

# Opinion sought on legality of Simpsonville City Council meeting

**Scott Keeler, dskeeler@greenvillenews.com** 10:08 a.m. EDT October 19, 2014



(Photo: Scott Keeler, Staff)

Simpsonville City Council chambers were packed, and many were there for a lengthy discussion on the future of the old Simpsonville Grammar School.

Before that came to a vote though, a heated debate ensued and resulted in Simpsonville City Councilman Matthew Gooch making a motion that wasn't on the

agenda.

"I move to request an opinion from the South Carolina attorney general regarding if the little meeting held on Sept. 26 was legal and whether this or any other meeting or communication of this council has violated state law," said Gooch.

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Council members Sylvia Lockaby, Taylor Graham and Mayor Pro Tem Geneva Lawrence said they toured the school building on Sept. 26 with other city officials to look at the possibility of moving the city courtroom and offices there. There was no prior public notice of a meeting. Lockaby and Graham are each a part of two different three-person city committees.

"If any two committee members get together, you have a quorum," said Councilman George Curtis. "This council was warned repeatedly that this is a problem.

"The simple fact is that when this goes before a court, they're going to tell you that you can't have two people that are on a committee together having discussions when you don't call it as a meeting. It was why I opposed the committee structure in the first place."

Curtis, who seconded Gooch's motion, agreed that the situation needed to be looked on by a state official for a ruling. The motion carried unanimously.

"If a quorum is present, the meeting is subject to FOIA. If the meeting is subject to FOIA, 24 hours notice must be given," said Taylor Smith, attorney for the South Carolina Press Association.

J. Mark Powell, communication director of the South Carolina Attorney General's Office, said the office will research what laws say and how courts have ruled in the past if they are contacted for an opinion.

"It's boiled down into a conclusion that says based on this, this is how we feel the court would rule on this question," said Powell. "They're not legally binding, but they are given weight and consideration by the court."

Graham said that even though he and Lockaby are each on the Public Works and Parks and Recreation committees, they didn't speak to each other during the tour on Sept. 26.

"It's not a committee meeting because we weren't together discussing city business," said Graham. "There were six people I spoke with — two judges, the police chief, city administrator David Dyrhaug, John Laux from the Public Works Department and the gentleman from the Revolutionary War Museum."

Lockaby said she simply wanted to tour the facility with other city officials to see if it would be suitable for a courtroom and that no one was specifically invited to attend.

A total of 13 citizens combined to speak for nearly an hour Tuesday, many in favor of a proposed plan that would have seen the Simpsonville Arts Foundation (SAFi) continue to utilize the building while the Simpsonville area Chamber of Commerce moved its offices there.

Afterwards, it was time for comments from the council and Gooch didn't hold back.

"I've been contacted by business owners, citizens and people from surrounding cities about the current state — not just on this issue — but on the governance of the city as a whole," said Gooch. "No one is upset by how the city is administered. Our staff and employees are doing their job and are dedicated to the betterment of the city they work for.

"What we have now though is damaging Simpsonville's reputation as a place that's welcoming to business."

Gooch said that he's heard accusations of hidden agendas and attempts to keep information from the public.

"Simpsonville's government is broken," said Gooch.

At that point, Lawrence and councilwoman Elizabeth Braswell interrupted, questioning if Gooch was out of order.

City attorney David Holmes said that council members are normally given the privilege to speak their mind during the designated time for council comments, but can't engage in personal attacks.

Gooch said that he had not named anyone and continued.

"Simpsonville deserves better than to be ran this way," said Gooch. "I think there's a lack of respect for the public at this point."

Lawrence claimed that the problem was false information and innuendo being spread.

"I think we have people within the community, and from outside the community, who are trying to destroy our community at the expense of people who are trying their best to manage your dollars and provide the best for our citizens," Lawrence told the audience.

"As long as people placate them and listen to them, this will continue."

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