

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting - December 4, 2001 - 6:00 p.m.
Linda N. Gilstrap, Clerk to Council

MINUTES

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

PRESENT

Chairman Clint Wright - District #4 - Presiding

G. Fred Tolly - District #1

Gracie S. Floyd - District #2

Larry E. Greer - District #3

Vice Chairman Mike Holden - District #5

William C. Dees - District #6

M. Cindy Wilson - District #7

Joey Preston - Administrator

Tom Martin - County Attorney

Linda N. Gilstrap - Clerk to Council

Tammie Shealy, Deputy Clerk to Council

(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, December 4, 2001 at 6:00 p.m.

Ms. Gracie Floyd introduced the Rev. Thomas Davis Pastor of Pine Grove Baptist Church of Sandy Springs who gave the invocation her behalf. Everyone stood and pledged allegiance to the flag.

Ms. Cindy Wilson: "May I have a Point of Special Privilege please?"

Chairman Wright: "Is it involving the minutes?"

Ms. Wilson: "That will come in a moment."

Ms. Wilson: "I'd like to welcome all of our citizens who came here tonight. I appreciate and from District #7's perspective whether you are friendly or unfriendly to whatever is said tonight I want each and everyone know that you are welcomed to be here. There is a welcome mat at the podium. You are welcome to exercise your First Amendment Rights. And also I wanted to recognize a gentleman who is sitting at the back. We want to acknowledge his presence tonight. This is a gentleman who makes a trip from a long distance almost every meeting. A former Administrator in York County and I believe he was a mentor of Mr. Preston and helped broker our landfill deal. I'd like to acknowledge Mr. Graham's presence and acknowledge that we noted his absence last meeting. I'm sure everyone is most curious about the situation tonight. My fellow Councilmen each have a copy of the letter (my letter) to Attorney General Condon was sent to them about a week ago. The response from Attorney General Condon is at each person's place, my response to our Attorney General today, and some back up documents. At this point, I would like to ask each County Council person in turn to make their remarks or make whatever statement is appropriate to this. I would like for them then to join with me in asking for a complete forensic audit and then I would like to make some closing remarks after each of my fellow Councilmen have made their statements. Thank you."

Chairman: "Ms. Wilson, I don't feel like right now the rest of Council is at the point that they want to make comments. So I would think that you want to go ahead and make your closing comments we'll go on with the approval of the minutes and the business of the agenda."

Ms. Wilson: "I'll reserve that after they make theirs'. Thank you."

Mr. Holden moved to approve the minutes of the November 6, 2001 meeting and seconded by Mr. Greer. Mr. Dees stated that he had several typographical errors that he had already discussed with the Clerk. Ms. Wilson asked that on page 1 the information pertaining to the maps that was presented to council of a previous meeting be printed in verbatim form, Page 10 dealing with a rezoning request be verbatim, and on page 17 under Council members remarks in regards to the limiting of agenda packets also be in verbatim form. Ms. Floyd moved to amend the minutes with these changes if it has been recorded on our tape. Mr. Tolly seconded. Vote was unanimous. Vote on the original motion as amended was unanimous.

Citizens Agenda:

1. Charles D. Crowe from the Five Forks Community asked Council what kind of controls of the franchise that the County had with Charter Communications. He asked who would regulate the price increases. The basic price is around \$49.00 at this time. He said he heard about the new bus system on the radio and he did not recall the County Council voting on buying 4 new buses. He asked if any type of survey was done.
2. James L. Freeman withdrew his request.
3. Barbara Franklin also withdrew her request.
4. Johnny Caldwell withdrew his request.
5. John Garman called Council's attention to a resolution adopted several meetings ago regarding the Port of Charleston. He thanked Council for the resolution and the willingness to sit down with the Delegation and discuss it. There is a need for the port to be improved to maintain and add jobs to our community in the upstate is vital, he said. He said at the time of adoption there were questions concerning the source of the information in the resolution he presented each member a document that goes step by step and sources each one of the statements contained in the Resolution.
6. Tom Clark of the White Plains Community said that he did not take pleasure coming before the body. He stated he had observed over the years that the majority of citizens come because of concerns they have or a decision made by County Council. Why would any citizen put themselves through this if it were not important, he said. He said he hoped he had not been negative.
7. Frank Kellam said that it was the primary expectation of each citizen of Anderson County to have a council that operates as a faithful steward of hard-earned taxpayer dollars. It is more and more difficult for the average wage earner to make ends meet. When they see more and more money put into the "bottomless pit" of the Civic Center it doesn't make sense, he said. The Civic Center has an operating loss of approximately one million dollars per year add another one point three million for debt service for a total of 2.3 million dollars per year for the Civic Center, he said. He said that some liberals in the County wanted to see the Civic Center expanded.

