

GREENWOOD CITY COUNCIL

July 20, 2009 - 5:33 p.m.

**MINUTES**

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PRESENT Council Members: Mayor D. Welborn Adams, Niki Hutto, Linda Edwards, Betty Boles, Herbert Vaughn, Johnny Williams, and Barbara Turnburke; City Manager; Assistant City Manager; City Clerk; City Attorney; Phil Lindler; Chris Trainor of the Index Journal and Marjorie Blalock of Greenwood Today.

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CALL TO ORDER The meeting in Council Chambers was called to order by Mayor Adams at 5:33 p.m.

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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."

City Manager, Steven Brown, 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 Johnny Williams, seconded by Herbert Vaughn.

The Mayor asked, "All signify approval of the motion by a show of hands. Is there anyone opposed? The consent agenda is approved."

Motion passed unanimously.

RECOGNIZE

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

Mr. Alvin Johnson of 111 Morgan Avenue.

ALVIN JOHNSON

My name is Alvin Johnson. I live at 111 Morgan Avenue in the Mathews Community and am represented by Ms. Turnburke. The reason I'm here today, I guess, you can call a complaint. It will be a pleasant complaint because I think I can give a suggestion of how we can remedy the complaint. It's on parking and the enforcement of our parking ordinances, in particular 16-128 Section (unless I read it wrong); 16-130, the loading and unloading of passengers; 16-131, parking 18 inches from the right hand curb; 16-132 stop and loading section, loading and unloading zones, must be marked as a loading zone; 16-134, tractor trailer loading and unloading no more than two hours will be allowed to stand; 16-141, parking on the side the sidewalk; no vehicle shall occupy any part of the sidewalk; 16-143, limitations on backing vehicles to the curb; 16-146, parking of mobile recreational vehicles, travel trailers, more than five consecutive hours; and 16-149, the identity of the driver of the vehicle who cannot be determined.

I'm a retired Police Officer. The Mayor and some of you do not know me. This is not something that has just occurred in the last few weeks. I've been retired for 13 years but we'll go back 38 years. I was reminded by a friend of mine who works with the City of Greenwood that, 'These procedures are what you told me when you trained me.' So the ordinances that we have and how they've been enforced have been the same. It's not Gerald Brook's procedure or policy and I'm not here to complain about any officer, the Police Department, or the City of Greenwood. What I'm here for is the equal and fair treatment of the parking ordinance. If we're going to enforce parking regulations, we need to enforce either all of them or none of them. If we're going to enforce parking on the sidewalk in one community we should enforce it here. All I ask is that residents in my community who own a truck that got a ticket is treated the same as anyone else across the City.

I think if you could look at Ordinances 16-128 through 16-149, the suggestions I have, and review the parking during your next work Session on August 3<sup>rd</sup>, you'll see this is something that's not going to be remedied overnight. I cannot expect Council to remedy it overnight. This is something that has been on the books since this ordinance was republished in 1996, but even before that we were doing the same thing. My concern is that regular citizens get parking tickets when UPS, FedEx and all mail carriers can stop, unload in front of handicap places, handicap ramps, yellow curbs, and they're allowed to go on. There are ordinances that I named that cover loading and unloading and taxi cabs, but zones have to be marked. Limitations are placed on all these vehicles. Decide after the review of the Ordinances if it needs to be rewritten to be voided. Receive input from City staff, including the Police Department, on the enforcement of the parking ordinance and the position it places them in.

I was a Police Officer, and I'm now a citizen. You can't change it. I know that I probably let my temperament get the best of me when I discussed this with City officials. I can't change that, that's me. I won't apologize for who I am. But we need to include the City Police Department on the enforcement of these ordinances. One thing I did is sent the City Manager an e-mail telling him what I would bring forth tonight. He has a copy of my concern and I request that he make it available to each of you during your work session. If you see fit to look into this, take the input to see if there is a need to change the ordinance. I would appreciate it very much if you let me know.

At this time, I have a pending jury trial for a \$10 parking ticket. I think there are two things that play there; one is my being hardheaded. The other is the citizen having a right for this. There should be a better remedy for the parking tickets. It shouldn't have to go to court taking up the judge's, prosecuting attorney's, and the six people on the jury's time. I spoke with Judge Miller today and he's checking on some different ordinances from different towns. I suggest to the Mayor and City Council that you include him and the City Manager, Steve Brown, in this as well to possibly come up with a better solution for parking tickets.

