

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – September 20, 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 20, 2005 at 6:00 p.m.

Chairperson Gracie S. Floyd called the meeting to order. She then asked Council member Larry E. Greer to give the invocation. He stated that he had already offered a prayer to the God that he worships in the privacy of his office. He then led the pledge of allegiance to the flag of the United States of America.

APPROVAL OF MINUTES: Mr. Thompson moved to approve the minutes from the September 6, 2005 meeting and Mr. Tolly seconded. Ms. Wilson said that on page 3 – under the 6th item down – in regards to Ordinance #2005-028 – she said that the minutes needed to be clarified that the property referred to is “approximately 1 mile beyond the Croxton’s property that adjoins the Brookstone Meadows development”. The property in question is far removed from the Croxton Property, she said. Vote was unanimous.

Chairperson Floyd stated that she would like to amend the agenda to add a presentation to the Red Cross and the Salvation Army. Mr. Bill McAbee moved to amend the agenda and Mr. Larry E. Greer seconded. Vote was unanimous.

CITIZEN COMMENTS: Agenda Matters - Mr. Brooks Brown, IV spoke on a zoning change discussed at the last meeting, which is occurring in his neighborhood. He said he was never notified of the proposed change or the public hearing and he said that he was unable to participate in the Citizens Advisory meeting. He asked Council to take zero action and not to remove from the table until such time that he has been properly notified. He said he was not the only one not notified of the zoning change and public hearing, his brother-in-law who lives next door was not notified. He asked that the problem be corrected before any action of Council is taken.

RESOLUTIONS:

Chairperson Floyd read the title of resolution #R2005-038 – a resolution recognizing and honoring Fork Rescue Squad, Inc. for its selection as the 2004 Emergency Medical Services Small System of the Year by the South Carolina Emergency Medical Services Association. Mr. McAbee moved to approve the resolution and Mr. Dees seconded. Vote was unanimous. Mr. McAbee read the resolution and then presented the framed copy to the Fork Rescue Squad. Council applauded the squad for their outstanding achievement.

RED CROSS AND SALVATION ARMY PRESENTATION: Mr. Preston informed Council that County and City employees collected over a tractor-trailer full of supplies for the victims of Hurricane Katrina. He said that

contributions were also solicited and a total of \$6,704.95 was collected. One check in the amount of \$1,500 was presented to the Red Cross raised by employees and Scout Troop 215 and accepted by Ms. Elise Chastain on behalf of the American Red Cross. A check in the amount of \$5,204.95 was presented to the Salvation Army.

PRESENTATION: Ms. M. Cindy Wilson stated that her material had not arrived and she was not prepared to bring this issue up before Council at this time. She recognized some young reporters at the Council meeting.

PRESENTATION: Ms. Becky Campbell, Health Department Director - Region 1, said that on behalf of the employees of the Anderson County Health Department she expressed sincere gratitude to the County Council for renovations to their facility.

EMPLOYEE OF THE MONTH: Mr. David Scott, Human Resources Committee Chair introduced Mr. Jeff Hanks as Employee of the Month (September). Mr. Hanks works in the Environmental Services Division as the Office Coordinator and Scale operator at the Starr C & D Landfill. He was given a \$30 gift certificate in the form of a Chamber check and a framed "Employee of the Month" certificate. Council applauded Mr. Hanks for his outstanding work performance.

PRESENTATION ON THE MENTAL HEALTH COURT: Judge Martha Newton announced to Council their newest undertaking – the Mental Health Court. She explained that the court was not a statutory court but a court that has been set by order of Chief Justice Gene Cole. South Carolina has four of these mental health courts. The purpose of this court is to keep people who suffer from mental illness who commit non-violent felonies and misdemeanors out of Jail. Mr. Danny Beck presented a PowerPoint presentation concerning the Mental Health court. 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. Steve Pelissier said that the primary function of the Comprehensive Economic Development Strategy is for a project to be eligible for an Economic Development Administration grant it has to be in the plan. He said that there was three Anderson County projects that they feel really good about that are pending - Gossett Street Mill sight - \$171,826, Anderson Water Tank project - \$500,000, and Anderson Joint Regional Water system upgrades - \$450,000. Mr. Greer moved to adopt the latest version of the plan submitted and allow the Chairperson to sign the letter stating that the plan was received and approved by the Anderson County Council. Mr. Thompson seconded and vote was unanimous.

ORDINANCES – THIRD READING:

Chairperson Floyd read title for third reading consideration 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. On the motion of Mr. Thompson, seconded by Mr. Dees, Council voted unanimously to approve on third and final reading.

Chairperson Floyd read title for third reading consideration 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. On the motion of Mr. Greer, seconded by Mr. Tolly, Council voted unanimously to approve on third reading.

