

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – September 3, 2002 - 6:00 p.m.
Linda N. Gilstrap, Clerk to Council

M I N U T E S

All area newspapers, radio stations and television stations were informed of this meeting in compliance with guidelines set forth in the *Freedom of Information Act*.

PRESENT

Chairman Larry E. Greer – District #3, Presiding
G. Fred Tolly – District #1
Vice Chairperson Gracie S. Floyd - District #2
Clint Wright – District #4
Mike Holden – District #5
William C. Dees – District #6
M. Cindy Wilson – District #7
Joey Preston – Administrator
Tom Martin – County Attorney
Linda N. Gilstrap – Clerk to Council
Tammie Shealy, Deputy Clerk to Council

(During times of discussion and presentations the minutes are condensed and paraphrased.)

The official meeting of the Anderson County Council convened in the Council Chambers of the Historic Courthouse on Tuesday, September 3, 2002 at 6:00 p.m.

Mr. Fred Tolly gave the invocation and everyone stood and pledged allegiance to the flag.

Mr. Clint Wright moved to approve the minutes from the August 20, 2002 meeting and Mr. Dees seconded the motion. Ms. M. Cindy Wilson moved to amend the August 20, 2002 minutes to include a more thorough discussion of agenda item #5 "REPORT FROM COUNCIL MEMBER MIKE HOLDEN – Board of Realtors Committee to Study Proposed Land Use Changes". Chairman Greer asked Clerk to Council, Linda N. Gilstrap if the changes reflected the content of the tape as reviewed and she replied yes. Mr. Wright seconded the amendment. Vote was unanimous on the amendment and Vote on the original motion as amended was unanimous.

CITIZENS COMMENTS:

1. Ms. Susan Hall, a resident of the Anderson County side of Lake Succession, and a member of the National Wildlife Federation and the National Audubon Society, NRA, and Lake Succession and Rocky River Property Owners' Association. She said contrary to remarks made by Mr. Mel Justice there are no more remote areas of the lake and she respectfully asked him how land has been since he toured her end of the lake. She said the area above 184 is becoming as populated as the area below 184 as more families chose to make Lake Succession their home. Most residents work, play, and spend their money in Anderson County as well as the hunters from North Carolina, Georgia, and Florida. She explained that she has retreated inside her home as over-zealous chose to hunt to close to her home, she has had a bullet whistle past her head, and has had her rear window shattered in her car during deer season. She said that South Carolina has nearly 2 million acres of wildlife management land with 329,000+ in Anderson and Abbeville Counties combined. The Department of Natural Resources derive more revenue on these properties to more than compensate for any loss from Lake Succession, she said. The opposition to the sanctuary is from the State and County Council members-not residents. She

asked Council to consider providing Anderson County with the same protection as the Abbeville County side of the lake.

2. Mr. Billy Weldon said that he lived on Stevenson Road below the Starr landfill. He said he had a man-made pond and within two years it developed 6" of sediment. He told Council that at the end of Stevenson Road where the creek crosses the road floods during heavy rains. Also sediment from bulldozers running at the landfill has filled the creek half way up to where the creek is approximately 1,000 acres of swamp. With the West Nile Virus the residents do not want a swamp-breeding mosquitoes.
3. Mr. R.T. Moore addressed the Lake Succession situation. He said that he thought that County Council did not have the authority to stop hunting or change hunting requirements on Lake Succession. He asked Council not to set a precedent to stop people from hunting.
4. Mr. Bill Holder delayed his comments until the Land Use public hearing.
5. Mr. Steve Cooper stated that he objected to the Wildlife Refuge on Lake Succession where he lives and owns about 1-1/2 mile of waterfront on the upper end. He also owns part of a large tract of land on Succession purchased to hunt on. He also said that he didn't think that Council could tell citizens that they couldn't hunt on their own land.
6. Mr. Dan Harvell said that the ordinance on the Land Use calling for a public hearing was item #12 and he suggested that when Council has ordinances that will solicit so much public response that the ordinance be placed higher on the agenda.

No other citizens wished to speak.

Mr. John Miller, representing the Chamber of Commerce, presented a resolution congratulating Anderson County Council and all employees for being the recipients of the statewide awards received recently. He commended Council for their progress and told everyone to keep up the good work. The Chamber of Commerce presented a resolution to Mr. Joey Preston for being the recipient of the "County Leader of Year" for 2002. The Chamber thanked Mr. Preston for his leadership to Anderson County.

Chairman Larry E. Greer said that the next item was a surprise for Clerk to Council, Linda N. Gilstrap. He then presented Resolution #R2002-065 – a resolution recognizing and honoring Anderson County Clerk to Council, Linda N. Gilstrap, for being elected as President of the S.C. Clerks to Councils Association. Chairman Greer moved that the resolution be approved and Mr. Dees seconded. Vote was unanimous. The resolution was framed and presented to Ms. Gilstrap.

