

GREENWOOD CITY COUNCIL

December 13, 2004 - 5:31 p.m.

**PUBLIC HEARING**

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PRESENT

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

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CALL TO ORDER

The meeting in the Council Chambers was called to order by Mayor Nicholson at 5:32 p.m. He welcomed everyone to the meeting, and gave the invocation.

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STATEMENT AND  
QUORUM

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

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

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

The Mayor said, "First on our agenda tonight, we have nine public hearings. The format that we employ in the public hearings is, if there are individuals who would like to speak, we ask that you come to the podium, state your name and address for the record, and try to limit your comments to not more than four or five minutes."

The Mayor then read the first item and said, "If you look on the overhead, you'll see an explanation of this particular ordinance. Is there anyone to speak in favor of the ordinance? Is there anyone opposing? Alright, seeing and hearing none, we will close the public hearing."

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An Ordinance to Adopt the Budget for 2005.

The Mayor read the second item and asked, "Is there anyone here to speak in reference to the budget for 2005, for or against? Alright, seeing and hearing none, we will close the public hearing on the budget for 2005."

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An Ordinance to Levy Tax for the City of Greenwood for 2005.

The Mayor read the third item and asked, "Is there anyone to speak in reference to the ordinance to levy taxes in the City of Greenwood for 2005, for or opposing? Alright, seeing and hearing none, we will close the public hearing on the levy of tax for the City of Greenwood for 2005."

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

The Mayor read the fourth item and asked "Is there anyone here to speak in favor of the ordinance to borrow money in 2005? Is there anyone opposing? Alright, we will close the public hearing."

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Adopt the Business License Ordinance for 2005.

The Mayor read the fifth item and asked "Is there anyone to speak in favor of the Business License Ordinance for 2005? Anyone opposing? Alright, seeing and hearing none, we will close the public hearing on the Business License Ordinance."

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Ordinance Providing for the Imposition of a Local Accommodations Tax within the City of Greenwood.

The Mayor read the sixth item and said, "I think this will be at three percent for the upcoming year. Am I correct, Mr. Brown?"

STEVEN BROWN

"Yes sir."

MAYOR NICHOLSON

"Is there anyone to speak in favor of the ordinance? Come forward, please."

DEBBIE TURNER

"Thank you, Mayor Nicholson and Members of City Council, for allowing us an opportunity to speak

today.

My name is Debbie Turner, and I'm representing the Greenwood Area Chamber of Commerce as President Elect for 2005. I also wanted to point out that we have seven members of our board also in support today. Recently, we sent a letter to members of City Council in support of this ordinance. I wanted to take this opportunity to restate our position and read that letter, if that's acceptable.

Mrs. Turner read the letter from the Greenwood Area Chamber of Commerce.

I appreciate your taking the time to hear me out. Mr. Borneman is here today with some data that he'd like to share with you in support of this."

MAYOR NICHOLSON

"Thank you, Ms. Turner."

LEN BORNEMAN

"Mr. Mayor and Members of City Council, I too appreciate the opportunity to speak in favor of this."

MAYOR NICHOLSON

"Len, just for the record, your name and address."

LEN BORNEMAN

"My name is Len Borneman. I'm a resident of Greenwood County, and I'm the Executive Director of the Chamber of Commerce. This is an economic development question, in my opinion. Tourism and bringing outside spending dollars into our community is an important part of our whole economic development picture. This is a very important step in leveraging the small amount of dollars that come from the outside visitors. They pay for the promotion of our community, facilities, and events which will bring more dollars and visitors to enhance our economy.

The Chamber did a study a couple of years ago and this data goes back five or six years, but certainly, these are conservative numbers. If the monies were spent to promote the community and bring more visitors here, just a one percent increase in the number of visitors that come to our community will create direct sales of approximately \$300,000. That would roll over and get into the multiplier effect. When you spend \$300,000 those dollars will turn over again creating an additional \$950,000 to \$1 million in sales across the community from those whom we

receive those dollars.

That would create approximately 14 new jobs with just the one percent improvement. If we look at a four percent increase in the number of visitors that come into our community, that equates to \$1.5 million in additional spending from outside sources in our community. With the multiplier effect, that would be about 4.8 million dollars in total economic impact through our community, and approximately 70 new jobs. This is certainly a key part of keeping our development and initiatives, and we certainly endorse this ordinance. Thank you."

MAYOR NICHOLSON

"Thank you, Len. Is there anyone else to speak in favor of the ordinance? Todd?"

