

GREENWOOD CITY COUNCIL

October 18, 2004 - 5:47 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; Mike Hatfield of WCRS, 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 September 20, 2004.

Motion was made by Johnny Williams, 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 September 2004, and the Commissioners of Public Works Consolidated Financial Report for the period ending August 31, 2004.

Motion to accept the reports as information was made by Linda Edwards, seconded by Niki Hutto.

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

Motion passed unanimously.

CONSIDER

O r d i n a n c e
A m e n d i n g
O f f i c i a l Z o n i n g
M a p (O r d i n a n c e
N o . 0 4 - 0 2 0) b y
R e z o n i n g
P r o p e r t y
L o c a t e d a t 3 0 3
E l l e n b u r g
A v e n u e f r o m O P I
(O f f i c e ,
P r o f e s s i o n a l ,
I n s t i t u t i o n a l)
t o P D D (P l a n n e d
D e v e l o p m e n t
D i s t r i c t) .

(1st reading)

Under old business, Mayor Nicholson read the first item and said, "This is the property that was requested for rezoning by Self Regional. They are to keep it as a residence until they come up with what they exactly want to do with it."

JOHNNY WILLIAMS

"If they're going leave it as a resident property, why do we have it on the agenda to vote on it?"

STEVEN BROWN

"They submitted a new, revised application. The application requests for 303 Ellenburg to be annexed into their planned development district as a residential use. You will note that the fourth 'Whereas' in your ordinance tells you it will be used for residential, and it cannot be used for any other use without a recommendation from the Planning Commission. That is the way a PDD works. You designate the uses of the properties within that planned development district. You can have commercial, residential, institutional, and all types of uses within that PDD. Once it is set, the only way you can change that use is to amend the PDD. It is a rezoning change, which must come back through the elected body."

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

MAYOR NICHOLSON

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

Motion passed unanimously.

- attach -

CONSIDER

O r d i n a n c e
A u t h o r i z i n g
L a n d e r
U n i v e r s i t y t o
C l o s e B r o o k s i d e
C o u r t N o r t h a n d
S o u t h .

Mayor Nicholson read the second item and asked the City Manager, "Mr. Brown, did they get the parking worked out?"

(2nd reading)

STEVEN BROWN

"Mr. Mayor, for the last 30 days, I have not had a complaint from the AA folks, nor the public. The Police Department has not been called for any problems, and it appears that everything is working fine. I've talked with Mr. Suttles from Lander University, and he has not had any complaints. No one has requested any changes, so I think everything is working well. I would recommend that you pass this ordinance."

MAYOR NICHOLSON

"Okay, do I have a motion?"

Motion to approve the ordinance was made by Betty Boles, seconded by Linda Edwards.

STEVEN BROWN

"I would just tell City Council that the red (highlighted area on the overhead) is what you're closing. The blue (highlighted area on the overhead) remains a City street."

MAYOR NICHOLSON

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

Motion passed unanimously.

- attach -

CONSIDER

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

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.

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

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

Motion passed unanimously.

- attach -

(2nd reading)

CONSIDER

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

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

Motion was made by Niki Hutto seconded by Johnny Williams.

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

Motion passed unanimously

- attach -

(2nd reading)

CONSIDER

Under new business, Mayor Nicholson read the first item and asked for a motion.

An Ordinance to
E s t a b l i s h
P o l i c i e s
Governing the
"Wrecker &
Towing Service
Rotation List"
within the City
of Greenwood.

(1st reading)

LINDA EDWARDS

"Mr. Mayor? Maybe I should put it in a form of a motion, but I think this is something that we need to discuss in work session. We need to read through this and get some input. When we do come up with an ordinance governing the wrecker and towing services, we'll be sure of what we're doing, and wouldn't need to be back here if somebody's dissatisfied. I really think we need to discuss this, and maybe invite the wrecker and towing people to come with some suggestions as to how we really want this ordinance to be. We can have some teeth in it, and won't have to deal with this in a couple of years."

Motion to table the ordinance regarding the wrecker and towing rotation list to discuss at a work session and receive input was made by Linda Edwards, seconded by Barbara Turnburke.

