

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – May 18, 2004 – 6:00 p.m.
Linda N. Eddleman, Clerk to Council

AMENDED
MINUTES

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

PRESENT

Chairman Clint Wright, District #4 – Presiding
Vice Chairman Mike Holden – District #5
G. Fred Tolly – District #1
Gracie S. Floyd – District #2
Larry E. Greer – District #3
M. Cindy Wilson – District #7
Joey Preston – Administrator
Todd Davidson – McNair Law Firm
Linda N. Eddleman, Clerk to Council

ABSENT

William C. Dees – District #6
~~Tom Martin – County Attorney~~
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, May 18, 2004 at 6:00 p.m.

Chairman Clint Wright called the meeting to order and then Councilman Larry Greer gave the invocation. Everyone stood and pledged allegiance to the flag of the United States of America.

On the motion of Mr. Tolly, seconded by Ms. Wilson, Council voted unanimously to approve the May 4, 2004 minutes as mailed.

Chairman Wright informed everyone that Mr. Bill Dees was absent due to the fact that he was attending his nephew's graduation at Parris Island Boot camp.

Citizen Comments:

Mr. Brooks Brown said that as Council moves through the budget document that they remember there was only one document every cast in stone off of Mount Sinai and that was the Ten Commandments. He said last year there was a lot of disputes, and disagreements and there is room for compromise. He added that he went through the budget line by line and nothing is sacrosanct – including our own egos. He asked Council to remember part of politics is a “give and take” situation.

Chairman Wright presented second reading of Ordinance #2004-011 – an ordinance to adopt the operating and capital budgets of Anderson County for the fiscal year beginning July 1, 2004, and ending June 30, 2005, and to make appropriations for such Anderson County Budgets for County Ordinary Purposes and for other County purposes for which the County may levy a tax other than for Tri-County Technical College purposes; to provide for the levy of taxes on all taxable personal and real estate properties in Anderson County for such County Ordinary purposes, including sufficient tax to pay the principal and interest on outstanding indebtedness of Anderson County maturing during said fiscal year; to adopt the operating and capital budgets of Anderson County for the fiscal year beginning July 1, 2004, and ending June 30, 2005, and to make appropriations for such Anderson County budgets, for Tri-County Technical College; to provide for the levy of taxes on all personal and real properties in Anderson County on which school taxes may be levied for such Tri-County Technical College purposes; to provide for the levy, assessment and collection of certain other taxes and fees; to provide for the expenditure of said taxes and other revenues coming to the County during said fiscal year; and to provide for other matters relating to Anderson County. A public hearing was held and the following individuals spoke. Mr. Rodney Sanders said that at an earlier meeting last year he stated that Council had a problem with process – there is no process he said. The budget has six million dollars added over and above last year's budget and the point he was trying to make was that it doesn't matter who the Administrator is or who the Finance Department head is – at the rate the Council is allowing the spending – the County will be at a \$100,000,000 budget quickly. He said that the Council needed a process that goes "year round" where Council, people like him, the Taxpayers Association, and concerned citizens could sit and say "well it was voted on and agreed to". Mr. Brooks Brown said that he went through the budget line by line. Also, he said that the total travel expenses for the County last year was \$45,475.05, County Council's share was 39.32%, Lodging \$64,685 – County Council's share was 16%, Registration Fees \$36,055.57 – County Council's share .81%. He said that the Detention Center had an advertising budget, which seems unnecessary. Books and Publications – the average on 10 departments was \$800. Dues and Subscriptions budgeted at \$13,800 projected to go to \$19,360. He said he looked at the new proposals for the new Libraries for Powdersville and Pendleton and he was projecting that in the next five years the County would see an average of 1-1/2% inflation per year total of 7-1/2% and the time to build is when inflation is low and interest rates are low. Any move to cut the Libraries would be "cutting your nose off" to spite your face. He said a cost-of-living increase should be built in every budget and it should be automatic. The budget includes a 2% merit increase – he said that merit raises are warranted for department heads (those making \$30,000 and above should not receive a merit increase. Training that is state mandated should be accomplished; a moratorium should be put on training for job enhancement. He said that if these were done – 1 mil would be trimmed from the budget. No further comments – the public hearing was declared closed. **Mr. Tolly moved to approve the budget Ordinance (#2004-011) on second reading and Ms. Floyd seconded.** Council asked questions. Mr. Tolly said that he voted to move the process forward and he may vote or offer an amendment to it later. It doesn't mean that he is totally in favor of it. Ms. Wilson stated for the record that she received her budget book in her chair at the last council meeting and if other members of Council received theirs by hand-delivery she would be very curious to know why she was the last one to receive hers. Mr. Preston said that everyone received his or her budget at the same time and any information that any individual Council member asked him for prior to that time was provided.

