

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting - October 2, 2001 - 6:00 p.m.
Linda N. Gilstrap, Clerk to Council

AMENDED
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 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 - Deputy Clerk to Council

The official meeting of the Anderson County Council convened in the Council Chambers of the Historic Courthouse on Tuesday, October 2, 2001 at 6:00 p.m.

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

Ms. Gracie Floyd introduced Ms. Bobbie Sickler who read aloud Red Skeleton's interpretation of the Pledge of Allegiance. Council thanked Ms. Sickler for her presentation.

Mr. Bill Dees made a promise to everyone: citizens, Council members, and employees. He said he will or has not made any public remarks of *condemnation* or wrath to an employee of anyone else. He will never endeavor to embarrass anyone including the County; those he represents - his family and him. Any public remarks will only contain commendation or

praise. Should an issue be brought to his attention, it will be handled through the proper chain of command pursuant to established policies of the County. Should an issue of law violation occur - that too will be handled properly. He promised honesty, fairness and consistency in dealing with everyone and promised to always endeavor to "do unto you" as I would have you "do unto me". The above comments are paraphrased and condensed.

Mr. Tolly moved to approve the minutes from the September 4, 2001 meeting. Mr. Dees seconded and vote was unanimous.

Citizens Comments: 1. Mr. Charles Crowe - talked about departmental transfers for June and the number made was 62. Most of the 62 were made on June 30. He asked why \$192,165 was transferred. Was this extra money transferred to pay off other accounts? He commented on the Resolution #R2001-047 - denouncing acts against Arab-Americans. He also asked for council to consider asking the government to export all the illegal immigrants. 2. Mr. Ed Jean thanked Council for their actions at the last meeting. He said that it was good to see Council asking budget questions. He said that he was looking forward to helping support the County. 3. Mr. Dan Harvell talked about the money it took to print and distribute the brochures that was circulated in the paper in the last week. He said that he knew the cost of producing 4 color brochures of this type and the cost that was involved. He asked why this type of report did not contain any numbers. He said that it would be a proper thing to send out an annual report once again filled with numbers so that the taxpayers can be informed of what's going on.

Ms. Cindy Wilson asked for a point of personal privilege. The Chairman granted the request. Ms. Wilson stated that she was informed by a number of her citizens that her approximately 13 citizens placed on the list to request agenda packets were not receiving these packets. She said that she requested the Clerk to Council to mail these to these individuals. She was told that the citizens requesting a packet would only receive an agenda. She also noted that the packet was not on the Internet. She requested to Council, that when the county is spending an incredible amount of money which is not vitally necessary to run this County, that her citizens get the agenda packet. She also said that when the County was planning on spending 60-65 thousand dollars for "Celebrate Anderson" program that these few

packets would not break the County. She wanted to know who issued the order not to mail the packets.

Ms. Gracie Floyd asked for a Point of Personal Privilege. The Chairman granted her this. Ms. Floyd stated that many of her constituents were very proud and pleased with the brochure that went out in the newspaper.

Mr. Mike Holden also stated that he had heard a lot of praise on the brochure done by the County.

Mr. Mike Holden and Ms. Gracie Floyd presented MedShore Ambulance a plaque for their outstanding compliance on emergency requests. MedShore was issued the highest standards of EMS industry by the Award of Accreditation. Council commended Mr. Greg Shore and all of his employees for their dedicated service to the citizens of Anderson County.

Mr. Bill Dees introduced Mr. Butch Nichols from the Piedmont Public Service District. Mr. Nichols thanked Anderson County for giving Piedmont a walking track and a baseball field. Mr. Nichols presented the county a check in the amount of \$3,500, which will help Anderson County with construction of restrooms at the park. Mr. Dees thanked Mr. Nichols for all his hard work.

Mr. Al Watson, Executive Director of Crisis Ministries gave Council an update on their programming as a community crisis intervention center. He talked about the crisis line which is available for intervention assistance to county services such as 911, the police and sheriff departments, and local mental health agencies. A new problem - family support group was explained. Council received as information.

