

ORIGINAL

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA

Regular Meeting - November 15, 1988 - 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 November 15, 1988 at 7:00 p.m. in the Anderson County Council Chambers - Room 109. Chairman James M. "Jimmy" Cox, Jr. presided.

PRESENT

Chairman James M. Cox, Jr. - District #1
David L. Hooper - District #2
Robert L. Wiles - District #3
Ernie Garrison - District #4
Mike Holden - District #5
David Watson - County Administrator
Mike Mullinax - County Attorney
Jack Crowe - Purchasing Manager
Linda N. Gilstrap - Clerk

Chairman Cox called the meeting to order and Council David L. Hooper gave the invocation. Everyone stood and pledged allegiance to the flag.

On the motion of Mr. Wiles, seconded by Mr. Garrison, Council voted unanimously to approve the November 1, 1988 minutes as mailed.

Mr. Robert Wiles recognized Boy Scout Troop #206 from Iva, James Lark-Scout Master, Ed Clark-Assistant Scout Master, and Dorothy Herbal-Merit Badge Instructor. He presented all members a lapel pin.

Chairman Cox recognized Ms. Elise Cahaly and Mr. Harvie Banister newly elected Council members.

Mr. David Peters, representing the Anderson Airport Commission, presented Council a proposed lease for White's Aviation and asked Council for ratification. He said the proposal had the entire commission's approval. The terms of \$200 per month were discussed. Mr. Garrison said that he had not seen the lease and asked if the \$200 per month (which is a reduction) was two wrongs trying to make a right. He said that he knew that Mr. Reid Garrison and Anderson Aviation have a very low lease and asked if the purpose for lowering the lease was to make it equitable. Mr. Tom Bates explained that the Airport Commission considered certain disadvantages White's Aviation faced such as ramp space, location and owning his own building. Mr. Bates said that all

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leases would come up for renewal at the same time. Mr. Hooper said he had the lease and wanted time to look over therefore, he moved to table until he and other members of Council could read it. Mr. Wiles seconded the motion and vote was unanimous.

Mr. Roscoe Whitten and Ms. Sandra Henry asked Council the current status on the junkyard he previously questioned Council about. He said that the junkyard was definitely in violation of the ordinance. Council discussed. Mr. Garrison explained that he knew this item was going to be discussed and asked that Curtis Kinley, Building and Codes Director, be present for the discussion and asked that the minutes reflect that Mr. Kinley was not present. Mr. Mullinax explained that he had some advice to give to Council in executive session. Mr. Cox told Mr. Whitten that the County Attorney will advise Council on how they must proceed to help with the problem.

Mr. Tony Cirelli presented third and final reading of Ordinance #267 for Council's consideration. The ordinance deals with private roads which were caught in the transition of adopting Ordinance #260-Road Standards. Mr. Cirelli explained that only those roads under construction with documented proof of construction prior to August 2, 1988, are exempt from the provisions of Ordinance #260. Council conducted a public hearing for citizens to speak. There were no comments. Mr. Hooper moved to adopt on third reading and Mr. Wiles seconded. Vote was unanimous.

Mr. Cirelli presented the following amended fee schedule for Land Use.

1. Commercial/Industrial Site Plan Reviews.
\$40.00 minimum plus \$1.00 for every sq. ft. of gross floor area over 2000 square feet with a \$500 maximum.
2. Multi-Family Size Plan Review.
\$40.00 minimum plus \$1.00 for each dwelling unit over 15 units.
3. Mobile Home Park Site Plan Review
\$40.00 minimum plus \$1.00 for each Mobile Home unit over 15 units.
4. Sign Plan Reviews.
\$15.00 for review of location signs on premise unless included in original site plan.
\$15.00 for review of a permanent outdoor advertising sign or free standing off premise sign.

Mr. Cirelli explained that the fees were adopted by the Land Use Commission and the Commission would recommend the adoption by County Council. They are a reduction in fees currently being charged. Mr. Cox said that Council could adopt by Resolution or by first reading of

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an ordinance, if necessary, tonight. Mr. Hooper moved to adopt and Mr. Wiles seconded. Vote was unanimous.

Mr. Garrison moved to appropriate \$2,500.00 to the Sandy Springs Fire Department to help with a building project. The money to come from his special projects fund. Mr. Cox seconded the motion and vote was unanimous.

Mr. Garrison congratulated Senator Mullinax on his election.

