



## GREENVILLE COUNTY COUNCIL

### Minutes

Regular Meeting  
March 3, 2020  
6:05 p.m.

County Square – Council Chambers  
301 University Ridge  
Greenville, South Carolina 29601

#### **Council Members**

Mr. Butch Kirven, Chairman, District 27  
Mr. Willis Meadows, Vice Chairman, District 19  
Mrs. Xanthene Norris, Chairman Pro Tem, District 23  
Mr. Joe Dill, District 17  
Mr. Mike Barnes, District 18  
Mr. Sid Cates, District 20  
Mr. Rick Roberts, District 21  
Mr. Bob Taylor, District 22  
Mrs. Liz Seman, District 24  
Mr. Ennis Fant, Sr., District 25  
Mr. Lynn Ballard, District 26  
Mr. Dan Tripp, District 28

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

#### **Staff Present**

**Joe Kernell**, County Administrator  
**Mark Tollison**, County Attorney  
**John Hansley**, Deputy County Administrator  
**Regina McCaskill**, Clerk to Council  
**Jessica Stone**, Deputy Clerk to Council  
**John Vandermosten**, Assistant County Administrator, Public Safety  
**Paula Gucker**, Assistant County Administrator, Public Works  
**Bob Mihalic**, Governmental Relations Officer  
**Nicole Wood**, Assistant County Administrator

#### **Others Present**

None

#### **Call to Order**

Chairman Kirven

**Invocation** – Introduced by Councilor Willis Meadows

Janice Butler, Director  
Christian Learning Center

#### **Pledge of Allegiance**

Chairman Kirven welcomed everyone to the meeting. Given the number of attendees, he requested that everyone please act in a courteous and respectful manner throughout the meeting.

**Item (4)      Approval of Minutes**

**Action:** Councilor Seman moved to approve the minutes of the February 18, 2020, Regular Council Meeting.

Motion carried unanimously by Council Members present.

**Item (5)      Public Hearings**

**a.      General Nutrition Products Inc. / Nutra Manufacturing – Conversion of Lease Agreement**

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance authorizing the conversion of a fee in lieu of ad valorem taxes arrangement under Title 4, Chapter 12, Code of Laws of South Carolina, 1976, as amended, between Greenville County and General Nutrition Products, Inc. to a simplified fee in lieu of ad valorem taxes arrangement under Title 12, Chapter 44 Code of Laws of South Carolina, 1976, as amended; the cancellation and termination of a lease agreement between the county and General Nutrition Products, Inc.; the conveyance by the county of related property to General Nutrition Products, Inc.; and other matters related thereto.

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

**Item (6)      Appearances – current agenda items**

- **Joel Logan**, 159 Mossie Smith Road, Easley – appeared regarding Item 8.e. Establishing a Sunset Clause for Old Resolutions
- **Carl Herbster**, 500 East Lee Road, Taylors - appeared regarding Item 8.e. Establishing a Sunset Clause for Old Resolutions
- **Dawn Pyle**, 11 Sugar Creek Road, Greer – appeared regarding Item 4.a. Resolution Calling for a Referendum on Community Values
- **Deanna Hampson**, 203 Ginger Lane, Taylors - appeared regarding Item 8.e. Establishing a Sunset Clause for Old Resolutions
- **Donna Bishop**, 124 Kathryan Court, Greenville - appeared regarding Item 8.e. Establishing a Sunset Clause for Old Resolutions
- **Jerry Darnell**, 278 Whisper River Lane, Marietta - appeared regarding Item 8.e. Establishing a Sunset Clause for Old Resolutions
- **Gregory Owoc**, 108 Dykeson Avenue, Greenville - appeared regarding Item 8.e. Establishing a Sunset Clause for Old Resolutions
- **Michael Shoemaker**, 1855 Keeler Mill Road, Travelers Rest - appeared regarding Item 8.e. Establishing a Sunset Clause for Old Resolutions
- **David Shoemaker**, 1855 Keeler Mill Road, Travelers Rest - appeared regarding Item 8.e. Establishing a Sunset Clause for Old Resolutions
- **Gregory Dover**, 9 Stone Lake Court, Greenville - appeared regarding Item 8.e. Establishing a Sunset Clause for Old Resolutions
- **Todd Page**, 8 Winding Walk Way, Taylors - appeared regarding Item 8.e. Establishing a Sunset Clause for Old Resolutions

