

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – November 18, 2003 – 6:00 p.m.
Linda N. Gilstrap, Clerk to Council

M I N U T E S

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 William C. Dees – District #6 - Presiding
Vice Chairman Larry E. Greer – District #3
G. Fred Tolly – District #1
Gracie S. Floyd - District #2
Clint Wright – District #4
Mike Holden – District #5
M. Cindy Wilson – District #7
Joey Preston – Administrator
Tom Martin – County Attorney
Linda N. Gilstrap – Clerk to Council
Tammie Shealy - Deputy Clerk to Council (left at 8:30 p.m.)

(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 18, 2003 at 6:00 p.m.

Chairman William C. Dees called the meeting to order. Council member Larry E. Greer read scripture from the Bible and then asked that everyone pray silently for a couple moments. He ended with a prayer. Everyone stood and pledged allegiance to the flag of the United States of America.

Mr. Jack Abrams with the Anderson City Fire Department confirmed the 300 occupancy placard at the rear of the Council Chambers and stated that there could not be any obstructions in the exits/entrances or the over-crowding of the assembly area, which are set forth in the fire codes. Chairman Dees asked everyone standing to adhere to what the Anderson Fire Marshall just said.

Citizen Comments:

Mr. David Field of 198 Grande Oak Circle – Pendleton spoke in opposition to the proposed high-density development known as Pendleton Station. He spoke in support of the R-20 zoning will be part of the plan and will be up for second reading.

Sheriff Gene Taylor said that there had been discussion regarding the proposed readdressing of the balance budget would affect critical services such as EMS, Fire, or law enforcement. He said that the reason he was there to ask Council not to cut the Sheriff's budget.

Ms. Luta Mayfield said she wanted County Council to "stay the course" because Council has been doing a good job.

Mr. Cordes Seabrook said that Anderson County government was the best he'd ever seen it. It is the best he ever expected to see it. He and his wife have lived a total 150 years in Anderson – they have been active in precinct politics for 100 years between them so they have seen more history than most people.

Mr. Don Bowen said that he was having property tax reassessment problems and have tried since July to get some back up on this. He said that he ran across a Code of Law that would pertain to problems that hears from most of the people. He said that he lives in Mr. Wright's district. He said that the Code of

Law that he found was Title 12, Chapter 37 – 223A. Section A provides County Council with a legal prescription to cap the new appraisal at 15%, which is for all property that the county appraises. He asked every member of Council to seriously look at the Code.

Ms. Bennie Sue West stated that her main concern was the budget and has looked at the green bar sheets provided to Ms. Wilson. She said that these cuts would not affect the necessary services such as fire and police protection. She asked that consideration be given to stop unnecessary spending.

Ms. Jean Martin said she was present to express gratitude and appreciation for bringing so many wonderful things to Anderson County such as Museum, Library, Farmers Market, Sports and Entertainment Complex. She thanked Council for making Anderson County a beautiful place to live and work in a source of much pride.

Mr. Brooks Brown said that it seemed to him that there has been some rhetoric from the Council and rhetoric from the public – He said that we are all “one” people – we are all Anderson County citizens and we need to work together. He said that Mr. Preston has done an excellent job.

Mr. Don Chapman said that he was a taxpayer in the city of Anderson. He said that he along with many others support the majority of the Council in their progressive thinking and positive perspective that they have on the community.

Mr. Dan McKinney said that his taxes had gone up in the last 6 years along with increases in Anderson County spending. He said that his satisfaction with the value that he gets in living in Anderson County has gone up in the last six years also. He gave several examples of things in the county that he is delighted in.

Mr. Nick Castrinos likes having all the amenities that the County has to offer. He encouraged all County Council members to vote yes on extending the reassessment process.

Mr. Bill Rigsby commended on what the County is doing and how it is growing. He said he was willing to pay whatever it takes to have what the community needs. He said that Joey Preston didn’t get Administrator of the Year for being mediocre.

Earl Jarrett said that he was upset that most, if not all, are trying to blame each other for the excessively high property taxes instead of trying to correct the problem. He said that his taxes went up 77% in the past 2 years, in addition AnMed Hospital are raising their fees, medical insurance, car insurance, home insurance, cost of buying groceries have gone up but his income has not gone up much. He said that County and School budgets should be more carefully scrutinized. He said that everyone should support Rep. Ronny Townsend’s efforts to correct the assessment problem and direct County Council members and School Board members and stop all non-essential items.

Mr. Dan Harvell said that at the last Council meeting something happened that was initiated by Ms. Floyd. He said that she, in error, wished to make an example of him by introducing him to the representative of ACOG inferring that he and Mr. Harvell needed to meet each other to learn of their valuable services. Then Ms. Floyd said that he had made comments regarding ACOG services. He said that he had to become “out of order” to defend himself in a situation that left him no opportunity to respond.

Mr. Bill Crawford said his taxes went up 33%. He said he was not against any progress made by the county he was simply trying to say that there is a price for progress and that price falls on the taxpayer. He asked where would it stop. He asked Council to step up and show him that they are on the taxpayers’ side and use the S.C. Code and cap the increase at 15%.

Ms. Dino Hicks said that she was not happy with her tax increase, which was 128%. She said that the S.C. General Assembly mandates what County Council must do decreased and reduced state funds. She asked what would Council be cutting to reduce taxes.

