

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting - February 4, 2003 - 6:00 p.m.
Linda N. Gilstrap, Clerk to Council

MINUTES

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

PRESENT

Chairman William C. Dees - District #6, Presiding
G. Fred Tolly - District #1
Gracie S. Floyd - District #2
Vice Chairman Larry E. Greer - District #3
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

(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, February 4, 2003 at 6:00 p.m.

Chairman Dees called the meeting to order and then asked everyone to stand for a moment of silence in memoriam to the astronauts lost Saturday. Mr. Fred Tolly gave the invocation and everyone stood and pledged allegiance to the flag.

Ms. Cindy Wilson made a motion to approve the minutes from the January 7, 2003 meeting and Mr. Holden seconded. Ms. Wilson stated that she spoke with the Clerk concerning the misspelling of Susan and Dan Stukus' name. Vote was unanimous to approve the minutes with the recommended corrections.

Mr. Mike Holden asked that he be allowed to place something on the agenda concerning Centerville A voting precinct that needs to be addressed. Chairman Bill Dees informed Mr. Holden that it would take two-thirds of council to place an item on the agenda. Mr. Holden moved to amend the agenda and Ms. Wilson seconded. Mr. Holden stated that a petition was turned in for Centerville A for a request for a zoning referendum. The Registration and Election office certified the petition. He said that Centerville B would begin circulation of a petition on Wednesday for the same purpose and he was trying to get everything in line so that a referendum could be held in May 2003. Mr. Holden was there a problem with timing. He responded yes there was. Mr. Holden said that he was trying to get the Ordinance on the agenda for action. He reminded everyone that third reading could not take place until after the referendum is held. Mr. Martin said that it was customary to hold the first two readings of an ordinance to create a zoning map or zoning for a particular precinct prior to the referendum in question. The Referendum is advisory and is basically to state the will of the people to council and then the third reading would follow the referendum so that Council will know whether the people do or do not want zoning. Mr. Wright asked if Council also customarily passed a building moratorium on first reading on building permits. Mr. Wright said he was concerned that Council was

doing this without proper documentation on the moratorium and on first reading. He said particularly for the moratorium being put in place this far out. The proposed referendum date is May 13, that is several months away and might create a problem for Council. Mr. Martin said that the moratorium that has traditionally applied to Anderson County zoning matters is a creature of law. It is not something that council intentionally says that Council will impose a moratorium. It was determined that a map could not have been prepared in time for the item to go on the agenda. Mr. Wright said Council was not prepared to vote on the issue and if Council did they would not be following the County's own procedures. Mr. Wright then called for the question and Ms. Floyd and Mr. Greer seconded. Vote in favor for putting on the agenda was two in favor Mr. Holden, Ms. Wilson, and five opposed (Mr. Greer, Chairman Dees, Ms. Floyd, Mr. Wright, Mr. Tolly). Motion failed.

Citizens Comments: AGENDA ITEMS: Mr. James M. Ramsey spoke on zoning in Centerville A. He said there was a number of subdivisions in the area that is causing traffic problems on Whitehall Extension. If they were to have several large multi-family dwellings along the road it could be a disaster, he said. Ms. Glenda Sayegh asked how long it would take to make a map on the new GIS system. She said the zoning petition for Centerville A sat in the Registration Office for three days before it was started on. She was personally told that it was turned in on time, by Patsy Brown, to be placed on the agenda. She said that she knew that first reading of any ordinance could be approved without any paperwork. She said that Centerville A was primarily residential and there was 13 subdivisions with 390 people who do not want commercial property this close to their subdivisions. They feel that anyone you should be able to sell property at any time for any amount. She also said that they do want economic growth and commercial property in Anderson just not in their back yards. Continued commercial growth is important for Anderson's economic prosperity but it does belong in places that better suit commercial needs. Mr. Edward Evans of Hartwell Ridge said that he feels that taxpayers' money given freely by taxpayers and payment of taxes is for the operation of the county. On the agenda tonight, Items #2, 8 (a), 8(b), 8(f), and 8(g) are listed as presentations and requests respectively. It is unclear what these items are for, he said. If the last meeting could be used as a guide; these items will be for things not related to running of the County government. At the last meeting of Council, a presentation cost the taxpayers about \$4,500. A request by Mr. Holden at the last meeting cost the taxpayers \$5,000 that went to the March of Dimes. He said that the March of Dimes is a great charity; however, it is not fair for the taxpayer to take tax money and give it to charities that Council favors. This becomes a donation that is forced upon a taxpayer. Mr. Ed Allgood addressed sub-developments - he said because the county allows five lots or less to build on a County or State road - development of this nature will be less expensive than sub-developments. This will provide a safer area for people to exercise, a safer environment for children and less crime occurs when people can watch their neighborhoods. There is also less danger entering major highways from sub-developments. He asked council to please be aware of the results of the decision they are making on Development Standards. Ms. Carrie Long of the Oak Tree and Mt. Nebo area said that DHEC came out and tested their waters and found ecoli and feces in their water. She told council what DHEC told them to do to their wells to get rid of these bacteria. She said that the water is unsafe and unhealthy. She asked Council to please help them with getting water for her and her community. Rev. Jeremiah Palmer, representing several residents of the Oak Tree/Mt. Nebo area, asked Council to please do what they can to help these people get water. Mr. Charles Crowe commended Chairman Dees on the Land Use Work Session and the manner in which it was conducted. Ms. Tonya Toria is also a member of the Community with the tainted water. She said that she moved to the community about three years ago, shortly after moving they noticed smell, foul tasting, discolored water, etc so they stopped drinking the water. She said they had no idea that it had what it has in it. She has three young children at which during that time all developed skin rashes, they have been physically sick from drinking the water. She said she didn't want bleached water; she wanted what everybody else has - clean water. She said she did not

