

GREENWOOD CITY COUNCIL

April 18, 2005 - 5:32 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.

CALL TO ORDER

The meeting in the Council Chambers was called to order by Mayor Nicholson at 5:32p.m. and he welcomed everyone to the meeting.

The City Attorney, John McCravy, 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."

MINUTES

Mayor Nicholson asked for a motion to approve the minutes of the City Council Public Hearing and Meeting on March 21, 2005.

Motion to approve the minutes was made by Linda

Edwards, 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 March 2005.

Motion to accept the reports as information was made by Johnny Williams, seconded by Linda Edwards.

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

Motion passed unanimously.

RECOGNIZE

Mike Willoughby
of Green &
Company -
Presentation of
Fiscal Year 2004
Financial Audit.

Under new business, Mayor Nicholson read the first item and recognized Mr. Willoughby.

MIKE
WILLOUGHBY

"It's a pleasure to be with you again this year. I'm here to go over the audit summary of the City's financial statement for this past year that ended December 31, 2004. I'd like to go over the highlights

and answer questions. I'll break it into two parts: what's on this report versus what's down the road for the City to move forward.

The good news is, we do have an unqualified opinion again on your financial statements. It doesn't mean that they're good or bad, but we think they're accurate. Also, there are some special procedures related to your federal grant funds that you've received. We did not find any compliance issues, so you appear to be operating those grants correctly.

If you want to look at the General Fund summary, flip to Page 31. That's basically a comparison of the budget for last year, versus the actual budget. The bottom of Page 31 is total revenues. Your first column is the original budget that you approved. The next column is your final budget. The third column is what your actual figures were, and the last one is the difference. In the second column, you had budgeted a total revenue of \$10,650,990, but your actual revenue was \$10,929,615. So, you actually had more revenue than you budgeted by \$278,000. The bulk of that was business license revenue, which was more than budgeted, so that part is good.

If you flip to Page 35, we'll look at the bottom line. The third line from the bottom says, 'Net Change in Fund Balances'. It was originally budgeted to use some of your Fund Balance that you accumulated over the years. You actually budgeted to draw down \$1,252,125 on your original budget with one change. Your final figure was \$1,448,680. Between revenues and expenditures, you actually reduced your Fund Balance \$718,733. So you did much better than you budgeted, but still used \$700,000 of the Fund Balance, which is a good size figure for the City. The next line below that shows your Fund Balance at the beginning of the year at \$4 million. After that \$700,000 reduction at the end of this year, it is right at \$3,300,000, so you can tell it's a significant drop from before.

That brings me to our next section where a lot of

people will ask, 'How much Fund Balance do we need?' Well, that varies from city to city. A lot depends on if you have any large projects coming up, like a capital project, that's gonna cost a lot of money. If we're not accumulating some money as we go, you're gonna have to borrow a lot of money to pay for it. Some places like to do that, and others like to minimize how much they can borrow.

So basically, this is about as low as we would recommend the City to keep your Fund Balance. One thing that's different about the City than a lot of towns in the State is, a lot of towns are on the June 30th fiscal year. So if you think about June 30, that's a fairly low point at the end of year. In September, October, and November, we're going to send out the tax bills and the revenue will go up again.

Well, the City of Greenwood is different because it's on a December year end. On the City's financial statements through the end of the year, we're actually counting the taxes that were collected through December 31st. For accounting purposes, they want us to look ahead at the next two months. Once all the taxes that have been collected through the end of the year, the next two months are also counted as revenue in this year. So when you have a December year end, it makes sense to say what your Fund Balance should be. It should be a good bit more than if you were on a June 30 year end, because that's kind of a lower point. So that's one reason why it looks like we're about as low as I would recommend that it go from the size of the City.

If I understand it correctly, we budgeted about \$800,000 draw down of the Fund Balance. So if that turns out to be the case at the end of 2005, you will have started the year with a \$3.3 million Fund Balance. If you take away \$800,000, you're going to end up at about \$2.5 million, and it'll be difficult to operate the City without having to borrow money before the taxes come in. This past year, you had to actually borrow money from your Capital Improvements Fund much earlier in the year than the year before. The year before showed a net

deficit of about \$291,000. So between the two years, the Fund Balance has gone down \$1,010,000, and that's a good bit of money.

Now this year, you did some big capital things. You built Fire Station #3, which was probably \$500,000 or \$600,000 in round numbers, that you don't have every year. There were always things that you must buy, whether it's a fire truck, police cars, or a sanitation truck. There are some variation in how much capital expenditures you're going to need, but we do have an unqualified opinion on these financials. It looks like you must take a really hard look at how you're going to move forward. You are not going to be able to keep drawing \$700,000 to \$800,000 a year out of the Fund Balance because it's not going to be there. That's something that I wanted to get across without a lot of accounting jargon."

NIKI HUTTO

"Ideally speaking, what range would be ideal? Of course the more you have in the Fund Balance the better, however, is there a magic number or range?"

MIKE
WILLOUGHBY

"There really isn't a magic number. The Governmental Financial Officers Association recommends that your minimum Fund Balance be five to fifteen percent of your revenues or expenditures. Well, one month is about eight percent, so they're saying your minimum should be at one to two months. It's basically like working capital for a business. If you look at the low point of the year, you're probably lower than that. I'm thinking this is probably about as low as you can go and still be able to normally operate without having to borrow money and pay interest before the taxes come in.

If you flip to Page 29, you've got Note 7 Contingency. You know the EPA is talking about cities having to do a study to figure out where their stormwater systems are. I think you're in the process of getting your engineers to do a study. We don't really know what's going to happen, but if they say that you have to do a serious enhancement to

what you have, it could cost \$500,000 or \$1 million that has to be paid out of your current budget. If you don't have it, then you must borrow money to be paid back over several years. That should cause you to want a bit of cushioning, in case that does happen. So that's a contingent liability. It's not on your balance sheet as a debt because we don't know what it is yet. I think DHEC is responsible for enforcing EPA rules in South Carolina, so they're the agency to deal with.

The short answer to your question is, the GFOA thinks one to two months is about the lowest you would go, but every city is different. If you have a big capital need coming up, you must figure out how you're going to pay for it and have more than what's needed so that there won't be a lot of borrowing."

NIKI HUTTO

"Doesn't the amount of money in the Fund Balance also govern how marketable it would be to get a loan?"

MIKE
WILLOUGHBY

"Yes. The better your financials, the lower your interest rate when do borrow."

NIKI HUTTO

"Correct. So it's basically a Catch 22?"

