

GREENWOOD CITY COUNCIL

November 20, 2006 - 5:33 p.m.

MINUTES

PRESENT Council Members: Mayor Pro Tempore Barbara Turnburke, Niki Hutto, Linda Edwards, Betty Boles, and Herbert Vaughn; City Manager; Assistant City Manager; City Clerk; Phil Lindler; City Attorney; and Meagan Varner of the Index Journal.

ABSENT Mayor Floyd Nicholson and Johnny Williams.

CALL TO ORDER The meeting in Council Chambers was called to order by Mayor Pro Tempore Turnburke at 5:33 p.m. and she welcomed everyone to the meeting.

City Manager, Steve Brown, gave the invocation.

STATEMENT AND QUORUM Mayor Pro Tempore Turnburke 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 Pro Tempore then asked the City Clerk, Steffanie Dorn, if a quorum was present. She said, "Yes, Mrs. Turnburke, we have a quorum present."

PUBLIC RECOGNITION Mayor Pro Tempore Turnburke recognized the City Manager, Steven Brown.

STEVEN BROWN "Mrs. Turnburke and Members of Council, I'd like to call Kelly McWhorter to come forward at this time. In the past, when we have added staff members in strategic positions, Council requested to meet these folks. Most of you know Kelly. She is a Greenwood native, a Furman University graduate and former Membership Services Director for the Greenwood Chamber of Commerce.

As of last Monday, Kelly assumed the position of Director

for the Greenwood Regional Tourism and Visitors Bureau, and we are fortunate to have her. She has hit the ground running and in the future will be updating you on our activities in this new venture. It's certainly something that we have anticipated for a long time, and we think great things will be accomplished in this department. So, we welcome Kelly to the City of Greenwood.

Kelly, do you have anything you'd want to say?"

KELLY MCWHORTER

"Good evening. I'd like to thank the City Council for their support in the development of this new Greenwood Regional Visitors and Tourism Bureau. I'm looking forward to serving Greenwood in this different and exciting capacity and it is my hope to bring a report to both the City and Council Councils on a quarterly basis, beginning with the first quarter of 2007. At the present time, we are in start-up mode but are already gathering content for the website to get us off and running, as well as finalizing plans for the new visitors' center, which will be located in the lobby area of the Federal Building.

Again, I thank you very much for the support. I will e-mail each and every one of you my contact information and also make sure you have cards when they become available. Thank you."

MAYOR PRO TEMPORE
TURNBURKE

"Thanks. We're glad to have you, Kelly."

STEVEN BROWN

"The next person is, Amanda Wantanabe. Several months ago Angela Castillo, who worked in Victim's Services and did translation, notified us that she had accepted a job with the Solicitor's Office. We were sad to see Angela go because she was a quality employee and provided excellent services to, not only the employees, but to our citizens.

Amanda applied for the vacant position. She is a May 2006 graduate of Covenant College in Lookout Mountain, Georgia. Amanda spent 12 years in Mexico with her parents as missionaries and is very fluent in Spanish. She has been with us for three weeks and will be working in Victim's Services and simultaneously serve as our Spanish translator.

She has already been involved with the Municipal Court. Today, she was working with the Police Department doing some interpretations as they were investigating activities in their department.

She will also be working very closely with Judge Miller,

Judge Brown and Judge Wyndham.

We're glad to have Amanda, sometimes called Mandy. She has decided to stay in Greenwood for a while, and you will be seeing her around. She told me this afternoon that she has enjoyed the last three weeks, and everyday uses her Spanish translation skills to assist someone.

These are the kind of people that make the City of Greenwood what we are and enable us to accomplish the task of providing quality services to our citizens."

MAYOR PRO TEMPORE
TURNBURKE

"It's good to have you, Mandy."

Mayor Pro Tempore Turnburke also recognized Boy Scout Troop 911.

APPROVAL OF
CONSENT AGENDA

Mayor Pro Tempore Turnburke asked for a motion to approve the consent agenda.

Motion to approve the consent agenda was made by Niki Hutto, seconded by Betty Boles.

The Mayor Pro Tempore asked, "All those in favor? Opposed? The motion carries."

Motion passed unanimously.

