

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – March 1, 2005 – 6:00 p.m.
Linda N. Eddleman, Clerk to Council

(pages 3, 4, 5,6)

MINUTES

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

PRESENT

Chairperson Gracie S. Floyd, Presiding
Vice Chairman Larry E. Greer - District #3
G. Fred Tolly – District #1
Bill McAbee – District #4
Michael Thompson – District #5
William C. Dees – District #6
M. Cindy Wilson – District #7
Michael Cunningham, Assistant Administrator
Linda N. Eddleman - Clerk to Council
Tammie Shealy – Deputy Clerk to Council

ABSENT

Joey Preston – Administrator
Tom Martin - County Attorney

(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, March 1, 2005 at 6:00 p.m.

Chairperson Gracie S. Floyd called the meeting to order and Mr. Fred Tolly gave the invocation. Everyone pledged allegiance to the flag of the United States of America.

Ms. Wilson moved to approve the minutes from the February 1, 2005 and February 15, 2005 meetings as mailed. Mr. McAbee seconded. Mr. Dees said that he spoke with the Clerk concerning typographical errors. Mr. Michael Thompson said that in the February 15 minutes – page 5 under Ordinance #2005-008 last two sentences should read: "Mr. Greer moved to table ordinance #2005-008 seconded by Ms. Wilson vote was six in favor to table (Wilson, Tolly, and [REDACTED], Greer, McAbee, Dees) and one opposed ([REDACTED]). Motion to table passed." Vote on the minutes as amended was unanimous.

CITIZEN COMMENTS:

Agenda Matters: The following citizens spoke: Mr. Brooks Brown – urged Council to vote down Ordinance #2005-009. Mr. Roger Mulliken spoke in opposition to Ordinance #2005-007 and in his opinion limits citizens' right to speak. He said his representative assured him that the ordinance in no way limits citizens' right to speak.

Other Matters: The following citizens spoke: Mr. Tim Williams spoke about the equipment for videoing the Council meetings and the quality of the filming, producing and editing. He said that the quality for the last three months has not been worth watching. He challenged Charter to record with modern technology where the citizens of Anderson County can see and hear like any other program.

Chairperson Floyd read Resolution #R2005-013 – a resolution recognizing and honoring Anderson County resident Mr. McNeil Grier on his 100th Birthday; and other matters related thereto. Ms. Floyd moved to approve the resolution and Mr. Fred Tolly seconded. The vote was unanimous. The framed resolution was presented to Mr. Grier.

Chairperson Floyd read Resolution #R2005-016 – a resolution recognizing and honoring the late Margaret Snider Coker and her family for Ms. Coker's historic achievement of being the first female graduate of Clemson University; and other matters related thereto. Chairperson Floyd moved to approve and Mr. Dees seconded. Vote was unanimous. Ms. Coker's family members were recognized.

On the motion of Mr. Tolly, seconded by Mr. Dees, Council voted unanimous to approve the 2005 Annual Modification to the strategic plan for the Pendleton District Workforce Investment Board.

Chairperson Floyd read third and final reading of Ordinance #**2005-002**- an ordinance amending Ordinance #99-004, the Anderson County Zoning Ordinance, as adopted July 20, 1999, by amending the Anderson County Official Zoning Map to rezone from R-20 (Single-Family Residential) to C1-N (Neighborhood Commercial) two (2) parcels of land comprising approximately +/- 2.08 acres of property in the Hammond School Precinct at 2401 Old Williamston Road. The property is identified by TMS #148-20-01-017 and 148-20-01-005. A public hearing was held and no comments were received. Mr. Greer moved to approve on third reading and Mr. McAbee seconded the motion. Ms. Wilson stated that the reason she would vote in opposition was because the Planning Commission and the Citizens Advisory board both voted to deny the request. Council is yet to hear from the landowners or any reasons to uphold the request, she said. Vote was five in favor and two opposed (Wilson, Thompson). Motion carried.

