

GREENWOOD CITY COUNCIL

July 19, 2004 - 6:00 p.m.

MINUTES

PRESENT

Mayor Nicholson; Council Members: Niki Hutto, Linda Edwards, Betty Boles, Herbert Vaughn, Johnny Williams, and Barbara Turnburke; City Manager; Assistant City Manager; City Clerk; City Attorney; Paula Brooks, Phil Lindler, Chief Gerald Brooks; Mike Hatfield of WCRS, and Tasha Steimer from the Index-Journal.

MINUTES

Mayor Nicholson asked for a motion to approve the minutes of the City Council Public Hearing and Meeting on June 21, 2004, and Executive Session on July 9, 2004.

Motion was made by Linda Edwards, seconded by Betty Boles, approving the minutes as presented.

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

Motion was carried unanimously.

REPORTS

Mayor Nicholson asked for a motion to accept as information the reports from the City Manager for June 2004, and the Commissioners of Public Works Consolidated Financial Report for the period ending May 31, 2004, and recognized the City Manager.

STEVEN BROWN

"Very briefly, Mr. Mayor. As you well know, we had the South Carolina Festival of Discovery this past Friday evening and all day Saturday. I am very, very pleased to report to you that it was a huge success. I have asked Paula Brooks to take just a few minutes to provide you with some information about what happened. Once you hear this brief report, I think you will share with us the enthusiasm that we have of this very successful event."

PAULA BROOKS

"Thank you. I will be giving you some more detailed information too, but as he said, it's fresh in our minds so we wanted to share that with you. I told Mr. Williams and Mr. Vaughn earlier that you guys missed some great food and fun, and I would've brought you some BBQ tonight, but there wasn't anything to be had by 4 o'clock on Saturday. Let me tell ya, it was gone! We had a very successful event. Friday evening we were pleasantly surprised to have between 2,000 and 3,000 people out on Friday night. We had people coming over to buy BBQ, for the carnival, the main stage events, and it was just a wonderful evening.

On Saturday, we were even more pleasantly surprised to have anywhere between 8,000 to 10,000 maybe even more people out. One thing that was very exciting about that was it was a very diverse crowd. We had everybody there and it was a very much a community sense of an event. You can feel that. People were having fun seeing people they haven't seen in a long time. I also had people calling me for two weeks ahead of time from all over the state of South Carolina from Georgia and North Carolina asking directions and wanting to get the schedule and information of this event.

We had our KCBS teams that came in from Florida, Georgia, North Carolina, and Ohio, and we had judges that came from as far away as Seattle, Washington. The one thing that I wanted to share with you that was very exciting to me was I kept hearing over and over from them: 'We love Greenwood.' 'I can't believe what I'm seeing here.' 'Greenwood is a great town.' 'We love the people.' 'We're coming back next year.' So it's very exciting and very successful.

We had some kinks that we're gonna have to work on, but that's with any successful event. You have to look at them and continue to make improvements. I want to praise beyond belief the City staff that partnered with us in this event. It could not have happened without Steffanie's team and without Public Works. They stepped up to the plate and I heard continual comments about that from people talking about how they were there when they needed something and were checking on everybody to make sure they had what they wanted.

It was just a very successful event and I appreciate everything that Council has done to help us make this event grow, from the little bitty thing we did four years ago in front of The County Bank, to what we had this weekend. I really wish you would've been there. It was very exciting and I just appreciate your support and I hope you will continue to support us in this effort. It was very much a testimony to what can happen in this community and the fact that people do want these kinds of things, and people will come to Greenwood, from outside of Greenwood, to spend their money. That's a great thing, and we want to keep that going. So, I just want to say I appreciate it and I hope you'll be there next year."

NIKI HUTTO

"Are you going to have hoteliers give you an idea of the occupancy rates?"

PAULA BROOKS

"I will be getting with them, but I do know that the Inn on the Square was booked. They did not have any rooms open, and several of the other hotels that I talked to were just packed. We had lots of people from all over the place coming in for this event."

NIKI HUTTO

"Is there any way the Chamber can give us an idea of what impact this festival has, as far as dollars that were brought in?"

PAULA BROOKS

"I do have a formula for that, and once I've had time to breathe, I'll be working on that. One thing I will tell you is that, for the Taster's Choice and the BBQ alone, we sold over \$12,000 in that 1½ day period. So the BBQ people were hopping. It was good and a lot of fun. You can tell everybody was having fun and enjoying it. We have a lot of people that came out on Friday that came back on Saturday, and came back out on Saturday night because we extended it to Saturday evening. We had a good crowd on Saturday evening too, so we're very excited about moving forward with this, and with all the other events in the community that we can work on to continue this trend in getting people in here to Greenwood. So I just wanted to share that and thank you very much."

MAYOR NICHOLSON

"Thank you, Paula. Mr. Brown, is that it? That will be added to Mr. Brown's report also."

Do I have a motion that we accept Mr. Brown's and the Commissioners consolidated financial report that you received in your package?"

A motion was made by Barbara Turnburke, seconded by Linda Edwards, to receive the reports as information.

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

Motion carried unanimously.

RECEIVE

Under special appearances, Mayor Nicholson read the first item and recognized the City Manager.

Briefing from
the Municipal
Prosecutor.

