



GREENVILLE COUNTY COUNCIL

Minutes
Committee of the Whole
March 3, 2020
4:01 p.m.

County Square – Conference Room D
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 County Square and made available to the newspapers, radio stations, television stations and concerned citizens.

Council Members Absent

Ennis Fant, *District 25*

Xanthene Norris, *District 23* - (arrived at 4:29 p.m.)

Staff Present

Joe Kernell, *County Administrator*

Mark Tollison, *County Attorney*

Kim Wunder, *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*

Shannon Herman, *Assistant County Administrator*

Nicole Wood, *Assistant County Administrator*

Bob Mihalic, *Governmental Relations Officer*

Ty Miller, *Greenville County Sheriff's Office*

Others Present

None

Call to Order

Chairman Kirven

Invocation

Councilor Liz Seman

Item (3) Approval of Minutes

Action: Councilor Ballard moved to approve the minutes of the February 18, 2020, Regular Committee of the Whole Meeting.

Motion carried unanimously by Council Members present.

Item (4) Property Transfer to Greenlink

Joe Kernell stated in September of 2018, Greenville Transit Authority (GTA) was awarded an \$11 million grant from the U.S. Department of Transportation to help build a modern maintenance facility. The new facility would be larger than the existing maintenance facility, around 60,000 square feet, and able to accommodate approximately 50 vehicles including GTA's new electric-powered buses. Mr. Kernell stated the cost of the facility was estimated to be \$20 million and the grant required local matching funds of \$2.75 million.

Mr. Kernell stated GTA would sell the land the current facility sits on and the proceeds would be applied to the project. The City of Greenville has committed to provide \$1.4 million of the local match; Greenville County was partnering with the city in the operation of Greenlink. A minimum of 13 acres was needed for the property; the acreage needed to be centrally located with access to main traffic arteries. The County identified County-owned property along Arcadia Drive (tax map number 0176.00-01-002.01) as a favorable location; it was the former home of the New Washington Heights High School. The land was currently zoned R-7.5 and was vacant. In November 2018, an appraisal was completed and the property was valued at \$1.145 million; a more recent appraisal revealed a value closer to \$1.2 million which was closer to the required local match. A portion of the site was in the flood plain and would not be suitable for building a structure. GTA would be responsible for providing a buffer; the additional acreage could be used for the buffer as well as park-like area to benefit the neighborhood.

Chairman Kirven stated the process would start as an ordinance during the current Committee of the Whole; if approved, it would then be sent to Council for first reading at the regular meeting scheduled for later in the evening.

Vice-Chairman Meadows stated John DeWorken recently sent a letter advising that a joint study between the City of Greenville and Greenville County suggested Greenlink become a "self-supporting, stand alone" entity. Mr. Meadows asked how the proposed property transfer would be affected if that were to occur. Mr. Meadows asked who else was on the committee with Mr. DeWorken and Dorothy Dowe.

Joe Kernell stated there would be no impact on the transfer of the property. He was unaware of the members of the committee; it was his impression that it was a loosely organized group that was discussing the possibility of Greenlink becoming a stand-alone entity; it was not a formal committee.

Councilor Ballard stated the item would have three readings and a public hearing if it was sent to the regular Council meeting.

Chairman Kirven stated that was correct; the public hearing would be scheduled timely.

Councilor Cates stated a group from Charlotte had previously looked at the property; he asked if they were still interested in property in Greenville County.

Joe Kernell stated there had been discussion with the company from Charlotte; however, it had been determined that transferring the property to GTA would be the best use of the property. The County was still in talks with the group from Charlotte; the County hoped to find a suitable property for them.

Councilor Seman thanked staff for working on the transfer; she was in favor of the transfer. It was a step in the right direction in continuing to work with the city on transportation issues which were desperately tied so other issues such as economic development and affordable housing.

Chairman Kirven stated during a previous Council meeting, there was a suggestion to explore other ways to fund GTA. He stated no solutions had been offered and there had been no formal structure as of yet; however, there may be something very soon. He encouraged the formation of a joint committee (city and county) to study the situation.

