

GREENWOOD CITY COUNCIL

August 17, 2009 - 5:30 p.m.

MINUTES

PRESENT Council Members: Mayor D. Welborn Adams, Niki Hutto, Betty Boles, Herbert Vaughn, and Johnny Williams. City Manager; Assistant City Manager; City Attorney; Phil Lindler; Chris Trainor of the Index Journal and Johnathan Graves of Greenwood Today.

Barbara Turnburke entered into the meeting at 5:39 p.m.

ABSENT Linda Edwards; City Clerk

CALL TO ORDER The meeting in Council Chambers was called to order by Mayor Adams at 5:30 p.m.

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 Mayor then asked the Assistant City Manager, Charles Barrineau, if a quorum was present. He said, "Yes, Mr. Mayor."

The City Manager, Steven Brown, gave the invocation.

APPROVAL OF CONSENT AGENDA Mayor Adams 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, "If all approve, signify by a show of hands. Is there anyone opposed? The consent agenda passes."

Motion passed unanimously.

RECOGNIZE

Ms. Valeria
Grant Wright of
108 Oakdale
Drive.

Under Public Appearance, Mayor Adams said, "Ms. Wright has requested that she appear at a later time. However, at this time, I would like to recognize and ask the dignitaries we do have in the audience to come forward. We're very fortunate in the City of Greenwood to have the South Carolina Junior Miss Anna Bryce Flowe as well as Miss South Carolina Junior Miss, Runner Up, Anna Mills Polatty."

The ladies shook the hands of City Council and staff.

Mayor Adams said, "We're very proud of y'all. Thank you for coming and representing Greenwood."

CONSIDER

Ordinance No.
09-020 Amending
Ordinance Number
08-047, the City
of Greenwood
2009 General
Budget.

(2nd reading)

Under Public Hearings, Mayor Adams read the first item and asked for a motion.

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

The Mayor said, "All in favor of approving the second reading signify by a show of hands. Is there anyone opposed? The motion carries."

The motion passed unanimously.

- attach -

CONSIDER

Ordinance No.
09-021 Annexing
Property Owned
by TCB
Corporation.

(2nd reading)

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

A motion was made by Betty Boles, seconded by Johnny Williams.

The Mayor said, "All in favor signify by a show of hands. Is there anyone opposed? The motion carries."

The motion passed unanimously.

- attach -

CONSIDER

Mayor Adams read the third item and asked for a motion.

Ordinance No.
09-022 to
Authorize the
City manager to
Sign a Lease
with Howard's on
Main.

A motion was made by Betty Boles, seconded by Johnny Williams.

The Mayor said, "All in favor signify by a show of hands.
The motion carries."

(2nd reading)

The motion passed unanimously.

- attach -

Barbara Turnburke entered into the meeting at 5:39 p.m.
and did not vote.

CONSIDER

Mayor Adams recognized the Assistant City Manager.

Ordinance No.

09-023 Amending
the City of
Greenwood's
Official Zoning
Map (Ordinance
No. 04-020) by
Rezoning
Properties
Located at 420 &
an Unaddressed
Parcel on West
Cambridge Avenue
and 112 High
Street from R4
(Medium Density
Residential) to
OP (Office
Professional).

(1st reading)

CHARLES
BARRINEAU

"Mr. Mayor, I'll ask Phil Lindler, the City/County Planning Director, to come forward."

PHIL LINDLER

"Thank you, Mr. Mayor and Members of Council. This is a request brought by the property owner to rezone 420 West Cambridge Avenue from R4 to Office Professional in order to place a professional office in the structure located here (pointing at screen). The Planning Commission reviewed the request and recommended approval with the addition of two properties, the railroad right-of-way as well as 112 High Street."

JOHNNY WILLIAMS

"Why would they want to rezone the one on High Street?"

PHIL LINDLER

"To make it compatible to bring commercial all along West Cambridge Avenue."

NIKI HUTTO

"Do you mean OP?"

JOHNNY WILLIAMS

"Is it OP or Commercial?"

PHIL LINDLER

"It's OP to bring it into a commercial site because, right now, all those properties are residential."

NIKI HUTTO

"Oh, I see what you're saying. And there is no opposition from the property owners on High Street, I'm assuming?"

PHIL LINDLER

"There was none at the public hearing."

JOHNNY WILLIAMS

"There were some who called me. I didn't know we were having a public hearing tonight."

MAYOR ADAMS

"Okay. Are there any more questions for Mr. Lindler? Is there anyone in the audience who would like to speak for this ordinance? Is there anyone in the audience that would like to speak against this ordinance? Okay, unless there is any further discussion among Council, I'll entertain a motion."