**Item (7)      Consent Agenda**

- a.      Petco Foundation Share the Love Grant (Finance)**
- b.      Land and Water Conservation Fund Grant – Shelter Improvements Project Amendment (Finance)**
- c.      Land and Water Conservation Fund Grant – Southside and Pleasant Ridge Parks (Finance)**

- d. **FEMA Hazard Mitigation Program – Paris Mountain Wildfire Outreach and Education Grant** *(Finance)*
- e. **Community Project Application – Greenlink Bus Stop Lighting \$5,000.00** *(Finance)*
- f. **Community Project Application – Neighborhood Crime Watch Sign – Old Grove Road \$200.00** *(Finance)*
- g. **Community Project Application – CA4I – Fountain Inn Matching Support \$2,500.00** *(Finance)*

**Action:** Councilor Taylor moved approval of the Consent Agenda items.

Motion carried unanimously by Council Members present.

**Item (8) Resolutions**

- a. **Land and Water Conservation Fund Grant – Southside and Pleasant Ridge Parks**

**Action:** Councilor Seman moved for adoption a resolution to commit county funds to match a Land and Water Conservation Fund Grant from the National Park Service United States Department of the Interior to Greenville County Parks, Recreation & Tourism, a department of the County of Greenville, South Carolina.

Motion carried unanimously by Council Members present.

- b. **Abandoned Textile Mill Site Certification – 111 Henry Street**

**Action:** Councilor Seman moved for adoption a resolution to certify property at and adjacent to 111 Henry Street, Greenville SC, as an abandoned textile mill site (Tax Map Numbers 0152.00-10-002.00; 0152.00-11-005.00; 0152.00-11-004.00; 0152.00-11-003.00; 0152.00-09-011.00).

Motion carried unanimously by Council Members present.

- c. **Project Ice Cube / 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 Ice Cube, 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 by Council Members present.

- d. **Project Ice Iceberg / 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 Iceberg, 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 by Council Members present.

- e. **Establishing a Sunset Clause for Old Resolutions**

**Action:** Vice-Chairman Meadows moved for adoption a resolution establishing a sunset clause of four years on all County Council policy resolutions.

Vice-Chairman Meadows stated that while not directly indicated in the proposed resolution, its intent was to rescind the 1996 resolution. He did not agree with the proposed resolution and would not be voting in favor of it. There were resolutions passed that were good for the County; others were controversial and removing them could create problems.

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

**Item (9) Ordinances – Third Reading**

**a. Zoning Ordinances**

- i. **CZ-2020-01:** Property of Frances Edwards Thorpe, located at 361 Terry Road, requesting rezoning from R-R3 to R-R1.

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

Motion carried unanimously by Council Members present.

- ii. **CZ-2020-03:** Property of 1505 Buncombe Road LLC, located at 1505 Buncombe Road, requesting rezoning from I-1 to FRD with conditions.

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

Motion carried unanimously by Council Members present.

- iii. **CZ-2020-04:** Property of Snyder and Rayburn Properties LLC, located at 1505 Buncombe Road, requesting rezoning from R-20 to FRD with conditions.

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

Motion carried unanimously by Council Members present.

- iv. **CZ-2020-07:** Property of John C. Cooper, located on Augusta Road, requesting rezoning from R-R1 to I-1.

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

Motion carried unanimously by Council Members present.

- v. **CZ-2020-08:** Property of Erin Stephanie Mungo Dryer and Brian Dryer, located at 201 West Lee Road, requesting rezoning from R-20 to R-10.

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

Motion carried unanimously by Council Members present.

