



# GREENVILLE COUNTY COUNCIL MINUTES

## COMMITTEE OF THE WHOLE

APRIL 4, 2017

4:47 P.M.

COUNTY SQUARE – CONFERENCE ROOM D

### COUNCIL MEMBERS

MR. BUTCH KIRVEN, CHAIRMAN  
MR. WILLIS MEADOWS, VICE CHAIRMAN  
MRS. XANTHENE NORRIS, CHAIRMAN PRO TEM  
MR. JOE DILL  
MR. MIKE BARNES  
MR. SID CATES  
MR. RICK ROBERTS  
MR. BOB TAYLOR  
MRS. LIZ SEMAN  
MR. ENNIS FANT, SR.  
MR. LYNN BALLARD  
MR. FRED PAYNE

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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.

### 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  
Bob Mihalic, Governmental Relations Officer  
Shannon Herman, Assistant to the County Administrator

### OTHERS PRESENT

None

### CALL TO ORDER

Chairman Butch Kirven

### INVOCATION

Councilor Rick Roberts

Item (3) **APPROVAL OF MINUTES**

**ACTION:** Councilor Seman moved to approve the minutes of the March 21, 2017, Regular Committee of the Whole meeting.

Motion carried unanimously.

Item (4) **BOARDS AND COMMISSIONS NOMINATIONS**

(a) **Committee on Finance**

1. **Arena District - ( 3 vacancies)**

**ACTION:** Councilor Fant moved to add Michael Chatman to the list of nominees.

**ACTION:** Councilor Taylor moved to close nominations and send forward the names of Michael Allen, Neetu Patel, James Pitman and Michael Chatman to full County Council for a ballot vote.

Motion carried unanimously.

2. **Greenville Area Development Corporation - (3 vacancies)**

**ACTION:** Councilor Roberts moved to add Eugene Langan to the list of nominees.

**ACTION:** Councilor Payne moved to close nominations and send forward the names of David Kelley, Debbie Nelson, Chad Tumblin and Eugene Langan to full County Council for a ballot vote.

Motion carried unanimously.

(b) **Committee on Public Works and Infrastructure**

1. **Greenlink (GTA) - ( 1 vacancy)**

**ACTION:** Councilor Seman moved to close nominations and elect by acclamation Darren Scott to fill one vacancy on the Greenlink Board.

Motion carried unanimously.

2. **Parks, Recreation and Tourism Advisory Board - (2 vacancies)**

**ACTION:** Councilor Norris moved to close nominations and elect by acclamation Jacquelyn Clement and Clark Hedges to fill two vacancies on the Parks, Recreation and Tourism Advisory Board.

Motion carried unanimously.

3. **South Carolina Technology and Aviation Center (SCTAC) - (1 vacancy)**

**ACTION:** Councilor Payne moved to close nominations and elect by acclamation Steven West to fill one vacancy on the South Carolina Technology and Aviation Center (SCTAC) Board.

Motion carried unanimously.

(c) **Committee on Public Safety**

1. **Metropolitan Sewer Subdistrict** – (1 vacancy)

**ACTION:** Due to information received after the nomination was made at the March 14th Committee meeting, Councilor Ballard moved to return the item to Committee for further consideration.

Motion carried unanimously.

(d) **Planning and Development Committee**

1. **Construction Board of Appeals** - (3 vacancies)

**ACTION:** Councilor Dill moved to close nominations and elect by acclamation William Graves to fill one of three vacancies on the Construction Board of Appeals.

Motion carried unanimously.

2. **Zoning Board of Appeals** – (2 vacancies)

**ACTION:** Councilor Dill moved to close nominations and elect by acclamation Jon Bright to fill one of two vacancies on the Zoning Board of Appeals.

Motion carried unanimously.

Item (5) **SPECIAL TAX DISTRICT NOMINATIONS**

(a) **Buxton Tax District Commission** – (1 vacancy) / Council District 19

**ACTION:** Vice-Chairman Meadows moved to close nominations and elect by acclamation David Spear to fill one vacancy on the Buxton Tax District Commission.

Motion carried unanimously.

(b) **Linkside Special Tax District** – (4 vacancies) / Council District 20

**ACTION:** Councilor Cates moved to close nominations and elect by acclamation Les Burns, Dale Hawkins and George Pike to fill three of four vacancies on the Linkside Special Tax District.

Motion carried unanimously.

(c) **Boiling Springs Fire District** – (2 vacancies) / Council Districts 21 & 22

**ACTION:** Councilor Taylor moved to close nominations and elect by acclamation Cedric Brown and J.R. Christy to fill two vacancies on the Boiling Springs Fire District.

Motion carried unanimously.

(d) **Devenger Tax District** – (3 vacancies) / Council District 21

**ACTION:** Councilor Roberts moved to close nominations and elect by acclamation Randy Price and Siobhan Tortora to fill two of three vacancies on the Devenger Tax District.

Motion carried unanimously.

(e) **Ashwicke Tax District Commission** – (3 vacancies) / Council District 22

**ACTION:** Councilor Taylor moved to close nominations and elect by acclamation Jan Munafo and Michael Munafo to fill two of three vacancies on the Ashwicke Tax District Commission.

Motion carried unanimously.

(f) **Freetown Community Special Tax District** – (1 vacancy) / Council District 23

**ACTION:** Councilor Norris moved to close nominations and elect by acclamation James Cramer to fill one vacancy on the Freetown Community Special Tax District.

Motion carried unanimously.

