

GREENWOOD CITY COUNCIL

September 17, 2007 - 5:36 p.m.

**MINUTES**

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PRESENT

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

City Attorney, Steve Welch, entered the meeting at 5:39 p.m.

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CALL TO ORDER

The meeting in Council Chambers was called to order by Mayor Nicholson at 5:36 p.m. and he welcomed everyone to the meeting.

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

Motion passed unanimously.

CONSIDER

Ordinance No. 07-026 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning Property Located at 514 East Cambridge Avenue from R7 (High Density Residential) to OPI (Office, Professional, Institutional).

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

Under public hearings, Mayor Nicholson said, "The format that we employ at the public hearings is, if there are individuals that would like to speak, we ask that you 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 here to speak in favor of this zoning change?"

THOMAS FIRRIOLO

"I'm Thomas Firriolo. My address is 303 Jennings Avenue, Greenwood, South Carolina. I am a homestead resident of Greenwood, South Carolina, and here is where I plan on staying in Greenwood, South Carolina. I would like to mention a few things. For approximately 15 years, 514 has been a business for almost half a century, if not more. Secondly, I'm hoping that this Council will make a vote this evening. If I was assured of the vote this evening, I'll have nothing else to say. But for some reason Council isn't going to rule this evening on my request, then I'd like to just say three or four words at the conclusion or just before the end of the evening. May do that?"

MAYOR NICHOLSON

"No, Mr. Firriolo. The public hearing will be now and Council will take action. After that, we will not have another public hearing on this issue."

THOMAS FIRRIOLO

"I have nothing else to say. Thank you."

MAYOR NICHOLSON

"Thank you. Is there anyone else to speak in favor of this zoning change? Is there anyone opposing the zoning change?"

TOBY BORING

"Mr. Mayor, my name is Toby Boring. I've lived at 205 East Cambridge Avenue for about six years."

We've been working hard on a historic overlay for the neighborhood during the past few weeks and months. To me, it's just an unknown factor that we're getting into. We're opening a can of worms that, once we rezone property, we don't know what may happen to it. With just as much vacant property, that's already zoned OPI; I don't really understand the purpose of trying to rezone property that we're trying to get in this historic overlay. Thank you."

MAYOR NICHOLSON

"Okay, thank you. Is there anyone else to speak opposing this rezoning?"

CAROLYN BOLDEN  
TOLBERT

"Good evening. My name is Carolyn Bolden Tolbert and I represent my mother, Elise Bolden, and my sister, Tanist Bolden. My mother and I reside at 526 East Cambridge Avenue. My sister lives at 524 East Cambridge Avenue which is next to 514. We live in a quiet neighborhood but I must say that we have had quite a few disturbances since this rezoning has come into question. We've had to have our land surveyed and I think some things about the boundaries next to 514 and 524 were resolved.

We are against all the traffic, noise, people and the hours that will probably come with the restaurant. There is only one-way in and out of 514 East Cambridge which is next to my sister's house. There is a small amount of space between the houses and it just doesn't seem enough to accommodate the people that a restaurant will draw. We do realize that the flower shop was there for years but they just had a minimum amount of traffic. They closed at 5 or 6 o'clock and weren't open on Sundays. We would like the area to remain residential and see the overlay district pass."

MAYOR NICHOLSON

"Thank you."

THOMAS FIRRIOLO

"That was not a homeowner but a renter. She doesn't own the property."

MAYOR NICHOLSON

"If you would like to make another comment, I'd ask you to come to the podium and state your name and address but we will not allow the outbursts."

CAROLYN BOLDEN  
TOLBERT

"Excuse me. He said that I don't own the property."

MAYOR NICHOLSON

"Let's just address the issue. We're not having a debate."

CAROLYN BOLDEN  
TOLBERT

"The property is owned by my mother and she has a life estate there. After she passes on, the land will revert to my brother, sister and me. Thank you, very much."

MAYOR NICHOLSON "Okay, thank you. Is there anyone else to speak opposing this zoning request?"

KIM CLARK "I'm Kim Clark of 109 East Cambridge Avenue. Thank you for your time. It's not this particular property that I'm concerned. I'm sure everybody is aware that we are working hard on a historic overlay district. We've had meetings and petitions and every property owned, or are in the proposed historic overlay district, are notified by mail of the meeting we had at Main Street United Methodist Church. We had a unanimous vote that night and I think 48 signatures out of 60 people present wanted to include this particular property, 514 East Cambridge, in the historic overlay district. We're trying to keep the whole neighborhood in tact if we can, so I would ask you not to do anything until the Board of Architectural Review has a chance to decide whether it will recommend this historic overlay. Thank you."

