

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting - February 21, 1995 - 7:00 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, Ernie Garrison, Bruce Gerrard, 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-SENIOR REFLECTIONS, Brantley Jordan (picked up and paid for).

A regular meeting of the Anderson County Council was held on February 21, 1995 at 7:00 p.m. in the Anderson County Council Chambers - Old Courthouse - Second Floor.

PRESENT

Ernie Garrison - District #4, Chairman
G. Fred Tolly, Jr. - District #1
William A. Floyd - District #2
Harvie E. Banister - District #3
Bruce Gerrard - District #5
Tom Martin - County Attorney
Gary A. Smoak - Administrator
Linda N. Gilstrap, Clerk

Chairman Garrison called the meeting to order and then gave the invocation. Everyone stood and pledged allegiance to the flag.

On the motion Mr. Tolly, seconded by Mr. Banister, Council voted unanimously to approve the February 7, 1995 minutes with the following change: On page 6, next to last paragraph, last sentence should read: "The new HVAC unit **for the Health Building** is already out on bids. (Inserted words are in bold.)

Council heard from concerned citizens. Mr. Floyd said there were citizens present that needed questions answered regarding the Johnson/Broadview/Lone Oak Special Sewer Assessment District. The total price was questioned. Chairman Garrison asked that Mr. Pearson speak with the group out in the hall since the public hearing will not be held until the next meeting.

Council recognized the 1995 Tornado Poster Contest winners:
Karl Moore - Grade 1 - St. Joseph School
Sarah Batizy - Grade 2 - St. Joseph School
Ryan Campbell - Grade 3 - Wren Primary School
Lindsey Major - Grade 4 - Palmetto Primary
Andrea Hanks - Grade 5 - Varennes Elementary School
Council presented all winners a \$5 gift certificate from McDonalds and a county pin.

Council recognized Darrell Hill from the Sheriff's Office as Employee of the Quarter.

Chairman Garrison presented third and final reading of Ordinance #95-002 - an ordinance to provide supplemental appropriations for the 1994-1995 fiscal year budget as amended. Mr. Banister moved to approve and Mr. Floyd seconded. Vote was unanimous.

Mr. Garrison presented second reading of Ordinance #95-003 - an ordinance revoking, repealing, and rescinding certain sections of the Anderson County Code. This is the ordinance governing the procedures of County Council meetings and county council. He said that he does not have the resolution at this time but explained that the resolution will be in hand one week prior to the third reading of the ordinance. Mr. Banister moved to approve and Mr. Gerrard seconded. Mr. Floyd stated that he would not support the ordinance because he thinks it has some detriment to the continuity of County government. Having to do this every two years could have some effect on what the County Council is trying to establish, he said. Vote was four in favor (Gerrard, Tolly, Garrison, Banister) and one opposed (Floyd). Motion carried.

Mr. Garrison presented second reading of Ordinance #95-004 - an ordinance to provide for the creation of the Lone Oak/Broadview/Johnson Special Sewer Assessment District. Mr. Floyd moved to approve on second reading with the amendment that the County waive the \$300 tap-on fee. Mr. Tolly seconded and vote was unanimous.

Mr. Garrison presented second reading of Ordinance #95-005 - an ordinance to prohibit obstruction of fire lanes in Anderson County. Mr. Tolly moved to approve and Mr. Gerrard seconded. Vote was unanimous.

Mr. Garrison presented second reading of Ordinance #95-006 - an ordinance to impose fees for certain county services as amended. Mr. Gerrard moved to approve and Mr. Tolly seconded. Vote was unanimous.

Mr. Garrison presented first reading of Ordinance #95-007 - refusal to accompany arresting officer. Mr. Martin, County Attorney, explained that the request for the ordinance came from the Sheriff's office and the area is not currently adequately addressed by state law or other county ordinances, and believes that the ordinance would be both appropriate and necessary. Mr. Floyd moved to adopt on first reading and Mr. Floyd seconded. Vote was unanimous.

Mr. Garrison presented first reading of Ordinance #95-008 - an ordinance to amend the Anderson County Code with regard to street names and numbers. Mr. Gerrard moved to approve and Mr. Banister seconded. Council discussed. Mr. Banister amended the motion to change the the amount of written notice from 120 days to 160 days. Mr. Gerrard seconded the amendment and vote was unanimous. Vote on the original motion as amended was unanimous.