I don't need the Council Members to answer this but I believe, if every Council Member thinks back on the course of their life, they can remember mail carrying trucks, government vehicles, and everything else that could just park where they want but yet the citizen is given a \$10 ticket.

I think it's unfair, unjust, and that's why I'm here tonight. I believe we can look at this and, if the Mayor decides the ordinance is doing okay and don't need changing or rewriting, I'd like to know that. It won't be any hard feelings, but I will tend to exercise my right as a citizen of this town. I appreciate the Mayor and Council's time for listening to me. Thank y'all very much."

MAYOR ADAMS

"Does anyone have any question for Mr. Johnson? Thank you, Mr. Johnson. We'll look at it at the next work session."

ALVIN JOHNSON

"Y'all have a good night."

CONSIDER

Under Public Hearings, Mayor Adams recognized the Assistant City Manager.

Ordinance No. 09-016 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning Properties Located at 421, 435, & 501 Epting Avenue, 115, 202, 210, & 212 Overland Drive, and 1506 Spring Street from OPI (Office Professional Institutional) to NC (Neighborhood Commercial).

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

CHARLES BARRINEAU

"Mr. Mayor and Members of Council, you have already taken first reading on this ordinance where it certifies the last changes of OP. Staff is here if you have any questions but this is a public hearing."

MAYOR ADAMS

"At this time, is there anyone who would like to speak in favor of Ordinance 09-016? Do we have anyone that would like to speak in opposition of Ordinance 09-016? Hearing

none, is there any discussion among Council?  
Do I have a motion to approve the ordinance?"

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

"At this time, all in favor signify by a show of hands. Is there anyone opposed? The motion carries."

The motion passed unanimously.

- attach -

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CONSIDER

Mayor Adams recognized the Assistant City Manager.

Ordinance No. 09-017 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) Rezoning Property Located at 516 Epting Avenue from NC (Neighborhood Commercial) to GC (General Commercial).

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

CHARLES BARRINEAU

"Mr. Mayor and Members of Council, I'll ask City/County Planning Director, Phil Lindler, to come forward."

PHIL LINDLER

"Thank you, Mr. Mayor and Members of Council. This is a request to rezone a property at 516 Epting Avenue that is currently zoned Neighborhood Commercial. It is being used as a medical office and the request is to rezone it as General Commercial. The applicant wants to place an electronic reader board sign at the front of the property. The electronic sign is allowed within the general commercial zoning district but is not allowed within the neighborhood commercial district and therefore

that is the nature of the request before you. Parish Home Medical is allowed in both Neighborhood Commercial as well as General Commercial so the site will not be an issue in the rezoning request. Are there any questions?"

MAYOR ADAMS

"No, thank you, Mr. Lindler. Is there anyone here who would like to speak in favor of this ordinance?"

NANCY VOISELLE

"Good evening, Mayor and Council Members. I'm Nancy Voiselle, sole owner of Parish Home Medical, and we're located at 516 Epting Avenue. We're an independent, family owned business and we provide durable, medical equipment such as oxygen, hospital beds, and wheel chairs to our clients in their homes, mainly. We also have a retail storefront which is different than other venues in the City of Greenwood. I respectfully request a rezoning change from the current Neighborhood Commercial to General Commercial for us to add the LED to the storefront sign that we just put up. It doesn't have the LED on it now but our management feels that our old sign does not display a large enough presence for us to advertise more of what we have on a retail offering.

I'd like for you to consider the following points for the past 12 years: We are and have been an iatrical part of the Greenwood's healthcare community serving thousands of patients per year; and added competition in the past several years, plus recent changes in healthcare reimbursement, forces Parish Home Medical management to increase their investment in Greenwood, spending more marketing and advertising dollars to stay a viable part of Greenwood's local healthcare community. Since we're the only complete line, storefront retail, durable medical equipment supplier in Greenwood in which patrons can view the equipment and ask for homecare advice for themselves or a homebound loved one, we need more visibility to ensure our existence for the next 12 years and beyond.

We also plan to use the sign to remind passersby of community events that we sponsor from time to time. I also have a written letter from Judy Butler of Self Memorial Credit Union stating that, since the construction of her sign which has probably been about six months ago, their business has greatly increased and provide longevity as a taxpaying, small business owner in the City of Greenwood. Thank you."

MAYOR ADAMS

"Thank you. Does anybody have any questions? Is there anyone else that would like to speak in favor of the ordinance?"