know and was terrified at what the long-term effects were from drinking the water. She said it was not fair, they pay their taxes and asked Council to consider - would they like their family drinking water that had to be bleached before they could cook. Mr. Tolly asked Mr. Martin if they said 16 families at a cost of \$65,000 and was it too small for a special tax district? Mr. Martin said that Anderson County government couldn't provide water for people because the South Carolina Constitution prohibits them. In order for Anderson county government to provide water would require a referendum of the people of Anderson County to authorize Anderson County to purchase and operate a water system. He said that legislation is being drafted to take before the General Assembly to change that. He said a special tax district would be one possibility of addressing the need; another is the legislation being proposed. Ms. Wilson said that it was absolutely legal to provide some funding for waterline construction. She recommended that Council look at page 18 of the 2002-2003 budget. She said that when they get to this item on the agenda, she is willing to provide what this area needs and it is not entirely limited to special tax districts and it's legal. Ms. Floyd said that Council needed to do something and she would not like to live like this community in Honea Path. Ms. Floyd also has a section like this in her district. Mr. Greer said that he greatly sympathizes with the people of that community because he understands because he has personally experienced it at his home. He said that he also has the same problems in his district and will be looking forward to applying a solution to the people of his district. OTHER MATTERS: Mr. Rodney Sanders talked about public trust. He said he was dismayed at the vote on limiting the number of years that the Auditor can audit the County's books. Mr. Charles Crowe talked about a prisoner at the county stockade (Detention Center). He said that no one should have allowed a prisoner to be unaccounted for, 35 minutes. He said there was a lot of conflicting stories. As citizens, they look to Council for protection and he asked council to adopt a plan. Mr. Dan Harvell said it was no secret that he has often said that Council is more worried about image than about serving the needs of the County's citizens. He asked, on behalf of the County Taxpayers Association, how much it cost to produce and distribute the County's progress report. Mr. Ed Jean said that he was going to ask the question "WHY?" Why must his councilperson challenge Gracie Floyd and accuse her of "don't you know the people you got your advice from did this." Plus the representative of the Company is sitting in the audience with his two children and he is being accused of being a part of a major conspiracy. He said he thought it was in terrible, poor taste. He said that his councilperson was always making statements that her "constituents demand it." He is a constituent and he demands to know "WHY?" Why all the positive things that take place in Anderson County is always being a shadow cast or that it is being insinuating that somebody is profiting because of this and because of that? Mr. Mel Gerrard said that he was present regarding the follow up vote on zoning and he would be there and available for questions that anyone may have. (Item #5 on agenda). Ms. Floyd said that District #2 is having some of the same water problems that District #7 is having and she is committed to helping that section of her district. She said that she, and other members of Council also, does not put how they look in front of their constituents. She said that she takes District #7's problems seriously and will do all possible to help with it. Mr. Preston asked to address the issue. He was allowed. He reported that county staff had met with the Belton/Honea Path Water Authority along with a representative who met with the Mayor of Honea Path to better understand their official position. He said recently the Belton/Honea Path Water Authority had received several hundreds of thousands of dollars from the Department of Commerce for waterline expansion. The Belton/Honea Path Water Authority has borrowed over a million dollars for expansion throughout the entire community. Mr. Preston asked Council to allow him to work the process to see if the County could secure some type State Grant. He said this would take a little time in order to research this and he asked for Council to talk to him about it instead of talking around him.

Council recessed at 7:15 p.m. Chairman Dees called the meeting back to order at 7:20 p.m.

Ms. Floyd moved to approve Resolution #R2003-003 - a resolution recognizing and honoring Anderson County resident and employee Brandon Grace for bringing recognition to Anderson County by appearing on and becoming Champion of the Game Show "Jeopardy!" and other matters related thereto. Mr. Holden seconded and vote was unanimous. Ms. Floyd asked Mr. Grace to join her at the podium for presentation of the framed resolution. Ms. Floyd and members of Council commended Mr. Grace for his outstanding performance on "Jeopardy!"

