

GREENWOOD CITY COUNCIL

July 18, 2005 - 5:31 p.m.

PRESENT

Council Members: Mayor Nicholson, Niki Hutto, Linda Edwards, Herbert Vaughn, and Johnny Williams; City Manager; Assistant City Manager; City Clerk; City Attorney; Mike Hatfield of WCRS and Vic MacDonald from the Index-Journal.

ABSENT

Barbara Turnburke entered into the meeting at 5:36 p.m.

Betty Boles

CALL TO ORDER

The meeting in the Council Chambers was called to order by Mayor Nicholson at 5:31 p.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."

APPROVAL OF CONSENT AGENDA

Mayor Nicholson asked for a motion to approve the Consent Agenda.

Motion to approve the consent agenda was made by Johnny Williams, seconded by Linda Edwards.

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

Motion passed unanimously.

"We have changed our agenda. We will no longer have a separate public hearing agenda. Our public hearings will be held and immediately following each public hearing, City Council will take action on subject of the public hearing."

Ordinance No. 05-015 Annexing Karlie Hill Townhouses, Phase IV 8.55 Acres, Located off East Laurel Avenue.

The Mayor announced the first public hearing and recognized the City Manager.

STEVEN BROWN

"Mr. Mayor, this is the Karlie Hill Development off of East Laurel owned by Mr. Boggus from Georgia. He has annexed phases I, II, and III. This is Phase IV consisting of 8.55 acres. It's the same type of construction as the other townhouses, but this will be located on the other side of Sample Branch, which is connected by a bridge. The roads and streets in this development are private."

MAYOR NICHOLSON

"Do we have anyone from the audience who would like to speak in favor of this annexation? Is there anyone opposing the annexation? Alright, seeing and hearing none, we will close the public hearing dealing with the annexation of the Karlie Hill Townhouses.

I will entertain a motion from City Council regarding this matter. This is the second and final reading, if so moved by Council. Do I have a motion?"

Motion to approve the ordinance was made by Linda Edwards, seconded by Niki Hutto.

“Is there any discussion?”

NIKI HUTTO

“I have one question. Are the roads in the other phases private, or is this the only phase that will have private roads?”

STEVEN BROWN

“They are all private.”

NIKI HUTTO

“They are all private roads? Okay.”

MAYOR
NICHOLSON

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

Motion passed unanimously.

- attach -

Ordinance No. 05-016 Amending the City of Greenwood’s Official Zoning Map (Ordinance No. 04-020) by Rezoning Property at 601 Kitson Avenue from NC (Neighborhood Commercial) to R-4 (Residential - Medium Density)

The Mayor announced the next public hearing and recognized the City Manager.

STEVEN BROWN

“Mr. Mayor, I’ll let Phil explain this rezoning matter.”

MAYOR
NICHOLSON

“Okay.”

PHIL LINDLER

“Thank you, Mr. Mayor. This is a request to change the old

Kitson Store, located on Kitson Street and Jackson Avenue in the Greenwood Mill Village, from Neighborhood Commercial to R4. There is an individual who is wanting to purchase the property and revert it back into a residence, and the Planning Commission recommended the approval.”

MAYOR
NICHOLSON

“Okay. Thank you, Phil. Is there anyone to speak in favor of this rezoning ordinance? Is there anyone to speak in opposition? Alright seeing and hearing none, we will close the public hearing.”

Barbara Turnburke entered into the meeting at 5:36 p.m.

“As Phil just stated, this is the first reading that was recommended by the Planning Commission for approval. Do I have a motion from City Council?”

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

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

Motion passed unanimously.

- attach -

Ordinance No. 05-016 Amending the City of Greenwood’s Official Zoning Map (Ordinance No. 04-020) by Rezoning Properties off East Creswell Avenue from R-7 (Residential - High Density) to

The Mayor announced the next public hearing and recognized Phil Lindler.

GC (General Commercial).

PHIL LINDLER

“Thank you again, Mr. Mayor. This is a request by Mr. Skelton to rezone three parcels of land that are all contiguous to his business; two that are based on East Creswell Avenue, and one that faces Phoenix Street. He does not own the two pieces of property on East Creswell, however, he does lease it. He wants to modify the old zoning map on all three properties to General Commercial from R7. The Planning Commission recommended changing the two properties on East Creswell to General Commercial and leaving the property on Phoenix Street to R7. Thank you.”

STEVEN BROWN

“Mr. Mayor?”

MAYOR NICHOLSON

“Yes sir, Mr. Brown?”

STEVEN BROWN

“I’d like to ask Phil a question, if you will allow me to.”

MAYOR NICHOLSON

“Yes, sir.”

STEVEN BROWN

“The question came up in City Council’s work session about the two parcels that face East Creswell. After that meeting, I looked at the copy of the old land use map and, if I looked at it correctly, those two parcels have always been commercial.”

PHIL LINDLER

“Yes, sir. I don’t know exactly when they were zoned commercial, but they were commercial before August.”

STEVEN BROWN

“When he used them prior to the new land use map, he was using them correctly as commercially zoned property. So the only parcel that has always been residential is the Phoenix Street property. I wanted City Council to know that the two parcels facing Creswell were commercial before the land use map was adopted.”

MAYOR NICHOLSON

“Okay. Thanks, Phil. Is there anyone to speak in favor of the rezoning of these properties?”

RICHARD SKELTON

“I don’t believe I need to say anything else about the properties on Creswell Avenue. The property in question is on Phoenix

Street, located directly behind my office on South Main Street. I bought this lot, cleaned it, torn down the old buildings, and cut the trees and grass. I also installed a security fence to stop people from walking from Phoenix Street to South Main Street and, by installing the fence, we stopped a lot of problems with people breaking into houses and cars. I have placed Leland Cypress on the side of one house that's close to me for their security, and privacy more or less.