STEVEN BROWN

"Some years ago, you authorized us to contract with Mr. Welch and his firm to do the prosecution of City cases. I think Steve's record will speak for itself. He and I, along with Adam Cain that works in his office, have talked in the last few months about a lot of changes in the laws and the technical aspects of prosecuting cases. Steve and I communicate frequently of prosecuting City cases. Naturally, we're all concerned about that. We're also concerned about the conviction rates. Mr. Welch, his staff, the Police Chief, Judge Miller, and I work together to provide a quality effort in prosecuting Municipal Court cases. Steve Welch and I agreed that he would come tonight and give you a brief explanation of his role as City Prosecutor. I will report to you that our relationship with his firm has been excellent. I will ask Steve to come at this time."

STEVE WELCH

"Thank you, Steve. Ladies and gentlemen, Adam Cain and I both do City prosecutions depending on the cases, our schedules, and that type thing. I'll do most of the talking and Adam will answer the questions. We consider it a privilege, first of all, to prosecute for the City of Greenwood. We're very fortunate.

A lot of people are surprised when they find out that the City can put over 10,000 cases a year through the City court system. If you look at what the court's office, the City prosecutor's office, and the judges' offices do here, there's a good system in place and it's working.

The problems we're running into now I think are good problems to have because we have a high conviction rate. We work to get our conviction rate of above 85%, and we want to keep it up that high. To have a conviction rate that high in the Solicitor's Office, or a City court office, we're probably among the highest in the State. I can't give you the exact numbers, but the reason for that is good preparation. We want to be prepared when we come to court. We're defense attorneys and we do criminal defense outside of the City of Greenwood. I accused Steve Brown of letting us put in a bid to prosecute to make sure that we couldn't come over here and defend in the City of Greenwood. That was a smart move on his part, but we do a lot of defense work on the outside.

I want to give you some numbers because one of the main problems coming up are driving under the influence cases. We see that in the City. Our Police Chief and the staff do a good job of writing tickets on DUI offenses. We had a change in the law that went into effect this past August that kind of changed everything in DUIs. Now, when you're pulled over by statute, our police officers now have to give both the Miranda rights and the applied consent warning. That is, if you don't do certain tests, you can have your license revoked. In our state, our license is considered a privilege, not a right. So if you refuse a test, you can have your license revoked for a period of time. They also have to give them their Miranda rights. We have to be concerned about videos in the police car and if it's running when the blue lights come on. In the statute it has to come on. If there is not a video in the car, or if it's not working, we have to make sure there is an affidavit from that officer saying it's not. If we don't have that affidavit, then that part is going to get tossed out. The judge has no choice. If the officer does a field sobriety test from the circumstances at the scene and the officer feels he should write a ticket for DUI, then they're going to go down to the station to do a data master test that's appropriate.

If we have some problems with the data master, or if it shows below a .08 or .05 and we feel it may be drug related, then they may ask for a urine or blood test. Well, once you get that in the data master room, that's another implied consent warning that has to be given, another Miranda right, and another video taping. The video taping has to be to where we can turn that over to defense lawyers when they ask for a copy of it. For instance, we have some case law now that says if we don't physically put a copy of a 4-part form, that all the police agencies use, into the hands of the defendant sitting there while the officers actually read from it on video, then most judges feel it is not a good implied consent; i.e. the defendant didn't get a chance to actually read it along with the officer and ask questions about it at that time. Those are being tossed out.

Now, I'm going to give you some numbers to kind of tell you where I'm coming from. When we defend DUI cases outside the City of Greenwood, because we do some defense on those, my record is 170 wins and 5 losses. It's not because I am absolutely extraordinary in court, or anything of that nature, we're just detail oriented. When these videos aren't done correctly, or the consents aren't given correctly, we can then ask the judge to make a motion and the judge has no choice. The City judges are in the same position here. When a lawyer that is knowledgeable makes those motions, that portion of the evidence has to be set aside. I got an acquittal on a .26 blood alcohol over in Edgefield County about three weeks ago because the prosecutor did not know how to do what's called a 'chain of custody' to get that into evidence. We know how to do chain of custody here because we stay on top of that. I tell you that to tell you this; we don't want to have anything approaching that in the City of Greenwood. We want to keep it to where when defense lawyers come here they'll know that they got to have every 'i' dotted, every 't' crossed for their defense work, or it's going to that jury and the jury is going to get a conviction on it. That's the way we want to keep it.

Now, I have given all that information to tell you this. We have a concern, Adam and I, because the fees that we have to charge.

Even though we discounted our rates and hours, we're here tonight just on our own and are not billing you for this, it's gone up because we have so much more preparation to do under this new DUI Act. We have to not only go through every video tape, and keep in mind there's one in the car, and there's one in the data master room. They're at a minimum of about 30 minutes each. The one in the car can be less than that, but they average out anywhere from 15 to 30 minutes in the car, and at least there's a 20 minute observation period in that data master room, so it's gonna be at least that or more. We have to watch and make notes on the time entry on the tape. We have to make notes about when the applied consent form, when the Miranda given, what that defendant did at the scene, and what the officer did at the scene or in the data master room because the good defense lawyers come and file these motions before we get before the jury. They can say, 'Judge, they didn't do A, B, and C.', and if we didn't do any one of those 3, then that part is gonna be set aside. I can tell you on a 6 person jury, if there's not a blood alcohol or a data master reading in evidence, they'll come back and ask a question once the judge tells them to come out and I can tell ya what's that questions going to be. Almost every time, they'll ask, 'Your Honor, is there always some type of blood level that shows the amount of alcohol? Where is that in this case?' The judge would have to send it back saying that it's not in evidence and you cannot consider that, and when they do, it's a 'not guilty'.

