

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – April 15, 2003 - 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 William C. Dees – District #6, Presiding
G. Fred Tolly – District #1
Gracie S. Floyd - District #2
Vice Chairman Larry E. Greer – District #3
Clint Wright – District #4
Mike Holden – District #5
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, April 15, 2003 at 6:00 p.m.

Chairman Bill Dees called the meeting to order and welcomed all present. The meeting began with a special "Blue Star Banner" presentation, which was to recognize the county employees and their families who have been touched by an immediate family member being called into active duty by the United States of America armed forces. Rev. Thomas Davis of Pine Grove Baptist Church gave the invocation. The United States Marine Corps Ammunition Company 4th Supply Battalion, 4th FSSG, Greenville, South Carolina did the Installation of Colors. Everyone stood and pledged allegiance to the flag of the United States of America that was led by Solicitor Druanne White. Ms. Wanda Johnson sang "The Star Spangled Banner". Chairman Dees gave a brief history of the "blue star banner". All other members of Council made brief remarks. Mr. Preston read an essay written by Mr. Peter Ferrara. The following families were presented banners: Mr. Brian Bayne – brother Derek Bayne, Ms. Kim Cheslak-son, Sammy Horne, Jr., husband, Tim Cheslak, Mr. Corey Gilreath – mother Ms. Lecia Gilreath, Mr. Larry Gilstrap – son, Alton Gilstrap, Ms. Miriam Hanks, Ms. Sylvia Atkin, Allen Atkin, Jr. – Gerald Hanks, Mr. Blair Hill – wife – Jessica Hill, Mr. Jim Holcombe – stepson Matt Jordan, Mr. Terry Landers – son-in-law Chris Vassar, Nephew, Michael Kabbani, Mr. Rocky Latimer- wife Elisha Latimer, Mr. James McAdams – wife, Beverly McAdams, Mr. Chad McBride – Mother Gwen McBride, Ms. Gail Perkins – son- Lee Perkins, Ms. Shirley roach – son- John Roach, IV, Mr. Carl Stone – brother-in-law James Roberts, Mr. Alan Whitlock – wife, Angela Whitlock, Ms. Ashley Williams – father, David Williams. Chairman Dees ended by saying may God continue to protect and bless our home – the United States of America and our military.

Council recessed for 5 minutes at this time. The Chairman called the meeting back to order.

Ms. Cindy Wilson moved to approve the minutes from the April 1, 2003 meeting and Mr. Fred Tolly seconded. Mr. Greer said that in reviewing the minutes there was confusion as to the actions of Council with the amendment dealing with section 38-120 and Section 38-354. After reviewing the tape with Mr. Tom Martin, County Attorney, it seems to be a problem with the minutes and Council's intent. Mr. Martin said that the change recommended would not change any vote of Council only a matter of procedural (parliamentary issue) clarification. Page 6 – middle of page: Mr. Wright's first call for the question did not get a second. The Chair called for a vote. The vote was unanimous; however, that in effect was a vote on Mr. Greer's amendment to his own amendment. Since the call for the question did not get a second that was not a motion that was subject to a vote so the vote that was taken was on the last preceding successful

motion. Ms. Wilson also called attention to page 3 – "Roberts" Road should have read "Rogers" Road. (The clerk regrets the errors and the changes have been made.) Ms. Wilson amended her motion to include corrections as explained to County Council by Mr. Martin. Mr. Tolly amended his second also. Ms. Floyd asked Mr. Martin if approved would any changes be made to what Council agreed upon and Mr. Martin replied that none of the votes would change. Vote was unanimous to approve the minutes with the changes as discussed.

