

GREENWOOD CITY COUNCIL

August 18, 2008 - 5:30 p.m.

**MINUTES**

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PRESENT

Council Members: Mayor Nicholson, Niki Hutto, Linda Edwards, Betty Boles, Herbert Vaughn, and Johnny Williams; City Manager; Assistant City Manager; City Clerk; City Attorney; Phil Lindler; Chris Trainor of the Index Journal and Lesley Lane of Greenwood Today.

Barbara Turnburke 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 5:30 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 Johnny Williams, seconded by Herbert Vaughn.

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

Motion passed unanimously.

CONSIDER

Ordinance No. 08-022 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning Properties (3.06 Acres) Located at 117 & 113 West Cambridge Avenue from OPI (Office Professional Institutional) to R4 (Residential - High Density), and 126 East Cambridge Avenue, 121 & 123 Bailey Circle, and 201, 205, & 211 North Main Street from OPI to IP (Institutional Professional).

Under Public Hearings, Mayor Nicholson read the item and 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 and try to limit your comments to no more than three or four minutes."

The Mayor then read the first item and asked, "Is there anyone to speak in favor of this zoning change? Is there anyone to speak opposing the zoning change? Seeing and hearing none, I 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."

The motion passed unanimously.

- attach -

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

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CONSIDER

Ordinance No.  
08-031 Amending  
the City of  
Greenwood's  
Official Zoning  
Map (Ordinance  
No. 04-020) by  
Rezoning  
Properties  
(3.13 Acres)  
Located at 120  
& 122 Plowden  
Avenue, 1076,  
1118, 1122,  
1124 & 1126  
Phoenix Street,  
and 111 & 115  
East Alexander  
Avenue from OPI  
(Office  
Professional  
Institutional)  
to IP  
(Institutional  
Professional).

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

Mayor Nicholson read the second item and asked, "Is there anyone present who would like to speak in favor of this zoning change? Is there anyone opposing? Seeing and hearing none, I will close the public hearing.

Do I have a motion from Council?"

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

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

Barbara Turnburke entered into the meeting at 5:36 p.m. and did not vote.

The motion passed unanimously.

- attach -

CONSIDER

Ordinance No. 08-032 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning Properties (2.62 acres) Located at 119, 125, 133 & 139 West Creswell Avenue, 1111 & 1119 Edgefield Street, and 112, 118 & 120 Woodrow Avenue from OPI (Office Professional Institutional) to IP (Institutional Professional).

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

Mayor Nicholson read the third item and asked, "Is there anyone to speak in favor of the zoning change? Is there anyone opposing? Seeing and hearing none, I will close the public hearing.

Do I have a motion from Council?"

Motion was made by Niki Hutto seconded by Johnny Williams.

"Is there any discussion?"

BETTY BOLES

"Did you say it was recommended for OP versus IP?"

MAYOR NICHOLSON

"No. It's recommended from OPI to IP. Is there any other discussion? All in favor raise your right hand. So moved."

The motion passed unanimously.

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CONSIDER

Ordinance No. 08-033 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning Properties (3.06 Acres) Located at 1172 Edgefield Street, 210 Wells Avenue, and an Unaddressed Parcel Located on the Corner of Anderson Street and Wells Avenue from OPI (Office Professional Institutional) to OP (Office Professional).

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

Mayor Nicholson read the fourth item and asked, "Is there anyone here to speak in favor of this zoning change? Is there anyone opposing? Seeing and hearing none, I will close the public hearing.

Do I have a motion from Council?"

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

Ordinance No.  
08-034 Amending  
the City of  
Greenwood's  
Official Zoning  
Map (Ordinance  
No. 04-020) by  
Rezoning  
Properties  
(0.44 acres)  
Located at 123  
and 115 Wells  
Avenue from  
OPI (Office  
Professional  
Institutional)  
to OP (Office  
Professional).

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

Mayor Nicholson read the fifth item and asked, "Is there anyone to speak in favor of this zoning change? Is there anyone opposing? Seeing and hearing none, I will close the public hearing.

Do I have a motion from Council?"

Motion was made by Betty Boles, seconded by Barbara Turnburke.

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

The motion passed unanimously.

