



MINUTES

FORMAL MEETING OF CITY COUNCIL

CITY HALL, 206 S. MAIN STREET, COUNCIL CHAMBERS
Monday, January 28, 2019 - 5:30 p.m.

1. **CALL TO ORDER**
Mayor Knox H. White
2. **INVOCATION**
Councilmember Lillian Flemming
3. **PLEDGE OF ALLEGIANCE**
Augusta Heights Baptist Church Girl Scout Cadettes
4. **ROLL CALL**
The following members of City Council were in attendance: Mayor Knox White, Amy Doyle, Lillian Flemming, Wil Brasington, Russell Stall, and George Fletcher

Absent: Jil Littlejohn
5. **APPROVAL OF THE MINUTES**
January 14, 2019; Approved as submitted
January 22, 2019; Approved as submitted
6. **COMMUNICATIONS / ANNOUNCEMENTS FROM THE MAYOR AND COUNCIL**
None
7. **CITIZENS WISHING TO ADDRESS COUNCIL**
Refer to Items 15b and 15c
8. **PRESENTATION**
None
9. **PUBLIC HEARING**
None
10. **APPOINTMENTS – Boards and Commissions**
None

CONSENT AGENDA

There will be no discussion of Consent Agenda items unless a Council member so requests in which event the item in question will be considered separately.

Councilmember Fletcher moved, seconded by Councilmember Brasington, to approve second and final reading of agenda items 11a, 11b, 11c, 11d, 11e, 11f, 11g, 11h, 11i, 11j, 11k, and 11l, and first and final reading of agenda items 13a and 13b of the Consent Agenda. The motion carried unanimously.

11. UNFINISHED BUSINESS – (Ordinances – Second and Final Reading)

- a. Ordinance to appropriate \$1,500 in the Miscellaneous Grants Fund from the Phoenix Center to fund the Greenville Police Department's Alcohol Enforcement Team's Enforcement Activities
- b. Ordinance to abandon a portion of right of way on Cavalier Drive (AB-3-2018)
- c. Ordinance to abandon an unimproved, unnamed alley located off of East 5th Street near Woodside Mill and an unnamed alley located off of 3rd Street near Woodside Mill (AB-4-2018)
- d. Ordinance to abandon a portion of 2nd and 3rd Street Alley located off of East Main Street near Woodside Mills (AB-5-2018)
- e. Ordinance to abandon Questover Drive (AB-6-2018)
- f. Ordinance to appropriate \$26,080 in the Law Enforcement Special Revenue Fund, Department of Homeland Security Account, and to accept a grant award in the amount of \$26,080 from the Office of Justice Programs, Bulletproof Vest Partnership for the purpose of funding the purchase of body armor for the Greenville Police Department
- g. Ordinance to enter into a Development Agreement between the city of Greenville and the South Carolina Children's Theater for the provision of public improvements
- h. Ordinance to confirm the Lease of Falls Cottage and the Falls Cottage property to the Carolina Foothills Garden Club, the sublease of the lease of Falls Cottage and the Falls Cottage Property to Mary S. Jones, Allen D. Jones, and Kent T. Fisher, and for other purposes as set out herein
- i. Ordinance to appropriate \$57,500 in the General Fund for the recruitment of a City Manager
- j. Ordinance to provide City consent to a Right of Way Agreement between the Greater Greenville Chamber of Commerce and Renewable Water Resources on property located at 24 Cleveland Street (Tax Map Number 0069000300105)
- k. Ordinance to rezone a portion of 1041 Verdae Boulevard from C-3, Regional Commercial District, and S-1, Service District, to S-1, Service District (Tax Map Number 0545010102204) (Z-24-2018)
- l. Ordinance to amend Section 19-4-3.2(G) of the Code of Ordinances of the City of Greenville pertaining to wireless communication facilities (Z-27-2018)

12. NEW BUSINESS – (Ordinance – First Reading)

None

13. NEW BUSINESS – (Resolutions – First and Final Reading)

- a. Resolution to accept a Dedication from Verdae Development, Inc. of 0.937 acre (40,808 square feet) of public right of way for Alleys 4 and 5 at Hollingsworth Park at Verdae TND into the City Street System
- b. Resolution to accept a Dedication of public right of way from Verdae Owners Association, Inc. for Verdae Boulevard

REGULAR AGENDA

14. UNFINISHED BUSINESS – (Ordinances – Second and Final Reading)

None

15. NEW BUSINESS – (Ordinances – First Reading)

- a. Ordinance to appropriate \$16,533 in the Zoo Enterprise Fund for a contribution from the Zoo Education Foundation to convert a part-time zoo education instructor to full-time status

Councilmember Brasington moved, seconded by Councilmember Fletcher, to approve first reading. The motion carried unanimously.

