

GREENWOOD CITY COUNCIL

June 18, 2007 - 5:34 p.m.

MINUTES

PRESENT

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

The City Manager entered the meeting at 6:10 p.m.

ABSENT

Linda Edwards

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 Betty Boles, seconded by Johnny Williams.

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

Motion passed unanimously.

CONSIDER

Ordinance No.
07-017 Annexing
Approximately
0.82 Acres off
Bypass 72 West.

Under Public Hearings, Mayor Nicholson read the ordinance and said, "Charlie, could you tell them exactly where it is located?"

(2nd reading)

CHARLES
BARRINEAU

"Yes, Mr. Mayor. This is the present location of the new Advance Auto Store. At your last meeting, you annexed the roadways into the City Limits. This is the roadway that connects Mathis to the Bypass (pointing)."

MAYOR NICHOLSON

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

Okay. Do I have a motion that we annex this property?"

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

"Is there any 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.

Ordinance No.
07-019 Amending
the City of
Greenwood's
Official Zoning
Map (Ordinance
No. 04-020) by
Rezoning
Property
Located at 510
& 514 Maxwell
Avenue, from NC
(Neighborhood
Commercial) to
LIW (Limited
Industrial/Ware
housing).

(1st reading)

CHARLES
BARRINEAU

"Mr. Mayor, I'll ask your Planning Director, Phil Lindler, to come forward and explain this request."

PHIL LINDLER

"Mr. Mayor and Members of Council, this is a request to rezone two pieces of property, which have been used for some time as an automobile repair shop located on Maxwell Avenue, to LIW. When the zoning maps were modified in 2004, this area was identified for Neighborhood Commercial uses. There is the Limited Industrial Warehousing zoning district on the eastern and northern borders of this property. This is just a modification to incorporate these two properties into the LIW zoning district. Right now, the property is being used as an automotive repair shop (a nonconforming use) and could stay there for an extended period of time. However, if you rezone the property then it would be in conformance with the uses currently there."

MAYOR NICHOLSON

"Okay. Thank you, Mr. Lindler. Is there anyone present to speak in favor of this zoning request?"

DINK TATHAM

"I'm Dink Tatham. I live in Greenwood and own the warehouses there (pointing). I bought this property a couple of years ago, cleaned it up, tore down the old house and kept it clean. I just wanted the property to be in with my warehouse. I got the 14 acres behind there so any consideration will be greatly appreciated."

Thank you."

MAYOR NICHOLSON

"Okay. Thank you, Mr. Tatham. Is there anyone else to speak in favor of the zoning request? Is there anyone opposing? Alright. Seeing no other individuals, we will close the public hearing.

Okay. Do I have a motion from Council?"

Motion was made by Johnny Williams, seconded by Herbert Vaughn that the zoning request be approved.

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

Motion passed unanimously.

CONSIDER

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

Ordinance No.
07-020 Amending
Ordinance 03-
010, Zoning
Ordinance,
Chapter 2,
Article 3,
Definitions, and
Chapter 3,
Zoning District
Regulations,
Table 3-1,
Zoning District
Use Matrix;
Section
3.3.1.1., Uses
Permitted in All
Commercial
Districts;
Section
3.3.2.1.,
Additional Uses
Permitted in NC;
Section 3.3.3.,
OPI - Office
Professional and
Institutional;
Section
3.3.3.1.,
Additional Uses
Permitted in
OPI; Section
3.3.3.2.,
Additional
Conditional Uses
Allowed in OPI;
Section
3.3.4.1.,
Additional Uses
Permitted in GC;
Section
3.3.5.1.,
Additional Uses
Permitted in CC.

(1st reading)

CHARLES
BARRINEAU

"Mr. Mayor and Members of Council, for a number of meetings we've discussed potential changes to OPI and some of those went before the Planning Commission. I'll again ask Phil to come forward and explain what is being proposed tonight."

PHIL LINDLER

"Thank you, again. This is a request to modify some changes to the Office and Professional zoning district. For some time, we've had discussions about what kind of uses do we want to encourage in the Office and Professional zoning district. Do we want to encourage retail uses or other Office and Professional uses that are more in line with the title of the zoning district?"

The Planning Commission is recommending some modification to the current language. In the ordinance before you, the items listed in italics are additions that the Planning Commission is recommending. Anything that's taken out is shown as stricken through.

The first one being the addition of what we call a 'Live-Work Unit'. There are a number of different requests we've had over the years for this new type of development where you work on the bottom floor but live in the upper story. Typically more professional offices, or retail stores, located on the bottom allows for the actual owner of the business to live in that upper story of the structure.

