



GREENVILLE COUNTY COUNCIL

Minutes
Committee of the Whole
November 17, 2020
4:05 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. 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

None

Staff Present

Joe Kernell, *County Administrator*
Mark Tollison, *County Attorney*
Regina McCaskill, *Clerk to Council*
Jessica Stone, *Deputy Clerk to Council*
Pam Gilliam, *Administrative Assistant, Council Office*
Paula Gucker, *Assistant County Administrator, Public Works*

Others Present

None

Call to Order

Chairman Kirven

Invocation

Councilor Joe Dill

Item (3) Approval of Minutes

Action: Vice-Chairman Meadows moved to approve the minutes of the October 6, 2020, Regular Committee of the Whole Meeting.

Motion carried unanimously.

Item (4) Glassy Mountain Fire District / 1 vacancy

Safft, Stuart - District 22

Action: Councilor Dill moved to close nominations and elect Stuart Safft to fill one vacancy on the Glassy Mountain Fire District; and forward the name to full Council.

Motion carried unanimously.

Item (5) Board of Zoning Appeals / 2 vacancies

Godfrey, Laura - District 21
Hollingshad, Nick - District 20

Action: Councilor Dill moved to close nominations and elect Laura Godfrey and Nick Hollingshad to fill two vacancies on the Board of Zoning Appeals; and forward the names to full Council.

Motion carried unanimously.

Item (6) Greenville County Historic and Natural Resources Trust

Doug Harper, Chairman
Harper General Contractors

Brad Wyche, Founder and Senior Advisor
Upstate Forever



Doug Harper greeted Council and stated his background was in construction, economic development and conservation. His career spanned almost 50 years; he has served regionally as Chairman of the Upstate SC Alliance and statewide as the Chairman of the SC Conservation Bank. Mr. Harper stated he brought varied but pertinent experience to the issue at hand. Mr. Harper introduced Brad Wyche; he has worked closely with Mr. Tollison and Ms. Wunder in drafting and editing the ordinance.



Mr. Harper stated a broad coalition supported the proposed ordinance. He referred Council to a Letter of Support in the Council packet that was signed by businesses, individuals and organizations in the County; more were joining every day. The whole initiative revolved around the wonderful quality of life the citizens of Greenville County enjoyed. Most areas of South Carolina did not share the bounty of natural and other resources the County had been blessed with. Mr. Harper stated it was important to not only know and appreciate it, but be sure to recognize and understand its importance.



Greenville County had a good business climate, many cultural amenities, historical sites, clean air and water, beautiful parks and trails, and access to nearby natural surroundings including farms, streams, mountains and much more; Greenville County had it all.



Mr. Harper stated the County's historical and natural resources played a vital role in what made Greenville County a great place to live, work and play. The high quality of life provided many advantages to the community as it was important to economic wellbeing and a healthy lifestyle; it was a large component in the recruitment of new companies and jobs as well as helped retain high quality talent. Mr. Harper stated it was also important to existing businesses, opportunities and the County's tax base. The quality of life benefitted families as it contributed to the health and wellbeing of all County residents. However, Greenville County was in danger of losing all of this. What we enjoyed and sometimes took for granted made this a very desirable place to live and work. Mr. Harper stated a constant stream of publications listed Greenville County as one of the top destinations for relocation.



Growth projections portrayed a large increase in population in the coming years which could compromise the County's natural and historic assets. A large part of Greenville County would be affected and over time would experience dramatic change. A recent poll revealed that over 24 million Americans planned to relocate in the next year. A recent news story indicated that Greenville County had seen an 8% increase in 2020 in the rate of people relocating to the area. Mr. Harper stated many people could now live and work remotely from anywhere; they were moving to areas that had the stability, climate, natural beauty and way of life that Greenville County had.



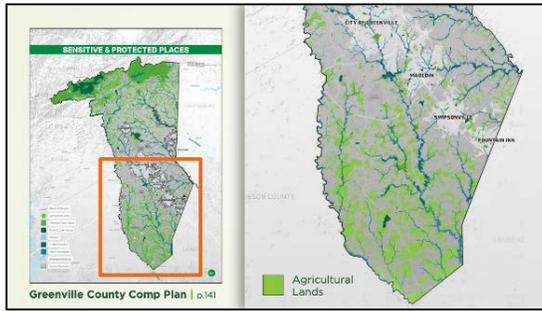
Mr. Harper stated there were good and bad things happening in Greenville County; the changes were occurring rapidly and would only accelerate in the future.



