

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Charles B. Simmons, Jr., Circuit Court Judge

Case No. 2017-CP-23-01914
Appellate Case No. 2018-002255

James Mikell "Mike" Burns, Garry R. Smith and
Dwight A.
Loftis.....Appellants,

v.

Greenville County Council and Greenville County.....Respondents.

RECORD ON APPEAL VOLUME TWO

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S.C. SUPREME COURT

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A resolution authorizing the execution and delivery of an inducement agreement by and between Greenville County, South Carolina and Project Desperado, whereby, under certain conditions, Greenville County will execute a fee in lieu of tax agreement with respect to certain economic development property in the County whereby the economic development property would be subject to payment of certain fees in lieu of taxes; and providing for related matters.

Resolution

c. Project Mousetrap Inducement Agreement

Councilor Willis Meadows

A resolution authorizing the execution and delivery of an inducement agreement by and between Greenville County, South Carolina and Project Mousetrap, whereby, under certain conditions, Greenville County will 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 matters.

Resolution

d. State Infrastructure Bank Resolution

Councilor Willis Meadows

A resolution in support of Greenville County's application to the South Carolina State Infrastructure Bank (SIB) for assistance in funding major transportation improvement projects in Greenville County.

Resolution

ORDINANCES - THIRD READING

a. Zoning Ordinances*

Councilor Joe Dill

- 1. CZ-2016-49, Property of TCC Venture LLC, Townes at Cardinal Creek HOA and Goldfin Company Inc., 225 Smith Hines Road - Withdrawn

b. Adult Entertainment Ordinance Amendment*

Councilor Joe Dill

An ordinance to amend Ordinance No. 2673, concerning adult entertainment regulations to modify certain definitions.

Ordinance

c. Hospitality Tax / Supplemental Appropriation - SC Children's Theatre and Greenville Center for Creative Arts

Councilor Willis Meadows

An ordinance to amend Exhibit A established as an addendum to Ordinance 4079, as last amended by Ordinance No. 4868, so as to appropriate additional operating funds for tourist related projects.

Ordinance
Exhibit A

ORDINANCES - SECOND READING

a. Zoning Ordinances*

Councilor Joe Dill

GREENVILLE COUNTY COUNCIL

1. CZ-2016-64, Property of Kevin Buckner, MHL, Inc., Easley Bridge Road (Council District 23), R-M20 to O-D
2. CZ-2016-66, Property of James Wilson, Locust Hill Road (Council District 18) R-10 to C-1
3. CZ-2017-01, Property of Byron Ramirez Aristizabal, 1703 Rutherford Road (Council District 20), I-1 to S-1
4. CZ-2017-02, Property of Jay Beeson, Mark III Properties, Reedy Fork Road (Council District 28), R-S to R-12
5. CZ-2017-03, Property of Niki P. Kythas, 1303 Geer Highway (Council District 17), C-1 to C-3
6. CZ-2017-04, Property of Two Messers, LLC, Turentine Circle (Council District 18), R-20 to R-10
7. CZ-2017-05, Property of Easlan Capital, State Park Road and Worley Road (Council District 23), PD to PD-MC
8. CZ-2017-07, Property of Lisa Marie Stamey-Looper, 250 Sulphur Springs Road (Council District 19), O-D to R-M2
9. CZ-2017-08, Property of Charles B. Willimon, West side of Standing Springs Road (Council District 28), R-S to R-12
10. CZ-2017-11, Property of Kevin Buckner, Easley Bridge Road (Council District 23), R-M20 to FRD

b. Public Safety Telecommunications and Road Maintenance Fees

Councilor Willis Meadows

An ordinance to establish a uniform charge for the provision of upgraded county-wide public safety telecommunication services to all real property within Greenville County; and to amend Ordinance No. 2474, as amended, so as to increase the County Road Maintenance Fee.

Ordinancec. Transfer Property to Campbell Young Leaders *

Councilor Willis Meadows

An ordinance to authorize and approve the transfer of approximately 6.33 acres of real property located in the Woodside Mill Community to Campbell Young Leaders, a South Carolina non-profit corporation, or its assigns; and to authorize the execution of a deed and any other appropriate documents and agreements related thereto.

Ordinanced. Project Desperado / Fee In Lieu of Tax Agreement and Amended and Restated Infrastructure Credit Agreement

Councilor Willis Meadows

ELECTRONICALLY FILED - 2017 Apr 10 11:52 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

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 known to the County at this time as Project Desperado with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; authorizing the execution and delivery of an amended and restated infrastructure credit agreement between Greenville County, South Carolina and Project Desperado reflecting an extension of the credit period and an increase in the amount of the infrastructure credit; and other matters related thereto.

Ordinance
Fee in Lieu of Tax Agreement
Amended and Restated Infrastructure Credit Agreement

0. ORDINANCES - FIRST READING

a. Zoning Ordinances

Councilor Joe Dill

1. CZ-2017-13, Property of John Earl Shaw, 3306 New Easley Highway (Council District 23), C-2 to S-1
2. CZ-2017-14, Property of RMS2 Enterprises, LLC, 2328 Royer Mountain Road (Council District 21), R-S to R-15
3. CZ-2017-15, Property of Ayers Family Trust, 1008 and 1010 Highway 14 (Council District 27), R-15 to S-1
4. CZ-2017-16, Property of Debbie A. Tucker, 2228 Standing Springs Road (Council District 28), R-S to R-12
5. CZ-2017-17, Property of Linda Gysin, 2401 and 2601 Pelham Road (Council District 21), FRD to FRD (major change)

b. False Alarm Ordinance Amendment

Councilor Lynn Ballard

An ordinance to amend Chapter 11, Article IV of the County of Greenville, South Carolina Code of Ordinances so as to require an alarm system monitoring company to attempt to verify whether an alarm signal is valid before requesting dispatch; to change the number of permitted false alarms from per calendar quarter to per calendar year; to provide for graduated increases in the civil penalties for false alarms, and related matters thereto.

Ordinance

c. Project Mousetrap / Fee in Lieu of Tax Agreement

Councilor Willis Meadows

An ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and Project Mousetrap and with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, and other matters related thereto.

Ordinance
Fee in Lieu of Tax Agreement

COMMITTEE REPORTS

2. APPEARANCES BY CITIZENS - Items not listed on the current agenda

"No matter shall be heard by Council unless it is within Council's authority or jurisdiction." - County Council Rules

- 3. ADMINISTRATOR'S REPORT
- 4. REQUESTS AND MOTIONS BY COUNCIL MEMBERS
- 5. ADJOURNMENT

* denotes items that have had a public hearing and are not eligible for public comments this evening.
 ** denotes items that have public hearings scheduled on the evening's agenda.

ELECTRONICALLY FILED - 2017 APR 10 11:52 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP23019

No. _____

AN ORDINANCE

TO ESTABLISH A UNIFORM CHARGE FOR THE PROVISION OF UPGRADED COUNTY-WIDE PUBLIC SAFETY TELECOMMUNICATION SERVICES TO ALL REAL PROPERTY WITHIN GREENVILLE COUNTY AND TO AMEND ORDINANCE NO. 2474, AS AMENDED, SO AS TO INCREASE THE COUNTY ROAD MAINTENANCE FEE.

WHEREAS, first responders and public safety service providers in Greenville County, including city and county law enforcement, fire departments and emergency medical services, communicate with each other over a series of radio networks dedicated to public safety communications; however, these networks are independently operated with uneven coverage, mixed bands and incompatible equipment; and

WHEREAS, while this mixture of unconnected networks has functioned for decades, those on the front line have identified a need to upgrade public safety communications for all first responders serving Greenville County; and

WHEREAS, upgrades to the public safety telecommunications network in Greenville County are needed now as many of our County-wide first responders are using equipment that is nearing end of life and does not allow for interoperability among first responder agencies; and

WHEREAS, a public safety telecommunications network is designed, built and maintained to a higher standard than consumer telecommunications as it must work reliably in emergencies when consumer networks face overload or failure; and

WHEREAS, moving all County-wide public safety telecommunications to a single network platform will promote the safety of life and property in Greenville County by providing much needed modernization of current public safety telecommunications infrastructure, ensures County-wide emergency and public safety telecommunications coverage to all persons and property located in Greenville County, improves County-wide public safety telecommunications coverage and reliability, advances the goal of ensuring interoperable communications for first responders agencies within Greenville County and State-wide, provides significant benefits in crisis management operations where immediate communications can save lives and prevent the loss of property, eases the transition to future technologies while reducing the risks associated with equipment obsolescence, and minimizes capital expenses related to necessary infrastructure upgrades; and

WHEREAS, for almost 25 years Greenville County and its citizens have benefitted from the use of the Road Maintenance Fee as a dedicated source of funding to support the maintenance and improvement of the road system across Greenville County; and

WHEREAS, the South Carolina State Infrastructure Bank provides State funding to local road improvement projects that can provide a strong local match; and

WHEREAS, Greenville County has an opportunity to leverage available Transportation Infrastructure Bank funds to accelerate major GPATS road improvement projects that would alleviate traffic and benefit the citizens of Greenville County; and

WHEREAS, pursuant to Section 4-9-30(5) of the Code of Laws of South Carolina, as amended, the County is authorized and empowered to levy uniform service charges to provide for operations and functions of the county, including, but not limited to public works, roads, and public safety; and

WHEREAS, the County deems it appropriate, desirable and equitable to fund the costs of providing County-wide public safety telecommunications on a common platform through the levy of a uniform service fee on all parcels of real property in Greenville County and to continue to support the maintenance and improvement of the road system across Greenville County with an increase to the Road Maintenance Fee;

NOW, THEREFORE, BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Authority. Greenville County Council is authorized by Section 4-9-30 of the Code of Laws of South Carolina, as amended, to levy uniform service charges to provide for public works, including roads, and public safety.

Section 2. Public Safety Telecommunications Fee. There shall be a uniform public safety telecommunications service fee of \$14.95 annually imposed upon each parcel of real property located in Greenville County to support enhanced access to County-wide emergency and public safety for all property located in the County. The public safety telecommunications fee shall be included on real property tax notices in such manner and method as determined by the Greenville County Administrator and collected by the County Tax Collector pursuant to State law. The uniform public safety telecommunications service fee shall be due, payable and collected in the same manner as real property taxes and shall be subject to the same penalties and interest as overdue real property taxes. The proceeds from the collection of such fees shall be deposited into the County general fund special public safety telecommunications account. The proceeds of such fund shall be specifically used for (1) the lease, purchase, lease-purchase, or maintenance of County-wide public safety telecommunications network infrastructure and network components including radios, towers, equipment, 800 MHz service or similar services as technology advances, computer hardware, software and non-recurring costs of establishing the network platform; and (2) rates associated with the network service provider's service and provider's recurring charges. Funds not used in any fiscal year shall be carried forward and used exclusively for the above allowed interoperable public safety telecommunication operations in the County.

Section 3. Road Maintenance Fee Amendment. Section 2 of Ordinance No. 2474, as amended by Ordinance No. 2513, is hereby amended to change the road maintenance fee to Twenty-five and 00/100 Dollars (\$25.00) and the references to the "Department of Revenue and Taxation Division of Motor Vehicles" is amended to the "South Carolina Department of Motor Vehicles."

Section 4. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

Section 6. Effective Date. This Ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2017.

Herman G. Kirven, Jr., Chairman
Greenville County Council

ATTEST:

Theresa Kizer
Clerk to Council

Joseph M. Kernell
County Administrator



GREENVILLE COUNTY COUNCIL MINUTES

REGULAR MEETING
FEBRUARY 21, 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 Tolison, County Attorney
Dean Campbell, Deputy County Attorney
John Hensley, Deputy County Administrator
Theresa Kizer, Clerk to Council
Regina McCaskill, Deputy Clerk to Council
Jessica Stone, Administrative Assistant, Clerk to Council
Bob Mihalic, Governmental Relations Officer
Paula Gucker, Assistant County Administrator, Public Works
Chief Deputy Eldridge, Sheriff's Office
John Vandermosten, Assistant County Administrator, Public Safety
Shannon Herrman, Assistant to the County Administrator

OTHERS PRESENT

None

CALL TO ORDER

Chairman Butch Kirven

INVOCATION - Introduced by Councilor Mike Barnes

Pastor Drew Hines
Washington Baptist Church

PLEDGE OF ALLEGIANCE

Item (4) APPROVAL OF MINUTES

ACTION: Councilor Payne moved to approve the minutes of the February 7, 2017 Regular Council Meeting.
Motion carried unanimously.

Item (5) APPEARANCES - current agenda items

- J.R. Chitty, 6 Dove Tree Court, Greenville - appeared regarding 9.b. Public Safety Telecommunications and Road Maintenance Fee
- Ed Paxton, 11 York Circle, Greenville - appeared regarding 9.b. Public Safety Telecommunications and Road Maintenance Fee
- Elizabeth Tickle, 5325 Geer Highway, Cleveland - appeared regarding 9.b. Public Safety Telecommunications and Road Maintenance Fee
- John Jennings, 104 Marie Black Road, Pelzer - appeared regarding 9.b. Public Safety Telecommunications and Road Maintenance Fee
- Valerie Wade, 752 W. Gap Creek Road, Greer - appeared regarding 9.b. Public Safety Telecommunications and Road Maintenance Fee
- Gary Brock, 211 Kilburn Lane, Travelers Rest - appeared regarding 9.b. Public Safety Telecommunications and Road Maintenance Fee
- Brenda Brooks, 115 S. Blythe Shoals Road, Cleveland - appeared regarding 7.d. State Infrastructure Bank Resolution and 9.b. Public Safety Telecommunications and Road Maintenance Fee
- Rick Brown, 1 Sundew Court, Greenville - appeared regarding 9.b. Public Safety Telecommunications and Road Maintenance Fee

Item (6) CONSENT AGENDA

- (a) Best Friends Grant Application
- (b) VOCA Grant Application
- (c) South Carolina Park and Recreation Development (PARP) Grant
- (d) Community Project Application / Berea High School Track

ACTION: Councilor Seman moved approval of the Consent Agenda items.
Motion carried unanimously.

Item (7)

RESOLUTIONS

- (a) Greater Greenville Sanitation Annexation / Certain Properties on Montague Circle - Request for Public Hearing

ACTION:

Councilor Seman moved for adoption a resolution to hold a public hearing to consider enlarging the Greater Greenville Sanitation District to include the properties on Montague Circle.

Motion carried unanimously.

- (b) Project Desperado Inducement Agreement

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 Project Desperado, whereby, under certain conditions, Greenville County will execute a fee in lieu of tax agreement with respect to certain economic development property in the County whereby the economic development property would be subject to payment of certain fees in lieu of taxes, and providing for related matters.

Motion carried unanimously.

- (c) Project Mouselrap Inducement Agreement

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 Project Mouselrap, whereby, under certain conditions, Greenville County will 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 matters.

Motion carried unanimously.

- (d) State Infrastructure Bank Resolution

ACTION:

Vice-Chairman Meadows moved for adoption a resolution in support of Greenville County's application to the South Carolina State Infrastructure Bank (SIB) for assistance in funding major transportation improvement projects in Greenville County.

Motion carried unanimously.

Item (8)

ORDINANCES - THIRD READING

- (a) Zoning Ordinances

- 1) CL-2016-49: Property of FCC Venture LLC, Townes at Cardinal Creek HOA and Goldfin Company, Inc., located at 225 Smith Hines Road.

Councilor Dill stated the item was withdrawn by the applicant.

(b) Adult Entertainment Ordinance Amendment

ACTION: Councilor Dill moved for adoption at third reading an ordinance to amend Ordinance No. 2673, concerning adult entertainment regulations to modify certain definitions.
Motion carried unanimously.

(c) Hospitality Tax / Supplemental Appropriation - SC Children's Theatre and Greenville Center for Creative Arts

ACTION: Vice-Chairman Meadows 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. 4868, so as to appropriate additional operating funds for tourist related projects.

ACTION: Vice-Chairman Meadows moved to hold the item until March 7th, at which time the public hearing would be held.

Motion to hold carried unanimously.

Item (9) ORDINANCES - SECOND READING

(a) Zoning Ordinances

1. CZ-2016-44: Property of Kevin Buckner, MHL, Inc., located on Eastley Bridge Road, requesting rezoning from R-M20 to O-D. 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 Ballard asked if eight votes to deny the request were needed in order to overturn the recommendation of the Planning Commission.

Mark Tolson stated the request required eight votes for passage.

Councilor Norris stated the property was located in her district and she recommended denial of the request.

Motion was denied unanimously.

2. CZ-2016-66: Property of James Wilson, located on Locust Hill Road, requesting rezoning from R-10 to C-1. The Planning Commission and the Committee recommended denial.

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

ACTION: Councilor Barnes moved to return the docket to the Planning and Development Committee.

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

3. CZ-2017-01: Property of Byron Ramirez Aristizabal, located at 1703 Rutherford Road, requesting rezoning from I-1 to S-1. The Planning Commission and the Committee recommended approval.

ACTION: On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.
Councilor Gates stated the property was located in his district and he recommended approval of the request.
Motion carried unanimously.

4. CZ-2017-02: Property of Jay Neeson, Mark III Properties, located on Reedy Fork Road, requesting rezoning from R-S to R-12. The Planning Commission and the Committee recommended approval.

ACTION: On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.
Councilor Payne stated the property was located in his district and he recommended approval of the request.
Motion carried unanimously.

5. CZ-2017-03: Property of Niki P. Kythas, located at 1303 Gear Highway, requesting rezoning from C-1 to C-3. The Planning Commission and the Committee recommended approval.

ACTION: On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.
Motion carried unanimously.

6. CZ-2017-04: Property of Two Messers, LLC, located on Tarrenline Circle, requesting rezoning from R-20 to R-10. The Planning Commission recommended denial and the Committee recommended approval.

ACTION: On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.
Councilor Barnes stated the property was located in his district and he recommended approval of the request.
Motion carried unanimously.

7. CZ-2017-05: Property of Easton Capital, located on State Park Road and Worley Road, requesting rezoning from PD to PD-MC. The Planning Commission and the Committee recommended approval as amended.

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

AMENDMENT: Councilor Dill moved to amend the request in order to maintain architectural design characteristics throughout the entire Montebello Planned Development according to the Statement of Intent and to have final development plans brought back to the Planning Commission for review.

Motion to amend carried unanimously.

Motion as amended carried unanimously.

8. **CL-2017-07:** Property of Usa Marie Stamey-Looper, located at 250 Sulphur Springs Road, requesting rezoning from O-D to R-M2. The Planning Commission and the Committee recommended approval.

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

Motion carried unanimously.

9. **CL-2017-08:** Property of Charles F. Willmon, located on the west side of Standing Springs Road, requesting rezoning from R-3 to R-12. The Planning Commission and the Committee recommended approval.

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

Motion carried unanimously.

10. **CL-2017-11:** Property of Kevin Buckner, located on Fosley Bridge Road, requesting rezoning from R-M20 to FRD. The Planning Commission and the Committee recommended approval as amended.

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

AMENDMENT: Councilor Dill moved to amend the request so that the landscape area called out on the conceptual site plan contain planted landscape material to buffer the residential properties to the north, and the future access identified on the plan is conditionally approved subject to approval by SCDOT. A driveway connection to the parcel to the west may be required during the final development plan to provide a shared access drive at the signalized intersection.

Motion to amend carried unanimously.

Motion as amended carried unanimously.

(b) Public Safety Telecommunications and Road Maintenance Fees

ACTION: Vice-Chairman Meadows moved for approval at second reading on ordinance to establish a uniform charge for the provision of upgraded county-wide public safety telecommunication services to all real property within Greenville County, and to amend Ordinance No. 2474, as amended, so as to increase the County Road Maintenance Fee.

AMENDMENT: Councilor Font moved to amend the ordinance in regard to the effective date; in compliance with SC Code Section 6-1-330, this ordinance shall take effect upon the date of its adoption by a positive majority vote of the Greenville County Council.

Councilor Ballard stated he took issue with Councilor Font's proposed amendment. The statute cited by Councilor Font stated a County could adopt an ordinance by a plurality, which was seven votes for Greenville County, to deal with taxes, fees, and other issues. He stated that in 2004, Greenville County Council passed Ordinance No. 3867 and the last section of Ordinance No. 3867 indicated any action, which raised taxes or fees or would harm the County's AAA credit rating, required nine (9) votes to pass. He added since he had served on Council, an amendment to an existing ordinance required three readings and a public hearing.

Councilor Cates asked Councilor Font if he would be willing to accept a friendly request to withdraw his proposed amendment in order to determine if the ordinance could be split into two separate sections.

Chairman Kirven stated it was inadvisable to split the ordinance. Depending on which way Council voted on the proposed splitting, the question needed to be settled because it would apply to either section of the ordinance as if moved forward.

Councilor Cates asked for clarification of Chairman Kirven's comment.

Chairman Kirven stated the question needed to be settled regarding the ordinance as presented. If Council divided the question, it would still need to apply to whichever way it went after that time. Chairman Kirven stated the question needed to be settled and then it would be sent forward by Council to deal with the remainder of the issue.

Councilor Cates asked if Councilor Font's amendment, which called for a simple majority vote to pass the ordinance, was settled, could Council then vote to split the ordinance?

Chairman Kirven stated Council could vote to split the ordinance at that time.

Councilor Cates stated the proposed amendment would change the County's normal rule of nine (9) votes for approval to seven (7) votes for any action which would raise taxes, fees or harm the County's AAA credit rating.

Chairman Kirven stated the proposed amendment would recognize State Law which required seven votes as opposed to Greenville County's requirement of nine votes in the case of ordinances such as this item on the floor. He added that legal opinions hold that State law took precedence over County law.

Councilor Cates stated Council would be going against a County ordinance, already in place, in order to approve the ordinance.

Chairman Kirven stated Ordinance No. 3867 could have technically expired at the end of the budget year that it amended.

Councilor Cates asked if the State Law that required seven votes was in place in 2004.

Chairman Kirven confirmed it was in place at that time. The last time the County raised any fees was in 2002.

Councilor Font stated the nine vote threshold had not been used since it was passed. The intent of his proposed amendment was to get the County rule in compliance with State Law.

Councilor Taylor asked if the County rule was in conflict with the State Law and, therefore, invalid.

Mark Tolison stated the County's authority to levy service fees came from the State. The General Assembly has prescribed a particular method by which a County may adopt a service fee, which was the State law referenced in the amendment. He stated this was the first time Council had undertaken a fee since passing the 2004 ordinance and the first time a question had been asked concerning the number of votes required under State Law.

Councilor Taylor stated the nine vote rule was applied when Council voted on a Schedule A Hospitality Tax.

Mark Tolison confirmed the nine vote rule did apply in that situation and also applied in the adoption of General Obligation debt. The General Assembly has said fees are adopted by a positive majority vote, which is seven (7) for Greenville County.

Councilor Dill stated he remembered when Council approved the ordinance in 2004 and it was for the taxpayers' protection. He stated Council was advised, at that time, that the ordinance could be changed by a vote of seven in favor, now it was being proposed to change it and not follow proper procedure. The only way to get a true understanding was to consult with the Attorney General's Office. Councilor Dill stated he would accept what the Attorney General's office said.

Chairman Kirven asked if there was an Attorney General's opinion on the issue.

Mark Tolison stated in 2008, the Attorney General issued an opinion in Allendale County, stating that with respect to State Statute 6-1-330, the Legislature had prescribed a particular methodology for the adoption of fees.

Councilor Dill asked about the proper procedure to change an ordinance.

Mark Tolison stated that Council could address the nine vote ordinance amendment as a stand-alone ordinance or recognize State Law.

Vice-Chairman Meadows stated the State statute did exactly what Mr. Tolison indicated, but it did not indicate that the County could not require more votes. He stated several State statutes indicated the Counties must follow exactly what was dictated in the statute. He cited the ordinance that dealt with texting while driving as an example. Vice-Chairman Meadows stated he agreed with Councilor Dill's suggestion to consult with the Attorney General's office.

Mark Tolison stated that, if Council directed, he would seek an opinion from the Attorney General's office.

Chairman Kirven asked Mark Tolison if there was a conflict between State law and County law, which took precedence.

Mark Tolison stated that under Home Rule, State law took precedence over County law.

Vice-Chairman Meadows asked if the County was following proper procedure in attempting to amend or change an ordinance without a public hearing and three readings.

Mark Tolison stated the issue before Council was in regards to the amount of votes, as it related to State law. As with all of the County's ordinances, there was a repeal section already in the ordinance that says any ordinance in conflict with the provisions presented was repealed. Mr. Tolison also stated that Council has always had the ability to exempt itself, or set another level, or amend directly the 2004 Amendment that was itself an amendment to a supplemental Appropriation.

Vice-Chairman Meadows asked if it was proper to bring an amendment without prior knowledge to the agenda.

