



# MINUTES

## FORMAL MEETING OF CITY COUNCIL

Monday, May 18, 2020 - 5:30 p.m.

Greenville City Hall - Closed to the Public

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

Remote Viewing Location:  
Greenville Convention Center, 1 Exposition Drive – Room 102

---

1. **CALL TO ORDER**  
Mayor Knox H. White
2. **INVOCATION** (Suspended)  
Councilmember Lillian Flemming
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
5. **APPROVAL OF THE MINUTES**  
May 11, 2020; Approved as submitted
6. **COMMUNICATIONS / ANNOUNCEMENTS FROM THE MAYOR AND COUNCIL**  
None
7. **CITIZENS WISHING TO ADDRESS COUNCIL**

Ina Cunningham, 6 E. Lanneau Drive, stated she was speaking on behalf of a group of 360 local citizens regarding the risks of 5G, asked Council to pass a Resolution to establish a commission to look into the health risks of 5G, and expressed thanks for Item 11a. Ms. Cunningham stated 72 hours notification is not enough for the public regarding utility work.

Lila James, 430 Greenpond Road, Fountain Inn, spoke regarding 5G and asked if the city of Greenville has required as part of its agreement general liability insurance without a collusion exclusion so the City is indemnified from exposing its constituents to wireless radiation. Ms. James also asked if the City has done an assessment of the risk associated with 5G to protect itself with insurance and what the City's plan is regarding measuring wireless radiation amounts.

8. **PRESENTATION**  
None

## 9. PUBLIC HEARING

- a. Adoption of the FY2020-21 Annual Operating Budget  
(Presented by City Manager John McDonough)

**Michael Dey, Home Builders Association of Greenville**, spoke in support of Item 9A and stated the proposal to consolidate services for permitting will streamline the development process and encourage further growth.

**Frank Hammond, Colliers International (Property), 55 E. Camperdown Way**, spoke in favor of Item 9a stating improving the timeliness of permits will be welcomed by the business community even if there is a cost increase in fees.

- b. Proposed Abandonment of an apparent gap of property between the right of way of Westview Avenue and property identified as Tax Map Number 0180000303301 (425 Summit Drive) (AB-1-2020)  
(Presented by Engineering Services Manager Dwayne Cooper)

Engineering Services Manager Dwayne Cooper presented a request from Congregation Beth Israel for a proposed abandonment for a strip of land creating an apparent gap of property between Westview Avenue and their property located on 425 Summit Drive. Mr. Cooper stated the property is not part of the existing right of way on Westview Avenue and the City does not claim to have any right, title or interest in the property. Mr. Cooper also stated all utilities and abutting property owners have been notified and no opposition has been expressed except from residents of the Lost Valley Neighborhood.

Councilmember Brasington asked for clarification regarding the City's abandonment of a property for which it believes it has no claim. Mr. Cooper responded the process is one of the ways to do a quit claim deed so the title can be cleared legally and the property can be obtained. Mr. Cooper confirmed there is 100% percent confidence there is no ownership by the City.

Councilmember DeWorken asked for further clarification regarding the process. Mr. Cooper responded the process is being done to provide Congregation Beth Israel the quit claim deed. City Attorney Michael Pitts stated from an engineering standpoint, the records indicate the City does not own any part of the right of way in question, but he would prefer to examine the title to verify that statement.

**Evelyn Angeletti, 50 Westview Avenue**, spoke in opposition to Item 9b as an adjoining neighbor to the property and as the attorney for the Lost Valley Subdivision Homeowners Association. Ms. Angeletti stated she believes the quit claim deed should go to the original developer and successors to the developer's interests, who are the homeowners and the Homeowners Association. Ms. Angeletti also stated additional documentation is being gathered for the City regarding the abandonment.

