



GREENVILLE COUNTY COUNCIL

Committee of the Whole

Minutes

June 15, 2021

4:01 p.m.

County Square – Conference Room D

Council Members

Mr. Willis Meadows, *Chairman, District 19*
Mr. Dan Tripp, *Vice Chairman, District 28*
Mrs. Xanthene Norris, *Chairman Pro Tem, District 23*
Mr. Joe Dill, *District 17*
Mr. Mike Barnes, *District 18*
Mr. Stephen Shaw, *District 20*
Mr. Chris Harrison, *District 21*
Mr. Stan Tzouvelekas, *District 22*
Mrs. Liz Seman, *District 24*
Mr. Ennis Fant, Sr., *District 25*
Mr. Lynn Ballard, *District 26*
Mr. Butch Kirven, *District 27*

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*
Regina McCaskill, *Clerk to Council*
Jessica Stone, *Deputy Clerk to Council*

Others Present

Call to Order

Chairman Willis Meadows

Invocation

Councilor Xanthene Norris

Item (3) Approval of Minutes

Action: Vice-Chairman Tripp moved to approve the minutes of the June 1, 2021, Committee of the Whole meeting.

Motion carried unanimously.

Item (4) Land Development Regulations Amendment / Article 3.1

a. Repeal Ordinance

b. Ad Hoc Committee Recommended Ordinance

Chairman Meadows thanked the members of the Ad Hoc Committee, County staff and all the members of the community who worked on the issue. Mr. Meadows asked Councilor Ballard to report on the Ad Hoc Committee's findings.

Councilor Ballard also thanked County staff members for all their hard work. They compiled input from several different organizations and entities such as Upstate Forever, the Home Builders Association, the Historic Preservation Commission and other environmental groups. Councilor Harrison also submitted a proposal. Councilor Dill held a community meeting; approximately 30 individuals spoke on the matter and provided additional input. Mr. Ballard stated all of the information was compiled by staff and presented to the Ad Hoc Committee. Staff's recommendations were studied by the Committee; they were able to reach a unanimous decision to take the ordinance, as amended, and send it forward to the Committee of the Whole. Mr. Ballard stated the repeal ordinance was previously put on hold. The Ad Hoc Committee was comprised of the Council Members who represented the largest amount of unzoned area in Greenville County.

Action: Councilor Ballard moved to amend the Article 3.1 repeal ordinance with the Ad Hoc Committee's replacement ordinance.

Vice-Chairman Tripp stated there appeared to a "wholesale" change between the original version that staff worked on with various Council Members and the version that was read into the record. He inquired where the language came from, as there did not seem to have been any discussion.

Councilor Ballard stated the "open space requirement" initially read "excluding undevelopable land"; the Ad Hoc Committee removed that phrase. The Committee determined that it would be included in the "open space" (Section 22.3.6.a.). Mr. Ballard stated Section 22.3.6.d. was amended as:

Land dedicated for open space shall ~~not~~ include rights-of-way of high tension electrical transmission lines, oil or natural gas lines, the rights-of-way of existing and proposed streets or such uses as community swimming pool(s), clubhouses and similar uses. Recreational lake or ponds may be included in the land designated as open space.

Fenced, ~~vegetably screened~~ detention or retention areas used for storm water management shall be included in the calculation of the required open space.

Councilor Ballard stated that a detention or retention pond was typically enclosed by a chain-link fence. The Ad Hoc Committee added the term “vegetably screened” in order to make the area more pleasant to the eye. Section 22.3.6.g. was amended as follows:

For those parcels where the undevelopable land exceeds ~~40%~~ 30% of total acreage to be subdivided, the open space requirement is waived.

Vice-Chairman Tripp inquired about a definition for “open space” as it pertained to the County’s ordinances or the Comprehensive Plan. It appeared the definition of open space was being radically changed by the proposed amendment; he would prefer the definition in the proposed amendment mirror the County’s ordinances and/or the Comprehensive Plan.

Paula Gucker stated there was no definition of open space in Greenville County’s Land Development Regulations; staff was in the process of reviewing the County’s zoning ordinances.

Vice-Chairman Tripp stated the proposed ordinance created a broad definition of open space; it was very “pro HBA” and applied to every parcel of land in Greenville County. The definition of open space was the same in both rural and urban areas. In the recently adopted Comprehensive Plan, there were more than 70 references to open spaces; they were all tailored to the type of place to which they were referred. In rural areas, there was a description of open spaces; in less rural spaces, there was another description. Mr. Tripp stated he was concerned that a “one size fits all” approach had been applied to open spaces, which was to the benefit of home builders but not necessarily to the residents of Greenville County.