MAYOR NICHOLSON "Thank you. Yes, sir?"

THOMAS FIRRIOLO "Ms. Kim Clark is on the Board of Architectural Review."

MAYOR NICHOLSON "We're having a public hearing dealing with the rezoning of the property at 514 East Cambridge. Either address whether you are for or against that. We're not having a debate."

THOMAS FIRRIOLO "I am for the rezoning to help the Cambridge Avenue and the multitude of apartments that are on Cambridge Avenue. Business will open up the door to revitalize Cambridge Avenue to what it is supposed to and used to be years ago. We have numerous apartments. Some of these beautiful, historical homes have been converted to three, four, and five unit apartments. A historical overlay is not addressing the issues of these many apartments. I think OPI will open the door for other entrepreneurs and local residents to come and beautify the area. I hope that some of these apartment buildings can be businesses. I foresee that the two large apartment complexes can be inns where people can stay for the weekend, overnight or a week to spend money because in areas that supports our businesses at large. So recommending OPI is clearly a sound move. The historical overlay does not address the many apartments and devaluation of properties. So again, I respectfully request this board strongly consider voting for OPI."

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

DALE SHAFFER "I'm Dale Shaffer and I live at 424 Cothran Avenue. I'm speaking opposed to the change in the zoning."

My wife and I were the individuals who headed up the petition drive for the historic overlay. We had 136 people to sign this petition. There's a groundswell of people in support of that, but that's not really my point for bringing that up. It's that, as we talk to the individuals signing the petitions, their two biggest concerns were demolition and change towards commercial. Those two things are the biggest reasons the people are interested in doing this historic overlay.

Now, Mr. Firriolo is suggesting a restaurant at that place. I'm not sure if that's the case but OPI opens up a number of things and he, or whoever buys the property later on, would not be tied to a restaurant. I have a quasi fraternity house two doors down from my place. They never called it that so we couldn't do anything about it. To have a fraternity house in our historic district, I think, is just inappropriate. There could be a parking lot and lots of other commercial uses such as restaurants staying open for who knows how long. I just don't think it's an appropriate use for a historic area.

The other thing that's a concern here is, if you look at the map, it's piecemeal. We shouldn't be looking at zoning on a piecemeal basis. It ought to be what's going on around it and what's going on around that property is residential. Therefore, I urge this Council to keep it as residential. Thank you."

MAYOR NICHOLSON "Thank you. (Asking Mr. Firriolo) Do you have anything entirely different to add? This is not a debate."

THOMAS FIRRIOLO "Just a brief addition, please?"

MAYOR NICHOLSON "Yeah, but we'll make this the last one."

THOMAS FIRRIOLO "The last one? Then I better make it good. There are many businesses on Cambridge Avenue. On both my properties, 514 and 543, they're only 75 feet away from these businesses, so I think we need to address that.

Secondly, the gentleman said that he had 136 signatures. Can he present these 136 signatures in front of this committee? I didn't see him present the 136 signatures; people are saying things that are not supported by documentation. Now, if he has 136 signatures, let him present them. I think we're entitled to know who these people are."

MAYOR NICHOLSON "Okay. That's in reference to the historic overlay and we're not doing that. We're discussing the rezoning of the property at 514."

THOMAS FIRRIOLO "Let me just address this issue then. On the letters that I've sent to each Commissioner at this hearing now, I suggested that the Board should practice individuality and free spirit. I'm hoping that individuality and free spirit will take place tonight.

I want to resend something that I did say in that letter. I said that I will be disappointed for the last time because this has been going on for 13 months in front of this Commission. I've tried very hard and this has been very expensive to me. So expensive in fact that I had a law firm to represent me for the historic home that was demolished. So I want to retract that and say that I can build 24 apartments on those units. Now, with the historical overlay (if it is successful), would that be appropriate for Greenwood and Cambridge Avenue? Would that be a way to go, by adding more apartments to the multitude of apartments that exists on Cambridge Avenue? Well, the sensible approach is whatever alternative we have.

Let's beautify Cambridge Avenue. Let's get rid of some of these things and have your historical overlay like St. Augustine, Florida and Charleston, South Carolina. That's all I have to say so I want to resend that. I want to make it quite clear that 15 units will go on 422 and 466. Six units will go on 514 and eight units will go on 543. Thank you."

MAYOR NICHOLSON "Yes sir, thank you."

DALE SCHAFER "Just a question. Are you allowed to have apartments in R-7? My impression is no, so I would like some clarification."

MAYOR NICHOLSON "You can."