Mark Tollison stated the issue was currently at second reading and open to amendments.

Chairman Kirven announced a roll call vote regarding Councilor Font's amendment.

Motion was denied by a roll call vote of six in favor (Roberts, Noms, Serman, Font, Kirven and Payne) and six in opposition (Meadows, Cates, Taylor, Ballard, Dill and Barnes).

ACTION: Councilor Cates moved to divide the question into two separate issues.

Councilor Font asked if nine votes in favor were still needed.

Mark Tollison stated it was his opinion that the original amendment could still probably be passed with seven votes in favor at this time. He recommended Council go into Executive Session for additional legal advice.

Chairman Kirven asked if the ordinance passed with less than nine votes, could a complaint be filed indicating passage not in accordance with State law. He suggested Council go into Executive Session to discuss the legalities.

Councilor Taylor asked who could challenge the passage of an ordinance or amendment with seven votes as opposed to nine votes.

Mark Tollison stated a Council member could possibly challenge a vote. He added if Council moved forward under State law that the amendment was to confirm Council's desire to have passage with seven votes. The State statute has established authority for putting in a service fee and the General Assembly has prescribed the method.

Vice-Chairman Meadows stated he felt the original motion violated the State Constitution in that it encompassed two separate subjects. This was called bob-tailing or log rolling. The Supreme Court has ruled this practice was illegal. He recommended supporting Councilor Cates motion.

Motion to split the question was denied by a roll call vote of six in favor (Meadows, Cates, Taylor, Ballard, Dill and Barnes) and six in opposition (Roberts, Noms, Serman, Font, Kirven and Payne).

EXECUTIVE SESSION (legal matter)

ACTION: Councilor Font moved to go into Executive Session for legal advice related to pending, threatening, or potential claims.

Motion to go into Executive Session carried by a roll call vote of seven (Roberts, Taylor, Noms, Serman, Font, Kirven and Payne) in favor and five (Meadows, Cates, Ballard, Dill and Barnes) in opposition. County Council entered into Executive Session at 7:14 p.m.

RECONVENE

Mr. Tollison reported Greenville County Council out of Executive Session stating no action was taken during the session.

The meeting reconvened at 7:42 p.m.

ACTION: Councilor Serman called the question.

Motion to call the question carried unanimously.

Motion as originally presented carried by a roll call vote of seven (Roberts, Taylor, Norris, Semon, Font, Kirven and Payne) in favor and five (Meadows, Cafes, Ballard, Dill and Barnes) in opposition.

Chairman Kirven stated the conflict between the State law which required seven (7) votes to pass and the County ordinance which required nine (9), still existed. He noted that until the conflict was resolved, State law took precedence over the County ordinance, and the item would move forward for third reading.

(c) **Transfer Property to Campbell Young Leaders**

ACTION: Vice-Chairman Meadows moved for approval of second reading on ordinance to authorize and approve the transfer of approximately 3.33 acres of real property located in the Woodside Mill Community to Campbell Young Leaders, a South Carolina non-profit corporation, or its assigns, and to authorize the execution of a deed and any other appropriate documents and agreements related thereto.

Motion carried unanimously.

(d) **Project Desperado / Fee In Lieu of Tax Agreement and Amended and Restated Infrastructure Credit Agreement**

ACTION: Vice-Chairman Meadows moved for approval of second reading on ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and a Company known to the County at this time as Project Desperado with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, authorizing the execution and delivery of an amended and restated infrastructure credit agreement between Greenville County, South Carolina and Project Desperado reflecting an extension of the credit period and an increase in the amount of the infrastructure credit, and other matters related thereto.

Motion carried unanimously.

Item (10) **ORDINANCES - FIRST READING**

(a) **Zoning Ordinances**

Councilor Dill presented for first reading Zoning Dockets CZ-2017-13 through CZ-2017-17.

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

(b) **False Alarm Ordinance Amendment**

Councilor Ballard presented for first reading an ordinance to amend Chapter 11, Article IV of the County of Greenville, South Carolina Code of Ordinances so as to require an alarm system monitoring company to attempt to verify whether an alarm signal is valid before requesting dispatch, to change the number of permitted false alarms from per calendar quarter to per calendar year, to provide for graduated increases in the civil penalties for false alarms, and related matters thereto.

Chairman Kirven stated the item would remain on the floor.

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

Vice-Chairman Meadows 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 Project Mousetrap and with respect to certain economic development property in the County, whereby such property will 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 (11)

COMMITTEE REPORTS

None

Item (12)

APPEARANCES BY CITIZENS

- Ed Paxton, 1 York Circle, Greenville - appeared regarding the County's request for the new County building proposals.
- Rufus Perry, 104 Priores Place, Piedmont - appeared regarding litter problems in Greenville County.
- William Shives, 110 Dexter Drive, Taylor - appeared regarding accountability in Greenville County Government.
- Tony Gillard, 527 Valley Creek Drive, Greer - appeared regarding property taxes.

Item (13)

ADMINISTRATOR'S REPORT

County Administrator Joe Kerrell stated the County has received the first of two vacuum-type litter trucks. He stated they have cleaned up Scuffletown Road, Highway 418, Lily Street, Furman Hall Road, Jonesville Road and were currently working this week in City View, Woodside, and Highway 123. He stated the second truck was due to arrive within the next month which would give them twice the capacity. The trucks would make their way around the County, on a worst-first basis.

Mr. Kerrell announced Animal Care has reached a save rate of 91% for dogs, 80% for cats and 88% overall. He stated the County's goal was to reach the mid-90's in the coming month. Greenville County accepts some of Spartanburg's animals, and recently they too have adopted the "trap, neuter, release" program that was adopted by Council some time back. He stated this action by Spartanburg was beginning to pay dividends to Greenville.

Item (14)

REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- Chairman Kirven expressed his concern with the placement of the Veterans Monument once the County offices were relocated. He announced the formation of a committee to be led by veterans to study and make recommendations to Council concerning the future of the monument. Mr. Kirven appointed Doug Greenlaw to be Chairman of the committee.

- Councilor Nantz thanked the County for developing a program to clean up the litter around Greenville. She stated she was glad to hear of the efforts being made regarding the memorial as her husband fought in World War II.
- Councilor Seman stated Greenville City Council recently appointed Bob Knight to a three year term on the SCTAC Board of Directors.
- Councilor Fant stated Vision 25 was a group of people who represented all 18 precincts in District 25 to help coordinate in the areas of resident engagement, public safety, affordable housing and economic development. He stated he has asked that members come and participate in each Council meeting. He introduced the Executive Director, Dr. Don Smith and his wife Cassandra, and Mr. Dagan, Director of Communications and Planning. Also present was Tabitha Crawford of Partners of 25, whom he thanked for attending.
- Councilor Ballard thanked all the fire chiefs and commissioners who came out in support of the Communications Fee. He also thanked the members of Council for supporting the ordinance and moving it forward.
- Councilor Dill inquired about the Chairman's ruling regarding the Public Safety Communications Fee / Road Maintenance Fee ordinance.
- Councilor Barnes thanked the representatives of the fire departments for being present.

Item (15) ADJOURNMENT

ACTION: Councilor Cates moved to adjourn the meeting.
Motion carried unanimously and the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Theresa B. Kizer, Clerk to Council

**GREENVILLE COUNTY COUNCIL
REGULAR MEETING
March 7, 2017
6:00 p.m.
Council Chambers - County Square**

ELECTRONICALLY FILED - 2017 Apr 10 11:52 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

1. CALL TO ORDER

Chairman Birch Kirven

2. INVOCATION (Introduced by Councilor Willis Meadows)

Curtis Dubose, Assistant Pastor
Mitchell Road Presbyterian Church

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

- a. February 21, 2017 - Regular Council Meeting

5. PUBLIC HEARINGS

- a. Greater Greenville Sanitation Annexation / Properties on Montague Circle

Councilor Liz Seman

- b. Hospitality Tax / Supplemental Appropriation - SC Children's Theatre and Greenville Center for Creative Arts

Councilor Willis Meadows

- c. Public Safety Telecommunications and Road Maintenance Fees

Councilor Willis Meadows

- d. AVX Corporation (formerly Project Desperado) / Fee in Lieu of Tax Agreement and Amended and Restated Infrastructure Credit Agreement

Councilor Willis Meadows

6. APPEARANCES

Current Agenda Items

7. CONSENT AGENDA

- a. 2017 Grievance Committee (Finance)

8. RESOLUTIONS

- a. Greater Greenville Sanitation Annexation / Properties on Montague Circle **

Councilor Liz Seman

GREENVILLE COUNTY COUNCIL

A resolution to enlarge the boundaries of the Greater Greenville Sanitation District to include the properties on Montague Circle, and to provide for public notice thereof.

Resolution
Map

ELECTRONICALLY FILED - 2017 Apr 10 11:52 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

9. ORDINANCES - THIRD READING

a. Zoning Ordinances*

Councilor Joe Dill

- 1. CZ-2017-01, Property of Byron Ramirez Anstizabal, 1703 Rutherford Road (Council District 20), L-1 to S-1
- 2. CZ-2017-02, Property of Jay Berson, Mark III Properties, Reedy Fork Road (Council District 28), R-S to R-12
- 3. CZ-2017-03, Property of Niki P. Kythas, 1303 Geer Highway (Council District 17), C-1 to C-3
- 4. CZ-2017-04, Property of Two Messers, LLC, Turnstone Circle (Council District 18), R-20 to R-10
- 5. CZ-2017-05, Property of Easton Capital, State Park Road and Worley Road (Council District 23), PD to PD-MC with conditions
- 6. CZ-2017-07, Property of Lisa Marie Stamey-Looper, 250 Sulphur Springs Road (Council District 19), O-D to R-M2
- 7. CZ-2017-08, Property of Charles P. Willimon, West side of Standing Springs Road (Council District 28), R-S to R-12
- 8. CZ-2017-11, Property of Kevin Buckner, Basley Bridge Road (Council District 23), R-M20 to FRD with conditions

b. Hospitality Tax / Supplemental Appropriation - SC Children's Theatre and Greenville Center for Creative Arts **

Councilor Willis Meadows

An ordinance to amend Exhibit A established as an addendum to Ordinance 4079, as last amended by Ordinance No. 4868, so as to appropriate additional operating funds for tourist related projects.

Ordinance
Exhibit A

c. Public Safety Telecommunications and Road Maintenance Fees **

Councilor Willis Meadows

An ordinance to establish a uniform charge for the provision of upgraded county-wide public safety telecommunication services to all real property within Greenville County; and to amend Ordinance No. 2474, as amended, so as to increase the County Road Maintenance Fee.

Ordinance

d. **Transfer Property to Campbell Young Leaders**

Councilor Willis Meadows

An ordinance to authorize and approve the transfer of approximately 6.33 acres of real property located in the Woodside Mill Community to Campbell Young Leaders, a South Carolina non-profit corporation, or its assigns, and to authorize the execution of a deed and any other appropriate documents and agreements related thereto.

Ordinance

e. **AVX Corporation (formerly Project Desperado) / Fee in Lieu of Tax Agreement and Amended and Restated Infrastructure Credit Agreement ****

Councilor Willis Meadows

An ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and AVX Corporation with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; authorizing the execution and delivery of an amended and restated infrastructure credit agreement between Greenville County, South Carolina and AVX Corporation reflecting an extension of the credit period and an increase in the amount of the infrastructure credit, and other matters related thereto.

Ordinance

Fee in Lieu of Tax Agreement

Amended and Restated Infrastructure Credit Agreement

10. **ORDINANCES - SECOND READING**

a. **False Alarm Ordinance Amendment**

Councilor Lynn Ballard

An ordinance to amend Chapter 11, Article IV of the County of Greenville, South Carolina Code of Ordinances so as to require an alarm system monitoring company to attempt to verify whether an alarm signal is valid before requesting dispatch; to change the number of permitted false alarms from per calendar quarter to per calendar year; to provide for graduated increases in the civil penalties for false alarms, and related matters thereto.

Ordinance

b. **Project Mousetrap / Fee in Lieu of Tax Agreement**

Councilor Willis Meadows

An ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and Project Mousetrap and with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, and other matters related thereto.

Ordinance

Fee in Lieu of Tax Agreement

11. **COMMITTEE REPORTS**

12. APPEARANCES BY CITIZENS - items not listed on the current agenda

"No matter shall be heard by Council unless it is within Council's authority or jurisdiction." - County Council Rules

13. ADMINISTRATOR'S REPORT

14. REQUESTS AND MOTIONS BY COUNCIL MEMBERS

15. ADJOURNMENT

* denotes items that have had a public hearing and are not eligible for public comments this evening
** denotes items that have public hearings scheduled on the evening's agenda

ELECTRONICALLY FILED - 2017 Apr 10 11:52 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

NOTICE OF PUBLIC HEARING

A public hearing will be held on Tuesday, March 7, 2017, at 6:00 p.m., (or as soon thereafter as other public hearings are concluded), in Council Chambers, 301 University Ridge, Greenville, SC 29601 for the purpose of receiving comments from members of the public concerning a proposed ordinance to establish a uniform public safety telecommunications user fee of \$14.95, annually imposed upon each parcel of real property located in Greenville County, for the provision of upgraded county-wide public safety telecommunication services to all real property within Greenville County; and to amend Ordinance No. 2474, as amended, so as to increase the county road maintenance fee to twenty-five and 00/100 Dollars (\$25.00).

Butch Kirven, Chairman
Greenville County Council

Advertise: Friday, February 17th

ELECTRONICALLY FILED - 2017 Apr 10 11:52 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

No. _____

AN ORDINANCE

TO ESTABLISH A UNIFORM CHARGE FOR THE PROVISION OF UPGRADED COUNTY-WIDE PUBLIC SAFETY TELECOMMUNICATION SERVICES TO ALL REAL PROPERTY WITHIN GREENVILLE COUNTY; AND TO AMEND ORDINANCE NO. 2474, AS AMENDED, SO AS TO INCREASE THE COUNTY ROAD MAINTENANCE FEE.

WHEREAS, first responders and public safety service providers in Greenville County, including city and county law enforcement, fire departments and emergency medical services, communicate with each other over a series of radio networks dedicated to public safety communications; however, these networks are independently operated with uneven coverage, mixed bands and incompatible equipment; and

WHEREAS, while this mixture of unconnected networks has functioned for decades, those on the front line have identified a need to upgrade public safety communications for all first responders serving Greenville County; and

WHEREAS, upgrades to the public safety telecommunications network in Greenville County are needed now as many of our County-wide first responders are using equipment that is nearing end of life and does not allow for interoperability among first responder agencies; and

WHEREAS, a public safety telecommunications network is designed, built and maintained to a higher standard than consumer telecommunications as it must work reliably in emergencies when consumer networks face overload or failure; and

WHEREAS, moving all County-wide public safety telecommunications to a single network platform will promote the safety of life and property in Greenville County by providing much needed modernization of current public safety telecommunications infrastructure, ensures County-wide emergency and public safety telecommunications coverage to all persons and property located in Greenville County, improves County-wide public safety telecommunications coverage and reliability, advances the goal of ensuring interoperable communications for first responders agencies within Greenville County and State-wide; provides significant benefits in crisis management operations where immediate communications can save lives and prevent the loss of property, eases the transition to future technologies while reducing the risks associated with equipment obsolescence, and minimizes capital expenses related to necessary infrastructure upgrades; and

WHEREAS, for almost 25 years Greenville County and its citizens have benefitted from the use of the Road Maintenance Fee as a dedicated source of funding to support the maintenance and improvement of the road system across Greenville County; and

WHEREAS, the South Carolina State Infrastructure Bank provides State funding to local road improvement projects that can provide a strong local match; and

WHEREAS, Greenville County has an opportunity to leverage available Transportation Infrastructure Bank funds to accelerate major GPATS road improvement projects that would alleviate traffic and benefit the citizens of Greenville County; and

WHEREAS, pursuant to Section 4-9-30(5) of the Code of Laws of South Carolina, as amended, the County is authorized and empowered to levy uniform service charges to provide for operations and functions of the county, including, but not limited to public works, roads, and public safety; and

WHEREAS, the County deems it appropriate, desirable and equitable to fund the costs of providing County-wide public safety telecommunications on a common platform through the levy of a uniform service fee on all parcels of real property in Greenville County and to continue to support the maintenance and improvement of the road system across Greenville County with an increase to the Road Maintenance Fee.

NOW, THEREFORE, BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Authority. Greenville County Council is authorized by Section 4-9-30 of the Code of Laws of South Carolina, as amended, to levy uniform service charges to provide for public works, including roads, and public safety.

Section 2. Public Safety Telecommunications Fee. There shall be a uniform public safety telecommunications service fee of \$14.95 annually imposed upon each parcel of real property located in Greenville County to support enhanced access to County-wide emergency and public safety for all property located in the County. The public safety telecommunications fee shall be included on real property tax notices in such manner and method as determined by the Greenville County Administrator and collected by the County Tax Collector pursuant to State law. The uniform public safety telecommunications service fee shall be due, payable and collected in the same manner as real property taxes and shall be subject to the same penalties and interest as overdue real property taxes. The proceeds from the collection of such fees shall be deposited into the County general fund special public safety telecommunications account. The proceeds of such fund shall be specifically used for (1) the lease, purchase, lease-purchase, or maintenance of County-wide public safety telecommunications network infrastructure and network components including radios, towers, equipment, 800 MHz service or similar services as technology advances, computer hardware, software and non-recurring costs of establishing the network platform; and (2) rates associated with the network service provider's service and provider's recurring charges. Funds not used in any fiscal year shall be carried forward and used exclusively for the above allowed interoperable public safety telecommunication operations in the County.

Section 3. Road Maintenance Fee Amendment. Section 2 of Ordinance No. 2474, as amended by Ordinance No. 2513, is hereby amended to change the road maintenance fee to Twenty-five and 00/100 Dollars (\$25.00) and the references to the "Department of Revenue and Taxation-Division of Motor Vehicles" is amended to the "South Carolina Department of Motor Vehicles."

Section 4. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

Section 6. Effective Date. This Ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2017.

Herman G. Kirven, Jr., Chairman
Greenville County Council

ATTEST:

Theresa Kizer
Clerk to Council

Joseph M. Kernell
County Administrator



GREENVILLE COUNTY COUNCIL MINUTES

REGULAR MEETING

MARCH 7, 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, ABSENT

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 Keneff, County Administrator

Mark Tollison, County Attorney

Dean Campbell, Deputy County Attorney

Jeff Wills, Assistant County Attorney

John Hansley, Deputy County Administrator

Theresa Klzer, Clerk for Council

Regina McCaskill, Deputy Clerk for Council

Jessica Stone, Administrative Assistant, Clerk for Council

Bob Mhalla, Governmental Relations Officer

Paula Gucker, Assistant County Administrator, Public Works

Chief Deputy Eldridge, Sheriff's Office

John Vandermosten, Assistant County Administrator, Public Safety

OTHERS PRESENT

None

CALL TO ORDER

Chairman Butch Kirven

INVOCATION - Introduced by Councilor Willis Meadows

Curt Dubose, Assistant Pastor,
Mitchell Road Presbyterian Church

PLEDGE OF ALLEGIANCE

Item (4) APPROVAL OF MINUTES

ACTION: Councilor Norris moved to approve the minutes of the February 21, 2017, Regular Council Meeting.
Motion carried unanimously by Council Members present.

Item (5) PUBLIC HEARINGS

(a) Greater Greenville Sanitation Annexation / Properties on Montague Circle

A public hearing was held for the purpose of receiving comments from the public regarding a resolution to enlarge the boundaries of the Greater Greenville Sanitation District to include the properties on Montague Circle, and to provide for public notice thereof.

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

(b) Hospitality Tax / Supplemental Appropriation - SC Children's Theatre and Greenville Center for Creative Arts

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance to amend Exhibit A established as an addendum to Ordinance 4079, as last amended by Ordinance No. 4868, so as to appropriate additional operating funds for tourist related projects.

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

(c) Public Safety Communications and Road Maintenance Fees

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance to establish a uniform charge for the provision of upgraded county-wide public safety telecommunication services to all real property within Greenville County, and to amend Ordinance No. 2474, as amended, so as to increase the County Road Maintenance Fee.

- * Stephen Graham, 221 Kylemore Ln., Greer - appeared in favor of the proposed.
- * William McDowell, 908 Crestwyck Ln., Greenville - appeared in favor of the proposed.
- * Jimmy Jones, 169 Haskell Jones Rd., Cedar Mountain, NC - appeared in favor of the proposed.
- * Nina Hallisey, 800 Butler Springs Rd., Greenville - appeared in favor of the proposed.
- * Valerie Wade, 752 W. Gap Creek Rd., Greer - appeared in opposition of the proposed.
- * Jan Lee Williams, 6 Crabapple Ct., Greenville - appeared in opposition of the proposed.
- * Charles Crosby, 209 Shodecrest Dr., Mauldin - appeared in opposition of the proposed.
- * Anthony Gillard, 527 Valley Creek Dr., Greer - appeared in opposition of the proposed.
- * William Shives, Jr., 110 Dexter Dr., Taylor - appeared in opposition of the proposed.

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

(d) **AVX Corporation (formerly Project Desperado) / Fee In Lieu of Tax Agreement and Amended and Restated Infrastructure Credit 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 AVX Corporation with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; authorizing the execution and delivery of an amended and restated infrastructure credit agreement between Greenville County, South Carolina and AVX Corporation reflecting an extension of the credit period and an increase in the amount of the infrastructure credit; and other matters related thereto.

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

Item (6) **APPEARANCES - current agenda items**

None

Item (7) **CONSENT AGENDA**

(a) **2017 Grievance Committee**

ACTION: Councilor Seman moved approval of the Consent Agenda Item.

Motion carried unanimously by Council Members present.

Item (8) **RESOLUTIONS**

(a) **Greater Greenville Sanitation Annexation / Certain Properties on Montague Circle**

ACTION: Councilor Seman moved for adoption of a resolution to enlarge the boundaries of the Greater Greenville Sanitation District to include the properties on Montague Circle, and to provide for public notice thereof.

Motion carried unanimously by Council Members present.

Item (9) **ORDINANCES - THIRD READING**

(a) **Zoning Ordinances**

1. **CZ-2017-01: Property of Byron Ramirez Artizabal, located at 1703 Rutherford Road, requesting rezoning from I-1 to S-1.**

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

Motion carried unanimously by Council Members present.

2. **CZ-2017-02: Property of Jay Beeson, Mark III Properties, located on Keedy Fork Road, requesting rezoning from R-5 to R-12.**

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

Motion carried unanimously by Council Members present.

3. CZ-2017-03: Property of Niki P. Kythias, located at 1303 Geer Highway, requesting rezoning from C-1 to C-3.

ACTION: Councilor Dill moved adoption of the ordinance at third reading.
Motion carried unanimously by Council Members present.

4. CZ-2017-04: Property of Two Messers, LLC, located on Tarentine Circle, requesting rezoning from R-20 to R-10.

ACTION: Councilor Dill moved adoption of the ordinance at third reading.
Motion carried unanimously by Council Members present.

5. CZ-2017-05: Property of Easton Capitol, located on State Park Road and Worley Road, requesting rezoning from PD-15 PD-MC, with conditions.

ACTION: Councilor Dill moved adoption of the ordinance at third reading.
Motion carried unanimously by Council Members present.

6. CZ-2017-07: Property of Lisa Marie Stamey-Lapper, located at 250 Sulphur Springs Road, requesting rezoning from O-D to R-M2.

ACTION: Councilor Dill moved adoption of the ordinance at third reading.
Motion carried unanimously by Council Members present.

7. CZ-2017-08: Property of Charles P. Willman, located on the west side of Standing Springs Road, requesting rezoning from R-3 to R-12.

ACTION: Councilor Dill moved adoption of the ordinance at third reading.
Motion carried unanimously by Council Members present.

8. CZ-2017-11: Property of Kevin Buckner, located on Eastley Bridge Road, requesting rezoning from R-M20 to FRD, with conditions.

ACTION: Councilor Dill moved adoption of the ordinance at third reading.
Motion carried unanimously by Council Members present.

(c) Public Safety Telecommunications and Road Maintenance Fees

Without objection, Chairman Krivan stated Item 9 (c) Public Safety Telecommunications and Road Maintenance Fees would be heard before Item 9 (b) Hospitality Tax / Supplemental Appropriation - SC Children's Theatre and Greenville Center for Creative Arts as Councilor Taylor had to leave the meeting early.

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 telecommunication services to all real property within Greenville County; and to amend Ordinance No. 2474, as amended, so as to increase the County Road Maintenance Fee.

ACTION: Councilor Fant moved to suspend Council Rules to allow for amendments at third reading.
Councilor Dill stated Council previously voted on the same issue at second reading. He inquired if the issue could be brought to the table continuously.

