

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – January 18, 2005 – 6:00 p.m.
Linda N. Eddleman, Clerk to Council

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

Chairperson Gracie S. Floyd, Presiding
Vice Chairman Larry E. Greer - District #3
Bill McAbee – District #4
Michael Thompson – District #5
William C. Dees – District #6
M. Cindy Wilson – District #7
Joey Preston – Administrator
Tom Martin - County Attorney
Linda N. Eddleman - Clerk to Council
Tammie Shealy – Deputy Clerk to Council

ABSENT

G. Fred Tolly – District #1

(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, January 18, 2005 at 6:00 p.m.

Chairperson Gracie S. Floyd called the meeting to order and Mr. Larry E. Greer gave the invocation. Everyone pledged allegiance of the flag of the United States of America.

Ms. M. Cindy Wilson moved to approve the minutes from the December 7, 2004 minutes as mailed and Mr. Bill McAbee seconded. Ms. Wilson asked that the minutes be amended on page 6 to change the 12th line down: "The second one was ...Water Quality Certification [REDACTED]" Vote was six in favor and one absent (Tolly). Motion carried.

CITIZEN COMMENTS:

Agenda Matters: Mr. Brooks Brown talked about the legality of first reading of ordinance #2005-005 – calling for a Citizens Finance Advisory Committee. He said that the Constitution of the State of South Carolina provides that the authority over the Administrator shall be for the budgets not an advisory committee. He read Section 4-9-170 where Council shall provide for the appointment of certain boards, commissions, committees whose appointments are not provided by the General Law of the Constitution. Audit of County records specifically states that the only audit shall be made by an agency receiving county funds whose make up shall be a certified public accountant-not citizens. He said he believed that the establishment of a Finance Committee is illegal. Mr. Dan Harvell said that the Anderson County Taxpayers Association feel that the minor league baseball issue needs to be done in a way that does not cost the taxpayers.

Other Matters: Mr. Brooks Brown referenced the form of government. He encouraged Council to do what their people want them to and not the party (republican). Mr. Ed Allgood said that about 4 years again, the Euro was 82 to the U.S. Dollar. To build a 100 million dollar plant in Anderson County, it would have cost a European Company about 122 million Euros. He said that it is floating at about 135 to the dollar and it would cost about 75 million Euros. He said that Anderson county was a bargain to European Companies and he feels that Council should put one half million dollars in a "pot" for this purpose also he would recommend that Pickens and Oconee be invited to join the County. Mr. Joe Renna asked Council and citizens to help a family that have been forced from their brand new home because of sever mold. The family, Jeff and Lisa Vassar and their four children have sever health problems because of the mold presence in their home. It is so bad that insurance company have terminated their insurance because they deem it unlivable. The children all have symptoms of mold contamination. He asked Council and citizens to help the family. Mr. Ed Jean talked about the delivery of a newspaper in his driveway. He said that he subscribe to the *Times Examiner*. In the paper there are was a note that said it was free. Inside the newspaper was

an "Anderson County Report to the People" news pamphlet. He said it read, "Joey Preston had been in secret negotiations with the baseball team that tried to find a new home in Anderson County". He said he thought it was "garbage". Mr. Dan Harvell appeared on behalf of Mr. Rick Adkins, Chairman of the Republican Party. He read a resolution approved by the [REDACTED] Party stating that the party strongly disapproves of the Republican Council members vote to elect a Democratic Chairman. Mr. Larry Greer said that he doesn't just represent Republicans; he represents Democrats, minorities, registered and non-registered citizens, everybody who resides in Council District #3 which is 26,000 + people. Out of the 26,000 only 13,000 are registered to vote. He said concerning this straight-party line talk from these so-called Republicans who call themselves Republicans who urge sitting Council members to vote straight party lines are far from being true Republicans. He said that some of these so-called Republicans primary opponent had his Democratic opponent's sign posted in their front yard so this thing about voting along straight party lines is a bunch of hogwash. He said that these people are very quick to wave the Republican banner when it suits their purpose, but only when it suits their purpose. These same people go into other Council districts and openly work the polls and get people to sign a petition against the duly elected representative in the primary. The same people, hypocritically, oppose a petition candidate from another district. You can't have it both ways, either you're a republican or not. Either you are party candidates or you're not party candidates. You can't have it your way all the time, he said. Now just because we voted for Ms. Floyd, who is a Democrat, Council didn't party lines is again, a bunch of hogwash. He said he has as conservative values as anyone sitting on the Council. He said he was against abortion (that's conservative), against government getting bigger (that's conservative), against increasing taxes (that's conservative) but he is for providing services that his people request and want. He said he was tired of hearing these so called Republicans wave that Republican flag and say you need to do what we tell you to do. He said that the Republican Party Executive Committee didn't elect him – the people of Council District 3 and he will vote the way he thinks they want him to vote. Mr. Dees echoed Mr. Greer's sentiments because there are people in this room who came to his district and worked for a petition candidate. He said not to tell him what the local Republican Party stands for – he thinks he knows. He said he will vote his conscience every time and the way he believes his constituents in District 6 want him to vote. He votes for the person. Ms. Floyd said that when this first started she wondered why. Never before in her 15 years associated with Council, did she know of a situation where Council was asked to do something like this along party lines. Last year she was the only Democrat then and there was no problem and now this year, she put in her bid for chairman and now there is this big problem. She asked why. She said it couldn't be because she was an African American. Her husband was the first African American to serve as chairman for 2 years. It couldn't be because she was a Democrat because he was Democrat as well. Mr. Mike Holden served as a Democratic chairman. Then she thought could it be that she is a woman. Or maybe it's because she is a black, democratic woman. She said that was just too much for her to handle – so the problem is theirs. She then thanked Council for their vote and their confidence in her ability to do this job.

