

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – September 17, 2002 - 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 Larry E. Greer – District #3, Presiding
G. Fred Tolly – District #1
Vice Chairperson Gracie S. Floyd - District #2
Clint Wright – District #4
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, Deputy 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, September 17, 2002 at 6:00 p.m.

Mr. Clint Wright gave the invocation and everyone stood and pledged allegiance to the flag.

Mr. Bill Dees said a good friend, Mr. Sam Simmons, Greenville County Sheriff; passed away he asked that a moment of silence be observed in his honor. Council honored the late Mr. Simmons by a moment of silence.

CITIZENS COMMENTS:

- 1) Mr. William A. Davis stated that he lived in Honea Path, South Carolina on Oak Tree Drive he said his water/well has been polluted by sewerage and begged Council to help them. He said there were about 12 families in the community and all of them have contaminated wells and they have to buy their drinking water. Council received as information. Ms. M. Cindy Wilson stated that years ago DHEC was not as stringent on septic tank permits and these houses were built very close together. They probably would not be allowed to build so close together and get a septic permit now. They need funds to obtain waterlines for their area and the provider is the City of Honea Path.
- 2) Mr. Marshall Mattison of Honea Path also said that his well was contaminated and needed water desperately and he had a \$3800 well dug last spring, which was 175 feet and still has contaminated water. He also asked Council to help them with their situation.
- 3) Name not clear – said he also lives in the Honea Path area on Oak Tree Drive and he also needs water.
- 4) Mr. Charles Crowe talked about the County's bid process and the proposed local preference of 7% for County businesses. He asked could this be the unnecessary spending of hundreds of thousands of dollars on unneeded roads.
- 5) Mr. Marshall Mitchell talked about Charter Communications. He asked Council that during their discussions that they take in mind the outlining areas of the County and to develop a plan that would be more equitable to all citizens and all organizations.

Other Matters:

- 1) Mr. Rodney Sanders said that he was concerned with the format that citizens have to address issues that concern them in the County. He said that an item was brought up in the middle of the meeting and there was no "avenue" for him to discuss so now he is commenting 3 weeks after the fact. He said that something needed to be done about this.
- 2) Mr. Dan Harvell said that one of the most important items to come before Council was placed at the very end of the agenda at the last meeting. He said he waited for hours (after midnight) to address the subject. He also said that it was the Chairman's obligations for the citizens who come to observe and speak their views at these meetings to compose the agenda in a manner to respect their interests and presence accordingly. He said he was referring to the new land use proposals. He asked that Council follow the lead of the schools and schedule one or two awards meetings per year. He said that the Executive Committee of the Anderson County Republican Party unanimously passed a resolution Monday requesting more citizens input into the new land use ordinance before any further action is taken.

Council received all remarks as information.

Chairman Greer recognized Ms. Melissa Smith present on behalf of Partners for a Healthy Community. Ms. Smith thanked Council for their continued support for the Healthwise Handbook an initiative of Partners for a Healthy Community. She said some of their consumer findings were as follows. Twenty three percent of families say that having this information has helped them avoid an unnecessary visit to the doctor's office, 13% said it helped them avoid an unnecessary visit to the emergency room, and many stories that without the information in the book they would have delayed necessary medical care and so it is something that is helping the citizens of Anderson County make good decisions in handling health problems that arise. Ms. Smith presented a plaque of the most recent edition of the Healthwise Hand Book. Council thanked Ms. Smith.