8. Tina Watkins said that Mr. Preston should be willing to give whatever information any member of Council might ask for. She said that the people of Anderson that got up out of their lazy boys, took their lunch hour, left work early, or etc. to go vote them into office do not want Council to let them down. She asked Council to please consider what their constituency wants.
9. Dan Harvell conveyed his continued request for an independent forensic audit of the County's finances. He said that no matter what the outcome of the Attorney General's office recommendations, citizens of Anderson would never have the confidence they seek in the County's government without one. Independent firms on a rotating basis year by year should do the annual audit. He said if nothing was wrong, why behave in such a manner. At the last meeting he was accused of being negative. In response to that every time he has ever talked before Council he has always inferred as to how great he thinks this County is and how great the people of the County are. He was later publicly accused on a local radio show of having an "agenda". He said that you can call it what you wish, but bottom line is the tax burden that we will endure in the future. If he has to be negative and that is only to some elected officials and administration of the County, he does so in order to seek a positive end result.
10. Gina Smith - stated that accountability was one thing that Mr. Frank Kellam addressed in his public comments. She said that she had been employed with the County for approximately 6 years; and she feels that she is qualified to reply to some of his accusations. She said that the County was doing a lot more with a little more. The system of checks and balances that Mr. Kellam talks about is in place and unlike Mr. Kellam's claim there is not broad rampant mismanagement in this organization. We as a management team are willing to sit down and listen to his questions and answer them in a courteous and respectful manner and the employees will conduct themselves with professionalism and ask that you afore us the treatment.
11. Carolyn Tomlins of Powdersville asked why Cooper Lane was being considered for abandonment. She said that they walk on the road and has been a public road since 1954. She complained of the large, mean dog.

12. Charles Chandler of Powdersville said that over a month ago his wife was walking down the road and a dog came out and charged and attacked her. He called compliance and nothing was done. Compliance told them that it was not a County road. He has been a resident of the area of over 26 years and the County has cut, maintained and paved the road over the past years. He said he was opposed to the closing of Cooper Lane. Chairman Wright explained the steps for closing a county road. He asked if any member of Council objected to moving down to Item #5 since Council was discussing this issue already.

Mr. Steve Cooper said that the County did not cut the road; his family cut the road in 1950s and remained a dirt road for many years. At that time the County procedure was if there was three homes on the road, then the County would pave the road and they did tar and gravel it. His father told Road Maintenance, after they requested that he deed the road to the county for further County maintenance, that he would never deed the road to the County and for them never to come back he would maintain the road. He stated that the County has maintained the road since then. He is requesting that a gate be put up at his property line for safety purposes. He said that they have people coming into the yard at all times of the night, his wife is home alone at night and of course his parents are also there alone. He commented that he contacted all 4-property owners on the road before you get to his home. None of the residents objected. He requested that the road be closed for security purposes.

Mr. Martin presented item #6 - Abandonment of a portion of Cooper lane (C-01-0045). Mr. Holt Hopkins spoke to the issue and stated that the road was 2800' long and considered to be a county right of way (not necessarily a county road). 1479' of the last part of the road is the portion that is being requested abandoned. The staff recommended abandonment of the requested section of the road. Ms. Wilson asked was the cost would be to replace the road. Mr. Hopkins stated that the County probably did do the paving but the county records do not confirm that. The life of a road is estimated at around 15 years. Ms. Wilson talked about the need for a cul-de-sac if the road is closed even though the new road standards are not in place; they may be by the time the road is closed. Mr. Greer moved to approve Resolution R2001-059 and Ms. Floyd seconded the motion. Chairman

Wright asked the County Attorney that if Council tabled the vote would that prohibit Mr. Cooper from going to court for abandonment and closure. Mr. Martin replied no it would not. Mr. Greer move to table Resolution #R2001-059 and Ms. Floyd seconded. Vote to table was six in favor and one abstention (Mr. Dees).

Mr. Martin presented third and final reading of Ordinance #2001-041 - an ordinance approving a request by Jim Broyles/LINWA, LLC to amend a Planned Development District in the Hopewell Zoning Precinct. Property located on the west side of Highway 81 across from Hopewell Crossing Subdivision and bound by Hub Road and McGee Road. Mr. Tolly moved to approve and Ms. Wilson seconded. Mr. Greer asked if the incentive agreement of which Mr. Broyles would sign stating that no other property will be included in this development other than the "green" center portion. Mr. Greer moved to amend the ordinance that approval is subject to Mr. Broyles signing a written agreement that the incentive does not apply to any portion of this development other than the green center portion in the drawings provided to Council. Mr. Dees seconded the amendment. Mr. Greer called for the question on the amendment. Vote on the amendment was five in favor (Tolly, Wright, Greer, Floyd, Dees), one opposed (Holden) and one abstention (Wilson). Motion carried. Mr. Greer called for the question. Vote on the original motion as amended was five in favor (Tolly, Wright, Greer, Floyd, Dees), one opposed (Holden) and one abstention (Wilson). Motion carried.

Mr. Martin presented third reading of Ordinance #2001-042 - an ordinance amending Ordinance #99-004, the Anderson County Zoning Ordinance, as adopted July 20, 1999, by amending the Anderson County Official Zoning Map to rezone from C-2 to R-A approximately 1± acre of property in the Cedar Grove Precinct on the north side of S-4-502 and State Highway 20: BEING described generally as beginning at a point on S-4-502 approximately 305± feet west of its intersection with State Highway 20, thence northwest 260± feet to a point, thence north 800± feet to a point, thence east 415± feet to a point, thence south 790± feet along State Highway 20 to a point, thence west 305± feet along S-4-502 to the point of beginning. Ms. Wilson moved to approve the ordinance as presented and Mr. Tolly seconded.

