

GREENWOOD CITY COUNCIL

August 21, 2006 - 5:30 p.m.

**MINUTES**

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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; Phil Lindler; City Attorney; Mike Hatfield of WCRS and Meagan Varner of the Index Journal.

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CALL TO ORDER The meeting in Council Chambers was called to order by Mayor Nicholson at 5:30 p.m. and he welcomed everyone to the meeting.

The Mayor asked for a moment of silence in memory of Mr. Jerry Spearman 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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RECOGNITION OF CITY EMPLOYEES Mayor Nicholson said, "First on our agenda tonight, we would like to recognize some of our City employees. Do you remember last year when Greenville had the bad ice storm? They had a lot of power lines down that caused a tremendous outage. The Mayor and City Manager of Greenville asked other municipalities throughout our state to assist in removing the debris off the streets. They did not have enough workers to do it sufficiently. The City Manager was willing to send a crew up to assist them for several weeks. Greenville offered to pay for their accommodations but our employees came home every evening due to our close proximity. They were willing to give of their time and energies to help the City of Greenville in a critical time. When you have a tragedy like this to occur, local governments need to work together to ensure the best for all citizens, not just in our community, but throughout our entire state and nation.

I think years ago when Hugo hit Charleston, the City of

Greenwood sent some workers to Charleston to assist in that disaster. We never know when a disaster might happen here and we might need assistance, so it's always good to help your neighbors at anytime.

We want to commend our employees for their willingness to participate in the joint efforts. Many times, it meant them reporting to work early to travel to Greenville and returning later. It meant neglecting their families, but they were willing to make the sacrifice. The City of Greenwood has asked us to present certificates to our employees recognizing them for their participation. I want to read one certificate. All of them are the same with different names on them.

Mayor Nicholson read the certificate and distributed to the following City employees: Peter Miller, Roy Yelton, Steven Brown, James Morton, James 'Buddy' Hastings, James Day, William 'Homer' Gilliam, and Robert Harrison.

Mayor Nicholson then read and presented a plaque to Billy Allen.

BILLY ALLEN

"All I'd like to say is that it's a privilege just to be able to help others when they're in need. We have a fine group of people not only in this room but in our whole department. I can't say enough about the job that they do for us each day. We just appreciate the opportunity to serve. Thank you."

MAYOR NICHOLSON

"While we are recognizing these employees for their work in Greenwood, I want to note that they do an excellent job in our City. To my knowledge, there hasn't been an increase of personnel in our Public Works Department in years but they have a great attitude, do an excellent job, work well together, and are a true asset to our community. If you've ever been to the Live After Five concerts, Festival of Discovery, or at any other event, they're working. If you were to come out early in the morning about 6 or 6:30, you'll see them watering flowers and trimming the shrubberies. There have been compliments about how manicured Uptown looks. It's because of these men and their efforts. We want to commend you, Billy, and your entire staff in the Public Works Department. Please convey that to them our sincere appreciation for a job well-done."

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APPROVAL OF  
CONSENT AGENDA

Mayor Nicholson asked for a motion to approve the consent agenda.

Motion to approve the consent agenda was made by Johnny Williams, seconded by Betty Boles.

The Mayor asked, "Are there any questions, discussion or corrections? All in favor raise your right hand. So moved."

Motion passed unanimously.

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PUBLIC  
APPEARANCE

Mayor Nicholson recognized Mr. Doug Collins.

Mr. Doug  
Collins of  
Regency Park  
Apartments

DOUG COLLINS

"Thank you, Mayor. My name is Doug Collins and I live at 120 Edinborough Circle at Regency Park in Greenwood. Mr. Mayor and City Council, as you know on March 21<sup>st</sup> at about one o'clock in the morning we had a horrific fire at Regency Park. It sustained quite a bit of damage to the buildings but thank God, no people or pets were injured. This seems to be the night to show appreciation to individuals so, along those lines, I'd like to first recognize Barbara Turnburke for your help and effort at Regency Park. I have a personal donation to the American Red Cross from my wife and I to thank you for all your help. As my wife had said, you are truly an angel that worked tirelessly for about a week helping the residents find accommodations and made sure that everyone had something to eat. Barbara showed up right after the fire and worked through the night handing out coffee and blankets. We really appreciated everything that you did. Thank you so much.

