

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

AMENDED

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MINUTE

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

PRESENT

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

(During times of discussion and presentations the minutes are condensed and paraphrased.)

The official meeting of the Anderson County Council convened in the Council Chambers of the Historic Courthouse on Tuesday, April 6, 2004 at 6:00 p.m.

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

On the motion of Mr. Dees, seconded by Mr. Holden, Council voted unanimously to approve the minutes from the March 16, 2004 meeting with corrections to several typographical errors.

Citizen Comments:

Mr. Michael Deanhardt spoke concerning an article in the paper where a church found a "home" and the property would come off of the tax books and the property would be tax exempt. He said that there should be no such thing as tax exempt especially for churches. He made other remarks concerning churches being tax exempt. Mr. Brooks Brown said that Council should still consider forming a committee to study secession. He said that the State of Vermont is not collecting a single cent of taxes from Killington, Vermont. They have become self-sufficient through their own taxation. He said that Anderson County was large enough with enough industry and people to become self-sustaining without having all the unfounded mandates. He requested that council appoint a Committee to look into the concept. Mr. Dan Harvell said in reference to Mr. Deanhardt's comments about tax exemption status for churches he hasn't heard Mr. Deanhardt make any reference to the 501©3 tax exemptions that are present throughout the County. He asked Council to look at the last three pages in the agenda packet and then asked if any member of Council planned to discuss the issue. Ms. Wilson stated that she planned to discuss.

On the motion of Ms. Floyd, seconded by Mr. Greer, Council voted unanimously to approve Resolution #R2004-013 – a resolution welcoming South Carolina State University President Dr. Andrew Hugine, Jr. to Anderson County, South Carolina; and other matters related thereto.

On the motion of Mr. Greer, seconded by Ms. Floyd and Ms. Wilson, Council voted unanimously to approve Resolution #R2004-014 a resolution recognizing the members of the 151st Signal Battalion of the S.C. National Guard.

Council heard from Mr. Bruce McClure regarding the Carolina Warriors' Baseball organization. He said that he was the General Manager and owner of the Carolina Warriors' Baseball organization. The Carolina Warriors' Baseball team is a southern collegiate baseball team that plays in another league. He said that he has purchased a professional franchise and he wants to place it in Anderson. He said that the Memorial Stadium is not in their best interest. They would like to put a complex at the Civic Center complex. They are putting together a group that are called the Bleachers, L.L.C. who are investors who would build the stadium and after a period of time (5-7 years) they would give the stadium to the County; however they would maintain the lease and stay there. He said that they paid for a study to be done and the study was given to Mr. Burriss Nelson to study. He said no tax dollars paid for the study. Mr. John Lummus said that Mr. McClure and his group approached them in the past about the matter. Mr. McClure provided information to them. At this time, the County is going through the process of preparing a RFP proposal that would be the fairest way to go about the request. Mr. Holden asked why the County was preparing an RFP when this is similar to an industrial project. Mr. Martin said that there is only one facility at the Civic Center that is built to professional baseball size and scale so it is a limited commodity and opposed to undeveloped rural property for other economic development. The intent at this time is to prepare an RFP, send out and when they come back evaluate them and then present to Council for a final decision. Mr. Martin said that since the location of the request was County property it is required that RFPs be sent out. Mr. Holden asked about the Alliance Park and the County owning it. Mr. Martin said that the county did not own any of the developable property in the park only the utilities, roads, and rights-of-way for the utilities. Ms. Wilson said after hearing about the plan she asked Mr. Martin and Mr. Preston during a November meeting and they both said that they did not know what she was talking about. She said that she and other members of the Council would like to know more about the project such as; if it's a ground lease with the County, what the amount of the fee would be to the County, and what the Lessor and Lessee's responsibilities would be. What quality of building would the lessee build; who would review the project, who would pay the indebtedness if the project falls through, and etc. were questions that she would like to ask. Council asked Mr. McClure additional questions. Mr. McClure said that it would be \$4.9-\$6.9 million dollars worth of economic development and Carolina Warriors rented 880 rooms just in this geographic area last year. He said he wanted professional baseball in Anderson and a good place for collegiate team to play. Mr. Holden asked why Council had not already heard about the plan. Ms. Floyd asked if Mr. Lummus had a copy of all Mr. McClure's information. Mr. Preston said that the County had never denied knowing anything about this and Council is witnesses to that. We have denied spending any money on this project because the County is preparing an RFP. Mr. Martin said that the record would reflect that he had never made any comment in any form whatsoever concerning baseball. Mr. Martin advised Council that they should not receive a copy of Mr. McClure's proposal because it would be subject to the Freedom of Information Act and it should only be a part of the RFP at this time.

