

**GREENVILLE COUNTY COUNCIL  
COMMITTEE OF THE WHOLE  
MINUTES  
APRIL 7, 2015  
4:45 p.m.  
County Square - Conference Room D**

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the County Square and made available to the newspapers, radio stations, television stations and concerned Citizens.

**COUNCIL MEMBERS PRESENT:**

CHAIRMAN BOB TAYLOR  
VICE CHAIRMAN BUTCH KIRVEN  
JOE DILL  
JOE BALDWIN

WILLIS MEADOWS  
SID CATES  
JIM BURNS  
XANTHENE NORRIS

LIZ SEMAN  
LOTTIE GIBSON  
LYNN BALLARD  
FRED PAYNE

**COUNCIL MEMBER(S) ABSENT:**

NONE

**STAFF PRESENT:**

JOE KERNELL, County Administrator  
MARK TOLLISON, County Attorney  
JOHN HANSLEY, Deputy County Administrator  
THERESA KIZER, Clerk to Council  
REGINA MCCASKILL, Deputy Clerk to Council  
PAULA GUCKER, Assistant County Administrator, Public Works  
KIM WUNDER, Assistant County Attorney  
DEAN CAMPBELL, Deputy County Attorney  
SANDRA YUDICE, Assistant to the County Administrator  
SHANNON HERMAN, Assistant to the County Administrator  
BOB MIHALIC, Governmental Relations Officer  
KRIS KURJIAKA, Planning Department

**OTHERS PRESENT:**

ERIC BEDINGFIELD, South Carolina House of Representatives

**CALL TO ORDER**

Chairman Bob Taylor

Item (3)

**APPROVAL OF MINUTES**

**ACTION:** Councilor Ballard moved to approve the minutes of the March 17, 2015 Committee of the Whole meeting.

Motion carried unanimously.

Item (4)

**BOARD AND COMMISSION NOMINATIONS**

**(a) Committee on Finance nominations presented by Councilor Butch Kirven**

**1. Arena District - 3 vacancies**

**ACTION:** Councilor Ballard moved to add Jackson Bacot to the list of nominees.

**ACTION:** Councilor Seman moved to close nominations and send forward the names of Dee Benedict, Stacy Kuper, Joyce Smart, and Jackson Bacot to full County Council for a ballot vote.

Motion carried unanimously.

**2. Greenville Area Development Corporation (GADC) - 3 vacancies**

**ACTION:** Councilor Seman moved to close nominations and elect by acclamation Timothy Justice, Robbie King, and Richard Wilkerson to fill the three vacancies on the Greenville Area Development Corporation Board.

Motion carried unanimously.

**(b) Committee on Planning & Development nominations presented by Councilor Joe Dill**

**1. Construction Board of Appeals - 3 vacancies**

**ACTION:** Councilor Seman moved to close nominations and elect by acclamation Nelson Neal, Kim Rogers and Alexander Zuendt to fill the three vacancies on the Construction Board of Appeals.

Motion carried unanimously.

**2. Board of Zoning Appeals - 4 vacancies**

**ACTION:** Councilor Seman moved to close nominations and elect by acclamation Michael Adamson, Keith Drummond, Karen McManaway and Wayne Moore to fill the four vacancies on the Board of Zoning Appeals.

Motion carried unanimously.

**(c) Committee on Public Works and Infrastructure nominations presented by Councilor Fred Payne**

**1. Greenlink (GTA) - 1 vacancy**

**ACTION:** Councilor Payne moved to add David Mitchell to the list of nominees.

**ACTION:** Councilor Seman moved to close nominations and send forward the names of Matthew Burns and David Mitchell to full County Council for a ballot vote.

Motion carried unanimously.

**2. Parks, Recreation and Tourism Advisory Committee – 3 vacancies**

**ACTION:** Councilor Seman moved to close nominations and elect by acclamation Steve Johnson to fill one of three vacancies on the Parks, Recreation and Tourism Advisory Committee.

Motion carried unanimously.

**Item (5) SPECIAL TAX DISTRICT NOMINEES**

**(a) Ashwicke Tax District Commission – 2 vacancies**

**ACTION:** Councilor Seman moved to close nominations and elect by acclamation Teresa Stoecker to fill one of two vacancies on the Autumn Hills Tax District Board.

