Tripp

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*

Jeff Wile, *Assistant County Attorney*

John Hansley, *Deputy County Administrator*

Regina McCaskill, *Clerk to Council*

Jessica Stone, *Deputy Clerk to Council*

Paula Gucker, *Assistant County Administrator, Public Works*

John Vandermosten, *Assistant County Administrator, Public Safety*

Nicole Wood, *Assistant to the County Administrator*

Bob Mihalic, *Governmental Relations Officer*

Others Present

None

Call to Order

Chairman Kirven

Invocation – *Introduced by Councilor Lynn Ballard*

Tony McDade, Executive Director
United Ministries

Pledge of Allegiance

Item (4) Approval of Minutes

Action: Vice-Chairman Meadows moved to approve the minutes of the September 17, 2019, Regular Council Meeting.

Motion carried unanimously.

Item (5) Public Hearings

a. Slater-Marietta Fire District / Millage Request

A public hearing was held for the purpose of receiving comments from the public regarding a resolution to provide for the millage rate to be levied by the Slater-Marietta Fire District.

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

b. BMW / 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 agreement by and between Greenville County, South Carolina and BMW Manufacturing Co., LLC, 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.

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

c. Greenville / Anderson Multi County Industrial Business Park Agreement Amendment – Falls at Meehan Apartments, LLC (formerly Project MCPend)

A public hearing was held for the purpose of receiving comments from the public regarding 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 to include certain parcels owned by Falls at Meehan Apartments, LLC.

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

Item (6) Appearances – current agenda items

- Michael “Eric” Bedingfield, 945 Cooley Bridge Road, Belton – appeared regarding item 11.a. Solid Waste Ordinance Amendments

Special Recognition

Councilor Dill recognized students from Blue Ridge High School who were in attendance.

Item (7) Consent Agenda

- a. WIOA Grant for Sector Partnerships** *(Finance)*
- b. Laurens County Solid Waste Intergovernmental Agreement** *(PWI)*
- c. Addition to Road Inventory / Arrowhead Court and Hercules Way** *(PWI)*

Action: Councilor Dill moved to approve the Consent Agenda Items.

 Motion carried with Councilor Roberts and Councilor Ballard voting in opposition.

Item (8) Resolutions

- a. Slater-Marietta Fire District / Millage Request**

Action: Councilor Taylor moved for adoption a resolution to provide for the millage rate to be levied by the Slater-Marietta Fire District.

 Motion carried unanimously.

- b. Support for Prescribed Fire Burning**

Action: Councilor Seman moved for adoption a resolution in support of the South Carolina Forestry Commission, South Carolina Department of Natural Resources, Clemson University, The Nature Conservancy, the South Carolina Prescribed Fire Council and others as they strive to provide the educational and technical assistance to landowners in an effort to recognize the benefits thereof.

 Motion carried unanimously.

Item (9) Ordinances – Third Reading

- a. Zoning Ordinances**

- i. CZ-2019-39:** Property of Gordon E. Mann, located on West Blue Ridge Drive, Colonial Avenue and Eli Street, requesting rezoning from C-2 to S-1.

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

Action: Vice-Chairman Meadows moved to return the item to the Planning and Development Committee at the request of the applicant.

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

b. Greenville / Anderson Multi County Industrial Business Park Agreement Amendment – Falls at Meehan Apartments, LLC (formerly Project MCPend)

Action: Councilor Taylor 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 Greenville and Anderson Counties so as to enlarge the park to include certain parcels owned by Falls at Meehan Apartments, LLC.

Motion carried unanimously.

c. BMW / Fee in Lieu of Tax Agreement

Action: Councilor Seman 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 BMW Manufacturing Co., LLC, 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.

Motion carried unanimously.

Item (10) Ordinances – Second Reading

a. Zoning Ordinances

i. CZ-2019-37: Property of Timothy Ray Cox, Raymond Mark Cox, Ronald B. and Andrea C. Styles, located on Dusty Lane, requesting rezoning from R-S to R-15. The Planning Commission had no recommendation and the Committee recommended denial.

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

Chairman Kirven recommended denial of the item; it was originally brought forward as a rezoning request to R-15. The applicant subsequently filed a request for FRD rezoning classification for the same property; it was on the evening's agenda.

Motion was denied unanimously.

ii. CZ-2019-52: Property of Karen P. Gibbs, located on Rosemond Drive, requesting rezoning from S-1 to R-S. 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.

