

GREENVILLE COUNTY COUNCIL

Minutes

Regular Meeting November 3, 2020 5:00 p.m.

County offices closed for public meetings Meeting conducted by remote participation

Council Members present by remote participation

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 online and 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 Dean Campbell, Assistant County Attorney John Hansley, Deputy County Administrator Regina McCaskill, Clerk to Council Jessica Stone, Deputy Clerk to Council Pam Gilliam, Administrative Assistant Paula Gucker, Assistant County Administrator, Public Works

Others Present

None

Call to Order

Invocation

Pledge of Allegiance

Chairman Kirven

Councilor Dan Tripp

Item (4) Approval of Minutes

Action: Councilor Barnes moved to approve the minutes of the October 20, 2020, Regular Council Meeting. Motion carried unanimously.

Item (5) <u>Public Hearings</u>

a. Broadmoor Special Tax District / Uniform Service Fee Continuation

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance to provide for the uniform service fee to be charged in the Broadmoor Special Tax District.

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

b. Operating Hours for Outdoor Go-kart Tracks

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance establishing hours of operation for outdoor go-kart tracks in Greenville County.

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

Item (6) Appearances - Current Agenda Items

- Jason Zacher appeared regarding Item 8.c. Consolidation of Greenville County Sewer Collection Services into the Metropolitan Sewer Subdistrict - Request for Public Hearing
- Michael Dey appeared regarding Item 8.c. Consolidation of Greenville County Sewer Collection Services into the Metropolitan Sewer Subdistrict - Request for Public Hearing
- Phyllis Henderson appeared regarding Item 8.c. Consolidation of Greenville County Sewer Collection Services into the Metropolitan Sewer Subdistrict - Request for Public Hearing
- Frank Holleman appeared regarding Item 8.c. Consolidation of Greenville County Sewer Collection Services into the Metropolitan Sewer Subdistrict - Request for Public Hearing
- Rita Barker appeared regarding Item 8.c. Consolidation of Greenville County Sewer Collection Services into the Metropolitan Sewer Subdistrict - Request for Public Hearing
- Roberts Childs appeared regarding Item 8.c. Consolidation of Greenville County Sewer Collection Services into the Metropolitan Sewer Subdistrict - Request for Public Hearing
- Sarah Franco appeared regarding Item 8.c. Consolidation of Greenville County Sewer Collection Services into the Metropolitan Sewer Subdistrict - Request for Public Hearing
- Greg English appeared regarding Item 8.c. Consolidation of Greenville County Sewer Collection Services into the Metropolitan Sewer Subdistrict - Request for Public Hearing
- Michael Stansell appeared regarding Item 8.c. Consolidation of Greenville County Sewer Collection Services into the Metropolitan Sewer Subdistrict - Request for Public Hearing
- Samantha Babb appeared regarding Item 8.c. Consolidation of Greenville County Sewer Collection Services into the Metropolitan Sewer Subdistrict - Request for Public Hearing
- Paul George appeared regarding Item 8.c. Consolidation of Greenville County Sewer Collection Services into the Metropolitan Sewer Subdistrict - Request for Public Hearing
- Tremeir Johnson appeared regarding Item 8.c. Consolidation of Greenville County Sewer Collection Services into the Metropolitan Sewer Subdistrict - Request for Public Hearing
- Jeff Hannah appeared regarding Item 8.c. Consolidation of Greenville County Sewer Collection Services into the Metropolitan Sewer Subdistrict - Request for Public Hearing

Item (7) <u>Consent Agenda</u>

- a. United Way Grant for Parks, Recreation and Tourism Department / Grant Application (Finance)
- b. Commissioning of Code Enforcement Officers / Kurt Walters and Jackson Grissop (PWI)

Action: Councilor Seman moved approval of the Consent Agenda items.

Motion carried unanimously.

