

GREENWOOD CITY COUNCIL

December 15, 2008 - 5:32 p.m.

**MINUTES**

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

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CALL TO ORDER The meeting in Council Chambers was called to order by Mayor Pro Tempore Johnny Williams at 5:32 p.m.

Councilwoman, Linda Edwards gave the invocation.

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STATEMENT AND QUORUM Mayor Pro Tempore Williams 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 Pro Tempore then asked the City Clerk, Steffanie Dorn, if a quorum was present. She said, "Yes, Mr. Williams, we have a quorum present."

Mayor Pro Tempore Williams then welcomed everyone to the meeting.

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APPROVAL OF CONSENT AGENDA Mayor Pro Tempore Williams asked for a motion to approve the consent agenda.

Motion to approve the consent agenda was made by Herbert Vaughn, seconded by Barbara Turnburke.

The Mayor Pro Tempore asked, "All in favor raise your right hand. The motion carried."

Motion passed unanimously.

CONSIDER  
 Ordinance No. 08-046  
 Authorizing the Issuance and Delivery from Time to Time of One or More City of Greenwood, South Carolina, Revenue Bond Anticipation Notes, in an Aggregate Principal Amount Not to Exceed \$10,000,000, in Anticipation of the Receipt of the Proceeds of the Sale of Junior Lien Combined Public Utility System Revenue Bonds of the City of Greenwood.

Under Public Hearings, Mayor Pro Tempore Williams said, "I will read each title of the public hearing and ask for anyone who wishes to speak to come up to the podium, and give their name and address for the record."

The Mayor Pro Tempore then read the first item and asked, "Is there anybody here who wishes to speak in favor of this motion? Does anybody oppose? This public hearing is closed. Now, may I have a motion from Council?"

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

Mayor Pro Tempore Williams said, "All in favor raise your right hand."

The motion passed unanimously.

- attach -

(2nd reading)

CONSIDER  
 Ordinance No. 08-047 to Adopt the Budget for 2009.

Mayor Pro Tempore Williams read the second item and asked, "Does anybody wish to speak on this matter? Is there anybody that wishes to speak against? Hearing none, I will close the public hearing. May I have a motion?"

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

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

The Mayor Pro Tempore said, "All in favor raise your right hand."

The motion passed unanimously.

- attach -

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CONSIDER

Ordinance No.  
08-048 to Levy  
Tax for the  
City of  
Greenwood for  
2009.

Mayor Pro Tempore Williams read the third item and asked, "Is there anybody who wishes to speak on this matter? Does anybody oppose? Hearing none, the public hearing is closed. Do I have a motion?"

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

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

The Mayor Pro Tempore said, "All in favor raise your right hand."

The motion passed unanimously.

- attach -

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CONSIDER

Ordinance No.  
08-049 to  
Authorize the  
City Manager to  
Issue Tax  
Anticipation  
Notes in 2009.

Mayor Tempore Williams read the fourth item and asked "Is there anybody who wishes to speak in favor of this motion? Does anybody oppose? Hearing none, the public hearing is closed. Do I have a motion?"

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

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

The Mayor Pro Tempore said, "All in favor raise your right hand. It is unanimous."

The motion passed unanimously.

- attach -

CONSIDER  
 Ordinance No. 08-050 Adopting the Business License Ordinance for 2009.

Mayor Pro Tempore Williams read the fifth item and asked "Is there anybody who wishes to speak in favor of this ordinance? Does anybody oppose? Hearing none, the public hearing is closed. May I have a motion?"

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

(2<sup>nd</sup> reading) The Mayor Pro Tempore said, "All in favor raise your right hand."

The motion passed unanimously.

- attach -

CONSIDER  
 Ordinance No. 08-051 Adopting the City Council's Policy and Guidelines Governing Participation by the City of Greenwood in the Costs of Health Insurance for Eligible Employees Retiring after December 31, 2008.

Mayor Pro Tempore Williams read the sixth item and asked "Is there anybody who wishes to speak on this matter? Does anybody oppose? Hearing none, the public hearing is closed. Do I have a motion?"

Motion was made by Linda Edwards, seconded by Betty Boles.

The Mayor Pro Tempore said, "All in favor raise your right hand."

The motion passed unanimously.

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

- attach -

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CONSIDER

Mayor Pro Tempore Williams read the fifth item and recognized the City Manager.

