



GREENVILLE COUNTY COUNCIL

Minutes

Regular Meeting
October 20, 2020
5:06 p.m.

County offices closed for public meetings
Meeting conducted by remote participation

Council Members present by remote participation

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 online and on the bulletin board at 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*
Dean Campbell, *Assistant County Attorney*
John Hansley, *Deputy County Administrator*
Regina McCaskill, *Clerk to Council*
Jessica Stone, *Deputy Clerk to Council*
Pam Gilliam, *Administrative Assistant*
Paula Gucker, *Assistant County Administrator, Public Works*

Others Present

None

Call to Order

Chairman Kirven

Invocation

Chairman Kirven

Pledge of Allegiance

Item (4) Approval of Minutes

Action: Councilor Norris moved to approve the minutes of the October 6, 2020, Regular Council Meeting.

Motion carried unanimously.

Item (5) Public Hearings

a. DC Blox, Inc. (formerly Project Fiber) / 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 (i) a fee in lieu of tax and special source revenue credits agreement and (ii) a separate special source revenue credit agreement by and between Greenville County, South Carolina and DC Blox, 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 credit; and other matters related thereto.

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

b. Lake Cunningham Fire District / Millage Continuation

A public hearing was held for the purpose of receiving comments from the public regarding a resolution to provide for the continuation of thirty-six and two-tenths (36.2) mills Ad Valorem Property Tax to be levied for the operations and maintenance of the Lake Cunningham Fire District.

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

c. Dunklin Fire District / Millage Continuation

A public hearing was held for the purpose of receiving comments from the public regarding a resolution to provide for the continuation of thirty-two and three-tenths (32.3) mills Ad Valorem Property Tax to be levied for the operations and maintenance of the Dunklin Fire District.

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

d. Slater-Marietta Fire District / Millage Continuation

A public hearing was held for the purpose of receiving comments from the public regarding a resolution to provide for the continuation of twenty-five (25.0) mills Ad Valorem Property Tax to be levied for the operations and maintenance of the Slater-Marietta Fire District.

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

Item (6) Appearances - Current Agenda Items

- **Jeremy Krober**, PO Box 2984, Greenville – appeared regarding Item 15.b. Council Policy – Forwarding and Use of Citizen Emails
- **Julie Turner**, 2850 Tigerville, Road, Travelers Rest – appeared regarding Item 11.e. Greenville County Historic and Natural Resources Trust
- **Doug Harper**, 26 Club Forest Lane, Greenville – appeared regarding Item 11.e. Greenville County Historic and Natural Resources Trust

- **Dawn Pyle**, 116 Sugarcreek Road, Greer - appeared regarding Item 15.b. Council Policy – Forwarding and Use of Citizen Emails
- **Joe Pazdan**, 505 Hidden Hills Drive, Greenville - appeared regarding Item 11.e. Greenville County Historic and Natural Resources Trust
- **Ed Paxton**, 1 York Circle, Greenville - appeared regarding Item 12. Board and Commission / Ballot Results

Item (7) Consent Agenda

- a. **Office of Homeland Security Grant – Upstate Regional WMD Bomb Squad Grant** *(Finance)*
- b. **Office of Homeland Security Grant – Upstate Regional WMD SWAT Team Grant** *(Finance)*
- c. **Office of Homeland Security Grant – Upstate Regional WMD Hazmat Team Grant** *(Finance)*
- d. **Community Project Application – Conestee Park Ball Field Renovation / \$10,228.00**

Action: Vice-Chairman Meadows moved approval of the Consent Agenda items.

Motion carried unanimously.

Item (8) Resolutions

- a. **Millage Continuation Resolution / Lake Cunningham Fire District, Dunklin Fire District and Slater-Marietta Fire District**

Action: Councilor Taylor moved for adoption a resolution to provide for continuation of current Ad Valorem Property Tax to be levied by the Lake Cunningham Fire District, the Dunklin Fire District and the Slater-Marietta Fire District.

Motion carried unanimously.

- b. **Transfer and Assignment / Brookfield 100, LLC to GS74**

Action: Councilor Taylor moved for adoption a resolution approving and consenting to the transfer and assignment by Brookfield 100, LLC to, and assumption by, GSP74, LLC of a certain existing fee in lieu of tax agreement to which the County is a party and other matters relating thereto.

