

**ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting - June 21, 1994 - 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, Ed Allgood, Mike Hoyden, 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 June 21, 1994 at 7:00 p.m. in the Anderson County Council Chambers - Old Courthouse - Second Floor.

PRESENT

G. Fred Tolly, Jr. - District #1
Harvie E. Banister - District #3
Ed Allgood - District #4
Mike Holden - District #5
Tom Martin - County Attorney
Gary A. Smoak - Administrator
Linda N. Gilstrap, Clerk

ABSENT

William A. Floyd - District #2

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

Mr. Tolly explained that Mr. Floyd was at a Leadership Conference and would not attend the meeting.

Mr. Tolly said that figures were still being computed at this time and would postpone the budget ordinances until those figures were ready.

Council heard from concerned citizens at this time.

Mr. Jerome Stuart, and others from Shenandoah Drive, presented Council with a petition asking that Anderson County pave and maintain Shenandoah Drive. They have received word from the U.S. Mail service that they cannot continue to deliver the mail until something is done. Council received as information.

Mr. Tolly presented third and final reading of Ordinance #94-014 - an ordinance authorizing the lease of certain county property to Dial Call, Inc. On the motion of Mr. Allgood, seconded by Mr. Banister, Council voted unanimously to approve the ordinance on third reading.

Mr. Tolly presented second reading of Ordinance #94-015 - an ordinance to provide for the funding by user fees of the Chemical Response Team of Anderson County. Mr. Banister moved to approve and Mr. Allgood seconded. Vote was 4-0.

Mr. Tolly presented Ordinance #94-016 - an ordinance to approve the lease of real property to Al McClain. Mr. Tolly moved to approve on second reading and Mr. Holden seconded and vote was 4-0.

Mr. Tolly presented second reading of Ordinance #94-017 - an ordinance to approve the lease of real property to Al Dobbins. Mr. Banister moved to approve and Mr. Allgood seconded. Vote was 4-0.

Mr. Tolly presented second reading of Ordinance #94-019 - an ordinance to develop a jointly owned and operated industrial/business park in conjunction with Clarendon County. Mr. Tolly moved to approve and Mr. Allgood seconded. Vote was three in favor (Tolly, Allgood, Holden) and one opposed (Banister). Motion carried.

Mr. Tolly presented first reading of Ordinance #94-018 - an ordinance to amend Anderson County Ordinance #7 - Anderson County Board of Assessment Appeals. Mr. Tolly moved to approve and Mr. Allgood seconded. Vote was unanimous.

Mr. Tolly presented first reading of Ordinance #94-020 - an ordinance of Anderson County, relating to public nudity. Mr. Allgood moved to approve and Mr. Holden seconded. Vote was 4-0.

Council recessed for fifteen minutes at this time (7:50 p.m.)

Mr. Tolly called the meeting back to order at 8:10 p.m

Mr. Tolly said that Mr. Floyd called and asked that he relay the message that he wholeheartedly in favor of all the provisions of the budget as approved on second reading.

Mr. Tolly presented third and final reading of Ordinance #94-012 - an ordinance to provide appropriations for the fiscal year beginning July 1, 1994 and ending June 30, 1995, for the Anderson County Budget for ordinary county purposes. Mr. Tolly moved to approve third reading and Mr. Allgood seconded. Mr. Smoak presented the following amendments: Increase General Fund by \$492,052; decrease Capital Projects (\$472,956); decrease the Enterprise Fund (\$37,500); Debt Service - no change, decrease Special Education (\$30,000). All this means that the total budget has been reduced from \$38,624,768 to \$38,586,414; a reduction of \$38,354. All these amendments were from the work session as agreed. Mr. Tolly moved to approve the amendments to General Fund, Capital Projects Fund, Enterprise fund and Debt service. Mr. Allgood seconded the amendments and vote was 4-0.

Mr. Smoak said that the County must raise 2.3 million dollars to fund the expenditure for solid waste. He said that the Council could eliminate completely, the \$100 fee for Commercial establishments. The \$10 solid waste household fee will remain in effect. To make up the difference the tipping fee could be increased from \$22 per ton to \$25 per ton. Because of the tipping fee for commercial and no tipping fee for residential; there will be a maximum fee of \$500 or 30 days in jail for mixing commercial with residential. Mr. Tolly moved to approve as Mr. Smoak recommended and Mr. Holden seconded. Vote was 4-0.

