

GREENWOOD CITY COUNCIL

December 15, 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; Jason Sturkey; Lisa Hawthorne; Wallace McBride of the Index Journal and Mike Hatfield of WCRS.

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.

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

Mayor Nicholson said, "First on our agenda this evening, we have seven public hearings. The format that we employ in the public hearing 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 three or four minutes."

The Mayor read the title and asked, "Is there anyone here to speak in favor of the ordinance? Is there anyone opposing the ordinance? Seeing and hearing none, we will close the first public hearing."

ORDINANCE

Mayor Nicholson read the title of the second public hearing and

to Adopt the Budget for 2004.

asked, "Is there anyone here to speak in favor? Is there anyone opposing? Seeing and hearing none, we will close the public hearing on the adoption of the budget."

ORDINANCE to Levy Tax for the City of Greenwood for 2004.

Mayor Nicholson read the title of the third public hearing and asked, "Is there anyone here to speak in favor? This anticipates a five mill increase for the upcoming year from 91 mills to 96 mills. Is there anyone in favor or opposed? Alright, seeing and hearing none, we will close the public hearing of the levy of taxes for the City of Greenwood for 2004."

ORDINANCE to Authorize the City Manager to Borrow Money in 2004.

Mayor Nicholson read the title of the fourth public hearing and said, "This is just a formality. If we need money for operations, the City Manager would have authorization to proceed with the borrowing of the money until tax money comes in. This is something that we've not had to utilize in years, but it's always good to have it in place. Is there anyone here to speak for or against? Seeing and hearing none, we will close the public hearing authorizing the City Manager to borrow money in 2004."

ORDINANCE to Adopt the Business License Ordinance for 2004.

Mayor Nicholson read the title of the fifth public hearing and asked, "Is there anyone here to speak in favor of the Business License Ordinance for 2004? It's basically the same thing with few minor changes. Is there anyone opposed? Alright, seeing and hearing none, we will move to our sixth public hearing."

ORDINANCE Amending City Ordinance 03-004, Section 10-8 (c), Fee Schedule and Procedure for Billing of Chapter 10, Garbage, Refuse and Weeds, the Code of Ordinances of the City of Greenwood.

Mayor Nicholson read the title of the sixth public hearing and asked, "Is there anyone here to speak in favor of this ordinance change? This is a slight increase in the fee from \$.75 to \$.85. Is there anyone for or against? Seeing and hearing none, we will close the public hearing."

A Request by Willie R. Mosley to Rezone Property Located at 102 Hospital Street South, Greenwood, South Carolina, From R-4 (Two Family Residential) to C-1 (Neighborhood Commercial). G-Pin #6856-424-174.

Mayor Nicholson read the title of the seventh public hearing and asked, "Is there anyone here to speak in favor of this request?"

MS. BARTHWELL

"Mr. Mayor, Members of the City Council, ladies and gentlemen, I'm asking that a portion of the property located at 102 South Hospital Street be rezoned in order for us to run a little business my father started in the late 1940's. It must have a variance. Is that what it's called?"

MAYOR NICHOLSON

"Well, it would have to be rezoned because it changed. Everything is residential, R-4, in that area now."

MS. BARTHWELL

"Okay. That's what I'm seeking now because we would like to keep the business going. It had been closed for some time, and we've had about two people that ran the business since my father died. My brother ran it for a short while, but his health is not too good, and he stopped. We need to reopen it, if we can, because Mr. Anderson had it as a little grocery store like my father. He sold just about everything. To get that approved, we had to install a new bathroom, plumbing, and all electrical appliances. The building is sitting there, and the sidewalk doesn't cause a whole lot of people accumulating around there or anything. My mother lives next door, and we were trying to open it to help face some of the expenses of taxes and insurance. We wanted just a portion of that property because the next two houses are on the same property. Do you have any questions?"

MAYOR NICHOLSON

"You said Mr. Anderson rented it as a store, what did he have in there?"

MS. BARTHWELL

"His name was Ralph Anderson. He is a Coronaca resident that came from Washington. He opened the store and sold just about

everything that my dad had sold, except ice.”

MAYOR
NICHOLSON

“Oh, this was a long time ago when Mr. Anderson had it?”

MS. BARTHWELL

“No. I’m saying he sold everything except ice, gasoline, and Kerosine. Mr. Anderson didn’t have that, but my father did in the late 40’s and 50’s.”

NIKI HUTTO

“When did Mr. Anderson have the store?”

