

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

September 26, 2006

**MEETING LOCATION: 1306 West Poinsett Street
Greer, SC 29650**

REGULAR SESSION

Greer City Council met in regular session with Mayor Rick Danner presiding. Council members present: Wryley Bettis, Sandra Anderson, Joseph Baldwin, Jay Arrowood and Belle Coxe Mercado. Councilman Wayne Griffin arrived at 6:38. Ed Driggers, City Administrator was absent. Also present: Tammela Duncan Municipal Clerk and various other staff and media.

Mayor Danner called the Regular Session to order at 6:35 p.m.

Invocation was given by Councilman Joseph Baldwin.

PUBLIC FORUM

No one signed up to speak.

MINUTES OF September 12, 2006 & September 19, 2006

Councilman Bettis made a motion that the minutes of September 12, 2006 and September 19, 2006 be received as written. Councilwoman Anderson seconded the motion.

Motion unanimously carried 7-0.

Mayor Danner asked Ann Cunningham, Director of Parks and Recreation to give Council and overview of the new mobile stage. Mrs. Cunningham stated she and her staff were delighted with the new stage and looked forward to upcoming events that would utilize the stage. Mrs. Cunningham thanked Council for their support in giving the recreation department the opportunity to have the stage for the City of Greer.

DEPARTMENTAL REPORTS

Finance Department:

Finance Report for the period ending August 31, 2006.

Revenues: \$ 564,063.00
Expenditures \$ 2,300,353.00

The City is currently 4% under budget for this time period.

Discussion followed.

ADMINISTRATOR'S REPORT

Ed Driggers

Planning Retreat – This is in response to the email I sent regarding potential dates for the planning retreat. I have received five responses out of seven. If you've not had an opportunity to respond to that email please do that soon. We are looking at Monday evening, October 30th and all day Tuesday the 31st. These meetings will be held in Greer.

South Carolina Retirement System (SCRS) – We did have the opportunity, David Seifert, myself and Pamela Bennett to travel to Columbia and met with the assistant director of the department and also the division manager responsible for our account. We had a several hour conversation on how we believe this situation occurred; I believe it became apparent during our conversation with them that they did make it very clear to us that state statute is very clear on this issue. State statute requires that remittance be provided to the SCRS at the time those collections are recorded on a monthly bases. In speaking with our staff and their staff I believe there was a miscommunication between the retirement system and our staff. During the time we held those funds we collected about sixty-five hundred dollars (\$6500.00) in interest. We were assessed interest of about ten thousand dollars (\$10,000.00) give or take a couple of hundred dollars in their correspondence to us. We indicated to them we would like to ask to remit to them the six thousand five hundred dollars (\$6500.00) that we collected and because we believe there was a miscommunication between their department and our department that they consider an appeal writing off the remaining three thousand five hundred dollars (\$3500.00). That ultimate decision will be Mrs. Boykin's. As late as today I spoke with the division manager and he has asked that we go ahead and submit that in writing. If Mrs. Boykin denies our request on the appeal it is my recommendation that we provide the full payment to the SCRS on the interest assessment of the full ten thousand dollars (\$10,000.00).

Brief discussion followed.

Community Video and Banner Branding – They offer the City the ability to create three videos for the website and cable channel. There is no cost to the City however;

the company sells advertising to local businesses. I need direction as to whether or not this is something you would be interested in me pursuing. I will let you know I have some concerns about the advertising part of this. This is a resource that we would have access to at no cost to us, but I'm not exactly sure that we may want to get involved that we have banners in the community, the top of the banner promotes our website and the bottom twenty-five percent (25%) of the banner is advertising. The banners would not be in the downtown area they would be on Wade Hampton Blvd., Main Street, Poinsett Street and other areas of the City.

Discussion followed.

It was the consensus of Council not to pursue this project.

Greenville County Redevelopment Authority – Martin Livingston, Executive Director will attend the October 10th Council Meeting to update you on existing projects.

Victor Community Plan – We are continuing to work on the Victor Community Plan. It is our intent to have a preliminary plan available the week of October 16th. I will schedule a time for us to look at it.

Reidville – We have proceeded with our litigation concerning the Reidville annexation issue. Since that was filed there have been additional property owners in that area who have contacted us and asked to be added as plaintiffs on our complaint. I have passed that along to John Duggan and I feel confident we will be adding these names to our complaint.

