

RESOLUTION NO. ____

A RESOLUTION CALLING FOR PUBLIC HEARINGS TO BE HELD ON THE QUESTION OF AMENDING ORDINANCE NO. 5249 TO REPEAL THE ESTABLISHMENT OF THE BEREA FIRE SERVICE AREA, GANTT FIRE SERVICE AREA, AND WADE HAMPTON FIRE SERVICE AREA, AND OTHER MATTERS RELATING THERETO.

NOW THEREFORE, BE IT RESOLVED, by the County Council of Greenville County (the “*County Council*”), the governing body of Greenville County, South Carolina (the “*County*”), in meeting duly assembled:

Section 1 Findings. The County Council makes the following findings of fact in connection with the adoption of this resolution (this “*Resolution*”):

(a) Pursuant to the provisions of Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended (the “*Fire Service Area Act*”), the County Council of Greenville County (the “*County Council*”), the governing body of Greenville County, South Carolina (the “*County*”), is empowered to establish, operate, and maintain a system of fire protection facilities within designated areas of the County in order to provide the residents and property owners who reside and own property located within the designated areas with fire protection service (“*Fire Service*”).

(b) Pursuant to various acts and joint resolutions of the General Assembly of South Carolina, there have been created within the County several special purpose districts authorized to provide Fire Service, sewer collection service, and other governmental services within their respective boundaries: namely, Berea Public Service District (“*Berea*”); Gantt Fire, Sewer and Police District (“*Gantt*”); Parker Sewer and Fire Sub-District (“*Parker*”); Taylors Fire and Sewer District (“*Taylors*”); and Wade Hampton Fire and Sewer District (“*Wade Hampton*”, and collectively with Berea, Gantt, Parker, and Taylors, the “*Fire/Sewer Districts*”).

(c) Pursuant to Ordinance No. 5248 of the County Council, enacted December 15, 2020 (the “*Consolidation Ordinance*”), and the authorizations contained in Title 6, Chapter 11, Article 3 of the Code of Laws of South Carolina 1976, as amended, the County Council effected the consolidation (the “*Consolidation*”) of the Fire/Sewer Districts into the Metropolitan Sewer Subdistrict (“*Metro*”), such that upon the effective date of the Consolidation, as determined in accordance with the Consolidation Ordinance (the “*Consolidation Effective Date*”), Metro shall have been reconstituted to succeed to the powers, geographic boundaries, property interests, and liabilities of the Fire/Sewer Districts and the corporate existence of the Fire/Sewer Districts shall have ceased. Pursuant to the Consolidation Ordinance, the County Council adopted a Plan of Consolidation of Sewer Collection Systems (the “*Consolidation Plan*”), setting forth the process and outcomes of the Consolidation and mutual expectations of the County and Metro in connection with the Consolidation.

(d) Pursuant to Ordinance No. 5249 of the County Council, enacted December 15, 2020 (the “**Fire Service Area Ordinance**”), the County Council established the “Berea Fire Service Area,” “Gantt Fire Service Area,” “Parker Fire Service Area,” “Taylors Fire Service Area,” and “Wade Hampton Fire Service Area” (each a “**Fire Service Area**”) to provide Fire Service within the boundaries of the Fire/Sewer Districts upon the Consolidation and provided for the governance and operation of the Fire Service Areas and the imposition of *ad valorem* property taxes and fees therein to fund Fire Service.

(e) By separate action, the County Council is considering an ordinance (the “**Enlargement Ordinance**”), amending the Consolidation Ordinance to withdraw Berea, Gantt, and Wade Hampton from the Consolidation, while leaving in place the Consolidation of Parker and Taylors (the “**First Amended Consolidation**”), and enlarging the boundaries of Metro to overlap those of Berea, Gantt, and Wade Hampton (the “**Enlargement**”). Pursuant to the Enlargement Ordinance the County Council has caused the Consolidation Plan to be amended in order to effect both the Enlargement and the First Amended Consolidation (as amended, the “**First Amended Consolidation Plan**”).

(f) The County Council has determined that in the event the Enlargement Ordinance is enacted, the purpose for the creation of the “Berea Fire Service Area,” “Gantt Fire Service Area,” and “Wade Hampton Fire Service Area” will have been negated, and therefore it is necessary and appropriate to repeal the provisions of the Fire Service Area Ordinance that established the Berea Fire Service Area, Gantt Fire Service Area, and Wade Hampton Fire Service Area, while leaving the remaining provisions thereof in full force and effect, and has determined to conduct public hearings on the question of such action in accordance with the provisions of Section 4-9-30(5)(e) of the Code of Laws of South Carolina 1976, as amended, and the Fire Service Area Act.