Chairman Meadows asked if the definition of “open space” in the proposed ordinance only applied to the unzoned areas.

Ms. Gucker stated the definition was originally designed to apply only to the unzoned areas. The definition of “open space” in the County’s zoning ordinance was somewhat different.

Vice-Chairman Tripp stated when a builder or an investor bought a piece of land with a utility or gas line running across the property, they already knew it was undevelopable land. He asked why should it be deemed as open space and to the benefit of the builder. Mr. Tripp stated he felt the proposed amendment was being “shoved down” their throats; there had been no discussion regarding the first version and the second version. He could not understand the need to rush, given the fact that there had been no internal discussions about the issue.

Chairman Meadows stated undevelopable land was considered as open space, in the proposed amendment. He had originally hoped for a much faster resolution. There were two additional readings required for the item and plenty of time for discussion. Mr. Meadows stated he did not feel things were being rushed.

Councilor Ballard stated everyone involved in the process was aware that any proposal submitted would not have the full approval of the entities involved. The goal was to present something that was workable, knowing that some groups would feel things had been taken too far and others would feel they were not taken far enough. The Committee tried to strike a balance. Mr. Ballard confirmed that the existence of a utility line would make a piece of land undevelopable; however, the property would also be considered open space. Given the fact that nothing could be built on the property and it could not be used for anything, the Committee decided it should be considered open space.

Councilor Harrison stated he had been involved in the issue for several years; as a member of the Planning Commission and currently a Council Member. He was familiar with it and had been working hard on it. He thanked Councilor Ballard for his leadership and how quickly the Ad Hoc Committee submitted its proposal. Mr. Harrison stated he felt Council was selling itself short. There was a solution; Council was going from one extreme to the other and never really figuring out the problem. For instance, the question of what was included in the definition of undevelopable space; Council had the ability to develop its own definition. Roads and clubhouses should not be included in open spaces. Council, as a whole, needed to discuss the particulars; the issue was too important. He completely agreed that all interested parties would never “be happy” with the final result. The issue had to be resolved the best way possible; he did not want to be in the “same arena” two years down the road because things were not done properly. It needed to be resolved timely and there were external factors pushing Council to do something swiftly. The wrong answer swiftly did not solve anything. As a group, Council had not had the opportunity to work together. He had sent a proposed start to a solution to all of his colleagues and received no feedback. Mr. Harrison stated Council needed to make a full effort.

Vice-Chairman Tripp asked where the item would stand on the calendar if it was approved by the Committee of the Whole during the current meeting.

Chairman Meadows stated if Council approved the proposed amendment, it would be sent to full Council for second reading and a public hearing.

Councilor Ballard stated a public hearing was required as the item in question was different than the one presented at the previous public hearing.

Vice-Chairman Tripp asked if the proposed amendment would help clear up some of the legal problems that precipitated the whole exercise.

Mr. Tollison stated the amendment would help resolve some of the legal problems the County currently faced as a result of the item in question.

Councilor Ballard stated if Council voted to move the item forward, there would be additional time between first and second reading as well as second and third reading, as there was only one Council meeting scheduled for both July and August. Given the additional time, Council could discuss the matter and reconcile any issues.

Vice-Chairman Tripp stated there were groups pushing the County to make provisions for endangered species. He asked if there had been any discussion regarding whether current law protected endangered species and if the proposed amendment addressed the issue.

Councilor Ballard stated the Ad Hoc Committee had not discussed endangered species. However, when questions arose regarding endangered species, he was advised to speak with Mr. Tollison. Mr. Ballard stated they were protected by federal and state law; he asked if it was necessary to restate that in the amendment.

Councilor Shaw stated he initially asked about endangered species. He saw no reason to include information about endangered species in the amendment.

Councilor Harrison asked how would potential amendments be handled, if Council approved the item.

Chairman Meadows stated potential amendments could be addressed by Council at any time. There was nothing to preclude Council Members from presenting possible changes. Mr. Meadows stated amendments could be addressed during the meeting or Council could pass the item in question and make amendments later, either at second or third reading. Council would have to approve a motion to allow amendments at third reading.

Councilor Harrison stated he welcomed any feedback from his colleagues regarding the information he had sent out.

Councilor Ballard suggested amendments should be submitted in written form and included in the Council packet. Council Members could review them in advance of the meetings.

