

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA

Regular Meeting - February 27, 2001 - 6:00 p.m.
Linda N. Gilstrap, Clerk to Council

M I N U T E S

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
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
Tammie Shealy - Assistant Clerk to Council

ABSENT

Gracie S. Floyd - District #2

The official meeting of the Anderson County Council convened in the Council Chambers of the Historic Courthouse on Tuesday, February 27, 2001 at 6:00 p.m.

Mr. William C. Dees gave the invocation and everyone stood and pledged allegiance to the flag.

Mr. Tolly moved to approve the minutes from the January 30, 2001, and the February 6, 2001 meetings as mailed. Mr. Greer seconded and vote was unanimous.

Citizens' Comments: Mr. Walter Herron stated that he was opposed to the proposed sign ordinance dealing with portable signs and feels that Council needs to make an effort to make small businesses aware of this change. The following is a verbatim transcript of Mayor Richard Shirley's remarks as requested a member of Council. Mayor Richard Shirley: "I've never talked in three minutes in my life. This will be quite a challenge for me. I'm gonna keep my own stop watch over here. Thank you, Mr. Chairman, I rise to say to the County Council tonight here is an update on the water situation. I want to ask all you to keep in the next few days and weeks an open mind of what you're gonna be hearing. It appears to me that the Anderson County Water Association is now taking the pack that they are gonna attach the messenger instead telling the truth about the situation as it effects the water of this community. I want to tell you some things that are the truth. The truth is the city of Anderson is vitally interested in owning its retail system. We gave Duke Power the right to sell water inside our city just like you give the right here to the janitorial services, to the people who sell you tires. Duke Power has been empowered by us to do that. We have a right now to say who will be serving our water needs inside the city of Anderson and we will fight until hell freezes over to make sure that stays the same. We are gonna control the retail system inside the city of Anderson. That's not really what the question is here. What is the question is that the Water Association wants to control the water for Anderson County and they don't want to do that as they say through a community wide organization. They say that it will be locally controlled and locally owned and that is true. That is only because they happen to live locally here. The leaders of the Water Association do not have the interest of this community at heart. They do not want to see the people of Pendleton have a vote, they do not want to see the people of Homeland Park have a vote, they do not want to see the people of Williamston have a vote. They want to control the water of this County. So when you are approached in the coming days, to support them and their fight against the City, let me assure you that the fight is not with the City. I will tell you right now in front of the cameras, on this tape, on a piece of paper. If they want to come to us tonight as an organization that everybody that is touched by this community service has a vote. Good. We'll sign it. The fight's over. They want to say it'll be based on usage that if you take 10 gallons you get 10 votes. If you take 5 gallons, you get 5 votes. We'll sign it. Good. This has got to be a community wide service. But the one thing that we are fighting for that we ask for your help is that the price is too high. The Water Association made a mistake. They have paid 70 million dollars for something that is not worth that. We're trying to bring that to the public's attention and we would ask for your help in that. But I'm here tonight to tell you that I have stood in these chambers over the month and watched you welcome new industry into this community. We have earned this "All America" City award by cooperating together. I'm telling you that the city is not the obstacle in this. It is the Anderson County Water

Association, and if you want to continue to have ribbons cuttings, and announcements of new industries in school district three and you want to see Michelin Plants built in this community you better be fighting what the Anderson County Water Association is planning on doing to the water rates in this community cause we will be a ghost town. Thank you."

