

ANDERSON COUNTY COUNCIL  
ANDERSON, SOUTH CAROLINA  
Regular Meeting – June 1, 2004 – 6:00 p.m.  
Linda N. Eddleman, Clerk to Council

AMENDED  
(see page 2)

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  
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 1, 2004 at 6:00 p.m.

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

On the motion of Ms. Wilson, seconded by Mr. Holden, Council voted unanimously to approve the May 18, 2004 minutes with typographical errors corrected and clarification concerning several issues on page 4 and 5 for Ms. Wilson.

**Citizen Comments:**

Mr. Brooks Brown said that there was going to be a problem with the budget because there is a Judge across the street that says he is going to have 6 new people. He asked Council to reduce the budget by 1 mill.

Ms. Diane Pressley, representing SHARE, asked Council to consider funding the Summer Youth program because no funding was included in the 2004-2005 fiscal year budget.

Dr. Kristie Harrell informed everyone present of an article that was in the newspaper on Monday, May 24. The article was concerning EPA complaining of sewer leaks. She said the article stated that Anderson County officials were hoping to avoid action by the Federal Environmental regulators over persistent sewer spills in Northern Anderson County and since 1999 there has been 25 sewer spills ranging from 18,000 to 150,000 gallons (according to data

from EPA). None lead to violations requiring fines and the exact locations in Anderson County were not immediately available. EPA has sought a consent order requiring the County to implement a special maintenance program aimed at preventing those types of spills before they occur. The County is refusing to sign the order. County Attorney Tom Martin challenges the maintenance program's legality and said the County was complying with all current state regulations. Mr. Pearson said that the Federal program was unnecessary. Dr. Harrell finished reading the article to Council. She said that Chairman Clint Wright "down played" the issue calling it a "procedural" thing and it was a non-issue. She told Mr. Wright that she was very concerned that the County has no prevention of spillage of sewer in the County.

Mr. Frank Harrell said that he was personally appalled that Anderson County government does not have some type management program in place for the current sewer systems already in place. Ms. Laurie Harrell said that she recently found out about a sewage problem being a part of her back yard. EPA charged Anderson County with 18,000 to 150,000 gallons of sewer leaks in Anderson County. She asked Council would they be taking responsibility for these sewage leakages.

Mr. Joe Renna thanked County for repairing Concord Road with packed clay dirt that was much cheaper. He commended the Road Department for their innovative way of repairing some shoulder problems of Concord Road. He complained that a department head did not return his call.

Mr. Holden said that he went to Mr. Preston and asked him about the article. Mr. Martin said that he did not have the information in front of him however; he was prepared to discuss. He said that Anderson County did have an over-site program for its entire sewer system. It has an internal program in which it addresses all issues involving the operation of the sewer system and the Anderson County sewer system is under permit to the SC DHEC so there is oversight at the local and state level. He also said that the proposed Federal oversight is a matter of "bootstrapping" by the Federal government and there was no Federal statute, which authorizes the program that EPA wants to put into effect and no Federal regulation. So the proposed regulation under which the proposed oversight program would take place does not exist. It was a proposed Federal regulation and has been shelved entirely because the State of South Carolina already has an oversight program. Mr. Wright for clarification stated that he never made a comment that the spills were "a non-issue" what he was speaking of the regulations that was on "hold" from the EPA. Ms. Wilson said that she contacted the EPA and she had a package of materials with several very profound concerns that she has about this. Many of the sites outlined in the report from EPA – the site location was unidentified. The other issues, there had been reports by citizens accompanied by photographs of manholes popping and raw-sewerage coming out and manholes underwater with bubbles coming up. None of those dates or locations was in any of the reports and as far as right of way; roots encroaching are in part of MOM requirements, she said. S.C Department of Health and Environmental Control has an agreement with EPA under which they operate and language must be in all agreements that are compatible. She said that she believed the County was not living up to their management, operations, and maintenance requirements. Mr. Tolly said that he would like to explain some things to Ms. Wilson but in his opinion this was not the proper time on the agenda to do so; therefore, he stated he reserved the right to do so later. Mr. Greer said that he listened with interest to Mr. Renna – on the flip side he said he received a call on Sunday concerning a litter problem – he received a call on a holiday and the problem was corrected this morning. He said that Anderson County was responsive to the needs of its' citizens when they have the opportunity to do so. He said that he had been

