

ANDERSON COUNTY COUNCIL  
ANDERSON, SOUTH CAROLINA  
Regular Meeting – January 4, 2005 – 6:00 p.m.  
Linda N. Eddleman, Clerk to Council

(Page 1)  
M I N U T E S

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

Chairperson Gracie S. Floyd, Presiding  
Vice Chairman Larry E. Greer - District #3  
G. Fred Tolly – District #1  
Bill McAbee – District #4  
Michael Thompson – District #5  
William C. Dees – District #6  
M. Cindy Wilson – District #7  
Joey Preston – Administrator  
Tom Martin - County Attorney  
Linda N. Eddleman - Clerk to Council  
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, January 4, 2005 at 6:00 p.m.

Mr. Larry E. Greer called the meeting to order and Mr. Fred Tolly gave the invocation. Everyone pledged allegiance of the flag of the United States of America.

Mr. Larry E. Greer opened the floor for nominations for Chairman for 2005. Ms. M. Cindy Wilson nominated Mr. Bill McAbee for chairman. Mr. Tolly nominated Ms. Gracie S. Floyd for Chairman. Mr. Dees moved that nominations be closed and Mr. Tolly seconded. Vote was unanimous.

Vote was Mr. Bill McAbee was three in favor (Wilson, Thompson, McAbee). Vote for Ms. Gracie S. Floyd was four in favor (Tolly, Greer, Dees, Floyd). Motion carried. Mr. Greer relinquished the chair to new Chairperson Gracie S. Floyd. Ms. Floyd thanked Council for the opportunity to serve. She said that during her year as chair she hopes that Council can put aside personal agendas, party affiliations, and anything that would hinder Council from working together. Chairperson Floyd opened the floor for nominations for vice chairman. Mr. Dees nominated Mr. Larry E. Greer. No further nominations were received. Vote was unanimous.

Mr. Greer thanked Council for nominating him vice chair. He said that he was elected to represent the people from the district that he serves regardless of whether they voted for him. He said that he strives to represent all of the people of his district and all of Anderson County.

Ms. Wilson moved to approve the minutes of the November 16 meeting with one correction on page 2, last paragraph, eleventh line; change "Wistock" to "Claude Graham". Mr. Tolly seconded and vote was unanimous to approve the minutes as mailed.

**CITIZEN COMMENTS:**

Agenda Matters: Mr. Brantley Jordan said that it was about the 28<sup>th</sup> year that County Council had been in existence and he had been here the entire time. He said that he was glad that Ms. Floyd was elected Chairperson. He congratulated her on her election. He welcomed Mr. McAbee and Mr. Thompson. He told the two new Council members that they would find that the County employees are the finest people around. He said that one of Mr. Preston's good qualities was picking good people to work. He welcomed the two new council members and he said he looked forward to seeing some good results out of them.

Mr. Jerry Sloan introduced Ms. Vickie Fletcher the new Director of the Historical, Recreation, & Tourism Commission. Ms. Fletcher said she looked forward to working with the Council.

Mr. Carey Jones, representing the Anderson Area Chamber of Commerce, said that it was time to hand deliver their new 2005 Membership Directories. He congratulated the new council members and Ms. Floyd.

Other Matters: Mr. Lee Luff appeared on behalf of the Anderson Area Chamber of Commerce to congratulate the Council for an outstanding year in 2004. He highlighted the following: *The Report to the People*, the dedication of and expansion of Tolly Field, infrastructure improvements, expansion of Detention Center, Belton branch Library, the Starr/Iva sewer line expansion, increased utilization of the Sports and Entertainment center. He encouraged the new council to "stay the course" for the betterment of Anderson County. He said that Anderson has one of the best Administrators in the State of South Carolina and professional staff that everyone can be proud of.

