



MINUTES

FORMAL MEETING OF CITY COUNCIL

Monday, March 23, 2020 - 5:30 p.m.

CITY HALL, 206 S. MAIN STREET
NINTH FLOOR CONFERENCE ROOM
(Closed to the Public)

Virtual Meeting Viewing: <https://www.greenvillesc.gov/meeting>

Facebook:

Greenville, South Carolina – Official City Government Homepage

1. **CALL TO ORDER**
Mayor Knox H. White

2. **INVOCATION**
Councilmember Ken Gibson

3. **PLEDGE OF ALLEGIANCE** (Suspended)

4. **ROLL CALL**
The following members of City Council were in attendance: Mayor Knox White, John DeWorken, Lillian Flemming, Ken Gibson, Wil Brasington, Russell Stall, and Dorothy Dowe

REQUEST TO AMEND AGENDA

Councilmember Stall moved, seconded by Councilmember Dowe, to amend the Agenda to allow for the addition of an Emergency Ordinance to establish a daily curfew. The motion was approved unanimously by roll call vote.

5. **APPROVAL OF THE MINUTES**
March 9, 2020; Approved as submitted
March 13, 2020; Approved as submitted
March 18, 2020; Approved as submitted

6. **COMMUNICATIONS / ANNOUNCEMENTS FROM THE MAYOR AND COUNCIL**
Mayor White stated City Council has been in contact with Prisma Health and other area health authorities regarding the COVID-19 virus, and he encouraged everyone to stay home and practice social distancing.

7. **CITIZENS WISHING TO ADDRESS COUNCIL**
See Item 15a below.

8. **PRESENTATION**
None

9. **PUBLIC HEARING**
None

10. APPOINTMENTS – Boards and Commissions

a. Planning Commission

Councilmember Dowe recommended Mike Martinez and Jeff Randolph each to a full four year term ending March 31, 2024. There being no further nominations, Mr. Martinez and Mr. Randolph were appointed by unanimous consent.

CONSENT AGENDA

There will be no discussion of Consent Agenda items unless a Council member so requests in which event the item in question will be considered separately.

Mayor White requested that Item 11d be removed from the Consent Agenda.

Councilmember Brasington moved, seconded by Councilmember Flemming, to approve second and final reading of agenda items 11a, 11b, 11c, 11e, 11f, and 11g of the Consent Agenda. The motion carried unanimously.

11. UNFINISHED BUSINESS – (Ordinances – Second and Final Reading)

- a. Ordinance to annex approximately 2.795 acres of real property on Webb Road and to provide the zoning designation of S-1, Service District (Tax Map Number 0545010100101) (AX-1-2020)
(Presented by Economic Development Project Manager Kevin Howard)
- b. Ordinance approving the sale of property located at 159 Welborn Street to Drew Parker, Rion Smith, and Ray Foral (Tax Map Numbers 0055000100302 and 0055000100210)
(Presented by Interim Community and Economic Development Director Ginny Stroud)
- c. Ordinance to approve a Reciprocal Easement Agreement between Renewable Water Resources and the city of Greenville for purposes of access, parking, and temporary improvements (Tax Map Numbers M014010100200 and M014010100300)
(Presented by Operations Manager Wayne Owens)
- d. Ordinance to appropriate \$38,275,836 in the Capital Projects Fund and \$35,433,270 in the Hospitality Tax Fund for the Construction of Unity Park
(Presented by OMB Deputy Director Matt Efird)

Councilmember Dowe referred to the connection between Item 11d and Item 14b as presented during their first reading on March 9 and expressed her interest in amending Item 14b. City Manager John McDonough recommended discussing Item 11d when Item 14b is introduced.

(At this time discussion moved to the Regular Agenda below and returned to this item following passage of Item 14b.)

Following approval of Item 14b, Councilmember Brasington moved, seconded by Councilmember Dowe, to approve Item 11d with the addition of the following language to an enabling clause: "Furthermore, the GMP (Guaranteed Maximum Price) contract addendum between the City and Harper Corporation General Contractors containing the contract sum for the performance of the construction work at Unity Park and the schedule of commencement and completion shall require approval of the City Council."