So we want to be informational to you tonight and tell you it is taking us more time. We're doing everything we can to hold down the costs, but the time requirements for DUI cases has doubled. Is the law going to change any time soon? No. I do not think so at all. We're doing some things too. We're working with Chief Brooks and the police to try and make sure that the officers are up to speed. The officers do a great job, but when these little changes come out, obviously it takes time to get the information down on the street level so everybody is on the same sheet of music when we come to court.

We're going to run into some potential problems with the criminal domestic violence statue. That's something that we all feel strongly about, but we're having to do some more preparation on those

cases because victims don't show up. Adam's done a good job in terms of the research with some case law that allows us to get what is normally hearsay into evidence on behalf of the City. You know the classic scenario, somebody who is used to criminal domestic violence in their relationship will call 911 at the appropriate time, the officers come out and make a case, but when it comes to trial, they either reconcile, or the abusers got them out of town. We have subpoenas we're trying to get on them, and sometimes they'll ignore them, but we're trying to remedy that by actually having testimony that's technically hearsay, but there are some grounds in the case law that allows us to do that.

The short form of all that is, we want to be prepared when we represent the City of Greenwood to keep that conviction rate up. We don't want people to basically come to Greenwood saying, 'Well, we'll go over there and try it because we have a 50/50 chance of an acquittal.' If we do our job correctly, then you will see some increase in your revenues because more people will plea and you'll have fewer jury cases. I can tell you certain attorneys now, if they got a City DUI and they see there's a .13 or a .09, and the new statute has been lowered to a .08, they're taking pleas. Sometimes they'll bluff us to the last day or 2, and we just always say, 'Nope, our hands are tied and we don't take deals on DUIs.', and so we get pleas. There are few defense lawyers that do a lot of this work and when it comes to their cases, if the least little things are left open, they're going to get that portion thrown out. I've given you a lot of information, what kind of questions can I answer for you?"

STEVEN BROWN

"Steve, talk just a little bit about the effort to reduce the length of time required before a jury trial is scheduled."

STEVE WELCH

"When we came in, you had some cases that were three up to four years, from the time a person has been arrested to the time it goes to trial. That's not necessarily saying that people aren't doing their job, it's just a function of more cases and more people asking for jury trials. We had set terms, when Judge Wyndham was over here, to try those cases and has taken a lot of pleas. The City has done some good things by having some new judges that are now hearing more cases.

That's another reason you will see the time we have to bill the City before it goes up because we have more judges hearing more cases and trying to move them. We've done a good job, and the City has made some really smart moves to actually have a lot more pleas come into play, but we also have more jury trials. We have whittled that down to where we're down to actually a year, or year and a half, max. That's just the oldest cases. If somebody comes in now and ask for a jury trial tomorrow at 10 o'clock in City Court to plea, or whatever, chances are now that person is going to go to trial in about 6 to 8 months max. We hope that within the next year to have it down to where within 90 to 120 days, if you ask for a jury trial, you're going to trial within that 90 or 120 days. There has been a concerted effort on everybody's part to whittle that number down. Keep in mind, when you look at the number of cases that go through, most people are shocked to find out there's 10,000 cases that goes through that City clerk, police, and City attorney's office.

It's a large number of cases and, fortunately, it's not growing a lot. We do some good things now, in terms of policing, to where we're more community oriented, but we still have a lot of cases, and we'll whittle it down. Are there any other questions?"

NIKI HUTTO

"What percentage of your cases are domestic violence and DUI?"

STEVE WELCH

"I don't have any real numbers on that. I can tell you that, of the ones that actually come to trial and I have to break that out into what percentage are written by the City versus which ones come to trial, a great majority of the cases written, people come to plea. They would pay their fine to get rid of it.

The DUIs, have such a big impact on your car insurance, that it makes a difference. With kids now, if you have a DUI, or even a possession by a minor, well there goes that state educational grant. All this wonderful money from the lottery that kids can go to Tech from, well that's gone. So you got parents now that will literally say, 'Okay, my kid is going loose maybe \$3,000 or \$4,000 a year (if they have a pretty good GPA) at Clemson, vs. hiring a lawyer for a DUI trial, I'll take a

shot at it because that's a lot of money.'

I would say that most of the cases we're trying now are DUI's and Criminal Domestic Violence. There are associated things that go with that. You may have a DUI and also, within the car, a simple possession of marijuana or open container, but I would say the large majority are DUI or CDV."

NIKI HUTTO

"And with domestic violence, you have assault and everything else thrown in that too?"

STEVE WELCH

"Well, assault is actually taken up to the CDVs. The criminal domestic violence is actually a statute that, if you were not related somehow in the household, it would be assault, or assault and battery."

NIKI HUTTO

"Okay."

MAYOR NICHOLSON

"Okay. Are there any other questions for Steve? Thank you, Mr. Welch."

STEVE WELCH

"Well, if we can answer any questions, we appreciate the chance to come up here and do so. I assure you that if you know anybody that ever says, 'Hey, I want to call you. I have a relative or a friend that got arrested in the City.', you assure them they gonna get a trial. Thank you."

MAYOR NICHOLSON

"Thank you for the job you and your office do."

