



GREENVILLE COUNTY COUNCIL

Minutes
Committee of the Whole Meeting
October 4, 2022
4:30 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
John Hansley, Deputy County Administrator
Regina McCaskill, Clerk to Council
Jessica Stone, Deputy Clerk to Council
Terrence Galloway, Information Systems

Bob Mihalic, Governmental Affairs Officer
Nicole Wood, Assistant County Administrator
Hesha Gamble, Assistant County Administrator
Tee Coker, Assistant County Administrator
Scott Case, County Auditor

Others Present

Steve Cole, Executive Director, Grater Greenville Sanitation

Call to Order

Chairman Willis Meadows

Invocation

Councilor Lynn Ballard

Item (3) ***Approval of Minutes***

Action: Councilor Kirven moved to approve the minutes of the September 20, 2022, Committee of the Whole meeting.

Motion carried unanimously.

Item (4) ***Affordable Housing Policy***

Chairman Meadows asked if the policy was a resolution.

Mr. Tollison stated the proposed item was neither a resolution nor an ordinance; it was a policy.

Chairman Meadows asked if the County was expected to spend “millions of dollars” under a policy.

Mr. Tollison stated he was not taking an advocacy role in regards to the proposed; it was Council’s decision to approve or deny the item. Council could make it a policy, a resolution or an ordinance. The proposed policy alone did not require the County to spend money. Tax revenue would be foregone only if Council approved a project by ordinance, requiring three readings, a public hearing, and most likely, an attached inducement resolution. Each project would have to come in by ordinance. Council’s current Table of Parameters for GADC projects was a policy.

Chairman Meadows stated under state law, any item involving financing or fees must be an ordinance.

Action: Chairman Meadows ruled the item out of order.

Councilor Kirven stated it was his understanding that the proposed policy was like a goal. The County would support affordable housing along the guidelines outlined in the policy. The policy did not commit any resources to other entities.

Vice-Chairman Tripp stated if the item in question was out of order, then Council’s Table of Parameters for GADC would also have to be ruled out of order.

Action: Vice-Chairman Tripp appealed the ruling of the Chair.

Councilor Fant stated the item was intentionally set up as a policy; it was a work in progress. If there was some aspect of it that did not work, changes could be made without three readings and a public hearing.

Chairman Meadows stated it bothered him that the proposed item was being called a policy. Some Council Members had been quoted in the media as saying it was a resolution. Council needed to be honest with the public about its intentions. The item was not attached to the agenda; neither the public nor some Council Members had been given the opportunity to review it. The County Administrator and County Attorney had revised the proposed policy that had been presented. The current version was different from the original. The amount of money “the people would get” was substantially lower in the original version. It appeared as if area developers had decided they would not be getting enough money from the County; the original amount of reimbursement ranged from approximately 7.5% to 43%. The minimum on the revised policy was 50%.

Vice-Chairman Tripp stated Mr. Meadows was debating his own ruling, which he did not feel was appropriate under Council rules. His motion to overrule the Chair stood if discussion of the item was not allowed.

Chairman Meadows stated he was certain Council would vote to overrule; however, the public needed to know what was occurring.

Vice-Chairman Tripp requested Chairman Meadows to explain which rule he had used to determine the item was out of order.

Chairman Meadows stated he was not aware of the rule until approximately two (2) hours prior to the meeting. It was the same one Councilor Shaw had sent to Council. In regards to the rule, Mr. Meadows stated he did not “look it up” and he was not in agreement with it.

Councilor Harrison stated Mr. Tollison could speak to the exact issue Mr. Meadows was attempting to raise and preemptively “squash the state rule.” Mr. Harrison stated Council Members had been advised that committees were where Council could “get things done.” No other Council Member had been allowed to speak on the issue. Councilor Harrison stated he, along with Mr. Fant, had advised their colleagues they were working on some amendments to the policy that would make it better. Council had agreed, by a vote of eleven (11) in favor and one (1) opposed, to send the item to the Committee of the Whole for discussion. County Council and GADC had both agreed that affordable housing was a goal. Mr. Harrison asked why Council would not want to enact a goal they had all agreed on.

Chairman Meadows stated he did not disagree with Mr. Harrison; however, he disagreed with the way the issue had been handled. He stated Council was not being transparent. The policy would subsidize developers at a cost to the taxpayers of Greenville County.

