

GREENWOOD CITY COUNCIL

September 18, 2006 - 5:33 p.m.

MINUTES

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

CALL TO ORDER The meeting in Council Chambers was called to order by Mayor Nicholson at 5:33 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 Johnny Williams, seconded by Herbert Vaughn.

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

Motion passed unanimously.

PROCLAMATION
Palmetto Bank
100 Year
Anniversary.

Mayor Nicholson said, "We have representatives from the Palmetto Bank. We would like for you all to come forward, please. I think the Palmetto Bank have been in operation for 100 years, right?"

MARK FOX "Yes, sir!"

MAYOR NICHOLSON "Was either one of you there when it first started?"

MARK FOX "No, sir. Although the wear and tear has set in!

We appreciate the opportunity to be here. I'd like to introduce Keele Goodwin and Marty Cobb. Keele is the manager of our South Main Office and Marty is the manager at our Montague Office. I'm Mark Fox, the Regional Executive for this region."

MAYOR NICHOLSON "Okay. Well, we're just delighted to have the Palmetto Bank as a part of our community. When you first started, there was just one branch. I think you're up to what?"

MARK FOX "Well, we have two in the City and five in this region. We have one in Hodges, Ninety Six, Abbeville and 31 offices in the Upstate."

MAYOR NICHOLSON "Okay. There is tremendous growth and I think it started in Laurens County, right?"

MARK FOX "Yes, sir! One office."

MAYOR NICHOLSON "We're just delighted that you all are a part of our community and I think it's great that you have this centennial celebration. I know 100 years in the banking business is not easy because there is a lot of competition. At this time, I'd like to read a proclamation."

Mayor Nicholson then read and presented the proclamation to Mr. Fox.

"Are there any comments, Mr. Fox?"

MARK FOX "We appreciate this proclamation because this is the month of our 100 year anniversary. We're excited about the fact that we've been able to remain independent over these many years and still headquartered in Laurens, South Carolina. Thank you so much for this opportunity."

MAYOR NICHOLSON "Is Mr. Cain Dixon still affiliated with the Bank?"

MARK FOX "He sure is. He's on our Advisory Board in Laurens."

MAYOR NICHOLSON "Okay. We just want to congratulate you all for the great service that you provide not only here but throughout the nine counties that you have a location. I wish you much luck and success in the future."

MARK FOX "Thank you, very much."

CONSIDER

Ordinance No. 06-032

Authorizing the Execution and Delivery of an Annexation and Incentive Agreement by and among "Greenwood County", S. C., and the "City" of Greenwood, S. C. and SAC Enterprises, Inc. (The "Company")

Pursuant to which the City Will Grant to the Company Special Source Costs Incurred in Connection with a Commercial Enterprise Servicing Economic Development of the City and Greenwood County; Consenting to the Benefits of a Multi-County Park to be Made Available to the Company; and Authorizing other Matters Relating Thereto.

(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 no more than three or four minutes."

The Mayor then read the first item and said, "Mr. Brown, do you have any remarks before we get into the public hearing?"

STEVEN BROWN

"Mr. Mayor and City Council Members, this ordinance pertains to an annexation and incentive agreement relating to property owned by SAC Enterprises. SAC Enterprises is owned by Mr. Sam Zimmerman and is

located on 72 Bypass North."

MAYOR NICHOLSON

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

CONSIDER

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

Ordinance No.
06-033

Authorizing the Execution and Delivery of an Annexation and Incentive

Agreement by and among

"Greenwood County", S. C., and the "City" of Greenwood, S. C. and TCB, Inc. (The "Company")

Pursuant to which the City Will Grant to the Company Special Source Costs Incurred in Connection with a

Commercial Enterprise Servicing Economic Development of the City and Greenwood County;

Consenting to the Benefits of a Multi-County Park to be Made Available to the Company; and Authorizing other Matters Relating Thereto.

(2nd reading)

STEVEN BROWN

"Mr. Mayor, this is the same type of ordinance except this company is TCB, which is The County Bank. The County Bank property is not contiguous unless we are able to annex the SAC Enterprises' property. Both properties are located on the 72 Bypass. It's a little unusual tonight that we're not asking you to take

action on these two ordinances. One of the property owners has requested a little more time to review the document, so we will be asking you at a later date to take second reading on these two ordinances."

