

GREENWOOD CITY COUNCIL

September 20, 2004 - 5:45 p.m.

MINUTES

PRESENT

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

MINUTES

Mayor Nicholson asked for a motion to approve the minutes of the City Council Public Hearing and Meeting on August 16, 2004.

Motion was made by Linda Edwards, seconded by Betty Boles, approving the minutes as presented.

The Mayor asked, "Is 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 August 2004, and the Commissioners of Public Works Consolidated Financial Report for the period ending July 31, 2004.

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

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

Motion passed unanimously.

CONSIDER

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

(2nd reading)

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

STEVEN BROWN

“Mr. Mayor and City Council, as I have informed you in writing, since the last meeting Mr. Settles has passed away. I am not aware of who will eventually own this property once it is probated. Mary Hill is present tonight, and she may know a little bit about Mr. Settles’ will and ownership of the property, if that is a concern of yours. If it isn’t, then I don’t think we need to deal with it.

I think you can do one of three things: You can rezone the property to LIW; table it until the property is probated, and you will know who actually the owner is; or you can deny it. I would certainly not recommend denying it because, if you do, it will be two years before this property can be considered for rezoning. I certainly will not recommend that, but the other two are viable choices. If you care to hear from Ms. Hill, then that is your prerogative also.”

MAYOR
NICHOLSON

“Okay. Thank you.”

LINDA

“I have a question on that. He said that we have three

EDWARDS

options. If we go ahead and pass second reading not knowing who's going to be the owner, that'll still protect this piece of property regardless of who owns it, right? The main concern in that community is 'no clubs', and it won't affect whoever the owners may be. The zoning will be in place and the protection will still be there."

STEVEN BROWN

"The uses can only be those allowed under LIW."

MAYOR
NICHOLSON

"Ms. Hill, do you have any comments?"

MARY HILL

"My name is Mary Hill and I'm speaking on behalf of Thomas Settles. When they go through probate, my son Kershun Hill, will inherit the property. We still want to get it rezoned as a retail store to carry out his wish. So if y'all table it, it'll be fine, but I would not like to see it denied."

MAYOR
NICHOLSON

"Okay. This is the second reading. Do I have a motion that we rezone it?"

LINDA
EDWARDS

"Mr. Mayor, I make a motion that we table it until Ms. Hill and her son have time to go through probate. At which time, we'll come back with it."

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

MAYOR
NICHOLSON

"Okay. I have a motion to table it. Do I have a second?"

JASON STURKIE

"Mr. Mayor, if I may interject something. The piece of property in question, even though the owner passed away, is still owned by the estate. A duly appointed personal representative could do anything with the property they want because they are the owners of the property for the estate. Technically, the fact that you don't know who's going to own it at the end of the probate process, unless I'm missing something, I don't understand why that would effect whether it's tabled or passed now. The heirs are going to get the property no matter what. Unless it's important to know exactly who will own it, I don't know why that should make a difference. The family has mentioned that whoever is getting the property would like for it to be passed."

STEVEN BROWN

"Mr. Mayor, the reason I recommend tabling it, or at least

give that to you as an option, is we're under an assumption that once the property is probated, we will actually know who the owner is. I'm not doubting Ms. Hill's word, but until the probate is complete, we do not know. It's being rezoned from residential to LIW, which is a significant change. I think by the time Ms. Hill's son becomes the owner, then he can come before you as the owner of that property and express his desire for it to be rezoned from residential to LIW. That was my reasoning for recommending it."

MAYOR
NICHOLSON

"Do we have any further discussion? All in favor of tabling raise your right hand. So moved."

Motion passed unanimously.

CONSIDER

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

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

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

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

(2nd
reading)

Motion passed unanimously.

- attach -

CONSIDER

Ordinance
Amending the
Greenwood City
Zoning Ordinance
by Rezoning
Property Located
at 303 Ellenburg
Avenue from RI-1
(Institutional) to

Mayor Nicholson read the third item and said, "I think we have someone from the hospital present to address this, right Mr. Brown?"

PDD (Planned
Development
District.)

(1st reading)

STEVEN BROWN

“Yes, sir. We’ve asked Mr. Asman to come and address any questions that you may have.”

NEAL ASMAN

“I’m Neal Asman with Self Regional Healthcare and I’ll be glad to answer any questions or concerns.”

MAYOR
NICHOLSON

“First of all, what are your plans for the property?”

NEAL ASMAN

“The plan for the property is parking, as best as we can say at this point. However, if there was any other use, we would come back to the City/County Planning Office and ask for a reconsideration. At this point, we’re using the property for overflow parking.

Some of you might be aware of the parking expansion that’s nearly complete in front of the hospital. We added 300 spaces and are in the process of landscaping. On the Spring Street side of our building, there is a circular drive for patient drop-off. That’ll be closed off next week for additional parking. Hopefully, we will not need that space for overflow parking after that’s completed.

Anytime there is contiguous property that looks like it would be an advantage for the hospital in future development, we would like to make it contiguous or consistent with the PDD zoning that the hospital has on its overall campus. It is with the intent of working with the Planning Office for the overall development of the hospital campus. But to answer your question directly, parking at this point.”

MAYOR
NICHOLSON

“One requirement of Planned Development District is to have plans submitted to the Planning Board in order for it to be changed, am I correct Mr. Brown? Maybe parking there will not change, but you must have plans submitted to the Planning Department in order for the property to be a Planned Development District?”

NEAL ASMAN

“We do have such plans. A year and a half, or maybe two years ago, we went through the process with Doug Burns, now Phil Lindler’s office. There is a three-ring binder document that both their office and our office have with all

the details of development specifications which must be met for any use of any property on our PDD. So we are compliant and have an overall specification document understood between the Planning Commission Office and ours. For example, there are detailed specifications that we must have for a parking lot in our PDD designation. Does that answer that question?"

MAYOR
NICHOLSON

"Phil?"

PHIL LINDLER

"Yes, sir, Mr. Mayor?"

MAYOR
NICHOLSON

"Have they submitted plans for this? Is this piece of property inclusive in the plans they already have?"

PHIL LINDLER

"No sir. There is a provision within their document where they can add additional pieces of property that meet the same qualifications as the rest of the campus. This is an example of them wanting to purchase an additional piece and add it into the master plan. Because the hospital is using this area as parking (we identified that at this point), there really is no need to have any plans, or reorientation of the overall plan, just because of parking areas. They do have their standards, like Mr. Asman said concerning parking, but at this time, they don't have any plans for any structures on the site. So at this time, we're not requiring them to have anything. That's what the Planning Commission thinks."

NIKI HUTTO

"Are you going to tear down the structure and then pave it, or make it a true parking lot?"

NEAL ASMAN

"I spoke with staff at the Planning Office earlier this week about it, and we don't have plans to tear down the building, nor move forward with paving it. It's just to our best estimation now, we're using the lots which adjoin that lot and plan for the best use, such as parking. If the zoning change happens and we go forward to close on purchasing the property, we would continue to look at it as a possible expansion for parking. To be totally honest, if we've done further analysis and a new imaging building, or a physician's office, might need to be there, we'd have to go through this process again to make sure it's compatible and acceptable by all parties involved. However we develop that property, it would have to be consistent with these planning guidelines that are defined for the PDD. I hope that helps clarify it."