Councilor Fant stated the property was located on a dead-end street; there was no water and no signaling at the railroad crossing. He recommended denial of the request.

Motion was denied unanimously.

- iii. **CZ-2019-53:** Property of Boom Boom Property LLC, located on White Horse Road and S. Old Piedmont Highway, requesting rezoning from I-1 to C-3. The Planning Commission and Committee recommended denial.

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

Councilor Fant stated he recommended denial of the request; as priceless as industrial land was in Greenville County, it was highly inappropriate for Boom Boom Beauty Supply to be on the corner of White Horse Road and Grove Road.

Motion was denied unanimously.

- iv. **CZ-2019-54:** Property of Equinox LLC, located at 201 Abney Street, requesting rezoning from I-1 to R-7.5. The Planning Commission and Committee recommended approval.

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

Motion carried unanimously.

- v. **CZ-2019-55:** Property of David Dedvukaj / Contour Spinning Mill LLC and Victor Capital LLC, located at 300 Hammett Street, requesting rezoning from R-MA and I-1 to PD. The Planning Commission and Committee recommended approval with conditions.

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

Action: Councilor Dill moved to amend the request to include the conditions outlined in the letter from staff to the applicant. A copy of the letter was included in the agenda packet.

Note: The conditions as outlined in the letter from staff to the applicant were as follows:

Statement of Intent

Page 1

1. Note that a Traffic Impact Study is required for this development and that all mitigation measures will be met.

Concept Plan

1. In the Site Data Table, revise "Parcel Area" to read "Project Area."
2. Provide a key identifying the Land Use for every part of the site and the number of acres devoted to each use. Be sure to label each area on the plan as well. This information should match the information in the Statement of Intent exactly.
3. Show the location of any dumpsters or service areas.
4. Include the site's pedestrian, bike, and transit circulation and amenity plan, including all sidewalks, path/trails, bus stops, etc. and how these link to adjacent or nearby facilities. Note the dimensions and materials of all sidewalks and paths/trails along with the circulation throughout the project.
5. Include the site's sign plan, including location, size, colors, and materials of all exterior signage. No signs identified on plan.
6. Include the site's lighting plan, including the location, height, and type of all exterior light fixtures as demonstrated by cut sheets.

1. Revise to include the site's landscaping plan, including location, size, and type of proposed plant material, location of proposed fences, walls, retaining walls or berms, location of any tree protection areas, and location of significant stormwater features.

Natural Resources Inventory

1. Use aerial photo to better show the vegetation, land cover, etc.
2. Show what trees are being saved and how.

Motion to amend carried unanimously.

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

Motion as amended carried unanimously.

- vi. **CZ-2019-56:** Property of Raymond Mark Cox, Ronald B. and Andrea C. Styles and Timothy Ray Cox, located on Dusty Lane, requesting rezoning from R-S and C-3 to FRD. The Planning Commission and Committee recommended approval with conditions.

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

Action: Councilor Dill moved to amend the request to include the following condition:

- To widen Dusty Lane to the second entrance if the required right-of-way can be obtained by the developer in accordance with Article 9.3 of the Greenville County Land Disturbance Regulations.

Motion to amend carried unanimously.

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

Motion as amended carried unanimously.

- vii. **CZ-2019-57:** Property of Stanley E. McJunkin and Benjamin E. Wigington, located at 509 John Ross Court, requesting rezoning from C-3 to S-1. The Planning Commission and Committee recommended approval.

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

Motion carried unanimously.

- viii. **CZ-2019-58:** Property of Maib Investment Properties, LLC / AFSC LLC, located on Fork Shoals Road and W. Georgia Road, requesting rezoning from C-3 and R-12 to FRD. The Planning Commission and Committee recommended approval with conditions.

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

Action: Councilor Dill moved to amend the request to include the conditions outlined in the letter from staff to the applicant. A copy of the letter was included in the agenda packet.

Note: The conditions as outlined in the letter from staff to the applicant were as follows:

Statement of Intent

Page 2, Public Improvements

1. Address Traffic Impact Study mitigation and proposed measures for mitigation.

Page 3, Landscaping and screening

1. Note how paths and sidewalks for this project will be maintained.
2. Include any information about signage and how the requested signage differs from, or meets, the Greenville County Sign Ordinance (as amended).