MS. BARTHWELL

“I guess it was about 4 years ago.”

LINDA EDWARDS

“Who ran the repair shop?”

MS. BARTHWELL

“I don’t know that man’s name, but my sister-in-law may know. That’s been since that time.”

MAYOR
NICHOLSON

“Mr. Brown, I know there was a repair shop. Was it zoned appropriate?”

STEVEN BROWN

“I wouldn’t think so.”

MAYOR
NICHOLSON

“I know he repaired washing machines, appliances, and things of that nature.”

MS. BARTHWELL

“Yes, that’s what the last man did. I haven’t got to him because I was telling you about Mr. Anderson. He ran it as the little corner grocery store like my dad had. Now, this man that has it now was just repairing refrigerators and things like that. He didn’t really have a whole lot at one time. I think he maybe had one or two refrigerators. Now, I don’t know what went on about him getting permission to use it, because I don’t have that much to do with it, but I know he ran it. He had people bringing in these appliances on pickup trucks and then taking them back. I think in a way he was doing a favor for some people who were not able like the rest of us.”

MAYOR
NICHOLSON

“I guess he needed to have a license to do that.”

STEFFANIE DORN

“Mr. Mayor, we had to write a summons to that gentleman because he had not obtained a business license. We had to ask him to stop working because he was not able to get a certificate of occupancy for the property because of the zoning.”

MAYOR
NICHOLSON

“Okay, so he just went in there and started.”

STEVEN BROWN

“His name is Lyerly. It was closed a sufficient amount of time, and they lost their nonconforming use. So when they wanted to go back in, it had been closed for more than 180 days, and the

nonconforming use had expired.”

MAYOR
NICHOLSON

“Ms. Boswell, I don’t think any of you went before the Planning Board when they acted upon this. You just sent the request in and did not appear before them, right?”

MS. BARTHWELL

“We went. My brother, Heath, and I was there.”

MAYOR
NICHOLSON

“Did you all speak to the issue?”

MS. BARTHWELL

“We didn’t know we had to speak. At least, I didn’t. When someone was going out the door, he asked me why I didn’t get up and explain it. I said nobody told me. They said you had to sign in to do that. I asked the people here today if I had to sign anything to speak. My brother didn’t speak because after he had the heart attack, he doesn’t do too much, but I would have gotten up and explained it. The gentleman that was at the front of the room told me to come to the City Council meeting.”

MAYOR
NICHOLSON

“Yes. I know the Planning Board voted unanimously to deny the request.”

MS. BARTHWELL

“Only three people voted, I think. Some of the people said they didn’t even know who we were.”

MAYOR
NICHOLSON

“The reason why is because of the spot zoning. Everything around it is residential, and that’s one thing we’ve been trying to avoid.”

MS. BARTHWELL

“Well it’s been the same all the time, hasn’t it? There are places within a half of block that are businesses. There is one, a little further up, in front of Weston Chapel. It’s a business with all kinds of old cars and things. I don’t know what they do inside, but it’s a business. I’m just trying to see how they get there when it’s residential. This is just one place.”

MAYOR
NICHOLSON

“Commercial stops on Ames, below Mr. Boles and Reverend Norman’s house, and then it’s residential all the way down. I think when land use zonings are adopted, it’s to try to make everything conforming in the neighborhood by eliminating spot zoning. A lot of times, you never know what people are going to do. If they got a little spot, they figure they can have a store, and get it zoned commercial. They figure somebody would buy it and put a store there. I’m not saying this is what you all would do, because I know you all. Mr. Mosley ran the store years ago, and that’s one thing that we’ve been trying to eliminate. Were you all planning on operating it?”

MS. BARTHWELL

“Well, he was.”

MAYOR
NICHOLSON

“Your bother?”

MS. BARTHWELL "Yes. I'm speaking for him. When a person retires and you have but so much money, you'd still have to pay the taxes and insurance on the building that's already there."

BETTY BOLES "So you plan to keep it as a convenience store?"

MS. BARTHWELL "I guess that's what he's going to do. I didn't ask him. It's just whatever he can get done, then that's what he would do."

MAYOR NICHOLSON "At the planning meeting, what was the feeling of the Planning Board?"

LISA HAWTHORNE "Basically, they felt it was spot zoning and the 180 days had lapsed for nonconforming use. They felt it would be spot rezoning in that area while trying to keep with the Comprehensive Plan."

MAYOR NICHOLSON "Okay. Are there any other questions?"

