

GREENWOOD CITY COUNCIL

July 17, 2006 - 5:35 p.m.

MINUTES

PRESENT Council Members: Mayor Nicholson, Linda Edwards, Betty Boles, Herbert Vaughn, and Johnny Williams; City Manager; Assistant City Manager; City Clerk; Phil Landler; Adam Cain, Attorney; and Joanie Baker of the Index Journal.

Niki Hutto arrived at 5:43 p.m. and Barbara Turnburke arrived at 5:44 p.m.

CALL TO ORDER The meeting in Council Chambers was called to order by Mayor Nicholson at 5:35 p.m. and he welcomed everyone to the meeting.

The Mayor then 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 Betty Boles.

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

Motion passed unanimously.

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).

(2nd reading)

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."

The Mayor then read the first item and said, "Before we get started, Mr. Brown, do you have any remarks?"

STEVEN BROWN

"Mr. Mayor and City Council, this ordinance, if adopted by Council, would permit bed and breakfasts in the zoning classification, R4. According to the present ordinance, it is permitted in R12, R15, Neighborhood Commercial, Office/Professional/Institutional, General Commercial and Core Commercial. The use in R4 would be based upon the three conditions that are included in this Zoning Ordinance amendment: 1) The facility must meet the minimum standards as set forth by the South Carolina Code of Laws; 2) The bed and breakfast, or bed and breakfast inn, shall be defined according to the South Carolina Code of Laws, Title 45, Chapter 4; and 3) The facility must be located on a single tract of land containing no less than two acres."

MAYOR NICHOLSON

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

Now, we will take action by Council. As you know this is second reading. Do I have a motion?"

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

"Are there any questions or 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. 06-030 Amending the City of Greenwood Official Zoning Map (Ordinance No. 04-020) by Rezoning Property (Approximately 3.17 Acres), Located at 423 Oak Avenue, from LIW (Limited Industrial/Warehousing) to RM7 (Residential Manufactured Housing - High Density.

(1st reading)

STEVEN BROWN

"Mr. Mayor, I'll have Phil to comment on this rezoning request."

PHIL LINDLER

"Thank you, Mr. Mayor and Members of Council. This is a request by Mr. Sprowl, who owns the piece of property on the corner of Oak Avenue and Strong Street, to rezone it from LIW to RM7 for residential homes. The area on three sides are currently zoned RM7 for residential and manufactured housing at seven units per acre. The area on the right side of the property along the railroad tracts is currently zoned Limited Industrial and Warehousing. That district runs basically along the length of the railroad track. Thank you."

STEVEN BROWN

"Mr. Mayor, may I ask Phil some questions that may

enlighten City Council?

I went to the public hearing at the Planning Commission and the gentleman that requested this did not show up. There was not any discussion of it, so I don't have any additional facts. I do know that the RM7 classification allows manufactured homes. I was wondering if Phil knew, or had any indication, of what the gentleman may want to place there. I believe, according to the information they sent the Planning Commission, that he could put as many as 23 manufactured homes on this site."

PHIL LINDLER

"He could place as many as 23 single family units, which would include manufactured housing. As long as he meets all the conditions to the manufactured housing standards such as under-skirting and making the units look like individual home sites, he could have up to 22 single-family attached units which are more like patio homes or townhouses."

STEVEN BROWN

"I just wanted City Council to understand that, if it's adopted, you can very well have 23 manufactured homes sitting on individual sites. They will not necessarily be owner occupied but may be rental units. I'm not saying that's bad, but I wanted you to understand that this is not R2 and R3 single family zoning but it is RM7 that will allow manufactured housing. You can build different types of housing in this zoning classification. We have no indication of which way he intends to use this property."

PHIL LINDLER

"That's right. The only thing on his application was, 'The property needs to be rezoned to multi-family.' In this case, we would not classify these units as multi-family but single-family. That's the only thing we would be allowed to permit them as."

STEVEN BROWN

"In fact, multi-family is not even allowed, am I right?"

PHIL LINDLER

"That's right. We can consider multi-family to be apartments and apartment units cannot be developed on the site. It could be used as duplex units, or units similar to that, in which the applicant may be categorizing that as multi-family."

MAYOR NICHOLSON

"So do we know if he's here tonight?"

STEVEN BROWN

"I don't think so."

MAYOR NICHOLSON

"Okay. Is there anyone here to speak in favor of this ordinance change? Is there anyone opposing? Do I have a question from Council?"

LINDA EDWARDS

"Is this property facing the front street? Are there any

houses on either side of this piece of property?"

PHIL LINDLER "There are homes in front and beside it. Some of these properties are vacant (pointing at overhead).

LINDA EDWARDS "Are any of them rental property?"

STEVEN BROWN "I don't think so. There are families that own houses on Strong Street. Most houses on Oak Street are rental property."

BETTY BOLES "Could we possibly table this until we speak with Mr. Sprowl and find out what his intentions are?"

STEVEN BROWN "If Council desires to just postpone it, we can send a letter asking him to come to your August meeting."

JOHNNY WILLIAMS "When you say manufactured homes, are you talking about modular homes or something similar to Highway 34?"

STEVEN BROWN "Modular homes can go into any zoned district, but this is manufactured homes. He will not be able to bring in an older style that was manufactured before 1976."

JOHNNY WILLIAMS "In other words, we could be looking at an area like Highway 34?"

STEVEN BROWN "He may place units on the property similar to those houses on Highway 34. Now, we have better regulations and requirements in the City's Zoning Ordinance, as far as skirting and things of that nature. The pitch on the roof has to be more in line with stick-built housing, but they would be manufactured homes."

MAYOR NICHOLSON "Ms. Boles, do you have a motion?"

