

GREENWOOD CITY COUNCIL

June 19, 2006 - 5:37 p.m.

MINUTES

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; City Attorney; Vic MacDonald from the Index-Journal and Mike Hatfield of WCRS.

CALL TO ORDER The meeting in Council Chambers was called to order by Mayor Nicholson at 5:37 p.m. and he welcomed everyone to the meeting.

City Manager, Steven Brown, gave the invocation.

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."

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 Linda Edwards.

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

Motion passed unanimously.

EMPLOYEE AWARD PRESENTATIONS Mayor Nicholson recognized Fire Chief Terry Strange.

FIRE CHIEF TERRY
STRANGE

"Mr. Mayor and City Council, I appreciate the opportunity to come before you tonight and recognize a few of our personnel for an exemplary job. At this time, I'd like to ask Lieutenant Darren Cromer, Firefighter Ben Partain and Firefighter Christian Logan to come forward, please.

On March 25, 2006, at 12:21 a.m. the Engine Company from Station 2 was dispatched to a vehicle fire on East Durst Avenue near Milford Springs Road. While in route, dispatch informed the crew that a victim was trapped in the burning vehicle. Upon arrival, the crew observed the vehicle totally involved with surrounding brush on fire as well. Lieutenant Darren Cromer and Firefighter Christian Logan deployed a hose line while Firefighter Ben Partain retrieved appropriate tools to aid in the extrication of the victim. Once the hose line was completely deployed, Lieutenant Cromer and Firefighter Logan observed a victim on the passenger side of the vehicle engulfed in flames and struggling to free himself. Lieutenant Cromer and Firefighter Logan immediately applied water to the area around the victim in an attempt to improve the situation. During this time, Firefighter Ben Partain crossed over a drainage ditch between the roadway and the victim and began advancing toward the vehicle. Lieutenant Cromer gave control of the hose line to Firefighter Logan to protect the victim and Firefighter Partain as they began rescue operations.

Upon reaching the victim, Firefighter Partain observed the fire around the victim's legs and a fracture to his lower right leg but was unable to determine what the victim was entangled with. While under the protection of the water stream, Lieutenant Cromer approached from the opposite direction and was able to free the victim's right foot from under the bottom edge of the vehicle body and the left leg from a brush pile next to the truck. After freeing the victim, Lieutenant Cromer and Firefighter Partain removed him from the fire area and placed him in the care of Greenwood EMS. The engine crew then returned to the accident to look for another victim and, fortunately, none was found. These employees displayed great courage, while placing themselves in a very dangerous situation, with full knowledge of the risk involved.

Through their courage and valiant efforts that night, the victim trapped in the burning vehicle was saved from a horrible fate. Therefore it's a privilege and an honor to recognize Lieutenant Darren Cromer, Firefighter Ben Partain, and Firefighter Christian Logan by presenting them with Lifesaving Medals. I'd like to ask their Shift Commander, Battalion Chief Chuck Bailey, and our Deputy Chief, Hal Stockman, to come forward and assist in the presentation, please."

Deputy Chief Hal Stockman pinned Lieutenant Darren Cromer, Firefighter Ben Partain and Firefighter Christian Logan with Lifesaving Medals.

MAYOR NICHOLSON

"I would like to congratulate these public servants for a job well done. Just last month, we had some of our Police Officers receive awards for the service they've done. Our firemen and policemen put their lives on the line each and everyday on their jobs. This goes to show you the kind of employees that we have in the City of Greenwood. We're very fortunate to have dedicated employees like these who risk their lives everyday and give above 100% to protect the citizens in our community. So we just want to congratulate you and ask for God's continued blessings on each one of you."

CONSIDER

Ordinance No.
06-024
Authorizing the
City Manager and

Under public hearings, Mayor Nicholson said, "The format that we employ at the public hearings is, if there is anyone here 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."

City Clerk to
Execute a Quit
Claim Deed
Conveying
Properties off
Sample Road and
72 Bypass to the
Commissioners of
Public Works of
the City of
Greenwood.

The Mayor then read the first item and asked, "Is there anyone here to speak in favor of the execution of this Quit Claim Deed of these properties for CPW? Is there anyone opposing? Alright. Seeing and hearing none, we will close the public hearing.

Now for action by Council. As you know this is second reading. Do I have a motion?"

(2nd reading)

A motion was made by Johnny Williams, seconded by Barbara Turnburke.

STEVEN BROWN

"Mr. Mayor?"

MAYOR NICHOLSON

"Yes, sir, Mr. Brown?"

