

GREENWOOD CITY COUNCIL

January 23, 2006 - 5:35 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; and City Attorney.

CALL TO ORDER The meeting in Council Chambers was called to order by Mayor Nicholson at 5:35 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 Niki Hutto, seconded by Betty Boles.

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

Motion passed unanimously.

CONSIDER

Ordinance No.
06-003 Amending
the Code of
Ordinances of
the City of
Greenwood,
Chapter 17,
Municipal Court,
Section 17.2,
Appointment of
Judge; Term;
Vacancy in
Office and
Section 17.2.1,
Administrative
Municipal Judge.

(2nd reading)

Under public hearings, Mayor Nicholson said, "The format that we employ at the public hearings is, if there is anyone here 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 not more than three or four minutes."

Mayor Nicholson then read the only public hearing and asked, "Do I have anyone here to speak in favor of amending this ordinance? Is there anyone opposing the ordinance? Okay. Seeing and hearing none, we will close the public hearing.

Now, we will move to action by Council. As you know, this is the second reading for amending this ordinance. Do I have a motion?"

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

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

Motion passed unanimously.

- attached -

CONSIDER

Under unfinished business, Mayor Nicholson read the only item and recognized the City Manager.

Ordinance No.
06-001 Amending
the City of
Greenwood's
Official Zoning
Map (Ordinance
No. 04-020) by
Rezoning
Property
(Approximately
8.68 Acres),
Located at 314
and 315 Fair
Avenue, from RM7
(High Density
Residential -
Manufactured
Housing) to LIW
(Light
Industrial/
Warehousing).

(2nd reading)

STEVEN BROWN

"Mr. Mayor, it is the City Shop property."

MAYOR NICHOLSON

"Yes, this is City property. Mr. Brown explained at the last meeting that we were out of compliance when the zoning map changed. Do I have a motion?"

A 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

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

Ordinance No.
06-004 Closing
200' of Sloan
Avenue and
Authorizing City
Manager and City
Clerk to Execute
a Quitclaim Deed
to N. Yates
Johnson, Jr. and
Michael S.
Johnson,
Trustees Under
Will of Nevit Y.
Johnson.

(1st reading)

STEVEN BROWN

"Mr. Mayor and City Council, at the direction of City Council I submitted a letter on October 20, 2005 to the State asking them to consider abandoning this 200' of right-of-way and reverting ownership of it back to the City. To our regret, there was not any action taken on my letter until a week and a half ago. Through the efforts of the owners and DOT Commissioner Carnell, we were able to get this item placed on the SCDOT Commissioner's agenda last Thursday. They met and approved our request, but we do not have written notification. The State Highway Engineer's Assistant told me that it was approved, but their system does not allow them to write any letters until after the minutes have been transcribed. It is hopeful that he will have this letter to us by the time of your second reading.

You remember that you have been requested to have a special meeting a week from today to consider this on second reading. I need to inform you that the DOT will not give us any type of quitclaim deed, or any other legal document, but will write us a letter. One of the reasons may be that they don't have any legal documents saying they own that portion of Sloan. However it would be nice if they would issue a quitclaim deed which basically states, 'Any interest that we have, we deed to the City of Greenwood,' but they may not choose to do that. Mr. Welch will confirm that title insurance companies don't like this situation.

So the owners are having difficulty getting this by the title insurance people even though we intend to deed our interest to them. I don't see any problem with you adopting this ordinance and authorizing us to sign a quitclaim deed. State Law mandates that when a governmental entity abandons right-of-way, half of it goes to the property owner on the right and to the left. Since the Johnsons own both sides, there's no problem.

I would recommend that you adopt this ordinance. Are there any questions that you have for Mr. Welch or Mr. Poston?"

MAYOR NICHOLSON

"Mr. Poston, do you have any comments or anything?"

