

GREENWOOD CITY COUNCIL

March 19, 2007 - 5:33 p.m.

MINUTES

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

ABSENT Linda Edwards

CALL TO ORDER The meeting in Council Chambers was called to order by Mayor Nicholson at 5:33 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 Betty Boles.

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

Motion passed unanimously.

RECOGNIZE Under Public Appearances, Mayor Nicholson said, "First, we would like to recognize the Lander University Men's Basketball Team. As we are aware, the Peach Belt Conference was held here a couple of weeks ago. This has been the second time that the tournament was held in Greenwood. This year, our own Lander University Men's Basketball Team was victorious in an outstanding championship game that Sunday. In fact, it's been a great season for the basketball team and we just want to recognize the team, their coaches and everyone affiliated with the team today. We would like Head Coach Evans, Assistant Coach Roberts and Athletic Director Jeff May present to come forward please."

LANDER COACH "On behalf of Lander University Men's Basketball Team and EVANS this community, it's an honor for us to stand in front of you, Mayor, and the elected Council. It's a privilege for us to represent this university, basketball team, but more importantly this City.

I am a firm believer that it takes a village to raise a child and I know what we do is a direct reflection, not only of ourselves, but the City that we live in. Like the Mayor said, we had a great season. It went from a good season and, because we started this Tournament at 17-10 to win 20 games, it became a great season for us. Our next step now is to make next year a spectacular season by winning in the National Tournament that we were able to play in.

It is certainly a pleasure for me to stand before you as a representative, not only of these young men and this university, but the City as well. At this time I'd just like to introduce our players to you, if I could."

Coach Evans introduced the players of the Lander University Men's Basketball Team.

"Again, we have Coach Roberts. You guys know that as a team and working together you're only as good as the people you surround yourselves with. Coach Roberts has been a catalyst and an instrument, not only to me, but to these young guys. Coach Shawn Mims is a prime example of what you can do once you graduate. Because he's been in the program, he is a good mentor for these guys and now works at East End.

I want to thank Coach May, Dr. Ball and certainly you guys for bringing the tournament to our place. Obviously

it was very helpful to play at home. I think the tournament will be in Aiken for the next few years, but we hope that we may be able to come before you guys again and perhaps have another chance to host in two years.

Again, thank you for your support and acknowledgement. If we can ever do anything for any of you guys at any point in time, please be sure to give us a call. Thank you."

MAYOR NICHOLSON

"Coach Evans said they did play in the first round of the tournament in Augusta. It was a fantastic game that went into overtime against Virginia Union, who was runner up to the National Championship last year and National Champions a year before that.

We just want to thank you all for what you do for the community. By the way, we would like to have it back and let those people eat in those restaurants and stay in those hotels inside the City to help us out a little bit. We just wish you all well and, gentlemen, we're proud of you, the coaches and Lander University for all you do to make our community a better place to live."

RECOGNIZE

Mayor Nicholson recognized Attorney Heather Stone.

Attorney
Heather Hite
Stone.

HEATHER HITE
STONE

"I thank you, Mayor Nicholson and Council Members, for the opportunity to speak to you today. It's been a while since I appeared before you so just in case you don't remember me, I'm Heather Stone from Abbeville. I practice law in Abbeville with my dad, Tommy Hite, on the square. It's a pleasure to be here today on behalf of my client who's seated here, Mr. Thomas Firriolo.

Mr. Firriolo, if you remember, applied for a zoning change for some property he owns on Cambridge Avenue across from NHC. There are two houses; a white house and a brick house. I believe the white house is #442, if you're familiar with that area. Now, he applied for a zoning change to OPI in the Fall and that request was denied by Council. I've been asked to speak to you tonight about some changes in his plan since then and to request that you reconsider the zoning denial. At this point, the white building has been determined by an engineer that it is not safe for the kind of building that Mr. Firriolo was planning on. He wanted to do a

restaurant in that building, but it turns out that it will not be feasible with its present condition. So the new plan is to knock down that building. He hates to do that because Mr. Firriolo is a lover of historical property. He really enjoys restoring historic property but, at this point, he feels that is what he must do.

The new plan is to remodel the brick building and make sure that it is structurally sound to open a special events locale, if you will, to use for weddings, wedding receptions, or any other kind of special event. That is what he would really like to do with this property once the white house is torn down. He can use that section for flower gardens on the property and really get it looking nice to use for a special events location. No alcohol will be served and it would just be for special events.

With that said, the property would still need to be changed to OPI for him to open this special events building. Because he has already been denied, as I stated, I'm here to ask you to reconsider that request. I'm one of the City Attorneys for Abbeville so I'm a little familiar with procedure. It is my understanding that you must wait two years to reapply, unless a member of Council makes a motion to reconsider.