A motion to approve was made by Niki Hutto, seconded by Herbert Vaughn.

"All voting in favor of the ordinance signify by a show of hands. Is there anyone opposed? The motion carries."

The motion passed unanimously.

- attach -

CONSIDER

Ordinance No.
09-017 Amending
the City of
Greenwood's
Official Zoning
Map (Ordinance
No. 0-020)
Rezoning

Under Unfinished Business, Mayor Adams read the first item and asked for a motion.

A motion to approve was made by Johnny Williams, seconded by Betty Boles.

"All voting in favor signify by a show of hands. Is there anyone opposed? The motion carries."

Property Located
at 516 Epting
Avenue from NC
(Neighborhood
Commercial) to
GC (General
Commercial).

- attach -

(2nd reading)

CONSIDER

Mayor Adams read the second item and said, "I think I need to bring that person to the next work session."

Appointing One
(1) Person to a
Vacant Term on
the City/County
Planning
Commission.

CONSIDER

Under New Business, Mayor Adams read the first item and recognized the City Manager.

Acceptance of
Deer Run Lane
into City
Street System.

STEVEN BROWN

"Mr. Mayor and City Council, sometime ago the homeowners of Lodge West Homeowners Association asked you to consider taking in the 20 foot roadway that exists in their neighborhood. It's exceptional in many ways. There were specific conditions upon which you agreed to accept that 20 feet road right-of-way. One was a plat showing the exact area to be accepted by the City. You also asked their Homeowners Association agree that the City would not be responsible for any improvements to properties adjacent to the road right-of-way. That would be any landscaping areas, driveways, irrigation systems, and things of that nature. You also asked them to execute an agreement that would hold the City harmless for any storm drainage liability from any existing storm drains on the property at this time. Finally, you asked them to provide a bond for a period of three years.

They have the plat, signed the agreement, and provided a resolution from the Homeowners Association. They have also deposited \$3,000 to be held for the three year period. It's been a good group to work with and I would recommend that City Council accept this roadway."

MAYOR ADAMS

"By recommendation, do I have a motion?"

Motion to approve was made by Johnny Williams, seconded by Barbara Turnburke.

"All in favor signify by a show of hands. Is there anyone opposed? The motion carries."

The motion passed unanimously.

CONSIDER

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

Resolution 09-009 Authorizing the City Manager and Chief of Police to Execute a Multi-Jurisdictional Drug Enforcement Agreement between the Greenwood County Sheriff's

Department and
the City of
Greenwood
Police
Department.

STEVEN BROWN

"Mr. Mayor and City Council, Chief Gerald Brooks appeared to you at a work session and explained in detail an agreement that he and Sheriff Davis have developed between the two departments. This calls for the implementation of a multi-jurisdictional task force to investigate illegal drugs and associated criminal activity. Both of them are here tonight and I'd like for them to come forward. While they're coming, I'd like to read the resolution that I had prepared."

The City Manager then read the proposed resolution.

"As I have said in the work session, I think this is great. It is certainly indicative of the cooperation that exists between Sheriff Davis' and Chief Brooks' Departments. I think this is just a wonderful day in the City and County of Greenwood that Sheriff Davis and Chief Brooks are asking approval to initiate this joint effort. Sheriff Davis and Chief Brooks, would you like to add to this resolution?"

CHIEF BROOKS

"I've already spoken to them at length the last time around so I'll ask the Sheriff if he'd like to say anything."

SHERIFF DAVIS

"When I was elected Sheriff, I knew that the best way to serve the people of Greenwood County is by cooperation, communication, and working together. Chief Brooks and I have been friends for a long time, even when we were at the Sheriff's Department. We knew that we had to work together for the betterment of our County and City and this is just something that we think is a win-win situation for the citizens. I know that we have some issues that we have to work out as management, but we feel that it's a win-win where we will hopefully see a decrease in the amount of drugs coming into Greenwood. We're going to actively try to fight this battle, not only for drugs, but we're also going to look at gangs, prostitution, alcohol, and gambling. We know that this unit will have their work cut out for them but we'll make sure that it's a sustained effort towards fighting this problem."

MAYOR ADAMS

"Thank you. Are there any questions? Do I have a motion to approve this resolution?"

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

"All in favor signify by a show of hands. The motion carries."

The motion passed unanimously.

- attach -

CONSIDER

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

Resolution 09-010 to Approve Lodge Grounds Homeowners Association's Request for Improvements.

