

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – January 20, 2004 – 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
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. 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, January 20, 2004 at 6:00 p.m.

Chairman Clint Wright called the meeting to order and then asked Council Mr. Fred Tolly to give the invocation. Everyone stood and pledged allegiance to the flag of the United States of America.

Mr. Bill Dees moved to approve the minutes from the January 6, 2004 meeting with changes to several typographical errors and Ms. Wilson seconded. Vote was unanimous.

Citizen Comments:

Mr. Steven Pope addressed Resolution R2004-004 regarding the speed limit on Highway 81. He said most people don't go 45 mph on Highway 81 they go between 55-60 mph. He said that occurs from T.L. Hanna all the way to Interstate 85.

Mr. Brooks Brown said that it was with regrets that he inform Council that Nazi like tactics are being used in Anderson County to silence individuals who disagree with the positions and actions taken by a Council member and members of the Anderson County Taxpayers Association. At the last meeting he questioned the motives of Ms. Wilson concerning her selling out of the taxpayers association by making money from a land transaction. As part of the "Nazi" attempt to silence their opposition they formed a "SA" to "strong arm" anyone questioning them. Similarly at the last meeting, instead of Ms. Wilson coming to him directly in an honorable fashion to settle any differences between Ms. Wilson and himself, he was publicly confronted in the Chambers by three "storm troopers" of the Taxpayers Association – they were later identified to him as members of Ms. Wilson's immediate family. The three tried without success to get him to back off of his assertions, which by the way was proven to be true by Ms. Wilson's own words. When the attempt failed, Mr. Charles Crowe called into a local radio talk show, run by Mr. Rick Driver. Mr. Crowe tried, without success, to suppress his First Amendment Rights by belittling him, calling him names, he said. He was later threatened by the "Neo-Nazis" and he said that he would not be threatened by these. He also said that he would fight to protect his and his families' rights. He

asked council to take all means necessary to protect the rights, well being, and safety of all citizens who come before them with questions about activities or positions of the members of the Council.

Mr. Ed Hersch of Country Acres said that he thought Council has generally had the interest of the County as their primary focus and has fairly represented the constituents. He addressed areas in the budget such as Recreation and Paving account where the county could save money. He said that the accounts could better be used if it was controlled by a non-elected official such as the Administrator.

Mr. Ed Jean suggested that with regard to the paving account – if council intends to continually take money from the paving account (for something other than paving) if Council deems it necessary why don't the county take the paving account and break it in half and create another account for miscellaneous. This might be a way to correct the situation. He also suggested that 90 days prior to an election certain funds could not be used for anything other than what they are budgeted for.

Ms. Kris Yon said that the East-west Connector was in the news again. She said that a couple of the concerns in the paper caught her eye. Her two concerns are the quality of life and the priority. She said that the city had their eye on annexing the area on the connector-when that is annexed the zoning would be null and void. How did the connector become a priority when there are more important issues the county is facing?

Mr. Dan Harvell said he must respond to Mr. Brown's remarks. He said that when people get up and claim citizens, such as himself are involved in some group such as Mr. Brooks Brown did there is a mental deficiency present.

Ms. Wilson responded to Mr. Hersch that she made the statement that the County included extra money for the County's fire departments. They are covering more and more fires with less and less help. She said she didn't like using paving money for anything other than paving but they have very little left on where to get it. She said that she personally handed Mr. Brown a copy of her Disclosure statement that she made. She said she disclosed beyond the letter of the requirements of the law. Her role has been, and continues to be, acting as broker for an adjoining landowner and no one knew whom the project was for until it made the paper. She said the basis that they went on was "it would be good for the county." Her client decided to sell and then negotiations begun. She said she did research and found that Bosch paid \$83,000 per acre for approximately 43 acres, which fronts on Highway 81 and goes down Scots Bridge Road. She said she never heard of anyone who went after that broker for helping Bosch expand. She said that it was absolutely unprecedented that a contract price, which is confidential information, until it is closed, would be made public. She told Mr. Preston that he owed the county an apology if the deal does not go through. She also said that if anyone had any questions regarding her role as a real estate broker and her role as a County Councilman she would be most happy to sit down and talk with them because there is a lot of care and consideration given to both of her roles to make sure that she represents her constituents in the most appropriate ethical, legal way and that her real estate practice does not interfere. Her recusal and disclosure took care of that, she said.

