

GREENWOOD CITY COUNCIL

December 19, 2011 - 5:30 p.m.

MINUTES

PRESENT Council Members: Mayor D. Welborn Adams, Niki Hutto, Linda Edwards, Betty Boles, Johnny Williams, Kenn Wiltshire, and Ronnie Ables. City Manager Charles Barrineau, Assistant to City Manager Julia Wilkie, City Clerk Steffanie Dorn, City Attorneys Bacot and Padgett, and City/County Planner Director Phil Lindler; Rachel Davis of Gwdtoday.com and Chris Trainor of the Index Journal.

CALL TO ORDER The meeting in Council Chambers was called to order by Mayor Adams at 5:30 p.m. and he welcomed everyone to the meeting.

STATEMENT AND QUORUM Mayor Adams read the following statement, "In accordance with the Freedom of Information Act, Chapter 4, Title 30, Code of Laws of South Carolina, 1976, an agenda has been posted on the front door of City Hall and notification of this meeting has been given to the news media."

The City Clerk, Steffanie Dorn, stated that there was a quorum present.

Councilor Linda Edwards gave the invocation.

APPROVAL OF CONSENT AGENDA Mayor Adams asked for a motion to approve the consent agenda.

Motion to approve the consent agenda was made by Betty Boles, seconded by Linda Edwards.

The motion passed unanimously.

CONSIDER
 Ordinance No. 11-019 Amending Ordinance 03-010, Zoning Ordinance, Chapter 3, Section 3.3.1.2., Conditional Uses Allowed in All Residential Districts; and Section 3.2.2.2., Additional Conditional Uses Allowed in R1.

Under Public Hearings, City Manager Charles Barrineau noted that this ordinance allows community gardens, beehives, and poultry chickens in residential backyards. There were no changes made to this proposed ordinance since the last meeting.

No one spoke in favor or against Ordinance No. 11-019.

There was no discussion from Council.

A motion to accept Ordinance No. 11-019 was made by Niki Hutto, seconded by Kenn Wiltshire.

The motion passed unanimously.

(2nd reading)

-attach-

CONSIDER
 Ordinance No. 11-020 Authorizing the Issuance and Delivery from Time to Time of One or More City of Greenwood, South Carolina, Revenue Bond Anticipation Notes, in an Aggregate Principal Amount Not to Exceed \$10,000,000, In Anticipation of the Receipt of the Proceeds of the Sale of Junior Lien Combined Public Utility System Revenue Bonds of the City of Greenwood.

City Manager Charles Barrineau stated that this is an annual ordinance that will allow the Greenwood Commissioners of Public Works (CPW) to borrow money to purchase large quantities of natural gas if needed.

Pierce Stockman of 107 Northwoods Road spoke against the ordinance because of his concern for the City of Greenwood borrowing \$10 million when the budget isn't balanced. He believes the City should use last year's revenue for next year's budget.

Councilor Linda Edwards asks if the CPW ever had to borrow the \$10 million. Mike Monaghan, CPW Chairman, stated this ordinance is for emergency purposes in the case of high gas costs. He also noted the CPW is very solid.

Motion to approve Ordinance No. 11-020 was made by Ronnie Ables, seconded by Kenn Wiltshire.

The motion passed unanimously.

(2nd reading)

-attach-

CONSIDER
Ordinance No.
11-021 to Adopt
the Budget for
2012.

(2nd reading)

City Manager Charles Barrineau stated that this is an ordinance for the 2012 fiscal year budget. There were no changes made since first reading.

Those who spoke against the ordinance were:

Lex Walters, a property owner in the City, was concerned about the \$50 Public Works fee. He believes it's a tax or penalty for living in the City that will make it difficult for citizens/tenants to balance their budgets. He asked Council if the fee can be suspended and balance the budget with tax revenue that's available.

Tom Clegg doesn't live in the City but owns property in the City limits. He noted that many investors are losing their homes, etc. because of the economy. He asked if Council can find other alternatives during these tough times.