KENNETH POSTON

"I really don't have anything to add. Mr. Brown said it well. We are having a little bit of discussion with the title insurance company about how to get a good title. We think that it's all going to work out, but we would like to have a quitclaim deed from the State. I don't know if we'll get that or not, but we would need this ordinance, clearly. They may have to do something else, but it'll be on us. We would like you to approve this ordinance and also have that special meeting next week, if possible."

STEPHEN WELCH

"What he's basically saying is, if we can do this, that's all we can do. Any problems they have with the State really aren't up to them. They're asking our assistance with that and this is all we can do."

KENNETH POSTON

"If that doesn't suit the title insurance company, we'll have to do something else, and it'll be on us. Thank you."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

STEVEN BROWN

"Mr. Mayor, I also would point out that we always try to protect CPW right-of-ways and there is a water line located in this 200'. Mr. Reeves at the CPW tells me there have been some proposals offered by the developers to address that problem. I haven't heard a resolve on it so maybe Mr. Poston can tell City Council and CPW Commissioner, Mr. Monaghan, about it."

KENNETH POSTON

"Mr. Reeves told me that it would be the developer's problem to handle and CPW will tell them what they have to do. The company we're selling the property to will do that."

They can't start building until they take care of that waterline."

STEVEN BROWN

"Then I would ask you, in your approval of this ordinance, to allow some language to be inserted at the proper place by one of these two attorneys that all of this is being done subject to maintaining the CPW's easements or an exchange of an easement."

MAYOR NICHOLSON

"Okay. Are you going to make that a part of your motion to include it?"

NIKI HUTTO

"Right. So there's a waterline in the middle of that road?"

STEVEN BROWN

"In some portion of that road somewhere in the right-of-way. We're just saying that the City will issue a quitclaim deed subject to any CPW easements, right-of-ways, or waterline."

NIKI HUTTO

"So they are giving them the opportunity to move that waterline?"

STEVEN BROWN

"They will have to move it."

KENNETH POSTON

"It'll be right under that building so it has to be moved."

MAYOR NICHOLSON

"So it'll be the developer's job to do that. I have a motion from Ms. Hutto, do I have a second?"

A motion to accept the ordinance and subject the quitclaim to the CPW right-of-way 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.

CONSIDER

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

Adoption of
City/County
Intergovern-
mental Agreement
to Promote and
Market the City
and County of
Greenwood.

STEVEN BROWN

"Mr. Mayor and City Council, for a long time we have been negotiating this agreement between the City and County. I'm glad to report that the County Council has acted upon the agreement. I have outlined in red the part that County Attorney, Chuck Watson, has changed. I do not see any problem with the language he has inserted."

MAYOR NICHOLSON

"Okay. 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

Mayor Nicholson read the third item and said, "This is a vacancy that came about through the resignation of Ms. Nada Banes due to some health problems. Does anyone have any recommendations? I know John Lamb had called about Mrs. Klauber, but does anybody have any recommendations at this time?"

Filling One (1)
Vacancy on the
City of
Greenwood
Housing
Authority
Board.

STEVEN BROWN

"This is the only name that has come forward through my office."

She completed an internship at a Housing Authority somewhere in North Carolina and found it to have interesting programs. She is a stay-at-home wife and has the time to attend meetings and participate. That's all I know."

MAYOR NICHOLSON "Okay. When will Ms. Banes' term end?"

STEVEN BROWN "She was just reappointed."

MAYOR NICHOLSON "Yes. That's what I thought. So do I have a motion that we appoint her?"

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

"Are there any questions?"

BETTY BOLES "What is her full name?"

MAYOR NICHOLSON "Teresa Klauber. All in favor raise your right hand. So moved."

Motion passed unanimously.

CONSIDER Mayor Nicholson read the fourth item and said, "I think Ms. Whitt has been actively serving in that capacity, right Mr. Brown?"

Reappointing Robin Whitt to the City/County Joint Planning Commission.

