

GREENWOOD CITY COUNCIL

August 16, 2004 - 6:23 p.m.

MINUTES

PRESENT

Mayor Nicholson; Council Members: Niki Hutto, Linda Edwards, 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.

ABSENT

Betty Boles

MINUTES

Mayor Nicholson asked for a motion to approve the minutes of the City Council Public Hearing and Meeting on July 19, 2004.

Motion was made by Linda Edwards, seconded by Niki Hutto, approving the minutes as presented.

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

Motion was carried unanimously.

REPORTS

Mayor Nicholson asked for a motion to accept as information the reports from the City Manager for July 2004, and the Commissioners of Public Works Consolidated Financial Report for the period ending June 30, 2004.

Motion to accept the reports as information was made by Johnny Williams, seconded by Herbert Vaughn.

The Mayor asked, "Any discussion or questions? All in favor raise your right hand. So moved."

Motion passed unanimously.

CONSIDER

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

O r d i n a n c e
Amending City
of Greenwood
C o d e o f
Ordinances,
Chapter 34,
A l c o h o l i c
B e v e r a g e s ,
Section 3-4,
Consumption or
Possession of
Open Container
- Streets,
Parks, Etc.

(1st reading)

STEVEN BROWN

"Mr. Mayor and City Council, this is the original ordinance that was proposed to you by some of the business people around town which would allow the consumption of alcohol, specifically beer and wine, at public events in the Great Greenwood Square. Whether it be the Festival of Flowers, the Festival of Discovery, or any Live After Five event, it would allow, under a permit, certain persons to sell beer and wine at those events. This was postponed by City Council at previous meetings. At your direction, I placed it back on the agenda for action by you tonight."

Motion to deny the Ordinance was made by Johnny Williams, seconded by Niki Hutto.

MAYOR NICHOLSON

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

Motion passed unanimously.

CONSIDER

Mayor Nicholson read the second item and asked for a motion.

An Ordinance
Permitting
Outdoor Cafes
within the
Great Greenwood
Square.

(2nd reading)

JOHNNY WILLIAMS

"Mr. Mayor, I've got no objection to a café being on the outside, but I've got objection to alcohol being sold on the outside. If we could take the alcohol and wine beverages out, I'll make a motion that we pass it that way. I won't vote for the alcohol."

MAYOR NICHOLSON

"Okay. You're saying to amend the present ordinance that we have where you can have the outdoor cafés, but no alcoholic beverages to be served outside?"

JOHNNY WILLIAMS

"Yes, sir."

Motion to approve ordinance without serving alcohol was made by Johnny Williams, seconded by Linda Edwards.

MAYOR NICHOLSON

"Is there any discussion? Mr. Brown, you have a comment?"

STEVEN BROWN

"I just want to make sure what Council is voting on. If I look at the ordinance, it would be the ordinance as written eliminating Section Number 7 (1)."

JOHNNY WILLIAMS

"That you can't serve alcohol."

STEVEN BROWN

"You can not serve alcohol."

NIKI HUTTO

"But they can serve food?"

MAYOR NICHOLSON

"Food, but no alcoholic beverages."

STEVEN BROWN

"It just says that they must have permits if they

do serve it."

MAYOR NICHOLSON

"But in order to serve food, they would need to have the permits?"

STEVEN BROWN

"They already have their ABC permits for inside. This would not allow it on the sidewalks."

MAYOR NICHOLSON

"Right."

NIKI HUTTO

"But they would have to get individual permits to serve food, yes?"

MAYOR NICHOLSON

"Outside."

STEVEN BROWN

"Yes, that's right. It'll still be required of them to get a permit to use the sidewalks for tables."

MAYOR NICHOLSON

"Is there any other discussion?"

LINDA EDWARDS

"Okay, so Mr. Williams is making a motion that we approve this ordinance with the deletion of..."

MAYOR NICHOLSON

"Alcohol and wine consumption. Everything else remains the same."

NIKI HUTTO

"So we're not voting on the ordinance as it is?"

MAYOR NICHOLSON

"This is to amend the present ordinance. Is there any other discussion about the amended motion that we have on the floor? All in favor raise your right hand. All opposed? Approved, four to two."

