

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA

Regular Meeting - December 5, 2000 - 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

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

The official meeting of the Anderson County Council convened in the Council Chambers of the Historic Courthouse on Tuesday, December 5, 2000 at 6:00 p.m.

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

The following citizens addressed Council during the public comment section of the agenda:

- Mr. Dick Arielly - spoke concerning Rock Mill's petition and in opposition to the amendments to the zoning ordinance regarding the change in time for referendum period changed to two years.
- Ms. Peggy Kelly - spoke in opposition to the proposed amendments to referendums and said it was unreasonable to change the zoning requirements in mid-stream.

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- Ms. Janice Garcia - asked for a special exemption for Rock Mill on the referendum time change.
- Mr. Dan Waldsmith, Sr. - asked that Rock Mill not be effected and asked that the proposed amendments be tabled.
- Mr. Edward L. Chandler, representing Anderson County's Gun Club - spoke in opposition to proposed changes in gun regulations/gun ranges.
- Mr. Mike McCuen - asked for an exemption for Rock Mill so they can have their vote.
- Ms. Colleen McCuen - stated that it was only fair that the Rock Mill referendum be held.
- Ms. Marilyn Waldsmith - she asked Council to exempt the Rock Mill district from proposed change in time period for repeat referendums.
- Mr. Michael J. Waldsmith - asked Council to do the right thing and allow the repeat referendum for Rock Mill in 2001.
- Mr. Barry Stewart - asked Council to exempt Rock Mill under the new changes.
- Mr. Harvey Giles - lives in the Rock Mill voting precinct and asked that Council exempt Rock Mill voting precinct from the proposed changes for repeat referendums.
- Mr. Bob Kinley - said he turned in petition under good faith as asked Council for their support and exempt Rock Mill.
- Ms. Margie Steward - asked for Rock Mill to be exempted from proposed changes.
- Mr. Richard Childers - a resident of Piedmont stated that there was a serious problem with constant gun firing and asked Council to pass proposed legislation dealing with firing of guns.
- Ms. Wanda Williams - complained of gun fire in her neighborhood and asked Council for some type of relief.
- Ms. Jane Fritts - spoke in opposition to changes in repeat referendums, and said she was disappointed that Mr. Holden did not support them in the zoning matter.
- Ms. Ann Vandiver - thanked Council for their continued support of the Museum.
- Ms. Caroline Boyer - spoke in favor of the Museum
- Ms. Jan McErb - (did not approach the mike and unable to hear)
- Mr. Mullinax - thanked Council for all that they do for the community.

Mr. John Davis, representing a group of citizens for Safety on I-85, said that I-85 was one of the most unsafe highways in South Carolina. He stated that during the last two years, 55 people had been killed on I-85 in South Carolina and most of them were killed in Anderson County. The group feels that one important factor would be the reduction in the speed limit and also more attention toward controlling the speed limit on I-85. He also discussed barriers on grass medians on I-85. The three things that the group is concerned with is reducing the deaths on I-85, reducing the stress and driving and making it a more pleasant place to drive. He said that he knew that Council would consider a Resolution concerning the danger of I-85 and asked them to consider some of these points that he made to Council. Council received as information.

Mr. Tom Martin presented third and final of Ordinance #2000-058 - 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 from I-2 to I-1 approximately 100+/- acres of property in the Five Forks Precinct on the southwest quadrant of S-4-29 (Lebanon Road) and US 178 (Liberty Highway): Being bound on the east by Liberty Highway, on the north by Lebanon Road, on the west by lands now or formerly of M.L. Horton and Hurricane Creek, and on the south by lands now or formerly of Glen Raven Mills and Duke Power Company. On the motion of Mr. Wright, seconded by Mr. Greer, Council voted unanimously to approve the ordinance on third reading as presented.

Mr. Tom Martin presented third and final reading of Ordinance #2000-003 - a general bond ordinance authorizing and providing for the issuance of Anderson County, South Carolina, special source revenue bonds (MICHELIN PROJECT); prescribing the form of bonds; limiting the payment of the bonds solely from certain revenues derived from the payment of fees in lieu of tax from the Michelin Properties located in the Anderson County and Greenville County Joint County Industrial and business park and pledging certain net fee payments to such payment; creating certain funds and providing for payments into such funds; and making other covenants and agreements in connection with the foregoing. A public hearing was held; no comments were heard. On the motion of Mr. Tolly, seconded by Mr. Wright, Council voted unanimously to approve Ordinance #2000-003 as presented.