Spartanburg County Council Meeting – Mr. Driggers stated he and several members of Council attended the Spartanburg County Council meeting concerning the sewer assignment area that was assigned in 2004 to Greer CPW. A vote was taken to rescind that assignment and to begin the process of annexation into SSSD of the properties from Highway 417 north to I85 that would have SSSD having jurisdiction of properties that are enclaves of the City of Greer and Greer CPW existing sewer service. It is a very poor plan and does not meet the public's interest of the properties in particular in the I85 area. We will continue to work on that. The commissioners did authorize CPW if necessary to proceed with any legal recourse they may have concerning this matter as well. Greer CPW acted in good faith on those agreements, entered in to contractual arrangements with entities with those agreements. We are reviewing what our interest is in this issue and what options we may have available to us. CPW is doing that as well.

Mayor Danner stated he thought one of the options we may want to review in regards to all of our options is the possibility of seceding from Spartanburg County. He also stated " I don't know that I have ever witnessed such public disdain for Council and or the Municipality. There was no recognition of the eight to ten thousand citizens of the City of Greer that live in Spartanburg County with the exception of Mr. Huckaby who stood in our regard. There was no other voice for us on County Council. Given the fact we are the second largest City in Spartanburg County I think it is a shame we had no representation on Council. There was no recognition of the value that our citizens bring

to Spartanburg County; it left us as second class citizens in this whole debate which is very important not only to the County but to the City as well. This reassignment will constitute one of the largest single tax increases in Spartanburg County history. Hundreds if not thousands of citizens will pay a tax on all real property for a service they may never receive or not use or need for that matter or want. I think we probably need to review all of our options including asking David Swenson to come to give us an update on current and pending projects and projected projects in that area so that we can see if there are projects there that we need to redirect or work with to stay. I think the message that County Council sent to us with their vote last Monday was that they apparently don't need or care about the financial contribution that we bring to the County. They sent that message not only to us but the public and developers as well. We made it clear to them on at least several occasions that we have several hundred million dollars worth of projects either in development or pending in that area that could be directly effected by their decision and never the less they moved forward without concern of the impact to the City or the County in that regard. One project which now hangs in the balance could have brought millions of dollars in tax revenue to the County and the potential for hundreds possibly a thousand jobs in that area and yet as far as I know their chairman of their sub-committee economic development didn't even bother to call our economic development group director to see what kind of impact that was going to have on this project. Council's actions last Monday gave the impression that they are just not concerned about what happens in this part of the County. I think it is important for us to let the people and companies know that we've worked with over the past four years in particular the last two years that we didn't lie to them. In that area along 85 between 85 and Abner Creek we have worked with numerous private land owners, investors, developers both local and national to assist in their plans to assure them that sewer services was going to be available when they were ready to build on that land, when they were ready to start their projects and many of them are now ready to start. We have sewer in the ground and we are ready to fulfill those needs yet we are going to have to re-direct those folks to SSSD whose best response at this point in time may be that they can get the service there or can't. The state just completed a twenty-six million dollar exchange on 85 and we have sewer in the ground ready for people to use in that area and developers have paid twenty, thirty, forty, fifty, sixty thousand dollars an acre for land in that area and the vote of Spartanburg County Council has single handily turned that land into the most expensive pasture land in the state. Apparently Spartanburg County Council was unaware or just doesn't care that legislative taking legislation may also affect that area. They could be held financially responsible for making those individuals with developers hold because of their action if it has an adverse effect on the value of their property or their project. Spartanburg County tax payers including those citizens of Greer could wind up paying millions in the future in litigation and compensation. Spartanburg County just doesn't seem to care about the City of Greer. I don't know who heard it besides me of the ones that went over there the other night but when those five raised their hand it sounded a whole lot like good riddance to me."

Councilman Baldwin stated "He checked into this about ten years ago, maybe twelve years ago and there is a procedure that you can follow if it is deemed that Spartanburg County just doesn't care about us any more. There is a method that you can become

part of Greenville County. I think that Greenville County would be glad to accept that territory."

Mayor Danner stated "If there is a means I think that we ought to at least review it."

Councilman Baldwin stated "Maybe the first thing to do is to assess the, I do know we surround BMW, it might be a good idea to assess the taxable property within an area that people in the Greer area could vote on. It's not that hard to call for a referendum."

Mayor Danner stated "We have a planning session coming up it would be appropriate for us to see if there is a legal information that could be brought to us at that point in time."