Motion carried unanimously.

**(b) Buxton Tax District Commission – 1 vacancy**

**ACTION:** Councilor Seman moved to close nominations and elect by acclamation Richard Stamey to fill one vacancy on the Buxton Tax District Board.

Motion carried unanimously.

**(c) Devenger Tax District Commission – 2 vacancies**

**ACTION:** Councilor Burns moved to close nominations and elect by acclamation Fergus Davidson to fill one of two vacancies on the Devenger Tax District Board.

Motion carried unanimously.

**(d) Freetown Community Special Tax District Commission – 2 vacancies**

**ACTION:** Councilor Seman moved to close nominations and elect by acclamation Joyce Miles to fill one of two vacancies on the Freetown Community Special Tax District Commission.

Motion carried unanimously.

**Item (6) GREENVILLE COUNTY ECONOMIC DEVELOPMENT CORPORATION**

1 vacancy / Council Member Seat

**ACTION:** Councilor Meadows nominated Councilor Dill to fill the Council Member seat on the Greenville County Economic Development Corporation.

**ACTION:** Councilor Burns moved to close nominations and elect Councilor Dill to fill the Council Member seat on the Greenville Economic Development Corporation.

Motion carried unanimously.

**Item (7) SOUTH CAROLINA TECHNOLOGY AND AVIATION CENTER**

1 vacancy / Council Member Seat

**ACTION:** Councilor Payne nominated Councilor Seman to fill the Council Member seat on the South Carolina Technology and Aviation Center Board.

**ACTION:** Councilor Dill moved to close nominations and elect Councilor Seman to fill the Council Member seat on the South Carolina Technology and Aviation Center Board.

Motion carried unanimously.

**Item (8) GREENVILLE AREA DEVELOPMENT CORPORATION**

Chairman Appointed Seat

Chairman Taylor announced his appointment of Scott Case to fill the Chairman appointed seat on the Greenville Area Development Corporation.

**Item (9) OUT OF STATE SOLID WASTE**

Councilor Dill's motion was requested to be recorded verbatim:

**ACTION:** Mr. Chairman, I'd like to introduce a motion put on the floor to prohibit Greenville County from accepting out-of-state, municipal, and out-of-county waste at the Twin Chimneys Landfill.

Councilor Baldwin stated he had received a number of calls about the landfill issue and the calls appeared to be coming from an 803 area code which was out of Columbia. He asked

who was orchestrating those calls. He also stated he had spoken to several people who were under the impression this was nuclear waste coming from New York or New Jersey. Councilor Baldwin stated he had explained that the waste was from Henderson County and it had been going to Union County, and most people were surprised to hear that. He understood the desire to not bring in waste from other states, but felt a lot of hysteria had been stirred up over the issue. He asked if other Council Members had received similar calls.

Councilor Gibson stated she had not received any calls from an 803 area code but had received 26 calls that day also. The callers did not support Greenville County accepting out-of-state waste. She added there were 39 calls pending on her phone. She did not know what the calls were in reference to, but added there were a lot of people in Greenville opposed to the issue.

Councilor Baldwin stated he was concerned because the calls were orchestrated from the 803 area code and questioned if someone involved with the calls had a financial interest in the waste issue, possibly someone from Henderson County or a lobbyist that may have been hired.

Councilor Burns stated he had received a phone call from someone he knew who had received one of the “robo” calls. The message stated if you wanted to contact your Council Member to object to out-of-state waste being brought into the state, hit “1”, and the line was automatically transferred to the published Council phone line. Councilor Burns stated it was being done by a lobbyist group and appeared dubious. He added there was a huge amount of misinformation about the waste issue and it was Council’s role to educate the public about the issue. Councilor Burns added the County could reject the proposal. He did not feel the facts were sufficient for Council Members to make a decision.

Councilor Seman stated that, technically, Greenville County did not even have an offer on the table to consider. Any motion to accept or not accept was a bit premature as there was no guarantee Greenville County had been chosen to accept the waste.

Councilor Norris stated she had received a number of calls, and, one caller told her they were calling to follow through and do what they were asked to do.

