



GREENVILLE COUNTY COUNCIL

Minutes

Regular Meeting

April 3, 2018

6:03 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.

COUNCIL MEMBERS ABSENT

None

STAFF PRESENT

Joe Kernell, County Administrator
Mark Tollison, County Attorney
Dean Campbell, Deputy County Attorney
John Hansley, Deputy County Administrator
Regina McCaskill, Clerk to Council
Jessica Stone, Deputy Clerk to Council
Paula Gucker, Assistant County Administrator, Public Works
John Vandermosten, Assistant County Administrator, Public Safety
Sarah Holt, Subdivision Administrator
Bob Mihalic, Governmental Relations Officer
Shannon Herman, Assistant County Administrator

OTHERS PRESENT

None

CALL TO ORDER

Chairman Butch Kirven

INVOCATION – introduced by Vice-Chairman Meadows

Jerry Barron, Missions Pastor
Calvary Baptist Church
Simpsonville

PLEDGE OF ALLEGIANCE

Item (4) APPROVAL OF MINUTES

ACTION: Councilor Payne moved to approve the minutes of the March 20, 2018, Regular Council Meeting.

Motion carried unanimously.

Item (5) PROCLAMATION

(a) Fair Housing Month

Councilor Norris presented a proclamation to Dr. Yvonne Duckett, Human Relations Director and James Speed, Chairman of the Human Relations Commission. April 11, 2018 marks the fiftieth anniversary of the signing of "Title VIII of the Civil Rights Act of 1968", also known as the "National Fair Housing Act. This landmark legislation protects people from discrimination when they are renting, buying, or securing financing for a home. The Greenville County Human Relations Commission, under the leadership of Chairman James Speed Jr. and an active and engaged twelve-member board, combined with a tireless staff of dedicated employees headed by Dr. Yvonne Duckett, has been at the forefront of educating and assisting the public with issues related to Fair Housing. Greenville County Council supports the efforts of the Human Relations Commission in this area, which include receiving Fair Housing complaints, conducting Fair Housing Workshops, and organizing the upcoming Fair Housing Seminar to be held on April 26, 2018.

Greenville County Council does hereby proclaim April 2018 as "Fair Housing Month" and expresses gratitude to the Greenville County Human Relations Commission for its continuing efforts in this important area.

Item (6) APPEARANCES – current agenda items

- **Ed Paxton**, 1 York Circle, Greenville – appeared regarding item 12.a.1. Board and Commission Appointments
- **Efia Nwangaza**, 202 Livinia Avenue, Greenville – appeared regarding item 11.a. Ordinance - Tethering

Item (7) CONSENT AGENDA

a. Commissioning of Code Enforcement Officers

ACTION: Councilor Seman moved to approve the Consent Agenda Item.

Motion carried unanimously.

Item (8) RESOLUTIONS

(a) Hospital Revenue Bonds (GHS) / JEDA Bonds

ACTION: Per notice provided on the Council Agenda, Councilor Payne moved to resume consideration of the Resolution supporting the South Carolina Jobs-Economic Development Authority (JEDA) bonds as requested by the Greenville Health System.

Councilor Taylor stated he was encouraged by the fact that the a few weeks ago, the County was very divided on the issue and now there appeared to be a coming together, not unanimous, but certainly a better spirit. He encouraged his colleagues to support the Resolution.

ACTION:

Councilor Ballard called for a point of order, stating Councilor Payne was not on the prevailing side that put the issue on hold. He added that according to Council Rules, Mason's Section 464, the item needed to be brought back by someone on the prevailing side.

Chairman Kirven stated the JEDA Bond Resolution was reported out of the Finance Committee back on December 5, 2017, where it had received a unanimous vote of approval. After the Public Hearing and debate on the issue, County Council voted to hold the Resolution on a procedural motion made by Vice-Chairman Meadows. The restated motion was "to hold the item until the courts had adjudicated it". The motion to hold passed by a 6-5 vote. The question was not decided at that point, and in effect, the hold motion placed the Resolution in a temporary hold status subject to being taken up by Council for further consideration. Mason's Section 372 – 2 states "If a question has been postponed and it is desired to give it further consideration before the time to which it was postponed, it may be taken up without reconsidering the vote by which it was postponed." Mr. Kirven stated this was precisely what Councilor Payne's motion asked Council to do. He asked Council Members to recall, which was the same procedure that was followed back in 2015 after Councilor Ballard moved to hold the FY 2017 Budget Ordinance pending EMS changes. Two meetings later, Council voted to resume consideration of the item. Mr. Kirven then ruled that Mr. Payne's motion, as any Council member could have moved, was in order.