**Jeanine Halva-Neubar, 84 Westview Avenue**, spoke in opposition to Item 9b and stated she believes any property gap should be deeded to the Lost Valley Subdivision Homeowners Association. Ms. Halva-Neubar stated in her 22 years as a resident, she could not recall anyone other than members of the Homeowners Association taking care of the property in question.

**Kerry Murphy, 72 Westview Avenue**, spoke in opposition to Item 9b and stated she was among many residents in the Lost Valley Subdivision who had spent time cleaning up the property in question. Ms. Murphy stated she supported Ms. Angeletti's position regarding the property.

**Janice Carson, 57 Westview Avenue**, spoke in opposition to Item 9b stating she had also spent time working on the property.

Councilmember Brasington requested clarification regarding the synagogue's intent on obtaining the property. Mr. Pitts stated an attorney working with the synagogue felt as if the property in question was a potential title issue and, by seeking an abandonment, the title could be made clearer. Mr. Pitts reminded everyone that only the Public Hearing is being held during today's meeting.

Councilmember Dowe asked if eminent domain played a part in this abandonment, and Mr. Pitts replied no. Mr. Pitts referenced Ms. Angeletti's comments as being related to a law called adverse possession in which someone can claim possession of property after being a resident of it for an extended period of time.

**Mike Unger, 213 Ironbridge Way, Simpsonville**, the financial secretary of Congregation Beth Israel, spoke in support of Item 9b. Mr. Unger stated he was supporting the quit claim deed because the congregation wants to sell the property and as a favor to the late Max Heller who wanted sustainability of the property. Mr. Unger also stated the property gap came into being when Westview Avenue was extended to create the Lost Valley Neighborhood and no one was aware of the gap until a recent title search revealed Lost Valley had no claim to the property. Mr. Unger advised the congregation met with the neighborhood a year ago to discuss the issue and added the residents have been taking care of the City's right-of-way, not the property gap in question.

- c. Proposed Abandonment of a portion of Gibbs Street (AB-2-2020)  
(Presented by Engineering Services Manager Dwayne Cooper)

Mr. Cooper presented a request from the city of Greenville for a proposed abandonment for a portion of Gibbs Street for the purpose of swapping property with Duke Energy to perform utility undergrounding and streetscape improvements along S. Hudson Street and to accommodate a future expansion of Duke's substation on Gibbs Street. Mr. Cooper stated all utilities and abutting property owners have been notified and no opposition has been expressed. No one spoke in support or opposition to the proposed abandonment.

**10. APPOINTMENTS – Boards and Commissions**

a. Arts in Public Places

Councilmember Gibson recommended appointment of Chris Watson, Pamela Adams and Matthew Garvin to fill a full term each ending April 30, 2023. There being no further nominations, Mr. Watson, Ms. Adams, and Mr. Garvin 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.*

Councilmember Dowe requested that Item 11a be removed from the Consent Agenda.

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

a. Ordinance amending Article IV of Chapter 36 of the Code of Ordinances of the City of Greenville to provide for public notification prior to commencement of utility work in the public right-of-way  
*(Presented by City Attorney Mike Pitts)*

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

Councilmember Dowe referred to a recent presentation made by Assistant to the City Manager Michael Frixen and said she believes it is important not only to take into account the comments made by the public regarding this item but also to assist them with their concerns including being informed about the installation of 5G. City Manager John McDonough stated Mr. Frixen is already working to address those concerns.

After discussion, the motion carried unanimously.

**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)**

None

**15. NEW BUSINESS – (Ordinances – First Reading)**

- a. Ordinance to appropriate \$17,725,069 for the Fiscal Year 2020-21 Capital Budget for the Fiscal Year 2020-21 to Fiscal Year 2024-25 Capital Improvement Program  
*(Presented by City Manager John McDonough)*

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

- b. Ordinance to provide for the adoption of a City Operating Budget, its execution and effect, for the fiscal period July 1, 2020, through June 30, 2021, declaring certain tax increment financing revenues net of debt service payments surplus, and other matters related thereto  
*(Presented by City Manager John McDonough)*

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

Councilmember DeWorken clarified his recent comments regarding the Greenville Zoo, saying he was not in opposition to the zoo but inquiring if the current model for operating the zoo is the best one.