Ms. Gracie S. Floyd withdrew item #2 from the agenda.

Mr. John Henderson with the Association of Counties Workers' Compensation Trust appeared before Council and presented a plaque for the County's Outstanding Safety Achievement. This award was presented for the "Heart Safe" Program implemented by Anderson County's EMS Director, Mr. Taylor Jones. This program strategically places Automatic External Defibrillators in all County buildings with trained response teams for each building.

Mr. Mike Holden recognized Boy Scout Troop 12 from Homeland Park.

On the motion of Mr. Holden, seconded by Mr. Wright, Council voted unanimously to approve third and final reading of Ordinance #2003-003 - an ordinance authorizing the leasing of available commercial office space at the Anderson Regional Airport to William Epstein; and other matters related thereto.

Chairman Dees read Ordinance #2003-002 - 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-A to Planned Development (PD) approximately 10.68+/- acres of property in the Five Forks Precinct on the north side of Lebanon Road. The property is identified by TMS#91-00-08-011 and is fully described generally on Sheet 1 of 1 of a Preliminary Development Plan dated 10/08/02 prepared by Anderson Surveying; and further described in a letter of December 29, 2002 from Phil Marett, property owner, to Steve Newton which included a Statement of Intent for the Planned Development of said property. Mr. Wright moved to approve on second reading and Mr. Holden seconded. Vote was unanimous.

Chairman Dees read second reading of Ordinance #2003-004 - 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 other matters related thereto. A public hearing was held; no comments were received and the public hearing was declared closed. Mr. Wright moved to approve on second reading and Mr. Greer seconded. Vote was unanimous.

Chairman Dees read Ordinance #2003-006 - an ordinance to amend section 2-37 of the Anderson County Code of Ordinances regarding certain County Council procedures; and other matters related thereto. This ordinance deals with time limits on the agenda. A public hearing was held. Mr. Charles Crowe asked if Council would designate someone to rule on contested items. Chairman Dees said that the County Attorney would rule on the law as read. No further comments, the public hearing was declared closed on the motion of Ms. Wilson, seconded by Clint Wright. Vote was unanimous.

Chairman Dees read Resolution #R2003-006 - a resolution expressing the intent of the County Council to be involved in a proper bid procedure for the procurement of services of the external, independent certified professional accountants utilized by the County to conduct the County's annual external audit

of its finances and financial records and other matters related thereto. Ms. Wilson read the resolution in its entirety.

Ms. Wilson invited each member to look at page 15 of the Audit (XV). She said that it stated that the S.C. Code of Laws require an annual audit of all financial records and transactions of the County by independent certified public accounts selected by County Council. She asked that when the firm Cline Brandt and Kochenower was selected if any member of Council was presented and help select the firm. Mr. Wright said that he was he and he believed that there was a proper bid process and Council certified and chose the company based on the bid process. Ms. Floyd said she remembered only because her husband served on Council at the time. Ms. Wilson asked if any members of Council comprehended Mr. Blake's presentation when he made so many declaimers this year than he did last year. She requested that Council approve this resolution because she thinks the council owes the County taxpayers a separation of duties between consulting and auditing. This year's audit speaks volumes about the fact that the county has a deficit, she said. She also said that the County has probably paid the firm of Cline Brandt and Kochenower around one million dollars or more on a 20-30,000 dollar per year audit since the fiscal year ending 1997 (when they did the first audit), so for the first 5-6 years they have been paid an incredible amount for auditing. She said that she would bet a dollar to a donut that Elliott Davis and Company, who has already been paid a substantial amount of money for consulting and professional services will get the county's next bid. She said that they are a very fine company, but it seems that Council should set-up a "fire wall" between the auditing and the consulting. This legislation appears to be more to protect the auditing firm than the actual users. She said this would help to sude any concerns that our public might have that we are watching how the money is spend and how it is accounted for. Ms. Floyd said that she was insinuating to her constituents that she was not doing her job. She said she goes through that budget and she goes to Mr. Preston and they sit down and go through her concerns. Ms. Floyd said that she was afraid to go with the Resolution because it would cut certain companies out that have really doing a good job for the County. Mr. Greer asked County staff to prepare something to detail the bidding procedures for Anderson County procuring the professional services of an audit. The summary is about two pages long and attached to the summary is a detail of how the services are procured. He said the county puts out the requests for proposals, detailing the qualifications of the firms that are to seek to provide the services. There is a committee formed to examine the companies who are providing those services. The firms, who wish to bid on these services, must attend a pre-proposal meeting. If they do not attend they are not allowed to submit a proposal. Then the bidders are asked to submit their proposals, it goes before the committee, the committee weighs those things, and they total them and then present a recommendation to the Administrator. All this is based on the procedures in our County Ordinance. Mr. Greer said he had a problem with the word "proper" which is in the proposed resolution. The word implies and basically states that the bid procedure or the procurement in the past has not been proper. He gave some back ground research on the former auditors and their length as auditors for Anderson County. He said that he has a problem with implying either covertly or overtly that something wrong has been done. He offered an apology to Mr. Suggs for what he had to endure at the last meeting. Ms. Wilson called attention to the following: page 23: Excessive expenditures over appropriations - the County has quite a few of them, Page 9 (IX) - the level of budgetary control that is the level at which expenses at which expenditures cannot legally exceed the appropriated amount is at the total appropriation level. She asked for someone to explain that statement to her and she asked why everyone was worried about the appearance of passing a resolution like this that separates the auditing from the consulting. She said it was the national trend and it was redundant to what Ms. Floyd read then there should be no problem she said. Mr. Holden called for the question. Mr. Tolly seconded and vote was six in favor (Holden, Greer, Tolly, Dees,

