



GREENVILLE COUNTY COUNCIL

Minutes
Committee of the Whole Meeting
February 4, 2025
3:30 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

Dan Tripp, *District 28*

Staff Present

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

Council Members Participating Remotely

Steve Shaw, *District 20 (joined the meeting at 5:06 p.m.)*

Ted Lambrecht, *Deputy County Administrator*
Tee Coker, *Assistant County Administrator*
Hesha Gamble, *Assistant County Administrator*
Ty Houck, *Parks, Recreation and Tourism Department*
Terrence Galloway, *Information Systems*
Phillip Simmons, *Information Systems*

Others Present

None

Call to Order

Chairman Benton Blount

Invocation

Councilor Kelly Long

Item (3) **Approval of Minutes**

a. **January 21, 2025 – Regular Committee Meeting**

Action: Chairman Pro Tem Seman moved to approve the minutes of the January 21, 2025 – Regular Committee Meeting.

Motion carried.

Item (4) **Board and Commission Interviews / Appointments**

a. **Board of Tax Assessment and Appeals (8 vacancies)**

The following applicants made a personal appearance before the committee:

- Raymond Calabro (D.17)
- Jeff Davis (D.22)
- Ronald Duffala (D.18)
- Joe Farmer (D.22)
- William Lloyd (D.25)
- Nicole Peters (D.20)
- Kenneth Riley (D.23)
- Thomas Sanders (D.28)
- Irene Turrin-Heiliger (D.24)
- Arthur Young (D.28)

By ballot vote, Ronald Duffala, Joe Farmer, William Lloyd, Yvonne Matthews, Chris Prince, Kenneth Riley, Thomas Sanders and Arthur Young were elected to fill eight vacancies on the Board of Tax Assessment and Appeals.

b. **Human Relations Commission (4 vacancies)**

The following applicants made a personal appearance before the committee:

- Dejr Bostick (D.23)
- LaShawn Leitzey (D.26)
- Amelia Sanders (D.22)

By ballot vote, Dejr Bostick, LaShawn Leitzey, Dexter Reaves and Amelia Sanders were elected to fill four vacancies on the Human Relations Commission.

c. **Greenville Area Development Corporation (1 vacancy - Council Member Seat)**

Action: Vice Chairman Bradley moved to nominate Garey Collins to fill the County Council member seat on the Greenville Area Development Corporation.

There being no other nominations, Mr. Collins' appointment was unanimously approved.

Item (5) **Executive Session – (Personnel Matter)**

There was no Executive Session.

Item (6) **Approval of Greenville County Council Rules**

Amendment #1

Action: Chairman Pro Tem Seman moved to approve Amendment #1 which would amend Rule I (A) on vice-Chairman document execution.

Chairman Blount stated sometimes the Chairman was not always available and he wanted to make sure there was someone else who could sign county documents in the Chairman's absence. This amendment would give the vice Chairman the ability to sign in the event the Chairman was not available for some reason,

Motion as presented carried.

Amendment #2

Action: Chairman Pro Tem Seman moved to approve Amendment #2 which would amend Rule II (D) on employee contact.

Amendment: Councilor McGahhey moved to amend Amendment #2 to change "would be critical to their oversight functions" to "would be required for their oversight functions."

Chairman Pro Tem Seman asked the County Administrator if he could see any unintended consequences to this amendment.

County Administrator Joe Kernell stated he did not see any problem with the amendment, stating it pretty much mirrored state law.

Councilor McGahhey's motion to amend Amendment #2 carried.

Motion to approve Amendment #2 as amended carried.

Amendment #3

Action: Vice Chairman Bradley moved to approve Amendment #3 which would delete Rule II (E) on employment and discharge.

Councilor Long inquired about the intent of the amendment.

County Attorney Chris Antley stated the amendment would require a majority of seven votes for Council to hire or fire one of their three employees.

