

**GREENVILLE COUNTY COUNCIL
COMMITTEE OF THE WHOLE
MINUTES
JUNE 18, 2013
4:40 p.m.
County Square - Conference Room D**

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at County Square and posted on the County's web page for all media and concerned citizens to access and review.

COMMITTEE MEMBERS PRESENT:

CHAIRMAN BOB TAYLOR
VICE CHAIRMAN WILLIS MEADOWS
JOE DILL
XANTHENE NORRIS
SID CATES
DAN RAWLS

LOTTIE GIBSON
JIM BURNS
JOE BALDWIN
BUTCH KIRVEN
FRED PAYNE

COMMITTEE MEMBERS ABSENT:

LIZ SEMAN

STAFF PRESENT:

JOE KERNELL, County Administrator
MARK TOLLISON, County Attorney
JOHN HANSLEY, Deputy County Administrator
THERESA KIZER, Clerk to Council
REGINA MCCASKILL, Deputy Clerk to Council
BOB MIHALIC, Governmental Relations Officer
PAULA GUCKER, Assistant County Administrator, Public Works
GENE SMITH, Executive Director, Recreation District

OTHERS PRESENT:

NONE

CALL TO ORDER

Chairman Bob Taylor

INVOCATION

Councilor Sid Cates

Item (3)

APPROVAL OF MINUTES

ACTION: Councilor Rawls moved to approve the minutes of the Regular Committee of the Whole meeting of June 4, 2013.

Motion carried unanimously by all County Council Members present.

Item (4)

GREENVILLE COUNTY RECREATION DISTRICT DISSOLUTION

Mr. Kernell stated the proposed resolution would dissolve the Recreation District and transfer all operations, assets and liabilities to Greenville County. The proposed would also establish the Recreation District as a Greenville County department. The Recreation Commission formerly approved the action of establishing the Recreation District as a Greenville County department. Mr. Kernell stated the County had worked diligently with affected municipalities, and they were supportive of the action. He stated personnel consolidation and funds transfers were being handled. He stated it was difficult to sustain the Recreation District currently therefore, transferring to the County was best for the future of the district. Mr. Kernell stated Greenville County had invested a large amount of funds into the Recreation District over the years therefore, undertaking the group would help Greenville County protect its interest.

Chairman Taylor stated he spoke with the City of Greer's Mayor Danner in relation to the proposed resolution. He stated Mayor Danner informed him he would not protest the proposed resolution. He stated recently there were meetings held between Mr. Gene Smith, Executive Director of the Recreation District and City Mayors and City Managers to discuss the possible future of their area recreation districts. He stated a board would remain in place for the Recreation District and publicly there was no change.

Councilor Meadows asked if the County would incur any costs with an agreement with the cities.

Mr. Kernell stated there were deferred maintenance needs with the cities and the County, which would possibly be handled with a bond issuance. Because no agreements were in place, there was no dollar costs determined.

Councilor Meadows asked would County Council vote on any cost issues brought forth; and was the Recreation District included in the 2013-2014 County Budget.

Mr. Kernell stated any cost issues would come before County Council. He also stated the Recreation District was included in the 2013-2014 County Budget. He stated in an attempt to comply with the County's Budget, the Recreation District's budget was converted to two years. Mr. Kernell stated it may be possible to refinance a current outstanding Hospitality Tax Bond to use toward the Recreation District without increasing costs. Mr. Kernell stated the County had first class recreation facilities and expertise.

Councilor Meadows asked would city taxpayers receive a millage decrease after the Recreation District transferred to the County. He stated he received complaints concerning a tax increase.

Mr. Kernell stated approximately 80% of taxpayers may receive a tax decrease, while approximately 20% may receive a tax increase. He stated he was unaware of what the cities may or may not do with any savings incurred by the transfer to the County.

Councilor Baldwin asked why and when was the Recreation District originally created.

Mr. Gene Smith, Executive Director of the Recreation District, stated it was created in 1968 to provide parks and recreation to Greenville County.

Councilor Baldwin asked what was the current funding difficulty for the Recreation District.

Mr. Kernell stated annexations were the current funding difficulty. He stated when annexations occurred; taxes were taken away from the Recreation District.

Councilor Baldwin asked if there was a State law dealing with losses due to annexation.

Mr. Tollison stated in relation to special purpose districts and municipalities, there was State legislation. The legislation states an annexation within the County would have zero tax based impact on the County; however, fire departments and special purpose districts in the County were affected by annexations. Mr. Tollison stated issues relating to annexations only worked when both parties agreed.