STEVEN BROWN "She actively attends the meetings and is a good member. Important consideration is not only for good people, but people who have the time and are willing to attend. We have more trouble with some Commissions and Committees getting a quorum so that they can act. There have been times in the past where they had to postpone action because of no quorum. But she is active."

MAYOR NICHOLSON "Okay. Do I have a motion that we reappoint Ms. Whitt?"

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

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

Motion passed unanimously.

CONSIDER

Reappointing
Glynn S. Boles
to the
City/County
Joint Board of
Zoning Appeals.

Mayor Nicholson read the fifth item and said, "I think Mr. Boles has been real active also, hasn't he Mr. Brown?"

STEVEN BROWN

"Every time I've ever been there, he's been at the meetings. From what I've been told by the staff, Mr. Boles is active and does want to be reappointed."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

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

"Is there any discussion?"

BETTY BOLES

"I abstain from voting because of conflict of interest."

MAYOR NICHOLSON

"Okay. Let the record reflect that Betty Boles is abstaining from voting because of a conflict of interest. All in favor raise your right hand. So moved."

Betty Boles abstained from voting because of a conflict of interest.

Motion passed unanimously.

CONSIDER

Filling Two (2)
Vacancies on
the City/County
Joint Board of
Zoning Appeals.

Mayor Nicholson read the sixth item and said, "We want to find City residents to serve in that capacity. Who are the vacancies we have Mr. Brown?"

STEVEN BROWN

"Well, the appointment of Mr. Vincent has been up for some time. When Mr. Vincent was appointed by the City, he resided in the County, but had a business inside of the City. Because of his long tenure of service, City Council decided to reappoint him. He no longer has a business nor does he reside in the City. I can verify that he's been very active and does attend the meetings. The other vacancy is for Dr. Larry Jackson who has resigned. So you have one whose term is up for reappointment that is presently serving and one who has resigned."

MAYOR NICHOLSON

"Okay. I think the Joint Board of Zoning Appeals meets the first Monday of each month at 5:30, right?"

STEVEN BROWN

"It is one of the important appointments you will make because all hearings held before that board does not come to City Council. If there is an appeal, it'll go to the Circuit Court. They have final ruling on any appeal made from the interpretation of your zoning ordinance. It's a very, very important board."

MAYOR NICHOLSON

"Does anyone of Council have any recommendations? I had talked to an individual who had an interest, but could not attend the Monday meetings because he's very active with the Boy Scouts. If no one has anything, we will see if we can get some names by next week. Do I have a motion that we postpone?"

Motion to postpone an appointment until the special meeting was made by Betty Boles, seconded by Niki Hutto.

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

Motion passed unanimously.

CONSIDER

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

Filling One (1)
Vacancy on the
City/Council
Joint Planning
Commission.

STEVEN BROWN

"Mr. Mayor, we have had a resignation on the Planning Commission that we need to fill."

NIKI HUTTO

"Did you talk to Kim Clark?"

MAYOR NICHOLSON

"I think Charlie has. Okay, do I have a recommendation?"

Motion to nominate Kim Clark was made by Niki Hutto, seconded by Barbara Turnburke.

STEVEN BROWN

"She resides in Ward 3."

NIKI HUTTO

"She was the one who spoke against the rezoning of the corner lot on East Cambridge being turned to Commercial."

MAYOR NICHOLSON

"Okay, all in favor of Ms. Clark raise our right hand? So moved."

Motion passed unanimously.

"That's our last item on the agenda. We will have a special meeting one week from tonight to take second reading on an item and hopefully fill the two vacancies on the City/County Joint Board of Zoning Appeals.

Next, can I have a motion that we enter into executive session to receive information regarding two economic development projects?"

Motion was made by Herbert Vaughn, seconded by Betty Boles.

"All in favor raise your right hand. So moved. Thank you all."

Meeting adjourned at 5:55p.m.

Floyd Nicholson, Mayor

ATTEST:

City Clerk and Treasurer