Linda Edwards, Herbert Vaughn, Johnny Williams, and Barbara Turnburke voted in favor to pass the ordinance with the amendment where you can have an outdoor café, but no alcoholic beverages served in the outdoor café. Mayor Nicholson and Niki Hutto voted against.

Motion passed.

CONSIDER

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

An Ordinance to
Amend the
Official Zoning
Maps of the
City of
Greenwood.

(2nd reading)

STEVEN BROWN

"Mr. Mayor and City Council, this is going to be a tedious process so bear with me. You have had first reading and a public hearing on adopting the new land use maps for the new zoning text. There have been some changes since your first reading, and I would like to point them out to you.

At East Cambridge Extension behind Triangle Hardware, the property in question is owned by Mr. Hines and his family. Under the old land use maps, the area that fronts Cambridge was commercial. He requested that we leave it as it was. The remaining part of his property is being changed from R-3 to R-4, and that front part would be general commercial.

Linwood Estates are smaller homes towards Five Points. Most of them have been there for a long period of time, and were annexed into the City six or seven years ago with the intention of building a subdivision in that area. It is now owned by Mr. Funderburk of Triangle Properties. We looked at the old zoning in this area, and originally recommended that it would be R-3. We feel that it should be R-4. The housing in that area are about four houses per acre, and we feel that's the way it should remain. We're recommending that East End Elementary School be changed from OPI to R-4.

The Grendel Mill Village originally was recommended a zoning of R-7, which means that there could be seven houses per acre. Looking at the density of the Grendel Mill Village, it's probably five or six per acre. We try to recommend zoning that was as similar to what is there. There was some concern by the Neighborhood Association that it would allow a proliferation of duplexes if we had it R-7. They

asked that we recommend you to change it from R-7 to R-4.

In talking with Planning Staff, they did not have a problem with it being changed to R-4.

You will also notice that not only did we change the actual housing there to R-4, we also changed the area around Grendel and West Grendel. We also picked up these residential sections up on Cambridge. The old mill site will now become R-4. The vacant property behind National Healthcare will also become R-4. That means, once the old mill is completely removed and someone wants to develop this property, unless it was rezoned, they would need to develop it under R-4 standards."

JOHNNY WILLIAMS

"Why is it that at Grendel, we can allow a few houses, when Mathews Mill Village and other places around town can put in as many as 11 houses on less than an acre?"

STEVEN BROWN

"Not 11 houses."

JOHNNY WILLIAMS

"Mr. Brown, on Mathis Road and Lee Street."

STEVEN BROWN

"Well, Mathis is not in Greenwood Mill Village."

JOHNNY WILLIAMS

"I've always counted it from Lee Street to the bottom of the hill on Hunter Street. How many houses are they putting down there?"

STEVEN BROWN

"I'll have to look on Hunter Street."

JOHNNY WILLIAMS

"Quite a few."

NIKI HUTTO

"But they were permitted before the new zoning maps too."

MAYOR NICHOLSON

"You're talking about Hunter Street across from the park?"

JOHNNY WILLIAMS

"Yes. They already have about five or six and they're gonna put eight to ten more."

LINDA EDWARDS

"Yeah, but you got to understand, we haven't done anything yet, and they're operating under the old zoning. This is for the new zoning coming up. That is why they're squeezing them in."

NIKI HUTTO

"Correct."

JOHNNY WILLIAMS

"Well, they're changing the appearance in Mathews."

STEVEN BROWN "Mr. Williams, that area there is R-4."

JOHNNY WILLIAMS "It's R-3. All Greenwood Mill Villages are R-3. It changed about 1990 something."

STEVEN BROWN "I'm talking the new ordinances being rezoned to R-4 which allows four houses per acre."

NIKI HUTTO "Which is the same as Grendel."

MAYOR NICHOLSON "Is there any other questions?"

STEVEN BROWN "I don't see anything in your area that allows 11 houses on an acre."

JOHNNY WILLIAMS "I understand now what they're putting on Lee and Lowell Streets. They're putting in 11 houses on that little stretch below Mr. Monaghan's house."