STEVEN BROWN

"Mr. Mayor, I would ask Council to consider making a decision prior to January 1. 2005 Business License are to be renewed no later than April 15, 2005. If a decision is made by January 1, 2005, the staff can inform towing company operations prior to their license renewal."

MAYOR NICHOLSON

"Okay. We'll discuss it at our work session on the 1st of November and try to have it back on the agenda for our regular meeting."

STEVEN BROWN "I would tell you that there were some comments made saying, 'I've done good business, and had no complaints.' Please understand the issue here is not the quality of services rendered. No one on this staff is criticizing anybody's quality of service."

NIKI HUTTO "The main change from the present towing and wrecker rotation ordinance is where these wrecker services will be located. Is that correct?"

STEVEN BROWN "That is correct. The old policy stated that if you had a City business license, we had no regard for where you were physically located, and the staff would put you on the rotation list."

NIKI HUTTO "The City Limits; not just have a business license. Okay. So, in essence, you could still have a wrecker service business license to do business in the City of Greenwood, but you would not be on the rotation according to this ordinance?"

STEVEN BROWN "That's correct."

NIKI HUTTO "It does not limit you in doing business in Greenwood?"

STEVEN BROWN "That's correct."

NIKI HUTTO "Now, if you're outside the City Limits of Greenwood and want to perform your service but don't have a business license, then you cannot do business, period? That is the way it is today?"

STEVEN BROWN "That's right."

NIKI HUTTO "Okay."

STEVEN BROWN "That's why this gentleman said he was not getting business. Without having a business license, we would not call him because he is not legally able to do business within the City without it."

NIKI HUTTO "Alright. Some of the other questions that I've heard were of the other qualifications, as far as fencing, storage buildings, insurance, and all those other factors. Are they relatively the same in this ordinance as they are in the previous ordinance, or have they become more stringent?"

STEVEN BROWN "I don't know of an ordinance that preceded this one. I think it was just staff and police department policy. There are some requirements that we've not enforced previously, such as fencing."

NIKI HUTTO "Now, the fencing issue is to keep whatever property that may be towed in a safe place because we're responsible, as the City of Greenwood, for whatever has been towed by someone on our rotation list. The liability may fall on the City, if it's not in a secure place. Is that correct?"

STEVEN BROWN "That's correct."

NIKI HUTTO "Okay."

JOHNNY WILLIAMS "Also, our biggest complaint was that people were having to go out of town to get their cars that were towed, or have their cars towed back into town. That is the biggest, number one complaint."

STEVEN BROWN "That's it."

JOHNNY WILLIAMS "Two, this is about the third to fifth time I addressed this wrecker service problem since I've been here. My feeling is, if you got a wrecker inside the City, paying City taxes on that wrecker (and they're not cheap), and a business license, then they should be on the rotation list. I'd hate to see it tabled. We need to do something because I've had numbers of complaints of people saying, 'Hey, why is my car being towed to Ninety Six? Why is my car getting towed four miles out of town? I got to pay a wrecker to bring it back in.' That's where we're at today. I'd like to see it adopted."

STEVEN BROWN "Mr. Mayor and Council, I would tell you that, when we drafted the ordinance, we looked at a three to five mile radius around the center of the City. Then we found that there would be somebody 50 feet beyond that line. We would then extend the line and some other towing company would be near. We then changed our recommendation to use only those towing companies within the city limits of Greenwood.

We're not trying to penalize anybody, but they did make the decision to come inside the City, and it costs more. At the same time, we're not telling

anyone that they cannot do business.

You have to look at this the same way you look at plumbing, roofing, and other companies that must have a business license in order to do business in the City. Plumbing companies, which do business inside of the City, pay more for their license because they have to pay on all of their business transactions, even if it's in the far reaches of Greenwood County. So, it's not an easy thing to address. I just wanted you to understand where we've come."

MAYOR NICHOLSON

"I understand a lot of citizens have complained about the distance they traveled to pick up their cars. There is increased traffic in Greenwood also. When these accidents occur, I think it's of the essence to get the vehicles off the street as quickly as possible because traffic can tie up. A lot of times, an officer is waiting 40 minutes for a wrecker, and that's entirely too long. It's very important to get cars off of the street and get traffic moving again to prevent any further accidents. We're going to pass something, but we just need some fine tuning. Like the City Manager said, we're not here to put anybody out of business."

