

# ORIGINAL

## ANDERSON COUNTY COUNCIL ANDERSON, SOUTH CAROLINA

Regular Meeting - February 19, 1991 - 7:00 p.m.  
Linda N. Gilstrap, Clerk

### M I N U T E S

A regular meeting of the Anderson County Council was held on February 19, 1991 at 7:00 p.m. in the Anderson County Council Chambers. Chairman Mike Holden presided.

#### PRESENT

Bob Waldrep - District #1  
David L. Hooper - District #2  
Harvie E. Banister - District #3  
Elise C. Cahaly - District #4  
Mike Holden - District #5  
David Standeffer - County Attorney  
David Watson - County Administrator  
Linda N. Gilstrap - Clerk

Chairman Mike Holden called the meeting to order and Council member Bob Waldrep gave the invocation. Everyone stood and pledged allegiance to the flag.

On the motion of Ms. Cahaly, seconded by Mr. Banister, Council voted unanimously to approve the February 5, 1991 minutes as mailed.

Mr. David Standeffer, County Attorney, said that the Mayor of the Town of Starr, Richard Thompson, had requested that an agreement be reached with the Anderson County Sheriff's Department and County Council to allow the hiring of a Sheriff Deputy to provide police protection for the Town of Starr. An agreement has been formulated however, the Anderson County Sheriff's Department has not given this matter their full attention at this point. Mr. Standeffer requested that Council allow the Anderson County Administrator to enter into an agreement with the Town of Starr and the Anderson County Sheriff to provide this police protection for the Town of Starr. The compensation is at the rate of \$20.00 per hour. Mr. Banister moved to authorize the County Administrator to work with the Sheriff to provide police protection and Mr. Hooper seconded. Mr. Waldrep asked that the Administrator check with the Council if any major changes are made and to be reviewed by the County Attorney. Vote was unanimous.

Mr. Standeffer explained that at the last Council meeting Council approved an increase in sewer rates by first reading of Ordinance 323 and asked that the February 5, 1991 minutes reflect this on page 2-4th paragraph. Mr. Waldrep moved to amend the minutes as recommended and Mr. Holden seconded. Vote was unanimous.

Mr. Robbie Ervin introduced Mr. Richard Day and Mr. Rod Willburn representing the consulting firm of Post, Buckley, Shuh and Jernigan. The men presented Council with a proposed plan for a highway study

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known as Anderson County Thoroughfare Plan. The plan is designed to include the areas outside the urban area of Anderson. The proposed plan will give all the residents of Anderson a chance to have some input into road planning. The study would include a plan for Anderson County highways for the next 20 years. Objectives: (1) Identify capacity and safety deficiencies (b) Determine 2010 transportation needs using traffic forecasting model (c) Include public involvement and encourage community awareness and support (d) establish priorities and funding sources for recommended improvements. The study is estimated to cost the County around \$76,000. Council received as information.

Mr. Ervin asked for approval of Resolution #568 naming Highway 95 - Powdersville Main for implementation of E911. Mr. Waldrep moved to approve the resolution and Mr. Banister seconded. Vote was unanimous.

Mr. Tony Cirelli asked Council for approval to accept the roads in Deercreek Subdivision and Woodfield Plantation into the County road system. He stated that they meet all specifications. Mr. Waldrep moved to accept and Mr. Hooper seconded. Vote was unanimous.

Mr. Bob Waldrep discussed Ordinance #318 - Anderson County Development District Ordinance for the Powdersville area. Mr. Waldrep asked Mr. Tripp who is a member of a concerned citizens group started in 1988 for the Powdersville area, to address Council. He explained to Council the need for the ordinance for Powdersville. Mr. Banister asked the County Attorney if the Council could go out into this unincorporated area and implement these land use provisions. Mr. Standeffer promised to review and see where it falls within the Home Rule. Mr. Waldrep said that public hearings would be held prior to third reading. Ms. Cahaly asked that it be required to have public hearings after the first reading. Everyone agreed that a minimum of three public hearings will be held in the community prior to third reading. Mr. Waldrep moved to approve Ordinance #318 contingent upon its legality. Ms. Cahaly seconded and vote was unanimous.

Mr. Hooper moved to go into executive session at 8:10 to discuss sewer. Motion died from lack of a second. Council recessed.

Chairman Holden explained that the sewer discussion was going to be put off until the next meeting because of a lack of information. Mr. Hooper asked that all discontent amount staff members be worked out as soon as possible. Ms. Cahaly asked for a copy of the Santens agreement.

