



CITY OF GREER, SOUTH CAROLINA

MINUTES of the FORMAL MEETING of GREER CITY COUNCIL October 25, 2016

MEETING LOCATION: Greer City Hall, 301 East Poinsett Street, Greer, SC 29651

I. CALL TO ORDER OF REGULAR MEETING Mayor Rick Danner - 6:31 P.M.

The following members of Council were in attendance:
Jay Arrowood, Wayne Griffin, Kimberly Bookert, Lee Dumas, Wryley Bettis and Judy Albert.

Others present: Ed Driggers, City Administrator, Mike Sell, Assistant City Administrator, Elizabeth Adams, Executive Administrative Assistant, Steve Owens, Communications Manager and various other staff and media.

II. PLEDGE OF ALLEGIANCE Boy Scout Troop 603, Grace United Methodist Church

III. INVOCATION Councilwoman Kimberly Bookert

IV. PUBLIC FORUM No one signed up to speak

V. MINUTES OF THE COUNCIL MEETING October 11, 2016

ACTION - Councilman Wryley Bettis made a motion that the minutes of October 11, 2016 be received as written. Councilwoman Kimberly Bookert seconded the motion.

VOTE - Motion carried unanimously.

VI. DEPARTMENTAL REPORTS

- A.** Building and Development Standards, Finance, Fire Department, Municipal Court, Parks & Recreation, Police Department, Public Services and the Website Activity Report for **September 2016** were included in the packet for informational purposes.

Finance

Mike Sell, Assistant City Administrator presented the Financial Report for the period ending September 30, 2016. (Attached)

General Fund Cash Balance: \$7,786,897.

General Fund Revenue: \$1,770,564.

General Fund Expenditures: \$4,046,054.

Revenue Benchmark Variance: \$485,917. Expenditure Benchmark Variance: \$585,962.
Overall Benchmark Variance: \$1,071,879.

The City is 6% under budget during at time period.

Hospitality Fund Cash Balance: \$1,286,959.
Storm Water Fund Cash Balance: \$964,122.

VII. PRESENTATION

Robyn Byouk, Cultural Arts Supervisor stated currently there are three (3) Artists in Residence in the new Center for the Arts. Two (2) photographers, Blaine Owens and Rachael Babb and one (1) Belly Dancer/Jewelry maker Amy Bright. We have three (3) more portfolios being judged this week hopefully we will have more artists in residence soon. The Grand Opening will be held November 3rd we will have Jim Quick and Coastline playing in the park from 5:30pm until 7:30pm. Artist studios will be open and other activities will be going on as well.

VIII. ADMINISTRATOR'S REPORT

Ed Driggers, City Administrator presented the following:

Activity Items:

Tube Dude – Create a Smile! Viewed a brief video on Tube Dude. We have commissioned eight (8) Tube Dudes to be placed in locations identified by the Parks and Recreation Department. The artist will visit our community shortly and view the locations and create pieces specifically for those locations. The pieces will be unveiled in early 2017.

Department of Revenue Letter – Councilmember Albert received a letter from the Department of Revenue. Mike Sell will explain. The letter stated the referendum we passed in 2014 authorizing the sale of beer and wine on Sundays in retail stores was invalid. We used incorrect language in the referendum (referenced the wrong code). As I was reviewing what we had done I realized we had submitted the information to our city attorney as well as the Department of Revenue. I immediately called the man from whom the letter was from and inquired about the letter. After speaking with him it became clear additional information was provided in the letter, an opinion from the Attorney General to the City of Clemson. The City of Clemson was in the process of doing what we had done in 2014. One issue was they had previously passed an ordinance authorizing bars and restaurants for Sunday alcohol sales a couple of years earlier and their questions was because it resulted in a positive result where they limited by the clause in the law that stated you had to wait 48 months to bring another alcohol referendum to the people. The Attorney General's opinion is yes it doesn't matter if it is a negative or positive result you still have to wait 48 months and they were not within the 48-month range. The Attorney General also stated there is another error in the law regarding the clause being used not only by our referendum but referendums held in the City of Travelers Rest, the City of Tega Cay, the City of Beaufort and Horry and York Counties. We took our sample ordinance from York County. It stated we incorrectly referenced the code. There are 3 options to authorize Sunday alcohol sales on premise or off premise. In 2010 we did the