Ms. Peggy Taylor said that she had looked over the “Summary of Revenue” and it was clear where it was planned in the 2002-2003 budget to take the windfall from Reassessment this year. She said that the vehicle tax has been cut very little in the budget and state revenue has been cut back but according to the budget figures there is an increase in revenue from the state from last year. She also talked about

essential and non-essential vehicles. She said that employees should drive their own vehicles back and forth to work.

Mr. Ed Jean told Council to "stay the course". He said that he must assume that everyone did his or her homework when the budget was prepared. He said that he didn't think it would be possible to make last minute changes to the budget that would not complicate things.

Mr. Mike Manley, Vice Chairman of the board of Directors for Keep America Beautiful of Anderson County, said that last year over 30,000 bags of litter was collected from County Roads and 2002-2003 school year over one million pounds of paper was recycled and over 200,000 phone books were recycled, thousands of trees and plants were planted. These things were done for the purpose of enhancing Anderson County as a place to live and raise our families. He said a clean community matters to individuals and businesses looking to relocate here. He encouraged Council to "stay the course".

Mr. Orian Jones applauded what the Council, Administrator, and staff has done. He said that the last years have improved greatly over the past and the quality of life in Anderson County has improved greatly. He said that he appreciates what Council is going through with the budget.

Ms. Ethel Clark Standard said that she didn't agree with the high increase in taxes. She asked Council to vote yes on the extension to file for appeals on reassessment.

Mr. Lee Luff said that he was there to support the Council and Administration. He said that Council needed to remain competitive and they enjoy the quality of life and services in Anderson County, which are second to none, and it is because of the current leadership and the Administration. He said now is not the time to go backward. He said that Council needed to "stay the course".

Mr. Russell Harris said that he was fortunate to be present when the county won the All America Award. He said that citizens needed to be civil.

Ms. Kimberly Spears said that indicators of process were all around the County. She asked Council to stay behind the budget and tough times requires tough decisions and Council has already made this one. She thanked Council for their leadership.

Mr. Ed Jean said that he missed a meeting a couple weeks ago and from what he has heard it was a real tragedy the conduct that was displayed at the meeting a couple weeks ago. He said that the silent majority is out. He said all Council needed to do is "stay the course".

Ms. Jeanne Fowler said that she agrees with almost everything that she has heard tonight- pros and cons. She said she felt that the citizens will not be able to pay their taxes at the rate that the county is going.

Ms. Cleo Stathakis said that she loved Anderson. The library and the hospital were in need of repair/replacement when she first came here. Also the Art Center and Museum were in awful condition. She said to make money you have to spend money and she was proud to live in Anderson.

Mr. George L. West thanked Council for standing for courage to take a stand for a County with progress and in leading the citizens to change that has resulted in significant achievements. He said the County needed to "stay the course".

Mr. Michael Deanhardt said that he had heard some disturbing words on a local radio talk show saying that we needed to go back to our "old ways" of doing business and the county needed to get rid of Joey Preston.

Ms. Pat Hassenfuss said she did not believe that anyone present had any objection to the progress that Anderson County has made – it has gotten to the point where the county can't afford to keep progressing at the same rate that we have progressed. She said times are tuff and citizens are having a hard time paying their taxes.

Ms. Sheila Cobb Ford 2003 Chairperson of the Human Relations Council asked Council to reconsider any possible budget cuts. She asked Council not to go "backwards" but to continue to move forward by building bridges and lowering barriers for all the citizens of Anderson County.

Mr. Dan Harvell said he had spent countless hours on the phone with disgruntled taxpayers. He said that the county could afford at least several million dollars of tax cuts in many areas without cutting vital services.

Mr. Bruce Gerrard said it was a tragedy that Council elected did not move the meeting to the Civic Center or to the balcony of the Council chambers to make seating room for people who came out to the meeting. He said it was very disrespectful for people that Council represent showing them that lack of courtesy to do that. There are people standing in the hall for nearly two hours trying to hear what is going on. He challenged County council to address the number problem in Anderson County – the budget – or the lack of a “sound” budget. He said he has no problems with spending tax dollars on essential services but he does have concerns when he sees tax dollars being spent on activities, projects, and organizations who have no practical place in the realm of government or government services. He asked why local government has not addressed the spending habits of the Administrator. He asked that Council cut spending and eliminate wasteful spending and this would lower tax bills.

Ms. Cathy Davenport asked Council to approve the Pendleton Zoning map as presented without any high-density commercial or industrial development.

Mr. Lee Luff thanked council for their support on many of the community projects. He said that by bringing the balloon fest to Anderson County it has brought countless numbers of “clean” dollars to the community and is an excellent investment. He thanked Council for their vision and encouraged Council to continue looking toward the future of Anderson County and to position Anderson County to be the premiere location for business, industry, and recreation.

Ms. Gracie S. Floyd thanked everyone for coming out. She said after hearing only one side of citizens it was refreshing to hear the other side. She said that she was glad to hear the “silent majority”.

Council Members Responses:

Ms. Floyd asked about invitations being sent out for the meeting. Mr. Preston said that Palmetto Pride may have done that to encourage people to come out for several issues.

Mr. Clint Wright said that he felt comfortable that County staff was doing the best they can to get the most effort out of the dollars that is being spent at this time. As Council begins to look at what is necessary and what is not – it seems to be in the eye of the beholder. So Council tries to find a balance on how Council can most serve the middle of the debate. He said his taxes went up just like everyone else. He said that they all need to focus on the budget – Council also needs to focus on how we are paying for our services.