Mr. Preston stated that for the record that tonight was the first time that he'd seen the individuals in attendance for the Mandalay Development Co. (Baseball) presentation.

Mr. Preston stated that Mr. David E. Cooper, Owner and Mr. Richard Newman, Vice President of Development for Mandalay Properties, were present. Mr. Newman explained the site and the scope of the proposed Mandalay Baseball Park. The proposal is that they are prepared to privately finance a state of the art ballpark – 27.3 million dollars, design and construction, all operational costs and maintenance costs will be paid and relocate their single A team in the South Atlantic league to the upstate area as soon as the stadium is ready to play in. They believe that they have found an excellent site. The ballpark will not require any increase in taxes. The project will employ 25 – 30 full time year round positions, concessions is estimated at 8 full-time, seasonable 200-250 part-time employees such as ticket takers, security, concession workers, etc. Mr. Michael Thompson asked several questions concerning the Letter of Commitment. He said the Letter of Commitment refers to a joint venture and would be named Mandalay-Anderson. He asked who was Mandalay-Anderson. Mr. John Lummus replied that it was Mandalay properties and it's the Anderson site so that is why the name has been given. He said it was not a joint venture with Anderson. On page 2 - item #3 – "Anderson will provide assistance in the form of one or more economic development incentives to offset all or a portion of the infrastructure related costs on the Stadium Property including 2,500 paved surface parking spaces with lighting on the Stadium Property around the Stadium" – Mr. Thompson asked what the cost for Section 3 for the County. Mr. Lummus said that it would be put in with the infrastructure cost that would be taken into account with the Special Source Revenue Bond. He asked if a FILOT agreement was being offered and Mr. Lummus responded no. Mr. Thompson asked if the project went "belly up" would Anderson County be held liable and Mr. Lummus responded no. He asked what was the projected capacity. Mr. Newman said that they expect to sell out the stadium – 6,000. Mr. Dees thanked the individuals for investing in Anderson County. Mr. McAbee asked Mr. Lummus if there would be a first mortgage on the stadium. Mr. Lummus assured Mr. McAbee that it would not. Mr. Newman said that they had already begun to seek financing, which would be privately