Concept Plan

1. Show the site's pedestrian, bike, and transit circulation and amenity plan, including all sidewalks, paths/trails, bus stops, etc. and how these link to adjacent or nearby facilities. Note the materials and dimensions of all sidewalks and paths/trails.
2. Include the site's sign plan, including location, size, colors, and materials of all exterior signage.
3. Provide the site's lighting plan, including the location, height, and type of all exterior light fixtures as demonstrated by cut sheets.
4. Include the site's landscaping plan, including location, size, and type of plant material, location of proposed fences, walls, retaining walls or berms, location of any tree protection areas, and location of significant stormwater features.
5. Include on plan any specifications indicating the proposed treatment or improvements to all open space areas and the delineation of those areas proposed for specific types of developed recreational activities. This should match the Statement of Intent.

Motion to amend carried unanimously.

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

Motion as amended carried unanimously.

- ix. **CZ-2019-59:** Property of Swamp Rabbit Food Plaza LLC, located at 205 Cedar Lane Road, requesting rezoning from S-1 to C-3. The Planning Commission and Committee recommended approval.

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

Motion carried unanimously.

- x. **CZ-2019-60:** Property of John and Karen McGovern, for JJM Holdings, LLC and KLM-SC, LLC, located on Stafford Street and McGarity Street, requesting rezoning from R-7.5 to FRD. The Planning Commission and Committee recommended approval.

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

Motion carried unanimously.

b. Greenville County Zoning Ordinance Text Amendment / Taylors Main Street Development District (CZ-2019-63)

Action: Councilor Dill moved for approval at second reading an ordinance to amend the Greenville County Zoning Ordinance to add the Taylors Main Street Development District to *Article 8: Special Review and Review District Regulations*; and to define the boundaries of the Taylors Main Street Development District on the official zoning map of Greenville County.

Councilor Cates stated he was basically in favor of the proposed; however, he and Councilor Barnes had met with some of the primary landowners two weeks ago and he felt it was necessary to hold the item for further review.

Action: Councilor Cates moved to hold the item.

Motion to hold carried unanimously.

Item (11) Ordinances – First Reading

a. Solid Waste Ordinance Amendments

Councilor Seman presented for first reading an ordinance to amend *Chapter 9, Article III of the Greenville County Code of Ordinances*, entitled “County Solid Waste Disposal Facilities”, to remove and update obsolete provisions and to clarify that householders shall be allowed to deposit up to three cubic yards per load of waste per day to a residential waste and recycling center.

Councilor Seman requested the item be returned to the Public Works and Infrastructure Committee.

Chairman Kirven stated the item had been the subject of discussion during the evening’s Public Works and Infrastructure Committee meeting; a consensus of committee members wanted the item to be returned to the committee for additional review.

Without objection, the item was returned to the Public Works and Infrastructure Committee.

b. 2018 Building Codes

Councilor Seman presented for first reading an ordinance to comply with the regulations promulgated by the *South Carolina Building Codes Council* by repealing Ordinance Number 4801 and adopting the administrative provisions (Chapter 1) of the various codes promulgated by the *South Carolina Building Codes Council* relating to design review and inspection activities of the County of Greenville and enforcement of building provisions as provided in said codes; and, an ordinance to adopt the *International Property Maintenance Code*, the *International Swimming Pool and Spa Code* and *International Existing Building Code* in Greenville County as authorized by the *South Carolina Building Codes Council*; and to adopt certain appendices of the adopted codes to recognize certain variations in the codes based on physical conditions found within Greenville County.

Chairman Kirven stated the item would remain on the floor.

c. **Adjust the Boundaries of the Caesar’s Head Fire Service Area and the River Falls Fire Service Area**

Councilor Seman presented for first reading an ordinance to adjust the boundaries of two fire service areas so as to enlarge the Caesar’s Head Fire Service Area, and to diminish the River Falls Fire Service Area; and provide for public notice thereof.

Chairman Kirven stated the item would remain on the floor.

d. **South Carolina Children’s Theatre – Funding Request**

Councilor Seman presented for first reading an ordinance to amend *Exhibit A* established as an addendum to Ordinance No. 4079, as last amended by Ordinance No. 4884, so as to appropriate additional operating funds for tourist related projects.

Chairman Kirven stated the item would remain on the floor.

e. **Transfer of County Owned Property / 10.001 Acres on Sandy Springs Road, Piedmont (TMS# 0602.02.01-018.01)**

Councilor Seman presented for first reading an ordinance to authorize the transfer and conveyance of 10.001 acres, more or less, of undeveloped land located on Sandy Springs Road in Piedmont (TMS# 0602.02-01-018.01) to Inglesby Properties 2, LLC.

