

City of Anderson
Regular Meeting
May 10, 2010

The regular meeting of City Council was held this date in City Hall Council Chambers at 6:00 pm. In attendance were Mayor Roberts, Mayor Pro-Tem Thompson, Council Members Kirven, Chapman, Roberts, Laughridge, Stewart, and Dunaway. Also in attendance were City Manager, John Moore; Assistant City Manager, Linda McConnell; Finance Director, Peggy Maxwell; City Attorney, Frankie McClain; Neighborhood and Transit Services Director, Willie Day; and Public Works Director, Don Chamblee. The invocation was given by Councilman Laughridge with respects to the flag by Mayor Roberts. Councilman Williamson was absent.

PROCLAMATION
NATIONAL PUBLIC WORKS WEEK
MAY 16-22, 2010

Mayor Roberts read the following Proclamation:

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as cemeteries, sanitation, streets, engineering, fleet maintenance, stormwater and traffic management; and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitudes and understanding of the importance of the work they perform.

Now, Therefore, I, Terence V. Roberts, Mayor of the City of Anderson, South Carolina, along with my fellow members of City Council, do hereby proclaim May 16-22, 2010 as

National Public Works Week

in the City of Anderson, SC and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Mr. Don Chamblee thanked the Mayor and Council for recognizing the Public Works department. He said they are looking forward to having a safe and productive year. He said they are going to use the National Public Works Week to bring more awareness to Public Works and what we do in our services.

APPROVAL OF MINUTES

A motion by Councilman Laughridge seconded by Councilman Stewart carried unanimously (8-0) to approve the minutes of the April 26, 2010 Council Meeting as presented.

ORDINANCE 10-04

REQUEST SECOND AND THIRD READING OF ORDINANCE 10-04 TO REZONE 509 E WHITNER STREET FROM LI, LIGHT INDUSTRIAL TO GC, GENERAL COMMERCIAL

Mr. Moore said Council approved this request on first reading at the April 26th Council meeting. A few concerns were raised by the Council members, but the applicant addressed all issues.

The applicant is seeking to rezone the subject property in order to establish an automobile sales lot on the site. The LI, Light Industrial zoning classification does not allow automobile sales. This type of use is only allowed in the GC, General Commercial zoning district, so a rezoning is necessary. The property is surrounded by various uses - a church, a plumbing business and property owned by School District 5. All of these properties are zoned LI, Light Industrial.

A motion by Councilman Roberts seconded by Councilman Stewart carried unanimously (8-0) to approve Ordinance 10-04, rezoning 509 E Whitner Street from LI, Light Industrial to GC, General Commercial on Second Reading.

A motion by Councilman Stewart seconded by Councilman Roberts carried unanimously (8-0) to approve Ordinance 10-04 as stated above on Third Reading.

REQUEST CONSIDERATION OF AN ORDINANCE TO REZONE 1021 S MCDUFFIE STREET FROM R-5, SINGLE-FAMILY RESIDENTIAL TO LO, LIMITED OFFICE

Mr. Moore said the applicant originally wanted to rezone the vacant parcel so it could be developed as an office use in the future. There were no immediate plans for the site and the applicant has the lot listed for sale. Abutting the property is an office that is zoned LO, Limited Office and a residential property that is zoned R-5. Both the staff and the Planning Commission recommend denial. Since the rezoning request was speculative in nature and because there is an abundance of existing vacant commercial space in the City, neither the staff nor Planning Commission would justify this rezoning. The applicant originally stated this would be speculative. We have since heard the applicant is considering a laundry mat.

Mr. Sam Sullivan said he bought the property from his great grandfather. He also said he owns the coin laundry next to Little Pigs and has been successful. He said he had a demographic study of the area done and there is a need for this business in the McDuffie Street area.

Councilman Dunaway said the house beside the lot is the Nimrod K. Sullivan house which is a great historic structure. The problem the staff has is that area is so historic they do not

recommend that we intrude with commercial businesses no matter how they look because of the amount of foot traffic.

Councilman Stewart said the City Council has embarked on this major revitalization plan where we are trying to up fit the communities and bring back affordable housing. This is right in the middle of one of our neighborhood revitalization areas and it would be a detriment to put a commercial use in a neighborhood where we are trying to bring back affordable housing into the community.

Councilman Chapman said he and Mayor Pro Tem Thompson serve on the Anderson Community Development Board. He said this is a type of business they are looking for within the neighborhoods but they want them strategically planned so they are in groups together not sporadically placed throughout the neighborhoods. He suggested Mr. Sullivan look at some of the spaces that are available and see if they will fit within the parameters of the neighborhoods that are established.

Mr. Sullivan said he has looked and has not seen anything.

Councilman Stewart said this business does not comply with the neighborhood plan. He encouraged Mr. Sullivan to talk with the staff about other areas that would fit in strategically.

A motion by Councilman Stewart seconded by Councilman Dunaway carried unanimously (8-0) to deny the rezoning of 1021 S McDuffie Street from R-5, Single-Family Residential to LO, Limited Office.

REQUEST REFERRAL TO THE PLANNING COMMISSION A PETITION TO REZONE 107 TANGLEWOOD DRIVE FROM R-15, SINGLE-FAMILY RESIDENTIAL TO GC, GENERAL COMMERCIAL

Mr. Moore said the applicant wishes to rezone the parcel so an old commercial-style building on the back portion of the lot (fronting on Eskew Circle) can be used for commercial purposes. In addition to that structure, there is a single-family dwelling on the parcel that fronts on Tanglewood Drive. It is the intention of the property owner to rezone the property in order to market it for commercial purposes.