Wright, Floyd) and one opposed (Wilson). Vote on Resolution R2003-006 was one in favor (Wilson) and 6 opposed. Motion failed.

Chairman Dees read Resolution #R2003-007 - a resolution expressing intent to cease County maintenance and to authorize County consent to judicial abandonment and closure of certain Anderson County Roads; granting encroachment permits as to such portions of said Anderson County Roads and other matters related thereto. Mr. Holden moved to approve and Mr. Wright seconded. This resolution deals with Old Sloan's Ferry Road (C-165B), which is actually a field, but a court in previous years has determined that this was the county's right-of-way. This deals only with the abandonment of a portion of the road that is pasture. Vote was unanimous.

Council recessed at approximately 8:15 p.m. for 5 minutes. Chairman Dees called the meeting back to order at approximately 8:20 p.m.

Mr. Tolly moved to reappoint Ms. Rosalyn Silverstein to the Library Board for another four-year term. Mr. Holden seconded and vote was unanimous.

Mr. Holden moved to reappoint Mr. Don Bridges to the Library board for another four-year term. Mr. Tolly seconded and vote was unanimous.

Mr. Tolly moved to appropriate \$5,000 for the Anderson Sunshine House from District #1's Recreational Account and Mr. Wright seconded. Vote was unanimous.

Mr. Holden moved to appropriate \$300 for Cub Scouts #987 for Camp Old Indian venture. Mr. Tolly seconded and vote was unanimous.

Mr. Holden moved to appropriate \$15,236.29 for a project at Centerville Elementary School (Picnic shelter) from District #5's paving account. Mr. Tolly seconded and vote was unanimous.

Chairman Dees moved to appropriate up to \$625.00 from District #6's Recreation Account for a sign at the Pack Park in Piedmont. This is to be paid upon receipt of invoice. Mr. Holden seconded and vote was unanimous.

Chairman Dees moved to appropriate \$4,225 from District #6's Recreational Account to redo the electricity (at house) at the Hurricane Springs Park and to be paid upon receipt of invoice. Mr. Wright seconded and vote was unanimous.

Ms. Wilson read her request to be on the agenda as she wrote it and sent in to the Council office on Wednesday, January 29th. "Request District 7 - The \$35,000 earmarked for District #7 in the matching grant fund account #164-5827-000-238 as described by Administrator Preston to be applied toward the cost of waterline construction adjacent for Honea Path for Mt. Nebo and Oak Tree Lane areas. The citizens have recent DHEC reports of unsafe water in their wells, which may explain reports of illness. This is a desperate situation. The City of Honea Path to make up difference from this allocation, prior appropriations and the costs of the line. She said that she met with Belton/Honea Path Water Authority and also went to Columbia and lobbied with Senator O'Dell for that block of grant funds. Because of the set up of the projects and they borrowed near \$4,000,000. Mt. Nebo and Oak Tree Lane is assured of a waterline from that source, but it can't come for another year or two because of, not only a bridge being out and the fact that it is off the "beaten" path of their trunk line, Ms. Wilson said. She has been working with the City of Honea Path. They have a

waterline within $\frac{1}{2}$ mile and they can make up the difference of the \$5,000 already appropriated by District #7 from paving, \$5,000 they have appropriated from a small account that Mr. Harvie Banister had set up years ago. She said that Mr. Greer alluded to this \$35,000 and it is in the budget book under "Matching Grants-Major and Minor Object" Classification. It says that for the year 2002-2003 a total of \$135,000 has been set up. She asked Mr. Preston if the \$35,000 had been spent for anything else. He said that \$10,000 was allocated to the Friendship Fire Department as part of their building program, \$10,000 to the Broadway Fire Department, and there is remaining \$15,000 for the Town of Pelzer for their Depot Project. She asked about when the appropriations were made, since she could not recall having anything to do with it. He said that they weren't allocated based on County Council districts.

The remaining discussion of this item is verbatim.

Mr. Preston: There is \$15,000 that has not been requested since July 1. There is only \$15,000 if you want to state that it is for District 7, which it's not, but if you'd like to reference that way, there is \$15,000 remaining and it is for the town of Pelzer and their Depot project. And you certainly can vote to reallocate that tonight, if you'd like.