A motion to postpone any action until Council speaks to Mr. Sprowl in reference to what he intends to do on the property was made by Betty Boles, seconded by Linda Edwards.

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

Motion passed unanimously.

CONSIDER

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

Ordinance 06-031 Amending the City of Greenwood's Official Zoning Map (Ordinance 04-020) by Rezoning Property (Approximately 0.94 Acres), Located at 844 East Cambridge Avenue, from R4 (Residential - Medium Density) to NC (Neighborhood Commercial).

(1st reading)

STEVEN BROWN

"Phil?"

PHIL LINDLER

"Thank you. This is a request by William Wilson to rezone 844 East Cambridge Avenue. This request was brought to the Planning Commission and City Council two to three years ago. The request is to rezone the corner of Cambridge Avenue East and South Ames Street from R4 (four residential units per acre), to NC (Neighborhood Commercial), that will allow a small scale barbershop operation on that site. Of course, if the property is rezoned to Neighborhood Commercial, any of the uses that are allowed in that classification would be allowed, not just a barbershop. Thank you."

MAYOR NICHOLSON

"Okay. Thank you. Is there anyone here to speak in favor of this ordinance change?"

RANDALL WILLIAMS

"Good afternoon Mr. Mayor, Members of City Council and staff. Thank you for allowing me to be here. My name is Randall Williams of 310 North Hospital Street and I stay in this community.

Mr. Wilson owns the property at 844 East Cambridge Avenue, which is beside Boles Enterprises. Now, he wishes to place a small business on that property. He

wants to place a barbershop that the neighborhood can be proud of.

One of the reasons we want to do that is because the zoning has changed a good deal. At one time, zoning planners liked all commercial buildings in one area and residential houses in another area. Those times have changed and now the emphasis is on neighborhoods being able to serve themselves. Now, in this particular neighborhood, we want to provide a barbershop that the people in the neighborhood can use.

Let me say this, we don't want any unwanted traffic on this particular piece of property. Now, there was already a clothing vendor there. I think you saw a photograph of that earlier. Now, if we look within a two block area, there are at least 10 businesses. There is Boles Enterprise, a garage, convenience store, salvage yard and beautician shop. There is a shopping center on the very next block of Cokesbury Road and East Cambridge. Across the street from that is a laundry mat with a dry cleaner and barbershop connected to that piece of property. Then there's Little Cricket, a beautician shop and Workman's Restaurant.

Now, I've heard several people comment, 'Well, there's going to be traffic and people will be hanging out there.' That's not what Mr. Wilson wants to do. Of all those businesses in that area, the majority of them do not have traffic hanging out there. I think I've heard a comment made that if you put this building there, people are going to loiter. That's not true. That is a highly and dramatically prejudicial statement to say. (Loitering) depends upon the property owner.

Now, let's also look at the neighborhood. This neighborhood is an older neighborhood. I stay on North Hospital Street and I've seen the neighborhood change. Unfortunately, there's not a whole lot I can do about it. Families have moved out, renters have moved in and the whole character of the neighborhood has changed. We cannot stop the neighborhood from changing, but we can ensure that the neighborhood progresses at a rate and fashion that everyone can be proud of.

Now, if you look at the houses in that neighborhood, (I have to be realistic) no one is going to build a \$100,000 to \$75,000 house on the corner of Ames Street and East Cambridge. What you have is a piece of property that is going to lie vacant. What can the property owner do with it besides put a business there? We would submit to City Council that we want to put something there that the community can be proud of. I think giving the community access to services, barbering and hair care is an

admirable position.

We will take steps to ensure that no other activity is going on there. I've talked to my client about installing cameras on the property. We already installed no trespassing signs and intend to place fences around the property so that there will not be any lingering or loitering. Now, I've heard a number of people say, 'Well, it's going to happen.' No, it's not.

I'm not here to condemn or to support anyone. The property owners can support themselves. The point is we have extraordinary circumstances in this particular situation. A piece of property on a main thorough way, a four-lane highway, that's just going to be a vacant lot. Now, if you can't put a house there, what will you be able to put there? I don't know of any investors. As a matter of fact, from my memory I can say that only three or five new houses were built in that whole neighborhood from the old Dairy Queen to East Cambridge. Now, what are we going to do with this piece of property?

Let me say this, I've lived in that neighborhood. My family lived in that neighborhood since 1945. My uncle was one of the first people to build a house in that particular neighborhood, so I do have connections there. The point is, what are we going to do with a piece of property that you can't develop? No one is going to put a house there. It is not fair to blame Mr. Wilson for other activities. It's not fair that he's only allowed to put a house there.

Now, there will be no substantial detriment to the other properties on that street. As a matter of fact, this will add to the neighborhood. It would not destroy the value of anyone's property, but may actually improve it. It will not affect the public good but add an additional service and character. The neighborhood would not be affected by what is now currently a vacant lot that nobody can use.

We would like the City Council to consider rezoning this piece of property, not to residential but I believe it's office, structure, or either one of the two. Allow Mr. Wilson to be able to do something with his property. If he sells the property, who's going to put anything there? It's wasted property right now. I would simply ask City Council to consider that.

Mr. Wilson is a veteran of the armed forces that was honorably discharged. He is currently driving a tractor trailer across country and wants to get off the road. He is a business man that doesn't have a criminal record. No

one can say there's anything wrong with Mr. Wilson.

I would just ask you to vote in favor of Mr. Wilson in changing this zoning from what it is now to residential commercial.

Like I've said, I live in the neighborhood and seen the change. The point is we have got to change. How are we going to change? Are we going to change for the better or are we going to let our neighborhood sink into the ground? There needs to be something new developed in this older part of town to add to the neighborhood. I respectfully ask you to consider anything that Mr. Wilson might want to say on this matter. Thank you, very much."

