

- b. Ordinance to appropriate \$86,500 from the Utility Undergrounding Fund Balance for undergrounding of AT&T overhead facilities on Rutherford Road
(Roll Call)

12. NEW BUSINESS -- (Ordinances – First Reading)

- a. Ordinance to abandon an unimproved, unnamed public alley located on Briarcliff Drive (AB-8-2016)
(Roll Call)
- b. Ordinance to appropriate \$35,000 from the Utility Undergrounding Fund balance for relocation of overhead facilities at the West Greenville Village Plaza
(Roll Call)

13. NEW BUSINESS -- (Resolutions – First and Final Reading)

- a. Resolution to accept a Quit-Claim Deed from the South Carolina Department of Transportation for approximately 2,798 square feet (0.060 acre) of public right of way on River Street (S-23-664)

REGULAR AGENDA

14. UNFINISHED BUSINESS -- (Ordinances – Second and Final Reading)

None

15. NEW BUSINESS -- (Ordinances – First Reading)

- a. Ordinance to amend Chapter 19 of the Code of Ordinances of the City of Greenville pertaining to the regulation of Communication Towers within the public right-of-way
(Roll Call)
- b. Ordinance to appropriate \$45,000 in the Law Enforcement Special Revenue Fund, Department of Homeland Security Account, for the purpose of rebanding and reprogramming public safety communication devices
(Roll Call)

16. NEW BUSINESS -- (Resolutions – First and Final Reading)

- a. Resolution to adopt the city of Greenville's 2017 Agenda for State and Federal Legislative Priorities

17. ADJOURN



MINUTES

FORMAL MEETING OF CITY COUNCIL

CITY HALL, 206 S. MAIN STREET, COUNCIL CHAMBERS
Monday, October 24, 2016 - 5:30 p.m.

1. **CALL TO ORDER**

Vice Mayor Pro Tem Gaye Sprague

2. **INVOCATION**

Councilmember Lillian Flemming

3. **PLEDGE OF ALLEGIANCE**

4. **ROLL CALL**

The following members of City Council were in attendance: Amy Doyle, Lillian Flemming, George Fletcher, and Gaye Sprague

Absent: Mayor Knox White, Jil Littlejohn, and David Sudduth

5. **APPROVAL OF THE MINUTES**

October 10, 2016; Approved as submitted

6. **COMMUNICATIONS / ANNOUNCEMENTS FROM THE MAYOR AND COUNCIL**

None

7. **CITIZENS WISHING TO ADDRESS COUNCIL**

Clarence Thornton, 114 N. Douthit Street, expressed his concerns regarding members of his neighborhood not receiving the Affordable Housing survey and not having an opportunity to participate. Councilmember Flemming commented on the survey being presented to numerous pastors and being available at the Kroc Center meeting. Community Development Administrator Ginny Stroud responded paper copies were provided to the Neighborhood Associations and stated she would work with Mr. Thornton to obtain additional input.

8. **PRESENTATION**

None

9. **PUBLIC HEARING**

- a. Proposed right-of-way abandonment of an unimproved, unnamed alley off of Briarcliff Drive

Engineering Services Manager Dwayne Cooper stated the abandonment of an unnamed alley off of Briarcliff Drive is being requested by applicant Tracy Galvin with the alley to be divided between Ms. Galvin and abutting property owner Greenville County School District. Mr. Cooper advised no opposition has been received from the utilities; however, some questions regarding access to the school have been addressed. Mr. Cooper also advised the property to be deeded to the School District

allows for appropriate access. No one spoke in support or in opposition of the abandonment during the meeting.

10. APPOINTMENTS – Boards and Commissions

a. Public Facilities Corporation

Councilmember Doyle recommended Maurie Lawrence, Deanna Hemberger, and David Barnett to a full term each ending November 10, 2019. There being no further nominations, Ms. Lawrence, Ms. Hemberger, and Mr. Barnett were appointed by unanimous consent.

CONSENT AGENDA

There will be no discussion of Consent Agenda items unless a Council member so requests in which event the item in question will be considered separately.

Councilmember Fletcher moved, seconded by Councilmember Flemming, to approve agenda items 11a, 11b, 11c, 11d, and 11e of the Consent Agenda. The motion carried unanimously.

11. UNFINISHED BUSINESS – (Ordinances – Second and Final Reading)

- a. Ordinance to appropriate \$135,000 in the Miscellaneous Grant Fund for the 2016 South Carolina State Homeland Security Grant Program
- b. Ordinance to appropriate \$30,000 in the Miscellaneous Grant Fund for the 2016 Federal Historic Preservation Grant
- c. Ordinance to abandon an unnamed public alley located on Crescent Avenue (AB-7-2016)
- d. Ordinance to appropriate \$20,500 in the Miscellaneous Grant Fund for a donation from Bon Secours St. Francis
- e. Ordinance to rezone approximately 0.57 acre of real property located at 1300 East Washington Street from RM-2, Single- and Multi-Family Residential District, to C-1, Neighborhood Commercial District (Tax Map Number 0048000702200) (Z-15-2016)

12. NEW BUSINESS – (Ordinance – First Reading)

None

13. NEW BUSINESS – (Resolutions – First and Final Reading)

None

REGULAR AGENDA

14. UNFINISHED BUSINESS – (Ordinances – Second and Final Reading)

- a. Ordinance to rezone approximately 9.32 acres at East Stone Avenue, Wade Hampton Boulevard, North Church Street, and Column Street from C-2, Local Commercial District, and R-6, Single-family Residential District, to PD, Planned Development District, and to approve a Planned Development Agreement with Central Realty Holdings, LLC (Tax Map Numbers 0038000300300, 0038000200100, 0038000700100, 0035000601900, 0035000602000, 0035000600300) (Z-33-2015)

Councilmember Doyle moved, seconded by Councilmember Fletcher, to approve second and final reading. The motion carried unanimously.

- b. Ordinance to enter into a Development Agreement with Central Realty Holdings, LLC to authorize the provision of public improvements and to appropriate \$800,000 in the Capital Projects Fund from the Economic Development Project Account

Councilmember Doyle moved, seconded by Councilmember Fletcher, to approve second and final reading. The motion carried unanimously.

15. NEW BUSINESS – (Ordinances – First Reading)

- a. Ordinance to appropriate \$50,000 in the Miscellaneous Grant Fund from Communityworks and to execute a Grant Agreement to provide for down payment assistance for low-to-moderate income home buyers

Councilmember Flemming moved, seconded by Councilmember Doyle, to approve first reading.

Ms. Stroud provided information CommunityWorks and its goals. Ms. Stroud stated HUD no longer allows for nonprofits to record forgivable mortgages, however, it does allow for local governments to do so. Regarding the surveys, Ms. Stroud stated they have received 1,100 paper and online surveys to date which is an outstanding response.

After discussion, the motion carried unanimously.

- b. Ordinance to appropriate \$86,500 from the Utility Undergrounding Fund Balance for undergrounding of AT&T overhead facilities on Rutherford Road

Councilmember Flemming moved, seconded by Councilmember Fletcher, to approve first reading. The motion carried unanimously.

Councilmember Fletcher asked if AT&T has a priority list, and Mr. Cooper reminded Council of the priority list previously presented. Mr. Cooper advised the project is a smaller one and he believes it will be scheduled once AT&T receives the funds. Mr. Cooper stated he anticipates the project taking place in December.

16. NEW BUSINESS – (Resolution – First and Final Reading)

None

City Manager John Castile introduced Office of Management and Budget Director Kai Nelson who informed Council that the city of Greenville has maintained its AAA rating with the three rating agencies and is the only municipality in South Carolina to have an AAA rating. Council congratulated staff and thanked them for their continued success.

17. ADJOURN. There being no further business, the meeting adjourned at 5:51 p.m.

KNOX H. WHITE, MAYOR

CAMILLA G. PITMAN, MMC, Certified PLS
CITY CLERK

MEETING NOTICE POSTED AND MEDIA NOTIFIED ON OCTOBER 21, 2016.



