

GREENWOOD CITY COUNCIL

November 15, 2010 - 5:31 p.m.

MINUTES

PRESENT Council Members: Mayor D. Welborn Adams, Niki Hutto, Linda Edwards, Betty Boles, Johnny Williams, Ronnie Ables, and Councilman-Elect Kenn Wiltshire. City Manager Charles Barrineau, Assistant to the City Manager Julie Wilkie; City Clerk Steffanie Dorn; City Attorney James Padgett, III; City/County Planning Director Phil Lindler; Leslie Lane of GwdToday.com, and Chris Trainor of the Index Journal.

CALL TO ORDER The meeting in Council Chambers was called to order by Mayor Adams at 5:31 p.m.

Councilor Linda Edwards gave the invocation.

STATEMENT AND QUORUM Mayor Adams 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 City Clerk, Steffanie Dorn, stated that there was a quorum present.

APPROVAL OF CONSENT AGENDA Mayor Adams asked for a motion to approve the consent agenda.

Motion to approve the consent agenda was made by Betty Boles, seconded by Linda Edwards.

The motion passed unanimously.

RECOGNIZE

Toni Able of the Healthy Greenwood Neighborhoods Association

Mayor Adams introduced Mrs. Toni Able, Executive Director for Healthy Greenwood Neighborhoods and Coordinator of Keep Greenwood County Beautiful. Mrs. Able presented and discussed details from a flier to make Council aware of the Keep Greenwood County Beautiful activities and how it has benefited the City of Greenwood. She then introduced two Keep Greenwood County Beautiful Board Members that were also present: Ms. Jamie J. Miller, Chairwoman-Elect and Jonathan Graves, Publicity Chairperson.

Mayor Adams stated that he appreciated all the efforts helping the City of Greenwood stay beautiful.

CONSIDER

Ordinance No. 10-016 Authorizing the City Manager to Sign a Lease Extension with the Greenwood Commissioners of Public Works for the Municipal Building.

Under Public Hearings, City Manager Charles Barrineau reviewed the City of Greenwood 10 year lease agreement with the Commissioners of Public Works for 6,800 square feet of the Municipal Building that will be extended under the same terms to 2020, if approved by Council.

No one spoke for or against the ordinance.

There was no discussion from City Council.

(2nd reading)

Motion to approve Ordinance 10-016 was made by Johnny Williams, seconded by Ronnie Ables.

The motion passed unanimously.

CONSIDER
 Ordinance No. 10-015 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning Property Located at 1427 East Cambridge Avenue from R3 (Medium Density Residential) to IP (Institutional Professional).
 (2nd reading)

Under Unfinished Business, City Manager Charles Barrineau reviewed Scott McCarter's request to rezone 1427 East Cambridge Avenue from R3 (Medium Density Residential) to Institutional Professional (IP) so that he can place an assisted living facility on the site.

Councilor Linda Edwards had concerns of where the driveway will be located off of East Cambridge and how the building will be situated. Planning Director Phil Lindler stated that he hasn't received any plans from the developer but the location of the driveway will be decided by the Highway Department.

Motion to approve Ordinance No. 10-015 was made by Johnny Williams, seconded by Ronnie Ables.

Those who voted in favor were Mayor Adams, Niki Hutto, Johnny Williams and Ronnie Ables. Linda Edwards and Betty Boles voted against.

The motion passed.

-attach-

ACCEPT
 The Results from the Greenwood County Election Commission.

Under New Business, City Manager Charles Barrineau reviewed the results of the City election for Ward 4.

Motion to approve the Greenwood County Election Commission results was made by Betty Boles, seconded by Niki Hutto.

The motion passed unanimously.

-attach-

ADMINISTER
 Oath of Office to Kenn Wiltshire, Ward 4.

Mayor Adams administered the Oath of Office to Mr. Kenn Wiltshire, newly elected City Councilman for Ward 4.

CONSIDER
 Ordinance No. 10-017
 Authorizing Road Closure Approval of a 63 Foot Portion of Graydon Avenue.

City Manager Charles Barrineau discussed the request by Lander University to close a 63 foot portion of Graydon Avenue that is adjacent to the Recreation, Wellness, and Sports Complex. He also noted that Lander owns both sides of Graydon Avenue.

There was no discussion from Council.

