



GREENVILLE COUNTY COUNCIL MINUTES

REGULAR MEETING

JUNE 6, 2017

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

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.

STAFF PRESENT

Joe Kernell, County Administrator

Mark Tollison, County Attorney

Dean Campbell, Deputy County Attorney

Jeff Wile, Assistant County Attorney

Kimberly Wunder, Assistant County Attorney

John Hansley, Deputy County Administrator

Theresa Kizer, Clerk to Council

Regina McCaskill, Deputy Clerk to Council

Jessica Stone, Administrative Assistant, Clerk to Council

Paula Gucker, Assistant County Administrator, Public Works

John Vandermosten, Assistant County Administrator, Public Safety

Chief Deputy Eldridge, Sheriff's Office

Shannon Herman, Assistant to the County Administrator

Teresa Barber, Fire Code Official/Code Enforcement Supervisor

OTHERS PRESENT

Johnny Mack Brown, former Sheriff of Greenville County

CALL TO ORDER

Chairman Butch Kirven

INVOCATION – Introduced by Councilor Bob Taylor

Dr. Roy Short

PLEDGE OF ALLEGIANCE

Item (4) APPROVAL OF MINUTES

ACTION: Councilor Seman moved to approve the minutes of the May 16, 2017, Regular Council Meeting.

Motion carried unanimously.

Item (5) PROCLAMATIONS

- (a) Honoring Kennedy Dennis - Postponed**
- (b) Honoring Chief Deputy John Eldridge**

Chairman Kirven presented a proclamation to retiring Chief Deputy John Eldridge.

Chief Deputy Eldridge began protecting and serving the citizens of Greenville County on September 4, 1990. His strong work ethic and tactical skills were quickly noticed and he earned placement as a member of the SWAT team. His abilities as a deputy were omnipresent and he moved up through the ranks. In 2000, he assumed control as Sergeant over the N.E.T team and modeled his leadership under the concept of "Train them up and get out of the way". He was promoted to Shift Lieutenant in 2001. After serving a brief stint as Captain in 2005, he earned the title of Chief Deputy, where he has served for the past 12 years.

Chief Deputy Eldridge has been the architect behind managing a \$42 million budget that included the first, fully-funded K9 team in Greenville County. He strategically reallocated resources and placed training and equipment as his top priority. He helped establish the Special Operations Units as the most respected and highly efficient teams in the entire southeast. Chief Deputy Eldridge established himself as the ultimate model for a law enforcement officer, and became a mentor and friend to generations of officers who proudly call it an honor and privilege to have served with him.

Greenville County Council hereby honors Chief Deputy John Eldridge for 27 years of outstanding service to the people of Greenville County, and Sheriff Will Lewis proclaims that John Eldridge be sworn in as the 47th Sheriff of Greenville County from June 2, 2017 to June 12, 2017.

Item (6) PUBLIC HEARINGS

- (a) Automobile Sales Lot Moratorium Ordinance**

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance declaring a moratorium on the issuance of building permits and certificates of occupancy for automobile sales in certain areas of Greenville County.

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

- (b) Ordinance to Amend Ordinance 2474 / Road Maintenance Fee**

A public hearing was held for the purpose of receiving public comments regarding an ordinance to amend Ordinance No. 2474, as amended, so as to increase the County Road Maintenance Fee.

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

(c) Ordinance to Establish a Uniform Charge for County-Wide Public Safety Communication Services

A public hearing was held for the purpose of receiving public comments regarding an ordinance to establish a uniform charge for the provision of upgraded County-wide public safety communication services to all real property within Greenville County.

- **William McDowell**, 908 Crestwyk Lane, Greenville – appeared in favor of the proposed
- **Stephen Kovalcik**, 510 Wembley Road, Greenville – appeared in favor of the proposed
- **Damon Hubber**, 104 Meadowoods Court, Easley – appeared in favor of the proposed
- **Gary Brock**, 211 Kilburn Lane, Travelers Rest – appeared in favor of the proposed
- **Tony Gilliard**, 527 Valley Creek Drive, Greer – appeared in opposition to the proposed

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

(d) Greenville / Anderson Multi-County Industrial Business Park – University Ridge

A public hearing was held for the purpose of receiving public comments regarding an ordinance to develop a jointly owned and operated industrial/business park in conjunction with Anderson County, such industrial/business park to be geographically located in Greenville County and established pursuant to Sec. 4-1-170 of the Code of Laws of South Carolina, 1976, as amended; to provide for a written agreement with Anderson County to provide for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem taxation; and other matters related thereto.