MAYOR NICHOLSON

"Thank you, Mr. Williams. Is there anyone else to speak in favor of this ordinance change?"

BETTY WILSON

"How is everybody doing? My name is Betty Wilson and I'm William Wilson's mother. I've spoken to you guys once before and one of your members told me they didn't know who I was. My father's name is Ples Holmes, Jr., better known as Sparkplug. He has been an enterprising business person in Greenwood for years. I was born, practically raised, on East Cambridge Avenue. I have property in front and up the street from the lot. My husband served 29 years in the military, gave up his life in Vietnam (Agent Orange), and this is all I have left (a folded American Flag). What I'm failing to understand is, this property has been in our family for nearly 40 years and it's just lying there. You're going to have problems when there's a vacant piece of land where people can walk and do as they choose.

My son also served in the military police. If we're allowed to build this barbershop, I'm quite sure we'll have a camera running where the police department can have access to see what's going on. We're not putting a barbershop there to make an eyesore but to make the neighborhood better. My son is also a truck driver and a licensed, master barber. He was hoping in the near future that, if the young kids in the neighborhood are interested, maybe he can teach them a trade.

The neighborhood has gone down, like Mr. Williams has said. It's way down. Sometimes I ride through there myself and people are just sitting. I don't know them. They're sitting along the walls throwing hotdog wrappers, bottles and anything else they choose.

I'm not trying to take up your time, but I wish you guys will consider this. My husband didn't give up his life

just because he wanted to. He gave up his life fighting for his country in Vietnam so his family could have a better life.

I hope that you guys can assist us with this. Thank you, very much."

MAYOR NICHOLSON "Thank you."

RANDALL "I also have some sworn affidavits I'd like to pass out
WILLIAMS to you."

MAYOR NICHOLSON "Okay. Is there anyone else to speak in favor of this zoning change? Come forward please."

PLES HOLMES, "Mr. Mayor and City Councilmen, I thank you. My name is
III Ples Holmes, III. I was born in Greenwood, South Carolina, and run a couple of enterprises in Greenwood myself. I raised my nephew, William, and he's been a truck driver since graduating from high school. He's been driving for quite a few years and is ready to come off the road now. This (barbershop) would be his only livelihood. He owns the property and I believe he should be able to capitalize on it. I wish very much that you would approve him so that he could have a livelihood.

I myself served in Vietnam, as my sister said. I'm not bragging or anything like that, but my name is going to be permanently displayed in Washington, DC. I'd like to see my nephew be able to come off the road and be able to settle down to a business. I thank you very much for your time."

MAYOR NICHOLSON "Thank you, Mr. Holmes. Is there anyone else to speak in favor of the ordinance change? Is there anyone opposed to the zoning change?"

ALICE GOODMAN "My name is Alice Goodman and I live at 835 East Cambridge Avenue located directly in front of this property that they want to rezone. I've been before you and the Planning Committee, when Reverend Goodman was living, about two to three years ago.

I'm asking you to just ride through East Cambridge Street, when you have some free time, from Mr. Workman's Restaurant to Ames Street. You will see the difference in that street altogether. It's like a ghetto right in that two block area he's discussing. We don't need anything else there because nobody can say who is going to hang out and who's not. Look at the Little Cricket and the washeteria on the corner. All of this stuff is going to affect our church there.

When I opened my door, a vendor was there selling clothes.

The day after we met with the Planning Committee, they moved him off the property and put up 'No Trespassing' signs to make it look like the area is cleaned up. If this area is rezoned, anything can go there. It could be a night club or a restaurant directly in front of my door. I beg you to please do not allow this to happen. Nobody in here would want a club, restaurant or something of that nature in front of their doors.

Again, just look at the difference on East Cambridge. It is a well traveled street plus there is a lot of traffic coming across to that corner where he wants to go. I think you probably would need to put a light there to control some of that traffic, but we don't need anything in our neighborhood that way. I thank you. I appreciate it."

MAYOR NICHOLSON "Okay. Thank you. Yes, Mr. Brown?"

STEVEN BROWN "Mr. Mayor, I'd like to clarify one thing. The Wilson Family had nothing to do with the clothing vendor leaving. That was a result of my actions. After the Planning Commission meeting, I questioned as to whether the vendor could be on residential property and checked the regulation the next morning. Phil and I determined that our ordinance does not permit a person with a peddler's license to be on residential property. I then requested Officer Price notify the person that he was in violation of the Zoning Ordinance. It was not an attempt by the Wilson's to cover up. It was totally on the City staff's part."

MAYOR NICHOLSON "Okay. Is there anyone else to speak opposing the change?"

VIVIAN ARCHIE "Good evening. My name is Vivian Archie and I reside at 109 North Ames. I also grew up in the neighborhood and was raised on South Hospital. I built my home on North Ames in 1986.

There are a lot of older citizens in my neighborhood. In fact, there are about two to three people of working age on the street that I live. We tend to catch a lot of the after effect of the businesses that are in our area. There is a lot of loitering and walk-through traffic coming from East Cambridge onto North Ames. I catch a lot of litter in front of my door. I do commend Mr. Wilson on wanting to make a career change, but maybe just consider another location. That's the only thing I'm

asking."

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

MILDRED QUARLES "Good afternoon. I'm Mildred Quarles from 205 Cole Street. I live on the side of the road where a lot of traffic is going in and out. I have people turning around or either parking in my yard. Sometimes I can ask them to move and they'll move, but sometimes they'll give you a few words. You can't say too much to them because you don't know what they may do. By me having a teenage granddaughter living with me, it is not good for her to see these things going on surrounding us. So I'm asking that we do not have anything put on that property. Thank you."

