

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA

Regular Meeting - June 20, 2000 - 6:00 p.m.

Linda N. Gilstrap, Clerk to Council

MINUTES

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

G. Fred Tolly - District #1
Gracie S. Floyd - District #2
Larry E. Greer - District #3
Vice Chairman Clint Wright - District #4
Chairman J. Mike Holden - District #5
Joey Preston - Administrator
Tom Martin - County Attorney
Linda N. Gilstrap - Clerk to Council

The official meeting of the Anderson County Council convened in the Council Chambers of the Historic Courthouse on Tuesday, June 20, 2000 at 6:00 p.m.

Ms. Gracie Floyd gave the invocation and everyone stood and pledged allegiance to the flag.

On the motion of Mr. Wright, seconded by Mr. Greer, Council voted unanimously to approve the June 6, 2000 minutes as mailed.

Public Comments: Mr. Walt Trammell of Linhurst Manor Subdivision and Hopewell Voting Precinct asked that Council keep the referendum on June 27, table second reading of ordinance until after referendum to allow the map to be presented to

the Planning Commission in July. Mr. Ed Donnelly of Harpers' Ridge Subdivision encouraged Council to allow the residents of the Hopewell voting precinct to vote on the zoning issue and asked Council to move forward on the issue. Ms. Pat Seawright of Hampton Acres asked Council to leave the referendum as scheduled for June 27, postpone second reading of the Hopewell ordinance and leave the moratorium in place until after the referendum is approved/not approved. Ms. Linda Smith of White Oak Subdivision asked Council to leave the referendum on June 27, table the second reading to allow the citizens to obtain more input. Mr. Ken Shroyer of Hopewell Road said he wanted zoning, wants the vote on the 27th, however, he does not think the map is adequate. Mr. Shroyer also complained of the orange storage building business in his neighborhood and the fact that they still have not put up visibility barrier to shield their subdivision from looking at them. He also would like to leave the moratorium in place. Mr. Dan McKinney of Windward Trail said he was for zoning, wants planned land use. He asked that the moratorium remain in effect, table vote on the ordinance to allow for more input on the map. Mr. James Vickery talked about the noise ordinance. He said that in the last year and a half his neighborhood has increased with drugs and dope dealing. He asked Council to do something to stop this. The Sheriff's office has been called a lot of times and they are not able to get assistance. Ms. Elaine Hawkins a resident of Hopewell Crossing subdivision stated that the residents in the Hopewell Crossing wants zoning, they want the referendum to be held on June 27, since there is some confusion on the map. She asked that the second reading of the ordinance be postponed, and leave moratorium in place. Mr. Robert Johns of the Hopewell Crossing Subdivision asked that the referendum be held, table second reading and leave moratorium in place. Ms. Lynn Powell of 3424 Hwy. 81 North between McGee Road and Hopewell Crossing gave pictures to Council of her area. She said that the road in front of their home was a busy highway that never "goes to sleep". She stressed that commercial development is thriving behind the homes in the area. She asked that her property be zoned commercial. Mr. Melvin Poore thanked Mr. Ricketson for what he has done for the area and he feels that they have sound reasoning for what they've done because they have the best interest of the area in mind. This is very important that the area stay residential.

Ms. Sherry Davis of 3434 Hwy. 81 North said that they are road-front property owners and request that County Council zone their property commercial on the map recommended by the Planning Commission. Ms. June Emery of 3444 Hwy. 81 North asked that Council approve second reading of the Ordinance. She said that they were told the reason that their property cannot be zoned commercial is because of the covenants. She read from a real estate law book stating that covenants are not enforceable if violations are done by residents that live there. The right to enforce has been waived. Mr. Tim Schlosser of the Meadows in the Hopewell Precinct asked Council to table the vote until the Planning Commission has a chance to consider public comments. Leave the moratorium and referendum in place. Ms. Loretta Warder said that as a community she feels that they must come together and develop "a happy median" for the situation and do what's right for the majority. No other citizens wished to speak.

Mr. Michael Cunningham presented Mr. Ron Jones as Employee of the Month of May. Mr. Jones is an employee of the Treasurer's Office and works with tax collections. He was presented an employee T-shirt, coffee mug, gift certificate to a local restaurant and a plaque. Council commended Mr. Jones for being such an outstanding employee.