Mr. Martin presented third and final reading of Ordinance #2001-044 - an ordinance to authorize the leasing of certain Anderson Regional Airport property and facilities to Clemson University for use by the CU Safe: car seat safety program; and other matters relating thereto. Mr. Tolly moved to approve and Mr. Holden seconded. Vote was unanimous.

Mr. Martin presented second reading of Ordinance #2001-051 - an ordinance to reapportion the County Council Districts of Anderson County, as to population, prior to the next general election following the adoption by the state of South Carolina of the 2000 Decennial Census, pursuant to Section 4-9-90, South Carolina Code, 1976, as amended, and other matters relating thereto. A public hearing was held and the following individuals spoke. (The following public hearing is verbatim)

Mr. Chairman I would note of course that since this is a public hearing and particularly because this matter has to be sent to the Department of Justice, it will be recorded, I would request that every speaker state their name and their address for the record.

Chairman Wright - Thank you Mr. Martin. At this time we'll open a public hearing on Ordinance for second reading #2001-051. Anyone wishing to speak to these issues please come to the mic.

Mr. Chairman and Members of Council, Charles Crowe, Five Forks Community. As you recall at the last meeting I had a question about one simple change. I wonder if anyone discussed it, talked about it, took it under consideration or just said uh. It was a very simple change. I didn't figure anyone had, so I thought that's what I'd speak on, on this agenda item tonight. I don't find anything wrong with this map and probably 99% of the public out there, if they knew how it was drawn, agreed upon, they'd come down here and have a stroke. Because, listen it was made, first drafted by employees, that one turned out to be a draft which meant nothing more than drawing a line on a sheet of paper and throwing it in a trash can. Then this one came out of compromises of all places amongst Council Members. I know there are people in this audience tonight who would appreciate that simple little change that I ask. I don't live in it, it don't bother me one-way or the other. But there are people in this audience tonight who would, their concerns weren't taken into consideration. It's whether or not I can maintain the same amount of votes in this area as I can in this area and that is a heck of a way to draw lines. At least you met the one requirement you had to. You met the Federal guidelines on the minority thing which I commend you on

that and there's nothing wrong with it but then when it gets down to where one Councilman has to call another Councilman to see if they'll give them one street or one block, I mean this is pathetic that is one heck of a way to set up in, I don't know a better solution now. I'm not up here to offer some advice I'm just saying that it's a crying shame that it had to be done that way and to my knowledge I was the only citizen to come down here and use my little three minutes to have some input and ya'll admitted that nobody even cared one iota. You didn't even take it up or even think about it. So that's my comments but I hope in the future that somebody works out a better system than allowing everybody to protect their own turf and I thank you.

(Applause from the audience)

Chairman Wright - Thank you.

Mr. Chairman, Tom Clark, White Plains. As most of you know White Plains is going to be put into District #6 with the new map and it affects me personally. I can live with the change I can even live with the Councilman that I'm going to have but I want everybody to know that I'm very disappointed in losing Ms. Wilson as my Councilperson. Thank you.

Chairman Wright - Thank you. Anyone else wishing to speak to this issue?

(Pause) Seeing and hearing none the public hearing has been closed.

Mr. Dees moved to approve on second reading Ordinance #2001-051 as presented and Mr. Tolly seconded. Vote was unanimous.

Mr. Jerry Shealy presented Resolution #R2001-060 - a resolution amending Section III of the Emergency Medical Service Dispatch guidelines in accordance with the Emergency Medical Services Commission recommendations, and other matters related thereto. Mr. Dees moved to approve the resolution and Ms. Wilson seconded. Vote was unanimous.

Council recessed at 7:05 p.m. Chairman Wright called the meeting back to order at 7:10 p.m.

On the motion of Ms. Wilson, seconded by Mr. Greer, Council voted unanimously to approve an appropriation of \$5,000 for the Craytonville Fire Department for assistance with purchasing of some equipment. The money will come from District #7 paving account.

On the motion of Ms. Wilson, seconded by Mr. Greer, Council voted unanimously to appropriate \$24,000 to the Belton/Honea Path Water Authority from District #7 paving account to go toward the installation of a waterline in the Simpson Road area.

On the motion of Ms. Wilson, seconded by Mr. Greer, Council voted unanimously to approve an appropriation of \$300 from District #7 Paving Account for a load of gravel for the Friendship Fire Department.

Mr. Greer stated that the County was in the process of making improvements to the ball field in the Town of Iva. He moved to appropriate \$15,000 from District #3 Recreation Account and \$19,000 from District #3 Paving Account for improvements to the ball fields in the Town of Iva, which is located immediately adjacent to the School District Office. Ms. Floyd seconded and vote was unanimous.

On the motion of Mr. Greer, seconded by Mr. Tolly, Council voted unanimously to approve \$855 for a survey at the Leda Poore Park in Belton for anticipation of construction of two soccer fields. The funds will come from District #3 Recreation Account.

Mr. Greer stated that the Friendship Fire Department serves a portion of Council District #3 has requested assistance with some fire hydrants. He then moved to appropriate \$4,400 from the District #3 paving account to install two fire hydrants in the Friendship Community. Mr. Dees seconded and vote was unanimous.