STEVEN BROWN

"May I point out to City Council the one change in the ordinance? When you took first reading, there was only one property listed. The day after you took first reading, I was informed of another CPW owned property that was in the name of the City of Greenwood. I added the second property to the ordinance. The two properties are the 9+ acres off of Sample Road and 40+ acres off of 72 Bypass, which most of us know as the old CPW Electrical Operating Center. Both were identified as surplus property. This ordinance will give the City Manager authorization to sign a Quit Claim Deed on both properties."

MAYOR NICHOLSON

"Okay. They're located on Sample and 72 Bypass?"

STEVEN BROWN

"Yes, sir."

MAYOR NICHOLSON

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

Motion passed unanimously.

- attach -

CONSIDER

Mayor Nicholson read the second public hearing and recognized the City Manager.

Ordinance No.
06-025 Amending

Ordinance 03-
010, Zoning
Ordinance,
Chapter 6,
Supplemental
Regulations,
Section 6.1.1.,
Zoning District
Use Matrix,
Parking
Requirements.

(1st reading)

STEVEN BROWN

"Mr. Mayor and City Council, this situation surfaced when Performance Cycles bought the old Rhodes Furniture building. Our present ordinance states that you must have parking equal to one space per 750 square feet of gross floor area. The retail floor space is very small compared to the total square footage of the building. In fact, they didn't have sufficient land available to provide the parking. We determined that our ordinance was very restrictive and that it required an inordinate number of spaces for the use. The owners requested a variance from the Board of Zoning Appeals. The variance was granted. Staff requested the Planning Commission consider an amendment to the requirement. The Planning Commission recommended that you amend the parking requirement for automobile, truck, motorcycle, and boat sales from one space per 750 gross square feet to one space per 1000 gross square feet."

MAYOR NICHOLSON

"Okay. So there's a change from 750 to 1000 square feet?"

STEVEN BROWN

"Yes, sir."

MAYOR NICHOLSON

"Okay. Is there anyone here to speak in favor of this change? Is there anyone in opposition? Alright. Seeing and hearing none, we will close the public hearing.

As Mr. Brown said, I think the Planning Board approved this recommendation. Do I have a motion from Council?"

A motion was made by Niki Hutto, seconded by Betty Boles.

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

Motion passed unanimously.

- attach -

CONSIDER

Mayor Nicholson read the third public hearing and
recognized the City Manager.

Ordinance 06-
026 Amending
Ordinance 03-
010, Zoning
Ordinance,
Chapter 6,
Supplemental
Regulations,
Section
6.2.9.3.,
Streetside
Landscaping
Zones for
Automobile /
Truck Sales.

(1st reading)

STEVEN BROWN

"This ordinance originated from the building of the
new Toyota Showroom on 72 By-Pass. Our ordinance
requires landscaping on both the frontage road and
the side yard of the properties. A request was
submitted to the Planning Commission to consider a
change because Mr. Ballentine thought the
landscaping requirements for automobile dealerships
is too severe. He believed a problem would surface
when the trees matured with leaves and anything
else dropping onto the automobiles. He also
believed that the trees would prevent motorists
from having a clear view of his automobiles on the
lot.

Since that time, Mr. Ballentine went to the coast
and saw the landscaping in Charleston and some
other areas. He agreed to landscape the front and,
if you've been by there, you'll notice that the
landscaping is in place. He found a way to
landscape the property and is not opposed to the
requirements.

The Planning Commission, even though they received the request to review this section, felt nothing needs to be changed. They recommended that you deny the request to either reduce or eliminate the requirements for landscaping at an automobile dealership."

MAYOR NICHOLSON

"Okay. Thank you. Is there anyone here to speak in favor of the change to the landscape zoning for automobile and truck sales? Is there anyone opposing? Alright. Seeing and hearing none, we will close the public hearing.

This is the first reading. As you know, the Zoning Commission recommended denial of this request. Do I have a motion from Council?"

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

"Are there any questions or further discussion? All in favor of denying the request raise your right hand. Those in favor?"

BETTY BOLES

"I just need to study it a little more because we were given an amendment for the sale of automobiles, boats and equipment. I just want to do a little more studying and comparison as to what is best for both owners."

STEVEN BROWN

"One deals with the requirements of parking spaces and the second deals with the requirement for landscaping and the planting of trees associated with landscaping materials."

BETTY BOLES

"As far as ample parking? Is that what we're voting on now?"

STEVEN BROWN

"This ordinance only relates to either eliminating or reducing the requirements of landscaping materials for automobile dealerships.

The Planning Commission is recommending that there be no changes in the ordinance."

BETTY BOLES

"Okay."

MAYOR NICHOLSON

"Okay. All in favor of leaving the ordinance as is? Okay. It's unanimous."

Motion passed unanimously.