Motion to authorize the closure of a 63 foot portion of Graydon Avenue was made by Niki Hutto, seconded by Betty Boles.

The motion passed unanimously.

-attach-

CONSIDER
 Ordinance No. 10-018 Governing Alarms Responded to by the Greenwood Fire Department.

(1st reading)

City Manager Charles Barrineau informed Council that staff has been monitoring the Greenwood Fire Departments response to false alarms for a number of years. In 2006, the fire department responded to 245 false alarms; 2007, 156; 2008, 137; 2009, 129; and effective right now, 205. Because false alarms cause a significant misuse of the City's manpower and resources and render many of them out of service to respond to legitimate emergency situations, the City Manager presented Council an ordinance regarding false alarms that, if adopted, will institute penalties for excessive false alarms during a calendar year. The proposed ordinance, as written now, indicates:

- No charge for the first three offenses.
- \$100 for the 4th offense
- \$200 for the 5th offense
- \$300 for the 6th offense and above

The ordinance also implements similar penalties when an owner fails to respond within an hour of being notified of a fire alarm.

The City Attorney has reviewed the ordinance and the City Manager, along with Fire Chief Strange, is recommending Council's approval of the ordinance.

Councilor Linda Edwards asked if there can be three false alarms in one day for one facility without a fine being charged. City Manager Barrineau stated that it would depend on the type of alarm during the day. It could be determined the alarms were related to each other.

Motion to accept the ordinance establishing a fee schedule for the City Fire Department responding to false alarms was made by Niki Hutto, seconded by Johnny Williams.

The motion passed unanimously.

-attach-

CONSIDER

Ordinance No.
10-019 Amending
Ordinance 03-
010, Zoning
Ordinance,
Chapter 6,
Supplemental
Regulations,
Article 9,
Dumpster
Screening.

(1st reading)

City Manager Charles Barrineau discussed the recommendation from the Public Works Director and the Planning Commission. While the City's current zoning ordinance does require new construction commercial dumpster screenings, this ordinance would also require placing stops, or bollards, to prevent the garbage container from damaging those screenings. It also establishes width and length requirements of the concrete pad of the dumpster to be placed. The City Manager recommends Council's approval.

Councilor Kenn Wiltshire asked if this ordinance is just for new construction. City Manager stated that staff will not pursue existing dumpster screenings.

Motion to approve the amendment to dumpster screenings was made by Niki Hutto, seconded by Kenn Whiltshire.

The motion passed unanimously.

-attach-

CONSIDER

Ordinance No. 10-020
Authorizing the Issuance and Delivery from Time to Time of One or More City of Greenwood, South Carolina, Revenue Bond Anticipation Notes, in an Aggregate Principal Amount Not to Exceed \$10,000,000, in Anticipation of the Receipt of the Proceeds of the Sale of Junior Lien Combined Public Utility System Revenue Bonds of the City of Greenwood.

(1st reading)

City Manager Charles Barrineau stated that this is the annual ordinance Council considers on behalf of the Greenwood Commissioners of Public Works (CPW) to allow them to issue bonds as an anticipation note should they need additional revenue to purchase natural gas.

There was no discussion from City Council.

Motion to authorize the CPW use of revenue bonds was made by Niki Hutto, seconded by Betty Boles.

The motion passed unanimously.

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CONSIDER

To Adopt the Budget for 2011.

(1st reading)

City Manager Charles Barrineau recognized the hard work of the Finance Director, Steffanie Dorn, and all the Department Heads that helped to assemble the budget. Some of the highlights includes:

- Total revenues were \$12,990,451, which is up approximately 2.48% over the 2010 budget. This is a balanced budget with revenues equaling expenditures.
- Staff is recommending no property tax increase; however, does anticipate employee health insurance to increase approximately \$100,000.
- Includes a two percent cost of living adjustment for all staff.
- Includes a \$417,094, five year Capital Lease purchase for six new patrol cars, one commercial sanitation truck, and one flex fuel vehicle for Administration
- One first aid response truck for the Fire Department.

- \$20,000 investment and exterior renovations of the former Pals building.
- Funding for the cleanup efforts of the former Valley Brook Road landfill.

This budget also includes the Victims Fund, Hospitality Tax Account, and the Accommodations Tax Fund. It will continue to maintain the City's reserve fund within City Council's set policy.