Mr. Garrison said the Sheriff in office now has given 16 diligent years to the County and we now have a new Sheriff going in. A lot of things will be involved in the transition of this and Council needed to take every step possible to make sure there is no let down in the service from the Sheriff's Department to the County and all the property is transferred from one sheriff to another and one group to another. He said in order to do this he would like to recommend that Council ask the County Administrator, and give permission, to furnish Sheriff Cooley and Sheriff-Elect Taylor temporary help, temporary quarters that they might need in making this transition and also allow him the leeway of helping them select or appoint other people in the next 30-40 days. Mr. Cox seconded the motion. Mr. Cox asked if additional funding would be necessary. Mr. Garrison said no. Vote was 5-0.

Mr. Garrison said that a few months ago, Mr. Hooper, Mr. Wiles, Mr. Mullinax, and himself got together with Mr. Stathakis and Mr. Shirley to receive information and the paper said that it was a secret meeting. Mr. Garrison, at that time, said that he was told he was there to receive information and he will run like a rabbit from any secret meeting. He said he has attended no secret meeting to approve any pay raises for County Council and to his recollection it was brought up in a work session. The Independent Mail gave Council credit in an editorial for defeating a seven-member Council referendum. He said he believed in taking credit were it is earned and giving credit were it is due and said that the timing of the pay raise and the news media did as much to defeat that referendum as Council ever thought about doing. He said he wanted to give his opinion and that was the reason he placed the item on the agenda and allow any other Council member the same opportunity. Mr. Garrison said that Council was within its rights to do it, and it was done properly. Mr. Cox agreed with Mr. Garrison and said that during the time when Council voted on the raise they had no idea what reassessment was going to bring and plans to ask for a public hearing on the subject. Mr. Holden said that in June, the salary increase was justified for the work put in and felt that nothing was done wrong. He said he had a lot of people in the community talking about the school increase of 13-1/2 mills and the impact of reassessment and people's tax bills and at this time he didn't feel comfortable about the raise situation now. He said he will bring up a motion at this meeting concerning that. Mr. Hooper said that the raise would not help him one way or the other and nothing was done wrong. Mr. Wiles said that he voted against the budget on third reading which

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included the salary increases, that was not the reason he voted against it, but feels that it was deserving. He said that the salary increase came up right before the election and probably met the goal it intended to meet and still feels that the raises were justified. Mr. Garrison said the raise will not effect him in any way and will abstain from it. Mr. Watson expressed his views on the raises by saying that nothing was wrong with compensating people for doing a good job and a salary of \$10,000 was not exorbitant.

Mr. Hooper moved to open a public hearing on the salary raises and Mr. Cox seconded. Vote was 5-0.

Council opened the floor for a public hearing to receive input from citizens. Several citizens spoke. The public hearing was closed.

Mr. Holden said that he did not think County Council did anything wrong when they voted for a salary increase, but he was not happen with the way reassessment came out and the increase in taxes. He said that he did not feel comfortable with the salary increase, therefore, moved to amend the budget to rescind the salary increase and the money allocated for the salary increase be placed in the general fund. Mr. Wiles seconded the motion. Mr. Cox asked for an opinion by the County Attorney. Mr. Mullinax explained that Council's salary decision was made pursuant to Code of Laws, Section 4-9-100. "After the initial determination of salaries, Council may by ordinance adjust the salaries, but the ordinance changing the salary is not effective until the date of commencement of terms of at least two members of Council elected at the next general election following the enactment of the ordinance effecting the salary changes at which time it will become effective for all members." In his opinion, the word adjust means up or down and was approved on June 29 and will go into effect Jan. 1, 1989. Any action pursuant to this statute cannot take place until the next general election, if Council votes tonight to rescind it, it could not take effect until after the next general election (1991). Mr. Garrison said that to vote on this tends to say that we have done something wrong and want to correct it and this Council can donate their salary back to the County at any time. Mr. Holden said that during discussions with the Chairman and County Attorney prior to the meeting, he was under the opinion that this could be done. Mr. Mullinax said that his opinion was based on the plain meaning of the statute. Mr. Cox told Council that the vote was to change the salaries of the Councilmen who will take office in 1991. Mr. Holden said that this was not his intentions and was under the impression that it could be done. Mr. Holden asked for another ruling from the County Attorney or another opinion. This would be first reading of Ordinance #268 and would state that this take effect January 1989. Mr. Holden also said that if the ordinance could not be effective January 1989 then third reading will not be presented. Mr. Garrison called for the question. Vote was three in favor (Wiles, Hooper, & Holden) and two abstaining (Cox, Garrison).

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Mr. Mike Holden asked Rusty Burns to present Resolution #481 concerning zoning. The resolution requests the Anderson County Planning and Development Board to explore the feasibility of implementing zoning in the unincorporated urbanized areas of the County. Mr. Holden moved to approve and Mr. Hooper seconded. Vote was unanimous.

Mr. Hooper asked that \$1,000 be appropriated to the Concord PTA from District #2 - Special Projects and \$4,000 to the Hammond Community Center to help re-roof the center. Mr. Cox seconded and vote was unanimous.