Ms. M. Cindy Wilson thanked all citizens for being at the meeting and in the future when large crowds are anticipated that her request to move the meeting to the Civic Center will be honored. She said that Council has not had a balanced budget in along time and for those who believe we have – she urged to look at General Ledger report #153 for the 2002-2003 budget year. There were open encumbrances – across the board in almost every department there were accounts that were way over budget. The county had 57 accounts labeled miscellaneous. She asked Council to bear in mind that there were approximately 5.2 million dollars that could have been cut without touching essential services.

Mr. Mike Holden said that the new item was put on the agenda (Council Members Responses) so that Council could explain things that are said during “Citizen Comments” that needed to be explained. He said that dollar amounts needed to be put on assessment notices and Council needs some type of alternative tax methods that must come out of Columbia.

Mr. Larry Greer said that state law as to the format binds the County and the content of assessment notices. He said it would be more appropriate to have an estimated tax amount on it. He said that the tax bill is a combination of all property taxes levied in this county. He said that County Council is responsible for what is on the tax bill for County Budgetary items – they are not responsible for other categories of taxation. He said that there are other elected officials who are responsible for the other categories. He said that the biggest problem that he wanted to bring out was – the problem that is in Columbia, South Carolina. The assessment notice, tax bill, and the reassessment law is dictated and written by Columbia. The problem is not in the County but in Columbia, South Carolina.

Ms. Gracie S. Floyd said that Anderson County was one of the first counties to implement the 5-year reassessment.

Ms. M. Cindy Wilson said that it was mentioned of the cost of the postcards that went to some of the organizations and the Administrator said that it was paid for through Palmetto Pride. And the numbers that Mr. Preston gave her on contributions – sponsors totaled almost \$30,000 – in-kind contributions, which included \$44,512 salary, value that was volunteer time. The cost to run Keep America Beautiful, according to the General Ledger Report, was over \$242,000. She said it would be very helpful if Council looked at it – to figure out a way to do a better job for less money in a tight budget year – especially sending out post cards to have citizens coming to the meeting tonight.

Mr. Preston said that fees that are generated at the Anderson Landfill and is not paid for out of the General operating budget pay for the Keep America Program. The cost of the postcards was paid for from the Palmetto Pride organization and a grant.

Ms. Floyd said that a couple constituents (man and wife) called her concerned over the condition of the large United States flag. They asked if they could get the flag and repair it. The flag was not repairable so the couple purchased a new flag to the County. Ms. Floyd said that the flag was given to the County in honor of Seth Smith and the liberation of Dachau, Germany. The flag was presented to Mr. Preston. Council thanked the couple for their generous donation of the flag to the County.

Council took a recess at 8:25 p.m. Chairman Dees called the meeting back to order at 8:35 p.m.

Chairman Dees stated that he neglected to call a name on the Citizens Agenda; Ms. Julie Miller. He asked Ms. Miller to come forward with her comments. Ms. Miller said that she was very much in favor of the tree ordinance.

Mr. Randolph Dillingham, Director of the Alternative School gave a brief presentation on the Alternative School and the 8-year program. He requested that Council continue with their progress and not go backwards.

Dr. Reggie Christopher, Superintendent of School District #1 commented on Ordinance #2003-059 (an ordinance to exempt an amount of fair market value of real property located in the County sufficient to limit to 15% any valuation increase attributable to a countywide appraisal and equalization program conducted pursuant to Section 12-43-217. He asked Council to investigate the ordinance thoroughly – Charleston did it and they experienced many problems. He said if shifts the tax from the rich to poor.

Mr. Mike Holden read Resolution #R2003-082 – a resolution recognizing and honoring Anderson County Citizen Carolyn J.H. Payton Pinson for her poetic accomplishments; and other matters related thereto. Ms. Pinson was presented a framed copy of the resolution and she read a written message to Council and the public. Council commended Ms. Pinson for her outstanding poetic undertakings. Mr. Holden moved to approve and Ms. Wilson seconded. Vote was unanimous.

Item #10 was withdrawn from the agenda. (STATEMENT OF SUPPORT FOR THE GUARD AND THE RESERVE).

Ms. Wilson said that the fact remained that the County never had a proper bid process on a very valuable asset – Big Creek Landfill. She read a statement to let the public know what many people knew at the time of the sale. She said that not long ago she received a letter from Upstate Forever – she read the letter – “Both Allied Waste and Republic wants to handle Spartanburg County’s waste and have made attractive offers but then there is Waste Management which has made an offer that some say simply can’t be refused. They are willing to take care of all of Spartanburg County’s residential waste at