Mr. Steve Ackerman with Ackerman Lawn Regulators thanked Council for their recent efforts in focusing on environmental issues at the County Council retreat. He said that his concern was the past and present practice of Anderson County hiring contractors to perform lawn maintenance and landscaping jobs without those companies having a state pesticide license. He said the pesticide license was obtained by passing a written exam proving a person's competence in safety and knowledge about insecticides, fungicides, and herbicides, which collectively are known as pesticides. Just as liability and workers compensation insurance is not legally required in most instances a State Pesticide License is not legally required either. A company does not legally require a State Pesticide License before it starts spraying non-restrictive use pesticides; however, many organizations, and many industries require such certification from its' contractors before they are awarded a lawn maintenance bid. He said that currently the Purchasing Department had bids that had not been awarded in the lawn maintenance and landscaping area. Some of these bids are in areas that are highly sensitive to pesticide applications. Such areas are where wildlife exists, areas in which water can be effected, and areas in which people (large groups) are congregating. He said that the Purchasing Department had collected bids for lawn maintenance for 10 community ballparks and all were highly sensitive areas where problems with pesticide applications could occur; however, Anderson County had failed to acknowledge the potential risk by once again considering awarding a bid to a company that does not appear to have a State Pesticide License. He asked the Council to consider all the potential problems that could arise with placing poison in these areas. He said that many companies betting on these jobs do not have certification and he asked Council to tell Mr. Carroll and/or Mr. Preston that the County will no longer accept spraying of pesticides by applicators that have not passed the State Pesticide Exam. He also urged Council to tell them this by means of a unanimous vote. Mr. Greer asked if Round Up was a restricted or non-restricted chemical and the difference between the two. Mr. Ackerman replied that it was a non-restricted chemical and the difference is a restricted chemical you must have a state certification spray. After further discussion, the Chairman explained to Mr. Ackerman that good questions have been raised and Council would like time to have answers before making any decision. Mr. Greer asked Mr. Preston to find out how many people on staff that already have their own private applicators' license. Council received as information.

Council recognized Lt. George Cremer, Officer Ken Blakely and Officer Mark Coyle employees from the Sheriff's Office for their participation with needed repairs to the L.E.C. building which would house the Forensics/ID and Evidence offices of the Sheriff's Department. These Officers renovated the building with approximately \$2,500, which saved the County thousands of dollars. (Officers Ray Taylor, Tommy Clamp, Mike Mitchell, Buddy Ellison, and James Philyaw were also mentioned but not in attendance.) Council praised these officers for their outstanding work and dedication to Anderson County.

Mr. Tom Martin explained second reading of Ordinance #2001-003 - an ordinance making technical modifications to the Anderson County Code of Ordinances. Mr. Martin explained that twice a year the County forwards to Municipal Code all of the ordinances enacted by Anderson County Council since the last update of the Anderson County Code of Ordinances. Mr. Martin explained that the ordinance also incorporates all technical matters that County Council has brought up since the last time there were technical revisions and the ordinance addresses three technical matters designated as Attachment II of the ordinance. The first one is an amendment to revise the language to reflect the actual procedures of Council when positions are to be filled by County Council district appointments. The second amendment notes that the Library Board of Trustees is not subject to numerical limitations that the county imposes on certain other boards. The third revision is to address the appointments of the Human Relations Commission. A public hearing was held and no comments were received. Mr. Tolly moved to approve on third reading and Mr. Greer seconded. Ms. Wilson stated that she supported all of the ordinance except (Chapter 2-Article II, Section 2-38 (c)(6)(c)) and she would like to go on record as stating that her initial interpretation must have been the correct one or the county would not be having to make changes. Mr. Greer asked if the wording of that section was changed or was it just for clarification. Mr. Tom Martin explained that the Attorney General gave a written interpretation that the original wording did in fact convey the content as present language. Ms. Wilson stated that it was an informal opinion; not finding. Vote was five in favor and one opposed (Ms. Wilson). Ms. Floyd was absent.

Mr. Martin presented Ordinance #2001-005 - an ordinance to amend Division 8 of Chapter 38 of the Anderson County Code of Ordinances, so as to impose certain restrictions on the issuance of billboard sign permits in Anderson County; and other matters relating thereto (title only) for a *public hearing only*. A public hearing was held and the following individuals spoke: Mr. Keith Horton, Vice President and General Manager with Lamar Outdoor Advertising stated that he was not totally against the proposed sign ordinance. He did inform Council that he believes there is a need for "cap and replacement" for controlled growth in the proposed Ordinance. He outlined three current

