

**TOWN OF CENTRAL
REGULAR COUNCIL MEETING MINUTES
1067 WEST MAIN STREET, CENTRAL, SC 29630
MONDAY, DECEMBER 8, 2008 – 7:00 PM**

Present: Mayor Mac Martin; Council Members David Donald, Tony Craig, Lynne O'Dell Chapman, Tracey Reynolds, Harrison Holladay, and Gary White; Administrator Phillip Mishoe; Police Chief Kerry Avery; News Media Vince Jackson; Building Official Richard Davidson; and Town Clerk Sandy Brown.

The meeting was called to order by Mayor Mac Martin.

Lynne O'Dell Chapman rendered the invocation.

Recognition of Central Tigers 12 and Under Football Team

Recreation Director Tom Cloer and Athletic Director Jason Crawford, along with Council Member David Donald recognized the Central Tigers 12 and Under Team for their success as State Champions; Ben Fricks, Kamarian Wingard, Drew Abercrombie, Jae'lon Oglesby, Tyrece Bell, Jakiyha Williams, Andy McCall, Logan McCallum, Tyrek Bell, Michael Peppers, Andre' Powell, Solomon Brown, Lamarcus Robinson, Justin Craig, Peyton Millsbaugh, Michael Bullock, Thomas Wood, Jake Alexander, Gunner Hedden, Andrew Wilson, Drayton Melton, Adrian Perez, Clayton Bullock, Andrew Smith, Drew Green, and Quentin Tucker; Head Coach Mike Peppers; Assistant Coaches Anthony White, Clyde Hedden, Ray Brown, and Tim Abercrombie.

Mayor Martin stated the Town Employees decided to have a Christmas Luncheon so that all employees could attend, instead of the Annual Town Christmas Party. Therefore the Council wanted to recognize the Boards and Commissions who volunteer their time throughout the year, with a token of appreciation.

Recognition of Police Advisory Board

Mayor Martin along with Council Member Tony Craig recognized the Police Advisory Board: Joe Moss, Al Cureton, and Mark Mealy who were present; also Michael Spearman was recognized.

Recognition of Planning Commission Members

Mayor Martin along with Council Member Harry Holladay recognized the Planning Commission Members: Hal Garrett and Ted Osborne who were present; also, Malisia Wilkins, Susan Farish, and Maureen Lesley were recognized.

Recognition of Zoning Board of Appeals Members

Mayor Martin along with Council Member Harry Holladay recognized Zoning Board of Appeals Members: Walter Lewin and Carl Austin who were present; also James Evatt, Eleanor McGuire, and Mark Funchess were recognized.

Reading of Council Meeting Minutes 11/10/08

David Donald made the motion to dispense of full reading of the minutes and accept as presented; seconded by Lynne Chapman. The vote was unanimous.

Public Session

No one spoke.

Receipt and disposition of petitions

None at this time.

Reports from Council Committees:

- A. Gary White – Street & Sanitation
No report this month.
- B. Harry Holladay – Planning
Mr. Holladay stated the Planning Commission met to review the new zoning ordinance and found 2 errors.
- C. Tracey Reynolds – Water & Sewer
No report this month.
- D. Lynne Chapman – Finance
Ms. Chapman stated some money has come in for the General Fund and this should get the town through January.

- E. Tony Craig – Public Safety
Mr. Craig stated the police and fire reports were in the Council packets. He also complimented the Police Advisor Board for their dedication.

Mayor Martin stated the Police Chief has a new vehicle, but it is not a sports car, it is a 6-cylinder.

Mayor Martin announced the Fire Department's Parade winners from the past Saturday, December 6th: Band Category – Daniel High School; Dancing and Performing – Hot Foot Cloggers, 2nd place – LaDance Studio; Church Float – Pleasant Hill Baptist Church, 2nd place – Central United Methodist Church AME; Antique Category – Amanda Howard, 2nd place – Central Jeep; non-Commercial Float – Central/Clemson Senior Center, 2nd Place – Christian Motorcycle Association; Commercial Float Winner – Sterling House, 2nd place Chick-Fil-A; Emergency Vehicle Winner – Six Mile Fire Department; and Overall Winner was Daniel High School's R. O. T. C.