Mr. Steve Pelisser with the Appalachian Council of Governments talked about the Comprehensive Economic Development Strategy Plan. He said that the plan was discussed at the last meeting and as a result several changes were made. He said that Council had received copies of the plan with the changes and he requested a "Letter of Endorsement" from the Chairman that County Council is in agreement with the Anderson County portion of the plan. Mr. Dees moved to approve the "Letter of Endorsement" and Mr. Wright seconded. Council discussed. Ms. Floyd informed everyone that additions for District #2 are listed under the Broadway Water & Sewer District – the Bolt Drive Connector and the Griffin and F4245 connector. Ms. Wilson said that District #7 has concerns in the Transportation section. Errors were made – she said that Long Road, which is in District #7, does not require reconstruction. It does have the intersection at Midway, which needs attention, which should not require \$1,680,000 – maybe \$100,000. In the additions of the Brown Road to Concord to Hopewell to Breazeale and Cheddar, which is a major east-west connector for that end of the County. She referred everyone to the 2000 Moorland Autobelley Transportation Study – it clearly has Brown Road and Hopewell, Breazeale and Cheddar as major priorities and there is no mention of Long Road, High View Road, Midway Road, and Welcome Road. There are definitely estimates in the study. She asked that those estimates carry through to the Council of Governments Local Strategy's of Anderson County. She said that some of the estimates are more than are necessary if the primary intent at this point is to upgrade the shoulders and place strategic turn lanes to keep the traffic moving in an efficient – safe manner. She recommended that the Council look at upgrading Brown Road connects Clemson Hwy. to 81 and Hopewell to Midway, Breazeale to Highway 29 and Cheddar all the way to Highway 20. She said that the County Delegation had recently found funding for up to 90% of the

bridge replacement on Brown Road, which is a critical issue. She requested that the road projects that were already determined to be priority road projects in the Moorland Autobelly report of 2000 take higher precedent priority over Long, High View, Midway, and Welcome Roads. Mr. Bill Dees asked who prioritized the roads and Mr. Pelisser responded that the roads were not prioritized. Mr. Dees also said that part of Midway was in his district and there are residents that he represents that would like that road further up on the list. He said that he thought the word "plan" needed to be substituted with "study" on the last page of the Water Section, last paragraph. Another change is under Solid Waste "Issue Analysis and Implementation Action Plan" – at bottom – last sentence under recommendations change "Anderson County will, in cooperation with state and federal agencies, continue examining environmental conditions at all county owned and operated landfill sites within the county to ensure that the sites are being maintained and are in compliance with all state and federal regulations." Mr. Dees moved to amend the plan to include the two changes above. The amendment was seconded. Ms. Wilson said that the section under Solid Waste was her request that it be added. "She said she had requested, the following section be included in the plan: "Anderson County will conduct a study examining environmental conditions and possible violations at all landfill sites in the County including Starr/Iva and Big Creek to ensure that the sites are being maintained and are in compliance with all state and federal regulations." She said that this was very vital and she did not want her amendment removed. (Chairman Greer asked that all members of Council receive recognition by the Chair before speaking to ensure that all members have the opportunity to enter into the debate.) Ms. Wilson asked Mr. Dees why he wanted to change her change that she requested. He responded that it was the words "possible violations" and the county is already in compliance and are already looked at by state and federal authorities and if we were in violation we would be sited. Vote was four in favor (Dees, Wright, Tolly, and Greer) and three opposed (Floyd, Holden, Wilson). Motion carried. Ms. Wilson moved to amend the Transportation Section of the plan to reflect that Long, High View, Welcome Roads take a lower priority to Brown, Concord, Hopewell, Breazeale and Cheddar Roads and also to have the estimated costs of the improvements added to the plan where it says there is "currently no estimate available". The Brown Road estimate appears to have the cost of the bridge included so that figure needs to be adjusted. Mr. Wright seconded the amendment. Mr. Wright asked Mr. Pelisser if the document was a priority document and he responded no and they would recommend that priorities not be included. Mr. Wright said that he would find it easier to support if she would revise the amendment not include the priorities. She said that she would be willing to do that if someone could explain why Long Road and Welcome Road were placed on the list and what was the reasoning. Mr. Tolly said that it happened when they were in his district and it was because of the Transportation Study done by the Road Department of the County. Mr. Dees asked Mr. Preston if the study that Ms. Wilson is referring to is an up-to-date document and he responded no it wasn't. Mr. Greer said that the Anderson County Major Road Plan was the document where Council actually does their prioritizing on road projects and is subject to be amended at any time. Ms. Wilson decided to remove the portion that would prioritize the roads from her amendment and to change street to road in the documents when it refers to Breazeale Road. Vote was four in favor (Greer, Holden, Wright, & Wilson) and three opposed (Tolly, Dees, Floyd). Motion carried. Chairman Greer moved to amend the plan under Wastewater Facilities, under recommendations: the second recommendation listed: It currently reads: "Anderson County will conduct a study of all wastewater treatment facilities as to possible upgrades of treatment capabilities to ensure clean discharges." He moved to change the language as follows: "Anderson County will continue to monitor and conduct studies of all wastewater treatment facilities as to possible upgrades of treatment capabilities as needed." Mr. Dees seconded. Vote on the amendment was six in favor and one opposed (Ms. Wilson). Motion carried. Ms. Wilson disclosed that because of the Beaverdam Creek project being listed in the plan and their community group is continuing the appeal of

