

GREENWOOD CITY COUNCIL

February 23, 2009 - 5:30 p.m.

MINUTES

PRESENT Council Members: Mayor D. Welborn Adams, Betty Boles, Herbert Vaughn, and Johnny Williams; City Manager; Assistant City Manager; City Clerk; City Attorney; Phil Lindler; City Department Heads; Chris Trainor of the Index Journal and Lesley Lane of Greenwood Today.

Niki Hutto entered into the meeting at 5:33 p.m.
Barbara Turnburke entered into the meeting at 5:42 p.m.

ABSENT Linda Edwards

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. The Mayor also gave special greetings to Boy Scout Troop 911 and asked Scout Master, Brian McKenna to introduce them.

City Manager, Steven Brown, gave the invocation.

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 Mayor then asked the City Clerk, Steffanie Dorn, if a quorum was present. She said, "Yes, Mr. Mayor, we have a quorum present."

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 Mayor asked, "All in favor please signify by raising your hand. Is there anyone opposed? The motion carries."

Motion passed unanimously.

Niki Hutto entered the meeting at 5:33 p.m. and didn't vote.

RECOGNIZE

Under Public Appearance, Mayor Adams recognized Mr. Charles E. Reynolds.

Mr. Charles E.
Reynolds of 305
Lanham Street.

CHARLES REYNOLDS

"I'm Charles Reynolds and I live at 305 Lanham Street. This is probably an amendment to a law that you guys have already discussed, as for as vending. I've been a local street vendor since 1992 on a full-time scale in locations where I'm working no more than 15 hours a week. I pay City and County taxes but that's another issue all together.

I guess I'm here to represent the small businesses that you all call hobbies or peddling in the City. We operate where permission is given in the City. We show special licensing that are required by the City and signed by City officials. I'm usually on a location in the Cambridge and Cokesbury area. I'm under the name of World of Products in which I carry a State and City license. It's the same kind of license that a lot of people who are in business must show to do business as well. Vending is a business, as far as I am concerned, with the same form, ST3's, and 1090's. I guess I speak for other businesses as well.

I understand that there have been a few meetings that have been held on this issue. My plea is probably after the fact but I want you guys to understand that what I do as a vendor is to take care of personal taxes and provide for my family. This is what I do for a living, not a hobby.

I understand some provisions have been made for vending for the City. If I understand correctly per se, it's like four times a year for Easter, Fourth of July, Christmas, and Halloween, if you will, for pumpkins, watermelons, Easter baskets, or Christmas trees. I don't sell that stuff. I sell clothing and I'm sure some provisions made for those events can be made for vendors who do this not as a hobby but as a mean of income.

Like I've said, I've been doing this since 1992 and there probably have been some complaints from other small, traditional businesses. I didn't choose to do a traditional business. I choose to do business as a mobile, street vendor able to take merchandise to people that can't come to me in an area where there are no shops or stores prior to my being there. There are only two vendors here and now we propose a threat to businesses that are already established per se. I think that's not a fair gesture from businesses. I think I have the same right to complain about their opening up in front of my location. I'm a business also but that wasn't considered.

I'm here, I guess, to just ask you guys, after the fact, to not discontinue vending as a whole and make provisions for vending, as you have those four times a year in designation areas. It needs to be so that everybody can get their money's worth out of it. I think that's the issue here. It's not to discontinue vending but make provisions for it and let's go for there. Thank you a lot."

MAYOR ADAMS

"Thank you, Mr. Reynolds. We will accept this as a matter of information, discuss it at the next work session, and get back to you in some fashion or form."

CONSIDER

Under Public Hearings, Mayor Adams read the first item and recognized the City Manager.

Ordinance No.
09-005 Amending
the City of
Greenwood's
Official Zoning
Map (Ordinance
No. 04-020) by
Rezoning
Properties
(11.17 Acres)
Located at 501 &
an Unaddressed
Parcel on Epting
Avenue and 510
West Alexander
Avenue from OPI
(Office
Professional
Institutional)
to OP (Office
Professional);
and an
Unaddressed
Parcel on Spring
Street from OPI
to R4 (Single
Family
Residential).

(1st reading)

STEVEN BROWN

"Mr. Mayor, Phil Lindler with the Planning staff is here."