Chairman Kirven stated as an amendment, the issue could be brought to the table again. If Council voted to suspend the rules, the amendment would be in order.

Vice-Chairman Meadows asked Mark Tollison for further verification.

Mark Tollison stated if Council voted in favor to suspend the rules, the ordinance was susceptible to the amendment.

Councilor Dill asked even if a vote had already occurred on the issue. He added that Councilor Font had presented a motion but did not recall the previous action of the Council.

Mark Tollison stated he did not feel there was a limitation on amendments at second or third reading under Council Rules.

Councilor Dill stated if Council Rules were suspended other amendments could be put on the floor.

Motion to suspend Council Rules was denied by a roll call vote of six (Roberts, Norris, Seman, Font, Kirven and Payne) in favor and five (Taylor, Ballard, Dill, Barnes and Meadows) in opposition. Councilor Cates was absent.

Councilor Ballard stated the Attorney General had been asked to render an opinion to clarify a difference of opinion between the County Attorney and six Council Members. Councilor Ballard stated the County Attorney had stated that State Statute 6-1-330, which indicated fees could be approved by a majority of the body, superseded County Ordinance No. 3867, which required nine votes for approval. Councilor Ballard stated it was understood by the Home Rule Act that ordinances were the governing vehicle for Council.

ACTION:

Councilor Ballard moved to hold the item until the Attorney General had rendered an opinion regarding the number of votes needed for approval.

Motion to hold the item was denied by a roll call vote of five (Taylor, Ballard, Dill, Barnes and Meadows) in favor and six (Roberts, Norris, Seman, Font, Kirven and Payne) in opposition. Councilor Cates was absent.

Vice-Chairman Meadows stated it appeared Council was not fully aware of what the ordinance entailed. He stated the first part of the ordinance dealt with public safety telecommunications and was vetted over a two year period of time. He stated the Fire Chiefs, Commissioners and Fire Districts came together and worked out their differences and came up with an ordinance they could all agree on. He stated there had been no such discussions with the second part of the ordinance dealing with the Road Maintenance Fee. Vice-Chairman Meadows stated there were some good projects proposed and items that Council should certainly consider. He stated the item could be looked at as if the County invested 15% and received 85% back in returns. In that respect, it was a good investment and was a wise use of the County's money and the taxpayers' money. Vice-Chairman Meadows added there were a lot of questions that needed to be answered. He stated Council should defect the ordinance and bring the items back up separately.

Councilor Roberts stated if Council waited to move forward on all the issues until all questions were answered, they would never be able to get anything accomplished. He stated he had heard from many of his constituents, as well as area business leaders, to get something done about the roads in Greenville County. Councilor Roberts stated many potential business leaders could decide not to locate or relocate their business in Greenville County due to the condition of the roads.

Councilor Fant stated the nine vote passage requirement was antithetical to a democracy and ran counter to the principles of a republic form of government. He added that Council did not need a Council from 15 years ago to protect the citizens of Greenville County. He stated the citizens of District 25 elected him to represent them, to change the status of their community, and to carve a better future for them as well as their children and generations yet unborn. Councilor Fant stated both established and prospective business owners have expressed frustration with Council's lack of commitment to roads and infrastructure. Businesses that were already here did not want to expand and potential businesses have questioned Council's commitment. Councilor Fant stated the current roads program was approximately \$6 million per year with \$4.4 million spent for road resurfacing and \$1.6 million spent for intersections, improvements, widenings and some match for outside funding. Councilor Fant stated \$6 million came from the road fees from approximately 400,000 vehicles at \$15 per vehicle. Over the last 10 years, the number of vehicles registered in Greenville County had increased 2.26% or 321,000 vehicles in 2007 to 400,000 in 2017. Councilor Fant stated the current budget allowed for the resurfacing of 23 miles of roads per year, of the approximately 1600 miles of roads in Greenville County. He stated at that rate, County roads could be resurfaced every 69 years. Councilor Fant stated 302 miles of roads had been added to the County road system since the \$15 road user fee was put in place. Resurfacing costs approximately \$185,700 per mile. He added the \$15 fee implemented in 1993 had lost 40.8% of its purchasing power while the cost of asphalt had increased from \$220 per ton to \$495 per ton in the last 10 years. Councilor Fant stated a \$10 increase in the road user fee would increase the County road program by \$4 million per year. He stated half of the money could be used to resurface over 10 miles per of roads year and the other half could be used for County road widening projects, intersection improvements, and to bring in outside funds mainly for large scale projects to address major congested areas and traffic bottlenecks that affected all drivers in Greenville County. He strongly urged his colleagues to pass the ordinance.

Vice-Chairman Meadows stated the County was operating under many ordinances that were much older than the item in question. He stated the number of registered vehicles has risen 2.5% every year for an increase of more than 11%. Vice-Chairman Meadows stated the \$4 million generated yearly from the road user fees was equal to 2 mills. He stated when Council did not vote to change the nine vote requirement during the last Council meeting, then that meant that Ordinance No. 3967 was still in effect and, therefore, the ordinance did not pass with seven votes. Vice-Chairman Meadows stated he supported contacting the Attorney General for clarification. Vice-Chairman Meadows stated there were some serious problems with the ordinance and Council needed to take time and work out the details. He urged his colleagues to vote against the ordinance.

Councilor Dill stated there was another way to pay for the telecommunications services and that was through the Stormwater money, which was already on the books. He added it would be a simple process and if the Stormwater money fell short in the future, Council could address the situation at that time. Councilor Dill cited a situation concerning an elderly female living in his area who wanted to stay in her home as long as possible. He stated the \$25 increase for both aspects of the ordinance could affect her greatly. Councilor Dill stated he was in favor of the telecommunications aspect of the ordinance and he wanted the roads to be fixed. He stated Council should sit down and discuss the road user tax or fees. He stated he would be voting against the ordinance.

Councilor Semon called for the question.

Motion to call the question carried unanimously by Council Members present.

Motion as presented carried by a roll call vote of seven (Roberts, Taylor, Nims, Semon, Fant, Kiven and Payne) in favor and four (Ballard, Dill, Barnes and Meadows) in opposition. Councilor Coles was absent.

Chairman Kirven stated by a ruling of the chair, the motion was approved by a vote of seven in favor and four in opposition. He stated Council would abide by the Attorney General's decision regarding the nine vote requirement.

Councilor Fant asked how Council should move forward in regards to the nine vote requirement for passage.

Mark Tolison stated the nine vote requirement could be amended in the ordinance that just passed or it could be amended in a stand-alone ordinance. He added that any Council Member was free to introduce an ordinance of first reading and have the proposed ordinance referred to the appropriate committee.

Councilor Taylor left the meeting.

(b) Hospitality Tax / Supplemental Appropriation - SC Children's Theatre and Greenville Center for Creative Arts

ACTION: Vice-Chairman Meadows moved for adoption of third reading on ordinance to amend Exhibit A established as an addendum to Ordinance 4079, as last amended by Ordinance No. 4868, so as to appropriate additional operating funds for tourist related projects.

Motion carried unanimously by Council Members present.

(d) Transfer Property to Campbell Young Leaders

ACTION: Vice-Chairman Meadows moved for adoption of third reading on ordinance to authorize and approve the transfer of approximately 6.33 acres of real property located in the Woodside Mill Community to Campbell Young Leaders, a South Carolina non-profit corporation, or its assigns, and to authorize the execution of a deed and any other appropriate documents and agreements related thereto.

Motion carried unanimously by Council Members present.

(e) AVX Corporation (Formerly Project Desperado) / Fee in Lieu of Tax Agreement and Amended and Restated Infrastructure Credit Agreement

ACTION: Vice-Chairman Meadows moved for adoption of third reading on ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and AVX Corporation with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; authorizing the execution and delivery of an amended and restated infrastructure credit agreement between Greenville County, South Carolina and AVX Corporation reflecting an extension of the credit period and an increase in the amount of the infrastructure credit and other matters related thereto.

Motion carried unanimously by Council Members present.

Item (10) ORDINANCES - SECOND READING

(a) False Alarm Ordinance Amendment

ACTION: Councilor Ballard moved for approval of second reading on ordinance to amend Chapter 11, Article IV of the County of Greenville, South Carolina Code of Ordinances so as to require an alarm system monitoring company to attempt to verify whether an alarm signal is valid before requesting dispatch; to change the number of permitted false alarms from per calendar quarter to per calendar year; to provide for graduated increases in the civil penalties for false alarms; and related matters thereto.

AMENDMENT: Councilor Ballard moved to allow for amendments at third reading.

Motion to allow for amendments at third reading carried unanimously by Council Members present.

Councilor Dill requested clarification regarding the term "site" in the ordinance. He asked if it meant the alarm company or where the alarm was located.

Councilor Ballard stated the term "site" indicated where the alarm was located. He added that the proposed amendment specified that the alarm system monitoring company was to attempt to verify whether an alarm signal was valid prior to requesting dispatch.

Councilor Dill stated the ordinance did not state the alarm system monitoring company was to attempt to verify whether an alarm signal was valid. He stated he was concerned that the alarm companies were not being held accountable for some of the false alarms.

Councilor Ballard stated a review of the false alarms totaling seven or more from specific sites within a six months period was studied. One of the companies on the list had 39 false alarms and another had 33 false alarms within the specified time period. Councilor Ballard stated the major offenders were all businesses, not residences. The ordinance and the amendment dealt with both businesses and residences. He added that a false alarm cost the County 20 - 45 minutes of deputy time to deal with the situation and the County was trying to address that issue by putting the burden on the chronic offenders of false alarms.

Councilor Dill asked who dispatched the police to the site of the false alarm.

Councilor Ballard stated the alarm company contacted law enforcement.

Councilor Dill asked why the alarm companies were not responsible for the false alarms.

Councilor Ballard stated the alarm companies were also responsible for the false alarms.

Councilor Dill asked if the alarm companies would have to pay the fines for the repeat offenders.

Councilor Ballard stated if an alarm goes off, the alarm company contacted the responsible party on file. Some of the alarm companies were only calling one number and not making additional efforts to contact the responsible party.

Councilor Dill stated he understood the alarm company contacting law enforcement if they were unable to contact the responsible party.

Councilor Ballard stated part of the change in the ordinance stated the alarm company had to make two calls to resolve the issue before contacting law enforcement.

Councilor Fant stated that \$500 was a lot of money and inquired if it was possible to reduce the amount of the fines.

Councilor Ballard stated that was why he requested amendments be allowed at third reading. Currently, the County charged \$100 for a false alarm after the first two per quarter. He added that the County did not want the money, they wanted to avoid dispatching law enforcement when it was not necessary.

Vice-Chairman Meadows stated he was glad the new ordinance had not gone into effect yet. He stated he had two false alarms recently and he felt it was the alarm sensor. Vice-Chairman Meadows stated he agreed Council needed to review the proposed fines.

Councilor Dill asked what the fees were used for.

Councilor Ballard stated all the monies collected from the fees went to the Sheriff's Office Communications Department and that was the department that monitored and set up alarms.

Councilor Dil asked if there was a shortfall of funds in that specific department.

Councilor Ballard confirmed there was a shortfall of funds in that department on a yearly basis and the shortfall had to be made up with the Sheriff's budget. He added the ordinance was not a money-making proposition for the Sheriff's Office.

Motion as amended carried unanimously by Council Members present. Councilor Cole and Council Taylor were absent.

(5) Project Mousetrap / Fee In Lieu of Tax Agreement

Vice-Chairman Meadows moved for approval of 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 Project Mousetrap and with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes and other matters related thereto, and delay third reading of the ordinance until April 4th in order for a public hearing to be scheduled.

Motion carried unanimously by Council Members present.

Item (11)

COMMITTEE REPORTS

None

Item (12)

APPEARANCES BY CITIZENS

- Traci Font, 211 Creektop Ct., Greenville - appeared regarding pedestrian safety.
- William Jocoy, 4 Paloski Ct., Simpsonville - appeared regarding pedestrian safety.
- Migdalia Abrams, 154 Valley Brook Rd., Piedmont - appeared regarding pedestrian safety.
- Chris Teasley, 159 Oakvale Dr., Piedmont - appeared regarding pedestrian safety.
- Miriam Champlin, 336 Loop St., Greenville - appeared regarding a recreation center in New Washington Heights.
- Bobby Davis, 6 Sentinel Ct., Greer - appeared regarding socialist - immoral or moral.
- Demetrius Sims, 127 Chick Springs Rd., Taylors - appeared regarding the Sheriff's Department.
- Patricia Taylor, 311 Poplar Ln., Mauldin - appeared regarding property taxes.
- Bruce Wilson, 14 Freestone St., Greenville - appeared regarding Greater Greenville Sanitation.

Item (13)

ADMINISTRATOR'S REPORT

No report

Item (14)

REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- Councilor Roberts stated his appreciation for everyone and hoped they could move forward working together.
- Councilor Norris stated her concerns for problems on the west side of Greenville, such as litter, recreation, and transportation. Regarding speaker Demetrius Sims, Ms. Norris stated he had served his debt and was now wanting to get a job and live a good life, but he needed help because jobs were not available for the poor.
- Councilor Fant encouraged everyone to keep moving forward and expressed his respect for each member of Council, reminding them they all wanted what was best for Greenville County. Mr. Fant shared with everyone a new app called "litter ends here" that was designed to help clean up litter in Greenville County. He encouraged everyone to download and use the app. He then recognized members of Vision 25, Executive Director of Planning and Communications Sanjay Dogan, Chairman of Economic Development George Singleton and Kris Ann Robinson who served on the Resident Engagement Committee.
- Councilor Ballard stated litter in his district was a problem given that the landfill was in his district and trash blew off trucks as they went down Highway 25. He and his constituents were encouraged by the new suction trucks now owned by the County. He thanked Ms. Gucker and her staff for helping clean up the street where his granddaughters were now living by removing a buried out house as well as a lot of old trailers. He stated the street however was very dark and was not utilized much and has become a dumping ground. He encouraged citizens to take pictures of these areas and send them in so that they could be taken care of.
- Chairman Kiven expressed his concern with the issue raised by the speakers regarding dark streets and the risk to pedestrians. He asked the Public Safety Committee to look into the matter to see what the County could do to make those streets safer.
- Councilor Payne stated he had attended the NACo meeting the previous week where he learned there were over 3000 counties nationwide and Greenville County was in the top 25 in terms of financial management. He stated Greenville was also on the cutting edge in technology and innovation. Mr. Payne stated in the next couple of weeks, GUCAR would be making an announcement regarding an Israeli company wanting to come to South Carolina to do a start-up. He then announced NACo offered a program for peer exchange visits the next of which would be March 23-24 and would take place in Chatham County, Georgia. He asked that if any Council members were interested in participating to let him know.
- Councilor Dill encouraged his colleagues to participate in the questionnaires provided to them by NACo if they wanted their views and positions heard. Mr. Dill stated he finally saw the vacuum truck while down in District 27 and he couldn't wait to see them come down Memorial Drive just outside of Greer.
- Councilor Barnes stated he was hopeful that Council could work out their differences. He stated it was his desire that future matters be held separately in order to let them stand on their own merit. He wanted Council to get to the bottom of whether it would take nine votes or seven votes before they vote on any such matters in the future.
- Councilor Serjan stated SCTAC management was honored to host Councilman Ennis Fant and Councilman Rick Roberts at the SCTAC corporate office for an overview presentation and orientation on March 1st. She then expressed birthday wishes to Councilor Norris.

Item (15)

ADJOURNMENT

ACTION:

Councilor Meadows moved to adjourn the meeting.
Motion carried unanimously and the meeting was adjourned at 8:11 p.m.

Respectfully submitted:

Theresa B. Kizer, Clerk to Council

AN ORDINANCE

TO ESTABLISH A UNIFORM CHARGE FOR THE PROVISION OF UPGRADED COUNTY-WIDE PUBLIC SAFETY TELECOMMUNICATION SERVICES TO ALL REAL PROPERTY WITHIN GREENVILLE COUNTY, AND TO AMEND ORDINANCE NO. 2474, AS AMENDED, SO AS TO INCREASE THE COUNTY ROAD MAINTENANCE FEE.

WHEREAS, first responders and public safety service providers in Greenville County, including city and county law enforcement, fire departments and emergency medical services, communicate with each other over a series of radio networks dedicated to public safety communications; however, these networks are independently operated with uneven coverage, mixed bands and incompatible equipment; and

WHEREAS, while this mixture of unconnected networks has functioned for decades, those on the front line have identified a need to upgrade public safety communications for all first responders serving Greenville County; and

WHEREAS, upgrades to the public safety telecommunications network in Greenville County are needed now as many of our County-wide first responders are using equipment that is nearing end of life and does not allow for interoperability among first responder agencies; and

WHEREAS, a public safety telecommunications network is designed, built and maintained to a higher standard than consumer telecommunications as it must work reliably in emergencies when consumer networks face overload or failure; and

WHEREAS, moving all County-wide public safety telecommunications to a single network platform will promote the safety of life and property in Greenville County by providing much needed modernization of current public safety telecommunications infrastructure, ensures County-wide emergency and public safety telecommunications coverage to all persons and property located in Greenville County, improves County-wide public safety telecommunications coverage and reliability, advances the goal of ensuring interoperable communications for first responders agencies within Greenville County and State-wide, provides significant benefits in crisis management operations where immediate communications can save lives and prevent the loss of property, eases the transition to future technologies while reducing the risks associated with equipment obsolescence, and minimizes capital expenses related to necessary infrastructure upgrades; and

WHEREAS, for almost 25 years Greenville County and its citizens have benefitted from the use of the Road Maintenance Fee as a dedicated source of funding to support the maintenance and improvement of the road system across Greenville County; and

WHEREAS, the South Carolina State Infrastructure Bank provides State funding to local road improvement projects that can provide a strong local match; and

WHEREAS, Greenville County has an opportunity to leverage available Transportation Infrastructure Bank funds to accelerate major GPATS road improvement projects that would alleviate traffic and benefit the citizens of Greenville County; and

WHEREAS, pursuant to Section 4-9-30(5) of the Code of Laws of South Carolina, as amended, the County is authorized and empowered to levy uniform service charges to provide for operations and functions of the county, including, but not limited to public works, roads, and public safety; and

WHEREAS, the County deems it appropriate, desirable and equitable to fund the costs of providing County-wide public safety telecommunications on a common platform through the levy of a uniform service fee on all parcels of real property in Greenville County and to continue to support the maintenance and improvement of the road system across Greenville County with an increase to the Road Maintenance Fee;

NOW, THEREFORE, BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Authority. Greenville County Council is authorized by Section 4-9-30 of the Code of Laws of South Carolina, as amended, to levy uniform service charges to provide for public works, including roads, and public safety.

Section 2. Public Safety Telecommunications Fee. There shall be a uniform public safety telecommunications service fee of \$14.95 annually imposed upon each parcel of real property located in Greenville County to support enhanced access to County-wide emergency and public safety for all property located in the County. The public safety telecommunications fee shall be included on real property tax notices in such manner and method as determined by the Greenville County Administrator and collected by the County Tax Collector pursuant to State law. The uniform public safety telecommunications service fee shall be due, payable and collected in the same manner as real property taxes and shall be subject to the same penalties and interest as overdue real property taxes. The proceeds from the collection of such fees shall be deposited into the County general fund special public safety telecommunications account. The proceeds of such fund shall be specifically used for (1) the lease, purchase, lease-purchase, or maintenance of County-wide public safety telecommunications network infrastructure and network components including radios, towers, equipment, 800 MHz service or similar services as technology advances, computer hardware, software and non-recurring costs of establishing the network platform; and (2) rates associated with the network service provider's service and provider's recurring charges. Funds not used in any fiscal year shall be carried forward and used exclusively for the above allowed interoperable public safety telecommunication operations in the County.

Section 3. Road Maintenance Fee Amendment. Section 2 of Ordinance No. 2474, as amended by Ordinance No. 2513, is hereby amended to change the road maintenance fee to Twenty-five and 00/100 Dollars (\$25.00) and the references to the "Department of Revenue and Taxation-Division of Motor Vehicles" is amended to the "South Carolina Department of Motor Vehicles."

Section 4. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

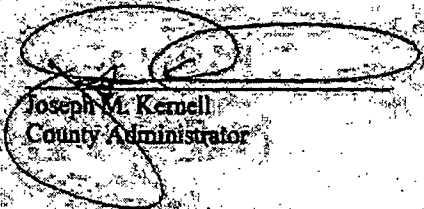
Section 6. Effective Date. This Ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS 7th DAY OF MARCH, 2017.


Herman G. Kirven, Jr., Chairman
Greenville County Council

ATTEST:


Theresa Kizer
Clerk to Council


Joseph M. Kernell
County Administrator

AN ORDINANCE

TO REPEAL SECTION 3 OF ORDINANCE NO. 3867 CONCERNING VOTING REQUIREMENTS FOR APPROVAL OF CERTAIN FISCAL MATTERS.

BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Rescinding Section 3 of Ordinance No. 3867. Section 3 adopted as part of Ordinance No. 3867, and appearing as Appendix A to this ordinance, is hereby repealed.

Section 2. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

Section 4. Effective Date. This Ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS 18th DAY OF APRIL, 2017.

ATTEST:

Theresa B. Kizer, c.c.c.
Theresa Kizer
Clerk to Council

[Signature]
Erlan G. Kirven, Jr., Chairman
Greenville County Council

[Signature]
Joseph M. Kernell
County Administrator

APPENDIX A

GREENVILLE COUNTY ORDINANCE NO. 3867 OF 2004, SECTION 3

SECTION 3. Taxpayer Protection Provision. A three-fourths vote by the full membership of County Council shall be required to take any action, which would raise taxes or fees or harm the County's AAA credit rating. Such actions include the following: to approve the issuance of General Obligation Bonds (bonds pledging the full faith and credit of Greenville County); to increase Ad Valorem Property Tax Levies for the County General Operating Millage; to increase the amount of any fee assessment established by County Council; to implement any new fee or tax assessment; to increase County expenses if such increase would, during the budget period in which the expenses would be incurred, lower County reserves to a level less than the greater of 30% of operating expenses or three months of operating expenses; and to approve Supplemental Appropriations.



ALAN WILSON
ATTORNEY GENERAL

March 14, 2017

The Honorable Dwight A. Loftis
South Carolina House of Representatives
District No. 19
P.O. Box 14784
Greenville, SC 29610

The Honorable J.M. "Mike" Burns
South Carolina House of Representatives
District No. 17
P.O. Box 142
Columbia, SC 29202

Dear Representative Loftis and Representative Burns:

Attorney General Alan Wilson has referred your letter to the Opinions section concerning an ordinance before the Greenville County Council that is pending for a third and final reading. Your letter describes the issues to be addressed as follows:

The Ordinance has two separate, distinct and unrelated parts. The first part provides for a fee to pay the service charge for a new communications system and the radios associated with it. This is a defined cost. The second part provides for an increase in the current road maintenance fee but with no specified use for the revenue.

The first question concerns the number of votes required to pass this Ordinance. Does [S.C. Code Ann. §] 6-1-330, prevent Greenville County Council from requiring a three-fourths vote as provided by Greenville County Ordinance 1867, Section 3, "A three-fourth vote by the full membership of County Council shall be required to take any action... to implement any new fee or tax assessment..." Since [S.C. Code Ann. §] 6-1-330 does not prohibit requiring more than a positive majority, is a three-fourths vote requirement acceptable as a positive majority? Also does [S.C. Code Ann. §] 6-1-330 violate the Home Rule Statute?

The second question is, does the attached Greenville County Ordinance violate Article 3, Section 17 of the South Carolina Constitution relating to hobtailing.

Law/Analysis

Does S.C. Code Ann. § 6-1-330 prohibit a county council from enacting an ordinance which requires a "super majority" vote to authorize the charge or collection of a service or user fee?

Initially, we note that the courts have consistently recognized the basic principle that a local ordinance, just like a state statute, is presumed to be valid as enacted unless or until a court declares it to be invalid. See *McMaster v. Columbia Bd. of Zoning Appeals*, 395 S.C. 499, 504, 719 S.E.2d 660, 662 (2011) ("A municipal ordinance is a legislative enactment and is presumed to be constitutional."), citing *Town of Scranton v. Willoughby*, 306 S.C. 421, 422, 412 S.E.2d 424, 425 (1991); *Casey v. Richland County Council*, 282 S.C. 387, 370 S.E.2d 443 (1984); *Op. S.C. Atty. Gen.*, 2003 WL 21471503 (June 4, 2003). An ordinance will not be declared invalid unless it is clearly inconsistent with general state law.