Mr. Watson asked for \$9,000 for the Summer Youth Program. This will be funding in the 1991-1992. The funds must be committed prior to the adoption of the 91-92 budget. Mr. Hooper moved to approve and Mr. Holden seconded.

Mr. Jack Crowe presented the following purchases for Council's consideration: (1) Three month lease for a 40 cubic yard trash compactor from Waste Management, Inc. in the amount of \$450.00 per

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month. (2) for Judge Ervin's office for a personal computer to come from Building Maintenance in the amount of \$1,601.25 from I-N, Inc. Mr. Holden moved to approve the purchases and Mr. Hooper seconded. Vote was unanimous.

Mr. Watson advised Council that the Sewer Authority was still working on a method of treating septic waste and will continue to update Council.

Mr. David Hooper asked Mr. Burns to present the following request. Mr. Burns explained that Mr. Pat Harris, a developer inside the City of Anderson, was building a nursery and requested \$3,611.57 for assistance with paving materials for the project. Mr. Hooper moved to approve and to transfer the funds out of district #2 paving funds. Mr. Holden seconded and vote was unanimous.

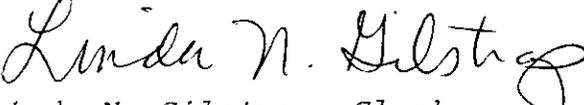
Ms. Cahaly moved to accept a short street in the Town of Pendleton into the County system. Mr. Banister seconded and vote was unanimous.

Ms. Cahaly said it was time for Council to streamline and take responsibility for their actions and assure the taxpayers of this. She then moved to approve a resolution for no tax increase for the next two years. Mr. Banister seconded and vote was unanimous. Mr. Waldrep said that there be a "what if" situation and therefore would be unable to support the resolution. Mr. Holden also said that he had not voted for a tax increase but was unable at this time to vote for the resolution. Mr. Hooper agreed. Vote was two in favor (Cahaly, Banister) and three opposed (Holden, Hooper, Waldrep). Motion failed.

Council heard from concerned citizens. Mr. John Culbertson asked that his written speech be entered into the minutes as public record. Ms. Barbara Junkins asked Council to vote against the proposed prison camp in Anderson.

There being no further business, Council adjourned at 9:20 p.m.

Respectfully submitted,

  
Linda N. Gilstrap, Clerk  
ANDERSON COUNTY COUNCIL

Mr. Chairman, Council members, Other Officials, Ladies and Gentlemen:

Thank you for the privilege to speak tonight. I bring to your attention a problem that is of great concern to the residents of the unincorporated areas of Anderson County.

It is my understanding that over two years ago the problems of septic tank sewage disposal was surfaced in a council meeting but there has been no solution to the problem. It is also evident that this problem has been placed on the back burner while other newer requests have been approved for construction. We believe in progress and new industry should be courted, even planned for, but not at the expense of the taxpaying citizens of Anderson County.

In other words, before the Clemson Quadrant or any other industrial possibilities are completed we need to assure the people that their needs are met. The people in the county have no place to conveniently dispose of sewage waste, without an enormously, outrageous price being charged, to wit: from \$85.00 per 1,000 gallons to the city to \$100.00, \$200.00 elsewhere. Even the \$85.00 fee is guaranteed only through February. In September of 1990 this same fee was only \$5.00 per 1000 gal. (a 1700 % increase). That does not include the \$100.00 fee for having the sewage pumped out of tanks and hauled to the dumping station. A minimum of \$185.00 per 1000 gallons.

What is the solution? What can be done? I call to your attention the legal responsibility. In 1976 under the S.C. Code of Laws the County Council form of government was established by the General Assembly. Sec. 4-9-30 reads "each county government within the authority granted by the Constitution and subject to the General Law of this State shall have the following enumerated powers which shall be exercised by the respective governing bodies thereof:(item 5) to assess property and levy ad valorem property taxes and uniform service charges, including the power to tax different areas at different rates related to the nature and level of government services provided and make appropriations for functions and operations of the county, including, but not limited to, appropriations for general public works, including roads, drainage, and other public works, water treatment and distribution; sewage collection and treatment....."

#### Section 4-9-30 EMERGENCY ORDINANCES

"To meet public emergencies affecting life, health, safety or the property of the people, Council may adopt emergency ordinances.....An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements." It is our contention that something needs to be done now. We have been promised that something would be done. We don't need anymore promises, we need action!!

