

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – July 5, 2005 – 6:00 p.m.
Linda N. Eddleman, Clerk to Council

MINUTES

All area newspapers, radio stations and television stations were informed of this meeting in compliance with the guidelines set forth in the *Freedom of Information Act*.

PRESENT

Chairperson Gracie S. Floyd, Presiding
Vice Chairman Larry E. Greer - District #3
G. Fred Tolly – District #1
Bill McAbee – District #4
Michael Thompson – District #5
William C. Dees – District #6
Cindy Wilson – District #7
Joey Preston – Administrator
Tom Martin – County Attorney
Linda N. Eddleman - Clerk to Council
Tammie Shealy – Deputy Clerk to Council

(During times of discussion and presentations the minutes are condensed and paraphrased.)

The official meeting of the Anderson County Council convened in the Council Chambers of the Historic Courthouse on Tuesday, July 5, 2005 at 6:00 p.m.

Chairperson Gracie S. Floyd called the meeting to order and Mr. Michael Thompson gave the invocation. Everyone pledged allegiance to the flag of the United States of America.

Ms. Wilson moved to approve the minutes from the June 21, 2005 called meeting. Mr. Thompson seconded. Ms. Wilson said that she spoke with the Clerk prior to the meeting concerning errors and typographical errors. Vote was unanimous. Mr. McAbee moved to approve the minutes from the June 21, 2005 regular meeting and Mr. Thompson seconded. Ms. Wilson said she also spoke to the clerk prior to the meeting concerning corrections. Vote was unanimous.

CITIZEN COMMENTS: Agenda Matters - Mr. Tim Williams protested that he didn't get to talk twice at the last meeting.

Chairperson Floyd welcomed some "new timers" to the council meeting. Everyone was invited to come back.

PRESENTATION ON CAMP PROVIDENCE: Ms. Ramona Bowles, Assistant Camp Director talked about Camp Providence that is a summer day camp for abused, neglected, and disadvantaged children with no cost to the family or to the children to attend. The Camp operates totally off of donations. She said that the mission of Camp Providence is to provide at-risk youth up to eighteen years of age, that live within the inter-city, an opportunity to be involved in activities, within a naturalistic spiritual environment, which are productive towards life's goals while helping relieve the tremendous stress and peer pressure encountered in their lives. Mr. Michael Thompson said that the Camp was in his district; however it benefits the entire County. He asked all members of Council to consider helping the camp. She said that \$5,000 would get them through the summer. Council received as information.

EMPLOYEE OF THE MONTH FOR MAY: Mr. David Scott, Human Resources Committee Chair introduced Mr. William Ray, Supervisor of the Fleet Services department. He was presented a framed certificate and a \$30 gift certificate to Tuckers Restaurant. Council commended Mr. Ray on his outstanding service to the County.

ORDINANCES – FIRST READING:

Chairperson Floyd presented first reading of Ordinance #2005-019 – a request by Richard Bennett to rezone 5570 Hwy. 187 from R-20 to C-1. A public hearing was held and the following individuals spoke. Mr. Wayne Coats of 402 Meadow Park, representing his parents, and on behalf of the surviving heirs of the J. M. Adams Estates, asked Council to deny the rezoning request because Mr. Meehan stated that no plans had been made for the piece of property. He said that the developers should present a plan to citizens of the area. Mr. John Hollingsworth of 106 Jasmine Lane, Pendleton said that he owns property directly across the road from the site in question said that changing the zoning would be very inconsistent with the area. He also spoke for Dr. Robert Herring who is building a house almost next door to the property. Mr. Sid Hayes of 110 Nautical Way and he owns property at Nautical Way and 187. He expressed opposition to the zoning change. Mr. Mike Manley of 1158 Cartee Road, which is right off of 187, asked Council to deny the request because it was not in keeping with the rest of the area. No further comments; the public hearing was declared closed. Mr. Ricketson explained that the Planning Commission and the Citizens Advisory Group had denied the request. He also said that the rezoning request was not consistent with the Comprehensive Plan for District 4. Mr. McAbee moved to approve and Mr. Tolly seconded. Vote was zero in favor and seven opposed. Motion failed.