ELECTRONICALLY FILED - 2017 APR 10 11:52 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

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Hospitality Ass'n of S.C. v. County of Charleston, 320 S.C. 219, 464 S.E.2d 113 (1995). Only the courts, and not this Office, possess the authority to declare such an ordinance invalid. Therefore, Greenville County Ordinance 3867 would be presumed valid and must be followed (until a court sets it aside or subsequent legislative action revokes or amends its application).

In Foothills Brewing Concern, Inc. v. City of Greenville, 377 S.C. 355, 660 S.E.2d 264 (2008), the Supreme Court of South Carolina described the two-step process to determine whether a local ordinance is valid. "First, the Court must consider whether the [county] had the power to enact the ordinance. ... [Second], if the [county] had the power to enact the ordinance, the Court must then determine whether the ordinance is consistent with the Constitution and the general law of the State." *Id.* at 361. The Constitution of South Carolina "mandates that the legislature provide by general law the powers, duties, and functions of counties and municipalities. S.C. Const. art. VIII, §§ 7 and 9." Joytime Distributors & Amusement Co. v. State, 338 S.C. 634, 647, 528 S.E.2d 647, 654 (1999). The General Assembly has provided such power to enact local legislation as follows:

All counties of the State, in addition to the powers conferred to their specific form of government, have authority to enact regulations, resolutions, and ordinances not inconsistent with the Constitution and general law of this State, including the exercise of these powers in relation to health and order in counties or respecting any subject as appear to them necessary and proper for the security, general welfare, and convenience of counties or for preserving health, peace, order, and good government in them. The powers of a county must be liberally construed in favor of the county and the specific mention of particular powers may not be construed as limiting in any manner the general powers of counties.

S.C. Code Ann. § 4-9-25 (emphasis added). The General Assembly established the procedures for a county to take legislative action by ordinance as follows:

The council shall take legislative action by ordinance which may be introduced by any member. With the exception of emergency ordinances, all ordinances shall be read at three public meetings of council on three separate days with an interval of not less than seven days between the second and third readings. All proceedings of council shall be recorded and all ordinances adopted by council shall be compiled, indexed, codified, published by title and made available to public inspection at the office of the clerk of council. The clerk of council shall maintain a permanent record of all ordinances adopted and shall furnish a copy of such record to the clerk of court for filing in that office.

S.C. Code Ann. § 4-9-120.

Further, county governments are granted enumerated powers, subject to the general law of the State, including the power "to assess property and levy ad valorem property taxes and uniform service charges, including the power to tax different areas at different rates related to the nature and level of governmental services provided and make appropriations for functions and operations of the county..." S.C. Code Ann. § 4-9-30(5)(a) (emphasis added). The General Assembly established the process which local governing bodies follow to impose such a uniform service charge in Section 6-1-330. The statute reads as follows:

The Honorable Dwight A. Loftis and J.M. "Mike" Burns
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(A) A local governing body, by ordinance approved by a positive majority, is authorized to charge and collect a service or user fee. A local governing body must provide public notice of any new service or user fee being considered and the governing body is required to hold a public hearing on any proposed new service or user fee prior to final adoption of any new service or user fee. Public comment must be received by the governing body prior to the final reading of the ordinance to adopt a new service or user fee. A fee adopted or imposed by a local governing body prior to December 31, 1996, remains in force and effect until repealed by the enacting local governing body, notwithstanding the provisions of this section.

S.C. Code Ann. § 6-1-330 (emphasis added). There are three statutorily defined terms used in the emphasized portion of Section 6-1-330(A) which clarify its application. First, "local governing body" is defined to include the governing body of a county. S.C. Code Ann. § 6-1-300(3). Second, "positive majority" is defined as "a vote for adoption by the majority of the members of the entire governing body, whether present or not. However, if there is a vacancy in the membership of the governing body, a positive majority vote of the entire governing body as constituted on the date of the final vote on the imposition is required." S.C. Code Ann. § 6-1-300(5). Finally, "service or user fee" is defined as "a charge required to be paid in return for a particular government service or program made available to the payer that benefits the payer in some manner different from the members of the general public not paying the fee. 'Service or user fee' also includes 'uniform service charges.'" S.C. Code Ann. § 6-1-300(6).

I. S.C. Code Ann. § 6-1-330 does not conflict with S.C. Code Ann. § 4-9-30(5)(a).

Your letter asks whether Section 6-1-330 violates the Home Rule Statute. We assume the request refers to whether Section 6-1-330 conflicts with Section 4-9-30(5)(a).¹ Where statutes deal with the same subject matter, it is well established that they "are in *pari materia* and must be construed together, if possible, to produce a single, harmonious result." *Denman v. City of Columbia*, 387 S.C. 131, 138, 691 S.E.2d 465, 468 (2010) (quoting *Joiner ex rel. Rivas v. Rivas*, 342 S.C. 102, 109, 536 S.E.2d 372, 375 (2000)). It is this Office's opinion that, when construed together, Section 6-1-330 sets specific parameters for a county to impose the uniform service charges described in Section 4-9-30(5)(a). This conclusion is consistent with this Office's February 16, 2007 which stated the following:

While the first sentence of subsection (A) of section 6-1-330 appears to grant local governing bodies, which according to section 6-1-300(3) includes counties, the authority to impose service and user fees, through our research, we are of the opinion that counties possessed such authority prior to the enactment of [S]ection 6-1-330 in 1997. In *Brown v. County of Horry*, 308 S.C. 180, 417 S.E.2d 565 (1992), the Supreme Court found a county's authority to impose service charges arises from section 4-9-30 of the South Carolina Code (1986 & Supp. 2005). Under this portion of the Code, the Legislature

¹ Opinion requests about whether legislation violates the Home Rule Act have previously referred to the prohibition against special legislation in the South Carolina Constitution, S.C. Const. art. VIII, § 7. Because Section 6-1-330 applies to all "local governing bod[ies]" rather than to a specific political subdivision of the State, it is this Office's opinion that a court likely would not find the statute to be prohibited special legislation. See *Davis v. Richland County Council*, 372 S.C. 497, 642 S.E.2d 740 (2007) (finding 2005 Act No. 207 void as unconstitutional special legislation in violation of S.C. Constitution, Article VIII).

The Honorable Dwight A. Loftis and J.M. "Mike" Burns
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gives counties the authority "to assess property and levy ad valorem property taxes and uniform service charges, including the power to tax different areas at different rates related to the nature and level of governmental services provided and make appropriations for functions and operations of the county, including, but not limited to, transportation..." S.C. Code Ann. § 4-9-30(5)(a). The Court interpreted this provision as follows:

"Without ambiguity and by its express terms, this section provides counties with additional and supplemental methods for funding improvements. This is consistent with the intention of the drafters of the Home Rule Act to provide county government with the option of imposing service charges or user fees upon those who use county services in order to reduce the tax burden which otherwise would have to be borne by taxpayers generally.

Id. at 183, 417 S.E.2d at 567.

In reading section 6-1-330 in conjunction with the authority previously given to counties in section 4-9-30, we believe with respect to section 6-1-330, the Legislature intended to prescribe a particular methodology by which a county may impose a service or user fee, rather than giving counties the authority they already possessed under section 4-9-30.

Op. S.C. Atty. Gen., 2007 WL 655612, at *2 (February 16, 2007).⁴ Therefore, it is Office's opinion that the authorization for counties to assess uniform service charges in Section 4-9-30(5)(a) does not conflict with the methodology for imposing or increasing such a charge in Section 6-1-330.

2. S.C. Code Ann. § 6-1-330 does not prohibit a County from requiring a three-fourths "super majority" vote to implement a service fee.

Under the first step of the *Foothills Brewing* test, Greenville County Council is authorized to take legislative action by ordinance. S.C. Code Ann. §§ 4-9-25, 30, 120. The second step of the *Foothills Brewing* test requires this Office to render an opinion regarding whether Greenville County Ordinance 3867, Section 3 is consistent with the Constitution and the general law of the State. *Op. S.C. Atty. Gen.*, 1990 WL 599185 (May 15, 1990) ("[M]unicipalities and counties are not free to adopt an ordinance which is inconsistent with or repugnant to general laws of the State."); 1990 WL 599171 (February 8, 1990) ("We can advise that neither counties nor municipalities would be authorized to adopt ordinances in conflict with the general laws of this State."); 1986 WL 289894 (December 1, 1986) ("[A] county council is not authorized to adopt an ordinance which would vary general laws or the Constitution of this State."); 1976 WL 30709 (March 15, 1976) ("[A] local ordinance cannot conflict with state-wide legislation covering the same subject matter.")

⁴ This Office recognizes a long-standing rule that it will not overrule a prior opinion unless it is clearly erroneous or a change occurred in applicable law. *Op. S.C. Atty. Gen.*, 2013 WL 6516330 (Nov. 25, 2013); 2013 WL 3762706 (July 1, 2013); 2009 WL 859641 (March 4, 2009); 2006 WL 2849807 (September 29, 2006); 2005 WL 2250210 (September 8, 2005); 1986 WL 289899 (October 1, 1986); 1984 WL 249796 (April 9, 1984).

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Greenville County Ordinance 3867, Section 3, in relevant part, states the following:

A three-fourth vote by the full membership of County Council shall be required to take any action, which would raise taxes or fees or harm the County's AAA credit rating. Such actions include the following: ... to increase the amount of any fee assessment established by County Council; to implement any new fee or tax assessment...

As discussed above, Section 6-1-330 requires the approval of a "positive majority" of the Greenville County Council before the council is "authorized to charge and collect a service or user fee." Again, "positive majority" is defined as "a vote for adoption by the majority of the members of the entire governing body, whether present or not..." It is this Office's opinion that 6-1-330 establishes a floor by which Greenville County Council must vote in approval for a service charge. By requiring a positive majority, the General Assembly required that a majority of a local governing body must vote in favor of such a fee instead of simply requiring quorum and a majority of the votes cast. There is no clear statement of legislative intent expressed in the text of the statute to prohibit a local governing body from requiring a super majority, in the enabling legislation, or subsequent amendments. See 1997 Act No. 138, § 7; 2009 Act No. 75, § 2.

This Office's March 18, 1980 opinion to Assistant Greenville County Attorney Edward B. Latimer considered whether Greenville County Council could establish rules requiring a two-thirds or three-fourths majority vote for the passage of ordinances. *Op. S.C. Atty. Gen.*, 1980 WL 121101 (March 18, 1980). The opinion concluded, "[I]n the absence of statutory directive to the contrary, it would appear that a county council has the authority to require more than a simple majority vote for the enactment of ordinances." *Id.* It is this Office's opinion that, because 6-1-330 does not expressly prohibit a "super-majority" vote requirement for a local governing body to increase a fee assessment or implementing a new fee and there is a presumption in favor of a county ordinance's validity, a court is likely to find Greenville County Ordinance 3867, Section 3 is a valid ordinance.

Does the pending ordinance before the Greenville County Council violate the "bobtailing" prohibition contained in Article 3, Section 17 of the South Carolina Constitution?

It is this Office's opinion that the pending ordinance does not violate the "bobtailing" prohibition described in Article 3 Section 17 of the South Carolina Constitution. This provision of the Constitution states that "[e]very Act or resolution having the force of law shall relate to but one subject, and that shall be expressed in the title." S.C. Const. art. III, § 17. In *S.C. Pub. Interest Found. v. Lucas*, 416 S.C. 269, 272, 786 S.E.2d 124, 126 (2016), the Supreme Court of South Carolina explained the three objectives of Article 3 Section 17 are:

"(1) to apprise the members of the General Assembly of the contents of an act by reading the title; (2) to prevent legislative 'log-rolling',⁴ and (3) to inform the people of the State of the matters with which the General Assembly concerns itself." *Am. Petroleum Inst. v. South Carolina Dep't of Revenue*, 382 S.C. 572, 576, 677 S.E.2d 16, 18 (2009).
Sea Cove Dev., LLC v. Harbourside Comm. Bank, 387 S.C. 95, 101, 691 S.E.2d 158, 161 (2010).

"Log-rolling" is defined as a "legislative practice of including several propositions in one measure ... so that the Legislature ... will pass all of them, even though these propositions

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may not have passed if they had been submitted separately." *Am. Petroleum* at 577, 677 S.E.2d at 18, citing *Black's Law Dictionary* 849 (7th ed.1999).

The Court noted that this process has also been described as "bobtailing" and "hodgepodge." *Id.* at 126 n.4.

The second question presented by your letter asks whether Section 2 of the pending ordinance regarding a "Public Safety Telecommunications Fee" and Section 3 regarding a "Road Maintenance Fee Amendment" can be included within the same ordinance without violating Article 3 Section 17 of the South Carolina Constitution. The Court has held that Article 3 Section 17 explicitly refers to legislative actions taken by the General Assembly. *State v. Gibbs*, 60 S.C. 500, 39 S.E. 1 (1901) ("The caption of article 3 is 'Legislative Department.'"). In *Gibbs*, the Court declined to find that an ordinance enacted by the City of Charleston could violate Article 3 Section 17 where it said, "We fail to see wherein this provision has any application whatsoever to an ordinance of a municipal corporation." *Id.*, see also *McQuillin Mun. Corp.*, § 16:17 ("A state constitutional requirement of this character ordinarily does not apply to the passage of municipal ordinances, since ordinances are not considered to be laws within the meaning of the constitutional requirement..."). While *Gibbs* specifically refers to municipal ordinances, it is this Office's opinion that a court will likely find that Article 3 Section 17 is similarly inapplicable to county ordinances.

Does Greenville County Ordinance 3867, Section 3 apply to all future Greenville County Councils?

An opinion request from the Greenville County Council regarding the subject matter of this opinion asks the further question if Greenville County Ordinance 3867, Section 3 is applicable to all future Greenville County Councils? In a September 30, 2002 opinion, this Office described the application of county ordinances, their duration, and the process of amending or repealing such ordinances as follows:

Any ordinance enacted by a county council has the same local force and effect as a state statute. See OP. ATTY. GEN. DATED APRIL 28, 1998. Once a county council passes a valid ordinance, they are bound to operate according to its provisions. See OP. ATTY. GEN. DATED NOVEMBER 28, 2000 (county council cannot violate its own ordinance in expanding number of members on parks and recreation commission); and OP. ATTY. GEN. DATED MARCH 8, 1988 (action of council in bypassing duly-adopted ordinance will be deemed void). See also *Springville Citizens for a Better Community v. City of Springville*, 979 P.2d 332 (Utah 1999)(City is not entitled to disregard its mandatory ordinances).


Moreover, repealing or amending an existing ordinance would also be considered a "legislative action." In order for an ordinance to be properly amended or repealed, a new ordinance must be passed. *Simpkins v. City of Gaffney*, 115 S.C. 26, 431 S.E.2d 592 (Cl. App. 1993); *Lominick v. City of Aiken*, 244 S.C. 32, 135 S.E.2d 305 (1964). Accordingly, in repealing an ordinance, county councils must follow the procedures outlined in Section 4-9-120. That is, the ordinance must "... be read at three public meetings of council on three separate days with an interval of not less than seven days between the second and third readings." Until and unless this procedure is followed, the repeal of an ordinance cannot be accomplished and the ordinance in question would remain in effect.

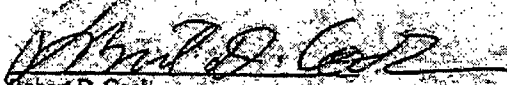
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Op. S.C. Atty. Gen., 2002 WL 31341813 (September 30, 2002). Accordingly, it is this Office's opinion that the Greenville County Council must continue to follow the voting requirements of Greenville County Ordinance 3867, Section 3 until it is amended or repealed by a subsequent ordinance or other legislation.

Conclusion

We hope that the guidance provided above will assist you and the Greenville County Council regarding the pending ordinance and voting requirements. In summary, it is this Office's opinion that S.C. Code Ann. § 4-9-30(5)(a) does not conflict with the parameters for authorizing a service charge in S.C. Code Ann. § 6-1-330; Greenville County Ordinance 3867, Section 3 is valid as there is presumption of validity of an ordinance and a court would likely find there is no express conflict with S.C. Code Ann. § 6-1-330; Greenville County Ordinance 3867, Section 3 is binding until an ordinance amending or repealing it is passed; and Article 3 Section 17 of the South Carolina Constitution is inapplicable to county ordinances. This Office is, however, only issuing a legal opinion based on the current law at this time and the information as provided to us. Until a court or the General Assembly specifically addresses the issues presented in your letter, this is only an opinion on how this Office believes a court would interpret the law in the matter. Additionally, you may petition the court for a declaratory judgment, as only a court of law can interpret statutes and make such determinations. See S.C. Code § 15-33-20 (1976 Code, as amended). If it is later determined otherwise, or if you have any further questions or issues, please let us know.

Sincerely,

Matthew Hauck
Assistant Attorney General

REVIEWED AND APPROVED BY:

Robert D. Cook
Solicitor General

**GREENVILLE COUNTY COUNCIL
REGULAR MEETING
March 21, 2017
6:00 p.m.
Council Chambers - County Square**

1. CALL TO ORDER

Chairman Butch Kirven

2. INVOCATION *(Introduced by Councilor Willis Meadows)*Lenna Smith, CEO
Piedmont Women's Center**3. PLEDGE OF ALLEGIANCE****4. APPROVAL OF MINUTES**a. March 7, 2017 - Regular Council Meeting**5. PUBLIC HEARINGS**a. False Alarm Ordinance Amendment

Councilor Lynn Ballard

6. APPEARANCES

Current Agenda Items

7. CONSENT AGENDAa. FY2018 General Recycling Options Grant (Finance)b. FY2018 Used Oil Grant (Finance)c. FY2018 Waste Tire Grant (Finance)d. SC Hospital Preparedness Grant (Finance)e. FY2017 DNA Capacity Enhancement and Backlog Reduction Grant (Finance)f. ASPCA Grant for Shelter Medicine Conference (Finance)g. Community Project Application / Stater-Marietta Fire Department -
Welcome Signs - \$1,000.00 (Finance)h. Department of Energy - Living Lab Grant (Finance)**8. RESOLUTIONS**

- a. **Pelham Batesville Fire District / General Obligation Bond - Request for Public Hearing**

Councilor Willis Meadows

A resolution calling for a public hearing to be held on the issuance of \$6,500,000 general obligation bonds of the Pelham-Batesville Fire District, South Carolina, providing for the publication of the notice of such public hearing, and generally approving other matters relating thereto.

Resolution
Petition

9. ORDINANCES - THIRD READING

- a. **False Alarm Ordinance Amendment ****

Councilor Lynn Ballard

An ordinance to amend Chapter 11, Article IV of the County of Greenville, South Carolina Code of Ordinances so as to require an alarm system monitoring company to attempt to verify whether an alarm signal is valid before requesting dispatch; to change the number of permitted false alarms from per calendar quarter to per calendar year; to provide for graduated increases in the civil penalties for false alarms, and related matters thereto.

Ordinance
Proposed Amendments by Councilor Lynn Ballard

10. ORDINANCES - SECOND READING

- a. **Zoning Ordinances ***

Councilor Joe Dill

1. **CZ-2017-06**, Property of Thomas Ernest Kehulas Trust, 351 E. Lake Shore Drive (Council District 17), R-7.5 to C-1
2. **CZ-2017-09**, Property of Regenia T. Brashier, Richard Snipes, Rita S. Manning and Riddle Family Number 9, LLC, 2220 Standing Springs Road, Fork Shoals Road and Quartz Circle (Council District 28), R-5 to R-12
3. **CZ-2017-13**, Property of John Earl Shaw, 3306 New Eastley Highway (Council District 23), C-2 to S-1
4. **CZ-2017-16**, Property of Debbie A. Tucker, 2238 Standing Springs Road (Council District 28), R-5 to R-12
5. **CZ-2017-17**, Property of Linda Gysin, 2401 and 2601 Pelham Road (Council District 21), FRD to FRD (major change)

11. ORDINANCES - FIRST READING

- a. **Zoning Ordinances ***

Councilor Joe Dill

GREENVILLE COUNTY COUNCIL

ELECTRONICALLY FILED - 2017 Apr 10 11:52 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP230191A

- 1. CZ-2017-18, Property of Norman Agnew Waldrop, 121 Rutherford Road (Council District 27), C-2 to C-3
- 2. CZ-2017-19, Property of Ameen K. Aljouni, 3807 White Horse Road (Council District 25), R-17 to FRD
- 3. CZ-2017-20, Property of Brent Jones, 3725 and 3729 Woodruff Road (Council District 27) R-S to R-15
- 4. CZ-2017-21, Property of Greenville White Horse EDS 715966, LLC for M & T Enterprises, Inc., 1145 White Horse Road (Council District 25), S-1 to C-1

b. Pelham Batesville Fire District / General Obligation Bond

Councilor Willis Meadows

An ordinance authorizing the Pelham-Batesville Fire District, South Carolina to issue general obligation bonds, in one or more series, providing for the publication of notice of the said findings and authorization, and generally approving other matters relating thereto.

Ordinance

c. Repeal Section 3 of Ordinance No. 3867 Concerning Voting Requirements for Approval of Certain Fiscal Matters

Councilor Ennis Fant

An ordinance to repeal Section 3 of Ordinance No. 3867 concerning voting requirements for approval of certain fiscal matters.

Memo Ordinance

12. COMMITTEE REPORTS

13. APPEARANCES BY CITIZENS - Items not listed on the current agenda

"No matter shall be heard by Council unless it is within Council's authority or jurisdiction." - County Council Rules

14. ADMINISTRATOR'S REPORT

15. REQUESTS AND MOTIONS BY COUNCIL MEMBERS

16. ADJOURNMENT

* denotes items that have had a public hearing and are not eligible for public comments this evening
** denotes items that have public hearings scheduled on the evening's agenda



GREENVILLE COUNTY COUNCIL

Ennis Fant
Council District 25

MEMORANDUM

TO: Chairman Butch Kirven and County Council Members
FROM: Councilor Ennis Fant
DATE: March 17, 2017

During the Ordinances - First Reading portion of the Regular Council Meeting on Tuesday, March 21, 2017, I will be presenting for First Reading an ordinance to repeal Section 3 of Ordinance No. 3867. This addresses the nine vote requirement adopted back in 2004. I will request that this ordinance be referred to the Committee of the Whole.

This memorandum shall serve as compliance with Council Rule III (B).

ELECTRONICALLY FILED : 2017 Apr 16 11:52 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

No. _____

AN ORDINANCE

TO REPEAL SECTION 3 OF ORDINANCE NO. 3867 CONCERNING VOTING REQUIREMENTS FOR APPROVAL OF CERTAIN FISCAL MATTERS.

BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Rescinding Section 3 of Ordinance No. 3867. Section 3 adopted as part of Ordinance No. 3867, and appearing as Appendix A to this ordinance, is hereby repealed.

Section 2. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

Section 4. Effective Date. This Ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2017.

ATTEST:

Theresa Kizer
Clerk to Council

Herman G. Kirven, Jr., Chairman
Greenville County Council

Joseph M. Kernell
County Administrator

APPENDIX A

GREENVILLE COUNTY ORDINANCE NO. 3867 OF 2004, SECTION 3:

"SECTION 3. Taxpayer Protection Provision. A three-fourths vote by the full membership of County Council shall be required to take any action, which would raise taxes or fees or harm the County's AAA credit rating. Such actions include the following: to approve the issuance of General Obligation Bonds (bonds pledging the full faith and credit of Greenville County); to increase Ad Valorem Property Tax Levies for the County General Operating Millage; to increase the amount of any fee assessment established by County Council; to implement any new fee or tax assessment; to increase County expenses if such increase would, during the budget period in which the expenses would be incurred, lower County reserves to a level less than the greater of 30% of operating expenses or three months of operating expenses; and to approve Supplemental Appropriations."



**GREENVILLE COUNTY COUNCIL
MINUTES**

REGULAR MEETING

MARCH 21, 2017

6:08 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, ABSENT

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 newspaper, radio stations, television stations and concerned citizens.

STAFF PRESENT

Joe Kernell, County Administrator

Mark Tallison, County Attorney

Dean Campbell, Deputy County Attorney

Jeff Wile, Assistant County Attorney

John Hansley, Deputy County Administrator

Theresa Kizer, Clerk to Council

Jessica Stone, Administrative Assistant, Clerk to Council

Bob Mihalic, Governmental Relations Officer

Paula Gucker, Assistant County Administrator, Public Works

OTHERS PRESENT

None

CALL TO ORDER

Chairman Butch Kirven

INVOCATION - Introduced by Councilor Willis Meadows

Lenna Smith, CEO
Piedmont Women's Center

PLEDGE OF ALLEGIANCE

Item (4) APPROVAL OF MINUTES

ACTION: Councilor Semon moved to approve the minutes of the March 7, 2017, Regular Council Meeting.

Motion carried unanimously by Council Members present.

