



GREENVILLE COUNTY COUNCIL

Minutes
Special Called Committee of the Whole Meeting
February 11, 2025
5:08 p.m.

Committee Meeting Room
301 University Ridge
Greenville, South Carolina

Council Members

Benton Blount, *Chairman, District 19*
Rick Bradley, *Vice-Chairman, District 26*
Liz Seman, *Chairwoman Pro Tem, District 24*
Joey Russo, *District 17*
Kelly Long, *District 18*
Stephen Shaw, *District 20*
Curt McGahhey, *District 21*
Frank Farmer, *District 22*
Alan Mitchell, *District 23*
Ennis Fant, Sr., *District 25*
Garey Collins, *District 27*
Dan Tripp, *District 28*

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted online, at 301 University Ridge, Greenville, and made available to the newspapers, radio stations, television stations and concerned citizens.

Council Members Absent

None

Staff Present

Joe Kernell, *County Administrator*
Chris Antley, *County Attorney*
Nicole Wood, *Assistant County Administrator*
Regina McCaskill, *Clerk to Council*
Jessica Stone, *Deputy Clerk to Council*

Others Present

None

Call to Order

Chairman Benton Blount

Invocation

Councilor Kelly Long

Item (3)

Approval of Greenville County Council Rules

Amendment #8

Councilor McGahhey withdrew Amendment #8 from consideration in order to allow the current Council Rule III (D)(9) to remain unaltered.

No action was required.

Amendment #12

Action:

Vice Chairman Bradley moved to approve Amendment #12 which would amend Rule III (D) on public requests to be heard and delete Rule III (G) on previous public hearings.

Councilor Tripp requested an explanation of the amendment.

Chairman Blount stated Council had been given an additional amendment to eliminate language in Rule III (D)(2) because the previously published amendment had wording that basically stated people requesting to speak at the end of the meeting had 30 minutes to sign up in the middle of the Council meeting, as opposed to signing up at the beginning of the meeting. The newly offered amendment would remove that language.

County Attorney Chris Antley stated the two rule amendments were combined for ease of reference, because they both dealt with public hearings.

Councilor Tripp asked for the practical effects of the amendments.

Chairman Blount stated the amendment would put back into place the 30-minute period at the end of Council meetings where citizens could address Council about any topic.

Councilor Tripp stated there was an amendment to the rule Council made two years ago which required a bill to have a first reading and to go through a committee before it could be discussed on the agenda. He asked if that was being changed.

Chairman Blount stated the amendment would allow for comments from the public on first reading items, even before they went to a committee.

Councilor Tripp stated it was easy to throw an amendment up and wave the flag of transparency, but the reason Council passed the amendment two years ago was because they had several Council members who loved to play gotcha politics, and who would introduce ordinances or resolutions that were very political in nature. This would cause Council to get caught up in all kinds of activities, such as social issues, that did not help them do the things they were supposed to do as a body. If Council adopted the amendment and allowed that situation to reoccur, the next two years were going to be riven by hot potatoes. He urged them not to support the amendment change, stating the public should wait until bills were vetted in the committee process. He stated it would make better sense to add language that would require a bill, which had been sent to a committee, to have a finite

number of days to appear on an agenda for consideration. He strongly objected to allowing Council to get into the business of things they did not have jurisdiction over.

Councilor McGahhey asked Mr. Tripp for an example.

Councilor Tripp stated one of their colleagues introduced numerous bills dealing with the school board and other issues they had no jurisdiction over. It did not matter to them that Council did not have purview, all they wanted to do was cause Council to take heat from a bunch of angry activists on both sides of the issue.

Councilor McGahhey stated he found it hard to understand how someone could bring up multiple bills that Council did not have jurisdiction over.

Councilor Tripp stated as a Council member, they could introduce an ordinance that said whatever they wanted it to say, whether Council had purview or not. The proposed amendment would allow citizens to come and speak on the issue the very same night it was presented. He stated when Council had subject matters, they needed to be vetted by the committees to make sure Council did have jurisdiction.

