

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – June 15, 2004 – 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

Chairman Clint Wright, District #4 – Presiding
Vice Chairman Mike Holden – District #5
G. Fred Tolly – District #1
Gracie S. Floyd – District #2
Larry E. Greer – District #3
William C. Dees – District #6
M. Cindy Wilson – District #7
Joey Preston – Administrator (left early)
Michael Cummingham – Assistant Administrator
Tom Martin – County Attorney
Tammie Shealy – Deputy Clerk to Council
Linda N. Eddleman, 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, June 15, 2004 at 6:00 p.m.

Chairman Clint Wright called the meeting to order and then Council Member Fred Tolly gave the invocation. Everyone stood and pledged allegiance to the flag of the United States of America.

A moment of silence was observed in memory of President Ronald Reagan who passed away last week.

On the motion of Mr. Dees, seconded by Mr. Tolly, Council voted unanimously to approve the June 1, 2004 minutes with one change recommended by Ms. Wilson. Add: the word “in” on page 2, line 36 – between “roots encroaching are” and “part of MOM”. Vote was unanimous.

Citizen Comments: Mr. Dan Harvell said that Mr. Greer would have a report during the meeting from the Tax Task Force Ad-Hoc Committee. He said that he along with others on the committee had signed the report and the committee stated the facts as concisely as possible regarding the current system of taxation. As an individual - he does not agree the property tax method to be used to fund schools and local government. He said that he sees the assessment, levy, and millage system involved with property tax as subjective, unfair, and punishing to the citizen. He will work with all his energy to replace this type system and he's tired of the system

where the property owner never owns his property as a public auction of his property is always around the corner for one missed tax payment.

Ms. Elizabeth M. Peace, a resident of the Hopewell Community stated that she was concerned about the voter apathy in Anderson County. She said that on June 8 she was at the Hopewell Precinct all day long and with 3,047 registered voters in the precinct only 28.7% voted. She said it was shocking since Election Day came only two days after June 6 the commemoration of the Normandy Invasion that freed the Europeans from oppression. It was also within a few days of the dedication of the World War II memorial in Washington, D.C. commemorating the heroism of WWII veterans and it was also the week Ronald Reagan died who worked hard to bring down the Iron Curtain and free the people from the oppression of communism. Perhaps she cherished freedom too much by being the wife of a man that spent 3-1/2 years with no freedom as a Japanese prisoner of war. Apathy in area, leads people to take advantage of good people, she said and that Anderson County needed progressive government.

Mr. George W. Haynie of Highway 413 complained about the music coming from the Amphitheater on Sunday afternoon. He said he had the misfortune of having to be out there on Sunday afternoon on business and he heard the most vulgar language imaginable. He called the City Police department and the policeman explained that the County had granted a license and therefore nothing could be done about it. He then went to the Civic Center and discussed this with County staff. He said it was time for someone to wake up and listen to the music coming from out there. He asked Council to take a hard look at the problem. Mr. Preston responded that he received a phone call from the Chief of Park Police who informed him of the problem. He instructed Mr. Streiwing that if the vulgar language continued to "pull the plug". He then went to the amphitheater and Mr. Haynie came over to his car. At that time, Mr. Preston said, he could not hear anything. He assured Mr. Haynie that if any more vulgar language was heard the "plug would be pulled". He said that the contracts have obscenity laws and the promoters are the ones that are held responsible if they do not comply with the contract. Later he received a phone call from Mr. Streiwing and after that no obscenities were heard. (The Management staff at the Civic Center decided to stop the show and that will eventually cost the County money for stopping the show, he said.)

Ms. Linda Haynie also complained of profanity at the concert at the Civic Center.

Mr. Larry Greer said he first became aware of a problem with vulgar language at some of the concerts during Freedom Weekend Aloft. He received complaints regarding the concert on Sunday night, also. At that time he also discussed the problem with Mr. Preston. He said Freedom Weekend was a family event and the language was inappropriate for families with children to be subjected to. He said his position was simple. If the County has a contract, which prohibits use of this type language; then they should receive one warning and if it happens again- the County cuts it off. The County will not tolerate it.