City Manager Barrineau stated that the City continues to operate in a stable environment but does anticipate severe cuts in funding from the State of South Carolina. He also noted the recent interest in new commercial development investments within the last 30 to 60 days and hopes this trend will continue into 2011.

The City Manager offered to discuss further details of the proposed 2011 Budget at the December 6 work session.

Councilor Linda Edwards was assured that the 2011 budget will not include a tax increase.

Motion to approve the 2011 budget was made by Niki Hutto, seconded by Linda Edwards.

The motion passed unanimously.

-attach-

CONSIDER

Ordinance No.
10-022 to Levy
Tax for the City
of Greenwood for
2011.

City Manager Charles Barrineau stated that this ordinance is the annual tax levy for the City of Greenwood. For 2011, the tax levy will be 101.6 which is the same as last year.

There was no discussion from City Council.

(1st reading)

Motion to approve the tax levy for 2011 was made by Niki Hutto, seconded by Johnny Williams.

The motion passed unanimously.

-attach-

CONSIDER
 Ordinance No.
 10-023 to
 Authorize the
 City Manager to
 Issue Tax
 Anticipation
 Notes in 2011.

City Manager Charles Barrineau stated that this Tax Anticipation Ordinance for the City of Greenwood is similar to the CPW anticipation ordinance. He doesn't anticipate the City of Greenwood needing to borrow funds for cash flow purposes in 2011, but does ask Council to pass this ordinance.

Councilor Betty Boles confirmed that ordinance is only used if the City should ever need to borrow money.

(1st reading)

Motion to authorize the City Manager to issue tax anticipation notes in 2011 was made by Niki Hutto, seconded by Kenn Wiltshire.

The motion passed unanimously.

-attach-

CONSIDER
 Ordinance No.
 10-024 Amending
 the Business
 License
 Ordinance for
 2011.

City Manager Charles Barrineau recognized Finance Director and City Clerk, Steffanie Dorn, to discuss changes to the Business License Ordinance.

She stated the biggest change that staff needs to make is the classification system from Standard Industrial Code to the North American Industrial Classification System which is used on IRS returns. She asked Council to make the transition because the Finance Office encounters multiple difficulties when trying to classify businesses from the old codes. This ordinance will also realign some businesses within the rate classifications to match the gross profit margins which are based on data from the Internal Revenue Service.

(1st reading)

Changing the classification system is also necessary to keep the business licenses up to date. A slight increase in the rate classes will allow the City to remain revenue neutral. With those changes, Mrs. Dorn projects the revenue would be \$11,000 less in 2011 than in 2010 if every business reported the exact same gross receipts. Specifically, Section 19-B has also been amended to change the due date from April 15 to April 30 to accommodate the recommended change that all in-City businesses be required to submit copies of appropriate portions of their State or Federal income tax returns for verification of gross income.

The Finance Office currently operates on the honesty system and random audits. Requiring the proof of income will ensure that all businesses are being reviewed instead of being audited on a random basis. An extension of the due date will allow businesses additional time to compile appropriate financial data and/or tax returns without any excessive burden.

Mrs. Dorn also reviewed a few other minor changes to match the Business License Ordinance with the language as recommended by the Municipal Association of South Carolina.

Councilors Kenn Wiltshire and Linda Edwards inquired how far in advance businesses will be informed of the changes. Steffanie Dorn stated that notification letters will be sent out the first week in January.

Councilor Niki Hutto inquired about the businesses located out of the City. Steffanie Dorn stated that their letter would not signify they are required to provide a proof of income because their gross receipts include everything so they'll continue to be audited on a random basis.

Councilor Betty Boles asked about tax extensions for businesses. Steffanie stated that the Finance Department will accept estimations to stop penalties but those businesses must provide proof of income and pay penalties on any amount due from the April 30 deadline.

Motion to accept the changes made to the Business License Ordinance was made by Niki Hutto, seconded by Linda Edwards.

The motion passed unanimously.

City Manager Barrineau commended Steffanie Dorn for all her efforts in getting the City of Greenwood updated.

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CONSIDER

Ordinance No.
10-025 Amending
the 2010 Budget.

