



## GREENVILLE COUNTY COUNCIL

### Minutes

Regular Meeting  
January 21, 2020  
6:06 p.m.

County Square – Council Chambers  
301 University Ridge  
Greenville, South Carolina 29601

#### **Council Members**

Mr. Butch Kirven, Chairman, District 27  
Mr. Willis Meadows, Vice Chairman, District 19  
Mrs. Xanthe 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 on the bulletin board at the 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*  
**Jeff Wile**, *Assistant County Attorney*  
**John Hansley**, *Deputy County Administrator*  
**Regina McCaskill**, *Clerk to Council*  
**Jessica Stone**, *Deputy 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*  
**Nicole Wood**, *Assistant County Administrator*

#### **Others Present**

None

#### **Call to Order**

Chairman Kirven

#### **Invocation** – *Introduced by Councilor Joe Dill*

Reverend Alex Kingsbury  
Highland Baptist Church  
Taylors, South Carolina

#### **Pledge of Allegiance**

**Item (4)      Approval of Minutes**

**Action:** Councilor Seman moved to approve the minutes of the January 7, 2020, Regular Council Meeting.

Motion carried unanimously.

**Item (5)      Public Hearings**

**a.      Boiling Springs Fire District / Authorize the Issuance of Debt**

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance finding that the Boiling Springs Fire District, South Carolina, may issue not exceeding \$1,700,000 of General Obligation Bonds and to provide for the publication of notice of the said finding and authorization.

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

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

No speakers

**Item (7)      Consent Agenda**

**a.      Filing Extension for Agricultural Special Assessment (Finance)**

**b.      FTA Grant – Transit-Oriented Development Pilot Planning Program (Finance)**

**Action:** Councilor Norris moved approval of the Consent Agenda Items.

Motion carried unanimously.

**Item (8)      Resolutions**

**a.      Abandoned Building Certification – 704 Poinsett Highway**

**Action:** Councilor Taylor moved for adoption a resolution to certify 704 Poinsett Highway, Greenville, South Carolina as an abandoned building site pursuant to the South Carolina Abandoned Buildings Revitalization Act of 2013.

Motion carried unanimously.

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

**a.      Zoning Ordinances**

**i.      CZ-2019-76:      Property of DD&P Properties LLC, located on Shelter Court, requesting rezoning from I-1 to S-1.**

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

Motion carried unanimously.

- ii. **CZ-2019-78:** Property of Alexis Carpio De Jesus, located at 620 Piedmont Highway, requesting rezoning from S-1 to R-S.

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

Motion carried unanimously.

- iii. **CZ-2019-79:** Property of 720 Group LLC, located at 720 Mauldin Road, requesting rezoning from S-1 to C-3.

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

Motion carried unanimously.

- iv. **CZ-2019-81:** Property of Sook Young Yoon c/s Kelly Company, Inc., located at 2164 E. Coleman Road, requesting rezoning from R-S to R-20.

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

Motion carried unanimously.

**b. Boiling Springs Fire District / Authorize the Issuance of Debt**

**Action:** Councilor Taylor moved for adoption at third reading an ordinance finding that the Boiling Springs Fire District, South Carolina, may issue not exceeding \$1,700,000 of General Obligation Bonds and to provide for the publication of notice of the said finding and authorization.

Motion carried unanimously.

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

**b. Greenville County Zoning Ordinance Text Amendment / Taylors Main Street Development District (CZ-2019-63)**

**Action:** Councilor Dill moved for approval at second reading ordinance to amend the Greenville County Zoning Ordinance to add the Taylors Main Street Development District to Article 8: Special Review and Review District Regulations; and to define the boundaries of the Taylors Main Street Development District on the official zoning map of Greenville County. The Planning Commission and Committee recommended approval.

**Action:** Councilor Barnes moved to hold the item until the February 4, 2020 County Council meeting.

Motion to hold carried unanimously.

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

**a. Zoning Ordinances**

Councilor Dill presented for first reading Zoning Dockets CZ-2019-82 and CZ-2020-01 through CZ-2020-11.

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

**b. General Nutrition Products, Inc. / Conversion of Lease Agreement**

Councilor Taylor presented for first reading an ordinance authorizing the conversion of a fee in lieu of ad valorem taxes arrangement under Title 4, Chapter 12, Code of Laws of South Carolina, 1976, as amended, between Greenville County and General Nutrition Products, Inc. to a simplified fee in lieu of ad valorem taxes arrangement under Title 12, Chapter 44 Code of Laws of South Carolina, 1976, as amended; the cancellation and termination of a lease agreement between the county and General Nutrition Products, Inc.; the conveyance by the county of related property to General Nutrition Products, Inc.; and other matters related thereto.

