



GREENVILLE COUNTY COUNCIL

Minutes

Regular Meeting
February 4, 2020
6:10 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. Xanthene 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 Mike Barnes*

Gary Rogers, Interim Pastor
Northwood Baptist Church

Pledge of Allegiance

Recognition

Councilor Dill recognized students from Blue Ridge High School government class who were in attendance.

Item (4) Approval of Minutes

Action: Councilor Meadows moved to approve the minutes of the January 21, 2020, Regular Council Meeting.

Motion carried unanimously.

Item (5) Community Heroes Presentation

Katrice Hardy, Executive Editor of the *Greenville News*, and Paul Hughes, President of Greenville Federal Credit Union, presented the Community Heroes Awards to Jen Holly and Nika White.

Jen Holly, a Greer mother of two and a business woman, was recognized for turning her family's annual holiday party into an effort to collect gifts and items for children in need. Last year, her efforts for *Communities In Schools — Greenville (CIS)* led to 29 kids having a more joyful Christmas.

Nika White, a Greenville entrepreneur known for her work in promoting diversity inclusion and community activism, started a foundation with her husband, Carlo. The foundation, *The Carlo and Nika White Foundation*, provided grants to small businesses and groups.

Jennifer Jones, a previous winner who was unable to attend an earlier award presentation, was also in attendance.

Item (6) Public Hearings

a. Orbis Corporation (formerly Project Tiger) / Fee in Lieu of Tax Agreement

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance authorizing the execution a delivery of a fee in lieu of tax agreement by and between Greenville County, South Carolina and Orbis Corporation, with respect to certain economic development in the county, whereby such property would be subject to certain payments in lieu of taxes; and other matter related thereto.

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

b. Leho Beyond LLC (formerly Project Woods) / Fee in Lieu of Tax 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 Leho Beyond 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.

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

c. Greater Greenville Sanitation District Annexation / Mountain Creek Church Road and State Park Road Area

A public hearing was held for the purpose of receiving comments from the public regarding a resolution enlarging the boundaries of the Greater Greenville Sanitation District to include certain properties located in the Greater Mountain Creek Church Road and State Park Road area of Greenville County.

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

d. Greater Greenville Sanitation District Annexation / 548 Old Howell Road and 471 Mountain Creek Road

A public hearing was held for the purpose of receiving comments from the public regarding a resolution enlarging the boundaries of the Greater Greenville Sanitation District to include 548 Old Howell Road and 471 Mountain Creek Road.

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

Item (7) Appearances – current agenda items

- **Ryan Barnett**, 401 Hampton Ridge Drive, Greer SC – appeared regarding Item 15.c. Resolution Expressing Support for Second Amendment Rights

Item (8) Resolutions

a. Greater Greenville Sanitation District Annexation / Mountain Creek Church Road and State Park Road Area

Action: Councilor Seman moved for adoption a resolution to enlarge the boundaries of the Greater Greenville Sanitation District to include certain properties located in the Greater Mountain Creek Church Road and State Park Road area of Greenville County.

Motion carried unanimously.

b. Greater Greenville Sanitation District Annexation / 548 Old Howell Road and 471 Mountain Creek Road

Action: Councilor Seman moved for adoption a resolution to enlarge the boundaries of the Greater Greenville Sanitation District to include 548 Old Howell Road and 471 Mountain Creek Road.

Motion carried unanimously.

Item (9) Ordinances – Third Reading

a. Orbis Corporation (formerly Project Tiger) / Fee in Lieu of Tax Agreement

Action: Councilor Seman 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 Orbis Corporation, 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.

b. Leho Beyond LLC (formerly Project Woods) / Fee in Lieu of Tax Agreement

Action: Councilor Seman 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 Leho Beyond 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.

c. University Ridge Economic Development Project / Bond Anticipation Notes and Related Agreements