MAYOR NICHOLSON "Thank you."

PATSY MORSE "My name is Patsy Morse and I live at 203 Cole Street. I'm here today for the same reason that my sisters are; opposing this barbershop in the area. I'm trying to figure out, what does the neighborhood have to do with the barbershop? I couldn't quite get that together. We love our neighborhood. To us, our neighborhood is like Gatewood or whatever. We love the neighborhood and we want to keep it as free from traffic as we can.

If they get this barbershop, where are they going to park? We have Mr. Boles' traffic coming in and out and the clothes seller had cars going this way (pointing). If a car was turning in while we are coming out of the neighborhood, we couldn't get through. So it's already a very highly traveled area.

We don't have any animosity towards the Wilson family. The only thing we want to do is keep the neighborhood free from so much traffic. I understand Mr. Boles had his business broken into a couple of days ago. If you get the barbershop, you're going to have more of a reason for break-ins. We're just hoping and praying that their request will be denied. We love them. We have nothing against them, but it's the neighborhood and the widows in that neighborhood that we're looking out for.

When the people leave the barbershop, most of them are going to circle around Ames or come all the way down through Cole. So either way, you're going to have a bunch of traffic. We live in there and need to get in and out. So we're asking for mercy. Thank you."

- MAYOR NICHOLSON "Thank you. Is there anyone else to speak in opposition? Okay. Seeing and hearing none other, we will close the public hearing.
I see that the Planning Board did recommend denial of this request for Neighborhood Commercial. What does OPI allow?"
- PHIL LINDLER "Your office and professional zoning district would allow a number of different uses. They would allow more of the office based aspect like lawyers', dentists' and medical offices. It would also allow for barbershops and single family homes on that piece of property."
- MAYOR NICHOLSON "Their request for Neighborhood Commercial is broader where different things can go in."
- NIKI HUTTO "Since that property is almost an acre, you could place a minimum of three dwellings on it, could you not?"
- PHIL LINDLER "That's right."
- NIKI HUTTO "So it actually could be divided into three individual lots."
- STEVEN BROWN "Mr. Mayor, I don't know which way City Council is leaning on this issue but you have the prerogative to classify only a portion of this property as OPI. As an example, you may choose to designate 100 feet from Cambridge Avenue as OPI and leave the remaining portion R-4 residential. You could also do the same from Ames Street. The portion of the parcel that is OPI would be limited to uses allowed in that classification. The remaining portion could only be used for R-4 uses. This is an option that you may desire to consider."
- JOHNNY WILLIAMS "We could deny the request and then he can go back to the Planning Board and ask for OPI."
- STEVEN BROWN "No, sir."
- JOHNNY WILLIAMS "He can't?"
- STEVEN BROWN "No, sir. He can only reapply in a two year's period of time."
- JOHNNY WILLIAMS "I thought you could go back and ask for a different zoning?"
- STEVEN BROWN "No sir. The request is tied to the property and not to what you're requesting. If it is denied, there must be two years before you can make another request."

LINDA EDWARDS

"Now, we spent a lot of time doing this Comprehensive Plan and asked these people to give up a lot of their time in the afternoons to meet and study with us.

One of the things that most of those people on East Cambridge asked for was no more businesses and we agreed.

You have the Saxon Plaza mess. Mr. Williams said there are people hanging out at Little Cricket from the time it opens until it closes. I have no doubt that Mr. Wilson will do what he said he's going to do but realistically, when you're at home in your bed, you're not there. As my grandmother used to say, that's when the devil lurks. People become accustomed to cameras and they know how to duck and dodge them.

I just think that when you have people who take their time to ensure that they're not over-run by businesses, we need to consider some of the things we're reversing. That's my take on it. I don't have anything against these people. Personally, I don't know them. However, I often have a problem with people placing a business in my community and go home somewhere else to sleep at night. I have the same problem where I live. It's there because it can be done, but you're not living in it.

I really think that we need to consider whatever we decide to do rather than making a quick decision only to have another problem two or three years down the road. I can't speak for anybody else, but I know the time that was spent with this Comprehensive Plan. I know the people who participated when we asked communities for their input. We didn't make the changes. We did it according to what the community asked. Before we do anything, we need to study this and make sure that we're doing the right thing."

BETTY BOLES

"I have a question for Mr. Wilson. Have you considered the hours and days of operation?"

WILLIAM WILSON

"I was going to open about seven in the morning and close at nine at night."

BETTY BOLES

"From seven to nine, Monday through...?"

WILLIAM WILSON

"Saturday. It would be closed on Sunday."

RANDALL
WILLIAMS

"As long as it fits OPI, or any other zoning."

BETTY BOLES

"I was just trying to get an idea as to the time frame."

A motion to table was made by Johnny Williams, seconded

by Linda Edwards.

MAYOR NICHOLSON "Are there any further discussion?"

STEVEN BROWN "Mr. Mayor, from the staff's perspective, is there anything that Council is requesting of us? Do you need us to do anything for you? We would like some direction."

MAYOR NICHOLSON "I think we should look at the possible setbacks of OPI."

STEVEN BROWN "Whatever you would like for us to do, if anything, we'll do it for you."

MAYOR NICHOLSON "Okay. We'll look into it at the August work session. Are there any further discussion? All in favor raise your right hand? So moved."

Motion passed unanimously.

"By tabling it, we'll try to have it back on the agenda next month. That's the last of our public hearings. Now we will move into unfinished business."

CONSIDER Under unfinished business, Mayor Nicholson read the first item and asked, "Mr. Brown, do you have any remarks on this one?"