Ordinance No.  
09-001 Amending  
Ordinance 03-  
010, Zoning  
Ordinance,  
Chapter 3,  
Section  
3.3.4.2.  
Additional  
Conditional  
Uses Permitted  
in GC (General  
Commercial).

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

STEVEN BROWN

"Mr. Williams and Members of Council, Phil and I would like are asking you to consider some revisions to the ordinance distributed in your information packet. As Council is aware, we have discussed seasonal sales such as firecracker, pumpkin, and produce before. However, there are people getting permits from Phil's office to set up on the side of the road, or some vacant lot, and sell their goods. It's becoming a problem because a lot of people are now doing it when it used to be relegated to one or two people a year.

Here is our recommendation:

The City Manager read the changes in the proposed ordinance.

"And that is pretty much the recommendation that was given to you from the Planning Commission. I have added two sentences for your consideration beyond what they have recommended. The first would be, 'Only one seasonal sales use may be conducted on a property at the same time.' 'In essence, you could not have a fireworks stand and a produce stand on the same tax map number parcel at the same time. You'd either have one or the other. That's my recommendation.

To me, I think we got to limit how many of these seasonal sales lots are set up.

We don't want to encourage something that would be similar to a jockey lot or anything of that nature.

The second addition is, 'A seasonal use cannot be located within ½ mile of a commercial business selling like products.' I think it would be unfair for somebody with peaches or tomatoes to set up within, or closer than, ½ mile to a grocery store that might sell the same thing. Those are the two additions I am asking you to consider. Originally, I had expanded some of the dates but Phil has reasons why those dates may be a problem and recommended those dates to the Planning Commission.

Certain businesspersons in the community submitted a request to the Planning Commission asking that the sell of containerized plants be prohibited by persons obtaining seasonal or temporary sales permit. They're very concerned when we let people sell the containerized plants because they are not required to have a building that meets building code requirement nor pay any kind of tax. They can normally sell their goods at a lower price because all they only pay rental on the property and the cost of the permit which is nominal.

All I'm saying is I think City Council needs to be careful to protect those businesses that are not just here from June to September but throughout the year. They pay tax, business licenses, buy utilities from the Commissioners of Public Works, invest in social and nonprofit agencies, the Chamber of Commerce and so on. I'm sure some of these guys will tell you what they do in the community.

Are there any questions about my two additions?"

PHIL LINDLER

"Thank you, Members of Council. I'll give you a brief history on what Mr. Brown has already talked about. This is originally a request by the Greenwood Horticultural Group that consists of different permanent businesses that locally sells seasonal plants throughout the year within the City and the County. They brought this issue to our and the Planning Commission's attention dealing strictly with containerized plants such as mums, pansies, hanging baskets and things like that. The Planning Commission looked at the issue, this section of the ordinance, and identified that there were other areas that might need to be evaluated in addition to the containerized plants. I wanted to let you know that their original request was expanded upon the Planning Commission's recommendation.

Certainly, if you were to approve this modification tonight and someone may want to extend their periods of time longer than their time frame allowed, then it must be made a permanent structure on their property where they can sell 365 days out of the year. So, if they felt that they've found a niche and a unique opportunity to make it a permanent business, then that's certainly an option provided to them. The dates provided to you this evening are basically the dates we see in our office, as far as requests, for both produce and fireworks sales. There's always that thought of produce being produced 365 days a year for different seasons. However, the most requests we have for produce occur anywhere from June through the end of August. Once you get to the end of August, then there are pumpkins, squash, gourds, corn stalks and more decorative items for the holidays. If you have any questions, I'll be glad to answer them."

MAYOR PRO  
TEMPORE  
WILLIAMS

"I didn't hear any mention about trailers selling flowers, balloons, and other stuff for Valentine's Day."

HERBERT VAUGHN

"They'd do that for Valentine's and Mother's Day."

PHIL LINDLER

"This will not include any type of item beyond what's allowed here."

HERBERT VAUGHN

"Will this cut it out?"

PHIL LINDLER

"Yes; any type of seasonal item."

STEVEN BROWN

"Mrs. Yonce will set up on one parcel. Now, the ordinance says that she can locate on that parcel for 60 days. After that has expired, she will then move to another parcel for the remaining portion of her time. If you look at the way this ordinance is drafted, we're saying if she meets all the approvals for that one parcel between the dates in the ordinance, she can stay there and never have to move. We believe this proposed ordinance will make it a little bit easier for the vendor and the city staff. If somebody requests to sell produce on June 1<sup>st</sup>, and we can just ask for their location, fill out their permit, and we'll know that they're good until August 31<sup>st</sup>."