Councilor Farmer stated he agreed with Mr. Tripp in that it was kind of like ex-girlfriend syndrome, where they were just bringing up old stuff they had already gotten past. He implored anyone who wanted to do that, to come to the Communications Forum where they could speak about whatever they wanted for three minutes. That way things would remain transparent and also let the citizens have a voice, but would not allow Council to play games while they were supposed to be doing actual business.

Councilor Tripp stated he was 100% in favor of transparency, and was not about keeping people from speaking. It was about having minimum standards of scrutiny in place before a bill got thrown into the public square for discourse. He stated for a long time their rules had stated, Council did not have debates at first reading. In order to keep the current rule in place, send the proposed bill to a committee but adopt an amendment that said the committee had 30 days to have a hearing so the matter could be addressed by the public.

Chairman Pro Tem Seman stated, she was in favor of leaving the language as it was for the reason of delineating the separate times for citizens to address Council. The current language provided a little more structure to the normal agenda portion of speaking, and then there were other, more broad opportunities for the community to weigh in on other items.

Councilor Fant stated many of the rules Council adopted were not knee-jerk reactions, they evolved over time and came from experience. He stated the people who would come speak at the end of the meeting just wanted to hear themselves speak or to be seen by an audience, or hoped to make it to the media. When Council switched to having the Thursday Communications Forum, not one of those people came who used to come show out at every single meeting. If what they were trying to communicate to Council was so important, why did they not come to one Communications Committee meeting.

Councilor Collins stated the people in his district, whether they liked to be a dog and pony show or not, still paid taxes and they voted. He stated they had a right to be heard regardless. He felt some of the best input could come from a first reading discussion that could then be taken to a committee. He suggested adding a phase which gave the Chairman the discretion to stop the comments.

Chairman Pro Tem Seman stated perhaps they could add some clarification to the sentence, such as, a citizen shall have the opportunity to address Council on any matter that fell under the purview of County Council. She felt it would help give some guidelines to the requests to speak and also avoid people coming to talk about things Council did not have jurisdiction over.

Councilor McGahhey agreed with the suggestion, citing, under the purview of County Council and with the Chairman's discretion.

Action: Chairman Pro Tem Seman moved to amend Amendment #12 so as to retain the sentence in Section III (D)(1) which read, "Items appearing on the agenda that have not come through a committee are not eligible for requests to be heard under this subsection with the exception of emergency ordinances."

Ms. Seman's motion to amend Amendment #12, Section III (D)(1) carried.

Action: Chairman Pro Tem Seman moved to amend Amendment #12 in Section III (D)(2) to add, "under the purview of County Council or at the Chairman's discretion" after the new language "on any matter."

Ms. Seman's motion to amend Amendment #12, Section III (D)(2) carried.

Amendment #12 as amended carried.

Amendment #13

Action: Chairman Pro Tem Seman moved to approve Amendment #13 which would amend Rule IV (B) on readings and Rule IV (C) on Consent Agendas.

Councilor Tripp requested an overview of the intent behind the amendments.

Chairman Pro Tem Seman stated the amendment was to add language that reflected what Council just talked about in Amendment #12. She stated they needed to strike the proposed language in (B)(1) so it would be consistent with not allowing public comment under items for first reading which had not been to a committee.

Councilor McGahhey stated the amendment read, "The Council, at the Chairman's discretion." He felt that was key, at the Chairman's discretion, or by request of a member. Mr. McGahhey stated if a member felt so strongly about something and wanted to hear from a someone before they sent the item to a committee, they should be able to do so. He felt there needed to be some sort of deliberation.

Chairman Pro Tem Seman requested the County Attorney's opinion so they would not violate their own rules.

Attorney Antley stated once Council included the language of the previous rule amendment, whereby items appearing on an agenda but had not gone through a committee were not eligible for a request to be heard, then Council was locked in. If they were to approve the proposed language offered in Section IV (B)(1), they would be creating a contradiction within their own rules.

