



GREENVILLE COUNTY COUNCIL

Minutes

Regular Council Meeting

July 19, 2022

6:06 p.m.

County Square - Council Chambers

Council Members

Mr. Willis Meadows, *Chairman, District 19*

Mr. Dan Tripp, *Vice-Chairman, District 28*

Mrs. Xanthene Norris, *Chairman Pro Tem, District 23*

Mr. Joe Dill, *District 17*

Mr. Mike Barnes, *District 18*

Mr. Stephen Shaw, *District 20*

Mr. Chris Harrison, *District 21*

Mr. Stan Tzouvelekas, *District 22*

Mrs. Liz Seman, *District 24*

Mr. Ennis Fant, Sr., *District 25*

Mr. Lynn Ballard, *District 26*

Mr. Butch Kirven, *District 27*

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, *Deputy County Attorney*

Kim Wunder, *Assistant County Attorney*

Chris Antley, *Assistant County Attorney*

John Hansley, *Deputy County Administrator*

Regina McCaskill, *Clerk to Council*

Jessica Stone, *Deputy Clerk to Council*

Pam Gilliam, *Administrative Assistant*

Terrence Galloway, *Information Systems*

Shannon Herman, *Assistant County Administrator*

Nicole Wood, *Assistant County Administrator*

Meredith Papapieris, *Director of Grants and Special Projects*

Tee Coker, *Assistant County Administrator*

Hesha Gamble, *Assistant County Administrator*

Bob Mihalic, *Governmental Affairs Officer*

Others Present

Sheriff Hobart Lewis

Call to Order

Chairman Willis Meadows

Invocation

Councilor Joe Dill

Pledge of Allegiance

Item (4) Approval of Minutes

Action: Councilor Tzouvelekas moved to approve the minutes from the June 21, 2022, Regular County Council meeting.

Motion carried unanimously.

Item (5) Appearances – Current Agenda Items

- **Jack Logan** – appeared regarding Item 9.c. Ordinance to Prohibit Trespassing or Loitering at the Greenville County Detention Center
- **Terry Thacker** – appeared regarding Item 10.f. Prohibit Picketing Targeted at Private Residences
- **Hannah McSherry** – appeared regarding Item 10.f. Prohibit Picketing Targeted at Private Residences
- **Bruce Wilson** – appeared regarding Item 9.c. Ordinance to Prohibit Trespassing or Loitering at the Greenville County Detention Center and Item 10.f. Prohibit Picketing Targeted at Private Residences

Item (6) Public Hearings

a. Greater Greenville Sanitation District Annexation / 117, 125 and 203 Butler Springs Road

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 117 Butler Springs Road, 125 Butler Springs Road and 203 Butler Springs Road.

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

b. Metropolitan Sewer Subdistrict Annexation / 122 Carolina Way and a Certain Property on Carolina Oaks Drive Near the Intersection With Carolina Way

A public hearing was held for the purpose of receiving comments from the public regarding a resolution to enlarge the Metropolitan Sewer Subdistrict to include the property located at 122 Carolina Way and a certain property located on Carolina Oaks Drive near its intersection with Carolina Way.

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

c. Caesar’s Head Fire Service Area / Millage Request

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance to provide for an increase to the millage rate levied by the Caesar’s Head Fire Service Area, and to authorize the Chairman of County Council and the County Administrator to renew the contract for fire protection and first responder services with Cedar Mountain Fire Rescue, Inc.

There being no speakers, Vice-Chairman Tripp declared the public hearing closed.

d. Microtex Composites Inc. (formerly Project Care) / 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 Microtex Composites, Inc., with respect to certain economic development property located 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, Vice-Chairman Tripp declared the public hearing closed.

Item (7) Resolutions

a. Greater Greenville Sanitation District Annexation / 117, 125 and 203 Butler Springs Road

Action: Councilor Seman moved for adoption a resolution to consider enlarging the boundaries of the Greater Greenville Sanitation District to include 117 Butler Springs Road, 125 Butler Springs Road and 203 Butler Springs Road.

Motion carried unanimously.

b. Metropolitan Sewer Subdistrict Annexation / 122 Carolina Way and a Certain Property on Carolina Oaks Drive Near the Intersection with Carolina Way

Action: Councilor Seman moved for adoption a resolution to consider enlarging the boundaries of the Metropolitan Sewer Subdistrict to include the property located at 122 Carolina Way and a certain property located on Carolina Oaks Drive near its intersection with Carolina Way.

