

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA

Regular Meeting - April 5, 1988 - 4:30 p.m.
Linda N. Gilstrap, Clerk

M I N U T E S

A REGULAR MEETING OF THE ANDERSON COUNTY COUNCIL WAS HELD ON APRIL 5, 1988 AT 4:30 P.M. IN THE ANDERSON COUNTY COUNCIL CHAMBERS - ROOM 109. CHAIRMAN JAMES M. "JIMMY" COX, JR. PRESIDED.

P R E S E N T

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

Mr. Cox called the meeting to order and Councilman 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 March 11 and March 16, 1988 minutes as mailed.

Mr. Barry Patterson, Anderson County Fire Marshal, explained to Council that about a year ago a committee called CERTA (Chemical Emergency Response Team of Anderson) was formed. This committee involved members of City and County Fire, City and County Police, Highway Patrol, Emergency Preparedness, DHEC, Hospital, media, and several business men. From this, several months ago, Council through the State formed the County Local Emergency Planning Committee. Mr. Patterson presented a three year plan and the costs of the start up and maintenance of a Hazardous Material Response Team. He asked for budget consideration of \$48,030 for the first year. Mr. Garrison moved to receive as information and turn over to the County Administrator for budget consideration. Mr. Hooper seconded and vote was unanimous.

Mr. Cox said that the State Agricultural Council announced that Anderson County has been selected the Piedmont winner for its' participation in the 1987 Farm City Week Observance. Mr. Don Click, District Soil Conservationist, was the 1987 Chairman and was assisted by Janis Hunter and Terry Suddeth from the Clemson Extension Service along with Greg Woodard with Land Resources, and Robbie Ervin. Anderson County organized a Farm City Week Tour of area farms and industry with approximately 50 farm and industry leaders participating. Farm City Week is held annually to join Farm and City people together to get acquainted. Mr. Cox then presented the award and Mr. Woodard accepted.

Mr. Ron Martin appeared before Council concerning the Anderson County Building & Codes Ordinance #149 and interpretation regarding the authority for the Building and Codes Director to issue warrants, single or multiple for the arrest of individuals who may or may not be in violation of the code without prior notification. The ordinance says that you must be notified by registered mail or advertised in the newspaper. To the best of his knowledge he cannot obtain any letters of any registered form. He charged the Council with looking into such matters and perhaps re-interpretation of the code as to the rights of people who are administering this code. The warrants were withdrawn when he questioned their authority and now he has received an "Anderson County verses Ronald Martin" for the same. He is still waiting for copies of the registered letters from the County Attorney. Mr. Cox told Mr. Martin that if there is pending litigation it would not be wise to discuss until after it is concluded.

Mr. Clinton King explained the following unexpected expenditures for FY 1987-88. 1- Two silt ponds - Starr Sanitary Landfill (DHEC Regulations) 2- Purchase Landfill compactor destroyed by Fire - Pendleton Sanitary Landfill 3- Increase in Portable landfill usage. He said approximately \$79,000 is needed for the balance of the fiscal year for operating expenses. Mr. Hunter suggested that the \$28,000 appropriated for the portable landfill be delayed until July 1. Mr. Wiles said that the land needed to be closed out and he didn't want to hold up the project. Mr. Crowe asked that \$600 be left in the account to close the land deal. Mr. Wiles asked Mr. King to do some site preparation. Mr. Garrison said he would like to see a solution for the entire \$80,000 request rather than a two week remedy. Mr. Watson said that there would be some monies left from the portable landfill but would not address the total \$80,000. Mr. Watson said he knew of two places the money could come from. One is a supplemental budget appropriation or the bridge account. Mr. Wiles moved to authorize the Solid Waste bills to be paid, no unnecessary purchases be made and a solution be worked out by the next regular meeting. Mr. Hooper seconded the motion and vote was 5-0.

Mr. King requested that County Council approve new asbestos disposal charges in Anderson County Sanitary Landfills. Greenville County doesn't receive asbestos. They take their waste to the Waste Management Landfill in Spartanburg. They charge \$75.00 per cubic yard and Pinewood charges \$90.00 per cubic yard. He explained the special handling and paperwork involved with handling asbestos. Mr. Garrison said that to make sure we are doing the proper thing with asbestos and hazardous waste, that he would like for the County Administrator and the County Attorney to check into the matter and make sure other counties don't dump on Anderson County. Mr. Cox stated if other Counties are charging a large amount it is obvious that charges are figured in for down the road. Council discussed the fee further. Mr. Watson recommended a minimum fee of \$100.00 or \$75.00 per cubic yard. Mr. Holden suggested that the County Attorney and County Administrator get more information before a fee is set. Mr. Holden then moved to suspend acceptance pending the report from the County Attorney and County Administrator. Mr. Garrison seconded. Final action on a fee will be in two weeks. Council asked Mr. King to notify all involved. Mr. Cox asked Mr. King to bring the total amount of asbestos in the landfill at the next meeting. Vote was 5-0.

