



GREENVILLE COUNTY COUNCIL

Minutes
Regular Meeting
April 4, 2023
6:00 p.m.

County Square - Council Chambers

Council Members

Mr. Dan Tripp, *Chairman, District 28*
Mrs. Liz Seman, *Vice-Chairwoman, District 24*
Mr. Butch Kirven, *Chairman Pro Tem, District 27*
Mr. Joey Russo, *District 17*
Mr. Mike Barnes, *District 18*
Mr. Benton Blount, *District 19*
Mr. Stephen Shaw, *District 20*
Mr. Chris Harrison, *District 21*
Mr. Stan Tzouvelekas, *District 22*
Mr. Alan Mitchell, *District 23*
Mr. Ennis Fant, Sr., *District 25*
Mr. Rick Bradley, *District 26*

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
Kim Wunder, Assistant County Attorney
John Hansley, Deputy County Administrator
Regina McCaskill, Clerk to Council
Jessica Stone, Deputy Clerk to Council

Pam Gilliam, Administrative Assistant
Terrance Galloway, Information Systems
Phillip Simmons, Information Systems
Hesha Gamble, Assistant County Administrator
Ted Lambrecht, Director, Parks Recreation and Tourism
Debra Ham, Director, Human Resources

Others Present

Sheriff Hobart Lewis

Call to Order

Chairman Dan Tripp

Invocation

Councilor Steve Shaw

Pledge of Allegiance

Item (4) **Approval of Minutes**

a. March 21, 2023 – Regular County Council Meeting

Action: Vice-Chairwoman Seman moved approval of the minutes from the March 21, 2023, Regular County Council Meeting.

Motion carried unanimously.

Item (5) **Proclamations and Special Recognition**

a. Soteria Community Development Corporation / Second Chance Month

Councilor Mitchell presented a proclamation regarding Soteria Community Development Corporation, a non-profit organization that plays a critical role in providing resources that are important to a successful transition back into the community for formerly incarcerated persons. It is dedicated to raising awareness of the challenges faced by those individuals and the need for second chances.

Greenville County Council recognized the need to raise awareness of the challenges faced by those impacted by incarceration and proclaimed April 2023 as Second Chance Month in Greenville County.

b. Donate Life Month

Vice-Chairwoman Seman presented a proclamation in recognition of National Donate Life Month. In the United States, more than 108,000 children and adults await lifesaving transplants, of which more than 1,300 are South Carolinians. An average of 20 lives are lost each day due to the limited availability of transplant organs, and every 10 minutes, a new name is added to the United Network for Organ Sharing national transplant waiting list.

Greenville County Council recognized the need for organ donation awareness and proclaimed April 2023 as Donate Life Month in Greenville County.

Item (6) **Appearances – Current Agenda Items**

The following individuals appeared regarding Item 12.a.ii Board and Commission Appointments / Nominations

- Tiffany Santagati
- Autumn Bible
- Leslie Johnson
- Stephen Shelato
- Hao Wu
- Michael Hoyt
- Terry Rumler
- Spencer Beeson
- Miles Dame
- Amanda McDougald

Item (7)

Public Hearings

a. Anderson / Greenville Multi County Industrial Business Park (2010 Park) Agreement Amendment

A public hearing was held for the purpose of receiving comments from the public regarding 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.

There being no speakers, Chairman Pro Tem Kirven declared the public hearing closed.

b. Laurens / Greenville Multi County Industrial Business Park (Octagon Park) Agreement Amendment

A public hearing was held for the purpose of receiving comments from the public regarding an ordinance to amend the Master Agreement governing the Octagon Industrial Park between Greenville County and Laurens County so as to enlarge the park.

There being no speakers, Chairman Pro Tem Kirven declared the public hearing closed.

c. 170 Patriot Hill Drive LLC / 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 170 Patriot Hill Drive 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, Chairman Pro Tem Kirven declared the public hearing closed.

Item (8)

Consent Agenda

a. Greenville County Personnel Handbook Adoption (Finance)

b. Greenville County Grievance Committee Pool List of Recommendations (Finance)

c. Community Project Application – Lake Cunningham Fire District / Communication Response Project \$9,000 (Finance)

d. Community Project Application – Upstate Circle of Friends ADA Standards Restroom Upgrades \$11,000 (Finance)

e. Greenville Area Development Corporation (GADC) Bylaws Amendment (Finance)

Action: Chairman Pro Tem Kirven requested Item 8.e. Greenville Area Development Corporation (GADC) Bylaws Amendment be referred back to the Finance Committee.

