

GREENWOOD CITY COUNCIL

April 17, 2006 - 5:33 p.m.

MINUTES

PRESENT

Council Members: Mayor Nicholson, Niki Hutto, Linda Edwards, Betty Boles, Herbert Vaughn, Johnny Williams and Barbara Turnburke; City Manager; Assistant City Manager; City Clerk; City Attorney; and Megan Varner from the Index-Journal.

CALL TO ORDER

The meeting in Council Chambers was called to order by Mayor Nicholson at 5:33 p.m.

The Mayor then welcomed everyone to the meeting and 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, "Is there any discussion or corrections? All in favor raise your right hand. So moved."

Motion passed unanimously.

We'll have a pleasant 300 seat arena with a nice stage, proscenium and electrical rigging system. It will be very presentable, plus it will be a part of the Uptown in conjunction with the Federal Building, Arts Council, the art gallery and museum. If anyone doesn't have any questions of me, I'd like to recognize Mr. Calhoun Mays."

MAYOR NICHOLSON

"Mr. Pruitt, what are your plans to reopening right now, tentatively? Do you have a ballpark figure?"

DAYNE PRUITT

"Well, I was speaking with the contractor today and, while we would like to be very optimistic and say sometime in August, we could be looking at a November time frame. We want to do it right and make sure we get these renovations completed. I'll be more than happy to supply you guys with a list of what's going on. Some of the things you'll see are a new proscenium, stage floor, curtains, and electrical rigging where we won't be pulling the ropes anymore. The seats are being completely renovated; sand blasted, and reupholstered through private funds such as theater seat donations and naming opportunities. We believe the lobby area, ticket booth, and concession stand will make it a nice, presentable location. We also think it'll help on the tourism aspect as well. Are there any further questions?"

MAYOR NICHOLSON

"Okay."

CALHOUN MAYS

"I'm Calhoun Mays and I live at Chinquapin. My interest is not just in the theatre or Arts Council, but I'm interested in Greenwood. That's my real interest. As I have told you initially, I have no real appreciation for art, but I do have an appreciation for Greenwood.

I think we're right at the point now where we're going to see so many new things happening. It will be a pleasure to see it take place. We've put up an old, worn out theatre for as long as I can remember. My wife was in some of the shows and now I've got the next generation in them.

I recently made a presentation, not a formal one, to the people who were involved with the theatre. I think that's the reason why they asked me to come. I said it's so tempting to say we can't do this or that because it'll cost more money but we'll never have another opportunity, not in my lifetime, to do this job again.

So if it costs a little bit more money, it'll be the best investment we've ever made in Greenwood.

Greenwood can come alive with this center of interest. Like Dayne has said, instead of having seven plays per year, we can probably have something going on at least twice that many times. We're going to have a theatre that can show movies, classicals, and all kinds of things. We won't have time to produce that many more shows, but we'll be able to use the building.

If you take a look at Abbeville or Newberry, they have to bring in other groups because it's not that many local people doing it. That's what makes those little towns come alive. We'll never have the historical background that those towns have, but I don't see any reason why we can't be just as active.

I had urged them that, if there is any possible way we can fund this, we ought to do it now because prices will not go down. Things have gone up like you wouldn't believe since (Hurricane) Katrina. We've seen plywood, for instance, go from \$7 to \$17 a sheet and I just don't think it'll come back down. I'm afraid that gasoline won't come back down either. I just think we've got to appreciate that and say we'll just have to fund it.

I've been more involved in the fundraising of this than any other part and I'm just amazed of how generous Greenwood has been. It's such a good investment and nearly all of them generously said, 'I'll pledge that much money'. We've risen close to \$4 million in private funds, but it's going to take a lot of money to have it all finished, not just half way. Thank you, very much."

MAYOR NICHOLSON

"Thank you, Mr. Mays. Is that it, Mr. Pruitt?"

DAYNE PRUITT

"Yes, sir."

MAYOR NICHOLSON

"Ms. Craig?"

ANN CRAIG

"I'm Ann Craig of 203 Gatewood Drive. I'm the Director of the Arts Council and I wanted to speak on behalf of this request. In the short time that the Federal Building Arts Center has been opened, we have welcomed more than two thousand people into the building.

That's even prior to our grand opening and being up and fully running, so I think the potential for Uptown development will be enhanced by the addition of our theatre. In making it a top notch facility, we will be able to attract a number of different groups from the outside to come here.

I also wanted to reinforce our budget figures. This project has broad support. We met our original budget goal of \$3.5 million through the generosity of the Self Foundation, but also from individuals in this community, corporate donations, and grants. We were happy to receive a federal appropriation of \$400,000 and a State grant from the Department of Commerce. I say that because I think it's important for the community to know that our proposal has broad support on the local, State and the National levels. We invite the City to also be a part of that funding group. The potential to attract even more visitors and activities to our Uptown increases with the addition of a community theatre. Thank you."

MAYOR NICHOLSON

"Thank you, Ms. Craig. Mr. Pruitt, we want to thank you and the Board of Directors for everything you do. We will take this into consideration because what you're doing is going to be a big asset to the entire community. I also want to thank the Index Journal for the very nice and timely article in the paper yesterday about the whole cultural center, Federal Building, Little Theatre, and Museum. Thank you all for sharing with us this evening."

STEVEN BROWN

"Mr. Mayor, may I say something? I want to make Council aware that we have worked with the theatre group to apply for approximately \$100,000 of grant funds. Hopefully, if these monies are awarded, the City's participation will be reduced.

While none of your staff and theatre representatives want to seem pushy in any manner, we plead with you to make a decision very soon. The contractors are on site as we speak. It will be cost effective if we can't do it while the contractor is on site. We would ask you to consider this at the next meeting.

JOHNNY WILLIAMS

"Well, I thought it was going to be on the agenda tonight since we talked about it at the work session."