Chairperson Floyd read third and final reading of Ordinance #**2005-003** – an ordinance amending Ordinance #99-004, the Anderson County Zoning Ordinance, as adopted July 20, 1999, by amending the Anderson County Official Zoning Map to rezone from C1-N (Neighborhood Commercial) to C-2 (Highway Commercial) one (1) parcel of land comprising approximately +/- 2.2 acres of property in the Green Pond B Precinct at 5606 Highway 24. The property is identified by TMS #028-08-01-001. Mr. Greer moved to approve and Mr. McAbee seconded. Vote was unanimous.

Chairperson Floyd read third and final reading of Ordinance #**2005-006** – an ordinance amending Ordinance #99-003, the Anderson County Comprehensive Plan-1999, as adopted April 20, 1999, and amended by Ordinance #2001-037, as adopted November 20, 2001, by amending Planning Area Four, Future Land Use Map to include Planning Area One, Proposed Future Land Use Map, as endorsed by the Anderson County Planning Commission on January 11, 2005. Mr. McAbee moved to approve on third reading and Mr. Thompson seconded. Vote was unanimous.

Chairperson Floyd read second reading of Ordinance #**2005-007** – an ordinance amending Section 2-37 of the Anderson County Code pertaining to meetings of the Anderson County Council and other matters related thereto. A public hearing was held and the following individuals spoke: Mr. Ed Jean – spoke in favor of the ordinance. Mr. Tim Williams: "Like I said before I am Tim Williams, an Anderson resident. The gentleman who just spoke about ordinance 007, of which I am going to speak about, seems to be missing the point. The point is... is the loss of liberty. That's what it's all about. We want to be able to come in here, Ms. Chairperson and the rest of this audience and this group and these members, to speak our peace without being threatened like I have before to ask to come in here to speak. I was not allowed to be put on the agenda twice and when I did come and speak, Mr. Striewing over here followed me out of this room and threatened to have me arrested. He never apologized and neither did Joey Preston. We want to be able to come in here and speak and we would like this actually put on this piece of paper as "Citizens'

Input" and we feel like it is our right as a citizen of this country – the United States and Anderson, South Carolina in this County to speak in an orderly manner whether you like what we say or not and whether you like our opinion or not. We want that right and we will fight for that right every way we can. How would you like us to address you? Would you like to be addressed by tying a message to a rock and chunking it through a window? Would you like us to address you by scratching it on your car or something? Tell us. This is an orderly properly procedure. This is what democracy is all about. You're trying to drive us back into the Stone Age or something and we won't hear for this. Thank you." Mr. Brooks Brown – spoke in favor of the ordinance. He said that at no time had Council denied him from speaking. He said the ordinance was simply separating the citizens' comments-citizens input to the back of the meeting to allow Council to get through the County business first. Mr. Michael Deanhardt said that he had always been treated with respect and he probably is one of the most controversial person in Anderson County. He said he would rather say his three minutes at the beginning instead of the end. He thanked Council for treating him with respect and dignity. Mr. Roger Mulliken spoke in opposition to the ordinance saying that he objects that Council was trying to limit his freedom of speech. Mr. Ed Hinch said that he thought the only thing changing was that "Citizen Comments" was being moved to the end of the meeting. It is not restricting anyone rights to speak on something. Mr. Dan Harvell said it was a serious disservice for citizens who come to the meetings to address issues not on the agenda for that night to be put at the end of the meeting. Mr. Harvell said that Ms. Floyd did an excellent job as she brings the rules of public hearing and the citizens' agenda; however, he feels that by the tone her voice makes, tells the public a lot. No further comments, the public hearing was declared closed. Mr. Dees moved to approve and Mr. McAbee seconded. Mr. Thompson said that the third "Whereas" pretty much tells the reasoning behind the ordinance. It states that other matters adversely affect the length and flow of the meetings. He said if Council moved other matters to the end of the meeting; and the potential speaker stays throughout the whole meeting – then the length is not affected. He said he does not see any need to move other matters to the end – so he will once again vote against the ordinance. Mr. McAbee said that it made the comments available to the citizenry more contemporaneous to the meeting at hand. Ms. Wilson said that because of our form of government is so intricately based on checks and balances she feels that the citizen input is some of the most valuable input that Council has to vote on so therefore that is why she will also vote against the ordinance. Mr. Greer called everyone's attention to the particular ordinance that it does not limit a citizens' right to address the governing body but it guarantees the citizens right to address the governing body. Vote was five in favor (Greer, Tolly, Floyd, McAbee, Dees) and two opposed (Thompson, Wilson). Motion carried.