Motion carried unanimously.

c. Boiling Springs Fire District / Issuance of General Obligation Bonds – Request for Public Hearing

Action: Vice-Chairman Tripp moved for adoption a resolution calling for a public hearing to be held upon the question of the issuance of not exceeding \$11,250,000 aggregate principal amount of General Obligation Bonds of the Boiling Springs Fire District, South Carolina; providing for the publication of the notice of such public hearing; and other matters relating thereto.

Motion carried unanimously.

d. Willcoll Lane, LLC / Willimon PropCo LLC (formerly Project Mila) / Partial Assignment

Action: Vice-Chairman Tripp moved for adoption a resolution consenting to a partial assignment of certain interests under a fee in lieu of tax agreement with Greenville County, South Carolina by Willcoll Land, LLC to Willimon Propco LLC; and other matters related thereto.

Motion carried unanimously.

e. Park West I Investors, LLC / Belrock, LP (formerly Project Thor) / Assignment and Assumption of Fee in Lieu of Tax Agreement

Action: Vice-Chairman Tripp moved for adoption a resolution authorizing and approving the assignment and assumption of a fee in lieu of tax and incentive agreement by and between Greenville County, South Carolina and Belrock, LP; and other matters related thereto.

Motion carried unanimously.

f. Southchase Wilson Bridge, LLC / AE WW LLC / AE Magnolia LP (Southchase Industrial Park Tract B) / Partial Assignment and Assumption of Fee in Lieu of Tax Agreement

Action: Vice-Chairman Tripp moved for adoption a resolution authorizing and ratifying the partial assignment and assumption of a fee in lieu of tax agreement by and among Greenville County, South Carolina, Southchase Wilson Bridge, LLC, AE WW LLC and AE Magnolia LP.

Motion carried unanimously.

Item (8) Ordinances – Third Reading

a. Zoning Ordinances

- i. **CZ-2022-042:** Property of Rallis Wood LLC, located at 823 and 825 Woodside Avenue, Greenville, requesting rezoning from R-7.5 to R-M20.

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

Motion carried unanimously.

- ii. **CZ-2022-043:** Property of Arnold L. Hill of the Greenville County Disabilities and Special Needs Board, located at 123 Hawkins Street, Greenville, requesting rezoning from R-7.5 to R-6.

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

Motion carried unanimously.

- iii. **CZ-2022-047:** Property of Blue Tobias, Mary Kathryn Vaughn & Randy Vaughn, located on Ben Hamby Drive, Greenville, requesting rezoning from R-S to I-1.

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

Motion carried unanimously.

- iv. **CZ-2022-048:** Property of Stephen Dowd, located at 817 Garlington Road, Greenville, requesting rezoning from R-S to R-12.

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

Motion carried unanimously.

- v. **CZ-2022-050:** Property of Greenville County Redevelopment Authority, located on Scott Street, Marie Street, Emory Street and Rutherford Road, Greenville, requesting rezoning from R-7.5 to FRD with conditions.

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

Motion carried unanimously.

- vi. **CZ-2022-051:** Property of Greenville County Redevelopment Authority, located on Clay Street, Emory Street and Rutherford Road, Greenville, requesting rezoning from R-7.5 to R-6.

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

Motion carried unanimously.

b. Augusta Road Corridor Study Area Moratorium

Action: Councilor Dill moved for adoption at third reading an ordinance establishing a moratorium on the approval of preliminary plat applications and the issuance of building permits for residential development in the Augusta Road Corridor Strategic Plan Study Area and vicinity for a period of six months.

Councilor Shaw inquired if the proposed ordinance included permits for items such as decks on existing buildings.

Mr. Tollison stated only new builds would be subject to the ordinance.

Motion carried unanimously.

c. Ordinance Amending Land Development Regulations Article 8.1 and Article 22 / To Provide Consistency with Industry Practices and to Align with the Intent of the Rural Development Subdivision

Action: Councilor Dill moved for adoption at third reading an ordinance to amend the Greenville County Land Development Regulations to update the required elements for concept plans; to remove the open space table requirement; to clarify the minimum lot size requirements; and to clarify the uses that qualify as “Open Space” for rural conservation subdivision under LDR Article 22 and to change the ownership requirement for buffer areas under LDR Article 8.21.

Motion carried unanimously.

d. Microtex Composites Inc. (formerly Project Care) / Fee in Lieu of Tax Agreement

Action: Vice-Chairman Tripp 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 Microtex Composites Inc., 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.

e. Anderson - Greenville Multi County Industrial Business Park (2010 Park) Agreement Amendment / Microtex Composites Inc. (formerly Project Care)

Action: Vice-Chairman Tripp 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.