I have an approved sheet of paper saying that they don't mind this piece of property being commercial. They said they would rather have it commercial than what it was before, a drug house. I also got a sheet from the property in front of this lot saying they don't mind it being commercial either. There is an empty house with high grass next to the lot, and I don't have any idea of who lives there.

I bought this lot to store buildings waiting for delivery. These are new buildings, not junk. I cut the grass, and pick up a lot of trash. I'm known as the South Main Street Picker-Upper. I have 24 hour security walking around checking on all three lots. Thank y'all."

MAYOR
NICHOLSON

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

MIKE
KERNELLS

"Hello. My name is Mike Kernells, 6201 Highway 25 North, Hodges. I've been coming before y'all and County Council fighting for nonconforming uses for the last two years. I think the people have a vested right to continue using their places after an ordinance has changed, if it varies from it. The new act that y'all adopted a couple of weeks ago, the Vested Right Act, that the State has enacted gives the developer a right to continue under the old ordinance, if something comes up to change it. I think it's only fair that you give an individual that same right. I don't think the law can be written for a certain group of people to have vested rights when you don't give it to each individual, also.

Mr. Skelton has never been wrong to use it for storage before the new ordinance was passed in August. I can see questions coming forward once it was rezoned and a new ordinance was enacted. I can also see questions of how it's being used and challenged. I'd like to see Mr. Skelton, along with Emerald Center and other places, have the same vested right to continue usage of the lot, if it makes him conform to the commercial

square. I'd just like for y'all to vote to change it. Thank you."

MAYOR
NICHOLSON

"Thank you, sir. Is there anyone else to speak in favor of the rezoning request? Is there anyone opposing the rezoning request? Seeing and hearing no other, we will close the public hearing dealing with the rezoning of properties off of East Creswell Avenue, and have action by Council.

The Joint Planning Commission recommended approval of the two parcels on East Creswell, and denial of the rezoning for the parcel on Phoenix Street. As Mr. Brown stated, the two parcels were commercial on East Creswell prior to the rewriting. Do I have a motion?" Motion to recommend approval of the parcels on East Creswell Avenue and deny the parcel on Phoenix Street was made by Niki Hutto, seconded by Johnny Williams.

"Is there any discussion?"

LINDA
EDWARDS

"Mr. Mayor, I need clarification. I understand Mr. Brown said these two pieces of property on East Creswell were already General Commercial?"

STEVEN
BROWN

"Yes, ma'am."

LINDA
EDWARDS

"When he first got them, were they already commercially zoned?"

STEVEN
BROWN

"I did not research the date that they were changed to a commercial zoning classification. What I was saying, Ms. Edwards, was that prior to the land use being adopted, he was using them in a legal manner. It was commercial, and he was using them in accordance with the uses allowed on commercial property. It was then changed when the new land use map was adopted. I think one of the statements made at the end confused you, but the part on Phoenix Street, even though he's been using it, has never been commercial property."

MAYOR
NICHOLSON

"It has always been residential, hasn't it?"

STEVEN
BROWN

"It's been residential. When he purchased the lot on Phoenix, it was classified as residential. He's asking you to rezone it to commercial because he's using it for commercial purposes."

MAYOR
NICHOLSON "I think the adjacent properties are also residential, aren't they?"

STEVEN
BROWN "Yes, sir."

LINDA
EDWARDS "How many houses are surrounding this piece, or parcel, of property?"

MAYOR
NICHOLSON "The one on Phoenix?"

LINDA
EDWARDS "Yeah, where are we?"

RICHARD
SKELTON "There are houses on both sides of the property. I had everybody, except the one on the other side, to sign saying they didn't care because I cleaned the lot and it looks good now."

MAYOR
NICHOLSON "I think that is where the house was burned and torn down."

NIKI HUTTO "I have another question. If approved to change this property from its present residential use to commercial, would not buffering have to be applied around the property?"

STEVEN
BROWN "I'll let Phil answer that according to his interpretation. If this is presently zoned residential and you rezone it to commercial, then the buffering must be in place. This still applies when the individual has been using the property for a use that violates the zoning ordinance and has been doing so for a long period of time."

NIKI HUTTO "That's how I see it."

STEVEN
BROWN "Phil, do you agree with me?"

PHIL LINDLER "Mr. Brown is correct. If you were to rezone this property, we would ask Mr. Skelton to show plans of how he would like to develop it. When he does, we will check to make sure that there is adequate buffering in place. At that time, he will receive his approval."

JOHNNY "What is he using it for now?"

WILLIAMS

PHIL LINDLER “Right now, he’s using it for storage of those buildings in a residential zone.”

BARBARA TURNBURKE “What else can be on that property if it weren’t the storage buildings?”

PHIL LINDLER “It could only be used for a residence, church, or small scale things that are in allowed in residential areas.”

NIKI HUTTO “Barbara is asking, if he decides not to be in that location anymore, could he use it for something else other than the storage of his buildings?”

PHIL LINDLER “That right goes with the sale to whomever purchases the lot, until City Council rezones it back to residential at another time.”

NIKI HUTTO “But once it’s commercial, can any use of General Commercial can be placed on that property, if it was sold?”

PHIL LINDLER “That’s right.”

MAYOR NICHOLSON “Are there any other questions?”

NIKI HUTTO “One more question. So the concept OF vested rights only applies to the two parcels on East Creswell because they were changed in the land use maps? Those two parcels were changed from commercial to residential, correct?”

STEVEN BROWN “I think Mr. Kernells has clouded the entire issue by bringing up vested rights. It doesn’t even apply here. He’s way out of line and completely out of order. Mr. Kernells has a problem with the County and he’s attempting to bring it into the City. The Vested Rights Law Statue provides any developer with a specified number of years to make improvements to his property after receiving approval from the governing body. The property on Creswell is not a development and the statue does not apply. Mr. Kernells is wanting to confuse the two issues. Please do not allow him to be successful!