Vice-Chairman Tripp stated Mr. Meadows continued to debate the item. Mr. Tripp repeated his request for Mr. Meadows to explain the basis for his ruling.

Councilor Ballard requested a roll call vote.

Councilor Harrison requested clarification of the vote.

Chairman Meadows stated the vote was to determine if his ruling regarding the item in question was in order; a vote in favor supported his ruling that the item was out of order.

Councilor Fant stated the vote was in regards to Vice-Chairman Tripp’s motion to appeal Chairman Meadows’ ruling; a vote in favor supported Mr. Tripp’s motion.

Motion to overrule Chairman Meadows’ ruling carried with a roll call vote of nine (Shaw, Harrison, Tzouvelekas, Norris, Seman, Fant, Ballard, Kirven and Tripp) and three (Dill, Barnes and Meadows) in opposition.

Chairman Meadows stated the financial aspect of the proposed policy was the same as a FILOT. At the request of Mr. Tripp, Scott Case was on hand to answer questions, as he had worked on FILOT’s.

Mr. Case stated as County Auditor, he was responsible for the administration of state property tax laws, including incentives. His role was not to engage in policy debate, but, to answer factually any questions about incentive matters.

Chairman Meadows stated he had sent Mr. Case a list of questions; he asked if he had answered those questions.

Mr. Case stated he did have the answers to Mr. Meadows' questions. He asked if he was to review those questions and his answers or entertain questions from other Council Members. He was prepared either way.

Chairman Meadows stated he preferred for some of his colleagues to ask questions.

Councilor Harrison stated Council had only learned of Mr. Case's planned attendance approximately one (1) hour prior to the meeting; therefore, they had not prepared any questions for him.

Chairman Meadows stated Mr. Tripp had suggested inviting Mr. Case to answer any questions Council Members may have.

Vice-Chairman Tripp stated that for the record, he had simply stated that a conservative Republican was the author of the Table of Parameters that were used by GADC in the recruitment of companies. Mr. Tripp stated he did not invite Mr. Case to the meeting. It was very rude to put the County Auditor on the spot by making him read Mr. Meadows questions and provide answers.

Councilor Kirven suggested the County Administrator provide an overview of the proposed policy, including its intent and possible other ways to accomplish the same goal.

Councilor Tzouvelekas suggested Mr. Case remain at the meeting in case Council had questions.

Mr. Kernell stated a draft policy dealing with incentives to induce affordable housing was presented to the Finance Committee a few weeks ago; it was then forwarded to full Council. Councilor Fant and Councilor Harrison offered to meet with community stakeholders to discuss it. People from different sides of the issue were in attendance, including affordable housing experts, GCRA representatives, area developers, attorneys and County staff. There was a good discussion about what would work and what would not work. Afterwards, the policy was revised to be more streamlined. Mr. Kernell stated he designed the original formula and it was a bit sophisticated. The revised policy simplified the process and the calculations. An investment of \$7.5 million was required, with a minimum of 20% total affordable housing units. The policy also required a very specific AMI unit mix to qualify; 20% of the units had to be at 80%, 20% at 40% and 60% at 60%. The formula would drive more of the units into the lower income levels. The average median income for a family of four (4) in Greenville County was currently \$85,200. Mr. Kernell stated 80% AMI would be approximately \$68,000, with about \$1800 available for housing monthly. The new formula would about abate taxes starting at 50%. That figure would climb if the developer invested in more affordable housing units, topping out at 70% with an investment of 100% of affordable housing units. The policy applied to workforce housing, not low-income housing, and was for EMS workers, deputies, police officers, fire personnel and restaurant workers. It would not work in all areas of Greenville County, for example downtown Greenville, as the rents were so high. The proposed policy would provide a good starting point, showing that the County was stepping up and doing something about the issue. It included all the taxing entities.

Affordable Housing Better Defined

Low-Income Housing	Workforce Housing
<ul style="list-style-type: none"> □ People Who Earn 30% or Less of the Greenville County AMI □ Receive subsidies from the Federal Government 	<ul style="list-style-type: none"> □ People Who Earn Between 30% and 80% of the Greenville County AMI □ Developer/Owner gets tax breaks for providing

Councilor Fant stated he wanted his colleagues to deal with the issue from the same starting point. Mr. Fant stated some people perceived affordable housing was for people who did not work, sat on the front porch, smoked, and drank beer all day. Low income housing, by definition, was 30% AMI and below.