Action: Vice-Chairman Tripp moved to hold the ordinance for a public hearing to be held on August 16.

Motion carried unanimously.

Item (9) Ordinances – Second Reading

a. Zoning Ordinances

i. CZ-2022-046: Property of Mountain Creek Real Estate, LLC, located at 4101 Old Buncombe Road, Greenville, requesting rezoning from S-1 to C-1. The Planning Commission and Committee recommended approval.

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

Councilor Tzouvelekas asked if the developer had divulged his plans for the property.

Chairman Meadows stated he had not. Originally, the developer planned to build a vape store; however, there was push back from the community. During the Zoning Public Hearing, he indicated there were no specific plans for the site.

Action: Councilor Tzouvelekas moved to hold the zoning request.

Councilor Harrison stated he did not feel it was within Council's purview to require a developer to divulge plans for a site with a straight C-1 zoning request. He could not recall anyone speaking against the request. Mr. Harrison stated he did not know the developer; he wanted to make sure everyone was treated fairly.

Councilor Seman stated the request had received approval from staff, the Planning Commission and the Committee. She had concerns about Council denying requests based on the fact that the future tenants were unknown. Ms. Seman suggested moving the item forward to third reading. The applicant had stated he currently had no tenant and was seeking commercial zoning. She wanted to ensure the citizens of Greenville County were treated fairly.

Motion to hold was denied by a roll call vote of six (Barnes, Meadows, Shaw, Tzouvelekas, Norris and Fant) in favor and six (Dill, Harrison, Seman, Ballard, Kirven and Tripp) in opposition.

Councilor Fant stated he was torn; he agreed with Ms. Seman as well as Mr. Harrison and Mr. Meadows. He would be in favor of holding the item if there was some effort to determine the specifics of the developer's plans for the site.

Councilor Seman stated there was ample time prior to the next meeting to obtain additional information in regards to the request. Ms. Seman stated Council could take action on the item at third reading; it could be amended or denied.

Councilor Harrison stated Council's responsibility was to approve the list of C-1 uses, not debate particular uses in a straight zoning reclassification request. It was not fair to the property owner to do so. The request had been approved at every aspect; the question of future tenants was not brought up during the Planning and Development Committee meeting. Mr. Harrison stated he questioned why the issue was now being raised.

Vice-Chairman Tripp asked if there would be any legal backlash if Council approved or denied requests based on proposed uses that fit within the reclassification category.

Mr. Tollison stated there would be no legal backlash. The applicant had requested a reclassification from S-1 to C-1; Council could choose to pass the item or not, based on a number of issues, including future uses of the property.

Vice-Chairman Tripp asked if it would be problematic if Council voted to deny the request then subsequently approved a similar request based on the fact that a proposed use was more favorable.

Mr. Tollison stated he would be happy to research Mr. Tripp's question; however, he viewed the request as a "policy decision" based on the application, recommendations from staff and the Planning Commission as well as how Council felt about the property and the reclassification request to C-1.

Vice-Chairman Tripp asked how many votes were needed to approve the item, given the fact that all three entities (staff, Planning Commission, Planning and Development Committee) had recommended approval.

Mr. Tollison stated a total of seven (7) votes were needed to pass the item.

Councilor Kirven stated it was a good opportunity to remember that third reading was a "safety valve." He stated approving the item at second reading would give the applicant the benefit of the doubt and allow time to gather additional information.

Councilor Dill stated there was a list of approved uses under the C-1 zoning classification. The request had to be taken on its own merits.

Motion as presented carried unanimously.

- ii. **CZ-2022-37:** Property of Y & M Properties LLC, located on Locust Hill Road, Greer, requesting rezoning from R-S to C-1. The Planning Commission recommended approval and the Committee recommended denial.

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

Motion was denied unanimously.

- iii. **CZ-2022-52:** Property of Classic Joint Ventures LLC and TCB Corporation, located on Old Spartanburg Road, Hudson Road and Brushy Creek Road, requesting rezoning from PD, R-15 and POD to PD-MC. The Planning Commission and Committee recommended approval with a condition.

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

Action: Councilor Dill moved to amend the request to include the condition that the applicant submit a Final Development Plan for review and approval prior to the issuance of any land development or building permits.

Motion to amend carried unanimously.