NIKI HUTTO

"So what's your problem with May 1<sup>st</sup> to September 1<sup>st</sup>?"

PHIL LINDLER

"Because it extends that period. Let's say if someone wants a produce stand and, after the peach season is over, wants to move into pumpkin sales. You will have an individual selling produce and pumpkins for a seven-month period when they're now only allowed for 60 days."

There are pros and cons to extending that time frame. One thing I would point out to you is right now, like Mr. Brown said; you can allow an individual business to be on one location for 60 days. If this ordinance passes as written, someone can have a piece of property that's zoned general commercial no matter what's on it, or the size, and use it for fireworks on New Year's. I can start my produce stand in May through the end of August, start selling pumpkins on September 1, have a little hiatus between the end of November and Thanksgiving, and start selling Christmas trees and wreaths. Certainly, if you want to max it out, that is something we aren't currently allowing but gives the flexibility to the owner to do so."

NIKI HUTTO "It makes more sense to keep them located in one spot, I would think."

PHIL LINDLER "Well, I guess you're getting into the question of what is exactly 'temporary'. Permanent for us is a permanent structure on the site. By making it a temporary item, the issue is the time frame."

LINDA EDWARDS "I noticed Mr. Brown mentioned only one seasonal sale at a time. Just for my clarification, what's the problem with the mums and pansies? Are they're selling out of season or what? I know they are everywhere."

PHIL LINDLER "From everything we've heard from the public, temporary sellers sell their items at a lower cost without paying any type of property tax or any investment into the local economy."

BETTY BOLES "What if a person wanted to start selling produce prior to June 1<sup>st</sup>? Could that be changed if I wanted to sell from May until July?"

PHIL LINDLER "Your options there would be to have a permanent structure on the site such as Captain Crusty's at Big Mac's Tire. You can have something like that on your site if you wanted to go beyond the time frames identified here. The other option would be to appeal the request to the Board of Zoning Appeals which they would be hard pressed to approve, but they do have the ability to do that. The other option would be to ask you and the Planning Commission to amend the ordinance."

BETTY BOLES "Okay. The Valentine's sales are only a couple of weeks out of a month. Why couldn't they get permits for those sales as well?"

- PHIL LINDLER "Because we were looking at the major seasonal items. We don't get that very many requests for Mother's or Valentine's Day sales."
- BETTY BOLES "Well, you've seen them pop up around town. What if a person decides to set up a stand on a vacant parking lot and sell Valentine's balloons, baskets, and all those things? Will they be given a fine?"
- STEVEN BROWN "Yes, ma'am. They'd be asked to shut down."
- BETTY BOLES "But they cannot purchase a permit?"
- STEVEN BROWN "No ma'am".
- PHIL LINDLER "Not unless you amend this to identify them as a one of the allowed uses."
- STEVEN BROWN "It's very obvious what the staff wants to give an advantage to our regular business people as opposed to people who come from out of town. They set up at the back of a pickup with a piece of ply board and a bucket of paint, sell items at a ridiculously low price, and leave town without ever investing in the community. We expend a lot of time and effort recruiting year round businesses such as the new Food Lion. It is unfair for Food Lion to spend millions on property and buildings and then the City to permit a seasonal vendor within close proximity selling the same goods. We want to contribute to the success of our business people and it's tough.
- This ordinance doesn't say they cannot have temporary sales, it just says that they'll be under these restricted conditions. We're not hiding the fact that we want to restrict them because we want to give the advantage to the person who is here 12 months out the year as opposed to the person who is here 3 months."
- BETTY BOLES "I have no problem with the ordinance itself, as far as permits, because there needs to be some boundaries. I just wanted to know if these people who pop up will know what their rights are. For years, I've seen a tractor-trailer pull out all these baskets, balloons, and other things for sale and I'm sure they're not aware that they need to purchase a permit. That's why I was inquiring."
- STEVEN BROWN "Prior to the library building, you've had a tractor trailer selling sofas. Where are people going to take it back when those people are gone if something is not of quality? We've had everything from t-shirts and you've heard my story about the supposed Nike shoes that were counterfeit."

The staff wants to control them, limit their time in town, and give the freedom to our regular commercial businesses."

LINDA EDWARDS "In other words, we will be eliminating the flower people because they will not be getting a permit. Is that what you're saying?"