NIKI HUTTO "Could the property be converted as residential rental property? That would be an option of making it income producing."

MS. BARTHWELL "No."

MAYOR NICHOLSON "Okay. Are there any other questions?"

LINDA EDWARDS "I can see a store there, and I remember Mr. Mosley's store. My one concern is, once somebody else gets this property, rezoning allows them to do a lot of things. You have rental property and homeowners in that area. Once this is rezoned to neighborhood commercial, you might have had a convenience store with set hours and certain rules and regulations, but if somebody else comes in and gets this building, they may not do what you did."

MS. BARTHWELL "You're saying if we were to sell it?"

LINDA EDWARDS "If you were to sell it, or either allow somebody else, just like this guy did before, run a repair shop without a business license. They may tell you one thing and then you wake up one morning and they're doing something else out there."

MS. BARTHWELL "I know my brother knew what Mr. Ralph Anderson was going to do. We didn't know that it was rezoned as such, and we didn't know about the 180 days either. It's more sentimental to us because my daddy built it with his bare hands after he stopped working for Owen Brothers and the Marble Granite Company. We see things flying up all over the City, and just really were concerned."

BETTY BOLES "Did you not get a notification from City about the 180 day lapse?"

Did they send out notifications?"

MS. BARTHWELL

"Nope."

STEVEN BROWN

"We don't ever know what the individuals are doing when they're not using the building. When they came back in to apply, we found out that the 180 days had lapsed."

JOHNNY
WILLIAMS

"The power has been off that long, right?"

MS. BARTHWELL

"The what?"

JOHNNY
WILLIAMS

"The electricity would have to be off for 180 days, right?"

MS. BARTHWELL

"Are you saying if it was on or off?"

JOHNNY
WILLIAMS

"Off."

MS. BARTHWELL

"I think it stays on."

JOHNNY
WILLIAMS

"The power has never been turned off?"

MS. BARTHWELL

"I don't believe so because several other people have offered to rent it. They came and made plans to rent it, but they never came back. One of the fellows died about a year and a half ago. He wanted to rent it, but he never did get his things in order."

JOHNNY
WILLIAMS

"The power has never been cut off from it?"

MS. BARTHWELL

"Not that I know of. I don't think so because every time somebody comes in they can use it for whatever."

NIKI HUTTO

"It's the actual use though."

JOHNNY
WILLIAMS

"Well, I had an incident where a place that went over 180 days because they never turned the power off, and it's still being used today. That's why I asked. I thought it had something to do with the power. If they turn the power off so many days, then they couldn't come back. But if the power hasn't been turned off, I thought they can use it for the same uses that was grandfathered."

STEVEN BROWN

"Mr. Williams, I know the situation you're talking about. That's been a long time ago, and I think there were some other circumstances other than the power. There's been no business operating in it here. It was a nonconforming commercial use that was discontinued. No one came in to renew that usage, and it was closed for longer than the 180 days. I don't think the power in this

situation is the issue.”

MAYOR
NICHOLSON

“Thank you, Ms. Boswell. Is there anyone else to speak on the rezoning of property located at 102 Hospital Street South? Okay, Ms. Louise?”

MS. LOUISE
MOSLEY

“I just wanted to understand. Our request is denied and we won’t be able to rent the store out? Is that the decision that you all have reached today?”

MAYOR
NICHOLSON

“We haven’t voted on it.”

STEVEN BROWN

“It can be classified as residential under a home occupation, but it has to meet the guidelines on home occupation.”

MAYOR
NICHOLSON

“Right. The only other rezoning is office professional.”

STEVEN BROWN

“That wasn’t requested.”

MAYOR
NICHOLSON

“I know, but if they were to request it, there’s just certain things that can go in under office professional.”

STEVEN BROWN

“According to the ordinance, if it is denied, they cannot come back before you for a period of two years.”

MAYOR
NICHOLSON

“Okay. Thank you, Ms. Mosley.”

NIKI HUTTO

“So in essence, by zoning regulation, if it’s R-4 they could rent it for someone to live in it as a residence. Is it suitable for someone to do that? Does it have the facilities to do that?”

MAYOR
NICHOLSON

“It’s not large enough, and it’ll really take a lot of work to be done to it for someone to live in it. Is there any other discussion? Alright, seeing and hearing none, we will close the public hearing and move into the business part of our meeting.”

There being no further business, the public hearing was adjourned at 5:56 p.m.

Floyd Nicholson, Mayor

Attest:

City Clerk and Treasurer