

GREENWOOD CITY COUNCIL

April 21, 2008 - 5:34 p.m.

**MINUTES**

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PRESENT Council Members: Mayor Nicholson, Linda Edwards, Betty Boles, Herbert Vaughn, Johnny Williams and Barbara Turnburke; City Manager; Assistant City Manager; City Clerk; City Attorney; Phil Lindler; Chris Trainer of the Index Journal and Margie Blalock of Greenwood Today.

Niki Hutto entered into the meeting at 5:36 p.m.

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

The Mayor also gave the invocation.

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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 Herbert Vaughn, seconded by Johnny Williams.

The Mayor asked, "Is there any discussion or corrections? All in favor raise your right hand. So moved."

Motion passed unanimously.

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RECOGNIZE Under Public Appearances, Mayor Nicholson read the item and recognized Coach Pederson of the Lander University Women Basketball Team who were the Peach Belt Regular Season Champions and won the Peach Belt Conference Basketball Tournament.

Lander  
University  
Women  
Basketball Team

COACH PEDERSON "I appreciate you having us out here. We were very fortunate to have a very good season this year. As the Mayor said, we won the conference regular title and we made a good run in Aiken. We won the Conference Tournament Title and this season Lander entered the NCAA tournament for the first time. Therefore, this comes from a team that three years ago was 5-23, made a good jump last year to 15-13 and this year is 23-12. We have outstanding young women in our program and that's really the reason we were able to turn the season around. We're very excited about the Peach Belt program. Thank you for having us out here."

MAYOR NICHOLSON "Okay. Will you introduce your assistant coach and team members to us please?"

COACH PEDERSON "Certainly. My Assistant Coaches are Russ Gregg and Decole Shoemate. My senior players are LaShonda Chiles, Steffanie Ponds, and Tiara Good. LaShonda and Tiara were all Americans and Steffanie Ponds is an All Conference Selection. All three had tremendous careers with us and are on pace to graduate this May with over 3.0 GPA as well."

Coach Pederson introduced the rest of the Lander Women's Basketball Team.

MAYOR NICHOLSON "By the way, LaShonda Chiles is a Greenwood Native. She attended Northside Middle and Greenwood High Schools."

COACH PEDERSON "Not only that, but she also became the leading scorer in the history of District II Women's Basketball. In 48 years, she is the leading scorer."

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RECOGNIZE Mayor Nicholson read the item and recognized Mr. Thomas Firriolo.

Mr. Thomas Firriolo of 303 Jennings Avenue.

Mr. Firriolo was not in attendance at this time.

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CONSIDER Under Public Hearings Mayor Nicholson said, "The format that we employ in the public hearings is that we ask individuals 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 three or four minutes."

Ordinance No. 08-008 Relating to the Prohibition, Prevention, and Removal of Graffiti.

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

The Mayor then read the first item and asked "Is there anyone here who would like to speak in favor of this ordinance? Is there anyone opposing? I will close the public hearing.

Now, do I have a motion from Council?"

Motion was made by Johnny Williams, seconded by Betty Boles.

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

The motion passed unanimously.

CONSIDER

Ordinance No. 08-009 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning a 32.5 Acre Tract of Land Located at 1427 East Cambridge Avenue from R3 (Single Family Residential) to GC (General Commercial).

Mayor Nicholson read the second item and said, "If you look at the map, you can see where the property is located. Charlie, can you tell them exactly where it is?"

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

CHARLES BARRINEAU

"It's on Kateway and Cambridge, across from Triangle Hardware."

MAYOR NICHOLSON

"Yes. It is the field across the street. Is there anyone to speak in favor of this zoning request? Is there any opposing?"

JOE GREENE

"My name is Joe Greene and I live on Canyon Drive. You can see that the property run behind my house (pointing at screen) The problem I have is, if they make it commercial, they're going to have trashcans and refuse behind my house. As of right now, it's peaceful and the children love the area but this is going to be a big problem. I'm sure they will have to put a road through here to get to the location and it's really going to be a hindrance for Canyon Drive. It's really going to keep the children from playing in the streets because of the traffic that a commercial property will bring.

