



AGENDA
GREER CITY COUNCIL

March 14, 2023

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

6:30 PM

COUNCIL REGULAR MEETING

Public Hearing

**1. NOTICE OF PUBLIC HEARING FOR GREENVILLE COUNTY PROGRAM
YEAR 2023 ANNUAL ACTION PLAN / CITY OF GREER**

The City of Greer participates in the Greenville County Community Development Block Grant (CDBG) Program and HOME Investment Partnerships Program funded by the U.S. Department of Housing and Urban Development. The Greenville County Redevelopment Authority is preparing its Annual Action Plan for the 2023 program year (7/1/23-6/30/24). An in-person public hearing will be held at the Greer City Hall, located at 301 E. Poinsett Street, Greer, on Tuesday, March 14, 2023, at 6:30 PM. Community development and housing needs and activities eligible for funding under the CDBG and HOME programs will be discussed. Public comment and proposals will be invited on the County's strategy for the City of Greer, including objectives and projected uses of funds. An estimated \$307,512 in CDBG fund and \$136,854 in HOME fund will become available in July. An estimated \$45,000 in CDBG program income and \$70,000 in HOME program income are also expected to become available through the program year. Comments are also invited on past and present housing and community development performance and needs. CDBG funds can be used to assist low- and moderate-income persons, prevent or eliminate slums and blight, or to meet an urgent community need where no other funding is available. HOME funds are used to increase the supply of decent, safe, sanitary, and affordable housing for lower income persons. Written comments may also be sent to John Castile, Executive Director, Greenville County Redevelopment Authority, 301 University Ridge, Suite 2500, Greenville SC 29601, until Friday, May 5, 2023.

Call to Order

Mayor Rick Danner

Invocation and Pledge of Allegiance

Mayor Rick Danner

Public Forum

Minutes of Council Meeting

1. February 28, 2023
(Action Required)

Administrator's Report

Andy Merriman, City Administrator

Appointments to Boards and Commissions

1. Greer Trust Board of Commissioners
The late Mark Thornton's term will expire 6/30/2024. (Action Required)
2. Recreation Association, Inc. Board of Trustees
District 2 Chris Stroble has resigned effective immediately her term will expire 12/31/2025. (Action Required)

New Business

1. First Reading of Ordinance Number 3-2023
AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE CITY OF GREER (Action Required)
Andy Merriman, City Administrator
2. First Reading of Ordinance Number 4-2023
AN ORDINANCE AUTHORIZING THE CITY OF GREER TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF SPARTANBURG PROVIDING FOR FIRE SERVICE AND FINANCIAL ARRANGEMENTS FOR PROPERTIES LOCATED IN THE DUNCAN FIRE SERVICE AREA (Action Required)
Andy Merriman, City Administrator

Executive Session

Council may take action on matters discussed in executive session.

Adjournment

Anyone who requires an auxiliary aid or service for effective communication or a

modification of policies or procedures to participate in a program, service, activity or public meeting of the City of Greer should contact Catrina Woodruff, ADA Coordinator at (864) 479-0965 as soon as possible, but no later than 48 hours prior to the scheduled event.

Category Number:
Item Number:



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Mayor Rick Danner

ATTACHMENTS:

Description	Upload Date	Type
▣ 2023 Invocation Schedule	2/28/2023	Backup Material



Greer City Council 2023 Invocation Schedule

January 10, 2023	Councilmember Mark Hopper
January 24, 2023	Councilmember Lee Dumas
February 14, 2023	Councilmember Wryley Bettis
February 28, 2023	Councilmember Judy Albert
March 14, 2023	Mayor Rick Danner
March 28, 2023	Councilmember Jay Arrowood
April 11, 2023	Councilmember Karuam Booker
April 25, 2023	Councilmember Mark Hopper
May 9, 2023	Councilmember Lee Dumas
May 23, 2023	Councilmember Wryley Bettis
June 13, 2023	Councilmember Judy Albert
June 27, 2023	Mayor Rick Danner
July 11, 2023	Councilmember Jay Arrowood
July 25, 2023	Councilmember Karuam Booker
August 8, 2023	Councilmember Mark Hopper
August 22, 2023	Councilmember Lee Dumas
September 12, 2023	Councilmember Wryley Bettis
September 26, 2023	Councilmember Judy Albert
October 10, 2023	Mayor Rick Danner
October 24, 2023	Councilmember Jay Arrowood
November 14, 2023	Councilmember Karuam Booker
November 28, 2023	Councilmember Mark Hopper
December 12, 2023	Councilmember Lee Dumas

Category Number:
Item Number: 1.