- b. Ordinance to rezone approximately 103 acres of property along a portion of Pendleton Street, North Memminger Street, South Calhoun Street, and South Academy Street (Z-20-2018)

Councilmember Stall moved, seconded by Councilmember Fletcher, to approve first reading.

Community Development Administrator Ginny Stroud stated the rezoning is being recommended to encourage more neighborhood compatible development. Ms. Stroud also stated a study area including the properties in Item 15b was selected to determine if the current zoning structure needed to be changed to RDV, Redevelopment District. Ms. Stroud commented on RDV zoning being the best use encouraging more urban and pedestrian friendly development in the area. Ms. Stroud noted there were numerous neighborhood meetings held regarding the rezoning.

Ian Thomas, 209 Perry Avenue, as President of the West End Neighborhood Association, spoke in support of Item 15b and referred to a letter of support including 80 residential signatures previously submitted to the City from the residents in the area. Mr. Thomas referred to positive aspects of the proposed rezoning and stated if the zoning is not changed, commercial development could occur.

Diane Keller, 111 McCall Street, spoke in support of Item 15b and stated she has been a resident of the impacted area for over 40 years. Ms. Keller referred to new residents moving into the area and stated the rezoning will help to prevent unwanted businesses from establishing in the area. Ms. Keller added she would like to see more affordable housing in the area.

Father Patrick Tuttle, St. Anthony's Church and School, 307 Gower Street, spoke in support of Item 15b and stated he believes the rezoning will improve and protect the neighborhood. Father Tuttle stated he represents residents who are unable to attend because they are working and who need to live close to where they work and need to have a low rent or mortgage. Father Tuttle shared concerns for more work force and affordable housing in the area and recommended creating a new zoning designation for the work force community.

Linda Faust, 307 Perry Avenue, spoke in support of Item 15b and stated she supports continued redevelopment in the West End and believes RDV rezoning will improve health, general welfare, and safety protection for the neighborhoods.

Jack Malo, 17 Club Forest Lane, spoke regarding Item 15b and commented on interaction with neighborhood residents by students of St. Anthony's of Padua Catholic School regarding the residents' inability to attend city meetings and allowing the students to speak on their behalf. Mr. Malo stated he and the students in attendance are representing 57 West Greenville residents who could not attend. Mr. Malo commented that they support the proposed RDV rezoning, but expressed concern for protection of those residents and the potential loss of their property to developers.

Maegan White, 101 Aberdeen Lane, spoke regarding Item 15b and on behalf of 57 area residents and her fellow peers at St. Anthony's Catholic School. Ms. White presented a handout of her comments and requested Council amend the proposed zoning to create a new residential zoning designation to protect single family, low height residences and to prevent three story and higher, multi-residential buildings high end developments. Ms. White stated she is in favor of RDV zoning as long as there are protections in place for work force and working poor in the community.

Maria Clark, 24 Shale Court, spoke regarding Item 15b on behalf of 57 area residents and as a student at St. Anthony's Catholic School. Ms. Clark commented on her interactions with residents in the surrounding neighborhood. Ms. Clark encouraged Council to consider the impact of zoning on the community and the comments presented.

Suzanne Woaf, 200 Perry Avenue, spoke in support of Item 15b and stated the rezoning will promote a vibrant and viable community and will keep with the character of the proposed downtown master plan for the City.

Robert Brady, 10 N. Leach Street, spoke in support of Item 15b, stating he has lived in the area being affected for five years, expressing his appreciation to city staff working on the rezoning proposal and requesting Council's support for the proposal.

Susan Skipwith, 303 Arlington Avenue, spoke in support of Item 15b and stated she moved five years ago from Portland, Oregon, and chose Greenville because of the downtown development and the attention given to parks and neighborhoods. Ms. Skipwith shared her support for the development and her appreciation to city staff in conducting neighborhood meetings and listening to the residents.

Dan Weidenbenner, 168B Otis Street, spoke in support of Item 15b and referred to the establishment and involvement in the Community Coalition which advocates for smaller communities and supports positive change. Mr. Weidenbenner stated he believes the rezoning will protect the neighborhoods.