Chairman Pro Tem Seman asked for the rationale behind removing the three-fourths vote requirement. She stated one of the reasons why Council discussed going to a three-fourths vote was because things such as hiring and firing staff was important. She felt that Council

would want to be unanimous or close to it when considering the magnitude of hiring and firing an employee.

Councilor Fant stated the vote was unanimous back in October when the previous Council adopted the three-fourths rule change. He felt the employees Council hired should be allowed to work and focus on their job and not have to be subjected to concern every two years when a new Council was seated.

Councilor Collins stated he did not agree that the change would affect their professionalism. He felt the amendment would give Council more oversight of accountability.

Councilor Russo stated the amendment Council implemented in October stated termination with cause would be carried out by a simple majority vote. That was holding Council's employees accountable. It was in matters where there was "no cause" that it would take three quarters vote of Council to terminate.

Amendment:

Chairman Pro Tem Seman moved to amend Amendment #3 to leave in the terminology of the last sentence, "for termination of a Council employee without cause, it would require a three-fourths vote." That way "with cause" would still be a simple majority.

Chairman Blount asked if Mason's Manual spoke to the matter of "with cause" and "without cause."

County Attorney Antley stated it was a matter that was at the discretion of the body.

Councilor McGahhey stated he saw Council's action of October as a move to essentially protect what was believed, at the time, that big change was coming to the Council in the form of a knee-jerk reaction. He felt the original amendment was needed in order for Council to have the oversight and the ability to change things. If the people were doing their job, there should be no reason for Council to need a three-fourths majority.

The motion to amend Amendment #3 was denied by a vote of six in favor (Russo, Bradley, Blount, Seman, Mitchell, Fant) and four opposed (Long, McGahhey, Farmer, Collins).

Motion to approve Amendment #3 as presented was denied by a vote of six in favor (Long, McGahhey, Farmer, Bradley, Blount, Collins) and four opposed (Russo, Seman, Mitchell, Fant).

Councilor Farmer asked the County Attorney what constituted "with cause."

County Attorney Antley stated "without cause" would be along the lines of an at-will employee to whom Council would say, "we need you to leave, not because you've done a bad job or anything, we're just wanting to change." To say "with cause" would be due to failure on the employee's part to do their job in some way, or failure to follow whatever the restriction might be in an agreement the county had with them, breaking any policy that the county had with regard to the Personal Handbook; it would be like a violation of contract.

Administrator Kernell stated his contract spelled out what "with cause" would entail.

Amendment #4

Action: Chairman Pro Tem Seman moved to approve Amendment #4 which would amend Rule III (A) on remote attendance.

Councilor Mitchell expressed his concerns over the amendment stating no one can control technology. He stated if for some reason the video were to not work or were to drop, that would mean that Council member's vote would not count.

Councilor Fant stated there could be times when someone was sick and wanted to participate but did not to be seen. He felt like their presence could be verified through the audio.

Chairman Blount stated he understood that there could be instances where the Council member would have no control over the technology. He stated perhaps an amendment would be in order which would require the Council member to explain, much like when recusing oneself from a vote; they would explain why the video was not working.

Amendment: Councilor Collins moved to amend Amendment #4 to add "in the event of video failure, participation would be allowed at the discretion of the Chairman."

Motion to amend Amendment #4 carried.

Motion to approve Amendment #4 as amended carried.

Amendment #5

Action: Vice Chairman Bradley moved to approve Amendment #5 which would amend Rule III (B)(1) on meeting agenda packets.

Councilor McGahhey stated this amendment was crafted as an idea to try and get the information a little sooner. He asked staff what impediments did they see this amendment causing.

Administrator Kernell stated staff currently met on Wednesdays to review the next week's agendas. They would go through and see if there were any problems and make sure they had all the information. If Council wanted the agenda posted on Thursdays, then staff were going to have to back their review up. What that meant was that Council would probably start seeing some things pushed off since there would not be as much time to get things on the current agenda. It could cause some items to be delayed by two to three weeks depending on how the meetings fell. He stated staff would do whatever Council wanted, but he just wanted to let them know that there could be a delay in some of the items moving through, so it could potentially lengthen the legislative timeline for those things.

