

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – September 6, 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, September 6, 2005 at 6:00 p.m.

Chairperson Gracie S. Floyd called the meeting to order and then asked Council member Fred Tolly to give the invocation. Mr. Tolly asked for a moment of silence for the hurricane victims on the gulf coast. After the moment of silence, Mr. Fred Tolly gave the invocation. Everyone pledged allegiance to the flag of the United States of America.

APPROVAL OF MINUTES: Mr. Thompson moved to approve the August 16, 2005 minutes as mailed. Ms. Wilson seconded. Ms. Wilson point out a typographical error on page two. Change "complete" to "complex" on the 15th line of the page. Vote was unanimous with the correction.

Chairperson Floyd introduced and welcomed Boy Scout Troop 280 from New Hope United Methodist Church in Anderson.

CITIZEN COMMENTS: Agenda Matters – No citizens signed up to speak.

Ms. M. Cindy Wilson moved to approve Resolution #R2005-039 – a resolution recognizing and honoring Mr. Reuben Gambrell McCoy on his upcoming 100th Birthday; and other matters related thereto. Mr. Thompson and Mr. McAbee seconded. Vote was unanimous. The framed resolution was presented to Mr. William McCoy, son of Mr. Reuben McCoy, for Mr. McCoy.

PRESENTATION:

Mr. Larry E. Greer: "Before I begin my comments, I'd like to preface those comments with a statement that these are my opinions as a citizen of this county, this state, and this nation and they do not reflect an official opinion of this council or the council members sitting here. These are difficult times that America is not now facing. The recent damage left by Hurricane Katrina, surges in the gas prices, and foreign threats to our national economy are just an example of some of the difficult times that we face. My comments tonight are not intended to make light of these events but to remind us that we have been and are blessed as a nation. America has been blessed many times since 1776. America was blessed when a rag-tag army made up farmers and shopkeepers defeated the best army in the world at that time. America has been blessed with one of the highest standards of living of any nation in the world. America was blessed in World War II when we were preserved as a nation when we were at our weakest. If our naval forces had lost the battle of Midway we could be speaking Japanese today. Yes, America has been

blessed – you decide who has blessed America. Our nation is listening to those who are saying there is no place for God among the people who serve in our government. They're saying that our leaders at all levels of government cannot and should not recognize God as they perform their duties. Some recent examples are the Pledge of Allegiance and prayer in public meetings. I do not believe that our Founding Fathers, in all of their wisdom, meant for us to be a nation that would forbid the recognition of God by our leaders. There are three documents, which are the basis of our government. These are the Declaration of Independence, the Constitution, and the Bill of Rights. The Declaration of Independence signed July 4, 1776. I want to read a portion of the Declaration of Independence. "The unanimous Declaration of the Thirteen United States of America, when in the course of human events it becomes necessary for one people to dissolve the political bands which has connected to another and to assume among the powers of the earth the separate and equal station to which the laws of nature and nature's God entitle them. A decent respect to the opinion of mankind require that they declare the causes which impel them to the separation." It goes on to say "We hold these truths to be self evident that all men are created equal that they are endowed by their creator with certain unalienable rights that among these are life, liberty, and the pursuit of happiness." The word God given in the Declaration of Independence is written with a capital letter. This is important because the definition is different for God with a lower case "g" and God with a capital "G". The dictionary makes a definite distinction. The dictionary defines capital "G" God as "the holy, infinite, and eternal spiritual reality presented in the Bible as the creator, sustainer, judge, righteous sovereign, and redeemer of the universe who acts with power and history carrying out his purpose." Goes on to say as the unchangeable perfect being that is the first and final cause of the universe. That's from the dictionary. Creator is defined as the ability to create – the ability to create. Create is defined as bringing into existence, making something out of nothing, for the first time. Man has created many wonderful things since we begun but he always started with something. The Creator makes something out of nothing. And I find it interesting that those three words were included by those men who placed their lives and their property on the line when they signed the Declaration of Independence establishing this country. The Constitution sets up and establishes our form of government. A government that places its ultimate power in the hands of the people. A government of the people, by the people, and for the people. The Constitution closes with this statement "Done in convention by the unanimous consent of the States present the Seventieth day of September in the year of our Lord 1787 and of the Independence of the United States of America in the Twelfth in witness whereof we have here unto subscribed our names." And then the names are signed at the end of the Constitution. It's interesting to know that the word Lord in this statement is also spelled with a capital "L". The dictionary also gives two different definitions for the word Lord. One for the one spelled with a lower case "l" and a different one for the one spelled with an upper case "L". The definition for Lord spelled with an upper case "L" indicates that the capital "L" Lord is equivalent to God with a capital "G". I for one believe that our founding fathers recognized the existence of God as they signed the original Constitution. The Bill of Rights, Article III – "Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof." The first part of this has been interpreted to me that no one in a political leadership position can recognize God as they perform their duties. I believe those interpreting this are forgetting the last part of the phrase 'or prohibiting the free exercise thereof'. Elected leaders take an oath to uphold the Constitution, but the Constitution also grants them rights as citizens. As a citizen our political leaders are guaranteed the freedom to exercise or practice the religion of their choice. As for me I choose to practice Christianity and worship my Lord Jesus Christ. Madam Chairman, I am requesting that my name remain on the list for giving the invocation at our Council meetings and would ask that if any Council member would like to make additional comments that you would allow that at this time. Thank you."