CONSIDER

An Ordinance of the City of Greenwood (The "City") (1) Consenting to the Inclusion of Certain Property (The "Property") Owned by [A Person or Entity to be Known as Project Corley] (The "Property Owner") in a Joint County Business Park in Greenwood and Newberry Counties in South Carolina; (2) Authorizing the Execution and Delivery of an Annexation and Incentive Agreement by and among the City, Greenwood County, the Property Owner and a Company to be Known as Project Key ("Project Key"), Pursuant to which the Property Owner will Agree to the Annexation of the Property into the City, the City shall Grant Special Source Credits to Reimburse the Property Owner for a Portion of the Real Property Costs Incurred in Connection with a Commercial Enterprise Serving the Economic Development of the City and the County will Agree to Designate the Property as Part of a Joint County Business Park, and the Property Owner will Agree to Lease a Portion of the Property to Project Key; and (3) Other Matter Relating Thereto.

(2nd reading)

Mayor Pro Tempore Turnburke read the first item under public hearings and asked, "Do we have anyone to speak in favor? Okay. Do we have anyone here to speak against? Okay. Seeing none, I'll ask for the vote. Do I have a motion?"

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

The Mayor Pro Tempore asked, "All in favor? The motion carries."

Motion passed unanimously.

- attach -

CONSIDER Recommendation from Planning Commission on Proposed Rezoning of Approximately 34.37 Acres off of Cannon Road.

Mayor Pro Tempore Turnburke read the second item and said, "The Planning Board had recommended that we approve R3. The property owners are requesting that we rezone it as R4. Do we have anyone here to speak in favor? Okay. Do we have anybody speaking against? Okay. I'll call for the vote."

STEVEN BROWN "Ms. Turnburke, this property is not within the City Limits. The reason this agenda item is before you is the developers may not annex nor develop it if they are unable to gain Zoning Classification R-4 for the property. I don't think you have to pass an ordinance tonight but by some type of action, either by a resolution or ordinance, we need to inform the developers of the zoning classification you intend to assign to the property if it is annexed.

Mr. Welch, do you have anything?"

STEVEN WELCH "I think that's a perfect plan."

STEVEN BROWN "I think Council can do a resolution stating that it's your intent to rezone it R3 or R4, but you will have to adopt another ordinance if it is annexed."

NIKI HUTTO "If I remember correctly, the developers said it would be cost prohibitive to do it in R3 because they couldn't get enough homes in there to make it profitable. Isn't that the general gist of what they told us?"

STEVEN BROWN "That was their message."

NIKI HUTTO "It was their message that, in order to develop the property, they must have the R4 zoning. Correct me if I'm wrong, Phil (Lindler), they want City R4 and the Planning and Zoning Commission recommended City R3. Could you refresh our memory as to why?"

PHIL LINDLER "Because the Comprehensive Plan showed all this area as Low-Density Residential. They felt R3, three units an acre or 1/3 acre lots, was more compatible with Low-Density Residential. They felt R4 is going a little bit into the Moderate-Density Residential with 1/4 acre lots and therefore are more comfortable with the R3 recommendation."

NIKI HUTTO "Would R4 be comparable to Brentwood Hills in the City right now?"

- PHIL LINDLER "Yes."
- NIKI HUTTO "Okay."
- STEVEN BROWN "The City Zoning Ordinance R-3 allows three lots per acre; R-4 allows 4 lots per acre, R-2 is two per acre and R-1 is one per acre."
- BETTY BOLES "What are the sizes of their lots?"
- STEVEN BROWN "Most of the existing lots on Cannon Drive are 3/4 of an acre or larger. I think some of them are a little bit more than an acre, but it's between 3/4 to maybe 1 1/2 acres at the most."
- NIKI HUTTO "Phil can correct me if I'm wrong but I can't think of any new development within the City Limits that would be 3/4 of an acre. Can you think of any new developments in the last five years that have 3/4 acre lots that's within the City Limits?"
- PHIL LINDLER "At least not in the past three years."
- NIKI HUTTO "Cedarbrooke may have a couple of lots that hit the 3/4 acre mark, but they're usually under. They're about 1/3 to 1/2."
- STEVEN BROWN "The residents that spoke at the Planning Commission were more concerned about the traffic. Naturally, the size of the lot dictates to the number of vehicles. If you notice the red boundaries of the property (pointing), you can see the connecting point to Cannon Road. That's where they would enter this development off of Cannon Road. Cannon Road is maintained by the State, but the developers intend for all the roads within the subdivision to eventually become City streets. They also want to apply for our infrastructure program and CPW reimbursements."
- NIKI HUTTO "Approximately how many more houses would be under R4 than R3? Because of the terrain, all of the 34.37 acres will not be buildable I presume?"
- PHIL LINDLER "They have presented our office with a conceptual plan of what they wanted to do; however, we have not looked at it to determine its qualifications depending on the zoning. But you are correct. There are some areas along Armstrong Branch that will possibly be larger lots just because of the topography. But conceivably, they would be able to use a large majority of that land."
- NIKI HUTTO "Okay."