- attach -

CONSIDER

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

Ordinance No. 08-027 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning Properties Located at 207, 211, 215 & 217 Stanley Avenue, 130 & 136 Lander Street, and 210, 222, & 224 West Cambridge Avenue from OPI (Office Professional Institutional) to OP (Office Professional); 401, 403, & 405 West Durst Avenue, 111, Unaddressed Parcel adjacent to 111, & 115 Blake Street, and Grace Street Walking Trail from OPI to R7 (Residential-High Density); and 409, 410, & 411 West Durst Avenue, 150, 154, & 202 West Cambridge Avenue, and 232 Calhoun Avenue from OPI to GC (General Commercial).

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

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

The motion passed unanimously.

- attach -

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

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CONSIDER

Mayor Nicholson read the second item and asked, "What were the changes we discussed, Mr. Brown?"

Ordinance No.  
08-028 Amending  
the City of  
Greenwood's  
Official Zoning  
Map (Ordinance  
No. 04-020) by  
Rezoning  
Properties (10.2 Acres)  
Located at 124,  
127, 128, 130,  
133, 134, 135,  
141, 152, 203,  
209, 212, 215,  
218, 223, 224,  
225, 228, & 229  
Grace Street,  
142 Blake  
Street, 132 &  
136 West  
Cambridge  
Avenue, and  
Unaddressed  
Parking Area  
adjacent to 132  
West Cambridge  
Avenue from  
OPI-GV (Office  
Professional  
Institutional-  
Greenwood  
Village  
Overlay) to OP-  
GV (Office  
Professional-  
Greenwood  
Village  
Overlay).

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

STEVEN BROWN

"Originally, there was a recommendation to rezone some of these properties to R7. City Council rezoned all of it to OP last month."



- LINDA EDWARDS "Yes, but you still didn't identify the amount of residential properties. I am still concerned about classifying all properties as OP. I'm worried about what will happen if some of the properties want to remain residential. I understand that one person agreed with R7 because that would allow him to do what he needed to do with his piece of property. We were supposed to discuss this at the work session but got tied down. I thought the point of us separating OPI was to reduce the number of uses allowed in residential zones."
- STEVEN BROWN "You have a mixture of uses including Sorrow's Tax Service, Taylor's Bed and Breakfast, Grace Street Apartments, Mr. Compton's Law Office, and the three dentists on the other corner. Across the street is a private school and Jon Holloway's old photography location which was residential at one time. There are several two-story houses where a number of college students reside. The Featherstone House is used by the Association of Garden Clubs. If you rezone this neighborhood R7, there will be nonconforming properties. If you rezone it OP, there will be some nonconforming properties also. The only way for you to not have that is to selectively rezone properties according to their present use such as OP, Residential and Neighborhood Commercial."
- NIKI HUTTO "But residential is allowed in OP."
- STEVEN BROWN "Residential is allowed in OP. The only residential that isn't allowed in OP is the multi-family use which would be the Grace Street Apartments."
- JOHNNY WILLIAMS "Nobody has objected to this so far have they?"
- STEVEN BROWN "No sir."
- JOHNNY WILLIAMS "I've talked to a couple of people and they had no problem with it. They liked it."
- STEVEN BROWN "The bed and breakfast can legally continue in OP. It isn't legal in R7. The tax office, attorney's office, and private school are legal in OP."
- NIKI HUTTO "Are the apartments grandfathered in OP?"
- STEVEN BROWN "That's correct. They will be grandfathered."
- MAYOR NICHOLSON "And the boarding houses at 203?"

STEVEN BROWN "Yes sir. I think they're used but not actually classified as boarding houses."

LINDA EDWARDS "Does this zoning request cut off at Hopewood Academy?"

STEVEN BROWN "It does."

LINDA EDWARDS "But is Hopewood included in this?"

STEVEN BROWN "Yes."

BETTY BOLES "If one of the residential property owners wanted to have it rezoned, they would have to come before Council."

NIKI HUTTO "Well, they won't need to have it rezoned if it's single family residential because it's allowable."

JOHNNY WILLIAMS "The tax service would be nonconforming if it was rezoned to R7. It would be grandfathered into OP for it to legally operate as a tax service."

BETTY BOLES "I hear Ms. Edwards concern about the residents."