Mr. Smoak asked that "Not" on page 16, 9th line be deleted from the Provisions. Mr. Allgood moved to approve and Mr. Holden seconded. Vote was 4-0.

This budget ordinance includes approximately a 1 mill tax roll back. Mr. Banister moved to approve Ordinance #94-012 as amended on third reading. Mr. Allgood seconded and vote was 4-0.

Mr. Tolly presented third reading of Ordinance #94-013 - an ordinance to provide appropriations for fiscal year beginning July 1, 1994 and ending June 30 1995, for the Anderson County Budget for Special Education. Mr. Holden moved to approve the ordinance on third reading and Mr. Tolly seconded. Mr. Holden moved to approve an amendment to decrease Special Education by \$30,000. That will leave the Special Populations function as a part of County government instead of combining with Special Disabilities. Mr. Banister seconded and vote was 4-0 to approve Ordinance #94-013 as amended.

Council congratulated Mr. J.R. McClure for helping the County obtain \$73,000 in solid waste management grants for Anderson County.

Mr. Smoak also reported that EMS was funded at \$32 per call and \$1,000 per month per squad, plus insurance for three vehicles and the hiring of a director. This is what was approved in the budget.

Mr. Smoak presented a transfer of \$14,337.47 from Account #Special Fund 152 - DSS to 5161-000-420 - DSS - Equipment. Mr. Tolly moved to approve the transfer and Mr. Allgood seconded. Vote was 4-0.

Mr. Smoak presented a transfer of \$73,783 for paving of roads. Mr. Banister moved to approve and Mr. Allgood seconded. Vote was unanimous.

Mr. Smoak presented a request to purchase 1 each Ford Tractor with cab and slide mower for \$33,546 from Old Stone Ford Tractor. Mr. Banister moved to approve and Mr. Allgood seconded. Vote was 4-0.

Mr. Smoak presented the purchase of a computer for Data Processing Department for \$63,000. This requires a transfer from #5092-000-273 Computer Services to #5092-000-426 for \$40,000, transfer from #5092-000-375 to 5092-000-426 for \$17,000 and #5092-000-277 to #5092-000-426 - \$1,000.00. All the needed money is in the Computer Services' budget. Mr. Banister moved to approve the purchase and transfer the money. Mr. Holden seconded. Vote was three in favor and one opposed (Allgood). Mr. Allgood stated that he opposed because he thought the price was out-of-line.

Mr. Smoak said that the County was awarded some funds from the Highway Department coming from "C" funds. Some of the money was for paving around the courthouse and several municipalities. The County will be the administrative agent to handle these funds for the municipalities. The Highway Department has recommended that the County sub-contract with the Town of Honea Path for sidewalks in the amount of \$6,366. Mr. Allgood seconded and vote was 4-0.

Mr. Smoak explained that the County needed some type policy on the use of County Buildings and rooms such as the Council Chambers. He asked Council to relate ideas to him before the next meeting so a policy draft could be typed for their approval. Council agreed.

Mr. Smoak presented the abandonment of Spear Lane. Mr. Allgood moved that the County has no interest in this road. Mr. Banister seconded and vote was 4-0. Mr. Martin explained that the County does not have the authority to abandon the road under state law that requires a court action. The private party must take a private legal action to actually close the road.

Mr. Smoak explained and addressed changes to the Consent order from DHEC regarding Big Creek, Starr and Pendleton Landfills deficiencies. He said that the county had successfully completed negotiations for payment of a fine from \$77,725 to \$47,000. Mr. Banister moved to accept the changes and allow the payment of fine. Mr. Tolly seconded and vote was three in favor (Holden, Tolly, Banister) and one opposed (Allgood). Motion carried.

Mr. Smoak said that the airport beacon needed to be maintained by licensed persons per F.A.A. guidelines. He recommended that the County continue the maintenance with the same company (Woodruff Avionics, Inc.) for \$175 per month. Mr. Banister moved to approve and Mr. Allgood seconded. Vote was 4-0.

Mr. Smoak explained that the county applied for an Airport Grant for engineering contract. He said that Council approved with the stipulation that the Contract amount not exceed \$56,000; payment of which may be delayed until October 1, 1995 except for \$2,800. The Consulting firm has drawn up an amendment to help apply for the grant. Mr. Allgood moved to allow the amendments and apply for the grant and Mr. Banister seconded. Vote was 4-0.