CONSIDER

Mayor Nicholson read the second item under special appearances and recognized Mrs. Toni Able.

A Request from
t h e
Neighborhood
A s s o c i a t i o n
Council.

TONI ABLE

"Thank you, Mayor and Members of Council. My name is Toni Able and I reside at 200 Powderhorn Road in Laurens, South Carolina. I'm here representing the Neighborhood Association Council, and the information that was sent to you all concerning the National Night Out. We've made a request before Council this evening to help offset the cost of purchasing T-shirts, flashlights, and balloons for Greenwood County and City residents that are

participating in National Night Out on Tuesday, August 3rd.

You all are very familiar with this. This is the fourth year that we have done this event in Greenwood County. On average, we have about 40 Neighborhood Associations throughout the county that participate. This year we have approximately 19 Greenwood city neighborhoods that are participating and 13 Greenwood County neighborhoods that are participating. This is as of today. That will probably change as of tomorrow, and then again the next day, because several neighborhoods are what I call, 'missing in action' right now because they don't have everything organized. The request for \$1,500 will offset the cost of t-shirts, flashlights, balloons, and other things that go along with running the event."

MAYOR NICHOLSON

"And you're also requesting funds from the County?"

TONI ABLE

"Yes sir. I will appear before County Council tomorrow evening for the same amount."

MAYOR NICHOLSON

"Alright. Are there any other questions?"

TONI ABLE

"Currently, we received funding from Greenwood Fabricating and Plating; Coldwell Banker; Timmerman and Nicholson Realty; Greenwood Rental Agency, and Wachovia who are our key sponsors this year. I do have packets of information for Council on the event to let you all know where you're supposed to be Tuesday, August 3rd, from 6 to 10 o'clock, throughout Greenwood County. There are a lot of different neighborhoods to go and visit. There is one neighborhood, Brewer Heights, that will be doing theirs on August the 14th because they're busy Tuesday, August 3rd.

The other thing we're doing differently with National Night Out this year is we're trying to help the United Way of Greenwood and Abbeville County in that we're asking all Neighborhood Associations and individuals who participate in National Night Out to bring a non perishable food. We'll be going around and collecting those donations for the United Way Campaign Kickoff on August 28th, which you're also invited to participate, and I have a letter for that for you all. We're going to do a Day of Caring within the neighborhoods. We have neighborhood homes that will be the Day of Caring sites this year.

We're going to be cleaning out gutters, flowerbed landscaping, trimming shrubbery, cleaning windows, small home repairs, raking leaves, cleaning inside and out, and small maintenance activities around those individual homes. The is for actual homeowners or owner occupied homes, low to moderate income, elderly and/or handicapped."

NIKI HUTTO

"How are these Day of Care homes selected to get the service?"

TONI ABLE

"We will provide you a list of those that have been approved to provide services. There's been an application process through the United Way, and the Neighborhood Association has submitted individual homes."

NIKI HUTTO

"And this is in Greenwood?"

TONI ABLE

"Yes, ma'am. Normally the past Day of Caring has been done at agency sites and they felt very strongly this year that we need to bring it into the neighborhoods. Any questions?"

MAYOR NICHOLSON

"Are there any questions for Toni Able? We have a request for \$1,500 to support the National Night Out. Do I have a motion?"

Motion was made by Barbara Turnburke, seconded by Betty Boles.

"Any further discussion? All in favor raise your right hand. So moved."

Motion passed unanimously.

TONI ABLE

"Thank you all. I plan to see you on Tuesday, August 3rd at various neighborhoods. I will update that list for you about a week before the event."

Barbara Turnburke left the meeting at 6:26 p.m.

CONSIDER

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

O r d i n a n c e
Annexing 1.309
Acres, Owned by
CVS 7388,
L.L.C. a
D e l a w a r e
L i m i t e d
L i a b i l i t y
C o m p a n y ,
Located off
Northside Drive
and US Highway
25.

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

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

Motion passed unanimously.

- attach -

(2nd reading)

CONSIDER

Mayor Nicholson read the second item and asked for a motion.

O r d i n a n c e
Amending City
of Greenwood
C o d e o f
O r d i n a n c e s ,
Chapter 34,
A l c o h o l i c
B e v e r a g e s ,
Section 3-4,
Consumption or
Possession of
Open Container
- Streets,
Parks, Etc.

(1st reading)

JOHNNY WILLIAMS

"Is this the one on the square?"

MAYOR NICHOLSON

"Mr. Brown, this is not the one on the square, right?"

STEVEN BROWN

"Well, it's on the square, but it deals with the consumption of alcohol on public property. When this was first presented to you, it included parks

and all public areas.

At the last meeting, you stated that you wanted to hear comments from people regarding this ordinance, so we put it on as a public hearing. It was my feeling that City Council was not inclined to adopt this at that time, and you asked us to look at an encroachment permit, which would allow restaurants and cafes to have seating on areas in front of their businesses. So the number one item under the new business would be the encroachment permit.

If Council is not of the mind to deal with this alcohol ordinance, you could postpone it or table it. If you table it, then that means it won't come off until somebody on Council makes a motion and votes to take it off. If you postpone it, then you can take action at any time you see fit."

JOHNNY WILLIAMS

"Or we can deny it and it's gone."

STEVEN BROWN

"Either way."

Johnny Williams' motion to deny the ordinance died by the lack of a second.

Niki Hutto's motion to approve the ordinance died by the lack of a second.