REQUEST FOR COUNCIL ACTION
City of Greenville, South Carolina

To: Honorable Mayor and Members of City Council
From: John F. Castile, City Manager

Agenda Item No.

11a

Ordinance/First Reading Ordinance/Second & Final Reading Resolution/First & Final Reading Information Only

AGENDA DATE REQUESTED: 11/14/2016

ORDINANCE/RESOLUTION CAPTION:

TO APPROPRIATE \$50,000 IN THE MISCELLANEOUS GRANT FUND FROM COMMUNITYWORKS AND TO EXECUTE A GRANT AGREEMENT TO PROVIDE FOR DOWN PAYMENT ASSISTANCE FOR LOW-TO-MODERATE INCOME HOME BUYERS

SUMMARY BACKGROUND:

CommunityWorks has a very successful home buyer assistance program that provides up to \$5,000 to low-to-moderate income home buyers to purchase homes within the city of Greenville. The U.S. Department of Housing and Urban Development (HUD) revised its regulations regarding the manner in which down payment assistance may be given to a home buyer. Non-profit organizations are no longer allowed to grant down payment assistance and record restrictions on the property to protect its investment. HUD does allow government entities to grant down payment assistance and record restrictions on the property to protect the investment for a specific period of time, i.e., five (5) years.

CommunityWorks has requested the City's assistance in administering down payment assistance funding. CommunityWorks will continue to recruit and approve qualified low-to-moderate income buyers who wish to purchase a home in the City. The City will manage the down payment assistance program which will allow the City to provide down payment to the buyer at closing and record a five-year restrictive covenant that recoups a pro rata share of the assistance should the buyer sell the property or no longer occupy the property as his/her primary residence during that period. If funding is recouped, it will be used to assist additional buyers.

IMPACT IF DENIED / APPROVED:

If denied, potential home buyers may not be able to receive down payment assistance to purchase a home in the city of Greenville. If approved, down payment assistance will be provided.

FINANCIAL IMPACT:

City funding will not be used to offer this program.

REQUIRED SIGNATURES

Department Director

DocuSigned by:
Nancy Whitworth

1DC2D48BBB5D4AB...
 DocuSigned by:

OMB Director

Kari Nelson

41A49000329242C...

City Attorney

DocuSigned by:
Michael S. Pitts

5E0F2A267E2D413...
 DocuSigned by:

City Manager

John Castile

FC2569CAE224473...

A N O R D I N A N C E

TO APPROPRIATE \$50,000 IN THE MISCELLANEOUS GRANT FUND FROM COMMUNITYWORKS AND TO EXECUTE A GRANT AGREEMENT TO PROVIDE FOR DOWN PAYMENT ASSISTANCE FOR LOW-TO-MODERATE INCOME HOME BUYERS

WHEREAS, the city of Greenville seeks to serve its residents and to provide homeownership opportunities for low-to-moderate income buyers wishing to purchase homes in the City; and

WHEREAS, CommunityWorks has a very successful home buyer assistance program that provides up to \$5,000 to low-to-moderate income home buyers to purchase homes within the City; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) revised its regulations regarding the manner in which down payment assistance may be given to a home buyer; and

WHEREAS, non-profit organizations are no longer allowed to grant down payment assistance and record restrictions on the property to protect its investment; and

WHEREAS, HUD allows government entities to grant down payment assistance and record restrictions on the property to protect the investment for a specific period of time, i.e., five (5) years; and

WHEREAS, CommunityWorks has requested the City's assistance in administering the down payment assistance program; and

WHEREAS, CommunityWorks will continue to recruit and approve qualified low-to-moderate income buyers who wish to purchase a home in the City; and

WHEREAS, the City will manage the down payment assistance program which will allow the City to provide down payment assistance to the buyer at closing and record a five year restrictive covenant that recoups a pro rata share of the assistance should the buyer sell the property or no longer occupy the property as his/her primary residence during that period; and

WHEREAS, if funding is recouped, it will be used to assist additional buyers.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, the amount of \$50,000 is appropriated in the Miscellaneous Grant Fund from CommunityWorks as reflected in the attached Exhibit, and the City Manager is hereby authorized to execute a grant agreement providing for the use of these funds for down payment assistance for low-to-moderate income home buyers.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER



REQUEST FOR COUNCIL ACTION
City of Greenville, South Carolina

To: Honorable Mayor and Members of City Council
From: John F. Castile, City Manager

Agenda Item No.

11b

Ordinance/First Reading Ordinance/Second & Final Reading Resolution/First & Final Reading Information Only

AGENDA DATE REQUESTED: November 14, 2016

ORDINANCE/RESOLUTION CAPTION:

TO APPROPRIATE \$86,500 FROM THE UTILITY UNDERGROUNDING FUND BALANCE FOR UNDERGROUNDING OF AT&T OVERHEAD FACILITIES ON RUTHERFORD ROAD

SUMMARY BACKGROUND:

This Ordinance appropriates funds to proceed with the relocation of AT&T overhead lines in front of the QuickTrip store on Rutherford Road. The total cost estimate from AT&T is \$71,752 plus a 20% percent contingency of approximately \$14,750. Because this project only involves moving AT&T lines, there will be no cost sharing by Duke Energy.

The City's Utility Undergrounding Fund had an estimated available fund balance of approximately \$1,004,000 at the end of FY 2015-16 for commercial undergrounding projects. Construction on the Aberdeen Drive undergrounding project, currently in design, has an estimated cost of \$350,000. Other projects scheduled to move forward as funding allows include Augusta Street crossing reductions, West Washington undergrounding near the Greenville Water System project, West Greenville Village Plaza at Pendleton and Perry Avenue and residential primary undergrounding for McDaniel Heights and Cleveland Park Drive.

IMPACT IF DENIED / APPROVED:

If denied, the project will not move forward to construction. If approved, the undergrounding of AT&T services on Rutherford Road will commence.

FINANCIAL IMPACT:

This action will reduce the available Utility Undergrounding fund balance by \$86,500. There is sufficient available fund balance for this appropriation.

REQUIRED SIGNATURES

Department Director

DocuSigned by:

Mike Murphy

B8351B3CF7524D2...
DocuSigned by:

OMB Director

Kari Nelson

41A49000329242C...

City Attorney

DocuSigned by:

Michael S. Pitts

5E0F2A267E2D413...
DocuSigned by:

City Manager

John Castile

FC2569CAE224473...

AN ORDINANCE

TO APPROPRIATE \$86,500 FROM THE UTILITY UNDERGROUNDING FUND BALANCE FOR UNDERGROUNDING OF AT&T OVERHEAD FACILITIES ON RUTHERFORD ROAD

WHEREAS, the city of Greenville seeks to relocate utility lines to improve reliability and appearance on its commercial corridors and in its central business district; and

WHEREAS, the City dedicated one (1) percent of its Duke Power franchise fee for undergrounding; and

WHEREAS, one or more developers have made or plan to make significant improvements on or near Rutherford Road and undergrounding is appropriate to address the appearance and safety needed for the increased activity in the area as well as to enhance the conditions necessary for an improved economy in the City's commercial corridors; and

WHEREAS, AT&T's estimate cost of construction to underground their overhead facility is \$71,752 plus a 20% percent contingency of approximately \$14,750; and

WHEREAS, the City utility undergrounding available balance for commercial undergrounding projects was approximately \$1,004,000 at the end of Fiscal Year 2015-16;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, City Council authorizes to appropriate \$86,500 from the Utility Undergrounding Fund Balance as reflected in the attached Exhibit for the construction to underground the AT&T overhead line on Rutherford Road in front of the QuikTrip store. This Ordinance shall go into effect upon second and final reading.