Councilor Kirven stated the item in question was important to the whole County, not just the unzoned areas. The eyes of the nation and the world were on Greenville County; it was a unique place, differentiated from other areas that had become homogenized. Mr. Kirven stated the proposed amendment had taken things from one extreme to the other; Council needed to find a compromise, somewhere in the middle. He stated if the item could be held for two (2) weeks, Council could review all the information that had been submitted and find common ground. All the parties involved could be satisfied to some extent. Mr. Kirven stated the item in question was "tilted" to achieve the objectives of developers and the Home Builders Association. He recalled Chairman Meadows stating Council needed a new environment where they could all sit down together, discuss issues and share information in order to come up with what was best for Greenville County. Mr. Kirven stated Council would not be following through with that promise if the proposed amendment was approved during the current meeting. He was unaware if a motion to hold had been made; if not, he would be willing to do so.

Action: Councilor Kirven moved to hold the item.

Chairman Meadows stated if Council approved the amendment during the current meeting, it would not preclude additional discussion. It may not be discussed in the manner Mr. Kirven, and others, wanted; to “drive that wedge” was not the appropriate thing to do.

Councilor Kirven stated a work session was needed to allow for further discussion.

Councilor Seman stated she supported the motion to hold. A Committee of the Whole meeting gave Council more flexibility as opposed to second reading in addition to a full agenda with other items to be addressed. If the item in question was the only item on the agenda, Council could give full attention to it. She appreciated Mr. Harrison’s effort and would love to hear him speak to his proposed amendments.

Councilor Dill stated he had not voted for the change; he voted to send the proposed amendment to the Committee of the Whole. He stated some Council Members wanted to destroy his community; he would not sit back and allow that to happen. The actions of the Ad Hoc Committee supported developers; the proposed amendment would allow a commercial subdivisions to be built with lots of 6000 square feet. Mr. Dill stated he had requested something be done about agriculture; there was supposedly a text amendment being worked on that would address agricultural zoning. Until it was approved, the only thing to protect the community was Article 3.1. Mr. Dill stated it would not help in the unzoned areas; a modified change would not help, either. If one enjoyed Woodruff Road and Pelham Road, Highway 14 would be the same in the near future. Highway 101 had already been destroyed by the City of Greer. There were multiple problems on Highway 11; soon, it would be just like Pelham Road. Mr. Dill stated he would not see his children, grandchildren, or his neighbor’s children grow up in that type of environment. Council did not have to allow that to happen; the item could be amended to reflect staff’s original proposal.

Chairman Meadows advised Councilor Dill he was out of order; there was already a motion on the floor to hold the item.

Councilor Dill stated he planned to make a motion to reflect staff’s original proposal. The proposed amendment sounded “real good”; actually, it was not. Mr. Dill stated the item should be held and Council needed to have a workshop in order to discuss the issue.

Action: Councilor Fant called for the question.

Vice-Chairman Tripp stated he had wanted to comment on the issue.

Chairman Meadows stated he had not recognized Mr. Tripp for his comment.

Vice-Chairman Tripp asked Councilor Fant if Council could continue its discussion on the item.

Councilor Fant stated Council could continue its discussion after voting on the motion to hold.

Vice-Chairman Tripp stated he could guarantee that the process was going to “get clogged up.” Mr. Tripp stated the community was not in favor of the proposed. Council would get “all kinds of grief” from the community, as it was viewed as a “sell out” to the Home Builders Association.

Chairman Meadows stated it appeared that both Councilor Tripp and Councilor Kirven were insinuating that the proposed amendment was slanted towards the Home Builders Association. Mr. Meadows stated the Ad Hoc Committee had looked at all the information submitted; the proposed amendment included suggestions from all the groups involved. To “put up the strawman of the HBA” was the wrong thing to do.

Vice-Chairman Tripp asked who submitted the language to “weaken the definition of open space.” The only group that the new definition accrued to the benefit of was developers. Mr. Tripp stated he was not “anti-developer”; however, the issue was going to divide Greenville County. The County was growing too fast and needed to seriously consider issues like the proposed.

Councilor Fant stated he had called for the question.

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

Chairman Meadows stated a “yes” vote would be in favor of holding the item; a “no” vote would move the item to full Council. Mr. Meadows requested a roll call vote.

Motion to hold was denied by a roll call vote of five (Dill, Harrison, Seman, Kirven and Tripp) in favor and seven (Barnes, Meadows, Shaw, Tzouvelekas, Norris, Fant and Ballard) in opposition.

Action: Councilor Dill moved to amend the proposed amendment to reflect staff’s original proposal.

Point of Order: Councilor Ballard asked if Councilor Dill’s motion was in order.

