

GREENWOOD CITY COUNCIL

January 30, 2006 - 5:31 p.m.

MINUTES

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

CALL TO ORDER The meeting in Council Chambers was called to order by Mayor Nicholson at 5:31 p.m. and he welcomed everyone to the meeting.

The Mayor then gave the invocation.

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 Manager, Steven Brown, if a quorum was present. He said, "Yes sir, there is a quorum."

CONSIDER Under public hearings, Mayor Nicholson said, "The format that we employ at the public hearings is, if there is anyone here 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."

Ordinance No. 06-004 Closing 200' of Sloan Avenue and Authorizing City Manager and City Clerk to Execute a Quitclaim Deed To N. Yates Johnson, Jr. and Michael S. Johnson, Trustees Under Will of Nevit Y. Johnson.

Mayor Nicholson then read the only public hearing and asked, "Do I have anyone here to speak in favor of this ordinance change?"

(2nd reading)

KENNETH POSTON

"I'm Kenny Poston, the attorney for the trust that owns this piece of property on both sides of the street. As you know, there is a development planned there and the street needs to be closed for the building to fit the property. Issues, such as safety, have been raised but that street is a problem anyway. We just ask that you approve this on second reading. Thank you."

MAYOR NICHOLSON

"Okay. Thank you, Mr. Poston. Is there anyone else to speak in favor? Is there anyone opposing the closing? Alright, seeing and hearing no other, we will close the public hearing.

Now, we will take necessary action by Council. This is the second and final reading if it is so moved by Council. Do I have a motion?"

A motion to approve was made by Johnny Williams, seconded by Herbert Vaughn.

"Are there any questions or discussion? Everything has been worked out concerning the moving of utilities underneath, Mr. Brown?"

STEVEN BROWN

"Yes, sir."

MAYOR NICHOLSON

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

Motion passed unanimously.

- attached -

CONSIDER

Filling Two (2)
Vacancies on the
City/County
Joint Board of
Zoning Appeals.

Under unfinished business, Mayor Nicholson read the only item and said, "I have contacted one individual who lives inside the City that would be interested in serving and he is Mr. Carrol (Chuck) L. Sexton, Jr of 206 Moore Street. He said that he would be delighted in serving on this particular board. Can I have a motion to that effect?"

A motion was made by Johnny Williams, seconded by Niki Hutto.

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

Motion passed unanimously.

"Is there anyone else that has anybody to nominate? We'll look at another appointment at our regular Council meeting."

CONSIDER

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

Ordinance No.
06-005 Annexing
Property Owned
by Floyd & Wilma
Scott, Albert E.
and Marian K.
Bierman Life
Estate, Barry &
Mary E. Parker,
Richard A. &
Donna F. Lee,
Gertrude H.
Rowland, Thomas
J. & Shirley
Booth, City of
Greenwood
Commissioners of
Public Works,
David T. & Kaye
W. Perrin,
Clarence T.
Kilgore Life
Estate, Mary H.
Ellenburg,
Walter D. & Gina
L. Drebenstedt,
and Greenwood
School District
50.

(1st reading)

STEVEN BROWN

"Mr. Mayor and City Council, the School District 50 Board of Trustees has requested the Commissioners of Public Works serve the proposed new school which will replace Northside. To do so, it required a number of properties to be annexed.

You have an ordinance before you tonight that is annexing 17 parcels owned by 12 different property owners. Two of the parcels are owned by Greenwood School District 50, five are owned by Greenwood Commissioners of Public Works, and the others are individual parcels owned by residents of the Idlewood Subdivision. We have petitions from all of the owners for those 17 parcels. It is a 10' strip of property, from Northside Baptist to the proposed 130 acre Northside site.

Everything is in order and I would recommend that you would adopt this ordinance. Due to the School Board awarding the contract on this construction last week, the Commissioners are requesting that you consider meeting again in two weeks. Since your Council meeting is the fourth Monday of this month, they're asking if you would consider having a public hearing with second reading prior to your work session the second Monday.