DONE, RATIFY AND PASSED THIS THE _____ DAY OF _____, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER



REQUEST FOR COUNCIL ACTION City of Greenville, South Carolina

To: Honorable Mayor and Members of City Council
From: John F. Castile, City Manager

Agenda Item No.

12a

Ordinance/First Reading Ordinance/Second & Final Reading Resolution/First & Final Reading Information Only

AGENDA DATE REQUESTED: November 14, 2016

ORDINANCE/RESOLUTION CAPTION:

TO ABANDON AN UNIMPROVED, UNNAMED PUBLIC ALLEY LOCATED ON BRIARCLIFF DRIVE

SUMMARY BACKGROUND:

The city of Greenville has received a petition from Tracy Galvin requesting the abandonment of an unimproved, unnamed alley adjacent to his property located at 51 Briarcliff Drive. The right of way was originally established with the East Overbrook Subdivision in 1916. The right of way is currently unimproved and functions primarily as a means of pedestrian access from Briarcliff Drive to East North Street Academy. Greenville County School District is supportive of the requested abandonment.

The area of abandonment measures 4,766 square feet (0.10 acre) and is adjacent to parcels 193.1-3-1 and 193.2-5-5 as shown on the attached plat. The right of way will be abandoned and deeded proportionately to the respective property owners abutting the alley to include the Greenville County School District which will allow for a continued pedestrian access to East North Street Academy from Briarcliff Drive.

The abandonment has been reviewed by the City Engineering, Public Works, Fire, and Police Departments as well as local utility providers with no objections found. A public hearing on the matter was held on October 24, 2016.

IMPACT IF DENIED / APPROVED:

If denied, the alley will not be abandoned. If approved, the alley will be abandoned and lessen the City's maintenance responsibilities and liabilities.

FINANCIAL IMPACT:

None

REQUIRED SIGNATURES

Department Director

DocuSigned by:
Mike Murphy
B8351B3CF7524D2...

City Attorney

DocuSigned by:
Michael S. Pitts
5E0F2A267E2D413...
DocuSigned by:

OMB Director

City Manager

DocuSigned by:
John Castile
FC2569CAE224473...

AN ORDINANCE

TO ABANDON AN UNIMPROVED, UNNAMED PUBLIC ALLEY LOCATED ON BRIARCLIFF DRIVE (AB-8-2016)

WHEREAS, the city of Greenville may have rights and/or entitlements to an unimproved, unnamed alley located on Briarcliff Drive to the extent that it might be public right of way; and

WHEREAS, the right of way was originally established with the East Overbrook Subdivision, and the alley is currently unimproved and serves primarily as a means of pedestrian access from Briarcliff Drive to the Greenville County School District’s property for East North Street Academy; and

WHEREAS, the City has received a petition from Tracy Galvin requesting the abandonment of the alley which is adjacent to his property located at 51 Briarcliff Drive (Tax Map Number 193.2-5-5); and

WHEREAS, the Greenville County School District is supportive of the requested abandonment; and

WHEREAS, the right of way will be abandoned and deeded proportionately to the respective property owners having frontage along the alley to include the Greenville County School District which will allow for a continued access to East North Street Academy from Briarcliff Drive; and

WHEREAS, pursuant to properly published notice, a public hearing was held before City Council on Monday, October 24, 2016, at which time Council provided the opportunity to hear from the public regarding the proposed abandonment; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, an unimproved, unnamed public alley located on Briarcliff Drive, which is identified more particularly on Exhibit A, shall be abandoned and closed as a public right of way. Further, the abandonment and any subsequent conveyance by way of city quitclaim deed shall be subject to a full width utility easement preserving the currently existing rights and benefits for the present providers of water, sewer, electricity, telephone, and natural gas, if any, including maintenance easements for the same utilities. The City Manager is herewith authorized to execute such documents as reasonable to implement the purposes of this Ordinance.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2016.

MAYOR

ATTEST:

CITY CLERK

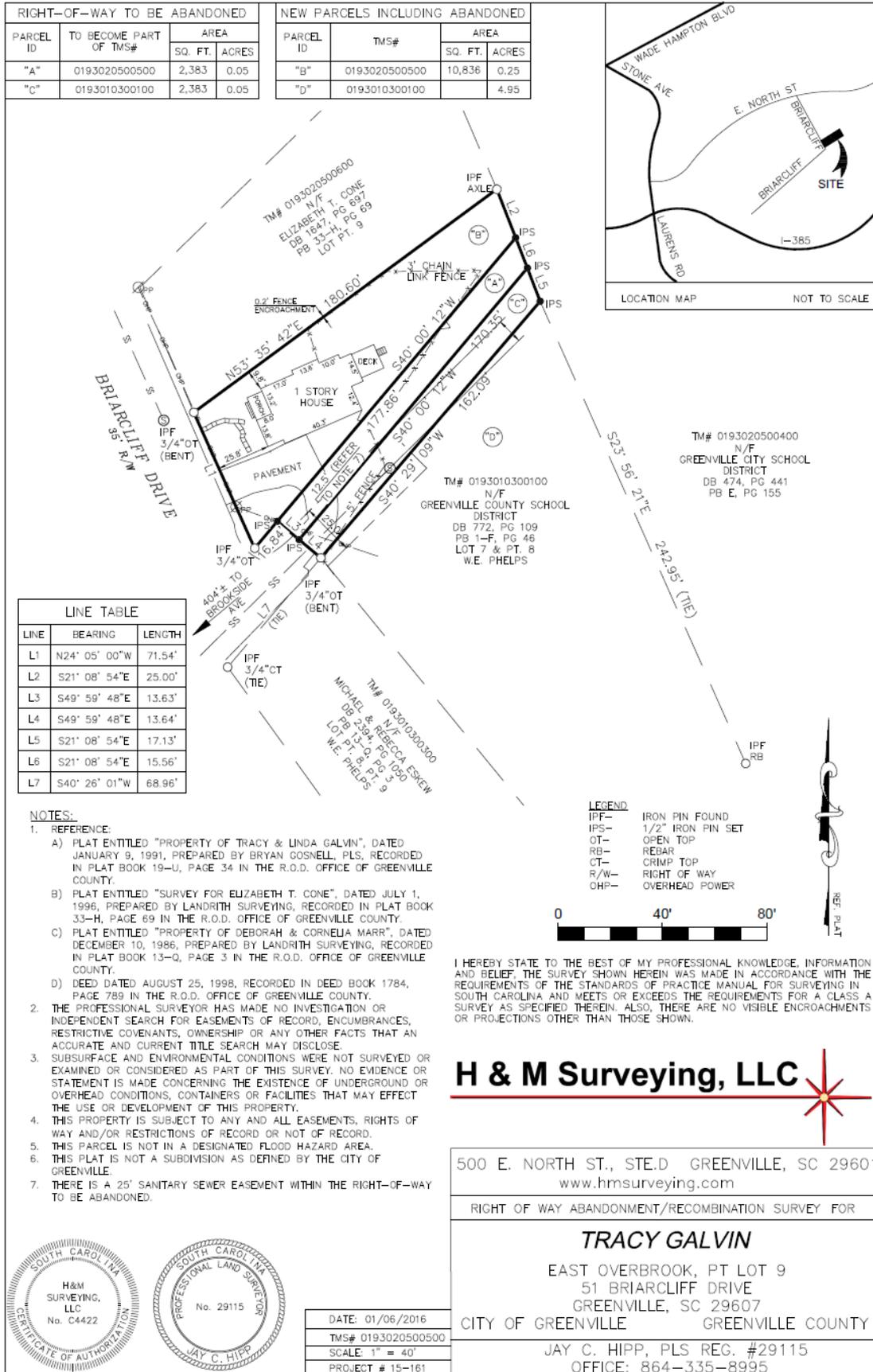
APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER

EXHIBIT A





REQUEST FOR COUNCIL ACTION City of Greenville, South Carolina

To: Honorable Mayor and Members of City Council
From: John F. Castile, City Manager

Agenda Item No.

