



**ANDERSON  
COUNTY**  
SOUTH CAROLINA

**AGENDA**  
**ANDERSON COUNTY COUNCIL**  
**SPECIAL CALLED MEETING**  
Friday, September 6, 2019 at 12:00 PM  
Historic Courthouse – Council Chambers – Second Floor  
Chairman Tommy Dunn, Presiding

**1. CALL TO ORDER:**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE:** Mr. Ray Graham

**3. ORDINANCE THIRD READING:**

a. **2019-035:** An ordinance to amend Section 2-633 of the Anderson County, South Carolina Code of Ordinances so as to increase from \$1,000.00 to \$5,000.00 to the smallest amount for which annual inventory and accounting is required. **PUBLIC HEARING-NO TIME LIMITS**

Ms. Rita Davis (allotted 5 minutes)

b. **2019-038:** An ordinance to authorize Anderson County to obtain a loan from the Brownsfield Revolving Loan Fund administered by the Catawba Regional Council of Governments for the environmental cleanup at the Toxaway Mill Site and the Pelzer Lower Mill Site.

**PUBLIC HEARING-NO TIME LIMITS**

Mr. Rusty Burns (allotted 5 minutes)

c. **2019-039:** An ordinance authorizing the sale of all Real Property owned by Anderson County, South Carolina acquired by deed from One World Technologies, INC., and also known as the Pickens TTI Site to Empire Properties, LLC. **PUBLIC HEARING-NO TIME LIMITS**

Mr. Rusty Burns (allotted 5 minutes)

**4. MEMORANDUM OF UNDERSTANDING BETWEEN  
PELZER HERITAGE COMMISSION AND ANDERSON COUNTY:**

Mr. Rusty Burns (allotted 5 minutes)

**5. CITIZENS COMMENTS:**

**6. ADJOURNMENT:**

**Tommy Dunn**  
Chairman  
Council District 5

**Ray Graham**  
Vice Chairman  
Council District 3

**Craig Wooten**  
Council District 1

**Gracie S. Floyd**  
Council District 2

**Brett Sanders**  
Council District 4

**Jimmy Davis**  
Council District 6

**M. Cindy Wilson**  
Council District 7

**Lacey A. Croegaert**  
Clerk to Council

**Rusty Burns**  
County Administrator

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures in order to participate in this program, service or activity please contact the office of the program, service or activity as soon as possible but no later than 24 hours before the scheduled event.

For assistance please contact the Clerk to Council at 864-260-1036.

**ORDINANCE NO. 2019-035**

**AN ORDINANCE TO AMEND SECTION 2-633(A)(9) OF THE ANDERSON COUNTY, SOUTH CAROLINA CODE OF ORDINANCES SO AS TO INCREASE FROM \$1,000.00 TO \$5,000.00 THE SMALLEST AMOUNT FOR WHICH AN ANNUAL INVENTORY AND ACCOUNTING IS REQUIRED; AND MATTERS RELATED THERETO.**

**WHEREAS**, the Anderson County, South Carolina Code of Ordinances, Section 2-633 (a)(9) requires an annual inventory and accounting for all Anderson County capital assets with an initial acquisition value in excess of \$1,000.00; and

**WHEREAS**, the Government Finance Officers Association (“GFOA”) Best Practices recommends that a governmental entity should not establish a capitalization threshold of less than \$5,000.00 for any additional item; and

**WHEREAS**, the Anderson County Council desires to amend Section 2-633(a)(9) to be consistent with the aforementioned GFOA Best Practice.

**NOW, THEREFORE**, be it ordained by the County Council of Anderson County, South Carolina in meeting duly assembled that:

1. Section 2-633(a)(9) of the Code of Ordinances, Anderson County, South Carolina is hereby amended to read as follows:

Section 2-633(a)

(9) Such procedures as may be necessary, in conjunction with the Anderson County Finance Office, for Anderson County divisions, departments, and offices, receiving public funds from Anderson County Council, to conduct no less than an annual inventory and accounting for all Anderson County capital assets with an initial acquisition value, based on the smallest separately identifiable component or item of such capital asset, in the amount of \$5,000.00; and

2. The remaining terms and provisions of the Anderson County Code of Ordinances not revised or affected hereby remain in full force and effect.

3. Should any part or provision of this Ordinance be deemed unconstitutional or

unenforceable by any court of competent jurisdiction, such determination shall not affect the remainder of this Ordinance, all of which is hereby deemed separable.

