

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – April 20, 2004 – 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 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 20, 2004 at 6:00 p.m.

Chairman Clint Wright called the meeting to order and then Council Member Gracie S. Floyd gave the invocation. Everyone stood and pledged allegiance to the flag of the United States of America.

On the motion of Ms. Wilson, seconded by Mr. Holden, Council voted unanimously to approve the minutes from the April 6, 2004 meeting as mailed with corrections made to several typographical errors.

Citizen Comments:

Mr. Brad McGuire said that he appreciated what Council's has done for the County the last several years. He said that he was running for sheriff and the County needed quality law enforcement and they needed to work with County Council and as sheriff is going to do that. He said that if he is elected sheriff he would be accountable for what goes on in his department, and he will have a listed telephone number. Mr. Brooks Brown said that today there was an article in the paper concerning a survey that was run and it seems that Anderson is thought of as the "bedroom community" for Greenville. He said that he thought the County could be one of the greatest Counties in the state. He asked council to come up with some type plan that would take some of the tax burden off of the citizens and get more businesses in the County.

Mr. Holden moved to approve second reading of Ordinance #2004-006 – an ordinance to approve a request by Poinsett Development in the Hammond School Zoning Precinct. Property is located on the east side of Old Williamston Road at Cobbs Glen Subdivision and bound to the north by Cobbs Way and to the South by the Heritage at Cobbs Glen. This is an ordinance amending Ordinance #2001-026, in the Anderson County Zoning Ordinance, as adopted July 20, 1999 and amended July 11, 2000, by amending the 15.3 (+/-) Planned Development district described above and adopted on Anderson County Official Zoning Map in the Hammond School Precinct: BEING depicted and described generally on Drawing 1 of 1 of a Planned Development Plan for Ridgewood at Cobbs Glen dated 02/13/04 prepared by Reichert Consultants, Inc., as Project No. 04005; and further described in a "Statement of

Intent for Ridgewood at Cobbs Glen" submitted February 13, 2004 from the applicants and further amended by an addendum submitted March 10, 2004, to fully describe landscape buffers. The parcel is identified by Tax Map sheet #173-00-07-001 and is fully described in Anderson County Plat Book 79, Page 981. Mr. Tolly stated that he would abstain because of past business dealings with the principles in the endeavor. Vote was six in favor and one abstention (Tolly). Motion carried.

Chairman Wright presented Resolution #R2004-015 – a resolution approving the renewal by Anderson County, South Carolina of a \$4,000,000 Special Source Revenue Bond Anticipation Note, 2003 (Michelin Project) Pursuant to the provisions of South Carolina Code Annotated Section 4-29-68 and Title 11, Chapter 17; providing for the form and details of the \$4,000,000 Special Source Revenue Bond Anticipation Note, 2004 (Michelin Project); providing for the payment of the 2004 note; and other matters relating thereto. Mr. Dees moved to approve and Mr. Tolly seconded. Vote was unanimous.

Chairman Wright presented a proclamation proclaiming May 2004 as Teen Pregnancy Prevention Month in Anderson County. Mr. Dees moved to approve and Mr. Tolly seconded. Vote was unanimous.

Chairman Wright presented a proclamation proclaiming April as Fair Housing Month in Anderson County. Mr. Holden moved to approve and Mr. Dees seconded. Vote was unanimous.

Chairman Wright presented a request to renew a lease package for the FAA for the Airport Terminal. Mr. John Ferguson stated that this was the renewal of an existing lease by FAA for office space in the terminal. He said it was a five-year lease with an increased rent fee. Mr. Tom Martin explained that to lease county property the Council would have to approve the lease by an ordinance. Mr. Tolly moved to approve first reading (in title only) of Ordinance #2004-009 and Mr. Dees seconded. Vote was unanimous.

Chairman Wright moved to appropriate \$1,000 to the Townville Recreation for programming. The funds to come from District #4 Recreational Funds. Mr. Holden seconded and vote was unanimous.

Chairman Wright moved to appropriate \$1,000 to the Pendleton Recreation Center for programming. The funds to come from District #4 Recreational Funds. Mr. Tolly seconded and vote was unanimous.

Chairman Wright moved to appropriate \$2,500 from District #4 Recreational funds for resealing of the Sandy Springs Park and parking lot. Mr. Holden seconded and vote was unanimous.

Mr. Holden moved to appropriate \$4,800 from District #5 Recreational Account to New Prospect Elementary School for playground equipment. Mr. Tolly seconded and vote was unanimous.

Mr. Holden moved to appropriate \$2,000 from District #5 Recreational Account for Varennes Elementary School for lighting of their walking track. Mr. Tolly seconded and vote was unanimous.

Mr. Holden moved to appropriate \$1,000 to the Carolina Warriors Allstate Baseball team. Mr. Tolly seconded and vote was unanimous. The funds to come from District #5 Recreational Account.