Motion carried unanimously.

- c. **Project Spruce / 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 Spruce; whereby, under certain conditions, Greenville County would 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 Spruce would be provided certain credits against fee payments in reimbursement of investment in related qualified infrastructure; and providing for related matters.

Motion carried unanimously.

- d. **Bausch & Lomb / Extension Resolution**

Action: Councilor Taylor moved for adoption a resolution authorizing a ten year extension of the term of that certain 2000 FILOT agreement between Greenville County, South Carolina and Bausch & Lomb Incorporated.

Motion carried unanimously.

Item (9) Ordinances – Third Reading

a. Zoning Ordinances

- i. **CZ-2020-49:** Property of Philip Dean, located on McCall Road and Bannerbrook Drive, requesting rezoning from R-S to R-15.

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

Motion carried unanimously.

- ii. **CZ-2020-57:** Property of Bishop of Charleston, located on Brushy Creek Road and Strange Road, requesting rezoning from R-10 to R-M7.

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

Motion carried with Councilor Cates voting in opposition.

b. DC Blox, Inc. (formerly Project Fiber) / 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 (i) a fee in lieu of tax and special source revenue credits agreement and (ii) a separate special source revenue credit agreement by and between Greenville County, South Carolina and DC Blox, 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.

c. Lighthouse Greenville LLC (formerly Project McClaren) / 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 Lighthouse Greenville LLC 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 Seman moved to amend the ordinance and agreement to reflect the changes outlined in the red-lined version.

Motion to amend carried unanimously.

Action: Councilor Seman moved adoption of the ordinance as amended.

Motion carried unanimously.

Item (10) Ordinances – Second Reading

a. Zoning Ordinances

- i. **CZ-2020-59:** Property of Donovan Delanie Robertson, located at 4 Darrell Drive, requesting rezoning from R-S to R-15. The Planning Commission and the Committee recommended approval.

Action: On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

Councilor Roberts stated he wanted to reaffirm that the request was not “spot zoning.” The applicant owned almost one (1) acre of land, which would allow him to build another residence on the property. The owner’s had owned the land for many generations. Mr. Roberts encouraged his colleagues to vote in favor of the request.

Motion carried unanimously.

- ii. **CZ-2020-60:** Property of Jose Rodriguez, located at 729 Crestfield Road, requesting rezoning from R-M20 to R-10. The Planning Commission and the Committee recommended approval.

Action: On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

Motion carried unanimously.

- iii. **CZ-2020-61:** Property of Beverly Wells Day, Margaret Wells Lee and Judith Wells Warfield, located on Fairmont Avenue, S. Pleasantburg Drive and N 1-85 Ramp, requesting rezoning from R-12 to R-M20. The Planning Commission and the Committee recommended approval.

Action: On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

Motion carried unanimously.

- iv. **CZ-2020-62:** Property of Rr A Joint Venture, located on E. Settlement Road, requesting rezoning from S-1 to R-M20. The Planning Commission and the Committee recommended approval.

Action: On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

Motion carried unanimously.

b. Broadmoor Special Tax District / Uniform Service Fee Continuation

Action Councilor Taylor moved for approval at second reading an ordinance to provide for the uniform service fee to be charged in the Broadmoor Special Tax District.

Motion carried unanimously.

c. Operating Hours for Outdoor Go-kart Tracks

Action Councilor Seman moved for approval at second reading an ordinance establishing hours of operation for outdoor go-kart tracks in Greenville County.

Motion carried unanimously.

Item (11) Ordinances – First Reading

a. Zoning Ordinances

Councilor Dill presented for first reading Zoning Ordinances CZ-2020-63 and CZ-2020-65.

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

b. Terra Pines Estates Special Tax District / Enlarge Boundaries

Councilor Seman presented for first reading an ordinance to enlarge the boundaries of the Terra Pines Estates Special Tax District to include real property contiguous to the district located on Terra Creek Court.

Chairman Kirven stated the item would remain on the floor.

c. Project Spruce / 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 Spruce 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.

