



GREENVILLE COUNTY COUNCIL MINUTES

REGULAR MEETING

APRIL 4, 2017

6:03 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. FRED PAYNE

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the County Square and made available to the newspapers, radio stations, television stations and concerned Citizens.

STAFF PRESENT

Joe Kernell, County Administrator

Mark Tollison, County Attorney

Dean Campbell, Deputy County Attorney

Jeff Wile, Assistant County Attorney

John Hansley, Deputy County Administrator

Theresa Kizer, Clerk to Council

Regina McCaskill, Deputy Clerk to Council

Jessica Stone, Administrative Assistant, Clerk to Council

Bob Mihalic, Governmental Relations Officer

Paula Gucker, Assistant County Administrator, Public Works

Chief Deputy Eldridge, Sheriff's Office

Shannon Herman, Assistant to the County Administrator

OTHERS PRESENT

None

CALL TO ORDER

Chairman Butch Kirven

INVOCATION – introduced by Councilor Sid Cates

Mr. Bill Bright
Retired Engineer

PLEDGE OF ALLEGIANCE

Item (4) APPROVAL OF MINUTES

ACTION: Councilor Norris moved to approve the minutes of the March 21, 2017, Regular Council Meeting.

Motion carried unanimously.

Item (5) APPEARANCES – current agenda items

- **Jan Lee Williams**, 6 Crabapple Ct., Greenville – appeared regarding item 9.b. Repeal of Section 3 of Ordinance No. 3867

Item (6) CONSENT AGENDA

- (a) DSS Afterschool Snack Program**
- (b) Community Project Application / Greenville County Parks, Recreation and Tourism – Slater Hall Internet Access \$1,745.00**
- (c) Community Project Application / Berea High School & Swamp Rabbit Station at Berea \$1,000.00**

ACTION: Councilor Seman moved approval of the Consent Agenda Items.

Motion carried unanimously.

Item (7) RESOLUTIONS

- (a) Project Vandiver / Inducement Agreement**

ACTION: Vice-Chairman Meadows moved for adoption a resolution authorizing the execution and delivery of an inducement agreement by and between Greenville County, South Carolina and Project Vandiver, whereby, under certain conditions, Greenville County will execute a fee in lieu of tax and special source credit 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 whereby Project/Company will be provided certain credits against fee payments in reimbursement of investment in related qualified infrastructure; and providing for related matters.

Motion carried unanimously.

Item (8) ORDINANCES – THIRD READING

- (a) Zoning Ordinances**

- 1. CZ-2017-06: Property of Thomas Ernest Kerhulas Trust, located at 351 Lake Shore Drive, requesting rezoning from R-7.5 to C-1.**

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

Councilor Ballard stated he had received quite a bit of correspondence on both sides of the request. He requested Councilor Dill's position on the issue.

Councilor Dill stated the issue was quite complicated. He explained that the City of Tryon, North Carolina, owned the lakebed and the water and Greenville County was responsible for zoning around the lakebed. The City of Tryon passed an ordinance that would allow music as long as it was not modified, if Greenville County agreed to rezone.

ACTION: Councilor Dill requested to hold the item in order to allow the County Attorney to conduct a deed search to determine which entity actually had the authority to rezone the property.

Motion to hold carried unanimously.

2. CZ-2017-16: Property of Debbie A. Tucker, located at 2228 Standing Springs Road, requesting rezoning from R-S to R-12.

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

Motion carried unanimously.

3. CZ-2017-17: Property of Linda Gysen, located at 2401 and 2601 Pelham Road, requesting rezoning from FRD to FRD with major change.

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

Motion carried unanimously.

(b) Project Mousetrap / Fee in Lieu of Tax Agreement

ACTION: Vice-Chairman Meadows 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 Project Mousetrap and with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto.

ACTION: Vice-Chairman Meadows moved to hold the item until April 18, at which time the public hearing would be held.

Motion to hold carried unanimously.

Item (9) ORDINANCES – SECOND READING

(a) Pelham Batesville Fire District / General Obligation Bond

Vice-Chairman Meadows moved for approval at second reading an ordinance authorizing the Pelham-Batesville Fire District, South Carolina to issue general obligation bonds, in one or more series; providing for the publication of notice of the said findings and authorization; and generally approving other matters relating thereto.

Motion carried unanimously.