STEVEN BROWN "That's left up to City Council. You can authorize it tonight or at a later date."

MAYOR NICHOLSON "We did discuss the costs at the work session. If you want to act on it tonight, we can proceed."

JOHNNY WILLIAMS "I want to act on it and get it over with."

MAYOR NICHOLSON "Okay. First, we're going to act on adding this item to the agenda for action tonight. Do I have a motion?"

A motion to place the request on the agenda was made by Johnny Williams, seconded by Niki Hutto.

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

"Now, since we added it to the agenda, do I have a motion that we approve the request coming from the Greenwood Community Theatre of \$236,000 in which some might come from potential grant money?"

A motion was made by Johnny Williams, seconded by Herbert Vaughn.

"Are there any questions?"

BETTY BOLES "What about the matching funds? What part of that is the grant?"

MAYOR NICHOLSON "It's a possibility that they might get \$100,000 of this from a grant."

STEVEN BROWN "Ms. Boles, I would suggest that you authorize an amount not to exceed \$236,000. You may also make this conditional upon the City receiving this amount from Hospitality Tax. You're not committing any General Fund monies. If these monies are not forth coming, then you're not obligated to pay them."

MAYOR NICHOLSON "These funds will be only from Hospitality Tax funds that went into effect April 1st."

LINDA EDWARDS "Don't you think that should've been stipulated in the motion that we're dealing with right now?"

MAYOR NICHOLSON

"So Johnny, you will make that a part of your motion that the money comes from Hospitality Tax funds, and not the General Fund? It will not exceed \$236,000.

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

Motion passed unanimously.

CONSIDER

Ordinance No.
06-012 Amending
Ordinance 05-042
Section 3 (c),
Establishing a
Local
Hospitality Tax
on the Sales of
Prepared Meals
and Beverages in
Establishments
within the City
of Greenwood,
South Carolina.

(2nd reading)

STEVEN BROWN

"It allows for a credit, if they're paid on time."

MAYOR NICHOLSON

"Right. They get a two percent discount, if they're paid on time. Do I have anyone to speak in favor of this ordinance change? Is there anyone opposing? Alright seeing and hearing none, we will close the public hearing.

Okay. This is the second and final reading on this ordinance. Do I have a motion?"

A motion to approve the ordinance change was made by Johnny Williams, seconded by Barbara Turnburke.

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

- attach -

CONSIDER

Ordinance No.
06-013 Annexing
47.25 Acres
Owned by the
City of
Greenwood
Commissioners of
Public Works,
Located off
Highway 246
North.

Mayor Nicholson read the second public hearing and said, "If you look on the overhead this will basically show you where this property is located. Is there anyone here to speak in favor of the annexation of property owned by the Commissioners of Public Works? Is there anyone opposing the annexation? Okay. Seeing and hearing none we will close the public hearing.

Now, it's time for action by Council. This is second reading. Do I have a motion that we annex this property?"

(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.
 06-015 Amending
 City of
 Greenwood
 Official Zoning
 Map (Ordinance
 No. 04-020) by
 Rezoning
 Property
 (Approximately
 0.42 Acres)
 Located at 101
 West Durst
 Avenue and 409
 Grace Street
 from R4
 (Residential -
 Medium Density)
 to NC
 (Neighborhood
 Commercial).

(1st reading)

DR. WILLIAM MILLER

Mayor Nicholson read the third public hearing and said, "I think you can see Dr. Miller's property located on the corner of West Durst and Grace street. Is there anyone here to speak in favor of this zoning request?"

"Good evening, I'm Bobby Miller. My business address is 101 West Durst. The two properties are behind me. I just want to rezone the property to Neighborhood Commercial to match the corner where my office currently is.

It was formerly Dr. John Hollingsworth's office for about 45 years. We've run out of parking and I really need to rezone those two lots so that I can use them for more parking."

MAYOR NICHOLSON

"Now that's where the house is located. Do you plan to tear down that house?"

DR. WILLIAM MILLER

"I can either do that, or donate it, if someone is willing to come and get it."

JOHNNY WILLIAMS

"Does this join the dentist office property?"

DR. WILLIAM MILLER

"Yes, sir. There's actually a little alleyway there that is also a part of this rezoning."

STEVEN BROWN

"Mr. Mayor, there are really three parcels.

The alleyway, owned by either Dr. Hollingsworth or Dr. Miller, was not originally a part of the NC zoning. He is asking for the alleyway to be included in the NC with the two tracts.

Someone asked, 'Why not OPI?' You'll notice the other three corner properties are NC. That's why the Planning Commission recommended adding this to the NC designation."

MAYOR NICHOLSON

"Okay. Are there any questions for Dr. Miller? Is there anyone else to speak in favor of this zoning request. Dr. Turner? If y'all don't know, Dr. Turner is new to the area. He's been here about six or seven months and they're both taking over the offices that were operated by Dr. Hollingsworth and his son."

DR. WILLIAM
MILLER

"We will continue to be in that office for a great length of time, or until I'm gone."

MAYOR NICHOLSON

"Okay. Is there anyone to speak in opposition to this zoning request? Okay. Seeing and hearing none, we will close the public hearing.

As you know, this is the first reading. Do I have a motion?"

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

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

Motion passed unanimously.

- attach -

"As you know, we must have two readings and will take the second reading at our regular meeting in May."

CONSIDER

Ordinance 06-016 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning Property Located at 311 Mineral Avenue from R10 (Residential - High Density) to GC (General Commercial).

(1st reading)

STEVEN BROWN

Mayor Nicholson read the fourth public hearing and said, "You can look on the overhead and see the property. This is really the old Coca-Cola Bottling Company. Am I correct, Mr. Brown?"

"Yes, sir."

MAYOR NICHOLSON

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

This is also first reading. Do I have a motion coming from council?"