Chairman Greer presented and read into the record Resolution #R2002-066 – a resolution recognizing and honoring Anderson County Resident Ethel Griffith on her upcoming 100th Birthday. Mr. Tolly moved to approve and Mr. Wright seconded. Vote was unanimous. Chairman Greer said that the resolution would be presented to Ms. Griffith at a later date.

Chairman Greer presented and read into the record Resolution #R2002-067 – a resolution recognizing and honoring Anderson County Pastor Rev. David Lee Terry on his retirement as Pastor of Royal Baptist Church. Mr. Greer moved to approve and Mr. Dees seconded. Vote was unanimous. Chairman Greer said that the resolution would be presented to Rev. Terry at his retirement dinner at a later date.

Chairman Greer presented and read into the record Resolution #R2002-068 – a resolution commemorating the September 11 brutal attacks on America. Chairman Greer moved to approve and Mr. Dees seconded. Vote was unanimous.

Chairman Greer presented Resolution #R2002-069 – a resolution recognizing and honoring Anderson County Resident David R. Chastain for this service and dedication to Anderson County. Ms. Wilson moved to approve and Mr. Tolly seconded. Vote was unanimous. Ms. Wilson read the Resolution into the record and then presented a framed copy to Mr. Chastain. Mr. Chastain was commended for his many contributions to Anderson County. The Mayor and Town Council Members of Williamston presented Mr. Chastain a "Key to the City" for his dedicated service to their city.

Mr. Michael Cunningham introduced Mr. Rick Hill from the MIS Department as Employee of the Month for July 2002. Mr. Hill was selected by the Human Resources Committee for his implementation of a countywide on-line purchasing requisition system that is being used by most County departments. Council commended Mr. Hill for his service and job performance to the County of Anderson. Mr. Hill was presented all the gifts that are provided to Employees of the Month winners.

Chairman Greer called for a recess at 6:50 p.m. The meeting was called back to order at 7:05 p.m.

Ms. M. Cindy Wilson asked for a Point of Personal Privilege. The Chair recognized Ms. Wilson. Ms. Wilson said that since the Council has a very important public hearing concerning possible land use ordinance revisions and the County has serious issues upcoming dealing with Federal mandates concerning storm water run-offs, she asked that Council allow a brief presentation from Ms. Heather Landry who represents the University of South Carolina Center for Environmental Policy. Ms. Landry presented an overview of the Statewide NEMO program. She said that the NEMO program's goal was to educate local officials about the relationship between water quality and land use and to provide tools for managing those resources. They focus on non-point service pollution or pollutant run-off. Currently the program is focused on priority and purified watersheds, which are designated by the Department of Health and Environmental Control. Ms. Landry gave a brief description of what type information is distributed in their presentation. Ms. Wilson suggested that Ms. Landry review the County's proposed land use ordinances to see if the County would be in compliance with federal and state mandates and directives. Chairman Greer asked for information regarding a "hard pan" below the soil surface in regard with the Stormwater runoff and how its' effects can be considered. Council received as information.

Mr. Larry Holbrook, with the Department of Natural Resources, said that it was their objective to create more area and property for the hunters to have the privilege in Anderson County and throughout the state to hunt. He said there was no other property in Anderson County except up around Fant's Grove, which is owned by Clemson University. He said taking in consideration for the number of houses being built around the lake decreases the hunting areas. He said that they were not in a frame of mind of putting anything in a preserve and leaving it to where it cannot be hunted. He handed out information concerning the Duck Plaque received from the University of Georgia that does all studies on wildlife diseases. This information proves that the duck populations controlled and managed and not have a certain area overpopulated. He also handed out this years' waterfowl season. Chairman Greer asked Mr. Holbrook to explain the difference between conservation and preservation and he did. Mr. Greer stated that he had heard it explained as conservation being the wise use of our resources and preservation as the non-use of our natural resources. Mr. Ricketson showed pictures made on Lake Succession. Ms. Susan Hall stated that the pictures were not an accurate description of the Anderson County side of Lake Succession. Chairman Greer asked Mr. Larry Holbrook if County Council had the authority to impose any type wildlife or game refuge on the upper portion of Lake Succession. Mr. Holbrook said that according to the Attorney General's opinion, no the Anderson County Council could not. It would take an action by the Legislative

Delegation in the Legislature in order to accomplish this. Mr. Greer said that Council was being pressed to pass some type of resolution or position asking the Delegation to do this. He said that he could not do that until he sees an overwhelming support for that position. This is a two-sided issue and he is not in a position to ask the Delegation to make the upper portion a wildlife refuge until he sees more support. Mr. Greer said that he had taught hunter education programs for the last 20 years; and part of the education dealt with what you do with areas that you do not allow hunting. Areas with over populated geese and ducks are nasty and until he can see more in favor he will not ask the Delegation for any legislation for this.

