

GREENWOOD CITY COUNCIL

November 17, 2003 - 5:46 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, Meeting, and Executive Session held on October 20, 2003.

Motion was made by Barbara Turnburke, seconded by Linda Edwards, approving the minutes as presented.

The Mayor asked, "Any discussion or corrections to the minutes? All 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 October 2003, and the Commissioners of Public Works Consolidated Financial Report for the period ending September 30, 2003.

A motion was made by Johnny Williams, seconded by Betty Boles, to receive the reports as information.

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

Motion carried unanimously.

CONSIDER

Ordinance  
Authorizing City  
Manager  
and City Clerk to  
Execute a Site  
Lease Agreement  
between the City of  
Greenwood and the  
Greenwood Toros  
Soccer Club.

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

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

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

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

Motion passed unanimously.

- attach -

CONSIDER

Ordinance  
Amending City of  
Greenwood Zoning  
Ordinance Section  
VII, O, Temporary  
Uses, (1) (f).

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

Mayor Nicholson read the last item under Old Business and recognized the City Manager.

STEVEN BROWN

"Mr. Mayor and City Council, this is the recommendation from the Planning Commission that we delayed until they had a re-hearing on it. The amendment allows a temporary use of a mobile home for people who need to have someone to take care of them. What the language says is the guardian can have a temporary use on their property to take care of the individual, or the individual that needs to be taken care of can have a temporary use on their property for someone to live in and take care of them. So it allows the temporary use either on the guardian or the affected individual property and that is not allowed in our present ordinance."

MAYOR  
NICHOLSON

"Okay."

STEVEN BROWN

"Are there any questions? Do you understand what I'm saying? You can only have temporary uses for people who have medical problems where they need to have someone there to take care of them constantly. Most of the time, it allows some type of manufactured home to be put in the rear of the lot, and it can remain there as long as that individual needs care. After the care is

terminated, then the manufactured home must be removed. This will allow it either on the guardian's property or on the affected property."

JOHNNY  
WILLIAMS

"We have never had that?"

STEVEN BROWN

"No, sir."

MAYOR  
NICHOLSON

"Okay. Do I have a motion that we approve this on first reading?"

Motion was made by Johnny Williams, seconded by Betty Boles.

The Mayor asked, "Are there any questions or further discussion? All in favor, raise your right hand. Opposed? The vote is 6-1. So moved."

Those voting in favor are: Mayor Nicholson, Linda Edwards, Betty Boles, Herbert Vaughn, Johnny Williams, and Barbara Turnburke. Niki Hutto voted against the motion.

Motion passed unanimously.

- attach -

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CONSIDER

Ordinance  
Amending the  
Greenwood City  
Zoning Ordinance  
by Rezoning

Under new business, Mayor Nicholson read the first item and asked the City Manager if he had anything to add regarding this ordinance.

Property Located within the City of Greenwood and between Mathis Road, Northgate Street, and Cobb Road (G-Pin #6846-112-903) from C-2 (General Commercial) and R-2 (Single Family Residential) to R-3 (Single Family Residential).

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

STEVEN BROWN

“No, sir.”

MAYOR  
NICHOLSON

“Okay. Now this is the property we just had a public hearing on. Do we have a motion?”

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

“Any discussion?”

JOHNNY  
WILLIAMS

“They are planning on annexing the rest of C-2 that’s being considered for R-3, right?”

STEVEN BROWN

“By the County.”

JOHNNY  
WILLIAMS

“By the County? By next week it should be passed and already R-3, right?”

STEVEN BROWN

“Not necessarily.”

BOB DRUMMOND

“I think December 16<sup>th</sup> is the final date. They must have three readings. We would like to address the tanks because they seem to be an issue. We talked to the CPW about it, and they actually aren’t using the tanks now, but they do have propane in them. Hopefully, one day they will be rid of it.”

STEVEN BROWN

“Mr. Mayor and City Council, I will caution you on taking any action on this regarding any kind of conditional annexation. I don’t think those issues need to be a part of your discussion tonight. I think we’re venturing into some territory we should not enter. I think your decision should be based upon the merits of the request without any other factor involved. I can tell you that I had discussions with

the group on annexation, but the fact of the matter is, you can rezone it and the County can rezone it, but the annexation is still left up to the property owner. There is no guarantee.”

MAYOR  
NICHOLSON

“Any other questions or discussion? We have a motion and a second to approve this which was also approved by the Planning Board. All in favor, raise your right hand. Opposed? So moved.”

Those voting in favor are: Mayor Nicholson, Niki Hutto, Linda Edwards, Betty Boles, Johnny Williams, and Barbara Turnburke. Herbert Vaughn voted against the ordinance.