Mr. Holden moved to appropriate \$1,000 to the Lakeside/Southwood Baseball team (Electric City Lightning Team) and the funds to come from District #5 Recreational Account. Mr. Tolly seconded and vote was unanimous.

Ms. Floyd moved to appropriate \$500 from District #2 Recreational Account to the Whitehall Elementary School (Dennis Hepler Memorial Park). Mr. Tolly seconded and vote was unanimous.

On the motion of Mr. Dees, seconded by Mr. Holden, Council voted unanimously to approve the²

acceptance of Autumn Place Phase II into the County road system.

Requested verbatim by Ms. Wilson:

Ms. Wilson: "I'm going to pass some papers down. First of all, I've been requesting for three years copies of the legal expense vendor files. You'll notice in your papers that you have coming down to you two letters from our S.C. State Attorney General's office concerning my access and right to the information I've requested. There is also a letter that I have written today and I will read this to everybody. (She reads the following letter to Joey Preston)

"Dear Mr. Preston,

This letter is to advise you that I wish to begin a review of all vendor files for legal expenses, as expressed in my letter to you dated February 12, 2004.

Please arrange to have all FY03-04 files for legal expenses available for review at 10:00 AM on April 22, 2004 in my office within Council Chambers. I further request that all legal expense files for FY02-03 be made available for review at 10:00 AM on April 26th.

I expect to be notified immediately if there are reasons the review periods I have selected are not convenient. Thank you for your prompt attention to this matter.

Sincerely, M. Cindy Wilson"

Ms. Wilson: And here are copies for our County Attorney and our County Administrator. Also, in your backup papers there are

Ms. Floyd: Excuse, Mr. Chair.

Chairman: Ms. Wilson still has the floor. What?

Ms. Floyd: Before Ms. Wilson went on any further I was going to ask her if we could discuss this before she went on with the rest of her things.

Ms. Wilson: When I finish, Please ma'am because there are backup documents that go along with the Attorney General's letter. Former Attorney General Condon and then Mr. Robert D. Cook on behalf of Attorney General McMaster. They have upheld my right and my responsibility to review this material and the responsibility of our Administrator to provide these items. You will find in S.C. Code 4-9-630 under "Powers and Duties of Administrator" going into this further Item #6: It describes the powers and duties of the Administrator shall include but not be limited to the following and under number 6: "to prepare annual, monthly, and other reports for Council on finances and Administrative activities of the County." There are copies of previous and current budget ordinance information that pretty much confirm that. We make this available also to Mr. Preston and to Mr. Martin. There was a recent article in the paper concerning these horrific expenses that I'm supposedly running up. I'd like for you to be aware that if - as the article claims that 39,000 pages have been copied at a cost \$27,681 that means the average cost per copy is 70 cent per page. There is no fee schedule under the "FOI Act". If we use the cost of 25 cent per page that's \$9,750 making the labor cost \$17,931. That would be like assigning one clerk full time to copy documents for 40 hours a week all year long. Copies can be purchased at retail for 3 cent for 8-1/2 X 11" document. That would make the total of 31,000 equal \$1,170. The GLR 110 and 153 papers, since I've finally gotten five weeks which were supposed to be given to me weekly and I want you to see it is maybe 30 pages each. These are generated on continuous form using a tractor feeder and a dot matrix printer and can be printed for under 2 cents per copy. Labor cost for research should rarely included as these reports already exist in Finance computers and only a touch of a button commanding the report to be printed is basically required. You have the State and County budget ordinance requiring that our Administrator supply us with these items. It doesn't matter to me if you don't want to see it yourselves but I'm mandated by the folks who elected me to review this information and acquire it, review it, and make it available to them. So I hope this finally puts to rest that concern. I also faxed to you a situation that arose recently concerning my Mother's farm driveway. On February 18, I called the director of transportation inquiring what could and couldn't be done by me and my family to widen our farm driveway. We've had a great deal of difficulty getting tractor-trailers in and out. They've torn up the driveway. At one point I had, trying to make a left hand turn with a large rig, I had traffic backed all the way to the branch. Mr. Holt Hopkins advised me since it was a farm business, we have a small boarding facility, and the farm driveway would qualify for a 40' culvert and apron. That was wide enough, but before that even had a chance to happen, I'd also asked our Transportation Director to please call me when an engineer would come out to review the driveway so that I could have my personnel and equipment available to coordinate with them because we are pretty sure 40' would not be wide enough. Well, on a date soon after that, (word unclear) to me, the crew came out, by the way they did an excellent job - they worked on the driveway. We were not advised that this work would be done because bear in mind we requested to be notified so that we could have personnel on site. I had a rig that a lady was driving to the veterinarian, one horse had a semi-emergency, and they were held up 45 minutes coming into the farm driveway while a gentleman by the name of Paul Brown took photographs. My question there is how did Mr. Brown know before I knew the work was being done. I want people in our County to be advised that I've done nothing improper, I have plenty of backup material at my expense have now installed and additional 16 feet. This was with the County's permit in the form of a permit allowing us to encroach and to add the culverts. I'd like to point out that the photographs that our County took -one would think that it included all the additional culvert that I put in at our expense and we did put in (I think about) \$1,200 or \$1,300 worth of cost. If there are any questions, I hope folks will be sure to call me. Because I have a feeling that my "opponent" will be trying to use this in the upcoming Primary. Now, I've put a lot of information to you. Does anyone have any questions? If anyone is with the media, I have extra copies up here if they'd like copies."