Mr. Burns presented Resolution #442 naming certain county roads for E911. Mr. Wiles moved to approve the list with the exception of C-4-111A - Private Drive. Mr. Garrison seconded and vote was 5-0.

Mr. Mullinax requested an executive session at 5:30 p.m. concerning the Courthouse Immanent Domain suit and the Anderson Aviation Suit. Mr. Wiles moved to go into

executive session for the reasons stated and Mr. Hooper seconded. Vote was unanimous.

Mr. Hooper moved to come out of executive session back into regular session at 6 P.M. Mr. Holden seconded and vote was unanimous.

Mr. Mullinax presented first reading of Ordinance #249 which involves one amendment to the Litter Ordinance. The amendment involves section IV-103 requiring an owner within 15 days to bring property within the provisions of the ordinance instead of 45. Mr. Wiles moved to approve on first reading and Mr. Hooper seconded. Mr. Garrison asked about the requirement to cover all trucks. Mr. Mullinax read parts of Section II-100 (c). Mr. Garrison explained he would not like to see individuals be required to go out and purchase a cover. Mr. Mullinax suggested that section (b) be amended to read: "said material is contained in such a manner as to prevent litter on public and private property." Mr. Cox discussed section (c) and covers being required for commercial haulers. Mr. Garrison suggested that this be referred to the County Attorney for proper wording prior to second reading. Vote on the motion to approve on first reading was unanimous.

Mr. Mullinax presented first reading of Ordinance #248 amending the existing Junkyard Ordinance. He explained the amendments. 1- Under section I-4: Application ADD: "Illegal junkyards and open storage areas shall come into compliance with this ordinance within thirty (30) days after its adoption." 2- Under section II-1: Location: delete "Open storage areas serving as accessory uses and occupying no more than 25% of the total lot area, are exempt from the provisions of this section." Mr. Hooper moved to approve with the amendments on first reading and Mr. Wiles seconded. Mr. Wiles asked for clarification on the 30 day requirement to come into compliance. Mr. Mullinax said he could not comment without review. This will be clarified at the next meeting. Vote was 5-0.

Mr. Mullinax opened a public hearing for written or oral comments on the Land Use and Development Standards Ordinance. One person spoke. The public hearing was declared closed. Mr. Mullinax then presented third reading of Ordinance #245 dealing with Land Use. Mr. Hooper moved to approve and Mr. Cox seconded. Mr. Hooper asked Mr. Cirelli to stand and state the situation of the rock quarry. Mr. Cirelli said that he talked with representatives from Davidson Minerals and found that it was only a misunderstanding of how the ordinance was to be interpreted and to what extent. Mr. Cirelli told them that the operations that they have now and since they have already filed with the State Bureau of Mines for a small addition to the existing mine on the back side, would be exempt from the regulations. He understood what would be grandfathered in under this ordinance and he would not have to close down and stop operations. It was a big misunderstanding. He said the Land Use Commission will handle gravel pits, and rock quarries on an individual basis at a public hearing and grant variances if needed, so Mr. Minnick's current operation would be grandfathered in. Mr. Cox said he received a letter from Mr. John Gilreath, SC Highway Department, saying that he hoped we would change our minds about closing the quarry. Mr. Cox said that there was nothing in the ordinance that effects the presently operating business. Mr. Minnick has written a letter rescinding a previous letter. Mr. Holden thanked Mr. Minnick for writing the letter and asked that it be sent to all who received the original letter. Mr. Cirelli said that the Land Use Commission will handle variances on an individual basis. The Council thanked all members of the Land Use Commission for a job well done. Mr. Holden said he had no intentions to put Davidson Mineral out of Anderson County. Vote on the motion to approve the ordinance on third reading was 5-0.

