

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – December 2, 2003 – 6:00 p.m.
Tammie Shealy, Deputy Clerk to County Council

MINUTES

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

PRESENT

Chairman William C. Dees – District #6 – Presiding
Vice Chairman Larry E. Greer – District #3
G. Fred Tolly – District #1
Gracie S. Floyd – District #2
Clint Wright – District #4
Mike Holden – District #5
M. Cindy Wilson – District #7
Tammie Shealy – Deputy Clerk to Council

ABSENT

Linda N. Gilstrap – 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, December 2, 2003 at 6:00 p.m.

Chairman William Dees called the meeting to order. Council Member Fred Tolly gave the invocation and everyone pledged allegiance to the flag of the United States of America.

Chairman Dees recapped the previous night's meeting involving the Legislative Delegation, School Board Officials and County Council Members. He stated that in order to continue a dialog and make progress of healing, he would appoint a task force that will present recommendations in February 2004. The recommendations will be given to the Legislative Delegation for their consideration. Representative Ronnie Townsend will Chair the Task force and Representative Dan Cooper has been appointed by Rep. Townsend to serve. Other members will include Mr. Larry Greer, Ms. Gracie Floyd, Mr. Ed Jean, Mr. David Rogers, Mr. Dan Harvell, Mr. Amos Wells, Mr. Steve Uldrick, Ms. Nancy Upton, Mr. Tom Martin, Mr. Mike Freeman and Ms. Annie Marie Brock. Chairman Dees asked Administrator Preston to inform each of the appointed County employees and Elected officials formally in writing.

Chairman Dees recognized students from the Montessori Middle School. He thanked them for attending the meeting.

Mr. Holden moved to approve the minutes from the November 4, 2003 meeting as received. Ms. Wilson seconded. Mr. Greer asked for the right to meet with the Clerk concerning several points of the meeting if minutes were approved. Ms. Wilson asked for several corrections to be made from the previous meeting's minutes. Vote was unanimous.

Citizen Comments:

Agenda Matters:

Ms. Betty Lewis – Ms. Lewis, a member of the Garden Trail Garden Club spoke in favor of the Tree Ordinance.

Other Matters:

Ms. Beth Spand – President of the “Friends of the Anderson County Library” committee asked Council to please not include the Library system in any further Budget cuts.

Mr. Ed Jean – spoke of rearranging the order of agenda items on the agenda. He made suggestions that could help shorten the time of County Council meetings.

Mr. Lewis Leak – asked Council why the Friendship Convenience Center was being closed. He stated that this would create a hardship on the community and was opposed to the closure. Mr. Leak requested support from Council to not close the center and make needed repairs. Chairman Dees asked Mr. Vic Carpenter, Director of Solid Waste to raise his hand to Mr. Leak and set up a meeting concerning the matter.

Mr. Melton McQue – also spoke about closure of the Friendship Convenience Center. He too, asked for support from Council to not close the Center.

Mr. Patrick Yon – on behalf of the Human Relation Council asked County Council to continue to fund the HRC and the Coordinator’s position in light of Budget cuts.

Mr. Brooks Brown – referring to the events from previous night’s meeting at the Civic Center wanted to encourage County Council to take a look at history and stand solidly against State Legislation that does not benefit Anderson County.

Mr. Dan Harvell – stated that Citizens Comments should stay at the top of the agenda. He asked that Council consider allowing Citizens to reply to their comments. Mr. Harvell said that The Taxpayers Association is often accused of not supporting progress and that is not true. He requested that Anderson County Council and the Administration stop using a double standard against certain parties when it benefits themselves.

Ms. Peggy Taylor – spoke again about the Budget and expressed disapproval of the manner in which the Anderson County Budget is created. She also questioned why the County continues to deny an outside audit.

Chairman Dees recognized Boy Scout Troop #284 with Central Presbyterian Church.

Council Members Responses:

Ms. Wilson - stated Council Members should be notified of any infrastructure changes in their district. She made a recommendation to sit down with citizens in the Friendship area to discuss what improvements must be made to keep the convenience Center operating.

