

**GREENVILLE COUNTY COUNCIL  
COMMITTEE OF THE WHOLE  
MINUTES  
February 19, 2013  
4:33 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 County Square and posted on the County's web page for all media and concerned citizens to access and review.

**COMMITTEE MEMBERS PRESENT:**

CHAIRMAN BOB TAYLOR  
VICE CHAIRMAN WILLIS MEADOWS  
JOE DILL  
LOTTIE GIBSON  
SID CATES  
JOE BALDWIN

LIZ SEMAN  
JIM BURNS  
DAN RAWLS  
XANTHENE NORRIS  
FRED PAYNE  
BUTCH KIRVEN

**COMMITTEE MEMBERS 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  
BOB MIHALIC, Governmental Relations Officer  
JEFF WILE, Assistant County Attorney  
DEAN CAMPBELL, Assistant County Attorney  
SHANNON HERMAN, Assistant to the County Administrator  
SANDRA YUDICE, Assistant to the County Administrator

**OTHERS PRESENT:**

NONE

**CALL TO ORDER**

Chairman Bob Taylor

**INVOCATION**

Councilor Liz Seman

**Item (3)**

**APPROVAL OF MINUTES**

**ACTION:** Councilor Seman moved to approve the minutes of the Regular Committee of the Whole meeting of February 5, 2012.

Motion carried unanimously.

**Item (4)**

**COUNTY COUNCIL RULES**

Chairman Taylor stated Councilor Dill's proposed amendment was not on the agenda, however it was handed out.

**(a) Public Hearing Speaking Times**

Without objection, Councilor Dill's proposed amendment was considered.

Up for consideration: Amend Subsection (G) of "Section IV, Ordinances, Resolutions and Other Matters" to provide three minutes for each speaker at Public Hearings.

**ACTION:** Councilor Kirven moved to approve the proposed amendment.

Motion carried unanimously.

**(b) Multiple Candidates in Election**

Up for consideration: Add a new Subsection to "SECTION I. OFFICERS OF THE COUNCIL" to establish a runoff election procedure in the Chairman and Vice-Chairman elections.

*When three or more candidates are nominated for the position of Chairman or Vice-Chairman, once a vote is held that produces two candidates who have received the most votes, then only those two top candidates shall stand for election on the next ballot.*

**ACTION:** Councilor Meadows moved to approve the proposed amendment.

Motion carried unanimously.

**(c) Delete Chairman's Vote Section**

Up for consideration: Delete Subsection (8) SECTION III (D) Conduct of Meetings.

Councilor Burns stated it gave the perception that the chair and vice-chair would always have the last vote.

Councilor Kirven stated the Chairman was somewhat restrained in participating in debate. He stated he would support the process either way.

Councilor Norris stated by voting last, a chairperson had the ability to sway a vote. She asked Councilor Kirven how he handled voting while he was the presiding Chairman.

Councilor Kirven stated he always voted the way he intended to at the outset or during debate, rather than counting votes to take a politically expedient route, which would abuse the privilege.

Councilor Norris stated she would hope all Chairmen would not abuse the process. She asked Mr. Tollison was there terminology that would insure abuse would not occur.

Mr. Tollison stated it was a voting order, which County Council had the ability to change. He stated he did not have a phrase that would curve abuse.

Councilor Norris asked how the process would be guaranteed.

Mr. Tollison stated it was a policy matter for County Council to decide on.

Chairman Taylor asked Theresa Kizer how she handled roll call votes.

Mrs. Kizer stated the roll call vote was on a rotation basis for each meeting, with the chair and vice chair being the last two names called.

Councilor Payne stated he agreed with the current voting process.

**ACTION:** Councilor Seman moved to delete the subsection. She stated all County Council Members were called to vote for what was best for the community.

Councilor Baldwin asked if a Chairman had the right to reconsider an item.

Mr. Tollison stated a Chairman had the ability to reconsider an item after passing the gavel.