Ordinance No.
06-025 Amending
Ordinance 03-
010, Zoning
Ordinance,
Chapter 6,
Supplemental
Regulations,
Section 6.1.1.,
Zoning District
Use Matrix,
Parking
Requirements.

(2nd reading)

STEVEN BROWN "There have been no changes since first reading, Mr. Mayor."

MAYOR NICHOLSON "Okay. This is the second reading. Do I have a motion?"

A motion was made by Linda Edwards, 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 second item and recognized the City Manager.

Ordinance 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.

(2nd reading)

STEVEN BROWN

"Mr. Mayor, there is one change at the top of Page 2 in Section 6.3.10.5., 'Signs Permitted in the GC District'. Under C-1, we added the word 'linear'. Last month, it read, 'It shall not exceed one (1) square foot in sign area per foot of building.' If you go down to 6.3.10.7., you will also see where 'linear' has been inserted into that section. Under Section 10.8.2., we have removed a sentence in the paragraph that permitted the face of a sign to be changed. There was discussion last month regarding the need to complete maintenance on the sign

pedestal and/or cabinet.

We have determined that we should leave the following language: 'Non-conforming signs shall be allowed to remain in place and to be maintained provided no action is taken which increases the degree or extent of the nonconformity except as provided below'. That language would allow a change to the face, pedestal, and cabinet as long as the nonconformity is not extended, expanded, or enlarged. I recommend the revisions to the Zoning Ordinance."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

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

"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 item and asked, "Mr. Brown, are there any changes in this one?"

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/Professional/Institutional).

(2nd reading)

STEVEN BROWN

"No sir."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

A motion was made by Niki Hutto, seconded by Johnny Williams.

"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 fourth item and said, "I think there was one vacancy that needed representation from the south end of town. Ms. Turnburke, do you have anybody in mind from your area?"

BARBARA
TURNBURKE

"Nobody has said they'd do it yet."

MAYOR NICHOLSON

"Okay. Does anyone else have any recommendations?"

BETTY BOLES

"I've talked to Ms. Bryant but she lives on this side of town."

MAYOR NICHOLSON

"Are they pushed for that appointment?"

STEVEN BROWN

"You can always postpone."

MAYOR NICHOLSON

"Okay. Do I have a motion that we postpone?"

A motion was made by Johnny Williams, seconded by Herbert Vaughn.

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

Motion passed unanimously.

CONSIDER
Board of
Architectural
Review
Appointments

Mayor Nicholson read the fourth item and asked, "Does anyone have any other appointments?"

LINDA EDWARDS

"I do; Willie Lee."

MAYOR NICHOLSON

"Alright. I have a recommendation of Willie Lee by Ms. Edwards and Joe Prothro by Mr. Vaughn. Okay. Do I have

a motion that we appoint these two to the Board of Architectural Review?"

A motion was made by Johnny Williams, seconded by Niki Hutto.

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

Motion passed unanimously.

RECOGNIZE

Douglas Hill of
426 Grove
Street.

Under new business, the City Manager requested that the third agenda item be moved to Number 1. Mayor Nicholson agreed and recognized Mr. Douglas Hill.

DOUGLAS HILL

"Mr. Mayor and Council, I'm here to address the City Council about the behavior of two police officers when I was stopped on 6/20/06. I was traveling down East Cambridge Avenue at the corner of Cokesbury Road where the Little Cricket is located. When I stopped at the red light, the police pulled up beside me. When the light changed, I accelerated to switch lanes because I was in the right lane and the railroad crossing was down at Workman's Restaurant. So I turned and continued down Seaboard Avenue. I stopped at the red light at the corner of Seaboard and the liquor store while the police officers were behind me. The light changed and I proceeded to Main Street at the top of the hill next to the bank. The light was red and I stopped. I could've turned right on red, but I was a little nervous because I had police officers behind me. When the light changed, I turned and proceeded to the red light at the Goodyear store. The police officers were still behind me. When the light changed green, I proceeded through the red light. I then put my left turn signal on to turn on Merriman Avenue. As soon as I began my turn, the police officers turned their lights on.

I pulled over on the side of the road and looked in my rearview mirror to see two officers get out of the car. There was a female on the driver side and a male on the passenger side. They took their guns out of their holsters and approached the car. I began to get nervous because I don't know what's going on. It's 12:30 at night and I don't feel I've done anything wrong. The area is not well lit so I didn't know whether to continue

on, take off or head to Wal-Mart where I work, but I continued to sit there. The female officer came up on the driver side and asked to see my driver's license. I told her I need to take my seatbelt off.

I was nervous about moving because they had their guns out. She said to go ahead and take my seatbelt off and, while I took my seatbelt off, she put her gun in the holster. I gave her my driver's license and she looked at it. She wanted to see my insurance and registration cards. I told her it was in the dash and she said that I could get it out. The officer on the passenger side asked, 'You don't have a gun in there, do you?' I told him, 'No, but I'll open it real slow so that you can see.' So I opened it real slow, he shined his light and I got it out. I went to hand it to him and he said, 'Give it to her.' I gave it to her and they said they'll be right back. They sat in the car approximately 20 to 25 minutes while I'm sitting there waiting and don't know what's going on. I called my girlfriend to let her know they had stopped me she said, 'Just come on home.' Well, about 20 minutes went by and I called again because she wanted to know where I was. I said, 'I'm still down here.' She said, 'What's wrong?' I said, 'I don't know what's going on.' She said, 'Well, just maybe they'll let you go in just a little bit.' After about 20 to 25 minutes they came back to the car. She said the reason they stopped me is because my music was too loud. I looked at her and asked, 'My music too loud? My music is not that loud.' The officer on the other side said, 'We have a noise ordinance in the City of Greenwood. If you can hear the noise outside the car, then it's too loud.' I asked him, 'Well, how can my music be that loud? I can hear your radio over my music.' I can hear the radio transmission from the police department over the music in my car, but they said my music was too loud. She wrote me a ticket for \$1,087.50. I said, 'Okay.' I was mad and upset so I left and went home. I couldn't sleep at all.