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

(e) Moore’s Food Resources LLC (formerly Project Vandiver) / 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 in lieu of tax agreement by and between Greenville County, South Carolina and Moore’s Food Resources LLC, with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, including the provision of certain special source credits; and other matters related thereto.

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

Item (7)

APPEARANCES – current agenda items

- **Ed Paxton**, 1 York Circle, Greenville – appeared regarding the FY2018 Budget for Greenville County
- **Dana Thorpe**, 17235 S. Lee St., Appleton, WI - appeared regarding Lease Agreements / SC Children’s Theater and Carolina Music Foundation

Item (8) **CONSENT AGENDA**

- (a) SC DHEC – EMS Grant-in-Aid DUI Grant Application
- (b) Workforce Innovation & Opportunity Act Service Provider Contract Approvals
- (c) Community Project Application / CU-ICAR – Infrastructure for Autonomous Vehicles in Greenville County
- (d) Community Project Application / Dunklin Fire Department – Equipment
- (e) Community Project Application / City of Travelers Rest – Scottish Games
- (f) Community Project Application / River Oaks Storm Water Facilities Repairs
- (g) FY2017-2018 Accommodations Tax Funding Allocations

ACTION: Councilor Dill moved to hold Item (g) until Committee Reports.

Chairman Kirven stated, without objection, Item (g) would be held until Committee Reports.

ACTION: Councilor Dill moved approval of Consent Agenda Items (a) through (f).

Motion carried unanimously.

Item (9) **RESOLUTION**

- (a) **Project Orange Inducement Resolution**

ACTION: Vice-Chairman Meadows moved for adoption a resolution authorizing the execution and delivery of an inducement agreement by and between Greenville County, South Carolina and a project identified for the time being as Project Orange, whereby, under certain conditions, Greenville County will execute a fee in lieu of tax and incentive 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 whereby the Company will be provided certain special source revenue credits against fee payments in reimbursement for the making of certain qualified expenditures; and providing for related matters.

Motion carried unanimously.

Item (10) **ORDINANCES – THIRD READING**

- (a) **Zoning Ordinance**

1. **CZ-2016-66: Property of James Wilson, located on Locust Hill Road, requesting rezoning from R-10 to OD.**

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

Motion carried unanimously.

(b) Automobile Sales Lot Moratorium

ACTION: Councilor Dill moved for adoption at third reading an ordinance declaring a moratorium on the issuance of building permits and certificates of occupancy for automobile sales in certain areas of Greenville County.

AMENDMENT: Vice-Chairman Meadows moved to amend the motion to include the Blue Ridge Drive portion of Highway 253, Parker Road and Cedar Lane Road.

ACTION: Councilor Dill offered a friendly amendment to include Highway 290, from Highway 25 to Highway 101.

Mark Tollison stated a motion to suspend the rules to allow for amendments at third reading was required.

ACTION: Vice-Chairman Meadows moved to suspend Council rules in order to allow for amendments at third reading.

Motion carried unanimously.

Vice-Chairman Meadows reiterated his amendment to include Councilor Dill's friendly amendment.

Councilor Seman asked if the moratorium applied to un-zoned areas of the County.

Mark Tollison stated the moratorium, as it was written, could apply to the un-zoned areas of the County; however, once the zoning ordinance amendments were in place, the moratorium would no longer be in effect. He added that for parts of the County presently un-zoned, the moratorium would be temporary and there may need to be a long term zoning solution put in place.

Motion as amended carried unanimously.

(c) Moore's Food Resources, LLC (formerly Project Vandiver) / Fee in Lieu of Tax Agreement

ACTION: Vice-Chairman Meadows moved for adoption at third reading an ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and among Greenville County, South Carolina and Moore's Food Resources, LLC and Moore's Food Holding Company, LLC with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, including the provision of certain special source credits; and other matters related thereto.

Motion carried unanimously.

(d) Ordinance to Amend Ordinance 2474 / Road Maintenance Fee

ACTION: Vice-Chairman Meadows moved for adoption at third reading an ordinance to amend Ordinance No. 2474, as amended, so as to increase the County Road Maintenance Fee.

