

GREENWOOD CITY COUNCIL

October 17, 2005 - 5:35 p.m.

MINUTES

PRESENT Council Members: Mayor Nicholson, Niki Hutto, Linda Edwards, Betty Boles, Herbert Vaughn, Johnny Williams, and Barbara Turnburke; City Manager; Assistant City Manager; City Clerk; City Attorney; and Vic MacDonald from the Index-Journal.

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

The Mayor then gave the invocation.

STATEMENT AND QUORUM Mayor Nicholson read the following statement, "In accordance with the Freedom of Information Act, Chapter 4, Title 30, Code of Laws of South Carolina, 1976, an agenda has been posted on the front door of City Hall and notification of this meeting has been given to the news media."

The Mayor then asked the City Clerk, Steffanie Dorn, if a quorum was present. She said, "Yes, Mr. Mayor, we have a quorum present."

APPROVAL OF CONSENT AGENDA Mayor Nicholson asked for a motion to approve the consent agenda.

Motion to approve the consent agenda was made by Johnny Williams, seconded by Herbert Vaughn.

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

Motion passed unanimously.

RECOGNIZE Under public appearances, Mayor Nicholson said, "We have three individuals that would like to make statements.
Mr. Doug Collins

Please say your name and address for the record, and try to limit your comments to not more than four or five minutes."

The Mayor then recognized Mr. Doug Collins.

DOUG COLLINS

"My name is Doug Collins, and I live at 120 Edinborough Circle in Greenwood. Mr. Mayor and City Council, thank you very much for this opportunity to once again speak to you about the rezoning of the Nguyen property on Center Street. Since we last met on September 19th, we have some additional, very important information that we would like to share with you.

First of all, please let me share a letter that is from the company that manages Pine Tree Apartments. I will hand each of you a copy as well."

Mr. Collins distributed and read the letter from the manager of Pine Tree Apartments.

- attach -

"You know, I was really pleased at the work session that I attended. In that meeting, the City Council was addressing their concern for traffic and the safety of children that live in the Northlake Subdivision. What I'd like to do now is speak specifically to the issue of traffic on Center Street. I'm gonna give each of you a copy of a report that was received from the highway patrol."

Mr. Collins distributed the Highway Patrol report.

- attach -

"I've highlighted several things on the report for the benefit of our meeting this evening. You can see in the upper right hand corner that we added up the number of collisions. In the last four years on the stretch of road that involves Center Street, from Mathis Road to Lake View Elementary, there have been 55 car accidents in the last four years.

There has been one fatality which happened across the street from Pine Tree Apartments at the elementary school. As you can see on the left side of the chart, 84.4% of those accidents have occurred from the time of 6 a.m. in the morning until 6 p.m. in the evening. Now, you should also consider the extended hours of Lakeview Elementary, whether if they're after school activities, parent and teacher meetings, or students arriving early in the morning. Again, you can see that 84% of the 55 collisions have happened during the time of 6 a.m. in the morning to 6 p.m. at night. Down below that, you'll see that the primary reason for these accidents have been too fast for conditions and no right-of-way. As you know, Center Street is a very narrow, two lane road, but it is rumored that the D.O.T. plans to make some improvements. Of course we all know what happens with good intentions, budgets, plans and the reality of when projects actually get approved and implemented.

Currently, the Nguyen property is operating as a beauty salon and it is allowed to do so under the current residential zoning. We have no problem with that because it does allow a home based business. However, the OPI zoning would allow Nguyen to hire more employees and expand into a day spa causing more traffic in the future. We are concerned about that, as you can see, based on the number of accidents that are already in this given area.

We believe the rezoning of this property that is close to the elementary school will greatly impact the traffic, children and families of Lakeview Elementary. I would like to add that, at Regency Park, we also have families whose children go to Lakeview Elementary. This is a concern that's near and dear to our hearts, as well as to the parents in Pinetree.

The first school sign indicating that we're entering the school zone occurs on this piece of property, just beyond the entrance to Regency Park right here (pointing). So, as you can see, this piece of property that we're talking about is clearly within the given area of the school zone. We got this blind curve and Pinetree Apartments here (pointing).

As we spoke to you at our last meeting, Ms. Hazel Simmons has signed a petition against the rezoning of this property that is contiguous to her. The residents of Regency Park and Greenpointe signed petitions as well. We now have before you tonight, a letter from the folks that live in this community here as well (pointing).

I guess the bottom line for us is we are concerned that the rezoning of OPI would cause problems. City Managers in all communities do eventually retire, and City Councils do change the makeup over periods of time. We don't know if you can guarantee to us in the future that, if this property is zoned OPI, somebody else would not utilize this property for another use other than what they have requested.

In summary, the long range comprehensive plan calls for this land to stay residential. The Planning Staff had recommended against the rezoning, and the Planning Commission turned down the request. With the letter you have from Pinetree and the petitions that we've given you before, you now have over 200 adjacent residents and all the contiguous land owners opposed to the rezoning.

Finally, we believe that it is not in the best interest of the children that attend Lakeview Elementary for this rezoning to go through. We ask you, as our elected representatives, to please vote against this rezoning. Thank you for your consideration."