TODD WHITTINGTON

"Mr. Mayor and City Council. I'm Todd Whittington, and I live in Greenwood County. I operate two hotels, the Hampton and the Fairmont Inns in the City Limits. I stand in support of this initiative, however, I have one real concern.

I have spoken with Robbie Templeton who represents me in the County. He thinks it's a good idea, but County Council is a couple of steps behind the City. You folks have done a good job in leading this. I think it'll be a very good thing if this passes for Greenwood, however, if only the City takes this action, it would penalize my two hotels. Therefore, my request would be that we do this at the same time the County does it.

Many of you may know that there are hotels in and outside the City Limits. My main competitor actually is outside of the City Limits. If I had a tax and he didn't, it would be an obvious, unfair advantage over me which would actually harm my business. I'm here in support, but I would like to see it slow down a little bit to give the County a chance to catch up and implement this at the same time."

MAYOR NICHOLSON

"Okay. Thank you, Todd. Is there anyone else to speak in favor to the local accommodations tax within the City of Greenwood? Is there anyone opposing? Alright seeing no further individuals to speak..."

JOHNNY WILLIAMS

"I would like to ask him a question."

MAYOR NICHOLSON

"Todd, come forward please. Mr. Williams has a question."

JOHNNY WILLIAMS "Are you asking us to postpone this?"

TODD WHITTINGTON "Yes, I would make that request. I feel the County Council is in support of this, and it would be unfair to do it at this point until the County Council has a chance to."

JOHNNY WILLIAMS "Does the County have it on their agenda?"

MAYOR NICHOLSON "Yes. I talked to them. I think this month, or the first of January, they had some discussion."

NIKI HUTTO "What if we passed it, but didn't enact it until the County can enact it as well?"

TODD WHITTINGTON "My position would be that it would not be equitable to do that. I'm not an attorney, so I don't know how law is, but I think it's wrong if it's passed in one area and not the other. It's not fair, and inequitable because he would obviously receive benefit from this effort. The people outside of this area don't know the City's boundaries or limits. So obviously, he'll receive benefits without contributing any tax. So, I think it's a very positive thing for Greenwood County and City, but I would request that it happen together."

MAYOR NICHOLSON "Just make sure that both parties are moving in the same direction? Okay. Are there any more questions for Todd? Thank you, Todd."

NIKI HUTTO "My suggestion was to pass this ordinance, but not actually implement it until a specific date when it can be done simultaneously."

STEVEN BROWN "Mr. Mayor?"

MAYOR NICHOLSON "Yes, Steve?"

STEVEN BROWN "I have spoken with Jim Kier on two occasions and, while he cannot assure me of what County Council will do, he feels very strongly that County Council will move forward. There were questions that some of his Council Members had and we were able to respond in a positive manner. I feel good about the County passing it. I feel so good about the County Council adopting it that my recommendation would be to delay second reading until January. By your January meeting, which would be the fourth Monday in January, County Council will have possibly taken at least one or two readings.

Then, you will have a feel for what their actions are going to be. I think it's important enough to delay action on this to maintain the total support of all of the hotel and motel owners. I think it's very important to Todd, and he has been very supportive of all of our efforts in Greenwood through the years. He has been our contact person with the motel and hotel owners. Some people say his concerns are legitimate, and others say they aren't.

The only other change that I foresee is the implementation date. Instead of April 1<sup>st</sup>, it will possibly need to be changed to July 1. If the County passes it in February, it will require both the City and County Councils to meet and decide the structure of the organization that will administer these funds. It will be a decision by both bodies. To put all of the pieces of the puzzle together by April 1 would be most difficult. My recommendation would be to delay second reading until January and change the implementation date from April 1 to July 1<sup>st</sup>."

MAYOR NICHOLSON

"To go along with that, Robbie Templeton told me the same thing. There will be a finance committee meeting and that's gonna be one of the items they're discussing. I think they do have the support and it will be on the agenda at their next regular Council meeting. He was also saying that he would like for the City and the County to be in conjunction on the implementation and how we're going to use those funds."

BARBARA TURNBURKE

"Steve, would June the 1<sup>st</sup> be unrealistic instead of July 1<sup>st</sup>?"

STEVEN BROWN

"You would want to begin with the new quarter beginning July 1."

BARBARA TURNBURKE

"Okay. I was thinking about the Festival of Flowers in the month of June."

MAYOR NICHOLSON

"Okay. Thank you, Mr. Brown. Is there anyone else to speak in reference to the ordinance providing for the imposition of local accommodations tax within the City of Greenwood, for or against? Seeing and hearing no further, we will close the public hearing."