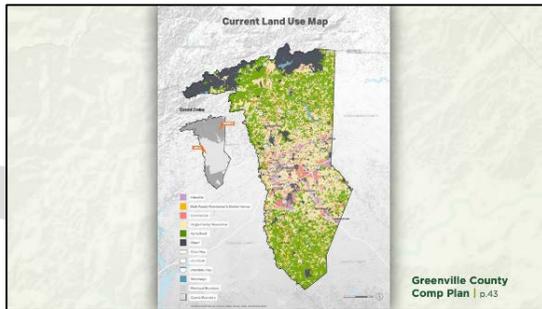
The demand for access to nature and all types of outdoor recreation was at an all-time high. Most of the County's parks were extremely popular and at capacity, requiring traffic control and limits on the weekends; this had been the case for some time but even worse now during the Covid pandemic.



Greenville County's natural resources were under threat; historical places and structures across the County were as well. The County had already lost much of its historical legacy and must act now to retain what was left for future generations.



Family farms that sat on prime agricultural lands were an equally valuable and important component of Greenville County. Many were heritage farms that had been in families for generations; they struggled to prosper and survive. The farms provided jobs, local food sources, green space, wildlife habitats and scenic views. Now was the time to start protecting those lands and special places in order to maintain our quality of life. The County had to act before it was too late and the opportunity was lost forever.



The funding sources Greenville County relied on in the past were inadequate and could not keep up with rising demands. The trust funds that the proposed ordinance would set aside were critical to the effort; they would be a local, focused and dedicated source. The funds would be used for local projects and as a match to attract outside funds from other sources such as the S.C. Conservation Bank, federal programs, private individuals, foundations, national organizations and local conservation non-profits.

One criteria that funds such as the SCCB used when evaluating grants was how much the local community was providing to the project; they wanted to see local public support. Greenville County was losing funds to other areas in the State; the proposed trust would ensure the County got its share. Another important benefit was the trust would be available to react quickly to the opportunities that arose. Timing was often critical in securing properties and other matching grants. Many communities around the country have had similar public conservation and preservation funds for years. In South Carolina, Charleston, Beaufort and Oconee Counties had active and successful conservation programs. It was time for Greenville County to do the same.



Greenville County had success stories that were good examples of how conservation projects had worked in the past, such as the Swamp Rabbit Trail and how transformational it had been. It took a combination of funds from multiple sources to make it happen; yet, there was much more to do to extend it as planned. The County had been a primary source of funds, which was wonderful, but other sources were needed. In the future, there would be strategic properties along the trail that would require quick action.

Most importantly, Greenville County had seen a return on investment in the funds it had put toward the trail. Businesses and housing wanted to be near it; property values and tax revenues had increased; Travelers Rest had thrived because of it.



Another conservation story was State parks located in Greenville County. State and local parks were all heavily used by local people and visitors wanting to go there, get outside and enjoy the amenities. Over the last few years, several had been expanded by the State and conservation organizations but much more was needed. Paris Mountain State Park had steadily increased in size as the demand skyrocketed.



Caesars Head State Park added a new parking lot to alleviate a shortage and help resolve the dangerous situation of people parking on the highway.



At Jones Gap State Park, multiple parcels were recently secured to add to the park and preserve an iconic scenic view going up Highway 25 near the state line. All of those projects were funded by a number of local and national conservation organizations, the State Conservation Bank, private donations and others.



County parks such as Cedar Falls Park, Pleasant Ridge and others were success stories in their own right. The Trust would make a vital difference in how Greenville County evolved into the future.



The new Historical and Natural Resources Trust ordinance was modeled after the S.C. Conservation Bank which had been operating successfully for over 15 years. It was a tried and true structure and process, that worked well for South Carolina; it had proven to be a wise investment for the State. Studies showed it brought in more money than it cost the State through increased tourism, land use, license fees, attached federal and outside funds and more. In 2019, the bank’s 20 grants totaling approximately \$10.5 million had conserved over 24,000 acres with a fair market value of \$71 million by attracting other funding sources and receiving conservation credit from landowners; these figures represented almost a 7 to 1 return on investment.

- GREENVILLE COUNTY HISTORIC AND NATURAL RESOURCES TRUST
- Ordinance Overview**
- Purpose of the Trust
 - Eligible Recipients of Grants
 - Governing Board of Trust
 - Trust Funding Sources
 - Grant Criteria

The purpose of the Trust was to address the rapid loss of lands with significant natural, cultural, and historic resources in Greenville County. It would provide grants to acquire, from willing sellers, either fee simple title or conservation easements in lands that met the described criteria. Mr. Harper stated he emphasized the term “willing sellers.” The program was entirely voluntary; it was up to the landowner to decide whether he or she wanted to participate. Grants could be made to Greenville County and its agencies and commissions; municipalities in Greenville County; nonprofit conservation organizations; and federal or state agencies.

