



## CITY OF GREER, SOUTH CAROLINA

### MINUTES of the FORMAL MEETING of GREER CITY COUNCIL January 24, 2017

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

**I. CALL TO ORDER OF REGULAR MEETING** Mayor Rick Danner - 6:34 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, Tammela Duncan, Municipal Clerk, Steve Owens, Communications Manager and various other staff and media.

**II. PLEDGE OF ALLEGIANCE** Councilman Jay Arrowood

**III. INVOCATION** Councilman Jay Arrowood

**IV. PUBLIC FORUM**

Kris Cato, 700 Huger Street, Columbia Attorney for JBM Leasing LLC stated I was asked to be here tonight to express any interest JBM has in purchasing the Allen Bennett property. As you know Ordinance Number 34-2016 up for second reading tonight provides for the sale of the Allen Bennett property at 313 Memorial Drive according to its November 22<sup>nd</sup> contract terms which was for approximately one point eight million dollars (\$1,800,000.) and offered at the November 22<sup>nd</sup> Council meeting. At that same meeting, JBM made a cash offer of 2 point one million dollars (\$2,100,000.). Three hundred thousand dollars (\$300,000.) more. The following day JBM increased its offer to two point two million dollars (\$2,200,000.) cash, four hundred thousand (\$400,000.) more. Surprisingly, unbelievably, and without reasonable explanation all of JBM's offers were rejected and JBM was told that the Council had accepted the significantly lower one point eight million dollars (\$1,800,000.) offer. All this even though the city's attorneys concede in legal documents they filed that the city is under no legal obligation and is not legally bound by that one point eight million dollars (\$1,800,000.) contract. We now encourage the city to table the second reading of and the vote on this ordinance or in the alternative to vote to reject the ordinance. JBM has been provided documents which evidence that the prior process to sell the property and which resulted in the one point eight million dollars (\$1,800,000.) offer and our two point two million dollars (\$2,200,000.) was not conducted

in a fair and equitable manner. At this point, JBM reiterates its November 23<sup>rd</sup> offer in the amount of two point two million dollars (\$2,200,000.) and encourages the Council to accept this offer as it is the highest and best offer by a significant amount, almost half a million dollars. If you reject JBMs offer, we protest the acceptance of the other offer and we protest the implementation of any process tonight to auction off or bid on the property as without appropriate notice. JBM encourages the Council to implement a fair and equitable process for the sale of the property which it will participate in and urges the Council to give adequate advanced notice of the process to enter, to all interested properties. Implementing such a process will result in the city realizing the greatest purchase price for the property and the greatest benefit for the citizens and tax payers of Greer.

Brian Martin, 3 Meadow Breeze Ct. – I am here on behalf of 313 Memorial Drive LLC, Mr. Jim Benson. As you guys know we've been dealing with this issue on the Allen Bennett Hospital property for some time, we gone through process that despite the claims was inequitable and fair I believe you guys are very aware of that process and not going to go through that, that at the time that on November 22<sup>nd</sup> when you passed first reading that the offer from Mr. Benson for one point eight million dollars (\$1,800,000.) as purchase price for the real estate was the highest offer you had in front of you and there's no requirement by law with regard to accepting a higher offer or doing anything in that process. I once again stand before you to ask you to stand behind your commitment to sell the property under the purchase price that was agreed to back in November. Despite the claims of the other parties I will remind you that that offer was accepted was the highest offer and you moved forward on that basis to pass this ordinance at a first reading and we ask you to do that again, passing it with a second reading. Although, I understand pressure is being applied through legal action, threats and intimidations from other parties encouraging you to go back on your word an emphasis that you have no legal obligation you guys know what's right and I believe in you and doing the right thing with regard to this and that you all understand if you allow the tactics and threats of lawsuit to derail the process that we have that you know you are gonna be able to expect those tactics to be used in every economic development project in the future. If anybody can just file a lawsuit to change your mind you gonna be dealing with that lawsuit situation every time a project comes in there is a disgruntled competitor involved. We have a process in place for project that are designed to protect the interest of people just like my client from their plans being made public and their plans being undermined by a competitor. That's exactly why the information on economic development projects exempted from the Freedom of Information Act until its projects are made public. There's a reason for maintaining that confidentiality. We've respected this process the entire way from Mr. Benson and our submission we've only release his involvement in naming this project because it seemed like the right thing to do. But the terms and the conditions with regard to that project are still hopefully confidential from our side understanding that our competitors would like to make that information public and would like to undermine the process through that. I'm here asking you to hold true to the process because if you don't do it now you won't be able to do it in the future. Again, I'm asking you to stand behind the existing the agreed

purchase price for the real estate and your commitment to my client and pass second reading of Ordinance Number 34-2016. I do have some additional information regarding the project, as project "Forest" that includes information more specifics on the planned development of the property and job creation that I would like to pass out to you. (Envelopes given to all Councilmembers, Mr. Driggers and Ms. Duncan) Again, I ask your consideration ..inaudible.. your decision tonight but I most definitely ask you to stand behind your original commitment and the purchase price that was agreed upon back in November.