**PRESENTATION:** - Mr. Larry E. Greer said that he and Mr. Bill Dees had worked together over the last couple weeks on the following presentation. Mr. Dees said that the documentation that was about to be presented took many hours of study, research, verification, and documentation for accuracy by he and Mr. Greer. The reason for the presentation was to provide for a sense of direction for Council and Administration inclusive of a measure of property tax relief in the forth-coming budget. Mr. Greer gave a power point presentation. Points of importance: a statement from the audit presentation slide show stated that as of June 30, 2004 unreserved fund balance was \$11,485,840. This is the equivalent of 3.2 months of operating expenditures, which equals a monthly amount of \$3,589,325. To maintain credit rating Anderson County should maintain an unreserved general fund balance of 3 to 5 months of operating expenditures. A unreserved general fund balance of \$10,767,975 would equal to months of operating expenditures. If you reduce the unreserved general fund balance to that \$10,767,975 it would provide \$717,865 that could be used to reduce the mills needed to fund the 2005-2006 general fund budget. In developing the budget for the 04-05-budget year a total assessment of \$499,123,858 was arrived at. The approximate value of a mill at this total assessment was \$499,123, Mr. Greer stated. It is estimated that the total assessment for the budget year 05-06 will increase to \$509,123,858 by at least 10 million dollars and maybe more. This increase in the total assessment will make the value of one mill approximately \$509,123. By dividing the reduction in the unreserved general fund balance by the estimated value of a mill you will arrive at the mills' reduction that could be achieved. \$717,865 divided by 509,123 equals 1.4 mills. Using \$717,865 of the unreserved general fund balance in developing the 05-06 budget year could lead to reducing the total mills needed by 1.4 mills. The proposal is to use a combination of the increase in the total assessment, including growth, and/or funds from the unreserved general fund balance –develop a budget for the 05-06 year that reduces mills required for the total budget by 1.5 and requires a total a 73.5 mills to fund the entire total budget. This would be an over-all reduction of 1.5 mills for the overall budget. Mr. Greer recommended the proposal for Council's consideration. Ms. Gina Humphrey gave a short slide presentation which included Mr. Preston and staff's intention to recommend a tax relief to citizens, use growth to fund any new services or the increasing cost of existing County services, to continue to provide the existing level of essential services, and to continue to strengthen the local economy both for individual taxpayers and for existing and new industry that's looking to come into Anderson County. Mr. Dees moved to approve and Mr. Thompson seconded. Ms. Wilson said that it was a lot of impact on our County roads with the growth. She said that her constituents would like to see the necessary spending more accurately addressed and they would like to see cut backs in unnecessary spending such as travel and credit card expenses. Ms. Wilson also said that she would like to see a Finance committee as provided for by the County Code of Ordinances. Mr. McAbee thanked Mr. Dees and Mr. Greer for all their work on this. Vote was unanimous.

**Chairperson Floyd called on Mr. Fred Tolly who read Resolution #R2005-001** – a resolution recognizing and honoring Mr. Fred Whitten for his many years of devoted service on the Anderson County Museum Advisory committee; and other matters related thereto. Mr. Tolly moved to approve and Mr. Dees seconded. Vote was unanimous. The resolution was framed and presented to Mr. Whitten. Council thanked Mr. Whitten for his many years of service to the people of Anderson County.

**Chairperson Floyd presented third and final reading of Ordinance #2004-054** – an ordinance finding that Homeland Park Water District may issue not exceeding \$300,000 General Obligation Bonds; to authorize Homeland Park Water District Commission to issue such bonds and to provide for the publication of notice of the said finding and authorization. Mr. Dees moved to approve and Mr. McAbee seconded. Mr. Thompson said that the Homeland Park Water district was mostly in his district; therefore he represents the constituents and not the commission. He said that he spoke with Mr. Tom Martin. Mr. Martin explained the taxing ability of the commission. After hearing from Mr. Martin, Mr. Thompson explained that the Ordinance authorizes the Commission to raise taxes and he is not comfortable with that. Mr. Thompson moved to amend the ordinance to make it a revenue bond and to strike any references authorizes the commission to raise taxes. Ms. Wilson seconded. Mr. Mike Mullinax, representing Homeland Park Water district, explained that the Commission had determined this to be the most prudent manner in which to fund the refurbishment of the existing water tank and the construction of a new water tank. He said that there would not be a tax increase as a result of the issuance of the bond. Mr. Greer said that he understands Mr.

Thompson – “a tax is a tax regardless of what you call it”. He said if it was a revenue bond then it would have to be restructured and revenue would have to be raised in order to fund the bond and you would have an astronomical increase in water and sewer rates. Vote on the amendment was one in favor (Thompson), five opposed (McAbee, Tolly, Floyd, Dees, Greer), and one abstention (Wilson). Motion was defeated. Vote on the ordinance on third reading was six in favor and one opposed (Thompson). Motion carried.

Council took a 10-minute recess at this time. The Chair called the meeting back to order at 7:15 p.m.