The Governing Board of the Trust would be comprised of seven citizens of Greenville County, appointed by Council, with certain backgrounds or areas of expertise; the members would serve voluntarily. The ordinance had specific requirements, terms and responsibilities for the Board.

Mr. Harper stated it was recognized that the pandemic had affected County revenues; no money was being requested from Greenville County at this time. If Council approved the ordinance, the Board could be selected and organized. A funding request could be submitted for the next budget cycle. The trust could receive funds from federal and state programs, private donations, charitable organizations and others; when it was set up and funded, it would be able to receive Grant Applications.

The ordinance spelled out in detail how the grant applications were to be ranked and awarded. There were two basic criteria: conservation value and financial.

GREENVILLE COUNTY HISTORIC AND NATURAL RESOURCES TRUST

An investment in our future

- **Quality of life** is tied to our history and natural resources.
- Good for our **economy and jobs**.
- Attracts and leverages **other funds and grants**.
- Supports the Greenville County **Comprehensive Plan**.
- Protects our **air and water quality**.
- Promotes **tourism**.
- Protects our **farms and local food** economy.

The Historic and Natural Resources Trust would be an investment in the future of Greenville County. It would be a valuable tool to protect our quality of life, help economic development and recruit companies and good jobs. The trust would attract and leverage other funds and grants; it also supported Greenville County's Comprehensive Plan. The Trust would work to protect our air and water quality as well as provide outdoor recreation, which promoted health and wellness. It would also promote tourism by protecting scenic and historical places and providing more opportunities for recreation and outdoor activities. Also, the trust would help local farms survive and prosper.



Councilor Dill stated he had seen quite a bit of natural and historic resources wasted in his district; he had friends and neighbors who were in favor of establishing the trust in order to preserve those resources.

Action:

Councilor Dill moved to establish the Greenville County Historic and Natural Resources Trust to protect lands with significant natural, cultural and/or historic resources in Greenville County, South Carolina, with proposed amendments.

Councilor Ballard asked Brad Wyche if he would be heavily involved in the program during its infancy and as it continued to grow.

Mr. Wyche stated he would be involved as much as possible. The proposed trust was something that had been talked about for years; this was an exciting opportunity to get the program launched. He looked forward to staying closely involved and providing any assistance needed.

Councilor Seman stated Council was provided two versions on the ordinance; the original and an amended version.

Councilor Dill stated the motion included the proposed amendments.

Councilor Seman stated she was in full support of the ordinance.

Vice-Chairman Meadows stated the proposed trust appeared to be a duplication of Upstate Forever.

Mr. Wyche stated Upstate Forever was a non-profit organization working to protect and advocate for important lands. Like all non-profits, Upstate Forever struggled for funding with no dedicated source of funding to protect properties. If approved by Council, the Historic and Natural Resources Trust would provide a source of reliable and regular funding. Upstate Forever did not have available funding to assist landowners and agency in protecting important lands.

Vice-Chairman Meadows stated both were the same with the exception of a reliable and regular funding source.

Mr. Harper stated the South Carolina Conservation Bank was an agency of state government; the proposed trust would be an agency of Greenville County government. The trust would receive applications from agencies such as Upstate Forever, Natural Land Trust, Nature Conservancy as well as the Greenville County Historic Commission; it would be a central trust that disbursed county funds to the applicants based on the criteria contained in the ordinance. For every \$1.00 invested, Mr. Harper predicted Greenville County could possibly receive a \$5.00 return on investment. The value of lands benefitting from the trust would increase. Mr. Harper stated there were a number of federal grants available; the trust would certainly apply for any that were applicable.

Chairman Kirven stated the ordinance indicated Council would appoint the members of the trust's board; those appointments would give Council input and oversight into activities of the organization.

Mr. Harper confirmed Mr. Kirven's statement. The board would submit an annual report to Council; this would allow Council to monitor and control the trust. Council was also responsible for the amount of funds the trust received.

Vice-Chairman Meadows asked if taxes would increase on properties that received assistance from the trust.

Mr. Harper stated he was referring the situations such as the Swamp Rabbit Trail, which had generated increased development along the trail. Businesses had also prospered and sales taxes had increased. Mr. Harper stated tax values for properties along the trail had increased.