Further, Anderson County Council ordinance number 164, of 4-2-85 states: Whereas, by virtue of a referendum held in 1982 pursuant to Section 16 of Article VIII of the South Carolina Constitution, the citizens of Anderson County have authorized the County Council to establish and implement a complete and comprehensive program designed to provide sewer services to the residents of the county, and, to that end, the Anderson County Council has heretofore created the Anderson County Sewer Authority; and,

Whereas, the Sewer Authority has studied and prepared a comprehensive plan for a sewage treatment system which, when fully implemented, will provide a basis for service throughout the county; and,

Whereas, the construction of sewage trunk lines and treatment plants throughout the county's drainage basins will accomplish such goals and is a public purpose and one which will increase the County's overall standard of living; and,

Whereas, the Anderson County Council, in the exercise of its general police power, and as specifically authorized by sections 4-9-30 (5) and 44-55-1410 of the South Carolina Code of laws, 1976 as Amended, is empowered and obligated to protect the health and safety of the residents of the County, including providing for sewage collection and treatment, and is further authorized by Section 4-9-30 (14) of the South Carolina Code of Laws, 1976 as Amended, to enact ordinances to implement and enforce its powers....."

Now, Therefore, in Furtherance of the health, safety and welfare of the residents of Anderson County, the Anderson County Council ordains as follows:

#### SECTION II PURPOSE AND INTENT

This ordinance applies to the establishment, operation and maintenance in the unincorporated area of Anderson County of sewage trunk lines and treatment plants to provide for the collection, treatment and disposal of sewage, including industrial waste....."

#### Section V LEVY OF AD VALOREM TAXES

"There shall be annually levied by the Auditor of Anderson County and collected by the Treasurer of Anderson County an ad valorem tax of three (3) mills or such lesser amount as the Council may hereafter determine upon all taxable property in the unincorporated areas of the County...."

This Ordinance specifically states that sewer services are to be provided "to the residents of Anderson County"; not to a manufacturing Corporation; not to a new development; but to the residents of Anderson County!!

County Council is given not only the power to provide sewage collection, treatment and disposal but a levied three (3) mill tax for funding through a special tax ordinance to the unincorporated areas of the County. That was in 1985, six years ago and the unincorporated areas are in worse condition today than in 1985.

Section VI, empowers the Sewer Authority to finance, construct, develop and operate the sewage disposal system "for the special tax district" created by the ordinance. "The first treatment plant to be built shall be constructed upon the Six and Twenty creek."

SECTION III of Definitions states, "shall is mandatory and not discretionary." It is our contention that the ordinance has done nothing but levy taxes for the unincorporated areas, while major emphasis has been on securing services for proposed industry. It is time the Council fulfils it's responsibility to the unincorporated areas and provide disposal services to the tax paying residents of the County who have to use septic tanks because sewer lines are not available.

The three (3) mill tax levied since 1985 has placed hundreds of thousands into the County Treasury. As an example of the magnitude, let me give you amounts collected in just two months. In December, 1990; 76,617.84 and Jan. 1991; \$352,050.78 which makes a total of \$428,668.62 for just these two months. It seems to me that if we consider the six years of this tax there shoul be monies for the relief of the septic tank problem, if the money is used for the purpose intended in the afore mentioned Ordinance.

If monies are not available for relief, where have they been used? Only the Council and Sewer Authority have that answer. All we are asking is that the residents who pay the bill receive some benefits without having to pay additional large dumping fees. These questions need to be answered timely for it is Council's responsibility to assure top value for every tax dollar received.

In conclusion, the Laws are on the books for you, the Council, to provide proper relief for the sewage disposal problem. It is a mandate that declares, "You shall provide these services to the residents of Anderson County." Maybe there has been some "foot dragging" due to pressures applied by industrial groups but it is our contention that the Laws clearly state that "residents" should come first. "Charity begins at home." And yet, we are not asking for charity--only what is rightfully ours because we have paid for it already!! You, the elected Council, have not only the legal obligations but a moral one to those who placed their trust in you to begin with.

Previous Councils have set the ground work...now the torch is passed to you...Will you let it die or fan the flames that provide needed sewage services to the residents of the County. The Ball is in your court.....What will you do? We are depending on you!!!

Thank you,

John W. Culbertson  
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Anderson, S. C.