12b

Ordinance/First Reading Ordinance/Second & Final Reading Resolution/First & Final Reading Information Only

AGENDA DATE REQUESTED: November 28, 2016

ORDINANCE/RESOLUTION CAPTION:

TO APPROPRIATE \$35,000 FROM THE UTILITY UNDERGROUNDING FUND BALANCE FOR RELOCATION OF OVERHEAD FACILITIES AT THE WEST GREENVILLE VILLAGE PLAZA

SUMMARY BACKGROUND:

This Ordinance appropriates funds to proceed with the relocation of Duke Energy, Charter and AT&T overhead facilities at the West Greenville Village Plaza. The total cost estimate from Duke Energy is \$17,522, and the estimated cost for Charter and AT&T is \$15,000 plus a contingency of approximately \$2,500. Because this project only involves moving overhead lines, there will be no cost sharing by Duke Energy.

The City's Utility Undergrounding Fund had an estimated available fund balance of approximately \$1,004,000 at the end of FY 2015-16 for commercial undergrounding projects. Construction on the Aberdeen Drive undergrounding project, currently in design, has an estimated cost of \$350,000. Council recently approved an appropriation of \$86,500 for Rutherford Road undergrounding. Other projects scheduled to move forward as funding allows include Augusta Street crossing reductions, West Washington undergrounding near the Greenville Water System project, and residential primary undergrounding for McDaniel Heights and Cleveland Park Drive.

Ordinance/First Reading Ordinance/Second & Final Reading Resolution/First & Final Reading Information Only

IMPACT IF DENIED / APPROVED:

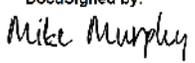
If denied, the project will not move forward to construction. If approved, the relocation of overhead utility facilities will commence.

FINANCIAL IMPACT:

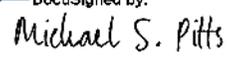
This action will reduce the available Utility Undergrounding fund balance by \$35,000. There is sufficient available fund balance for this appropriation.

REQUIRED SIGNATURES

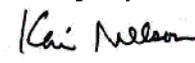
Department Director

DocuSigned by:

B8351B3CF7524D2...
 DocuSigned by:

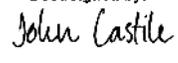
City Attorney

DocuSigned by:

5E0F2A267E2D413...
 DocuSigned by:

OMB Director

DocuSigned by:

41A49000329242C...

City Manager

DocuSigned by:

FC2569CAE224473...

AN ORDINANCE

TO APPROPRIATE \$35,000 FROM THE UTILITY UNDERGROUNDING FUND BALANCE FOR RELOCATION OF OVERHEAD FACILITIES AT THE WEST GREENVILLE VILLAGE PLAZA

WHEREAS, the city of Greenville seeks to relocate utility lines to improve reliability and appearance on its commercial corridors and in its central business district; and

WHEREAS, the City dedicated one (1) percent of its Duke Power franchise fee for undergrounding; and

WHEREAS, improvements are planned or in progress at or near the West Greenville Village Plaza and utility relocation is appropriate to address the appearance and safety needed for the increased activity in the area as well as to enhance the conditions necessary for an improved economy in the City's commercial corridors; and

WHEREAS, the estimated cost of relocating the overhead facilities for Duke Energy is \$17,522, and the estimated cost of relocating Charter Communications and AT&T facilities is \$15,000; and

WHEREAS, Duke Energy will not be sharing in the cost of the project as it is an overhead relocation and not an undergrounding project; and

WHEREAS, the City utility undergrounding available balance for commercial undergrounding projects was approximately \$1,004,000 at the end of Fiscal Year 2015-16;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, City Council authorizes the appropriate of \$35,000 from the Utility Undergrounding Fund Balance as reflected in the attached Exhibit for this utility relocation. This Ordinance shall go into effect upon second and final reading.

DONE, RATIFY AND PASSED THIS THE _____ DAY OF _____, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

To: Honorable Mayor and Members of City Council
From: John F. Castile, City Manager

Agenda Item No.

13a

Ordinance/First Reading
 Ordinance/Second & Final Reading
 Resolution/First & Final Reading
 Information Only

AGENDA DATE REQUESTED: November 14, 2016

ORDINANCE/RESOLUTION CAPTION:

TO ACCEPT A QUITCLAIM DEED FROM THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR APPROXIMATELY 2,798 SQUARE FEET (0.06 ACRE) OF PUBLIC RIGHT OF WAY ON RIVER STREET (S-23-664)

SUMMARY BACKGROUND:

West End Greenville Apartments, LLC is the owner of property (Tax Map Number 70-2-4) located at the corner of River Street and Rhett Street and is performing streetscape enhancements along portions of each street in conjunction with the construction of a multi-family residential development. The city of Greenville has entered into a development agreement with West End Greenville Apartments, LLC to participate in the proposed streetscape improvements which include lighting, street furnishings, bike racks, landscaping, enhanced sidewalks, and a public art sculpture. River Street (S-23-664) is a secondary highway owned and maintained by the South Carolina Department of Transportation (SCDOT). As a condition of the development agreement, the City agreed to apply to SCDOT for ownership of the sidewalk within the River Street right of way for maintenance purposes. Standard SCDOT policy would not permit the public art sculpture, which is part of the streetscape improvements, to be located within the State right of way. However, SCDOT considers the portion of the River Street right of way where the sidewalk and public art is to be located excessive and has agreed to abandon this portion of the right of way to the City. In order to fulfill its obligations under the development agreement and complete the desired public art aspect of the streetscape improvements, the City will need to accept a portion of the River Street right of way into our street inventory system.

IMPACT IF DENIED / APPROVED:

If approved, the right of way will be accepted into the City's street inventory system. If denied, the City will be required to maintain sidewalk within SCDOT's right of way and the desired public art sculpture will not be installed with the project.

FINANCIAL IMPACT:

Routine maintenance costs associated with improvements located within the right of way area.

REQUIRED SIGNATURES

Department Director

DocuSigned by:

 B8351B3CF7524D2...

City Attorney

DocuSigned by:

 5E0F2A267E2D413...

OMB Director

City Manager

DocuSigned by:

 FC2569CAE224473...

A RESOLUTION

TO ACCEPT A QUITCLAIM DEED FROM THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR APPROXIMATELY 2,798 SQUARE FEET (0.06 ACRE) OF PUBLIC RIGHT OF WAY ON RIVER STREET (S-23-664)

WHEREAS, West End Greenville Apartments, LLC is the owner of property (Tax Map Number 70-2-4) located at the corner of River Street and Rhett Street and is performing streetscape enhancements along portions of each street in conjunction with the construction of a multi-family residential development; and

WHEREAS, the city of Greenville has entered into a development agreement with West End Greenville Apartments, LLC to participate in the proposed streetscape improvements which include lighting, street furnishings, bike racks, landscaping, enhanced sidewalks, and a public art sculpture; and

WHEREAS, River Street (S-23-664) is a secondary highway owned and maintained by the South Carolina Department of Transportation (SCDOT); and

WHEREAS, as a condition of the development agreement, the City agreed to apply to SCDOT for ownership of the sidewalk within the River Street right of way for maintenance purposes; and

WHEREAS, standard SCDOT policy will not permit the public art sculpture to be located within the State right of way; and

WHEREAS, SCDOT considers the portion of the River Street right of way where the sidewalk and public art is to be located excessive and has agreed to abandon this portion of the right of way to the City;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, in order to fulfill its obligations under the development agreement and complete the desired public art aspect of the streetscape improvements, the city of Greenville accepts a quitclaim deed from the South Carolina Department of Transportation for 2,798 square feet (0.06 acre) of right of way along River Street as shown more specifically in Exhibit A and incorporates same into the City's street inventory system. The City Manager is herewith authorized to execute such documents as reasonable to implement the purposes of this Ordinance.