meeting with the Ad Hoc Committee to study the Tax problem-one of the main things that has come out of the meetings is that when you have a service that is requested – the ultimate effect is that it will raise taxes to fund that service. Ms. Wilson said that the sewer department was an Enterprise Fund therefore the sewer fees are supposed to take care of running the department. It makes good sense when it costs millions of dollars to put sewer lines in – that if you are having inflow and infiltration it is very costly to treat storm water.

On the motion of Mr. Tolly, seconded by Mr. Dees, Council voted unanimously to approve Resolution #R2004-019 – a resolution recognizing and honoring Anderson County resident Mrs. Velma H. Mayer on her upcoming 100<sup>th</sup> Birthday; and other matters related thereto.

Agenda Item #9 (a) was moved up to this time.

Chairman Wright presented first reading of Ordinance #2004-014 – a request by New Springs Community Church for a major change to an existing Planned Development district on Hereford Trail off of Highway 81. A public hearing was held. Rev. Perry Noble stated that they planned to build a church. No further comments were received. Mr. Dees moved to approve on first reading and Ms. Floyd seconded. Vote was unanimous.

Ms. Julia Sermons Hoyle, Director of the Pendleton District Workforce Investment Board, explained plan modifications to their Board's Five Year Strategic Plan. Ms. Floyd asked why they could not include young kids in their plan and she stated that there were members of the Board that she did not know. Ms. Hoyle stated that the membership was on page 10 and Council may accept their recommendations are make their own appointments. Ms. Wilson moved to approve and Mr. Tolly seconded. Vote was unanimous.

Mr. Steve Pelisser gave, for information only, the 2004 Update to the Comprehensive Economic Development Strategy Plan for 2004. Mr. Pelisser briefly went over the Plan and explained the additions, that the 5-year plan must be approved every year. He said that listing a project in the plan does not commit the County to do the plan it only makes it eligible. Ms. Wilson said that there were a few omissions and errors. The towns of Pelzer and West Pelzer have a number of serious water and sewer needs that the County is unable to help them with. She asked that they be added to water, sewer, and downtown development, and transportation issues. On page 18, under Sewer Infrastructure – there is an error – she said it was Beaverdam Creek Phase IB was complete not 1A. 1A is due to start soon and it was omitted. On Transportation – why is Long Road on the plan to be completely rebuilt at the cost of \$1,685,000? She said that she knew that High View Road needed to be rebuilt and should be included in the plan. Midway Road needs a lot of work. Ms. Wilson said that there were estimates to do the shoulder work for Hopewell, Breazeale, and Cheddar Roads. She also noted that on Solid Waste the County has upgrades and expansion needs in District #7 for the Friendship Convenience Center, the start-up and completion of the Jockey Lot Center. Ms. Floyd said that on Page 3 – Broadway Water and Sewerage district all the projects are listed – she asked if the section, which says "Projects contained in the County District 3 water improvements plan" could be listed individually, like all the others. Council agreed to give Mr. Ricketson their comments/additions and etc. by next Wednesday in order to get in the plan for voting on the June 15 meeting. Mr. Pelisser said that it

could be done but he would recommend that it be worded to say “projects in the plan to include...but not limited to”.

Council took a 5-minute recess at 7:05 p.m. Chairman Wright called the meeting back to order at 7:10 p.m.