MIKE
WILLOUGHBY

"Yes. That was basically the gist of what I have. As you can tell, there are a lot more details in this audit. Now, this is the second year that the City's financials are in the new reporting model, GASB 34. On Page 4, there is a management discussion and analysis which is new. It is an executive summary and a condensed version of the financials that goes all the way to Page 10.

Page 11 is really a different way of looking at the City's financial statements. From the traditional way, which I was discussing with fund accounting, you have all of your assets, depreciating assets, and all your debt on one page. So it's two ways of looking at it. Looking at it both ways is probably a good idea, but in terms of liquid funds available to operate the City from day to day, the fund accounting is really what the City uses. This is more of a big picture and is more relevant if you borrow a lot of

money to finance the fixed assets. If you don't borrow a lot of money to finance fixed assets, the fund accounting is really how you're going to pay for those things. It's two alternative ways of looking at the same information.

The good news is on Page 42. This is a page that shows the Federal revenue that the City receives, in addition to your local revenue, and how it was spent this year. Basically, the Grendel Mill Housing Rehabilitation Grant, which was in excess of approximately \$250,000, was spent on the rehabilitation of homes. There were a few other grants, such as the law enforcement grants. The very bottom line is about \$500,000 of Federal funds the City used to do other things in addition to the General Fund.

We do feel we're going to need to look really hard at figuring how the Fund Balance should basically cover itself in the future and to refrain drawing down from it. It's not quite like taking money out of a savings account, but if you think about it in those terms, it's real similar. There's a limit to what you can do and still have enough funds to operate as you go. Because the City's revenue fluctuates a lot when the taxes and business licenses come in at different times, most of the expenditures are relatively even. There is a big fluctuation in just the way a city operates, so we want to make sure that everybody understood that. I'll see if I can answer any more questions."

MAYOR
NICHOLSON

"Okay. Are there any questions? Mike, we thank you for coming and sharing the update of our fiscal audit for last year. Mr, Brown, do you have any comments?"

STEVEN BROWN

"Mr. Mayor and City Council Members, earlier in the year I sent up a red flag warning you about some tough financial situations that were ahead for the City. With the aid of Mr. Willoughby and the printed report that you have before you tonight, I'm sending up two red flags, and I hope City Council has gotten the message.

If you haven't gotten the message, and I say this respectfully, then we have some dark days before us because we need to reduce spending. There's no doubt about it. You must cut spending. If you don't, then you'll come to a point where we can't pay our bills and we're going to be financially insolvent. I know somebody will say, 'How can that be with \$3.3 million?' I can say that because you have \$800,000 of undesignated funds in this year's budget. I can say that because we're looking at an increase in health insurance. I can say that because the General Assembly has made one decision this year that has cut an additional \$100,000 from us. I can say that because there are all kinds of unknowns. Within a week's time, the General Assembly may reduce our ability to generate revenue or add another unfunded mandate.

I'm not trying to be dark and gloomy about our future, but I'm trying to be realistic. That's the only way I know to be; honest and truthful with you. I have served you for 24 years, and I've never failed to tell you the truth. I'm standing before you tonight telling you that we need to make some hard, tough decisions.

I beg of you to work with me to make these decisions so that we can get the City back on course and avoid some very tough times in the future. It may require some reductions of personnel. To be honest with you, small reductions in personnel now, may prevent large numbers of personnel reductions in the future. I'll do anything I can to provide you with recommendations, justifications, whatever. We're in a time when the economy is slow. I think that was a wonderful audit, considering what we've been through. I think this is a warning to all of us that we need to get busy about our business."

MAYOR
NICHOLSON

"Okay. Thank you, Mr. Brown."

CONSIDER
Ordinance

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

Amending
Ordinance 03-
010, Zoning
Ordinance,
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)

STEVEN
BROWN

“Mr. Mayor and City Council, this was presented to you last month as a recommendation from the Planning Commission. One part of their recommendation suggested allowing residential uses in zoning classification (OPI), Office Professional Institution. City Council had some questions about this and postponed this ordinance.

At our work session, it was my understanding that City Council did not wish to include residential in OPI classifications, so the ordinance before you tonight has eliminated that from the amendment. The only changes that are in this ordinance tonight is that we have reduced the minimum site area on PDDs from 25 to 15 acres. We have also increased the impervious surface ratio from 65 to 75.

Those are the two amendments. We feel that the 25 acres prevent us from recruiting certain developments within the City. While the Planning Commission recommended 10 acres, City Council has indicated

that you will accept a 15 acre minimum. A lot of our developers are having problems with the impervious ratio, and it has caused us some difficulty in gaining new developments. We would ask that you would adopt this ordinance as proposed.”

JOHNNY
WILLIAMS

“Now, let me ask you a question. If somebody wants to annex just 10 acres, would they come back to us before we deny them, or what?”

STEVEN
BROWN

“No sir. They would be denied.”

MAYOR
NICHOLSON

“It would have to be 15 acres.”

STEVEN
BROWN

“It can’t be arbitrary. It can’t be 10 acres for one, and 15 for another. It has to be a set standard.”

MAYOR
NICHOLSON

“It has to be at least 15 acres for them to be approved.”

STEVEN
BROWN

“We will be more than glad to let you know if there are problems and keep historical data on developments. We definitely feel 15 acres is a good start. If it’s a problem, we’ll be back asking you to reconsider it.”

MAYOR
NICHOLSON

“Okay. Do I have a motion?”

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

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

Motion passed unanimously.

- attach -

CONSIDER

An Ordinance
Annexing
Property Located
on Dalton Road
Owned by
William Travis
Miller and Terry
Ann Miller.

(1st reading)

STEVEN
BROWN

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

“Mr. Mayor and City Council Members, in their desire to develop this property, the Millers were willing to sign a petition to bring the City Limit line to the meets and bounds of their property. It’s very easy to determining that the City Limit line splits this property. The portion that is in the reddish color is outside of the City (pointing).

We have other similar situations inside the City. We always laugh and say, ‘If you violate the law in one bedroom, you call the Sheriff’s Department and, if you violate it in the other bedroom, you call the Police Department.’ The fact of the matter is, we have no jurisdiction in the County. It’s tough on the Police Department when these types of situations exist.

We owe great thanks to the Millers who have been willing to annex. Since the portion that is already inside of the City is zoned to R-4 under the new ordinance, we’re recommending the other part be also R-4.”

MAYOR
NICHOLSON

“Okay. Do I have a motion?”

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

STEVEN
BROWN

“This is directly behind the American Legion Post 20.”