MAYOR NICHOLSON

"Okay. Thank you Mr. Collins."

RECOGNIZE

Mayor Nicholson recognized Mr. Pat Webb.

Mr. Pat Webb

PAT WEBB

"Thank you, Mr. Mayor. My name is Pat Webb with the Webb Company, a commercial real estate development company in Greenwood. Members of City Council, we appreciate your review and diligent work that you had attending this rezoning issue.

I have to reflect a little bit when Mr. Collins talks about traffic. I don't think there was a problem with traffic when he brought in 150 apartments to this particular piece of property when we already had the business in hand.

We feel the rezoning to OPI creates a smaller density than R10, as far as traffic, because R10 is multi-family and you can put a lot of folks in that particular area. So we don't feel there is a traffic issue, with Wal-Mart and other restaurants already in place. This particular piece of property we're talking about has no effect to a traffic count within that area. I would say Pinetree and Regency will have a lot more effect on traffic than this small piece of property.

Again, we do thank you for your time and review. We ask that you vote favorably for this rezoning. I think Greenwood, South Carolina, has a quality of living, and Ms. Nguyen creates a quality of living for industry and new families coming in to this area. That's what we're trying to create at this particular property. Again, we thank you very much."

RECOGNIZE

Mayor Nicholson recognized Mr. Ray Gambrell.

Mr. Ray
Gambrell

RAY GAMBRELL

"I'm Ray Gambrell and I live at that property on 709 Center Street. I would like to reiterate that we will not have a traffic jam going in and out of our salon because there will never be that many people on an hourly basis. If we had eight people working, there would only be eight cars per hour.

We'd like to tell you that all the directions to our location would be from the Bypass before you get to the school. Customers would already be turning into the salon right at the sign. They wouldn't ever go past the school, unless they're coming the other way, and that's not the directions we give. I would think that most of our clientele would come from the Bypass.

Another thing was, I spoke to Ms. Simmons and she was under the assumption, as of a lot of people before the last meeting, that we could become an ABC store. We're not applying to become anything like that. We only want to be OPI for the ability to operate our business. We have no intention of getting into General Commercial, which was read at the last meeting. So I would like to thank you for

the opportunity to speak. Thanks."

MAYOR NICHOLSON

"Okay. Thank you, Mr. Gambrell."

CONSIDER

Ordinance No.
05-030 Annexing
a 10' Strip of
Property Owned
by St. Kitts
Townhouses
Homeowners
Association.

Under public hearings, Mayor Nicholson said, "The format that we employ at the public hearings is, if there is anyone here to speak, we ask that you come to the podium, state your name and address for the record and try to limit your comments to not more than four or five minutes."

The Mayor then read the first item and said, "If you look on the map, you can see the location of this property. Is there anyone here 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 this 10' strip of property owned by St. Kitts Townhouses.

Now, we will move into action by Council. Do I have a motion for the annexation of this strip?"

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

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

Motion passed unanimously.

- attach -

CONSIDER

Ordinance No.
05-031 Annexing
20.92 Acres off
Northside Drive
Owned by
Invesco LLC.

Mayor Nicholson read the second item and asked, "Is there anyone here to speak in favor of this annexation? Is there anyone opposing? Okay. Seeing and hearing none, we will close the public hearing.

Now, we will move into action by Council. Do I have a motion that we annex this property?"

A motion was made by Niki Hutto, seconded by Betty

Boles.

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

Motion passed unanimously.

- attach -

CONSIDER

Ordinance No. 05-024 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning Property at 709 Center Street from R10 (Residential High Density) to OPI (Office/Professional/Institutional).

(2nd reading)

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

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

"Is there any discussion? All in favor of rezoning the property raise your right hand. All opposed? So moved. Alright, 6-0. Ms. Hutto abstained from voting because she has a personal interest. That's second reading, so the property is rezoned."

Those who voted in favor of the zoning change were Mayor Nicholson, Linda Edwards, Betty Boles, Herbert Vaughn, Johnny Williams, and Barbara Turnburke.

Niki Hutto abstained due to a personal interest in the property.

Motion passed.

(attach)

CONSIDER

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

An Ordinance
No. 05-028
Amending the
City of
Greenwood's
Official Zoning
Map (Ordinance
No. 04-020) by
Rezoning
Property
(Approximately
0.36 Acres)
Located at
Sloan Avenue,
Laurens Street,
and Epting
Avenue from R4
(Residential
Medium Density)
to GC (General
Commercial)

(2nd reading)

STEVEN BROWN

"Mr. Mayor and City Council, at last month's meeting, you asked the developer to provide the city staff with a conceptual drawing of the proposed development. Yates Johnson, Attorney Kenny Poston and Attorney Payne are here to provide you with information. We do not have a conceptual drawing of the development at the corner.

I would request that you postpone any action on the rezoning. Last month, you voted to close the road. Because of a time problem, I ask that you allow me to begin a process of contacting the SCDOT, realizing that the process can be stopped at any time. If we do not begin now, then we're probably going to delay the proposed construction starting date.