-attach -

CONSIDER

Mayor Nicholson read the fourth public hearing and recognized the City Manager.

Ordinance No.
06-027 Amending
Ordinance 03-
010, Zoning
Ordinance,
Chapter 6,
Supplemental
Regulations,
Sections 6.3.5.,
6.3.10.5. and
6.3.10.7., Signs
in Various
Zoning Districts
and Chapter 10,
Nonconformities,
Section 10.3.1.,
Applicability,
and Section
10.8.2.,
Provisions.

(1st reading)

STEVEN BROWN

"Mr. Mayor, I'll ask Phil (Lindler) to explain this to you and I'll help because there are a number of changes to the sign ordinance."

PHIL LINDLER

"Okay. This is a five item request from the Planning Commission for a number of changes to your sign ordinance. The first is for prohibited signs, particularly animated signs and automatic changeable copy boards. They are the electric reader boards that you see at some businesses throughout the City.

We've had some requests or questions as to whether these kinds of signs can be allowed within our core commercial area in the Uptown zoning district. When we originally wrote the ordinance, those types of signs weren't intended to be in our core commercial area because some are more historic or older areas of the City. So the first change, if

you so choose to amend the ordinance, would be not to allow these types of signs to go into the Uptown area.

The second amendment is for signs that are located on off-site easement locations. If you have a location that was approved prior to the adoption of the ordinance in August of 2004 and had an easement that was off-site from your business location, this second amendment would allow for the construction of a sign off-site from certain businesses. Most of the time, these signs would be in our General Commercial zoning districts. Other times, they may be at shopping centers or businesses located off a side street or the Bypass where they want a little more visibility. So we're having some requests for existing sign easements that would allow for that amendment prior to this time."

STEVEN BROWN

"Mr. Mayor, may I comment on this amendment. When Mr. Funderburk, Mr. Lawrence, and Mr. Coleman developed the Commons area, most of that property was developed under a master plan. When that master plan was approved, they had negotiated certain sign easements with the soon to be property owners. Prior to the property being fully developed, City Council adopted a new ordinance that did not allow these off-site signs to be constructed. This became apparent when Ben Lawrence was denied a sign permit. We looked at ordinance and determined that it should be studied by the Planning Commission.

The Planning Commission recommends that if there is an approved easement for an off-site sign and that easement was executed prior to the adoption of the new ordinance, the City staff has authorization to honor that easement. These are only for pre-approved easements prior to your adoption of the ordinance. Am I right, Phil?"

PHIL LINDLER

"That's right."

MAYOR NICHOLSON

"So if the people come in now, they have to abide by the new regulation."

PHIL LINDLER

"The third modification to your ordinance, as proposed, is for commercial center signs. These are the large signs, such as what you see at the Commons, where a number of commercial businesses are all advertising on one distinct sign. Many times, when you do a commercial development, there are a number of tenants in these locations without

one single property line running through a shopping center, but two or more subdivisions of property.

Your ordinance allows for individual businesses to advertise on individual pieces of property, but if you have a business and you want to advertise, this large sized commercial sign is typically not on the same property. We determined that the only way we are able to approve that in our ordinance is as an off-site advertising sign, which is a billboard, but the City has determined that there are no more locations for billboards. This modification will allow us to approve these large scale commercial center signs to be off-premise from where their commercial business is. It wouldn't be off-premise from the site or you would be advertising across town. It would be directly in front of where the shopping center is. So basically this is just clarifying the language that, as long as it is within 600 feet of that principle building such as Lowe's or Old Navy, we would be allowed to permit that as a commercial center sign. Are there any questions on that?"

STEVEN BROWN

"Under the existing ordinance, the large area that is proposed to be developed between the Fairfield Inn and Old Navy couldn't have an off-site, street frontage sign. If you approve this change, they will be permitted to have a road frontage, off-site sign where individual retail establishments can all advertise on that same sign. Right now, that is not permitted and we believe it is needed."

NIKI HUTTO

"It will also eliminate the number of signs because they can be combined together, correct?"

STEVEN BROWN

"That's correct."

PHIL LINDLER

"The fourth modification is for wall signs that you see typically on the walls or facades of the main building either on the front or on the side. We have a limitation right now where you can have up to one square foot of sign area for every linear foot of building frontage.

We're having a number of requests from developers to receive variances on this amendment because there is a cap currently of 60 square feet. Also, looking at some of the past ordinance developments that we have approved such as Old Navy, the block letters that they use would not be allowed if they were to build another business in our City today

just because of that sixty square foot cap. This proposed ordinance would eliminate the 60 square feet minimum or maximum and base that on the linear square footage of the building. So, if you have a small building you'll have a small sign and if you have a large building you'll have a large sign, depending on the bulk and size of that building.