WILLIAM CAIN

"Thank you, Council. I'm William Cain, General Manager of Rainbow Signs. I'm working with Ms. Voiselle on the sign and been following this issue since the beginning. We went to the Joint Planning Commission, obviously, to get this brought before Council.

There was a suggestion, I'm pretty sure from the Chairperson, that the zoning office consider this to be a change made to Neighborhood Commercial because they're getting so many of these requests right now. At this current time, this doesn't allow an electronic sign where Ms. Voiselle is now but, obviously, this is a need since we're having so many requests. It was even requested, or a suggestion was made, to Mr. Lindler that this be changed due to the need in the area. So I just wanted to make that statement. Thank you."

MAYOR ADAMS

"Is there anyone else that would like to speak in favor of Ordinance 09-17? Is there anyone that would like to speak in opposition of Ordinance 09-17? Is there any discussion?"

LINDA EDWARDS

"I've noticed that this same piece of property is included in Ordinance 09-018."

CHARLES BARRINEAU

"We have included that in error."

JOHNNY WILLIAMS

"Why don't we allow those signs in Neighborhood Commercial? I don't remember the reason."

PHIL LINDLER

"Mr. Williams, when we brought up the issue on electronic reader boards, the Planning Commission felt it was modifying the time of the change to be more consistent with General Commercial zoned areas within the City limits. We have large volumes of traffic and individuals looking at and traveling by in a vehicle versus your Neighborhood Commercial areas that are more pedestrian oriented and closer to neighborhoods and large scaled subdivisions. In that case, that was the reason why it was omitted from Office Professional and Institutional Professional. But certainly the Planning Commission is looking into that and they will be bringing you a recommendation either way."

MAYOR ADAMS

"Is there any further discussion of Ordinance 09-017? Do we have a motion approve?"

A motion was made by Barbara Turnburke, seconded by Johnny Williams.

"All in favor of approving Ordinance 09-017 signify by a show of hands. Is there anyone opposed? The motion carries."

The motion passed unanimously.

- attach -

CONSIDER

The ordinance was included on the agenda in error and was skipped.

Ordinance No. 09-018 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) Rezoning Properties 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).

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

CONSIDER

Mayor Adams said that Council will discuss further at the next work session of any nominations.

Ordinance No. 09-019 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning Property Located at 543 East Cambridge Avenue from IP-GV (Institutional Professional-Old Greenwood Village Overlay) to NC-GV (Neighborhood Commercial-Old Greenwood Village Overlay).

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

CHARLES BARRINEAU

"Mr. Mayor, I'll ask Phil Lindler, the City/County Planning Director, to come forward."

PHIL LINDLER

"Thank you, once again, Mr. Mayor and Council. This is a request to rezone property at 543 East Cambridge Avenue from Institutional Professional to Neighborhood Commercial within the Old Greenwood Village Overlay District. This is a request for the vacant piece of property at the corner of Pelzer and Cambridge to rezone from an institutional category to a neighborhood commercial category. The applicant wants to create a restaurant on the site and Neighborhood Commercial is more compatible with that. The Planning Commission has reviewed the request and recommends denial."

MAYOR ADAMS

"Is there anyone who would like to speak in favor of Ordinance 09-019?"

THOMAS FIRRIOLO

"Good evening, I'm Thomas Firriolo of 303 Jennings

Avenue, Greenwood, South Carolina.  
 I'm no stranger towards this board. In question, I ask you to please consider a restaurant because there are two restaurants to the right on 6856-226-187 and 6856-209-159 which is the Hash House. The Hash House has special permission from time to time to open for the weekend, or up to three days, even though they have been out of business for quite some time. So there are restaurants within a matter of feet away from the corner.

I feel that it will add to the community and the overlay district at large. I always wanted a restaurant on Cambridge Avenue and for two years I haven't been successful. It's also an area where this other restaurant is right across the street from the railroad tracks on Seaboard Avenue. There are at least three or four restaurants there. So my request is to rezone the property."

MAYOR ADAMS

"Are there any questions for Mr. Firriolo?"

BETTY BOLES

"What type of restaurant?"

