

GREENWOOD CITY COUNCIL

January 28, 2008 - 5:32 p.m.

**MINUTES**

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PRESENT Council Members: Mayor Nicholson, Niki Hutto, Betty Boles, Herbert Vaughn and Johnny Williams; City Manager; Assistant City Manager; City Clerk; City Attorney; Phil Lindler; Chris Trainer of the Index Journal and Chris Witt of Greenwood Today.

Barbara Turnburke entered the meeting at 5:36 p.m.

ABSENT Linda Edwards

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CALL TO ORDER The meeting in Council Chambers was called to order by Mayor Nicholson at 5:32 p.m. and he welcomed everyone to the meeting.

The Mayor also gave the invocation.

He also recognized the members of Boy Scout Troop Number 66 working on their communication merit badge.

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STATEMENT AND QUORUM Mayor Nicholson 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."

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APPROVAL OF CONSENT AGENDA Mayor Nicholson 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, "Is there any discussion? All in favor raise your right hand. So moved."

Motion passed unanimously.

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PERSONAL                      Mayor Nicholson read the item and recognized Mr. Thomas  
APPEARANCE                  Firriolo.

Recognize    Mr.  
Thomas Firriolo  
of 303 Jennings  
Avenue.

THOMAS FIRRIOLO            "Good evening. Have you all received my letter?"

MAYOR NICHOLSON            "Yes, sir."

THOMAS FIRRIOLO            "Can I have it read in the minutes?"

MAYOR NICHOLSON            "You can read it."

Mr. Firriolo read his letter addressed to City Council.

- attach -

THOMAS FIRRIOLO            "Has the Council decided since the November meeting as to  
the rezoning of my properties?"

MAYOR NICHOLSON            "Do we have a request from Mr. Firriolo to rezone his  
property?"

STEVEN BROWN                "Council chose not to take issues or action on any  
rezoning until the text change. There is a recommended  
text change that has been submitted by the Planning  
Commission after their Tuesday meeting. Due to the law  
requiring a 15-day notice, it wasn't posted on this  
month's agenda. It will be on the February agenda."

BETTY BOLES                  "Is that Mr. Firriolo's request?"

STEVEN BROWN                "It's the text change. After you have approved the text  
change, you can look at changing the language."

MAYOR NICHOLSON            "Yes. I think that was said the last time, Mr. Firriolo.  
We'll act upon the changes at our February Meeting."

THOMAS FIRRIOLO "Thank you."

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CONSIDER

Ordinance No.  
08-005 Amending  
the City of  
Greenwood's  
Official Zoning  
Map (Ordinance  
No. 04-020) by  
Rezoning  
Property  
(Approximately  
13.5 Acres)  
Located at 1217  
Grace Street  
from R4  
(Residential -  
Medium Density)  
to GC (General  
Commercial).

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

Mayor Nicholson said, "The format that we employ in the public hearings is that we ask that you come to the podium, state your name and address for the record, whether you're a resident of the City or County of Greenwood, and try to limit your comments to no more than four or five minutes."

The Mayor then read the first item and said, "As I have stated, this is only a request for a zoning change. We're trying to decide the best use of this property, whether it be commercial or residential. We are not discussing a park but a zoning change of 13.5 acres located at Grace and the By-Pass."

JOHNNY WILLIAMS

"Mr. Mayor, I've talked to all the Commissioners this weekend and some residents in my area that live over there. They have agreed with me that, if the CPW would give the remaining 40+ acres as green space, they would go along with rezoning the By-Pass property. It is my recommendation that we do it that way. The 40+ acres will never be residentially developed on that property and there will always be green space for parks and trails. Thank you."

MAYOR NICHOLSON

"Okay. Thank you, Mr. Williams. First, I would like to allow persons who are in favor of this rezoning change to speak."

STEVE REEVES

"Mr. Mayor and Members of City Council, my name is Steve Reeves, General Manager and one of the representatives here for the Greenwood Commissioners of Public Works. My residence is 161 Amherst in Cherokee Hills outside the City Limits.

The Greenwood Commissioners of Public Works respectfully request your approval of a rezoning request for approximately 13½ acres of a 54 acre site known as the Grace Street Water Treatment Plant property.

These 13½ acres will run adjacent to By-Pass 72 and along Grace Street up to the City Fire Station. I was told recently that the By-Pass was built for two reasons. The first was for traffic flow and the second was for commercial development. The drive along the bypass will confirm this statement as the vast majority of property fronting the bypass is indeed commercial. It is apparent that it was also intended that this property may one day be zoned commercial. There is an existing parcel adjacent to and adjoining the property which is being requested for rezoning. If it was proper for that parcel to be zoned General Commercial, then certainly it is also proper to rezone this site as requested. Thank you."

MAYOR NICHOLSON "Okay. Thank you, Mr. Reeves."

HENRY WATTS "Good evening. My name is Henry Watts, the Board Chairman for CPW, and I live in the City at 319 Taggart Street. In support of Mr. Williams' recommendation, the Board has stated that, if the City Council rezones the 13.5 acres to General Commercial, the CPW Board would deed the remaining 40 acres to the City forever as a green space. We are not against a park but we have a financial responsibility to CPW that we cannot legally give away the 54 acres.

That's the position we are in but as the CPW Board, we are willing to compromise 40 acres as green space forever deeded to the City. This can be done as soon as Thursday. I will call a meeting at 10 o'clock Thursday morning if the City Council Board sees fit to rezone the property to General Commercial. Thank you."

MAYOR NICHOLSON "Thank you."

GENE HANCOCK "I'm Gene Hancock, one of the Commissioners of CPW, and I live at 168 Orchard Park Drive. I'm in total agreement with this because it'll take care of the legal problems based on the legal advice we had on the property. I'd like to see green space there too because I only live a block from there. I think the wishes of green space would satisfy most people here. If the issue of a park hadn't come up, we probably wouldn't be here today so I hope this works out. Thank you."

MAYOR NICHOLSON "Thank you, Mr. Hancock. Is there anyone else to speak in favor of the zoning change?"