We have representatives from the Commission here that will be glad to answer any questions that you may have."

MAYOR NICHOLSON

"Okay. Thank you, Mr. Brown. Does anyone have any questions for any of the Commission's employees or Commissioner? Are there plans to widen that road also?"

STEVEN BROWN

"That is a DOT decision. I do know that in the County Transportation Committee meeting, DOT staff stated they were going to resurface the road this year. They will not be widening it this time. They may consider it at a later date, but not at this time."

MAYOR NICHOLSON

"Okay. I think they're planning on opening (the new school) in August of 2007. I just hope that they widen it and not have the same problem at Brewer and other schools. I know there's going to be a lot of traffic traveling on that particular road."

STEVEN BROWN

"I don't want to speak for DOT, but it's my understanding that they have certain criteria, and that road doesn't meet it at the present. It may two years from now, but they make those decisions based upon their policies and will handle that (traffic) when it gets to be a problem."

MAYOR NICHOLSON

"Okay. Do I have a motion that we annex the property?"

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

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

Motion passed unanimously.

- attach -

"So we will have our work session the second Monday and look at doing a public hearing and second possible reading on February 13th."

CONSIDER

Resolution 06-001 to Authorize Additional Judicial Duties for Administrative Municipal Court Judge Shameka Brown.

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

STEVEN BROWN

"Mr. Mayor and City Council, in the previous two meetings, you have had first and second reading on an ordinance revising our policies regarding the appointment and assignment of duties for Municipal Court Judges. In response to that ordinance, we now would like to assign some additional duties. Your new ordinance states that a recommendation should be submitted from Senior Judge (Judge Wyndham), Associate Judge (Judge Miller), and the City Manager. We have written you a letter regarding Judge Shameka Brown, who is present tonight.

I think all of City Council knows Shameka. She has been employed in that office for a number of years, and completed clerical and other administrative responsibilities. Back in 2004, City Council appointed Shameka as Administrative Court Judge,

and she has done a good job.

She is a good person, a good worker, and handles her duties in a responsible manner. I have never received a complaint against Shameka. Judge Miller and Judge Wyndham feels the same as I do in regard to her abilities and competence.

We're asking you to allow Shameka to gain greater experience by hearing guilty pleas. Prior to this time, she was authorized to sign criminal warrants, search warrants, and complete other administrative and judicial responsibilities. If you adopt this resolution tonight, Shameka will be permitted to actually perform what we refer as, 'bench duties' and hear guilty pleas.

As I told you before, we don't anticipate Judge Wyndham and Judge Miller leaving any time soon, but we don't have any assurance that either one of those two may not retire and leave. We need to be training people like Shameka Brown to take their job when they do decide to leave. It is great that we have such a quality person to begin training to become a 'full' judge in those offices. I would think that within a short period of time, we will probably be back before you asking to let her do more.

Shameka, would you like to add anything to it? If you give her too much time to talk, she will tell you about her son that scored 28 points and beat Emerald High School in basketball. He is that high scoring guy from Ninety Six High School that's been in the paper a good bit. But we're not going to let her talk about Nick tonight. We want her to talk about the Municipal Court."

SHAMEKA BROWN

"Mr. Mayor and City Council Members, I have tried to give my all to the City. Ten years ago in September, I came not knowing I would be standing here 10 years later, but thank God I have been. I have discussed with Judge Miller numerous times of how I love my family, but I also know that I have duties as an employee to represent the City the best I know how. The only way I know how is to continue to expand my knowledge and hope that I have been beneficial to you all for many more years. I'm just here and willing to do all that I can to represent the City."

STEVEN BROWN

"Shameka just recently got her four year college

degree."

MAYOR NICHOLSON

"Congratulations! I was talking with Coach Scott and Coach Chandler and they asked if there's any way we can get your son to one of the schools in District 50? (laughter)

We just want to commend you for the job you have done in the past and what you're continuing to do. We just wish you well in the future, Shameka.