Chairperson Floyd presented first reading of Ordinance #2005-020 – a request by John Cox to rezone 59 acres on Youth Center Road at Susie Road from R-A to R-40. Mr. Ricketson said that the caption of the ordinance should be "from R-A to R-20". He asked Council to consider the change. A public hearing was held and the following citizens spoke. Mr. James Perry of Susie Road said he was concerned about the amount of houses and heavy traffic. He said that they would compromise to an R-40. Mr. David Burris with Christopher David Properties (one of the developers of the property) said that they had originally asked for an R-20. They went back and did some re-planning and they found that the R-40 would not provide them with a profitable ratio for them to do the project. However according to the contract with the property owner they had to go through with an R-20 zoning. At R20 there would be about 63 lots. Mr. Richard Ellison of 504 Youth Center Road said he was co-owner of 33 acres, which adjoins the property. He said that he would go along with the compromise but was opposed to R-20. No further comments; the public hearing was declared closed. Ms. Wilson moved to approve zoning from R-A to R-20 and Mr. McAbee seconded. Ms. Wilson said that the property was in District 7 and she has followed the process very closely. She said everyone was happy with the "R-40" zoning designation but the R-20 was unacceptable. Mr. McAbee asked about the R-20. Mr. Ricketson said that staff recommended denial of the R-20 designation. Mr. Greer said that he thought there was some confusion and misunderstanding as far as how the lot size on a particular piece property translated into number of houses. You have to subtract out the acreage required to build infrastructure; roads, ditches, drainage, with probably cul-de-sacs, or catch basins. That infrastructure will reduce the total number of houses on the piece of property. Mr. Dees said that he heard Mr. Burris say that his contract with the seller of the property was very explicit and that it must be an R-20. Ms. Wilson asked Mr. Burris if Council could table tonight to allow time for all parties to get together. He responded that was fine. Ms. Wilson moved to table and Mr. McAbee seconded. Vote was five in favor (Wilson, McAbee, Tolly, Greer, Thompson) one opposed (Dees) and one abstention (Floyd). Motion to table carried.

Chairperson Floyd presented first reading of Ordinance #2005-021 – a request by LaToya Jones to rezone 2901 Hwy. 29 North from C-2 to R-20. A public hearing was held; no comments were received. Ms. Wilson moved to approve first reading of the ordinance and Mr. Thompson seconded. Ms. Wilson encouraged everyone to vote in favor of the request and said that the owner was the daughter who would like to build her house next to her father. Vote was unanimous.

Chairperson Floyd stated that the next item on the agenda – Ordinance #2005-018 - an ordinance establishing copyright and license fee procedures and schedules for Anderson County Intellectual Property, including, without limitation, GIS Data and Records; authorizing the collection of a copyright license fee for the commercial and other non-person use of Anderson County Intellectual Property, including, without limitation, GIS Data; and other matters relating thereto would be removed from the agenda.

DESIGNATION OF ANDERSON COUNTY FIRST STEPS AS A "LOCAL COUNCIL" FOR THE PURPOSE OF APPLYING FOR A GRANT:

Chairperson Gracie S. Floyd asked Council to allow her to sign a letter on Council's behalf from Ms. Jeanne Yarborough, Executive Director of First Steps. The letter is a designation letter designating First Steps as a "Local Council" for the purposes only of applying for a grant. Chairperson Floyd moved to approve and Mr. McAbee seconded. Attorney Martin explained the need to add the following language to the letter – "No county funds will be requested for this project. Federal funds requested will be approximately \$800,000 with an in-kind match of \$100,000." Chairperson Floyd and Mr. McAbee withdrew their motion and second. Chairperson Floyd restated the motion that Council grant the Chairperson the authority to sign the letter on behalf of Council

designating First Steps as the Local Council for the purpose of applying for grants with no County funds requested. Ms. Wilson seconded the motion. Vote was unanimous.

APPOINTMENTS: Mr. Larry E. Greer said that Mr. Charles Campbell is currently the District 3's representative on the Planning Commission. Mr. Campbell has asked that he be replaced. He will serve through the July meeting. Mr. Greer moved to appoint Mr. Russell Vickery to replace Mr. Campbell. Mr. McAbee seconded. Vote was unanimous.