Chairman Wright presented third reading of Ordinance #2004-011 – an ordinance to adopt the operating and capital budgets of Anderson County for the fiscal year beginning July 1, 2004, and ending June 30, 2005, and to make appropriations for such Anderson County Budgets for County Ordinary Purposes and for other County purposes for which the County may levy a tax other than for Tri-County Technical College purposes; to provide for the levy of taxes on all taxable personal and real estate properties in Anderson County for such County Ordinary purposes, including sufficient tax to pay the principal and interest on outstanding indebtedness of Anderson County maturing during said fiscal year; to adopt the operating and capital budgets of Anderson County for the fiscal year beginning July 1, 2004, and ending June 30, 2005, and to make appropriations for such Anderson County budgets, for Tri-County Technical College; to provide for the levy of taxes on all personal and real properties in Anderson County on which school taxes may be levied for such Tri-County Technical College purposes; to provide for the levy, assessment and collection of certain other taxes and fees; to provide for the expenditure of said taxes and other revenues coming to the County during said fiscal year; and to provide for other matters relating to Anderson County. Mr. Dees moved to approve the budget on third and final reading and Ms. Floyd seconded. The meeting was turned over to Mr. Preston for his presentation of two additional proposed budgets – 1 with a 1-mil decrease and 1 with a 2-mil decrease. Bottom line, Mr. Preston said, that the budget is “lean” and sensible for the maintenance of healthy growing Anderson County and there wasn’t any fat. The presentation is on file in the Clerk to Council’s office. Ms. Wilson asked that Council look at the Summary of Revenue Fund and General Fund – it says for property taxes – Vehicles – for budget year 2003-2004 - \$3,341,625. If you subtract that from what is projected for 04-05, which is \$2,530,210, the difference is \$289,000. She asked Mr. Preston to check those numbers. Mr. Preston asked Ms. Humphries to respond. She said that at the last meeting everyone received a sheet titled “Property Tax Revenue Fact Sheet” on page 3 of the sheet was the assessment base for vehicles. Ms. Humphries explained it. Ms. Wilson said that as for as infrastructure costs, the County needed to focus funding on maintenance and management and to build 12 miles of sewer line is very expensive and unnecessary for the Walgreen’s project. She questioned the Lease Purchase and asked what the payment was. She said to look at item #40 on Lease Purchase transaction – there is confusion she said. Mr. Martin read the section. After reading the section, Mr. Martin said that on page 22, third line from top, change “in accord” to “not to exceed” per annum. Ms. Wilson asked Mr. Martin his definition of “real property” and he responded “dirt and there-on”. She asked if the County ever used a Lease Purchase agreement in the past three years to purchase real property? Mr. Martin said that to his knowledge has not used this provisions since 1999 when real property because subject to County under the Debt Service limitation of the State Constitution. He said it would not be feasible to use the Lease Purchase for the real property and the grouping is simply generic. The County can use Lease Purchase to purchase real property but the county never has because it would count against the 8% limit, he said. She asked what the \$1,711,955 would be used for and he said that it would be used for the capital equipment items. No land only vehicles. Mr. Martin noted that at the last Council meeting a question was raised regarding the over-all cap of 75 mills. The new language is on page 2 and page 17. Ms.