I got up the next morning and went to the police station. I talked to Officer Butler and told him what happened. He said that I needed to take it to court and tell the judge what happened. The reason I'm here to talk to the City Council is because they said you're the one that passed the noise ordinance.

I drove to the Police Station with my music playing at the volume I had it the night they stopped me. I asked several officers if my music was too loud. They told me, 'No.' When I told them what happened, they said they couldn't go against another police officer. So I asked the officer (I don't want to give you his name because I don't want to get him in trouble) what criteria do they

go by, as far as the music being too loud. He said it was a judgment call.

I'm here because I don't think that's fair to go by a judgment call. One person's judgment might be different from another person's judgment. Yesterday, while coming from town, I was sitting at the red light and the police came up behind me. I had my music playing about the same volume I always played it. There were four Harley Davidson motorcycles to come up beside me revving their motors. When the light changed, they took off and you couldn't hear anything. I don't think it's fair if you have a noise ordinance that pertains to one judgment which could be altered. I don't think it's fair. I'm asking City Council, is there anything you can do about this? I don't think it's fair."

MAYOR NICHOLSON "They followed you the whole time but only stopped you when you turned on Merriman?"

DOUGLAS HILL "Yes."

MAYOR NICHOLSON "And you actually sat in your car 20 minutes until they issued you a ticket?"

DOUGLAS HILL "It was 20 to 25. I don't know exactly how many."

MAYOR NICHOLSON "Yes, Steve?"

STEVEN BROWN "I have no problem with Mr. Hill's appeal to you regarding the ordinance adopted by City Council, and the determination that music heard from outside of the vehicle is considered a violation of the Ordinance. Mr. Hill doesn't realize this but the stop of his vehicle was on video. I have seen the video and, Mr. Hill, there were no guns drawn."

DOUGLAS HILL "Yes, it was."

STEVEN BROWN "You were also not required to sit in your vehicle for 25 minutes. Mr. Hill has not been to court. He's scheduled to be in court in the morning at 9 o'clock, and he can plead not guilty before the judge and present his case. If you want to know what happened, we have the video and will be glad to show it to Council. The City of Greenwood police officers are not trained, nor are they instructed, to pull their weapons for a normal traffic stop. If Mr. Hill wants to argue with the video, we'll be glad to set up the viewing by any member of City Council.

It is discretionary on the police officer as to whether

they make a charge or give a warning. I am convinced that if there had not been excessive noise, the officers would not have issued a ticket. Our officers do not just make cases just to make cases.

One thousand dollars is the maximum fine that's put on any ticket issued. It's on the video where Officer Atkins told him that the fine would probably be somewhere in the neighborhood of \$200. I do not believe Mr. Hill is being truthful with City Council.

Our officers acted professionally and courteous. They used terminology such as 'sir', and 'yes, sir'. They were not rude, arrogant or acted inappropriately in any manner. If they had, I am convinced that when Mr. Hill went to the Chief of Police or to Assistant Chief Mike Butler, actions would have been taken against the officers. I feel comfortable with the stop, with the actions of the Police Officers, and with the manner in which they enforced the noise ordinance.

While Mr. Hill may think that his music was not too loud, there are many people around Greenwood who think their music is not too loud and they literally shake windows and walls of houses. So just as he is appealing to you about the discretion of the police officer, there's also discretion in how loud I think loud is. City Council chose to limit the lawful playing of music to the confines of an individual's vehicle. It is not to be heard outside. I am sure that City Council, like myself and the Chief of Police, have received many complaints about noise."

DOUGLAS HILL

"Okay. So is it okay for the police radios to be louder than your radio?"

ADAM CAIN

"May I add something? To pull him over and charge him with unlawful use of a radio in a vehicle is a burden of proof that the police will have tomorrow. There's a higher standard to prove him guilty beyond a reasonable doubt in court. To charge him, all it has to be is probable cause; a lot lower. So he's going to have his day in court tomorrow to challenge if his radio was loud enough. There is a video and he can present evidence for the judge to decide. That's why he gets his day in court. Like Mr. Brown said, there is a video and he has access to that video, so he's going to be able to present evidence to a judge."

DOUGLAS HILL

"Well, if your music is that loud at the corner of East Cambridge and Cokesbury, why follow me all the way to Merriman Street, which is probably a mile or so, before they decide to stop you? It ain't like they didn't have ample time to stop me. They could've stopped me on

Seaboard, the liquor store red light, the top of the hill and the Goodyear red light. They followed me approximately a mile or more before they decided to stop me. What's your take on that?"

ADAM CAIN "He's not the judge. The judge is the only one to settle that, not a Councilmember or anybody here."

MAYOR NICHOLSON "Doug, we'll accept this as information, probably look at the video and get back in touch with you."

STEVEN BROWN "Mr. Mayor, I just want to add one thing. The video revealed that, as Officer Atkins was trying to answer his questions, he cranked up his vehicle and sped off. Officer Atkins was literally trying to explain the ordinance to him. The video reveals that two officers turned around, shrugged their shoulders, smiled and said, 'Well?' He didn't give the officer the opportunity to explain because Officer Atkins is heard to say, 'Wait just a minute, I'm not through explaining it to you.' and VROOM! You can see him driving off while the two officers were standing beside the vehicle. This City Manager, Chief of Police and staff is willing to do anything to make sure that people are treated properly. When Mr. Hill or anyone else comes before City Council, they need to ensure their facts are accurate. Mr. Hill has failed to do so."