## **V. MINUTES OF THE COUNCIL MEETING**

January 10, 2017

**ACTION** - Councilwoman Kimberly Bookert made a motion that the minutes of January 10, 2017 be received as written. Councilman Wryley Bettis 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 **December 2016** were included in the packet for informational purposes.

### **Finance**

David Seifert, Chief Financial Officer presented the Financial Report for the period ending December 31, 2016. (Attached)

General Fund Cash Balance: \$6,247,394.

General Fund Revenue: \$5,592,657.

Revenue Benchmark Variance: \$938,438.

Overall Benchmark Variance: \$1,708,542.

General Fund Expenditures: \$9,341,968.

Expenditure Benchmark Variance: \$770,104.

The City is 8% under budget during this time period.

Hospitality Fund Cash Balance: \$1,767,391.

Storm Water Fund Cash Balance: \$943,677.

### **Finance and Information Technology**

Chief Financial Officer David Seifert provided highlights from his December 2016 Activity Report.

## **VII. PETITIONER**

### **A. Leadership Greer Project "Play it Forward"**

Allison Rauch with Leadership Greer provided Council with information regarding their Biblebrook Drive (Northgate Manor) playground project. They hope to revitalize the playground and are seeking donations from the community. They are planning an

oyster roast to benefit the project February 24<sup>th</sup> from 6:00 pm until 9:00 pm, location unknown at this time. Tickets are available for \$40.00. You can check with the Chamber of Commerce for more information.

## **VIII. ADMINISTRATOR'S REPORT**

Ed Driggers, City Administrator presented the following:

### **Activity Items:**

**Hometown Legislative Action Day** – we are looking forward to traveling to Columbia next week to participate in the Municipal Elected Officials Advanced Institute scheduled for Tuesday, January 31<sup>st</sup> and HLAD scheduled for Wednesday, February 1<sup>st</sup>.

**Greater Greer Chamber of Commerce Annual Meeting** – is scheduled for Thursday, February 16<sup>th</sup>. We are a table sponsor. If you would like to join us, please let me know. I will send an email out that you can respond to.

**Council Planning Retreat** – is scheduled for March 7<sup>th</sup> (Tuesday) & 8<sup>th</sup> (Wednesday). We are soliciting input from you on the format and topics to discuss.

**Play it Forward** – we will have additional information for you on the oyster roast that will support “Play it Forward” project. We are working with our Recreation Department on how we can partner with those folks as well to make that project successful. As you are aware it is not a designated City park, it is a private playground area through the Greer Housing Authority. They are a great partner of ours, we certainly support Leadership Greer and we want that project to be successful.

**Brushy Creek Demonstration Sidewalk Project** – we are moving forward and have now received final plans on the Brushy Creek Demonstration Sidewalk project. We will be submitting those to bid. We are hopeful it will be a late spring early summer project to go to construction.

**Leaf Pick Up** – according to our schedule we are in our last three (3) weeks of that program. If there is an area, we need to provide extra attention to please let us know.

**Police Department** – Mr. Driggers stated we had fifty (50) applications for Chief of Police position. Those were narrowed down to twenty-five (25) more highly qualified candidates, of this group we identified eight (8) individuals with background and experience that really shined. Through the process, we discovered that one of our own kept rising to the top in the process. It is my pleasure to introduce Captain Matt Hamby who very shortly will be designated as Chief of Police for the Greer Police Department.

Captain Matt Hamby spoke briefly.

### **Executive Session**

Mr. Driggers stated he had one (1) Legal matter (receive legal advice regarding Allen Bennett Memorial Hospital property) for consideration during Executive Session.

**IX. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**A. Elections Commission**

Alvetia Williams term expired 12/31/2016  
No nominations were made.