AGENDA
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February 28, 2023

Summary:

(Action Required)

ATTACHMENTS:

Description	Upload Date	Type
▣ February 28, 2023 Council Meeting Minutes	3/9/2023	Backup Material

CITY OF GREER, SOUTH CAROLINA

MINUTES of the FORMAL MEETING of GREER CITY COUNCIL February 28, 2023

Meeting Location: Greer City Hall, 301 East Poinsett Street, Greer, SC 29651

Call to Order of the Formal Meeting

Mayor Rick Danner – 6:30 P.M.

The following members of Council were in attendance: Jay Arrowood, Karuam Booker, Mark Hopper, Lee Dumas, Wryley Bettis and Judy Albert.

Others present: Andy Merriman, City Administrator, Mike Sell, Deputy City Administrator, Tammela Duncan, Municipal Clerk, Steve Owens, Communications Manager and various other staff and media.

Invocation and Pledge of Allegiance

Councilmember Judy Albert

Public Forum

No one signed up to speak

Minutes of the Council Meeting

January 24, 2023

ACTION – Councilmember Wryley Bettis made a motion that the minutes of January 24, 2023 be received as written. Councilmember Jay Arrowood seconded the motion.

VOTE - Motion carried unanimously.

February 2, 2023

ACTION – Councilmember Wryley Bettis made a motion that the minutes of February 2, 2023 be received as written. Councilmember Judy Albert seconded the motion.

VOTE - Motion carried unanimously.

Departmental Reports

Building and Development Standards, Engineering, Finance, Fire Department, Municipal Court, Parks, Recreation & Tourism, Police Department, Public Services and the Website Activity Reports for January 2023 were included in the packet for informational purposes.

David Seifert, Chief Financial Officer presented the following:

General Fund Cash Balance: \$18,498,754.

Revenue: \$20,792,161.

Total Expenditures: \$20,888,316.

Total Percentage: 4% Under Budget

Revenue Benchmark Variance: \$579,953.

Expenditure Benchmark Variance: \$134,538.

Overall Benchmark Variance: \$714,491.

Hospitality Fund Cash Balance: \$3,001,840.

Storm Water Fund Cash Balance: \$3,009,050.

Andy Merriman, City Administrator presented the following:

Statement of Economic Interest reports – are due March 30, 2023.

Fire Department and Police Department Annual Awards Ceremony – Congratulations to the winners in their various categories.

Liter Resources Page on website – please check out our Liter Resources page on our website, we are working to implement a permanent liter prevention campaign. Please submit liter tips and requests for supplies for your own neighborhood cleanup on this page.

Kids Planet – was the First Place Winner of the 2023 Kaboom Award for Best Park by readers of Kidding around Greenville. Kudos to our Parks, Recreation and Tourism Department.

Maple Creek Watershed Study – is wrapping up soon if you would like to share feedback with the Storm Water Division please act quickly. You can find the link at www.cityofgreer.org

Appointments to Boards and Commissions

Greer Trust Board of Commissioners

Mark Thornton passed away, his term will expire 6/30/2024.

No Action taken.

Recreation Association, Inc. Board of Trustees

Dist 2 Chris Stroble resigned effective immediately, her term will expire 12/31/2024.

No Action taken.

OLD BUSINESS

Second and Final Reading of Ordinance Number 11-2022

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTIES OWNED BY DEBORAH A. KRELL TRUST LOCATED ON MAYFIELD ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-10 (SINGLE FAMILY RESIDENTIAL DISTRICT) FOR SAID PROPERTIES.

Applicant requested the ordinance be withdrawn. No action taken.

Second and Final Reading of Ordinance Number 12-2022

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF GREER, SOUTH CAROLINA AND RP&L, LLC, WITH RESPECT TO INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF GREER, AND OTHER MATTERS RELATED THERETO (Mayfield Rd)

Applicant requested the ordinance be withdrawn. No action taken.

NEW BUSINESS

Steve Grant, City Engineer introduced the new Civil Engineer, Adam Vidalis.

Bid Summary – North Avenue Sidewalk Improvement

The existing sidewalk along North Avenue between W. Church Street and W. Arlington Avenue is in poor condition and is also unusually high above the adjacent curb line creating an unusual trip or fall hazard. This sidewalk runs along Davenport Park which gets regular foot traffic.