THOMAS FIRRIOLO

"It's going to be a hash house. I have some property on Grendel Avenue and have discovered for some reason everybody is focused on the historical hash house that was and is still there for so many years. But prior to that hash house that was there for so many years, the original hash house was on Grendel Avenue in the 40's and 50's and apparently very few people know that there was a hash house at that time. So this will be the third hash house on a new concept. For example, it will have smoke house where people can bring their turkeys, chickens, and hams to be smoked for \$2, \$1.50, or whatever. They can drop it off on a Thursday and pick it up on a Friday. It's not going to be a sit down restaurant if I can help that. It would be a type of park your car, pick up your entrée and take it home with you. I'd like to have it in operation at least 7 days a week and Thursday through Saturday nights will be opened until the maximum time. There is plenty of parking. The Workman's parking lot has been taken over by the Federal Government. I'm dealing with them indirectly for additional property. It will be an asset to historical Pelzer Street, too, because my property can be used by the area for committee meetings and that type of thing. Thank you for your consideration."

JOHNNY WILLIAMS

"You said that there used to be a hash house on Grendel Avenue formally be Pelzer Street?"

THOMAS FIRRIOLO "Yes, sir."

JOHNNY WILLIAMS "When did they have a hash house there?"

THOMAS FIRRIOLO "I think it was the late 40's and early 50's."

JOHNNY WILLIAMS "I was born and raised over there in the 40's and have never remembered a hash house. I remember a boy and girl scout camp where they cooked hash on Labor Day and that's all to have ever been there. There was never a hash house."

THOMAS FIRRIOLO "Well, did they cook hash there?"

JOHNNY WILLIAMS "They cooked hash there for the neighborhood in the 50' and 60's but it was never a hash house."

THOMAS FIRRIOLO "On Grendel Avenue?"

JOHNNY WILLIAMS "Well, it was Jordan Avenue at that time."

THOMAS FIRRIOLO "Well, I'm researching that right now trying to get some information."

JOHNNY WILLIAMS "Well, I was born and raised there and I remember very well."

THOMAS FIRRIOLO "Well, I'm glad that you mentioned that. At least there was a situation at one time."

JOHNNY WILLIAMS "There was a place that cooked hash just once a year."

THOMAS FIRRIOLO "Is that right?"

JOHNNY WILLIAMS "That's it. The Nursing Home owns it now, I think."

THOMAS FIRRIOLO "So you're suggesting there is only one hash house and that's the existing hash house?"

JOHNNY WILLIAMS "That's the only one I remember in my lifetime and it's always been there at the railroad tracks. It used to be hash and hot dogs."

THOMAS FIRRIOLO "It was a very popular place. People used to come from all over."

JOHNNY WILLIAMS "Very popular."

THOMAS FIRRIOLO "The story goes that the engineers driving the trains used to stop and get themselves whatever and carry on."

Anyway, the location seems ideal. There is plenty of space and parking. I really feel it will be a tremendous asset to the City at large."

MAYOR ADAMS "Alright. Are there any other questions for Mr. Firriolo?"

THOMAS FIRRIOLO "Thank you."

MAYOR ADAMS "Is there anyone else who would like to speak in favor of Ordinance 09-019? Is there anyone from the public that would like to speak in opposition to Ordinance 09-019? Is there any discussion among Council?"

LINDA EDWARDS "This property has come up the last couple of times. What were they asking for?"

PHIL LINDLER "If my memory serves correct, the last owner wanted to rezone the property to subdivide it into additional housing units on that site. I believe that under the old zoning it could have been developed as two individual lots but they wanted to make three individual lots out of that site. I can't remember what the specific request was. I apologize."

BETTY BOLES "And what was the purpose of the denial?"

PHIL LINDLER "It didn't conform to the Comprehensive Plan. Your future land use plan shows that area to be Moderate Density-Residential (inaudible). The future land use plan shows the area where Workman's restaurant used to be Commercial. The area across the street has the carwash and hash house as Commercial but everything on the West of that side will be residential."

BETTY BOLES "Is the hash house currently being occupied by anyone?"

PHIL LINDLER "I'm not sure."

LINDA EDWARDS "You didn't consider purchasing Workman's, an established restaurant on that side of the street?"

THOMAS FIRRIOLO (inaudible) Yes, ma'am, I did consider that. It's been an awful time dealing with the federal government. Without getting into the personal issues of Mr. Workman, it is heavily involved with taxes and other things. So there has been difficulty with the federal government to register the ownership. Hopefully that will take place within the next two weeks (inaudible).

The oldest home on that corner and in Greenwood is 543,

so I'm told.  
 I'd like to put a two story home on the property  
 (inaudible). Workman's won't be suitable because it is a  
 metal building with a brick front. (inaudible)"

MAYOR ADAMS "Mr. Brown?"

