

ANDERSON COUNTY COUNCIL  
ANDERSON, SOUTH CAROLINA

Regular Meeting - April 17, 2001 - 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 Clint Wright - District #4 - Presiding

G. Fred Tolly - District #1

Gracie S. Floyd - District #2

Larry E. Greer - District #3

Vice Chairman 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 - Assistant Clerk to Council

The official meeting of the Anderson County Council convened in the Council Chambers of the Historic Courthouse on Tuesday, April 17, 2001 at 6:00 p.m.

Ms. Cindy Wilson gave the invocation and everyone stood and pledged allegiance to the flag.

Mr. Holden moved to approve the minutes of the April 3, 2001 meeting as mailed and Mr. Tolly seconded. Ms. Wilson stated that on page 8 she had asked a question about special revenue source bonds being issued for Plastic Omnium and neither the question nor the answer were in the minutes. She also stated that at the last meeting, when Council voted on the Anderson County Vision Statement (much of which she wholeheartedly supported)

she was in such an emotional state coming out of executive session she failed to abstain and she stated that she would like to change her vote from an opposed vote to an abstention. Chairman Wright stated that she could not change a vote however these minute would reflect that she tried to correct the error. Vote was 7-0.

Public Comments: 1. Mr. Tom Clark stated that some years ago they tried to get a road (Dickerson Road Ext.) in the White Plains Community paved because they had statements from the schools that the buses, rescue squads and fire trucks could not negotiate the road. The children have to walk some distance in bad weather to catch the school bus and the mail carrier will not negotiate the road; therefore, the mailboxes are posted outside. He noticed that in the packet Ordinance #2001-007 the ordinance on roads state that Anderson County may have a new or existing private road might be designated as a County road. This particular road (Dickerson Road Extension) he would hope that on third reading, his Council person Ms. Wilson, would maybe make a note and help these people out. He said that there was a lot of controversy here in the County since the County went to seven council districts. He stated that he hopes the County will do a little better in that regard to show the public, voters and property owners that the Council is willing to stretch out a hand to Ms. Wilson and try to work together in that regard. He also stated that he was really concerned with the checks and balances that been on the news, but personally he thinks this government cannot work efficiently unless there is some type of checks and balances to oversee the taxpayers money. Mr. Holden stated that the County currently has a procedure of checks and balances. 2. Mr. Dan Harvell said that the County Council continues to position themselves as a stonewall before the wishes of the citizens of this County who ask for no more than an open accounting of our County's government. Council member Wilson continues to be "hammered" by the newspaper in what he believes to be an unprecedented fashion. It is his opinion that the countywide consensus is much less than Council perceives.

Ms. Wilson had asked for information in a proper and considerate manner and deserves more courtesy from her fellow Council members than Council has shown, he stated. In this age of tolerance, Council is leaving a bitter taste and suspicion among man. He called on Council to offer more consideration of their actions and let the people of Anderson County know that they could expect an open and a forthright government.

Ms. Gracie Floyd recognized all Anderson County School bus drivers for Council's appreciation for their outstanding responsibility that they have in getting the county's kids back and forth to school. Ms. Floyd presented Resolution #R2001-017 - recognizing and supporting the many dedicated bus drivers who transport students to public schools located throughout Anderson, South Carolina. All five school districts were presented "goodie" bags for these bus drivers. Mr. Holden moved to approve and Mr. Greer seconded. Vote was unanimous.

Mr. Michael Cunningham, Chairman Human Resources Committee, presented Mr. Wayne Proctor from the Planning Division as the Employee of the Month for March 2001. Mr. Proctor was presented a County employee casual shirt, a free day off, a gift certificate to a local restaurant, and a plaque. Council congratulated Mr. Proctor for his outstanding job performance.

Next Item on Agenda: PROPOSAL ON ROAD DEPT. RESOURCES was requested verbatim by a member of Council.

Mr. Ronald Hendricks: "Good evening, Ladies and Gentlemen. Can you hear me?"

Chairman: "Certainly."

Mr. Hendricks: "First of all, let me thank you for this opportunity of being able to appear before you. It is my purpose here today to bring you to your attention the most blatant case of waste of county resources that I've ever heard of, ever known. I plan to tell you about this waste in complete detail and then make proposals that I hope you will act upon. I must give you some background information of course first. The title of this presentation could be entitled "Who's minding the Store" or "The tip of the Iceberg". Each of you have a map of the area out around the Liberty Highway; the