Chairman Wright read third reading of Ordinance #2003-068 – 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 R-20 (Single Family Residential) to POD (Planned Office District) one (1) parcel of land comprising approximately +/- 2.00 acres of property in the Hopewell Precinct at 1115 Dunlap Road. The property is identified by TMS #146-00-09-002 and is fully described by Plat Book CP068, Page E289, and Deed Book PJ/968. Mr. Tolly moved to approve and Mr. Greer seconded. Vote was unanimous.

Chairman Wright read third reading to Ordinance #2003-069 – an ordinance amending Chapter 38 of the Anderson County Code of Ordinances pertaining to Land Use and Development Standards; and other matters relating thereto. Mr. Dees moved to approve and Mr. Tolly seconded. Vote was six in favor and one opposed (Greer). Motion carried.

Chairman Wright read first reading of Ordinance #2004-001 – an ordinance imposing a prohibition on certain vehicular traffic on Airy Springs Road (C-2-40), Browning Road (C-7-16) and Paulan Road (C-6-25); and other matters related thereto. Mr. Dees moved to approve and Mr. Tolly seconded. Mr. Dees offered an amendment to change 4 wheels to 6 wheels. Ms. Wilson seconded the amendment. Vote was unanimous. Ms. Wilson said that she had also requested Breazeale Road and Hopewell Road. She said she would vote in favor tonight however she would ask that something be done on those roads by second reading. Vote on the original ordinance as amended was unanimous.

Chairman Wright read first reading of Ordinance #2004-002 – an ordinance authorizing an extension of the investment period under that certain fee-in-lieu lease agreement between Anderson County, South Carolina and Electrolux Home Products, Inc. (F/K/A White Consolidated Industries, Inc., also known as, Inter Alia, Frigidaire Home Products), dated as of December 1, 1999; reauthorizing special source infrastructure credits authorized under that certain inducement agreement between Anderson County and White Consolidated Industries, Inc., which resulted in the aforesaid fee-in-lieu-of tax lease agreement; recognizing and consenting to the corporate reorganizations which have resulted in the change of name from White Consolidated Industries, Inc. (also known as, Inter Alia, Frigidaire Home Products) to Electrolux Home Products, Inc.; and other matters related thereto. Mr. Tolly moved to approve by title only and Mr. Greer seconded. Vote was unanimous.

Chairman Wright read first reading of Ordinance #2004-003 – an ordinance authorizing the amendment of Anderson County supplemental ordinance #2003-044 (LINWA, LLC Project – Special Source Revenue Bond); redesignating the bond of 2003 as the bond of 2004; revising the maturity schedule of the bond; and other matters relating thereto. Mr. Preston stated that this was brought to the county's attention by School District 5 and the County Auditor that the District had already prepared their budget so. This will give LINWA a one-year extension. LINWA will pay one year of taxes. Mr. Tolly moved to approve and Mr. Dees moved to approve and Ms. Floyd seconded. Ms. Wilson said that she voted against providing a private-commercial type development a fee-in-lieu of tax agreement and other industrial type inducements and now the special source revenue bonds of which they are borrowing according to this, \$811,000 and 25% of their fee-in-lieu of taxes goes to paying this back. She said it looks like that rather than it appearing to be a problem with the school districts that perhaps it would be difficult for them to make a payment for what it would probably cost. She said she still has a problem using public money for private gain. She said that she feels that it is still being put together with a lot of public money and then an industrial tax incentive for commercial property. Mr. Greer said that he would be consistent. He has consistently voted against the project and will again. The ordinance had a change from the packet version on page 2. Ms. Floyd asked Mr. Preston to explain the comment that Ms. Wilson made concerning using public money for private gain. Mr. Martin explained that public funds could not be used for private gain unless it is in an area that is specifically authorized by law. In this case, there is a statute, which authorizes the use of certain infrastructure credits, or incentives that can be used for economic development (S.C. Code Section 4-1-175). Vote was five in favor and two opposed (Wilson, Greer). Motion carried.

