

ANDERSON COUNTY COUNCIL  
ANDERSON, SOUTH CAROLINA  
Regular Meeting – February 15, 2005 – 6:00 p.m.  
Tammie T. Shealy, Deputy Clerk to County 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

Chairwoman Gracie S. Floyd, Presiding  
Vice Chairman Larry E. Greer – District #3  
G. Fred Tolly – District #1  
Bill McAbee – District #4  
Michael Thompson – District #5  
William C. Dees – District #6  
M. Cindy Wilson – District #7  
Joey Preston – Administrator  
Tom Martin – County Attorney  
Tammie T. Shealy – Deputy Clerk

ABSENT

Linda N. Eddleman – Clerk to Council

*(During time 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, February 15, 2005 at 6:00 p.m.

**Chairwoman Floyd** called the meeting to order and Ms. Wilson gave the invocation. Everyone stood and pledged allegiance of the flag of the United States of America.

**Mr. Thompson** asked that the minutes of the January 18<sup>th</sup> meeting be amended on page 2 line 3 to reflect [REDACTED] Party and on page 4 regarding ordinance 2005-002 the vote appears to be reversed. He said Wilson, McAbee and Thompson voted opposed and Dees, Greer and Floyd voted in favor. Mr. Thompson asked the clerk to review the tape for accuracy. Vote to approve the minutes as amended, unanimous.

**Citizen Comments: Agenda matters:**

**Brooks Brown, IV** spoke in favor of ordinance 2005-007 to move other matters after the administrator's report. However, he asked council to consider the elderly, handicap and those who travel a great distance to attend the council meeting to reserve the right to put those at the beginning.

**Ed Jean** also spoke in favor of ordinance 2005-007. He questioned signing in on the sign up sheet.

**Other matters:**

**Brooks Brown, IV** talked about those who try to force a religious view on a political institution are wrong. He asked Council to stand firm and let everyone know that it is one's on personal right to religion.

**Michael Deanhart** read aloud his letter passed out to Council members before the meeting asking Council to give him a written statement denying him the opportunity to be put on the Anderson County agenda to invoke a minority point of view in a secular humanity invocation. A copy of Mr. Deanhart's letter is on file in the clerk's office to view.

**Ed Jean** after hearing Mr. Deanhart, Mr. Brown even himself, other comments should be at the end of the meeting.

**Chairwoman Floyd** said item #5; an economic development announcement was being removed from the agenda. She then introduced the Parks, Recreation and Tourism presentation of the Governor's Cup to Anderson County. Mr. Marion Edmunds, South Carolina Parks and Recreation Tourism Board explained the recognition of the Governor's Cup as being the most prestigious and most competitive award given by the board. He said every year the South Carolina Department of Parks, Recreation and Tourism host the Governor's annual Tourism and Travel conference. The Tourism industry advertising is over \$14 billion dollars of economic impact annually to the state of South Carolina. Anderson County Sports and Entertainment Center was nominated this year and the winner of the cup due to being a top tourism attraction in the state and for bringing quality of life to the community as well as being of economic impact to Anderson South Carolina. Mr. Charles Wyatt, Anderson Sports and Entertainment Center Director unveiled the Governor's Cup award to the audience. Chairwoman Floyd thanked Mr. Edmunds for the recognition and said this confirms to Anderson that we indeed have something special with the Sports and Entertainment Center. Mr. Wyatt introduced his dedicated staff members. He praised them all for their efforts in making the Center the very best in South Carolina.

**Chairwoman Floyd** asked to amend the agenda to add #R2005-015 – a resolution recognizing and honoring Cub Scout pack 987 and Cub Scout pack 215 for earning the Arrow of Light Award; and other matters related thereto. Motion to add by Mr. Dees. Mr. Greer second, vote was unanimous to add the resolution to the agenda. Chairwoman Floyd read aloud the resolution. Motion to accept by Mr. McAbee, seconded by Mr. Dees and vote was unanimous to accept the resolution. Mr. Preston announced the ceremony date for pack 215 is March 21 at 6:30 in the dining hall of First Presbyterian Church and February 19 for pack 987 at 6:00 at Macedonia Church. Mr. Martin clarified the first vote was to add the resolution to the agenda and the second was on the resolution recognizing both Cub Scout troops and also the individuals receiving the Arrow of Light Award. He said the Arrow of Light was the highest award given in Cub Scouting.

