

ANDERSON COUNTY COUNCIL  
ANDERSON, SOUTH CAROLINA

Regular Meeting - March 1, 1994 - 4:30 p.m.  
Linda N. Gilstrap, Clerk

M I N U T E S

PURSUANT TO SECTION 30-4-80 OF THE STATE FREEDOM OF INFORMATION ACT THE FOLLOWING PERSONS/ORGANIZATIONS WERE NOTIFIED BY MAIL AND/OR FAX OF THIS MEETING:

G. Fred Tolly, Jr., William Floyd, Harvie Banister, Ed Allgood, Mike Holden, Tom Martin, INDEPENDENT MAIL, GREENVILLE NEWS, WYFF - CHANNEL 4 TELEVISION, WSPA - CHANNEL 7 TELEVISION, WLOS - CHANNEL 13 TELEVISION, CATV (AND. CABLE), CENCOM CABLE TV, EASLEY PROGRESS, Matt Phillips- WRIX RADIO, Bill Meade-THE JOURNAL, Roy Ethridge - AND. MONITOR, WAIM RADIO, WCCP RADIO, Joe Newton-COUNCIL OF GOVERNMENTS, Rosemary Garrick- HOMETOWN REFLECTIONS, Brantley Jordan (picked up and paid for).

A regular meeting of the Anderson County Council was held on March 1, 1994 at 4:30 p.m. in the new Anderson County Council Chambers - Old Courthouse - Second Floor.

PRESENT

G. Fred Tolly, Jr. - District #1  
William A. Floyd - District #2  
Harvie E. Banister - District #3  
Ed Allgood - District #4  
Tom Martin - County Attorney  
Gary A. Smoak - Administrator  
Linda N. Gilstrap, Clerk

ABSENT

Mike Holden -District #5

Chairman Tolly called the meeting to order and Mr. Tom Martin gave the invocation. Everyone stood and pledged allegiance to the flag.

On the motion of Mr. Banister, seconded by Mr. Floyd, Council voted unanimously to approve the February 15, 1994 minutes as mailed.

Council heard from the following concerned citizens: Mr. Carl Johnson and Mr. Brantley Jordan. Mr. Jordan suggested to Council that they install some 2-4" PCV pipe from the Old Courthouse to the Bailes Building while the ground is dug-up. Mr. Banister moved that the County install at least a 4" pcv pipe if it meets with the approval of City officials. Mr. Tolly seconded and vote was 4-0.

Council heard from Capt. Mike Temple. He explained the reason why the Sheriff's Department had monies left over in the salaries account. He said because of state law, no officer can be put on the road without having to go through law enforcement training academy. This causes at least a 4 week waiting period before academy training dates are available. Council received as information.

Ms. Nadine Brock, Director of Anderson County Emergency Services, introduced the 1994 Tornado Poster Contest winners for Anderson County.

Grade 1 - Jason Humphries - Spearman Primary School

Grade 2 - Scott Beckler - St. Joseph's Catholic School - absent

Grade 3 - Jessica Freeman - Varennes Elementary School

Grade 4 - Anne Marie Martin - Wright Elementary School

Grade 5 - Shannon Griffin - Varennes Elementary School

Council commended the winners on their fine work and a job well done. All winners were presented \$25 gift certificates from Gallant Belk.

Mr. Richard Cockrell, Chairperson of the Anderson County Human Relations Council, gave a brief update on the newly mandated Human Relations Council. Council received as information.

Mr. Tolly presented Resolution #706 requesting that County Administrator, Gary A. Smoak, hold off on the hiring of an assistant Administrator until the end of fiscal year 1994. Mr. Allgood moved to approve and Mr. Banister seconded. Mr. Allgood said that Council needed to discuss during a workshop concerning what the Council intends to do. Vote was 4-0.

Mr. Tolly presented Resolution #707 requesting the Finance Department to provide County Council throughout the fiscal year a monthly financial report. Mr. Allgood moved to approve the resolution and Mr. Banister seconded. Mr. Smoak said that there was a misunderstanding with the Finance Director. Financial reports were mailed out last week and will continue to be mailed out. Mr. Smoak also reported that the print out will never be totally accurate and up-to-date because the Treasurer does not post but monthly and the County does not have a consolidated general ledger. This is a goal and the County will work toward this. He said the County had received revenues to date of \$16,218,102; which does not include February's revenues. The County has expended \$11,332,403; leaving a fund balance of \$4,885,699; added to that is the fund balance carried over from last year of \$2,500,000 for a total available fund balance of \$7,385,699. This is only a projection; however, it looks as if we should add to the fund balance by the end of the fiscal year another million or million and one half dollars more than last year, he said.