LINDA EDWARDS

"Let me ask a question. Are these two going together, or are they both separate?"

STEVEN BROWN

"They absolutely have no relationship to the other, Ms. Edwards."

JOHNNY WILLIAMS

"The first one allows the sale of beer on any public property downtown."

STEVEN BROWN

"Within the Great Greenwood Square, that's correct."

NIKI HUTTO

"This is the one for the square. This is not the encroachment one?"

STEVEN BROWN

"No ma'am."

NIKI HUTTO

"Oh. Then, let Johnny make his motion again."

LINDA EDWARDS "Wait a minute, which one are we doing? I thought we were voting on the first one, the one that's on here."

MAYOR NICHOLSON "We're under old business."

LINDA EDWARDS "That would be the ordinance amending the City code, not the ordinance permitting outdoor cafes within the Greater Greenwood Square."

MAYOR NICHOLSON "No, this is the one on streets and parks. This is the one we're talking about here."

NIKI HUTTO "Alright. I misunderstood which one we're actually talking about because when Steve mentioned the encroachment I thought that he was talking that we replaced it with the encroachment. Never mind."

Motion to postpone any action on the ordinance for further discussion was made by Linda Edwards, seconded by Betty Boles.

MAYOR NICHOLSON "Any further discussion? All those in favor of postponing raise your right hand. All opposed? Four to two."

Mayor Nicholson, Linda Edwards, Betty Boles, and Herbert Vaughn voted in favor to postpone. Niki Hutto and Johnny Williams voted against.

Motion passed.

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

An Ordinance
Permitting
Outdoor Cafes
within the
Great Greenwood
Square.

(1st reading)

STEVEN BROWN "Mr. Mayor and City Council, the purpose of this ordinance is to allow an establishment to utilize the areas in front of their business to place

chairs and tables. They would have to gain a permit from the City to use this space. It would be limited and very restricted.

The City would not in any way endorse the serving of alcoholic beverages. They would serve these under their existing license through the State. It would only be for existing restaurants who now have a license to do so."

LINDA EDWARDS

"But still, it would come out onto the street, right?"

NIKI HUTTO

"Yes, but in a designated area."

STEVEN BROWN

"That's exactly right. They cannot be walking around, but seated."

LINDA EDWARDS

"Yeah, but the point is, it's still out on the street. No matter how you look at it."

MAYOR NICHOLSON

"Okay. Do we have a motion?"

Motion was made by Niki Hutto, seconded by Herbert Vaughn.

"Is there any further discussion? You know this is first reading. You know we have to have two readings, am I right Mr. Brown?"

STEVEN BROWN

"Yes, sir. Whatever City Council does, I would ask Mr. McCravy to be able to review this in detail and then provide you with any information, or opinions, that he may have."

MAYOR NICHOLSON

"Okay. All in favor raise your right hand. All opposed? Okay, 4 - 2, motion passed."

Those voting in favor were Mayor Nicholson, Niki Hutto, Betty Boles, and Herbert Vaughn. Those voting against were Linda Edwards and Johnny Williams.

CONSIDER

Mayor Nicholson read the second item and recognized Phil Lindler.

Ordinance to Amend the Land Development Regulations for the City of Greenwood Regulating the Use of Flag Lots in Greenwood County.

(1st reading)

PHIL LINDLER

"Thank you, Mr. Mayor and members of Council. This is a request that's been passed onto you from the Planning Commission concerning the modification of a recurrent flag lot ordinance to allow the entrance portion of that flag lot to be reduced, from what's currently 50 feet, to 30 feet that's being proposed as an access way into the lot. The Planning Commission has allowed a number of variances to this in certain circumstances, and they have granted so many of them that they felt it was time to look at the ordinance, and review the standards on that. The City Engineer has looked at this and recommends approval as well. Thank you."

MAYOR NICHOLSON

"Okay. Are there any questions for Mr. Lindler? Do I have a motion?"

STEVEN BROWN

"A flag lot is using property on the back side of a tract and it allows the entrance, or roadway, along side the property. Before, you've been requiring a 50 feet length, but this reduces it down to 30."

NIKI HUTTO

"Currently, what are the flag lots in the new ordinance?"

PHIL LINDLER

"The flag lot standards are within your land development regulations, so that's totally separate from your zoning ordinance. To be honest, the City does not really have that many flag lots. It doesn't come up too very often within the City limits, but it could eventually."

NIKI HUTTO

"Okay."

Motion was made by Johnny Williams seconded by Niki Hutto.

MAYOR NICHOLSON

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

Motion passed unanimously

- attach -

CONSIDER

Mayor Nicholson read the third item and asked for a motion.

A Request by Thomas Settles to Rezone Property Located at 407 Maxwell Avenue from R-5 (Multi-Family Residential) to I-1 (Light Industrial).

Motion to postpone any action pending upon information of what would be on the property if City Council should pass the ordinance was made by Johnny Williams, seconded by Linda Edwards.

The Mayor asked, "Any further discussion? All in favor, raise your right hand. So moved."

(1st reading)

Motion passed unanimously.

CONSIDER

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

Ordinance to Annex 2.55 Acres, More or Less, Owned by Trinity Baptist Church, Located off Sweetwater Road.

(1st reading)

STEVEN BROWN

"Mr. Mayor and City Council, this is property that has been purchased from Mr. Shirley by the Trinity Baptist Church. The tract of land is 14.16 acres.

