

**GREENVILLE COUNTY COUNCIL  
REGULAR MEETING  
December 6, 2011  
6:24 p.m.  
County Square – Council Chambers**

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at County Square and posted on the County's web page for all media and concerned citizens to access and review.

**COUNCIL MEMBERS PRESENT:**

CHAIRMAN BUTCH KIRVEN  
WILLIS MEADOWS  
JIM BURNS  
JOE DILL

FRED PAYNE  
LIZ SEMAN  
DAN RAWLS  
VICE CHAIRMAN BOB TAYLOR

JOE BALDWIN  
LOTTIE GIBSON  
XANTHENE NORRIS  
SID CATES

**COUNCIL MEMBERS ABSENT:**

NONE

**STAFF PRESENT:**

JOE KERNELL, County Administrator  
JOHN HANSLEY, Deputy County Administrator  
MARK TOLLISON, County Attorney  
THERESA KIZER, Clerk to County Council  
REGINA MCCASKILL, Deputy Clerk to County Council  
PAULA GUCKER, Assistant County Administrator, Public Works  
BOB MIHALIC, Governmental Relations Officer  
MELLONE LONG, Assistant County Administrator, Planning Department  
JEFF WILE, Assistant County Attorney  
DEAN CAMPBELL, Assistant County Attorney  
SANDRA YUDICE, Assistant to the County Administrator  
TOM MEEKS, Planning Department

**OTHERS PRESENT:**

JOHN ELDRIDGE, Chief Deputy, Sheriff's Office  
JEFF POOLE, Recreation District  
GENE SMITH, Executive Director, Recreation District

**CALL TO ORDER**

Chairman Butch Kirven

**INVOCATION**

Dr. Drew Hines, Pastor  
Washington Baptist Church, Greer

**PLEDGE OF ALLEGIANCE**

**Item (4)**

**APPROVAL OF MINUTES**

**ACTION:** (a) Councilor Norris moved to approve the minutes of the November 15, 2011 Regular Council meeting.  
Motion carried.

**Item (5)**

**PUBLIC HEARINGS**

**(a) Octagon Park / Laurens - Greenville Multi-County Industrial Business Park - Master Agreement Amendment**

A public hearing was held for the purpose of receiving public comments regarding an ordinance to amend the Master Agreement governing the Octagon Industrial Park of Laurens and Greenville Counties so as to enlarge the park.

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

**(b) North Greenville Fire District / General Obligation Bonds**

A public hearing was held for the purpose of receiving public comments regarding an ordinance finding that North Greenville Fire District, South Carolina may issue not exceeding \$1,750,000 General Obligation Bonds; to authorize the Board of Fire Control of the North Greenville 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 Taylor declared the public hearing closed.

**(c) TD Bank (formerly Project Lotus) / Fee-in-Lieu-of-Tax Agreement Amendment**

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of an amendment to the Fee Agreement between Greenville County, South Carolina and TD Bank N.A.; and matters relating thereto.

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

**(d) Bosch Rexroth Corporation (formerly Project Wrigley) / Fee-in-Lieu-of-Tax Agreement**

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing the execution and delivery of a Fee Agreement between Greenville County and Bosch Rexroth Corporation providing for a Fee in Lieu of Tax in connection with investment in an industrial project thereunder; the granting of an Infrastructure Tax Credit with respect to such project; and other matters relating thereto.

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

**Item (6)**

**PROCLAMATION**

Councilor Norris presented Johnny Mickler, Sr., President/CEO of Urban League of the Upstate, with a proclamation. Mr. Mickler is known for “going far beyond the call of duty” and has touched the lives of many because he is committed to being a champion for the underserved in the Upstate. Mr. Mickler outshined 102 other CEO’s and earned the “2011 National Urban League - I Am Empowerment Champion Award - Legacy CEO of the Year.” Mr. Mickler proudly received the award at the NUL National Convention which presented him the great opportunity to showcase the Upstate and to gain even more valuable experience that he could bring back to Greenville County. Councilor Norris congratulated Mr. Mickler for receiving the “Legacy CEO of the Year” award.

**Item (7)**

**APPEARANCES**

There were no appearances made by citizens.

