

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting - February 19, 2002 - 6:00 p.m.
Linda N. Gilstrap, Clerk to Council

M I N U T E S

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 Larry E. Greer - District #3, Presiding
G. Fred Tolly - District #1
Vice Chairperson Gracie S. Floyd - District #2
Clint Wright - District #4
Mike Holden - District #5
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, February 19, 2002 at 6:00 p.m.

The Palmetto High School Air Force Junior ROTC Color Guard did the Presentation of Colors for Council.

Ms. Gracie Floyd asked Rev. Charles Watkins to give the invocation. After the invocation, everyone stood and pledged allegiance to the flag.

Mr. Greer called for a motion to approve the January 8, 2002 minutes. Mr. Fred Tolly moved to approve and Mr. Mike Holden seconded. Ms. Cindy Wilson said that there were several typographical errors that she had discussed with the Clerk to Council for correction. Vote was unanimous to approve with changes.

Citizens Comments:

Mr. Charles Crowe talked about Ordinance #2002-009 and Resolution #R2002-018 pertaining to the Anderson County Public Facilities. He said that he remembers standing in the room when office holders hold press conferences and change parties. He said he had stood in the room in the balcony for County Democratic conventions, and for Republican Conventions. To him, all County facilities belong to the people of this county. He asked why there was an Ordinance and a Resolution on the subject on the agenda. He commended Mr. Holden for bringing up the Burglar Alarm system again.

Mr. Ed Jean congratulated Mr. Preston and County Council on their financial presentation. He said that he thought that the way a Council member last meeting handled a problem was inappropriate for this facility. He said he did not see how someone could be on the board and down here making a presentation. He also said he turns his cell phone off when he comes to the meetings and he believes that out of courtesy Council member should not be in use. (For the record Ms. Wilson has an emergency phone with her at all times because her young daughter is a diabetic and she must be available at all times.) He said that the presentation at the last meeting of the Council's finances, he doesn't know if it's a deflection, it seems to be handled pretty in his opinion, or if it's to cover something else up. The mind can only accept what the bottom side can endure so cushions are needed in the audience if long meetings continue.

Mr. Tom Clark thanked Ms. Cindy Wilson for honoring all the veterans and thanked the Color Guard for their outstanding presentation. He also said that he was concerned about County Officers not under the Sheriff's Office that have arrest powers, so in his opinion all law enforcement officers in the County come under the Sheriff's department. Another matter on the agenda is the notion of not allowing partisans to use public facilities. He said these facilities belong to the public regardless of party.

Mr. Dan Harvell deferred comments until section under other matters.

Mr. Charles Crowe asked about the ordinance regarding external auditors up for second reading why it did not have a public hearing. Mr. Greer responded that it was brought up at the last meeting and there was not adequate time to advertise for the public hearing. Mr. Crowe expressed opposition to having public hearings on third readings of ordinances. He said the basic problem was the 4 years; should be 2 years with option to renew for 2 years. This would mean that you would not be stuck with half way competent auditors. He also talked against arrest authorities for public employees commissioned by County Council. He said that these people only have power of arrest in litter matters. He asked to be corrected if he was wrong. He said that Ms. Wilson was on the agenda talking about Highway 81, as a citizen he is sick and tired, because she

offered and ran this did not take any of her rights away as a citizen and a property owner. So he is sick and tired of this being made reference after reference after reference. He said he was sick and tired of Beaverdam Creek too.

Mr. Rufus Gleason said that history had shown people that when the average citizen becomes apathetic toward his government the elected officials and their appointees quickly become political self-servants instead of public servants. He said that anyone would be blind, deaf, and dumb not to realize that in many businesses and areas of our Country today, that accountant's math has become creative artwork and we read about it in the newspaper everyday, he said. He said it was their job to reassure that the accounting processes are okay. Public perception - accounting is flawed - people need reassurance. He said he believes that enormous fees have been spent on right-of-ways and that was not our money it was the state's money. He suggested that Council forget the big-shots and the big-deals and start looking out for the average guy-work for the kids, clean water, clean air, police, fire, EMS.

Mr. Dan Harvell he said at the last meeting he came before Council as a messenger to read a resolution calling for an independent audit of the County finances. The Anderson County Republican Party Executive Committee unanimously passed the Resolution and it soon became evident that at least four had met prior to the meeting and then sought to interrogate him personally concerning the resolution. He said that he was concerned of the way that members acted over a matter that they've heard time and time again. Some of the members could have been at the Republican meeting and had his/her say before the vote was taken. It was called into question that the original resolution wording was as he read. Of course, he knew that this was true at the time and the minutes of the meeting bear this out. One of the Democratic Council members questioned where the signatures were and he said he did not ever recall any meeting where a voice vote resulted in signatures. Also, most offensive to him was when one of the Republican Council members acted as we as a party could not word a resolution using "demanding" and "independent audit". He said it was unfortunate to hear someone declare themselves ashamed of their own republican party.

Ms. Gracie S. Floyd moved to approve Resolution #R2002-015 - a resolution recognizing and honoring Anderson County Native and Benedict College Senior April Lakeidra Kelly for being selected Miss Benedict College 2001-2002. Ms. Wilson seconded the motion and vote was unanimous. Ms. Floyd presented Ms. Kelly a framed copy of the Resolution and commended her for her outstanding achievement.

Chairman Greer presented Resolution #R2002-017 - a resolution recognizing the Family of T. Elias and Ethiel McGee for their historical donation, in memory of T. Elias McGee and in honor of Mrs. Ethiel McGee, of a complete harness shop to Anderson County for display in the Anderson County Museum. Mr. Greer moved to approve the resolution and Mr. Dees seconded. Vote was unanimous. Chairman Greer presented a framed resolution to the McGee family for this donation.

Chairman Greer read Resolution #R2002-012 - a resolution recognizing and honoring Veterans Affairs Officer and long time Anderson County resident, Terril David Landers, for his hard work and dedicated service to the Anderson County Veterans Affairs Office. Ms. Cindy Wilson moved to approve the resolution and Mr. Holden seconded. Vote was unanimous. Ms. Wilson presented a framed resolution to Mr. Landers and commended Mr. Landers for a job well done. Mr. Landers stated that he would like to accept the resolution in honor of all Anderson County Veterans and he said he could not do his job with out his dedicated office staff.

Chairman Greer read Resolution #R2002-013 - a resolution recognizing and honoring Elizabeth ("Lib") M. Peace, Jr. for her many contributions and tireless commitment to serving Veterans in Adnerson County, South Carolina. Ms. Wilson moved to approve the resolution as read and Mr. Tolly seconded. Vote was unanimous. Ms. Wilson presented a framed resolution for Ms. Peace for her dedication to the citizens of Anderson County. Colonel Cramer and his family marched on the Baton Death March Re-enactment and he made remarks concerning this Re-enactment.

Chairman Greer read Resolution #R2002-014 - a resolution recognizing and honoring members of the United States Armed Services from Anderson County, for their dedication and commitment to protecting and preserving our freedoms. Ms. Wilson moved to approve the resolution and Mr. Dees seconded. Vote was unanimous. Ms. Wilson read the resolution and presented a framed copy to Mr. Landers to display in the Veterans Affairs office.

Chairman Greer read Resolution #R2002-019 - a resolution to provide for the commissioning of certain named law enforcement officers, to provide for the proper security, general welfare, and convenience of Anderson County. The officer will have the ability to become certified to have arrest authority. This resolution provides for the commissioning of Tal Mims as a Compliance Officer. Mr. Holden moved to approve and Mr. Dees seconded. Vote was unanimous.

