

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – October 18, 2005 – 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

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
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, October 18, 2005 at 6:00 p.m.

Chairperson Gracie S. Floyd called the meeting to order. Mr. Michael Thompson gave the invocation and then led the pledge of allegiance to the flag of the United States of America.

APPROVAL OF MINUTES: Ms. M. Cindy Wilson moved to approve the minutes from the October 4, 2005 meeting as mailed and Mr. Thompson seconded. Mr. Greer asked Mr. Martin to explain his comments on page 5 – 10th line down reads "What that means is that Anderson County is recognized as being extremely credit worthy which is based upon as financial as fiscal integrity as fiscal position." Mr. Martin explained that he had listened to the tape and stated that the sentence should read: "What that means is that Anderson County is recognized as being extremely credit worthy which is based upon ■ financial, ■ fiscal integrity, ■ fiscal position." Mr. Greer moved to amend the minutes to make the change and Mr. Dees seconded. Vote was unanimous on the minutes as amended.

CITIZEN COMMENTS: Agenda Matters - Mr. Brooks Brown talked about praying publicly. He recommended Council use a "moment of silence" instead of an invocation or simply skip it altogether.

PRESENTATION BY DHEC: Mr. Henry Phillips, Manager of Air Assessment and Planning Section of the Bureau of Air Quality (DHEC) said that Anderson County, several years ago had the foresight to begin working with the counties of Greenville and Spartanburg with their air quality. A lot of the effort was being driven by fears that EPA would be designating certain areas of the state as non-attainment, not complying with federal standards. With the assistance of Anderson and the other two counties of the upstate, and a little led-way provided by EPA, an Ozone Early Action Compact Agreement was entered into whereby all the counties participating within the process if they lived up to certain milestones and committed to do things to improve air quality on their own in a timely manner that was sooner than what was required by the Federal government, the Federal government then would not require those federal requirements. That was a concept that was favorable to DHEC and to the Counties. He said that 45 counties in the state got involved and the state was now in compliance with all the monitors with the Ozone standard. He provided Anderson County with a plaque for their appreciation and for Anderson's participation in the Ozone Early Action Compact agreement. Mr. Vic Carpenter gave a brief review of the ozone issue in Anderson County. The County should be in full compliance on schedule, he said.

EMPLOYEE OF THE MONTH: Mr. David Scott, Human Resources Committee Chair presented Mr. Greg Smith as Employee of the Month for October. Mr. Smith is an employee of the Solid Waste department. He was presented a gift certificate to a local restaurant and was congratulated for his outstanding job performance.

Chairperson Floyd presented third and final reading of Ordinance #2005-030 – an ordinance authorizing the issuance of an infrastructure credit to Sargent Metal Fabricators, Inc. (The "Corporation") pursuant to an infrastructure financing agreement between the Corporation and Anderson County, South Carolina; authorizing a First Amendment to the Lease Agreement dated February 28, 2001 between Anderson County, South Carolina and the Corporation to extend the investment period there under by five years; and other matters relating to the foregoing. Mr. McAbee at this time recused himself because a possible conflict of interest. On the motion of Mr. Dees, seconded by Mr. Tolly, Council voted six in favor and one recusal (McAbee) to approve on third and final reading.

Chairperson Floyd presented third and final reading of Ordinance #2005-031 - an ordinance authorizing the assignment and transfer to Shaw Industries Group, Inc., or its directly related (owned or controlled) affiliates, of certain interests in and as to that certain Lease Agreement and Indenture between Anderson County, South Carolina, and Honeywell Nylon LLC (as assignee and transferee of BASF Corporation, through Honeywell Nylon, Inc.) each dated as of December 1, 1997, and certain property, other rights, and other matters related thereto; and other matters related, including the release of Honeywell Nylon LLC from its obligations under the Lease Agreement and the Indenture as to the assigned interests, the assumption of those obligations by the assignee and transferee of Honeywell Nylon LLC, and the continuation of a Fee in Lieu of Tax pertaining to such Lease Agreement and the Indenture with Shaw Industries Group, Inc., or its directly related (Owned or controlled) affiliates including the right of Shaw Industries group, Inc. or its directly related (Owned or controlled) affiliates, to further assign and transfer its interests in the Lease agreement, Indenture, Property, other rights, and other matters related thereto to one or more of its directly related affiliates, all as to the assigned interests. Mr. Tolly moved to approve and Mr. McAbee seconded. Vote was unanimous.