Chairman Kirven stated the item would remain on the floor.

d. Anderson / Greenville Multi County Industrial Business Park Agreement / Lighthouse Greenville LLC (formerly Project McClaren)

Councilor Taylor presented for first reading an ordinance to develop a jointly owned and operated industrial/business park in conjunction with Anderson County, such industrial/business park to be geographically located in Greenville County and established pursuant to Sec. 4-1-170 of the Code of Laws of South Carolina, 1976, as amended; to provide for a written agreement with Anderson County to provide for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem taxation; and other matters related thereto.

Chairman Kirven stated the item would remain on the floor.

e. Greenville County Historic and Natural Resources Trust

Councilor Dill presented for first reading an ordinance to establish the Greenville County Historic and Natural Resources Trust to protect land with significant natural, cultural and/or historic resources in Greenville County, South Carolina.

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

Item (12) Board and Commission / Ballot Results

Chairman Kirven stated the following individuals were elected by ballot vote:

Greenville Airport Commission	Stanley Mays
Greater Greenville Sanitation Commission	Amanda Cass

Item (12) Committee Reports

There were no reports.

Item (14) Administrator's Report

Joe Kernell reminded Council about the reopening of the newly renovated Pavilion on Tuesday, October 27; open house was to be held from 4 p.m. until 6 p.m.

Item (15) Requests and Motions by Council Members

a. Glassy Mountain Fire District / Special Application Period

Action: Per notice provided in the agenda packet, Councilor Dill moved to open a special application period for two weeks in order to fill a vacancy for an unexpired term on the Glassy Mountain Fire District Board.

Motion carried unanimously.

b. Council Policy – Forwarding and Use of Citizen Emails

Action: Per notice provided in the agenda packet, Councilor Fant presented a policy setting forth guidelines for forwarding and use of citizen emails received by members of Greenville County Council and requested the policy be referred to the appropriate committee.

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

c. Council Rules Amendment / Chairman Term Limits

Action: Per notice provided in the agenda packet, Councilor Roberts moved to suspend Council Rule VI (a) in order to take up an amendment to the Council Rules which would establish term limits on the seat as Chairman of County Council. A copy of the amendment was included in the agenda packet.

Motion to suspend Council Rule VI (a) carried by a Roll Call vote of nine (Dill, Barnes, Meadows, Roberts, Norris, Seman, Fant, Ballard and Tripp) in favor and three (Cates, Taylor and Kirven) in opposition.

Action: Councilor Roberts moved to amend Section I(A) of the Rules of Greenville County Council so as to add the following language at the end of the first paragraph:

A member may only serve as Chairman for a maximum of two consecutive terms; but will be eligible to be elected Chairman again after having been out of the office of Chairman for at least two years.

Councilor Roberts stated the amendment would be effective for Council officer elections beginning in January 2021.

Councilor Roberts stated the proposed amendment would also apply to Chairman Kirven's current term.

Councilor Tripp inquired if the proposed amendment would apply to Chairman Kirven, as he had currently served two (2) consecutive terms.

Councilor Roberts confirmed the amendment would apply to Mr. Kirven; however, that was not the sole intent. The goal was to have leadership that would transition “in and out”, add to transparency, give new ideas and oversight as well as allow “everyone to have a seat at the table.” The amendment would apply to Mr. Kirven and the next Chairman.

Councilor Tripp questioned the legality of applying the amendment, if approved, to the current Chairperson; essentially, the amendment would be applied “retroactively.” He informed Mr. Roberts that he was in favor of term limits when they spoke earlier in the day; however, he was not sure it was “fair” to apply the amendment immediately. Mr. Tripp asked Mr. Tollison if there were any legal issues associated with applying the amendment retroactively.

Mr. Tollison stated Council had the authority to amend its rules, if they felt the need to do so. There were no legal issues if the amendment passed and was implemented at the next election cycle; it would have the impact that Mr. Roberts had described. Council determined the qualifications for its officers and could amend those qualifications at any time.

Councilor Tripp asked how many votes were needed to pass the proposed amendment.

Mr. Tollison confirmed that eight (8) votes were needed to pass the amendment.

Councilor Tripp stated he would not support the amendment as it was currently written; Council should have the opportunity to vote “up or down” on Chairman Kirven’s leadership, if he chose to run again. He was absolutely in favor of term limits; they should apply to the Chairman of Council as well as committee chairmen. He would not vote in support of something that applied retroactively. Mr. Tripp stated he would be in favor of the amendment if it applied after the next election cycle.