MAYOR
NICHOLSON

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

Motion passed unanimously.

- attach -

CONSIDER

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

Approval of
Funding
Recommendation
(ETV “On The Road
Program”) by the
Accommodations
Tax Advisory
Committee.

CHARLIE
BARRINEAU

“Mr. Mayor and City Council, the Accommodations Tax Committee met this afternoon. If you recall, we presented some information to you at the work session regarding a request from the South Carolina Educational Television that provide funds to assist with marketing across the State. The Accommodations Tax Committee agreed that it was a good expenditure of the accommodations tax dollars. There are \$2,927.67 remaining in that fund from last year, and they voted unanimously to ask City Council to consider giving those funds towards the ETV program.”

MAYOR
NICHOLSON

“Okay. Could you just tell City Council about the ETV program and what it is about?”

CHARLIE
BARRINEAU

“Sure. ETV will be doing what is called, ‘The Piedmont Road Show’. They will be headquartered in Greenwood, but will also be covering Newberry,

Laurens, and Abbeville. They will be live in Uptown Greenwood June 18th during the Festival of Flowers in June. You know how ETV works, whatever type programs we develop, they can be seen for decades.

So this is something that could market Greenwood for many years to come and we think it is a very good investment. The Uptown Greenwood Development Corporation voted to put \$1,000 towards this effort, and I believe the Chamber board has voted some money also. It is a good partnership effort.”

MAYOR
NICHOLSON

“Okay.”

NIKI HUTTO

“How much did they ask for us to contribute?”

CHARLIE
BARRINEAU

“I would ask that you consider a way to get to that \$3,000 mark. There is \$2,927.67 remaining.”

STEVEN BROWN

“My recommendation is not to give them any more than what is in that account.”

MAYOR
NICHOLSON

“Okay. Do I have a motion?”

Motion was made by Barbara Turnburke, seconded by Betty Boles.

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

Motion passed unanimously.

AUTHORIZE

Mayor Nicholson
and Mayor Pro-
tem Barbara
Turnburke to

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

Request Street
Resurfacing Funds
from the
Greenwood
County
Transportation
Committee.

STEVEN BROWN

“At the work session, I informed City Council that the City’s request for CTC funds is to be submitted to the County Transportation Committee. For some time, we have been looking at the streets in the Grendel Mill Village. We have postponed doing any work in that area because of the extreme cost, but we feel that we cannot wait any longer.

Tonight, we’re asking you to allow us to submit to the CTC the milling and resurfacing of: Bailey Street, Baldwin Avenue, Coleman Street, Klugh Street, Parker Avenue, two parts of Pelzer Street (one doesn’t need milling, just resurfacing), and Smythe Avenue. We have added a small extension of 140 feet on Graydon Avenue, which is off of Montague. The total estimated cost is \$250,559.

As I reported to Council the work session, the City cannot expect to receive the total amount of money requested because they are short of funds this year. In speaking with the committee members, we asked them to consider this as a two or three year project, so they will be looking at funding it. It’s a good chance we will be get maybe 50% of it this year. Then, if you would allow us, we’ll ask for the other 50% next year.

Also, I would point out to you that we have included Pelzer which is a State street. The worse thing we could do is pave all the City streets and omit the State street. We talked with the DOT and, naturally, they have agreed to let us include it in our project. Once this project is completed, then all the streets in that neighborhood would be up to standard.

The last time they were resurfaced, the grade of the street and curb were on the same level.
If we place two inches of asphalt on the existing

surface, then we will have a problem with the curbing not being sufficient to carry the water and possible flooding of adjacent residential properties.

The policies and the procedures of the CTC require City Council to approve this request. It also requires that the request have two signatures of elected officials. So that's why it is being presented to you in this form."

MAYOR
NICHOLSON

"Okay. Do I have a motion that we proceed with this authorization?"

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

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

Motion passed unanimously.

RECEIVE

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

An Update from
the Joint
Accommodations
Tax Study
Committee
(City/County
Tourism &
Marketing
Project).

STEVEN
BROWN

"Mr. Mayor and City Council Members, you have appointed two of your fellow Council Members to serve on a joint committee with two County Council Members, myself, the County Manager, and a representative of the Partnership. The elected officials have been to two meetings, and the others attended three. The original purpose of the meetings was to discuss options and to eventually develop a proposal

to implement a joint City/County Tourism and Visitors Office.

The recommendation is:

1. A ten member advisory committee comprised of one (1) elected official from the City and County, the City and County Managers, one (1) member of the Partnership and Chamber of Commerce, and one (1) representative each from the hotel/motel and restaurant industries inside of the city and one (1) representative each from the hotel/motel and restaurant industries from outside of the City.

The Committee would develop and recommend to the City and County Council on an annual basis a program of work which will include personnel, budget projections, operational policies/procedures, etc. The committee's recommendations would be presented to both bodies for approval. This would be done prior to the beginning of the fiscal year.

2. The City should will assume responsibility for the financial part of this joint venture, such as collect and account for all of the tax, write the checks, and whatever.
3. The City will be the lead agency meaning that the employees will more than likely become City employees and will report to the City Manager.
4. The elected officials desired for their to be a City/County agreement stipulating the relationship.

We feel very good about this. County Council has it on their agenda for first reading tomorrow night, and the collection of the additional accommodations tax will begin effective July 1 of this year. Ms. Hutto and Ms. Edwards were at those meetings, and they may want to make some comments."

MAYOR
NICHOLSON

"Okay. Ms. Hutto and Ms. Edwards, is there anything that you would like to add?"

NIKI HUTTO

"The second meeting was very positive."

MAYOR
NICHOLSON

"I just want to thank you all for the influence you had on getting everything done for us, and thank you, Mr. Brown."

CONSIDER

The seventh item and recognized the City Manager.

An Ordinance to
Give Consent to
the Creation of a
Joint County
Business Park
Pursuant to Article
VIII, Section 13, of
the South Carolina
Code of Laws, as
Amended, Which
will be
Geographically
Located with the
Municipal
Boundaries of the
City of
Greenwood, South
Carolina.

(1st
reading)

STEVEN BROWN

“Mr. Mayor and City Council Members, for years we have been working with any and everyone that would work with us to fill empty boxes around town, such as the old Wal-Mart, Lowes, a lot of furniture stores, and other different buildings. Russ Properties (Gary Russ Chevrolet Automobile Dealership) is the initial company interested in working with us. They have already purchased the old Lowes building on 72 By-Pass Northeast, and it’s their intention to relocate their automobile dealership to that site.