STEVEN BROWN "Mr. Mayor, I think it will be good for Council if Phil  
 explain the buffers that will be required between this  
 property and the adjacent property if you were to  
 rezone."

MAYOR ADAMS "Please do so."

PHIL LINDLER "If the property was to be rezoned, depending on the use  
 with a restaurant on site and residential properties to  
 the rear and side of the property, the developer would be  
 required to have a buffer. That buffer could vary  
 depending upon how much distance they want to have  
 between the use and the individual property line. It can  
 range up to 10 feet with possibly a wall but definitely  
 major planting, as far as shrubbery, large trees, and the  
 like along both sides up to 40 feet with some small scale  
 planting. So, the larger amount of space that's  
 provided, the least number of vegetation can be placed  
 within there. I believe there is some vegetation along  
 that property line so some of that can be utilized within  
 that buffer rather than requesting the developer to  
 replant it with something else."

NIKI HUTTO "So basically, if that was rezoned, Neighborhood  
 Commercial is basically entrenched in an established  
 residential area?"

PHIL LINDLER "That's really the reason for your land use plan that's  
 showing Commercial to stop at Pelzer."

NIKI HUTTO "That's a natural barrier Commercial to stop and  
 Residential to start?"

PHIL LINDLER "That's right."

MAYOR ADAMS "Is there any further questions for Mr. Lindler?"

LINDA EDWARDS "Is the house that sits next to these properties  
 occupied?"

PHIL LINDLER "The one to the West is being utilized as a home right  
 now."

NIKI HUTTO "And the one behind it?"

PHIL LINDLER "I believe there is a home there as well."

NIKI HUTTO "And the R7 GV across the street?"

PHIL LINDLER "Directly across the street, there are homes there but Neighborhood Commercial GV is the strip shopping center where Ms. Bryant has her salon."

NIKI HUTTO "Refresh my memory. Didn't we also deny the request for Neighborhood Commercial in Residential further down East Cambridge protecting both areas? This was like a pocket of Neighborhood Commercial on East Cambridge. A request further down East Cambridge asking for Neighborhood Commercial surrounded by Residential was also denied, am I correct?"

PHIL LINDLER "That's right. We had two requests. We actually had three requests on two separate areas. One came up twice and both of those were denied, as far as rezoning from Residential to Neighborhood Commercial."

JOHNNY WILLIAMS "And this one was denied once?"

PHIL LINDLER "Yes, sir, from a Residential zoning."

MAYOR ADAMS "Thank you, Phil. Is there any further discussion among Council?"

LINDA EDWARDS "I think we would need to bounce it around a little bit more in work session to look at what Niki was saying. There were people that asked for the same thing where you had residential on the side and we denied it for those reasons. We don't need to go back and undo what's been done or else we'll be right back where we started with different pockets. When other people purchase the land, they're under the impression that it's one thing and then find out that it's different from everything else. So my suggestion would be that we table this and discuss it in work session to look at what we did with other similar properties."

MAYOR ADAMS "There was a motion to table this. Is there a second?"

BETTY BOLES "So you're saying to look at other properties?"

LINDA EDWARDS "That is similar to these. Even though I can understand all what everybody is saying but, like Niki said, we denied a zoning change for something similar to this down East Cambridge for the very same reason and you don't want it to look like it was favoritism. It's the same

situation.

Nothing is different except the property is located on this side of the railroad track. The other was on the opposite side of the railroad track. I'd be more comfortable looking at the whole picture and making a decision rather than off the top of your head."

BETTY BOLES

"So you're saying to look at other properties that are parallel to this?"

JOHNNY WILLIAMS

"We denied the lot beside Ms. Boles, the one beside the nursing home, and this property."

LINDA EDWARDS

"I understand all of that but I still don't see where it will hurt to look at this piece of property compared to the other pieces of property."

Motion to table this request was made by Linda Edwards, seconded by Betty Boles."

MAYOR ADAMS

"All in favor of tabling this signify by a show of hands. All opposed of tabling signify by a show of hands."

Those who voted in favor were Linda Edwards and Betty Boles. Those who voted against were Mayor Adams, Niki Hutto, Herbert Vaughn, Johnny Williams and Barbara Turnburke.

The motion did not pass.

"At this time I'll entertain another motion."

A motion to deny the rezoning request was made by Johnny Williams, seconded by Barbara Turnburke.

