

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting - January 21, 2003 - 6:00 p.m.
Linda N. Gilstrap, Clerk to 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
G. Fred Tolly - District #1
Gracie S. Floyd - District #2
Vice Chairman Larry E. Greer - District #3
Clint Wright - District #4
Mike Holden - District #5
M. Cindy Wilson - District #7
Tom Martin - County Attorney
Linda N. Gilstrap - Clerk to Council
Michael Cunningham, Assistant Administrator

ABSENT

Tammie Shealy - Deputy Clerk to Council
Joey Preston - Administrator

(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, January 21, 2003 at 6:00 p.m.

Mr. Clint Wright gave the invocation and everyone stood and pledged allegiance to the flag.

Chairman Dees read the Quote for the Day.

On the motion of Mr. Mike Holden, seconded by Mr. Clint Wright, Council voted unanimously to approve the minutes from the December 17, 2002 meeting as mailed.

Citizens Comments: AGENDA ITEMS: Mr. Ed Allgood said he had talked with Mr. Wright about the economic conditions that are fixing to happen this year and where we need to stand as a County. The dollar has lost considerable valuable in the two months and after this next month, goods orders will be a high dollar and it will be a sharp downturn in imports and exports will pick up. The economy and the manufacturing sector will get a lot better, he said. He said the state has given the County a real problem with 6% tax on industry, 10.5% on cars and equipment, and 4% on cars. Then they decided to change the sales tax on cars to \$300 max, the seniors got a discount, and the homeowner got the \$100,000 discount for schools. The small businesses have to pick all this up. He said that the County needed a multi-county park that the County can group all non-retail businesses together so they can act as a unit so they can take advantage of the 4% on equipment and businesses. OTHER MATTERS: Mr. Dan Harvell stated that two meetings ago he addressed Council on behalf of the Tax Payers association. He expressed hope that they as an organization and the County, as a governing body, could make progress with each other in the coming new year. He said his intentions were sincere. Within a matter of minutes, everyone witnessed a breach of faith between the elected officials and the

citizens of this County. It had to be one of the cruddiest ill thought out attempts of silencing one of the elected officials questions they observed County government at its worst. Not only in the two Council members perpetrating this act, but also in the complacent silence of the remainder of Council. The questions Council is being asked concerning County finances are valid. He said he personally resented comments by the former Chairman acquiring those who pay close attention to the County's spending, as being part of a conspiracy there is absolutely no conspiracy on their part, he said. The only thing they have to gain is maybe restraining tax bills in the future, he said. This incident only proved that the taxpayers are the ones being conspired against. Mr. Harvell said that all the information from the county couldn't be trusted. The Starr Landfill was not at fault with the Stevenson Road creek-no it was the beavers, he said. Then they obtained DHEC documents that sited landfill erosion problems, years prior. Then he was verbally "dressed down" by Mr. Greer of his concerns on the Starr-Bypass, left out the fact that the Mayor of Starr who signed the documents stating the need of the road is a landowner along the road as well as the fact that another major landowner was a significant contributor to Mr. Greer's campaign. After having been told that the Museum is under budget, FOI requests by the Anderson Independent reveals costs overruns most likely taken care of by budget transfers, he also said. Mr. Rodney Sanders talked about un-funded state mandates. He said that he had heard, many times, that the state was making the County do things and not providing the funding. He said that the County was fixing to approve the Land Use Ordinance that will require homeowners to do certain things that will cost them money. He asked Council to look at their documents and ask themselves what are we fixing to do to these people, he said.