MAYOR NICHOLSON

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

CONSIDER

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

Ordinance 06-034 Amending the City of Greenwood's Official Zoning Map (Ordinance No. 04-020) by Rezoning Property (Approximately 1.46 Acres), Located at 422 East Cambridge Avenue, from R7 (Residential - High Density) to OPI (Office/Professional/Institutional).

(1st reading)

STEVEN BROWN

"Mr. Mayor, I think you have all the information in your packet. I'll ask Phil to explain this rezoning."

PHIL LINDLER

"Thank you, Mr. Mayor. This is a request by Thomas Firriolo to rezone this portion of property located here at 422 East Cambridge Avenue. The site has been used as a residential home. The property is currently zoned for residential use, but the request tonight is to rezone it to Office/Professional/Institutional.

As you know, this is an office and professional category that allows for a mixture of different uses that I'll briefly read for you. Mr. Firriolo has stated in his request that he would like to use this as a restaurant. If the property is rezoned he, or any other property owner later on, would not be limited to a restaurant.

There could be an antique shop, architect/engineer office, barber/beauty shop, bed and breakfast, bookstore, business office, dance studio, flower/gift/card shop, mail/fax services, newspaper/magazine stand, optician, photography studio, post office, printing/copying business, real estate office, and travel agent on that property. There are some more specific uses like a brokerage house, bank, barber/beauty school, financial institution, law office, medical/dentist/doctor office, outpatient hospital, pharmacy/drug store, restaurant (no drive thru), outdoor theatre, and tourist welcome center. This is just some general ideas of things that could go on the site if it were to be rezoned. Thank you."

MAYOR NICHOLSON

"Thank you, Phil. Is there anyone present who would like to speak in favor of this ordinance change?"

MARVIN
BOATWRIGHT

"My name is Marvin Boatwright and I live at 502 East Cambridge. I've been here with my wife and our family for over 40 years. We've seen the neighborhood deteriorate and I think this is the beginning of revitalization. We strongly support the rezoning."

MAYOR NICHOLSON

"Alright. Thank you. Is there anyone else to speak in favor of rezoning of the property from R7 to OPI? Is there anyone opposed to the rezoning of the property?"

SHEILA TOLBERT

"Mayor and City Council, thanks for this opportunity. My name is Sheila Tolbert and I reside at 127 Elm Court. My husband and I are 12 year residents. Since living on Elm Court, I've noticed the property around there increase, actually, in value through hard work and dedication of the neighbors. Just the fact that Mr. Lindler named so many options that would be open for this property use in the future, in case the original business does not work; it's frightening to me and my neighbors. This weekend, there were kids playing on Elm Court and they were very safe. They felt safe and we felt good having that variety of action going on in the neighborhood. I feel that any business with an option to have such multiple uses would be dangerous to our neighborhood. We've done a lot in our neighborhood to stop the car and foot traffic and feel that, if this business were to occur, the quiet neighborhood feel we have would be jeopardized so I am adamantly opposed to it."

MAYOR NICHOLSON

"Thank you."

SHIRLEY
CUNNINGHAM

"Hi, Mr. Mayor. My name is Shirley Cunningham and I also reside at 110 Elm Court.

I've been there for about 18 years now and, like Sheila said, we have a very safe neighborhood right now. We

have a lot of construction work done, an old house that was torn down and the neighborhood is really very respectable now. I feel that, whatever he wants to build, it's just frightening to me because the kids like to play and the traffic will be heavier. We have bus routes to come that way and right now I just feel it's better if we keep it like we have it. It's quieter now and I believe, with this kind of traffic, it would be a lot of noise. People might have to park in our neighborhood and it's just not enough parking area on that street for all of this."

MAYOR NICHOLSON "Okay. Thank you."

LAURA WOODALL "Good evening. My name is Laura Woodall and I reside at 428 East Cambridge Avenue. I'm actually the property adjacent to Mr. Firriolo's property and I am definitely opposed to this. I believe that East Cambridge, being the Heritage Corridor street in our area, has enough mixed usage right now. We have enough traffic and a great variety of usage in our neighborhood. We are beginning to see some revitalization for this area from the deterioration that folks have spoken about. We have a Neighborhood Association that has worked for the past six and a half to seven years, at least, to get a national historic overlay for this area. Those of us who are in these historic homes in this historic neighborhood have worked very hard to achieve that historic overlay. I have a petition that the Neighborhood Association put together and, if you don't mind, I'd like to read that.