Councilor Dill stated neither the City of Greenville nor Greenville County had the authority to designate Greenlink a stand-alone agency with the ability to raise taxes.

Chairman Kirven stated GTA was created by the State of South Carolina as an “authority”; it contracted services with the City of Greenville to operate the bus system.

Councilor Dill stated an intergovernmental committee would be needed to discuss the possibility of GTA becoming a stand-alone entity; it should include the city, the county and the Legislative Delegation.

Chairman Kirven stated he would be in favor of an intergovernmental committee.

Councilor Ballard stated he had discussed the issue with James Keel and the GTA Board of Directors; he gave them contact information for Attorney Margaret Pope in Columbia.

Mark Tollison stated a Council Member had requested the County Attorney’s office to take a look at legal options relative to funding and other governmental structures. Mr. Tollison stated the research was nearly completed; he would be happy to share the results with Council within the next few weeks.

Action: Councilor Seman moved for approval an ordinance to authorize the donation of County-owned land consisting of approximately 26.58 +/- acres, with a site address of 205 Arcadia Drive, Greenville, South Carolina, 29609, to the Greenville Transit Authority, and to authorize the execution of deeds and any other appropriate documents and agreements related thereto.

Motion carried unanimously by Council Members present.

Item (5) Board and Commission Interviews

a. Planning Commission (3 vacancies)

The following individuals appeared before the Committee of the Whole and gave their personal presentations:

1. Bichel, Steven - (D.21)
2. Carter, Matthew - (D.24)
3. Clark, Cindy - (D.17)
4. Dorrity, Lauren - (D.20)
5. Fritz, Caroline - (D.22)
6. Greene, Mollie - (D.22)
7. Hammond, Frank - (D.24)
8. Jones, Matthew - (D.20)
9. Kelley, David - (D.23)
10. Moore, James - (D.26)
11. Park, Scott - (D.22)
12. Short, Michael - (D.24)

By ballot vote, Steve Bichel, Cindy Clark and Frank Hammond were elected to fill three vacancies on the Planning Commission.

Item (6) Establishing a Sunset Clause for Old Resolutions

Chairman Kirven stated the proposed resolution was a “housekeeping” item that had been neglected for a long time; similar measures were in effect in quite a number of other counties and jurisdictions across the state.

Councilor Ballard stated he had requested the County Attorney’s office provide some examples of resolution that would be affected if a sunset clause was put into effect; he cited several resolutions that would be affected, such as controlling traffic in the 1960’s and encouraging the South Carolina General Assembly to include all of Greenville County in one congressional district. Mr. Ballard stated Anderson County had a clause whereby similar resolutions were only in effect for one (1) year.

Action: Councilor Ballard moved for adoption a resolution establishing a sunset clause of four years on all County Council policy resolutions.

Councilor Seman stated she had heard from a number of people in her district who were overwhelmingly in favor of the resolution; they understood that one Council could not bind another. Mrs. Seman stated the proposed resolution would make an official statement going forward.

Councilor Roberts stated he had also reviewed some of the resolutions that would be affected by a sunset clause; many did not represent Council’s current viewpoint or were no longer pertinent.

Vice-Chairman Meadows requested clarification from Mark Tollison regarding resolutions that would be affected by a sunset clause and those that would not. He was concerned about the possibility that some resolutions would be removed that should not be.

Mark Tollison stated there was a large group of resolutions that were legal in nature and would be affected by the sunset clause. Since 2000, there had been a change in Council practice. In the past, resolutions were used to honor certain citizens or declare Council’s opinion on an issue. Those types of resolutions would be removed under the sunset clause; they had no legal effect and were not legally binding.

Chairman Kirven inquired about the proper procedure if a resolution was removed under the sunset clause and later it became evident it should not have been. Mr. Kirven asked if the resolution could be brought forward, updated and put it before Council for consideration again.