The Planning Commission is recommending to you some modifications of the uses that are allowed. They have taken out basically all retail uses. Any types of stores or services that are specifically geared toward a professional occupation have been taken out as well.

One other thing I wanted to point out is why we're modifying GC, NC and CC. The way our zoning ordinance format is, when you modify something out of the uses that are common between all of the commercial zoning districts, then we have to amend those sections which deal with Core, Neighborhood and General Commercial. That's why we're modifying some of the conditions to remove those uses, but they're still allowed within their zoning districts. So this is just moving it from one place in the ordinance to another. These uses are not changing even though you're amending those sections. The total list of uses in the other three zoning districts is staying exactly the same. The only ones we're modifying tonight are in the proposal for Office Professional. Are there any questions?"

JOHNNY WILLIAMS

"Yeah. Office Professional has been strictly for office use only; doctors, lawyers and dentist offices."

It shouldn't be for everything under the sun like it's been in the past. It should go strictly Office Professional if it's going to be in a neighborhood like mine. There is a personnel office there and that is how it should be. It shouldn't be no other businesses like a restaurant or all this other stuff. If it's Office Professional, it should be strictly Office Professional. That's my opinion."

NIKI HUTTO

"They have deleted restaurants."

JOHNNY WILLIAMS

"Yeah, but the ordinance still have a lot of stuff in there that's going to give you trouble down the road."

BETTY BOLES

"For example?"

JOHNNY WILLIAMS

"Look at it! Office Professional, if it's going to be in neighborhoods, should be strictly Office Professional such as doctors, lawyers, dentists and insurance offices with very low volume traffic. It shouldn't be, well, ABC stores or anything else. It should be plain and simple and not have all these other uses tied into Office Professional. It should be strictly Office Professional."

NIKI HUTTO

"Now, churches are allowed in residential zoning districts, are they not?"

PHIL LINDLER

"That's correct."

NIKI HUTTO

"So basically churches and schools are allowed in this OPI zoning. Mr. Williams, are you looking at the music studio, public assembly hall, outdoor theatre and auditorium arena?"

JOHNNY WILLIAMS

"We shouldn't have that. Office Professional should be strictly Office Professional. When we set it up years ago, our first business was a dentist office. I don't know how all this other stuff got in there but it did. Now is the time to take it out and be strictly Office Professional like it used to be."

MAYOR NICHOLSON

"Okay. Let's see if we got any more people to speak. This is first reading. Phil, will you be available at our work session in July where we can really iron things out then?"

Is there anyone else to speak in favor of Ordinance 07-020? Can we have a motion that we pass it on the first reading then discuss it at work session?"

Motion to table any action was made by Johnny Williams, seconded by Betty Boles.

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

Motion passed unanimously.

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

City Manager to Sign an Agreement with Rod and Debra Case in Regard to Work on Oregon Avenue.

CHARLES BARRINEAU "Yes, Mr. Mayor. Again this is a document that has been drafted by your attorney, Steve Welch, which the Cases had agreed to enter into. This would allow us to amend our existing project scope of work to include the demolition of this portion of sidewalk adjacent to the Floral Case (pointing) as we've discussed with you. This building was built in the early 1900's. A portion of the air shafts underneath the sidewalks are connected to the Floral Case. This agreement allows us to move forward and make corrections to the sidewalk and basically withhold any legal grounds against us.

I'll be glad to answer any questions."

MAYOR NICHOLSON "Okay. Are there any questions? Mr. Pinckney, do you have anything?"

MATTHEW PINCKEY "He summed it up pretty well."

MAYOR NICHOLSON "Okay. Do I have a motion that we authorize the City Manager to sign this agreement with the Cases?"

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

"Are there any questions or further discussion? All in

favor raise your right hand. So moved."
Motion passed unanimously.

AUTHORIZE

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

Funding for
Change Orders
to the Oregon
Street Project.

CHARLES
BARRINEAU

"The change order that you just allowed us to sign in an agreement will be an additional \$28,738. That includes the engineering fees, the analysis of the building, removal of the old and replacement of the new sidewalk. Again, we have to install some engineered forms to go over the old vent shafts so that we can put in the new sidewalk. The old glass blocks will be removed.

As we told you a number of months ago when this project started, once we started digging 100+ year old roads up, we had no idea what we were going to find. What we thought was 24' reinforced concrete pipe was actually 18'. So we had planned to purchase 18' but instead we need 24' pipe to do some stormwater work. So that is an additional change order.

