

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting - October 16, 2001 - 6:00 p.m.
Linda N. Gilstrap, Clerk to Council

AMENDED
MINUTES

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

PRESENT

Chairman Clint Wright - District #4 - Presiding
G. Fred Tolly - District #1
Gracie S. Floyd - District #2
Larry E. Greer - District #3
Vice Chairman Mike Holden - District #5
William C. Dees - District #6
M. Cindy Wilson - District #7
Joey Preston - Administrator
Tom Martin - County Attorney
Linda N. Gilstrap - Clerk to Council

The official meeting of the Anderson County Council convened in the Council Chambers of the Historic Courthouse on Tuesday, October 16, 2001 at 6:00 p.m.

Mr. Fred Tolly gave the invocation and everyone stood and pledged allegiance to the flag.

Mr. Bill Dees moved to approve the September 18, 2001 and October 2, 2001 minutes with changes of certain typographical errors as discussed with the Clerk. Mr. Mike Holden seconded. Ms. Wilson asked that in the September 18 minutes on page 5 be amended to add in the first paragraph "the Administrator said that the runway expansion acquisition was \$8,000 per acre". Vote was unanimous to approve the September 18 and October 2 minutes as amended.

Mr. Mike Holden moved to amend the agenda by adding back on the "amended" agenda Ordinance #2001-045 (agenda item #8(f)), which was

removed from the agenda earlier today. Mr. Tolly seconded. Ms. Wilson stated that there were problems with that because anyone who attended last Tuesday's Planning Commission Meeting would recall that the Planning Commissioners Mr. Dan McKinney and Mr. Boseman instructed the Planning Director to take the guidelines and to draft the ordinance and then send up to County Council. She said what Council had in the agenda packets were a set of guidelines and not an actual ordinance. She also stated that she understood that the Chairman of the Planning Commission did not write or sign the letter in the agenda packet, and she thought that the item should not be on the agenda until Council had an opportunity to rectify the problems. Mr. Holden asked the County Attorney at what point the Chairman had a right to pull something off the agenda. He said it was his understanding that Mr. McKinney (or whoever) checked to find out which way Council was "going" on the Ordinance and then came up with the request not to have it on the agenda. Mr. Martin replied to Mr. Holden that this was a rule of procedure of County Council set by Council. Anderson County Council's internal procedures doesn't really state when a matter can be withdrawn so by default it would revert back to Robert's Rules of Order which normally says that once a matter is published then that is the final form. Ms. Wilson stated that they had made calls and told citizens not to come today because the item had been deleted from the agenda. Ms. Wilson also stated that the item got deleted on Monday around lunchtime. Mr. Holden called for the question. Vote was five in favor (Floyd, Greer, Holden, Tolly, Dees) and two opposed (Wilson, Wright). Motion carried.

Ms. Wilson stated that if the item was put back on the agenda; Council needed to open back up the Public Comments section of the agenda. Mr. Wright agreed to recognize additional people at the end of the citizens' agenda for additional comments.

Citizens Comments:

The following individuals spoke at this time. 1.) Jim Mize - Mr. Mize said that Big Creek landfill situation is getting into certain things and requested that Council look at other matters to handle the landfill. He said that the cost could readily get out of hand. He also asked to speak during a rezoning request later on in the meeting. 2.) Verbatim at the request of a member of Council: Mr. Gerald Terry: "Thank you, I'm Gerald Terry. I'm a lifelong resident of Anderson County. I own property on 81. I also live off of 81.

Tonight I have a petition signed by 18 property owners on 81 that represent over 160 acres of property that fronts directly on 81. My comments are to state these peoples feelings about what should be done about that highway that's been ignored. This is America where democracy supposedly reigns and those in a minority should have their rights and freedom protected just as well as those in the majority. What we have here is a matter where some, not necessarily a majority, wish to impose their view on someone else's property at not one expense to themselves. I supported County zoning for years along with many of my fellow realtors and now realize that some of the elected officials and boards are only listening to a few folks and not all. Anderson County cannot effectively be a good place to live if only the best - the interest of some residential owners are allowed to reign. Again, I have the petition tonight. There is roughly according to my calculations, about 75 property owners. I started this only yesterday morning. I have 18 signatures to date. I would expect if I'm allowed to continue this or need to, then I would have at least 90% of the people who own property on 81 who are opposed to this overlay. I'd like for (pause) let not "mob rule" be the law, which has kind of been the case so far in the hearings that I've attended. We have a few people who do not have a financial interest in 81 coming in and must good show of hands in support but there is no consideration being given to the people who really pay the taxes in this county. I pay a lot of taxes in this County. I do not have one single soul in the School district on commercial property I have. These people pay 6%. Residential people only pay 4%. So there's a lot of the schools and other things in this county supported by commercial development and I'd like for those people to have fair consideration and that's all that I ask. I'd offer these two-signed petitions this evening and I thank you for your indulgence."

3). Phillip Clardy - Mayor Clardy thanked Council for their benevolence in their giving to the Town of Williamston particularly for an appropriation by Ms. Cindy Wilson to the Town of Williamston for repairs. He read a letter from Jon Daughenbaugh stating that since he was a young kid he had played on the basketball courts at the Mineral Springs Park in Williamston. He asked that Council consider reopening the basketball courts and putting in some basketball goals. He thanked Ms. Wilson for her consideration for funding to repair the basketball courts. 4). Dan Harvell stated that on Monday, October 15, 2001 the Anderson County Republican Party had their Convention and the party recognized many individuals. He read a resolution that was presented by the precinct of Five Forks commending Ms. Cindy