Mr. Bob Daly, Detention Center Director presented the following officers as Employees of the Month for the Detention Center. Sgt. James Beaty, Cpl. Rodney McCullough, Cpl. Michelle Latimer, Off. Sammy Singleton, Off. Michael Gunnels, Off. Michael Partain. These employees worked at the Alternative School Boot Camp which was a very worthwhile endeavor.

Mr. Greer stated that Council had received numerous complaints concerning the Noise Ordinance and asked that Mr. Tom Martin explain the ordinance and the back-ground with Council's options as to its' enforcement policy. This is a summary of Mr. Martin's remarks. He said that a noise ordinance was one of the more difficult ordinances to enforce. Most have to do with the First Amendment Rights of free speech, association of religion. A noise ordinance generally relates to the opportunity of any citizen to engage in activities such as speaking, music, enjoying the use of the home-business and etc. Because of the difficulty with certain types

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of regulations and ordinances over a period of time, a fair amount of legislation and court cases have developed to tell us exactly what the parameters are. In all of these cases the parameters are the two extremes. In between there are areas that are difficult to draw a line. There are two types of noise ordinances. One is Subjective which requires the law enforcement personnel involved to use judgement as to what is acceptable. This is the type of noise ordinance which Anderson County has. The other type is Objective which is scientifically based and sets specific decibel levels which may not be exceeded. Each of these has positive and negative attributes. Anderson County's ordinance is the subjective ordinance which governs patently offensive noise to a person of average sensibility on the next property. This does not regulate commercial activity. This is controlled and regulated by a different part of the Anderson County Code of Ordinances which has specific decibel levels which change depending upon the time of day. He said that there really wasn't anything else that County Council could do. The enforcement is very limited. Council has no control over the enforcement agencies that are available such as state agencies and the Sheriff. The County public safety employees can only hand out fines and does not have the "same bite" as other law enforcement personnel. Mr. Greer asked if the ordinance was enforceable to a point that it would protect the citizens of Anderson County. He replied yes in his opinion. Mr. Greer asked what the maximum fine was for a noise ordinance violation. He replied \$200. Mr. Holden said that Council spent a lot of time developing the ordinance and knew that the enforcement would primarily fall under the Sheriff. Now we are having these complaints coming back to County Council, he said. Mr. Greer asked if the ordinance include an "and/or" clause that might would help. Mr. Martin replied no. Mr. Wright asked Mr. Martin if the enforcement of our existing law is not deemed to have improved or move forward in any manner, are there any other options available as far as enforcement. Mr. Martin said no. He said that the County Compliance employees could write civil citations which goes to magistrate court. Mr. Martin said that increasing the fine could be a possibility. Council asked Mr. Martin to check out and report back on an "and/or" clause. Ms. Floyd asked that he inform each member of County Council of his findings.

Mr. Jeff Ricketson explained third reading of Ordinance #2000-022 - an ordinance amending Ordinance #99-004, the Anderson County Zoning Ordinance, as adopted July 20, 1999, by amending the Anderson County Official Zoning Map to rezone 3.71 acres of property on the east side of North Highway 81 (address ranges 2111-2126), property fronting approximately 535'+/- on east side of North Highway 81 and 300' +/- deep. (property owned by Mr. Merv Epstein and sits between Wendy's and Design South and across the street from Jiffy Lube and Perpetual Bank in the Hammond School District). This was on the agenda a couple meetings ago and it was pointed out that staff in notifying property owners had only given 12 of the required 18 days public notice. County staff went back and sent another letter with more than the 18 days required notice. It went back to the zoning advisory committee and the Planning Commission. Both boards have heard the request. The zoning advisory board on the second time around gave a split vote 1-1 afterwards this was forwarded to the Planning Commission who rendered a unanimous affirmative vote. On the motion of Mr. Tolly, seconded by Mr. Greer, Council voted three in favor (Tolly, Greer, and Wright), one opposed (Floyd), and one abstention (Holden). Motion carried.

Council recessed for about 10 minutes at 7:05 p.m.

Chairman Holden called the meeting back to order at 7:10 p.m.