The Partnership has been working with the City, County, and all other taxing entities to develop a business incentive program aimed at enticing businesses to consider the vacant buildings within the City. You have before you tonight an ordinance which creates a joint county industrial and business park. There are a number of parties involved in this effort,

and one must be another county government other than the County of Greenwood. The South Carolina Constitution stipulates that if a park of this nature is developed or located within the boundaries of a municipality, the proposal park must have the applicable municipal government's consent. This proposed ordinance gives the County consent to create this joint park within the City. While that seems simple, there is an attached agreement further outlining the specifics of City Council's consent to the establishment of the park.

State Law allows the existing tax on that property to be frozen for a specified period of time. Under this agreement, they would be frozen for 10 years. Russ Properties proposes to invest approximately \$1 million dollar in improvements to the property. Whether it's spent before or after the execution of this agreement, 75% of the new tax revenue would be rebated back to the owner of the property for infrastructure development costs, which includes demolition, site preparation, building construction, site improvements, and design fees. Then 50% of the new tax revenue will be distributed to the City for economic development purposes, and the other 50% will be given to the County.

After the 10 year period expires, then you go into another redistribution of the monies. One percent of the new revenues would go to the County that is designated as the Partner. Twelve percent will go back to the City of Greenwood for economic development, and another 12% goes to the County. The balance will be distributed among all taxing entities, who would be entitled to receive a share of the taxes, which would have been levied against the property.

The way I understand it is after 2015, 12% goes to the City, 12% to the County, and the remaining funds would be distributed among the City, County, School District, Metro Sewer, and anybody that would have generally received tax dollars. While I know that this is new to you, it is new to us. The City Attorney has looked at it briefly today, and I know that he will be looking at it between now and the second reading, if

you take first reading tonight.

I would tell you that this is a wonderful opportunity and it gives us the ability to provide some incentives to recruit businesses into our vacant buildings. We also know of another potential applicant for another building if they can generate sufficient funds to qualify. They may even go in the building without participating in this. We have numerous properties around town that have been vacant up to ten years. We want to encourage developers to look at the vacant buildings.

I know that some of you will probably have some questions. I would ask that you consider giving this first reading, ask the City Attorney to continue his study until he is satisfied with the legality of this proposed park, and allow us to do research and provide you with answers to your questions. It's an investment in the future and, at the same time, it provides us with an ability to generate new tax revenue. Maybe not all today or five years from now, but in the future, we won't have another vacant building sitting there for 20 years. I'll be glad to answer questions, and maybe the City Attorney would like to make a comment."

JOHN MCCRAVY

"I think, in all fairness, we haven't had this agreement very long. I just got it today, but in reviewing it, I don't really have a problem with the concept of it. The only thing I see is, under the statute, we just have to consent to the agreement between the counties. However, the way this agreement was drawn up, it's almost like we're a part of the agreement, and we don't have to be a part of the agreement itself.

I think all we need to do is consent to their agreement and not make any representations of whatever their agreement that is between them. We're not ratifying that, but just consenting to them putting us in this agreement. So I'm just cautious, but that's with a matter of form. I think that can be changed relatively easy, and I don't have a problem with the idea of it. That's all the comments I have."

MAYOR

"Okay."

NICHOLSON

STEVEN BROWN

“Mr. Mayor, the importance of this agreement is it protects us. What I insisted from the County attorney was that the agreement become a part of this ordinance. You’ll notice in the language that you will consent to the creation of this park inside of the City, but your consent is based upon the agreement. So, if any aspect of this agreement is not met, then your consent is invalid. I think that’s important because it stipulates in infinite details to what you are consenting. If this agreement is ever changed in any way, you would have to amend this ordinance.”

JOHNNY
WILLIAMS

“It also keeps the City from depreciating the value of property by freezing it, meaning we’re going to get the same amount of revenue. I think it would be a plus.”

STEVEN BROWN

“Yes. Another good aspect about this is, the ordinance is only good for the Russ property. It is not a blanket approval for any other box.”

BETTY BOLES

“So each one will have a different ordinance?”

STEVEN BROWN

“It’s because your percentages of reimbursements will change, depending upon the amount of money that is being spent by that individual.”

MAYOR
NICHOLSON

“Okay. Are there any further questions? Do I have a motion for first reading?”

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

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

Motion passed unanimously.

- attach -

CONSIDER

An Ordinance To
Establish a
Procedure for a
Vesting of Rights
in Site Specific
and Phased
Development
Plans with the
City of
Greenwood.

(1st reading)

STEVEN
BROWN

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

“I would like to give you a revised ordinance to consider.

The City Manager thing distributed the revised ordinance to City Council.

“I will describe this ordinance to you in a laymen’s language of putting policies that we’re already doing in writing. There were times in the past when developers have, through the Planning Commission, Director, or Staff, presented plans to the City for a specific development. Those plans have gone through the process, as outlined in your Land Development Regulations, Zoning Ordinance, or even other city codes, and received approval. To my knowledge, there’s never been a time frame attached specifying the period of time for which the approval is valid. The General Assembly decided that they wanted to have a State Law to govern the establishment of vested rights to developed property within counties and/or cities. This ordinance defines a vested right as the right to undertake and complete the development of property under the terms and conditions of a site specific development plan, or a phase development plan, as provided in this ordinance and in the City of Greenwood’s Land Development ordinances, or regulations adopted pursuant to South Carolina laws.

Now, a site specific development plan describes the types in density, intensity, or the uses for specific property or properties. This plan may be in the form, but is not limited to the planned unit developments, subdivision plats, preliminary or general development plans, variances, conditional or special uses, district zoning plans, or other land uses to approval designations as, or used, by the local governing body. Once a developer has met all requirements of the City's ordinances, Phil and his staff approves the plan, and the developer has a vested right to develop that property for two years. The State Law provides that the developer may, after two years, make an application to the governing body and can get as many as five, one-year extensions. They must apply each year; the maximum number of years would be seven.

You'll notice the term called, Phased Development Plans? Oftentimes, a very large development will apply for approval of a development in phases. Your ordinance states that, when a developer presents a phase development plan, they do not automatically get a two year vested right, nor an automatic five year extension. Each phase must be approved as if it were a site specific development, which means each phase will go through the same process to be approved and each phase will stand alone as an individual project. State Law provides that if you do not pass your own ordinance by July 1, 2005, then you will abide by the General Assembly's ordinance.