MAYOR NICHOLSON “Are there any other questions?”

LINDA
EDWARDS

“Does Mr. Skelton own this piece of property, or leasing it?”

MAYOR
NICHOLSON

“He bought the lot on Phoenix, and is leasing the other two, I think.”

RICHARD
SKELTON

“I needed the extra space, so I bought the property to place buildings that are already sold. That’s all I use it for. When I bought it from the lady, I didn’t check to see if it was commercial. I did put a sign there, and wasn’t trying to hide anything.”

MAYOR
NICHOLSON

“Are there any other questions? I have a motion and a second that we approve the two parcels on East Creswell, and deny the parcel on Phoenix Street. All in favor of raise your right hand. Opposed? 5-1.”

Those voting in favor of the motion: Mayor Nicholson, Niki Hutto, Herbert Vaughn, Johnny Williams, and Barbara Turnburke. Linda Edwards voted against.

- attach -

Ordinance No. 05-018 Amending the City of Greenwood’s Official Zoning Map (Ordinance No. 04-020) by Rezoning Property off Highway 72 By-Pass and Enterprise Court.

The Mayor announced the next public hearing and recognized Phil Lindler.

PHIL LINDLER

“Thank you again, Mr. Mayor. This is the area that is up for rezoning tonight (pointing). It’s a portion of property that’s currently zoned Neighborhood Commercial. Prior to August, the area was zoned General Commercial.

When we revised the maps, we identified this area as Neighborhood Commercial just because there are a number of

neighborhoods in and around this area. Once we identified that area and the maps were changed, we have since determined that some of the uses within the pink area, as shown here (pointing), are currently nonconforming uses in Neighborhood Commercial. If any of the businesses wanted to expand under Neighborhood Commercial, they could do only a certain percentage, or they'll be essentially nonconforming uses. There is one business that wants to add some signage and, based on the Neighborhood Commercial zoning classification, they couldn't do what was planned at that time. They're requesting for you to change this area, shown in pink, on both sides of By-Pass 72 to General Commercial."

JOHNNY
WILLIAMS

"So, in other words, you're saying y'all made a mistake again, and are here to correct it."

PHIL LINDLER

"We have identified a smaller area, and think that this is a better situation than what was there. Some of those Neighborhood Commercial businesses could remain there, but General Commercial may meet their needs better."

STEVEN BROWN

"Mr. Williams, may I address your comment about making a mistake? Our old zoning ordinance used terminology such as: C1, C2, C3, and things of that nature. We then changed the terminology to Neighborhood Commercial, General Commercial, Core Commercial, and etc. In an attempt to transition between that terminology and new definitions, we did assign some properties probably Neighborhood Commercial that shouldn't have been, but that is a product of changing. So, when these people requested permits to have new signage, we see now that NC doesn't fit and should've been GC. When you're dealing with new classifications and definitions, you are going to have these problems. We pointed that out to you when the new ordinances were adopted."

MAYOR
NICHOLSON

"Okay. Is there anyone here to speak in favor of this rezoning request? Is there anyone opposing? Please come up and speak. If you would, state your name and address for the record and try to limit your comments to three or four minutes, please."

DALE STALEY

"Thank you. I'm Dale Staley of 111 Woodcrest. I am in the blocks just behind the blue area (pointing). Back in 1994, we

had a rezoning in this area that they're trying to change General Commercial. This was discussed in some detail, and what came out of that was a covenant with the Lawrence Company, which I understand is still enforced for that area. We would like the essence of that covenant to be maintained. This area across the street is a curve-ball in this situation, as far as I now, because I wasn't aware that this is being included. As far as we're concerned, we have an R2 neighborhood that you're putting up against General Commercial which, in days of yore, was considered a 'no-no'. We do have blue behind us (pointing), which is Neighborhood, that we thought we were getting over these years.

Now, we have a change coming up, where they're recommending these particular items. I realize there is some character considerations in there, but I don't know how you handle them, or if you have a grand-fathering clause. It is our recommendation that at least the businesses on this side of the road stay as is, if you would, please."

MAYOR
NICHOLSON

"Thank you."

LUWEEN
HARRISON

"I'm Luween Harrison, and I live at 103 Woodcrest Street. The property behind us was zoned residential, when we built our house in 1971. Once the property was changed to commercial, it presented quite a problem for us. All the water that drains down from the new businesses comes over the lot adjoining us. For the entire year, we had standing water that's a breeding ground for mosquitoes.

When Parada (Federal Credit Union) was built, the Zoning Commission agreed to do away with the buffer zone between them and my property. There is no buffer zone, whatsoever. In fact, when their property was graded, they came over several feet on my property to put a drainage system receptacle for the rain. They did not want to move it, but I insisted that they did. All the lights from Parada come right into the windows of our bedrooms and dens at night. This has changed once again. The zoning change is going to effect our property more to make it even worse. I would ask that you deny this request."

MAYOR
NICHOLSON

"Is there anyone else to speak in opposition?"

MIKE KERNELS

“My name is Mike Kernels of 6201 Highway 25 North. If this is changed from Neighborhood Commercial to Core or General Commercial, what kind of buffer zone is going to be around it? You will have to meet the strict restrictions that the commercial (businesses) have to put up now. I’ve been following some of these things for the last couple of years, and some of the buffer zone between Ocean Bay and Pioneer Real Estate has been removed. There was supposed to be a fence, but they just parked it off because they said it didn’t have a natural barrier between them. If these properties are changed to Core Commercial, would it then have to meet the most restricted commercial buffer zones and setbacks? Thank you.”

MAYOR
NICHOLSON

“Thank you. Is there anyone else?”

TRAVIS
HIGGINBOTHAM

“Hello, I’m Travis Higginbotham, and I live at 116 Woodcrest Court. I think Mr. Staley and Ms. Harrison have stated the problem very well. I would just request that you honor the Planning Commission’s denial on this rezoning.”