Also, we'd like to say thank you to Terry Strange and the members of the Fire Department. As I understand from Terry, there are approximately 49 members of the Fire Department so we'd like to invite them and their families to Regency Park on Saturday, September 16<sup>th</sup> to spend the afternoon with us for a barbeque. Terry, I thank you and the Fire Department for all of your efforts.

I'd also like to thank the Police Department. As I

understand it, we had several people that responded. One in particular, Jay Atkins, was on the scene immediately and helped to get people out of the building safely. Jay, I'd like to thank you for your efforts on that morning. I would also like to extend an invitation to any other members of the Police Department, that were present that evening, and their families to join us at the barbeque that we'd like to have on September 16<sup>th</sup>.

In addition, we had a very difficult schedule this summer to rebuild the buildings but we are open and are 100% leased. We'd like to thank Ronnie Powell, Lawrence Ouzts and the members of his staff. They responded very quickly to make sure we were rebuilding correctly and did everything they were supposed to do to protect the interest of individuals in the line of safety. They were extremely responsive and we'd like to thank all of these individuals for their effort. We're very appreciative to everyone. Thank you, very much."

MAYOR NICHOLSON

"Thank you, Mr. Collins. Again, we want to commend Chief Strange and our employees in our Fire Department. Anytime you go to a fire, our firefighters are putting their lives on the line. They never know what awaiting them when they arrive on a fire scene. Their dedication and commitment are exemplary. I know that City Council joins me in commending them.

We thank law enforcement for the job you do each and every day. A lot of times people don't really realize the importance of your job, but you're really laying your life on the line. We just commend you all for doing everything you can to make Greenwood a safe place for everyone to reside.

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CONSIDER

Ordinance No. 06-030 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning Property (Approximately 3.17 Acres), Located at 423 Oak Avenue, from LIW (Limited Industrial/Warehousing) to RM& (Residential Manufactured Housing - High Density).

Under unfinished business, Mayor Nicholson read the first item and said, "We had this a month ago and there were some questions. At this time I'd like Phil to give us an explanation about this request coming from Mr. Sprowl."

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

PHIL LINDLER

"Thank you, Mr. Mayor and Members of Council. This is a request by Mr. Sprowl to rezone the area shaded in purple (pointing) that is currently zoned LIW, Limited Industrial Warehousing. It is the same zoning as the adjacent piece of property that's beside the railroad tracks. Mr. Sprowl wants to develop the property residentially and the staff recommended RM7 to him. As you can see, most of the area to the north, west and south is zoned RM7 and we felt that was more in line with everything around it. Since the Planning Commission meeting, Mr. Sprowl has indicated that he does not want to include manufactured housing into his request, which would be allowed under RM7, but would like to modify his request to R7. They're basically the same, as far as density and uses, except R7 would eliminate manufactured housing as an option on that site."

MAYOR NICHOLSON

"Okay. So he wants to change it to R7?"

PHIL LINDLER

"Yes, sir. Thank you."

MAYOR NICHOLSON

"Okay, thank you. Do I have a motion?"

JOHNNY WILLIAMS

"Now do I understand correctly that he's going to build houses?"

MAYOR NICHOLSON

"Yes, he wants to build houses. By going to R7, he

cannot install manufactured housing."

A motion to change the rezoning from LIW to R7 was made by Johnny Williams, seconded by Niki Hutto.

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

Motion passed unanimously.

-attach -

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CONSIDER

Mayor Nicholson read the second item and asked for a motion.

Ordinance No.  
06-031 Amending  
the City of  
Greenwood  
Official Zoning  
Map (Ordinance  
No. 04-020) by  
Rezoning  
Property  
(Approximately  
0.94 Acres),  
Located at 844  
East Cambridge  
Avenue from R4  
(Residential -  
Medium Density)  
to NC  
(Neighborhood  
Commercial).

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

LINDA EDWARDS

"Mr. Mayor, I move that we deny this request as it is."

A motion to deny the ordinance was made by Linda Edwards, seconded by Niki Hutto.

MAYOR NICHOLSON

"Are there any questions or discussion?"

BETTY BOLES

"Because of the fact that my family owns adjoining property to this parcel, I've evaluated the situation

very carefully and believe that I should abstain from voting."