DONE, RATIFIED AND PASSED THIS THE ____ DAY OF _____, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER



REQUEST FOR COUNCIL ACTION City of Greenville, South Carolina

To: Honorable Mayor and Members of City Council
From: John F. Castile, City Manager

Agenda Item No.

13a

Ordinance/First Reading
 Ordinance/Second & Final Reading
 Resolution/First & Final Reading
 Information Only

AGENDA DATE REQUESTED: November 14, 2016

ORDINANCE/RESOLUTION CAPTION:

TO ACCEPT A QUITCLAIM DEED FROM THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR APPROXIMATELY 2,798 SQUARE FEET (0.06 ACRE) OF PUBLIC RIGHT OF WAY ON RIVER STREET (S-23-664)

SUMMARY BACKGROUND:

West End Greenville Apartments, LLC is the owner of property (Tax Map Number 70-2-4) located at the corner of River Street and Rhett Street and is performing streetscape enhancements along portions of each street in conjunction with the construction of a multi-family residential development. The city of Greenville has entered into a development agreement with West End Greenville Apartments, LLC to participate in the proposed streetscape improvements which include lighting, street furnishings, bike racks, landscaping, enhanced sidewalks, and a public art sculpture. River Street (S-23-664) is a secondary highway owned and maintained by the South Carolina Department of Transportation (SCDOT). As a condition of the development agreement, the City agreed to apply to SCDOT for ownership of the sidewalk within the River Street right of way for maintenance purposes. Standard SCDOT policy would not permit the public art sculpture, which is part of the streetscape improvements, to be located within the State right of way. However, SCDOT considers the portion of the River Street right of way where the sidewalk and public art is to be located excessive and has agreed to abandon this portion of the right of way to the City. In order to fulfill its obligations under the development agreement and complete the desired public art aspect of the streetscape improvements, the City will need to accept a portion of the River Street right of way into our street inventory system.

IMPACT IF DENIED / APPROVED:

If approved, the right of way will be accepted into the City's street inventory system. If denied, the City will be required to maintain sidewalk within SCDOT's right of way and the desired public art sculpture will not be installed with the project.

FINANCIAL IMPACT:

Routine maintenance costs associated with improvements located within the right of way area.

REQUIRED SIGNATURES

Department Director _____

City Attorney _____

OMB Director _____

City Manager _____

A RESOLUTION

TO ACCEPT A QUITCLAIM DEED FROM THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR APPROXIMATELY 2,798 SQUARE FEET (0.06 ACRE) OF PUBLIC RIGHT OF WAY ON RIVER STREET (S-23-664)

WHEREAS, West End Greenville Apartments, LLC is the owner of property (Tax Map Number 70-2-4) located at the corner of River Street and Rhett Street and is performing streetscape enhancements along portions of each street in conjunction with the construction of a multi-family residential development; and

WHEREAS, the city of Greenville has entered into a development agreement with West End Greenville Apartments, LLC to participate in the proposed streetscape improvements which include lighting, street furnishings, bike racks, landscaping, enhanced sidewalks, and a public art sculpture; and

WHEREAS, River Street (S-23-664) is a secondary highway owned and maintained by the South Carolina Department of Transportation (SCDOT); and

WHEREAS, as a condition of the development agreement, the City agreed to apply to SCDOT for ownership of the sidewalk within the River Street right of way for maintenance purposes; and

WHEREAS, standard SCDOT policy will not permit the public art sculpture to be located within the State right of way; and

WHEREAS, SCDOT considers the portion of the River Street right of way where the sidewalk and public art is to be located excessive and has agreed to abandon this portion of the right of way to the City;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, in order to fulfill its obligations under the development agreement and complete the desired public art aspect of the streetscape improvements, the city of Greenville accepts a quitclaim deed from the South Carolina Department of Transportation for 2,798 square feet (0.06 acre) of right of way along River Street as shown more specifically in Exhibit A and incorporates same into the City's street inventory system. The City Manager is herewith authorized to execute such documents as reasonable to implement the purposes of this Ordinance.

DONE, RATIFIED AND PASSED THIS THE ____ DAY OF _____, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER

SCDOT RW Form 203 (11-01)

WITNESS the hand and seal of the South Carolina Department of Transportation this _____
day of _____, in the year of our Lord Two Thousand Sixteen.

Signed, sealed and delivered
in the presence of

SOUTH CAROLINA DEPARTMENT OF
TRANSPORTATION

By: _____ (L.S.)
Christy A. Hall
Secretary of Transportation

By: _____ (L.S.)
Brian W. Keys
Deputy Secretary for Finance and Administration

THE STATE OF SOUTH CAROLINA)
) **ACKNOWLEDGEMENT**
COUNTY OF RICHLAND)

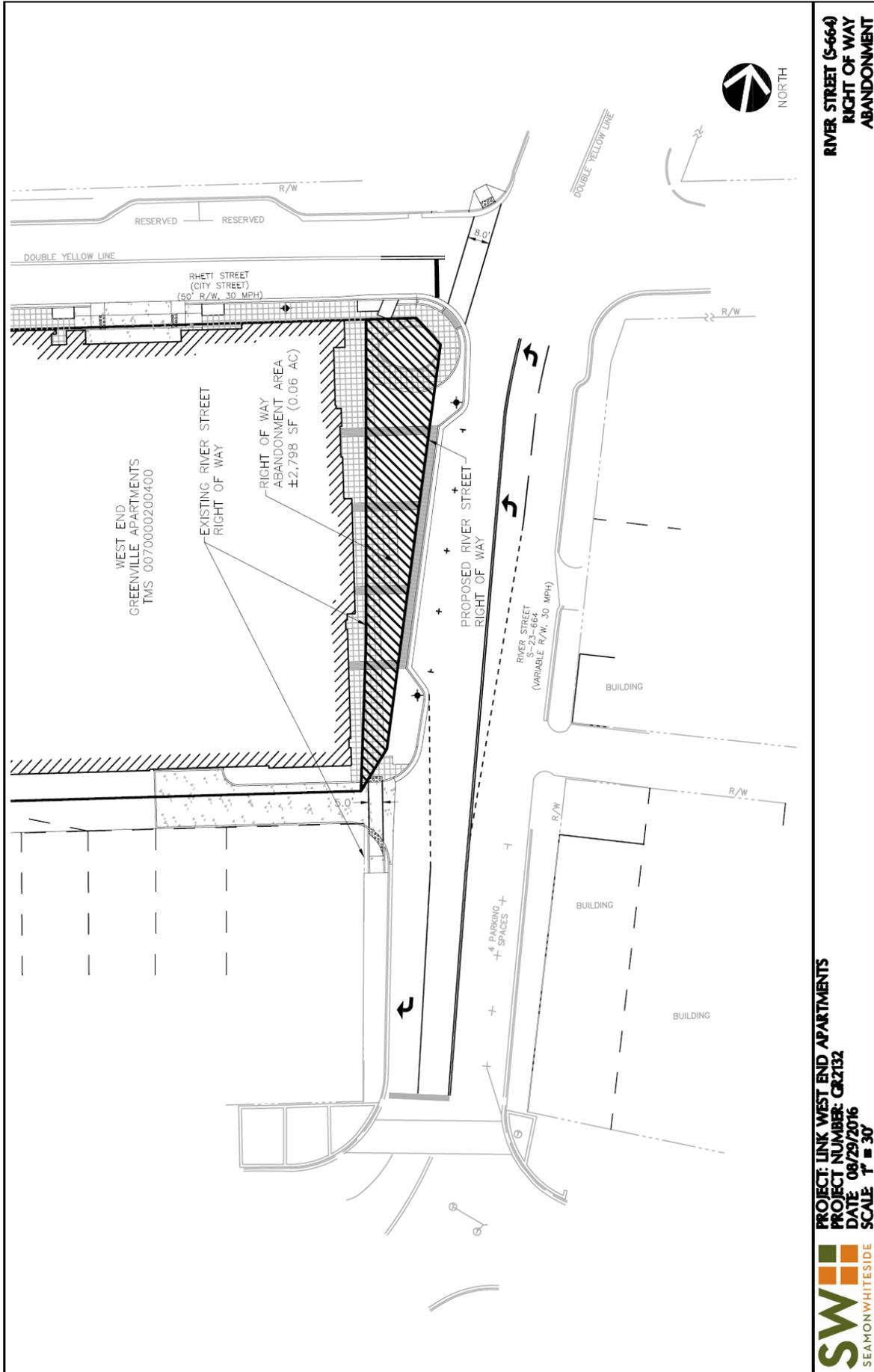
Personally appeared before me the above named Grantors on behalf of South Carolina Department of
Transportation and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this _____ day of _____, 2016.