Chairman Kirven stated he had not spoken to anyone about serving as Chairman of Council again. A lot went into someone offering to serve as Chairman; people asked about committee assignments and as well as other things. He did not want to be the one to “roil the waters” at this time. He had accomplished most of his goals as Chairman; he would give the next candidate his full support. He would like to stay involved in County Council; especially in the areas on which he had concentrated. If he was ruled out as Chairman, his leverage to serve on the many committees and organizations he was currently involved with would be foreclosed. He had put a lot of effort into those committees and organizations; he would like to have the ability to continue to serve.

Councilor Cates asked Mr. Roberts to explain the reasoning for his proposal.

Councilor Roberts stated he did not really want to get “into the weeds” of it. The election that was held two (2) years ago was a “total fiasco.” Mr. Roberts stated there was an art to staying Chairman once an individual was appointed; there needed to be a “healthy turnover.” Leadership turnover led to more transparency, more oversight and new views. The issue could be delayed; however, most of his colleagues had expressed a desire for the change to be implemented immediately. Mr. Roberts stated it was also the wishes of Council’s constituents. There was the perception that not everyone on Council was “getting a seat at the table”; rotating leadership would eliminate that perception.

Councilor Cates stated none of his constituents had ever expressed, to him, the need to change Council leadership. He inquired if Mr. Tripp had actually moved to amend Mr. Roberts’ proposed amendment.

Councilor Tripp stated he had not offered a motion to amend the proposed amendment. He would support an amendment of that nature; Council should all know the “rules of the road.” If someone wanted to “take

a swipe at the Chairman”, whether they actually said it or not, he did not think it was fair to change the rules “midstream.” He was 100% in favor of term limits, starting with the next election. He was the newest Council Member and would potentially benefit from a change in leadership; however, he did not think it was the right thing to do.

Councilor Dill stated he agreed with Mr. Tripp; he felt this was a situation of “sour grapes.” For two years, some members of Council had attacked the Chairman; Mr. Kirven had done the best he could with what he had to work with. Mr. Dill stated he personally felt the Chairman of Council should only serve one (1) term; there was a total of twelve (12) Council Members and each had the ability to serve as Chairman. He could not support Mr. Roberts’ amendment for the same reasons as outlined by Councilor Tripp; he could possibly support it if the wording was different.

Councilor Roberts told Mr. Dill that his comments were completely different from what he had said during earlier conversations. Promises were made during the last election that were not kept; a “dark light” had been cast over the last two years. Mr. Roberts stated the majority of Council Members were in favor of the amendment; he hoped everyone, including Chairman Kirven, respected the opinion of his colleagues. Mr. Roberts stated the amendment had nothing to do with “sour grapes”; he was asked to put it forward.

Chairman Kirven stated there were currently four contested races for Council seats; it appeared there would be some big changes in the future. Mr. Kirven stated the appropriate time to review Council Rules was after the new members were seated; the issues raised could be addressed at that time.

Councilor Roberts stated during the first Council retreat he attended, he had made the comment that it was a shame to vote on officers before having an opportunity to work with each another. He had seen there was an art to preserving the seat of Chairman through promises and favors.

Councilor Seman stated Mr. Roberts had reached out to her and requested support of the amendment. She intended to support it; however, she agreed with Mr. Tripp regarding starting with a “clean slate.” If any Council Member had “sour grapes”, it should be her, based on what happened during the last election. Ms. Seman suggested Council consider electing a Chairman at Large, as the municipalities did. There was a nuance to the proposed amendment; it was always about “counting the votes.” She intended to keep her word, whether the amendment passed or not.

Motion as presented was denied by a Roll Call vote of seven (Barnes, Meadows, Roberts, Norris, Seman, Fant and Ballard) in favor and five (Dill, Cates, Taylor, Kirven and Tripp) in opposition.

- Chairman Kirven stated Greenlink was currently taking applications for its Citizens Transit Academy, which was slated to start at the beginning on 2021; sign-up information was available on the Greenlink website.

Mr. Kirven stated a Mobility and Transit Study and the formation of a Stakeholders Group were part of the Comprehensive Plan; Councilor Fant had agreed to serve along with Chairman Kirven.