STEVEN BROWN "Charlie, in looking at the reimbursements to determine estimates, they're using about 80 lots?"

CHARLES BARRINEAU "Yes, sir. I think it was 83."

STEVEN BROWN "I think they're talking about 83 within that 35 acres, which is not the maximum they can have. Is that what you recall, Phil?"

PHIL LINDLER "Yes, sir."

LINDA EDWARDS "What are we considering to rezone this"

STEVEN BROWN "The Planning Commission has recommended R-3. The property owners have requested R-4."

MAYOR PRO TEMPORE TURNBURKE "Is there any other discussion?"

NIKI HUTTO "I don't know. The presumption is that without R-4, it will be cost prohibitive to build the houses at an affordable price. That's the gist I'm getting, correct?"

STEVEN BROWN "You don't have to vote on it tonight. You can think about it and ask the developers to return at the work session to talk about it."

NIKI HUTTO "Okay."

STEVEN WELCH "Then again, the only thing we will be deciding is what the City would allow with the annexation of this development, not necessarily approving the Planning Commission or whatever."

NIKI HUTTO "I make the motion to table this and have the developers to return at our work session."

LINDA EDWARDS "Just before we do that, can I ask a question? Is there a time limit? Is there anything set to begin within the next 60 to 90 days?"

STEVEN BROWN "I haven't heard a date, Ms. Edwards. I'm not going to say that there isn't, but I haven't heard a date."

STEVEN WELCH "I talked with Tommy Stanford last week, and he basically said they would like to know as soon as possible of what zoning classification the City Council will assign once annexed. I don't think there was a specific date."

MAYOR PRO TEMPORE TURNBURKE "I've got a motion to table. Is there a second?"

Motion to table the request and have the developers

return to the work session with their conceptual plans was made by Niki Hutto, seconded by Betty Boles.

"All in favor of tabling? Thank you."

Motion to table passed unanimously.

LINDA EDWARDS

"Just before we leave that. Mr. Brown, since we are tabling this, can we talk with them so we will be able to fully discuss this in work session?"

STEVEN BROWN

"Yes, ma'am."

CONSIDER

Mayor Pro Tempore Turnburke read the third item and asked, "Do we have anyone here to speak in favor? Is there anyone here to speak against? Okay.

Ordinances 06-039, 06-040, & 04-041 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning Property Owned by Self Regional Healthcare Located at 138 Wells Avenue, 109 Wells Avenue, and 303 West Alexander Avenue from GC (General Commercial) and OPI (Office, Professional, & Institutional) to PDD (Planned Development District).

These properties were all located in South Greenwood and are owned by Self Regional. They want to add them into their Planned Development District. Do I have a motion?"

(1st reading)

NIKI HUTTO

"This is to incorporate these properties into the hospital's planned unit development?"

STEVEN BROWN

"This is basically annexing it into their PDD. It would

come under the development criteria as established by the Planning Board for their original PDD. If you have a motion, you would really be approving all three ordinances. We listed them as one public hearing but there are three ordinances; 39, 40 and 41."

BETTY BOLES "For the same PDD?"

STEVEN BROWN "Yes, ma'am. I don't know of any negatives associated with including them into the PDD."

MAYOR PRO TEMPORE "Do I have a motion from Council?"
TURNBURKE

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

"All those in favor? All those opposed?
The motion carries."

Motion passed unanimously.

- attach -

CONSIDER Under Unfinished Business, Mayor Pro Tempore read the first item and recognized the City Manager.

Ordinance No. 06-037 Amending Ordinance 03-010, Zoning Ordinance, Chapter 3, Article 3, Commercial District Regulations, Section 3.3.4.2., Additional Conditional Uses Permitted in GC (General Commercial).

(2nd reading)

STEVEN BROWN "Ms. Turnburke and Members of Council, this provides a

condition that tattoo parlors cannot be located within 1000 feet from a child/adult day care or child/adult care center. That is the only change in this section of the zoning ordinance. It establishes the distances to which they must be from these other uses. You've had a public hearing and passed it on the first reading. This is the second reading."