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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  
C i t y o f  
Greenwood.

The Mayor read the seventh item and asked, "Is there anyone to speak in reference to this ordinance? This is just for the individuals that have been in an accident and they don't have a preference. If they choose who they would want to call, but if the business doesn't have a business license to operate in the City of Greenwood, then police would go by the rotation list that we have inside the City of Greenwood. Is there anyone to speak in favor of the ordinance? Anyone opposing? Okay. Come forward."

JOHN PRUITT

"Mr. Mayor and Council Members, I'm John Pruitt from Trucks USA, and I have some concerns about this."

MAYOR NICHOLSON

"Where are you located, just for the record?"

JOHN PRUITT

"We're at 2924 Highway 72 West, Abbeville; just across the County line. I talked with Steve about this ordinance, and I understand the two major concerns which brought about the changes. Number one is the concern of citizens having to retrieve a vehicle that has been towed some distance from here. I can still understand where that could be into play. If somebody towed my vehicle 10 to 20 miles away and I had to go get it, I'd probably be upset also. The other concern is the response time to the scene, while there is not as great concern as the storage. What you're proposing is to make only wrecker services that are located within the City to be able to do this.

I have some concerns that I'll take just a few minutes and explain those to you. What I would propose is, while I think changes are needed to be made, you need to broaden the base of this to include some services that are outside of the City. I'd say that maybe 5 miles within the City would probably do that, and here's the reason why. First off, five miles is not far for somebody to get a car, if it's towed to an adequate facility. If you expand the boundary, this will multiply your available pool of wrecker services to service the City of Greenwood, the customers, and law enforcement in getting the vehicles out of the road and not stalling traffic. What you have now is seven, maybe eight, wrecker services located within the City. That's not very many. If you expand this boundary to five miles, that will encompass 19 services.

That will greatly expand the resource that you have available to respond to the scene of the accident and safely remove cars.

If the ordinance is adopted as written, I feel it will create a monopoly of wrecker services in the City of Greenwood. As with anything, if you create a monopoly and lessen the amount of services and competition, you can only do two things: increase the price of those services for the public and lessen the quality of service that they receive. If 50% to 75% of the wrecker services that are available, qualify, and meet all of the guidelines that you've set forth (right now, let's just say for argument that 50 to 75% of those eight services comply with your rules and you're cutting down to four or six wrecker services), with the growth of the City of Greenwood, the traffic patterns, and congestion that we have, there is only a matter of time that we will have a 4 to 5 car pileup.

Who's going to pull these vehicles out of the road? You can't call us, we're not on the rotation list, and won't be available for that service. If you have two multi-car accidents that involved two cars (I understand there were three last night, because I responded to one of them), you'll have all your wrecker services tied up. You're gonna end up with police on the scene waiting on wrecker services, traffic congestion, and people that are much more upset than what they are now.

The call I responded to last night was on Marshall Road. Your dispatcher sent me to Wal-Mart instead. Even though I went through all the Christmas traffic at Wal-Mart, I was on the scene in 18 minutes. Of all the services that you have located within the City of Greenwood, none of these guys live at their shops. They all live out of town just like I do. Unless they're sleeping in their shops, or their wreckers, they can't be on the scene any faster than we can. I think those are things you need to take in consideration. I feel that if you adopt this ordinance like you have written, it would be a disservice to the citizens of this community.

I think there needs to be change, but this change needs to be studied more in depth.

I think it needs to be broadened so that the citizens of this town will have a larger pool of services to draw from. Thank you."

MAYOR NICHOLSON

"Thank you, sir. Is there anyone else to speak in opposition to the wrecker and towing service rotation list within the City?"

JOHN ALEWINE

"Mayor Nicholson and Members of Council, my name is John Alewine. I'm the owner of AutoCare, Inc. located about 300 yards outside the City limits on Highway 25 North. I'm also speaking in opposition to this ordinance. I think it should be considered that if you do cut down the number of wrecker services you have in the City, as Mr. Pruitt said, the cost will go up. The City should be responsible for controlling the cost, if they consider the way the ordinance is written. One main concern the City has is the time of response. Every moment that their officers are out on a wreck scene, especially at Wal-Mart or K-Mart, they're in danger of another accident happening. I've run wrecker services in those areas and it does happen.