Nutricia Plant. It shows Liberty Highway, Lebanon Road, Marett Road, and Jolly Wingo Road. You'll notice there is some coloring, highlighting along those roads and I'll come back to that a little later. I would like to, if you don't mind, how many of you are aware or know that this widening project is taking place? Any of you? One, two. Okay. After the fences had been moved back and after the shoulders had been graded on Jolly Wingo Road, and they started on Marett Road, I called the Public Works Division on April 5<sup>th</sup>. Mr. Holt Hopkins, whom I don't know, returned my call. I asked Mr. Hopkins what was involved and what was going on and taking place on Jolly Wingo and Marett Roads. He explained that the shoulders were being widened. I asked him why this work was being done and he replied that since construction traffic to Nutricia had destroyed Marett Road, we decided rather than just replace the pavement we were going to widen the shoulders out as well. He stated that they wanted to make this place a show place to show what we could do. I asked him why these roads or shoulders needed to be a show place and he said this is an experiment to make it easier to maintain the road shoulders. Let me point out a couple of things right here that I just learned today and that is some of these employees; County employees told a neighbor of mine that it was a beautification project so one is saying beautification and one is saying make the maintenance easier. Most County roads of course do not even have shoulders to maintain they come by occasionally with a mower to mow some grass. With disbelief and shock, I asked them again. He said that he felt like this is what is needed, we're trying to make a show place for shoulders. I asked them then well why is it also being necessary to do the work on Jolly Wingo Road. If you get the picture-this road, Marett Road, behind Nutricia by agreement and design that was the assess road for all construction traffic. It was completely torn up. Nutricia, had in advance, had agreed to repay for the restoration of the road. Marett Road did need to be replaced. Why are we doing it over on Jolly Wingo and he said well, there is a property owner who owns property on Marett Road and he said if I give you right of way on Marett Road you'll have to do the same kind of work on Jolly Wingo Road. I asked him was this not extortion and he said yes it probably is but this is what we need to do to get the road widened. I said okay who is paying for this. He reported that Nutricia is paying for the paving on Marett Road, "C" funds, you know what "C" funds are better than I do, but it's gasoline tax

money, I understand, that comes back to us (the County). "C" funds are paying for the paving on Jolly Wingo Road and the county is paying for the relocation of fences, gates (and the gates were not there before), and the grading. All the grading that is being done. I asked him why do we need a show place for shoulders and how is Anderson County citizens benefiting from this work. He said this is something we wanted to do. I asked him well why has Marett Road not been paved earlier after all, it has been almost two years since Nutricia has moved into their plant and the road still isn't paved today. I did learn today that Nutricia paid money to the general fund of the County about two years and the money probably must have been spent for something else. It certainly hasn't been spent... There are two houses on that road and maybe that is why no body wanted to pave the road. The neighbors there had begged; the property owners have tried to get this road paved. I pointed out there was plenty of time from July usually until the end of the paving season-around December to get this work done. Another statement made by Mr. Hopkins was they wanted to widen Hopewell Road. He said we're setting the stage and this is what we want to do if we can get the cooperation of the property owners. I agreed with him that Hopewell Road certainly needs widening. I asked him then was there any definite plans to widen Jolly Wingo Road that is to continue it on since part of it had been widened from the Liberty Highway up to a point. When does he plan to complete it on to Lebanon Road? He said well we probably will sometime. I asked Mr. Hopkins why the county was competing against property road construction contractors to do this work. He said we can do it cheaper. I said of course you can you're subsidized by tax dollars. I asked why we had all this large equipment; pan, bulldozers. Why does the County have all this? He said most of this equipment was on the scene when he came but we're trying to use it. So I wondered later if the County's plan was to spend money to just go around and dig up all the dirt they can find so we can put this equipment to use. I asked him why didn't we sell all that equipment. I asked Mr. Hopkins if anyone else such as a superior or higher level manager had signed to approve this project. He said no it was within his budget. Keep in mind I just learned today that the County had been paid two years ago. I asked was this not a big waste of resources spending this kind of money widening out shoulders for a showplace and I suppose by the tone of my voice

he could tell I was not pleased. He stated I sounded like I wanted to take this higher. I said well not necessary, but I do want to find out some facts. Why I don't know. He added that this was all his plan and his idea. Later I thought why did he make this comment he must have been trying to hide something. Now Ladies and Gentlemen this is the absolute truth. I haven't made up any of it. I want us to face some of the questions and issues that arise from this fiasco. First of all, what was the emphasis, what was the motivation, what was driving this project? Why was it such a dire necessity? Of course, it was true that Marett Road was destroyed and it needed to be replaced. Then why did we decide to widen out these shoulders for beautification and road maintenance. There's only less than 10 cars per day probably not that many. There are two houses and the mail person. Less than 10 cars per day use this road. What is so critical, what was so vital, what's so important? You know a property owner even the County (not clear). You've got to do extra work over here in order for me to give you right of way. I can't see how anyone (not clear) economically or by any other criteria could justify this project. I contend there is absolutely no reasons for this expenditure. Just want to point out something I am sure all of you understand at least to some extent, and that is cutting a little grass. You know you get on your lawn mower and put whatever cut whatever width land mower you have and you cut. I think you'd understand now if you go over here and plant 20-25' of grass, it's gonna take you longer to cut grass than it did before. I went out this afternoon and just stepped off the shoulder of the road (pavement) over to the right of way only in one place and I estimate that the area that will need to be maintained in the future is 6 times greater than what is being maintained now. So we're not going to save any money that's just some false idea. Even if you save \$100 per year, which I estimate that is what the County spent just for this one mile of road. It would take 500 years to save more than \$50,000 that is being spent out there and it's probably closer to 100. My goodness what kind of economic justification is this? Why would Mr. Hopkins realize that we are gonna spend money over here on Jolly Wingo Road. What's wrong with saying no? So I contend that good judgement would have never begun this project but certainly should have been stopped. The questions just keep coming. Why did this specific road need \$50,000 - \$100,000 worth of showplace and beautification? Why