Mr. Garrison presented first reading or ordinance #95-009 - an ordinance to amend the Anderson County Code of ordinances with regard to certain multi-County parks. Mr. Martin explained that the County currently has three ordinances concerning multi-county parks. One with Abbeville, & McCormick Counties concerning the Honea Path Park, Plastic Omnium and the Clarendon County. Mr. Martin explained the following five technical amendments that the ordinance would accomplish: 1. will allow the respective county Treasurers to disburse fees collected only at the end of each calendar quarter, rather than as received, 2. will have the fee-in-lieu-of payments collected by the treasurer of each county in which the park property is located, for purposes of simplicity and as a convenience to the taxpayers of each county, 3. will allow each county to establish satellite parks at its own discretion in the case of the Abbeville-Anderson-McCormick Multi-County Park, 4. will revise the percentages of distribution in the case of the Abbeville-Anderson-McCormick Multi County Park so that the percentage of distribution is always 94% for the host county and 3% for each of the other two counties, 5. will establish the internal distribution, within Anderson County, of the next fee-in-lieu-of-tax payments to Anderson County taxing entities, after distributions to Abbeville and McCormick Counties and after Special Source Revenue Bond debt service, in the case of the Plastic Omnium satellite park. These amendments will require that the other counties concur. Mr. Floyd moved to approve on first reading and Mr. Gerrard seconded. Vote was unanimous.

Mr. Garrison stated that Resolution #R95-006, R95-010, R95-011 and R95-012 will be deferred until the next meeting to allow all persons involved to be present. Council agreed.

Mr. Garrison presented Resolution #R95-013 - a resolution declaring the month of April "Fair Housing Month" in the County of Anderson. Mr. Banister moved to approve and Mr. Floyd seconded. Vote was unanimous.

Resolution #R95-014 - a resolution endorsing the Upstate Roundtable's 20-year plan for sewer system growth in the Saluda, Reedy and Enoree River Basins was presented by Mr. Garrison. Mr. Floyd moved to approve and Mr. Tolly seconded. Vote was unanimous.

Mr. Smoak explained Resolution #R95-015 - a resolution supporting the Airport Improvement Bill which is a state bill before the General Assembly to make changes in state law to create an Aviation Transportation fund into which monies will go that are received from the licensing of airports, landing fields, tax on aviation fuel and etc. These funds are currently being placed in the state general fund. These funds will be separated out and be used as matching grants. Mr. Floyd moved to approve the Resolution #R95-015 and Mr. Banister seconded. Vote was unanimous.

Mr. Garrison presented Resolution #R95-016 - a resolution in support of the issuance by the S.C. Jobs-Economic Development Authority of its economic development revenue bonds for Venture Packaging, Inc. Project. A public hearing was held; one comment was heard. Mr. Floyd moved to approve the resolution and Mr. Gerrard seconded. Vote was unanimous.

Mr. Garrison presented Resolution #R95-017 - a resolution in support of the issuance by the S.C. Jobs-Economic Development Authority of its economic development revenue bonds for Supreme Machined Products Company, Inc. Project. A public hearing was held and no comments were heard. Mr. Floyd moved to approve the resolution and Mr. Banister seconded. Vote was unanimous.

Mr. Garrison presented Resolution #R95-018, #R95-019, #R95-020 - resolutions designating the Anderson County Disabilities and Special Needs Board as an entity in Anderson County to provide transportation to the Person with Disabilities. Mr. Banister moved to approve and Mr. Floyd seconded. Vote was 5-0.

Mr. Tolly moved to appoint Mr. E.V. Farmer to the Economic Advisory Board and Mr. Floyd seconded. Vote was unanimous.

On the motion of Mr. Floyd, seconded by Mr. Banister, Council voted unanimously to transfer \$2,500 for the Legislative Delegation Office. \$2,000 will come from the Contingency fund.

Mr. Smoak presented a transfer of funds for Building & Codes in the amount of \$2,374 from the Contingency Fund into account #5411-000-452 (demolition) This is for the demolition and site clean-up for house at 39 Goodrich Street, Pelzer, S.C. Mr. Tolly moved to approve and Mr. Gerrard seconded. Vote was unanimous.

Mr. Gerrard asked that all County vehicles (excluding the Sheriff's Department) be marked with Anderson County decals. The estimated cost could be from \$6 - \$16 per car; depending on the size of the decal placed on each vehicle. Mr. Gerrard moved that this be done and Mr. Banister seconded. Mr. Banister amended the motion that the decal be large enough to be seen from some distance. Council discussed. Mr. Garrison asked for a clarification as to who would be excluded. Council agreed to defer until the next meeting for further information. The motion and the second were withdrawn by Mr. Gerrard and Mr. Banister respectively.

Mr. Smoak presented a request to fill Maintenance shop vacancies; (1) position 5226-A-07 - Auto Diesel Mechanic II p pay grade 13, (2) position 5226-A-08, Diesel Mechanic I/Supervisor, pay grade 15. (3) position 5226-A-10, auto Serviceman, pay grade 10, and (4) position 5226-A-14, tire repair/mechanic, pay grade 6. Mr. Banister moved to approve and Mr. Gerrard seconded. Vote was unanimous.