I do agree to that response time should be short, but I disagree with pulling out all the wrecker services that aren't listed inside of the City. I don't know if one owner lives inside the City. We only operate nine hours a day out of our businesses and we're at home the other 15 hours, so that doesn't mean that someone is inside of the City 24 hours a day that could run a full wrecker service. It is very important for City Council to remember.

I did have a question to City Council pertaining to this ordinance. Are there any other cities in South Carolina that has an ordinance like this?"

MAYOR NICHOLSON

"I think Mr. Brown checked and there are several cities."

JOHN ALEWINE

"No sir. Greenville put theirs on a bid system. It's not the same."

STEVEN BROWN

"This is patterned after Columbia."

JOHN ALEWINE

"I do know that Greenville is on a bid system and they require employees on that site 24 hours a day. That is a lot different. I live a mile outside of the City Limits, and my business is located 300 yards outside of the City Limits.

I think that there are a lot of wrecker services, as Mr. Pruitt said, that can respond. That's the main thing, protecting your officers. We can respond in a short period of time. It would not take much to change the ordinance. It is already at a point to where the City offers more wrecker services for the people with the ability to respond.

The last thing I have is inclement weather. Everyone knows what happens around Greenwood on days when we have inclement weather, especially ice. I've run a wrecker service for years, and it's all we can do to keep up.

That's when the City and County run into each other. If you have inclement weather, you're gonna have multiple wrecks. Not just some, but multiple wrecks. Who are we going to call, as members of the City, to take care of all that if you only have seven wrecker services? It takes at least an hour for one wrecker service to pick up one vehicle. Thank you, very much."

MAYOR NICHOLSON

"Is there anyone else to speak in opposition to the wrecker and towing service? Okay, come forward."

JIMMY HAYNES

"I'm Jimmy Haynes of Haynes Auto on Ninety Six Highway. The whole thing seems to be complaints of a very few people that are involved in accidents. Of all the wrecker drivers, I think we're entitled to see them complaints. Out of all the calls in 12 months, how many complaints are causing all these problems? If we got to buy a City license while located in the County, why would we have to pay the same thing for our license, if we can't work for the City? Y'all are charging us the same price, or we won't get the business. Why couldn't the response time be put on a probation-type listing? I've been in this business for 26 years or more, and I've never had a complaint amongst officers. But if these guys are late, give them a warning. Next time tell them, 'One more time, and you're coming off the list.' That would solve your problem. Thank you."

MAYOR NICHOLSON

"Thank you, sir. Is there anyone else to speak?"

JAMES FOLEY

"Everyone, I'm James Foley out of Waterloo. I wish y'all were thinking about this in particular.

Nine times out of ten the City calls us because there are two to three wrecks at a time and we're on the scene before a Greenwood wrecker is. A lot of police can verify that. I live in Waterloo and it takes us about 18 to 20 minutes to get here in Greenwood. I wish you all would think about it. We're out here trying to make a living, too."

MAYOR NICHOLSON

"Okay. Thank you. I'd like to clarify one point. This is just for individuals involved in an accident who do not request a particular wrecker service. A lot of times, if you're involved in an accident, the officer will ask you if you have a choice. If there is someone that doesn't have a particular choice, then they would go to the rotation list. But if you have choice and that company has a business license for the City of Greenwood, they could call that wrecker company choice of that individual involved in an accident. The majority of people that are involved in accidents have choices of who they want to call."

JOHN PRUITT

"Mr. Mayor, I understand what you're saying. This is only for the people who don't choose to call. Those are the people I'm addressing here. I'm not addressing the people that have a particular service that they want to call. I'm addressing the people that are involved in an accident and is incapacitated."

MAYOR NICHOLSON

"Right. I just wanted to clarify that point."

JOHN PRUITT

"Those are the people you have to be concerned about, not the person that knows who they want called."

MAYOR NICHOLSON

"We just wanted to clarify that."

JOHN PRUITT

"Again, we could have multiple accidents but only a limited number of wreckers available. Some may be on vacation, sick, or already tied up working on another call. I feel if you enact this ordinance as it is, you will severely limit the resources that you have at your disposal to serve the people of Greenwood. Not only does it limit the people, but it'll also keep your police officers on the traffic scene waiting 30 to 40 minutes to an hour. They could be working a crime scene, or protecting the citizens, which is the most important thing they have to do."

We don't want you to limit the resources that you have available and keep these officers from doing the most important job that they have by tying up the traffic."

MAYOR NICHOLSON

"Okay. Thank you. Yes sir?"