PHIL LINDLER "Thank you, Mr. Mayor and Members of Council. In an R-7 Zoning District, you would be allowed to have single-family residences, duplexes, as well as townhouse units called Single Family-Attached. It's the same as a patio home type of arrangement, but multi-family apartments will not be allowed in R-7. R-4 will be strictly single family units."

MAYOR NICHOLSON "Thank you. Is there anyone else that would like to speak in reference to the rezoning of this property at 514? Okay. Seeing and hearing no other we will close the public hearing. Now, I will entertain a motion from Council."

- JOHNNY WILLIAMS "Mr. Mayor, we're going to redo OPI and it would be foolish to rezone any property OPI at this point until we get it worked out. I don't think restaurants are going into the OPI zoning district because it is supposed to be strictly residential property where people can have businesses. Therefore, I'm asking that we take no action on this but, if he wants to, we will. So I'll ask him (Mr. Firriolo), do you want us to vote on this tonight because OPI will not have restaurants?"
- THOMAS FIRRIOLO "Let me tell you this, Commissioner Williams. I don't need OPI to put restaurants on the property. You know I don't need it."
- JOHNNY WILLIAMS "I'm just asking the question. Do you want us to vote on this? If you do, I'm going to make a motion right now."
- THOMAS FIRRIOLO "Yes, I do!"
- JOHNNY WILLIAMS "Okay. I make a motion that we deny it."
- MAYOR NICHOLSON "I have a motion that it be denied. Do I have a second?"
- LINDA EDWARDS "Mr. Mayor that might die for a lack of a second. Right now, we know what we need to do. OPI needs revamping. It's supposed to be Office Professional Institute, but as it stands now, you can put anything there. Making a decision with tempers a little high is not the answer. We need to really look at this and make changes. Now, I agree with your first presentation to table any OPI but, for me as an individual that usually speak for myself, I'm not making any decisions because somebody is telling me, 'If I don't get what I want, then I going to do this.' I don't work like that. (applause from the audience) No, it's only me. I don't know how the other Council Members feel but your last remark sounded like, 'If you don't give me what I want...' I'm an individual and I speak for Linda Edwards. All my Council Members know this. Nobody persuades me to do anything I don't strongly believe in. We're getting into something that's not very professional by letting tempers take over. So, if his first motion is still on the table to table this..."
- MAYOR NICHOLSON "He made the motion to deny but we don't have a second. Is there a second to Mr. Williams' motion?"
- THOMAS FIRRIOLO "I'd like to address the comment that she made."
- MAYOR NICHOLSON "Okay, but this is your last comment."
- THOMAS FIRRIOLO "It's not an ultimatum, madam. It has been 13 months, over a year, in front of this board."

This is extenuating circumstances, not an ultimatum. If it sounded like that, I didn't mean it to be an ultimatum."

LINDA EDWARDS "But that's the way it's coming across."

THOMAS FIRRIOLO "I apologize but that was not my meaning. My intention was that I reached my time. What's my move? Go another year or two hoping and praying that somebody is going to do something to benefit Greenwood? You people are the only people that can benefit Greenwood. I can do it with my bucks, time, and my talent but I need your permission to do it. Thank you."

MAYOR NICHOLSON "Thank you. Mr. Williams' motion dies for a lack of a second. Is there another motion?"

LINDA EDWARDS "Mr. Mayor, I make a motion that we postpone or delay doing action on any OPI property, until we've had a chance to redo the zoning, at this point."

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

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

"Is there any discussion?"

STEVEN BROWN "Mr. Mayor, you have two other items dealing with OPI on your agenda. I assume your motion will apply to those agenda items also."

MAYOR NICHOLSON "Okay."

BETTY BOLES "When we do make a decision as to what will be in OPI? Can we now let everyone know some form of time when we'll be making a final decision?"

MAYOR NICHOLSON "Well, later in the meeting we are going to be appointing some people to work on a special study committee to come up with a recommendation for OPI. Hopefully we can do that within the next 60 days."

BETTY BOLES "So it won't be another year? Hopefully all minds and hearts will be clear as to what can be done in OPI."

THOMAS FIRRIOLO "I think that's reasonable, if I may say that. I'll wait 60 days."

MAYOR NICHOLSON "Okay. Is there any other discussion? Alright."

I have a motion and a second that we postpone any action until we come up with a recommendation for the changes in OPI. All in favor raise your right hand. So moved."

Motion passed unanimously.

"So I don't think there will be a need to have public hearings on items number two and three because both have to do with rezoning from R-4 to OPI. The second rezoning, which has to do with the property at 543 East Cambridge Avenue has not finished the two year waiting period since this last came before us. Once a request has been denied, an individual must wait two years before they can come back before Council and it has not been two years for that property. In researching this, October will be the earliest we can address this issue again. But still, this will go along with the recommendation that, until we make the necessary changes in OPI, we will not be dealing with any changes to OPI until that time."

