

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – September 21, 2004 – 6:00 p.m.
Linda N. Eddleman, Clerk to Council

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
William C. Dees – District #6
M. Cindy Wilson – District #7
Joey Preston – Administrator
Tom Martin – County Attorney
Tammie Shealy – Deputy Clerk to Council
Linda N. Eddleman, 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, September 21, 2004 at 6:00 p.m.

Chairman Clint Wright called the meeting to order and Mr. Fred Tolly gave the invocation. Everyone stood and pledged allegiance to the flag of the United States of America.

Mr. Tolly moved to approve the minutes from the September 7, 2004 meeting as mailed and Mr. Dees seconded. Mr. Greer announced that on page 5 – he abstained from a vote on an ordinance and the Clerk left the reason out of the minutes. He asked that the reason be put in the record. Vote was unanimous.

Citizen Comments:

Mr. Brooks Brown spoke on Ordinance #2004-022 again. He encouraged Council to put in place by amending the ordinance two public assess channels. Mr. Jim Williams spoke regarding Ordinance #2004-029. He asked Council to approve the weed ordinance. Mr. Ty Freeman stated he was opposed to the zoning change requested in ordinance #2004-026. He said that the Wilson property will "horse-shoe" around his property and the reason that they are opposed to the rezoning change is because it was voted on by the community to protect and enhance the property and quality of their community. The infrastructure is not adequate because Cox Road is very curvy and no run off shoulders. This will increase the traffic count from 1400 per day to 3400 per day and will have a negative impact on the community. Mr. Lawrence Davis of 1107 Cox Road said his property joins the property of Ms. Wilson's property off of Cox Road. He said that everybody has a right to sell her property and she would like to see the land stay like it is. He said that with the density, as it is the run off is bad enough. If more houses are

built the run-off will be much worse. He asked Council how many of them would like to live next door to this type development. He said the infrastructure, roads, traffic; run-off would need to be addressed. Mr. Steve Krause of 3000 Old Williamston Road speaking in opposition to Ordinance #2004-026 said that he understood that one of the basics that council used in its vote was that it perceived that the burden of proof was on the current individuals to prove that the zoning should not be denied. He encouraged Council to confer with the county attorney that it is his position that it was an incorrect application of law and interpretation of law. He said that as a general rule you will find law that holds that the applicant for relief in this case – the development company must sustain the burden of proof that the regulation shows that it deprives them of all reasonable use of their property. He said that he believed that the law was abundantly clear that it puts the burden of proof on them and not the individual property owners. He said also without full disclosure it is next to impossible to make a rational, intelligent, and correct decision. He said that it was his position that the property should not be rezoned from its current classification; however, if Council should consider it – he requested that Council review a proposal for a letter of intent that would modify the current letter of intent. He asked Council once again to deny the change. Mr. Brooks Brown said that the State Newspaper had an Editorial *Law Protects Citizens from Secret Actions*. In the State Constitution it quotes that all political power is vest in and derived from the citizens only. Under this language it is clear that any power exercised by government flows from citizens – in order for citizens to participate in government and make informed choices on government matters citizens must be able to inquire information about government operations. This includes who is building these homes. (Referring to Ordinance #2004-026). He said that these folks have invested their lives in their land. He asked Council to respect the community. Mr. Dan Harvell said that the Tax Task Force came up with ideas – one that might relieve some people of property would be a sales tax to replace property tax. He said he felt that the administrator is using this as a possible recommendation from the commission – not as property tax relief but for new infrastructure.

PRESENTATION BY THE UPSTATE ALLIANCE: Mr. Jody Bryson with Upstate Alliance said that they were a ten County regional economic development marketing organization. He said that their vision was to position and market the Upstate South Carolina Region to successfully compete for business investment globally and their mission was to market the Upstate SC Region to attract business investment, support economic development efforts of the Alliance Investors, build cohesive relationships among the region's private and public sectors. Council received as information. He gave a brief update on their activities this year.