- vi. **CZ-2020-09:** Property of Blue Star Enterprises LLC, located at 207 & 215 West Main Street, requesting rezoning from C-2 to C-3.

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

Motion carried unanimously by Council Members present.

- vii. **CZ-2019-80:** Property of Theodore C. Therodorou, located on Griffin Mill Road, requesting rezoning from R-S to R-15.

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

Motion carried unanimously by Council Members present.

- viii. **CZ-2019-83:** Property of William C. Johnson, located at 2956 New Easley Highway, requesting rezoning from C-2 to S-1.

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

Chairman Kirven stated the item had been recommended for denial by staff, the Planning Commission as well as the Planning and Development Committee; the item was passed at second reading by Council. The property was located in Councilor Norris' district.

Councilor Cates stated the property owner planned to change the request to FRD; members of the community he had spoken to were in favor of the change. The applicant would have to reapply for the proposed change to FRD.

Councilor Norris stated she was in favor of the request.

Councilor Seman stated the County would never be able to enforce the Comprehensive Plan if Council approved future requests with similar circumstances. She would not be voting in favor of the request.

Councilor Cates stated Council had passed the item at second reading.

Councilor Seman stated it had been a mistake to approve the item.

Councilor Taylor stated the owners had agreed to change the request to FRD.

Chairman Kirven stated with the uncertainty of the situation, he would recommend holding the item. Three recommended denials were very strong; he would also vote against approval of the item.

**Action:** Councilor Norris moved to hold the item.

Motion to hold carried unanimously by Council Members present.

**b. General Nutrition Products Inc. / Nutra Manufacturing – Conversion of Lease Agreement**

**Action:** Councilor Taylor moved for adoption at third reading an ordinance authorizing the conversion of a fee in lieu of ad valorem taxes arrangement under Title 4, Chapter 12, Code of Laws of South Carolina, 1976, as amended, between Greenville County and General Nutrition Products, Inc. to a simplified fee in lieu of ad valorem taxes arrangement under Title 12, Chapter 44 Code of Laws of South Carolina, 1974, as amended; the cancellation and termination of a lease agreement between the County and General Nutrition Products, Inc.; the conveyance by the County of related property to General Nutrition Products, Inc.; and other matters related thereto.

Motion carried unanimously by Council Members present.

**c. Project Unity Gateway / Fee in Lieu of Tax Agreement**

**Action:** Councilor Taylor moved for adoption at third reading an ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and a company known to the County at this time as Project Unity Gateway with respect to certain economic development in the county, whereby such property would be subject to certain payments in lieu of taxes, including the provision of certain special source credits; and other matters related thereto.

**Action:** Councilor Taylor moved to hold the item to allow time for a public hearing to be scheduled.

Motion to hold carried unanimously by Council Members present.

**d. Greenville – Anderson Multi County Industrial Business Park Agreement Amendment (2010 Park) / Project Unity Gateway**

**Action:** Councilor Taylor 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 Anderson and Greenville Counties so as to enlarge the park.

**Action:** Councilor Taylor moved to hold the item to allow time for a public hearing to be scheduled.

Motion to hold carried unanimously by Council Members present.

**Item (10) Ordinances – First Reading**

**a. Greenville Technical College / Installment Purchase Revenue Bonds**

Councilor Taylor presented for first reading an ordinance consenting to and approving the issuance by University Center Public Facilities Corporation of its not exceeding \$50,000,000 Installment Purchase Revenue Bonds, to provide funding to finance the costs of acquiring, constructing, equipping, and installing administrative facilities for Greenville Technical College Area Commission; authorizing and approving the execution of a base lease agreement, a sub-base lease agreement, a lease agreement and a public facilities purchase and occupancy agreement relating thereto; consenting to the form of a trust agreement to be entered into by the Corporation and the trustee for the bonds; and making provision for all other matters relating to the foregoing; and requested the item be returned to the Finance Committee.

Chairman Kirven stated the item would be returned to the Finance Committee.