Presently, 1.29 acres of that property is in the City. The church is asking for an additional 2.55 acres to be annexed, and then there will remain 10.32 acres at the rear of the tract, which will remain in the County of Greenwood. It increases the portion that is already in the City. They're building a new sanctuary and have requested the annexation."

MAYOR NICHOLSON

"Okay. Do I have a motion."

Motion was made by Johnny Williams, seconded by Linda Edwards.

"Any discussion? All in favor, raise your right hand. So moved."

Motion passed unanimously.

- attach -

CONSIDER

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

Lease Agreement
between Tatham
Properties LLC,
and the City of
Greenwood.

STEVEN BROWN

"Mr. Mayor and Council, Tatham Properties has purchased the former Greenwood Mills Warehouse off of Kitson, and is renting those as warehousing space. We're at the point where we need room to store materials that we own. We need areas that is dry, secure, and in very close proximity to City Hall. We began to negotiate the use of one of those warehouses and, through our negotiations, we come to an agreement with the owner of Tatham Properties that he would lease us one of those warehouses. We would pay him no rent, but we

placed a value of \$400 per month on that space. At the end of the year, we will issue him a document as to the value of that space, so it's actually no exchange of money. For tax purposes, he requested it to be that way.

Before I agreed to that, I asked Steffanie Dorn to check with our auditors to make sure that everything was proper. Our auditors have given us an opinion that it is proper and that if City Council chooses to approve it, that there are no tax related problems.

It is good space that has a loading dock, and is easily accessible. It'll also give us an area where we can probably hold our annual auction of surplus property. I would almost beg you to approve this because we are now filling up office space in City Hall with these materials, and we need to get them out of the building. It's a good opportunity, and we would ask you to favorably consider it."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

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

"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 City Manager.

Reappointing Mr.
Bob Elliott to
the City of
Greenwood
Housing
Authority Board
of Commissioners
and a
Replacement for

Mr. James
Nicholson.

STEVEN BROWN

"Mayor and City Council, Mr. Bob Elliott has probably served at least three terms on the Housing Authority. He's been serving for years and he now serves as Chairman of the Board of the Greenwood Housing Authority. In contacting Mr. Elliott, his response was, 'I would like to serve one more term.' I guess that means he's not going to be reappointed after this term.

As you know, we have a vacancy and a resignation in your packet. The gentleman, we all knew as "Nick" Nicholson, was just appointed within the last year, but has now resigned. A recommendation was made to me by John Lamb, the Executive Director of the Housing Authority. I contacted the gentleman, Mr. John Beavers, who moved here from Avondale Estates, Georgia, in October of 1996 with the intentions of living at Wesley Commons.

For some reason, he and his wife did not choose to do so, so they built a house on Ridgewood Circle and they lived inside the City of Greenwood. Unfortunately, Mr. Beavers wife passed away, but he is still living in his house on Ridgewood Circle. He is a retired fire protection engineer, worked with insurance companies, and retired from that occupation. I estimate Mr. Beavers to be in his early 70's. He is interested in doing something in the community and expressed an interest. He said, 'If City Council thinks that I can be of service to them, I will be more than glad to do what I can.' He didn't come seeking this job, but was recommended. If Council would like to take time and find other nominations, you may choose to do so. I don't know Mr. Beavers personally, but from talking with him, I believe he would provide you with good service."

Motion to accept Mr. Bob Elliott and Mr. Beavers was made by Johnny Williams, seconded by Linda Edwards.

MAYOR NICHOLSON

"Any discussion or questions? All in favor, raise your right hand. So moved."

Motion passed unanimously.

CONSIDER

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

An Ordinance
Establishing a
Policy and
Procedures
Governing the
Installation of
Speed Humps
within the City
of Greenwood.

(1st reading)

STEVEN BROWN

"Mr. Mayor, when this was presented to you at your work session, it was in the form of a resolution. Council directed me to change that to an ordinance. We have not changed any of the policies within it. It is just as you reviewed it that night. I would ask Council if you are not completely comfortable with all of the regulations of the requirements of this ordinance, that maybe you continue to study it for another month and then consider some type of action. We could also schedule a public hearing for the August meeting even before you take any action. This will be a significant change in services if you choose to adopt this ordinance. I would want Council to be as informed, knowledgeable, and comfortable of this policy as possible. So if you need more time I would urge you to take it."

MAYOR NICHOLSON

"Do I have a motion?"

Motion to postpone any action until a later date was made by Betty Boles, seconded by Niki Hutto.

"Any discussion? All in favor, raise your right hand. So moved."

Motion passed unanimously.

CONSIDER

Mayor Nicholson read the eighth item and asked for a motion.

An Ordinance to Adopt the Official Zoning Maps of the City of Greenwood Pursuant to Article 4 of the City of Greenwood Zoning Ordinance 03-010.

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

The Mayor asked, "Any discussion? All in favor, raise your right hand. So moved."

Motion passed unanimously.

(1st reading)

(attach)

STEVEN BROWN

"Mr. Mayor and City Council, I just want to explain to you that if you do take second reading on the land use maps, then your previous ordinance states that once the land use maps are adopted, then the new zoning text becomes effective also. Another significant change that you will see in the future is we will now have zoning ordinance text and land use maps that are different from the County. When we annexed property in the past, we never had to stipulate within that ordinance what the new zoning would be. But in the future, you will begin to rezone the property in accordance with your new land use maps and new text. So that's something that will be coming if you chose to adopt this on second reading.