STEVEN BROWN "Let's go to Pelzer and Wilson. There are some existing apartments that we discussed at the work session. We originally recommended that to be R-7. At the request of the property owners we looked at that recommendation. They now have approximately 12 units per acre. They have requested that the zoning allow them to be able to rebuild it as they presently have it, if something happens to one of those units by fire or some other means of destruction. In talking with the staff, we feel they have significant area that we can recommend that it be rezoned to R-12.

Then the only other area is down off of Kirksey. We can take care of Kirksey Avenue and Greenwood Housing Authority at the same time. We had all this area zoned residential and, if you recall, this is where the telephone tower is (pointing). There is a garage being used by a plumbing company. Next door used to be a bread store, or something of that nature. This was commercial under the old land use maps, or the one that we're presently operating under. We're recommending that we put it back as it was. If we left it as residential, it would have been a nonconforming, and we didn't feel that was appropriate. Also, since you took second reading, the Housing Authority has purchased the old Foundry, which is located at Foundry Road and Highway 34. We felt we needed to move that to residential zoning. We talked with the Housing Authority people and they agreed on that.

The only other changes we made is at the intersection of Main and Cambridge. We had the Main Street Methodist Church as OPI (Office Professional Institutional), and we had the First Presbyterian Church as Residential. We felt both them need to be the same thing, so we changed it to where both churches are now OPI. The old Citizens Trust building was commercial and we have rezoned it to OPI, because it is now a part of the Main Street Methodist Church's property."

NIKI HUTTO "That light creamy color that's not white is R-1, right?"

STEVEN BROWN "That is R-1."

NIKI HUTTO "That's R-1, and the yellowy color is R-2?"

STEVEN BROWN "Right. I want City Council to know that we have done the best we possibly could to make sure that we have not overlooked something or made mistakes but I can't ensure you of that. We will tell you tonight, that if we discover something that is overlooked or omitted, we as a staff intend to take it to the Planning Commission as an administrative matter and ask the Planning Commission to act upon it. If we find something that is wrong and it's an omission on our part, we have a method by which we can correct it. If it is just someone not agreeing, then naturally, they would have to follow the proper procedure.

Mr. Mayor and Council, I think the Planning staff has done a wonderful job. I think the input from the public has been very beneficial. We would recommend to you that you take second reading and adopt these land use maps. Once you adopt these land use maps, the new zoning text would be effective."

MAYOR NICHOLSON "Okay. Do we have a motion that we adopt the zoning maps of the City of Greenwood?"

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

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

Motion passed unanimously.

- attach -

"We just want to commend Mr. Brown, Phil Lindler, and their staff for the excellent job. I know it's been a long process, but I think it's gonna be something good and beneficial for the entire community in the future. We just commend y'all for your great work."

CONSIDER

Mayor Nicholson read the fourth item and asked for a motion.

Ordinance to
Amend the Land
Development
Regulations for
the City of
Greenwood
Regulating the
Use of Flag Lots
in Greenwood
County.

(2nd reading)

JOHNNY WILLIAMS

"I still don't know what flag lots are."

STEVEN BROWN

"Mr. Williams, just for you we have a drawing of a flag lot. There are 11 houses on that flag lot."

MAYOR NICHOLSON

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

Motion was made by Johnny Williams seconded by Herbert Vaughn.

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

Motion passed unanimously

- attach -

CONSIDER

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

A Request by
Thomas Settles
to Rezone
Property Located
at 407 Maxwell
Avenue from R-5
(Multi-Family
Residential) to
I-1 (Light
Industrial).

(1st reading)

STEVEN BROWN

"Mr. Mayor and City Council, you have had a public hearing and discussed this. No action was taken at last month's meeting, however, in the work session, it was discussed as to how the new land use maps and the new zoning ordinance would apply to this request. In my opinion, if this request were to be made under the new zoning ordinance, it would be rezoned to LIW. The LIW zoning classification would allow Mr. Settles to use his property for the clothing store. It would not allow him to use it for a club, and that's been the major concern from the very beginning. It would limit to a great extent how that property could be used."