The last amendment is a request that we received concerning nonconforming signs. Right now there is a stipulation within the section that, if you get a building permit for a construction of a new sign, the staff would have to go out check all the other signs on your site to determine if any of them are nonconforming. So, if you have one sign on your property that currently wasn't up to code, we would not be able to allow the construction of a new sign until all the other signs are taken care of. We felt that's a little bit over the top for individual businesses. Over time, these nonconforming signs that currently don't meet the ordinance would slowly be modified to meet our current standards.

There is another option that we're looking at, too. We've had a request from a number of businesses (mostly chain businesses) where they have franchises in the City that require modification to their signs. In order to facilitate that request, we would like to put this request before you tonight as well."

STEVEN BROWN

"I'd like to speak to this. When Phil and I met with the subcommittee and later on the full Planning Commission, they were unwilling to recommend a change to you. I feel that this is a harsh requirement when a business complies with the Zoning Ordinance and the City amends the ordinance regarding the size, height, location, and design requirements for signs. Later, that same owner may be required by their franchisor to change the color or lettering on the sign. Our present ordinance prohibits a non-conforming sign from being altered. If a sign is altered in any manner, the sign in any must comply with the existing ordinance. This will cost businesses thousands of dollars.

The Planning Commission was unwilling to recommend any changes to this section. Since they were not willing to make a recommendation to you, I have a recommendation that I'd like for you to consider. Then, as part of the public hearing, I have two people who have provide you with observations on the impact of our sign requirements. "

The City Manager read Sections 10.8.1 and 10.8.2 of the proposed ordinance.

"Mr. Whittington is being required to change the face of the Fairfield Marriott sign. When he asked for his permit, they told him he couldn't do it unless all signs on his property complied with the existing zoning ordinance. The fact of the matter is the square footages on the new signs are less than the old. The old square footage on one of his signs was 98 square feet and his new sign is 84; one was 35 and the new is 28; one was 80 and the new is 54. I'm not sure if my recommended language is adequate, but I beg of City Council to consider the hardship that this places on our businesses. They have complied with our ordinances that are in place and when City Council amends the requirements in any way, city is informing the owners that they can't alter the signs. I don't think that's good business, and it hinders our ability to entice people to come inside of the City.

I would like for City Council to consider these changes. We may even have to tweak the language. My first question to Phil would be, if we change the base sign, what does that do to the pedestal?"

PHIL LINDLER

"The pedestal is not a part of the sign. The way we calculate the sign is just from the wording within the actual colorized area within the sign face itself."

JOHNNY WILLIAMS

"Basically, what you're saying is if somebody may want to upgrade something or change the front of a sign, they can't do it?"

STEVEN BROWN

"They can't now."

JOHNNY WILLIAMS

"Why?"

STEVEN BROWN

"Because the ordinance says that they can't.

However, in this proposed ordinance, you would not have opposition to them changing the pedestal when they change the base of the sign. We're proposing that as long as the nonconformance is not increased, then they can change the face of the sign. Mr. Mayor, I would like for you to possibly recognize Mr. Whittington."

MAYOR NICHOLSON

"Okay. We'll go into the public hearing at this time. Those who want to speak in favor of the changes to this ordinance, please come forward."

STEVEN BROWN

"Mr. Whittington is the one of the owners of the Fairfield Inn and Mr. McCain is an employee of Rainbow Signs.

TODD WHITTINGTON

"Good evening. I think Steve really summed it all up. In this type of hotel business, we're required to abide by these franchises. Basically, they want to change their logo to a different look. As a franchisee they mandate this to all of us, but I guess we're not permitted at this point to do so.

In general terms, I'm probably not the only business to go through something like this. I'm sure there are other businesses that have to re-image from time to time and I think that I should be able to do that. When we built that sign, we thought it was going to last 15 years, but the franchise wanted a different look. We just need to be able to change that and continue on with our signs.

Those signs are very important to our business. If we have not been able to put signs out on the front, we would've never chosen that site. We would've gone somewhere where we could have visibility with the sign. So those signs were a part of the major decision on moving in that location, even though I understand we wouldn't be able to do so today."

STEVEN BROWN

"Mr. Mayor, one of the critical factors with Todd's situation is that he has signs that are nonconforming because of their location. If he has to comply with the new ordinance, he'll have to remove them. I just don't think we ought to be doing that."

TODD WHITTINGTON

"I would think not just hotels but several of the major franchises out there are going to re-image their signs from time to time, whether it's a car dealership or even some restaurants.

I don't get to decide or participate in those decisions, but I have to comply with them. If I were to lose those signs, the corporation would actually make me take those signs down at some point. If I can't replace them with this new image, then it's really going to harm our business."