MAYOR
NICHOLSON

“Is there anyone to speak? Alright seeing and hearing no other, we will close the public hearing.

The recommendation from the Planning Commission was denial of this request. Do I have a motion?”

Motion to deny acceptance of first reading was made by Linda Edwards, seconded by Herbert Vaughn.

“Is there any discussion or questions?”

NIKI HUTTO

“Yes. I would like to have clarification on the buffering. If we change the zoning, do they have to add additional buffering?”

PHIL LINDLER

“Because those businesses are existing, they would not.”

NIKI HUTTO

“Because they were built under commercial to begin with?”

PHIL LINDLER

“Right. Now, let’s say Jameson Inn wants to add on another building, that’s when the buffering would come into play in

their plans.”

NIKI HUTTO “Or, if Parda wanted to do something new, then they would have to add more buffering?”

PHIL LINDLER “That only comes into play when a new structure is being built, or there are changes to the actual signs.”

JOHNNY WILLIAMS “Wasn’t there buffering already in place and, if so, why wasn’t it there now?”

PHIL LINDLER “There is. Under the old City standard, there should have been a buffer in place. However, you need to remember that our buffering standards, prior to August, included a flat distance with no trees or anything else. I don’t know if the BZA (Board of Zoning Appeals) had approved a variance of something, but I can certainly check on it and get that information to you before second reading. Now, you must have distance and plant material, not just add plain grass.”

NIKI HUTTO “I think a part of our problem is we want things to be done better than what they were before. If we’re changing it to General Commercial, is there any way we can make the buffering a requirement?”

PHIL LINDLER “By changing it to General Commercial, the businesses would have a more stringent buffering standard, if they were to add new buildings or structures on these sites.”

NIKI HUTTO “But we can’t make them do it now?”

MAYOR NICHOLSON “We wouldn’t be able to change the ones that are already there.”

STEVEN BROWN “Mr. Mayor, may I make a comment?”

MAYOR NICHOLSON “Yes.”

STEVEN BROWN “While I respect the concerns of the Woodcrest Street residents, Mr. Staley mentioned the agreement that the Woodcrest residents had with the developer, Mr. Lawrence. I would tell you, from everything that we can determine, the agreement is still in place. Those agreements were made to provide these property owners a degree of protection. That’s why none of this in here (pointing) has been changed.

As your City Manager, I have grave concern that when we recruit investors, such as the Jameson Inn, into our community to develop property under one zoning classification and change it without merit, it sends a message. I think the information has been presented to you as these people were originally given. All of these businesses were originally constructed under your commercial zoning. Now we're going back to Neighborhood, which is your most restrictive commercial zoning.

If there are any GC properties in this community, it's these properties right here (pointing); a four lane, 72 By-Pass, and a major traffic thoroughfare. I think there has been provisions made to provide them with protection. My premise is that our zoning ordinance does not require sufficient levels of buffering to prevent lights from shining. It just depends on what you're trying to accomplish. Because of an agreement, this property (pointing) has never been developed. With the agreement in place here (pointing) and the type of development that Mr. Lawrence and others have put in here (pointing), there is a degree of protection. That's why the recommendation from the Planning Commission did not include all of these properties."

MAYOR
NICHOLSON

"Basically, everything that fronts the By-Pass is General Commercial, wasn't it?"

STEVEN BROWN

"At one time, they used 300 feet from the center line as all Commercial."

MAYOR
NICHOLSON

"That's what I thought."

TRAVIS
HIGGINBOTHAM

"Can I ask an additional question? What does the current land use plan hold on that property?"

MAYOR
NICHOLSON

"Can you address that Phil?"

PHIL LINDLER

"It called for commercial development, but the land use plan doesn't say to what degree. It just allows for commercial to be put on it."

MAYOR
NICHOLSON

"Okay. It doesn't specify, but says, 'General Commercial'."

TRAVIS
HIGGINBOTHAM

“Has that been adopted?”

PHIL LINDLER

“Yes, sir.”

LUWEEN
HARRISON

“May I once again point out that the construction came onto my property and the buffer zone was totally done away with?”

MAYOR
NICHOLSON

“I think at that time, Mrs. Harrison, it was just a distance specification that didn’t require a barrier.”

LUWEEN
HARRISON

“What I am telling you is, they came all the way onto the edge of my property with their building. In fact, they came over onto my property to grade it. When I complained, they had a survey done. There is no buffer zone, whatsoever, between my property and theirs.”

MAYOR
NICHOLSON

“Okay. Are there any other discussion or questions? Yes sir, Mr. Staley?”

DALE STALEY

“I went back to look at the file we had on it. Almost all the businesses that were on there are included in the area for which it was set up. We stayed away from General Commercial because of the (inaudible). I said that I would like to have the essence of our covenant maintained. Now, you changed the rules. In fact, you changed them three times, I think. I’m uncertain. Now, we got an argument about the Jameson Inn. Jameson has been there since day one, as far as I know. About three of the four restaurants on the front (pointing), which is stated very clearly, were included. (Inaudible)...but you don’t have any classification, that I know of, which coincides to what we agreed to. We ask that the essence of our covenant remain at the current definition available. Thank you.”

MAYOR
NICHOLSON

“Thank you.”

JOHNNY
WILLIAMS

“Mr. Brown, how do you know that Mr. Lawrence built up to everything he promised, when we rezoned this to commercial in the 90's?”

STEVEN BROWN

“Mr. Williams, the only thing I can tell you is, the covenants that Mr. Staley references is still in place, to our knowledge. That was the question asked at the Planning Commission.”

JOHNNY
WILLIAMS

“He said that he would not build any commercial entities on the upper parcel of property”

STEVEN BROWN

“It is my understanding.”

JOHNNY
WILLIAMS

“And everything else was approved from that point to be General Commercial. When we revised the zoning maps, it was rezoned to the lighter commercial, right?”