Mr. Dees presented first reading of Ordinance #2004-006 – an ordinance to approve a request by Poinsett Development for a Major change to an approved Planned Development District on 15.3 acres located on Old Williamston Road at Cobb's Glen Subdivision. A public hearing was held and Mr. Brooks Brown complained about the public hearing being held prior to any presentations. Ms. Callie Wellkie from Poinsett Homes gave a brief presentation on the proposed development on the 15.3 acres. After the presentation the public hearing was continued; no further comments were received so the public hearing was declared closed. Chairman Wright explained that public hearings were typically held on second reading but on rezoning requests they are held on first as designated in the Zoning Ordinance

because by law a public hearing must be held and first reading because if it is voted down there is not a chance for a public hearing to be held on second reading. Mr. Tolly moved to approve Ordinance #2004-006 and Ms. Wilson seconded. Council discussed. Mr. Tolly and Mr. Greer both reserved the right to change their minds on second or third reading. Vote was unanimous.

Mr. Bill Dees presented Resolution #R2004-012 – a resolution expanding, to the extent provided by law, the Piedmont Public Service District; and other matters related thereto. He then moved to approve the resolution and Mr. Tolly seconded. Vote was unanimous.

Chairman Wright presented a proclamation proclaiming April 2004 as Child Abuse Prevention Month, Sexual Assault Awareness Month, and Victims' Rights Month. He asked Ms. Betsy Chapman to read the proclamation. Mr. Wright moved to approve and Mr. Dees seconded. Vote was unanimous.

Council recessed for 5 minutes at 7:15 p.m.

Chairman Wright called the meeting back to order at 7:25 p.m.

Mr. Holden moved to appropriate \$5,000 for the Dennis Hepler Memorial Park and Outdoor Learning Lab project to come from District #5 Recreation Account. Ms. Wilson seconded and vote was unanimous.

Mr. Holden talked about a neighborhood that has a high crime rate and they cannot get any cooperation from the Sheriff's Department. They wanted to create a Neighborhood Crime watch program but cannot get any assistance from the Sheriff's department.

Ms. Floyd announced that on Thursday night, April 8 at 6:30 p.m. District #2 would host a forum for all Sheriffs candidates. Everyone was invited to attend. Ms. Floyd also informed everyone that she would be having a "voter registration" drive at the Anderson County Fair Grounds. She said that she needed help and encouraged everyone to volunteer.

Ms. Wilson gave an update on the Friendship Convenient center. She said the community had gotten the adjoining landowners verbal commitments to sell the adjoining land that would be needed to expand the existing convenient center. The total expected price is anticipated to be no more than \$10,000. She said that many people in the community are very knowledgeable about construction and other matters and they have great ideas about how to keep the center open and how best to approach the retaining wall. She said now the County got a (probably very expensive) Consulting Engineer's Report and she would hate to think that this cost so much that it may subtract from the cost of the overall project. She commended the community for their involvement. She said that she would like to find out the amount of money that the county has spent on the eight million dollar bond and where it has gone. Mr. Preston said that there was no money in the bond for Friendship and he believed that council was aware of that. That was never a part of the original plan, he said. He also reminded Ms. Wilson that the new budget was coming up and she might want to make some recommendations in it. Ms. Wilson said that the Audit noted that there was over three million dollars earmarked for convenient centers in Anderson County. She asked Mr. Preston if it was correct that the Friendship center would remain open except for the brief time that it will be under repair. He said the center will remain open and we will have to close it down when improvements are made.

Ms. Wilson reappointed Ms. Mary Reid Ellis to the Behavioral Health Services Board for another term. Mr. Tolly seconded and vote was unanimous. (Mr. Holden absent.)

