



## GREENVILLE COUNTY COUNCIL

Minutes

Regular Meeting

September 17, 2019

6:07 p.m.

County Square – Council Chambers

301 University Ridge

Greenville, South Carolina 29601

### **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. Dan Tripp

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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.

### **Council Members Absent**

**Dan Tripp**, *District 28*

### **Staff Present**

**Joe Kernell**, *County Administrator*

**Mark Tollison**, *County Attorney*

**Jeff Wile**, *Assistant 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*

**Nicole Wood**, *Assistant to the County Administrator*

**Bob Mihalic**, *Governmental Relations Officer*

### **Others Present**

None

### **Call to Order**

Chairman Kirven

### **Invocation** – *Introduced by Councilor Ennis Fant*

Elder Shellman  
No Limit Holy Temple, Greenville

### **Pledge of Allegiance**

### **Special Recognition**

- Councilor Dill recognized the students and staff from Blue Ridge High School who were in attendance
- Officer Gladson, representing the Greenville County Sheriff's Office, thanked Council for approving pay increases for deputies

### **Item (4) Approval of Minutes**

**Action:** Vice-Chairman Meadows moved to approve the minutes of the September 3, 2019, Regular Council Meeting.

Motion carried unanimously by Council Members present.

### **Item (5) Public Hearings**

**a. Greater Greenville Sanitation District Annexation / 517 Havenhurst Drive, 1089 Park West Boulevard and Old Howell Road located off East North Street**

A public hearing was held for the purpose of receiving comments from the public regarding a resolution to enlarge the boundaries of the Greater Greenville Sanitation District to include 517 Havenhurst Drive, 1089 Park West Boulevard and Old Howell Road located off East North Street.

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

**b. Metropolitan Sewer Subdistrict Annexation / 130 and 136 Sweeney Road**

A public hearing was held for the purpose of receiving comments from the public regarding a resolution to enlarge the boundaries of the Metropolitan Sewer Subdistrict to include the real property located at 130 Sweeney Road and 136 Sweeney Road.

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

**c. Sale of County Owned Property – River Road**

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance to authorize the sale and transfer of five parcels of real property owned by the Greenville County Sheriff's Office on Lake Cunningham located at 1020, 1020-a, 1022, 1022-a, 1024 and 1024-a River Road in Greer, South Carolina.

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

**d. Foothills Fire Service Area / Continuation of Current Millage**

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance to provide for the millage rate to be levied by the Foothills Fire Service Area.

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

**e. Vermeer Corporation (formerly Project Yellow) / Fee in Lieu of Tax Agreement and Special Source Revenue Credit Agreement**

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and Vermeer Corporation, 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 Seman declared the public hearing closed.

**f. T&S Brass and Bronze Works Inc. (formerly Project Alloy) / Fee in Lieu of Tax Agreement and Special Source Revenue Credit Agreement**

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and T&S Brass and Bronze Works Inc., 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 Seman declared the public hearing closed.

**g. Greenville / Anderson Multi County Industrial Business Park Agreement Amendment - T&S Brass and Bronze Works Inc. (formerly Project Alloy)**

A public hearing was held for the purpose of receiving comments from the public regarding 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 to include certain property of T&S Brass and Bronze Works Inc.

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

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

- Clarence Thornton, 114 Douthit Street, Greenville – appeared regarding item 10.b. Sterling Community millage request
- Deborah Long, 108 Furlong Court, Simpsonville – appeared regarding item 10.b. Sterling Community millage request
- Dorothy Russell, 44 Odessa Street, Greenville – appeared regarding item 10.b. Sterling Community millage request

**Item (7) Consent Agenda**

- a. **Community Project Application / Gantt District Fire Department – Public Safety Equipment \$2824.03** *(Finance)*

**Action:** Councilor Ballard moved to approve the Consent Agenda Item.

Motion carried unanimously by Council Members present.

**Item (8) Resolutions**

- a. **Greater Greenville Sanitation District Annexation / 517 Havenhurst Drive, 1089 Park West Boulevard and Old Howell Road located off East North Street**

**Action:** Councilor Seman moved for adoption a resolution to enlarge the boundaries of the Greater Greenville Sanitation District to include 517 Havenhurst Drive, 1089 Park West Boulevard and Old Howell Road located off East North Street.

