

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – October 19, 2004 – 6:00 p.m.
Linda N. Eddleman, Clerk to Council

AMENDED
MINUTES

All area newspapers, radio stations and television stations were informed of this meeting in compliance with the guidelines set forth in the *Freedom of Information Act*.

PRESENT

Chairman Clint Wright, District #4 – Presiding
Vice Chairman Mike Holden – District #5
G. Fred Tolly – District #1
Gracie S. Floyd – District #2
Larry E. Greer – District #3
William C. Dees – District #6
M. Cindy Wilson – District #7
Joey Preston – Administrator
Linda N. Eddleman, Clerk to Council
Tammie Shealy – Deputy Clerk to Council
Todd Davidson, Acting County Attorney

ABSENT

Tom Martin – County Attorney

(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, October 19, 2004 at 6:00 p.m.

Chairman Clint Wright called the meeting to order and Mr. Bill Dees gave the invocation. Everyone stood and pledged allegiance to the flag of the United States of America.

CITIZEN COMMENTS:

Agenda Matters: Mr. Dan McKinney spoke in favor of Ordinance #2004-029 – the ordinance dealing with un-kept yards and control of yards with rank vegetation. He said he supports the ordinance and agreement and he thinks it is a fine effort to bring relief to neighborhoods involved. He thanked Ms. Floyd for allowing a variety of different input to come into a process that she had provided excellent leadership for. Mr. Jim Williams encouraged council members to vote in favor of Ordinance #2004-029. He suggested that Council consider having the penalties stiff or significant enough to discourage people from having the problem happen again. Also the significant penalties would be a lessor burden on the taxpayers.

Other Matters: Mr. Brooks Brown said that in 1750 a man by the name of Charles Johnson from Orange County, Virginia was arrested and put in jail because he did not like the policies of the Baptist Church and the way it was run. He served one year, three days. After that there was a war and James Madison went around pushing this new thing called the "Constitution of the United States". Mr. Johnson said he was put in jail because he spoke out. Then Madison wrote the First Amendment to the Bill of Rights of the United States Constitution allowing freedom of religion or from religion. More important, according to the United States Supreme Court –

Freedom of Speech should never be abnegated by anyone. Back then a person could pass out pamphlets, later on someone could get on the soapbox and speak to the passersby and he or she could draw a crowd. You can't do that today – printing of pamphlets is too expensive, he said. The only thing left to get the word out is the public access channels provided for under the Telecommunications Act of 1984. He said that he had repeatedly asked the Council to bring this forward and repeatedly it had been denied. Now there is a memorandum dated October 1 from Mr. Greg Fender, President of Local Government services, to Mr. Preston and Council amending Exhibit B of the cable lease model that Council passed asking that one channel be reserved. He said one channel was not a lot to ask for; nationwide average for 4 channels is 88 cents per month. He asked Council to at least provide one channel so that he can express himself. Mr. Dan Harvell, representing the Taxpayers Association, said that they were concerned about some enforcement that took place prior to the updating of the ordinance. He said they were concerned about selective enforcement of what is already on the books concerning vacant lots – they feel like some things have not met the criteria and have been enforced in a sort of heavy-handed way so for that reason they asked to go on record as being opposed as the Ordinance is written. Mr. Harvell said that they had requested to be on the agenda tonight regarding the county's large amount of debt. They asked that it be at the beginning of the meeting and it was placed at the end.

ECONOMIC DEVELOPMENT ANNOUNCEMENT: Mr. John Lummus announced that Owens Corning would make an expansion at their existing facility in the amount of \$40,000,000 for new equipment and machinery. Mr. Lummus recommended adoption of Resolution #R2004-049 and Inducement Agreement. Mr. John Campbell, Plant Manager, spoke to Council regarding #R2004-049 and the investment. The company will invest 40 million dollars for new equipment and machinery over the next 5 years; they will receive a 20-year fee in lieu of tax rate from 10.5% to 6%. Mr. Greer asked why the fee agreement documents used a 2003 millage rate instead of 2004. Mr. Lummus said that it was the practice of his office and state law allows it. Mr. Greer moved to approve and Ms. Wilson seconded. Mr. Greer asked for someone to explain to him exactly what the agreement does. Mr. Robert Galloway said that the company was obligating itself to invest \$40,000,000 in five years; the statutory requirement is \$5,000,000 in five years. Mr. Greer asked if it was correct that after the threshold period that if they have not invested the \$40,000,000 then the back taxes would be prorated. Mr. Galloway said that they would pay the difference in what they did pay from the full amount plus interest. Mr. Holden asked if any new jobs would be created and Mr. Campbell said that they would be retaining jobs but not all the jobs. Mr. Holden said that he understood that there were some unpaid taxes through the bankruptcy that has been filed. Mr. Campbell said that the taxes were frozen during bankruptcy and will be paid once they come out of bankruptcy. Vote was unanimous.