Mr. Mike Holden talked about repealing Ordinance #2001-035 - an ordinance regulating Burglar Alarms in Anderson County. He said that Council needed to take a second look at changing sections of the ordinance that was approved. Mr. Holden read the amended version in its entirety. This ordinance would delete in its entirety the section entitled "Registration of Alarms" and increase the civil penalty imposed upon alarm users for the fourth and subsequent false alarms in a three month period from \$50 to \$100 and replace the Anderson County Communications Department with the Sheriff's Department as the designated entity responsible for issuing a citation providing notice of an alarm violation and imposing civil penalties. Mr. Holden moved to add this ordinance to the agenda and Ms. Wilson seconded. Vote was unanimous.

Mr. Holden moved to approve the Ordinance (2002-010) as presented and Mr. Dees seconded. Mr. Wright said he was concerned with doubling the penalty and he said he would like to have the penalty for fire and burglar alarms consistent. Mr. Greer stated that he had a serious concern that the ordinance may be an invasion of privacy. Ms. Floyd said that she supports the changes. Vote was unanimous.

Mr. Terril Landers, Director of the Veterans Affairs Office, gave council an update on services provided to the Anderson County Veterans.

Council recessed at 7:20 p.m. Chairman Greer called the meeting back to order at 7:30 p.m.

Council received an update on services provided by the Appalachian Council of Governments by Director Bob Strother. Council received as information.

Council recognized Ms. Rita Davis, Anderson County Finance Director as Employee of the Month for January 2002 and Ms. Adrienne Sayers, Administrative Assistant in the Purchasing Department as Employee of the Year. They were presented all the special gifts provided to the Employees of the Month and Employees of the Year. Council commended these employees for their dedicated service to the County of Anderson.

Chairman: At this time we will move on to item #6 - "Discussion on questions regarding Anderson County Finance" Ms. Wilson.

Ms. Wilson: There is just a series of questions and comments that I'd like to make tonight but first of all it seems very appropriate as we move into the budgetary process that we discuss the audit. I trust that all of you have had an opportunity to look at financial or audited financial statement now. And it is also very appropriate that these discussions take place in public so that our tax payers have a better understanding of where our money is going because we are facing a budget crunch this coming year and I think that we should sit down and look at where we've spent our money the last year or so. In order to have a meaningful budgetary process and make the important decisions that will have to be made the next few weeks. It is my understanding that all budgetary requests are to be in to our Finance Department by the first of March but in going back over what we have presented last week, there are several areas that I would like all of us to look at very closely. One was the Michelin Project that our county administered the funds for. I talked again today with the reporter with the Associated Press and he does stand by his 2.7 million dollar cost overrun for this project. If you would look at page 2 of the combined statement and page 29 of the notes there is a lot more there. I hope that we can discuss this in our budget meetings. The problem with this project is not that it was done, but it was more the way we conducted the project. I understand now that because of whatever "glitch" took place the Coordinating Council has now changed their policy and the Department of Commerce will administer these projects. I hope we will be able to look at all of this in a very clear headed manner and determine what went wrong so that we can take care of that and avoid those problems in the future. In Solid Waste I was really distraught looking at this because we've approximately 1.5 million dollars in net losses in the past two years. We were told when our landfill was sold to Allied Waste that it would save our county 20 million dollars. Looking at some of the paperwork, it also pointed out that our disposal fees have gone up. Were we not told that the tipping fees was at 19 dollars per ton and correct me if I'm wrong but it seems that I've seen a document lately that indicates that our tipping fees have gone to \$25.00 per ton. I would like very much for us to look at the most recent contractual agreements that we have with our Allied Waste Company. In sewer, we owe almost five million dollars on a bond and some notes. We own capacity in several plants. We own Six and Twenty Plant outright that is right at the I85/Highway 81 Interchange. It has about 500 gallons of capacity and of course we discussed that one at length last week. We also own a lot of capacity in Pendleton, Generostee Creek, and Rocky River, which are Anderson Plants, and also 300,000 gallons over in Williamston. In looking at our sewer situation, we are only using 33% of our capacity. In our sewer situation, we collected \$1,084,088. There was a typo - I believe on page 13 in the Administrator's

Report. I think it really means it was \$88. But our net income was only \$133,789 and we had an increase in a number of situations there - everything from consulting and contractual to increased salaries and fringes. It gives us an idea of what our gross revenues have been from 1992 until 2001. I would like for us to rethink our sewer situation because it maybe that we really and truly need to look at focusing industrial recruitment and major development closer to our sewer plants. We really have got to be thinking about. And the Airport fund on page 14 of the Administrator's letter it indicates that we have operating expenses to increase at the Airport. The Airport used to be operated as part of the General Fund and now it is an enterprise fund. A question that I had asked for the last two years was the use of a Federal Grant in the amount of \$505,000 that was shown as retained positive earnings in the Airport fund on page 45 we find that that has been restated and it was not proper for us to use that because indeed we had a major deficit in our Airport fund. I think we might ought to be returning our Airport back to the General Fund because there were a lot of "due tos" and due from that were very confusing but bottom line we have a big deficit in the Airport fund. The Civic Center we had net losses of approximate 1.4 million dollars for the past two years. We have deficit-retained earnings of \$3,812,606. There again it looks like we are pouring a lot of money into that and we need to examine how we are spending our money there. I still have a serious question about where is our fund balance. On page 1 of 2, I would really like to know a better understanding of what all the "due tos" and "due froms" indicate. It appears that we may have somewhere in the neighborhood of 5.6 million dollars in cash, but there is even a note in here that over \$800,000 was written off last year from the Airport fund. If we don't collect it back from the Airport it's just lost and there was note in the audit indicating that we may or may not be paid back from our deficit spending at the Airport. During our audit presentation, our Administrator indicated to us that we had a 98% collection rate from our taxes for the year 2001; however, the actual audit shows that 2000 it was 98%, but 2001 it was 92.33%. A very serious concern to our County taxpayers is that in the notes of material weaknesses there is no indication of 38 accounts labeled miscellaneous. I've looked through some of those accounts and checked through the chart of accounts and some of them are explainable, but I would question why we would have to label them as miscellaneous and I would hope that we would straightened that out because it doesn't make us look good to have 38 accounts labeled miscellaneous. In five months of this current tax year, we spent over \$300,000 out of those accounts labeled miscellaneous. I looked at the Journal Transaction Summary for the period of the audit, our audited financial statement and it appears to be the same 38 accounts and we may have spent somewhere around three quarters of a

million dollars there. And of course, I can't fail to mention, we've all been hearing about Enron and the case where the Arthur Anderson Company not only audited the books for Enron, but they were paid enormous amounts of money for professional services and auditing. I remember asking Mr. Blake, who is the CPA representing Cline, Brandt and Kochenower, at that December 4th meeting what we had paid his company since 1 July of 97 and he said something to the effect of 20-25,000 dollars for the year for auditing. From what we're finding it is more like we've paid over \$750,000. Skipping ahead to when our Administrator does the report he mentions a transfer of \$10,000 in Finance. This \$10,000 is to cover audit expense associated with Wilson letter to Attorney General, forgive me if I sound trite on this account but I put considerable time and thought into asking the questions but it only took me a stamp to send that. I would like to have a copy of all the invoices and checks related to this \$10,000 that went from the audit and accounting fees account into management consulting. Ladies and Gentlemen, I really feel that we need to sit down and have a more public and meaningful audit discussion. I really think that if we are going to look at raising taxes which appears to be inevitable in looking at all of this, our tax payers certainly deserve for us to make the effort to examine each and every cost and look at what we need to do in this county. For example it appears that with our roads and bridges becoming in greater need of attention, the amount of money that we have spent is relatively flat. I really think we need to raise the amount of money we put into our road and bridge program here in the County, but that may mean that we have to take money from perhaps the Civic Center. I think these are all discussions that merit our public input. Thank you.