I have been in that community for 20 years now. I enjoy the peaceful quietness of it because of our closed street. I'm sure that some of the elderly people who've been there 20 to 40 years love it just the way it is. I think the confusion a commercial property will bring will be a problem for our community."

MAYOR NICHOLSON

"Okay. Thank you, Mr. Greene. Is there anyone else?"

JUDY KELLY

"My name is Judy Kelly and I'm a resident of 113 Canyon Drive. I also represent my dad who's at 125 Canyon Drive. We were very concerned about the rezoning that several of us went to the zoning and planning meeting some weeks back. Our concern is what will happen to the yards in our subdivision that back up to that property. We realize the property around Triangle Hardware is commercial already, but this will affect the residential part.

As Mr. Greene said, that street off of Canyon Drive runs directly into that property. It's our concern that the developers might want to use it as a connector to the property once they commercially develop it. If you have two cars that are going down the street, you'll have to move over to let one pass before you can proceed. If the City would like to widen our street, it'll be okay. Anyway, that is our concern. We do have a lot of children that play on our street and I would appreciate if City Council votes against it."

MAYOR NICHOLSON

"Thank you. Yes, ma'am?"

RUTH NORMAN

"I'm Ruth Norman and I live at 124 Canyon Drive. I'm a native of Greenwood and have moved on Canyon in 1971. I have eight rental properties that back up to this property. I also have three on Kateway. I'm very concerned about them locating that on that street. We've had some folks at the Sunshine House who wanted to make a street through there and we appealed three or four times. On Kateway and Canyon Drive, unless you're not familiar, are very busy streets from 7:30 to 8:30 a.m. as people are going to work.

They say this really is a State maintained road. The lady who lived up on this hill, had wicker fences with fuzzy, wuzzy trees that came down to the ground and parked automobiles. You could not see oncoming traffic unless you move out onto Kateway or behind the line to see how to get out onto the street. We've had several wrecks there so I'd like to vote no for my property."

MAYOR NICHOLSON

"Thank you, Ms. Norman. Okay. Is there anyone else to speak in reference to the property on East Cambridge? Seeing and hearing none, we will close the public hearing.

In our action from Council, we know the Planning Board did deny this request. Do I have a motion?"

Motion to deny the ordinance was made by Linda Edwards, seconded by Niki Hutto.

"Are there any questions or further discussion? All in favor of denial of this request raise your right hand. 6-0, so moved."

The motion passed.

Those who voted in favor of denial were Niki Hutto, Linda Edwards, Betty Boles, Herbert Vaughn, Johnny Williams, and Barbara Turnburke. Mayor Nicholson abstained because he owns property in the subdivision next to the zoning request.

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CONSIDER

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

Ordinance No.  
08-010 Amending  
Ordinance 03-  
010, Zoning  
Ordinance,  
Chapter 3,  
Article 3,  
Commercial  
District  
Regulations,  
Section 3.1.3.,  
Zoning District  
Use Matrix, and  
Section  
3.3.4.2.,  
Additional  
Conditional  
Uses Permitted  
in GC (General  
Commercial).

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

STEVEN BROWN

"Mr. Mayor and Council, when the zoning ordinance was written in 2004, tattoo and body piercing classifications were not anticipated. We now have both businesses here in Greenwood. The revision before you will allow the businesses based on specific conditions. Both are allowed but cannot be located within 1000 feet of child or adult daycare, child or adult daycare center, primary or secondary school, church, temple, or synagogue, nor can they be located adjacent to another similar use.

Two tattoo parlors cannot be located adjacent to one another and the same goes for body piercing.

Both of these classifications of use are controlled by State law. They must go through a rigorous permitting process. State law prohibits both uses within one business. They must be two separate businesses. This ordinance will allow them to be on General Commercial property only."

MAYOR NICHOLSON

"Okay. Is there anyone here who would like to speak in favor of this ordinance? Is there anyone opposing? Seeing and hearing none, we will close the public hearing.

Do I have a motion?"