A motion was made by Barbara Turnburke, seconded by Betty Boles.

"Are there any questions or further discussion?"

STEVEN BROWN

"Mr. Mayor, I have grave concern that this will turn into a junk yard. I would recommend that, before taking second reading, we get some type of stipulation from Mr. Hughes as to his understanding of the laws concerning junk and salvage yards inside of the City. If that's what his intentions are, then I would strongly recommend that you do not rezone it. Often people say they understand but quickly forget. While this has been used as an automotive repair place, I don't think that would be detrimental.

But if there's going to be a collection of old discarded automobiles, it will contribute to the grade of the neighborhood and we don't need that."

MAYOR NICHOLSON "It does have some cars that have been there for quite a while."

JOHNNY WILLIAMS "That's what I was going to say. Doesn't he already have a bunch of junk?"

MAYOR NICHOLSON "You will contact Mr. Hughes before we have second reading?"

STEVEN BROWN "Yes, sir. The Planning Commission also added the Chickasaw Processing Plant to light industrial. Is that right, Phil (Lindler, Planning Director)?"

PHIL LINDLER "Yes, sir."

STEVEN BROWN "The Chickasaw Processing Plant and the old Coca-Cola Plant will be a part of this as light industrial."

NIKI HUTTO "They asked for General Commercial, but the Planning Commission is recommending LIW."

STEVEN BROWN "He asked for General Commercial. The Planning Commission is recommending LIW."

MAYOR NICHOLSON "Okay. So they approved the LIW?"

STEVEN BROWN "Right. They recommended the LIW and are taking R7 from the Chickasaw Processing and R10 from the Old Coca-Cola Plant. They're recommending that you rezone both properties as LIW, Light Industrial Warehouse."

MAYOR NICHOLSON "Okay. Have they talked to the other property owners?"

PHIL LINDLER "Just the Chickasaw Processing Plant."

NIKI HUTTO "Is the Chickasaw Plant nonconforming now at R7?"

PHIL LINDLER "Yes."

JOHNNY WILLIAMS "Speaking of salvage yards, we don't allow them?"

STEVEN BROWN "That's why I said we need to make sure he is aware of what the regulations and laws are."

MAYOR NICHOLSON "So the Planning Board recommended Light Industrial and not General Commercial."

STEVEN BROWN "You'll probably have to redo your motion."

MAYOR NICHOLSON "Right. That is if you want to go along with the recommendation coming from the Planning Commission and not what Mr. Hughes was requesting."

LINDA EDWARDS "Is he aware of the Planning Board recommendation?"

STEVEN BROWN "Yes, ma'am."

NIKI HUTTO "So both of these pieces of property are of nonconforming use right now."

MAYOR NICHOLSON "Ms. Turnburke, would you like to amend your motion to change to LIW?"

An amended motion to change the zoning recommendation to LIW was made by Barbara Turnburke, seconded by Betty Boles.

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

Motion passed unanimously.

- attach -

"This is first reading. Mr. Brown and Charlie will get in touch with Mr. Hughes prior to our second reading to make sure he has a thorough understanding of junkyards."

LINDA EDWARDS "Can we also add what he plans to do?"

MAYOR NICHOLSON "Right now I think he's saying automobile repairs."

STEVEN BROWN "What is it being used for now?"

JOHNNY WILLIAMS "I know he buys motors and sells them."

LINDA EDWARDS "I don't think he needs to be doing it in that area either. There's one more question I need to ask about Chickasaw."

MAYOR NICHOLSON

"That's a part of the rezoning too."

STEVEN BROWN

"It has been nonconforming since it was zoned R7. The Planning Commission included the Chickasaw and the former Coca-Cola properties to make both properties LIW."

LINDA EDWARDS

"Is there anything going on in that processing plant?"

MAYOR NICHOLSON

"Yeah, they're still working in there."

CONSIDER

Mayor Nicholson read the fifth public hearing and recognized the City Manager.

Ordinance No.
06-017 Amending
the City of
Greenwood's
Official Zoning
Map (Ordinance
No. 04-020) by
Rezoning
Properties
(Approximately
0.18 Acres)
Located at 333,
317, 325, 331,
337, 339, and
343 West
Cambridge Avenue
from R4
(Residential -
Medium Density)
to OPI (Office,
Professional and
Institutional).

(1st reading)

STEVEN BROWN

"Property owner Carolina Dover requested that her property located at 333 West Cambridge be rezoned to Office, Professional and Institutional. The Planning Commission recommended adding the properties located at 317, 325, 331, 337, 339, and 343 West Cambridge. Mr. Williams informed me today that all of these properties were classified as C-1 in the old Land Use Plan. When the new land use plan was adopted, the Planning Commission is now recommending that seven parcels be rezoned to OPI."

MAYOR NICHOLSON "Okay. Have all of them been contacted?"

STEVEN BROWN "Yes, sir. They're all aware of it."

JOHNNY WILLIAMS "They're all aware they're no longer commercial property?"

NIKI HUTTO "No, they're residential now. They're R4."

JOHNNY WILLIAMS "Yeah, but they were commercial until a few months ago."

MAYOR NICHOLSON "Yeah, prior to the rezoning when the land use maps were redone."

NIKI HUTTO "Now, what would happen to the residences if something should happen once they're changed to OPI?"

STEVEN BROWN "You have another ordinance on the agenda which will allow residential in OPI to make them conforming."

NIKI HUTTO "Yeah, but one has to go in hand with the other?"

STEVEN BROWN "That's right."

MAYOR NICHOLSON "Okay. Ms. Johnson?"

LADONNA JOHNSON "My name is Ladonna Johnson and I'm really not here representing Caroline Dover. I'm here speaking on her behalf, as well as mine, because I'm the potential buyer. I live at 1118 Northlake in the City Proper of Greenwood and I promise you this will not be used as a junkyard!

