

GREENWOOD CITY COUNCIL

January 22, 2007 - 5:34 p.m.

MINUTES

PRESENT Council Members: Mayor Nicholson, Niki Hutto, Linda Edwards, Betty Boles, Herbert Vaughn, and Johnny Williams; City Manager; Assistant City Manager; City Clerk; Phil Lindler; and Chris Trainor of the Index Journal.

Barbara Turnburke entered the meeting at 5:44 p.m.

ABSENT City Attorney

CALL TO ORDER The meeting in Council Chambers was called to order by Mayor Nicholson at 5:34 p.m. and he welcomed everyone to the meeting.

The Mayor then gave the invocation.

STATEMENT AND QUORUM Mayor Nicholson read the following statement, "In accordance with the Freedom of Information Act, Chapter 4, Title 30, Code of Laws of South Carolina, 1976, an agenda has been posted on the front door of City Hall and notification of this meeting has been given to the news media."

The Mayor then asked the City Clerk, Steffanie Dorn, if a quorum was present. She said, "Yes, Mr. Mayor, we have a quorum present."

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 Linda Edwards.

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

Motion passed unanimously.

CONSIDER

Ordinance No.
06-051
Authorizing
City Manager
and City Clerk
to Execute a
Deed Conveying
the Property
Located at 322
Marion Avenue
(Parcel ID
#6845-848-762).

(2nd reading)

Under public hearings, Mayor Nicholson said, "The format that we employ at the public hearings is, if there are individuals that would like to speak, we ask that you come to the podium, state your name and address for the record and try to limit your comments to no more than three or four minutes."

The Mayor then read the first item and asked, "Is there anyone here to speak in favor of conveying this deed of property? Is there anyone opposing? Alright. Seeing and hearing none, we will close the public hearing."

Now, do I have a motion from Council?"

Motion was made by Linda Edwards, seconded Niki Hutto.

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

Motion passed unanimously.

- attach -

CONSIDER

Ordinance No.
06-052
Authorizing
City Manager
and City Clerk
to Execute a
Deed Conveying
the Property
Located at 318
Marion Avenue
(Parcel ID
#6845-852-675).

(2nd reading)

Mayor Nicholson read the second item and asked, "Is there anyone here to speak in favor of? Is there anyone opposing? Alright. Seeing and hearing none, we will close the public hearing."

Do I have a motion from Council?"

Motion was made by Betty Boles, seconded by Johnny Williams.

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

Motion passed unanimously.

- attach -

CONSIDER

Ordinance 06-053 Authorizing City Manager and City Clerk to Execute a Quitclaim Deed to Greenwood United Telephone of the Carolinas, Jon O. Holloway, Jonathan O. Holloway, Holly K. and Curtis D. Keller, and Furman Properties Two LLC Conveying a Section of Road located off Oregon Avenue.

Mayor Nicholson read the third item and asked, "Is there anyone here to speak in favor of the execution of this quitclaim deed?"

(2nd reading)

CHARLES
BARRINEAU

"Mr. Mayor, I just want to point out that we made one addition to this quitclaim. The portion of unopened roadway on Alliance is also being quitclaimed to the Greenwood Development Corporation. I think everybody should be aware of that."

MAYOR NICHOLSON

"You can bring it up on the map."

STEVEN BROWN

"This is an old, unopened alleyway that may not even belong to the City, but we are deeding it to Greenwood Development in exchange for some additional street right-of-way."

MAYOR NICHOLSON

"Okay. Is there anyone else to speak in favor of or opposing this quitclaim deed? If not, we will close the public hearing.

Do I have a motion from Council?"

Motion was made by Niki Hutto, seconded by Linda Edwards.

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

Motion passed unanimously.

- attach -

CONSIDER Mayor Nicholson read the fourth item and asked, "This property is owned by?"

Ordinance 07-001 Annexing Property Owned by SAC Enterprises, Inc.

(2nd reading)

STEVEN BROWN "The property is owned by Mr. Sam Zimmerman."

MAYOR NICHOLSON "Okay. Is there anyone here to speak in favor of the annexation? Is there anyone opposing? Alright. Seeing and hearing none, we will close the public hearing.

Do I have a motion?"

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

"Are there any questions or discussion?"