ORDINANCES – THIRD READING:

Chairman Wright read third reading of Ordinance #2004-022 – an ordinance amending Chapter 14 of the Anderson County Code of Ordinances entitled *Cable Communications*, by establishing procedures and conditions by which nonexclusive cable television franchises in the unincorporated areas of Anderson County, South Carolina are granted, and setting forth the terms and conditions accompanying such grants; and other matters related thereto. Mr. Greer moved to approve and Ms. Floyd seconded. Mr. Greer moved to approve the amendments as delivered to each Council member and Ms. Floyd seconded. Vote on the amendments were unanimous. Chairman Wright said that Mr. Brown brought up a very valid point about public assess. He then moved to amend the document to include two public assess stations. Ms. Wilson seconded. Mr. Greer said that he did agree that Council needed to make some consideration about providing public assess by the providers, but he disagreed requiring the

providers to provide additional channels and he feels that it could be accomplished better in a way that would not be as costly to the cable providers such as providing access time on some of the government channels. Mr. Tolly said he would abstain because he is still unsure about the issue. Ms. Floyd said that she would like to look at the issue further. Vote on the amendment was two in favor (Wright and Wilson) and five opposed. Council discussed further. Mr. Greer said that to provide to public access channels it would increase the cost of the cable provide to provide this service to their customers. He said he believed that the County could provide the public access through the government education channel. He asked staff to look at incorporating some type language or development of an amendment that could be offered to provide the public assess on a percentage of the airtime allocated over the government education channel so that Council will not continue to add burdens to the cable provider that ultimately increases the cost to the consumer. Ms. Wilson moved to table and Mr. Tolly seconded. Vote was three in favor (Wilson, Holden, Tolly) and four opposed to table (Dees, Wright, Greer, Floyd). Motion to table failed. Mr. Greer said that anyone on the prevailing side could move at the next meeting to reconsider if the ordinance gets approved tonight. Then it can be amended again on a motion to reconsider. Council discussed further. Mr. Greer called for the question and Mr. Dees seconded. Vote was unanimous. Vote on the original ordinance and amended was six in favor and one opposed (Wilson).

Chairman Wright read third reading of Ordinance **#2004-015** – 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 R-A (Residential-Agricultural) to C1-N (Neighborhood Commercial) four (4) parcels of land comprising approximately +/-3.5 acres of property in the Williamston Mill Precinct at the south east intersection of Highway 29 North and McAlister Road. The property is identified by TMS#196-03-02-001, 002, 003, and 004 and is fully described by deed book 3066/154. Mr. Greer moved to approve on third reading and Ms. Wilson seconded. Vote was unanimous.

Chairman Wright read third reading of Ordinance **#2004-025** – an ordinance recognizing and consenting to the conversion of BMW Manufacturing Corp. to BMW Manufacturing Co., LLC in connection with a lease agreement between Anderson County and BMW Manufacturing Corp. Mr. Greer moved to approve and Ms. Floyd seconded. Vote was unanimous.

Chairman Wright read third reading of Ordinance **#2004-028** – an ordinance authorizing the execution and delivery of a fee in lieu of tax agreement between Anderson County, South Carolina, as lessor, and Associated Fuel Pump Systems Corporation; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes. Mr. Greer moved to approve and Mr. Dees seconded. Vote was unanimous.

Chairman Wright read third reading of Ordinance **#2004-023** – an ordinance amending Chapter 55 of the Anderson County Code of Ordinances pertaining to Personnel Policies and procedures of Anderson County; and other matters relating thereto. Mr. Preston said that the ordinance before Council was the original ordinance and Council had been provided proposed changes from interaction and conversation with Council members and staff. He recommended approval with changes. Mr. Tolly moved to approve on third reading and Ms. Floyd seconded. Mr. Greer moved to amend the motion to incorporate the changes Mr. Preston referred to and Mr. Dees seconded. Mr. Martin said that Ms. Bloodgood had requested the opportunity to change one typographical error, which does not change the content. Chairman Wright said it