Wilson for her leadership working for the citizens of Anderson County. He said the Resolution was overwhelming affirmed by the delegates of the Republican Party. (Verbatim at a Council Member's request)-> 5.) Mr. Frank Kellam: "Mr. Chairman, Members of Council and fellow taxpayers of Anderson County, it is again an honor to speak in a great nation with so many tremendous blessings from the Lord Eternal. I want to voice my adamant and unapologetic opposition to the proposed funding for the bus transit between Anderson, Tri-County Tec, Clemson University and Southern Weslen University. It is disgraceful that such a waste of the taxpayers' money would even be considered. Are these students to good to work and provide their own transportation? A good education should teach students a reasonable level of independence and individual responsibility but instead you are telling them that there is no end to government handouts. I was reared in a modest home here in Anderson. I worked and paid my way through Clemson and paid for the automobile that took me back and forth to school. What do we teach kids these days? I'll tell you what we're teaching kids. We're teaching them to adopt a socialistic society. The government will take care of all of your needs and this is an abomination to a free nation. I have recently read several speeches and addresses of our founding fathers; men like George Washington, John Adams, Thomas Jefferson, James Madison, and John Quincy Adams. There were two prevailing points, which these men consistently made. Number one was their belief and faith in our Eternal Creator; number two was their strong belief in individual responsibility. Our government today is doing its best to destroy both of these in the educational process. We cannot afford irresponsible spending on the local level. It appeals that the poor spending practices of Washington, DC is spilling over to our local government. We will tax the people more to pay for these ridiculous services is the message that you are sending us. Anyone who has ever seen a septic line installed knows what flows downhill and it's obvious what we are learning from Washington, DC. Honesty and individual responsibility must flow uphill. We cannot rely on Lindsay Graham to turn Washington around. He has already proven that the higher you go the more polluted you become. We must turn the tide of senseless spending right here in Anderson County. I ask each of you to make the responsible choice and deny this outlandish request. There is no end of these requests. After they get the free bus, then they will need an alarm clock and a sausage biscuit. Nowhere in the speeches of our founding fathers did they ever say, "You kids sit here till the free bus comes by to take you to school." Thank

you." 6). Darrell Lovinggood stated that he was concerned with the increase in property taxes. He said it was the largest in 13 years. He lives on a road not in real good condition and he said that he lives on a fix-limited income and wondered what the limitations were on these increase. Mr. Greer asked Mr. Lovinggood what school district he lived in and he replied in School District #1. Mr. Greer suggested that he check his tax bill to see how much his school taxes went up and compare that with the County operations. 7). Charles Crowe stated that at the last meeting he asked several questions: one, which deals with legal fees. He said that a Council Member also asked for information related to transferring of almost \$200,000 to pay legal fees. He asked council did he need to FOI this information or was the public going to be afforded this information. He said that the 81 overlay was announced on the news media that the item was taken off the agenda, yet tonight it can be added/taken off. He asked for an answer on the legal fees. Mr. Holden stated that Mr. Martin had stated that once it is on the agenda it couldn't be taken off once it has been published. Ms. Wilson asked when would she get the details of legal services; billable hours, invoices, description of services all related to the transfers. All these were requested by this meeting and she also stated that she had requested by the next meeting that Council members have a list of all legal challenges filed against Anderson County since July 1, 1997 and the related information. Mr. Holden stated that he had it in his packet. Ms. Wilson said that was not all the information and the last page was too small to read. Mr. Preston said that some of this information is attorney client privilege and Ms. Wilson said that Council, as a public entity, could at least be given billable hours and description of services especially since the County has exorbitant high legal fees. Mr. Greer asked Mr. Preston to include a chart to indicate any legal fees that had been incurred by the County as a result of the actions of any council member sitting on this Council. Mr. Preston replied that it was \$150,000. Ms. Wilson asked about the Civic Center Director and all the Planning Department's legal challenges that everyone is hearing about. 8). Keith H. Horton stated that the verbage in the 81 overlay, which deletes any billboards, is very unfair. His business is no different than any other business and he said he feels that this is very unfair therefore he is not in favor of the language in the overlay district. He said that he was against the \$25 annual billboard permit fee also, and he asked Council to delete. He feels that this is double taxation, he said. 9). Lynn Powell said that she did not receive a call that the overlay has been

removed from the agenda. She stated that she was opposed to the 81 overlay and as homeowners on the road should have the final decision on what takes place on their property. 10). Sherry Davis stated she also lives on Highway 81 north and was not a member of the Citizens Development Committee and neither are the property owners on highway 81. She said it was hard to talk about the overlay when she did not know what was in it and what she received was very vague, and she was opposed to the Highway 81 overlay. At this time, the Chairman opened the floor for addition comments from the public that thought the 81 overlay was removed from the agenda prior to the start of the meeting. 11). Mike Settle who resides off of Midway Road and owns property on Highway 81, stated that he agrees with Mr. Terry's comments with the exception that to the point of democracy is what we have - a republic. He said when we pledged allegiance - we pledged to the republic and there is a major difference between a republic and democracy. Three examples a democracy is rule by the majority, a democracy is when Moses went up on the mountain to get the law from God and the people stayed down and they all voted and appointed Aaron to make them a golden calf. When Moses came back down from the mountain he said wait this is not a democracy - there is a rule of law and here it is and law prevails. #2 And when Hitler came to Germany in the late 20s early 30s, he convinced the people there that the Jewish business owners and Jewish managers in their society were there unfairly and he convinced the majority that their property rights should be taken away and so the majority took the property, and the property rights from those Jews. That was majority rule. Finally, when Dr. Martin Luther King tried to go against the prevailing culture of his day and tried to demand the civil rights that we were guaranteed by the Constitution a lot of the majority said, "I'm sorry." Finally the rule of law prevailed. On this 81 corridor, there are very few property owners on the 81 corridor. We have already voluntarily given up certain of our rights as property owners and allowed neighbors to tell us what we can and cannot do with their land and that is called zoning. Now that is not good enough, our neighbors want to come back and amend it to tell us exactly what residents can do and not do within those zoning guidelines. He said that he was very much opposed to that whole concept. He asked that what was already in place be maintained. 12). David Quinnley said that in reference to the 81 flyover- American Outdoor also has interest on 81 and are opposed any restricts which prohibit any billboards at all and is against the overlay. 13). Gary Collins owner of Collins Landscape and Bark Sales on Highway 81. He