Mr. Cox asked that the following Special Projects appropriations be approved. Hopewell Fire Department - \$850.00, Piercetown Fire Department - \$1,000.00, Wren Fire Department - \$850.00, Williamston Rescue Squad - \$850.00, Pelzer Rescue Squad - \$850.00. Mr. Hooper seconded the motion and vote was unanimous.

Council amended the agenda to hear from the Blue Ridge Security Service.

A member of the company asked if the Council intended on having security at the Airport. Mr. Garrison stated that he was in favor of security at the Airport and it coming under the Sheriff. Council agreed to wait until the new Sheriff takes office to get his opinion and input.

Mr. Jake Compton spoke in opposition to the Anderson County Comprehensive Traffic Safety Commission and additional funding. Council received as information.

Mr. Wiles talked about the Comprehensive Traffic Safety Commission and the fact that he was under the impression that additional funding was approved during third reading of the budget. He moved to appropriate an additional \$19,200 for the Commission from the Contingency Fund to get the commission started. Mr. Holden seconded. Mr. Garrison stated that he was against the Council forming another bureaucracy. Mr. Cox also said he opposed new bureaucracy. Vote was three in favor (Wiles, Hooper, Holden) and two opposed (Cox, Garrison).

Council recessed for 15 minutes at 9:00 p.m.

Chairman Cox called the meeting back to order at 9:15 p.m.

Mr. Wiles stated that he and Mr. McClure met with the Mayor of Iva. He said that the Town of Iva had a few streets that needed motorgrader work. 1 - Off Broad Street, 1 - off Highway 413, inside the City limits, and the extension of Green Street, and some motorgrader work beside their maintenance shop. All or dirt roads and the Town has all rights-of-way. Mr. Wiles moved to ask the Road Maintenance Department to do this work. Mr. Cox seconded and vote was unanimous.

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Mr. Wiles explained that on October 24, 1986, Council approve Ordinance #212 concerning malicious damage or removal of road signs. He moved to amend the ordinance by first reading of a new ordinance (#269) to include the following: "In addition, thereto, such persons shall be liable to Anderson County or other proper highway authority in charge, for the cost of such injury or damage in a civil action. This Ordinance shall be enforced by the Anderson County Sheriff's Department and any other law enforcement officers of the County." Mr. Garrison seconded the motion and vote was unanimous.

Mr. Mullinax explained that a petition has been received from residents of Ervin Street in Starr asking that .3 of a mile, east of Highway 81, be closed and not maintained by the County. Mr. McClure has investigated and agrees. Mr. Mullinax asked for a motion to authorize the closure of this by whatever action is necessary under State Law. Mr. Garrison moved to authorize the closing of the road. Mr. Wiles seconded the motion and stated that as far as he knows there is no opposition. Prior to the vote, a public hearing was held. There were no comments. Vote was unanimous.

Mr. Mullinax conducted a public hearing concerning the annexation of properties into the Homeland Park Water District. There were no comments. He then presented Resolution #482 approving the annexation of approximately 97 acres into the district boundaries of the Homeland Park Water District. Mr. Hooper moved to approve the resolution and Mr. Garrison seconded. Vote was unanimous.

Mr. Mullinax presented third reading of Ordinance #264 authorizing the issuance and sale of not exceeding \$100,000 general obligation bonds for the purpose of defraying the cost of acquiring land for recreational purposes. He asked that the Ordinance be amended to allow the bonds to be issued in 1989 and that the Administrator be permitted to negotiation with banking institutions in the County to obtain the best interest rate possible. A public hearing was held and no comments were made. Mr. Hooper moved to approve on third reading and Mr. Cox seconded. Vote was four in favor and one opposed (Garrison).

Mr. Mullinax presented first reading of Ordinance #270 authorizing the issuance of industrial revenue bonds in one or more series through December 31, 1993 in the amount of \$200,000,000 for the purpose of financing the expansion to or improvement of Michelin Tire Corporation's existing manufacturing facility. Mr. Garrison moved to approve and Mr. Wiles seconded. Vote was 5-0.

Mr. Mullinax presented a Resolution (#483) authorizing the execution and delivery of a petition to the State Budget and Control Board of South Carolina requesting approval of the issuance of Industrial Revenue Bonds in the amount of not exceeding \$200,000,000 in one or more series through December 31, 1993 for Michelin Tire Corporation Project. Mr. Garrison moved to approve and Mr. Hooper seconded. Vote was unanimous.

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Mr. Mullinax presented a request from Cable Synergy for approval to permit the Chairman to execute a document which acknowledges the security interest in their equipment to permit them to borrow money. Mr. Hooper moved to allow the chairman to sign and Mr. Garrison seconded. Vote was unanimous.