was in the record. Vote was unanimous to approve the amendments. Ms. Wilson asked who was on the Grievance committee and what assurances did county employees have that their needs are met. She said a lot of what she read was not "employee friendly". She also asked what objections did the administrator have with allowing County Council to be involved in selection of employees to have their college educations. She said right now he is the sole person to make the selection. Ms. Wilson moved to amend the ordinance on page 39 - #4 - where it deals with Memberships; professional and civic organizations- change wording to "Memberships; professional and civic organizations are a private matter for employees and should be paid in total by the employee. She said that she was seeing thousands of dollars being spent for public clubs and etc. and in her opinion public monies should not be used to pay for these memberships. Motion died from lack of a second. Ms. Bloodgood answered the questions - the make up of the Grievance Committee is by the County Administrator. Also she said that the personnel file is the property of the county's and an employee can subpoena anything from their file. For training the employee goes through the HR department rather than their supervisor to get approval of courses. She said that the civic membership was a policy issue. Mr. Dees reiterated what he thought Ms. Wilson was asking. He asked why couldn't an employee copy his personnel file. She said that the file was the property of the county's and it leads to confusion and misunderstanding. Ms. Floyd asked would the training be the sole responsibility of the HR Department and Ms. Bloodgood responded that the HR Department would look at the job description and determine if the education will be helpful to the employee in the job. If the employee disagrees with the HR Department they can go to the Administrator. Ms. Wilson said on page 48 under sec. 55-32 it currently reads, "Employees using county-owned vehicles shall be expected to drive them as if they were their personal vehicles." She asked if the language could change to "...to drive them treating them with good care" ? Vote on the original ordinance as amended was six in favor and one opposed (Wilson). Motion carried.

Chairman Wright called for a 5 minutes recess at 7:25 p.m. He called the meeting back to order at 7:30 p.m.

ORDINANCES – SECOND READING:

Chairman Wright read second reading of Ordinance #2004-026 – a rezoning request by Howell-Black, LLC, to rezone 109.31 acres at 2729 Highway 29 North from R-A (Residential Agriculture) to PD (Planned Unit Development). Mr. Ricketson said that the District #7 Advisory Board recommended denial of the rezoning change and the Planning Commission also recommended denial. Mr. Dees moved to approve and Mr. Greer seconded. Ms. Wilson stated for the record that the owner of the property (Ms. Wilson) was no relation to her. Ms. Wilson asked Mr. Ricketson (while looking at the map) what the property was coded as. He responded that it was coded as low-density residential in the County's future land use plan. She asked what density was PD – he said it was what ever the developer and the County agree it will be. He said that the development proposed a development that the staff felt was consistent with the comprehensive plan and the Citizens Advisory Board did not feel that it was consistent and neither did the Planning Commission. Ultimately County Council has the final say. She asked all members of Council to deny the rezoning change because no one knows who the developer will be and until the developers can come back with a plan that will be more compatible with the community. She said the land also adjoins natural conservation area. She asked Mr. Ricketson what guarantees did the citizens of the area have that the run off would be properly contained. He responded – state and local ordinances. Mr. Holden asked that as it is zoned