STEVE BROWN

"It looks like tonight is Lodge Grounds night. We've already dealt with the Lodge West Homeowners Association. This resolution deals with the Lodge Grounds Homeowners Association who has requested permission to install curbing and additional landscaping in the cul-de-sac areas. I have prepared a resolution."

The City Manager read the proposed resolution.

"They're not asking the City to pay the entire amount. I would recommend City Council consider it."

MAYOR ADAMS

"Is there any discussion among Council?"

BETTY BOLES

"How many bids did we get on this property?"

STEVEN BROWN

"They got two bids on the construction part. One was \$30,000+ and I think the other was \$50,000+."

NIKI HUTTO

"And what fund would it come out of?"

STEVEN BROWN

"It would come out of the Public Works Department's concrete or asphalt existing budgeted account."

MAYOR ADAMS

"I'll entertain a motion."

Motion to approve was made by Niki Hutto, seconded by Johnny Williams.

"All in favor of said motion signify by a show of hands. Any opposed? The motion carries."

The motion passed unanimously.

- attach -

CONSIDER

Mayor Adams read the fourth item and recognized the Assistant City Manager.

Appointing
Members for the
City of
Greenwood
Census Complete
Count
Committee.

CHARLES
BARRINEAU

"Mr. Mayor and Members of Council, 2010 is an important year for the Census. I was looking at some numbers and \$3 billion a year is doled out by the federal government annually based on the Census Nationwide, so it is critical that we do everything in our power to get our numbers right. One suggestion is to create what the Census calls a Complete Count Committee consisting of potentially volunteer people. You can give them a budget, if you like, which would help them meet and interact with the community through churches and civic clubs. We really want these individuals to be well known to target some of the different neighborhoods. An individual that we're going to have won't have difficulty getting the people to complete these surveys that are required by the Census.

There's nothing that mandates a certain number on the committee but, as you know, a committee will probably consist of 7 to 10 people that the staff would recommend. We will be working with them and representatives from the Census will train them as to what their responsibilities will be. I'll be glad to answer any questions."

MAYOR ADAMS

"So, how are we going to go about this? Will you come up with some names?"

CHARLES
BARRINEAU

"We're really looking for you to provide the names of leaders in City churches and neighborhoods. In the past when we have committees like this, each City Council Member appointed a person who is going to get involved. We just don't need bodies but people that actually understand the importance this is to the City. The funding for our schools, Lander University, Piedmont Technical College, and everything else is based off the Census."

STEVEN BROWN

"I think the key is getting representatives from the young, elderly, Hispanic, and African American communities. Historically, certain segments in our community have not completed a census."

MAYOR ADAMS

"How soon do we need to put this together?"

CHARLES
BARRINEAU

"The sooner the better but we don't want to rush you just to throw names out either. It's important. Right now staff has already laid the groundwork for additional marketing, information on our website and cable channels, reserving spots in the utility bill inserts, and working with the Chamber to get it in the business community. We'll be setting up times to where we can speak to community organizations that these people already relationships with."

JOHNNY WILLIAMS

"I'll give you a name of one at the school who said that she'll be willing to help."

CHARLES
BARRINEAU

"We can wait until the work session and maybe have a special meeting to appoint them."

MAYOR ADAMS

"We'll plan on everybody to bring a name to the work session. I know you already have one Mr. Williams."

JOHNNY WILLIAMS

"Yeah, she speaks Spanish."

BETTY BOLES

"The first thing the people will want to know is the

scheduling time for this committee. How much time must they do? I know you can't really put a limit on scheduling time for them to work but just give me an idea of what you're expecting them to do as far as every week?"

CHARLES
BARRINEAU

"I'll dilute that 20-30 page guide to one page saying what to expect if they're willing to serve and e-mail it to you. My guest is the initial training will be two to three hours. There are going to be ramp up periods as well as ramp down periods. We said that this is for volunteers but we've already received information that we can apply for a small grant of \$2,500 to buy koozies, t-shirts, food, or whatever. We can put on our own block parties to get people to come, so there is money available. It will behoove City Council to put some of the City's money into this also. We have seen numbers in the thousands of dollars that we lose every year in the community for one person that gets miscounted."

STEVEN BROWN

"I've said this before in the past and Charlie may not say this but I will. City Council may consider a part-time person to work with this committee. It's that important. For those of us who already have full time jobs, it's hard to break out the time. If you hire an individual that can work from October to April of next year, you may be able to increase the population count inside the City of Greenwood by 1,000. I know those numbers may be pie in the sky but, if we don't give it an effort, a year from now we'll be wanting to know why Greenwood still has only 22,000 people."

CHARLES
BARRINEAU

"For these individuals, everything will be provided for them. They must have the trust of the community. We're looking to use their trust to sell this message."