Chairperson Floyd read first reading of Ordinance #2005-009 – An ordinance requiring changes to the budget for FY 2005-2006 and the Anderson County Code of Ordinances placing the county's Legal Counsel once again, under the County Council, recreating an "in-house" County Attorney's office. Ms. Wilson, the sponsor of the ordinance, moved to approve the ordinance and Mr. Thompson seconded. She said that [REDACTED] needed to consider the expenses that the county pays for legal advice. About 19 months ago, the County paid the McNair Law Firm about 2.1 million dollars. For a six weeks period 11-19 through 12-7, the county paid the McNair Law Firm \$288,590. Currently budgeted in the Administrator's Office is [REDACTED]. In 1999-2000 the County spent about \$150,000. Ms. Wilson moved to table the ordinance in hopes that Council will look at the information provided during the budget process. Mr. Thompson seconded the motion and vote was three in favor to table (Wilson, Thompson, McAbee) and four opposed (Dees, Floyd, Greer, Tolly). Motion to table failed. Mr. Greer stated that the proposed ordinance would be illegal and in violation of Home Rule. Mr. McAbee agreed with Mr. Greer. Council discussed further. Mr. McAbee called for the question. It was seconded and the vote was six in favor and one opposed (Wilson). Motion on the call carried. Vote on the ordinance was one in favor (Wilson) and six opposed (Floyd, Dees, Greer, McAbee, Thompson, Tolly). The ordinance failed.

Mr. Tolly moved to amend the agenda to add Resolution #R2005-019 – a resolution challenging the United States Environmental Protection Agency's classification of Anderson County as "unclassifiable" for fine particulate matter; and other matters related thereto and Mr. Greer seconded. Vote was unanimous to add the resolution to the agenda.

Chairperson Floyd read Resolution #R2005-017 – a resolution to provide for the commissioning of certain named Code Enforcement Officers to provide for the proper security, general welfare, and convenience of the County of Anderson, South Carolina. Mr. Tommy Thompson explained the resolution to Council. The officers to be commissioned are Mary Lou Wilson and John Michael Hall. Mr. Greer asked if these officers would be replacing officers lost and would they be code enforcement officers. Mr. Thompson responded yes. He also asked if they would be carrying weapons and he was told yes. He also asked if the officers would have the appropriate training before the weapons are issued and Mr. Thompson responded yes. Mr. Greer moved to approve and Mr. Dees seconded. Vote was unanimous.

Chairperson Floyd read Resolution #R2005-018 – a resolution honoring the Anderson County Taxpayers Association on being selected as the outstanding local Taxpayers Association in South Carolina for 2004. Ms. Wilson asked all members of the Taxpayers Association to join her at the podium. Ms. Wilson read the resolution in its entirety. Mr. Wilson moved to approve and Mr. Thompson seconded. Vote was three in favor (Wilson, Thompson, McAbee) and four abstentions (Tolly, Floyd, Greer, Dees). Motion carried. A framed copy was presented to Mr. Dan Harvell, President of the Association.

Mr. Dees moved to approve Resolution #R2005-019 – a resolution challenging the United States Environmental Protection Agency's classification of Anderson County as "unclassifiable" for fine particulate matter; and other matters related thereto. Mr. Dees moved to accept the resolution and Mr. Thompson seconded. Vote was unanimous.

Council recessed for 5 minutes at 7:35 p.m. Chairperson Floyd called the meeting back to order at 7:40 p.m.