Mr. Holden - asked for an explanation regarding the closing of the Friendship Convenience Center. Mr. Preston explained that through his staff's recommendations the closing could be permanent or temporary so renovation needs could be evaluated and executed. Mr. Holden then asked for an explanation of the closing sign on the Friendship Convenience Center's property. Mr. Preston explained that this was for the renovations that were to be made in January 2004 and the cost estimate was \$50,000. Mr. Holden asked which of the two plans were to be carried out. Mr. Preston responded that the solution was not yet certain. If renovations are possible and plausible, then the renovations will be made; otherwise the center will be closed.

Mr. Greer stated he was not the Council Member that said it would cost \$50,000 for repairs to the Friendship Convenience Center. He stated that he was not aware of the Convenience Center problems. He said the center borders on communities in his district and he was opposed to closing the Friendship Convenience Center on a permanent basis but not temporarily for repairs.

Ms. Krista Gray, County Extension Agent presented the graduating 4-H Palmetto Leadership Class of 2003. Eleven students were present. Ms. Gray explained that the students had been studying leadership, self-esteem, personality, profiling, government, businesses, and industries. She said the students had completed individual community service projects as well as a group community service project. Chairman Dees congratulated Ms. Gray on her new position and all of County Council awarded each member of the Leadership class with their certificate. Mr. Greer congratulated the Leadership class again. He told of a speaking opportunity he had with them this morning and mentioned how impressed he was of this class.

Mr. Joe Davenport - presented a Statement of Support for the Guard and Reserve. He reread the resolution for military support and wished to add all men and women who put their life on the line. He then read the Statement of Support for the Guard and Reserve. Mr. Davenport also read an announcement from the Department of Defense electing Mr. Joey Preston recipient of the ESRGE award on behalf of the County from the SC Committee for the Employee Support of the Guard and Reserve. Mr. Cory Gilreath, an Anderson County Transportation Division employee, who was called to active duty, completed the nomination. Mr. Davenport also mentioned that this was the second award presented to Anderson County. Mr. Dees moved to accept this resolution of support, with Mr. Tolly, Ms. Wilson, and Mr. Greer seconding. Vote was unanimous.

Ms. M. Cindy Wilson withdrew the presentation on municipal matters.

Ordinance No. #2003-053 to amend Ordinance No. #98-019, as previously amended by ordinances No. 99-029, No. 2000-063, No. 2001-014, No. 2001-046, No. 2002-017, No. 2002-036 and No. 2003-022 relating to the Industrial/Business Park of Anderson and Greenville Counties so as to enlarge the Park (Robert Bosch) was presented for third reading. Mr. Tolly moved to approve this ordinance with Ms. Wilson seconding. Mr. Greer asked to abstain due to the employment of his son at Robert Bosch. The Ordinance was approved 6 to 0 with Mr. Greer abstaining.

Ordinance No. #2003-054 to amend Ordinance No. #98-019, as previously amended by ordinance No. 99-029, No. 2000-063, No. 2001-014, No. 2001-046, No. 2002-

017, No. 2002-036 AND NO. 2003-022 RELATING TO THE industrial/Business Park of Anderson and Greenville Counties as to enlarge the Park (Greenville County Property – Cliffstarr Corp.) was presented for third reading. Ms. Wilson moved to approve this ordinance with Mr. Wright seconding. Vote was unanimous.

Ordinance No. #2003-055 an ordinance amending, in limited particulars only, the master road list of all County roads was presented for third reading. Ms. Wilson moved to approve this ordinance with Mr. Holden seconding. Vote was unanimous.