The motion to approve and to include the additional language was approved unanimously.

After discussion, the Ordinance, as amended, was approved unanimously.

- e. Ordinance to appropriate \$160,000 in the Miscellaneous Grants Fund for reimbursement from the United States Department of Justice Federal Bureau of Investigation for the upgrade and use of the police firing range facilities located on Mauldin Road
(Presented by Interim Chief Howie Thompson)
- f. Ordinance to approve a second amendment to the Agreement between the City of Greenville and the Greenville Housing Fund for affordable housing initiatives and services
(Presented by Interim Community and Economic Development Director Ginny Stroud)
- g. Ordinance to impose a temporary moratorium on acceptance of applications for permits, licenses, certificates of appropriateness, and other approvals for an eating establishment or brewery, or for a development which includes such use, in certain areas adjacent to Unity Park which were not rezoned as part of the adoption of the Unity Park Neighborhood District Code
(Presented by Interim Community and Economic Development Director Ginny Stroud)

12. NEW BUSINESS – (Ordinance – First Reading)

None

13. NEW BUSINESS – (Resolutions – First and Final Reading)

None

REGULAR AGENDA

14. UNFINISHED BUSINESS – (Ordinances – Second and Final Reading)

- a. Ordinance to annex approximately 4.43 acres of real property on Woodruff Road and to provide the zoning designation of C-2, Commercial District, ~~RM-2, Multifamily Residential District~~ (Tax Map Numbers 0261000100601, 0261000100602, and 0261000100603) (AX-3-2020) (REVISED)
(Presented by Economic Development Project Manager Kevin Howard)

Councilmember Brasington moved, seconded by Councilmember Stall, to approve second and final reading. The motion carried unanimously.

- b. Ordinance: Third Supplemental Ordinance providing for the issuance and sale of not exceeding \$37,000,000 City of Greenville, South Carolina Hospitality Tax Revenue Bonds, in one or more series; and other matters relating thereto
(Presented by OMB Director Kai Nelson)
(Roll Call)

Councilmember Stall moved, seconded by Councilmember Gibson, to approve second and final reading.

Mr. McDonough referred to concerns with issuing tax bonds during the COVID-19 virus pandemic and to consideration given to the number of restaurant closures as well as the favorable rate offered.

Office of Management and Budget Director Kai Nelson stated the Ordinance establishes the parameters under which the City shall issue and sell the bonds not exceeding the \$37 million. Mr. Nelson referred to the favorable letter of commitment from TD Bank and explained that the terms of the transaction are fixed rate for a period of 20 years at an interest rate of 1.71% percent. Mr. Nelson advised there is no penalty for early payment and that the letter was issued with the conditions of passage of the Ordinance on March 23 and closing on April 16.

Councilmember Dowe asked questions regarding the payment of \$3 million due on March 1, 2022, which is the first payment that includes principal. Mr. Nelson stated the payment includes two components of principal and interest with approximately \$2 million from hospitality taxes and \$1 million from committed pledges. Mr. Nelson also stated the entire amount is the responsibility of the City.

Office of Management and Budget Deputy Director Matt Efird advised that after the first reading of the Ordinance, Harper was authorized for an early work package and at this time they have ordered their work trailer and have begun ordering the stormwater pipes and the landscaping material. Mr. Efird also advised that purchase orders have not been issued by the City, however, Harper has made commitments to those vendors.

Councilmember Dowe stated while she respects the terms of the bond and would like to honor it, she would like to consider pausing any additional spending until the new normal with the COVID-19 virus is determined. Councilmember Dowe requested the inclusion of addition of language reflecting her request. City Attorney Mike Pitts recommended the restrictions be placed in Item 11d, which is the appropriation ordinance, and that Item 14b be approved as presented.

Mr. Efird referred to milestone schedules that the City will have to meet and acknowledged the first milestone at \$1.8 million in October. Mr. Efird also referred to options in redeeming bonds if the City is uncomfortable at that time.