now homes could be placed on one acre. The problem is the number of homes. Mr. Dees said that he was concerned with the density of the homes within the area. There are also other issues such as what kind of home, square footage and etc. He asked if Council had the authority to tell a builder you could only build a certain type home in an area. Mr. Martin said that Council did not have the authority to qualify the size or the quality of homes. Council could address density. Ms. Floyd said that Council addressed an incident on Cox Road some time ago when the new school was being built. She said that a study was done which included Cox Road and it said that Cox Road could not take any more traffic and especially on the bridge. She asked Council to "rethink" the decision on the road because money is not available at this time to do the needed work. She also said that if a majority of the community voted on one type zoning how could one person change it? In her opinion it was fair. Mr. Greer said that he disagreed with Ms. Floyd that Anderson County did not have any money. He said that the County does have adequate cash reserves. He said he would not like to see her comment taken out of context. He said what he thought she meant was that Anderson County did not have adequate money to make massive improvements in infrastructure. She said Mr. Greer was absolutely correct and she rescinded her statement. Mr. Greer said he remembered when another area was zoned and an individual who had made an investment in property (part of their retirement) anticipated that one day it would be commercial property. He pleaded with Council to classify the property as commercial and today it is classified as residential on the zoning map (R20). He said that when you go through zoning you have to balance the needs of the community against the needs of the individual. Function of government is to perform the will of the majority but it is also to protect the minority or the individual from the majority in some cases. Mr. Holden said that density was the issue. Mr. Ricketson said that the developer did fax him a revised proposal for density. Mr. Martin said that all zoning is done by a vote of County Council. The referendum process in Anderson County is advisory only. State law prohibits zoning by referendum. He said that it is a function of County Council to determine zoning initially and to determine if it is to be rezoned. There is a burden on the person requesting the rezoning to present information to county Council that would justify rezoning. Chairman Wright said that there have been questions that will have to be addressed prior to third reading and also an amendment in the "Letter of Intent". Vote was four in favor (Wright, Dees, Greer, Holden) and three opposed (Wilson, Floyd, Tolly). Ms. Wilson asked Mr. Holden if he accepted a contribution....Chairman Wright stopped Ms. Wilson and declared her out of order.

Chairman Wright read second reading of Ordinance **#2004-027** – a rezoning request by Deborah Lynn Bradford and Tony Cirelli rezone 18.24 acres on Vandiver Road from R-20 (Single Family Residential) to PD (Planned Development). Mr. Ricketson said that the District 4 Advisory board recommended approval and the Planning Commission recommended denial of the rezoning request. Mr. Greer moved to approve and Mr. Dees seconded. Ms. Floyd asked why the Planning Commission recommended denial. Mr. Ricketson said that a large number of citizens came and spoke against it. He said he did not know why the Advisory Board requested approval. Ms. Wilson asked council to deny the request and uphold the current zoning designation of R20, which would allow 35 rather than 58. Mr. Holden said that he would like to see if Mr. Cirelli would work to come to a compromise on the number of homes per acre. Ms. Wilson started to ask Mr. Martin if a sitting member of Council accepts contributions....Chairman Wright stopped Ms. Wilson and declared her out of order once again and said it had nothing to do with the issue. Vote was four in favor (Dees, Greer, Wright, Holden) and three opposed (Wilson, Tolly, Floyd). Motion carried.

Chairman Wright read second reading of Ordinance **#2004-029** – an ordinance amending Chapter 42 of the Anderson County Code of Ordinances pertaining to Law Enforcement in Anderson County; and other matters relating thereto. A public hearing was held and the following individuals spoke. Mr. Jim Williams encouraged Council to pass the ordinance and recommended that if there was a fine involved that it be a significant amount to encourage people to keep their lots up. Mr. Dan McKinney he supported the "spirit" of the ordinance but the letter of the ordinance – it could be used for not it's intended purpose. He said that he discussed with Council lobbying for the notion of naturalized areas and how they could be desirable and how they could fit in the community. He said that when he looked at the ordinance he saw how the ordinance could fail in its original intent. He went over several changes that he recommends to the ordinance. Mr. Dan Harvell said that many citizens appreciated the many hours that Mr. McKinney has put into the ordinance. Mr. Harvell, on behalf of the Taxpayers Association, conveyed Council fair and even handed enforcement of the ordinance. No further comments the public hearing was declared closed. Ms. Floyd moved to approve and Mr. Holden seconded. Ms. Wilson moved to amend the ordinance by adding proposal three presented to Council by Mr. Dan McKinney. Mr. Martin said that originally one proposed amendment (Sec 42-359) ("In the event a violation of this article has not been corrected within the time periods set forth in section 42-358, the County may enter upon such lot or parcel or land and correct the violation, and the cost incurred as a result of such action (including inspection, administration, labor and equipment costs) shall become a lien upon the property and shall be collected in the same manner as county taxes are collected.") was included but now he recommends the removal of the section dealing with a lien upon the property because it is limited to buildings only set forth in State statute. He asked Ms. Wilson to consider deleting "and the cost incurred as a result of such action (including inspection, administration, labor and equipment costs) shall become a lien upon the property and shall be collected in the same manner as county taxes are collected" from the amendment proposed. Ms. Wilson agreed to Mr. Martin's recommendation. Mr. Dees seconded. Ms. Floyd said that the ordinance was her ordinance and it grew out of problems in District #2 – she said that she appreciated the changes recommended by Mr. McKinney but he lives in District #7. She said that she would like to give her people of District #2 to look at so that she could best represent them. She said that she wanted to table the ordinance to allow her people in District #2 to look over. Mr. Holden seconded. Vote was unanimous.