4. All Ordinances, Orders, Resolutions, and actions of Anderson County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

5. This ordinance shall take effect and be in full force upon the Third Reading and Enactment by Anderson County Council.

**ORDAINED** in meeting duly assembled this 6th day of September, 2019.

**ATTEST:**

**FOR ANDERSON COUNTY:**

\_\_\_\_\_  
Rusty Burns  
Anderson County Administrator

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Tommy Dunn, Chairman  
Anderson County Council

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Lacey A. Croegaert  
Anderson County Clerk to Council

**APPROVED AS TO FORM:**

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Leon C. Harmon  
Anderson County Attorney

1<sup>st</sup> Reading: August 6, 2019

2<sup>nd</sup> Reading: August 20, 2019

3<sup>rd</sup> Reading: September 6, 2019

Public Hearing: September 6, 2019

**ORDINANCE NO. 2019-038**

**AN ORDINANCE TO AUTHORIZE ANDERSON COUNTY TO OBTAIN A LOAN FROM THE BROWNFIELDS REVOLVING LOAN FUND ADMINISTERED BY THE CATAWBA REGIONAL COUNCIL OF GOVERNMENTS FOR ENVIRONMENTAL CLEANUP AT THE TOXAWAY MILL SITE AND THE PELZER LOWER MILL SITE; AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, this Ordinance supersedes Ordinance No. 2016-011, enacted on the 3<sup>rd</sup> day of May, 2016;

**WHEREAS**, the Catawba Regional Council of Governments administers the Brownfields Revolving Loan Fund (“BRLF”) on behalf of the South Carolina Department of Health and Environmental Control;

**WHEREAS**, subsequent to enactment of Ordinance No. 2016-011, Anderson County obtained two loans from the BRLF, one in the amount of \$200,000.00 for the Toxaway Mill Site and one in the amount of \$250,000.00 for the Pelzer Lower Mill Site, both of which are inadequate for the clean-up of these sites. Funds were never drawn through these loans and new loans are now required through the BRLF.

**WHEREAS**, the Brownfields Revolving Loan Fund is available to finance environmental cleanup and removal activities at brownfield sites within South Carolina at below market interest rates and forgiveness of up to thirty percent (30%) of the amount of the loan made to governmental borrowers;

**WHEREAS**, there is a need for environmental cleanup at the Toxaway Mill Site and the Pelzer Lower Mill Site within Anderson County, and

**WHEREAS**, Anderson County desires to participate in and obtain funds from the Brownfields Revolving Loan Fund for cleanup activities at the Toxaway Mill Site and the Pelzer Lower Mill Site.

**NOW, THEREFORE**, be it ordained by Anderson County Council in meeting duly assembled, that:

1. The Anderson County Council authorizes Anderson County to participate in the Brownfields Revolving Loan Fund and further authorizes the Anderson County Administrator to make application for a loan from the Brownfields Revolving Loan Fund in the total amount of \$942,000.00 to be allocated for environmental cleanup at the Toxaway Mill Site in the amount of \$650,000.00 and the Pelzer Lower Mill Site in the amount of \$292,000.00 and to secure the loan with a pledge of a certificate of deposit or a first mortgage of real property on terms and conditions satisfactory to the Lender equal to the amount of \$700,000.00. The Anderson County Administrator is hereby authorized to execute all documents related to obtaining the loan from the Brownfields Revolving Loan Fund.
2. Should any part of provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.
3. All Ordinances, Orders, Resolutions, and actions of Anderson County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

This Ordinance shall take effect and be in full force upon Third Reading and Enactment by Anderson County Council.

**ORDAINED** in meeting, duly assembled, this 6<sup>th</sup> day of September, 2019

**ATTEST:**

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Rusty Burns  
Anderson County Administrator

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Lacey Croegaert  
Anderson County Clerk to Council

**APPROVED AS TO FORM:**

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Leon C. Harmon  
Anderson County Attorney

First Reading: August 6, 2019  
Second Reading: August 20, 2019  
Third Reading: September 6, 2019  
Public Hearing: September 6, 2019

**FOR ANDERSON COUNTY**

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Tommy Dunn, Chairman  
Anderson County Council