Staff is proposing to remove the existing 6 foot wide sidewalk and replace it with a 4 foot sidewalk and reduce the grade to the adjacent curb which also reduces the trip/fall hazard. In addition to new sidewalk, 5 new ADA ramps will be installed where none exist today to facilitate walking in the area. Also several smaller sections of sidewalk in the area on W. Church and W. Arlington will be repaired as part of the project.

Drawings were prepared and advertised for public bidding. Bids were opened on January 23, 2023. Four bids were received, see attached Bid Summary Sheet. Staff recommends awarding the contract to Southern Concrete & Construction of Anderson, SC in the amount of \$68,692.48. Funding will be from the Infrastructure and Paving Fund.

Steve Grant, City Engineer

Discussion held.

ACTION – Councilmember Judy Albert made a motion to award the contract to Southern Concrete & Construction of Anderson, SC in the amount of \$68,692.48. Councilmember Wryley Bettis seconded the motion.

VOTE – Motion carried unanimously.

First Reading of Ordinance Number 2-2023

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF A CERTAIN PROPERTY OWNED BY THE CITY OF GREER LOCATED ON CHICK SPRINGS ROAD AND SOUTH SUBER ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-20 (RESIDENTIAL DISTRICT) FOR SAID PROPERTY.

Claire Byers, Planner presented the request. The Planning Commission will hold a Public Hearing March 20, 2023.

ACTION – Councilmember Jay Arrowood made a motion to approve First Reading of Ordinance Number 2-2023. Councilmember Judy Albert seconded the motion.

Brief discussion.

VOTE – Motion carried unanimously.

Executive Session

Mayor Danner stated an Executive Session was not needed.

Adjourn – 6:52 P.M.

Tammela Duncan, Municipal Clerk

Richard W. Danner, Mayor

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, February 24, 2023.

Category Number:
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Greer Trust Board of Commissioners

Summary:

The late Mark Thornton's term will expire 6/30/2024. (Action Required)

ATTACHMENTS:

Description	Upload Date	Type
☐ Greer Trust Board of Trustees	3/3/2023	Backup Material



GREER TRUST BOARD OF TRUSTEES

Three Year Terms

		APPOINTMENT DATE	TERM EXPIRATION
President/ Chairman	Robert Lynn	September 28, 2021	June 30, 2024
	226 Windsor Road	May 26, 2015	June 30, 2018
	Greer, SC 29651	January 8, 2013	June 30, 2015
	Residence 877-1797 Cell 380-2073	March 23, 2010	June 30, 2012
	Email boplynn@gmail.com	February 23, 2006	June 30, 2009
Vice President/ Vice Chairman	Perry Williams	September 28, 2021	June 30, 2024
	401 West Poinsett Street	May 26, 2015	June 30, 2018
	Greer, SC 29650	January 8, 2013	June 30, 2015
	Residence 877-2046 Cell 982-0657	March 23, 2010	June 30, 2012
	Email pjw@perryjwilliams.com	February 23, 2006	June 30, 2009
Secretary/ Treasurer	Mark Thornton	September 28, 2021	June 30, 2024
	904 N. Main Street (T2 Design)	May 26, 2015	June 30, 2018
	Greer, SC 29651	January 8, 2013	June 30, 2015
	Cell 303-2565 Bus 879-1862 Ext. 302	March 23, 2010	June 30, 2012
	Email Mark@T2dandc.com	February 23, 2006	June 30, 2009
	Ellen Wall	September 28, 2021	June 30, 2024
	115 Peach Tree Drive	May 26, 2015	June 30, 2018
	Greer, SC 29651	January 8, 2013	June 30, 2015
	Residence 877-7811 Cell 423-0234	March 23, 2010	June 30, 2012
	Email turmowall@aol.com	February 23, 2006	June 30, 2009
	Rev. Earl Simmons	September 28, 2021	June 30, 2024
	153 Ashlan Woods Court		
	Greer, SC 29651		
	Cell 864-373-1588		

Category Number:
Item Number: 2.