Mr. Mullinax asked for authorization that the Administrator and Litter Officer to either negotiation to provide a barrier to remove the objection to the Junkyard (Major Road) or failing to effect a reasonable solution of the property owners and the individuals who appeared before Council or to revoke the permit and take whatever actions necessary to do so. Mr. Cox moved to do whatever necessary to satisfy the property owners and Mr. Wiles seconded. Vote was unanimous.

Mr. Cox moved to give all County employees Thanksgiving Day and the day after off. Mr. Hooper seconded and vote was unanimous.

Mr. Jacky Hunter presented the following budget transfers: Assessor - account #409-100-002 (part-time salaries) to #408-100-003 (overtime) - \$7,000.00 which is needed to catch up on work. Solicitor - #416-100-001 (full-time) to #416-100-002 (part-time) - \$20,241 - error in budget. Emergency Preparedness - #505-100-001 (full-time) to #505-100-002 (part-time) - \$11,089.50 to cover part-time work done by Robert King. Mr. Hooper moved to approve and Mr. Wiles seconded. Vote was unanimous.

Mr. Hunter explained that Starr being incorporated, was not granted the three (3) mill exemption for the property owners inside the city limits for sewer. A refund for 120 taxpayers at \$378.87 per year will amount to \$1,136.61 for the three years. He asked that a 60 day time period be set and the refund procedure be approved. Mr. Cox moved to approve and Mr. Hooper seconded. Vote was unanimous.

Mr. Crowe explained the cost to move the Gray house on County Home Road to an area beside the Law Enforcement Center would be \$1,850.00. Mr. Cox moved to allow the action of the house and Mr. Holden seconded. Vote was unanimous. Mr. Hooper suggested that the bill be presented to the Civic Center Authority for payment.

Mr. Crowe asked for permission to purchase uniforms for the Detention Center from Hub-Stinnete Uniforms in the amount of \$3,108. Mr. Hooper moved to the purchase and Mr. Cox seconded. Vote was unanimous.

Mr. Cox moved to appropriate \$1303.86 from District #1 - Special Projects for Boy Scout Troop #205 for building improvements. This is contingent upon the County seeing the title to the building. Mr. Hooper seconded and vote was unanimous.

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Mr. Hooper discussed reassessment and the appeals form and process. He moved to re-open the appeals process to allow for people who did not understand the form. Mr. Garrison suggested to extend the deadline for 30 days. Mr. Hooper moved to re-open the appeals process for an additional 30 days. Mr. Garrison seconded. Mr. Cox amended the motion to include an extension of time for Mr. George D. Pepper and all like cases. Mr. Garrison seconded the amendment and added that adequate public notice is given that this is taking place. Vote on the amendment was unanimous. Vote on the original motion as amended was unanimous.

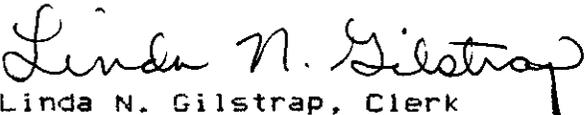
Mr. Cox moved that Council authorize the publication of a pamphlet dealing with property taxation of Anderson County. The pamphlet to include the following information: I. Information on how the County receives its revenues. (what sources). II. A breakdown of the percentages of each school district as to the amount of the total tax bill which goes for operation of the educational system. III. Why there is a reassessment of real estate in the county and at what intervals is it done. IV. An explanation of the reassessment notices. V. A taxpayer's bill of rights to include: A. What is a reassessment notice? B. What to do if you disagree with your reassessment. C. What time limits are imposed for appeal. D. How to appeal. E. What are the various levels of appeal. What if you lose? . Who may appeal. G. An explanation of the homestead exemption and who is eligible for it. VI. Proposed alternatives to County real estate ad valorem taxation currently under consideration by the General Assembly. He said he would like to have the pamphlet published and put in prominent locations around the County. He would ask that the Administrator determine the cost and present a draft for adoption before publication. Mr. Garrison seconded and vote was 5-0.

Mr. Cox offered for first reading, Ordinance #271, assuring the citizens of Anderson County that the Civic Center will not become a burden and no additional funds will be expended from the operating budget of Anderson County for construction of the Civic Center and the new Anderson County Courthouse. Mr. Cox moved to approve on first reading and Mr. Garrison seconded. Mr. Hooper moved to table until the next meeting and Mr. Holden seconded. Vote was three in favor (Wiles, Holden, Hooper) and two opposed (Garrison, Cox). Mr. Holden said he would like to see the ordinance prior to voting.

Council heard from concerned citizens.

There being no further business, Council adjourned at 10:30 p.m.

Respectfully submitted,


Linda N. Gilstrap, Clerk
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