PHIL LINDLER

"Thank you, Mr. Mayor and Council. This is a request to rezone a number of properties just off of Alexander Avenue as one of the last portions of property in the City that's being modified from the Office Professional and Institutional Professional designations. This is the area highlighted here (pointing) just off of Epting and Alexander, the Highway Department property, and some vacant properties as well. This request also includes an old abandoned railroad right-of-way that's a walking trail. We're proposing that area to be R4 to match the residential zoning on that side and Office Professional along Epting Avenue. Thank you."

- MAYOR ADAMS "Is there anyone who would like to speak in favor of this ordinance tonight? Is there anyone who would like to speak in opposition of this ordinance tonight?"
- DR. EDWARD RAPP "My name is Dr. Edward Rapp and I own 501 Epting. What is the rationale for this change?"
- NIKI HUTTO "The rationale for this change was that, originally, we had a designation of OPI that we're splitting to two designations. So, the OPI zoning designation that was available before no longer exists. Now there is OP and IP. That's why the change has occurred.
- We had a problem with OPI, which is the Office Professional Institutional zoning designation, because it was a catchall instead of being a transitional zoning from residential to office professional. We were having problems with it because you couldn't accomplish everything under one zoning designation so we decided to take the OPI zoning designation and split it into two designations, Office Professional and Institutional Professional. Now, certain properties that fell under the OPI designation basically service the Office Professional areas. Mr. Williams, Mrs. Boles, and I were on a committee where certain areas we felt were more beneficial to be Neighborhood Commercial. So are some things going OP, Office Professional? Yes. Are some things going Residential because that makes more sense? Yes. So the reason for this change, along with the massive rezoning of OPI, was because it was just a catchall that wasn't working."
- DR. EDWARD RAPP "So the restriction from going OPI to OP would be what?"
- NIKI HUTTO "OPI placed a lot of what I considered semi-commercial uses in an Office Professional Institutional zone where they basically put in stuff that was non-conforming in the other zonings under that classification."
- DR. EDWARD RAPP "So a pharmacy such as the Medicine Dropper is now going to the OP designation?"
- NIKI HUTTO "No. The Zoning Commissioners have recommended OP. Council believe that certain parts of this area need to be Neighborhood Commercial to service the Institutional and Office Professional uses that are there. So that way the Medicine Dropper would be a conforming use instead of a nonconforming use. So we have discussed this zoning and changed it in accordance to how we felt the zoning needed to be addressed."

JOHNNY WILLIAMS "The OP, like your doctor office for instance, will be allowed. OP won't allow any commercial properties selling retail."

DR. EDWARD RAPP "The question is if my practice, for example, has a heavy foundation of weight loss surgery where I actually provide patients with protein products and things like that, would that be considered on a retail level?"

NIKI HUTTO "That would be related to your medical profession. So it could fall under the OP because it is medical related and a part of your profession as a physician. Physician offices and their services that they provide are allowed."

STEVEN BROWN "In the work session, the Planning Commission task was to take the OPI zoning assigned to properties, which is no longer in existence, and recommend OP, IP, or another appropriate land use. At the work session, City Council told staff that they were considering zoning certain properties along the Epting corridor to NC.

Council was concerned that this part here (pointing) should all be Neighborhood Commercial. At another public hearing tonight, you will hear them discuss these properties here (pointing) and the Medicine Dropper. I think the recommendation will be that all of these properties along this corridor be Neighborhood Commercial with the exception of the assisted living facilities. So you should be able to do the medical services and, if you chose to use it for some type of commercial, you can."

NIKI HUTTO "Are we clear as mud?"

DR. EDWARD RAPP "It's okay."

STEVEN BROWN "City Council, you may want to refer to the table I enclosed in your packet.

- attach -

I attempted to show each property by address, present use, and proposed land use by Planning Commission and possible changes by City Council."

JOHNNY WILLIAMS "So, in other words, instead of OP it would be Neighborhood Commercial?"

STEVEN BROWN "Instead of OP you would have these three properties as Neighborhood Commercial and the others will be considered in your other public hearings."

JOHNNY WILLIAMS "That's what I was thinking."

MAYOR ADAMS "Is there anyone else from the public that would like to speak in favor or opposition? Okay. I will close the public discussion. Is there anything from Council?"

Motion to rezone the three properties to Neighborhood Commercial and R4 for the walking trail only was made by Johnny Williams, seconded by Betty Boles.