Councilor Baldwin stated it was his understanding funding would not be lost based on an annexation.

Mr. Kernell stated special purpose districts have contacted the County with issues relating to annexations affecting funds. He stated issues relating to annexations only worked when both parties agreed. Mr. Kernell stated due to annexations, the Recreation District would have operations issues in the near future if the change was not made. He stated charging a millage to municipalities was an effort to keep the park system in operation.

Councilor Baldwin asked how much would the Recreation District millage increase for municipality residents.

Mr. Kernell stated approximately 80% of taxpayers may receive a tax decrease, while approximately 20% may receive a tax increase.

Councilor Baldwin stated he calculated an 8% to 9% tax increase for municipalities.

Mr. Kernell stated the overall tax bill would increase by less than 2% for some, while others would receive a 3% - 5% decrease.

Councilor Baldwin stated he did not agree with raising taxes.

Councilor Norris asked if any jobs would be eliminated because of the transfer.

Mr. Kernell stated no jobs would be eliminated due to the transfer.

Councilor Burns asked would the 0.1 mil debt service transfer to the County.

Mr. Kernell stated currently the 0.1 mil debt service would not transfer. He stated the debt would transfer to the County by ordinance.

Councilor Burns asked approximately when the Recreation District's debt would retire.

Mr. Kernell stated once the debt was paid, the 0.1 mil would be removed.

Councilor Burns stated he was unable to locate the Recreation District as a line item in the 2013-2014 County Budget.

Mr. Kernell stated due to having recently received the Recreation District's budget, it was not included in the 2013-2014 County Budget Book however it was included in the Budget Ordinance.

Councilor Burns asked if the Recreation District was included in the total General Fund Expenditures for FY2013-2014.

Mr. Kernell stated the Recreation District was not included in the General Fund; however \$14 million was in a Special Revenue Fund, which was stated in the Budget Ordinance.

Councilor Baldwin questioned the differences in the Recreation District's budget.

Mr. Kernell stated the revenues and expenditures were equal however the differences were due to the benefit figures being incomplete during such time the document was drafted.

Councilor Burns stated he had questions and concerns about the true numbers for the Recreation District.

Mr. Kernell stated the true numbers were in the Budget Ordinance. The discrepancies were due to issues in relation to supporting documents. He stated it made sense to make the transfer at the end of the County's Fiscal Year. He stated in order to make a smooth transition there was a lot of work and effort which had to take place.

Councilor Burns stated it was his understanding the purpose of the proposed was to allow County Council the opportunity to approve the transfer without currently setting a millage. Therefore, he stated his previous statement in relation to the funding differences was currently a mute point.

Councilor Norris inquired about a property lease continuing after the transfer.

Mr. Tollison stated any agreements would continue with the County being the successor for the duration of the agreement.

Councilor Baldwin inquired about the municipalities Hospitality Tax being affected by the consolidation of the Recreation District.

Mr. Kernell stated the County Hospitality Tax would not be affected by the consolidation of the Recreation District. He stated any municipalities carrying a Hospitality Tax would remain in place; the consolidation would not affect any Hospitality Taxes.

Chairman Taylor stated the County Hospitality Tax was a County tax therefore, it would not affect municipalities.

Councilor Baldwin asked if the County would take over the maintenance of Greer's Recreation Department if the employees were laid off.

Mr. Kernell stated there was joint funding associated with any take-over. He stated the County was interested in maintaining the facilities it had, not obtaining any extra. The County did not own any city parks.

Councilor Cates asked if the upcoming tax bills would show a separate line item for the Recreation District.

Mr. Kernell suggested a line item; however, County Council had the ability to make the decision.

Councilor Payne stated everyone would need to feel it benefited the citizens. He stated he felt the benefits were increased access to County Recreation services for all city residents (the out of district fee would be eliminated); savings to the Recreation District/Greenville County by consolidating administrative duties; refinancing bonds would result in savings and there was an opportunity for the cities to reduce millage and shift some of the responsibilities to the County.

Councilor Dill stated he spoke with many citizens who did not understand why everyone was not already paying a millage for the Recreation District.

Councilor Gibson suggested using the Greenville News to lay out the benefits of consolidating the Recreation District with the County.

ACTION: Councilor Gibson moved to approve the resolution to dissolve the Recreation District and transfer all operations, assets and liabilities to Greenville County.