Mr. Tollison stated the determination would be made by a ruling of Chairman Meadows. Pursuant to Mason’s, it was in order.

Councilor Ballard wanted to make sure Mr. Dill’s motion was not an amendment to an amendment.

Mr. Tollison stated it was an amendment to an amendment and it was in order.

Motion to amend the proposed amendment to reflect staff’s original proposal was denied by a roll call vote of five (Dill, Harrison, Seman, Kirven and Tripp) in favor and seven (Barnes, Meadows, Shaw, Tzouvelekas, Norris, Fant and Ballard) in opposition.

Councilor Ballard stated the motion currently on the floor was to use the document submitted by the Ad Hoc Committee to replace the repeal ordinance.

Vice-Chairman Tripp asked if the item was germane to the repeal of Article 3.1.

Councilor Fant stated Section: Repeal County Land Development Regulation Section 3.1 – “Review Criteria” stated the following:

Section 3.1, Review Criteria of the County Land Development Regulations is hereby repealed.

Action: Councilor Fant called for the question.

Councilor Harrison requested clarification of the vote.

Mr. Tollison stated the item on the floor was an amendment to the original ordinance to repeal Article 3.1. If the motion to approve was successful, a motion to send the ordinance, as amended, forward to Council for second reading as well as an additional public hearing would be required.

Councilor Dill stated the item had been through staff, but, not the Planning Commission nor the Planning and Development Committee. He asked how the item “was legal” if the processed was not followed.

Mr. Tollison stated that over the years, Council had taken matters to both Ad Hoc Committees and the Committee of the Whole, not through one of the Council Standing Committees.

Councilor Dill stated in those cases, there had been no complaints about the matter. If there were complaints, an issue would need to go through a Standing Committee.

Councilor Harrison stated that, potentially, the document could be approved by Council, without ever being heard by the Planning Commission or the Planning and Development Committee.

Chairman Meadows stated Councilor Fant had called for the question.

Motion to call for the question was carried by a roll call vote of seven (Barnes, Meadows, Shaw, Tzouvelekas, Norris, Fant and Ballard) in favor and five (Dill, Harrison, Seman, Kirven and Tripp) in opposition.

Action: Councilor Fant called for the question.

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

Motion to amend the repeal ordinance with the Ad Hoc Committee’s replacement ordinance carried by a roll call vote of seven (Barnes, Meadows, Shaw, Tzouvelekas, Norris, Fant and Ballard) in favor and five (Dill, Harrison, Seman, Kirven and Tripp) in opposition.

Action: Vice-Chairman Tripp moved to refer the Ad Hoc Committee’s replacement ordinance to the Planning and Development Committee.

Councilor Harrison stated it was wrong not to allow the Planning Commission to consider the item; it would put the commission in a very difficult position.

Chairman Meadows stated Councilor Harrison was out of order.

Action: Councilor Harrison moved to amend Vice-Chairman Tripp’s motion to include the Planning Commission.

Action: Vice-Chairman Tripp accepted Councilor Harrison’s amendment.

Action: Vice-Chairman Tripp moved to amend his motion and refer the Ad Hoc Committee’s replacement ordinance to the Planning and Development Committee and the Planning Commission.

Motion to refer the Ad Hoc Committee’s replacement ordinance to the Planning and Development Committee and the Planning Commission was denied by a roll call vote of five (Dill, Harrison, Seman, Kirven and Tripp) in favor and seven (Barnes, Meadows, Shaw, Tzouvelekas, Norris, Fant and Ballard) in opposition.

Motion to send the ordinance, as amended, to second reading to be held at the same time as the new public hearing carried by a roll call vote of seven (Barnes, Meadows, Shaw, Tzouvelekas, Norris, Fant and Ballard) in favor and five (Dill, Harrison, Seman, Kirven and Tripp) in opposition.

Item (5) Board Member Removal / Historic Preservation Commission

Chairman Meadows stated the Chairman of the Historic Preservation Commission had requested the removal of one of its board members, Alexander Evans, due to excessive absences. Since being elected, Mr. Evans had attended one (1) of five (5) meetings.

Action: Councilor Seman moved to remove Alexander Evans from the Historic Preservation Commission due to excessive absences.

Motion carried unanimously.

Chairman Meadows stated the next application period for Boards and Commission would open July 1, 2021. The vacancy would not affect the board’s quorum.

Item (6)

Adjournment

Action:

Councilor Seman moved to adjourn the meeting.

Motion carried unanimously and the meeting adjourned at 4:56 p.m.

Regina G. McCaskill
Clerk to Council