Item (5) PUBLIC HEARINGS

(a) False Alarm Ordinance Amendment

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance to amend Chapter 11, Article IV of the County of Greenville, South Carolina Code of Ordinances so as to require an alarm system monitoring company to attempt to verify whether an alarm signal is valid before requesting dispatch; to change the number of permitted false alarms from per calendar quarter to per calendar year; to provide for graduated increases in the civil penalties for false alarms; and related matters therefor.

- Peter Norman, 2 Belvoir Court, Greenville -- appeared in favor of the proposed

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

Item (6) APPEARANCES - current agenda items

None.

Item (7) CONSENT AGENDA

- (a) FY2018 General Recycling Options Grant**
- (b) FY2018 Used Oil Grant**
- (c) FY2018 Waste Tire Grant**
- (d) SC Hospital Preparedness Grant**
- (e) FY2017 DNA Capacity Enhancement and Backlog Reduction Grant**
- (f) ASPCA Grant for Shelter Medicine Conference**
- (g) Community Project Application / Slater-Marietta Fire Department - Welcome Signs**
- (h) Department of Energy - Living Lab Grant**

ACTION: Vice-Chairman Meadows moved to hold Item (h) until Committee Reports.

Motion to hold Item (h) carried unanimously by Council Members present.

ACTION: Councilor Nims moved approval of the Consent Agenda Items (a) through (g).

Motion carried unanimously by Council Members present.

Item (8) RESOLUTIONS

(a) Pelham-Batesville Fire District / General Obligation Bond - Request for Public Hearing

Vice-Chairman Meadows recused himself from discussion and voting on the item due to a potential conflict of interest.

ACTION: Chairman Kliven moved for adoption a resolution calling for a public hearing to be held on the issuance of \$6,500,000 general obligation bonds of the Pelham-Batesville Fire District, South Carolina; providing for the publication of the notice of such public hearing; and generally approving other matters relating thereto.

Motion carried unanimously by Council Members present.

Item (9) ORDINANCES - THIRD READING

(a) False Alarm Ordinance Amendment

ACTION: Councilor Ballard moved for adoption at third reading an ordinance to amend Chapter 11, Article IV of the County of Greenville, South Carolina Code of Ordinances so as to require an alarm system monitoring company to attempt to verify whether an alarm signal is valid before requesting dispatch; to change the number of permitted false alarms from per calendar quarter to per calendar year; to provide for graduated increases in the civil penalties for false alarms; and related matters thereto.

AMENDMENT: Councilor Ballard moved to amend Section 2 of the ordinance as follows: Change the number of false alarms to which the Sheriff's Office will respond without charge from three to two. After two false alarms within a calendar year, the alarm system user shall be subject to the following fines: (1) 3-5 False Alarms per calendar year shall be punishable by a fine of \$50 per occurrence; (2) 6 - 7 False Alarms per calendar year shall be punishable by a fine of \$100 per occurrence; (3) 8 and 9 False Alarms per calendar year shall be punishable by a fine of \$250 per occurrence, and (4) 10 or more False Alarms per calendar year shall be punishable by a fine of \$500 per occurrence.

Vice-Chairman Meadows stated Councilor Joe Dill requested he present an amendment to the proposed amendment in his absence.

AMENDMENT: Vice-Chairman Meadows moved to amend Section 2 (a) (3) of the ordinance as follows: To strike "the alarm system user shall be subject to the following fines" and add "the alarm system company shall be subject to the following fines".

Vice-Chairman Meadows stated false alarms cost the County money as well as manpower. He added that the majority of false alarms were from commercial businesses as opposed to residences. Vice-Chairman Meadows stated if the responsibility for the false alarms was put back on the alarm companies, it would more than likely decrease the number of false alarms. The companies would be more inclined to fix the problem, remove the alarm or take the necessary action to prevent future false alarms.

Councilor Ballard stated Vice-Chairman Meadows had provided a good example of why the ordinance was needed. He added that the problem with false alarms was the fact that alarms that needed to be fixed, removed, etc., were not being dealt with appropriately by the responsible parties.

Councilor Cates inquired what percentage of false alarms occurred in businesses as opposed to private residence.

Councilor Ballard stated he did not have that information on hand.

Motion to amend the proposed amendment was denied by a vote of three (Barnes, Meadows and Payne) in favor and eight (Cates, Roberts, Taylor, Norris, Sernan, Font, Ballard and Kirven) in opposition.

Motion to amend carried unanimously by Council Members present.

Motion as amended carried unanimously by Council Members present.

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

(a) **Zoning Ordinances**

1. **CZ-2017-06:** Property of Thomas Ernest Kernulos Trust, located at 351 E. Lake Shore Drive, requesting rezoning from R-7.5 to C-1. The Planning Commission and Committee recommended approval.

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

Motion carried unanimously by Council Members present.

2. **CZ-2017-09:** Property of Regenia T. Brashler, Richard Snipes, Rilla S. Manning and Riddle Family Number 9, LLC, located at 2220 Standing Springs Road, Fork Shoals Road and Quartz Circle, requesting rezoning from R-S to R-12. The Planning Commission and Committee recommended denial.

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

Motion was denied unanimously by Council Members present.

3. **CZ-2017-13:** Property of John Earl Shaw, located at 3306 New Easley Highway, requesting rezoning from C-2 to S-1. The Planning Commission and Committee recommended denial.

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

Motion was denied unanimously by Council Members present.

4. **CZ-2017-16:** Property of Debbie A. Tucker, located at 2228 Standing Springs Road, requesting rezoning from R-S to R-12. The Planning Commission and Committee recommended approval.

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

Motion carried unanimously by Council Members present.

5. **CZ-2017-17:** Property of Linda Gysin, located at 2401 and 2601 Pelham Road, requesting rezoning from FRD to FRD with major change. The Planning Commission and Committee recommended approval as amended.

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

AMENDMENT: Councilor Cafes moved to amend the request to reduce the monument sign to ten (10) feet in height.

Motion to amend carried unanimously by Council Members present.

Motion as amended carried with Councilor Ballard voting in opposition.

Item (1.1) ORDINANCES - FIRST READING

(a) Zoning Ordinances

Councilor Cafes presented for first reading Zoning Dockets CZ-2017-18 through CZ-2017-21.

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

Councilor Cafes left the meeting @ 6:35 p.m.

(b) Pelham Batesville Fire District / General Obligation Bond

Vice-Chairman Meadows recused himself from discussion and voting on the item due to a potential conflict of interest.

Chairman Kirven presented for first reading an ordinance authorizing the Pelham-Batesville Fire District, South Carolina to issue general obligation bonds, in one or more series; providing for the publication of notice of the said findings and authorization; and generally approving other matters relating thereto.

Chairman Kirven stated the item would remain on the floor.

(c) Repeal Section 3 of Ordinance No. 3867 concerning Voting Requirements for Approval of Certain Fiscal Matters

Per notice provided in the Council agenda packet, Councilor Fant presented for first reading an ordinance to repeal Section 3 of Ordinance No. 3867 concerning voting requirements for approval of certain fiscal matters.

Chairman Kirven referred the item to the Committee of the Whole.

Item (12) COMMITTEE REPORTS

(a) Consent Agenda

Item 7 (b) Department of Energy - Living Lab Grant

The motion on the floor was held from the Consent Agenda.

Vice-Chairman Meadows thanked Councilor Payne for his efforts and stated he had a number of questions he would like to ask. He stated the proposal indicated the County was involved in the business, finance and governmental aspects of the proposal. Vice-Chairman Meadows added that the County Administrator was listed as a key player and the County of Greenville was listed as the lead on the proposal.

Councilor Payne stated the County Administrator's role would be perfunctory; he would identify a staff member to handle the grant and any costs the County incurred would be reimbursed through the grant monies.

Vice-Chairman Meadows stated several groups were identified in the proposal as being

committed. He asked Councilor Payne to identify which groups had actually committed to the grant.

Councilor Payne stated the information provided to Council was not the grant proposal. It was a concept paper. He stated the purpose of the paper was to identify groups, entities, businesses, etc., that would possibly become involved if the grant was awarded. Councilor Payne stated Duke Energy was working aggressively in getting the grant and there were currently three projects involved; two were privately related and one was publicly related. Councilor Payne stated he was still waiting on confirmation from other entities but, currently, he had \$5.5 million committed to cover \$2 million in expenses.

Councilor Ballard inquired what was Council actually voting on.

Councilor Payne stated Council's approval was needed in order to submit a grant proposal.

Vice-Chairman Meadows asked if the grant proposal had not been written, as of yet, how would Council know what they were voting on.

Joe Kerell stated if the actual grant was awarded, Council would have the opportunity to vote on whether or not to accept the grant.

Chairman Kirven stated the item had received approval from the Finance Committee.

Motion carried unanimously by Council Members present.

(b) Committee of the Whole

1. Greenville Technical College Area Commission Nomination

ACTION:

On behalf of the Committee, Vice-Chairman Meadows moved to nominate Kenneth Southern to the Greenville Technical College Area Commission to fill one at-large seat and forward his name to the Greenville Legislative Delegation for consideration.

Motion carried Unanimously by Council Members present.

2. Human Relations Commission

ACTION:

On behalf of the Committee, Vice-Chairman moved to elect the following individuals to the Human Relations Commission:

Shaniece Criss	District 19
Dexter Reaves	District 18
Ashley Rhinehart	District 24

Motion carried Unanimously by Council Members present.

3. Planning Commission

ACTION:

On behalf of the Committee, Vice-Chairman moved to elect the following individuals to the Planning Commission:

Steven Bichel	District 21
Chris Hanson	District 21
Nick Hollingshead	District 20

Motion carried unanimously by Council Members present.

Item (13) APPEARANCES BY CITIZENS

- * Victoria Ellison, 202 Old Saluda Dam Rd., Greenville - appeared regarding the Berea Historic Society.

Item (14) ADMINISTRATOR'S REPORT

No report.

Item (15) REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- * Councilor Semon stated that Patheon, a pharmaceutical manufacturing company located at SCTAC, was currently expanding their facility to meet the growing needs of the customer base.
- * Councilor Fant commended Councilor Payne for all of his hard work and tenacity in working with autonomous vehicles.
- * Councilor Fant recognized the following District 25 constituents who were present: Wilhemina Hill and Doran Smith with the Resident Engagement Committee, George Singleton and Pam Adams with Economic Development and Sanjay Dogan, Director of Communications and Planning.
- * Councilor Ballard stated Councilor Fant recently hosted a community meeting for District 25 constituents. Councilor Ballard stated the meeting was actually held at a location in his district and it was really exciting to see neighborhoods coming together and getting involved in their community.
- * Councilor Payne stated all his work with autonomous vehicles was done to make a difference in the community and provide a better quality of life for the residents of Greenville County.
- * Councilor Roberts wished Vice-Chairman Meadows a Happy Birthday.

Item (16) ADJOURNMENT

ACTION: Councilor Roberts moved to adjourn the meeting.

Motion carried unanimously by Council Members present and the meeting was adjourned at 6:49 p.m.

Respectfully submitted:

Theresa B. Kizer, Clerk to Council

**GREENVILLE COUNTY COUNCIL
COMMITTEE OF THE WHOLE**

April 4, 2017
4:45 p.m.
Conference Room D - County Square

1. CALL TO ORDER

Chairman Butch Kirven

2. INVOCATION

Councilor Rick Roberts

3. APPROVAL OF MINUTES

- a. March 21, 2017 - Regular Committee Meeting

4. BOARD AND COMMISSION NOMINATIONS

a. Committee on Finance

Councilor Willis Meadows

1. Arena District (3 vacancies)

- Michael Allen (D.23)
- Neetu Patel (D.22)
- James Pitman (D.21)

2. Greenville Area Development Corporation (3 vacancies)

- David Kelley (D.24)
- Debbie Nelson (D.20)
- Chad Tumblin (D.20)

b. Committee on Public Works and Infrastructure

Councilor Liz Seman

1. Greenlink (GTA) (1 vacancy)

- Darren Scott (D.25)

2. Parks, Recreation and Tourism Advisory Board (2 vacancies)

- Jacquelyn Clement (D.25)
- Clark Hedges (D.18)

3. South Carolina Technology and Aviation Center (SCTAC) (1 vacancy)

- Steven West (D.27)

c. Committee on Public Safety

Councilor Lynn Ballard

1. Metropolitan Sewer Subdistrict (1 vacancy)

Evan Ruggiero (D.21)

d. Planning and Development Committee:

Councilor Joe Dill

1. Construction Board of Appeals (3 vacancies)

William Graves (D.22)

2. Zoning Board of Appeals (2 vacancies)

Jon Bright (D.18)

5. SPECIAL TAX DISTRICT NOMINATIONS

a. Buxton Tax District Commission (1 vacancy) (CC District 19)

David Spear

b. Linkside Special Tax District (4 vacancies) (CC District 20)

Les Burns
Dale Hawkins
George Pike

c. Bolling Springs Fire District (2 vacancies) (CC District 21 & 22)

Cedric Brown
J.R. Christy

d. Devenger Tax District (3 vacancies) (CC District 21)

Randy Price
Siobhan Tortora

e. Ashwicke Tax District Commission (3 vacancies) (CC District 22)

Jan Munafò
Michael Munafò

f. Freetown Community Special Tax District (1 vacancy) (CC District 23)

James Cramer

g. Chanticleer Community Commission (1 vacancy) (CC District 24)

Jamie Pimentel

6. NOMINATIONS FOR A COUNCIL MEMBER SEAT

a. Greenville County Economic Development Corporation (1 vacancy / Council Member Seat)

4/3/2017

GREENVILLE COUNTY COUNCIL

7. REPEAL SECTION 3 OF ORDINANCE NO. 3867 CONCERNING VOTING REQUIREMENTS FOR APPROVAL OF CERTAIN FISCAL MATTERS

Ordinance

8. ADJOURNMENT

ELECTRONICALLY FILED - 2017 Apr 10 11:52 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

No. _____

AN ORDINANCE

TO REPEAL SECTION 3 OF ORDINANCE NO. 3867 CONCERNING VOTING REQUIREMENTS FOR APPROVAL OF CERTAIN FISCAL MATTERS,

BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Rescinding Section 3 of Ordinance No. 3867: Section 3 adopted as part of Ordinance No. 3867, and appearing as Appendix A to this ordinance, is hereby repealed.

Section 2. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

Section 4. Effective Date. This Ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2017.

ATTEST:

Herman G. Kirven, Jr., Chairman
Greenville County Council

Theresa Kizer
Clerk to Council

Joseph M. Kernell
County Administrator

APPENDIX A

GREENVILLE COUNTY ORDINANCE NO. 3867 OF 2004, SECTION 3:

SECTION 3. Taxpayer Protection Provision. A three-fourths vote by the full membership of County Council shall be required to take any action which would raise taxes or fees or harm the County's AAA credit rating. Such actions include the following: to approve the issuance of General Obligation Bonds (bonds pledging the full faith and credit of Greenville County); to increase Ad Valorem Property Tax Levies for the County General Operating Millage; to increase the amount of any fee assessment established by County Council; to implement any new fee or tax assessment; to increase County expenses if such increase would, during the budget period in which the expenses would be incurred, lower County reserves to a level less than the greater of 30% of operating expenses or three months of operating expenses; and to approve Supplemental Appropriations.

**GREENVILLE COUNTY COUNCIL
REGULAR MEETING
April 4, 2017
6:00 p.m.
Council Chambers - County Square**

1. CALL TO ORDER

Chairman Butch Kirven

2. INVOCATION (Introduced by Councilor Sid Cates)

Mr. Bill Bright
Retired Engineer

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

a. March 21, 2017 -- Regular Council Meeting

5. APPEARANCES

Current Agenda Items

6. CONSENT AGENDA

a. DSS After-school Snack Program Grant (Finance)

b. Community Project Application / Greenville County Parks, Recreation and Tourism
- Slater Hall Internet Access \$1,745.00 (Finance)

c. Community Project Application / Berea High School & Swamp Rabbit Station at Berea \$1,000.00 (Finance)

7. RESOLUTIONS

a. Project Vandiver / Inducement Agreement

Councilor Willis Meadows

A resolution authorizing the execution and delivery of an inducement agreement by and between Greenville County, South Carolina and Project Vandiver, whereby, under certain conditions, Greenville County will execute a fee in lieu of tax and special source credit 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 Project/Company will be provided certain credits against fee payments in reimbursement of investment in related qualified infrastructure, and providing for related matters.

Resolution:

8. ORDINANCES - THIRD READING

Councilor Joe Dill

a. Zoning Ordinances*

- 1. CZ-2017-06, Property of Thomas Ernest Kerhulas Trust, 351 E. Lake Shore Drive (Council District 17), R-7.5 to C-1
- 2. CZ-2017-16, Property of Debbie A. Tucker, 2225 Standing Springs Road (Council District 28), R-S to R-12
- 3. CZ-2017-17, Property of Linda Gysin, 2401 and 2601 Pelham Road (Council District 21), FRD to FRD (major change)

b. Project Mousetrap / Fee in Lieu of Tax Agreement

Councilor Willis Meadows

An ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and Project Mousetrap and with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, and other matters related thereto.

Ordinance
Fee in Lieu of Tax Agreement

9. ORDINANCES - SECOND READING

a. Pelham Batesville Fire District / General Obligation Bond

Councilor Willis Meadows

An ordinance authorizing the Pelham-Batesville Fire District, South Carolina to issue general obligation bonds, in one or more series, providing for the publication of notice of the said findings and authorization, and generally approving other matters relating thereto.

Ordinance

b. Repeal Section 3 of Ordinance No. 3867 Concerning Voting Requirements for Approval of Certain Fiscal Matters

Councilor Willis Meadows

An ordinance to repeal Section 3 of Ordinance No. 3867 concerning voting requirements for approval of certain fiscal matters.

Ordinance

10. ORDINANCES - FIRST READING

a. Clear Spring Fire and Rescue District / General Obligation Refunding and Improvement Bond

Councilor Willis Meadows

ELECTRONICALLY FILED - 2017 Apr 10 11:52 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

An ordinance to provide for the issuance and sale of not exceeding \$4,500,000 Greenville County, South Carolina, General Obligation Refunding and Improvement Bonds (Clear Spring Fire and Rescue District Project), Series 2017, to prescribe the purposes for which the proceeds shall be expended, to provide for the payment thereof, and other matters relating thereto.

Ordinance:

b: Project Vandiver / Fee In Lieu of Tax Agreement

Councilor Willis Meadows

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 Vandiver 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.

Ordinance:
Fee Agreement

11. COMMITTEE REPORTS

a. Committee of the Whole

Councilor Willis Meadows

1. Board and Commission Nominations/Appointments

12. APPEARANCES BY CITIZENS - Items not listed on the current agenda

"No matter shall be heard by Council unless it is within Council's authority or jurisdiction." - County Council Rules

13. ADMINISTRATOR'S REPORT

14. REQUESTS AND MOTIONS BY COUNCIL MEMBERS

a: Referral of Public Safety Communications and Road Maintenance Fee Ordinances

Councilor Lynn Ballard

Memo with Attachments

15. ADJOURNMENT

* denotes items that have had a public hearing and are not eligible for public comments this evening

** denotes items that have public hearings scheduled on the evening's agenda

ELECTRONICALLY FILED - 2017 APR 10 11:52 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

ELECTRONICALLY FILED - 2017 Apr 10 11:52 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

No. _____

AN ORDINANCE

TO REPEAL SECTION 3 OF ORDINANCE NO. 3867 CONCERNING VOTING REQUIREMENTS FOR APPROVAL OF CERTAIN FISCAL MATTERS.

BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Rescinding Section 3 of Ordinance No. 3867. Section 3 adopted as part of Ordinance No. 3867, and appearing as Appendix A to this ordinance, is hereby repealed.

Section 2. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

Section 4. Effective Date. This Ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2017.

ATTEST:

Herman G. Kirven, Jr., Chairman
Greenville County Council

Theresa Kizer
Clerk to Council

Joseph M. Kernell
County Administrator

APPENDIX A

GREENVILLE COUNTY ORDINANCE NO. 3867 OF 2004, SECTION 3:

SECTION 3. Taxpayer Protection Provision. A three-fourths vote by the full membership of County Council shall be required to take any action, which would raise taxes or fees or harm the County's AAA credit rating. Such actions include the following: to approve the issuance of General Obligation Bonds (bonds pledging the full faith and credit of Greenville County); to increase Ad Valorem Property Tax Levies for the County General Operating Millage; to increase the amount of any fee assessment established by County Council; to implement any new fee or tax assessment; to increase County expenses if such increase would, during the budget period in which the expenses would be incurred, lower County reserves to a level less than the greater of 30% of operating expenses or three months of operating expenses; and to approve Supplemental Appropriations.



GREENVILLE COUNTY COUNCIL

Lynn Ballard
Council District 26

MEMORANDUM

TO: Chairman Butch Kirven and County Council Members
FROM: Councilor Lynn Ballard
DATE: March 31, 2017

During the Requests and Motions portion of the Regular Council Meeting on Tuesday, April 4, 2017, I will be making a motion pursuant to Council Rule V (B) to have Council refer two proposed fee ordinances to the Committee of the Whole. Specifically, I will move that Council refer consideration of the two attached ordinances providing for public safety communications and road maintenance to the Committee of the Whole.

This will allow Council to address these two important issues in the next few months.

This memorandum shall serve as compliance with Council Rule III (B).

Enclosures: Draft Ordinances

ELECTRONICALLY FILED - 2017 Apr 10 11:52 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

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.

WHEREAS, first responders and public safety service providers in Greenville County, including city and county law enforcement, fire departments and emergency medical services, communicate with each other over a series of radio networks dedicated to public safety communications; however, these networks are independently operated with uneven coverage, mixed bands and incompatible equipment; and

WHEREAS, while this mixture of unconnected networks has functioned for decades, those on the front line have identified a need to upgrade public safety communications for all first responders serving Greenville County; and

WHEREAS, upgrades to the public safety telecommunications network in Greenville County are needed now as many of our County-wide first responders are using equipment that is nearing end of life and does not allow for interoperability among first responder agencies; and

WHEREAS, a public safety telecommunications network is designed, built and maintained to a higher standard than consumer telecommunications as it must work reliably in emergencies when consumer networks face overload or failure; and

WHEREAS, moving all County-wide public safety telecommunications to a single network platform will promote the safety of life and property in Greenville County by providing much needed modernization of current public safety telecommunications infrastructure, ensures County-wide emergency and public safety telecommunications coverage to all persons and property located in Greenville County, improves County-wide public safety telecommunications coverage and reliability, advances the goal of ensuring interoperable communications for first responders agencies within Greenville County and State-wide, provides significant benefits in crisis management operations where immediate communications can save lives and prevent the loss of property, eases the transition to future technologies while reducing the risks associated with equipment obsolescence, and minimizes capital expenses related to necessary infrastructure upgrades; and

WHEREAS, pursuant to Section 4-9-30(S) and Section 6-1-330 of the Code of Laws of South Carolina, as amended, the County is authorized and empowered to levy uniform service charges to provide for operations and functions of the county, including, but not limited to public works, roads, and public safety; and

WHEREAS, the County deems it appropriate, desirable and equitable to fund the costs of providing County-wide public safety telecommunications on a common platform and access to the enhanced services through the levy of a uniform service fee on all parcels of real property in Greenville County.

ELECTRONICALLY FILED - 2017 Apr 10 11:52 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

DRAFT 3/31/17

NOW, THEREFORE, BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Authority. Greenville County Council is authorized by Section 4-9-30 and Section 6-1-330 of the Code of Laws of South Carolina, as amended, to levy uniform service charges to provide for public safety.

Section 2. Public Safety Telecommunications Fee. There shall be a uniform public safety telecommunications service fee of \$14.95 annually imposed upon each parcel of real property located in Greenville County to support enhanced access to County-wide emergency and public included on real property tax notices in such manner and method as determined by the Greenville County Administrator and collected by the County Tax Collector pursuant to State law. The uniform public safety telecommunications service fee shall be due, payable and collected in the same manner as real property taxes and shall be subject to the same penalties and interest as overdue real property taxes. The proceeds from the collection of such fees shall be deposited into the County general fund special public safety telecommunications account. The proceeds of such fund shall be specifically used for: (1) the lease, purchase, lease-purchase, or maintenance of County-wide public safety telecommunications network infrastructure and network components including radios for County departments, towers, equipment, P-25 compliant communication service or similar services as technology advances, computer hardware, software and non-recurring costs of initially establishing the network platform, and rates associated with the network service provider's service and provider's recurring charges.

At the end of ten years the amortized infrastructure costs will have been satisfied, and the fee amount will be reevaluated and potentially reduced. Funds not used in any fiscal year shall be carried forward and used exclusively for the above allowed interoperable public safety telecommunication operations in the County.