MAYOR NICHOLSON

"Okay. Y'all heard the request from Mr. Brown. On the agenda it says light industrial, but on the new plans it would be LIW. We have just passed the new zoning maps into effect. Am I correct?"

STEVEN BROWN

"Yes, sir. You may want to have another public hearing at the next meeting, re-advertise it in the neighborhood, and allow people to voice their opinion about the new zoning."

JOHNNY WILLIAMS

"So we're going to rezone it to LIW?"

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

LINDA EDWARDS

"You need to make a motion whether or not we're

going to go along with what the staff has recommended."

STEVEN BROWN

"Which is what you would have to do now since you passed the ordinance."

MAYOR NICHOLSON

"Any further discussion? All in favor, raise your right hand. So moved."

Motion passed unanimously.

- attach -

LINDA EDWARDS

"Mr. Brown, I have a request concerning this. In making the residents aware of the new zoning, is it possible that they can get a copy of what LIW is?"

STEVEN BROWN

"Yes, ma'am. We will make that available to them."

LINDA EDWARDS

"Okay."

MAYOR NICHOLSON

"I think anytime between now and then, they can come here and see it."

CONSIDER

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

An Ordinance
Establishing a
Policy and
Procedures
Governing the
Installation of
Speed Humps
within the City
of Greenwood.

(1st reading)

STEVEN BROWN

"Mr. Mayor, we have this on the agenda for first reading. You have discussed this ordinance two or three months in your work sessions. The staff still recommends the ordinance that is presented to you, although we're not necessarily recommending that you allow speed humps. We've had numbers of requests from the public to install them, and are

recommending that, if you're going to allow them, you have a set of standards by which they would be installed.

We think this is a good ordinance, because it allows input from the neighborhoods. It requires a petition to be circulated by either the person, or the groups of people, who are requesting the speed humps. They must secure at least 50% of the residents within the target area on that petition, bring it to us, and at that time the staff will circulate a vote by all of the residents within that target area. If we receive a positive vote of 75%, then we'll bring it back to you. It requires us to do a traffic count, a speed analysis, and a number of other items that will be considered in your final decision. It gives City Council the final authority to approve/disapprove after all of the data, facts, and petitions are presented to you. A speed hump is not a speed bump. It is more customer friendly, and that's what we recommend that you consider."

MAYOR NICHOLSON

"Okay. Do I have a motion that we consider it?"

Motion was made by Linda Edwards, seconded by Johnny Williams.

"Any further discussion? All in favor, raise your right hand. So moved."

Motion passed unanimously.

- attach -

STEVEN BROWN

"There will be a public hearing at the next meeting."

CONSIDER

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

Ordinance to
Annex 2.55
Acres, More or
Less, Owned by
Trinity Baptist
Church, Located
off Sweetwater
Road.

(2nd reading)

STEVEN BROWN

"I need you to look at the amendment of this ordinance. Mr. Mayor and Council, since this is being done after you have adopted the new land use maps, we're recommending to you that you also add the very last sentence of the last paragraph to this ordinance.

The City Manager then read the last sentence.

"I may point out to the Mayor and City council that you will see this language on any annexations you will be adopting in the future. Because of our land use maps are different from the County's, we will need to zone them in accordance with our maps."

MAYOR NICHOLSON

"Okay. Do I have a motion we annex the 2.55 acres of Trinity Baptist Church?"

Motion to was made by Johnny Williams, seconded by Linda Edwards.

"Any further discussion? All in favor, raise your right hand. So moved."

Motion passed unanimously.

(attach)

CONSIDER

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

A m e n d i n g
Ordinance 03-
010, Zoning
Ordinance,
Chapter 6,
Supplemental
Regulations,
Section 6.3.10-
2, A, B, Signs
Permitted in All
Residential
Districts.

(2nd reading)

STEVEN BROWN

"There are no changes in the ordinance."

MAYOR NICHOLSON

"Okay do I have a motion?"

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

"Any discussion? All in favor, 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.

O r d i n a n c e
Amending the
Greenwood City
Zoning Ordinance
by Rezoning
Property Located
at 303 Ellenburg
Avenue from RI-1
(Institutional)
to PDD (Planned
Development
District).