BETTY BOLES "I have a question for one of the Commissioners. If the 13.5 acres is not rezoned, do you have any idea what the outcome would be? Do you have any plans?"

GENE HANCOCK "We don't have any plans."

We've been working it out so that the City would get some property value out of it from taxes and take care of the financial matriculation of things where we would have to get something for the property. Even to give it away, we would have to get something for it.

There are other options. It is zoned as R4 where you can build 250 homes. Other than that, it can be sold as is but that isn't what we wanted. We've never have wanted that since I've been on the Board for 22½ years and the other Commissioners since then have always wanted some kind of green space there too."

HENRY WATTS "We feel this has been an issue for too long that needs to be solved and move on."

JOHNNY WILLIAMS "If it's not rezoned by us, you are going to sell the property as is, or R4, where there is a possibility of 200+ houses like the ones on my street that'll ruin the neighborhood?"

HENRY WATTS "That's a possibility."

MAYOR NICHOLSON "Alright. Are there any other questions for the people who are in favor of the zoning change? Is there anyone who would like to speak opposing the zoning change?"

BILLY NICHOLSON "Good evening, Mr. Mayor and City Council Members. I'm Billy Nicholson. I think all of you know me. I'm a resident of Greenwood County and also Chairman of the Greenwood County Parks Commission. I grew up in Forest Hills which is off Grace Street and, as a child, I drove down Grace Street every day of my life so I know this area pretty well.

I want to go back to your comments where you said we're not here to decide whether there is going to be a park. Really, most of what we've heard is about backdoor meetings where they (CPW) decided this and that and whether we will have a park or not. There have been meetings with CPW and attempts of a cooperative effort to come up with a development plan for this whole piece of property, even for possibly commercial use. The time to do that is in a planning session, not in a meeting like this. However, CPW refused to do that and requested General Commercial zoning. Mr. Mayor and City Council Members, you have to decide now if you're going to decide and act on a rezoning for General Commercial or send this request back to see if a cooperative plan can come about. I don't think this forum lends itself to come up with a plan like that.

I'm prepared to speak on zoning. I can really speak for hours on whether there should be a park here because that's what we've heard from the Commissioners, but you said at the beginning that's not what you wanted to hear."

MAYOR NICHOLSON

"Yes, Billy, I'm going by the outline of the agenda. We're acting upon the request from CPW to rezone 13.5 acres to Commercial from Residential."

BILLY NICHOLSON

"Okay. I'm going to address that issue. I know we're not here to decide whether there is going to be a park on the property and that's what I hear you saying. There are really two issues with rezoning when a request comes in. One is, does this fit within the comprehensive plan for the community? The other is, what is the effect on the adjoining property and in the neighborhood?"

I want to recap a little bit of what's happened with this rezoning request. As you know, there is a joint City/County Planning Department where each finances it. There are employees who research these rezoning requests. Their efforts include surveying the property, looking at the existing land use in that area, transportation needs and the feasibility of developing the land which, in this case, is located in a flood plain. They also consider the existing general commercial space in this area that is not being used for that purpose. All those considerations go into the Planning Department making a recommendation to the Planning Commission and their recommendation was that it should not be rezoned for General Commercial. I just wanted to explain this for the general public here. The Planning Commission is made up of 15 members and they're really ordinary citizens. I think five are appointed by the City, seven from the County, one each from Ninety Six, Ware Shoals and Hodges, I think.

At the meeting that took place just last year, this request came before the Planning Commission. They had a full public hearing and ten of the Planning Commissioners were in attendance. At the end of that meeting, those ten voted unanimously not to rezone this property to General Commercial. Then it goes to the City Council but City Council is not restrained by that decision. All that work from the Planning Department is just for a recommendation to you. You have a right to vote on that however you feel and see fit because this property is located in the City.

I submit to you that, in this case, you have a great responsibility to look at this request with impartiality even though you have a connection with CPW.

CPW has been stated in a lot of ways to be a part of the City. It's kind of a mystery as to what the relationship is but there is a financial and institutional connection and you're sitting in judgment of this request by CPW.

I'm getting through this but I think, if I summarize a few points, it will save time for the whole group. Number one, there is a Comprehensive Plan by the City and County of Greenwood. City Council may know this but the public may not. The City and County Councils appoint committees and citizens groups that consider the desired land use for different areas within the County. They came up with a map in 1999 and, at least, a 20 year plan that is required by the State. This plan was reaffirmed in 2007 and there was no change in regards to this property that is listed as Open Space Recreational on the map.

Now, changing a piece of property from open space to General Commercial is probably the most drastic change I can think about. It's basically saying you want to take this area that's open for recreational use and green space and give the CPW a blank check where they'll have absolute permission to do almost anything they want to do with this property. The rezoning in this case would have a drastic effect on the surrounding neighborhood and Grace Street itself. Just look at the neighborhoods and schools around here. There are no points or corners on this intersection that are General Commercial. I know that's looked at when you consider rezoning.

The point I made in the courtroom when we had the hearing with the Planning Commission is there are two ways to get into Greenwood from the North. You can drive down Highway 25 and head through General Commercial the whole way. It is aggravating. If you've ever tried to come back from Greenville, it takes you about 50 minutes to get to Hodges and about 50 minutes to get downtown. However, you can turn off Highway 254 and have a rather serene ride through neighborhoods and green space. We have a Grace Street Corridor that has been protected from general commercial development. It is the integrity of the Grace Street Corridor that I ask you to consider today.

The one real problem is there is no real plan for this whole property has been submitted to you. All we have here is a promise that, 'if you do this for us then Thursday, we do something else with the rest of the 40 acres'. It is very simple for all the groups to get together, decide on a general plan for this property and submit it to the Planning Commission with everybody's support. That's not what's being done here.

They're asking for General Commercial on the 13½ acres and make the rest green space but you may be looking at the back of an empty Wal-Mart or Lowe's building in a few years. There could be gas stations or any kind of commercial development on that property which would have a drastic effect. I think it's an insult to submit this drastic change without telling you what they're going to do with the whole property. They have not committed by any resolution or act that any of this will be green space.