Individuals eligible for low-income housing received subsidies from the federal government for housing costs. Workforce housing was for those individuals or families earning between 30% and 80% of the AMI. The developer and the owner of the project received tax breaks as opposed to government subsidies from HUD.

Housing Incentives Based on AMI

2021 Area Median Income for Greenville County								
% Area Median Income	Household Size							
	1	2	3	4	5	6	7	8
30%*	\$16,250	\$18,550	\$21,940	\$26,500	\$31,040	\$35,580	\$40,120	\$44,660
50%*	\$27,050	\$30,900	\$34,750	\$38,600	\$41,700	\$44,800	\$47,900	\$51,000
80%*	\$43,250	\$49,400	\$55,550	\$61,700	\$66,700	\$71,650	\$76,600	\$81,550
90%**	\$48,650	\$55,600	\$62,550	\$69,490	\$74,050	\$78,600	\$83,150	\$87,700
100%**	\$54,050	\$61,800	\$69,500	\$77,200	\$83,400	\$88,600	\$93,800	\$99,000
120%**	\$64,900	\$74,150	\$83,400	\$92,650	\$100,100	\$107,500	\$114,900	\$122,300

* HUD published income limit

Councilor Fant referred to the attached chart. A single mother of two, earning a yearly income of \$41,600, would be at approximately 60% AMI. The monthly housing amount would be calculated by multiplying the AMI by 60%, dividing by 12 and multiplying by .3 for a monthly amount of \$1,040.

Affordable housing was not for “lazy people”; it was for schoolteachers, law enforcement and firefighters. Mr. Fant stated those people made Greenville County’s quality of life better every day. Communities fell into one of two categories; they were either growing or dying. Council had a responsibility to educate the community about affordable housing and not exacerbate the problem by echoing misinformation.

Councilor Shaw asked if Greenville County ratified all of its policies.

Mr. Kernell stated the proposed, if approved, would be a policy of Council and be ratified. It would give direction to both internal staff as well as developers trying to put together a project to possibly include some affordable housing. The policy would eliminate projects that did not meet the qualifications and would set ground rules for how the County operated in regards to affordable housing developments.

Vice-Chairman Tripp stated the policy was important as some developers were wanting abatements as high as 90%. The policy would give staff, and Council, guidance on what was allowed and what was not. It would also be very similar to the County’s fiscal policy that set percentages for its fund balances.

Councilor Seman stated the proposed policy would fulfill Council’s initiative to build sustainable communities, address the lack of affordable housing and create incentives to promote industry interests in filling the gap. She appreciated all the work that had been put into the policy and was thankful it had been included on the evening’s agenda, giving Council the opportunity to discuss it. Ms. Seman stated it aligned perfectly with Council’s goals and initiatives.

Councilor Dill inquired as to why only two (2) Council Members were involved in the development of the policy.

Mr. Kernell stated staff was requested to develop the policy by Finance Committee. The draft was presented to the Finance Committee and Mr. Harrison had indicated he would like to work on it, along with Councilor Fant. The meeting was scheduled along with interested stakeholders and others.

Councilor Dill stated it appeared that the policy was “developed in a vacuum” and other Council Members were left out of the process.

Councilor Harrison stated all Council Members had been given the opportunity to review the proposed policy. He was aware there were problems with the original draft. Mr. Harrison stated he knew people that would actually use the policy; it was obvious the first draft would not be utilized. Both he and Mr. Fant had experience in real estate and planning. They took the initiative and called a working group together, from of all sides of the issue, to “hash it out” and bring a finished product to Council. The best way forward was to put together a good policy for everyone. Mr. Harrison stated the proposed policy may not be a “done deal.” He suggested sending it to full Council to be fully vetted. He assured his colleagues that no one was trying to hide anything. The meeting he had set up along with Councilor Fant had been the most meaningful, impactful one he had been involved in since being elected to Council. They had a very powerful conversation, dealt with issues and came to a consensus.