Chairman Wright presented Resolution #R2004-004 – a resolution directing the Anderson County Administrator to request the S.C. Department of Transportation to conduct an engineering and traffic study on Highway 81 from the Highway 81 intersection with Crestview Road (C-10-0095) to the interstate 85 interchange to determine the appropriateness of raising the speed limit on said portion of

Highway 81 from its current speed limit of 45 miles per hour to a speed limit of 55 miles per hour; and other matters related thereto. Mr. Dees moved to approve and Ms. Wilson seconded. The resolution comes from a request by the County to the State DOT to increase the speed limit on Highway 81. Council discussed. Ms. Wilson asked if the speed limit was increased what would be the effect on curb cuts. She said that she was concerned with raising the speed limit without having excel and decel lanes and ways to make it safer to off/on Highway 81. Mr. Hopkins said that the DOT would be looking at things like this in their study. Ms. Floyd said that she would have liked to see the wording of the resolution to read "that the County wanted them to conduct an engineering and traffic study on Highway 81 for them to determine the best possible speed for that highway". Vote was six in favor and one abstention (Floyd). Motion carried.

Mr. Greer stated that on November 4, 2003 Resolution R2003-080 was tabled. He then moved to remove from the table the resolution pertaining to the staffing of a Quick Response vehicle in Anderson County; and other matters related thereto. The motion was seconded and vote was four in favor to remove from the table (Greer, Dees, Wright, Wilson) and three opposed (Holden, Floyd, Tolly). Motion to remove from the table carried. Mr. Greer stated that he was still maintained the position that if the county was going to own the QRV vehicles County employees should staff it and he still maintains the position of supporting the squads as they operate across the County. He also said that he still maintains the position that it is his firm belief that the County operating the QRVs is the best way to aid and protect the squads as they provide Anderson County with EMS service. Mr. Dees said that this County would be dealing with a great liability allowing individuals, other than county employees to drive County owned vehicles. Mr. Tolly said that part of the funds set aside for the QRV program have been allocated for an educational program. The operation has never been decided as to where the vehicle will be placed in the county. There are also areas that have asked to be considered as to where to place the vehicle. He said that the County talked about "trimming" the budget of unnecessary spending and this was an absolute item that did not need to be in the budget because the Council does not know where it will be placed, Council doesn't know how much it will cost for the County to operate it. He said that he felt it was only "one step" in a complete County take over of all the squads. Mr. Tolly then moved to table the resolution once again. Ms. Floyd seconded. Vote was 3 in favor (Holden, Tolly, Floyd) and 4 opposed (Wright, Dees, Greer, Wilson). Motion to table failed. Discussion continued. Mr. Holden said that the County Attorney stated that the county had some unknown legalities to the proposal and the location of the vehicle has not been determined. Discussion continued. Mr. Greer said that during tough budgetary concerns you need to prioritize and in his opinion that police, fire and EMS top the list. Council needs to provide for the safety of the citizens of the County and law enforcement and fire protection and EMS services. He said he could not agree with the statement that cutting the budget through cutting EMS services is a good idea - he cannot agree with the statement. He said the QRV concept is a good one and it has been tried in other counties. He said that he has stated that two of his communities need the QRV and he would love to see it in one of them; however he thinks that the EMS Commission needs to recommend the location. He urged Council to pass the resolution. Mr. Dees moved to amend the Resolution (#R2003-080) that no action would be taken by this County until a thorough comprehensive study has been done in concert with staff and the EMS Commission and a vote by Council as to its' location. Mr. Greer seconded the amendment. Mr. Dees called for the question and Mr. Greer seconded. Vote on the call was six in favor and one opposed (Holden). Vote on the amendment was unanimous. Mr. Wright asked about wording in the resolution concerning "absolute funding". Council asked Mr. Tommy Thompson if a proposal had been presented and he said yes. Council agreed to take a short recess to allow Mr. Thompson time to locate the proposal. (time 7:10 p.m.) Ms. Wilson moved to table the resolution to allow for Council to gather more information for further study. Mr. Holden seconded and vote was unanimous.

