

GREENWOOD CITY COUNCIL

March 21, 2005 - 5:42 p.m.

MINUTES

PRESENT

Mayor Nicholson; Council Members: Niki Hutto, Linda Edwards, Betty Boles, Herbert Vaughn, Johnny Williams, and Barbara Turnburke; City Manager; Assistant City Manager; City Clerk; City Attorney; Phil Lindler; Mike Hatfield of WCRS and Wallace McBride from the Index-Journal.

MINUTES

Mayor Nicholson asked for a motion to approve the minutes of the City Council Public Hearing and Meeting on February 28, 2005.

Motion was made by Johnny Williams, seconded by Betty Boles, approving the minutes as presented.

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

Motion was passed unanimously.

REPORTS

Mayor Nicholson asked for a motion to accept as information the reports from the City Manager for February 2005, and the Commissioners of Public Works Consolidated Financial Reports for the Period Ending December 31, 2004 and January 31, 2005.

Motion to accept the reports as information was made by Barbara Turnburke, seconded by Herbert Vaughn.

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

Motion passed unanimously.

CONSIDER

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

Ordinance
Annexing
Approximately
5.11 Acres off
Blakedale Circle,
Near Montague
Avenue / US 25
Highway North.

(2nd reading)

NIKI HUTTO

"May I ask a couple of questions?"

MAYOR
NICHOLSON

"Yes."

NIKI HUTTO

"Phil (Lindler), townhouses are not permitted in R3, is that correct?"

PHIL LINDLER

"That's correct."

NIKI HUTTO

"So the townhouse issue is not an issue, correct?"

PHIL LINDLER

"Right."

NIKI HUTTO

"So in the present R3 zoning, townhouses are not permitted. Also, if the property is deed restricted as a part of Blakedale Circle, no matter whether it is annexed in the City or it stays in the County, those deed restrictions still apply, is that correct?"

PHIL LINDLER

"Yes, it is."

NIKI HUTTO "So the restrictions of Blakedale Subdivision do apply to that parcel of property, regardless of whether it's in the City or the County?"

PHIL LINDLER "Yes."

NIKI HUTTO "Okay."

MAYOR NICHOLSON "Do I have a motion? This is the second reading for annexing this property in Blakedale Circle."

Motion to approve the ordinance was made by Johnny Williams, seconded by Niki Hutto.

"Is there any further discussion? All in favor raise your right hand. Opposed? Four to two."

Those who voted in favor of the annexation were Mayor Nicholson, Niki Hutto, Johnny Williams, and Barbara Turnburke. Those voting against were Betty Boles and Herbert Vaughn. Linda Edwards abstained from voting.

Motion passed.

- attach -

"Ms. Edwards did you vote?"

LINDA EDWARDS "No, because right now I'm thrown off. You mentioned deed restrictions, and I don't know exactly what he's talking about. Maybe I missed it somewhere, but nothing was said about this in first reading, and now I got questions."

STEVEN BROWN "Mr. Mayor?"

MAYOR NICHOLSON "Yes."

STEVEN BROWN

“Deed restrictions are a totally separate issue from zoning. The City cannot enforce deed restrictions, and that’s why you did not hear it at the first reading. Deed restrictions are enforced by the property owners, and they supercede any zoning regulations. The City can only deal with the zoning.

Under the old R1, there was a requirement of a 15,000 square feet dwelling lot. Under the R3 that you just voted on, it’s 14,520. It’s within 480 feet of the present zoning and, as Ms. Hutto pointed out, it does not allow townhouses. There’s a vast difference between the R1 in the old zoning ordinance, which is presently being enforced in the County, and the R1 in the new City ordinance.”

MAYOR
NICHOLSON

“Okay.”

BETTY BOLES

“We understand what you’re saying, but do the people of this community truly understand how this would effect them, as far as zoning?”

STEVEN BROWN

“They will have to answer as to their own understanding. We have made all of the information available to them. Whether there’s an understanding or not, they would have to answer to that.”

NIKI HUTTO

“But the R1 zoning, which is presently in the County, is almost synonymous to the R3 zoning?”
STEVEN
BROWN

“Very close. There’s some changes in the width of the lot and setbacks but, as far as the square footage, it’s within 480 feet.”

NIKI HUTTO

“The density is almost the same, and townhouses are not permitted in R3 like they are in the County.”

STEVEN BROWN

“A comment was made about the CPW, and I want Council to know that the sewer line was installed under contractual arrangements that existed between

the CPW and property owners. No individual property owner, nor CPW staff member, came to City Hall and asked us to commit to annexation. There was never a call made to my office about annexing this property until it was completed. There were no conditions, agreements, under-the-table, behind-the-doors, closed, or private meetings considered. The CPW has a right, as a governmental entity, to contract with individuals and conduct their business. The actual sewer line was installed originally to supply CVS. Naturally, when these property owners saw that there was sewer available, as any wise developer would do, they wanted to connect onto the sewer. To insinuate that there was some kind of deal is totally untrue.”