wasn't the money used on Hopewell Road that desperately needs widening? Why was that money not spent for two cars for the Sheriff's department? Our protection is important. Let me tell you a showplace for shoulders is not important. I'd like to know how the citizens of Anderson County benefit on this project. Tell me how an individual can get by with putting a project of this magnitude in his budget and get it approved. Are our administrator's merely rubberstamping budgets that contain exuberant wasteful projects. If by some chance this project is being done in connection with some prospective industrial customer. Why would the County not go ahead and wait and tell this customer that you'd have to bear the expense of widening the roads and shoulders such as was done with Nutrition. I believe by now, at least I hope by now, that many of you are convinced this whole project was one colossal mistake. A very sizeable sum of tax dollars has been spent for absolutely no valid justifiable reason. So who's minding the store. Absolutely no one. Mr. Holden said that there was a system of checks and balances, where was it? Let me ask you this question. I know you want answer it; I don't expect you to. If this project had come before you would you have approved it? My proposals for remedying such waste in this county which are not necessarily related to the road division but maybe other departments as well would be to require the Administrator to institute a zero base budget. Do all of you know what I mean by a zero-base budget? Do all of you know what I mean by that? Does everyone know what I mean by zero base budget? Anybody doesn't know? Okay. That's where really we should begin. The county should take the necessary actions to require the Administrator to have personal projects exceeding \$5,000 to be supported by economic justification. I would even suggest a citizens review committee would be in order since the Administrator is currently reviewing budgets he is apparently doesn't recognize "hocus pocus" justification. This project should have been in anybody's budget. Another item I think the Council should act upon is the Administrator's salary. It should be reduced by \$10,000 per year and the road department's by \$5,000 per year for a period of five years to repay the taxpayers for the money that they have wasted. I would also believe that the County should take action to require the property owner who is the only one who will benefit to repay the County for the fence work that was done and for the paving that was done which is not needed by the way. I'm

gonna make it my goal and project to inform the property owners on Hopewell Road that the County has set the standard for obtaining right of ways for road widening projects. That is they can expect the county to spend money to improve their property anyway they want and the County will oblige. I know that I am going to fully cooperate when they approach me as I anticipate that they will soon to extend the widening of Jolly Wingo Road. I have about 15-20 trees that have died over the past few years due to heat and drought stress. I want these trees down and hauled off. My driveway has never been paved. It needs paving. I want sod and scrubs put out front so I ask you to please hurry and put the widening of Jolly Wingo Road in the budget. There are many, many more other questions that have surfaced. But I'll stop here and say yes I mentioned the tip of an iceberg. According to reports of information, I understand and that Ms. Wilson has some concern about waste that goes on in the County. Perhaps she is not the only one and I ask you, are we seeing only the tip of the iceberg? I hope at least four of you council people would unite and take the actions that I have suggested. I realize you can ignore what I've said. You don't have to do anything. You can just let it pass. You can think, here is another disgruntled resident. Or you can let the citizens of this county know that you take your positions seriously and will correct the many things that are wrong and going on. I haven't attended a Council meeting in along time but you've heard other people address similar issues this evening. Ladies and Gentlemen, thank you very much for your time I really appreciate it and I've done my absolute best to tell just the truth and present you the facts. Thank you very much." END

Chairman Wright said that Council would receive all comments under advisement to review and look at. Maybe some of the proposal will be brought up in the County's workshop. Chairman Wright asked Mr. Hopkins to address some of the issues that Mr. Hendricks brought up.

Mr. Hopkins: "The conversation is very close. There are a few things that I'd like to add to that conversation. The asphalt alone to repair Marett Road and Jolly Wingo Road is estimated at \$100,000. The fencing is the only, outside of ordinary repaving project, that we're having to spend on this particular project. As far as material costs, we hired a contractor to set the

fences back. If we set them back a foot or twenty feet it will cost us the exact same amount to move fences. It is our goal in our department to try to improve the shoulders for the safety of the traveling public. We looked at Marett Road as a potential, a chance to deal with a very small number of property owners, ask them for a free right of way that they gave the county to allow us when we go and rebuild this road which was completely demolished during construction so that we could improve the shoulders and yes it was an experimental project but it was more than that. This is something that when we're finished, when we're going out on Hopewell Road or where ever else in the County, and we're asking for right of ways, we need to be able to show that the County today can do a good project and make a very good impression. Every day we go out, a lot of times we hear the old "war" stories from 20 years ago that the County ain't about to touch my ditch they came in here 20 years ago and tore it up. They walked away and didn't come back. Now, we have to prove that we can do a good job but the shoulders of the County road, and I agree with Mr. Hendricks, that the shoulders of our County roads have to be improved. We have got to get some width on these shoulders for safety. We have up in Mr. Dees' we've had a child die every year and most of them have to do with the shoulders of the road. I agree that this is a low traffic road, but we have to start somewhere. We had the chance to rebuild this from scratch and we took it. Jolly Wingo, as our conversation on the phone, yes, I would love to entertain going all the way down Jolly Wingo but I would love to entertain going down every road that has narrow shoulders. Now as far as the funding, I went back after our telephone conversation and there are a lot of things, and I've tried to return my phone calls, and talk as candidly with anybody that calls me and that was this conversation. I checked the numbers and every bit of the material cost is being paid through the "c" fund monies. The only investment that we have out of budget is our time, equipment and labor to go do this. It's already budgeted. We've taken longer than normal because it is a low priority, low traffic road. We've got other issues that we have to do and we've had to pull on and pull off of this project. We've got to start somewhere on the shoulder improvements in this County and we thought this was a good opportunity. END OF MR. HOPKINS' COMMENTS.

