

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – November 16, 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
Tom Martin – County Attorney
Linda N. Eddleman – 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, November 16, 2004 at 6:00 p.m.

Chairman Clint Wright called the meeting to order and Ms. M. Cindy Wilson gave the invocation. Prior to the invocation, Ms. Wilson asked that everyone observe a moment of silence in memory of Mrs. Sharon Dill, an employee with the County, who lost her battle with cancer on November 15. Everyone pledged allegiance to the flag of the United States of America.

CITIZEN COMMENTS:

Agenda Matters: Mr. John Branyon said that he heard Council was voting on the Solid Waste Management program. He said that he had some information to share. He said it seemed in the recent political race several Council members received campaign funds from Allied Waste. Mr. Greer, Mr. Dees, Mr. Holden, and Ms. Floyd all received \$1,000. He said that he believed that all members had a conflict of interest and they should recuse themselves and not act on it. Mr. Ron Peterson also talked about the Solid Waste Plan. He asked Council to consider the three items listed. 1 – Host fees are traditionally reserved for landfills and not transfer stations unless they are implemented at the time of the permitting of such facility. 2. There are typically limits based on the fairness element when applying a fee to an existing investment or facility based on what business owners believe the fee or tax scheduling to be when they made that investment. 3. If you enact a tax or a fee that is to apply to all similar facilities in the County for example permitted facilities – then it should be applied evenly and equitably consistent with the services provided by the County to such facilities. He said that as council discussed the solid waste program he would request that they take those items mentioned into consideration. Mr. Dan Harvell said that the Association had concerns about the solid waste plan. He said they feel that Council is rushing through the plan. Mr. Harvell said that he did not agree with Chairman Wright that the campaign contributions did not have anything to do with the issue. He urged Council to table the matter to allow for more discussion.

Other Matters: Mr. Ed Jean said that at the last meeting he made a statement that he felt it was unfair for District #2 and other districts to have to pay taxes predicated upon a lawsuit brought on by another Council member in another district. He asked why does the County continue to have lawsuits. Ms. Wilson responded that Mr. Jean clearly has not read any of the actual complaints. She said she has never sued her County and the complaint is against the Administrator. The Beaverdam issue was not a lawsuit against the County it was a DHEC appeal, she said. Mr. Tom Martin responded to Ms. Wilson's comment. Mr. Martin said that the Beaverdam Creek litigation was a series of appeals. In each case the County was given a period of time in which to reply and in the absence of the reply the County would have lost by default and legal counsel represented the property owners. He said that the suit was against Joey R. Preston, Anderson County Administrator that is in his official capacity therefore that is a suit against Anderson County. Mr. Brooks Brown said at the last meeting a lady mentioned a figure of \$116 million that the County owes. He said he couldn't figure out where it came from because he has gone through the budget page-

by-page and line-by-line and he comes up with about 60 million dollars. After asking around, he found out that evidently what she'd done – taken the debt from the city of Anderson and added that to the County because the County has co-signed some agreements. Mr. Dan Harvell said that they would address that at the next council meeting. He said that the Associations' members have beliefs just like everyone else – they may be different opinions but they are going to come and voice their opinions. Mr. Greer said that he has a saying for folks who give him campaign money – "It buys you absolutely nothing." People who contribute to his campaign, he feels like are contributing because they think he is doing a good job. They are campaign contribution only. He said he votes the issue not the person. He said that he would not recuse himself from discussion of the solid waste plan.

PRESENTATION: A member of New Foundations stated that New Foundations was celebrating their 30th anniversary. Council was thanked for their support and he gave a brief history of the foundation and a plaque for their support over the last 30 years was presented. Council received the presentation as information.

ORDINANCES – THIRD READING:

Chairman Wright presented third and final reading of Ordinance #2004-043 – an ordinance authorizing the leasing of available space at the Anderson Regional Airport; and other matters related thereto. Mr. Greer moved to approve and Mr. Dees seconded. Vote was unanimous.

Chairman Wright presented third and final 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. A public hearing was held; no comments were received. Mr. Greer moved to approve and Mr. Tolly seconded. Vote was unanimous.

Chairman Wright presented third and final reading of Ordinance #2004-047 – an ordinance to amend Ordinance #98-019, as previously amended by Ordinance Nos. 99-029, 2000-063, 2001-014, 2001-046, 2002-017, 2002-036, 2003-022, 2003-051, 2002-053, 2003-054, and 2004-004. Mr. Greer moved to approve and Ms. Floyd seconded. Vote was six in favor and one abstention (Wright). Motion carried.