Councilor Ballard stated, as a point for the benefit of Councilor Barnes, Councilor Roberts and Council Fant, he made the motion to hold the FY 2017 Budget Ordinance and he also made the motion in 2015 to bring the item back.

Councilor Dill asked if that meant Mr. Ballard was on the prevailing side.

Chairman Kirven stated any Council Member could have made the motion to bring the item back then, just like any Council Member could have made the motion to bring back the item in question.

Vice-Chairman Meadows stated he felt the point Mr. Ballard was making was that the tradition of Council had always been if an item was to be brought back up for reconsideration, a member of Council on the prevailing side had to make the motion. He added that Council had a habit of rewriting the rules to fit the situation and he felt that was happening again. Mr. Meadows quoted Mason's Section 374 "The time to which the question is postponed must fall within the session. Neither motion to postpone indefinitely nor an amendment to this motion is in order that would have the effect of an indefinite postponement." He stated the postponement was a definite time; until the courts had adjudicated the issue. In doing this, this effect was not a hold or an indefinite hold but it was a hold until a definite time had passed. Mr. Meadows stated that Mason's addressed the fact that sometimes items were held so that the Legislature would have time to take up some other actions. He also referred to Chapter 39, "Motion to Hold Indefinitely," and stated the minutes of December 5, 2017, indicated Chairman Kirven stated in regards to the JEDA Bonds, "There would only be one opportunity to vote; the tax benefits would expire at the end of the month" and "This would be a final denial of it." Mr. Meadows stated there would be finality of it, not something that was being held. He quoted Mason's Section 430, Paragraph 4: "A motion to postpone a question beyond the time at which it can be considered, as beyond the adjournment sine die of a legislative session, is equivalent to complete disapproval and should be treated as a motion to postpone indefinitely." Mr. Meadows stated Council did not have "sine die" and went on the quote Mason's: "Where the motion to postpone indefinitely opens the main question to debate, where it deposes of the main question, it is usually treated as the main motion and subject to reconsideration."

Mr. Meadows stated Council was re-writing the rules and added that Council Rules state if a vote was to be reconsidered, only a Council Member on the prevailing side could request the reconsideration. According to Mr. Meadows, three of the six Council Members who previously voted in favor of the item were asked to request the item be brought back to Council for reconsideration. He stated those three Council Members declined. He stated it bothered him that Council continually changed the rules. Mr. Meadows said based on Mason's and Council Rules, this was out of order.

Chairman Kirven stated he disagreed with Mr. Meadows' assessment. Since the original vote on the issue occurred in December, Council has had the chance to study the issue and the rules that apply. Mr. Kirven stated he kept coming back to the fact that the motion was a procedural motion to hold by a 6-5 vote. The vote did not decide the question and simply suspended the question; subject to recall by a vote of Council, by simple majority, whenever a member so desired to make the motion. It would be the decision of Council and that was the point where Council was currently. Mr. Kirven stated he ruled that Mr. Payne's motion was in order.

ACTION: Vice-Chairman Meadows challenged the ruling of the Chair.

Chairman Kirven stated Council would vote on whether to overturn the Chair's ruling or sustain the ruling.

Councilor Fant stated in the past year he has seen that every time Council got into a quandary about a rule, the Chairman would make a ruling, then someone would try to overrule the Chair. If that did not work satisfactorily, a letter was written to the Attorney General and Council ended up in court. He stated the effect was the County Attorney was always busy working on a court case which made him unavailable for other things. Mr. Fant stated he did not want to go down that road again. He would rather decide "yes or no" and stop with the political arm twisting. He added that he was on the prevailing side of the initial vote and would be happy to make the motion to reconsider.

Chairman Kirven stated there was a motion on the floor by Vice-Chairman Meadows that needed to be considered first. He requested a roll call vote.

