

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA

Regular Meeting - December 19, 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 19, 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. Tolly, seconded by Mr. Greer, Council voted unanimously to approve the minutes from the December 5, 2000 meeting as mailed.

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

- Ms. Melinda Price spoke in opposition to the proposed development between

McGee and Concord and Highway 81 and the proposed tax credit. She said that her biggest opposition was the size and purpose and it will directly affect her property value. She also said that there was a "wet-lands" issue.

- Mr. Harvey Giles of Rock Mill precinct stated he and the other residents think it is only right to have their petition certified. Asked Council to table ordinance #2000-069 and conduct further studies.
- Mr. Clifton Thomas is now working at the back door of the courthouse. He said that more help is needed in the courthouse.
- Mr. Dan Waldsmith, Sr. of Rock Mill precinct stated that the residents were told that they could have another vote in 2001. Asked council to exempt Rock Mill from ordinance #2000-069.
- Mr. Barry Stewart - asked for a one-time exemption for Rock Mill from Ordinance #2000-069.
- Ms. Marilyn Waldsmith asked that Council exempt Rock Mill from the proposed Ordinance #2000-069 and is fair because they were told that they could have their repeat referendum.
- Mr. Dan McKinney - presented a book published by the Chamber of Commerce about Anderson County.

Mr. Larry Greer invited special guests - The Greers (family group) from the Belton-Cheddar area. The family sang several Christmas songs. The Council commended the Greers for their outstanding performance and invited them to come back. Council also thanked Mr. Larry Greer for inviting the group to the Council meeting.

Mr. Michael Cunningham, Chairman Human Resources Committee, presented Ms. Sandy Williamson as Employee of the Month for November. Asst. Solicitor Druanne White recommended Ms. Williamson. Ms. Williamson was presented an Employee of the Month T-shirt, plaque, gift certificate and an Anderson County shirt. Council commended Ms. Williamson for her outstanding job performance.

Mr. Martin presented third and final 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. On the motion of Ms. Floyd, seconded by Mr. Tolly, Council voted unanimously to approve third of Ordinance #2000-064 as presented.

Mr. Martin presented third and final 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. A public hearing was held; no comments were received and the public hearing was declared closed. On the motion of Mr. Greer, seconded by Mr. Tolly, Council voted unanimously to approve the ordinance on third reading.

Mr. Martin presented third and final 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. Mr. Greer moved to approve Ordinance #2000-069 on third reading and Mr. Wright seconded. Ms. Floyd moved to amend the ordinance in include a one-time exemption for the Rock Mill voting precinct which will cover the pending petition. Mr. Tolly seconded. Mr. Tolly stated for the record that this ordinance would stop zoning for the future for Anderson County. Vote on the amendment was three in favor (Wright, Tolly, and Floyd) and two opposed (Greer, Holden). Vote on the original motion as amended was four in favor (Greer, Wright, Floyd, and Tolly) and one opposed (Holden). Motion carried.

Mr. Martin presented third and final 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). On the motion of Mr. Tolly, seconded by Mr. Greer, Council voted unanimously to approve third and final reading of Ordinance #2000-074.

Mr. Martin presented second reading of Ordinance #2000-076 - an ordinance amending in certain limited particulars Article 10 of Chapter 70 of the Anderson County Code pertaining to amendments to Anderson County Zoning, as previously amended by Anderson County Ordinance #2000-069; and other matters relating thereto. Ms. Floyd withdrew this ordinance because of the amendment, which was approved, on third reading of Ordinance #2000-069.

Mr. Martin presented first reading of Ordinance #2000-071 - 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 10.4 +/- acres of property in the Edgewood B Precinct on the west side of C10-0155 (Brown Road): being all that certain piece, parcel, or tract of land situate in Centerville Township, County of Anderson, State of South Carolina, containing ten and four-tenths (10.4) acres, more or less, and being shown and designated on a plat made by D.G. Casey, RLS No. 1115, dated August 16, 1952 and of record in the Office of the Register of Deeds for Anderson County, South Carolina, in Plat Book 31 at Page 167, and having the metes and bounds, courses and distances as upon said plat will appear. Mr. Martin stated that the Citizens Advisory Committee recommended denial and the Planning Commission recommended approval. A public hearing was held and the following citizens spoke:

- Mr. Baylis Maxwell - Mr. Maxwell asked if he could play a portion of a Planning Commission meeting concerning the issue. Chairman Holden allowed him two minutes. He stated that he appeared before the Planning Commission in April 2000, he then received a letter dated May 2, 2000 stating that his property

had been approved for a commercial development. This letter was circulated from Mr. Jeff Ricketson. He said that when anyone buys property in Anderson County, they come before the Planning Commission and they rely upon that written approval as that is the truth. They take that to the bank to borrow the money and the appraisal is based on that. It is not right for the County to come back two months afterwards when this was approved prior to any referendum, prior to circulating a petition and to come back later after the bank has made the loan, how can real estate people do business like this. He said that this isn't right and the public must rely on the integrity of those Council had delegated it to. (Part of a tape of a Planning Commission meeting was played at this time.) Mr. Maxwell said that he really didn't know why he was here again. If Council changes this Council is setting a policy how the community functions in the real estate business, how the bank makes loans, and how property is appraised. He said every time this has come up the Planning Commission has recommended approval. Mr. Maxwell presented letters from adjacent property owners stating that they have no problem with his proposed development. He requested that this should be thrown out or Council should "grandfather" him in without the building limitation of 500 square feet.

- Mr. Earle O'Brian a land surveyor with New South Surveying talked about the changes in the County over the last 10 years. He said that he represents Mr. Maxwell and prepared his preliminary commercial subdivision plan for his property. He prepared the plan based upon the regulations of the county, right-away width and etc. When the plan was submitted on March 10, 2000 on the actual application the use of the land was designated as commercial retail. The preliminary plan was accepted. He then went to Mr. West and he said that they would need to go through all the phases of engineering, send the information to DHEC and get the road design approved. After all that the Council would accept that as a commercial development. It was approved by DHEC, road design was approved and a letter from Tony Cirelli was approved stating that the commercial development was approved as designed. He stated that he was surprised that this has happened.

- Mr. Barry Visioli - Senior Vice-President of Perpetual Bank stated that he had documentation that the commercial development had been approved by the County when the loan was submitted. He said that changes of this type have a negative effect direct impact on their decision impact. He said that if they can not rely on the decision making of Anderson County, there is no way that they can make decent, and reasonable business expectations for business decisions. If everyone knows the rules of game before it starts then every one can operate in a healthy environment. If the rules change in the middle of the game, then it is hard to operate, forecast and predict business expectations.
- Mr. Frank Turner, a developer and builder from Anderson County, said that he wanted to support Mr. Maxwell's position that this should be commercial property. Urged Council to reconsider and look into what's going on.
- Attorney Van Barnette representing Mr. Maxwell stated that reasonable reliance is clearly recognized under the law in the State of South Carolina. What Mr. Maxwell did is he purchased this property for a commercial development in reasonable reliance upon representations by the duly authorized Planning Commission of Anderson County, now the zoning regulations have been changed after the fact (Sept. 2000). This change in the zoning regulations has resulted in substantial economic loss to Mr. Maxwell. The most effective remedy for Mr. Maxwell and benefit Anderson County would be a change in the zoning from the R-20 status back to the commercial status that was originally approved by the Planning Commission.
- Ms. Cindy Wilson - stated that her community group hired Attorney, Albert Sparrow who is on record stating that the County's Zoning Ordinances were flawed. She recommended that County Council make adjustments, all work together to accomplish Mr. Maxwell and residents with appropriate buffers.
- Mr. Otto Haugland from Towne Creek Trail reminded Council that they unanimously agreed for the second time to keep commercial sprawl from proceeding out of Brown Road area. He asked Council to repeat that dedication once again tonight.

- Mr. Lou Rotola stated that on numerous occasions they have appeared before Council and expressed their views and concerns relating to any further commercial development on Brown Road from the standpoint of traffic and its effect on the quality of life in the surrounding communities. He asked Council to deny this commercial development and have the sign advertising commercial development be removed.
- Mr. Gerald Terry a realtor and developer of Anderson County said he was concerned with the rules that they must deal with in their business. Asked Council to give some consideration to Mr. Maxwell's request.

No further comments were heard; the public hearing was declared closed. Mr. Wright moved to approve and Mr. Floyd seconded. Council discussed. Mr. Greer moved to table for further study. Motion to table died from lack of a second. Vote to approve was one in favor (Holden), three opposed (Floyd, Wright, Greer) and one abstention (Tolly). Motion failed.

Mr. Martin presented Resolution #R2000-064 - a resolution designating the Anderson County Disabilities and Special Needs Board as an entity in Anderson County to provide transportation to persons with disabilities which is required for a van grant application. On the motion of Mr. Wright, seconded by Mr. Greer, Council voted unanimously to approve the resolution as presented. On the motion of Mr. Wright, seconded by Mr. Greer, Council voted unanimously to approve Resolution R2000-064.