NIKI HUTTO "Can we get any resolution from the other meeting as far as the roadway?"

STEVEN BROWN "Not at this time. If you're talking about the CPW, I don't think they've met since that meeting."

MAYOR NICHOLSON "Okay. Is there any other discussion? All in favor raise your right hand. So moved."

Motion passed unanimously.

- attach -

CONSIDER
Ordinance 07-
002 Annexing
Property Owned
by The County
Bank.

Mayor Nicholson read the fifth item and asked, "Is there anyone here to speak in favor of the annexation? Is there anyone opposing? Alright, seeing and hearing none, we will close the public hearing.

Now, do I have a motion?"

(2nd reading)

A motion was made by Niki Hutto, seconded by Linda Edwards.

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

Motion passed unanimously.

- attach -

CONSIDER
Ordinance No.
07-003 Annexing
Property Owned
by Helen Talley
Located off
Cannon Road.

Mayor Nicholson read the sixth item asked, "Is there anyone to speak in favor of the annexation? Is there anyone opposing? Alright. Seeing and hearing none, we will close the public hearing.

Do I have a motion?"

(2nd reading)

A motion was made by Betty Boles, seconded by Niki Hutto.

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

Motion passed unanimously.

- attach -

Barbara Turnburke entered into the meeting at 5:44 p.m.

CONSIDER

Under Unfinished Business, Mayor Nicholson read the first item and recognized the Assistant City Manager.

Ordinance No.
06-050 Amending
Ordinance 03-
010, Zoning
Ordinance,
Chapter 4,
Article 6,
Establishing
Uptown Overlay
District (O-
UP).

(2nd reading)

CHARLES
BARRINEAU

"Mr. Mayor, in December we asked the Board of Architectural Review to look at three or four areas a little closer and get their opinion. The first was the height of the buildings. Originally, this was written to allow for a height of 225 feet. We've had a property owner to ask if we could lower it and the BAR has recommended a height of 75 feet. That's approximately six floors versus 20+ floors and we think that's in line with the Emerald Triangle area.

The next portion is dealing with color. If you read Section BB this language was included.."

The Assistant City Manager read the section of the Ordinance.

"We felt that the language gave us some flexibility. We found similar language in Greenville and Anderson that gave the Board of Architectural Review some assistance and guidance which they agreed to.

The third item is, if you recall the Planning Commission recommended you to delete some language in regards to the placement of balconies. Basically, they believed that balconies should be located at a minimum of 12 feet above the grade and the sidewalks eliminated. The staff and our consultant architect disagreed. This is intended to keep the balcony above the pedestrian height, so the BAR recommends that you leave that

language as written.

I have forgotten the fourth item. It may have been just three. Again, in this final draft that we've given you, we have included the appendixes which have some picture elements."

NIKI HUTTO

"Wasn't there some information on murals?"

CHARLES
BARRINAU

"Oh yes, that's the fourth! Thank you! We've had a pretty long discussion about murals. The BAR recommended unanimously, if it's our intent to spend these dollars on façade improvements to bring back the brick look of the buildings, not to allow murals so that the architectural integrity of the buildings can be maintained. Phil and I will be happy to answer any questions."

MAYOR NICHOLSON

"Okay. Are there any questions for Charlie or Phil?"

STEVEN BROWN

"May I ask a procedural question? If City Council were to have property owners or tenants in this affected area stating in the future, 'We've tried them, it doesn't work and we'd like to tweak it.' What's the procedure for City Council to follow? Does that request go to the BAR for a recommendation or the Planning Commission? Or will it be BAR, Planning Commission and then City Council?"

PHIL LINDLER

"It goes to both. The first installment goes to the Board of Architectural Review. They will make a recommendation to the Planning Commission and the Planning Commission will make their recommendation to you. You will receive both recommendations."

MAYOR NICHOLSON

"We will have the final say of any changes."

BETTY BOLES

"For any changes?"

CHARLES
BARRINEAU

"Yes. Just like your zoning ordinance, this is a breathing document. It's going to change with time."

NIKI HUTTO

"The Oregon Hotel was pretty. It's a shame that we don't have it."

MAYOR NICHOLSON

"Is there any other discussion or questions? Do I have a motion?"

A motion was made by Niki Hutto, seconded by Linda Edwards.