The use of the proceeds of such fund shall be administered by the County Administrator or his designee with input from an advisory committee comprised of: President of the Greenville County Fire Chief's Association, Director of County Emergency Services, Director of County EMS, and the Greenville County Sheriff or his designee.

Section 3. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect. Ordinance No. 4885 is repealed.

Section 5. Effective Date. This Ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2017.

ELECTRONICALLY FILED - 2017 Apr 10 11:52 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

DRAFT 3/31/17

Herman G. Kirven, Jr., Chairman
Greenville County Council

ATTEST:

Theresa Kizer
Clerk to Council

Joseph M. Kemell
County Administrator

ELECTRONICALLY FILED - 2017 Apr 10 11:52 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP230191A

AN ORDINANCE

TO AMEND ORDINANCE NO. 2474, AS AMENDED, SO AS TO INCREASE THE COUNTY ROAD MAINTENANCE FEE.

WHEREAS, for almost 25 years Greenville County and its citizens have benefitted from the use of the road maintenance fee as a dedicated source of funding to support the maintenance and improvement of its public road system across the County; and

WHEREAS, the County has reviewed the road maintenance fee and determined that although the number of registered vehicles in Greenville County has increased, the additional revenue generated is insufficient to overcome increased maintenance costs, and the buying power of \$15.00 in 1993 is estimated to be the equivalent of \$8.88 in 2016; and

WHEREAS, Greenville County strives to maximize the life expectancy and riding surface condition of the County's road infrastructure, however, maintenance demands continue to climb due to growth of our community, increased traffic volume, sustaining pavement conditions against deterioration, along with the addition of 300+ miles of public roads under the County's responsibility; and

WHEREAS, the decreased buying power of the current fee is insufficient to keep up with increased costs of maintenance and County Council finds it necessary to increase the Road Maintenance Fee to \$25.00; and

WHEREAS, with funding for a local match, Greenville County has an opportunity to apply for available South Carolina State Infrastructure Bank funds to accelerate major local GPATS road improvement projects that would alleviate traffic congestion and benefit the citizens of Greenville County; and

WHEREAS, pursuant to Section 4-9-30(5) of the Code of Laws of South Carolina, as amended, the County is authorized and empowered to levy uniform service charges to provide for operations and functions of the county, including, but not limited to public works and roads.

NOW, THEREFORE, BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Authority. Greenville County Council is authorized by Section 4-9-30 of the Code of Laws of South Carolina, as amended, to levy uniform service charges to provide for public works, including roads, and public safety.

Section 2. Road Maintenance Fee Amendment. Section 2 of Ordinance No. 2474, as amended by Ordinance No. 2513, is hereby amended to change the road maintenance fee to Twenty-five and 00/100 Dollars (\$25.00) and the references to the "Department of Revenue and Taxation-Division of Motor Vehicles" is amended to the "South Carolina Department of Motor Vehicles."

DRAFT 3/31/17

Section 3. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect. Ordinance No. 4885 is hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2017.

Herman G. Kirven, Jr., Chairman
Greenville County Council

ATTEST:

Theresa Kizer
Clerk to Council

Joseph M. Kernell
County Administrator

ELECTRONICALLY FILED - 2017 Apr 10 11:52 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

GREENVILLE COUNTY COUNCIL
REGULAR MEETING
April 18, 2017
6:00 p.m.
Council Chambers - County Square

ELECTRONICALLY FILED - 2017 Aug 04 11:09 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

- 1. Call to Order Chairman Butch Kuyven
- 2. Invocation (Introduced by Councillor Sid Cates) Dr. John McCormick, Administrator
Hidden Treasures Christian School, Taylor
- 3. Pledges of Allegiance
- 4. Approval of Minutes
 - a. April 9, 2017 - Regular Council Meeting
- 5. Public Hearings
 - a. Carstrip America Inc. (Formerly Project Mousttrap) / Fee In Lieu of Tax Agreement Councillor Willis Meadows
 - b. Pelham Batesville Fire District / General Obligation Bond Councillor Willis Meadows
 - c. Clear Spring Fire and Rescue District / General Obligation Refunding and Improvement Bond Councillor Willis Meadows
- 6. Appearances

Current Agenda Items
- 7. Ordinances - Third Reading
 - a. Zoning Ordinances Councillor Joe Dill
 - i. CZ-2017-06, Property of Thomas Ernest Kernulus Trust, 351 E. Lake Shore Drive (Council District 17), R-V-5 to C-1
 - b. Carstrip America Inc. (Formerly Proj. Mousttrap) / Fee In Lieu of Tax Agreement Councillor Willis Meadows

An ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and Carstrip America Inc. and with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, and other matters related thereto.

Ordinance
Fee Agreement
 - c. Pelham Batesville Fire District / General Obligation Bond ** Councillor Willis Meadows

An ordinance authorizing the Pelham-Batesville Fire District, South Carolina to issue general obligation bonds, in one or more series, providing for the publication of notice of the said findings and authorization, and generally approving other matters relating thereto.

Ordinance
 - d. Repeal Section 3 of Ordinance No. 3867 Concerning Voting Requirements for Approval of Certain Fiscal Matters Councillor Willis Meadows

An ordinance to repeal Section 3 of Ordinance No. 3867 concerning voting requirements for approval of certain fiscal matters.

Ordinance
- 8. Ordinances - Second Reading
 - a. Zoning Ordinances Councillor Joe Dill

Planning and Development Committee

ELECTRONICALLY FILED - 2017 Aug 04 11:09 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP230194

1. CZ-2016-66, Property of James Wilson, Locust Hill Road (Council District 18), R-10 to C-1
2. CZ-2017-12, Property of JHM Hotels, 1408 Boiling Springs Road (Council District 21), FRD to FRD (major change)
3. CZ-2017-14, Property of RMS2 Enterprises, LLC, 2328 Roper Mountain Road (Council District 21), R-S to R-15
4. CZ-2017-15, Property of Aycen Family Trust, 1008 and 1010 Highway 14 (Council District 27), R-15 to S-1
5. CZ-2017-18, Property of Norman Agnew Waldrop, 121 Rutherford Road (Council District 23), C-2 to C-3
6. CZ-2017-19, Property of Ameen K. Aljabouri, 3807 White Horse Road (Council District 25), R-12 to FRD
7. CZ-2017-20, Property of Brent Jones, 3725 and 3729 Woodruff Road (Council District 27) R-S to R-15
8. CZ-2017-21, Property of Greenville White Horse FDS 715966, LLC for M & T Enterprises, Inc., 1145 White Horse Road (Council District 25), S-1 to C-1

b. **Clear Spring Fire and Rescue District / General Obligation Refunding and Improvement Bond****
 An ordinance to provide for the issuance and sale of not exceeding \$4,500,000 Greenville County, South Carolina, General Obligation Refunding and Improvement Bonds (Clear Spring Fire and Rescue District Project), Series 2017; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto.

Councillor Willis Meadows

Ordinance

c. **Project Vandiver / Fee in Lieu of Tax Agreement**
 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 Vandiver 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.

Councillor Willis Meadows

Ordinance
Fee Agreement

9. **Ordinances - First Reading**

- a. **Zoning Ordinances****
1. CZ-2017-22, Property of Bettye Riddle Smith, Antioch Church Road (Council District 25), R-S to R-12
 2. CZ-2017-23, Property of Lindsey R. Estola and Ruth Hernandez Estola, LLC, Stallings Road and New Tibb Road (Council District 20), R-M20 to C-1

Councillor Joe Dil

b. **Brookfield Tax District / Millage Request**
 An ordinance to approve the Brookfield Special Tax District Commissioners' request for an increase to its current ad valorem property tax millage levy.

Councillor Willis Meadows

Ordinance

c. **Supplemental Appropriation / E911**
 An ordinance to authorize a supplemental appropriation from the E911 Special Revenue Fund - Fund Balance to increase Fiscal Year 2016-2017 budgeted E911 Revenues \$375,000 and to increase Fiscal Year 2016-2017 budgeted E911 Expenditures \$375,000 to cover the cost of an unanticipated purchase of 9-1-1 call reporting software and replacement of computer equipment.

Councillor Willis Meadows

Ordinance

10. Board and Commission Balloting

a. Arens District (3 vacancies)

- Michael Allen (D.33)
- Michael Chatman (D.23)
- Neela Patel (D.22)
- James Piman (D.21)

b. Greenville Area Development Corporation (3 vacancies)

- David Kelley (D.24)
- Freddie Lawson III (D.21)
- Debbie Nelson (D.20)
- Chad Timblin (D.20)

11. Committee Reports

12. Appearances by Citizens - Items not listed on the current agenda

"No matter shall be heard by Council unless it is within Council's authority or jurisdiction."
- County Council Rules

13. Administrator's Report

14. Resolutions and Motions by Council Members

15. Adjournment

* denotes items that have had a public hearing and are not eligible for public comments this evening
** denotes items that have public hearings scheduled on the evening's agenda

ELECTRONICALLY FILED - 2017 AUG 04 11:09 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

No. _____

AN ORDINANCE

TO REPEAL SECTION 3 OF ORDINANCE NO. 3867 CONCERNING VOTING REQUIREMENTS FOR APPROVAL OF CERTAIN FISCAL MATTERS.

BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Rescinding Section 3 of Ordinance No. 3867. Section 3 adopted as part of Ordinance No. 3867, and appearing as Appendix A to this ordinance, is hereby repealed.

Section 2. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

Section 4. Effective Date. This Ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2017.

ATTEST:

Herman G. Kirven, Jr., Chairman
Greenville County Council

Theress Kizer
Clerk to Council

Joseph M. Kernick
County Administrator

APPENDIX A

GREENVILLE COUNTY ORDINANCE NO. 3867 OF 2004, SECTION 3:

SECTION 3. Taxpayer Protection Provision. A three-fourths vote by the full membership of County Council shall be required to take any action, which would raise taxes or fees or harm the County's AAA credit rating. Such actions include the following: to approve the issuance of General Obligation Bonds (bonds pledging the full faith and credit of Greenville County); to increase Ad Valorem Property Tax Levies for the County General Operating Millage; to increase the amount of any fee assessment established by County Council; to implement any new fee or tax assessment; to increase County expenses if such increase would, during the budget period in which the expenses would be incurred, lower County reserves to a level less than the greater of 30% of operating expenses or three months of operating expenses; and to approve Supplemental Appropriations.*



GREENVILLE COUNTY COUNCIL

MINUTES

REGULAR MEETING

APRIL 18, 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, LEFT @ 6:28 P.M.
MR. RICK ROBERTS
MR. BOB TAYLOR
MRS. LIZ SEMAN
MR. ENNIS FANT, SR.
MR. LYNN BALLARD, ABSENT
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 Kennell, County Administrator
Mark Tallson, County Attorney
Dean Campbell, Deputy County Attorney
Jeff Wile, Assistant County Attorney
John Harsley, Deputy County Administrator
Theresa Kizer, Clerk to Council
Regina McCaskill, Deputy Clerk to Council
Jessica Stone, Administrative Assistant, Clerk to Council
Bob Mihalic, Governmental Relations Officer
Paula Gucker, Assistant County Administrator, Public Works
John Vandermosten, Assistant County Administrator, Public Safety
Chief Deputy Edridge, Sheriff's Office
Shannon Herman, Assistant to the County Administrator

OTHERS PRESENT

None

CALL TO ORDER

Chairman Butch Kirven

INVOCATION - introduced by Councilor Sid Cates

Dr. John McCormick, Administrator
Hidden Treasure Christian School
Taylors, SC

PLEDGE OF ALLEGIANCE

GREENVILLE COUNTY COUNCIL - REGULAR MEETING
APRIL 18, 2017

Page 1 of 9

ELECTRONICALLY FILED - 2017 Aug 04 11:08 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

Item (4) APPROVAL OF MINUTES

ACTION: Councilor Seman moved to approve the minutes of the April 4, 2017, Regular Council Meeting.

Motion carried unanimously by Council Members present.

Item (5) PUBLIC HEARINGS

(a) Catstrap America Inc. (formerly Project Mousetrap) / 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 Catstrap America Inc. and with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes and other matters related thereto.

- Thomas Barlovits, 9 Middlewick Court, Simpsonville -- appeared in opposition to the proposed

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

(b) Pelham-Batesville Fire District / General Obligation Bond

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance authorizing the Pelham-Batesville Fire District, South Carolina to issue general obligation bonds, in one or more series, providing for the publication of notice of the said findings and authorization, and generally approving other matters relating thereto.

- Phill Jolley, 10 Brown Beaver Way, Taylors -- appeared in favor of the proposed.

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

(c) Clear Spring Fire and Rescue Department / General Obligation Refunding and Improvement Bond

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance to provide for the issuance and sale of not exceeding \$4,500,000 Greenville County, South Carolina General Obligation Refunding and Improvement Bonds (Clear Spring Fire and Rescue District Project), Series 2017, to prescribe the purposes for which the proceeds shall be expended, to provide for the payment thereof, and other matters relating thereto.

- James Roberts, Jr., 47 Copperdale Dr., Simpsonville -- appeared in favor of the proposed

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

Item (6)

APPEARANCES - current agenda items

- Thomas Bartovitz, 2 Middlewick Ct., Simpsonville - appeared regarding Item 7.d. Repeal of Section 3 of Ordinance 3867.
- Raymond Pepper, 3 Hackamore Trail, Piedmont - appeared regarding Item 7.d. Repeal of Section 3 of Ordinance 3867.
- Shirley Pepper, 3 Hackamore Trail, Piedmont - appeared regarding Item 7.d. Repeal of Section 3 of Ordinance 3867.
- James Pepper, 116 Melvin St., Piedmont - appeared regarding Item 7.d. Repeal of Section 3 of Ordinance 3867.
- Christine Pepper, 116 Melvin St., Piedmont - appeared regarding Item 7.d. Repeal of Section 3 of Ordinance 3867.

Item (7)

ORDINANCES - THIRD READING

(a) Zoning Ordinances

1. CZ-2017-06: Property of Thomas Ernest Kerulus Trust, located at 351 E. Lake Shore Drive, requesting rezoning from R-7.5 to C-1.

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

ACTION: Councilor Dill moved to hold the item for two weeks.

Motion to hold carried unanimously by Council Members present.

(b) Carstrap America Inc. (formerly Project Mousetrap) / 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 between Greenville County, South Carolina and Carstrap America Inc. and with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto.

Chairman Kirven stated the assessment rate of 10.5% for manufacturing properties was set by the State Constitution. He added that the State Legislature devised the fee in lieu agreement in order to make South Carolina competitive with other states and reduce the commercial property rate to 6%. Chairman Kirven stated changing the assessment rates for manufacturing and commercial properties was beyond the control of County Council.

Motion as presented carried unanimously by Council Members present.

(c) Pelham Batesville Fire District / General Obligation Bond

ACTION: Vice-Chairman Meadows moved for adoption at third reading an ordinance authorizing the Pelham-Batesville Fire District, South Carolina to issue general obligation bonds in one or more series; providing for the publication of notice of the said findings and authorization; and generally approving other matters relating thereto.

Councilor Dill asked if Spartanburg County had dealt with its part of the issue.

Chairman Kirven stated he was not sure and asked Mark Tolison for an update.

Mr. Tolison deferred the question to Attorney Margaret Pope, Bond Council for Pelham Batesville Fire District.

Councilor Roberts stated he spoke to the Spartanburg Councilman for the area bordering Greenville County and the plan was to follow Greenville County's lead.

Attorney Margaret Pope stated the plan was to have the General Assembly authorize the request as the Pelham Batesville Fire District was a special purpose tax district located in two counties. She added that the Constitution only prohibited legislation that involved matters within one county. Ms. Pope stated the General Assembly created the Pelham Batesville Fire District and could authorize the debts; however, she added the general statute which was being used, stated a County Council could join in the action of the General Assembly. She stated the legislation had passed the Senate and was now with the House Ways and Means Committee. Ms. Pope stated it was believed that the legislation would move fairly quickly through the House and become a law. Greenville County Council's action in giving third reading was conditional upon that happening. She stated if the legislation was not passed, there would be a referendum in Greenville County. Ms. Pope stated Spartanburg County was asked to do the same thing. Their general precedent was to have a referendum which was scheduled for late June. She stated Spartanburg County would begin readings on their ordinance which was conditional upon the referendum. She stated the referendum was not a legal requirement under the statute. County Councils may have a referendum but were not required to do so. Ms. Pope stated the request from the fire district was well within the district's debt limit. She stated when you have special purpose tax districts located in more than one county, the results may be a little different. Ms. Pope stated Greenville County Council was being asked to give third reading and join in with the General Assembly as the authorizing elected body.

Councilor Dill asked what would happen if Greenville County approved the request and Spartanburg County did not.

Ms. Pope stated the request may not go forward. If the bond issuance was approved, the taxes must be uniformly imposed across the district. She stated special purpose tax districts were mainly autonomous political subdivisions just like cities, counties and school districts. In some of the special purpose tax districts, the commissions were appointed and prior to Home Rule, all matters pertaining to special purpose tax districts were handled by the General Assembly. Ms. Pope stated both counties would have to approve the bond request.

Motion as presented carried unanimously by Council Members present.

- (d) **Repeal Section 3 of Ordinance No. 3867 Concerning Voting Requirements for Approval of Certain Fiscal Matters**

ACTION:

Vice-Chairman Meadows moved for adoption of third reading on ordinance to repeal Section 3 of Ordinance No. 3867 concerning voting requirements for approval of certain fiscal matters.

Motion carried by a roll call vote of seven (Roberts, Taylor, North, Seman, Fant, Kirven and Payne) in favor and four (Dill, Barnes, Meadows and Cafes) in opposition. Council Ballard was not present.

Item (8) ORDINANCES - SECOND READING

(a) Zoning Ordinances

1. CZ-2016-48: Property of James Wilson, located on Locust Hill Road, requesting rezoning from R-10 to C-1. The Planning Commission and Committee recommended denial.

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

AMENDMENT: At the applicant's request, Councilor Dill moved to amend the zoning request to O-D.
Motion to amend carried by Council Members present with Councilor Payne voting in opposition.

ACTION: Councilor Payne moved to return the item to the Planning and Development Committee.
Motion to return the item to the Planning and Development Committee carried by Council Members present with Councilor Seman voting in opposition.

2. CZ-2017-12: Property of JHM Hotels, located at 1408 Bolling Springs Road, requesting rezoning from FRD to FRD with major change. 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 by Council Members present.

3. CZ-2017-14: Property of RMS2 Enterprises, LLC, located at 2328 Roper Mountain Road, requesting rezoning from R-3 to R-15.

Councilor Dill stated the request had been withdrawn by the applicant.

4. CZ-2017-15: Property of Ayers Family Trust, located at 1008 and 1010 Highway 14, requesting rezoning from R-15 to S-1. The Planning Commission recommended denial and the Committee recommended approval.

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

Councilor Dill moved to return the item to the Planning and Development Committee.

Chairman Kriven stated the property was located in his district and the prospective buyer had indicated a desire to move forward with a rezoning request of FRD as opposed to S-1.

Motion to return the item to the Planning and Development Committee carried unanimously by Council Members present.

5. CZ-2017-18: Property of Norman Agnew Waldrop, located at 121 Rutherford Road, requesting rezoning from C-2 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 by Council Members present.

6. CZ-2017-19: Property of Ameen K. Aljouni, located at 3807 White Horse Road, requesting rezoning from R-12 to F-0. The Planning Commission recommended approval with conditions and the Committee recommended denial.

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

AMENDMENT: Councilor Dill moved to amend the request to add the following conditions:

1. Remove temporary signage clause from the Statement of Intent.
2. The proposed sign is required to be 15 feet from the right-of-way line.
3. Remove an additional 100 square feet of concrete on the northwest side of the proposed detention area for tree health and so concrete area will not be compromised from tree growth.
4. Place additional landscaping along adjacent residentially zoned area.

Councilor Payne asked if the recommendations were made by the Planning Commission.

Councilor Dill stated it was his understanding the recommendations were made by the Planning Commission.

Motion to amend was denied unanimously by Council Members present.

Motion as presented was denied unanimously by Council Members present.

7. CZ-2017-20: Property of Brent Jones, located at 3725 and 3729 Woodruff Road, requesting rezoning from R-S to R-15. The Planning Commission and Committee recommended approval.

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

Chairman Kaven stated the property was located in his district and the plan was for stick built houses and a nice subdivision.

Motion carried unanimously by Council Members present.

8. CZ-2017-21: Property of M & T Enterprises, Inc. located at 1145 White Horse Road, requesting rezoning from S-T to C-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 by Council Members present.

Councilor Cafes left the meeting.

(b) Clear Spring Fire and Rescue District / General Obligation Refunding and Improvement Bond

ACTION: Vice-Chairman Meadows moved for approval at second reading an ordinance to provide for the issuance and sale of not exceeding \$4,500,000 Greenville County, South Carolina, General Obligation Refunding and Improvement Bonds (Clear Spring Fire and Rescue District Project), Series 2017, to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto.

Chairman Kirven stated the fire district had not requested a millage increase to build a new fire station.

Motion carried unanimously by Council Members present.

(c) Project Vandiver / Fee In lieu of Tax Agreement

ACTION:

Vice-Chairman Meadows moved for approval of 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 Vandiver 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 by Council Members present.

Item (9)

ORDINANCES - FIRST READING

(a) Zoning Ordinances

Councilor Dill presented for first reading Zoning Dockets CZ-2017-22 through CZ-2017-23.

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

(b) Brookfield Tax District / Millage Request

Vice-Chairman Meadows presented for first reading an ordinance to approve the Brookfield Special Tax District Commissioners' request for an increase to its current ad valorem property tax millage levy.

Chairman Kirven stated the item would remain on the floor.

(c) Supplemental Appropriation / E911

Vice-Chairman Meadows presented for first reading an ordinance to authorize a supplemental appropriation from the E911 Special Revenue Fund - Fund Balance to increase Fiscal Year 2016-2017 budgeted E911 Revenues \$375,000 and to increase Fiscal Year 2016-2017 budgeted E911 Expenditures \$375,000 to cover the cost of an unanticipated purchase of 9-1-1 call reporting software and replacement of computer equipment.

Chairman Kirven stated the item would remain on the floor.

Item (10)

BOARD AND COMMISSION BALLOTING

(a) Arena District Commission (3 vacancies)

Chairman Kirven stated Michael Allen, Neel Patel and James Pitman were elected by ballot vote to fill three (3) vacancies on the Arena District Commission.

(b) Greenville Area Development Corporation (3 vacancies)

Chairman Kirven stated David Kelley, Eugene Langan, III and Dabbie Nelson were elected by ballot vote to fill three (3) vacancies on the Greenville Area Development Corporation.

Item (11)

COMMITTEE REPORTS

None

Item (12)

APPEARANCES BY CITIZENS

- * Bobby Davis, 6 Seifner Ct., Greenville - appeared regarding proper government authority.
- * Demetrius Sims, 127 Chick Springs Rd., Taylors - appeared regarding waste of money going into homeless agencies.

Item (13)

ADMINISTRATOR'S REPORT

County Administrator Joe Kemel stated in March the County's Animal Care Services reached a significant achievement, a 93.7% save rate. Overall, this represents a 97% save rate for dogs and an 83% save rate for cats. The 93.7% rate exceeded the recognized rate of 90% needed by shelters to be considered "No Kill." He thanked Paula Gucker, Shelley Simmons and the entire Animal Care staff for a job well done.

Item (14)

REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- * Councilor Payne expressed his gratitude to live in a great community.
- * Councilor Fant recognized those persons present from Vision 25 and District 25.
- * Councilor Seman hoped everyone saw the announcement that Greenville/Purman and the Southern Conference will once again host the first round of the Men's Tournament in 2022 and the regional of the Women's Tournament in 2020. She then thanked everyone who was able to attend last week's 150-A event with Senator Lindsey Graham. SCTAC appreciated the great support that Greenville County provided to them and to their largest tenant, Lockheed Martin.
- * Councilor Seman stated she had the opportunity to attend Veteran's Treatment Court with Upstate Warrior Solutions. She stated their pilot program was an intense and coordinated effort between the 13th Circuit Solicitor's Office, the Veteran's Administration Health System, Greenville's Pre-trial Intervention and community volunteers. The organization's goal was to reduce the veterans' criminal activity and potentially harmful behavior by helping them turn their lives around. Their hope was to identify and assist veterans in need. Ms. Seman stated the 13th Solicitor has been in operation for four years and has had 12 participants. All the participants are post-9/11 veterans with charges in Greenville County, most were first-time offenders. There have been six graduates to date with three more scheduled in the fall. The program was predominately run by volunteers with support through Upstate Warrior Solutions. Both Spartanburg and Anderson Counties were starting their own Veteran's Trial Court based on Greenville's model. She asked the Chairman if they could perhaps have Charlie Hall, President of Upstate Warrior Solutions, make a presentation to Committee of the Whole at some point in the future.
- * Councilor Roberts stated it was an honor to be able to support Mr. Greenlaw and his efforts to put together a terrific Veteran's Memorial Park. He then expressed his amazement of the number of hours it took to serve as a Council member. He stated his appreciation to Mr. Payne for his visionary thinking and his tireless efforts.