MAYOR NICHOLSON

"Are there any other discussion? All in favor raise your right hand. Okay, the vote is five to one and one abstained. So moved. The request is denied."

Those who voted in favor of denying the ordinance were Niki Hutto, Linda Edwards, Herbert Vaughn, Johnny Williams, and Barbara Turnburke. Mayor Nicholson voted against denying and Betty Boles abstained from voting.

Motion passed.

CONSIDER

Appointing a  
Commissioner to  
Complete an  
Unexpired Term  
on the City of  
Greenwood  
Housing  
Authority  
Board.

Mayor Nicholson read the third item and asked, "Does anybody have any recommendations? I have talked to an individual who is interested in serving, but hasn't been able to get additional information."

LINDA EDWARDS

"Who's term was it?"

MAYOR  
NICHOLSON

"I believe that someone moved or retired. I ask that we postpone this until next month so that this individual will have a chance to talk to John Lamb who's out of town this week. This person lives in the south end of town where there is a lot of development. I think it'll be good if we can get someone from there. I think Barbara has already talked to him also. So, can we postpone this until next month?"

STEVEN BROWN

"I want to think it was a gentleman that lived on Ridgeway Circle but relocated out of town."

MAYOR  
NICHOLSON

"I think so, but we'll find out. Do I have a motion that we postpone?"

Motion to postpone was made by Linda Edwards, seconded by Betty Boles.

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



and recognized the City Manager.

Ordinance No.  
06-032  
Authorizing the  
Execution and  
Delivery of an  
Annexation and  
Incentive  
Agreement by  
and among  
"Greenwood  
County", S. C.,  
and the "City"  
of Greenwood,  
S. C. and SAC  
Enterprises,  
Inc. (The  
"Company")  
Pursuant to  
which the City  
Will Grant to  
the Company  
Special Source  
Costs Incurred  
in Connection  
with a  
Commercial  
Enterprise  
Servicing  
Economic  
Development of  
the City and  
Greenwood  
County;  
Consenting to  
the Benefits of  
a Multi-County  
Park to be Made  
Available to  
the Company;  
and Authorizing  
other Matters  
Relating  
Thereeto.

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

STEVEN BROWN

"Mr. Mayor and Council, I am requesting that you take first reading on this ordinance in title only. The ordinance itself has not been completed but we are under

a critical time frame. The first and second items under new business are annexation ordinances. The first one deals with the property that is owned by Mr. Sam Zimmerman which is located off of 72 Bypass. The second is property that is located on the corner which is owned by the County Bank (pointing on the overhead). The critical factor in timing is the ability of the CPW to provide electrical service. After speaking with the attorneys, I believe the ordinances will be available for your review at your September work session. By that time, you can take second reading at the regular meeting.

You are aware of many facts about these annexations. They include combination of tax incentives in exchange for the companies annexing their properties into the City. The City of Greenwood has not used this very unusual annexation process previously. Therefore, the Partnership has secured the services of the Nexsen, Pruet Law Firm to draft the documents because of their expertise.

I am requesting that you take first reading on both of these ordinances. You will have the actual text and an explanation of the ordinances before your second reading. I remind City Council that even though you take first reading tonight without the completed ordinance, second reading can be denied if you are not completely satisfied with the final draft."

MAYOR NICHOLSON

"Okay. They are basically the same ordinance with two different locations. Do I have a motion that we pass this on first reading?"

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

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

Motion passed unanimously.

- attach -

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CONSIDER

Mayor Nicholson read the second item and asked for a motion.

Ordinance No.  
06-032  
Authorizing the Execution and Delivery of an Annexation and Incentive Agreement by and among "Greenwood County", S. C., and the "City" of Greenwood, S. C. and SAC Enterprises, Inc. (The "Company")  
Pursuant to which the City Will Grant to the Company Special Source Costs Incurred in Connection with a Commercial Enterprise Servicing Economic Development of the City and Greenwood County;  
Consenting to the Benefits of a Multi-County Park to be Made Available to the Company; and Authorizing other Matters Relating Thereto.

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

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

Motion passed unanimously.

"Mr. Brown, we'll have this at the work session and, if there are any questions, we can address them then. Hopefully, we can have the second reading at our September meeting."

- attach -

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

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CONSIDER

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

Funding Request  
for the Nurse  
Anna L.  
Robinson House  
Renovation,  
Phase II.