LINDA EDWARDS "Are we going to sit the school in OP?"

MAYOR NICHOLSON "Yes. It's allowed there."

LINDA EDWARDS "I think we're just doing what we've already done."

NIKI HUTTO "Zoning all to OP will produce less nonconforming uses than there would be in R7. So you are accomplishing the fact of having less nonconforming uses in that specific area under the OP designation than you would be on the R7 designation."

STEVEN BROWN "The OP will probably provide better protection for those single family uses than R7 which can be used as a multi-family type use. If some of the older houses under R7 were torn down, someone could build additional apartments in that area. Under OP, they could not."

MAYOR NICHOLSON "Okay. We've had discussion. Do I have a motion?"

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

"Is there any further discussion? All in favor raise your right hand. All opposed? 6-1. The motion passed.

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

- attach -

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CONSIDER

Mayor Nicholson read the third item and asked for a motion.

Ordinance No.  
08-029 Amending  
the City of  
Greenwood's  
Official Zoning  
Map (Ordinance  
No. 04-020) by  
Rezoning  
Properties  
Located at 916  
& 918 Lowell  
Avenue, 310 &  
1029 Maxwell  
Avenue, 102 &  
112 Cooper  
Road, Spring  
Street and  
McCormick  
Highway from  
OPI to IP  
(Institutional  
Professional).

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

LINDA EDWARDS

"Is this the Connie Maxwell Property?"

MAYOR NICHOLSON

"Yes."

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.

- attach -

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CONSIDER

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

Ordinance No.  
08-026 Amending  
the City of  
Greenwood's  
Official Zoning  
Map (Ordinance  
No. 04-020) by  
Rezoning  
Property  
(2.04 Acres)  
Located at 929  
Phoenix Street  
from OPI  
(Office  
Professional  
Institutional)  
to IP  
(Institutional  
Professional).

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

STEVEN BROWN

"Mr. Mayor, at the last month meeting, you postponed action on this ordinance. There was discussion about whether Council will rezone this property to OP or IP. The reason you gave for postponing was to allow Council and staff an opportunity to attend a public hearing held at the United Way Center the following Tuesday after the Council Meeting.

Mrs. Turnburke, Mrs. Hutto, and I attended the public meeting. The United Way staff gave a general overview of plans for the building. A number of residents from the neighborhood were present and ask questions. I personally did not hear any objections. I thought it was a good public hearing with a lot of information.

I was asked to request that Ms. Parks, Ms. Manley, and Dr. Parham be present tonight in case you had any

questions regarding the facility and its intended use.

Mrs. Hutto and Mrs. Turnburke may desire to respond as far as what they've heard."

MAYOR NICHOLSON "Okay. Do any of you have any comments about the meeting?"

NIKI HUTTO "I'm very comfortable in recommending IP, Institutional Professional, after touring the facility and meeting with all the parties involved."

BARBARA TURNBURKE "I'm very much for it. Of coarse I will have to abstain from voting because I'm on that Board."

MAYOR NICHOLSON "Okay. Would you like to make a motion?"

Motion 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. Let the record reflect that Ms. Turnburke abstained from voting because she's affiliated with the Board at the Center."

Those who voted in favor were Mayor Nicholson, Niki Hutto, Linda Edwards, Betty Boles, Herbert Vaughn, and Johnny Williams. Barbara Turnburke abstained from voting because she is a Board Member.

The motion passed unanimously.

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CONSIDER

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

Ordinance No.  
08-035 to Amend  
Flood Damage  
Prevention  
Ordinance No.  
92-012, Adopted  
May 18, 1992 -  
National Flood  
Insurance  
Program.

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

STEVEN BROWN

"Mr. Mayor and City Council, in 1987 the City Council adopted an ordinance that provided rules and regulations for the administration of the National Flood Insurance Program within the City of Greenwood. That ordinance was revised again on May 18, 1992. In January of this year, the City received a monitoring visit from the Department of Natural Resources staff, the State agency staff which administers the National Flood Insurance Program in South Carolina. They reviewed our 1992 ordinance and determined it did not include some of the new terminology that applied to the National Flood Insurance Program. They are requiring revisions to our ordinance.