Chairman Pro Tem Seman addressed Mr. McGahhey stating she understood his thinking, but if the Council really had a burning topic they needed to discuss, they could always suspend the rules.

Action:

Chairman Pro Tem Seman moved to strike all proposed amendments to Section IV (B)(1), returning the language to its original form.

Motion to amend Section IV (B)(1) carried.

Councilor Tripp asked if the proposed amendments remained in the paragraphs for second third reading.

Chairman Blount stated they would remain.

Councilor Tripp requested an explanation for the change to second and third readings because Council already made allowances for public comment at those two readings. He asked the County Attorney if the amendment was just a restatement of current rules which allowed for public comment at second reading if they signed up, or was it different.

Attorney Antley felt it was a restatement. He felt there would be no harm with including something to clarify.

Councilor Tripp inquired about the section on third reading. He asked the County Attorney if the amendment would conflict with the rule that stated, once an item has had a public hearing, they would not accept further public comment.

Attorney Antley stated the previous amendment (*Amendment #12*) deleted Subsection G, which was matters previously heard at public hearing. With that section removed from the rules, there was now no contradiction.

Councilor Tripp asked if the language in the second and third readings sections allowed the Chairman or a member to request a member of the public to be heard right then on a bill, or would it be that they would be heard during the public comment period.

Councilor McGahhey stated he wanted to give the citizens every opportunity to come tell Council what they wanted to say. He felt people needed to be heard and three minutes was not much of his time.

Councilor Tripp stated Council had a specific time and place for public comments, 30 minutes at the beginning of a meeting, 30 minutes at the end of a meeting and at the Public Communications meeting. His question was whether or not the amendment was to allow citizens the ability to join the debate on the dais. He stated the amendment was not clear on that matter.

Chairman Blount understood the amendment to be for the designated times the public was given to speak.

Chairman Pro Tem Seman asked, the third reading section stated, if a member asked for public comment, did that mean Council would hold the item until the next meeting to allow for public comment during the next public comment time.

Chairman Blount stated this would also be for third reading. Citizens could sign up to speak in the appropriate spot for third reading items.

Ms. Seman suggested cleaning up the language to make that clear.

Councilor McGahhey stated his observation had been, if a person's comments were not favorable to the chair they were shut down. He just wanted to make it very transparent that they were not trying to stifle anyone.

Chairman Pro Tem Seman asked if the rules mentioned their practice of when third reading amendments were allowed, they were to be in writing in the packet. She wanted to make sure it was written into the rules.

Action: Councilor McGahhey moved to amend Subsection (3) Third Reading, to add the language, "Amendments permitted at Third Reading must strictly pertain to the subject matter of the ordinance as it was passed at second reading and shall be in writing to the clerk by Thursday at 12:00 pm to be included in the packet."

Motion to amend Subsection (3) carried.

Action: Councilor McGahhey moved to amend Sections IV (B)(2) and (B)(3) to strike the verbiage, "at the Chairman's discretion or by request of a member."

Motion to strike the language from Sections IV (B)(2) and (B)(3) carried.

Amendment #13 as amended carried.

Reconsideration of Amendment #12

Action: Chairman Pro Tem Seman moved to reconsider Amendment #12.

Motion to reconsider Amendment #12 carried.

Chairman Pro Tem Seman stated she wanted to make sure they had not inadvertently gotten rid of their Zoning Public Hearing through the adoption of Amendment #12.

County Administrator Kernell stated they did not get rid of the Zoning Public Hearing, but what they did was create a reason for no one to attend the Zoning Public Hearing because they could now come to the regular Council meeting and accomplish the same thing. He suggested putting zoning dockets back into Section G, to keep the Zoning Public Hearings intact. He offered the language, notwithstanding any provisions of these rules, no person may address the Council about any zoning matter that had previously been heard in a duly called public hearing.

County Attorney Antley stated the amendment would have the same Section G marked out with the exception of the title and the sentence the County Administrator suggested.