Chairperson Floyd read title for third reading consideration 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. Mr. Thompson moved to approve the ordinance on third reading and Mr. McAbee seconded. Vote was unanimous.

Chairperson Floyd read title for third reading consideration of Ordinance #2005-027 – an ordinance establishing a Home Detention Program in Anderson County; and other matters related thereto. On the motion of Mr. Thompson, seconded by Mr. McAbee, Council voted unanimously to approve on third and final reading.

ORDINANCES – SECOND READING:

Chairperson Floyd read title for second reading consideration of Ordinance #2005-028 – an ordinance amending Ordinance 399-004, 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 parcel of land comprising approximately +/- 88.5 acres in the Hopewell Precinct at the corner of Shackleburg Road and Thompson Road. The property is identified by TMS #144-00-02-006. Mr. Greer moved to approve and Mr. McAbee seconded. Ms. Wilson stated for the record that she would continue to oppose this higher density rezoning request because there is not sufficient utilities to the property – particularly water. She said that she believes Council should see the plans before Council goes to this extent. This is on the opposite end of the Shackleburg Road from the one that she supported because it had all the necessary utilities and it adjoined higher density development but this is in the middle of rural, agriculture, and residential homes on large lots or tracts. Mr. McAbee asked Mr. Ricketson if it was a zoning going from a lower to a higher density. He said that was correct. He also said that in order to use the smaller lot size permitted by this rezoning they would have to provide the utilities. Mr. Ricketson said that they would have to come back to the Planning Commission and get their subdivision approved with their smaller lots and must demonstrate that they have water and sewer or they will not be able to develop. Vote was six in favor and one opposed (Wilson).

ORDINANCES – FIRST READING:

Chairperson Floyd read title for first reading consideration 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 recused himself and stated that the company (Sargent Metals) was a customer of McAbee & Company. At this time Mr. McAbee left the room. Mr. Dees moved to approve the ordinance and Mr. Thompson seconded. Council discussed. Ms. Wilson said that she would go ahead and vote but she only received the document this morning and she did not have time to look at it and study it. Mr. Greer stated that Council received an amended version shortly before the meeting. He asked if the amended version was different than the one delivered earlier today. Mr. Mike Burns explained the minor changes. Vote was six in favor and one recusal (Mr. McAbee). Mr. McAbee's Recusal from County Council participation due to potential conflict of interest or appearance of impropriety form is attached to the minutes and marked Exhibit A. Motion carried.

Chairperson Floyd read title for first reading consideration 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. Thompson moved to approve on first reading and Mr. McAbee seconded. Vote was unanimous.

RESOLUTIONS/PROCLAMATIONS:

Chairperson Floyd read Resolution #R2005-041 – a resolution 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, LLC.) each dated as of December 1, 1997, and certain property, other rights, and other matters related thereto; and other matters related thereto, 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. Dees moved to approve the resolution and Mr. Thompson seconded. Vote was unanimous.

Chairperson Floyd presented a proclamation proclaiming October as Down Syndrome Awareness Month in Anderson County. On the motion of Mr. Greer, seconded by Mr. McAbee, Council voted unanimously to approve the proclamation.

PRESENTATION CONCERNING RUN-OFF AND SEDIMENTATION PROBLEMS: Mr. Milton Roach said that in October 2000 he purchased 23.7 acres of property on Breazeale Road at the intersection of Midway Road. About the same time, Mr. Eric Newton, with Southern Homes and Remodeling purchased 22 acres adjacent to his property. Immediately he began a transaction or a zoning procedure to rezone from agricultural to multi-family or 34 homes on 22 acres. He said he bought the property with the goal of establishing his home with the pond there. He said he attended all three County Council meetings trying to prevent him from rezoning the property and Council did deny his rezoning request. He went to DHEC to get a permit to develop 4.72 acres. He has 22 homes out there – which are a lot more than he is permitted for, he said. He then called DHEC. He showed Council pictures of erosion problems. He asked Council for guidelines on what he could do. Chairperson Floyd suggested that Mr. Roach talk with Mr. Jeff Ricketson to discuss guidelines/procedures in getting some relief.

Council recessed at 7:00 p.m. Chairperson Floyd called the meeting back to order at 7:05 p.m.