Motion to accept the ordinance was made by Niki Hutto, seconded by Betty Boles.

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

Motion passed unanimously.

- attach -

ACCEPT

The Results  
from the  
Municipal  
Election  
Commission.

Under New Business, Mayor Nicholson read the first item and asked for a motion.

Motion to accept the results were made by Johnny Williams, seconded by Linda Edwards.

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

The motion passed unanimously.

- attach -

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ADMINISTER  
Oath of Office to:

Mayor Nicholson read the second item and called upon the City Attorney to administer the Oath of Office to Commissioner of Public Works Henry Watts, and Council Members Niki Hutto, Betty Boles and Johnny Williams.

Niki L. Hutto,  
Ward 1

- attach -

Betty Boles,  
Ward 3

Mayor Nicholson said, "I want to congratulate the three Council Members on being successful in getting another four year term on the City Council. I enjoy working with you for the betterment of the citizens of our community."

Johnny F.  
Williams, Ward  
3

Henry O. Watts,  
Commissioner of  
Public Works

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CONSIDER

Audit  
Presentation  
from Greene,  
Finney, and  
Horton.

Mayor Nicholson read the third item and recognized Mr. Mike Downing of Greene, Finney, and Horton.

MIKE DOWNING

"I'm Mike Downing with Greene, Finney and Horton. I thank you for the opportunity to talk about the results of our audit for the City of Greenwood for the year ending December 31, 2007. I'd also like to thank Steffanie Dorn and her staff for all of their assistance and cooperation this year. We have a presentation I'd like to go over with you briefly."

Mr. Downey presented a power point presentation.

- attach -

"In conclusion, our unqualified audit opinion is that the City of Greenwood is in healthy, financial condition as of December 31, 2007. That completes my presentation. I'm open for questions and comments."

- MAYOR NICHOLSON "Is there anyone from Council with any questions? Okay. I want to thank you."
- MIKE DOWNEY "Thank you again."
- BETTY BOLES "Mike, I just wanted to thank you for the presentation. I thought it was very good and clear."
- MIKE DOWNEY "Thank you. I appreciate that. Thank you for listening."
- MAYOR NICHOLSON "Okay. You can send us a check! Before we vote, I want to commend the City Manager, Mrs. Dorn, Charlie, the Department Heads and really all the employees of the City of Greenwood for doing a sound fiscal job for the City of Greenwood. It's great to hear a report that everything is in line and we're in good financial shape, especially in this day and time where we've been struggling with escalating prices. I think this just goes to show that we have good management and employees in the City of Greenwood.
- I just want to congratulate Mr. Brown, Mrs. Dorn, Charlie, Tiffany and all the employees of the City of Greenwood for doing a great job. Mr. Brown, do you have any comments about the audit?"
- STEVEN BROWN "Please keep in mind that the \$1 million+ increase in revenue is comprised approximately \$900,000 to pay for the Fire Department's Platform Fire Truck. Since the truck was ordered in 2007, the funds had to be carried over to FY 2008. Most of that additional revenue was expended when the invoice of \$900,000+ was paid this month.
- It is a pleasure to work with people such as Steffanie and her staff. She has an excellent staff. They do a good job. Steffanie is competent and she is not hesitant to call any of our hands on anything that she feels is improper or is not according to accounting standards. That's what you need as City Council and that's what I need as a City Manager. I commend her and Sara O'Dell her assistant and all the other people who work there. And I can assure you that you have good people in place."
- MAYOR NICHOLSON "Okay. Do I have a motion that we accept the audit?"

Motion to accept the audit was made by Linda Edwards, seconded by Johnny Williams.

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

The motion passed unanimously.

- Financial Audit Located in Vault-

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CONSIDER

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

Resolution No.  
08-002  
Implementing a  
Fraud Risk  
Management  
Program.

STEVEN BROWN

"Mr. Mayor and City Council, one of the auditor's recommendations was that we formalize a fraud risk program. You have a copy of the Fraud Risk Management Program recommendation. If you approve the Resolution, you will in essence direct me to implement the program. You'll notice the last sentence says, 'The City Manager will be directed to implement this policy'"

MAYOR NICHOLSON

"Okay. Do I have a motion?"

