



GREENVILLE COUNTY COUNCIL

Minutes

Regular Meeting

October 15, 2019

6:10 p.m.

County Square – Council Chambers

301 University Ridge

Greenville, South Carolina 29601

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. Dan Tripp

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*

Jeff Wile, *Assistant 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*

Nicole Wood, *Assistant to the County Administrator*

Bob Mihalic, *Governmental Relations Officer*

Others Present

None

Call to Order

Chairman Kirven

Invocation – *Introduced by Councilor Lynn Ballard*

Reverend James Massey
Holly Springs Baptist Church
Belton, SC

Pledge of Allegiance

Item (4) Approval of Minutes

Action: Councilor Seman moved to approve the minutes of the October 1, 2019, Regular Council Meeting.

Motion carried unanimously.

Item (5) Public Hearing

a. Sterling Community Special Tax District / Millage Request

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance to provide for the millage rate to be levied in the Sterling Special Tax District.

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

Item (6) Appearances – current agenda items

No speakers

Item (7) Consent Agenda

- a. SC Parks and Recreation – Historic Slater Hall Rehabilitation Grant** *(Finance)*
- b. SC Bar Foundation Bank of America Grant** *(Finance)*
- c. Greenville County Grievance Pool** *(Finance)*

Action: Councilor Norris moved to approve the Consent Agenda Items.

Motion carried unanimously.

Item (8) Resolution

a. Ahold USA Joinder Agreement – PeaPod Digital Labs, LLC

Action: Councilor Taylor moved for adoption a resolution authorizing the addition of a sponsor affiliate under the 2018 fee agreement between Greenville County, South Carolina and Retail Business Services LLC; and matters relating thereto.

Motion carried unanimously.

Item (9) Ordinances – Third Reading

a. Zoning Ordinances

- i. **CZ-2019-54:** Property of Equinox LLC, located at 201 Abney Street, requesting rezoning from I-1 to R-7.5.

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

Motion carried unanimously.

- ii. **CZ-2019-55:** Property of David Dedvukaj / Contour Spinning Mill LLC and Victor Capital LLC, located at 300 Hammett Street, requesting rezoning from R-MA and I-1 to PD with conditions.

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

Motion carried unanimously.

- iii. **CZ-2019-56:** Property of Raymond Mark Cox, Ronald B. and Andrea C. Styles and Timothy Ray Cox, located on Dusty Lane, requesting rezoning from R-S and C-3 to FRD with condition.

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

Motion carried unanimously.

- iv. **CZ-2019-57:** Property of Stanley E. McJunkin and Benjamin E. Wigington, located at 509 John Ross Court, requesting rezoning from C-3 to S-1.

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

Motion carried unanimously.

- v. **CZ-2019-58:** Property of Maib Investment Properties, LLC / AGSC LLC, located on Fork Shoals Road and W. Georgia Road, requesting rezoning from C-3 and R-12 to FRD with conditions.

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

Action: Councilor Dill moved to hold the item at the applicant's request.

Councilor Fant stated he spoke with the applicant earlier in the day; the Department of Transportation required a connection to the commercial property located west of the parcel. Adjustments were necessary to meet the requirements. Mr. Fant stated the applicant had requested holding the item until the adjustments could be made.

Motion to hold carried unanimously.

- vi. **CZ-2019-59:** Property of Swamp Rabbit Food Plaza LLC, located at 205 Cedar Lane Road, requesting rezoning from S-1 to C-3.

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

Motion carried unanimously.

- vii. **CZ-2019-60:** Property of John and Karen McGovern, for JJM Holdings, LLC and KLM-SC, LLC, located on Stafford Street and McGarity Street, requesting rezoning from R-7.5 to FRD.

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

Motion carried unanimously.

b. Sterling Community Special Tax District / Millage Request

Action: Councilor Taylor moved for adoption at third reading an ordinance to provide for the millage rate to be levied in the Sterling Special Tax District.

Councilor Norris stated the community members were hoping some funding could be approved for this year; hopefully, they would be able to take care of the situation going forward.

Action: Councilor Fant moved to impose a 50% adjustment for 2020 and 50% for 2021 as opposed to putting the entire millage on the community for this year.

Motion to amend carried with Councilor Cates voting in opposition.

Action: Councilor Taylor moved approval of the ordinance as amended.

Motion as amended carried with Councilor Cates voting in opposition.

