

ANDERSON COUNTY COUNCIL  
ANDERSON, SOUTH CAROLINA  
Regular Meeting – March 8, 2005 – 6:00 p.m.  
Linda N. Eddleman, Clerk to Council

**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 (had to leave at 7:00 p.m.)  
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  
Tom Martin - County Attorney  
Linda N. Eddleman - Clerk to Council  
Tammie Shealy – Deputy Clerk to Council

**ABSENT**

Joey Preston – Administrator

*(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 8, 2005 at 6:00 p.m.

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

**CITIZEN COMMENTS:**

**Agenda Matters:** The following citizens spoke: Mr. Brooks Brown, IV talked about the Administrator's Report – Paving account. He said that he was against individual paving accounts. He said that 3 or 5-year plans are better. This would allow projects, which fall under the paving department, to be handled by the paving department. Specific requests, Council would have the right to send in the information. Mr. Dan Harvell, appearing on behalf of the Anderson County Taxpayers Association, referenced the third reading of Ordinance #2005-007 which is, what they see, is the restriction of free speech at County Council meetings. Not that they are being denied the ability to speak but the fact that Council is putting the other comments at the very end of the meeting. He suggested an option for Council's consideration. He said that the "other matters" could be broken down into two parts an "Other Matters" before the meeting and an "Other Matters" at the end of the meeting. He said this would be a fair thing to do. He also requested that the citizens who wish to speak under "Other Matters" be allowed to sign up whenever they come in or even if they come in half way through the meeting. He said he did not see why Council was so adamant about doing this. Mr. Tim Williams: "Good Evening, my name is Tim Williams. 810 East Calhoun Street, Anderson 29621. I was going to talk, actually at the end of the third actual reading but I can do this in this quick a period of time. I wholly support what Dan Harvell said. I had talked with him earlier today and thought it was a good idea putting the other matters on both ends of these meetings—not denying citizens the input. I think it is wrong the input regardless what an attorney or an attorney's firm, or Joey Preston or any County Council people say. This is a County government and

that's the way we want it. And we'll do whatever we have to do to get it that way. I would like to see instead of "other matters", I would like to see Citizens Input and Other matters put on there on the front end and the back end of the 007 ordinance. Thank you."

**Other Matters:** The following citizens spoke: Mr. Tim Williams: "Well my name hasn't changed. I'm still Tim Williams still 810 East Calhoun Street – District 2. As you know last week I spoke in the "other matters" about the cable TV filming. Not only did it cut out a lot of the material, it actually cut out what I was asking them to do and what I was actually accusing our administrator, Mr. Preston, of playing with this Charter TV and cutting out what he wants out. That's the way it appears to be still. If it's not, it sure is coincidental that this has been going on for two years and the more us citizens have input to this it seems like the worse it gets. And it was a lot of clicking of the microphone last week when Ms. Wilson was trying to give some figures. It sounded just like a key in the mic either during the filming process or either after they were editing. I don't know. We as taxpayers, and we as citizens, don't like this. A monkey grinder could do a better job; a monkey grinder monkey could do a better job making these films than what I've seen for about the last two years. And I heard they have a new camera and I will be at the Charter meeting tomorrow night at 5:00 at city hall to complain to Charter. Charter has told some people that these people aren't with Charter. Mr. Thompson told me tonight they were. I use Charter cable TV and I use Charter Internet and they are going to listen to me too. The other thing that I would like to say is I've been back here 6 years and I've seen the "Joey Preston Administration" the period of time I've been here and it's time for it to end. An Administration that keeps things so secretive and who manipulates the newspaper and the television, and if it's not so, it appears so to the point where I'm sure 90% of the County would agree. And we're tired of it. We're tired of his administration, we're tired of his law firm, and we're tired the way he manipulates everything in this County to make it look like it has progress but it's actually progress at a big cost. The loss of freedom. Thank you." Mr. Brooks Brown, IV said he asked about 14 times last year to add in a Public Access station, require it as part of any on-going negotiations with Charter or anyone else. He said that Charter was going to hold a public meeting with the city – to announce that there is no additional cost because the channels are already up and the space is allotted for them. Turn on 14 or 15 in the county, turn on 10 or 99 he said that you would see 4 access channels. He asked Council to let the public have the other two and select a non-profit organization to oversee it so that the politics are taken completely out. Mr. Dan Harvell said that the Taxpayers Association regrets that the Council is about to change the format for citizens' input.