She said that she was still waiting on an accounting from him on the eight million dollar bonds that the County previously floated and she found two projects that were well under budget. She said that she had asked in public meeting on 3 occasions. Mr. Preston said that she would receive the information once it is prepared and presented to him and they have been busy working on budget issues. She said it was important because the County spent on debt service almost 9-1/2 million dollars last year. With all the debt load the County is taking on outside the budget process, she doesn't know how the County is going to meet their obligations. She asked everyone to look at the CFAR (audit) she read on page 42. She said bare in mind that our Enterprise funds are set up to cash flow themselves out of user fees and etc. this is finance legal or contractual provisions on page 42. It states "on June 30, 2003, the County was not in compliance with the provisions of the series 1990 sewer system improvement revenue bond covenant that requires the sewer system to yield net earnings of at least 100% of the annual principle and interest payment on the bond in the fiscal year. The County is in the process of reviewing and revising its' sewer rates and charges to comply with the forgoing requirement. Ad valorem taxes collected in excess of one million dollars were used to fund the deficiency. Six different banks hold these bonds and as of the audit date no bank had moved to call the bonds – Anderson County was committed to full payment of the bond as scheduled." If you refer to the last page in the audit, the County had capacity in the sewer department of 5,250,000 gallons per day of leased capacity. The average daily effluent is 1,769,561 gallons and the County has 2904 users. The County definitely needs sewer infrastructure, she said. But it appears that the County is putting projects in where they are not being used with out possible major users for the future. This Enterprise fund, like the Civic Center, is deep in the hole. The same goes for Solid Waste. The County should be getting somewhere around 2-1/2 million dollars in host fees for the County. There is no way of accounting for what we are getting, she said. She asked where the County was saving money in Solid Waste. The Airport fund is also in the hole. Now the Civic Center is coming back in as a special revenue fund. She said that she believed that would be the case with all of the County's Enterprise funds. She asked where in last year's budget did the County vote to fund the Tourism Information and Recreation Department. She said that she thought this was an item up for discussion and she found that \$168,360 has been spent and budgeted at \$150,000. Also money is owed on a building. In the Administrator's department: it was budgeted a quarter of a million dollars for legal expenditures. According to the budget, last year the Administrator spent \$422,931.65. At six months – the Administrator had went over budget \$286,999.13. She "ran-down" a list of legal expenses in the County. She asked about a legal expenditure of \$92,960.00 for EMS. The miscellaneous expenditures, she said, could be given a label. With all of this, she said, the County is not being audited-only given a limited review. The County was budgeted \$40,000 for the annual audit and the County spent \$22,342.50. Consulting the County spent \$62,470.31 and we were budgeted \$80,000. She said that she thought the County should take the combined total (\$120,000) and have a real complete audit. Public information budgeted \$40,000 for advertising and they spent \$60,409.21. Lodging – under Celebrate Anderson \$18,860 – she asked Mr. Preston whom the County was paying lodging for. Under Economic Development – Industrial Park - \$150,000 – what is this earmarked for, she asked. Under miscellaneous budgeted \$20,000 but the County spent \$229,200. The current budget we spent \$20,500 at 6 months. She said, the County had transfers close to 1.1 million dollars the last day of the fiscal year and the Council was not advised until February. Mr. Preston responded to several of Ms. Wilson's questions. He said that he asked the members of Council to provide him with a list of questions by last Wednesday and this is the first time that