CRIME STOPPERS PRESENTATION: Mr. Fred Bariou, Treasurer of Anderson Area Crime Stoppers, stated that the Anderson Area Crime Stoppers was a non-governmental, non-profit organization made of area citizens who volunteer their time to make Crime Stoppers work. They have no paid County or City employees. He said a phone line is maintained that is answered at central dispatch where anonymous tips are entered into a database and then forwarded to the jurisdictions that can best follow-up on the information supplied in the tip. The person calling in the tip is given a case number and is told to call back periodically to find out the status of the case and if a reward is available and how to get it. If the tip leads to an arrest the board determines the amount of the reward based on the nature and severity of the crime. Recent tips have lead to at least one suspect in the Applebee's shooting. The volunteers through fundraisers and donations and through local businesses and citizens raise the money that is paid for rewards. He thanked council for their past financial support and asked for their continued support this year. Council received as information.

CONSIDERATION OF THE ANDERSON COUNTY ELEMENT OF THE APPALACHIAN REGION COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY 2005 ANNUAL PROGRESS REPORT AND UPDATE: Mr. Joey Preston said that the above agenda item was for information only.

Chairperson Floyd read the title for second reading of Ordinance #2005-022 – an ordinance amending Ordinance #99-004, the Anderson County Zoning Ordinance, as adopted July 20, 1999, amending the Anderson County Official Zoning Map to rezone from R-20 (Single Family Residential) to P-D (Planned Development District) two (2) parcels of land comprising approximately +/- 11.5 acres of property in the Hammond School Precinct on Old Williamston Road. The properties are identified by TMS #148-00-06-004 and 146-00-06-002, and are generally described on Sheet 1 or 1 of a Preliminary Development Plan for Michael A. & June H. Farnsworth prepared by DSE Engineering, Inc., and further described in a Statement of Intent for Water Oaks, Anderson, South Carolina, dated June 10, 2005. Mr. Wilson moved to approve and Mr. McAbee seconded. Vote was unanimous.

Chairperson Floyd read second reading of Ordinance #2005-023 – 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 I-1 (Industrial) to R-20 (Single-Family Residential) 1 (one) parcel of land comprising approximately +/- 7.96 acres of property in the Five Forks Precinct on Frontage Road at I-85 off of Manse Jolly Road. The property is identified by TMS #119-00-19-003. Mr. Thompson moved to approve and Mr. Greer seconded. Vote was unanimous.