Mr. Smoak said that once a month he will bring to Council a financial presentation. Vote on Resolution #707 was 4-0.

Mr. Tolly presented a resolution requesting that Council approve all budget transfers for the balance of fiscal year 1994. Mr. Allgood moved to approve and Mr. Banister seconded. Council discussed. Mr. Tolly said that he would vote against the resolution because an ordinance already passed cannot be altered by a resolution. Mr. Smoak said that the resolution was simply a partial quote of section 7 of the budget ordinance. Mr. Martin said that an ordinance has to be amended by an ordinance to have any legal effect. Mr. Allgood and Mr. Banister withdrew their motion and second. Mr. Allgood moved that Council get a written record of all budget transfers and all purchases over \$1,000 in Council's packet for the remainder of the fiscal year. Mr. Banister seconded and vote was 4-0.

Mr. Tolly presented Resolution #705 - a resolution calling for a public hearing to be held upon the question of the issuance of \$500,000 of General obligation Bonds of Homeland Park District and to provide for the publication of the notice of such hearing. Council heard from Mr. Theodore DuBose, Bond Counsel, on the issuance of the bonds. He explained the resolution. Mr. Tolly moved to approve Resolution #705 and Mr. Floyd seconded. Vote was 4-0.

Mr. Tolly presented first reading of Ordinance #413 - an ordinance finding that Homeland Park Water District may issue \$500,000 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. Floyd moved to approve on first reading and Mr. Allgood seconded. Vote was 4-0.

Mr. Tolly presented second reading of Ordinance #410 - an ordinance to approve the lease of real property to West Anderson Water Company. A public hearing was held. Mr. Tolly moved to approve on second reading and Mr. Allgood seconded. Vote was 4-0.

Mr. Tolly presented Resolution #708 - a resolution making application to the State Budget and control Board of South Carolina for approval of the issuance by Anderson County, South Carolina, of its special source revenue bonds (Plastic Omnium Industries, Inc. Project), pursuant to the provisions of South Carolina code annotated, Title 4, Chapter 1 and Chapter 29 (1976), as amended, in the principal amount of not exceeding \$1,000,000. Mr. Allgood moved to approve the resolution and Mr. Banister seconded. Vote was 4-0.

Mr. Tolly presented second reading of Ordinance #411 - a master ordinance authorizing and providing for the issuance of Anderson County, SC, special source revenue bonds; prescribing the form of bonds; limiting the payment of the bonds solely from certain revenues derived from the payment of the fees in lieu of tax from the properties located in Anderson County, Abbeville County, and McCormick County, Multi-County Industrial/Business Park. Mr. Wes Crum, Bond Counsel, explained the ordinance to Council. A public hearing was held. Mr. Carl Johnson and Mr. Brantley Jordan spoke. Mr. Tolly moved to approve on second reading Ordinance #411 and Mr. Floyd seconded. Vote was 4-0.

Mr. Tolly presented second reading of Ordinance #412 - a first supplemental ordinance providing for the issuance and sale of not exceeding \$1,000,000 Anderson County, South Carolina, Special Source Revenue Bonds (Plastic Omnium Project). A public hearing was held. No comments were received; therefore, the public hearing was declared closed. Mr. Floyd moved to approve the Ordinance on second reading and Mr. Tolly seconded. Vote was 4-0.

The next item on the agenda; **Appointments - SHARE Board**, was deferred at the request of Chairman Tolly. Mr. Smoak explained that there are three different types of appointments that can be made under the law: publicly elected official, public elected official designee, public official appointee (appointed by County Council). There is one public appointee, one private appointee and one representing the poor. The public appointee is the only appointment needed at this time.

Mr. Allgood moved to direct the Clerk to Council to send an agenda packet to the County Library to be placed on file for the public. Mr. Tolly seconded and vote was 4-0.

Mr. Smoak requested that County council approve the release of \$16,395 of the \$100,000 (already in 93/94 budget) incentive funds that Council has already approved for Plastic Omnium. These funds are to be used as the "earnest" monies that will initiate the contract for the purchase of the 46 acre site at the intersection of Phil Watson Road and Old Pearman Dairy Road. Mr. Allgood moved to allow and Mr. Floyd seconded. Vote was 4-0.

