

GREENWOOD CITY COUNCIL

February 24, 2003 - 5:32 p.m.

MINUTES

PRESENT

Council Members: Mayor Nicholson, Linda Edwards, Herbert Vaughn, and Johnny Williams; City Manager; Assistant City Manager; City Clerk; City Attorney; and St. Claire Donaghy from the Index-Journal.

Barbara Turnburke entered into the meeting at 5:38 p.m.

ABSENT

Niki Hutto

CALL TO ORDER

The meeting in the Council Chambers was called to order by Mayor Nicholson at 5:32p.m., and he welcomed everyone to the meeting.

City Attorney, John McCravy, 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."

MINUTES

Mayor Nicholson asked for a motion to approve the minutes of the City Council Public Hearing, and Meeting held on January 27, 2003.

Motion was made by Linda Edwards, seconded by Johnny Williams, approving the minutes as presented.

The Mayor asked, "Any questions, discussion or corrections to the minutes? All in favor raise your right hand. So moved." Motion was carried unanimously.

REPORTS

Mayor Nicholson asked for a motion to accept as information the reports from the City Manager for January 2003, and the Commissioners of Public Works Consolidated Financial Report for the period ending December 31, 2002.

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

The Mayor asked, "Any questions or corrections to the reports? All in favor raise your right hand. So moved."

Motion carried unanimously.

CONSIDER

Ordinance Annexing
10.639 Acres of
Property, Owned by
Greenwood School
District 50 Located off
East Durst Avenue/Old
Laurens Highway.

(1st reading)

STEVEN BROWN

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

"Mr. Mayor, I will speak to all three items (one, two, and three), because you need to take a positive vote on all three for the annexations of the school, CPW, and City Pond properties. Last month, I asked you to delay the annexation because the City Pond property was not contiguous, due to the lack of some School District property being annexed. We now have received a petition from the School District asking for their property to be annexed, so items number one, two, and three, if they were passed by City Council on first and second reading, would annex the 637 acre City Pond property. I would ask the Mayor to consider setting up a meeting with the Commissioners of Public Works, prior to second reading, to discuss the issue of providing services to that property, if and when it is developed."

MAYOR NICHOLSON "Okay. If you look on the overhead, you'd see Mr. Barrineau has a sign up there. Really, the first item just has to do with School District property located off of East Durst Avenue. I think this is next to Oakland Elementary School out on Durst. Am I correct, Mr. Brown?"

STEVEN BROWN "Yes, sir."

MAYOR NICHOLSON "Okay. Do we have a motion that we annex this property?"

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

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

Motion passed unanimously.

- attach -

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

Ordinance Annexing
10' Strip of Property
Owned by Greenwood
County Located off
Old Laurens Highway.

(1st reading)

STEVEN BROWN "CPW owns a 10 foot strip located at Bucklevel Road and Old Laurens Highway, and the County has petitioned to annex it."

MAYOR NICHOLSON "Okay. Really, these were needed to make it contiguous for the City's ability to get the property that the CPW wants to annex."

STEVEN BROWN "That's true."

MAYOR NICHOLSON "Okay. Do I have a motion that we annex this strip?"

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

The Mayor asked, "Any questions or discussion? All in favor raise your right hand. So moved." Motion passed unanimously.

- attach -

CONSIDER

Ordinance Annexing
637+ Acres Owned by
Commissioners of
Public Works of the
City of Greenwood
and Located off Old
Laurens Highway.

(1st reading)

Mayor Nicholson read the third item and said, "This is the property, really, that CPW wants to have annexed. Mr. Brown, do you have any other ...?"

STEVEN BROWN

"No, sir. This ordinance not only includes the 637 acres, but it also includes a portion of the 10 foot strip to make it all contiguous."

MAYOR NICHOLSON

"Okay. Along with that, I would like to say that we set up a meeting with the Commissioners, and maybe Mr. Reeves, prior to second reading which will probably be in March. Do I have a motion?"