Ms. Wilson: I would like to, not only vote to reallocate that for this time being, but I'd also like to take \$20,000 out of our District #7's paving account as these people are so absolutely desperate. Now how can I best make the motion to take the \$15,000 that is in matching grant fund #164-5827 and \$20,000 from District #7's paving account properly? Mr. Martin would you guide me on that, please sir?

Mr. Martin: Mr. Chairman?

Chairman Dee: Mr. Martin, proceed please.

Mr. Martin: Ms. Wilson, simply make a motion. The Budget ordinance has authority for Council to re-appropriate money just as it does for administration. So, you would simply move, make a motion to move the \$15,000 from the matching grant fund to this particular use and then to simply use \$20,000 from your paving account to move it for the same purpose.

Ms. Wilson: I would like to place that in the form of a motion.

Mr. Tolly: Mr. Martin, for voting purposes, I would like those two separated. Because of my policy on paving, I might vote one way but I certainly vote another way on the other part of the motion.

Chairman Dees: Mr. Martin.

Mr. Martin: Mr. Chairman they can be separated. They can be made into separate motions.

Ms. Wilson: well, I'll make the motion since we are running out of time here to take the remaining \$15,000 out of matching grant fund 164-5827 in the sum of \$15,000 and apply to the water project to be conducted by the city of Honea Path for the Mount Nebo, Oak Tree Lane area.

Chairman Dees: I have a motion on the floor. Do I hear a second?

Mr. Wright: Second.

Chairman Dees: We have a motion and a second by Mr. Wright. Discussion?

Mr. Wright: Mr. Chairman, if I might?

Mr. Wright: I'm fine with what you're asking to do. But I have a question here. You made a comment that the Belton/Honea Path Water Authority has money already set aside for this in their next budget? Is that?

Ms. Wilson: I'm not sure-of the steps, I have called down there, went down there and I've visited and talked with a number of times. Mt. Nebo and Oak Tree Lane is on their list to be done, but there is a bridge out and they said they could run it through.

Mr. Wright: So the City is closer and can get it done faster?

Ms. Wilson: And that, I think, was a mile and half - two miles away. The City is a half-mile away.

Mr. Holden: I have a question. If we do this and she puts the \$20,000 out of the paving account in there that will be \$35,000. The City (Of Honea Path) will put the rest of it?

Ms. Wilson: Yes, sir. The City of Honea Path will make up the difference between what we can appropriate tonight, in the form of \$35,000. They are on a tight fiscal year they hadn't anticipated the project.

Chairman Dees: Any further discussion?

Some of discussion left out.

Mr. Greer: I listened as we were going through the discussion on this community's need and this community's need is a priority need. There is no doubt about that. You have a need that needs to be met. I'm listening to the questions that council members are raising concerning taking money from one project and moving it to another project, and possibility that the first project had requested that through the budget procedures very early on maybe - counting on that money. And I'm also reminded, and I know this has been part of the discussion tonight, but I want to restate it for the record. Belton Honea Path Water authority has received or is receiving a 3-1/2 million dollar RDA grant loan, which is a 40-60% grant loan. Meaning that 40% of this is in the form of a grant and 60% is in the form of a loan. If my memory serves me correct, they also received in excess of \$400,000 in grants through the Commerce Department that was moved through the County through our accounting process and delivered to them. Hopefully, I like to see the Belton Honea Path Water Authority step up and assist with this in some form if they could, and I understand that the need is immediate. It is not two years down the road. I've already been there, done that. I've had communities where yes, we can get you water but its two years from now. But they need it now. Not 24 months from now, so I understand where you're going from there. I'm going to offer a suggestion to Ms. Wilson, since Pelzer (Ms. Floyd's question), Pelzer may have already made commitments in anticipation of this grant money that was approved in the budget process when we approved the budget for this current year. Ms. Wilson has a total in her paving account of \$106,932 and I have consistently voting against, this year, using paving money for projects other than paving. This is one night when I would make an exception because I feel like the need for water in this community is more important than paving a few 100' of road. Just like I've said in the past, and AED is more important than paving a couple 100' of road so is getting water to a community is more important than paving a couple 100' of road, so my suggestion would be for Ms. Wilson to withdraw her motion to re-appropriate this money from the Pelzer Depot project to the waterline and to ask this Council to appropriate the total amount from her paving account.

Chairman Dees: Ms. Wilson

Ms. Wilson: I will do that. Thank you, Mr. Greer. I would like to make the motion that we take \$35,000 out of District #7's paving account to apply to this project with the City of Honea Path making up the difference between this appropriation and others and the cost.

Chairman Dees: Ms. Wilson, we still have a motion on the floor.

Ms. Wilson: I withdrew it.

Chairman Dees: Well say it.

Ms. Wilson: I said that I would like to withdraw it.

Mr. Wright: I withdraw my second too, Mr. Dees.