Mr. Martin presented third and final reading of Ordinance #2000-004 - an ordinance authorizing the issuance and sale of not exceeding \$6,850,000 Anderson County, South Carolina Special Source Revenue Bonds (MICHELIN PROJECT); prescribing the form and details of such bonds; and other matters relating thereto. A public hearing was held and no comments were received. On the motion of Mr. Wright, seconded by Mr. Tolly, Council voted unanimously to approve on third and final reading.

Mr. Martin presented third and final reading of Ordinance #2000-062 - an ordinance authorizing an amendment to lease agreement between Anderson County and Michelin North America, Inc., to provide for an adjustment of the infrastructure tax credit therein. On the motion of Mr. Wright, seconded by Ms. Floyd, Council voted unanimously to approve the ordinance as presented. Mr. Greer pointed out that this was a case where County Council has taken steps to insure that an industry is paying it's fair amount of taxes through this ordinance.

Mr. Martin presented third and final reading of Ordinance #2000-065 - an ordinance authorizing the execution and delivery of not less than \$300,000,000 and not exceeding \$600,000,000 principal amount industrial revenue bond, series 2000 (GENPOWER ANDERSON, LLC PROJECT), of Anderson County, South Carolina; the application of the proceeds of said bond to pay the costs of acquiring land, a building or buildings and various machinery, apparatus, equipment, office facilities and furnishings which comprise an industrial facility; the entering into of certain covenants and agreements and the execution and delivery of certain instruments relating to the issuance of the aforesaid bond, including an indenture between Anderson County and the purchaser securing the bond and prescribing matters related thereto, and a lease and infrastructure tax credit agreement between Anderson County, as lessor, and Genpower Anderson, LLC a Delaware limited liability company as lessee; and other matters relating thereto. On the motion of Mr. Greer, seconded by Mr. Wright, Council voted unanimously to approve third and final reading of Ordinance #2000-065.

Mr. Martin presented second reading of Ordinance #2000-064 - an ordinance amending in certain limited particulars, section 66-126 of the Anderson County Code of Ordinances pertaining to monthly sewer service charges; and other matters relating thereto. A public hearing was held; no comments were received.

On the motion of Ms. Floyd, seconded by Mr. Greer, Council voted unanimously to approve second reading of Ordinance #2000-064.

Mr. Martin presented second reading of Ordinance #2000-066 - an ordinance amending Ordinance #99-003, the Anderson County Comprehensive Plan - 1999, as adopted April 20, 1999, by amending Land Use Figure 1, Project Future Land Use, to include Planning Area II, Future Land Use. The public hearing is scheduled for third reading because of an error by the newspaper. On the motion of Mr. Greer, seconded by Mr. Wright, Council voted unanimously to approve as presented.

Mr. Martin presented second reading of Ordinance #2000-068 - an ordinance revising certain sections of Chapter 38 of the Anderson county Code of Ordinances pertaining to Article II. Land Use and Development Standards; Article III. Subdivisions; and Article VI. Minimum Road and Street Standards; and other matters related thereto. A public hearing was conducted the following individuals addressed Council. Mr. Gary Seay - spoke in reference to the gun range section of the ordinance. He asked Council to look over the proposed law before adoption. Mr. Ed Chandler asked that Council look into any information and come up with a policy on the guns that is fair. Mr. Robert Newsom asked that Council send the ordinance back to Land Use for a valuable, useable document. No further comments were heard; the public hearing was declared closed. Mr. Wright moved to hold a joint work session with County Council and members of the Land Use staff and Commission to work on the proposed ordinance at the earliest possible time. Mr. Greer seconded and vote was unanimous. Mr. Martin stated that there were several editorial comments that he asked for permission to make to the preamble between second and third reading. Mr. Wright moved to approve on second reading and Mr. Greer seconded. Mr. Greer stated that he was prepared to vote tonight in favor with the understanding that Council has the opportunity to make changes. Vote was unanimous.

Mr. Martin presented second reading of Ordinance #2000-069 - an ordinance amending in certain limited particulars, Article 10 of Chapter 70 of the Anderson County Code pertaining to amendments to Anderson County Zoning; and other matters relating thereto. A public hearing was held and the following individuals addressed Council.