LINDA EDWARDS

"Mr. Mayor, that was my reasoning for asking it to be tabled. For me personally, I have not read the old one, so I don't know what I'm comparing this new one to. I'm not saying that the City staff have not done a good job, but I have to be satisfied with what I'm voting on. Just like Mr. Williams, this has come up several times, and we're always back at this point. I want to see us get something that we can put our teeth into and not be back in this same position two years later. We want to get this out of the way, but let's do it right."

MAYOR NICHOLSON

"Okay."

BETTY BOLES

"I have a question? Did everyone get a copy of the draft?"

STEVEN BROWN

"Yes. I've sent it to all 33 wrecker companies that had a business license. If they did not have a business license, then I would not know who they were, nor have an address. Those that are registered and licensed by the City were mailed a

memo telling them what was taking place and why. I gave them some background information and a copy of the draft."

MAYOR NICHOLSON

"Okay. 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
A m e n d i n g
Ordinance 03-
010, Zoning
O r d i n a n c e ,
Chapter 3,
Zoning District
R e g u l a t i o n s ,
Section 3.1.3,
Zoning District
U s e M a t r i x a n d
Section 3.3.4.2,
A d d i t i o n a l
C o n d i t i o n a l U s e s
A l l o w e d i n G C ,
(Z) S e x u a l l y
O r i e n t e d
B u s i n e s s .

(1st reading)

STEVEN BROWN

"Mr. Mayor and City Council, I've sent you a memo on this ordinance. If you look at the first sheet of the ordinance, you will notice the matrix has a "C" under GC which means, sexually oriented businesses would be allowed in the general commercial zone as a conditional use. That is not what was intended. If you look to another section of the zoning ordinance, it states that sexually oriented businesses can only be located in heavy industrial. There is no property inside of the City zoned heavy industrial, so there cannot be a sexually oriented business in the City. The ordinance before corrects an error in the zoning text and prohibits sexually oriented businesses in only HI zones. I hope this is the last time that

it's on the agenda."

MAYOR NICHOLSON

"Do we have a motion?"

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

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

Motion passed unanimously.

(attach)

CONSIDER

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

Accommodations
Tax Advisory
Committee
Recommendations.

STEVEN BROWN

"Mr. Mayor, you have a recommendation from the City of Greenwood Accommodations Tax Advisory Committee. You also have some information that I have provided for you. This is a decision that needs to be made by City Council. You've also heard the presentations, requests, and explanations given by the different agencies. I'll be glad to answer any questions that you may have."

MAYOR NICHOLSON

"All of you have received the recommendation coming from the Accommodations Tax Committee."

STEVEN BROWN

"In the first column, you have the amount that was requested by the different agencies. In the second column, you have the amount that was recommended by the Committee. The third recommendation, that's not on the screen, comes from my office."

MAYOR NICHOLSON

"Okay. You all remember receiving that in the package Mr. Brown sent you last week."

JOHNNY WILLIAMS

"I got a question I'd like to ask. You took money from two of them?"

STEVEN BROWN "Yes, sir."

JOHNNY WILLIAMS "Why? I wasn't here, so I didn't know."

STEVEN BROWN "I made the explanation in my memo to you. I think one of them is going to have difficulty in meeting the promotion of tourism requirements."

JOHNNY WILLIAMS "Is that the park?"

STEVEN BROWN "Well, the park is one, and the other is the Nurse Robinson House on Gage Street. I also reduced the Chamber of Commerce to the 30% that is required by law."

JOHNNY WILLIAMS "Is there any way to stop the 30% from going to the Chamber of Commerce?"

STEVEN BROWN "No sir. Not at this time."

NIKI HUTTO "Then we could increase the funding to the museum?"

STEVEN BROWN "My recommendation is to increase the museum's allocation from \$5,000 to \$10,000."

NIKI HUTTO "We know it is a viable tourist attraction that needs the money at present."