MAYOR
NICHOLSON

"I see the Planning Board did recommend this zoning change, right Phil?"

PHIL LINDLER

"Yes, sir. They had the same concerns, but they approved it."

MAYOR
NICHOLSON

"Okay. Mr. Brown, you have any comments?"

STEVEN BROWN

"I don't want to be a thorn in the side of Self Regional, but I do have some concerns. One is when you have an established PDD and they annex property into that PDD, I would assume their position is that they're operating under the old ordinance. All of the setbacks, buffers, and landscaping requirements are almost nonexistent under the old ordinance. If you enlarge this PDD that was approved under the old ordinance, I don't have a problem with it, if City Council doesn't. However, you need to understand that, as they annex properties in under the old ordinance, they're going to assume they can construct accordingly. You need to know that.

Secondly, I am concerned about storm drainage runoff. When you install parking areas adjacent to residential properties, I would like to know their plans to control the water once a parking lot is there. Where is the water going? Do we have sufficient drainage systems on Ellenburg and surrounding areas to take the water from those drainage lots? It's very obvious that water is draining onto Ellenburg. Where does it go? Is it going to cause an overflow? If they have studied this area and can present those answers to us, then I have no problem with it. Like I said, I'm not trying to prevent them from doing what they want to do, but those folks on Ellenburg are going to call me and you. They're not going to call Neal."

MAYOR
NICHOLSON

"Phil, would that be some of the requirements regarding runoff?"

PHIL LINDLER

"Yes sir. They have to meet all the City requirements for stormwater."

MAYOR
NICHOLSON

"Under the new regulations?"

PHIL LINDLER

"Under the new zoning ordinance?"

STEVEN BROWN

"The zoning ordinance does not address stormwater. I think the question to Phil is, if they annex it into the

approved PDD, is it under the same guidelines as the original PDD (which means the old ordinance)?”

PHIL LINDLER

“A lot of their items are under the old ordinance, however they do have the new buffering, as well as the new street scape requirements. You would have a little more than you normally would with their PDD under the old ordinance. They’re the only ones who adopted additional standards than what are required in the old ordinance.”

NIKI HUTTO

“In the new ordinance, aren’t there sections for impervious surfaces and ratios of impervious surfaces to help with stormwater maintenance? Is that correct?”

STEVEN BROWN

“That’s the purpose of it.”

NIKI HUTTO

“Okay. Since it is an impervious surface, is there any way to incorporate those kinds of stipulations because of the Federal Regulations dealing with additional parking?”

PHIL LINDLER

“I do not remember what we had, as far as the impervious surface in the PDD document. However, if and when they have a parking lot proposal, they certainly would have to go through our engineering department and meet all the requirements that were currently available. So whether the impervious surface is adequate or not, they would have to meet that at a later point when they construct something on this site.”

JOHNNY
WILLIAMS

“But Phil, would it come under the old ordinance or would it come under the new zoning ordinance?”

PHIL LINDLER

“Well, under the PDD, they would have their own impervious surface standards. Under the new ordinance, there is nothing that addresses the overall stormwater. It all comes through our engineering office.”

BARBARA
TURNBURKE

“Okay, putting all that aside, I can tell you the residents are not happy that there may be a parking lot coming into their neighborhood; if it means anything.”

LINDA EDWARDS

“From where I’m sitting, and I can’t speak for any of the rest of you, they’re in no hurry to do anything with this area. We don’t quite understand what it is they’re going to do with this area. They’re not in a hurry, we’re not in a hurry, so my suggestion would be to wait. There are too many unanswered questions and things that we have not looked at.

From past experiences, it's not until something is passed that somebody says, 'Well, you didn't look at this and you didn't look at that.' Since nobody's in a hurry, my suggestion is we look at this first so we'll understand what we're doing. Right now, I'm lost. They don't know what they're going to do with it, and we don't know what's on that end of town. So let's wait."

MAYOR
NICHOLSON

"Neal, you have a statement?"

NIKI HUTTO

"But wait. You don't own this property, yet?"

NEAL ASMAN

"That's correct."

NIKI HUTTO

"You're in negotiations of purchasing this property under the stipulation that you will get the new zoning, is that what you're getting at?"

NEAL ASMAN

"That's correct."

NIKI HUTTO

"Okay, so there is no hurry, as far as what you're going to do with the property, but there is a hurry in the fact that you want to buy the property?"

MAYOR
NICHOLSON

"You're going to purchase it if you can get the rezoning, am I correct?"

NEAL ASMAN

"Well, that's our original intent with the owner. I can't say that we would go ahead and purchase the property even if City Council, Planning, and the hospital would move forward with some kind of investigation. To answer the questions that Ms. Edwards came up with, you're right. The hospital has not decided, not because we haven't done our homework and planning, but we want to be sure before we do any further development in that area. It's contiguous property and we like to have it available for us because we do think we'll probably have uses there. Most important is stormwater drainage development on the front of our property, which is the south side. The hospital is right on a crest and we did work with the City Engineer to finish the development of stormwater improvements for the front part of the property. We do know there's that problem in the back, but in talking with the City Engineer, he did think this was a good move for the hospital. Topographically, it's in the direction of where flow could go to natural water runoff areas."

It made sense for the expansion of parking, or other type surfaces, for it to be part of a stormwater runoff to improve that side of the property. So we're very willing to look further into that kind of planning for the area. I'm speculating, but I think we'll find it to be good for the hospital to have that area where the stormwater runoff would be most efficiently handled."

STEVEN BROWN

"Everything he's saying is correct, but anytime you pave properties, the water is going down to those residential properties. You have cross line pipes under driveways that are, at the largest, 12 to 15 inches and most of them down there are open ditches. We know what happens when that volume increases, and that's my only concern. Self Regional and Neal may meet all their standards on that piece of property, but what happens with the water when it leaves will become our responsibility.

If they're looking at buying more property in that area as it becomes available, then why not do a storm drainage runoff study to show where that water is going. Someone is going to address that problem in years to come. We had water problems on Penn and Sloan Avenues when the hospital first started expanding 15 to 20 years ago. Neal and the hospital staff have done a wonderful job to address that situation and spent a lot of money.

I think they have a good plan. We have eliminated those problems on the front side of the hospital, but I don't want us to have the same situation on that side. I think we're just asking some good questions. Neither one of us are opposed to what the other one is wanting, but it's better to ask them now than later."

MAYOR
NICHOLSON

"Neal, you do understand our point, especially with the new regulations regarding stormwater runoff? Right below that house is a little valley and when it rains heavily, water does accumulate in that area. The more you pave, the more water is going down there. We're concerned about the residents because we get bombarded with complaints regarding water back up and flooding every time we have heavy rainfalls. We're not against your development, but very supportive of it. We just need to have better plans."