THOMAS FIRRIOLO "Sir, you have spoken incorrectly. This is the first time 543 have been in front of this commission. 543 was not denied before because it's new. (Pointing at Niki Hutto) Don't shake your head ma'am! You're not supposed do to anything! (Addressing the City Attorney) You must be Steven Welch, right?"

MAYOR NICHOLSON "Mr. Firriolo, we're not going to have a public hearing on the next two items because they're dealing with OPI. We just voted that we're not going to consider any changes until recommendations have been made to the OPI zoning."

THOMAS FIRRIOLO "Sir, in the minutes of this meeting you just addressed that..."

MAYOR NICHOLSON "I just said this did come before us when you did not own the property at that time. The request was made by another individual."

THOMAS FIRRIOLO "That's right. I'm the new owner of that property."

MAYOR NICHOLSON "I know it but we still must wait two years. The property has not changed."

THOMAS FIRRIOLO "It changed when I became the new owner of the property."

MAYOR NICHOLSON "The property didn't change."

STEVEN BROWN "Mr. Mayor, here is a copy of the October 17, 2005, minutes."

MAYOR NICHOLSON "It's the same piece of property. I don't care if the property owner changed."

JOHNNY WILLIAMS "We're not taking any action on any OPI requests."

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

THOMAS FIRRIOLO "No, sir. Thank you."

MAYOR NICHOLSON "Have a nice evening."

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CONSIDER Action was postponed by City Council.

Ordinance No.  
07-029 Amending  
the City of  
Greenwood's  
Official Zoning  
Map (Ordinance  
No. 04-020) by  
Rezoning  
Property  
Located at 543  
East Cambridge  
Avenue from R4  
(Medium Density  
Residential) to  
OPI (Office,  
Professional,  
Institutional)

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

CONSIDER                      Action was postponed by City Council.

Ordinance No.  
07-027 Amending  
the City of  
Greenwood's  
Official Zoning  
Map (Ordinance  
No. 04-020) by  
Rezoning  
Property  
Located at 610  
Calhoun Avenue  
from R4 (Medium  
Density  
Residential) to  
OPI (Office,  
Professional,  
Institutional).

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

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

Ordinance No.  
07-028 Amending  
Ordinance 03-  
010, Zoning  
Ordinance,  
Chapter 6,  
Supplemental  
Regulations,  
Sections  
6.3.10.5.(C),  
Standards for  
Wall Signs in  
the General  
Commercial (GC)  
Zoning  
District.

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

STEVEN BROWN                      "Mr. Mayor, the Planning Commission has recommended to  
revise the sign area ratio as specified in the Zoning  
Ordinance. If you approve this change, consideration  
will be given to the distance from major roadways.

The present ordinance states that a sign may be equal to 1.0 square foot per linear foot of building frontage. That applied to all buildings regardless of the distance from the main roadway. If the distance from the main roadway exceeds 250 feet, the recommendation before permits the sign area to be 1.8 square feet per linear foot of building frontage. If a business site exceeds a distance of 500 feet, the recommendation permits the sign area to be 2.6 square feet per linear foot of building frontage.

PHIL LINDLER

"Mr. Mayor and Council, the only thing I would add is the Board of Zoning Appeals had a hearing on one of the properties in the Commons area and granted a variance for the signage. This will keep the standards across the City for Greenwood Commons and other properties in similar areas inside the City Limits in the future. It is what Mr. Brown said for the distance that a business is away from the major road determines the size of their sign. The current 0 to 250 feet distance is basically what you have now, so there is no difference for the current buildings that are within 250 feet of a major roadway."

NIKI HUTTO

"Have you seen this done in other areas?"

PHIL LINDLER

"Yes, there have been some areas that use something similar to this. What we did was based on our variance that was granted for the Commons. The current standards are based on the size of the building."

MAYOR NICHOLSON

"Okay. Are there any more questions for Phil? Alright do I have a motion?"

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

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

Motion passed unanimously.

CONSIDER

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

Ordinance No.  
07-030 Amending  
Ordinance 03-  
010, Zoning  
Ordinance,  
Chapter 4,  
Section  
4.6.4.4.B. and  
Section  
4.6.4.8.G.,  
Standards for  
Fencing in the  
Uptown Overlay  
District (O-  
UP).

