

GREENWOOD CITY COUNCIL

December 13, 2004 - 6:15 p.m.

**MINUTES**

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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; and Megan Varner from the Index-Journal.

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MINUTES

Mayor Nicholson asked for a motion to approve the minutes of the City Council Public Hearing and Meeting on November 15, 2004 and Executive Session on December 6, 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 in favor raise your right hand. So moved."

Motion was carried unanimously.

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REPORTS

Mayor Nicholson asked for a motion to accept as information the reports from the City Manager for November 2004, and the Commissioners of Public Works Consolidated Financial Report for the period ending October 31, 2004.

Motion to accept the reports as information was made by Niki Hutto, seconded by Johnny Williams.

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

Motion passed unanimously.

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CONSIDER

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

A Request by  
Thomas Harvin,  
Jr. to Rezone  
1709 Kateway  
from R 3  
(Residential  
District) to  
LIW (Light  
Industrial /  
Warehousing).

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

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

Mayor Nicholson abstained from voting because he owns property in the neighborhood.

(1<sup>st</sup> reading)

Motion passed unanimously.

- attach -

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CONSIDER

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

An Ordinance to  
Amend the  
Greenwood City  
Code of  
Ordinances,  
Definitions and  
Procedures for  
Conceptual Plan  
Review.

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

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

(2<sup>nd</sup> reading)

Motion passed unanimously.

- attach -

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CONSIDER

Mayor Nicholson read the third item and asked the City Manager, "Mr. Brown, the budgeted amount is?"

An Ordinance to  
Adopt the  
Budget for  
2005.

(2<sup>nd</sup> reading)

STEVEN BROWN

"I need Ms. Dorn to explain the change in the budget. Charlie may also add some information about why we had to increase the budget."

MAYOR NICHOLSON

"Okay. Ms. Dorn?"

STEFFANIE DORN

"Mr. Mayor, the total on that is \$12,211,817 and the change that we made was for our liability insurance. We had to have an increase in that. We had some vehicle accidents from 2003 that came into play with our experience modifier. That did cause the insurance to go up more than we expected, so we increased the line item and the revenue for those additional monies to come out of the reserve fund. That was the only change that we made."

MAYOR NICHOLSON

"Okay. Charlie, you got anything?"

C H A R L E S  
BARRINEAU

"The only thing I would add is that as we expect our trend to go down, it will decrease over next year. We've had good experience, and this is the first time that the liability has increased since I've been here. So it's still a good trend."

MAYOR NICHOLSON

"Okay. Do I have a motion that we adopt the budget for 2005?"

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

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

Motion passed unanimously.

- attach -

CONSIDER

Mayor Nicholson read the fourth item and asked the City Clerk, "Ms. Dorn, this is?"

An Ordinance to  
Levy Tax for the  
C i t y o f

Greenwood for  
2005.

( 2<sup>nd</sup> reading)

STEFFANIE DORN

"At 96 mills."

MAYOR NICHOLSON

"No increase, right?"

STEFFANIE DORN

"No increase. That's correct."

MAYOR NICHOLSON

"Okay. Levy tax at 96 mills which is no millage increase for the upcoming year. Do we have a motion?"

Motion was made by Johnny Williams seconded by Niki Hutto.

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

Motion passed unanimously

- attach -

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CONSIDER

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

An Ordinance to  
Authorize the  
City Manager to  
Borrow Money in  
2005.

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

( 2<sup>nd</sup> reading)

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

Motion passed unanimously.

- attach -

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CONSIDER

Adopting the  
Business License  
Ordinance for  
2005.

(2<sup>nd</sup> reading)

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

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

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

Motion passed unanimously.

- attach -

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CONSIDER

O r d i n a n c e  
Providing for  
the Imposition  
of a Local  
Accommodations  
Tax within the  
C i t y o f  
Greenwood.

(2<sup>nd</sup> reading)

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

Motion to delay the second reading until the fourth Monday in January was made by Linda Edwards, seconded by Betty Boles.

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

Motion passed unanimously.

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CONSIDER

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"

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

within the City  
of Greenwood.

(2<sup>nd</sup> reading)

JOHNNY WILLIAMS

"Mr. Mayor, I make a motion that we pass this. I heard all their concerns and, if I was able to name a wrecker, I'd certainly give my own wrecker service a call. We can always backup if we make a mistake, so I make a motion that we try it because for the past 20 years being on Council, this is about the fifth time we've been to this point."

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

BETTY BOLES

"Mr. Mayor, I would like to abstain from voting."

MAYOR NICHOLSON

"Let the record show that Ms. Boles abstained from voting because of conflict. Is there any discussion?"