Mr. Steve Pelissier with the S.C. Appalachian Council of Governments said that two of the largest sources of grant funding for infrastructure in the six counties in the South Carolina Appalachian Region are the Economic Development Administration and Appalachian Regional Commission, last year congress adopted legislation reauthorizing both of these agencies and in that legislation for the Economic Development administration it said that in order to get EDA funding for a project; the project had to be included in a regional comprehensive economic development strategy. In Legislation for the Appalachian Regional Commission it said that in ranking formula inclusion in a regional plan counts significantly such that for a project to be competitive it must be in the plan. This is a five-year plan with annual updates and legislation authorizes the local development district or Council of Governments to maintain that plan. Currently Appalachian Council of Governments is in the process of updating that plan-the one-year update. He said Council had received a copy of the Anderson County portion of the plan. The purpose is to include any project that Council is thinking about for the next five years and certainly any project that council is looking at over the next 1-2 years, especially over the next year. In order to put the plan together, COG started off working with staff to identify all the plans and items that is on the agenda already. COG then contacted County Council members and municipal officials from across the County and officials from special purpose districts. Then COG did not develop any of the items; they listed what the County had. Ultimately the plan will go to the Board of Directors for September 27 for adoption. He then asked Council for an endorsement or delay final discussions until September 17. He asked that everyone submit other projects that COG could have missed as soon as possible for inclusion. Ms. Wilson asked the following questions. She asked why the sewer line on Highway 24 apparently received a much more reduced priority. She said that it was in the County Comprehensive Mapping and Land Use plan in documents form 1992-1996 now it appears to be lower down at this point. Mr. Pelissier said that the Council of Governments were not attempting to set priorities. Effectively the way that Council could set priorities would be the projects Council chooses to seek funding to go ahead with. Chairman Greer asked Mr. Pelissier if the 10-year Sewer Plan that is referred to under recommendations include the priority ranking that County Council has established. He said that the plan has been adopted by reference and if Council prioritized those then that priority would be reflected. Ms. Wilson asked that under transportation, and under roads needed to serve key industrial sites listed are Long Road, High View Road, Midway and Welcome Road. There is not a priority of them listed in the County's transportation study done last year and it basically acknowledges that Brown Road, Concord Road and as it crosses Highway 81 it becomes Hopewell, Breazeale and Cheddar should be a top priority as it is in actuality an east-west connector with a lot of heavy traffic involving volumes and weights. She asked if the 4.5 million dollars that is suggested for interchange improvements on Highway 81 and Interstate 85 includes the \$1,680,000 for the reconstruction of Long Road, \$870,000 for High View Road reconstruction, Midway Road resurfacing and spot improvements for \$1.1 million, and \$610,000 for Welcome Road (total 4.2 million dollars). She asked was that part of or in addition to? Mr. Pelissier said that the figure did not include work on secondary roads. The infrastructure under Economic and Recruitment includes Lake Hartwell, Savannah River Watershed, and Regional Joint Water System and she asked if

the County should include Saluda River Watershed? Mr. Pelissier said that it could certainly be added to look at the infrastructure to support economic development in that part of the County. Chairman Greer said that the plan was presented as information at this time; however at the next County Council meeting the plan will be considered and voted on. The Chair suggested that Council Members go through the plan and if things are omitted or included which you feel should or should not be included in the plan to contact either Mr. Pelissier or him. Ms. Floyd proposed that Council wait until the next Council meeting to vote on the plan. Mr. Tolly moved that Council put in writing any proposed additions or deletions to the plan and included in the Council packet for the next meeting. This information also should be presented to the Clerks by 5:00 p.m. on Wednesday for inclusion in the agenda packet. Mr. Dees seconded. Mr. Dees said that the representative from the University of South Carolina talking about toxic waste coming from septic tanks and placement of septic tanks. He said that he received from Mr. Pearson information (he handed a copy to all members) on this and he said that he was concerned about the County's water resources and where the County was going to get water in the future. He asked Mr. Pearson for the following figures: total population from the last census is 165,740 within Anderson County - incorporated: 42,541, unincorporated: 123,199. For sewerage accounts Anderson County has - 2,550 residential accounts (about 6630 people) or 2.6 people per household. He said that equal 5 million gallons of water and this would fill a football field (includes 120 yards counting the end zones with a lake 12 feet deep). The County is discharging 85 gallons a day into the public sewer system and if a more conservative figure is used such as 85 gallons per day per person we can calculate this approximate amount of waste water discharged into septic tanks a day - 9,908,365 into septic tanks which is almost two football fields that the County does not get back. If this were on sewer it would be re-used. Ms. Floyd said that she would have changes in the Broadway Water area. Ms. Floyd called for the question. Mr. Greer asked Council members to please present these changes to the clerk in writing. Vote was unanimous.

Council recessed at 8:15 p.m. for approximately 10 minutes. Chairman Greer called the meeting back to order.

Mr. Robert Galloway from Haynsworth, Sinkler, and Boyd gave Council a brief presentation of what enterprise zones and foreign trade zones are and their effect on Anderson County.