Mr. Holden stated that years ago the County did buy equipment to do some of this paving on small projects as such because it could be done cheaper than hiring out by private individuals. Ms. Wilson asked the following questions. How much did Nutricia pay and what is the difference in a sloping agreement and right of way purchase? Mr. Hopkins stated he didn't remember the amount of Economic Development money, which was available for the GNC. That happened before he became involved with the whole project; however, there was enough money. The reason it is confusing he stated was that some of the "C" fund monies was swapped for the Economic money to put in an intersection improvement project in front of the plant and the "C" fund committee approved it. A sloping agreement is another way of saying a temporary right of way. Ms. Wilson stated that the "C" fund money was still public money, which is desperately needed in the County for paving. Mr. Dees thanked Mr. Hopkins and his department for what they've done in the County to improve the farm to market roads in Anderson. Mr. Greer stated that about a year ago the Council approved the closing of Generosotee Church Road in District #3. One of the conditions that the County approved closing the road was that the church provides property right of way to upgrade the existing roads. So the County has been in the process for some time of up grading shoulders and striving to improve this for some time, and this is not a recent occurrence. He also asked Mr. Hopkins how much of the equipment that the County owns was used in helping to construct the Starr Sports complex? Mr. Hopkins replied every piece that the county had. So the equipment the County owns is not only used for road projects but other projects across the County. The "C" fund committee has approve funding for Ervin Street in Starr which will be a by-pass requested by the School District and by Starr Town Council, and the "C" fund has agreed to pay for the material cost for this road but the County intends to do the grading, grubbing, and construction of the projecting using this County equipment. This will save the county approximately \$300,000 in putting this project in place, Mr. Hopkins stated. This is a safety concern. Chairman Wright said that everyone was concerned with safety of our County roads. The opportunity was taken here to take a small prototype of how road improvements can be done if people work together, he also said. Mr. Tolly stated that he had all the confidence in the world with Mr. Hopkins and his department.

A group of Boy Scouts were recognized and also the Sheriff.

Mr. Ben Kochenower presented the June 30, 2000 fiscal year financial statements - audit report. In their opinion these financial statements represent fairly the financial position of Anderson County and the results of its' operations and cash flow of all of its funds and account groups for the year ending June 30, 2000. Several issues addressed: 1.) He said that they were required by our their professional standards to plan and perform their audit to obtain reasonable assurance; not absolute assurance, that the financial statements are fairly presented within reasonable limits. The misstatement within reasonable limits. The significant accounting policies that go into the preparation and the compilation of the financial statement and the numbers are the financial statement notes themselves, he said. Management is charged with the responsibility of selecting and using appropriate accounting policies. The accounting policies of the County are the road map that will tell you how the numbers are compiled and how they are presented and how they are recognized. They are certain accounting estimates in the statements. These estimates are primarily from collectability of taxes receivable, collectability of accounts receivable in the Enterprise Funds. Estimated useful lives of the property plant equipment assets in the Enterprise Funds. They evaluate the key elements of management's development of these estimates during the course of their audit examination. 2). The County's Finance Department actually does all the book keeping and they did not propose any significant audit adjustments to the County's books or the financial statements at the end of the year end. They did not encounter any difficulties in the performance of our audit and the Finance staff is very professional, conscientious, careful, knowledgeable, and cooperative and they appreciate working with the staff. He stated that the County had 5.6 million dollars of cash reserve of which 1.8 million dollars was needed to balance at the year-end. He said that revenues exceeded anticipated budgeted revenues by 3.5 million dollars. Also total expenditures budgeted at almost 39 million dollars came in under budget by less than  $\frac{1}{2}$  million dollars or 1-1/4%, which indicates that either luck, or the ability to both plan and administer. Council also heard from Mr. Steve Blake with Cline, Brandt, and Kochenower. Council received as information. Mr. Holden had to leave at this time.

Mr. Martin presented third and final reading of Ordinance #2001-009 - an ordinance amending in certain limited particulars, article 10 of Chapter 70 of the Anderson County Code of Ordinances pertaining to amendments to the Anderson County Zoning, as previously amended by Anderson County Ordinance #2000-069; and other matters relating thereto. Mr. Greer moved to approve and Mr. Tolly seconded. Vote was 6 and zero. (Mr. Holden had to leave meeting early.)

Mr. Martin presented third and final reading of Ordinance #2001-010 - an ordinance acknowledging receipt of notice and a copy of an assignment of lease and options to purchase between Plastic Omnium Industries, Inc. and P & B automotive, LLC, (now Plastic Omnium Auto Exteriors, LLC) and consenting to such assignment; acknowledging receipt of notice and a copy of a business property sublease between Plastic Omnium Auto Exteriors, LLC and Inergy Automotive Systems (USA), LLC and consenting to such sublease; acknowledging receipt of notice and a copy of a contribution, conveyance, and assumption agreement by Inergy Automotive Systems (USA), LLC Solvay America, Inc., Solvay Automotive, Inc. and Plastic Omnium Industries, Inc. and consenting to such assignment; approving certain amendments to that lease agreement dated December 15, 1999. Mr. Tolly moved to approve on third and final reading Ordinance #2001-010 and Ms. Floyd seconded. Mr. Greer stated for the record that by approval of this transfer holds the County with no obligation financially or otherwise. Vote was unanimous.