Doug Collins doesn't live in the City but owns Regency Park Apartments. He wanted clarity on the \$50 public works fee. City Manager Barrineau stated that properties with commercial dumpsters are not impacted by this fee.

Wayne Kelly of 310 Lowell Avenue noted that Greenwood County caused an uproar with the Fire Protection fee and believes the City of Greenwood is about to do the same with the \$50 Public Works fee. He is also against the closing of Fire Station 3.

Wilson Bruce (who owns several rental properties in the City, manages 450 properties for Town & Country property management, and is a member of Greenwood Property Managers Association that oversees about 7,500 properties of which 2,800 of them are in the City limits) stated that he is thankful for the City's services. He pleaded with Council not to use the \$50 fee to balance the budget because property owners will pass it on to tenants that are already having difficulty making a living. He suggested the City should postpone other projects to the following year to better balance the budget.

Willie Case of 701 Grace Street stated property owners work on a shoestring budget and what the City is proposing will hurt the pockets of property owners that will be passed on to tenants.

Bernard Padgett who owns properties in the City stated that he is speaking for low income, handicapped and elderly people.

He presented examples of how the \$50 fee will impact all six City wards including Mayor Adams. He then presented examples of how the fee will impact his renters that live on Durst & Hall Avenues and Pelzer Street. He believes the money that's used for beautification and music programs can be used to balance the budget. He suggested that the City should tax everyone including investors and businesses because they can afford to pay it.

Councilor Kenn Wiltshire stated that the same people Mr. Padgett is speaking for will not receive adequate fire and police protection if governmental services were cut. He noted that the City needs to be business friendly to bring more jobs and tax revenue.

Councilor Linda Edwards stated that she lives in Ward 2 and already know how the fees will impact her and others. When services are cut, jobs are cut as well and nothing is getting paid at all. She emphasized the importance of citizens attending Council meetings to be informed of the decisions that must be made.

Lucy Casen of 701 Grace Street stated that renters are business people and the City should meet with them on issues such as this. Councilor Wiltshire stated that City Manager Barrineau already met with several property owners for their input.

Craig White of 503 Lodge Drive asked if the \$50 fee is already incorporated in the proposed budget and if Self Regional Healthcare and other businesses are included. Mayor Adams stated that the tax on nonprofits isn't included in this proposed ordinance.

Under Discussions:

Councilor Johnny Williams asked to see who is opposed to closing Fire Station 3 and in favor of laying off people instead. He feels that the residents of Maxwell Springs deserve the same fast response times to emergencies and a lot of fuel is being wasted responding to 1st Responder calls. Councilor Ronnie Ables stated that he is against closing Fire Station 3 because it is located in his Ward. Councilor Edwards asked if anyone from Maxwell Springs is present in the meeting (none where present).

Councilor Betty Boles asked how the City will save \$34,000 by closing Station 3. City Manager Barrineau stated that the closing is only temporary because the call volume is very low. The facility will be maintained and used for storage. The City has changed their policy for 1st Responders to only assist the EMS or a motor vehicle accident, if requested.

Councilor Wiltshire asked Fire Chief Strange how many lives were saved by 1st Responders. Chief Strange stated that three lives were saved this year. He also noted that the majority of calls come from Fire Stations 1 and 2. Councilor Ables asked if Chief Strange was sure if those people would've died had 1st Responders not come at all.

Tommy Butler of 1601 Marshall Road asked if the fee will keep Fire Station 3 open and why the fire department is being used for 1st Responders instead of an ambulance because it doesn't make sense to him use fire trucks if it increases the fuel bill. Mayor Adams stated that different trucks are used for certain emergencies. Councilor Wiltshire stated that calls come from Greenwood County dispatchers to the fire department because there is a faster response time from them within the City limits. The fire trucks are used because the City currently has only one 1st Responder truck.

Brenda Crotts stated Cokesbury Gardens no longer pays City tax once it was acquired by Lander University but the fire department is called to that area frequently. Mayor Adams stated that false fire alarms fees/fines are being utilized.

Councilor Edwards noted that adjustments will be made to the budget when necessary. City Manager Barrineau stated that the budget will be monitored and adjusted on a monthly basis.