- Councilor Norris stated after working with staff, they were able to find Demetrius Sims a place to stay. She stated the Recreation District was working with them at Phillis Wheatley.
- Chairman Kirven stated Mr. Payne was a tireless and passionate worker with a vision of innovative, economic development that would create opportunities in the future for the Greenville community. Mr. Kirven stated in January Council discussed creating an ad hoc committee that would continue to bring experts and ideas as well as money into the county from outside organizations. He encouraged everyone to help support Mr. Payne's ventures and hopefully in the near future everyone would be able to see what Mr. Payne sees.
- Councilor Barnes stated the Veteran's Memorial Park was a great opportunity to serve the military. He felt it would be a great project that would serve to pull the community together and he encouraged everyone to become involved.
- Councilor Dill stated the woman he mentioned at the previous meeting, who was to be evicted from her home, was now homeless. Due to a medical condition she was currently in the hospital, but once her condition improved, she would have nowhere to go. Mr. Dill stated his research revealed to him that there were several places for homeless men to find shelter, but unless a woman was on drugs or abused, there was nowhere for her to go. He felt there was a great need here for some organization to fill.
- Councilor Taylor stated the Veteran's Memorial was something in which they should all get involved and he was looking forward to what the Committee would come up with. He then stated he had enjoyed working with Mr. Payne and that he had created a synergy in Greenville when it came to automated transportation.

Item (15)

ADJOURNMENT

ACTION:

Councilor Taylor moved to adjourn the meeting.

Motion carried unanimously by Council Members present and the meeting was adjourned at 7:08 p.m.

Respectfully submitted,

Theresa B. Kizer, Clerk to Council

No. 4893

AN ORDINANCE

TO REPEAL SECTION 3 OF ORDINANCE NO. 3867 CONCERNING VOTING REQUIREMENTS FOR APPROVAL OF CERTAIN FISCAL MATTERS.

BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Rescinding Section 3 of Ordinance No. 3867. Section 3 adopted as part of Ordinance No. 3867, and appearing as Appendix A to this ordinance, is hereby repealed.


Section 2. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

Section 4. Effective Date. This Ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS 18th DAY OF APRIL, 2017.

ATTEST:


Theresa Kizer
Clerk to Council


Herman G. Kivsh, Jr., Chairman
Greenville County Council


Joseph M. Kernell
County Administrator

APPENDIX A

GREENVILLE COUNTY ORDINANCE NO. 3867 OF 2004, SECTION 3:

SECTION 3. Taxpayer Protection Provision. A three-fourths vote by the full membership of County Council shall be required to take any action, which would raise taxes or fees or harm the County's AAA credit rating. Such actions include the following: to approve the issuance of General Obligation Bonds (bonds pledging the full faith and credit of Greenville County); to increase Ad Valorem Property Tax Levies for the County General Operating Millage; to increase the amount of any fee assessment established by County Council; to implement any new fee or tax assessment; to increase County expenses if such increase would, during the budget period in which the expenses would be incurred, lower County reserves to a level less than the greater of 90% of operating expenses or three months of operating expenses; and to approve Supplemental Appropriations.



**GREENVILLE COUNTY COUNCIL
MINUTES**

**REGULAR MEETING
MAY 2, 2017
6:00 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, ABSENT**
- 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 Tolison, County Attorney
- Jeff Wile, Assistant County Attorney
- John Hensley, Deputy County Administrator
- Theresa Kizer, Clerk to Council
- Regina McCaskill, Deputy Clerk to Council
- Jessica Stone, Administrative Assistant, Clerk to Council
- Bob Mihalic, Governmental Relations Officer
- Paula Gucker, Assistant County Administrator, Public Works
- John Vandermosten, Assistant County Administrator, Public Safety
- Rick Blackwell, 911 Director

OTHERS PRESENT

None

CALL TO ORDER

Chairman Butch Kirven

INVOCATION

Councilor Rick Roberts

PLEDGE OF ALLEGIANCE

Item (4) APPROVAL OF MINUTES

ACTION: Councilor Norris moved to approve the minutes of the April 18, 2017, Regular Council Meeting.

Motion carried unanimously by Council Members present.

Item (5) PROCLAMATION

Councilor Ballard presented a Proclamation to the mother of Marcus Whitfield honoring Peace Officers Memorial Day.

Councilor Ballard stated the United States Congress and the President of the United States have designated May 15 as Peace Officers Memorial Day. Councilor Ballard stated it was important that all citizens understand the duties, responsibilities, hazards and sacrifices of law enforcement officers, and that law enforcement officers recognize the duty to protect their communities against violence and disorder.

In 2017, Greenville County specifically honors the legacy of Officer Marcus Whitfield, an outstanding member of the Greenville County Sheriff's Office, who was killed in the line of duty in 1999. Greenville County Council directs that all flags on County buildings be flown at half-staff on May 15, 2017, in memory of all law enforcement officers who have made the ultimate sacrifice to their communities or have become disabled in the performance of duty, as well as honor all law enforcement officers presently serving their communities.

Item (6) APPEARANCES - current agenda items

None.

Item (7) CONSENT AGENDA

- (a) Waterline Application / 2618 E. Georgia Road
- (b) Waterline Application / 104 Parker Station Road

ACTION: Vice-Chairman Meadows moved approval of the Consent Agenda items.

Motion carried unanimously by Council Members present.

Item (8) ORDINANCES - THIRD READING

- (a) Zoning Ordinances
 - 1. CZ-2017-08: Property of Thomas Ernest Kernulas Trust, located at 351 E. Lake Shore Drive, requesting rezoning from R-7.5 to C-1.

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

Councilor Dill stated the issue had been studied and Greenville County has the authority to rezone the property. He added the City of Tryon has strict covenants over the property. Councilor Dill urged his colleagues to support the request.

Motion carried unanimously by Council Members present.

2. CZ-2017-12: Property of JHM Hotels, located at 1408 Bolling Springs Road, requesting rezoning from FRD to FRD with major change.

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

Councilor Roberts stated the proposed changes would make the building blend into the community much better and he supported the request. He added he would not be in favor of future commercial zoning in the area.

Motion carried unanimously by Council Members present.

3. CZ-2017-18: Property of Norman Agnew Waldrop, located at 121 Rutherford Road, requesting rezoning from C-2 to C-3.

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

Motion carried unanimously by Council Members present.

4. CZ-2017-20: Property of Brent Jones, located at 3725 and 3727 Woodruff Road, requesting rezoning from R-3 to R-15.

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

Motion carried unanimously by Council Members present.

5. CZ-2017-21: Property of M & T Enterprises, Inc., located at 1145 White Horse Road, requesting rezoning from S-1 to C-1.

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

Councilor Font stated the property was located in what was considered a "food desert" near Dixie Circle. He added that many of the residents had to walk long distances to purchase food and hopefully this establishment would help cut down the foot traffic in that particular area of White Horse Road. Councilor Font stated he supported the request.

Motion carried unanimously by Council Members present.

(b) Clear Spring Fire and Rescue District / General Obligation Refunding and Improvement Bond

ACTION: Vice-Chairman Meadows moved for adoption at third reading an ordinance to provide for the issuance and sale of not exceeding \$4,500,000 Greenville County, South Carolina General Obligation Refunding and Improvement Bonds (Clear Spring Fire and Rescue District Project), Series 2017, to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto.

Chairman Kiven stated the fire department was located in his district and the plan was to build a new fire station. He stated there was no tax increase involved and the building was to be built with current revenues available to the fire district.

Motion carried unanimously by Council Members present.

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

ACTION: Vice-Chairman Meadows moved for adoption of 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 a Company or Companies known to the County at this time as Project Vandiver 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.

ACTION: Vice-Chairman Meadows moved to hold the item to allow time for a public hearing to be scheduled for June 6, 2017.

Motion to hold carried unanimously by Council Members present.

Item (9) ORDINANCES - SECOND READING

(a) Brookfield Tax District / Millage Request

ACTION: Vice-Chairman Meadows moved for approval of second reading an ordinance to approve the Brookfield Special Tax District Commissioners' request for an increase to its current ad valorem property tax millage levy.

Motion carried unanimously by Council Members present.

(b) Supplemental Appropriation / E911

ACTION: Vice-Chairman Meadows moved for approval of second reading an ordinance to authorize a supplemental appropriation from the E911 Special Revenue Fund - Fund Balance to increase Fiscal Year 2016-2017 budgeted E911 Revenues \$375,000 and to increase Fiscal Year 2016-2017 budgeted E911 Expenditures \$375,000 to cover the cost of an unanticipated purchase of 911 call reporting software and replacement of computer equipment.

Councilor Dill inquired about the balance in the fund.

Joe Kemell stated he did not have the figures with him but the E-911 Fund Balance was substantial. The proposed ordinance would increase the operational support account by \$375,000 to pay for the software and computer equipment. He added the monies would be moved from the E911 fund balance to the E911 operational support account.

Motion carried unanimously by Council Members present.

Item (10) ORDINANCES - FIRST READING

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

Vice-Chairman Meadows presented for first reading an ordinance to amend Ordinance No. 2474, as amended, so as to increase the County Road Maintenance Fee.

Chairman Kriven stated the item would remain on the floor.

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

Vice-Chairman Meadows presented for first 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.

Chairman Kriven stated the item would remain on the floor.

(c) Automobile Sales Lot Moratorium

Councilor Dill presented for first 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.

Chairman Kriven stated the item would remain on the floor.

Item (11) COMMITTEE REPORTS

(a) Committee of the Whole

1. Board and Commission Policy Amendment

On behalf of the Committee, Vice-Chairman Meadows moved to amend Section 3(B) of the Greenville County Council Policy for Board and Commission Appointments so that the first two sentences of that section reads as follows:

Each Committee is responsible for interviewing and nominating applicants for the boards and commissions as assigned above. It is preferable that new applicants appear before the Committee to be interviewed; incumbents have the option of appearing.

Motion carried Unanimously by Council Members present.

Item (12) APPEARANCES BY CITIZENS

- * Pamela Tyree, 407 Junaluska Way, Greenville - appeared regarding TNR (Trap, Neuter and Release)

Item (13) ADMINISTRATOR'S REPORT

County Administrator Joe Kernell stated the first Annual EMS Award Luncheon was held earlier that day. He said a second luncheon would be held in Suite 400 on Thursday at 12:00 noon and he invited Council members to attend. Mr. Kernell stated the purpose of the luncheon was to recognize the top performers within the EMS department.

Item (14) REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- * Councilor Fant recognized members of Vision 25 and District 25 who were in attendance. He acknowledged Councilor Dill for his leadership in helping work through the issue of used car lots. Mr. Fant stated he was proud to represent Greenville County at the Men of Color event. He stated 1600 young men from all around the county came together where they were encouraged by community leaders to rise above their difficulties. He stated it was very inspiring.

- Councilor Ballard commended the Canebrake Fire Department for their efforts in having their ISO rating lowered from a 5 to a 3.
- Councilor Payne stated Fred Cartwright, Executive Director of CU-ICAR, has been working to develop a partnership with the county of Israel and South Carolina, specifically CU-ICAR. A week ago they began hosting 8 entrepreneur companies from Israel who went first to the Silicon Valley, then to Detroit and were now in Clemson. He stated support was building to create an advanced manufacturing innovation center of CU-ICAR. He stated Israel was the "state of innovation" and it was his hope that some of the eight companies who visited might come back to Greenville.
- Councilor Dill invited everyone to the Strawberry Festival in Slater/Marella on Saturday. He reminded his colleagues of the luncheon at the Upcountry History Museum on Monday at 12:00. Mr. Dill announced the unveiling of the Indian Chief at the Greenville Water System, also scheduled for Saturday. Mr. Dill stated his appreciation for Councilor Fant and for his earlier comments.
- Councilor Cates stated Taylor Mill would be holding their Spring Festival on Thursday from 4:00 - 9:00.
- Councilor Nantz thanked staff for helping her in providing for some of the needs in the underserved areas of Greenville County. She stated she was continuing to work to acquire recreational facilities for many of those areas. She stated her appreciation to Legacy Charter School for helping supply a facility for many of the underserved children in her communities. Ms. Nantz stated next week she would be having a meeting at Boulder Creek to help get some things started in that community. Councilor Nantz then stated she much enjoyed the event held last week for Clifton University, one of five black UNCF schools in the state. She appreciated those individuals who participated.
- Councilor Roberts stated after a personal experience that concluded with a man passing away due to the lack of proper equipment, he was working with private partners to acquire funds to purchase defibrillators for all First Responders in Greenville County.
- Councilor Seman stated SCTAC's largest tenant, Lockheed Martin, was in the news last month when national television journalist Morgan Brennan reported live from Donaldson Field during CNBC's "Power Lunch" segment. Her visit to Greenville included a 50-minute flight in Lockheed Martin's T-50A trainer jet, where she experienced a thrilling 360 degree barrel roll, pulling 7.1 G's in the process.

Item (15):

ADJOURNMENT

ACTION:

Councilor Serran moved to adjourn the meeting.

Motion carried unanimously by Council Members present and the meeting was adjourned at 6:57 p.m.

Respectfully submitted:


Theresa B. Kizer, Clerk to Council



GREENVILLE COUNTY COUNCIL

MINUTES

REGULAR MEETING

MAY 16, 2017

6:09 P.M.

COUNTY SQUARE - COUNCIL CHAMBERS

COUNCIL MEMBERS

- MR. BUTCH KIRVEN, CHAIRMAN**
- MR. WILLIE 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. ENNIE 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 Tolison, County Attorney
- Jeff Wile, Assistant County Attorney
- Kimberly Wunder, Assistant County Attorney
- John Hansley, Deputy County Administrator
- Theresa Kizer, Clerk to Council
- Regina McCoskill, Deputy Clerk to Council
- Jessica Stone, Administrative Assistant, Clerk to Council
- Bob Mihalic, Governmental Relations Officer
- Paula Gucker, Assistant County Administrator, Public Works
- John Vandermosten, Assistant County Administrator, Public Safety
- Rick Blackwell, E-911 Director
- Chief Deputy Baridge, Sheriff's Office
- Shannon Herman, Assistant to the County Administrator

OTHERS PRESENT:

None

CALL TO ORDER:

Chairman Butch Kirven

INVOCATION:

Councilor Rick Roberts

PLEDGE OF ALLEGIANCE:

Item (4) APPROVAL OF MINUTES

ACTION: Councilor Payne moved to approve the minutes of the May 2, 2017, Regular Council Meeting.

Motion carried unanimously.

Item (5) PUBLIC HEARINGS

(a) Brookfield Tax District / Millage Request

A public hearing was held for the purpose of receiving public comments regarding an ordinance to approve the Brookfield Special Tax District Commissioners' request for an increase to its current ad valorem property tax millage levy.

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

(b) Supplemental Appropriation / E911

A public hearing was held for the purpose of receiving public comments regarding an ordinance to authorize a supplemental appropriation from the E911 Special Revenue Fund - Fund Balance to increase Fiscal Year 2016-2017 budgeted E911 Revenues \$375,000 and to increase Fiscal Year 2016-2017 budgeted E911 Expenditures \$375,000 to cover the cost of an unanticipated purchase of 911 call reporting software and replacement of computer equipment.

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

(c) Proposed Relinquishment of a Portion of Seaborn Line Road

A public hearing was held for the purpose of receiving comments from the public regarding the proposed relinquishment of a 2,105 sq. ft. portion of Seaborn Line Road to the adjacent property owner (TMS# 0107001202800).

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

Item (6) APPEARANCES - current agenda items

- Wayne Brigham, 20 Denford Court, Cleveland - appeared regarding River Falls Fire District Emergency Ordinance.
- Steven Damell, 2 Oak Ridge Road, Marietta - appeared regarding River Falls Fire District Emergency Ordinance.
- Kimberly Wright, 257 Duckworth Road, Marietta - appeared regarding River Falls Fire District Emergency Ordinance.
- Ials Keenan, 210 Devils Fork Road, Marietta - appeared regarding River Falls Fire District Emergency Ordinance.
- Kevin Owen, 150 Asbury Drive, Cleveland - appeared regarding River Falls Fire District Emergency Ordinance.
- Arthur Spriggs, 113 Seiden Way, Fountain Inn - appeared regarding River Falls Fire District Emergency Ordinance.
- Thomas Warwick, 160 Pinnacle Lake Road, Marietta - appeared regarding River Falls Fire District Emergency Ordinance.

Item (7) CONSENT AGENDA

- (a) Proposed Relinquishment of a Portion of Seaborn Line Road
- (b) PetSmart Charities Grant Application
- (c) Intergovernmental Agreement with the City of Greenville (Greenville/Anderson MCIP - University Ridge)
- (d) Community Project Application - City View Camp Registration
- (e) Redevelopment Authority 2017 Annual Action Plan

ACTION: Councilor Noms moved approval of the Consent Agenda Items.
Motion carried unanimously.

Item (8) RESOLUTIONS

- (a) JTEK and AVIR / Transfer Resolution

ACTION: Vice-Chairman Meadows moved for adoption a resolution acknowledging and consenting to the acquisition of the ownership interest of Liberty Property Limited Partnership to Avir-Greenville LLLP and the addition of Avir-Greenville LLLP to the fee in lieu of tax agreement with Greenville County.

Motion carried unanimously.

- (b) Project Thor / Inducement Agreement

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 company or companies known to the County at this time as Project Thor, whereby under certain conditions, Greenville County will execute a fee in lieu of tax and special source credit 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 Project Thor will be provided certain credits against fee payments in reimbursement of investment in related qualified infrastructure; and providing for related matters.

Motion carried unanimously.

Item (9) ORDINANCES - THIRD READING

- (a) Brookfield Tax District / Millage Request

ACTION: Vice-Chairman Meadows moved for adoption at third reading an ordinance to approve the Brookfield Special Tax District Commissioners' request for an increase to its current ad valorem property tax millage levy.

Motion carried unanimously.

(b) Supplemental Appropriation / E911

ACTION: Vice-Chairman Meadows moved for adoption of third reading on ordinance supplemental appropriation from the E911 Special Revenue Fund - Fund Bolar Fiscal Year 2016-2017 budgeted E911 Revenues \$375,000 and to increase Fiscal 2017 budgeted E911 Expenditures \$375,000 to cover the cost of an unanticipated purchase of 911 call reporting software and replacement of computer equipment.
Motion carried Unanimously.

Item (10) ORDINANCES - SECOND READING

(a) Zoning Ordinances

1. **CT-2016-58:** Property of James Wilson, located on Locust Hill Road, requesting rezoning from R-10 to OD.
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.

2. **CT-2017-23:** Property of Lindsay R. Estelo and Ruth Hernandez Estelo, LLC, located on Stallings Road and New Tith Road, requesting rezoning from R-M20 to C-1.
The Planning Commission and Committee recommended denial.

ACTION: On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.
Councilor Seman stated the property was currently zoned Multi-family Residential and the plan was to put a Dollar General Store on the site.
Councilor Cates stated the property, located in his district, was in a residential area but was very busy. Councilor Cates stated there were already three Dollar General Stores located in close proximity to the site. He stated he was opposed to retail businesses in residential areas as it was spot zoning. Councilor Cates urged his colleagues to deny the request.
Councilor Taylor stated he was also opposed to the request as it was spot zoning.
Motion was denied by a vote of two (Norris and Seman) in favor and ten (Dill, Barnes, Meadows, Cates, Roberts, Taylor, Fant, Ballard, Kirven and Payne) in opposition.

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

ACTION: Vice-Chairman Meadows moved for approval at second reading on ordinance to amend Ordinance No. 2474, as amended, so as to increase the County Road Maintenance Fee.
Councilor Taylor stated Public Safety was the number one priority of County Council and Infrastructure was the number two priority. He added there was no millage increase involved in regards to the roads fee or communication services fee. Councilor Taylor stated the County's roads were currently in fairly good shape because money had been spent in the past for the roads; however, the money had now run out and the roads were starting to deteriorate.

ACTION: Vice-Chairman Meadows moved to allow for amendments at third reading.

Motion was denied by a vote of six (Dill, Barnes, Meadows, Cates, Taylor and Seman) in favor and six (Roberts, Norris, Fant, Ballard, Kirven and Payne) in opposition.

Motion as presented 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.

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

ACTION: Vice-Chairman Meadows moved for approval of second reading on 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 Dill stated when a fee was implemented it made him think of an impact fee. He added the item was for 911 services and he was paying a 911 fee on his cellphone and home phone. He asked why the County would implement the same fee on a million dollar piece of property and a property worth \$15,000 - \$20,000. Councilor Dill stated the fees collected could only be used on 911 services. He added if the County added an additional \$.30 on each phone in Greenville County, the money collected would generate enough revenue to pay for the Communication Services. Councilor Dill stated he had received phone calls questioning his reluctance to approve the ordinance. He stated there were other ways to fund the request.

ACTION: Councilor Dill moved to amend the ordinance to implement a \$.30 monthly fee on all phones in Greenville County to fund upgrading the County-wide public safety communication services.

Councilor Cates asked, in light of Councilor Dill's motion, should the ordinance be returned to the Finance Committee for consideration.

Chairman Kirven stated that would require a motion.

Councilor Taylor asked Joe Kernell about the feasibility of Councilor Dill's motion in regards to collecting the fees.

Joe Kernell stated he was not sure about the feasibility of the motion. He added that 911 funds currently being collected could not be used to fund the system. Mr. Kernell stated it was a radio system, not a cell system, which was being requested. He added that State Law prohibited the use of 911 money to fund the radio system. Mr. Kernell stated the 911 fees collected from phones were sent to the State and dispersed to the Counties. He stated an analysis would need to be completed to see if the Councilor Dill's amendment would be sufficient to fund the system.

Vice-Chairman Meadows stated State statute prohibited adding Councilor Dill's proposed fee to the current 911 fees. He stated the fee could be added to phone bills but not as part of the 911 fees.

Councilor Payne asked if Councilor Dill's proposed fee applied to cell phones and land lines. He also asked how would an individual with a cell phone from out-of-state living in Greenville County be charged the proposed fee.

Councilor Dill said he had not looked into that aspect and had only researched how many cell phones and land lines were currently in Greenville County. He stated he was currently billed approximately \$1.60 per month for 911 services. Councilor Dill stated there was a \$5 million dollar reserve in the 911 fund, but State law only allowed certain expenditures from the fund.

Chairman Kirven stated the proposed ordinance would fund one of the most vital things the County needed. He added that he understood both sides of the argument, but the uniformity was in the quality of the services that all citizens received, regardless of income or standing in the community.

Councilor Ballard stated when there was an emergency in the County that required multiple fire districts, EMS and Law Enforcement to respond, all the parties involved were unable to communicate with each other. He added this presented a serious situation, especially when dealing with large fires. Councilor Ballard stated the system that was being investigated was fully supported by the Fire Chiefs and would allow interoperability among First Responders as well as all agencies that could possibly be involved in an emergency. He stated the proposed system would also be connected with the State system.

Councilor Fant stated the County really had no choice in the matter. First Responders needed the equipment. Councilor Fant stated he preferred ad valorem taxes be put in place to pay for the equipment, but he supported the fee as Council's first responsibility was the safety of the citizens of Greenville County.

Vice-Chairman Meadows stated the debate was not whether the County needed to purchase the system but how to pay for it. He stated everyone on Council agreed the County needed the system.

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

ACTION: Councilor Dill moved to amend the ordinance to move money from Storm Water Fees to fund upgrading the County-wide public safety communication services.

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

ACTION: Councilor Serman called for the question.

Motion to call the question carried unanimously.

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

(d) Automobile Sales Lot Moratorium

Councilor Dill moved for approval of second reading on ordinance declaring a moratorium on the issuance of building permits and certificates of occupancy for automobile sales in certain areas of Greenville County.

Motion carried unanimously.

Item (11) ORDINANCES - FIRST READING

(a) Zoning Ordinances

Councilor Dill presented for first reading Zoning Dockets CZ-2017-25, CZ-2017-28, CZ-2017-29 and CZ-2017-31 through CZ-2017-36.

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

(b) Sign Ordinance Update

Councilor Seman presented for first reading an ordinance to update the Greenville County sign Ordinance to provide for the administration and enforcement of the regulation of signs and sign structures in the unincorporated area of Greenville County, and request the item be sent back to the Committee on Public Works and Infrastructure.