STEVEN BROWN

“That’s correct.”

JOHNNY
WILLIAMS

“So, we’re going a step backwards from what was done in 1994, if we deny the rezoning and leave it like it is. In other words, the businesses are not allowed to build on that road frontage because of nonconforming uses and, if anything happens to their property, they won’t be able to build it back?”

STEVEN BROWN

“My response, Mr. Williams, would be that the classification, prior to the new land use ordinance, provided them with the ability to have amenities, such as larger signs. Now, the zoning will be more restrictive with the new Neighborhood Commercial zone.”

MAYOR
NICHOLSON

“Okay. Is there any other discussion? I think we have a motion and a second on the floor for denial of this request. All in favor of denying raise your right hand. 2-4.”

Linda Edwards and Herbert Vaughn voted in favor of the motion to deny the request. Mayor Nicholson, Niki Hutto, Johnny Williams, and Barbara Turnburke voted against denying the request.

“Do I have a subsequent motion then?”

Niki Hutto made a motion to approve changing the rezoning as requested to General Commercial from Neighborhood Commercial, seconded by Johnny Williams.

“Is there any further discussion? All in favor raise your right hand. Opposed? Approval for the for the zoning change is 4-

2.”

Mayor Nicholson, Niki Hutto, Johnny Williams, and Barbara Turnburke voted in favor of changing the zoning. Linda Edwards and Herbert Vaughn voted against the zoning change.

The motion passed.

- attach -

Ordinance No.
05-019 Amending
the City of
Greenwood’s
Official Zoning
Map (Ordinance
No. 04-020) by
Rezoning
Properties off
North Main Street
and Bailey
Circle

The Mayor announced the next public hearing and recognized Phil Lindler.

PHIL LINDLER

“Thank you, Mr. Mayor. This is the request to rezone four pieces of property located on the corner of Bailey Circle, North Main Street, and Beaudrot Avenue from CC, Core Commercial, to General Commercial. This is a request to expand a gasoline station currently located there.”

JOHNNY
WILLIAMS

“Where is this located?”

MAYOR
NICHOLSON

“Next to Wingard’s Pharmacy.”

NIKI HUTTO

“It’s the Texaco station.”

JOHNNY
WILLIAMS

“Well, it’s already there.”

MAYOR
NICHOLSON

“They want to expand. Okay. Is there anyone to speak in favor of this zoning request?”

LONNIE
HOLLOWAY

“Good evening, Mayor. I’m Lonnie Holloway of 625 Davis Street, Greenwood County. This is the North Main Texaco, as you have known it for years and years.

We changed the name and put up a new sign on the building, in accordance with the rules and regulations that the City allow.

We now call it, ‘North Main Automotive Service’, but was formally the ‘Timberlake Service Station’ next to Chinquapin and 72 Business. We were leasing there, but were afforded the opportunity to buy property in the City Limits. I didn’t have a second thought about that, because we’re proud to be City business owners. We feel like we’re contributing to the community, especially the elderly people who live in and around Baily Circle. When I got into the gasoline business in 2001, I didn’t realize there were so many elderly widows and widowers that weren’t able to pump their gas, especially in bad weather.

Someone mentioned to us that, if we wanted to expand, we’re limited to what we can do because of Core Commercial zoning. Right now, we don’t even have a ramp where people in wheelchairs can get into the building. We want to make our business more accessible for our handicap customers, as well as our elderly people.

I’m a very professional, automotive educator with well trained staff. There is a (vacant) lot behind our station that we would like to expand our service bay area, because that is the meat of our repair business. I appreciate it.”

MAYOR
NICHOLSON

“Thank you, Mr. Holloway. Is there anyone else to speak in favor of this zoning request? Is there anyone opposing? Alright. Seeing and hearing no other we will close the public hearing.

The Joint Planning Commission did recommend approval of this request. Do I have a motion?”

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

“Are there any questions or further discussion? All in favor of

raise your right hand. So moved.”

Motion passed unanimously.

- attach -

Ordinance No.
05-020 Amending
Ordinance 03-
010, Zoning
Ordinance,
Chapter 3, Article
3, Sections 3.1.3,
Table 3.1.3,
3.3.1.1., 3.3.2.1.,
3.3.3.1., 3.3.4.1.,
and 3.3.5.2.

The Mayor announced the next public hearing and recognized the City Manager.

STEVEN
BROWN

“Our present ordinance permits churches, temples, and synagogues in Core Commercial zoning located in the uptown business district. We’re recommending that it become a conditional use permitting it only if an established, detached structure and parking is provided on the same parcel as the structure, or on an adjoining parcel. So we changed the use from permitted to a conditional one.”

MAYOR
NICHOLSON

“Okay. Do we have anyone here to speak in favor of the ordinance change? Anyone opposing? Alright seeing and hearing none, we will close the public hearing.

The Planning Commission did recommend approval of this request. Do I have a motion?”

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

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

Motion passed unanimously.

- attach -

“That will close the public hearing part of our meeting. Now, we’re moving into the regular business part of our meeting.”

CONSIDER

An Ordinance No. 05-013 Amending the City of Greenwood’s Official Zoning Map (Ordinance No. 04-020) by Rezoning Property (Approximately 4.2 Acres) Located at 903 Sweetwater Road, from R1 (Single-Family Residential) to GC (General Commercial).

(2nd reading)

Under unfinished business, Mayor Nicholson recognized the City Manager.

STEVEN BROWN

“Mr. Mayor, at last month’s meeting, you approved this ordinance on first reading. You also included the GLEAMNS daycare center, owned by an entity called, ‘QC Investors’ from Louisville, North Carolina, and the property owned by Mr. Scott Shirley. If you pass second reading, not only would you be rezoning Mr. Lance’s property, but you would also be rezoning the two additional properties.”

MAYOR
NICHOLSON

“Okay. Do I have a motion?”