**b. Greenville / Anderson Multi County Industrial Business Park Agreement Amendment – Vermeer Corporation**

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.

**c. Property Transfer to Greenville Transit Authority (GTA)**

Councilor Taylor presented for first reading 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.

Chairman Kirven stated the item would remain on the floor.

**Item (11) Committee Reports**

**a. Committee of the Whole**

**i. Planning Commission Appointments (3 vacancies)**

**Action:** On behalf of the Committee, Vice-Chairman Meadows moved to appoint Steve Bichel, Cindy Clark and Frank Hammond to fill three vacancies on the Greenville County Planning Commission.

Motion carried unanimously by Council Members present.

**ii. Sheriff's Salary Adjustment**

**Action:** On behalf of the Committee, Vice-Chairman Meadows moved to adjust the Greenville County Sheriff's annual salary to \$172,012.

Motion carried with Councilor Ballard voting in opposition.

**Item (12) Appearances by Citizens**

None

**Item (13) Administrator's Report**

Joe Kernell reminded Council about the ribbon cutting dedication and opening of the *Xanthe Norris – Hampton Avenue Pedestrian Bridge* to be held on Friday, March 6 at 12:00 p.m. at the Hampton Avenue Bridge.

**Item (14) Requests and Motions by Council Members**

**a. Resolution Calling for a Referendum on Community Values**

Per notice provided in the Council agenda packet, Councilor Dill introduced a resolution to place an advisory referendum on the ballot for the 2020 General Election asking County voters whether they believed and supported the community values expressed in the 1996 Greenville County Council; Councilor Dill requested the item be sent to the Committee of the Whole.

Chairman Kirven stated any Council Member was entitled to generate a proposed piece of legislation such as the item presented by Councilor Dill. It would start through the legislative process; however, it did not necessarily mean the item would be approved. Mr. Kirven stated the item would be sent to the Committee of the Whole and placed on an agenda at an appropriate time.

- Vice-Chairman Meadows stated he recently read an article in the *New York Times* about Greenville; the article was very positive. The article cited the area's global trade, increased jobs and per capita income as well as its beautiful downtown area, diverse population and religious community.

- Chairman Kirven provided a timeline pertaining to the 1996 Resolution:

1. Timeline:

May 20, 1996: a state law became effective in South Carolina stating a marriage between persons of the same sex was void and against the public policy of this state.

May 21, 1996: Greenville County Council approved, in a split vote, a resolution alleging assaults by the “gay community” against the County’s “community standards” and “traditional lifestyles.” This resolution made reference to the state law mentioned above.

November 7, 2006: At the General Election, South Carolina voters approved Amendment 1, known as the *Marriage Act*, which amended the S.C. Constitution, “so as to provide that in SC and its political subdivisions (Counties), a marriage between one man and one woman is the only lawful domestic union that shall be valid or recognized.”

July 28, 2014: The United States Fourth Circuit Court of Appeals ruled that same sex marriage bans such as Amendment 1 were unconstitutional. Later that year, South Carolina Federal District Court Judge Richard Gergel held that South Carolina’s ban on same-sex marriage under S.C. Constitution, Article XVII, Section 15, S.C. Code Sections 20-1-1 and 20-1-15 were unconstitutional and issued an Order permanently enjoining South Carolina from enforcing those provisions or any other state law or policy prohibiting the marriage of same-sex couples.

June 26, 2015: The US Supreme Court found the right to marry the person of one’s choice to be a fundamental right under the Fourteenth Amendment of the United States Constitution. The laws of several jurisdictions that restricted marriage to only opposite sex couples were declared unconstitutional. In the case of *Obergefell v. Hodges*, the Supreme Court specifically held that state laws restricting same-sex marriages were invalid. The case was considered the law of the land and applied equally across all jurisdictions, including South Carolina (and its political subdivisions such as Greenville County).