Councilor Baldwin stated it was unfair if a Chairman, in an attempt to keep an issue alive, had the ability to reconsider an item based on the potential outcome. He asked was it possible to retract a vote.

Mr. Tollison stated he would research retracting a vote.

Councilor Norris asked was there a policy or a guideline for the Chairman to pass the gavel.

Mr. Tollison stated the Chairman was a member as everyone else, as such if there was a motion the Chairman wanted to bring forth, the individual would pass the gavel to the Vice-Chairman and proceed with the process.

Councilor Cates asked was there an issue with the current process.

Councilor Burns stated he wanted to insure there was an equal footing.

Councilor Rawls called the question.

Motion to call the question carried unanimously.

Motion to delete the subsection and have a Council seat rotation carried with eight in favor (Meadows, Taylor, Rawls, Dill, Baldwin, Norris, Seman, Burns), four in opposition (Gibson, Kirven, Payne, Cates).

#### **(d) Eligibility and Service Requirements**

Up for consideration: Amend Subsection (l) of "SECTION V. COMMITTEES to add requirement for Chairman appointments to observe applicable eligibility and service requirements/limits.

##### ***"(I) Special Appointments***

Except as otherwise provided herein, the Chairman of Council shall make such appointments of Council members to boards, commissions, committees, and other governmental bodies as may be required by law or agreement. *These appointments must observe the rules of each board, commission, or body as to its particular eligibility and length of service requirements.* The Chairman may also appoint such additional temporary Council committees as he or the Council deems appropriate."

Mr. Kizer stated she was unaware of any Chairman appointments where it was not in accordance with a board's or commission's by-laws.

Councilor Burns stated the amendment was already the practice used by County Council.

**ACTION:** Councilor Burns moved to approve the amendment.

Motion carried unanimously.

**(e) Establish Separate Meeting to Swear in Members**

Up for consideration: Add a new Subsection (A) to "SECTION I. OFFICERS OF THE COUNCIL" to provide for a new initial meeting for the swearing in ceremony; and move elections amend former Subsections (A) and (B) to move election of officers away from the initial meeting.

**"(A) Initial Meeting**

On the first Monday of January following each General Election, County Council will hold a meeting for the purpose of swearing in Members. There will be no other business conducted at this initial meeting. Should the first Monday fall on January 1, the initial meeting shall be held the following Monday. "

**(B) Chairman**

At its first meeting in January following the initial meeting described in Subsection A, the Council, as specified by law, shall elect one of its members to serve as Chairman for a term of two years. The Chairman shall preside at all meetings of the Council. With the County Administrator, he shall, on behalf of the Council, execute all ordinances, resolutions, directives, deeds, bonds, contracts, and other official instruments or documents unless execution is otherwise directed by ordinance or other Council action. The Chairman shall also have such other duties and perform such other functions as these rules specifically set forth or as the Council specifically directs. If the office of Chairman is vacated, Council, at its next meeting following the occurrence of the vacancy, shall choose one of its members to serve as Chairman.

**(C) Vice-Chairman**

At its first meeting in January following the initial meeting described in Subsection A, the Council shall select one of its members to serve as Vice-Chairman for a term of two years. The Vice-Chairman shall preside at meetings of the Council when the Chairman is absent or unable to preside.

**ACTION:** Councilor Kirven moved to approve the amendment.

Motion carried unanimously.

**(f) Section I Officers of the Council**

Up for consideration:

**(a)** At its initial meeting in January following each general election, the Council, as specified by law, shall elect one of its members to serve as Chairman for a term of two years. The Chairman may serve only two consecutive terms. After not serving as Chairman for one year one will be eligible to serve as Chairman again for another two consecutive terms.

**(b)** At its initial meeting in January following each general election, the Council, as specified by law, shall elect one of its members to serve as Vice-Chairman for a term of two years. The Vice Chairman may serve only two consecutive terms. After not serving as Vice Chairman for one year one will be eligible to serve as Vice Chairman again for another two consecutive terms.

