

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting –November 9, 2004 – 6:00 p.m.
Linda N. Eddleman, Clerk to Council

MINUTES

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

PRESENT

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 9, 2004 at 6:00 p.m.

Chairman Clint Wright called the meeting to order and Mr. Larry Greer asked Mr. Bill Jennings, a member and deacon from his church, to give the invocation. Mr. Clarence Rogers, World War II veteran, led everyone with the pledged allegiance to the flag of the United States of America.

Ms. Wilson moved to approve the minutes from the October 5, and October 19, 2004 meetings as mailed. Mr. Holden seconded the motion. Ms. Wilson asked the Clerk to Council to check on the verbatim on page 8 of the October 19, 2004 minutes. Vote was unanimous.

CITIZEN COMMENTS:

Agenda Matters: Mr. Bud Putman from the Centerville A Voting Precinct, particularly Gilmer Estates and Whitehall Road talked about the request for a zoning change in his precinct. He said that there was a proposed zoning change before Council once again. He asked Council to deny the request. Ms. Elizabeth Peace talked about the Veterans Day celebration honoring all war veterans and she begged council to quit petty "nick picking". Mr. Brooks Brown said that the election was over and whether an individual supported the winners or not – it was the will of the people. He said that there was a happy balance. He said he was looking forward to the new council and working with them. Mr. Ed Jean said that he heard over the weekend that there was another suit against the county. He asked since another lawsuit had been filed against the county would the taxpayers of Anderson County will be paying for it. Ms. Peggy Taylor said that she read the Anderson County Financial Update in the newspaper. She asked why the county had to borrow 27 million dollars and why was it such a big rush. She asked council to table all matters with lasting consequences and let the new council fully evaluation each situation and make an informed decision. She urged Council to slow down and evaluate the issues.

SPECIAL PRESENTATION: Resolution #R2004-055 – a resolution recognizing and honoring Mr. Clarence Rogers, a symbol of World War II Veterans throughout Anderson County and the United States; and other matters related thereto. Mr. Greer moved to approve the resolution and Mr. Dees seconded. Vote was unanimous. Mr. Greer presented the framed resolution to Mr. Rogers and his family was introduced. Council thanked Mr. Rogers.

Ms. M. Cindy Wilson asked for a Point of Personal Privilege. The Chair granted her request. Ms. Wilson said that due to the recent election and with two new council members that Council table until the first meeting in January the following seven ordinances: 2004-030, 2004-039, 2004-041, 2004-042, 2004-048, 2004-040, and 2004-053. Most of the Ordinances involve large amounts of money or they are very serious issues. Motion died from lack of a second.

PRESENTATION: Mr. Joey Preston said that to help Ms. Wilson and Ms. Peggy Taylor to better understand County debt and to explain the financial report/update advertised in the *Independent Mail* he asked Ms. Gina Humphries to come and give a presentation on the County's debt. A copy of her presentation is on file in the Clerk to Council's office. Council received the presentation as information.

Council recessed at 7:05 p.m. for 5 minutes. Chairman Wright called the meeting back to order at 7:15 p.m.

PRESENTATION by Mr. Tom Martin. A member of Council requested this section verbatim.

Mr. Martin:

Thank you, Mr. Chairman and Members of Council. The presentation that I am going to give to you is going to be perhaps a little confusing and a little bit disjointed for a couple of reasons. The first is that some of the areas that I'm going to discuss are going to be relatively complex legal issues - others are fairly clear-cut but some are fairly complex. There is at least one issue to which there is not a clear-cut answer in South Carolina law - that is one source of the confusion. That leads to a little bit of a problem. My job as the legal adviser to the County - and I want to emphasize that the client is the County. My job as the legal adviser is to try to give advice to the County as to any legal matter that comes up. The best advice that I can give to accomplish a purpose legally and to do so with the least risk to the county. In some cases that requires judgment on my part and in exercising that judgment I have to use a lot of sources. One of the matters that we will discuss tonight or that I hope to present to you is one in which not only I but also Mr. Preston are sort of "damned if we do" and "damned if we don't" cause South Carolina Law does not address it directly. I've had to go to other sources such as the Fourth Circuit Court of Appeals and some indirect sources to come up with a conclusion, but it is a situation where certain information has been requested from the County, which, in my interpretation of the law, is protected information. Privileged information. If we give the information over, and it is protected and privileged and the County as represented by you, the County Council has not approved it, then basically the County's rights have been violated. I don't have the right to give it over. We are talking of course about the "Attorney/Client Privilege". And as the attorney, I can't give the information; only the client can release the privilege. In this particular case, Mr. Preston also can't release the privilege because he is the Administrator. He is not the policy maker, the Council is. So if we release the information we have violated your rights, the County's rights. On the other hand if we don't release the information, we are blamed for that as well. So that is one of the additional sources of confusion. The final predicate that I want to establish for this information that I will give to you is - the decision was made after the last County Council meeting to present this, just as your last presentation on debt. This is intended to answer questions that were raised at the last meeting. It is intended to answer confusion raised at the last meeting. It is intended to answer some confusion-perhaps miss-information or disinformation that has been established over a period of time concerning some of these issues. After the last meeting, I was not able to attend the last meeting, but Todd Davidson came back and said there was a question concerning this. I called Mr. Preston and asked if he would like for me to make a presentation so that you, as County Council, could hear what the issues were. He indicated that he would like for me to do so and it was placed on the agenda. Following that the County was served with a lawsuit. Actually let me rephrase that. The County has not been served with a lawsuit, which is interesting. The media has been provided copies of the lawsuit. The media has run stories concerning the lawsuit, but the County has not yet been served with a lawsuit. One would assume that if the purpose was to obtain information then the county would be served with a lawsuit. The County was provided with a copy of the suit by the Associated Press to whom the suit had been provided but we have not yet received the service copy of the lawsuit. I cannot comment on matters in litigation, it is one of the canons of the legal profession that if there is litigation it is inappropriate and it is unethical for an attorney to comment on that litigation. The same rules don't apply to non-attorneys of course. But in this particular case I can't comment on the litigation itself so this presentation was set up originally to get into a lot of legal issues. I am still going to address those but I can't discuss the litigation, however there are some issues for you, as County Council, to determine involving the litigation, if and when the County is actually served with a lawsuit. Those would have to discuss in a separate session - that session can either be open session or executive session. That is simply your call. But the first part of the presentation is going to be what was intended originally that is to discuss the request for information, the Attorney/Client privilege and the status of the Council member in requesting it. At this point, Mr. Dees has copies of an invoice. They have been passed out. I've provided a copy to the media as well, and I've provided a copy to the clerk. Let me indicate that this invoice is one that was obtained by Ms. Wilson from the Department of Transportation dealing with the Michelin Road project therefore it had already been released. And that is why you are being provided a copy of it. But I thought I could help you understand and to illustrate what is at issue. If you'll look at the actual invoice itself, you'll notice that it has a matter number reflecting simply our billing number and it has a title - Michelin Road project right of way acquisition. It then has a series of entries and for every entry there is a date, there is an attorney name, there is the amount of time worked and there is the amount billed. Then there is a narrative description of what work was done. That narrative description is the only matter really at issue. Everything else on this invoice is public information, is available to the public and has been always been available to the public and has been made available to Ms. Wilson in response to her request for information. So the matter at issue is the so-called narrative description. I want you to look at a couple of those for instance, the third one down. Now these are matters that have already been resolved so this is not hurting the County at this point to discuss this. But the third one down "Meeting with Holt Hopkins and David Link regarding Michelin Boulevard phase IV, property acquisition and condemnation. Discuss potential costs associated with litigation and adjust settlement offers accordingly. Prepare condemnation timeframe. Discuss with BP Barber and SDOC. Discuss project with Michael Allen, displaced business owner, review and disseminate FOIA request." That is a description of the legal work that was done during the time frame that is entered there. I think you can understand that gets into a lot of Attorney/Client privilege. It is describing the legal services provided it is getting into the settlement negotiations for a condemnation process. It is getting into the clients legal strategy. The client is the county. So that is the invoice. These invoices come out from our law firm and every other law firm that represents the County. They are somewhat different in format based upon the law firm involved but they all contain the same information. The only matter at issue is the narrative detail that is contained in it. So with that as background - let me simply indicate that there are really two issues involved. The first is whether that narrative detail is Attorney/Client privilege, then the second one that is a much harder question, I think the first one is fairly easy. Under South Carolina law and under law applicable to the South Carolina by the Fourth Circuit court of Appeals, the second issue is whether a Council member would have access to that information by reason of being a council member apart from the Attorney/Client Privilege. Let me first deal with the issue of