(b) Repeal Section 3 of Ordinance No. 3867 Concerning Voting Requirements for Approval of Certain Fiscal Matters

ACTION: Vice-Chairman Meadows moved for approval at second reading an ordinance to repeal Section 3 of Ordinance No. 3867 concerning voting requirements for approval of certain fiscal matters.

Councilor Cates stated the issue had caused strong feelings among Council Members. He added that Council had honored Ordinance No. 3867 for a number of years and now in order to insure a certain ordinance passed, the rules had to be changed. Councilor Cates stated he would vote against the ordinance.

Vice-Chairman Meadows stated Councilor Cates had outlined the reason Ordinance No. 3867 was originally passed; to protect all the citizens of Greenville County, especially those on limited incomes. He stated he was not in agreement to repeal Section 3 of the ordinance in order to change the vote requirement to pass the communications / roads ordinance. He added that everyone appeared to be in agreement with the communications aspect of the ordinance but not the roads aspect, as presented. Vice-Chairman stated he felt there could possibly be a way to present the communications / roads ordinance that would be agreeable to all Council Members. Vice-Chairman stated he would vote against the proposed ordinance.

Councilor Payne stated County Council was a team sport and decisions should be made by all members. He added that Council should act together, not a few members acting against full Council. Councilor Payne stated if State law required seven votes, then the County should abide by that law.

Vice-Chairman Meadows stated that the County Attorney gave an opinion regarding the nine vote vs. seven vote requirement and the Attorney General provided a different opinion. He stated the Attorney General indicated the State statute required seven votes for passage of fees and taxes; however, the County had elected to require nine votes. Vice-Chairman Meadows stated Ordinance No. 3867 was still on the books and was still enforceable.

Councilor Dill stated he had never seen a Chairman rule against an existing ordinance. He asked Mark Tollison if the proposed ordinance was approved, how many votes would be required to pass a tax increase or a fee.

Mark Tollison stated fees would require seven votes and tax increases would require eight.

Chairman Kirven stated the role of Chairman had been questioned. He stated he had made a ruling based on the information given to him which indicated State law took precedence over Council Rules. He added any member of Council could have challenged the ruling. Due to the pending lawsuit, the ordinance had not yet been implemented. Chairman Kirven stated the Attorney General had rendered an opinion, not a legal ruling.

Councilor Fant applauded Chairman Kirven for his extraordinary leadership during difficult times. He added that Council needed to work together, when possible, and agree to disagree.

ACTION:

Councilor Fant called for the question.

Vice-Chairman Meadows stated efforts were made to work together and those efforts were shunned.

Chairman Kirven stated the proper way for Council to request the Attorney General's opinion was for Council, as a whole, to ask the County Attorney to move forward and request an opinion. He stated that procedure was not followed.

Vice-Chairman Meadows stated he did not see anything in Council Rules pertaining to requesting the Attorney General's opinion on a matter.

Motion to call the question carried unanimously.

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

Item (10) ORDINANCES – FIRST READING

(a) Clear Spring Fire and Rescue District / General Obligation Refunding and Improvement Bond

Vice-Chairman Meadows presented for first reading an ordinance to provide for the issuance and sale of not exceeding \$4,500,000 Greenville County, South Carolina, General Obligation Refunding and Improvement Bonds (Clear Spring Fire and Rescue District Project), Series 2017; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto.

Chairman Kirven stated the item would remain on the floor.

(b) Project Vandiver / Fee in Lieu of Tax Agreement

Vice-Chairman Meadows 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 or Companies known to the County at this time as Project Vandiver with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, including the provision of certain special source credits; and other matters related thereto.

Chairman Kirven stated the item would remain on the floor.

Item (11) COMMITTEE REPORTS

(a) Committee of the Whole

1. Board and Commission Appointments

ACTION: On behalf of the Committee, Vice-Chairman Meadows moved to elect the following applicants by acclamation:

Greenlink

- Darren Scott

Parks, Recreation and Tourism Advisory Board

- Jacquelyn Clement
- Clark Hedges

South Carolina Technology Aviation Center (SCTAC)

- Steven West

Construction Board of Appeals

- William Graves

Zoning Board of Appeals

- Jon Bright

Buxton Tax District Commission

- David Spear

Linkside Special Tax District

- Les Burns
- Dale Hawkins
- George Pike

Boiling Springs Fire District

- Cedric Brown
- J.R. Christy

Devenger Tax District

- Randy Price
- Siobhan Tortora

Ashwicke Tax District Commission

- Jan Munafo
- Michael Munafo

Freetown Community Special Tax District

- James Cramer

Chanticleer Community Commission

- Jamie Pimental

Greenville County Economic Development Corporation

- Joe Dill

Motion carried unanimously.