(1st reading)

STEVEN BROWN

"Mr. Mayor and City Council, I'm a little void of information. No one from the hospital has contacted me or divulged any information about this property. I know they had a public hearing at the Planning Commission, and I was not able to go. Phil might provide some information. I'm a little concerned that it's crossing over Spring Street and into the residential neighborhood. I know it's supposed to be additional parking, but I would certainly think that City Council would want to hear from a hospital staff member as to their plans."

MAYOR NICHOLSON

"I rode by there looking today. Why is that one little lot in there and there's a house on the upper and lower end?"

STEVEN BROWN

"Phil may be able to tell us. I wonder what this property right here is zoned. Is that a part of the PDD?"

PHIL LINDLER

"No sir. It's residential with institutional, but it is used as residential."

NIKI HUTTO

"Did they purchase that property?"

STEVEN BROWN

"Phil says these two lots are now being used as

residential properties. This would be behind those residential properties and they're requesting to make that part of the PDD to become contiguous with the properties here (pointing). You already see their PDD, which is across Spring (Street)."

NIKI HUTTO

"It's kind of odd."

MAYOR NICHOLSON

"It's one lot in there."

STEVEN BROWN

"Phil can talk about what type of buffering will be required of them as far as being contiguous to residential properties."

PHIL LINDLER

"Thank you, Mr. Brown. From what they provided to the Planning Commission during the public hearing process, the hospital was interested in purchasing that piece of property, which is now currently used as a residence, as extending parking if needed at a later date. The property to the east of it only has parking on the front fourth of that property. They would need to put in more parking on that original piece of property before they even get to that piece of property. It could be some time before you see any activity on the property, but they were wanting to go ahead and include it with the rest of the properties that are zoned to Planned Development District. They did not provide any specific details as to whether it would be all parking, an office complex, or an additional administrative or medical office. They just want to have the option to include it in the PDD since they were looking at purchasing it at the time."

STEVEN BROWN

"Mr. Mayor, let me ask Phil a question on your behalf. It's my understanding, that in order for the PDD to be amended, they must give specifics as far as the use of that property. The use that they have told you is parking?"

PHIL LINDLER

"Yes."

STEVEN BROWN

"So, if they choose to use that property for another use besides parking, would they not have to come to the Planning Commission and request it to be amended, and then it would come back to City Council again?"

PHIL LINDLER

"That is correct because they stated that parking was the only reason why they wanted to use it at the present time."

JOHNNY WILLIAMS

"Let's table this for a while."

STEVEN BROWN

"Please, if you expect to take action next month, tabling carries a different connotation than postponement.

If you want us to have someone here at the next meeting to explain their request, then I would ask you to postpone it until the next meeting."

JOHNNY WILLIAMS

"Well, actually, they can come to our work session and then we can decide then if we want to bring it off the table or not."

STEVEN BROWN

"That's up to City Council. I'll do whatever you direct me to do."

NIKI HUTTO

"Well, if we postpone it, they can speak at a work session anyway. We can put it back on the agenda and have it acted upon at the next meeting."

STEVEN BROWN

"I like to use that work session for staff interaction with City Council. I think the best way to deal with issues like this is to have it at a regular meeting, but I'll do whatever City Council wants us to do."

MAYOR NICHOLSON

"Do I have a motion?"

Motion to postpone any action until more information comes from Self Regional was made by Johnny Williams, seconded by Linda Edwards.

"Any further discussion? All in favor, raise your right hand. So moved."

Motion passed unanimously.

CONSIDER

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

O r d i n a n c e
Amending the
Greenwood City
Zoning Ordinance
by Rezoning
Approximately
145 Acres of
Property Located
on Emerald Road
from AG-2
(Agricultural
District) to R-2
(Single Family
Residential).

(1st reading)

STEVEN BROWN

"Mr. Mayor, this property has been annexed into the City and has an agricultural zoning. We feel it needs to be rezoned to the proper zoning, which is in compliance with your new plans. We're recommending R-2 under the new ordinance."

NIKI HUTTO

"But why R-2 instead of institutional since it is a school?"

