

**GREENVILLE COUNTY COUNCIL
COMMITTEE OF THE WHOLE
MINUTES
MARCH 3, 2015
4:45 p.m.
County Square - Conference Room D**

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the County Square and made available to the newspapers, radio stations, television stations and concerned Citizens.

COUNCIL MEMBERS PRESENT:

CHAIRMAN BOB TAYLOR

VICE CHAIRMAN BUTCH KIRVEN

JOE DILL

JOE BALDWIN

WILLIS MEADOWS

SID CATES

JIM BURNS

XANTHENE NORRIS

LIZ SEMAN

LOTTIE GIBSON

LYNN BALLARD

FRED PAYNE

COUNCIL MEMBER(S) ABSENT:

NONE

STAFF PRESENT:

JOE KERNELL, County Administrator

MARK TOLLISON, County Attorney

JOHN HANSLEY, Deputy County Administrator

THERESA KIZER, Clerk to Council

REGINA MCCASKILL, Deputy Clerk to Council

PAULA GUCKER, Assistant County Administrator, Public Works

DEAN CAMPBELL, Deputy County Attorney

SANDRA YUDICE, Assistant to the County Administrator

KIMBERLY WUNDER, Assistant County Attorney

SHANNON HERMAN, Assistant to the County Administrator

JOANNE GREGORY, Paralegal, County Attorney's Office

JEFF WILE, Assistant County Attorney

CALL TO ORDER

Chairman Bob Taylor

INVOCATION

Councilor Butch Kirven

Item (3)

APPROVAL OF MINUTES

ACTION: Councilor Seman moved to approve the minutes of the January 20, 2015, Committee of the Whole meeting.

Motion carried unanimously.

Item (4)

COMMISSION OF ANIMAL CONTROL OFFICER D. ASHLEY DEWEES

ACTION: Councilor Semen moved to approve the commissioning of Animal Control Officer D. Ashley Dewees.

Motion carried unanimously.

Item (5)

ASSIGNING COMMITTEE FOR GREENVILLE TECH NOMINEES

Mark Tollison, County Attorney, informed the Committee of the need to amend Section 6 of the Greenville County Boards and Commission Appointment Policy to add Greenville Technical College Area Commission under the jurisdiction of the Committee of the Whole.

ACTION: Councilor Dill made a motion to amend Section 6 of the Greenville County Boards and Commission Appointment Policy to add Greenville Technical College Area Commission under the jurisdiction of the Committee of the Whole.

ACTION: Council discussed the status of County appointments to the Tech Board and pending changes being considered by the Legislative Delegation, Councilor Dill moved to hold the motion.

Motion to hold carried.

ACTION: Councilor Dill made a motion to direct the Chairman to set up a Committee to meet with the members of the Legislative Delegation to work on a new policy regarding the Greenville Technical College Area Commission.

Motion carried unanimously.

Item (6)

RESOLUTION / LOCAL GOVERNMENT FUND

Chairman Taylor asked if there were any questions regarding the Local Government Fund Resolution.

Councilor Cates stated he had heard \$30.6 million had been withheld.

Councilor Dill confirmed that was an accurate figure that came from the Administration.

Joe Kernell confirmed \$30 million was correct.

Councilor Cates inquired as to the amount allotted each year to fund state mandates in the county.

Joe Kernell stated he did not have those exact numbers in front of him, but an estimate would be about \$23 million using the 4.5% figure if the County got what was supposed to.

Councilor Cates asked if that would cover the state mandated functions.

Joe Kernell stated “No, the County would still be about \$3 to \$4 million short”.

Councilor Cates stated being short \$3 to \$4 million and already being short \$3 to \$4 million would make a shortage of about \$6 to \$8 million that the taxpayers would have to pick up.

Joe Kernell agreed they are about \$7 million a year short.

Councilor Dill stated the bill in Columbia was not on the floor as yet, but it was expected to be on the floor the following day.

ACTION: Councilor Dill moved to adopt the resolution to support full funding of the Local Government Fund and to stress to the Greenville County Legislative Delegation to oppose any actions taken by the South Carolina General Assembly to cut the fund that will result in increased taxes on the citizens of Greenville County and to support an option for counties to return mandated services back to the direct and total control of the State and move it hurriedly to the Delegation members and let them know they need to vote on the recommended amendment.

He stated the amendment would give the County three (3) years to get fully funded. A number of the Delegates have signed on to the bill and there was a good possibility the votes were there to get it out of the House of Representatives. If it got to the Senate it would pass. Then, when the Council talks about budget issues, they can talk about deputies, solicitors and programs that are funded by the State and are the responsibility of the State.

Chairman Taylor asked Mark Tollison to read the final passages from the resolution beginning at “Now therefore.”

Mark Tollison read, “Greenville County Council, with full intention of protecting the taxpayers of Greenville County, declares their support for the full funding of the Local Government Fund and opposes any such legislation that will continue to cut funding for state-mandated services executed by the County and acknowledges that continued dereliction of duty by the State through defunding would force unnecessary and burdensome tax increases on our citizens. Be it further resolved that Greenville County Council offers its support for legislation that would provide a new option that would allow for counties to return responsibility for state-mandated services back under the direct and total control of the State.”

Councilor Dill stated there were two possibilities: one they either fund it all or they take it back. He asked if there were any questions.