he'd heard any questions from Ms. Wilson. The sewer issue is a non-issue. The banks do not have a problem with that problem because the County has adequate cash reserves to fund if a note is called. Regarding the Solid Waste fund – he said that the County lost 4 years of tipping fees because of the legal challenge for the landfill. The County is just now starting to receive those tipping fees in any significant amount to pay ourselves for upfront projects. The CDBG – he reminded Council that money comes from South Carolina concerning the Accommodations tax. The money in the past has been utilized to provide money for programs through out the County. We are now utilizing some of that money to go toward the CDBG. At this time, the County is not exactly sure the amount of the money – but it is estimated at around \$200,000. The City of Anderson has agreed to put in \$50,000. The remaining part of the money can come from the Accommodation Fee/tax and from the Economic Development Budget as the County sees fit, he said. Lodging – the implication that the County paid lodging money for Celebrate Anderson – lodging was for the Balloon Federation of America for the pilots and every dime came from corporate contributions, Mr. Preston said. The year-end transfers – he said that he had to present the budget last June and then present it again in December. He said that he would love to have these questions in writing so that he could respond and post on the Internet so there would not be any confusion. Ms. Wilson said that she had given Mr. Preston a lot of questions in writing and sometimes she receives a response but rarely an answer. Mr. Greer said that he gave Mr. Preston a list of possible reductions in the budget yesterday. He said that he sees the reasons why some of these proposed cuts may not work. He said that he was reminded of the workshop/retreat when it seemed to be the consensus that Council pursue a 2-mil reduction in the overall tax millage. The budget presented didn't have that 2 mil reduction. What he proposed is that Council have three budget possibilities – ask Mr. Preston and staff to prepare two other budget possibilities for third reading – One – a budget that would reflect an actual 2 mil reduction and Two – a budget that would reflect an actual 1 mil reduction. He said that the reductions would come from areas that would have the least impact on the operations of the County and the least effect on central services of the County. Then on third reading – Council would have the possibilities to consider and the staff would have the opportunity to decide where those reductions could take place if there were to actually happen. He said that he was also concerned with the budget presented that has the .4 mil from EMS to the general fund budget. He said he would like that .4 mil restored to the EMS budget – if it cannot be done – he would like to see the goal to re-implement that .4 so that the County can continue to fund improvements in the EMS system. His other major concern was that the budget is based on a 98% collection rate. He said that the Auditor (Ms. Brock) said that she had advised the school districts to base their budgets on a 95% collection rate. He said that he was concerned because the County could actually see a millage increase between 2-3 mills over the 75 mills already budgeted. Mr. Greer asked about the \$8,000,000 dollar bond – “will it effect the tax millage, will it be an increase?” The answer he got was that it would not. He checked the millage sheets and the \$8,000,000 did not increase the mills required to support the bond. He said the bond millage is added in this budget – the first payments would not become due until the 05-06-budget year and the millage would be reduced enough so that there would not be a millage increase to support that addition bond. Mr. Preston responded that County Council determines the levy rate in the budget ordinance. The 98% collection rate is based on history analysis. He assured Council that they decide what that levy would be and the Auditor is only responsible for setting the levy for the debt service. Mr. Greer asked if the budget ordinance could be worded that the total millage necessary to operate the total County budget couldn't exceed 75 mills? Mr. Preston said yes. Mr.

Holden said he would like for the County Auditor be present at the next meeting for possible questions. He also said that he has questions regarding the bonded indebtedness. Ms. Wilson asked if Council considers the Annual Financial Report as being correct. No members responded to her. She then asked that Council look at table 6 on page 123 – she said according to the table the County has not collected 98% since 2000. Ms. Gina Humphrey's responded to Ms. Wilson's question concerning her concerns over the 98% collection rate. Ms. Humphrey's said that the information in the CFAR was received from the Auditor, which is not audited information. For years, she said that she was not comfortable with that so you got a computer program and the results contradicted the Auditor's figures. She said between 95-98% would be logical, reasonable and attainable for budgeting. Ms. Wilson asked Ms. Humphrey if she was still employed with the County. Mr. Preston responded that she had left the County; however, she was working with the County during the budget preparation. Ms. Wilson asked if it was under consulting arrangements. No one responded. She asked why EMS required almost \$93,000 in legal expenses. Mr. Todd Davidson representing McNair Law Firm could not provide the information to Ms. Wilson. Mr. Preston said that the contracts for the EMS providers would expire and this would be legal expense for those legal negotiations. Ms. Wilson urged Council to delay some of these budget expenses, cut wasteful spending and re-address the budget. Mr. Wright commended the Administrator and his staff for their hard work. Mr. Greer said that his position with the budget in no way means dissatisfaction with the ability of the County employees to perform their duties. He said as Council pursues the budget that Council must always keep in mind the County Employees and the ability to retain and keep qualified, capable employees. Ms. Wilson also said that she supports the County employees so she would support that part of the increase in the budget. **Vote was three in favor (Wright, Tolly, Floyd), two opposed (Greer, Wilson) and one abstention (Holden). Motion to approve Ordinance #2004-011 on second reading carried.**

Mr. Greer moved to refer the budget to Mr. Preston and his staff to develop two other possible budgets – One that would indicate a one-mil reduction and another one that would indicate a two-mil reduction. Mr. Tolly seconded. Ms. Floyd said that she did not remember voting on a two-mil decrease in the budget at the retreat. Mr. Greer said that he said, "It was a consensus". Ms. Floyd said that she doesn't remember that at all. Ms. Floyd asked what did Council intend to tell Mr. Preston to cut from the proposed budget. Mr. Greer said that during discussions he offered a suggestion that as Mr. Preston makes the reductions that he provide the impact that they may have. **Vote was five in favor and one opposed (Floyd). Motion carried.**

Chairman Wright presented third and final reading of Ordinance #2004-009 – an ordinance authorizing the leasing of office space at the Anderson Regional Airport to the United States of America for use by the Federal Aviation Administration; and other matters related thereto. A public hearing was held and no comments were heard. Ms. Wilson moved to approve and Mr. Tolly seconded. Vote was 6/0 (Dees-absent).