ORDINANCES – THIRD READING:

Chairman Wright presented third reading of Ordinance #2004-024 – an ordinance amending Chapter 10 of the Anderson County Code of Ordinances pertaining to buildings and building regulations of Anderson County; and other matters related thereto. This ordinance deals with maintenance of weeds in excess of twelve inches in height. Ms. Floyd moved to approve and Mr. Tolly seconded. Ms. Wilson asked how many Building & Codes Code Enforcement officers are there? Mr. Ricketson responded that at the present time - none. But once the ordinance is approved they will be bringing a name to Council for commissioning. Ms. Wilson asked why couldn't the Park Police do this. Mr. Ricketson said that state law specifies

that the person enforcing the International Property Maintenance Code must be a certified in the building codes. Mr. Greer said that he asked the question when the ordinance first came up if it involved the creation of any new positions and his answer was that it would be handled through existing personnel. The ordinance has language that could allow personnel in the future. Ms. Wilson said that she was not sure if the ordinance would be fairly enforced. Mr. Greer said that he was going to abstain because he disagreed with what the County had to do from a philosophy standpoint. If he votes for it – he is voting for the 12" and if he votes against it he is voting for the 10". His biggest concerns are the state legislature's subcommittees who "sit on their hands" and don't properly read the codes that they send to the counties saying, "adopt all or none". The code that was written said that all property without any exceptions had to comply with the 10" contained in the old ordinance and for the state legislatures to sit down there and do something like this is unconscionable and for that reason who would abstain. Mr. Greer called for the question and Mr. Dees seconded. Vote was five in favor and 2 opposed (Holden, Wright). Motion carried. Vote on the ordinance was five in favor, one opposed (Wilson), and one abstention (Greer).

Chairman Wright presented third reading of Ordinance #2004-029 – an ordinance amending Chapter 42 of the Anderson County Code of Ordinances pertaining to law enforcement in Anderson County; and other matters relating thereto. Mr. Ricketson explained that the ordinance gives specific guidelines to be used to determine whether a property is in not in compliance with the ordinance (2004-024 weed ordinance). Ms. Floyd moved to approve and Mr. Holden seconded. Vote was six in favor and one opposed (Greer).

Chairman Wright presented third reading of Ordinance #2004-033 – an ordinance authorizing the execution and delivery of a Fee in Lieu of tax agreement between Anderson County, South Carolina and Walgreen Company and other matters relating thereto including, without limitation, the payment of a fee in lieu of taxes and the allocation of a special source revenue credit and a potential additional Special Source Revenue Credit. Mr. Dees moved to approve and Mr. Tolly seconded. Ms. Wilson stated that she would recuse herself because she represented an owner of a property that was under contract that became part of the project. Mr. Wilson then left the room. Vote was six in favor and one recusal (Wilson).

Chairman Wright presented third reading of Ordinance #2004-034 – an ordinance authorizing and directing the Anderson County Administrator to execute a Wetlands Restrictive Covenant on property at the Anderson Regional Airport and implement the terms contained in such restrictive covenant; and other matters related thereto. Mr. Dees moved to approve and Ms. Wilson seconded. Vote was unanimous.

Chairman Wright presented third and final reading of Ordinance #2004-035 – an ordinance consenting to and ratifying the assignment to Timken US Corporation ("Timken") of the rights, duties and interests of the Torrington Company ("Torrington") under the lease agreement between Anderson County, South Carolina (The "County") and Torrington dated as of December 1, 1999 (The "Lease Agreement") and the continuation of a fee-in-lieu of tax arrangement pertaining to such lease agreement, authorizing an extension of the investment period under the lease agreement; reauthorizing the issuance of an infrastructure credit to Timken pursuant to an infrastructure financing agreement between Timken and the county; and other matters relating thereto. Ms. Wilson moved to approve and Mr. Greer seconded. Vote was unanimous.