MAYOR NICHOLSON

"Are there any questions for Todd? Bill?"

WILLIAM CAIN

"Good evening. I'm William Cain, General Manager of Rainbow Signs in Greenwood. I just wanted to bring up a point that Phil talked about earlier.

There was a major change in the building sign code with the 60 square foot maximum. Before that, we were on a one-to-one linear, or either 20%, of the building ratio that would allow Todd to get the building signs that he has now. The 60% is a drastic change and that would limit Todd. So that is definitely one of the problems we got. It's not something small that we could change for the new code. That code was changed in a major way, as far as building signs."

MAYOR NICHOLSON

"Okay. Are there any questions for Bill?"

STEVEN BROWN

"May I ask one? You heard Phil just a minute ago talking about the pedestal, will the language that I'm recommending to City Council address the situation that you encountered with Mr. Whittington and possibly other businesses?"

WILLIAM CAIN

"As far as the technical side, we consider the actual plastic or flexible part that is the colored area as part of the sign. That actually doesn't cover the cabinet that those faces are mounted to which would hold the lighting and electronic devices in the sign. There would probably need to be some wording changes just on the technical side for the sign companies' reading of the ordinance."

STEVEN BROWN

"Then my next question would be to Phil. Phil, what would we need to add that would allow them to possibly deal with the cabinet part?"

PHIL LINDLER

"You would have to modify Section 6.3.9., which related to the sign computation. That just determines basically what he was saying about the colorized area, not the structure itself.

Basically it consists of individual letters that are attached directly to a wall exclusive to any sign surface measured by finding the areas minimum to imaginary rectangular or square, vertical and horizontal lines which fully enclose all sign words copy or message with eight lines or less. So that's talking about just the imaginary square that

you would construct from the wording or logo that you're working with. Not the individual structure that you're putting it on."

STEVEN BROWN

"Mr. Mayor, my recommendation to City Council would be to pass this ordinance on first reading. We can get with Mr. Cain and Phil Lindler and make recommendations on the issue prior to your second reading. The reason I'm asking you to take first reading is to prevent further delay to needed sign improvements. At least it'll move us ahead by a 30 day period of time."

LINDA EDWARDS

"If we do first reading, will it be ready by work session? That will give us a chance to read over it."

STEVEN BROWN

"Yes, ma'am. We can discuss it at work session and be prepared for second reading at your regular meeting."

MAYOR NICHOLSON

"Is there anyone else to speak in favor of the ordinance change that Phil and Mr. Brown have recommended? Is there anyone in opposition to the changes? Okay. This proposed ordinance will have all the changes fine tuned to make sure they have the right language for the technical part. So do I have a motion from Council?"

A motion to approve was made by Betty Boles, seconded by Johnny Williams.

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

Motion passed unanimously.

-attach -

CONSIDER

Mayor Nicholson read the last public hearing and recognized the City Manager.

Ordinance No.
06-028 Amending
the City of

Greenwood's
Official Zoning
Map (Ordinance
No. 04-020) by
Rezoning
Properties
Located at 120
and 122 Plowden
Avenue; 1076,
1118, 1122,
1124, and 1126
Phoenix Street;
and 111 and 115
East Alexander
Avenue from R7
(Residential-
High Density) to
OPI
(Office/Professi
onal/Instituti
onal).

(1st reading)

STEVEN BROWN

"Mr. Mayor, I guess back in the late 1990's the sitting City Council at that time rezoned three properties that were owned by Mr. Jerry Lance based upon a recommendation from the Planning Commission. Two of them are located on Plowden and one of them faces Phoenix. When the Planning Commission made their recommendation for the new land use map in 2004 or 2005, they recommended that these three properties be changed back to residential from commercial. I thought that it was possibly a mistake, but the staff and the Planning Commission let me know very quickly that it was intentional on their part. They determined that the property should not have been commercial.

When Mr. Lance found that his property had been changed, he came to me. I presented his dilemma to City Council, and you asked me to send it to the Planning Commission. The Planning Commission has now recommended that not only Mr. Lance's property, but the entire block should be rezoned to OPI and not commercial.

The former St. Nicholas Speech and Hearing building and the Department of Social Services are located in that block, and they believe that OPI is the zoning district best suited for that property. So they have not only recommended Mr. Lance's three properties but all the properties in that block: 1076, 1118, 1122, 1124, and 1126 Phoenix Street and

also two properties on East Alexander Avenue."

MAYOR NICHOLSON

"All of that is in the burgundy brown area (pointing at the overhead)?"

STEVEN BROWN

"Yes, sir. It would be in the block where you have the DSS."