**X. OLD BUSINESS**

**A. Second and Final Reading of Ordinance Number 34-2016**

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF ANY AND ALL INTEREST IN CERTAIN REAL PROPERTY IN THE CITY OF GREER (ten (10) acres located at the intersections of Wade Hampton Boulevard, Memorial Drive, Spring Street, and Forest Street and identified as Tax Map No. G014000300400, G014000300101, G014000300100, and, G014000305608)**

**ACTION** - Councilman Wryley Bettis made a motion to hold Second and Final Reading of Ordinance Number 34-2016 over until after Executive Session. Councilwoman Kimberly Bookert seconded the motion.

**VOTE** – Motion carried unanimously.

**B. Second and Final Reading of Ordinance Number 1-2017**

**AN ORDINANCE AMENDING THE CITY OF GREER CODE OF ORDINANCE CHAPTER 2 ADMINISTRATION, ARTICLE V PURCHASING RULES AND PROCEDURES, SECTION 2-293 SMALL PURCHASES, SECTION 2-294 REGULAR PURCHASES, SECTION 2-295 EMERGENCY PURCHASES, SECTION 2-296 CENTRAL STOREHOUSE AND SECTION 2-297 OTHER GENERAL RULES**

**ACTION** - Councilman Wryley Bettis made a motion to approve Second and Final Reading of Ordinance Number 1-2017. Councilwoman Judy Albert seconded the motion.

**ACTION** - Councilman Wryley Bettis made a motion to amend Section 2-294 subsection (7) to add "Except in an emergency situation in the event that there is only one (1) bidder the City Administrator will bring the bid to Council for final approval or denial." Councilwoman Judy Albert amended her second.

**VOTE** – Motion carried unanimously.

**XI. EXECUTIVE SESSION**

Mayor Rick Danner stated an Executive Session was needed to receive information on (1) Contractual matter pertaining to the sale of Allen Bennett property located on the corner of Wade Hampton Blvd and Memorial Drive and to receive Legal advice concerning a potential lawsuit involving the sale of the Allen Bennett property.

**ACTION** - In (7:26 p.m.) - Councilman Wayne Griffin made a motion to go into Executive Session to receive information as stated by the Mayor. Councilman Lee Dumas seconded the motion. Motion carried unanimously.

Mayor Danner stated during Executive Session they received the information as stated above.

**ACTION** - Out (8:50 p.m.) – Councilwoman Kimberly Bookert made a motion to come out of Executive Session. Councilman Wryley Bettis seconded the motion. Motion carried unanimously.

**A. Second and Final Reading of Ordinance Number 34-2016**

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**ACTION** - Councilman Jay Arrowood made a motion to accept Second and Final Reading of Ordinance Number 34-2016 under the amended terms provided to us tonight by 313 Memorial Drive LLC as part of Project Forest. Councilman Wayne Griffin seconded the motion with the amendments.

Discussion followed.

Councilman Griffin stated "From the very start we tried to be fair with this process and we've tried to do what's right for the citizens of Greer".

Councilman Bettis stated "I'd like to echo Councilman Griffin's comments and say we've been very diligent about the process and I'm very confident about our process".

Councilwoman Bookert stated "I think that we were definitely fair in our process for, during the contractual process".

Councilman Arrowood stated "It has been said we had an offer forced upon us and I think that is furthest from the truth, nothing has ever been forced on this Council. I will stand by that."

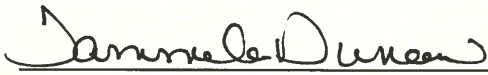
**VOTE** – Motion carried 6-1 with Councilmember Albert voting in opposition.

**XII. ADJOURNMENT**

8:53 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, January 20, 2017.







# Financial Performance Summary

As of Month End December, 2016

<b>Quick Look Indicators</b>	<b>This Month</b>	<b>This Year</b>	<b>Balance</b>
General Fund Cash Balance	↑	↑	\$ 6,247,394
General Fund Revenue	↑	↑	\$ 5,592,657
General Fund Expenditures	↑	↑	\$ 9,341,968
Budget Percentage (Over) / Under	↓	↑	8%
Revenue Benchmark Variance	↓	↑	\$ 938,438
Expenditure Benchmark Variance	↓	↑	\$ 770,104
Overall Benchmark Variance	↓	↑	\$ 1,708,542
Hospitality Fund Cash Balance	↑	↑	\$ 1,767,391
Hospitality Fund Revenue	↑	↑	\$ 1,020,635
Hospitality Fund Expenditures	↓	↑	\$ 250,946
Storm Water Fund Cash Balance	↑	↑	\$ 943,677
Storm Water Fund Revenue	↑	↓	\$ 24,597
Storm Water Fund Expenditures	↓	↑	\$ 112,169