Laura Woodall read the petition against rezoning of the property.

- attach -

"We certainly do not wish for businesses not to move into our area. We think we have a vast amount of empty buildings that need businesses with good restaurants and places for us to go. I personally do not want our children in the neighborhood to be subjected to further noise, further traffic and restaurants that can serve alcohol next to our homes. Thank you."

MAYOR NICHOLSON "Thank you. Is there anyone else to speak opposing?"

STEVEN BROWN "Mr. Mayor, I included in your information packet a letter dated August 18, 2006 from property owner Thomas

Firriolo requesting it (the letter) to be made a part of the City Council minutes."

MAYOR NICHOLSON

"Okay. I think if you look in your package, you will see the letter coming from Mr. Firriolo."

Mayor Nicholson read the letter of request from Mr. Firriolo.

- attach -

"Okay. If there is no one else, we will close the public hearing dealing with the rezoning of the property at 422 East Cambridge Avenue.

Now we will take action from Council."

A motion to deny the rezoning of the property was made by Betty Boles, seconded by Barbara Turnburke.

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

Those who voted to deny the request were Mayor Nicholson, Linda Edwards, Betty Boles, Herbert Vaughn, Johnny Williams, and Barbara Turnburke. Niki Hutto abstained from voting due to conflict of interest.

Motion passed.

CONSIDER

Mayor Nicholson read the fourth item and recognized Phil Lindler of the City/County Planning and Zoning

Ordinance 06- Department.
035 Amending
the City of
Greenwood's
Official Zoning
Map (Ordinance
No. 04-020) by
Rezoning
Property
(Approximately
0.78 Acres),
Located at 509
East Cambridge
Avenue, from R4
(Residential -
Medium Density)
to OPI
(Office/Profess
ional/Instituti
onal).

(1st reading)

PHIL LINDLER

Thank you again, Mr. Mayor. This is a request for 509 East Cambridge that is diagonal across the street from the earlier property. This property is located just east of the Greenwood Cemetery and National Healthcare. The property is currently R4, Single-Family Residential and has been used residentially in the past. The request is to rezone the property to OPI (Office, Professional, and Institutional) in order to place a bed and breakfast on the site. Currently, Office Professional does allow for a bed and breakfast use. R-4 allows a bed and breakfast however you must have a minimum of 2 acres. This site is less than 2 acres and therefore would not comply with the Zoning Ordinance. In order to make the bed and breakfast work, the property would need to be rezoned."

MAYOR NICHOLSON

"Okay. Thank you, Phil. Is there anyone to speak in favor of this rezoning change?"

TODD SNELL

"Thank you, Mr. Mayor and Council. My name is Todd Snell and I reside at 509 East Cambridge for about the last four years. I would like to thank Ms. Tolbert, who I attended church with shortly, for the comment that she made. Obviously, she saw me with my weed eater restoring the metal roof. I had to retro fit my weed eater in order to grind off the old cool-? I put quite a bit of money into the house and took the property from a little over \$100,000 to now \$200,000 in value. Being able to rezone this, the lady who wants to purchase my house has promised to put another \$100,000 worth of value into it as well as help the oldest cemetery in

Greenwood.

My wife and I have really enjoyed being in this fine City. We really hate to relocate, but as anyone would know, living in a 100 year old Tudor wood frame house, takes constant, continuous work. I build healthcare facilities, so I've done most of the work myself with my own two hands which saved me some money. The one of the two water source heat pumps are located in the basement and the other in the attic so that you cannot see them from the outside. I have tried to keep the historical look of the house without having any units to sit outside. When you walk around the house, it does not look like it has heating and cooling on the inside.

I am currently in Eaton, North Carolina, for about a year and a half and I've watched my property that I worked tremendously hard on deteriorate once again. I am not able to keep it up but the lady who wants to buy it will have an opportunity to keep this wonderful, historical heritage of the City going forward instead of backwards. Ms. Tolbert made a very good point because we all want to keep the community going forward.