Citizens Agenda: Mr. Brooks Brown said that he read in the paper that Mr. Preston was going to have to make some necessary budget cuts. He said that Council needed to do away with their "slush" funds and the political patronage needed to stop. The money should be in one controlling interest and Council needed to remember that we have an Administrator/Council form of government with the administrator being the strong one and council – the weak ones with oversight. Council doesn't need to micro-manage Mr. Preston. Mr. Holden stated that for the record – County Council hires the Administrator. Council gets elected – the Administrator does not and Mr. Brown's opinion was only one of many. Mr. R.T. Moore thanked council for what they did at the meeting on gun ranges. Mr. Lou Jack Orr with Meals on Wheels recognized all the Meals on Wheels volunteers, officers and directors. Council thanked the group for their hard, dedicated service to the Meals on Wheels Program.

Ms. Gracie S. Floyd moved to approve a proclamation proclaiming the week of May 4-10, 2003 as Suicide Prevention Week in Anderson County. Mr. Mike Holden seconded and vote was presented. Ms. Floyd read into the record the proclamation and then presented a framed copy to Mr. Al Watson, Director of Crisis Ministries. Mr. Watson informed Council that they have planned special services for the Suicide Prevention Week.

Chairman Bill Dees asked for Council's approval by moving to amend the agenda to add a proclamation proclaiming May 4-10, 2003 as Arson Awareness Week. Ms. Wilson seconded and vote was unanimous. Mr. Dees moved to approve the proclamation and Mr. Greer seconded. Vote was unanimous. Mr. Dees read the proclamation into the record.

Mr. Theo Mattison, Mr. Joe Wright, and Mr. Walter Smith with the Caroline Community Center presented a plaque to Council for their support to the center over the years. Council thanked Mr. Mattison and his group for the plaque and for their dedicated service to the citizens of Anderson County.

Ms. Elaine Rollins, Chairperson Human Resources Committee presented Ms. Dorothy Striewing, Animal Shelter Director as Employee of the Month of March. She was presented all special gifts for her selection as Employee of the Month. Council thanked Ms. Striewing for her dedicated and outstanding service to Anderson County.

Mr. Wright moved to approve third and final reading of Ordinance #2003-007 – an ordinance amending Chapter 38 of the Anderson County Code pertaining to Land Use and Development Standards; canceling tabled Ordinance #2000-068; and other matters related thereto. Mr. Fred Tolly seconded. Mr. Wright moved to amend the ordinance by adding the following sentence into the ordinance since Council (on second reading) did away with Section 38-178 pertaining to shooting ranges. **"The unique nature of a shooting range use is such that the following criteria shall be observed in citing such use in the county: No shooting range shall be operated in the County unless the range is in compliance with state regulations and the improvements, size, geography, and vegetation of the area are such that a projectile discharged from a firearm at a target would not reasonably be expected to escape its boundaries by virtue of the trajectory of the projectile, or by virtue of a backstop, berm, bullet trap, impact barrier, or similar device designed to prevent the escape of such projectiles."** Mr. Tolly seconded the amendment. Vote was unanimous. Mr. Wright moved to **amend (#2) the ordinance by (Section 38) substituting the word "shooting range" for the following reference uses: "skeet range", "gun club", or "rifle range" and to amend Section 38-37 to include the following definition for a shooting range – "shooting range" - (a) designated, utilized, or operated by a person(s) for the firing of firearms; and where (b) the firing of**