Motion carried unanimously by Council Members present.

- b. **Metropolitan Sewer Subdistrict Annexation / 130 and 136 Sweeney Road**

**Action:** Councilor Seman moved for adoption a resolution to enlarge the boundaries of the Metropolitan Sewer Subdistrict to include the real property located at 130 Sweeney Road and 136 Sweeney Road and to provide for public notice thereof.

Motion carried unanimously by Council Members present.

- c. **Abandoned Building Site Certification – Judson Mill**

**Action:** Councilor Taylor moved for adoption a resolution to provide certification as provided by Section 12-65-60 of the South Carolina Textiles Communities Revitalization Act for that certain property located at 701 Easley Bridge Road, Greenville, South Carolina.

Motion carried unanimously by Council Members present.

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

- a. **Zoning Ordinances**

- i. **CZ-2019-39:** Property of Gordon E. Mann, located on West Blue Ridge Drive, Colonial Avenue and Eli Street, requesting rezoning from C-2 to S-1.

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

**Action:** Vice-Chairman Meadows moved to hold the item in order to allow time to discuss the proposed changes with the developer.

Motion to hold carried unanimously by Council Members present.

**b. Greenville / Anderson Multi County Industrial Business Park Agreement Amendment – Falls at Meehan Apartments, LLC (formerly Project MCPend)**

**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 Greenville and Anderson County so as to enlarge the park to include certain parcels owned by Falls at Meehan Apartments, LLC.

**Action:** Councilor Taylor moved to hold the item until a public hearing could be scheduled.

Motion to hold carried unanimously by Council Members present.

**c. Greenville / Anderson Multi County Industrial Business Park Agreement Amendment – Project Swan**

**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 Greenville and Anderson Counties so as to enlarge the park to include certain parcels related to Project Swan.

**Action:** Councilor Taylor moved to hold the item until a public hearing could be scheduled.

Motion to hold carried unanimously by Council Members present.

**d. Sale of County Owned Property – River Road**

**Action:** Councilor Taylor moved for adoption at third reading an ordinance to authorize the sale and transfer of five parcels of real property owned by the Greenville County Sheriff's Office on Lake Cunningham located at 1020, 1020-a, 1022, 1022-a, 1024 and 1024-a River Road in Greer, South Carolina.

Motion carried unanimously by Council Members present.

**e. Foothills Fire Service Area / Continuation of Current Millage**

**Action:** Councilor Taylor moved for adoption at third reading an ordinance to provide for the millage rate to be levied by the Foothills Fire Service Area.

Motion carried unanimously by Council Members present.

**f. Vermeer Corporation (formerly Project Yellow) / Fee In Lieu of Tax Agreement and Special Source Revenue Credit 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 or companies known to the County at this time as Project Yellow, 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.

**Action:** Councilor Taylor moved to hold the item until further notice at the request of the Company's legal Counsel.

Motion to hold carried unanimously by Council Members present.

**g. T&S Brass and Bronze Works, Inc. (formerly Project Alloy) / Fee In Lieu of Tax Agreement and Special Source Revenue Credit 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 T&S Brass and Bronze Works, Inc. 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 by Council Members present.

**h. Greenville / Anderson Multi County Industrial Business Park Agreement Amendment – T&S Brass and Bronze Works, Inc. (formerly Project Alloy)**

**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 to include certain property of T&S Brass and Bronze Works, Inc.

Motion carried unanimously by Council Members present.

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

**a. BMW / 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 BMW Manufacturing Co., LLC, 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 by Council Members present.

**b. Sterling Community Tax District / Millage Request**

**Action:** Councilor Taylor moved for approval at second reading an ordinance to provide for the millage rate to be levied in the Sterling Community Special Tax District; and delay third reading and the public hearing until the October 15 County Council meeting.

**Action:** Councilor Taylor moved to amend the ordinance, as was approved at the September 9 Finance Committee meeting, and outlined in the red-lined version provided in the agenda packet.