suggestions to the proposed ordinance: 1. Spacing is now 300' - he suggested that the Council move to 500' spacing. 2. Maximum advertising space presently it is 1200 S.F. - recommend move to 672 S.F. 3. (Cap and replacement) Limited bill potential - total number of billboards in Anderson County shall not be increased. Mr. Holden asked why there were so many billboards around without advertising on them. Mr. Horton explained that they had just purchased Bocook Outdoor Advertising and in any situation you can over build the market place. Mr. Greer asked Mr. Horton when he purchased Bocook and he replied in October (2000). Does your company have a maintenance and clean up policy of the signs that you now own and if so what is the policy. Mr. Horton replied yes. He said that they re-post the boards and then they have a schedule where they go out maintain the panels. Some of the boards are so old that the market papers will not actual adheres to the panels so we're in the process of reworking those. Mr. Greer presented pictures of a billboard on Murray Avenue, South. The name of your company appears at the base of the board and the date on the billboard is October. The picture was made on February 14. Mr. Greer urged Mr. Horton to look over the pictures. Mr. Horton said that as of 5:30-6:00 p.m. today the problem does not exist. Mr. Greer stated that he would like to see some type policy as the county moved through the ordinance that addresses maintenance of the billboards and the grounds around the billboards. Mr. Tolly asked Mr. Martin if it would be appropriate to include the ground clean up around the billboards in the sign ordinance or litter ordinance. Mr. Martin replied that it could be enforced as part of the litter but there is no prohibition against Council also including as part of the billboard ordinance a maintenance requirement for the billboards. Council also heard from Mr. David Quinnley with American Outdoor. He said that he was interested in working with the County. He agrees with almost all the proposed changes to the sign ordinance; however, he did state that he had a problem with the "cap and rebuild" program. This really limits the company's growth, he said and the only company that'll be able to grow is Lamar because they have purchased a company that a lot of those structures are old and falling down. This gives them the advantage over his business, which is all new. He said that the "cap and rebuild" is a very unfair practice. Ms. Wilson asked Mr. Quinnley to get with the Planning staff and planning members for possible solutions to his problems. Mr. Greer stated that he understood from his comments that his main opposition to the "cap and replace" is that it would restrict growth and give unfair advantage to Lamar because they had the foresight to purchase another company so it increases their possibilities. Mr. Greer asked Mr. Quinnley if he was aware that Bocook was available for purchase before Lamar purchased it. He replied that he did not. Council received all remarks as information.

Mr. Tom Martin presented Resolution #R2001-006 - a resolution to provide for the commissioning of certain named law enforcement officers, to provide for the proper security, general welfare, and convenience of Anderson County. On the motion of Mr. Greer, seconded by Mr. Dees, Council voted unanimously to approve the resolution as presented for commissioning of Kevin Snipes for Park Police Officer. Ms. Wilson asked how many officers are commissioned in this manner, how many "armed" officers are in attendance at the Council meetings, if it necessary to have this many "armed" officers in attendance, and is it this customary for other Counties. Mr. Preston responded that he will provide the information. Mr. Dees asked that the Sheriff look into commissioning these officers so that they will have powers of arrest outside of the county buildings and off of county property.

Mr. Greer presented Resolution #R2001-007 - a resolution acknowledging and honoring the Reverend Landrum B. Reece, Pastor, Mount Bethel Baptist Church, Belton, South Carolina, upon the occasion of his retirement; and other matters related thereto. Mr. Greer moved to approve and Mr. Tolly seconded. Vote was 6 and zero.

Mr. Greer presented Resolution #R2001-008 - a resolution to protect local citizens and taxpayers from further losses in state shared revenues was presented to Council for adoption. Mr. Greer moved to approve and Mr. Tolly seconded. Vote was unanimous.

Ms. Wilson asked Mr. Preston to provide the following information that may be helpful to conserve and cut back because of the property tax reduction:

List of all County cars and who the drivers are, if the use is restricted or not, list of all that have County phones, list of all that have County pagers and all the cost of these involved.

At Large Appointments: Mr. Larry Greer moved to make the following appointments:

1. Behavioral Health Services Board - Ms. Troyce Ann Ashley - At Large - Mr. Tolly seconded and vote was unanimous.
2. Construction Board of Appeals - Mr. Samuel Greer - At Large - Mr. Dees seconded and vote was unanimous.