said he first learned of the 81 overlay a couple week ago. He said it was the property and business owners who had something at stake. He said that he was in favor of some of the overlay; however he was opposed to the signage (only 10' tall), no outside sales, increase in the buffer yards. He asked Council to please vote the Highway 81 overlay down. 14). Pat Kakulski an owner of property on 81 said that she read in the paper of the 81 overlay and said that she did not see how Council could legally force them to do things that were detrimental to their homes and property values. 15). Unknown gentleman - said that he had a problem with the LINWA deal and feels that it was because of the way Council "rushed through" it. He said Council should go very slow with the 81 issues and not make the same mistakes as they did with LINWA. No others wished to speak. Council received all remarks as information.

Ms. Cindy Wilson presented Dr. Walter McPhail Resolution #R2001-049 - a resolution acknowledging and recognizing Dr. Walter McPhail as Anderson County Tree Farmer of the Year. Ms. Wilson moved to approve and Mr. Tolly seconded. Vote was unanimous.

Ms. Kimberly Spears, Director of the Anderson County Arts Council recognized Anderson County Council with an award for being Anderson County's Business Arts' Partner of the Year.

Sheriff Gene Taylor gave Council an update on the Noise ordinance revisions as recommended by the Committee. He said as a result of a meeting held last week, the Committee decided to delete the necessity to have a "first time" warning. This will be left up the discretion of the individual answering the call. The fines will have a graduated effect ending at \$500, and confiscation of a radio or stereo if it is causing a problem and they have refused three times to fix the problem. The committee has also added a section about the boats for citizens who live on the lake; the muffler system should be original equipment or its equivalent, one section was changed that said loud music was prohibited from 10:00 at night until 7:00 in the morning. Considering that some citizens work different shifts, the Committee has considered that if the music is an annoyance to an individual they should be warned. If it crosses the property line to someone else's house and it's a problem then it is a violation. (You can listen to it as loud as you want to on your own property as long as it doesn't bother anybody.) The Committee cut

the distance in half for a vehicle. A hundred feet has been cut back to 50 feet off the road. For businesses who have loud music: such as bars, various clubs, skating rink or others the Committee has asked that they not put the speakers outside facing residences. All this will be clearly stated in an ordinance for Council's opportunity to vote on it at the next meeting. Mr. Dees asked if it would deal with gunfire. Sheriff Taylor responded that it did not address gun fire in any different manner other than what is in the section about any repetitive noise or nuisance kind of noise and does not effect businesses, agricultural, commercial which is already addressed in the county's land use ordinances. Mr. Dees stated that he would like to see this apply to repetitive gunfire. Mr. Martin stated that the standards apply to any noise.

Ms. Gracie Floyd stated that there was a situation in Anderson County that she believes that can be worked out. She introduced Mr. John Gouch, On-Line Services Director for the *Anderson Independent Mail*. He explained the on-line community calendar of which organizations can participate free and is open to non-profit organizations and group of any kind. There are 89 participants at this time. You can click on the interactive calendar and look forward by date or by participating organizations, he said. Ms. Wilson asked Mr. Gouch if it would be possible to put the Anderson County Agenda packet on-line. He said he thought it would be possible. Mr. Wright said that the work on the agenda packet had already been done and he had the time-line and what it would take to do it. Ms. Floyd said that she had talked with the Director of the Anderson Tourism Board regarding working in conjunction with Anderson On-Line. She asked Mr. Gouch could she contact him to see what could be worked out. Mr. Gouch agreed. Council received as information.

Mr. Hurbert Armstrong handed out some information regarding their property line. He said that they were the third generation owner of their farm, which is located in the Friendship Community and Pete Armstrong Road circles through the farm. Standing Oak Subdivision is adjacent to the upper end of their property. A portion of their property extends beyond Pete Armstrong Road. After observing the subdivision's property line it appears to them that some easements are questionable. He made Council aware of the following actions they have made concerning this matter: February 2000 - Mr. Cirelli stated that no one has a right to open a road across your

property line even if the line lies in the shoulder. March 2000 - Mr. West was informed that their property line crossed Pete Armstrong Road. He stated, "I wished we had known this sooner." At this point the subdivision had already been approved. August 2000 - they called County Engineer, Fritz Wewers and he made an on-site inspection of the property and promised to check things out and get back with them. He never did. October 2000 - Mr. Cirelli said he was holding permits on three lots. November 1, 2000 - 8:45 He talked on the phone with County Engineer Roy Graham. Mr. Graham stated that road right of way only pertains to the right of the County to maintain said road. On the same day they went to Mr. Cirelli's office and discussed their property rights. They then wrote him a letter. (Mr. Armstrong read the letter to Council.) The letter stated that Mr. Tribble's road could not open onto Armstrong property without their permission and they could not see how a permit could be issued for the road without their permission. January 2001 - had an appointment with Mr. Graham. Mr. Graham said the new road could not be opened across their property and that old road right of ways were from ditch to ditch. If there is no ditch the end of scrap blade measures the right of way. Again he stated road right-of-way only pertains to the County's rights to maintain said road. Said road in question has no ditches. February 2001 - Met with Mr. Cirelli and Mr. Cirelli stated that he had tried to meet with developer's lawyer and the lawyer did not make the meeting. Mr. Wendell Armstrong read a note that Mr. Cirelli left at the lawyer's office. At this point he said that Mr. Cirelli stated that there was no follow-up from the lawyer or the developer. He at this time advised them to consult a lawyer. Since Judson Way has been paved the County had continued to install driveways and in addition, a stop sign and a road sign have been installed. The County work has proceeded without a clear easement and not only has a developer violated their property rights on the road easements they have also installed a main water line on their property without their permission, he said. He said that he would like the County and the developer to honor their property rights. Mr. Tribble and the surveyor entered an easement on their property and they have not signed any easements for the new road and the lots bordering the road, he said. There is nowhere in writing that spells out what the County right of way is, he also said. He said that he has two attorneys that are willing to take their case; however, they are willing to settle this out of court. He asked Council for their help. Mr. Tolly wanted to know if the County issued the permits and who issued them. Mr. Armstrong said