Chairman: Thank you, Ms. Wilson. Mr. Preston.

Mr. Preston: Mr. Chairman, I really almost don't know where to start. Ms. Wilson, if I could ask the Clerk, Mr. Chairman. If I could have your comments and your questions in writing we would love to answer those questions because I believe you are a little bit confused and you may have some miss-information. I am going to point out in a few minutes a few of those misunderstandings.

Chairman: Mr. Preston, let me interrupt you for just a moment. Am I to understand then that you wish to have this part of the minutes verbatim?

Mr. Preston: Yes, sir. Please

Chairman: That requires a motion of Council to do so.

Mr. Dees: So moved.

Chairman: I have a motion that we transcribe this portion of the minutes verbatim. Do I hear a second?

Ms. Floyd: Second.

Chairman: Second.

Ms. Wilson: Discussion? Were my questions taken verbatim also? Would our council clerks be able to transcribe my questions and comments verbatim in addition to our Administrators?

Chairman: I think that is what we are requesting at this point and time that your discussion and concerns you raised be transcribed verbatim at this point and time. Am I understanding this correct, Mr. Dees?

Mr. Dees: Yes.

Chairman: Is there any other discussion? All those in favor of transcribing this portion of the minutes verbatim raise your hands. All those opposed. Motion carries.

Mr. Holden: Excuse me for interrupting before Mr. Preston gets started but - Mr. Preston, didn't you ask for the same information at the last meeting be presented to you any questions concerning these matters?

Mr. Preston: Yes sir, I did. These are all very, for the most part, easy questions to answer. We just have to gather some of the data and present to Ms. Wilson. I'm prepared to answer some of those tonight. I'd like to.

Mr. Holden: That's fine. I know that you did that at the last council meeting and you also sent out a letter to each council member requesting any questions that we had so I'm just curious if anybody responded to that. Did you Ms. Wilson?

Ms. Wilson: My whole purpose is that we should transact these discussions in public. If we're going to be going to the public looking at

alternative revenue sources and possibly raising taxes then they need to be informed and involved. Thank you.

Mr. Holden: This raising taxes thing that has been said twice, I can tell you for one that there is one vote here that will go against any kind tax increases. I think that is just another thing to be thrown out here to scare people. But I think this Council is talking about raising taxes in any budget here that we've had. A lot of things have been thrown out here tonight and I think that the entire public ought to be aware that that's just one Council members' opinion. If each of the seven has an opportunity we could share our opinions with you.

Ms. Floyd: That concerns me too. I haven't heard or no one has discussed anything with me about raising taxes and I don't know where this is coming from. I'm very concerned about this because if this is being discussed I would like for District 2 to be a part of it. Because we know nothing- we know nothing of a tax raise or tax increase or any tax issues being discussed other than the 2% sales tax.

Chairman: Thank you Ms. Floyd. Mr. Preston, please before you continue. Since we are on this subject of taxes, if I remember correctly at the council retreat when we were discussing budgetary matters it seemed to be the general consensus of this council that we would maintain at the least, a flat line budget and I was so bold, and I believe stated in the paper, to suggest that we try to roll it back 5%. So the general consensus of this council at the Retreat was not to raise taxes but to at least minimum keep it flat-line - if possible to reduce the budget. So I don't understand this concept of raising taxes and where this is coming from. And there is one other thing that I am going to be very strong in my opposition to this, this statement that we need to do our industrial recruitment closer to the sewer plants-we don't have any sewer plants in my part of the county. We don't have any sewer plants in School District 3; we don't have any sewer plants in School District 2 other than the municipal sewer plants that serve the town of Belton and the Town of Honea Path. So if you limit industrial recruitment to near the sewer plants, you are eliminating industrial recruitment in my part of the County and I for one council member will vigorously oppose any attempt to restrict any industrial recruitment or growth in my part of the county. My people are in tire need of this. School District 3 and School District 2. So to suggest that we do industrial recruitment close to the sewer plants, I for one will strongly oppose that. Mr. Preston, you had the floor.

Mr. Preston: Mr. Chairman, Just for the record, it would be, I think, a much more productive meeting if I could have had questions posed in writing so that we could have responded and would have been very informative to both the viewing public and the public that is here tonight and I did get those and I requested those for over two weeks now. Mr. Holden thank you for bringing that point out. My staff, my Finance staff knows exactly the way I feel when it comes to developing a budget. And I don't think that I have, in the six years that I've been, have ever condoned the idea of raising taxes. Have I staff? We've never discussed that issue. I don't know where that has come from so I want to set the record straight. We're doing fine. We're doing fine in a time when Spartanburg County is having to consider and to lay off employees. We have school districts all across this state laying off employees that are declaring bankruptcy. We're doing fine. We can show that and we can prove it. I feel very strong about that. I think you all know. I know the majority knows that and understands that. Ms. Wilson some of the points you brought up tonight I am going to address tonight. One I was real curious about, the report or the document that handed out at the retreat that I was never handed a copy of-I never received a copy of that from the Council District #7 representative. I had to get my copy from Mr. Holden who gave it to me and we looked into it after the last council meeting. I have a document that I would like to read. I'd like to explain some of these miscellaneous accounts to you, madam. I am going to read a letter to put into the record. This is to me from Rita Davis. It appears that Ms. Wilson or someone she has designated has taken the General Entry Summary, which is provided to her for the five months ending November 30, 2001 and grouped like accounts. In order to come up with the total spent in all accounts of a like nature for the time period referenced, I did not analyze the report is representative of all accounts are accurate. We don't where it came from. I'd like for someone to tell me officially. In response to Ms. Wilson's concern, we had 300,000 miscellaneous accounts (unclear) for consideration. Anderson County has approximately 200 separate funds in its existing chart of accounts. A fund comprised all assets, liabilities, equity, revenue, expenditures and other financing sources and uses. It's that document right there - the chart of accounts. A list of all existing accounts in the County is 151 pages and approximately 65,000 line items. That's the best we can do when we prepare a budget. (Several words unclear)... consequently if we set up full set of accounts for every fund, our chart of accounts would be unruly and impractical. Anderson County Accounting practices adhere to governmental accounting standards and I recent being compared to Enron on the record. I recent that, especially after we brought back to this county 5 awards from the

authority which reviews financial reports and I presented to the county some excellent financial documents over the past five years and improved the County's bond rating twice since I've been here. To date, our auditors have not identified any material weaknesses, except for one, or (?) conditions in the manner in which we manage our chart of accounts. No material weaknesses with the chart of accounts. Actual usage of miscellaneous expense accounts for a five-month period ending November 30, 2001 was 498,917.25, Ms. Wilson you erroneously netted miscellaneous revenue against the 498,917.25 that we can see - to arrive at \$300,000. This represents .63% of the total budget expenditures of a 70 million dollar budget. Actual examples of uses of miscellaneous expenditures, now listen to this, accounts are the following: flowers sent by the county council upon the death of Pat Harris, That's a miscellaneous expenditure that would show up. Bobby Cantrell, Officer Terry Gray - those are things that happened during the course of the year. Miscellaneous County Council grant projects totally \$182,649. Some examples: County Council approved projects out of their recreation accounts totally \$98,656.50. Every time you vote on appropriating money from your Recreation Account - that's a miscellaneous expenditure and that's the way it is booked. And that's the way it's supposed to be booked. Some examples for District #7 so we'll have an understanding are: Some of the miscellaneous expenditures that you recommended to this Council and were approved by this Council one of which I don't think was absolutely proper that's being investigated right now, I'll point that out in just a minute - is the Art Gallery on Main in Honea Path. We found that to be a private entity that a \$1,000 was requested for and now they are not a non-profit organization and we're trying to get the proper documents right now to make that proper and legal.