City Manager Charles Barrineau discussed the 2010 budget amendment to formally approve the \$10,000 to pave a section of asphalt in front of the Federal Building that City Council authorized at the October meeting. The amendment will also authorize a one-time, "Appreciation" payment to all City staff based upon the number of years of their employment prior to the end of the year. This "Appreciation" payment will replace the \$50 food gift certificates that were previously approved by City Council.

Under this proposal, employees will be paid \$50 per year of service with the City. The minimum payment would be \$200 and the maximum would be \$1,500. Part-time employees are recommended to receive half of the incentive. The total overall expenditure for the one-time pay is \$96,880 which is approximately 1.5% of current City salaries.

City Manager Barrineau recommends this one-time payment for the following reasons: Council adopted a very conservative budget in 2010 and staff worked very hard to spend dollars wisely. Secondly, City staff has not received a cost of living adjustment in two years. Finally, the City spends thousands of dollars annually to provide employees with the best training available. Every employee the City loses takes away hours of training that cannot be replaced.

Although City Manager Barrineau stated that he will not benefit from this "Appreciation" pay, Councilor Kenn Wiltshire suggested that he take it for all the extra hours that he works.

Motion for the one-time appreciation pay for City employees was made by Niki Hutto, seconded by Kenn Wiltshire.

The motion passed unanimously.

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CONSIDER

Authorizing
Funding for
Study/Master
Plan for
Farmer's
Market/Railroad
Center
Experience.

City Manager Charles Barrineau stated that Seamon and Whiteside of Greenville, South Carolina, was chosen out of 13 proposals to conduct a study/master plan for the Farmer's Market/Railroad Center Experience to include a marketing analysis, parking inventory, and information gathering session with the many stakeholders of the project consisting of the Greenwood Museum, citizens, market goers, farmers, Clemson Extension, and both City and County Councils. Their fee to conduct this study is \$98,850 and the City Manager reminded Council that the City, along with The Partnership, expended \$70,000 to develop the City Center Master Plan that secured over \$4 million in grants. He believes this similar plan can have that same success and recommends City Council's approval of moving forward with this study. It will take approximately five to six months to complete using funds from the Hospitality Account.

Councilor Linda Edwards asked if it was Seamon and Whiteside's idea to move the facility in Uptown. City Manager Barrineau stated that they'll be spending a lot of time engaging all the different groups to see what the community wants to further enhance the City Center.

Councilor Kenn Wilthsire suggested that Toni Able be a part of the planning process. He also asked if this plan will include a textiles museum. City Manager Barrineau stated that the railroad is just as important as textiles and doesn't see a reason not to include it.

Councilor Edwards inquired about a start date. No planning process and meetings with stakeholders will take place until next year but Seamon and Whiteside will do a lot of the parking and marketing analysis before the end of this year.

City Manager Barrineau told Councilor Niki Hutto that the way-finding group, Arnet & Muldrow, will definitely be tied into this plan.

Chris Watson of Seamon & Whiteside introduced himself to City Council.

Motion to authorize funding for the study/master plan for the farmer's market/railroad center experience was made by Niki Hutto, seconded by Linda Edwards.

The motion passed unanimously.

CONSIDER

Authorizing the City Manager to Enter into a Responsible Party Voluntary Cleanup Contract Agreement with the South Carolina Department of Health and Environmental Control for City Owned Parcel Tax ID No. 6856-594-387 Located off of Valley Brook Road.

City Manager Charles Barrineau discussed the contract agreement terms with South Carolina Department of Health and Environmental Control (SCDHEC) to include six months working with the City's Environmental Attorneys, the McNair Law Firm, and staff from SCDHEC to finalize a Responsible Party Voluntary Cleanup contract for the former Valley Brook Road landfill owned by the City of Greenwood. The contract outlines the following work plan:

- A. City will remove the previously identified tank and piping, 55 gallon drums, and other surface waste. Surface waste does not include any construction and demolition or land clearing debris as defined by the South Carolina code.
- B. City will conduct soil sampling to confirm the adequacy of this removal.
- C. City will collect soil samples at random locations within disposal areas to identify the nature and extent of any potential sources of contamination.
- C. City will excavate test pits on property to confirm that buried materials are limited to trees, limbs, construction, and demolition or land clearing debris.
- E. City will, if necessary by SCDHEC based on the sample results, conduct ground water investigations to determine the nature and extent of potential ground water contamination.
- F. City will provide the department with report of findings of A-E.
- G. Based on the findings, SCDHEC may require additional removal and/or remedial activities.