Item (8) <u>Resolutions</u>

a. Sponsor Affiliate Removal – Proper Polymers

Action: Councilor Taylor moved for adoption a resolution removing a sponsor affiliate in satisfaction of the requirements of Title 12, Chapter 44 of the South Carolina Code, so as to confirm the removed sponsor affiliate no longer qualified for benefits pursuant to fee-in-lieu of ad valorem taxes arrangements with Greenville County, South Carolina; and other matters related thereto.

Motion carried unanimously.

- b. Project Ice Cube / Transfer Inducement Agreement by NHT Augusta Grove 14, LLC to MDH F1 Greenville AG 14, LLC
- Action: Councilor Taylor moved for adoption a resolution acknowledging and consenting to the transfer of the inducement agreement of Project Ice Cube by NHT Augusta Grove 14, LLC to MDH F1 Greenville AG 14, LLC.

Motion carried unanimously.

- c. Consolidation of Greenville County Sewer Collection Services into the Metropolitan Sewer Subdistrict -Request for Public Hearing
- Action: Councilor Seman moved for adoption a resolution calling for a public hearing to be held on the question of the consolidation of Berea Public Service District; Gantt Fire, Sewer and Police District; Marietta Water, Fire, Sanitation, and Sewer District; Parker Sewer and Fire Sub-District; Taylors Fire and Sewer District; and Wade Hampton Fire and Sewer District into the Metropolitan Sewer Subdistrict; and other matters relating thereto.
- Action: Councilor Roberts moved to amend the ordinance to allow for a workshop to be scheduled prior to November 23, 2020, the date of the proposed public hearing, in order to discuss the issue.

Chairman Kirven stated he supported Mr. Roberts' amendment; the public hearing was a formality but an important one. Everyone deserved the opportunity to learn more about the proposed ordinances and ask questions; Council wanted to be open and hear from all sides. Mr. Roberts' amendment was a step in the right direction.

Councilor Seman stated she was certainly in favor of a workshop; she requested Mark Tollison weigh-in on the legal aspects of the situation.

Mark Tollison stated Councilor Roberts' amendment was certainly appropriate. The proposed resolution was a formality; the public hearing date had to be set under State law. Council's decision to hold a workshop to discuss the issue was in order.

Vice-Chairman Meadows stated it would be beneficial to submit questions prior to the workshop; staff, and others involved, would have the opportunity to research the questions and deliver the best responses.

Chairman Kirven stated he agreed; it was best to obtain as much information as possible.

Councilor Cates stated he agreed with Mr. Roberts' amendment; however, he felt the date of November 23 for the public hearing was too soon. This was a "big issue" and would affect all Council Members. A public hearing open to the public would be much better than a virtual hearing.

Action: Councilor Roberts moved to add to his amendment to indicate arrangements were to be made for those individuals who wished to speak or view the public hearing in-person.

Chairman Kirven stated those arrangements could be made; a "hybrid-type" meeting would accommodate all those who wished to address Council regarding the issue, whether in-person or virtually.

Councilor Dill stated Council needed to move toward providing space for those individuals who wished to participate or view meetings. Many people did not have access to the internet or the ability to view meetings virtually. The issue at hand was serious and affected many communities; the public hearing needed to be open to the public, both in-person and virtually. Mr. Dill added he supported Mr. Roberts' amendment.

Councilor Fant inquired how the proposed consolidation would affect millage; he needed to know how the consolidation would impact the citizens of Greenville County, either positively or negatively.

Chairman Kirven stated specific questions about the consolidation would be answered during the workshop.

Councilor Fant stated he wanted to know if he should submit the question to Mr. Tollison prior to workshop; it was his main concern in regards to the consolidation.

Chairman Kirven stated the question could certainly be submitted for discussion at the workshop.

Vice-Chairman Meadows inquired as to whom questions should be submitted.

Chairman Kirven suggested submitting questions to the Clerk's office; the questions would then be sent to the appropriate person or persons for answers. He requested Mr. Tollison weigh in on the issue.