"All voting for denial of this rezoning request signify by a show of hands. Is there anyone opposed? The rezoning request has been denied by a vote of 5-2."

Those who voted in favor of denial were Mayor Adams, Niki Hutto, Herbert Vaughn, Johnny Williams, and Barbara Turnburke. Linda Edwards and Betty Boles voted against.

CONSIDER Under Unfinished Business, Mayor Adams read the only item and recognized the Assistant City Manager.

Appointing One (1) Person to a Vacant Term on the City/County Planning Commission.

CHARLES BARRINEAU "I don't know if Council has come up with an appointee."

MAYOR ADAMS "I got a potential person. Can you give me some information of what to give to him and I'll present it in work session?"

CHARLES BARRINEAU "Yes, sir."

CONSIDER Under New Business, Mayor Adams read the first item and recognized the Assistant City Manager.

Ordinance No. 09-020 Amending Ordinance Number 08-047, the City of Greenwood 2009 General Budget.

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

CHARLES BARRINEAU "Mr. Mayor and Members of Council, this is a budget amendment. I'm going to have the Finance Director, Steffanie Dorn, to explain our request."

STEFFANIE DORN "Mr. Mayor and Council, you'll probably recall that we had to replace one of the three heating/cooling units on top of this building. That is the first item for a little over \$25,000. We also have talked to you about the three elevators that are on the arcade. One of those is leaking significantly."

This is an opportunity to replace the roof on all the elevators which we believe is the best thing for us to do at this time to prevent further damage on the two that aren't leaking as badly. The total cost of that will be \$17,250."

MAYOR ADAMS "So we're going ahead and replacing all three?"

STEFFANIE DORN "That is all three. Only one is leaking extensively but it's a matter of time before the other two will and the repairs will prevent further damage. The other operating expense for \$1,500 is just a formalized budget amendment on the request from the American Red Cross that you have approved. All of those monies will have to come out of our surplus fund balance because we do not have any surplus revenues budgeted for this current year."

MAYOR ADAMS "Okay. Are there any further questions for the City Clerk?"

NIKI HUTTO "It's kind of cut and dry isn't it?"

STEFFANIE DORN "Yes, ma'am, I'm afraid so."

MAYOR ADAMS "At this time, can I entertain a motion to approve this ordinance?"

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

"All in favor signify by a show of hands. Is there anyone opposed? The motion carries, 6-0."

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

The motion passed unanimously.

CONSIDER  
  
Ordinance No.  
09-021 Annexing  
Property Owned  
by TCB  
Corporation.

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

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

CHARLES  
BARRINEAU

"Mr. Mayor and Members of Council, if you can recall a few months ago we asked Council to consider an annexation incentive for County Bank and their new building off of Reynolds. This is the official annexation ordinance. The three articles owned by the TCB corporation add up to a little over 1.7 acres across from the CVS and Waffle House. This is the first reading."

STEVEN BROWN

"Mr. Barrineau, I believe that Council should be made aware that this annexation includes their temporary quarters also."

CHARLES  
BARRINEAU

"Yes, their temporary office is located behind it."

STEVEN BROWN

"So this annexation, if it were to conclude next month, will allow us to provide full City services, not only to their new office they will be building, but also to their temporary office. I understand that it will probably be in place for a little over a year, but it is good for the City. We also think it will be real good for the County Bank."

MAYOR ADAMS

"Is there any further discussion? I'll entertain a motion."

Motion was made by Niki Hutto, seconded by Barbara Turnburke.

"All in favor signify by a show of hands. Are there any opposed? The motion carries."

The motion passed unanimously.

- attach -

CONSIDER Mayor Adams read the third item and recognized the City Manager.

Ordinance No. 09-022 to Authorize the City Manager to Sign a Lease with Howard's on Main.

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

CHARLES BARRINEAU "Mr. Mayor and Members of Council, the staff has been approached by Howard Corley of Howards on Main. He had expanded his services and requires the use of a larger walk in cooler that cannot fit inside the Textile Building. He asked if he can place the cooler on City property. To do so, we would require a lease for the use of that property. Anytime a council municipality in South Carolina enters into a lease, it has to be under an ordinance. This is first reading. The staff will have drafted a lease upon second reading approval but you can see some of the things included in it. He would have to hold the City harmless and be required for any security on the cooler. We did talk to all the adjoining property owners and nobody had any concerns with the cooler. It is adjacent to some commercial refuse containers of the City and he will be required to fence the cooler in. I'll be happy to answer any questions."