MAYOR PRO TEMPORE
TURNBURKE

"Okay."

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

"All in favor? The motion passed."

Motion passed unanimously.

- attach -

AUTHORIZE

Mayor Pro Tempore Turnburke read the second item and recognized the City Manager.

The Mayor and
City Clerk to
Sign Inter-
governmental
Agreements with
Greenwood County
For County Bank,
SAC (Zimmerman)
and Corley
Projects.

STEVEN BROWN

"For the last three or four months we have been dealing with the annexations of the County Bank Property, Mr. Zimmerman's property and the Corley Property. It was my understanding that the ordinances you have previously adopted consented to the City of Greenwood being a part of the multi-county park. The County Attorney has some concern about the wording in our ordinance and wants to add another layer of protection.

Tonight, I thought you would be authorizing us to sign an Intergovernmental Agreements for the multi-county park.

He has now requested that you adopt an ordinance that gives consent to the creation of a joint county

industrial and business park. It provides a statement of findings which says, 'The City Council desires to stimulate development; redevelopment of vacant, physically declining, underperforming properties within the City; to stimulate employment; promote economic development; enhance its property tax base; provide incentives for owners of property outside it's municipal boundaries and annex their properties into the City.' Another statement is, 'The City Council desires to become an eligible partner municipality so that the properties located within the municipal boundaries of the City of Greenwood may receive the benefits provided by the joint county industrial park.' The last statement is, 'The City Council of the City of Greenwood consents to the creation of a joint county business industrial park.' I want to emphasize '...may contain properties'. This does not allow properties within the city limits to be included without your consent. You still have control over what can be included.

While it was not on your agenda, I would request that you consider placing this ordinance on your agenda, substituting it for Number #2, and delay authorizing us to sign those agreements until after you have adopted this on second reading in December. I think it's overkill, but overkills are okay as long as we're protected. Since Mr. Watson is doing the legal work to authorize the multi-county parks, I think we have to appease him.

You may want to take a vote to substitute it and then adopt this on first reading."

STEPHEN WELCH

"Your ordinances that you have passed are basically sufficient. We are municipal partners simply by choosing to participate, but Mr. Watson seems to think this will give him a comfort level. I think overkill is a good word to describe this. It's not necessary, but it will not harm the City."

STEVEN BROWN

"Since we are dealing with the other governmental entity, we need to comply with their wishes. I would ask you to substitute this and adopt it on first reading."

NIKI HUTTO

"After that is adopted on second reading, then we'll sign the Intergovernmental Agreement?"

STEVEN BROWN

"You will authorize the Mayor and City Clerk to sign the intergovernmental agreements at the December meeting. You have a copy of that in your packet."

BETTY BOLES

"Okay. We will come back and vote on the actual agreement?"

STEVEN BROWN "You've already voted on the agreements. You will vote on the Intergovernmental Agreement."

MAYOR PRO TEMPORE TURNBURKE "Do I have a motion that we substitute Ordinance 06-048?"

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

"Okay. All in those in favor?"

Motion passed unanimously.

CONSIDER Mayor Pro Tempore Turnburke read the third item and asked for a motion.

Ordinance No. 06-049 To Give Consent To The Creation Of A Joint County Industrial And Business Park Pursuant To Article Viii, Section 13, Of The South Carolina Constitution, And By Sections 4-1-170, Et. Seq., South Carolina Code Of Laws Of South Carolina, As Amended, Which May Contain Properties Geographically Located Within The Municipal Boundaries Of The City Of Greenwood, South Carolina.

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

The Mayor Pro Tempore asked, "Is there any discussion? All those in favor?"

Motion passed unanimously.

- attach -

(1st reading)

CONSIDER Under new business, Mayor Pro Tempore Turnburke read the

Ordinance No. 06-042 to Adopt the Budget for 2007.

first item and said, "That budget is at \$13,614,000. Mr. Brown, do you have anything you would like to add?"

(1st reading)

STEVEN BROWN "I would like to remind City Council that this budget includes a three percent cost of living increase for the employees. It also includes a new platform ladder truck for the Fire Department at an estimated cost of \$950,000, which will be bought under a lease-purchase agreement for a period of eight years.

There are some other substantial changes. Workers Compensation, health insurance, and property and casualty insurance costs have increased significantly. Worker's Compensation coverage is estimated to increase approximately \$100,000."