ACTION:

On behalf of the Committee, Vice-Chairman Meadows moved to close nominations and move to a ballot vote the following applicants:

Arena District

- Michael Allen
- Michael Chatman
- Neetu Patel
- James Pitman

Greenville Area Development Corporation

- David Kelley
- Eugene Langan, III
- Debbie Nelson
- Chad Tumblin

Motion carried unanimously.

Item (12)

APPEARANCES BY CITIZENS

- **Mark Livernois**, 104 Summerdale Dr., Taylors – appeared regarding cell phone tower in dog park
- **Peggy Taylor**, 2530 E. North Street, Apt. 14H, Greenville – appeared regarding cell phone tower in dog park
- **Julie Lane**, 101 Sandringham Rd., Taylors – appeared regarding cell phone tower in dog park
- **Anna Vukin**, 27 Lady Marion Ln., Greenville – appeared regarding City View

- **Joseph Garrison**, 417 Christiane Way, Greenville – appeared regarding City View
- **Patricia Taylor**, 311 Poplar Ln., Mauldin – appeared regarding County Council lawsuit

Item (13) ADMINISTRATOR'S REPORT

No report

Item (14) REQUESTS AND MOTIONS BY COUNCIL MEMBERS

(a) Referral of Public Safety Communications and Road Maintenance Fee Ordinance

ACTION:

Per notice provided in the Council agenda packet, Councilor Ballard requested the Chairman of County Council refer consideration of the two attached ordinances providing for public safety communications and road maintenance to the Committee of the Whole.

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

- Councilor Payne expressed his desire for Council members to work together as a team; stating they did not need to be independent in what they did, but rather agree to disagree.
- Councilor Dill stated due to a recent experience, he now had a greater appreciation for the homeless. He stated a 60+ year old woman, with no family, was being turned out of the home where she had been living, and would be homeless as of 9:00 Wednesday morning. Mr. Dill stated he had been trying to help find her housing but to no avail and there needed to be something done to help people in those types of situations.
- Councilor Barnes hoped that Council members would learn to get along and work together.
- Councilor Cates stated he was looking for playground equipment for a school and would appreciate any leads anyone was able to give. Ms. Seman suggested he check with Lowes and Home Depot for discretionary grants.
- Chairman Kirven announced his appointment to the GADC Board. He appointed Mr. Thomas Epting to fill the seat that would be vacated by Mr. Naselli at the end of his term. Mr. Kirven also announced the SC Department of Archives and History had placed the Old Pilgrim Baptist Church Cemetery and the Kilgore Family Cemetery on the National Registry of Historical Places.
- Councilor Norris requested a report on compensation information for County employees who have received pay increases above and beyond that of cost of living increases for the past five years.
- Councilor Roberts stated he accompanied Ms. Norris on a tour of the Phillis Wheatley Center where he enjoyed meeting and talking with the Director, Rev. Blue, who was also the Pastor of Nicholtown Baptist Church.

- Councilor Seman stated she and Mr. Meadows had the opportunity to meet with Craig McCoy of St. Francis. She stated one of the things that came up in their discussions was the issue of human trafficking. Ms. Seman suggested having Mr. McCoy appear before a Committee of the Whole meeting to report on what they were doing in regards to the horrible problem.
- Councilor Seman stated, as many were aware, her colleague John Hopkins passed away suddenly last week. He had served on the SCTAC Board of Directors for the past 10 years, initially as an appointee of the body, and more recently as an at-large member appointed by the full SCTAC Board. Mr. Hopkins' vision, leadership and commitment to SCTAC and Greenville County would be greatly missed.
- Councilor Fant stated District 25 voted three times, twice in July and once in November, to elect him to represent them. He stated District 25 had become the dumping ground of everything unwanted in Greenville County over the past generation. He stated when he was elected he promised his constituents that he would put a stop to used car lots in the district. He stated he had spoken with staff before the meeting regarding the situation and he wanted the approval of used car lots in District 25 to stop by whatever means necessary.

Item (15)

ADJOURNMENT

ACTION:

Councilor Fant moved to adjourn the meeting.

Motion carried unanimously by Council Members present and the meeting was adjourned at 7:15 p.m.

Respectfully submitted:

Theresa B. Kizer, Clerk to Council