that only one permit was issued. (Lot 30 maybe). There is a road that has been constructed and has not come before Council for acceptance into the County system. Mr. Armstrong stated that Mr. Cirelli said that the road would not be accepted until the matter is resolved. Council will research and get back with Wendell and Hurbert Armstrong.

The discussion of the above item is verbatim at a request by council:
Chairman Wright - We will move on to item #5, Mr. Armstrong.

Mr. Herbert Armstrong - Good afternoon again County Councilman, I am Herbert Armstrong and this is my brother Wendell and we have some handouts that we would like to hand out first. One of these handouts shows our property line and it's highlighted. One of the handouts also is a letter from Mr. Cirelli to the developer's lawyer. Actually it's a note and the other handout is a letter that we wrote Mr. Cirelli.

(Handouts being passed out)

We are the third generation owner of our farm. The farm is located in Friendship community. The Armstrong road circles through our farm. Standing Oak subdivision is adjacent to the upper end of our property. A portion of our property extends beyond the Armstrong road. After observing the subdivisions property line, it appears to us that some easements are questionable. The following list of actions concerning this matter, February 2000, Mr. Cirelli stated that no one has the right to open a road across your property line even if the line lies in the shoulder. March 2000, Mr. West was informed that our line crossed the Armstrong road. He stated "I wish that we had known this sooner." At this point, I might add, the subdivision had already been approved. August 2000, we called County Engineer, Fritz Weavers. He made an onsite inspection of the property and promised to check things out and get back with us, he never did. October 2000, Mr. Cirelli said he was holding permits on three lots. November 1, 2000, 8:45, talked on the phone with County Engineer, Roy Graham. He stated that "road right of way only pertains to the right of the County to maintain said road." Same day we went to Cirelli's office and discussed our property rights. We in turn wrote him a letter, which we would like to read at this time.

(Letter read by brother. Wendell Armstrong.)

Wendell Armstrong - This is the letter dated November 1, 2000.

Dear Mr. Cirelli,

Here is a copy for your files of our conversation. My brother and I have checked into the County's right of way and as near as we can determine, our property rights begin where our lines meets with Mr. Tribble's line. Therefore, it is our understanding that Mr. Tribble's road cannot open onto Armstrong property without our permission. Consequently, we don't see how a permit can be issued for this road without our permission.

Hubert Armstrong - January 2001, I talked with Mr. Graham, my brother and I both. He said that the new road could not be opened across our property, stated that right of ways of old roads was from ditch to ditch. If there is no ditch the width of end of scrape blade measures the right of way. Again, he stated, road right of way only pertains to the County's rights to maintain said road. Said road in question has no ditches. February 2001, met with Mr. Cirelli said that he had tried to meet with the developer's lawyer. The lawyer did not make the meeting. So Cirelli left the following note at the lawyer's office. Would you please read it Wendell?

Wendell Armstrong - Yea this the memo dated 2-9-01 and it says:

John,

Please contact the Armstrong brothers. They are willing to sell the disputed property. The County will continue to hold building permits on lots 28, 29 and 30 and will not accept the road into the County system until this matter is resolved. I'm sorry I couldn't wait. Call me if Mr. Tribble or yourself have questions.

Thanks,

Tony Cirelli

Hebert Armstrong- At this point Mr. Cirelli said afterwards, we had a meeting with him after this occurred. He said that there was no follow up from the lawyer or

the developer. He at this point advised us to consult a lawyer because there was no response from the developer. Since the road Judson Way has been paved, the County has continued to install driveways. In addition to a stop sign and a road sign have been installed. The County work has proceeded without a clear easement. Not only has the developer violated our property rights on the road easement but also installed a main water line on our property without our permission. We are not interested in taking litigation. We would like the County and the developer to honor our property rights. Mr. Tribble and the surveyor entered an easement on our property and we have not signed the easement for this new road and also the lots boarding that road. Now we checked thoroughly out in the County on the right of way and there is nowhere in writing that spells out what the County right of way is. At this point we have discussed this matter with two different lawyers and each lawyer is willing to accept the case, however, we would like to settle this because we are reasonable people to deal with. And this all could have been straightened out prior to all this being done. We thank you and we would like your help.

Chairman Wright - Do we have any questions from the Council members?

Mr. Tolly - Yea, Mr. Chairman, I have some questions. It is my understanding that the County issued some building permits. Did they?

Mr. Herbert Armstrong - This subdivision consist of thirty-one lots. Three of those lots are along Armstrong road. By the way is named for my father. Okay. Those lots do not come all the way to the road due to our property line. Mr. Cirelli said he would hold those permits.

Mr. Tolly - So actually they were never issued.

Mr. Herbert Armstrong - They are never issued supposedly. Okay.

Mr. Tolly - You think maybe they were?

Mr. Herbert Armstrong - Well there's one that has been issued.

Mr. Tolly - One of these three lots?

Mr. Herbert Armstrong - Yes sir.

Mr. Tolly - Who issued that, do you know?

Mr. Herbert Armstrong - I don't know. There is a double ride and I believe, I'm just guessing lot 30. Lot 30. Now the road, the County the other day got a work order, the work order section passed the work on to the sign

department. The work order was dated, I understand, the 9th of October and the sign was installed the 9th of October naming this road. So at this point we feel that work is proceeding on this road without a clear easement and the County's part encroachment on that road.