After discussion, the motion carried 6-0, with Mayor White abstaining.

(See Item 11d above which was introduced following Item 14b.)

15. NEW BUSINESS – (Ordinances – First Reading)

- a. Ordinance to rezone approximately 17 acres of real property located within the West End Overlay District to remove certain properties from the West Greenville Neighborhood Revitalization Overlay District (Z-23-2019)
(Interim Planning and Development Services Director Jay Graham)

Councilmember Stall moved, seconded by Councilmember Dowe, to approve first reading.

Ian Thomas, 209 Perry Avenue, referred to his email sent earlier to Council and stated on behalf of the West End Neighborhood District, they support this item.

After discussion, the motion carried unanimously.

- b. Ordinance to approve an easement in favor of Duke Energy Carolinas, LLC for the purposes of undergrounding utilities on property located on Welborn Street (Tax Map Numbers 0055000100501, 0055000100204, 0055000100200, 0055000100301, 0055000100304, 0055000100210, 0055000100302, 0055000100212, 0055000100101, 0055000100100)
(Presented by Engineering Services Manager Dwayne Cooper)

Councilmember Stall moved, seconded by Councilmember Gibson, to approve first reading. The motion carried unanimously.

- c. Ordinance to appropriate \$2,316,169 in the Miscellaneous Grants Fund and \$187,219 in the Capital Projects Fund for the Fairforest Way Rehabilitation Project
(Presented by Engineering Services Manager Dwayne Cooper)
(Roll Call)

Councilmember Brasington moved, seconded by Councilmember Stall, to approve first reading.

Engineering Services Manager Dwayne Cooper provided comments regarding the second phase of the Fairforest Way project and stated he anticipates construction on the project to begin in late May.

After discussion, the motion carried unanimously.

16. NEW BUSINESS — (Emergency Ordinances – Final Reading)

Prior to presenting the Items under New Business-Emergency Ordinances, Mr. McDonough and city staff provided staff reports addressing the COVID-19 virus including the City's response, current posture, and effort in continuing continuity of operations. Mr. McDonough referred to the emergency Formal Meeting of City Council on March 13 and to the increase of cases since that date. Mr. McDonough stated on March 13 in the state of South Carolina there were 1,696 cases and 41 deaths and today there is 34,000+ cases and 414+ deaths.

Mr. McDonough reviewed the time line of Emergency Ordinances passed by the City, the issuance of the Mayor's Declaration of a State of Emergency, and the issuance of Executive Orders by the Governor. Mr. McDonough referred to the municipal facilities which have been closed to the public, to the reduction of city staff in those facilities, and to city staff telecommuting from home. Mr. McDonough stated while we have modified how we work, we have not stopped conducting business.

Staff members provided information addressing the City's involvement with public safety, social distancing in public places, resources for the homeless community, sidewalk encroachments, and employee health. A community resource guide was presented as a new tool created for the public in an effort to support local businesses and restaurants. Mr. McDonough referred to a recent Executive Order by the Governor prohibiting congregating of three or more individuals. Mayor White commented on community and non-profit organizations being contacted and the need for partnering with those organizations during this time.

Councilmember Stall asked about the potential of FEMA money for disasters. Mr. McDonough responded that the City is maintaining records for reporting purposes and once the City receives information on available funding, staff will apply accordingly.

Mr. McDonough advised that he anticipates a budget impact for the FY2021 budget in light of the COVID-19 virus, that staff is taking appropriate measures in completing the FY2020 budget year, and that adjustments are being made accordingly for FY2021.

- a. An Emergency Ordinance to temporarily defer penalties for the late payment of local hospitality tax and local accommodations fee payments; and matters related thereto
(Presented by City Attorney Mike Pitts)

Councilmember Brasington moved, seconded by Councilmember Stall, to approve first and final reading.

Mr. Pitts stated the Ordinance temporary suspends any late penalties for local hospitality tax and local accommodation fees. Mr. Pitts advised that businesses must continue to file all reporting and if they do not file, the late payment penalties will not be waived.