Chairman Wright presented third and final reading of Ordinance #2004-036 – an ordinance authorizing the issuance and sale of general obligation bonds, Series 2005, of Anderson County, South Carolina, in the principal amount of not exceeding \$7,350,000; fixing the form and details of the bonds; authorizing the Chairman of County Council and the County Administrator to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto. A public hearing was held and Mr. Brooks Brown asked if the \$7,350,000 was new spending or a consolidation of old debts with new debts. Mr. Preston said that this was for the new Library and other projects that were budgeted in the existing budget. Mr. Greer asked Mr. Preston to give Council a total dollar amount of all the bonds as council goes through the agenda. He said Mr. Dan McLeod would do it. No further comments the public hearing was declared closed. Mr. Tolly moved to approve and Mr. Holden seconded. Ms. Wilson asked everyone to look under item F-Section 2 – Page 5 – Upgrading and equipping the County Solid Waste convenience centers. She said this was practically the same language used in the eight million that was borrowed in 2003. She said she had a lot to say about this item since the county practically gave away a landfill and the County is getting so little in host fees, which should have been paying for these items if Council had been wise stewards of that asset. She said she believed that this was a repeat of the general obligation bond issued in 2003. She said the last she heard, before the last meeting, was the Detention Center had expanded and everything came in under budget now it seems strange that suddenly there is a big project at the Detention Center that should have been considered prior to that. Ms. Wilson also said that it does not make sense to be constructing Libraries right now – maybe acquiring the property and doing some planning. She said it was not a good idea to keep borrowing money. In the budget that was approved back in May – it went from 6.6 million dollars to 7.35 million dollars and it seems that the County is not managing the money appropriately at this time. Chairman Wright addressed the remark made by Mr. Harvell that his presentation was after the ordinance on the agenda. The Chair said that he could have made his presentation during the public hearing and there would not have been a time limit. He also said that the best time to borrow money is when interest rates are low and to do those projects when you can get a little more “bang” for your buck when the market is good for borrowing money. Vote was six in favor and one opposed (Wilson).

Chairman Wright presented third and final reading of Ordinance #2004-038 – an ordinance granting a nonexclusive Cable Television Franchise to West Carolina Cable Communications, LLC in accordance with Chapter 14 of the Anderson County Code of Ordinances for the operation of a Cable Television system in the unincorporated areas of Anderson County, South Carolina; and other matters related thereto. Mr. Greer moved to approve and Mr. Dees seconded. Vote was unanimous.

ORDINANCES – SECOND READING:

Chairman Wright presented second reading of Ordinance #2004-030 – an ordinance approving the financing of the improvement, construction and equipping of certain sewage collection facilities (Starr/Iva Area Sewer Project) in Anderson County, South Carolina, through the borrowing by the County of \$1,600,000 from the State Water Pollution Control Revolving Fund, by agreement with the South Carolina Water Quality Revolving Fund Authority, Pursuant to Title 48, Chapter 5, Code of Laws of South Carolina 1976, as amended; providing for an agreement to make and to accept a loan, the execution and delivery of a loan agreement between the County and the South Carolina Water Quality Revolving Fund Authority, the