There is a point, and the Planning Department says that they looked at this, whether there is a need for commercial space along the bypass. This is an actual consideration that should be considered by you. Just look at all the empty and unused spaces and unsightly big box stores we have. There is no need. Because you have a connection with the CPW, you need to consider that it's almost unconscionable to sell a public asset in a bad market like this. You've heard the Commissioners say that they just want to do something and they're ready to almost give it away. If this land is an asset of this community, do not sell it in a market where you have a glut of commercial property.

Now, there is one more issue that I want to bring up. This property was condemned by the Town of Greenwood almost 100 years ago. In this case, the Town of Greenwood people that you're representing took this land away from a woman because it was a needed natural resource for public use. That need for public use has not diminished whatsoever. If you decide to go with General Commercial, it is a violation of State Law. The legislature passed an Act that says you cannot condemn a private citizen's property and commercially develop it. That's a new law as of 2006-2007. It would be a dishonor to the citizen you've taken this property from to now say you're not going to use it for public use, destroy the natural resource treasure that you said it was in 1910 and allow a big box store or any kind of commercial development.

I submit to you that rezoning this General Commercial is wrong. It is wrong for you to consider any kind of rezoning until CPW, the land owner right now, says what they're going to do with the entire property. Thank you."

MAYOR NICHOLSON

"Thank you, Billy."

NATALIE  
PARRAMORE

"Hi. My name is Natalie Parramore and I'm here on behalf of my profession.

I've been a real estate agent for 24 years and I am here to basically defend the residents around this piece of property. Having been a Chairperson of another park project in Greenwood, I have seen how property values have flourished and construction has taken place because of the green space. I've seen where the marketing from these companies who built these new homes use the park quote for marketing their houses. What I have also seen in my profession is the empty box syndrome where properties behind these buildings have now depreciated tremendously in value. Residents are losing money on property values. Safety and security of these residential areas is no more.

I believe the census was about 20,000 to 22,000 cars that visit this intersection daily. That's a lot of cars without any current commercial development on this corner and 54 acres. I can't imagine what a detriment it would be for traffic, security and the quality of life that these residential neighborhoods would bear by having some type of commercial development in this location.

So, I'm here on behalf of the real estate market and values. I think it would be a detriment to all of the residential areas. I can't speak for everyone but I think the majority feel the same way I do that commercial development would deteriorate, maybe not the first day but over time, their property values. Thank you."

MAYOR NICHOLSON "Thank you."

MEGA LAHL "Good evening. My name is Mega Lahl and I'm a resident of Greenwood County. I am here as a troop leader for Girl Scout Troop 520 that meets at Main Street United Methodist Church in Greenwood. Our girls would like to participate in the democratic process by having a chance to speak in opposition of the zoning change."

GIRL SCOUT #1 "We the girls of Junior Girl Scout Troop 520 are here today to ask the Greenwood City Council not to rezone the land on Grace Street to General Commercial."

GIRL SCOUT #2 "All over our country, as cities grow and expand, the beautiful green spaces are being replaced with buildings, parking spaces and concrete."

GIRL SCOUT #3 "We ask the leaders of our wonderful city to agree on the value of keeping this space residential. Green spaces keep our city cool and our air clean."

GIRL SCOUT #4 "Please, Honored Members of Greenwood City Council, we ask that you uphold the name 'Greenwood' and not replace it with a concrete jungle."

MEGA LAHL

"Thank you."

JOHN HOLLOWAY

"Hello. My name is Jon Holloway at 313 Johns Creek Road and I was not planning on speaking tonight. However, seeing the Girls Scouts here was just a wonderful thing and I thank you very much. I would just like to say I grew up near the Grace Street area from Rock Creek. My parents live on Meadowbrook Drive across from where the proposed zoning change would be.

I think we have the opportunity tonight to really set the tone for the future. I've been traveling all over the State recently working on a project. I think the communities that separate themselves from the Wal-Mart's and strip malls are communities that are thinking 10 to 15 years down the road. I don't understand how you can say 13 acres is valuable and 40 acres is not so that you can potentially give it away.

I really think we need to look toward this generation that just spoke. That's why we're here tonight opposing the proposed change because these kids are who we should worry about. Not necessarily for us, but the type of community we want to live in 30 to 40 years down the road. I just hope you consider the future and not merely the fiscal year when you make this decision. Thank you."

DALE STALEY

"I'm Dale Staley of 111 Woodcrest up the hill from this property. I have four quick points to make. Number one, when this went through the Planning Commission, a recommendation was made by the professional people involved here such as Phil Lindler whom I have a high respect for his professional integrity. They made a recommendation on what I considered valid points on the 13.5 acres of land.

The second point I'm making is, if you pull out, you'll kill the integrity of this level land and whatnot in that area. If you want to use it for anything, it'll require extensive grading. Now, you could probably build some houses upon the hillside, put piles underneath them and they'll be fine. There are also places where there is a building, big tanks, a big pond and you can't go any further than the fire department. So you're killing the integrity of the land that our good friend called the entrance to Grace Street.

The one thing that really bothers me is Item #2. I looked at that and the logic of it kind of kills me. If they're talking about legal requirements and you guys are giving away the water tank site or will probably be doing so, what do you think the value of that is?

Is it anywhere from \$250,000 to \$500,000? You serve to get a little money out of that, if you got a legal requirement where you must get money.

The other part of this is, what the heck is going to happen with this money? I've heard no mention of it and a lot of other things. I do believe that you should support what has been recommended to you by a very good vote from your Planning Commission, the people you put some confidence in. That's what I believe about the matter. Thank you."

MAYOR NICHOLSON

"Thank you."

LOU WALTERS

"Hello. My name is Lou Walters and I reside at 117 Woodcrest Street with my husband Bob. Woodcrest is a City neighborhood of 19 homes located directly across the Grace Street water plant property where Ms. Belle Yoe resided.