CHARLES  
BARRINEAU

"Mr. Mayor and Members of Council, we have received a request for funding of the Nurse Anna L. Robinson home. If you recall a few months ago, a group came before you and noted that they have received a grant from the Heritage Corridor in the amount of \$12,000. Tonight, they have a request in the amount of approximately \$50,000 to match that grant."

MAYOR NICOLSON

"Now, what did they request the first time they came?"

STEVEN BROWN

"I think it was in the neighborhood of \$7,000. I was talking to a member of the Heritage Corridor Board today, and I was informed the group is receiving a \$12,000 grant. It needs to be matched with \$12,000. If City Council is inclined to fund this project, I would recommend that you only agree to provide matching funds for the grant."

NIKI HUTTO

"Because \$12,000 is required in order to get the grant?"

STEVEN BROWN

"That's correct. They cannot draw the \$12,000 from the Heritage Corridor until they have the matching funds."

NIKI HUTTO

"Okay. Why are they asking for \$50,000 if they only need \$12,000?"

STEVEN BROWN

"Well, they have identified other needs. I'm not saying those other needs are not accurate or justifiable but, until we receive further information, I think the matching grant funds would be all that I would certainly recommend."

BETTY BOLES

"When is the deadline for that grant to be completed?"

STEVEN BROWN

"I only understand that they have been approved and the funds can not be drawn until they secure additional money to match it. So I don't know if there is a deadline or not."

CHARLES  
BARRINEAU

"You wouldn't have to take action tonight. If you wanted to get more information, there would be no reason for you to do so."

BETTY BOLES

"So will we be approving \$50,000 or \$12,000?"

MAYOR NICHOLSON

"It's up to us."

STEVEN BROWN "My recommendation would be \$12,000 from the Hospitality Tax."

MAYOR NICHOLSON "If we did this, we can look at doing some additional funding later."

STEVEN BROWN "Yes, sir. Absolutely."

LINDA EDWARDS "Well, will this grant cover any of what they already have listed?"

STEVEN BROWN "The original request was dealing with some façade repairs and the heating and air conditioning to the house. I believe they also mentioned some type of fencing."

NIKI HUTTO "But with the \$12,000 from the grant and \$12,000 from the City, that's \$24,000 which is half of the \$50,000 anyway. So they can do half of what's on their wish list."

BETTY BOLES "Well, they can do the air conditioning."

STEVEN BROWN "Certainly, if City Council does not feel comfortable with this, I would suggest postponing it and maybe asking the three member committee that was appointed by Council to meet with the ladies and to visit the house. They can then make a recommendation to the full Council."

MAYOR NICHOLSON "I think Mr. Vaughn and Mrs. Boles have met them. So would you all want to fund the \$12,000 or postpone it?"

LINDA EDWARDS "Well, what are they planning to develop? I was under the impression that they're not going to change anything in the house. So why would they need an architect?"

BETTY BOLES "Some of the rooms need to be restructured. I'm not sure."

STEVEN BROWN "If it is going to be a public facility, then the code requirements are more stringent. They must have an architect to provide plans that meet the building and fire codes."

LINDA EDWARDS "I understand that and I don't have any problem with us giving them anything, but I haven't been there. I would like to see the house because every time they're here, it's for a different reason. We need to make sure that we're not duplicating what they have already asked for. Like you said, when they first requested funding, it wasn't for any of this. Now, we have the initial request and everything is being outlined but it wasn't outlined to begin with."

STEVEN BROWN "I think the critical factor relating to this request is, what is the group's ability to sustain this effort on a long term basis? If City Council grants \$12,000, what are their plans and capacities to reach the ultimate goal? To me, that's the critical question. Is it a worthy project? Absolutely. Have these folks committed a lot of their time and effort into this project? Absolutely. But we all know this is a project that's going to need continuous funding. Where that funding will be secured should be identified before you put any money into it."

MAYOR NICHOLSON "Would you like to postpone?"

BETTY BOLES "I would postpone or table it until we can get more information as to what their future plans are."

MAYOR NICHOLSON "Okay. I have a motion. Do I have a second?"

A motion to postpone was made by Betty Boles, seconded by Herbert Vaughn.

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

Motion passed unanimously.

