

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – April 16, 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
Michael Cunningham – Assistant Administrator
Tom Martin – County Attorney
Linda N. Gilstrap – Clerk to Council
Tammie Shealy, Deputy Clerk to Council

ABSENT

Joey Preston – Administrator

(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 16, 2002 at 6:00 p.m.

Chairman Greer opened the meeting by giving the invocation. Everyone stood and pledged allegiance to the flag.

On the motion of Mr. Wright, seconded by Mr. Tolly, Council voted unanimously to approve the minutes from the March 5, 2002 and March 19, 2002 meetings as mailed.

Citizens Comments: (Agenda Matters) (1) Mr. Charles Crowe requested that his allotted three minutes be transferred to item #9 – Request for budget workshops. Chairman Greer denied the request. Mr. Crowe requested that Council hold budget workshops for the public. (2) Ms. Bennie Sue West pointed out that in the departmental transfers for March there were 10 different transfers from 10 different accounts. She asked were the 10 accounts that the money came from over-budgeted and if the 10 accounts it was transferred to were under-budgeted. She also asked what this money was spent on. (3) Mr. Bruce Gerrard said he was concerned that since he sat on Council years ago, there was a true Council-Administrator form of government, but over the last few years the County now appears to have an "Administrator-Council" form of government and this disturbs him and a lot of other citizens. (4) Ms. Donna Childers said that for four years there has been excessive gunfire in her Community in Piedmont. She urged County to continue to pass the noise ordinance, which may help with their problem. She and her neighbors have been "robbed" of their peace and quiet and their homes' values have declined. She said the community has covenants restrictions for residential use only and now Mr. Belinki states that this is a hobby of his and not a gun range. She said that all residents of Anderson County living in unincorporated areas are at the same risk. (5) Ms. Wanda Williams stated she resides in Piedmont. She asked council to conduct an environmental impact study for possible assistance with the illegal gun range operated by Mr. Mark Belinki. (6) Ms. Mary Kernels stated that they live across the river in Greenville County from Ms. Childers and they cannot stand to go fish or relax at their property because of the noise from the gun range and also she is scared that her husband may be shot. (7) Mr. James Kernels said his property goes all

the way to the Saluda River and this noise and the fact that bullets are ricocheting is violating their rights to occupy their land. He asked Council to do whatever possible to get this stopped. (8) Tommy Witt asked a question concerning altered exhausts on older cars. He said he was involved with an antique classic car hobby and he also started the Electric City Car Club in Anderson. (9) George Fouts said that as a retail dealer of car parts (mufflers) he would like to know exactly what it means by altered exhausts. Chairman Greer stated that there would be responses to some of the questions and concerns as Council moves into the Noise ordinance. Other Matters: (1) Charles Crowe asked Council to consider opening the circle area at the Civic Center for handicap individuals who cannot walk. (2) Lester Brock said that some of the County paperwork that he has acquired stated that back on June 30, 1997 Anderson County had \$16 millions on hand, and on June 30, 2001 the County had \$5 Million on hand. He asked Council what was happening to the County's money. (3) Jacob Brissey said that the County already had a noise ordinance pertaining to certain noises. He said that there were too many vehicles on the roads that would absolutely blow your windows out and that is modification in the "true" sense. The County is not just talking about modification but disturbing the peace and arousing someone during the middle of the night. He asked Council to work on the enforcement part of the already in effect Noise Ordinance. (4) Dan Harvell stated that his concerns continue to revolve around the lack of oversight Council performs over the spending of taxpayers' money. First the unnecessary tax wasting of advertising the County is doing on a local radio station as well as a half page full color ads in the newspaper. These are a slap in the face of the hard working taxpayers that fund this county. He wanted to know when did a government monopoly with no competition need to advertise itself. In his opinion, this seems like a deliberate scheme on the present incumbents of Council to gather support for himself or herself at the taxpayer's expense. He asked how much the County paid for the hot air balloon. He said that he suspected that the County spent approximately \$85,000. He also complained that Council denied the taxpayers the right to speak at the meetings for an additional one-minute to voice their opinions.

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

Ms. Gracie S. Floyd asked for a Point of Personal Privilege. Chairman Greer asked if he could get clarification on something before her personal privilege time. She agreed. Chairman Greer called Lester Brock back to the podium. He asked Mr. Brock to restate his fund balance figures again and where he obtained his information. Mr. Brock said June 30, 1997 - \$16 million, June 30, 2001 - \$5 million and the information came from the county books that are printed each year. (Mr. Brock was referring to the audit book.)