We added one other section that we thought was very important: Section G of Part 3 stating..., 'the Greenwood County Joint Board of Zoning Appeals does not have the authority and is hereby prohibited from granting a vested right and no vested right shall accrue as a result of the Greenwood County Joint Board of Zoning Appeal's decision...' Section H variances are special exceptions and do not recreate a vested right. What we're attempting to do is not allow someone who either is seeking a vested right, or who has a vested right and want to change that in some form or fashion, to use the Board of Zoning Appeals to avoid your ordinances. You can legally protect this from the decision of the Joint Board of Zoning

Appeals.

Phil, did you want to add anything? I know we're throwing a lot at you, but it was a lot thrown at us too."

PHIL LINDLER

"Mr. Brown did a wonderful job of presenting all the aspects of this ordinance. The only thing I would add is, if don't pass something by July 1st, then you would come under the State Law, however it could be amended at any time. So, if there is something that happens next year in Berkeley County and everyone across the State wants to amend the State Law, then it will affect us in Greenwood, if we don't have our own ordinance as well."

NIKI HUTTO

"So we will be at the whim of the State Government and whatever assemblies that might want to change or tweak whatever we have?"

PHIL LINDLER

"Yes."

STEVEN
BROWN

"I would emphasize to you that we're not changing your Land Development Regulations, Zoning Ordinances, nor any codes you have passed. We don't have that authority. All we're accomplishing in this ordinance is, for an individual to claim a vested right and a development plan, they must abide by the ordinances, regulations, and codes that you have previously adopted, or will adopt in the future. State Law also says that you have to declare how you will establish that vested interest, meaning that once it goes through the approval process, then they automatically have two years and can reapply for a third through the seventh year."

BETTY BOLES

"So you're saying that after the two years, they can reapply up to five additional times?"

STEVEN
BROWN

"Yes ma'am. So it would be a total of seven years."

BETTY BOLES

"For each additional one?"

STEVEN
BROWN

"Each year after the first two. It is by application and must be approved on an annual basis."

JOHNNY
WILLIAMS

“That is if you haven’t already developed it.”

BETTY BOLES

“You made reference to the Cambridge Project. If that was approved under the old ordinance, then he had a time span in which to operate, whereas now it’s unlimited?”

STEVEN
BROWN

“He had a vested right of two years. Once he’s approved under your existing ordinances within that period of time, then he has the right to develop it in accordance with what was approved by the Planning Commission at that time. It’s just a protection for the developer because we can’t arbitrarily change the regulations for whatever reason. It puts a greater burden upon us to make sure that we have carefully reviewed each plan. Once we approve those plans, it must meet our ordinances and codes, because State Law and your ordinances says that they have a vested right.”

NIKI HUTTO

“Which means they can proceed, even if we made a mistake.”

STEVEN
BROWN

“Even if we make a mistake. So it’s incumbent upon us to do a better job to make sure that we cover every aspect of your ordinances.”

NIKI HUTTO

“If a large development that has been developed in Phases, like Brentwood Hills, has two years for Phase I, can they enter into Phase II within that two year period and have different vested rights going on simultaneously?”

PHIL LINDLER

“That’s right.”

NIKI HUTTO

“But if they haven’t finished Phase I, we have to honor what we approved in Phase I, even though we changed the ordinance.”

BETTY BOLES

“But there’s still a limitation on it.”

STEVEN
BROWN

“Mr. Mayor and Council Members, I would ask you to carefully consider the first reading tonight, take it home with you, and call or meet with Phil or me if you’re not fully comfortable with it. Then, we can answer any

questions you may have at the work session.”

NIKI HUTTO

“One more question. What is the limitation that the State gives the developer if we don’t use our own law?”

STEVEN
BROWN

“The State generally gives the same two years and five applicable extensions, but there are some other aspects of what they allow that would be different. There’s nothing in the State Law that prohibits the variance from impacting the vested rights. I think the most critical is if the General Assembly changes the State Law next year and you don’t have your own ordinance. Then you’re at their mercy.”

NIKI HUTTO

“So if we don’t pass our own ordinance, this statute will be in effect for any developer for the same deal?”

STEVEN
BROWN

“Right. Phil, was it true that the County recommended that the Planning Commission could grant an additional two years and five year extensions?”

PHIL LINDLER

“Yes sir.”

STEVEN
BROWN

“I would not recommend that. The County Association recommended that they would have two years and then five, if they appeal to the Planning Commission. The Planning Commission could grant another permit, beginning the process all over to a total of 14 years. I wish you would not even consider that.

NIKI HUTTO

“That’s too long. Anything can change in a 14 year period.”

MAYOR
NICHOLSON

“Okay. We’ll let the County deal with that. Do I have a motion that we pass this on first reading?”

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

“Is there any further discussion? All in favor raise your right hand. Opposed? Abstained? 6-1.”

Mayor Nicholson, Niki Hutto, Betty Boles, Herbert

Vaughn, Johnny Williams, and Barbara Turnburke voted in favor. Linda Edwards abstained from voting.

Motion passed.

- attach -

AUTHORIZE

The City Manager
to Executive an
Agreement with
Marsh USA, Inc. to
Perform an
Analysis of the
City of
Greenwood's
Medical and
Dental Plans.

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

STEVEN BROWN

"Mr. Mayor and Council, it seems very ironic for me at this part of the agenda to ask you to spend money when I talked about how bad we need to not spend money. For a number of years, we have experienced significant increases in our health and dental insurance. The driving force comes from two areas; one being our experience, meaning that our employees and their families have used the insurance. The second impact has been the runaway medical costs that we're all experiencing. The actuaries tells us that each year you can expect a 12% to 18% trend increase in medical costs. We have been through some rough times and those two contributing factors are significantly involved in our financial situation.

Our employees do not understand the drastic increases in our health insurance program. We tried to provide them with information, but it's gotten to the point where they have questioned my competency as City Manager, stating that I have not attempted to get

a better plan, or that we can do better with other plans. Some of the employees, who are 21 and 22 years old, can go to a local broker and get an insurance policy for \$250, and they compare those rates from ours. They don't understand what it means to be a part of a group, where you take your youngest and oldest employees, your good and bad experiences, and develop your rates according to your group.

I think we need to have someone to study our program. They will determine if we have a good program and if it is cost effective. They'll then go out on the open market and see if there is another program where we might can save money. Without doing this, it's hard to answer those questions when they're presented to us. I think it's worth the \$15,000 to have this study done. There is no way, without getting involved in this type of project, I can truthfully tell you that I think we have the best program.