Mr. Holden moved to add Marshall Road (C-09-0372) and the funds to come from District #5 paving account. Mr. Tolly seconded and vote was unanimous.

Chairman Wright talked about a request for assistance with speed Humps in Harper's Ridge. The Homeowner's Association has agreed to pay 50% of the cost. Mr. Wright moved to appropriate \$1,250.00 from District #4 paving account to cover the balance. Mr. Greer seconded and vote was unanimous.

Ms. Floyd moved to appropriate \$1,000 from District #2 paving to add another fire hydrant on Amity Road. Mr. Greer seconded and vote was unanimous.

Ms. Floyd told Council that the Friends of the Library have asked for a donation of \$500 for a fund-raiser. Ms. Floyd moved that \$500 be appropriated from District #2 Recreation Account for the Friends of the Library's fundraiser. Mr. Tolly seconded and vote was unanimous.

Mr. Holden moved to appropriate \$500 from District #5 Recreation account for the Friends of the Library's fundraiser. Mr. Greer seconded and vote was unanimous.

Mr. Tommy Thompson gave a brief presentation on the County's Emergency Preparedness Department and their preparations since the September 11th tragic incident in case of any further terrorist acts. Mr. Thompson informed Council of all emergency services activities from September through November and all ongoing efforts against terrorism. Council discussed with Mr. Thompson the need for a new HAZMAT truck. Mr. Preston stated that the truck and necessary equipment would cost around \$400,000. He said that he was looking for a funding source. Mr. Greer said that he understood that Anderson County currently assesses hazardous material fees to persons within the County such as service station operators and things of that matter, he asked for a report on how they are assessed, how they are charged, who they are charged to, the basis for the fees. One of his main concerns is that he hears the Hazmat truck being dispatched to the interstate to respond to tractor trailer incidents and he has a concern about the County's ability to recover the hazardous material cleanup cost or incident cost associated with out of state transports within the County. This is something that the Council needs to seriously look at an ordinance that would address impounding these vehicles until the fees are paid so that we are not only charging our residents these fees but we are also charging the out of state creators of some of these incidents. This could possibly eliminate some of the fees on our local people because the majority of these incidences are from out of state incidences. Mr. Thompson explained that the County has a local LEPC (Local Emergency Preparedness Committee) within Anderson County, which is federally (and state) mandated. Chairman Wright talked about a reverse 9-1-1 system and asked Mr.

Thompson to provide pros and cons of the system. Council received as information.

On the motion of Mr. Dees, seconded by Mr. Holden, Council voted unanimously to approve the acceptance of Kendall Acres Subdivision and Wildwood Point Subdivision into the County Road System.

(This section is verbatim)

Chairman Wright - At this time after we have completed the agenda and the business of the agenda, Ms. Wilson, I think it is appropriate at this time that we come back to your original question at the beginning of the meeting. I have a question that I would like to ask of you at this time actually. We have not received any kind of official notification from the Attorney General. We all have copies of the letter that you sent on the 19th of November that list nine separate issues here. I take that's the letter that you sent to the Attorney General?

Ms. Wilson - That's correct.

Chairman Wright- Okay, thank you very much.

Mr. Greer- Mr. Chairman I ask for a point of personal privilege.

Chairman Wright- Mr. Greer

Mr. Greer - Upon reading Ms. Wilson's letter to the State Attorney General and further discussions among the council members, other council members, individually not collectively as a group, but on an individual basis. It is very clear that this council needs to make a response to the Attorney General concerning the content of this letter and at this time I request approval from this council to add a resolution to the agenda at this time.

Chairman Wright - We have a motion to add a resolution to the agenda. Do we have a second?

Mr. Mike Holden - Second

Chairman Wright - We have a motion and a second, are there any comments or questions?

Ms. Wilson - What's the resolution?

Chairman Wright - We have to put it on the agenda first. Okay, all those in favor, 7-0, Mr. Greer.

Mr. Greer - Thank you Mr. Chairman, if you can give me just a moment. (Hands out material) Clerk get a copy? Mr. Martin here is another copy if you need it. Mr. Chairman, I put this resolution forward in the form of a motion at this time I will read the resolution (#R2001-061) prior to

receiving a second so that everyone is familiar with what we are discussing. (Mr. Greer reads aloud the resolution; please see the official resolution with attachment 1 filed in the Clerk to Council's office)

(After the reading of the resolution, the following is verbatim)

Chairman Wright - We have a motion on the floor is there a second?

Mr. Tolly - Second

Chairman Wright - We have a motion and a second is there any comments, questions, or additions?

Ms. Wilson - Of course you expected me to respond. First of all there has been no secret as to my opposition of the placement of a massive sewer project down Beaverdam Creek.