Now, Mr. Firriolo has made arrangements to look into other uses for the property which are in compliance with the zoning as it is. He had someone to draw some plans for apartments that possibly may be approved for public housing where he can use both of those lots. He really doesn't desire to do that to the property. He wants to use it in a way that would benefit the neighboring land owners and property values in that area. He doesn't want to build the apartments but, at the same time, he feels he has to do something with this property to get the best use possible and get some value out of it.

So, at this point, I'm just asking you to reconsider his request for the zoning change to OPI. Of course it wouldn't be voted on today, but perhaps reconsideration at a later date to vote whether or not to allow the zoning change. That is what I'm asking you today. He doesn't want to go in this direction, however he will if he has to because that's the only best use of the property that he can get under the current zoning. So I'm just here today to ask you to kindly take it under consideration for discussion."

MAYOR NICHOLSON

"Okay. Ms. Stone, we'll take that as information and we'll discuss it to decide what we're going to do at work

session. Thank you, very much."

HEATHER HITE "I appreciate that, Mayor. Thank you very much."
STONE

MAYOR NICHOLSON "Okay. Thank you."

STEVEN BROWN "Would Council be acceptable to ask Ms. Stone, on behalf of Mr. Firriolo, to put what she has said tonight in writing to you?"

MAYOR NICHOLSON "Yes. Could you draft that in a letter so that we will have it to discuss at work session?"

HEATHER HITE "I will be glad to do that. I'll also be available for
STONE any questions you may have."

MAYOR NICHOLSON "Okay. Thank you."

HEATHER HITE "Thank you, again."
STONE

MAYOR NICHOLSON "Okay. That will close our public appearances. Now, we will go into the public hearing part of the meeting."

CONSIDER 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."

Ordinance No. 07-007 Setting a Franchise Fee Rate for Cable Service providers upon Expiration or Termination of an Existing Franchise for Cable Service.

The Mayor then read the first item and asked, "Mr. Brown, do you have any comments?"

(2nd reading)

STEVEN BROWN "There are no changes from the first reading."

MAYOR NICHOLSON "Okay. Is there anyone here to speak in favor of the ordinance? 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 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 -

CONSIDER

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

Ordinance No.
07-009 Amending
Ordinance 03-
010, Zoning
Ordinance,
Chapter 6,
Supplemental
Regulations,
Section
6.3.5.L.,
Animated Signs
in Core
Commercial
(CC).

(1st reading)

STEVEN BROWN

"I will ask Mr. Lindler to speak on this."

PHIL LINDLER

"Mr. Mayor and Members of Council, this is a request in the Core Commercial Zoning District, your Uptown zoning destination, to allow for automatic, changeable, copy boards. Automatic, changeable, copy boards are currently not allowed. You may see some of the businesses around town displaying messages that change about once per minute.

There is a business in our Uptown area that wants to add this as a part of their signage. This amendment tonight will allow for animated signs with certain conditions.

First, the sign cannot exceed 50 square feet in surface area. There can be no flashing, scrolling or animated letters or graphics. If there is more than one message on the board, it can change once per every one minute.

It would also be placed on a free standing sign. It cannot be a wall or a portable sign and the display area of the copy board shall not exceed 50% of the total sign area. So your total sign cannot be the electronic reader board but a part of another portion of a regularly lit sign. The intensity of the light used would be within a designated level in the sign and would not utilize more than one color.

Those are certainly things, or items, for your discussion. The Planning Commission has recommended approval of the amendment. Thank you."

NIKI HUTTO

"This will be in the Uptown area where you have an overlay that dictates what kind of signage will be in there?"

PHIL LINDLER

"That's right. If you have an overlay, unless it's specified for other things, the underlying zoning district would apply. In that case, these standards would apply. Most of the time, one would already have put together specific design criteria for these signs."

MAYOR NICHOLSON

"Okay. Are there any more questions for Phil?"

STEVEN BROWN

"Mr. Mayor, I think number Item #4 needs some clarification for signs that utilize more than one color. When it states, '...not more than one color...' is it referring to the actual animation or the casing in the sign? I just think we need to clarify what it applies to."

PHIL LINDLER

"The intent is for the individual lights."

STEVEN BROWN

"I think we will need to add a word or two to clarify that because the metal casing, lighting and background can be different colors. I think this is intended for the lights themselves, so we can add something to the ordinance before second reading."

MAYOR NICHOLSON

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

Motion to accept first reading, with clarification of Item #4 to be made by second reading, was made by Betty Boles, seconded by Barbara Turnburke.