MAYOR PRO TEMPORE TURNBURKE "Do I have a motion that we accept the budget for 2007?"

STEVEN BROWN "It is my understanding that Council wants to discuss this extensively at the December work session."

NIKI HUTTO "Did we not have a cost of living increase last year as well?"

STEVEN BROWN "We did."

NIKI HUTTO "Okay. Exactly how much is the three percent cost of living increase?"

STEVEN BROWN "It's about \$50,000 per percentage point."

MAYOR PRO TEMPORE TURNBURKE "Do I have a motion?"

A motion was made by Betty Boles, seconded by Herbert Vaughn.

"All those in favor?"

Motion passed unanimously.

CONSIDER Mayor Pro Tempore Turnburke read the second item and said, "This doesn't mean that we're raising taxes. Is that right, Mr. Brown?"

Ordinance No. 06-043 to Levy Tax for the City of Greenwood for 2007.

(1st reading)

STEVEN BROWN "Well, there was some discussion by Council at the work session that you may adjust the millage, but there wasn't a definitive decision. Tonight, you're adopting the same millage as last year, 101. There have been some discussion about amending that by three mills to 104. If you increase it to three mills, you're talking about \$12 on a \$100,000 home. You can pass it at 101 tonight, discuss it again in your work session and change it at your second reading. That's totally Council's prerogative tonight."

MAYOR PRO TEMPORE TURNBURKE "Okay. Does somebody have any questions?"

LINDA EDWARDS "After we discuss this in work session, we can change it if we see the need, right?"

STEVEN BROWN "That's exactly right."

MAYOR PRO TEMPORE TURNBURKE "Do I have a motion that we accept this ordinance to levy tax as it is now?"

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

"Is there any discussion? All those in favor?"

Motion passed unanimously.

- attach -

CONSIDER Mayor Pro Tempore Turnburke read the third item and said, "I understand this is something that we do just to give

Ordinance No. 06-044 to Authorize the City Manager to Borrow Money.

the City Manager the ability to borrow money even though we have not used it for a number of years. Do I have a motion that we authorize the City Manager to borrow money?"

(1st reading)

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

The Mayor Pro Tempore asked, "Is there any discussion? All in those in favor?"

Motion passed unanimously.

- attach -

CONSIDER

Mayor Pro Tempore Turnburke read the fourth item and recognized the City Clerk.

Ordinance No. 06-045 Adopting the Business License Ordinance for 2007.

(1st reading)

STEFFANIE DORN

"Ms. Turnburke, the only change I have in the Business License Ordinance that I request you all to consider is the Peddler's section. The situation we have is several businesses apply for just the Christmas parade. We do have other events throughout the year which one or two peddlers may apply for also. As the Business License Ordinance is currently written, they would have to renew their license by April 15th to avoid any penalties. I'm asking for us to add a section that covers seasonal activities so that the peddlers can just purchase a license when they need it. As I've said, it is normally in December for the Christmas parade, sometimes in July during the Festival and things of that nature.

This also includes one section that says an applicant must provide written authorization from the property owner for a license to sell on an intended location. That really is to protect our property owners by making sure that the peddlers have permission from them when

they're on their property. This will help us help them.

I ask that you all consider this change. Other than that, there are no other changes. The rates are exactly the same as they have been for several years now. All of the other language in the ordinance is the same."

MAYOR PRO TEMPORE
TURNBURKE

"Thank you. Do you have any questions for Ms. Dorn?"

STEVEN BROWN

"I personally think this will be better on the peddlers. It will give them an opportunity to get what we call a 'one job license'. They can get a license in August without being subject to a penalty, even if they have had a license the previous year. Right now, as Ms. Dorn has noted, they're considered delinquent if they are not licensed by April 15th. This eliminates that problem."

MAYOR PRO TEMPORE

"I call for the question."

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

"Is there any discussion? All those in favor? The motion carries."

Motion passed unanimously.

- attach -

CONSIDER

Resolution No.
06-07 Authorizing
Christmas Gifts
for City
Employees.

Mayor Pro Tempore Turnburke read the fifth item and said, "This would authorize \$50 for employees who've been here over a year and \$25 for those less than a year in a form of a gift certificate. Is that correct, Mr. Brown?"

STEVEN BROWN

"Yes, ma'am, a food gift certificate."

MAYOR PRO TEMPORE

"Do I have a motion that we accept this?"
A motion was made by Betty Boles, seconded by Herbert Vaughn.