Wilson asked if Council as a whole vote on prior “lease purchases”? Mr. Martin said that the language has remained consistent. Mr. Dees said that he had concerns regarding the fuel prices, jail costs, and courthouse security. Mr. Dees said that the Detention Center is transporting prisoners to the hospitals and the County is paying for medical expenses for prisoners from other entities. He said he was also concerned about the mileage on the sheriff’s vehicles. He said that council needed to look at charging other entities for these costs. Mr. Wright said that people who live in municipalities also pay County taxes as well. Mr. Daly explained the procedure being used with the municipalities. Mr. Greer said that this debate is an on-going thing, like Mr. Wright those people do pay city and county taxes. This is a cost-conscience concept. He said that he had several areas of concern – the bond to cover the libraries. He said after investigating he found that the bond indebtedness for these Libraries will not raise taxes. He express concern also concerning the Auditor using the 95% collection rate but the new wording concerning the 75 mils would take care of that concern. Mr. Greer said that he was disappointed that the reduction alternatives of 1-mil and 2-mil didn’t include something other than “employees” and he felt that there were areas that could have been reduced to achieve a 1 or 2-mil tax decrease. He said that he could not support the two alternatives presented which would adversely affect the County employees. Ms. Wilson moved to revise the language in Section XXV (Administration, Reporting, and Transferring of Funds” to more accurately reflect state law section 4-9-630. She said that Administrator should prepare a monthly report on County Finances. And on June 30<sup>th</sup> of 2003, 1.6 million dollars was transferred. The motion died from lack of a second. Ms. Wilson stated that it appeared in the proposed budget that there would be an increase in sewer fees by \$530,000 and that should provide for funding for some of the sewer debt service. She said that in her opinion, there were many areas, other than employee raises, that could be cut. Ms. Floyd said that she was concerned about the employees, services, and the Detention Center operation. Mr. Greer and Mr. Holden both expressed concern over the water rates and the fact that County Council has absolutely no authority on the rates. Mr. Wright moved to amend the ordinance to include the new language on page 2 and 17 dealing with “a tax of sufficient millage, not to exceed 75 mils” and on page 22 change words on fourth line from “in accord” to “not to exceed”. Mr. Dees seconded the amendment and vote was unanimous. Vote on the original motion as amended to approve third reading of the Ordinance #2004-011 was five in favor (Floyd, Holden, Tolly, Wright, Dees) and two opposed (Wilson, Greer). Motion carried.

Council took a recess at 8:35 p.m. Chairman Wright called the meeting back to order at 8:45 p.m.

Chairman Wright presented third reading of Ordinance #2004-008 – 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 C-2 (Highway Commercial) to R-20 (Single Family Residential) one (1) parcel of land comprising approximately +/- 0.57 acres of property in the Bowling Green Precinct at 124 Bryon Circle. The property is identified by TMS #199-01-02-013 and is fully described by Plat Book CPS8, Page #02, and Deed Book 5151/231. Ms. Wilson moved to approve and Mr. Tolly seconded. Vote was unanimous.

Chairman Wright presented third reading of Ordinance #2004-010 - an ordinance amending Ordinance #99-004, the Anderson County Zoning Map to rezone from R-20 (Single Family Residential) to C1-N (Neighborhood Commercial) one (1) parcel of land comprising

approximately +/-1.00 acres of property in the Hopewell Precinct in the 3200 block of Highway 81 North. The property is identified by TMS #146-00-02-002 and is fully described by Plat Book CP079, Page #924, Deed Book 18E/55. Ms. Wilson moved to approve on third and final reading and Mr. Holden seconded. Vote was unanimous.

Chairman Wright presented first reading of Ordinance #2004-012 – a request by Marian M. Moorhead to rezone 60 acres on Old Williamston Road from R-20 to R-12. Property identified by TMS #149-00-03-001 and 002. A public hearing was held and no comments were heard. Mr. Holden moved to approve on first reading and Mr. Tolly seconded. Vote was unanimous.

Chairman Wright presented first reading of Ordinance #2004-013 – a request by Poinsett Development to rezone 120 acres on Old Williamston Road near Cobbs Glen from R-20 to PD (Planned Development). Property identified by TMS #174-00-01-001. A public hearing was held and the engineer, Chuck Riker, for the project announced that he was present to answer any questions. The public hearing was declared closed. Mr. Dees moved to approve on first reading and Mr. Holden seconded. Vote was unanimous.