She (the buyer) and her husband want to open a bed and breakfast. Her parents want to either purchase a yellow house down the street from us or she's very interested in a Clarissa's (Blackmore) house just beside us. I think there may be some discussion there. Those two houses originally belonged to the Keller's that are buried in the cemetery beside us. Once again, if it would be possible, the same family will own both houses side by side which I think would be very cool for the City. Her brother also wants to relocate from Florida and open a business as well. So the tax base, by rezoning this house, would be increased for the City both through a bed and breakfast and perhaps through another landscape business as well. So I think it would be very good for the City.

She has quite an eager and tireless attitude. In fact, she's so fallen in love with the house that she has a picture of it on her computer screensaver. She's really fallen in love with this place. That's one reason the bed and breakfast would go over very well. In fact, we just had an opportunity to come this way from Athens and I was so impressed with the amount of work that they have accomplished.

With that in mind, you'd have the NHC beside a bed and breakfast which could serve someone from out of town to see a loved one. They can have a place to stay in an

old, historical home and help preserve this area. Also, we have a college around the corner and I know that parents love to come and see their children. It's in the most historical area that is within walking distance in nice weather. We do have a lot of foot traffic, as Ms. Tolbert had pointed out, which is good for the area. I think it shows activity and that people do care about the community.

As far as the traffic is concerned, I had permission from SCDOT to put in a circle driveway but I did not have a chance to do it. I have an opportunity to help minimize the problems with the traffic. I also have a tremendous concrete pad poured outback for an outbuilding which also has concrete going to the back that also would help in parking. There is some additional area that also can be made available for parking.

My wife and I were honorary inducted into the National Historical Society because we mowed the grass for the last four years and had intended helping them put a brick wall back up. She wants to talk with them about possibly parking out front late in the evening. If it's permissible, she also wants to donate quite a bit of money per week to that national, historical, beautiful, old cemetery that really needs restoration. There are a lot of broken headstones and we tried to do some things to help clean the place up in that area.

We love the City and we don't really want to relocate, but my heart just cannot stand to see this house that we put our heart and soul into go back the wrong way. I would appreciate the consideration to rezone it and have somebody that has the heartfelt love for this place, like me and my wife has had since we have been here, to take this forward and not let this area slip back. I appreciate your time. Thank you, very much."

MAYOR NICHOLSON "Has the buyer been in touch with any of the building officials about the property?"

TOFF SNELL "Yes, sir, she has."

MAYOR NICHOLSON "Has she talked with Phil or Steve?"

NIKI HUTTO "Because a bed and breakfast is a permitted use in R4, why didn't you just go for a variance on the acreage requirement? That way it would preserve the continuity of the zoning and still remain residential."

MAYOR NICHOLSON "Is it possible, Phil?"

PHIL LINDLER "It would be possible, but the applicant would have to

prove why his property was different than any other R4 property that could do a bed and breakfast less than the two acres. They'll say basically, 'Why would you have a two acre requirement? 'Why don't you go back and amend the ordinance for that?' That would be their argument. Whether it would be approved or not, I cannot say."

BETTY BOLES "But it is something to consider?"

PHIL LINDLER "Yes."

MAYOR NICHOLSON "Is there any time frame they're looking at?"

TODD SNELL "We have been working with them for four months now. I don't know if there's actually a time frame. You know I really don't want to sell the place and I'm in no real big hurry. Every time I come here we just love to stay in it. In fact I told her that if she did get to open the bed and breakfast, guess where I want to stay every time we came back to town to visit friends? So to answer your questions, Mr. Mayor, I don't know if there is an actual time frame."

LINDA EDWARDS "Is your selling the property to her contingent on whether or not we rezone it?"

TODD SNELL "Yes, ma'am, it is. She wants to make an investment into this area. Her family is French/Canadian and her parents, grandparents and great-grandparents all have a long history with having bed and breakfasts because that's what they do. They're very good at what they do and for them to be able to establish a bed and breakfast is very important for them. So yes, ma'am, it is."

MAYOR NICHOLSON "Is there any other questions? Okay. Thank you. Is there anyone else to speak in favor of the zoning change? Is there anyone opposing this zoning change?"