A motion by Councilman Roberts seconded by Councilman Laughridge carried unanimously (8-0) to refer to the planning commission a petition to rezone 107 Tanglewood drive from R-15, Single-Family Residential to GC, General Commercial

REQUEST CONSIDERATION OF A CONTRACT FOR ASBESTOS/LEAD SURVEYS FOR NEIGHBORHOOD STABILIZATION PROGRAM

Mr. Moore said the City of Anderson received a Neighborhood Stabilization Program (NSP) Grant from the South Carolina State Housing Finance and Development Authority (SCSHFDA)

for acquisition/rehabilitation and demolition. Preparation of Asbestos/Lead Surveys for these dilapidated dwellings which are scheduled for demolition is the next step before the actual demolition and clearance of the houses. Identification of the amounts of asbestos and lead will determine demolition costs. The City of Anderson's Neighborhood Stabilization Program (NSP) Grant award from the South Carolina State Housing Finance and Development Authority would fund the \$13,800.00 demolition (asbestos/lead) cost. Staff recommends approval of this contract for demolition (asbestos/lead surveys) services to continue to remove slum and blighted properties. The future demolition of these existing blighted structures will compliment other strategies for neighborhood improvement outlined in the City's adopted Neighborhood Revitalization Plan.

A motion by Mayor Pro Tem Thompson seconded by Councilman Chapman carried unanimously (8-0) to approve a contract for \$13,800 with Phillips Recoveries for asbestos/lead surveys for twenty-three houses for the Neighborhood Stabilization Program.

REQUEST CONSIDERATION OF PROCESS FOR JUDICIAL APPOINTMENTS

Mr. Moore said The Anderson City Code specifies that the Municipal Court shall be presided over by one or more full time or part-time judges. The Anderson Municipal Court is presided over by one full time judge and one part-time judge who are required to be members of the South Carolina Bar and practicing attorneys with the minimum of four years practice experience within South Carolina. Terms of service shall not exceed four years.

It is not uncommon to utilize the process of Request for Qualifications (RFQ) for professional service positions such as legal, auditing, engineering, etc. For the municipal court, an RFQ process and time frame may be as follows:

- Advertisement —job posting for 30 days — City website, local newspaper, Anderson County Bar Association, Municipal Association of SC
- RFQs compiled and matched to general job description
- RFQs reviewed by Public Safety Committee or other designated body
- Candidate interviews conducted
- Recommendation to full council
- City Council appointment

Minimum total time frame: 60-90 days

Judge Ken Mattison serves as the full-time Municipal Judge with his re-appointment in 2008 for a term through June 30, 2012. Judge Hugh Welborn serves as the part-time Municipal Judge. He was last re-appointed in February 2003 for a term that expired on July 1, 2004.

Councilman Kirven said the process we use to select our judges and prosecuting attorney is very important. There are several principles we need to bear in mind in going forward in approaching any changes in the way we have historically done this.

1. Whatever process we come up with should be designed to identify the best qualified person for that job. It should be a well thought out process and should be very specific in how it will operate.
2. The process we use needs to be very careful to maintain and respect the concept of an independent judiciary. Once someone is appointed, the system should be set so they carry out their duties in a responsible matter but without fear of reprisal or intimidation.
3. The process needs to be fair to the current personnel and they need to have adequate notice this change is going to be implemented. The process we use is one we need to get right and not fast.

Councilman Stewart said the process needs to be started by advertising for the position instead of waiting on the committee then advertising for 30 days.

Councilman Kirven said there is no compelling reason that there is any urgency about rushing into some action before we get the process determined. This issue should be like every other issue we deal with and go through the committee process.

Councilmen Chapman said he does not see any reason to rush to move the position especially since we just had a survey from our auditors and they found no major deficits.

Councilman Dunaway said the Public Safety Committee has been working on this for over a year and a half. This is a process we can start by identifying the terms and making sure we have the best qualified persons. We are one of the very few municipalities in the state that still use hand written docket books. Our computer services do not conform to the case management system suggested by the SC Chief Justice. There are a lot of fallacies in the existing program.

Councilman Roberts said the Public Safety Committee needs to meet and bring back a recommendation.

Mayor Roberts said the Public Safety Committee needs to determine the term lengths for each position.

A motion by Councilman Kirven seconded by Councilman Chapman carried unanimously (8-0) to refer to the Public Safety Committee to analyze all the factors involved and come back before Council with a recommendation of the process to be utilized in selecting our Judges and the Prosecuting Attorney in 90 days.

ADMINISTRATIVE BRIEFING
COUNCIL CALENDAR

Mr. Moore reminded Council of the following dates:

May 13th, 17th & 18th – Budget Meetings
May 17th – Swim Centers Public Meeting
June 14th – Budget Public Hearing

EXECUTIVE SESSION
CONTRACTUAL MATTER – PROPERTY DISPOSITION
POSSIBLE PROPERTY ACQUISITION
LEGAL ADVICE – POSSIBLE LITIGATION
CONTRACTUAL MATTER – ARJWS PURCHASE AGREEMENT

A motion by Councilman Stewart seconded by Councilman Roberts carried unanimously (8-0) to enter into Executive Session to discuss a property disposition, possible property acquisition, possible litigation, and the ARJWS Purchase Agreement.

A motion by Councilman Stewart seconded by Councilman Roberts carried unanimously (8-0) to come out of Executive Session.

Mayor Roberts stated no votes were taken in Executive Session.

ADJOURNMENT

A motion by Councilman Stewart seconded by Mayor Pro Tem Thompson carried unanimously (8-0) to adjourn.

ATTEST:

Terence V. Roberts
Mayor

Peggy G. Maxwell
City Clerk Treasurer