Chairman Kirven stated the item would remain on the floor.

Item (12) Committee Reports

a. **Committee of the Whole**

i. **Board Appointments by Acclamation**

Action: On behalf of the Committee, Vice-Chairman Meadows moved to close nominations and elect the following by acclamation:

▪ **Accommodations Tax Advisory Committee** (5 vacancies)

Penny Kay Cooper, Victoria Fernandez and Joyce McCarrell to fill three of five vacancies

▪ **Historic Preservation Commission** (3 vacancies)

Robert Forister, Dan Goodwin and Rebekah Lawrence to fill three vacancies

▪ **Board of Zoning Appeals** (1 vacancy)

Stephen Shaw to fill one vacancy

- **Museum Commission** (3 vacancies)
James Campbell, Natalie Crews and Scott Kilgore to fill three vacancies
- **Parks, Recreation and Tourism Advisory Committee** (1 vacancy)
Tamara Dwyer to fill one vacancy
- **Airport Environs Planning Commission** (2 vacancies)
Brad Medcalf and Van Swafford to fill two vacancies
- **Chanticleer Community Commission** (4 vacancies)
Emile Pazdan, Jamie Pimentel, Peter Schwartz and Alan Shusterman to fill four vacancies
- **Clear Spring Fire and Rescue District** (3 vacancies)
Aaron Dix, Robert LeConey and Timothy Scott to fill three vacancies
- **Devenger Tax District** (1 vacancy)
Buddy McCombs to fill one vacancy
- **Lake Forest Special Tax District** (1 vacancy)
John Austin to fill one vacancy
- **Terra Pines Estates Special Tax District** (1 vacancy)
Anne Holden to fill one vacancy
- **Sterling Community Special Tax District** (2 vacancies)
Henry Black and Martha Black to fill two vacancies

Motion carried unanimously.

ii. **Board Nominees to a Ballot Vote**

Action:

On behalf of the Committee, Vice-Chairman Meadows moved to close nominations and move the following names to a ballot vote on October 15th.

- **Library Board of Trustees** (6 vacancies)
Miles Dame, Allan S. Hill, Tommy Hughes, Kathryn Lentz, Tiffany Santagati, Barbara Yonce, Sunny Wigand, Dan Wooster, William Pinkston, Laura Baker and Joe Poore

- **Greater Greenville Sanitation Commission** (1 vacancy)

Ken Ledford and Christel Brown

Motion carried unanimously.

Item (13) Appearances by Citizens

- **Michael Williams**, 9 Sunnyview Drive, Greenville – appeared regarding Staunton Heights Subdivision
- **Ed Paxton**, 1 York Circle, Greenville – appeared regarding Councilor Ballard’s motion at the last meeting
- **Wanda Hunt**, 220 Duffie Road, Simpsonville – appeared regarding bus route changes
- **James Scott**, 308 Shadowmere Drive, Pelzer – appeared regarding landfill issues
- **Patricia Hill**, 312 Lyons Drive, Simpsonville – appeared regarding affordable housing

Item (14) Administrator’s Report

Mr. Kernell invited everyone to attend the grand re-opening of the Phillis Wheatley Center on October 10th at 10 am. He added construction was nearly completed; he felt everyone would be very impressed. A number of Council Members would be speaking at the event.

Item (15) Requests and Motions by Council Members

- Councilor Roberts stated his negative vote on the Consent Agenda items was not aimed at a specific issue but more to the “macro issue” of solid waste. He recently drove to District 26 and noted that the roads were being affected by the landfill. He stated he looked forward to discussing it with Joe Kernell. As growth in the County moved forward, Council would have to look closely at infrastructure; he suggested including the solid waste issue and how it would fit into the growth plan.
- Councilor Norris stated the only item remaining to be completed at the Phillis Wheatley Center was the kitchen; she was in the process of securing some help with it. Ms. Norris stated the City of Greenville did not do its due diligence in regards to the center. The change in the bus lines and the Taylors routes were other examples of the city forgetting what it should do. Ms. Norris stated there were still a number of issues to be discussed; one was the bus routes. People should have access to good bus service. She added that she and Councilor Seman continued to work on the Dunegan community; things were coming along but there was still work to be done. Ms. Norris also stated the Sterling Community continued to need assistance.
- Councilor Seman stated SCTAC was prominently featured in the latest issue of *Trade and Industry Development* magazine; the article emphasized SCTAC’s long track record of success, citing its \$2 billion annual impact to the local economy.