"All in favor signify by hand. Is there anyone opposed? The motion carries."

The motion passed unanimously.

- attach -

Barbara Turnburke entered into the meeting at 5:42 p.m. and didn't vote.

CONSIDER

Mayor Adams read the second item and recognized the City Manager.

Ordinance No.
09-006 Amending
the City of
Greenwood's
Official Zoning
Map (Ordinance
No. 04-020) by
Rezoning
Properties
(14.42 Acres)
Located at 102
Katie Court, 420
& 520 Epting
Avenue, 1405,
1408, 1415 & an
Unaddressed
Parcel on
Parkway, and 311
& 315 West
Alexander Avenue
from OPI (Office
Professional
Institutional)
to OP (Office
Professional);
and 516 Epting
Avenue from OPI
to NC
(Neighborhood
Commercial).

(1st reading)

STEVEN BROWN

"Mr. Mayor and Council, there are 10 parcels of property in this public hearing and I will see if I can identify them for you."

The City Manager pointed out several properties on the overhead projector screen.

"The Planning Commission recommended all properties to be OP and it was discussed at the work session to change some of that to NC. I will go through each one and give you the discussion that City Council spoke of."

The recommendation was to leave the OB/GYN offices as OP, change the Medicine Dropper Pharmacy, Parrish Supplies, the Red Cross building, Timmerman Contractors, hospital accounting, and the Hospitality Inn to NC, and put the Sterling House and Magnolia Manor as IP.

We tried to leave the properties that are presently being used for medical offices as OP. I think you will agree with us that the assisted living facilities should be IP. The reason we did that is because you rezoned National Health Care as IP. So we're putting the Medicine Dropper, Timmerman, Hospitality Inn, the Self Regional accounting office, Parrish Supplies and the Red Cross building as NC."

JOHNNY WILLAIMS "Wouldn't it be easier to make it all NC except the nursing home and assisted living instead of having OP in there too?"

NIKI HUTTO "No, I don't think so."

STEVEN BROWN "Well, that's Council's decision."

JOHNNY WILLIAMS "It'll be easier to make a map."

STEVEN BROWN "Mr. Williams, all I can tell you is this is owned by individuals, not by the Carolina Health Centers. Carolina Health Centers owns the medical practice, but the building is privately owned."

PHIL LINDLER "We're slowly moving eastward along Epting. The next request will move through that area as well."

MAYOR ADAMS "Okay. Thank you, Mr. Lindler and Mr. Brown. Is there anyone here that would like to speak in favor of this ordinance? Is there anyone that would like to speak in opposition of this ordinance? Okay the public discussion is closed.

Would Council like to have any further discussion about this?"

BARBARA TURNBURKE "I would like to abstain from voting. I work for the Red Cross and my agency occupies one of the buildings located on a property being considered in this matter."

JOHNNY WILLIAMS "I would like to make it all Neighborhood Commercial but those two parcels and make it IP."

BETTY BOLES "Which ones?"

NIKI HUTTO "Johnny, I'd rather leave it as we discussed it."

JOHNNY WILLIAMS "You're going to have Neighborhood Commercial surrounding it and if they ever sell it..."

NIKI HUTTO "That's okay."

Motion to accept the ordinance with changes as discussed at work session was made by Niki Hutto, seconded by Betty Boles.

MAYOR ADAMS "All in favor of the motion as proposed signify by raising your hand. Is there anyone opposed? The motion carries."

Those who voted in favor were Mayor Adams, Niki Hutto, Betty Boles, Herbert Vaughn, and Johnny Williams. Barbara Turnburke abstained from voting due to conflict of interest.

The motion passed.

- attach -

CONSIDER

Mayor Adams read the third item and fielded a question from City Councilwoman Betty Boles.

Ordinance No.
09-007 Amending
the City of
Greenwood's
Official Zoning
Map (Ordinance
No. 04-020) by
Rezoning
Properties
(34.33 Acres)
Located at 1505,
1506, 1509,
1510, 1515,
1601, 1602 & an
Unaddressed
Parcel on Spring
Street, 101,
109, 115, 202,
210, 212 & an
Unaddressed
Parcel on
Overland Drive,
421, 435, & an
Unaddressed
Parcel on Epting
Avenue, and 1530
& an Unaddressed
Parcel on
Parkway from OPI
(Office
Professional
Institutional)
to OP (Office
Professional);
and 1547 Parkway
from OPI to IP
(Institutional
Professional).