MAYOR ADAMS

"Alright. It sounds good. Let's get on board."

CONSIDER

Mayor Adams read the fifth item and recognized the City Manager.

Appointment to
Municipal Court
Prosecutor.

STEVEN BROWN

"Mr. Mayor and Council, every one of you are aware that for the last two years you have contracted Mr. Welch to provide both the City Attorney and Prosecutorial services. Mr. Welch has informed you that he is submitting his resignation contingent upon you appointing someone else for the City Attorney's job. I have talked

with the staff in the Court Office and Police Department and all of them have highly recommended retaining Mr. Matt Pinckney as the Prosecutor.

He will be setting up, if he hasn't already, his own law office and has expressed an interest in retaining that position. If Matt would like to make some comments to you, he can do so. However, from the staff's perspective, I can tell you that everyone is satisfied with his work. He is a hard worker who has organized the jury trials to reduce those numbers.

Mr. Welch has employed Mr. Pinckney for a number of years so, between the two of them, I'm sure you can find all the information that you need about Mr. Pinckney. We would continue to pay him the same amount that we're paying Mr. Welch but, instead of going through Mr. Welch's law firm, it will go directly to Mr. Pinckney. So, if you want him to speak, I know Matt is here."

MAYOR ADAMS

"Mr. Pinckney?"

STEVE WELCH

"First of all, I want to tell you what a privilege it's been the last few years to serve as the City Attorney and Prosecutor. I do have an opportunity that has come available to me. It's something that I really felt I could not turn down for myself and my family but I'm going to miss the people of Greenwood.

When we came into this job six or eight years ago, we were winning about 35 to 40% and losing 65% of jury trials. In the last couple of years, Mr. Pinckney has set up that program where we now win 80% to 85% of jury trials. It's a huge difference that resulted from preparation, documentation, and talking with law enforcement. It's sort of like being in a situation where you don't realize how good something is until you have to do without it. I've been to other counties and cities and seen other prosecutorial teams in those solicitor's offices. We're very privileged to have a system in place in which you've backed and funded. Matthew set it up to where we've gone from two to three years to get a jury trial to six to seven weeks after you got your ticket, if that's what you want. We're moving 30 to 50 cases on a Monday docket. Every other Monday is a huge turnaround. Matthew has been as responsible as anybody for that. I'll answer any questions, if anybody's got any, and Matthew is here to address you. I'll tell the City two things that I'm pretty blunt about. One, you're going to get what you pay for. You got a complex system. This City, whether you know it or not, pushes about 10,000 or more tickets through a year, and that's a lot. To keep up with that, even with a good computer system and everything else, it takes a lot of

coordination of Matthew. I would encourage you to continue funding competent people to get this complex situation to stay under control where it is now. Hopefully, the prosecution level will stay high and the numbers can be likewise. I'll answer questions you have."

STEVEN BROWN

"Chief Brooks, you and I have talked but I would like Council to hear your opinion."

CHIEF BROOKS

"First off, I'd like to thank Mr. Welch for all they've done for us during the last several years. It's been the best relationship with a prosecutor since I've been here and I'm getting close to having been the Chief of Police for 18 years. Having said that, it's been a pleasure working with Matthew Pinckney.

We have never had anybody who would willingly show the time, interest, and ability that he has shown.

My officers have always felt they've made good, quality cases. In years gone by when other people have provided that service, they haven't taken the time to do the preparation. That officer felt they gave 100% to their case and lost because of a weak prosecution. Those days have been over for a while. We've been more than satisfied for what Mr. Welch has done. I'm thrilled that he brought Matthew Pinckney to us. There is no doubt in my mind that this is the best we've ever had. I've given him the best recommendation possible."

BETTY BOLES

"Do we have, or have had, any other applicants?"

MAYOR ADAMS

"I don't believe so. This is not the City Attorney job but the Prosecutor."

STEVE WELCH

"They're actually contracted."

STEVEN BROWN

"I've had some people to call me about the City Attorney's position. I had no one to call me about the prosecution."

MAYOR ADAMS

"Mr. Pinckney, would you like to speak?"

MATT PINCKNEY

"I'd just like to say what a pleasure it's been to have worked through Steven Welch and his law firm as the City Prosecutor and City Attorney as well. I'm really interested in continuing to build on what we've started here and to make it better. The City is full of great people that are there to accomplish a common goal and I'd like to be part of that. With that said, I'd like to answer any questions, or discuss any concerns, you may have."

STEVEN BROWN "I would remind the City Council that the fee you've been paying is \$3,500 a month."