Mr. Tolly - I think maybe we will have to get a legal ruling from Mr. Martin as to where we stand on that. But I would also like to know if this was issued by the building and codes and should they have issued it and who issued it. I'd be interested in knowing that.

Mr. Herbert Armstrong - This I can't answer.

Mr. Tolly - But maybe somebody in the County can. We have had problems with this type of thing in the past and I would like to get it straightened out.

Mr. Herbert Armstrong - We thank you and we appreciate your help.

Chairman Wright - If I might, on the back here, you are talking about the lots that would be on the topside of Judson road.

Mr. Herbert Armstrong - We have a plat, just a minute, we can hand you a plat a part of the development.

Chairman Wright - Thank you, I would appreciate that if you could.

Mr. Herbert Armstrong - Yes and it will show you where the lots lie. It will show you where the road enters and it will show you that Mr. Tribble's signed away the right of way and easement too.

Chairman Wright - I understand that. Would there be a way that we could get a copy of the time line that you gave us?

Mr. Herbert Armstrong - The what?

Chairman Wright - The time line that you gave us, when you talked to certain people.

Mr. Herbert Armstrong - Well certainly, we can give you that. We will have to make a copy and bring it to you.

Chairman Wright - Thank you.

Mr. Herbert Armstrong - Can we do this, I can't give it to you tonight, but we can give you a copy later.

Chairman Wright - I believe that we have someone in the room here that could get some copies made, at least maybe one tonight that we could probably get later on.

Mr. Herbert Armstrong - We would be glad to do that.

Chairman Wright - There will be somebody that will get copies and get them back to you this evening.

Mr. Herbert Armstrong - This plat that he just passed out is not the complete plat of the subdivision. It shows, it highlights Judson Way road and it points to the easement signed away to this property.

Chairman Wright - Thank you Mr. Armstrong that clears up my question.

Mr. Herbert Armstrong- Does anybody else have any questions because we've been in this thing for over a year.

Ms. Wilson - I want to thank you for coming. These gentlemen called me, Fall, a year ago and in the interest of trying to avoid any more legal action against the County that can be avoidable, I would ask that we all work together to resolve this.

Mr. Herbert Armstrong - I appreciate that and I might add too that, Mr. Cirelli and the planning department have been excellent and also, Mr. Graham. They are very cooperative. This somehow has fell through the cracks in the County. And we would like your help on it. (Tape one ends words lost and tape two starts.)

Mr. Greer - You actually own part of the road that has been constructed, is that correct?

Mr. Herbert Armstrong - Yes we go all the way across the County road. We go into the shoulder.

Mr. Greer - So at this point in time a private road has been constructed across the property and this has not been accepted into the County system.

Mr. Herbert Armstrong - It still has not been accepted and Mr. Cirelli said that it would not be accepted until the matter is settled.

Mr. Greer - Thank you.

Mr. Herbert Armstrong- Are there any more questions?

Chairman Wright - I don't believe so, we appreciate it very much, thank you.

Mr. Herbert Armstrong - Thank you.

Chairman Wright - We will move on item 6. Employee of the month.

*****End Verbatim*****

Mr. Michael Cunningham presented Mr. Calvin Scott from the County Transportation Division as the Employee of the Month for September 2001. All the Road Maintenance Supervisors recommended Mr. Scott because he is a very hard working and dedicated employee. Mr. Scott received a Certificate for Employee of the Month, plaque, shirt, one-day vacation certificate and a gift certificate to a local restaurant. Council commended Mr. Scott for his outstanding dedication to Anderson County.

Council recessed at 7:40 p.m. The Chairman called the meeting back to order at approximately 7:50 p.m.

Mr. Ricketson informed Council that he had a copy of the official plat drawn up by Mr. Tribble's surveyor and approved December 2000 by the Planning Commission. He said this was the information the Planning Department relied on to approve the subdivision plat. He called Council's attention to the yellow highlighted section, which represented the road right of way as depicted by the surveyor. Along Pete Armstrong Road for the entire length, except for one of the lots the right of way is clearly into the property of Mr. Tribble. Planning relied solely on the survey as directed in the County ordinance and the plat was properly approved. He also said that if there was a dispute it is clearly with the Armstrongs and Mr. Tribble and the County does not have an issue in this. Council agreed that this was a problem with disputed plats or a surveying problem with the surveyors. Ms. Wilson said that she did not see how the County could have approved a subdivision when this was obviously a material fact of great concern. Mr. Ricketson stated that the County did not have surveyors on the County's Planning staff and they rely on professional surveyors who stamp their work. The detail of the survey clearly depicts that there is a strip of the Armstrongs' land lying between Mr. Tribble's property and the road. Mr. Ricketson recommended to Council that this is a civil matter between two property owners and their surveyor and the County has no interest in the matter at this time. As requested the discussion of the above item is verbatim:

Council moved to 9 (b) at a request of a member of Council. Ms. Floyd presented a Proclamation to Chapel West proclaiming the week of October 14, 2001, as Advanced Directives Preparation Week in Anderson County and encouraging its adult residents to learn more about advanced care planning. Ms. Floyd moved to approve the Proclamation and Mr. Dees seconded. Vote was unanimous.