Councilor Baldwin stated if solid waste was coming from out-of-state, Council Members needed to be made aware of it and be allowed to vote on the issue. He agreed with Councilor Burns and Council should not discount the issue. Councilor Baldwin stated many of the people he had spoken to about the waste issue were under impression the waste would be coming from New York or New Jersey and it would be toxic or nuclear waste. Councilor Baldwin stated he wanted to know who was behind the lobbying before he voted on the issue. He added he did not feel other states should be allowed to bring waste into South Carolina for the same amount of money as the local municipalities.

Councilor Kirven stated he had not received any “robo” calls or calls from the 803 area code, but had received emails from local citizens who had identified themselves as Greenville County citizens. He stated the landfill, an enterprise fund, was designed to be self-sufficient and should not have to be subsidized by property taxes. Councilor Kirven added the Council Members had a duty to serve the citizens of Greenville County and be good stewards of the citizens’ money. He stated he supported the resolution that was presented but was aware there needed to be more fact and data collecting.

Councilor Cates stated Twin Chimneys had the capacity for 500,000 tons of trash per year. Henderson County asked to contribute 70,000 tons of trash per year which was approximately 17% of capacity. Twin Chimneys currently had approximately 80 years left until capacity was reached. Accepting Henderson County's trash would decrease the time by about 1 year. Councilor Cates stated Greenville County would receive \$1.2 - \$1.4 million if Henderson County's trash was accepted. These monies would give the County funds to add Sheriff's deputies and other needed personnel. He added that in 2007 or 2008, County Council gave the County Administrator the authority to make agreements such as this within a 75 mile radius, which included parts of North Carolina.

Councilor Meadows stated he had not received any calls and asked if Council Members cared about the environment. He stated he did not want South Carolina to be a dumping ground for waste and he supported Councilor Dill's motion. Councilor Meadows stated he was under the impression Henderson County had asked to send 100,000 tons of waste to South Carolina, not 70,000 tons. He stated if the County accepted Henderson County's waste, it would not leave much room for Greenville County's trash, especially given the anticipated growth of the County. He felt this would cause future problems. He stated he supported Mr. Dill's motion and added it could be changed in the future, if necessary.

Councilor Gibson stated she remembered when the landfill was approved; the efforts that were made to get the landfill, and the fact that the people in that area were opposed to the landfill. She stated she felt certain she had been getting phone calls as she had been in favor of the landfill. She was unsure how future use was adequately determined given the large number of people moving to Greenville County. She stated she supported the resolution.

**ACTION:** Councilor Gibson called for the question.

Motion to call the question was denied.

Councilor Ballard stated Twin Chimneys was in his district. Citizens from his district have called him and were opposed to accepting waste from outside South Carolina. He has had no out-of-area or out-of-state calls. Councilor Ballard stated Twin Chimneys Landfill had a finite amount of space and would probably not fill up in their lifetime, but it would eventually fill up. Residents in his area have expressed opposition to accepting out-of-state trash. Councilor Ballard stated locking into a 5-year contract was dangerous and he was opposed to accepting out-of-state trash and would vote in favor of the Resolution.

Councilor Dill stated Joe Kernell spoke to him about the subject several months ago and the rate was cheaper than the rate other entities charged. He stated the County would be selling space and he wondered what would happen when the landfill was full. He stated Council Members were policy makers, not educators. The bid had opened that week and the current bid was less than \$20.00. Councilor Dill researched the price other counties have been selling their landfill space for and the price ranged from \$40.00 to \$57.00. Councilor Dill asked what Greenville County would do when the landfill was filled. Taxpayers would have to pay for another landfill. Current policy stated Joe Kernell could negotiate with North Carolina to accept the waste. He asked Council Members to vote for the resolution and study the situation. Councilor Dill stated 70,000 tons of addition trash would have to be processed which would require more workers and more money.

Chairman Taylor asked Mr. Dill if the amount of \$20.00 per ton was the rate Greenville County would charge Henderson County.

Councilor Dill stated less than \$20.00 per ton. He stated the bid opened and the top bid was less than \$20.00 per ton. He did not know who made the bid.

Councilor Seman asked if the County had submitted a bid to Henderson County.

Joe Kernell stated there had been no bids from Greenville County. He added there have been no conversations with Henderson County since September 2014 and Greenville County would not submit a bid that low.