(1st reading)

BETTY BOLES

"Are all those unaddressed parcels streets?"

STEVEN BROWN

"Some are vacant properties and I'll point them out to you. There are 21 parcels. I ask that you refer to the

table provided.

The table reflects the property address, the present use, the recommended land use classification by the Planning Commission, and possible changes to be considered by City Council. I believe the table clarifies the recommendation of the planning commissions and the options available to City Council."

- attach -

MAYOR ADAMS "The parcel on Spring Street that you've mentioned earlier, it can go either way?"

NIKI HUTTO "It would make more sense for it to be GC. It doesn't make sense for OP to be there."

BETTY BOLES "And that's just a vacant lot, right?"

STEVEN BROWN "Yes, ma'am. There's nothing on it."

MAYOR ADAMS "Thank you, Mr. Brown. Is there anyone in the audience who would like to speak in favor of this ordinance that's submitted? Is there anyone who would like to speak in opposition to the ordinance? The public discussion is closed. Is there any other further discussion among Council?"

Motion to accept the ordinance with the recommended changes from work session and to rezone the vacant property on Spring Street to GC was made by Niki Hutto, seconded by Betty Boles.

"All in favor of the motion as amended signify by raising your hand. Are opposed? The motion carries."

The motion passed unanimously.

- attach -

CONSIDER

Mayor Adams read the fourth item and recognized City/County Planning Director.

Ordinance No.
09-008 Amending
the City of
Greenwood's
Official Zoning
Map (Ordinance
No. 04-020) by
Rezoning
Properties
(12.28 Acres)
Located at 117 &
an Unaddressed
Parcel on
Genesis Circle,
1524 & an
Unaddressed
Parcel on
Parkway, and an
Unaddressed
Parcel on
Edgefield Street
from OPI (Office
Professional
Institutional)
to R10 (High
Density
Residential).

(1st reading)

PHIL LINDLER

"Thank you again, Mr. Mayor and Members of Council. This is a request to rezone a number of properties traditionally used for residential uses off of Parkway and Parkway Court from OPI to R10, multi-family residential zoning at 10 units an acre. This area is referred to as Cardinal Glenn and there is also some railroad right-of-way, as well as vacant properties that are identified as R10. Are there any questions?"

MAYOR ADAMS

"Is there anyone from the public that would like to speak in favor of this ordinance? Is there anyone in the public that would like to speak in opposition of this ordinance? The public discussion is closed. Is there any discussion among Council or entertain a motion?"

Motion was made by Niki Hutto, seconded by Betty Boles.

"All in favor signify by raising your right hand. Any opposed? The motion carries."

The motion passed unanimously.

- attach -

CONSIDER

Under New Business, Mayor Adams read the first item and recognized the City Clerk.

Resolution No.
09-001
Authorizing
Participation
in the South
Carolina Other
Retirement
Benefits
Employer
Program,
Including
Authorizing the
City Manager to
Execute a
Participation
Agreement.

STEFFANIE DORN

"Thank you Mr. Mayor and Council. As you all on Council are aware, we have been working towards complying with a new accounting requirement frequently referred to as GASB45. This statement requires us to make changes to the retiree program benefits.

We have now completed our actuary valuation which was done towards the end of 2008. You all may probably remember we did plan to set aside the funds in the budget needed to participate in the program for retirees. We now need to make a decision about where we want to put these funds.

As I have previously informed you, the Municipal Association has the program called SC ORBET which allows us to participate in a trust with other municipalities.

There are also some fire districts and special purpose districts that are joining the program because it really helps us contain our costs. We have actuary valuations that must be done every two years, administrative costs of being in an investment portfolio, and the costs of having annual financial statements related to the trust that would become very expensive very quick. I previously recommended to you the best way we can save in costs is to join the Municipal Association's program.

What you have before you is a resolution that will authorize us to participate in the program that the Municipal Association has which is the South Carolina Other Retirement Benefits and Employer Program. There are two parts to this resolution that I'd like to point out to you. The first is your authorization of a local government administrator. I have that listed as myself because I would be the person that's working with the Municipal Association and the SC ORBET program to make the investments and give them our payments on a monthly basis.