District #4 Appointments: Mr. Wright moved to make the following appointments:

1. Land Use Board of Appeals replacement of Mr. Cheslie Mylam had to resign because of illness in his family - Mr. Willard Hursey. Mr. Dees seconded and vote was unanimous.
2. Human Relations Council - Mary S. Hartsel - Mr. Dees seconded and vote was unanimous.

District #5 Appointments: Mr. Holden moved to make the following appointments:

1. Assessment Appeals Board - Mr. Ken Walker - Mr. Tolly seconded and vote was unanimous.
2. Athletic Commission - Mr. Harry Thompson - Mr. Greer seconded and vote was unanimous.
3. Construction Board of Adjustment and Appeals - Mr. Curtis Kinley - Mr. Greer seconded and vote was unanimous.
4. Parks & Recreation - Ms. Ann Dixon - Mr. Dees seconded and vote was unanimous.
5. Purchasing Review Panel - Ms. Rosemary Garrick - Mr. Dees seconded and vote was unanimous.
6. Sports complex - Ms. Peggy Hill - Mr. Tolly seconded and vote was unanimous.
7. Accommodations Tax Advisory Committee - Ms. Martha Berry - Mr. Greer seconded and vote was unanimous.

At Large Appointment:

1. Construction Board of Adjustment and Appeals - Mr. A.B. "Buck" Roberts (at large position) - Ms. Cindy Wilson seconded and vote was unanimous.

Council recessed at this time for 10 minutes. Chairman Wright called the meeting back to order.

Mr. Wright moved to fund \$2,000 from District #4 Parks and Recreation Account to the Pendleton Recreation Association. Mr. Tolly seconded and vote was unanimous.

Mr. Wright moved to fund \$2,000 from District #4 Parks and Recreation Account for the Pendleton Community Club for youth programming. Mr. Tolly seconded and vote was unanimous.

Mr. William Dees stated that Mr. Joey Preston and his staff advised him that the Williamston Rescue Squad is now meeting the required criteria for funding. Mr. Dees then moved to removed from the table the motion to restore funding for the Williamston Rescue Squad for a vote. Ms. Cindy Wilson seconded. Vote was unanimous. Mr. Dees moved to restore funding for the Williamston Rescue Squad. Ms. Wilson seconded. Ms. Wilson moved to amend the original motion that the funding be retroactive back to date the squad became in compliance. Motion died from lack of a second. Mr. Greer amended the motion that the funding be retroactive back to February 1, 2001. Mr. Dees seconded. Vote was unanimous. Vote on the original motion as amended was unanimous.

Ms. Cindy Wilson spoke on Habitat for Humanity and how they make the dream of owning a home come true. She suggested that because of the budget crunch, any council member or county staff with extra commemorative shovels that they have no need for that they be donated to the Habitat for Humanity Organization. She also suggested, that in the future for Council Members and other staff that one shovel be used over and over and a commemorative plates be placed on it after each use.

Mr. Mike Holden asked that the County abandon a portion of Cherokee Trail, C-9-294B as requested by Mrs. Jennie Miler. This is a portion of roadway, which was not encompassed by the new Michelin Boulevard. Mr. Holden moved to abandon the interest in that portion of the road. Mr. Greer seconded. Staff reported that the 30-day posting had been done. Vote was unanimous.

Mr. Holden asked that he be allowed to spend \$5,071.46 from District #5 Parks and Recreation for a project at the Morningside Park. Mr. Tolly seconded the motion and vote was unanimous.

Mr. Jerry Shealy spoke on the need for a change to the EMS Agreement. He said that the end of the year, there was a request for all squads' year-end report (due on Jan. 15 as required in the contract) and we discovered that some of the squads end their year June 30th instead of December 31st. He asked Council to approve the addendum to the contract to include that they would have 90 days from the end of close of books for the year. (for the records the addendum included in the council packet was for illustration only). Mr. Tolly moved to approve and Mr. Dees seconded. Vote was unanimous.

Mr. Greer moved to approve the by-laws of the Anderson county Emergency Medical Services Chiefs Advisory Board. Mr. Dees seconded and vote unanimous. There was an amendment included in the document that if the Chief could not attend then they would be allowed to choose a surrogate party from their squad to sit in for them.