Discussion followed.

Nuisance Abatement Issues – One of the things we are working on is we received some information concerning a couple of nuisance issues that exist, again I encourage you, as always, if you've got some particular issues or concerns make me aware of that I will be glad to follow up on those, get some information back to you. Hopefully we will do that in a timely manner as possible. We want to make sure you are aware of concerning nuisance issues is what has or has not happened. If there is information that we can share with you we want to do that, if there is something that we've missed we certainly want to make sure you are aware of that but we ask that you keep us informed as we continue to look at those issues.

Discussion followed.

October 10, 2006 Meeting - We are scheduled for a regular meeting to begin at 6:30. The Chamber of Commerce is sponsoring an event from 5:30 to 7:30 to honor J. Verne Smith for his time in South Carolina State Senate. I would like to ask Council consideration – do we begin our meeting at 6:30 and try to get over there from 5:30 to 6:20 or do we want to delay our meeting?

Discussion followed.

Councilwoman Mercado recommended moving the meeting to 7:30 other Council members agreed.

Mr. Driggers thanked Council for allowing him to miss the last meeting; he attended the International City County Management Associations meeting.

Road Evaluations - I have made some inquiries into road evaluations (OCI) to other municipalities and counties that are utilizing that type of a program. I intend to ask for a request for proposals on how we would utilize that type of program here. As soon as that material is available I will bring that back to Council for review before we make any decision on how we may move forward.

Mr. Driggers stated he had one personnel matter and one economic development matter to discuss in Executive Session. Councilman Griffin added one personnel matter.

PRESENTATION

**GREENVILLE COUNTY 2% HOSPITALITY TAX PRESENTATION
Requested by Gene Smith, Director of Greenville County Recreation District**

Mr. Smith informed Council on the current status of the recreation district and the future needs for parks throughout Greenville County.

Brief discussion followed.

David Seifert – Information Technology – Mr. Seifert did a brief presentation of the mock-ups of the new agenda software. He informed Council we were having City wide training on October 10th. During the Council Retreat October 31st we will have a thirty to forty-five minute training session with Council. We will roll this out all three meetings in November and one meeting in December. During this process we will do a dual agenda process, one on paper and the computer.

Discussion followed.

OLD BUSINESS

**SECOND READING OF ANNEXATION ORDINANCE NUMBER 50-2006
AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF
PROPERTY OWNED BY PARKWAY CAPITAL, LLC AND LOCATED
AT 1524 S. BUNCOMBE ROAD BY ONE HUNDRED PERCENT
PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF
S-1 (SERVICE DISTRICT) FOR SAID PROPERTY**

Councilwoman Anderson made a motion that Second Reading of Annexation Ordinance 50-2006 be approved. Councilman Arrowood seconded the motion.

Motion carried unanimously 7-0.

**SECOND READING OF ANNEXATION ORDINANCE NUMBER 51-2006
AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF
PROPERTY OWNED BY CECIL SATTERFIELD AND LOCATED ON
SOUTH SUBER ROAD BY ONE HUNDRED PERCENT PETITION;
AND TO ESTABLISH A ZONING CLASSIFICATION OF R-12
(RESIDENTIAL – SINGLE FAMILY) FOR SAID PROPERTY**

Councilwoman Mercado made a motion that Second Reading of Annexation Ordinance 51-2006 be approved. Councilwoman Anderson seconded the motion.

Motion carried unanimously 7-0.

SECOND READING OF ANNEXATION ORDINANCE NUMBER 52-2006
AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF
PROPERTY OWNED BY ROY AND GENEVA JONES AND LOCATED
AT 931 & 933 SOUTH SUBER ROAD BY ONE HUNDRED PERCENT
PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF
R-12 (RESIDENTIAL – SINGLE FAMILY) FOR SAID PROPERTY

Councilwoman Anderson made a motion that Second Reading of Annexation Ordinance 52-2006 be approved. Councilman Griffin seconded the motion.

Motion carried unanimously 7-0.

SECOND READING OF ANNEXATION ORDINANCE NUMBER 55-2006
AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF
PROPERTY OWNED BY HARRISON ELECTRICAL INC. AND
LOCATED AT 967 EAST POINSETT STREET BY ONE HUNDRED
PERCENT PETITION; AND TO ESTABLISH A ZONING
CLASSIFICATION OF S-1 (SERVICE DISTRICT) FOR SAID
PROPERTY

Councilman Arrowood made a motion that Second Reading of Annexation Ordinance 55-2006 be approved. Councilwoman Anderson seconded the motion.