SHEILA TOLBERT "My name is Sheila Tolbert. I reside at 127 Elm Court and, yes, I am in opposition of this change. The fact that if the zoning changes to OPI frightens me. There are too many options for our neighborhood to actually take a plunge. I apologize (speaking to Todd Snell) and I understand. I have enjoyed seeing that house progress, but there's no guarantee that it will continue to progress in this same manner. There are just too many options and risks and I don't want to gamble my neighborhood. Thank you."

MAYOR NICHOLSON "Thank you. Is there anyone else?"

SHIRLEY CUNNINGHAM "I'm Shirley Cunningham and I also feel the same way that Sheila feels. I'm sorry you feel that way (speaking to

Todd Snell) but there is a risk for kids walking up and down the street. Like I said, you never know what someone might do when they drink. With kids up and down that street all the time, we just don't need that kind of environment right now. So just consider us, okay?"

MAYOR NICHOLSON "Thank you."

LAURA WOODALL "I'm Laura Woodall of 428 East Cambridge and I just want to reemphasize what I said earlier about the rezoning request. We understand Mr. Snell's commitment to the property however we do not know what's going to end up there. It was our understanding that the buyer did not request a variance because she wants to have a restaurant and sell alcohol on the premises to people outside of the B & B. A bed and breakfast is a great idea. I think it's a lovely idea and would be an addition to our neighborhood. We have a B & B on Grace Street and another B & B would certainly enhance the neighborhood. Because the variance has not been requested, that's not the only thing just going in there. It's my understanding that there is a restaurant and bar request that goes along with this.

Again, our concern is once the OPI spot zoning is approved, that's not going to stop people from wanting to spot zone the next piece of property until all our homes are either surrounded by businesses or turned into businesses or commercial uses. My husband and I are both school teachers. We have put our heart, soul and pocketbooks into our home. We understand what it's like to own an older home and love it. I think everyone on our street feels the same way about their property. So we're not being disrespectful to what they have done. I think it's great, but our concern is that change to OPI. Thank you."

MAYOR NICHOLSON "Thank you. Okay is there anyone else to speak opposing the zoning change? Alright seeing and hearing none, we will close the public hearing. Mr. Brown, do you have a comment?"

STEVEN BROWN "Mr. Mayor and Council, I don't know if I read you or not. I know I read the audience pretty good and there's some concern about what's allowed in OPI. We have all been concerned for some time about the broadness of OPI and the permitted uses. I will inform Council that I have asked Phil to request that the Planning Commission to restudy the allowable uses in OPI and consider eliminating some of the offensive commercial uses. This was done in the last month even before we knew that these two rezoning requests were coming before you. One of your options may be to delay this and give the

Planning Commission some time to make a recommendation to you in which some of the offensive uses may be eliminated.

Now, that's just an option. I'm not speaking for, against or trying to persuade you. I keep hearing the comment made about the number of uses that are allowed in OPI. As City Manager, I do feel that there are some permitted uses that need to be eliminated because they're offensive to a residential neighborhood. OPI has always been, in my mind, a transitional zoning between commercial and residential. Some of the uses that are now allowed in OPI, in my opinion, should be in Neighborhood Commercial. I think that's what frightens Ms. Tolbert and some of the neighbors around these properties. It's not so much what the owner is saying what they intend to do, but the massive number of things that could be done. I'll be glad to answer any questions that you may have."

JOHNNY WILLIAMS "When we first did OPI it was nothing like it is today."

STEVEN BROWN "That OPI was under the old ordinance. When we developed the new ordinance, there were some use categories inserted that should not have been, in my opinion."

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

LINDA EDWARDS "Now, if we plan to get with Phil or whatever, I still have to wonder. Time and time again, people would stand before us and say what they're going to do and we would rezone the property. My concern has always been is, if their businesses don't make a go of it, we would've put something in a neighborhood that we'll regret. Then the next owner would want it rezoned to something else that'll fit their needs. I know everybody got to prosper and try to make money, but we need to look long and hard at this last piece of property and just stop sticking businesses in our communities. We all are going to wake up one morning with something next door to us that we're not going to be happy with.

Now, I understand that he's invested quite a bit of money, so have other people on those streets. If we continue to just start turning over for profits, we're going to wake up in our own neighborhoods with businesses next door to us. So, if we're going to look at this, we need to look at it hard and long because we're not going to always be here.