Mr. Travis Murphy, an employee of the Robert Bosch Company introduced the Bosch Robotics Team and explained their mission was to inspire an appreciation of science and technology in young people, their schools and communities. He said that Bosch was partnering with Williamston Career & Technology Center, Belton/Honea Path High School, Palmetto High School, T.L. Hanna, Westside and Wren. The program challenges teams of students and their mentors to solve a complex problem in a six-week time frame using a standard "kit of parts" and a common set of rules. They asked Council for possible assistance with some of the funding with matching grants for assistance with their students costs for their competition trip in Atlanta. Ms. Floyd said that she would like to give some money for this important endeavor so she would asked that Council approve a resolution to place on agenda. Mr. Tolly moved to approve Resolution #R2003-005 - allowing the agenda to be amended to allow for appropriations for the Bosch Robotic Team. Mr. Holden seconded the motion and vote was six in favor and one abstention to approve the resolution. Mr. Greer stated that he abstained because his son is an employee of the Robert Bosch Corporation. District #1 - \$1,000 from Recreation Funds, District #2 - \$1,000 from Recreation funds, District #3 - \$500 from Recreation Funds, District #5 - \$1,000 - from Recreation Funds, and District #6 - \$1,000 from Recreation funds. Vote was six in favor and one abstention. Mr. Greer abstained. Ms. Wilson said that District #7 would place this on the next agenda for consideration. Vote on the appropriations were six in favor and one abstention. (Mr. Greer).

Ms. Elaine Rollins, Chairperson of the Human Resource committee, presented Ms. Adrian Hicks of the Clerk of Courts Office. She was presented all gifts offered to the Employees of the Month. Council commended Ms. Hicks for her outstanding job performance.

Council recessed at 6:35 p.m. Chairman Dees called the meeting back to order at 6:45 p.m.

Chairman Dees read Ordinance #2001-047 - an ordinance to amend certain sections of the Anderson County Code of Ordinances pertaining to Noise Restrictions and penalty provisions; and other matters

related thereto. A public hearing was held. Mr. Edward Evans of Hartwell Ridge stated that the ordinance previously on the books would be good if the county would enforce it. He encouraged Council to put some teeth in the ordinance. The public hearing was declared closed. Ms. Floyd said that the last version approved has been changed. The change is the confiscation clause has been removed. Ms. Floyd moved to approve on third and final reading and Mr. Tolly seconded. Ms. Floyd moved to amend the ordinance by removing the confiscation clause (which is version 11) and Mr. Holden seconded. Mr. Greer said that the Park Police and Compliance Officers do not have the power of arrest. Mr. Greer said that in the ordinance the law enforcement people are not required to issue a warning and that might help with enforcement. He also said that he hoped Council doesn't give the citizens of the County a false impression that the passage of the ordinance will automatically solve their noise problems. The enforcement of the ordinance as written will be the key to solving the problems the communities and neighborhood has with noise. Vote on the amendment was unanimous. Vote on the original motion as amended was unanimous.

Chairman Dees presented second reading of Ordinance #2003-003 - an ordinance authorizing the leasing of available commercial office space at the Anderson Regional Airport to William Epstein; and other matters related thereto. A public hearing was held; no comments were heard. On the motion of Mr. Wright, seconded by Ms. Wilson, Council voted unanimously to approve the ordinance on second reading.