Notary Signature

Printed Name of Notary

NOTARY PUBLIC FOR THE STATE OF
SOUTH CAROLINA
My Commission Expires: _____
(Affix Seal if outside SC)



**RIVER STREET (S-664)
RIGHT OF WAY
ABANDONMENT**

**PROJECT: LINK WEST END APARTMENTS
PROJECT NUMBER: CR2132
DATE: 08/29/2016
SCALE: 1" = 30'**





REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

To: Honorable Mayor and Members of City Council
From: John F. Castile, City Manager

Agenda Item No.

15a

Ordinance/First Reading Ordinance/Second & Final Reading Resolution/First & Final Reading Information Only

AGENDA DATE REQUESTED:

ORDINANCE/RESOLUTION CAPTION:

SUMMARY BACKGROUND:

IMPACT IF DENIED / APPROVED:

FINANCIAL IMPACT:

REQUIRED SIGNATURES

Department Director _____

City Attorney _____

OMB Director _____

City Manager _____

A N O R D I N A N C E

TO AMEND CHAPTER 19 OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE PERTAINING TO THE REGULATION OF COMMUNICATION TOWERS WITHIN THE PUBLIC RIGHT-OF-WAY

WHEREAS, pursuant to South Carolina statutory and constitutional provisions, the city of Greenville enjoys control over the public rights-of-way (“ROW”) within its corporate limits, including but not limited to the placement by third parties of facilities used for the provision of personal wireless services; and

WHEREAS, the City has the power to, among other things, require that any third party wishing to locate facilities within the ROW first obtain a franchise or other written consent from the City; and

WHEREAS, the City desires to clarify Chapter 19 of the Code of Ordinances to make it clear that facilities located in the ROW related to the provision of personal wireless services shall: (a) only be authorized under individual site licenses issued pursuant to a city franchise and (b) not exceed the height of any other above-ground utility facilities in the ROW within the immediate vicinity, unless otherwise required by federal law, all as more fully set forth in Exhibit A attached hereto and incorporated herein; and

WHEREAS, the Planning Commission, pursuant to public notice, held a Public Hearing on October 20, 2016, to consider the aforementioned text amendment to Chapter 19, Land Management, of the Code of Ordinances and recommended adoption of same; and

WHEREAS, City Council finds the amendments are consistent with the provisions of the Land Management Ordinance and with the goals of the comprehensive plan and to the extent applicable the standards set forth in Section 19-2.3(E); and

WHEREAS, City Council desires to adopt the findings of the Planning Commission and further finds the amendments are consistent with the provisions of the Land Management Ordinance and with the goals of the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, Section 19-1.11, Definitions, and Section 19-4.3, Use-specific standards, of the Code of Ordinances of the City of Greenville is amended as set forth in the attached Exhibit A.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER

EXHIBIT A

Sec. 19-1.11. - Definitions.

Communication tower, freestanding means a structure erected on the ground and used primarily for the support of broadcast and/or receiving equipment and utilized by commercial, governmental, or other public or quasi-public users. A communication tower includes structures supporting equipment used in the provision of personal wireless services, but does not include private home use of satellite dishes and television antennas or amateur radio operators as licensed by the Federal Communications Commission. This use type is regulated under the "utilities" use category in article 19-4, use regulations.

Communication tower, roof-mounted means a structure placed on a building used primarily for the support of broadcast and/or receiving equipment and utilized by commercial, governmental, or other public or quasi-public users. A communication tower includes structures supporting equipment used in the provision of personal wireless services, but does not include private home use of satellite dishes and television antennas or amateur radio operators as licensed by the Federal Communications Commission. This use type is regulated under the "utilities" use category in article 19-4, use regulations.

Sec. 19-4.3. - Use-specific standards.

19-4.3.2. *Public and institutional uses.*

(A) *General.*

- (1) Design standards. Except where specifically exempted by this chapter, nonresidential uses shall comply with the standards in subsection 19-6.5.
- (2) Public and institutional uses located within the OD, C-1, C-2, C-4, RDV, and PD districts open to the public between the hours of 12 midnight and 5:00 a.m. require a special exception permit, except when a conditional use permit is required, and, at a minimum, are subject to the following standards:
 - (a) The standards for granting a special exception permit.
 - (b) On-site traffic shall be directed away from abutting residential uses or residential districts between the hours of 12:00 midnight and 5:00 a.m.
 - (c) Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 5:00 a.m.
 - (d) Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the Greenville Code of Ordinances shall be posted in conspicuous locations and shall be enforced by the proprietors.
 - (e) Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan and/or floor plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. No exterior amplified sound shall be permitted between the hours of 10:00 p.m. and 11:00 a.m. Interior sound amplification shall be located only as reflected on an approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building.
 - (f) Drive-through facilities shall be closed between the hours of 12:00 midnight and 5:00 a.m.
 - (g) Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.

- (h) The required permit, either special exception permit or conditional use permit, shall be limited to the applicant and shall not be transferrable. A copy of the special exception permit or the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.
- (B) In addition to applicable use-specific standards that follow, the administrator may impose conditions on a conditional use permit intended to mitigate any negative impacts of the use relating to:
- (1) The volume and type of sales, retail, wholesale; size and type of items sold and nature of inventory on the premises;
 - (2) Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
 - (3) The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);
 - (4) The type, size and nature of buildings and structures;
 - (5) The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
 - (6) Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site, trip purposes and whether trip purposes can be shared by other uses on the site;
 - (7) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses;
 - (8) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes;
 - (9) Any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
 - (10) The impact on adjacent properties created by the proposed use will not be greater than that of other uses permitted in the district.
- (C) *Day care.* All day care facilities are permitted subject to the following standards:
- (1) Day care facilities shall comply with all applicable state regulations.
 - (2) Day care homes (six or fewer people) are considered home occupations and shall comply with the requirements of subsection 19-4.4.3(C) and (F).
 - (3) A day care facility operated by, and located on the site of, a religious institution may be allowed as an accessory use only if found to be compatible with adjacent areas in terms of hours of operation, noise, lighting, parking, and similar considerations, and if it does not cause significant traffic impacts.
 - (4) In the C-1 district, day care facilities shall not exceed a gross floor area of 1,000 square feet.

(D) *Educational facilities.*

- (1) *Business school.* In the C-1 district, business schools shall comply with the following standards:
 - (a) Hours of operation shall be limited to between the hours of 7:00 a.m. and 9:00 p.m.
 - (b) The gross floor area shall not exceed 1,000 square feet.
- (2) *School, public or private.* In the residential districts, schools may be approved as a special exception. Any redevelopment or addition to a school or its accessory facilities, or modification of parking or vehicular circulation patterns, shall also be reviewed as a special exception.
- (3) *Trade school.* Such use shall not involve activities that would otherwise not be permitted in the zoning district.

(E) *Medical facility, other than hospital.* In the C-1 district, a medical facility, other than a hospital, shall comply with the following standards:

- (1) The use shall not exceed a gross floor area of 2,000 square feet.
- (2) Hours of operation shall be limited to the hours between 7:00 a.m. and 9:00 p.m.