MAYOR NICHOLSON

"Okay. Is there anyone here to speak in favor of this zoning change? Is there anyone opposing? Alright seeing and hearing none, we will close the public hearing.

As Mr. Brown stated, it was approved by the Planning Commission. Do I have a motion from Council?"

A motion was made by Niki Hutto, seconded by Linda Edwards.

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

Motion passed unanimously.

- attach -

CONSIDER

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

Ordinance No.
06-022 Amending
the City of

A motion was made by Johnny Williams, seconded by

Greenwood's
Official Zoning
Map (Ordinance
No. 04-020) by
Rezoning
Property
(Approximately
0.21 Acres)
Located at 119
Wells Avenue,
from OPI
(Office/Professi
onal/Institutor
al) to PDD
(Planned
Development).

Betty Boles.

"Are there any questions or further discussion?"

(2nd reading)

JOHNNY WILLIAMS

"That is Self Memorial property isn't it?"

MAYOR NICHOLSON

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

Motion passed unanimously.

- attach -

CONSIDER

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

Ordinance No.
06-023 Amending
04-019,

A motion was made by Niki Hutto, seconded by

Permitting
Outdoor Cafés
within the Great
Greenwood Square
to Serve Beer
and Wine to
Seated Patrons
on City
Sidewalks and
Public Property.

(2nd reading)

Barbara Turnburke.

"Are there any questions or discussion? All in favor raise your right hand. Opposed? 5 to 2, so moved."

Mayor Nicholson, Niki Hutto, Betty Boles, Herbert Vaughn, and Barbara Turnburke voted in favor of the ordinance change. Linda Edwards and Johnny Williams voted against it.

Motion passed.

- attach -

CONSIDER

Ordinance No.
06-029 Amending
Ordinance 03-
010, Zoning
Ordinance,
Chapter 3,
Article 1,
Section 3.1.3,
Zoning District
Use Matrix, and
Section
3.2.6.2.,
Additional
Conditional Use
Allowed in R4
(Residential-
Medium Density)

(1st reading)

STEVEN BROWN

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

"Mr. Mayor and City Council, you may remember when the owner purchased property on Dargan that had been used as a bed and breakfast at one time.

When she applied to reopen the Bed and Breakfast Inn, the zoning staff did not allow it. The Planning Commission recommended that the property be rezoned to R12, but City Council was opposed to it.

At one time, we were trying to get the Board of Architectural Review appointed to address that issue using a historical overlay. City Council had not made all of their appointments to the BAR. My recommendation is that you allow bed and breakfasts as a conditional use in R4. I have inserted some language that I would like to read to you."

The City Manager read Section 3.2.6.2 of the proposed ordinance.

"If you pass this ordinance, the property in question and any other property in R4 would be required to have a minimum of two acres to use a facility or home as a bed and breakfast."

MAYOR NICHOLSON

"Okay. Thank you."

STEVEN BROWN

"This still does not prevent you from coming back and establishing your BAR to set that property up as a historical overlay. This just allows the use of it in the present time."

MAYOR NICHOLSON

"Right, so they can proceed forward. Alright. You heard the recommendation coming from Mr. Brown. Do I have a motion?"

A motion was made by Niki Hutto, seconded by Barbara Turnburke.

"Are there any questions or further discussion? This is the first reading. All in favor raise your right hand. So moved."

Motion passed unanimously.

- attach -

CONSIDER

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

Expenditure of
Funds for Uptown

Phase III, Oregon Avenue.

CHARLES BARRINEAU

"Mr. Mayor and Members of Council, if you recall in January, you accepted \$500,000 award from the Department of Commerce for the Community Development Block Grant Program. The grant required participation from the City, the Commissioners of Public Works, and the Metropolitan Sewer District. Our commitment was to provide funding for the water line along Oregon Avenue and engineering services. We originally budgeted \$50,000 but the waterline construction project bids are right at \$70,000 because the construction costs continue to increase. We project that the engineering cost for the streetscape project is going to be estimated at \$26,240.

We would ask City Council to consider allowing the staff to utilize the Hospitality Tax dollars to move forward with the instillation of the waterline at the estimated cost of \$70,000 and the engineering services of the City Center Design of \$26,240. As you recall, State Law does allow for the utilization of those funds that provide infrastructure for tourism related development capital improvements such as this. I'll be glad to answer any questions you have."

MAYOR NICHOLSON

"Okay. We've heard the request coming from Mr. Barrineau that was estimated at \$50,000 but is actually \$70,000, right?"

CHARLES BARRINAU

"Yes, sir."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

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

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

Motion passed unanimously.

CONSIDER

Appointing a
Commissioner to
the Board of
Commissioners
for the Housing
Authority of
the City of
Greenwood.

