

**MINUTES OF THE MEETING OF CITY COUNCIL
OF THE CITY OF GREER
SOUTH CAROLINA**

April 14, 2009

**MEETING LOCATION: 301 East Poinsett Street
Greer, SC 29651**

REGULAR SESSION

Greer City Council met in regular session with Mayor Rick Danner presiding. Council members present: Jay Arrowood, Wayne Griffin, Lee Dumas, Wryley Bettis and Belle Coxe Mercado. Councilwoman Sandra Anderson arrived at 6:36 p.m. Also present: Ed Driggers, City Administrator, Mike Sell, Assistant City Administrator, Tammela Duncan, Municipal Clerk, Steve Owens, Communications Manager and various other staff and media.

Mayor Danner called the Regular Session to order at 6:31 p.m.

INVOCATION

Invocation was given by Councilman Wayne Griffin.

PUBLIC FORUM

No one signed up to speak.

MINUTES OF March 24, 2009

Councilman Lee Dumas made a motion that the minutes of **March 24, 2009** be received as written. Councilwoman Belle Coxe Mercado seconded the motion.

Motion carried unanimously 6-0.

SPECIAL PRESENTATION

Marvin Robinson, American Bankers Association Education Foundation

Mayor Danner and Council presented Marvin Robinson, along with other representatives of local banks with a proclamation in recognition of American Bankers Association Education Foundation declaring April 21, 2009 as "Teach the Children to Save Day". Mr. Robinson spoke briefly.

PETITIONERS

Perry Williams – Mr. Williams introduced himself to Council and stated he is a candidate for Commissioner of Public Works. He reminded everyone to come out and vote Tuesday, April 21st.

Mike Wade – Wade Financial Incorporated, 1000 West Poinsett Street – expressed his opposition to the business license fee for insurance agents.

John Jeter – State Farm, 406 South Main Street - expressed his opposition to the business license fee for insurance agents.

Jim Windham – Allstate, 14328 E. Wade Hampton Blvd - expressed his opposition to the business license fee for insurance agents.

Dean Kruger – Leon Hix Insurance - expressed his opposition to the business license fee for insurance agents.

Dan Fishner – Fishner Insurance, W. Poinsett Street - expressed his opposition to the business license fee for insurance agents.

PRESENTATION

Introduction of Associate Judges Judge Henry Mims, Municipal Judge

Judge Mims introduced the Associate Judges. Judge Pam Fulbright and Judge Jim Calmease were present and Judge Rob Stillwell was absent (away on military leave).

Council recessed for 5 minutes.

The Parks and Recreation Master Plan Ann Cunningham, Director of Parks and Recreation introduced Dr. Denise Anderson and Dr. Robert Brookover with Clemson University

Ann Cunningham introduced Dr. Robert Brookover and Dr. Denise Anderson from Clemson University. Dr. Brookover presented the Parks and Recreation Master Plan (attached). Mrs. Cunningham requested the plan be placed on the next agenda for adoption and incorporation into the Comprehensive Plan.

Discussion followed.

Fire Department Annual Report Fire Chief Chris Harvey

Chris Harvey, Fire Chief presented his Annual Report.

Brief discussion followed.

ADMINISTRATOR'S REPORT Ed Driggers, City Administrator

DEPARTMENTAL REPORTS

Business License Ordinance – Mr. Driggers stated he felt he needed to clarify a couple of issues. First we have not imposed anything new, there are no new ordinances, there are no