- Ms. Marilyn Waldsmith - asked Council not to change the rules in the "middle of the stream" and asked Council to exempt Rock Mill from the changes.
- Mr. Dick Arielly - asked Council to exempt Rock Mill
- Ms. Peggy Kelly - respectfully requested that Council give an exemption to Rock Mill on new provisions.
- Ms. Tammy Collins - asked Council to pass ordinance as it stands and let Rock Mill do the two-year wait.
- Ms. Margie Stewart - said she personally collected signatures on the petition, which is on file for certification January 1, 2001. Asked Council to do the right thing and allow the referendum in May 2001.
- Mr. Barry Stewart - talked about the petition and asked Council to do the right thing and allow their referendum in May, 2001.
- Mr. Dan Waldsmith - asked if Ms. Collins was saying that they have the same petition that was turned in last time.
- Ms. Marilyn Waldsmith - said that she had more names on the petition that was required because of several reasons such as people die and people move.
- Ms. Amanda McGee - stated that she strongly agrees with the proposed ordinance as it is written.
- Name not clear - asked why was the hurry to get the new petition in so early. He said that Ordinance #2000-069 needs some "fine tuning" and asked that council not exempt Rock Mill.
- Mr. Justin Bridges - said that he supported the ordinance.
- Mr. Mike Waldsmith - asked Council to have all zoning supporters stand. The Chair responded that the public hearing was for comments only.
- Mr. Dick Arielly - he said that if the rules had been in place for a two-year period no one would be there. He said that when you take "something" away it is an unfair take away. He asked Council to exempt Rock Mill.
- Mr. Mike Hulett- feels that the ordinance is long over-due and asked Council to approve as is.
- Mr. Mike McCuen - asked Council for special exemption and allow them to have their vote.
- Mr. Bill Collins - approves the way Council wants to even the playing field for zoning. He asked Council to approve the ordinance.
- Ms. Holly McCuen - stated that Rock Mill deserves an exemption.

- Mr. Brady Collins - asked Council to adopt the ordinance as presented and not exempt Rock Mill from the changes.
- Mr. Shirley Huitt - asked Council to support the proposed ordinance.
- Ms. Marilyn Waldsmith - said that the residents were willing to wait a year and asked Council not to change the rules.

No further comments were heard; the public hearing was declared closed. Mr. Greer moved to approve Ordinance #2000-069 on second reading and Mr. Wright seconded the motion. Mr. Tolly stated that he would vote against the ordinance because in his opinion this will be the end of zoning in Anderson County. Ms. Floyd also stated that she would vote in opposition because the ordinance could be good and in her opinion it is not. Mr. Greer stated that he disagreed with Ms. Floyd. He read from the minutes of November 14 meeting that he was hearing loud and clear that we were protecting the rights of the pro-zoning forces and ignoring the rights of those who oppose this. This levels the playing field. Mr. Greer stated that he took exception to personal attacks insinuating that he as a member of Council would repay political favors in the way that he cast his vote and AT NO time when he cast his vote does he consider a contribution to his campaign. His vote is based on his whole-hearted support of the issue and resents those remarks. Vote on the ordinance was three in favor (Holden, Wright, Greer) and two opposed (Tolly, Floyd). Motion carried.

Ms. Floyd moved to approve a resolution to exclude Rock Mill from the provisions of Ordinance #2000-069; provided that the petition is certified. Mr. Tolly seconded the motion. Mr. Greer stated that according to Council's Rules and Regulations it takes approval of two thirds of Council to amend the agenda within 24 hours of the meeting. He asked the Chair to poll Council. Four out of five would be required. Mr. Greer stated that he would allow this to be put on the floor. Mr. Tom Martin explained the options that Ms. Floyd would have in order to exempt Rock Mill. He said that a resolution could not amend an ordinance; however, she could wait until third reading of the Ordinance and amend it at that time or approve an ordinance on first reading tonight to exempt Rock Mill. Mr. Tolly moved to allow a procedural vote to allow Ms. Floyd to place an ordinance by title only on the floor for consideration. Mr. Greer seconded and vote was unanimous. Ms. Floyd moved to approve first reading of an ordinance (#2000-076) by title only to amend Ordinance #2000-069 to exempt the Rock Mill petition from the

proposed changes contingent upon the petition being certified. Mr. Tolly seconded and vote was three in favor (Tolly, Floyd, Wright) and two opposed (Holden, Greer). Motion carried.

Council recessed at 8:10 p.m. The Chairman called the meeting back to order at 8:20 p.m.