STEVEN BROWN

"Because it's such a large tract of land that if the school district so deemed they could sell off portions of it, you would have no say."

NIKI HUTTO

"Okay. I understand."

MAYOR NICHOLSON

"Do I have a motion?"

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

"Any further discussion? All in favor, raise your

right hand. So moved."

Motion passed unanimously.

(attach)

STEVEN BROWN

"Mr. Mayor, can I stop right there? I would like to let Council know that I am now aware that if any public building is to be built according to the new law, it must be submitted to the Planning Commission to determine if that new building is in compliance with the Comprehensive Plan. So we as a staff will begin notifying anyone who is building a public building that it must be submitted to the Planning Commission. There's always been concerns about public buildings being built and the public not having an opportunity to give input."

NIKI HUTTO

"How about a renovation of a present building?"

STEVEN BROWN

"It says 'NEW' public facilities."

MAYOR NICHOLSON

"Thank you, Mr. Brown."

CONSIDER

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

Annexing Phase
III of Karlie
H i l l
Subdivision.

(1st reading)

STEVEN BROWN

"Mr. Mayor, you have annexed Phase I and Phase II. Phase III are townhouses off of Laurel. I have nothing else to add."

NIKI HUTTO

"Now, we're not going to have a Hampton Trace situation? Everything is the same, right?"

STEVEN BROWN

"Right. All the streets are private. I will tell City Council that the owner of this property had originally given us the impression that he was going to end this development with townhouses and then develop multi-family in this area (pointing).

We have had some interest from him to change this from multi-family to also add townhouses into this large undeveloped area here (pointing), so it's a very good chance that we will be annexing some of these other areas here. He has done quite well in selling these properties.

One of the things that we had a problem with was the utilities and services were run by the CPW and most of the time the houses were already built. He wanted to annex them into the City prior to selling them, but they were already built. CPW has assured me that they will not extend any utilities to any of his other properties until he actually signs the petition for annexation. That will correct the problem we've had in the past. Steffanie knows what I'm talking about."

MAYOR NICHOLSON

"Okay. Do I have a motion that we annex Phase III of Karlie Hill Subdivision?"

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

"Any further discussion? All in favor raise your right hand. So moved."

Motion passed unanimously.

(attach)

CONSIDER

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

Annexing 39.926
A c r e s o f
Property Owned
by Greenwood
Development
Corporation,
Located off Old
Greenwood Road
a n d U S
25 / Montague
A v e n u e
Extension.

(1st reading)

STEVEN BROWN

"Mr. Mayor, I will make my explanation for this and the very next item. This property is owned by Greenwood Development Corporation. Several weeks ago, we annexed a 10 foot strip of this property to get us to the CVS store. Now, we're annexing the remaining portion of this property, approximately 39 acres.

If you see this small block here that's in the gray (pointing) this is your next item on your agenda. It is Central Trust Company property, and they have signed the petition to annex it. It's a little over one acre, so all together we'll have 40 acres. You'll notice on your ordinances that we are recommending the same zoning classification the Planning Commission has already recommended. We have seen some proposed plans for this area and we are enthusiastic about what may happen. This could be a very unique commercial development on the Northern end of the Community, and we look forward to the development of this property."

NIKI HUTTO

"Does this back up to Centre Court?"

STEVEN BROWN

"Yes, it does backup to Centre Court. They're concerned about the impact of commercial on Centre Court, so they have retained that undeveloped property as a buffer between the commercial development and Centre Court."

MAYOR NICHOLSON

"Do I have a motion that we annex the 39.926 owned by Greenwood Development Corporation located off of Old Greenwood Road and US 25/Montague Extension?"

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

"Any further discussion? All in favor, raise your right hand. So moved."

Motion passed unanimously.

(attach)

CONSIDER

Mayor Nicholson read the fifth item and asked for a motion.

O r d i n a n c e
Annexing 1.969
A c r e s o f
Property Owned
by Central
Trust, Located
off Calhoun
Road.

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

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

(1st reading)

Motion passed unanimously.

- attach -

CONSIDER

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

O r d i n a n c e
Amending the
Business License
Ordinance No.
03-019 Levying a
Business License
Tax on Retail
Telecommunicati
ons Services.