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

Deed to the  
Streets in  
Cedarbrooke  
Subdivision.

STEVEN BROWN "Mr. Mayor, this matter related to an older subdivision. Some Council Members may recall that Cedarbrooke had a change in ownership. There were some financial problems when this development was first developed. Mr. A.P. Neal now owns that subdivision and has submitted all the documentation, along with a letter of credit, to us.

There was an initial infrastructure reimbursement agreement signed with Mr. Neal for the streets, but that agreement could not be executed because the streets were not public at that time. I don't know all of the reasons

why it's been delayed but we do have the proper documentation and I would certainly recommend that you accept the streets.

I would also ask that you reinstate the infrastructure agreement. Because the reimbursement agreement is based upon the amount of taxes that are paid within a specific year, I would also ask you to authorize the Finance Director to make those refunds based upon the original date; the reimbursements would be retroactive to the original date of the infrastructure reimbursement. Steffanie (Dorn, Finance Director and City Clerk), do we need to cover anything else?"

STEFFANIE DORN "No, sir."

STEVEN BROWN "But don't you think that's in the best interest of the City?"

STEFFANIE DORN "Yes sir, definitely."

MAYOR NICHOLSON "Okay. We heard the report coming from the City Manager. Do I have a motion that we accept the streets in Cedarbrooke?"

A motion to accept the streets and reinstate the infrastructure reimbursement on the original date was made by Niki Hutto, seconded by Betty Boles.

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

Motion passed unanimously.

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CONSIDER Mayor Nicholson read the fifth item and said, "I think Ms. Thomas has served for a while. She is a very active member and I think she's willing to serve again. Right, Re-Appointing Lillian Thomas Mr. Brown?"

to the Board of  
Commissioners  
for the Housing  
Authority of  
the City of  
Greenwood.

STEVEN BROWN

"Yes, sir. She's very good and attends the meetings."

MAYOR  
NICHOLSON

"Alright. Do I have a motion?"

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

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

Motion passed unanimously.

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CONSIDER  
Allocation of  
2005-2006  
Accommodations  
Tax.

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

STEVEN BROWN

"As usual, I have a recommendation as a starting place. Please refer to my written recommendation. The first column gives you the total dollars requested each agency. The second column is the recommendation from the A-Tax Advisory Committee.

It is my understandings that the A-Tax Committee thought all projects were worthy and recommended funded a percentage of each agency's request. In essence, if you requested a lot of money, you got more money. So those who requested high dollar amounts would receive a greater share of the total dollars available.

Let's look at my recommendation. I would recommend that you fund the cultural calendar and website upgrade for The Arts Council of Greenwood County. I think those two projects are worthy.

The Benjamin Mays House restoration project requested \$25,000. I am recommended that request be funded, but I would ask that you consider Hospitality Tax. I believe it is a very worthy project.

The Festival of Flowers requested \$25,000. Last year,

they received \$9,000. I would recommend \$10,000.

The Chamber of Commerce requested \$10,000. Three thousand dollars is recommended to fund the South Carolina Half Iron Man Triathlon. This very worthy project brings a lot of people into town.

The Greenwood Community Theatre requested \$40,000. I am convinced their request is worthy. You have funded the theatre with a significant amount of Hospitality funds. The Theatre wants to set up a 'distant-tourism' type of attraction. I think this gives her some seed money to initiate the project, but it certainly may not fund it all, but it does qualify.

We funded the Peach Belt Basketball Tournament at a level of \$4,000 last year. There is one thing I'd like to point out. The fact that no one from Lander University came to the meeting with the other organizations requesting funds, I would recommend that we not fund it this year.

The Museum is attempting to make some changes that I think are very positive. They're asking for monies to work on their exhibits which, in my opinion, are going to be the attractions for the visitors. Besides the Festival of Discovery, that is the largest recommendation. I think they absolutely need the money desperately.

Some people have recommended not funding the Old Fashioned Fourth of July Celebration. I would tell you that you have historically funded it every year at a level of \$500.

I think all of us see that the South Carolina Festival of Discovery is growing. Last year, you funded that at \$10,000, but it definitely needs the \$15,000.

The Pro Cycling Race is an event that we should not fund. While it is a wonderful opportunity for us, it is one of the most expensive events. When we review the number of "tourist" attracted, the significant numbers are not there. If we can find another funding source, then naturally we would like to have it back.