NEAL ASMAN

"I guess I'd like to know what path the hospital needs to follow to get some resolution. Maybe I just need to work with Mr. Brown."

STEVEN BROWN

"I think we can. If you want to postpone action, we can work with Neal. I think there's a solution there, we just need to find it."

NEAL ASMAN

"Thank you, sir."

MAYOR
NICHOLSON

"Thank you, Neal. Do I have a motion that we postpone?"

Motion was made by Linda Edwards, seconded by Barbara Turnburke.

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

Motion passed unanimously.

CONSIDER

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

Ordinance
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).

(2nd reading)

STEVEN BROWN

"Mr. Mayor, before you take action, that R-2 was a classification under the old ordinance. The new classification would be R-3 Residential, Medium Density. It's three houses per acre, and that's what we need to change it to, in accordance with your new land use map. It's equivalent to the old R-2."

MAYOR

"Okay, so this would be to consider the ordinance

NICHOLSON

amending the Greenwood City Zoning Ordinance by rezoning approximately 145 acres of property located on Emerald Road from AG-2, which is Agricultural District, to R-3, which is Residential, Medium Density. Do I have a motion?"

Motion was made by Johnny Williams seconded by Betty Boles.

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

Motion passed unanimously

- attach -

CONSIDER

Annexing Phase III
of Karlie Hill
Subdivision.

(2nd reading)

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

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

STEVEN BROWN

"Mr. Mayor and Council, we need to designate Phase III of Karlie Hill Subdivision. When you passed the first land use maps, Phase I and II were part of a PDD. That entire area is a Planned Development District, and since we're annexing Phase III into the City, it would need to come under the PDD also."

MAYOR
NICHOLSON

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

Motion passed unanimously.

- attach -

CONSIDER

Ordinance
Annexing 39.926
Acres, Owned by
Greenwood
Development
Corporation,
Located off Old
Greenwood Road
and US
25/Montague
Avenue Extension.

(2nd reading)

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

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

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

Motion passed unanimously.

- attach -

CONSIDER

Ordinance
Annexing 1.969
Acres, Owned by
Central Trust
Company,
Located off
Calhoun Road.

(2nd reading)

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

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

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

Motion passed unanimously.

(attach)

CONSIDER

Ordinance
Amending the
Business License
Ordinance No. 03-
019 Levying a
Business License

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

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

Tax on Retail
Telecommunications
Services.

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

(2nd reading)

Motion passed unanimously.

- attach -

RECOGNIZE

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

Attorney Ed
McCallum.

ED MCCALLUM

“Mr. Mayor and Council Members, I’m here at the request of a specific client that I will present for Council’s consideration. I have already showed a copy to your Council, a petition that has been executed by approximately 61 voters.

Large, as well as small, both local, as well as chained, businesses and individual proprietors all asking Council to take action to either stay the enforcement, or repeal specifically Chapter 6 of the Supplemental Regulations, Article 3, which you adopted at your August 16th meeting. What this section deals with is the new sign legislation. I believe you passed that as a part of a large package of your zoning ordinances and redoing your land use maps.

What we have found, upon reviewing it, is that there was obviously a tremendous amount of work expended by Council and the committees that worked on this document. However, in speaking with many members of Council individually, and the enforcement personnel (which I believe comes through the County, but under the authority of the City), I think we have restricted some signs and usage of advertising that was never intended by Council.

I think, as the petitions states, there are some true constitutional issues that this ordinance, or regulations, raise. The one that is most often cited by the individuals who signed this petition was the exclusion of real estate signage from any regulation, whatsoever. That is clearly

commercial speech, just as a sign which says, 'Bread for \$.89', It is commercial speech, yet Council has decided to regulate one, and not really regulate the other. There is some regulation that there is a maximum of 32 square feet, I believe, on real estate signs, but there is no limitation of how long those signs can be up, or what condition they're in. They're not required to purchase any permit, nor have any fee attached to them, as opposed to any other temporary-type sign that any business could use.

I want to show you some examples of signage that we believe is illegal under the regulation. You see this Marlboro sign attached to the pole, or the banner attached to the pole (pointing)? There's no pole signs of that nature allowed under the regulation. Now, with these Marlboro-type signs (and you see the same things with Coca-Cola, as well as a number of other products, especially at convenience stores), the manufacturers of those items often offer rebates to the store that's carrying their product for putting up this advertising. So what your regulation has done is, either the owner has to purchase a \$20 permit, which can be renewed an additional three-30 day periods for a total of 120 days, or pay a higher price for its product. So, in either case, you've driven the cost of doing business up.

Some other things we had some concerns about are these types of signage (pointing) which you don't address at all. Things like newspaper and real estate magazine boxes. The statute says there can be no advertising on trash cans. If I own a gas station and I'm a Shell employee, I can't put a trash can out there that says 'Shell Oil' on the side of it. We have all kinds of things like this, such as these propane tanks outside convenience stores, where you can purchase refillable propane tanks. Is that temporary, or is it permanent signage?

Now, from the enforcement point of view, it's my understanding that anything not permitted as a permanent sign, is a temporary sign. Your statute, itself, has a very complex section on temporary signs which, I think, has probably got a lot of appropriateness to it. However, you defined the term 'banner' as writing on any kind of vinyl fabric paper, and things of that nature, but then nowhere in the statute do you address how banners are to be

used. The only other place that the word 'banner' even appears, is within the definition of a sign, and a banner is considered a sign such as outside RoMac in Hampton Plaza, Simple PC, and outside car lots. If I wanted to open up the hood, as I saw outside Ballentine Ford the other day, and put 'Low Prices', or something like that, on a piece of pasteboard underneath the hood of seven or eight cars, I'd have to buy a \$20 permit. One of the questions that the statute really doesn't answer is, am I allowed only one? If I'm selling oil changes at \$14.99, can I come back and get another permit for mufflers for \$49.95 next week, or do those stack on top of each other? Can I only put something out that says that for a total of 120 days?

I'm gonna give you the rest of these photographs for you to peruse. We believe that each of the signs represented in there could be construed to be in violation of the statute. My client, as well as the folks who signed this petition, are completely appreciative of the concerns for having a neat and orderly community that gives a good appearance. But folks, that can be addressed a different way. You can address the total amount of signage, temporary signage per frontage foot of the business, or per frontage foot of the building on the business. You can say that it has to be maintained in good order. It can't be torn, nor decrepit, and things of that nature. You can prevent it from being in the sight lines of traffic. That's easy to do. It has to be so many feet back off the road and not obstruct vision in any way. All of them are perfectly appropriate restrictions on the use of signage, but the way this statute is drafted, I think that you hit a lot of things you didn't intend to hit.