Mr. Martin presented Resolution #R2000-065 - a resolution authorizing the execution and delivery of an inducement agreement by and between Anderson County, South Carolina, and LINWA, LLC whereby, under certain conditions, Anderson County will enter into a joint county industrial and business park agreement and offer certain infrastructure credits or bonds for a new mixed-use development project in the County; and other matters related thereto. Mr. Tolly moved to approve the resolution and Ms. Floyd seconded. Mr. Wright asked was this a business park rather than an industrial park. Mr. Martin responded that there were no industrial components. Mr. Wright moved to amend the Resolution and inducement agreement to eliminate the residential portions of this project out of the joint park. Ms. Floyd seconded. Vote on the amendment was four in favor

(Holden, Wright, Tolly, and Floyd) and one opposed (Greer). Motion carried. Mr. Greer stated for the record that he had a serious concern about the County going in this direction and is not prepared to cast a favorable vote at this time. Vote on the original motion as amended was four in favor (Holden, Wright, Tolly, and Floyd) and one opposed (Greer). Motion carried.

Mr. Martin presented Resolution #R2000-061 - a resolution requesting the South Carolina National Guard 263d Army Air and Missile Defense Command Unit remain in Anderson County, South Carolina; and other matters relating thereto. On the motion of Mr. Wright, seconded by Mr. Greer, Council voted unanimously to approve the resolution

Mr. Martin presented Resolution #R2000-066 - a resolution designating the Anderson Youth Association as an entity in Anderson County to provide transportation to the persons with disabilities for a grant application. On the motion of Mr. Tolly, seconded by Ms. Floyd and Mr. Greer, Council voted unanimously to approve the resolution.

Ms. Floyd moved to transfer \$1,000 from District #2 Recreation Funds for the Cheddar Community to finish construction of the walking track, appropriate \$1,000 for the Royal Youth Learning Center for their new upcoming budget, and \$2,100 for the Broadway Lake Park Project that the County is currently working on. Mr. Greer seconded and vote was unanimous.

Mr. Greer moved to appropriate \$7,972 for construction of a walking track at the Ebenezer Fire Station. Mr. Greer said that the funding would be \$1,250 from accounts #7-238 and \$6,722 from District #3 Recreation Account. Ms. Floyd seconded and vote was unanimous.

On the motion of Mr. Wright, seconded by Mr. Tolly, Council voted unanimously to approve the yearly renewal of a sublease between the County and Skip-J, Inc.

Mr. Tolly moved to approve new Medicare Fee Schedules effective January 1, 2001 as presented by Mr. Preston. Mr. Wright seconded and vote was unanimous.

ADMINISTRATOR'S REPORT:

- (a) Certificates and Training:
 - 1. Mr. Gerald Shealy - Fire Dispatch Instructor Recertification and Telecommunicator Instructor Recertification
 - 2. Ms. Pamela L. Garner - Fire Dispatch Instructor Upgrade
- (b) Letters of Appreciation
 - 1. Heart Walk - Anderson County Top Over All Company From: American Heart Association
 - 2. For: Ms. Cindy Whitman - Transportation Department From: Mr. Paul Brown
 - 3. For: Mr. James Bruce - MIS Department From: Ms. Kathy Lusk, Court Coordinator
 - 4. For: Ms. Shae Rozakos - Economic Development From: Mr. & Mrs. Otto Haugland
 - 5. For: All County Employees - From: Mr. Joey Preston
 - 6. For: Four County Dispatchers From: Mr. Gerald Shealy
 - 7. For: County and City Officials From: Mr. & Mrs. Truman Watson
 - 8. For: Mr. Bob Daly From: Holly Creek Full Baptist Church (Newsletter)
- (c) Minutes:
 - 1. EMS - Chiefs Advisory Board Meeting
 - 2. Department of Transportation Safety Meeting
- (d) Reports:
 - 1. Recreation Fund Report
 - 2. Detention Center Litter Report - November 6-13, 2000
 - 3. Detention Center Litter Report - November 13-17, 2000
 - 4. Detention Center Litter Report - November 20, 2000-December 1, 2000
 - 5. Detention Center Litter Report - December 4-8, 2000
- (e) Anderson County Sports & Entertainment Center - Calendar of Events
- (f) Planning Commission Action of December 12, 2000

Mr. Greer told Mr. Preston that he had received a complaint regarding Med-shore for billing for back up or under the mutual aid agreement. He asked Mr. Preston to check into the matter and see if it could be an actual violation of contractual agreement that the County has.

There being no further business, Council adjourned at 8:45 p.m.

Respectfully submitted,

Linda N. Gilstrap, Clerk
ANDERSON COUNTY COUNCIL