Chairman: "Anyone?"

End of discussion

Ms. Wilson placed the next item of discussion on the agenda:

DISCUSSION OF THE POSSIBILITY OF APPROVING A COUNTY ORDINANCE THAT WOULD CORRESPOND TO THE CITY'S THAT PROVIDES FOR LAW OFFICERS TO PURSUE AND OR ARREST PEOPLE WHO ARE OBVIOUSLY ENGAGED IN DRUG TRADE

Ms. Wilson said that she was informed by a Sheriff's deputy last week that the city has an ordinance allowing the policemen to arrest people who are obviously engaged in drug trade on street corners or out on the roads and etc. The deputy said that the County did not have such an ordinance. She said that she requested the County Attorney to review it. Mr. Martin explained that he did receive a request from the Clerk to Council around 2:00 p.m. last Wednesday and noted that the question put forth was an ordinance to prohibit loitering for the purpose of engaging in drug trade. He said that raises a lot of constitutional issues and the specific issue have been litigated. It is an extremely complex constitutional issue and is one that I couldn't give an answer in the two hours between the time he got the request and the agenda deadline. He indicated to the Clerk that Ms. Wilson could certainly introduce, could even do it by caption on first reading if Council desired. But to do a complete ordinance and one that would be legally sustainable would require more research. The Clerk obtained a copy of the city ordinance and it looks as if it was patterned after the City of Greenville's ordinance. He said that multiple ordinances pertaining to loitering for the purpose of engaging in drug related activities have been upheld by some courts and struck down as vagueness by others. The real issue is what can you draft that will hold up in a court of law. Mr. Martin said that if Council wishes to pursue such an ordinance they would draft it in accordance with the latest Supreme Court cases to make it as close to enforceable as possible. He said that in the ultimate analysis will always be a "gray" area until the court rules on it. Council received as information.

ADMINISTRATOR'S REPORT:

- a. Reports:
 1. Detention Center Litter Report of March 29-April 1, 2004, April 5-10, 2004,
 2. Anderson County Litter Reports (January, February, and March)
 3. District Paving Report
 4. Building and Codes Monthly Report (March)
 5. Animal Control Report (March), Environmental Enforcement Monthly Report (March), and Environmental Enforcement's Training Report (March)
- b. Minutes:
 1. Anderson County Department of Social Services (February 18, 2004 meeting)
 2. Anderson County Tax Task Force Committee
 3. Anderson County Airport Committee Minutes
 4. Anderson County Development Partnership Meeting and Minutes
 5. Transportation Division Safety Meeting Minutes (April 2, 2004)
- c. Letter regarding Beaverdam Project 401 Water Quality Certification
- d. Annual EOP (Emergency Operations Plan) Certification
- e. Article regarding Foster Care Review Board and poem by Carolyn Payton-Pinson
- f. Food costs at Detention Center
- g. Boarding supplies at the Detention Center
- h. Letter to Piedmont Public Service District
- i. Departmental Transfers

REMARKS FROM COUNCIL:

Mr. Dees – none.

Ms. Floyd invited everyone to come out to the East Whitner Street Alternative School to see the demolition of an old crack house. The owner donated the house to the Alternative School. The demolition will be on Friday, April 30 at 10:30 a.m. Ms. Floyd also asked all members of Council to help her fund the Summer Youth Program for the kids.

Mr. Greer called Council attention to the American Flag and the red stripes he said represent the blood and sacrifice of our soldiers, veterans and of what they've done for our Country. He said that this weekend the 151st Battalion was returning home to Anderson County at the Civic Center on Sunday,⁴ April 25 at 10 a.m. Also a parade will be held in Belton on Saturday to attend.

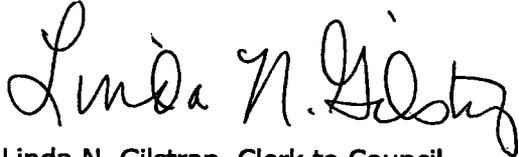
Ms. Wilson said that with the information she provided that the "stand off" concerning what is off limits for Council members to review. She said there was not one document in the County that is off limits for Council review when it comes to the governing of the County. She said that she looks forward to cooperation with Mr. Preston.

Mr. Holden said that his district has already experienced the clean up of drug houses and it was very successful.

Mr. Tolly and Chairman Wright – none.

There being no further business, the meeting adjourned at 6:55 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Linda N. Gilstrap". The signature is written in black ink and is positioned above the printed name.

Linda N. Gilstrap, Clerk to Council