I would ask you to consider allowing us to sign an agreement with Marsh USA. Marsh is a company who has worked with the City of Clemson, Greenville, and Myrtle Beach presently. They're also a consult to Fuji.

I think this needs to be done. When I have staff meetings, I've been told by some of the department heads that the morale of the employees are low because of how high our insurance is. I think we need to answer this question."

MAYOR
NICHOLSON

"Okay. Are there any questions?"

BETTY BOLES

"For the \$15,000, we're hiring this firm to do a study and report their findings as to what's best. How many different companies will they recommend?"

STEVEN BROWN

They will take our information and market it out on the open market to see if there is anyone willing to quote a rate. We may find that they're going to be significantly higher than what we're actually paying now.

I cannot tell you, but there may be someone who can offer us a program depending upon what the benefits within that program. Right now, we have a 70/30 program, with a \$500 out-of-pocket expense. We also have an option for the employees to take a \$1000 to reduce their premiums. We have a \$2,500 maximum out-of-pocket per individual that has to be paid on three members of a family. Those are our benefits. They may say, 'If you reduce or change this benefit percentage, this is what you can get.'

Marsh will be marketing who we are and determining if there's anyone out there that can offer us better benefits at the same cost or lower, less benefits at a lower cost, and/or better discounts with the hospitals and doctors."

BETTY BOLES

"And that's for the \$15,000?"

STEVEN BROWN

"Yes, ma'am. That's exactly what they did last year for Fuji. They did this study for them and Fuji changed a number of their benefits and programs."

NIKI HUTTO

"What is time frame?"

STEVEN BROWN

"We need to have it done within the next 30 to 45 days."

NIKI HUTTO

"So their turnaround time is quick?"

STEVEN BROWN

They don't sell insurance, so we won't be buying insurance from Marsh. If we change programs, we'll be changing programs to a company. These folks will just market us and see what's out there."

MAYOR
NICHOLSON

"Are there any other questions? Do I have a motion that we authorize the City Manager to sign an agreement with Marsh?"

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

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

Motion passed unanimously.

RECOGNIZE

Mayor Nicholson read the 10th item and recognized Police Chief Brooks.

Chief Brooks.

- 1) Justice Assistance Grant (JAG)
- 2) Purchase of Tasers Using 2003 LLEBG Monies
- 3) K-9 "Coates" Retirement

CHIEF BROOKS

"Mr. Mayor and Council, for the past seven years, the Police Department has been fortunate to be the recipient of Local Law Enforcement Block Grants administered by the Department of Justice. Most of those grants have been for more than \$150,000. The priorities have changed in Washington, however, and so has the grant picture. The Local Law Enforcement Block Grants have been replaced by Justice Assistance Grants, known as JAG Grants. The good news is, those grants do not require matching funds from the local government. The bad news is, the dollar amount of those grants are much less.

The Department of Justice has earmarked \$85,575 to be shared by the Police and Sheriff's Department. A part of the application process requires us to sign an inter-local agreement with the Sheriff's Department, wherein we agree as to how those funds will be shared. Tonight, I'm seeking Council's approval for us to sign that agreement for a 50/50 split of those funds, and allow us to apply for and accept the grant. The City would receive \$42,786

from that grant for law enforcement purposes.”

MAYOR
NICHOLSON

“Okay. Do we need to act on that first?”

CHIEF BROOKS

“Yes sir. There are three separate interests.”

MAYOR
NICHOLSON

“Okay. Do I have a motion that we allow the Chief to sign with the Sheriff’s Department for 50% of the grant in the amount of \$42,786?”

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

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

Motion passed unanimously.

CHIEF BROOKS

“Thank you. Earlier, I mentioned the Local Law Enforcement Block Grants. We have approximately \$88,000 remaining to be spent in our 2003 Local Law Enforcement Block Grant. Tonight, I’m seeking Council’s approval to spend a portion of that money, in the excess of \$50,000 but certainly less than \$88,000, to purchase tasers for our police officers.

By way of explanation, tasers are a non-lethal weapon. I’m sure you’re aware that police officers are issued handguns that are certainly lethal weapons. Unfortunately, in today’s world, police officers have to carry handguns. Some of them are also issued shotguns and/or rifles.

Additionally, we’re issued other nonlethal weapons, such as the police baton. In the old days, it was known as the ‘night stick’. Our officers have also been issued pepper spray that is used to subdue a violent offender without having to resort to a lethal force. It’s an effort on the part of the police to have some tool at their disposal other than a firearm.

Tasers is really another safer, more effective option than using a firearm. We're looking for fewer injuries to the officers and the people that we arrest. Going back again to the night stick, if you apply it, you're pretty well guaranteeing that you're going to injure a person. That is something we'd always like to stay away from.

You may have seen our 2004 Annual Report for the Police Department. Last year, we arrested 3,805 people. The good news is, during those 3,805 arrests, only 94 times did we have to use any force at all. So that's just 2 ½ percent of our arrests requiring any use of force. Better than that, of those 3,805 arrests wherein we used force 94 times, no person made any complaint regarding the use of force by our officers. I think that speaks highly of them, their professionalism, and training.

I guess one of the most compelling arguments I have in favor of the use of the tasers is that it comes highly recommended by both of our insurance carriers. They are the people who provide workers compensation insurance for our officers, essentially covering their line of duty injuries. It is also the entity that provides the tort and liability insurance. Again, they would be the people that highly recommends the tasers if we had to apply the use of force and somebody decides to sue.

If you have any questions, I'll certainly be willing to answer them. Tonight, I'm seeking Council's approval to spend the 2003 Local Law Enforcement Block Grant Funds to acquire tasers for the police officers."

NIKI HUTTO

"Would having the tasers reduce your liability insurance at all?"

CHIEF BROOKS

"Some insurance companies do offer a discount. As I understand it, ours do not. They do offer a grant program that will provide up to \$1,500 in assistance, if we buy these tasers."

MAYOR

"Chief, have they changed the tasers, or are they the

NICHOLSON

same type of tasers? I've known a few individuals have been killed in other areas."

CHIEF BROOKS

"There's never been a death attributed directly to the use of a taser. Obviously, the equipment has evolved over the years. It was invented in the late 70's, so they have come a long way in 30 years, but there has never been a death attributed to the taser. Having said that, there have been deaths attributed to police handguns and the use of a night stick. There have even been deaths attributed to what's called, positional asphyxia, where you handcuff somebody faced down to subdue them using your weight.