Clerk to Council, Regina McCaskill, stated staff will do whatever Council asked but it would also affect items coming from outside Greenville County government. Those organizations were going to have to adhere to the new timeline as well. Currently there have been last minute calls to request something be placed on an agenda and staff has had to tell them no. So with the new deadline being pushed up, that scenario will happen more often. The end

effect would be that some things would need to be pushed out another two weeks because they could not get their materials together in a timely fashion to meet the County's deadline.

Chairman Blount asked the Clerk if Council were to shift things back a day, would it be possible to do additional work outside of the present-day meeting to prepare for that shift.

Ms. McCaskill, stated with Council meeting every two weeks, staff would basically have seven or eight days to get things together. For example, everything on that evening's agenda would move up in readings, so it would basically be the gathering of any new items as well as final documents for those matters going to third reading; those documents would have to be provided to staff a day earlier. During that time, staff also had standing committee meetings taking place on Monday and Tuesday evenings. Those meetings also generated items for Council's agenda that staff would not have until the following morning (*Wednesday*).

Councilor Collins asked who "they" were.

Ms. McCaskill stated they were the many outside attorneys that represented companies and individuals who requested items be brought to Council for adoption, such as the fee-in-lieu-of- tax agreements, multi-county industrial business parks, as well as land purchases and the sale of property.

Administrator Kernell stated Council members would also come in with last minute items, which staff would try to accommodate.

Chairman Blount suggested a provision that late items could be added with the Chairman's approval.

Chairman Pro Tem Seman reiterated her comment about unintended consequences. She stated if something came up that was really meaningful for the county, the last thing Council would want to do was put themselves in a situation where they were going to miss out on something because of a two-week delay. She stated she would certainly be in favor of adding language to give Council a little bit of leeway.

Mr. Antley stated another concern was when items came to his office that required several hours of research. Somebody on his team would have to take time to do that, which would put other things behind, creating a slow-down. He stated there were already many things that did not get finalized until Thursday or Friday due to research.

Chairman Pro Tem Seman suggested changing the word "must" to "should."

Councilor Collins stated if delays became an issue, the Chairman could always call a special called meeting within 72 hours to negate any two-week complaint that an attorney might make.

Councilor McGahhey stated if staff received all the input by Wednesday, they would not have any late items coming in from the committees, and they would not allow late submissions, therefore the amendment would help staff, not hinder them. If staff had their review on Wednesday afternoons there would be no other additions and the agenda would be complete, unless Council members go to the Chairman for an exception.

Administrator Kernell stated it did not make a big difference, except that there would be times when some items would probably not make it to the agenda. It was really up to Council's wishes.

Councilor Mitchell inquired about the need for the change.

Chairman Blount stated the reason behind the suggestion was so Council had more time to digest the items. He stated they currently received the information on Friday and they had the weekend to digest the information. This amendment would give them more time to process the information.

Councilor Collins stated many of them were doing a great deal of research on much of the material that was received because it was new to them. Having an extra day would give them extra time to do their due diligence.

Councilor Mitchell stated if a Council member did not have enough time to look into a matter, they could simply make a motion to hold an item until the next meeting and then move on.

Councilor Farmer stated he understood that the amendment could hinder stuff getting done or passed, and he felt government already ran slow enough.

Amendment #5 as presented was denied.

Amendment #6

Action:

Vice Chairman Bradley moved to approve Amendment #6 which would amend Rule III (D) on decorum, member time and debate.

Councilor Fant asked what the reasoning was behind removing, "indulge in personalities." He stated the presence of that rule had worked to restrain several Council members over the years as it had always been referenced when conversations got a little tight. He hoped Council would choose to retain the language.

Councilor McGahhey stated he was instrumental in writing a lot of this, but he did not remember requesting that language be taken out and was against the change.