Mr. Bob Daly said that in 1992 the Council retained the services of Carter Global and looked at the criminal justice system and their job was to advise County Council on the future growth of the Anderson County Detention Center and to estimate how many beds would be needed in the future. They estimated that the average daily population in Anderson County for the Detention Center would 200 inmates in the year 2002 and they estimated that the county would need 300 beds per day by the year 2012. The bad news that the County has hit the 300 beds already 10 years sooner than estimated. The capacity is 250 at the present time with 300 inmates. The County has planned a 50-bed expansion and the money has been provided in one of the ordinances provided tonight and he asked for Council positive consideration. He said that it was also important that the expansion would free up a large dorm currently occupied by female inmates. Council received as information.

Mr. Holt Hopkins gave a brief presentation on changes that has occurred at the Anderson County Airport. Council received as information.

On the motion of Ms. Cindy Wilson, seconded by Mr. Wright, Council voted unanimously to approve third and final reading of Ordinance #2002-019 - an ordinance to approve a rezoning request by Ken Moorehead, R.D Garrett, and Jerry

Meehan to rezone a combination of six parcels totaling 56.58 acres in the Five Forks precinct from C-2 (Highway Commercial) to S-1 (Services) the parcels are located on Liberty Highway between I-85 and Manse Jolly Road and are identified by TMS#093-00-06-004, 093-00-06-003, 093-00-06-022, 093-00-06-007, 093-00-06-008, 120-00-07-001 and 093-00-06-005.

Chairman Greer presented third and final reading of Ordinance #2002-020 – an ordinance concerning approving a rezoning request by Jeff Saxton to rezone 2.37 acres in the Five Forks precinct from I-2 (Industrial Park) to R-A (Residential Agriculture). The parcel is located off of Whit Road adjacent to I-85 and is identified by TMS#119-00-018-001. Mr. Wright moved to approve on third reading and Ms. Wilson seconded. Vote was unanimous.

Chairman Greer presented third and final reading of Ordinance #2002-023 – an ordinance to transfer official military discharge records and the responsibility for the continued maintenance thereof to the Anderson County Veterans' Affairs Officer pursuant to Section 30-15-60 of the Code of Laws of South Carolina, 1976, as amended; and other matters related thereto. Mr. Bill Dees moved to approve and Ms. Gracie S. Floyd seconded. Vote was unanimous.

Chairman Greer presented third and final reading of Ordinance #2002-025 – an ordinance approving the financing of the construction of improvements to sanitary sewer infrastructure located in the County of Anderson, South Carolina, through the borrowing of not exceeding \$1,940,000.00 from the State Water Pollution Control Revolving Fund, by agreement with the South Carolina Water Quality Revolving Fund authority, pursuant to Title 48, Chapter 5, Code of Laws of south Carolina, 1976, as amended; authorizing the issuance and sale of a not exceeding \$1,940,000 General Obligation Bond (Special Tax District for Sewer Services); providing for the agreement to make and to accept a loan, the execution and delivery of a loan agreement between the County of Anderson and the South Carolina Water Quality Revolving Fund Authority; the execution and delivery of a General Obligation bond in the form of a promissory note from the County of Anderson to the South Carolina Water quality Revolving Fund Authority; to provide for the levy and collection of property taxes for the payment of the note; and other matters relating thereto. Ms. Wilson moved to approve and Mr. Tolly seconded. Vote was unanimous.

Chairman Greer presented third and final reading of Ordinance #2002-026 – authorizing the issuance and sale of General Obligation Bonds, Series 2002, of Anderson County, South Carolina in the principal amount of not exceeding \$7,700,000; fixing the form and details of the bonds; authorizing the Chairman of County Council and the County Administrator to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof authorizing the refunding of the County's \$2,500,000 General Obligation Bond Anticipation Note; 2002; and other matters relating thereto. Mr. Dees moved to approve and Mr. Tolly seconded. Chairman Greer moved to amend the ordinance to increase the amount of the bonds from \$7,700,000 to \$8,000,000 on behalf of the citizens of district 3 – page 5 paragraph F; after the words demolition landfill insert words "elevation and repairing of damage to Stevenson Road and bridge on Stevenson Road below the Starr C & D landfill and/or dredging the channel of the creek that goes underneath the road and also to increase the schedule of payments by the amount required by the change in the total of this bond." Mr. Dees seconded the amendment. Council discussed. Mr. Greer said that this situation was not created by people of District #3; the situation was created by all of Anderson County through sedimentation that occurred as a result of the operation of the Anderson County C & D Landfill over previous years, under previous Councils, and previous administrations and it is wrong to ask the citizens of District #3 to suffer for all of the actions of Anderson County. Mr. Greer also presented

a petition with 380 signatures and members of the School Districts of District #3. Ms. Floyd said that she did not know anything about this last minute change on third reading. Ms. Wilson said that the Anderson Regional Landfill was in her district and there were some serious road problems especially beginning once the 200 +/- heavy trucks in and out of the landfill. Ms. Wilson said that District #7 will gladly vote for this very important project but she asked that 1 mill be placed toward water infrastructure. Ms. Floyd said she was not against this; she was concerned that she did not know anything about it prior to the meeting. Vote on the amendment was unanimous. Vote on the original motion as amended was unanimous.