If you choose between the Festival of Discovery and the Pro Cycling Challenge, I am convinced the Festival of Discovery is more important, therefore, I recommend no funding.

Last year, the Greenwood Regional Tourism Bureau received

the amount of funds mandated for a tourism agency. We would recommend that City Council continue to do so.

That is my recommendation for the \$110,775. Due to the number of worthy projects, I can agree with the Advisory Committee. However, throwing a little money at a worthy project may be worse than not funding it at all. I think my recommendation will fund projects at a level that will enhance their effort instead of just giving them a token amount of money.

There's also a surplus of \$2,584 for unanticipated projects. If you don't spend it, you can also budget it again next year.

I'll be glad to answer your questions."

MAYOR  
NICHOLSON

"Are there any questions?"

LINDA EDWARDS

"Now, what where you recommending for the Benjamin Mays project?"

STEVEN BROWN

"I think it ought to be funded out of Hospitality Tax. The \$9,000 recommended doesn't come close to what they actually need. It complies with all your hospitality requirements and regulations.

I think all of us in the room have been by there and seen what they've done. The experts in tourism say that it has so much potential for Greenwood. I think it's wonderful that you have a person like Dr. Patton moving that project along. There's no doubt that he's taken a little bit of money and made it go a long way. I think one of the critical factors is getting some type of security fencing around the project. I believe that was what he spoke to you about."

BETTY BOLES

"So if we don't fund this Pro Cycling Race, will it no longer be held in Greenwood?"

STEVEN BROWN

"We would like to have it if we can find another source of revenue. To be honest with you, they recommended \$3,000 but it takes about \$18,000 to put that race on. It starts at about three or four o'clock in the afternoon and is over by seven."

NIKI HUTTO

"Basically, if you don't give them the \$3,000 they can get private sponsorship for that race."

STEVEN BROWN

"What's the budget for the Festival of Discovery?"

CHARLES BARRINEAU "The Festival of Discovery budget was right at \$40,000."

STEVEN BROWN "So at the Festival of Discovery, you gave \$15,000 or \$10,000 last year and then we had to raise an additional \$30,000 to pull that off. The Pro Cycling Race is a wonderful event and I would tell City Council that the Uptown Manager, along with the Assistant City Manager, will try to the best of their abilities to find other funding sources. However, when the money is scarce, you try to put it in a priority area and I think the Festival of Discovery is a greater need than the Pro Cycling Challenge."

NIKI HUTTO "Well, it brings more people."

STEVEN BROWN "It does reach a bigger cross section of our community than the Pro Cycling Race."

NIKI HUTTO "The other thing I didn't like, personally, was what they recommended for the Federal Building which is the cornerstone of the Emerald Triangle Project. If we don't put the right amounts of money in that Federal Building to keep the activity and excitement going, I think we're hurting the whole Emerald Triangle Project. So I didn't think \$1,971 was adequate in the recommendation from the committee."

STEVEN BROWN "If you approve this, my direction to them would be to spend the money on the website design and cultural calendars. That's what I've tried to do. The website and cultural calendar is critical to the Arts Council."

BETTY BOLES "I agree with your recommendation for the Arts Council and the Greenwood Community Theatre. The Committee recommended \$10,000, but the theatre is receiving hospitality funds. Am I right?"

STEVEN BROWN "Yes, ma'am."

MAYOR NICHOLSON "Alright. Are there any other questions? Would you like to have a vote?"

Motion was made by Niki Hutto, seconded by Barbara Turnburke to approve the distribution of Accommodations Tax Allocations as recommended:

Arts County of Greenwood County

\$ 5,740.00

Benjamin May's House Restoration Project	- 0 -
Greenwood Festival of Flowers	\$10,000.00
Greenwood Chamber of Commerce	\$ 3,000.00
Greenwood Community Theatre	\$ 5,000.00
Peach Belt Basketball Tournament	
Lander University	-0-
The Museum	\$15,000.00
Old Fashion Fourth of July Celebration-PTC	\$ 500.00
South Carolina Festival of Discovery	\$15,000.00
Pro-Cycling Race	-0-
Greenwood Regional Tourism Bureau	\$24,815.00
City of Greenwood	\$29,136.00
Surplus	\$ 2,584.00
Total:	\$110,775.00

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

Motion passed unanimously.