In addition we're aware of one more change order in the future. If you've been to the Federal Building or the Theatre lately, in the rear of the parking lot you'll notice there's a number of utility cuts there. There's an easement that runs behind those buildings where all the sewer and electrical lines have been placed so we'll have to provide a change order to asphalt patch that parking lot.

The bottom line is I want Council to understand that there are going to be more Change Orders forth coming. We have some under runs from another project where we have about \$90,000 of resurfacing monies that can be shifted into this project. So we plan to use that asphalt money for this project. Please understand that we're not going to expend any more than the estimated \$90,000 amount we've already received in that initial project.

I think we're seeing the end of change orders. We're through with getting the new stormwater pipe in the ground and that was the part we were most fearful of.

If you've been over there lately it's a mess but we're making headway. Again, our request would be for you to allow us to take those asphalt monies that are available and put them into this project.

I'll be glad to answer any questions."

MAYOR NICHOLSON

"Okay. Thank you, Mr. Barrineau. Do I have a motion?"

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

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

Motion passed unanimously.

AUTHORIZE

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

Conditional
Approval of
Maxwell Avenue
Façade Project
Construction
Contract.

CHARLES
BARRINEARU

"Mr. Mayor and Council, a number of months ago we received an opportunity grant from the South Carolina Department of Commerce that gave us approximately \$500,000 for 26 buildings within the Emerald Triangle to make façade improvements. At that time, we solicited contractors and nine were interested in doing construction on these buildings. Your project architect, Courtney Furman, submitted construction plans to these contractors and, at the end, we had three contractors to submit bids.

I wish that I had good news that the contracts were as low as the money we had available. Unfortunately, the lowest bid submitted by Town & Country Construction of Greenwood was \$1,299,950 (almost \$1.3 million) and that is to be expected. Courtney drafted the plans for some of the property owners to get the most impact for their money.

We have a number of the property owners along Maxwell willing to put up much more money than the \$20,000. So we will be able to leverage that gap between the \$500,000 and \$1.3 million from the property owners. As we discussed with you in previous meetings, there may be some potential of finding low interest loans to help cover the additional costs.

The bottom line is we're requesting you to allow staff to negotiate a contract with the lowest bidder, Town and Country. We're not going to expend any additional City funds because these are private buildings. Other than façade money, we're suggesting to property owners that they must come up with a certain amount of money to do the full extent of this improvement or we must scale back the plan. For example, they would not be able to put in new windows or apply a fresh coat of paint.

So we think that Town & Country is qualified to do this job because they did the work on the theatre. Again, I would ask that you allow us to negotiate with them with the understanding that we're not asking for additional City funds. However, this will give us the ability to come up with a final contract with Town and Country. I'll be glad to answer any questions."

MAYOR NICHOLSON

"Okay, thank you. That was a good explanation. Do I have a motion?"

BETTY BOLES

"Do you have time to resubmit bids?"

CHARLES
BARRINEAU

"Ms. Boles, we could but this is a very complex project. Unfortunately construction costs are not decreasing, they're only increasing. We've had every contractor in Greenwood to express interest in this very tedious project. A lot of these folks then became disinterested because it involves chemical materials to remove paint, point and masonry work and a lot of these contractors really don't want to fool with it. To be frank with you, they'd rather do new construction because this is very complex and time consuming work.

Again, this is the State Department of Commerce's money. They have been briefed of our recommendation to you and are in agreement of what we're doing. The Department of Commerce staff contractor, McCrory Construction, has been reviewing all these bids and they believe the bids were in line.

We feel we got the best bid. It's a Greenwood contractor so we're basically putting some State grant monies back

into our own economy. We think it's a good thing."

MAYOR NICHOLSON

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

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.

CHARLES
BARRINEAU

"Mr. Mayor, while we're discussing Maxwell, I want to show you one additional item regarding the Maxwell Project. Many of you may be wondering where we are on the streetscape. The utility portion, to my knowledge, is done thanks to the good work of CPW and Metro. They're cleaning up, but the water and sewer work is finished.

We're now engaged in the streetscape portion of this project. We have met on two occasions with the Uptown merchants to come up with a streetscape design. You'll notice what we call new 'bump-out' features at the upper end of Maxwell consisting of street flowers, trees and crepe myrtles to create a pedestrian friendly canopy effect on Maxwell. We would also create a landscaped buffer between the City parking lot and the road. The landscape barrier won't be too high to block the view of traffic. Heavy landscaping in front of the Embarq building will be the middle focal point with decorative crosswalks. This may seem a lot to you but a number of comments we've had from the public is they love our trees in downtown but would like to see more flowers. We think this will encourage pedestrian traffic, restaurants and coffee shops to move in.