Motion was made by Johnny Williams, seconded by Herbert Vaughn.

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

Motion passed unanimously.

Barbara Turnburke enters into meeting but did not vote.

- attach -

CONSIDER

Ordinance Amending
City Ordinance 02-
019, Section 10-8 (c),
Fee Schedule and
Procedure for Billing of
Chapter 10, Garbage,
Refuse and Weeds,
the Code of
Ordinances of the City
of Greenwood.

(1st reading)

STEVEN BROWN

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

“Mr. Mayor and City Council, as you well know, when our sanitation trucks go to the landfill, we are weighed and charged a fee for our commercial waste that we place in the landfill. Years ago, when those fees were implemented, you added a landfill fee to our City of Greenwood collection fee. Over the years it has been adjusted as the cost per ton at the landfill increased. You have instructed us to make the landfill fee a pure ‘pass through’. In other words, you didn’t want to make money and, at the same time, you didn’t want to loose money.

Last year, the County increased the landfill fee, the per ton charge. We recommended an increase to the City’s landfill fee to compensate for the increased tipping fee at the landfill. I think two things could have happened. One is, maybe we made an error. I don’t think that’s the problem. I know this sounds unreasonable, but garbage weighs more when it’s wet. The bottom line is that we were \$10,000 short at the end of 2002. We’re recommending that you increase our landfill fee from \$1.20 per cubic yard to \$1.25. I feel this will take care of that deficit during 2003.”

MAYOR NICHOLSON

“Okay. Do I have a motion?”

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

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

Motion passed unanimously.

AUTHORIZE

City Manager to Sign
an Agreement with
Davis & Floyd for
Engineering and
Mapping Services
Associated with
EPA/SC DHEC Storm
Water Regulations.

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

STEVEN BROWN

“Mr. Mayor and City Council, when you adopted the 2003 City budget, you allocated an amount of \$50,000 for the staff to begin working towards compliance with EPA Stormwater Regulations. Prior to January 1, we had made some contacts and developed a relationship with Davis & Floyd, but we had not expended any money. We are now needing to begin preliminary work which will ultimately lead to the City of Greenwood being in complete compliance with all regulations.

It is our thinking that we will need the ability to comply with the first level of regulations by March of 2004. Now that date could change and move further into 2005, but right now it's an unknown. We think it's incumbent upon us to begin preparation of these documents and the mapping processes that need to be in place to reach that compliance. We're asking that you give us the authority to sign an agreement with Davis & Floyd Engineering, which will assist us in preparing these documents that will be submitted to DHEC at the appropriate time to meet these regulations. The agreement stipulates that we will not exceed the \$50,000 amount that you have allocated. If and when it would surpass begin to surpass, we will come back to City Council and get your approval before we spend any money greater than \$50,000.”

MAYOR NICHOLSON

“Okay. Do I have a motion?”

Motion was made by Linda Edwards, seconded by Barbara Turnburke.

“Any further discussion? This is something that we'd already allocated in the budget. We knew that these Stormwater Regulations were passed a couple of years ago by the Federal Government. So we're just trying to get in compliance and be ready. Am I correct, Mr. Brown?”

STEVEN BROWN

“Yes, sir. If we do not begin now, we may not be able to meet

those deadlines. It's a long, involved, and detailed process. The first work we will be doing is to identify existing plans, maps, and things of that nature, that are already in house. From that point forward, we will begin to produce those maps that need to be generated.

It's been recommended to us by Davis & Floyd that we map an area around a major drainage system in the City and use it as a test area. We would work on a small area and follow that process through to determine our future obligations. As these deadlines become known, that would give us an indication of what the future may hold, as far as deadlines and costs."

MAYOR NICHOLSON

"Okay. Any further discussion? We have a motion and a second on the floor. All in favor, raise your right hand. So moved."

Motion passed unanimously.

CONSIDER

Ordinance Authorizing the Mayor and City Clerk to Execute a Federal Building Lease Agreement with the Arts Council of Greenwood County.