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

Motion passed unanimously.

- attach -

CONSIDER

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

Ordinance No.
07-004
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)

STEVEN BROWN

"Mr. Mayor, last year the Commissioners of Public Works requested that City Council adopt an ordinance authorizing the Commission to borrow short term monies. They used as an example: if the price of gas dropped and they thought it was in the best price interest to purchase large volumes in advance, then there may be a need for them to borrow the money until the revenue is collected. I recommended and City Council chose that this be done on an annual basis.

We should have presented this for renewal in November.

It was failure on my part because I really forgot about it. This ordinance would authorize them, upon your second reading, to borrow money until December 31, 2007. We'll try to have it before you at the November meeting for your consideration to renew it or not. Now, City Council can take the termination date off, but that would be an open ended ordinance which you would have to void."

NIKI HUTTO

"They'll request for an ordinance every year to renew so that finance can review it."

STEVEN BROWN

"It just doesn't bind a future Council and each year you can make that decision."

MAYOR
NICHOLSON

"Okay. Do I have a motion?"

Motion 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.

- attach -

CONSIDER

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

Ordinance No.
07-005 Amending
Ordinance 01-
007, Article
III, 2-59, (g),
Mileage
Reimbursements
for Use of
Personal
Vehicle.

(1st reading)

STEVEN BROWN

"Mr. Mayor, back in 2001 our mileage reimbursement for use of a personal vehicle was \$.23. At that time, City Council increased it to \$.31. As we all know, the cost of fuel has increased drastically since 2001. I had asked Steffanie to make a recommendation and she said the

IRS will allow up to \$.48½. We think that's a little extreme, so we went halfway to \$.40. My recommendation is to change our 'per mile' reimbursement from \$.31 to \$.40; a nine cent 'per mile' increase. If a City Council Member, or any employee, uses their personal vehicle, they would be reimbursed \$.40 per mile."

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

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 -

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

Allocation for Oregon Avenue Streetscape Project.

CHARLES "I have provided you with a memo updating where we are. If you recall in June of last year, you authorized staff to spend up to \$96,000 out of the Hospitality Tax fund for engineering and water-line related upgrades. At this point, we now have a better feel of what the actual design costs are going to be. The original plan did not include any design proposal for Alliance, nor did it include any of the work that we proposed to adjust the property lines. Also, we were not prepared to design the storm drainage for both of those streets. If you recall, I told you in November or December that these storm water systems were going to be replaced in those areas, so we've had to pay for their engineering fees. Our new projected engineering costs for this project are approximately \$59,634.29. My first request would be for Council to consider allowing staff to allocate up to \$60,000 from Hospitality Tax funds for the design and engineering fees of the Oregon/Alliance Project.

I have given you an outline for the second request. If you recall, we received \$488,861 in a CDBG Grant for this project. Of that amount, we were going to allocate \$100,000 to CPW for placing the electrical lines underground, which they're doing right now. We're going to allocate \$100,000 to Metro for the upgrade to the sewer lines. They had to match that with a significant amount of money but, instead, we're going to allow Greenwood Metro to get that reimbursement. We believe it makes more sense to allow CPW be paid from Hospitality Taxes instead of the grant. The remaining of that amount of money, \$245,675, was going to be used for the streetscape, the actual planning, the new curb and storm drainage system.

As I told you in November or December, we anticipated the cost to be more than that so we believe it would be, at an administrative standpoint, easier to reimburse CPW from the Hospitality Taxes up to \$100,000, instead of allowing them to go through all the CDBG requirements. Therefore, the \$100,000 that we would be giving them through Hospitality would then come from the CDBG and we would use \$345,675 from the CDBG for the streetscape. I know that sounds complex but it's really just an administrative change."

NIKI HUTTO

"So basically, you're swapping out money?"

CHARLES
BARRINEAU

"Exactly. This way we won't require CPW to submit a laundry of documentation for the CDBG grant with copies of cleared checks, bills, and the like. All that can be done on the streetscape project."

BETTY BOLES

"What is the time frame of this grant?"