LINDA EDWARDS

"I have a question. Did I understand Mr. Williams to say that we'll go ahead with second reading and we may have to come back?"

MAYOR NICHOLSON

"No. He said that if we need to change it later."

JOHNNY WILLIAMS

"If we have to make a change because we may need more wreckers, then we can always come back. One guy said to make a circle, but the first meeting we had on this, Mr. Brown said every time he made a circle within a mile or two from the City, there were one or two right on the edge. By the time you're through, you're back in the same location you're in. Am I correct in that, Mr. Brown?"

STEVEN BROWN

"Mr. Williams, my response was there were so many located in different places that when you draw the circle at one or six miles, you're eliminating an operator who is outside of the City. I think the question before City Council is the fairness and the equity of drawing an arbitrary line. Upon what basis do you draw that line? What's the criteria? At it's best, it can only be considered an arbitrary line. If one wants five miles, the other would want six. I'm sure Mr. Price in Ninety Six would like to see it nine miles. So it's a difficult task, and I just don't know where the line can be drawn."

I don't want anyone to leave tonight thinking that operators are being accused of providing inferior services. That is absolutely an untruth.

This is only brought to you as a result of complaints from people whose car has been towed to distant locations. There have not been any complaints regarding fees, service, or response time. Occasionally, you'll have an officer to say that they had to wait, but in most part, everybody does an excellent job. If you could solve the problem of towing to distant locations any other way, or if anybody has a better suggestion, I haven't heard one. That is the problem before you.

MAYOR NICHOLSON

"Okay. Any further discussion?"

BETTY BOLES

"I have one question. The business license cost has not increased over the last three to four years, has it?"

STEVEN BROWN

"No ma'am."

MAYOR NICHOLSON

"Okay. I have a motion and a second that we pass the ordinance. All in favor, raise your right hand. All those opposed? So moved."

Those voting in favor were Mayor Nicholson, Niki Hutto, Herbert Vaughn, Johnny Williams and Barbara Turnburke. Linda Edwards voted against, and Betty Boles abstained from voting.

Motion passed.

- attach -

CONSIDER

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

O r d i n a n c e  
Amending City of  
Greenwood Code  
of Ordinances,  
Chapter 7,  
Elections,  
Section 7-6 (a),

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

"Is there any discussion or questions? All in

(b), Legal  
Descriptions for  
Each Ward.

favor raise your right hand. So moved."

(2<sup>nd</sup> reading)

Motion passed unanimously.

- attach -

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CONSIDER

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

O r d i n a n c e  
A m e n d i n g  
Official Zoning  
Map (Ordinance  
No. 04-020) by  
R e z o n i n g  
Property Located  
at 854, 900,  
906, and 910  
Edgefield Street  
from R-7 and R-  
10 (Residential  
High Density) to  
GC (General  
Commercial).

( 1<sup>st</sup> reading)

STEVEN BROWN

"Mr. Mayor, it's my understanding that this ordinance is presented to you by the Planning Commission to correct a mistake that was made when the new land use map was drawn. These properties have always been commercial. One is a vacant commercial property, but it was built and developed for commercial use. The other is presently occupied by a business. I think it's Greenwood Auto Parts.

We told you when you passed the land use maps, we anticipated that there may be some errors and we would bring them to you. The Planning Commission concurred that it was an error and have recommended this be adopted to correct that matter."

JOHNNY WILLIAMS

"That's what I was talking about."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

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

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

Motion passed unanimously.

- attach -

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CONSIDER

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

O r d i n a n c e  
A n n e x i n g  
P r o p e r t y     o f f  
C e n t e r     S t r e e t  
O w n e d     b y     L e c h i  
T h i     N g u y e n .

(1<sup>st</sup> reading)

STEVEN BROWN

"Mr. Mayor and City Council, we have present with us tonight, Mr. Tommy Hite, who is an attorney from Abbeville. He also serves as the City Attorney for Abbeville. We're also privileged to have his daughter, Heather Stone, who has just recently passed the bar. She's practicing law in Abbeville and Greenwood with her dad, and I would ask them to come forward and make a presentation to you."

THOMAS HITE

"Mr. Mayor and Members of Council, I have been the City Attorney in Abbeville for about 25 years and I would tell you that I've been very impressed with the way you have handled your meetings and how quick you move through a lot of items on the agenda. That says a lot about the way you do business.

In this particular instance, I was asked by some friends in Greenwood to help a very nice lady who is interested in opening a business as a Day Spa on the property which is right here (pointing at overhead). The City is part of a very small part of her property. This sliver of it runs down to connect these apartments is in the City, but the majority of her property is in the County. She

asked the County to get it rezoned and allow her to open the Day Spa, but was unable to do it. Rather than fight that battle, my advice to her was to come before the City Council, annex in the City, and go through the rezoning process again. Hopefully she will have a better outcome in the City. We will go into detail about that when we need to.

