

**MINUTES
GREENVILLE COUNTY COUNCIL
REGULAR MEETING
FEBRUARY 16, 2010
COUNCIL CHAMBERS
6:13 p.m.**

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 PRESENT:

CHAIRMAN BUTCH KIRVEN
VICE CHAIRMAN BOB TAYLOR
JOE DILL
JOE BALDWIN

WILLIS MEADOWS
LOTTIE GIBSON
SID CATES
FRED PAYNE

JUDY GILSTRAP
LIZ SEMAN
XANTHENE NORRIS
JIM BURNS

COUNCIL MEMBER(S) ABSENT:

NONE

STAFF PRESENT:

JOE KERNELL, COUNTY ADMINISTRATOR
MARK TOLLISON, COUNTY ATTORNEY
JOHN HANSLEY, DEPUTY COUNTY ADMINISTRATOR
PAULA GUCKER, ASSISTANT COUNTY ADMINISTRATOR, PUBLIC WORKS
THERESA B. KIZER, CLERK TO COUNCIL
REGINA MCCASKILL, DEPUTY CLERK TO COUNCIL
BOB MIHALIC, GOVERNMENTAL RELATIONS OFFICER
DEAN CAMPBELL, ASSISTANT COUNTY ATTORNEY
JEFF WILE, ASSISTANT COUNTY ATTORNEY
VIVIAN ANTHONY, ASSISTANT COUNTY ADMINISTRATOR, HUMAN RESOURCES
MELLONE LONG, ASSISTANT COUNTY ADMINISTRATOR, PLANNING DEPARTMENT

OTHERS PRESENT:

GENE SMITH, DIRECTOR, RECREATION DISTRICT

CALL TO ORDER

Chairman Butch Kirven

INVOCATION

Reverend Stacey Shiflet, Pastor
Pleasant View Baptist Church, Taylors

PLEDGE OF ALLEGIANCE

Item (4)

APPROVAL OF MINUTES

ACTION: (a) Councilor Baldwin moved for approval the minutes of the February 2, 2010 Regular County Council meeting.

Motion carried.

Item (5)

PUBLIC HEARINGS

(a) GREENVILLE CITY REQUEST FOR TRANSFER OF RIGHT-OF-WAY FOR CHURCH STREET / UNIVERSITY RIDGE PROJECT

A public hearing was held for the purpose of receiving public comments regarding an ordinance to authorize and direct the Chairman of County Council and the County Administrator to execute, on behalf of the County, a Quitclaim Deed and any other appropriate documents and agreements between the County of Greenville, as grantor, and the City of Greenville and/or the South Carolina Department of Transportation as grantees, for the purpose of conveying the County's interest in right of way of real property located on the corner of Church Street and University Ridge and along University Ridge located in the City of Greenville, for the Church Street/University Ridge Road Improvement Project.

- Ed Paxton, 1 York Circle, Greenville – appeared in favor of the proposed
- Butch Taylor, 1 Millbrooke Court, Greenville – appeared in opposition

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

(b) SOUTHERN GREENVILLE WATER IMPROVEMENT DISTRICT

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing the creation of the Southern Greenville Water Improvement District; approving and authorizing the implementation of the improvement plan for the Southern Greenville Water Improvement District; providing for the financing of the district by assessments on all real property comprising the district; and ordering the preparation of an assessment roll and the sending of notice of such assessment to property owners.

- Ginger Reid, 180 Beech Springs Church Road, Pelzer – appeared in favor
- Ray Cothran Sr., 844 Cooley Bridge Road, Pelzer – appeared in favor
- Ed Paxton, 1 York Circle, Greenville – appeared in favor
- Pam Boiter, 814 Cooley Bridge Road, Pelzer – appeared in favor
- Joey Pack, 547 Cooley Bridge Road, Pelzer – appeared in favor
- Bonnie Kelley, 245 Cooley Bridge Road, Pelzer – appeared in opposition
- Sandra Prater, 619 Cooley Bridge Road, Pelzer – appeared in opposition

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

Item (6)

APPEARANCES

- Ed Paxton, 1 York Circle, Greenville – appeared regarding district expense policy
- Butch Taylor, 1 Millbrooke Court, Greenville – appeared regarding 2010 Solid Waste Plan

Item (7)

CONSENT AGENDA

- (a) Greenville County Grievance Committee Proposed 2010 Pool**
- (b) WIA Youth Program / FY09 Youth Program Recommendations**
- (c) Greenville County Solid Waste Management Plan 2010**

ACTION: Councilor Burns made a motion to approve the Consent Agenda Items.

Motion carried.