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

Motion carried unanimously.

b. Caesar's Head Fire Service Area / Millage Request

Action: Vice-Chairman Tripp moved for approval at second reading an ordinance to provide for an increase to the millage rate levied by the Caesar's Head Fire Service Area, and to authorize the Chairman of County Council and the County Administrator to renew the contract for fire protection and first responder services with Cedar Mountain Fire Rescue, Inc.

Motion carried unanimously.

c. Ordinance to Prohibit Trespassing or Loitering at the Greenville County Detention Center

Action: Councilor Barnes moved for approval at second reading an ordinance to prohibit trespassing, loitering, or refusing to leave Greenville County Detention Center.

Action: Councilor Barnes moved to hold the item for a public hearing to be held on August 16, 2022.

Motion carried unanimously.

Item (10) Ordinances – First Reading

a. Zoning Ordinances

Councilor Dill presented for first reading Zoning Dockets **CZ-2022-063 and CZ-2022-065 through CZ-2022-68.**

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

b. Boiling Springs Fire District / Issuance of \$11,250,000 General Obligation Bonds

Vice-Chairman Tripp presented for first reading an ordinance authorizing the Boiling Springs Fire District, South Carolina, to issue not exceeding \$11,250,000 aggregate principal amount of general obligation bonds; providing for the publication of notice of the said finding and authorization; and providing for other matters related thereto.

Chairman Meadows stated the item would remain on the floor.

c. Clear Spring Fire District Millage Request

Vice-Chairman Tripp presented for first reading an ordinance to provide for an increase to the millage rate levied by the Clear Spring Fire and Rescue District.

Chairman Meadows stated the item would remain on the floor.

d. Canebrake Fire Service Area Millage Request

Vice-Chairman Tripp presented for first reading an ordinance to provide for an increase to the millage rate levied by the Canebrake Fire Service Area.

Chairman Meadows stated the item would remain on the floor.

e. Greenville / Anderson Multi County Industrial Business Park (2010 Park) Agreement Amendment – Addition of Multiple Properties

Vice-Chairman Tripp 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 Meadows stated the item would remain on the floor.

f. Prohibit Picketing Targeted at Private Residences

Councilor Shaw presented for first reading an ordinance to establish a prohibition on picketing targeted at private residences.

Chairman Meadows referred the item to the Public Safety Committee

Item (11) Committee Reports

a. Committee of the Whole

i. Settlement of CA:2017-CP-23-03372

Action: On behalf of the Committee, Vice-Chairman Tripp moved to direct the County Attorney to proceed with settlement of the lawsuit known as CA: 2017-CP-23-03372 pursuant to the terms discussed in Executive Session.

Motion carried unanimously.

Item (12) Administrator's Report

Mr. Kernell provided an update on the progress of the new County Administration building. To date, 389,000 man-hours had been put into the project with virtually no accidents. Crews were making good progress on the building. Work continued on the elevators, drywall, painting, carpeting, shades, corner panels and the restrooms. Mr. Kernell stated they were currently installing the PTFE structure between the two buildings. Things were moving along well and the projected completion date was early 2023.

Item (13) Requests and Motions

a. Motion to Suspend Council Rules to Allow for Immediate Consideration of a Motion to Initiate a Zoning Map Amendment for Piedmont, SC

Action: As noticed on the County Council agenda, Councilor Ballard moved to suspend Council Rule IV (A) to allow for immediate consideration of a motion to initiate a zoning map amendment for Piedmont, SC.

Councilor Fant asked Mr. Ballard to provide an overview of his request as well as discuss why the item could not go through the committee process.

Councilor Ballard stated the item would go through the committee process. He was advised by Mr. Tollison to present it for immediate consideration. Approximately three years ago, two different developers purchased properties in Piedmont. The Mercantile Building for bought for restoration and subsequent commercial use; the old mill site was purchased for single-family homes. Mr. Ballard stated DHEC would not allow single-family homes on the site. The developer had changed the plan to townhouses.

Chairman Meadows inquired about the difference in presenting the item for first reading as opposed to requesting suspension of Council rules.

Mr. Tollison stated there was a "big difference." He stated that Mr. Ballard was requesting Council sponsor an initiation of a map amendment to an unzoned area of the County. If Council approved the item, it would be as if someone made an application to the Planning Department and it would go through the same steps as any other application.

Councilor Fant stated it appeared that the committee process would not be circumvented if Council approved Mr. Ballard's request.

Mr. Tollison confirmed Mr. Fant's statement. Council would simply be the sponsor of the request in order to initiate the process. There was a limited group with the authority to sponsor the item. County Council had the broadest discretion and legislative authority to zone.

Councilor Tzouvelekas stated he did not understand why the item could not go straight to Committee and why there was a need to suspend the rules.

