

Minutes Regular Meeting November 5, 2019 6:04 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 Butch Kirven

Captain Benny Durham Greenville County Sheriff's Office

Pledge of Allegiance

Item (4) Approval of Minutes

Action:

Vice-Chairman Meadows moved to approve the minutes of the October 15, 2019, Regular Council Meeting.

Motion carried unanimously.

Item (5) Public Hearings

a. 2018 Building Codes

A public hearing was held for the purpose of receiving comments from the public regarding 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.

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

b. Solid Waste Ordinance Amendments - CANCELLED

c. South Carolina Children's Theatre – Funding Request

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 No. 4079, as last amended by Ordinance No. 4884, so as to appropriate additional operating funds for tourist related projects.

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

d. Transfer of County Owned Property / Sandy Springs Road (TMS# 0602.02.01-018.01)

A public hearing was held for the purpose of receiving comments from the public regarding 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.

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

e. Greenville – Anderson Multi County Industrial Business Park Agreement Amendment / CJG US Properties LLC (formerly Project Swan)

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance to amend an agreement for the development of a joint county industrial and business park (2010 Park) of Greenville and Anderson Counties so as to enlarge the park to include certain property owned by CJG US Properties LLC.

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

Item (6) Appearances – current agenda items

No speakers

Item (7) Consent Agenda

a. Waterline Grant – 731 Circle Road; 707 and 709 Circle Road, Greer (PWI)

b. Naming of Hampton Avenue Pedestrian Bridge (PWI)

Vice-Chairman Meadows requested to pull Item (b) from the Consent Agenda for clarification purposes.

Chairman Kirven stated Item (a) would be considered at the end of the meeting.

Action:

Councilor Seman moved approval of the Consent Agenda Item (a).

Motion carried unanimously by Council Members present.

Item (8) Resolutions

a. Project Ferguson / Inducement Resolution

Action:

Councilor Seman moved for adoption a resolution authorizing the execution and delivery of an inducement agreement by and between Greenville County, South Carolina and Project Ferguson, whereby, under certain conditions, Greenville County would execute a fee in lieu of tax agreement with respect to a project in the county where the project would be subject to payment of certain fees in lieu of taxes, and providing for related matters.

Motion carried unanimously.

b. Project Play Doh / Inducement Resolution

Action:

Councilor Seman moved for adoption a resolution authorizing the execution and delivery of an inducement agreement by and between Greenville County, South Carolina and Project Play Doh, whereby, under certain conditions, Greenville County would 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.

c. Project Sunshine / Inducement Resolution

Action:

Councilor Seman moved for adoption a resolution authorizing the execution and delivery of an inducement agreement by and between Greenville County, South Carolina and Project Sunshine, whereby, under certain conditions, Greenville County would 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.

Item (9) Ordinances – Third Reading

a. Zoning Ordinances

i. 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.

Councilor Dill stated the property owner had requested Council amend the docket to allow for an additional ingress / egress point to satisfy a requirement of the SCDOT.

Action: Councilor Dill moved to suspend Council Rule IV(3)(a) to allow for the consideration of an amendment at third reading.

Motion carried unanimously.

Action: Councilor Dill moved to amend the request to allow an additional ingress / egress point for the proposed development from the existing site into the remaining parcel 0585010100307 zoned C-3, Commercial.

Motion to amend carried unanimously.

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

Motion as amended carried unanimously.

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

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

Motion carried unanimously.

iii. CZ-2019-65: Property of Jaliabapa and Radha LLC, located 3807 White Horse Road, requesting rezoning from R-12 to FRD with conditions.

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

Motion carried unanimously.

b. South Carolina Children's Theatre – Funding Request

Action: Councilor Seman moved for adoption at third 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.

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

Action:

Councilor Seman moved for adoption at third 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.

d. Greenville / Anderson Multi County Industrial Business Park Agreement Amendment – CJG US Properties LLC (formerly Project Swan)

Action:

Councilor Seman moved for adoption at third reading an ordinance to amend an agreement for the development of a joint county industrial and business park (2010 Park) of Greenville and Anderson Counties so as to enlarge the park to include certain property owned by CJG US Properties LLC.

Motion carried unanimously.

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

Action:

Councilor Seman moved for adoption at third 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.

Action:

Councilor Seman moved to hold the item to allow time to schedule a public hearing.

Motion to hold carried unanimously.

f. 2018 Building Codes

Action:

Councilor Seman moved for adoption at third 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.