Mr. Bill Dees moved to amend the agenda to add Resolution #R2005-021. Mr. Tolly seconded and vote was unanimous.

Ms. Wilson moved to reconsider the minutes from the February 15, 2005 meeting. She said that on last page lines 8 and 13- change Pelzer to West Pelzer. Mr. Dees seconded. Vote was unanimous. Ms. Wilson moved to amend the minutes to reflect the changes and Mr. Dees seconded. Vote was unanimous.

**EMPLOYEE OF THE MONTH:** Mr. David Scott, Human Resources Committee Chair presented to Council Mrs. Miriam Hanks as Employee of the Month for April, 2004. He said that for some reason this was over-looked last year. Mrs. Hanks was presented a gift certificate to a local restaurant, and a framed "Employee of the Month" certificate. Ms. Hanks was highly praised on her outstanding service to the County. Mr. Scott introduced Mr. Claude Smith with Fleet Services as January 2005 "Employee of the Month". He also was presented a framed certificate and a gift certificate to Sullivan's Grill. Mr. Smith was also applauded for his outstanding service to the County. Mr. James Bruce, of the MIS Department was introduced as "Employee of the Month" for February 2005. Mrs. Dava Singleton of the Finance Department was presented as "Employee of the Month" for March 2005. Mr. Bruce and Ms. Singleton both were given gift certificates to Sullivan's Grill and a framed certificate. Council commended them for their outstanding service to Anderson County.

**ORDINANCES - THIRD READING:**

**Chairperson Floyd read the third and final 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. Mr. Tolly moved to approve on third reading and Mr. Dees seconded. Vote was five in favor (Tolly, Dees, Floyd, Greer, McAbee) and two opposed (Thompson, Wilson).

**ORDINANCES – FIRST READING:**

**Chairperson Floyd read first reading of Ordinance #2005-010** – an ordinance authorizing the leasing of available Commercial Office Space at the Anderson Regional Airport to Anderson Aero, LLC; and other matters related thereto. Mr. Dees moved to approve and Mr. Tolly seconded. Vote was unanimous.

**PROCLAMATIONS:**

Chairperson Floyd presented a Proclamation proclaiming April as "READ FOR THE ENVIRONMENT" Month in Anderson County. Mr. McAbee moved to approve the proclamation and Mr. Dees seconded. Vote was unanimous.

**Chairperson Floyd** presented Resolution #R2005-021 – a resolution welcoming University of South Carolina head football coach Steve Spurrier to Anderson County; and other matters related thereto. Mr. Dees moved to approve and Ms. Wilson seconded. Vote was unanimous.

