



GREENVILLE COUNTY COUNCIL MINUTES

REGULAR MEETING

NOVEMBER 7, 2017

6:05 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. 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

Jeffrey Wile, Assistant County Attorney

John Hansley, Deputy County Administrator

Regina McCaskill, Clerk to Council

Jessica Stone, Administrative Assistant, Clerk to Council

Paula Gucker, Assistant County Administrator, Public Works

John Vandermosten, Assistant County Administrator, Public Safety

Bob Mihalic, Governmental Relations Officer

Shannon Herman, Assistant County Administrator

Chief Deputy Davenport, Sheriff's Department

OTHERS PRESENT

None

CALL TO ORDER

Chairman Butch Kirven

INVOCATION – Introduced by Chairman Butch Kirven

Rev. Dr. Richard Gibbons, Senior Pastor
First Presbyterian Church, Greenville, SC

PLEDGE OF ALLEGIANCE

Sergeant Steven Sullivan
Strap'em Up Boot Camp

Item (4) APPROVAL OF MINUTES

ACTION: Vice-Chairman Meadows moved to approve the minutes of the October 17, 2017, Regular Council Meeting.

Motion carried unanimously.

ACTION: Councilor Seman moved to approve the minutes of the October 24, 2017, Special Called Council Meeting.

ACTION: Councilor Ballard moved to amend the minutes of the October 24, 2017, Special Called Council Meeting as outlined in the copies provided to Council.

Motion to amend carried unanimously.

Motion as amended carried unanimously.

Item (5) PUBLIC HEARINGS

(a) Metromont Corporation (formerly Project Gatsby) / Fee in Lieu of Tax Agreement

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and Metromont Corporation (formerly known as Project Gatsby) 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.

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

(b) Mapal Inc. (formerly Project Goose) / Fee in Lieu of Tax Agreement

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and Mapal Inc. (formerly known as Project Goose) 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.

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

(c) Vetroresina LLC (formerly Project Veron) / Fee in Lieu of Tax Agreement

A public hearing was held for the purpose of receiving public comments regarding an ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and Vetroresina LLC (formerly known as Project Veron) 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.

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

Item (6) APPEARANCES – current agenda items

- **Ulrick A. Thompson**, 225 Lincoln Drive, Taylors – appeared regarding Items 15.a. and b.
- **Efia Nwangaza**, 202 Lavinia Avenue, Greenville – appeared regarding Items 15.a. and b.
- **Stephen Bradshaw**, 101 Settlement Road, Travelers Rest – appeared regarding Item 15.a.
- **Hannah Meyer**, 108 Meadow Park Lane, Apt. C, Hendersonville, NC – appeared regarding Item 15.b.
- **Victoria Taylor**, 512 Smithmore Street, Anderson – appeared regarding Item 15.b.
- **Bruce Wilson**, 14 Freestone Street, Greenville – appeared regarding Item 15.b.
- **Paul Guy**, 10 Cornerton Pass, Simpsonville – appeared regarding Item 15.b.

Item (7) CONSENT AGENDA

- (a) **FY2017 EMS Grant-In-Aid**
- (b) **VOCA Grant**
- (c) **Best Friends Animal Society Grant**
- (d) **FY2017 Homeland Security Grant – Bomb Team**
- (e) **FY2017 Homeland Security Grant – SWAT Team**
- (f) **Community Project Application / Canebrake Fire Department Extractor and Dryer - \$10,000**
- (g) **Advanced Transportation and Congestion Management Technologies Deployment Grant**

ACTION: Councilor Norris moved for approval of the Consent Agenda Items.

Motion carried unanimously.

Item (8) RESOLUTIONS

- (a) **Greater Greenville Sanitation District Annexation / Paris Mountain State Park – Request for Public Hearing**

ACTION: Councilor Seman moved for adoption a resolution to hold a public hearing to consider enlarging the Greater Greenville Sanitation District to include Paris Mountain State Park.

Motion carried unanimously.