When we went before the County Zoning Board several weeks ago, the neighbors thought they were already zoned to be at least Office Professional. Caroline was the proper person to request this because she is the owner of the property. However, when we submitted the request, the Planning Commission incorporated all of the other properties.

The people that own the home to the right of this property don't live there. My understanding is that at least one, if not both, live out of state. They apparently had no objections because everyone has been notified and now there is a billboard sign in front of Caroline's house saying that it's up for a zoning change. The person to the left of it already thought it was zoned Light Office.

Going down the street, I think the very first purple area (pointing) used to be a model and dance studio and I think Dr. Wimmer's Office is to the right. Farther to the right is Peter Manning's Law Office (which used to be the Cambridge House) and Pascal's restaurant. Across the street is already OPI. Don Long's Law Office is to the far right and the Center for Legal Justice is directly across the street from the orange property that I'm looking to buy.

So, I think you already get the gist of it. The area is changing anyway and there has not been any objection to this variance or rezoning. The people who live next to Peter Manning's Office actually spoke in favor of it at the last meeting. So, I'm asking you all to please consider it. My office has very little traffic and there should not be any problems with parking. I've even discussed it with the neighbors."

MAYOR NICHOLSON

"Are you looking to move your practice there?"

LADONNA JOHNSON

"I am. It's been 23 years and I think this is a good, upcoming area. As Mr. Welch knows, there aren't many properties available downtown anymore. Everything has been pretty much taken up, so we're moving that way. I think it's becoming more of an office area anyway and I ask for your consideration."

MAYOR NICHOLSON

"Okay. Is there anyone here to speak in favor of this zoning change? Is there anyone opposing? Okay. Seeing and hearing no other we will close the public hearing.

Now, this is first reading. Do I have a motion?"

A motion was made by Johnny William, seconded by Niki Hutto.

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

Motion passed unanimously.

CONSIDER

Mayor Nicholson read the sixth public hearing and recognized the City Manager.

Ordinance No.
06-018 Amending
the City of
Greenwood's
Official Zoning
Map (Ordinance
No. 04-020) by
Rezoning
Property
(Approximately
0.22 Acres)
Located at 1020
Reynolds Avenue
from RM7
(Residential -
High Density -
Manufactured
Homes) to GC
(General
Commercial).

(1st reading)

STEVEN BROWN

"This is a small building that's been used for commercial ventures for a long time. The last time I think it was a fish market."

MAYOR NICHOLSON

"Phil, do you have any comments?"

PHIL LINDLER

"The applicant requested to open the business again as a restaurant. But, if you were to rezone it to General Commercial, they could use it as any of the general commercial uses."

MAYOR NICHOLSON

"A restaurant? They must be going to add on, as small as it is. Okay. Is there anyone here to speak in favor of this zoning change? Is there anyone opposing? Okay. Seeing and hearing none we will close the public hearing.

Now, this is the first reading. Do I have a motion from Council?"

A motion was made by Betty Boles, 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

Mayor Nicholson read the seventh public hearing and recognized the City Manager.

Ordinance No.
06-019 Amending
the City of
Greenwood's
Official Zoning
Map (Ordinance
No. 04-020) by
Rezoning
Property
(Approximately
4.72 Acres)
Located at 408
and 418 West
Alexander Avenue
from R4
(Residential -
Medium Density)
to OPI (Office,
Professional,
and
Institutional).

(1st reading)

STEVEN BROWN

"Mr. Mayor and City Council, you can see that a part of this property was used as a landscaping business at one time. Now, it is being used for medical supplies. The other property is the location of Hospice. The property joins other OPI properties."

MAYOR NICHOLSON

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

This is the first reading. Do I have a motion?"

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

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

Motion passed unanimously.

- attach -

CONSIDER

Mayor Nicholson read the eighth public hearing and recognized the City Manager.

Ordinance No.
06-020 Amending
Ordinance 03-
010, Zoning
Ordinance,
Chapter 3,
Article 3,
Commercial
District
Regulations,
Section 3.1.3,
Zoning District
Use Matrix and
Section
3.3.4.1.,
Additional Uses
Permitted in IPI
(Office,
Professional and
Institutional).

(1st reading)

STEVEN BROWN

"Mr. Mayor, some time ago the Planning Commission recommended that you amend the Zoning Ordinance to allow residential uses in Office, Professional and Institutional. At that time, you chose not to do so. This matter has now come back to the Planning Commission in a request from Mr. Holloway who is a property owner on Grace Street.

Mr. Holloway has a potential buyer for his property that would like to use it for living space in one portion of the building and office space in the other part. The present ordinance does not allow residential. The Planning Commission heard his request and has recommended that you amend the ordinance to allow residential, single-family use in OPI."

NIKI HUTTO

"We decided not to let OPI have residential usages because of the high density. OPI was used as a way to get higher density or different usages than what OPI was generally designated. If that is the case, could we not have a happy medium and just do the lower residential densities like R1, R2, R3 and R4 and eliminate the higher residential densities like the R10, R12, and R15? Anyone could take something that may be designated Office Professional and use it to become an apartment complex with fifteen units per acre. Can it work that way, or no?"

PHIL LINDLER

"I didn't follow you. I'm sorry."

NIKI HUTTO

"Let's say for example there is an OPI property on a decent sized tract of land fronting a major highway. Behind it are $\frac{3}{4}$ acre lots with single-family residential housing. You may allow the OPI zoning, but the person doesn't open up the old house as an office but tears it down to put in six apartments or townhouses. That's the original reason why I think that City Council did not allow residential usage in OPI. If you limit it to the lower densities, then it would make sense. A resident could have someone living in their house with an office in front or maybe even two renters. You can have single density instead of multi-density. Now, is what I'm saying clear?"