Mark Tollison confirmed the procedure and stated Council Members could bring forward a resolution for consideration at any time. The four year time period indicated on the proposed resolution represented Council Members four year terms. Even though the terms were staggered, the four years was a demarcation point from a policy standpoint and made sense.

Vice-Chairman Meadows stated some of the resolutions passed dealt with very controversial issues; he would not want Council to get “hung up” on the issues again. Mr. Meadows stated there were 1347 resolutions on the books.

Mark Tollison stated there were approximately 1700 resolutions on the books.

Vice-Chairman Meadows stated he would prefer to hold the item due to his concerns; he would also like to hold it in order for Councilor Fant to be present. Council had received a “dressing down” from Councilor Fant because they did not wait to vote. Mr. Meadows asked if the proposed resolution supposed to take the place of Mr. Fant’s request to rescind the 1996 resolution.

Chairman Kirven stated Councilor Fant had not started the legislative process for his request.

Vice-Chairman Meadows inquired as to why Councilor Fant’s request was not on the evening’s agenda as well as Councilor Dill’s.

Chairman Kirven stated Councilor Fant had made no request to move forward at this time.

Vice-Chairman Meadows asked Chairman Kirven if the item at hand was his motion.

Chairman Kirven stated it was Councilor Ballard's motion.

Vice-Chairman Meadows asked Councilor Ballard if he brought the item forward.

Chairman Kirven stated that, as Chairman, he had requested the item be put on the agenda.

Councilor Seman stated it was actually Councilor Robert's motion.

Chairman Kirven stated Councilor Roberts had mentioned a sunset clause several meetings ago and Councilor Fant had indicated his support. The County Attorney's office had developed the motion and it was subsequently put on the agenda.

Councilor Ballard stated he worked with the County Attorney's office during the past week regarding some of the language and specifications contained in the proposed resolution.

Vice-Chairman Meadows asked if the sunset clause would satisfy the individuals who had come to the meetings and expressed their concern about the 1996 resolution. If a Council Member voted in favor of the resolution, they were voting to rescind the 1996 resolution.

Councilor Roberts stated that was not up to Council to decide.

Vice-Chairman Meadows asked why it was not up to Council to decide.

Councilor Roberts stated he did not feel it was something that Council could determine.

Chairman Kirven stated it was his understanding that the 1996 resolution would be affected by the sunset clause.

Vice-Chairman Meadows stated that, in essence, Council was voting to rescind the 1996 resolution.

Chairman Kirven stated it would be rescinded along with "thousands of other things." Mr. Kirven stated the sunset clause was a housekeeping measure.

Councilor Barnes stated Councilor Fant was upset during the last meeting because Council did not wait for all its members to be present to vote. Mr. Barnes stated he would also like to see the item held due to Mr. Fant's absence.

Councilor Roberts stated he understood the suggestion to hold the item; however, he would prefer to move forward as a community.

Councilor Tripp asked if anyone had contact with Councilor Fant regarding his desire for Council to wait for him to be present to vote.

Chairman Kirven stated he had received no request from Mr. Fant.

Action:

Councilor Barnes moved to hold the item.

Motion to hold was denied by a roll call vote of five (Dill, Barnes, Meadows, Cates and Norris) in favor; six (Roberts, Taylor, Seman, Ballard, Kirven and Tripp) in opposition; one (Fant) absent.

Motion as presented carried by a roll call vote of eight (Dill, Roberts, Taylor, Norris, Seman, Ballard, Kirven and Tripp) in favor; three (Barnes, Meadows and Cates) in opposition; one (Fant) absent.

Item (7)**Sheriff's Salary Adjustment**

Councilor Cates stated a couple of months ago, Council voted to set the Sheriff's salary at \$150,000. The current Sheriff's salary was \$172,012. Mr. Cates stated he would like to reconsider the salary as a new Sheriff would be elected later in the year. He would like to bring the salary back to the current amount in order to be in-line with the other larger counties in the state. Charleston County paid \$168,000, Richland County paid \$184,000 and Spartanburg County paid \$174,211. Greenville County was the largest county in terms of population and the salary should be comparable with the other larger counties.