Chairman Dees: Now, we have an active motion on the floor.

Mr. Holden: I second that.

Chairman Dees: And it is seconded by Mr. Holden. Any discussion?

Mr. Tolly: Mr. Chairman, this is going to be easy for me to hold to my policy of not allowing paving funds to go to anything but paving because I know you are going to pass it so I am comfortable with abstaining.

Chairman Dees: Thank you, Mr. Tolly. Any further comments or discussion by Council? All those in favor? Vote 6 in favor and one abstention (Tolly).

Item #8(f) was removed by Mr. Greer from the agenda.

Items #8(g) was also removed from the agenda by Ms. Floyd.

Ms. Wilson said that she had requested the GLR-110 and wanted Mr. Preston to know that this was a repeat of what she had already received and she asked to continuously routinely receive the GLR-110 which is a weekly report. She said that she thought all members would be interested in knowing that as we approach the budgetary period for the county, she thinks that Council should look very carefully at "Awards and Recognitions" for the three week period (Jan. 7-22) the county spent a total of \$2,322.47 from various accounts for awards and recognitions. Telephone and communications - Council needs to figure out a way to shave a little bit of the cost on this account. For the three week period, from various accounts labeled this-the County spent \$60,251.63. Advertising - this included no legal or major public notices the county spent - \$1,575- WRIX, \$4,500 - for Black Pages USA, \$389 for Chamber Map, Inc., \$4,810.54 partly Civic Center and the new department for the Anderson Independent, \$125 - Paul Brown Video production, \$608.20 - Anderson Independent Recycling, \$2,050 - KAB - Lamar Outdoor, \$1,323 Keep America Beautiful - poly bags, \$617.15 for Civic Center with Sign Aroma net total \$15,998.21. She asked Council to look at this in the future to see what can be cut. The Administrator on his credit card expenses from the 3 week period spent a \$1,344.51 was paid, out of Administrator's Legal Account - \$2,062.75 - She requested a copy of the vendor files on the \$250,000 budget for Legal Account for council to look at and review. She asked what the \$40,000 legal settlement budget was for. She said there appeared that budget transfers in excess of \$2,000 has been done without notification to council, going back several months. She said she requested from the Administrator a list of Corporate Donors with the amounts and dates of their gifts and a list of where and when the money was spent and he said that it was too complicated for him to do that. She said that she could narrow the list down to KAB, Celebrate Anderson, Freedom weekend Aloft and the Balloon Festival. The Department of Commerce - Special events - Miscellaneous account - this would narrow it down enough for you to look it up. She asked that she receive explanations over the E-911 fee collections and in reviewing ledger reports, it appears we have a surplus and if that is true would indicate that Council needed to lower the levy in that special tax district, she said. She said that the Sheriff's Office pulled out their dispatch which lessens the expenditures from that account unless we've made provisions for their share of the funding to come out of that account and she also requested a set of the vendor files for all the engineering work including the invoices that are labeled "No specified projects and blanket orders". This would be for 2001-2002 and fiscal year 2002-2003 to date. She said when looking at the audit report, she asked Council to look on page 6 - it appears that we've collected more tax funds this year, it looks like we have a lot of delinquent accounts. The County collected more but it may be that the county has a lot of delinquent accounts. Page 22- special revenue funds of which expenditures exceed budgeted amount. She said that there were expenditures from \$240.00 to a \$191,957. She said that Council should look at this at budget time. On page 25 - on Note 3 "At year end the County's carrying amount of deposit was \$76,026,369 and the bank balance \$79,517,284." It also says \$63,990,296 was entirely covered by Federal Depository Insurance or by collateral held by the County's agent by the County name. \$526,988 was un-collateralized she asked for an interpretation of what that sentence means. Page 35 under "Long Term Debt - Library" - Long term debt of the Library consist of two capital leases. One lease is for a piece of equipment payment in 23 quarterly installments of principal and interest of \$510.00 through April 10, 2008 with interest @ 23.44% collateralized by equipment. She asked if this was a misprint. On page 46 there was a restatement of earnings on the Airport. She read to Council. She asked would this restatement have been reflected at some point in that years' management letter? She looked back and it was not. Page 51, 52- shows losses. Under Miscellaneous - \$277,500 budgeted but actually was \$320,898. Expenditures under County Council shows overdrawn --\$2,373. Administrator-

\$108,196 under personnel there was a small deficit. On page 57 there were a lot of losses in the Sheriff's department, Public Safety, Communications Division. She said she was just asking Council to look at this. She said on page 33 under Sewer Enterprise funds - it says "capital contributions - zero budget, capital contributions \$2,200,000 - she asked if this was proceeds from sewer lines or proceeds from grants received. Mr. Preston asked Ms. Wilson to put all her questions in writing. She said her real reason for going on and on was to ask for real budget workshops - on page 22 - next to last paragraph - "the County Council conducts workshops and public hearings on the proposed budget and adopts the budget not later than June 30." She then asked for a list of workshops and a couple of public hearings.