Ms. Wilson: I think that was accommodations tax wasn't it?

Mr. Preston: No. That was a \$1,000 appropriated from your Recreation fund. It was not on the agenda but it was brought up. Let me point out to you that helps, if staff will know what you're going to list what will be paid from your Recreation fund when the agenda comes up. I know Mr. Holden and I, Mr. Tolly, Ms. Floyd we've all talked about people that want the county to give money to but you've got to qualify for that. You've got to be a 501C3 - you've got to be properly registered to get that money if we don't find it then we are not doing our jobs. We discovered that, but it was after the fact because it was not on the agenda. That's one - that's a miscellaneous expenditure. Hopewell Fire Department, Piercetown Fire Department, Town of Honea Path Recreation, Crisis Ministries, Boy Scout Troop 5, Hammond Youth Center, SERVE, Friendship Fire

Department, Historic Depot Restoration, American Red Cross, Salvation Army, American Legion in Williamston, the town of Williamston, TL Hanna and those are all fine. Those are miscellaneous expenditures. That totaled \$23,350 and that's just an example. There's nothing wrong with that. That's the way you account for it. Any accountant it doesn't matter if it's Cline, Brandt, Kochenower (Ms. Peace, it was Mr. Cline that talked to you. Unclear). Ms. Peace understands. Any accounting firm is going to tell you that's the proper way to do it. And if you sit up there and say "we have miscellaneous expenditure and we don't know what they are" you are putting a cloud over us and we don't have an opportunity really to defend or provide an answer to unless we get it in writing before hand. In addition to the miscellaneous expenditure line item accommodations tax disbursements, which are approved by this Council and the Accommodations Tax Committee that totals \$140,000 right there. Council approved a \$2,000 miscellaneous for the County Council Department. Those are the examples of miscellaneous expenditures. Now I turned in that (I'd like to finish please) document over to the auditors I wanted to make that point clear. Mr. Hopkins will you please come to the microphone. You and I may have to share a little bit of time. Michelin Road. Lets talk about, you mentioned earlier - what went wrong and the additional money it cost to complete that road. Let's talk about too what went right with construction of that road. I had comments with Nick about that article. He and I both agreed that we disagree with the way it was presented, but in 1998, if I'm not mistaken, 99 when this project came about it was a concept and we estimated where that road would go. Over that period of 3 years - 3-4 years, this council changed it twice. Remember Mr. Holden we improved the road - Marshall Road that added I believe almost one million dollars or close to the budget. Mr. Greer, I believe, you had some recommended changes to that too. We modified it for the people of this County. We modified it to make it work. You can call it an overrun if you want to but I'm going to tell what - we brought the project in under the time schedule the Department of Commerce asked us to bring it in on. They knew exactly where every single penny went, where it was going and why. When we started this project way back when J.R. McClure was Public Works director, he had to think far out there to determine/estimate where Phase 4 would be. He did not have any idea. He wasn't sure about it. We had taken one phase at a time. As we got to the end, to Phase 4 the project was realigned. The reason for that is because of the School District-to make it come out below Westside High School. I believe originally it was proposed to come out on Standridge. But for safety reasons we realigned that road. You can call that an overrun if you want to. But the fact is we've had all of these expenditures audited and the Department of Commerce did not ask us to do that. We did that because we wanted to make

sure everything was done proper. That report will be presented to this Council very shortly, very soon. And I don't think that this particular project right here made the Department of Commerce change its rules of Coordinating Council. It may have but they knew about it. They knew exactly what we were doing. Mr. Hopkins to have anything you would like to add to that.

Mr. Hopkins: Not unless you need me too.

Mr. Holden: I'd like to add something to it, Mr. Preston. It's all talking money but you're talking about a handful of people out there to that I think rob the County blind and prices that they got for their property. Mr. Hopkins and I went out there out and look at, met with people and when the numbers out and the court awarded these amounts of monies. That ought to part of the final report there too and it might justify some of these cost accounts.

Mr. Hopkins: I would like to add one thing. There was a lot of good people putting in a lot of hours to see this project through. The Department of Commerce set a deadline that they were expected us to make. We made that deadline and like I said Friday on the radio, we did it for a lot less money than the SCDOT is doing on the Highway 24 project.

Mr. Preston: I have a letter from BP Barber concerning that project that I faxed to the newspaper last week. I am going to ask that it be placed into the record concerning Phase 4. It kind of gives a history of what happened. Now at this time I want Vic Carpenter-Where's Vic?

Chairman: I want to make a comment about Marshall Road and the Michelin Road and the cost increase. I became involved in the Michelin Project pretty much from the very beginning. I was led to understand that this Michelin Road would be a four-lane road that would connect all the way through to Masters Boulevard through 29. That key ingredient in providing infrastructure into my council district - four-lane access to the interstate was a critical part of my support for the Michelin project. Also, as a part of moving forward with the Michelin Project, that it became very clear that some of the residents on Marshall Road had serious concerns about this road in their community. Mr. Holden responded to those residents in trying to get the road relocated to an area where it would not impact their community.

Mr. Holden: Theirs or any others. It went through vacant land.

Chairman: It went through the open land. So my concern centered primarily around the four lane access to my part of Anderson County to the interstate and in the meeting that we had with Michelin it became very clear when they were educating us on the scope of this project and where it was going the Cherokee Trail portion of the Michelin Road would not be four lane-it would be two lane. At that time I became extremely, I guess the word would be - agitated that here was an opportunity for something to benefit my part of Anderson County and it was cut just a little bit short. I remember speaking to a member from the Commerce Department on the eve of the announcement in Greenville for the Michelin Project and he made the comment "well our goal not to put this infrastructure in your part of the County-our goal is to put the infrastructure there for the Michelin Project", but I said I intend for it to serve my communities. And he made a comment that "we are getting close" and I did become agitated at that point in time and I told them that close only counts in horse shoes and hand grenades and this is not either one and quite honestly the eve of the Michelin announcement I was fully prepared with Mr. Holden unless we got these changes - to defeat the entire Michelin Project because I intended for that road to be four lane all the way through. We lobbied the "C" Fund Committee through Mr. Hopkins department, I didn't appear before the Committee myself, but I worked through Mr. Hopkins's department to try to get the C fund Committee to appropriate an additional half million dollars - so yes, I worked to add a half million dollars cost to this road. I did it then! And I'd do again now! To provide infrastructure into the Communities that I represent. I think it is a strong benefit to my part of the County and I have no problems with the actions that I took at that time and I would make them again today. Mr. Holden. Excuse me. - Mr. Tolly.

Mr. Tolly: I have a comment about the newspaper article which implied that the County did something wrong that we were mismanaged and the very idea that the Independent Mail is supposed to promote this community and this county and they make their living and they get their revenue from this County, to do something of that nature is inexcusable. Now that Michelin project has the possibility of at least three more plants and a total of 15-2000 people employed. We've got money from the State to build that road and by the way it is a magnificent road which completes 25-30% of beltline around the city of Anderson which we are going to same taxpayers money because we are using state money and the very idea that a newspaper in this community would take that kind of attitude to do something to hurt this county after this project has mint so much to the County saved the taxpayers of Adnerson so much money is

inexcusable! I cannot believe that a newspaper that survivors on the people of this community would take such an attitude! Thank you.

Chairman: Thank you Mr. Tolly. Mr. Preston.

Mr. Preston: Mr. Chairman, I like for Mr. Carpenter to come forward. I am going to ask Mr. Steve Blake of Cline Brant and Kochenower to come forward.