**ORDINANCE NO. 2019-039**

**AN ORDINANCE AUTHORIZING THE SALE OF ALL REAL PROPERTY OWNED BY ANDERSON COUNTY, SOUTH CAROLINA, ACQUIRED BY DEED FROM ONE WORLD TECHNOLOGIES, INC., AND ALSO KNOWN AS THE PICKENS TTI SITE TO EMPIRE PROPERTIES, LLC; AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, Anderson County acquired the Pickens TTI site located in Pickens County, South Carolina by deed from One World Technologies, Inc. as part of an economic development project known as Project NASA;

**WHEREAS**, the Pickens TTI site was formerly a manufacturing facility owned by One World Technologies, Inc.;

**WHEREAS**, TTI has proceeded to consolidate its operation in a campus site near Exit 27 on Interstate I-85;

**WHEREAS**, the County requested proposals to purchase the property;

**WHEREAS**, Empire Properties, LLC submitted the successful proposal to purchase the Pickens TTI site; and

**WHEREAS**, Anderson County desires to sell the Pickens TTI Site to Empire Properties, LLC.

**NOW, THEREFORE**, be it ordained by Anderson County Council in meeting duly assembled that:

1. The Anderson County Council hereby approves the sale of real property identified as the Pickens TTI site and more accurately described in Exhibit A, attached hereto and made a part hereof. The Chairman of County Council and the County Administrator are hereby authorized, empowered, and directed to execute, acknowledge, and deliver all documents in the name and behalf of the County to carry out the transaction contemplated by this Ordinance,

including without limitation deed(s), affidavits(s), settlement statement(s), and other such documents necessary and appropriate for the sale of the Pickens TTI site real property.

2. The remaining terms and provisions of the Anderson County Code of Ordinances not revised or affected hereby remain in full force and effect.

3. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the remainder of this Ordinance, all of which is hereby deemed separable.

4. All Ordinances, Orders, Resolutions, and actions of Anderson County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

5. This ordinance shall take effect and be in full force upon the Third Reading and Enactment by Anderson County Council.

**ORDAINED** in meeting duly assembled this 6th day of September, 2019.



**ATTEST:**

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Rusty Burns  
Anderson County Administrator

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Lacey A. Croegaert  
Anderson County Clerk to Council

**APPROVED AS TO FORM:**

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Leon C. Harmon  
Anderson County Attorney

1<sup>st</sup> Reading: August 6, 2019

2<sup>nd</sup> Reading: August 20, 2019

3<sup>rd</sup> Reading: September 6, 2019

Public Hearing: September 6, 2019

**FOR ANDERSON COUNTY:**

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Tommy Dunn, Chairman  
Anderson County Council

EXHIBIT A  
LEGAL DESCRIPTION

All of that certain piece, parcel, or tract of land situate, lying and being in the County of Pickens, State of South Carolina, containing 110.18 acres, more or less, as shown on plat by Freeland-Clinkscales and Associates, Inc., dated July 12, 1988, of record in the Office of the Clerk of Court for Pickens County, South Carolina, in Plat Book 35 at Page 167, reference to which is hereby invited for a more complex description as to metes and bounds, courses, and distances.

The above property was conveyed to ONE WORLD TECHNOLOGIES, INC., a Delaware corporation, by deed of Ryobi Motor Products Corp., a Delaware corporation, dated July 27, 2000, and recorded in the Office of the Pickens County Register of Deed in Book D0559 at Page 86 on August 3, 2000.

TMS# 4181-12-97-9113

**LESS AND EXCEPT:**

All that certain tract of land identified as "Tract "B" on the survey entitled Survey for Ryobi Motor Products Corp. "Pickens Plant" dated April 7, 2000, as recorded in the Office of the Pickens County Register of Deeds in Plat 392 at Page 9-12 (the "Survey") with all improvements thereon, said tract comprising approximately 14.87 acres and having metes and bounds commencing at an iron pin on the southeast corner of the property identified on the Survey as being owned by Billy W. Jones, then 51.74 feet N 05-25-21 E to an iron pin (1/2" rod) along the eastern boundary of said property of Billy W. Jones, then 40.62 feet S 11-47-40 E along the southwestern boundary of a property identified on the Survey as being owned by Thrift Brothers Inc., then 350.49 feet N 75-34-44 E to an iron pin at the southeast corner of said property of the Thrift Brothers, Inc, then 26.83 feet S 04-37-19 W to a PK nail in the middle of an asphalt roadway, then 306.45 feet along the middle of said roadway N 75-16-44 E to a PK nail, then 216.03 feet along the middle of said roadway N 85-35-57 E to a PK nail, then 197.57 feet along the middle of said roadway S 86-42-25 E to a PK nail, then 170.00 feet along the middle of said roadway S 88-51-47 E to a PK nail, then 756.08 feet S 21-47-45 W to an iron pin [one inch crimp pipe], then 96.12 feet S 21-47-45 W to a point, then 24.33 feet N 81-55-04 W to a point, then 268.26 feet N 65-33-34 W to a point, then 616.54 feet N 74-49-01 W to a point along the western boundary of property identified on the Survey as being owned by Leona W. Crowther, et al., then 10.34 feet N 07-23-56 W to an iron pin [1" crimp top pipe], then 353.82 feet to an iron pin [1/2" rod], then 21.96 feet N 89-13-25 W to the starting point.