When I moved to Greenwood 26 years ago, several people upon hearing my address would say, 'Oh that's where Santa Claus comes!' I didn't understand the comment until that first December when I learned of a Woodcrest tradition of arranging for Santa to come as a gift to Greenwood's children. For more than 30 years, 5 nights each year, Santa sits in a rocking chair at the foot of a large lighted tree and visits with children of all ages from all over Greenwood. Earlier visitors are now bringing their children for this memorable experience. I'm sure many in attendance today have fond memories of visiting Santa at Woodcrest.

I feel that bringing commercial buildings so close to our neighborhood of 19 homes will drastically change Woodcrest in a negative way. Our residents, retired couples, working citizens and their children would be challenged with the additional traffic and noise that a development directly across from our entrance will bring. Of course not just nearby neighborhoods would be drastically affected, anyone driving along Grace or the By-Pass will be affected by the loss of green spaces. There will definitely be no more Canadian Geese sightings in the floodplain area.

A few weeks ago, I thought that perhaps I'm being very selfish in wanting to prevent this open space from becoming developed because Greenwood is growing and needs additional properties for commercial growth. So I drove around in a mile and a half radius from the property and these are the figures I've discovered: There were at least 52 empty commercial buildings or shops for sale or lease; seven large lots for sale;

Northgate Commons across from the Mall waits to be developed, as well as the area across the IHOP; and one large property between Aldi and Fatz is now flat red clay. I'm sure I've missed a few more. In fact, I've seen some since then that are empty including stores at the mall. This is only a mile and a half radius as far as old Wal-mart and IHOP on the By-Pass to the Capital Bank and Aldi on Montague.

I was truly shocked by these numbers in this small area of Greenwood. I came to the conclusion that there is already sufficient commercial land and buildings to accommodate much growth in our City and the green space across from Woodcrest need not be sacrificed. Thank you."

MAYOR NICHOLSON "Thank you."

EMILY DRAKE "Hi. I'm Emily Drake and I live on 338 Plantation Drive in Creekside. I just want to start off by saying I love shopping but we don't need stores in places that are already green where there are already other places to put them. We don't need to destroy trees and plants when they're so important to our health and our environment. That's about it."

MAYOR NICHOLSON "Thank you. Is there anyone else?"

JOEL CLELAND "I'm Joel Cleland and my address is 123 West Laurel Avenue. That puts me in one of the neighborhoods being affected by the proposed zoning change. I want to speak to it just very briefly because I don't think I can say anything else significant to the information you already have.

The neighborhoods in the area where I live are being assaulted on every side by various forms of nonresidential development that's mostly commercial. We have the K-Mart and other plazas. Montague is purely a commercial street. My own employer behind us, Lander University, is expanding to our neighborhood. If you look to the east of the By-Pass, there is commercial development that is full of empty stores. So I think we're talking about neighborhoods that are feeling increasingly enclosed and fenced in by commercial and nonresidential development.

I just want to quote a piece of philosophy and I apologize if this gets too heavy. It's from my favorite cowboy philosopher, Gene Autry, who said, 'Don't fence us in'."

ROGER STEVENSON

"Mr. Mayor and City Councilmen, my name is Roger Stevenson. I live at 206 Grange Road which is in the County. I understand very clearly that the issue at hand is to permit rezoning of the Grace Street property in order for CPW to sell it for commercial development.

Now, no one has said anything good about the CPW that I've heard of tonight except the CPW Commissioners and Manager, but I'd like to say something good about them. I think they do marvelous things for our community. They have and always will in the future regardless of the outcome of this issue. The Commission is just on the wrong side.

There would appear to be no compelling issue or reason at all to dispose of this public property for commercial development. Certainly, this parcel is not impeding the commercial development in Greenwood. As you've heard from these very scientific studies that have been carried out, there is ample space all along the By-Pass, not to mention elsewhere in the City and County, for further commercial development. Second, the surrounding homeowners have expressed their reasons for not wanting commercial development of this property at their doorsteps. Third, I think it's important for someone to say that rezoning to allow CPW to make a big profit on this property is simply wrong. CPW paid not a single penny for this property. It was deeded to them by the City of Greenwood in 1997. In 1911, the City indeed paid some money, perhaps not cash, but nonetheless gave Ms. Yoe a check for this property.

Further, the whole idea of condemning private land for a public purpose and then having it rezoned to sell for commercial development is abhorrent at best and illegal at worst. If you grant this zoning request, you are participating in a public action that is simply wrong. I urge you to deny this zoning request."

ELYSE BENSON

"Good evening, Honorable Mayor and Council. My name is Elyse Benson and I live at 412 Jennings Avenue. I would just like to say ditto to the floodplain, access and empty commercial space issues. As a citizen I would also like to say I'm not comfortable with this style of approach, 'Either you give us the 13 acres and we'll give you this or we'll sell this whole thing.' There's an ugly word for that and I believe it's called extortion! Thank you."

MAYOR NICHOLSON

"Thank you."

MARY JO COOK

"Hi. I'm Mary Jo Cook and I live at 226 Gracemont. You can tell I have the nervous heebee jeebees again.

I've been in my little house on Gracemont for 24 years. Twenty years ago, I met Mr. Brown and Mr. Williams when I used to ask City Council about stopping one individual property owner who wanted to change their house and lot from Residential to General Commercial. We were always successful in stopping that and I appreciate the support. I know Mr. Williams has served on this Council for a long time.

It's sad now that a public agency is trying to do the same thing. I know the people are getting mobbed over the head with the frontage on the By-Pass. Most people think the By-Pass is a good place for Commercial, but let me remind you this 13.5 acres includes frontage on Grace Street all the way up to the Fire Station. There is no General Commercial from Main Street Methodist all the way to this intersection. There is Neighborhood Commercial on Grace Street but no General Commercial.