STEVEN BROWN "If Council wants to fund the Nurse Robinson House, I would ask that you allow me to submit it to the State before you actually pay the money."

JOHNNY WILLIAMS "What did we do last year with the other ones?"

MAYOR NICHOLSON "The same."

NIKI HUTTO "By passing what we discussed: less to the Chamber, none the park, and none to Ms. Robinson's house, more to the museum, that would give us a reserve."

STEVEN BROWN "It gives you \$2,928 reserve."

NIKI HUTTO "If we wanted to fund something else, we could submit another viable function to see if it flies, and have that \$2,928 to work with. Correct?"

STEVEN BROWN "If it is involving any of the requests that you have before you, you can do so. If it is a new request, the law requires it to go back before the Accommodations Tax Committee. If you were of the mind to zero out the Nurse Robinson Project and

resubmit it, you could take it out of the reserve and fund it at that time, if it was approved."

NIKI HUTTO

"That, to me, makes the most sense."

B A R B A R A
TURNBURKE

"It does look like we at least tried."

STEVEN BROWN

"Sure. It gives you the money to do that."

NIKI HUTTO

"I do think the museum is viable. Taking away money from the Chamber and giving it to the museum makes sense. Also, when we make our recommendation, can we make a recommendation to these various organizations about working together so next year they can have a more consolidated effort in printing and promotion? Is there any way we can do that?"

STEVEN BROWN

"Yes. When we send these checks out, you can direct me to put in the letters that you want to see less redundancy when it comes to brochures and printing costs because you feel that there is an inordinate amount of money spent when they can do some joint printing."

BETTY BOLES

"Where is the visitor's center housed? Do we have one? Isn't the Chamber the visitor's center?"

STEVEN BROWN

"Yes, ma'am."

NIKI HUTTO

"The whole concept of the Federal Building is to have that visitor's center. I think we need to go ahead and make the recommendation about the accommodations tax, and get the meeting together immediately for next year so we can actually develop that office of tourism out of the City of Greenwood. So, whatever means we need to do to get that process implemented and started, I think it would be worthwhile. Next year, we could actually have a tourism director to tell them how we're going to pull these brochures together and have a consolidated effort that makes sense."

STEVEN BROWN

"We plan to talk with you on the additional accommodations tax at the budget meeting."

MAYOR NICHOLSON

"Okay. You see what the Committee and City Manager recommended. Do I have a motion?"

Motion to accept the City Manager's recommendations was made by Johnny Williams, seconded by Barbara Turnburke.

"Is there any further discussion?"

STEVEN BROWN

"Mr. Mayor, that directs me to write the letter regarding the Nurse Robinson House?"

MAYOR NICHOLSON

"Right."

STEVEN BROWN

"I'll do so."

MAYOR NICHOLSON

"We have a motion to accept the City Manager's recommendation of:

Palmetto Conservation Foundation	\$8,000.00
American Legion Post 20	\$3,000.00
National Council of Negro Women	\$ -
Greenwood Heritage Corridor	\$500.00
Festival of Flowers	\$19,500.00
Chamber of Commerce Tourism Committee	\$3,020.00
Greenwood Community Theatre	\$5,000.00
The Museum	\$10,000.00
Uptown Pro Cycling Challenge	\$8,000.00
South Carolina Festival of Discovery	\$8,000.00
Arts Council of Greenwood County	\$3,500.00
Greater Greenwood Parks & Trails Foundation	\$ -
Olde Fashioned 4 th of July Celebration	\$500.00
	<u>\$500.00</u>
Total	\$69,020.00
Reserve	\$2,928.00

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

Motion passed unanimously.

"Okay. That's the last item on the agenda. Don't forget we will have work session November 1st."

STEVEN BROWN

"If Council will allow me, Self Memorial has made an offer on that house. They're asking for you to allow me to set up a special meeting before work session to deal with that one issue on second reading."

MAYOR NICHOLSON

"Alright. If there is no other business, the meeting is adjourned. I thank you all for coming."

Meeting adjourned at 6:15 p.m.

Floyd Nicholson, Mayor

ATTEST:

City Clerk and Treasurer