Mr. Stephen Ray a resident of the Orr Mill area. He said in 1997 the warehouse burned. At that time and still today there are no active hydrants in the area. The place burned and no one cleaned it so now prostitutes think it is their area. Police informed him that they must catch them in the act to arrest them. He read state law section 16-15-90 "permit any person to remain for the purpose of lewdness, assignation, prostitution in any vehicle, conveyance, trailer, place, structure or building" and said it's against the law. Streetlights are up however no one wants to pay to have them turned on. He said if County Council was concerned about crime and prostitution they would do something.

Mr. Dan Harvell said that the language and music got out of hand so the police were called. The Civic Center administration was put on display. Not only does this look bad on the management of the Civic Center it points to the members of the Anderson County Taxpayers Association who see this as a treat of having the County run by those who seem to take pride in being liberal progressives, he said. Those who seek all the cultural diversity available are sure to fall into these moral sinkholes like what happened Saturday night, he stated. He said that it is time for County Council to take responsibility for those in the County employ who let such incidences occur. The members of the Taxpayers Association suggest that Ms. Floyd take her summer youth program money and use in some type programs that would help parents see the risk that they are exposing their children to. He said Council needed to take another look at the impact of concert noise on those neighborhoods close to the amphitheater. Ms. Floyd said that she did not know why she was the only one singled out – but her summer youth program is designed to put kids to work so that they can spend their money doing the things they like to do. Ms. Floyd asked Mr. Harvell not to single her out and not to “black wash” her summer youth program. Mr. Dees asked Mr. Martin if it was true about the remark made by law enforcement that “since they have a contract they could break the law”. Mr. Martin replied that it was not true. Ms. Wilson said that this recent incident caused her to ask each member of Council for advise and consideration in making some positive entertainment at the Civic Center. Alcohol being sold on County public property does not set a good example of the leaders of the County. She asked if Council had to support alcohol by allowing it to be sold on County property. She suggested maybe some gospel singing and the selling of old fashioned lemonade.

Mr. Tolly moved to amend the agenda to allow for a Resolution to be addressed and Mr. Dees seconded. Vote was unanimous.

Mr. Tolly asked Mr. & Mrs. Tom Martin, and Mr. Preston to come forward. Mr. Preston read Resolution #R2004-024 – a resolution recognizing and honoring Anderson County native Scott Payne Martin for his scholastic and professional achievements; and other matters related thereto. Mr. Martin thanked Council for the resolution and said that he was deeply honored that the community recognized Scott.

Mr. Larry Greer stated that about six months ago County Council Chairman Dees appointed a Tax Task Force Committee to look at the problems and concerns associated with property tax in Anderson County. Representative Ronny Townsend was appointed chairman. Rep. Townsend gave a lengthy report to Council regarding the property tax issue. A copy of the report is on file in the Clerk to Council’s office. Council thanked all citizens, school officials, members of the Legislative Delegation, Taxpayers Association and others for all their time and hard work put forth. Council received as information.

On the motion of Mr. Tolly moved to approve the Annual Progress Report to the Comprehensive Economic Development Strategy Plan for 2004 and allow the Chair to send the letter to the Council of Governments stating that the plan was approved and accepted. Mr. Greer seconded and vote was unanimous. Mr. Pelisser stated that the requests for the Towns of Pelzer and West Pelzer would be included.

Chairman Wright presented second reading of Ordinance #2004-012 – 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 (Single Family Residential) to R-12 (Single Family Residential) two (2) parcels of land comprising approximately +/- 60.00 acres of property in the Hammond School Precinct on Old Williamston Road. The properties are identified by TMS \$ 149-00-03-001 and 149-00-03-002. Ms. Wilson moved to approve and Mr. Holden seconded. Vote was unanimous.

Chairman Wright presented second reading of Ordinance #2004-013 – 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 (Single Family Residential) to P-D (Planning Development district) one (1) parcel of land comprising approximately +/- 120 acres of property in the Hammond School Precinct on Old Williamston Road. The property is identified by TMS #174-00-01-001, and is generally described on Sheet 1 of 1 of a Preliminary Development Plan for Poinsett Development dated 4/6/04 prepared by Reichert Consultants, Inc. Project #04005, and further described in a Statement of Intent for Cobb's Glen, Anderson, South Carolina, dated April 8, 2004. Mr. Greer moved to approve on second reading and Mr. Tolly seconded. Vote was unanimous.