Mr. Tollison stated Council Rules had to be suspended, as the item was not coming from the Planning and Development Committee.

Councilor Harrison stated the properties in question were currently unzoned. There was a process in place to zone properties for the first time.

Councilor Shaw asked how many acres were involved in the request and if Piedmont was incorporated.

Councilor Ballard stated he did not have that figure with him but would be happy to obtain that information. He stated that Piedmont was not incorporated.

Chairman Meadows asked if there were any other routes available to get the process started.

Mr. Tollison stated it was up to the discretion of Council to determine if the item should start with the Planning and Development Committee or with a suspension of Council Rules in order to initiate a zoning map amendment.

Chairman Meadows asked if the item could “have come” from the Planning and Development Committee.

Mr. Tollison stated it could have come from the Committee; however, Mr. Ballard was simply trying to get the process started by asking for a suspension of the rules.

Councilor Tzouvelekas stated Mr. Ballard could have asked for the item to be put on the Planning and Development agenda; obviously, he chose not to.

Councilor Ballard stated he had worked very closely with the County’s Legal Department and his request to ask for a suspension of Council rules was a result of advice he received from that department. There was no intent to circumvent the committee process.

Mr. Tollison stated Council handled similar situations with text amendments. With the issue at hand, there was no applicant as the properties were currently unzoned. County Council, and possibly the Planning Commission, were the only bodies with the legal authority to act as applicants and initiate the process. The lack of meetings during the summer months and time restraints were more than likely the “driver” for asking to suspend the rules.

Motion to suspend Council Rule IV (A) to allow for immediate consideration of a motion to initiate a zoning map amendment for Piedmont, SC, carried by a roll call vote of eleven (Dill, Barnes, Shaw, Harrison, Tzouvelekas, Norris, Seman, Fant, Ballard, Kirven and Fant) in favor and one (Meadows) in opposition.

Action: Councilor Ballard moved to initiate a zoning map amendment that would change the zoning for several properties from unzoned to R-M8 for Tax Map Numbers 0616110100101, 0616110100102, 0616110100103, 0616110100104, 0616030114000, and 06160301115100; and refer the matter to the Planning and Development Committee.

Motion carried unanimously.

b. American Rescue Plan Act (ARPA) Funding Options

Action: Councilor Seman requested that the two remaining ARPA options (Public Health Opportunities and Greenville County Emergency Operations Center) be referred to the appropriate committee so that Council can take up and approve those vital programs.

Chairman Meadows referred the item to the Finance Committee.

Requests and Motions continued

- Councilor Fant stated on June 22, SCTAC and Lockheed Martin sponsored the 2nd Annual South Carolina Aerospace Night at Fluor Field. South Carolina Aerospace Night was established in 2021 by the South Carolina Council on Competiveness as a means to highlight and showcase the companies and leaders driving the success of the aerospace industry in Greenville and throughout the state. SCTAC President and CEO, Jody Bryson, was the featured speaker at the evening’s reception; he took the opportunity to remind everyone of Greenville’s newest status as the global home of the Lockheed Martin F-16.

- Councilor Ballard commended County Administrator Joe Kernell, the Greenville County Fire Chief's Association, Greenville County's Emergency Management team, Sheriff Hobart Lewis and his department as well as the Anderson County Emergency Management team on an outstanding response to the child that recently drowned in the Saluda River.
- Councilor Kirven commended the County Attorney's office for its hard work, as evidenced by the detailed information provided during the evening's Committee of the Whole and Council meetings. He thanked his colleagues for good discussions during the meetings.
- Vice-Chairman Tripp gave a "shout out" to his colleagues' families who put up with them being gone in order to take care of the County's business. He thanked all the citizens in attendance.
- Councilor Dill thanked Ms. Seman for bringing forward the remaining ARPA funds issues.

Mr. Dill commended the Appalachian County of Governments and Mr. Coker for the discussion that took place during the recent Planning and Development meeting regarding impact fees. Those fees could be implemented on future growth to pay for deputies, roads, and other items.

- Councilor Harrison thanked Mr. Coker, Ms. Gamble and their staff for being so accommodating and helpful.
- Councilor Tzouvelekas thanked all the citizens who were in attendance.
- Councilor Norris stated things continued to progress in District 23.

Item (14) Adjournment

Action: Councilor Seman moved to adjourn the meeting.

Motion carried unanimously and the meeting adjourned at 7:15 p.m.

Respectfully submitted:

Regina G. McCaskill
Clerk to Council