REQUESTS BY COUNCIL MEMBERS:

Requests – Mr. Fred Tolly - none

Requests – Chairperson Gracie S. Floyd moved to appropriate \$1,000 to Camp Providence from District 2's Recreation Funds and Mr. McAbee seconded. Vote was unanimous.

Requests – Mr. Larry E. Greer moved to appropriate \$500 from District 3's recreation account to Camp Providence. Mr. Dees seconded and vote was unanimous.

Requests – Mr. Bill McAbee moved to appropriate \$1,700 from District 4's recreation account for Double Springs Community Association for their summer youth program. Mr. Greer seconded and vote was unanimous. Mr. McAbee moved that \$500 be appropriated from the District 4's Recreation account for the Clemson Area Community Theater which is located at Pendleton Playhouse in Pendleton, Mr. Tolly seconded and vote was unanimous. Mr. McAbee moved to appropriate \$500 from District 4's Recreation Account for Camp Providence. Mr. Thompson seconded and vote was unanimous.

Requests – Mr. Michael Thompson moved to appropriate \$1,000 from District 5's Recreation Account for Camp Providence. The motion was seconded and vote was unanimous.

Requests – Mr. Bill Dees- none

Requests – Ms. M. Cindy Wilson moved to appropriate \$2,000 from District 7's recreation account for the Battle of Anderson. Mr. McAbee seconded and vote was unanimous. Ms. Wilson moved to appropriate \$2,000 to the Caroline Community Center or summer youth programs. The funds to come from District 7's recreation account. The motion was seconded and vote was unanimous. Ms. Wilson moved to appropriate \$2,000 from District 7's recreation account for Renovations of the Williamston's Historic Depot. Mr. Tolly seconded and vote was unanimous. Ms. Wilson moved to appropriate \$500 from District 7's Recreation account for Camp Providence. Mr. Thompson seconded and vote was unanimous.

ADMINISTRATOR'S REPORT:

- a. Letters of Appreciation:
 1. To: Anderson County Emergency Services and Transportation Divisions Staff From: Bill Gibson, Fire Chief, Mr. Bill Dees
 2. To: Mr. Bill Lloyd From: Chief Jack Abraham
 3. To: Mr. Holt Hopkins From Chief Billy Gibson
- b. Training and Certificates: Mr. Cubby Hall – Level 1 Quality Control Technician Re-Certification
- c. Minutes: Anderson Regional Airport Committee (May 16, 2005)
- d. Letter to Mr. Don Bowen regarding Richland County budget
- e. Letter from State of South Carolina –Department of Health and Human Services concerning Medically Indigent Assistance Act
- f. Statement of Support for the Guard and Reserve
- g. Letter to SC Appalachian Council of Governments from Anderson Area Chamber of Commerce
- h. Article from *County News* –
- i. Letter from Mr. Henry H. Gordon, Jr., Director of Oconee County Emergency Management Agency

Mr. Dees moved to cancel the first meeting in August because Council and Clerks will be attending a conference. Mr. McAbee seconded and vote was unanimous.

CITIZEN COMMENTS: Other Matters – Mr. Michael Deanhardt read the first paragraph of a letter he sent to the Editor of the *Independent Mail*. "Concerning the recent federal appeal court ruling banning the Pledge of Allegiance, which includes the phrase, "under God", and also the U.S. 4th Circuit Court ruling that the City could not name a specific deity (Jesus Christ) in its official prayers, the courts has made a correct ruling." The First Amendment to the

U.S. Federal Constitution states in part, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." He said that these were highly controversial constitutional issues but some people do not understand. He said it was the same way a major constitutional issue took place 40 years ago. It had to do with 4 black children who signed up to go to an all segregated school. As they approached the school a powerful politician from the State of Alabama stood in the door and denied the children their constitutional rights. He took an unconstitutional stand. Representatives of the U.S. Constitution spoke and Governor Wallace knew he was going to jail - Obstruction of Justice. Mr. Tim Williams said that he wholeheartedly disagrees with Mr. Deanhardt and as a United State citizen he does not appreciate him not standing up to Pledge Allegiance. He asked about the ordinance (#2005-018) being removed from the agenda. He said that he has never heard of data being copyrighted. He said he wanted an explanation whether it was coming up again, what good is it for the county and the taxpayer, and is there a hidden agenda. He said he was not going to pay for information that he has already purchased.