MAYOR
NICHOLSON

“Okay. Thank you, Mr. Brown, for that explanation. We’re back to the point that it was a vote of four to two with one abstaining that the property be annexed into the City.”

CONSIDER

A Motion to
Resume
Consideration of
the Ordinance
Annexing Nine
Acres of Property
Owned by Ed and
Brenda
Munnerlyn,
Located off
Calhoun Road.

Mayor Nicholson read the second item and said, “At last month’s meeting, we decided to table this. In order to bring it off the table, we must have a motion. I think there has been some discussion about leaving it on the table for the present time. Ed and Brenda Munnerlyn are in communication with the residents. They’re trying to work out some type of agreement, if it can be annexed, to leave part of the property residential and some commercial. So, is it okay that we just leave it on the table? Do I have a motion that we take it off the table?”

No motion was made to take the Ordinance off of the table.

The Mayor then said, “Okay, we’ll just leave it on the table.”

CONSIDER

Under New Business, Mayor Nicholson read the first item.

Ordinance Amending Ordinance 03-010, Zoning Ordinance, Chapter 3, Zoning District Regulations, Section 3.1.3., Zoning District Use Matrix; Section 3.3.3.1., Additional Uses Permitted in Office/Professional/Institutional Zoning District (OPI); Section 3.3.3.2., Additional Conditional Uses Permitted in Office/Professional/Institutional Zoning District (OPI); Chapter 5, Design and Performance Standards, Article 2, Table 5.1, Development Standards; and Chapter 5, Article 3, Section 5.3.2., Impervious Surfaces, Tables 5.2. and 5.3., Open Space and Impervious Surface. (Residential and Non-Residential).

(1st reading)

NIKI HUTTO

“Can I ask a few more questions on this?”

MAYOR NICHOLSON

“Yes.”

NIKI HUTTO

“Would this have to be passed all

together?”

STEVEN BROWN

“It was going to be my recommendation that you consider each one of these items as a separate issue.”

NIKI HUTTO

“I think they’re different.”

MAYOR NICHOLSON

“Can we postpone this and have it at a work session?”

STEVEN BROWN

“May I make a recommendation?”

MAYOR NICHOLSON

“Yes.”

STEVEN BROWN

“I would like to ask Council to postpone the section relating to residential, duplex, multi-family, and single-family in OPI, and give consideration to taking first reading on reducing the PDD from 25 to 10 acres. We have had a number of developers wanting to develop properties, but they don’t have 25 acres. If Council feels strongly about the 25-acre requirement, you may deny this recommendation. Please understand that we’re losing development. Often, there’s good development for the City. They want to be a PDD zoning clarification. I know the original intent, but we are going to lose some development, and our goal is to grow the City. I would then ask that you favorably adopt, on first reading, the changes to open space and impervious surfaces for residential and non-residential districts.”

NIKI HUTTO

“Well, I just wanted to ask one question about the acreage. With the PDD, I just want to make sure that the developer brings the actual plans of what they’re doing in order for it to become a PDD. So, will it come to us?”

STEVEN BROWN

“The PDD must come to the Planning Commission as a plan. That plan is

reviewed and a recommendation forwarded to you. For the PDD to be changed, it must come back through the same process.”

NIKI HUTTO

“So, Council will get to review the PDD?”

STEVEN BROWN

“Just as you have done on the Self Memorial PDD, when there have been annexations or changes. You have the prerogative to either approve or disapprove.”

NIKI HUTTO

“Was there any compromise somewhere between 25 and 10 acres, or is it that we have such few parcels that are above the 10 acres to consider?”

STEVEN BROWN

“Let me ask Phil to respond to that. He deals with a lot of these developers on a day to day basis.”

PHIL LINDLER

“We have not conducted a study as to how many parcels are 25 acres versus 10 acres within the City Limits. The Planning Commission’s recommendation of 10 acres as based on, at what point would you reduce it to use the intent of the planning developments by mixing the uses of commercial and residential together? That’s why they went with the 10 acres. If you went to nine or eight acres, then it would be very difficult to have a working development that would’ve mixed the two.”

NIKI HUTTO

“Right, but I was thinking more like 15 acres instead.”

PHIL LINDLER

“Fifteen is certainly better than 25. We can certainly pool how many parcels in the City Limits are over 15 acres, versus 10 acres.”

NIKI HUTTO

“I just wanted to know how the 10-acre designation came about. I feel like you

do, that anything below 10 acres wouldn't work or make sense. I'm asking if 10 acres is enough?"