You also heard a report from the Assistant City Manager and Mr. Lindler about our public hearings. I thought that was a good suggestion by Council to hold those and we received some valuable input. We have one area regarding the land use maps that I'm not completely comfortable with, because I know there's been some questions, and that's the Grendel area. Mrs. Boles, if you need us to schedule a meeting with representatives from that community, please let us know. We have heard from one person who disapproves with the new classification. We

can talk after the meeting, tomorrow, or some other time, but I do think we need to address their concerns. Whether you agree with what they want or not, we need to address their concerns."

BETTY BOLES

"I have two sections, Grendel, as well as the Joe Louis Boulevard area."

STEVEN BROWN

"Okay. We'll let the rest of the Council know when we'll have that meeting, but we'll look to you, since that is your ward, for direction."

MAYOR NICHOLSON

"Okay. Thank you, Mr. Brown."

CONSIDER

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

A m e n d i n g
Ordinance 03-
010, Zoning
Ordinance,
Chapter 6,
Supplemental
Regulations,
Section 6.3.10-
2, A, B, Signs
Permitted in All
Residential
Districts.

(1st reading)

STEVEN BROWN

"Mr. Mayor and City Council, if you notice these new numbers, the 03-010 is the new proposed zoning text that would become effective. After you had adopted the new zoning text, you changed the existing ordinance regarding subdivision and multi-family signs. You changed the present (old) zoning ordinance to state that the sign could be 64 square feet in area, 10 feet high, and the structure, upon which it was attached, would not be in the calculations of the 64 square feet. You remember when we brought in the pictures of all of the subdivision signs? What we're proposing to you tonight is to change the new zoning ordinance language to allow two subdivision entrance signs allowed, which may be 64 feet in area and 10 feet high. Phil has added this same language for

religious, public educational, and public recreational uses. We're making all of the signs for these residential, multi-family, and these special signs to be the same."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

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

The Mayor asked, "Any further discussion? All in favor raise your right hand. So moved."

Motion passed unanimously.

(attach)

CONSIDER

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

A Resolution
Authorizing the
Acquisition of
.95 Acres of
Property Owned
by Greenwood
Mill, Inc.
Located off
Phoenix-Pressley
Connector.

STEVEN BROWN

"Mr. Mayor, City Council has directed me to negotiate for the purchase of the property which is .95 acres at the corner of Pressley Connector and Phoenix Street. We have signed a contract, and are asking permission from City Council to approve the purchase of that property. We would use existing City funds to pay for that property at \$75,000."

MAYOR NICHOLSON

"Do I have a motion?"

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

"Any further discussion? All in favor, raise your right hand. So moved."

Motion passed unanimously.

(attach)

CONSIDER

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

A p p r o v i n g
Expenditures for
the 2002 Local
Law Enforcement
Block Grant.

STEVEN BROWN

"Chief Brooks is here to explain this to Council and the next item also."

CHIEF BROOKS

"Mr. Mayor and members of Council, we have approximately \$43,000 remaining in our 2002 Local Law Enforcement Block Grant. We intended to use that money to purchase an automated message system. Recently, however, Greenwood County Emergency Management Department has made arrangements with a vendor to provide automated messaging for a fee on a case by case basis. That basically negates our need for this automated messaging system. So in light of that, we're requesting Council's approval to make alternate purchases.

Specifically, we're looking at making improvements in three areas. The first is regarding our crime scene investigations. We would like to purchase an evidence drying cabinet. Sometimes on crime scenes we collect evidence. It may be bloodied clothes from a person that was stabbed repeatedly, and the shirt they were wearing is evidence, but that shirt is saturated unfortunately in their blood. What you don't want to do is package that in some type of plastic evidence bag and seal it, because then some chemical and biological reactions take place in there, which hinders the effectiveness of the lab work. The lab tells us this needs to be air dried before we submit it to them. Obviously, for security reasons, you don't want to put it on a clothes line outdoors someplace. For reasons of health and sanitation, you don't want to bring it

into this building and hang it up in our locker room, so one of the items we need is this evidence drying cabinet.

Regarding some vehicle upgrades, we're looking at installing push bumpers, rear window screens, and rear door panels in our marked patrol cars.

In the area of personal protection and tactical equipment, we're looking at ballistic helmets and face shields, tactical lights with laser aiming systems, and holsters that will accommodate the light and aiming system. That would deplete the \$43,000 remaining in the 2002 Local Law Enforcement Block Grant. We would also ask your permission to spend a portion of the 2003 Local Law Enforcement Block Grant to cover the cost of those items. I'll be glad to answer any questions that Council may have."

MAYOR NICHOLSON

"Any questions? The next item?"

CHIEF BROOKS

"The next item is we're requesting permission to apply for the 2004 Local Law Enforcement Block Grant. That grant would be in the amount of \$46,034, which is significantly less than the Law Enforcement Block Grants have been in previous years. Over the last five or six years, those grants have been probably \$575,000, give or take a little bit. Some things have changed on the Federal level and now the amount will be down to \$46,034. The City of Greenwood would have to match that with 10%."

MAYOR NICHOLSON

"Okay. Thank you Chief. Do I have a motion that we approve expenditures for the 2002 Local Law Enforcement Block Grant?"

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

The Mayor asked, "Any discussion? All in favor, raise your right hand. So moved."