After discussion, the motion carried unanimously.

- b. An Emergency Ordinance establishing a daily curfew and matters related thereto
(Presented by City Attorney Mike Pitts)

Mr. Pitts stated the proposed Ordinance imposes a temporary curfew which would apply to the Central Business District from 10 p.m. to 6:00 a.m. beginning Friday, March 27. Mr. Pitts also stated it would not affect individuals traveling to work, requiring medical treatment, or deemed essential.

Councilmember DeWorken referred to Sister City Bergamo, Italy, being a hot bed of the virus, the potential of Greenville becoming a hot bed in the United States and

the need for getting ahead of the virus. Councilmember DeWorken stated the Ordinance will provide an additional tool for law enforcement to use. Councilmember Flemming recommended amending the curfew time to begin at 11 p.m., and there was no opposition. Councilmember Brasington recommended amending the implementation date to Wednesday, March 25, and there was no opposition.

Councilmember Gibson questioned how the Ordinance will be enforced without adding burdens to the jail and court systems or whether it is intended to assist with dispersing people. Mr. McDonough responded that the Ordinance is a tool for the police to implement the Ordinance. Councilmember DeWorken agreed with the comments provided and the spirit of the Ordinance which is to encourage individuals to disperse.

Councilmember Stall asked if it would be appropriate for public comment. Councilmember DeWorken responded while he always encourages public comments, he urges Council to pass the matter tonight due to the critical point of the virus.

After discussion, Councilmember Brasington moved, seconded by Councilmember Flemming, to approve first and final reading with amendments for implementation to begin on Wednesday, March 25, and the curfew time to begin at 11:00 p.m. The motion to amend carried unanimously.

Councilmember DeWorken moved, seconded by Councilmember Dowe, to approve the motion, as amended. The motion carried unanimously.

17. NEW BUSINESS -- (Resolution -- First and Final Reading)

None

18. STAFF REPORTS

Mr. McDonough advised that Falls Park will be closed effective in the morning and that staff will post appropriate signage and communicate the same to the public. Mr. McDonough also advised the Governor's Executive Orders will be evaluated and that the appropriate measures will be taken based on additional guidance received.

19. ADJOURN. There being no further business, the meeting adjourned at 7:08 p.m.



KNOX H. WHITE, MAYOR



CAMILLA G. PITMAN, MMC, Certified PLS
CITY CLERK



STATEMENT OF POTENTIAL CONFLICT OF INTEREST

TO: Mayor, or Presiding Officer of Greenville City Council

FROM: Mayor Knox H. White

Pursuant to the Code of Ordinances of the City of Greenville, Section 2-266, "I make this statement concerning the matter described below, action or decision upon which will directly affect an economic interest as contemplated by the Ethics, Government Accountability and Campaign Reform Act of 1991:"

A. The matter requiring action or decision is as follows:

FORMAL AGENDA

Agenda Item No. 14b

Subject: Ordinance: Third Supplemental Ordinance providing for the issuance and sale of not exceeding \$37,000,000 City of Greenville, South Carolina Hospitality Tax Revenue Bonds, in one or more series; and other matters relating thereto

B. The nature of my potential conflict is as follows:

- I have an economic interest which will be affected by the action.
- A member of my immediate family has an economic interest which will be directly affected.
- An individual with whom I am associated has an economic interest which will be affected.
- A business (either for profit or not for profit) with whom I am associated has an economic interest which may be affected directly or indirectly.
- A member of my immediate family, or by marriage relationships, is recommended for appointment to a municipal Board or Commission creating a conflict.

C. As a result of my potential conflict:

- I hereby withdraw/abstain/recuse from any votes, deliberations or other actions on this matter and request that my disqualification and the grounds therefore be noted in the minutes.
- I hereby left the meeting during the vote, deliberation or other action on this matter and request that my absence and the grounds therefore be noted in the minutes.

Date: March 23, 2020

Signature:



Print Name:

Mayor Knox H. White

Accepted:


Mayor

The City Clerk attests the above action has been noted and is reflected in the Minutes.


City Clerk