Amendment:

Councilor Fant moved to amend Amendment #6 to retain the language "indulge in personalities" in Paragraph 2.

Motion to amend Amendment #6 carried.

Chairman Pro Tem Seman asked for clarification on Paragraph 4, setting a time of five minutes for Council members to speak.

Councilor McGahhey stated in the past, it was observed from those in the audience that the former Council Chairman would not let some people speak if he did not agree with what they were saying. This language was inserted to ensure that every voice, regardless of their position, was allowed to be heard.

Motion to approve Amendment #6 as amended carried.

Amendment #7

Action:

Vice Chairman Bradley moved to approve Amendment #7 which would amend Rule III (D) on voting and roll calls.

Councilor McGahhey stated it was his understanding the Council was purchasing new software that would allow every vote to be displayed on the monitor.

Chairman Blount stated that was correct.

Chairman Pro Tem Seman requested confirmation. She asked if the vote was not unanimous, would Council would have to go back and revote using the electronic system.

Chairman Blount stated the technology would be set up so that all votes would be digital, so it would not matter if there was a no vote or not. He stated some of the language in the amendment might not be necessary at that point.

Motion to approve Amendment #7 carried.

Amendment #8

Action:

Vice Chairman Bradley moved to approve Amendment #8 which would amend Rule III (D) on abstention requirements.

Chairman Pro Tem Seman asked what did state law require for abstentions.

Attorney Antley stated he would have to review state law regarding abstentions and compare the two documents, but he felt there was more listed in the proposed rule amendment than was required by state law.

Councilor McGahhey stated it was his observation that state law was not being followed by the previous Council, therefore, he inserted the language to ensure that Council followed the state law moving forward. He felt that by leaving it in the rules it would serve as a reminder of the standard they needed to be held to.

Chairman Pro Tem Seman inquired about the questions, stating she would like a little more education on what the potential answers could be to some of the questions.

Councilor Collins stated they took the basic requirement of the law and added to it so it would be body specific. Whether they recused themselves under Item three or five or seven, if a Council member qualified under one of those descriptions, they would just make the choice and say, I recuse. He stated the amendment did not require a multi-page report but it did cover more information on a broader scale.

Councilor Long stated Council members could fill out the form prior to the meeting.

Councilor Mitchell asked if there would be a different form for each one of the reasons listed, or would Council have to learn it, remember it, and then put all of the listed reasons on a form.

Councilor Farmer stated the Planning Commission simply put down their name for recusal and added the reason as to why they were recusing themselves. Such as their spouse was in a real estate deal, so they would write "my wife is doing XYZ, so that's why I cannot vote on this item." It's the simplest way to do it and it kept Council members accountable.

Councilor McGahhey stated as public servants, they deserved to give their citizens a higher standard of why they were not voting on a matter they were put in the position to vote on.

Councilor Russo stated it appeared the main apprehension was, if I don't fill out all five of the reasons, I may be in violation of the rule. He agreed with Mr. Farmer in that a simple explanation was all that was required. He stated he was in favor of having a specified detail of why they were recusing themselves, but without all the details.

Chairman Pro Tem Seman stated what if there were no questions. The form could be a fill in the blank; date, item number and the reason for recusal. All that would be required was to state a reason.

Councilor McGahhey stated Paragraph (E), under this topic they added language that stated, "Any member, Council Employee, County Officer or County Employee who willfully violates the requirements of this section shall be deemed guilty of malfeasance in office." The key word is "willfully violates," then the individual would have to come before the body and it be proved that they willfully withheld information. Negligence to follow the procedure was different than willfully violating the procedure.

Councilor Fant asked why they were including County employees, stating they did not vote and had no responsibility with regards to the public.

Councilor McGahhey stated the County had members of the staff who had undue influence over people who were on county boards. He stated he had some examples of people who should have recused themselves from things, which was why the language was inserted. There were some staff members who had conflicts of interest and they should have disclosed them before they influenced or developed some things. Therefore, if they willfully violated the requirements of the amendment, the Council could accuse and/or find them guilty of malfeasance and remove them for office, because that was corruption, and that was Council's main goal here; to stamp out corruption.