**LESS AND EXCEPT:**

All that certain piece, parcel or tract of land located in the County of Pickens, State of South Carolina, containing 0.10 acre, more or less as depicted on Exhibit A, attached to that certain Title to Real Estate from One World Technologies, Inc. to

South Carolina Department of Transportation, Columbia, South Carolina, dated March 5, 2012, and recorded in the Office of the Pickens County Register of Deeds in Book 1454 at Page 193 on May 16, 2012.

# **Memorandum of Understanding**

## **Between**

### **Anderson County and Pelzer Heritage Commission**

**WHEREAS**, this Memorandum of Understanding (“MOU”) supersedes the previous MOU, entered into on the 28<sup>th</sup> day of September, 2016;

**WHEREAS**, the Pelzer Heritage Commission (“PHC”), a Section 501(c)(3) organization owns the Pelzer Lower Mill Site (the “Site”) which is located within Anderson County, South Carolina (the “County”);

**WHEREAS**, PHC became the owner of the Pelzer Lower Mill Site after entering into a Non-Responsible Party Voluntary Cleanup Contract with the South Carolina Department of Health and Environmental Control;

**WHEREAS**, the Pelzer Lower Mill Site has a number of documented environmental issues as a result of the textile operations formerly located on the Site;

**WHEREAS**, PHC has made application for a loan through the Brownfields Cleanup Revolving Loan Fund (“BCRLF”), the proceeds of which will be used to address a number of the environmental issues at the Site;

**WHEREAS**, the loan proceeds would remove blight and hazardous materials from a Site located within the County; and

**WHEREAS**, the Anderson County Council has enacted Ordinance No. 2019-038 authorizing the County to participate in the BCRLF program in order to service loans for environmental cleanup at certain sites within the County including the Pelzer Lower Mill Site.

**NOW, THEREFORE**, the County and PHC establish the following terms and conditions of this Memorandum of Understanding (“MOU”);

1. PHC will apply for and be the direct obligor (borrower) on the Brownfields cleanup loan in the amount of \$292,000.00 through the BCRLF. The loan will be utilized to cleanup certain environmental issues resulting from operation of a textile facility in the past at the Pelzer Lower Mill Site.
2. The County will, as part of the BCRLF loan documentation, execute a "Third-party Security/Pledge Agreement" whereby the County will provide a Certificate of Deposit in the amount required by the BCRLF, but not greater than \$250,000.000, to secure the loan to PHC.
3. The County will fund the payment of debt service on the loan on behalf of PHC from County resources over the term of the loan.
4. PHC agrees to allow the County, and the County agrees to manage all aspects of the loan through the BCRLF, including without limitation the documentation for the loan, draw of funds, and repayment requirements of the loan on behalf of PHC. The County, by providing this service to PHC, will oversee the expenditure of funds for environmental cleanup in a manner consistent with the purposes stated in the loan documents.
5. The County will on a periodic basis provide PHC with a report of the cleanup activities performed on the site and the funds expended for such activities.
6. Modifications to this MOU must be in writing and signed by authorized representatives of the parties.
7. This MOU will remain in effect for the duration and close-out of the BCRLF loan to PHC.

**ENTERED INTO** this 6<sup>th</sup> day of September, 2019.

**PELZER HERITAGE COMMISSION**

**ANDERSON COUNTY**

By: \_\_\_\_\_

\_\_\_\_\_

Rusty Burns  
Anderson County Administrator

Printed Name: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_