Vice-Chairman Meadows stated his preference would have been for the item to be returned to the committee. Mr. Meadows stated he had no problem with staff setting the fees as long as Council approved them. He provided proposed amendments to the ordinance as set forth in the copies located at each Council Member's seat.

Action:

Vice-Chairman Meadows moved to amend the ordinance as set forth in the copy provided.

Councilor Seman stated it appeared Mr. Meadows had captured the intent of transparency as discussed at the last meeting. She asked if amending the ordinance as proposed by Mr. Meadows would make the process more cumbersome.

Mark Tollison stated it may be better for the fees to be a stand-alone measure and approved by a motion but it was ultimately Council's decision as to how to handle the issue.

Councilor Seman asked what would happen to the current fees if Council passed the ordinance with the proposed amendments.

Mark Tollison stated there was an effective date on the ordinance of January 1, 2020. There were only two Council meetings scheduled before the end of the year. If the effective date was immediate upon adoption, there could be an issue, but that was not the case.

Councilor Tripp asked if there was a streamed-lined way to present fee schedules in all the areas highlighted in the proposed amendments to the ordinance.

Mark Tollison stated he would not recommend including fee schedules in the ordinance; he would recommend coming back with a fee schedule for Council's review and approval. The ordinance dealt more with the regulatory aspects of the code; it had very little to do with fees other than penalties as set by state law. Fees were certainly mentioned in the ordinance; he would recommend dealing with the fees separately and updating them as needed.

Councilor Tripp asked Mr. Tollison if he could see a scenario where including the fee schedule in the ordinance could hurt builders and consumers.

Mark Tollison stated the issue was "uncharted territory"; it could be researched and presented to Council. Mr. Kernell was prepared to present a fee schedule if that was Council's desire.

Chairman Kirven agreed with Mr. Meadows; Council needed to have an active and transparent role in the fees that were charged by the County. He supported the amendment but did not want to do anything in haste. He would not mind sending the item back to the committee and then return it to Council immediately with a separate document.

Councilor Seman asked if the fee schedule should come out of the committee.

Chairman Kirven stated the amendments were initiated fairly quickly; he would recommend Council take time to review the information before making a decision.

Vice-Chairman Meadows stated he had no problem with returning the item to the committee; it could be presented to Council at the next meeting along with a fee schedule. Staff had the responsibility to set the fee schedule and Council had the responsibility to approve it. The current fees were set earlier in the year and there were no problems with them at this time; however, Council had no idea what the fees were and it Council's responsibility to know.

Councilor Seman stated she would prefer to pass the ordinance as presented and work on the fee schedule separately, but she would agree to take it back to the committee for further review.

Action:

Vice-Chairman Meadows moved to return the 2018 Building Codes ordinance to the Public Works and Infrastructure Committee for further review.

Motion carried unanimously.

Item (10) Ordinances – Second Reading

a. Zoning Ordinances

i. CZ-2019-68: Property of Frances J. Smith Irrevocable Trust, located at 211 W. Lee Road, requesting rezoning from R-20 to R-10. 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.

ii. CZ-2019-69: Property of the Wickline Family Living Trust, located at 12349 Old White Horse Road, requesting rezoning from R-S to R-20. 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 stated the parcel was located in his district. He had reviewed the rationale for denial; it was hard for him to understand why it was denied. Mr. Dill requested his colleagues vote in favor of the ordinance.

Motion carried unanimously.

iii. CZ-2019-71: Property of LTE Investment Group LLC, located at 4403 White Horse Road, requesting rezoning from R-10 to C-2. The Planning Commission and Committee recommended approval as amended to C-3.

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 C-3.

Councilor Fant stated it appeared that C-3 was "out of step" with the surrounding zoning; the parcel across the street was zoned S-1. By approving C-3 as opposed to C-2, it would allow for the highest and best use of the property when it was eventually sold. He added that with C-3 being adjacent to C-2, the setback requirements were not needed as they would be with S-1.

Motion to amend carried unanimously.

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

Motion carried unanimously.

iv. CZ-2019-72: Property of YDHI Properties LLC, located at 1101 Green Avenue, requesting rezoning from C-1 to C-2. 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 with a vote of eight (Roberts, Taylor, Norris, Seman, Fant, Ballard, Kirven and Tripp) in favor and four (Dill, Barnes, Meadows and Cates) in opposition.

v. CZ-2019-75: Property of Maxwell Pointe, LLC, located on Highway 14 and Woodruff Road, requesting rezoning from PD to PD Major Change. 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 ordinance to include the condition to allow only beer and wine to be consumed on site.