Motion carried by a vote of ten in favor (Payne, Dill, Meadows, Cates, Burns, Taylor, Norris, Gibson, Rawls, Kirven), one in opposition (Baldwin) and one absent (Seman).

Item (5) GREENVILLE COUNTY DISABILITIES AND SPECIAL NEEDS BOARD ORDINANCE

ACTION: Councilor Kirven moved to approve the Greenville County Disabilities and Special Needs Board Ordinance.

Councilor Dill stated Section (IV) (C), Conflict of Interest, was still an area of concern. He stated the section was contradictory to a position already taken by County Council. Further stating, all members of boards had the option to abstain, except the DSNB. He requested the removal of Section (IV) (C).

AMENDMENT: Councilor Dill moved to amend the proposed ordinance by removing Section (IV) (C), Conflict of Interest. Councilor Meadows asked if the proposed ordinance would need to comply with the current Boards and Commissions Policy.

Mr. Tollison stated he concurred with Councilor Dill; the proposed ordinance was not in line with the current Boards and Commissions Policy.

Councilor Kirven stated the current policy was in conflict with the proposed ordinance. He stated it was his belief that ordinances were different from policies because of the nature in which it was enacted; it's a higher level of law than a policy.

Mr. Tollison stated the recent policy change was amended by an ordinance.

Councilor Kirven stated the needs of the different boards and commissions varied. He stated there was a need for County Council to have more stringent standards with some boards and commissions than with others.

Chairman Taylor stated an individual who served as a member on a board or commission would not receive services from said board.

Mr. Tollison stated there was a need to have documentation of a conflict of interest. He stated before the most recent amendment, an individual was unable to serve as a member of a board or commission if they were involved financially with said board. He further stated the amendment gave individuals the opportunity to recuse themselves when conflicts of interest presented themselves.

Councilor Taylor asked if the proposed amendment would conform to the current policy.

Mr. Tollison stated if the proposed amendment carried, it would conform to the current policy. He stated if the amendment did not carry, the proposed ordinance would move forward setting a standard specifically for the Disabilities and Special Needs Board.

Councilor Burns stated it was unlikely there would ever be a vote where a parent of a Disabilities and Special Needs child would not have a conflict of interest.

Mr. Tollison stated the current policy stated an individual was unable to serve as a member on the DSNB if they or an immediate family member received services.

Councilor Gibson stated some of the best board members on the DSNB were parents. She stated there was a need to honor what individuals wanted on their board, which was family members.

Councilor Baldwin stated the current issue arose in relation to conflicts of interest because County Council operated differently than boards and commissions.

ACTION: Councilor Baldwin moved to hold the ordinance.

Motion to hold carried with two in opposition (Kirven, Meadows).

Councilor Payne stated he agreed with a provision allowing family members to serve on the DSNB.

Mr. Tollison stated he would research suggestions, explanations and draw up any amendments. He stated as a comparison, he would also bring forth the recently passed ordinance.

Item (6) REMOVAL OF BOARD MEMBER/HISTORIC PRESERVATION COMMISSION

Councilor Kirven stated it was brought to the attention of County Council that one commission member of the Historic Preservation Commission was absent every meeting for two years.

ACTION: At the request of the Historic Preservation Commission, Councilor Kirven moved to remove Mr. Tom Riddle from the board and include the vacancy in the next boards and commissions cycle.

Councilor Burns asked were all boards and commissions aware they were expected to notify the County Council Office with attendance issues.

Mrs. Theresa Kizer stated board and commission removal requests were complaint driven.

Councilor Burns asked if the rules stated all boards and commissions were expected to notify the County Council Office with attendance issues.

Mrs. Kizer stated during the new member orientation everyone was given a copy of the Boards and Commissions Policy and informed of the different aspects of the policy including the importance of attendance and to bring it to the attention of the County Council Office if there were issues. She stated every board was sent a copy of the new policy.

Councilor Gibson stated chairpersons need notification to inform the County Council Office when there were attendance concerns.

Motion to remove Mr. Riddle from the Historic Preservation Commission and include the vacancy in the next cycle carried unanimously by all County Council Members present.

ADJOURNMENT

ACTION: Councilor Meadows moved to adjourn the meeting at 5:45 p.m.

Motion to adjourn carried unanimously.

Respectfully submitted:

Theresa B. Kizer, Clerk to Council