**BRIEF PRESENTATION ON COUNTY COUNCIL DISTRICT 7'S BUDGETARY NEEDS:** - Ms. M. Cindy Wilson: "Thank you Madam Chair. District 7 is a rather an unusual district. We have four municipalities in our district and we have probably all or parts of 7 or maybe 8 fire departments, three school districts, and numerous emergency medical services and 22,000 or so of the nicest, hardest working folks. Because there has been so much said about District 7's paving account I wanted to give a quick explanation for this and then a request. District 7's paving account was cut by approximately \$43,000 for last year and this year. The mileage part of the factoring of the total amount for each district--within the municipalities has been deleted and with 4 towns, three of which are pretty good size towns, to have their roads deleted makes this very difficult to get by on the amount that we have. Those folks living in those towns pay taxes and work hard too. Anyway because there has been so much conjecture and question about the use of the paving funds for other needs in the district such as the waterlines and the fire departments and so forth, I'd like to present a partial list for the needs for District 7. Pelzer needs help with a \$50,000 matching grant; Honea Path needs a matching grant for sewer help, and also with fire department equipment - a \$10,000 match. Williamston needs a \$50,000 grant match for their sewer needs and also \$50,000 to complete what the County had started in the way of soccer and park facilities. The Friendship Fire Department, which serves a rather large rural area, needs \$30,000 for a sub-station to go toward their expenses. We are really fortunate tonight, we have with us, one of the four wonderful mayors in District 7, Mayor Peggy Paxton and she will present their needs briefly to us. So please welcome Mayor Paxton and we'll entertain her needs. Thank you." Mayor Peggy Paxton asked for assistance with the following items for the Town of West Pelzer in the 2005-2006 fiscal year budget. 1. Most important request - \$21,000 for match for a community block grant, 2. Up to date billing system, 3. Assistance with ground penetrating radar system, 4. \$3,500 for a new pump at the Spring Street Lift Station, 5. Asphalt roller, 6. Sewer machine repairs at \$5,000 7. Meth lab safety equipment, 8. used dump truck. The total requested was \$59,000.

Ms. Wilson: "I am going to ask that these be factored into our budget and I would ask maybe Mr. Carpenter would check and see if there's a possibility of loaning the Town of Pelzer and West Pelzer the ground penetrating radar system. That might be helpful and cost effective. Perhaps the Sheriff's office would loan out some of the meth lab equipment. But with District 7 being cut from its paving and we also have a considerable amount of paving especially since - I have no way of knowing how many road miles are not counted in District 7's mileage because in these municipalities. But I would like for Mr. Hopkins to come up with an approximate amount of miles because I would like to have them reinstated because folks who live in our municipalities including the Town of Anderson, Belton, and Pendleton pay taxes also and really need the paving help and so forth in their towns. Thank you for taking this as information."

Chairman Floyd advised Ms. Wilson to put her request to Vic Carpenter into Mr. Preston, the Administrator.

Chairperson Floyd announced that she had to leave at this time because of a prior engagement. She said that the reason for the conflict was because Council voted to change the March 15 meeting to March 8. So the Chair turned the gavel over to Vice Chairman Larry E. Greer. (7:00 p.m.)

**APPOINTMENTS:** – No appointments were made.

At this time, (7:00 p.m.) Council recessed for 5 minutes. Vice Chairman Larry E. Greer called the meeting back to order at 7:05 p.m.

**EMERGENCY SERVICES DIVISION PRESENTATION:** Mr. Tommy Thompson, Division Director gave a brief presentation on the Public Safety Emergency Services Division. A copy of his power point presentation is on file in the Clerk to Council's office.

**REQUESTS BY COUNCIL MEMBERS:**

Ms. Wilson asked if the County could replace the Anderson County Flag being flown at Town Hall in Williamston. Vice Chairman Greer told Ms. Wilson to request a new one through Mr. Cunningham or Mr. Preston.

**ADMINISTRATOR'S REPORT:**

- a. Letters of Appreciation: For: County Council From: Chamber of Commerce for Ten Year Sewer Plan
- b. Reports: District Paving Report
- c. Meetings: Anderson County Transportation Division Meeting (2/15/05)
- d. Letter to Ms. Floyd From: Kevin V. Yokim, Florence County
- e. Anderson County's Tree City USA application
- f. Status Report by Design South - Wastewater Improvement Program

Mr. Cunningham informed Ms. Wilson that at the last meeting she had questions concerning the Town of Pelzer relating to dilapidated housing. He said that he had a prepared report on the issue and copies for Council.

Mr. Cunningham said that there was an article in the *Williamston Journal* regarding the Beaverdam Creek Sewer project and in the article it list a number of issues. He said that they have a copy of the article and are looking into the issues brought up in the article. Council will receive a response concerning the questions brought up.