I like the Comprehensive Plan that you go by, particularly when it's quoted as saying to guard future conservation and development. I really like the fact that the word 'conservation' comes before 'development'. I think it's probably significant and important when the plan talks about protecting the scenic views. Everybody can understand that the prettiest approach to Greenwood is through Park Seed, Forest Hills, Cherokee Hills and down that green corridor. The Comprehensive Plan even speaks about preventing urban sprawl. Let's try to encourage and redevelop the sites that are empty and get developers to go into areas that are already zoned General Commercial.

I also have to tell you that I like the idea of compromise. As I say that, I'm thinking about my mom, who was almost 95, that died just two months ago. I used to try this with her sometimes, 'If you would let me get away with this right now, I promise tomorrow I'll do this.' Mamie Hoskins never bought that. Not one time! Now, I'm happy to see and hear the Commissioners from CPW have a revised spirit of compromise, but I'm one of those people that think you have to do it in an upfront way. So, if we're successful in working this out, I'd have to agree with Mr. Nicholson who said the way to do it is in a planning session. You can get the signed, sealed and delivered papers upfront to see if the residents agree with the compromise.

You're probably saying, 'What does that nervous woman wants us to do?' I want you to think about the human factor. I consider myself a human factor that lives on Gracemont.

I've been there 24 years and am considered a newcomer compared to Lois and Charlie Sparks who live across the street from me for more than 55 years. We know our neighborhood. I see Josh with a stroller walking down the street. A stroller in the street? Well, yeah. Do you know why? We don't have sidewalks. My street doesn't even have curbs. So, if you want to walk with your dog (I'm the girl with the beagle) or stroll with your children, you do in the street and walk around the parked cars. So, the human factor to our neighborhood is we want it protected. If there is a sense of compromise on the horizon, I'll support it but I want it done in an open meeting where everybody can see all the details.

Mr. Nicholson, I am a good student. I remember you saying that what was before you today was a rezoning. If that's the case, I ask you to deny this request. Let the others come like manna from heaven but, in all cases, I will never support General Commercial on Grace Street. Thank you for your time."

KLAUS NEUBNER

"Hello. My name is Klaus Neubner. I live at 117 Sheldon Avenue, Belle Meade, and have been there for 40 years. That beautiful intersection is my gateway to the City.

There is one more point that has not been raised and totally overlooked and that is the floodplain. The very name says floodplain for a reason. There is a 100 year watermark for this sort of thing because if a big flood comes, there will be a lot of water. If you keep building in the floodplains, the velocity of flood water increases in the small channel and the water level rises.

The other thing is the soil condition that they want to build on. I was the Maintenance Chairman and General Contractor of building the Rock Creek trail. Before we ever built it, a hydrologic study was made of this area. The local water district technician, Brian Stoddard, got so interested that he just looked at the whole Rock Creek up to Saint Mark's Church, Wal-Mart, Lowe's and that sort of thing. Since then, the woods have been destroyed with more pavement. When the hurricane rain comes, it's going to increase the water tremendously and lead to our creeks rising.

The soil condition is such that, if it dries out, it shrinks by 20%. It's just terrible. You can't build on stuff like that. Even if you fill it up, you'll still have that squishy surface foundation. You'd still need to add the drains for water when you fill it in. So there is still going to be some excess of Rock Creek under that road.

I know that road and, in a good rain, it's going to flood that little shopping center they want to build. So, for the soil standpoint, it's not the right place to build anything. It's a floodplain. Thank you."

MAYOR NICHOLSON "Thank you."

CHUCK MOTES "Mr. Mayor, my name is Chuck Motes. Members of Council, I live at 115 Country Club Drive in Greenwood. I'm a fairly new resident to Greenwood but, from the first day I arrived, this whole issue has been in the paper and on the minds and thoughts of a lot of folks that I know. To me, it's getting to be a political football. We kick it from one area to the next. It has been to the Planning Commission, we've been to CPW meetings and now we're here at the City Council meeting.

I think you ought to do the right thing and deny the request. We must get together to study this thing and look at the best use for this land that reflects the desires and wants of the members in this community. It's obvious, from this presentation tonight, that the people in the community want the park, green space and a place to take their families to play and have fun. You can use your power as the Mayor and City Council to bring these parties together and make them put a plan together that reflects these needs. I implore you to do the right thing and let's move on. Thank you."

MAYOR NICHOLSON "Thank you. Is there anyone else? This is the last call."

CHARLES DRAKE "Hopefully, I'll be the last. I'm Charles Drake. I live at 338 Plantation Drive and, as most of y'all know, I used to sit through these pleasant hour long public hearings. I'll be very brief and summarize some things that I thought about when this stuff came up.

I remembered back to my days as a Council Member and asked, What questions would I ask about this rezoning request? Does the rezoning request comply with the Planning Commission's future land use plan? You may have already heard some of this. The Planning Commission created a future land use plan that gave every piece of property in Greenwood County an anticipated future land use. The purpose of the plan is to minimize the negative effects of urban sprawl and provide a long term plan for land uses. The plan designated this lot as Open Space Recreation. Specifically, this is defined in your plan as, '...areas within a Greenwood urbanized area that shall be utilized for use by the general public for passive recreational use. Included in this category are public and private golf courses, parks, greenways and trails.'

The answer is, no. The rezoning is a radical departure from the long range future land use plan.

The next question is, does the rezoning request respect the nature of the surrounding properties? The surrounding properties are residential or low density, commercial neighborhood and commercial in nature. The Highway 254 Grace Street Corridor is a green corridor into our community. The properties and housing developments that align this road are nearly all residential in nature from the junction of Highway 25 North in Cokesbury all the way into the heart of the City of Greenwood at Grace Street and Cambridge. Obviously, the residents of the surrounding neighborhoods are opposed to the request. So the answer is again, no. The rezoning radically alters the nature of the neighborhoods and is opposed by adjacent property owners.

The next question is, does the rezoning request satisfy a need or fill a void in property class that is in demand in the community? You've heard some of this before. The request is for General Commercial or C-2. Within one half mile in either direction on 72 By-Pass, there are an estimated 30 to 50 acres of unimproved land already zoned C-2 that are listed for sale or lease. Additionally, there are an estimated 40,000 to 50,000 square feet of commercial buildings that are also listed for sale or lease. No, there is not an urgent demand for commercial property in this vicinity.