Motion to overturn the ruling of the Chair was denied by a roll call vote of four (Dill, Barnes, Meadows and Ballard) in favor and eight (Cates, Roberts, Taylor, Norris, Seman, Fant, Kirven and Payne) in opposition.

Chairman Kirven stated the ruling of the Chair on Councilor Payne's motion was sustained; and the floor was open for subsequent motions.

Mr. Fant requested to be allowed to make the motion to reconsider since he was on the prevailing side.

Chairman Kirven stated Mr. Payne had already made a motion, and that motion was on the floor.

Councilor Payne stated he could withdraw his motion and allow Councilor Fant to make the motion in instead.

Mark Tollison stated if the motion was withdrawn, a motion to suspend the rules regarding notice would be required to take up the reconsideration motion since it was Mr. Payne, not Mr. Fant, who provided the original notice.

Chairman Kirven stated his ruling was upheld, therefore Councilor Payne was entitled to make his motion on the Resolution.

ACTION: Councilor Payne moved adoption of the Resolution with 2018 dates to reflect the new year.

Councilor Dill stated he never wanted to hear any Council Member say “them” or “us” which indicated a power structure. He stated no one knew how he would vote and added he represented a constituency that felt a certain way as do all Council Members. Mr. Dill stated he has seen Council vote in favor of tax increases on three separate occasions and then declare taxes had not been raised. He added he wanted to go ahead and vote on the issue and everyone vote their convictions.

ACTION: Councilor Seman called for the question.

Motion to call for the question carried unanimously.

Motion as presented carried by a roll call vote of nine (Dill, Cates, Roberts, Taylor, Norris, Seman, Fant, Kirven and Payne) in favor and three (Barnes, Meadows and Ballard) in opposition. *(See follow-up discussion after the Administrator’s Report)*

(b) Metropolitan Sewer Subdistrict Annexation / West Georgia Road and Sullivan Road – Request for Public Hearing

ACTION: Councilor Seman moved for adoption a resolution to hold a public hearing to consider enlarging the Metropolitan Sewer Subdistrict to include the real property identified as Tax Map Numbers 0585010100603; 0585010100604 and 0585010100606 located at the intersection of West Georgia Road and Sullivan Road.

Motion carried unanimously.

(c) Metropolitan Sewer Subdistrict Annexation / Lot 160 – Country Estates Subdivision – Request for Public Hearing

ACTION: Councilor Seman moved for adoption a resolution to hold a public hearing to consider enlarging the Metropolitan Sewer Subdistrict to include the real property identified as Tax Map Number 0555050106400, Lot 160, located in Country Estates Subdivision.

Motion carried unanimously.

Item (9) ORDINANCES – THIRD READING

(a) Zoning Ordinances

- 1. CZ-2018-09: Property of Southchase Wilson Bridge, LLC, located at 218 Wilson Bridge Road, requesting rezoning from S-1 to I-1.**

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

Motion carried unanimously.

- 2. CZ-2018-11: Property of 4100 Pelham LLC, located at 4100 Pelham Road, requesting rezoning from S-1 to C-3.**

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

Motion carried unanimously.

3. **CZ-2018-12: Property of Robert and Janet Kim, located at 2913 Old Buncombe Road, requesting rezoning from C-2 to R-7.5.**

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

Motion carried unanimously.

4. **CZ-2018-14: Property of Bad Company III, LLC, located at 90 Allen Street, requesting rezoning from S-1 to C-1.**

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

ACTION: Councilor Norris moved to hold the item until the next regularly scheduled Council meeting.

Motion to hold carried unanimously.

5. **CZ-2018-15: Property of Caissa III, LLC, located on White Horse Road, requesting rezoning from R-10 to C-1.**

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

Motion carried unanimously.

(b) Land Development Regulations Amendments

ACTION: Councilor Ballard moved for adoption at third reading an ordinance to approve amendments to the Greenville County Land Development Regulations for the County of Greenville, South Carolina, as last amended by Ordinance #4960, in accordance with the provisions of the South Carolina Planning Enabling Act of 1994, S.C. Code Ann. Title 6, Chapter 29.

Motion carried unanimously.