Motion to amend carried unanimously.

Action:

Councilor Dill moved approval of the ordinance as amended.

Motion as amended carried with Councilor Cates voting in opposition.

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. The Planning Commission and Committee recommended approval.

Action:

Councilor Barnes moved to hold the item until after a community meeting could be held on December 9, 2019 at 6:00 p.m. in the Taylors Library.

Motion to hold carried unanimously.

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

Action:

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. Project Ferguson / Fee in Lieu of Tax Agreement

Councilor Taylor 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 Ferguson, 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.

Chairman Kirven stated the item would remain on the floor.

b. Project Play Doh / Fee in Lieu of Tax Agreement

Councilor Taylor 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 Play Doh, 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.

Chairman Kirven stated the item would remain on the floor.

c. Project Sunshine / Fee in Lieu of Tax Agreement

Councilor Taylor 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 Sunshine, 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.

Chairman Kirven stated the item would remain on the floor.

d. Pierburg US LLC / Conversion Ordinance

Councilor Taylor presented for first reading an ordinance authorizing the conversion of a fee in lieu of tax arrangement under Title 4, Chapter 12 of the Code of Laws of South Carolina, 1976, as amended, by and between Greenville County, South Carolina and Pierburg US, LLC, formerly known as Pierburg, LLC, formerly known as Pierburg Inc., to a simplified fee in lieu of taxes arrangement under Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended; the termination of a certain lease agreement between the County and the Company; the reconveyance by the County of related property to the Company; the extension of the FILOT term; and other matters related thereto.

Chairman Kirven stated the item would remain on the floor.

e. Anderson – Greenville Multi County Industrial Business Park Agreement Amendment (2010 Park) / Multiple Parcels

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.

f. Anderson – Greenville Multi County Industrial Business Park Agreement Amendment (2010 Park) / Project Snake

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 Greenville and Anderson Counties so as to enlarge the park to include property of Anderson Industries, LLC and Pearman Road Associates, LLC.

Chairman Kirven referred the item to the Finance Committee.

Councilor Cates left the meeting.

Item (12) Committee Reports

a. Committee of the Whole

i. Board and Commission Policy – Section 18(b) / Removal of Member

Action:

On behalf of the Committee, Vice-Chairman Meadows moved to remove Mack Lockhart from the Greenville County Redevelopment Authority Board in accordance with Board and Commission Policy Section 18(b)(i), regarding attendance.

ii. Donaldson Fire Service Area Board (2 vacancies)

Action:

On behalf of the Committee, Vice-Chairman Meadows moved to appoint William Couch and Benjamin Peat to fill two vacancies on the Donaldson Fire Service Area Board.

Motion carried unanimously.

iii. Consent Agenda

b. Naming of Hampton Avenue Pedestrian Bridge (PWI)

Vice-Chairman Meadows asked what happened in the committee regarding the item; the information in the packet did not indicate what action the committee had taken.

Councilor Fant stated the item was approved unanimously by the Committee earlier in the day.

Motion from the Committee to approve naming the Hampton Avenue Pedestrian Bridge after Councilor Xanthene Norris carried unanimously.

Item (13) Appearances by Citizens

- Johnny Gregory, 1 Rebecca Street, Greenville appeared regarding the STEAM Center
- Cynthia Chance, 33 Seyle Street, Greenville appeared regarding the Dunean Community
- Bruce Wilson, 14 Freestone Court, Mauldin appeared regarding hate crimes
- Curtis Johnson, 2 Friends Plot Court, Mauldin appeared regarding hate crimes
- Derrick Quarles, 182 Bonnie Woods Drive, Greenville appeared regarding hate crimes
- Wanda Hunt, 220 Duffie Road, Simpsonville appeared regarding bus system
- Clarence Thornton, 114 Douthit Street, Greenville appeared regarding hate crimes
- Terena Starks, 12 Crofton Drive, Greenville appeared regarding hate crimes
- Wyatt Stephens, 110 Townes Street Extension, Greenville appeared regarding hate crimes

Item (14) Administrator's Report

Joe Kernell stated staff was in the process of gathering information about rate structures and operation issues in regard to landfills; the information would be presented to the Public Works and Infrastructure Committee.