Chairman Wright presented first reading of Ordinance #2004-015 – a request by Karen Ellison to rezone 4 parcels at the southeast intersection of Hwy. 29 and McAlister Road from R-A to C-2. A public hearing was held and Ms. Karen Ellison spoke concerning the ordinance. She asked why the Planning Commission was recommending a C2-N instead of the C-2. Mr. Ricketson said that there was an immediate subdivision and the commission felt that Neighborhood Commercial would be fitting for the area. Mr. Ricketson stated that the citizen applied for C-2 zoning and the Planning Commission and the Citizens' Advisory Board both recommended C1-N. Mr. Greer made several comments concerning the issue and at that time Ms. Floyd called for a Point of Order. The Chairman denied the point of order and allowed Mr. Greer to continue. Ms. Floyd stated that his comments were inappropriate during the public hearing and should be withheld until after the public hearing is closed. The Chairman said that he had already allowed it for others and he would for Mr. Greer. Mr. Tolly moved to table and send back to the Planning Commission. Mr. Dees seconded and vote was five in favor (Tolly, Floyd, Dees, Greer, Wright) and two opposed (Holden, Wilson). Motion carried to table.

Mr. Holden moved to reappoint Ms. Elaine Epstein to the Human Relations Council and a new appointment – Ms. Janelle Ramsey to the Human Relations Council. Ms. Wilson seconded. Vote was unanimous.

Ms. Wilson moved to reappoint Ms. Kristy Williamson to the Museum Advisory Board and Mr. Holden seconded. Vote was unanimous.

Ms. Wilson moved to approve the acceptance of Bryant Estates Subdivision-Phase III, Sweet Farms Subdivision, Oak Grove Farm Meadows Subdivision, and Mountain Lake Estates Subdivision-Phase III into the County Road system. Mr. Holden seconded and vote was unanimous.

Mr. Wright moved to appropriate \$1,000 to the New Holly Light Community Center for summer programming. The funds to come from District #4 Recreation Account. Mr. Dees seconded and vote was unanimous.

Mr. Wright moved to appropriate \$1,000 for the Summer Work program administered by SHARE and the funds to come from District #4 recreation account. Mr. Holden seconded. Vote was unanimous.

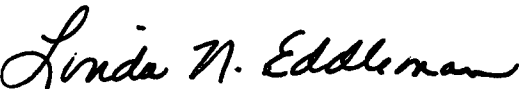
Ms. Floyd reminded everyone of the Pastor's Health Care Summit to be held June 11-12, 2004 at Welfare Baptist Church. She said that she asked for a Point of Order -- the point she was trying to make was that the Council was involved in the Public Hearing and not the questioning section. She told Council to keep in mind that a precedent was set and when she does it she expects to have the full cooperation of the council members. Ms. Floyd asked Mr. Preston to work up a Summer Youth Program budget for the program to start as soon as possible. Ms. Floyd informed everyone the County had a youth that has gone above "greatness" so he asked Mr. Martin to tell everyone about our "Anderson County Son – Scott Martin". He said his son graduated as an Honor graduate in 2001 from Furman University. Scott was accepted in the top 9 law schools in the nation. He turned down Harvard, Yale and Stanford – none of which give any merit-based aide so he turned them down to attend Columbia University which is ranked by US News and World Report as #4 Law School in the nation because Columbia gave him a full scholarship. He attended Columbia University and on May 18 the school had their graduation at the Lincoln Center in New York with a class of 680 on May 19, Columbia University graduated in excess of 10,000 graduates on the campus of Columbia University in New York and following the graduation the Academic Dean of Columbia Law School informed them that Scott had finished NUMBER ONE in his class and his academic record exceeded that of one of the current Justices on the United States Supreme Court. He is now clerking for the 9<sup>th</sup> Circuit Court of Appeals in California.

Mr. Preston announced that the sub-committee for Speed Rails of the S.C. Highway Commission would be in Anderson. A request to sponsor a reception has been received for the Highway Commission who will be meeting in the Council Chambers on June 15. He asked that the next meeting be kept as short as possible in order to allow the Council members the time to attend the reception.

Mr. Wright announced that he had received a request from Mr. Thomas M. Rosenberger, State Department Officer to meet informally with County Council. Chairman Wright asked that Council consider meeting with Mr. Rosenberger at 5:00 p.m. in the Second Floor Conference room on June 15 prior to the Council's regular meeting.

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

  
Linda N. Eddleman