Attorney Client privilege - this first came up several months back, actually a couple years back, when a request was made for the billing invoices. At that time, a response was made that all the information would be made available except for the line item narrative detail that I've just read to you. In fact, that was provided, in a couple of different ways. I know of at least twice last year billing information was provided, I think, to the entire Council. Specifically in December last year, the Council was provided with all billing information, everything that's on this invoice except for the narrative detail for fiscal years 1997 through 2004 inclusive. It included all the time worked, all the matters worked on, and the amount of time, the attorneys and the fees. Then there was a request for the narrative detail and explanations were provided that that is an Attorney/Client privilege. Then the same request was made under the Freedom of Information Act for the narrative detail, and again a response was made that the information would be provided under the Freedom Of Information Act, it provided how much that would cost and that is set by the Anderson County Code, there was no description in terms of using the Freedom of Information Act to gouge the actual amount set there and there was an explanation provided that the Attorney/Client privileged information would be redacted - would be removed. The request was made and the request was honored up to the amount of the payments, which were made. Now in terms of determining whether this line item information is Attorney/Client privilege - I did several things. First of all I researched the law of South Carolina. There is not any case law in South Carolina directly on point. Then I went to the Attorney General's Office and received an opinion from the Attorney General's office that this was in fact Attorney/Client-privileged information. I also researched cases of United States Circuit Court cases which are controlling authority in the absent of state cases on point as there is in fact a Fourth Circuit case the Shelgrey Case decided in 1998 dealing with issue of, in fact the very specific of, attorney invoices and Attorney-Client privilege. This is a Fourth Circuit case in Richmond and the fourth Circuit covers the State of South Carolina. "Under the Attorney/Client Privilege confidential communications made between a client and an attorney in an effort to obtain legal services are protected from disclosure. Typically the Attorney-Client privilege does not extend to billing records and expense reports. However, the 9th circuit distinguished between privileged and discoverable information contained in an attorney's billing records" and it goes on and it provides more information. The identity of the client, the amount of the fee, the identification of payment by case file and name and the general purpose of the work performed are usually not protected from disclosure. However correspondence, bills, ledgers, statements, and time records which also reveal the money the client is seeking representation, litigation strategy, or the specific nature of the services provided such as researching particular areas of law fall within the privilege. That is Fourth Circuit case law. If you go to the 9th Circuit it is even more specific it refers to the narrative detail of these bills as being protected. And what it is interesting I even posed the question to an attorney with the law firm that I believe has been engaged in with this matter, Jay Bender, at the S.C. Association of Counties meeting in August in Hilton Head and at that meeting in open session he indicated that indeed narrative details such as these are protected as Attorney-Client privilege in some cases and he did not identify the "in some case" because we did have the specific billings available. Now, quite frankly, I would like to release this information I've said that before and I'm saying it again now. Everything about these invoices including the amounts has been available and there is an innuendo that there's something contained in here that is improper. I would much prefer, for what's contained in there, if you release everything else-release that also so that everyone can see what the work that was done. There is no billing in there for Mr. Preston's work or for anything dealing with Mr. Preston or any other individual. All the work is for the work of Anderson County. But it is not my privilege to release. It's the County's privilege to release. 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is the key "just as each member of the General Assembly has the right to assess to information not made privileged or confidential by law concerning the state government so too does a council member have the right to such assess with respect to County government." There is not a clear case on that point available in South Carolina; the Fourth Circuit does not have a clear case on point. So I am left with the Attorney General's opinion saying that there is still an exception for information made privileged or confidential by law as being not available to a County Council member. That is the best interpretation that I can give now. Obviously it is important that County Council have information by which you can make rational decisions concerning in this particular case, legal services or in other cases any other matter. Isn't there a common ground or a safe ground? Some Counties have in fact reached a common ground. One County that I am familiar with in South Carolina provides information to council members upon their signature of a written statement indicating that the information is for their use as a council member. The Council has not released the Attorney-Client privilege therefore they agree and consent that it is for their use as a Council member and they will not break the Attorney-Client privilege since the County Council has not released that privilege. Again I cannot discuss a particular litigation – the County has not been served and once it is served then it is a matter in litigation but if indeed there is a law suit against the County for this matter then that is another way to handle this – simply let a court decide. A part from the Attorney-Client privilege is there...actually you cannot make it a part. The Attorney-Client privilege is part and parcel of Council's right of access – it limits the right of access based on this attorney general's letter but does a County Council member have the right to the information apart from that. The County has the information – it's in the invoices provided every single month on every single matter. Does a County Council member have a right to that – the only two ways that I know to decide it are to litigate the matter through the court case if one is filed and that unfortunately is going to be relatively expensive because there would be quite a bit of discovery – there is tens of thousands if not hundreds of thousands of entries concerning the County's legal business. Or the other alternative is the method used by other counties in the state signing an agreement that the information is for use of a council member. I believe the real key is that a Council member clearly has the right to review the information. It is the County's information. The council member has a right to review. The question is what use would be made of the information. Mr. Chairman that is all that I had originally intended to provide to you when Mr. Preston and I first talked about this. With regard to the litigation, I would be happy to brief Council about that if and when the County is served either in open session if you desire or in executive session. That is certainly council's call the legal representative of the County." End of verbatim