Item (15) Requests and Motions by Council Members

a. Establish Starting Salary for the Sheriff Position

Action:

Per notice provided in the Council agenda packet, Councilor Ballard moved to suspend Council Rule IV (A) to allow immediate consideration of a motion for County Council to establish the starting salary for the position of Greenville County Sheriff. The attached memorandum served as compliance to Council Rule III(b).

Action:

Councilor Ballard moved to hereby establish the starting salary of the Office of Greenville County Sheriff at \$150,000.00. This salary shall be effective for any newly elected Sheriff initially taking office by way of Special or General Election. This starting salary for the position of Sheriff shall have no impact on the current pay rates for other elected department heads in the County.

Motion carried unanimously.

- Councilor Ballard stated Cityscape Winery, located in District 26, recently celebrated four years of operation. The winery started out as a very small business but had recently blossomed; plans were underway to build a large event center. Mr. Ballard stated a number of local restaurants featured Cityscape Wines on their menus.
 - He attended a luncheon at FAVOR (Faces and Voices of Recovery) earlier in the day. The organization provided an innovative response to the suffering caused by addiction; grief counseling for parents who had lost a child to addiction was also provided. Mr. Ballard stated FAVOR was becoming nationally recognized.
- Councilor Fant stated he was in favor of the County adopting a Hate Crime ordinance. The ordinance would not change people's attitude nor would it change how they felt about other people. As one of the fastest growing parts of the country, an ordinance of this nature would speak to the County's values as a community. He requested Mr. Tollison draft an ordinance to be presented to the Public Safety Committee.
- Councilor Seman stated SCTAC and Lockheed Martin officials were joined last week by Commerce Secretary Bobby Hitt and Governor Henry McMaster at the South Carolina Manufacturing and Aerospace Expo in North Charleston. Lockheed Martin's Greenville site Operations Director, Mike Fox, was the keynote speaker at the luncheon. The conference also featured Lockheed Martin's F-16 flight simulator for conference attendees to experience.
- Councilor Norris thanked her colleagues for attending an event recently held in Columbia; she
 was one of the evening's honorees.
 - Ms. Norris stated she was very hurt that someone would vote against a bridge being named after her. She had helped the individual through the years with different projects in their district; Ms. Norris stated she had forgiven them.
- Councilor Roberts congratulated Ms. Norris for the bridge being named after her; he added that Council did not always have to agree with each other in order to learn from one another. Consistency, hard work and persistence paid off; he had never seen anyone as determined to get things done.
- Councilor Barnes encouraged everyone to learn to love; everyone made mistakes and we must all learn to forgive.
- Councilor Dill stated many children in Greenville County were not able to participate in county sports. He requested Administration explore ways to ensure that any child wanting to participate in sports was given the opportunity to do so.

Councilor Dill also requested a financial audit of the Children's Museum of the Upstate to ensure that none of the funds allocated by the County were used to purchase a facility in Spartanburg County.

Councilor Dill stated a comprehensive study of salaries for all elected officials in Greenville County was needed; doing so would avoid any future issues with salaries.

Councilor Ballard stated he agreed with the suggestion; however, the situation with the Sheriff's salary was time-sensitive and had to be addressed immediately as the office was currently empty. He asked if the recent comprehensive salary study included elected officials.

Mr. Kernell stated it did not but it would be very easy to include the information.

Councilor Dill stated there had been issues in the past with fire commissioners utilizing firemen to perform various jobs for them. He requested notices be sent out to the fire commissioners reminding them that fire personnel was not to be used for personal jobs.

Chairman Kirven requested James Keel, Greenlink Director, discuss the issue of transportation on the PRISMA Healthcare campus with the hospital's administration. He requested Mr. Keel report back to Council on the results as well as possible assistance the County may be able to provide.

Chairman Kirven stated earlier in the day he attended the first meeting of the selection committee for the *Community Heroes* program sponsored by the Greenville News and Greenville Federal Credit Union. Council members would rotate sitting on the committee and the winners would be honored at future Council meetings.

Chairman Kirven stated a ribbon-cutting ceremony celebrating the naming of the Hampton Avenue Pedestrian Bridge in honor of Councilor Norris would take place in the near future. Mr. Kirven stated it would be one of his proudest moments since being elected to Council; he invited everyone to attend.

Item (16) Adjournment

Action: Councilor Tripp moved to adjourn the meeting.

Motion carried unanimously and the meeting was adjourned at 7:30 p.m.

Respectfully submitted:

Regina G. McCaskill
Clerk to Council