Chairperson Floyd read second reading of Ordinance #2005-024 – 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-20 (Single-Family Residential) to R-15 (Single Family Residential) a portion of a parcel of land comprising approximately +/- 20 acres in the Hopewell Precinct at the corner of Shackleburg Road and Scott's Bridge Road. The property is identified by TMS #144-00-03-055. Mr. Tolly moved to approve and Mr. Dees seconded. Vote was unanimous.

Chairperson Floyd read second reading of Ordinance #2005-026 – an ordinance authorizing a fee-in-lieu of tax arrangement on behalf of TECHFAB, 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; no comments were heard. Mr. McAbee moved to approve and Mr. Dees seconded. Vote was unanimous.

Chairperson Floyd read second reading of Ordinance #2005-027 – an ordinance establishing a Home Detention Program in Anderson County; and other matters related thereto. A public hearing was held; no comments were received. Mr. Dees moved to approve and Mr. Thompson seconded. Vote was unanimous.

Chairperson Floyd presented first reading of Ordinance #2005-028 – an ordinance to approve a rezoning request by Larry Thompson to rezone 77 acres at the intersection of Thompson Road and Shackleburg Road from R-20 to R-15. A public hearing was held; no comments were received. Mr. Thompson moved to approve and Mr. Tolly seconded. Ms. Wilson said that this property was at the other end of the Croxton Property and it adjoins Brookstone Meadows development. She said the piece of property has no water and in her opinion the request was somewhat premature.



Ms. Wilson also asked if all landowners received notice and Mr. Ricketson replied that all landowners within 1,000 feet. Vote to approve first reading of the ordinance was six in favor and one opposed (Ms. Wilson). Motion carried.

Chairperson Floyd presented first reading of Ordinance #2005-029 – an ordinance to approve a rezoning request by Richard Bennett to rezone 4106 Liberty Highway from C-3 (Commercial) to R-M (Multi-Family Residential).

A public hearing was held and the following citizens spoke. Mr. Maurice Lopez asked Council to vote no on the rezoning request. (Mr. Lopez' speech is on file in the Clerk to Council's office.) Mr. Richard Bennett from Royal Oaks Shores said that the property is already zoned commercial and would be much more density than residential. The Department of Transportation sees no problem since it is already zoned heavy commercial. Mr. Jack Ingle of 4304 Edgewater Way said he lives right in the cove adjacent to where the property is. He said it is a very small cove and putting the multi-housing complex would ruin the neighborhood. He asked Council to deny the rezoning request. Mr. Thompson moved to approve and Mr. Greer seconded. Mr. Tolly moved to table to allow time to gather more information and Ms. Wilson seconded. Vote was five to two (Greer, Dees). Motion to table carried.

Chairperson Floyd read Resolution #R2005-040 – a resolution congratulating the City of Belton, South Carolina, its citizens, Mayor and Council Members on the City of Belton's Sesquicentennial Anniversary; and other matters related thereto. Mr. Greer moved to approve the Resolution and Mr. McAbee seconded. Vote was unanimous.

Chairperson Floyd moved to approve a Proclamation proclaiming the fourth Monday in September as Family Day – A Day to Eat Dinner with Your Children. Mr. Greer seconded and vote was unanimous.

PRESENTATION REGARDING EROSION, SEDIMENTATION, AND RUN-OFF OF ADJOINING DEVELOPMENT PROJECT AND THE FILLING IN OF A STREAM:

- Mr. James McDaniel appeared before Council with a problem with property surrounding his residence (which is in the City of Anderson) on Alisha Drive, which is a county road. He said it involves 130 acres of property that was annexed into the city last year, which has caused multiple flooding incidents. They property owners built a retention pond at the corner of their house with a grade of 40-60 ft high which actually looks like a mountain outside their house. The pond has overflowed and they pumped the water onto his land to relieve the retention pond. He explained that he had a perennial spring on the backside of his property but now it now longer exists because the spring is in the middle of the retention pond. He presented pictures for council. The builders/contractors are putting every bit of the water on their property, he said. Now they want to run pipe down the front side of his property. South Carolina Department of Transportation has advised that they will not grant permits to put pipe onto the front side of the property. He said that Alisha Drive was in the County. Council discussed the fact that the property is in the County; 10 foot from one side of their home is City. Ms. Wilson said that she did call the Corps of Engineers and the developer has filled in a perennial stream and even the US Geological survey map shows it as a stream. She said that the most distressing part of this is it is multi jurisdictional and everyone has "bounced" the ball of responsibility back and forth around and the poor family is being inundated. Mr. Ricketson went to the site and he said that the site is in the city limits of Anderson, the City approved the project but he said they follow the same procedures as the County follows in approving a subdivision. He said it appears that it wasn't built to the way it was engineered and now they appear to have some problems with it so they are trying to re-engineer it. He said he believes that DHEC has given them the latitude to try to do that. By solving the problem additional water will be cast in the McDaniel's front yard along Midway Road so all the builder is doing is moving their problem to a different edge of the McDaniel's property. Mr. Ricketson said that they definitely have a problem, it needs to be addressed with their engineers, and with DHEC and the County is limited on what they can do to help the McDaniels. Council discussed further. Mr. McDaniel will meet with Mr. Hopkins and discuss what kind of solution Mr. McDaniel needs to get. Mr. Tolly asked that Mr. Martin also meet with the landowners. Mr. Tolly said that he did not want the builder to run off and leave the road torn up. Council received as information.

Council took a 5 minutes recess at this time. Chairperson Floyd called the meeting back to order at 7:17 p.m.

PRESENTATION OF PROPOSAL TO REDUCE TELECOMMUNICATIONS COSTS: Mr. Edgar Inglis with Tax Research and Recovery, Inc. A member of Council requested this section verbatim.

Mr. Inglis: I ...(unable to hear)

Chair: Can you speak a little bit louder?

Mr. Inglis: I started this business in 1994 after working as the accounting manager of a public service district and the whole premise of my business is to find unique ways of saving more money than other people would normally find. We found some unique channels that clearly vendors that do not normally deal with a local government agency and have found ways to cut the commissions out of telecommunications costs. Typical savings for a client is 29%. All of our clients do a wonderful job and I'm certain that your staff does a wonderful job of managing the cost for the County. The whole point is that through volume buying, what we call factory direct buying, in the elimination of three levels of commissions, simply gets you a better price on exactly the same service from highly rated companies. So we have a CPA firm that does the financial statement analysis on all the carriers before they're even submitted for approval. And they've determined who's viable and they also then determine what the cost structure is so they go in and negotiate with the carriers knowing exactly what the cost structure is. It is

very similar to the formula that Wal-Mart uses where they actually investigate a vendor before hand and go out and make them an offer. We're their exclusive marketing agents and we have a number of other affiliations that allow us to look at other options as well and offer you the opportunity to actually have a free evaluation of internet security as mentioned in the CD that was sent out to the staff and to the Council. I appreciate the opportunity to meet with you to tell you what's unique about my firm and why we typically save 29% off of already discounted prices for our clients.

Chair: Any questions of Mr. Inglis? Ms. Wilson.

Ms. Wilson: Thank you Mr. Inglis. Have any of our staff members been given this package that you just handed out to us?

Mr. Inglis: Yes. I just gave a copy to Mr. Preston.

Ms. Wilson: I understand that you came a great distance so I really appreciate it. I noticed when we were going through the budgetary process for the last three years our telecommunications costs have appeared to be very, very high. Maybe more so than necessary so tell me a little bit more again about what you do you come in and you look at all of our billing with the different vendors and what services we're getting and then where do you take it from there?

