

GREENWOOD CITY COUNCIL

October 20, 2003 - 5:32 p.m.

PUBLIC HEARING

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 of the Index Journal.

CALL TO ORDER

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

City Attorney, John McCravy gave the invocation.

STATEMENT AND
QUORUM

The Mayor gave 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."

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

Ordinance
Amending the
Greenwood City
Zoning Ordinance
Section VII, N,
Signs, Off-Premise,
Directional, Signs
for Churches and
Schools.

Mayor Nicholson said, "First on our agenda tonight, we have two public hearings. The format that we employ in the public hearing is, if there are individuals who would like to speak in reference to the public hearing, 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 read the title and asked, "Is there anyone here to speak in favor of this amendment to the Ordinance? Mr. Brown?"

STEVEN BROWN

"Mr. Mayor and Council, I don't normally do this, or at least talk to you at this point in your meeting. I just want to point out to City Council that as staff, I'm very much in favor of a sign ordinance. As I told you before, we do not address signs presently in our

ordinance. There's a lot of them around, but they're not legal. This ordinance allows for signs, but it places conditions upon which they can be erected.

My only concern about this ordinance is the enforcement. If there are more than one establishment, more than one church, or a combination thereof, this ordinance requires all of the signs to be placed on the same structure. These are my concerns: How am I to mandate one structure? Who's going to build that structure? Who's going to maintain that structure?

I have questions, but I don't have a lot of answers. Council may want to carefully consider this because it's going to be a problem. If the signs had to be as Highway Department signs and erected on a 'two-post' sign, that's fine. I don't think this is what the ordinance is addressing. Now, you have metal signs here, a metal sign there, and three or four more signs. I think the intent is to allow signs, but implement size restrictions and mandate that all signs must be located on a common structure. Maybe Council should decide the kind of structure. Is that structure going to be wooden or metal? Who will be required to erect that first structure? When the first church applies for a permit, how can we ensure that structure will be large enough to accommodate future signs? Phil Lindler is here to answer any questions."

PHIL LINDLER

"Thank you, Mr. Mayor and members of Council. Mr. Brown is correct. If there are a number of churches and schools at a certain location off of a major highway, they would be consolidated into one sign. However, there is one section of the ordinance that I do not see as originally approved by the Planning Commission that said, '...per directional change...' If there are four different directions and four corners, there could be up to four different signs. If you have two churches and two schools, each one would have their own corner they can identify which direction to go. When the fifth sign comes in, that is when a consolidation would need to occur. There may be a concern of Council that we need to specify the materials to be included in the signs. The Planning Commission didn't take that into consideration, so you may want to look at that.

Also, Mr. Brown was correct with the large metal signs for some of our schools and other different purposes on the highway. We don't have any permitting process for that, so as long as they're approved by the Highway Department, we don't get involved in it."

MAYOR
NICHOLSON

"Just for an example, Main Street Methodist Church and First Presbyterian are located in the same direction. Would they have to be on the same sign?"

PHIL LINDLER

"If they want the sign on the same corner, yes."

MAYOR
NICHOLSON

"They would have to be, right?"

PHIL LINDLER

“Correct.”

MAYOR
NICHOLSON

“So would it be up to them getting together to decide what they’re going to put up? Suppose one comes in first and want to construct a sign?”

PHIL LINDLER

“Then the second church in this case would need to go to the other church and say, ‘We would like to have a sign at that location as well. Is there any way we could consolidate our signs together?’ We wouldn’t become involved in that.”

MAYOR
NICHOLSON

“You wouldn’t?”

NIKI HUTTO

“I think it would be better if everthing would be standardized and you would know that the post could fit up to a maximum of four signs with four different locations. If you have everything standardized, then there wouldn’t be any quibbling about the color or shape. It would look ecstasically better, too, instead of having different sizes and shapes. It would be much easier if there was a standardized size available.”

MAYOR
NICHOLSON

“I know there are a few schools that are close together. There are a lot of churches that would want directional signs. Maybe we can look at it, and try to answer them.”

PHIL LINDLER

“I’ll be glad to bring back some different renderings of that for you.”

MAYOR
NICHOLSON

“Okay. Is there anyone else to speak in reference to amending the sign ordinance? Seeing and hearing none, we will close the public hearing.”

A Tele-communications Franchise and Consent Ordinance to Grant United Telephone of the Carolinas, Inc., Its Successors and Assigns, the Right, Power, and Authority to Construct, Install, maintain, and Operate In, Over,

Mayor Nicholson read the title of the second public hearing and recognized the City Manager.

and Upon and Under the Streets and Public Places of the City of Greenwood, Its Lines, Poles, Wires, Cables, and Other Tele-communications Facilities to Render Tele-communication Services to Its Customers in the Corporate Limits of the City of Greenwood for Such Period as Provided Herein; and to Provide for the Payment of Compensation for the Use of Streets and Public Places.

STEVEN BROWN

“Mr. Mayor and City Council, this ordinance will place the City of Greenwood in compliance with State law. Originally, the City had a franchise agreement with United Telephone that called for a three percent franchise fee. State law now says that beginning January 1, the maximum fee that can be charged is .75%; three quarters of one percent. Unless it changes sometime after the first of the year, that will be the maximum rate. We need to have this ordinance in place by January 1 to be legal and in compliance.

I have spoken with a representative from United Telephone to inform the company of the proposed ordinance and public hearing. Their response was that if the ordinance mirrored the model ordinance as prepared by the Municipal Association, they had no problem with it, and chose not to be here tonight. Our ordinance is written using that model, so I would recommend that you consider passing it.”

MAYOR
NICHOLSON

“I have to ask you one question.”

STEVEN BROWN

“Yes, sir?”

MAYOR
NICHOLSON

“In comparison to the franchise fee we have now to what we’ll be getting at the beginning of the year, what difference do you foresee?”

STEVEN BROWN

"I believe Steffanie (Dorn) has estimated it to be in the neighborhood of \$120,000."

NIKI HUTTO

"Of lost revenue?"

MAYOR
NICHOLSON

"Decrease in revenue?"

STEVEN BROWN

"Reduction."

MAYOR
NICHOLSON

"Right. That's what I thought."

STEVEN BROWN

"We will collect some new revenue from some telecommunication companies that we have not previously collected from, but it is not sufficient to offset the reduction. When other telecommunication companies request a franchise agreement, we would present it to you on an individual basis. There is some talk in the General Assembly that they may increase it to 1.25 or possibly 1.5 (percent), but it certainly will not be any where near three percent."

NIKI HUTTO

"Does this franchise include charges for DSC lines?"

STEVEN BROWN

"Yes. It includes anything any telecommunication services provided on our right-of-ways."

NIKI HUTTO

"Okay."

MAYOR
NICHOLSON

"Okay. Thank you, Mr. Brown. Is there anyone else to speak regarding the telecommunication franchise? Alright, seeing and hearing none, we will close the public hearing. Now, we'll move into the business part of our meeting."

There being no further business, the public hearing was adjourned at 5:45 p.m.

Floyd Nicholson, Mayor

Attest:

City Clerk and Treasurer