There have been many meetings, we had a community and our landowners have attempted on many occasions to help reason prevail and place the sewer line down Highway 81 where it does actually access people who need it. We could go on for hours about other issues involved in that. You keep referring to half-truths, misstatements, out right inaccuracies; I'd like to see written answers on all of these. Inaccurate, untrue, grossly misleading, it's just incredible that you would spend so much time conjuring up a resolution to discredit me when the simplest method to do that if you think there's nothing wrong with our county finances is to support a forensic audit. If a proper arms length forensic audit is actually conducted and my questions and my concerns prove unfounded what better way to discredit me with facts, with numbers. In fact if that happens don't you put an end to my little short lived political career? Don't you neutralize a voice that you find very inconvenient? I would appreciate having all the half-truths and all the other silliness here that's in this nonsensical resolution. I want all the half-truths enumerated and I would like to respond to them in writing also. And let's see what is this?

Chairman Wright - I think a copy of the letter that is a part of the attachment.

Ms. Wilson - I will review that and perhaps a press conference might be in order to respond to this at a later time.

Chairman Wright - That will be fine, Ms. Wilson

Mr. Greer - Mr. Chairman, I have a question of Ms. Wilson.

Chairman Wright - Yes

Mr. Greer - Ms. Wilson what is your definition of a forensic audit?

Ms. Wilson - My understanding of a forensic audit means that every penny that comes into this county is tracked out. We know where every penny came from and where every penny went. I think that we owe this to our taxpayers and citizens. (Applause) We've had hundreds of thousands of dollars of transfers made between departments and funds. Little or no back-up information. Under Michelin project, for example, I had to find out from a reporter down in Columbia that Anderson County according to the Coordinating Council's minutes at the Department of Commerce - we handled all of that project. It's my understanding from what he printed and what he told me and because we had a 2.7 million dollar cost overrun the Coordinating Council has now changed its policy and procedures. County Economic Development Departments will no longer handle these projects; it will have to go through the State and through the Department of Commerce. We have use of blanket orders in many departments with no back up. What we saw in the Fleet Services report which I thought we had an actual audit and when I finally got a copy of it about a week and a half, two weeks ago, it turns out it was only a report and it indicated some very serious problems needing addressing. I think that if you want to put an end to all of the conjecture and all of the so called misstatements, half-truths, innuendo so on and so forth we do a forensic audit and that is where we completely track every penny in and every penny out. (Applause) And I also want to respond to - I think there is an allegation in here that I have harassed and, oh where is it something about harass and intimidation. I would like to ask my fellow Council members if they were aware of at least one, possibly two investigations about me. Not that I mind being investigated but when we have two Councilmen including the person who presented this resolution telling folks in their district that there's things about Ms. Wilson that they don't know and she's being investigated. I present to you that I want to know who's behind the investigation, why I'm being investigated. If I've done anything wrong, I'd like that to be out in the public. Obviously I have to address it if I've done something wrong. I think I deserve some answers too. (Applause)

Mr. Greer - Mr. Chairman I'd like to go back to the question that I asked Ms. Wilson, we're drifting away from the question I asked, and I want to stay on the issue that we're talking about and not ramble on other accusations whether founded or unfounded. The question I asked was what was the definition, Ms. Wilson's definition of a forensic audit and she says that it's

an auditing procedure whereby you look at the finances of the county. Simply that, the receipts and expenditures. Am I correct?

Ms. Wilson - I think it's far more involved than that but simply put it's tracking every penny in and tracking every penny out.

Mr. Greer - So you are saying the forensic audit is keeping up with the money. Basically, that's what you are saying.

Ms. Wilson - It also examines procedures, internal budgetary controls and so forth.

Mr. Greer - Okay. I've noticed that there are several people in the audience tonight who are experienced in dealing with forensic audits and I've discussed this with them on more than one occasion of exactly what a forensic audit is and the thing that bothers me about these repeated request for a forensic audit is I'm not sure that you nor some of the people in our audience tonight actually understand what you are asking for and what a forensic audit is. When you request a forensic audit of the employees of this county, you're insinuating that there's criminal wrongdoing. My information is that a forensic audit is an investigation into accounting matters looking for evidence of criminal intent that will stand up in the court and I am offended by anyone insinuating that there's criminal intent among this council, this administration or the employees of this county. Now that's what a forensic audit is. I have no problem with conducting audits. In fact, I have in my folder here the certified fraud examiner certification of two of our auditors that have been belittled and put down tonight. And I know I sound angry but I'm not being angry, I am being emphatic. And there's a difference between being emphatic and angry, I'm not angry, I'm emphatic. I have copies of the certification for two of the auditors that perform our audit tonight. Our audits have been performed for the last four years by auditors who are certified fraud examiners. I've discussed this with them even though they have been belittled and put down and their qualifications and their character has been attacked here tonight that they're not qualified to perform these audits. But they are duty bound. I spoke with one of them at length. In fact, I spoke with him while he was standing in LaGuardia airport in New York and we talked about this very matter. They are duty bound by their code of ethics that if they uncover any evidence of wrongdoing that they must pursue this evidence until it is seen to completion. It's either resolved or it goes to court. And this is the type of audit that we've had conducted in this county for the last four years. So when we ask for a forensic audit we are basically accusing our employees in

this county, this administration, and in some instances even this council of criminal intent in the operation of this county. Now if it's criminal intent, I want somebody to step up to the mic and offer evidence and prove it. That's what we're talking about allegations and insinuations and innuendos. There is something required in order to initiate a forensic audit. There's something called predication. There's a former SLED agent in the audience tonight. I want call his name. I want even ask him to step up to the microphone, who conducted fraud examinations. I spoke with him this morning concerning this. It's called a smoking gun. If you are going to initiate a forensic audit you must have something called probable cause or predication in order to initiate that forensic audit. The point I also want to make again is that Kline, Brant and Kochenower who has conducted our audits for the last four years are fully certified, they're fully accredited. I have copies of their certified fraud examiners certificates in my possession tonight. So when we are talking about a forensic audit, we're talking about more than looking to see if we've spent our money more than we're suppose to or if we've done what we've not suppose to. We are looking for criminal intent. The people who are asking for this forensic audit is accused this council, this administration and the employees of this county of being criminal in their intent in operation of this county.