Item (10) Ordinances – Second Reading

a. Zoning Ordinances

- i. **CZ-2019-62:** Property of Christopher A. & Teresa A. Pangle, located at 179 Lee Vaughn Road, requesting rezoning from S-1 to R-S. 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.

- ii. **CZ-2019-65:** Property of Jaliabapa and Radha LLC, located at 3807 White Horse Road, requesting rezoning from R-12 to FRD. The Planning Commission and Committee recommended approval with conditions.

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

Action: Councilor Dill moved to amend the request to prohibit the following uses:

- Adult Toys, Books, Videos / Tape Shop
- Novelty Lingerie Shop
- Night Club(s)
- E-Cigarettes and Vape Shop and/or sales of materials for vaping purposes
- Sale of CBD products until FDA approved
- Bingo, Pool Tables and Arcades (Gaming Rooms)
- Payday Lenders
- Tattoo Shop

Councilor Fant stated the restrictions were developed in concert with the developer and the residents; it demonstrated how developers and the community were able to work together.

Motion to amend carried unanimously.

Action: Councilor Dill moved approval of the ordinance as amended.

Motion as amended carried unanimously.

- iii. **CZ-2019-66:** Property of Shalon Anthony Barnes, located on Rosemond Drive, requesting rezoning from R-M20 to C-3. The Planning Commission and Committee recommended denial.

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

Motion was denied unanimously.

- iv. **CZ-2019-67:** Property of John and Karen McGovern, for JJM Holdings, LLC and KLM-SC, LLC, located on Stafford Street and McGarity Street, requesting rezoning from R-7.5 to FRD. The Planning Commission and Committee recommended denial.

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

Motion was denied unanimously.

b. Greenville County Zoning Ordinance Text Amendment / Taylors Main Street Development District (CZ-2019-63)

Action: Councilor Dill moved for approval at second reading an ordinance to amend the Greenville County Zoning Ordinance to add the Taylors Main Street Development District to Article 8: Special Review and Review District Regulations; and to define the boundaries of the Taylors Main Street Development District on the official zoning map of Greenville County.

Action: Councilor Barnes moved to hold the item.

Motion to hold carried unanimously.

c. South Carolina Children's Theatre – Funding Request

Action: Councilor Taylor moved for approval at second reading an ordinance to amend *Exhibit A* established as an addendum to Ordinance No. 4079, as last amended by Ordinance No. 4884, so as to appropriate additional operating funds for tourist related projects.

Councilor Ballard stated that he and Councilor Cates toured the facility yesterday; it was outstanding. He encouraged his colleagues to visit.

Councilor Cates stated Debbie Bell, Director of the South Carolina Children's Theatre, was in attendance. He expressed his gratitude for the tour.

Motion carried unanimously.

d. Transfer of County Owned Property / 10.001 Acres on Sandy Springs Road, Piedmont (TMS# 0602.02.01-018.01)

Action: Councilor Taylor moved for approval at second reading an ordinance to authorize the transfer and conveyance of 10.001 acres, more or less, of undeveloped land located on Sandy Springs Road in Piedmont (TMS# 0602.02-01-018.01) to Inglesby Properties 2, LLC.

Motion carried unanimously.

e. 2018 Building Codes

Action: Councilor Seman moved for approval at second reading an ordinance to comply with the regulations promulgated by the South Carolina Building Codes Council by repealing Ordinance Number 4801 and adopting the administrative provisions (Chapter 1) of the various codes promulgated by the South Carolina Building Codes Council relating to design review and inspection activities of the County of Greenville and enforcement of building provisions as provided in said codes; and, an ordinance to adopt the International Property Maintenance Code, the International Swimming Pool and Spa Code and International Existing Building Code in Greenville County as authorized by the South Carolina Building Codes Council; and to adopt certain appendices of the adopted codes to recognize certain variations in the codes based on physical conditions found within Greenville County.

Action: Vice-Chairman Meadows moved to send the item back to the Public Works and Infrastructure Committee to review how the fees were assessed.

Chairman Kirven stated that in his opinion, the fees were an ancillary matter that could be conducted concurrent with moving forward.

Vice-Chairman Meadows stated the item could be moved forward with amendments at third reading.

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

Motion to allow amendments at third reading carried unanimously.

Vice-Chairman Meadows stated he still felt there were things that needed to be worked out in regards to the fees; they could be discussed at third reading but there were a number of amendments that would need to be made.

Chairman Kirven stated the item had already been through the committee process and was being presented with the committee's recommendations; Council had already been given opportunities to discuss the item with the committee members and work things out.