Council heard from Ms. Tina Watkins who is opposed to the proposed road changes for the Michelin project. She said the proposed road comes out in front of Westside High School. Which in her opinion would not be a good idea to have a road come out in front of a school which would have a great deal of inexperienced drivers using the road. She also talked about how the proposed road crosses over three wetland areas. She gave Council ideas on how the road could be rerouted. Ms. Wilson suggested that the Administrator get COG to give council a report on how much money would be available through the Appalachian Regional Commission funding and for rural

road monies. She would like to know how they are allocated and if this road would possibly qualify. Mr. Tolly stated that there were no rural funds available. Mr. Greer stated that he had talked to COG several times about this project and all their funds are committed and no new funds have come in at this time. Ms. Wilson stated that the most important thing about the 24 configuration is that it is a project that has been acknowledged for many years. Council discussed. Mr. Preston told Council that the Department of Commerce had awarded a contract and County Council has no authority in the issue of Phase 4 of the project. They do not have any more money to put toward the project. Mr. Greer said that the 400 million dollars was the amount that Michelin had to guarantee in order to receive the fee in lieu of agreement, which required them to maintain a minimum amount of investment plus create a number of jobs in Anderson County. The special source revenue bonds referred to their 35% of their tax stream being utilized to pay for the infrastructure associated with the project. Mr. Holden stated for the record that he was not in favor of the road going where it is going. The cost of the existing route of Phase 4 is three million dollars. Mr. Holden moved to try to stop the project for a short time to allow County Delegation member Becky Martin to come up with fund of approximately 100 million dollars. Ms. Wilson seconded. Mr. Tolly moved to table and Mr. Dees seconded. Vote was five in favor and two opposed (Mr. Holden and Ms. Wilson).

Council recessed at 7:00 p.m. for ten minutes. Chairman Wright called the meeting back to order.

Mr. Tom Martin gave Council a briefing on a Supreme Court ruling which was a unanimous decision on Horry County School District verses Horry County, Opinion #25355 (2001). The basis issue was a challenge by the Horry County School District against Horry County and the City of Myrtle Beach pertaining to joint county industrial and business parks (multi-county parks). The vast majority of the Counties of the State have multi-county parks, he said. The concept is based upon a constitutional amendment approved by the voters of the state and it was implemented into statute for the State of South Carolina. Horry County School District sued Horry County and the City of Myrtle Beach because of a proposed multi-county park in Myrtle Beach challenging the authority of the County and the city to enter into the park agreement challenging the constitutionality of multi-county parks. The

Circuit Court that heard the case granted some prejudgment to Horry County, which was a fairly dramatic statement that there was no legal issue. The County was correct. The School District then appealed to the S.C. Supreme Court and was heard on January 11, 2001 and the opinion was filed until September 4, 2001. On September 4, 2001 the Supreme Court ruled that multi-county parks are constitutional and the proposed park in Horry County was constitutional. He said that many different entities filed an Amicus Curiae briefs (friends of the court) meaning that they have a stake in the outcome of the case and they would like to be heard. Ms. Wilson read from the "Focus" regarding this issue. Council received as information.

Mr. Greer stated that about two weeks ago, it came to his attention that a major event scheduled for the Anderson Area (Celebrate Anderson) was scheduled in conflict with the Standpipe Festival in Belton and he was disturbed that a major event scheduled in the Anderson area was rescheduled in an inconsiderate manner which has created a negative impact on the event in another part of the county (Standpipe festival). For this reason, that is why the proposed ordinance 2001-036 was put on the agenda. After discussing with other members of Council, he has learned that the Ordinance stands no chance of passing so for that reason Mr. Greer removed Ordinance #2001-036 for consideration.

Mr. Martin read Resolution #R2001-047 - a resolution denouncing acts against Arab-Americans as requested by National Association of Counties. Mr. Dees moved to approve and Mr. Holden seconded. Vote was unanimous.