SPECIAL PRESENTATION: Ms. M. Cindy Wilson

Ms. Wilson: "This will be very brief. Many of you know that I had requested to be given the weekly general ledger 110 reports and this is like the County check register so that we see what we're spending, where we are spending it, and the amount and so forth. I've given each of you a recap of these green bar sheets. Each week has about 20 of these little green bar pages. And I am going to go over a few items that I think that we need more detail for. I am going to start on the week of January 19 and go back to December 7 and I'm just going to hit a very few highlights and I hope that ya'll will join me in asking for more detail too. What ...(unclear) general report to you is that we have extraordinary credit card expenses and extraordinary engineering expenses, consulting expenses, and we even have paid, for example, and I don't mean to say that these are not all legitimate expenditures but it would be helpful for us to have more detail for example we have paid one company called Richardson Construction a total of \$667,076.85 on two of these weeks and it says "no specific project". It seems like with our 57 miscellaneous accounts that we should be a little more detailed. For example we've paid Elliott Davis really almost more than twice what we're paying on our audit fees. We paid Elliott Davis a great deal of money from our Management/Consulting and not a whole lot for auditing. And I think with the [REDACTED]-Axley Act and the need to have a [REDACTED] line between accounting and consulting this is something we need to really take time to consider that. Here is another payment to (word unclear) Whiteside. It's more than \$40,000 and it's "no specified project". We are paying an extraordinary amount of money it looks like to the Anderson County Chamber of Commerce. These are like for meals and dues and in one instance on the 7th of December excuse me the 14th of December we paid over \$15,000 out of "Cost of Living" accounts from 13 different departments. Why would be paying

Anderson Chamber of Commerce cost of living in the amount of \$15,875.99 out of 13 different departments? We had a lot in dues and advertising to them already [REDACTED] we even paid them for meals. That was something that was rather interesting. We've paid as I mentioned earlier to the McNair Law Firm out of three different Law firms that we've paid during this time period. We've paid them almost \$300,000 in legal expenses. Just to give you a few highlights – the credit card expenditures – we paid on a 2-week period on 12-21 and 12-14 combined over \$18,000 in credit card bills. We've paid one law firm that I know negotiated the settlement for the Tri-County Landfill – that we are paying them out of the legal account from the industrial park and that's kind of interesting. Now another thing, and I would hope that we would have someone in Finance who could explain these items to us – under state payments to the County for registration and elections we've paid out funds – several hundred dollars to charitable organizations. For example we are paying for Mr. Crenshaw, our sheriff to travel out of Senior Citizens and that doesn't make sense either. A lot of consulting, a lot of engineering and I know that we have really, really wonderful County employees that are very capable. I would like to request that each of us have our weekly reports and each of us should have a chart of accounts for the County and each of us should get a bi-annual GLR153 un-audited. And I believe this is the only way that we can truly develop an understanding of the way we spend money in this County and then take this knowledge to this budget process and cut out the spending that would be deemed perhaps wasteful and unnecessary. And focus on things that are really important like the actual [REDACTED] and police protection and so forth. Thank you."

APPOINTMENTS:

No appointments were made.

Mr. John Lummus gave a 20 minutes presentation on the Anderson County Economic Development Division. A copy of his power point presentation is on file in the Clerk to Council's office. Council received as information.

Chairperson Floyd said that she needed to correct a statement she made at the last Council meeting. She said that everyone had a right to appear on the agenda and she was corrected by that. She said you must request it and then the request must be honored by a Council member.

Mr. Michael Deanhardt read from a prepared statement concerning an opportunity to "invoke" a minority point of view. He said that each of us is a minority in some way. When someone wears their "minority hat" that we need to be mindful of how we treat others. We must pledge our best efforts to help one another and to defend the rights of all of our citizens. Mr. Deanhardt's prepared statement is on file in the Clerk to Council's office. Council received as information.

Mr. Tolly moved to appropriate \$1,000 to the Cancer Association of Anderson from District 1's recreation account to assist with their fund raising walk. Mr. McAbee seconded and vote was unanimous.