firearms is a usual, regular, and primary activity occurring in the area. This would serve for the interim period until the County comes up with a better comprehensive plan recommended by the proposed gun committee. Ms. Wilson seconded. Mr. Greer offered an amendment to Mr. Wright's amendment that the language would be inserted pending the report and action by the Council on the committee's study. Mr. Wright seconded the amendment to the amendment. Vote on the amendment to the amendment was unanimous. Vote on the original amendment as amended was unanimous. Ms. Gracie S. Floyd moved to amend the ordinance in Section 38-214 (d). The section will read as follows: **"Surfacing and Marking. All off-street parking spaces required herein shall be paved, except those serving one and two family dwelling units, and other uses requiring six or fewer spaces, which may instead be surfaced with other suitable pervious material, upon written approval of the County Engineer."** In addition, all required parking areas shall provide ample turning radii for public safety vehicles to enter and exit. The approved design shall be marked by lines or curbs, where appropriate, or any other means approved by the development Standards Manager to indicate individual parking and drive spaces. However, due to the limited traffic associated with rural churches, these surfacing and marking requirements may be waived on an individual basis by the Development Standards Manager for rural churches. Ms. Wilson seconded. Council discussed and asked Mr. Jeff Ricketson several questions concerning Ms. Floyd's amendment. Mr. Greer stated that, in his opinion, Council was doing the staff, and that includes him, a disservice when they are asked to give recommendations and opinions on issues of policy that Council is debating. It is his opinion, that Council should ask them to give them Council the fact and not give an opinion. He said that council was putting staff in a position of trying to take a position on an issue. Ms. Floyd said that she will always ask County staff for their facts, advice and opinions. Mr. Greer said he would support something that would take out "upon written approval of the County engineer" and he would prefer to see the number 6 increased to preferable 20 but at least 10. Mr. Wright moved to amend the amendment to eliminate **"upon written approval by County Engineer" and add "must be inspected by County Engineer in order to provide assurances that it meets proper materials and storm water run-off control"**. Ms. Wilson seconded. Council discussed. Council agreed that this would be done in writing. Ms. Wilson asked Mr. Wright to consider in the amendment placing the "rural churches" with the exceptions. He responded that he would like to deal with only one issue at this time. The church issue is clearer he said. Vote on the motion was unanimous on the amendment to the amendment. Mr. Ricketson said that the inspection would be done during the "site plan" inspection, which would eliminate the need for an additional inspection. Vote was unanimous. Mr. Greer moved to amend to delete the word "six" and insert the word "ten" where it says uses requiring six or fewer. Ms. Wilson seconded. Vote was two in favor (Greer, Wilson), four opposed (Tolly, Dees, Wright, Floyd), and one abstention (Holden). Motion failed. Vote on the amendment as amended was six in favor (Tolly, Wilson, Dees, Wright, Floyd, Greer), and one abstention (Holden). Motion carried. Mr. Greer moved

Council took a 5-minute break at this time. Chairman Dees called the meeting back to order.

Mr. Greer moved to amend Section 38-314 - Summary Plats by changing the number of summary plats from five to seven. Mr. Wright seconded. Council discussed. Ms. Wilson said that the ordinance could be very much abused. Ms. Floyd said that the "five" would be in the best interest of the County. Vote was four in favor (Holden, Dees, Wright, Greer) and three opposed (Wilson, Tolly, Floyd). Motion carried. Mr. Greer said that he spoke with the county attorney concerning some ambiguous language in Section 38-354 dealing with front lot lines. Mr. Todd Davidson discussed the language (first sentence "excluding lots contained on summary plats" and offered the following changes: exclude "excluding lots contained on summary plats" be removed from the first line and a new sentence be provided at the end of Section 38-354 "The requirements of this section do not apply to lots contained on summary plats under Section 38-314." Mr. Greer moved to amend the motion by making the change as discussed by Mr. Davidson. Council discussed. Ms. Floyd moved to table because she did not understand the change. Mr. Holden seconded and vote was two in favor (Holden, Floyd), and five opposed (Tolly, Dees, Wilson, Wright, Greer). Motion to table failed. Council discovered that Mr. Greer's motion had not received a second; therefore, Ms. Wilson seconded the amendment made by Mr. Greer. After further discussion, Mr. Greer withdrew his amendment and Ms. Wilson withdrew her second. Mr. Tolly moved to amend to exclude the summary plats from any exemptions