Councilor Cates asked if the State required the County to take 4,500 miles of roads and they said they were going to give the County the money and were going to appropriate some of the gas tax in order for the County to continue to maintain the roads was there a legal way the County could keep the State from taking the money back down the road.

Mark Tollison stated he would be happy to research that, but, the discussion on roads would be more suited on the next resolution to be considered.

Councilor Ballard asked of the majority of the Greenville Delegation members who had signed on to the Resolution was that with or without the Amendment.

Councilor Dill replied that was with the Amendment that was going to be added the next day.

Councilor Meadows inquired if there was a list of Delegates who had signed on.

Councilor Dill replied he could get a list, but, knew Mike Burns, Wendy Nanney, and several other Delegation Members have signed on to the Amendment.

Councilor Payne stated Gary Smith had not.

Councilor Ballard stated Eric Bedingfield had signed on.

Councilor Dill stated it was a good compromise to get the County back to the funding level they were supposed to be. It's over a three year period so it was not going to be a strain on what they wanted to do with the other money the State had in excess.

Resolution as presented was approved unanimously.

Item (7)

RESOLUTION / TRANSFER OF ROADS RESPONSIBILITY

Chairman Taylor stated the next resolution had to do with the road transfer. Chairman Taylor asked Mark Tollison to read the final "Now Therefore" portion of the resolution.

Mark Tollison read, "Now therefore be it resolved that Greenville County Council with full intention of protecting the taxpayers of Greenville County declares their support for the State to find proper and sustainable solutions to their road and bridges use without transferring the burden on to local governments and we oppose any legislation that would include transfer of roads to the counties through mandates or other avenues that would force unnecessary and burdensome tax increase on our citizens. "

Councilor Baldwin stated it was interesting that the County had talked about bridges in the last meeting and it was a real difficult issue. He stated if the State sent the County the money they could probably handle the roads and bridges a lot better than the State for less money.

Councilor Payne stated there were about 450 miles of roads the State was going to give back to the County because they were never going to spend a penny on them. He stated if it costs ½ million dollars to redo a mile of road that was in really bad shape, and these were all in bad shape, a half million times 450 was \$225,000,000 dollars. He asked where were they going to get \$225,000,000 dollars to fix those roads.

Councilor Baldwin stated he was concerned that the State would send the roads to the County and save the money and spend on something else.

Councilor Dill stated he had one unpaved road it was a state highway. One county in the state had 1700 miles of unpaved roads. A million dollars was not going to help that county. As stated, the County didn't really have that big of a problem, but, there were other places in the state that were in bad shape. If the State gave them their roads back they were going to go broke trying to fix them.

ACTION: Councilor Payne moved to adopt a resolution supporting State efforts to find solutions to the funding needs for State maintained and operated roads and bridges without transferring the burden to local governments and opposing any actions taken by the General Assembly that through lack of State funding will lead to increased taxes on the citizens of Greenville County.

Mark Tollison asked to add to the motion the authority to fix two scrivener's errors in the document after it was approved, stating it would not affect the substance of the motion in any way.

Councilor Baldwin added that South Carolina had the highest percentage of state roads of just about any state in the country. He did not want to raise county taxes at all, but felt that was the reason their roads were in such a mess because they didn't let the local governments take care of them. He stated he would be voting in favor of it because he did not trust the State to send money back to the County. He thought they were just passing the buck but felt the County would be better served by having more local control over their roads.

Motion as presented was passed unanimously.

Item (8)

EXECUTIVE SESSION

ACTION: Councilor Kirven moved to go into Executive Session for discussion of negotiations incident to proposed contractual agreements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the public agency of a claim.

Motion carried and the Committee of the Whole entered into Executive Session at 5:19 p.m.

RECONVENE

Mr. Tollison reported Greenville County Committee of the Whole out of Executive Session stating no action was taken during the session.

The meeting reconvened at 5:36 p.m.

Item (8)

COUNTY COUNCIL RULES

Councilor Ballard stated according to the Council Rules, the Roll Call List was supposed to be included in the packet; instead it was being put on the desk. Councilor Ballard had no preference either way he just wanted it to be in compliance with the rules.

Theresa Kizer, Clerk to Council, stated that when this was first requested by Councilor Burns the Roll Call List was included in the packet. Unfortunately, Council Members were not seeing it in the packet and would walk in and ask "Who was on the roll call?" Ms. Kizer stated she started leaving the list at the dais, which was not directed by the rules and stated she should have asked for clarification at that point.

Chairman Taylor stated if they were put in the packet they would probably not make it to the meeting.

Councilor Burns did not want to get rid of the Roll Call List and felt it was important.

Councilor Ballard pointed out he was neutral and just wanted to point out that procedures were not being done correctly.

Councilor Kirven stated he may forget his packet and it was convenient when it was on the dais.

Theresa Kizer, Clerk to Council, stated if it would eliminate controversy, it would be done both ways.

Councilor Ballard also stated that County rules state every standing committee should give a brief oral report at regular Council meetings. Historically, that was not necessarily being done. He inquired if this was something that was normally done or was it just something in the rules that they never did.

Councilor Taylor stated that they have never called on each chairman to say anything since he has been a member. If they have remarks they were welcome to state them.

Item (9)

ADJOURNMENT

ACTION: Councilor Kirven moved to adjourn the meeting at 5:41 p.m.

Motion carried unanimously by all County Council Members.

Respectfully submitted:

Theresa Kizer, Clerk to Council