no charge for the next 20 years and pay an annual host fee of 2.5 million dollars per year. The present value of this offer over the 20 year people is \$35,000,000." She said that landfill space at the time Anderson county sold it's landfill, is worth, according to many experts – somewhere between \$325,000 to \$350,000 per acre. This should have brought to the County – 20-60 million dollars. According to the General Ledger reports the County has only received \$216,000 (+/-) host fee. She said that the Administrator would probably say that it was because of a lawsuit – but that was settled before this year. The County is paying more now for dumping and hauling garbage than we did when all of this took place. More of the letter: "A lot more than money is at stake here. There are serious quality of life issues associated with landfills. While the design, operation, and maintenance of landfills have improved significantly since the "open dumping" era – even the best managed facility has adverse impacts. There are the waste trucks that constantly come and go from the facility about 200 per day at Palmetto. (She said that was about the same as the Big Creek Landfill.) Odors, dust and litter are inevitable and the decomposition of waste in the landfill itself creates two dangerous by-products: methane gas and contaminated leachate. The good news was there was an agreement to take the methane and convert it into a usable by-product. The other issue around a landfill which is District 7 – it has a very difficult and impact on her citizens there. The paper says that there are dead zones around landfills. The reason is obvious because no one wants to live or operate a business near a landfill. If a new landfill is approved in our County (the county where Upstate Forever is circulated/published) it will create a dead-zone. She said that the County of Anderson had a very, very good asset. If we continued to manage that asset it would have provided us with landfill space for probably another 100 years, she said. She said that she hoped the County could go back and negotiate another deal with the Company. Ms. Wilson said this other company called Waste Management in 1997 and made an offer of 3.2 million dollars – why did the county leave 1.1 million dollars on the table. The cost of traffic on roads coming and going to our landfills was not factored into the cost. Where will the money come from she asked. Ms. Floyd asked Ms. Wilson if she could name her sources and she responded no. Mr. Preston also gave a brief explanation of the sale in 1998. He held up a financial analysis of solid waste disposal alternatives for Anderson County. He said the best decision was made for the county at that time. Mr. Greer said that in his opinion, in the contract-Allied Waste accepted liability for everything in the landfill. He asked how valid the information being put forth was.

Council recessed for 10 minutes at 10:00 p.m. Chairman Dees called the meeting back to order.

Chairman Dees presented third reading of Ordinance #2003-047 – an ordinance to amend Ordinance #98-019, as previously amended by Ordinances #99-029, #2000-063, #2001-014, #2001-046, #2002-036, and #2003-022 relating to the Industrial/Business Park of Anderson and Greenville Counties so as to enlarge the park. Mr. Wright stated that the Industrial/Business Park did not include the Legacy Project. Mr. Wright moved to approve and Mr. Tolly seconded. Vote was five in favor and two opposed (Wilson, Greer). Motion carried.

Chairman Dees read third reading of Ordinance #2003-048 –an ordinance authorizing the execution and delivery of not exceeding \$400,000,000 principal amount industrial revenue bond, series 2003 (Robert Bosch Corporation Project), of Anderson County, South Carolina; the application of the proceeds of said bond to pay the costs of acquiring land, a building or buildings and various machinery, apparati, equipment, office facilities and furnishings which comprise an industrial facility; the entering into of certain covenants and agreements and the execution and delivery of certain instruments relating to the issuance of the aforesaid bond, including an indenture between Anderson County and the purchaser securing the Bond and prescribing matters related thereto, and a lease agreement, including fee in lieu of tax provisions, between Anderson County, as lessor, and Robert Bosch Corporation, a Delaware Corporation as lessee; and other matters relating thereto. Ms. Wilson moved to approve and Mr. Wright seconded. Mr. Martin explained that Mr. Lummus and himself recommended the following amendments:

Add representation upon the request of the Company which request must be delivered to the County in writing on or before December 31, 2008. County will relocate Scot's Bridge Road as per plans and specifications in the attached "Exhibit C". Provided however that the total county liability for relocation of said road shall not exceed 1.2 million dollars. This is what the County originally committed for the relocation. Including all amounts expended at any time prior to the actual date of such relocation – including engineering, design, and administrative fees and costs. The county will with the assistance of the Company as authorized in Section 202 make a best faith effort to obtain additional funding from the State of South Carolina but shall not be obligated for any funding in excess 1.2 million dollars in any event. The above language was what the Company draft but Mr. Martin explained that the following language would be acceptable by the County. Upon the request from the Company to the county to relocate Scott's Bridge road at any time, the Company will use it's best faith efforts to join with the County in requesting the State of South Carolina to provide funds to the County in the amount previously committed for such road relocation minus any amounts previously provided from the State to the County for that purpose. These amendments are simply representation that when the Company, within the next 5 years, does need to build a new building the County will relocate Scott's Bridge Road, but only to the extent that the county has previously committed funds to do so. The County will try to get from the state monies that the State has previously committed – the problem is that the funds committed by the State can only be committed for 18 months at a time. The County's commitment would never be greater than it's ever been under any event. These two amendments are recommended to Council by staff to the lease agreement. Council discussed. The chairman stopped debate on the ordinance and announced that the matter will be raised later on in the meeting.

Chairman Dees read the caption of third reading of Ordinance #2003-051 – an ordinance to amend Ordinance No. 98-019, as previously amended by ordinances No. 99-029, No. 2000-063, No. 2001-014, No. 2001-046, No. 2002-017, No. 2002-036 and No. 2003-022 relating to the Industrial/Business Park of Anderson and Greenville Counties so as to enlarge the Park. A public hearing was held and no comments were received. Mr. Wright moved to approve on third reading and Mr. Tolly seconded. Vote was unanimous.

