

GREENWOOD CITY COUNCIL

December 18, 2006 - 5:30 p.m.

MINUTES

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

CALL TO ORDER The meeting in Council Chambers was called to order by Mayor Nicholson at 5:30 p.m. and he welcomed everyone to the meeting.

The Mayor then gave the invocation.

STATEMENT AND QUORUM Mayor Nicholson read the following statement, "In accordance with the Freedom of Information Act, Chapter 4, Title 30, Code of Laws of South Carolina, 1976, an agenda has been posted on the front door of City Hall and notification of this meeting has been given to the news media."

The Mayor then asked the City Clerk, Steffanie Dorn, if a quorum was present. She said, "Yes, Mr. Mayor, we have a quorum present."

APPROVAL OF CONSENT AGENDA Mayor Nicholson asked for a motion to approve the consent agenda.

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

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

Motion passed unanimously.

CONSIDER

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

Under public hearings, Mayor Nicholson said, "The format that we employ at the public hearings is, if there are individuals that would like to speak, we ask that you come to the podium, state your name and address for the record and try to limit your comments to no more than three or four minutes."

(2nd reading)

The Mayor then read the first item and recognized the City Manager.

STEVEN BROWN

"Mr. Mayor and City Council Members, tonight you're considering the 2007 budget totaling \$13,637,421. This budget is approximately 13% higher than the 2006 budget. Since this percentage seems extreme, I need to explain.

The most significant contributor to this difference is the \$975,000 budgeted for the platform fire truck proposed for the Fire Department. The present truck was purchased in 1973. While it is annually evaluated and certified to be in operating condition, it is not state of the art. We do not intend to dispose of the present ladder truck, but we intend to move it to backup status. This was a precise recommendation by the ISO in the 2006 evaluation of our Fire Department. Other contributing factors to this increase are Worker's Compensation Insurance which is approximately \$100,000; property, casualty and liability insurance of \$50,000; health insurance at \$85,000; a reduction mandated by the State in the automobile assessment ratio of \$55,000; and a three percent cost of living increase of \$150,000.

We are aware of the restrictions that this budget will place on each of us. We intend to work diligently to evaluate all expenditures with a goal of reducing our total expense. I ask City Council to work with us, understanding that every program, project, cooperative effort, partnership and any other activity involving the City of Greenwood General Funds may be carefully scrutinized. Many groups will be attempting to add financial responsibilities to your plate. I respectfully request that you ask them the most important question, 'Where will the City Council obtain the funds to pay for this that you are wanting?' We need to be careful in our annexation programs to ensure that we are not giving away too much in the short in expectation of long term benefits.

I promise City Council to be diligent in the administration of this budget.

I plan to keep you well informed of our progress and

cautiously recommend the approval of this budget."

MAYOR NICHOLSON "Okay. Is there anyone here to speak in reference to the budget for 2007? Alright. Seeing and hearing none, we will close the public hearing.

Now, do I have a motion that we adopt the budget as presented by the City Manager for the year 2007?"

Motion to accept the budget for 2007 was made by Johnny Williams, seconded by Herbert Vaughn.

"Are there any questions or discussion?"

LINDA EDWARDS "Did you say that this was 13% above the 2006 budget?"

STEVEN BROWN "Yes, ma'am. If you took the ladder truck out, it would probably be around a four percent increase."

MAYOR NICHOLSON "Are there any other questions? All in favor of the budget for 2007 raise your right hand. So moved."

Motion passed unanimously.

- attach -

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

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

(2nd reading)

STEVEN BROWN "Mr. Mayor, the ordinance before you tonight calls for an increase of the millage to 106 mills."

MAYOR NICHOLSON "I think that's a five mill increase. Is there anyone here to speak in reference of the millage for the year? Okay. Seeing and hearing none, do I have a motion that we set the millage for the next year at 106 mills?"

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

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

Motion passed unanimously.

- attach -

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

Ordinance 06-044 to Authorize the City Manager to Borrow Money in 2007.

(2nd reading)

STEVEN BROWN "Mr. Mayor, there are no changes. This is an ordinance that you pass each year even though we haven't borrowed any funds in a number of years. It puts the permissive legislation in place for the City Manager and the Finance Director to do so if needed."