Ms. Floyd - Mr. Chairman?

Chairman Wright - Ms. Floyd

Ms. Floyd - Thank you. Ms. Wilson I would just like to ask if, since you did admit to writing the letter and since you were the one who requested in the letter that a forensic audit be conducted, if you have proof, if you have facts that there is a reason for us to be concerned, that there has been criminal intent, why, why did you not ask for an executive session, where we could have gone in, where you could have presented your facts to us that we could have looked together and decided whether or not to decide our next move? I was really, really disappointed when I saw the letter. When I saw it I just wanted to say, "say it ain't so that you didn't write this" but you have admitted to writing it, but my question to you is that I wish, I guess it's not a question it's a statement because it's done now, but I wish that you had presented your facts and of course you do have facts that can not be denied nor debated that we have a reason to be concerned. Don't you?

Ms. Wilson - I have copies of invoices. Yes. I'm not inferring criminal intent, I'm just saying that there are a number of practices that are questionable and I did ask you.

Ms. Floyd - Okay you answered my question, let me get back okay all right, facts, facts this is not something that we can take lightly. This is a criminal allegation here. This is serious.

Ms. Wilson - I have made no criminal allegation, I am saying that there are things that don't appear quite right. (Ms. Floyd tells Chairman that she still has the floor, Chairman says one at a time, yes Ms. Floyd)

Ms. Floyd - I only wish that you had, you had, come to us and called an executive session, which we have done before and laid out your facts to us one at a time. Mr. Preston would you please

Mr. Preston - Just a second.

Ms. Floyd - Yes

Mr. Preston - You said you had copies of invoices (directed toward Ms. Wilson) would you please elaborate and tell us what those invoices are because I would certainly like to see those invoices.

Ms. Wilson - Some of the invoices refer to an engineering company on the Michelin project.

Mr. Preston - Which engineering company is that ma'am?

Ms. Wilson - My letter speaks for itself, you've read the letter.

Mr. Preston - I request an answer? (Asking the Chairman)

Chairman Wright - Right.

Ms. Wilson - That was in B.P Barber and Associates the billing that was conducted by the county on the Michelin project. There were questionable blanket orders and invoices. I think that we need to have a review of those.

Mr. Preston - Are these the only invoices that you are concerned about?

Ms. Wilson - They're others that I'm wondering about but these specifically caught my attention.

Mr. Preston - What are those others that you are wondering about so that we may address those?

Ms. Wilson - Well perhaps we can sit down with the few things that I've gotten from you from the engineering I'll be delighted to have a sit down session.

Mr. Preston - Ms. Wilson, how did you get this information ma'am?

Ms. Wilson - You actually provided that for me after I'd asked for it many, many months. I still don't have the legal billable hours I don't have any of the real backup on the legal expenses and those two appear to be extraordinarily out of line.

Mr. Preston - Do you understand why you have not received that detail concerning legal invoices?

Ms. Wilson - Have you received a copy of the letter from the Attorney General, I think that should speak for itself.

Mr. Preston - I just ask you a question ma'am. Please answer that question.

Ms. Wilson - Well you have told me a number of times that's privileged information. This is a public body that's public money, there's no such thing as privileged information in that realm.

Mr. Preston - Mr. Chairman could I ask the county attorney to refer to that section of the resolution that addresses that issue.

Chairman Wright - Certainly

Mr. Dees - Mr. Chairman may I make one comment.

Chairman Wright - Certainly, sure Mr. Dees.

Mr. Dees - Ms. Wilson said that she would like to sit down and discuss these things; I assume that would be in private with Mr. Preston. (Ms. Wilson talks over Mr. Dees and the Chairman says one at a time) please, please Ms. Wilson, I do have the floor, thank you (Chairman says yes, Mr. Dees) that she herself said this was a public body and a public meeting and all of this stuff needs to be brought out in the open instead of hidden. That's what I think. My opinion.

Chairman Wright - Mr. Martin.

Mr. Martin - Mr. Chairman the sections to which Mr. Preston is referring first of all in the predicate of the resolution where as during the same period Council Member Wilson has with others initiated legal action against Anderson County to stop the Beaverdam Creek sewer line and is a named Plaintiff in three separate litigation matters against the County. Thereby making her a party opponent to Anderson County, an adverse to Anderson County but has never the less requested copies of the specific line item accounting of the County's legal work which is a attorney/client privileged information from the County including even such privileged information relating to the very litigation which she has brought against the County to stop the Beaverdam Creek sewer line.

