



GREENVILLE COUNTY COUNCIL

Minutes

Regular Meeting

May 15, 2018

6:06 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

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

John Hansley, Deputy County Administrator

Regina McCaskill, Clerk to Council

Jessica Stone, Deputy Clerk to Council

Paula Gucker, Assistant County Administrator, Public Works

Sarah Holt, Planning Director

Bob Mihalic, Governmental Relations Officer

John Vandermosten, Assistant County Administrator, Public Safety

Shannon Herman, Assistant County Administrator

OTHERS PRESENT

None

CALL TO ORDER

Chairman Butch Kirven

INVOCATION – Introduced by Councilor Sid Cates

Reverend Wayne Golson
Evangelist

PLEDGE OF ALLEGIANCE

Item (4) APPROVAL OF MINUTES

ACTION: Councilor Payne moved to approve the minutes of the May 1, 2018, Regular Council Meeting.

Motion carried unanimously.

Item (5) PUBLIC HEARINGS

(a) South Greenville Area Fire District / General Obligation Bonds

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance finding that the South Greenville Area Fire District may issue not exceeding \$3,000,000 General Obligation Bonds; to authorize the Board of Fire Control of the South Greenville Area Fire District, South Carolina to issue such bonds and to provide for the publication of notice of the said finding and authorization.

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

(b) University Ridge Redevelopment Project (formerly Project Window)

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance authorizing various agreements for The University Ridge Development Project, formerly known as Project Window; authorizing the creation of a Public Facilities Corporation; approving the transfer of properties located in and around the Project; authorizing the execution of deeds and other documents, agreements and matters related thereto.

- **Clarence Thornton**, Greenville – appeared in opposition to the proposed.

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

Item (6) APPEARANCES – current agenda items

There were no speakers

Item (7) CONSENT AGENDA

Chairman Kirven requested item 7.c. be held until Committee Reports in order to obtain additional information.

- (a) Commissioning of Code Enforcement Officer / James Brian Bishop (PWI)**
- (b) Waterline Application / Roberts Circle (PWI)**
- (c) Initiate Text Amendment / Zoning by Petition (P&D)**
- (d) SC Hospital Preparedness Program Grant (Finance)**
- (e) Community Project Applications / Greenville County Recreation – Summer Scholarship Funds for District 25 County Rec Camps / \$15,000.00 (Finance)**
- (f) Community Project Applications / Greenville County Recreation – Pleasant Valley Connection Summer Program / \$5,000.00 (Finance)**

- (g) **Community Project Applications / City of Travelers Rest – Community Events / \$2,500.00**
(Finance)
- (h) **Community Project Applications / Greenville County Recreation – Slater Hall – Summer Events and Improvements / \$5,396.00** (Finance)
- (i) **Community Project Application / Greenville County Recreation – Northwest Little League Field / \$2,500.00** (Finance)
- (j) **Community Project Application / CA4I Matching Support / \$17,000.00** (Finance)

ACTION: Councilor Payne moved to approve the Consent Agenda Items a, b and d through j.
Motion carried unanimously.

Item (8) RESOLUTIONS

- (a) **Project Poetry / Inducement Resolution**

ACTION: Councilor Cates moved for adoption a resolution authorizing the execution and delivery of an inducement agreement by and between Greenville County, South Carolina and Project Poetry, whereby, under certain conditions, Greenville County would execute a fee in lieu of tax agreement with respect to a Project in the County whereby the Project would be subject to payment of certain fees in lieu of taxes, and providing for related matter.

Motion carried unanimously.

Item (9) ORDINANCES – THIRD READING

- (a) **Zoning Ordinances**

1. **CZ-2018-14: Property of Bad Company III, LLC, located at 90 Allen Street, requesting rezoning from S-1 to C-1.**

Councilor Ballard stated both the Planning and Development Committee and the Planning Commission have recommended approval of the request. Mr. Ballard stated the item was originally presented for third reading on April 3, 2018; however, it was returned to the Planning and Development Committee on that date for further review.

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

ACTION: Councilor Norris moved to hold the item for further review.

Councilor Taylor stated Mr. Ballard erroneously indicted the item number as "CZ-2017-14" instead of "CZ-2018-14". Mr. Taylor indicated he wanted the minutes to reflect the correct item number.

Councilor Ballard stated the item had been back in Committee since April 3, 2018; nothing had come up and no one had spoken against the request at the public hearing or offered any proposed changes. He inquired as to why Councilor Norris wanted to hold the item.

Councilor Norris stated a citizen living near the property approached her and asked for the item to be held. She added there were some problems with the request; basically, dealing with the proposed facility and the sale of alcohol.

Councilor Payne stated he understood that some of the residents living near the property had concerns about the request. Mr. Payne stated Staff recommended the item move forward as the request fit the land use regulations. He added the Committee had also recommended approval of the request.

Councilor Norris stated several individuals came forward at the previous evening's meeting with a petition regarding the property and the rezoning request. Ms. Norris stated she had requested Council hold the item for further review because of the community and the people involved. She added she had spoken with the County Attorney about the issue.