Ms. Gracie S. Floyd moved to recall from Committee Ordinance #2001-027 - Noise Ordinance. Mr. Tolly seconded. Vote was unanimous. Chairman Greer stated that now Council was back in discussion of the Noise Ordinance presented to Council on second reading on April 16, 2002. Ms. Floyd turned the discussion over to County Attorney, Tom Martin. Mr. Martin said that included in the agenda packets Council received several documents dealing with the noise ordinance (one is the black lined version and one in final form). He said the black lined version includes changes, which have not been approved by Council and are a result of discussions with members of Council, the Sheriff and Administrator Joey Preston. He explained the changes 1: page 5 - Noise from farm activities have been deleted, a new section requiring signatures of neighbors for particular noise activities to be exempt from application has been deleted in its' entirety, a section concerning the burglar alarm (section 4) ordinance has been deleted since the ordinance does not exist any longer, page 8 of the ordinance there is a change reflecting the existence of outdoor auctions in the county. He advised Council that the ordinance up for discussion is the ordinance passed on first reading and all changes in the black lined version are amendments proposed. Ms. Floyd moved to amend the noise ordinance for consideration to the black lined version of the ordinance. Ms. Wilson seconded. Chairman Greer advised Council for clarification that the version Council is considering is the document immediately following the black lined version in the agenda packet (McNair code in left bottom #6285v7). Mr. Holden asked would it be illegal for a builder to make noise at 6-6:30 a.m. building houses. Mr. Martin responded that it could be under certain circumstances because the ordinance speaks of noise of continuance duration; however he said it might be hard to categorize that as continuance noise. There is nothing in the proposed ordinance that would add to what is already in the Anderson County Code of Ordinances dealing with that, he said. Mr. Holden said that he was not in favor of stopping builders from working or neighbors from cutting grass at 7:00 in the morning and he said that if that was the law and it might be a good time to look at it and it was no reason to pass any additional laws when we have something on the books that the County is not enforcing. He said there were a number of things in the law that needs to be addressed. Mr. Dees said that he shared Mr. Holden's concerns that there were already laws on the books that prohibit certain kinds of noises. He also said that he was concerned that the County has laws on the books now and are they being enforced and if they are not how does Council expect this one to be enforced. He said the ordinance was well written but still leaves some subjectivity on the part of the officer. Chairman Greer said he was prepared to give a favorable vote on second reading only but he indicated that there were things that cause him concern. For example on page 7 section C - the testing of a complete emergency signaling system more than once in each calendar month is prohibited. The County Fire system tests their system every Friday at 6 a.m. so the ordinance needs to reflect what is actually going on in the County and this doesn't. Mr. Wright said that he was prepared to move forward on second reading but prior to third reading someone has to prove to him that the proposed ordinance is more enforceable than the one we have now. Mr. Floyd said that the Council makes ordinances rules all the time, the 2,375 people called 9-1-1 since June 1 until present complaining about noises. Ms. Wilson said that it sounds like the County has the same problem with the litter enforcement so the

County needs to look at the enforcement pattern in other areas. Vote on version 7 was unanimous. Chairman Greer asked Mr. Martin to adequately draft the language on the alarm systems. Ms. Wilson moved to change the language on page 7 section 6C dealing with testing of alarm systems in the County. Mr. Holden seconded the amendment. Ms. Floyd suggested that any other changes that Council thinks is needed be given to Mr. Martin for final reading. Ms. Floyd moved to amend the amendment that Council submit other concerns to Mr. Martin for inclusion in the ordinance prior to third reading. Mr. Holden seconded. Mr. Holden amended the second amendment that an additional public hearing be held prior to third reading. Ms. Wilson seconded. Vote was unanimous on all amendments. Vote on the original motion as amended three times was unanimous.

Chairman Greer presented second reading of Ordinance #2002-029 – an ordinance to amending, in limited particulars only, the Master Road list of all County roads located in and maintained by the County of Anderson, South Carolina, created by Ordinance #2001-007; and other matters related thereto. Vote was six in favor, none opposed, and one abstention (Ms. Wilson). Motion carried.

Council recessed at this time. Chairman Greer called the meeting back to order.

The Chair exercised a Point of Personal Privilege at this time. He said that he does not support the closing of Stevenson Road. He feels that the road needs to be improved and maintained and he will pursue all efforts to see that the road remains open as a County road based on the information he has received from his constituents.

Chairman Greer presented first reading of Ordinance #2002-028 – rezoning request by Yvonne Nickles, Edwin Cooley, James Reid, and the Estate of Patrick Crowther to rezone a total of 3.27 acres on Clemson Blvd., Old Mill Road, and Middleton Ct. from R-20 (Single Family Residential) to C-1 (Commercial). The request concerns lots 5,6,7,8,9,10, 11 and 12 in Middleton Shores Subdivision, Section 2. Properties are located in the Edgewood B Zoning District. A public hearing was held and the following comments were received. Mr. Fred Dunlap of 230 Middleton Shores Drive read a written protest to Council stating that they are opposed to changing any of the 3.27 acres to anything except residential. Mr. Sam Albergotti of 415 North Main Street stated that he was representing Ms. Virginia Cureton of Middleton Court. Ms. Cureton is 89 years old and a long time resident of the area and objects to C-1 zoning. She would not object to office commercial zoning. No further comments were received so the public hearing was closed. Mr. Tolly moved to approve the ordinance to get the ordinance on the floor. Mr. Wright seconded. Council discussed. Vote was none in favor and seven opposed. Motion failed.