Ms. Floyd moved to appropriate \$1,000 from District 2's Recreation account for the Cancer walk that was held last Saturday. Mr. Tolly seconded. Vote was unanimous.

Mr. Greer moved to appropriate \$1,559.80 from District 3's recreation account to the Ebenezer Community Park for playground equipment. Ms. Wilson seconded and vote was unanimous.

Ms. Wilson requested that Council schedule a County Council budget workshop and work session with the external auditors - Elliott Davis. She also asked Council to join in having the auditing duties with one external auditor separate from consulting.

She said that she had requested a budget request from Pelzer and West Pelzer and she had received a petition to ask the county to help with houses with blight. There is one on Green Street and another one. She said that the County has funds to help out other districts so she is requesting that the needs be done for district 7.

Ms. Wilson said that the Friendship Fire Department had requested funding for a vehicle and equipment to help them perform their duties. The amount of the request is \$6,865 and she moved to appropriate from the District 7 paving funds. Mr. Thompson seconded. Mr. Greer asked Mike Gambrell, Chief of the Friendship Fire department approximately how much of the Friendship Fire District lies within his district. He said about 10%. Mr. Greer moved to amend Ms. Wilson request to allow him to appropriate \$500 from the District 3 Recreation account to assist the Friendship Fire department with the needed equipment. Mr. McAbee seconded the amendment. Chairperson Floyd said that since the motion deals with two different accounts she would recommend two different votes so she asked Mr. Greer to withdraw his amendment. Mr. Greer withdrew his amendment to do the request separately and Mr. McAbee withdrew his second. Ms. Wilson changed her amount to \$6,365 if Mr. Greer was going to appropriate \$500. Mr. Greer said that he believes that the County paving account needs to be held in reserve for paving projects and drainage problems across the County and Council must stop the practice of appropriating paving funds for other things across the County. He said that this did not mean that the Friendship Fire department's needs are not great. Ms. Wilson said that she had four towns in her district [REDACTED] and the roads from those municipalities are not even factored in. Vote on the motion was four in favor (Floyd, Wilson, Thompson, and McAbee), two opposed (Dees, Greer) and one abstention (Tolly).

Ms. Wilson moved to appropriate \$8,000 to help the Pelzer Fire Department with a leaking roof and Mr. Thompson seconded. The funds will come from District #7 paving account. Vote was four in favor (Floyd, Wilson, Thompson, McAbee), two opposed (Dees, Greer), and one abstention (Tolly). Motion carried.

Ms. Wilson moved to appropriate \$9,000 to the Town of Honea Path for their Street Scape Grant and the funds to come from District 7 Paving account. Mr. Thompson seconded and vote was unanimous.

ADMINISTRATOR'S REPORT:

- a. Letters of Appreciation:
 1. For: Mr. Joey Preston From: Mandalay officials
 2. For: Road Maintenance Department From: Belton Rescue Squad Staff
 3. For: Mr. Joey Preston and Staff From: Mr. Barry Coats with Special Olympics
 4. For: Mr. Joey Preston From: Ms. Betty Bagley
- b. Reports:
 1. Anderson County 911 Dispatched Call Report (January)
 2. District Paving Reports
- c. Meetings:
 1. Anderson Regional Airport – January 18, 2005 meeting
 2. Anderson County Transportation Division Safety Meeting (January 11, 2005)
- d. Grant Agreement – Anderson County/Sandy Springs Water District
- e. Convention and Visitors Bureau's new Executive Director
- f. Minor League Baseball letter
- g. ACTC approved projects
- h. Rescue Squad EMS Agreements for Belton, Honea Path, Williamston, Pelzer, Iva, Fork, and Pendleton

Ms. Floyd moved to reconsider the motion she made earlier in the meeting concerning an appropriation to the Cancer walk. Ms. Wilson seconded and vote was unanimous. Ms. Floyd stated that the organization that she wanted to appropriate the \$1,000 was the Heart Walk and not the Cancer walk. She then moved to appropriate \$1,000 to the Heart Walk and the funds to come from District 2's recreation account. Mr. Dees seconded and vote was unanimous. Mr. Greer informed the Chair that she technically appropriated \$2,000 (\$1,000 for cancer and \$1,000 for Heart walk). He said that she needed to reconsider her original motion and rescind it. Ms. Floyd then moved to rescind her first motion and Mr. Greer seconded. Vote was unanimous.