Ordinance No. 2003-058 an ordinance amending section 2-37 of the Anderson County Code of Ordinances pertaining to meetings of the Anderson County Council was presented for second reading and public hearing. Mr. Brooks Brown spoke during the public hearing. He requested clarification of this ordinance and Mr. Martin explained it would add Council Members responses to public comments as it presently stands. Public hearing was then closed. Ms. Floyd moved to approve this ordinance with Mr. Holden seconding. In discussion, Ms. Floyd offered an amendment to move the other matters to the end of the agenda, leaving the agenda matters where it currently was, and to emplace a time limitation on both items of 30 minutes apiece. Ms. Wilson opposed limiting citizens comments. Mr. Greer stated that he would oppose unless Council Members were limited as well. Mr. Holden agreed with moving other matters to the end of the agenda; however, he was unsure of limiting citizen's comments. He also agreed to limit Council Members time. Ms. Floyd reminded Council of the 4-minute time limit on Council's response to citizen's comments, and a time limitation on presentations. She stated that Council Members remarks at the end of the agenda were the only item not limited. Chairman Dees asked Mr. Martin to explain any constitutional issues concerning time limitation. Mr. Martin said that there were no regulations in the constitution or law on requiring citizen's comments. However, there were legal requirements for citizens to have a chance to speak under public hearings. He added that the citizen's comments were a procedure that had been adopted by County Council to afford the right for citizens to speak. It is a policy by County Council. Discussion followed. Mr. Greer offered an amendment to the amendment to delete the time frame of 30 minutes at the beginning for citizen's comments on agenda matters, delete the time limit at the end for 30 minutes on other matters, and to also include language directing the Chairman of County Council, regardless of who it was, to enforce the rules of debate pertaining to Robert's Rule of Order and to enforce the time limits contained in the agenda. Ms. Wilson and Mr. Wright seconded Mr. Greer's motion. Ms. Wilson, Mr. Wright and Mr. Greer voted in favor for Mr. Greer's amendment to the amendment. Motion to amend Ms. Floyd's amendment failed 3-4. Votes in favor of Ms. Floyd's amendment were Mr. Tolly, Mr. Holden, Mr. Dees and Ms. Floyd. The amendment carried 4-3. Mr. Greer then moved to amend the ordinance to contain language directing the Council Chairman to enforce Robert's Rules of debate and all time limits. Mr. Wright seconded. Discussion followed. Mr. Tolly called for the question. Ms. Floyd seconded. Vote passed 5-2 with Mr. Greer and Ms. Wilson opposing the call for question. Mr. Greer restated the amendment to the ordinance. Vote for Mr. Greer's amendment passed 4-3 with Ms. Wilson, Mr. Holden and Mr. Dees opposing. Discussion followed on the original ordinance with Mr. Greer stating his opposition due to time limits on the public comments. Ms. Floyd stated for the record that she made a mistake on her last vote. All in favor of the ordinance as amended were Mr. Holden, Mr. Tolly, Mr. Dees, and Ms. Floyd with Ms. Wilson, Mr. Greer, and Mr. Wright opposing. Motion carried 4-3.

Ordinance No. 2003-062 – an ordinance amending the Anderson County Code of Ordinances by adding Chapter 59 thereto, pertaining to speed humps in Anderson County was presented for second reading and Public Hearing. Hearing none, the public hearing was closed. Mr. Tolly moved to approve this ordinance. Mr. Clint Wright seconded. Mr. Tolly requested Mr. Holt Hopkins to explain the reasoning behind the ordinance. A question and answer session between Council and Mr. Hopkins followed concerning the issues of cost, the desire for the speed bumps, safety and how to determine the need for a speed bump. Ms. Wilson offered a motion to amend the ordinance on page 1 to state that these structures built would have an interval of less than 300 ft. for a distance of one-quarter mile or more and on page 2 by removing the section requesting property owners to bear a portion of the cost. Mr. Greer seconded. Discussion followed. Mr. Martin explained that the distance required was set by state law and further noted that the County would not be able to legally change the interval. Discussion followed between Council and Mr. Hopkins. Ms. Wilson then asked to withdraw the first part of her motion (changing the distance of intervals) and leave the portion dealing with property owners not being burdened with the cost. Mr. Greer seconded. Mr. Tolly stated his opposition to the amendment saying it would not be fair to all citizens. The vote was 2 to 5, with Ms. Wilson and Mr. Greer in favor. Motion to amend the ordinance failed. Mr. Greer moved to amend the ordinance to include aid to those communities that were unable to assist in the cost. Ms. Wilson seconded. Mr. Wright asked if this was necessary, or was it possible to just request Mr. Martin and Mr. Hopkins' aid on such matters. Mr. Martin verified Mr. Wright's statement, but added that Mr. Greer was asking for the wording to be included in the ordinance. Ms. Floyd and Mr. Dees requested clarification on several matters. Mr. Greer and Mr. Martin complied. Discussion continued. The vote on Mr. Greer's amendment to the ordinance failed 2 to 5 with Ms. Wilson and Mr. Greer in favor. The ordinance was approved for second reading with a vote of 5-2, with Ms. Wilson and Mr. Greer opposing.