Motion carried unanimously 7-0.

NEW BUSINESS

REQUEST FOR ISO RATING INSPECTION

Requested by Chief Harvey

Chief Harvey requested permission to request for and ISO Inspection. He discussed the changes made to justify the request. (Memo attached)

Discussion followed.

Councilman Baldwin made a motion to allow Chief Harvey to request an ISO Inspection. Councilman Arrowood seconded the motion.

Motion carried unanimously 7-0.

FIRST READING OF ORDINANCE NUMBER 56-2006
AN ORDINANCE TO ESTABLISH THE PERMANENT ZONING
CLASSIFICATION OF PROPERTY OWNED BY CINDY C. ROBISON, TARA
R. DESTEFANI, JOHN BERRY ROBISON AND TIA JENEAL ROBISON,
LOCATED AT THE EAST CORNER OF HIGHWAY 101 AND MAYFIELD

ROAD (S-42-133) 10 FOOT STRIP TO R-S (RESIDENTIAL SUBURBAN DISTRICT).

Glenn Pace presented the ordinance.

The owner of the property nor a representative was present.

Councilman Arrowood made a motion that First Reading of Annexation Ordinance 56-2006 be approved. Councilman Baldwin seconded the motion.

Motion carried unanimously 7-0.

**FIRST READING OF ORDINANCE NUMBER 57-2006
AN ORDINANCE TO ESTABLISH PERMANENT ZONING CLASSIFICATION OF PROPERTY OWNED BY FCR ESTATE PARTNERSHIP, LOCATED ON FREEMAN FARM ROAD 10 FOOT STRIP ALONG UTILITY RIGHT-OF-WAY TO R-S (RESIDENTIAL SUBURBAN DISTRICT).**

Glenn Pace presented the ordinance.

The owner of the property nor a representative was present.

Councilwoman Mercado made a motion that First Reading of Annexation Ordinance 57-2006 be approved. Councilman Arrowood seconded the motion.

Motion carried unanimously 7-0.

**FIRST READING OF ORDINANCE NUMBER 58-2006
AN ORDINANCE TO ESTABLISH THE PERMANENT ZONING CLASSIFICATION OF PROPERTY OWNED BY CLISBY H. KRELL, JR., LOCATED ON MAYFIELD ROAD 10 FOOT STRIP ALONG THE UTILITY RIGHT-OF-WAY AND SOUTH ALONG MAYFIELD ROAD TO R-S (RESIDENTIAL SUBURBAN DISTRICT).**

Glenn Pace presented the ordinance.

The owner of the property nor a representative was present.

Councilwoman Mercado made a motion that First Reading of Annexation Ordinance 58-2006 be approved. Councilman Baldwin seconded the motion.

Motion carried unanimously 7-0.

FIRST READING OF ORDINANCE NUMBER 59-2006
AN ORDINANCE TO ESTABLISH THE PERMANENT ZONING CLASSIFICATION OF PROPERTY OWNED BY ABNER CREEK/MAYFIELD ROAD LLC, LOCATED ON ABNER CREEK AND MAYFIELD ROAD 10 FOOT PORTIONS OF LAND ON ABNER CREEK NORTH ALONG THE CREEK TO PROPERTY LINE AND WEST ALONG THEN NORTH TO MAYFIELD ROAD TO R-S (RESIDENTIAL SUBURBAN DISTRICT).

Glenn Pace presented the ordinance.

The owner of the property nor a representative was present.

Councilwoman Mercado made a motion that First Reading of Annexation Ordinance 59-2006 be approved. Councilwoman Anderson seconded the motion.

Motion carried unanimously 7-0.

FIRST READING OF ORDINANCE NUMBER 60-2006
AN ORDINANCE TO ESTABLISH THE PERMANENT ZONING CLASSIFICATION OF PROPERTY OWNED BY RACHEL I. NEAL, LOCATED AT 415 LIBERTY HILL ROAD TO R-S (RESIDENTIAL SUBURBAN DISTRICT).

Glenn Pace presented the ordinance.

The owner of the property nor a representative was present.

Councilwoman Mercado made a motion that First Reading of Annexation Ordinance 60-2006 be approved. Councilman Arrowood seconded the motion.