Mr. Holden had to leave at this time.

Mr. Dees moved to accept Kingsland Subdivision into the County Road system. Mr. Greer seconded and vote was six and zero with Mr. Holden absent.

Mr. Tolly moved to appropriate \$1,000 from District #1 Recreation account for the Anderson Baseball organization. Ms. Wilson seconded and vote was 6/0. Mr. Holden absent.

Mr. Greer moved to appropriate \$5,430 from District #3 Recreation Account for tree and stump removal at a park being built in the Town of Iva. Mr. Dees seconded and vote was 6/0.

Mr. Greer moved to appropriate \$1,000 from District #3 Recreation account for playground equipment at the park at the Ebenezer Fire Department. Ms. Wilson seconded and vote was 6/0.

Mr. Greer moved to appropriate \$500 from District #3 Recreation account for the Town of Belton and/or the family support group for the Belton Guard Unit to help prepare a welcome home for the Belton Guard members. Ms. Wilson seconded and vote was 6/0.

Mr. Greer moved to add Joseph Drive and Zulu Circle to the paving contract/list at a cost of \$6,453 for Joseph Drive and \$20,457 for District #3. He said there were sufficient funds to cover these add-ons. Mr. Dees seconded and vote was 6/0.

Mr. Wright moved to appropriate \$800 for mulch at the Sandy Springs Park to come from District #4 Recreation Account. Mr. Dees seconded and vote was unanimous.

Mr. Dees moved to appropriate \$5,192.78 from District #6 Recreation Account for the Pack Park to help purchase a piece of equipment and to be paid for upon receipt of invoice. Ms. Wilson seconded and vote was 6/0.

Mr. Preston announced that the new Hazmat vehicle was parked out front for everyone to see.

Ms. Wilson said that the last few items on the Administrator's Report deal with responses to her letters. "I want to point out that it is absolutely ridiculous to transfer money from the Council account to the Finance account for reimbursement for copying and printing copies for my general ledger reports that I have requested. I want to point out that we checked to see what green bar sheets cost – and it cost a cent and a half. One penny and a half per sheet for a box of 2300. I understand that our Council copy machine cost about 4 cents a copy so Mr. Preston where is the other 20 cents coming from. We have already pointed out in here that it is staff time and staff is required to do the work that is necessary to run this County and the Attorney General has presented an opinion which if I have too I will present it to you again that this is all within the scope of my job. You are required to give it to me on simple request along with other items you still refuse to give me. If this is the case, perhaps what we need to do since your Administrator reports are so lengthy perhaps we should charge back to you the cost of these copies that come to council. Would that be a fair enough trade?"

Mr. Preston: I would be more than happy to reduce the size of the Administrator's report. I would say that if my staff has to continue to waste their time preparing these copies in the expense then I will have to hire a person just to do this. We're going to have to – we're very limited with our time. We have a lot to do these days and"

Ms. Wilson: And that is part of what you are required to do. I am an elected official. These other folks have requested information and I dare say they never have this much trouble getting information on a simple request. Mr. Holden even said at one of the meetings recently all he had to do is pick up the phone and call and he had it very day. But this goes on and on and on. Every week I've

requested the general ledger report 110 and I finally get them 6-8 weeks later all lumped together. A big stack. And since it only cost 1-1/2 cents to purchase the paper and I've been informed by our Clerks to Council that it costs 4 cents per page to copy this stuff then you can take off about 20 cents per page that you are charging me for and I think we are in good shape there. Is that correct?"

Mr. Preston: "It stands as submitted, Ma'am"

Ms. Wilson: "I don't think it stands as submitted. Mr. Chairman, have we had to transfer this \$1,200 or whatever it was from our Council's budget over to the Administrator's budget, who has a huge budget, and our budget is quite small."

Chairman Wright: "I'm not sure whether than transfer has taken place yet. I can find out."

Ms. Wilson: "Please be reminded folks these ledger reports are public information and an elected official who requests them is entitled to them. I do want to point out that I do want. If no one else wants them up here - I do want them. And that will not be the case of my having to beg and plead anymore. Do we understand one another, Mr. Preston?"