Mr. Dees asked Mr. Martin a question concerning whether if a single of council, such as himself, asks of Mr. Preston or require of Mr. Preston-would it be legal for him to respond. Mr. Martin said that County Council is the elected representative body of the County. The members of County Council govern Anderson County. Mr. Preston and all of the people who work for Mr. Preston report to County Council, he said. So County Council can direct Mr. Preston to do anything within the law, within the grounds of the S. C. Code (4-9-610) and within his contract. An individual cannot direct any particular function of the County or the Administrator. County Council acts as a Body Politic and corporate. This means Council must act as a unified body and gets one vote. Only the council acting as a body has authority, he said. Every member has access to and a right to information. He said that if his question was could he representing District #6 could direct Mr. Preston to do something would be no only County Council acting as a single body direct him, nor may he run the affairs of District #6-but only when the Council votes to do something the answer was no.

Mr. Greer said that he had been looking at and comparing audits for a good number of years. He shared the following information to Council. The comparison of revenue collected 1989-2002 indicates that the revenue collected has somewhat increased at a steady rate of increase. The revenues increased by 55% from 1989 to 1996 and by 27.82% from 1996 till 2002. During the years 1994 to present, the County consistently budgeted revenue lower than the actual revenue meaning that the County was conservative in its revenue projects leaving room for an excess of revenues over expenditures. In 1990 and 1991 the budget revenue approached the actual revenue and in 1992 the budget revenue exceeded the actual revenue by \$580,627. When you look at the expenditures over the same periods of time, the comparison shows the expenditures had increased at a relatively a consistent rate as well. The comparison shows that actual expenditures exceeded budgeted projections in 1992, 1993. The comparison expenditures show that the expenditures increased by 55.25% during that time period and they increased by 49.35% from 1996-2002. Expenditures have increased at slightly lower percentage since 1996 than they did from 1989 to 1996. For the years up to 2002, the actual expenditures fell below the budgeted expenditures meaning less money was spent than projected. During the years 1992 through 1993, Anderson County actually spent more money under the General fund than it took in. This would have resulted, in his opinion, in a negative fund balance for the years 1992, 1993, and 1994 if the County had not borrowed tax money using tax anticipation notes to fund the budget short falls.

Mr. Dees asked Ms. Wilson what the invoice was that she placed at his station concerning Southeastern Police Supply in the amount of \$759.41. She said the company contacted her regarding bills that went way back and after she talked with them they had started getting money. It appears that the County purchases goods from them. Ms. Wilson said that someone called her and asked her to call them to see what was going on. Ms. Floyd asked if they went through the proper procedures checking on the payment. Mr. Preston reported that he checked on this the moment Chairman Dees called his attention to this and found that the invoice was actually paid 10 days after the invoice was

issued and was probably a mistake from the vendor. Mr. Preston said that the proper procedure for things like this would be for Council members to call him and let him check into it.

The next item on the agenda is verbatim.

Ms. Wilson: I said "or execution session" so that was a misprint that I just saw. We're evidently not supposed to talk about personnel matters in open session. It does evidently apply to the Building and Codes Department. There have been a number of phone calls that I've had and I was hoping that we-the Administrator Preston would take us into executive session briefly to discuss.

Chairman Dees: Are you making the motion to go into executive session?

Ms. Wilson: Yes.

Chairman Dees: Ms. Wilson has made a motion that the council go into executive session regarding a personnel matter. Do I hear a second? Ms. Wilson has a motion on the floor, do I hear a second? Motion died from lack of a second.

Ms. Wilson: May I have a point of order here for a moment, please? I am going to pass to you what was sent to me. My only remark that will be made in public concerning this matter is that it appears a number of people in the County and contractors are concerned that we may have spouses in permitting areas issuing their spouses permits. I wondered if we had a proper procedure dealing with that because rumors can get started and I've been hearing about this one situation every since I built my home back in 1998.

Mr. Preston: Can you be a little more specific, Ms. Wilson?

Ms. Wilson: I do not want to mention the name in public meeting and I see that this is a misprint but I do have - I will read to you my request: "County Administrator to explain to County Council personnel matters in Building and Codes executive session or open meeting. Administrator to judge time allotted and form of presentation." This was faxed to our Council office on the 29th so...

Mr. Preston: Mr. Chairman, I would be more than happy to respond to what I can respond to and what I should to Council.

Chairman Dees: We understand of course about the limitations regarding issues in the public concerning personnel so you go ahead.

Mr. Preston: My report is that we are advertising for a new Building and Codes Manager and we have advertised all across the State of South Carolina including the Standard Building Codes Congress and we'll soon be making a decision within the next few weeks. It takes awhile and that is all I have to say about that.

Ms. Wilson: Then what about spouses possibly issuing spouses' permits? Is that...

Mr. Preston: I want you to show me a specific-give me a specific example as to when something like that has happened.