Chairman Wright read a Proclamation proclaiming October as "Deeds of Pride" month in Anderson County. Mr. Holden moved to approve and Mr. Tolly seconded. Vote was unanimous.

Ms. Wilson stated that the Town of Williamston qualified for a PARD grant. They had requested the matching portion of \$2,000 to apply for the grant. Ms. Wilson moved to appropriate \$2,000 for the grant match and the funds to come from District #7 Recreation Funds. Mr. Tolly seconded and vote was unanimous.

Ms. Floyd said that at the next meeting she plans to invite Mr. John Gouch with Independent Mail newspaper and he has the Anderson On Line calendar

of community events for Anderson County. She said that this on line calendar could be used to elevate the problem that Mr. Greer referred to earlier in the meeting.

Chairman Wright directed Mr. Preston to review and re-bid the lease purchase agreement in order for the County to obtain the lowest interest rate possible. He said that the Federal Reserved lowered the interest rates another $\frac{1}{2}$ point today. Mr. Greer moved to direct the Administrator to re-bid and Mr. Dees seconded. Ms. Wilson asked about what investments the County's fund balance was in. As of August, the county was only earning 3.12%. Mr. Preston stated that First Citizens' Bank was managing the County's money. She asked for a list of what the County's investments were in. He said that there were a lot of funds and he wasn't sure if he could get a break down of that. Mr. Dees moved to amend the motion to proceed with purchase of emergency equipment with anticipation that payment would be made when bids were received back. Mr. Holden seconded and vote was unanimous. Mr. Greer indicates that interest earned on everything is 4% or better. There are two interest rates floating around. The bar chart is a specific account. Mr. Greer talked about at the last meeting and the discussion that took place. He asked for documentation of everything that had gone through. Mr. McLeod provided a chronological list of what occurred. He said that he has gone through and attached all items that were received as a part of that. He said that at the last council meeting there was some indication that someone either with McNair Law Firm or County Administration may have caused the bidder to withdraw his or her bid. A conference call was held with Mr. McLeod and Mr. Grant with the firm submitting the bid. During the conference call he specifically asked Mr. Grant did the McNair Law Firm or the Administration of Anderson County do anything of any nature to cause the bidder to withdraw their bid. He received an emphatic no they did not. They also discussed the changes, which were penciled in, on the bid and the comment was that these were normal changes associated with completing the lease agreement between the lessor and the lessee. He said that he could find no evidence of anyone anywhere in the County had done anything that caused the lessor to withdraw his or her lease. He and Ms. Floyd met with the next lowest bidder and he asked him two questions. Did you or someone by your firm state that you were going to get this bid and he gave an emphatic no sir make a comment? The second question- was you or your firm upset that you

did not get the initial bid? He said that anytime you don't get a bid you are naturally upset. Did you verbalize in any manner that you were upset in not getting the bid? He said no they did not. Ms. Floyd stated that Mr. Rick Stanley met with them this afternoon at 5 to get information that they needed to get an understanding. She said that she feels very confident that the procedures the County took were appropriate and there were no improprieties. Mr. Dees stated that he felt very confident that the measures that were used did protect the County. He said that this particular entity had ceased loans south of Virginia. Mr. Greer read part of Mr. Grant's letter stating that they were willing to compensate Anderson County for any problems or inconveniences that we might have had. Mr. Holden asked if they had a lie detector test attached to these people that they talked to because he knows for a fact that there were comments made. Mr. Holden read part of the letter also which stated that "I regret my investors position on not accommodating your changes on the lease agreement - our reputation is very important to us and this transaction caused us embarrassment." Well any council member in their right *mind* would like to know what the changes were and that is when we asked for all the changes last meeting. Vote on the original motion as amended was unanimous.

Ms. Wilson stated that the County had \$618,162.77 transferred between funds on June 30, 2001. She asked for complete back up on all of the transfers especially money spent transferring from various accounts like Road Maintenance for legal fees and communications salaries. She also talked about the "Excellence in Financial Reporting" Award and the years that the County has won the award. She said that according to her the County won the award for the years 96-97, 97-98, 98-99, 99-2000, 2000-2001 and she asked Mr. Preston why if the board in Chicago could receive the detailed general ledger, or the financial statements from the County, why couldn't she. At that time, he informed her that she could have this on or by October 1. Mr. Preston stated that the last award was for 2000.