Councilor Dill stated the policy appeared to drive FILOT’s. He asked if GADC worked with policies or ordinances.

Mr. Kernell stated GADC worked within a table of parameters, which was basically a policy. After meeting those parameters, a project was then presented to Council as an ordinance. The proposed policy worked in the same way. It would drive a developer’s ability to obtain a FILOT, based on the number of affordable housing included in a project.

Councilor Tzouvelekas stated he appreciated the work Councilor Fant and Councilor Harrison had done on the policy. Mr. Tzouvelekas stated the original draft was presented to the Finance Committee. He stated the revised draft should have been red-lined, although it may already be “perfect.”

Mr. Kernell stated he would be happy to provide a red-lined copy; one had been provided to Chairman Meadows the previous week. Staff simply deleted the original formula to be used, along with some verbiage regarding the formula. Mr. Kernell stated page 5 of the revised version explained the changes.

Councilor Kirven stated he appreciated the work that certain Council Members had put into the proposed policy. He found out about the stakeholders meeting on the day it took place: it was too late to make any plans to attend. That was a bit of a departure from the way Council had operated during his time on County Council. He was disappointed Council was not made aware of the meeting in advance. It could have been a workshop type situation, no votes taken. Council could have benefited from the discussion, taking nothing away from the work that Mr. Harrison and Mr. Fant had done. He inquired about the next steps in the process if Council wanted to move forward.

Chairman Meadows stated the next step would be to either approve the item and send it forward to Council or deny it.

Action: Councilor Kirven moved to approve the Affordable Housing Policy and send it to full Council.

Mr. Tollison stated the revised draft was an amendment to the existing policy that had been approved by the Finance Committee, presented on the Council floor and referred to the Committee of the Whole. He recommended that that motion be in the form of an amendment to the original policy.

Action: Councilor Kirven amended his motion to reflect the item was an amended version of the Affordable Housing Policy.

Councilor Dill asked what changes were made to the original. There was quite a bit of information in the original draft that he did not like.

Mr. Kernell stated the formula, which was somewhat confusing, had been simplified as outlined on page 5 out of the revised version. The only verbiage that changed was the deletion of the calculation explanation. He stated page 4 of the original draft included a weighted incentive structure, special source credit, weighted credit and unweighted credit as well as a table. That information was deleted and replaced with the table of page 5. On page 6 of the original, the weighted value discussion, the housing unit and the points were deleted. Mr. Kernell stated he would send Council a copy of the red-lined version; however, it was very difficult to follow.

Chairman Meadows stated it may be helpful to look at both versions. In the original version, the highest abatement percentage was 43. In the revised draft, there was a floor of 50%; that was the reason the policy had to be revised. The builders had indicated they would not get enough money under the provisions of the original draft. Mr. Meadows stated one builder had told him that he would owe \$732,000 without the incentives and \$365,000 with the incentives.

Councilor Harrison asked if the developer indicated how much lost rent he would have by offering affordable housing units.

Chairman Meadows stated he simply took the numbers provided by the developer.

Action: Councilor Seman called for the question.

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

Councilor Kirven clarified that his motion should reflect substitution of the revised version of the proposed policy for the original version.

Motion as presented carried by a roll call vote of eleven (Dill, Barnes, Shaw, Harrison, Tzouvelekas, Norris, Seman, Fant, Ballard, Kirven and Tripp) in favor and one (Meadows) in opposition.

Item (5) **Board and Commission / Committee Nominations**

a. Committee on Finance

i. Accommodations Tax Advisory Committee *(2 vacancies)*

On behalf of the Committee, Vice-Chairman Tripp presented the name of **B.J. Koonce** (D. 22) to fill one of two vacancies on the Accommodations Tax Advisory Committee.

Action: Vice-Chairman Tripp moved to close nominations and forward the name of **B.J. Koonce** to full Council.

Motion carried unanimously.

b. Committee on Planning and Development

i. Construction Board of Appeals *(3 vacancies)*

On behalf of the Committee, Councilor Dill presented the names of **Stephen Jones** (D. 22 / building industry at-large) and **Bill Stewart** (D. 27 / at-large) to fill two of three vacancies on the Construction Board of Appeals.

Action: Councilor Seman moved to close nominations and forward the names of **Stephen Jones** and **Bill Stewart** to full Council.