(g) **Chanticleer Community Commission** – (1 vacancy) / Council District 24

**ACTION:** Councilor Seman moved to close nominations and elect by acclamation Jamie Pimentel to fill one vacancy on the Chanticleer Community Commission.

Motion carried unanimously.

**Item (6) NOMINATIONS FOR A COUNCIL MEMBER SEAT**

(a) **Greenville County Economic Development Corporation** - (1 vacancy) / Council Member Seat

**ACTION:** Councilor Taylor nominated Councilor Dill to fill the Council Member seat on the Greenville County Economic Development Corporation.

**ACTION:** Councilor Seman moved to close nominations and elect Councilor Dill to fill the Council Member seat on the Greenville Economic Development Corporation.

Motion carried unanimously.

**Item (7) REPEAL SECTION 3 OF ORDINANCE NO. 3867 CONCERNING VOTING REQUIREMENTS FOR APPROVAL OF CERTAIN FISCAL MATTERS**

**ACTION:** Vice-Chairman Meadows moved to hold the item until the next regularly scheduled Committee of the Whole meeting.

Motion to hold was denied by a vote of four (Dill, Barnes, Meadows and Cates) in favor and eight (Roberts, Taylor, Norris, Seman, Fant, Ballard, Kirven and Payne) in opposition.

**ACTION:** Councilor Seman moved to approve an ordinance to repeal Section 3 of Ordinance No. 3867.

Councilor Taylor asked if the ordinance was approved, would it be presented at the subsequent County Council Meeting for first reading.

Chairman Kirven stated the item would be presented at second reading.

Councilor Dill stated Section 3 of Ordinance No. 3867 was entitled Taxpayer Protection Provision and did not pertain to the ordinance in question.

Chairman Kirven stated the amendment to approve the Taxpayer Protection Provision was made in Section 3 of Ordinance No. 3867.

Councilor Dill asked if the appendix was a reference to the Taxpayer's Protection Provision. The appendix was included in the back-up information to the agenda.

Mark Tollison explained the proposed ordinance, now before Council, states that Section 3 as adopted as part of Ordinance No. 3867, is attached as Appendix A to the ordinance and would be repealed by passage of this ordinance.

Councilor Dill stated the proposed ordinance would kill the Taxpayer's Protection Provision, if passed, and nine votes to raise taxes and / or fees would no longer be required.

Chairman Kirven cited County Council Rule 4.b.4: Council Rule Votes Required for Passage

- (a) A Majority of all Council Members shall be required to pass ordinances, amendments, and resolutions, except as provided herein.
- (b) A vote of two-thirds (2/3) of the Members of Council shall be required for passage of:
  - (i) Any ordinance or amendment authorizing a supplemental appropriation.
  - (ii) Authorization for the issuance of general obligation bonds.
  - (iii) Any increase in the tax levy for Greenville County or any special purpose district or political subdivision which requires Council approval.
  - (iv) Approval of rezoning a property or text amendment to the zoning ordinance wherein action of Council is contrary to the recommendation of the Planning Commission or the Planning and Development Committee.
- (c) Any matter receiving a tie vote fails.
- (d) Abstentions shall be counted as positive votes unless a written statement of a conflict is given to the Chairman.

Chairman Kirven stated the proposed ordinance would allow fees to be passed with seven votes and other matters would require eight votes, according to Council Rules.

Councilor Taylor requested clarification of (d) regarding abstentions.

Chairman Kirven stated if a Council member abstained from voting on an issue, the abstention would be counted as a positive vote unless a written statement of a conflict was given to the Chairman.

Councilor Fant stated the issue of the nine vote requirement vs. the seven vote requirement had troubled him deeply. He strongly urged County Council to support the ordinance and allow each member to adequately and fairly represent their constituents.

Councilor Dill stated the nine vote rule had never been an issue until now. He added that for some reason, the proposed tax and fee increases could not be passed until the nine vote rule was repealed. Councilor Dill asked how many different types of items would be affected by repealing the nine vote rule or would it only affect taxes and fees.

Mark Tollison stated Appendix A of the ordinance outlined the different items that would be affected. He added that Chairman Kirven had also presented County Council Rule 4.b.4 which outlined items that required eight votes in favor for passage.

Councilor Dill asked if the County Budget required nine votes in favor for passage.

Mark Tollison stated a county budget had never required nine votes for passage. He added that a proposed budget would require more than seven votes if a county tax increase was included. Mr. Tollison stated if the proposed ordinance was approved, a budget which contained an increase to the county millage levy would require eight votes for passage under Council Rules.

Councilor Taylor stated that under Joe Kernell's excellent leadership, taxes had not been raised. He stated that County Council had two main responsibilities: Public Safety and Infrastructure. Councilor Taylor urged his colleagues to vote in favor of the proposed ordinance.

Councilor Seman stated core functions of government included public safety and infrastructure. She stated both were people issues, not partisan issues. Councilor Seman stated the residents of Greenville County expected Council to get things done and it was clear where everyone stood on the issue.

**ACTION:** Councilor Seman called for the question.

Motion to call the question carried with Councilor Cates voting in opposition.

Motion as presented carried with a vote of eight (Roberts, Taylor, Norris, Seman, Fant, Ballard, Kirven and Payne) in favor and four (Dill, Barnes, Meadows and Cates) in opposition.

**Item (8)**      **ADJOURNMENT**

**ACTION:** Councilor Dill moved to adjourn.

Motion carried unanimously and the meeting was adjourned at 5:20 p.m.

Respectfully submitted:

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Theresa B. Kizer, Clerk to Council