(1st reading)

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

STEVEN BROWN

"Mr. Mayor and City Council, as you well know, the City of Greenwood owns the Federal Building jointly with the County of Greenwood. For a number of months, and possibly even years, there's been a group of people in town that have been meeting to determine the best use for that building as it relates to the arts and cultural community. The lead agency in this effort has been the Arts Council of Greenwood County. They have requested from you, a lease of that building for a term of 20 years. The County has already approved the lease.

As far as the City's obligations, I would like to make them known to you. This agreement calls for the City of Greenwood to cut the grass surrounding this building. As you well know, there's very little grass there, and I see no problem with us continuing to do that. At a previous meeting, you have already agreed to assume responsibility for the utilities up to a maximum time of five years, at which time that portion of the lease would have to be renegotiated.

I would recommend to City Council that you consider approving this lease. I think the quicker that we can give the authority to the Arts Council and their partners, the better our community will be. I do not see anything detrimental to the City of Greenwood. I think this is a very positive venture. I think it can be one of the most positive things that's ever happened to Greenwood, if the group is able to see it to fruition."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

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

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

Motion passed unanimously.

- attach -

APPOINT

One (1) Person to the City/County Planning Commission.

The Mayor read the next item's title and asked, "Mr. Brown, who's position was that? Mr. Britt's?"

STEVEN BROWN

"Mr. Britt, not the elder Britt, but the younger Britt has resigned even though his term expires in November. I would recommend to City Council that the time you do appoint someone, you would appoint them to this unexpired term and also a full term. There's no need to do it for three or four months."

MAYOR NICHOLSON

"Okay. Let's just postpone that right now. Do I have a motion that we postpone?"

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

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

Motion passed unanimously.

AUTHORIZE

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

City Manager to
Expend Funds to
Demolition Dilapidated
Structures.

STEVEN BROWN

"Mr. Mayor and City Council, in our efforts to enforce building codes, we often identify structures in the community that need to be demolished. There are absentee property owners that own many of these structures, and we work very closely with the City Attorney to locate them. If we could identify them, then there are some measures that we could take, such as sign a summons against them. Once we have completed the legal process, and it has been reviewed by the City Attorney, he gives us an opinion that we have fulfilled the law and therefore the City has a right to demolish that structure.

The next question is, who's going to pay for it? There have been times in the past that I asked you to allow me to use Community Development Payback Funds to demolish these structures. What happens if we don't do anything? They just sit there and it kind of makes us ineffective because we're requiring other property owners who live here in Greenwood to demolish their dilapidated structures.

If we do use Community Development Funds to demolish these homes, we can file a lien against the property. If that property is ever sold, then the lien against that property would have to be satisfied. We may not ever collect our monies, but if we're going to have an effective code enforcement program, dilapidated housing demolition is a must. I have before me the need of \$5,700 to demolish some structures. I really would like the authority to expend as much as \$15,000 because I think we need to move forward."

CHARLES
BARRINEAU

"Yes, sir."

STEVEN BROWN

"So, we're asking for \$15,000."

MAYOR NICHOLSON

"Okay. Do I have a motion?"

Motion was made by Barbara Turnburke, seconded by Johnny Williams to authorize the City Manager to expend \$15,000 of Community Development Payback Funds.

JOHNNY WILLIAMS "I got a question. How are they getting by when paying taxes?"

STEVEN BROWN "Well, some of the taxes on these structures have been paid."

JOHNNY WILLIAMS "Well, if they're paying the taxes, why can't you find them?"

STEVEN BROWN "I can't get my hands on them."

JOHNNY WILLIAMS "Well, the County is finding them."

STEVEN BROWN "As an example, one of the houses is owned by a person in Charlotte. He pays the tax by mail. You also must know that one of these structures has been burned, and once it is burned and of no use, the Tax Assessor takes it off of the property tax. All he's paying tax on is the lot, and we have a dilapidated burned structure sitting there. So I will assure you..."