Motion carried unanimously 7-0.

FIRST READING OF ORDINANCE NUMBER 61-2006
AN ORDINANCE TO ESTABLISH THE PERMANENT ZONING CLASSIFICATION OF PROPERTY OWNED BY M. ROBERT EARWOOD, LOCATED AT 421 LIBERTY HILL ROAD TO R-S (RESIDENTIAL SUBURBAN DISTRICT).

Glenn Pace presented the ordinance.

The owner of the property nor a representative was present.

Councilwoman Mercado made a motion that First Reading of Annexation Ordinance 61-2006 be approved. Councilman Baldwin seconded the motion.

Motion carried unanimously 7-0.

FIRST READING OF ORDINANCE NUMBER 62-2006
AN ORDINANCE TO ESTABLISH THE PERMANENT ZONING CLASSIFICATION OF PROPERTY OWNED BY ILA M. PITTS, LOCATED AT 416 LIBERTY HILL ROAD TO R-S (RESIDENTIAL SUBURBAN DISTRICT).

Glenn Pace presented the ordinance.

The owner of the property nor a representative was present.

Councilwoman Mercado made a motion that First Reading of Annexation Ordinance 62-2006 be approved. Councilwoman Anderson seconded the motion.

Motion carried unanimously 7-0.

FIRST READING OF ORDINANCE NUMBER 63-2006
AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY OWNED BY BLUE RIDGE ASSOCIATES LLC, LOCATED AT 510 HAMPTON ROAD FROM RM-1 (MULTI-FAMILY RESIDENTIAL) TO C-3 (HIGHWAY - COMMERCIAL).

Glenn Pace presented the ordinance. Mr. Pace stated the Planning Commission recommended a C-2 (Commercial) zoning. Applicant was agreeable to the C-2 (Commercial) zoning.

David Black of Langston Black spoke briefly.

Councilman Griffin made a motion that First Reading of Annexation Ordinance 63-2006 be approved with a C-2 (Commercial) zoning. Councilman Arrowood seconded the motion.

Motion carried unanimously 7-0.

FIRST READING OF ORDINANCE NUMBER 64-2006
AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY OWNED BY HARRISON PROPERTIES LLC, LOCATED AT 600 HAMPTON ROAD FROM C-2 (COMMERCIAL) TO RM-1 (MULTI-FAMILY RESIDENTIAL).

Glenn Pace presented the ordinance.

The owner of the property Mrs. Harrison spoke.

Councilman Griffin made a motion that First Reading of Annexation Ordinance 64-2006 be approved. Councilman Baldwin seconded the motion.

Motion carried unanimously 7-0.

FIRST READING OF ORDINANCE NUMBER 65-2006
**AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF
PROPERTY OWNED BY ABBY KAY, MARY KAY AND ASHLEY HOWELL,
LOCATED AT 704 NORTH MAIN STREET FROM RM-1 (MULTI-FAMILY
RESIDENTIAL) TO C-3 (HIGHWAY-COMMERCIAL)**

Glenn Pace presented the ordinance.

The owner of the property nor a representative was present.

Councilman Arrowood made a motion that First Reading of Annexation Ordinance 65-2006 be approved. Councilman Baldwin seconded the motion.

Motion carried unanimously 7-0.

FIRST READING OF ORDINANCE NUMBER 66-2006
**AN ORDINANCE TO AMEND SECTION 5:10 AND ARTICLE 4 OF THE
ZONING ORDINANCE OF THE CITY OF GREER TO ADD "SPORTS
COMPLEX" TO THE ZONING ORDINANCE**

Glenn Pace presented the ordinance.

Councilwoman Anderson made a motion that First Reading of Annexation Ordinance 66-2006 be approved. Councilman Griffin seconded the motion.

Motion carried unanimously 7-0.

EXECUTIVE SESSION

Mayor Danner stated an Executive Session was needed to discuss two personnel matters and one economic development matter.

Councilwoman Anderson made a motion to go into Executive Session to discuss the matters as stated by the Mayor. Councilwoman Mercado seconded the motion.

Motion carried unanimously 7-0.

Mayor Danner stated that Council had discussed two personnel matters and one economic development matter in Executive Session with no action needed.

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

Motion carried unanimously 7-0.

The meeting adjourned at 9:29 p.m.

Richard W. Danner, Mayor

Tammela Duncan, Municipal Clerk