The idea behind the tasers is to be safe, and not to leave anyone with a permanent injury. The medical evidence says it does not cause permanent injury. In fact, trainees are actually shocked with a taser so they can experience the effects of it. I have actually allowed the training instructor to spray me with the pepper spray so that the officers can see that the effects are temporary. You're very uncomfortable at first but, an hour later, you're the same old you with no lasting effects.

It's a similar situation with a taser. When struck by the taser, it causes a neuromuscular interruption where you lose your coordination, and can't move. When you're struck with a taser, you basically lose control of your muscles and collapse. So, in training, you got somebody there to catch that person."

BETTY BOLES

"How long does it last?"

CHIEF BROOKS

"Once that has been applied, you're looking at a five second recovery time. That is, if I'm struck with a taser and fall to the floor, you can expect me to be back up in about five seconds with no lasting effects. Now, in the best scenario, that five seconds allows you to handcuff the subject. Most people (about 95% of the population) don't want anymore after receiving that jolt, and become compliant. When the five seconds are over it's like, 'I'll put my hands behind my back. Please don't do that again.' In a worse case scenario, you can administer

another burst, or voltage, or whatever, if they're not compliant.

Having said that, it's not failsafe. It's a piece of equipment. When I leave tonight, maybe my car won't start. You can have a taser, and it could be defective. But generally speaking, in more than 90% of the cases, it is effective. Again, there's never been a death attributed directly to the use of a taser."

BETTY BOLES

"How many are you purchasing?"

CHIEF BROOKS

"We would purchase one for all of the sworn officers. For every officer that carries a weapon, we would like for him to also carry the taser. We're trying to avoid that last resort where they would pull the weapon. We want the officer to resort to something other than that firearm. So for every officer that has a firearm, we'd like to provide that officer with a taser."

BETTY BOLES

"Along with the purchase, will you get the training too?"

CHIEF BROOKS

"Yes, ma'am. The training is included as part of the package."

MAYOR
NICHOLSON

"Mr. Brown, do you have a comment?"

STEVEN BROWN

"When you have a track record like Chief Brooks and the Police Department, you have confidence that what they've done in the past will be a good indication of what they would do in the future. I think our records speak for themselves. I would ask, if you are of the mind to approve this, that you please approve it under the condition that I, as City Manager, still have the right to say, 'yes or no'.

MAYOR
NICHOLSON

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

LINDA EDWARDS

"I got a question. When you're saying policy, Mr. Brown, what specifically are you're saying? I was thinking more of using the taser just like you would your handgun, or night stick, when it becomes

absolutely necessary in subduing a person.”

CHIEF BROOKS

“I believe what the City Manager is referring to is our written policies that govern the use of our handguns, batons, and pepper spray.”

STEVEN BROWN

“We have written policies on high speed chases and where you can or cannot initiate one. So when I say policies, I’m talking about, not only just how they use them, but how they’re going to be trained. I want a written training policy and an actual on-the-job policy of what you can and cannot do. If we have someone who does abuse this equipment, then we need the means to deal with our employees.”

CHIEF BROOKS

“You all are aware of a circumstance elsewhere in this State where a police officer used a taser against a 77 year old lady in an assisted living facility. I can’t imagine a situation where you got a person in an assisted living where you’ve got to employ the taser. That’s an abuse. I guess we should be thankful she didn’t use the handgun. On the flip side, there was an incident on record where a police officer used a taser against a seven year old.

We’re looking at establishing boundaries. If you play football and basketball, you’re going to have rules, and if you’re going to be in law enforcement you’ll need rules also. We’re looking at a very good set of rules and guidelines that will be enforced by our officers. They will be trained and held to those rules and guidelines, just like they are on the other non-lethal weapons that we carry, such as the pepper spray and baton.”

MAYOR
NICHOLSON

“Okay. Are there any other questions? Do I have a motion?”

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

JOHNNY
WILLIAMS

“And this says that Mr. Brown has the right to deny it?”

MAYOR
NICHOLSON

“Yes. Just like any other policy, it has to be approved.

Are there any other questions? All in favor raise your right hand? So moved.”

Motion passed unanimously.

CHIEF BROOKS

“Thank you. K-9 Coates is one of our two drug dogs. He was purchased, not with tax dollars, but with money seized from drug dealers and forfeited to the Police Department by the courts. Coates has served us well, but unfortunately it’s time for him to retire. He’s 10 years old and has developed arthritis. I’m asking Council’s permission tonight to donate Coates to one of our K-9 handlers. We can be assured that Coates will be well cared for in his golden years, and his new owner will continue to provide the appropriate arthritis prescriptions to keep him comfortable.”

MAYOR
NICHOLSON

“Do I have a motion?”

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

“Is there any discussion?”

NIKI HUTTO

“I wish he would’ve come for a visit. He would’ve been welcomed!”

MAYOR
NICHOLSON

“You can go to his party! All in favor raise your right hand. So moved.”

Motion passed unanimously.

CHIEF BROOKS

“Thank you very much.”

LINDA EDWARDS

“Will he be replaced?”

CHIEF BROOKS

“That’s quite possible, but not immediately. He was very effective and, fortunately, we still have one that has several years of usefulness left. So we’re not without, but in the future we’d like to look at a replacement.”

CONSIDER

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

Municipal State
Highway Project
Agreement
Resolution

STEVEN BROWN

“Mr. Mayor and City Council, down through the years, the SCDOT has submitted plans to you they have developed to make improvements to intersections and roadways that exist within the City and always ask you to sign a resolution. The resolution basically says, ‘...DOT proposes to construct or reconstruct or alter certain segments of the highway, whereas the City wishes to authorize the construction and improvements...’ I have one before you tonight that is in regards to improvements which are proposed for what we have always known as Five Points. Five Points is the intersection of Cambridge Extension, Marshall, Sweetwater, and Siloam Roads.

This proposal only came in Thursday of last week and, what little bit of time I had to spend with it, I have determined that they intend to dead-end Marshall Road. If you’re going towards the gasoline station and Hannah’s Burgers in Five Points, the last residence will end Marshall Road, and it no longer be a part of the five legs of that intersection.”

NIKI HUTTO

“Where will it go?”

STEVEN BROWN

“That traffic will turn onto Sweetwater Road with the option to take a left on Sweetwater to get to the intersection of Siloam and East Cambridge Extension. If you want to go back to Sweetwater, then you can go off of Marshall Road. My

recommendation is that you allow someone from DOT to explain these plans to you. It's a significant change, and I wouldn't approve it without listening to the details.

This is a dangerous intersection. We've all been there. There are a lot of times when people guess on who goes first, and there's been a lot of accidents involved.

