

GREENWOOD CITY COUNCIL

October 15, 2012 - 5:34 p.m.

**MINUTES**

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PRESENT Council Members: Mayor D. Welborn Adams, Niki Hutto, Linda Edwards, Betty Boles, Kenn Wiltshire, Johnny Williams, and Ronnie Ables. City Manager Charles Barrineau, City Clerk Steffanie Dorn; City Attorney Adam Bacot; Brian King of GwdToday.com and Chris Trainor of the Index Journal.

ABSENT Assistant to City Manager Julia Wilkie

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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 recognized Boy Scout Troops #270 and #911.

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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."

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

Councilor Linda Edwards gave the invocation.

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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 Ronnie Ables, seconded by Betty Boles.

The motion passed unanimously.

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CONSIDER

Ordinance No.  
12-019 Amending  
Ordinance Number  
11-021, The City  
of Greenwood  
2012 General  
Budget.

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

Under Public Hearings, City Manager Charles Barrineau stated that staff made revisions to the budget along with the already approved computer upgrades, funding of Festival of Stars, and the American Legion baseball tournament. Two additional line items include Public Works machinery equipment for \$193,555 and the Festival of Flowers topiary project for \$28,000. It is critical for Public Works to replace the 2002 street sweeper that is currently out of service because of the leaf season and upcoming Christmas parade and the proposed funds will come out of the Capital Reserve account. The second proposal is for the purchase of a new Plexiglas greenhouse for Festival of Flowers topiaries that will be paid from Hospitality Tax funds. The City must have a greater role into the life of the topiaries for them to be efficient and effective as a tourism attraction. He explained the City must order the greenhouse now for the transition of topiaries to begin preparing for the 2013 Festival of Flowers.

No one spoke for or against the proposed ordinance.

Councilor Kenn Wiltshire inquired of the expected warranty from the supplier of the 2002 streetsweeper and if the City should order again from the same company. City Manager Barrineau believed that 10 years was good use for that type of vehicle and maintenance numbers have been very high. Staff feels it is an exceptional piece of equipment and is satisfied with the supplier out of Texas.

Councilor Betty Boles asked if the old truck can be used or traded in. City Manager Barrineau stated that he's looking into Councilor Ronnie Able's suggestion of retrofitting it to another truck for \$9,000 or if it will be more cost effective to bid it out.

Councilor Johnny Williams stated that the street sweeper model didn't leave any debris on roads.

Motion to amend the City of Greenwood 2012 General Budget was made by Johnny Williams, seconded by Kenn Wiltshire.

The motion passed unanimously.

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CONSIDER

Ordinance No. 12-020 to Amend the City of Greenwood Code of Ordinances Chapter 30, Motor Vehicles and Traffic, Article 11, Operation is Amended to Add Sec. 30-39 E-Mailing for Text Messaging on Mobile Device While Operating a Motor Vehicle.

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

City Manager Charles Barrineau stated this ordinance is the City of Columbia's draft model on the texting ban.

No one spoke for or against the proposed ordinance.

Councilor Linda Edwards asked who will police the police when they're emailing and texting while they're driving. City Manager Charles Barrineau stated that the City already has a policy in place that prohibits texting.

Councilor Wiltshire agrees not to text but believes there are other distracted drivers. He suggested tabling the item to prevent rushing into something that hasn't been investigated in depth and perhaps adding bylaws prohibiting distractions such as eating and putting on makeup. His second concern is how this will be policed and doesn't see the effectiveness if it's not enforced.

Councilor Johnny Williams wants cell phone use banned but will settle for the texting ban if it saves one life.

Mayor Welborn Adams stated that there are too many distractions to list, but this ordinance should be passed. Councilor Edwards agreed but stated the City must be concerned for the body as a whole and this ban has to start somewhere.

Councilor Boles confessed that she was guilty of texting while driving and agreed that the law is needed but changes can be made to the ordinance later to ban other distractions.

A motion to amend the City of Greenwood Code of Ordinances, Chapter 30 to add Section 30-39 was made by Johnny Williams, seconded by Ronnie Ables.

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

The motion passed 6-1.

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CONSIDER

Ordinance No. 12-021 Amending Ordinance 11-022 to Levy Tax for the City of Greenwood for 2012.

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

City Manager Charles Barrineau stated this ordinance is amending the tax levy ordinance in regards to the reassessment this year.

No one spoke for or against the proposed Ordinance.

There was no discussion from Council.

A motion to amend Ordinance 11-022 to Levy Tax for the City of Greenwood for 2012 was made by Johnny Williams, seconded by Niki Hutto.

The motion passed unanimously.

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CONSIDER

Appointing Shelley Gilchrist to Replace Joyce Turner on the City of Greenwood Board of Architectural Review (BAR).

Under Unfinished Business, City Manager Barrineau stated that there are currently two open positions on the BAR. He recommended Ms. Gilchrist because she was a past board member of the Museum and is very involved with the historical society.

Motion to appoint Shelley Gilchrist to the BAR was made by Niki Hutto, seconded by Betty Boles.

The motion passed unanimously.

CONSIDER

Ordinance No. 12-022 Amending the Business License Ordinance Provisions for Insurance Companies.

Under New Business, City Manager Barrineau recognized City Clerk Steffanie Dorn who informed Council of the 2010 Federal legislation, known as the Dodd Frank Act, related to non-admitted insurers. Non-admitted insurers are those that are not actually registered to do business in the State of South Carolina that usually cover high or unusual risk such as hurricane coverage on the Coast, athletes that have their body parts insured, and earthquake coverage which is unusual in our State. This reform act required that insurance is only taxable in the home-state which is defined as where the risk is and are

(1<sup>st</sup> reading) allowed to only write one check to each state.