Ms. Wilson: Are we paying them from Professional Services or Management consulting for this phase?

Mr. Preston: Pardon?

Ms. Wilson: Are we paying them from Professional Services or Management Consulting for this phase?

Mr. Preston: Management Consulting. It's part of the audit payment that we pay them. Mr. Chairman, let's talk about solid waste for a minute. I've been eating solid waste since I've been here in Anderson County. I came in 1996(interrupted).

Mr. Wright: Don't look at me like that, Mr. Preston. I'm the reason you've eating it every since you've been here, I guess.

Mr. Preston: I read about it in the paper before I came. I remember that. Ms. Wilson, we made a decision to sell the landfill in 1996 and it was the correct decision. At 20-25 million dollar savings that you're referring to as a savings, but we will actually experience because we are not building the landfill in Pickens County. You are extremely confused over that. You can't compare that to the certified annual financial report. The reduction in the fund balance for solid waste in which I pointed out at the last meeting because I wanted you to see it and for the Council members that take an interest, a strong interest in Solid Waste, have been eating it with me since that time. We've got two projects. The county has a vertical expansion and a lateral expansion. The County doesn't but the private entity does. We have a contract with that Company to dispose of our waste. I believe for the last year or so, I'm not exactly certain, but we've transferring almost every single piece of garbage that we generate in the County, out of the County and we're still paying the same tipping fee that we would have paid if we have taken it down to the Anderson Regional landfill. I think that says something for the character and the quality

of the company that we've done business with and their commitment to this community without raising their fee. And soon Pickens and Oconee Counties will- they are considering the possibility of joining our project because they see it was the right thing to do. And I believe that part of the reason that we had an improvement in our bond rating is because we were able to take about 4-1/2 - 5 million dollars off the books. Now we have a landfill at Starr that's been there for a long time. It's a construction and demolition site. It's the only construction and demolition site in Anderson County. We are a growing county. Mr. Greer, this is in your County Council district and you're in here about every month making sure that we do what we supposed to do around that site to make sure it is managed properly. I don't think any other Council Member really wants a construction and demolition site to have to go through a permitting process in their County Council district. We're a growing County. We're building houses, we're developing property, and we're selling houses. We've got to have a place to take our construction and demolition. It's adjacent to an old municipal solid waste landfill that we have to monitor and keep it. Steve, would you please explain what \$400,000 of this is?

Mr. Steve Blake: Mr. Preston, about \$400,000 (and members of Council) is related specifically to the change in the estimate of what it's going to cost to care for that landfill after you close it and that is an engineering estimate that is done every year. It's done in response to a gasby pronouncement that says that is a future liability of the County that you can calculate and recognize now and must put on the books, so as you are audited every year for every land fill that you have an engineer has to update that estimate every year - what's it going to cost the County to close and maintain that landfill for 30 years. So every year that's going to be done and this cast it went up for the Starr landfill by that amount of money. It wasn't cash out of the county's pocket, right now today, but it will be in the future.

Ms. Wilson: Mr. Blake did you every get that raise, since you didn't realize that y'all were paid so well?

Mr. Preston: Mr. Wright, you don't look like Mr. Wright.

Mr. Wright: You need me?

Mr. Preston: I'm going to ask you something in just a second. Vic, what is our tipping fee?

Mr. Carpenter: Currently?

Mr. Preston: Currently!

Mr. Carpenter: Our current tipping fee is a little over \$22 per ton.

Mr. Preston: What does the contract state as to the increases in that each year?

Mr. Carpenter: Would you like me to read it? Paragraph 11, Section C - Charges and payments. The County agrees to pay the base amount of \$19 each ton of County waste disposed at the landfill. In the event that the operators should charge a rate of disposal of residential MSW to any classificational customers delivering MSW, which is effectively below the base rate, it is then existing, the base rate shall be reduced to an amount not in excess of such a rate. The base rate will be adjusted annual beginning on the first anniversary of the closing date and continuing on each anniversary thereafter during the term of this agreement. In a percent equal to the most recent change in the CPI as defined herein over the CPI as defined herein, on (A) the closing date or (B) the date

Mr. Preston: That's fine. CPI increase each year. That's what we agreed upon and that's what we've been paying. While other Counties are paying \$26 or \$27 per ton, we're paying just a little bit over \$22 a ton right now. Now. When I took over the reigns here in this County, I was about 50-100 thousand dollars in the hole. The General fund was having to subsidize the solid waste fund because the \$40 per household fee did not cover the cost of disposal, collections, or operations. When we sold the landfill, we of course received some money from that. And we also, thanks to Mr. Tolly, passed a resolution and ordinance, which required a host fee to be collected on any commercial waste disposed up at the landfill.

Ms. Wilson: How much did we collect on that host fee?

Mr. Preston: Since we have been in litigation, for the past few months, we have collected very little, because we cannot collect something on waste that is not being disposed of at the landfill. One reason for that is litigation to the tune of \$100,000 per year that we're having to subsidize because of litigation in addition to the attorney fees that we have to pay and in addition to the closure cost. Taking over this account at \$100,000 and taking it to 2.5 and managing it

the way Mr. Carpenter has been able to manage in this environment that we're in is phenomenal. It's absolutely phenomenal. And you won't find it anywhere else in this state. I challenge you to. You won't find it. And we have not come to this County through any of the budget process and asked for an increase in that \$40 household fee. Even though that \$40 household fee does not go to our disposal cost right now. And it's been because of management.

Ms. Wilson: Do we still have the same number of employees in our Solid Waste Department? I understand we've split into several groups under Solid waste for example recycling and some of the other departments. So is the collective costs of all of that?

Mr. Preston: I can get you number and break it down. I'll do any type of comparison that you'd like for me to do. But the point here is that, that fund has seen a decrease. But I like to remind County Council of \$500,000 voted on by this board over the past three years to fund our small towns to establish curbside recycling projects. The first being Honea Path. We funded all the cash upfront that wouldn't have been made possible if we had not sold our landfill for them to purchase, I think in Honea Path to re-do that particular vehicle and to purchase all the containers and to pay for all the education and then we went to Belton and then Pendleton. I think we've been pretty successful in what we've been able to accomplish over the past few years with what we've had to work with without coming back to this board and asking for anything. I can't promise that forever, because this County is growing and if we don't try to actively collect those \$40 fees that are not paid to us then the people that are paying may have to make up for the difference. When every other County has gone up in their price tag, we've pretty much stayed the same. I was told today that the permit would be issued tomorrow for the lateral expansion. We're very happy about that. Maybe one day soon we want have to be sending all of garbage out of the County. You can sit down.

Mr. Wright: Mr. Preston, let me make a quick comment if you don't mind. Because I believe, I was probably, of this Council more involved in the landfill issue than any but the estimates that I show was year one - we were going to be paying \$40-\$42 per ton at the Tri-County landfill. Which the estimates that I show would have mint that that household fee would have been over \$100 year one of the Tri-County project. We right now based on the estimates that we made this decision on with the CPI I believe at three-four % we would be paying roughly year 20 of this contract what we would have been paying year one at Tri-County. So I think if you look over a period of time that is where the 20-25

million dollar savings figure was calculated and was compared to the Tri-county project verses what we would be paying as we are now. So thank you very much.

Chairman: Mr. Preston, any other comments?