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

CHARLES  
BARRINEAU

"Mr. Mayor and Members of Council, we had a request from one of the property owners to allow for wood to be used in fencing and railing in the Uptown Overlay District which is basically the Emerald Triangle. You can see an example here of a wood fence that has been placed (pointing at screen). We're requesting that, if it is allowed, that it be painted or stained a dark earth tone color.

We see this as straight forward. The architect that developed these guidelines is aware of the proposed change and agrees. We've also heard no negative comments from the property owners, so they appear to agree too.

I'll be happy to answer any questions that you have."

MAYOR NICHOLSON

"Okay."

STEVEN BROWN

"You have a recommendation from the BAR and the Planning Commission to make this change so it has been before both of those bodies."

MAYOR NICHOLSON

"Okay. Is there anyone who would like to speak in reference for or against? 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 further 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 Assistant City Manager.

Resolution No.  
07-009 to  
Rename Alliance  
Street to  
Oregon Avenue.

CHARLES BARRINEAU "Mr. Mayor, this section of Alliance, adjacent to Oregon, is the section of road that is under consideration. We believe that it will be easier for the public if we name the entire pass-through Oregon Avenue, especially when individuals from outside of our community travel into this area of the Emerald Triangle. So we are asking you to consider changing this section from Alliance to Oregon."

MAYOR NICHOLSON "Okay. Is there anyone else who would like to speak in referenceto the renaming of Alliance Street to Oregon? Seeing and hearing none, we will close the public hearing.

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 unanimously.

- attach -

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CONSIDER Under unfinished business, Mayor Nicholson read the first item and asked for a motion.

Ordinance No. 07-022 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning Properties Located at 602, 608, 614 & 618 Edgefield Street and 311 & 312 Park Avenue from R10 (Residential - High Density) to CC (Core Commercial).

A motion 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 -

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

MARGARET GRIFFITH "May I ask a question? I have mentioned several times that 618 Edgefield Street is also included on my property but was not included in this. Will it be included in Core Commercial?"

MAYOR NICHOLSON "Was it in the original request?"

MARGARET GRIFFITH "I've mentioned it each time I've been here."

MAYOR NICHOLSON "Phil, is it in there?"

PHIL LINDLER "Yes, sir. There are six properties: 602, 608, 614 and 618 Edgefield Street, plus 311 & 312 Park Avenue."

MAYOR NICHOLSON "It's a mistake but it is included in the request. I'm sorry."

MARGARET GRIFFITH "When will this be effective?"

MAYOR NICHOLSON "Now!"

MARGARET  
GRIFFITH

"So I can contact a prospective buyer and tell them that it has been changed?"

MAYOR NICHOLSON

"Yes, ma'am, to Core Commercial."

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CONSIDER

Under new business, Mayor Nicholson read the first item and recognized the City Clerk.

Ordinance No.  
07-024 Relating  
to the Recovery  
of Collection  
Costs as a Part  
of Delinquent  
Debts Pursuant  
to the Setoff  
Debt Collect  
Act.

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

STEFFANIE DORN

"Good evening, Mr. Mayor and Council. This ordinance will allow us to participate in a program that the Municipal Association administers on behalf of municipalities by our choice. We participated in this program several years ago and some of you that were on Council will probably remember there was a lawsuit related to the collection cost. We stopped participating for other reasons mainly because the debts we were able to collect weren't cost beneficial at the time.

There have been some changes to the law and the program, as administered through the Municipal Association that we now believe will be cost effective for us to participate. We will be able to hopefully collect debts that we have in place from the City having to mow some of the overgrowth. Some of those debts are quite substantial because they're generally on repeat properties. We can also use it to collect delinquent court fines. Occasionally you may have someone to pay in installments but don't come back after the first installment. There are also some delinquent commercial sanitation fees that we can use this program to collect those debts.

This ordinance will allow us to sign an agreement to participate with the Municipal Association. It sets the collection cost fees that would be passed on to the debtor of \$20 which we believe will cover the cost, or most of the costs, for us to participate in the program.

The debtor would also pay the \$25 collection costs that are passed through the South Carolina Department of Revenue and the Municipal Association's fee of \$25.

I'll be happy to answer any questions you may have."

NIKI HUTTO

"So, in essence, there will be additional fees on top of what is owed the City?"

STEFFANIE DORN

"Yes, ma'am. I didn't explain how it's collected through their income tax refund. If someone owed \$1,000 and they have it in an income tax refund, the South Carolina Department of Revenue would take that plus the \$70 in fees. Therefore, we would get 100% of our debt if they had that much. If they only had a \$500 refund, then we would get \$430 plus a \$20 fee. They have to file a South Carolina tax return and get a refund so there's a lot of uncertainty. We are required by law to send notification to the person letting them know that, if they don't pay it, we intend to collect it through the tax refunds so they are aware of what we're doing. We also are putting notification in our offices where we collect debt. We're notifying these folks on notices and forms that are sent out from the Court office that we are planning to participate in this program to collect their debts if they don't pay us the proper way."