The biggest issue that my client has (I think you can even see where Mr. Ballentine of the Ford Place signed on one copy of this petition 'Number 3 Only' is what he agrees with), is a violation of equal protection by not causing real estate to be treated the same way as all other commercial speech. I would request that I be allowed to address this in a lot more detail at a working session of Council. There are some specific things in the ordinance you intended to be there that are missing, for instance, grandfathering. There is no grandfather provision in this ordinance although, from the rest of the ordinance, it is clear that you intended for there to be a grandfathering provision.

Even taking that just one little step further, there is a

provision that says, if a sign is destroyed or damaged and exceeds 50% of the cost that was put on it at the time that the permit was taken out, then it must be replaced with a conforming sign'; one that would not be grandfathered in. Yet by definition, a sign that may have been grandfathered in may not have been permitted, and therefore we would not have a valued place at the time the permit was obtained. So that portion of the statute in many instances can be totally meaningless, and cannot be properly enforced.

Also there's some real strange issues that come out with this sort of thing. If I need to paint my building and take a nonconforming sign down to paint the wood behind it, technically, I can't put it back up, even though it's been there for 20 years. It's been well maintained, and it clearly should be grandfathered in.

I would invite Council to unanimously stay the enforcement of these provisions until such time a working group of Council might review it, make some amendments to this statute, and attack the real problems I think Council was trying to address."

MAYOR
NICHOLSON

"Thank you, Mr. McCallum. Mr. McCallum, I would like to say that we appreciate your comments and will revisit this. The whole process with this rezoning was done over a period of three years, and we solicited citizen input into this. We held several public hearings and advertised. We want you to know that this is not something done overnight and just forced to other people. We wanted the input from the citizens, and that's why we carried it out for so long. We had about 300 people involved in this process."

ED MCCALLUM

"I appreciate that. I think part of the problem though, Mr. Mayor, is the legislation was so pervasive, expansive, and covered so many different areas of land use, that perhaps the temporary sign issue really was not delved into as deeply as it could, or should, have been. In addition to that, Mr. Mayor, with the exception of yourself, I believe I've spoken with every other member of Council about this to let y'all know."

MAYOR
NICHOLSON

"I drive around all the time, and my number is listed too."

ED MCCALLUM

"I understand, but when I pointed out some specific examples of things that were illegal, such as 'Midas

Guest' written on a parking space outside the shop which clearly doesn't impact traffic, not obnoxious, nor bothersome to anybody, that's clearly illegal under your statute. I don't think any member of Council said to me, 'Hey, I knew that when I passed it. I didn't want Midas Guest written on parking lots', or 'I didn't want Outback Steakhouse to say 'Carry-out Only' on their parking spaces'. That was not the intent."

MAYOR
NICHOLSON

"We will revisit it and get back with you, Mr. McCallum."

RECOGNIZE

Mayor Nicholson read the second item and recognized Mr. Brewington.

Mr. Matt
Brewington

MATT
BREWINGTON

"I'm Matt Brewington, and I live at 204 Parkwood Road. I own the Stride Rite Children's Shoe Store here in town. It's in a family owned shopping center. My father owns that shopping center, and I played there as a kid. The property has been in my family since 1925. I can remember as a kid, there was a big debate amongst the folks in the neighborhood as to when they decided to annex that piece of property in the City. It was probably 50/50 then, whether or not it would come. The thing was, we didn't like the City telling us what to do, or not to do. They were old hardheaded folks then.

I didn't know that Mr. McCallum was going to speak. I asked several weeks ago to get on the agenda, and I think I'm the 61st person on the list. I didn't know that he was speaking at the time.

I know that things have to develop, and change. I've been in retail here for 20 years. When I came back to Greenwood to open the store, people say, 'Gosh, it's good you got the corner market.' I said, 'Gosh no! I wish the mall was a great mall instead of a poor one. I wish Greenwood retail was a whole lot better because people wouldn't drive out of town.' We need to do things to attract and foster business, not try to push it away.

I know that things have to change, and new ordinances have to come in. I know that it takes a period of time to deal with it. It appears that we have done a lot of things

at one time, and maybe we got ahead of ourselves. I don't know. I just ask that, in moving forward trying to make Greenwood a better place for people, you don't get ahead of yourself. It appears that we are when y'all ask something of one group of people that you're not willing to ask of another.

The last 50 years of our world has been completely torn up with equality and all these other things. It just doesn't appear that we're asking the same thing of a Matt Brewington in a small retail shop. I got a 15 year old temporary sign, and I never missed, as far as I know, a payment on the permit. I've always come here and made it. I keep my sign nice looking, but you're asking things of me that you're not asking the folks who run the filling stations and realtors. You're asking \$20 a month from me, and a realtor has 100 signs. Why don't you at least ask a \$1 from them for each one of those signs? You're telling me I can be temporary for four months. How long is temporary, when you have a 'Town and Country', or a 'Brothers and Harrison' realty sign in front of an empty business building that's been for sale for four and five years at a clip? How long is it temporary? I just simply do not understand.

It appears that you are pushing individuals, such as myself, who are struggling to stay in business in Greenwood. You're putting them in further economic trouble. You're trying to push the price of this temporary sign high enough to the point where they'll simply just have to walk away from them, or it's just too much aggravation. You don't want to direct bill, even in today's world of computers. I simply don't understand why you can't send me a bill, but I do mark it on my calendar and show up.

In many cases, these signs are vital. When the guy at the oil change place doesn't have anything to do, and he needs to change the oil of 10 cars today, that's not my business I'm debating, but sometimes it's a difference of whether or not he makes his payroll or house payment. I just think, in the interest of fairness and equality, as a group of folks, someone needs to simply back up and take a look.

Don't ask something of me that you're not willing to ask of someone else, because it appears that you are. You're just asking things of me that you're not willing to ask of politicians and big oil companies. I simply do not understand that. Thank you."

MAYOR
NICHOLSON

“Mr. Brewington, like I told Mr. McCallum, we will go back and revisit this. We don’t want to do anything to hurt small businesses because they are the backbone of any community. I can understand your plight, and I can assure you that we will revisit this and see what corrections we can come up with. We want to make sure that we have a good community, but we don’t want to do anything to hurt you.”

MATT
BREWINGTON

“If these are the regulations and the rules, then you know I’m gonna abide by them. Just simply don’t ask something of myself that you’re not willing to ask of Calhoun Mays, the Harrisons, and the Selfs.”

MAYOR
NICHOLSON

“Okay. Thank you, Mr. Brewington.”

LINDA EDWARDS

“Mr. Mayor? I’ve talked with Mr. McCallum, but I haven’t talked with the others. I asked him one important question, because this seems to be happening quite a bit. I don’t know if the public really doesn’t care what City Council is doing, but until we pass something that’s not pleasing to them, then everybody shows up.

Now, in looking at this list, out of three years, where were these people when we were trying to get this ordinance together? It was open to people in the community. It wasn’t, per say, Council sitting down writing this ordinance. We were listening to people in the community. Now, I can understand some of what you and Mr. Brewington are saying, but my question still is, where was this list of people that this has most effected since we passed this ordinance? Where were they when we were working on this to make us aware of, ‘I have this type of sign, etc.?’ That’s my only question. Where is everybody when this was being done? Once we do it and you’re not pleased with it, we find out everybody is against it.”