Mr. Martin presented second reading of Ordinance #2000-074 - an ordinance authorizing the issuance and sale of general obligation bonds of Anderson County, South Carolina, in the principal amount of not exceeding \$2,500,000; authorizing the issuance and sale of not exceeding \$2,500,000 general obligation bond anticipation notes; fixing the form and details of the bonds and notes; authorizing the Chairman of County Council and the county Administrator to determine certain matters relating to the bonds and notes; providing for the payment of the bonds and notes and the disposition of the proceeds thereof; and other matters relating thereto (Museum Project). A public hearing was held and Mr. Bob Fuller spoke. He stated that he was a volunteer for the Anderson County Museum and he said this would be Anderson's chance to have the biggest and best Museum in the state. No further comments were received; the public hearing was closed. Mr. Tolly moved to approve the ordinance and Ms. Floyd seconded. Vote was unanimous.

Mr. Martin presented first reading of Ordinance #2000-067 - 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 from R-20 to C-1R approximately 1.27 +/- acres of property in the Mount Tabor Precinct on the southeast quadrant of SC 187 (Wild Hog Road) and C-4-0062A (Gibson Road); Being bound on the west by Wild Hog Road, on the north by Gibson Road, on the east by a line running south from a point on Gibson Road 238 feet from Wild Hog Road 247 feet to a point, and on the south from that point west 226 feet to Wild Hog Road. A public hearing was held; no comments were received. On the motion of Mr. Wright, seconded by Mr. Tolly, Council voted zero in favor and five opposed the adoption of Ordinance #2000-067 on first reading. Motion failed-ordinance is dead.

Mr. Martin presented first reading of Ordinance #2000-072 - 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 from R-20 to C-1 approximately 4.5 +/- acres of property in the Edgewood B precinct on the west side of C-10-0155 (Brown Road): Being two parcels on the west side of Brown Road, one with two and twenty-three hundredths (2.23) acres more or less, and being fully shown on a plat made by D.G. Casey, Reg. L. S., dated September 29, 1954 of record in the Office of the Clerk of Court for the county of Anderson, South Carolina, in Plat Book 36 at page 45; and the second with Two and Twenty-seven hundredth (2.27) acres, more or less, as shown on plat of D.G. Casey, L.S. 1115, dated December 1, 1954, and which is of record in the Office of the Clerk of Court for Anderson County, South Carolina, in Plat Book 36 at Page 127. A public hearing was held and the following citizens spoke: Mr. Otto Haugland asked Council to deny the rezoning request because of the traffic on Brown Road. Mr. Carl Lang also asked Council to deny the request. The area needs no more commercial development on Brown Road. No further comments were received; the public hearing was declared closed. On the motion of Mr. Tolly, seconded by Ms. Floyd, Council voted zero in favor and five opposed (Tolly, Floyd, Greer, Holden, Wright). Motion failed - Ordinance is dead.

Mr. Martin presented first reading of Ordinance #2000-075 - an ordinance amending the Anderson County Major Road Study, by designating and including as four (4) lane highways, those certain portions of South Carolina Highway 247 and United States Highway 76 in Anderson County, South Carolina; and other matters relating thereto. Mr. Greer stated that he had been requested by the Belton and Honea Path areas to include these two roads into the Major Road plan as 4 lane routes. On the motion of Mr. Greer, seconded by Mr. Tolly, Council voted unanimously to approve ordinance #2000-075 on first reading.

Mr. Martin presented Resolution #R2000-059 - a resolution authorizing the execution and delivery of an inducement agreement by and between Anderson County, South Carolina, and Griffin Thermal Products, Inc. whereby, under certain conditions, Anderson County will execute a lease agreement(s) for a project(s) involving not less than Five Million Dollars (\$5,000,000) investment. On the motion of Mr. Wright, seconded by Mr. Tolly, Council voted unanimously to approve the resolution as presented.

Mr. Martin presented Resolution #R2000-060 - a resolution endorsing a letter to Elizabeth S. Mabry, Executive Director to the South Carolina Department of Transportation, dated December 5, 2000, regarding traffic accidents and related fatalities on that portion of Interstate 85 located in Anderson County, South Carolina, thanking the Department of Transportation for lowering the speed limit on Interstate 85, and supporting other recommendations to improve traffic safety on that same portion of Interstate 85 in Anderson County; and other matters relating thereto. Mr. Tolly moved to approve the resolution and Ms. Floyd seconded. Mr. Wright asked that in the letter to go with the Resolution he asked that the Council request them to take a look at the speed limit for the entire state of South Carolina. Vote was unanimous.