Motion to approve Ordinance No. 11-021 was made by Kenn Wiltshire, seconded by Niki Hutto.

Those who voted in favor were Mayor Adams, Niki Hutto, Linda Edwards, Betty Boles, and Kenn Wiltshire. Johnny Williams and Ronnie Ables voted against.

The motion passed.

-attach-

Councilor Wiltshire thanked everyone for coming because input from citizens helps City Council make their decisions.

CONSIDER

Ordinance No.
11-025 to
Authorize
Implementation
of a Public
Works Fee.

(2nd reading)

City Manager Charles Barrineau stated that this ordinance will add the \$50 fee to the budget.

Mayor Adams asked if there were any additional comments for or against Ordinance 11-025 before Council votes.

Joyce Dodgen whose family owns rental property in the City stated that they pay two percent more taxes than residential owners. It is her understanding that Capital Improvement Funds are being used to purchase vehicles instead of balancing the budget. She is concerned of what will happen if \$50 isn't enough.

Keith Garret who owns rental property in the City stated that the fee will impact him and the market can only bear a percentage of renter increases and fees. He believes that there are other ways to find money to balance the budget instead of using it for beautification and special events. Councilor Wiltshire stated that funds used for beautification and special events come from a different source that cannot legally be used for the budget. Councilor Williams stated that it is taxpayer money and it should be used.

Ross Garrison, a contractor that does not live in the City, stated many of his customers will be impacted by the fee that he believes is just another tax. He suggested that Council shouldn't raise taxes unless it's for a good reason and stop spending money in areas it shouldn't.

Toney Roker is a property owner inside the City who asked if other alternatives had been explored. He suggested that area churches that are tax exempt make contributions for essential services. Mayor Adams stated that Council and staff looked at everything. He invited everyone to look at the budget that is posted online.

Bob Borland of 109 Clegg Court owns 18 properties that will be affected by the fee. He stated that he's had 18 years of negative income from paying mortgages and trying to improve properties for tenants. He also noted that the City dumps money by giving away police cars with over 100,000 miles that are resold for more money.

Brook Holloway of 127 Gracemont Drive requested to not entertain any public comments or arguments on taxing the nonprofits because the item will not appear until the New Business portion of the meeting and a public hearing isn't scheduled unless there is a 2nd reading in January.

Mike Young owns five properties in the City limits who anticipates passing the \$250 to his five property tenants that may choose to move. He asked if \$350,000 is worth losing residents who may choose to move instead of paying the fee.

Cozetta Williams of 901 East Cambridge Avenue asked if there will be a tax increase and if the \$50 fee is indefinite to where it can be lowered. Mayor Adams stated that there will be no tax increase and the fee can be lowered depending upon the fuel situation.

Bernard Padgett pleaded with Council to drop the fee and increase taxes for everyone to contribute including commercial property. He suggested that the City Manager should stop worrying about vacant buildings instead of poor people. He also noted the difference between paying taxes rather than the \$50 Public Works fee. Taxes are based on the adjustment of millage according to what the property is worth.

Councilor Hutto stated that paying property tax will impact proportionately and businesses that are already struggling will not employ more people. She noted that the City must remain fiscally solvent especially during unforeseen emergencies.

Shun Griffin, of 243 Hardwood Loop whose family owns the Ideal Shoe Shop, stated that the fee will impact those on a fixed to low income. He suggested that Council should listen to their constituents first and keep politics second because differences are resolved at the ballot box where people voted Council Members to represent them. He then noted that if the tax penalty is levied, citizens should sue the City of Greenwood on grounds of the Dormant Commerce Clause via Discrimination.

Councilor Boles asked who would rather pay a tax increase rather than the \$50 fee that will affect everyone at \$4.33 per month. She noted that Council is trying to do what's right and a decision must be made to keep City services. She also suggested that, if anyone doesn't agree with the decisions being made, elections will be coming in the next year and citizens have the right to vote them out in November.

Motion to approve Ordinance No. 11-025 was made by Kenn Wiltshire, seconded by Betty Boles.