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GREER CITY COUNCIL
3/14/2023

Recreation Association, Inc. Board of Trustees

Summary:

District 2 Chris Stroble has resigned effective immediately her term will expire 12/31/2025. (Action Required)

ATTACHMENTS:

Description	Upload Date	Type
▣ Recreation Association, Inc. Board of Trustees	3/3/2023	Backup Material
▣ Resignation	3/3/2023	Backup Material



**CITY OF GREER RECREATION ASSOCIATION, INC.
BOARD OF TRUSTEES**

Three Year Terms

		APPOINTMENT DATE	TERM EXPIRATION
DISTRICT 1	Lance Owens 203 Pelham Street Greer, SC 29651 Cell 864-313-1771 Email lanceowens@aol.com	February 22, 2022	December 31, 2023
DISTRICT 2	Chris Stoble PO Box 871 Greer, SC 29652 Home 864-608-7302 Email stoblechristine@gmail.com	January 11, 2022	December 31, 2024
DISTRICT 3	Amanda Hopper 172 Lemon Creek Drive Lyman, SC 29365 Cell 864-590-4503 Email amanda@hopper-financial.com	November 24, 2020 December 12, 2017	December 31, 2023 December 31, 2020
DISTRICT 4	Trevor Hoffman 103 Oakdale Avenue Greer, SC 29651 Cell 864-350-1826 Email trevor@tcgreerstation.com .	November 23, 2021 February 25, 2020	December 31, 2024 December 31, 2021
DISTRICT 5	Melissa Padgett Smith 406 West Arlington Avenue Greer, SC 29650 Cell 804-238-2618 Email melissapadgettsmith@gmail.com	January 26, 2021	December 31, 2023
DISTRICT 6	Jason Bridwell 108 Burlwood Drive Greer, SC 29651 Cell 864-915-9134 Business 864-895-3977 Email jasonbridwell@charter.net	November 23, 2019 January 8, 2019	December 31, 2024 December 31, 2021
AT LARGE	Marc Metcalf 207 North Miller Street Greer, SC 29650 Cell 864-423-2216 Business 864-283-2312 Email mmecalf@upstatealliance.com	November 24, 2020 November 15, 2017 November 24, 2015	December 31, 2023 December 31, 2020 December 31, 2017

Resignation of Dr. Stroble

Due to unforeseen circumstances, Dr. Stroble resigned her position as Trustee for District 2 on the Recreation Association Board. It is with much regret and she wishes us the very best.

Category Number:
Item Number: 1.



AGENDA
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First Reading of Ordinance Number 3-2023

Summary:

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE CITY OF GREER (Action Required)

Executive Summary:

Andy Merriman, City Administrator

ATTACHMENTS:

Description	Upload Date	Type
▣ Ordinance Number 3-2023	3/9/2023	Ordinance
▣ Ord 3-2023 Exhibit A Survey	3/9/2023	Exhibit
▣ Ord 3-2023 Exhibit B Quit Claim Deed	3/9/2023	Exhibit

ORDINANCE NUMBER 3-2023

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF
CERTAIN REAL PROPERTY IN THE CITY OF GREER**

WHEREAS, the City of Greer owns certain real property identified as an alley between Randall Street, Depot Street, and E. Poinsett Street and further identified as “Parcel B/2,165 square feet/0.050 acres” on a survey for Ace Restaurant Properties, LLC dated July 8, 2021 attached hereto as Exhibit “A” (hereinafter the “Alley”); and,

WHEREAS, the City of Greer received a request from Chris and Denise Vandenberghe (collectively “Vandenberghe”) for the City to convey the Alley to Vandenberghe; and,

WHEREAS, Vandenberghe and their company, Ace Restaurant Properties, LLC, are the owners of the properties located on both sides of the Alley; and,

WHEREAS, Vandenberghe plans to use a portion of the Alley for improvements to their existing properties and to keep the Alley clean and maintained; and,

WHEREAS, the alley is abandoned, does not provide any means of public access to any of the surrounding properties, and does not benefit the City or the public; and,

WHEREAS, pursuant to S.C. Code Ann. §5-27-150, a City containing more than five thousand inhabitants may open new streets, close, widen, or alter streets in the city when, in its judgment, it may be necessary for the improvement of the city; and,

WHEREAS, based upon the foregoing findings, the City desires to convey the Alley to Vandenberghe; and,

WHEREAS, pursuant to S.C. Code § 5-7-40, a municipality may convey or dispose of property it owns by Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Greer, that the Mayor of the City is hereby authorized, empowered, and directed to execute, acknowledge and deliver the quit-claim deed attached hereto as Exhibit “B” to convey any and all interest the City may have in the Alley to Chris and Denise Vandenberghe.

This Ordinance shall be effective upon second reading approval thereof and no further authorization is required to execute and deliver all documents related to the conveyance contemplated by this Ordinance.