Councilor Meadows concurred with a friendly amendment to replace the phrase “for one year one will be eligible” to “for one term, the member would be eligible” on both the Chairman and Vice-Chairman amendments.

Councilor Payne stated while he understood the intent of the proposed, he felt it would be Ok if County Council chose to elect an individual for a third term.

Councilor Seman stated suspending the rules would allow for an amendment to allow a third term election.

Chairman Taylor passed the gavel to Councilor Meadows at 5:09 p.m.

Chairman Taylor stated he did not agree with binding a future County Council to Chairman and Vice-Chairman term limits.

Vice-Chairman Meadows returned the gavel to Chairman Taylor.

Councilor Cates stated because he had never seen an issue relating to this matter, he would not support the proposed amendments.

Motion was denied by a roll call vote of six in favor (Meadows, Rawls, Cates, Burns, Norris, Seman) and six in opposition (Cates, Gibson, Kirven, Payne, Baldwin, Taylor).

Councilor Gibson requested changing Chairman to reflect that it could be either a male or a female.

**(g) Section III Meetings of the Council (C) and (D) (9)**

**Motions Were Withdrawn**

**(D) (12) Parliamentary Procedure not specified in these Rules**

**ACTION:** Councilor Meadows moved to change Council’s Parliamentary Procedure from Masons to Roberts Rules. He stated more individuals understood Robert’s Rules.

Councilor Payne stressed that Robert’s Rules required a second on a motion, while Mason’s did not.

Chairman Taylor asked if a second was required when an item came from a committee.

Mr. Tollison stated he would research the question in relation to Robert’s Rules.

Councilor Baldwin asked if all boards and commissions abided by the same procedures as County Council.

Councilor Meadows stated they would.

Councilor Baldwin expressed his concerns over the boards and commissions with three members being able to come up with a motion and a second with only three members, especially if one were absent.

Councilor Kirven stated he researched Mason’s Manual of Legislative Procedure and it was the legislative authority commonly accepted. Further stating Mason’s Manual of Legislative Procedure was to legislatures as Robert’s Rules of Order was to club groups.

Motion was denied by a roll call vote of six in favor (Cates, Burns, Rawls, Dill, Baldwin, Meadows) and six in opposition (Norris, Seman, Gibson, Kirven, Payne, Taylor).

### **Section III Meeting of the Council**

**ACTION:** Councilor Burns moved to hold Section III, Paragraph (C) (4) Standing Committees, until the next Committee of the Whole meeting.

Councilor Dill stated holding the item was not an option because the item was withdrawn and was not on the floor.

Mr. Tollison stated the item could be taken up as a rules amendment at a later time.

Councilor Burns requested the item be placed on the next Committee of the Whole meeting.

### **Section V Committees**

#### **(A) Standing Committees**

##### **(5) Committee of the Whole**

**(c) Alcohol and Drug Abuse Commission**

**(d) Human Relations Commission**

**(e) Planning Commission**

**(f) Vote on and recommend to Council the nominees submitted from other standing committees.**

**ACTION:** Councilor Meadows moved to approve the amendment. He stated the purpose of the amendment was to insure all the committees interviewed by Committee of the Whole were reflected in the rules.

Chairman Taylor clarified the list was incomplete.

Mrs. Kizer stated Committee of the Whole also interviewed for the Board of Tax Assessment and Appeals, the Greenville County Redevelopment Authority and will for the Disabilities and Special Needs Board if County Council reconstructed the board.

Mr. Tollison stated it was important that the amendment state it was for the board and commission nomination process, or something similar.

Motion carried unanimously.

**Item (5)**

### **ADJOURNMENT**

**ACTION:** Councilor Kirven moved to adjourn the meeting.

Motion carried and the meeting was adjourned at 5:30 p.m..

Respectfully submitted:

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Theresa B. Kizer, Clerk to Council