Those who voted in favor were Mayor Adams, Niki Hutto, Linda Edwards, Betty Boles and Kenn Wiltshire.

Johnny Williams and Ronnie Ables voted against.

The motion passed.

-attach-

CONSIDER

Ordinance No. 11-022 to Levy Tax for the City of Greenwood for 2012.

(2nd reading)

City Manager Barrineau stated that this ordinance is to levy tax for the City of Greenwood. The millage rate will remain at 101.6.

No one spoke in favor or against the ordinance.

There was no discussion from Council.

Motion to approve Ordinance No. 11-022 was made by Linda Edwards, seconded by Niki Hutto.

The motion passed unanimously.

-attach-

CONSIDER

Ordinance No. 11-023 to Authorize the City Manager to Issue Tax Anticipation Notes in 2012.

(2nd reading)

City Manager Charles Barrineau reminded Council that this ordinance will allow the City Manager and Finance Director, if needed, to borrow funds for the anticipation of tax revenue. The City hasn't had to use this over the last decade or more.

No one spoke in favor or against the ordinance.

There was no discussion from Council.

Motion to approve Ordinance No. 11-023 was made by Linda Edwards, seconded by Niki Hutto.

The motion passed unanimously.

-attach-

CONSIDER
 Ordinance No. 11-024 Amending the Business License Ordinance Chapter 15, Section 35, Classification and Rates, Rate 8.6 for Peddlers, Solicitors, Canvassers, Door-to-Door Sales.

City Manager Charles Barrineau stated that this ordinance will correct a typo in the Business License Ordinance from last year.

No one spoke in favor or against the ordinance.

There was no discussion from Council.

Motion to approve Ordinance No. 11-024 was made by Betty Boles, seconded by Linda Edwards.

The motion passed unanimously.

-attach-

(2nd reading)

CONSIDER
 Ordinance No. 11-029 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning Properties Located at 1155 & 1172 Edgefield Street, 1224 Spring Street, 128 & 130 Wells Avenue, and 1186 South Main Street from GC (General Commercial) and OP (Office Professional) to PDD (Planned Development District).

City/County Planning Director Phil Lindler stated this request is from Self Regional Healthcare to rezone six properties totaling 8.98 acres around the hospital area to incorporate them into their overall plan in the PDD (Planned Development District). Their request was approved by the Planning Commission.

Councilor Boles asked if any of those properties were for sale. Phil Lindler stated that the hospital has already bought them or is in the process of buying them.

Councilor Edwards asked if the City is presently getting taxes from those properties. Phil Lindler stated that these properties would have generated taxes at some point but will be taken off the tax rolls and become tax exempt once acquired by Self Regional Healthcare.

Kathy Denna, who doesn't live in the City of Greenwood but represents Self Regional Healthcare, stated that the residents support the zoning change that will place their property under the current zoning to make them contiguous to the hospital. The hospital has a planned development district for the remainder of the campus and it is their desire to maintain a contiguous zoning of properties to incorporate them in accordance to their long term plans for the hospital.

(1st reading)

Councilor Wiltshire asked how many places the hospital is

planning to add in this planning development. Ms. Denna stated that the hospital doesn't have any plans at this time but wants to develop the corner of Main and Wells Street during the process of relocating old parts of the hospital. Instead of placing people in various rental properties throughout the community, the hospital desires to consolidate services to save resources and put them all in one place.

Councilor Williams asked how many doctor offices does the hospital own. Ms. Denna stated that about 15 offices haven't been bought but their practices have merged with the hospital.

Motion to approve Ordinance No. 11-029 made by Niki Hutto, seconded by Kenn Wiltshire.

The motion passed unanimously.

-attach-

The second reading will be Monday, January 23, 2012.

CONSIDER

Ordinance No.
11-030 Amending
Ordinance 03-
010, Zoning
Ordinance,
Chapter 4,
Section
4.6.4.12. to
Add Signs as a
Permitted Sign
Type in the O-
UP (Uptown
Overlay
District).