Finally, is the public in favor of this rezoning? In a poll of the general public conducted by the Index Journal Newspaper on their website, 95% of the respondents expressed a desire to see the property remain for use as a passive, recreational park. Property owners from the immediate surrounding neighborhoods are here in large numbers to show their opposition. I'd love for everyone who's in opposition to please stand up or raise your hand. I think it's very obvious for every one of these people. There are 10 others who can't be here tonight. More than half live in the City and are CPW customers. So again, the answer is, no. The public in general and adjacent property owners are opposed to this request.

I respectfully ask that you deny this request. Thank you."

MAYOR NICHOLSON

"Thank you."

JAMES HODGES

"I'm James Hodges of 1509 Bucklevel Road. I know everyone is in a hurry to get this decision made, but my question goes back to what Mr. Nicholson said at the beginning. What's the hurry?"

Are we at a point where we need to make this decision? It's a very important decision.

I know someone used a cowboy philosophy. I grew up as a child of the 1960's so I'll end my comments to this philosophy. I don't remember the words exactly to this song but it said, 'Don't it always seem to go that you don't know what you got until it's gone? They paved paradise and put up a parking lot.' Once we put up the parking lot, all the decisions about the green space are gone. I urge you to vote 'no' because you're not necessarily stopping anything from happening on this property in the future but you're also saying, 'It's time to get it right first.'

BARRY BOGGERO

"My name is Barry Boggero of 205 Penn Avenue in Greenwood. Thank you for this opportunity to speak. My only question was about a quote in the paper made by one of the Commissioners, Mr. Watts, which said they weren't in the business to give away the land. When did the Commissioner of Public Works buy the land? I urge the City Council to vote 'no' on the zoning. Thank you."

MAYOR NICHOLSON

"Thank you. This is the last call. Is there anyone else? Okay. Seeing and hearing no other, we will close the public hearing.

Before we take action, I would like to say we appreciate everyone coming to express their opinion in reference to this. I wish there was some kind of way that the decision we make will please everyone, but you know it's practically impossible. We're concerned about what we think is right for the community. Now, I know at the beginning there was some communication about a compromise but I'm just going by the agenda. I did not hear CPW say that they wanted to withdraw their request to negotiate something else. So, we have the request concerning 13.5 acres on the agenda. The only way we can stop acting upon this is if they withdraw their request to negotiate something else. Since I have not heard that, we're going to act on the agenda item."

Mayor Nicholson read Item Number One again.

"We have a unanimous recommendation from the Planning Board to deny this. Do I have a motion?"

BETTY BOLES

"I'm just speaking for myself as a Council Member but, however I vote, it is based on what's best for the citizens of Greenwood and the residents who live in that area. I feel that they're going to be mostly affected by whatever decision we make. I commend you who came to speak on behalf of this rezoning. I wish we had that same neighborhood love for all the other areas in the community not just Grace Street and the 72 By-Pass.

I wish we could come together with the CPW and Park Commissioners to reach a decision that'll make this property feasible for both parties. That has not come forth yet but, hopefully, in the near future. We'll never know. I feel that we have the citizens of Greenwood best interest at heart and not any particular group. Thank you."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

A motion to deny the request was made by Niki Hutto, seconded by Barbara Turnburke.

"Now, do I have any further discussion or comments?"

NIKI HUTTO

"Mr. Nicholson gave us a lecture on planning and zoning. I just wanted to reiterate that I was one of those residents that worked with and signed on the Comprehensive Plan in 1999 with Charles Drake. I started my public career in Greenwood because I wanted to protect the residential neighborhood that I wanted to live in. To me, the life blood of a City is when people are actively living, walking and spending money in and through their neighborhoods as pedestrian traffic. We will have to take a hard look at where we are infringing on these neighborhoods on all fronts. This is a residential zone now and I think it should stay residential. That's why I'd like to deny the request."

MAYOR NICHOLSON

"Okay. Is there any other discussion? All in favor of denial raise your right hand. All the others in favor that it be approved raise your right hand. The vote is four to one with one to abstain."

Mayor Nicholson, Niki Hutto, Betty Boles and Barbara Turnburke voted to deny the request. Johnny Williams voted for the request and Herbert Vaughn abstained.

The motion for denial passed.

"If you would like to leave, please do so quietly."

The public hearing portion of the meeting was put on hold from 6:35 - 6:41 p.m.

CONSIDER

Ordinance No. 08-001  
Authorizing the City Manager and City Clerk to Execute a Quit Claim Deed Conveying Properties off Reynolds Avenue (Water Tank Site) to the Commissioners of Public Works of the City of Greenwood.

Mayor Nicholson read the second item and asked, "Is there anyone here to speak in favor of this quit claim deed? Is there anyone opposing? Alright. Seeing and hearing none, we will take action.

This is the second reading. Do I have a motion?"

Motion was made by Johnny Williams, seconded by Herbert Vaughn.

"Is there any other discussion? All in favor raise your right hand. So moved."

Motion passed unanimously.

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

- attach -

CONSIDER

Ordinance No. 08-002 Annexing Properties in Karlie Hill Development, Phase VI.

Mayor Nicholson read the third item and asked, "Is there anyone to speak in favor of this annexation? Is there anyone opposing?"

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

JOHNNY WILLIAMS

"How many more phases are there?"

STEVEN BROWN

"We are collecting petitions for another phase at this time."

JOHNNY WILLIAMS

"How much longer until it gets completed?"

STEVEN BROWN "It can't be much longer. It's about to be completely built."

MAYOR NICHOLSON "Okay. Seeing and hearing none, we will close the public hearing.

Do I have a motion from Council?"

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

"Is there any discussion? All in favor raise your right hand. So moved."

Motion passed unanimously.