Richard W. Danner, Mayor

ATTEST:

Tammela Duncan, Municipal Clerk

Introduced by: _____

First Reading: March 14, 2023

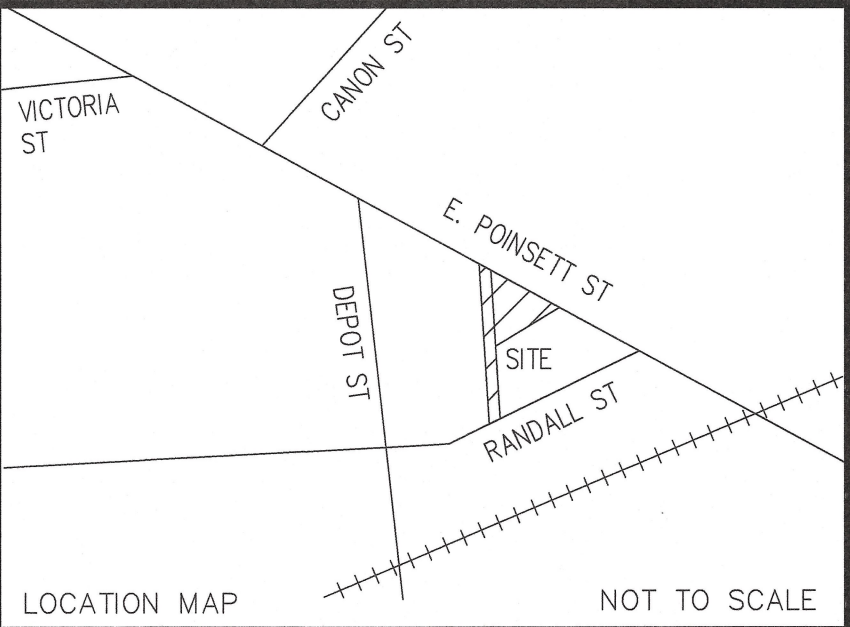
Second Reading: March 28, 2023

Approved as to form: _____

Daniel R. Hughes
City Attorney

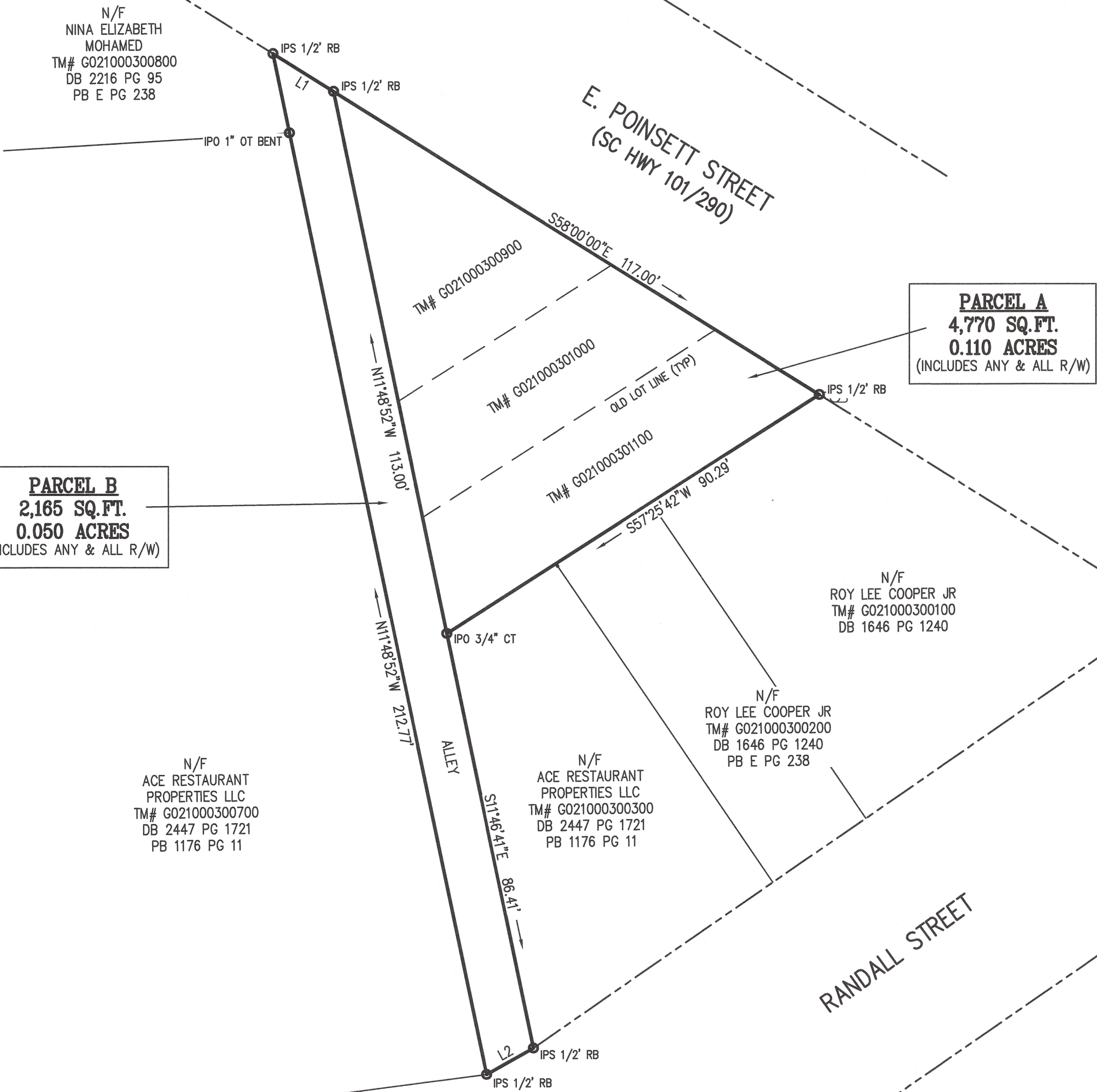
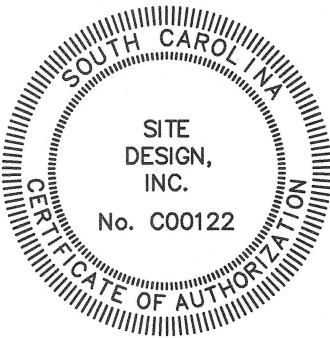
NOTE: EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: RIGHTS-OF-WAY, EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. - ANY FLOOD PLAIN DATA SHOWN HEREON IS AN APPROXIMATE LOCATION GRAPHICALLY PLOTTED FROM THE REFERENCED FEMA MAP UNLESS OTHERWISE NOTED. - THIS SURVEY DOES NOT CONSTITUTE A TITLE RESEARCH, FLOOD STUDY, WETLAND DELINEATION OR ENVIRONMENTAL INSPECTION BY SURVEYOR.