March 3, 2020: The 1996 Greenville County Resolution stated in part that, “**Greenville County openly and vigorously supports the current (1996) community standards and established state laws regarding gay lifestyles.**” The state law prohibiting marriage between persons of the same sex was in effect at that time, but has since been invalidated by the above referenced court actions. With the invalidation of the state law, the 1996 Greenville County Resolution no longer holds any significance.

2. Chairman Kirven stated Greenville County was a legal subdivision of the State of South Carolina and operated within the authority and responsibilities delegated by the State, including:
  - a. **Public Safety** – provide financial support for law enforcement through the Sheriff’s Office, operate the County Jail, emergency medical services, emergency preparedness, the Coroner’s Office, forensics, public safety communications, and other related public safety services.
  - b. **Planning and Development** – zoning administration, land development regulations, building codes, inspections, etc.
  - c. **Public Works and Infrastructure** – county roads and bridges, solid waste, convenience centers, recycling, stormwater management, drainage, animal care services, etc.
  - d. **Administrative and general services** – summary courts and facilities, tax collection, assessments, register of deeds, boards and commissions, etc.
  - e. **Economic Development** – GADC, support workforce development (Greenville Technical College), transportation, etc.
  - f. **Financial management** for County operations and capital needs.
3. Chairman Kirven stated Community Values and Standards were as important today as they have ever been. Those things cannot be legislated or coerced by government - they must be desired and nurtured by people themselves. Our system of government and our Constitution gave everyone the freedom to seek and strive to achieve their own ideals of life, liberty and the pursuit of happiness.



- Councilor Norris stated she was recently featured in an article in the *Greenville Journal*; she had always found ways to work with people and would continue to do so. Ms. Norris stated she no plans to run for Council again.
- Councilor Roberts stated Councilor Norris was an inspiration to him; he congratulated her on the Hampton Avenue Bridge.
- Councilor Taylor stated it had been a “tough night”; he thanked everyone who had shown up on his behalf and offered their support.
- Councilor Ballard stated the *Phoenix Center* was to be featured on *60 Minutes* highlighting its drug and alcohol treatment program; the center was a “real gem” for the community.
- *Councilor Seman’s comments were recorded verbatim:*

“I would like to start by saying ‘thank you’ to everybody that came out today, and a special thank you to the members of District 24 who took the time to call and email this week. Regardless of what issue brings you here or what side of the issue brings you here, government works best when our citizens are engaged in holding their elected officials accountable. Each member of Council comes with their own personal and professional experiences, our own faith traditions, our own a set of values and lived experiences. We’re human, and as such, inherently flawed. We make mistakes; but, reconciliation is possible when we are willing to surrender our pride and our stubbornness and open hearts and minds to those who have opinions that are different from our own. Some of us seem to thrive on a state of division and discourse, viewing diversity as weakness. But, I believe that diversity is our county’s strength and unity will be our power. We should strive for civility, and compassion, and competence when discussing the issues. This is not to say that we shouldn’t disagree, considering multiple viewpoints leads to better outcomes. The critical issues that confront us today; infrastructure, affordable housing, transportation, economic development, talent recruitment and retention, land use and planning, can only be solved by working together. Leadership on these issues is not easy; it requires navigating hard and uncomfortable conversations and having the conviction to do what is right. There is no room for hate in these chambers or in our community. We should do our best to pursue policies that lift up and advance the County as a whole, not set us back or stunt progress. We should treat everyone with courtesy and respect; we should move forward. These should be things we all agree upon.”

SCTAC was featured prominently at the 2020 South Carolina Automotive Summit held in Greenville last week. Jody Bryson made a presentation outlining the unique role that SCTAC played in supportive the aerospace and automotive manufacturing industries in the state. Other speakers included Jim Newsom of the South Carolina Ports Authority and Governor Henry McMaster.

Councilor Seman wished Councilor Norris a Happy Birthday.

Councilor Dill also wished Regina McCaskill, Clerk to Council, a Happy Birthday.

**Item (15) Adjournment**

Without objection the meeting was adjourned at 7:33 p.m.

Respectfully submitted:

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Regina G. McCaskill  
Clerk to Council