Mr. Preston: Yes sir. Just a couple more here and I'll shut up. Let's talk about the airport for a minute. In 1996 when I came to this County we had a mess at that Airport. We had one fixed based operator suing another fixed based operator and that fixed based operator suing the County. We had absolutely nothing going on at that Airport. It was absolutely dead. It is a place of commerce and activity and business and a place that we can be proud of today. A place that the FAA just recently awarded over \$150,000 to fund an engineering plan to expand the airport, Mr. Tolly. A place now that pilots want to come to and purchase their fuel because we are competitive and we're not fighting with each other out there. We have to take some very hard and difficult stands with management. We've got a wonderful committee there now and they are doing a fantastic job making some very sound business recommendations to this office. Now, the Airport, just like the Sports and Entertainment Center, is an enterprise fund. There are enterprise funds. Ms. Wilson, that's the way they are supposed to be accounted for. Prior to 1998-99, I don't think they were accounted for properly. Now they are being accounted for properly - it is an enterprise fund. And yes the general fund does subsidize that and it is a budgeted subsidization that this Council votes on each year. We are in a building mode there now. And if you've been out there lately you'll see two brand new t-hangars that are full and you probably find a waiting list for more t-hangars and eventually I'm going to come back to this Council that we build a few more and we'll go further in debt building those. But eventually it will come out of that. At this time, I'd like to ask Mr. Blake to respond to the operating deficit at the Airport and exactly what that means.

Mr. Blake: Well what that operating deficit represents, Members of council, is the growth phase that the Airport is going through. I was privileged to be asked to help with the consulting in that Airport, early on and we've associated the past 20 years with one of the premiere airport managers in the State, if not in the region. In that airport, in his assessment had been grossly under-serving the citizens of this county, both in the potential it had as well as the facilities that it had. And this county is hundreds of thousands of dollars of County money as well as millions of dollars of Federal money into that airport to bring it up to the standards and the potential that it has. And the county has had to go through this to catch up with the other Airports around them just to

provide the level of service and compete in doing that, if you look at that statement, if you properly analyze the financial statement that you have there, you have actually gone up in the value of that airport because you are putting better and newer facilities out there that are grant funded. Your equity position in that airport has actually gone up, not down. But the operations are still lagging because people are still hesitate to use that airport to its full potential.

Ms. Wilson: Do we have yet the airport plan that you referred to a few weeks ago? Since we don't have one. Didn't Mr. Crowe ask about an airport plan and you said there was one being worked on now.

Mr. Preston: We have lots of plans.

Ms. Wilson: Do we have anything in writing?

Mr. Preston: We have a lots of plans that relate to the airport. We have expansion plans. We have FBO plans.

Ms. Wilson: An operating plan.

Mr. Preston: Those plans have been developed over a period of time. In 1996-97 we were moving toward establishing our own fix-based facility. We had to develop a plan. Now all of that was implemented. At my request, my direction I instructed our business analysis to develop-to go back and review to look at our past and our progress and to kinda reach out to develop a future business plan. Staff now is reviewing that right now and yes it is complete and it will be presented to the Airport Advisory Committee for their recommendations and their recommendation for Council to approve. We have a plan for the expansion. We have a plan for the development of the property that's around it. All of this, I've all of these different plans to be put in one document so that you can go to the shelf reach up and pull it off and see what's been planned over the years. Just like our sewer plans, just like our road plans and other plans that we've developed over the past few years.

Ms. Wilson: Are we including the loans in our general fund as "due from" for example the loans that we've made to the airport-is that considered part of our fund balance?

Mr. Preston: Every year when the council passes this budget, or passes a budget, they budget to fund any deficit to balance the budget. Now we would love to one-day to be able to make it a for-profit organization out there but in order to do that we are going to have lots of hangars, we are going to sell a lot more fuel than we are currently selling now which means we've got to have a lot more customers. We've got to probably provide some decent mechanical or maintenance on the site that we haven't been able to do because of some problems with a current contract that we're in. But we're looking into the feasibility of bringing out all mechanics on board out there at the recommendation and advise of staff and the committee. Because we have pilots right now not being served and you're never going to repay anything if you can't provide service. You've got to have people into and to purchase it. To buy that fuel, get their airplanes serviced. They've got to have something to pay for.

Ms. Wilson: So are we considering as part of our fund balance the money that we are owed by the airport?

Mr. Preston: A certain percentage of it. I'd have to go back and look specifically. But again that's why we need to have meetings. We can come in here and talk about this in a general board meeting. If you want to get that specific that's find, but we're going to be here until 2-3 o'clock in the morning. But I encourage you to please read my letters and ask for meetings with the auditors and let them explain to you the details so there is a clear understanding.

Chairman: Does any other Council member have any other questions or comments from Mr. Preston?

Mr. Dees: I would like to make just one comment please. That I have never known a city or county or state to be a profit organization I thought we were in a service mode. Is that the way you look at it?

Mr. Preston: Yes sir. Absolutely. The Sports Complex which is an enterprise fund and the Airport, we do our best to try to reduce the amount of funding which has to come from general fund to balance those operations in the course of a year.

Mr. Dees: If we were in a profit mode, we would ask the Sheriff to write "X" number of tickets and like I used to tell people, hey they can write any many as they want to - there is no quota.

Chairman: If there are no other comments or questions concerning this agenda item we will move on to item # 7(a). Ordinances for second reading.

End of verbatim

Mr. Greer presented second reading of Ordinance #2002-001 - an ordinance amending in certain limited particulars Section 2-492 of the Anderson County Code of Ordinances pertaining to the Anderson County Economic Advisory Board; and other matters relating thereto. A public hearing was held and Mr. Rufus Gleason spoke concerning the ordinance. No further comments were received; therefore, the public hearing was declared closed. Mr. Tolly moved to approve and Mr. Dees seconded. Ms. Floyd offered an amendment on page 2 - Section 1: Ex-officio - non-voting members - she asked that the last statement read "The President, or designated representative, of a local minority group that has submitted a written letter of interest and have been approved by the majority members of Council." Mr. Tolly seconded the amendment and vote was unanimous. Ms. Floyd offered amendment #2 - Section #(2) Appointment: Third sentence says: "At-large, non-voting members shall serve at their pleasure." She offered a suggestion to change to "At-large, non-voting members will serve for a period of two years." Mr. Tolly seconded the amendment and vote was unanimous. Vote on the original motion as amended was unanimous. Ms. Wilson clarified for Mr. Gleason that last year when appointments were done there was a mistake on appointments and that was the reason for the change.

Ms. Gracie Floyd asked for a Point of Personal Privilege. The Chairman granted her request. Ms. Floyd stated to Mr. Rufus Gleason that she welcomed his input but when he addressed Council it seems that he has a lack of respect and it is a big joke, big game to him and he doesn't realize the magnitude of what Council does and how hard they work to do what they do. She said he might not like what Council does, but she asked him not to belittle their efforts. She also said if he didn't like what they do-that there was a democratic method that he can sign up and run.

Chairman Greer presented second reading of Ordinance #2002-002 - an ordinance amending in certain limited particulars Chapter 2, Article IV, Section 2-361 of the Anderson County Code of Ordinances pertaining to the appointment of standing committees of council; and other matters relating thereto. A public hearing was held and Mr. Charles Crowe of the Five Forks Community addressed Council. He asked if it was an ordinance that establishes standing committees.

Council replied yes. He said that if there was an ordinance the amendment was not necessary, in his opinion. He said that the ordinance authorizes one person to decide if Council will have committees or not. The public hearing was declared closed. Ms. Wilson suggested that an amendment be made to consider that the Council Chairman may appoint these committees any time during the year when the need arises. She then moved to amend the ordinance (Chapter 2, Article IV, Section 2-361) that the County Council Chairman may appoint the standing committees at any time during the year at a called meeting as necessary. This would allow Chairman more time to make the appointments after discussing with Council members. Mr. Wright seconded the amendment. The Chair stated that he would not vote. Vote was two in favor (Wright, Wilson) and four opposed (Holden, Tolly, Dees, Floyd). Motion failed with the Chair not voting. Mr. Dees moved to approve and Mr. Tolly seconded. Vote was four in favor (Holden, Tolly, Floyd, & Dees) and two opposed (Wilson, Wright). Motion carried.