EXHIBIT A



I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

A. CLAY JONES, P.L.S.
S.C. REG. NO. 26210



LINE TABLE		
LINE #	BEARING	LENGTH
L1	S58°00'00"E	14.57
L2	S60°48'49"W	10.96

REFERENCE
DB 1497 PG 578
DB 1208 PG 508
DB 1202 PG 591

PB E PG 238
PB 1176 PG 11

NOTE:
THE FOLLOWING TRACTS ARE TO BE
COMBINED INTO ONE TRACT:
TM# G021000300900
TM# G021000301000
TM# G021000301100

LEGEND

BL BUILDING LINE	CATV CABLE TV PEDESTAL	TC/BC TOP/BOTTOM CURB
CL CENTERLINE	TEL TELEPHONE PEDESTAL	TW/BW TOP/BOTTOM WALL
CMP CORRUGATED METAL PIPE	EM ELECTRIC METER	VCP VITRIFIED CLAY PIPE
CT CRIMP TOP	CB CATCH BASIN	WM WATER METER
DE DRAINAGE EASEMENT	DI DROP INLET	WV WATER VALVE
EP EDGE OF PAVEMENT	ELEC ELEC TRANS	CTV CABLE TV
IPO IRON PIN OLD	FIRE FIRE HYDRANT	X FENCE LINE
IPS IRON PIN SET	GAS GAS METER	FOC FIBER OPTIC CABLE
N&C NAIL & CAP	GV GAS VALVE	GAS GAS LINE
OT OPEN TOP	LP LIGHT POLE	OHP OVERHEAD POWER
RB REBAR	PP POWER POLE	OHT OVERHEAD TELEPHONE
RCP REINFORCED CONC PIPE	GP GUY ANCHOR	SD STORM DRAIN
R/W RIGHT OF WAY	SDMH SD MANHOLE	SS SANITARY SEWER
SD STORM DRAIN	SSMH SS MANHOLE	UGP UNDERGROUND POWER
SS SANITARY SEWER	TMH TELEPHONE MANHOLE	UGT UNDERGROUND TEL
SSE SS EASEMENT	CO CLEAN OUT	W WATER LINE

SURVEY FOR
ACE RESTAURANT PROPERTIES, LLC
GREENVILLE COUNTY, SOUTH CAROLINA

SCALE 1" = 20'	PROPERTY ADDRESS 208, 210, & 212 E. POINSETT STREET	TAX PIN G021000300900 G021000301000 G021000301100
DATE 7-8-21	FIELD CREW MS / NC	DRAWN BY BPO