- (b) **CH2M Hill / Transfer of Property**

ACTION: Councilor Cates moved for adoption a resolution acknowledging and consenting to the acquisition of the ownership interest of HP Greenville, LLC by ET III Greenville, LLC and the addition of ET III Greenville, LLC to the Fee in Lieu of tax agreement with Greenville County.

Motion carried unanimously.

(c) Project Spec / Inducement Resolution

ACTION: Councilor Taylor moved for adoption a resolution authorizing the execution and delivery of an inducement agreement by and between Greenville County, South Carolina and Project Spec, 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.

Item (9) ORDINANCES – THIRD READING

(a) Zoning Ordinances

1. **CZ-2017-55: Property of Jose Martin Sanchez, located on Langdon Street, requesting rezoning from R-MA to C-1.**

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

Motion carried unanimously.

2. **CZ-2017-56: Property of Potato Shed LLC, located on Perimeter Road, requesting rezoning from R-M20 to S-1.**

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

Motion carried unanimously.

(b) Metromont Corporation (formerly Project Gatsby) / 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 Metromont Corporation (formerly known as Project Gatsby) 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.

Motion carried unanimously.

(c) Mapal Inc. (formerly Project Goose) / 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 Mapal Inc. (formerly known as Project Goose) 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.

Motion carried unanimously.

(d) Vetroresina LLC (formerly Project Veron) / 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 Vetroresina LLC (formerly known as Project Veron) 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.

Item (10) ORDINANCES – SECOND READING

(a) South Carolina Technology and Aviation Center (SCTAC) / Conveyance of Property to Echelon Acquisitions, LLC

ACTION: Councilor Taylor moved for approval at second reading an ordinance to authorize the conveyance of 0.16 of an acre of land at the South Carolina Technology & Aviation Center (SCTAC) to Echelon Acquisitions, LLC; and to authorize the Chairman of County Council and the County Administrator to execute any appropriate deeds and agreements related thereto.

Councilor Dill inquired if the money received from the sale of the land would go to SCTAC.

Chairman Kirven confirmed the proceeds would go to SCTAC.

Motion as presented carried unanimously.

Item (11) ORDINANCES – FIRST READING

(a) Zoning Ordinances

Councilor Ballard presented for first reading Zoning Dockets **CZ-2017-63 through CZ-2017-67**.

Chairman Kirven referred the items to the Planning and Development Committee.

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

Councilor Taylor 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 Spec 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 stated the item would remain on the floor.

(c) Greenville / Anderson Multi County Industrial Park Agreement Amendment (2010 Park) – Project Spec

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.

Item (12) **COMMITTEE REPORTS**

None

Item (13) **APPEARANCES BY CITIZENS**

- **Linda League**, 419 Old Rockhouse Road, Greenville – appeared regarding Furman fraternities
- **Ulrick A. Thompson**, 225 Lincoln Drive, Taylors – appeared regarding Citizens Law Enforcement Review Board
- **Efia Nwangaza**, 202 Lavinia Avenue, Greenville – appeared regarding Citizens Law Enforcement Review Board
- **Hannah Meyer**, 108 Meadow Park Lane, Apt. C, Hendersonville, NC – appeared regarding Citizens Law Enforcement Review Board
- **Victoria Taylor**, 512 Smithmore Street, Anderson – appeared regarding Citizens Law Enforcement Review Board

Item (14) **ADMINISTRATOR'S REPORT**

No report

Item (15) **REQUESTS AND MOTIONS BY COUNCIL MEMBERS**

(a) **Motion to Direct a Community Poll to Assess Registered Voters in Greenville County Regarding a County Police Department**

