

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA

Regular Meeting - July 20, 1999 - 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 of the Freedom of Information Act.

PRESENT

G. Fred Tolly - District #1
Larry E. Greer - District #3
Chairman Clint Wright - District #4
J. Mike Holden - District #5
Joey Preston - Administrator
Tom Martin - County Attorney
Linda N. Gilstrap - Clerk to Council
Stacey R. Russ - Assistant Clerk to Council

The official meeting of the Anderson County Council convened in the Council Chambers of the Historic Courthouse on Tuesday, July 20, 1999 at 6:00 p.m.

Chairman Wright gave the invocation and everyone stood and pledged allegiance to the flag.

On the motion of Mr. Greer, seconded by Mr. Tolly, Council voted unanimously to amend the minutes from the July 6, 1999 meeting with the following: ADD: On Page 13, 4th Paragraph: "South Carolina consisting of the acquisition, construction, installation, expansion, improvement, design and engineering in process of additional or improved machinery and equipment, buildings, improvements or

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~~fixtures, granting infrastructure tax credits to Beto Company, the execution of further documents providing for the sale and securing of the aforementioned industrial revenue bonds including, without limitation, a bond purchase agreement and a trust indenture, and other matters relating to the foregoing.~~ On the motion of Mr. Greer, seconded by Mr. Tolly, Council voted four and zero to approve the July 6, 1999 minutes as amended.

Citizen's Public Comments: Ms. Teresa Morgan - Said she was concerned that the Council was having third reading on the zoning ordinance and the people of District #2 have no representation at this time. She said she feels that the matter should be put on the "table" until such time for proper representation of the people; after the election. At that time, the people of that area would have proper representation on the zoning issue. Ms. Kim Harper - She asked if Anderson was ready for a Four Million-Dollar industry? Would they have sewer lines, do they know where they are going, do they have electric and gas? Do they know where they (electric and gas) are going? She has asked questions and all she gets is "no one knows anything" yet. How do they go about organizing to get ready for this huge industry that we want the "almighty dollar" to come in - in revenues, yet we do not have any plans. She said she looks at road closings. They have proposed to seek out from the State to consider Cleveland Road and Lee Dobbins County Roads instead of state roads and they want to close a portion of those to build this industry. She does not see good planning or organization. Why are some of the existing roads not being changed to four lanes? She worked three years to get Cleveland Road paved and the county spends over \$33,000. She said that she doesn't understand that. She asked, when do the big industries begin to pay taxes? This location is only 1/10th of a mile from District #3. She would like to know who benefits from this, how much will we get, where will the revenue go, and eventually when will we get it? Mr. Bill Collins - Opposes any type zoning or land use of any type at this time. The people of Anderson County have not had the time to study the thick document and he believes that five Council members should be in office also to vote on this. He expressed opposition to the County taxing the "fool" out of small industries and giving big incentives to large industries coming in.

He said that this will divide up the County and he will protect what he has all the way to the United States Supreme Court. Mr. Brady Collins - said he had looked over the zoning ordinance and sees a nightmare for the taxpayers and officials trying to implement the plan. The County will be telling the citizens what rights they have and what they can do on their own property. Mr. Jay Dwayne Johnson - stated that he'd live in the neighborhood nearly 20 years where the proposed BETA project will be going. It is all-rural and all the neighbors enjoy the rural area without the traffic. If they close off Cleveland Road and Lee Dobbins Road he would like to recommend that they cut a through road from Hillhouse Road over to Cleveland Road. Mr. Holden stated that no roads would be closed. The roads, which will be relocated, will be four lane roads and would help the citizens get to and from work much better. This will make the road situation better instead of worse, Mr. Holden stated.

Mr. Michael Cunningham, Chairman of the Human Resources Committee, presented Mr. Robert Daly as Employee of the Month for June. Mr. Daly was recommended because of the job that he had done to renovate the old County Home. There also have been no escapes from the Detention Center while Mr. Daly has been director. Mr. Daly was presented with an Employee of the Month T-shirt, coffee mug and a gift certificate to a local restaurant.

Mr. Jerry Howard appeared asking that Council consider adoption of a resolution #R99-024 which is an Inducement and Millage Rate Agreement for Precision Weaving Inc. and a Fee-in-Lieu of taxes. This is for \$5,000,000 and Mr. Howard recommends approval of the Resolution. On the motion of Mr. Tolly, seconded by Mr. Holden, Council voted unanimously to approve the Resolution as presented by Mr. Howard.

Mr. Howard presented an Identification Resolution (#R99-021) to identify a project for Drug Plastics and Glass Company. Mr. Holden moved to approve and Mr. Greer seconded. Vote was unanimous.