DETENTION CENTER PRESENTATION: Capt. Barbara Sims said that the problem at the Detention Center was that there were too many inmates with nowhere to put them. She said that the average daily population had risen to 371 year to date. At the beginning of the year through May, the population at the Jail had gone down. From June until present the population had increased. They have 92 more inmates than they did last year on the same date. The Detention Center was built to hold about 300 people and today they have about 450. Mr. Bob Daly talked about the average daily population at the Anderson County Detention Center. He gave a short PowerPoint presentation, which is on file in the Clerk to Council's office. He said that three things could be done to help alleviate the problem – 1 – already done – Home Detention Program adopted, 2 – Renovate basement of old jail to house County-sentenced inmates and 3- expand the Detention Center. The expansion would be a proposal to construct a 50-bed, low security dormitory building, 4,200 square feet, at an estimated cost of \$904,200. Mr. Daly discussed the County housing municipal inmates (50 from City of Anderson, Belton and others). Mr. Tolly asked about the County's obligation to take municipality inmates and Mr. Daly said that was something that the County had traditionally done and they do not charge the municipality. Mr. Tolly asked if there was money in the bond issue for the new dormitory building and Mr. Preston replied no. Mr. McAbee asked how much relief the Home Detention Program would provide and Mr. Daly replied about 10%. Chairperson Floyd asked that Mr. Preston look into a cost effective way for the city to reimburse the County for housing their inmates. Chairperson Floyd moved that Mr. Preston look into the fact that the City is giving the County their inmates at no cost and Mr. Preston to work out a cost effective way for the City to reimburse the County for housing their inmates. The motion was seconded. Mr. Greer said that he heard that the County was housing inmates from the municipalities and they are not compensating the County for the inmates – he said he disagreed because Anderson County is compensated for housing those inmates every year when those citizens living within those municipalities pay their County taxes and that is not a reduced County tax. They pay the same County taxes as anyone living outside those city-limits so to reduce the service that you deliver to those living within the municipality creates an unfairness of how the taxes are levied and how the service is provided. Mr. Greer said that he had a problem with where we are and how we are getting there. Ms. Wilson said her sentiments are very similar to Mr. Greer's. She asked if it was possible to get numbers and information as to what each municipality has been sending the County and what the requirements are. Mr. Daly said that he has that information now. Mr. McAbee moved to table the motion and Mr. Greer seconded. Vote was four in favor (Greer, McAbee, Wilson, Thompson) and three opposed (Dees, Floyd, Tolly). Motion to table passed. Council continued to discuss. Mr. Dees said that the City has a special facility specifically designated for Federal prisoners so they do not inter-mingle with the other prisoners. Mr. Preston said that he plans to ask for money/bonds to retire the debt for some additional construction. He said that this information was given to let Council know the dilemma that Council is dealing with now and ways to resolve it. Mr. Daly said that even with

the addition to the Detention Center he would still be back next year asking for more money for "hard" beds for detainees that need the "hard" beds and at some point the County will have to replace the 50-year old Jail. Council received as information.

ACCEPTANCE OF GUYTON HILL INTO THE COUNTY ROAD SYSTEM:

REQUESTS BY COUNCIL MEMBERS: Mr. Tolly asked if all the roads had been surveyed and all water and drainage problem are corrected. Mr. Hopkins replied yes. Mr. Thompson moved to approve the acceptance of Guyton Hill into the County road system. Mr. Greer seconded and vote was unanimous.

REQUESTS BY COUNCIL MEMBERS:

District #1 – none

District #2 – none

District #3 -- Mr. Greer moved to appropriate \$ 5,000 from District #3 Recreation Account to the Iva Recreation Association -- Barker Bowie Athletic Complex Committee for the construction of the Barker Bowie Athletic Complex. Mr. Dees seconded and vote was unanimous.

Mr. McAbee amended his last appropriation made at the last meeting of \$300 to the Pendleton Young Farmers - he moved to re-appropriate the funds to Pendleton High School and it to be marked for Anderson County Farm Safety Day Camp. Mr. Greer seconded and vote was unanimous.

Mr. McAbee moved to appropriate \$5,000 from District #4 Recreation Account for the Pendleton Recreation Association. Mr. Greer seconded and vote was unanimous.

Mr. McAbee moved to appropriate \$1,250 from the District #4 Recreation Account for the Double Springs Community Association contingent upon it being used to match a \$5,000 PARD grant. Mr. Greer seconded and vote was unanimous.

District #6 – none

District #7 – none

District #5 – Mr. Thompson moved to appropriate \$4,600 from the District 5 Recreation Account to the Williford Volunteer Fire Department for the replacement of condemned radio equipment. Mr. Greer seconded and vote was unanimous.

Mr. Thompson said that because of a big fire off South Main on Pecan Street Homeland Park Water Company used in excess of [REDACTED] gallons of water and they were unable to write off the cost of the water. They requested assistance with the cost. He moved to appropriate \$3,200 from District #5 Recreation Account to the Homeland Park Water Commission. Mr. Greer seconded and vote was unanimous.

District #2 – Ms. Floyd asked about the \$1,000 committed in her Recreation Account for Palmetto Conservation done on 11/02. She asked if that was an error or was the money still committed. Ms. Wilson said that the appropriation was involving the "Rails to Trails" and bike roadway expansion and the project has never been completed. Ms. Floyd asked that the \$1,000 be put back into her account for appropriation at a later date.