Ms. Floyd wanted to let Council know that Council has faithful people who always attend the Council meetings. He welcomed Ms. Donna Bars who is back from open-heart surgery. Council welcomed back Ms. Bars and a speedy recovery, also.

Chairman Greer stated that in the audit report referred to by Mr. Brock on table III, the 1997 total ending fund balance is \$15,743,109 and 2000 the ending fund balance was \$5 million however the total ending fund balance in the audit book is \$12,441,935. He said that there seemed to be some error as to how information is gathered and used. In response to Mr. Harvell's request for the cost of the hot air balloon, Mr. Greer asked Mr. Harvell if he could substantiate his source of his information. He said that he did not have proof. Mr. Greer requested to Mr. Preston the price of the balloon and he has received from the Finance Director the following information. The balloon was purchased from Why Not Aviation on 9/28/00 at the cost of \$34,310. One half of this amount (\$17,155) was paid on 5/25/01 with the remaining balance of \$17,150 paid on 11/6/00. The price also includes the cost of 1978 Chevrolet van that is used as a chase

vehicle. It was refurbished to accommodate the equipment necessary to transport the hot air balloon. The funds were taken from Accommodations fees and the balloon advertises and promotes Anderson County. He also said that the balloon is scheduled to fly at the Cancer Walk in Honea Path in May. Ms. Wilson stated that last September she began asking what the fund balance was on June 30. In October or November, she received a report that indicated a fund balance of \$5.9 million so she does not think that Mr. Harvell pulled this figure out of the air because she had seen that number too. She said that the fund balance is a little confusing to citizens such as the Airport fund which receives loans from time to time from the General Fund and the loans are listed as Accounts Receivable.

Chairman Greer presented a proclamation urging all patriotic citizens to wear a Buddy Poppy for gratitude to the men and women of this country who have risked their lives in defense of the freedoms, which we continue to enjoy as American citizens. Mr. Greer moved to approve and Mr. Wright seconded. Vote was unanimous. The framed proclamation was presented to Mr. Steve Barnes. County Council was presented a Buddy Poppy award by the Veterans of Foreign Wars.

Mr. Bill Dees recognized Wren Boy Scout Troop 210.

Mr. Chuck Watkins, Chairman of the Human Resources Committee, presented Ms. Brande Carpenter from the Anderson County Animal Shelter as Employee of the Month of March 2002. Ms. Carpenter was presented all the special "Employee of the Month" gifts. Ms. Carpenter has begun a coordinated effort with numerous rescue operations. Through this, the county has placed dogs as far away as Fort Smith, Arkansas. Also, Ms. Carpenter has put the County on the Internet under www.petfinder.com. Council commended Ms. Carpenter for her efforts and her concerns for Anderson County and all of the county's homeless pets.

Mr. Greer presented second reading of Ordinance #2001-047 – an ordinance to amend certain sections of Anderson County Code of Ordinances pertaining to Noise Restrictions; and other matters related thereto. Ms. Floyd read an ordinance regarding the City of Anderson and noise population such as boom boxes and car radios. A public hearing was held and the following individuals spoke. Mr. John McCormick, a member of the Noise Committee, spoke on pros and cons of the ordinance and enforcement. Ms. Kathleen Hoggs complained of noise at her house every night coming from the soccer fields at the Sports and Entertainment Center. Ms. Sandy Wood of Osteen Hill Road in Piedmont said that she had a problem with the noise from the gun range. Mr. Scott Walsh of 1020 Windermere Court said that kids have to have something to do or the kids will rebel. Mr. Gary Thompson of Belton said that his property on the lake, which is rental and his renters, moved out in December because of the neighbors and their loud music. The Deputies came out and nothing was done and if some disciplinary measures were taken then maybe they would not have to constantly come back. Mr. Kernels spoke again in opposition regarding the gun range on the Saluda River. Mr. Richard Bennett a real estate developer who uses a boat on the weekends which uses automatic exhausts. He asked Council how they were going to distinguish against the rights of the people playing soccer against the airport, I-85 Bridge, or etc. He said that you have to live together and everyone needs to try to work things out. Ms. Wanda Williams said the gun range was not there when they moved there 20-30 years ago. It is their homes that he is disturbing. Mr. Charles Crowe asked if it was still in the ordinance that if you plan to have a party you must get the neighbors to sign a form. He encouraged Council to enforce the Disturbing the Peace. Ms. Pat Faust said that she thought everyone was over-reacting to the noise. Ms. Donna Childers spoke again on the shooting range. She said it was not only the noise it was an issue of safety that their community is also worried about. Ms. Debra Croxton said that she had a suggestion on the noise. She recommended that prayer be used