Action: Councilor Seman moved for adoption at third reading an ordinance authorizing the execution and delivery of documents relating to the provision of county-owned facilities; consenting to and approving the issuance in one or more series from time to time of not exceeding \$120,000,000 County Square Redevelopment Corporation Installment Purchase Revenue Bonds, by County Square Redevelopment Corporation and the issuance in one or more series from time to time of bond anticipation notes of the corporation to provide funding to finance the costs of acquiring, constructing, equipping, and installing various county facilities and the acquisition of land related thereto; consenting to and approving the execution of one or more base lease and conveyance agreements by and between the county and the corporation; consenting to and approving the execution of one or more Public Facilities Purchase And Occupancy Agreements relating thereto by and between the county and the corporation; consenting to the form of one or more trust agreements to be entered into by the corporation and the trustee for the bonds; and together therewith assignments to the trustee of certain rights to payment and other rights of the corporation, under the facilities agreement; and making provision for all other matters relating to the foregoing.

Motion carried unanimously.

Item (10) Ordinances – Second Reading

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

Action: On behalf of the Committee, 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 amend the zoning request by removing the following Tax Map Numbers from the Development District:

T006.00.03.007.00
T006.00.03.008.00
T006.00.03.001.00

And by removing the following street addresses:

226 Mill Street
215 Mill Street
213 Mill Street
31 Circle Street
35 Circle Street
5214 Circle Street
13 Circle Street
207 E Main Street
203 E Main Street
205 E Main Street
301 E Main Street
5 Hill Street

Motion to amend approved with Councilor Cates voting in opposition.

Action: Councilor Dill moved approval of the ordinance as amended.

Motion as amended carried unanimously.

- b. General Nutrition Products Inc. / Nutra Manufacturing – Conversion of Lease Agreement

Action: Councilor Taylor moved for approval at second 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.

Motion carried unanimously.

Item (11) Ordinances – First Reading

- a. **Project Unity Gateway / 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 known to the County at this time as Project Unity Gateway with respect to certain economic development 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.

Chairman Kirven stated the item would remain on the floor.

- b. **Greenville – Anderson Multi County Industrial Business Park Agreement Amendment (2010 Park) / Project Unity Gateway**

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.

- c. **Bias-Based Intimidation Ordinance**

Per notice provided in the agenda packet, Councilor Fant presented for first reading an ordinance to provide for a separate offense of bias-based intimidation in Greenville County; and requested the ordinance be referred to a committee for consideration.

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

Item (12) Committee Reports

No report.

Item (13) Appearances by Citizens

- Matthew Ablon, 3434 Laurens Road, Apt. 824, Greenville – appeared regarding 1996 Resolution
- Joshua Crocker, 20 Templewood Drive, Greenville – appeared regarding 1996 Resolution
- Julie French, 205 Huntcliff Drive, Taylors – appeared regarding 1996 Resolution
- Andrew Delscamp, 104 Hudson Way, Greer – appeared regarding 1996 Resolution
- Keri Driggers, 3 Waterthrush Way, Simpsonville – appeared regarding 1996 Resolution
- David Poteat, 2836 New Easley Highway, Greenville – appeared regarding 1996 Resolution
- Donna Potts, 311 Circle Drive, Townville – appeared regarding 1996 Resolution

- Dawn Pyle, 116 Sugar Creek Road, Greer – appeared regarding 1996 Resolution
- Susan Croteau, 822 Giverny Court, Greenville – appeared regarding 1996 Resolution
- Amanda Jeanes, 105 Whipple Lane, Taylors – appeared regarding 1996 Resolution

Item (14) Administrator’s Report

Joe Kernell reminded everyone about the Dedication and Ribbon Cutting Ceremony for the Hampton Avenue Bridge to be held on Friday, March 6 at 12:00 p.m.

Item (15) Requests and Motions by Council Members

- Chairman Kirven stated Council appreciated all the speakers; the conversation regarding the 1996 Resolution had been constructive and some Council Members had been moved to respond. The “legislative wheels” sometimes moved slowly but they did move. Several Council Members had decided to express their current beliefs in the form of a statement. Mr. Kirven read the following affirmative statement of impartiality and inclusion for all citizens:

“Greenville County is dedicated to serving the public by providing for public safety, public works and infrastructure, planning and development, and prudent financial management to the extent of Council’s powers and authority granted under South Carolina state law. In the course of carrying out its duties and responsibilities, Greenville County Council is committed to fair and impartial treatment of all citizens without regard to race, gender, ethnicity, sexual orientation or religious beliefs.”