Motion to approve the ordinance was made by Niki Hutto, seconded by Barbara Turnburke.

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

Motion passed unanimously.

- attach -

CONSIDER

Ordinance No. 05-014 Amending the City of Greenwood’s Official Zoning Map (Ordinance No. 04-020) b

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

Rezoning Property
(Approximately
15.5 Acres)
Located at Trakas
Avenue and
Masters Court
from R4
(Residential -
Medium Density)
to R7 (Residential
- High Density).

(2nd reading)

STEVEN
BROWN

“Mr. Mayor, City Council had a public hearing at last month’s meeting and passed first reading on this ordinance, which permits duplexes. A large number of parcels on Trakas Avenue are being used as duplexes. There are some single family residences on the front end, but the vast majority are duplexes. There are some remaining vacant property that contractors would like to develop into possible duplexes. This zoning, recommended by the Planning Commission, will allow that use to make this change.”

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 of raise your right hand. So moved.”

Motion passed unanimously.

- attach -

CONSIDER

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

Ordinance No. 05-021 Annexing Northside Baptist Church, 17.79 Acres, Located on 409 Northside Drive.

(1st reading)

STEVEN BROWN

“Mr. Mayor, we have received a petition, from the trustees of Northside Baptist Church, asking for annexation of all of their property. We were concerned about our ability to provide adequate fire protection. However, the last two buildings built on this property were completed with sprinkler systems, which provides an added degree of fire protection. The new sanctuary that will be built will also have a sprinkler system.

To be honest and up front with City Council, the Commissioners of Public Works would very much like to have this in the City. This is an opportunity for them to increase their customer base by adding Northside as an electrical customer. To satisfy our concerns, we have spoken with the Commissioners of Public Works and their staff about specific fire fighting concerns. We believe additional fire hydrants should be installed on this property, and Northside agreed to do so. Because of their agreement, we would recommend that you consider annexing this property. We’re contiguous with the property. Naturally, there are no City taxes paid by churches. The only revenue source would be commercial sanitation from the church.”

MAYOR
NICHOLSON

“Okay. Do I have a motion?”

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

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

Motion passed unanimously

- attach -

CONSIDER

Ordinance No. 05-022 Amending Ordinance No. 04-037, To Levy Tax for the City of Greenwood for 2005.

(1st reading)

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

STEVEN BROWN

“Mr. Mayor, when City Council adopted the 2005 budget in December 2004, there were some discussions among Council concerning the possibility of increasing the millage, if the need arose. There are a number of events that have negatively affected our bottom line. The cost of fuel, both diesel and gasoline, has affected us the most. There is no way that we will be able to live within our budget.

The State General Assembly, as they often do on an annual basis, added more costs to our bottom line. Effective July 1 of this year, they’ve increased the percentage of retirement that must be contributed on behalf of our employees. We’ve seen increases in our Property and Casualty Insurance, and Worker’s Compensation premiums. City Council has taken some

measures to bring some consistency to the health insurance situation, but we really don't know how that will turn out until 12 months from now.

The other critical factor is that for the last four to six years, we have used some of our reserve funds to balance the budget. You have \$1 million in this year's budget. If you continue to spend money from the fund balance, then our cash flow is going to reach a very critical level.

I would remind City Council that a city mill generates approximately \$35,000 in tax revenue. You considered at your work session the possibility of increasing the millage rate. If Council intends to change the millage rate, you need to do it now so the County can mail out the tax notices."

MAYOR
NICHOLSON

"Okay. Do I have a motion?"

Motion to increase City taxes 5 mills 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

Ordinance No. 05-023 Amending Ordinance No. 04-038, Making Provision for Tax Anticipation Borrowing by the City of Greenwood.

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

(1st reading)

STEVEN BROWN

“Mr. Mayor, changing your millage rate will also change some numbers in our tax anticipation borrowing ordinance. Since you have taken first reading on the millage, we need to change the numbers in that ordinance also. It does nothing but bring us into accord with your previous action.”

MAYOR
NICHOLSON

“Okay. Do I have a motion?”

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

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

Motion passed unanimously.

- attach -

CONSIDER

Resolution No. 05-
004 Authorizing the
City Manager and
the Finance
Director to Sign a
Two (2) Year

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

Extension of
Greene Company's
Auditing Services
Contract.

STEVEN BROWN

"Mr. Mayor and Council, Greene and Company has been auditing the City for a number of years. We are in the process, as we speak, of implementing a new financial accounting software package. Our staff is doing a commendable job, and we feel the software is going to have a very positive impact on our future ability to provide quality accounting services for the City.

It's my recommendation, and the Finance Director agrees, that changing auditors and financial accounting software in the same year would be an awesome task. We're asking for City Council's permission to extend Greene and Company's auditing services contract for two additional years. The contract fee will be increased approximately five percent each year. We ask City Council to authorize this extension."

MAYOR
NICHOLSON

"Okay. Do I have a motion?"

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

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

Motion passed unanimously.

CONSIDER

Resolution No. 05-005 Appointing a City Attorney and City Prosecutor and Adopting Duties and Compensation for Each Position.

Mayor Nicholson said, "Since our June 20th meeting, our City Attorney, Mr. John McCravy, has submitted a letter of resignation. John has served as our City Attorney since November of 1995. On behalf of the citizens and staff of the City of Greenwood, John, we thank you for your many years of service, and wish you well in your new endeavors. Do you have any remarks?"

JOHN MCCRAVY

"Thank you, Mayor. Yes, I do. I just want to thank you, City Council, for the opportunity to serve the citizens of Greenwood during these years. Greenwood is a special place to me, and I know it is to you, too. I graduated from Greenwood High School in 1976, and I remember 'Coach Nick' that did a good job there. I went on to Clemson, graduated from the USC School of Law, and worked as a staff attorney at the Supreme Court for two years.