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

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

The motion passed unanimously.

- attach -

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

Resolution No.  
08-003  
Establishing a  
Fund Balance  
Policy.

STEVEN BROWN "Mr. Mayor and Council, I'll let Steffanie respond to this policy."

STEFFANIE DORN "As you have just heard, this is another item that was recommended we implement. We've always had a fund balance policy and we try to follow GFOA Standards. I think putting this in writing was good because it kind of forced us to look at why we want to use those recommendations and how we adjust it to fit our needs. That's what I've done. You'll see that the audit as presented to you does fall within the policy where you established to make sure that we have the funds available to pay for things, make sure we don't spend the fund balance needed to pay for the fire truck and maintain balances in our special revenue funds as needed. I'll take any questions."

MAYOR NICHOLSON "Okay. Thank you. Are there any questions for Steffanie? Do I have a motion?"

Motion was made by Niki Hutto, seconded by Linda Edwards.

"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 sixth item and recognized the City Manager.

Ordinance No.  
08-011 Annexing  
Properties in  
Karlie Hill  
Development,  
Phase VII.

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

STEVEN BROWN "Mr. Mayor, we have been petitioned by the owner requesting the City to annex Phase VII. As you can see by the other phases that were already annexed, this appears to be the last phase of the Karlie Hill Development."

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

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

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

The motion passed unanimously.

- attach -

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

Ordinance No.  
08-012 Amending  
Ordinance  
Number 07-041,  
the City of  
Greenwood 2008  
General Budget.

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

STEVEN BROWN "Mr. Mayor and Council, from time to time City Council directs us to expend funds that are outside of the budget. In this case, two items were not budgeted in 2008. We're asking that you amend the 2008 budget and allocate funds from your reserve balance to comply with the direction that you have given to us in the past."

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

JOHNNY WILLIAMS "This is to put a new roof on the building?"

STEVEN BROWN "Yes."

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

MAYOR NICHOLSON "Is there any discussion?"

STEVEN BROWN "Mr. Mayor, if Council approves the Ordinance it's authorizing us to pay 50% of the roof that covers the Detective Division. The expense has changed from the original recommendation of \$15,000 to \$30,000."

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

The motion passed unanimously.

- attach -

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ACCEPT Mayor Nicholson read the eighth item and recognized the City Manager.

Deed to  
Brazington  
Court.

STEVEN BROWN "Mr. Mayor and Council. I cannot really determine what happened, but Brazington Court was inspected, met all of our standards and the developer submitted the required letter of credit. Someway or another, it never got to you to accept the street. We're asking you to make it official and accept the deed to Brazington Court."

MAYOR NICHOLSON "Okay. Do I have a motion that we accept?"

Motion was made by Barbara Turnburke, seconded by Johnny Williams.

"Are there any questions or discussion?"

LINDA EDWARDS "Exactly where is this?"

STEVEN BROWN "It's off of Gracemont Drive. You can almost see the rear of these houses from Wilson Street."

MAYOR NICHOLSON "Okay. All in favor raise your right hand. So moved."

The motion passed unanimously.

- attach -

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APPOINT Mayor Nicholson read the last item and asked for a nomination.

Mayor Pro  
Tempore.

The item was postponed due to lack of a motion at this time.

STEVEN BROWN "As a rule, City Council has always selected the Mayor Pro-tem the first meeting after the Municipal Election. I placed this on the agenda for your consideration. Mrs. Boles was appointed last year. Some past City Councils chose to select the Mayor Pro-tem for a one (1) year term. It is the prerogative of City Council. You may choose to have the present Mayor Pro-tem to remain."

LINDA EDWARDS "Isn't it usually from one election to the next?"

MAYOR NICHOLSON "He said that we do it every two years."

STEVEN BROWN "At some point, you decided to do it as a one year term as opposed to two."

MAYOR NICHOLSON "So this will be two years because there was just an election."

LINDA EDWARDS "Would it be 2010 for the next nomination?"