Item (10) ORDINANCES – SECOND READING

(a) Project Ceramic / Fee in Lieu of Tax Agreement

Councilor Taylor 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 known to the County at this time as Project Ceramic, with respect to certain economic development property in the County, whereby such property would be subject to certain payments in lieu of taxes; and other matters related thereto.

Motion carried unanimously.

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

Councilor Taylor 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.

Motion carried unanimously.

Item (11) **ORDINANCES – FIRST READING**

(a) **Animal Control Ordinance Amendment / Regulating Tethering**

Councilor Roberts presented for first reading an ordinance to amend the County Code at Chapter 4: Animals and Fowl, Article II: Dogs, Cats, Wildlife and Exotic Animals, Cruelty to Animals, to add provisions concerning tethering animals; and to remove requirements appearing in Code Section 4-18.

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

Item (12) **COMMITTEE REPORTS**

(a) **Committee of the Whole**

1. **Board and Commission Appointments**

ACTION: On behalf of the Committee, Vice-Chairman Meadows moved to close nominations and elect by acclamation the following:

Construction Board of Appeals	Michael Coleman Troy Gilreath Thomas Goss
Board of Zoning Appeals	Keith Drummond Mark Hattendorf Wayne Moore Jeffery Redmond
Greenlink	David Mitchell
Parks, Recreation and Tourism Advisory Committee	Tina Belge David LeBlanc Terri Potter
Arena District	Dee Benedict Amber Drummond Joyce Smart
Boiling Springs Fire District	William Flack
Devenger Tax District	Gregory Horrocks
Freetown Community Special Tax District	Peggy Adams-Robinson Joyce Miles

Motion carried unanimously.

ACTION: On behalf of the Committee, Vice-Chairman Meadows moved to close nominations on the following applicants and move forward the applicants to a ballot vote at the April 17th Council meeting:

Greenville Area Development Corporation	Roy Chamlee Beverly Haines JeVarus Howard Patrick Dollar
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Motion carried unanimously.

2. Reopen Application Period for the Accommodations Tax Advisory Committee

ACTION: On behalf of the Committee, Vice-Chairman Meadows moved to reopen for 10 days the application period for the Accommodations Tax Advisory Committee.

Motion carried unanimously.

Item (13) APPEARANCES BY CITIZENS

- **Joey Howard**, 323 Oak Grove Road, Landrum – appeared regarding drug house and extreme speeding
- **Charles Mayo**, 118 Hickory Drive, Simpsonville – appeared regarding Monaghan Mill Area
- **Hannah Meyer**, 10 Monroe Street, Apt 13, Greenville – appeared regarding issues with Law Enforcement in District 19
- **Austin Booth**, 24 Sistine Street, Greenville – appeared regarding Monaghan Mill Area / Textile Heritage Park
- **John Blough**, 104 E. Montclair Avenue, Greenville – appeared regarding Massey shooting / Crisis Intervention Team training
- **Efia Nwangaza**, 202 Livinia Avenue, Greenville – appeared regarding disrespect of women in Greenville County
- **U.A. Thompson**, 225 Lincoln Drive, Taylors – appeared regarding Citizen Law Enforcement Review Board / CIT Training

Item (14) ADMINISTRATOR'S REPORT

Joe Kernell stated today he met with Gene Smith, Director of the Parks, Recreation and Tourism Department. He added that Mr. Smith had worked as the Director for the former Recreation District and now Greenville County for 32 years. He has decided to retire at the end of April. Mr. Kernell stated the County has been very blessed to have Mr. Smith as the Director and a special event would be planned to honor him.

Item (8) RESOLUTIONS (revisited)

(a) Hospital Revenue Bonds (GHS) / JEDA Bonds

Chairman Kirven stated a step was missed in the consideration of the Hospital Revenue Bonds. The ruling was sustained and Mr. Payne's motion was on the floor to recall the bond issue; a vote to recall was not actually taken. Mr. Kirven stated the mistake needed to be corrected, right not, during this meeting. Therefore, Mr. Payne needed to restate his motions as the action taken earlier was not in order.

Chairman Kirven stated earlier in the meeting, Council discussed the item and was challenged. He stated he ruled as Chair that the motion was in order and the next step should have been to vote on that motion; however, that step was not taken. Mr. Kirven stated Council then moved to discussion and voting on the Resolution itself.