Mr. Donald asked the Police Chief if the Town had plans to put the 35 MPH speed limit sign back in front of the museum or was it SCDOT's responsibility. Chief Avery stated they were awaiting restitution money to replace it. However, he would check the status.

- F. David Donald – Recreation

Mr. Donald reported that basketball is underway and this year there are more teams than they have ever had with 40 basketball teams. Games will begin Jan 5th.

Tom Cloer will be applying for a \$65,000 grant through the State's Land, Water, and Conservation Fund for Phase II of the Recreation Complex. The grants will be awarded in July 2009.

From the Indoor Recreation Center: Joe has set the holiday dates for the Recreation Center as follows: The facility will close at 4 pm on Christmas Eve, Dec. 24th and be closed the 25th and 26th. The facility will also close at 6 pm on New Years Eve and be closed New Years Day. The Biggest Loser Contest will begin Monday Jan 5th with weigh-ins, and run through March 5th. Cost is \$20 for members and town employees and \$50 for non-members. During the free week trial at the center, 90 visitors came and tried out the facility. The winner of the free membership drawing during that week was Nelson Vasques from Clemson.

From the Young at Heart Program: Kimberly Snide reports that up to 18 seniors are participating in the Mental Aerobics Program at the Senior Center. She is running this program twice a month. There was a full busload for the trip to see the Christmas lights at Hollywild Animal Park. This month Kimberly is doing two trips to view Christmas lights, enjoy shopping and live shows, and view a laser show on Dec. 13th and December 19th. The Dec. 13th trip will go to the Roper Mountain Science Center and the trip on Dec. 19th will go to Stone Mountain, Georgia.

Mr. Donald also announced the Central Tigers 10 and Under were the Palmetto State Runner Up Team and deserved recognition. The members of the team are: Carter Groomes, Will Swinney, Ben Batson, Josh Black, Charlie Metcalfe, Stephon Kirksey, Dante Gilliard, Lucas Weaver, Deante Bennett, DaMarcus Gay, Dylan Melton, Dylan Perry, Daymian Green, Leland Martin, Jeremiah Martin, Garrett Smith, Austin Bolding, Roberto Esquivel, Nicholas Palmer, Bailey Meehan, Clary Miles, and Patrick McCullough; Head Coach Joey Melton; Assistant Coaches Mark Smith, Michael Kirksey, Rion Groomes, Jesse Black, and Earl Gaines.

Mr. Donald stated there is an opening for a Central person on the Recreation Board. The applications are available at Town Hall and at the Recreation Center.

Consideration of ordinances already in possession of Council
None at this time.

Reports from the Administrator and Mayor:

- A. Administrator

Sewer Project Update: The project is out for bid; the advertisement started Monday, December 8th. They are still on schedule for Mr. Mishoe to have a recommendation at the January Council Meeting.

B. Mayor

Mayor Martin recognized the Police Officer of the Year James Sears and Fire Officer of the Year Nicholas Fruster. These gentlemen were honored at the Pickens County Municipal Association's Annual Banquet.

Introduction and consideration of new ordinances

A. First Reading of Ordinance #12-08-08, Zoning Ordinance

Before calling for a vote, Mayor Martin resumed the discussion of the Ordinance from the Work Session:

605.1 remove R-20, R-12, R-6, RG, and RM-16 districts and change to "in all districts."

605.1 – 3) one square feet should be change to three square feet.

David Donald asked the purpose of changing it to three square feet. Mayor Martin stated it was more professional. Mr. Donald asked if free-standing signs were allowed in the Core Commercial District and Mayor Martin stated he did not have a change for it.

606.1 the same as 605.1, remove the list of districts and change to "in all districts."

606.1 g) change Section 607 to Section 606.