Item #14 was moved up to this time on the agenda:

THOUGHTS ON ANDERSON COUNTY'S BUDGET AND DEBT LOAD: Anderson County Taxpayers Association – Mr. Dan Harvell talked to council regarding the insert in the newspaper concerning the County's financial condition. He read several highlights of the insert. He said that there were several things in the insert the Taxpayers Association disagrees with. He said that the first issue was under "Financial Highlights" – which says that Anderson County undergoes a complete financial audit every year conducted by a independent certified public accounting firm and last year Anderson County earned the highest opinion possible. He said that the statement was misleading and the reason why was the County's accounting firm came to their meeting and they were told that they do a review for the County. It was not a thorough deep-digging audit. They review what the Finance Department and the Administrator gives them. Mr. Harvell discussed other points. Ms. Wilson stated that February 15, 2004 she met with Mr. Gray Suggs and Ms. Laurie Smith, Representatives of Elliott Davis & Company and they told her group that they do not do a complete audit but a review of the financial statements provided by the Administrator and they encouraged her to encourage Council to go for expanded procedures. Ms. Wilson moved that Council call for expanded procedures including a complete audit of all accounts, all funds, all department for Anderson County and pay them 3-4 times the amount presently paying them for audit services. Motion died from lack of a second.

Item 10b was moved up to this time on the agenda:

ORDINANCES – FIRST READING:

Chairman Wright presented first reading of Ordinance #2004-045 - an ordinance requesting a rezoning change by Johnny Woodard and Donny Woodard to rezone 1530 Whitehall Road, Anderson, South Carolina, from R-20 (Single Family Residential) to R-MA (Multi-Family Residential). A public hearing was held and the following individuals spoke: Mr. Putman spoke in opposition of the rezoning changed and asked Council to deny the request. In order to open discussion Mr. Tolly moved to approve and Mr. Holden seconded. Vote was none in favor and seven (7) opposed. **The ordinance was defeated.**