MAYOR NICHOLSON "Okay. Is there anyone else to speak in reference to the City Manager borrowing money in 2007? Okay. Seeing and hearing none, we will close the public hearing.

Do I have a motion that we pass the ordinance on second reading authorizing the City Manager to borrow money in 2007?"

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

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

Motion passed unanimously.

- attach -

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

Ordinance 06-045 Adopting the Business License Ordinance for 2007.

(2nd reading)

STEVEN BROWN "There are no changes except the one that was explained on first reading by the Finance Director dealing with peddlers which will allow them to get a one-time business license as opposed to buying an annual business license."

MAYOR NICHOLSON "Okay. Is there anyone else to speak in reference to the Business License Ordinance for 2007? Alright seeing and hearing none, we will close the public hearing.

Do I have a motion that we adopt the Business License Ordinance for 2007 on second reading?"

A motion was made by Niki Hutto, seconded by Linda Edwards.

"Is there 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

Ordinance 06-046 Annexing 0.532 Acres, More or Less, Owned by WH Capital, L.L.C.

(2nd reading)

STEVEN BROWN

"This is the property where the newest Waffle House will be located behind CVS Pharmacy off of Highway 72/221. Two Waffle Houses have been constructed in Greenwood. The site in front of O'Charley's was already inside of the City. The other site was not and the Waffle House officials have petitioned to be annexed into the City."

MAYOR NICHOLSON

"Okay. Is there anyone else to speak in reference to the annexation of the property for the Waffle House? Alright, seeing and hearing none, we will close the Public hearing.

Now, do I have a motion that we annex the 0.532 acre property for the Waffle House?"

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

"Okay. Is there any discussion?"

NIKI HUTTO

"Was this property a straight annexation?"

STEVEN BROWN

"It was."

MAYOR NICHOLSON

"Okay. Are they going to do a third one?"

STEVEN BROWN

"I haven't been told."

MAYOR NICHOLSON

"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.

Ordinance No.
06-047 Amending
Ordinance 06-
023, Permitting
Outdoor Cafés
within the
Great Greenwood
Square to Serve
Beer and/or
Wine to Seated
Patrons on City
Sidewalks and
Public
Property,
Section 7 (I),
Forms and
Conditions.

(2nd reading)

STEVEN BROWN

"Mr. Mayor and Members of City Council, this ordinance does nothing except remove the termination date of your original ordinance which was set December 31, 2006. If you adopt this ordinance, there will be no time limits. If an individual business qualifies for a permit to have outdoor café tables, then they would be allowed to serve beer or wine to seated patrons. If you do nothing, then it becomes unlawful to serve beer or wine in these café areas on December 31st."

MAYOR NICHOLSON

"Okay. Is there anyone to speak in reference to the ordinance permitting the sale of beer and wine to seated patrons? Yes sir, please come forward."

GLENN BURDETTE

"I'm Glenn Burdette, the co-owner of Frankglens, and I just want to thank City Council for giving us this opportunity, on behalf of all Uptown restaurants, to serve beer and wine at our tables outside. We've got a lot of positive feedback from our customers. Because our restaurant is a smoke free establishment, our customers weren't allowed to smoke inside or drink outside so it kind of created a problem with people who wanted to enjoy a cigarette and a glass of wine. We had a few problems in the beginning but we've learned to staff better. I think everything is going smoothly and everybody is enjoying it. I appreciate it."

NIKI HUTTO

"Have your revenues increased because of the ordinance?"

GLENN BURDETTE

"We have seen a slight increase in revenue. I feel, when the weather gets better toward Spring, it will be better."

Everybody is just getting used to it. A lot of people still don't know that they are allowed to take it outside, while a lot of people from out of town always thought they could. We're still telling everybody who wants to take their beverages outside that they have to be seated. I feel it is going to continue to increase."

BETTY BOLES "How many tables do you currently have outside?"

GLEN BURDETTE "We have five."

BETTY BOLES "Who monitor those, your staff?"