Chairperson Floyd read second reading of Ordinance #2005-032 – an ordinance to amend Ordinance #98-019, as previously amended by Ordinance Nos. 99-029, 2000-063, 2001-014, 2001-046, 2002-017, 2002-036, 2003-047, 2003-051, 2003-053, 2003-054, 2004-004, 2004-044, 2004-047, and 2004-048 relating to the Industrial/Business Park of Anderson and Greenville Counties so as to enlarge the park. A public hearing was held and no comments were heard. Mr. Dees moved to approve and Mr. Thompson seconded. Vote was unanimous.

Chairperson Floyd read second reading of Ordinance #2005-029 – an ordinance amending Ordinance #99-004, the Anderson County Zoning Ordinance, as adopted July 20, 1999, by amending the Anderson County Official Zoning Map to rezone from C-3 (Highway Commercial) to R-M (Multi-Family Residential) two parcels of land comprising approximately +/- 4 acres of property in the Edgewood B Precinct off of Liberty Highway. The properties are identified by TMS #121-01-01-021 and 121-01-01-024. A public hearing was held and the following citizens spoke. Mr. Tommy Miller, a real estate agent, said that he represents the seller and the buyers of the property. He said that he thought they had made some very compelling arguments in favor of the zoning change at the last meeting. Mr. Robert Gallant, owner of the property showed a map and the property surrounding his property. He said that the property traffic would be coming out on Liberty Highway and not impacting the traffic in the subdivision. He asked Council to approve the rezoning request. Mr. Dave Chamblee said that the traffic count was estimated at 17,260 per day. He said that the traffic already exists with or without these homes. And if the property were developed as zoned (C-3) then the traffic would be even greater. He reminded council that the Zoning Advisory Board and Planning Commission both recommended approving of the zoning from C-3 to Multi-family. He urged Council to support the Citizens Advisory Committee and the Planning Commission and their decision to improve the zoning of the property from Commercial C-3 to multi-family. Mr. Brooks Brown quoted sections of State law (Title 6, Chapter 29, Article 1). He said that the plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and the economy of the area of its' jurisdiction. Subsection D – a local comprehensive plan must include but not limited to a population's element, which considers the stark, trends projections, household numbers and sizes, educational levels, income characteristics – Subsection 3 – natural resources element which considers the coastal resources, slope characteristics, prime agriculture and forest land and etc. Habitats, parks, recreation areas – Subsection 4 – a cultural resources elements that consider residential districts. Section 6-29-520 – Advisory Committee – if the local government maintains the list of groups that have registered in interest in being informed – notice of meetings must be mailed to those groups. He said he did not receive one – therefore he was not eligible to go to the Planning Committee to have his word.

He said he received a registered letter tonight but that was not what the law says. Section 6-29-710 – Zoning Ordinance and purposes are to provide for adequate light, air, open space, prevent over crowding of the land, to avoid undue concentration of population and to lessen congestion in the street Section 6-29-760 – Procedure for the enactment - a landowner whose land is the subject of a proposed amendment will be allowed to present oral or written comments to the Planning Commission. At least 10 days notice and then an opportunity must be given to other interested members of the public including owners of adjacent property. He said they weren't allowed the 10 days notice and they weren't allowed to go back in and object. Section 6-29-1110 – land development – includes condominium complexes – the legislative intent (which Council does not have the authority to overrule) to promote the public health, safety, economy, good order, appearance, convenience, morals, general welfare, require the harmonious orderly and progressive development of land within the municipalities and counties of the state and furtherance of this general intent the regulation of land development by municipalities, counties, or consolidated political subdivision is authorized for the following purposes – to encourage the development of economically sound and stable municipalities and counties and to insure the adequate provision of safe and convenient traffic access and circulation; both vehicular and pedestrians. Section 6-29-1130 Regulations – In particular the regulations shall prescribe that no land development plan including subdivision plats will be approved unless all land intended for use as building site can be used safely for building purposes without danger from flood or inundation from or other menaces to health, safety, or public welfare – this includes fire. He talked about a recent fire off exit 19 of condominiums. The current water pipe going down through Liberty Highway is the same size – no provisions have been made to increase the water pressure, to put in fire hydrants, or any other safety provisions. He said a fire down there would destroy the Corps of Engineers buffer. He said he maintains that none of the applicable laws had been followed and the law is very clear that unless these substantial laws have been met – no law has been met. So he asked that Council remand it back to the Planning Commission and let the citizens be notified and allow them their 10 days to rebut. Mr. Allan Cannon of 111 Bradley Park said that he thought to rezoning request would have a positive impact on the community. Mr. Tony Cirelli said that from an independent planning perspective he would recommend the change. He said that down zoning from C-3 to R-M – the C-3 commercial designation would have more impact on the land. Mr. Jake Young who works at 4200 Liberty Highway – North Anderson Community Presbyterian Church said the church shares the largest or second largest contiguous line with the property and the church board met and talked about the proposal. The Board was in favor of the change and would like to see the change from C-3 – to R-M. No further comments were received therefore the public hearing was declared closed. Mr. Tolly moved to approve and Mr. Greer seconded.