Chairman Greer presented second reading of Ordinance #2002-003 - an ordinance making technical modifications to the Anderson County Code of Ordinances; and other matters related thereto. A public hearing was opened and no citizens wished to speak. On the motion of Mr. Holden, seconded by Mr. Wright, Council voted unanimously to approve as presented.

Council took a short recess at 9:00 p.m. Chairman Greer called the meeting back to order at approximately 9:10 p.m.

Chairman Greer presented second reading of Ordinance #2002-004 - an ordinance requiring that healthcare suppliers and providers of compressed oxygen to residential users provide the Anderson County Public Safety Division with notification identifying where such oxygen is located, and further allowing individuals potentially requiring special emergency response assistance to voluntarily provide the Adnerson County Public Safety Division with an Emergency Responder notification form; and other matters related thereto. A public hearing was held and the following individuals spoke: Mr. Charles Crowe said that he wanted his fire department (Hopewell) to know where these canisters are located and he asked for approval so that council is looking after the safety and well being of citizens' homes. He also said that these canisters can be turned into a missile in a second. Ms. Lib Peace said she strongly supports the ordinance. Mr. Dan Harvell asked County Council to approve the ordinance. Mr. Jack Abrams commended Council on taking up an issue that deals with fire fighters' safety. He also pointed out to Council that state law gives the state Fire Marshall the authority promulgating rules and regulations related

to fire safety. He said that fire fighters encounter many hazards in fire fighting which are more significant than oxygen cylinders so he suggested if council was going to take on an ordinance that specified oxygen cylinders he asked that Council expand the ordinance to encounter many of the residential fire hazards that they see such as propane gas in the homes, large quantities of ammunition, light weight wood truss construction, structures with basements in them. Registering with the Department of Public Safety does nothing for the fire service. Ms. Jeanie Stoker a registered nurse stated that she fully supports the intent of the Ordinance, however, her concern is the process in obtaining the information. First there is an issue of patient confidentiality and confidentiality must be maintained. Currently there are many patients that will allow the nurses to post even an oxygen sign on their front door because they do not want people to know their person medical issues. HIPAA (Health Insurance Portability and Accountability Act) will soon impose tougher regulations in regards to giving and sharing of patient information. In the event that the ordinance is approved, there will be patients that they will be unable to provide the information to because they will decline to give permission for them to do so. She is also concerned regarding the liability of the data that the ordinance requests. No other citizens wished to speak so the public hearing was declared closed. Ms. Wilson moved to approve and Mr. Wright seconded. Council discussed. Ms. Wilson asked Mr. Jerry Shealy to report on the oxygen canister that was at her station. Mr. Shealy said that the Chief of the Williamston Fire Department brought him the "blown up" oxygen cylinder, which exploded during a fire and this one, was recovered more than a block from the residents. Ms. Floyd said that the ordinance seemed to be an intrusion of a person's right to his or her own medical problems/equipment. Mr. Martin stated that there were approximately 15-20 legal questions that need addressing concerning the ordinance. Mr. Holden stated that he spoke with Mr. Glen Gables and Mr. Greer stated that it was no body's business what is in his home except himself. Ms. Wilson moved to table the ordinance to allow Mr. Martin more time to study and Mr. Wright seconded. Mr. Dees said that he checked with the chiefs of two major fire departments in the State and also a state agency. All three advised me that the fire fighters will go in no matter what's in there. Mr. Dees commended Chief Abrams and all firemen for their attitudes. Vote was four in favor to table (Wright, Wilson, Greer, Tolly) and three opposed (Holden, Dees, Floyd). Motion carried.

Chairman Greer presented second reading of Ordinance #2002-007 - an ordinance amending section 2-0637 of the Anderson County Code of Ordinances, pertaining to procurement procedures for the external auditors for Anderson

County, South Carolina; and other matters related thereto. Mr. Dees moved to approve on second reading and Mr. Wright seconded. Mr. Preston stated that the existing audit firm contract would end with the end of the budget year June 2002. Mr. Robert Carroll stated that we were in the last year of a three-year contract, which started with budget year 1999 and ends with 2002 with no options to renew. Ms. Wilson made a motion to amend the ordinance to change the 4 consecutive annual audit cycles with 3 consecutive annual audit cycles and leave the 2 years from expiration date as is. Motion died from lack of a second. Vote was six in favor and one opposed (Ms. Wilson). Motion carried.

Chairman Greer presented first reading of Ordinance #2002-005 - an ordinance approving a request by Jeffery Herbert and Hammond Hall properties, LLC to rezone +/- 45 acres at 815 Stringer Road in the Hammond School Zoning district from R-A (Residential Agriculture) to R-20 (Single Family Residential). Property identified by Tax Map #172-00-02-016. A public hearing was held and no comments were received. Mr. Ricketson explained that this was recommended by the Planning Commission and also the Zoning Advisory Board. Mr. Wright moved to approve and Mr. Dees seconded. Ms. Wilson stated that because of a possible conflict of interest she would recuse herself. (Ms. Wilson left the room during the vote.) Motion was five in favor, one recusal (Wilson) and one absent. (Dees). (Mr. Dees was out of the room during the vote.) Motion carried. (Attached as EXHIBIT A - Ms. Wilson's Recusal form.)

Chairman Greer presented first reading of Ordinance #2002-006 - an ordinance approving a request by William C. Wilson, Jr., to rezone 2.35 acres at 220 Long Road from R-A (Residential Agriculture) to C-1R (Rural Commercial). Tax Map #170-00-05-002 identifies the parcel. A public hearing was held and no comments were received. Mr. Ricketson stated that this was recommended for approval by the Planning Commission and the Zoning Advisory Board for District #7. Ms. Wilson stated that she would recuse herself because of a possible conflict of interest. On the motion of Mr. Wright, seconded by Mr. Dees, Council voted 6 in favor and one recusal. Ms. Wilson left the room during the vote. Motion carried. (Attached as EXHIBIT A - Ms. Wilson's recusal form.)

Chairman Greer presented first reading of Ordinance #2002-009 - an ordinance formalizing and codifying a previously unwritten but long-standing policy prohibiting the use of Anderson County Public Facilities for partisan political activities in Anderson County, South Carolina; and other matters relating thereto. Mr. Greer stated that in the last couple weeks he had received several requests for use of the Council Chambers for partisan political activities.

Council doesn't have a written formal policy on this. Mr. Greer moved to approve the amended version of the ordinance which changes the wording on the second paragraph on the second page to say that without limitations Anderson County Civic Center which is available for public use on a paid rental basis when it is rented on an "as available" basis for such purposes. Mr. Dees seconded. Council discussed the ordinance. Mr. Tolly said that there are all kind of political organizations more than democrats and republicans. He said even though it "grieves" him to do it he will vote in favor to help out the Chair. Ms. Floyd said that he was one of those people that made her political announcement in the Chambers and she remembers others did the same thing. A lot of things have been going on in our Historic courthouse when they made their "historic" announcement. Ms. Wilson said that this is the house of the people and the taxpayers pay for this and she could not vote for this because it also penalizes, to an extent, free speech. Mr. Holden moved to table for more time to study. Ms. Floyd seconded and vote was five in favor (Holden, Tolly, Floyd, Wilson) and two opposed (Greer, Wright). Motion to table carried.