About that time, I had the opportunity to do several things. I had an offer to work with the House Judiciary in Columbia, or go to Washington, DC, to serve in the Senate with Strom Thurmond's staff. However, I chose Greenwood, South Carolina. It wasn't the most economically motivated decision, but I felt that Greenwood was a good place to raise a family. I still feel that way. Thanks to you, and Council Members in the past, Greenwood has remained a good place to raise a family.

I remember some of the previous Council Members I served with, such as Reverend Reeder and Julian Garrett, and a lot of other Council Members that have come and gone in that time. I hold each of you in that same category. The one thing I felt they had in common with you was that they always put the citizens of the City of Greenwood first in their decisions, and I appreciated that. I hope that I've always put the interests of the City first, in my time. I'll just challenge the next City Attorney to do the same thing; put those citizens and you first in his dealings. Thank you."

MAYOR
NICHOLSON

"Thank you, John. We wish you, your family and practice much luck."

Former City Attorney, John McCravy, leaves the meeting. Mayor Nicholson then read the fifth item and recognized the City Manager.

STEVEN BROWN

“Mr. Mayor and City Council, we have been discussing the City Prosecutor’s position for a number of months. At one time, we were considering contracting with Solicitor Peace for these services. For a number of years, we have been using the Welch Law Firm to provide those duties.

In light of Mr. McCravy’s resignation, you have a proposal from Mr. Stephen Welch to provide City Attorney and Prosecutor services to the City for a fixed rate of \$4,000 a month. I have drafted a resolution describing the duties of the City Attorney, and the services for which he will be paid the \$4,000. I’ve also included, since it is a new combined position, the duties and services of a City Prosecutor.

There are two things I need to explain about this resolution. One is, the City Attorney does not have to be at each meeting, unless he is requested to do so. However, he is required to be here a minimum of once a quarter. Secondly, the only activities for which this agreement would allow him to additionally bill us would be for litigation, in which the City is either the plaintiff or defendant. Other than that, the fixed rate will cover all of his duties and activities.”

MAYOR
NICHOLSON

“Okay. Do I have a motion that we adopt the resolution?”

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

“Any questions or discussion? All in favor raise your right hand? So moved.”

Motion passed unanimously.

REPORTS

Community
Development
Socio-Economic
Analysis and Real
Estate Market
Study - F. A.
Johnson Consulting
Group.

There was a brief recess from 6:35 - 6:44 p.m. for the F. A. Johnson Consulting Group to set up for their presentation.

Mayor Nicholson then recognized Fred A. Johnson Sr., and Fred. A. Johnson, Jr.

There was a presentation on the Community Development Socio-Economic Analysis and Real Estate Market Study.

F. A. JOHNSON,
SR.

“Are there any questions or comments? We’ll be happy to come back at a work session, or any other time. May I say that we have had a wonderful time working with you, and will continue to work with the staff. I had one meeting with the City Manager and Ruth LaForge from COG, Upper Savannah.”

FRED JOHNSON,
JR.

“As well as the GIS folks, who helped us translate these layers.”

MAYOR
NICHOLSON

“F. A., we are going to take a little time to digest all this information and later invite you to come back and go over some things.”

LINDA
EDWARDS

“Yeah, because I got plenty of questions.”

MAYOR
NICHOLSON

“We can just devote a later work session on your presentation.”

STEVEN BROWN

“Mr. Mayor, may I speak to Council? You have just heard a different approach. The only thing that I would caution you about is, along with the houses come other demands. When you build the catalyst developments, people are going to ask: ‘What type of amenities are you going to provide?’ ‘Are you going to have neighborhood parks?’

‘Are you going to improve streets and sidewalks?’ ‘Is the water pressure adequate?’ While I think we ought to be considering this, you must realize that we will need to infuse additional revenue into these neighborhoods to sustain this effort, or it’s a band-aid approach and will not be sustained over a long period of time.

If you really want to make a difference in neighborhoods, consider a assigning neighborhood coordinators in the communities. That is the reason people moved into the neighborhoods when they were very viable and thriving communities. They had all of these amenities, such as their own parks, and a lot of close-knit associations.

I think this presentation goes back to where we once were. The City will need to have people working in these neighborhoods to create the relationships that are an absolute requirement for change. You can’t leave it up to developers and people from the outside, but it must come from the residents.”

MAYOR
NICHOLSON

“Inside out.”

NIKI HUTTO

“Well, I think a lot of these neighborhoods haven’t lost their identity, but the residents are no longer cherishing their identity.”

STEVEN BROWN

“One of the comments and/or recommendations made emphasized maintaining the character of the neighborhoods. What’s been done on Wright Street is not bad, but it’s not in character with what’s down there. I believe City Council would do well to visit other communities.”

MAYOR
NICHOLSON

“Okay, F. A., we appreciate everything.”

FRED JOHNSON,
JR.

“Thank you sir.”

CITY COUNCIL
COMMENTS

Mayor Nicholson asked for any comments from City Council Members.

NIKI HUTTO

“Charlie did a great job. The Festival of Discovery was very good.”

MAYOR
NICHOLSON

“Charlie, Steve and the entire staff, we just want to commend you all with the Festival of Discovery. I think it was a big success, because all the hotels were full. The activities on Friday and Saturday were very good. I also appreciated the phone calls y’all made to delay the rain, because that was a big help.

I would like to thank each one of you for your prayers, thoughts, and condolences in the illness and passing of my brother. Your prayers were really appreciated. I just wanted to say thank you, and I will forever remember you.”

CITY MANAGER
COMMENTS

Mayor Nicholson read the last item and recognized Ruth LaForge.

RUTH LAFORGE

“I just wanted to bring something to your attention. Are you going to have another work session, or Council Meeting, before August 17th?”

MAYOR
NICHOLSON

“We have a work session.”