Mr. Inglis: First of all we'll give you an apples to apples comparison of exactly what you have now and show you what you are paying for it now and what you could be paying for it. Secondly we'll offer suggestions of how some things can be streamlined and take advantages of newer technologies. We work with the client over a three-year time period because there is a tremendous amount of change going on in the industry right now. There is as the CD mentions there is no renaissance man available in telecommunications so we bring in experts from throughout the nation and throughout the globe actually. Depending on the type of application and exactly what your uses are. We go through a large number of channels and we have affiliates who are specialists in areas of security, data, voice over Internet, protocol. We can look at all kind of options that the local phone companies won't tell you about and typically "nitch" providers that do telecom consulting don't even look at. We went out, when we first started going into telecommunications side of the business and hired subcontractors – a number of very well known telecommunications consultants and fired each one of them because their work was not very thorough. And to be very blunt with you most of the telecommunications consultants out there are working on a commission from their providers. So their incentive is really not to cut your costs very much - it's to maximize their revenue. That's the difference in what we do. We don't take a commission.

Ms. Wilson: How long does it take once you obtain access to the materials to go through and do this, what sort of timetable?

Mr. Inglis: Thirty days for the "apples to apples" and 45 for the enhancements to it.

Ms. Wilson: Would you do that on a precursory type basis before the County would enter into a contract with you or do you have to have a contract signed before you could give us an idea if we are overpaying?

Mr. Inglis: We have to have a contract to go into the extensive work that is done. It is not a simple process.

Ms. Wilson: Okay.

Mr. Inglis: To do this right, it's a very time intensive process. We've done that on a "good faith" basis in the past and to unsatisfactory ends. We've learned not to work for free. We'd love to be able to do that but unfortunately that doesn't work.

Ms. Wilson: And you believe you can save us an average of about 29-30%? There about?

Mr. Inglis: That's the national average. The range that I've seen so far is been from 10-60%. National average is 29% under this program.

Ms. Wilson: Well with fuel costs going up that looks like we should at least look into it with you. Thank you.

Chair: Any other questions of Mr. Inglis? All right. Mr. Preston.

Mr. Preston: Madam Chair. I've contracted with a company, URS a few months back to perform this service and they're currently under contract with us to do this. We've just about completed. We've already identified about \$114,000 worth of savings. We've been involved in this for a while. I informed Mr. Inglis that if I'd known he was going to be on the agenda earlier I would have met with him and explained this to him but after we finish our work here – I have no problem with him taking a look at it. But I just want to make you aware that – I have a good staff and they're on top of it.

Chair: Okay and I thank you.

VEHICLE TAX ISSUES AND CONCERNS: Mr. Matt Helton – This item was removed from the agenda.

REQUESTS BY COUNCIL MEMBERS:

Mr. Tolly moved to appropriate \$12,000 from District 1 paving account for resurfacing Acorn Drive. Mr. Greer seconded and vote was unanimous.

Mr. Tolly moved to appropriate \$1,000 from District 1 recreation account for Crime Stoppers. Mr. Thompson seconded and vote was unanimous.

Chairperson Floyd moved to appropriate \$1,000 for animal traps out of District 2 recreation account. Mr. Thompson and Mr. Tolly seconded. Vote was unanimous.

Mr. Greer moved to appropriate \$1,500 from District 3 recreation account for the Ebenezer Community Park for a concrete slab and a picnic shelter. Mr. Dees seconded. Vote was unanimous.

Mr. Greer moved to appropriate \$1,000 for the Belton Partnership for the Standpipe Festival from District 3 recreation account. Mr. Dees seconded and vote was unanimous.

Mr. McAbee moved to appropriate \$21,000 from District 4 paving account for the purpose of resurfacing, grading and drainage on Scenic Road. A second was made and vote was unanimous.

Mr. McAbee moved to appropriate \$300 for the Pendleton Young Farm Safety – Farm Safety Day Camp. Mr. Greer seconded and vote was unanimous.

Mr. McAbee moved to appropriate \$150 from District 4 recreation Account to pay the power bill at Townville Walking track. Mr. Greer seconded and vote was unanimous.