Motion passed unanimously.

CONSIDER

Mayor Nicholson read the twelfth item and asked for a motion.

Approval for
Chief Brooks to
Apply for the
2004 Local Law
Enforcement
Block Grant.

Motion to approve was made by Linda Edwards, seconded by Betty Boles.

The Mayor asked, "Any discussion? All in favor, raise your right hand. So moved."

Motion passed unanimously.

AUTHORIZE

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

The City Manager
to Submit a 2004
Opportunity
Grant for the
Emerald Triangle
Project.

STEVEN BROWN

"Mr. Mayor and City Council, I appeared before you following a presentation by the executive director of the Arts Council informing City Council of the renovation plans for the Federal Building, and the City Center Plan, which includes Oregon Avenue, Maxwell, Avenue, pedestrian crossings and access in Uptown. It's a long range plan for Uptown Greenwood. Soon after that presentation was made, we discovered that the Department of Commerce had deemed the City of Greenwood to be an LMI City and is qualified for a maximum grant of \$3 million. When we look at the criteria for the grant, it's almost like somebody lived in Greenwood and wrote the criteria. Greenwood fits the criteria. It is a wonderful opportunity to gain additional funding for the "Center City Project."

C H A R L E S
BARRINEAU

"You can get all \$3 million."

STEVEN BROWN

"It would give us the opportunity to partner with the County of Greenwood, the Cultural Community,

and an advantage like we've never had to complete some of these projects which would be 'quality of life' projects. If we receive approval for one year of funding, it would allow us to do some things like street scape improvements, pedestrian crosswalks, facade improvements, and a number of things that will make this community what we would like to see. I think the Federal Building is a grand project. It doesn't pave roads, or install sidewalks and storm drainage, but it is one element of the entire package.

They said you can apply if you will address tourism, downtown development, entrepreneurship, job creation, and things of that nature. That's exactly what we're going to do. It will give us the funding to address this element. At the same time, we're not forgetting about all the other important elements of making Greenwood what it ought to be.

So I would ask your permission to allow us to apply for these funds, and ask you to help us in any way that you possibly can. It's not a resolution to all of our problems, but it's certainly a good start to what we think the future of Greenwood should be. We don't any longer want to look at the Newberry(s) and other places and say, 'Why can't we do that?' Charlie has spent a large amount of time putting this grant together. I think we've got a chance to be approved."

MAYOR NICHOLSON

"Okay. Do I have a motion that we authorize the City Manager to submit the opportunity grant?"

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

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

Motion passed unanimously.

AUTHORIZE

Mayor Nicholson read the last item's title and recognized the City Manager.

The City Manager
to Construct a

Paved Parking
Lot on City
Property off
Phoenix-Pressley
Connector.

STEVEN BROWN

"Mr. Mayor and City Council, as you well know, someone has purchased the Grier Building and is making major improvements. We already have people asking us where they're going to park. The Taylor's have bought the ground floor of the Grier Building.

There may be other persons who will buy floors of that building. Right now, the only parking that they can be assured of is on-street parking.

We also have Carolina Health Centers that provides medical services to many people who walk to their offices. Approximately 25 Carolina Health employees park on this lot each day. Prior to the City purchasing it, they had been informed that they were no longer able to park there. Rick's Café customers are parking on this property.

I have asked Davis and Floyd to do a conceptual design, and I want to point out some things to you. This would provide 68 spaces of parking. I asked them to not design an asphalt lot with lines. I wanted landscaping that would meet your new zoning ordinance. In fact, they don't have the sufficient number of trees on this conceptual design to meet our new ordinance. It would be attractive and in compliance with the text that you have already adopted.

Secondly, with the anticipation that we're going to be implementing EPA stormwater regulations, I asked Davis and Floyd to look at incorporating some Best Management Practices for stormwater control into this project. If you notice right here (pointing), this is an internal retention area, which means it would be designed so that the storm water would find it's way into this retention area here (pointing). We would significantly reduce the amount of water that would be collected and leave this site. It is our goal to be able to contain it within our site.

Now what does this do? It gives us a landscaped area. It takes an area in our inner-city which is unattractive, not being used to its fullest

capability, and allows us to provide 68 parking spaces. We got parking for the Grier Building, Carolina Health Centers, the restaurant, and any other future needs. At the same time, it gives us something that we can show to other property owners and use as an example.

The estimated cost to do this, without the landscaping, is about \$100,000. Actually, we haven't bid it, that's just an estimate by the engineers. With us irrigating the planting areas, we can build this lot for \$125,000."

NIKI HUTTO

"Where are we going to get the money?"

STEVEN BROWN

"I would suggest that you use some surplus moneys that we gained from old grants we've had in the past that can be used at your discretion. I have talked with some of the staff at Upper Savannah and they believe the construction of the parking lot is an eligible activity. In fact, one of the eligible activities this year is revitalization of inner-cities. I think it's not only a good recommendation, but it's timely."

MAYOR NICHOLSON

"Alright. Can I get a motion?"

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

"Any further discussion? All those in favor of authorizing the City Manager to construct a parking lot, raise your right hand. So moved."

Motion passed unanimously.

"Okay. Work session is August 2nd at 5:30 p.m. The meeting is adjourned. Thank you all."

Meeting adjourned at 7:17 p.m.

Floyd Nicholson, Mayor

ATTEST:

City Clerk and Treasurer