new policies, there are no new ways of doing business, it was an audit process that discovered for us that there was a very small number of businesses within our community that were not complying with the ordinance and as a part of the audit we sent communications to those folks and of course you had an opportunity to hear their perspective on that earlier this evening. At issue for us particularly is can we exclude a class of business from a business license? The answer is no we can not. Not unless that exclusion is allowed for by a federal or state statute. In 2001 we completely re-codified our business license ordinance as we did that in consultation with both legal council and with outside professionals that do this all over the state of South Carolina. We did that to make sure our license process was uniform, that we were following the rules and regulations as directed to us by both federal and state guidelines and complying with case law that has been out there for a number of years. At issues for us is that we are not allowed to exclude a class for business, because to do so literally would invalidate the entire business license ordinance if we by choice selected that group and omitted them. Across the nation and across the state the primary reason for that is so there is no political influence in selecting whether or not a certain class of business is or is not charged a business license fee or tax. It's called a uniform tax, a uniform business license fee that is the reason it is applied across the board the way that it is. Mr. Driggers explained in detail the classification of insurance agents and insurance companies. One of our speakers made the comment "In the past I had been exempt" no one has been exempt, what we may have is a business that failed to pay the required license fee or tax. But no one under our ordinances, at least since 2001 has your staff or have you directed us to exclude a class of business. We very well may have folks that have not paid. The other issue is "Fairness", John Duggan (City Attorney) always tries to teach me to learn the difference between Fair and Legal and because what is fair is in the eye of the beholder. Each individual has a perception of what fair is. We have an ordinance that uniformly treats all of our businesses equitably across the board.

Discussion followed.

Phil Rhoads – has been appointed to by the International Codes Council Board of Directors to the ICC Council, he will serve from January 2009 through December 31, 2011.

Charter Communications – We have received notification from the Secretary of States Office that Charter Communications had made an application for a state issued Certificate of Franchise Authority. You may recall that the state process for franchise agreements for cable companies and telecommunications companies changed a few years ago, we no longer franchise those locally, it is a state franchise. We will place this on your next agenda, April 28th at that time if there are any objections to their application for a statewide franchise we would need to be prepared to make that objection and state our reasons. Just as a side note we have been notified that we should be receiving a very similar request from AT&T who will also be going through the same process.

Lunchtime Live Music Series – This will run from 11:30 am until 1:30 pm on Wednesdays beginning April 22nd. It will run for ten (10) weeks. Information has been distributed to Council providing artist information. We are promoting this through tent cards and those types of things at businesses and restaurants. We are very excited about this; it will be here at the amphitheater. If we have inclement weather we will make a decision that day if we need to cancel. Bring your lunch with you or use the vendor that we will have here. We will have different food vendors each week.

Moonlight Movie Series – Starts May 7th. It is a sixteen (16) week movie series that will be on Thursday nights and that will be here in City Park. We have a large inflatable twenty (20) foot screen that we set up on the stage. Concession will be available to the audience. We will have a sneak preview for employees and families of the City. Information will be forth coming.

Staff Retreat – We will be spending the next couple of days with our staff. We will be here in Greer reviewing a lot of information, a lot of policies and procedures and financial information. We are looking forward to that. Following up from your planning retreat and looking at how we take your objectives and goals and implement those into the Cities Strategic Plan. We will bring that to you for adoption as we move into the new year July 1st.

Freedom Blast 2009 – is on July 4th it is the official Grand Opening of City Park. There will be events taking place prior to that but the Grand Opening Celebration is Saturday, July 4th. We will begin at 12:00 Noon and lasts until 10:00 pm. There are activities for children; there are activities for adults and families. There will be music on three (3) different venues; it will be a wonderful and exciting day as we truly show all the capabilities that this park has available to us. We will have a spectacular fireworks finale at 10:00 pm.

Reminder:

Tomorrow is the deadline for your State Ethics Reports. If you have not filed those the deadline is tomorrow April 15th. Those can be filed online.

Mr. Driggers stated he had one Contractual matter, two Economic Development matters, one Employment matter and one Legal matter to discuss in **Executive Session**.

APPOINTMENTS TO BOARDS AND COMMISSIONS

**Recreation Association Board of Trustees
District 3**

No nominations were made for the District 3 seat.