Mr. Smoak recommended that the County not undertake the project of piping the ditch at the Civic Center at this time. Mr. Allgood moved to discontinue the piping of the ditch near the Civic Center and Mr. Banister seconded. Vote was 4-0.

Mr. Smoak presented abandonment of sewer easements for a parcel of land for development of commercial land on Clemson Boulevard (Evergreen Properties). There is an old sewer line easement no longer needed on the parcel of land. Mr. Smoak said that in order to abandon these; the County must do a release and termination of right-of-way and approved a quitclaim deed. Mr. Banister moved to approve Resolution #R94-018 - release and termination of right-of-way and easement. Mr. Allgood seconded and vote was unanimous. Mr. Allgood moved to approve first reading of an ordinance (#94-021) approving the quitclaim deed and Mr. Banister seconded. Vote was 4-0.

Mr. Smoak presented a request to transfer \$100,000 from Councilman Floyd's paving account to help match a grant of \$150,000 from the State Budget and Control Board to fund the development of a sewer project for Lone Oak, Broadview and Johnson Communities. The remaining \$50,000 will be budgeted next year. Mr. Banister moved to approve and Mr. Tolly seconded. Vote was three in favor (Banister, Tolly, Holden) and one opposed (Allgood). Mr. Allgood stated that he disagreed with the way this was handled that it should be a special tax district since it was a special project.

The next item on the agenda: Deletion of Dirt portion of Andrews Road was deferred at Mr. Banister's request. He stated he needed more information at this time.

Mr. Martin explained the acceptance of a Quitclaim deed for .66 acre - Highway 81. He said this happened sometime ago when the highway was widened. Anderson County bought a portion of the railroad track which paralleled highway 81 which was encompassed by the State during the time it was widened. The state agreed to purchase new right-of-way, move the track and transfer title. The transfer of title was never done. Mr. Tolly moved to acceptance the quitclaim deed and Mr. Banister seconded. Vote was 4-0.

Mr. Smoak presented a Joint Use Agreement with School District #1 regarding tennis courts at Hurricane Spring Park. Mr. Allgood moved to approve the agreement and Mr. Tolly seconded. Vote was 4-0.

Mr. Smoak presented a request from the County School Board for assistance with removal of bamboo and brush from their facility located on Bleckly Street. The estimated cost of the project would be \$2000.000. Mr. Holden moved to allow Mr. McClure to help with the removal of the bamboo and brush and Mr. Banister seconded. Vote was unanimous.

Mr. Allgood asked about the ordinance on special taxing entities. Mr. Smoak said that the ordinance would be on the next meeting's agenda.

On the motion of Mr. Holden, seconded by Mr. Tolly, Council voted unanimously to go into executive session to discuss economic development and one legal matter at 9:00 p.m.

On the motion of Mr. Tolly, seconded by Mr. Holden, Council voted unanimously to come out of executive session back into regular session at 10:10 p.m.

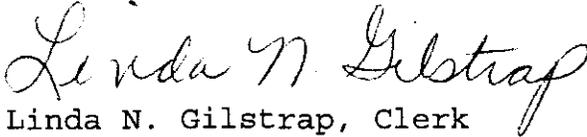
Mr. Martin explained that Council discussed the Tenth Circuit - Death Penalty case and retrial of Kevin Dean Young. The order called for attorney fees to be paid in the amount of \$27,000 to Mr. David Standeffer and \$17,000 to Mr. Cordel Maddox and six separate fees who testified or provided information for the defense. The total cost will be approximately \$47,000 to \$49,000. Anderson County strenuously opposes this, and does not believe that it is correct for the county to pay a penny of the cost in this case that involved a prosecution of a city case, by the State Solicitor and prosecuted in a State Court and the retrial was because of an error in the state court, Mr. Martin

stated. On the motion of Mr. Banister, seconded by Mr. Allgood, and vote was three in favor (Allgood, Banister, Holden) and one opposed (Tolly) to pay as discussed. Motion carried.

Mr. Tolly moved to approve the lands that have been listed and discussed in executive session for the multi-county industrial park with Clarendon County. The public hearing and third reading will be held on July 5. Mr. Holden seconded and vote was unanimous.

There being no further business, Council adjourned at 10:00 p.m.

Respectfully submitted,


Linda N. Gilstrap, Clerk
ANDERSON COUNTY COUNCIL