"Is there any discussion? All those in favor?"

Motion passed unanimously.

- attach -

CONSIDER

Mayor Pro Tempore Turnburke read the fourth item and recognized the City Manager.

Ordinance No. 06-
046 Annexing
0.532 Acres, More
or Less, owned by
WH Capital, L.L.
C.

(1st reading)

STEVEN BROWN

"Ms. Turnburke and members of Council, this is the second Waffle House that is being constructed in Greenwood. One is located on 72 By-Pass West. This one is located behind the CVS Pharmacy on By-Pass 72 East. We would ask that you approve their request for annexation into the City. There are no agreements, just pure annexation."

MAYOR PRO TEMPORE

"Do I have a motion?"

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

"Is there any discussion? All those in favor?"

Motion passed unanimously.

- attach -

CONSIDER

Mayor Pro Tempore Turnburke read the seventh item and recognized the City Manager.

Ordinance No. 06-
047 Amending

Ordinance 06-023,
Permitting
Outdoor Cafes
within the Great
Greenwood Square
to Serve Beer
and/or Wine to
Seated Patrons on
City Sidewalks
and Public
Property, Section
7 (L), Forms and
Conditions.

(1st reading)

STEVEN BROWN

"Members of Council, on June 19, 2006, you adopted an ordinance in which café owners must go through a process to be permitted from the City to serve beer and wine to seated patrons in the Uptown Greenwood Square. A stipulation in that ordinance was its effective date of July 1, 2006, and a termination date of December 31, 2006. The businesspersons who have secured café permits have requested the termination date be eliminated.

I would like to read this ordinance."

The City Manager read the proposed ordinance to City Council.

"It basically removes the time frames and, if this is adopted December 18th, anyone who has secured a valid permit to operate a café on the sidewalks or public property would therefore be allowed to serve beer and wine without a termination date. That's the way it is written."

NIKI HUTTO

"As long as they have a valid permit?"

STEVEN BROWN

"As long as there is a valid permit and they comply with all of your other criteria and regulations."

STEPHEN WELCH

"If anything should get out of hand, that permit will be revoked."

STEVEN BROWN

"If that permit is revoked then they'll lose their privileges. Nothing is changed by adopting this except allowing it to become effective beyond December 31st. That's all we're asking of you."

NIKI HUTTO "Now, are those permits renewable on a yearly basis?"

STEVEN BROWN "They're annual."

BETTY BOLES "How many have permits now?"

STEVEN BROWN "There are three: Frankglens, Uptown Sushi and TW Boons."

BETTY BOLES "Has anyone lost their permit?"

STEVEN BROWN "We suspended one for a day or two and reinstated it after the problem was corrected. That problem has not reoccurred since."

BETTY BOLES "So if a permit is terminated, will you have a chance to renew or is that indefinite?"

STEVEN BROWN "If we had terminated or voided their permit, they may appeal our decision to City Council."

BETTY BOLES "That's the only way it can be reinstated once it has been denied?"

STEVEN BROWN "Right. In this situation, the permit was not voided nor denied. It was suspended until certain actions were taken. Once those actions were taken, we reinstated their permit. If those actions had not been taken, our next action would be a permanent suspension of his permit."

STEPHEN WELCH "It was not a problem that caused a great outcry such as fighting, or anything of that nature, but the supervision of patrons. I complement the Police with the way it was handled."

STEVEN BROWN "I really see this as three options you have. One is to do nothing and the permission to serve the beer and wine terminates on December 31st. You can pass this ordinance stating they can continue to serve it beyond December 31st until such time as you, or some other Council, voids that permission. Or, you can extend another time frame with a termination date of December 31, 2007."

NIKI HUTTO "Well, if you have to renew the permit and abide by the regulations for the annual renewal, it seems silly to have to go through this every year especially when we're trying to entice other businesses. I think some of these businesses are waiting for the permanency of this ordinance."

STEVEN BROWN "They are waiting to spend money on tables, umbrellas,

and things of that nature."

NIKI HUTTO

"Also wrought iron pieces and everything else like that. I think leaving it in this state of limbo is detrimental to future growth, especially since we know of investments that's going on with Oregon and Alliance Avenues. On that note, I make a motion that we adopt the ordinance to extend."

MAYOR PRO TEMPORE
TURNBURKE

"Do I have a second?"

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

"Is there any discussion?"