~~Ms. Wilson asked the following questions—Is the developer going to propose to make the entrance safer—maybe an accel/decel lane? Where are the houses in Market Analysis in relation to the subject property? If the owner that is closest to subject property has been assured that this won't compromise the value of his/her home?~~





Mr. Greer called for the question and Mr. Dees seconded. Vote was four in favor (Tolly, McAbee, Dees, Greer) and three opposed (Wilson, Floyd, Thompson). Vote on second reading approval of Ordinance #2005-029 was four in favor (Tolly, McAbee, Dees, Greer), two opposed (Wilson, Thompson) and one abstention (Floyd).

Chairperson Floyd moved to take a 10-minute break at 7:00 p.m. and Mr. McAbee seconded. Chairperson Floyd called the meeting back to order at 7:10 p.m.

Chairperson Floyd presented second reading of Ordinance #2005-036 – 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. Ms. Wilson moved to approve and Mr. Thompson seconded. Vote was unanimous.

Chairperson Floyd read first reading title of Ordinance #2005-035 – an ordinance imposing a prohibition on certain vehicular traffic on Linda Drive and McCullough Street, designated as Anderson County Roads C-09-0179 and C-09-0180, respectively; and other matters related thereto. Ms. Wilson and Mr. Dees moved to approve and Mr. Thompson seconded. Mr. Greer called attention to the word "improving" in the title and the County Attorney explained that it was a typographical error by the Clerk and the word should be "imposing". Vote was unanimous.

Chairperson Floyd read first reading title of Ordinance #2005-037 – an ordinance authorizing the execution and delivery of an infrastructure finance agreement by and between Anderson County, South Carolina and Plastic Omnium Auto Exteriors, LLC, with respect to certain industrial property in the County, whereby such industry will receive certain infrastructure related to such property; and other matters related thereto. Mr. Tolly moved to approve and Mr. McAbee seconded. Vote was unanimous.

Chairperson Floyd read first reading title of Ordinance #2005-038 – an ordinance authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Anderson County, South Carolina and Medline Industries, Inc.; the application of an infrastructure credit to fee-in-lieu of tax payments; and matters relating thereto. Ms. Wilson moved to approve the ordinance on first reading and Mr. Greer seconded. Vote was unanimous.

Chairperson Floyd read title to Resolution #R2005-042 – a resolution expressing Anderson County Council's support of the Powdersville Water District's Drought Management Plan and Response. Mr. Dees moved to approve and Mr. McAbee seconded. Vote was unanimous.

APPOINTMENTS: Chairperson Floyd moved to appoint Ms. Wilhelmina Roe to the Museum Advisory Board and Mr. McAbee seconded. Vote was unanimous.

ACCEPTANCE OF MEADOW HILLS (LOTS 109A-145) INTO THE COUNTY ROAD SYSTEM: Mr. McAbee moved to approve the acceptance of Meadow Hills into the county road system and Mr. Dees and Ms. Wilson seconded. Mr. Hopkins said that he was not aware of any drainage problems. Vote was unanimous.

REQUESTS BY COUNCIL MEMBERS:

Mr. Tolly moved to appropriate \$5,000 from District 1 Recreation Funds for the YMCA Golf Tournament. Ms. Wilson seconded and vote was unanimous.

District 2 – none

Mr. Greer moved to appropriate \$500 from District 3 Recreation Funds for the Anderson Free Clinic. Mr. Dees seconded and vote was unanimous.

Mr. McAbee moved to appropriate \$21,000 from District 4 Paving Funds for paving, grading, and drainage at the new Pendleton Library. Mr. Dees and Ms. Wilson seconded and vote was unanimous.