Mr. Martin presented second reading of Ordinance #2001-011 - an ordinance regulating the solicitation of contributions or donations from an occupant of any vehicle in accordance with Section 56-27-3180 of the South Carolina Code of Laws, 1976, as amended, and creating and establishing the procedures whereby an individual, group, or entity may obtain a permit for such solicitation; and other matters related thereto. A public hearing was held and the following individuals spoke. Sheriff Gene Taylor stated that he had the opportunity to work with the Secretary of State's Office on a number of issues related to fund raising. He said that he notices in Anderson County that a lot of people show up on the street sides and other places raising funds

and we fall victim to them because we do not know that they are not from here and the money is going somewhere else. These individuals must be registered with the Secretary of State's office. Mr. Tom Clark asked Council about a group or organization that he had heard complaints about soliciting money for the United Veterans in Piedmont. He questioned whether this was a legitimate organization and asked the Sheriff to check out this group. There were no further comments; the public hearing was closed. Ms. Floyd moved to approve on second reading and Mr. Dees seconded. Mr. Greer asked that on page 2 under applications for permits that they must provide a brief explanation of the purposes for, and the location and date of the proposed solicitation. He asked if this could only be conducted under the permit for one locations and not multiple locations on the same day. Mr. Martin stated that it was drafted to allow for multiple locations under a single permit on the same day. Mr. Martin said that he could make changes if that is Council's wishes. Mr. Greer asked that the ordinance include some language that a copy of the permit is available at each location where funds are solicited. Mr. Greer asked Mr. Martin to draft the appropriate language as amendment for consideration at the next meeting. Vote was unanimous.

Mr. Martin presented second reading of Ordinance #2001-012 - an ordinance imposing a prohibition on certain vehicular traffic on Powell Road, designated as County Road C-9-150; and other matters relating thereto. He stated that Powell Road is a road near 28 by-pass, which is being used as a short cut during construction on that road. The following individuals spoke during the public hearing. Mr. James Garvin of 110 Powell Road and owner of property at 102, 104, 106, and 108 Powell Road. Mr. Garvin stated that in the last couple weeks he had talked with 3 of the 5 business and the residents of Powell Road regarding the severe problem on Powell Road where the state project on Highway 28 has closed the bridge down. The traffic on the road is very intense and he has counted 10 cars per 30 seconds on this road. He invited Council to come see the problem. He said a couple weeks ago the Sheriff's Office Traffic Division stopped over 40 traffic violators. He said this is truly a safety issue and he said he did not know if the County can wait until the next meeting. No further comments the public hearing was declared closed. Mr. Greer moved to approve on third reading and Mr. Dees seconded. Mr.

Greer asked Mr. Martin if it was possible under the pending ordinance doctrine to go ahead and post this road to give this community relief on this road. Mr. Martin said he did not know. Mr. Greer asked if an "Emergency Ordinance" would be possible in order to give this community relief. Mr. Martin explained that he needed to research state law. Chairman Wright called for a 5-minute recess to allow the County Attorney time to check state law. (time: 7:35 p.m.)

The meeting was called back to order by the Chairman at 7:45 p.m. Mr. Martin stated that it would be possible for the Council to enact an emergency ordinance and he read the following section dealing with the enactment. To meet public emergencies affecting life, health, safety or the property of the people, Council may adopt emergency ordinances; but such ordinances shall not levy taxes, grant, renew or extend a franchise or impose or change a service rate. Every emergency ordinance shall be designated as such and shall contain a declaration that an emergency exists and describe the emergency. Every emergency ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day. Mr. Martin said that the ordinance will not restrict all traffic. It will stop through truck traffic and will not stop all automobile traffic. Mr. Greer stated that in an effort to further help with this particular area, he asked that if council amended the ordinance (Page 2 #1) to state "through trucks (in excess of four (4) wheels)" instead of 6 wheels would this further limit the traffic on the roads. Mr. Martin replied yes. Mr. Greer amended the ordinance to change 6 wheels to 4 wheels. Mr. Tolly seconded and vote was unanimous. Mr. Wright asked about restricting the trucks dealing with local businesses. Mr. Martin stated that this would regulate through traffic only. Vote on the amendment was unanimous. VOTE on original motion as amended was unanimous (2001-012). Mr. Dees moved to approve Emergency Ordinance #2001-019, which contains a declaration that an emergency exists. The language of #2001-012 describes the situation and would also be the language

of the emergency ordinance. Mr. Greer seconded and encouraged staff to erect signs as soon as possible. Vote was unanimous.

Mr. Preston stated that the County is looking into installing speed bumps on that road to control vehicular traffic for a period of time.

Mr. Martin presented second reading of Ordinance #2001-014 - an ordinance to amend Ordinance #98-019 as previously amended by Ordinance #99-029 and by Ordinance #2000-063, relating to the Industrial/business Park of Greenville and Anderson Counties so as to enlarge the park. A public hearing was held; no comments were received. Mr. Greer moved to approve on second reading and Mr. Dees seconded. Vote was unanimous.

Mr. Martin presented first reading of Ordinance #2001-007 - an ordinance amending Chapter 38 of the Anderson County Code of Ordinances by identifying and designating all roads in Anderson County currently maintained by the Anderson County Transportation Division as County roads, accepting such roads into the Anderson County road system, specifying the only means in which a new or existing private road may be designated a County road, and other matters related thereto. Mr. Tolly moved to approve and Mr. Greer seconded. Ms. Wilson asked about the dirt road - Dickerson Street Extension that was discussed earlier in the meeting. Mr. Tolly informed Council of the road's history and the fact that it is a private road with any relief for residents from the builder. Mr. Martin explained that the County will investigate to see if it is a County road. Council discussed the route of establishing a special tax district to make improvements to these private dirt roads in which residents cannot get any relief from developers. Mr. Greer stated that the county needed to somehow meet the needs of the County residents in cases like these.