DOUGLAS HILL "City Council, I understand why you would pass an ordinance like the noise ordinance. I have a regular system in my car. I have no additions, boom boxes, boosters or whatever in my car. My radio does not go that loud. It's a factory installed radio with no adjustments to it. I have heard music, like Mr. Brown said, to shatter windows and whatever when the cars coming down the street. I have a son that's 12 years old. The first thing he does when he gets in the car is turn the music up. I tell him to turn it down because it's too loud. I'm 48 years old and can't stand all that thumping noise myself. So why would I play it like that? I don't understand, but that's why I'm here."

MAYOR NICHOLSON "Okay. Thank you, Doug."

CONSIDER

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

Authorizing the
City of
Greenwood to
Accept CDBG
Funds for Water
System
Improvements
off of East
Cambridge.

CHARLES
BARRINEAU

"Mr. Mayor and City Council, we have received notification from Governor Sanford that the City of Greenwood has been awarded \$500,000 to make upgrades to water system improvements off of East Cambridge Avenue. The Greenwood Commissioners of Public Works have agreed to partner with the City in providing matching funds to the amount of \$311,779. If you accept this award of \$500,000 tonight, the City would also need to allocate \$30,000 of our community development funds to administer the project through the Upper Savannah Council of Governments. The streets that will be impacted by this project include North and South Ames Street, Cole Street, Joe Lewis Boulevard, Truman Street, Beadle Avenue, Giles Avenue, New Street, South University Street, Booker Street, Gum Street, Oakland Street, Valley Brook Road, Brewer Avenue, Hillyard Street, Sullivan Court, Watson Street, Central Avenue, North Hospital Street, Tarrant Street, and White Oak Lane. I will be happy to answer any questions from City Council."

MAYOR NICHOLSON

"Okay. Now how much did you say will have to be allocated from CDBG funds, \$30,000?"

CHARLES
BARRINEAU

"Yes, sir."

MAYOR NICHOLSON

"Alright. Do I have a motion that we authorize this?"

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

"Is there any further discussion?"

CHARLES
BARRINEAU

"Just one point I want to make clear. Now, if we do accept this award, we will not be eligible to apply for additional CDBG funds until this project is closed out."

MAYOR NICHOLSON

"How long will it probably take?"

CHARLES BARRINARU "We anticipate hopefully getting this done by next summer so that we can apply for the fall round. That's our goal."

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

Motion passed unanimously.

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

Request from Greenwood Community Theatre

CHARLES BARRINEAU "Mr. Mayor and City Council, two months ago the Greenwood Community Theatre requested approximately \$236,000 of hospitality tax funding to make renovations to the theatre. As many of you probably have driven by the theatre over the recent weeks, they have begun to move forward with your allocation of those funds. While proceeding, they have uncovered some things that they were not aware of. This past week, we've had three of you (Mr. Mayor, Mr. Vaughn, and Mrs. Boles) that were appointed to review hospitality tax requests to look at the facility. Tonight, Mr. Byars, with the theatre, and Joe Prothro can discuss further what they've uncovered."

MAYOR NICHOLSON "Okay. Mr. Byars? Joe?"

DAVID BYARS "Mr. Mayor, I'm David Byars representing the theatre on 110 Main Street. As Charlie said, we approached you a couple of months ago in good faith. We're very pleased at the commitment that City Council has made for this project to continue forward and to consider some items that were not funded.

Otherwise, we've been real excited about this project in attempting to get it complete. It'll get us back into the position of creating foot traffic in Uptown Greenwood, which is one of the wonderful benefits for our theatre. As we were in the process of continuing the project, the crew began doing work in areas where there were already funds allocated. I might add that, not only did we begin to uncover things, but we actually had an assessment of this building a couple of years ago and, at

that time, were unaware of what we've begun to find. Certainly, we were unaware of them until the workmen began to remove the ceiling and walls in order to remedy some of the needed things."

Mr. Byers described the findings in a slideshow.

"So the point of it is that, as we went through the process we approached you about before, we had good faith that we could complete the project. Yet, within the process, we uncovered some things.

Quite frankly, to maintain the historical prospective of our town, this is one of the single pieces of the Emerald Project. I personally feel a great responsibility that we can't turn back now because we got a building that is in more severe disrepair than we believed. So we're approaching you tonight to request that you consider additional funding from the hospitality tax that will allow us to complete the project in a timely fashion. We have worked hard, even up until this afternoon, trying to understand what those costs are going to be. We're simply making a request and I think we pretty well uncovered everything. In fact, I've asked myself what other banana peel could I possibly step on? Let me quickly say that electrically, which is an extremely important part of what we're doing, virtually all of the wiring in that building - can I say 'all' of it?"

JOE PROTHO "Probably 80% of it."

DAVID BYARS "Eighty to eighty-five percent of the wiring in that building has been replaced or is being replaced. Some of it was wonderful copper wiring, but the installation around it was just breaking off. So anyway, I believe that we can finish the project but it's going to take \$106,422, according to our budget, to do it. Mr. Mayor, we respectfully request that you consider the possibility of allowing some of those funds to help us complete the project."

MAYOR NICHOLSON "Alright. Thank you. I know Mr. Vaughn, myself and Mrs. Boles went by. Do you all have any comments?"

HERBERT VAUGHN "I think it's gone too far to turn back now, when you look at that building. That's going to be another point, or anchor, on the Emerald Triangle. I just think it needs to be done."