Council took a break. Chairman Dees reconvened the meeting.

Ordinance No. 2003-065 – an ordinance authorizing the leasing of available commercial office space at the Anderson Regional Airport to William Epstein; and other matters related thereto was presented for second reading and Public Hearing. Hearing none, the Public Hearing was closed. Mr. Holden moved to approve second reading of this ordinance, with Mr. Wright seconding. The vote was unanimous.

Ordinance No. 2003-066 – an ordinance supporting efforts by Anderson County to obtain the Tree City USA Designation from the National Arbor Day Foundation; establishing the Anderson County Urban Forestry Advisory Committee; adopting comprehensive tree management standards; and other matter related thereto was presented for second reading and Public Hearing. Dr. Bob Austin spoke on behalf of Keep America Beautiful asking Council to approve second reading. Public Hearing was then closed. Mr. Tolly moved to approve second reading with Ms. Wilson seconding. Mr. Wright questioned ANSIA 300 standards dealing with utilities companies. Mr. Ricketson clarified stating utilities companies wished to be exempted due to ice storms and other matters. Mr. Wright then questioned Mr. Preston and Mr. Martin as to the reasoning behind this ordinance, be it EPA regulation, air quality control, and so forth. Mr. Preston and Mr. Martin stated that this was not required but was favored. Mr. Wright asked for clarification that this ordinance did not dictate what persons could do on private property. Mr. Ricketson confirmed that he was correct. Mr. Greer questioned

the section requiring permission to cut trees of certain diameter on private property and whether this pertained to leased and public properties. Mr. Martin explained. Ms. Wilson wished to ask whether additional funding would be required. Mr. Ricketson responded that it would not. Vote was unanimous.

Resolution No. 2003-085 – a resolution authorizing the transfer-by-merger to Precise Technology, Inc. of that certain lease agreement between Anderson County, South Carolina and Courtesy Corporation dated as of December 1, 1998, and that certain indenture between Anderson County, South Carolina, and Courtesy Corporation dated as of December 1, 1998, and certain property, other rights, and other matters related thereto; and other matters related thereto, including the assumption by Precise Technology, Inc. of the obligations of Courtesy Corporation under the lease agreement, the indenture, and the amended and restated lease agreement, and the continuation of a fee in lieu of tax pertaining to such lease agreement and amended and restated lease agreement; and the granting of a five year extension of the investment period pursuant to the lease agreement was presented. Mr. Martin offered explanation of this resolution. Ms. Wilson moved to approve this resolution with a second by Mr. Tolly. Mr. Greer questioned Mr. Martin on the fee in lieu agreement and the possibility of a reduction of the area's tax base. Mr. Martin explained that it was not reduced, but slightly increased. Vote was unanimous.

Ms. Gracie Floyd withdrew her request for time to make appointments.

Pendleton District Workforce Investment Board – Ms. Julia Sermons requested that seven members be reappointed for an additional three years; and Dr. Ronnie Booth replace retiring Chairman Dr. Don Garrison. Ms. Wilson moved to approve this request, with a second by Mr. Tolly. Vote was unanimous.

Mr. Tolly asked Council for permission to make an appointment. Council granted permission. Mr. Tolly moved to appoint Mr. Joe A. Farmer Jr. to the Museum Board seconded by Mr. Greer. Vote was unanimous.