Chairman Wright read second reading of Ordinance **#2004-032** – an ordinance authorizing a fee-in-lieu of tax arrangement on behalf of Glen Raven Custom Fabrics, LLC (The "Company") pursuant to a fee agreement between Anderson County, South Carolina (The "County") and The Company; authorizing the issuance of an infrastructure credit to the Company pursuant to an infrastructure financing agreement between the Company and the County; and other matters relating to the foregoing. A public hearing was held and no comments were heard. Ms. Wilson moved to approve and Mr. Holden seconded. Vote was unanimous.

ORDINANCES – FIRST READING:

Chairman Wright read first reading of Ordinance **#2004-033** – an ordinance authorizing the execution and delivery of a Fee-in-Lieu of tax agreement between Anderson County, South Carolina and Walgreen Company and other matters relating thereto including, without limitation, the payment of a fee-in-lieu of taxes and the allocation of a special source revenue credit and a potential additional Special Source Revenue Credit. Mr. Dees moved to approve

and Mr. Tolly seconded. Ms. Wilson read her recusal form stating that she was the representing broker for the Stone's 49+ acres on Welcome Road and the sale was closed on 6/8/04 with Eastland Capital having transferred the original contract to the Walgreen Company and because of her involvement she would recused herself. (She left room at this time.) Vote was six in favor and one recusal (Wilson).

Chairman Wright read first reading of ordinance **#2004-034** – an ordinance authorizing and directing the Anderson County Administrator to execute a Wetlands Restrictive Covenant on property at the Anderson Regional Airport and implement the terms contained in such restrictive covenant; and other matters related thereto. Ms. Wilson moved to approve on first reading and Mr. Tolly seconded. Vote was unanimous.

Chairman Wright read first reading of Ordinance **#2004-035** – an ordinance consenting to and ratifying the assignment to Timken US Corporation ("Timken") of the rights, duties and interests of the Torrington Company ("Torrington") under the lease agreement between Anderson County, South Carolina (The "County") and Torrington dated as of December 1, 1999 (The "Lease Agreement") and the continuation of a fee-in-lieu of tax arrangement pertaining to such lease agreement, authorizing an extension of the investment period under the lease agreement; reauthorizing the issuance of an infrastructure credit to Timken pursuant to an infrastructure financing agreement between Timken and the County; and other matters relating thereto. Ms. Wilson moved to approve and Mr. Tolly seconded. Vote was unanimous.