Chairman Dees presented first reading of Ordinance #2003-002 - a request by Mr. Phil Marett to rezone 10.68 acres on Lebanon Road between Marett Road and Jolly Wingo Road from R-A (Residential Agriculture) to P-D (Planned Development). Tax Map 398-00-08-011 identifies the property. A public hearing was held and Mr. Russell Guffey spoke. He said that he thought when zoning was implemented in his district that they would have some control over it. He said he developed the original property of about 40 acres with a number of homes in the \$250,000-\$300,000 range. He asked what would stop this from spreading wider than this in the community? He asked Council to take this into consideration. Mr. Mel Gerrard spoke as agent for Phil and Chrys Marett for this zoning change. He said that these were not ordinary patio homes and they would be brick, brick with stucco, or stucco, two-car garage, have a crawl space, sewer water and natural gas would be available. He said there would also be screen with natural vegetation and they are also looking at putting a berm there. He said that a curtain (border) of Japanese Cryptomeria or green plant arborvitae would surround the entire 10.68 acres. The vote on the Citizens Advisory Board was 4 in favor and one opposed and the Planning Commission voted 6-0 to approve. Mr. Phil Marett said that he was working very closely with Council member Wright and the planning commission making sure that what they were doing was not setting a precedent that would open the area up to lesser development. They had asked for R-10 and were told that P-D would be better controlled. Mr. Corey Bond stated that, in his opinion, the zoning laws do not mean anything. If you want it changed come and request it and it will be changed. He asked someone to explain it to him. Mr. Wright explained that the zoning laws of Anderson County always have been considered a beginning point and not necessarily written in stone. He said that he believes that you could find a zoning law in the country that hasn't had requests to change. No one can tell the future. The zoning laws that the County has are based on citizen input and citizen vote. It must be flexible enough to change as the communities change and this is undue criticism to think that just because we have a zoning law we put it in place 2000 and to think in the year 2020 it is still going to be the same thing. There is flexibility built in to any zoning ordinance. Mr. Wright also stated that there had been a lot of discussion between himself, Mr. Marett, and Planning staff over the past several weeks. Mr. Marett was right when he said that when he first put the project together that he was told it wasn't going to get approval for an open rezoning of R-10. The recommendation was made that he consider a Planned Development in order that there would have to be a letter of intent filed

that would assure neighborhood of what he was going to do and it would also give the County a legal footing if he didn't follow through on it, to issue stop work orders so he would have to do what he said he would do. The County had continually gotten more specific on those Letters of Content, Mr. Wright said. Mr. Ed Jean stated that he was in favor of the project and the way it was presented. He was at the planning meeting when the project was presented. He said that the County needed "smart growth". No further comments were heard; the public hearing was declared closed. He called Council's attention to the letter of intent in their packets and said that he feels very comfortable with the letters of intent at this time. Mr. Wright moved to approve the ordinance on first reading and Mr. Holden seconded. Mr. Greer asked what was plan B in case drainage problems arise or engineering problems prohibit, and as Council approaches second reading he would like to see what would happen if a berm couldn't be built. He said that he would like to know of an option of what would happen in the event that the berm could not be built. Mr. Ricketson said that they believe that the berm can be built, but if it couldn't it would be planted with specified materials without a berm, which would satisfy a screening that the board required. Vote was unanimous.

Chairman Dees read first reading of Ordinance #2003-004 - an ordinance amending, in limited particulars only, the Master Road list of all County Roads located in and maintained by the County of Anderson, South Carolina, created by Ordinance #2001-007; and other matters related thereto. Mr. Wright moved to approve and Mr. Tolly seconded. Vote was unanimous.

Chairman Dees read first reading of Ordinance #2003-005 - an ordinance to amend Section 2-637 of the Anderson County Code of Ordinances, regarding procurement procedures for the external auditors for Anderson County, South Carolina; and other matters related thereto. Ms. Wilson moved to approve on first reading and Mr. Wright seconded. Ms. Wilson explained that the ordinance would not allow the county's external auditors to have performed management consulting services, consulting services, or any other form of consulting for the County during any of the preceding three years shall be eligible to respond to a request for qualifications under this section for professional accountants or accounting firm selected to perform the County's external, independent financial audit. Ms. Floyd said that she had consulted someone from the Elliot Davis Accounting firm who explained to her about the GAO (Governmental Account Office). Mr. Gray Suggs was present and Ms. Floyd asked him to come to the podium. He said that the GAO had come out some independent standards in 2001 addressing some of Ms. Wilson's concerns about independence within the accounting industry and its' relationship with its' clients. The GAO has specifically stated there are three levels of independence that they are concerned about. One is the individual's independence, the organizations' independence, and the external independence issues. It says that within a governmental auditing engage that any accounting firm was precluded from doing any kind of consulting work if they were engaged as the auditor for the County government. Ms. Floyd said that she was afraid that the proposed ordinance would prevent Council from using the expertise of people who have proven them in the past who have the experience and knowledge of Anderson County. Ms. Wilson asked Council if they were aware that the county had paid Elliot Davis's Company substantial sums of money since 2001 for consulting and professional services and wasn't Mr. Suggs the gentleman who came in 2001 to back up the Cline, Brandt and Kochenower and Company. Ms. Floyd said he might have been; however, she called to get answers and Mr. Suggs will not charge the County for his advice. Mr. Wright said he would like to have an opportunity to look at the GAO and GASB requirements before he decides what might be appropriate. He said that would the county be getting to a point to where the pool of potential bidders for doing our auditing work and he understands the need to change auditors every 3-4 years which is just good business practices. The ordinance that the County now has gave the County good clear directions in order to hire the present firm, which has been very honest and high integrity. Mr. Greer said that he currently serves on a committee at COG and they just reviewed bid proposals for auditing firm for