Councilor Roberts stated the sale of alcohol was not permitted in areas zoned C-1.

Councilor Payne stated the item in question proposed a *Dollar General* store; it had nothing to do with the sale of alcohol.

Councilor Fant stated the item brought back from the committee at the previous evening's meeting was not the item that dealt with the concerns regarding the sale or consumption of alcohol.

Councilor Norris asked what would occur if a *Dollar General* store was put in the building.

Councilor Fant stated the *Dollar General* would be retail establishment.

Mark Tollison reminded Councilor Norris the item they discussed prior to the meeting was up for first reading and was not the item in question.

Chairman Kirven stated the two properties were very close in proximity to each other.

Councilor Taylor stated he felt the concern of the citizens in the area was that the *Dollar General* set a certain standard and the community wanted to raise the standard a bit higher for the area.

Chairman Kirven asked Councilor Norris if she wanted Council to vote on her motion or did she want to withdraw.

Councilor Norris stated she had told Council how she felt about the item and did not want to withdraw the motion.

Councilor Fant advised Councilor Norris that she was given a petition from a citizens' group at the previous evening's meeting; the petition had nothing to do with the item in question.

Councilor Norris stated all she wanted was to make sure nothing was put in the area that would be disruptive to the community. She asked if Council knew what was going to be put on the property.

Councilor Cates stated there was a citizen who expressed the community's concern about the proposed *Dollar General* store and if the building could be used for something else, possibly a recreation center or something similar.

Chairman Kirven stated if the zoning request was approved for C-1 and the applicant decided against a *Dollar General* store, anything that was permitted in a C-1 zoning could be put in the building.

Councilor Norris asked Mark Tollison what Council should do about the request.

Mark Tollison advised Councilor Norris there was a motion to hold on the floor. He stated it appeared she had received good input from her colleagues and this was not a legal issue; it was an issue to determine whether Council should approve a rezoning request or not. Mr. Tollison stated this was not the docket he had previously discussed with Councilor Norris.

Councilor Norris asked how Council would know what was going to occur.

Mr. Tollison stated it could be anything that was allowed under a C-1 zoning.

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

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

(b) South Greenville Area Fire District / General Obligation Bonds

ACTION: Councilor Cates moved for adoption at third reading an ordinance finding that the South Greenville Area Fire District may issue not exceeding \$3,000,000 General Obligation Bonds; to authorize the Board of Fire Control of the South Greenville Area Fire District, South Carolina to issue such bonds and to provide for the publication of notice of the said finding and authorization.

Motion carried unanimously.

(c) University Ridge Redevelopment Project (Project Window)

ACTION: Vice-Chairman Meadows moved for approval at second reading an ordinance authorizing various agreements for The University Ridge Project (the "Project"), formerly known as Project Window; authorizing the creation of a Public Facilities Corporation; approving the transfer of properties located in and around the Project; authorizing the execution of deeds and other documents, agreements and matters related thereto.

Motion carried unanimously.

Item (10) ORDINANCES – SECOND READING

(a) Zoning Ordinances

- 1. CZ-2018-10: Property of Votto Otto Boehme and Pamela Gayle Butler, located at 290 Rockcrest Drive, requesting rezoning from R-20 to R-S.**
The Planning Commission and the Committee recommended approval as amended to R-20A.

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

ACTION: Councilor Ballard moved to amend the rezoning request to R-20A.

Motion to amend carried unanimously.

Motion as amended carried unanimously.

2. **CZ-2018-23: Property of Lisa K. Plumbley, located at 3424 Brushy Creek Road, requesting rezoning from R-12 to C-2.**
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-2018-24: Property of Gabriel Ricardo Tovar, located at 2815 Poinsett Highway, requesting rezoning from R-12 to C-3.**
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 Ballard stated eight votes were needed in order to pass the ordinance.

Motion was denied unanimously.

4. **CZ-2018-25, Property of Gabriel Builders Inc., located on White Horse Road (Council District 19), R-S to C-3.**
The Planning Commission recommended denial and the Committee recommended approval.

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

Vice-Chairman Meadows stated the applicant had agreed to split the property during the public hearing so there would only be two acres on the road frontage zoned C-3 and the rest of the property would remain residential. Mr. Meadows stated he thought the amendment would have been introduced in the Planning and Development Committee.

ACTION: Vice-Chairman Meadows moved to amend the rezoning request to rezone only the front portion of the parcel and require the applicant provide, prior to third reading, a survey showing the proposed split of the parcel.

Motion to amend approved unanimously.

ACTION: Councilor Ballard moved to approve the ordinance as amended.

Councilor Ballard stated eight votes were needed in order to pass the ordinance.

Motion as amended carried with Councilor Taylor voting in opposition.

5. **CZ-2018-26: Property of Luis A. Tabares, located on Highway 418 and Woodside Road, requesting rezoning from Unzoned to R-S.**
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.