- attach -

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CONSIDER

Ordinance No.  
08-003 Amending  
the City of  
Greenwood's  
Official Zoning  
Map (Ordinance  
No. 04-020) by  
Rezoning  
Property  
(Approximately  
0.3+ Acres)  
Located at 405  
Graydon Avenue  
from R7  
(Residential -  
High Density)  
to GC (General  
Commercial).

Mayor Nicholson read the fourth item and asked, "Is there anyone here to speak in favor of this rezoning change? Is there anyone opposing the change? Seeing and hearing none, we will close the public hearing. I think the recommendation from the Planning Board was for denial, am I correct?"

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

STEVEN BROWN "The request came from Joshua Lyle who lives in Florida. You had the Timmermans to appear before you and they asked for their request to be delayed.

We have received an application for a zoning change of R10 from Mr. Lyle, but he wanted Commercial, so you directed us to send it back to the Planning Commission. After a public hearing, the Planning Commission had recommended denial. This is the property that sits adjacent to the Lander University Sports Complex."

MAYOR NICHOLSON "Okay. Do I have a motion?"

JOHNNY WILLIAMS "This is the request we've been sitting on for the past six months?"

NIKI HUTTO "There is a home next door to the lot."

JOHNNY WILLIAMS "She doesn't want to rezone."

STEVEN BROWN "There is an elderly lady, a vacant lot owned by the Timmermans and the property in question before you tonight. Lander University purchased the large parcel and all of it at the present is residential except for the party shop across the street."

JOHNNY WILLIAMS "What concerns me is they would turn the property into a parking lot for rental trailers or whatever."

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

MAYOR NICHOLSON "Are there any questions or any further discussion? All in favor raise your right hand. So moved."

Motion passed unanimously.

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CONSIDER

Mayor Nicholson read the fifth item and asked, "Is there anyone here to speak in favor of this zoning change?"

Ordinance No.  
08-004 Amending  
the City of  
Greenwood's  
Official Zoning  
Map (Ordinance  
No. 04-020) by  
Rezoning  
Property  
Located at 610  
Calhoun Avenue  
from R4  
(Residential -  
Medium Density)  
to R7  
(Residential -  
High Density).

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

ERNEST MCCALLUM

"Thank you Mayor and Council. I'll be very brief. I didn't realize I would be on the agenda with the other property. This piece of property is located next to my office at 608 Calhoun Avenue which is just at the old railroad bed. This property was owned by Mrs. Doris McKinney, an elderly lady that passed away last year. She's been a neighbor of our office since my father moved there in early to mid 1960's. I really did not intend to purchase the property until her niece wanted to know if I was interested in it.

I was only interested in the fact that my office shares a common driveway with apartments on the other side. Over the years, they have had ups and downs in their clientele living there. There is another set of apartment buildings that are owned by a fellow out of California. He's done a tremendous job in the last year of renovating and cleaning the debris and overgrowth. I wanted mainly to purchase this as a buffer to my office for protection in case I'd ever needed to expand my parking lot or to use it for another purpose.

After purchasing the property, I spoke with a rental agency in Greenwood. The house was built in 1920 and needs a significant amount of work to bring it up to rental status. I want to make this large old home into a

duplex in which there will be rental units on both sides. My goal is to have it as nice as possible so that the people I would rent it to would be a good neighbor because I don't plan to leave any time soon. I'm scared that, if someone else purchases it, they wouldn't put the money into the property and the place would be run down.

So that's my intention with the property. I hope the Council looks favorably on it. If there are any questions, I'd be happy to answer them."

NIKI HUTTO "So in essence, this house is surrounded by apartments and your office?"

ERNEST MCCALLUM "Yes, ma'am. We're all zoned for General Commercial. My father thought it was zoned either Neighborhood Commercial or Office Professional when he first bought and renovated our property. He doesn't remember over the years having it changed so I'm not sure what happened there. We're all a cluster of nonconforming properties."

MAYOR NICHOLSON "Are there any other questions for Ed?"

STEVEN BROWN "The Planning Commission recommended approval only if the Dellwood Apartment tract was included in the rezoning. If the Dellwood tract was rezoned, would it be conforming?"

PHIL LINDLER "They would be less nonconforming than they currently are. They would not be conforming."

STEVEN BROWN "But they would not be R4 but R7?"

PHIL LINDLER "Correct."

STEVEN BROWN "The property manager said the owner has given him an indication that he has no problems with his property being rezoned along with the other property."

JOHNNY WILLIAMS "In other words, we're considering both pieces of property?"

STEVEN BROWN "Yes, sir. Isn't that the recommendation, Phil?"

PHIL LINDLER "Yes, sir."

MAYOR NICHOLSON "Is there anyone else to speak in reference to the zoning change? Seeing and hearing none, we will close the public hearing.

Now, I will entertain a motion."

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

"Is there any discussion? All in favor raise your right hand. So moved."

The motion passed unanimously.

- attach -

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CONSIDER

Under unfinished business, Mayor Nicholson read the first item and recognized the City Manager.

Ordinance No.  
07-038 Amending  
the City of  
Greenwood's  
Official Zoning  
Map (Ordinance  
No. 04-020) by  
Rezoning  
Property  
(Approximately  
0.86 Acres)  
Located at 303  
Hampton Avenue  
from OPI  
(Office/Professi  
onal/Instituti  
onal) to CC  
(Core  
Commercial).

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

STEVEN BROWN

"Mr. Mayor and City Council, City staff has gather a little additional information about the potential owner of this property. As you recall, she has owned property in Columbia for a number of years. While none of us have been inside of the property in Columbia, the exterior appear to be in good condition and looks well maintained. We could not find any information that would cause us concern. I can recommend you to rezone this property upon second reading. I think the mere cost of renovating the property will require her to use it for a higher

use."

MAYOR NICHOLSON "Okay. Do I have a motion?"

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

"Is there any discussion? All in favor raise your right hand. So moved."

Motion passed unanimously.

- attach -

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

Authorizing the Mayor and City Clerk to Sign an Intergovernmental Agreement with Greenwood County.

STEVEN BROWN "Mr. Mayor, I call upon the Assistant City Manager to speak."