Council conducted a public hearing on Ordinance #2000-068 – proposed amendments to the Land Use and Development Standards Ordinance. The following individuals presented comments to Council. Mr. Dan Harvell read a written statement for Ms. Bennie Sue West who had to leave early. In her statement she said that there was a need for planning and she did not understand why landowners large and small were not included in the planning process. Some of the ordinance appears to be good and some appears to be incompatible with the 1st and 5th amendments of the U.S. Constitution, which are strong on freedom of expression and property rights, and the use of political yard signs has already been challenged she said. Mr. Dan Harvell – Mr. Harvell stated that when he first started looking at the Land Use ordinance and proposed changes he was startled as to what was in the original ordinance's restrictions. He said that he questions how this has process been drawn out since 2000 and he also asked if it might be an issue concerning the fact that this was started by the five- member Council and now we have a seven-member council. He asked about the statement on the front of the proposed ordinance that reads "final version after homebuilders meeting" and why does it look like they are taking precedent over the private citizens on this matter. Also a statement in it says that "any property owner or occupant may institute injunction against the property if he or she feels like something is not being handled by the specifications of this ordinance" he said that the

statement appears that it may encourage vendettas to be taken on. Punish my misdemeanor causes him concern also. Page 9 - "Planning Commission, its members and employees, in the performance of its functions, may enter upon any land make examinations and surveys and place and maintain necessary monuments and marks thereon" - this looks like the 4th amendment may be in jeopardy, he said. Permitting - is that a way the county is going to make more money? Division 4 - Development Standards - Section 38-117 - Section B Visual pollution - how broad based a term can that be? Does that mean one person in this county is going to be able to determine without any specifics what visual pollution will be? Page 13 - residential uses - already in effect "shall be mowed regularly" will be hard to enforce. Land designated as common open space cannot be sold, subdivided or developed - he asked who would decide what space would be public open space. Part 2 - Dedication and acceptance of land by the county - he said that he assumes that somebody will give the County some land. Buffer yards - people will be required to create buffer yards - if they can't create the buffer yards to county specifications by a certain allotted amount of time then they will have to obtain a letter of credit for 125% of the estimated cost of landscaping of the buffer yards - that to him is bizarre. He said he did not see how practically it would be to try to limit political signs to the specifications included. (Section 28 sign regulations) Under prohibited signs: strobe lights or flashing lights - of course at Christmas a lot of flashing lights are used. Section 38-254 - prohibited signs - signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose of providing a sign not otherwise allowed for by this division" this would not allow a person to come down town and eating at a restaurant" this is not good common sense, he said. Page 8 - Temporary Signs: "... must be maintained to a presentable fashion acceptable to the Zoning Administrator" this is a subjective judgment on this. They must also be permitted and a security deposit will be required for temporary signs. Is this anyway to encourage business? Need to be a little easier on the small businessperson he said. He said the Anderson County Property Owners' Association took some members down to District #3 and Mr. Greer was right about the very needed work on Stevenson Road and it was very obvious that it caused from the run-off from the landfill. He said that at 3:00 this afternoon, a petition with 300 signatures got this Council "in the motion", the Association had 800 signatures on the Hampton Road closing and it was ignored. Mr. Hugh Durham - 450 Pine Trail, Williamston stated that he has a business in Anderson - real estate development business. When the ordinance was brought to their attention they asked if they would have an opportunity to sit down and discuss some of the changes with Council, he said that members of the homebuilders, realtors, developers sat down during several sessions and worked together. He said he had a problem with the road base and road surface. Greenville and Oconee Counties have were you can have an asphalt binder and then come back after the heavy construction work is completed and place a layer of asphalt on top. Staff does not want to suggest that. The best way to handle ordinances is to seek advise from those that know what is going on. He thanked Council for the opportunity to be allowed to add input. Mr. R.T. Moore of Iva, South Carolina, expressed his concern on the gun range proposed changes. He said two years ago he was before Council concerning the very same thing and it got "thrown out the window". The provisions would actually shut down every gun club or commercial ranges in the County. They now have range protection in South Carolina so most of the gun club proposes could not be legally placed on existing gun clubs legally. Council doesn't have any proposals to make indoor ranges legal. There are now three individuals who are working to built in-door ranges and they could not be built according to these changes. Also a quarter of a mile from a school or resident for a shotgun - that is 440 yards. A shotgun will not reach 440 yards - and the NRA admits that the safety boundary is about 130 yards. He said that the ordinance has been "thrown together", ill written. The Sunday shooting situation, we're not a religious institution - the time proposed is a problem. The time for hunting is from sunrise to sunset and why would the ordinance be different for shooting ranges. Grass Roots South Carolina, National Rifle Association, Gun of South Carolina are responsible citizens and they want to see responsible use of gun ranges but they don't want to see ill written legislation like this that does nothing but restrict their rights to keep and bear arms, he stated. Mr. Bill Holder of 522 Concord Avenue said that he was a member of the Libertarian Party was pledged to represent and defend the constitutional rights of our citizens and he is bound by his duty to their concerns to return the concept of personal and social responsibility, self-determination and he will work to decrease the influence of government in their personal lives. Unfortunately bodies of government, such as this, have created complacency through legislation. The people no ability to exercise those beliefs that this County and this state were founded upon therefore it is his duty to stand there before Council. The County survived and prospered without mandates on their property rights. The County has survived and prospered. He said that you must find within you to give incentives to create what is called for not mandates. He said that what he does with his property is his God given constitutional rights as long as it does not