Chairman Wright presented first reading of Ordinance #2004-046 – an ordinance requesting a rezoning change by Dan Nickles to rezone 4 parcels at 4302 Clemson Blvd. From R-20 (Single Family Residential) to C1-N (Neighborhood Commercial). The tax map numbers are 093-07-01-002, 001, 008, and 007. A public hearing was conducted and the following individuals spoke. Mr. Allan Stone spoke in opposition to the rezoning and a petition was presented to Council. Mr. Sam Albergetti spoke in opposition for Ms. Virginia Curreton of Old Mill Road. Mr. John Brown spoke in opposition who is a resident of Northlake Condominiums. Mr. Eric Goodwin helped Mr. Nickles with the drawings. He said that they addressed the issues at the Citizens Advisory Committee and also the Planning Commission. Mr. Nickles spent a great deal of money to show the citizens in Middleton Shores and Northlake of his intentions of what he plans to build, he said. Mr. Nickles said that at the Citizens Advisory Board meeting he asked what he could do and they said that they could make it C1-N. Mr. Ed Jean said his mother-in-law lives at Northlake and his main concern is with the traffic. The President of Northlake Homeowners Association spoke in opposition of the rezoning change. No further citizens spoke during the public hearing. Mr. Tolly moved to approve and Mr. Greer seconded. Mr. Tolly moved to get the ordinance on the floor and Mr. Greer seconded. Mr. Tolly said that this was the third time that a request for a zoning change has been brought up. He said he hoped this was the last time that the Council is tied up with the same request. Mr. Greer said that if the property owners would sign a Letter of Intent to the changes that also are agreeable to the property owners then that may be a solution. Mr. Greer then moved to table to allow time for the property owners and the residents to take another look at the request. Ms. Wilson seconded and vote was three in favor (Wilson, Wright, Tolly) and four opposed (Holden, Floyd, Dees, Greer). Motion to table failed. Vote to approve was two in favor (Wright, Greer), four opposed (Tolly, Holden, Floyd, Dees) and one abstention (Wilson). Motion failed. **The ordinance was defeated.**

ORDINANCES – THIRD READING:

Chairman Wright presented third and final reading of Ordinance #2004-037 – 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-A (Residential-Agriculture) to R-40 (Single Family Residential) one (1) parcel of land comprising approximately +/- 19 acres of property in the Five Forks Precinct on the 5200 Block of Slater Road. The property is identified by TMS #118-00-04-001. Mr. Dees moved to approve and Mr. Tolly seconded. Vote was unanimous.

Chairman Wright presented third and final reading of Ordinance #2004-030 – an ordinance approving the financing of the improvement, construction and equipping of certain sewage collection facilities (Starr/Iva Area Sewer Project) in Anderson County, South Carolina, through the borrowing by the County of \$1,600,000 from the State Water Pollution Control Revolving Fund, by agreement with the South Carolina Water Quality Revolving Fund Authority, Pursuant to Title 48, Chapter 5, Code of Laws of South Carolina 1976, as amended; providing for an agreement to make and to accept a loan, the execution and delivery of a loan agreement between the County and the South Carolina Water Quality Revolving Fund Authority, the execution and delivery of a Promissory Note from the County to the South Carolina Water Quality Revolving Fund Authority; and other matters relating thereto. A public hearing was held and no comments were received. Mr. Greer moved to approve and Mr. Dees seconded. Ms. Wilson asked if the Town of Iva had signed the agreement yet. Mr. Preston replied no and he said that the state would not approve the loan unless the County had enough users to repay the debt. Vote was six in favor and one opposed (Wilson). Motion carried.

Chairman Wright presented third reading of Ordinance #2004-039 – a general bond ordinance authorizing and providing for the issuance of Anderson County, South Carolina, Special Source Revenue Bonds (Commercial Resources Group, LTD Project); prescribing the form of Bonds; limiting the payment of the bonds solely from certain revenues derived from the payments of fees-in-lieu of tax from certain properties located in a joint-county industrial and business park; pledging such moneys to the payment of such special source revenue bonds; creating certain funds and providing for payments into such funds; making other covenants and agreements in connection with the foregoing; and other matters relating thereto. Mr. Dees moved to approve and Mr. Tolly seconded. Mr. Greer stated that he planned to vote in opposition because it is his opinion that the County should not be extending incentives to commercial development. Ms. Wilson said that the page numbers still did not relate to the table of contents. Ms. Wilson stated that she thought businesses, residences, and industries should be taxed at the same level. Vote was five in favor (Wright, Tolly, Holden, Dees, Floyd) and two opposed (Greer, Wilson). Motion carried.

Chairman Wright presented third and final reading of Ordinance #2004-041 – an ordinance authorizing and providing for the issuance of Special Source Revenue Bonds of Anderson County, South Carolina; prescribing the form of bonds; providing for the issuance of additional bonds and refunding bonds; limiting the payment of the bonds solely to the net fee payments and park agreement revenues received and of taxes from certain designated Joint County Industrial and Business Parks and pledging the net fee payments and the Park Agreement Revenues to such payment; creating certain funds and providing for payments into such funds; and making other covenants and agreements in connection with the foregoing. Mr. Tolly moved to approve and Mr. Holden seconded. Vote was six in favor and one opposed (Wilson).