Item (8)

RESOLUTIONS

- (a) RIVER FALLS FIRE DISTRICT / LEASE PURCHASE**

ACTION: Councilor Taylor moved for adoption a resolution authorizing an equipment lease agreement in the principal amount of note exceeding \$137,000 relating to the financing of a fire truck and related equipment for the River Falls Fire District; authorizing the execution and delivery of various documents including a lease agreement; and other matters relating thereto.

Motion carried.

Item (9)

ORDINANCES - THIRD READING

- (a) GREENVILLE CITY REQUEST FOR TRANSFER OF RIGHT-OF-WAY FOR CHURCH STREET / UNIVERSITY RIDGE PROJECT**

ACTION: Councilor Burns moved for adoption at third reading an ordinance to authorize and direct the Chairman of County Council and the County Administrator to execute, on behalf of the County, a Quitclaim Deed and any other appropriate documents and agreements between the County of Greenville, as grantor, and the City of Greenville and/or the South Carolina Department of Transportation as grantees, for the purpose of conveying the County's interest in right of way of real property located on the corner of Church Street and University Ridge and along University Ridge located in the City of Greenville, for the Church Street/University Ridge Road Improvement Project.

Motion carried.

Item (10)

ORDINANCES - SECOND READING

(a) ZONING ORDINANCES

1. **CZ-2010-2**, property of Gresham LLC, Located on Highway 14 and N. E. Main Street Simpsonville requesting rezoning from C-1 to C-2. The Planning Commission and Committee recommended approval.

ACTION: Councilor Burns moved approval of the ordinance at second reading.

Motion carried.

2. **CZ-2010-3**, property of Perry Luthi located on Buncombe Road and Old Buncombe Road requesting rezoning from C-2 to S-1. The Planning Commission and Committee recommended denial.

ACTION: Councilor Burns moved approval of the ordinance at second reading.

ACTION: Councilor Burns moved to hold this item until March 16, 2010 at the request of the applicant.

Motion to hold the item until March 16, 2010 carried.

(b) SOUTHERN GREENVILLE WATER IMPROVEMENT DISTRICT

ACTION: Councilor Taylor moved for approval at second reading an ordinance authorizing the creation of the Southern Greenville Water Improvement District; approving and authorizing the implementation of the improvement plan for the Southern Greenville Water Improvement District; providing for the financing of the district by assessments on all real property comprising the district; and ordering the preparation of an assessment roll and the sending of notice of such assessment to property owners.

Mark Tollison presented a hand-out. He stated the language in the proposed amendment reflected the funds already paid by citizens towards the project who would receive credit and a recommendation for a double check of assessments.

AMENDMENT: Councilor Taylor made a motion to amend the ordinance as recommended by the County Attorney.

Motion carried.

Councilor Payne stated the benefits outweighed the negatives. He stated the citizens would have improved fire protection, property insurance rates could decrease and property values would probably increase. He stated the \$1600 fee was a “not to exceed” value, which would pay for the construction of the main water lines on the road. Citizens would pay Greenville Water System fees to tap onto the water line and a plumber for installation purposes. He stated the Greenville Water System was supplying a 12” main line, but only charging for an 8” main line.

Motion as amended was approved.

Item (11)

ORDINANCES - FIRST READING

(a) ZONING ORDINANCES

ACTION: Councilor Burns presented for first reading Zoning Dockets CZ-2010-4 through CZ-2010-8.

1. **CZ-2010-4**, Kimberly Nguyen and Lam Bay, Old Rutherford Road and North Rutherford Road, (Council District 18), R-S to R-15
2. **CZ-2010-5**, Kenneth Ponder, Old Highway 14 South and South Buncombe Road (Greer) (Council District 18), R-15 to R-S
3. **CZ-2010-6**, Lisa and Erin Foster, Pelham Road (Council District 22), R-20 to POD
4. **CZ-2010-7**, Fant, Reichert and Fogleman, Inc., Roper Mountain Road Ext. and Hawkins Road (Council District 22), R-20 and PD to PD
5. **CZ-2010-8**, Erik Horton, P.E., Brushy Creek Road and Angie Drive (Council District 20), R-15 to O-D

Chairman Kirven referred the items to the Public Works, Planning and Development Committee.

(b) COGNIS CORPORATION / FEE IN LIEU OF TAX AGREEMENT

Councilor Taylor presented for first reading an ordinance authorizing the amendment of a Fee in Lieu of Tax Agreement and an Infrastructure Financing Agreement, each entered into by and between Cognis Corporation, a Delaware Corporation, and Greenville County, South Carolina; and other matters relating to the foregoing.

Chairman Kirven stated the item would remain on the floor until March 2, 2010.

(c) BROOKFIELD SPECIAL TAX DISTRICT

Councilor Taylor presented for first reading an ordinance to amend Ordinance No. 1949, as amended, creating the Brookfield Special Tax District, to amend the purposes of the district, to authorize a special one-time assessment, and to authorize a maximum uniform service charge.