Mr. Wyche stated it appeared Mr. Meadows' question referred to the leverage of the funding. Organizers struggled to get funds from the state; the piece missing was Greenville County. Many landowners needed funding; however, many of them were able to donate less than the full fair market value. In many cases, the fair market value of the property that was being protected would be much greater than the funding that was used.

Vice-Chairman Meadows stated it had been indicated that the trust would take \$71 million of land off the County tax rolls; if so, it appeared as if the County was giving up tax money. The remaining lands would be taxed more to make up the difference. Mr. Meadows stated he needed to get a balance of what the trust would actually do.

Mr. Wyche stated it depended on nature of the transaction. If a property was privately owned and the owner received payments from a conservation easement to continue to farm the land, they would also continue to pay property taxes. For farm land, the taxes would remain basically the same. If Greenville County actually acquired the title to a property, it would come off the tax rolls.

Chairman Kirven stated most of the land would have an agricultural classification and the taxes would be very low.

Mr. Wyche confirmed Mr. Kirven's statement. Farm land was already taxed at the lowest rate; the protection of a conservation easement would not affect the taxes collected by Greenville County.

Mr. Harper stated the presentation slide indicated the S.C. Conservation Bank spent \$10 million and conserved land with a fair market value of \$71 million; the land was not taken off the tax rolls. Quite a bit of money was brought into the state; in turn, the money was put back into the communities and given to the landowners. If a wanted piece of property was blocking the Swamp Rabbit Trail, the property could be bought for the appraised value from a willing seller with a combination of funds. The parcel of land would be removed from the tax rolls but the owner would be compensated. Most of the protected parcels of land were very small.

Vice-Chairman Meadows stated the proposed ordinance mandated the set-up of a new department; Mr. Meadows inquired about the costs involved.

Mr. Wyche stated he was unable to directly answer; it depended on how much Greenville County decided to fund the trust. The amount funded would determine how many projects could be completed. The seven (7) members of the board would serve voluntarily; they would not be paid. Mr. Wyche stated there would be a need for some staff support to schedule meetings, process applications, etc.

Mr. Harper stated it would take a minimal amount of staff; most of the work would be done by the board. There may be a need for an Administrative Assistant, which could possibly be a part-time position. The cost of administration and overhead would be minimal. The board met four (4) times per year to consider the grants and applications; the work was completed by the grant applicants. The board reviewed the applications and determined eligibility based on the criteria set forth in the ordinance. Mr. Harper stated it was similar to the Historic Preservation Commission; he was not sure if there were any paid staff members for that commission.

Mr. Wyche stated he thought the Historic Preservation Commission was comprised of volunteers; there appeared to be a need for at least a part-time position for the Historic and Natural Resources Trust.

Councilor Barnes inquired about a farmer experiencing financial problems; could they receive assistance and would they have to sign the property over to the Historic and Natural Resources Trust.

Mr. Wyche stated the farmer would continue to own and operate the farm; but, would agree to protect it by keeping it as farmland in exchange for grant monies. So many farmers are experiencing financial problems; the compensation from the grants was very important. The funding put them in a better position economically to continue the farming operation. The farmer would agree, for themselves and their heirs, that the property would remain farmland. If the farmer was unable to sustain the farming operation, the land would remain rural in nature. It would be a perpetual conservation easement to insure it remained forever protected.

Councilor Dill asked if special fees, such as stormwater fees and communication fees, would continue.

Mr. Kernell stated the program would have no effect on County fees associated with the property.

Motion as presented carried unanimously.

Item (7) County Council Email Policy

Councilor Fant stated there had been constituent complaints about Council Members forwarding emails to others. Citizens send emails to Council Members that contained information considered valuable or important to help make informed decisions regarding matters that come before Council. Many times, Council Members share the emails with their colleagues in order to enlighten them and provide additional information. There have been instances where emails were forwarded to other people outside of Council, who may or may not agree with the information contained in the emails. In some situations, this practice has led to harassment and threats. Mr. Fant stated it was important for Council Members to treat information received from their constituents confidentially; especially addresses, phone numbers and other identifying information. Council had received complaints from three constituents; two of those individuals lived in District 25. They had been harassed and intimidated.

Councilor Tripp requested Mr. Fant read the policy.

Councilor Fant stated the purpose of the proposed policy was to set out the appropriate guidelines for forwarding and use of citizen emails received by members of County Council.