Mr. Cunningham said that the paving accounts are done on formula that Council approved some times back. He told Council how the formula works.

**REMARKS FROM COUNCIL MEMBERS**

Mr. Tolly talked about the small temporary signs that are stuck all up around the county. He read section 38-255 of the County Code of Ordinances. The code says that these type signs cannot be placed with 15 ft. of an intersection. He asked that the County do what possible to enforce the section dealing with these small signs.

Mr. Michael Thompson thanked Mr. Cunningham and Mr. Carroll for their assistance with the audio system in the Council Chambers. He said that the cameraman was not an employee of Charter but an independent contractor.

Ms. Wilson moved to appropriate \$2,000 from District 7's recreation Account for the Palmetto High School ROTC Military ball. Mr. Tolly seconded and vote was unanimous.

Ms. Wilson asked Mr. Cunningham about the financial questions she had from last weeks meeting.

Mr. Cunningham: "...what I hope to have for you OR Mr. Preston will present to you, will be a full reporting of all the issues that you brought up. But if you have some, at your pleasure, Mr. Chairman, I will try to address some of them."

Vice Chairman Greer told Mr. Cunningham to go ahead.

Mr. Cunningham: "I know there were two construction companies that you mentioned; Richardson Construction and Walker Whiteside Construction and it had, I believe, on the list of accounts "no specific project". Both of those firms are involved with the runway extension project at the airport. Because that is being paid for out of state and federal funds, I think, if there was a listing that said "no specific project" it is probably because there is not a revenue account set up yet to bring in those monies to reallocate them for that so that is what those expenditures are for. Both of those firms are working on the site preparation for the runway extension. I think you mentioned that the Sheriff had some funds taken out senior citizens account-so far in our review in the Finance Department we haven't found where that account came from that had senior citizens attached to it but I will bring to your attention that when the new Sheriff was elected - he came on board prior to January and had a transition team so we worked with the new sheriff and his transition team providing him with office space and equipment and things of that nature. There was a mandatory training session for him in Columbia for new elected sheriffs that he had to attend in which we paid for travel for him to attend that training session with the understanding once he took office those amounts would be reimbursed as he took office. I believe you mentioned McNair Law Firm and legal expenses. We are continuing to go through that process and look at those. I know you mentioned a large sum of money. I haven't found any of those lately. The only thing that we found so far again I believe a few years ago during the Michelin Boulevard project where the state had money for right-of-way acquisition in which McNair was the one that held those amounts in escrow. So that may have appeared like a large sum charge to McNair but actually it was money that came from the state held in escrow to buy the right of way. That is what I've found so far. I think you mentioned Elliott Davis and some consulting fees charged verses their audit work-Elliott Davis was working along with our wastewater department on the sewer rate study so that was the work being done for the County and in addition to the audit if Elliott Davis comes back for meetings or special presentations the things that are not a part of that audit agreement then there is an hourly billable rate that they will charge that would be separate from the audit. But I haven't found anything as of yet that was unusual about those amounts. You mentioned a law firm that was paid for out of a industrial park fund-the only thing I've found so far is - there is a law firm that is working on the Tri-County landfill and the council voted, of course, for that settlement agreement and as a part of that agreement that property is to be used for an Industrial park so that would be the appropriate expenditure in billing for that question. I believe that is all I have tonight, Mr. Greer. I think there was one question about the Chamber of Commerce and the only thing I found so far was we did not have an employee Christmas luncheon last year so what we were able to do was get Chamber Checks for employees as opposed to having an Employee Christmas luncheon."

Ms. Wilson: "Oh okay. That was listed out of the cost of living account from 13 departments where we paid the Anderson Chamber of Commerce \$15,875.99. I couldn't understand how that would be and then there were some other small amounts where we had paid out of the poll managers' account, I think that is state money, and it went to the Cancer Society and Partners for a Healthy community."