Mr. Tom Martin presented second reading of Ordinance #2000-023 - an ordinance amending Ordinance #99-004, the Anderson County Zoning Ordinance, as adopted July 20, 1999, by amending the Anderson County Official Zoning Map to adopt a zoning map in the Barker's Creek/McAdams Voting Precinct. A public hearing was conducted; no comments were received. Mr. Greer moved to approve on second reading as presented and Mr. Wright seconded. Mr. Tolly stated that he would abstain because of a possible conflict of interest. Mr. Greer stated that Mr. Tommy Ashley had appeared before the Planning Commission and requested a zoning change on the zoning map for Lots 2 & 3 (TMS 276-00) From R-20 to R-A. Mr. Greer moved to amend the map to implement the proposed change. Mr. Wright seconded the amendment and vote was four in favor and one abstention (Tolly). Vote on the original motion as amended was four in favor and one abstention (Tolly).

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Mr. Tom Martin presented second reading of Ordinance #2000-024 - an ordinance amending Ordinance #2000-024 - an ordinance amending Ordinance #99-004, the Anderson County Zoning Ordinance, as adopted July 20, 1999, by amending the Anderson County Official Zoning Map to adopt a zoning map in the Green Pond Station B Voting Precinct. A public hearing was held; no comments were heard. Mr. Wright moved to adopt on second reading Ordinance #2000-024 and Mr. Greer seconded. Mr. Wright moved to amend the motion to include on the map the proposed zoning changes requested by Mr. Bill Collins from RM-7 to C-3. This has been recommended from the Planning Commission that they be approve. (This included all property location with asterisks (*) in the back up in the agenda book. Vote on the amendment was unanimous. Vote on the original motion as amended was unanimous.

Mr. Martin presented second reading of Ordinance #2000-024 - an ordinance amending Ordinance #99-004, the Anderson County Zoning Ordinance, as adopted July 20, 1999, by amending the Anderson County Official Zoning Map to adopt a zoning map in the Hopewell Voting Precinct. Mr. Martin stated that it was his understanding that if council approves the ordinance on second reading it would be with no map attached and done by caption only. Mr. Tolly said that they will not vote on map tonight; however, it will go back to the Planning Commission to develop a map and return back to council for action on third reading. Mr. Tolly moved to approve on second reading and Mr. Wright seconded. Mr. Wright stated for clarification that Council needed to approve second reading because of the moratorium and Council's legal obligation to move as quickly as possible in order to make the moratorium legal. Mr. Greer asked if it was possible to receive the map by itself at one meeting and then consider third reading at another meeting. This would give the people time to actually see what is approved. Mr. Wright stated that by approving second reading Council was doing three things. Council is leaving more time for the discussion of the map through the Planning Commission, keeps the referendum in place and also protects the moratorium by moving on timely basis on the ordinance. Vote was unanimous.

Mr. Martin presented second reading of Ordinance #2000-026 - an ordinance

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amending Ordinance #99-004, the Anderson County Zoning Ordinance, as adopted July 20, 1999, by amending the Anderson County Official Zoning Map to adopt a zoning map in the Friendship Voting Precinct. A public hearing was held. Mr. Rufus Gleason of 711 Trail Road, Belton inquired about the Zoning Advisory Committees and the way they are set up. Mr. Greer moved to approve Ordinance #2000-026 on second reading and Mr. Wright seconded. Mr. Tolly stated for the record that he would abstain because of a possible conflict of interest. Vote was four in favor and one abstention (Tolly). Motion carried.

Mr. Tom Martin presented second reading of Ordinance #2000-037 - an ordinance authorizing the transfer and sale of certain Anderson County real property located at the Anderson Airport Business Park; authorizing the execution and delivery of a real property deed related to the same; and other matters related thereto. Mr. Martin stated that Engineered Material Handling was the new business who has requested the purchase of approximately 12 acres in the Airport Business Park. This company will manufacture crane and crane components. County officials are considering \$12,400 per acre which is fair market value. A public hearing was conducted and no comments were heard. Mr. Preston stated that a MAI was done on the property and it is priced at fair-market value. Mr. Holden asked that by third reading something be considered to mandate the fashion of how the property is maintained in the park. Mr. Martin said that there would be covenants in the contract that would cover that. Ms. Floyd moved to approve and Mr. Wright seconded. Vote was unanimous.

Mr. Martin presented first reading of Ordinance #2000-031 - an ordinance amending Ordinance #99-003, the Anderson County Comprehensive Plan - 1999, as adopted April 20, 1999, as adopted April 20, 1999, by amending Land Use Figure 1, Projected Future Land Use, to include Planning Area V, Future Land Use. Mr. Wright moved to approve on first reading and Mr. Tolly seconded. Mr. Greer stated that he found it interesting to see that North 81 is zoned commercial all the way to I-85 and subsequent planning we change those plans. He thinks this is worth looking at. Vote was unanimous.