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

Motion passed unanimously.

- attach -

CONSIDER

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

Ordinance 07-008 Amending Ordinance 03-010, Zoning Ordinance, Chapter 2, Article 3, Definitions, and Chapter 3, Zoning District Regulations, Section 3.1.3., Zoning District Use Matrix, and Section 3.3.4.2., Additional Conditional Uses Permitted in GC (General Commercial)

(2nd reading)

STEVEN BROWN

"Mr. Mayor and City Council Members, this is second reading of an ordinance which defines two items: a check cashing service and title loan operation. It also specifies that these types of businesses can only be located in a General Commercial zoning district and cannot be located any closer than 2500 feet from each other.

There was some discussion at last month's meeting from some Council members about a concern as to how this would be enforced. As it is written now, a check cashing service would have to be 2500 feet from a Title Loan operation. We have some existing businesses with a common entrance to the same building. If you adopt this ordinance, new ones would have to be separated. I really think that was the intent of the Planning Commission."

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

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

"Are there any 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.

Resolution 07-002 to Authorize the City Manager to Expend Hospitality Tax Funds.

STEVEN BROWN "Mr. Mayor and City Council Members on Thursday, January 25th, the Hospitality Subcommittee which is composed of Mayor Nicholson, Mrs. Boles and Mr. Vaughn met to receive information from the Museum, Friends of the Library and Lander University regarding their request for hospitality funds. Each agency made a splendid presentation and answered questions from the committee and staff. Immediately following the meeting, City staff members met with the Committee and provided a report on the collection of Hospitality funds, account balances and projected revenue. The following is forwarded to full City Council.

The Greenwood Museum: Four hundred thousand dollars have been awarded to The Museum from other sources. Six hundred thousand dollars is needed to complete the renovation.

It is therefore recommended that City Council authorize the following funding for the museum: \$300,000 to be paid, or at least to be authorized, on October 1, 2007 and \$300,000 on January 1, 2008. Funds will be made

available on a reimbursement basis. Invoices for payment will be submitted to the City and payment based upon those invoices. This would provide them with \$1 million to make the renovations.

In meeting with their board members, the Executive Director felt they could complete it as planned over the next few years. This is our next project in our Emerald Triangle Plan. I recommend approval as stipulated:

The Greenwood Library. The Library is requesting \$500,000 for specific sections of the library used to provide venues that will attract tourists and visitors to the City. It is therefore recommended that City Council authorize the following for the library: \$100,000 on December 31, 2007 and \$100,000 on consecutive years 2008, 2009, 2010, and terminating December 31, 2011 at a total of \$500,000.

The Lander University Wellness Sports Complex: Lander is requesting \$1.5 million to assist in the funding of this complex. The total anticipated cost is \$12 million. I am convinced that this facility will positively impact Greenwood. While we will lose some tax base, the growth around this new facility should easily negate any revenue reductions. It will provide a new gateway to the northern entrance of the City and therefore we recommend the following: Beginning on December 31, 2008 we would authorize \$300,000 and on consecutive years December 31, 2009, 2010, 2011 up to December 31, 2012.

Now, I know that City Council is concerned about how these monies will be paid. The reason we come to you this early, especially with the Lander and the Library requests, is the need to have the revenue available over a long period of time. Please don't forget that your allocation of funds is based on the receipt of these funds by the City. If the City does not receive the Hospitality Funds, there is no obligation on the City's part.

Steffanie has prepared a report for you that we'll be glad to provide which considers projections over those periods of time. Right now, we're receiving \$1 million a year, easily.

We believe that these funds will be available on the dates we have specified in our recommendations and City Council will have monies to fund other projects that you deem appropriate for this City that qualifies for these

funds. I'll be glad to answer any questions that you may have."

MAYOR NICHOLSON "Are there any questions?"

BETTY BOLES "This will just be first reading? Are we going to vote on this tonight? Do you have a copy of that?"

STEVEN BROWN "I do. I'll provide one for you."

NIKI HUTTO "So basically the breakdown is over a five year period for the two projects?"

STEVEN BROWN "The largest monies over a five year period of time will be paying \$400,000 a year. That will leave you approximately \$600,000 to fund other projects. We've already taken out any funds that you have approved up to this point, such as The Mays House and any other funds that have been approved previously. This is all new money that we're speaking of right now."

MAYOR NICHOLSON "Can we vote on each one individually?"

STEVEN BROWN "Yes sir."

MAYOR NICHOLSON "Okay. The first request was the museum?"

STEVEN BROWN "Yes, sir, at a total of \$600,000."

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

Motion to approve funding was made by Betty Boles, seconded by Herbert Vaughn.