ED MCCALLUM

“Ms. Edwards, if I may address that directly. We took a look back through one years worth of City Council minutes, and we found signage mentioned once.”

NIKI HUTTO

“The ordinance was written three, or four, years ago.”

ED MCCALLUM

“Well, I’m saying over the last year, which is as far back as we had an opportunity to take a look, we saw it once in the minutes.”

NIKI HUTTO

“When the zoning process started, there was a public call to everyone that we were going to be writing a new ordinance. They asked for business owners, developers, people involved in real estate, cultural activities, and community members. They were to sit in these meetings and help write these things. In part, I do heartily agree with Ms. Edwards in saying that you have to look at how long this process took. When the City/County actually initiated this process, it was four years ago. There were committees that I sat on which met weekly. Several community leaders asked to participate and got involved.”

ED MCCALLUM

“If I may respond. Ms. Hutto, I think you’re absolutely correct. I think Planning and Zoning did go out and tried to get input from the community. I have no doubt that they made every diligent effort to try and do that. I’ll be very straight forward with you, as well. When I read a particular section of the statute to each individual Council Member and asked, ‘Did you intend to do this?’, virtually every Council Member sitting here was unfamiliar with, not only the statute, but it’s effect. That ultimate responsibility for understanding the language you passed in a statute is with this Council. It would not have taken very much to appreciate when you say, ‘No painting on pavement’, or ‘No signs on trash cans’, that some of these things we’ve shown you today are clearly going to be effected.”

MAYOR
NICHOLSON

“Thank you, Mr. McCallum. Mr. Brown, you have a statement?”

STEVEN BROWN

“I would propose to you that I can call and read something to you on the phone late at night, that you won’t be able to answer all of my questions. I think that is a pretty ridiculous statement. When he says that he has not seen signs in the City Council minutes, we did not discuss the Zoning Ordinance as a sign ordinance, but as a zoning ordinance. It was a comprehensive package. If you go back through the minutes, you will see in the last six months where City Council directed staff to set meetings in this room three and four days a week. For two to three weeks at a time, we sat here for hours while members of the public and business people went over infinite details of the ordinance. We wrote down their questions, and brought their questions back to you. There were changes made to the ordinance in response to those questions that were given to us.

So granted, I can understand some of the business

people that questions the part about real estate signs. I have no problem with that, but please do not let anyone tell you that we did not do our due diligence. Another statement was, '...we're letting somebody get away'. We were just in the beginning stages of informing people of the new ordinance. Some of the people that have signed the petition he gave to you, didn't like the old ordinance. They didn't get their permits under the old ordinance, and we knew they wouldn't like the new ordinance.

For the purpose of other members of the public that are here; so they won't think City Council and the staff are just picking on a few business people in the community, we wanted to show you some of the banners out there. We wanted to let some of the newer Council Members, who were not here when this started three years ago, know why the public came to you and said, 'We want something done about these things. We don't like what we're seeing in our community.' That's why these people came together, and made recommendations. That's why you had public hearings to get input. Do you remember when the developers asked, 'Would you allow us some time to meet together and come back to you?' They met for several months of their own time, and sent back representatives that said, 'These are things in the ordinance we would like to address with you.' There were a number of issues that they brought up. Some of them, you agreed with, and others you didn't. However, there were opportunities for business people to participate. These are some of the same signs (pointing) Ed has pointed out to you that we feel are improper and needs to be addressed. There's the Marlboro and the Misty signs, and what he's told you is valid. We understand there is a business arrangement with some of the convenience stores, but these are things that are going on all around town. They have a marquis (pointing) where they can change their sign as much as they want to, but look at the two signs on the poles. It's what the community wants and what you, as City Council, would like to see your community become. We, as a staff, are only trying to respond to City Council and the public about some of the signs. You can see the car lot signs, and yes, we understand that they do use banners, but one of the dealers has five banners on his property. This is what's going on in the community.

This is what the ordinance responded to. It was not, 'Let's hurt the small businessman.' It absolutely was not

that. We're trying to make the community better and, at the same time, trying to create an environment where the small businessman can be successful. We told you from the very beginning that the ordinance would probably need to be tweaked. When Ed called me, that's the first thing I told him. I said, 'Ed, City Council didn't pass this ordinance thinking that it was perfect.' There may have to be some adjustments. This is the process by which we make these adjustments when people come and point out things.

Now, if the City Council and the public, as a whole, isn't satisfied with that, then I think you need to do what Mr. McCallum has recommended to you, which is pass an ordinance and delete this section. That is what you will have."

ED MCCALLUM "I'm sorry, Mr. Brown. Each of those signs you're pointing to are completely exempt under this ordinance."

STEVEN BROWN "They are not!"

ED MCCALLUM "These real estate signs, sir?"

STEVEN BROWN "That's real estate. I've already addressed that. They are not exempt."

ED MCCALLUM "Everyone of those signs you're pointing at are exempt."

STEVEN BROWN "Under the ordinance it says, '...a banner is a sign...'. It is not exempt, Mr. Mayor."

ED MCCALLUM "The real estate signs that were shown are exempt. If you go to that."

STEVEN BROWN "I did. I believe I have pointed out that real estate signs were exempt, and that may be something you want to address. These signs here (pointing) are not exempt under the ordinance."

MAYOR NICHOLSON "We're going to revisit this."

STEVEN BROWN "My recommendation to City Council is you send this section that Mr. McCallum has addressed back to the Planning Commission and ask them to revisit it, have hearings, and make a recommendation to you on any recommended changes."

ED MCCALLUM "We would ask that you stay enforcement until that's done."

STEVEN BROWN "I have no problem with that"

MAYOR NICHOLSON "Okay. We can look at that."

STEVEN BROWN "We will enforce. We could stay enforcement on the new ordinance, but enforce the old ordinance. I don't think City Council should just allow anything to happen."

NIKI HUTTO "Wait a minute. The main concern seems to be temporary signage. Correct?"

STEVEN BROWN "That's right."

NIKI HUTTO "So in essence, we would enforce permitting new signage on buildings. Correct?"

STEVEN BROWN "That's correct."

NIKI HUTTO "Okay."

MAYOR NICHOLSON "Yes, Mr. Brewington. You have a comment?"

MATT BREWINGTON "Isn't hindsight great? It's always 20/20. Not everybody reads the mail. I don't either, except for my charge card or telephone bills. Not everybody catches the paper everyday. There's not a lot of communication tools from within the confines of our City that communicates one business person to another. If you don't happen to catch it in the paper, you certainly don't know.

I will tell you that no one has ever paid my bill on my sign except for Matt Brewington. I've personally walked in the permit office downstairs for almost 18 years, since it's been out front. I know that's a long time for a temporary sign of 15 to 18 years. You're not doing direct billing, but at some point and time, if we were moving to this extent of writing ordinances to doing this, would it not have been simpler enough, since I was in there every 90 to 120 days, to at least have had some kind of communication paper about what was happening? If you didn't catch it in the Index Journal, which is not hard to miss, then you just didn't know it. I walked into that permit office every 90 days, and nobody ever said a thing to me about things were changing."