Chairman Wright read first reading of Ordinance **#2004-036** – an ordinance authorizing the issuance and sale of general obligation bonds, Series 2005, of Anderson County, South Carolina, in the principal amount of not exceeding \$7,350,000; fixing the form and details of the bonds; authorizing the Chairman of County Council and the County Administrator to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto. Mr. Tolly moved to approve and Mr. Dees seconded. Ms. Wilson stated that she could not see anything in the ordinance that would benefit District #7 except the completion of the purchase of the Jockey Lot convenience center property which should have been done in the last GO bond. She said that it was so hard to believe that the county has so little money that the County can't take some of this out of the current revenues. She said the County has yet to make an effort to cut back on spending. She said that from the general ledger reports she sees so "out of control" spending. She said that the County paid BP Barber Engineers on July 21, 2004 - \$175,825. Under legal expenses – she said the County had out of control legal expenses. She said that the county could go back to an "in house" attorney and do most of what we spend – hundreds of thousands of dollars extra to take care of. She said the County had out of control credit card spending. Administrator spent \$764.64 on a credit card for meals dated 8/07/04 plus a lot of other expenditures for lodging. She said it appeared that was no control on credit cards. She asked when looking on page 29 of the bond – when did Ms. Humphrey become a county employee again? Ms. Wilson said that over a year ago she had the SCAC (S.C. Association of Counties) do some research for her on legal expense and they found that there was no other County in South Carolina or North Carolina that spend as much as Anderson County does on legal expenses. She said that she has not seen "this cash reserve fund" that Mr. Greer said he's seen; however she has seen where the county considers buildings as part of the reserve fund – but it is not cash. She said this was a general obligation bond that is a form of debt and an additional \$1,712,000 additional borrowing. She said that it was a historically high debt for this County and she asked

how the County was going to pay it all back. She said that the County must get control of spending and it should start with the Council and the Administrator. She ended by saying that she could not vote for the ordinance and burden her taxpayers with more. Mr. Greer asked if the Ordinance was approved during the budget process and Mr. Preston replied yes. He asked if the statement that implementing the Go Bonds would not necessitate a millage rate increase – the 75-millage rate that the County has was true and Mr. Preston responded that was correct. Vote was six in favor and one opposed (Wilson). Motion carried.

Chairman Wright read first reading of Ordinance **#2004-038** – an ordinance authorizing a West Carolina Rural Telephone Cable Franchise. Mr. Greer said that West Carolina Rural Telephone coop had been working over a year with the County trying to get a cable franchise agreement and it has been held up because of work on the master cable television ordinance. West Carolina is asking that the ordinance be approved in title only. A document will be available by the next meeting. He moved to approve in title only and Chairman Wright seconded. Mr. Greer said that the company was a different type of cable where they will provide the cable service through their existing telephone lines. Mr. Cunningham told Council where the County presently was with negotiations with the company. Mr. Greer encouraged Council to vote in favor of the ordinance. Vote was unanimous.

RESOLUTIONS:

Chairman Wright read Resolution **#R2004-033** – a resolution expressing intent to cease County Maintenance on and to authorize County consent to Judicial abandonment and closure of a portion of a certain Anderson County Road; granting encroachment permits as to such portion of said Anderson County Road (Motes Road); and other matters related thereto. Mr. Preston recommended adoption of the resolution. Mr. Dees moved to approve and Mr. Holden seconded. Mr. Greer asked if the road closure involved a development where one of the entrances would be on Stringer Road. Mr. Preston said yes. Ms. Wilson said that because she played a "role" in putting the property together for development, and even though she has not taken any financial compensation yet, she would abstain from the vote. The road will be paved and has been on her paving list for about three years. She said that the County would cease maintenance at the "T" turn around on the road and cease maintenance at that point in the road. Mr. Hopkins said that the road was very low usage with only one resident on it. Mr. Holden moved to table to allow time for inspection of the road and it was seconded. Vote was unanimous.

Chairman Wright recessed at 8:42 p.m. Chairman Wright called the meeting back to order at 8:45 p.m.

Chairman Wright read Resolution **#R2004-043** – a resolution authorizing the execution and delivery of an equipment lease-purchase agreement in the amount of \$1,711,955 to defray the cost of acquiring various equipment as approved in the County's 2004-2005 Annual budget; and other matters related thereto. Mr. Preston recommended adoption so that the County could move forward with the lease as approved in the budget. Mr. Tolly moved to approve and Mr. Dees seconded. Ms. Wilson asked if this \$1,711,955 was in addition to the \$1,735,000 general obligation bond. Mr. Preston said that it was what was proposed and approved in the budget. Ms. Wilson said she voted against the budget. She said early (July-August) she said they heard that the road department did not have any mowers and tractors on the road and she did not see any for transportation in the resolution. She said that this again was adding more burdens

to the taxpayers so she would vote against the resolution. Mr. Preston said that it would not require a tax increase. Mr. Greer said that the bond that was part of the budget process was about 8 million dollars and part of the lease purchase was not all bond money but was part of the operating budget. Mr. Preston responded yes. Vote was six in favor and one opposed (Wilson). Motion carried.