Mr. Martin presented #R2000-062 - a resolution making application to the State Budget and Control Board of South Carolina for approval of the issuance by Anderson County, South Carolina for approval of the issuance by Anderson County, South Carolina, of its Special Source Revenue Bonds (MICHELIN PROJECT), in the principal amount of not exceeding \$6,850,000, pursuant to the provisions of South Carolina Code Annotated, Title 4, Chapter 1 and Chapter 29 (1976), as amended. On the motion of Mr. Greer, seconded by Mr. Wright, Council voted unanimously to approve Resolution #R2000-062 as presented.

Mr. Martin presented #R2000-063 - a resolution relating to the declaration of intent by Anderson County, South Carolina to reimburse certain expenditures prior to the issuance by the County of its special revenue bonds (Michelin). On the motion of Mr. Tolly, seconded by Ms. Floyd, Council voted unanimously to approve the resolution as presented.

Mr. Wright moved to appoint Mr. Smith Wham to the District #4 Citizens Zoning Advisory Committee. Mr. Greer seconded the motion and vote was unanimous.

On the motion of Mr. Tolly, seconded by Mr. Wright, Council voted unanimously to approve an appropriation of \$5,000 from District #1 Recreation Funds for Williamston Spring Park playground equipment.

Mr. Tolly moved to appropriate \$200 from District #1 paving account for the Town of Pelzer for repair work. Mr. Wright seconded and vote was unanimous.

On the motion of Mr. Wright, seconded by Mr. Tolly, Council voted unanimously to appropriate \$1,768 from District #4 paving account for additional parking at Townville Elementary School.

Mr. Greer moved to appropriate \$2,860 from District #3 paving account and \$2,860 from District #7 Parks and Recreation fund for construction of a walking track at the Friendship Fire Department. Total of project is \$5,720 and Councilwoman-elect has agreed to go along with this appropriation. Mr. Tolly seconded and vote was unanimous. Mr. Preston stated that \$12,500 was budgeted for recreation in District #7.

Ms. Floyd deferred Item #7 (d) until a later time.

Mr. Greer moved to approve a load of gravel and a pallet of cold patch asphalt for the Town of Iva for a total amount of \$760.00 to come from District #3 paving account. Mr. Wright seconded. Vote was unanimous.

ADMINISTRATOR'S REPORT:

(a) Certificates and Training:

1. Mr. Gerald Shealy, Mr. John Chambers, Mr. Tony Barnett, Mr. Steve Evans, Mr. Michael Glenn, Mr. Ralph Cumber, Mr. Ricky Burgess, Mr. Jim Thomas, Ms. Dawn Moser, and Mr. Terry Gray - Certificate for Emergency Vehicle Response Drive Training Program
2. Ms. Julia E. Nichols - IS-002 Emergency Preparedness Course

(b) Letters of Appreciation:

1. For: Mr. Chuck Watkins - Elected Administrator for the Upstate Region of the S.C. Public Records Association
2. For: Mr. Joey Preston and Staff - From: Foothills United Way
3. For: Mr. Buck Smith and Crew From: Ms. Mary Ann Dobbins
4. For: Mr. Jerry Cash and Mr. Aaron Smarts' Crews From: Ms. Sandra Keown

- 5. For: Mr. Walt Fisher and Mr. Aaron Smarts' Crews From: Ms. Jean Girard
- 6. For: Mr. Mark McConnell and Crew From: Ms. Hazel Jameson
- (c) Minutes:
 - 1. Local Emergency Planning Committee Minutes
 - 2. Pendleton District Workforce Investment Board Minutes
 - 3. Department of Transportation - Safety Meeting Minutes
- (d) Report:
 - 1. Road Maintenance Litter Report - October 23-November 24, 2000
 - 2. District Road Paving Report
- (e) "Attractions Article" Greenville News

Mr. Greer asked Mr. Holt Hopkins when the bridge on Airline Road and Hayes Road would be repaired. He reported that the bridge would be repaired no later than mid-March 2001.

There being no further business, Council adjourned at 9:00 p.m.

Respectfully submitted,

Linda N. Gilstrap, Clerk
ANDERSON COUNTY COUNCIL