Mr. Howard called Council's attention to a recent article, which appeared in Southern Development Magazine in which Anderson County was recognized as one of the top four markets in the South.

Chairman Wright presented Ordinance #99-004 - an ordinance establishing zoning regulations for the County of Anderson (with Changes/amendments) for third and final reading. A public hearing was conducted before the vote. The following citizens spoke: Mr. Gene Cromer of 4818 Liberty Hwy at 225-1996 stated that he had been in Anderson County since 1976 and has developed 7 major subdivisions in Anderson County. He said he did not understand why the county has pushed for zoning. Mr. Holden stated that he should have been at the meeting when Stonewall Woods came before them because of Plastic Ominum. Ms. Carol Meady - stated that she was looking forward to having a choice in the matter and looking forward for protection for the County and would like to see passage of the ordinance. She stated that this would be an on-going process for many years. Ms. Jean Martin - resides at 6302 Hwy 413; Council District #3. Ms. Martin commended members of Council for being foresight enough to recognize that Anderson County needs planning in order to grow properly and therefore urged Council to pass the proposed zoning ordinance. Mr. Johnny Caldwell of 3518 Hopewell Road in Anderson. Mr. Caldwell stated that Council could see the diversity of the issue. He said he appreciated the foresight and all the work, which has gone into the issue over the past 12 years because in his opinion the Council has "granted them a wish". There are many people in the Country today that are asking for the ability to govern them back and he looks at it and commends and praises Council's efforts for doing this. As he understands it, Council is giving the citizens of Anderson County the ability to zone themselves; should they want that. Ms. Nancy Webb - who is a local realtor and has resided in Anderson County for the last 22 years. Ms. Webb stated that she had always participated in community development meetings and for 22 years one of the three main issues has always been the need for planned growth. As each year passes the need is even a more critical issue and the time has come to have the political will and the courage to lead in the direction that the Community wishes. She urged Council to adopt the proposed ordinance.

No further comments were heard; therefore the public hearing was declared closed. Mr. Tolly moved to approve on third and final reading Ordinance #99-004 - an ordinance to establish proposed zoning regulations for Anderson County. Mr. Holden seconded the motion. Mr. Greer stated that he had submitted around two pages of amendments to Mr. Ricketson. Mr. Ricketson presented the amendments. The following were the amendments explained by Mr. Ricketson: The first two amendments provides additional protection to existing farms who for whatever reason happen to go out of business, should the owners ever decide to reopen the farm. Sect. 6:2.3 - This section is amended to add the following sentence "When a nonconforming farm use of land ceases for a continuous period of sixty months, subsequent use of the land shall conform to the regulations of the district in which it is located." This adds an additional four years it was previously 12 months. Sect. 6:2.3 - This section is amended to add the following sentence "When a nonconforming farm use of a structure ceases for a period of sixty months, the use shall not be resumed and the subsequent use shall conform to the regulations of the district in which the structure is located." This also adds an additional four years. Sect. 6:6.1 - This section related to "Vehicles without Current License Plates" is to be deleted. Sect. 6:6.3 - This section is amended to read "In all "R" Districts except R-A, not more than one commercial vehicle per family living on the premises shall be permitted in a residential district. No commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products shall be permitted. Tractor-trailers may be parked in an R-A District. However, the tractor portion only of a tractor-trailer rig may be parked in any other "R" District. Sect. 6:9.6 - This section is amended by adding the following text to the introductory sentence. "Parking lots existing at the effective date of this ordinance shall be grandfathered. In case of expansion of or additions to uses existing at the time this ordinance becomes effective, these requirements shall apply only to the additional or expanded areas." Sect. 5:20.1 - This is amended by striking all text in the explanation of General Agricultural Operations after the word "activities" in the third line. This eliminates the requirement for additional setbacks for General Agricultural Operations in an I-I District.