This property is surrounded by Commercial property and I'm hoping that ultimately she'll be a good City citizen. It'll add substantially to your tax base and, if we get our zoning approved, will be able to bring some more jobs to Greenwood. I know Greenwood is like Abbeville, we like all the jobs we can get. We're asking you, on first reading, to approve this annexation of my client's property."

NIKI HUTTO

"Can I ask you a question? I'm familiar with this property and I remember this property was tried for rezoning at the County level. At one time, there was a real concern that the neighbors of Greenpoint had because it was promised to them when the land was cleared that they'd have some sort of buffer between them and whatever was going to happen on that strip. I was wondering, knowing that it's residential zoning behind you and this is going to be commercial, what kind of buffering were you anticipating and planning to do?"

THOMAS HITE

"I haven't been given authority by my client to work that particular issue. There's a gentleman, who I believe is interested in obtaining that property, and we hope that it could be worked out. I realize that it is an issue and we're going to do everything we can to address it."

JOHNNY WILLIAMS

"So what you're saying is, you want to annex this property into the City with no guarantees?"

THOMAS HITE

"Oh yes. You're not under any obligation, just because you annexed it, to approve the change in zoning. I've explained to my client that she could bring this property into the City, increase her taxes, and still not get what she wants. She understands that."

STEVEN BROWN

"Ms. Hutto, whatever your new ordinance requires as a buffer, they would be required to meet."

NIKI HUTTO

"I want them to be aware that we have different requirements than the County, as far as buffering."

STEVEN BROWN

"There is a planted area there now. I don't know if it's sufficient to meet the width of the buffer, but they are aware of it. They feel it's just as important for them that she understands fully what's before her, as it is for us. I think they have done their due diligence in informing her that there's no assurance of a rezoning.

Once you have annexed it, it is their intent to go to the Planning Commission with their request, and you will receive that recommendation at a later date."

HEATHER STONE

"We also want to make it clear that she doesn't want the most 'commercial' of the commercial zoning. She just wants the lowest zoning classification for her to be able to operate her business. I think it's OPI. It doesn't have to be the heavily commercial zoning classification."

THOMAS HITE

"We're going to do our best to work with the folks who had the problem before and work with something that would be conducive to something benefitting the City."

MAYOR NICHOLSON

"Okay. Thank you, Mr. Hite."

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

"Any further discussion?"

NIKI HUTTO

"There is a two-story, or split level, structure presently on that piece of property, correct? On that 'L' shaped piece of property, there is no structure whatsoever. Is it open land?"

THOMAS HITT

"The house is right here (pointing at screen) and this is open space here (pointing). I believe at one point in time the gentleman that own these apartments put a sign here that he had to take down. Do you remember that?"

NIKI HUTTO

"I do."

STEVEN BROWN

"Mr. Mayor and Council, this is the same property that was owned one time by the Simchon's. When the owner of the apartment complex came to the City and wanted to annex, we went to the Simchon's and we

were able to annex a 10 foot strip across this property. This lady actually owns the 10 foot strip that is presently inside of the City. I would recommend that you vote on this tonight."

MAYOR NICHOLSON

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

Motion passed unanimously.

- attach -

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CONSIDER

Action as a  
Result of  
Executive  
Session - Vacant  
Position on City  
of Greenwood  
Commissioners of  
Public Works

Mayor Nicholson read the last item and said, "A few weeks ago we met and brought in all of the various candidates who had applied for an appointment to the vacant position on the Commissioners of Public Works. At that time, there was a total of 15. We had a list of questions that we used to interview all of these applicants and, at that particular time, did not take any action after four hours. We had an executive session earlier today and, at this time, I'd entertain a motion as to the results of that executive session."

NIKI HUTTO

"Mr. Mayor, I'd like to make a motion, given the results of our discussion, that we call forward a number of that original 15 back for further questioning and review on January 10<sup>th</sup>. We would like to instruct the City Manager, at this time, to personally contact all 15 candidates and inform them of our decision to ask only six (6) candidates to return for a second interview. After they have been personally informed, we'd like to authorize the City Manager to inform the public. We feel the candidates should be informed of our actions first."

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

MAYOR NICHOLSON

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

Motion passed unanimously.

- attach -

"Again, I want to thank everyone for coming out this evening and we hope that everybody have a very enjoyable holiday season. Thank you. Meeting is adjourned."

Meeting adjourned at 6:40p.m.

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Floyd Nicholson, Mayor

ATTEST:

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City Clerk and Treasurer