DHEC permits for the projects she would have to abstain. Motion on the plan as amended was five in favor, one opposed (Holden), and one abstention (Ms. Wilson). Motion carried.

Council recessed at 7:15 p.m. Chairman Greer called the meeting back to order.

Chairman Greer presented third and final reading of Ordinance #2002-029 – an ordinance to amending, in limited particulars only, the Master Road list of all County roads located in and maintained by the County of Anderson, South Carolina, created by Ordinance #2001-007; and other matters related thereto. A public hearing was held. Mr. Charles Crowe asked if this was an ordinance to eliminate a road in the County system, which was never in the county system? No further comments were received and the public hearing was declared closed. Chairman Greer said that there had been allegations that are an effort to improve the position of the property owners around this road in their leasing of access of their property to an industry that uses the railroad site saying that the removal/abandonment of this road improved their business position. He said that he wanted to dispel any these accusations rumors misconceptions are whatever to that effect. He asked Mr. Ricketson to put up a slide that made it perfectly clear that the road right of way, the road itself and the property boundaries of the property owner in question shows that the property owner actually owns 17.4 feet of property between the edge of this road (that is not a county road) and the railroad right-of-way. This would have no effect on their business position whatsoever. Mr. Tolly moved to approve and Mr. Wright seconded. Vote was six in favor and one abstention. (Ms. Wilson abstained).

Chairman Greer presented first reading of Ordinance #2002-030 – an ordinance providing for a Five-Year Extension of the investment period for Mount Vernon Mills, Inc. under its lease agreement with Anderson County pursuant to Section 4-12-30(c)(2), Code of Laws of South Carolina 1976, as amended. Mr. Dees moved to approve and Ms. Wilson seconded. Council discussed. Ms. Floyd moved to amend the ordinance to remove the words "it appears" in the fourth paragraph. Mr. Greer seconded and vote was unanimous. Vote on the original ordinance as amended was unanimous.

Mr. Mike Holden presented an ordinance (#2002-031 - by title only) to amend the Anderson County Purchasing Ordinance to change local vendor preference to 7%. He said that the City of Anderson already has a 7% preference. Mr. Holden moved to amend the purchasing ordinance to increase the local vendor preference to 7% up to \$5,000 (\$350 maximum allowance), increase the total preference to 5% on items from \$5,001 to \$10,000 (\$500 maximum allowance), and retain the 2% on all items greater than \$10,000 with a maximum allowance of \$1,000. He also stated that Section 2-640 would be changed from \$500 to \$100. Mr. Tolly seconded the motion. Mr. Holden gave the following figures: Office Supplies purchased this year: 76% of Anderson County does business with Fant's Book Store (\$89,067), the next three vendors all added up to \$51,330. For furniture: Greenville County vendors got 63% and two local vendors got 37% - Office Outlet (not state contract) - \$4,057, Martins - \$5,956, Contract Interiors- \$29,761. He said he thinks that the business should be keep in Anderson County and this is why he brought this up. The County gives incentives corporations to stay here, locate here – the County needs to do the same for the local vendors in Anderson. Mr. Wright said that he wanted to help local businesses as much as any one else, however Council has to look at what affect this may have on the taxpayers of the County. Ms. Floyd said that she was encouraged by the figures and how this may help the County's small businesses. Mr. Dees said that he was also concerned how this would affect the County taxpayers. He also expressed opposition to deletion of Section 2-640 and would recommend that the Council leave the \$500 amount in the section. Ms. Wilson asked if services and goods bid out in this proposal. Mr. Preston said that not services such as engineering and architecture. She said that she had received several calls complaining