Mr. Tollison stated the Legal Department could assist Ms. McCaskill in collecting Council's questions as well as obtaining the answers in preparation for the workshop or any other session in which the issue may arise.

Councilor Cates suggested Carol Elliot, with MetroConnects, as a good source of information regarding costs. Mr. Cates stated he was concerned about the employees of each district and how the consolidation would affect their employment as well as the actual "break-up" of the sewer systems, the water systems and the fire departments.

Chairman Kirven stated all Council Members had specific questions; they would be answered during the workshop. The item of the floor was just the starting point; it was essential to set a date for the public hearing.

Councilor Barnes inquired about possibly holding the item in order to schedule the public hearing when Council meetings were open to the public.

Chairman Kirven stated if the item moved forward, the public hearing would have to be held on the date indicated in the resolution. Most Council Members were in favor of providing a space for citizens to meet in-person, while at the same time allowing others to continue to be able to participate virtually.

Councilor Cates stated the date indicated in the resolution was November 23, 2020; he felt Councilor Barnes was suggesting that the date be moved forward until such time Council started having in-person meetings.

Chairman Kirven stated the date indicated in the resolution was for public notice as well as for legal reasons.

Councilor Cates inquired about amending the date of the public hearing.

Mr. Tollison stated the current amendment on the floor was for a workshop to be held; a motion to change the date of the public hearing should possible be dealt with separately.

Chairman Kirven stated the date indicated on the resolution for the public hearing was a formality; it actually opened the door allowing for the gathering of additional information and more opportunities to participate.

Vice-Chairman Meadows stated it appeared that Council would receive additional information about the proposal, prior to being required to vote.

Chairman Kirven stated the gathering of information would occur before any voting occurred. Council wanted to move forward aggressively to get answers regarding any questions they may have, as well as questions the public may have.

Motion to amend by Councilor Roberts carried unanimously.

Councilor Cates inquired about rescheduling the public hearing to a date when an audience would be permitted to attend in-person.

Mr. Tollison stated the item on the floor established a certain date for the public hearing; the resolution would need to be amended if Council chose to change the date.

Action: Councilor Cates moved to amend the resolution to indicate a date when more in-person participation from the public would be allowed.

Chairman Kirven stated the date indicated on the proposed resolution was simply a start to the process; he would be opposed to changing the date.

Councilor Roberts stated some Council Members had recently voted to continue virtual meetings as opposed to meeting in-person. Given that information, it would be difficult to determine when the public hearing could be scheduled. The hybrid plan would provide an opportunity to hold the public hearing sooner rather than later.

Councilor Seman stated the hybrid plan for meetings should be considered on a long-term basis; meetings could be set up allowing for social distancing yet still providing the opportunity to attend either in-person or virtually. She felt citizens were watching the meetings via Zoom who may have never attended a meeting in the past. Ms. Seman stated she would continue to push for meetings to be held both in-person and available for viewing online, even post-pandemic. There was certainly an opportunity before November 23 to set up protocols for meetings that citizens could attend in public while still providing for virtual meetings. Ms. Seman stated she was in favor of keeping the date as stated in the resolution while putting other things in place.

Councilor Norris asked if the public hearing could be held prior to November 23.

Chairman Kirven stated the workshop would be held prior to the public hearing; as many sessions as necessary could be scheduled to answer questions and gather information.

Councilor Cates withdrew his amendment.

Motion as amended carried unanimously.

- d. Creation of Fire Service Areas in Greenville County / Berea Fire Service Area, Gantt Fire Service Area, Parker Fire Service Area, Taylors Fire Service Area, and Wade Hampton Fire Service Area – Request for Public Hearing
- Action: Councilor Seman moved for adoption a resolution calling for public hearings to be held on the question of the establishment of the Berea Fire Service Area, Gantt Fire Service Area, Parker Fire Service Area, Taylors Fire Service Area and Wade Hampton Fire Service Area and other matters relating thereto.