CONSIDER

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

Approval of Emerald Triangle Façade Improvement Program and Authorize the City Manager to Accept Façade Easements on Twenty-six (26) Properties.

CHARLES BARRINEAU

"Mr. Mayor and Members of Council, we put this into a form of a resolution so that we would be able to include all of the properties. I apologize I didn't have it drafted in time for it to be in your packet.

As I explained to you at the last meeting two weeks ago, we have been awarded the \$934,000 from Commerce that includes façade improvements for 26 properties. Again, I want to point out to you that the one property on the southern end of Maxwell is not included even though it is

highlighted. We called, sent letters and did everything we could to get that property owner involved, but they did not sign on to the project and therefore is not included in the budget. There are actually 27 buildings, but only 26 agreed to it, so we would ask you, through this resolution, to authorize the façade agreement for the 26 buildings. If we have money at the end of the project and that property owner may want to participate, we'll let you know if you choose to make it available for them.

So again, this authorizes the City Manager to enter into a façade easement deed with these 26 properties. You've been given a draft copy from the Department of Commerce. The City Attorney reviewed it and made some additional changes that we feel comfortable with. The façade easement deed basically requires them to put up a 10% match through the grant. They will be getting approximately \$20,000 for each building, depending on what is being done. The maximum that will be required is \$2,000 per building.

The most critical point is the deed sets the number of years that they have to maintain the improvements. There are many municipalities that have chosen anything from five to 15 years. We picked seven years for these improvements to be maintained. The reason for this agreement is, if they are not maintained, the City would have the right to enter the property for maintenance and then issue a lien on the property.

We also included a three page façade agreement program that basically outlines what can and cannot be included. Some of these recommendations are coming from Commerce, but we're looking at permanent exterior changes to the buildings. These changes will be made along the guidelines of the newly developed Emerald Triangle Façade Architectural Improvement District through Furman Architects, who you allowed us to use their services at the your last meeting, with the assistance of Phil Lindler and your new Board of Architectural Review. The first district that we will soon be asking you to consider will be the new Emerald Triangle District where you will set up the actual architectural guidelines so you would no longer have to follow your existing sign ordinance or other zoning regulations. We will actually follow an adopted architectural review process for the district.

I'll be glad to answer any questions that you may have. Again, this has been review by the City Attorney."

- CHARLES BARRINEAU "Correct. It will take us approximately 60 to 90 days to actually have a document that lets us preserve the buildings. We will have meetings with each of the property owners so that they can give their input into this process. In no way do we want to tie the hands of the property owners, but we want to make a unified look of this district for people to visit and live in Greenwood. We made that clear to all the property owners when they signed on to this program so they're aware of what we're going to do."
- STEVEN BROWN "Mr. Mayor and Council, this easement is similar to some of your other activities in community development where you have given grant funds for homeowners to rehab their houses. They would sign an agreement that, if they sold their homes within a certain number of years, they had to pay back a certain percentage. This easement just protects your investment in these facades. While it is not the same, it is similar to that type of agreement."
- MAYOR NICHOLSON "Are there any questions or anything for Charlie?"
- CHARLES BARRINEAU "There will be no direct City money in the façade portion of the project. It's not the hospitality money that you approved, but the Commerce opportunity grant monies that will actually go into the project."
- MAYOR NICHOLSON "By the way, I saw Maceo Nance last week in Spartanburg and I assured him that we were really appreciative of what he has done. I told him to keep the money coming."
- NIKI HUTTO "Are we tying the streetscape with the façade improvement?"
- CHARLES BARRINEAU "Yes. If you recall, we engaged the services of Davis and Floyd and Robertson Landesign. I don't think I've told you this but Robertson Landesign and Furman Architects are actually partners that work out of the same office, so Courtney Furman and Yancey Robertson will be working directly to tie the landscape and the façade agreements together. Obviously, we want to make sure that where we plant a tree or place a streetlight will be right with the façade and not in the way of a window. So a lot of those things will be worked out."
- NIKI HUTTO "Now, some of that streetscaping wasn't delayed during the infrastructure of the sewer."
- CHARLES BARRINEAU "Well, I hope I'm not getting you confused but we actually have two different grants. One is for Oregon Avenue, which will put all of the infrastructure and streetscape on board. That project is already under way and, if you've been through Oregon Avenue in the last two

weeks, the water line has already been placed. We suspect the sewer lines will start in the next 60 days and the street design is close to being finished. We will be meeting with property owners and hopefully Oregon will be under construction, as far as the streetscape design, in the next 120 days or before the end of the year. We hope to get it done, or at least started, somewhere around Thanksgiving if possible. The streetscape or the actual construction on Maxwell Avenue won't take place until 2007 and 2008 but again, those designs will be tied together."