Chairman Pro Tem Seman stated that would mean the rules about people being able to speak at second and third reading would not apply to zoning dockets. She stated that was probably one of the items Council would want to hear about most. One specific difference about the Zoning Public Hearing was that the Planning Commission would be there. People would go to the Zoning Public Hearing because they would want their comments to be heard by the Planning Commission, which would not happen at a Council meeting. She suggested leaving the amendment as it was and see how it went for the next couple of months; they could always make adjustments.

Action: Chairman Pro Tem Seman moved to keep Amendment #12 as it was previously amended.

Motion as presented carried.

Amendment #14

Action: Vice Chairman Bradley moved to approve Amendment #14 which would amend Rule IV (B)(4)(d) on abstentions in votes required for passage.

Councilor McGahhey stated he wanted to remove Subsection (4)(d) because Council had already passed an amendment for abstentions. He stated he would like it to reference back to the statute. He stated his goal was to make sure when someone gave an abstention, they followed state law and provided a written response as to why they were abstaining. He did not want them to be able to simply say, "I abstain" and then walk out of the room.

Action: After a brief discussion with the County Attorney, Councilor McGahhey moved to amend Subsection (4)(d) to read, abstentions shall be counted as positive votes unless a required written statement of conflict, per state law, was given to the Chairman.

Councilor Mitchell asked if something had come up that would cause him to propose the change. He was curious to know if his colleague felt Council members were breaking state law.

Councilor McGahhey stated there were some questionable statements he had discovered on his own. In order to hold Council in the highest light and to prevent any appearance of impropriety, he asked the amendment be included.

Chairman Blount stated the Planning Commission had a strict set of guidelines they had to follow, as far as when they recused themselves, and he felt it would only be fair for Council to have to abide by the same standard as the commission they appointed.

Councilor Tripp asked what did it mean, counted as a positive vote.

Councilor McGahhey stated that language was left in the amendment by accident. He did not feel it should be counted as a positive vote.

Councilor McGahhey withdrew his previous motion to amend. He then restated a new motion.

Action:

Councilor McGahhey moved to amend Subsection (4)(d) to read, abstentions shall be counted as negative votes unless a required written statement of conflict, per state law, was given to the Chairman. If a member did abstain, it was neither a positive nor a negative vote.

Councilor Tripp asked why would they count a vote as a positive or negative vote if they were abstaining.

Chairman Blount asked the County Attorney if the current rules stated an abstention was to be considered as a negative vote.

Attorney Antley stated the current rules stated, an abstention shall be counted as a positive vote unless a written statement of conflict was given to the Chairman.

Councilor McGahhey withdrew his amendment.

Action:

Councilor McGahhey moved to amend Subsection (4)(d) to read, abstentions shall be counted as neither positive or negative votes.

Councilor Collins stated if a person went on record to say the item was something that would benefit them, and they abstained, that abstention would automatically be counted as a yes vote. He felt it was not a good look from the public perspective.

Chairman Pro Tem Seman asked Mr. McGahhey if his goal was for people to only abstain if they had a conflict.

Councilor McGahhey stated his observation was a Council member could abstain, be counted in the positive, and then make a motion to reconsider later. It was kind of a game.

Councilor Tripp stated in his six years on Council, he was unaware of a situation where he felt like somebody was trying to gain the vote by abstaining. They were public officials and if they abstained from a vote, there was a public record. He stated there were many aspiring politicians who would hold that over their head.

Councilor Fant asked if they were trying to merge abstentions and recusals. He stated if someone wanted to abstain because they had no feelings one way or the other about a particular issue, they should be able to simply abstain. They may just want to stay out of it and there should not be any question about their motive.

Councilor McGahhey withdrew his amendment.

Action: Councilor Shaw moved to amend Subsection (4)(d) to read, abstentions shall be counted as if that member did not vote on the matter.

Mr. Shaw's motion to amend Amendment #14 carried.

Amendment #14 as amended carried.