infringe upon others' rights. Ms. Deno Hicks, Executive Officer with the Homebuilders Association of Anderson said discussed sections of the Development Standards (Page 2 - Section 38-122 - Buffer Yards) Item H - would ask that it be deleted. Appendix F - typo, Section 38-287 item C - without a recorded plat change to on-approved "Preliminary Plat". Article 4 - Drainage Item C a 50' set-back followed by a buffer zone - recommend deleting the term "buffer zone", page 11 (Road Standards) - Section 38-640 - they recommend that the proposed road standards are clearly an "over kill", 3" of asphalt, type 1 binder covered by 2" of type asphalt surface mix would be and is sufficient. This is the same road standards being used in Oconee and Greenville Counties. This would be tripling the cost of roads, page 13 - Section 38-665 Commercial and Industrial Standards - all minor curved roads on a cul-de-sac should be given a 50' right of way. This is an additional road cost. Curbing should be the standard 18". These recommendations were presented to Council in writing. Mr. Rodney Sanders of Highway 187 South said don't be fooled about picking something that is never your choice. He gave an example of what he meant. Mr. Gerald Terry talked about roadbed system and recommended that Council consider the same as the state. Mr. Charles Crowe asked who would designate what "open space" was. He also talked about dividing tracts of land such as a 5-acre tract into 5 one-acre tracts then according to the proposed ordinance he would then be a developer and must abide by the rules for the developer. Mr. Larry Mitchell of 206 Cumberland Lane in Anderson urged Council to take a long look at the section dealing with buffer yards because they are going to be very increasing important as progress and move forward. He said that the rules have not been enforced on buffer yards. Ms. Peggy Taylor of 4700 Abbeville Highway said that she lived in a rural area and that was her choice as an American citizen and she said that citizens should have a right to choose what they want to use their land for. She also said that when small businesses start out it is a struggle and they certainly cannot afford 10-15,000 dollars in landscaping charges. It is small businesses that keep the County going - the large businesses get tax breaks. She encouraged Council to throw the recommendations in the trash. Mr. Jim Parales of 124 Hammett Acres said that Anderson was really growing and asked how much more growth can the County support. The County is headed toward a real serious problem with the wells going dry and the drought. No named person said that one business group designed this plan and he said that he does what he wants to do with his property. He said that the plan was zoning even though he had been told that it wasn't. Mr. Tim Williams of 810 East Calhoun Street said that zoning put meaning to a County or a City where everyone will be happy. He said it was necessary and it was coming whether you liked it or not and the best thing to do was to understand it. He said he had a problem with the Anderson County Employee Handbook is 48 pages, printed on 2 sides - He said that in the book the County Administrator's name was mentioned 56 times and he said that he would be in horror if this land use was passed and 99% of the judgment made has a final authority of the County Administrator and especially Joey Preston. He also asked that the County Taxpayers Association be called into discussions of any ordinance of this type. Ms. Pat Hasenfuss said that she was in favor of zoning however what might apply in one neighborhood may not apply in another neighborhood. As far as the shooting ranges she would like to be able to go out and target practice. Ms. Tina Watkins 218 Katrina Lane said that she would like Council to look at the setback (Section 38-120) page 18 and 19 - front yard set backs - Highway 28 and Michelin Boulevard would be either collector roads or arterial roads so based on this information her parents owned a section of property that was 2 acres now less - would they have to have a set back on 28 bypass anywhere from 40-50 foot and on the back side another 40-50 foot setback. After all the setbacks there will not be much left. She said that when Council puts something like this in effect is this a guarantee if citizens uses their property properly that you will not condemn their property and take it away anyway. The public hearing was closed at this time. Mr. Greer said that he heard a lot of good points and some assumptions that Council supports everything that is in the document. He said that the sign portions of the ordinance - he has a problem with the definition of a "sign" with such strict recommended provisions. He said especially the sign that he has inside his house - that is no ones' business other than his. He said that he has a problem with how these regulations are going to be interpreted. He read a definition of a "stock yard". With the definition he read it would include every single farm in the County. On page 22 - stockyards would require a site plan. Mr. Greer discussed other changes in the ordinance especially the ones that infringes in a person's rights. Mr. Wright asked who determined the open space in a subdivision and he was told that the developer did. Mr. Wright also said that buffer zones were very important in district.