*SECTION 1. Millage Rate and Tax Levy. Greenville County Council approves an ad valorem property tax increase of ~~eight and eight-tenths (8.8)~~ ten and five-tenths (10.5) mills pursuant to S.C. Code § 6-1-320(F) bringing the millage for operations of maintenance of the District to ~~fourteen (14.0)~~ fifteen and seven-tenths (15.7) mills; and a one-time ad valorem property tax millage of seven and two-tenths (7.2) mills to cure a deficiency pursuant to S.C. Code § 6-1-320(B)(1). The Auditor and Tax Collector of Greenville County are hereby directed to levy and collect the millage rates authorized by this Ordinance.*

Motion to amend carried unanimously by Council Members present.

**Action:** Councilor Taylor moved to allow for amendments at third reading.

Motion carried unanimously by Council Members present.

**Action:** Councilor Taylor moved approval of the ordinance as amended.

Motion carried unanimously by Council Members present.

**Item (11) Ordinances – First Reading**

**a. Zoning Ordinances**

Councilor Dill presented for first reading Zoning Dockets CZ-2019-62 and CZ-2019-65 through CZ-2019-67.

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

**Item (12) Committee Reports**

**a. Committee of the Whole**

**Action:** On behalf of the Committee, Vice-Chairman Meadows moved to support Gannett and the Greenville News in the launching of their “Unsung Community Heroes” Program in Greenville County.

Motion carried unanimously by Council Members present.

**Item (13) Appearances by Citizens**

- **Mark Rea**, 611 Creighton Drive, Taylors – appeared regarding a reminder to Council of their responsibilities
- **Johnny Gregory**, 1 Rebecca Street, Greenville – appeared regarding the STEAM Center

**Item (14) Administrator’s Report**

Joe Kernell reported that the Hampton Avenue Pedestrian Bridge was scheduled to be assembled the week of October 14 and set in place on October 25; a ribbon-cutting would be scheduled to commemorate the event.

**Item (15) Requests and Motions by Council Members**

**a. Proposed Council Rules Amendment / First Reading Ordinances by Title**

**Action:** Councilor Ballard moved to amend the Council Rules to delete the last sentence of Section IV.B.I. so that the section would read as follows:

*SECTION IV. ORDINANCES, RESOLUTIONS, AND OTHER MATTERS*

*(B) Readings*

*Except for emergency ordinances, all proposed ordinances shall be read at three public meetings of the Council on three separate days with an interval of at least seven days between second and third readings. A verbatim reading of a proposed ordinance shall not be required unless a member specifically requests it.*

*(1) First Reading -- Any member or committee may introduce an ordinance for first reading at any meeting of the Council. No vote shall be taken and no debate or amendment shall be in order. The Chairman shall refer the proposed ordinance to an appropriate committee unless the proposed ordinance was introduced by a committee. All ordinances presented to Council for First Reading shall substantially set forth its subject matter in the body of said ordinance. ~~Ordinances may be presented for First Reading just by title/caption only upon the approval of the Chairman and with prior Council notice of the reason for omitting the body of said ordinance.~~*

Councilor Ballard stated that as members of a public body, Council’s work was intended to be done in public. Council Rules specified that every ordinance put forward had three readings; the purpose of the readings was to inform the public. Mr. Ballard stated any citizen had the right to voice their opinion regarding a proposed ordinance. He added that for Council to allow a title only ordinance robbed both the public’s ability, as well as Council’s, to see what was being proposed.

Mr. Ballard stated he was advised by the County Attorney’s office that there were times when the County needed to present title only ordinances for economic development purposes; prior to 2016, it was done quite frequently. However, a standardized format was established in 2016 to handle those situations; there have been no title only economic development ordinances presented at first reading since that time. Mr. Ballard stated there have been four (4) title only ordinances presented at first reading since 2016; none of them “went anywhere.” One actually passed but was amended later; the remaining three (3) were sent to committee and either “died” or have remained with no further action.



Councilor Ballard stated he felt very strongly that ordinances needed to be initiated and developed in a committee; the ordinance would then be presented at first reading to Council. Mr. Ballard stated he respectfully requested his colleagues support the proposed amendment.

Vice-Chairman Meadows stated he understood there were times when an ordinance needed to be presented very quickly; he inquired if the proposed amendment passed, could Council rules still be suspended to handle those types of situations.

Mark Tollison confirmed Council rules could still be suspended to handle those types of situations.