STEVEN BROWN "It doesn't have to be changed. If you do not take a vote, Mrs. Boles continues to serve."

MAYOR NICHOLSON "Okay. What does Council want to do?"

STEVEN BROWN "You don't have to do it tonight. You can postpone it until next Council meeting."

MAYOR NICHOLSON "Let's just postpone this and discuss it at work session."

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

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CITY MANAGER COMMENTS Mayor Nicholson recognized the City Manager.

STEVEN BROWN "I want to make Council aware of a situation. All of us are familiar with the building known as Beaudrot's Welding. The person who has purchased that building wants to operate a business that sells old truck chassis's. I don't know all the details but, when they applied for their permits, we told them they must have 40 paved parking spaces according to our ordinance. In no way do I intend to insinuate Phil and the staff are erroneously enforcing the ordinance. I think they do a good job. I am just informing you of the difficulty that our new ordinance presents to those who desire to use older business space."

MAYOR NICHOLSON "In that little space?"

STEVEN BROWN "We need to address this issue because it's hurting us. It's forbidding people from using older buildings. I would request that City Council ask the Planning Commission if there could be some consideration given to the parking requirements of older buildings."

JOHNNY WILLIAMS "Now, aren't we encouraging developer to allow the water to be absorbed in the ground instead of running off?"

BETTY BOLES "But you're saying that the new ordinance is a problem for all businesses."

STEVEN BROWN "We're saying it's not a problem when you're building a new construction, but often requirements applied to older buildings are so cost prohibitive."

LINDA EDWARDS "Is there enough space for 40 paved parking spaces?"

STEVEN BROWN "I am not sure Ms. Edward."

MAYOR NICHOLSON "Can I get a motion from Council that we add this to the agenda and act upon this?"

Motion to add item to the agenda was made by Johnny Williams, seconded by Niki Hutto.

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

The motion passed unanimously.

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CONSIDER

Parking  
Requirements  
for Older  
Buildings.

MAYOR NICHOLSON "Can I have a motion to ask the Planning Commission to examine the parking requirements for older buildings before we discuss this?"

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

"Is there any further discussion?"

NIKI HUTTO "Phil, are there any stipulations or can you analyze parking with use? You would think that a business with heavy retail or a restaurant with heavier traffic would have more warm bodies that actually needed the parking. So, when you analyze parking and planning, you're actually analyzing the use of the building and relate it to parking? I think the use of how many people that actually frequent the business would actually affect the need of parking sometimes. You could have a huge warehouse with only five people working."

PHIL LINDLER

"Your current parking standards are based on the actual use, or proposed uses, going into the existing structure or a used structure that's being constructed. So let's say for instance a warehouse would have a fewer number of spaces because it's based on square footage, or the number of employees, versus a retail establishment with 10,000 square feet. A lot of times, our current standards are based on those engineering principles that are based on the individual use.

Prior to your new ordinance, you had a standard for numerous uses that weren't specific to individual land uses as they are now. Therefore, in many cases, we were more lenient on those parking space requirements than the engineering requirements. We said they must operate a certain business and that it's certainly up the individual business owner if they wanted to add more parking for their patrons. In this case that Mr. Brown was referring to, the actual square footage of the site exceeds what a business would operate under a normal circumstance for that land use. That is why there are an increased number of required parking spaces. In this kind of situation, the most likely issue for that would be to go before the Board of Zoning Appeals for a variance because of the specific uniqueness of that site or to amend the standard if they were too large or too excessive for that land use."

NIKI HUTTO

"So the standards are based on a combination of usage, size, and the number of employees?"

PHIL LINDLER

"Exactly. They've done the ratio formula for us and I have to determine the average parking space requirement for those types of business. This is standard across the nation."

MAYOR NICHOLSON

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

The motion passed unanimously.

"Okay. Is there anything else, Mr. Brown? Don't forget the May 5<sup>th</sup> Work Session at 5:30 p.m. I will be out of town.

The meeting is adjourned."

The meeting adjourned at 6:29 p.m.

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Floyd Nicholson, Mayor

ATTEST:

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City Clerk and Treasurer