Mr. Martin presented first reading of Ordinance #2001-013 - an ordinance amending, in certain limited particulars only, Chapter 10, Article 2 of the Code of Ordinances of Anderson County, by adopting by reference only, the latest editions of the nationally recognized model building codes; and other matters related thereto. Mr. Tolly moved to approve on first reading and Ms. Wilson seconded. Council discussed. Mr. Greer stated that building codes

were important to insure properly constructed homes and buildings; however, he has seen where the building and codes have put an undue burden on businesses, homeowners and local volunteer organizations. He also has become aware where the interpretation of the code has prevented construction and addition to existing businesses. He requested that the Building and Codes department furnish him a copy of the state law requiring and authorizing these codes and a copy of all codes that would apply if this ordinance is passed and he would like to have this information within 7 days of tonight's meeting. He also stated that he was not prepared to vote in favor of the ordinance tonight. Mr. Herb Yingling, new Building and Codes Director stated that at this time the International Residential Code will not be put in place until July 2002. This ordinance effects just commercial buildings at this time. Mr. Greer stated that a lot of people are under the impression that we have complete Home Rule in county government; however this is an excellent example where the County does not have true Home Rule. Vote was four in favor (Wright, Holden, Tolly, and Wilson), one opposed (Greer) and one abstained (Floyd). Motion carried.

On the motion of Mr. Dees, seconded by Mr. Tolly, Council voted unanimously to approve the acceptance of Hornbuckle Phase IV and Madison Ridge Subdivisions into the County road system.

Mr. Preston informed Council that the state-mandated salaries and associated fringes for the magistrates and probate judge increased the FY 01-02 operating budget of the General Fund by approximately \$86,700. These new salary figures became effective March 15, 2001. Council received as information. Ms. Floyd said that this was not right making the counties come up with this money and the car tax monies.

Chairman Wright, on behalf of Council, presented Mr. Fred Tolly Resolution #R2001-013 - a resolution recognizing and honoring Ruth Bagwell Tolly, lifelong Anderson County resident and his mother. On the motion of Mr. Greer, seconded by Ms. Floyd, Council voted unanimously.

Mr. Martin presented Resolution #R2001-019 - a resolution to restate and

clarify Anderson County Resolution #R2001-003 pertaining to billboard sign permits and other matters relating thereto. Mr. Greer moved to approve and Mr. Tolly seconded. Vote was unanimous.

Mr. Joey Preston presented Resolution #R2001-020 - a resolution proclaiming April as "Deeds of Pride" in Anderson County. Mr. Tolly moved to approve and Mr. Greer seconded. Vote was unanimous.

Mr. Tolly asked for a point of personal privileged. He asked Council for permission to introduce a Resolution. Vote was unanimous.

Mr. Tolly stated that Mr. Pat Harris would be celebrating his 90<sup>th</sup> birthday on Thursday; therefore, he moved that Council approve a resolution (R2001-021) recognizing him and presenting it to him on his birthday. Mr. Greer seconded and vote was unanimous.

A Council member requested that the next item of business be recorded verbatim.

Mr. Greer: "Mr. Chairman, if I could have just a moment please. When we voted on the approval of the minutes at the beginning of the meeting, since we had an amended version of the minutes in front of us, it was my assumption that we were voting on the amended version of the minutes we had before us. And at this time I would like a clarification by the council or the Clerk if we approved the amended version or version which was in our agenda packet."

Chairman Wright: "At this point, we basically approved, my assumption was we were approving the amended package that was in front of me with Ms. Wilson's additions to be added. That was my assumption. Correct?"

Mr. Martin: "Mr. Chairman, I would have to confess that I did not realize that there was amended version here and I wasn't still not sure what the change that Ms. Wilson was referring to. I remember about the Special

Source Bond but I grabbed up the minutes I had here and saw something about a Special Source bond. I think that the motion normally would be to approve the minutes that are in the agenda packet unless there is a notation that there is a vote a separate set of minutes. So I would have viewed the vote as being a vote to approve the minutes as contained in the agenda packet with Ms. Wilson's amendment. Council certainly can change that even at this point can vote to approve the amended minutes to replace the minutes that were in the agenda packet."

Chairman Wright: "Okay."

Mr. Martin: "But I do not know if the amended minutes contained the change or not."

Chairman Wright: " I don't think that my understanding that Ms. Wilson's amendments was coming from the floor. Okay. I think that I assumed that we were voting on the amended black lined package that I had. At this time, I guess what we need to do is to entertain a motion to clarify that and then have Ms. Wilson's additions to the minutes off the floor addressed."

Mr. Greer: "Mr. Chairman, at this time I would offer a motion to reconsider our original vote on the motion to approve the minutes."

Mr. Tolly: "Second."

Chairman Wright: "All those in favor of reconsidering?"

Ms. Wilson: "I'm confused."

Chairman Wright: "Do you want to vote in favor to open the discussion again is basically what we're talking about."

Ms. Wilson: "I'd be glad to."

Chairman Wright: "Okay so we have a 6 and zero to reconsider."

Mr. Martin: "A vote to reconsider is appropriate as the meeting had not adjourned and still in the same parliamentary procedure."

Mr. Greer: " Mr. Chairman, at this time I would assume that we are back in discussion on the motion to approve the minutes. I would offer an amendment that the minutes that we approve be the amended version that is before Council."