GLEN BURDETTE "Yes, ma'am. Our servers monitor them and the whole front of the restaurant is glass. I'm normally at the bar at night and can monitor them from there. If we have an event, there is somebody that'll tend to just those tables. We have signs on all the tables that tell the customers they must be seated with beer and wine but, when you get a lot of people out there, you still have to tell them because a lot of people just don't read them."

JOHNNY WILLIAMS "Mr. Mayor, I'm still as much against it now as I was back then."

MAYOR NICHOLSON "Okay. Thank you, Mr. Burdette."

STEVEN BROWN "Mr. Mayor, one other business person who has a café permit could not be here but has sent a statement by Angie Jones, Uptown Manager. If you would allow her, I would ask her to read that statement into the record."

ANGIE JONES "I'm coming to you tonight on behalf of Tony Wideman of TW Boon's. Mr. Wideman feels he has benefited greatly from the Ordinance. Unfortunately, he only has year-to-date numbers so he cannot give specifics. He has seen a tremendous growth and contributes it to the sidewalk café ordinance. Mr. Wideman stated that the outdoor ordinance allows him to provide his customers with something extra that other restaurants in the area cannot by having them to sit outside, enjoy a glass of wine and take pleasure in the atmosphere and activities that are going on in Uptown. Mr. Wideman also stated that he has not experienced any problems with the ordinance and his customers have been very responsive to following the guidelines."

MAYOR NICHOLSON "Okay. Thank you, Angie. Is there anyone else to speak in reference to the outdoor serving of beer and wine to seated patrons? Okay. Seeing and hearing none, we will close the public hearing. Do I have a motion?"

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

"All in favor raise your right hand. Opposed? It passes 5 to 2."

The Council Members that voted in favor of passing the ordinance were Mayor Nicholson, Niki Hutto, Betty Boles, Herbert Vaughn and Barbara Turnburke. Linda Edwards and Johnny Williams voted against.

Motion passed.

- attach -

LINDA EDWARDS

"You didn't call for the question because I had one. I was the one that asked not only for the increase in numbers but I wanted to see economic benefits. When we considered this ordinance, all I heard was this is going to profit us. If there is any way possible, I would like to know how much of a profit have we made from passing the ordinance? It stuck with me and nothing else because all I heard was the ordinance will bring the money into Greenwood. Anybody who is sitting here tonight has heard this year's budget, so we need to see the money. I don't know about other Council Members, but money-wise, I'd like to see how they did, compared to what they were doing before we did this ordinance."

MAYOR NICOLSON

"Are there any other comments? Okay."

CONSIDER

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

Ordinance No.

06-049 to Give
Consent of a
Joint County
Industrial and
Business Park
Pursuant to
Article VIII,
Section 13, of
the South
Carolina
Constitution
and by Sections
4010170, ET,
Seq., SC 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.

(2nd reading)

STEVEN BROWN

"Mr. Mayor and Members of Council, this ordinance gives your consent for the County of Greenwood to create a joint county industrial and business park. By your consent, you are also agreeing that properties designated by you may be included in this park. It is not blanket inclusion but on a 'parcel by parcel' basis.

It was requested from the County Attorney that we pass this ordinance. He feels like it is necessary to provide complete compliance with the State statutes. This ordinance gives your consent and at the same time states, '...municipal properties may be included in this park...', but that is at your discretion. As you know, we have been negotiating annexation of three large parcels which would be included in this joint business and industrial park."

MAYOR NICHOLSON

"Okay, is there anyone else to speak in reference to the business park in the public hearing? Alright, seeing and hearing none, we will close.

Do I have a motion?"

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

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

Motion passed unanimously.

- attach -

CONSIDER

Ordinance No.
06-050 Amending
Ordinance 03-
010, Zoning
Ordinance,
Chapter 4,
Article 6,
Establishing
Uptown Overlay
District (O-
UP).

(1st reading)

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

STEVEN BROWN

"Mr. Mayor and Members of Council, what you are actually considering is the creation of an additional zoning classification district, O-UP. The Overlay-Uptown District classification provides for standards for the Uptown area. At the present time, you can see the green area that is included in this first overlay (pointing at screen). We anticipate in the future that this overlay could be extended to include other properties within the Uptown area.