Motion carried unanimously.

Action: Councilor Tzouvelekas requested Item 8.a Greenville County Personnel Handbook Adoption be referred back to the Finance Committee and a red-lined version outlining the proposed changes be made available.

Councilor Seman inquired if there were any timeframe challenges in returning the item to the Finance Committee. Ms. Seman stated both the Human Resources Department and the Legal Department had reviewed the proposed changes; she was comfortable with them.

Mr. Tollison stated the version outlining the proposed changes presented to the Finance Committee was a comparative document; it showed the highlights, the new language and the strikes of old language; the document was included in the Council Packet for the evening's meeting.

Mr. Kernell stated the document containing the proposed changes was actually "yellow-lined" as opposed to "red-lined"; all Council Members received a copy in the Council Packet. An outside law firm, specializing in labor law, had reviewed the County's current Personnel Handbook and recommended the proposed changes. Mr. Kernell stated it was his recommendation Council approve the proposed changes as soon as possible; it was a "legal issue" and needed to be addressed quickly.

Chairman Tripp suggested moving the item to Committee Reports for further discussion.

Councilor Tzouvelekas agreed to move the item to Committee Reports and withdrew his motion.

Action: Councilor Seman moved approval of the remaining Consent Agenda items.

Motion carried unanimously.

Item (9) **Resolutions**

a. Project Saving Daylight / Inducement Resolution

Action: Chairman Pro Tem Kirven moved for adoption a resolution authorizing the execution and delivery of an inducement agreement by and between Greenville County, South Carolina and a company or companies known to the county as Project Saving Daylight, 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/company would be provided certain credits against fee payment in reimbursement of investment in related qualified infrastructure; and providing for related matters.

Motion carried unanimously.

b. Abandoned Building Site Certification – 6000 Augusta Road

Councilor Harrison and Councilor Fant left the meeting at 6:51 p.m., recusing themselves from discussion and voting on the following item.

Action: Chairman Pro Tem Kirven moved for adoption a resolution to certify 6000 Augusta Road, Greenville, South Carolina as containing abandoned building sites pursuant to the South Carolina Abandoned Buildings Revitalization Act of 2013.

Motion carried with two written abstentions (Harrison and Fant).

Councilor Harrison and Councilor Fant returned to the meeting at 6:52 p.m.

c. **Opioid Lawsuit Settlement**

Action: Vice-Chairwoman Seman moved for adoption a resolution approving Greenville County's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, and CVS.

Motion carried unanimously.

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

a. **Anderson / Greenville Multi County Industrial Business Park (2010 Park) Agreement Amendment**

Action: Chairman Pro Tem Kirven 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 Anderson and Greenville Counties so as to enlarge the park.

Action: Motion carried unanimously.

b. **Laurens / Greenville Multi County Industrial Business Park (Octagon Park) Agreement Amendment**

Action: Chairman Pro Tem Kirven moved for adoption at third reading an ordinance to amend the Master Lease governing the Octagon Industrial Park between Greenville County and Laurens Park so as to enlarge the park.

Action: Motion carried unanimously.

c. **170 Patriot Hill Drive LLC / Fee in Lieu of Tax Agreement**

Action: Chairman Pro Tem Kirven 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 170 Patriot Hill Drive 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.

d. **Dusty Lane / Relinquishment of Surplus Right-of-Way**

Action: Vice-Chairwoman Seman moved for adoption at third reading an ordinance to authorize the conveyance of surplus right-of-way resulting from realignment of Dusty Lane (H-0056) at its intersection with Woodruff Road (SC Hwy 146).

Motion carried unanimously.

e. **Adoption of the Administrative Portions of the Collective Building Codes; Associated Appendix; Property Maintenance and Swimming Pool Codes**

Action: Vice-Chairwoman Seman moved for adoption at third reading an ordinance to comply with the regulations promulgated by the South Carolina Building Codes Council by repealing Ordinance Number 5147 and adopting the Administrative Provisions (Chapter 1) of the various codes related to design review and inspection activities of the County of Greenville and enforcement of building provisions as provided in said codes; and an ordinance to adopt the International Property Maintenance Code, the International Swimming Pool and Spa Code and International Existing Building Code in Greenville County as authorized by the South Carolina Building Codes Council; and to adopt certain appendices of the adopted codes to recognize certain variations in the codes based on physical conditions found within Greenville County.