NIKI HUTTO "The fee is established by what?"

CHARLES BARRINEAU "It can totally be decided by Council but \$8 a month is what we presently charge for a parking space in the municipal parking lot. The size of the space is usually about the size of a parking space."

NIKI HUTTO "Okay. I just wanted to know how that came about."

CHARLES BARRINEAU "You can set it however you want to."

BETTY BOLES "You said that it will be cased in?"

CHARLES "Yes, ma'am."

BARRINEAU

BETTY BOLES "What about the top?"

CHARLES "No, ma'am. It is common in the restaurant business to  
BARRINEAU have a walk-in cooler. Actually, when Kickers didn't  
have enough room inside, they built an additional room  
where he enters a door from the rear and literally walks  
into the cooler which is outside."

STEVEN BROWN "Mr. Mayor, I would suggest that you remove the \$8 from  
the ordinance and allow the amount paid to be included in  
the agreement because you don't want the \$8 to permanent.  
You want the flexibility of changing that amount when you  
can state those conditions upon which there may be an  
increase in the lease agreement."

MAYOR ADAMS "That's a great suggestion. So, we're going to amend  
that ordinance?"

CHARLES "There is a clause that we made Mr. Corley fully aware of  
BARRINEAU stating our right to have a written notice within 60  
days, or whatever Council wants to choose, in case  
something was to change."

MAYOR ADAMS "Okay. Can we entertain a motion to approve the  
ordinance as amended?"

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

"All in favor of said motion signify by a show of hands.  
Any opposed? The motion carries."

The motion passed unanimously.

CONSIDER

Mayor Adams recognized the City Clerk.

Resolution No.  
09-007 to Adopt  
an Identity  
Theft  
Prevention  
Program;  
Appointing an  
Oversight  
Committee; and  
Authorizing the  
City Manager to  
Approve  
Modification to  
the Program as  
Needed.

STEFFANIE DORN

"Mr. Mayor and Council, I've talked to you about this at the work session. We are required by federal law to adopt an identity theft prevention program. Basically, this just emphasizes our commitment to keep our customer's information private. We deal with customers through the mortgages in the Uptown and Community Development programs we have. Also, our sanitation service that we provide to commercial businesses requires us to obtain private information. This just solidifies what we already do and puts into place a specific program that you have approved. It also appoints the committee which is made of the City Manager and me, or whoever is in my position, to be sure that we are keeping up with law, making any appropriate changes, and making sure that we are following policy. The City Manager will be authorized to make any changes to the program as they may be needed. I would respectfully request that you approve this resolution."

BETTY BOLES

"Just out of curiosity, what if someone did decide to find fault into something the City did, as far as identity theft, which caused them to lose their identity? Can they sue the City itself?"

STEFFANIE DORN

"They could sue the City if they felt that their data has been compromised. The biggest part of red flag is the responsibility by the City to report if somebody is using false information to establish an account. However, the accounts that we deal with would make this likelihood

very small. It is going to happen more frequently, of course, in the banking industry with credit cards or opening accounts to filter money.

The biggest part of the responsibility, as far as our information technology, falls with our IT Director to keep our networks secure from anybody being able to come through our website and obtain information. That is why we don't do some things that other businesses do, mainly to protect ourselves from people compromising our data. All of our cabinets in the Finance Office that maintain and houses information are locked and then those keys are locked in the vault every night. There are only two people that have the combination so, other than the Fire Department that could get into it by other means, we do our best to protect the data."

MAYOR ADAMS

"Okay. Can I have a motion that we approve this resolution?"

Motion was made by Herbert Vaughn, seconded by Betty Boles.

"All in favor signify by a show of hands. The resolution is passed."

The motion passed unanimously.

- attach -

CONSIDER

Mayor Adams recognized the Assistant City Manager.

Resolution No.  
09-008 to  
Recommend a  
Utility Payment  
Plan for the  
Arts Center at  
the Federal  
Building.

CHARLES  
BARRINEAU

"Mr. Mayor and Members of Council, we are still in a lot of discussions with the two agencies. As you know, the last joint meeting with CPW was about trying to get a plan for handling the Federal Building utilities. In this resolution, we outlined approximately over 20,000

square feet of space in the building. Right now, City staff are utilizing up to about 12% of that space which is about 2,500 square feet.