**Chairperson Floyd presented second reading of Ordinance #2004-055** - an ordinance to amend the Anderson County Code of Ordinances and the Anderson County Capital and Operating budget ordinance so as to require an annual inventory of all Anderson County Capital Assets valued in excess of Two Hundred Dollars, as part of and subject to the annual Anderson County Budget process; and other matters relating thereto. A public hearing was held and no comments were received. Mr. Greer moved to approve and Mr. Tolly seconded. Vote was unanimous.

**Chairperson Floyd presented first reading of Ordinance #2005-001** – an ordinance authorizing: (1) the execution and delivery of a Fee in Lieu of Tax and Incentive Agreement between Anderson County, South Carolina (“Anderson County”) and KW Real Estate Investments, LLC (The “Company”), pursuant to which Anderson County shall covenant in such fee agreement to accept certain Fees in Lieu of Ad Valorem taxes; (2) Special Source Credits to reimburse the Company for a portion of the costs of certain infrastructure or real property costs incurred in connection with a manufacturing or commercial enterprise serving the economic development of Anderson County; (3) the benefits of a multi-county park to be made available to company; and (4) other matters relating thereto. Mr. Greer moved to approve and Mr. Dees seconded. Vote was unanimous.

Chairman Floyd explained that the agenda needed to be amended to add two resolutions for grant applications for Senior Solutions and Disabilities and Special Needs. Mr. Floyd moved to approve and Mr. Dees seconded. Vote was unanimous.

**Chairperson Floyd presented Resolution #R2005-002** – a resolution endorsing the formation of a Regional Task Force to study issues related to the Savannah River Basin; and other matters related thereto. Mr. Greer moved to approve and Mr. Dees seconded. Mr. Greer offered his name as a candidate to the committee. Vote was unanimous.

**Chairperson Floyd presented Resolution R2005-003** – a resolution designating Senior Solutions as an entity in Anderson County to provide transportation to the elderly. This resolution is need for Senior Solutions to submit a grant to the SCDOT to purchase a van for transportation. Mr. Dees moved to approve and Ms. Wilson seconded. Mr. Greer said that several weeks ago there was a proposal to close at least two of the senior centers and maybe a third (one in Honea Path, Belton, Pendleton) so he asked Mr. Doug Wright, Director of Senior Solutions, if he was committed to provide services to certain centers that were to be closed. He said that he could not answer that only the Board of Directors. Vote on the resolution was unanimous.

Chairperson Floyd introduced Ms. Mary Gleason with Anderson County Disabilities and Special Needs Board. She asked Council to consider Resolution #R2005-004 – a resolution designating the Anderson County DSN Board as an entity in Anderson County to provide transportation to the person with disabilities. This would allow them to apply for grant monies to purchase a van. Mr. Greer moved to approve and Ms. Wilson seconded. Vote was unanimous.

**APPOINTMENTS:** Mr. Tolly moved to appoint Ms. Dorothy Buice of 1203 Northampton Road, Anderson to the Museum Advisory Board to replace Mr. Fred Whitten. Mr. Greer seconded and vote was unanimous.

Mr. Tolly moved to appoint Ms. Beth Spann of 203 Fox Creek Road, Anderson to the Human Relations Council. Mr. Greer seconded and vote was unanimous.

**Mr. Greer moved to accept Stanmoore Heights Subdivision into the county road system and Mr. McAbee seconded.** Mr. Tolly asked Mr. Hopkins if they roads had been inspected and if they meet all county requirements concerning water and drainage problems. Mr. Hopkins responded yes. Vote was unanimous.

A motion was made and seconded to accept Stone Meadows subdivision into the County road system. Mr. Hopkins assured Mr. Tolly that all water and drainage problems were up to county specifications. Vote was unanimous.

**REQUESTS:**

Mr. Thompson – none  
Mr. McAbee – none  
Mr. Dees – none  
Ms. Wilson – none

Mr. Greer moved to appoint Ms. Deloris Green to the Human Resources Council. Mr. Dees seconded and vote was unanimous.

**PRESENTATION:** Ms. M. Cindy Wilson said that what she was going to request at this time was done during Mr. Greer's and Mr. Dees' presentation. She asked all council members to work very hard together and to establish a standing Finance Committee and a citizens finance board.

**PRESENTATION:** Mr. Joey Preston asked his staff to clear up any misunderstanding from the last meeting concerning the number of appeals on the Beaverdam Creek Phase 1A and Phase 2.

Mr. Pearson: Madam Chairman, what Mr. Preston is handing out, I think, is a copy of a memo I sent him with attachments which presented the ALJ decisions and the DHEC Board decisions with the...