Chairman Wright presented third and final reading of Ordinance #2004-042 – a First Supplemental Ordinance providing for the Issuance and Sale of an Anderson County, South Carolina, Special Source Revenue Bond, Series 2004, not to exceed \$8,200,000; and other matters relating thereto. Mr. Tolly moved to approve and Mr. Greer seconded. Vote was six in favor and one opposed (Wilson).

ORDINANCES – SECOND READING:

Chairman Wright presented second reading of Ordinance #2004-043 – an ordinance authorizing the leasing of available ground space at the Anderson Regional Airport; and other matters related thereto. A public hearing was held and no comments were received. Ms. Floyd moved to approve and Mr. Holden seconded. Vote was unanimous.

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

Chairman Wright presented second 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. A public hearing was held and no comments were heard. Chairman Wright stated that he would abstain from the vote as previously done. Mr. Dees moved to approve and Ms. Wilson seconded. Vote was six in favor and one abstention (Wright).

Chairman Wright presented second 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. A public hearing was held; no comments were received. A motion was made to approve and Mr. Tolly seconded. Vote was five in favor and two opposed (Wilson, Greer).

Council took a 5-minute recess at this 9:05 p.m. Chairman Wright called the meeting back to order at 9:10 p.m.

ORDINANCES – FIRST READING:

Chairman Wright presented first 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. Greer moved to approve and Mr. Holden seconded. Mr. Dees stated that he was impressed by the uses of methane gas coming out of the solid waste landfills. He asked the Attorney if there was an advantage or a disadvantage if Council voted negatively to the plan. Mr. Preston replied no. Ms. Floyd said that there were a lot of independent haulers that fear they are going to be “pushed out” of business. Mr. Vic Carpenter stated that there were approximately 40 licensed private haulers in Anderson County. The current system allows them total access to the total County; no franchises, no regulations, no oversight of the industry. It is mentioned in the plan the desire to study the possibility of either franchising Anderson County but nowhere in the plan does it state that the County has any intention or desire of forcing anyone in the County out of business, he said. Ms. Floyd asked that a meeting be set up as soon as possible with the haulers. Mr. Preston said that he would get a meeting set up. Mr. Greer said that in reading the V-7 it appears that the plan could lead to different levels of service at different convenience centers. His position is if you offer a level of service in one part of the County regardless of where it’s at – you offer the same level of service at another part of the County regardless of where it’s located. He is also concerned about the private haulers. He said that on page VII-2 it indicates that the Solid Waste Plan can be revised or amended by the Environmental Services Division and approved by the County Administrator and sent to DHEC for acceptance. He recommended that any changes made in the plan because it is adopted by ordinance must be approved by County Council and not by the Administrator or staff. Mr. Preston said that he recommended that the plan be amended to include Mr. Greer’s recommendations. Ms. Wilson said that the plan was delivered to her home yesterday and the first reading should be tabled until some of the issues resolved. She said that on VII – there was a typo on how many acres in the County and also an adjoining County was left out (Elbert County). IV – 13 – the County reserves the right to establish franchise areas for the private collection and transportation of municipal solid waste. Also, another issue, she said was that the Advisory Board was comprised of only County employees. She suggested Council people and citizens knowledgeable about solid waste be on the board. She said that the Council needed to hold more than one public hearing because there were serious environmental issues that should be addressed. Mr. Greer proposed that staff look at his areas of concern and prepare an amended version for Council’s approval. Mr. Vic Carpenter stated that presently the County has four convenience centers that do not provide the same level of services that other parts of the County receive so by making the change it would require upgrades to four convenience centers. Mr. Preston said that he and staff would take a look at and let them know by the next meeting. Chairman Wright agreed that in order to amend the plan it must come back to Council and he agreed that a Council member is needed on the board. Mr. Dees called for the question. A second was made and vote was six in favor and one opposed (Wilson). Vote on the Ordinance #2004-040 was six in favor and one opposed (Wilson).

Chairman Wright read first 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. Tolly moved to approve and Ms. Floyd seconded. Vote was unanimous.