JOHNNY WILLIAMS "Well, I'm just wondering how?"

STEVEN BROWN "The City Attorney can tell you, when you can't find them, you can't find them."

JOHNNY WILLIAMS "But you know we're always having tax increases in the County and the City and they got to get a tax notice. The County has to be sending it somewhere. Put a note in there saying, 'Hey, we're going to tear the house down if it's not ...' I mean, wouldn't that be a simple thing to do, if they're paying their taxes?"

STEVEN BROWN "We send them letters to the last known address. Often times they don't even accept our certified mail."

JOHNNY WILLIAMS "But what I'm saying is, when the County sends a tax notice to them, why can't you put a letter in there with it?"

STEVEN BROWN "How is that going to get me any further than where I am today?"

MAYOR NICHOLSON "They can get the letter and still not respond. You see, by sending it certified, they're supposed to sign for it to at least show that they received it. But if you just mail something, they don't have to respond."

JOHNNY WILLIAMS "But when they pay their taxes, we'll know they got the letter, too."

STEVEN BROWN "That's right."

MAYOR NICHOLSON "Well, but still."

LINDA EDWARDS "Yeah, but most times, when they move out into the County, the address on the check doesn't mean that it's where they live."

JOHNNY WILLIAMS "Well, I realize that, but I'm just saying that if they pay their County

taxes, they got to get the mail somewhere.”

MAYOR NICHOLSON

“Well, I think it’s a step in the right direction because I really can say that we made tremendous progress in the last year or so. I think another great step has been our Housing Advisory Committee. I just want to commend Ms. Edwards and Mr. Vaughn with the great progress they’ve been doing. A lot of things in their meetings are beginning to happen.

There use to be a lot of dilapidated structures, but now you’ll see the lots are cleaned off, and it really enhances the whole City. I know the committee meeting is on the 11th. They’re meeting regular, and doing a wonderful job. This is something that we need to go along with.”

LINDA EDWARDS

“I have a question. Can you say, right off the top of your head, how many structures are waiting to be torn down?”

JOHN MCCRAVY

“I can tell you we got at least 20 in the works that are going through the legal process right now. So I don’t know how many totally.”

MAYOR NICHOLSON

“Any other discussion? Well, we have a motion and a second on the floor that we authorize the City Manager to spend up to \$15,000 to demolish dilapidated structures within the City. Any further discussion? All in favor raise your right hand. So moved.”

Motion passed unanimously.

“That’s the last item under regular business. Mr. Brown, I have one question. How is the progress coming on the Cokesbury Sidewalk Project?”

STEVEN BROWN

“We have been told by the engineers that we will have the plans, and they will be ready to acquire right-of-way by the end of this week.”

MAYOR NICHOLSON

“Okay.”

STEVEN BROWN

“I have a request.”

MAYOR NICHOLSON

“Yes, sir?”

STEVEN BROWN

“I would like to request City Council to go into executive session regarding a situation that has occurred. It’s been going on for a couple of weeks but, because of the weather this weekend, there is some aggravation to the situation. It puts the City of Greenwood into a position of potential liability, and we need an opportunity, without jeopardizing the City’s position in this matter, to inform City

Council of it.

It has happened so quickly that we haven't even had time to tell the City Attorney about it. So we need an opportunity to inform you, and the City Attorney, of this situation. I think we can do it in about 15 minutes."

MAYOR NICHOLSON

"Okay. Do I have a motion that we go into executive session?"

STEVEN BROWN

"I would prefer that you stay in here because I have some pictures that I'd like to show you."

Motion was made by Linda Edwards, seconded by Johnny Williams to adjourn into Executive Session.

MAYOR NICHOLSON

"All in favor, raise your right hand. So moved. Thank you all and have a nice evening."

Meeting adjourned at 6:00 p.m.

Floyd Nicholson, Mayor

ATTEST:

City Clerk and Treasurer