COG's audit. He said that only two bid proposals were received, he believed. He said that because someone has done work for this County does not put their character and their values in question. Mr. Dees asked if the new GAO regulations affected every auditing firm in the United States. Mr. Suggs said yes that it affects any firm doing services for a governmental entity, which operates under GAO standards, which is most counties or any entity that receives federal funds. Ms. Wilson asked when would bid proposals be received for the next audit. Ms. Wilson said that she would like to know everyone who participates in the bid process. Ms. Wilson asked if it would be appropriate to table the ordinance pending further discussion. Ms. Wilson moved to table and Mr. Holden seconded. Vote was two in favor to table (Wilson, Wright) and 5 opposed (Dees, Holden, Floyd, Tolly, Greer). Motion failed. Vote on first reading approval was one in favor (Wilson), five opposed (Greer, Tolly, Dees, Floyd, Holden) and one abstention (Wright). Motion failed.

Chairman Dees read first reading of Ordinance #2003-006 - an ordinance to amend Section 2-37 of the Anderson County Code of Ordinances regarding certain County Council procedures; and other matters related thereto. Mr. Dees moved to approve and Mr. Wright seconded. Ms. Floyd moved to amend the ordinance by adding, "unless approved by the majority of the County Council members" to paragraph #2 under section 1. Mr. Tolly seconded and vote was unanimous. Vote on the original motion as amended was six in favor and one opposed (Wilson). Motion carried.

Chairman Dees read Resolution #R2003-004 - a resolution expressing intent to cease County maintenance and to authorize County consent to judicial abandonment and closure of certain Anderson County Roads; granting encroachment permits as to such portions of said Anderson County roads and other matters related thereto. Mr. Greer moved to approve and Mr. Wright seconded. Vote was unanimous.

Council recessed at 7:55 p.m. Chairman Dees called the meeting back to order at 8 p.m.

Mr. Greer moved to reappoint Mr. Charles Campbell to the Planning Commission for another term. Mr. Tolly seconded and vote was unanimous.

Mr. Tolly moved to reappoint Mr. Michael Addison to the Planning Commission for another term. Mr. Greer seconded and vote was unanimous.

Mr. Wright moved to reappoint Ms. Nancy McCannon to the Planning Commission for another term. Mr. Tolly seconded and vote was unanimous.

Chairman Dees moved to appoint Mr. Larry Greer to the Convention and Visitors Bureau. He stated he had received a letter from Mr. Steve Kirven recommending that Mr. Larry Greer be appointed because of his work with the Bureau in the past. Mr. Holden seconded. Council discussed. Ms. Floyd asked for more information. Ms. Floyd then moved to table to allow more time to study. Mr. Holden seconded and vote was four in favor to table (Holden, Wilson, Tolly, Floyd) and three opposed (Dees, Wright, Greer). Motion carried.

Mr. Greer moved to appropriate \$500 from District #3 Recreation Account to the Grove Community Park for securing the use of portable toilet for the park and \$4,800 for the purchase of playground equipment to be paid upon presentation of invoice for an arch climber, maxi World, and slide and to include shipping and tax. Ms. Wilson seconded. Vote was unanimous.