Ms. Wilson – read aloud a letter concerning why some companies have located in the State of Virginia for Economic Development reasons; and she explained various ways of implementing and reducing taxes. She said Anderson County competes with other states in Economic Development matters. She added that she received various concerns from small and large business dealing with taxes. Ms. Wilson asked Mr. Preston what commitments that he had made on behalf of Anderson County to bring a baseball team to Anderson, such as building a stadium. Also, she asked whether Anderson County was involved with and paying Seamon, Whiteside & Associates or was Anderson City the party engaged with them. Mr. Preston said he had no idea who she was speaking of. Continuing with questions, Ms. Wilson asked if it was proper to pay for one capital improvement project from another's fund during a budget year. Mr. Preston asked Ms. Rita Davis, Finance Director to come forward and give an explanation to Ms. Wilson's question. Ms. Davis explained that through sub categories, Ms. Wilson might have confused two different accounts. Ms. Davis also offered to provide Ms. Wilson with an updated version chart of accounts including an itemization of each sub category. After additional information was provided to Mr. Preston, he stated that he believed the consulting firm was working with the City of Anderson. Continuing with her presentation, Ms. Wilson stated that she had previously provided a list of suggestions to reduce spending and asked Mr. Preston if answers were forth coming. He replied in

the affirmative. Ms. Wilson asked why Anderson County paid McNair Law Firm the amount of \$125,552.50 on October 29, 2003 and which were right of way acquisitions and actual billable hours. Mr. Preston said he could not answer the question at this time. He stated that he informed Council by letter that he could not release any information concerning attorneys of County Council before their approval. He left the decision up to County Council. Mr. Dees clarified that the letter from Mr. Martin (letter attachment as exhibit A) addressed the attorney's relationship with the County that extended to the body politic or in total the County Council. The Council, as a body politic, may vote on whether or not the Attorney can release information, which is classified between the County Council (the body politic) and the attorney. Mr. Martin explained that the dollar amounts and the break down of fees and cost is not privileged information but is available to anyone, but line item details, the privileged information that belongs to the governing body. Only County Council can determine whether to release privileged information. Mr. Martin noted that rights of way are done as real estate transactions. Ms. Wilson asked if the citizens, under the freedom of information act, could request privileged information. Mr. Martin replies no, stating that the freedom of information act provides protection through the attorney/client privilege. In this case, Anderson County is the client. Continuing with her presentation, Ms. Wilson gave examples of places in which the budget could be trimmed by using inmates for cleaning services, and mentioned the excessive number of miscellaneous accounts. She added that a centralized purchasing system would also benefit the budget situation.

Mr. Preston – again explained that there are security issues and concerns with Ms. Wilson's suggestion of using prison labor to clean county buildings. He added that Detention Center Director Mr. Bob Daly would need more supervisors to oversee prisoners; and that there were not enough trustees available to provide these services in addition to the services already in place. Mr. Preston then addressed the issue of miscellaneous accounts stating they were needed due to the fact that the County does not budget for contingency funds.

Mr. Greer – asked Mr. Martin, "Who is Anderson County?" Mr. Martin replied that Anderson County is essentially the people of the County; but the legal entity recognized is County Government (County Council Members). Next, Mr. Greer asked that if County Council Members were protecting the attorney/client privilege, then wouldn't they be in turn protecting the people of Anderson County, and stated that the people of Anderson County through their tax paying ability were ultimately responsible for expenses of any legal action brought against the County. Mr. Martin confirmed Mr. Greer's statement.

Mr. Wright – asked Mr. Preston if the County had a centralized purchasing system. Mr. Preston confirmed that Mr. Wright was correct.

Chairman Dees – asked Detention Center Director Mr. Bob Daly to come forward. He asked Mr. Daly what was the minimum charge brought against the Anderson County Trustees. Mr. Daly replied that the majority were charged with drugs; however, some were charged with murder. The Chairman thanked Mr. Daly.

Council took a break. Chairman Dees reconvened the meeting.

County Administrator Preston presented a power point presentation on the Anderson County Budget Review for the Fiscal Year of 2003-2004. Before the presentation Mr. Preston addressed several comments/questions asked by Ms. Peggy Taylor during Citizen's comments. He said Ms. Taylor was seeing lease proceeds for the 2002-2003-budget year and no leases were in the current budget. He added that when Council approved the budget ordinance, the funding was being allocated and the lease proceeds were shown under revenues and expenditures when applicable. Mr. Preston offered his time to sit down with Ms. Taylor and discuss any of her concerns within the budget. Please see attachment marked as exhibit B for Mr. Preston's budget review presentation. Beginning with page 20 of this presentation through page 25, the suggestions, recommendations and conclusion as to what would be needed in order to enact R2003-078 were listed. Resolution R2003-078 directed the Administrator to review the Anderson County 2003-2004 budget in an effort to find sufficient reductions or savings.