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

Motion passed unanimously.

"The second request was for the Library?"

STEVEN BROWN "Yes, sir, at \$100,000 beginning December 31, 2007."

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

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

"All in favor for funding of the Library project raise your right hand. So moved."

Motion passed unanimously.

"The third and final one is the complex for Lander University?"

STEVEN BROWN

"Yes, sir. It's a total of \$1.5 million to be paid over five years at \$300,000, beginning December 31, 2008."

MAYOR NICHOLSON

"I'm going to abstain from voting on the Lander Project because I am employed at Lander and it would be a conflict of interest. Do I have a motion?"

Motion to approve funding was made by Barbara Turnburke, seconded by Niki Hutto.

All in favor of funding for the Lander Project Recreational Complex raise your right hand. So moved."

Those who voted in favor were: Niki Hutto, Betty Boles, Herbert Vaughn, Johnny Williams and Barbara Turnburke. Mayor Nicholson abstained from voting.

The motion passed.

- attach -

STEVEN BROWN

"Mr. Mayor, I'd like to say to City Council that I think what you have done tonight will change this community. I think all three of these projects will have a significant impact on this community. We will be able to look back in years to come and remember the night that the vote was taken and realize how positive this was for our City. Thank you."

MAYOR NICHOLSON

"Thank you Mr. Brown."

CONSIDER

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

Conditional

Approval of
Oregon Avenue
Streetscape
project
Contract and
Allocation of
Funding.

CHARLES
BARRINEAU

"Mr. Mayor and City Council, in December we informed you of the bidding process for the Oregon Avenue/Alliance Streetscape project. We have received four bids with the lowest presented by Lynnstar Construction of Greenville for \$596,000. As I have explained to you, we have a Community Development Block Grant in the amount of \$358,861 available for this project, therefore there is a need for an additional \$237,139 to complete the project as presented. Because road construction to provide access to a tourism designation is eligible, these funds could come from the local hospitality tax.

I know that this is a lot of money. As we explained to you a few months ago, this plan includes the total overhaul of the storm drainage system, construction of a unique traffic circle, and adds 15 new parking spaces to our Uptown area. As we grow our downtown, it is vital that we add these spaces for increased retail sales. This is a very bold project. We believe this project provides a "sense of place" that will set the Emerald Triangle. If Council is unwilling to provide the additional funds, staff can develop a scaled back plan by removing the traffic circle as a design element. However, it is staff's opinion that now is the time to make this project happen. As Mr. Brown said, Steffanie provided a financial analysis that showed about \$600,000 remaining after everything you have already approved, less the amount you just approved, to be able to pay for it this year.

Again, it's a one-time chance. It is going to be just amazing to see this but we can scale this project back and put in a similar road that is already there. If you intend to move forward, I would ask that you do it conditionally. We'll still have to send this to the Department of Commerce for final approval. I'll be glad to answer any questions."

MAYOR NICHOLSON

"I think with everything going on we need to proceed with the project.

It is very vital to the completion of the phases that we implemented for Uptown Greenwood, so we need to fund the project. Hopefully, with utility rates going up, women will stop cooking to go out and eat more. That might help

the situation a great deal. Do I have a motion that we fund it?"

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

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

Motion passed unanimously.

CONSIDER

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

Ordinance No.
07-010
Authorizing the
Execution and
Delivery of an
Agreement as to
Annexation and
Incentives to
Greenwood
Regional
Rehabilitation
(Title Only).

(1st reading)

STEVEN BROWN

"Mr. Mayor and City Council, I'll probably ask you not to take any action on this ordinance tonight. I'm in a dilemma as to whether we need to authorize an Intergovernmental Agreement between the City and County. The City Attorney and I have been negotiating the annexation with the rehab hospital. When they were recruited to Greenwood, they were offered a 40% incentive by the County. They have agreed to the same incentive if they were to annex inside of the City, so we're just duplicating what the County has done. I guess the safest way to keep this on tract would be to take first reading in title only. If it's not necessary to annex, then we will not ask you to take second reading.

This ordinance only authorizes us to offer the same incentive that the County has offered based on their agreement to annex. It is certainly a win-win for the City of Greenwood, so I would ask you to consider taking

first reading in title only."

MAYOR NICHOLSON

"Okay. You have heard the recommendation coming from the City Manager. Do I have a motion?"

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

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

Motion passed unanimously.

- attach -

"Is there anything else to come before Council? Okay. Do I have a motion that we adjourn?"

Motion was made by Betty Boles.

"Thank you all for coming."

Meeting adjourned at 6:10 p.m.

Floyd Nicholson, Mayor

ATTEST:

City Clerk and Treasurer