secured. Mr. Greer said he had consistently opposed granting tax credits and investment credits for commercial and residential development and this project does have a combination of the residential and commercial development as a part of the overall project on the 67 acres. He said he was drawing distinction between the baseball aspects of it and the commercial and residential properties. The baseball aspect is an industry, he said. So he is supportive of the incentives for this project on the industry-based parts of the project specifically the stadium and the parking associated with the stadium. Any part which is commercial or residential in nature he would have a problem with the incentives. He asked for assurance that the project will be properly divided or laid out so that the incentive credits will only be geared toward recovering the cost of infrastructure associated with the baseball industry part of the project itself. Mr. Lummus said that it is the County's intent to only have infrastructure to be funded on the actual 30-acre stadium site. Ms. Wilson said that by looking at the topo it looks very rugged and would probably require a lot of grading and site preparation and the paving figures may not be completely accurate and she was concerned. Mr. Newman said that he has been assured that the site prep has been included in the 27.3 million dollars. Ms. Wilson said that she was concerned that the project had been so secretive and it only was given to them just recently so she proposed that Council table the ordinance to allow for more input and questions answered. She then moved to table. Mr. Thompson seconded. Mr. Greer called for a point of order. He said that there was nothing to table. There was not a motion on the floor. Mr. Dees moved to approve and Mr. Greer seconded. Mr. Greer moved to go into executive session to discuss a pending contractual matter and Ms. Wilson seconded. (Time 7:05 p.m.) Mr. Dees moved to go back into regular session at 7:22 p.m. and Ms. Wilson seconded. Mr. Greer said one of the reasons he had made the motion to go into executive session was to consider some contractual matters and after more consideration he believes it would be better to discuss in regular Council meeting so he withdrew his motion to go into executive session. Chairperson Floyd announced that Council did not have an executive session. Discussion continued. Mr. Dees called for the question. Motion died from lack of a second. Mr. Greer said that he has problems with several items in the Letter of Intent, which would cause him to vote in the negative. He proposed to make several amendments and then asked for the floor. Mr. Greer then moved to amend section 1 at the bottom of the first page of the resolution to read "County Council hereby (add word acknowledges) acknowledges the commitments of the county set forth in the Commitment Letter, and, with certain exceptions to be set forth in the implementing ordinances, affirms such commitments. With respect to the infrastructure credit and special source revenue bond benefits set forth therein," Mr. Dees seconded the amendment. Vote was 6/0. Amendment #2 – After the \$17.5 million "insert a comma and add the following language", and infrastructure credits and special source revenue bond benefits shall apply only to the 30 acre stadium site and the infrastructure credits and special source revenue bonds shall not apply to the 37 acre stadium development site or any portion of the remaining 200 acres." Mr. Greer moved to amend and Mr. Dees seconded. Vote was unanimous. Amendment #3 – first paragraph on page 2 – after certain conditions insert a comma and add: "and which reflect the exceptions to the commitment letter determined by Council." Mr. Greer moved to amend and Mr. Dees seconded. Vote was six in favor. Amendment #4 – Under Section 2 – shall read "The provisions, terms and conditions of the economic development incentives described in the commitment Letter, if approved by Council, shall be modified, determined, and prescribed by subsequent ordinance of the County Council." Mr. Dees seconded. Vote was unanimous. Mr. Martin read the following statement "Enactment of resolution by itself does not bind the Council to enact further ordinances. The only way that the County would be bound is if there is a contractual agreement between the County and Mandalay. That contractual agreement would only be in the form of a written agreement signed by both parties. There has been a Letter of Commitment. He said that he has not seen it but suspects that the Letter of Commitment is dependent upon future actions of County Council. So he said it is his belief that a contractual agreement has not been undertaken nor has a contract been entered between the two. Mr. Thompson asked about how much the county was committing for the parking area. Mr. Lummus explained that infrastructure credits that will come from the new investment in the development including the 23 million dollar stadium and anything later that would be developed in the multi-county industrial park – the tax stream from the project would go toward the funding of a special source revenue bond, which is \$5 million. Vote on the ordinance as amended was four in favor and two against (Wilson, Thompson opposed). Motion carried.

Council recessed for 5 minutes at this time. Chairperson Floyd called the meeting back to order.

Chairperson Floyd presented Resolution #R2005-005 – a resolution welcoming Mr. Alonzo Haynes to Anderson County and recognizing and honoring him for his dedication to community service; and other matters related thereto. Chairperson Gracie S. Floyd moved to approve and Mr. Greer seconded and vote was unanimous.

Chairperson Floyd presented third reading of Ordinance #2004-055 - an ordinance to amend the Anderson County Code of Ordinances and the Anderson County Capital and Operating budget ordinance so as to require an annual inventory of all Anderson County Capital Assets valued in excess of Two Hundred Dollars, as part of and

subject to the annual Anderson County Budget process; and other matters relating thereto. Mr. Greer moved to approve on third reading and Ms. Wilson seconded. Vote was unanimous.

Chairperson Floyd read third reading of Ordinance #2004-049 – an ordinance amending Ordinance Nos. 2001-049 and 2001-050 in respect of \$1,000,000 original principal amount Anderson County, South Carolina Special Source Revenue Bond, Series 2002 (Plastic Omnium II Project) to provide for certain modification of the pledge of net fee payments securing such bond; and other matters relating thereto. Mr. Dees moved to approve and Mr. McAbee seconded. Vote was unanimous.

Chairperson Floyd read first reading of Ordinance #2005-002 – an ordinance to approve a request by Carey Makison to rezone 2.15 acres at 2401 Old Williamston Road from R-20 (Single Family Residential) to C1-N (Neighborhood Commercial). The ordinance was scheduled for a public hearing however the clerk omitted the public hearing from the agenda. The Chairperson opened the floor for a public hearing. No comments were received. Ms. Wilson moved to approve and Mr. Greer seconded. Vote was three in favor ([REDACTED]) and three opposed ([REDACTED]) ((Tolly – absent). Motion failed.

Chairperson Floyd read first reading of Ordinance #2005-004 – an ordinance authorizing the transfer and sale of certain Anderson County Real Property; authorizing the execution and delivery of real property deeds related to the same; and other matters related thereto. (Northern Anderson EMS building). Ms. Wilson moved to approve and Mr. Greer seconded. Vote was unanimous.