PHIL LINDLER

"My understanding was when you first did your original request, or when the Planning Commission sent you a request on the OPI, it included single-family homes, duplexes, condominiums, single-family attached and multi-family in the OPI. This request is for single-family detached only that'll allow individual areas to be zoned OPI. Grace Street is a very good example where you have older homes that may be used for three, unrelated individuals renting a home. But once that area takes off into small scaled offices, or commercial properties, then they're more of a transition type of zoning."

NIKI HUTTO "So I'm reading this wrong? Is the ordinance stating that a single-family detached house is permitted in OPI?"

PHIL LINDLER "It would be allowed in all the zones that begin with 'R' for Residential, but then it would also be allowed as a permitted use in Office, Professional and Institutional."

NIKI HUTTO "Okay. So it's not saying that Office Professional can have R1, R2, R3, R4, R7, and R10. It's saying that Office Professional will allow just the single-family detached house?"

PHIL LINDLER "Yes."

NIKI HUTTO "Okay. Now, I'm reading it right. I just wanted to make sure I was reading it correctly that it wasn't allowing those other uses in OPI."

STEVEN BROWN "What's the definition of Single-Family Detached according to the ordinance?"

NIKI HUTTO "Right."

PHIL LINDLER "Single-family detached is basically a detached unit used for residential purposes that allows a family or up to three unrelated individuals."

NIKI HUTTO "Okay."

MAYOR NICHOLSON "Thank you, Phil. Okay. This is a public hearing. Mr. Holloway?"

JON HOLLOWAY "Thank you for having me. I'm Jon Holloway at 225 Grace Street. Historically, the house that my studio is in now has been a residence a lot longer than a business. When I bought that house, I was under the impression that I could actually live or work there. Then, when I wanted to sell it, I realized that it was just Commercial. I think that house is a wonderful example of the multiple uses on Grace Street. There's a bed and breakfast, residences to the left, apartments across the street, and a business to the right. I think my particular situation would fit perfectly. Thank you."

MAYOR NICHOLSON "Thank you, Jon. Is there anyone here to speak in favor of amending the ordinance? Is there anyone in opposition? Alright. Seeing and hearing none we will close the public hearing."

This is the first reading. Do I have a motion?"

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

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

Motion passed unanimously.

- attach -

CONSIDER

Mayor Nicholson read the last public hearing and recognized the City Manager.

Ordinance No.
06-021 Amending
Ordinance 03-
010, Zoning
Ordinance,
Chapter 3,
Article 3,
Commercial
District
Regulations,
Section 3.1.3,
Zoning District
use Matrix, and
Section
3.3.4.2.,
Additional
Conditional
Uses Permitted
in GC (General
Commercial).

(1st reading)

STEVEN BROWN

"Mr. Mayor, the new State Law allows tattoo parlors if meet DHEC regulations. We do not have a specific land use designation for a tattoo parlor. The recommendation from the Planning Commission is that it be allowed only in General Commercial properties, no more than 1000 feet of a similar use. Meaning you cannot have two or three adjacent to the each other."

MAYOR NICHOLSON

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

Do I have a motion that we amend the ordinance?"

A motion was made by Johnny Williams, seconded by Herbert Vaughn.

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

Motion passed unanimously.

- attach -

"That will close the public hearing part of our motion. When Jon Holloway spoke about his property on Grace Street, I wanted to say that he used to have a studio in the old house but is moving Uptown on Maxwell in the old BP building. We're delighted to have you Uptown."

JON HOLLOWAY

"I'm looking forward to it."

MAYOR NICHOLSON

"Okay. Open up and get started."

CONSIDER

Under unfinished business, Mayor Nicholson read the first item and asked for a motion.

Ordinance No. 06-011 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning Property (Approximately 1.34 Acres) Located at 302, 304, and 308 Seaboard Avenue, from R7 (Residential - High Density) to NC (Neighborhood Commercial)

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

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

Motion passed unanimously.

- attach-

(2nd reading)

CONSIDER

Appointments to the City of Greenwood Board of Architectural Review.

Mayor Nicholson read the second item and said, "This is something that we've been talking about for a while. If there are Council Members who have names they would like to submit for the seven member board tonight, we can vote on those individuals. If not, then we can wait until the next Council meeting to appoint the remaining members.

The Mayor then polled City Council Members of their nominations:

- Niki Hutto - Welborn Adams
- Linda Edwards - undecided at this time
- Betty Boles - Mack Butler
- Herbert Vaughn - undecided at this time
- Johnny Williams - Ann Norton
- Barbara Turnburke - Glenda Edwards
- Mayor Nicholson - Robert McClinton

"Okay. So we have those names submitted. Do I have a motion from Council that we approve these individuals?"

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

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

Motion passed unanimously.

ACCEPT

Under new business, Mayor Nicholson read the first item and said, "There was an election."

Results of the
April 11, 2006,
Non-Partisan
General
Election from
the Municipal
Election
Commission.

JOHNNY WILLIAMS

"There was? I missed it!"

MAYOR NICHOLSON

"According to the State Law, if any individual does not have opposition two weeks after the books have been closed and no one files as a write in candidate, then their names do not have to be placed on the ballot. In this case, an election wasn't needed for Ward 2, Ms. Edwards; Ward 4, Mr. Vaughn; Ward 6, Ms. Turnburke; Mike Monaghan as Commissioner of Public Works and me. Let us congratulate those individuals.

Do I have a motion that we accept the results of the election?"

Motion was made by Linda Edwards, seconded by Barbara Turnburke.

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

Motion passed unanimously.

ADMINISTER

Mayor Nicholson said, "At this time, we're going to ask Mr. Steve Welch, the City Attorney, to administer the Oath of Office."

Oath of Office:

Mayor Floyd
Nicholson

The Mayor then recognized the City Attorney to administer the oaths to Mayor Nicholson, Linda Edwards, Herbert Vaughn, Barbara Turnburke, and Michael Monaghan of the Commissioners of Public Works.