and a decimal zone technique be used. Mike Clark from Greenville asked Council to consider some type of notification if the public is required to "tone" down their boats. He said that to tone down a boat designed to run without a muffler would be very expensive. The public hearing was declared closed. Ms. Floyd moved to approve the ordinance and Ms. Wilson seconded. Council discussed. Mr. Wright said that it would be hard to pass a law to make a good neighbor, and personally the proposed ordinance is no more enforceable as the one already on the books. Mr. Tolly suggested that the citizens in the area of the illegal gun range explore their community's covenants help stop the noise problems and he asked Mr. Cunningham to check out the complaints at the Anderson Sports and Entertainment Center. Ms. Wilson asked if it would be possible for the County attorney to make suggestions. She also stated that she would vote to keep the issue alive to receive more input and more clarification on the difference in disturbing the Peace and the Noise ordinance. She also asked that Mr. Cunningham get operating hours at the Anderson Sports and Entertainment Center. Mr. Dees said it was a very subjective ordinance and has concerns with enforcement issues. And Mr. Holden said that he had questions that needed to be answered and the effectiveness of the ordinance. Mr. Holden moved to table because of the many concerns. Chairman Greer asked Mr. Holden to withdraw his motion to table to allow him to make comments since he was waiting on all the other council members to make comments before he made his comments. Mr. Holden withdrew his motion to table. Mr. Greer stated that he sympathized with the citizens regarding the gun range problem however he still has a problem with whether it is a gun range or a private citizen shooting on this own property so the County needs a definition of what a gun range is. He asked if it was possible to specify something in the Land Use ordinance to target shoot on your range on your private property more than once per week then you become a gun range. This would separate private use. Mr. Martin said that the Council could approach the problem that way however the question is what will sustain against a legal challenge. The tighter the restrictions on the private use of property the greater the likelihood of a challenge and the greater the likelihood it would be overturned and if Council can substantiate the health and safety reasons for any definition then yes Council can impose restrictions by definition. One section says that the County Sheriff's office or other duly authorized enforcement personnel shall enforce the provisions of the ordinance. He asked did this allow code enforcement by Public Safety officers. He said he was under the impression that they would be allowed to enforce the ordinance. He said that on page 4 - noise from farm activities, which are in operation at the effective date of the time of adoption, are exempt from actions pursuant to the division. He said that during one year to the next a farm could change from such as a grain farm to a beef farm. He said that he would like the following change be made that says, "noise arising from normal farm activities are exempt from action pursuant to this provision." He also said that he had recommended a change earlier regarding the testing of emergency systems. This is done every Friday at 6:00 and also tornado test warnings are done every Monday morning. He asked the County Attorney that the changes be included in the document. Mr. Holden moved to table and Mr. Dees seconded. Vote was four in favor to table and three opposed. (Mr. Tolly, Ms. Floyd and Mr. Greer voted in opposition.) Motion to table carried.

Chairman Greer presented a proclamation welcoming Israeli Consul General Jacob Rosen to Anderson County, South Carolina. On the motion of Mr. Dees, seconded by Ms. Wilson, Council voted unanimously to ratify the proclamation, which was presented to Israeli General Jacob earlier in the week. Vote was six in favor. Mr. Wright was out of the room at the time of the vote.

On the motion of Mr. Tolly, seconded by Mr. Dees, Council voted unanimously to approve Resolution #R2002-041 a resolution approving the conversion of the interest rate on the issuer's \$5,000,000 tax exempt adjustable mode industrial development

revenue bonds (Federal Paper Board Company, Inc. Project) Series 1990 (the "Bonds"), appointing a successor trustee and a successor remarketing agent and authorizing the execution and delivery of a first supplemental indenture of trust and other documents.

Council recessed at this time (8:25 p.m.) for 5 minutes. Mr. Greer called the meeting back to order.

On the motion of Mr. Wright, seconded by Ms. Wilson, Council voted unanimously to approve the five-year plan revision for Pendleton District Workforce Investment Board with the revisions as explained to Council by Ms. Julia Sermons.