Mr. Greer moved to add the following roads to District #3's paving list. #1 Upgrade Camelot Forest (C-18-0012) from resurfacing with tar and gravel to asphalt with an added cost of \$17,468, add Travis Lane, Rutledge Road, Mullinax Road, Cowan Drive, Reece Haynie Road, King Street (Belton Street), Bannister Street (Belton Street). Mr. Wright seconded the motion. Mr. Greer said he had a current balance of \$99,627.24 and the total of roads added is \$57,901 with a balance of \$41,726.24. Vote was unanimous.

Ms. Wilson moved to appropriate \$13,000 from District #7's Paving account for the Williamston Rescue Squad for repair, paving, and drainage correction. Mr. Holden seconded and vote was unanimous.

Ms. Wilson moved to appropriate \$3,000 for the Honea Path Fire Department from District #7's paving account to acquire necessary equipment for the fire department to complete work at the Torrington Company as a result of a fire. Mr. Holden seconded and vote was five in favor, one opposed (Greer), and one abstention (Mr. Tolly). Motion carried.

Mr. Dees moved to add the following roads to District #6's paving list for a total of \$55,460 and will leave approximately \$844 in his account: Crawford Street, Fox Valley Drive, Jackson drive, Barclay Road, Ragsdale Drive, Sellers Drive. Mr. Holden seconded and vote was unanimous.

Mr. Holden moved to transfer from District #5's Recreation account, \$5,000 for the March of Dimes program. Mr. Tolly seconded and vote was unanimous.

Mr. Tolly moved to appropriate \$3,000 from District #1's Recreation Fund for the Anderson Home-Safe Harbor. Mr. Holden seconded and vote was unanimous.

Mr. Wright moved to appropriate \$2,000 from District #4's Recreation fund for the Pendleton Community Club for heating assistance. This is a county park and the Town of Pendleton has added \$2,000 to the project. Mr. Holden seconded and vote was unanimous.

Ms. Wilson said she would defer all her questions regarding budget and financial matters until after Council has had an opportunity to review the audit information. She said she had two questions that she wanted to bring up now. She asked council to think back when Council was presented the 2002-2003 budget proposal-was Council not told that there was only 2 new jobs created in the new budget. No one could remember. She said when looking through the GLR153 - it appeared that the county has approximately 5-10 new employees. She requested some type of accounting for that. She said that a campaign manager for a County Council candidate is working for the County and it appears that there is a number of park police or public safety people hired and new people in Planning. It was clarified that Ms. Wilson inquiry is regarding NEW POSITIONS. She said that in the E-9-1-1 fee fund, she still has not received a complete answer on her questions concerning that. She said it appears that the County is still running a huge surplus of funds in that account. She asked that Council consider reducing the levy for those special tax districts, if this is the case. She asked if the County had a copy of the Management Letter and copies of the Audit.

Mr. Mike Holden became ill at this time and had to leave.

Mr. Steve Blake, with Cline Brandt and Kochenower presented County Council with the CAFR (Comprehensive Annual Financial Report). He called Council's attention to the certificate for the sixth year in a row for excellence in financial reporting. The CAFR includes a transmittal letter that is the

financial story for Anderson County for the year ending June 2002. Also, he called attention to the independent auditor's report on the county's financial statements. The financial statements are the responsibility of the management of Anderson County and their responsibility is to express an opinion on those financial statements. He said it was an unqualified opinion that means there are no issues in the financial statements, which are materially incorrect. The statements are a fair representation of what happened in Anderson County through the year ending June 2002. The County, this year, has adopted GASBS (Governmental Accounting Standards Board Statements) #33, and 36 in the financial statements. The Financial Statements follow the opinion. Mr. Blake explained the audit further. The CAFR is on file in the Clerk to Council's office. Ms. Wilson asked Mr. Blake to show her the Management Letter. He responded that the Management Letter has not been delivered yet and the report has a 9-month deadline. Mr. Tolly asked what page addressed the \$800,000 financial deficit. Mr. Blake said that was addressed in the financial section, on Exhibit 3, page 6. Council received as information.