that some businesses were not being allowed to participate in a bid process. Ms. Wilson gave an example of what concerns she has. She said that on the Michelin Project the Engineering Company who got the contract had never built a road before. There was a subcontractor who did some work there and he looked at the invoice for the total job and he felt like it was about 10 times more than it should have been. Mr. Dees said that he still could not agree to limit the employees to a \$100 purchase without a bid. He said that just because a business is in this County does not mean that the money stays here. Chairman Greer said he heard it said that small businesses make up about 50% of the businesses in this County. Small businesses provide a boost to our local economy; they employ more people than the County's major businesses. He said the Council just approved a 5 year extension on a fee agreement which in effect would reduced the assessment on that industry from 10.5% to 6% and to not sit here and consider doing something for our small mom and pop businesses in this county is hypocritical. Vote was unanimous.

Chairman Greer presented Resolution R2002-059 – amendment to include the low bids for both the Powdersville Phase I and Beaverdam Phase IB Sanitary Sewer Projects as required by S.C. Water Quality Revolving Fund and DHEC. He asked for a motion to reconsider since the resolution was approved at the last meeting. Mr. Wright moved to reconsider Resolution #R2002-059 and Mr. Dees seconded. Vote was unanimous to reconsider. Chairman Greer explained that the resolution needed to include the amount of each bid, which was required by the State Revolving fund. Mr. Dees moved to approve the Resolution with this information included and Mr. Wright seconded. Council discussed. Ms. Wilson asked where the Powdersville Phase 1 would go. She said that Phase 1 was a lot less than estimated and so was Beaverdam Phase 1B. Mr. Dees called for the question and Mr. Wright seconded. Vote was unanimous. Vote on Resolution #R2002-059 as amended was unanimous.

Chairman Greer presented Resolution #R2002-070 – a resolution applying for State of South Carolina Grant Funds, authorizing the acceptance of such grant funds, and applying the grant funds to the Anderson County Infrastructure Projects; and other matters related thereto. Mr. Wright moved to approve and Mr. Dees seconded. Chairman Greer stated that this was in his Council district and he has been in contract with the Town of Belton. This is for two industries in School District 2 and is vital for attracting other commercial and industrial to its' tax base. Vote was unanimous.

Council recessed for 5 minutes at this time.

Chairman Greer presented Resolution #R2002-071 – a resolution approving the allocation of \$350,000 from the General Fund or other unallocated funds such as cash reserve to provide matching or bridge funds to Water Providers to supply emergency relief specifically for those persons without water or whose wells have become contaminated. Ms. Wilson moved to approve and Mr. Wright seconded. Council discussed. Ms. Wilson said there were areas around the County where citizens were desperate for water. The County water providers have now been put into a legal mechanism so that the County can provide help. This would provide "bridge" funding between the citizens' water tap on fees and the water providers ability to run a line based on the consumers. Mr. Lee explained the water problem that his mother and father in laws are experiencing. Mr. Martin said that the resolution was inadequate or, at least incomplete. He said that to transfer from line item it must be identified as to what line item was coming from or if the money was to come from the cash reserve then that would take an ordinance with three readings. She said would a resolution of support require legislative findings and Mr. Martin replied no. Ms. Wilson moved to pass the resolution of support and by the next meeting an ordinance would be presented which would provide the legal mechanism to do this. Chairman Greer said that there was already a motion and a second on the floor. Ms. Wilson withdrew her