Councilor Dill asked Mr. Ballard what had prompted the amendment at this time; Mr. Ballard had previously voted to adopt Council's current rules.

Councilor Ballard stated twice in the last three (3) months, the rule had been used; he did not like it and did not think it was right. He added the last time it had been used may have been "the tipping point"; he had been consistently opposed to the rule every time it had been used, except for economic development issues.

Councilor Fant inquired if passage of the amendment that night would immediately change the rules.

Chairman Kirven confirmed passage would be effective immediately. The proposed amendment was introduced at the last meeting; by Council rules, it had to remain on the floor until the next meeting.

Councilor Fant asked Mr. Ballard what two (2) items had put him "over the edge."

Councilor Ballard stated on April 2, 2019, a title only ordinance was introduced to amend Council salaries; the ordinance was sent to the Committee of the Whole with no further action. On August 20, 2019, a title only ordinance was introduced to consolidate wastewater operations; it was sent to the Public Works and Infrastructure Committee with no additional discussion having taken place.

Chairman Kirven stated it appeared to him that Mr. Ballard's argument to change the rule proved why the current rule worked; it was like a filter, if the amendment was not worthy of moving, it would not. Mr. Kirven stated a vetting process was used in legislation. Municipalities could pass an ordinance with only two (2) readings. A proposed ordinance could be introduced on the floor and would then be referred to a committee; the filtering process started at that point.

Councilor Ballard stated he agreed with the process but he did not agree that an ordinance should be presented in title only.

**Action:** Councilor Seman called for the question.

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

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

- Councilor Ballard stated earlier in the day, Canebrake Fire Department had a groundbreaking ceremony for its new headquarters station, located close McKelvey Road and Fairview Road. As their current building was very old and in a precarious situation, Mr. Ballard stated they were looking forward to the new building.

Mr. Ballard stated South Greenville Fire Department would be moving into its new building very soon.

- Councilor Fant stated Gantt Fire Department would be getting a new rescue vehicle next month; he commended Councilor Ballard for assisting the department in obtaining an Automated External Defibrillator for the vehicle. Mr. Fant stated Gantt Department serviced District 24, District 25 and District 26.

Mr. Fant stated he was still pushing for net-neutral hydrocarbon emissions; his jacket was made from organic wool and recycled polyester. He was committed to bring attention to the problem of climate change.

Councilor Fant stated he recently met with some developers interested in affordable housing solutions and had looked at container homes. While he was not a fan of “tiny homes”, it appeared some municipalities were using them as a solution to homelessness. Mr. Fant stated he would continue to explore other affordable housing options in order to deal with the housing shortage in Greenville County.

- Councilor Seman stated SCTAC was honored to host and provide support to Vice-President Pence and Air Force Two at Donaldson Air Force Base during his recent visit to the Upstate. This marks the second time in the last five years that SCTAC had hosted a sitting Vice-President; Joe Biden and Air Force Two landed at Donaldson Field in 2015.
- Councilor Taylor stated it had been a good meeting.
- Councilor Norris stated she was very excited to hear the news about the Hampton Avenue Bridge.

Ms. Norris stated the Sterling Community’s issues were also up for consideration; she would be meeting with them in the near future to develop a definable solution to the problem.

- Chairman Kirven wished everyone a Happy Constitution Day.
- Councilor Cates thanked the students from Blue Ridge High School who were in attendance as well as their teacher. He hoped the meeting had not discouraged them about government or confused them; he stated the first time he attended a Council meeting he had not understood what was going on.
- Councilor Barnes recognized the members of Taylors Sewer and Water in attendance; he thanked them for their participation and for being active in the community.

- Councilor Dill invited everyone to see the new affordable housing community built by GCRA in Slater; he thanked Council and GCRA for making the new development possible.

The new Senior Center located in District 17 was having an open house on September 20; he invited everyone to attend.

Councilor Dill requested a list of all properties owned by Greenville County that were not currently being used.

**Item (16) Adjournment**

**Action:** Councilor Dill moved to adjourn the meeting.

Motion carried unanimously and the meeting was adjourned at 7:08 p.m.

Respectfully submitted:

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Regina G. McCaskill  
Clerk to Council