Luke Burke, 401 Pettigru Street, spoke as attorney representing his clients Dino Hassiotis and George Hassiotis, owner of 907 Pendleton Street. Mr. Burke explained his clients' opposition to the rezoning and commented on their initial investment in the area during the 1990's. Mr. Burke stated the rezoning would eliminate the drive-thru business at OJ's Diner and they would not be able to expand or make any changes to the current footprint. Mr. Burke expressed concern with property across Pendleton Street and its anticipated commercial use.

Councilmember Brasington asked if the current use of OJ's Diner would be grandfathered under the proposed RDV zoning. Mr. Burke responded it would be grandfathered in, however, it would not be able to expand its footprint. Regarding the drive thru, Councilmember Brasington asked if the business changes ownership or becomes vacant, would a special permit or exemption be required for the drive thru to be allowed. Mr. Burke responded if it was vacated for six months or sold, the new owner would be required to obtain a conditional use from the City. Mr. Burke stated the proposed zoning affects his clients' ability to pursue another restaurant owner, not knowing if they will be granted a conditional use.

Planning and Development Manager Jay Graham clarified if the property is sold and its use continues, no rezoning is triggered, but if the property is vacated for more than six months or there is a capital investment of 25% percent of the current property value, then that would be a trigger for rezoning. Mayor White stated drive-thru restaurants throughout the City are reviewed because in some circumstances they may be in close proximity to a residential neighborhood and cause issues with noise and lights, however, it is not affecting this situation at all.

Rosa Byrd, 33 Bob Street, spoke in support of Item 15b and on behalf of Rev. Vardry Fleming, President of the West Greenville Neighborhood Association who is unable to attend. Ms. Byrd commented on the neighborhood's support for new affordable housing for low income families and for the revitalization of the Village of West Greenville. Ms. Byrd requested the rezoning request be approved.

Mary Duckett, 201 Pinkney Street, spoke in support of Item 15b and stated she serves as President of Southernside Neighborhood in Action. Ms. Duckett commented that she stands in support of the neighborhood and their request for

RDV zoning. Ms. Duckett asked that Council vote unanimously with the neighborhood for rezoning.

Rivers Stillwell, 210 W. Earle Street, spoke regarding Item 15b and acknowledged his representation of one of the Stone Family Trusts and property located on Academy Street. Mr. Stillwell stated while supportive of Item 15b, rezoning the Stone property from C-2 to RM-3 would be a substantial change. Mr. Stillwell requested Council moderate the overlay and take it down to allow for RDV to maintain the status quo on the property. Mr. Stillwell also requested that the issue of what is going to go on the property be deferred until it comes up under RDV.

Councilmember Doyle requested information regarding the Planning Commission's meeting on the item and requested the Planning Commission minutes be included in Council's agenda packet for second and final reading. Mr. Graham stated the final vote was 5-2 for approval. Mayor White asked if the Planning Commission could reconsider Mr. Stillwell's request. Mr. Graham responded that arguments have been presented that have not been made prior to this meeting and stated he would be open to meeting and reviewing the request.

Councilmember Doyle requested a synopsis on the Greenville Housing Fund. Ms. Stroud provided the purposes of the Greenville Housing Fund and referred to the City's contribution to date of \$3.5 million towards affordable housing. Ms. Stroud stated that four loans have been made totaling \$1.35 million supporting the construction and preservation of about 300 units of affordable housing and leveraging about \$46 million in investment. In addition to the Fund, Ms. Stroud added the City's Community Development Division continues to provide programs that are active in the West Greenville neighborhood, offers a homeowner rehab program and acquires property which can be used for affordable housing.

Councilmember Brasington requested if it is permissible for staff to review and amend the Ordinance at second reading, and Council members responded affirmatively. Councilmember Fletcher asked for staff to look at Ms. White's proposal for a separate zoning category. Mayor White responded that it could not be made as a part of the agenda item before Council. Councilmember Fletcher responded he would still like to take a look at the proposal. Mayor White referred to the ability to create overlay districts which could be potentially considered.

After discussion, the motion carried unanimously.

- c. Ordinance to approve a major modification to an existing PD consisting of 8.7 acres located at North Pleasantburg Drive (Tax Map Numbers 0276000300503 and 0276000300518) (Z-21-2018)

Councilmember Doyle moved, seconded by Councilmember Stall, to approve first reading with a condition to refer the item back to the Planning Commission for further study and a recommendation concerning the additional PD modifications with the understanding that second and final reading will not occur until after the Planning Commission issues their recommendation.