Ms. Wilson's next item on the agenda (Request to have County Administrator to Explain to County Council personnel changes in Building and Codes Department in Public or executive session) was withdrawn until the next meeting when Mr. Preston is present.

Chairman Dees said that after an informal poll of all Members of Council, there would be a Planning Work session for 10:00 a.m. January 30 at the Museum.

ADMINISTRATOR'S REPORT:

- a. Reports:
 - 1. Veteran Affairs' Semi-Annual Operations Report
 - 2. Animal Control December Report
 - 3. Environmental Enforcement December Report
 - 4. Building & Codes Department December Report
 - 5. Detention Center Report – December 16-27, 2002, and December 30-January 3, 2003
 - 6. Road Maintenance Litter Report for December 2002
 - 7. District Paving Report
- b. Minutes:
 - 1. Transportation Division – Safety Meeting Minutes
 - 2. Regional Airport Meeting of December 2, 2002
- c. The Collings Foundation – tour of B-17 and B-24 at Anderson Airport
- d. Departmental Transfers

Remarks from Council Members:

Ms. Floyd - no comments

Mr. Greer - Mr. Greer said that a reporter from the newspaper thinks he may have violated or not adhered to Council's rules concerning a Conflict of Interest. He said he wanted to make some statements for the record. He said his son is an employee of Bosch, he is an hourly employee and not in a decision making capacity at Bosch at all. He and Mr. Tom Martin have discussed this issue on several occasions to make sure that he was avoiding a Conflict of Interest. He read a section from the County Procedure Ordinance. He said he discussed this with Mr. Martin before the incentive agreement with Bosch came up. Mr. Martin informed him that, in his opinion, that he had NO conflict of interest because his son was simply an hourly employee and did not have a decision making capacity at Bosch. He asked Mr. Martin was his statement(s) correct and he responded yes it was correct. Tonight a young group appeared before Council, and he personally would have liked to endorse and openly support, in order to avoid the perception that he had a conflict of interest, he abstained from the discussion and voting on the matter. He said he did tell Mr. Wright that he had no objection to \$500 from District #3 being appropriated for this. He did not ask him, he simply stated that he did not have any objection. He asked Mr. Martin if he, in his opinion, have a conflict in any matter he

entered into. Mr. Martin replied that based on all information that he knows he was not aware of any conflict of interest on that matter or any other matter.

Ms. Wilson said that the County has had a net loss of \$418,253 for 2002 in the sewer fund and [REDACTED] - \$611,327 fiscal year 2002, compared with a net loss of \$999,539 in 2001, Civic Center's net loss was \$604,947 and \$717,360 2002 and 2001 respectively. The Airport is another loss she said. She said the landfill was sold as a means to reduce our cost to the County and yet the County is racking up $\frac{1}{2}$ - almost 1 million dollars per year in Solid Waste and that doesn't include where we've separated out other departments and other accounts that were formerly associated with this she said. She said it was important for Council to discuss money in the County. She commended Mr. Cunningham for the good job that he did filling in for Mr. Preston. She requested that the backup information on the transfers - why is the County transferring \$22,500 from Finance and Management Consulting to Engineering - Part time, and why would the County transfer \$3,000 from Road Maintenance - Professional Services to Transportation - water and Sewer?

Mr. Holden absent.

Mr. Tolly - no comments.

Mr. Wright said that building home sales in the County was alive and well. He also commended the County Transportation Division on 445,000 hours without any time lost accidents.

Mr. Dees said he has exercised a lot of latitude regarding the agenda times simply because Council has not made up there minds. He requested of Council members to please adhere to the 45 minutes agenda rule. He asked Ms. Wilson to give her questions to Mr. Cunningham in writing so that they can be passed on to Mr. Preston.

There being no further business, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Linda N. Gilstrap, Clerk to Council
ANDERSON COUNTY COUNCIL