(1st reading)

Phil Lindler stated that this Ordinance is a request to amend Section 4.6.4.12. of the Zoning Ordinance relating to "Open" signs as a permitted sign type standard in the Uptown Greenwood Overlay District. This will allow for neon "Open" signs that would advertise whether a business was open or closed. The Planning Commission recommended approval.

Councilor Wiltshire believes, and Councilor Hutto agreed, that the ordinance is too broad. Phil Lindler stated that only two colors can be used but black and white are not included in neon lighting. A property owner can apply for a variance for a sign with more than two colors other than white because of the historic significance of that block.

No one spoke in favor or against the ordinance.

Councilor Wiltshire asked about the minimum of color allowed for business signs in general.

Motion to approve Ordinance No. 11-030 was made by Betty

Boles, seconded by Johnny Williams.

The motion passed unanimously.

-attach-

CONSIDER
Appointments to
Vacant
Positions on
the City of
Greenwood
Housing Board
of
Commissioners
to Replace Bob
Elliott and
Glenn A.
Langrehr.

City Manager Charles Barrineau reminded Council of Bob Elliott and Glenn Langrehr resignations from the City of Greenwood Housing Authority. He recommended Thurman Dwight "Ike" Shaw, who retired from Monsanto and is a part-time courier for Park Sterling Bank, to replace Bob Elliott and Chris B. Brown, owner of Corley's Grocery, to replace Glenn Langrehr.

A motion to approve Thurman Shaw and Chris Brown appointments to the City of Greenwood Housing Authority was made by Niki Hutto, seconded by Ronnie Ables.

Kenn Wiltshire stepped out of the courtroom and didn't vote.

The motion passed unanimously.

Mayor Adams declared a brief recess at 7:23 p.m. The meeting reconvened at 7:34 p.m.

CONSIDER
Ordinance No.
11-026 Amending
Sections 16 and
20 of the City
of Greenwood
Business
License
Ordinance.

Under New Business, City Manager Charles Barrineau noted that increased pressure and strain has been placed on the City's budget due to the decline of state revenue. The 2012 budget reflects Council making cuts while seeking new funding sources to maintain basic municipal services. The significant value and role certain organizations with a charitable purpose contribute substantially to the City's tax base by providing jobs, bringing in students, faculty, customers, and visitors who indirectly pay property and sales taxes to help support local businesses. However, of the nearly 9,500 acres of the property that encompass the City of Greenwood, 35% of that acreage does not pay property taxes.

(1st reading)

Of the nearly 9,500 total City tax parcels, nearly 17% do

not pay property taxes. Property purchased by non-taxable entities during the last eight years has resulted in the annual loss of \$30,480 in City property taxes.

He believes charitable institutions cannot be successful in providing assistance without a City core that thrives. Historically, the City's business license ordinance has exempted certain organizations with a charitable purpose from the business license tax. This proposed ordinance will amend the business license ordinance to limit the license tax exemption from those organizations that have a Federal income tax exemption as a charitable organization that devote all net proceeds of the operation of the organization to charitable purposes, do not use net proceeds to financially benefit any individual or non-charitable entity, and do not receive income from merchandise or services.

There was no discussion from Council.

A motion to accept Ordinance No. 11-026 was made by Kenn Wiltshire, seconded by Linda Edwards.

The motion passed unanimously.

-attach-

CONSIDER
Ordinance No.
11-027 Amending
Section 30 of
the City of
Greenwood
Business
License
Ordinance,
Being Ordinance
Number 10-024.

(1st reading)

City Manager Charles Barrineau stated this ordinance amends Sections 29 and 30 of the City's Business License Ordinance. Section 29 allows for provisions where a License Official can suspend or revoke a business license. Section 30 governs appeals of the License Official's decision before City Council.

After City Manager Barrineau read Section 30 (B), he proposed the following language to replace the last sentence: "Council shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be the final decision of the City."

Also, this proposed Ordinance would delete Section 30 c

which states: "No person shall be subject to prosecution for doing business without a license until the expiration of ten (10) days after notice of denial or revocation which is not appealed or until after final judgment of a circuit court upholding denial or revocation."