Action: Vice-Chairwoman Seman moved to hold the item until the next Council meeting at which time the public hearing was scheduled.

Motion to hold carried unanimously.

f. **Solid Waste Operating Hours**

Action: Vice-Chairwoman Seman moved for adoption at third reading an ordinance concerning the opening and closing hours for the county landfill and residential waste and recycling centers.

Motion carried unanimously.

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

a. **Road Fee Revenue Bonds**

Chairman Pro Tem Kirven presented for first reading an ordinance providing for the issuance and sale of road fee revenue bonds of Greenville County, South Carolina, and other matters related thereto.

Chairman Tripp stated the item would remain on the floor.

b. **Road Maintenance Fee Revenue Bonds Series 2023**

Chairman Pro Tem Kirven presented for first reading an ordinance providing for the issuance and sale of not exceeding \$31,000,000 Greenville County, South Carolina Road Fee Revenue Bonds, Series 2023, for the expenditure of the proceeds thereof, for the payment of said bonds, and other matters related thereto.

Chairman Tripp stated the item would remain on the floor.

c. **Simpsonville Fire Service Area General Obligation Bonds**

Chairman Pro Tem Kirven presented for first reading an ordinance to provide for the issuance and sale of not exceeding \$900,000 Greenville County, South Carolina, General Obligation Bonds (Simpsonville Fire Service Area Project), in one or more series; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters related thereto.

Chairman Tripp stated the item would remain on the floor.

d. **Project Saving Daylight / Fee in Lieu of Tax Agreement and Special Source Revenue Credit Agreement**

Chairman Pro Tem Kirven presented for first reading an ordinance authorizing the execution and delivery of a fee in lieu of tax and special sources credit agreement by and between Greenville County, South Carolina and a company or companies known to the County at this time as Project Saving Daylight 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 Tripp stated the item would remain on the floor.

Item (12) **Committee Reports**

a. **Committee of the Whole**

i. **Board and Commission Appointments / Nominations**

Action: On behalf of the Committee, Vice-Chairwoman Seman moved to appoint the following:

- Kerry Lightner, Neetu Patel and James Pittman to fill three vacancies on the Arena District Commission.
- Jim Burns, Marshall Franklin and Chad Tumblin to fill three vacancies on the Greenville Area Development Corporation.
- Peter Nomikos to fill one of three vacancies on the Construction Board of Appeals.
- Valerie Arnold and James Scott to fill two vacancies on the Historic Preservation Commission.
- James Akers and Michael Roth to fill two vacancies on the Zoning Board of Appeals.
- Stephen Astemborski to fill one vacancy on the Greenlink Board.
- Cecil Beckner to fill one vacancy on the Library Board of Trustees.
- Tamara Dwyer and David Edwards to fill two vacancies on the Parks, Recreation and Tourism Advisory Committee.
- Steven West to fill one vacancy on the South Carolina Technology and Aviation Center Board.
- Gordon Brush to fill one vacancy on the Metropolitan Sewer Subdistrict Board.
- Bruce Latham and Randy Price to fill two of three vacancies on the Devenger Tax District Board.
- Mark Chandler to fill one vacancy on the Donaldson Fire Service Area Board.
- James Cramer to fill one vacancy on the Freetown Community Special Tax District Board.

Motion carried unanimously.

b. **Consent Agenda**

e. **Greenville County Personnel Handbook Adoption** *(Finance)*

Mr. Tollison stated he referred County staff to attorneys with Jackson Lewis Law Firm, experts in employment law. The firm assisted in updating the County's personnel handbook to reflect language beyond the older race and gender categories, now included in the expansion of Title 7, the Civil Rights Act from the Supreme Court decision in 2020. The County's Harassment Policy was also updated to reflect those changes. If challenged in an EEOC action or a lawsuit, the County would have a "sound document" with the backing of employment lawyers who specialize in the field.

Mr. Tollison stated there were a number of "learned updates" from staff beyond federal laws. The handbook was updated to clarify language on items the County had experienced in regards to items such as benefits, office relationships, and grievances, for example. He stated all proposed changes and updates were included in the comparative document. Mr. Tollison commended Debra Ham, Director of Human Resources, for the excellent summary that was also included in the packet.

Chairman Tripp stated the motion on the floor was adoption of the Personnel Handbook.

Councilor Shaw stated he was not comfortable with the proposed changes and felt it was necessary to discuss them with the attorneys. Mr. Shaw stated it was important to determine if the changes were required "under the law" or were a "policy decision." He would like more time in order to hear from the attorneys with Jackson Lewis.