Linda M.
Edwards

Herbert W.
Vaughn

- attach -

Barbara
Turnburke

And

"Thank you, Mr. Welch."

Michael G.
Monaghan of
Commissioners
of Public
Works.

PROCLAMATION

Mayor Nicholson read the proclamation and recognized the City Manager.

National Crime
Victim's Rights
Week

STEVEN BROWN

"Mr. Mayor, most of Council knows Angela Castillo, but right behind her is a new face, Samantha Mobley. These are the Victims Advocates for the City of Greenwood. They do a tremendous job by working long, hard hours, often times when the rest of us are at home.

We've done some restructuring inside of the City. At one time they worked out of the Police Department. Now, they work under the Finance Department. These two ladies do a splendid job and, after you have presented the proclamation to her, we would like to present a short video that's a part of their presentation."

MAYOR NICHOLSON

"Okay."

The Mayor then presented Angela Castillo and Samantha Mobley with the proclamation.

"You all do a great job with what you do for the citizens of our City. When anyone is affected by crime, it has a devastating effect upon them. I just want to commend you for everything you do for our citizens."

ANGELA CASTILLO

"I just want to thank you for the proclamation. The program has changed a lot through the criminal justice system. Now, we can help victims recognize their rights. We would like for you all to take a card that talks about strength in unity. The purple ribbon is the color we use to represent the victims and their rights."

MAYOR NICHOLSON

"Okay."

- video presentation -

"Angela and Sam, we just want to thank you all for the great job in working with victims. We just commend you all and thank you for being a part of our team."

CONSIDER

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

Ordinance 06-014 Amending Ordinance 00-025.

STEVEN BROWN

"Mr. Mayor and City Council, there has been a change in State Law dealing with the TERI Program, which is the Teacher and Employees Retirement Incentive. When it was first made a law, the TERI Plan required the City to pay an individual their accumulated vacation time at the time they began their participation in the TERI program. Now, the law requires the payment of accumulated annual leave be deferred until the end of the TERI period. Our present policy was written under the old law. The law now requires the 45 day maximum in the

first payroll following termination of the TERI Program."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

Motion was made by Linda Edwards, seconded by Herbert Vaughn.

"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 fourth item and recognized the City Manager.

Appointing Two
Persons to the
Capital
Improvements
Referendum
Commission.

STEVEN BROWN

"Mr. Mayor, the County Council has notified you that they have adopted a resolution, in accordance with the State Law, calling for a referendum to add a one-cent sales tax for Capital Improvement projects. The State Law dictates that a Commission be appointed. Three of those representatives are appointed by County Council, and two are appointed by City Council. The two that are appointed by City Council will appoint one who will represent either municipality of Ninety Six, Ware Shoals, Hodges, or Troy. Your requirement is to appoint two individuals."

MAYOR NICHOLSON

"Okay. I have contacted a couple of individuals. One is Anita Lockridge who is the Chief Financial Officer at Self Regional Healthcare and Thornwell Dunlap, III. I don't think the County has made any appointments yet, have they?"

STEVEN BROWN

"I don't know."

MAYOR NICHOLSON

"Okay. I don't know if anyone has talked with these two individuals. They are willing to serve and together they will make a recommendation for

the appointment of somebody from Ware Shoals, Ninety Six, Hodges or Troy.

Can I have a motion if you all agree?"

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

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

Motion passed unanimously.

CONSIDER

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

Resolution No.
06-004
Authorizing the
City Manager to
Execute Quit
Claim Deeds
with Eleven
Property Owners
along South
Main Street for
the Uptown
Phase I
Enhancement
Project.

STEVEN BROWN

"Mr. Mayor, I will try to be very brief. Council knows that Charlie has been working very hard to implement Phase I of the Uptown Enhancement Project. He encountered a problem with the original conception and design. We planned to put a sign on the old railroad tract bed. At the very last minute, we were notified that we could not place that sign on the tract bed because of a lawsuit that had been filed in the 1980's.

Charlie has been working with the City Attorney and will request permission to ask the 13 adjacent property owners to deed over any interest that they may have to the City. Then, we would be clear to implement our project. We're asking for your approval of this resolution. There won't be any money paid. It's just an effort to deal with the lawsuit."

MAYOR NICHOLSON

"Okay."

STEVE WELCH

"If you're asking why it hasn't been done before, the class action lawsuit only recently has been to the Supreme Court and back. There has been a long history, but recently Bob Erwin from Greenwood said there was a special referee Judge that heard evidence and these lots we're talking about were actually taken out of the class action. It's no longer a part of the class action so now we can approach these individuals.

A quit claim deed just basically says, 'I'm not saying I actually own anything, but whatever I own, I'll give it to you.'

MAYOR NICHOLSON

"Okay. That's the first phase of the grant money that was used for that project, am I correct?"

CHARLES
BARRINEAU

"Yes, sir."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

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

"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 sixth item and recognized the Assistant City Manager.

The Acceptance
of Bids and
Allocation of
Funding for the
Uptown Phase I
Enhancement
Project.

CHARLES
BARRINEAU

"Mr. Mayor, we did accept bids for this project on the sixth of April. The low bid of \$168,550 was received from a company out of Greenville. The second was \$208,777.50 from a company out of Columbia. No local bids were received. Obviously, before we accept any bids, we hope to get these right-of-ways secured in the next 30 days. We're asking you to consider accepting the low bid of \$168,550.

To understand where those moneys are coming from, right now we have \$85,000 remaining in the Grant from SCDOT. Also, the Uptown Development Corporation has committed \$10,000 to this project. That remains an estimated \$83,550. It's a little bit more because the bids did not include the purchase of irrigation and lighting that will be installed by the Commissioners of Public Works.