REMARKS FROM COUNCIL MEMBERS

Ms. Wilson said that she was happy that whoever pulled the item off the agenda dealing with GIS information had the wisdom to do so. She said she spent most of Monday and Tuesday preparing and researching the issue. Attorney Robert Hemphill with the Association of Counties said that her assumption was right that it could possibly apply to real estate industry, the legal offices using public records, to the media's use of public information. She said he pointed out that two coastal counties that had been embarking on something along these lines and he did not believe it was quit as worded as our ordinance. Mr. Jay Bender's office informed her that the same issue was being litigated in Horry County and there is no South Carolina authority to allow local governments to deny reuse of public information. It was also pointed out that this was a clear effort to shutout the taxpayers from the government processes, she said. She encouraged everyone to keep this off and if there is a problem with GIS misuse she suggested that Council study before any determination or before an ordinance is brought forth.

Mr. Thompson thanked everyone for supporting Camp Providence.

Mr. Tolly – none

Mr. Greer said a few months back he had an elderly gentleman at the Council meeting and Council gave him a much deserved recognition - that man Mr. Clarence Rogers. Mr. Rogers was a decorated World War II veteran. Mr. Rogers passed away this past week, he said. He stated that if anyone has someone that is deserving of recognition as Mr. Rogers – don't put it off. He said that the county was losing their World War II veterans day by day. He asked Mr. Preston when Anderson County was pursuing the federal grant that funds the CAT bus system – he said that he thought he made the motion to amend the statement that if any County funds were involved that it would take a vote of the council (something of that nature) he read in a newspaper this week that 100s of thousands of dollars had been budgeted for that very purpose in the Anderson County budget – he asked Mr. Preston to clarify the source of those funds since Council has not voted to use county funds to support the CAT bus system. Mr. Preston said that the article was not correct and the current contract was about \$150,000 and every dime of it is paid for by a Federal grant. Mr. Greer said so it is safe to say that NO COUNTY TAX DOLLARS ARE INVOLVED IN THE CAT BUS SYSTEM. He said the rider percentage was also incorrect – the actual amount is 26%, Mr. Preston stated. Mr. Greer said he was not pro or con on the CAT bus system but just wanted the facts. He said that he also read in another newspaper that Anderson County could be fined in excess of \$100,000 for violations on the Beaverdam Sewer Line. Mr. Preston asked Mr. Pearson to explain the issue. He said that on Friday, the County had a visit with Mr. Les Parker and he reviewed the work on Beaverdam Phase 1A and 1B and he was well pleased with it. He stated at that time that there had been no monetary fines levied against County and there would not be.

Mr. McAbee said he was glad to see that the Council was able to give to Camp Providence.

Mr. Dees asked Mr. Preston about an article concerning his comments regarding Greenville County – he said the context of the issue was that Anderson County was supposedly paying more tax than Greenville County, Charleston County and etc. He said he really found it hard to believe. He asked Mr. Preston if he had researched the issue. He said that they did do some comparisons on Greenville and Anderson County budgets. The County's overall budget (all funds included) was \$110,000,000 and Greenville County's was \$193,000,000 that calculates to an \$82 million difference. Mr. Dees said it was also stated that he made the comment that all Anderson County employees were under paid. He said that is not what he said. He said that he would stand by that many Anderson County employees are below the median for the area and he said he still stands behind that. He said that once the County has gone through the time and task of educating and training the County's worthwhile great employees, the County doesn't

need to lose them to somewhere else. He said he believed that it was at the rate of 1,000 per month that our World War II veterans are passing away.

Ms. Floyd apologized for her phone ringing during the meeting.

The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Linda N. Eddleman
Clerk to County Council