MAYOR NICHOLSON "Okay."

CHARLES BARRINEAU "Mr. Mayor and Council, I'll be brief. If you recall this summer, we asked if you would allow us to draft an application to the South Carolina Department of Transportation Enhancement Program to fund improvements on South Main on behalf of Greenwood County. I'm pleased to tell you that we have been notified by Commissioner Marion Carnell that we have received funding in the amount of \$168,437.76. We're removing the existing median that's located in front of the new Greenwood County Library, insert curbing, and add decorative lampposts that CPW has installed for us. We think this will create a better gateway for South Main.

To allow this grant to proceed, all of the funding through the program has to be in the name of Greenwood County. Therefore, this intergovernmental agreement stipulates that all the invoices will come to the County and the City will forward the money to pay them. The invoices will be submitted to the Department of Transportation and they will return the grant funds to Greenwood County who will return those funds to the City. We felt putting it in writing with the County was best because what we're doing is a little odd.

We would also ask that you allow us to use the Hospitality Fund to fund these projects, not the General Fund. Your match right now for this project is \$42,109.44, but I'm not asking that you authorize taking it out of the Hospitality account at this time. In the future, once we have the project designed, we'll ask you to allocate the amount of money for the match when bids are received. At this time, all we're asking for is the agreement with the County. I'll be glad to answer any questions."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

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

"Are there any questions or discussion? All in favor raise your right hand. So moved."

The motion passed unanimously.

- attach -

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CONSIDER

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

Recommendation  
from City  
Manager  
Regarding  
Certain  
Streets.

STEVEN BROWN

"Mr. Mayor and City Council, for a long time we have been working with Mr. Funderburk concerning his request for certain streets to become city streets. One road was Parkway which is near the hospital. We already have that issue resolved when your voting to accept the road. Moss Creek, a manufactured home development off Highway 34, is one of those unresolved matters. The roads in Moss Creek have not been recommended to you for acceptance because of repairs that remain uncompleted. The other development is Laurel Wood which includes Laurel Wood Drive, Pascal Drive, and a number of cul-de-sacs which have sections that need repairing.

As of today, the City/County Engineer, Larry Smith, has inspected Moss Creek and determined that recent repairs are adequate to justify recommending acceptance of the roads. He inspected Laurel Wood today and there are three (3) sections in roadways that will need further repair. I received a call from Mr. Funderburk's staff today informing me that repairs would begin tomorrow morning.

I have this recommendation: One is that you accept Moss Creek into the city street system. The second is that you accept Pascal Drive, Laurel Wood Drive, and the other cul-de-sacs in the Laurel Wood development conditionally upon the repairs being completed satisfactory to the City/County Engineer. This matter has been on going for 10+ years. To bring the matter to a resolve, you agreed in a previous meeting not to require a maintenance bond by Mr. Funderburk if the roads were repaired. If you accept the roads as I have recommended, no bond will be submitted.

I will tell you that this is not a perfect solution. If you recall, I asked you to authorize the City Attorney to start legal actions against Mr. Funderburk. I'm not so sure that Steve hasn't caused this resolve to happen."

STEVE WELCH

"It has made some interesting discussion."

MAYOR NICHOLSON

"Okay. Do I have a motion that we approve the recommendation from Mr. Brown?"

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

"Is there any further discussion? All in favor raise your right hand. So moved."

The motion passed unanimously.

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

Recommendation  
from City  
Manager  
Regarding  
Disposal of  
Surplus Right-  
of-Way.

STEVEN BROWN "Mr. Mayor and City Council, when the road consolidation project was completed in the 1980's, unused right-of-way off Calhoun was deeded to the City of Greenwood. One of the property owners has requested the opportunity to purchase the right-of-way. The owner wishes to access his property off Calhoun as opposed to the old street was abandoned.

I'm asking permission tonight for me to contact all the property owners and see if the others are interested in purchasing the right-of-way. There are only two parcels that are affected by this request."

MAYOR NICHOLSON "Okay. Do I have a motion?"

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

"Is there any discussion?"

BETTY BOLES "So you will let us know before you make a final decision?"

STEVEN BROWN "Absolutely. I'm just asking permission to begin negotiations."

MAYOR NICHOLSON "Are there any other questions or discussion? All in favor raise your right hand. So moved."

The motion passed unanimously.

"Before we go to City Council comments, I'd like permission to add a couple of items that need to be added to the agenda."

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CONSIDER  
Appointment to  
the Election  
Commission.

Mayor Nicholson said, "We need someone for the City Election coming up this year. I have contacted Van Taylor that lives in Lodge Grounds and he is willing to serve."

Motion was made by Mayor Nicholson, seconded by Johnny Williams.

MAYOR NICHOLSON

"All in favor raise your right hand. So moved."

The motion passed unanimously.

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CONSIDER  
Acceptance of  
Bids to  
Demolish Two  
Properties  
Owned by the  
City of  
Greenwood.

Mayor Nicholson read the fifth item and recognized the City Manager.

STEVEN BROWN

"Mr. Mayor and Council, you may recall a year and a half ago you authorized me to purchase two properties, 571 Hackett and 603 Gilliam, at the delinquent property sale. The properties have now officially been deeded to the City. We now need to proceed with demolition of the structures. I am asking permission to spend a maximum of \$20,000 of Community Development Funds to have the structure demolished."

MAYOR NICHOLSON

"Okay. Do I have a motion that we approve?"

Motion was made by Herbert Vaughn, seconded by Johnny Williams.

"Is there any discussion? All in favor raise your right hand. So moved."

The motion passed unanimously.

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CITY COUNCIL      There were no comments from City Council at this time.  
COMMENTS

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CITY MANAGER      There were no comments from the City Manager or staff at  
COMMENTS            this time.

Mayor Nicholson asked, "Do I have a motion that we adjourn?"

Motion was made by Barbara Turnburke.

The meeting adjourned at 7:09 p.m.

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Floyd Nicholson, Mayor

ATTEST:

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City Clerk and Treasurer