The bottom line is, the City would need to put forth \$83,550 into this project. Now, why are these costs higher than they were when we originally looked at this? We originally asked Council to put in about \$30,000 into this project. When it was designed, we did not think storm drainage was necessary for this project. When we brought it to DOT, they requested that we add a storm drain line. When it rains, that water flows into that median in sheets and they were concerned it would sheet out onto Main Street. So we agreed that it was necessary to add storm drainage to the catch basins, which probably increased the project about \$30,000 to \$40,000. Also, the sign and some of the landscaping were a little more detailed than we originally planned.

It's our opinion that this is an eligible capital expenditure of \$83,550 under the Hospitality Tax for you to consider allocating or the staff can scale this project back. We could remove things such as the sign and landscaping. We haven't collected any Hospitality Tax yet to get a full gauge, but it's our estimation that \$83,000 amounts to about one month's collection."

NIKI HUTTO

"So you're earmarking this funding?"

CHARLES
BARRINEAU

"I need Council to understand that in 30 days we've got to come up with about \$80,000+ to pay for it. The grant was originally for \$100,000 and we've already expended \$8,000 to pay for engineering costs. We've got about \$85,000 left in the grant,

so we need about \$83,550 to pay for it. We've gotten commitments from the Commissioners of Public Works and the Uptown Development Corporation to help us. We've tried to bring in as many partners as possible to pay for it."

MAYOR NICHOLSON

"Okay. I don't think we really need to scale the project back."

CHARLES
BARRINEAU

"Mr. Mays was correct that construction costs have gone up. This project was originally budgeted in 2003 and the prices have since changed."

MAYOR NICHOLSON

"Do I have a motion that we allocate the funds from the Hospitality Tax?"

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.

CONSIDER

Providing
Matching Funds
for the 2006
South Carolina
Department of
Commerce
Opportunity
Grant Program
for
Improvements to
Maxwell Avenue.

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

CHARLES
BARRINEAU

"Mr. Mayor and City Council, I'll try to be as brief as I can but I want to make sure that everyone understands this project. As we've explained to Council during the previous work session, the Department of Commerce has made available up to \$950,000 to twelve eligible communities; Greenwood being one. The grant is due May 1st, which is two weeks from today. The funding must be used to implement projects identified with

the master plans, or improvements, to downtown.

As you're aware, our master plan development, designed by the Partnership Alliance and many others, created the Emerald Triangle.

This plan proposes improvements along the Maxwell Avenue corridor, from Main Street to the railroad, to include facades, streetscaping and infrastructure upgrades. We have studied how other cities have implemented their façade grant programs and estimated that a minimum façade grant of \$20,000 will be required for each building.

There are 26 property owners in this area. So far, all but one have committed to this project. We think in the next two weeks we will get that final property owner to agree. In addition to that \$20,000, they will be required to put a 10% cash match into this project. The property owner will be required to implement the façade program based on a common plan that we will be restoring the historical character of Maxwell Avenue. Many of those properties were built in the early 1900's.

In total, we think the façade portion will cost upwards to \$500,000. If many of you walk down Maxwell Avenue, you can see that it is in dire need of sidewalk improvements and there is no landscaping. We propose to add seating, lighting, and other amenities including landscaping to encourage pedestrian use of Maxwell Avenue. Our initial estimate for streetscape improvements developed by a landscape architect is \$500,000.

Last week, the Metro Sewer Commission approved their financial support of this project to upgrade and improve the sewer within that area. They will allocate their funding if we're able to secure \$200,000 to \$300,000 of grant money for them. We will also be asking the CPW Commissioners in their meeting next week to consider a similar allocation of a portion of the overall project to upgrade the waterlines and put all the power lines below the ground. As a side note, the Uptown Greenwood Board allocated \$5,000 to this project also.

At this point, I can't give City Council a specific request of what moneys I'm going to need from the City to match this grant. I believe that it's going to be between \$400,000 to \$500,000 to improve all of the items that I've mentioned, including the facades, sidewalks, streetscape and infrastructure.

Then we will ask for probably \$750,000 to \$950,000 from the Department of Commerce.

Remember, one critical aspect of getting this awarded is how much City Council is willing to leverage our local moneys.

That is a point score for the grant. The more you leverage, the better the application is going to score. So tonight, you've got two options. You can either wait another week or two, when I got better numbers, and allocate a specific amount or you can consider giving staff the authorization to allocate up to the \$500,000 threshold for this grant application.

I'd remind you that if the grant is approved, we will be notified in July. At that point, you would then pass a resolution allocating a specific amount. So whatever you vote on tonight doesn't necessarily tie your hands. You'll still have to vote on it in a resolution form. Whatever you do tonight is just for grant purposes. So I respectfully ask you to consider either having another meeting prior to May or give the staff authorization to allocate up to \$500,000. Again, we believe strongly that this project is Hospitality Tax eligible.

In my opinion you're looking at about six to seven months, if we allocate that amount of funding. This project will be built over a year and a half. The project was allocated to start July 1, and we would have 18 months to implement it. I feel strongly that we have a great chance. This is a once in a lifetime type award, similar to what the Council had during the early 80's when they built in the Arcades and made improvements then. This is the level of that application.

So it's all about how much you want to invest into this area. You've heard that Jon Holloway is going to relocate here and we know of some other projects that are going to happen in that corridor also. We feel strongly that it's a good project."

STEVEN BROWN

"If the Commissioners of Public Works agree to participate at the level that we think they will, the two utilities will be putting in well over \$1 million into this project. It leverages so much more money than just our part of the grant. It is truly a joint project. Somebody may ask, 'Why sewer and electricity?' Well, these are projects that are on their 'to do' list, but since we're

doing these other things, it's more cost effective to do it all at the same time. So we're going to have the sewer upgraded and the electricity put underground.

We're going to resolve a lot of problems in that area. Hopefully, I would like to see the project also improve the areas behind those stores. It's a good project if we get this \$950,000."