Chairman Dees presented third and final reading of Ordinance #2003-056 – an ordinance extending the time for filing objection to the evaluation and assessment of real property resulting from reassessment within Anderson County; and other matters related thereto. A public hearing was held and the following citizens spoke. Mr. Charles Crowe spoke in favor of the ordinance. Mr. Brooks Brown said that Dr. Christopher stated that this would affect 27,000 County students. He said that the only way that would happen is that everyone in Anderson appealed his or her reassessment at the same time and everyone got assessed at a lower rate. Mr. Bill Crawford said that as he protest his reassessment – he will have to pay 80% of his taxes so he said he could not understand how it would affect everyone at the same time or how the county would be "shut" down because of money. Dr. Reggie Christopher said that he did not say that the schools would "shut" down they would be adversely affected if taxes were not collected in a timely manner. The state does not pay all of the teachers' salaries. Each district pays between 25%-50%. Other bills have to be paid. School District #1 had to borrow \$800,000 today to make the payroll for next week. This will put an additional strain on School District #1. Mr. Dan Harvell said that if you are under appeal you must pay 80% of your tax bill at the time the taxes are due. No further comments were heard so the public hearing was closed. Mr. Tolly moved to approve and Ms. Wilson seconded. Ms. Wilson said that the assessment staff did an incredible hard job. There were some mistakes. Council discussed. Vote was five in favor (Wilson, Holden, Tolly, Dees, Greer) and two opposed (Wright, Floyd). Motion carried.

Mr. Clint Wright asked that agenda item #14(e) be moved up to #14 (a). A majority of Council did not have objections.

Mr. Wright moved to move item #14(e) to the first item under "Second Readings". Ms. Wilson seconded and vote was six in favor and one opposed (Ms. Floyd). Motion carried.

Item #14(e): Chairman Dees presented second reading of Ordinance #2003-057 – an ordinance amending Ordinance #99-0043, the Anderson County Zoning Ordinance, as adopted July 20, 1999, by amending the Anderson County Official Zoning Map to adopt a map in the Pendleton Voting Precinct. A public hearing was held. Mr. Ben Morton asked Council to approve the rezoning request. Mr. Wright moved to approve as presented. Mr. Holden seconded and vote was unanimous.

Chairman Dees read the caption for second reading of Ordinance #2003-046 – an ordinance to amend the Anderson County Code of Ordinances and the Anderson County Capital and Operating Budget Ordinance so as to require an annual inventory of all Anderson County Capital Assets valued in excess of two hundred dollars, as part of and subject to the annual Anderson County budget process; and other matters relating thereto. A public hearing was held. Mr. Charles Crowe spoke in favor and asked Council to pass. Mr. Brooks Brown asked Mr. Greer what the cost would be on the inventory. Mr. Greer said that at the last reading it was stated by Finance Staff that it could be done with the same cost now. Capt. John Skipper said that their concerns are that they have no problem with accountability. He went back and talked to Capt. Paul and Capt. Orr about the blue lights and etc. and the Sheriff's department does not have any stock piled. The only thing that they can account for are the larger cages that will not fit in the newer smaller cars. He said that they have no problem at all with accountability. Mr. Greer moved to approve and Ms. Wilson seconded. Vote was three in favor (Wilson, Greer, Wright) and four opposed (Dees, Floyd, Holden, Tolly). Motion failed.

Chairman Dees read the caption for second reading of Ordinance #2003-053 – an ordinance to amend ordinance No. 98-019, as previously amended by ordinances No. 99-029, No. 2000-063, No. 2001-014, No. 2001-046, No. 2002-017, No. 2002-036 and No. 2003-022 relating to the Industrial/Business Park of Anderson and Greenville Counties so as to enlarge the Park. (Robert Bosch) A public hearing was held and no comments were received. Mr. Wright moved to approve and Ms. Wilson seconded. Vote was six in favor and one abstention (Greer). Mr. Greer stated that he was abstaining because his son is presently employed with the Bosch Company.

Chairman Dees read the caption for second reading of Ordinance #2003-054 – an ordinance to amend ordinance No. 98-019, as previously amended by ordinance No. 99-029, No. 2000-063, No. 2001-014, No. 2001-046, No. 2002-017, No. 2002-036 and No. 2003-022 relating to the Industrial/Business Park of Anderson and Greenville Counties as to enlarge the Park. (Greenville County Property – Cliffstarr Corp.) Mr. Wright moved to approve and Mr. Tolly seconded. Vote was unanimous.

Chairman Dees read caption for second reading of Ordinance #2003-055 – an ordinance amending, in limited particulars only, the master road list of all County roads located in and maintained by the County of Anderson, South Carolina, created by ordinance 2001-007, and expressing intent to cease County maintenance on and to authorize County consent to judicial abandonment and closure of certain Anderson County roads; and other matters related thereto. This is for a portion of state road (Airport Road), which is needed in order to extend the runway. Ms. Wilson moved to approve and Mr. Wright seconded. Vote was unanimous.

Chairman Dees presented first reading of Ordinance #2003-058 – an ordinance amending section 2-37 of the Anderson County Code of Ordinances pertaining to meetings of the Anderson County Council; and other matters relating thereto. Ms. Floyd explained the ordinance and said that she thought Members of Council needed a "Response" Item for them on the agenda to allow them to respond to remarks and

information that is being given out that is not true. Ms. Floyd moved to approve and Mr. Holden seconded. Ms. Wilson said that under Section 2 at the end "Accordingly, the council members' response(s) is for council members to address issues raised during public comments, and is not a time for debate, question-and-answer, or dialogue." She moved to amend to end the sentence to read as follows: "Accordingly, the council members' response(s) is for council members to address issues raised during public comments." Motion died from lack of second. Vote on the ordinance. Mr. Greer said that he would oppose the ordinance because he thinks Council has ample opportunity to make any comments. Motion was six in favor and one opposed (Greer). Motion carried.