But again, it creates a quaint environment that we're looking for. The merchants requested that we do everything we could in our power to not eliminate parking. We've relocated seven parking spaces on Maxwell to Alliance. We may redesign the large City parking lot so that we can add more two to three hour parking for restaurants that may be locating here. All these bump-outs and other street level features have been simulated through computer models to ensure that 18 wheelers can pass through.

Again, we feel very confident with this plan. I did want you to at least have an understanding of what's going on. Probably 30 days from now, Davis & Floyd will be doing the same bid process we've done with other projects like Oregon Avenue. I hope 60 days from now I'll be explaining a company's bid proposal to you. We have grant funds and Hospitality Tax allocations to pay for this. I'll be glad to answer any questions."

MAYOR NICHOLSON "Okay. Are there any questions?"

NIKI HUTTO "Getting back to the other question. If there is something left after we use the \$20,000 and the actual store owner's money, is there still an opportunity to write for additional grants to cover the balance?"

CHARLES BARRINEAU "Every property owner asked me the same question. I have searched and searched. Unfortunately, at this point in the game, if we were to find one it would slow us down and we really need to get the façade work done by the first of 2008. I'm not aware of any other program, but the local banks could offer a low interest loan program. I think we'll be surprised of the number of property owners willing to come up with some additional money. In the long term, they will be able to recoup their investment."

MAYOR NICHOLSON "Okay. Are there any other questions?"

BETTY BOLES "I think the bump outs and beautification part of it looks great and I think it'll make downtown really good but who are the caretakers?"

CHARLES BARRINEAU "That's a good point. The caretakers are the City and I would tell you that it's a 'Catch 22'. If you remember when the downtown manager from Salisbury, North Carolina, discussed the implementation of their city center master plan and, in over 10 years, their downtown tax value went to almost a \$50+ million improvement. So again these are investments that we hope will make the property value go up and we will get new businesses moving in which will pay new taxes that we don't have today to maintain these improvements. It's a model that you're seeing everywhere.

I'm not telling you, Ms. Boles, that it's a guarantee because it's not. It's a gamble but if we sit back and do nothing that's where we're going to end up."

MAYOR NICHOLSON "Okay, thank you."

APPROVE

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

Conditions for
Acceptance of
Certain
Streets.

CHARLES
BARRINEAU

"Mr. Mayor and Members of Council, I believe we've had discussions involving a number of roads that Mr. Funderburk privately owns in subdivisions. Mr. Brown has explained in a memo that Mr. Funderburk is willing to complete the necessary repairs that our engineer identified on Pascal Drive, Phase I and II; Ashton, Bonham and Chadford Courts; Moss Creek Lane; Moss Creek Court and Parkway Drive. Our request tonight is, will City Council accept these roadways into our system and waive the required letter of credit or bond? At the end of the day staff is trying to do our best to negotiate and get these fixed. I'll be glad to answer any questions that you have."

MAYOR NICHOLSON

"Okay. Do I have a motion that we approve these conditions?"

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

"Are there any questions or further discussion? I know this is an issue that we're trying to work with Mr. Funderburk and get resolved as quickly as possible. All in favor raise your right hand. So moved."

Motion passed unanimously.

RECEIVE

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

Recommendation
from City
Manager and
Municipal Court
Judges to
Appoint an
Additional

Part-time
Judge.

CHARLES
BARRINEAU

"Mr. Mayor and Members of Council, it may have been two years since we've appointed two Ministerial Recorders for our weekend work. These responsibilities cannot be appointed by your City Manager or Judge, but by you. I'll ask Ms. Leticia Flores to come forward, but I will tell you a little bit about her background.

I've known her from working with some of our downtown events. She has been an employee at the Magistrate's Office for more than six years and is bilingual. Chief Judge Ted Windham and Judge Miller have reviewed her skills and are requesting that you consider her tonight. I will ask her to speak and you may ask any questions."

LETICIA FLORES

"As Charlie had mentioned, I've been a Greenwood County resident for 12 years and employed with the Greenwood County Magistrate's Office close to 8 years. I am familiar with the legal system because I translate for the majority of the Spanish population here. Basically, I translate General Session and preliminary hearings. I also help judges with their paperwork, bonds and so forth. I am really comfortable in the environment regarding a part-time judge.

With the language barrier we have in Greenwood, the problem with a lot of Hispanics is they cannot communicate. I know that I will be a great asset working for the City. I'll be working weekend rotations and will be available for any other judges that will need my assistance."

MAYOR NICHOLSON

"This is for her to go into the rotation and assist when needed for translation."

