

GREENWOOD CITY COUNCIL

February 24, 2014 - 5:34 p.m.

**MINUTES**

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PRESENT

Council Members: Mayor D. Welborn Adams, Niki Hutto, Linda Edwards, Betty Boles, Johnny Williams, and Ronnie Ables. City Manager Charles Barrineau, Assistant to City Manager Julia Wilkie, City Clerk Steffanie Dorn, and City Attorneys Bacot and Padgett; Brian King of GwdToday.com and Chris Trainor of the Index Journal.

Kenn Wiltshire entered the meeting at 5:53 p.m.

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CALL TO ORDER

The meeting in Council Chambers was called to order by Mayor Adams at 5:34 p.m. and he welcomed everyone to the meeting.

City Manager Charles Barrineau gave the invocation.

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QUORUM AND  
STATEMENT

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."

City Clerk Steffanie Dorn confirmed a quorum was present.

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APPROVAL OF  
CONSENT AGENDA

Mayor Adams asked for a motion to approve the consent agenda.

Motion to approve the consent agenda was made by Johnny Williams, seconded by Betty Boles.

The motion passed unanimously.

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CONSIDER

Ordinance No. 14-001 Amending Section 26-7 of the City of Greenwood Code of Ordinances.

(2<sup>nd</sup> reading)

Under Public Hearings, City Manager Charles Barrineau discussed proposed Ordinance 14-001 that adds the word "physically" to the City's resisting arrest code based on a court ruling involving the City of Columbia. No changes have been made since first reading.

No one spoke for or against the proposed ordinance.

There was no discussion from Council.

A motion to approve Ordinance No. 14-001 was made by Ronnie Ables, seconded by Johnny Williams.

The motion passed unanimously.

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CONSIDER

Ordinance No. 14-002 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning One Parcel of Land Totaling 0.71 Acres Located at 325 Magnolia Avenue, from NC (Neighborhood Commercial) to R7 (High Density Residential).

(1<sup>st</sup> reading)

City Manager Charles Barrineau recognized Phil Lindler, City/County Planning Director, who discussed the request to rezone 325 Magnolia Avenue from Neighborhood Commercial to High Density Residential. He hasn't received any plans yet but noted the owner intends to place a residence on the property if rezoned.

Councilor Edwards inquired of the trailer that is already on the property. Phil Linder noted the property is in compliance with others located across the street. Councilor Hutto noted the mobile home is already commercial and the owner may build duplexes on the half of the property if it were to be zoned residential.

Marchelle Spearman-Bryant who owns Percival-Tompkins Funeral Home across the street from the proposed rezoning spoke against the request. She was concerned of the type of business to be placed on the commercial property. Mayor Adams stated that he is not aware of the type of business at this point.

City Manager Barrineau confirmed that the building is labeled as a modular office building that is built to a commercial standard with concrete underpinning. Councilor Hutto noted that the building is incomplete because there are guidelines that haven't been met yet.

Phil Lindler confirmed that the underpinning must be completed in six months.

**DISCUSSION:**

Councilor Betty Boles inquired of the type of business in the modular office and the opening date. The owner, Jessie Adams, confirmed that it will be a beauty/barber shop. He is still waiting on construction to be completed to determine the opening date.

Councilor Linda Edwards is concerned this proposed business may be another boarded property if it fails. Councilor Johnny Williams reminded everyone that the vote is to change a portion of the property from neighborhood commercial back to residential.

A motion to rezone 325 Magnolia Avenue from Neighborhood Commercial to High Density Residential was made by Johnny Williams, seconded by Niki Hutto.

Those who voted in favor were Mayor Adams, Niki Hutto, Betty Boles, Johnny Williams, and Ronnie Ables. Linda Edwards voted against. Kenn Wiltshire entered the meeting at 5:53 p.m. and didn't vote.

The motion passed 5-1.

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CONSIDER  
Ordinance No. 14-003 Adding Section 28-111 of the City of Greenwood Code of Ordinances - Trespass Warnings on Public Property and other Property Generally Open to the Public.

(1<sup>st</sup> reading)

Under New Business, City Manager Charles Barrineau discussed the Police Department's decision to stop issuing trespass notices for public property. The City Attorney(s) reviewed a proposed ordinance to respect constitutional rights of assembly, free speech, and expression balanced with the rights of citizens to feel safe on properties open to the public. City Police Officers can take enforcement action when State or City laws are broken but cannot take action when an institution adopts a specific code of conduct for a facility.

The City Manager then distributed the Greenwood County Library's Code of Conduct that was adopted October 2013.

Trespass warning notices shall be issued for one year. Warnings can be delivered by mail, or in person, and an individual has a right to appeal. Anyone who violates the notice will be arrested and jailed for 30 days or fined \$100 in accordance with the State Code.

An individual may appeal, free of charge, to be heard by the Municipal Judge who will hold a hearing within seven business days.

The City Manager can authorize an individual who has received a trespass warning to enter the property or premise to exercise his or her right to free speech. Authorization must be in writing to specify duration and conditions thereof.

There was no discussion from Council.

A motion to add Section 28-111 of the City of Greenwood Code of Ordinances was made by Johnny Williams, seconded by Kenn Wiltshire.

The motion passed unanimously.

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CITY MANAGER  
COMMENTS

City Manager Barrineau showed Council pictures of Aiken, SC, after the snow and ice storm where several Public Works employees worked. He anticipates FEMA to declare the storm a natural disaster and the City can be reimbursed for its labor up to 75 cents on the dollar.

Councilor Wiltshire noted that the 8<sup>th</sup> Circuit Office of the Solicitor in Aiken, SC, sent him an email thanking the City of Greenwood for their help.

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CITY COUNCIL  
COMMENTS

There were no comments at this time.

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CONSIDER  
Executive Session to  
Discuss a  
Contractual Agreement/Economic Development.

City Manager Charles Barrineau requested Council to enter into Executive Session to discuss a contractual agreement/economic development.

A motion to enter into Executive Session was made by Niki Hutto, seconded by Betty Boles.

The motion passed unanimously.

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ADJOURNMENT

A motion to adjourn the meeting was made by Niki Hutto, seconded by Kenn Wiltshire.

Mayor Adams adjourned the meeting at 6:05 p.m.

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D. Welborn Adams, Mayor

ATTEST:

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City Clerk and Treasurer