Chairman Kirven stated the item went "hand-in-hand" with the previous item; there would be plenty of opportunities to amend, negotiate and come to an agreement about both issues.

Action: Councilor Roberts moved to amend the ordinance to allow for a workshop to be scheduled prior to November 23, 2020, the date of the proposed public hearing, in order to discuss the issue; arrangements were to be made for those individuals who wished to speak or view the public hearing in-person.

Councilor Dill inquired if both items would be discussed during the workshop.

Chairman Kirven stated both would be discussed at the same time.

Motion to amend by Councilor Roberts carried unanimously.

Motion as amended carried unanimously.

Item (9) Ordinances – Third Reading

a. Zoning Ordinances

- i. **CZ-2020-59:** Property of Donnovan Delanie Robertson, located at 4 Darrell Drive, requesting rezoning from R-S to R-15.
- Action: Councilor Dill moved adoption of the ordinance at third reading.

Motion carried unanimously.

- ii. CZ-2020-60: Property of Jose Rodriguez, located at 729 Crestfield Road, requesting rezoning from R-M20 to R-10
- Action: Councilor Dill moved adoption of the ordinance at third reading.

Motion carried unanimously.

- iii. CZ-2020-61: Property of Beverly Wells Day, Margaret Wells Lee and Judith Wells Warfield, located on Fairmont Avenue, S. Pleasantburg Drive and N I-85 Ramp, requesting rezoning from R-12 to R-M20.
- Action: Councilor Dill moved adoption of the ordinance at third reading.

Motion carried unanimously.

iv. CZ-2020-62: Property of Rr A Joint Venture, located on E. Settlement Road, requesting rezoning from S-1 to R-M20.

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

Motion carried unanimously.

b. Broadmoor Special Tax District / Uniform Service Fee Continuation

Action: Councilor Taylor moved for adoption at third reading an ordinance to provide for the uniform service fee to be charged in the Broadmoor Special Tax District.

Motion carried unanimously.

- c. Operating Hours for Outdoor Go-kart Tracks
- Action: Councilor Seman moved for adoption at third reading an ordinance establishing hours of operation for outdoor go-kart tracks in Greenville County.

Motion carried unanimously.

Item (10) Ordinances – Second Reading

a. Zoning Ordinances

- i. CZ-2020-50: Property of Betty Jane B. Bullard and Margaret B. Pearson, located at 917 and 919 Fairview Road, requesting rezoning from R-S to R-15. The Planning Commission and Committee recommended denial.
- *Action:* On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

Motion was denied.

i. CZ-2020-52: Property of Andrew Bryan McGeachie and Michael Allen McGeachie, located Parsons Road, requesting rezoning from R-S to R-15. The Planning Commission and Committee recommended denial. Action: On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

Motion was denied.

b. Terra Pines Estates Special Tax District / Enlarge Boundaries

Action: Councilor Seman moved for approval at second reading an ordinance to enlarge the boundaries of the Terra Pines Estates Special Tax District to include real property contiguous to the district located on Terra Creek Court.

Motion carried unanimously.

c. Project Spruce / Fee in Lieu of Tax Agreement

Action: Councilor Taylor moved for approval at second 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 Spruce with respect to certain economic development property 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.

Motion carried unanimously.

d. Anderson / Greenville Multi County Industrial Business Park Agreement / Lighthouse Greenville LLC (formerly Project McClaren)

- Action: Councilor Taylor moved for approval at second reading an ordinance to develop a jointly owned and operated industrial/business park in conjunction with Anderson County, such industrial/business park to be geographically located in Greenville County and established pursuant to Sec. 4-1-170 of the Code of Laws of South Carolina, 1976, as amended; to provide for a written agreement with Anderson County to provide for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem taxation; and other matters related thereto.
- Action: Councilor Taylor moved to amend the Intergovernmental Agreement to reflect one change as outlined in the red-lined version included in the agenda packet.