Amendment #15

Action: Chairman Pro Tem Seman moved to approve Amendment #15 which would amend Rule V (A)(6) relating to the Committee of the Whole and Rule V (D) on committee numbers.

Motion as presented carried.

Amendment #16

Action: Vice Chairman Bradley moved to approve Amendment #16 which would amend Rule VI (B) relating to rule suspension requirements.

Action: Councilor Collins moved to amend Amendment #16 so that a motion to suspend Council Rules would require a simple majority of Council.

Councilor Farmer asked the County Attorney if the proposed amendment would violate state law.

Attorney Antley stated it was within Council's discretion on how many votes they wanted for both the notice requirement and for the rule's suspension.

Chairman Pro Tem Seman stated she hoped Council had built enough camaraderie and respect for each other so that if they needed to suspend the rules, they would be able to get the two-thirds number needed. She felt some things should be more than just a simple majority.

Action: Councilor Collins amended his motion to read, a simple majority vote of Council was required to suspend Council Rules as well as to provide notice.

After a brief discussion, Councilor Collins withdrew his motion to amend.

Councilor McGahhey stated he would like to have the entire Amendment #16 withdrawn so that it would go back to its original form from 2023.

Vice Chairman Bradley withdrew his motion to approve Amendment #16.

Action: Chairman Pro Tem Seman moved to approve the Council Rules as amended.

Chairman Blount inquired about Mr. Tripp's suggestion of an amendment to make a 30 requirement for matters sent to a committee.

Action: Councilor Tripp moved to amend Section IV, Ordinances, Resolutions and Other Matters to include the language, "unless a majority of Council members object in writing, an ordinance or resolution shall be given a hearing within 30 days of introduction." He stated his amendment would require a majority of members to put in writing their objection to a bill being heard in committee, otherwise, the referred bill will have a hearing within 30 days of being sent to committee.

Councilor Shaw asked if he wanted to add to his amendment, that the committee shall consider the matter and vote on it.

Councilor Tripp stated they could have a debate, but he did not think they should prescribe a vote. He did not want to force the committee into a situation of having to vote for something that may or may not be ready for a vote. It would cause the requirement of a vote to supersede a motion to adjourn, debate or table.

Councilor McGahhey asked the County Attorney how he could go back and address a previous amendment.

Attorney Antley stated if the amendment had taken place in the current meeting, he could make a motion to reconsider and it would require a simple majority of Council to pass. If the amendment was taken up at the previous meeting, it would require two-thirds vote of Council to bring it back to the floor for reconsideration.

Councilor Tripp's motion to amend Section IV carried.

Action: Councilor McGahhey moved to amend Section VI (A) Amendment or Suspension of Rules to change the two-thirds vote requirement to a majority vote requirement.

Councilor McGahhey stated Mason's Rules of Order read, "the governing body, by a simple majority can suspend the rules at any time." He stated if a simple majority was able to suspend the rules then why not require a simple majority to amend the rules.

Councilor Tripp stated that amendment would lower the threshold for rules changes, which meant they could constantly be debating rules. In the past, Council had tried to deal with the rules within the first couple months and then only deal with them again if there was some sort of emergency or an emerging issue. He felt they would be opening up a scenario that would create constant strife over a potential rule change.

Councilor McGahhey stated he was putting the amendment up for consideration in case there was something they may have missed or not gotten correct.

Motion to amend Section VI (A) carried with a vote of eight in favor (Russo, Long, Blount, Shaw, McGahhey, Farmer, Bradley, Collins) and four opposed (Seman, Mitchell, Fant, Tripp).

Action: Chairman Pro Tem Seman moved to approve the Council Rules as amended.

Motion to approve the Council Rules as amended carried.

Item (4) **Adjournment**

Action: There being no further business, Vice Chairman Bradley moved to adjourn the meeting.

Motion carried and the meeting adjourned at 6:37 p.m.

Respectfully submitted:

Regina McCaskill, Clerk to Council