motion and Mr. Wright withdrew his second. Ms. Wilson asked Council if they have other ideas for a solution. Mr. Wright said that he shares her concerns and all districts have the same water plight. He said that he had serious questions as to how the Council will manage it and if it was legal to do it. Chairman Greer said that he had been working with water for a long time and probably more than any Council member because his well has already gone dry. There are unanswered questions and concerns. He suggested that he appoint an Ad Hoc Committee to look into the problem. Ms. Floyd said that she also knows that something needs to be done -- appointing a committee would be the right thing to do. Mr. Dees said that he had problems with water in his district. In order to help all these citizens in the entire County, the Council needs to know who they are. He suggested that a committee be formed. Ms. Wilson said that she was going to be concerned if this was sent to a committee and drag out when these people need a solution immediately. Mr. Wright said that he wasn't sure how fast the committee could move because there are serious questions that need to be resolved. Mr. Tolly moved to amend the resolution that the item be referred to an Ad Hoc Committee to be appointed by the Chairman. Mr. Dees seconded and vote was unanimous. Chairman Greer appointed Mr. Clint Wright as Chair, and members Ms. Cindy Wilson and himself to serve on the Ad Hoc Committee.

REPORT FROM THE EXPLORING REVENUE ALTERNATIVES AD HOC COMMITTEE -

Chairman Clint Wright explained that the committee held meetings in all districts to look into alternative methods of raising revenue verses sales tax. He passed out a report and then briefly explained it to the public. The Committee finds were as follows: 62% either favored sales tax or a combination of sales tax and property tax to pay for County and School services, 55% favored language to eliminate a category taxation if sales tax was increased (the sales tax option - car tax roll back does not address this issue nor does it allow adding language to the referendum question) so the County could not satisfy 55% who responded with the car tax roll back sales tax provision, 36% favored continuing funding from property taxes and 2% favored other options mainly income tax increases. The Committee concluded that a more balanced method of funding County schools and future county services was clearly desired by 62% of the people, just as clear as the fact that state law prohibits local governments from developing new and different methods county by county which meets the desires of the local tax payers; therefore the position of this committee, with the available options of sales tax and the lack of other options, Council should move forward to place any referendum dealing with sales tax on the November ballot. The committee also feels that it would be productive to meet and discussion different opinions with the State Delegation and School Board members in order to develop options for local government to better balance funding of schools, and county services between sales tax, property tax and possibly income tax.

CHARTER CABLE COMPLAINTS - Mr. Fred Tolly said that he had many phone calls complaining about Charter's service that he felt compelled to speak out on the subject. He said that he talked with an attorney and his cable was down for 8 days and he relies on this service for his business. In his opinion, there is no reason for anything to be eight days without some type explanation. Another block of residences were out for three days with constant calls to Charter with no satisfaction. On the fourth day it was out, he said he made a call and the Charter lady said that they had not received any complaints. He also said that it seemed that when the rates go up - the service goes down. The county should at least receive an explanation as to what happened and when it will be put back on. He asked for Council's consent to allow him to get with the Administrator to form a letter demanding better service from Charter Cable. Mr. Holden also told of a complaint in his district where a constituent was out of service for two weeks and they still billed him for the service. Ms. Wilson asked when the franchise would be put for renewal. Mr. Preston said that Charter had acquired other Cable companies in the county and they are in the process of consolidating all of

them into one agreement. Once that is received they will begin looking over the contract.

Mr. Greer moved to appropriate \$500 from District #3 Recreation Funds for the Carolina Aztecs sports team. Mr. Dees seconded and vote was unanimous.

Ms. Floyd moved to appropriate \$1,000 from District #2's Recreation funds for "Kids with Class". The organization deals with children and encourages them to follow school rules and a self-esteem program. Mr. Tolly seconded. Mr. Tolly moved to amend the motion to include \$1,000 from District #1's Recreation funds and \$1,000 from District #5's Recreation Account. Mr. Dees seconded the motion. Vote was unanimous.

Mr. Holden asked why the minutes from the Council Meetings were not on the Internet. Mr. Preston said that he would check out the request and let him know.