**Chairwoman Floyd** recognized Midway Elementary Student Council Members. She asked each one to come forward to introduce themselves and their parents. A list in attendance is on file in the clerk's office. Mr. Gary Bruhjell, Principal of Midway Elementary thanked Council for allowing them to observe the County Council meeting. He said the Student council would be traveling to Columbia to observe the State Legislative form of government. Mr. Bruhjell said these are the leaders of tomorrow. He introduced the winner of the Midway Spelling Bee, Will Preston. Mr. Bruhjell said Will

also was a member of their Lego Robotics team. He said the Lego Robotics team won second place in the state last month. Will introduced himself and recognized his parents, Joey and Barbara Preston.

**Chairwoman Floyd** read aloud Resolution #R2005-009 – a resolution recognizing and honoring the late Mrs. Doris R. McClain and her family for the generous devise Mrs. McClain made to the Anderson County Animal Shelter; and other matters related thereto. On the motion of Mr. Greer and seconded by Mr. Tolly the Resolution passed by a unanimous vote.

**Chairwoman Floyd** presented for third reading Ordinance #2005-001 – an ordinance authorizing: (1) the execution and delivery of a fee in lieu of tax and incentive agreement between Anderson County, South Carolina (“Anderson County”) and ■■■ Real Estate Investments, LLC (The “Company”), pursuant to which Anderson County shall covenant in such fee agreement to accept certain fees in lieu of Ad Valorem Taxes; (2) Special Source Credits to reimburse the Company for a portion of the costs of certain infrastructure or real property costs incurred in connection with a manufacturing or commercial enterprise serving the economic development of Anderson County; (3) the benefits of a multi-county park to be made available to company; and (4) other matters relating thereto. On the motion of Mr. McAbee and seconded by Mr. Dees the ordinance passed by a unanimous vote. Mr. Dees clarified this was at Highway 86.

**Chairwoman Floyd** presented for third reading Ordinance #2005-004 – an ordinance authorizing the transfer and sale of certain Anderson County Real Property; authoring the execution and delivery of real property deeds related to the same; and other matters related thereto. Mr. Dees said this was the Northern Anderson County EMS building that the County has a small office in. He moved to approve, seconded by Mr. Greer the ordinance passed by a unanimous vote.

**Chairwoman Floyd** presented for second reading Ordinance #2005-002 – 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 C1-N (Neighborhood Commercial) two (2) parcels of land comprising approximately +/- 2.08 acres of property in the Hammond School Precinct at 2401 Old Williamston Road. The property is identified by TMS # 148-20-01-017 AND 148-20-01-005. Mr. Jeff Ricketson, Planning Director said the District One Citizens Zoning Advisory Board and the Anderson County Planning Commission recommends denial of this rezoning request. On the motion to approve by Mr. Greer seconded by Mr. McAbee five approved (Tolly, Floyd, Greer, McAbee, Dees) and two opposed (Wilson, Thompson). Ordinance #2005-002 passed. Mr. Martin said a second public hearing would be advertised and held at the March 1st meeting because of reconsideration.

**Chairwoman Floyd** presented for second reading Ordinance #2005-003 – 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 C1-N (Neighborhood Commercial) to C-2 (Highway Commercial) one (1) parcel of land comprising approximately +/- 2.2 acres of property in the Green Pond B Precinct at 5606 Highway 24. The property is identified by TMS #028-08-01-001. Mr. Jeff Ricketson,

Planning Director said District Four Citizens Zoning Advisory Board and the Anderson County Planning Commission approved this rezoning request. On the motion to approve by Mr. Greer seconded by Mr. Dees the ordinance passed by a unanimous vote.

**Chairwoman Floyd** presented for second reading Ordinance #2005-006 – an ordinance amending Ordinance #99-003, the Anderson County Comprehensive Plan-1999, as adopted April 20, 1999, and amended by Ordinance #2001-037, as adopted November 20, 2001, by amending Planning Area Four, Future Land Use Map to include Planning Area One, Proposed Future Land Use Map, as endorsed by the Anderson County Planning Commission on January 11, 2005. Chairwoman Floyd opened the floor for a public hearing. No comments were received. On the motion to approve by Mr. McAbee seconded by Mr. Dees the ordinance passed by unanimous vote.