Chairman Wright presented second reading of Ordinance #2004-014 – an ordinance amending Ordinance #2000-025, the Anderson County Zoning Ordinance, as adopted July 20, 1999 and amended July 11, 2000, by amending 34.39 acres of the Planned Development District described by above and adopted on Anderson County Official Zoning Map in the Hopewell Precinct: BEING depicted and described generally on Sheet 1 of 1 of a Preliminary Development Plan for New Spring Community Church dated 4/16/04 prepared by McMillan Smith and Partners, Inc., as Project No. 03163; and further described in a "Statement of Intent for New Spring Community Church, Anderson, South Carolina, May 5, 2004." Mr. Dees moved to approve and Mr. Holden seconded. Vote was unanimous.

Chairman Wright presented first reading of Ordinance #2004-016 – an ordinance to approve a request by Mr. Robert Wentzky to rezone 221 Wentzky Circle from R-20 (Single Family Residential) to R-A (Residential Agriculture). The property is located in the Hammond School Zoning Precinct. A public hearing was held and no comments were received. Mr. Tolly moved to approve and Mr. Greer seconded. Vote was unanimous.

Chairman Wright presented first reading of Ordinance #2004-017 – an ordinance authorizing an extension of the investment period under that certain lease agreement between Anderson County, South Carolina and Inergy automotive systems (USA), LLC (as assignee of Plastic Omnium Industries, Inc.) dated as of December 15, 1999, as amended by a First Amendment to Lease Agreement dated April 17, 2001; authorizing the execution and delivery of a Second Amendment to Lease Agreement dated as of August 1, 2004; and other matters related thereto. Mr. Tolly moved to approve and Mr. Greer seconded. Vote was unanimous.

Chairman Wright presented Ordinance #2004-018 – an ordinance authorizing the assignment and transfer to Honeywell Nylon LLC of that certain Lease agreement between Anderson County, South Carolina, and Honeywell Nylon Inc. (as assignee and transferee of BASF Corporation)

dated as of December 1, 1997, and certain property, other rights, and other matters related thereto; and other matters related thereto, including the release of Honeywell Nylon Inc. from its obligations under the lease agreement and the Indenture, the assumption of those obligations by the assignee, and transferee of Honeywell Nylon Inc., and the continuation of a Fee in Lieu of tax pertaining to such lease agreement and the indenture. Mr. Dees moved to approve and Mr. Holden seconded. Vote was unanimous.

Chairman Wright presented Resolution #R2004-020 – a resolution authorizing the assignment and transfer to Honeywell Nylon LLC of that certain Lease Agreement between Anderson County, South Carolina, and Honeywell Nylon Inc. (as assignee and transferee of BASF Corporation) dated as of December 1, 1997, and certain property, other rights, and other matters related thereto; and other matters related thereto, including the release of Honeywell Nylon Inc. from its obligations under the Lease Agreement and the Indenture, the assumption of those obligations by the assignee and transferee of Honeywell Nylon Inc., and the continuation of a Fee in Lieu of tax pertaining to such lease agreement and the indenture. Mr. Greer moved to approve and Mr. Dees seconded. Vote was unanimous.

Chairman Wright presented Resolution #R2004-021 – a resolution relating to the Declaration of Intent by Anderson County, South Carolina, to reimburse certain expenditures prior to the issuance by the County of its Special Source Revenue Bonds. Mr. Greer moved to approve and Mr. Tolly seconded. Ms. Floyd asked if it was a \$2,850,000 bond for Starr and Iva for infrastructure going there. Mr. Martin said that she was correct but it was also for Michelin Boulevard. Ms. Wilson said that this was adding another “huge mountain” of debt to Anderson County. She asked the following questions. Who are the users? How many users are there? Is this how the County will be paying this back? How is the County going to build 17 miles of force main in sizes from 8” to 14” pipe and 7-1/2 mile of gravity sewer line for only 6.8 million dollars? She said it seemed a little optimistic. Is there any ceiling to what the project can cost? Mr. Martin addressed the bond part of her questions. He said the bond couldn’t exceed what has been authorized by County Council. He said that it could be funded from the State Revolving fund. The County will enter into an agreement with the town of Iva who will be one of the users because their sewer lagoons are being closed by DHEC. Ms. Wilson said that Pelzer and West Pelzer are basically in the same situation. Their lagoons are being shut down also and the total cost is not this much. How is it that Starr and Iva get the help at the expense of the entire County and Pelzer and West Pelzer must go after other funding sources? Mr. Greer said that he listened as two Council Members attack progress in his District. The people of his section of Anderson County have been paying their property taxes without receiving the benefit of the services that their taxes pay for – now that this area has infrastructure coming to his area – Council district #3 and School District #3 – two Council members find fault with infrastructure going into that District. He said that the people of District #3 have paid the 3-mil sewer tax since 1980 and the entire area on the southern end of Anderson County received a total of \$100,000 since it was instituted from that 3-mil sewer tax and it was time that something is done to help that portion of Anderson County. Ms. Wilson responded to Mr. Greer that he was much in error as to motive. She said that she agrees that the people of District #3 deserve and require infrastructure. Her question is in the project. She said if it was only for the Town of Iva – the County would be much better able and less expensive to run collector lines building some type high-tech package plant. She said that she did not see how the County could build 17 miles of force main for 6.85