On the motion of Mr. Floyd, seconded by Mr. Tolly, Council voted unanimously to approve the release of up to \$25,000 of the \$100,000 already approved for the Plastic Omnium Project. These funds are to be used to pay for a "Phase II" Environmental Assessment.

On the motion of Mr. Floyd, seconded by Mr. Tolly, Council voted unanimously to approve a budget transfer of \$200,000 from Public Works account #5221-000-261 (Asphalt Supplies) to Public Works - account #5223-000-311. This will allow all paving bills to come out of one account.

Mr. Leroy Garrison, Agent in Charge for the S.C. Department of Probation, Parole, and Pardon Services, addressed a letter of their concerns regarding their planned move to the Agriculture Building. Mr. Smoak addressed each concern. He said \$2,000 could come from the bond account with a balance of \$6,540 coming from the contingency fund. Council heard concerns about the condition of the building and needed repairs. Mr. Tolly said that some decision had to be made as to whether or not the County was going to keep the buildings or abandon them. He suggested that the Research and Search Committee be asked to look into this. Mr. Tolly moved to accept the recommendations as presented by Mr. Smoak which includes three spaces as discussed. Mr. Allgood seconded and vote was unanimous.

Mr. Smoak talked about the Intergovernmental Agreement with Western Carolina Regional Sewer Authority. Mr. Dewey Pearson presented a few changes that were not in the original agreement as mailed. #1) Page 2 - first paragraph; last sentence: strike out "at the sites identified on Attachment B." and add: "shall be agreed upon by Western Carolina prior to any actual connection by Anderson County." Change #3) Section B:, Paragraph 1: read as follows: "To furnish, operate and maintain, at its expense, all necessary lines, to collect and to bring all the wastewater, from within the service area, to the Western Carolina Sewer Authority's system, (Strike out "to provide the equipment and vaults for the purpose of properly and accurately sampling the volume of wastewater discharge into Western Carolina.") to grant Western Carolina Sewer Authority the right to review and consult with the County concerning the design and construction of the lines and facilities and to require each user to apply for and to receive a permit as required under the Western Carolina Sewer Authority's sewer use regulations, prior to connection. 3) Paragraph 2: Strike out "metering stations". 4) Delete entire section 6: replace with "Anderson County will not tie on any discharges until billing and collections is in place." 5) Paragraph C: paragraph 2: strike out "an sharing ...facilities." 6) Paragraph 3: delete "and metering facilities" 7) Notification of Claims: Paragraph 1: Should read "Western Carolina shall promptly notify Anderson County of any relevant civil or criminal actions filed against it; or any relevant notice of violation from any State or Federal agency or of any claim arising out of arising out of Western Carolina's performance." 8) Paragraph 2: The County shall promptly notify Western Carolina of any relevant civil or criminal actions filed against it; or any relevant notice of violations from any Federal or State agency or any claim arising out of the County's performance." All other changes were mailed to Council prior to the meeting. Mr. Smoak recommended the approval the document as altered. Mr. Banister and Mr. Floyd asked to go on record as opposing last minutes changes such as this. Mr. Allgood moved to approve and Mr. Floyd seconded. Vote was 4-0.

Mr. Smoak presented a request from Mr. Gerald Terry concerning roads in Westgate Subdivision. Mr. Tolly moved to accept Mr. Terry's offer with Mr. Smoak working out the details. Mr. Floyd seconded and vote was three in favor (Floyd, Tolly, Banister) and one opposed (Banister).

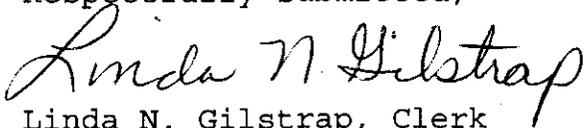
Mr. Tolly moved to go into executive session at 7:14 p.m. to discuss matters concerning economic development and contractual. Mr. Floyd seconded and vote was 4-0.

Mr. Floyd moved to come out of executive session at 8:05 p.m. and Mr. Tolly seconded. Vote was 4-0.

Mr. Martin explained that Council discussed and received information concerning an economic development matter and one contractual matter.

There being no further business, Council adjourned at 8:30 p.m.

Respectfully submitted,



Linda N. Gilstrap, Clerk  
ANDERSON COUNTY COUNCIL