**Chairwoman Floyd** presented for first reading Ordinance #2005-007 – an ordinance amending Section 2-37 of the Anderson County Code pertaining to meetings of the Anderson County Council and other matters related thereto. On the motion to approve by Bill McAbee seconded by Mr. Dees discussion began with Ms. Wilson. She said according to the current code, Council has been out of order by placing resolutions at item three on the agenda and not at item six. She said she had no objection to placing resolutions of honor at the beginning of the agenda due to people having time constraints or the elderly. Ms. Wilson said she would support this change if it would also say this would be a time of dialog. She made a motion to amend; that after the Administrator's report it would be a place for dialog allowing citizens to sign up and talk and Council could discuss certain items. She suggested deleting the time limit unless discussion became too long. Ms. Wilson then asked for more discussion and then she would decide if an amendment would still be necessary. Mr. McAbee offered an amendment on the third page Section 2 under item 8 on line five and six to strike the wording "with a thirty minute, total, limit for all such comments" and strike on line eleven the wording "with a thirty minute, total, limit for all such comments." Seconded by Mr. Greer vote to amend was unanimous. Ms. Wilson offered an amendment on the third page Section 2 under item 8 on line eight to strike "at the sole discretion of the chairperson." Seconded by Mr. Thompson. Mr. Thompson also asked to strike on line seven "subject to availability of time." He asked Attorney Martin to clarify on the citizen's right to petition the government for the redress of grievances. Mr. Martin said under the Constitution there is a right for the redress of grievances and not necessarily limited to a specific meeting. Mr. Thompson asked Mr. Martin, "if a citizen comes to speak and there is no availability of time and the Chairperson denies that person to speak is their constitutional rights violated?" Mr. Martin explained, in his personal opinion "no." He said the right to conduct County Council meetings is set by the South Carolina Constitution and law and nothing in it gives any citizen the right to speak at any given time other than at a public hearing. So the right to speak both as to agenda matters and non-agenda matters is within the discretion of Council. Mr. Martin said it is a gift by council and not a Constitutional right. Ms. Wilson amended her amendment to delete "and subject to availability of time, at the sole discretion of the chairperson" but leaving it after the administrator's report, and leaving it as printed in the agenda package. Mr. Thompson seconded the amendment to the amendment. Mr. Greer asked for the amendment to be restated, Mr. Dees asked to hear the last two amendments. Ms. Wilson repeated her original amendment and amendment to the amendment. Vote was three in favor (McAbee, Wilson, Thompson)

and four against (Tolly, Floyd, Greer, Dees). Amendment to amendment failed. Ms. Wilson said she could not support the ordinance. Call for the question by Mr. Dees, seconded by Mr. Greer vote on call for the question was five in favor (Tolly, Floyd, McAbee, Greer, and Dees) two opposed (Wilson, Thompson.) Attorney Martin clarified the call for the question was on Ms. Wilson's amendment, which would delete the seventh line from the top of subsection 8, the phrase " at the sole discretion of the chairperson." Vote on Ms. Wilson's amendment to strike "at the sole discretion of the chairperson" was three in favor (Wilson, Thompson, McAbee) and four against (Tolly, Floyd, Greer, Dees) amendment failed. Mr. Greer said he would never vote on something to deny citizens the right to address the governing body. He said he did not believe this ordinance would be denying the right to speak but simply moves citizen's comments to the latter part of the agenda and clarifies the difference honoring and resolutions conducting business. He said this ordinance was appropriate and supported its passage. Mr. Dees said he agreed with Mr. Greer and he said you could have readdress by other methods in this country. Also, he clarified the amendment was to delete the thirty minute total for all comments. Call for the question by Mr. Greer, seconded by Mr. Dees and vote on the call for the question was five in favor (Tolly, Floyd, Greer, McAbee, Dees) and two opposed (Wilson, Thompson.) Mr. Martin clarified the call for the question was on Ordinance #2005-007 as amended. Vote on the ordinance as amended was five in favor (Tolly, Floyd, Greer, McAbee, Dees) and two opposed (Wilson, Thompson). Ordinance #2005-007 passed.