Councilor Tripp inquired about Mr. Meadows' concerns.

Vice-Chairman Meadows stated the fees were set by staff; Council never voted on the fees. However, Council members received all the "flack" about the fees. He was proposing that staff continue to set the fees; they would be presented to Council for approval.

Chairman Kirven asked Joe Kernell how the fees were currently set.

Joe Kernell stated that currently staff had the authority to set the fees; he had no objection to any schedule change coming back to Council for approval.

Vice-Chairman Meadows stated he could discuss his concerns with Mark Tollison; the item could come back to Council at the next meeting with suggested changes.

Friendly Amendment: Councilor Seman offered a friendly amendment to approve the item as presented and approve the fee schedule separately.

Vice-Chairman Meadows stated he was in favor of Councilor Seman's friendly amendment.

Councilor Tripp asked Mr. Meadows if the fees were his only concern.

Vice-Chairman Meadows stated the fees were his only concern.

Councilor Tripp asked why the item should be returned to the committee if Council was in agreement.

Councilor Seman stated her recommendation was to approve the item as presented with amendments at third reading; there would be no need to send the item back to the committee. The item would move forward to third reading; staff would present the fee schedule to Council for approval at the next meeting.

Councilor Fant asked if the fee schedule would be an amendment to the ordinance.

Councilor Seman stated she did not feel the fee schedule should be an amendment; it should be approved separately and there would be no need to approve the code every time the fees changed.

Motion as amended carried unanimously.

f. Adjust the Boundaries of the Caesar's Head Fire Service Area and the River Falls Fire Service Area

Action:

Councilor Seman moved for approval at second reading an ordinance to adjust the boundaries of two fire service areas so as to enlarge the Caesar's Head Fire Service Area, and to diminish the River Falls Fire Service Area; and provide for public notice thereof.

Councilor Dill acknowledged the presence of the Chairman of the Cedar Mountain Fire Department Commissioners in North Carolina. Mr. Dill stated Cedar Mountain assisted quite a bit up in the northern part of the county.

Motion carried unanimously.

Item (11) Ordinances – First Reading

a. Zoning Ordinances

Councilor Dill presented for first reading Zoning Dockets CZ-2019-68 through CZ-2019-73 and CZ-2019-75.

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

b. Greenville – Anderson Multi County Industrial Park Agreement Amendment (2010 Park) / Project Santa's Hat

Councilor Taylor 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.

Item (12) Board and Commission Ballots

Chairman Kirven stated the following individuals were elected by ballot vote:

Library Board of Trustees (6 vacancies)

- Laura Baker
- Allan S. Hill
- Tommy Hughes
- William Pinkston
- Joe Poore
- Dan Wooster

Greater Greenville Sanitation Commission (1 vacancy)

- Ken Ledford

Item (13) Committee Reports

a. Committee of the Whole

i. Resolution of Support for the Development of the South Carolina Art and Cultural Center / Downtown Convention and Event Center

Action:

On behalf of the Committee, Vice-Chairman Meadows moved to adopt a resolution expressing County Council's support for the development of the South Carolina Art and Cultural Center, as a downtown convention and event center, and its intent to participate with the City of Greenville, the State of South Carolina and the private sector as financial partners in support of the project.

Motion carried unanimously.

Item (14) Appearances by Citizens

- **Michael Williams**, 9 Sunnyview Drive, Greenville – appeared regarding Staunton Heights Subdivision
- **Ed Paxton**, 1 York Circle, Greenville – appeared regarding disbursement of money without Council prior approval
- **Robin Goolsby**, 110 Cottonwood Bay Way, Simpsonville – appeared regarding abortion
- **Cynthia Chance**, 33 Seyle Street, Greenville – appeared regarding Dunearn Community
- **Cicsley Galloway**, 212 Clemson Avenue, Greenville – appeared regarding speed bumps in neighborhood

Item (15) Administrator's Report

No report.

Item (16) Requests and Motions by Council Members

a. Open an Emergency Application Period for the Donaldson Center Area

Councilor Seman stated there had been two recent resignations on the Donaldson Fire Service Area Board; one for the Lockheed representative seat and one for the 3M representative seat which left the board with only three members.

Action: Per notice provided in the Council agenda packet, Councilor Seman moved to open an emergency application period for 10 days in order to receive applications to fill the two vacancies.