Councilor Fant stated a copy of his proposed motion had been placed in each Council Member's packet requesting Council to sanction a public poll with regards to the plausibility of organizing a County police department. He stated he had received some push back from his colleagues and at the request of the Chairman of County Council, he requested that the item be sent to the Committee of the Whole. He added that he did not want the issue of the Sheriff to divide County Council. Councilor Fant stated there were too many issues for Council to work on as opposed to the issue of the Sheriff. He stated the motion was merely an attempt to get input from the community in regards to the County's attempt to create checks and balances, oversight, accountability and transparency for the Sheriff's Office. Councilor Fant stated the motion was not an attempt to abolish the Sheriff's Office, which could not be done constitutionally, nor was it a push for a referendum to change the current system. He stated the Sheriff's Department should be led by an individual with training and expertise, rather than leaving it up to the citizens to pick someone who was popular in the community and could raise a lot of money. Councilor Fant stated the current system was broken and allowed for nepotism, cronyism, malfeasance and abuse of power.

Chairman Kirven stated the Committee of the Whole was the best place to discuss the proposed motion and depending on the outcome, the item could then move back to full Council for a decision. He added that Councilor Fant would have the opportunity to make a full presentation and Council could ask questions and further discuss the issue in depth.

(b) Motion to Request an Audit of the Sheriff's Office

ACTION: Councilor Dill moved to approve a motion to direct the County Administrator to hire an outside auditing firm to audit the Greenville County Sheriff's Office for the period beginning January 1, 2017 to the present day. Special attention should be given to, but not limited to, the following items:

1. The balance of all accounts as of December 31, 2016.
2. All Sheriff's expenses including credit card expenses.
3. All out of town trips by whom, for what and how much spent.
4. Positions and pay scale allocated to each employee vs. actual amount paid.
5. All money taken in by the Sheriff that was not money budgeted from the County.
6. All expenses and income of the sixteen member command staff ranging from the rank of lieutenant to the rank of captain.
7. All income and expenses of each department within the Sheriff's Office.
8. How much overtime was paid and to whom.
9. All money received from drug enforcement.
10. Record of how all money from drug enforcement has been spent.
11. Source of money given to the Sheriff Loftis' Foundation after January 1, 2017.
12. Source of money given to the Sheriff Lewis' Foundation.
13. How money was spent by the two Sheriff's Foundations since January 1, 2017.

He stated Council would have the opportunity to add to the list at a later date.

Councilor Dill stated time was of the essence. Council had asked Sheriff Lewis to resign but he had not yet been charged with any crime, however, some of the things that had been revealed so far were inappropriate.

Chairman Kirven stated the County had the facilities available to conduct an independent audit without having to suspend the rules and pass the motion. Council could direct the Administrator to assign any questions presented to an independent auditing firm. He added that every three years, the County took bids from outside auditing firms to conduct internal audits and Councilor Dill's request could be added to the scope of work. Currently, Elliott Davis was the company used by the County. Chairman Kirven added that Elliott Davis was an independent company and not part of the County.

Councilor Dill stated Elliott Davis was a statewide company that specialized in governmental issues.

Chairman Kirven stated Elliott Davis was nationally accredited and was held to high standards; their reporting was independent of political influence.

Councilor Ballard stated he wanted the auditing firm to report directly to County Council, not the Administrator's office. He added that Council had the authority, through State law, to request an investigation.

Councilor Dill stated the motion on the floor could be amended.

ACTION: Councilor Ballard moved to amend the motion by stating County Council would request the audit and the auditing firm would report directly to Council.

Chairman Kirven asked who would be the administrative support for Council, on a day-to-day basis, to interface with the auditing firm.

Councilor Ballard suggested a three-person committee of Council members or the Public Safety Committee could oversee the audit.

Councilor Cates inquired as to why Councilor Ballard did not want the audit to go through the Administrator's office.

Councilor Ballard stated the Administrator was named in the lawsuit; his suggestion to have the auditing firm report directly to Council was a way to protect both the Administrator and County Council. There would be no question regarding the outcome of the audit if it was under the control of Council.

Chairman Kirven stated the auditing firm could certainly report directly to Council but administrative support was necessary.