The City Manager also stated that, prior to any work plan or activities taking place, the City is required to have a public participation meeting. City Council's approval of this authorization will allow the City to move forward and begin working with the community to schedule that meeting and make sure they have an opportunity to work with us and comment on this proposal.

City Manager Barrineau also stated that the plan includes the City to reimburse SCDHEC for any oversight costs based on the work that is going to take place. The City will be working with Davis & Floyd and the community to develop this work plan.

Councilor Niki Hutto inquired about the oversight costs for SCDHEC if this is a part of their job description. The City Manager stated that it is 8% - 10% of the actual costs of SCDHEC staff members that will facilitate this project and attend meetings.

It was their job to get the City to this point, now the

City will pay as a responsible party to this cleanup.

City Manager Barrineau stated to Councilor Betty Boles that no arrangements have been made to have a meeting with the public yet because he was waiting to get this approved by City Council. Staff may have to wait after the first of the year because of the holidays. Nothing will be done to that land until the meeting explaining the work plan and allowing the public to make comments on it.

Councilor Linda Edwards stated that the City must see an itemization of SCDHEC charges. She also inquired why Holman Street wasn't mentioned in the agreement. City Manager Barrineau stated that the property doesn't belong to the City of Greenwood and the SCDHEC site study recommended no further action.

Motion to authorize the City Manager to enter to a Responsible Party Voluntary Cleanup Contract Agreement was made by Betty Boles, seconded by Niki Hutto.

The motion passed unanimously.

CONSIDER

Authorizing
City Manager to
Present Funding
Request to
County
Transportation
Committee for
Resurfacing and
Curb Work on
Portions of
Marion and
Washington
Avenues.

City Manager Charles Barrineau informed City Council that the Greenwood County Transportation Commission (CTC) has extra gas tax money to be used for resurfacing, paving, curbing, and sidewalks. He noted that the road and curbing by the new library site is not what he would think the City would want to have near a new \$10 million building because the old style granite curbing is sunk in many places. The City Manager thinks he can get this approved by the CTC Committee and asks Council's concurrence to submit a budget proposal for funding to resurface Washington and Marion Streets from Main to Edgefield Streets.

Councilor Betty Boles inquired where the money would come from. City Manager Barrineau said the CTC funds come from the State gasoline taxes so the City funds will not be used for this. The City would get reimbursed by the County after administering and managing the project.

Councilor Kenn Wiltshire inquired about a timeline. City Manager Barrineau stated that the Commission will meet in December but expects resurfacing to start in the Spring.

First Citizens Bank will be finished constructing their new building by that time also. The City Manager

believes that First Citizens' investment in that area is significant also.

City Manager Barrineau asked Council to submit their list of roads in their Ward that needs repair so that City staff can submit their requests, based on a ranking system, for paving in 2011.

Motion to authorize the City Manager to present funding request to the County Transportation Committee was made by Niki Hutto, seconded by Johnny Williams.

The motion passed unanimously.

CONSIDER

Consider Authorizing Funding for a Phase I Environmental Assessment of the old Greenwood Mill Site.

City Manager Charles Barrineau reminded Council that at the last meeting they authorized him to submit a Non-Responsible Party Environmental Cleanup application to the South Carolina Department of Health and Environmental Control (SCDHEC) for the former Facemate Greenwood Mill property located off of Kitson Street. As a part of that application, the City is required to perform a Phase I Assessment at a cost of \$4,000. The City Manager asks Council to allow the funds to be granted out of the City's Community Fund Account.

Councilor Niki Hutto inquired if this agreement is a part of the Brownfields application. The City Manager stated that it coincides with the Brownfields application but the Phase I Assessment is the first step to get the Non-Responsible Party coverage from SCDHEC. The City doesn't want to take ownership until Environmental Coverage has been granted from DHEC.

Motion to authorize funding for a Phase I Environmental Assessment of the old Greenwood Mill site was made by Johnny Williams, seconded by Niki Hutto.

The motion passed unanimously.

CITY COUNCIL COMMENTS

There were no comments from City Council at this time.