Mr. Tom Martin presented second reading of Ordinance #2001-035 - an ordinance regulating and permitting residential, industrial and commercial security and/or burglar alarm systems by establishing audible alarm standards, prohibiting automatic dialing telephone alarm systems, prohibiting automatic dialing telephone alarm systems, imposing fines for excessive false alarms, and establishing the procedures whereby alarm system

monitoring companies obtain alarm permits; and other matters related thereto. A public hearing was held and the following individuals spoke: President of Southern Burglar Alarm Company Hack Clinkscales spoke in favor of the ordinance and volunteered his assistance to any one that may have a question. Charles Crowe asked what defines excessive false alarms. 2-3-5? Mr. Martin explained it and stated that it was defined in the ordinance under section 4 item a. No further comments the public hearing was declared closed. Mr. Dees moved to approve on second reading and Mr. Holden seconded. Council discussed several issues regarding the ordinance. Mr. Greer called attention to page 2 - Section 1. "Anderson County.... by requiring the registration of all actively monitored alarms, ...false alarms." He asked if it was the intent of the Ordinance that all alarm systems must be registered. For the systems that automatically dial an emergency responder and those programmed to dial a relative, neighbor or friend would need to be registered. After much Council debate, Council agreed that the section needs to be clarified. The intent is that if Law Enforcement responds then it would be in violation. Mr. Greer called attention to page 4; #3 - several paragraphs deals with permits. He read section 3. (c) (7) "A non-refundable fee of ten (\$10.00) dollars is required at the time of registration." He said he was having a problem with the permitting process and he is definitively opposed to the \$10 fee and sees this as a means of causing an increase in our government bureaucracy and additional personnel to handle some of these fees. Mr. Dees stated that in Greenville County collected \$178,000 last year on fines alone for false alarms. Greenville County had over 20,000 false alarms and so far it has dropped those alarm by over 8,000. This has saved a lot of personnel hours and he would not object to the \$10 fee being pulled out. Mr. Dees moved to eliminate the \$10 fee as an amendment and Ms. Wilson seconded. Vote was unanimous. Council discussed several others issues. Council agreed to look at the section concerning the registering of all systems. Mr. Greer stated that he had a great deal of elderly, a lot on social security or fixed incomes, and a lot living alone in his district of which alarm systems are critical to them. Also at the same time, their income level is possibly not sufficient for them to pay whatever the alarm fee may be. He said he wanted to make sure that this ordinance in its' final forms addresses this. Vote on the original ordinance as amended was six in favor and one opposed. (Mr. Greer opposed.) Chairman Wright asked Mr. Martin to please provide the present ordinance and then one with his recommended changes.

Mr. Tom Martin read first reading of Ordinance #2001-037 - an ordinance amending the Anderson County Comprehensive Plan to change the future land use outside the Williamston City Limits from low density residential to commercial. Council asked Mr. Ricketson to explain the ordinance. He said the next agenda item - a rezoning request for Ms. Ruby Roberts, prompted the ordinance and the Citizens Advisory Group had approved the current map and recommended that Council update the current Future Land Use Map for School District #1 to reflect the way that Council has it currently zoned and also recommended that Council rezone the Ruby Roberts' Estates property and reflect that in the comprehensive plan. Ms. Wilson moved to table the ordinance (2001-037) for more information and Mr. Tolly seconded. The Chairman stated that he did not have a motion on the floor to accept the ordinance therefore the motion to table would be out of order. He recommended that Council go to Item 8 (b) and hold the public hearing first. Council agreed and reserved the right to come back to 2001-037. Mr. Greer moved to approve and Mr. Dees seconded. Mr. Tolly moved to amend by limiting the change to the land use map to the 35 acres of the Estate of Ruby Roberts only and Ms. Wilson stated. Mr. Greer stated that he thought the following wording of the ordinance would be better than what they received - "to amend the land use plan to reflect the zoning classifications as contained in the zoning for that precinct." Mr. Greer then moved to amend the ordinance in that manner and Mr. Dees seconded. Mr. Tolly said that there was already a motion and a second to amend on the floor. Both Mr. Tolly and Ms. Wilson withdrew their motion and second. A call for the question was received from Mr. Greer. Vote on the amendment was unanimous and vote on the original ordinance as amended was unanimous.

Council moved to Item 8 (b). Mr. Martin presented first reading of Ordinance #2001-038 - an ordinance to approve a rezoning request by the Estate of Ruby Roberts and Hugh Durham to rezone a 35-acre parcel of land on State Road 77 near Williamston. The parcel is currently zoned R-A (Residential Agriculture). The requested zoning is C-2 (Highway commercial). The property is a portion of a tract identified by tax map #221-00-09-005. A public hearing was held. Mr. James M. Mize stated that he lives down the street and that he had no objections to the rezoning request if Council zoned the entire 35 acres. No further comments were received therefore the public hearing was declared closed. Ms. Wilson

moved to approve the ordinance on first reading and Mr. Tolly seconded. This is a rezoning change for the 35 acres only. Mr. Greer called for the question. Vote was unanimous.

Mr. Tom Martin read first reading of Ordinance #2001-039 - an ordinance authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a multi-county industrial park agreement between Anderson County, South Carolina and Greenville County, South Carolina; and other matters relating thereto. Mr. Robert Galloway was present for questions. He said that the ordinance involved the creation of a multi-county industrial park with Greenville County. Mr. Galloway recommended that the above title be changed to read "Title 12 of Chapter 4". Mr. Greer moved to approve on first reading and Mr. Dees seconded. Council made a point of clarification of the recommended change in the Chapter. Vote was unanimous.

Mr. Martin read first reading of Ordinance #2001-043 - an ordinance amending in certain limited particulars Chapter 42, Article III, Division 5 of the Anderson County Code of Ordinances pertaining to litter, by prohibiting individuals, businesses, or otherwise moving organic or inorganic debris from public or private property onto public thoroughfares, or other public property; and other matters relating thereto. Mr. Dees moved to approve and Mr. Tolly seconded. Mr. Greer stated that he wanted to make sure that Council was approving the amended version that was passed out prior to the meeting. Council said that was correct. This has nothing to do with trash on the streets to be picked up by the cities. Vote on the ordinance was unanimous.