**Chairwoman Floyd** presented for first reading Ordinance #2005-008 – an ordinance to appoint standing committees. Ms. Wilson provided back-up material. A copy is on file in the clerk's office. On the motion of Ms. Wilson, she read aloud her desired changes to the establishment of committees; method of appointment Section 2-361. Changes would be to change the word may to shall on line two and delete lines four through nine stating, "only at the second meeting of the calendar year. Should such committee chairperson and members not be appointed to any given standing committee(s) at the second meeting of the calendar year, council shall not utilize such committee(s) for the remaining year." Seconded by Mr. Thompson. After discussion on the confusion in the language contained in the original ordinance and in the language proposed, Mr. Greer suggested to refer the section on committees to the county attorney to clarify the first paragraph and incorporate a proper ordinance to amend instead of lines scratched on a piece of paper and any clarification the attorney might propose. Mr. Greer moved to table ordinance #2005-008 seconded by Ms. Wilson vote was six in favor to table (Wilson, Tolly, [REDACTED], Greer, McAbee, Dees) opposed one, [REDACTED]. Motion to table passed.

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

**Charles Wyatt**, Anderson Sports and Entertainment Center Director gave a presentation on the Sports Complex. Some highlights included winning the 2005 Governor's Cup Award as presented earlier in the meeting. It was reported that based on vehicle counter at entrances 311,000 vehicles times 2.5 people per vehicle equals 777,500 visitors over 12 months in 2003. Also reported, the value of ASEC property and equipment is \$17.8 million (land, buildings, improvements furniture fixtures and equipment) \$10.1 million after accumulated depreciation as of June 30, 2004. The ASEC is home to the William

A. Floyd Amphitheater that opened in 1999. For more details the power point presentation is on file in the clerk's office.

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

**Chairwoman Floyd** called on Mr. Preston to give the Road Paving Expenditure Presentation. Mr. Preston said that due to the remarks from Mr. Dan Harvell, Taxpayers Chairman, on road maintenance expenditures made in 1994 until 2004 and at the request of several council members he would clarify the details. He said there is a 45% increase in road maintenance operating expenditures for fiscal year 1994 as compared to fiscal year 2004. An average increase of 4.5% each year not 5% over the ten-year period. If capital were added it would be at a 47% increase. Mr. Preston passed out back-up material reflecting how County Council members spend every dollar of paving funds. According to his study provided by the Finance Department Director, he said 88% of district paving dollars are appropriated for road paving and 5% appropriated for community paving projects. He said the remainder of the paving budget dollars was appropriated for projects other than paving and the non-paving expenditures are broken down by county council districts on the handout. He encouraged members to review the breakdown of paving projects, non-paving projects by council districts and ask him any questions. For copies of this information, please contact the Administrator's office. Ms. Wilson asked for a road miles per district breakdown. She pointed out that earlier a great deal of district #7 paving monies went to water projects due to lack of support from administration in obtaining grant funds. Mr. Holt Hopkins, Transportation Director said he is working with GIS mapping department to obtain a 100% accurate database on roads. As far as the outlining Municipalities, the South Carolina law says they themselves are responsible for their road system. Mr. Hopkins told Ms. Wilson the municipalities are not a part of District #7 road system. He said it has always been county council's wish to assist the towns but it is not your obligation to do so. Mr. McAbee said the report indicates road maintenance and engineering reflect a high increase and asked what was the cause. Mr. Hopkins replied it was due to restructuring.

On the motion of **Mr. Greer** and seconded by Mr. Dees to accept Phil Watson Commercial Development into the County Road System Mr. Tolly asked Mr. Hopkins if this development met all County standards on water drainage. Mr. Hopkins assured Council all standards had been met. Vote to accept the road was unanimous.

**Mr. Tolly** moved to appoint Mr. Lou Rotola to the Citizens Zoning Advisory seconded by Mr. Dees vote was unanimous. He moved to appoint Mr. Larry Richardson to the Athletic Commission seconded by Mr. Greer vote was unanimous. Mr. Tolly moved to appoint Mr. Barry Visioli to the Board of Assessment and Appeals seconded by Mr. Greer vote was unanimous. He moved to appoint Mr. Charles W. Fant to the Construction Board of Adjustment and Appeals seconded by Mr. Greer vote was unanimous. He moved to appoint Dr. Juan Brown to the Economic Advisory Board seconded by Mr. Greer vote was unanimous. He moved to appoint Dr. Stuart Barnes to the EMS Advisory Committee seconded by Mr. Greer vote was unanimous. Last, he moved to appoint Ms. Deno Hicks to the Land Use and Zoning Board of Appeals seconded by Mr. Greer vote was unanimous.