MAYOR
NICHOLSON

“Alright. Thank you, Mr. Brewington. Yes, sir?”

?

“I know it’s not normal, Mr. Mayor, but I would like to address the Council very briefly.”

MAYOR
NICHOLSON

“Sir, you were not on the agenda.”?

“As far as the internet goes where you have your minutes, instead of putting ‘annexing this’ and ‘annexing that’, have a sign ordinance that I, as a layman, can understand what you’re doing with it?”

MAYOR
NICHOLSON

“Okay. We’ll look into that and get back with you all.”

STEVEN BROWN

“Our new ordinance is on the internet.”

MAYOR
NICHOLSON

“Okay.”

CONSIDER

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

Ordinance
Authorizing
Lander University
to Close
Brookside Court
North and South

(1st reading)

JOHNNY
WILLIAMS

“Mr. Mayor, didn’t I understand that Mr. Monaghan asked about parking before we passed it?”

MAYOR
NICHOLSON

“Yes sir. He would like to, as long as they’re going to be in the Brice Street building. They are in the process of acquiring property for a new building, but that’s a few months off. They’re still meeting there day and night in the Brice Street building, so they still need a place to park.”

MIKE
MONAGHAN

“That street there (pointing) going this way, not the one going this way.”

STEVEN BROWN "Mr. Mayor, I think we can address any issue, if Council does not want to take first reading on this ordinance. I think we can provide some parking further down Brice Street and resolve any issues that they have. We can look at the actual Brookside Court to see how wide it is and how much parking we can allow. I think we can work out these concerns. We're not talking about a long period of time; about six to nine months."

MAYOR NICHOLSON "Do you think, if we take first reading, you'll work it out by second reading, or do we need to postpone?"

STEVEN BROWN "It's just what you want to do. If you want to take first reading and there is not a resolve to the concerns of the AA, then you definitely do not have to take second reading."

MAYOR NICHOLSON "Okay."

NIKI HUTTO "They're not going to tear down the asphalt going down to the little circle?"

STEVEN BROWN "No, ma'am."

NIKI HUTTO "That's why I was confused in the beginning as to why they would tear up the asphalt when you said we were going to still have access to that."

STEVEN BROWN "We are."

NIKI HUTTO "Okay."

STEVEN BROWN "We'll still have the cul-de-sac and Brookside, but you just won't have the two wings."

MAYOR NICHOLSON "Let's do first reading, and we'll work it out."

NIKI HUTTO "Okay."

STEVEN BROWN "We'll get Lander to agree not to completely block the public street."

MAYOR NICHOLSON "Do we have a motion?"

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

“Any further discussion? All in favor raise your right hand. Opposed?”

Linda Edwards did not vote.

Motion passed.

(attach)

LINDA EDWARDS

“I’m not opposing, because I still don’t know where we’re going. What are they wanting to close?”

STEVEN BROWN

“This is considered to be a 50 foot radius in the cul-de-sac (pointing). They can also park down here (pointing), as long as they don’t obstruct the roadway. It’s of one of those things where we know what they’re doing, and if we put our two heads together, we can work this thing out for the best of both parties.”

MAYOR
NICHOLSON

“Okay.”

CONSIDER

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

Mutual State
Highway Project
Agreement
Resolution.

STEVEN BROWN

“Mr. Mayor, Lander University is going to change their entrance and relocate a portion of Crews Street. They have received funding from numbers of sources, and the State Highway Department will be working with them to relocate this street. As always, when the Highway Department does work inside of the City, they ask us to look at the plans and sign a Municipal State Highway Project Resolution. It doesn’t commit any City funds , nor bind you to any work that’s being done. It’s all on State right-of-way, and this is nothing but an agreement from you to allow this to be done inside of the City. It is a positive move for Lander to have a beautifully landscaped, attractive, single entrance into the

University. It's part of their plans for Lander."

MAYOR
NICHOLSON

"Do I have a motion?"

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

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

Motion passed unanimously.

(attach)

CONSIDER

An Ordinance
Amending the City
of Greenwood
Code of
Ordinances by
Deleting Chapter
15, Licenses,
Permits and
Miscellaneous
Business
Regulations,
Article VI, Adult
Uses and Sexually
Oriented
Businesses.

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

(1st reading)

STEVEN BROWN

“Mr. Mayor, when you pass ordinances, you’ll find some things that you need to clean up. When we passed the new zoning regulations, there was a section on sexually oriented businesses. I compared the two sections, and the requirements are virtually the same. The only difference is, under the old ordinance, you wanted the Chief of Police to enforce it. This was done in 1994. Under the new zoning ordinance, it is enforced by the Planning Director and his staff. The zoning ordinance states that there cannot be any sexually oriented businesses, except in zoning classification, HI, which is heavy industrial. There is no heavy industrial property inside of the City which pretty much says, until there is such a property, there cannot be a business of this nature. However, because it comes through zoning, the Police Chief has the authority, as the code enforcement officer, to enforce any sections of the Zoning Ordinance pertaining to violations of it. I think we should recommend that this part of your code of ordinances be voided and allow the section that is in your zoning ordinance to be the enforcement part. The only change is one says, Chief of Police, and the new zoning ordinance says, Planning Director.”

MAYOR
NICHOLSON

“Okay. Do we have a motion?”

STEVEN BROWN

“I recommend it.”

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

MAYOR
NICHOLSON

“Any further discussion?”

STEVEN BROWN

“If we don’t do it, we’ll have two sections that are in conflict with one another, and we want to eliminate that.”

MAYOR
NICHOLSON

“All in favor, raise your right hand. So moved.” Motion passed unanimously.

CONSIDER

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

An Ordinance
Amending
Ordinance 03-
010, Zoning
Ordinance,
Chapter 6,
Sexually Oriented
Businesses,
Section 6.6.2,
Definitions
Specific to This
Article.

(1st reading)

STEVEN BROWN

“Mr. Mayor and City Council, this is an ordinance that amends your recently passed Zoning Ordinance, Ordinance 03-010. You notice the letters that are red and have been crossed through? This ordinance would remove that one word. It talks about the definition of an adult book, or video, store. Our old and new zoning ordinance states that a commercial establishment may be deemed to be an adult book, or video, store.

It uses the term, ‘principle purposes’. There have been court cases where ordinances have been deemed to be invalid because these types of businesses were not the ‘principle purpose’ of the business. It might have been 10% or 15% of the gross receipts.

Chief Brooks recommended this to us a good while ago because he’s encountered some problems with this terminology. He’s talked with some local attorneys and they feel the ordinance does have some weakness with that wording and recommend that you take it out. It would say, ‘...instruments devices, or paraphernalia, which are designed for use in connections with specific sexual activities, a commercial establishment may have other purposes that do not involve the offering for sale, or rental, of materials depicting or describing. Then the last sentence says, ‘...such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult book, or video, store so long as one of its business purposes...’, not principal business purposes. So we would eliminate ‘principal’ under those two sentences. I strongly

encourage you to pass this ordinance.”