Ms. Wilson respectfully asked that Council hold one or two more work sessions an another public hearing and a work session before and after each major revision. She said that she had to leave because of her child who desperately needs a shot. She left the meeting at this time.

Mr. Holden said that the ordinance was definitely not ready for any further action at this time and he believes that further meetings are needed to work out a lot of things. Mr. Greer said that at the last meeting Mr. Tolly offered a motion, which passed unanimously to schedule third and final reading of this on September 17. Mr. Tolly moved to delay third and final reading of the proposed land use ordinance. Mr. Holden seconded the motion. Mr. Holden said that he thought that additional work sessions were needed. Vote was unanimous. (Ms. Wilson absent).

Mr. Martin explained that there was no procedure saying that an ordinance would automatically die unless Council has rules that would require this.

On the motion of Chairman Greer, seconded by Mr. Holden, Council voted unanimously to approve an appropriation of \$1,500 for Iva Depot Days from District #3 Recreation Account.

On the motion of Chairman Greer, seconded by Mr. Dees, Council voted unanimously to approve an appropriation of \$1,000 for sealing and to stripe the parking lot at Rock Springs Fire Department from District #3 Paving Account.

On the motion of Mr. Clint Wright, seconded by Mr. Dees, Council voted unanimously to approve \$2,000 for the Piercetown Fire Department for converting used ambulance into a rescue truck. The funds will come from District #7 Recreation Account.

On the motion of Mr. Wright, seconded by Mr. Holden, Council voted unanimously to approve an appropriation of \$5,000 from District #7 Recreation Account for a Honea Path downtown redevelopment project.

Mr. Holden moved to approve an appropriation of \$2,000 for purchase of new playground equipment for New Prospect Elementary School. Mr. Dees seconded and vote was unanimous. The funds will come from District #5's Recreation Account.

On the motion of Mr. Wright, seconded by Mr. Dees, Council voted unanimously to approve the acceptance of Dogwood Farms Subdivision into the County road System.

ADMINISTRATOR'S REPORT: (5 Minutes)

a. Certificates and Training:

1. Mr. Gerald Shealy - Institute of Government for County Officials Level II Course
2. Mr. Larry L. Gilstrap, Ms. Melissa D. Moser, and Mr. Henry A. Barnett, Sr., - Course of training for Limited Duty Law Enforcement

b. Letters of Appreciation:

1. For: Mr. Joey Preston From: Ms. Karen J. Calhoun, McMillan Smith & Partners Architects
2. For: Cpl. Roger Hunnicutt From: Ms. Michael Bailes of Mar Mac Road
3. For: Mr. Mike Miller and Anderson County From: Congressman Lindsey O. Graham
4. For: Mr. Tom Martin, Mr. Todd Davidson, and Mr. Garrett Steck From: Mr. Bill Dees
5. For: Ms. Rita Davis and Employees of the Finance Department From: Mr. Bill Dees
6. For: Mr. Wayne Proctor From: Mr. Bill Dees
7. For: Mr. Holt Hopkins and Work Crews of County Transportation Department From: Mr. Bill Dees
8. For: Mr. Bob Daly From: Mr. Bill Dees
9. For: Mr. Vic Carpenter From Mr. Bill Dees
10. For: Mr. Dan Brawley From: Ms. Linda Conley, Duke Power
11. For: Ms. Dorothy Stewing From: Mr. Bob Daly
12. For: Ms. Gail King and Staff From: Mr. Bill Quattlebaum, Barnwell County Finance
13. For: Mr. Dan Burlette, Road Maintenance From: Mr. Bill Dees and Mr. & Mrs. Tommy Norris
14. For: Mr. Max Koon and Mr. Louis Smith From: Mr. & Mrs. Bradley Cole

- c. Reports:
 - 1. Anderson County KAB Litter Report (July, 2002)
 - 2. Detention Center Litter Reports for July 22-26, 2002, August 5-9, 2002, August 12-16, 2002
- d. Master-in-Equity Order concerning The Richeys vs. Anderson County
- e. Resolution from Abbeville County
- f. **A Day to Remember** – September 11 at 12:15 – Anderson College lawn
- g. Departmental Transfers

Mr. Dees asked for a Point of Personal Privileged and the Chairman granted the request. He said he had been involved in discussions involving purchasing of additional property, and the building of a Library in the Powdersville area. He asked that the County Administrator, County Attorney and staff look at the current contract for the Metro County complex to see what could be done if Council decided to sell the property could the money be used to make a purchase/build a library to put everything under one roof which belongs to the County.

Ms. Floyd said that she wished when the agenda was set that Council try to postpone items that would shorten the meetings.

There being no further business, the meeting was adjourned at 12:20 A.M.

Respectfully submitted,

Linda N. Gilstrap, Clerk to Council
ANDERSON COUNTY COUNCIL