Action:

Councilor Cates moved to adjust the Greenville County Sheriff's annual salary at \$172,012.

Councilor Seman asked how the initial salary was established in relation to other elected officials' salaries.

Joe Kernell stated the Sheriff's annual salary was established at \$130,000 many years ago. In regards to the other elected officials, there were two tiers and they were based on percentages; one tier was 77% of the Sheriff's salary and the other was 70%. Throughout the years, the elected officials had received the same increase as other county employees and have stayed at the same ratio.

Councilor Seman stated it could be important to look at the salaries of all the elected officials.

Councilor Cates stated salaries for the other elected officials were as follows: Clerk of Court \$133,000; Auditor \$108,000; Register of Deeds \$120,000; Treasurer \$114,000. Those salaries were based on the Sheriff's salary in order to be consistent from year to year; they compared favorably to Charleston, Richland and Spartanburg Counties but were actually just a bit higher.

Joe Kernell stated elected officials also received a state supplement. For example, sheriffs across the state received a supplement of \$1575 while the Auditors receive approximately \$20,000 in supplemental pay; the Clerk of Court and the Auditor have the same salary after factoring in the supplements. The County's portion for each may differ, but the end result was the same.

Chairman Kirven stated the current system was implemented in 2006; the driving force behind the system was to eliminate controversy.

Councilor Ballard stated he brought forth a motion to set the Sheriff's salary at \$150,000 when Will Lewis was elected as Sheriff. He was told the salary could not be changed as Mr. Lewis was aware of the salary when he was elected and it could not be changed. There appeared to be no rational reason why the Auditor and the Treasurer made the same salary as the Clerk of Court, which was 77% of the Sheriff's salary. The Coroner and the Register of Deeds made the same salary which was 70% of the Sheriff's salary; the Coroner was on duty 24-hours per day and carried a firearm.

Chairman Kirven stated it appeared the issue was something Council may want to look at more carefully with staff input.

Councilor Barnes stated the Sheriff in Spartanburg County also handled the jail.

Chairman Kirven stated the Spartanburg Sheriff had an assistant to handle the jail.

Councilor Dill stated he did not understand why the salaries of the other elected officials were being discussed; their salaries were not part of the motion and not germane to the discussion.

Chairman Kirven stated it appeared that there were other issues related to the Sheriff's salary that may need to be looked at by Council; however, there was a motion on the floor that needed to be addressed.

Councilor Dill stated the Greenville County magistrates were some of the lowest paid in the state; that was not the issue.

Councilor Roberts stated as he was one of the people who co-sponsored the motion, he wanted to apologize to Councilor Ballard. After voting to set the Sheriff's salary at \$150,000, he realized he had made a mistake. He had looked at the situation and the new salary was not comparable with other similar counties. Mr. Roberts stated it appeared the new Sheriff would be punished for the problems Will Lewis had caused.

Chairman Kirven stated that as a public body, Council was "stuck." They had the ability to value the job and assign a salary to the position. Unfortunately, Council did not have the ability to hire someone for the job; that was determined by the citizens of Greenville County. Chairman Kirven stated he supported Councilor Cates' motion.

Action: Councilor Cates called for the question.

Without objection, the motion to call for the question was approved.

Councilor Taylor requested Councilor Cates repeat the motion.

Councilor Cates moved to adjust the Greenville County Sheriff's annual salary to \$172,012.

Vice-Chairman Meadows asked what the Sheriff's salary would be if the motion failed to pass.

Councilor Dill stated the salary would be \$150,000 if the motion failed.

Councilor Ballard reminded his colleagues that Council voted 11-0 to set the Sheriff's salary at \$150,000.

Motion carried by a roll call vote of ten (Dill, Barnes, Meadows, Cates, Roberts, Taylor, Norris, Seman, Kirven and Tripp) in favor and one (Ballard) in opposition.

Item (8) **Adjournment**

Without objection, the meeting was adjourned at 5:12 p.m.

Respectfully Submitted:

Regina G. McCaskill
Clerk to Council