MAYOR
NICHOLSON

“Do I have a motion?” Motion to approve was made by Johnny Williams, seconded by Herbert Vaughn.

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

Motion passed unanimously.

- attach -

CONSIDER

The Acceptance of
a Community
Development
Block Grant
(CDBG) Local
Planning Award.

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

CHARLES
BARRINEAU

“Mr. Mayor, we’ve received notification from the Department of Commerce that we received a \$20,000 grant award for the purpose of creating a study to evaluate the priority housing needs of the below to moderate income in neighborhood development of future CDBG application funding. Recently, Ruth LaForge had a planning session, and we did receive that award. We’re bringing it to you for consideration of acceptance.”

MAYOR
NICHOLSON

“Okay. Do I have a motion?”

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

“Any discussion?”

CHARLES
BARRINEAU

“Mr. Mayor, the only thing I would add is, it has probably been two or three years ago when we initially started discussing this. You had appointed Mrs. Hutto and Mrs.

Turnburke to form a committee to address this issue, as far as future CDBG funding.”

MAYOR
NICHOLSON

“Yeah, we were talking about wanting to prioritize things, and have a list in place for the grants.”

STEVEN BROWN

“We must advertise and hire consultants to do this study. Our question to Council is, do you still want Mrs. Turnburke and Mrs. Hutto to serve as Council Liaison with the staff in getting this final product back to you?”

MAYOR
NICHOLSON

“Yes. Is that agreeable with Council?”

STEVEN BROWN

“Actually, it could be approved without City Council, but when we’re involved with community people and committees, we felt you would need a Council Liaison to work with us.”

MAYOR
NICHOLSON

“Okay. Thank you. All in favor, raise your right hand. So moved.”

Motion passed unanimously.

CONSIDER

The Acceptance of
a South Carolina
Department of
Transportation
Enhancement
Program Grant.

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

CHARLES
BARRINEAU

“Mr. Mayor, if you recall about six or seven months ago, the City applied for transportation enhancement funding to provide enhancements to the south end of Uptown. We have received notification from Commissioner Parnel that the City has received \$93,179 from the State. The City will be required to match it with \$23,295, and we’re bringing that for Council to consider. It all includes a sign and landscaping improvements on the southern entrance of Uptown.”

MAYOR

“Do I have a motion?”

NICHOLSON

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

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

Motion passed unanimously.

AUTHORIZE

The City Manager and Chief of Police to Sign a Mutual Aid Agreement with McCormick County Sheriff's Department.

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

STEVEN BROWN

“Mr. Mayor, we have been requested by the McCormick County Sheriff's Department to assist them with K-9 services in some of their investigations. They have checked out our K-9's, and feel comfortable with their training and competency. They will pay for any officer time and any expense that we employ in responding to their needs.

It's basically the checking of properties with dogs on a periodic basis, and they do not have the means to do it. We feel, in some ways, it's good for us. It will not cost us anything and, the more you use K-9's, the better they become. When they're not in use, we're continuously having to train them. As we respond to this request from the Sheriff's Department, it's actually allowing us to use the dogs, and they'll become more confident and better trained. Didn't you (Chief Brooks) tell me that it's four times a year that they would want to use them?”

CHIEF BROOKS

“Actually, they would like to do something about twice a month.”

STEVEN BROWN

“We feel good about responding to them. Chief Brooks has a lot of confidence in that department and the people he’s working with. Certainly, we will not respond to their request, or do anything that would take away from our responsibilities here. It will all be done as we are able to respond, and not desert our number one priority which is the City of Greenwood.”

MAYOR
NICHOLSON

“Okay. Do I have a motion?”

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

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

Motion passed unanimously.

- attach -

AUTHORIZE

The City Manager
to Schedule a Joint
Meeting with the
Accommodations
Tax Advisory
Committee.

Mayor Nicholson read the tenth item’s title and recognized the City Manager.

STEVEN BROWN

“In the last few years, City Council has become more involved in accommodations tax. I’m really glad that you are because this year, you will see the need for your involvement on the front end. So far, I have been contacted by three agencies that have never applied before. They’re really not agencies, but projects that are intending to request for accommodations tax. So, the pot is probably about the same, but the number of requests are going to be more. These new projects are probably

truer of accommodations projects because they are more tourism related. It's not the agencies we usually have, but it's more projects making a presentation.

Instead of having them to come back twice (once to the Accommodations Tax Advisory Board, and then once to City Council), I was wanting to know if you would allow me to schedule the meeting for your work session. The Accommodations Tax Advisory Committee can join you and, once you have heard the presentations, we will allow them to adjourn to the Conference Room. There, they can discuss the presentations and develop their recommendation to you.

You will have had the benefit of hearing the same presentations that they have and, at the same time, it'll give you an opportunity to ask questions of these agency representatives. That would be at the next work session, October 4th, on Monday night."

NIKI HUTTO

"That sounds like a good idea."

MAYOR
NICHOLSON

"Do I have a motion?"

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

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

Motion passed unanimously.

CONSIDER

Authorizing
Procedures for
Appointment for an
Unexpired Term of
a Commissioner of
Public Works.

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

STEVEN BROWN

“Mr. Mayor and Council, as you know, we have had a Commissioner of Public Works that has passed. According to State Law, there is no election, but it specifically states that the Mayor and City Council shall appoint an individual to fill this unexpired term. If you were to appoint someone tonight, the unexpired term would be close to 40 months that ends in April of 2008.

There is nothing in the law that stipulates the method by which you make this appointment. I can only give you history and I've given you that in a memorandum. In 1994, Ms. Pinson, who was a member of the Commissioners, was appointed to the State Board of Education which constituted dual office holdings. She had to resign from the Commission, and it was left to City Council to appoint a person for her unexpired term. The major difference at that time and this situation is it was only for three months. At that time, about a 90 day period of time was left on the term. Now, you're looking at three and a half years.

At that time, City Council asked us to put a notice in the paper stating that on a certain date, you would be addressing this situation, asking for letters of interests, and statements of qualifications to be submitted to the City Manager's office. After they were submitted to my office, I made copies available to City Council. There were 12 applicants, and City Council asked them to attend a meeting. They interviewed those applicants, and voted to appoint one as the Commissioner. You can use that same procedure, or develop one of your own.

There's only two Commissioners which means, if they have an issue before them and they have opposing views, there's no one to break the tie. Mr. Monaghan can verify this, but I was told that very thing happened at the last meeting. I think Mr. Monaghan was either for or against something and Mr. Hancock was either for or against it and, for lack of that third person to break that tie, the issue died.

It's nothing that you have to do 30, 60, or 90 days, but I think you should address it in a timely manner. I'll be more than glad to take your direction, if there is something that you want staff to do. I do think you should have special meetings. I don't think you can handle all of this at regular meetings or work sessions. I think all of

this is going to require you to spend a little bit more time. Certainly, you know the importance of this position.”