CHARLES
BARRINEAU

"That's correct. Another one of your Ministerial Recorders, Ms. Lisa Inabinet, is in the room tonight and can answer questions that you have. It's an important and demanding job. I'll be here sometimes on Saturdays and they're here at 8 o'clock."

MAYOR NICHOLSON

"Okay. Thank you. Do I have a motion?"

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

"Is there any discussion? All in favor raise your right

hand. So moved."

The motion passed unanimously.

City Manager, Steven Brown, entered the meeting.

AUTHORIZE

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

The City
Manager to
Participate in
a 2008 Topiary
Project with
the South
Carolina
Festival of
Flowers
Committee.

CHARLES
BARRINEAU

"Mr. Mayor and Members of Council, the Festival of Flowers Committee has been notified of a grant award. Like many grants, the grantee requested that the money flow through the City of Greenwood. The Festival of Flowers Committee and new director, Kay Self, have done an amazing job. They're looking for new opportunities, one being topiaries that they found at Disneyworld.

They have brought that idea back to Greenwood and have been able to secure some funding to put topiaries, such as this picture of an elephant, in downtown. Tonight we're asking you to allow the City to receipt those monies and manage that grant for the Festival of Flowers. We think that this is the right direction. It's something unique that focuses on flowers. It'll draw interests because I'm not aware of any community in our area that has something like this. I'll be glad to answer any questions."

NIKI HUTTO

"Where are the topiaries going to be placed?"

CHARLES
BARRINEAU

"The topiary will be placed in Uptown."

CHARLES
BARRINEAU

"The way these were set up, we'll be using a horticultural staff from Disneyworld that'll be in Greenwood for 30 to 60 days."

NIKI HUTTO "How many are coming?"

CHARLES "The staff or the topiary?"
BARRINEAU

NIKI HUTTO "The Disney staff?"

CHARLES "I think one or two."
BARRINEAU

MAYOR NICHOLSON "Okay. This is great. Do I have a motion that we authorize the City Manager to participate?"

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

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

Motion passed unanimously.

RECEIVE Mayor Nicholson read the last item and Kelly McWorter.

An Update from
Kelly
McWhorter,
Director of
Greenwood
Regional
Tourism and
Visitors
Bureau.

KELLY MCWHORTER "Good evening, Mayor Nicholson and Members of Council. Before we start, I wanted to introduce our newest staff member, Lindsay Briskin. Some of you have already met Lindsay since she started with us this year at the end of February. She is a graduate of Clemson University with a Major in Marketing and Minor in Travel and Tourism so she's probably got more education on this than I do. She's doing a great job at the Visitors Center front desk. We hope to hold onto her for a while and utilize Lindsay to the best of her abilities."

MAYOR NICHOLSON "The best part is Lindsay is from Greenwood."

KELLY MCWHORTER "Lindsay is from Greenwood so she already knows about the area. I know she's helpful at the front with everybody that has questions.

I just wanted to take a few moments of your time to give you an update of what's been going on. I've sent you all a newsletter about three months ago and since that time we've had a lot of different changes in development."

Kelly McWhorter showed the Tourism and Visitor update presentation.

"That concludes my presentation. I'll be glad to answer any questions that you may have."

MAYOR NICHOLSON "Okay. Thank you. That was a great presentation, Kelly. Are there any questions? We just wanted to commend you and your staff for the great job that you're doing."

KELLY MCWHORTER "Thanks for the opportunity to be here. I appreciate it."

CITY COUNCIL COMMENTS There were no comments from City Council.

CITY MANAGER COMMENTS Mayor Nicholson asked if there were any comments from the Assistant City Manager.

CHARLIE BARRINEAU "I do have one item to provide as information and we can discuss it at your next work session. Over the last few months we have discussed with Council the need for better signage and what's been termed as, 'Way Finding'. We solicited a proposal from the company that did our City Center Master Plan, Arnett Muldrow. They were also the contractor that did Salisbury, North Carolina, way finding. They're very competent and we felt it was good for them to do it since they were already familiar with our community. We're basically looking for our consultant to develop an 'as built' for new signage to replace some directional and parking lot signs in the immediate City Center area. Other than that, I don't have any comments."

MAYOR NICHOLSON "Okay."

CHARLIE "We do need to discuss the date for the next work
BARRINEAU session."

MAYOR NICHOLSON "Yes. Work session will be the Monday, July 2nd, at
5:30. Alright. Do I have a motion that we adjourn?"

Motion was made by Betty Boles.

Thank you all. The meeting is adjourned."

The meeting adjourned at 6:30 p.m.

Floyd Nicholson, Mayor

ATTEST:

City Clerk and Treasurer