million dollars. Ms. Floyd said that she was sorry that he got upset that she was questioning the project for understanding. She said that she reserves the right to question the project. Mr. Greer said that his information as to the total cost of the project is \$7.5 million and there has been Tobacco monies that have been received as part of the grant (\$789,000 estimated). The funding source for this particular project does not include an impact on millages in the County. It is to be paid for from infrastructure, credits and things of this nature, he said. He said the project is not intended to be a burden of the people of the County. The purpose of the project is multiple. It is to relieve the Town of Iva of some of their problems, but its broader purpose is to help the financially strapped School District 3 with economic development. Mr. Tolly said that the discussion was not germane to the resolution therefore he called for the question. Mr. Dees seconded and vote to call for the question was six in favor and one opposed (Wilson). Vote on the resolution was five in favor (Holden, Wright, Dees, Greer, Tolly), one opposed (Wilson), and one abstention (Floyd). Motion carried.

Chairman Wright presented Resolution #R2004-022 – a resolution authorizing and directing the Anderson County Administrator to negotiate the terms and conditions of an agreement with the Town of Iva; and other matters related thereto. Mr. Greer moved to approve and Mr. Dees seconded. Ms. Wilson asked how the plans increase in user fees impact the proposals. The plan calls for the Town of Iva to pay whatever the sewer charges are that are charged by the County and it has a provision providing for the increase in those fees. Vote was five in favor (Holden, Dees, Wright, Greer, Tolly), one opposed (Wilson), and one abstention (Floyd). Motion carried.

Chairman Wright presented Resolution #R2004-023 – a resolution expressing intent to cease County Maintenance on and to authorize County consent to judicial abandonment and closure of a portion of a certain Anderson County road; granting encroachment permits as to such portion of said Anderson County Road; and other matters related thereto. (Road is Dennis Ward Circle C-12-0041A). Mr. Greer moved to approve and Ms. Wilson seconded. All requirements outlined in the resolution have been met. Vote was unanimous.

Mr. Greer asked Council for permission to place a Proclamation on the agenda for the SHARE organization, which is time sensitive. Vote to place on agenda was six in favor and one opposed (Floyd). Ms. Floyd asked for a copy. She said that the SHARE program needs to be looked at to see how they can maybe provide more for Anderson County – every year the County must come up for money for the children of the County to work. She said that County Council needed to look at the program. Chairman Wright asked the Clerk to make copies for Council and the item will come up later on in the meeting.

On the motion of Ms. Wilson, seconded by Mr. Wright, Council voted unanimously to approve the acceptance of Welborn Acres Subdivision, Phase III, and Normandy Park, Jr. Subdivision.

Ms. Floyd moved to appropriate \$2,000 from Council District #2 Recreation Funds for the Young Men and Vision program. Ms. Wilson seconded and vote was unanimous.

Ms. Floyd moved to appropriate \$1,660 from District #2 Recreation Fund for a monument for the Reed Street High School. Mr. Tolly seconded and vote was unanimous.

Ms. Floyd moved to appropriate \$500 from District #2 Recreation Account for the AnMed Pastor's Health Summit. Mr. Tolly seconded and vote was unanimous.

Mr. Greer moved to appropriate \$4,000 from District #3 Recreation Account for the SHARE organization for summer youth programs for the children of Council District #3. Mr. Tolly seconded and vote was unanimous.

Ms. Floyd moved to appropriate \$12,000 from District #2 Recreation Account for the SHARE organization for the summer youth programs for the children of Council District #2. Mr. Holden seconded and vote was unanimous.