SITE DESIGN, INC.
CIVIL ENGINEERS - SURVEYORS - LANDSCAPE ARCHITECTS

225 ROCKY CREEK ROAD, GREENVILLE, SC 29615
PH: (864)271-0496
www.sitedesign-inc.com

**GRANTEE'S ADDRESS: 3429 Rutherford Road Extension
Taylors, SC 29687**

NO TITLE SEARCH PERFORMED

STATE OF SOUTH CAROLINA)	
)	QUIT CLAIM DEED
COUNTY OF GREENVILLE)	

KNOW ALL MEN by these presents, that **The City of Greer (Grantor)**, in consideration of the sum of **Ten and 00/100 Dollars (\$10.00)**, no other consideration and by Ordinance of The City of Greer attached hereto as “**Exhibit A**”, receipt of which is hereby acknowledged, has granted, bargained, sold, and released, and by these presents does grant, bargain, sell and release unto **Denise B. Vandenberghe and Chris Vandenberghe (Grantee)**, Its Successors and/or Successors In Trust / Heirs and/or Assigns Forever:

ALL GRANTOR’S RIGHT, TITLE AND INTEREST IN AND TO THE FOLLOWING PROPERTY:

ALL that certain piece, parcel or lot of land, with any and all improvements thereon, in the Town of Greer, County of Greenville, State of South Carolina being shown and designated as Parcel B, containing 0.050 acres, as shown on a plat entitled “Survey for Ace Restaurant Properties, LLC”, dated July 8, 2021, prepared by Site Design, Inc., said most recent plat incorporated herein by reference, to be recorded herewith, and having the metes and bounds as are more particularly described thereon. Plat Book _____ at Page _____.

Parcel B to be combined with TMS #: G02100300900

This conveyance is subject to all restrictions, easements, rights-of-way, roadways and zoning ordinances of record affecting the above described property and to such matters as would appear from a current resurvey of the property.

Together with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in any wise incident or appertaining; to have and to hold all and singular the premises before mentioned unto the Grantees, and the Grantee’s heirs or successors and assigns, forever.

Category Number:
Item Number: 2.



AGENDA
GREER CITY COUNCIL
3/14/2023

First Reading of Ordinance Number 4-2023

Summary:

AN ORDINANCE AUTHORIZING THE CITY OF GREER TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF SPARTANBURG PROVIDING FOR FIRE SERVICE AND FINANCIAL ARRANGEMENTS FOR PROPERTIES LOCATED IN THE DUNCAN FIRE SERVICE AREA (Action Required)

Executive Summary:

Andy Merriman, City Administrator

ATTACHMENTS:

Description	Upload Date	Type
▣ Ordinance Number 4-2023	3/9/2023	Ordinance
▣ Ord 4-2023 Exhibit A Agreement	3/13/2023	Exhibit
▣ Ord 4-2023 Tax Map Numbers	3/9/2023	Backup Material

ORDINANCE NUMBER 4-2023

AN ORDINANCE AUTHORIZING THE CITY OF GREER TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF SPARTANBURG PROVIDING FOR FIRE SERVICE AND FINANCIAL ARRANGEMENTS FOR PROPERTIES LOCATED IN THE DUNCAN FIRE SERVICE AREA

WHEREAS, the City of Greer annexed properties located within the Duncan Fire Service Area identified on the Annexation Agreement attached hereto as Exhibit “A” (“Annexation Agreement”) as 5-19-00-208.03; 5-24-00-036.02; 5-24-00-036.01; and, 5-24-00-034.02, which four (4) properties identified as 15.196 acres have been consolidated under tax map number 5-24-00-036.02 (“annexed property”); and,

WHEREAS, Spartanburg County created the Duncan Fire Service Area and the County issued general obligation bonds payable from taxes generated in the Duncan Fire Service Area;

WHEREAS, pursuant to S.C. Code §§5-3-300 through 5-3-315, when an area located within a special taxing district is annexed into a municipality under the provisions of Section 5-3-150 or 5-3-300, the municipality may elect at its sole option to provide the service formerly provided by the district within the annexed area and the municipality is required assume contractually the obligation to pay debt service on an amount of the district’s bonded indebtedness or other obligations; and,

WHEREAS, the City will be the provider of fire and emergency services for the annexed property; and,

WHEREAS, since the annexed property is no longer located within the boundaries of the Duncan Fire Service Area, the Spartanburg County Auditor is required pursuant to the Agreement to remove the Duncan Fire Service millage levy from the annexed property and to place the City’s millage levy on the annexed property; and,

NOW, THEREFORE, City Council of the City of Greer hereby approves the Annexation Agreement attached hereto as Exhibit “A” and authorizes the Mayor to execute this Agreement for fire service to the annexed property; the payment of debt service to the County of Spartanburg; and, for the proper millage to be levied on the annexed property.