ADMINISTRATOR'S REPORT:

a. Letters of Appreciation:

1. For: Assessor's Office Staff (Ms. Sharon Oliver) From: Ms. Gale Crawford
2. For: Mr. Joey Preston and staff From: Mr. Bill Dees
3. For: Mr. Joey Preston and Mr. Lee Luff, President – Chamber of Commerce
4. For: Mr. Charles Wyatt, Mr. Dan Brawley, Mr. Lenny Coffey, ad Staff of Civic Center From: Cindy/Freedom Weekend Aloft

b. Reports:

1. Recreation Report
2. District Paving Report
3. Environmental Enforcement Monthly Report, Animal Control, Training Report
4. Detention Center Litter report for August 29-September 2, 2005, September 5-9, 2005
5. Building and Codes Monthly Report

c. Meetings/Minutes: Airport Meeting of July 18, 2005

d. Chairperson Floyd appointed to serve as a member of the County Government and Intergovernmental Relations Steering Committee

e. Projection System for County Council Chambers – **Ms. Wilson asked Mr. Preston if this was a lease purchase or an actual purchase and he replied that it was an actual purchase. She questioned the purchase being made out of a lease account.**

f. Design South – Status Report, Capital Projects – **Ms. Wilson asked if Moorhead had a permit for the rock blasting and if the rock would run up the cost of the project? Also what share of the increase is borne by Anderson County? Mr. Preston asked that Mr. Pearson come forward. Mr. Preston said that he was sure**

Mr. Moorhead had a permit for blasting. Mr. Pearson said that in any contract where there is a possibility of rock there is a "rock" clause and it was included in the contract that was bid.

- g. County Millage Rate Comparison
- h. Oconee County Contribution to Anderson County's Drug Lab
- i. Council Member Thompson assists local fire departments
- j. Donations at Celebrate Anderson go to reservist family support group

Mr. Preston informed everyone that the County had recently been upgraded on their bond rating by Standard and Poor's from AA- to AA.

CITIZEN COMMENTS: Other Matters – Mr. Maurice Lopez of 202 Woodlake Road said that at the last meeting a rezoning ordinance was tabled and he said that the County's system of notification of rezoning requests is not adequate. He asked Council to look at the procedure. He also said that in July Council voted against a request from Mr. Bennett to change property and he didn't believe that the long-range comprehensive plan was not being followed. He asked that the Council look into it. Mr. Brooks Brown, IV said that he was starting a petition drive to enact Jessica's Law in South Carolina to provide for 25-year mandatory sentences on first offense with no patrol for anyone who sexually abuses or kidnaps a child 13 years old or under. It will also provide that they then have lifetime probation while wearing a GPS tracking devise. Second conviction would be life with no possibility of parole. He said that he would be having a press conference on the Courthouse steps at 10:00 a.m. on Thursday, September 22. All Council members were invited and all were invited to sign the petition. Mr. John Snavelly from the Hill and Dale Subdivision talked about how everyone was so confused over the property that was to be rezoned. Mr. Ray Owens said that he resides on Switchett's Road and he is concerned with the maintenance on Switchett's Road and where the road actually ends. He said that he plans to build on the lot and he needs information as to where the road ends. Chairperson Floyd suggested that Mr. Owens speak to Mr. Hopkins regarding his problem.

REMARKS FROM COUNCIL MEMBERS:

Mr. Dees – none

Ms. Wilson highly praised the Williamston Journal and their investigative reporter who conducted exhaustive research concerning the County sale of the Big Creek Landfill. She invited everyone to get a copy. She said it was very apparent that the most single County valuable asset was squandered without benefit of a bid procedure.

Mr. McAbee complimented his fellow Council members for getting through the agenda in two hours.

Mr. Thompson – none.

Mr. Greer applauded Mr. Preston and staff on the upgrade of Anderson County's credit rating, which improved from AA- to AA+. He can also see how this can save money. He said concerning the article in the Williamston Journal – he thought witch burning went out in the early 1800s.

Mr. Tolly also said that he was very proud of Anderson County's bond rating increase.

Chairperson Floyd said that it has come time to consider alternatives in transportation. She said that the County has the makings of a wonderful system called the Light Rail system. She said that the time has come to look at ways to more the County's people. She asked Mr. Preston to go on with the idea and see what can be done to step it up. She said that years ago she asked Mr. Preston to put a system behind County Council because the citizens could not see presentations being made to County Council. The system he has installed is wonderful. She asked Mr. Preston to do something about the seats in the auditorium.

There being no further business the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Linda N. Eddleman
Clerk to County Council

Exhibit A – Mr. McAbee's Recusal Form