BETTY BOLES "In the review that I saw, the pictures tell the whole story. It was kind of frightening to walk through there.

You had no idea they have gotten this far only to find out all the other avenues and other problems associated with getting it redone. So the repairs must be done in order to complete and be successful with the theatre."

JOE BYARS

"Just to follow up on your comment, I realized that I changed clothes in some of those rooms. The fact that they're still there sort of amazes me. One quick note I'd like to add is the whole Art Board would've liked to be here. They're actually in a board meeting tonight, but I wanted to report to City Council. The reason that I came and they're there is to give us a quorum. They're moving forward rapidly with plans for opening, productions and those kinds of things. I feel it's important that you do that."

STEVEN BROWN

"Mr. Mayor, you have approved \$236,000 previously. I ask you to rescind that amount and consider \$350,000 for a maximum investment in the theatre renovations. That's about \$5,000 to \$6,000 above the numbers (rounded) we gave you. So I ask Council to approve the expenditure of the hospitality tax for amount not to exceed \$350,000."

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

MAYOR NICHOLSON

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

The motion passed unanimously.

CITY COUNCIL
COMMENTS

Mayor Nicholson asked if any Council Members had any comments.

NIKI HUTTO

"I want to thank Charlie and Angie for their hard work at the Festival of Discovery. It seemed to be a smashing success. The City staff worked tirelessly and it was hot."

CHARLES
BARRINEAU

"Thank you, but there's a couple of other folks that were working with their staff such as CPW and the County."

MAYOR NICHOLSON

"I would just like to say the convention that we had in town last week went really well. I would like to see if there is any kind of way to see the economic impact the convention had. I know it was good that we had the hospitality tax in place at all the hotels and

restaurants. I went by Ryan's and lot of restaurants and they were packed."

STEVEN BROWN "I don't think you could get a hotel room within three or four counties."

MAYOR NICHOLSON "You couldn't in Abbeville or Clinton."

CHARLES BARRINEAU "We had to get rooms at bed and breakfasts in Abbeville because we could not find any rooms in Greenwood for the Festival of Discovery."

NIKI HUTTO "Did they enjoy being in Greenwood?"

MAYOR NICHOLSON "Definitely. They were saying that Spartanburg will have to be on the ball to top Greenwood because we did some things to really roll out the red carpet. I want to commend Ms. Boles and Boles Buslines because they had a shuttle bus service. The worst thing is I had to call Brooks at DOT because I went to register on Tuesday morning and Satterfield was paving the road. Seventy-three in the morning all the traffic going out to Brewer was backed up but they got through it though."

BETTY BOLES "They also said they were very impressed with Greenwood. They said that Greenwood rolled out the red carpet and everybody was very polite. They thoroughly enjoyed all the hotels and everybody that they visited. We did some things for them that no other area had done and they were very impressed. All the comments I heard from them were positive."

JOE PROTHRO "Well, when they come back, they'll have a new community theatre."

MAYOR NICHOLSON "They were really impressed with the Arts and Cultural Center where we had a reception for the ministers. We served about 125 and it was filled with all the tables they could get in there. It was real nice."

NIKI HUTTO "When can you actually apply to get them back? How does it work?"

MAYOR NICHOLSON "It's a yearly thing that goes through our Association. It's usually just at larger places. A lot of times they go to Columbia and stay on Benedict's campus so they don't be getting the impact from a lot of the hotels like we did. That's why we wanted to treat so that maybe we could have them back."

BETTY BOLES "The only reason we were able to get them this time is the fact that the first convention was here 100 years ago. It took up to January at the first of the year

before they would even commit to come to Greenwood. They really didn't think that Greenwood could house them or were large enough, but we pulled it off."

MAYOR NICHOLSON "Okay, if there anything else?"

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

CHARLES "Mr. Mayor, I need to make a few comments to keep you
BARRINAU abreast of some of the projects we have going on. Uptown, Phase I. mobilization project, which includes the South Main landscaping project and the old railroad corridor, began today. I've driven by there today and they have dropped off some of the orange barricades. I suspect more mobilization this week and probably big construction will start next Monday. At all times, at least one lane of South and North bound traffic on Highway 25 will be open. However, do expect delays. Obviously, we're going to be removing some of the median in Main Street and all the adjacent property owners have been notified last week.

Secondly, the parking lot on Phoenix Street is out for bid today. We suspect that it will be on your agenda to approve allocation funding for that project in August. So, I just wanted to let you know of those projects."

MAYOR NICHOLSON "Okay. Mr. Brown? We're glad to have you back. I know you had a great trip."

STEVEN BROWN "Mr. Mayor, I had a great week in Honduras. I've spent eight days in Honduras with the Medical Missions and it was an experience of a lifetime. I had an able replacement. He did well at the Festival but in also managing the daily business of the city. One thing Charlie has been able to do is forge a relationship with the staff of the CPW and the three commissioners. A lot of the water projects that you discussed tonight are the result of Charlie's efforts to partner with other agencies. In my opinion, it is as strong and appropriate as it has been in our most recent past. I think it says much that you have a City staff person invited to make a presentation to the Commissioners. That in itself speaks loudly to me and I know that you're proud of that effort.

We got a lot of good things going and a lot of good people just doing what they can do to make things happen. None of this could happen without City Council allowing

us the freedom to do some of these things. I certainly commend City Council. It's a pleasure working with you folks."

MAYOR NICHOLSON

"Okay. Thank you. Is there anything else? Alright. The meeting is adjourned."

Meeting adjourned at 7:05 p.m.

Floyd Nicholson, Mayor

ATTEST:

City Clerk and Treasurer