MAYOR NICHOLSON

"Okay. Are there any other questions for Steffanie? 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. So moved."

The motion passed unanimously.

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CONSIDER

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

Ordinance No.  
07-031 Annexing  
Property Owned  
by Robert L.  
Warren, Jr.  
Located at 112  
Emerald Farm  
Road

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

STEVEN BROWN

"Mr. Mayor and Council, Mr. Robert L. Warren, Jr., owns a parcel of property off of Emerald Farm Road. Mistakenly, he has been taxed as being inside the City. We recently discovered that his property is outside of the city limits. The City has provided services to the property, and Mr. Warren has been pleased with our services. Therefore, he has requested to be officially annexed."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

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

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

The motion passed unanimously.

- attach -

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CONSIDER

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

Ordinance No.  
07-032 Annexing  
Property Owned  
by Greenwood  
Presbyterian  
Church Located  
off Calhoun  
Road.

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

STEVEN BROWN

"Mr. Mayor and Council, the Greenwood Presbyterian Church owns approximately seven acres of land that is located off Calhoun Road and near the new County Bank site. Church officials requested to be annexed into the City when they built their sanctuary a number of years ago. At that time, we were not contiguous, and they have remained outside of the City.

They are now in the process of building a very large family center and have petitioned to annex, not only the new building but the sanctuary that was built earlier. Naturally, they are tax exempt but will be using our sanitation services and utilities. We think it's a good thing. This puts us closer to other properties, and we would ask that you annex this into the City."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

Motion was made by Johnny Williams, seconded by Linda Edwards.

"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.  
07-025 Adopting  
Stormwater  
Drainage Site  
Plan  
Regulations for  
Industrial,  
Commercial,  
Residential  
(Excluding  
Single Lot),  
Multi-Family,  
Public, and  
Semi-Public  
Uses within the  
City of  
Greenwood.

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

STEVEN BROWN

"Mr. Mayor and Council, about two and a half to three years ago, in anticipation of the City of Greenwood being designated as a Municipal Separate Storm Sewer System (an MS4), you authorized your staff to begin a mapping program. At that time, we contracted with Davis & Floyd Engineers and began mapping all of our storm drainage lines and systems in the City. The mapping project is now complete, and we now have good maps of the storm drainage appurtenances in the City. However, everyday that we do not have a means to keep it accurate, it's becoming old data. When a construction project is now completed, we need a formal program to capture the data related to the storm drainage systems that are being installed. If we do not have a means by which we can capture that new data, the \$250,000 to \$300,000 investment that you've made is going to be null and void. We are asking you to consider requiring as-built plans for developments within the City. None of us on the staff wants to increase the cost of building or development inside of the City, but I don't see how this can be done otherwise.

This draft ordinance that I submitted to you at the work session was probably three pages long. I have asked a number of local engineers to review the ordinance and make recommendations. Our sole intention is capture accurate storm drainage systems data.

South Carolina Department of Health and Environmental Control staffs have state mandated responsibility to review and approve the design of stormwater drainage systems. All we desire is factual data. To my

knowledge, there is nothing in this draft ordinance requiring any information above and beyond that. A number of people who have the engineering expertise such as City/County Engineer Larry Smith, Davis and Floyd, Carolina Engineering and Carlos from CPW have all looked at it and made recommendations.

Someone may think the last section that requires a maintenance easement agreement for retention ponds is not needed. Often, when these are built, detention ponds become a 'no man's land'. When maintenance is needed, many citizens believe it is the city's responsibility to do so. Many times, it's hard to establish exactly who has responsibility. Therefore, your ordinance would require the applicant or owner of this site to execute a maintenance easement agreement that shall be binding on all subsequent owners of the land served by the stormwater management facility. This ordinance requires the agreement to be executed and a copy recorded the Clerk of Court's Office.

I'm not asking you to vote on this tonight. I am requesting permission for the Assistant City Manager to draft a public notice to the local media to inform the citizenry of this proposed ordinance. We will make copies of it available to anyone who would like to review it.

I'll be glad to answer any questions that you may have."

NIKI HUTTO

"Once they submit something like this then staff can download the changes?"

STEVEN BROWN

"We're requiring them to submit it in a format that can be downloaded into our GIS files. I'll be honest with you. I hope and pray that we're never designated as an MS4. It would be one of the most costly mandates ever passed on to the City of Greenwood."