(F) *Religious institution.* Religious institutions may be approved as a special exception in selected districts. Any new building or addition to a religious institution shall also be reviewed as a special exception.

(G) *Communication tower, freestanding or roof-mounted.*

- (1) *General requirements.* All towers shall comply with the following general requirements:
 - (a) *Removal of abandoned facilities.* A tower that has not been operated for a continuous period of one year shall be considered abandoned. The city may require an abandoned tower to be removed. The owner of such tower shall remove the tower within 30 days of receipt of written notice from the city. If the tower is not removed within 30 days, the city may remove it at the owner's expense and any permit for the tower shall be deemed to have expired.
 - (b) *Freestanding communication towers.*
 1. *Design.* Any freestanding communication towers, associated facilities and any wireless facilities installed upon other structures in the rights of way and associated facilities shall be subject to terms and conditions that minimize the impact upon private and public property (including, where applicable, the public right-of-way), ensure consistency with the surrounding area and employ concealment elements appropriate to the location being proposed. All freestanding towers shall utilize stealth technology intended to obscure, blend, or hide the tower and shall be designed as an object appropriate for the site and district in which it is to be located.
 2. *Setbacks.* All freestanding towers shall be located at least 30 feet from a residential zoning district or the property line of a lot containing a residential use.
 3. *Co-location.* All freestanding towers shall be designed and constructed to permit the facility to accommodate the attachment of at least two additional providers on the same facility. No telecommunication operator shall exclude a competitor from using the same facility or location. A special exception shall not be required for co-location on existing towers which were originally

approved as a special exception or on other structures, and which do not increase the height of the existing tower or structure.

4. Public Right-of-Way. No freestanding communication tower or any associated facilities shall be erected within the public right-of-way, nor shall wireless equipment or associated facilities be placed on other existing structures within the rights of way, including but not limited to light poles, utility poles, or traffic lights unless permitted by site license pursuant to a franchise or other written consent issued by the city authorizing the occupancy of the public right-of-way to install and operate wireless facilities. In no event shall a freestanding communications tower in excess of the average height of existing utility distribution structures on the public right-of-way in the immediate area be permitted within the public right-of-way unless a showing can be made that this provision would prohibit or have the effect of prohibiting the provision of personal wireless services within the meaning of 47 U.S.C. § 332(c)(7), as interpreted by binding precedent of the United States Court of Appeals for the Fourth Circuit.

5. 4 Availability of other suitable locations. In addition to the previous subsection pertaining to the public right-of-way, N~~new~~towers shall not be permitted unless the applicant demonstrates that no existing freestanding communication tower or other structure can accommodate the applicant's needs. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's needs shall be signed by a registered engineer and shall demonstrate at least one of the following:
 - a. No existing communication towers or structures at a suitable height are located within the geographic area required to meet the applicant's engineering requirements;
 - b. Existing freestanding communication towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
 - c. The applicant's proposed antenna would cause electromagnetic interference with the antennae on the existing towers or structures, or the antennae on the existing towers or structures would cause interference with the applicant's proposed antenna; or
 - d. The applicant demonstrates that there are other limiting factors that render existing towers and structures unusable.

(c) *Roof-mounted communication towers.*

1. *Location.* A proposed roof-mounted communication tower may be permitted as an accessory or secondary use in any district. In the C-4 district, towers may be permitted only on buildings at least 50 feet in height.
2. *Height.* A roof-mounted tower shall not exceed 20 feet in height if mounted on buildings less than 50 feet in height. A roof-mounted tower shall not exceed 40 feet in height if mounted on buildings 50 feet in height or greater.



REQUEST FOR COUNCIL ACTION
City of Greenville, South Carolina

To: Honorable Mayor and Members of City Council
From: John F. Castile, City Manager

Agenda Item No.

15b

Ordinance/First Reading Ordinance/Second & Final Reading Resolution/First & Final Reading Information Only

AGENDA DATE REQUESTED: November 14, 2016

ORDINANCE/RESOLUTION CAPTION:

TO APPROPRIATE \$45,000 IN THE LAW ENFORCEMENT SPECIAL REVENUE FUND, DEPARTMENT OF HOMELAND SECURITY ACCOUNT, FOR THE PURPOSE OF REBANDING AND REPROGRAMMING PUBLIC SAFETY COMMUNICATION DEVICES

SUMMARY BACKGROUND:

The city of Greenville Police Department and Fire Department utilize the Palmetto 800 Public Safety Communications Network for radio communication to interact with other public safety entities throughout the state of South Carolina. The Departments have been informed that XTS 5000 and XTL 5000 radios must be upgraded from their current analog format to the new digital P25 format before December 31, 2016 in order to remain functional on the network. PAL800 will begin converting tower sites over to P25 in April 2017 and any radios that have not been upgraded will experience a permanent service interruption until they are upgraded and reprogrammed. This appropriation will fund the required upgrades to existing infrastructure, tune department radios for optimum function, and cover the labor costs associated with this transition along with any needed repairs to the devices.

IMPACT IF DENIED / APPROVED:

If approved, the radios will be updated. If denied, the radios will not be updated and they will experience a service interruption until they are upgraded and reprogrammed.

FINANCIAL IMPACT:

\$45,000 will be appropriated from the Law Enforcement Special Revenue Fund.

REQUIRED SIGNATURES

Department Director

DocuSigned by:

 4C49838FBF39445...

City Attorney

DocuSigned by:

 5E0F2A267E2D413...

OMB Director

DocuSigned by:

 41A49000329242C...

City Manager

DocuSigned by:

 FC2569CAE224473...

A N O R D I N A N C E

TO APPROPRIATE \$45,000 IN THE LAW ENFORCEMENT SPECIAL REVENUE FUND, DEPARTMENT OF HOMELAND SECURITY ACCOUNT, FOR THE PURPOSE OF REBANDING AND REPROGRAMMING PUBLIC SAFETY COMMUNICATION DEVICES

WHEREAS, the city of Greenville’s Fire and Police Departments must upgrade the communication devices utilized by public safety personnel to a digital format before the end of 2016; and

WHEREAS, \$45,000 is available in the Law Enforcement Special Revenue Fund, Department of Homeland Security Account; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, the amount of \$45,000 is appropriated in the Law Enforcement Special Revenue Fund, Department of Homeland Security Account Fund for the purpose of upgrading the public safety communications radios utilized by the City Fire and Police Departments as reflected in the attached Exhibit. This Ordinance shall become effective upon passage on the second and final reading.

DONE, RATIFIED AND PASSED THIS THE ____ DAY OF _____, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

To: Honorable Mayor and Members of City Council
From: John F. Castile, City Manager

Agenda Item No.

16a

Ordinance/First Reading Ordinance/Second & Final Reading Resolution/First & Final Reading Information Only

AGENDA DATE REQUESTED: November 14, 2016

ORDINANCE/RESOLUTION CAPTION:

Resolution to adopt the city of Greenville's 2017 Agenda for State and Federal Legislative Priorities

SUMMARY BACKGROUND:

The legislative agenda items provide a road map for the city of Greenville in pursuing state and federal legislation and/or funding that positively impact future economic and community development for residents. They also provide guidelines for averting any legislative and/or appropriations actions that could negatively impact the City's growth and welfare.

IMPACT IF DENIED / APPROVED:

If approved, the Agenda will be used as the foundation for building intergovernmental partnerships to benefit the City's citizens.

FINANCIAL IMPACT:

N/A

REQUIRED SIGNATURES

Department Director

DocuSigned by:
Julie Horton
18063D9E833247D...

City Attorney

DocuSigned by:
Michael S. Pitts
5E0F2A267E2D413...

OMB Director

City Manager

DocuSigned by:
John F. Castile
FC2569CAE224473...