**Item (8)**

**CONSENT AGENDA**

**(a) Grant Applications**

2012 Community Pride Grant  
ASPCA Vaccination Safety Net Grant  
2012 DUI Prosecution Grant  
Juvenile Justice Accountability Block Grant  
2011 Homeland Security Program Grant

**(b) Community Project Account Application / City of Travelers Rest - Travelers Rest Christmas Parade**

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

Motion carried.

**Item (9)**

**RESOLUTIONS**

**(a) Project Crazy Horse / Fee Agreement**

**ACTION:** Councilor Taylor moved for adoption a resolution authorizing the extension of the investment period under the Fee Agreement by and between Greenville County, South Carolina, and Cryovac, Inc., dated as of December 1, 2006, to allow the completion of the project and other matters relating thereto.

Motion carried.

**(b) Project Hunt / Inducement Agreement**

**ACTION:** Councilor Taylor moved for adoption a resolution authorizing the execution and delivery of an Inducement Agreement by and between Greenville County, South Carolina and Project Hunt; whereby, under certain conditions, Greenville County will provide a special source credit to Project Hunt.

Motion carried.

**(c) Koyo Bearings USA LLC / Fee Agreement Extension**

Councilor Taylor moved for adoption a resolution approving the extension by Greenville County, South Carolina of the investment period for the fee agreement by and among Liberty Property Limited Partnership, the Timken Company, whose rights have been assigned to Koyo Bearings USA LLC and Greenville County, South Carolina, pursuant to the provisions of section 12-44-30(13), Code of Laws of South Carolina 1976, as amended.

Motion carried.

**Item (10)**

**ORDINANCES – THIRD READING**

**(a) Zoning Ordinances**

1. **CZ-2011-28**, Property of TRI-L Properties LLC, located on Augusta Road at Woodville Road requesting rezoning from R-R3 to C-3.

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

Motion carried.

2. **CZ-2011-29**, Property of Realticorp 533 LLC, located on Poinsett Highway requesting rezoning from R-M20 to C-3.

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

Motion carried.

3. **CZ-2011-30**, Property of Lee A. Leopard located on Lee Vaughn Road (Hwy 417) at Bethany Road requesting rezoning from R-S to NC with conditions.

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

Motion carried.

4. **CZ-2011-31**, Property of James W. Dickert and Walter Collins Robinson III, located on Old Spartanburg Road at Hudson Road requesting rezoning from POD and NC to NC with conditions.

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

**ACTION:** Councilor Payne moved to suspend the rules to consider an amendment to the ordinance.

Motion to suspend the rules carried.

**AMENDMENT:** Councilor Payne moved to amend the conditions by removing any requirement for sidewalks being installed.

Motion to amend carried.

**ACTION:** Councilor Payne moved adoption of the ordinance as amended.

Motion as amended carried.

**(b) North Greenville Fire District / General Obligation Bonds**

Councilor Taylor moved for adoption at third reading an ordinance finding that North Greenville Fire District, South Carolina may issue not exceeding \$1,750,000 General Obligation Bonds; to authorize the Board of Fire Control of the North Greenville Fire District, South Carolina to issue such bonds and to provide for the publication of notice of the said finding and authorization.

Councilor Dill made a motion to hold the item until the next Council meeting.

Motion to hold carried.

**(c) Hospitality Tax Project and Expenditures List / Exhibit A Amendment**

Councilor Taylor 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. 4362, so as to provide for the reallocation of project funds and to appropriate additional operating funds for tourist related projects.

Motion carried.

**(d) Octagon Park / Laurens - Greenville Multi-County Industrial Business Park - Master Agreement Amendment**

Councilor Taylor moved for adoption at third reading an ordinance to amend the Master Agreement governing the Octagon Industrial Park of Laurens and Greenville Counties so as to enlarge the park.

Motion carried.

**(e) TD Bank (formerly Project Lotus) / Fee-in-Lieu-of-Tax Agreement Amendment**

Councilor Taylor moved for adoption at third reading an ordinance authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of an amendment to the Fee Agreement between Greenville County, South Carolina and TD Bank, N.A.; and matters relating thereto.

Motion carried with a written abstention from Councilor Burns.

**(f) Bosch Rexroth Corporation (formerly Project Wrigley) / Fee-in-Lieu-of-Tax Agreement**

Councilor Taylor moved for adoption at third reading an ordinance authorizing the execution and delivery of a Fee Agreement between Greenville County and Bosch Rexroth Corporation providing for a Fee in Lieu of Tax in connection with investment in an industrial project thereunder; the granting of an Infrastructure Tax Credit with respect to such project; and other matters relating thereto.