CHARLES
BARRINEAU

"We have two years from when we signed the grant to complete it. I believe it was signed in the summer of last year, so we've probably got until the summer of next year to finish it. We want to be done this year because, as long as you have a grant in hand, you can't apply for any more. We intend to hopefully have bids to you for consideration for this project by March 1st, have it under construction within 10 to 15 days after you approve it and finished within 120 days. So, hopefully, by the time the Summer has ended, Oregon Avenue will be cleaned up."

NIKI HUTTO

"So you're asking for additional funding?"

CHARLES
BARRIEAU

"I'm asking for an additional \$34,000 for engineering fees and \$100,000 out of the Hospitality Fund to pay CPW for their portion of the underground electrical system."

NIKI HUTTO "So \$100,000 is coming out of the Hospitality Tax that will somewhat be reimbursed through CDBG?"

MAYOR NICHOLSON "Steve?"

STEVEN BROWN "Mr. Mayor, I haven't discussed this aspect with Charlie but, while we're relieving the CPW of CDBG funding requirements, I want to make sure that we're receiving something from them substantiating the fact they have actually spent the monies before we pay them any hospitality funds. Prior to paying the Community Theater \$350,000, we had the architect's draw down request. For every dollar, we've been able to show where the money has been spent. So we got to make sure that, even though they don't have to meet these other guidelines, we are covered by having documentation verifying that those monies have been spent. If you go to Oregon, you'll know that it's spent but we need something for our records."

CHARLES BARRINEAU "I fully agree and CPW has informed me that they have this set up in their accounting system as an entirely separate line item project. Before we reimburse anything, we would require them to submit details."

STEVEN BROWN "May I just ask that in your approval, you'll authorize Steffanie to get whatever she needs to satisfy those requirements? The auditors are going to look for some things that we want to make sure we have."

STEFFANIE DORN "The bigger the check, the more likely they are going to ask for the documentation that goes with it."

MAYOR NICHOLSON "In reference to the CDBG Grant Fund, Maceo Nance and his staff were here Friday before last. Charlie did a presentation and they were very well pleased. I think this is a plus because Maceo visits regularly. It says a lot for the community and hopefully for additional funds also. They looked at that program, the Magic Johnson Center at Brewer and are really impressed with all of the projects that are going on right now."

STEVEN BROWN "Mr. Mayor, he's made similar comments to me a couple of times and was complimentary of Charlie and all the CPW folks. He wishes that everybody he deals with was as efficient in doing their job.

Also, the Leadership South Carolina staff had a reception at the Federal Building when they were in town last week. Two of the people that I was able to talk to that night said they thought they were coming to a little, rural, small, backward community. They were just amazed at what Greenwood is and what we have done. Some of them have

never been in Greenwood and had a warped view of who we are. They were very impressed and it's always good to have people like that in Greenwood."

MAYOR NICHOLSON

"Exactly. It was a group of about 50. When they left the Federal Building and were walking to Montague's, the staff waved the people into the Little Theatre to see the renovations there also. It was a great presentation.

Okay, so do I have a motion?"

Motion to accept was made by Niki Hutto, seconded by Linda Edwards with the authorization of the Financial Clerk to receive records of whatever was spent.

"Is there any other discussion? All in favor raise your right hand. So moved."

Motion passed unanimously.

"Is there anything else to come before Council?"

STEVEN BROWN

"No sir. I just wanted to let the Council know that we're on the Hometown Connection agenda early this year. If any Council Members would like to go, we'd certainly provide you with transportation. It is not necessarily an all day affair. I think we'll meet with the Association at 10 o'clock in the morning. They will give you some instruction and information about what their priorities are, go to the Statehouse to talk with the delegation, or whomever you chose, probably have lunch and be back here in the middle of the afternoon. Just however Council wants to do it. I'd love for you to go. It's very interesting, if you haven't been."

MAYOR NICHOLSON

"It's next Tuesday, isn't it?"

NIKI HUTTO

"How soon would you have to know?"

STEVEN BROWN

"We can know the day before. There isn't a registration or anything. We're just making plans to provide you with transportation."

BETTY BOLES

"They're not doing lunch that day?"

CHARLES
BARRINEAU

"We'll get there at about 10."

MAYOR NICHOLSON

"Okay. Thank you all. The meeting is adjourned."

Meeting adjourned at 6:05 p.m.

Floyd Nicholson, Mayor

ATTEST:

City Clerk and Treasurer