Motion to amend carried unanimously.

Action: Councilor Taylor moved to approve the ordinance as amended.

Motion carried unanimously

Item (11) Ordinances – First Reading

a. Michelin North America Inc. / Conversion and Transfer of Property

Councilor Seman presented for first reading an ordinance authorizing (1) the conversion and transfer of property subject to an existing lease agreement between Greenville County, South Carolina and Michelin North America, Inc., to a fee-in-lieu of property taxes arrangement under Title 12, Chapter 44 of the South Carolina Code, as amended; (2) the execution and delivery of such documents as may be necessary to effect the intent of this ordinance; and (3) other matters relating thereto.

Chairman Kirven stated the item would remain on the floor.

b. Michelin North America Inc. / Fee in Lieu of Tax Agreement Amendment

Councilor Seman presented for first reading an ordinance authorizing (1) the execution and delivery of a first amendment to the fee in lieu of tax and incentive agreement by and between Greenville County, South Carolina and Michelin North America, Inc. to extend the investment period, the negotiated FILOT payment period, and the period during which the company was eligible for special source credits; (2) the execution and delivery of such documents as may be necessary to effect the intent of this ordinance; and (3) other matters relating thereto.

Chairman Kirven stated the item would remain on the floor.

c. Greenville / Anderson Multi County Industrial Business Park Agreement Amendment – Michelin North America Inc.

Councilor Seman presented for first reading an ordinance to amend an agreement for the development of a joint county industrial and business park (the "park") of Anderson and Greenville Counties so as to enlarge the park.

Chairman Kirven stated the item would remain on the floor.

d. Greenville / Anderson Multi County Industrial Business Park (2010 Park) Agreement Amendment- Project Spruce

Councilor Seman 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.

e. Project Red Bug / Fee in Lieu of Tax Agreement

Councilor Seman 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 known to the County at this time as Project Red Bud with respect to certain economic development property 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.

Chairman Kirven referred the item to the Finance Committee.

f. Project Ice Cube / Fee in Lieu of Tax Agreement

Councilor Seman 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 known to the County at this time as Project Ice Cube 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 referred the item to the Finance Committee.

Councilor Seman presented for first reading an ordinance to authorize the conveyance of a parcel of real property from Greenville County to the South Carolina Department of Transportation (SCDOT) in connection with a road improvement project on Maloy Street (S-23-609).

Chairman Kirven stated the item would remain on the floor.

h. Consolidation of Greenville County Sewer Collection Services into the Metropolitan Sewer Subdistrict

Councilor Seman presented for first reading an ordinance authorizing (1) the consolidation of Berea Public Service District; Gantt Fire, Sewer and Police District; Marietta Water, Fire, Sanitation, and Sewer District; Parker Sewer and Fire Sub-District; Taylors Fire and Sewer District; and Wade Hampton Fire and Sewer District into Metropolitan Sewer Subdistrict; (2) approving a plan of consolidation in connection therewith; and (3) other matters related thereto.

Chairman Kirven referred the item to the Committee of the Whole.

i. Creation of Fire Service Areas in Greenville County / Berea Fire Service Area, Gantt Fire Service Area, Parker Fire Service Area, Taylors Fire Service Area, and Wade Hampton Fire Service Area

Councilor Seman presented for first reading an ordinance creating the Berea Fire Service Area, Gantt Fire Service Area, Parker Fire Service Area, Taylors Fire Service Area, and Wade Hampton Fire Service Area, each in Greenville County, South Carolina, and boards of fire control for each such fire service areas, approving the annual levy and collection of ad valorem taxes and/or the imposition of rates and charges for the operation and maintenance thereof within each fire service area, approving the issuance of general obligation bonds on behalf of each such fire service area, and other matters relating thereto.

Chairman Kirven referred the item to the Committee of the Whole.

Item (12) <u>Committee Reports</u>

There were no reports.