The City has similar regulations in place because the Municipal Association of South Carolina (MASC) collects fees on the City's behalf but insurance companies wanted to make it uniform throughout the country. On June 29, Governor Haley signed legislation to comply with those new Federal regulations which preserve the four percent State tax and the City's municipal two percent tax of premiums written within the City limits of Greenwood. This law further authorizes the MASC to serve as a municipal agent to receive and distribute those funds.

The City must agree to participate in order to receive its share but the City Clerk is concerned of the financial impact. The biggest difference in this ordinance change is the language stating where the property or risk is located. There may be a marginal increase in revenue.

Councilor Hutto asked if a Columbia agency writes a policy if they will receive the benefits. Steffanie Dorn stated that the City collects the business license fee. She used the example of the City collecting from policies written by Geico whose office isn't located in the municipal limits.

Motion to amend the Business License Ordinance provision for insurance companies was made by Niki Hutto, seconded by Betty Boles.

The motion passed unanimously.

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CONSIDER

Authorizing the Mayor to Sign an Agreement with MASC for the Collection of all Business License Taxes from Insurance Companies and Administration as Municipal Agent of Municipal Brokers Premium Tax.

City Clerk Steffanie Dorn stated this agreement is with the Municipal Association of South Carolina. The main change is under the Municipal Brokers Premium Tax verifying that the Department of Insurance will collect the money that will flow down to the MASC. It's more of a technicality type change in the language.

There was no discussion from Council.

A motion to authorize the Mayor to sign the agreement with MASC was made by Kenn Wiltshire, seconded by Niki Hutto.

The motion passed unanimously.

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CONSIDER

Resolution No. 12-013 to Adopt Criteria for Inclusion into the City of Greenwood Wayfinding System.

City Manager Barrineau reminded Council of their discussion at the work session of the City completing the first year of the Countywide Wayfinding system. Staff has installed 140 new signs around Greenwood, including Ninety Six and Ware Shoals, and the City is now receiving requests for additional signs. He noted that the City needs an official policy for guidance when considering adding names to the signage system and reminded Council of encroachment permits for most signs to go on State's right-of-way. This policy will adopt the State's policy as to what can be put on signs and any existing signs that wouldn't be permitted under the State system will be removed for unification.

Councilor Williams asked if "No Texting" signs will be inside the City. City Manager Barrineau stated that staff is looking into that.

Councilor Wiltshire was concerned that the City will lose consideration of businesses and industry if they're excluded. City Manager noted that the State dictates what goes on its right-of-way and will not allow private golf courses and mall signs.

Motion to adopt criteria for inclusion into the City of Greenwood Wayfinding system was made by Niki Hutto,

seconded by Betty Boles.

The motion passed unanimously.

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CONSIDER

To Acceptance of Right-of-Way from SAC Enterprises, Inc., off of Hospitality Boulevard.

City Manager Charles Barrineau reminded Council of when the City had no choice but to accept the right-of-way that was intended to be private streets in order to make Hospitality Boulevard development viable. The design of the road was not meant for a public access and the curbing would not meet the need of a large tractor trailer bringing deliveries. The property owner has agreed to grant additional right-of-way at no cost to the City if staff could survey the property and be responsible to get it recorded. The Greenwood County Transportation Commission has granted \$40,000 for improvements.

Motion to accept right-of-way from SAC Enterprises, Inc. was made by Kenn Wiltshire, seconded by Niki Hutto.

The motion passed unanimously.

CONSIDER

Reappointing Cecil Hill, Robert Redding, and Myrtle F. Rush on the Greenwood City/County Planning Commission.

City Manager Charles Barrineau recommended the reappointment of all three members on the Planning Commission.

A motion to reappoint Cecil Hill, Robert Redding, and Myrtle Rush was made by Kenn Wiltshire, seconded by Niki Hutto.

The motion passed unanimously.

CONSIDER

Amending Date for the November Regular City Council Meeting.

City Manager Charles Barrineau stated that Mayor Adams and Councilor Johnny Williams will be at an Upper Savannah Council of Governments retreat at the same time of the normally scheduled November City Council meeting. He asked Council to consider a motion to move the regular meeting to Tuesday, November 20, at 5:30 p.m.

A motion to accept moving the November meeting date to Tuesday, November 20, at 5:30 was made by Betty Boles,

seconded by Niki Hutto.

The motion passed unanimously.

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CONSIDER

City Manager Charles Barrineau asked Council to consider entering into executive session to discuss Project Seminole from Mark Warner of Partnership Alliance.

Executive Session to Receive Report from Mark Warner of the Partnership Alliance.

A motion to enter into executive session was made by Kenn Wiltshire, seconded by Niki Hutto.

The motion passed unanimously.

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CITY COUNCIL COMMENTS

There were no comments at this time.

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CITY MANAGER COMMENTS

City Manager Barrineau noted that City staff has signed a contract with NEO Corporation for debris removal at the Kitson Mill site. They have a key and their staff has already walked the site. He stated that work should start next week and is hopeful for it to be completed at the end of January or first of February.

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ADJOURNMENT

Mayor Adams adjourned the meeting at 6:11 p.m.

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D. Welborn Adams, Mayor

ATTEST:

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City Clerk and Treasurer