Chairperson Floyd read first reading of Ordinance #2005-005 – an ordinance to amend Article IV of the Anderson County Code of Ordinances (Boards, Commissions, Committees, and Councils) to provide for the establishment of a Citizens Finance Advisory Committee to County Council for the review of financial matters, including budgets, capital improvements, bond issues, taxation, bids & purchasing and to be composed of one appointee having an accounting or other finance background per County Council District. Ms. Wilson moved to approve and Mr. McAbee seconded. Ms. Wilson said that this would be extremely helpful and would share more widely the financial documents and allow for more public input. Vote was three in favor (Wilson, Thompson, McAbee) and three opposed (Greer, Dees, Floyd) and one absent – Tolly. Motion failed.

Ms. Wilson said that in Section 2-361 Council is given the ability to have standing committees such as Finance Committee, Public Safety/Health & Human Services, Administration Policy/Rules, Planning/Public Works, Recycling/Solid Waste, and Economic development committee. This is the only time of the year that is allowed to do this. She said this would give Council members more of an opportunity to be involved in the budgetary process and it would be helpful to have a budgetary calendar.

Chairperson Floyd presented Resolution **#R2005-006** – a resolution authorizing the Anderson County Administrator to negotiate and execute an agreement with the United States Army Corps of Engineers to conduct Feasibility Study regarding Byrum Creek's flooding dilemma; and other matters related thereto. Mr. Holt Hopkins explained the problem and stated that the County share of the project would be \$110,000 that would be due in August. Mr. Dees moved to approve and Mr. McAbee seconded. Vote was unanimous.

Mr. Greer asked that a copy of the County Council meetings videotapes be given to Western Carolina Telephone Company who provides cable to his district so that they may be broadcasted over the government channel in the Starr/Iva area.

Mr. Dees moved to appropriate \$800 for the Piedmont Public Service District for benches at Pack Park from District #6 Recreation Account. To be paid upon presentation of invoices. Mr. Greer seconded. Vote was 6/0.

Mr. Dees moved to include Lockaby Road on his paving list – 48" culvert at \$13,000. Mr. Greer seconded and vote was unanimous.

Mr. Dees moved to include a 84" culvert on Lockaby Road at a cost of \$23,000. The funds to come from District 6 paving account. Ms. Wilson seconded and vote was unanimous.

Mr. Dees moved to install culvert on Blossom Branch road at a cost of \$45,000. Mr. Greer seconded and vote was unanimous.

Mr. Dees moved to install a culvert on Longview Drive at a cost of \$35,000. The funds to come from District 6 paving account. Mr. Greer seconded and vote was unanimous.

On the motion of Mr. Dees, seconded by Mr. Greer, Council voted unanimously to install pedestrian facilities at Wren School in the amount of \$40,000.

Mr. Dees moved to pave Bentwood Road, Bentwood Drive, and Bentwood Court for a total of \$67,849 and Mr. Greer seconded. Vote was unanimous.

Ms. Wilson moved to appropriate \$400 for the Senior Citizens Group in the Town of Pelzer. Mr. Dees seconded. The funds will come from District 7's Recreation Account. Vote was unanimous.

Mr. Bob Daly gave presentation on the Detention Center. The power point presentation is on file in the Clerk to Council's office.

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

- a. Letters of Appreciation:
 - 1. For: Mr. Hopkins and staff From: Council Member Bill Dees
 - 2. For: Mr. Preston and County Council From: Ms. Jackson
 - 3. For: Mr. Preston and County Council From: Frances Esaw
 - 4. For: Mr. Bob McLean of the Assessor's Office From: Fred G. Robbins
 - 5. For: Sgt. Cheslak's Shift of the 911 center From: Capt. Joshua M. Taylor
 - 6. For: Anderson County Employees From: Major Sherman Cundiff with The Salvation Army
- b. Reports:
 - 1. Building & Codes Monthly Report for December
 - 2. Animal Control Monthly Report for December 2004
 - 3. Environmental Enforcement Monthly Report for December 2004
 - 4. 911 Dispatched Call Report
 - 5. CAD Incidents by Time of day and by Day of Week
 - 6. District Paving Report
- c. Minutes and Agendas:
 - 1. Anderson County Transportation Division Safety Meeting (12/14/04) and January 7, 2005
 - 2. Anderson County Development Partnership meeting (12/21/04)
- d. Membership to the Development Partnership
- e. Letter to Art Braswell regarding C&D Waste Landfill on Hamlin Road
- f. Animal Shelter bequest
- g. Departmental Transfers

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Linda N. Eddleman
Clerk to Anderson County Council