execution and delivery of a Promissory Note from the County to the South Carolina Water Quality Revolving Fund Authority; and other matters relating thereto. Mr. Greer moved to approve and Mr. Tolly seconded. Ms. Wilson asked if the gross revenues of the system would be sufficient to pay the debt of the loan. Mr. Preston replied that it would and the State Revolving fund would not make a loan unless the revenues are sufficient. Ms. Wilson said that currently in the sewer enterprise fund the County was deep in the red and the series 1999 or 1992 bonds requiring that the County pay 100% of the payment with 100% of the user fees. She said that he planned on going up on user fees and currently the County doesn't have sufficient use of any of the lines to make the payments. She read the following section from the ordinance: page 6 (vii) Net Earnings during the Fiscal Year immediately preceding the Fiscal Year in which the 2004 Note is to be issued, shall not be less than one hundred twenty percent (120%) of the maximum annual principal and interest requirements on all bonds outstanding and on such proposed Series of Bonds, i.e., the 2004 Note. She asked how the county was going to make the payments. Mr. Greer said that repayment of the loan had to be sufficient from the revenue of the users of the system before the Revolving fund will approve the loan so by approval of the loan they have interceded that the County will have sufficient revenue from the users of the system. He asked Mr. Preston if that was a true statement and Mr. Preston replied yes. Mr. Greer also asked if the 1.6 million-water pollution revolving fund loan creates no liability then on the general taxing ability of Anderson County and Mr. Preston said yes. Mr. Greer called for the question and Mr. Dees seconded. Vote was five in favor, one opposed (Wilson), and one abstention (Floyd). Vote on the ordinance was six in favor and one opposed (Wilson).

Chairman Wright presented second reading of Ordinance #2004-037 – an ordinance to approve a rezoning request by Jeff Herbert to rezone 18 acres in the 5200 block of Slater Road from R-A (Residential Agricultural) to R-40 (Single Family Residential); property identified by TMS #118-00-04-001. Mr. Holden moved to approve and Mr. Tolly seconded. Vote was unanimous.

Chairman Wright moved to remove the Motes road issue (**Resolution #R2004-033**) from the table and Mr. Dees seconded. Mr. Greer asked Mr. Hopkins if the road was approved as requested would it be different from the standards that are required on all other roads. Mr. Hopkins said that the entire road did not meet County standards. The treatment at the end is a "t" type turn around. Mr. Greer asked since the County made a compromise on this road – would the county make the same compromise under similar circumstances in the future. Mr. Hopkins replied if the road had the same characterizes and the same potential build out as this one then probably so. Vote was unanimous.

Council took a ten-minute recess at 7:00 p.m. Chairman Wright called the meeting back to order at 7:10 p.m.

Chairman Wright presented second reading of Ordinance #2004-039 – a general bond ordinance authorizing and providing for the issuance of Anderson County, South Carolina, Special Source Revenue Bonds (Commercial Resources Group, LTD Project); prescribing the form of Bonds; limiting the payment of the bonds solely from certain revenues derived from the payments of fees-in-lieu of tax from certain properties located in a joint-county industrial and business park; pledging such moneys to the payment of such special source revenue bonds; creating certain funds and providing for payments into such funds; making other covenants and

agreements in connection with the foregoing; and other matters relating thereto. A public hearing was held and no comments were received. Mr. Greer moved to approve and Mr. Dees seconded. Vote was six in favor and one opposed (Wilson).

Chairman Wright presented second reading of Ordinance #2004-041 – an ordinance authorizing and providing for the issuance of Special Source Revenue Bonds of Anderson County, South Carolina; prescribing the form of bonds; providing for the issuance of additional bonds and refunding bonds; limiting the payment of the bonds solely to the net fee payments and park agreement revenues received and of taxes from certain designated Joint County Industrial and Business Parks and pledging the net fee payments and the Park Agreement Revenues to such payment; creating certain funds and providing for payments into such funds; and making other covenants and agreements in connection with the foregoing. A public hearing was held; no comments were received. Mr. Dees moved to approve and Mr. Greer seconded. Ms. Wilson said that the table of contents does not match the material. Mr. Dan McLeod, Bond Counsel, said that it must have happened when it was emailed. He said he would make the needed changes. Ms. Wilson said that she did not agree with the way the bond was done. Mr. Greer asked what project was the ordinance associated with and Mr. Preston said the Starr/Iva sewer line. Vote was six in favor and one opposed (Wilson).

Chairman Wright presented second reading of Ordinance #2004-042 – a First Supplemental Ordinance providing for the Issuance and Sale of an Anderson County, South Carolina, Special Source Revenue Bond, Series 2004, not to exceed \$8,200,000; and other matters relating thereto. A public hearing was held; no comments were received. Mr. Tolly moved to approve and Mr. Dees seconded. Vote was six in favor and one opposed (Wilson).