Chairman Wright presented second reading of Ordinance #2004-008 – an ordinance amending Ordinance #99-004, the Anderson County Zoning Ordinance, as adopted July 20, 1999, by amending the Anderson County Official Zoning Map to rezone from C-2 (Highway Commercial) to R-20 (Single Family Residential) one (1) parcel of land comprising approximately +/- 0.57 acres of property in the Bowling Green Precinct at 124 Bryon Circle. The property is identified

by TMS #199-01-02-013 and is fully described by Plat Book CPS8, Page #02, and Deed Book 5151/231. Ms. Wilson moved to approve and Mr. Tolly seconded. Vote was unanimous.

Chairman Wright presented second reading of Ordinance #2004-010 - an ordinance amending Ordinance #99-004, the Anderson County Zoning Map to rezone from r-20 (Single Family Residential) to C1-N (Neighborhood Commercial) one (1) parcel of land comprising approximately +/-1.00 acres of property in the Hopewell Precinct in the 3200 block of Highway 81 North. The property is identified by TMS #146-00-02-002 and is fully described by Plat Book Cpo79, Page 3924, Deed Book 18E/55. Mr. Tolly moved to approve on second reading and Ms. Floyd seconded. Vote was unanimous.

Mr. Tolly appointed Mr. Chris Sullivan of 111 Sentry Lane, Anderson to the Citizens Advisory board for Planning. Mr. Greer seconded and vote was unanimous.

Mr. Tolly moved to appropriate \$3,000 to the Foothills Alliance from District #1 Recreation account for their Ladies Day Golf Tournament. Ms. Wilson seconded

Mr. Tolly moved to appropriate \$1,000 to the Shalom House from District #1 Recreation Account. Ms. Wilson seconded and vote was unanimous.

Ms. Wilson moved to distribution $\frac{1}{4}$ of the \$5,000 given to the District Recreation fund to the Towns of Honea Path, Williamston, Pelzer, and West Pelzer (\$1,250 each) to come from District #7 account. Mr. Tolly seconded and vote was five in favor and one opposed (Holden). Motion carried.

Mr. Wright moved to reconsider the vote by Ms. Wilson clearly for better understanding. Mr. Tolly seconded and vote was unanimous.

Mr. Wright said that the \$5,000 received in her Recreation account would be divided equally among the four municipalities in her district. She then restated the motion and then moved to approve. Mr. Tolly seconded and vote was 6/0.

Remarks from Council Members:

Ms. Wilson said that at the last Council meeting she asked for an explanation from the Administrator and Sheriff as to the comments and quotes they made in a magazine referred to as the *Intelligence Report*. She said that there is some shameful stuff said in it and she discovered that it went all over the United States. The magazine links the County and makes it look like some kind "far-right" wing militia "hotbed". She said that something needed to be done. Mr. Holden asked how was the magazine published and distributed and no one knew.

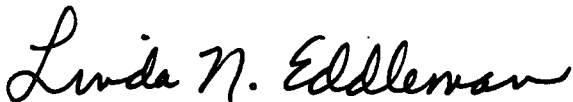
Ms. Floyd announced that there would be a Pastors' Health Care Summit 2004. She said it would be at Welfare Baptist Church on June 11 and 12. Ms. Floyd also talked about the summer work program. She asked that each member of Council come up with \$4,000 each that would be enough to run a good summer program. She said that District #2 would not be funding this program for other Council districts as last year.

Mr. Tolly said that the budgetary process was trying, irritating, and controversial. He commended all the speakers for being very informative.

Mr. Greer said that County Council often deals with controversial issues. He said Anderson County was truly blessed with a group of people who daily risk their lives to provide the County with a valuable service at no cost to the citizens. They do this for no compensation. He said that everyone owes them a deep debt of gratitude for this service and he said that he attended the services for two of those individuals who gave their lives providing that type service. One died from a heart attack and the other died responding to a call. He asked for a moment of silence in remembrance of those individuals - Mr. Russell Burris with the Iva Fire Department and Mr. Michael Stoke Martin.

The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Linda N. Eddleman".

Linda N. Eddleman
Clerk to Anderson County Council