- Councilor Fant congratulated James Keel, the recently appointed Director of Greenlink, who was in attendance. Mr. Fant stated he was glad Mr. Keel could hear what Council Members often heard from their constituents regarding the bus system. Staunton Bridge Road had to be addressed; it was clearly a problem and was not going to “go away.”

Mr. Fant stated he had encouraged Pat Hill, one of the evening’s speakers, to attend the meeting and address the issue of affordable housing. It was almost impossible to do affordable housing at \$160,000 or less in Greenville County; there were so many obstacles involved. There would be no economic future for individuals working in area hotels, restaurants, gas stations, etc.; they needed somewhere to live. If the County was committed to providing affordable housing, it had to be a public / private partnership.

- Councilor Ballard stated he wanted the minutes to reflect that he had voted against the Consent Agenda items. He congratulated Chief Taylor with the South Greenville Fire Department; Chief Taylor recently received the first Tim Cobb Award given to him by the State Fire Chief’s Association. Mr. Ballard stated he appreciated the fact that his colleagues were still willing to discuss the landfill ordinance; there was a considerable amount of work to be done as well as opportunities to make progress. Mr. Ballard stated he was glad the item had been sent back to the committee for further review.

- Chairman Kirven stated his wife had called earlier and said their neighbor had reported that his cows had gotten loose. He called his partner who was able to get them all back in the fence; he was very thankful for the assistance.

Mr. Kirven also reminded Council that they had been invited to a “hard hat tour” of the South Carolina Children’s Theater construction site on Monday, October 14 at 9:30 a.m. The tour was expected to last about 45 minutes; he asked all Council Members to contact the Clerk’s office if they planned to go on the tour.

- Councilor Tripp welcomed Matt Simms who was in attendance. Mr. Simms, his father and other members of the Dunklin Fire District had been concerned about the landfill years ago. Mr. Tripp stated there had been numerous discussions in the community about the negative consequences of the landfill. He did not want to look at the landfill as a “hole to be filled”; he wanted Council to look hard at the issues surrounding the landfill so future generations would not have to decide where to put another one in the next 20 – 40 years. He was glad the item had been returned to the committee; he was confident constructive conversations would occur.

- Councilor Dill stated when the budget was approved for Greenlink, he had a lot of people tell him how happy they were. He told many of them to wait and see what happened. Mr. Dill stated he planned to take a long look at the situation with the bus routes. Even there was no bus service in his area, he was very upset that many of the routes had been discontinued; it was not fair people were getting bypassed. Mr. Dill stated his colleagues should be upset as well; a lot of money was allocated to Greenlink by the County. All citizens should be guaranteed access to the buses; especially those that were already riding the buses before the latest changes.

Action:

Mr. Dill moved to suspend the Council Rules to allow the gentleman who had arrived late for the meeting to be able to address Council.

Motion carried with Chairman Kirven voting in opposition.

- **Sonny Meadors**, Greenwood – appeared regarding the landfill
- Councilor Barnes thanked Pat Hill for attending the meeting and addressing Council regarding affordable housing.
- Vice-Chairman Meadows stated he agreed with Councilor Fant regarding the need for affordable housing; although he felt a public / private relationship was not the only way to achieve it. The owner of *Soby's* and *Table 301* had put a program into place to subsidize rental costs for his employees; certain conditions had to be met by the employees. It would be good if more employers were willing to do the same; it could solve some of the problems associated with the lack of affordable housing in the downtown area. A similar program had been proposed with companies subsidizing bus fares for employees but it had never been put into place.

Mr. Meadows thanked everyone who had sent cards and prayed for him this past week; he had a pacemaker put in and reported he was doing well.

- Councilor Cates asked everyone to give James Keel time to work on things; he had been the Director of Greenlink for only 10 days. At the last GTA board meeting, many citizens expressed concern about the bus routes; Mr. Cates stated he was confident the board would be working on the issue.

Mr. Cates requested information regarding a possible “promise” made by Council that there would only be Greenville County waste accepted at the landfill.

Mr. Cates wished Councilor Taylor and Councilor Dill a Happy Birthday.

Item (16) Adjournment

Action: Councilor Dill moved to adjourn the meeting.

Motion carried unanimously and the meeting was adjourned at 7:36 p.m.

Respectfully submitted:

Regina G. McCaskill
Clerk to Council