Motion carried unanimously.

b. 2016 Intergovernmental Agreement with Pickens County for Disposal of Municipal Waste – Refer to the Public Works and Infrastructure Committee

Vice-Chairman Meadows stated his intent was to “clean up” some things that had been missed. A four-year intergovernmental agreement was signed in 2011 with Pickens County regarding disposal of its municipal waste. The agreement was signed again in 2016 but never brought before Council. Mr. Meadows requested the agreement be sent to the Public Works and Infrastructure Committee for review.

Without objection, the item was returned to the Public Works and Infrastructure Committee.

Councilor Roberts stated he had spoken to a number of citizens about other counties disposing of their trash in Greenville County landfills; many of them were taken aback this was happening. As fast as Greenville County was growing, its landfills would be filled soon. Mr. Roberts stated many people did not understand why Greenville County took trash from other areas; the reason was there were monetary shortages with the landfills and the county was forced to take trash from other areas to meet those shortages. Mr. Roberts stated Mr. Kernell had been put in a position to negotiate with other areas to take in their trash in order to meet the landfills’ expenses or use monies from the General Fund. He stated other counties charged a solid waste fee to cover expenses. Mr. Roberts stated he was aware that the county did not want to charge fees but it appeared it was necessary. He stated the citizens of the county should be able to decide if they wanted to charge a fee or continue to fill up the landfills with trash from other areas.

Chairman Kirven stated the entire ordinance had been sent back to the Public Works and Infrastructure Committee at the last meeting.

Councilor Roberts stated the county needed to look at what other counties were doing in terms of solid waste fees.

Councilor Cates stated the agreement showed it was signed by Councilor Taylor as Chairman of County Council in 2016.

Vice-Chairman Meadows stated it never came before Council; therefore, it was never legally passed. The situation was the same with the agreement that was signed with Laurens County.

Councilor Cates asked if the agreement was invalid.

Councilor Tripp stated the agreement was invalid to the extent that it specified that County Council had to approve out-of-county waste; Council did not approve it.

Chairman Kirven stated it had been sent back to committee and would be fixed.

- Councilor Roberts stated that at times he was “hard” on County Administrator, Joe Kernell, and Chairman Kirven. Mr. Roberts stated it was his opinion that Council did not face issues such as the landfill, which put both the Administrator and Chairman Kirven in a position to make “quick agreements.” If Council members looked at the bigger picture so that they did not have to move funds around and were somehow more transparent, they could look at the County’s revenue streams in a way that would eliminate the need to “maneuver” around issues and force Mr. Kernell to “go find money.”

Mr. Kirven stated he agreed with Mr. Roberts; for years things had been done a certain way and no questions were raised. He stated Council needed to look ahead and be more proactive in order to avoid certain situations.

Councilor Fant stated the county needed a solid waste fee to solve the landfill issue.

- Councilor Taylor stated Council had an attendance policy for board and commission members; one GCRA board member had not attended a meeting since their appointment two years ago. Mr. Taylor stated that although the board would not need a special election to fill one vacancy, he wondered if Council could remove the member now.

Chairman Kirven stated Council did have an attendance policy for board and commission members. The head of each board or commission was required to submit attendance reports to the Clerk to Council’s office on a quarterly basis; he requested the Clerk’s office submit the information to Council.

Councilor Taylor stated he thought the Clerk’s office still received attendance reports from the boards and commissions; he wanted to know what action was needed to remove the individual now.

Chairman Kirven stated if the policy was in place and the individual was in violation of the policy, it should open up a vacancy automatically.

Councilor Ballard stated it was his understanding that once a board member missed three consecutive meetings they were removed.

Chairman Kirven stated board members with excessive absences received a letter from the Clerk’s office and the position was vacated.

Mark Tollison stated action from County Council was needed to remove a board member; absences from board meetings, pursuant to the board and commission attendance policy as described by Councilor Taylor, would qualify for removal. Mr. Tollison stated excessive absences as defined by the policy did not constitute automatic removal from a board; Council would have to take the matter into consideration and action was required.

Councilor Taylor asked if the issue could be put on the agenda for consideration.

Councilor Roberts asked if the board member's name would be announced publicly.

Chairman Kirven stated the issue could be put on the agenda for consideration; Council would have to review the current policy.