Attorney Antley stated Section E also included any member who willfully violates the requirements of this section shall be guilty of malfeasance in office, and upon conviction, shall forfeit their office. He stated 4-9-180 did not apply to Council members.

Councilor McGahhey stated his understanding was that it did cover the Council members. He asked the County Attorney to show where it stated Council was not under the same guise.

Attorney Antley read S.C. Code Ann. 4-9-180, "Any county officer or employee who has a substantial financial interest in any business which contracts with the county for sale or lease of land, material, supplies, equipment or services, or who personally engages in such

matters, shall make known that interest and refrain from voting upon otherwise participating in his capacity as a county officer or employee in matters related there to. Any county officer who willfully violates the requirements of this section shall be deemed guilty of malfeasance in office, and upon conviction shall forfeit his office or position.” He stated there were three groups, members, officers and employees. Council members were neither officers or employees.

Councilor McGahhey stated the Code allowed a Council body to make any rules it deemed necessary, within the state constitution. He asked why could they not add Council members to that paragraph for our own rules.

Attorney Antley stated he had concerns with a Council body having the jurisdiction to declare a Council member forfeit their office for failing to follow a Council rule. He stated he would look into the matter further.

Chairman Pro Tem Seman asked what the logistics were of Council having employees or officers or county employees coming before them. She asked how would that be handled, would it be in person, would it take place during a full meeting or in Executive Session. She stated she was leery about just having folks come before Council if putting the matter in writing would serve the same purpose.

Councilor McGahhey stated in full transparency, the person should come and present themselves in front of the body and in front of the public. They shouldn't be able to hide behind a piece of paper because then there was no face associated with the matter. As public servants and public employees, they were all held to a different standard than just an average citizen. As a body they did have executive oversight.

Ms. Seman felt this was coming from a place of distrust, which made her sad.

Mr. McGahhey stated the amendment was to ensure that if there was anything happening that was inappropriate, this would bring it out, and it's brought out in front of the public where there was light showing on it. He stated he was trying to be transparent.

Councilor Russo asked if the county employees currently had any kind of a documentation process for declaring conflicts of interest or possible conflicts interest.

County Administrator Kernell stated there was a process in place. He stated this did not apply to the employees of elected officials, as they were accountable to the elected officials.

Councilor Fant inquired about the sentence, “shall be deemed guilty of malfeasance in office, and upon conviction shall forfeit their office.” He asked who would be doing the convicting. If an elected official were to be indicted, they would get suspended by the Governor. He stated if Council was supposed to be some sort of jury to decide if a Council member were guilty, and then try to kick someone of the Council body, that would never hold up under state law, in any circumstance. He asked if the language was straight out of state law.

Councilor McGahhey stated it was straight from state law, but they added the word, “member.”

Chairman Blount asked the County Attorney, if Council were to vote on the amendment as it was and moved it forward, and then something was discovered in the wording that would cause legal issues because of state law, was that something Council could come back to and amend at the next meeting.

Attorney Antley stated arguably, yes. But if Council had a question as to whether they were getting up against state law or not, the safer course of action would be to hold it until the next meeting.

Action: Councilor Fant moved to hold the amendment until the next meeting to give the attorney time to look into the issue.

Motion to hold carried with one voting in opposition (McGahhey).

Amendment #9

Action: Vice Chairman Bradley moved to approve Amendment #9 which would amend Rule III (D) on reconsideration.

Chairman Pro Tem Seman asked if they could better define “newly acquired information.” She suggested the term “relevant” to help better define the sentence.

Councilor McGahhey stated under the past leadership, the Chairman would deem what was relevant or not. He stated the language was put into the amendment so that as a duly elected person of their district, they would have a say as to the relevancy of the information.