on the setback lines. Ms. Wilson seconded. Mr. Greer said that he would be very strongly opposed to Mr. Tolly's amendment because part of the right-of-way additions from centerline of the road was to justify the increased cost to the taxpayers of Anderson County for developments. If the amendment of Mr. Tolly's passes this will not only effect developments but also every single parcel of property transferred from one owner to another in this County. He said to keep in mind that the definition of a subdivision is the division of property into two or more parcels and if summary plats were excluded then all property in the County would be just to those provisions. So when he cuts a lot off for his son to build a house on – he will then be required to give to Anderson County part of the property that he worked hard to pay for. He said that it is WRONG to sit here, through a regulation, pass a regulation to try to take property that someone has worked all their life to build value in. He said it might be 2" or 200' but through a regulation to take some body's property is wrong. Council discussed. Ms. Wilson moved to table the section in discussion temporarily and bring back after further study. Mr. Holden seconded. Vote was two in favor (Wilson, Holden), five opposed (Tolly, Greer, Wright, Floyd, Dees). Motion to table failed. Mr. Wright said he had been debating and talking about this for days and he would like to make the following observation. He said to take ditch line to ditch line and assume that it is 20' to the back of the ditch. So you have a 25' setback off centerline – simple math tells you that it is 5'. He asked the Attorney who had title to the 5'. He said the present owner. Mr. Wright said then – the county has not taken possession of this person's property. Mr. Greer said he had received information from Mr. Ricketson where the subdivision plats where the section of the ordinance had been implemented before and those plats show where the property between the ditch and the lot line is committed to right-of-way. It is no longer in possession of the property owner. Ms. Wilson asked Mr. Tolly if his bank would loan money for a structure to be built on a right-of-way and he replied no. Mr. Greer moved to amend the amendment by adding a provision for just compensation for the property right of way if the County requires it. Mr. Holden seconded. Council discussed. Mr. Wright called for the question. Mr. Tolly seconded and vote was unanimous. Vote on the amendment to the amendment was two in favor (Holden, Greer) and five opposed (Floyd, Tolly, Wilson, Dees, Wright). Motion to amend the amendment failed. Mr. Greer said that this was wrong and it is the taking of property from a person without just compensation. Ms. Wilson suggested that something be added regarding summary plats to allow for family. Mr. Martin explained that it would be a legal nightmare defining the word "family". Mr. Greer offered his objections one more time that if summary plats are not exempted then it is a taking of property without just compensation. Ms. Floyd said that the County needed vision for the roads that will be needed in the future for the growth in Anderson County. Mr. Greer said that the property owner should not have to pay a higher proportion of the cost of the road by giving away their property than the users of the road. Ms. Floyd called for the question and Mr. Tolly seconded. Vote was six in favor and one abstention (Greer). Vote on Mr. Tolly's amendment was four in favor (Wilson, Dees, Tolly, Floyd), two opposed (Greer, Wright), and one abstention (Holden). Motion carried. Mr. Greer asked to go on record as opposing (in its' entirety) the passage of the ordinance because it includes a provision that would take a person's property without just compensation. Vote on the original ordinance as amended on third and final reading was six in favor and one opposed (Greer). Motion carried.

Council recessed at 9:10 p.m. Chairman Dees called the meeting back to order.

Chairman Dees read the title of Ordinance #2003-008 – 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 R-20 to R-10 approximately 34.67(+/-) acres of property in the Edgewood B Precinct on the Western side of Concord Road. The property is identified by TMS # 146-00-13-003 and TMS #146-00-13-016 and is fully described by Plat Book Cp S1089, Page #003 and Plat Book CP 017/163, Deed Book 3631/33. Mr. Tolly moved to approve on third and final reading and Mr. Wright seconded. Ms. Wilson said that it appears that one landowner with a similar situation had to go through a process with a plan of intent and she feels that on this rezoning request the same should have been required. Mr. Wright echoed Ms. Wilson's remarks regarding the letter of intent. Vote was five in favor (Dees, Holden, Tolly, Greer, Floyd), and two abstentions (Wright, Wilson). Motion carried.

Chairman Dees read the title of Ordinance #2003-009 – 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 r-20 to C1-N (Neighborhood Commercial) one (1) parcel of land comprising

approximately 1.00 (+/-) acres of property in the Hammond School Precinct on Sam McGee Road, near the intersection with Highway 81 North. The property is identified by TMS # 147-05-02-001 and is fully described by Plat Book CP0106, Page #347, and Deed Book 2572/318. Ms. Wilson moved to approve on third and final reading and Mr. Tolly seconded. Vote was unanimous.