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

(e) **Ordinance to Establish a Uniform Charge for County-Wide Public Safety Communication Services**

ACTION: Vice-Chairman Meadows moved for adoption at third reading an ordinance to establish a uniform charge for the provision of upgraded County-wide public safety communication services to all real property within Greenville County.

Councilor Cates asked if a taxpayer could lose their home for non-payment if they chose not to pay the fee, but did pay all other fees attached to their tax bill.

Joe Kernell stated the Tax Office would not accept partial payments and any checks received for partial payments would be returned. If the individual did not pay the total amount including the fee, their home could go to the tax sale.

(Per Councilor Dill's request, his comments in regards to the Uniform Charge for County-Wide Public Safety Communication Services are stated verbatim.)

Councilor Dill stated, "Because I've brought up options, repeatedly, of ways, other ways that we can raise this money. I've got friends in the fire service that, uh, have really been upset with me because I've been voting against this. And, I cannot bring myself to charge, ev, I mean it says here 'uniform charge'. This is not a uniform charge. You can call it a duck but it's not a duck. You, you, it's not uniform, you're charging a pass, a person that owns a lot, it can have a pasture on it, it can have a cow on it. You're going to charge them \$14.95. You're gonna have a man with a hotel and he's got a hundred rooms and it's gonna be \$15.00, \$14.95. You're gonna charge the Bi-Lo \$15.00. I have never been able to understand why nobody wants to under, be able to implement this fee in a uniform way. I've got a lot of old people in my district as well as you do. I've got some rich people, too. I'm gonna, if we approve this, we're going to approve charging that little woman that wants to live the rest of her life in her home 15, \$14.95. And we're gonna charge the millionaire \$14.95. There's no way I can rationalize this. There's other ways that we can fund this. I'm all for the communications. I would vote tonight to take the \$2.3 million right out of the reserve. I'd vote to take it from anywhere except the uniform method, that's not uniform, that we're talking about here. This is to me not fair, it's not equitable, and I can't bring myself to vote for it. Now I voted for everything coming and going to help fire districts. I voted the other day on a bond to build a fire station knowing, and I brought it to y'all's attention, knowing that Spartanburg County Council was not going to approve it. I knew that. They said they was going to require a referendum. I support fire districts. I support firemen. I support this communication, but, I can't support charging people that, you know, you can say, well, they gonna, they gonna need the fire department, they gonna need the Sheriff's Office, they're gonna have to call, they're gonna have to do these things but it's not fair to charge this way. It's not equitable and, uh, and, because of that, I can't vote for it. But, I would vote in a minute, to do this communication system, if they, if we sold a bond, if we could do it any other way, I would go along with it, but, I can't go along with it with the way it's presented and the way that we're gonna be voting on it tonight."

Chairman Kirven stated he and Councilor Dill had previously discussed possible ways that could potentially be substituted for the proposed method; however, Council was up against the clock. If the proposed ordinance was approved, it would be implemented sometime in the fall. Chairman Kirven stated that, in the meantime, Councilor Dill and Staff could review alternative methods. If there was a viable alternative, it could be reviewed by Council later.

Councilor Dill stated, "I would do it. Well, see, what the problem here Mr. Cates is, the Administrator knows he needs to go ahead. He needs to either know we're gonna support it or we're not gonna support it. And, you know, I would make a motion to hold it but the, that's not gonna tell him and they've got to implement this thing. It started, now the method of payment, we can decide that later, I hope. And, I, I'm encouraged about what you said."

Vice-Chairman Meadows stated he wanted his vote to reflect that he fully supported the Communication System, but, he could not support the proposed funding method.

Councilor Dill stated, "One more thing. I think, I'm, I don't want to beat a dead horse, but, the thing about it is, when you, when you put a fee on. Now, I had a fellow call me and he says, 'Listen, if ya'll put that fee on, I can take the rest of my income, my property tax off my income tax, but, that fee, I can't do that'. Now, we're gonna put it on a man's property but he cannot deduct it off of his income tax. And, that's just a one, but I would love to be able to support an alternative way."

Chairman Kirven stated Council would work hard to find an alternative funding methods.

Councilor Dill stated, "Well, I would sure support it. You've got my word."

Councilor Fant stated he wanted the record to show his support for the firefighters and added it was imperative they were able to communicate. Considering the equipment currently being used would be obsolete at the end of 2018, he stated Council's only option was to approve the ordinance. Councilor Fant stated he was against the uniform fee but felt he had to support the ordinance, as it was needed.