The Planning Commission has recommended approval of the overlay district to City Council.

The Assistant City Manager, Planning Director and I think there are possibly three or four areas within this overlay that will need to be tweaked. We would like to ask you tonight to approve the overlay ordinance establishing this district, in title only. We have a BAR (Board of Architectural Review) meeting on Wednesday of

this week. We would like to present the ordinance to the BAR, let them take a look at the areas that we think may need to be revised and present their recommendations back to you at second reading in January."

MAYOR
NICHOLSON "Okay. Do I have a motion concerning the establishment of the Uptown Greenwood Overlay District for first reading in title only?"

STEVEN BROWN "Mr. Mayor, there may be somebody in the audience that want to speak."

MAYOR
NICHOLSON "Okay. This is a public hearing. Is there anyone else in the audience who would like to speak in reference to the Overlay District Uptown?"

NIKI HUTTO "What areas are you specifically looking at?"

STEVEN BROWN "One deals with the height of buildings, paint color, and murals on walls."

BETTY BOLES "What was the question?"

STEVEN BROWN "How we're going to deal with paint colors, the height of buildings and allowing murals being placed on walls."

BILL WILSON "I reviewed this Friday or Saturday and it looks good. I just had some questions I wanted to ask Charlie in regards to roof exposures, existing developments and what we will be responsible for."

CHARLES
BARRINEAU "The existing would stay."

STEVEN BROWN "What was the other question?"

BILL WILSON "There was a question in here about being able to see the roofs from the street level. You may not be able to see mine but hopefully we will be able to take down that ugly aluminum along the back."

CHARLES
BARRINEAU "The intent of that language was to hide any new structures. Specifically, if somebody were to install a satellite dish, we wouldn't want to see it on the roof from the street level."

BILL WILSON "I have a couple of air conditioning units sitting up there."

CHARLES
BARRINEAU "If you were to put in a new air conditioner it would have to be shielded from sight."

MAYOR
NICHOLSON

"Okay. Thank you, Bill. Is there anyone else to speak? If you have any questions during the process, you can get in touch with the City Manager or the Assistant. There are some other things that have to be ironed out before we have the second reading."

NIKI HUTTO

"Wasn't this a part of the grant process for Uptown?"

CHARLES
BARRINEAU

"Yes, Ma'am. Obviously, we've started investing well over \$10 million so the intent of this is to protect the investment. You obviously can tell that the City owns the largest tracts in the old railroad facility area and the City parking lot so, if City Council was to ever choose to build a facility, you would have to follow these requirements just like everybody else."

BETTY BOLES

"But this is only for that particular area? So you don't want any funeral homes in there, huh?"

MAYOR
NICHOLSON

"Okay. Are there any other discussion? At this time, we will close the public hearing.

Now, do I have a motion?"

Motion to accept ordinance in title only was made by Niki Hutto, seconded by Barbara Turnburke.

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

Motion passed unanimously.

- attach -

CONSIDER

Under Unfinished Business, Mayor Nicholson read the first item and asked, "Mr. Brown, do you have any comments?"

Ordinance No.
06-039, 06-040,
& 06-041

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,
and
Institutional)
to PDD (Planned
Development
District).

(2nd reading)

STEVEN BROWN

"To refresh Council's memory, Self Regional Healthcare has a Planned Development District already approved for all of their properties on their Campus. They have recently purchased these three additional properties and are requesting that they be included. These three properties would come under whatever standards and requirements that were established in the original PDD."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

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

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

Motion passed unanimously.

CONSIDER

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

Resolution No.
06-008 of the
City Council of
Greenwood
Regarding the
Rezoning of
Tract of
Property (6844-
053-497).

STEVEN BROWN

"Mr. Mayor and Council, for a number of meetings you have been talking with three individuals regarding the development of the 35 acre tract of land off of Cannon Road. The developers have been considering annexation for sometime. They want you, City Council, to declare the zoning classification you intend to assign to the property if it were annexed.