Chairman Dees read title of Ordinance #2003-012 – an ordinance authorizing the transfer and sale of certain Anderson County real property to the Salvation Army of Anderson County; authorizing the execution and delivery of real property deeds related to the same; and other matters relating thereto. Ms. Floyd moved to approve and Ms. Wilson seconded. Vote was unanimous.

Chairman Dees read title of Ordinance 2003-013 – an ordinance authorizing a limited fixed-base operator agreement with Eastern Jet Aerospace for operations to be conducted at the Anderson Regional Airport; and other matters related thereto. Mr. Wright moved to approve on third and final reading and Mr. Tolly seconded. Vote was unanimous.

Chairman Dees read second reading title of Ordinance #2003-014- an ordinance amending Section 50-96 of the Anderson Code of Ordinances pertaining to additional requirements for individual mobile home; and other matters relating thereto. A public hearing was held and no comments were heard. Mr. Greer moved to approve on second reading and Ms. Wilson seconded. Vote was unanimous to approve on second reading.

Ms. Floyd moved to approve Resolution #R2003-024 – a resolution recognizing and honoring Anderson County Resident Reverend Doctor James O. Rich for his service and dedication to Anderson County. Mr. Wright seconded and vote was unanimous.

Mr. Wright moved to approve Resolution #R2003-029 - a resolution to approve abandonment of a portion of Whitney Way (C-04-0110). Mr. Hopkins stated that the required posting had been done. Ms. Wilson seconded and vote was unanimous.

Mr. Wright moved to approve Resolution #R2002-030 - a resolution to approve abandonment of grassed sections of Hillhouse Drive and Lee Dobbins Road. Ms. Wilson seconded. Mr. Hopkins stated that the required posting had been done. Vote was unanimous.

Mr. Joey Preston presented Ordinance #2003-016 – the Administrator's Proposed Budget for fiscal year 2003-2004 for Council's approval on first reading. The following is some of the highlights of his presentation: Total County Levy – 75 mills, the General fund Operating budget is \$1,022,460 less than last year, includes 9 new detention center officers, new drug lab chemist (paid for from grant), no capital purchases, non-profit appropriations reduced by 35, Workers' compensation increasing from \$360,500 to \$700,000, no cost of living, merit increases on longevity. Total for all funds for 02/03 was \$90,909,845 and for 3/4 - \$87,829,865. The proposed budget will not use any fund balance, which is at 10.5 million dollars (approximately). Solicitor and Public Defenders' Budgets remain the same, Sheriff has a slight increase of 417,780 (excluding personnel) and the increase is due to the increase in cost of fuel, Tri-County – 02/03 \$1,896,130 – 03/04 \$1,944,275 Library - 02/03 - \$3,385,270 –03/04 \$3,457,725. EMS – 02/03 \$3,550,000 – 03/04 \$3,819,425. Includes a Quick Response Vehicle. Enterprise funds – wastewater budget – 02/03 - \$2,714,830 – 03/04 \$2,789,105. Solid Waste – 02/03 - \$3,668,810, 03/04 \$3,576,415 (decrease), Solid Waste Household fee will remain at \$40. Environmental services – 02/03 - \$6,383,640 and 03/04 - \$6,365,520. Mr. Tolly moved to approve on first reading and Mr. Holden seconded. Council discussed. Mr. Greer called for the question and Mr. Wright seconded. Vote on the call was six in favor and one abstention (Wilson). Ms. Wilson said that she could not find anything in the budget regarding the Beaverdam IA and II in the budget. Mr. Preston said that the projects would be financed and the planning and legal are included in the document. Vote on the motion to approve on first reading was six in favor and one abstention (Wilson). Motion carried. (A copy of the Power Point presentation is on file in the Clerk to Council's Office.) Mr. Dees appointed Ms. Floyd, Mr. Tolly, and Mr. Wright to an Ad Hoc Committee to work on the shooting of guns, gun ranges in Anderson County.