Chairman Wright presented third and final reading of Ordinance #2004-048 – an ordinance to amend Ordinance #98-019, as previously amended by Ordinance Nos. 99-029, 2000-063, 2001-014, 2001-046, 2002-017, 2002-036, 2003-022, 2003-051, 2002-053, 2003-054, and 2004-004. Mr. Tolly moved to approve and Mr. Dees seconded. Ms. Wilson stated that the reason she will vote in opposition is because she believes that it is not proper for the County to extend FILOT and other industrial incentives to a commercial development. She also has concerns about the bonds on this issue. Mr. Greer said that he understands that this is not a FILOT agreement however it is an incentive package to allow part of the fee stream to be used to pay for the infrastructure for a commercial development and it is a philosophy of his that the county should not be using tax incentives to assist commercial development so he too will vote in opposition. Vote was five in favor (Floyd, Holden, Wright, Tolly, Dees) and two opposed (Greer, Wilson). Motion carried.

PRESENTATION CONCERNING SOLID WASTE MANAGEMENT PLAN: Ms. M. Cindy Wilson stated that the Solid Waste plan was delivered to her home on Monday, before the last Council meeting, which was November 5. The plan is dated October 19. She asked why the delay. She asked why copies were not sent to each waste hauler and why didn't the Council have more meetings. She read excerpts from a Deposition. Chairman Wright asked Ms. Wilson to explain where this is contained in the Solid Waste Plan. Ms. Wilson said that she has a clause to read that has everything to do with the plan. She said that on page 208 Question: It says that Allied will pay the full two million dollars up front if the County would provide the necessary changes in the Solid Waste Plan and a Letter of Consistency at closing. Question: Do you know what those changes were? Answer: I don't know what the changes were, no sir. Question: Have you ever seen the Solid Waste Plan? Answer: Yes, sir. She said that when Allied Waste Industry gives large amounts of money in an election cycle, as recent as this summer and this fall and this Mr. Claude Graham that comes to all Council meetings, along with Mr. Zieche with Carolina Container Corporation which is a wholly owned subsidiary. She said there were serious questions here and they still do not have all the answers. If they are looking at propriety appearances then there are serious questions of ethics. Mr. Zieche asked to speak. He said that he was a hauler in the county and they do primarily industrial and commercial accounts. The residential base in South Carolina consists of 6 routes primarily in Lee County. They find the business unprofitable because of the density. They have no intention of orchestrating a solid waste plan so that they can come in and take over a bunch of small haulers. Ms. Wilson read sections of the plan that she had problems with. Ms. Teresa Morgan talked about how the small haulers should be allowed to operate anywhere in Anderson County. Ms. Wilson said that the plan needed to be table for further work on the plan.

ORDINANCES – FIRST READING:

Chairman Wright presented Ordinance ##2004-054 – an ordinance finding that Homeland Park Water District may issue not exceeding \$300,000 General Obligation Bonds; to authorize Homeland Park Water District Commission to issue such bonds and to provide for the publication of notice of the said finding and authorization. Mr. Holden moved to approve and Mr. Tolly seconded. Mr. Mullinax stated that this was a sole obligation to the Homeland Park Water District. Mr. Greer asked Mr. Martin if the County could be held responsible for the bonds and he said he did not think so because of was merely an obligation of Homeland Park Water district. Vote was unanimous.

RESOLUTIONS:

Chairman Wright presented Resolution #R2004-060 – a resolution calling for a public hearing to be held upon the question of the issuance of not exceeding \$300,000 General Obligation Bonds of Homeland Park Water District and to provide for the publication of the notice of such hearing. Mr. Dees moved to approve and Mr. Holden seconded. Vote was unanimous.

Council took a 5 minutes recess. Chairman Wright called the meeting back to order at 7:05 p.m.