Chairman Kirven stated the item would remain on the floor.

**Item (12) Committee Reports**

No report.

**Item (13) Appearances by Citizens**

- **Shayna Ferguson**, 23 Alice Farr Dr, Greenville, SC – appeared regarding 1996 Resolution
- **John Gregory**, 1 Rebecca St, Greenville, SC – appeared regarding STEAM Center
- **Terena Starks**, 32 Crofton Dr, Greenville, SC – appeared regarding 1996 Resolution
- **Caroline Caldwell**, 1417 Georgia Rd, Simpsonville, SC – appeared regarding 1996 Resolution
- **James Davis**, 107 E. Montclair Ave, Greenville, SC – appeared regarding 1996 Resolution
- **David Poteat**, 2836 New Easley Hwy, Greenville SC – appeared regarding 1996 Resolution
- **Larry Cancellor**, 202 High Meadow Ct, Greer, SC – appeared regarding 1996 Resolution
- **Rumeur Robertson-Stephens**, 150 Bullington Rd, Spartanburg – appeared regarding Quality and Resolution
- **Rev. J.M. Flemming**, 398 Oscar St, Greenville SC – appeared regarding Public Transportation
- **Rodney Tow**, 823 Medora Dr, Greer, SC – appeared regarding 1996 Resolution
- **Jarrod Wiggins**, 10 Alexander Mill St, Simpsonville, SC – appeared regarding 1996 Resolution
- **Cynthia Chance**, 33 Seyle St, Greenville – appeared regarding Dunean
- **Ryan Barnett**, 401 Hampton Ridge Dr, Greer SC – appeared regarding 2<sup>nd</sup> Amendment Sanctuary

Chairman Kirven stated the speakers had presented a lot of good information; it was unprecedented to address an action by County Council that occurred 24 years ago. Mr. Kirven asked Mark Tollison to speak about the situation regarding the resolution.

Mark Tollison stated from a legal standpoint, the resolution was not a law, ordinance, regulation or statute; it had no authorities or powers. Resolutions of that type were used in the 1990's much like a statement by the majority of County Council at that time; the resolution in question had no legal or binding effect on future County Councils. Mr. Tollison felt, from a purely legal perspective, there was no basis relative to going back to it; any effect it had as a position probably changed at some point. The resolution was similar to a proclamation.

Councilor Roberts stated he was a bit confused about the resolution. He was aware that resolutions had changed over the years and inquired if a "sunset clause" was ever used if regards to a resolution.

Mark Tollison stated the resolution had no binding effect on the County or on Council at this time; it was a statement, not a law or ordinance.

Councilor Roberts stated a proclamation or resolution made by Council would transcend to subsequent Councils.

Mark Tollison stated only if the proclamation or resolution was binding in some regard. Some resolutions were pursuant to state direction under state law and had binding effects; others situations were handled using a proclamation. County Council currently passed resolutions supporting various things such as recycling, the “cat program” and urging the resignation of Ex-Sheriff Will Lewis; most resolutions tended to have a “shelf life.” The resolution in question was not binding on future Councils.

Councilor Roberts requested the legal office research ways to either put a mechanism in place to review resolutions within 10 years or to stipulate a “life span” for them so as to avoid similar situations in the future. He hoped if there was a resolution in place that was racist in nature that Council would not “turn a blind eye.” Mr. Roberts inquired a mechanism in place to review old resolutions; he had not read all of them but was concerned there may be a few that did not fit today’s standards.

Chairman Kirven stated Mr. Roberts had made a request of the County Attorney; he recommended continuing the discussion during Requests and Motions.

**Item (14) Administrator’s Report**

Joe Kernell stated Greenville City Council would be taking up the County’s planned development modification request on January 22 at 5:30 p.m. at City Hall; he urged anyone interested to attend.

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

**a. Reconsideration of Zoning Docket CZ-2019-73**

**Action:** Per notice provided on the Council agenda, Councilor Tripp moved to reconsider Zoning Docket CZ-2019-73 for the purpose of holding the docket per the applicant’s request.

Councilor Seman submitted a written abstention and recused herself from discussion and voting on the item due to a potential conflict of interest. Councilor Seman left the meeting at 7:02 p.m.

Councilor Tripp stated the property was located on Holland Road; he was opposed to the request as were many of his constituents. The developer was under the impression that he had until January 21<sup>st</sup> to withdraw the application; he was on vacation when Council met previously. Out of courtesy to the developer, Mr. Tripp was asking Council to reconsider the vote; if the reconsideration was approved, he would then ask to hold the item until the developer had the chance to withdraw the request.