STEVEN BROWN

"Please also consider that it's not necessarily what exists in the City at the present time. Some of these problems that we've encountered have been with annexations."

MAYOR NICHOLSON

"Mr. Brown? Is it possible that we postpone the whole thing until we have the work session in two weeks?"

STEVEN BROWN

"If a developer has a problem with it, we could let them know that you are considering this. We'll be glad to, if Council wishes, have some developers speak to this."

MAYOR NICHOLSON

"Yes, at the work session."

NIKI HUTTO

"I would love to have that. I don't want to lose the intent of what the PDD was designed for."

STEVEN BROWN

"It's a balancing act in what is too little and what is too much."

MAYOR NICHOLSON

"Do I have a motion to postpone?"

Motion to postpone any action was made by Johnny Williams, seconded by Betty Boles.

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

Motion passed unanimously

CONSIDER

Approval of Joint
County Business
Park Agreement
for Performance
Cycle (Tax Parcel
ID #6856-135-
988), 1420 By-
Pass 72

Mayor Nicholson said, "I think the next four items we have on the agenda has to do with the Joint County Business Park Agreement."

The Mayor then recognized the City Manager.

STEVEN BROWN

"Mr. Mayor and City Council, you are aware of our discussion at the work session regarding the proposed agreements of two properties located on the 72 Bypass Northeast. The City and the County are working jointly together to offer development incentives to these two properties. At the present time, I have been informed that the ordinances were originally going to be on the County Council's agenda at their next meeting, but it is not going to happen. I would request that these four items be postponed. It will allow us to use our next work session to look at the actual documents and consider them at your April meeting."

MAYOR
NICHOLSON

"Okay. Do I have a motion that we postpone items two, three, four, and five?"

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

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

Motion passed unanimously.

CONSIDER

An Ordinance to

The third item on the agenda was postponed by the City Council.

Give Consent to the Creation of a Joint County Industrial and Business park for Property Located within the City Limits of the City of Greenwood, Identified as Tax Parcel ID #6856-135-988, 1420 By-Pass 72 NE.

(1st reading)

CONSIDER

The fourth item was postponed by City Council.

Approval of Joint County Business Park Agreement for Russ Properties, LLC (Tax Parcel ID #6856-144-887), 1405 By-Pass 72 NE.

CONSIDER

The fifth item was postponed by City Council.

An Ordinance to Give Consent to the Creation of a Joint County

Industrial and
Business Park for
Property Located
within the City
Limits of the City
of Greenwood,
Identified as Tax
Parcel ID #6856-
144-887, 1405 By-
Pass 72 NE.

(1st reading)

CONSIDER

Adoption of
Resolution
Designating April
2005 as Fair
Housing Month in
the City of
Greenwood.

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

STEVEN
BROWN

“Mr. Mayor, this is a common practice of yours to pass this resolution each year. It’s also a requirement of our participation in the Community Development Program, and also a good thing. It allows you to make a statement to this community that you support fair housing, and I highly recommend that you adopt this. One of the other requirements is that we publish it in the paper, once it has been adopted.”

MAYOR
NICHOLSON

“Okay. Do I have a motion?” Motion was made by Johnny Williams, seconded by Niki Hutto.

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

Motion passed unanimously.

- attach -

CONSIDER

Adding Resolution
to the Agenda.

Mayor Nicholson said, "I would like to ask permission that we add one other item to the agenda. During the budget work session, money was placed in the budget to purchase software, when it became available, for Steffanie and her department. Can I have a motion that we listen to Mr. Brown, and add a resolution for the purchase of software?"

Motion was made by Niki Hutto, seconded by Barbara Turnburke.

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

Motion passed unanimously.

CONSIDER

Resolution to
Budget Computer
Software for
Finance
Department.

Mayor Nicholson recognized the City Manager.

STEVEN
BROWN

"Mr. Mayor and City Council, Steffanie Dorn has received interest quotes on the lease-purchase of equipment and software for the Finance Department. We got carried away with the process and forgot about the timing. We then discovered that there was a time frame in which City Council must act on the quotes. I'd like for you to hear Steffanie's recommendation, and ask for your approval. Then we would meet all of the legal regulations, as far as lease/purchase, on this item."

STEFFANIE
DORN

“Thank you all for adding this to the agenda. We’ve already talked about you putting this in the 2005 budget. It included funding for ½ of the total expenditures, which is the equipment needed to run the new software. We have now reached the point to where we need to have these funds available. Two weeks ago, we sent a request to 10 financial institutions for proposals. We requested both three and four year terms, payable beginning in June of next year.