JOHN ALEWINE

"I think we're misunderstanding. Yes, it is about people that cannot make a choice at that time. I own a collision shop and wrecker service. I understand what these people are going through when they're sitting on the side of the road with a police officer and a lot of traffic. Most of these people are confused, and don't know what kind of choices to make. A number of people tell me every week, 'John, I tried to get you to pick my vehicle up but another wrecker service got it because I couldn't think of your name at the time.' That happens. We have a lot more people in the County than in the City and they don't know who to call. They're not thinking about it at that time. They're wondering if somebody might be hurt, whether they're going to be charged with a vehicle accident, or anything else but that. So when it comes to collisions, people are unable to make the choice. I understand why they're innate, because I've seen it dozens of times. They just cannot think about it at that time."

MAYOR NICHOLSON

"Okay. Thank you, John."

LINDA EDWARDS

"Mr. Mayor?"

MAYOR NICHOLSON

"Yes, Linda?"

LINDA EDWARDS

"Maybe I'm missing something. I thought the clarification of this ordinance was because we were getting complaints from people involved in wrecks that their car was being towed to Waterloo, Saluda, or even farther away. This is not something we want to do, but when the public cries out, 'I don't want to wake up and my car is in Waterloo and I have to pay somebody to get it.' we're answering a call, or a need, to the citizens within the City of Greenwood. We seemed to be getting off the subject. We're not saying anyone can't decide who they want to pick up their car, or that we have any preference, or am I missing something?"

MAYOR NICHOLSON

"No, you're correct. There's been several complaints about the distance that the cars were towed. The other thing was the time factor."

The Police Department said they're tied up investigating the accident because of the distance that a lot of the wrecker service are coming. So you're on line.

Okay is there anybody else to speak?"

JIMMY HAYNES

"I would like for you to listen to your dispatcher tape. The officers are already spending 78% of the time sending for the next wrecker on rotation within the City. They're already having problems. Listen to that on the tape."

MAYOR NICHOLSON

"Anyone else? Alright, seeing and hearing no other individuals, we will close the public hearing dealing with the wrecker and towing service rotation list within the City of Greenwood."

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O r d i n a n c e  
Amending City of  
Greenwood Code of  
O r d i n a n c e s ,  
Chapter 7,  
E l e c t i o n s ,  
Section 7-6 (a),  
Ward Lines for  
Single-Member  
D i s t r i c t s  
Established and  
Section 7-7 (a),  
(b), Legal  
Descriptions for  
Each Ward.

The Mayor read the eighth item and said, "This has to do with the drawing of the six different Wards within the City of Greenwood from the information we obtained from latest census where you have to be in compliance. This is just to establish new ward lines for the City of Greenwood. We would need to have clearance from the Federal Government. These are the new lines that will be drawn and hopefully implemented by the next election in 2006. Is there anyone to speak in favor of the ordinance? Is there anyone opposing? Alright, seeing and hearing no one regarding the ward lines, we will close the public hearing."

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Request by  
P l a n n i n g  
Department Staff  
to Rezone 2.22  
Acres Located at  
854, 900, 906,  
and 910 Edgefield  
Street from R-7  
(R e s i d e n t i a l  
District) and R-  
10 (Residential  
High Density) to  
GC General  
Commercial).

The Mayor read the last item and said, "You can look at the overhead here and really see where this is located. Is there anyone to speak in favor of this zoning request change? Anyone opposing? Okay, you got a question?"

JOHNNY WILLIAMS "Yeah. A while back, didn't we rezone a corner house on Edgefield Street?"

MAYOR NICHOLSON "No that was not on Edgefield."

JOHNNY WILLIAMS "We sure did, right above Benjamin's."

MAYOR NICHOLSON "Mr. Brown, are you aware of it? I don't know of one on Edgefield."

JOHNNY WILLIAMS "Alright. Trey Ward owns a house right beside it that looks like a barn, correct? Is that the old Benjamin's building? Trey Ward owns the house right beside it. Miller owned the house on the corner and they rezoned it out of the commercial district. I forgot what it was, but it's been about three or four years ago."

MAYOR NICHOLSON "Oh, okay. I thought you were talking about recently. Alright, is there anyone who opposes this rezoning request? Alright, seeing and hearing none, we will close and adjourn the public hearing part of our meeting. Now, we will move into the business portion of our meeting. Thank you all for coming and have a nice holiday."

There being no further business, the public hearing was adjourned at 6:15 p.m.

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Floyd Nicholson, Mayor

Attest:

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City Clerk and Treasurer