PHIL LINDLER "That's right."

STEVEN BROWN "Containerized products."

PHIL LINDLER "The only type of plant that you will be able to sell would be a Christmas tree but it would be cut and cannot be replanted."

MAYOR PRO "Now, will this eliminate any vans selling t-shirts and  
TEMPORE everything else all over the place?"  
WILLIAMS

PHIL LINDLER "Well, the City uses peddler's licenses for different items such as that, but this will be strictly for seasonal outdoor retail sales."

STEVEN BROWN "Will they be able to sell it under a peddler's license?"

STEFFANIE DORN "As long as zoning allows it."

NIKI HUTTO "Is this ordinance going to be countywide or just for the city limits?"

PHIL LINDLER "It's intended to be both in the City and the County. The County is looking at this and will have their first reading in January."

STEVEN BROWN "Mr. Williams, I know there are two people who deal with containerized plants that would love to speak."

MAYOR PRO "Alright. This is a public hearing."  
TEMPORE  
WILLIAMS

GIL SAMPSON "My name is Gil Sampson at 130 Old Edgefield Road in Ninety Six, South Carolina, and I'm the proprietor of Doris's Greenhouse on Highway 34. The Floriculture is essentially eight organizations in the community whether they are landscapers, nurseries, or greenhouse growers. We're concerned about containerized plant material. We invest our capital in a piece of property, pay taxes, and circulate the mercantile dollar around here. We have payroll that in turn circulates the local mercantile.

We pay utilities and I've probably paid about \$5,000 in gas alone just to keep greenhouses. So seasonal sales, every bit of it, is very important, especially to a grower like me. Mums and poinsettias that I grow for the fall is dependent on me being able to heat my greenhouses for four months before I get the first dollar. The plant material that comes in the soil, the containers, the fertilizer, and water all goes into this equation.

As Mr. Brown said, a man from Newberry sold six potted mums for \$25. The mums came from a massive grower that has 1,000s of acres out of Florida and can produce this stuff at a lot lower cost. For me, I got about 2,000 square feet of greenhouse space that I grow the mums in. I have to pay for patented rooted cuttings, soil, and containers. You can't grow these things without employees, fertilizer, water, soil, and containers, for that kind of cost. You'd ask, 'how do these people do it?' They do it the same way your big box discounters do by getting huge growers that are working in volume. If you go to Wal-Mart or Lowe's and buy a flat of pansies, they get a percentage of what runs across the register. If the rest of it sits on the counter and dies, they don't have to pay a single penny for it. So, in other words, the only thing they pay for is running through the registers. If tractor-trailers merchandise dies, they'll throw it away and pay not one penny for it. It's a guaranteed sale for them so they can sell it cheaper than what we can raise at a local business.

This is why we're concerned. When times are tough, we're watching our dollars just like everybody else. Some of the opposition will say that competition is good and I agree but let's level the playing field. Let them put up a permanent structure, some capital, invest back into the community, and help circulate that dollar to help economic growth in our community. We also have to look at the employment aspect of it. I don't have the figures with us today but, when we went before the Planning Commission, it's staggering at how much all of us are paying in employment for people. These people in turn are spending their money in local merchant stores for groceries and things of that nature.

Some of the other concerns are the people who have these vacant lots. We purchased this property for an intended purpose and we're following suit with it. In some cases where we now have vacant grocery stores and what have you, the owners did reap the benefits while the grocery stores were there. Now, they want to switch it over and, at what point do we stop? That's our big concern. Are there any questions? Thank you."

WYATT THOMPSON

"I appreciate your time tonight. My name is Wyatt Thompson and my wife and I own a local garden center. I'll keep it short and sweet because I know that everybody's time is valuable. Basically, it's already been referenced that individuals from out of town only pay a nominal fee for using the land and the City gets a fee for a temporary business license. Lord knows that I invest in Greenwood because I've just sent a check to let Greenwood know I invest in them. I pay my taxes and I'm not going to complain because I chose to be in business here, but there are a lot of other reasons that I'm investing in Greenwood.

I guess we're asking you to help support us while we're investing in Greenwood also. We have employees, like Gil mentioned, and spend a lot of money fixing our trucks, paying for office supplies and the list goes on and on. It's hard even when the times are good because we're a seasonal enterprise. We have two seasons, Spring and Fall, where we capture a lot of our income. We have to be really tight in the times that we're not bringing in a lot of money such as December, January, and February. I don't know what it's going to be like when we go through the Spring when we're in our peak season. With those people there, it's going to be even tougher. We're just asking for your support to help us out.