MAYOR
NICHOLSON

“We can use a work session to think of some ideas and make recommendations about the direction we want to go.”

NIKI HUTTO

“Because of things that have come across my desk, phone, or whatever, I would like to see a residency policy established regarding the length of time someone has been a City resident.”

MAYOR
NICHOLSON

“Well, they have to reside in the City.”

NIKI HUTTO

“Yeah, but they would have to reside in the City for a period of time before they apply for this position.”

LINDA EDWARDS

“I can see where you’re coming from.”

STEVEN BROWN

“I would tell you that the law does not state a period of residency, but City Council can vote according to your thinking. So, if someone is interested and they’ve only been a resident for a month, then you can deal with your preference as you vote.”

NIKI HUTTO

“Alright. So there’s no stipulation about the time of residency?”

MAYOR
NICHOLSON

“It’s just like they’re running for office. We’ll discuss it at the work session.”

CONSIDER

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

Authorizing the City Manager to Advertise a Public Hearing on the Proposed Ordinance to Establish Policies Governing the “Wrecker & Towing Service Rotation List” within the City of Greenwood.

STEVEN BROWN

“The staff made recommendations on an ordinance to you some time ago. It was postponed by City Council, and we’re still encountering problems. We still have cars involved in accidents inside of the City of Greenwood that are being towed to far out places. It must be addressed because people are upset with us. We, as your staff, have no means to address it without City Council taking some action.

I know there’s a lot of interest by some of the wrecker companies on what you may, or may not, do. I can understand how a person, who lives on my street, gets injured in an accident and is not able to make the decision about where his car is to be towed. However, if we call the next wrecker on the list and their car is towed by somebody out of Waterloo, Ware Shoals, Saluda, or some far region place, they’ll find out about it two weeks after they get out of the hospital. After it’s been sitting there for two weeks and they want someone in Greenwood to repair their vehicle, then they have to pay a fee for that wrecker to tow it all the way from Saluda back to Greenwood. That’s when it gets into a sizable amount of money.”

CHIEF BROOKS

“Again, there are several issues. A lot of this is people having to go as far away as Saluda to reclaim their car. Sometimes we’ve got traffic tied up after a wreck on the By-pass at five o’clock on a Friday afternoon. The officer would call for the next wrecker on rotation and, 30 to 40 minutes later, he’s still out there directing traffic that’s backed up two to three miles, or worse. He’ll call the dispatcher and ask, ‘Where’s the wrecker?’, and they’ll say, ‘Well, it’ll be 45 minutes.’ One of the wreckers on the list is from the other side of the traffic circle in Saluda. It’s literally 45 miles away. It’s not that it ties up our officer for that long, but it ties up so many motorists that are wanting to get home. They have things to do and places to be, but can’t get there from the traffic.”

STEVEN BROWN

“If you’re going to make a decision, this is a good time of year to do so. I know it’s September and we got October, November, and December, but January 1st begins the new business license year. If we can make a decision one way or another, and you do make a change, then before they get their business license January 1, we can announce that this is the way the rotation list will be. They can choose at that time whether they want to get the license or not. If they

know that they're not going to be a part of our rotation list, then they can choose.

There are additional services that go on other than accidents, but a lot of these people only get licensed to be a part of that rotation list. That's been a requirement all along. When they get their license, they think they're going to be on that rotation list and get their share of those calls.

And another problem we have (I'm not saying that you need to get into it, but you need to be aware) is, you'll have one wrecker in the City that'll pick up a car at Self Regional and charge \$35. You'll have another one that'll charge \$95 for the same distance, and we have no control. People really get upset with us when Steve Brown's Wrecker Service is on the rotation list and he charges \$105 to \$110. The citizen may say, 'Well, I talked with So and So and he would've towed it for \$35.' There's some out there that, once we call them, they'll give us the high price.

There are requirements in this ordinance requiring them to have security fencing to protect these cars once they towed it. We don't need anymore controversy, but we got a problem that needs to be addressed. It's the citizen that's really being harmed. Gerald said, 'I hate to bother you with this, but I'm getting more complaints about the wrecker service.' I have placed it on the agenda to ask if we can have a public hearing. We can announce it and send a notice to inform all the wrecker services that have business licenses of the public hearing and a copy of this proposed ordinance. They can speak to you and go from there."

JOHNNY WILLIAMS

"All the wreckers that's on the towing list will be inside of the City?"

STEVEN BROWN

"I think that's what it requires."

CHIEF BROOKS

"It's my understanding in the ordinance that if your vehicle breaks down, or you're conscious, you can request for whatever wrecker you want. This wouldn't eliminate that. A customer can always choose his wrecker, but it's when the customer is either unable to express a preference because he's unconscious, or absent, or they have no preference. If they say, 'Just call me any wrecker.', then the wrecker would be located inside of the City."

STEVEN BROWN "The proposed ordinance says, '...any firm having its main business operation within the City of Greenwood shall become eligible to participate in the rotation listing...', as provided in Section 6 of this ordinance. So they would be required to be inside of the City to be on the rotation list. It doesn't mean they won't be called if someone requested them, but this rotation list would be just for inside-City wrecker services."

MAYOR NICHOLSON "Do I have a motion that we authorize the City Manager to advertise for this hearing?"

BETTY BOLES "I have a question. You're saying that if a wrecker service comes inside the City after this is passed, they need to apply for a license? What if there was a wrecked vehicle that the individual may want someone from Saluda to pick up?"

MAYOR NICHOLSON "The would have to ask for that service."

BETTY BOLES "I'm asking about the new guidelines."

STEVEN BROWN "Well, under the new guidelines, that wouldn't change. For example, a chain company, such as Cromer's Food Services out of Anderson, may have a company that they contract with when something like this happens. We'll allow them to pull that truck off and won't require them to get a business license. That'll probably be the only time they'll be back. However, if somebody is continuously being called by people, yes, they have to have a business license. They must have their physical location inside of the City to be on the rotation list, which means they would have a building, and storage yard."

NIKI HUTTO "So the wrecker services in Greenwood would probably love this new ordinance?"

MAYOR NICHOLSON "Yeah, that would keep a lot of the outside from the inside."

STEVEN BROWN "The ones that are going to oppose this would be the ones that sit around the perimeter of the City Limits, and those that make statements such as, 'I don't want the City touching my property'."

MAYOR NICHOLSON "Do I have a motion that we authorize this?"

Motion was made by Linda Edwards, seconded by Barbara Turnburke.

“All in favor raise your right hand. So moved.”

Motion passed unanimously.

“Don’t forget the work session on October the 4th at 5:30. Also, let’s not forget that you have an invitation to the Safety Banquet Dinner on Thursday, October 7th, at 6 p.m. Thank you.

Meeting is adjourned.”

Meeting adjourned at 7:17 p.m.

Floyd Nicholson, Mayor

ATTEST:

City Clerk and
Treasurer