I may be wrong but it's been my opinion that City Council is leaning toward assigning the R-4 classification to this property. If you remember, the Planning Commission recommended R-3 but the developers are asking for R-4. At one time, we were discussing the possibility of adopting an ordinance but I have prepared a resolution that I think would meet your need. If you would allow me to, I will read it. Please understand that when I refer to the zoning classifications, you have the prerogative to change that to anything you desire. I will use what's in the resolution, but it's only for your use."

The City Manager then read the resolution.

"If the property is annexed, you would have to pass an ordinance annexing the property."

JOHNNY WILLIAMS

"Did you get the sidewalk issues worked out?"

STEVEN BROWN

"No, sir. Not at this time."

MAYOR NICHOLSON

"Okay. Do I have a motion that we adopt the resolution?"

Motion to accept the resolution was made by Linda Edwards, seconded by Betty Boles.

"Are there any questions or further discussion?"

NIKI HUTTO "Are we going to talk about the sidewalks or the school issue more, or is that not a part of this resolution?"

MAYOR NICHOLSON "Really, it's not a part of the resolution. This is just the resolution for the property to be zoned to R-4 if it is annexed."

JOHNNY WILLIAMS "Well, are they going to talk about sidewalks?"

STEVEN BROWN "Mr. Williams, the three gentlemen that can answer that question is sitting right there. I don't mean that to be disrespectful but I can't answer that."

MAYOR NICHOLSON "Tommy, I would have to say that we're not having a public hearing, but is it yes or no?"

TOMMY STANFORD "Well, it's not quite a yes or no, Mr. Mayor. We can talk about sidewalks when basically the kids are going to school. Reverend Cannon can talk about the way the kids go to school now by walking down Cannon Road and go through a fence at his brother's house."

MAYOR NICHOLSON "They don't have to go out on Alexander?"

TOMMY STANFORD "Right. I think that really resolves itself from the issue of the kids walking on Alexander because they actually go through a fence that goes directly to the school. His brother will give us the right to allow kids to go across his property."

MAYOR NICHOLSON "Okay. We have a motion and a second to pass the resolution. 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 recognized the City Manager.

Appointing One
(1) Person to a
Vacant Term on
the Greenwood

City/County
Board of Zoning
Appeals.

STEVEN BROWN "Former Mayor, John Nave, resigned his appointed position to the Board of Zoning Appeals leaving a vacancy. I'd like for City Council to fill that vacancy as soon as possible."

MAYOR NICHOLSON "Okay. I had talked to Michael Butler and he said he's interested in serving. Is that fine with Council? Do I have a motion?"

Motion to appoint Michael Butler was made by Linda Edwards, seconded by Betty Boles.

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

Motion passed unanimously.

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

Ordinance No.
06-051
Authorizing
City Manager
and City Clerk
to Execute a
Deed Conveying
the Property
Located at 322
Marion Avenue
(Parcel ID
#6845-848-762).

AND

Ordinance No.
06-052
Authorizing
City Manager
and City Clerk
to Execute a
Deed conveying
the Property

Located at 318
Marion Avenue
(Parcel ID
#6845-852-675)

(1st reading)

STEVEN BROWN

"The City owns two vacant parcels of property. One is at 318 and the other is at 322 Marion. These properties were acquired as a result of a Community Development program that was implemented in that community about 20 years ago. We are not presently receiving any tax revenue from this property. We've had some individuals who have expressed an interest in acquiring these two lots. Because we do not see any future use for these two properties, we placed an ad in the paper soliciting sealed bids. The high bids received for 322 were \$1,200 and, for your next ordinance, 318 was \$1,100. The City originally paid \$10,000 for one and \$4,000 for the other but you will have to understand that we were using Community Development Funds to demolish the two substandard houses that were there. As part of our Community Development program, we felt those two substandard houses needed to be demolished. The property now needs to be sold and I would recommend it."

MAYOR NICHOLSON

"Okay. That's item number one and two for 322 and 318 Marion Avenue. Do I have a motion?"

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

"Are there any questions or further discussion?"

LINDA EDWARDS

"Is that at the beginning of Marion or at the end?"

MAYOR NICHOLSON

"No. It's next to the Holloway Store and Tabor Street.

LINDA EDWARDS

"Okay. It's behind the Holloway Store."