I moved here about 3½ years ago but I keep seeing a slogan that says, 'Keep the Green in Greenwood'. I think that's basically a good reference for what we're doing. Are there any questions? Thank you."

MAYOR  
TEMPORE  
WILLIAMS

PRO "Is there anyone else who'd like to speak in favor on this matter? Is there anybody opposed?"

MAYOR  
TEMPORE  
WILLIAMS

PRO "Do I have a motion?"

Motion was made by Niki Hutto, seconded by Herbert Vaughn.

"Is there anybody that would like to speak on this matter?"

NIKI HUTTO

"This is the ordinance with the June 1<sup>st</sup> to August 31<sup>st</sup> change?"

MAYOR            PRO            "Yes, the one the City Manager just handed out."  
TEMPORE  
WILLIAMS

LINDA EDWARDS            "Now, according to these people that will not be able to get a field permit for whatever, is there any way possible we can make that known? Like you've said, they'll be set up the next morning and are not aware they will not be issued a permit for Easter, Valentines, and Mother's Day, or whatever the occasion?"

MAYOR            PRO            "They're supposed to get a permit before they do it."  
TEMPORE  
WILLIAMS

LINDA EDWARDS            "We all know what happens with what we're supposed to do."

STEVEN BROWN            "Ms. Edwards, I can to work with Phil and identify people that have had permits in the last 24 months. We can send them notification that, if you approve it on second reading next month, there have been changes."

LINDA EDWARDS            "I'd like to at least see it done because this is something that's going on throughout the year."

STEVEN BROWN            "We pretty much know who the Valentine's people are. It's actually one person that has scattered sites around town. I was told by one of those people that they would no longer do that this year even without this ordinance."

NIKI HUTTO            "Phil, I'd also like for this to be countywide because it's much easier to enforce. I know a lot of our growers are ties that are not exactly inside the City limits however, I really think it would be very nice to have certain ordinances throughout the County."

BETTY BOLES            "We can't enforce it."

NIKI HUTTO            "No, but I can be vocal about it!"

MAYOR            PRO            "We can act and that's it. All in favor raise your right hand. So moved."  
TEMPORE  
WILLIAMS

The motion passed unanimously.

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CONSIDER

Mayor Pro Tempore Williams read the eighth item and recognized the City Manager.

Ordinance No.  
09-002 Amending  
Ordinance 03-  
010, Zoning  
Ordinance,  
Chapter 2,  
Article 3,  
Definitions, to  
Amend the  
Definition of  
Check Cashing  
Services.

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

STEVEN BROWN

"City Council passed an ordinance setting a distance between check cashing services. We worked with Mr. Welch and extracted a section of the State Code to define the exact businesses limited. Little did we know that there was another definition of a so-called check cashing service in the State Code? When somebody asked for a permit under that other section, it caused us a problem with being able to enforce the Zoning Ordinance.

We believe that your intention is to limit and especially have a certain distance between them. Therefore, this ordinance will include not only your definitions of a check cashing service but also this additional one. We hope that we have covered the entire scope of what a check cashing business is by adding this to the ordinance. Phil, is that pretty much it?"

PHIL LINDLER

"That's right."

MAYOR PRO  
TEMPORE  
WILLIAMS

"Is there anyone that wishes to speak on this matter in favor of or against? Hearing none, I will close the public hearing. Do I have a motion?"

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

"All in favor raise your right hand."

Motion passed unanimously.

- attach -

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CONSIDER

Mayor Pro Tempore read the ninth item and recognized the Planning Director, Phil Lindler.

Ordinance No.  
09-003 Amending  
the City of  
Greenwood's  
Official Zoning  
Map (Ordinance  
No. 04-020) by  
Rezoning  
Property (0.24  
Acres) Located  
at 658 Gage  
Street from RM7  
(Residential  
High Density  
Manufactured  
Housing) to NC  
(Neighborhood  
Commercial).

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

PHIL LINDLER

"Thank you again. This is a property at 658 Gage Street. It is currently zoned to RM7 and the request is Neighborhood Commercial. Prior to the City's rezoning in 2004, this property was a C-1 in the Neighborhood Commercial zoning district. The property, as far as a structured building, has a commercial type look to it. But, as you can see by this map, everything surrounding this property is zoned RM7. At the Planning Commission meeting, there were a number of people that spoke on this issue and a petition was presented. I'll be glad to provide that to you if you would like to see it. Thank you."