MAYOR NICHOLSON

"So really, this is just information tonight? Okay. Do I have a motion that we just entertain this as information tonight and act on it once we get everything publicized and have public hearings?"

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

"Is there any discussion or questions? 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.

Request to  
Accept Portions  
of Roads in  
Greenwood  
Commons Per  
Request from  
Various Owners.

BEN LAWRENCE

"I'm Ben Lawrence of 232 Harbor Cove Road in Ninety Six. Incidentally, in regards to the Alliance Street businesses, I've got a better one for you! My granddaddy, Peter McKellar, had a coal distribution business there. He used to deliver coal in a wagon pulled by a mule and I rode with him.

Where it says Greenwood Commons (pointing at screen), we own that property. An outfit from Atlanta optioned the property almost two years ago and we're trying to get retailers and big boxes. It took almost a year but we were not successful. Greenwood is at the breaking point of getting big boxes but we don't have the population.

Anyway, we got with another group out of Charlotte and they've about got this thing put together in almost a year. Well, there were two things that were problem and one was a benefit. Several of those tenants were concerned with the sign situation, which you all just talked about, because they couldn't be seen from the road. The second was a public road. The third big incentive was the tax incentives that the Partnership, City, and County participate in so those were the three critical things.

We are just about there. We've got about seven or eight big boxes that are ready to go. We got one kingpin in this thing that we're supposed to meet Thursday.

Once they give us approval, which I hope they do, it's a done deal but this was a critical item.

I've got monies and deeds on those pieces of property.

The property we sold in front of REI Cinema to one person has since been sold, under contract, to someone else. It has not closed on a five-year deal or something like that because there is some discussion about who is responsible for their part of the \$4,000 and they haven't come to an agreement about who is going to come up with this money. Of course, we have to be responsible for another three years of the roads to be brought up to standards, if it hasn't remained in that condition, but I'm going to continue to work on that.

I'm asking you to approve accepting those roads marked in red and we'll be working on our other deeds. Commons Drive is already a City road and, as Steve mentioned, so is the land behind the County Bank branch. It's very important for us to get those big boxes. We've got about six going where Greenwood Commons is. These people have an option on the vacant land beside Old Navy. This will really be a good retail complex for the residents of Greenwood."

MAYOR NICHOLSON

"Okay. Are there any questions for Ben? Thank you, Ben."

STEVEN BROWN

"Mr. Mayor, I'm not asking you to accept these roads. I want to bring them back to you later once we have the deeds, get an inspection by the City/County Engineer and a letter of credit. We're making an exception tonight because we don't have all of the roadways. In addition, the roadways are less than our normal right-of-way so we didn't want to move forward without your permission. We're asking that, if all of the conditions are met as we've outlined, you will entertain accepting the deed to these properties. All of you have dealt with Mr. Lawrence and I've never had him to tell me that he was going to do something that he didn't do. I feel very comfortable in asking you to allow us to negotiate this until its completion."

MAYOR NICHOLSON

"Okay. Do I have a motion on Mr. Brown's request that we accept and take ownership of these roads once we get the deeds?"

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

"Is there any further 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.

Authorizing the City Manager to Submit Bits for Specified Properties.

STEVEN BROWN

"As you well know, we're protecting our ability to make bids. I'm going to call this 'Property A' because, if anybody knows that we're interested in it, then it becomes very expensive. There is a delinquent tax sale at the County on October 1<sup>st</sup> and I'm asking your permission to submit a bid. An abandoned right-of-way, which will be sold at the tax sale, is important to the City. On the back, it shows you exactly what the taxes are owed on this property.

Last year, you allowed me to do this on two dilapidated buildings that can demolish as soon as we get the deeds. This year, we will bid on it up to \$1,000. Even though that's not what is owed in tax, I'd like permission to go at least that high. I don't have the authority to do it without your permission."

BETTY BOLES

"What was that number again?"

MAYOR NICHOLSON

"It is \$1,000 and not over. Okay. Do I have a motion?"

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 -

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CONSIDER

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

Contractual  
Arrangements  
for Auditing  
Services for  
2007.

STEVEN BROWN

"I'll ask the Finance Director to speak. We've made a preliminary presentation at the work session but Steffanie can add anything if you need to."

STEFFANIE DORN

"I think all of you were present for my presentation at the work session. As I told you then, we sent out an RFP in July and asked for bids on our audit contract. Our contract was expiring with our current auditor that we've had for quite a while and we haven't bid this out in a couple of years.

We told all of our potential bidders to submit the price separate from the technical aspect of the audit so that we can evaluate how they would complete the audit process separately of the price. Most of us know you always get exactly what you pay for and we wanted to make sure that we made our decision based on the company and what they would provide.