I can understand reducing it from five to four legs, but when the resolution says, '...authorize and approve...', the City residents that live on that road are going to come to you. That is why I want you to be comfortable with it when you approve it."

MAYOR
NICHOLSON

"Can we possibly get someone to come at the work session?"

STEVEN BROWN

"Yes, sir. If they can't come to the work session, we'll ask them to come to the next Council meeting."

NIKI HUTTO

"Is there a way I can get a copy of that sketch?"

STEVEN BROWN

"We can try to make you a copy of it."

NIKI HUTTO

"Are there going to be any traffic lights whatsoever?"

STEVEN BROWN

"I really don't know, but I think that's why we need them here to answer your questions. The first question I want to know is if there is going to be a public hearing to explain this to the folks when it all happens."

LINDA EDWARDS

"We already had a person to ask about sidewalks on Sweetwater Road."

STEVEN BROWN

"Yes, ma'am. So your four traffic legs are going to be Sweetwater and Siloam Roads with two legs of Cambridge Extension."

MAYOR
NICHOLSON

"Do I have a motion that we postpone this?"

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

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

Motion passed unanimously.

CONSIDER

An Ordinance to
Amend Ordinance
No. 05-003,
Annexing
Property off
Center Street
Owned by Lechi
Thi Nguyen.

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

STEVEN
BROWN

“Mr. Mayor and City Council, this is to correct a mistake made by the City Manager. When City Council annexed the property off of Center Street, it was one of those situations where you have the old and new County ordinances. It was as plain as the nose on my face that City Council said we’re not going to change any zoning but, in order to put a classification there, I needed to add one at the bottom of the ordinance that would coincide with our new ordinance.

The old property was R-5, under the County ordinance. The apartment complex that is directly behind it was R-6. Under the Planning Commission’s recommendation for the new ordinance, all of that property was recommended to be R-10. To correct my mistake, I added a sentence that states you are zoning this property in accordance with your new

zoning ordinance, R-10, which is multi-family.

MAYOR
NICHOLSON

“Okay. Do I have a motion?”

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

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

Motion passed unanimously.

- attach -

CONSIDER

A Request from
the Greenwood
Housing Authority
to Utilize Proceeds
from the HUD \$1
Home Program.

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

STEVEN BROWN

“Mr. Mayor and City Council, last year you authorized us to participate with Housing and Urban Development on the \$1 Home Program. We were able to acquire a parcel of property in the Mill Pond Subdivision and, from that property, we were able to generate between \$40,000 and \$50,000 after we sold it. It was my understanding that you wanted the money be held in escrow to help assist future, first time homeowners.

In your packet, are some information from Sonja at the Housing Authority about a lady that is qualified to participate, and needs \$500 to make this happen. I would like to recommend that we set up some kind of policies, because we don't have them in place, but I don't think we ought to delay this project. I recommend that you authorize us to pay the \$500, plus some closing costs.

Before the next request comes to you, we can have some policies in writing that you can approve. We don't want to put you in a position where just any and everybody can think they qualify. I think we need to give you some basis upon which you will make your future decisions. It's not a lot of money, so I would recommend that you authorize us to pay it. Anytime we put somebody in a home and off of the assisted roles, I think it's a plus."

MAYOR
NICHOLSON

"Do we have a motion?"

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

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

Motion passed unanimously.

NIKI HUTTO

"Do the people who go through Sonja's HUD program attend classes? Could we make that a requirement?"

STEVEN BROWN

"I think that's already a part of your policies. We want all those questions answered when Sonja comes to you."

MAYOR
NICHOLSON

"I think Sonja does that with all of the people in that program."

STEVEN BROWN

"And she's willing to work with us to make that

recommendation to you.”

MAYOR
NICHOLSON

“Linda, you had something to say?”

LINDA EDWARDS

“Yes. On last Tuesday, the Housing Advisory Committee met, and there were some concerns about children on the streets late at night. I asked Charlie to check if we had any type of ordinance on some type of curfew.

People, it’s getting warm. It’s going to be summer. We need something in place when you find seven to ten years old and younger still on the streets at 11 and 12 o’clock at night. It’s not going to get any better, but worse, because it’s hot. I have also asked them to put something together that we can do in these neighborhoods. I understand that Grendel has quite a bit of vandalism and spray painting. They even spray painted the streets and Crime Watch sign. When we leave here tonight, I want y’all to think about what we can do.”

NIKI HUTTO

“What kind of an age were you thinking of?”

LINDA EDWARDS

“I personally don’t see why any child under 16 has any business out on the street past 10 o’clock, especially during school nights. We need something to make these parents accountable for their children. I can be in the house and tell you that my child didn’t do something, but I’m not out there. I’m sitting in the house while my child is on the street. Beth was saying that these are smaller children, about 2 and 3 years old, and the parents are sitting in the house. I’d like for us to look into having something in place saying what will happen if their children are caught outside like that again. Number two, I was asked if we had an ordinance for indecent exposure. Well, I found out that it’s only a sexually oriented ordinance. They were talking about these young men with their undershorts, and more, showing. I said I would check that out, but I don’t think it covers your bare bottom showing. I just think these are some things we need to look into. When I’m sitting on the porch, the last thing I want to see is someone’s behind going up the road.

These were things brought up at the Housing Advisory Committee that are coming from your neighborhoods. I'm asking each one of you to think of something that we can do to see if we can help this situation."

JOHNNY
WILLIAMS

"I remember when I was young, they used to have an ordinance that kids wouldn't be allowed on the street after certain hours at night. Did that ever come off the books? I'm telling you this because I've been run in before when I was a kid."

MAYOR
NICHOLSON

"Let's just take that under consideration and see what we can do. Do you have anything else, Mr. Brown?"

MAYOR
NICHOLSON

"It's the same thing with Federal Regulations. For example, they put sidewalks on both sides of Highway 25, from the By-Pass to 221. Now, count the number of people that you see use those sidewalks. When the City applied to get some assistance for sidewalks, they told us, 'No'. Just like Linda said on Sweetwater Road, we have several areas inside the City that needs sidewalks, but cannot get federal assistance. It's also the same with the Highway 25 North sidewalks. The government said that it's a federal project."

LINDA EDWARDS

"We might need to think about them, too, when their election time comes."

MAYOR
NICHOLSON

"Don't forget the first Monday, May 2nd, work session. The meeting is adjourned. Thank you all."

Meeting adjourned at 7:25 p.m.

Floyd Nicholson, Mayor

ATTEST:

City Clerk and Treasurer