ACTION: Per notice provided on the Council Agenda, Councilor Payne moved to resume consideration of the Resolution supporting the South Carolina Jobs-Economic Development Authority (JEDA) bonds as requested by the Greenville Health System.

Motion to resume consideration of the GHS JEDA Bonds Resolution carried by a roll call vote of eight (Cates, Roberts, Taylor, Norris, Seman, Fant, Kirven and Payne) in favor and four (Dill, Barnes, Meadows and Ballard) in opposition.

ACTION: Councilor Payne moved adoption of the Resolution with 2018 dates to reflect the new year.

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

Item (15)

REQUESTS AND MOTIONS BY COUNCIL MEMBERS

- Councilor Seman stated SCTAC received a clean audit opinion, following the presentation of its FY17 financial statements to the SCTAC Board of Directors on March 19th. She asked everyone to congratulate SCTAC on its exemplary fiscal management.
- Councilor Fant recognized the members of Vision 25 who were in attendance. Mr. Fant thanked Councilor Dill for encouraging Paton Blough and working with him. He stated the indiscriminate shooting of individuals in Greenville County with impunity should stop. Mr. Fant stated when an individual suffering from a mental health crisis called 911 for help, they should have received the help they needed and not have lost their life. He added every officer with the Sheriff's Office must receive CIT Training and there needed to be a team of specialists to de-escalate situations appropriately. Mr. Fant stated a policy to address 911 calls related to mental health crisis was needed; mental health professionals should be sent to assess the situation instead of law enforcement. He stated he was not pleased with the solicitor who made the unilateral decision not to release the names of the officers involved in the recent shooting of Jermaine Massey.
- Councilor Ballard stated he spoke with the Alarm Division of the Sheriff's Department today and preliminary numbers indicated the total number of false alarms during a recent three-month period decreased by 200 compared to the same period from the year before. He added that the policy put in place by Council to address the issue of false alarms appeared to be working.
- Councilor Dill stated he wanted to explain the frustration of the gentleman who spoke about the drug house and speeding in the Landrum area. Mr. Dill stated the deputies have been dispatched and were working on the situation; however, the violators had to be caught in the act on someone's witness.
- Councilor Dill reiterated the need for deputies to receive CIT Training and added there was a shortage of psychiatric facilities in Greenville County. He stated the County has worked with NAMI and the hospitals in the past to address the issue of mental illness. Mr. Dill stated officers with the City of Greenville Police Department were trained to deal with individuals in a mental health crisis.
- Vice-Chairman Meadows thanked Mr. Ballard for the work that has been done regarding the alarms and requested an accounting of how much money has been saved and how the money has been spent.
- Councilor Norris stated she was so sad about what happened to the Massey family's loved one. She stated the City of Greenville had worked hard to train law enforcement officers and she could not understand why the County had not done the same. Ms. Norris stated it was important to find ways to make things happen regardless of differences.

- Councilor Dill stated the jails in larger cities such as Los Angeles and New Orleans, were actually drug rehabilitation centers and mental health facilities; he suggested the County research facilities such as this.
- Councilor Roberts gave his sincere condolences to the Massey family. Mr. Roberts stated he was very disappointed when the Certificate of Need was denied by some legislators and added it would have provided more psychiatric beds and mental health personnel for the state; however, Bon Secours and GHS have agreed to work together and move forward with additional psychiatric beds. Mr. Roberts stated the passage of the Land Development Regulations would give the County more control over growth and he was pleased the ordinance had passed.
- Councilor Taylor stated the room had been full of unhappy people: the speakers had expressed legitimate concern for issues. He encouraged his colleagues to look around and see where changes could be made to solve problems in the community.
- Councilor Payne stated he was very proud of Council and its ability to work together. He added he had decided not to run for re-election and was pleased to learn that Dan Tripp had decided to run. Mr. Payne stated he planned to work very hard for Greenville County for the next 9 months and on. He added that “green villages” and the need for innovated transportation were two items he was very passionate about.

Item (16)

ADJOURNMENT

ACTION:

Councilor Payne moved to adjourn the meeting.

Motion carried unanimously and the meeting was adjourned at 7:43 p.m.

Respectfully submitted:

Regina G. McCaskill, Clerk to Council