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

Item (10) ORDINANCES – SECOND READING

(a) Greenville County Library / Proposed Budget

ACTION: Vice-Chairman Meadows moved for approval at second reading an ordinance to approve the appropriation of funds for the Greenville County Library System for the fiscal year beginning July 1, 2017 and ending June 30, 2018; and to authorize the annual ad valorem property tax millage levy for Library purposes.

Motion carried unanimously.

(b) Project Thor / Fee in Lieu of Tax and Special Source Credit Agreement

ACTION: Vice-Chairman Meadows 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 or companies known to the county at this time as "Project Thor" with respect to certain economic development property in the county, whereby such property will be subject to certain payments in lieu of taxes, including the provision of certain special source credits; and other matters related thereto.

Motion carried unanimously.

(c) Greenville / Anderson Multi County Industrial Business Park Agreement Amendment (2010 Park) – Project Thor

ACTION: Vice-Chairman Meadows moved for approval at second reading an ordinance to amend an agreement for the development of a joint county industrial and business park (2010 Park) of Anderson and Greenville Counties so as to enlarge the park; and request third reading of the ordinance be delayed until the July 18th Council meeting at which time the public hearing for this item was scheduled.

Motion carried unanimously.

(d) Greenville / Anderson Multi County Industrial Business Park – University Ridge

ACTION: Vice-Chairman Meadows moved for approval at second reading an ordinance to develop a jointly owned and operated industrial/business park in conjunction with Anderson County, such industrial/business park to be geographically located in Greenville County and established pursuant to Sec. 4-1-170 of the Code of Laws of South Carolina, 1976, as amended; to provide for a written agreement with Anderson County to provide for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem taxation; and other matters related thereto.

Motion carried unanimously.

(e) FY2018 Budget for Greenville County

ACTION: Vice-Chairman Meadows moved for approval at second reading an ordinance to adopt the County of Greenville Fiscal Year 2018 Budget.

Motion carried unanimously.

(f) FY2019 Budget for Greenville County

ACTION: Vice-Chairman Meadows moved for approval at second reading an ordinance to adopt the County of Greenville Fiscal Year 2019 Budget; and request third reading of the ordinance be delayed until the July 18th Council meeting at which time the public hearing for this item was scheduled.

Motion carried unanimously.

(g) Ordinance Restricting Hours of Operation for On-Premise Consumption of Alcohol

ACTION: Councilor Ballard moved for approval at second reading an ordinance to restrict the hours of operation of establishments that allow the on-premises consumption of alcohol; to provide penalties for violations thereof; and related matters thereto; and request third reading of this ordinance be delayed until the July 18th Council meeting at which time the public hearing for this item was scheduled.

Councilor Fant asked, if the ordinance passed, when would it go into effect.

Mark Tollison stated the ordinance would be in effect upon adoption, or third reading, if approved by Council.

Councilor Fant asked would the establishments affected by the ordinance be given time to adjust to the new hours.

Mark Tollison stated Council could revisit the issue and set an effective date.

AMENDMENT: Councilor Fant moved to amend the motion to state the ordinance would go into effect 30 days after adoption.

Motion to amend was denied with Councilor Fant voting in favor of the proposed.

Motion as presented carried unanimously.

Item (12)

ORDINANCES – FIRST READING

(a) Project Orange / Fee in Lieu of Tax and Special Source Credit Agreement

Vice-Chairman Meadows presented for first reading an ordinance authorizing the execution and delivery of a fee in lieu of tax and special source credit agreement by and between Greenville County, South Carolina and Project Orange, with respect to certain property in the county, whereby such property will be subject to certain fees in lieu of taxes, including the provision of certain special source credits; and other matters related thereto.

Chairman Kirven stated the item would remain on the floor for second reading.

(b) Greenville / Anderson Multi County Industrial Business Park (2010 Park) Agreement Amendment – Project Orange

Vice-Chairman Meadows presented for first reading an ordinance to amend an agreement for the development of a joint county industrial and business park (2010 Park) of Anderson and Greenville Counties so as to enlarge the park.

Chairman Kirven stated the item would remain on the floor for second reading.

(c) Canebrake Fire Department / Millage Request

Vice-Chairman Meadows presented for first reading an ordinance to provide for the millage rate to be levied by the Canebrake Fire Service Area.