We got to think down the road when you have people wanting to put up businesses that don't live in Greenwood. When something goes wrong with that piece of

property, Mr. Brown got to go through the dickens to get a hold to the property owner; even come and cut the tree limbs. So, whatever we do, we need to start looking long and hard at how we turn over re-zonings."

MAYOR NICHOLSON "Thank you. Okay do I have a motion in reference to the rezoning of this property at 509 East Cambridge?"

BETTY BOLES "If we're going to look at the property, as far as an option for the OPI, I just think it would be unfair to other people who have been denied the same opportunity. I'll just make a motion that we deny this rezoning because I don't feel that it's fair for us to make an exception at this point. What are you going to say to the other people that did not have this opportunity under the OPI zoning?"

MAYOR NICHOLSON "Alright. I have a motion that it be denied. Do I have a second?"

A motion to deny the request was made by Betty Boles, seconded by Linda Edwards.

"Okay. Are there any questions or discussion? All in favor of denying it at this point raise your right hand. So moved."

Those who voted in favor of denying the request were Linda Edwards, Betty Boles, Herbert Vaughn, Johnny Williams, and Barbara Turnburke. Mayor Nicholson opposed the motion and Niki Hutto abstained from voting due to conflict of interest.

Motion passed.

CONSIDER

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

Ordinance No.
 06-030 Amending
 the City of
 Greenwood's
 Official Zoning
 Map (Ordinance
 No. 04-020) by
 Rezoning
 Property
 (Approximately
 3.17 Acres),
 Located at 423
 Oak Avenue,
 from LIW
 (Limited
 Industrial/Ware
 housing) to RM&
 (Residential
 Manufactured
 Housing - High
 Density).

A motion was made by Johnny Williams, seconded by Betty Boles.

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

Motion passed unanimously.

- attach -

(2nd reading)

CONSIDER

 Appointing a
 Commissioner to
 Complete an
 Unexpired Term
 on the City of
 Greenwood
 Housing
 Authority
 Board.

Mayor Nicholson read the second item and said, "I have a recommendation of Mr. Glenn Langrehr who's a resident in the Mathews Community. He's talked with Mr. Lamb and is interested in filling this term. Do I have a motion that we appoint Mr. Glenn Langrehr?"

A motion was made by Barbara Turnburke, seconded by Johnny Williams.

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

Motion passed unanimously.

LINDA EDWARDS

"Do you think it's possible for us to meet him?"

MAYOR NICHOLSON

"Yeah, I can get in touch with him."

CONSIDER

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

Hospitality Tax
Funding Request
from GLEAMNS
for the Dr.
Benjamin Mays
House Museum.

STEVEN BROWN

"Mr. Mayor and City Council, I think most of you have been to the Benjamin May's House which is located behind the GLEAMNS property. I know in the last two weeks Mr. Vaughn and I met Dr. Patton and we toured the property. It's very obvious to us that there's been a lot of work done. I'm sure that you have seen it when you've been there. We were able to, not only go on the property, but inside the structure also.

I think one of the critical concerns right now is security around the property. The day that Mr. Vaughn and I were there, someone had broken out some windows. I think the next project for Dr. Patton is to try to get some type of fencing. There may be some type of decorative chain link on the backside but the front is going to be more conducive with the period of time that Dr. Mays lived. It's not going to be offensive to what we're trying to do on the Benjamin Mays site.

As you can see in his letter, they have spent approximately \$143,000. They want to build an Interpretive Center along with this fencing. He has secured \$80,000 from other funding sources. He needs an additional \$60,000 to complete the \$140,000 of work. Originally, Dr. Patton had only asked for \$25,000. When we were there that day, it was very obvious to us that the fencing needs to be added. There's no need to do the Interpretive Center or add anything else until he can secure the property. So he went back and revised his request. If you have any comments, I'll turn it back to you."

HERBERT VAUGHN

"I think he's done a fantastic job there. It looks good and needs to be protected."