Mr. Holden moved to hold a public hearing before a vote is taken on the new proposed land use ordinance standards. Mr. Dees seconded the motion. Ms. Wilson asked for a work session to go along with the public hearing to receive input from the public. Mr. Wright suggested that council hold a special called meeting so that they could set standards and agree upon what will be brought back for final approval. Chairman Greer agreed that Council needed to gather additional input from concerned citizens as council deals with the important issue. He asked Council to ask anyone if they have any questions, comments, concerns or anything that they put it in writing by page number and section number in the ordinance so that Council could consider it in a special called meeting and handle it at that time. Then after the special called session, a new ordinance will be drafted up for a final public hearing and final vote. Chairman Greer then moved to amend Mr. Holden's motion to ask all citizens; organized or individual, to examine the document and make written recommendations by page and section numbers. Then a special called meeting will be held afterwards then a final public hearing and final reading. Chairman Greer also asked that all members of Council submit to him 5 dates for this special called meeting. Copies will be placed in the main library and all branch libraries for citizens to pick up. Vote on the amendment was unanimous. Vote on the original motion as amended was unanimous.

Mr. Tolly moved to appropriate \$5,000 from District #1's Recreation Account for the YMCA scholarship fund. Mr. Wright seconded and vote was unanimous.

Ms. Wilson moved to appropriate \$1,000 for Palmetto Middle School for tumbling mats from District #7's Recreation fund. Mr. Holden seconded and vote was unanimous.

Ms. Wilson moved to approve the Paving List for District #7 and Mr. Holden seconded. Vote was unanimous.

On the motion of Mr. Wright, seconded by Mr. Dees, Council voted unanimously to approve the acceptance of Ashley Woods into the County Road system. Vote was unanimous.

ADMINISTRATOR'S REPORT:

- a. Certificates and Training: Ms. Carolyn Payton-Pinson – Training Manager/Director Certification
- b. Letters of Appreciation:
 1. For: Mr. Jerry Shealy From: Mr. & Mrs. Billy Mitchell
 2. For: Mr. Joey Preston From: Thomas C. Kickham, D.O.
 3. For: Mr. Joey Preston From: Mr. W. Greg Ryberg - Candidate for State Treasurer

4. For: Mr. Joey Preston From: Anderson County Fire Chief's Association
- b. Reports:
 1. Recreation Fund Account Report
 2. District Paving Report
 3. Detention Center Litter Report – August 19-23, 2002, August 26-30, 2002 and September 2-6, 2002
 4. Road Maintenance Litter Report – for August 2002
 5. Environmental Enforcement August Report
 6. Animal Control August Report
 7. Monthly Building and Codes Report
- c. Minutes:
 1. Safety Transportation Meeting
 2. DSS – Minutes of Board Meeting – August 20, 2002
- d. Support of Central dispatch Operations from Chief Jack Abraham
- e. Mr. Bob Daly appointed to National Law Enforcement & Correction Technology Center's Regional Advisory Council
- f. Sports and Entertainment Center – September Events
- g. Department of Justice Letter
- h. Delegation Meeting scheduled for September 30, 2002
- i. ATCT List of Roads
- j. Departmental Transfers

Council Members Remarks:

Ms. Wilson asked Mr. Greer if he planned to give seed monies for the Sherard Road Project. He said he had already taken care of the matter. She said that she had to give money from District #7's paving to help the citizens in the area and she said if Chairman Greer had a special source she would be very interested to know about it.

Mr. Dees reiterated that the water problem was all over the county and just in several districts. He said that the water company in Powdersville just spent over one million dollars moving lines for the widening of highway 81. In District #3 it was approximately 1.2 million to move lines for 81 south widening.

Ms. Floyd – no comments.

Mr. Holden asked Mr. Ricketson and Mr. Preston to contact him to set up a meeting and he asked Mr. Hopkins that he needed him to go look at some water problems with him.

Mr. Wright agreed that everyone probably had drainage problems from all the rain.

There being no further business, the meeting was adjourned at 9:40 P.M.

Respectfully submitted,

Linda N. Gilstrap, Clerk to Council
ANDERSON COUNTY COUNCIL