I thought we could make some minor changes but we pretty much had to rewrite the whole ordinance. It is filled with terms and language that is unique to the National Insurance Program. It stipulates the provisions upon which someone can apply to the Federal Emergency Management Agency and secure national flood insurance. It prohibits certain construction in the floodplains. It also prohibits people building anything that may cause additional flooding within the City of Greenwood.

If you choose not to make those changes to the ordinance, no one inside the City who needs secure flood insurance through the National Flood Insurance Program can do so. I'll respectfully ask that you take first reading on this ordinance and, if you choose to discuss it at the work session, we'll be glad to answer any questions you may have. We will have a public hearing at the next meeting."

NIKI HUTTO "Is it like our zoning?"

STEVEN BROWN "It is, but it is even more limiting than the building codes and our zoning as it applies to the floodplains. The documents identify the floodplains in the City. If anyone asks for a building permit for a property in the floodplains, the City staff must enforce the Flood Prevention Ordinance."

NIKI HUTTO "So this would supersede our building ordinance and any zoning setbacks in the flood zone?"

STEVEN BROWN "Yes. It is an addition to our zoning. It doesn't preclude them but is an addition to those ordinances."

NIKI HUTTO "So now, when they are building in a flood zone, they're abiding by the old ordinance which is out of whack and they cannot get flood insurance?"

STEVEN BROWN "They could get flood insurance up to now but, if you don't take action on this ordinance, we have been told they will no longer allow flood insurance to be issued in the City. They want these changes in the ordinance."

NIKI HUTTO "So will these changes be made in the County as well?"

STEVEN BROWN "In all due respect, I don't have any idea. I would think their ordinance has been renewed, but I can't say for sure. These are changes that are being mandated on anyone who is participating in the program."

MAYOR NICHOLSON "All right. Do I have a motion?"

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

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

The motion passed unanimously.

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

Resolution No.  
08-008 to  
Reaffirm the  
Importance of  
On The Job  
Safety for the  
City of  
Greenwood.

STEVEN BROWN "Mr. Mayor, our insurance carrier requires us to emphasize safety in all aspects. A part of our program is for the Mayor and Council to pass this resolution on our safety policy. I cannot impress upon you how valuable that safety policy is and what it means not only to the safety of our workers but also to the insurance premiums that we pay. It is a good program. All you're doing is reaffirming our commitment to safety within the City of Greenwood."

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 -

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

Recommendation  
for "2009 Live  
After Five"  
Funding.



STEVEN BROWN

"Mr. Mayor, this year you authorized staff spend \$20,000 for Live After Five. You also asked us to secure additional funding and sign a contractual agreement with Mr. Hack Barley to administer the Live After Five program. I can report to you tonight that all three of those actions you took last year were very worthwhile. I think we had one of the better seasons of Live After Five. We know right now about \$12,000 or as much as \$14,000 has been secured as far as sponsorships. I think the quality of the music, bands and participants have been better. I think it was a good choice to secure the services of Mr. Bartley. He certainly has contacts and knows the business much better than we do.

We're here tonight to tell you that we can't wait until April or May of next year to begin the process for 2009. While we would expect you to put this in your 2009 budget, we're asking tonight if you would increase your authorization of \$20,000 to \$25,000 to begin planning for 2009."

MAYOR NICHOLSON

"Okay. You've heard the request coming from Mr. Brown. Do I have a motion?"

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

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

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CONSIDER

Mayor Nicholson read the fourth item asked for a motion to go into Executive Session.

Executive  
Session for:

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

1. Contractual  
Matter
2. Personnel  
Matter.

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

The motion passed unanimously.

The meeting adjourned into Executive Session at 6:08 p.m.

The meeting reconvened in the Business Session at 6:30 p.m.

Motion to increase the City Attorney's monthly payment for prosecutorial services by \$1,000 per month from September to December 2008 was made by Niki Hutto, seconded by Betty Boles.

The motion passed unanimously.

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CITY COUNCIL      There were no comments at this time.  
COMMENTS

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CITY MANAGER      There were no comments at this time.  
COMMENTS

The meeting adjourned at 6:40 p.m.

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Floyd Nicholson, Mayor

ATTEST:

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City Clerk and Treasurer