STEVEN BROWN

"I get a little concerned about the amount of money that City Council has obligated from the hospitality fund. I've had Charlie to give me an accounting. He feels comfortable that there should not be any trouble in meeting our obligations if City Council were to approve this request. Certainly, we don't have the amount of money that you have approved him so far to this point. But we feel that by January, all of the projects will be funded. We will be able to meet our obligations because not all of the projects are going to be done at one time. I would recommend that you consider approving this now."

MAYOR
NICHOLSON

"Okay. Do I have a motion?"

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

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

Motion passed unanimously.

CONSIDER

Appointment to
the City/County
Tourism
Advisory
Committee.

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

CHARLES
BARRINEAU

"Mr. Mayor and Members of Council, Mr. Russ Ritson, one of the members of the committee that you have appointed, has now left his employment with the Inn the Square. We would like for you to consider Louis Smith, who is the Co-owner of the Inn on the Square, to keep the same business appointed. He is willing to serve."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

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

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

Motion passed unanimously.

CONSIDER

Acceptance of
the U. S.

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

Housing and
Urban
Development
(HUD) Education
Development
Initiative
(EDI) Special
Project Grant
for the Emerald
Triangle
Project to be
Used for the
Greenwood
Museum.

CHARLES
BARRINEAU

"Mr. Mayor and Members of Council, I wish I was telling you that we were getting new monies, but these are some old monies that were actually asking for a name change. In December of 2005, I informed you that Congressman Barrett had assisted us in obtaining a \$396,000 grant through the HUD, EDI program. In their commercial law, it was titled, 'Federal Building'. At the time we got those monies, we had pretty much finished the Federal Building so we asked Congressman Barrett to consider seeking an amendment to the grant. Around mid-summer we were notified that Congress and the President approved the name change to the 'Emerald Triangle Project' which obviously gives us flexibility in the use of the money.

We have looked at the overall scope of the Emerald Triangle and where the current need is. As you're aware, you have approved money for the theatre. The next phase would be improvements to the Greenwood Museum. Therefore, we would ask you to consider allocating money appropriated by Congress for the Emerald Triangle Project to the Greenwood Museum in the amount of \$396,000. The environmental process for this grant has been approved by HUD. I'll be glad to answer any questions."

MAYOR NICOLSON

"Okay."

STEVEN BROWN

"It's a straight, pass through."

MAYOR NICHOLSON

"Right. Just a transfer. Do I have a motion?"

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

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

Motion passed unanimously.

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

Authorizing
City Manager to
Place Bid on
Properties and
to Advertise
the Sale of
Surplus
Properties.

STEVEN BROWN "Mr. Mayor and Council, I'll be about as vague as I possibly can because I don't want to give my hand away. There are some properties around town which will be sold at the delinquent tax sale. One particular property that I know of has a house on it that we have been trying to demolish for years. Last year it was sold at the tax sale, but the person who placed the bid on the property did not come through. It is up for sale again. I would ask Council permission to allow me to register as a bidder on this property.

Unless somebody wants a dilapidated structure, our investment would be a few hundred dollars in the taxes. You can't salvage the house and surely we'll have to pay the demolition costs, but I think this is the best thing for the community. I'm also going to try the other listings to make sure there aren't any similar houses out there in the community.

Secondly, we have one person who expressed an interest in purchasing two parcels of property that we acquired in the 80's or early 90's through the Community Development program. We feel the proper course would be to advertise it. If there are no other folks who are interested in it then we would ask this person to place a bid on it and bring it to you.

We're asking permission to advertise these two parcels publicly. We know we have one bid and we may have others."

NIKI HUTTO "Do you think the sale of the surplus properties can pay for the bid on the other property?"

STEVEN BROWN "Probably so."

NIKI HUTTO "Could it be a wash?"

STEVEN BROWN "It could be more than a wash."

NIKI HUTTO "Okay."

STEVEN BROWN "So those are my two requests."

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

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

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

Motion passed unanimously.

AUTHORIZE Mayor Nicholson read the fifth item and recognized the
Assistant City Manager.
City Manager to
Execute a Quit
Claim Deed to
IOS, LLC.