MAYOR NICHOLSON

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

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

Resolution No. 06-009 of the City Council of Greenwood Authorizing the Mayor and City Clerk to Sign Intergovernmental Agreements with Greenwood County in Accordance with City of Greenwood Ordinances 06-032, 06-033 and 06-038.

STEVEN BROWN "Mr. Mayor and City Council, this relates back to the joint business and industrial park. Since you have now approved the ordinance consenting to the establishment of that park, you have stated in your ordinance that properties may be included. With this action, you will be authorizing the Mayor and City Clerk to sign an agreement with Greenwood County to include the County Bank property, SAC Enterprises property (which is the property of Mr. Zimmerman), and the property of the Corley family in that industrial park."

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

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

STEVEN BROWN "Mr. Mayor I would just add that, if City Council takes advantage of this joint park in the future, you must approve the Mayor and City Clerk signing this individual agreement for each parcel. So right now, there will only be three."

MAYOR NICHOLSON "Okay. So it will come before Council each time?"

STEVEN BROWN "Ii will have to come before you."

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

Motion passed unanimously.

- attach -

CONSIDER

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

Ordinance No.
06-053
Authorizing
City Manager
and City Clerk
to Execute a
Quitclaim Deed
to Greenwood
United
Telephone of
the Carolinas,
Jon O.
Holloway,
Jonathan O.
Holloway, Holly
K. and Curtis
D. Keller, and
Furman
Properties Two
LLC Conveying a
Section of Road
Located off
Oregon Avenue.

(1st reading)

STEVEN BROWN

"Mr. Mayor, Charlie will give you some details. This basically is a project where we're trying to establish a center line on Oregon. Mr. Welch has been working with Charlie on the rights-of-ways and property lines that were going in all types of directions. So we're trying to establish a center line to the road and the exact meets and bounds with the individual property owners. I think to do that you got to give some (property) away and to get some. The two of them can explain it further, but that's my terminology. You're going to give a little property away, but you're also getting some from others."

CHARLES
BARRINEAU

"Mr. Mayor and Members of Council, first there are actually two items. The first is an ordinance and the

second is a resolution. Those properties that you're giving away will have to be done by ordinance. Those that you are allowing staff to consider accepting, we ask that you do it by resolution.

There are eight adjoining properties that we would request to give away. We're asking you to release some property to these properties owners to make a straight line (pointing to screen). For the resolution, you can see the right-of-way going in the opposite direction and out into the road. We're asking you to allow us to ask the 13 property owners to give up a small portion of their right-of-way.

This will provide a new center line for Oregon and Alliance. I'll be glad to answer any questions."

MAYOR NICHOLSON "You've already been in touch with all of these property owners?"

CHARLES BARRINEAU "We've made the property owners aware of what we're doing and sent them a copy of this map. Again, we're not asking them to give up anything of substance."

STEVEN BROWN "It's not a sale, nor a purchase, but an exchange of the right-of-ways. Everything is quitclaim so we're not paying for anything and no one is paying us."

MAYOR NICHOLSON "Right. Okay."

LINDA EDWARDS "So we're giving them something over here so that we can go over there?"

CHARLES BARRINEAU "You're correcting a historical error."

STEVEN WELCH "If you think about it, you must give and take property to make a straight line. It all balances out."

LINDA EDWARDS "Okay."

STEVEN BROWN "But you will be able to stand at the Federal Building and have one right-of-way line down on both sides of Oregon Avenue."

CHARLES BARRINEAU "The only one that won't be a straight is the side across Embarq where we're asking to go into Greenwood Development's property to add additional angled parking."

STEVEN BROWN "Mr. Welch may talk about this but this certainly puts us at a better position of liability because we recently

asked DOT to deed these roads to the City. Legal problems could follow once we get an established right-of-way that infringes on their properties. Now, they have their property, we have our property and the responsibilities fall much clearer than before."

STEVE WELCH

"If you were to walk down Oregon and ask each of the land owners where their property stops and the City starts, they couldn't tell you. This will be better. We'll hopefully get the Davis & Floyd drawing that you see filed in land records."