Motion passed unanimously.

- attach -

CONSIDER

An Ordinance to  
Adopt the Budget for  
2004.

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

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

STEVEN BROWN

“Mr. Mayor and City Council, in 2003, we have what I think is some good and bad news, as far as finances. This is the year that you, as City Council, voted to begin on the sidewalk project on Cokesbury Road, which for the 22 ½ years that I have been employed by the City, this has been talked about by most of the Council. I think a little after Thanksgiving, it will become a reality. It’s a \$500,000 project that’s almost completed.

It appears that we will begin the year with a balanced budget, meaning that we will not exceed our revenues. I can also tell you that we expect to be able to complete the end of the year without withdrawing any funds from our reserve. We have a bid for Fire Station #3 and a contract for \$610,000 to construct the fire station. We’ve made some great strides in complying with the GASB Accounting Procedures, and we have increased our City limits. We have been able to provide what I believe the quality level services for our citizens and those that have been through our City. But as we look forward to 2004, we’re in a period of time where the economy is not well, and we have no indication when it appears that it is going to get substantially better.

We see the State and the Federal Government taking actions that have been extremely detrimental to us. We work in a state where our State Legislature is not very friendly to us at the city level. This past year, they have reduced our ability to charge franchise fees to telecommunication companies. We will probably lose a minimum of \$125,000 this year and could even lose more. Over the last two years, we have seen between \$150,000 and \$200,000 of automobile tax decrease in our revenue. We're constantly seeing OSHA regulations through the State Department of Labor being imposed upon us that has cost us a great deal of money during the past and the preceding years. We're now having to test a good many of our employees for tuberculosis where we would've never done it before. We're providing all types of equipment to these employees, in addition to their Hepatitis B shots, physicals, and a lot of other things. We're dealing with EPA Stormwater Regulations which are being enforced through the Department of Health and Environmental Control. We are in Phase One this year of our mapping program, and we have plans to do Phase Two during 2004. We find that because of State cuts, State agencies are now doing less, and greater demand is placed upon us at the local level to pick up some of these services. We're even being charged for services that was once provided to us at no cost by the State.

I think one of the greatest impacts that have occurred during the past year, maybe 12 to 18 months, is the growth of non-taxpaying entities inside the City of Greenwood. The hospital has purchased a substantial amount of property and every time they do that, it comes off of the tax books. We have new schools, and the property that was purchased will no longer pay tax. You have churches which are being expanded and buying additional property which pay no taxes. We have service organizations buying buildings that no longer will pay taxes. We have parks being developed and property is being pulled off the tax books for the development of these parks. All of this impacts us greatly and sometimes we fail to see the real impact upon the City of Greenwood's budget.

As I said, the economy is not that good and this year, we have seen the impact of a slow economy. I think we in the City of Greenwood need to realize that we cannot be everything to everyone. More than we ever have before, we've got to look at what are essential services and what are non-essential services. On a priority basis, we must find the revenues to support those essential services and find an alternative revenue to support non-essential services. I feel we are doing more than we ever have. It is a matter of fact that we have grown in population and size. It is also a matter of fact that our departments have not grown in people to provide these services. As the City becomes older, our infrastructure or streets, our storm drainage, and things that we're required to maintain have become older and more costly to maintain.

Now what does that mean for 2004, as far as the budget? We have

a proposed budget before you tonight that totals \$12,215,616. That is about a \$537,000 increase from last year's budget. Let me tell you where the \$537,000 is coming from. About \$160,000 is in hospitalization insurance.

We are seeing on a normal basis, our hospitalization insurance increasing a minimum of 15% each year, which is nothing more than a trend in the medical field, to a high of 24% that we've experienced this year. There is the \$310,000 cost in there to buy a new fire truck for the new station that we will put on line this year. There is also an additional \$110,000 to make up the difference between the budgeted amount of \$500,000 and the bid cost of \$610,000 for the fire station. There's also a \$200,000 increase in our CPW bill because not so much of an increase in our services, but a different way that they're billing us. So when you look at that \$500,000, there's \$200,000 just in that billing. Then there's a recommendation in here that we increase the salaries by 2%. So you can see in actuality, our budget is really less than what it was last year when you add in all of the additional items.