ORDINANCES – SECOND READING:

Chairman Wright presented second reading of Ordinance #2004-040 – an ordinance adopting the Anderson County Solid Waste Management Plan, as amended, to comply with the South Carolina Solid Waste Policy and Management Act; authorizing the submission of the amended Solid Waste Management Plan to the South Carolina Department of Health and environmental Control; and other matters related thereto. Mr. Tolly moved to approve and Mr. Holden seconded. Council discussed the plan. Ms. Floyd moved to amend the plan to delete the sentence containing the word "franchise" on page IV-6. Mr. Greer seconded the amendment. Ms. Floyd withdrew her motion and Mr. Greer withdrew his second. Ms. Floyd then moved to amend the policy to delete the sentence containing the word "franchise" on page IV-6 and to delete the word "franchise" from all other areas of the plan. Mr. Greer seconded and vote was unanimous. Mr. Preston said that he heard the comment – there is this cloud – shadow that came out of this disposition and it has been implied that a check was delivered to the County. He reminded County Council that as part of the negotiated agreement with Allied Waste that they would contribute contributions to non-profits and every council district has received contributions – audited. Mr. Preston said that if it had not been the sale of the landfill the County couldn't have maintained the \$40 per household fee because the price of disposal. He said that was pretty good management, in his opinion. Mr. Vic Carpenter went through a list of statements made on the Rick Driver Radio show and explained the truth related to each statement. Mr. Greer asked Mr. Garrett Steck to start at the beginning of the document and go through it. He asked Mr. Steck was it correct that the plan would have to have Council's approval for any changes in the Solid Waste plan. Mr. Steck said that was correct. Mr. Greer asked that some type of language be added stating that the current level of service at the convenience centers would not be reduced. He also recommended that a sentence be added that stated that no fee would be levied in this plan without Council's approval. Ms. Wilson requested that in the Anderson County Certificate of Need Request to the DHEC must be requested by Anderson County Council as a body politic added as well as any Letter of Consistency should also be approved by County Council. The advisory board would include at least one appointee by each Council member. She requested under II-3 Under Organization Structure that an Advisory Committee be added to the organizational structure, which would include one appointee from each district. She asked for a copy of the original solid waste plan. She asked where pages IV-8 were? Staff agreed that it must have been miss-numbered. Ms. Wilson moved to table the ordinance on second reading until December 7 and third reading would be on January 4, 2005. Motion died from lack of a second. Vote on the original ordinance as amended was 6 in favor and one opposed (Wilson).

Chairman Wright presented second 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. Greer moved to approve and Mr. Dees seconded. Vote was unanimous.

Chairman Wright presented second reading of Ordinance #2004-050 – an ordinance authorizing an amendment to the lease agreement between Anderson County, South Carolina and Plastic Omnium Auto Exteriors, LLC, as amended, to provide for an extension of the investment period there under; and other matters related thereto. Mr. Dees moved to approve and Mr. Greer seconded. Vote was unanimous.

Chairman Wright presented second reading of Ordinance #2004-053 – an ordinance authorizing the leasing of available commercial office space at the Anderson Regional Airport to Tailwind Aviation; and other matters related thereto. Mr. Dees moved to approve and Mr. Greer seconded. Vote was unanimous.

APPOINTMENTS: Pendleton District Workforce Investment Board – Ms. Julia Sermons Hoyle presented the following names for reappointment or appointment to the Pendleton district Workforce Investment Board: Mr. Robert Oppermann, Mr. Claude Leitzsey, and Mr. Perry Voisin, and Mr. Mark Keeney. Ms. Wilson moved to approve and Mr. Holden seconded. Ms. Floyd asked for resumes or some background information on the recommendations on individuals in the future so they will know who they are appointing. Vote was unanimous.

APPROVAL OF ACCOMMODATIONS TAX – TOURISM RELATED EXPENDITURES: On the motion of Ms. Wilson, seconded by Mr. Greer, Council voted unanimously to approve the expenditures of the Accommodations tax as recommended by the ATAX Committee. A copy of the appropriations is on file in the Clerk to Council's office.

PRESENTATION: Anderson County Taxpayers Association. Mr. Dan Harvell said that it was suggested that anyone that calls into the radio station is a member of the Taxpayers Association and he said that statement was not true. He said the Mr. Steck who worked on the revision of the Solid waste Plan stated that 95% of the plan was factual. He said that he believed that 95% of the problem was due to the time-line for which the plan has gone about. He asked Council if franchise was mentioned in the previous documents. No members of Council could remember. He asked about when the meeting for the haulers was set up. Mr. Preston responded that Ms. Floyd mentioned it at the last meeting. Mr. Preston stated that the Solid waste Household fee has not gone up since the 1990s. He said that the fees go to solid waste disposal. Mr. Preston assured Mr. Harvell that absolutely no tax money goes into the Enterprise Fund for the purpose of disposal. Mr. Harvell also talked about campaign contributions. He asked also how an interns was allowed to redack Attorney bills that was provided to Ms. Wilson when a duly elected Council person could not even see them. Mr. Preston responded that the interns do not have any litigation against the County. Council received Mr. Harvell's remarks as information.