REMARKS FROM COUNCIL MEMBERS

The chair informed the Council members that when they intend to [REDACTED] an Ordinance or a resolution that the county attorney should review the proposed ordinance or resolution. So she asked that the members give to the Clerk to give to the County Attorney for legality. Chairperson Floyd thanked Mr. Thompson's wife, Bonnie, for the dinner she prepared for Council prior to the meeting. She said that it was wonderful. She also requested that everyone remember Jerry Shealy in their prayers during his illness.

Mr. Tolly said that he was going to recommend Ms. Thompson as "Cook of the Year".

Mr. Thompson said that earlier in the year council approved a tax cut; however the citizens of the county will not receive a tax cut because the School board voted recently to increase the property taxes. He recommended that council take some means to educate the citizens of the County as to where their tax dollars go and who controls them.

Ms. Wilson recommended that council go ahead and set up a budget workshop. She thanked Mr. Cunningham and Mr. Todd Davidson for their polite, [REDACTED] way they handled the meeting.

Mr. Dees said that he received a letter from Chief Magistrate, Nancy Devine concerning budget cuts made to her office. One of these cuts is the cut for "Jurors". He said that Greenville County spends \$102,800 on juror trials, Horry County - \$180,000, Spartanburg County - \$200,000, and according to this the 2000 Juror fees were \$40,000 for Anderson County and had been reduced to the present \$34,000. He said that all citizens are obligated to come when they are subpoenaed or when a Notice of Juror service is received and the Council needed to look closely at this during the County's budget process. Magistrate Devine is also concerned about security in her building and would like to have a security officer provided by Sheriff Crenshaw.

Mr. McAbee thanked Mr. Thompson for his remarks and also for the lasagna and strawberry cake.

Mr. Greer also thanked Mr. Thompson's wife for the meal. Mr. Greer said that Council has a challenge ahead of them. They voted to reduce millage, which in effect reduces taxes. However, in October when the tax bills go out, the County will probably not see a reduction but an increase. He said it was their job to educate the public on the tax bill. It says it is an Anderson County property tax bill but it is an Anderson County School tax bill, it's an Anderson County Fire system tax bill among other things. Mr. Greer said that he listened as Mr. Harvell spoke on the ordinance to move the citizens comments veiled subtle insinuation in his comments that Mr. McAbee is the only conservative republican sitting here. He said all this started and come to a point with the election of our Chairperson and the condemnation republican members of this Council for having the courage for doing what they thought was right for voting on the person not only on the party but on ability to serve the people of this county. He read excerpts from the Anderson County Republican Party Creed. He said that if he allowed a small group of people to dictate how he votes on an issue on this council then he is not standing proud, erect, or un-afraid. Then he has given in to wishes of a small group. He said that the courage exhibited by three members of

Council that would not cower and would not give in to the demands of a small group of self-righteous republican executive party leaders that tried to direct the direction is to be commended not ridiculed. He said that it seems okay to support a Democrat when it suits your purpose but not when it suits someone else's purpose. He read an email from the Chairman of the Republican Party thanking Chairperson Floyd for her stand against Michael Deanhardt. He said in the letter that he would be behind her and Council one hundred percent. He strongly recommends that members of the Executive Party who chose to ridicule and continue to try sly remarks that Mr. Dees, Mr. Tolly, and himself are not conservative Republicans, who have the interest of this County at heart, need to go back and read their own literature.

Mr. Greer moved to appropriate \$500 from District 3's Recreation Account for assistance to the Friendship Fire Department. Mr. Dees seconded and vote was unanimous.

The Chair announced that the next meeting of Council would be Tuesday, March 8.

The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Linda N. Eddleman
Clerk to Anderson County Council