ORDINANCES – FIRST READING:

Chairman Wright presented first reading of Ordinance #2004-043 – an ordinance authorizing the leasing of available ground space at the Anderson Regional Airport; and other matters related thereto. Mr. Preston stated that this was private hangar space. Mr. Dees moved to approve and Mr. Greer seconded. Ms. Wilson asked if there had been a comparable study on what ground leases go for in similar situations. Mr. Hopkins replied that earlier this year a consultant had come in and done studies on this. Vote was unanimous.

The Chair made a request to add another ordinance to the agenda (#2004-047), which would remove tract 18 – KW Real Estate Investments, LLC from Ordinance #2004-044 and put it in **Ordinance #2004-047**. The Chair explained that he had a conflict of interest with the Tract 18; however, he would like to vote on the other property included in Ordinance #2004-044. Mr. Greer moved to add Ordinance #2004-047 to the agenda and Mr. Dees seconded. Vote was unanimous.

Chairman Wright talked about first reading of Ordinance #2004-044 – an ordinance to amend Ordinance No. 98-019, as previously amended by Ordinance Nos. 99-029, 2000-063, 2001-014, 2001-046, 2002-017, 2002-036, 2003-022, 2003-047, 2003-051, 2003-053, 2003-054, and 2004-04 relating to the Industrial/Business Park of Anderson and Greenville Counties so to enlarge the park. Ms. Wilson moved to amend the ordinance to remove two items (Tract 17 and 18 – Commercial Resources Group and KW Real Estate Investments respectively) and Mr. Greer seconded. Vote was unanimous. Vote on the original ordinance as amended was unanimous.

Chairman Wright talked about first reading of Ordinance #2004-047 – an ordinance (IN TITLE ONLY) to amend Ordinance No. 98-019, as previously amended by Ordinance Nos. 99-029, 2000-063, 2001-014, 2001-046, 2002-017, 2002-036, 2003-022, 2003-047, 2003-051, 2003-053, 2003-054, and 2004-04 relating to the Industrial/Business Park of Anderson and Greenville Counties so to enlarge the park. (Includes property of KW Real Estate Investments, LLC) Mr. Dees moved to approve and Ms. Wilson seconded. Vote was six in favor and one abstention (Wright). Mr. Wright said that he abstained because of a possible conflict of interest.

Ms. Wilson asked that another piece of property be pulled from the main Ordinance #2004-044 and given an ordinance by itself. The property is Tract 17 – Commercial Resources Group, LTD Project. She said she could not support the piece of property and she would like to vote for the other property in Ordinance #2004-044. The new ordinance #2004-048 – would include the Commercial Resources Group, LTD Project property. Chairman Wright said that Council could give it ordinance #2004-048. Ms. Wilson moved to add the ordinance (#2004-048) to the agenda. Mr. Greer seconded and vote was unanimous.

Chairman Wright talked about first reading of Ordinance #2004-048 – an ordinance (IN TITLE ONLY) to amend Ordinance No. 98-019, as previously amended by Ordinance Nos. 99-029, 2000-063, 2001-014, 2001-046, 2002-017, 2002-036, 2003-022, 2003-047, 2003-051, 2003-053, 2003-054, and 2004-04 relating to the Industrial/Business Park of Anderson and Greenville Counties so to enlarge the park. The property included in this ordinance is for Commercial Resources group, LTD Project. Ms. Wilson said that she thought it was not appropriate to include commercial development in the multi-county park concept. Chairman Wright stated that what the ordinance did was basically was a simple tax credit back on investment of their infrastructure and they must do at least 5 million dollars worth of infrastructure to obtain this on all new investment. He said that it was good when citizens are willing to put 5 million dollars in the ground and they don't get any one to locate on the property they don't get anything and it's a good idea if someone is willing to invest their money first to improve our community that we can help them out. A motion was made and seconded to approve and vote was five in favor and two opposed (Wilson, Greer).

RESOLUTIONS:

Chairman Wright presented Resolution #R2004-054 – a resolution providing for the removal of certain parcels from the Greenville/Anderson Joint County Industrial and Business Park. Mr. Dees moved to approve and Ms. Wilson seconded. Vote was unanimous.