Chairman Wright: "We have a motion now to clarify that we were voting on the amended package of minutes and then also to have the additions from the floor that Ms. Wilson wanted to have added to that."

Mr. Martin: "If I might suggest that Mr. Greer include that as a part of his motion, if he desires. The motion as I understood it was just to approve to have the minutes approved is the amended minutes. It could certainly include Ms. Wilson's prior motion from the floor or she could make that a separate."

Mr. Greer: "I would prefer that Ms. Wilson just make that as a separate amendment."

Chairman Wright: "Okay."

Ms. Wilson: "Now, am I to understand that I reintroduce what was said earlier?"

Chairman Wright: "You're fine." We have a motion on the floor right now to adopt the amended minute's package that we were provided. Okay?"

Mr. Martin: "Correct. And that would need a second."

Mr. Dees: "Second."

Chairman Wright: "Okay we have a motion and a second. Okay."

Mr. Martin: "Now at this point, Mr. Chairman, if Ms. Wilson desires to do so, she may move to further amend Mr. Greer's amended minutes."

Ms. Wilson: "This is very confusing. Am I to restate what was stated at the first of the meeting." Or is Mr. Greer wanting to add some amendments to what I have stated."

Chairman Wright: "We had an amended minutes package here that Mr. Greer is referring to. It is a black-lined minutes that was provided. Okay. Now there was also an amended package of minutes that Mr. Greer is discussing that was presented. We all had a copy of that to my knowledge. Okay. Now right now the motion on the floor is to adopt those amended minutes."

Mr. Martin: "As the minutes of the April 3<sup>rd</sup> meeting."

Chairman Wright: "Correct. Now Ms. Wilson can ask to have the amended minutes amended to include what she wants to have added. Or she can ask to do that after we take a vote on the motion that is on the floor."

Mr. Martin: "That's correct."

Chairman Wright: "So if you want to go ahead and vote on the minutes as amended by Mr. Greer then you can come back and ask to have it included to include the discussions that you wanted to have included in the minutes that were left out. I think the easiest thing to do is to go ahead and vote on the

amended minutes right now. We have a motion and a second on the floor. Is there any further discussion? Okay. All those in favor? We have four in favor.

Mr. Wilson: "I'm abstaining-I'm confused."

Ms. Floyd: "I'm abstaining."

Mr. Martin: "Mr. Chairman, the amended minutes have been adopted as the minutes of the April 3 meeting."

Chairman Wright: "Correct. Okay, Ms. Wilson we will entertain a motion if you would like to amend those minutes to include the conversation that was left out that you had. We will entertain that."

Ms. Wilson: "May I?"

Chairman Wright: "Yes you can. You would have to restate it if you don't mind."

Ms. Wilson: "On page 8, of the April 3 minutes there was a question and a response that was omitted. I had asked if special revenue source bonds had been issued to Plastic Omnium and that was not in here and I can't even remember what Mr. Martin's answer was. So I ask that this be added to the minutes."

Chairman Wright: "Therefore we will instruct the Clerk to go back and check the tape in order to include Mr. Martin's response to her question."

Ms. Wilson: "On page 10, we had come out of executive session, a very heated session, and I have to confess that I was some what emotionally distraught and Mr. Greer moved to approve the Anderson County Vision and Priority's work plan 2006 and there's a lot of that statement that I wholeheartedly agree with and support and because I do have the disclosure of being involved in appealing certain construction permits for the Beaverdam Sewer line I erroneously voted to oppose and I should have voted to abstain and I wanted to clarify my position. And I was asking by what proper mechanism should I do that."

Chairman Wright: "I think the proper mechanism is that we can't change the vote after it has taken place, but it has been duly recorded in the minutes of this meeting that you want to have it changed to show an abstention but the way it's done we can't change the vote so at this point you're duly on the record as expressing your opinion that you would have preferred to abstain verses voting against."

Ms. Wilson: "Right, and I understood that so I'm really somewhat confused."

Chairman Wright: "Where we're at right now, we have a motion on the floor to include your conversation or questions to Mr. Martin that were left out of the minutes."

Ms. Wilson: "Yes."

Chairman Wright: "Do we have a second?"

Mr. Greer: "Second."

Chairman Wright: "We have a motion and a second to include and add that to the minutes. "All those in favor? Six and zero."

Mr. Martin: "Actually Council has approved the amended minutes as noted on the top of the minutes for the April 3<sup>rd</sup> meeting and they will be further amended to include the question and answer concerning the special source bond on page 8. And Ms. Wilson has noted for the record for the minutes of this meeting her desires and intents with regard to the vote on page 10."

Ms. Wilson: "It's paragraph 2, middle of the page."

Mr. Martin: "Anderson County's Vision Priorities Work Plan 2006"

Chairman Wright: "That's correct."

Ms. Floyd: "Before we move away from this, I need to know how this happened. This was totally confusing. I still don't know if I have the amended agenda (she means minutes)."

Chairman Wright: "There was an amended agenda (meaning minutes) that should have been in front of each one of your stations. When I brought it on to the floor for the approval of minutes, I assumed that those the minutes that we were adopting."

Ms. Floyd: "Why did the minutes have to be amended in the beginning?"

Mr. Greer: "I had asked the Council Clerk to record the verbiage from the vision statement verbatim and upon reviewing the minutes Friday when I received my agenda packet I found some items left out so I asked the Clerk to complete those items and place them in amended minutes for us to look at tonight."