(1st reading)

STEVEN BROWN

"Mr. Mayor and City Council, the General Assembly
this year amended the law changing the percentage
that can be charged for telecommunications
franchise fees from .75 to 1.0 (percent).
In order for us to be able to charge the new rate,

you must pass a new ordinance authorizing that change."

MAYOR NICHOLSON

"Do I have a motion?"

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

"Any discussion? All in favor, raise your right hand. So moved."

Motion passed unanimously.

- attach -

CONSIDER

Mayor Nicholson read the seventh item and recognized the City Clerk.

A Resolution
Approving
Lease/Purchase
Financing Terms
on Fire Truck.

STEFFANIE DORN

"When you approved your 2004 budget, it included an expenditure for a new pumper fire truck to fill up our Station #3 that will be complete soon. We had corresponding revenue in the form of a capital lease. We have reached the point where the truck is near completion so, at the end of July, we sent out to 11 financial institutions a request for financing proposals to secure a capital lease for the new fire truck. We requested both four and five year terms payable on April 1st of each year. By Friday afternoon when we closed out the requests, we had received proposals from six institutions. The four year terms had interests rates that varied from 2.944% to 3.46%. The five year terms varied from 3.095% to 3.61% If we select the five year term, that will maintain our lease payments within \$1,600 of the payment we have been making on the fire truck that we purchased in 2000. The last payment on that truck was made in February of this year.

For budgeting purposes, a five year term will in

affect maintain consistent expenditures that we have had for the last four years. A five year term will cost us about \$6,138 more in terms of interest which really is cheap when you consider that we're going to be financing over \$300,000 total. A four year term will increase the annual payments we have been making by almost \$16,000. Therefore, we recommend that you approve a resolution naming First Citizens Bank as the successful low bidder and select a five year term at 3.095% interest.

I have reviewed the lease agreement and it is similar to other capital leases that we have signed in the past.

I ask for your approval tonight so that we may have financing in place when the truck arrives hopefully at the end of September. And I'll be happy to answer any questions that you might have."

MAYOR NICHOLSON

"Steve, when do you suggest that they'll open the substation?"

STEVEN BROWN

"We're hoping by the time the truck gets here before the end of September."

MAYOR NICHOLSON

"Are there any questions for Steffanie? Do I have a motion?"

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

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

Motion passed unanimously.

- attach -

CONSIDER

Mayor Nicholson read the eighth item's title and recognized the City Manager.

A Resolution in Response to the Request of the Hampton Trace Commons Homeowners

Association.

STEVEN BROWN

"Mr. Mayor, as you know, this has been an ongoing issue for probably a year to a year and a half. I keep getting calls by the homeowner association wanting to know the action by City Council. This is a unique situation where these people have bought properties in the Hampton Trace complex and did not realize that the portion of road in front of their homes was private. Therefore portions of that street does not meet our present regulations, as for width of right-of-way and some of it does not have curbing on one side.

It was my understanding from Council that you possibly wanted to provide some relief to these owners."

The City Manager then read the proposed resolution.

MAYOR NICHOLSON

"This is just really to get the ball rolling?"

STEVEN BROWN

"Yes sir. It's our response requesting them to give us this information so that we can review it and take action."

NIKI HUTTO

"This Hampton Trace Commons is different than the Hampton Trace that's in front. It's two separate entities."

STEVEN BROWN

"There are two separate associations. This is the second group of smaller homes, which is on the backside."

NIKI HUTTO

"More like little townhouses."

MAYOR NICHOLSON

"Do I have a motion that we adopt the resolution?"

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

"Any further discussion?"

LINDA EDWARDS

"Yes. I need some clarity. Now, we're going ahead and approve this with any corrections or anything? I just need to know if I'm hearing Mr. Brown right. He's saying that you're going to get all this and

we needed number four."

STEVEN BROWN

"No ma'am. We need all of this. The resolution just directs me to take the next step, which is to ask for this information. It doesn't approve anything. It's just a response by you to the homeowners association. I will be asking for this information under the auspices of City Council, not as the City Manager."

LINDA EDWARDS

"Okay. It doesn't hold or bind us to anything?"