The Greenville Housing Coalition had requested several Council Members to serve; Mr. Kirven stated that Councilor Dill, Councilor Seman and Councilor Ballard had agreed to serve.

- Councilor Barnes stated he planned to present an amendment to the nominating procedures for Boards and Commissions.
- Councilor Taylor stated he had made a good decision to step down from Council. He added that the Democratic nominee for President had some issues, just as he had some issues. He had been involved in public service for over 50 years; he had no regrets. Dr. Taylor stated it appeared Council had some big decisions that needed to be made in the future; he would help in any way.

- Councilor Seman stated the Historic and Natural Resources Trust was a good program; she was in support of it and felt it would be supported across Greenville County.

The Donaldson Field Project at SCTAC had been completed and was certified for use. The new airport infrastructure would support Lockheed Martin's F-16 production, positioning SCTAC for future maintenance, repair and overhaul contracts, including fighter jets.

Ms. Seman requested an update from Joe Kernell regarding the CARES Act. She was nervous about the upcoming December deadline.

Mr. Kernell stated staff continued to work on different projects. The money came with certain guidelines. The State of South Carolina had recently released CARES Act monies for small businesses; the program appeared to be modeled after Greenville County's program. The release of the funds could have a negative impact the County's program.

Ms. Seman asked if there was anything Council could do to assist.

Mr. Kernell stated Council Members could submit ideas for possible additional disbursement of the funds.

Ms. Seman inquired about a second round of funding for those business owners who had already received assistance.

Mr. Kernell stated that while it was possible, most of the applicants had received less than the maximum amounts allowed; they did not have expenditures totaling the maximums.

Ms. Seman stated business owners could have additional expenses as the pandemic continued. She wanted to make sure the County could meet the community's needs.

- Councilor Fant extended gratitude and appreciation to his colleagues for helping to get representation from District 25 on the Greater Greenville Sanitation Commission.

Mr. Fant stated the Affordable Housing Ad Hoc Committee would host a forum on Thursday, October 22 at 7:00 p.m. to discuss the Important of Affordable Housing; Councilor Seman was also be in attendance. The panel included John Castile (GCRA), Bryan Brown (Greenville Housing Fund), Susan McLarty (Greenville Homeless Alliance) and Michael Dey (Homebuilders Association of Greenville).

- Councilor Norris stated problems still existed in New Washington Heights; hopefully, things would soon be resolved.

Ms. Norris reminded Mr. Kirven that she was one of the reasons he had decided to serve on County Council and she was very proud of him; however, she had no problems with term limits and hoped the issue could be revisited at a later date.

- Councilor Cates stated he had voted in opposition to CZ-2020-57; he had inadvertently muted his microphone and his vote was not heard.
- Councilor Roberts stated his proposed amendment was not personal; it was an issue that had been discussed for quite some time. The thought was to give other Council Members an opportunity to lead.

Mr. Roberts asked everyone to pray for the family of the Greenville County deputy killed in the line of duty earlier in the day.

- Councilor Ballard also asked everyone to pray for the family and co-workers of the deputy that was killed; it had been a long time since Greenville County had experienced the death of a law enforcement officer in the line of duty.

Mr. Ballard stated the Historic and Natural Resources Trust was definitely a step in the right direction; Greenville County would be better for it in the end. He looked forward to future discussions regarding the issue.

Mr. Ballard stated the CARES funding from the State allowed reimbursement for expenditures not allowed by Greenville County; he asked Mr. Kernell to comment.

Mr. Kernell stated staff had not spoken to the State officials about their guidelines. The State was covering the revenue side and the amounts allowed were somewhat higher.

Mr. Ballard stated a number of businesses in Greenville County had closed; he wished there was some way to reverse that. He would like existing businesses benefit from the CARES Act money as well as any citizens in need.

Councilor Dill wished Happy Birthday to Chairman Kirven and Jessica Stone, Deputy Clerk to Council.

Item (16) Adjournment

Action: Councilor Dill moved to adjourn the meeting.

Motion carried unanimously and the meeting adjourned at 6:36 p.m.

Respectfully submitted:

Regina G. McCaskill
Clerk to Council