BETTY BOLES "Do you have any intentions of moving any time soon?"

MATT PINCKNEY "I don't see that happening."

STEVE WELCH "If you know his parents, those grandchildren aren't going anywhere for a while."

MATT PINCKNEY "My roots run deep in Greenwood and I think they'll continue to do so. I have no intentions of moving any time soon.

As a matter of fact, I'll be right next door for at least the next three years and, hopefully, much longer than that. A part of my decision to be right there is because I do enjoy working at the City and I would like to be accessible."

JOHNNY WILLIAMS "Do you also want the City Attorney job as well?"

MATT PINCKNEY "Yes, sir. I'd love to be considered for that job as well. I've done that work with Steve who's been a good employer that allowed me to roll my sleeves up and get in there with him, so I've learned a lot. As far as the City Attorney job is concerned, if you compare me next to Steve Welch, it's apples and oranges. Steve Welch has 30 years of experience while I have just over five as a practicing attorney. Steve is able to give his gut reaction whereas I may tell you to let me look at it, research it, and get back to you. I'm willing to use my contacts with the people I've already dealt with such as Steve, the City Attorney's Office in Greenville, and the former City Attorney in Aiken whom I have called upon. I'm also planning to join the Association of Municipal Governments so that I'll have some access to those resources. There are some things that are extremely complicated or don't come up every day in the same city, but I can guarantee you other cities have dealt with them. So, I'm looking forward to working on that as well, if you give me that opportunity."

STEVE WELCH "Matt also knows that he doesn't have to reinvent the wheel. With modern technology, questions can be answered with a phone call. He has several other experienced city attorneys' phone numbers along with mine.

A lot of people don't realize, but I know you do, to have been fortunate as a City to have a City Manager like the one that's retiring who made other people's jobs easier. A lot of times, I've told Steve Brown that being City Attorney was more or less initialing off on whatever he sent me. By the time I've done my research and called a

couple of other people, he had 99% of it already done. I think Charlie has understood how important that is in terms of knowing, as a City Manager, what is going on.

There is a lot of coordination going on as a City Attorney. It's a part of the job but you don't look at it as a legal job. It's not like practicing law but that you're learning to coordinate other people. If there is a bond issue, there is a bond attorney. If there is another issue that you don't practice every day, there are other attorneys for that. Again, help is only a phone call away."

BETTY BOLES "What's the address of your new office?"

MATT PINCKNEY "It's 414-B Monument Street."

MAYOR ADAMS "Alright. Do we have any other questions for Mr. Pinckney? At this time, we'll entertain a motion to appoint Matthew Pinckney for Municipal Court Prosecutor."

Motion to appoint was made by Niki Hutto, seconded by Johnny Williams.

"All in favor signify by a show of hands. Any opposed? The motion carries."

The motion passed unanimously.

BETTY BOLES "For how long?"

STEVEN BROWN "He serves at the pleasure of City Council."

CONSIDER Mayor Adams read the last item and asked for a motion.

Executive
Session to
Discuss a
Contractual
Matter.

STEVEN BROWN "Mr. Mayor, before you vote, I'd like to make the press aware that we will be discussing a contractual matter between Lander University and the City of Greenwood for the parking lot behind the Inn on the Square. I would

like to ask the press stay with us because I expect you to take action after executive session."

MAYOR ADAMS

"I'll entertain a motion."

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

"All in favor signify by a show of hands. Are there any opposed? The motion carries."

The motion passed unanimously.

The meeting adjourned into Executive Session at 6:15 p.m.

The meeting reconvened at 6:30 p.m.

CONSIDER

To Authorize
the Mayor to
Execute a Lease
for the Parking
Lot off Court
Street to
Lander
University from
August 15,
2009, to June
15, 2010.

Mayor Adams and City Council was advised to execute a lease for the parking lot off Court Street to Lander University from August 15, 2009 to June 15, 2010 with the following stipulations:

- Lander University will maintain the parking lot in a manner acceptable to the Mayor and City Council.
- Lander University will pay the costs of all utilities for the parking lot.
- Lander University will provide insurance coverage for the parking lot naming the City of Greenwood as an additional insured.

Motion was made by Niki Hutto, seconded by Herbert Vaughn.

The Mayor said, All in favor signify by a vote of hands. Any opposed? The motion carries."

The motion carried unanimously.

CITY COUNCIL
COMMENTS

There were no comments given during the City Council Meeting.

CITY MANAGER

There were no comments given during the City Council

COMMENTS

Meeting.

D. Welborn Adams, Mayor

ATTEST:

City Clerk and Treasurer