Item (13) Administrator's Report

Joe Kernell stated clean-up from the last week's storm was still underway; Public Works crews continued to clear roads and remove tree debris. Duke Energy was in the process of clearing trees from power lines in the Travelers Rest area. In southern Greenville County, all trees blocking roads had been removed; crews continued to pick up debris. The damage assessment was completed as of Monday, November 2; three mobile homes sustained major damage on Easley Bridge Road and four structures sustained minor damage.

Mr. Kernell commended the Public Works crew members for their hard work and quick response times.

Item (14) Requests and Motions by Council Members

• Councilor Roberts stated he was glad the election was over; he wished all candidates good luck.

- Councilor Taylor stated there would be quite a bit of controversy during the upcoming workshop regarding the sewer districts; he hoped the plan was approved by Council and would be very effective.
- Councilor Norris stated things were much better in New Washington Heights.
- Councilor Seman stated Donaldson Field was once again honored to host Air Force 2 for Vice-President Mike Pence's visit to the Upstate on October 27. This marked the third time in the past six (6) years that Air Force 2 had landed at Donaldson Field; twice with Vice-President Pence and once with Vice-President Biden.

Ms. Seman wished good luck to her colleagues who were on the ballot; she thanked them for their willingness to serve. She added it had been a pleasure to serve with Dr. Taylor, Dr. Cates and Mr. Roberts.

Ms. Seman stated she attended the press conference with the Greenville County School District regarding the Wi-Fi Project, which was an innovative use of the CARES Act monies. She requested an update from Joe Kernell regarding the CARES Act funding as well as county expenses related to COVID-19.

Mr. Kernell stated staff had been working with a number of organizations across the county for meal delivery, which continued to be an issue for many residents. Funding had been put in place for assistance with utility payments; assistance with rent and mortgage payments continued. There had been an uptick in mental health services as well as drug and alcohol treatment services; staff was working to identify those funding needs. The Small Business Program had also seen a recent increase.

Councilor Fant stated thanked all those who participated in the Affordable Housing Ad Hoc Committee meeting that was held last month; he also thanked Regina McCaskill, Clerk to Council, and Joe Kernell for all of their assistance. The response from the community had been very positive.

Mr. Fant stated the Emergency Order to hold virtual meetings was expiring soon. He suggested some type of hybrid meeting; he was in favor of the public being given the opportunity to participate in person. Mr. Fant stated he would rather not attend meetings in person due to the pandemic; those Council Members who wished to attend in person could do so and the others could meet virtually.

The COVID-19 numbers continued to rise. Cases were 200% higher in counties with no mask requirements as opposed to those with some type of mandate to wear masks. Mr. Fant stated Council may want to consider an order to require masks.

Councilor Ballard stated he was glad to be an American and be given the right to vote. He was very
encouraged when he voted earlier in the day; most of the poll workers were young people. There
were also many young people standing in line to vote.

He wished the best to all his colleagues on the ballot.

• Councilor Dill thanked Joe Kernell and staff for the community center at Slater Hall; Wi-Fi was available as part of the program with the school district. The citizens of the area were very happy.

He thanked the Public Works crews for their hard work in removing trees and debris after the storm. Mr. Dill thanked Conway Belangia and his staff for their hard work during the election. All the staff he encountered was very professional. Mr. Dill asked everyone to pray for all those affected by COVID-19.

- Chairman Kirven stated people needed to do a personal "risk assessment" if they were thinking about attending meetings in person; options needed to be in place for those individuals with risk factors.
- Councilor Fant congratulated Mr. Belangia and his staff on such a good job; all the staff was very
 professional and kind. He suggested using the TD Center, or a similar facility, for future early voting.

Item (15) Adjournment

Action: Councilor Barnes moved to adjourn the meeting.

Motion carried unanimously and the meeting adjourned at 6:44 p.m.

Respectfully submitted:

Regina G. McCaskill Clerk to Council