Mr. Dees talked about the agenda packet mail out. He asked where the money comes from and is this something that he can start mailing out to his constituents. Chairman Wright said that he would research the minutes and determine what transpired. He said that he had the minutes of June 5 and would like to look at it and report back later to determine what Council

needs to do. Chairman Wright said that the answer to the issue is having it on the website.

Mr. Dees thanked the County for establishing the annex office in Powdersville. For 9 months the Powdersville Office collected almost a million dollars and that saved those citizens a lot of time and driving to Anderson.

Mr. Greer stated that he has listened for two weeks on comments and discussion on the Council floor and citizens as they address Council. He said that he has stated over and over that he will defend a person's right to express their opinion, but when you express your opinion it is all right to attack the opinion but not the person on the other side of the issue. He said that everyone should respect the person and be considerate. Mr. Greer said that he had the opportunity to sit in on discussions dealing with terrorist situations and a lot of the things that Council is discussing, even though they are important, but there are bigger issues here that the Council will be faced with in the coming months and years and these issues like who we'll mail agenda packets to will seem like sands on the beach.

Ms. Wilson asked Mr. Preston when would she have the memos and copies of invoices on all legal fees. He reported that hopefully by the next meeting.

Mr. Tolly informed everyone that it was Mr. Dees' birthday today. Everyone wished him a happy birthday.

Ms. Floyd said that at the last meeting she expressed her opinion on something that happened to her and she said she does not apologize for what she said last week, but she understands that it has been said that she was directing her comments to employees of Anderson County and especially Mr. Preston. She said that she wanted it clear that that is not true. Mr. Preston and his employees have never disrespected her in any way especially to sit out in the audience and laugh.

Chairman Wright stated that a work session would be in order for the first of November to go over the revisions to the planning ordinances. He asked Council to review calendar during the next few day and let him know the dates that they would be available.

Chairman Wright said that at the last meeting he had requested that Mr. Preston look into what Charleston County had done as far as limiting the reassessment to 15% on primary residents. When they proceeded forth with the ordinance, some residents that weren't included in the ceiling decided that it was discriminatory and filed a lawsuit against the County. The Circuit Court ruled on September 20 that the ordinance was invalid and will be heard by Supreme Court. He will not look at this for Anderson County until the Supreme Court rules.

ADMININISTRATOR'S REPORT:

(a) Certificates and Training:

1. Mr. Gerald C. Shealy - Retrofitting Flood Prone Residential Structures Course
2. Mrs. Pamela L. Garner - EOC Management and Operations Course

(b) Letters of Appreciation:

1. For: Mrs. Paula Reel - From: Ms. Eleanor Lee
2. For: Mr. Jay Patterson/crew - From: Mrs. Jimmie Lynn Dykes
3. For: Mr. Tommy Whitaker - From: Mrs. Denise Holley

(c) Minutes:

1. Anderson County Transportation Division Safety September 21, 2001 meeting
2. Anderson County Museum Advisory Committee August 7, 2001 meeting

(d) Reports:

1. Anderson County Detention Center Litter Report - September 17 to September 21, 2001
2. Anderson County Public Safety Division August Training Report
3. Recreation Fund Report

(e) Beaverdam Community Association vs. SCDHEC and Anderson County Environmental Services Division

(f) Anderson Sports & Entertainment Center September Calendar of Events

- (g) Department Transfers - June, July, August, 2001
- (h) DHEC testing of well in Anderson County
- (i) Anderson Regional Airport Agenda - October 1, 2001 meeting

There being no further business, Council adjourned at 8:55 p.m.

Respectfully submitted,

Linda N. Gilstrap, Clerk to Council
ANDERSON COUNTY COUNCIL