Mark Tollison stated this was a simple reconsideration motion of failure at second reading. Councilor Tripp had voted to deny the item; he was asking to reconsider as a member of the prevailing side.

Councilor Fant stated he had been in favor of the project; as a courtesy, he had deferred to Mr. Tripp as it was located in District 28. He asked Mr. Tripp if he had changed his mind or if the motion was procedural.

Councilor Tripp stated it was a procedural motion; he would immediately move to put the item on hold. He was not convinced the developer had anything he could put back on the table; however, he wanted to give him the opportunity to withdraw the request so he would not have to wait a year to reapply.

Motion to reconsider carried unanimously.

**Action:** Councilor Tripp moved to hold Zoning Docket CZ-2019-73 per the applicant’s request in order to allow the applicant time to work through some issues that had arisen.

Motion to hold carried unanimously.

Councilor Seman returned to the meeting at 7:06 p.m.

- Chairman Kirven stated June Johnson, wife of former Council Member Bunk Johnson, passed away Sunday, January 19. Funeral services were scheduled for Saturday, January 25 at 12:00 pm at Welcome Baptist Church; the family would receive friends after the service in the church fellowship hall.
- Councilor Ballard stated he currently served as the liaison to the Alcohol and Drug Commission. When he was first elected to Council, there were numerous openings on a board with very few applicants; now, there were a number of qualified applicants for every open seat. The Alcohol and Drug Abuse Commission wanted to see the applicants' names in order to understand their backgrounds and see what type of new members were needed to complement the board. Mr. Ballard stated this review of applicants had not been done in quite some time and the board was top heavy with one type of professional. He stated the board wanted to work with the County in regards to its applicants in order for the board to do a better job.
- Chairman Kirven informed his colleagues the Council Office had prepared a report listing current board members who were in violation of the County's Boards and Commissions attendance policy. A copy of the report was placed at each Council Member's seat. Mr. Kirven stated the report pointed out some of the basic inconsistencies and unfairness of the policy; he suggested Council review the policy at a Committee of the Whole meeting. A number of board members who were in violation of the policy were more valuable to their respective boards in the work they performed between meetings. Mr. Kirven stated he would like to get Council's input in making the attendance policy more equitable and fair to the volunteers serving on the board. The item would be placed on a Committee of the Whole agenda.
- Councilor Fant thanked the members of Vision 25 who were in attendance.

Mr. Fant stated concerns about Greenlink continued to "percolate" in the community on multiple levels. Council was committed as a body to ensure transportation was available when state offices were transferred to Halton Road. He heard that Greenlink was a "special purpose district" under state statute; he would like to see the County and the City of Greenville be given the authority to appoint board members but give Greenlink its own taxing authority.

Mr. Tollison stated the County's legal department had researched Mr. Fant's suggestion and was ready to report back its findings.

Mr. Fant stated the City of Greenville passed a hate-crime ordinance; there was no media coverage. It was the right thing to do and he wanted the County to follow suit.

- Councilor Seman stated John Deworken was appointed the City of Greenville's representative on the SCTAC board; he replaced Amy Ryberg Doyle.
- Councilor Norris asked those individuals who asked for tickets to the event on Friday night to see her after the meeting.
- Councilor Roberts stated those individuals who spoke about the resolution showed a great deal of respect. They laid out some factual points and some "fillers." Mr. Roberts stated the issue was not "going away"; Council had to ensure it did not further divide the community. There had to be a way to avoid condemning a certain group of people but still be able to stand by your own convictions. Mr. Roberts stated there was a clear separation between a governing body and personal beliefs. He knew where his values were as well as those of his family; they were not necessarily the same as his colleagues. Council made resolutions every day; there was an expectation they would be respected by subsequent Councils. Mr. Roberts requested the legal department research "sunset clauses" as well as other ways to deal with the issue.

Councilor Fant asked Mr. Roberts if he could “live with” a statement from Council confirming the resolution expired in 1996.

Councilor Roberts stated that was certainly a viable solution but Council needed to review the issue.

Councilor Dill stated he wanted to make Greenville County a “sanctuary county” for children and the Second Amendment. Mr. Dill stated the speakers had brought forth something that needed to be dealt with; the County needed to start looking at the issues.

**Item (16)**      **Adjournment**

Councilor Dill moved to adjourn the meeting.

Motion carried unanimously and the meeting was adjourned at 7:20 p.m.

Respectfully submitted:

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Regina G. McCaskill  
Clerk to Council