If this ordinance is approved, a business could not remain open during the appeal period to City Council or Circuit Court if their license is revoked by the License Administrator.

Councilor Wiltshire asked if a business can relocate. Councilor Hutto stated that it wouldn't apply to this ordinance.

A motion to approve Ordinance No. 11-027 was made by Niki Hutto, seconded by Betty Boles.

The motion passed unanimously.

-attach-

CONSIDER
Ordinance No.
11-028 Amending
Ordinance 97-
009 Making
Provision for
Annual Leave
and Sick Leave
for City of
Greenwood
Employees.

(1st reading)

City Manager Barrineau stated staff updated the City's payroll calculations for Police and Fire Department Employees to a two week pay schedule because of the recent consolidation of administrative staff. Presently, staff accrue sick leave at a rate of 1.85 hours per week of service with a maximum of 720 hours. Because the update increases sick leave necessary for a 24 hour shift fire department employee to receive the same 18 weeks of sick leave maximum, the City Manager recommends allowing all full time fire department personnel assigned to a twenty four hour shift to receive 2.37 hours of sick leave credit per week with a maximum of 924 hours.

There was no discussion from Council.

A motion to accept Ordinance No. 11-028 was made by Johnny Williams, seconded by Linda Edwards.

The motion passed unanimously.

-attach-

CONSIDER
Resolution No.
11-017 Amending
Fund Balance
Policy.

City Finance Director Steffanie Dorn stated the Governmental Accounting Standards Board issued a statement that changes the terminology used to report fund balances in the audit in February. This change requires the City to amend the City's current Fund Balance Policy to include updating the determining factors used in the policy to reflect changes made by the SC Legislature that allow the City to use allowable millage increases for up to three years. The terminology change is using "unassigned" rather than "unreserved", "undesignated" for the general fund balance and the term "assigned" for Capital Improvements and Employee Recognition. The Resolution also consolidates funds previously set aside for Right-of-Way Acquisitions into the Capital Improvements Funds. The policy itself hasn't changed, only the language.

There was no discussion from Council.

A motion to accept Resolution 11-018 was made by Kenn Wiltshire, seconded Niki Hutto.

The motion passed unanimously.

-attach-

CONSIDER
Resolution No.
11-018 to
Accept Public
Property from
Greenwood
School District
50.

City Manager Charles Barrineau noted that Greenwood School District 50 School Board voted to transfer the two buildings, located behind Greenwood High School Apartments that is contiguous to the Uptown Greenwood and the City Public Works Buildings, to be used for City of Greenwood storage space. Improvements to the building will be paid by Hospitality Tax funds and the City will continue its lease with the Toros Soccer Team who is responsible for the maintenance of the fields.

A motion to accept the public property from Greenwood School District 50 was made by Linda Edwards, seconded by Kenn Wiltshire.

The motion passed unanimously.

-attach-

CONSIDER
Acceptance of a
\$500,000
Community
Enrichment
Grant from the
Community
Development
Block Grant
(CDBG) Program.

City Manager Charles Barrineau stated the City received a letter from Governor Haley awarding a Community Enrichment Grant to clear debris from the Greenwood Mill site located on Kitson Street. If accepted, it will be a three or four year process that will start early Summer in 2012. This grant does require a 10% match that will be provided out of the Community Development Fund. The application did not include the chimney and 2 buildings.

Motion to approve the acceptance of a \$500,000 Community Enrichment Grant was made by Kenn Wiltshire, seconded by Niki Hutto.

The motion passed unanimously.

CONSIDER
Executive
Session for
Economic
Development
Report.

Mayor Adams asked for a motion to enter into Executive Session.

Motion was made by Betty Boles, seconded Niki Hutto.

The motion passed.

The meeting adjourned into Executive Session at 7:49 p.m.

CITY MANAGER
COMMENTS

There were no comments at this time.

CITY COUNCIL
COMMENTS

There were no comments from City Council.

ADJOURNMENT

Councilor Betty Boles made a motion to adjourn the meeting.

The meeting adjourned at 7:49 p.m.

ATTEST:

D. Welborn Adams, Mayor

City Clerk and Treasurer