Mr. Greer moved to approve a proclamation for the SHARE program and Mr. Tolly seconded. Mr. Holden asked about the combination of the program with Anderson, Greenville, Oconee, and Pickens Counties. He asked Mr. Greer if the County was getting their fair share and he said as far as he new the County was getting their share. Chairman Wright read the Proclamation proclaiming June 29, 2004 as SHARE Community Action Partnership Day in Anderson. Vote was unanimous.

COUNCIL MEMBERS REMARKS:

Mr. Dees spoke of Ronald Reagan and what he said about compromise – that we should compromise to get 60-80% of something rather than zero of nothing. He thanked Mr. Greer, Mr. Townsend and the excellence presentation on taxes.

Mr. Greer – none.

Ms. Wilson applauded everyone's efforts on the tax presentation and the committee and all their hard work. She said that the sewer fund and the sewer infrastructure is underused – the County is funding it with a lot of taxpayer money. She said that she knew that the Beaverdam Project – Phase II has no users. There are still issues with right-of-way maintenance in the County.

Mr. Holden thanked everyone involved with the tax committee presentation. Mr. Holden also said that the alcohol and noise at the Civic Center needed to be looked into and taken seriously.

Mr. Tolly congratulated Mr. Martin on his son's recent graduation and his high academic averages.

Ms. Floyd announced that Broadway Lake was featured in the *Sandlapper* Magazine. She encouraged everyone to get a copy. She said that something needed to be done about the profanity at the Civic Center. She said that everyone needed to be fair – because the County had profanity at the last event and the one before that and so forth. She said that she agreed with Mr. Greer and went to Washington, D.C. to get the sewer.

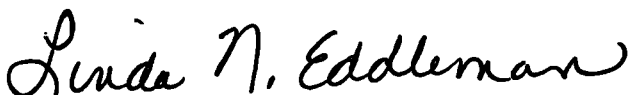
Chairman Wright called each member's attention to a letter from the Greenville County Planning Commission about the Upstate Air Quality Review on June 24th.

ADMINISTRATOR'S REPORT:

- a. Certificates: Mr. Barry Holcombe-Building & Codes – Certified Building Official
- b. Letters of Appreciation:
 - 1. For: Mr. Bob Daly-Detention Center Dir. – From: Chief Troy R. Martin-Williamson Police Department
 - 2. For: Mr. Bob Daly & Inmates – Detention Center – From: Ms. Laurie H. Ashley – Meals on Wheels Director
 - 3. For: Mr. Holt Hopkins-Transportation Director – From: Mr. Bob Brittingham-Marathon Community Church Administrator
 - 4. For: Ms. Dolly Webb-9-1-1 Supervisor – From: Detective Scott Williams-Monroe Police Department, North Carolina
 - 5. For: Mr. Tommy Thompson, Mr. Taylor Jones and Emergency Management staff – From: Chief Jack Abraham-Anderson City Fire
- c. Reports:
 - 1. District Paving Accounts
 - 2. Recreation Funds
 - 3. Anderson County Litter Report – April 2004
 - 4. Detention Center Litter Reports – April 26-29, May 17-20, May 24-28 and May 31- June 4, 2004
 - 5. Building & Codes May 2004 Monthly Report
 - 6. Environmental Enforcement Zero Tolerance Anti-Litter Campaign final activity report
 - 7. Environmental Enforcement Report – April and May 2004
 - 8. Environmental Enforcement Animal Control Report – April and May 2004
 - 9. Environmental Enforcement Training Report – April and May 2004
- d. Meetings/Minutes:
 - 1. Anderson Regional Airport Minutes – May 3, 2004
 - 2. Anderson County Transportation Safety Meeting Minutes – May 28, 2004
- e. Electric City Utilities – Water Rate “tax” – Mr. Brian McCormick
- f. Mr. Bob Daly appointed to a committee to revise the training curriculum for Basic Jail Certification
- g. Grant Agreement No. 1468 – Brown Road
- h. Letter requesting SCDOT to limit trucks and large vehicles on Linda Drive and McCullough Street
- i. Budget Transfers – May 2004
- j. U.S Department of State – Mr. Thomas M. Rosenberger (see reminder below)
- k. SCDOT Commission Meeting Agenda – Ms. Elizabeth Mabry (see reminder below)

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,



Linda N. Eddleman
Clerk to Anderson County Council