MEDSHORE PROPOSAL: Mr. Mike Holden moved to extend MedShore's contract as requested by the EMS Commission for two-one year periods by approving Resolution #R2004-056. Mr. Tolly seconded the motion. Mr. Greer asked if the contract needed to be done by ordinance since a resolution is only good for one year. Mr. Davidson said that he believed it could be done by resolution but would like to speak with Mr. Tom Martin to be sure. Mr. Greer asked Mr. Scot Lesiak, with MedShore what would be MedShore's proposal to Anderson County in providing QRVs. He said they would provide up to three quick response vehicles. Each vehicle is estimated to cost up to \$150,000 of which they would share the cost with Anderson County. It would be \$75,000 per unit or a total cost for all three at \$225,000 from MedShore and Anderson County annually. The extension if approved would be for another 2 – one-year periods. Vote was unanimous.

PRESENTATION: Ms. M. Cindy Wilson requested the following verbatim.

Ms. Wilson: Thank you, Mr. Chairman. This is just going to be basically a reiteration of a situation. Our state-enabling act has job descriptions (the home rule act) has job descriptions for each of us Council members. It has a job description for our County Administrator and part of that is to perform de-diligence. Our administrator is supposed to provide us a monthly financial statement and we're not receiving that. I had been receiving weekly ledger reports but usually in groups of four to six. Of course, I'd requested that I receive them as they came out. I had requested what is known as the general ledger report 153 which is by fund, department, account, and sub-account, as to revenues and expenditures. Of course, I've been denied being given the unaudited version this year, I received the un-audited version last year and found quite a large number of cost overruns in a number of departments. I've also requested access to review some of the legal expense vendor files for our county. Especially since we went from somewhere around \$100,000 - \$150,000 a year for legal representation to close to a million or more than a million for each year since, I believe, 1998 or 1999 whenever Mr. McIntosh retired. I was totally denied that information. I've made an FOI request and of course the Freedom of Information Act basically allows that this material, if it is in the interest of the public to know, that it can be given to that individual free of charge. Our administrator said in the letter from (actually Mr. Cunningham wrote the first letter) that I could be provided the information requested for a two year time period for the amount of (plus or minus) \$673.00. I wrote a personal check and brought that in. Well, what I received was all blacked out. I don't think that's quite proper. I received also a note that I only got part of what was requested and of course that was blacked out. The other part was going to cost me an additional almost \$3,000. It's gotten to be a very, very sick little game. I made two motions at the last council meeting requesting that my fellow Council members join me in instructing our Administrator to open books (tape ended words lost) that Anderson County does not allow a public official to review the records that a member of the public can't walk off the street and review most any record, of course, minus personnel files. They find it also exceptional but this county would not have had complete audit I guess seven years or more but our current external auditor only reviews what the administrator gives them that this Council has to vote for expanded procedures in order for them to do an actual audit. So what I want our public to know is – that they don't know anything. We've borrowed millions of dollars tonight. Apparently a lot of the projects are overlapping. Some of the projects were already funded by other loans and now they are now not funded by those loans, I suppose, by virtue of another special source revenue bond taking it from a state revolving fund loan. And then we have a new project that's being funded by a state revolving fund loan. It's just a shell game and I think our people deserve to know better than that. So I am going to make one more request. Would y'all all look at me so that I can make sure you are hearing me? I am making one more request in the form of a motion, Mr. Dees, Ms. Floyd, Mr. Greer, Mr. Wright because the other two gentlemen are at least polite enough to look at me when I make this motion. This is the third time I make the motion requesting that you join me in instructing our Administrator to open the books as per the laws of South Carolina, as per our budget ordinances, etc. This is in the form of a motion.

Chairman: We have a motion on the floor do we have a second? Motion died from a lack of a second. Ms. Wilson you can continue.

Ms. Wilson: I just want our good people in this county, we have so many citizens, I dare say- a good 99% of our citizens are hard working, they pay their taxes. We have just the most incredible list of tax delinquencies this year, so people are struggling. We've had some good economic development announcements but it takes a lot for these projects to develop. So we're going to have some lag time, we are going to continue to have some difficulties where tax collections are concerned and yet our citizens, and a duly elected official are denied access to public information. Is this not a shame, is this not a crime, it certainly is a pitiful situation. Thank you. (End of verbatim)

Mr. Holden said that they continue to ask the county attorney if what they do is lawful and Council always follows his advise. He said the personally refuses to get involved. Ms. Floyd said a lot of this stuff is going on in front of the camera – but she, too, refuses to get involved. Ms. Wilson asked if Council was aware that they cannot vote to deny a public official – public records and council might need to seek legal counsel on. She said that when Council fails to second a motion after the Administrator has said that he told council that they must give permission-then she believes that is in a strange situation. Chairman Wright said that Council has some of the best legal advise in the county with Mr. Martin and Mr. Davidson.