Chairman Dees read first reading of Ordinance #2003-059 – an ordinance to exempt an amount of fair market value of real property located in the county sufficient to limit to 15% any valuation increase attributable to a countywide appraisal and equalization program conducted pursuant to Section 12-43-217. This ordinance will apply to all properties in Anderson County except those specifically exempted by section 12-37-223A. Ms. Wilson moved to approve and Mr. Wright seconded. Ms. Wilson said that she would suggest holding up on second and third readings under the S.C. Supreme Court has ruled. Mr. Wright said that he believe that there was a lot of information unknown at this point. It could be another year before the Supreme Court rules on the issue, he said. He then moved to table. Ms. Wilson seconded. Vote was six in favor and one opposed (Greer). Motion carried.

Chairman Dees read first reading of Ordinance #2003-060 – An ordinance to amend Article IV (Anderson County Code of Ordinances) Boards, Commissions, Committees and Councils to provide for the establishment of an advisory board to County Council for the review of Financial matters including budgets, capital improvements, bond issues, taxation, bids and purchasing and to be composed of one appointee having an accounting or other finance background per County Council District. Ms. Wilson moved to approve. Motion died from lack of a second.

Chairman Dees read first reading of Ordinance #2003-061 – an ordinance amending Article III, Division 3 of Anderson County Code of ordinances, Sec. 2-176 and 177 requiring that Anderson County Council appoint a full-time County Attorney (an in-house position) and abolishing the current contract professional positions in order to create a full time position "in house" effectively reducing the cost of legal counsel and eliminating the many conflicts of interest. This measure will save Anderson County taxpayers form \$700,000 - \$3 million / year and will ensure that our "in house" legal counsel will only represent the best interests of Anderson County citizens and taxpayers. Ms. Wilson said that ordinance would allow the council to better serve the people of Anderson. She said that parameters needed to be set on county expenditures. Ms. Wilson moved to approve and Mr. Wright seconded. Ms. Wilson passed on documents concerning the legal expenditures. Council discussed. Mr. Preston said that he has hired his own attorney concerning a suit against an individual. Mr. Preston read a reply to Ms. Wilson's letter concerning legal files made available. Ms. Floyd said that she believed that all the high legal bills began with the Beaverdam Creek sewer. Ms. Wilson went over all of the documents with Council. Mr. Tolly moved to call for the question and Mr. Wright seconded. Vote on the call was six in favor and one opposed (Ms. Wilson). Vote on the motion was one in favor (Wilson) and six opposed. Motion failed.

Chairman Dees read first reading of Ordinance #2003-062 – an ordinance amending the Anderson County Code pertaining to Speed Humps in Anderson County; and other matters related thereto. This would be in title only. Mr. Tolly called Council's attention to guidelines/criteria enclosed in the agenda book. Mr. Tolly moved to approve and Mr. Dees seconded. Council discussed. Vote was unanimous.

At this time (11:35 p.m.) Council took a 10 minutes recess. Chairman Dees called the meeting back to order at 11:45 p.m.

Discussion from page 7: Chairman Dees read third reading of Ordinance #2003-048 –an ordinance authorizing the execution and delivery of not exceeding \$400,000,000 principal amount industrial revenue bond, series 2003 (Robert Bosch Corporation Project), of Anderson County, South Carolina; the application of the proceeds of said bond to pay the costs of acquiring land, a building or buildings and various machinery, apparatus, equipment, office facilities and furnishings which comprise an industrial facility; the entering into of certain covenants and agreements and the execution and delivery of certain instruments relating to the issuance of the aforesaid bond, including an indenture between Anderson County and the purchaser securing the Bond and prescribing matters related thereto, and a lease agreement, including fee in lieu of tax provisions, between Anderson County, as lessor, and Robert Bosch Corporation, a Delaware Corporation as lessee; and other matters relating thereto. Ms. Wilson moved to approve and Mr. Wright seconded. Chairman Dees opened up discussion again on the above ordinance. Ms. Wilson moved to amend the ordinance to include language in the lease recommended by County staff (the lease is exactly the same) one is a certification by the county that when the company requests it – the county will relocate Scots Bridge Road in accordance with the County plans but limiting the amount to the amount previously commented and the Company will join with the County in requesting the state to provide the money that the state has previously commented. Chairman Dees seconded and vote was 6 in favor and one abstained (Greer). The amendment passed. Vote on the original ordinance as amended was six in favor and one abstention (Greer). Motion carried.

Chairman Dees read first reading of Ordinance #2003-065 – an ordinance authorizing the leasing of available commercial office space at the Anderson Regional Airport to William Epstein; and other matters related thereto. Mr. Wright moved to approve and Mr. Tolly seconded. Vote was unanimous.