Chairman Wright read Resolution #**R2004-044** – a resolution recognizing and honoring Anderson County Resident the Reverend Doctor Samuel Bernard Neely for his service and dedication to Anderson County; and other matters related thereto. Ms. Floyd moved to approve and Mr. Holden seconded. Vote was unanimous.

RENEWAL OF THE EMS SQUADS CONTRACTS: Mr. Tolly stated that 6 of the EMS squads had requested to have their contracts extended for five (5) years without any change. They also agreed that they would require no attorney fees for drawing up a new contract. He then moved that the EMS Commission respond to the Council by the first council meeting in October regarding this matter. Mr. Holden and Ms. Wilson seconded. Mr. Greer asked if the EMS Commission had a scheduled meeting prior to the Council's first meeting in October. Vote was unanimous.

PRESENTATION BY THE ANDERSON COUNTY TAXPAYERS ASSOCIATION: Mr. Dan Harvell introduced Mr. Rodney Sanders to speak first. Mr. Sanders said that the borrowing money stuff had gotten really confusing; however he did appreciate some of the Council members having the scrutiny to look it over. The 1.7 million dollars is being borrowed to buy ordinary office equipment. He said this should have been taken care of when the millage was set during the budget process. He said that the 7 million dollar bond could not be paid for in one year or two. He said if you add the 7 million dollars to the 18 million dollars the County borrowed – it all adds up and this is how people get in trouble with credit cards. He said the Taxpayers Association found that it was illegal to charge anyone for the cost of sewer or an enterprise fund such as sewer that will not benefit directly from the sewer. He said that he noticed that in the spending bill sewer pumps were included. He said that if they could get information a little bit more freely they could have a more informed debate. He asked how many thought that the administrator was "open". He urged council to open the County up to see how money is being spent so they can come up and debate it if needed, but they could not debate it on redacted papers. Mr. Dan Harvell said that Mr. Sanders was referring to a past court case concerning how the sewer lines and infrastructure for sewer is paid for. He presented Council a copy of the case and asked Council for a firm and definite answer on what they see as a conflict. (He was referring to a case heard by the state Supreme Court on June 10, 1999) He said that he was not aware of anything that would have superseded it. Council received as information.

PRESENTATION – Ms. Cindy Wilson: Ms. Wilson handed a copy of the law suit filed against her, the Town of Williamston, and two individuals by the County Administrator. She said it was an unprecedented action for an Administrator to sue a sitting Council member. She said that it now means that the Council members will be deposed as well as Mr. Preston and Mr. Martin. She said that it all goes back to the landfill sale and anything that she has done whether correct or incorrect – it was all done on behalf of her constituents. She handed out depositions on Mr. Claude Graham. She invited Council to look over the lawsuit as it was filed, the depositions and

at the next meeting she would like to have an open discussion. Council received remarks as information.

ACCEPTANCE OF SOUTHERN OAKS PHASE I SUBDIVISION INTO THE COUNTY ROAD

SYSTEM: Ms. Wilson moved to accept the subdivision into the County Road system and Mr. Holden seconded. Mr. Tolly asked Mr. Hopkins for the record if all drainage problems been addressed to the best of his ability and Mr. Hopkins responded yes. Vote was unanimous.

REQUESTS BY COUNCIL MEMBERS:

Mr. Tolly moved to appoint Mr. Craig Chamblee of 143 Sea Pines and phone number is 226-8884 to the Cobb's Glen Special Tax Commission. Mr. Dees seconded and vote was unanimous.

Mr. Tolly moved to reappoint Mr. Jerry Marella was another term on the Cobb's Glen Special Tax Commission (term to expire on January 1, 2006). Ms. Wilson seconded and vote was unanimous.

Ms. Floyd – no requests.