Stephanie Gates, 106 Wakefield Street, project engineer for Site Design, Inc., spoke regarding Item 15c on behalf of the developer and offered to answer any questions. Ms. Gates provided the highlights stating they have increased the buffer yards and setbacks around the development, especially around the pool where the main opposition was on the proximity of the development to the pool property. Regarding the single family homes, Ms. Gates stated they have been reduced in number and moved around some so they are not as close to the pool development.

Jay Austin, 308 McCarter Avenue, spoke in opposition of Item 15c and as a representative of McCarter Community Club. Mr. Austin shared his concerns regarding the development and stated every plan presented to this point has violated residents' established property rights and ignored an agreement that was recognized by the City as part of the 2006 annexation. Mr. Austin also stated he does not believe the changes presented are sufficient for the concerns of the Planning Commission. Mr. Austin commented he believes the design needs to be redesigned to address the established neighborhood and community asset. Mr. Austin stated the developer has been unwilling to address the concerns in the past and he does not believe they will be addressed going forward.

Mr. Graham stated the property is currently zoned PD, Planned Development, and Councilmember Doyle referred to the adjacent property as C-3, Regional Commercial District. Mayor White responded that the zoning issue will need to be addressed. Mr. Austin stated the Planned Development was brought into the City and it had conditions as part of the annexation agreement in 2006. Mr. Austin stated they have explained it to the Planning Commission and city staff, however, there seems to be no interest in living up to the agreement.

City Attorney Michael Pitts stated there are two issues regarding the site, one being an easement related to an alternative parking site which is not occurring with this plan and another being an alleged agreement with a prior developer, which the City is not a party to. Mr. Pitts added even if the City were a party, he does not believe it would bind the hands of a future Council taking action.

J.J. Andrighetti, Parkwood Drive, acknowledged his representation as the attorney for the McCarter Community Pool and spoke in opposition to Item 15c. Mr. Andrighetti stated the easement exists and even if there is not an extension of the road at present, it is an encumbrance on the property, and according to the South Carolina statute, the City shall reject an application related to it. Mr. Andrighetti stated they will not waive the easement until the terms of 2006 are abided by.

Mr. Andrighetti referred to receiving responses to a Freedom of Information Act request, which they did not have in time for the Planning Commission meeting. Mr. Andrighetti stated he believes the record shows acknowledgement of the Agreement by the City, Bob Jones University and the agents that worked on the plan. Mr. Andrighetti provided comments regarding attempts to remove the easement and attempts to annex and rezone the property. Mr. Andrighetti stated the property owner sought out an agreement with his client and his client agreed to hold its tongue and

not fight the annexation. Mr. Andrighetti stated his client is asking for the City to require the developer to live up to their end of the bargain.

Councilmember Doyle asked for clarification regarding continuation of the easement. Mr. Pitts responded the current plan does not extend the road and does not trigger the provision in the deed for alternative parking on the property.

After discussion, the motion carried unanimously with the condition.

16. NEW BUSINESS – (Resolution – First and Final Reading)

- a. Resolution to certify 856 South Pleasantburg Drive as an abandoned building site (Tax Map Number 0269000100512)

Councilmember Brasington moved, seconded by Councilmember Fletcher, to approve first and final reading. The motion carried unanimously.

- b. Resolution to accept from Farm Products, LLC, new right of way for Traction Street, land for a public green space, and public access easements along Traction Street and Easley Bridge Road

Councilmember Brasington moved, seconded by Councilmember Stall, to approve first and final reading. The motion carried unanimously.

Clarence Thornton, 114 Douthit Street, thanked the Greenville Police Department on its handling of an issue this past weekend, commented on violence and gentrification creating more violence, encouraged pastors and leadership to go into the community and put a stop to it, and expressed dissatisfaction at not being called in the order he signed up on the list for speaking.

Greenville Police Chief Ken Miller thanked Mr. Thornton for his remarks regarding the Police Department. Chief Miller introduced Dr. Lee Hunt as the new Planning Director for the Police Department.

- 17. ADJOURN.** There being no further business, the meeting adjourned at 6:46 p.m.



JIL LITTLEJOHN, MAYOR PRO TEM



CAMILLA G. PITMAN, MMC, Certified PLS
CITY CLERK