So, through this resolution, we propose the City to start paying the utilities for our portion. We'll then come up with a plan to where the Arts Council can finance the full utility payment for their usage in a 10 year period. It outlines that they would start by making a contribution towards the utilities around \$1,200 this year and, by 2018 or 2019, they would be able to pay the full share of their use of the building. This may or may not be able to work out, but this is a starting place.

The Commissioners wanted something in writing to start with. I think, if Council were to consider approval of this tonight, our next action will be to meet with the Mayor, Managers, executive folks, the Arts Council and CPW and try to hammer this out. I think it is a step towards the right direction. I'll be glad to answer any questions."

MAYOR ADAMS

"I also think it's a great step in the right direction. I believe the CPW would probably want to point out the bills as it currently exists. At least it's a start."

NIKI HUTTO

"Well, it may or may not, depending upon what the utility costs are and whether or not we'll get the building more efficient. You'll never know; it's possible!"

BETTY BOLES

"I know anything is possible."

MAYOR ADAMS

"Is there any further discussion about Resolution 09-008?"

STEVEN BROWN

"Mr. Mayor, I have a recommendation. I noticed where Mr. Barrineau has referenced 12% percent for the City's portion. I would recommend that the Arts Council's payments also be a percentage because you're talking about percentage of bill costs. If the CPW increase rates, then percentages will stay the same but the dollar amount will change. A percentage of bill costs are what we're looking for."

MAYOR ADAMS

"You can really run the numbers and come up with a percentage right now."

STEVEN BROWN

"Yes, sir."

CHARLES  
BARRINEAU

"I agree with the City Manager, Mr. Mayor. The board may say, 'In 10 years, we can pay for that,' until they understand that I used today's numbers. In 10 years, the

Arts Council must generate a lot of money."

MAYOR ADAMS

"So you're comfortable with changing this?"

CHARLES  
BARRINEAU

"Sure, yes."

STEVEN BROWN

"If it shows as an estimated expense."

MAYOR ADAMS

"As an example for right now. Okay. We have a motion to approve the resolution as modified?"

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

"All in favor signify by a show of hands. Are there any opposed? The motion carries."

The motion passed unanimously.

- attach -

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CONSIDER

Mayor Adams recognized the Assistant City Manager.

Reappointing  
Bob Elliott to  
the Housing  
Authority Board  
of  
Commissioners.

CHARLES  
BARRINEAU

"Mr. Mayor and Members of Council, his appointment is up in August. We can tell you that he is serving as the Chairman and is very interested in continuing. As you know, they got the big project coming on board with their youth center and he wants to maintain his role to be involved through the Housing Authority."

MAYOR ADAMS

"Great. We'll keep him on there. Do I have a motion?"

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

"All in favor signify by a show of hands. Are there any opposed? The motion carries."  
The motion passed unanimously.

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CITY COUNCIL  
COMMENTS

Mayor Adams stated, "The Festival of Discovery was incredible and I just wanted to say the Assistant Manager Barrineau put his heart and soul into it and it really paid off. It was phenomenal success. I think I saw just about everybody down there. So Steffanie Dorn was working hard all weekend."

CHARLES  
BARRINEAU

"Mr. Mayor, I can assure you that every single City employee was working those three days."

MAYOR ADAMS

"Billy Allen and Angie did an amazing job."

CHARLES  
BARRINEAU

"We have a great, great staff. The City Manager was working even before he had to leave for Honduras."

MAYOR ADAMS

"And it paid off. Y'all did a wonderful job."

BETTY BOLES

"I just only have one suggestion. Could they just serve food a little longer on Saturday?"

CHARLES  
BARRINEAU

"We got that complaint a good bit. I guess we'll have to do a better job of marketing saying, 'When it runs out, it runs out!' If you wait until Saturday, don't expect to get any food."

NIKI HUTTO

"I think what a lot of people don't realize is the fact that some of the people don't cook or sell for the public."

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CONSIDER

Mayor Adams recognized the Assistant City Manager.

Executive  
Session           to  
Discuss           a  
Personnel  
Matter.

CHARLES  
BARRINEAU

"We would ask Council to consider an executive session for a personnel matter."

MAYOR ADAMS

"Do we have a motion to go into Executive Session?"

Motion to adjourn the meeting into Executive Session was made by Niki Hutto, seconded by Betty Boles.

The meeting adjourned at 6:28 p.m.

CITY MANAGER  
COMMENTS

There were no comments given during the City Council Meeting.

\_\_\_\_\_  
D. Welborn Adams, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk and Treasurer