Motion carried unanimously.

ii. Historic Preservation Commission *(4 vacancies)*

On behalf of the Committee, Councilor Dill presented the names of **Jason Forister** (D. 19) and **Teresa Slack** (D. 23) to fill two of four vacancies on the Historic Preservation Commission.

Action: Councilor Seman moved to close nominations and forward the names of **Jason Forister** and **Teresa Slack** to full Council.

Motion carried unanimously.

iii. Zoning Board of Appeals *(1 vacancy)*

On behalf of the Committee, Councilor Dill presented the name of **James Akers, Jr.** (D. 20) to fill one vacancy on the Zoning Board of Appeals.

Action: Vice-Chairman Tripp moved to close nominations and forward the name of **James Akers, Jr.** to full Council.

Motion carried unanimously.

c. **Committee on Public Works and Infrastructure**

i. **Library Board of Trustees** (1 vacancy)

On behalf of the Committee, Councilor Seman presented the name of **Marcia Moston** (D. 18) to fill an unexpired term on the Library Board of Trustees.

Action: Councilor Seman moved to close nominations and forward the name of **Marcia Moston** to full Council.

Motion carried unanimously.

ii. **Museum Commission** (3 vacancies)

On behalf of the Committee, Councilor Seman presented the names of **James Campbell** (D. 24), **Natalie Crews** (D. 23) and **Scott Kilgore** (D. 24) to fill three vacancies on the Museum Commission.

Action: Councilor Seman moved to close nominations and forward the names of **James Campbell**, **Natalie Crews** and **Scott Kilgore** to full Council.

Motion carried unanimously.

d. **Committee on Public Safety and Administration**

i. **Greater Greenville Sanitation District Commission** (1 vacancy)

On behalf of the Committee, Councilor Barnes presented the name of **Roy Earnest** (D. 19) to fill one vacancy on the Greater Greenville Sanitation District Commission.

Action: Councilor Tzouvelekas moved to close nominations and forward the name of **Roy Earnest** to full Council.

Motion carried unanimously.

Item (6) **Special Tax District Nominations**

a. **Chanticleer Community Commission** (3 vacancies)

Councilor Seman presented the names of **Mary Hirsch** (D. 24), **Jamie Pimentel** (D. 24) and **Robert Powell** (D. 24) to fill three vacancies on the Chanticleer Community Commission.

Action: Councilor Seman moved to close nominations and forward the names of **Mary Hirsch**, **Jamie Pimentel** and **Robert Powell** to full Council.

Motion carried unanimously.

b. Devenger Pointe Special Tax District (1 vacancy)

Councilor Harrison presented the name of **Michael Ballenger** (D. 21) to fill one vacancy on the Devenger Pointe Special Tax District.

Action: Councilor Harrison moved to close nominations and forward the name of **Michael Ballenger** to full Council.

Motion carried unanimously.

c. Donaldson Center Fire Service Area Board (2 vacancies)

Councilor Fant presented the names of **Charles Holland** (Ethox) and **Jeffrey Lipper** (Solvey) to fill two vacancies on the Donaldson Center Fire Service Area Board.

Action: Councilor Fant moved to close nominations and forward the names of **Charles Holland** and **Jeffrey Lipper** to full Council.

Motion carried unanimously.

d. Old Mill Estates Special Tax District (2 vacancies)

Councilor Shaw presented the names of **Randy Boyette** (D. 20) and **Sandra Fraser** (D. 20) to fill two vacancies on the Old Mill Estates Special Tax District.

Action: Councilor Shaw moved to close nominations and forward the names of **Randy Boyette** and **Sandra Fraser** to full Council.

Motion carried unanimously.

e. Terra Pines Estates Special Tax District (1 vacancy)

Councilor Tzouvelekas presented the name of **Anne Holden** (D. 22) to fill one vacancy on the Terra Pines Estates Special Tax District.

Action: Councilor Tzouvelekas moved to close nominations and forward the name of **Anne Holden** to full Council.

Motion carried unanimously.

Item (7) **Adjournment**

Action: Councilor Kirven moved to adjourn the meeting.

Motion carried unanimously and the meeting adjourned at 5:21 p.m.

Respectfully submitted:

Regina G. McCaskill
Clerk to Council