After discussion, the motion carried unanimously.

- c. Ordinance to abandon a portion of Gibbs Street (AB-2-2020)  
*(Presented by Engineering Services Manager Dwayne Cooper)*

Councilmember Brasington moved, seconded by Councilmember DeWorken, to approve first reading. The motion carried unanimously.

- d. Ordinance to amend the 2019-2020 Annual Action Plan and the 2015-2020 Consolidated Plan to include the provision of eligible activities associated with responding to the impact of COVID-19 and the appropriation of funding received from the U.S. Department of Housing and Urban Development through the Cares Act  
*(Presented by Interim Community and Economic Development Director Ginny Stroud)*

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

Ms. Stroud discussed the funding of \$463,903 and \$88,145 being received and the proposed activities for the expenditure of those funds. Ms. Stroud explained the Consolidated Plan required an amendment to be able to spend those funds in 2020.

- e. Ordinance to grant a franchise to new Cingular Wireless PCS, LLC, d/b/a AT&T Mobility to construct, install, maintain, repair, operate, relocate, replace and remove certain small wireless facilities using the rights of way in the City of Greenville, South Carolina

*(Presented by City Attorney Mike Pitts)*

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

Mr. Pitts stated the franchise provides access to the right of way but it does not approve any particular location or piece of equipment. Mr. Pitts also stated the City has regulations regarding the small wireless facilities and AT&T will have to follow them as do the other providers. Mr. Pitts noted 5G standards are set by federal law and the City does not have the ability to alter or change them. Mr. Pitts added the City cannot refuse an application if it meets the federal standards.

After discussion, the motion carried unanimously.

**16. NEW BUSINESS – (Resolution – First and Final Reading)**

- a. Resolution to approve the 2020-2025 Consolidated Plan and the 2020-2021 Annual Action Plan to be submitted to the U.S. Department of Housing and Urban Development (HUD)  
*(Presented by Interim Community and Economic Development Director Ginny Stroud)*

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

**17. NEW BUSINESS – (Emergency Ordinances – Final Reading)**

- a. Emergency Ordinance to temporarily defer certain business license payments; 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)*  
(Roll Call)

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

Mr. Pitts explained this Ordinance extends the time allowed for local business relief. Mayor White asked how other cities were handling this issue. Mr. Pitts responded he was not aware of other cities' practices, but noted the Bond Council was very comfortable with the extension.

Councilmember Dowe asked how businesses have been doing regarding filing necessary paperwork needed by the City. Office of Management and Budget Director Matt Efird responded by providing statistics in terms of filing, payments, and deferrals. Mr. Efird referred to the Mayor's question and stated that peer cities similar to Greenville are also extending their deferrals into June.

After discussion, the motion carried unanimously.

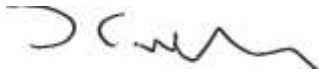
**18. STAFF REPORTS**

City Manager John McDonough provided information on the following items:

- a. Census 2020 Update  
(Presented by Assistant City Manager Shannon Lavrin)

Assistant City Manager Shannon Lavrin thanked the members of the Census Committee who have been working to increase the City's response rate and reported the rate is now at 51% percent. Ms. Lavrin expressed appreciation to Councilmembers for their suggestions regarding improving the rate and noted there will be garbage can hang ties distributed soon to go along with radio ads and census inserts with Greenville Water bills.

- 19. ADJOURN.** There being no further business, the meeting adjourned at 6:37 p.m.



---

KNOX H. WHITE, MAYOR



---

CAMILLA G. PITMAN, MMC, Certified PLS  
CITY CLERK

MEETING NOTICE POSTED AND MEDIA NOTIFIED ON MAY 15, 2020.