We did receive five different proposals and, after careful evaluation, we would like to recommend that you allow us to sign a contract with Greene, Finney, Horton and Company, based in Greenville, South Carolina. They provided not the very lowest price but the second lowest price. They are a company that has 85% of their services in the government sector. Considering the changes that have been made in audit procedures over the last several years, the City Manager, my assistant and I feel it's very important to have a company that is able to respond to our specific needs.

The audit requirements for government versus the public and private industry are completely different. Some things are similar but we have different rules to follow.

Some of the recent standards that have been passed are for them to look closer at our internal control procedures, which are the things that I do in my office,

to be sure that transactions are recorded properly and protect the City from potential fraud situations. They will be looking at all of these things a lot closer than they ever have been before so we felt that it was important to have a company that understood those things and work with us to make sure we understand those things. We feel Greene, Finney and Horton will do that for us.

The proposal is for a four year contract. We will sign it for one year with options on the next three years based on their performance. I ask that you allow the City Manager and me to sign this contract and move forward with them providing services for our current fiscal year's audit.

I'll be glad to answer any questions that anybody has."

MAYOR NICHOLSON

"Okay. Does anyone have any questions for Steffanie? Do I have a motion that we allow Steffanie and the City Manager to enter into a contract agreement for the auditing service?"

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

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

The motion passed unanimously.

- attach -

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CONSIDER

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

Appointment of  
City Council  
Members to  
Special Study  
Committees

STEVEN BROWN

"Mr. Mayor and Council, I am very concerned that we have two matters which were delayed in completing and both of them deal with zoning issues. One is the sign ordinance

that some people protested two years ago. They thought there should be some changes made and we've been looking at it. The Planning Staff have the recommendations of the changes but we've never been able to get to a point that you feel comfortable voting on them. So I would ask you to consider making a study committee to look at the sign ordinance.

The other is one that you have already established tonight with the OPI zoning. If we can get those matters before you, I think we, as a staff, can provide you with the necessary information that you'll either be ready to make some revisions to the ordinance or declare that you're comfortable with the way they're written.

I think the sign situation in Greenwood is becoming worse. You can look all over town and (maybe I shouldn't say this but) United Way has them on every roadway. We're just trashing up our roadways and it just gets worse everyday. We need to be able to control that if City Council wants to control it. If you don't, then we need to be able to declare that to everybody because there are a lot people who are not littering our roadways that prefer if you not do approve the ordinance. It's being studied but we need some finality to these things. I would recommend that you would at least study those two issues."

MAYOR NICHOLSON "Okay. Now, the committee will work along with you, Phil and whoever else that are involved?"

STEVEN BROWN "Yes, sir. I would suggest a minimum of two or a maximum of three Council members. Four Council members would be a quorum and you must go through the meeting process. You can have a study committee of three Council members, but you can have two."

MAYOR NICHOLSON "Okay. Volunteers! Alright, Niki, Johnny and Betty. Thank you."

STEVEN BROWN "Do you want this committee to do both issues?"

MAYOR NICHOLSON "Yes, and then they report to the full Council."

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CITY COUNCIL COMMENTS There was no comment from City Council Members at this time.

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CITY MANAGER Mayor Nicholson asked if there were any comments from the

COMMENTS City Manager.

STEVEN BROWN "Charlie has set a tentative date for the annual safety dinner on October 11<sup>th</sup>. We've put it out to the employees and are looking for feedback from them. It's just tentative right now but, if that is a bad date for Council, we'd like to hear from you. Also, we've set a tentative date to meet with the legislative delegation on October 25<sup>th</sup>."

MAYOR NICHOLSON "Okay. That's October the 25<sup>th</sup>."

NIKI HUTTO "Is that from 12 p.m. to 2 p.m. at CPW?"

STEVEN BROWN "We're preparing the 2008 budget so we will need to set aside some time that we can meet. If not before, we can meet at one of these work sessions."

MAYOR NICHOLSON "Okay. We will have a work session the first of October. Is there anything else?"

STEVEN BROWN "We also haven't dealt with the Accommodations Tax for this year. I'll present this to you at the October 1<sup>st</sup> meeting but my recommendation will be to fund the 30% to the tourism office and hold all the other monies as surplus. This will give you time to meet with these various agencies that are requesting funds. We have to submit a report to the State in October, so we can do it that way and still comply with State Law. I'll talk to you at the first of October."

MAYOR NICHOLSON Okay. The meeting is adjourned."

The meeting adjourned at 6:46 p.m.

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Floyd Nicholson, Mayor

ATTEST:

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City Clerk and Treasurer