Chairman Wright read first 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. Greer moved to approve and Mr. Dees seconded. Vote was unanimous.

Chairman Wright presented first 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. Greer moved to approve and Mr. Dees seconded. Vote was six in favor and one abstention (Wilson). Motion carried.

RESOLUTIONS:

Chairman Wright read Resolution #R2004-051 – a resolution expressing intent to cease County Maintenance on and to authorize County consent to judicial abandonment and closure of a certain Anderson County Road; granting encroachment permits as to such Anderson County Road; and other matters relating thereto (High C Drive-C-14-0025). Ms. Wilson moved to approve and Mr. Tolly seconded. Mr. Greer said he can see from the location of the road where 3 property owners and 5-6 different tracts of land are and once the road is abandoned, assuming the court upholds the abandonment, in some point in time, for instance the rear lot would be in the possession of a different person there would be a road that would need improvements and they would be asking the County to improve the road and then it would no longer be in the County system. He has some of these private roads that he is dealing with now. Vote was six in favor and one opposed (Greer). Motion carried.

Chairman Wright presented Resolution #R2004-053 – a resolution welcoming Brigadier General Abraham Turner back to South Carolina and commending him on becoming the Forty-First Commanding General of the United States Army Training Center at Fort Jackson; and other matters related thereto. Chairman Wright moved to approve and Mr. Dees seconded. Vote was unanimous.

Chairman Wright presented Resolution #R2004-057 – a resolution suspending Sunday work prohibitions during the upcoming holiday season; and other matters related thereto. Mr. Dees moved to approve and Mr. Holden seconded. Ms. Wilson said she could not vote for the resolution. Mr. Greer said that 6-1/2 days to conduct business was sufficient and he did not see the necessity of the extra 1/2 day so he will vote in opposition. Vote was five in favor and two opposed (Greer, Wilson). Motion carried.

Chairman Wright presented Resolution #R2004-058 – a resolution to provide for the commissioning of certain named Code Enforcement Officers to provide for the proper security, general welfare, and convenience of the County of Anderson, South Carolina. Ms. Floyd moved to approve and Mr. Dees seconded. Mr. Greer asked if the officers would be carrying weapons and Mr. Preston replied no. This commissions two existing employees, Mr. Holcombe and Mr. Whitaker of the Building and Codes Department. Vote was unanimous.

APPOINTMENTS: None

REQUESTS BY COUNCIL MEMBERS:

Mr. Tolly moved to appropriate an additional \$69,500 for a total of \$119,500 for this fiscal year including the \$50,000 for Tolly Street for maintenance and other improvements to the streets and drainage systems within the portion of the City of Anderson which lies within Council District 1 as deemed necessary by the City. These funds may be used for any materials, labor, and equipment needed whether the City, County crews, or contractors perform the work. Payments or reimbursements to be made to the City upon presentation of invoices for completed work. The funds to come from District #1 paving account. The Ms. Floyd seconded. Vote was unanimous.

Ms. Floyd moved to appropriate an additional \$40,000 to the City. This will include the \$50,000 already paid to the City for Tolly Street for a total of \$90,000. The \$90,000 can be used for maintenance and other improvements to the streets and the drainage system. The money must be used in County Council District #2 as deemed necessary by the City of Anderson. The funds can be used for any materials, labor, and equipment needed whether the City or County crews perform the work. The payments or reimbursements will be made to the city upon presentation of invoices for the completed work. The funds will come from District #2 paving. Mr. Tolly seconded. Vote was unanimous.

Mr. Greer moved to appropriate \$667 from District 3 Recreation account for the Iva Rescue Squad for construction of a new sign at the new squad building in the Town of Iva. Mr. Dees seconded and vote was unanimous.

Mr. Greer moved to appropriate \$10,000 each to the City of Belton and to the Town of Iva to be used for materials and equipment and County contractual or other contractual paving and drainage work on non-state roads and

projects located within the municipality and payment to be made upon presentation of invoices. The motion was seconded. The funds to come from District #3 paving account. Vote was unanimous.

Chairman Wright moved to appropriate \$5,000 for paving at Midway School for a walking track and additional parking around the school. Funds to come from District #4 paving account. Mr. Dees seconded and vote was unanimous.