Councilor Harrison stated he greatly respected staff's work in regards to the item in question. The Finance Committee had also reviewed the documents. He asked Mr. Shaw if he had read the document outlining the proposed changes and updates.

Councilor Shaw stated he had reviewed the document; however, he was confused as the comparative document was actually yellow-lined as opposed to red-lined. Mr. Shaw stated he would like to see the original version and a version showing all the changes. He also would like to see the reasons why the changes were being made. Mr. Shaw stated it was important to have a workforce that was free of discrimination.

Action:

Chairman Pro Tem Kirven called for the question.

Motion to call for the question carried.

Motion as presented carried by a roll call vote of eight (Russo, Barnes, Harrison, Mitchell, Seman, Fant, Kirven and Tripp) in favor and four (Blount, Shaw, Tzouvelekas and Bradley) in opposition.

Item (13)

Administrator's Report

No report.

Item (14)

Requests and Motions

- a. **Ordinance Requiring Standing Committees to Place Certain Items on an Agenda Within Sixty Days After Referral**

Action: Chairman Tripp ruled the item out of order as the proposed action required a change in Council Rules, not an ordinance.

Councilor Tzouvelekas requested Mr. Tollison prepare the paperwork necessary to present the item as a change in Council Rules at the next Council meeting.

Requests and Motions continued

- Chairman Tripp congratulated Councilor Mitchell as he recently received the Good Neighbor Award from Habitat for Humanity in Nicholstown.
- Vice-Chairwoman Seman stated she, along with Mr. Mitchell and Mr. Fant, represented Council at the Nehemiah Action Event, held the previous week. There were approximately 1500 people in attendance to voice concerns about mental health and affordable housing. Ms. Seman stated she was excited to know the community was getting engaged about some of the issues identified as important by Council.
- Councilor Fant echoed Ms. Seman’s comments regarding the Nehemiah Action Event. Five years ago, it was difficult to get people to talk about affordable housing in Greenville County; it was now top of mind.

Mr. Fant stated Lockheed Martin’s F-16 Fighting Falcon was recently voted the “Coolest Thing Made in South Carolina.” The announcement was made the previous week by Governor Henry McMaster; CEO Jody Bryson and GADC CEO Mark Farris were in attendance at the ceremony held in Columbia.

- Councilor Bradley stated he recently saw some pictures that were taken at the SCAC Conference he attended in February along with several of his colleagues; only Chairman Tripp managed to actually be in any of the pictures.
- Chairman Pro Tem Kirven thanked all the citizens who were in attendance; it was important for Council to have input from their constituents.
- Councilor Russo stated as the youngest member of Council, he tried to steer as far away from immaturity as much as possible. He stated he did his “homework”; he reviewed the contents of the Council packet, and any other pertinent information, in order to make informed decisions for the citizens of Greenville County. It was important to be able to “disagree agreeably” and have heated discussions, when necessary. Mr. Russo stated it was his belief Council could move forward in a positive direction with community input.
- Councilor Barnes thanked Mr. Kernell, Hessa Gamble and Sheriff Lewis for their help in dealing with the issue of used tires disposal. A meeting was scheduled for the near future to discuss the next steps, to include possible fines.

- Councilor Blount stated he wanted to explain his “no vote” on the last item requiring a vote. Mr. Blount stated he took all Council matters very seriously; he wanted to make sure he understood each issue and was able to make good decisions.
- Councilor Harrison stated the next Citizen Communications Forum was scheduled for Tuesday, April 11 @ 5:00 p.m. Citizen input was extremely important; it helped Council “ramp up” its transparency and level of communication. Mr. Harrison stated staff with Parks, Recreation and Tourism would be making a presentation. He encouraged attendance for anyone wishing to address Council about an issue important to them.
- Councilor Tzouvelekas stated he recently attended an awards ceremony at the Phoenix Center along with Councilor Russo and Councilor Blount. The center helped so many people in Greenville County; it was nice to see support for such a great cause.
- Chairman Tripp thanked all those who were in attendance. He thanked them for showing decorum and respect during the comment session. Mr. Tripp stated what could have been a very contentious meeting turned out to be very efficient.

Item (15) **Adjournment**

Action: Chairman Pro Tem Kirven moved to adjourn the meeting.

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

Respectfully submitted:

Regina G. McCaskill
Clerk to Council