Chairman Kirven referred the item to the Committee on Public Works and Infrastructure.

(c) Greenville County Library / Proposed Budget

Vice-Chairman Meadows presented for first 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.

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

(d) Project Thor / 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 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.

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

(e) Greenville / Anderson Mill County Industrial Business Park Agreement Amendment (2010 Park) - Project Thor

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.

(f) Greenville / Anderson Mill County Industrial Business Park - University Ridge

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.

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

Councilor Ballard presented for first reading an ordinance to restrict the hours of operation of establishments that allow the on-premise consumption of alcohol, to provide penalties for violations thereof, and related matters thereto.

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

(h) FY2018 Budget for Greenville County

Vice-Chairman Meadows presented for first reading an ordinance to adopt the County of Greenville Fiscal Year 2018 Budget as forwarded from the Committee of the Whole.

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

(i) FY2019 Budget for Greenville County

Vice-Chairman Meadows presented for first reading an ordinance to adopt the County of Greenville Fiscal Year 2019 Budget as forwarded from the Committee of the Whole.

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

Councilor Payne left the meeting.

Item (12) EMERGENCY ORDINANCE - RIVER FALLS FIRE DISTRICT ADMINISTRATION

Chairman Kirven stated an emergency ordinance regarding the River Falls Fire District Administration was up for consideration.

Councilor Dill stated the Chairman of the River Falls Fire District had resigned. A few years ago, the building fell down and the County had to help the community with a new building. Councilor Dill stated Council did not want to lose the River Falls Fire District but they wanted to get everything accounted for. He stated he had received a number of complaints regarding the service provided by the fire department and some had complained they were receiving no service at all. Councilor Dill stated the County just wanted to help the fire district.

Chairman Kirven stated Council wanted to make sure everyone in the County had adequate fire protection. He explained that the order to maintain services was temporary.

ACTION: Councilor Font moved to approve an emergency order to authorize the County Administrator to maintain services in the River Falls Fire District.

Motion carried by all Council Members present. (Councilor Payne was absent)

Item (13) COMMITTEE REPORTS

None

Item (14) APPEARANCES BY CITIZENS

- Angela Sherman, 3579 Kemersville Road, Winston Salem NC -- appeared regarding speed bumps on Heerwood Drive
- Bruce Wilson, 14 Freestone Street, Greenville -- appeared regarding housing in District 25
- Cynthia Chance, 33 Seyle Street, Greenville -- appeared regarding community center in Dunear
- Henry Lear, 22 E. Montclair Avenue, Greenville -- appeared regarding public transportation
- Ben Ragan, 113 Pepperwood Drive, Greenville -- appeared regarding municipal fines and violations

- Christina Balge, 18 Kimberly Drive, Travelers Rest - appeared regarding affordable housing
- Arnold Houge, 116 Stoney Brook Trail, Mauldin - appeared regarding Idlewild Community
- George Gregg, 55 Jackson Road, Piedmont - appeared regarding Idlewild Community
- Lisa Sweeney, 436 Woodbark Court, Mauldin - appeared regarding Idlewild Community
- Jeffrey Redmond, 6 Canton Court, Simpsonville - appeared regarding Idlewild Community
- Victoria Ellison, 202 Old Saluda Dam Road, Greenville - appeared regarding Berea Community

Item (15)

ADMINISTRATOR'S REPORT

No report

Item (16)

REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- Councilor Seman stated Vehoresina, a fiberglass composite manufacturer, recently installed two solar arrays atop its facility at SCTAC in conjunction with Duke Energy's Solar Rebate Program. Vehoresina CEO, Eena Colombarini, stated, "The energy savings, capital improvement, tax credits and our positive experience with solar, made it an easy choice." Councilor Seman stated SCTAC was proud to be the location of Greenville County's first net-positive manufacturer.
- Councilor Fort thanked the residents from District 25 for coming to the meeting. He asked for those members who were opposed to CZ-2017-22 to stand. He stated they had a petition that would be presented at the next Planning and Development Committee.
- Councilor Ballard reminded everyone that the next Drug Court Graduation Ceremony would be May 25th at 5:00 p.m.
- Councilor Dill thanked Joe Kemell and his staff for putting together a great budget. He thanked his colleagues for approving the River Falls Fire Department Ordinance insuring their continued fire service.
- Councilor Meadows invited everyone to the Swamp Rabbit Station on Saturday, May 20th at 1 p.m. for the unveiling of the mural and a book that had been published on the history of Berea.
- Councilor Coles expressed his appreciation to staff for preparing a budget for Council to consider. He stated this would make 25 years that Council has not raised taxes.
- Councilor Roberts stated he was encouraged to see so many new faces interested in County government. He stated his appreciation to staff for the budget proposal that was presented to Council and was impressed of how Greenville could keep their per capita costs so low.
- Councilor Taylor stated he would be having back surgery the following week and he coveted everyone's prayers.

Councilor Norris stated she was going to have a meeting at 10:00 am to talk about the Dunean Community and the hard times they were facing. She then mentioned affordable housing in District 23. Ms. Norris stated most of District 23 was in the City of Greenville and due to the voucher system, there were very few affordable houses left; vouchers were being given to the people living in District 23 who were then moving into District 25. She stated they needed to try to work together to make sure there was affordable housing in the City of Greenville. Ms. Norris stated the summer program at the Phyllis Wheatley Center was expecting 250-300 kids this year. She stated she was working with Legacy School in areas that did not have recreational facilities. Ms. Norris stated there was a problem with transportation in Greenville for the 10% of the population who did not own cars. She stated District 23 needed a lot of things and she was trying to help provide for those needs, but there was a long way to go.

Item (17)

ADJOURNMENT

ACTION:

Councilor Norris moved to adjourn the meeting.

Motion carried Unanimously by Council Members present and the meeting was adjourned at 7:44 p.m.

Respectfully submitted:

Theresa B. Kizer, Clerk to Council

**GREENVILLE COUNTY COUNCIL
REGULAR MEETING
June 6, 2017
6:00 p.m.**

Council Chambers - County Square

ELECTRONICALLY FILED - 2017 Aug 04 11:09 AM GREENVILLE COMMON PLEAS CASE#2017CP2301914

- 1. **Call to Order** Chairman Busch Kirven
- 2. **Invocation** *(Introduced by Councilor Bob Taylor)*
- 3. **Pledge of Allegiance**
- 4. **Approval of Minutes**
 - a. **May 16, 2017 - Regular Council Meeting**
- 5. **Proclamations**
 - a. **Honoring Kennedy Dennis** Councilor Willis Meadows
 - ba. **Honoring Chief Deputy John Eldridge** Chairman Busch Kirven
- 6. **Public Hearings**
 - a. **Automobile Sales Lot Moratorium Ordinance** Councilor Joe Dill
 - b. **Ordinance to Amend Ordinance 2474 / Road Maintenance Fee** Councilor Willis Meadows
 - c. **Ordinance to Establish a Uniform Charge for County-Wide Public Safety Communication Services** Councilor Willis Meadows
 - d. **Greenville / Anderson Multi County Industrial Business Park - University Ridge** Councilor Willis Meadows
 - e. **Moore's Food Resources, LLC (Formerly Project Vanguard) / Fee in Lieu of Tax Agreement** Councilor Willis Meadows
- 7. **Appearances**
 - Current Agenda Items
- 8. **Consent Agenda**
 - a. **SC DHEC - EMS Grant-in-Aid DUI Grant Application (Finance)**
 - b. **Workforce Innovation & Opportunity Act Service Provider Contract Approvals (Finance)**
 - c. **Community Project Application / CU-ICAR - Infrastructure for Autonomous Vehicles in Greenville County \$15,000.00 (Finance)**
 - d. **Community Project Application / Dunkin' Fire Department - Equipment \$5,000.00 (Finance)**
 - e. **Community Project Application / City of Travelers Rest - Scottish Games \$2,500.00 (Finance)**
 - f. **Community Project Application / River Oaks Storm Water Facilities Repairs \$10,228.00 (Finance)**
 - g. **FY2017-2018 Accommodations Tax Funding Allocation (Finance)**
- 9. **Resolutions**
 - a. **Project Orange Inducement Resolution** Councilor Willis Meadows

Planning and Development Committee

A resolution authorizing the execution and delivery of an indemnification 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.

Resolution Agreement

10. Ordinances - Third Reading

a. Zoning Ordinances *

Councilor Joe Dil...

1. **CZ-2016-66**, Property of James Wilson, Locust Hill Road (Council District 18), R-10 in OD

b. Automobile Sales Lot Moratorium **

Councilor Joe Dil...

An ordinance declaring a moratorium on the issuance of building permits and certificates of occupancy for automobile sales in certain areas of Greenville County.

Ordinance

c. Project Vandiver / Fee in Lieu of Tax Agreement **

Councilor Willis Meadows

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 Vandiver 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 therein.

Ordinance Fee Agreement

d. Ordinance to Amend Ordinance 2474 / Road Maintenance Fee **

Councilor Willis Meadows

An ordinance to amend Ordinance No. 2474, as amended, so as to increase the County Road Maintenance Fee.

Ordinance

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

Councilor Willis Meadows

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.

Ordinance

11. Ordinances - Second Reading

a. Greenville County Library / Proposed Budget

Councilor Willis Meadows

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.

Ordinance Proposed Budget

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

Councilor Willis Meadows

ELECTRONICALLY FILED - 2017 AUG 04 11:09 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP201914

Planning and Development Committee

ELECTRONICALLY FILED 2017 AUG 04 11:09 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2301914

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.

Ordinance Agreement

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

Councilor Willis Meadows

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.

Ordinance

- d. Greenville / Anderson Multi County Industrial Business Park - University Ridge **

Councilor Willis Meadows

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.

Ordinance Agreement

- e. FY2018 Budget for Greenville County

Councilor Willis Meadows

An ordinance to adopt the County of Greenville Fiscal Year 2018 Budget.

Ordinance

- f. FY2019 Budget for Greenville County

Councilor Willis Meadows

An ordinance to adopt the County of Greenville Fiscal Year 2019 Budget.

Ordinance

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

Councilor Lynn Ballar

An ordinance to restrict the hours of operation of establishments that allow the on-premise consumption of alcohol, to provide penalties for violations thereof, and related matters thereto.

Ordinance

12. Ordinances - First Reading

- a. Project Orange / Fee in Lieu of Tax and Special Source Credit Agreement

Councilor Willis Meadows

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.

Ordinance Agreement

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

Councilor Willis Meadows

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.

Ordinance

Planning and Development Committee

Canebrake Fire Department / Millage Request

Councilor William Meadows

An ordinance to provide for the millage rate to be levied by the Canebrake Fire Service Area.

Ordinance Application Bids

Distribution of MCIP Fees (CenterPointe) - Project Circle

Councilor William Meadows

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.

Ordinance Intergovernmental Agreement

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

Councilor William Meadows

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.

Ordinance MCIP Agreement Intergovernmental Agreement

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

Councilor William Meadows

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.

Memo Ordinance (title only)

13. Committee Reports

14. Appearances by Citizens - Items not listed on the current agenda

(No matter shall be heard by Council unless it is within Council's authority or jurisdiction.)
- County Council

Rules

15. Administrator's Report

16. Requests and Motion by Council Members

17. Adjournment

* denotes items that have had a public hearing and are not eligible for public comments this evening
** denotes items that have public hearings scheduled on the evening's agenda

ELECTRONICALLY FILED 2017 Aug 04 11:09 AM - GREENVILLE - COMMON PLEAS - CASE#2017CIP2301914

No. _____

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.

WHEREAS, first responders and public safety service providers in Greenville County, including city and county law enforcement, fire departments and emergency medical services, communicate with each other over a series of radio networks dedicated to public safety communications; however, these networks are independently operated with uneven coverage, mixed bands and incompatible equipment; and

WHEREAS, while this mixture of unconnected networks has functioned for decades, those on the front line have identified a need to upgrade public safety communications for all first responders serving Greenville County; and

WHEREAS, upgrades to the public safety telecommunications network in Greenville County are needed now as many of our County-wide first responders are using equipment that is nearing end of life and does not allow for interoperability among first responder agencies; and

WHEREAS, a public safety telecommunications network is designed, built and maintained to a higher standard than consumer telecommunications as it must work reliably in emergencies when consumer networks face overload or failure; and

WHEREAS, moving all County-wide public safety telecommunications to a single network platform will promote the safety of life and property in Greenville County by providing much needed modernization of current public safety telecommunications infrastructure, ensures County-wide emergency and public safety telecommunications coverage to all persons and property located in Greenville County, improves County-wide public safety telecommunications coverage and reliability, advances the goal of ensuring interoperable communications for first responders agencies within Greenville County and State-wide, provides significant benefits in crisis management operations where immediate communications can save lives and prevent the loss of property, eases the transition to future technologies while reducing the risks associated with equipment obsolescence, and minimizes capital expenses related to necessary infrastructure upgrades; and

WHEREAS, pursuant to Section 4-9-30(5) and Section 6-1-330 of the Code of Laws of South Carolina, as amended, the County is authorized and empowered to levy uniform service charges to provide for operations and functions of the county, including, but not limited to public works, roads, and public safety; and

WHEREAS, the County deems it appropriate, desirable and equitable to fund the costs of providing County-wide public safety telecommunications on a common platform and access to the enhanced services through the levy of a uniform service fee on all parcels of real property in Greenville County.

NOW, THEREFORE, BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Authority. Greenville County Council is authorized by Section 4-9-30 and Section 6-1-330 of the Code of Laws of South Carolina, as amended, to levy uniform service charges to provide for public safety.

Section 2. Public Safety Telecommunications Fee. There shall be a uniform public safety telecommunications service fee of \$14.95 annually imposed upon each parcel of real property located in Greenville County to support enhanced access to County-wide emergency and public included on real property tax notices in such manner and method as determined by the Greenville County Administrator and collected by the County Tax Collector pursuant to State law. The uniform public safety telecommunications service fee shall be due, payable and collected in the same manner as real property taxes and shall be subject to the same penalties and interest as overdue real property taxes. The proceeds from the collection of such fees shall be deposited into the County general fund special public safety telecommunications account. The proceeds of such fund shall be specifically used for: (1) the lease, purchase, lease-purchase, or maintenance of County-wide public safety telecommunications network infrastructure and network components including radios for County departments, towers, equipment, P-25 compliant communication service or similar services as technology advances, computer hardware, software and non-recurring costs of initially establishing the network platform; and rates associated with the network service provider's service and provider's recurring charges.

At the end of ten years the amortized infrastructure costs will have been satisfied, and the fee amount will be reevaluated and potentially reduced. Funds not used in any fiscal year shall be carried forward and used exclusively for the above allowed interoperable public safety telecommunication operations in the County.

The use of the proceeds of such fund shall be administered by the County Administrator or his designee with input from an advisory committee comprised of: President of the Greenville County Fire Chiefs Association, Director of County Emergency Services, Director of County EMS, and the Greenville County Sheriff or his designee.

Section 3. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect. Ordinance No. 4885 is repealed.

Section 5. Effective Date. This Ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2017.

Herman G. Kriyen, Jr., Chairman
Greenville County Council

ATTEST:

Theresa Kizer
Clerk to Council

Joseph M. Kemell
County Administrator

No. _____

AN ORDINANCE

TO AMEND ORDINANCE NO. 2474, AS AMENDED, SO AS TO INCREASE THE COUNTY ROAD MAINTENANCE FEE.

WHEREAS, for almost 25 years Greenville County and its citizens have benefitted from the use of the road maintenance fee as a dedicated source of funding to support the maintenance and improvement of its public road system across the County; and

WHEREAS, the County has reviewed the road maintenance fee and determined that although the number of registered vehicles in Greenville County has increased, the additional revenue generated is insufficient to overcome increased maintenance costs, and the buying power of \$15.00 in 1993 is estimated to be the equivalent of \$8.88 in 2016; and

WHEREAS, Greenville County strives to maximize the life expectancy and riding surface condition of the County's road infrastructure, however, maintenance demands continue to climb due to growth of our community, increased traffic volume, sustaining pavement conditions against deterioration, along with the addition of 300+ miles of public roads under the County's responsibility; and

WHEREAS, the decreased buying power of the current fee is insufficient to keep up with increased costs of maintenance and County Council finds it necessary to increase the Road Maintenance Fee to \$25.00; and

WHEREAS, with funding for a local match, Greenville County has an opportunity to apply for available South Carolina State Infrastructure Bank funds to accelerate major local GPATS road improvement projects that would alleviate traffic congestion and benefit the citizens of Greenville County; and

WHEREAS, pursuant to Section 4-9-30(5) of the Code of Laws of South Carolina, as amended, the County is authorized and empowered to levy uniform service charges to provide for operations and functions of the county, including, but not limited to public works and roads.

NOW, THEREFORE, BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Authority. Greenville County Council is authorized by Section 4-9-30 of the Code of Laws of South Carolina, as amended, to levy uniform service charges to provide for public works, including roads, and public safety.

Section 2. Road Maintenance Fee Amendment. Section 2 of Ordinance No. 2474, as amended by Ordinance No. 2513, is hereby amended to change the road maintenance fee to Twenty-five and 00/100 Dollars (\$25.00) and the references to the "Department of Revenue and Taxation-Division of Motor Vehicles" is amended to the "South Carolina Department of Motor Vehicles."

Section 3. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect. Ordinance No. 4885 is hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2017.

Herman G. Kirven, Jr. Chairman
Greenville County Council

ATTEST:

Theresa Kizer
Clerk to Council

Joseph M. Kernell
County Administrator



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 of 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 Honsley, 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

FLEDGE 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 Kiven 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, 708 Crestwyk Lane, Greenville - appeared in favor of the proposed
- Stephen Kovalick, 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 Gillford, 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 Faxon, 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 / Dunkin 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 of 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 of 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 of 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, Font, 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 of 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 Cafes 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 Kemell 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, eh, 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 B&L \$1500. 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 \$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 were 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. Cafes 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, Serman, 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 of 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 of 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 of 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 of 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 (CenterPoints) - 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 Kirvan referred the item to the Finance Committee.

Item (13) COMMITTEE REPORTS

Content 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 Content 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 Kirvan thanked his colleagues for honoring Chief Deputy Budge 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 Cafes 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

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.

WHEREAS, first responders and public safety service providers in Greenville County, including city and county law enforcement, fire departments and emergency medical services, communicate with each other over a series of radio networks dedicated to public safety communications; however, these networks are independently operated with uneven coverage, mixed bands and incompatible equipment; and

WHEREAS, while this mixture of unconnected networks has functioned for decades, those on the front line have identified a need to upgrade public safety communications for all first responders serving Greenville County; and

WHEREAS, upgrades to the public safety telecommunications network in Greenville County are needed now as many of our County-wide first responders are using equipment that is nearing end of life and does not allow for interoperability among first responder agencies; and

WHEREAS, a public safety telecommunications network is designed, built and maintained to a higher standard than consumer telecommunications as it must work reliably in emergencies when consumer networks face overload or failure; and

WHEREAS, moving all County-wide public safety telecommunications to a single network platform will promote the safety of life and property in Greenville County by providing much needed modernization of current public safety telecommunications infrastructure, ensures County-wide emergency and public safety telecommunications coverage to all persons and property located in Greenville County, improves County-wide public safety telecommunications coverage and reliability, advances the goal of ensuring interoperable communications for first responders agencies within Greenville County and State-wide, provides significant benefits in crisis management operations where immediate communications can save lives and prevent the loss of property, eases the transition to future technologies while reducing the risks associated with equipment obsolescence, and minimizes capital expenses related to necessary infrastructure upgrades; and

WHEREAS, pursuant to Section 4-9-30(5) and Section 6-1-330 of the Code of Laws of South Carolina, as amended, the County is authorized and empowered to levy uniform service charges to provide for operations and functions of the county, including, but not limited to public works, roads, and public safety; and

WHEREAS, the County deems it appropriate, desirable and equitable to fund the costs of providing County-wide public safety telecommunications on a common platform and access to the enhanced services through the levy of a uniform service fee on all parcels of real property in Greenville County.

NOW, THEREFORE, BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Authority. Greenville County Council is authorized by Section 4-9-30 and Section 6-1-330 of the Code of Laws of South Carolina, as amended, to levy uniform service charges to provide for public safety.

Section 2. Public Safety Telecommunications Fee. There shall be a uniform public safety telecommunications service fee of \$14.95 annually imposed upon each parcel of real property located in Greenville County to support enhanced access to County-wide emergency and public included on real property tax notices in such manner and method as determined by the Greenville County Administrator and collected by the County Tax Collector pursuant to State law. The uniform public safety telecommunications service fee shall be due, payable and collected in the same manner as real property taxes and shall be subject to the same penalties and interest as overdue real property taxes. The proceeds from the collection of such fees shall be deposited into the County general fund special public safety telecommunications account. The proceeds of such fund shall be specifically used for: (1) the lease, purchase, lease-purchase, or maintenance of County-wide public safety telecommunications network infrastructure and network components including radios for County departments, towers, equipment, P-25 compliant communication service or similar services as technology advances, computer hardware, software and non-recurring costs of initially establishing the network platform; and rates associated with the network service provider's service and provider's recurring charges.

At the end of ten years the amortized infrastructure costs will have been satisfied, and this fee amount will be reevaluated and potentially reduced. Funds not used in any fiscal year shall be carried forward and used exclusively for the above allowed interoperable public safety telecommunication operations in the County.

The use of the proceeds of such fund shall be administered by the County Administrator or his designee with input from an advisory committee comprised of: President of the Greenville County Fire Chiefs Association, Director of County Emergency Services, Director of County EMS, and the Greenville County Sheriff or his designee.

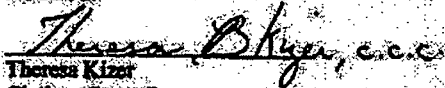
Section 3. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.


Section 4. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect. Ordinance No. 4885 is repealed.

Section 5. Effective Date. This Ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS 6th DAY OF JUNE, 2017.

ATTEST:


Theresa Kizer
Clerk to Council


Herman G. Kirven, Jr. Chairman
Greenville County Council

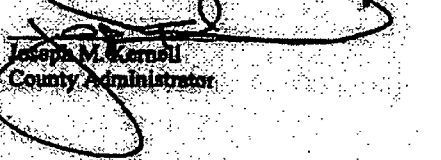

Joseph M. Kernell
County Administrator

EXHIBIT 19

No. 4906

AN ORDINANCE

TO AMEND ORDINANCE NO. 2474, AS AMENDED, SO AS TO INCREASE THE COUNTY ROAD MAINTENANCE FEE.

WHEREAS, for almost 25 years Greenville County and its citizens have benefitted from the use of the road maintenance fee as a dedicated source of funding to support the maintenance and improvement of its public road system across the County; and

WHEREAS, the County has reviewed the road maintenance fee and determined that although the number of registered vehicles in Greenville County has increased, the additional revenue generated is insufficient to overcome increased maintenance costs, and the buying power of \$15.00 in 1993 is estimated to be the equivalent of \$8.88 in 2016; and

WHEREAS, Greenville County strives to maximize the life expectancy and riding surface condition of the County's road infrastructure, however, maintenance demands continue to climb due to growth of our community, increased traffic volume, sustaining pavement conditions against deterioration, along with the addition of 300+ miles of public roads under the County's responsibility; and

WHEREAS, the decreased buying power of the current fee is insufficient to keep up with increased costs of maintenance and County Council finds it necessary to increase the Road Maintenance Fee to \$25.00; and

WHEREAS, with funding for a local match, Greenville County has an opportunity to apply for available South Carolina State Infrastructure Bank funds to accelerate major local GPATS road improvement projects that would alleviate traffic congestion and benefit the citizens of Greenville County; and

WHEREAS, pursuant to Section 4-9-30(5) of the Code of Laws of South Carolina, as amended, the County is authorized and empowered to levy uniform service charges to provide for operations and functions of the county, including, but not limited to public works and roads.

NOW, THEREFORE, BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Authority. Greenville County Council is authorized by Section 4-9-30 of the Code of Laws of South Carolina, as amended, to levy uniform service charges to provide for public works, including roads, and public safety.

Section 2. Road Maintenance Fee Amendment. Section 2 of Ordinance No. 2474, as amended by Ordinance No. 2513, is hereby amended to change the road maintenance fee to Twenty-five and 00/100 Dollars (\$25.00) and the references to the "Department of Revenue and Taxation-Division of Motor Vehicles" is amended to the "South Carolina Department of Motor Vehicles."

Section 3. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect. Ordinance No. 4885 is hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS 6th DAY OF JUNE, 2017.


Herman G. Kizer, Jr., Chairman
Greenville County Council

ATTEST:


Theresa Kizer
Clerk to Council


Joseph M. Kernell
County Administrator