



# GREENVILLE COUNTY COUNCIL MINUTES

## COMMITTEE OF THE WHOLE

JULY 18, 2017

5:00 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  
Dean Campbell, Deputy 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  
Shannon Herman, Assistant to the County Administrator  
Bob Mihalic, Governmental Relations Officer

### OTHERS PRESENT

None

### CALL TO ORDER

Chairman Butch Kirven

### INVOCATION

Councilor Ennis Fant

**Item (3)            APPROVAL OF MINUTES**

**ACTION:**            Councilor Seman moved to approve the minutes of the June 20, 2017, Regular Committee of the Whole meeting.

Motion carried unanimously.

**Item (4)            GREENVILLE COUNTY REDEVELOPMENT AUTHORITY  
URBAN COUNTY COOPERATIVE AGREEMENT RESOLUTION**

**ACTION:**            Councilor Payne moved to approve a resolution to continue a Cooperative Agreement between Greenville County and the Cities of Fountain Inn, Greer, Mauldin, Simpsonville, and Travelers Rest; and appoint the Greenville County Redevelopment Authority as its agent for the purpose of administering any grant funds received as a result of said Agreement.

Motion carried unanimously.

**Item (5)            COUNCIL RULES AMENDMENT**

**ACTION:**            Councilor Ballard moved to suspend Council Rules on notice and previous Regular Meeting requirement [Council Rule VI (A)] to allow for the immediate consideration and adoption of an amendment to Council Rules which was in the Council packet.

Motion carried by a vote of nine (Cates, Roberts, Taylor, Norris, Seman, Fant, Ballard, Kirven and Payne) in favor and three (Dill, Barnes and Meadows) in opposition.

**ACTION:**            Councilor Ballard moved to amend Council Rule V (C) (1) and (2) as outlined in Council packet to open the Finance Committee Chairmanship up for appointment by the Chairman of County Council.

**ACTION:**            Councilor Dill moved to table the motion to suspend notice and the amendment introduction provision in Council Rule VI (A).

Councilor Dill stated no emergency or urgent matter existed which required the suspension of normal notice and amendment introduction. Councilor Dill requested an explanation for the urgency and stated the rules had just been adopted in January.

Chairman Kirven stated the motion to table was a procedural motion and required no discussion.

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

Chairman Kirven stated Council would be voting on a controversial zoning issue during the regular Council meeting. Although each Council member would cast an individual vote, Council as a whole would make the decision. He stated the proposed amendment was not about the lawsuit in and of itself and added he had no personal advice for those Council members who had filed the lawsuit. Chairman Kirven stated there was a larger issue at stake; to understand how Council was supposed to work. He stated Council members had a duty to work together in deciding policy matters, large or small, and there was a tried and true system in place for all Council members to participate in the work and decisions made by Council. He stated members had to respect the system and uphold the integrity of Council and the proposed amendment was needed in order to do that.

Vice-Chairman Meadows questioned how the proposed amendment would accomplish that goal and added it was payback to the three Council members who had filed the lawsuit. He stated the lawsuit would not have been filed if Council had followed the rules and added he was not sure the rules were being followed that night. Vice-Chairman Meadows stated there had been an effort to make the situation right prior to filing the lawsuit; however, now the Council members involved in the lawsuit were in danger of being removed from Chair positions because the Chairman disagreed with them. He added he had disagreed many times with his fellow Council members but they had always worked things out. Vice-Chairman Meadows stated the proposed amendment was unprecedented in Greenville County and added he was also aware that Council had never been sued before. Council has broken the rules before and no one stood up to that. Vice-Chairman Meadows stated this was a payback time and was directed. He asked if it would be Joe Dill, Mike Barnes or any other Council member next. He stated if he was removed as Chairman of Finance, he would still be on Council and would still ask questions.

Councilor Roberts stated the lawsuit was a payback in his opinion, but the proposed amendment was not. Council members had expressed to Chairman Kirven a loss of faith in leadership because of the lawsuit. Councilor Roberts stated there was a loss of confidence in trust and leadership.

Vice-Chairman Meadows asked what had the Council members involved in the lawsuit misrepresented.

Councilor Roberts stated they had misrepresented behind the scenes discussions.

Vice-Chairman Meadows asked for clarification of what Councilor Roberts meant by behind the scenes discussions. He stated Councilor Roberts had not asked him about any discussions.

Councilor Roberts stated he had discussed the situation with all three Council members involved in the lawsuit. They had tried to convince him there were "slush funds" and that Council was being pillaged. He said the only loss he had seen was a \$5-6 million project in Vice-Chairman Meadows' district. He said he pressured them to come up with examples of "slush funds" and they failed to do so. Councilor Roberts stated they had also said that staff wasted money.

Councilor Dill stated discussion was in order in regards to the proposed amendment.

Chairman Kirven stated discussion was welcome, arguments were not.

Councilor Dill stated Councilor Roberts threatened him earlier that day and told him he was being removed from his leadership roles due to the pending lawsuit, however, the Chairman had indicated the proposed amendment had nothing to do with the lawsuit. He stated he was a taxpayer and had sued because of a taxpayer issue. Councilor Dill stated no one on Council was a "County Councilman" until the gavel fell. He asked Chairman Kirven if suspension of the rules had been properly introduced.

Chairman Kirven stated he had made his statement and recognized Councilor Seman.

Councilor Dill stated he appealed the ruling of the chair stating the suspension of the rules had not been properly introduced.

Chairman Kirven requested County Attorney Mark Tollison to comment.

Mark Tollison stated the Chairman could rule on the appeal.

Chairman Kirven stated the motion to suspend notice and the amendment introduction provision was reviewed by a competent legal authority and to his best knowledge and belief, it was appropriate and within the confines of Council rules.

Chairman Kirven ruled Councilor Dill's challenge was out of order.

Councilor Seman stated she was in agreement with the rule change regardless of why it had been proposed. She stated the Chairman should appoint all committees positions as it would give Council more flexibility across the board for the committees. Clearly there were some Council members in favor and some not, and she would rather not sit for the next 25 minutes or so, listening to disparaging or less than appealing comments.

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

Chairman Kirven stated he served all the members of Council and if a majority of members approached him and wanted him removed, he would resign immediately and no vote would be necessary.

Councilor Dill stated some Council members were not given that option.

Mark Tollison stated the proper way to handle Councilor Dill's challenge would be by Council vote.

Councilor Dill requested a roll call vote.

Motion to appeal the ruling of the chair 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.

Motion to call the question carried.

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

**Item (6)**      **ADJOURNMENT**

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

Motion carried unanimously and the meeting was adjourned at 5:40 p.m.

Respectfully submitted:

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Theresa B. Kizer, Clerk to Council