Ms. Floyd: "Well it was total confusion. Due to a job obligation, I came in 10 minutes before the meeting, which is not my usual practice."

Chairman Wright: "We understand that."

Ms. Floyd: "It's been so much up here. I never saw that. And in order to

vote properly we need to know what is going on okay and I'm afraid I could not vote on that issue because I was confused."

Chairman Wright: "I think that in order to defend our Clerks I think that since I've been on Council, my fifth year on Council, this is the first time that we've ever had an amended minutes. So I don't think it's a very common practice for that to happen. It was provided for all the Council members before the meeting. So at my point, I was assuming that everyone had seen that amended agenda (minutes) and understood that's what we were voting on."

Ms. Floyd: "I don't think Mr. Dees saw it either."

Mr. Dees: "Yes, I do. I have it."

Chairman Wright: "We will move on to item 11- Administrator's Report."

#### ADMINISTRATOR'S REPORT:

##### (a) Certificates and Training:

1. Mr. Bob Stoker, Mrs. Pam Garner - National Fire Academy Course
2. Mr. Tommy Thompson- Overview of Emergency Management, The ABC's of EOC's, 2001 South Carolina Hurricane Conference
3. Building and Codes classes and certifications: Ms. Joyce Simpson - Accident Investigation and Risk Management for Supervisors
4. Mr. Marshall M. Winn - Analysis of the 1999 National Electrical Code and One-and two-family Dwelling Electrical Systems 4<sup>th</sup> Edition 1999 NEC
5. Ms. Debra LaGroone, Ms. Sherrie Williams - Effective Zoning Administration Techniques

##### (b) Letters of Appreciation:

1. For: Mr. Jerry Stamp and Crew of Road Maintenance: Mr. Jr. Greenway, Mr. Danny Mitchell, Mr. Earnest McElrath and Mr. Frank Anderson - From- SCDOT
2. For: Ms. Joan Scott of the Omega Project - From- Lieutenant Governor Bob Peeler
3. For: Mr. Vic Carpenter, Environmental Services Division- From- Senator Robert Waldrep
4. For: Mr. Holt Hopkins and Staff- From- Councilman

William C. Dees

5. For: Mr. Bob Daly, Detention Center- From- Councilman William C. Dees
6. For: Sergeant Boggs and Sergeant McCullough, Detention Center and Mrs. Pam Garner, Public Safety- From- New Prospect Elementary School Guidance Counselor, Ms. Kellie Vaughan
7. For: Mr. Joey Preston and County Council- From- Master Paris Gray
8. For: Mr. Jeff Ricketson and Staff- From- Mr. David Brooks

(c) Minutes:

1. Anderson County Museum Advisory Committee Minutes- March 6, 2001
2. Anderson County Safety Advisory Committee Minutes- March 29, 2001
3. Anderson County Regional Airport Committee Minutes- March 5, 2001
4. Anderson County EMS Commission Meeting- April 12, 2001

(d) Reports:

1. Detention Center Litter Reports - March 26 to March 30, 2001 and April 2 to April 6, 2001
2. Road Maintenance Litter Report - March 19 through March 30, 2001
3. Anderson County Public Safety Compliance Monthly Report for March, 2001
4. Anderson County Public Safety Environmental Enforcement Monthly Report for March, 2001
5. Anderson County Public Safety Division March 2001 Training Report
6. Anderson County Public Safety 911 number of calls by Department
7. Recreation Fund Account

(e) Anderson Regional Landfill Lateral Expansion Public Notice Project No. 97605

(f) Facility Issues Negotiation (FIN) Process

(g) Grant Agreement No. 1319- Anderson County/Powersville Water Co.

(h) Grant Agreement No. 1258 - Anderson County/Piedmont Public Sewer District Payment #1

- (i) Detention Center Expansion
- (j) Appalachian Council of Governments' quarterly report
- (k) 2001-2002 Workers' Compensation Quote
- (l) Departmental Transfers
- (m) Anderson Sports & Entertainment Center Partial Schedule of Events
- (n) Owens Circle & Burns Bridge Circle Rezoning Request
- (o) Letter/newspaper article from Mr. Glen Hiner, Owens Corning

Mr. Wright addressed item (o) (above). An employee from Owens Corning was asking County Council to make an appeal to the Corporate Office to keep part of there "white collar" offices here in Anderson. Mr. Wright encouraged Mr. Preston to address the letter and provide a copy to all members as soon as possible. He said these were good jobs in the County that were fixing to leave Anderson County and the Council needed to take every effort available to keep these in Anderson County. Ms. Wilson asked if there were any fee in lieu agreements which could be effected by the leaving of Owens Corning. Mr. Wright stated that the fee in lieu is not involved with their office and white-collar jobs. Mr. Martin reported that the County did not negotiate the fee in lieu agreement and the company has not acted in good faith with Anderson County. Mr. Greer moved that Council show support by encouraging this company to keep this division at Owens Corning in Anderson County and Ms. Wilson seconded. Vote was unanimous.

Several members of Council will travel to Washington, DC for a meeting the first week in May; therefore, Mr. Dees moved to change the first meeting in May to May 8<sup>th</sup> and Mr. Tolly seconded. Vote was unanimous.

There being no further business, Council adjourned at 9:05 p.m.

Respectfully submitted,

Linda N. Gilstrap, Clerk to Council  
ANDERSON COUNTY COUNCIL