Ms. Wilson asked that the County consider having all parties involved during negotiations for fee-in-lieu agreements and other type of incentives for industries coming into the County. Council agreed that this would expose new expective industry to the community and because confidentially this would not be a good idea. Ms. Wilson said that this probably could be arranged without identifying the actual industry.

Mr. Holden moved to go into executive session to discuss personnel at 8:20 p.m.
Mr. Tolly seconded and vote was unanimous.

Chairman Wright called the meeting back to order at 8:35 p.m. No action was taken during executive session.

ADMINISTRATOR'S REPORT:

- (a) Overpayment of Fee-In-Lieu Revenues
- (b) Certificates and Training: Mr. John E. Chambers, Mr. Tony H. Barnett, Mr. Cory M. Freeman, Mr. Joshua M. Taylor, and Mr. Gerald C. Shealy - National Fire Academy Course (Incident Command Course)
- (c) Letters of Appreciation:
 - 1. For: Road Maintenance-Mr. Aaron Smart's crew (Mr. Cory Gilreath, Mr. Don White, and Mr. Sam Ellis) From: Mr. William Sanchez
 - 2. For: Road Maintenance-Mr. Steve Whitten and crew member Mr. Buck Smith, and the Detention Center inmates From: Ms. Sally Taylor
 - 3. For: Mr. James McAdams From: Mr. Randolph H. Dillingham Director - Anderson County Alternative School
 - 4. For: Road Maintenance Mr. Mark McConnell's Crew (Mr. Matthew Wages, Mr. Carl Shaw, and Mr. Ray Johnson From: Mrs. Evelyn Clardy
 - 5. For: Mr. Jerry Shealy, Lt. John Chambers, and Officer Ralph Cumber From: Ms. Gina Smith-Dahle
 - 6. For: Ms. Sharon Oliver, Assessor's Office From: Ms. Sharon P. Kelly
 - 7. For: Mr. Bob Daly, Mr. Ronald Smith, and Mr. Michael Partain From: Ms. Kimberly Spears
 - 8. For: Chairman Clint Wright, Mr. Aaron Smarts' Crew From: Ms. Sue Medlock, Principal Townville Elementary School
 - 9. For: Central dispatch From: Williamston Rescue Squad Explorers Post 2004
- (d) Special Recognition: Anderson County Records Manager - Mr. Charles Watkins
- (e) Minutes:
 - 1. EMS Commission Minutes (January 11, 2001)

2. Anderson County Development Partnership Board of Directors Minutes (December 12, 2000)
 3. Department of Transportation Safety Meeting Minutes (January 12, 2001 and January 26, 2001 meetings)
- (f) Reports:
1. Recreation Fund Account
 2. Detention Center's Inmate Litter Report - January 2 - 12, 2001
 3. Detention Center's Inmate Litter Report - January 16-26, 2001
 4. Road Maintenance Litter Report - December 25, 2000-January 5, 2001
 5. Road Maintenance Litter Report - January 8-19, 2001
 6. Detention Center's Inmate Population Report
- (g) Request for Bids - Improvements to Solid Waste Convenience Centers
- (h) GSA Business Journal - *All roads lead to Anderson* Article
- (i) Camp Rocky Start - 2000 (Detention Center)
- (j) Appalachian Council of Governments' Quarterly Report
- (k) Grant Agreement - Anderson County/Piedmont Public Sewer District
- (l) Annual EOP (Emergency Operations Plan) Certification
- (m) Informal Opinion of Assistant Attorney General-Boards, Commissions Appointments
- (n) New Courthouse Rear Entrance Information
- (o) LEPC Hazmat Fee Adjustments
- (p) Anderson Regional Airport

Ms. Wilson stated that from reading an article in the newspaper about the major road study it appeared that we have given Hampton Road to the developers and we have spent up to 3 million dollars to improve Hopewell and Breazelle. She then stated that the developers should reimburse the County for all expenses.

There being no further business, Council adjourned at 9:15 p.m.

Respectfully submitted,

Linda N. Gilstrap, Clerk
ANDERSON COUNTY COUNCIL