NEW BUSINESS

FIRST READING OF ORDINANCE NUMBER 10-2009

AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY OWNED BY GREENVILLE COUNTY REDEVELOPMENT AUTHORITY LOCATED AT 230 BIBLEBROOK DRIVE FROM R-7.5 (SINGLE FAMILY RESIDENTIAL) TO PD (PLANNED DEVELOPMENT).

Phil Rhoads presented the ordinance. Ordinance 10-2009 appeared at the 3/16/2009 Planning Commission, no one spoke in favor or opposition to the request. Staff recommended approval and the request received unanimous approval from the board. Martin Livingston, Executive Director of the Greenville County Redevelopment Authority spoke regarding the zoning request.

Brief discussion followed.

Councilman Griffin made a motion to receive First Reading of Ordinance Number 10-2009. Councilman Bettis seconded the motion.

Motion carried unanimously 7-0.

FIRST READING OF ORDINANCE NUMBER 11-2009
AN ORDINANCE TO AMEND THE CITY OF GREER CODE OF ORDINANCE, CHAPTER 10, ANIMALS, ARTICLE IV DOGS BY AMENDING SECTION 10-107(a)(1)(3)(4) MINIMUM STANDARDS REQUIRED FOR KEEPING THREE OR MORE DOGS AND 10-108 PERMIT.

Council requested Ordinance Number 11-2009 be carried over until the next meeting.

FIRST READING OF ORDINANCE NUMBER 12-2009
AN ORDINANCE TO AMEND THE CITY OF GREER CODE OF ORDINANCE, CHAPTER 94, VEHICLES FOR HIRE, ARTICLE II TAXICABS, DIVISION 2 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY BY REPEALING SECTION 94-75 EXEMPTION FROM DIVISION.

Councilman Bettis made a motion to receive First Reading of Ordinance Number 12-2009. Councilman Arrowood seconded the motion.

Brief discussion.

Motion carried unanimously 7-0.

FIRST READING OF ORDINANCE NUMBER 13-2009
AN ORDINANCE TO AMEND THE CITY OF GREER CODE OF ORDINANCE, CHAPTER 18, BUSINESSES BY ADDING ARTICLE XI SIDEWALK DINING SECTION 18-500 PURPOSE AND REGULATIONS.

Mr. Driggers presented Ordinance Number 13-2009.

Discussion held.

Councilman Bettis requested the following sentences be removed from paragraph 7 of the Rules and Regulation for the Sidewalk Dining Program. "Sidewalks within and adjacent to the sidewalk dining area must be washed down and cleaned on a daily basis." and "This requirement may be waived by the City under severe drought conditions."

Councilwoman Mercado made a motion to receive First Reading of Ordinance Number 13-2009 with the following changes remove from paragraph 7 of the Rules and Regulation for the Sidewalk Dining Program "Sidewalks within and adjacent to the sidewalk dining area must be washed down and cleaned on a daily basis." and "This requirement may be waived by the City under severe drought conditions." Councilman Arrowood seconded the motion.

Discussion held.

Motion carried 6-1 with Councilwoman Sandra Anderson voting in opposition.

EXECUTIVE SESSION

Mayor Danner stated he needed to discuss one contractual matter and Mr. Driggers needs to discuss the following matters during Executive Session, one Contractual matter, two Economic Development matters, one employment matter and one Legal matter.

Councilman Dumas made a motion to go into Executive Session to discuss the matters as stated by the Mayor. Councilman Arrowood seconded the motion.

Motion carried unanimously 7-0. (9:34 p.m.)

Mayor Danner stated during Executive Session they considered only one Contractual matter he thought there was two but there was only one, two Economic Development matters, one employment matter and one Legal matter, they will take no action.

Councilman Griffin made a motion to come out of Executive Session. Councilwoman Mercado seconded the motion.

Motion carried 6-1 with Councilman Bettis voting in opposition. (11:10 p.m.)

The meeting adjourned at 11:10 p.m.

Richard W. Danner, Mayor

Tammela Duncan, Municipal Clerk