Mr. Martin reading first reading of Ordinance #2001-044 - an ordinance to authorize the leasing of certain Anderson Regional Airport Property and facilities to Clemson University for use by the CU Safe: car seat safety program; and other matters related thereto. Mr. Martin stated that staff had requested postponement of this ordinance until the next meeting. Council agreed.

Mr. Martin read first reading of #Ordinance #2001-045 - an ordinance to amend Chapter 70 of the Anderson County code of Ordinances to adopt and implement a design overlay district for South Carolina Highway 81 North;

and other matters related thereto. Mr. Holden moved to adopt and Mr. Dees seconded. Mr. Wright asked for more time to consider the ordinance and he stated that he did not have enough information to make a vote at the present time. Mr. Holden restated his motion that Council NOT adopt the ordinance on first reading and Mr. Dees seconded. Ms. Wilson asked about the letter for Chairman Boseman of the Planning Commission. She wanted to know who signed the letter with initials TJR. Mr. Ricketson replied that it would be "Thomas Jefferson Ricketson". She said that the Planning Commission directed staff to draw up an ordinance and Council was not prepared at this meeting to consider this without the proper information to review. She respectfully requested that council table until more information is received. Mr. Wright seconded the motion to table. Vote was two in favor (Wright, Wilson) and five opposed (Floyd, Greer, Dees, Holden, Tolly). Motion to table was defeated. *Mr. Greer called for a point of order. The point of order was Council has members failing to be properly recognized by the Chair before speaking and the proper method for speaking is to ask the Chairman for recognition and to be recognized by the chair before speaking. Council would not be talking against each other if Council observed this practice. Ms. Floyd also addressed Roberts Rules and asked for Council to follow that no member may debate a subject twice before others have a first chance to debate.* After much debate, Mr. Holden called for the question. Vote was five in favor (Floyd, Dees, Greer, Holden, Tolly) and two abstentions (Wright, Wilson). Motion to defeat carried and Ordinance #2001-045 is DEAD.

Mr. Martin read first reading of Ordinance #2001-046 - an ordinance authorizing the execution and delivery of an amendment to a lease purchase agreement between Anderson County and Milliken and Company, so as to extend the initial investment period to seven years for investments in excess of the initial commitment. Mr. Robert Galloway was present and explained the ordinance. Ms. Wilson moved to approve and Mr. Dees seconded. Ms. Floyd made a point that the company was to spend \$5,000,000 and actually spent \$18,000,000 instead. *Mr. Greer stated that this ordinance extends the agreement by two years and reduces the assessment from 10.5% to 6% and extends any Special Source Revenue bond by two years which in effect reduces the tax burden to Milliken and Company.* Vote was unanimous.

Mr. Martin read Resolution #R2001-048 - a resolution approving the execution and delivery of an equipment lease purchase agreement in the amount of not exceeding \$1,770,860 to defray the cost of acquiring various equipment as approved in the County's 2001-2002 annual budget; and other matters relating thereto. Mr. Greer moved to approve the resolution and Mr. Tolly seconded. Ms. Wilson talked about the fund balance and using that money to purchase the equipment with she said that 1.26 to 2.52 for last month if on the historical re-purchase agreement rate for the first week of October it is 2.07 percent and the County is proposing to borrow the money at 2.84 percent. She also said that the County historically would purchase this type equipment out of budgeted funds and also the County is borrowing for 4 years and purchasing sheriff's car are expected to have a three year effective life. Ms. Wilson moved to table until the Council has a chance to study the fund balance and she believes it would be wiser to use funds from the fund balance. Motion to table died from a lack of a second. Mr. Greer called for the question. Vote was six in favor and one opposed (Ms. Wilson). Motion carried.

On the motion of Mr. Holden, seconded by Mr. Dees, Council voted unanimously to approve the appropriation of \$352.00 from District 5 Paving funds to paint lines on Adams Avenue. Vote was unanimous.

Chairman Wright moved to take \$2,000 from District #4's Parks and Recreation Account for repairs to the Community Center at the Pendleton Fire Department. Mr. Dees seconded and vote was unanimous.

On the motion of Ms. Wilson, seconded by Mr. Tolly, Council voted unanimously to approve the widening and paving of C-07-0047 Woods Road estimated at \$25,755, resurfacing of Smith Motors Road (C-10-80) estimated at \$29,160, and resurfacing of Springdale Drive estimated at \$11,678.50 from District #7's paving account. Vote was unanimous.

Ms. Wilson moved to approve making repairs to the Williamston Basketball Court estimated at \$3,160. The funds will come from District #7's paving account and the County will do the work. Mr. Tolly seconded. Vote was unanimous.

Mr. Dees moved to appropriate \$11,000 for the purchase of a play structure at the Hurricane Springs Park in the Wren Community. Mr. Tolly seconded and vote was unanimous. The funds will come from the District #6 parks and recreation account.

Ms. Floyd moved to approve the paving of \$10,500 from District #2's paving account to assist the City with a request for pipe. Mr. Dees seconded and vote was unanimous.

Mr. Holden asked that Mr. Martin look at the \$25 renewal fees for billboards being deleted from the proposed ordinance. He said that, in his opinion, was not fair. He suggested that the County not have a renewal fee.

Chairman Wright asked Mr. Tom Martin to review Charleston's ordinance and prepare a draft document that would include both the 4% and the 6% properties dealing with the capping of reassessment (property tax) at 15% as Charleston County did and as Council discussed at the last meeting. He asked Mr. Martin to have ready for the first meeting in December.

Chairman Wright also said that he would like Mr. Martin to draft a letter to the state legislators in order to encourage them to look at legislation that would give the local counties the authority to deal with a local tax verses property tax for the funding of County services.