David Donald stated the wording in 607.2 – "...permit applications for signs shall be accompanied by a plot plan or sketch of the site to show:....." should be in 607.1 also. Gary White asked if 607.1 was signs on a building and Lynne Chapman stated it was. Mr. Donald stated this wording should be for the sign permit to assist the Zoning Administrator in his applications for a sign permit.

707. 1 – remove sentence.

Mayor Martin stated the Town would not approve a nonconforming use.

707.2 – proposed removing sentence.

David Donald pointed out that ACOG had 5 items listed (in their original zoning ordinance) and the proposed ordinance only has 3. Mayor Martin stated 2nd sentence has been removed. David Donald stated he thought it should stay. Richard Davidson stated, if there was a commercial building in a residential zone, that is non-conforming, and if it is vacant for more than a year, there is a building that can't be used and the town would have a law suit. The building is there, non-conforming because it was grandfathered in. Mayor Martin stated, by taking out the sentence the building could be used rather than be left vacant. Mr. Davidson stated that was correct, otherwise they would have to bulldoze the building. Mr. Donald stated ACOG's recommendation was to leave it in. Mr. Davidson stated it was ACOG's recommendation but there had been a lot of discussion on it because of the law suits over the years and it is up to Council to leave it in or take it out. David Donald stated he had rather see it stay (in the ordinance); Lynne Chapman stated she wanted it out. Mayor Martin asked Richard Davidson if it was taken out, they (the property owner) could have a vacant building that could not be use because it was no longer in the zoning. Richard Davidson said that was correct; they could have a beautiful brick building that could not be used because it was in a residential area. Mr. Donald stated if it was left in, another non-conforming use could come in and use the building. Mayor Martin stated the choice was to allow someone to use the non-conforming building or require someone to not use the building. Mayor Martin stated he has a commercial building in a residential area that he wants to use as an office, but he can't because it is zoned R-12. Lynne Chapman stated that Mr. Davidson mentioned law suits if this section was left in (the zoning ordinance). Mr. Davidson stated if someone had a beautiful building in a residential zone and it had been used for years and then became vacant for over a year, it can not be used (for a business), it would have to be used for a residential use or be rezoned. Mr. Donald stated that it (the ordinance) is not stating they can't use the building, it is states they have to change from the way they were using it. Mr. Donald also asked Mr. Davidson who had been sued. Mr. Davidson remarked he did not know, but somewhere around the State. He said he did not think it was fair to tell someone they could not use a building that had been there for years. Mr. Donald asked if the old funeral home on Gassaway Street applied (to this section). Ms. Chapman stated it was zoned Neighborhood Commercial, not residential. Mr. Mishoe asked Mr. Richardson, the way the ordinance is reading, if a funeral home could go back in this same location, and that it had been vacant over 3 years. Mr. Davidson stated he

would have to look it up, but usually those kind of things are under conditional uses in a residential area. Ms. Chapman asked Mr. Davidson what his recommendations were and he stated taking it out (of the zoning ordinance). Mr. Donald stated in that case it was going against ACOG's recommendations. Gary White stated it should be put back the way it was originally (from ACOG), and if they (the Council) wanted it changed, it could be done later. Mayor Martin stated to vote on this, Section 707.2 would be an amendment.

710.4 – remove the letter “d” before the first paragraph

David Donald stated in section 3 there was a typo of bugger which should be buffer. Town Clerk stated she did not do any of the typing or numbering of this ordinance, it was done by ACOG.

721. – should be section 723

David Donald stated the number of parking spaces are not correct. ACOG recommended 1.75 and this (the proposed ordinance) has 2. Mr. Davidson stated that all the student apartments in the area far exceed these standards; they have 3 and 4 bedroom units and 1.75 parking spaces do not work, they (the owners) automatically put in more parking spaces. Mr. Donald asked if these were DOT standards or Richard Davidson's standards. Mr. Davidson stated they all came from ACOG.