SPECIAL PRESENTATION: Anderson County Taxpayers Association – this item was pulled from the agenda.

APPOINTMENTS: Ms. Wilson moved to appoint Mr. Greg Balog of 201 Philwood Dr., Williamston, SC (Phone 231-0932) as the new District #7 representative on the Planning Commission.

REQUESTS BY COUNCIL MEMBERS:

Mr. Tolly moved to appropriate \$1,250 for the S.C. National Guard from District #1 Recreation Account for Family Readiness Group for celebration for the S.C. National Guard competition. Mr. Dees seconded and vote was unanimous.

Mr. Holden moved to appropriate \$1,250 for the S.C. National Guard from District #5 Recreation Account for their Family Readiness Group. Mr. Greer seconded and vote was unanimous.

Mr. Holden moved to appropriate \$500 to the Department of Mental Health for their annual Christmas event for children. The funds to come from District #5's recreation account. Mr. Tolly seconded and vote was unanimous.

Ms. Wilson said that there was a lot of confusion over the District 7's paving account and the projects approved last year are just now getting paved. She said that there are such a radical difference between some of the estimates and some of the costs, and she realizes that with the oil going up it is a component in asphalt, she requested that Mr. Hopkins and Mr. Preston look at the situation and give a presentation or a status report at the next meeting.

A motion was made and seconded that the County accept Meadow Green Subdivision and the Summitt Commercial Development into the County road system. Mr. Hopkins stated for the record that the roads meet all requirements and no drainage issues are present. Vote was unanimous.

ADMINISTRATOR'S REPORT: (time requested 5/allotted 5 minutes)

- a. Letters of Appreciation:
 - 1. For: Mr. Holt Hopkins and Transportation Division From: Hunters Glen Home Owners Association
 - 2. For: Mr. John M. Ferguson, Mr. Holt Hopkins, Mr. Doug Nielsen, Mr. Charlie Fields, and Mr. Chris Maxwell From: Mr. Ritch Vandeventer (Hangar #11)
- b. Reports:
 - 1. District Paving Report
 - 2. Building and Codes Report
 - 3. Environmental Enforcement Training Report for September 2004
 - 4. Animal Control Monthly Report for September 2004
 - 5. Environmental Enforcement Monthly Report for September 2004
- c. Meetings: Anderson County Development Partnership Meeting
- d. Anderson County Pride Week Results
- e. Letter from Ms. Betty Bagley Regarding Old Mill Sites
- f. Letters from Mr. Lee Luff and Senator Billy O'Dell regarding I-85 Directional Signs
- g. ACTC projects approved
- h. Article in Chamber's Magazine *Horizons*

REMARKS FROM COUNCIL MEMBERS

Ms. Wilson said that this Country was founded on freedom as in Freedom of Information. She said that she hoped the issue resolved itself before legal action had to be taken. She said it

would be a gross miscarriage of taxpayers' money being used to pay a whole team of McNair Law Firm lawyers to uphold the Administrator in his denial of access to a public official for public information. And the current Attorney General, Henry McMaster's stated that she should be provided the information as should each member of Council and former attorney general, Charlie Condon also wrote the opinion that everything that has been requested should be provided. She said she hoped Mr. Preston took it to heart because a lot of people in Anderson County who believe that after 3-1/2-4 years of his denying the information that something must be hidden. She said she hoped Council resolved it soon.

Mr. Dees asked Mr. Preston what the high oil prices was doing to the Sheriff's department equipment and other departments. He asked was the county able to sustain this without increasing the budget allocation. Mr. Preston said that during the budget presentation increases were put in the budget. He also complimented Mr. Hopkins and staff for the excellent road paving and at least two of the washouts in District #6 being repaired.

Mr. Holden asked Mr. Hopkins to meet with him immediately following the meeting. Mr. Holden also stated that he hoped that the issued could be resolved without lawsuits being filed.