Mr. Tolly moved to direct Mr. Preston to contact the rescue squads to make a formal invitation for a bid on the operation of a QRV. Mr. Holden seconded. Vote was unanimous.

On the motion of Mr. Dees, seconded by Ms. Wilson, Council voted unanimously to approve the acceptance of Penninger Heights, Hidden Falls, Drewmar Acres (Phase I), and the Meadows (Phase II) Subdivisions into the County road system.

Mr. Tolly moved to appropriate \$5,000 from district #1 Recreation funds for the Junior Golf Tournament for the Sunshine House. Ms. Floyd seconded and vote was unanimous.

Chairman Wright moved to appropriate \$43,446.50 from District #4 paving account in order to cover the remaining funds necessary to repair Refuge Road. Mr. Dees seconded and vote was unanimous.

ADMINISTRATOR'S REPORT:

- a. Certificates and Training: Mr. Doug Nielsen (Airport) – Introduction to Management and Supervision Course
- b. Letters of Appreciation: For: Mr. Joey Preston From: Governor Mark Sanford
- c. Reports:
 1. District Paving Report
 2. District Recreation Monthly Report
 3. Environment Enforcement Monthly Report for December 2003
 4. Animal Control December 2003 Report
 5. Detention Center Litter Report for December 22-23, 2003, December 29-31, 2003
 6. Anderson County Litter Report for November 2003
 7. Building and Codes December 2003 Report
 8. Veterans Affairs Semi-Annual Operations Report – July – December, 2003
- d. Letter from Board of Education to Anderson County Treasurer
- e. ACTC approved projects
- f. Budget Transfers

Remarks:

Mr. Dees – no comments

Ms. Wilson handled out information on legal fees that she obtained through the Department of Commerce. She said that on many occasions she requested from Mr. Preston copies of the legal expense vendor files and she has been turned down. She said that she is now making a formal Freedom of Information request for the legal expense vendor files as requested many times and as it is of public interest there should be no-charge to her since she is a Council member. She said that a top ACLU lawyer has informed her that the County Administrator and County Attorney cannot hide behind the "Attorney/Client" privilege – they should provide in a reasonable amount of time. Mr. Wright said that was just one attorney's opinion. She asked why the County is paying Young, Clement Rivers, and a law firm in Charleston. What we paid the McNair Law Firm out of account 5013 in the amount of \$14,631.90 on December 11, 2003. She also asked what happened to the Audit Presentation.

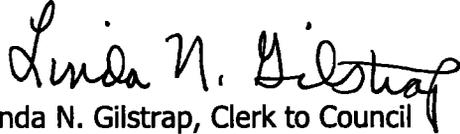
Mr. Greer said that everyone should use every moment of every hour of every day to the best of his/her ability and to strive to treat our fellow man as well and as good as you can. He said Council must get beyond the bickering and get down to working for the good of the County.

Mr. Tolly said that someone was orchestrating this QRV situation. It seemed strange that Mr. Greer had the documents and no one else had it and the fact that the County couldn't use the bids put in by the rescue squads.

Chairman Wright asked for a joint meeting of Council and the Planning Commission to discuss transportation. Chairman Wright said that he would be contacting each member of Council concerning a date for a meeting either the middle or end of February 2004.

The meeting adjourned at 7:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Linda N. Gilstrap". The signature is written in black ink and is positioned above the typed name and title.

Linda N. Gilstrap, Clerk to Council
ANDERSON COUNTY COUNCIL