Chair Floyd: We can't hear you. You have to start all over.

Mr. Pearson: I assume this is on. What we're presenting here, what he is passing out, is the information that I sent him, at his request, after the last meeting to get the proper information to you about the number of permits; the number of ALJ hearings, and the number of DHEC hearings and so that's what was in the package that he just presented to you. And what we'd like tonight is just quickly run-down the chronological order of the litigation. Would you give the construction permits?

Jim Longshore: There was a total of three permits which was in question or classes of permits. There were construction permits, storm water and erosion control permits, and section 401 permits. For each of those permit classifications, there were two permits; one for phase 1A and for Phase 1B for a total of six permits that we were dealing with and those were heard, appeals were heard at three different levels. Staff level at DHEC, the Administrative Law Judge level and the DHEC board had a chance to review the Administrative law Judges' decision and overturn that if they so chose. So the three classes of permits-the first one being construction permits, phase 1a permit was issued by DHEC was permit number 25912-ww. That was issued by DHEC on Sept. 26, 2000, phase 2 construction permit was 25992-ww and it was issued on October 25, 2000.

Dewey Pearson: On the construction permits they were heard at the same time-both permits and the ALJ hearing was held on April 23 and 24 in 2001 and the ALJ decision was handed down on September 26, 2001 and the DHEC board heard the matter on February 14, 2002 and the boards decision on the construction permit was handed down on March 25, 2002. Now the storm water and...unclear

Jim Longshore: Again there were permits for Phase 1A and Phase 2. Phase 1A permit was number 04-00-01-04 and that was issued on February 7, 2000. The phase 2 permit was number 04-00-01-04A and that was issued on October 12, 2000.

Dewey: Again in all the cases both permits were heard at the same time in the hearings and the ALJ hearing was September 5 & 6, 2001 and the decision was handed down from ALJ on March 13, 2002 and the DHEC board hearing was October 10, 20002 and the decision was handed down February 21, 2003.

Jim Longshore: As to the 401 Water quality certification permits – the phase 1A was public notice # SAC12-2000-0406-W and that public notice was issued March 14, 2001. The phase 2 was #SAC12-2000-0894-D and that public notice was issued December 19, 2001.

Dewey: The ALJ Hearing on the water Quality certifications was on July 30, 31 and August 1 and August 5, 2002 with the decision being rendered on February 3, 2003. The DHEC Board hearing was held on October 9, 2003 and their decision was rendered on February 3, 2004. So there were actually three different levels of permits and the accompanying hearings by ALJ and DHEC.

Mr. Preston: That's it Madam Chair.

Chairperson Floyd: Are there any further questions for Mr. Longshore or Mr. Pearson? Before they leave?

Ms. Wilson: Yes ma'am. I think you've both confirmed that there were really only two ALJ Court room sessions, which is what I referred to. We as a community group asked that they all be combined to save the County money, to save us money, to save the time. And our Administrator requested that they be broken up but there were only two ALJ court sessions. The last one involved the two permits and of course they are varying levels (unclear) but my reference to all of this was to the number of courtroom sessions and then there were two appeals to the board. So y'all confirmed that. Thank you.

Chairperson Floyd: I'm going to ask Mr. Preston to go ahead.

Mr. Preston: I just want to clarify that I didn't request anything, Madam Chair, at all, in this process-none. Mr. Pearson....

Mr. Pearson: We had an ALJ hearing on the construction permits on April 23 and 24 in a courtroom in 2001 and an ALJ hearing on the storm water permits on September 5 and 6 in 2001 and ALJ hearing on water quality certification on July 30, 31, August 1 and August 5. We have to uphold that ..we do have .. I think the docket numbers for each one of these hearings that were filed with the ALJs so there are three separate dockets-three separate ALJ hearings at three different times.

Chairperson Floyd: Ok. All right. Thank you for your presentation. Council will accept that as information.

Ms. Wilson: Madam Chairman? Not to be outdone. We had to postpone the last part of that because..remember you folks were going to Hilton Head. So we had to come back but it was all considered one continuing session. Thank you.

Chairperson Floyd: I thank you Ms. Wilson and I thank you Mr. Longshore and Mr. Pearson. We're going to move on.