We also have that you would authorize the City Manager to actually sign the participation agreement, the second part that starts on Page Three. The participation agreement lists a summarization of our program and that we will make monthly contributions into the program. I haven't had an opportunity to say we did get our actuary valuation in line with what we made to ordinance changes.

The program will actually be a little under what we budgeted so we have the funds in place to participate. This will allow us to provide these retiree benefits which is to help pay for health insurance at a fixed cost. If you recall, we changed that from participating at whatever the cost to a flat amount so that we can control expenses and still provide that benefit.

I'll be glad to answer any questions that you all might have."

STEVEN BROWN

"I would certainly recommend that you pass this resolution. I feel associating ourselves with the Municipal Association program is the way to go for the City of Greenwood."

MAYOR ADAMS

"Thank you. Is there any further discussion with regard to the resolution? Would Council like to make a motion?"

Motion was made by Johnny Williams, seconded by Niki Hutto.

"All in favor signify by raising your hand. Are there any opposed? The motion carries."

The motion passed unanimously.

- attach -

CONSIDER Mayor Adams read the second item and asked Councilwoman Barbara Turnburke to read the proclamation.

Proclamation
for American
Red Cross
Month.

BARBARA TURNBURKE "Mr. Adams, I'd like to point out one of our Board Members that is here tonight. I'm just glad to have Chip Stockman here as one of our many volunteers. Thanks."

MAYOR ADAMS "I appreciate all your service."

CONSIDER Mayor Adams read the third item and asked for a motion.

Reappointing
Ms. Kim Clark
and Appointing
Two (2) Persons
to a Vacant
Term on the
City/County
Planning
Commission.

Motion to appoint Ms. Clark and discuss the two vacant terms at the next work session was made by Johnny Williams, seconded by Betty Boles.

Mayor Adams asked, "All in favor of the motion raise your hand. Any opposed? The motion carries."

Motion passed unanimously.

CONSIDER

Mayor Adams read the fourth item and asked for a motion.

Reappointing

Mr. Glynn
Boles, Mr.
Michael Butler,
and Appointing
One (1) Person
to a Vacant
Term on the
City/County
Board of Zoning
Appeals.

Motion to reappoint Mr. Boles and Mr. Butler and discuss the vacant term at work session was made by Johnny Williams, seconded by Niki Hutto.

The Mayor asked, "All in favor of the motion raise your hand. Any opposed? The motion carries."

Those who voted in favor were Mayor Adams, Niki Hutto, Linda Edwards, Herbert Vaughn, Johnny Williams, and Barbara Turnburke. Betty Boles abstained from voting due to conflict of interest.

The motion passed.

CITY MANAGER
COMMENTS

Mayor Adams recognized the City Manager.

STEVEN BROWN

"I appreciate this opportunity to speak to you tonight. If you would allow me, I would like to ask my wife to join me. I would also like all the staff members that are here to surround me. I'll try to get through this the best I can but you'll have to bear with me."

The City Manager read a memo acknowledging his retirement effective September 30, 2009.

- attach -

MAYOR ADAMS

"And I thought I had big shoes to fill!"

CONSIDER Mayor Adams read the last item and asked for a motion to enter into executive session.

Executive to
Session Motion was made by Johnny Williams, seconded by Niki
Discuss Hutto.
Contractual
Matters.

"All in favor signify by saying 'I'. All opposed?
Alright."

The motion passed unanimously.

The meeting adjourned at 6:25 p.m.

The meeting reconvened at 7:24 p.m.

CONSIDER Mayor Adams read the next item and asked for a motion.

The Issuance of
a Forgivable
Five Year Note
Not to Exceed
\$2,510 for
Façade
Improvements at
221 Maxwell
Avenue Owned by
the Greater
Greenwood
United
Ministries.

Motion to approve was made by Niki Hutto, seconded by
Johnny Williams.

"All in favor signify by saying 'I'. All opposed?
Alright."

The motion passed unanimously.

CONSIDER Mayor Adams read the last item and asked for a motion.

Allowing City Manager to Negotiate an Incentive for New Countybank Branch at Reynolds and By-Pass 25. Motion was approved by Betty Boles, seconded by Niki Hutto.

"All in favor signify by saying 'I'. All opposed? Alright."

The motion passed unanimously.

CITY COUNCIL COMMENTS There were no comments at this time.

The meeting adjourned at 7:30 p.m.

D. Welborn Adams, Mayor

ATTEST:

City Clerk and Treasurer