LINDA EDWARDS

"Now, I'd like to see if it improved their business when we first implemented this. Did it increase their revenue, which in turn increased ours? All this was said to get this ordinance passed. I know we're taking first reading but I would just like to see, money wise, how did this help? They kept saying how it's going to enhance Uptown by causing people to spend more money and that their businesses will grow by adding this. So I would like to see just how much in six months they've grown."

STEVEN BROWN

"You will have a public hearing on this ordinance at the December meeting and we can request the three permit holders to respond to your questions. Will that suffice?"

LINDA EDWARDS

"Yes. I just wanted to know."

NIKI HUTTO

"It'll help."

MAYOR PRO TEMPORE
TURNBURKE

"Is there any other discussion? All those in favor? Opposed? The vote is 4 to 1."

Those who voted in favor were: Mayor Pro Tempore Turnburke, Niki Hutto, Betty Boles, and Herbert Vaughn. Linda Edwards voted against.

Motion passed.

RECEIVE

Mayor Pro Tempore Turnburke read the last item and recognized the Assistant City Manager.

An Update
Regarding the
Oregon Avenue &
Alliance Street
Project and
Authorized Staff
to Initiate Bid
Process.

CHARLES BARRINEAU

"Mrs. Turnburke and members of Council, after nearly eight months of planning, I'm pleased to present a final streetscape design for the Oregon Avenue and Alliance Street within the Emerald Triangle district of our downtown. Our design team, comprised of engineers from Davis and Floyd and Yancey Robertson of Robertson Landscape Design, completed these plans. We've had dozens of countless e-mails, phone calls and meetings with adjacent property owners to get their input on this design process.

When we began, there were some major things we wanted to accomplish. One was to create a downtown environment that promoted new private investments, thereby creating new jobs. Two was to make Oregon and Alliance investor-friendly in relations to the Art Center, Federal Building, the Community Theatre and Museum. Three was to make the area safer by providing increased lighting. Finally, the fourth was to increase the amount of on-street parking than we presently have. So, I'm pleased to tell you tonight that we've met all those goals.

I will now go through a few slides of the plan.

The Assistant City Manager showed a presentation of the final streetscape layout.

"Are there any questions on the design and how we got there? The total parking spaces we currently have along Oregon Avenue is 22. This plan allows for 29. There are no parking spaces along Alliance but this plan allows for 10, so we netted probably 17 new, on-street parking spaces. As I've mentioned to you, we are working with CPW to install lighting that will make Oregon safer.

I guess everybody wants me to say how much this will cost us. If you recall, we received a CDBG grant that basically provides \$500,000 for the sewer, water, and electricity. Of that, \$250,000 was allocated for the streetscape; however, in our initial budget, we did not

plan for the replacing of the stormwater system on Oregon. We couldn't make these improvements without replacing the storm system because it collapsed in many places on Oregon and was completely nonfunctional.

We did plan for a traffic circle; however, we did not intend to do a significant improvement on Alliance. We asked our design team to show us what could be done and, by expanding the scope, we anticipated that the project could come in as low as \$500,000 or as high as \$650,000. Obviously, that's above the \$250,000 above the grant. At this point, you have expended approximately \$80,000 for this project out of your hospitality taxes. You have approved staff to allocate approximately \$54,000 for the waterline that we reimbursed CPW for and spent approximately \$27,000 for this design service.

Tonight, we're asking you to consider accepting this plan and allow staff to start the bidding process on this project. Once the bid proposals are submitted, we will report the results to you for your final approval. At this point, you may want to scale back the project and that is your prerogative. The amount over the grant funding could come from your local hospitality taxes as this project will greatly enhance the Emerald Triangle as a regional destination.

We wanted to make a downtown environment that encouraged new, private investments and jobs. I can tell you that, since we have received this grant, Jon Holloway purchased the B & P Auto parts Store for his photography studio and maybe a coffee shop or small-scale restaurant that could be connected to it. He could have event facilities located upstairs that would be supported by the restaurant.

The second building here (pointing) was on the market but, when the property owner found out what we were doing, was pulled off the market. The Sligh and Wilson building was sold by Katherine Wilson to Courtney Furman of Furman Architects. Courtney is developing plans to locate his offices onto the second floor and potentially put additional uses on the bottom. You are probably well aware that Greenwood Development is working to attract a restaurant at the old Thrift store. There is one more investment that we knew of long before the grant, which is the Greenwood Building.