- attach -

BETTY BOLES

"Is it a favorable petition?"

PHIL LINDLER

"Yes. It is a petition in favor."

MAYOR PRO  
TEMPORE WILLIAMS

"Is there anybody here who wishes to speak in favor of (this request)?"

LARRY RICHARDSON

"Thank you, Mayor and Council. My name is Larry Richardson and I live at 306 Jennings Avenue. My partner and I recently bought this property and worked with Mr. Alfred Wiggins who wants to open a store there. When we went to the Planning Commission and talked to Phil and his staff about it, they asked us to explain why the property should be rezoned. Alfred has done a real good job of surveying the community and so forth. There's not hardly anywhere in that neighborhood where you can buy staples, groceries and that kind of stuff.

These people have historically used this building. They used the old Winn Dixie which has been torn down. There is some talk on the street as to whether or not the old Piggly Wiggly is going to make it. I went to Saluda the other day and that Piggly Wiggly has just closed completely down. It's gone. A lot of these people don't have access to transportation, certainly not any public transportation, and they have to walk to buy the basics that they need.

The neighborhood has a large contingency of elderly folks. More and more Hispanics are moving in and there is a tremendous amount of support to have the store reopened. Alfred collected 200 signatures from the neighborhood and, of course, I realize all those people don't live right by the store but in the general vicinity. We submitted it to Phil and he has a copy of those signatures. It's not necessarily a scientific or legal document but it just says that they support the reopening of this store.

We talked about several things but felt the current zoning just basically made this building worthless. It is a good, solid, block building. Obviously, it needs some repairs as indicated on the City's list. We have met with the City's staff more than once to discuss what we needed to do. If this is approved tonight, we will start immediately to make repairs and clean it up. Alfred will start on the inside of the building and so forth. It's not in that bad of shape because it's a good, solid, block building.

We feel that any zoning that has been changed must make sense. It's got to be reasonable, fair, and assists the neighborhood. Alfred grew up around there and knows the neighborhood. After meeting with this young man several times, I feel he's got the interest of the neighborhood at heart and wants to contribute a good safe place for these folks to shop.

We appreciate Ms. Edwards meeting with us for an hour or two, actually a couple of times after the Planning Commission Meeting and then more recently. We know that this is not a prime location for a store, as far as some problems that have been there in the past. We understand and know that it was not necessarily operated as legally as it should've been. That's one of the reasons we wanted to rectify the situation. So, we talked to Ms. Edwards and got her concerns. We had our concerns, too, because we live in this neighborhood and I don't want my name associated with a beer joint, crack hangout, or whatever. I do own the building but that's not what I want.

We have already signed a lease with these guys assuming that we can get this rezoned. (handing out copies) We amended the lease to provide for an amendment that says there will be changes to be executed which was signed by the both of us. Its rule for operation at this location is, first, no alcohol can be consumed on the premises. It will be required to install 'No Loitering' signs as an indication that the property is under the authority, surveillance, or whatever it needs to say of the City Police Department and violators will be prosecuted. It'll have no public or pay phone. I understand that was a problem before when people congregated around the outside at night. I've included no public restroom and my partner indicated that we may need one, as it is required by Zoning, but I'm not sure. Anyway, we're not going to certainly advertise that to give any reason for people to hang around this building. There will be no pool tables or other games of any operation that will encourage customers to congregate on the premises.

- attach -

The hours of operation will be by daylight savings time in the Summer around 6 a.m. to 11 p.m. In the Winter, the hours will be from 6 a.m. to 9 p.m. Like tonight, it will be closed at 9 o'clock. Of course State Law requires an ID for the purchase of tobacco and alcohol. There will be a policy of identifying everybody no matter how old you are like a lot of stores do. Lastly, any violation of the rules will constitute a violation of the lease and may make it null and void. We'll ask them to leave if they don't abide by this.

Now, they would like to buy the building eventually so we are willing to put in writing that this will adhered to.

If they or anybody else wants to buy the building, we will restrict the use of this property through the deed restriction.

It cannot be used as a pool or beer hall or whatever could encourage people to congregate in that location. It's just like subdivisions where you can't have but so many cars on your property or whatever. We'll do the same thing to whomever we may sell it to.

I appreciate your time. If there are any questions I can answer, I'll be happy to."