**ADMINISTRATOR'S REPORT:** (time requested 5/allotted 5 minutes)

- a. Certificates of Training:
  1. Mr. Tommy Thompson designated as Certified Emergency Manager
  2. Ms. Angela R. Bryant, Ms. Kimberly K. Cheslak, Mr. Gregory T. Krakos, Mr. James H. Murphy, Mr. Robert W. Stoker, Mr. Ronald R. Wood, – Computer-Aided Management of Emergency Operations in WMD
- b. Letters of Appreciation:
  1. For: Mr. Mike Miller From: Capt. F.K. Lancaster, Jr., S.C. Department of Public Safety
  2. For: Mr. Joel Dixon from 9-1-1 Central Communications From: Mrs. Jane Carney
  3. For: Employees of the 9-1-1 Central Communications Office From: Lt. Josh Briggs
- c. Minutes:
  1. Development Partnership Executive Committee Meeting – November 16, 2004
  2. Museum Advisory Committee Meeting Minutes – November 8, 2004
  3. Regional Airport's Minutes and Agenda for December 20, 2004 meeting
  4. Anderson County Transportation Division Safety Meeting
- d. Reports:
  1. Recreation Account
  2. Animal Control Monthly Report for November
  3. Environmental Enforcement Report for November
  4. Environmental Enforcement Training report for November
  5. Litter Report for November
  6. Anderson County Litter Report for October 2004
  7. Building & Codes Monthly Report for November 2004
- e. Mandatory Overtime at the Detention Center
- f. District Paving Report Balances
- g. Letter of Congratulations to Anderson County for Runway Extension from Senator Fritz Hollings
- h. DHEC Letter of Demonstration of Need approval for Hamlin Road Long-term Construction
- i. Seneca gets \$157,000 grant to create transit system
- j. Grant for Keep America Beautiful of Anderson County
- k. County gets Community Block Development Grant for Business Analysis
- l. County gets Community Block Development Grant for Booker Street
- m. Two Grants to fund additional sewer line
- n. Appointments to Appalachian Council of Governments
- o. Anderson County Comprehensive Annual Financial Report
- p. Anderson County 2004 Financial Statement Audit

Chairperson Floyd asked Mr. Preston about the item #N in his Administrator's Report if Council needed to make the appointments tonight. She said that Council would make the appointments at the next meeting.

Ms. Wilson asked Mr. Preston about item #18H – the letter from DHEC for a proposed Hamlin Road long-term construction demolition debris landfill. She asked if Anderson County had responded and if they did does it meet with the County's Solid Waste plan and whose district would it be in. Mr. Preston said that the Council was opposing this. Mr. Vic Carpenter reported on the issue. Ms. Wilson said that this was a very important issue that there is a lot of discussion and this is the only avenue that the County has through a DHEC appeals process which is the same

virtual process that a group of landowners engaged in which was just presented to Council to protect their property rights. The Council needs to do everything within their power to protect the County. She offered her assistance.

Chairperson Floyd went ahead and reappointed Mr. Larry Greer and Mr. Fred Tolly to the Appalachian Council of Governments.

**REMARKS:**

Mr. Tolly congratulated the new Chair on her election and on running a smooth, short meeting.

Mr. Thompson thanked everyone-all his campaign workers, the 52% of the voters in the primary and the 66% of the voters in the General Election. He also asked for their prayers for the next two years. He also thanked the Clerks and Council members, Mr. Preston and Mr. Martin. He said he wanted to work together and to continue moving forward.

Ms. Wilson thanked her voters for the opportunity to serve her constituents for another two years. She also congratulated Ms. Floyd on her excellent job running the meeting.

Mr. Dees also congratulated Ms. Floyd and all other Council members. He said that while Council is elected by a particular constituency they still serve the entire county and the main operating look at goal of achievement and should be, and most of the time is, what happens within Anderson County. He said the 7 council members assume a great responsibility when they sit there. He said, in his opinion, there is no better County in this state.

Mr. McAbee congratulated Ms. Floyd and he thanked all the members of Council who made him feel welcome. He said he looks forward to working with everyone.

Mr. Greer also congratulated Ms. Floyd. He echoed some of Mr. Dees remarks. He also said that there are groups in the County that would like to "divide and conquer" the County needs to be united and not divided to what is best for all parts of the County.

Ms. Floyd announced that there would be a Community Leadership Seminar on Saturday and is open to any member of any district who are designated as a leader in a particular district on Saturday at 9:00 a.m. at the Museum. She congratulated the Susan/Booker Street area for being the recipient of \$500,000 grant for revitalization. She thanked Jeff Ricketson for a job well done. She promised everyone that she will do the best job that she can possibly do. She said that most of all she will remain fair.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Linda N. Eddleman  
Clerk to Anderson County Council