District 5, District 6, District 7 - none

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

- a. Letters of Appreciation:
 1. For: Mr. Larry E. Greer and Members of Council From: Ms. Grace H. Callaham, Chairperson, Sesquicentennial Planning Committee – Town of Belton
 2. For: Mr. Joey Preston and Staff From: Mr. Bill Dees
 3. For: Mr. Bob Daly & Staff From: Ms. Elizabeth Simmons, President, Mimosa Garden Club
 4. For: Mr. Charles Wyatt and Staff From: Ms. Kelly McCorkle
- b. Certificates of Training: Mr. Charles Pinson – Certified County Risk Manager
- c. Reports:
 1. Recreation Account
 2. Paving Report
 3. Environmental Enforcement's Training Report, Environmental Enforcement's progress report, Animal Control Report for September
 4. 911 Dispatched Calls Report
 5. Detention Center Litter Report – September 26-30, 2005, October 3-7, 2005
 6. Building and Codes Monthly Report for September
- d. Meetings/Minutes: Anderson County Development Partnership – September 20, 2005 minutes and October 18, 2005 meeting
- e. ACTC list of approved projects
- f. Pre-Opening Inspection of Anderson County Detention Center's Basement Dorm
- g. Follow-Up inspection of the Anderson County Detention Center
- h. SCDOT Commission's approval of abandonment of a portion of Road S-04-371
- i. News Articles on Mrs. Humphrey's National Committee appointment
- j. Anderson County Solid Waste and Recycling Centers
- k. Appointments to Pendleton District Workforce Investment Board

Ms. Wilson asked about the section in the Administrator's report dealing with Solid Waste. She said that she saw a public notice in the paper concerning the total cost report for Solid Waste Management Services in Anderson County. The period of the report was July 1, 2004 through June 30, 2005. She said that she thought the County's per ton cost in Anderson was approximately \$20-\$22 per ton but from the article it reveals that it is \$40.60 per ton and the County's population is only 170,000. She said she thought the County had more people than 170,000. Mr. Vic Carpenter said that the population was provided by DHEC. He said that the full cost disclosure includes personnel, fuel, electricity, equipment, dumpers and so forth. So the actual cost of solid waste is more than the tipping fee; the tipping fee is only one component. She asked Mr. Carpenter for a breakdown in the cost he referred to.

Chairperson Floyd asked Mr. Preston to convey to Mrs. Gina Humphrey Council's pride and her best wishes on her national appointment.

CITIZEN COMMENTS: Other Matters

Ms. Glenda Sayegh commended Mr. Michael Thompson for standing up for constitutional religious rights and freedom of speech the rights that Americans have fought wars to protect. She talked about the same activists and organization in the 80s put an end to her constitutional religious rights and those of all in School District 5. These same people are trying to abolish City and County constitutional religious rights today. She challenged everyone to read the Signature of God that proves the existence of one God. She asked Council if they really wanted to lose all of their Constitutional Religious Rights.

REMARKS FROM COUNCIL MEMBERS

District 1 – Mr. Tolly said that he and Ms. Floyd attended the Pat B. Harris 20th Anniversary and was delighted at the operation that was going on there. He said that they employee about 350 people with a payroll of 19 million dollars which is about the equivalent of the Campbell Nursing Home. Both are extremely important to the County, he said.

District 2 – Chairperson Floyd said that she and Mr. Tolly attended the "Zoom Zone" which is an Industry Exhibition held at the Civic Center. It was very successful. Chairperson Floyd asked for Council member's help as she goes through the last few meetings with her Parliamentary procedures. She apologized to Mr. Dees for getting ahead of him.

District 3 – none

District 4 – Mr. McAbee thanked Chairperson Floyd and Council for the manner in which they got through the public hearing. (Ordinance #2005-029)

District 5 – none

District 6 – Mr. Dees - He said that he was just glad to be here.

District 7 – Ms. Wilson said that she was still asking about the purchase by Anderson County of about 46-47 acres of land up on the Saluda River. She said it seems very strange that members of Council are not provided the information. She can find nowhere in the General Obligation Bond, nor in the budget, nor in the minutes where Council voted to purchase the property. She requested to know who the broker was involved with purchasing the property for the County and for what purpose. They are hearing it's to be a recreation area, a boat launch area. She said that when the County spends \$527,620 with no clear vote – just as when the Administrator purchased the Stichery for \$100,000 and renovations at around \$300,000. This also was not in the budget, she said. The amount represents about 2 mils of county money that could have gone toward the Sheriff's Department.

There being no further business the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Linda N. Eddleman
Clerk to County Council

Exhibit A – Mr. McAbee's Recusal Form