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Sect. 5:23 - All references in this section should be the Anderson Regional Airport. Sect. 9:1 - The Land Use Board of Appeals shall be designated to be the Board of Zoning Appeals. Sect. 9:2 - The size of board membership shall be governed by Ordinance #336 of the County Council, as amended. Sect. 10:1.1 - This is amended by adding to the end of the paragraph the following sentence "As directed by the "South Carolina Local Government Planning Act of 1994" S.C. Code Sections 6-29-310 through 6-29-1200, the Official Zoning Map shall be developed based on the Anderson County Comprehensive Plan, including the Proposed Future Land Use Plan, as amended." Sect. 6:13.2 - This section is amended by deleting Line "A". This will allow placement of swimming pools in front, rear or side yards. -- All recommendations of the Anderson County Planning Commission not otherwise addressed are included. This refers to all the blue pages in the back of the copy that Council has. Sect. 5:3 - This section is amended to changing all of the references to R-7.5 to R-8. Sect. 6:2.1 - This section relating to nonconforming uses and structures is amended to read as follows: "Nonconforming uses of land or structures existing at the time of adoption of this Ordinance shall not hereafter be enlarged or extended in any way with the exception of nonconforming single-family residential structures or farms. Nonconforming single-family residential structures may be enlarged or extended in any zoning district provided that the new additions conform to the setback requirements provided in the zoning district in which such structures or uses are located. In addition to the right to enlarge or extend in any way, legally nonconforming farms shall be permitted to diversify or change the scope of their agricultural activities." Mr. Greer moved to amend the ordinance by including the amendments that Mr. Ricketson explained. Mr. Tolly asked that Sect. 10:1.1 where it says the official County map will be the shall be developed *based* on the Anderson County Comprehensive Plan as amended - change "based" to "use as a guideline" All members of Council agreed with the change. Mr. Holden seconded Mr. Greer's motion to approve the amendments. Vote was unanimous on the amendments (which included Mr. Tolly's amendment). Mr. Greer said that because of many phone calls he believes that in the best interest of Council that Ordinance #99-004 should be delayed until the next scheduled meeting. Mr. Greer then moved to table until the meeting in August. Motion died from lack of a second.

Mr. Greer stated that he would have to oppose passage; not because he is opposed to the ordinance but that he feels that Council needs 3-4 more weeks for citizen input. Mr. Wright said that he was not necessarily in favor of zoning; however he is voting to represent District #4. It became clear during the District #4 Community Based meetings that in all areas of District #4 there was an increased in interest for land use management. Vote on the original motion was three in favor on one opposed (Mr. Greer). Motion carried.

Mr. Wright presented Ordinance #99-006 - an ordinance reaffirming in certain limited particulars and readopting the Anderson County Land Use and Development Standards and Subdivision Ordinances; and other matters relating thereto. Mr. Tolly moved to approve on third reading and Mr. Holden seconded. Vote was unanimous.

Mr. Wright presented Ordinance #99-010 - an ordinance to amend ordinance #99-003 (Comprehensive Plan) to adopt the Area IV Future Land Use Map. A public hearing was held; no comments were received therefore the public hearing was declared closed by the Chairman. On the motion of Mr. Greer, seconded by Mr. Holden, Council voted unanimously to approve the ordinance on third and final reading.

Mr. Wright presented third reading of Ordinance #99-014 - an ordinance granting consent of Anderson County to the transfer of control/consent to assignment of the non-exclusive cable television franchise from HPI Acquisition Company, LLC to Peachtree Cable TV, L.P. A public hearing was held; no comments were received. Mr. Martin explained that all documents and records have been examined and found to be in proper order. On the motion of Mr. Holden, seconded by Mr. Tolly, Council voted unanimously to approve the ordinance on third reading.

Mr. Wright presented second reading of Ordinance #99-016 - an ordinance authorizing the issuance of Anderson County, SC Industrial Revenue Bonds in one

or more series through December 31, 2004, or through December 31, 2006, if an extension of time in which to complete the project is granted by the County, in an aggregate principal amount not exceeding \$400,000,000 for the purpose of financing certain costs of an expansion to or improvement of the manufacturing facilities of Beta Company in Anderson County, South Carolina consisting of the acquisition, construction, installation, expansion, improvement, design and engineering, in phases, of additional or improved machinery and equipment, buildings, improvements or fixtures; granting infrastructure tax credits to Beta Company; the execution of further documents providing for the sale and securing of the aforementioned industrial revenue bonds including, without limitation, a bond purchase agreement and a trust indenture; and other matters relating to the foregoing. (title only) On the motion of Mr. Tolly, seconded by Mr. Holden, Council voted unanimously to approve second reading by title only.

On the motion of Mr. Tolly, seconded by Mr. Greer, Council voted unanimously to approve Resolution #R99-025 - a resolution to provide for the commissioning of certain named law enforcement officers, to provide for the proper security, general welfare, and convenience of Anderson County. This would be for an animal control officer.