on premise (Sundays) for bars and restaurants, that is option 1. Option 2 is the prior questions plus the questions to ask if you want to do it on premise and off premise. This can be done at the same time. The 3 option is asking the questions for off premise by itself but you must have the on premise part in place as of June 21, 1993. In crafting the ordinance, the referendum questions we used was provided by York County and approved by the Department of Revenue. We tried to navigate through that to ask the right question even though we had the 1993 clause in it. DOR (Department of Revenue) was comfortable with that until they got the Attorney General's opinion. Their response to the Attorney General's opinion was "although we were in the boat with you and we approved this as of June 30, 2018 we will no longer issue permits for off premise sales unless you do one of two things. One, the law gets changed retroactively or you hold a new referendum." Both options seem daunting. In talking with the gentleman with DOR who is heading this effort up he is in close contact with York County and with Representative Tommy Pope who is willing to submit legislation clearing the law up. They realize there are some disconnects and they need to clear up the language because it not only affects those cities and counties I mentioned but it could potentially affect a lot of other municipalities. If we were to hold a referendum it could potentially invalidate the previous question asked in 2010 because you have to ask both questions together. There are other larger municipalities in the state that would have to ask both questions again if they wanted to proceed that way. They want to submit language to clear that up and to remove the 1993 clause so it makes it retroactive then what we did would be ok. We are working closely with the Municipal Association letting them know the effort being made with York County and representative Tommy Pope. We are going to approach our legislative delegation to get their support as well to get this fixed. DOR has prepared the language, they went through their legal counsel to draft the language. The language and the proposed changes have been given to Representative Pope with the intention of getting that bill filed this session in order to get it changed. We are keeping an eye on it. We will keep you up to date as it progresses. If the law doesn't get changed, we could be in a bind because of the cutoff date is June 30th of 2018 due to the 48-month clause we would not be able to hold a referendum till November 2018 so I asked if the law did not get changed could they extend the cutoff period to December 31st to give us enough time to get another referendum if we have to go that route and I have not received a response back. They feel confident they will be able to get this moved through the legislature, it is technical changes and does not change nature of the intent of the law, it clears the process up. We hope to avoid a period of time where we do not have off premise sales taking place.

Discussion held.

GovDeals – Last month we held our annual GovDeals Surplus Auction Sale. Sales totaled \$33,480.79.

Trick or Treat on Trade – is being held tonight. Sponsored by Greer Station Association.

Halloween Hoopla – will be held Saturday, October 29th in City Park.

Center for the Arts Celebration – will be held Thursday, November 3rd.

Chamber First Friday Luncheon – will be held Friday, November 4th. We will provide an update on the community Master Plan.

Veterans Day Luncheon – will be held November 11th during lunch.

Chamber Business Awards – will be held Thursday, November 17th. More information will follow.

Staff Retreat – Spent time last week in the Staff Retreat. We were involved for two and a half days. Making sure we are on course with our budget, our strategic plan and most importantly we are in concert with your directives and policies. This group meets annually in the Fall. We are also preparing for your annual retreat. It was a very productive time.

Department Activity Report Highlights – will start next month. It will take place at the second meeting of the month. We will separate those by department and spend time highlighting items in the reports.

Mt. Pleasant – we have some employees dispatched to our partner city Mt. Pleasant. We received a request for assistance. We have two crews in Mt. Pleasant now. They will work approximately 60 hours this week. There are 4 individuals (2 crews), with knuckle boom trucks, hauling equipment, and chainsaws. There are teams from Greer, Anderson and Rock Hill assisting Mt. Pleasant. Mt. Pleasant is recovering from Hurricane Matthew. They have a great deal of debris they thought they could handle but they came back and stated they need assistance. As you are aware in our agreement we will be reimbursed for all expenses associated with our assistance to them. Mr. Driggers shared a voice mail he received from a resident of Mt. Pleasant complementing our crews. They are scheduled to return on Monday.

Livewell Greenville Award – Ann Cunningham, Director of Parks and Recreation stated the Needmore After School program partnered with Livewell Greenville to promote healthy eating and active living to our children and to incorporate lessons to teach those topics into our curriculum. The Needmore Recreation Center met Livewell Greenville's criteria regarding best practices and was awarded the Silver Level Award and one hundred and fifty dollars from the Piedmont Health Foundation. With Justin Millers supervision, Clara O'Neal and India Jackson have done an excellent job teaching the importance of these lessons in our program and are making healthy nutrition and physical activity changes and improvements to our program, our children and our community.