Chairman Greer presented Resolution #R2002-018 - a resolution to formalize a previously unwritten but long-standing policy prohibiting the use of Anderson County Public Facilities for partisan political activities in Anderson County, South Carolina, pending final enactment of Ordinance #2002-009; and other matters related thereto. Mr. Greer moved to approve and Mr. Tolly seconded. Council discussed. Mr. Greer said he was not going to be in the business of deciding who will use the Council Chambers it will be open to any body unless some guidance is received. Mr. Martin said that a resolution will have temporary effect which normally the term of office of the council or the remainder of the year. In this case, it will expire on December 31, 2002. Ms. Wilson said that she will oppose for the same reason that she opposed the ordinance. Mr. Wright said that he did not want to table. It is a political room and he understands that the Chairman needs some type guidance and the way the ordinance is written (as what is a county run facility) that any picnic pavilion at a number of our parks would fall under the ordinance and no one would be allowed to hold a political rally at any of them. This, he feels, is not right. Mr. Dees called for the question. Vote was five in favor (Dees, Holden, Tolly, Greer, Floyd) and two opposed (Wright, Wilson). Motion carried.

Chairman Greer deferred his appointment to the Sports and Entertainment Advisory Committee until a later date.

Ms. Floyd asked for a Point of Personal Privilege. She was granted this request. Ms. Floyd said that she was looking forward to revisiting this when the ordinances comes back and if the ordinance should fail then she will make a motion to rescind the resolution.

Mr. Tolly moved to appropriate \$5,000 for the Anderson County Arts Center for after school programming with middle school students. Mr. Holden seconded and vote was unanimous. The funds will come from District #1 Recreation Account.

Mr. Wright moved to appropriate \$4,080 for the Walker McElmoyle Fire Department for resurfacing of the parking lot. The funds to come from District #4 paving account and Mr. Dees seconded. Vote was unanimous.

Mr. Wright moved to appropriate \$1,275 for set-up costs and monthly charges (for first year) of \$1,774.80 for the Townville Recreation Center for lighting of their walking track. The funds to come from District #4 Recreation funds. Ms. Wilson seconded the motion and vote was unanimous.

Mr. Wright moved to approve a Letter of Support for an TEA-21 Grant for the Town of Pendleton. This doesn't obligate the County in any financial way. Mr. Dees seconded and vote was unanimous.

Mr. Floyd moved to appropriate \$600 from District #2 Recreation Account to the Morningside community to be used in their community funds. Mr. Tolly seconded and vote was unanimous.

Ms. Wilson moved to appropriate \$3,000 for the Town of West Pelzer for an emergency with their sewer pump. These funds will come from District #7 Paving account. Mr. Holden seconded. Ms. Wilson amended her motion pending no further funding available within the next 3 days. Mr. Holden seconded the amendment. She said that they need \$6,000, which would be shared by District #7 and District #6. Mr. Dees said that he talked with Mayor Alexander and Mr. Preston and he has been advised that the Administrator will try to find some outside funding for the remaining \$3,000. Mr. Dees said that he will wait until Mr. Preston can obtain the money from the State or by a grant. Mr. Greer asked if residents of a municipality pays the three-mil sewer tax and Mr. Preston replied no. Vote was unanimous.

Mr. Dees made a motion to appropriate \$3,000 for the Town of West Pelzer for an emergency with their sewer pump contingent upon the Administrator finding

the funding within a short period of time. The funds to come from District #6 paving account. Mr. Tolly seconded the motion and vote was unanimous.

ADMINISTRATOR'S REPORT:

- a. Certificates & Training:
 - (1) Officer Ronnie Drennon, Officer Roger Hunnicutt - Special Operations Response Team Training
- b. Letters of Appreciation:
 - (1) For: Mr. Taylor Jones- From: Joseph Green
 - (2) For: Ms. Denise Holley- From: SCAC recognition of winning Sustained Excellence in Risk Management Award
- b. Minutes:
 - (1) Anderson Regional Airport Committee minutes - January 7, 2002
- c. Reports:
 - 1. Road Maintenance litter report - December 31, 2001 - February 1, 2002
 - 2. Detention Center litter report - January 28 to February 1, 2002
 - 3. Public Safety Compliance monthly report - January, 2002
 - 4. Public Safety Environmental Enforcement monthly report - January, 2002
- d. Blue Ridge Security Letters
- e. The Honorable Thomas L. Moore letter - re: Senate Bill 297 SC Conservation Bank Act
- f. Letter to the Editor of Anderson Independent - re: Reassessment process
- g. B.P. Barber & Associates, Inc letter - re: Anderson County Water Study Project No. 01205
- h. Departmental Transfers
- i. Anderson Sports & Entertainment February Calendar

Council Members Remarks: Mr. Wright said he intended to bring off the table the criminal background checks for EMS providers. He said he will defer until the next meeting. He asked council to look at the revision as provided by Mr. Jerry Shealy. Ms. Wilson thanked Mr. Garrett Steck for help in drafting the resolutions and ordinances for the meeting. Ms. Wilson said that she just learned that the County had lost Ms. Jennifer Barrington to the

Beaufort/Jasper area and the County paid a lot of money toward her training. She asked that Mr. Preston provide her with the amount of money the county paid on her training. Ms. Wilson asked the Clerks to Council to write thank you notes for the Color guards. Ms. Wilson also asked for copies of invoices and checks related to the \$10,000 transfer for Cline Brandt and Kochenower. Ms. Wilson stated that she agreed it is rude to have cell phones up here; however, she has a 9-year-old child who is severely diabetic. And she does not go anywhere without the cell phone. Ms. Floyd asked the Clerks to contact the Sheriff and see where we are on the noise ordinance and for a report by next meeting. Mr. Greer said that having had a child with serious diabetic condition, he fully understands the need for Ms. Wilson to have her phone by her side for this purpose.

There being no further business, Council adjourned at 10:35 p.m.

Respectfully submitted,

Linda N. Gilstrap, Clerk to Council
ANDERSON COUNTY COUNCIL

Attachment: Exhibit A - Ms. Wilson recusal form.



Making News.
Making Progress.

MEMORANDUM

TO: COUNTY COUNCIL CHAIRMAN, ANDERSON COUNTY
FROM: M. Cindy Wilson, County Council #7
DATE: 5 March, 2002
RE: Recusal from County Council participation due to potential conflict of interest or appearance of impropriety

County Administrator
Joey R. Preston

Council Members

Clint Wright
Chairman
District 4

Mike Holden
Vice-Chairman
District 5

G. Fred Tolly, Jr.
District 1

Gracie S. Floyd
District 2

Larry E. Greer
District 3

William C. Dees
District 6

M. Cindy Wilson
District 7

Clerk to Council

Linda N. Gilstrap

Pursuant to Section 8-13-700, Code of Laws of South Carolina, 1976, as amended, I am hereby giving notice of my abstention from the matter regarding the issues of #2002-005 Hammond School Precinct rezoning & #2002-006 Hopewell Precinct rezoning as it appears before Anderson County Council on 19 February, 2002, 5 March, 2002 & 19 March, 2002.

The potential conflict of interest or appearance of impropriety for which I am recusing myself and abstaining from participation is: #2002-005 - Probated sale to Mr. Jeff Herbert et al; #2002-06 family relation to Mr. William Wilson (for example: a personal or financial interest in the matter in question; a conflict or appearance of impropriety due to business or other relationships with one or more of the parties involved; and so forth).

This document is to be filed as a matter of public record, and is to be included with the official minutes of the County Council meeting at which the matter in question was brought before Anderson County Council.

Respectfully submitted,

M. Cindy Wilson
County Council #7

Attachment to:

✓ Feb. 19, 2002 minutes
Mar 5, 2002, +
Mar 19, 2002 minutes



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