NIKI HUTTO

"Would this infrastructure be advanced enough to promote more residential living in those areas?"

CHARLES
BARRINEAU

"Without a doubt. CPW and Metro understand our plan. They're going to be proposing an upgrade from the 6 inch waterline to a 12 inch line on Maxwell Avenue. That'll obviously make sense because we're expanding for future development. If we install new sidewalks and landscaping but don't repair what's underneath it, then we'll be tearing it back up in a couple of years and we don't want to do that."

MAYOR NICHOLSON

"Would it be feasible if we say up to \$500,000?"

NIKI HUTTO

"Again, will this project be earmarking the Hospitality Tax?"

STEVEN BROWN

"If the grant is awarded, you will have an opportunity to pass a resolution obligating a specific amount."

MAYOR NICHOLSON

"Exactly. Do I have a motion?"

Motion to allocate up to \$500,000 from the Hospitality Tax was made by Barbara Turnburke, seconded by Niki Hutto.

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

Motion passed unanimously.

CONSIDER

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

Selecting a

Consultant to
Design a
Visitors Kiosk
Area in the
Greenwood
Federal
Building

CHARLES
BARRINEAU

"Mr. Mayor, our final project, as many of you are aware, is a room to the left when you enter the Federal Building. That room is an area we want to designate as our 'visitor's stop' where people can get brochures, view a video screen, and see any type of material about our region. It is going to be critical that it is designed perfectly.

Mr. Brown and I, through meetings over the last few months, have encountered a design firm out of Richmond, Virginia, by the name of Riggs Ward Design, LLC. Riggs Ward has been contracted to do a study at the Greenwood Museum for their future growth and that's how we came in contact with them. We've actually been talking with Mr. Brent Ward and we believe in his credentials. They were the designers of the new Heritage Corridor Center in Edgefield, along with their brochures, racks of layouts and video feeds. They also designed the same setup at the new Heritage Corridor House in Blackville. We wanted to find somebody that has seen this across the country and can put something top notch in Greenwood.

Riggs Ward estimates that just the design consultation, where they look to see how the room can be laid out with video and touch screens, and other materials will cost \$7,500 to \$10,000. The actual construction implementation of their design will probably cost in the neighborhood of \$40,000 to \$50,000. Now, I know that sounds like a lot of money for a small space, but remember, that's high-tech. We're thinking that they would actually design the video at an estimated cost of \$1,500 a minute. So that gives you an idea of the expenditures that we're looking at. You're talking about computer equipment and plasma screen TV's.

I can tell you that the Arts Council has received a grant in the amount of \$20,000 that must go towards the visitor aspect of the project. So we already secured \$20,000 of the estimated \$40,000 to \$50,000 that Riggs Ward will design, but that \$20,000 requires a \$20,000 match. Tonight, I'm asking you to allocate those fundings, and allow staff to

enter into an arrangement with Riggs Ward out of Richmond, Virginia, to design the Visitor's Kiosk area in that building. They will work with local folks and Dohnna Boyajian, an interior designer who works at Piedmont Tech. She is the chairman of the Arts Council with an interior background and wants to be involved in the project."

MAYOR NICHOLSON

"Okay."

NIKI HUTTO

"Now, this would be a project for the Accommodations Tax because it's directly related to tourism, correct?"

MAYOR NICHOLSON

"Right now, we're just entering into the agreement with no funds or anything."

STEVEN BROWN

"We would like to request that it be funded by tax but, since we don't have a full committee right now, we're in a bind. We would like to move forward with securing the contract and have the design done. The most money that would have to be paid from the City at this time is consulting fees. We think that all of it would qualify under the Accommodation Tax once Greenwood County appoints their representatives."

NIKI HUTTO

"Can we speed that process along?"

STEVEN BROWN

"We have tried."

MAYOR NICHOLSON

"Do I have a motion?"

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

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

Motion passed unanimously.

- attach -

AUTHORIZE

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

City Manager to

Execute an
Agreement with
Greenwood
Development
Corporation
Regarding
Parking Spaces

STEVEN BROWN

"In an effort to enhance the usability of the Arts and Cultural Center, we have attempted to identify additional parking. As you well know, the Greenwood Development Corporation owns the parking lot immediately behind the old Federal Building. They have graciously agreed to exchange 13 parking spaces immediately behind the Federal Building for 13 spaces in the Municipal parking lot. This is not the middle perimeter parking on Maxwell, but actually in the lot. I think it's a great agreement and a 'win, win' for the both of us. I would certainly ask that you allow us to enter into an agreement with Greenwood Development Corporation."

LINDA EDWARDS

"And no money?"

STEVEN BROWN

"No money."

MAYOR NICHOLSON

"Alright. Do I have motion?"

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

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

Motion passed unanimously.

CITY COUNCIL
COMMENTS

There were no comments from City Council.

CITY MANAGER
COMMENTS

Mayor Nicholson recognized the City Manager.

STEVEN BROWN

"For several years, we had the great opportunity to work with Mr. Randy Britton from what we have

always known as Duke Power. They are now known as Duke Energy. Mr. Britton has not left Duke Energy but his responsibilities have been changed. He'll still work in the Greenville office but in a different capacity.

Rick Henderson has now assumed responsibilities that Mr. Britton had at one time with Greenwood. He will be the Greenwood County contact person and will be assuming those responsibilities.

MAYOR NICHOLSON

"Okay, good. Don't forget the May 1st, work session."

STEVEN BROWN

"We need to know the members of Council who would like to attend the art function on April 28th. If are attending, please let us know and we will respond on your behalf."

MAYOR NICHOLSON

"Okay, thank you. The meeting is adjourned."

Meeting adjourned at 7:19 p.m.

Floyd Nicholson, Mayor

ATTEST:

City Clerk and Treasurer