Chairman Dees read first reading of Ordinance #2003-066 – an ordinance to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants located on County-owned public places within Anderson County. Mr. Dan McKinney explained the ordinance and the changes. Ms. Wilson asked if the ordinance that Council is asked to approve only applies to public land and Mr. McKinney replied yes. Ms. Wilson talked about several issues in the ordinance. Ms. Wilson moved to approve the ordinance with the removal of the section that states that the landowners will be charged for removal of trees from private property. Motion died from lack of second. Mr. Wright said he would have a problem with Section G – Tree Protection – breaches over to private property and the committee would have the priority to make a decision on whether he would to cut limbs off of a tree that he owns. Under section 4 – Enforcement, Mr. Wright said that no other committees in the county have the power to enforce rules, regulations and others – they are advisory only. Mr. Greer said that one of his problems with the ordinance is the intrusion of the tree ordinance on private property. He said now when he arrives for the meeting he has another version. He found intrusion of this ordinance on to private property on page 5, page 7. He said that the ordinance needs to be studied and talked about more before passage. Mr. Tolly moved to approve on first reading and Mr. Wright seconded. Vote was six in favor and one opposed (Greer). Motion carried on first reading.

Chairman Dees read Resolution #R2003-083 – a resolution consenting to an Assignment of the Rights and obligations of Nutricia Manufacturing USA, Inc. (formerly known as General Nutrition Products, Inc.) under a Lease Agreement and an Inducement and Millage Rate Agreement between Anderson County and Nutricia Manufacturing USA, Inc. (formerly known as General Nutrition Products, Inc). Mr. Wright moved to approve and Mr. Tolly seconded. Vote was unanimous.

Ms. Wilson moved to approve the Accommodations Tax Tourism related funds (\$113,437). Mr. Holden seconded. Ms. Wilson asked that the Town of Williamston be notified immediately next year for funding. Vote was unanimous.

Mr. Wright moved to approve the acceptance of the following roads- Hardwood Place Subdivision, Autumn Place Subdivision Phase I, Prestwick (Pleasant Woods) Subdivision, Rock Springs Subdivision, Topsail Bay Subdivision Phase II, Lakeside Estates Subdivision, Augusta National at Cobb's Glen Subdivision, Windfield Hill Subdivision, McAlister Park Subdivision, Hawk's Ridge Subdivision and Leacroft Subdivision into the county road system. Ms. Wilson seconded and vote was unanimous.

Mr. Wright moved to approve acceptance of roads in Ashford Place Subdivision, Wild Turkey Estates Subdivision, Turkey Park Subdivision, Orchard Park Subdivision Phases I and Mashburn Subdivision into the County Road system. Mr. Tolly seconded and vote was unanimous.

Mr. Tolly moved to allocate \$1,000 for the New Foundations Children and Family Services, Inc. from District #1 Recreation Funds for sponsorship of their kick-ball tournament. Ms. Wilson seconded and vote was unanimous.

Mr. Tolly moved to allocate \$5,000 from District #1 Recreation Account for the Salvation Army's Golf Tournament and the funds will be for all members of the Salvation Army. Mr. Wright seconded and vote was unanimous.

Ms. Floyd moved to allocate \$1,000 from District #2 Recreation Account for the Hampton Street Education and Recreation Center which provides educational and recreational activities for young in the area. Mr. Wright seconded and vote was unanimous.

Mr. Holden proposed a resolution (repealing Blue Laws for the following dates and times only) to suspend the 1:30 p.m. opening hour for the businesses in Anderson on November 30, December 7, 14, and 21, 2003 and allow them to open at 10 a.m. Mr. Tolly seconded. (Resolution #R2003-084). Mr. Tolly seconded and vote was five in favor and two opposed (Wilson, Greer). Motion carried.

Below is the letter that Ms. Wilson read:

"November 12, 2003
Anderson County Council Members
Post Office Box 8002
Anderson, SC 29622

Dear Fellow County Council Members:

Please review the letter to our Administrator that was hand delivered on 11/5/2003 requiring that he make a public apology to me at the start of our 11/18/03 meeting. You will recall that he used inappropriate language and additionally called me a "liar" when I used his expense for Jittery Joe's Coffee as one small example of wasteful spending that can be eliminated and which has no relevance to providing essential services.

Please consult pages 397, 414 and 415 of the 2002-2003 GLR 153 (generated on 8/18/2003) and confirm for yourselves the truth of the matter. If each of us request, receive and review the weekly GLR 110 and an annual (and possibly semi-annual GLR 153) then you will not be "blind sided" by the citizens who take the time and make the effort.

If we had all been as involved in our responsibility of providing oversight and appropriate "checks and balances" for our Administrator we could have had real progress without the massive tax increases. We still have the opportunity and the responsibility to make the cuts and eliminate unnecessary spending (WITHOUT TOUCHING ESSENTIAL SERVICES). It can be done! Won't you take a look?

We must consider the impact of higher taxes on our citizens and powerful negative effects on Economic Development recruitment. Our State representatives warned us three years ago of the looming cuts. They began to cut back on spending. Our school districts, also, began the painful exercise in cutting.

It is now our duty to do the same. Did you review the package of suggestions, which were given to you at the last meeting?

Fighting over Roberts Rules of Order (when each of us have breached protocol many times) is only distracting us from our real job. Let's work together to accomplish what our constituents expect of us.

Respectfully submitted,

M. Cindy Wilson, Council Member"

She said Mr. Preston chose to use inappropriate language and he also called her a liar. Mr. Holden said that he reviewed the tape and at no time did Mr. Preston call anyone a liar. He said that it was not true. Ms. Floyd moved to allow Mr. Preston to read a written letter and Ms. Wilson seconded. Vote was unanimous. Mr. Preston said that he found it necessary to expand his apology beyond the initial request to more completely address the larger issues at hand. He read the following written statement.