Mr. Cunningham presented the 2002-2003 Vision Statement/Goals for Council's approval. Mr. Dees moved to approve and Mr. Holden seconded. Ms. Wilson stated that she asked Mr. Daly to make a list of all repeat bad litter areas and his opinion as to what we can do as a Council to enforce the County's litter ordinances and start a clean-up process. He suggested that we coordinate with Mr. Shealy's group and see about asking police officers to make themselves known or put the "groundhog" on these roads. Mr. Daly stated that Hwy. 413 from Iva to Belton, Abbeville Highway from Abbeville County line to 28 bypass, Hwy. 252 from Belton Highway to Honea Path, Flatrock road from Hwy. 81 to Abbeville County line, Concord road, all of Highway 81, Shiloh Church Road (Piedmont), Holliday Dam Road (Honea Path), Hwy. 8, Old River road (Piedmont) were the areas that need something done. She suggested that council join in the effort to get this addressed. The vision statement includes a major component concerning the Beaverdam Sewer Line and Ms. Wilson stated that she would recuse herself because of an appeal with DHEC concerning the permits issued for that project. She said she would like to have more budget workshops. Mr. Holden stated that he would like to add several roads to the list. Mr. Greer objected to placement of the phase on Page 4- Number 9 under Action Needed: "with the goal of moving toward countywide zoning". He asked if the phase "Establish dates for zoning referenda" was meant for the quarterly precinct zoning referenda. Mr. Cunningham responded that he was correct. Mr. Greer moved to amend the vision statement as discussed (remove the phrase "with the goal of moving toward countywide zoning"). Mr. Wright seconded and vote was six in favor and one recusal (Ms. Wilson). Vote on the original as amended was six in favor and one recusal (Ms. Wilson). Motion carried. Ms. Wilson left the chambers during discussion and vote on the issue.

Ms. Floyd gave a report on the Small Business Ad Hoc committee and their two meetings. It was determined that trying to develop a fee in lieu of tax would not be compliance with state law. They met with Council of Governments, Chamber of Commerce, Economic Development and the Partnership as well with an individual from Clemson University. A seminar will be held to assist these small businesses with grants and insurance. She said the committee has completed their goal and will no longer be convening.

Ms. Floyd moved to approve a request in the amount of \$500 for the Alternative School to help with the purchase of athletic equipment. Mr. Tolly seconded and vote was unanimous. The funds will come from District #2 Recreation Funds.

Mr. Holden moved to approve a request in the amount of \$10,000 for assistance with expansion of the Williford Fire Department from District #5's paving account. Mr. Tolly seconded. Vote was unanimous.

Mr. Holden moved to approve a request in the amount of \$18,165 to help with a project at the Centerville Fire Department. The funds will come from District #5's paving funds. Mr. Tolly seconded and vote was unanimous.

Mr. Wright moved to approve \$160.00 for the Spring Jubilee in Pendleton for portable toilets. The funds to come from District #4 Recreation Account. Mr. Dees seconded and vote was unanimous.

Mr. Wright moved to approve \$1,000 for the Pendleton Youth Association's programming. The funds will come from District #4's Recreation Account. Mr. Dees seconded and vote was unanimous.

Ms. Wilson requested that the Council hold at least three budget workshops with the public to go over the 2002-2003 proposed budget. The workshops would be held prior to first reading of the budget. She moved that this be done. Motion died from a lack of a second.

Mr. Dees talked about several members of Council sending very conflicting signals to the County Attorney regarding the Noise Ordinance. He said that he knew it was very frustrating and he would do anything necessary to help with the issue.