Mayor Nicholson read the second item and said, "I think Mr. Lamb had someone to resign off the Board and they need a replacement. Correct, Mr. Brown?"

STEVEN BROWN

"Yes, sir."

MAYOR NICHOLSON

"Okay. Is there anyone who may have any recommendations at this time?"

BARBARA
TURNBURKE

"I don't have a recommendation at the moment but I would like to table it. I don't think we have anybody involved on the south side of town and maybe Ms. Hutto and I can think of somebody to represent on the Board."

MAYOR NICHOLSON

"Okay."

A motion to table was made by Barbara Turnburke, seconded by Niki Hutto.

"All in favor raise your right hand."

LINDA EDWARDS

"When did this person resign?"

STEVEN BROWN

"Two months ago."

LINDA EDWARDS

"Maybe we can know about this before we get to the Council Meeting. That way, we'll have time to be thinking about someone and ask for an interview."

STEVEN BROWN

"Many times when we submit it to you, as we have tonight, we understand that you're probably going to postpone it. It actually serves as the notification for which you are seeking. I guess I can write you a memo when somebody resigns and maybe it'll get to you a little quicker."

LINDA EDWARDS

"I was just saying that maybe we can know this information sooner. If we know sooner, we can talk to someone about the appointment."

MAYOR NICHOLSON

"That's why we just put it on the agenda. We're not looking for an appointment right then, but just to inform everybody so that we'll have a

recommendation by the next Council Meeting."

JOHNNY WILLIAMS

"It'll usually take two or three months before we appoint somebody."

MAYOR NICHOLSON

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

Motion passed unanimously.

CONSIDER

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

City Manager's
Recommendation
on "C-Funds"
Request.

STEVEN BROWN

"Mr. Mayor and City Council, we appear before the County Transportation Committee and ask for gas tax funds to resurface streets within the City of Greenwood. As you know, we are responsible for the maintenance of about 65 miles of streets. Each year the staff evaluates the streets and, while we never have enough money to do everything, we try to base it on the priority.

This year, we're recommending Southern Avenue and Vines Street (Blyth Heights), Sanka Street (between Edgefield and Epting). This street also has a retention pond behind it and a lot of heavy equipment on it. Barksdale Street has the same situation because of the construction around Lander. Merriman, Jackson, and Lowell are in need of resurfacing. There are a lot of bad places on those three streets. Mays street is off Epting and then Tarrant actually has two portions; one part is a City Street and the other is a State street. We have negotiated with the Highway Department and requested the funds to do all of Tarrant. I don't think it's wise to do half of a street and then leave the State to do the other half because people don't understand that.

We have been approved for an amount of \$200,000 and these are our recommendations to you. Now Oglesby and Posey are going to be done by the State and they've requested 'C-Funds' to do that. So not only do we have these streets, but they'll be doing some other State streets that are in the

City. Included in that will be Oglesby and Posey."

BETTY BOLES

"Do you have a list of the streets that the State will be resurfacing?"

STEVEN BROWN

"I do. I don't have it with me, but I'll provide it to you."

NIKI HUTTO

"New Market is a part of that too, isn't it?"

STEVEN BROWN

"New Market is already under an older contract."

NIKI HUTTO

"Yes, but it's not finished yet?"

STEVEN BROWN

"No ma'am."

JOHNNY WILLIAMS

"I hope not."

MAYOR NICHOLSON

"Okay. You heard the recommendation for 'C-Funds' request coming from the City Manager. Do I have a motion from Council?"

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

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

Motion passed unanimously.

CONSIDER

City Manager's
Recommendation
to Appoint a
Sub-Committee
of City Council
to Review
Hospitality
Funding
Request.

Mayor Nicholson read the fourth item and said, "This is something that we discussed at the Work Session where we'll have a committee in place. There will be a lot of individuals to request funding and we'll have a committee to meet with them before reporting to the full Council. At this time I would like to say that Ms. Boles, Mr. Vaughn and I are willing to serve on that committee. Do I have a motion?"

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

"All in favor raise your right hand. Thank-you."

Motion passed unanimously.

CONSIDER

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

Appointing
Three (3)
Persons to the
City of
Greenwood
Accommodations
Tax Advisory
Committee.

STEVEN BROWN

"Mr. Mayor, I'm going to let Mr. Barrineau deal with that. We have three people who have not resigned but have been inactive. We're asking you to replace them because of their time constraints. We want to replace Mr. Tunstall and Mr. Desai because they have not been able to participate for the last few years and Mr. Winn Ott no longer operates his business. Remember, State Law dictates that these folks represent the hospitality community so we must have people from either the hotel/motel or restaurant industry serving these three capacities."