STEVEN BROWN

"No ma'am."

NIKI HUTTO

"If they do comply and give us all the information needed, then that information will be reviewed by the City Attorney and brought back to us so that we can decide whether we're going to do anything or not."

STEVEN BROWN

"That's correct."

MAYOR NICHOLSON

"Okay. Any further discussion? All in favor raise your right hand. So moved."

Motion passed unanimously.

- attach -

CONSIDER

Mayor Nicholson read the proclamation and asked for a motion to accept.

Proclamation for
South Carolina
Youth Soccer
Month.

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

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

Motion passed unanimously.

- attach -

"I think that before we go, Mr. Brown, you requested to add one other item to the agenda?"

STEVEN BROWN

"I would like to request that you consider allowing me to present something that is not on the agenda. I would give you the nature of it so you can make a decision. It is dealing with the Cokesbury Sidewalk Project. I received some information from the engineers this morning regarding the part of property that is on the CSX right-of-way. You know the problems that we've had in the past. It is not paved and there are no sidewalks. I received an e-mail today from the engineers and we've gotten some agreements, or at least some proposed agreements, from CSX.

It does not have to be acted on, but if City Council doesn't want us to do anything tonight, then we have 30 days before you can take action again. So, if Council would allow it to be added, you may not want to take action. At least after you hear my presentation, you could decide if you want to approve any action."

MAYOR NICHOLSON

"Do I have a motion that we add this to the agenda?"

Motion to add another item to the agenda was made by Johnny Williams, seconded by Niki Hutto.

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

RECEIVE

City Manager Steven Brown, proceeded with his presentation.

Information
Regarding the
Cokesbury Street
Project.

STEVEN BROWN

"I have provided you with a copy of the e-mail from the engineer. I think if you take just a minute to read it, its kind of self explanatory. As you know, when we bid the project for the construction of the sidewalk on Cokesbury, we received notification from CSX that there was going to be a \$9,000 charge to review the plans, as drawn by Davis and Floyd Engineers.

As you can see here, they have reviewed the plans. In order to give us permission to construct the sidewalks on their right-of-way, they're going to require us to pay a fee of \$6,146, which includes the review of the Davis and Floyd plans by their engineers. It also includes some work they'll have to perform, which is to install some type of rubber devices around the track where the sidewalk will be installed. There's a regulation that, if you're doing work within so many feet of a railroad, they must provide their own flagman. So the cost includes the pay for that flagman and then the work we will have to perform through a contractor at an estimate of \$13,738. We're talking about \$20,000 to complete this project.

While I don't like the fact that CSX wants to charge us, we need to execute the agreement and pay the money if you want a completed, most safest project that will get people out of the road. I think this is a decision that needs to be made based upon what is best for the people who use that sidewalk.

As City Manager, I believe that I can pay for this out of the existing budget funds. I will do my best not to ask for any reserve monies or amendments to the budget. I did not want to proceed because I have to sign an agreement with the CSX, and I could not sign it without your permission.

I do want Council to know that they will not allow cement sidewalks on all of their right-of-ways. Some of it will be asphalt sidewalks, but that's all we can get from them. Some of it will be concrete, but some of it around the track will be nothing more than an asphalt sidewalk."

JOHNNY WILLIAMS

"I would like to see the project finished because it turned out better than I have ever expected. I make a motion that we go ahead and finish the project."

STEVEN BROWN

"And authorize me to sign the agreement with CSX."

MAYOR NICHOLSON

"Do I have a motion?"

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

"Any further discussion?"

JOHNNY WILLIAMS

"Let me say it turned out better than I had ever dreamed. I had lived in that area all my life, and never dreamed that it would look half that good."

MAYOR NICHOLSON

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

Motion passed unanimously.

"Is there anything else, Mr. Brown?"

STEVEN BROWN

"No sir. I think I've kept you long enough."

MAYOR NICHOLSON

"Work session is Tuesday after Labor Day at 5:30. Thank you. The meeting is adjourned."

Meeting adjourned at 7:30 p.m.

Floyd Nicholson, Mayor

ATTEST:

City Clerk and Treasurer