BETTY BOLES "Would you also include that this building could not be an ABC or liquor store?"

LARRY RICHARDSON "Yes. After talking with Alfred, we'll probably start by not selling any beer but, in today's world, they may sell it. I don't think the selling of it is the big problem, it's the consuming of it, and there will be no consumption on that property.

Yes, ma'am, we will put that in the deed restriction if we sell it. We will restrict that property forever."

STEVEN BROWN "I'd need to ask Mr. Welch, the City Attorney, if the property is posted that anyone found on the property after the hours of operation at 11 o'clock, or whatever, be deemed as trespassing?"

STEPHEN WELCH "As long as it's posted, yes."

STEVEN BROWN "One of the major concerns of Major Mitchell and Chief Brooks has been the loitering. I'm just thinking that, if he agreed to post the property and you're still there after Mr. Wiggins has closed, then you're considered to be trespassing."

LARRY RICHARDSON "We will make it say whatever you and the Police Department want it to say."

STEVEN BROWN "I also think you'll need to discuss with maybe Major Mitchell and the Police Department about better lighting."

LARRY RICHARDSON "I've already planned to put it in."

STEVEN BROWN "I think you can get with Mr. Monaghan's staff and, before second reading, we can deal with those two issues."

LARRY RICHARDSON "If you approve this on first reading and need more information, we'll bring it back to you before the next reading."

STEVEN BROWN "The pay telephone was the Police Department's big problem, wasn't it Urban?"

MAJOR MITCHELL (inaudible)

LARRY RICHARDSON "Well, to tell you the truth, I would love it. If somebody's there, lock them up because I don't want them bringing it in or tearing up the property with graffiti and all that kind of stuff. It suits me fine."

BETTY BOLES "Where's the parking area?"

LARRY RICHARDSON "There is plenty of property on the other side but I don't know. We'll have to get with the Zoning Department and see what exactly we got to do."

MAYOR PRO  
TEMPORE WILLIAMS "They will be required to close at the hours of 11 and 9 p.m.? What if they stay open at 9:30?"

LARRY RICHARDSON "We're gonna have a problem. If they violate this lease, we can kick them out. I've come to respect Alfred but he's not the only person in Greenwood that can run a store. However, as much money as they'll have invested in stock and fixing up the inside themselves as far as how they're wanting it to look, I don't think they'll want to stay open for 30 minutes and lose that kind of investment. So it'll have to be adhered to."

NIKI HUTTO "So all the interior fixtures are going to be supplied by the tenant?"

LARRY RICHARDSON "Yes. We're going to bring the outside up to code. There is a fairly new, big wall cooler already there. So we're going to fix all that up."

NIKI HUTTO "Other than all their fixtures, the shelving and stock will be their responsibility? You're not going to be in the retail business?"

LARRY RICHARDSON "No, not me. We're leasing."

NIKI HUTTO "Okay. So you're just going to be landlords."

STEVEN BROWN "Larry, will Mr. Wiggins be willing to tell City Council where he lives in proximity to the building and how long he's lived there?"

ALFRED WIGGINS           “(inaudible) I don’t live in the area but, when I was growing up, I lived in Tillman Court for about all my life with my parents. I now live at 1522 Parkway Court.”

LARRY RICHARDSON       “Actually he’s told me he’s looking for a house in that area but just has not been able to find anything yet.”

MAYOR                    PRO                    “Does anybody have any questions for him?”  
TEMPORE WILLIAMS

LINDA EDWARDS         “Now, what if somebody is in the store at 9 o’clock?”

MAYOR                    PRO                    “Then they’re going to stay but the doors are going to be  
TEMPORE WILLIAMS       locked.”

LARRY RICHARDSON       “I’m a very reasonable person. I’m not going to be walking there at 9:05 p.m. and ask the customer if they can step out of the store if they’re still buying something. He’s going to start closing down, turning the lights off, and all that kind of stuff to get out of there shortly.”

MAYOR                    PRO                    “Thank you, sir. Is there anybody else who wishes to  
TEMPORE WILLIAMS       speak in favor of this matter? Is there anybody opposed? Alright, I’ll close the public hearing. Now, do I have a motion?”

Motion was made by Betty Boles, seconded by Linda Edwards.

“All in favor raise your right hand. All opposed? 4-2.”

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

CONSIDER

Under Unfinished Business, Mayor Pro Tempore Williams read the only item and asked for a motion.