CHARLIE
BARRINEAU

"I've spoken with Tony Wideman of T.W. Boons and he's willing to serve. Mort Walston is the General Manager of Fatz Café and is interested. I was unable to get in contact with Louis Smith, the co-owner of the Inn on the Square, but I'm sure that he is willing to serve also. If you don't want to take action tonight, that's okay. Just remember that the committee meets around September."

STEVEN BROWN

"They meet no later than August. For the last two years, Council met jointly with them to hear the allocation requests. They'll make a recommendation to you and, unless it's something very unusual, don't meet again until the following year. We still have Mrs. Morse, Mrs. Robinson, Mr. Whittington and Ms. Roberta Major. Mr. Whittington represents the hotel/motel industry, Mrs. Major represents the Arts and Cultural Community, and Mrs. Morse and Mrs. Robinson represent the lay community. When you appoint these three that will be your committee."

MAYOR NICHOLSON

"Okay. Are there any questions for Mr. Barrineau? Alright do I have a motion?"

BETTY BOLES "Can I get a list of the current members? There is a couple I know, but there are some that I'm not familiar with."

STEVEN BROWN "Are you familiar with them?"

BETTY BOLES "I met the gentleman from T.W. Boons, but I'm not familiar with the other two."

MAYOR NICHOLSON "Well, do you all want to table it until next month?"

BETTY BOLES "I don't want to vote on someone I don't know. I would like to meet them."

STEVEN BROWN "I don't have a problem with that. That fact of the matter is, and I say this with all due respect, it's hard to get anybody to serve on a committee. So if you got somebody that's willing to serve, you'd better grab them when you can.

State Law dictates that they must represent their industry, but most people from the hotels and motels are busy doing their business. Mr. Whittington is the chairman of your advisory board, and he will tell you that we pretty much functioned with three or four people during the last three years. We're just trying to get better participation, but we'll be glad to do whatever Council wants to do. As long as we can probably have them appointed by July, we should be able to meet our deadline."

MAYOR NICHOLSON "Okay. Do I have a motion to approve or postpone?"

JOHNNY WILLIAMS "I'll say approve and then meet them."

MAYOR NICHOLSON "Alright."

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

"All in favor raise your right hand. Opposed? Abstained? So moved."

Mayor Nicholson, Niki Hutto, Herbert Vaughn, Johnny Williams, and Barbara Turnburke voted in favor. Linda Edwards voted against and Betty Boles abstained.

Motion passed.

LINDA EDWARDS "Now when does this committee need to be in place?"

STEVEN BROWN "They'll meet before September because we'll need time to vote and allocate the money. We have to submit the report to the State by October 1st. Normally, you and the advisory committee have your joint meeting somewhere at the end of July to the middle of August. Then, the recommendation is brought to the September meeting for approval which that gives us a two weeks to complete the report and submit it to the State. The reason why we wait until July is we will not know until the fourth week of July what the last quarter's statement is."

MAYOR NICHOLSON "Okay."

CONSIDER Mayor Nicholson read the final item under old
Board of Architectural Review Appointments. business and said, "I think we made a couple of appointments, am I correct?"

STEVEN BROWN "Yes, sir."

MAYOR NICHOLSON "Does anyone have any appointments for the Board of Architectural Review?"

LINDA EDWARDS "Well, I had one but I need to ask him again to be sure because we waited so long."

MAYOR NICHOLSON "We said that if you have one we'll make sure that we'll make those appointments at next meeting."

LINDA EDWARDS "Yeah, but when it came to the next meeting, we didn't do it."

STEVEN BROWN "We have pending appointments by Mr. Vaughn, Mrs. Edwards, and Mrs. Boles. We can discuss it at the work session, or at the July meeting, but we just want to keep it before you."

EXECUTIVE
SESSION

Mayor Nicholson asked for a motion to enter into Executive Session.

Legal Briefing
by the City
Attorney.

Motion was made by Johnny Williams.

The Mayor asked "All in favor raise your right hand. So moved. Thank you all for coming."

The City Council meeting adjourned into Executive Session at 6:40 p.m.

The City Council meeting reconvened at 7:05 p.m.

The Mayor then announced that Council was invited by the Golden Girls of Self Regional to attend a dinner, Tuesday, at T.W. Boons and to a 5:30 p.m. reception at the Country Club for Embarq, the company that combined with Sprint.

The City Manager discussed the appointment of Commissioners for the Housing Authority and explained why there was no prior notice.

City Council agreed to keep the work session on the scheduled date of July 3, 2006.

Meeting adjourned at 7:10 p.m.

Floyd Nicholson, Mayor

ATTEST:

City Clerk and Treasurer