Mr. Preston presented the Upstate GRID Plan Intergovernmental Agreement which provides funding for the widening of Hwy. 24. In order to make the County available to receive the funds, the agreement needs to be approved by Council. On the motion of Mr. Tolly, seconded by Mr. Greer, Council voted to approve, affirm, and ratify the Upstate GRID Plan Intergovernmental Agreement (the "Agreement") as previously signed by then-Chairman William A. Floyd and to authorize the Anderson County Administrator to countersign such Agreement, signifying Anderson County Council's acceptance of the State of South Carolina Infrastructure Bank funding of \$22.5 Million for the widening of S.C. Highway 24 from S.C. Highway 28 bypass to the "Double Bridges" (the "Project"), and its approval, affirmation, and ratification of such Agreement to the extent that such Agreement does not commit Anderson County to spend any of its own money on the Project without further specific approval of Anderson County Council."

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Mr. Holden moved to reappoint Ms. Nancy Webb to the Civic Center Committee and appoint Ms. Elaine Epstein to the Human Relations Council. Mr. Greer seconded the appointments and vote was unanimous.

Mr. Greer stated that Rev. Ronnie Williams had approached him concerning the closure of a portion of Generostee Church Road. A map was provided. (From Barnwell Lane up to 187 closed). All parties involved have agreed to give the needed right-of-ways. On the motion of Mr. Greer, seconded by Mr. Holden, Council voted unanimously to close and abandon interest in the portion of Generostee Church Road as discussed and under the condition that the church provides Anderson County with the necessary right-of-way to upgrade Barnwell Lane to County specifications.

Mr. Greer explained that the Flatrock Bowen Fire Department has a serious drainage and road problem. The road bed is at a considerable height above the parking area and the floor level of the fire department. Mr. Greer presented Phase I to correct the problem. Phase I would lower Airline Road by approximately 2 feet. Total amount of the project would be \$14,810. Mr. Greer moved to approve Phase I and lowering of the water line. Mr. Tolly seconded and vote was unanimous. The money will come from District #3 paving funds.

Mr. Greer presented Resolution #R99-026 - a resolution expressing intent to amend the Anderson County Major Road Study; expressing intent to reclassify the planned "Anderson Perimeter Road" from a two-lane rural design (R-2) to a four-lane Urban design (U-4); expressing intent to extend the same upon the occurrence of certain events and the meeting of certain defined conditions; and other matters related thereto. Mr. Greer moved to approve the resolution and Mr. Tolly seconded. Vote was unanimous.

Mr. Greer moved to place an "End of County Maintenance" sign about 400' from the end of the pavement on a road off 413 (Henry Cullins Road (C-14-74B) part of the road is in District 2 and part in District 3). The ditch line ends some 300'-400' from where the pavement ends. This will help the land owner divide his property up for his children. Mr. Holden seconded and vote was unanimous.

Mr. Wright moved to approve a request to appropriate \$5,000 for the Pendleton Foothills YMCA for funding of projects and programming. The funds will come from District #4 Parks & Recreation budget. Mr. Greer seconded and vote was unanimous.

Mr. Holden moved to cancel the August 3, 1999 Council meeting to allow Council and staff to attend the S.C. Association of Counties Conference. Mr. Greer seconded and vote was unanimous.

Mr. Holden moved that after the August 17, 1999 meeting that all public hearings are held at least two weeks prior to third reading of any county ordinance. Mr. Tolly seconded the motion. Council discussed. Mr. Holden included in his motion that if an emergency comes up, then an exception can occur.

ADMINISTRATOR'S REPORT:

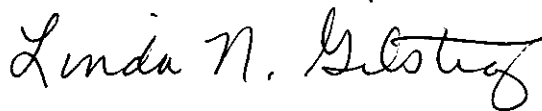
- (a) Certificates and Training:
 - 1. Ms. Laura A. Johnson - Emergency Response to Terrorism
- (b) Letters of Appreciation:
 - 1. Mr. James McAdams - Various Letters of Appreciation
 - 2. Mr. McClure and Anderson County - for Walking track, new Hope Community Sports Association
 - 3. TCO Becky Brock for an outstanding job in radio dispatching.
 - 4. TCO Dolly Cunningham for an outstanding job in radio dispatching.
- (c) Minutes:
 - 1. Public Works Safety Meeting
 - 2. Airport Commission Meeting
 - 3. EMS Commission Meeting
 - 4. Planning Commission Meeting

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- (d) Reports:
 - 1. County Accommodations Fee
- (e) Anderson Regional Landfill Lateral Expansion Public Notice
- (f) 1999-2000 Anderson Area Chamber of Commerce Program of Work
- (g) Tri-County State Budget Approval
- (h) Anderson Sports & Entertainment Center - Labor Day Concert

There being no further business, Council adjourned at 7:20 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Linda N. Gilstrap".

Linda N. Gilstrap, Clerk
ANDERSON COUNTY COUNCIL