Ordinance No. 08-045 Amending the City of Greenwood's Official Zoning Map (Ordinance 04-020) by Rezoning Properties Located at 315 Epting Avenue and 1501 Spring Street from OPI (Office Professional Institutional) to GC (General Commercial).

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

Mayor Pro Tempore Williams said, "All in favor raise your right hand. So moved."

The motion passed unanimously.

- attach -

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

CONSIDER

Under New Business, Mayor Pro Tempore Williams read the first item and recognized the City Manager.

Ordinance No. 09-004 Amending Ordinance No. 05-043, Franchise Fee on Revenue of Electric Utilities Serving Customers in Areas Annexed into the City Limits.

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

STEVEN BROWN

"Mr. Williams and Members of Council, in 2005 you passed an ordinance that levied a franchise fee on any utility. In our area, it's Duke Power which serves the inside of the City. When we recommended that ordinance to you, we did not have a penalty provision for late payment.

I would report to you that Duke Power has not been late making any payments, nor is there a problem now.

However, when the Finance Director was reviewing some of our ordinances, we found that all of our ordinances that deal with franchise fee collections of revenue from entities such as Duke Power do have a late penalty provision. We felt that we should ask you to insert one in before there was a problem without any provisions to deal with late payments. This ordinance has a provision that a penalty must be paid if they are late. There's no change in any payments or percentages by Duke. It only deals with late payment."

STEFFANIE DORN

"It's five percent per month which is the standard, across the board fee for these types of payments that we have."

STEVEN BROWN

"We did call Duke Power to let them know that we weren't sneaking any fees so they're aware that we're only dealing with the penalty part tonight."

MAYOR PRO TEMPORE WILLIAMS

"Do I have a motion?"

Motion was made by Niki Hutto, seconded by Herbert Vaughn.

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

The motion passed unanimously.

- attach -

CONSIDER

Mayor Pro Tempore Williams read the last item and recognized the City Manager.

Authorizing Mayor Pro Tempore to Sign Intergovernmental Agreement with Greenwood County.

STEVEN BROWNS

"Mr. Williams and Council, as you have been made aware of in prior Planning meetings, we have anticipated for a period of time that the Carolina Pride Greenwood Packing Plant will be expanding.

They have applied to the County of Greenwood for a fee in lieu of tax agreement and it will be a part of the multi-county park program that we have with County Council. The officials at Carolina Pride have asked if City Council would agree to the same fee in lieu taxes as a 65% special source revenue credit on the new additions to their plant for the first 15 years only. This intergovernmental agreement permits the City's portion to be included with the County and it's identical to what the County as already agreed."

NIKI HUTTO "Do you know how many more people they will employ after this has passed?"

STEVEN BROWN "I don't have that information now but I will provide it to you."

NIKI HUTTO "Do you know exactly where the expansion is happening?"

STEVEN BROWN "I understand that it will be in the vicinity behind their existing location between their plant and the Bypass area."

NIKI HUTTO "So, the expansion isn't coming towards New Market?"

STEVEN BROWN "No, ma'am. I haven't seen the final plans, but there were some indication that they might even bring the entrance to the existing and new plant off of the 72 Bypass as opposed to Packer Street. I haven't seen the final plans but that was a large discussion in the early stages."

NIKI HUTTO "So it'll be more of a commercial entrance and exit that won't go through a residential area?"

STEVEN BROWN "Right."

NIKI HUTTO "You don't know if the expansion will include any other types of meat other than the hogs they're already doing?"

STEVEN BROWN "I know nothing about that."

MAYOR PRO TEMPORE WILLIAMS "Are there any other questions?"

BETTY BOLES "I just have an observation. Weren't they bought out by Kraft?"

STEVEN BROWN "No ma'am. If they have, I'm not aware."

BETTY BOLES "Some of the employees were telling me that they've been bought out by Kraft."

STEVEN BROWN "I haven't heard that in the meetings we've attended. I think it's still in the Barnett Family."

MAYOR PRO TEMPORE WILLIAMS "Are there any other questions? Do I have a motion?"

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

"All those in favor raise your right hand. Any opposed?"

The motion passed unanimously.

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CITY COUNCIL COMMENTS There were no comments at this time.

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CITY MANAGER COMMENTS There were no comments at this time.

The meeting adjourned at 6:34 p.m.

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Johnny F. Williams, Mayor Pro Tempore

ATTEST:

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City Clerk and Treasurer