Mr. Mullinax presented third reading of Ordinance #246 establishing a Courthouse Building Authority. He explained the following amendments: The term of office is changed to 180 days after Council receives its certificate of occupancy in the building being constructed and to delete Section V dealing with mileage. Mr. Cox moved to approve and Mr. Garrison seconded. Vote was unanimous.

Mr. Hooper presented Resolution #443 directing the Clerk to Council to mail copies to all municipalities of Ordinances affecting directly or indirectly all municipalities in Anderson County. He then moved to approve and Mr. Cox seconded. Council discussed. Mr. Hooper amended the resolution to delete the word "indirectly". Mr. Cox seconded the amendment. Vote on the amendment was 5-0. Vote on the resolution as amended was 5-0.

Mr. Burns presented a request for Mr. Hooper to appropriate \$10,000 from District #2 Special Projects to assist with his continuing Broadway School Water Project which will effect approximately 15 families. Also he asked that \$2,500 be appropriated to resurface the tennis courts at T.L. Hanna High School and appropriate \$500.00 for the Anderson County Library. All these funds to come from District #2 Special Projects along with \$1,300 to be transferred from the Road Maintenance - Bridge Account. Mr. Cox explained that he needed \$1,500 from the bridge account to go to the White Plains Community Center. Mr. Hooper moved to approve the above requests as presented and Mr. Cox seconded. Vote was unanimous.

Mr. McClure presented the following roads to be considered for Mr. Hooper.

- (1) Country Road - gravel drive, located off Amity Road has 50' right-of-way, multiply dwellings and is 2,450' long.
- (2) Dana Drive - gravel drive off US 29 North, has a 50' right-of-way, with multiply dwellings.
- (3) Dirt road off McFalls Circle, the county has done minimum maintenance, it has a 50' right-of-way and is 2,430' long.

Mr. Hooper moved to accept into the County system and Mr. Cox seconded. Vote was unanimous. Mr. McClure said all comply with the ordinance.

Mr. Jacky Hunter presented the following budget transfers:

<u>FROM DEPARTMENT</u>	<u>TO</u>	<u>AMOUNT</u>
Road Maintenance #601-100-001 (Salaries)	Road Maintenance #601-100-002 (Salaries-Temp/part time)	\$20,000
Road Maintenance #601-140-061 (Hardware & Bld. Materials)	Road Maintenance #601-125-036 (Fuel & Oil)	10,000
Registrations & Elections #423-160-091(Machinery & Equipment)	Registrations & Elections (Salaries)	1,677

Mr. Wiles moved to approve the transfers and Mr. Hooper seconded. Vote was 5-0.

Mr. Watson asked that \$15,750 be transferred into the Contingency Fund from Road Maintenance - Bridge Account. Mr. Hooper moved to approve the transfer and Mr. Wiles seconded. Vote was 5-0.

Mr. Crowe asked for approval to extend the farm land lease to James L. Andrews for \$1,000 for one year. Mr. Wiles moved to approve and Mr. Holden seconded. Vote was 5-0.

Mr. Holden explained a drainage problem behind Waverly Square Apartments which is on private property. Mr. McClure said the Health Department was looking at it and looks

like it would involve 2-3 hours of backhoe work. Water is standing in a ditch creating a public health hazard. Mr. Holden moved to authorize work on the ditch after an official letter is received from DHEC. Mr. Cox seconded and vote was 5-0.

Mr. Wiles moved to transfer \$1,500 from Special Projects - District - #3 into Road Maintenance asphalt account to do aprons in the Town of Iva. He also moved to appropriate \$1,000 to the Senior Citizens Center in Belton to keep operating. Mr. Cox seconded the motion and vote was 5-0.

Mr. Holden appointed Ms. Donna Branburg to replace Eleanor Farmer on the Library Board.

Mr. Cox moved to appropriate \$1,500 to the White Plains Community Center from his special projects money - District #1. This is a total of \$3,000 appropriated to the Center. Mr. Hooper seconded and vote was 5-0.

Mr. Watson presented the following requests from the Sewer Authority.

Request to moved one person from a Maintenance Helper to a Maintenance Group Leader - Salary \$13,965 to \$16,060.

Request 1 person - Clerical from \$10,395 yo \$11,954.

Request a person who received an Operator's Permit be increased from \$18,000 to \$19,000.

Mr. Hooper moved to approve and Mr. Wiles seconded. Vote was 5-0.

Council heard from concerned citizens.

There being no further business, Council adjourned at 6:50 p.m.

Respectfully submitted,

Linda N. Gilstrap
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