A RESOLUTION

TO ADOPT THE CITY OF GREENVILLE’S 2017 AGENDA FOR STATE AND FEDERAL LEGISLATIVE PRIORITIES

WHEREAS, the city of Greenville has issues, concerns, and basic needs requiring the attention of the state legislature and the Greenville County Legislative Delegation; and

WHEREAS, the City has additional issues requiring attention and action of the U.S. Congress and the state’s federal delegation; and

WHEREAS, the City must be proactive in identifying those needs and establishing priorities in order to pursue state and federal legislation and appropriations for 2017 that positively impact future economic and community development for residents; and

WHEREAS, those legislative agenda items also provide guidelines for averting any legislative actions that could negatively impact the city’s growth and/or welfare; and

WHEREAS, the City’s 2017 State/Federal Legislative Agenda, which is attached as an Exhibit, provides the strong foundation for building intergovernmental partnerships that benefit all citizens of Greenville;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, the city of Greenville’s 2017 Agenda for State and Federal Legislative Priorities, as more fully set forth in the attached Exhibit, is adopted.

RESOLVED THIS _____ DAY OF _____, 2016.

MAYOR

Attest:

CITY CLERK

EXHIBIT**CITY OF GREENVILLE
STATE/FEDERAL LEGISLATIVE AGENDA
Fall 2016****State Priorities****1) Funding for Critical Infrastructure Needs and Quality Services**

The City of Greenville must provide a positive quality of life, as well as strong infrastructure and amenities which residents and businesses demand in order to support an environment that attracts job investment and growth. To achieve this, dependable and consistent revenue sources are necessary to support the efficient and effective delivery of municipal services.

Action items

- Increase options for the City of Greenville to raise revenue to support specific capital projects.
- Allow cities to annex certain enclaves by ordinance.
- Increase funding for the Local Government Fund to the level required in state law.
- Support reliable funding sources for roads and increase dialogue with SCDOT on increased flexibility with urban design standards, economic development projects, etc.
- Spearhead state level New Market Tax Credits legislation to stimulate private investment and economic growth in low-income and rural areas that otherwise lack access to capital.

2) Encouraging Business Growth and Development

The City of Greenville understands that time means money for businesses, and, therefore, supports the implementation of standardized business licensing practices that simplifies the process, supports local economic growth, and does not negatively impact revenue.

Action item

- Work with the Municipal Association of SC and other stakeholders to standardize business license collection across the state.

3) Increasing Law Enforcement Training

Our police force faces challenges in recruiting, hiring, and training highly qualified officers. Increased funding and focus for quality training will result in safer streets and communities.

Action item

- Support reliable funding for the Criminal Justice Academy in order to offer more training opportunities for law enforcement officers, including "mobile" training.
- Expand state funding for body worn cameras and storage of data.

Other Issues of Interest

- Work with local and state entities to seek initiatives for creation of more affordable housing options.
- Seek to protect municipal courts from extra financial mandates for indigent defense, expungement, and other costs already covered through county taxes and court fines.

- Maintain dialogue with state elected and public officials regarding the unfunded liabilities and proposed legislative fixes for the SC State Retirement System.

Federal Priorities

1) Maintaining Collaboration on Federal Courthouse Project

After many years of Congressional inaction on funding, the final FY 2016 Financial Services and General Government Appropriations bill included funding for up to nine courthouses. With Greenville fifth on the list, its courthouse was awarded \$93,999,000 for new construction, which is set to begin in Spring/Summer 2018, with final completion slated for Spring 2021.

Action item

- Continue to press the US General Services Administration to work with the City to address design, parking, and urban landscape compatibility issues.

2) Seeking Continued Funding Through Appropriations and Grants

The FY2017 appropriations process will be resolved either through an omnibus spending package or through "minibuses." While earmarks are no longer available, members of Congress collect appropriations requests from constituents to fund ongoing initiatives.

Action item

- Work with the SC Congressional Delegation to advocate for continued funding for programs that currently fund Greenville's initiatives, such as the Community Development Block Grant, Department of Justice body worn camera grants, EDA economic development grants, and other programs that impact the City, such as the HOME Investments Partnerships Program and transit/transportation-related programs through the US Department of Transportation.

3) Addressing Tax Issues

New Market Tax Credits

The New Markets Tax Credits program (NMTC) officially expired in 2014, but Congress passed *The Protecting Americans from Tax Hike Act of 2015 (PATH Act)* to extend authorization of NMTC for five calendar years through 2019 with \$3.5 billion in annual allocation authority. This change will allow the Community Development Financial Institution (CDFI) Fund to announce the allocation of NMTCs each year they are authorized. The CDFI Fund is currently reviewing applications for the combined CY 2015-2016 round to be announced at the end of the year; it is expected also to be announce the CY 2017 round opening in the first quarter of 2017.

Action Item

- Advocate for the permanent extension of the NMTC and fight against any efforts to eliminate the program in tax reform.
- Work with the Treasury Department's CDFI Fund to ensure that Community Development Entities in SC receive adequate NMTC allocations to support community needs.

Municipal Bonds

Municipal bonds, critical to local governments like the City of Greenville, are tax-exempt and provide lower interest payments, which help keep project costs down. If the tax exemption for municipal bonds is removed or limited, the cost of financing infrastructure projects will increase and likely lead to forgone projects or additional fees at the local level.

Action Item

- Encourage our Delegation and Congress to maintain the tax-exempt status of municipal bonds and not cap the exemption for investors, especially as Congress potentially considers reforming the tax code in the future.

4) Supporting Infrastructure Spending

In December 2015, President Obama signed the *Fixing America's Surface Transportation (FAST) Act* into law, authorizing \$305 billion through 2020 with a focus on safety, keeping intact the established structure of the various highway-related programs, and continuing efforts to streamline delivery. Both presidential candidates have committed to investing above the \$305 billion from the FAST Act in infrastructure immediately upon taking office.

Action item

- Support long-term investments in infrastructure spending and take advantage of the new President's infrastructure plans, if enacted.
- Advocate for transit-related policies that preserve and expand funding for transit systems like are smaller in size like Greenlink.

5) Supporting Export-Import Bank Reauthorization

Since Congress reauthorized the credit-financing agency for four years, the Ex-Im Bank's ability to confirm loans over \$10 million rests on whether the Senate will confirm nominees to the board (currently, only two of five are confirmed, and loans cannot be made without a quorum).

Action item

- Encourage the Senate to confirm nominees to the Board of the Export-Import Bank, given the economic impact that the Bank has on communities in South Carolina, particularly those close to the automobile industry.

6) Seeking Affordable Housing Solutions

With the bipartisan introduction of the *Affordable Housing Credit Improvement Act of 2016*, the Senate bill would expand Low Income Housing Tax Credits (LIHTC) by over 50 percent over five years, allow income-averaging at LIHTC properties, and make permanent the four percent LIHTC rate for the acquisition of existing buildings or for projects financed with tax-exempt bonds to ensure that LIHTC is more deeply targeted to low-income communities and provides for long-term affordability. Additionally, the *Middle Income Housing Tax Credit Act (MIHTC)* would create rental homes for families with incomes between 60 and 100 percent of the area median gross income. In order to help guarantee that the MIHTC program doesn't detract from investment in low incoming housing, a state's unused MIHTC dollars would be returned to the existing pool of funding for LIHTC.

Action item

- Support legislation that expands and enhances access to affordable housing opportunities.

7) Reforming the Criminal Justice System

It is likely that criminal justice reform will be taken up in the next Congress under a new President, in response to previously filed bills that seek to reform mandatory minimum sentences and reduce incarceration rates.

Action item

- Urge Congress to consider criminal justice reform policies that reduce mandatory minimum sentences, lower mass incarceration rates, invest in technology and training programs for law enforcement at state and local levels, and promote cohesion and trust between communities.
- Advocate with other cities for flexible funding that would go directly to local governments for body cameras, additional police personnel, police training and other items.