Mr. Martin explained that State Infrastructure Bank (SIB) provided money to Spartanburg, Anderson, and Greenville Counties for some infrastructure projects. Anderson County's particular project was the widening of Highway 24. The original amount requested was \$369,000,000; SIB only had \$350,000,000 so at the time the original upstate GRID agreement was signed that was the amount available for distribution. Since then, the state has authorized an additional \$19,000,000. The State now is ready to issue the bonds for that additional money. This document up for approval simply allows the full \$369,000,000 for these projects to be spent. Ms. Wilson moved to approve and Mr. Tolly seconded. Mr. Martin stated that construction for Hwy. 24 is imminent and is funded at \$350,000,000. Highway 24 will be widened from the Hwy. 28 bypass to intersection of Highway 187 at the Ingles section. Mr. Greer asked about the table attached to the GRID agreement outlining the SIB funding. He asked if,

under Phase 2, the Whitehall Road project what would be the funding. Mr. Hopkins said at this time the funding by the ANATS committee had not yet been determined. He said that he would like to see the Council pursue getting something done to Highway 29 and 252 in order to increase the tax base in those areas. Vote was unanimous.

Mr. Dees commended the public works department for their immediate attention to road complaints.

Ms. Wilson said that she received something at the Republic Convention that indicated that County Officials were pursuing a permit to sell alcohol at concession stands at the Civic Center. Mr. Preston said that this was absolutely untrue.

Ms. Floyd thanked County officials with a City/County project of the demolition of 24 houses. She said that the work was outstanding.

Mr. Tolly talked about the function at the Farmer's Market and how nice it was.

Mr. Greer said he couldn't say enough about the County staff and the way they work to meet the needs of the County residents.

Mr. Greer also made the following comments about regarding a copy of a letter concerning the downtown improvements in Belton. He read the following paragraph: "Folks from Honea Path have noticed all the County funding going into the much needed Belton Downtown improvements and very much would appreciate the same attention paid to their needs." He said that he thought there was some misunderstanding as to what actually has gone into the downtown improvements in Belton from the County. He gave the following information to Council.

From Paving:	Belton Area Traffic Study	3/7/00	\$2,500
	Belton Partnership Grant	11/21/00	\$3,000
	City of Belton	12/3/00	\$10,000
Total Revitalization:		\$15,500.00	
	Belton Veteran's Park	11/16/99	\$4,000
	Belton Rescue Squad	2/15/00	\$5,000

City of Belton Gravel &			
Cold Patch			
	6/19/01		\$800
Total Funded from District Paving:	\$25,300.00		
Recreation: Air Conditioner at Depot	8/17/99		\$1,000
Recreation Director for City of Belton	8/17/99		\$3,900
Belfield & Park Repair	4/20/99		\$1,000
Total Funded from Recreation:	\$5,900		
<i>TOTAL FUNDED:</i>		<i>\$31,200.00</i>	

PURCHASE OF BELTON PROPERTIES (for Belton Library site)

Total: \$83,077.75

HONEA PATH LIBRARY EXPENDITURES/RECEIPTS

Total: \$400,000.10

Mr. Greer stated that the implication or the concern that the Belton area has had an abundance of County money going towards their revitalization is a misconception. The Belton Partnership worked very hard to obtain an ICTEA Grant in the amount of \$200,000. The Partnership and the City of Belton has also worked with the "C" Fund committee to appropriate sixty something thousand dollars for paving. In the Administrator's Report under the District paving account, Mr. Greer called Council's attention to page 12 of 25: District 3 - concerning the intersection in question for Honea Path. When the town was in District 3 Mr. Greer appropriated \$5,000 to help the Town with the intersection upgrade.

ADMININISTRATOR'S REPORT:

- (a) Planning Commission Billboard Recommendation
- (b) Certificates and Training:
 - 1. Mr. Gerald C. Shealy - Multi-Hazard Safety Program for Schools
 - 2. Ms. Pattie White, Ms. Susan Pierce - Weapons of Mass Destruction
 - 3. Mr. Victor Carpenter - Municipal Solid Waste Landfill Operator Certification
- (c) Letters of Appreciation:
 - 1. For: Officer Terry Gray - From: Ms. Louise Saylors
 - 2. For: Mr. Holt Hopkins/crew - From: Mr. Van Leopard

3. For: Mr. Steve Whitten's crew member Mr. Buck Smith -
From: Mr. Cliff Lipton
 4. For: Officer Michael Miller - From: Mr. Jim Graham
 5. For: Mr. Bob Daly/Detention Center - From: Ms. Kathryn Campbell
- (d) Minutes:
1. Anderson County Transportation Division Safety October 5, 2001 meeting
 2. Anderson County Local Emergency Planning Committee August 7, 2001 meeting and October 2, 2001
- (e) Reports:
1. Anderson County Detention Center Litter Report - September 10 to September 13, 2001 and September 25 to September 28, 2001, October 1 to October 5, 2001
 2. Anderson County Road Maintenance Litter Report - September 3, through September 28, 2001
 3. Anderson County KAB Litter Report- August and September, 2001
 4. Anderson County Public Safety Division September, 2001 Training report
 5. Anderson County Public Safety Compliance September, 2001 report
 6. Anderson County Public Safety Environmental Enforcement September, 2001 report
 7. Anderson County Public Safety September, 2001 Number of calls report
 8. Anderson County Building & Codes September, 2001 report
 9. District Paving Account Reports - September, 2001
 10. ACOG quarterly report - Services provided July 1 to September 30, 2001
- (f) Follow-Up to LINWA, Inc
- (g) Michelin Boulevard in Anderson County article from ARTS Quarterly
- (h) Emergency Management Institute Training
- (i) Department Transfers - September, 2001
- (j) Charter Communications letter
- (k) Anderson Sports & Entertainment Center October Calendar

There being no further business, Council adjourned at 10:00 p.m.
Respectfully submitted,

Linda N. Gilstrap, Clerk to Council
ANDERSON COUNTY COUNCIL