Mr. Preston - Mr. Chairman, does anyone on this board not understand that?

Mr. Greer - Mr. Chairman

Chairman Wright - Mr. Greer

Mr. Greer - If I may, Ms. Wilson referred to the letter she received from Attorney General Condon. I have a copy of that letter and I'd like to read you an exert from the last paragraph of his letter to Ms. Wilson. He says in short. A member of County Council must have access to all pertinent information regarding the operation of County government. Just as each

member of the General Assembly has the right to access information not made privileged or confidential. The letter does give reasons for excluding information even from members of the General Assembly. When its privileged or confidential information of the nature Mr. Martin refers to in this resolution.

Chairman Wright - Thank you.

Ms. Wilson - May I respond please?

Chairman Wright - Certainly, Ms. Wilson

Ms. Wilson - The Beaverdam project drew me into the political arena because there were many things that did not appear to be conducted properly. In the course of learning and examining that issue we found a lot of areas that appeared to be not the information is not available. The Beaverdam project simply brought my attention to a lot of concerns. The legal cost that you are referring to in here go far beyond the Beaverdam project. The legal cost involve personnel, economic development, EMS we have some extraordinary legal cost that we still don't have back up information that we've requested concerning billable hours description of services rendered and so forth. Beaverdam brought my attention to all of this and I do want to point out for all who are here, the legal challenges that my neighbors and I launched are two permits issued by DHEC to Anderson County for a project that a majority of the County feels that is unnecessary. The total cost of this project including the Hampton road closing and all of the accompanying improvements, probably will be around \$30 million or more and we have people at the lower end of my district and all around who can't even get a water line. How can we justify spending this huge amount of money for such a limited use? This is a very serious problem and as I said it's a start of my questions.

Mr. Preston - Mr. Chairman could I respond to that? We do have extreme adequate documentation on every invoice paid for legal services. I'd like to correct that and the auditors have reviewed those. I'd like to say too that as a part of that cost that Ms. Wilson has referred to that over 10% of \$178,000.00 has been spent defending those legal actions that Ms. Wilson just made reference to. That is 10% of the total amount paid.

Chairman Wright - Thank you.

Ms. Wilson - May I respond?

Chairman Wright - Certainly

Ms. Wilson - Why weren't these services bid out? Our little community groups' service cost for service didn't amount to but a small percentage of

that. We had one attorney to two and three McNair Law Firm attorneys at every turn. That hardly seems to be a wise use of County money. Perhaps I should just read this letter from the Attorney General so that our people who are here tonight can understand.

Chairman Wright - I have copies that I can pass out. You can go ahead and read it in the record.

Ms. Wilson - I would like to direct the Clerk to Council if she would mind making copies available to any citizens here tonight who want copies of my original letter to Mr. Condon, the response from Mr. Condon and then my that I received late yesterday and then my letter back to him today. I would like to make that available. (Ms. Wilson reads aloud the letter from Attorney General Condon; please see the copied letter filed in the Clerk to Council's office) My letter back to Attorney Condon today (Ms. Wilson reads aloud this letter; please see the copied letter filed in the Clerk to Council's office) and that Ladies and Gentleman is today's and yesterday's correspondence. Thank you.

Mr. Holden - Mr. Chairman

Chairman Wright - Mr. Holden

Mr. Holden - Would it be appropriate to have Mr. Martin read our response that you guys just passed out that's going to Charlie Condon also?

Chairman Wright - Yea, I think that, that would be appropriate to read in. Mr. Martin, if you would do that.

Mr. Martin - Thank you Mr. Chairman, Members of Council. The document in which Mr. Holden is referring is a letter, which is dated December 4, 2001; this is the letter, which is directed by Resolution #2001-061 and it indicates via fax and U.S. mail. (Mr. Martin reads the letter aloud; please see copied letter filed in the Clerk's to Council office) and there are signature lines for the seven members of Anderson County Council and there is an attachment as noted which is a summary of responses to Anderson County Council member M. Cindy Wilson's letter to Attorney General Charles M. Condon dated November 19, 2001 and references to back-up documentation in the same order as presented in the letter.

Mr. Preston - Mr. Chairman I also have copies of the correspondences of State and Federal officials concerning the sewer line. I like to enter them into the record. (Applause from the audience)

Ms. Floyd - Mr. Chairman

Chairman Wright - Yes, Ms. Floyd

Ms. Floyd - Mr. Chairman would it be feasible or in order would it be in order for us to go through the allegations and our responses? Since we are going to get it all out on the floor let's put it all out on the floor.

Chairman Wright - Yes ma'am, I believe it would be.

Ms. Floyd - Thank you. Mr. Chairman I would suggest that we have someone to read the allegations and someone to read the responses.

Mr. Preston - Mr. Chairman, I would like to do that if I could please

Chairman Wright - Yes sir, go right ahead.

Mr. Preston - Before I do that I have a letter that I would like to present to Ms. Wilson. (Mr. Preston asked Mr. Martin to help him pass out the letter.

Ms. Floyd asked Mr. Preston to speak up everyone is having a hard time hearing him and Mr. Preston repeats statement)

Ms. Wilson - While we're passing out the papers may I make a few remarks?