Motion carried.

**(g) Transfer of Surplus Right of Way / 202 Lake Fairfield Drive**

Councilor Meadows moved for adoption at third reading an ordinance to authorize the conveyance of County owned property consisting of approximately 2,778 square feet of surplus right of way located on the former right of way abutting 202 Lake Fairfield Drive.

Motion carried.

**(h) Bath Salts and Synthetic Cannabinoid Regulations**

Councilor Dill moved for adoption at third reading an ordinance to prohibit the advertisement, possession, use, purchase, or distribution of substituted cathinones (commonly called "bath salts"), synthetic cannabinoids, and certain other synthetic drugs; and matters related thereto.

Motion carried.

**Item (11)**

**COMMITTEE REPORTS**

**(a) Committee of the Whole**

**ACTION:** On behalf of the Committee, Councilor Taylor moved to authorize the County Attorney to settle the following lawsuits according to the terms discussed in Executive Session.

No. 2007-CP-23-0378

No. 2007-CP-23-0379

No. 2010-CP-23-1610

Motion as presented carried.

**Item (12)**

**APPEARANCES BY CITIZENS**

- John Bynum, 407 Morris Street, Greenville – appeared regarding FILOT agreements
- Pat Taylor, 311 Poplar Lane, Mauldin – appeared regarding commending, battery cars, and the United Nations
- Bob Davis, 6 Sentinel Court, Greer – appeared regarding United Nations' Agenda 21
- Ed Paxton, 1 York Circle, Greenville – appeared regarding a variety of subjects

**Item (13)**

**ADMINISTRATOR'S REPORT**

County Administrator Joe Kernell stated as a follow-up to the retirement discussion, given the inaccurate numbers that were being referred to in regards to the County's portion, the correct total cost to Greenville County for the year was \$667,000. He stated the expense would not take affect until July 1, 2012, which was in the next budget year. The monies would come from benefit accounts that were already set up and from which he had the authority to move funds, so it would not require any action by Council. Mr. Kernell stated in the mean time, staff would be looking for and identifying savings in the current and in next years' budget to cover the expense and if they needed to cut back somewhere, they would.

**Item (14)**

**REQUESTS AND MOTIONS BY COUNCIL MEMBERS**

- Councilor Dill inquired about any Hospitality Tax monies having ever been used for a project on the Saluda River.
- Councilor Baldwin expressed his support of the decision made by the County Administrator regarding the State Retirement issue.
- Councilors Dill, Cates and Taylor wished everyone a Merry Christmas.

- Chairman Kirven read a letter he received from the U.S. Department of Housing and Urban Development addressed to Martin Livingston, Executive Director of the Greenville Redevelopment Authority. The letter commended Greenville County and the Greenville Redevelopment Authority for their accomplishments achieved during the 2010 Program Year for achieving the goals outlined in the Annual Action Plan. They also commended the County on their housing and community development accomplishments and for the positive impact those developments have had on Greenville's low and moderate income citizens.
- Councilor Norris informed her colleagues of the successful fundraiser held for the Way Back Center which was a shelter and soup kitchen for both men and women.
- Councilor Seman reminded her colleagues of the SCTAC Luncheon on Monday, December 12 at 11:30 at the Kroc Center. She expressed her appreciation to Ms. Faulkner and her team for the successful Senior Day that was held last Friday. She then stated she and Ms. Gibson had a shared desire to see a plan developed for the Conestee Area. She asked the County Administrator to do whatever needed to be done to get the ball rolling on that project.
- Councilor Gibson stated she and Ms. Norris each received an award at the Way Back Center fundraiser. She also stated the Tourism Ad Hoc Committee had been meeting and were moving forward.
- Councilors Rawls and Payne wished everyone a Merry Christmas.
- Councilor Dill wished Bob Mihalic a Happy Birthday.

**Item (15)**

**ADJOURNMENT**

**ACTION:** Councilor Payne made a motion to adjourn.

Motion carried at the Greenville County Council meeting adjourned at 7:14 p.m.

Respectfully submitted:

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Theresa B. Kizer, Clerk to Council