Mr. McAbee moved to appropriate \$500 from District 4 recreation account for Crime Stoppers. Mr. Greer seconded and vote was unanimous.

Mr. Thompson moved to appropriate \$2,500 from District 5 recreation account for the Homeland Park Fire Department for purchase of attic fan system and the replacement of some of the ceiling. Mr. Greer seconded and vote was unanimous.

Mr. Thompson moved to appropriate \$6,500 from District 5 recreation account for the purchase of a 5" fire hose for the Centerville Fire Department. Mr. Greer seconded and vote was unanimous.

Mr. Thompson moved to appropriate \$18,000 from District 5 paving account for paving, grading, and drainage at the Center Rock Volunteer Fire Department. Mr. Greer seconded and vote was unanimous.

Mr. Dees moved to appropriate \$8,000 from District 6 Recreation Account for the Hurricane Spring Park light payment and to be paid upon receipt of invoices. Mr. Greer seconded and vote was unanimous.

Ms. Wilson moved to appropriate \$300 from District 7 recreation account for Crime Stoppers. Mr. Greer seconded and vote was unanimous.

ADMINISTRATOR'S REPORT:

- a. Letters of Appreciation:
 1. For: Governor Mark Sanford From: Mr. Joey Preston
 2. For: County Council and Mr. Joey Preston From: Senator Lindsey Graham
 3. For: Mr. Tommy Thompson, Mr. Taylor Jones, Ms. Mary Wilson and the entire CART Team From: Mr. Marty Watt
 4. For: Mr. Joey Preston From: Ms. Lib Peace
 5. For: Mr. Michael Miller From: Ms. Christine G. Wallace with Prevent Child Abuse South Carolina
 6. For: Mr. Aaron Smarts crew – Mr. Frank Chester, Mr. Broadus White, and Mr. Joey Worley From: Mr. Broadus Stegall
- b. Reports: Detention Center Litter Report August 8-12, 2995
- c. Sheriff's Office Grants – 800 MHz Emergency Communications Upgrade, Automated Fingerprint Identification system, and Criminal Domestic Violence Investigators
- d. Edward Byrne Memorial Justice Assistance Grant
- e. News Article on Unemployment rates dropping
- f. Approved projects by the ACTC Committee
- g. Letter to Auditor from Assessor concerning Certification for tax year 2005
- h. Letter to Auditor concerning tax levies, and signed certification
- i. *GSABUSINESS* Article on transit services

- j. Letter from Personnel
- k. Letter from Assessor concerning "False" information

CITIZEN COMMENTS: Other Matters - Mr. Michael Deanhardt said that he would like to have a copy of Larry Greer's public record.

REMARKS FROM COUNCIL MEMBERS:

Mr. Tolly said that this area had really been blessed and everyone needs to be thankful for everything we haven't suffered.

Mr. Greer said he agrees with Mr. Tolly.

Mr. McAbee thanked Mr. Larry Greer for his remarks and presentation he gave earlier. He said he shares his sentiments.

Mr. Thompson – none

Mr. Dees said that this area indeed has been blessed. He said that it was nice that something now is being done for the Hurricane victims. He said we can still point fingers and play the "blame game" but that doesn't get it done.

Ms. Wilson said that a man called on Friday, Mr. Jeff Martin, said that he and his father had bought 2-3 truck loads of supplies to help with the hurricane victims and has volunteered his plane. He asked if the county could aide in the fuel costs. She said she referred him to Mr. Thompson. Ms. Wilson asked for an update on what the county was doing to help.

Mr. Preston informed everyone of the tractor-trailer parked beside the building and the County/City's efforts to fill this trailer for the victims. Mr. Tommy Thompson also give an update on what their plans are for relief efforts.

Chairperson Floyd said that Anderson County was on the move and we will do our part when we are called.

There being no further business the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Linda N. Eddleman
Clerk to County Council