How would we produce this revenue? We have some recommendations for you tonight. One is to increase the tax millage 5 mills. It has been years since we have increased this tax millage. Five mills of tax will bring in about \$150,000. We're not asking City Council to consider replacing all the revenue that we have lost, but only a portion of it. We feel if we do not do this at this time, then at some year in the future, City Council may be looking at a substantial millage increase in the neighborhood of 15 to 20 mills, and we feel that would be inappropriate. We're also asking you to increase the commercial sanitation collection fee from \$.75 per cubic yard to \$.85, which is a \$.10 per cubic yard increase. There has not been an increase in that fee since the 1970's. We also have reduced many of the line items in our budget to try to bring this into balance, but those are the two main issues that we have before you. I will be glad to stop at this time and answer any questions that City Council may have of me."

MAYOR  
NICHOLSON

"Okay. You've heard the report coming from the City Manager pertaining to the budget for 2004. Are there any questions for the City Manager? I think you did say it would be a 5 mill tax increase, Mr. Brown?"

STEVEN BROWN

"Yes, sir. Mr. Mayor and Council, I would like to point out that just looking at the budget, the property taxes decreased, all the automobile taxes decreased, and motor carrier fees decreased. Our prior year's taxes decreased, penalties decreased, road fees decreased, business licenses decreased, and accommodations tax decreased. All of those are decreases in revenue from 2003. I would also tell you that this is a bare bones budget. We have been very conservative in estimating our revenue and expenditures. We

feel that this is a good budget, but there is certainly not any fat in it.”

MAYOR  
NICHOLSON

“Okay. Do I have a motion that adopt the budget for 2004 at \$12,215,616?”

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

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

Motion passed unanimously.

CONSIDER

An Ordinance to  
Levy Tax for the City  
of Greenwood for  
2004.

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

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

STEVEN BROWN

“Mr. Mayor and City Council, this will increase the millage from 91 to 96.”

MAYOR  
NICHOLSON

“Okay. This is with the 5 mill tax increase that he’s recommending in the budget to offset some of the expenses. Do I have a motion?”

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

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

Motion passed unanimously.

- attach -

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CONSIDER

An Ordinance to

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

Authorize the City  
Manager to Borrow  
Money in 2004.

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

STEVEN BROWN

“Mr. Mayor and Council, this is an ordinance that you have passed on an annual basis. I would report to you that only one time in probably the last 12 to 14 years, the City had to borrow tax anticipation monies. We have not at this point this year, but we ask that you pass this in case there is a problem with the tax billing or other things that would cause us to borrow money.”

MAYOR  
NICHOLSON

“Do I have a motion that we pass this ordinance?”

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

“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 2004.

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

STEVEN BROWN

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

“Mr. Mayor and City Council, at this time, there are no changes and I would ask Steffanie to address the Business License Ordinance.”

STEFFANIE DORN

“Good evening Mr. Mayor and City Council. I have two changes

that I would like for you to consider making to the Business License Ordinance. If you have your copy that I have included in your packet, the first one is on Page 9, Section 15-27. That section is highlighted for you, and the underlined sentence would be the change. Basically what it's saying is, if a business does not receive a renewal notice, that will not constitute a defense for not renewing their license. We do mail renewals out to every business that we have. But of course, sometimes people move and fail to notify our office. When we get them back, we do try and make contact with them and get those out to them. We don't normally have any problems with this, but I just think it's a good idea to have it in there. It's just a form of protection for us if a business were to say, 'Well, I didn't get mine, and therefore I don't think I should pay penalties...' Or if we were to take out a summons, we wouldn't want them to stand in court and feel that was a legal defense for them not having to renew their license. If you look in that section, you'll see that we're required to either publish it in the newspaper three times coming up to the renewal date, or mail the renewals and find out their new address through our office.

The other change that I would like for y'all to consider making is on Page 12 under Rates. The section highlighted is the new section entitled, Non-Resident Rates. What I'm asking is, if we could require any business that doesn't have a permanent location inside the city limits to pay double the rate than a business that's inside the city limit pays.

We already require a double rate on contractors, anybody that does electrical or plumbing work, general contractors, and so forth. They already pay twice the rate than a contractor that has a business located in the City. I feel we need to add this section in order to be equitable to all classifications. Through State law, we are required to treat all members of each class alike under similar circumstances. I am concerned that the isolation of double charges for contractors does not bring us in to meeting that requirement. I'll be glad to answer any questions that you all may have."

NIKI HUTTO

"So in essence, if someone has a business that's in the County but does their service in the City, then you would double tax them for their specific business done in the City limits?"

STEFFANIE DORN

"Yes, ma'am. Only the business done in the City. For example lawn care. We have a lot of lawn care providers that provide services at specific city locations. They only buy a license based on what they're doing in the City."

MAYOR  
NICHOLSON

"Are there any other questions for Steffanie?"