MAYOR NICHOLSON "Okay. Are there any other questions? Do I have a motion?"

CHARLES "I stress that we will have numerous meetings with property owners. I will do everything I can to make sure that they have a say in this development."  
BARRINAU

MAYOR NICHOLSON "Do I have a motion that we approve?"

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

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

The motion passed unanimously.

- attach -

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

Approval of  
Federal  
Building  
Concessions  
Agreement and  
Authorize the  
City Manager to  
Sign the  
Agreement.

STEVEN BROWN "Mr. Mayor, while the City and County of Greenwood took ownership of the Federal Building a number of years ago, there was a subsequent lease negotiated between the City,

County and the Arts Council for the occupancy and use of the building. We're required once every two years to submit a report to the Department of Interior (DOI). How little did we know that the Department of Interior does not recognize a Lease Agreement but a Concessions Agreement. I haven't figured out what the difference is, but to them it's a big difference. Therefore, we had to renegotiate a Concessions Agreement. They did send us a format of another city's Concession Agreement. Everything that happens in that Federal Building must be approved by the Department of Interior. Even though it is deeded to the City, the condition of the agreement is that any income derived from the use of that building must be put in a central repository and used to maintain that building.

We have been trying to negotiate these requirements with the Arts Council and have prepared a Concession Agreement. It has been reviewed by the Arts Council Board and they feel comfortable with it. Mr. Welch and the County Attorney have looked at it also. DOI wants all the three entities to approve the Concessions Agreement and send it to them for their approval. If you approve it tonight, then that's one more of the three entities that must approve this Concessions Agreement. Therefore, that's the process. Biannually, we must submit a report documenting our compliance with the concessions agreement."

NIKI HUTTO "Do we have to re-sign every two years of the Concession Agreement?"

STEVEN BROWN "No ma'am."

NIKI HUTTO "Okay. If there are additional people occupying the building, ala Self Foundation, do we have to add them to the Concessions Agreement?"

STEVEN BROWN "Yeah."

CHARLES BARRINEAU "The Concessions Agreement includes the language to allow the Arts Council to sign what is termed a 'Sub-Concessions Agreement'. Every Sub-Concessions Agreement must be sent to the DOI for their approval however, your lease does not require you to see inside those agreements. For example, the agreement between the Self Family Foundation and the Arts Council has been approved by the DOI; however, they have to follow the same use of funding that was in the original agreement. So any funds that are transacted between the Arts Council and the Foundation must be used for public purposes of the Federal Building."

NIKI HUTTO "Which would be maintenance?"

CHARLES "Correct."  
BARRINEAU

STEVEN BROWN "You may receive some comments about how we monitor the activities in that building. I think it is incumbent upon us that we comply with the rules of the agreement. We're trying to do our due diligence so that our next biannual report will reflect our compliance."

MAYOR NICHOLSON "Okay, do I have a motion that we approve?"

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.

CONSIDER Mayor Nicholson read the last item and asked for a motion to enter into executive session.

An Executive Session to Receive a Legal Briefing.

Motion was made by Betty Boles, seconded by Linda Edwards.

The Mayor asked, "All in favor raise your right hand. Again, we want to thank you all for coming and I hope that everyone have a very wonderful evening."

The business meeting recessed at 6:37 p.m. to go into Executive Session.

The business meeting reconvened at 7 p.m.

CITY COUNCIL COMMENTS

Mayor Nicholson asked for the best date to have the work session since the first Monday is on Labor Day. City Council came to the consensus that Tuesday, September

5<sup>th</sup>, was best.

Niki Hutto had comments about the Uptown's beautification.

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Meeting adjourned at 7:18.m.

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Floyd Nicholson, Mayor

ATTEST:

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City Clerk and Treasurer