Ms. Wilson said that under item "G" of the Administrator's Report – Judgment in Civil Case Anderson Regional Landfill – it should be noted that this was a settlement between the citizens and the landfill company. Ms. Wilson requested a complete copy of the road study. She also asked for backup materials on transfers involving the cost transferred for engineering, management consulting and professional services. Ms. Wilson said at the last County Council meeting the County had a county employee taking photographs of her and anyone who appeared to be friendly towards her therefore she requested that arrangements be made for her to view those photographs and find out what the purpose was. Ms. Wilson said that she had received reports coming in that the Administrator, a local report for a local radio station and a real estate broker were calling for her opponent in the up-coming individuals' announcement. She asked for an explanation. She asked that Mr. Cunningham or Mr. Preston let her know how the on-going effort to provide assistance for Pelzer or West Pelzer's sewer needs. Ms. Wilson said that she would like to see the Williamston Rescue Squad's new proposal that will save more money and help with the emergency needs in the Hopewell and Piercetown Communities. Ms. Wilson said that she had anonymously received copies of bids sent out by Purchasing concerning bids for a scraper. She asked that Mr. Preston provide an update by Mr. Carroll for this item. Mr. Holden asked Ms. Wilson if she knew what the outcome of the Judgment in the civil case regarding the Anderson Regional landfill. She said no. Mr. Holden asked Mr. Martin to try to obtain the information on this and Ms. Wilson also said that she would like to see the information also. She said that there was a deposition "floating" around and it appears that there is a gentleman that comes to all the Council meetings that sits at the back of the room from Latta, South Carolina and she said that in that deposition it indicates that he receives a cut from every ton of garbage that comes into our County and Council needs to know if that is true. Mr. Martin said that he would attempt to find out.

The first meeting in May (May 7) was rescheduled for May 14, 2002. The second meeting would be on May 21 as previously scheduled.

Mr. Wright announced that on May 16 hosted by Upstate Forever there would be a seminar on the "Z" word zoning in the upstate. Mr. Wright said that he would like to see Council have a budget workshop once they have received the recommended budget. He said that at the retreat he requested a minimum of a 5% reduction in the budget and a \$10,000 reduction in the Recreation budget and if the budget comes

back in a form that is not matching their expectations then a workshop would be necessary.

Council agreed that the following would be the time-line for the budget:

First Reading: May 14 @ 6 p.m.

Second Reading and public hearing: May 21, 2002

Third Reading: June 4, 2002

In response to a comment made earlier in the meeting, Mr. Greer said that he would invite anyone sitting in here to show Council where it states that the Council prepares the budget. He read portions of the state law, which Council is bound to comply with.

ADMINISTRATOR'S REPORT:

- a. Certificates and Training:
 1. Mr. Ben Willis, MIS Department – Microsoft Certified Professional Course, Installing, Configuring, and Administering Microsoft Windows 2000 Professional, and Installing, Configuring, and Administering Microsoft Windows 2000 Server
 2. Mr. Bill Stevens, Building & Codes Department – Introduction to Management and Supervision Course
- b. Letters of Appreciation:
 1. For: Mr. Joey Preston and Staff From: Anderson Independent-Mail – Mr. Tony Marroni, 2002 Business Expo Chair
 2. For: Mr. Vic Carpenter, Mr. Greg Smith, Mr. Dean Brown, Mr. Donnie White, Mr. Bill Cross and Mr. Tim Drandy From: Department of the Army, Corps of Engineers
 3. For: Mr. Dan Burlette of Road Maintenance From: Ms. Becky Cooley
 4. For: Mr. Charles Wyatt and Staff From: Anderson Area Chamber of Commerce – Mr. John B. Kimbrell
 5. For: Mr. Taylor Jones and Mr. Tommy Thompson From: Pendleton Area Rescue Squad
- c. Minutes:
 1. Transportation Division Safety Minutes – April 5, 2002
- d. Reports:
 1. Detention Center Litter Report – March 25-28, 2002
 2. Detention Center Litter Report – April 1 -5, 2002
 3. Detention Center Litter Report
 4. Road Maintenance Litter Report of March 4-29, 2002
 5. Building & Codes Department Report
 6. Environmental Enforcement Report of March 2002
 7. Compliance Report of March 2002
 8. District Paving Report
- e. Sports and Entertainment Center's April Schedule
- f. Appalachian Council of Governments and Anderson County Services provided January-March 31, 2002
- g. Judgment in Civic Case Anderson Regional Landfill, Anderson County and Allied Waste Industries
- h. Pickens County Council option to reserve capacity in the Anderson Regional Landfill and approved the Waste Disposal Agreement Between Anderson Regional Landfill and Pickens County
- i. Interchange Lighting – I-85
- j. Reduction in State appropriated Funds for FY02
- k. Clemson's Men's and Women's basketball teams to start next season at Civic Center
- l. 4-U Transit Bus Article
- m. Departmental Transfers

There being no further business, Council adjourned at 9:30 p.m.

Respectfully submitted,

Linda N. Gilstrap, Clerk to Council
ANDERSON COUNTY COUNCIL