6. **CZ-2018-27: Property of The Alexander Family Partnership, located on Neely Ferry Road and S. Baldwin Road, requesting rezoning from S-1 to R-M8.**
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.

7. **CZ-2018-29: Property of Huff Creek Venture, LLC, located on Antioch Church Road, requesting rezoning from R-S to FRD.**
The Planning Commission and the Committee recommended approval with conditions.

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

ACTION: Councilor Ballard moved to amend the rezoning request to include the following conditions:

- A variety of sizes and facades for homes throughout the development
- A 10 foot walkway connecting the two roads
- Traffic calming devices

Motion to amend carried unanimously.

Motion as amended carried unanimously.

8. **CZ-2018-30: Property of Smith Road Investments and Thomas P. Hartness Revocable Trust, located on Rocky Point Way, Society Street and Odell Street, requesting rezoning from PD to PD Major Change.**
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.

Item (11) ORDINANCES – FIRST READING

(a) Zoning Ordinances

Councilor Ballard presented for first reading zoning dockets **CZ-2018-31** through **CZ-2018-38**.

Chairman Kirven referred the items to the Planning and Development Committee.

(b) Greenville County Library System / FY2019 Budget Ordinance

Councilor Cates presented for first reading an ordinance to approve the appropriation of funds for the Greenville County Library System for the Fiscal Year beginning July1, 2018 and ending June 30, 2019; and to authorize the annual ad valorem property tax millage levy for library purposes.

Chairman Kirven stated the item would remain on the floor.

(c) Project Poetry / Fee in Lieu of Tax Agreement

Councilor Cates presented for first 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 or companies known to the County at this time as Project Poetry 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.

Chairman Kirven stated the item would remain on the floor.

Item (12)

COMMITTEE REPORTS

Item (7) c. Initiate Text Amendment / Zoning by Petition (P&D)

Mark Tollison stated that currently, area zoning requests were initiated by petition and additional properties could not be added once a request was submitted. If the item in question was eventually adopted by Council, property owners with parcels contiguous to a filed request would be able to add their parcel(s), if they chose to do so, up to six (6) months following the filing. After that, a new petition would need to be filed.

Councilor Ballard stated the item was the result of a recent area zoning request in District 26. After the original request was filed, several property homeowners came forward and asked to be added.

ACTION:

Councilor Payne moved to approve Consent Item 7.c.

Motion carried unanimously.

Item (13)

APPEARANCES BY CITIZENS

There were no speakers.

Item (14)

ADMINISTRATOR'S REPORT

No Report

Item (15)

REQUESTS AND MOTIONS BY COUNCIL MEMBERS

a. Clear Spring Fire and Rescue Appointments

Chairman Kirven turned the gavel over to Vice-Chairman Meadows.

ACTION:

Councilor Kirven moved to suspend Council Rules to allow for the appointment of two new members to the Clear Spring Fire and Rescue Board.

Motion carried unanimously.

ACTION:

Councilor Kirven moved to elect by acclamation Randy Allison and Todd Milam to fill two vacancies on the Clear Spring Fire and Rescue Board.

Motion carried unanimously.

Vice-Chairman Meadows returned the gavel to Chairman Kirven.

- Councilor Ballard invited everyone to attend Fork Shoals Market Day on Saturday, May 19, from 9 a.m. until 2 p.m.
- Councilor Fant stated he has continued to receive emails from the public regarding the condition of the County's roads and the traffic situation. He added the current Council had 18 months to formulate a strategic plan to find money and fix the roads.
- Councilor Seman stated EAS Change Systems, a leading supplier of the plastic injection molding industry, was consolidating its North and Central American headquarters at SCTAC. She congratulated GADC on this outstanding announcement, which would result in 20 new jobs.
- Councilor Norris stated she hoped her colleagues understood her logic regarding the Dunean Community zoning issue. She added she wanted the citizens of the community to be satisfied with the outcome.
- Chairman Kirven stated the U.S. Department of Housing and Urban Development awarded the following grants to the County to be dispersed through the Greenville County Redevelopment Authority: Community Block Grant \$2,720,497.00, Home Investment Partnership Grant \$1,225,415 and the Emergency Solutions Grant (ESG) \$220,051.
- Vice-Chairman Meadows invited everyone to a Veterans Tribute on May 19 at the Swamp Rabbit Station located on Sulphur Springs Road. He stated the event would start at 10:30 a.m. He also reminded everyone about the Memorial Day Program to honor our veterans to be held at County Square on Monday, May 28.
- Councilor Dill stated his family welcomed a new great-granddaughter today.
- Councilor Payne stated he attended a forum hosted by the Greenville Partnership for Philanthropy (GPP), a network of philanthropic funders in Greenville County, on Monday, May 14, at the Kroc Center. Issues covered included County solutions to workforce development, transportation and affordable housing.

Item (16)

ADJOURNMENT

ACTION: Councilor Payne moved to adjourn the meeting.

Motion carried unanimously and the meeting was adjourned at 6:55 p.m.

Respectfully submitted:

Regina G. McCaskill, Clerk to Council