Ms. Floyd thanked Mr. Preston for the presentation and moved to accept the Administrator recommendations as presented. Mr. Wright seconded. During discussion Ms. Wilson felt that non-essential services were not completely researched for cutbacks. Mr. Greer suggested a postponement of this vote until Council members could completely review the material presented. Mr. Preston noted that he was just presenting his review. He did not believe Council needed to vote at this time. Mr. Greer moved to table the motion, Ms. Wilson seconded. Vote to table Ms. Floyd's motion was 2-5 with Ms. Wilson and Mr. Greer in favor. Motion to table failed. Discussion continued. Mr. Greer called for the question. Mr. Tolly seconded. Vote to call for the question was 5 in favor with Mr. Wright opposing and Ms. Wilson abstaining. Vote to accept Mr. Preston's review was 4 in favor with Ms. Wilson and Mr. Greer opposing and Mr. Holden abstaining. Motion carried.

Council Members request:

Mr. Tolly – moved to approve District 1's paving fund request of \$73,548.00 for City of Anderson Streets and \$121,280.00 for County roads. Mr. Wright seconded and vote was unanimous.

Ms. Floyd – moved to approve District 2's paving fund request of \$251,360.00 for City/County roads and bridge repair. Mr. Greer seconded and vote was unanimous.

Mr. Greer – withdrew his request at this time.

Mr. Wright – withdrew his request at this time.

Mr. Holden – withdrew his request at this time.

Chairman Dees – moved to approve District 6's paving fund request of \$44,830.00 for County roads. Mr. Wright second and vote was unanimous.

Ms. Wilson – moved to appropriate \$1,000 from District 7's recreation funds for the advertising expenses of Williamston's Christmas Park. Mr. Wright seconded and vote was unanimous. Ms. Wilson then moved to appropriate a total of \$116,427.00 for various roads from District 7's paving funds. Mr. Holden and Mr. Wright seconded. Brief discussion followed with a unanimous vote.

Administrator's report:

- a. Letters of Appreciation:
 - 1. For: Mr. Bob Daly From: Mr. Robert Benfield with S.C. Association of Counties
 - 2. For: Ms. Judy Shelapo, Transportation Division From: Ms. Brenda Gastley
- b. Minutes: Transportation Division – Safety Minutes November 14, 2003
- c. Reports:
 - 1. District Paving Report
 - 2. Detention Center Litter Report November 3-8, 2003 November 10-14, 2003
 - 3. Anderson County Litter Report for October 2003
- d. Capital Report – Dr. Harry Stille
- e. Meeting with MedShore Representatives regarding Mutual Aid Agreement
- f. Letter concerning intersection of George Albert Lake Road, McDuffie St. Extension, and Airline Rd.
- g. Article on Anderson in *First Impressions Newcomer's Guide*
- h. Governor's Proclamation for Pearl Harbor Remembrance Day

Council Members remarks:

Ms. Wilson – no remarks were made.

Mr. Holden – no remarks were made.

Mr. Tolly – requested that speakers sincere with matters of the County make an appointment with the Administrator for discussion. He also added that other are only there for a show.

Mr. Greer – clarified, by example, how lease money could be identified as revenue and expenditures by comparing it to a bank account.

Ms. Floyd – no remarks were made.

Mr. Wright – thanked the County employees for their hard work not only on the budget review but also for the day-to-day efforts.

Chairman Dees - said thank you to Mr. Preston and his staff for their continued hard work. He mentioned the notion of charging the municipalities to house prisoners as a form of saving money. He then said that he takes full responsibility for all his votes whether others favored or not. He added that he would not vote on a “slash and burn” theory of government for budgets.

Chairman Dees – adjourned meeting at 9:40 p.m.

Respectively submitted by:

Tammie Shealy, Deputy Clerk
Anderson County Council