MAYOR NICHOLSON

"Okay. Is there any other discussion or questions? Do I have a motion?"

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

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

Motion passed unanimously.

- attach -

CONSIDER

Mayor Nicholson read the fifth item.

Resolution No.
06-010 of the
City Council of
Greenwood
Authorizing
City Manager
and City Clerk

to Accept
Quitclaim Deeds
in the Name of
the City of
Greenwood along
Oregon Avenue.

LINDA EDWARDS

"That's the reversal."

CHARLES
BARRINEAU

"This will allow us to accept them."

MAYOR NICHOLSON

"Alright. Do I have a motion?"

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

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

Motion passed unanimously.

- attach -

CONSIDER

Mayor Nicholson read the item and asked for a motion.

An Executive
Session to
Discuss a
Contractual
Matter.

STEVEN BROWN

"Mr. Mayor, I'd like to tell you what I would like to discuss without violating any confidentiality. Since the agenda went out, there are two legal matters that I would like to bring to your attention and maybe the City Attorney could give you some advice. One item deals with a citizen's appeal to an Administrative Law Judge on a tax issue that we need to make you aware of. The second deals with a roadway issue that bears some legal questions that we need to inform you of and ask the City Attorney to look at. One of the two contractual matters deals with the Municipal Association contract and the

other deals with a CPW contractual matter that we're involved in. Those are the four things that I would like to talk to you about in Executive Session."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

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

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

Motion passed unanimously.

The meeting adjourned into executive session at 6:18 p.m.

The meeting reconvened at 6:43 p.m.

CONSIDER

Consider
Resolution
Allowing the
City to Pay a
\$1,000
Deductible for
Worker's Comp
Insurance

Mayor Nicholson said, "Okay. Now, we're back into open session. We just had a few contractual matters that we had to discuss and now we're going to take action. Mr. Brown?"

STEVEN BROWN

"Mr. Mayor and Council, you have discussed the possibility of taking a \$1,000 deductible on your Worker's Comp premiums.

We have a contract with the Municipal Association through our South Carolina Municipal Insurance Trust that handles our Worker's Comp. We would ask you to approve this resolution which will allow the City to now go under a program where we would cover the first \$1,000 of costs in Worker's Comp Claims."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

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

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

Motion passed unanimously.

CONSIDER

Mayor Nicholson recognized the City Manager.

An Additional
\$17,500 in
Community
Development
Funds for the
Phoenix Parking
Lot.

STEVEN BROWN

"Mr. Mayor and Council, we have an existing contract with Satterfield Construction Company to build the City parking lot off of Phoenix and Pressley. You had originally authorized us an expenditure of \$94,000. We're asking you to allow us to amend that contract to spend up to an additional \$17,500. We hope to spend less than that but this will give the maximum additional funds to that contract which includes concrete, irrigation, landscaping and things of that nature. It would be paid out of community development funds."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

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

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

Motion passed unanimously.

CONSIDER

Mayor Nicholson said, "We have one more item. Mr. Brown?"

Approving the
City Attorney
to Respond on

the City's
behalf
Regarding an
Appeal to an
Administrative
Law Judge.

STEVEN BROWN

"Mr. Mayor and Council, a local businessman, Mr. Wayne LeCompte has filed an appeal with an Administrative Judge regarding the manner in which he has been assessed City automobile and personal property taxes at his business. I'm asking you to authorize the City Attorney to represent the City in this matter that will be heard before an appropriate Administrative Judge. The City Attorney has a motion that he would like for you to adopt."

MAYOR NICHOLSON

"Okay. Really I think the motion says. 'City Council authorizes the City Attorney to monitor the current appeal between Midas Muffler ownership and the County Auditor before the assigned Administrative Law Judge and to respond in an appropriate manner including, but not limited to, a period of consent brief or direct agreed response if necessary to properly respect the City's interest in proper taxation. Do I have a motion?"

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

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

Okay. If there isn't anything else, do I have a motion that we adjourn?"

Motion was made by Linda Edwards.

Meeting adjourned at 6:46 p.m.

Floyd Nicholson, Mayor

ATTEST:

City Clerk and Treasurer