The policy read as follows:

It is the policy of County Council to encourage citizens' direct access to County Council members to help develop public policy. Council members recognize that the manner in which citizen emails are handled represents and reflects upon the County's public image. Council members should be mindful that information contained in citizen emails may contain identifying information which, if widely disseminated, could unintentionally be used by others to directly contact citizens regarding their opinions and beliefs. Upon receipt of an email, Council Members should treat the email as an individual communication to which the member may or may not respond or forward the email to the County Administrator, County Attorney or Clerk to Council for referral to a staff member for response. Council members will be mindful of the unintentional effects of forwarding citizen emails to others and should exercise discretion when forwarding personally identifying information contained in citizen emails. This policy is to be applied in a manner consistent with the South Carolina Freedom of Information Act ("FOIA").

Action: Councilor Fant moved to approve the Council Policy: County Council Electronic Communications–Citizen Emails

Councilor Dill stated he received complaints about specific departments within the County, specific staff members or other information he felt needed to be forwarded to a department head. He inquired as to how the proposed policy would affect emails of that nature.

Councilor Fant stated the policy indicated that an email could be forwarded to the County Administrator, County Attorney or the Clerk to Council for referral to a staff member for response. The designated department head would need pertinent information to address the complaint.

Councilor Dill asked if the proposed policy could include language indicating an email could be forwarded under any situation if the name, email, telephone number or address of the complainant was redacted.

Councilor Fant stated he had no problem with an amendment to exclude the name, email, telephone number or address of the complainant.

Councilor Seman stated if the person was asking for assistance, their contact information would be needed in order to respond.

Councilor Dill stated he was trying to figure out “where was the line” in determining if an email needed to be forwarded to others for assistance. He also wanted to know how to determine if identifying information should be redacted or not.

Councilor Fant stated the policy fully allowed a Council Member to forward an email to staff with no redactions. If a Council Member felt that an email needed to be forwarded to someone who was not a County employee, identifying information should be redacted.

Councilor Dill stated the proposed policy needed to be looked at more carefully; he suggested the policy be “less broad.” Mr. Dill stated there were a number of issues with the current version.

Councilor Tripp stated he wondered if Council was setting themselves up for a potential lawsuit; the proposed policy appeared to be too ambiguous. Mr. Tripp asked if the policy would be enforceable.

Mr. Tollison stated the proposed policy was a broad guideline or recommendation. It was not necessarily enforceable; however, Council could take some measure relative to an egregious action. If an email was forwarded with identifying information, there could always be repercussions.

Councilor Tripp asked if the proposed policy would be considered an internal rule for Council.

Mr. Tollison stated it was truly an internal policy for Council; it was a recommendation or suggestion, possible an admonition.

Chairman Kirven stated in most large corporations, policies existed regarding protocols for sharing of information to include emails; he felt that was Mr. Fant’s intent.

Action:

Councilor Dill moved to hold the item until January 2021 for consideration during review of Council Rules.

Chairman Kirven stated he would like to see something, even if unenforceable, on record. He agreed with Mr. Fant that Council needed to acknowledge the sensitivity of personable information contained in emails and to use caution when forwarding or sharing emails.

Councilor Dill stated he moved to hold the item so it would not be “killed” when Council Rules were reviewed in January, unless the policy was actually included with Council Rules.

Councilor Barnes stated 25% of Council Members would be new in January; they should have input on the issue.

Chairman Kirven stated the proposed policy was informal and unenforceable. If approved, it was simply an acknowledgement that Council recognized normal protocols of business communications. If the policy was added to Council Rules, there could be consequences; it would possibly still be unenforceable. Mr. Kirven stated he felt approval of the item was a step in the right direction.

Vice-Chairman Meadows asked if Council needed a rule to do what was right. Mr. Fant’s proposed policy was simply “common courtesy” that Council Members should have for each other as well as members of the public. Mr. Meadows stated it was a sad commentary on Council if a rule was needed to practice common sense.

Councilor Tripp stated there was no distinction between the approval of the proposed policy and a change to Council Rules; it should require eight (8) votes to pass.

Councilor Roberts stated the issue should be “common sense.” He did not feel Council should wait to address the issue. He had received many emails from constituents who were very passionate about an issue; he would never share emails of that nature with others. It appeared Council needed to agree on the issue; there were examples of emails being shared with individuals and they should not have been.

Action: Councilor Ballard called for the question.

Without objection, the motion to call for the question carried.

Motion to hold as presented by Councilor Dill carried by a roll call vote of seven (Dill, Barnes, Meadows, Cates, Taylor, Norris and Tripp) in favor and five (Roberts, Seman, Fant, Ballard and Kirven) in opposition.

Item (8) Adjournment

Action: Councilor Seman moved to adjourn the meeting.

Motion carried unanimously and the meeting was adjourned at 5:11 p.m.

Respectfully Submitted:

Regina G. McCaskill
Clerk to Council