(no reply from Mr. Preston)

Remarks from Council:

Ms. Wilson said that Anderson had a wonderful Council and a wonderful County and frequently it is the most difficult part of a Council member's job to get information to the public and when she requests information - it is valid and legal requests. She said she hoped she would not have any problem having her requests honored anymore.

Mr. Greer thanked all the volunteers in Andersons County that provide a valuable service through the Hazmat and fire system, which is nationally ranked.

Ms. Floyd said on November 2 she allocated \$1,000 from District #2 Recreation Account to the Palmetto Conservation. She asked Mr. Preston what the Palmetto Conservation was. Mr. Preston said that he would get the information for her.

Mr. Dees thanked Mr. Preston and Mr. Daly's crew for cleaning up several roads in the Powdersville area.

Chairman Wright said that everyone received a letter from City Council Member Tommy Dunaway asking that council look into having a City/County retreat. The dates are June 7, June 9, June 14, June 28, June 29, June 30 and July 6. He asked that each Council member give the Clerks what dates would be best for them. Mr. Greer asked if this would be only the city of Anderson or all the municipalities. Chairman Wright said that he was not sure and he would check and let him know.

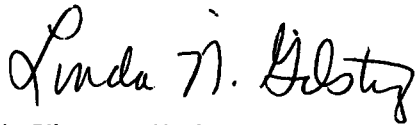
ADMINISTRATOR'S REPORT:

- a. Letters of Appreciation: For: Mr. John Ferguson, Airport Manager From: Ms. Cindy Hamby, Counselor at Riverside Middle School
- b. Certificates and Training:
 1. Mr. Richard D. Gray, Mr. Larry L. Gilstrap, Mr. John E. Chambers, - WMD: Incident Management/Unified Command Course
 2. Mr. Richard D. Gray, Mr. Larry L. Gilstrap, Mr. John E. Chambers - Modular Emergency Response Radiological Transportation Training
 3. Mr. Bill Striewing, Mr. James M. Grogan, Mr. Tommy Thompson, Mr. Tommy Seigler, Mr. Joel Powell, Mr. Edward E. Henderson, Mr. Bobby G. Gunter, - Code Enforcement Officer Basic Training
 4. Mr. Sandy D. Hayes, Mr. Richard d. Gray - WMD Response Training
 5. Mr. Richard D. Gray, Mr. Larry Gilstrap, Mr. John E. Chambers - WMD: Incident Management/Unified Command
- c. Reports:
 1. Recreation Fund Report
 2. Detention Center Litter Report for March 8-12, 2004 and March 15-19, 2004

3. Animal Control February Report, Environmental Enforcement February report, Environmental Enforcement Training Report,
- d. Minutes:
 1. Anderson County Transportation Division Safety Meeting (March 2, 2004 and March 19, 2004)
 2. Anderson County Development Partnership - November 20, 2003
 3. Anderson County Tax Task Force - March 5, 2004
- e. Delegation Meeting - April 19, 2004
- f. Letter from Auditor to Comptroller General
- g. Letter from Mr. Earle Gauden of Craig, Gauden & Davis, Inc. regarding Belton Library
- h. Letter from Mr. Holt Hopkins to Rep. Ronald Townsend
- i. Early Action State Implementation Plan
- j. Annual Statewide fall games for Special Olympics to be held in Anderson County
- k. Letter from Mr. Brooks Brown concerning Charter Communication's Public Access Channel
- l. Years of Service Report
- m. Letter concerning Employment Law Change
- n. Departmental Transfers
- o. Response to Ms. Cindy Wilson's letter of requested dated March 19, 2004
- p. Response to Ms. Cindy Wilson's question concerning the Williamston Senior Citizens program
- q. Response to Ms. Cindy Wilson's inquiry as to support to the Sons of the Confederacy Battle of Anderson
- r. Response to Ms. Wilson's questions concerning her paving account
- s. Response to Ms. Wilson's sewer questions asked at County retreat
- t. Response to Ms. Wilson's questions concerning check appropriations
- u. Response to Ms. Wilson's inquiry into an appropriation for Town of Honea Path
- v. Reimbursement for copying/printing charges for Ms. Wilson

There being no further business, the meeting adjourned at 7:50

Respectfully submitted,



Linda N. Gilstrap, Clerk to Council