Executive Session

Mr. Driggers stated he had one (1) Economic Development matter for consideration during Executive Session.

IX. NEW BUSINESS

A. First and Final Reading of Resolution Number 10-2016

A RESOLUTION TO ACCEPT WOODLAND RIDGE SUBDIVISION STREETS, NAMELY WOODHOLLOW CIRCLE INTO THE CITY OF GREER STREET SYSTEM

Steve Grant, City Engineer presented the resolution. Staff recommended approval.

ACTION - Councilman Wayne Griffin made a motion to approve First and Final

Reading of Resolution Number 10-2016. Councilman Jay Arrowood seconded the motion.

VOTE – Motion carried unanimously.

B. First and Final Reading of Resolution Number 11-2016

A RESOLUTION TO ACCEPT DILLARD CREEK (PHASE 3) SUBDIVISION STREETS, NAMELY DILLARD CREEK COURT, ERMON COURT AND BESSIE COURT, INTO THE CITY OF GREER STREET SYSTEM

Steve Grant, City Engineer presented the resolution. Staff recommended approval.

ACTION - Councilman Jay Arrowood made a motion to approve First and Final Reading of Resolution Number 11-2016. Councilwoman Kimberly Bookert seconded the motion.

VOTE – Motion carried unanimously.

ROAD PAVING UPDATE

Steve Grant, City Engineer stated

For 2016

Spartanburg County - road paving was completed in July.

I was notified this morning the Greenville County road paving will be completed in the next two weeks.

For 2017

Spartanburg County – a list of roads was submitted last week with a request of funding for \$250,000.00 for paving. Half of the funding will be by Spartanburg County CTC and the other half will be from the road fee funds.

Greenville County – the Greenville Legislative Delegation Transportation Committee has not requested our list of streets yet but I am expecting that any day.

X. EXECUTIVE SESSION

Mayor Rick Danner stated an Executive Session was needed to receive information on one **(1) Economic Development** matter.

ACTION - In (7:20 p.m.) - Councilwoman Judy Albert made a motion to go into Executive Session to receive information as stated by the Mayor. Councilwoman Kimberly Bookert seconded the motion. Motion carried unanimously.

Councilman Jay Arrowood left the meeting at 8:55 pm.

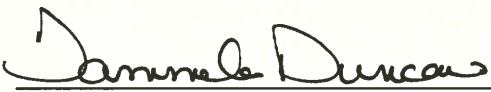
Mayor Danner stated during Executive Session they received the information as stated above and no action would be needed.

ACTION - Out (9:02 p.m.) – Councilman Wryley Bettis made a motion to come out of Executive Session. Councilwoman Kimberly Bookert seconded the motion. Motion carried unanimously.

XI. ADJOURNMENT

9:03 P.M.


Richard W. Danner, Mayor


Tammela Duncan, Municipal Clerk

Notifications:

Agenda posted in City Hall and email notifications sent to The Greenville News, The Greer Citizen, GreerToday.com and the Spartanburg Herald Journal Friday, October 21, 2016.



Financial Performance Summary

As of Month End September, 2016

| Quick Look Indicators | This Month | This Year | Balance |
|----------------------------------|-------------------|------------------|----------------|
| General Fund Cash Balance | ↓ | ↑ | \$ 7,786,897 |
| General Fund Revenue | ↑ | ↑ | \$ 1,770,564 |
| General Fund Expenditures | ↑ | ↓ | \$ 4,046,054 |
| Budget Percentage (Over) / Under | — | ↑ | 6% |
| Revenue Benchmark Variance | ↑ | ↑ | \$ 485,917 |
| Expenditure Benchmark Variance | ↓ | ↑ | \$ 585,962 |
| Overall Benchmark Variance | ↑ | ↑ | \$ 1,071,879 |
| | | | |
| Hospitality Fund Cash Balance | ↑ | ↑ | \$ 1,286,959 |
| Hospitality Fund Revenue | ↓ | ↑ | \$ 515,764 |
| Hospitality Fund Expenditures | ↓ | ↑ | \$ 226,795 |
| | | | |
| Storm Water Fund Cash Balance | ↓ | ↑ | \$ 964,122 |
| Storm Water Fund Revenue | ↑ | ↓ | \$ 8,848 |
| Storm Water Fund Expenditures | ↓ | ↑ | \$ 75,611 |