Ms. Floyd moved to appoint Mr. Rufus Clinkscales and Ms. Tatchie Darby to the gun committee. Mr. Dees seconded and vote was unanimous.

Mr. Greer moved to appoint Mr. David Jones to the Sports and Entertainment Center Advisory Committee and Mr. Tolly seconded. Vote was unanimous.

Mr. Greer moved to appoint Mr. R.T. Moore and Mr. Doug Bryant to the gun committee and Mr. Tolly seconded. Vote was unanimous.

Mr. Wright and Mr. Holden delayed their appointments until later.

Mr. Tolly moved to reappoint Mr. Tommy McDonald – Accommodations Tax committee, Mr. Dan Gissendanner to the Airport Commission, Mr. Ray Partain to the Economic Advisory Board, Mr. George Watkins – Farmers Market, Ms. Beatrice Clamp to the Museum Advisory Committee. Mr. Greer seconded and vote was unanimous.

Mr. Tolly moved to appoint Mr. George Watkins and Mr. Brooks Brown to the Gun Committee and Mr. Holden seconded. Vote was unanimous.

Ms. Cindy Wilson moved to appoint Mr. Brian Brown and Mr. Jimmy Cox to the Gun Committee and Mr. Holden seconded. Vote was unanimous.

Mr. Dees moved to appoint Mr. Richard Childers and Mr. Bruce Allen to the Gun Committee. Ms. Wilson seconded and vote was unanimous.

Mr. Holden moved to appropriate \$5,000 from District #5's Paving Account to the Homeland Park Fire Department for equipment and Ms. Floyd seconded. Vote was six in favor and one abstention (Tolly). Motion carried.

Ms. Floyd moved to appropriate \$1,000 from District #2's Recreation Funds for the Cheddar Youth Center for their summer program. Mr. Tolly seconded and vote was unanimous.

Mr. Wright moved to appropriate \$1,100 for the Pendleton Recreation Association for scholarships for their camp program. Mr. Tolly seconded and vote was unanimous. The funds to come from District #4's Recreation account.

Mr. Dees moved to appropriate \$636.34 from District #6's Recreation Account to pay for items used in the Blue Star Banner Presentation. Mr. Wright seconded and vote was unanimous.

Ms. Wilson moved to appropriate \$288 for the Cheddar Youth center from District #7's Recreation Account and Mr. Wright seconded. Vote was unanimous.

Ms. Wilson moved to accept Debra Estates and Cherokee Commercial Park into the County Road system. Mr. Holden seconded and vote was unanimous.

Mr. Dees asked that the Ad Hoc Gun Committee have a preliminary report to Council by July 15 and a final report by August 19.

ADMINISTRATOR'S REPORT:

- a. Letters of Appreciation: For: Mr. Jerry Cash's Crew (Mr. Randy Chambers, Mr. Sammy Moore, Mr. Michael Gregory, Mr. Matthew Wages, Mr. Ray Johnson, Mr. Gilberto Gonzalez, Mr. Carl Dutton, Mr. Barry Smith, and Mr. Russell Grant) From: Ms. Pat Vaughn
- b. Reports:
 - 1. Recreation Report District Paving Report
 - 2. Detention Center Litter Reports – March 10-14, 2003, March 17-21, 2003
 - 3. Anderson County Litter Report (February 2003)
- c. Property Tax Relief and Reassessment
- d. Approval of Cost Recovery application for the GIS Mapping & Addressing
- e. Councilwoman Gracie Floyd to Attend African American Leadership Summit
- f. Clemson Area Transit buses
- g. Letter from Billy O'Dell regarding salary cuts of Auditors and Treasurers
- h. Letter from Anna Marie Brock, Auditor
- i. Letter from Nancy Prince Mackey, Treasurer
- j. Senator Waldrep's Letter – Savannah River Basin-Water Compact Issue

There being no further business, the meeting was adjourned at 11:30 p.m.

Respectfully submitted,

Linda N. Gilstrap, Clerk to Council
ANDERSON COUNTY COUNCIL