Chairman Kirven stated the item would remain on the floor until March 2, 2010.

(d) HOSPITALITY TAX / AMENDMENT TO EXHIBIT A

Councilor Taylor presented for first reading an ordinance to amend Exhibit A established as an addendum to Ordinance 4079, as amended by Ordinance 4179 and Ordinance 4273, so as to provide for the reallocation of project funds and to appropriate additional operating funds for tourist related projects.

Chairman Kirven stated the item would remain on the floor until March 2, 2010.

COMMITTEE REPORTS

(a) COMMITTEE OF THE WHOLE

1. District Expense Policy

a. Accept Amended Version of the District Expense Policy

ACTION: On behalf of the Committee, Councilor Taylor moved to accept the amended version of the policy relating to District Expenses so that the policy now reads:

<u>Account Name</u>	<u>Description</u>
Council District Expense	Funds for a Council Member to address:

Part I: Business Expenses

- Cost of general business supplies such as pens, paper, stationary, business cards, postage for district mailings, and ink cartridges;
- Cost of special documents, incentives and Awards, including framing, given either to the public or county employees for outstanding service or special recognition;
- Cost of periodicals, professional journals, and reference books;
- Cost of per diem and mileage involved in the conduct of county business;
- Costs associated with community functions, conferences and training seminars such as meals, gas, mileage, automobile rental, accommodations, registration fees and materials when attending as a representative of Greenville County government;

Part II: Community Requests

- Costs associated with special, non recurring community requests for infrastructure purposes such as:
 - Flooding
 - Roads
 - Lights
 - Sewer and drainage
 - Public buildings and grounds
 - Infrastructure related studies
- Contributions to local taxing entities in Greenville County for community projects;

Additional Rules on Expenditures

1. In a fiscal year that a general election is to be held, funds will be made available to Council Members running contested races or not seeking re-election in two semi-annual allotments: 1) one-

half of the appropriation on July 1; and 2) the remaining one-half of the appropriation on January 1;

2. Funds may be encumbered for viable projects only and will lapse at the end of a Council Member's term.
3. In order for expenditures to be allowed for qualifying projects appearing under the Park II Expense category above, those Council member requested projects must appear on a Consent Agenda at a County Council meeting and be approved by a majority vote of County Council.

Motion as presented carried.

b. Direct County Attorney to Address an Appeal of the Case

ACTION: On behalf of the Committee, Councilor Taylor moved to direct the County Attorney to address the appeal of the case as discussed in Executive Session.

Motion carried.

Item (13)

APPEARANCES BY CITIZENS

- Leah Garrett, 701 Jacobs Road, Greenville – appeared regarding Planning Commission
- Bob Davis, 6 Setinel Court, Greer – appeared regarding Greenville County Council must not support nor vote on unconstitutional issues
- Ed Paxton, 1 York Circle, Greenville – appeared regarding cemetery condemnation
- Jan Williams, 6 Crabapple Court – appeared regarding transparency

Item (14)

ADMINISTRATOR'S REPORT

There was no Administrator's Report.

Item (15)

REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- Councilor Dill inquired about the amount spent in legal fees as they pertain to the cemetery on Rutherford Road.
- Councilor Cates requested an update on the status of the County's Business Registration progress.
- Councilor Burns stated he had drafted a document regarding the County's position on the matter of Point of Sale, which he would be distributing to Council soon for their comments.
- Councilor Seman stated at the end of April the US Forestry Service in conjunction with the Air Force Reserves and National Guard Units would be conducting the modular, air-borne,

fire-fighting system exercises at SCTAC. She also stated the Greenville Housing Partnership Board has received the award for Creative Housing Partnership. She congratulated Martin Livingston with the Greenville County Redevelopment Authority for his nomination.

- Councilor Seman stated Council would be receiving invitations to the Annual March for Meals that was Friday, February 26th. She encouraged their participation in the event.
- Councilor Seman wanted to recognize Deputy Michael Jarvis who was named Officer of the Year.
- Councilor Gibson thanked the members of Delta Sigma Sorority for their participation in local government. She stated the youth alcohol and abuse facility would be opened the following month and encouraged Council's donations to help furnish the facility.
- Councilor Payne stated the Dunklin Fire Department was 100% volunteer and they had need for equipment, such as helmets, fire gloves, hoods and boots. Their total equipment bill amounted to \$3500.00. Mr. Payne stated he committed \$1500 of his discretionary funds for this cause because it was a good thing and benefitted everyone in the Dunklin Fire District.

Item (16)

ADJOURNMENT

ACTION: Councilor Payne moved to adjourn the meeting. Motion carried and the meeting was adjourned at 7:32 p.m.

Respectfully submitted:

Theresa B. Kizer, Clerk to Council