Councilor Fant asked if Mason’s Manual spoke about a member being able to move to reconsider and not be on the prevailing side.

Attorney Antley stated there was not a requirement either way. Mason’s was the body’s fallback procedures if Council did not address a matter in their own operating rules.

Chairman Blount stated if someone came up with additional information that would further their argument, they should be allowed to bring the information forward and discuss it.

Councilor Fant asked who would determine if the information was relevant.

Chairman Blount stated if it was the decision of the chair, I would say any new information would be relevant. If it was good information, it would perhaps sway people to a different decision, but if it were bad information, it was not going to make a difference either way.

Councilor McGahhey stated that was why the term “relevant” was not used. He stated if the information was something relevant to his district or his constituents, he should be allowed to speak to the matter. That was why the language “has newly acquired information” was used instead of “relevant.”

Chairman Pro Tem Seman asked could there be a situation where new information and reconsideration would trigger sending something back or violating the rules about public hearings.

Attorney Antley stated that would be on a case by case basis.

Motion to approve Amendment #9 carried with one voting in opposition (Fant).

Amendment #10

Action: Vice Chairman Bradley moved to approve Amendment #10 which would amend Rule III (D) on Council requests.

Motion to approve Amendment #10 carried.

Amendment #11

Action: Vice Chairman Bradley moved to approve Amendment #11 which would amend Rule III (D) on Administrator Reports.

Chairman Pro Tem Seman stated all of the items listed might not be relevant every time Council met. She suggested it be a reference for the Administrator to provide reports on items such as, and then list them. She stated there might also be things he would like to report on that were not in the list.

County Administrator Kernell stated he did not think the proposed language belonged in the rules. He stated they were Council Rules not County Administrator Rules. The types of topics listed in the amendment were the kind of things he would normally have during discussions with Council, and if there was something specific they wanted to hear a report on, they needed to let him know. He stated he could give them a financial update every two weeks, but it would be about the same and he was not one to waste time at meetings; especially Council meetings, which were Council's business meetings. Mr. Kernell stated there were so many other things Council may want to know about, and if they were eating up the time with required topics, they may never get to the other topics of interest.

Councilor McGahhey stated the amendment was more about setting parameters of the things they would like to know about, at a minimum; especially projects. He stated they would also like to put in some parameters where money was being moved within the budget. He asked how could they put constraints in place so that when a budget item for \$1 was not used, Council was the one to say where the dollar would go, not the Administrator. He felt as a body, it was their oversight responsibility and he did not want to abdicate that responsibility to anyone who was a bureaucrat. He felt the citizens deserved to hear what was going on.

Chairman Pro Tem Seman stated the County Administrator actually had the ability to move money around within the budget and without Council's knowledge.

County Administrator Kernell stated the financial policies gave him the authority to do some of those things. He stated they could put parameters in the County's Financial Policy because that was what guided his authority, not Council Rules. He stated let's sit down and identify those areas and set parameters within the policy so he would know what Council's expectations were.

Chairman Pro Tem Seman suggested the amendment read, he would give timely reports on items of interest to the Council, including, but not limited to, and then list the topics.

Councilor Russo stated Council members had the discretion to ask the Administrator questions about specific topics during his report. If something was going on and they wanted specific details on a matter, they could tell the Administrator beforehand, to let him know that they were going to ask him about XYZ during his next Administrator's Report.

Motion to approve Amendment #11 was denied.

Action: Due to time restraints caused by a subsequent County Council meeting, Councilor McGahhey moved to hold the remaining rules amendments until the next Committee of the Whole meeting.

Chairman Pro Tem Seman requested a clean version of the rules showing what had been approved so far.

Motion to hold the remainder of the rule's amendments carried.

Item (7) **Adjournment**

Action: Councilor McGahhey moved to adjourn the meeting.

Motion carried and the meeting was adjourned at 5:50 p.m.

Respectfully submitted:

Regina McCaskill
Clerk to Council