This Ordinance shall be effective upon second reading approval thereof and no further authorization is required to execute and deliver the Agreement attached hereto as Exhibit “A.”

Richard W. Danner, Mayor

ATTEST:

Tammela Duncan, Municipal Clerk

Introduced by: _____

First Reading: March 14, 2023

Second Reading: March 28, 2023

Approved as to form: _____
Daniel R. Hughes
City Attorney

ANNEXATION AGREEMENT

This Annexation Agreement (this "*Agreement*") is entered into this ____ day of _____, 2023 between Spartanburg County, South Carolina (the "*County*") and the City of Greer, South Carolina (the "*City*"). This Agreement is an intergovernmental agreement authorized under Article VIII, Section 13 of the Constitution of the State of South Carolina, 1895, as amended. This Agreement addresses service agreements between special tax districts and municipalities when a municipality annexes property in the service area of a special tax district pursuant to Title 5, Chapter 3 of the Code of Laws of South Carolina, 1976, as amended (the "*SC Code*").

Section 1. Findings of Fact.

- (a) Pursuant to the provisions of Title 4, Chapter 19 of the SC Code and a resolution adopted September 10, 1986, as amended, the County created the Duncan Fire Service Area (the "*Duncan FSA*") to provide fire protection services in a portion of the County near and adjacent to the City.
- (b) On September 10, 2014, the County issued three series of general obligation bond payable from taxes generated in the Duncan FSA (the "*Duncan FSA Bonds*"), which are currently outstanding in the principal amount of \$1,175,096.00 and have a final maturity of November 1, 2029.
- (c) The City has annexed several parcels of real property (the "*Annexed Parcels*") that were within the boundaries of the Duncan FSA. A listing of the Annexed Parcels are on the attached *Exhibit A* which is incorporated herein by reference.
- (d) Mindful of the requirements of the annexation statutes under Title 5, Chapter 3 of the SC Code, the County and the City desire to enter into this Agreement in order to provide (i) for the payment of the portion of the debt service on the Duncan FSA Bonds allocated to the Annexed Parcels and (ii) for the proper millage to be levied on the Annexed Parcels.

Section 2. Fire Service Provider for Annexed Parcels.

The Annexed Parcels will receive fire services from the City. The City shall be the provider of fire services authorized to receive notice from 911 dispatch for the provision of fire services.

Section 3. Payment of debt service on Duncan FSA Bonds.

The City will remit to the County at least 15 days prior to each bond payment date, the amounts set forth on the attached *Exhibit B*. Such amounts reflect the portion of Duncan FSA Bonds debt service allocable to each Annexed Parcel, if any.

Section 4. Millage Levied on Annexed Parcels.

Since the Annexed Parcels are no longer within the boundaries of the Duncan FSA and pursuant to Section 5-3-313 of the SC Code, the County Auditor is hereby notified and directed to remove the Duncan FSA millage levy from the Annexed Parcels and to simultaneously place the City's millage levy on the Annexed Parcels.

Section 5. Miscellaneous.

The invalidity or unenforceability of any one or more phrases, sentences, clauses or sections in this Agreement shall not affect the validity or enforceability of the remaining portions of this Agreement, or any part hereof. No modification to this Agreement shall be effective unless first reduced to writing with the same formality as this Agreement and executed by the duly authorized officers of the County and the City. This Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina without reference to choice of law principles thereof. This Agreement is the entire agreement between the County and the City. All prior representations and proposals have been merged herein and none survived except as specifically set for in writing herein. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in the irrelative names by the irrelative officers thereunto duly authorized as of the date first above written.

SPARTANBURG COUNTY, SOUTH CAROLINA

County Administrator

CITY OF GREER, SOUTH CAROLINA

Mayor Rick Danner

EXHIBIT A
(Annexed Parcels)

5-19-00-208.03 (a portion of former 5-24-00-051.04)

5-24-00-036.02

5-24-00-036.01

5-24-00-034.02

EXHIBIT B
(Payment Schedule)

Greer Annexation Agreement
2023

[illegible]