Mr. Smoak talked about an update to the County's Compensation Plan which was last done in 1990. He said about every five years the plans needs to be updated to keep the County in compliance so that the County can adequately recruit from the local area. The funds needed for the study is \$6,950, already budgeted. The plan would have to be brought back to Council and would probably not be implemented until July 1. Mr. Floyd said he was pleased that the County was going in the right direction with this. Mr. Garrison and Mr. Banister said that they were concerned about the people in the lower echelon. Council discussed. Mr. Floyd moved that the study be done. Motion died from lack of a second.

Mr. Smoak explained a letter from Molly B. Cheshire concerning the solid waste fee. These people are landlords; owners of non-residential property. County ordinance states that everyone who is required to buy a business license would have to pay the \$25.00 solid waste fee. Belton is the only town in the county who requires owners of non-residential property to buy a license. The merchants who rent the buildings use the trash containers and pay the solid waste fee. Mrs. Cheshire has stated that she feels that this is actual double taxation. Mr. Smoak explained the differentials all over the county and an estimated short-fall if the Council permitted these landlords not to pay. (from \$1,025 - \$1,900)

Council discussed the possibility of limiting the waiver to landlords who rent their buildings to businesses; not residential. Mr. Garrison instructed the County Attorney to draw up an ordinance to that effect for the next meeting. Mr. Martin explained that one way to do it would be to state that not more than one fee be paid for any business establishment. Council agreed.

Council recessed for 5 minutes at 8:30 p.m. Chairman Garrison called the meeting back to order.

Mr. Garrison moved to approve the acceptance of bids for 4 bituminous tennis courts from Lesley Courts & Paving for \$44,600. The project is fully funded with a \$35,000 - PARD Grant, and up to \$10,000 - School participation. No county funds are involved. Mr. Floyd seconded and vote was unanimous.

Mr. Smoak talked about right-of-way agreements for the Highway 24 - sewer project. The sewer line for this phase of the project was designed to cross property belonging to the Keasler's. They have said they would not sign a right-of-way agreement unless the County paid them \$1,500. The line was rerouted across property belonging to Mr. Creamer and Mr. Dunn. Both parties had initially indicated that they would agree to the route. Now Mr. Dunn and Mr. Creamer will not sign the R/W unless the County pays them \$600 each. If the county pays the \$1,200; the project will still be \$3,201 below the original construction contract amount. Mr. Floyd moved to pay the two parties the \$600 requested and Mr. Tolly seconded. Council discussed. Mr. Banister said the County hadn't had to buy right-of-ways. Mr. Garrison said that this should be considered as an exception to the rule. Mr. Tolly said that if the County pays for the R/W that the parties should be charged for the tap. Mr. Garrison also said that each individual situation should be considered on its own merits. Vote was unanimous.

Mr. Smoak presented change order #1 on the Highway 24 Sewer Project. The amount to reroute sewer main at Creek Crossing would be a deducted amount of \$4,401. Mr. Floyd moved to approve and Mr. Gerrard seconded. Vote was unanimous.

On the motion of Mr. Floyd, seconded by Mr. Gerrard, Council voted unanimously to go into executive session at 8:50 p.m. to discuss economic development and contractual matters dealing with the Detention Center.

Mr. Floyd moved to come out of executive session, back into regular session at 10:20 p.m. Mr. Banister seconded and vote was unanimous.

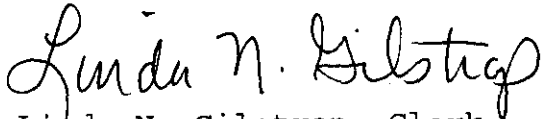
Mr. Gerrard moved to retain the services of James DeLaune, Jr. and Associates for the detention center project. Mr. Floyd seconded and vote was unanimous.

Mr. Tolly moved to authorize Burriss Nelson, Economic Development Director, to continue negotiations with the industry along the lines as discussed in executive session. If negotiations are finalized, then they will be brought back to be voted on in regular session. Mr. Gerrard seconded and vote was unanimous.

Mr. Floyd moved to change the rate set for Kucera, International (Company doing the aerial photographing of the County of Anderson) from 20% to 10% retention fee. Mr. Gerrard seconded and vote was unanimous.

Mr. Floyd moved to adjourn at 10:30 p.m. and Mr. Tolly seconded. Vote was unanimous.

Respectfully submitted,



Linda N. Gilstrap, Clerk
ANDERSON COUNTY COUNCIL