Ms. Floyd asked Mr. Preston to check into a telephone system to be placed in the office of Mr. Bill Striewing where residents of Broadway Lake may call when they have a problem, check lake levels, open/close dam gates, and etc. She asked Mr. Preston to get a price on a system. Ms. Floyd announced that she had printed up cards for her constituents of her district of frequently called county phone numbers. They will be distributed at the District 2's community meetings, she said. Ms. Floyd turned over a letter concerning weeds in her area to Mr. Jeff Ricketson to check out with the newly adopted weed ordinance. She said that she would be at the fair with the new voting machine and she invited everyone to come out and register to vote.

Mr. Larry Greer suggested that Mr. Preston look into the possibility of Council coordinating some type efforts with the appropriate officials for a drive through line at the Civic Center on the road to vaccinate citizens. Mr. Greer encouraged and invited everyone to come out to the Veterans Day celebration on November 6. Mr. Greer asked Mr. Ricketson to come forward. Mr. Greer said that he fully supports renovations at the Friendship Convenient Center to make sure it is maintained as a convenience center to serve the citizens of the community. He said that he understands that the representative from District #7 telling folks that he wouldn't help with the convenience center. He said that he was under the impression that his support was all that was needed to begin with and then he was asked to contribute financially to upgrade and maintain the convenience center. He said that his position was that it served very little of his council district. After asking for a report from GIS, he determined that there were 378 residential units in District #7 and only 59 in District #3. So if all of the residents in District 3 use the center the usage is 13.5 %, he said. It has been said that the center could be renovated at \$100,000 and Ms. Wilson would need to put in \$25,000 from District 7 paving account. He said based on what he has said from day one he took office – he would equally represent his people so he pledged 13.5% of the \$25,000, which equals \$3,375 to upgrade and maintain the Friendship Convenience Center provided Ms. Wilson appropriates the remainder of the \$25,000.

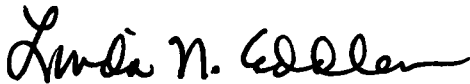
Chairman Wright announced that the next meeting would be November 9 because of Election Day on the next meeting (November 2).

Chairman Wright announced that he talked with each member of Council and everyone agreed to cancel the December 21 meeting because several members will be out of town.

Chairman Wright talked about a letter from City Council member Tom Dunaway inviting Council to dinner in Due West. He asked Council members if they have a date in the first two weeks of December to let the clerks know.

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda N. Eddleman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Linda N. Eddleman
Clerk to Anderson County Council



**ANDERSON
COUNTY**
SOUTH CAROLINA

*Making News.
Making Progress.*

MEMORANDUM

TO: COUNTY COUNCIL CHAIRMAN, ANDERSON COUNTY

FROM: M. Cindy Wilson

DATE: November 9, 2004

RE: Recusal from County Council participation due to potential conflict of interest or appearance of impropriety

County Administrator
Joey R. Preston

Council Members

Cline Wright
Chairman
District 4

Mike Holden
Vice-Chairman
District 5

G. Fred Tolly, Jr.
District 1

Gracie S. Floyd
District 2

Larry E. Greer
District 3

William C. Dees
District 6

M. Cindy Wilson
District 7

Clerk to Council
Linda N. Gilstrap

Pursuant to Section 8-13-700, Code of Laws of South Carolina, 1976, as amended, I am hereby giving notice of my abstention from the matter regarding the issue of a FILOT ordinance (#2004-033) for

Walgreens Co.
as it appears before Anderson County Council on Sept. 24, 2004,
Oct. 5, 2004, & Oct 19, 2004.

The potential conflict of interest or appearance of impropriety for which I am recusing myself and abstaining from participation is: please attach the disclosure statement as provided in January '04.

(for example: a personal or financial interest in the matter in question; a conflict or appearance of impropriety due to business or other relationships with one or more of the parties involved; and so forth).

This document is to be filed as a matter of public record, and is to be included with the official minutes of the County Council meeting at which the matter in question was brought before Anderson County Council.

Respectfully submitted,

M. Cindy Wilson



Post Office Box 8002 • Anderson, S.C. 29622-8002
(864) 260-4000

www.andersoncountysc.org