So, my request is two fold. One is to postpone any action on the rezoning. The second is to allow me to begin making contacts with SCDOT about closing the road, knowing that you want the right to

withdraw that approval at any time. I would defer to either the attorney or Mr. Johnson if they would like to change, or challenge my recommendation to you."

MAYOR NICHOLSON

"Alright. Mr. Johnson or Mr. Poston, do you have any objections?"

KENNY POSTON

"Not if you keep me posted. I represent Mr. Johnson and everything that Mr. Brown said is what we'd like to see tonight."

MAYOR NICHOLSON

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

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

MAYOR NICHOLSON

"Kenny, do have another statement?"

KENNY POSTON

"The real problem that we're dealing with right now is that the developer and the eventual tenant of the property are trying to fit the building in that small space. With the setbacks in the zoning ordinance, they've have a challenge. Mr. Travis Payne is the attorney for the developer. Is there anything else to say, Travis?"

TRAVIS PAYNE

"I'm Travis Payne from Augusta, and I represent the developer. I just want to let you know that we're very sensitive to the setback requirements. We've pushed this building around to get the impervious ratio just right, so that we didn't have to ask for any variances. In the process of getting the building within a non-variance state for presentation to the tenant, it just doesn't fit their game plans.

They're considering adjusting it to a different size, or shape, building. The process is just taking a long time because we're very sensitive to your variances. We're working hard at it, and we'll eventually work it out. We also have no problem referring to the zoning issue."

MAYOR NICHOLSON

"Alright. Is there any further discussion? All in favor to postpone until the plans are received and approved by Council, raise your right hand. So moved."

Motion passed unanimously.

CONSIDER

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

Ordinance No.
05-032 Annexing
Four (4)
Parcels of
Property Owned
by Connie
Maxwell
Childrens Home
Located off
Lowell and
Maxwell
Avenues.

(1st reading)

STEVEN BROWN

"Mr. Mayor and City Council, we have been approached by the Connie Maxwell Childrens Home officials. They have recently purchased four (4) parcels of property and are requesting the properties to be annexed into the City. I will be glad to answer any questions that City Council may have."

LINDA EDWARDS

"On Lowell Avenue?"

STEVEN BROWN

"There are two on Lowell and one on that larger tract."

NIKI HUTTO

"There used to be goats, donkeys and all sorts of things around there too."

BARBARA
TURNBURKE

"Yes. Is that still there?"

NIKI HUTTO

"The house is still there, but the goats and donkeys aren't."

BARBARA
TURNBURKE

"Okay. That's what I remembered. That's why I was wondering if it was okay. I had an issue with livestock before."

STEVEN BROWN

"For the purposes of providing law enforcement, fire protection, and things of that nature, I would strongly recommend that you keep all of their properties inside of the City."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

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

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

Motion passed unanimously.

- attach -

CITY COUNCIL
COMMENTS

Mayor Nicholson asked if there were any comments from City Council.

BETTY BOLES

"The only thing I would like to comment on is, while listening to the concerns voiced in regard to the rezoning of the property on Center Street, I didn't feel rezoning that little dwelling would increase the traffic. If he had more residents to move in, it would be just as much traffic. If for some reason, they decide to sell the property, Mr. Collins can purchase it and prohibit the property from becoming anything that he would not like for it to be."

LINDA EDWARDS

"I have a comment on the rezoning. If you look at this last piece of paper he gave us from the South Carolina Highway Patrol, there is school and work traffic from 6 (a.m.) to 6 (p.m.). I don't see it as beauty salon traffic. Pinetree has its own traffic problems that have nothing to do with the beauty salon.

It's just amazing how some people can get the direct information they want from the Highway Patrol. When we ask for them to consider serious locations that need some enhancement, we can't get it. I wonder if we could get information this fast from the Highway Patrol if we ask them to monitor some places where they need to correct some traffic problems. Believe me, I took a tour myself the other day. I rode up and around Center Street to check the traffic. It just amazes me how at times,

when you really need this kind of information, you can get your hands on it right then."

JOHNNY WILLIAMS

"I would like to say that they would love to create a traffic problem because then they would be doing a lot of business. I just don't think they're going to create a traffic problem no more than four or five apartments would."

BETTY BOLES

"Well, that's it. It's over."

JOHNNY WILLIAMS

"I would imagine they would love to see a traffic problem, but I don't see it."

LINDA EDWARDS

"Well, I've yet to go to a beauty salon that creates a traffic problem."

MAYOR NICHOLSON

"Me too."

CITY MANAGER
COMMENTS

Mayor Nicholson recognized the City Manager.

STEVEN BROWN

"Mr. Mayor, I did not know that I would have this information but, as of 10:30 this morning, I have received some additional information on a contractual matter that you have been dealing with. I don't think it would take very long for me to share that additional information, if you're willing to go into Executive Session to discuss the aspect of that contractual matter."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

Motion to adjourn the City Council meeting and enter into Executive Session was made by Johnny Williams, seconded by Linda Edwards.

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

Motion passed unanimously.

Meeting adjourned at 6:07p.m.

Floyd Nicholson, Mayor

ATTEST:

City Clerk and Treasurer