Mr. Kirven stated the following Council Members signed the statement in support: Rick Roberts, Bob Taylor, Xanthene Norris, Liz Seman, Ennis Fant, Lynn Ballard, Butch Kirven and Dan Tripp.

a. Motion to Refer the Establishment of the Sheriff’s Salary to the Finance Committee

Action: Per notice provided in the Council agenda packet and pursuant to Council Rule V(B), Councilor Cates moved to refer the establishment of the Sheriff’s Salary (a matter considered by Council last year), to the Finance Committee for consideration.

Councilor Roberts stated he regretted his decision to vote in favor of reducing the starting pay for Sheriff; he had spoken with several of his colleagues and many of them felt the same way. Mr. Roberts stated the decision to reduce the salary may have been influenced by some of the issues the County was facing at the time. By sending the item back to the Finance Committee, a more formal review of the job could be completed. The salary of the Sheriff should reflect the fact that Greenville County had the largest law enforcement agency in the state.

Chairman Kirven stated the purposes as outlined by Councilor Roberts would best be accomplished by referring the item to the Committee of the Whole as it was of interest to the whole county and all Council Members.

Action: Councilor Cates moved to amend his motion by recommending the item to be referred to the Committee of the Whole.

Without objection, the motion was amended to reflect the item to be referred to the Committee of the Whole.

Mark Tollison stated that under Council Rules, when an item had been previously decided, it would certainly be eligible for reconsideration. In this case, it was more appropriate for Council to vote to refer the matter, within a year, to the appropriate committee. A vote by Council was needed in order to make the referral.

Councilor Fant stated Council unanimously voted to set the Sheriff's salary at \$150,000. Only one of the candidates for Sheriff had objected to the salary; the individual who actually won the nomination had not objected. Every time Council agreed on a matter, it appeared that someone would bring the issue back to the table for another vote; Mr. Fant stated it appeared to be a "pattern." If a Council Member was on the losing side of a vote, it seemed the item was always brought back up at a later date.

Councilor Roberts stated he regretted his original vote on the item; he did not "lose" as the item passed unanimously. When he compared the \$150,000 salary cap to other salaries within the County's staff, he found there were multiple employees making much more.

Action: Councilor Cates called for the question.

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

Councilor Ballard asked if a vote to call for the question was in order.

Chairman Kirven stated Mr. Ballard could object to the motion to call for the question.

Councilor Ballard stated he objected as he was not given the opportunity to speak.

Motion to call for the question carried with seven (Dill, Barnes, Cates, Roberts, Taylor, Kirven and Tripp) in favor and five (Meadows, Norris, Seman, Fant and Ballard) in opposition.

Motion as presented carried with a roll call vote of ten (Dill, Barnes, Cates, Roberts, Taylor, Norris, Seman, Fant, Kirven and Tripp) in favor and two (Meadows and Ballard) in opposition.

b. Reconsideration of the Resolution to Form the County Square Redevelopment Corporation

Councilor Ballard stated he was under the impression that the County Square Redevelopment Corporation was formed when Council passed Item 9.c. *University Ridge Economic Development Project / Bond Anticipation Notes and Related Agreement*.

Mark Tollison stated there had always been a separate resolution regarding the formation of the corporation; Item 9.c. referred to the financing of the project. The item on the floor was a resolution specifically relative to the formation of the corporation.

Action: Per notice provided in the agenda packet, Councilor Dill moved to suspend Council Rule III (D) (9) in order to allow for a motion to reconsider the January 7th vote on the resolution establishing the County Square Redevelopment Corporation.

Motion carried unanimously.

Action: Councilor Dill moved to reconsider the vote taken at the January 7th Regular County Council meeting regarding the resolution that established the County Square Redevelopment Corporation.

Motion carried unanimously.