Do I have a motion?"

A motion was made by Linda Edwards, seconded by Betty Boles.

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

Motion passed unanimously.

- attach -

AUTHORIZE

City Manager to
Request the
Commissioners
of South
Carolina
Department of
Transportation
to Grant
Ownership of
Oregon Avenue
(State Route
454) and
Alliance Street
(State Route
455) to the
City of
Greenwood.

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

STEVEN BROWN

"Mr. Mayor, I would like for Charlie to handle this item."

CHARLES
BARRINEAU

"Mr. Mayor and Council, if you recall at the last meeting, we asked you to receive a Community Development Block Grant Award close to \$500,000. Tonight we're asking you to request the Department of Transportation to give us ownership of Oregon Avenue and Alliance Street so that we can proceed with streetscape enhancements for the two streets in accordance with the City Center Plan."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

A motion was made by Niki Hutto, seconded by Barbara Turnburke.

"Is there any further discussion?"

STEVEN BROWN

"Mr. Mayor, may I just add just a little? In no way are we saying that leaving it a DOT street would prohibit us from doing what we need to do, but they have many regulations regarding landscaping. If you recall, the ultimate master plan is to have rear entrances, possibly some type of plaza with restaurants, and things of that nature on the back of Oregon. When we tried to fit those plans into some of the DOT regulations, it almost prohibits us from doing that.

Also, the Commissioners of Public Works are working with everyone involved, the arts & cultural community, the City, and businesses trying to get some of the overhead utilities underground, replacing street lampposts, and just a massive amount of work. If the City has control of it and maintains the right-of-way, it'll cut out another level of bureaucracy and regulations we have to go through when we need to give CPW permission to do certain things. While we don't like to take on additional maintenance, we feel that it's in the best interest of the City and CPW as we work together on this."

MAYOR NICHOLSON

"Okay. Very good. All in favor raise your right hand. So moved."

Motion passed unanimously.

CONSIDER

Mayor Nicholson read the last item and recognized the Assistant City Manager.

The Acceptance
of a South
Carolina
Department of
Transportation
Enhancement
Program Grant
for Uptown
Phase II
Crosswalks.

CHARLIE
BARRINEAU

"Mr. Mayor and City Council, I'm pleased to inform you that we have been notified by Commissioner Marion Carnell that we received an additional \$200,000 for what we're terming as 'Uptown Phase II', which is the addition of three crosswalks in Uptown Greenwood. The crosswalks will be placed at the intersections of Main and Maxwell, the center area where the existing crosswalk is located, and the addition of a crosswalk at Court and Main. These will be clearly marked 'pedestrian' with possibly concrete stamped enhancements and countdown LED lights. This is something that we discussed for numerous years.

The grant requires the City to invest approximately \$54,000 of matching funds. I would tell you that the City Manager and I will come back with a budget later on, but this is a project that you can utilize your hospitality tax revenue to fund if you so choose."

STEVEN BROWN

"Just about everything that we do goes to Mayor Nicholson and City Council, especially when the public is involved. They talk about the difficulty of moving from one side of the square to the other. This is all aimed at trying to make the crosswalks more customer friendly and giving a better area for pedestrians to walk back and forth from side to side. There is a lot of landscaping type work being involved in the overall master plan of the Uptown area. Anytime we can get \$200,000 and put only \$50,000 with it to do it, I think it's something that we ought to strongly consider.

We would ask you to allow us to accept it with the understanding that, before we spend anything, we will provide you with an itemized budget showing how we're going to spend it, any matching requirements, and where we would get those matching funds."

NIKI HUTTO

"Are you going to do an actual elevation drawing of the streetscape? Do you have that design?"

CHARLIE
BARRINEAU

"Yes, we will do that. At this point, we have entertained a contract with Davis and Floyd Engineers and Yancey and Roberts Land Design. They will begin working to develop a survey of those three intersections"

NIKI HUTTO

"Can you bid that kind of project out to other individuals?"