722. – should be section 724

Mr. Donald stated under Section 723.1 – No major recreation equipment shall be stored on any lot in a municipal corporate limits in the front or side yard; did they have a definition for stored. Gary White stated in number 3 it states it could be parked anywhere for 24 hours. Mr. White asked what was a recreational vehicle. Mr. Donald stated he was curious about that also and about number 4 which reads, “No commercial vehicle larger than one (1) ton may be parked in a residential area without permission of the Zoning Administrator, except for loading and unloading.” He asked if a one-ton was the size of a standard pickup truck. Mr. Richardson stated a standard size was one-half ton. Mayor Martin stated he had to go before the Planning Commission to apply for a Home Occupation Permit to park his F350. David Donald asked if they should put applying for a Home Occupation Permit in this section. Mayor Martin stated he thought it was a bit harsh to go through all of that just to park a truck in his yard and Ms. Chapman agreed. Richard Davidson stated, regarding Section 723 and 724, there have not been any problems in Central, but there have been in other cities. He stated they were not going around looking for problems, and that they were working on a complaint basis and 723 and 724 gives them something to work with. Mayor Martin stated they (the Town) was enforcing some of these things now such as vehicles with no tags. Mr. Donald asked – in 723.6, is this where families and number of people are allowed. Mr. Davidson stated it was listed under Residential also. Mr. Donald asked why it was listed in the Parking and Storage. Mr. Davidson stated it was tied into a complaint where 2 or 3 families were living in one house and when he gave them a copy of the ordinance that they were not in compliance, it was in the section and he didn't have to go to a separate section to give them the parking requirements. Mr. Mishoe asked if it tied into someone having a camper in their yard and staying in the camper and having to tell them they can't stay in it, they have to stay in the house. Ms. Chapman stated that was what she was thinking also.

Mr. Donald stated there was another problem and he assumed he would get a visit from the (Police) Chief, because all of his vehicles would not fit in his driveway, and it (this section) states they can not be parked in the yard or street. Mr. Davidson stated, as he had said before, they were not going around looking for problems; if there was an extreme situation it would be addressed. Mr. Donald stated when his daughter was home from Columbia, their 4 vehicles would not fit in their driveway. Mr. Davidson stated this does not apply to holidays, special events, or when visitors are expected. Mr. Donald stated she was not a visitor, she was his daughter, who lives at his house. Mr. Davidson stated that was different. Lynne Chapman asked where they park and Mr. Donald stated on the side of the drive in the yard. Mayor Martin stated it is in the minutes that Mr. Donald can park his car beside his driveway.

725.3 – first paragraph, end of sentence add “ not older than 1976.”

906.2 – change September 30 to December 31

906.4 – 1) change 1st Tuesday to 3rd Tuesday

Mayor Martin stated the Council needed to make a decision on Section 707.2, if they wanted to leave it in or take it out. A yes vote would be to include the wording from ACOG... "reused or reoccupied after the discontinuance of use or occupancy for a period exceeding twelve (12) months....." which means that someone could not continue to use the building – that they used before – as a nonconforming use – they would have to use it as a current use which may be as he (the Mayor) has – an office building being used as an apartment. Option 2 – a no vote – would be to take it out which means they (the property owner) may continue using it for what it was built – even though it was nonconforming. The Mayor called for a vote and Ms. Chapman stated she was not ready to vote on this, at this time; Mayor Martin stated that was fair. Mayor Martin asked to place this item on the Work Session Agenda in January; and to schedule a Special Called Meeting to vote on this one item.

12. Miscellaneous business not included in any of the proceeding items

David Donald made a motion to add an item to the agenda; seconded by Tracey Reynolds. The vote was unanimous.

David Donald made a motion to allow the Administrator to close Town Hall Thursday, December 18th, from 11:30 until 1:30 to allow the employees to have a Christmas Luncheon; seconded by Lynne Chapman. The vote was unanimous.

With no objections Mayor Martin adjourned the meeting.

Respectfully submitted,

Sandra L. Brown, Town Clerk

Approved: January 12, 2009