CHARLES "Mr. Mayor and Members of Council, about three or four
BARRINEAU months ago, we asked you to consider allowing the City
Manager and City Clerk to execute approximately 13 quit
claim deeds for our South Main Street landscaping
project. In the last week, we have been notified by the
IOS, LLC, during a title search, that their attorney had
some discrepancies in the language that was used in the
quit claim deed. So therefore, we would need your
approval in allowing the City Attorney to work with this
attorney, clear up those discrepancies and get the
language changed. It may require us deeding that
property back and then re-deeding it with the right
language. We wanted to let you know about the
circumstances. Attorney Welch may have some comments."

STEVE WELCH "The only comment is, if I didn't have to deal with so
many of these picky attorneys like this, my job would be
a lot easier. The simplest thing to do, literally, is to
have one deed in and one deed back out."

MAYOR
NICHOLSON

"Okay. Do I have a motion that we authorize this?"

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.

"Yes, Mr. Brown?"

STEVEN BROWN

"Mr. Mayor, before you entertain a motion to go into Executive Session, I have a letter that I received today from the Department of Commerce. Somebody likes us greatly because we received a letter today stating that the Coordinating Council for Economic Development has awarded an additional \$250,000 to the Magic Johnson Project. Charlie didn't bring my other letter, but I think that makes the total amount around \$425,000. They stated in the letter that \$125,000 is for Year Two and \$125,000 for Year Three. I think one of the critical conditions outlined in the grant award is a mandate that we must submit a local funding plan by the end of Year Three. This means that our staff and Dr. Patton's staff will need to identify funds that will fund this project for Year Four.

Another critical stipulation is the City's responsibility to ensure that all of the conditions are met. Any and all costs overruns will be borne by the City. While this project is being completed and someone complains that we are scrutinizing their work, please understand that the City has accepted responsibility for overruns. I don't think you're authorizing us to accept overruns, unless somebody comes to you and ask prior approval. If you desire the City staff to execute the grant agreement, you need to vote to place this on the agenda tonight. One reason is that the acceptance documents must be returned in 14. I think it would be ludicrous for us not to accept it. We just need to be diligent to make sure that we don't spend any more than what's been approved and then work very hard to identify funding after year three."

MAYOR
NICHOLSON

"Do I have a motion that we add one item to the agenda that is approval of receiving a grant?"

A motion to accept item to the agenda was made by Johnny Williams, seconded by Betty Boles.

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

Motion passed unanimously.

AUTHORIZE Mayor Nicholson asked for a motion to accept the grant.

City Manager and Clerk to Sign Acceptance of Department of Commerce \$250,000 grant for the Magic Johnson Project. Motion to accept the grant was made by Johnny Williams, seconded by Linda Edwards.

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

Motion passed unanimously.

CONSIDER Mayor Nicholson read the sixth item and asked for a motion to go into Executive Session.

Entering into Executive Session to Receive Legal Briefing from City Attorney. Motion to approve was made by Johnny Williams.

The Mayor asked, "All in favor raise your right hand. Again, we want to thank you all for coming and I hope that everyone has a wonderful evening."

The business meeting recessed at 6:40 p.m. to go into Executive Session.

The business meeting reconvened at 6:47 p.m.

AUTHORIZE Mayor Nicholson said, "We now have the matter before us that we discussed in Executive Session. Although the City of Greenwood denies ownership of the storm drain at issue in the litigation, we understand from the legal briefing that jury trials can have uncertain outcomes. City Attorney to Negotiate a Settlement.

Therefore, we authorize the City Attorney to negotiate and pay up to \$40,000 of any final settlement necessary to have the City of Greenwood released from the Poore drainage easement dispute.

Do I have a motion?"

Motion to authorize the City Attorney to negotiate a settlement up to \$40,000 was made by Linda Edwards, seconded by Betty Boles.

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

The motion passed unanimously.

CITY COUNCIL
COMMENTS

Mayor Nicholson asked if any of the Council Members had any comments.

JOHNNY WILLIAMS

"Yeah. I'd like to know how they got two acres on the bed and breakfast because the one on Grace Street don't have it."

NIKI HUTTO

"That's because it was prior to the new zoning regulations and it is commercial property."

STEVEN BROWN

"They're also selling that property, too."

NIKI HUTTO

"I don't understand why they didn't go for a variance. It's zoned R4 and you can do a bed and breakfast with two acres."

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

Meeting adjourned at 6:50 p.m.

ATTEST:

Floyd Nicholson, Mayor

City Clerk and Treasurer