Chairman Wright moved to appropriate \$5,000 for the Townville Recreation Department for programming for fall and spring, \$5,000 for the Pendleton Youth Association for programming for fall and spring, and \$2,000 for the New Holly Light Community Center. The funds will come from District #4 Recreation account. Mr. Tolly seconded and vote was unanimous.

Mr. Holden moved to appropriate \$2,398.50 from District #5 Recreation account to the Homeland Park Elementary PTO for help with the purchase of a new sign for the school. Mr. Tolly seconded and vote was unanimous.

Mr. Holden moved to appropriate \$1,138.43 from District #5 Recreation Account for the Wellington Park repairs to be done by a Boy Scout troop. Mr. Tolly seconded and vote was unanimous.

Mr. Holden moved to appropriate \$1,000 from District #5 Recreation Account for the Westside Wrestling team. Mr. Tolly seconded and vote was unanimous.

Mr. Dees moved to appropriate \$5,000 to the Wren Fire Department to be paid upon receipt of invoices for help with purchasing 5" hose for the new pumper tanker. Funds to come from District #6 recreation account. Mr. Greer seconded and vote was unanimous.

Ms. Wilson moved to appropriate \$500 for the Town of Honea Path for replacement of a driveway pipe on Hudgens Street. The funds to come from District #7 Paving account. Mr. Dees seconded. Vote was unanimous.

Ms. Wilson moved to appropriate \$1,000 to the Honea Path Free Clinic from District #7 Recreation fund. Mr. Tolly seconded and vote was unanimous.

Ms. Wilson moved to appropriate \$500 to assist with the Dennis Hepler Outdoor Lab improvements from District #7 Recreation funds. Mr. Dees seconded. Vote was unanimous.

ADMINISTRATOR'S REPORT:

- a. Letters of Appreciation:
 1. For: Mr. Larry E. Greer From: Town of Iva
 2. For: Mr. John Ferguson From: Ms. Sonya Y. Holloway, Ms. Welborn and students of Alt5 Program
 3. For: Museum and Staff From: Ms. Frances Crawford Esow, Niece of CPL Freddie Stowers
 4. For: Mr. Vic Carpenter and Staff From: Mayor Rufus Callahan
 5. For: Mr. Holt Hopkins and staff From: Rev. Donnie O. Gambrell III
 6. For: Ms. Paula Reel and Staff From: GAMAC (Mr. Alexander Spainhour, III), Ms. Anna Friar (Educational Coordinator), and Relief Society Organization
- b. Reports:
 1. Recreation Fund Report
 2. District Paving Report
 3. Environmental Enforcement October Report
 4. Animal Control October Report
 5. Environmental Enforcement October Training Report
 6. Building & Codes Monthly Report (October)
- c. Meetings: & Minutes:
 1. Anderson County Regional Airport Minutes – meeting of September 20, 2004
 2. Anderson County Transportation Division Safety Meeting – September 28, 2004, October 15, 2004, and October 29, 2004
- d. DHEC Letter regarding Starr C & D landfill
- e. Letter to Ms. Elizabeth S. Mabry, S.C. Department of Transportation regarding Powdersville in ANATS
- f. DHEC letter regard epidemic in Anderson County

- g. Letter for financial assistance from Anderson Free Clinic
- h. City of Belton – City-County Paving
- i. Letter to John M. Harrison regarding patching of potholes
- j. Request from Town of Honea Path for pipe at 216 Hudgens Street
- k. Departmental Transfers
- l. Anderson County Financial Update

REMARKS FROM COUNCIL MEMBERS

Ms. Wilson – no comments

Mr. Tolly – no comments

Ms. Floyd – no comments

Mr. Dees – no comments

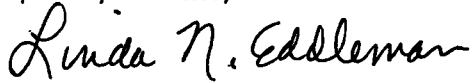
Mr. Holden – no comments

Mr. Greer thanked Council for their warm reception and respect extended to Mr. Rogers.

Mr. Wright said that the Pendleton High School band, along with his daughter, won the state championship.

The meeting was adjourned at 10:05 p.m.

Respectfully submitted,



Linda N. Eddleman
Clerk to Anderson County Council