STEVEN BROWN

"Mr. Mayor and Council, please remember a business that is located inside the City pays the license on all of their business, regardless of where they perform it, so they pay on what they do in the County as well as in the City. Someone who's from the outside

would only pay on what they do inside the City. So it's a point of fairness and equity."

MAYOR  
NICHOLSON

"Are there any other questions? Thank you, Steffanie. Do I have a motion regarding adopting the Business License Ordinance for 2004?"

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

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

Motion passed unanimously.

CONSIDER

A Resolution  
Authorizing  
Christmas Gifts for  
City Employees.

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

STEVEN BROWN

"Mr. Mayor and City Council, a number of years ago you passed an ordinance which states that if City Council desires to provide a benefit for the employees at anytime of the year, whether it be Christmas or any other time, it must be done in open session by resolution of City Council. Some of you will recall I recommended a number of years ago that this be eliminated, but City Council since that time have chosen to put it back in the budget. I make that statement because I have been accused of recommending things that would benefit me as an employee. I want to make it known that I have made that recommendation. This is certainly a Council issue, not a City Manager issue, and if you chose to do it, then it would have to be done tonight by a vote from you."

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

JOHNNY WILLIAMS

"Let me say, Mr. Brown, years ago the employees used to get \$100 or \$200 Christmas bonus. We cut that out and went to this back in the 1980's."

MAYOR  
NICHOLSON

“We have a motion and a second. Any further discussion? All in favor, raise your right hand. So moved.”

Motion passed unanimously.

- attach -

CONSIDER

Reappointing  
Ms. Myrtle Rush and  
Mr. Cecil Hill to the  
City/County Planning  
Commission.

Mayor Nicholson read the seventh item, and said, “I think they both agreed to serve. They’re very active on the City/County Planning Commission, and attend the regular meetings. They are very informative in working with the City/County Planning Commission. Do I have a motion that we reappoint these two?”

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.

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CONSIDER

Reappointing Ted  
Wyndham as  
Municipal Court  
Judge.

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

STEVEN BROWN

“Members of Council, State law requires that your Municipal Court Judge be reappointed once every four years for a four year term. Judge Wyndham’s term will expire January 1<sup>st</sup>, and Council needs to take action. I know he is an appointee by City Council, but I will tell you and put it on the record that my dealings with Judge Wyndham, for the 18 years I have been City Manager, have all been good. He works with me as City Manager as well as probably any judge in the State. I can tell you that he has been very

progressive in making changes in the Municipal Court Department that I think have been positive for the residents of the City. We now hold court four mornings, one afternoon and two nights a week. This is all done under his direction as the Chief Judge.

I think the Municipal Court Department is probably one of the most efficient departments that we have in the City.

The complaints that we received were very few and far between. I think its because of the leadership that Judge Wyndham has exhibited down through the years. He has worked with me in hiring good staff for that office, and we have very competent people.

The caseload in that office, about 8,000 cases, is tremendous. The jury trials have probably quadrupled or greater and we must have a Chief Judge. The Chief Judge is not only appointed by you, but he is also responsible to the State Court Administration for judicial responsibilities. I would report to you that since I have been employed by the City, I have never known of any complaint or problem that has been sent to us by the Court Administration in regard to our Municipal Court.

I think Judge Wyndham was coming here tonight and he can pay me off after the meeting tonight. I ask that you allow him to speak to you and consider reappointing Judge Wyndham as our Chief Municipal Judge. I also want to make one other statement. In the years past, you have also appointed Attorney Joe Pracht as the Assistant or Associate Judge. Judge Pracht has moved out of town and no longer lives here. You also remember that you appointed Lee Miller as Associate Judge, and he has now assumed that position. So when Judge Wyndham is unable to be in court for whatever reason, and those times are very few, Judge Miller is able to fill in on his behalf. So we no longer are asking you to have Judge Pracht as an Associate Judge.”

JUDGE TED  
WYNDHAM

“Mr. Mayor and Council, I have been a facilitator here for a long time now. I remember when I was first appointed, we were in the old building across the square, and the water would come down behind the bench when it rained. We have come a long way since then. I remember when we used to have to pickup the employees wherever we can find them to try to get the docket straight and send in all those reports.

It has been an interesting endeavor for me to be a part of this City for all of these years. Hopefully, we have progressed and have a City court system to be proud of. I know of no judge in this State that can say they've had a Council over all the years that has been as courteous and respectful as the City of Greenwood Council. I have never had any Council person, or any Mayor, to ever ask me to do anything out of line. That is not true in most areas, to be frank with you. This Council and prior Councils and Mayors have always operated, or let us operate our court office in a dignified responsible manner. I really appreciate that, and I appreciate Council letting

me serve all these years.