Chairman Kirven stated the item would remain on the floor for second reading.

(d) Distribution of MCIP Fees (CenterPointe) – Project Circle

Vice-Chairman Meadows presented for first reading an ordinance providing for the distribution of certain fees in lieu of taxes generated pursuant to the agreement for development of a joint county industrial and Business Park dated as of December 31, 2015 between Greenville County, South Carolina and Anderson County, South Carolina; and other matters relating thereto.

Chairman Kirven stated the item would remain on the floor for second reading.

(e) Greenville / Anderson Multi County Industrial Business Park (Downtown Mauldin) – Project Rectangle

Vice-Chairman Meadows presented for first reading an ordinance to develop a jointly owned and operated industrial/business park in conjunction with Anderson County, such industrial/business park to be geographically located in Greenville County and established pursuant to Sec. 4-1-170 of the Code of Laws of South Carolina, 1976, as amended; to provide for a written agreement with Anderson County to provide for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem taxation; and other matters related thereto.

Chairman Kirven stated the item would remain on the floor for second reading.

(f) Lease Agreements / The South Carolina Children's Theatre and the Carolina Music Foundation

Vice-Chairman Meadows presented for first reading an ordinance to authorize the Chairman of County Council and the County Administrator to execute leases of County owned property with the South Carolina Children's Theatre at 1200 Pendleton Street and with the Carolina Music Foundation at 25 Heritage Green Place; and request the item be referred to the Finance Committee.

Councilor Dill recused himself from discussion and voting on the item due to a potential conflict of interest.

Chairman Kirven referred the item to the Finance Committee.

Item (13) COMMITTEE REPORTS

Consent Agenda Item (previously held)

(g) FY2017-2018 Accommodations Tax Funding Allocations

Councilor Dill recused himself from discussion and voting on the item due to a potential conflict of interest.

ACTION: Vice-Chairman Meadows moved approval of the Consent Agenda Item (g).

Motion carried unanimously.

Item (14) APPEARANCES BY CITIZENS

- **Linda Englander**, 3 Glenhawk Court, Simpsonville – appeared regarding smart meters

Item (15) ADMINISTRATOR'S REPORT

No report

Item (16) REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- Councilor Ballard reminded Council members of the ceremony at Serenity Place on June 7th at 1:00 p.m.
- Chairman Kirven thanked his colleagues for honoring Chief Deputy Eldridge and his family.
- Councilor Payne stated Global Autonomous Vehicle Partnership chose Greenville as a community they believe could be an exemplary location to begin operation of automated vehicles. That challenge has elicited a response from a Maryland company looking at coming to Greenville and bringing significant resources that would allow implementation of automated vehicles in a relatively short period of time.

- Councilor Barnes thanked staff for the great reception for Chief Deputy Eldridge. He also thanked the County employees and firemen for the job they perform; stating even though he did not vote for the matter as presented, he was supportive of the fire departments.
- Councilor Meadows stated an email came to him last week stating Piedmont, South Carolina, was the No. 1 safest place in the state. He stated Greenville County had five of the top ten safest places in the state, and the upstate was safer than the lower part of the state.
- Councilor Cates presented Council with a trophy from Visit Greenville (formerly CVB) for their participation in hosting tournament rounds in the women's SEC and men's NCAA basketball championship.
- Councilor Taylor thanked everyone for their prayers during his surgery and recovery. He then expressed birthday wishes to Mr. Fant and Mr. Ballard.
- Councilor Norris stated she was looking forward to a great summer at the Phillis Wheatley Center and Legacy School for those students who did not have facilities in their own communities. She was hopeful that within the next year they would be able to provide facilities in some of those communities.
- Councilor Seman stated SCTAC's runway rehabilitation project was now complete following seven months of work that included new runway markings. The appearance and safety of the runway has dramatically improved, and its useful life will be greatly extended. This project was funded by the FAA.
- Councilor Fant recognized members of District 25 and Vision 25. He commended the Planning staff and the P&D Committee for the job performed at last evening's committee meeting.

Item (17)

ADJOURNMENT

ACTION:

Councilor Norris moved to adjourn the meeting.

Motion carried unanimously by Council Members present and the meeting was adjourned at 7:30 p.m.

Respectfully submitted:

Theresa B. Kizer, Clerk to Council