We actually received proposals from five different institutions. The three year terms had interest rates that varied from 3.49 to 4.79 percent, and four year terms from 3.63 to 4.89 percent. The three year term will require payments of approximately \$35,700, and the four year term will require payments of about \$27,500. Considering that we have \$208,500 of lease/payments that will be payable next year, I would recommend that we choose the four year term. It will actually cost a little over \$2,000 additional interest over the total length of the transaction.

The difference between the top three bids is less than 3/100ths of a percent, and that the closest I’ve ever seen them. The actual total payment difference between the top two bidders is \$50 over the life of the lease. To clarify some matters, I’ve made a phone call to the top two bidders. I did not tell either bidder what the costs were, nor did I give out any information. I did not call to negotiate, but to strictly clarify information to make sure there were not costs that weren’t outlined in the bid.

My main concern was an escrow account. Because of the way this transaction is running with the software, we would’ve paid 25% up front and pay 50% as the modules are installed. The modules will be installed starting in May but, as we installed different parts, this will go out through the end of the summer. Once they’re installed and working properly, then we’ll pay the last 25%.

So we’ll need the money, and it’ll have to sit. Once we actually go through this process and complete this

transaction, we'll be getting equipment in. We received our server today and we'll have work sessions when all the different pieces and parts start coming in.

Right before I walked up here, I did hear back from the top bidder on what their answer to the question was. There is no charge from either of these banks for an escrow account, but the top bidder is not recommending an escrow because of the transaction size. The bidder is a large bank, and they're used to dealing with a lot more than \$100,000. They're recommending that they just hold the money and give it to us as we need it.

What happens in an escrow account is, the money will earn interest that we can use to fund the project, or reduce how much we owe. Without actually running the numbers and talking to the second bank to determine what rate they anticipate us earning, it could very well be that the second bank is actually the better deal. We're going to earn interest over the life of this transaction, which can take until the end of the year to actually make every single, solitary payment.

So, at the beginning I did not have a recommendation, but now I would recommend that we choose the second bank, which is BB&T, unless I talk to them in the morning and determine that the interest is going to be so minimal that the \$50 won't make a difference. So, as normally I don't come to you with a wishy-washy recommendation, I'm asking for your consideration to allow the City Manager and me to make that final determination, after I talk to the second bank in the morning. That would be the resolution we would have the Mayor sign with BB&T."

STEVEN
BROWN

"The only other bit of information that I would share with you is an issue that I always consider when making decisions of this nature. If City Council supports our belief that local businesses should be given a priority, then I would ask permission to award the lease purchase contract to Banc of America."

JOHNNY
WILLIAMS

"Me too."

STEVEN
BROWN

“If you give us that ability to look at those issues, then we can approve it as recommended.”

MAYOR
NICHOLSON

“Do I have a motion?”

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

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

Motion passed unanimously.

- attach -

STEFFANIE
DORN

“Thank you.”

STEVEN
BROWN

“Mr. Mayor, I want to make two comments.”

MAYOR
NICHOLSON

“Yes?”

STEVEN
BROWN

“One is on our continuing effort to work closer with the Commissioners of Public Works and their staff. I want to let you know that the CPW allowed their IT person to work with Steffanie on this project, and it has been an invaluable resource.

Last year, you allowed us to purchase the new generator for the main fire station. The first quotes we received were about \$45,000 to \$50,000 to have the generator purchased and installed. We finally determined that we, as a City, could buy the generator for \$18,000. The City poured the pad, CPW staff worked with us, and our generator is in place today. It was completely wired and installed by the CPW. Those things give you warm, fuzzies all over when you talk about their cooperation. I think that’s what you expect out of us as government people. Those are

two good things that I'll leave with you.

Additionally, I was out of town and could not be there Saturday, but I have heard nothing but good comments about what Charlie Barrineau did. I want to publicly say that I do appreciate his efforts, because he worked hard on it. I think our consultants were impressed with the City, City Council, the people who came, and the input they received. The other good thing that I would add is, Mr. Johnson told Charlie that he was impressed that the Police Department complaints were so few.

As I have told you 100 times, those things don't fall out of the sky. Somebody must make it happen, and I think we owe a debt of gratitude to all of our good, dedicated, committed employees who makes it happen everyday. I certainly appreciate it, and I want you to know they are great."

MAYOR
NICHOLSON

"Okay. Thank you, Mr. Brown. Again, we want to thank the Council Members and everyone for the excellent turnout. I think Charlie said there were 110 people on Saturday, and we got some valuable information. Doing what we can to make the community better for everyone is what it's all about.

Don't forget work session will be April 4th. The meeting is adjourned."

Meeting adjourned at 6:11 p.m.

Floyd Nicholson, Mayor

ATTEST:

City Clerk and Treasurer