On the motion of Mr. Tolly, seconded by Mr. Wright, Council voted unanimously to

approve first reading of Ordinance #2000-036 - an ordinance amending Ordinance #99-004, by amending the Anderson County Official Zoning Map to adopt a zoning map in the Edgewood-B Voting precinct.

On the motion of Mr. Greer, seconded by Mr. Tolly, Council voted unanimously to approve first reading of Ordinance #2000-039 - an ordinance amending Ordinance #99-008, the Anderson County Major Road Study as adopted May 4, 1999, and appended to the Anderson County Comprehensive Plan - 1999, as amended. This ordinance would include the four laning of the Abbeville Hwy. from S.C. 28 Bypass to the S.C. 28/S.C. 195 split in the County Major Road Study. This would be included in the long-term projects for widening in 20 years. Funds are not available to the project immediately.

On the motion of Mr. Tolly, seconded by Mr. Greer, Council voted unanimously to approve Resolution #R2000-033 - a resolution imposing a building permit moratorium in the Edgewood-B Voting Precinct, Anderson County, South Carolina; and other matters pertaining thereto.

Mr. Holden asked the County Attorney to check into the truck traffic on Old Portman Road where it cuts through off 24 down to the airport to see what the County could do to eliminate the problem. Mr. Martin agreed to do this.

Mr. Greer asked the County Attorney if spot zoning was perfectly legal and he replied yes.

ADMINISTRATOR'S REPORT:

(a) Certificates and Training:

1. Mr. Tony Barnett - 2000 Street Survival Seminar
2. Ms. Sonji Y. Freeman, Mr. Craig A. Holbrooks, Mr. Erik Nubern, Mr. Bradley Roberts, Mr. Michael Blackwelder, Mr. Joshua Barrett, - Fire Dispatch Training
3. Mr. Jeff Dietrich - PreHospital Trauma Life Support Instructor Course

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(b) Letters of Appreciation:

1. For: Mr. Jerry Cash and Crew - From: Mr. Roger Pierce
2. For: Mr. Jerry Shealy From: Ms. Janis Hunter, County Extension Agent
3. For: Mr. Joey Preston From: Rev. Dick Cockrell
4. For: Mr. Holt Hopkins From: Anderson Mayor's Committee on People with Disabilities - Ms. Troyce Anne Ashley, Co-Chairman
5. For: Kathy Conwell From: *Straight Talk*
6. For: Ms. Lauri Brooks and Ms. Jenny Arrwood, E-911 Telecommunicators From: Lt. Pam Garner, E-911 Communications Coordinator
7. For: Ms. Kim Cheslak's E-911 Communications Crew from Lt. Pam Garner, E-911 Communications Coordinator
8. For: Members of Kim Cheslak's E-911 Crew From: Kim Cheslak

(c) Senator Fritz Hollings - Congratulations letter for "All-American City" Award

(d) Governor Jim Hodges - Letter of Assistance (State's Criminal Justice System)

(e) Minutes:

1. Department of Public Works Safety Meeting - May 19, 2000
2. Department of Public Works Safety Meeting - June 2, 2000
3. Airport Advisory Committee Meeting - June 5, 2000

(f) Reports:

1. Road Maintenance Litter Report - May 22, 2000-June 2, 2000
2. Detention Center's Litter Report - June 5-June 9, 2000

(g) Special Population Recreation

(h) Honea Path Curbside Recycling Progress

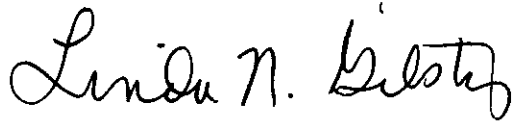
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- (i) Belton Curbside Recycling Progress
- (j) Petitions Certified and Referendums Scheduled for High Point, Rock Springs, and Mount Tabor Voting Precincts

Mr. Martin explained the difference in spot zoning and precinct zoning as requested by Mr. Greer.

There being no further business, Council adjourned at 8:25 P.M.

Respectfully submitted,



Linda N. Gilstrap, Clerk
ANDERSON COUNTY COUNCIL