Ms. Wilson: I think we made enough copies. Didn't we?

Mr. Tolly: Mr. Chairman, I don't think we need to be discussing personnel matters in open session.

Chairman Dees: I agree. I totally agree and we - we did not succeed in getting a second to the motion to go into executive session.

Ms. Wilson: Well, with that said - I guess we can move along.

On the motion of Mr. Wright, seconded by Mr. Greer, Council voted unanimously to accept Shady Grove and Louise Rankin Subdivisions into the County road system.

On the motion of Mr. Greer, seconded by Ms. Floyd, Council voted six in favor and one abstention (Wilson) to cancel the February 18, 2003 meeting due to Council members being out of town attending a training seminar.

ADMINISTRATOR'S REPORT:

- a. Certificates & Training:
 - 1. Mr. Charles E. Pinson – member of National Association of Fleet Administrators
- b. Letters of Appreciation:
 - 1. For: Mr. Mike Miller From: Mr. Mark Knight, U.S. Department of Justice
 - 2. For: Ms. Kathryn Bergstrom From: Ms. Debbie Spear, The History Museum
 - 3. For: Ms. Kathryn Bergstrom From: Mr. Charlie Barron
 - 4. For: Ms. Paula Reel From: Mr. Clifton Smith
- c. Reports:
 - 1. Detention Center's Litter Report – January 6-10, 2003, January 13-17, 2003, and January 20-24, 2003
 - 2. Anderson County's Litter Report of December 2002
- d. Minutes:
 - 1. Transportation Division's Safety Meeting Minutes of January 10, 2003
 - 2. Department of Social Services – Advisory Board meeting of November, 26, 2002
- e. Town of Pendleton's change in corporate limits and annexation of property
- f. Letter to Senator Waldrep regarding Bill S.108
- g. 2003 Officers for Human Relations Council
- h. Time Magazine Article

Mr. Preston said that he had the completed Water System Improvement Survey done by BP Barber and a presentation will be scheduled soon. Mr. Preston said that Judge Anderson had issued a final order on February 3 upholding DHEC's issue of the 401 Water Quality Certification for Phase IA and II of the Beaverdam Sewer Project. The 401 Water Quality Certification certifies that the project meets the state water quality standards and is required for the County to obtain a Federal 404 permit from the U.S. Army Corp of Engineers for construction of certain portions of the project. Mr. Wright said that he would be scheduling a meeting of the sub-committee on water who will take a look at the survey and then report back.

Remarks from Council Members:

Ms. Wilson said in reference to Beaverdam, it was not over yet. They have appealed permits and they still believe, in their area, that with only 29.4% of current existing sewer infrastructure used that it will be very difficult to justify another sewer line in an area where it would not be used for some time. She said she noticed that Council had the Comprehensive Land Use Map for District #4 here. She said that was the map that was used for zoning. She said that she hoped Council did not fail to follow the "letter of the law" in what Council should do in regard to the zoning request. She said she didn't understand why there was a problem using that map. She said in regards to the audit there were 4 enterprise funds that were written up for having strong revenues and that is true, but that was only part of the story. They were well over-budget and there was over 4 million dollars in losses from the 4 enterprise funds. Ms. Wilson said she would also like to see what it cost to have the County's Report to the People to printed and circulated.

Mr. Greer said that he listened as the community talked about their need for water and comments he heard made were - where are your priorities - why are you doing what you are doing—what are you more concerned with. Then he listened to Mr. Jean as he said WHY? Why are you doing this? He said he listened at the last council meeting as a father was, in his opinion, accused of wrong doings in front of his own children. He listened tonight as an invoice was presented for lack of payment, when in fact it had been paid and no effort had been made to contact County staff to verify information. As Council does thing, he thinks that they look at their motivation for what we are doing.

Mr. Holden - no comments.

Ms. Floyd asked Mr. Preston to contact Mr. John Lummas and ask him to do an update report on this small Business Committee. She asked Mr. Preston to reconvene the committee to look at the land waste issue. Ms. Floyd said that the advertising thing - years ago complaints was coming in about

complaints of the County and people not knowing what is going on. She remembers Mr. Floyd getting calls about putting something in the newspaper so the public would know what is happening in Anderson County. If the public has a problem they should call Mr. Preston.

Mr. Tolly commended the staff on the Safety Award.

Mr. Wright said that the map was done along with a community meeting, which established it based on the Land Use map. He said that the same procedures must be followed for all requests. He also suggested that everyone remember the families of the astronauts in their prayers.

Chairman Dees said that our nation, and under our system of government, which is a system of laws, rules, regulations and procedures which is needed to keep them straight and to keep an orderly government. He asked that all council members pay attention to each other's right to speak and get the recognition of the chair. This would make it much easier. He said prayer was the answer to United States problems and God controls everything.

There being no further business, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Linda N. Gilstrap, Clerk to Council
ANDERSON COUNTY COUNCIL