Councilor Burns asked if Greenville County had submitted a bid to Henderson County.

Joe Kernell stated he had not seen a RFB (Request for Bid) from Henderson County. He had heard a rumor there was a proposal for hauling but that was all he had had heard. Rutherford County was also involved in the preliminary discussions about bringing trash down to South Carolina but Mr. Kernell stated he has had no further conversations with Henderson County or Rutherford County since that time.

Councilor Burns asked Mr. Kernell if he had spoken to the Solid Waste Division about the landfill situation.

Joe Kernell stated he had spoken to the Solid Waste Division and any negotiations for rates on volume discounts would be discussed.

Councilor Cates asked if Henderson County's trash was going to Union County.

Joe Kernell stated he did not know what Henderson County was doing.

Chairman Taylor stated if they got involved in collecting waste from North Carolina, the distance would be a huge factor.

Councilor Dill stated they were still talking about less than \$20.00 per ton.

Chairman Taylor stated he did feel Greenville County would agree to a cost of less than \$20.00 per ton.

Councilor Dill stated as a policy maker, he needed six more people to agree with him in order to stop and take a look at the issue.

Councilor Burns asked if Council Members would accept a friendly amendment to set policy to not accept waste at a rate that was less than the market rate.

Councilor Dill stated Greenville County needed to find out how much this would cost the County.

Councilor Burns stated Council could set policy to state Greenville County would not accept trash from anywhere at a rate lower than the rate to process the trash. He stated Greenville County should not become a dumping ground and should not accept trash at a rate lower than the amount needed to process the trash. Greenville County's agreement should profit the County and build a fund for the future or something to that affect. If the going rates were \$40-\$50 per ton in other places, then that was the price range Greenville County would accept. He stated Council Members wanted to make good business decisions as well as good environmental decisions. Councilor Burns stated he would offer a friendly amendment to set policy to accept other areas waste at market value, not below.

Councilor Dill stated he would accept a friendly amendment but felt further clarification was needed to let Administration know what Council Members were willing to accept.

Councilor Baldwin stated they were talking about out-of-county waste, not necessarily just out-of-state. He asked if they would accept a contract for out-of-county waste whether it was North Carolina, Oconee County, or Pickens County.

Councilor Meadows asked Councilor Dill for the lowest and highest rates he had researched.

Councilor Dill stated the lowest rate was \$40.00 per ton.

Councilor Meadows asked if \$40.00 per ton should be the floor.

Councilor Burns stated \$40.00 should be the lowest, but not the floor. The rates could change in the next five years.

Councilor Cates asked Councilor Dill if his issue was that he didn't want to sell the space to North Carolina but was willing to sell to Oconee County or any other county in South Carolina.

Councilor Dill stated he did not want trash coming from North Carolina. He was shocked when he learned some counties were already selling space to North Carolina.

Councilor Kirven stated the conversation had gotten away from a policy matter which would give the Administrator guidelines. Council Members were mistakenly talking about rates, potential contracts, etc. He stated Council needed to stay away from those topics. Hauling trucks of trash down Highway 25 would cause traffic problems no matter where the trash was coming from. Trash from counties south of Greenville County would cause less traffic issues. These factors should be considered by the County Administrator and staff when negotiating contracts, rates, etc. The motion presented by Councilor Dill would give the Council Members the opportunity to study the issue and give the County Administrator proper guidelines to use.

**ACTION:** Councilor Seman made a motion to hold the item.

Motion to hold was approved by a roll call vote seven in favor (Burns, Taylor, Norris, Seman, Payne, Baldwin, Cates), and five in opposition (Gibson, Ballard, Kirven, Dill, Meadows).

**Item (10)**

**EXECUTIVE SESSION**

**ACTION:** Councilor Kirven moved to go into Executive Session for discussion of negotiations incident to proposed contractual agreements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the public agency of a claim.

Motion carried and the Committee of the Whole entered into Executive Session at 5:34 p.m.



**RECONVENE**

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

The meeting reconvened at 5:47 p.m.

**Item (11)**

**ADJOURNMENT**

**ACTION:** Councilor Kirven moved to adjourn the meeting at 5:48 p.m.

Motion carried unanimously.

Respectfully submitted:

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Theresa Kizer, Clerk to Council