Mr. Cunningham: "... what you had was a poll manager who had payment due him/her as a result of their work at the polls on Election Day. They requested that the Registration and Elections office write the check to their favorite charity as opposed to accepting payment so that is why those amounts may have been listed to Partners and the Cancer Association and those type organizations. It was a poll worker or a number of poll workers who said instead of payment if you would make a donation to this non-profit in my behalf."

Ms. Wilson: "You were asking about the Beaverdam situation. This goes back many years and if anyone has any doubt that there's no problem with our County's installing sewer lines that we are adhering to the laws and to the conditions of permits I invite you take a ride over to Shackleburg Road on the Jones Creek Bridge. Look up and down the creek. It's incredible the damage there. And that's a "no brainer" you can just drive up and see it. There has been a report issued by the US Fish and Wildlife Commission outlining the violations of the permit conditions for Phases 1A and 1B on a recent trip they made to the area. I don't know the details but I understand that the US Army Corps of Engineers is also enforced. It appears that DHEC is not doing the enforcement job. They are not going out and reviewing projects and then doing the proper reporting and enforcement. If anyone has a question, I would be glad to meet them and show them photographs and tell them where to go look. At every juncture along the way, you get really, really sick and tired of me bringing this up. You really pitched fits with me and I can't say that I blame you except that if I'd been in your shoes I would have at least gone out and looked at what was going on instead of taking the Administration of this County's word for what was happening and what was not happening. I brought to you slides, photographs, of these projects. At any point along the way we could have rectified what was going on. We could have straightened out the problems without having this to happen and of course, people who live along the main run of the Beaverdam Creek, which is subject to the proposed Phase 2, looked at these two initial projects to see how we would be treated. And it's awful. Ann Croxton has 221 acres on Shackleburg Road, she lost an option on her property. I came and reported to you that we had torn down her fences-cows could get out. It took three weeks. The cows could have been all over the Interstate. The fence finally got repaired. But she's lost land. It is under water. It has always been wetland and subject to flooding but now it stays under water. We have manholes under water. When the contract clearly said that the manholes would be 24" above the elevation. There are numerous problems and if you want to be sincere, building infrastructure and planning it and building it where it should go where it will benefit this county – then it is time to revisit the sewer plan, it's time to go out and look at what we've done in our county because it comes right back to what each and everyone of your Mamas and Daddies told you – like my Mama and Daddy told me "Anything worth doing is worth doing right the first time." Having to go back and remediate costs a lot of money and there are also incidents where papers were, I will use the word here, falsified to justify the project. And yes I get very upset and emotional but when you have children who love to play in creeks and water resources are supposed to be a very important part of our heritage here and our future, then yes, lets be serious and go back and look at it. Thank you."

Mr. McAbee thanked Mr. Thompson for his presentation.

Mr. Dees also thanked Mr. Thompson for his presentation. He also thanked Mr. Cunningham for filling in while Mr. Preston was away.

Mr. Greer said that he read something in a newspaper related to funding of fire departments and the implication of the statement was that Anderson County Council, the governing body, has not adequately funded the County Fire system. He said that the fire system was created many years ago by an act by the state legislature. The County Fire system has its own board of Commissioners who are appointed by the Delegation upon approval of the governor. They operate totally independently of County Council. The Legislative Delegation controls the millage for the county fire system. It has its' own tax millage, which is currently at 6 mils. This Council cannot pass any ordinance, resolution or anything pertaining to the detriment of the system or to the improvement of the system. That responsibility rests solely with the Anderson County Legislative Delegation, he said. So any statement that this council has not adequately funded the County Fire system is total erroneous. Since Council has no authority in that area, they are funded completely by the 6 mil tax that is controlled by the Delegation which by the way, during reassessment was not rolled back either. This tax is levied in all unincorporated areas of the county and two incorporated areas.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Linda N. Eddleman  
Clerk to Anderson County Council