Chairman Wright - Order please, Ms. Wilson

Ms. Wilson - Pardon

Chairman Wright - Go ahead

Ms. Wilson - In paragraph two of the response dated December 4 it refers to the fact that you've claimed that you've given me all the documents. I can think of at least two items immediately that were never provided for me. I've requested all the credit card expenses and other expenses for our Airport Manager and I only received three months at a time totaling six months.

Mr. Preston - Ms. Wilson I have copies of the documentation that I presented you. I will go back and review that and get copies of the minutes and see what was provided to you and whatever you need in that regard you will have. If don't already have it and I believe you were presented with that information.

Ms. Wilson - Not entirety.

Mr. Holden - Mr. Chairman, Ms. Floyd had requested that this information be read and I think she had the floor.

Chairman Wright - Right, we have passed it all out. Mr. Preston if you would I think it would be appropriate at this time at Ms. Floyd's request to address the nine points of the letter Ms. Wilson sent to the Attorney General. I think it's in the best interest of the public to understand the details of our response.

Mr. Preston - I just passed out a letter that I have provided to Ms. Wilson and provided copies to the County Council and to the Clerk and there are copies made available too for the media that asked Ms. Wilson several

questions that are related to the letter that Ms. Wilson sent to the Attorney General and I look forward to receiving a response to these questions as soon as possible. We have with us tonight two accounting firms. The accounting firm of Kline, Brant and Kochenower and the accounting firm of Elliott Davis and I would ask that Mr. Steve Blake with Kline, Brant and Kochenower come forth and I would like to go down each one of these questions, issues, allegations, insinuations one at a time and I would like for these gentleman to provide Council with information, information that relates to each and every one of them. I don't know if Jack McIntosh is in the audience, is he here tonight (Ms. Floyd and Chairman states that Mr. McIntosh is in the audience) Mr. McIntosh will address one of the issues tonight and I have a handout with that also. During this time, Council went over item-by-item of the concerns in her letter to Attorney General Condon. Mr. Steve Blake was the first to answer questions (item #1), Mr. Gray Suggs followed discussing items #2, #3, Mr. Preston presented back up for item #4 which did not back up Ms. Wilson's complaint. Mr. Julian Jones, chairman of the Purchasing Panel also confirmed that the Panel received no complaints in regard to Ms. Wilson's allegations. Ms. Wilson said that she had vendors to tell her that they think pay-offs and other forms of corruption was going on in the bid process. She has no proof only what she is being told. Item #5 - Mr. Jack McIntosh came and presented a detailed account of what happened with the selling of the Anderson County landfill. Mr. Preston addressed Item #6 and stated that he didn't think that he or Ms. Wilson would agree that she had received all requested documents in a timely manner. He gave descriptions of all materials requested and dates in which she was given. Mr. Steve Blake confirmed that bank statements were not going to the Administrator as stated in item #6. Ms. Wilson was asked what her definition of a fund balance was and she replied that it was the amount of cash on hand. She said that during budget discussions in May and June she asked Mr. Preston what the County's fund balance would be as of June 30 and he pointed a chart and stated that it would 12 million dollars if this or 13 million dollars if that, but as of October 2 in a package it indicated that the Fund Balance was 5.5 million dollars plus/minus. Mr. Preston read a letter explaining the fund balance. Mr. Blake explained that as of 8/31/01 according to Ms. Mackey's definition of fund balance was 2.9 million dollars (which is cash on hand). The true definition of fund balance is the assets less the liabilities in any particular fund. At the time it was stated it was un-audited and is was \$12,242,000. He said it was clear it was

a terminology misunderstanding. Mr. Wright addressed item #7. Mr. Blake confirmed that #8 and #9 were not correct statements. He also said that the statement regarding no evidence of internal and accounting controls by Anderson County management related to large numbers of credit cards being held and used by county department managers was absolutely untrue. Mr. Preston said that he would ask that credit card records be examined as used by the Airport. Mr. Blake also addressed item #9 by explaining the procedures involving with closing out a year end books for audit purposes. Ms. Wilson asked Mr. Blake what the County paid for his auditing services and he responded in the 20-25 thousand dollar range. Council discussed further. Mr. Greer called for the question. Vote on the resolution was six in favor and one abstention (Ms. Wilson). Motion carried.

ADMINISTRATOR'S REPORT:

- a. Certificates & Training:
 1. Ms. Angela R. Bryant - IS-001 Emergency Program Manager Course, IS-003 - Radiological Emergency Management Course.
 2. Public Safety October Training Report
- b. Letters of Appreciation: - For: *Mr. Larry Greer From City of Belton for new streets*
- c. Minutes: - Transportation Division Safety Meeting - November 16, 2001
- d. Reports:
 1. Recreation Fund Account
 2. Detention Center Litter Report - November 13-16, 2001
 3. Pendleton Workforce Investment Board Meeting- November 15, 2001
 4. Litter Report
- e. Article - "Special building houses many special people"
- f. VOITIS Grant
- g. Anderson County Transportation Committee's (ACTC) list of approved projects
- h. Charter Communications Price Increases

There being no further business, Council adjourned at 10:55 p.m.

Respectfully submitted,

Linda N. Gilstrap, Clerk to Council
ANDERSON COUNTY COUNCIL