**Mr. Thompson** moved to appoint Ms. Diane Brock to the Behavioral Health Services Board seconded by Mr. Tolly vote was unanimous. He moved to appoint Mr. Brady Collins to the Construction Board of Adjustment and Appeals seconded by Mr. Greer vote was unanimous. He moved to re-appoint Mr. Hurbert McClure to the Land Use and Zoning Board of Appeals seconded by Mr. Greer vote was unanimous. He moved to appoint Ms. Tina Watkins to the Planning Commission seconded by Ms. Wilson vote was unanimous. Last, he moved to approve Mr. Lester Brock to the Anderson Sports and Entertainment Advisory Committee seconded by Ms. Wilson vote was unanimous.

**Ms. Wilson** said Mr. Greg Balok is on the planning commission and was approved months ago and she will continue to work on other appointments. Ms. Wilson moved to appropriate \$5,861.00 from District #7 paving to the Town of Williamston to do drainage, pipe and grading on the several streets seconded by Mr. Tolly vote was unanimous. She moved to appropriate \$560.00 from District #7 paving to the Town of Pelzer for a pallet of cold patch seconded by Mr. Thompson vote was unanimous. Ms. Wilson moved to retract \$29,363.00 previously appropriated for the Railroad Boulevard paving project. She moved to redirect this money to the Town of [REDACTED] Pelzer to match a half of a million-dollar water line project. Ms. Wilson moved to take Railroad Boulevard off District #7 road paving list and placing that money back in Districts #7 paving account seconded by Mr. Thompson vote was unanimous. Ms. Wilson moved to appropriated the \$29,363.00 now placed back into the District #7 paving to the Town of [REDACTED] Pelzer to help match grant money for a water line project. After lengthy discussion, Mr. Dees called for the question seconded by Mr. Greer vote was six in favor (Tolly, Thompson, Floyd, Greer, McAbee, Dees) one opposed (Wilson.) Ms. Wilson restated the motion seconded by Mr. Thompson vote three in favor (Thompson, McAbee, Wilson) two opposed (Greer, Dees) and two abstained (Tolly, Floyd) motion passed.

**Mr. McAbee** moved to appropriate \$7,468.00 from the District #4 paving account to pave O'Neal Ferry Road seconded by Ms. Wilson vote was unanimous.

**Chairwoman Floyd** moved to appropriate \$2,000.00 from the District #2 recreation funds to Nevitt Forrest School for their math trail seconded by Mr. Tolly vote was unanimous.

**Mr. Tolly** moved to appropriate \$5,000.00 from District #1 recreation funds for the Anderson Sunshine House for their Junior Golf tournament seconded by Ms. Wilson vote was unanimous. He moved to appropriate money for speed bumps on Van Martin Road, Brookside Avenue and Cobbs Way seconded by Ms. Wilson vote was unanimous.

**Mr. Preston** asked for permission to read aloud a letter addressed to the Chair from himself explaining his acceptance to attend the Reserve Components National Security Course by the South Carolina Military Department on February 28 through March 11, 2005 in Washington DC. He said Duke Energy would pay the all the cost for him to attend. He then asked for support in this endeavor and permission from Council to attend. Mr. Preston said in his absence Mr. Michael Cunningham will assume his daily responsibilities. Mr. Tolly moved to approve his attendance seconded by Mr. Dees vote was unanimous.

**Chairwoman Floyd** asked to amend the agenda to include a Proclamation declaring February as National Heart month in Anderson County. Mr. Greer moved to amend the agenda seconded by Mr. Tolly vote was unanimous to add the Proclamation. Chairwoman Floyd moved to approve the Proclamation seconded by Mr. Dees vote was unanimous to accept.

**Chairwoman Floyd** encouraged members to use the Freedom of Information Act book with updated information. She announced that due to council members being out of town on the council meeting date of March 15<sup>th</sup> a new date was needed. After discussion, the vote to re-schedule the two county council meeting will be on March 1 and March 8 was unanimous. Chairwoman Floyd then told Mr. Thompson she was very proud of him because she was hearing good things from folks who appreciated his hard work. She asked Vice-Chairman Greer if she had forgotten to mention anything else. She asked for Council remarks and Ms. Wilson said she would remind Mr. Deanhart that he could use the three-minute time lot on the agenda to give his invocation that she would not have a problem because it was freedom of speech.

**Chairwoman Floyd** said any citizen had the right to be placed on the agenda. In response to Mr. Deanhart's request to be placed on the agenda she said he has the right and while she does not agree with his philosophy she would fight for his right to be here to say it.

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Tammie Shealy  
Deputy Clerk to Anderson County Council