CHARLES
BARRINEAU

"Because this type of contract is through the State Department of Transportation, we're able to use their pre-approved engineers. Davis & Floyd is one of them, so we have used them in our overall plans. They have also developed the design for Phase I and are working with us on Phase III, Oregon Avenue."

MAYOR NICHOLSON

"Are there any other questions? Do I have a motion that we accept the grant?"

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

"Is there any further discussion?"

CHARLIE
BARRINEAU

"I would just make one comment. I wouldn't think we would see construction until 2007 on this project. I just wanted to give you that information."

MAYOR NICHOLSON

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

That's all, but Mr. Brown has informed me that there are two additional items he would like to add to the agenda."

STEVEN BROWN

"Mr. Mayor, one item that I forgot to put on the agenda was to allow City Council to appoint a

Council Member to the Joint City/County Accommodations Tax Advisory Committee. I will ask for you to consider doing that.

Then there is another opportunity we have in the grants area that Charlie would like to discuss and to get your permission to move on."

MAYOR NICHOLSON

"Okay, do I have a motion that we add these two items to the agenda? All in favor raise your right hand? So moved."

Motion passed unanimously.

APPOINT

City Council
Member to the
Joint
City/County
Accommodations
Tax Advisory
Committee

Mayor Nicholson read the next item and said, "Ms. Hutto, I know you've been working with that group. Would you be willing to serve?"

NIKI HUTTO

"Yes sir."

MAYOR NICHOLSON

"Can I have a motion that we appoint Ms. Hutto?"

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

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

Motion passed unanimously.

DISCUSS

Uptown
Greenwood
Opportunity
Grant

"Mayor Nicholson recognized Assistant City Manager, Charlie Barrineau."

CHARLES
BARRINEAU

"Mr. Mayor and Council, I appreciate your adding this to the agenda. We received a notification today that this application is due back February 13th and we wouldn't have enough time for your next meeting to get this approved. If you recall in 2004, the Department of Commerce made a new program available called the 'Opportunity Fund'. They're looking to fund projects, not what they would call

a band-aid, to make a significant investment in a downtown area.

In 2004, we applied but did not receive those funds. The cities of Bishopville, Bennettsville, and Union were recipients. They have announced that they are making \$950,000 of funds available again. We have to submit an intent to apply for those funds by February 13th, but the full application will not be due until May 1st.

We have initially met with the staff of CPW, Metro, and our own public works, looked over the City Center Master Plan, and are looking at proposing a project for Maxwell Avenue. It is our intent to do a mixed streetscape, utility improvement, and façade grant program for Maxwell Avenue to utilize these funds. As we develop the budget, we will bring it back to you for your final approval, however we would like permission to request an application from the Department of Commerce."

MAYOR NICHOLSON

"Okay, do I have a motion?

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

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

Motion passed unanimously.

"That's all we have on our open session. We have one item we need to discuss in an executive session regarding a contractual matter. Do I have a motion to go into executive session?"

Motion was made by Betty Boles, seconded by Niki Hutto.

"All in favor raise your right hand. So moved. Thank you all."

The City Council Meeting adjourned into Executive Session at 6 p.m.

The City Council Meeting reconvened into Open Session at 6:30 p.m.

Action taken as a result of Executive Session is as follows:

A motion was made by Barbara Turnburke, seconded by Niki Hutto, to authorize the City Manager to expend an amount not to exceed \$45,000 to cover the cost of construction overruns at the Federal Building. Funds will be taken from Community Development Funds and repaid with Hospitality Tax.

Motion carried 6-1.

Mayor Nicholson, Niki Hutto, Betty Boles, Herbert Vaughn, Johnny Williams, and Barbara Turnburke voted in favor.

Linda Edwards did not vote.

Meeting adjourned at 6:40 p.m.

Floyd Nicholson, Mayor

ATTEST:

City Clerk and Treasurer