RUTH LAFORGE

“Alright. A letter of intent, if we’re going to apply for a community development project, is due by August 17th. We need to have some direction, if we’re going to apply. The one of two cycles that we’re eligible for right now is standard housing rehab. I’m not sure if we’re anywhere close to doing anything other than the standard housing rehab in this short of notice.

I think we have a lot of good information, but it may be something we need to prioritize. I don’t think we can get a developer to have anything put together in that short period of time. So, if we’re going to look at a housing rehab project, y’all must have a public hearing between now and the 17th to get a general needs assessment. We have to state by August 17th where we’re gonna go and

how much we want to apply for, so we're gonna need some input.

The City is also eligible to apply for another category of downtown revitalization. So, because the City is considered low-to-moderate, we can do things that are typically done downtown. The stuff they like the best are public improvements, whether it's sidewalks, lighting, signage, drainage, and stuff that support the downtown and increase the potential of economic development."

NIKI HUTTO

"So exactly, what defines downtown?"

RUTH LAFORGE

"Well, they're looking for something with a master plan with some sort of phasing. We're talking about \$250,000 with a 10% match for something that is so far along, this would be the next logical step that you want to include."

CHARLES
BARRINEAU

"The staff is probably thinking about the infrastructure in the realm of the Emerald Triangle."

RUTH LAFORGE

"Yes. There are about \$2 to \$2½ million available statewide. That's 2½ million for housing at \$500,000 a piece, as your max grant, with a five percent match. We can use the program's returned income as a match, so it shouldn't hurt you, as far as General Funds.

We have six projects and are counting Greenwood in the housing program that will use all the State money, because we're real competitive. We've gone door-to-door inspecting and over-surveying the houses in three other areas. What I'm saying is, I don't want to end up waiting so long until we don't do a good job and lose the grant. We need some input as soon as possible."

MAYOR
NICHOLSON

"Could we put that on the agenda for work session on August 1st?"

NIKI HUTTO

"So a letter of intent, regarding the survey area, has to be done by August 17th?"

RUTH LAFORGE

"We'd like to start the survey as soon as the possible. We're already tied up this next week in Johnston, but would have the first part completed toward the end of the month. By the first of the month, we'll be ready to go. I don't know if you need time to go through any of this

stuff, or have any questions, that we could discuss.”

CHARLES
BARRINEAU

“Would it help to meet individually?”

RUTH LAFORGE

“Some of the things he was talking about, such as obsolescence, would not be eligible in small cities. You got to remember that he’s coming from a big city point of view, where you can do a lot more with your money. Right now, we can’t add a bathroom, unless you’re in a substandard house or in a neighborhood where I could do some cosmetics. But going in and adding a bathroom, or updating the kitchen, can’t be done under the current program, unless it’s substandard. Now things could change, but we’re still looking for a comprehensive neighborhood where the houses are down one or a couple of streets. We can do repairs, replacement, build new stuff, tear a house down (if it’s too costly to fix), and sidewalks like what we did in Grendel.”

MAYOR
NICHOLSON

“But we’re basically looking for homeowners, right?”

RUTH LAFORGE

“Well, we can’t not do them. There are some new rental rules that, if you have more than one rental property, they would have to put a 10% cash match up front. If you have more than one property, the fee goes up to a 50% match, but nobody’s going to put 50% cash up front to do these things. It’ll be better to have less rental, or at least a single rental; not somebody that owns three to five houses.”

NIKI HUTTO

“Do we have any target areas that even qualify for that without many renters?”

RUTH LAFORGE

“Well, we need to go door-to-door. What we hoped to get out of the study was maybe a list of neighborhoods to look at. The only one we got out of this right now is the South Florida area. We must go door-to-door to see if each house individually qualify on an income basis. Even though you can probably tell by looking at them that they’re going to qualify, we must have an individual survey on each house. We’re kind of back to where we were the last time, when we applied for just one area. If there are other areas that you want us to consider, we need to hash it out, and go forward.”

MAYOR
NICHOLSON

“If anybody have any particular areas, get in touch with Charlie and he can contact Ruth.”

RUTH LAFORGE

“So will we have something by the work session?”

MAYOR
NICHOLSON

“If y’all have a particular area, get in touch with Charlie.”

CHARLES
BARRINEAU

“I know you haven’t had any time to dissolve any of this. We had hoped not to throw this at you at the time of the grant.”

MAYOR
NICHOLSON

“Is there any particular area, in your ward, you would want him to look at?”

JOHNNY
WILLIAMS

“There is still that area on Oak and Maxwell Avenue that needs some more work. I think it’s more rental property now than there are homeowners.”

LINDA EDWARDS

“Well, I know one house on Greene Street, but I don’t know how many more of them.”

CHARLES
BARRINEAU

“I personally don’t disagree with the recommendation in his report, but it will take a lot more studying and understanding. In some of that area, they’re recommending demolition and acquisition. Those steps are going to require a lot more than a quick decision, based on this grant.”

NIKI HUTTO

“Greene Street definitely needs work.”

LINDA EDWARDS

“I know the people that rent these properties. Talk to them.”

RUTH LAFORGE

“Well, if it’s rental property, they must agree to put 10% cash up front and, the way we got it set up now, it’s a half loan - half grant, and the balance after that.”

LINDA EDWARDS

“Now those were some of my concerns. How do these communities fit in? Now, I hear about Mathews on this end and Grendel over on this end, but then there is all this open property in the City that needs some major work, and I don’t see any of that tying into any of this. I’m gonna read my report, and maybe by then I can figure it out. However, looking at it right now, I did not see my

ward in any of those clusters. Because most of this is rental property, how is fixing this area over here going to make an impact on this area over there, if it's not included to start with? But I'll read the report and write my questions down."

MAYOR
NICHOLSON

"Alright. Get in touch with Charlie, and he will get it touch with you, Ruth. (The)Meeting is adjourned."

Meeting adjourned at 7:38p.m.

Floyd Nicholson, Mayor

ATTEST:

City Clerk and Treasurer