Greenwood Development invested well over \$750,000 and are working to attract new tenants for their high-scale office space.

We think the excitement of this project alone has really

made some properties move and you're going to see some new investments in the Emerald Triangle that will bring some new jobs. Tonight, we're seeking your approval to accept bids and bring a final tally back to you at a later date. We anticipate that the bid will be ready by the end of December with the results by the first of February. If we can get this started, we hope to get the construction done by July of 2007.

I'll be glad to answer any questions."

MAYOR PRO TEMPORE
TURNBURKE

"Are there any questions for Charlie?"

STEVEN BROWN

"I would certainly echo the comments that have been made by the Assistant City Manager. There were a lot of hurdles and obstacles to prevent this project from getting to where it is today. We have been fortunate to overcome them and people are joining in the project to be a part of it. I think this is the type of projects that will keep us viable, alive and the center of activities in this county. This is a golden opportunity, and I would ask Council to give us permission to accept bids, understanding that at some future point and time we'll be asking you to provide additional funds from the hospitality tax. I think these are the type of projects for which you intended those monies to be spent originally.

Everyone from the CPW, Metro Sewer Commission, all of the Arts communities and property owners are cooperating with us. It's just hard for us to describe how much work and partnering with everyone that has occurred. I think it's going to generate a lot of interest in other parts of Uptown.

When you look at what we're doing with our new parking lot on Phoenix, our new entrance on the south side, the fact that the new library will be turning dirt very soon and some very positive things that may be happening at the Inn on the Square, there are a lot of good things going on in Greenwood. This is just one of them, and we have a golden opportunity to make it become a reality. If we miss this opportunity, we'll all regret it one day."

STEPHEN WELCH

"If you look out my back door, you'll see the new parking lot and it's gorgeous. It makes you want to improve your property. I'll have to re-stripe and put some plants outside."

NIKI HUTTO

"There were others, along with Charlie and myself, that went to the apartment/flat or condo in the Greer

Building. Someone who is truly living downtown in a high-rise can see that the City parking lot really looks much better than the gravel that was there before. If we can attract residential living on the top of the storefronts, we must give them a sense of security."

STEVEN BROWN "We've also been told by Lander Officials that they are in the process of disposing of the old Edward Arms Apartments, called Coleman Hall. They have five individual companies interested and are strongly looking at some possible residential uses of that old facility. I beg of you to give positive consideration of this golden opportunity."

NIKI HUTTO "So basically all you need from Council is authorization to get a bid on the job? Is that basically what the next step is?"

CHARLES BARRINEAU "Correct. I'll tell you right now that we're going to need additional money once the bids come back."

NIKI HUTTO "Yes. We got that idea, Charlie."

CHARLES BARRINEAU "But we asked for \$85,000 for the waterline and it only cost \$54,000, so we did find a little bit of savings."

STEVEN BROWN "It's just that we don't really know what the bid may be. It could be in the \$400's or more."

BETTY BOLES "Where are these funds are coming from?"

STEVEN BROWN "We'll be asking for Hospitality Tax money. At that point and time, we will be able to provide you with a source of funds. You're not committing any monies tonight but just authorizing us to proceed on the next bid."

MAYOR PRO TEMPORE "Do I have a motion that we proceed with the bid process?"

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

"Is there any discussion? All those in favor?"

Motion passed unanimously.

CITY COUNCIL Mayor Pro Tempore Turnburke asked if there were any
COMMENTS comments from City Council.

BETTY BOLES "I would like to make a comment on the young men in the back. We really appreciated your coming today. You've been very attentive, quiet and displayed good behavior. I just wanted to commend you and I hope you can come again!"

MAYOR PRO TEMPORE TURNBURKE "I'd just like thank Charlie for all the work that he's done on this Oregon Avenue and Alliance Street project. It has been a long process, but Charlie can see things that I can't until he draws it all on paper. I'm glad that he has that vision and I thank you for the good job."

CITY MANAGER COMMENTS Mayor Pro Tempore Turnburke asked if there were any comments from the City Manager.

STEVEN BROWN "Have a Happy Thanksgiving!"

MAYOR TEMPORE TURNBURKE "Do I have a motion to adjourn?"

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

"All those in favor? Happy Thanksgiving!"

Meeting adjourned at 6:40 p.m.

Barbara Turnburke, Mayor Pro Tempore

ATTEST:

City Clerk and Treasurer