Council took a 5-minute recess at approximately 8:35 p.m. Chairman Wright called the meeting back to order.

PRESENTATION: Mr. Joey Preston asked Mrs. Gina Humphries to come forward for the presentation. She presented a power point presentation in titled *Debt and Other Issues: Fiction vs. Fact*. A copy of the presentation is on file in the Clerk to Council's office. Mr. Preston read a letter from Mr. D. Gray Suggs into the record. A copy is in the Clerk to Council's office. Council received as information.

REQUESTS BY COUNCIL MEMBERS:

Ms. Floyd moved to appropriate \$200.00 for the Broadway Lake office for a telephone system for dissemination of information on Broadway Lake. The funds to come from District #2 Recreation Account. Mr. Holden seconded. Vote was unanimous.

Ms. Floyd moved to appropriate \$1,000 from District 2's recreation fund for the Main Street Program for assistance with their annual holiday walk and tree lighting. Mr. Holden seconded and vote was unanimous.

Mr. Greer moved to appropriate \$2,000 from District 3's Recreation account for renovations and improvements to the Iva Civic Center. Mr. Dees seconded and vote was unanimous.

Chairman Wright moved to appropriate \$180,000 from District 4's paving account for the repairs to the Smith Road Bridge. Mr. Tolly seconded and vote was unanimous.

Chairman Wright moved to appropriate \$500 from District 4's Recreation Account for the Crime Stoppers program. Mr. Greer seconded and vote was unanimous.

Mr. Holden moved to appropriate \$500 from District 5's recreation account for the Foothills Alliance Prevention of Child Abuse for their annual Festivals of Trees program. Mr. Tolly seconded and vote was unanimous.

Mr. Dees moved to appropriate \$8,000 from District 6's Recreation account - \$3,000 for the Wren Youth Association for programming and \$5,000 for Hurricane Springs Park for light payment. Mr. Greer seconded. Mr. Dees asked that the money be made payable upon presentation of invoices. Vote was unanimous.

Ms. Wilson said that she had concerns that she made appropriations last August and December and still a lot of the paving have not been done. She said hopefully she would get an accounting by the next Council meeting.

ADMINISTRATOR'S REPORT:

1. Letters of Appreciation:
 - a. For: Anderson County Council and Administrator and Staff From: Ms. Frances C. Esow
 - b. For: Administrator and Staff From: Mr. Henry Gordon, Director – Oconee County Emergency Management Agency
2. Meetings & Minutes:
 - a. Anderson County Development Partnership – November 16, 2004
 - b. Anderson County Museum Meeting – October 11, 2004
3. Article in *Ballooning* Magazine
4. Greenville and Charleston Jail Expansions
5. Letter to Mr. Cyril Busbee, Jr. SCDOT regarding Improvement to Michelin Boulevard
6. Letter from Ms. Elizabeth S. Mabry – Signing for Anderson on I-85 – traffic
7. Detention Center's Population Pressures
8. Special Population – Special Olympics News Articles

REMARKS BY COUNCIL MEMBERS:

Ms. Wilson clarified that the DHEC permits were exhausted in September or October a year ago so there was absolutely no legal challenge of any kind against the County and she will continue to make her request of financial documents and also excess to the legal expense vendor files.

Mr. Tolly said he was really sorry that the Council has to have a "dog fight" every meeting almost.

Mr. Dees stated that he appreciated the presentation done by Ms. Humphries and he appreciates it because he believes personally that it is and was a factual presentation. He echoed what Mr. Tolly said.

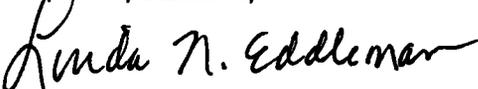
Ms. Floyd said that she would not apologize for anything she said or did but she wanted to apologize to the Chairman for his tuff job.

Mr. Greer stated that it takes a person a lifetime to build a reputation and it only takes a few "wagging tongues" a moment to destroy that reputation by making improper, untrue, implied comments. He said as you listen to what someone says about an individual – trust but check the facts.

Chairman Wright asked if Council was moving forward with remedying the over-crowding at the Detention Center. Mr. Preston replied that people are being arrested but they are not being moved through the system in a timely manner.

The meeting was adjourned at 9:50 p.m.

Respectfully submitted,



Linda N. Eddleman
Clerk to Anderson County Council