"First I like to begin by apologizing to my wife and two young sons for spending so much time away from them initially because of my intense desire to serve this Council and the Anderson community it represents. However increasingly much of my time away is being spent in an attempt to simply protect the only thing a man truly to pass on to his children – a good family name. So my family, I am deeply sorry that I've had to spend so much time away from you – but I believe intensely it is for the right reasons. Next, I'd like to apologize to the employees of Anderson County. For months and months, directly and indirectly your character, honesty, and integrity, has been called into question. Being one of two employees of the Anderson County I have come to expect and grown used to some of this type of treatment. However, I don't believe that you deserve this and I am deeply sorry that many of you are being punished for the supreme efforts that you put forth daily to serve the Anderson community. I'd to apologize to this Council and to the citizens of Anderson County. I have a genuine love for this community and believe strongly in a bright future for Anderson County; however, I believe that my staff and myself have to focus so much attention on addressing rumors, innuendos, half truths, and untruths that we have been unable to serve this community in the way in which it deserves. After continuously attempting to provide honest answers and facts to all questions posed, we find that our answers are never acceptable and over time the same questions get asked again. The net result is that we are distracted from objective of public service and for that I am deeply sorry. Ms. Wilson, I apologize to you if you found my responses to your questions disagreeable. For the record, I never called you a liar. I did refer to the information that I was being presented as a lie. Which it was? My only desire is to make sure that when a question is asked or an accusation is made that the correct information be made clear. As a result, I must when necessary point out when inaccurate and misleading information is presented. Information that I have and continue to share can be substantiated. Not by me but by

Finance staff because information presented is not based on rumors, it is not based on my personal feelings it is based solely on the facts. I do need to make clear that there are some things in which I cannot and will not apologize for. I cannot apologize for believing strongly in this community, I cannot apologize for believing that the Anderson tomorrow must be better than the Anderson of today and yesterday. I cannot apologize for desiring for having a well trained, well educated, hard working, diverse and yes fairly compensated work force. I cannot apologize for working hard to accomplish this Council's goals and objectives. I cannot apologize that a great community is a place with equally values, infrastructure, and quality of life and sees how the two are directly related. I cannot apologize for reducing the county budget this year by 3%. I cannot apologize for attempting to communicate to the public the real facts about the County's finances in the face of those who are purposely trying to confuse the public. Finally, I cannot and will not apologize for working with staff and a majority with county to continue to move this community forward. Lastly, I made an honest attempt to respond to a request for the public apology that was demanded of me however during the course of the last council meeting while responding to a question, Ms. Wilson, made a point to state that my nose was growing – in effect calling me a liar. I would hope that the same courtesy of an apology would be extended to me." Mr. Preston said that his finance staff went through and looked at everything and he asked her to please, stop the nonsense. He also said that Ms. Wilson keeps references personal expense. He read a letter from the owner of Jittery Joes stating that the Administrator has at all times personally paid for his products and services and the county has never paid for his personal expenses. Ms. Wilson said she made no accusations – she stated facts as reported in the General Ledger Report 153.

ADMINISTRATOR'S REPORT:

- a. Certificates:
 - 1. Mr. Wade Lee Brown – Duke Power – Proper Wiring for Grounded/Ungrounded Systems
 - 2. Mr. Nate Crosby, Mr. Richard Timms – The 2003 Gas Engine Diagnostic Clinic
 - 3. Mr. Claude Smith, Mr. Charles Pinson – Fleet Tire Service OSHA Compliance Training Program
- b. Minutes: Anderson Regional Airport Committee Meeting of October 6, 2003
- c. Reports:
 - 1. Recreation Fund Report
 - 2. Detention Center Litter Report – October 27 to October 28, 2003
 - 3. Road Maintenance Litter Report – October 2003
 - 4. Environmental Enforcement Monthly Report, Monthly Training Report, Animal Control Monthly Report – October 2003
 - 5. Building & Codes Monthly Report – October 2003
- d. Getting Rid of the Vehicle Tax in South Carolina: Watch for a Political Shell Game
- e. DHEC Kitchen Inspection – Detention Center
- f. Departmental Transfers

Remarks by Council Members:

Ms. Wilson said that she had not had time to read the entire paperwork that Mr. Preston provided her however the fact remains that General Ledger Page 396, 414, and 415 say that coffee was bought and the sum was \$459.45 paid to Jittery Joes out of the Administrator's account #5013-000-269. She said she still felt that she was owed an apology.

Mr. Holden said that Council has to hear the same thing over and over (for the last three years). He feels that the Council is not doing justice to the citizens making them sit here for hours and hours.

Mr. Tolly said that Ms. Wilson brings up so many items up on the Council floor – he recommended to her to meet with Mr. Preston face to face. That would save a lot of time and cut the meetings shorter.

Mr. Wright said that he didn't think Mr. Preston or Mr. Tolly could have said it any better and the old saying is the "truth will set you free" but you will have to be able to see the truth as it is.

Ms. Floyd said that at the next meeting she would be introducing an ordinance that we change our agenda format to allow for council members responses.

The meeting adjourned at 1:10 a.m.

Respectfully submitted,

Linda N. Gilstrap, Clerk to Council
ANDERSON COUNTY COUNCIL