Mr. Greer moved to appropriate \$1,000 from District #3 Recreation Account to the Belton Partnership for the Standpipe Festival. Ms. Wilson seconded and vote was unanimous.

Mr. Greer moved to appropriate \$1,000 from District #3 Recreation Account for the Ebenezer Community Park for playground equipment. Mr. Dees seconded and vote was unanimous.

Mr. Greer moved to appropriate \$1,500 from the District #3 Recreation Account for the Ebenezer Fire Department for the installation of a fire hydrant. Mr. Tolly seconded and vote was unanimous.

Chairman Wright moved to appropriate \$500 for the Town of Pendleton at 100 Sweet Heart Nook for a piping project. The funds to come from District #4 paving funds. Mr. Tolly seconded and vote was unanimous.

Mr. Mike Holden moved to reappoint Mr. Robert Foster to the Economic Advisory Board, Mr. Don Acevedo to the Airport Commission and Mr. Ken Walker to the Board of Assessment Appeals. Mr. Dees seconded and vote was unanimous.

Mr. Holden moved to appropriate \$210,000 from District #5 Paving account to fix a bridge on Quail Ridge Road. Mr. Dees seconded and vote was unanimous.

Mr. Dees – no requests.

Ms. Wilson moved to appropriate \$5,000 from District #7 Recreation Funds for the Town of Pelzer for roof repair assistance. Mr. Dees seconded and vote was unanimous.

Ms. Floyd moved to appropriate \$1,000 from District #2 Recreation Funds for the Alternative School for recreational activities for the students. Mr. Greer seconded and vote was unanimous.

ADMINISTRATOR'S REPORT:

- a. Letters of Appreciation: For: Mr. Charles Wyatt From: Ms. Brenda Cooley
- b. Reports:
 - 1. District Paving Report
 - 2. Building and Codes Monthly Report (August)
 - 3. Detention Center Litter Report for August 23-27, 2004
- c. Meetings/Minutes: Anderson County Transportation Division Safety Meeting (8/3/04)
- d. Hunters Glen Homeowners Association
- e. Detention Center - New Intake Project
- f. Letter to Charter Communications from Mr. Preston
- g. Press Release on new Voting Machines
- h. Pendleton District Workforce Investment Board – Members and By-Laws
- i. Mr. Preston's Letter to Mr. Riley Harvell
- j. Anderson County Improvement to Michelin Boulevard Phases IA, IIB, and IIC.
- k. Redesignation of the Anderson Area Transportation Study ("Anats")
- l. Letter from Anderson County Auditor (tax levy)
- m. Directional Signs on I-85 – Anderson County
- n. Letter from Ms. M. Cindy Wilson dated September 7, 2004 AND Mr. Preston's reply
- o. Letters from Ms. M. Cindy Wilson dated July 6, 2004 and Mr. Preston's replies
- p. Departmental Transfers

COUNCIL MEMBERS REMARKS:

Mr. Dees – none

Ms. Wilson asked if there were any Departmental Transfers for June 30 – July 25. Mr. Preston said that the Finance staff was preparing what we had and they will be presented to Council as soon as he gets them.

Ms. Floyd commended the Chairman and the Administrator for putting the business first on the agenda first before the presentations. She said that there was a new newsletter in town *Broadway Lake Matters* and Mr. and Mrs. Ivey are preparing the newsletters.

Mr. Holden also commended the Chairman on placing the items of business first on the agenda.

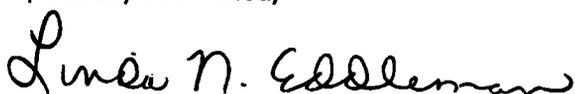
Mr. Greer asked if all appropriate steps taken to maintain the appropriate level at Broadway Lake. Mr. Preston responded yes.

Mr. Tolly – none

Chairman Wright commended the sewer staff for maintaining the additional flow into the sewer systems during the hurricane rain.

The meeting was adjourned at 9:25 p.m.

Respectfully submitted,



Linda N. Eddleman
Clerk to Anderson County Council