- Councilor Norris stated the relationship between the City of Greenville and Greenville County was problematic. The topic of affordable housing was also problematic; there were a number of issues that needed to be worked on. Ms. Norris stated when she was asked to vote on what was happening between the city and the county, she got caught up in what and when something could be done to address issues such as the problems in the Haynie-Sirrine neighborhood and affordable housing. She stated the city and the county had to learn to work together to solve those problems as well as the need for parks and recreation facilities. Ms. Norris stated Council members needed to remember where they came from and what still needed to be accomplished; she added that Council members were not doing their job. A community center in Dunegan was needed; Ms. Norris stated she and Councilor Seman were not able to do it alone. She stated that Joe Kernell had helped so much with the Phillis Wheatley Center and a number of other projects; there was a way to make the community center in Dunegan a realization. Ms. Norris stated Council was obligated to get things done.
- Councilor Seman stated SCTAC recently hosted the GADC Board of Directors meeting. In addition to receiving an overview of the park and its areas of business, the board also took a tour on a Proterra bus. Ms. Seman stated she was thankful for the support that GADC gave to SCTAC.
- Councilor Fant commended Council for a great day. The work completed in regards to the resolution supporting the convention center was a great example of collaboration; how it worked and how everybody won. Mr. Fant stated he appreciated everyone's leadership and thought processes, as well as the ideas that were brought to the table. The unanimous vote showed great leadership; Mr. Fant stated he was very proud to be part of Council. He thanked Chairman Kirven for his extraordinary leadership in working with Mayor White.

Mr. Fant recognized the members of Vision 25 who were in attendance. He reminded them of the quarterly meeting to be held on Saturday, October 19.

Councilor Fant stated it had been a good week for Councilor Norris with the grand reopening of the Phillis Wheatley Center and the upcoming completion of the Hampton Avenue Pedestrian Bridge. Mr. Fant requested, pursuant to Section 2 – 304 of the

Greenville County Codes, that the Public Works and Infrastructure Committee consider naming the newly completed Hampton Avenue Pedestrian Bridge after the honorable Xanthene Sayles Norris. While all the reasons for the committee to unanimously approve the request were too numerous to list, Mr. Fant stated he would provide further background when the committee took the matter up if it met the approval and recommendation of the County Administrator, Joe Kernell, and with the consent of Chairman Butch Kirven. *(Mr. Fant's request was forwarded to the Public Works and Infrastructure Committee)*

- Councilor Ballard stated he agreed with Mr. Fant; the Committee of the Whole meeting held earlier in the evening was very successful. Having open discussion and deliberation was Council's job. Mr. Ballard stated Council was not supposed to agree with each other on every issue; there would be no need for Council if that was the case. He added that he was proud to be part of a body that could disagree civilly yet work together.

Mr. Ballard invited everyone to attend a dedication ceremony at Holly Springs Baptist Church on Sunday, October 20.

- Chairman Kirven stated earlier in the day he attended a meeting with the South Carolina Military Base Taskforce. Mr. Kirven stated the task force was formed approximately 10 years ago when it was rumored that Fort Jackson would be closing. The group had become very proactive and was working on several issues related to veterans and military spouses. Mr. Kirven stated the military had a financial impact of over \$23 million in the state, which exceeded the amount generated by tourism. The group was looking forward to becoming more active in the Upstate.
- Councilor Tripp stated he stood in solidarity with the speaker who requested speed bumps in her neighborhood.
- Councilor Dill stated he remembered when the pastor of the church that was beside where Flour Field now stood, begging the city not to run his parishioners out of the city; he was reassigned to another church.

Mr. Dill stated he had been unable to attend the Committee of the Whole meeting that was held earlier; he was at River Falls Fire Department. The State of South Carolina delivered a check in the amount of \$25,000 to defray some of their expenses. The bulk of the area covered by River Falls was state land, private foundations, etc. Senator Corbin and Representative Burns were instrumental in securing the funds for the department.

- Councilor Barnes stated he was glad to be on the winning side for once.
- Councilor Meadows stated he remembered when the areas close to County Square had affordable housing. About 10 – 12 years ago, the housing became "unaffordable." The City of Greenville moved all the residents in affordable housing out. Mr. Meadows stated it bothered him when the city said they needed help with affordable housing; Council needed to make sure that the areas with affordable housing remain.

- Councilor Cates wished Chairman Kirven, Jeff Hannon (Taylors Fire Commissioner) and Jessica Stone, Deputy Clerk to Council a Happy Birthday.

Item (17) **Adjournment**

Action: Councilor Dill moved to adjourn the meeting.

Motion carried unanimously and the meeting was adjourned at 7:28 p.m.

Respectfully submitted:

Regina G. McCaskill
Clerk to Council