Action: Councilor Dill moved for adoption a resolution establishing the County Square Redevelopment Corporation, stating its purposes and appointed the members to the Board of Directors of the Corporation.

Motion carried unanimously.

c. Resolution Expressing Support for Second Amendment Rights

Action: Per notice provided in the agenda packet, Councilor Dill introduced a resolution expressing County Council's support for Second Amendment rights; and requested that the resolution be referred to a committee for consideration.

Chairman Kirven stated the item required no vote from Council; he referred the item to the Committee of the Whole.

- Councilor Barnes thanked staff for working with him in regards to the Taylors Main Street Development District.
- Councilor Roberts stated he was glad Council had agreed to move the County Square Project forward; the City of Greenville did a good job as well working on a compromise with the County

A national study revealed the "most dangerous intersection" in the nation was located at Pelham Road and Garlington Road; the area needed to be looked at when considering growth in the County. Mr. Roberts commended the fire department responsible for responding to an average of 1000 wrecks at the intersection per year.

Mr. Roberts stated he believed strictly in "small government" and was very conservative on most issues. Government could not make laws to get rid of racism or hatred; laws could be made but those ideas were ingrained within people. Mr. Roberts stated government should not have the right to make laws to encourage hatred or prejudice.

- Councilor Seman congratulated longtime SCTAC company Materials Science, LLC on its recent expansion announcement; the company's \$4.2 million investment was expected to create 34 new jobs.

Ms. Seman asked Joe Kernell if the compensation plan had been completed. If so, the results could be incorporated in conversations regarding salaries.

Joe Kernell stated the compensation plan had not yet been completed; he hoped it would be completed soon.

Councilor Seman stated no piece of legislation could change someone's heart one way or another; however, she hoped Council could focus on the things that united the community not divide it. Council should think of ways to be more equitable and inclusive for all the citizens of Greenville County, regardless of the issue; Council's role was to be dedicated to all its citizens. Doing a better job to erase hate would become a competitive advantage for the County.

- Councilor Norris stated Council was there for all the people of Greenville County; God made everyone the same.
- Councilor Fant stated Council had been grappling with moving from where it was to where it needed to be and do it amicably. He introduced Deacon Taylor, Chairman of the Board of Deacons at Pleasant View Missionary Church. Mr. Taylor told him Council needed to address the LGBTQ citizens and the 1996 resolution. Mr. Fant stated he was moved by the speakers; he encouraged his colleagues to support the LGBTQ community. He suggested Council "sunset" the 1996 resolution and give those affected the respect the deserved.

A presentation regarding "dollar stores" and their effect on the community was shown by Councilor Fant.

Councilor Fant stated there was a proliferation of “dollar stores” throughout the county. He requested the County Attorney draft an ordinance calling for a six-month moratorium on new “dollar stores” in Greenville County. During the six months, Council would be able to look at other models from around the country to determine how to regulate and orderly growth of “dollar stores” moving forward.

- Councilor Ballard stated he and Joe Kernell put a lot of effort in coming forward with a salary cap for the new Sheriff; Council voted 11-0 to approve the motion. In regards to reconsidering the Sheriff’s salary, Mr. Ballard inquired if it was necessary to send the item to the Committee of the Whole for further review as plans were underway to look at the salaries of county-wide elected officials.

Chairman Kirven stated any committee chair could bring an item to their committee for consideration; the planned review of elected official salaries could be part of the process.

Councilor Ballard stated MUSC recently renewed its contract with the Phoenix Center for another year; the center received \$95,000 for its work dealing with the opioid problem. The Phoenix Center was a great resource and was being recognized across the state.

Mr. Ballard stated Ken Taylor with South Greenville Fire Department and Jay Mitchell with Gantt Fire Department both retired this week. He wished them both well.

- Councilor Cates wished Councilor Seman a Happy Birthday.

Item (16) Adjournment

Councilor Cates moved to adjourn the meeting.

Motion carried unanimously and the meeting was adjourned at 7:52 p.m.

Respectfully submitted:

Regina G. McCaskill
Clerk to Council