Somebody was talking to me not too long ago and asked when I'm going to retire. I have four daughters, and I'm still recovering from college and weddings. So not only will my bankroll not let me retire, my wife won't let me because I'll be home too much and probably drive her crazy.

I appreciate you letting me have this moment and thank you so much for your courtesy over the years."

MAYOR  
NICHOLSON

"Thank you, Judge Wyndham. Do I have a motion that we reappoint Mr. Wyndham as Municipal Court Judge?"

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

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

Motion passed unanimously.

CONSIDER

An Appeal by  
Ramon Ashy, Jr.,  
Owner of Northside  
Bingo, Regarding  
the Use of Gross  
Receipts As Stated  
in the 2003 Business  
License.

Mayor Nicholson read the last item's title, and asked if Mr. Ashy was present.

SCOTT PFEIFFER

"I'm here on behalf of Mr. Ashy."

MAYOR  
NICHOLSON

"He's not present?"

SCOTT PFEIFFER

"No sir. I'm Scott Pfeiffer, his attorney."

MAYOR  
NICHOLSON

"Mr. Pfeiffer, would you come forward one minute please?"

SCOTT PFEIFFER

"Yes, sir."

MAYOR  
NICHOLSON

"This is regarding a business license appeal hearing guide. Section 15-30 of the City of Greenwood 2003 Business License Ordinance 02-034 stipulates any person that are agrieved by a final

assessment of a business license by the City Clerk and Treasurer may appeal the decision to City Council. Mr. Ashy, Vice President of Champion Charitable Causes has appealed the decision of the City Clerk and Treasurer regarding a final assessment on the Business License returns for Northside Bingo for year 2000, 2001, and 2002. Mr. Ashy is appealing the City Clerk and Treasurer definition of gross receipts as related to his business. Is that correct?"

SCOTT PFEIFFER

"Yes, your honor, that's correct."

MAYOR  
NICHOLSON

"Before I officially open this hearing, I have one question to ask of you. The matter before us involves gross receipts data which, according to State law, is confidential. Therefore, if you desire, City Council will adjourn the regular meeting and consider going into executive session if you request us to do so. If you want the meeting to be held during open session, City Council cannot assure the confidentiality of gross receipts data for Northside Bingo. What is your decision?"

SCOTT PFEIFFER

"We prefer an open session, your honor."

MAYOR  
NICHOLSON

"Thank you. I would like to state for the record that you have asked City Council to conduct this appeal here in open session and we therefor grant your request."

SCOTT PFEIFFER

"Thank you, your honor."

Mayor Nicholson called the public appeal hearing in order at 6:20 p.m.

Mayor Nicholson concluded the public appeal hearing at 6:45 p.m.

MAYOR  
NICHOLSON

"I would like to ask Council if we need to deliberate, or are we ready to take action on this hearing? Do I have a motion that we stand behind Steffanie Dorn's request for the money that they owe for the business license expense, or go with the plaintiff? What is the motion that we have?"

STEVEN BROWN

"Mr. Mayor, your motion should be either to deny or accept the appeal."

MAYOR  
NICHOLSON

"Do I have a motion that we deny or accept the appeal?"

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

"Any further discussion? All in favor of denying this request, raise your right hand. So moved. Yes sir, Mr. Brown?"

STEVEN BROWN

"Mr. Mayor, in accordance with ordinance, I would ask City Council to direct the City Attorney to draft a response based upon the findings of fact that were presented to you. It should be signed by each member of City Council and then forwarded to Mr. Ashy and his attorney."

MAYOR  
NICHOLSON

"Okay."

JOHN MCCRAVY

"It's just a point of order, Mr. Mayor. It might be more appropriate to affirm what the Treasurer has already done. You're not really denying the appeal because you allowed the appeal here today. I understand the intent of the way you voted, but it might be better to affirm what the Treasurer has done and not to deny the appeal itself, but deny the relief requested in the appeal. Do you see what I mean? It might be a better way word it."

MAYOR  
NICHOLSON

"So what we're really saying is that Mr. Ashy is responsible for that additional fee for the three years in question?"

JOHN MCCRAVY

"That's correct."

MAYOR  
NICHOLSON

"Okay, do you all agree with that? Will you draft a letter, Mr. McCravy, to Mr. Ashy?"

JOHN MCCRAVY

"I would be glad to."

MAYOR  
NICHOLSON

"Okay. Is there anything else to come before Council? Alright. We call this meeting adjourned."

Meeting adjourned at 6:50 p.m.

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Floyd Nicholson, Mayor

ATTEST:

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City Clerk and Treasurer