Section 2 Proposed Action. If the proposed action is taken, the provisions of the Fire Service Area Ordinance establishing the Berea Fire Service Area, Gantt Fire Service Area, and Wade Hampton Fire Service Area, the respective boundaries of which are shown on the map attached to this Resolution at **Exhibit A**, will be repealed and such Fire Service Areas shall not be established. The remainder of the provisions of the Fire Service Area Ordinance, establishing those remaining Fire Service Areas with those boundaries also shown on **Exhibit A** hereto, shall remain in full force and effect.

Section 3 Order for Public Hearing.

(a) The County Council has determined to order public hearings to be held upon the questions of the repeal of the provisions of the Fire Service Area Ordinance establishing the Berea Fire Service Area, Gantt Fire Service Area, and Wade Hampton Fire Service Area.

(b) The Public Hearings shall be held during a regular meeting of Greenville County Council in the Council Chambers at 301 University Ridge, Greenville, SC, on Tuesday, May 4, 2021, at 6:00 p.m., or as soon thereafter as other hearings are concluded). A live-stream of the

meeting will be available at www.greenvillecounty.org/livestream.aspx. The notice of the Public Hearings, the form of which is attached to this Resolution at **Exhibit B**, (the “**Notice of Public Hearing**”), shall provide instructions for those who wish to participate or view the Public Hearings. A Notice of Public Hearing pertaining to the establishment of each of the Fire Service Areas shall be published once a week for three successive weeks in *The Greenville News*, which is a newspaper of general circulation in the County. The first publication of such Notices of Public Hearing shall not be less than sixteen days prior to the hearing date.

(c) The Public Hearings pertaining to the establishment of each of the Fire Service Areas shall be conducted publicly on the date and at the place above stated and both proponents and opponents of the establishment of the Fire Service Area shall be given a full opportunity to be heard in person or by counsel.

(d) Following the Public Hearing, the County Council shall determine whether and to what extent the Fire Service Areas shall be repealed.

Section 4 Further Action. The Chairman, the County Administrator of the County, the County Attorney of the County (the “**County Attorney**”), and the Clerk to County Council (the “**Clerk**”) are hereby authorized, empowered, and directed to take all necessary action to provide for the holding of the Public Hearings in accordance with the provisions of the Fire Service Area Act. The Clerk, with the advice of the County Attorney, is further authorized to approve of changes to the form of the Notice of Public Hearing as are necessary to comply with the provisions of the Fire Service Area Act, the South Carolina Freedom of Information Act, or other South Carolina laws or County procedures.

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Done in meeting duly assembled this ___ day of _____ 2021.

GREENVILLE COUNTY, SOUTH CAROLINA

(SEAL)

Chairman of County Council

County Administrator

Attest:

Clerk to County Council

EXHIBIT A

Boundaries of the Fire Service Areas

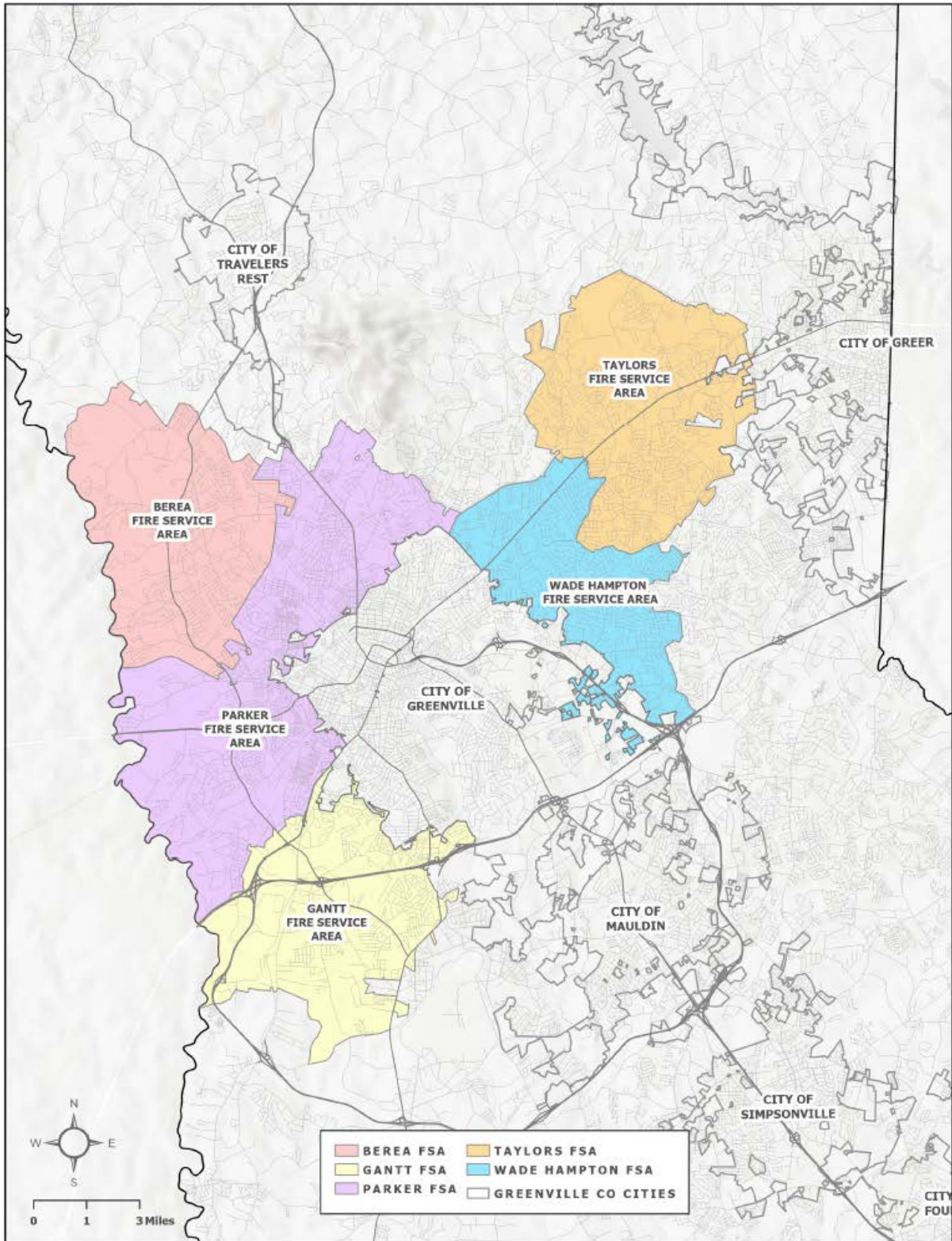


EXHIBIT B

**Form of Notice of Public Hearing
[To be updated for each Fire Service Area]**

A PUBLIC HEARING SHALL BE HELD ON THE QUESTION OF CERTAIN AMENDMENTS TO ORDINANCE NO. 5249 OF THE COUNTY COUNCIL TO REPEAL THE PROVISIONS THEREOF ESTABLISHING THE [NAME].

By resolution adopted [___], 2021, the County Council of Greenville County (the “*County Council*”), the governing body of Greenville County, South Carolina (the “*County*”), determined to consider certain amendments to Ordinance No. 5249 of the County Council, dated December 15, 2021 (the “*Fire Service Area Ordinance*”), repealing certain provisions thereof establishing the “[NAME] Fire Service Area” (the “*Fire Service Area*”) pursuant to the provisions of Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended (the “*Fire Service Area Act*”). As required by Section 4-9-30(5)(e) of the Code of Laws of South Carolina 1976, as amended, and the Fire Service Area Act, you are advised of the following:

1. Public Hearing. The County Council has ordered that a public hearing be held on the proposed action described above (the “*Public Hearing*”). The Public Hearing shall be held during the regular meeting of Greenville County Council in the Council Chambers at 301 University Ridge, Greenville, SC on Tuesday, May 4, 2021, 2021 at 6:00 p.m., (or as soon thereafter as other hearings are concluded). A live-stream of the meeting may be accessed at the following web address: www.greenvillecounty.org/livestream.aspx.

Anyone wishing to speak during this Public Hearing will need to email their name, address, email address, telephone number and position (in favor or opposed) to rmccaskill@greenvillecounty.org no later than 5:00 p.m. on Monday, May 3, 2021, in order to receive a Zoom invitation to speak at the Public Hearing. You may also register on-site to speak in-person at the Public Hearing during the 30 minutes prior to the start of the meeting. The Public Hearing shall be conducted publicly in the manner above stated and both proponents and opponents of the proposed action shall be given a full opportunity to be heard. Following the Public Hearing, the County Council shall determine whether to take the proposed action.

2. Effect of Proposed Action. If the proposed action is taken, the provisions of the Fire Service Area Ordinance establishing the Fire Service Area will be repealed and the Fire Service Area shall not be established. A map of the boundaries of the Fire Service Area has been placed on file with the Clerk to County Council and is available for review at the County’s offices during normal business hours.

COUNTY COUNCIL OF GREENVILLE COUNTY

Publication Instructions:

To be published once per week for three successive weeks in the Greenville News, with the first publication occurring at least 16 days prior to the date of the Public Hearing.