Councilor Payne stated he understood Councilor Ballard's concerns, but, an auditing firm directed to perform an audit had a fiscal responsibility to do the right thing. The firm would be accountable to their profession and were required to provide written verification they were not influenced by Administration. Councilor Payne stated Council should trust the auditing process. He suggested Council vote whether or not the Administrator should be involved in the process.

Vice-Chairman Meadows stated one facet of Elliott Davis dealt only with governmental accounting and the head of that department was located in Charleston. He stated Council could request that department handle the audit as opposed to the Greenville office. Vice-Chairman Meadows stated the auditors should not have to answer to twelve individuals. He suggested Council direct the County Administrator to contact Elliott Davis and request the governmental accounting office in Charleston, headed by Tim Grow, perform the audit.

ACTION: Vice-Chairman Meadows moved to amend the motion to direct the County Administrator to contact Elliott Davis and have the audit performed by its governmental accounting department located in Charleston.

Chairman Kirven asked if there was any objection to Vice-Chairman Meadows' motion.

Without objection, the motion to direct the County Administrator to contact the governmental department of the Elliott Davis firm and request an audit of the Greenville County Sheriff's Office during the period beginning January 1, 2017 to the present day was carried unanimously.

- Councilor Dill referred to Council Rule D.10: "Without the approval of Council, no Council member may make any request of a Council employee if fulfilling the request would require more than a *de minimis* expenditure of County funds or require more than a reasonable amount of any County employee's time." Councilor Dill stated Council needed to be mindful of the rule in making requests.
- Councilor Fant thanked the members of District 25 who were present at the Zoning Public Hearing the previous evening in opposition to a proposed trailer park. He also recognized the members of Vision 25 who were in attendance.

- Councilor Ballard stated Council fully supported and appreciated the work done by all the members of the Sheriff's Office.
- Councilor Norris stated she was in favor of an outside audit of the Sheriff's Office.
- Councilor Seman stated the SCTAC Series 2001 Airport Revenue Bond, in the amount of \$12,520,000, was officially retired and the final payment was submitted on October 1. She added that 100% of the bond interest payments were paid by the lease revenues generated by SCTAC; no County tax dollars were used.
- Councilor Payne stated he also supported an outside audit of the Sheriff's Office. He thanked Strap 'Em Up Boot Camp for their leadership in the Pledge of Allegiance. Councilor Payne stated focus needed to be shifted to the good things that were happening in Greenville County.
- Councilor Barnes stated he was in favor of an outside audit of the Sheriff's Office and thanked his colleagues for working together on the issue instead of against one another.
- Vice-Chairman Meadows reminded everyone about the Veterans Day Celebration at County Square to be held on Saturday at 10:00 a.m.
- Councilor Cates stated he spoke to a law enforcement officer recently about the situation with the Sheriff's Office, but did not identify himself as a County Council member. The officer told him that no matter what happened, the members of the Sheriff's Office were professionals and would take care of their jobs. He reminded everyone about the tragedy in Texas and stated he had full confidence in our Law Enforcement staff.
- Councilor Cates inquired if speakers were required to provide their name and address.
- Chairman Kirven stated a member from the Council was needed to serve as liaison with the Alcohol and Drug Abuse Commission to fill the position previously held by Councilor Gibson. He asked if anyone was interested in the position to let him know.
- Chairman Kirven stated the situation regarding the Sheriff was hurtful to everyone. He added that all the facts had not come out as of yet, but justice would be served. Chairman Kirven stated Greenville County would come out stronger than ever after everything was settled. He commended the speakers and their passion for the issue.
- Councilor Roberts stated Council had shown how well they could work together as exemplified by the audit issue. He added that he looked forward to hearing Councilor Fant's proposal. Councilor Roberts stated he had total respect for our law enforcement officers and hated to lump them all together. He added the County's law enforcement officers needed a good leader.

Item (16)

ADJOURNMENT

ACTION:

Councilor Roberts moved to adjourn the meeting.

Motion carried unanimously and the meeting was adjourned at 7:30 p.m.

Respectfully submitted:

Regina G. McCaskill, Clerk to Council