

**ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting - October 4, 1994 - 7:30 p.m.
Linda N. Gilstrap, Clerk**

**AMENDED
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- SENIOR REFLECTIONS, Brantley Jordan (picked up and paid for).

A regular meeting of the Anderson County Council was held on October 4, 1994 at 7:30 p.m. in the 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
Mike Holden - District #5
Tom Martin - County Attorney
Gary A. Smoak - Administrator
Linda N. Gilstrap, Clerk

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

On the motion of Mr. Holden, seconded by Mr. Tolly, Council voted unanimously to approve the September 20, 1994 minutes as mailed.

Council heard from the following group "ACAWS" (A Community for an Alternative Waste Site) requesting that Anderson County Council reconsider the location for the Regional Solid Waste Recovery Facility: Linda Martin, Gary Shaw, Martha Sue Dobson, Leland Dobson, Doris Franks, Matthew Owens, Leonard Riggins, Carl Johnson and Orien Parris. Council received as information.

Mr. Tom Clark asked Council to consider taking over a short section of road in a small subdivision where 13 families live. This is an old road that ended when the Interstate Highway came through on I85. The County is currently maintaining this road down to a cluster of mailboxes; which is approximately 500' short of their legal responsibility. They would like the work to be continued on Dickerson Drive on up into their subdivision (Thornwood). Mr. Tolly asked a resident of the road to get up some information such as who the developer was a what maintenance the county has done up to this point. Council asked Mr. Smoak to work with Road Maintenance to see what can be done.

Mr. Mike Holden recognized Boy Scout Troop #280 from New Hope United Methodist Church. Troop Leader, Steve Kirby, and all Boy Scouts were presented Anderson County lapel pins.

Mr. William Floyd recognized Mr. Kirby Phillips and students from Hanna High School's Government class.

The agenda was rearranged to have Item 7 (a): Paving of entrance, driveway and parking lot - Fire Training Facility next. Mr. Floyd explained a joint effort with the 27 Fire stations to pave the entrance, driveway, and parking lot of the Fire Training Facility which is a 15 acre tract of land for a training facility. He said the total project cost is \$27,570 and then moved that each County Council member contribute approximately \$5,454 per Council district from their asphalt fund account. Mr. Holden seconded. Mr. Banister said that he had received a note that the amount needed was \$30,000; therefore, he amended the motion to round off the figure to \$6,000 per district, if additional money is needed. Mr. Floyd seconded. Vote on the amendment was unanimous. Vote on the original motion as amended was unanimous.

Mr. Tolly presented third and final reading of Ordinance #94-023 - an ordinance to establish a classification and a compensation plan for Anderson County and to provide for comprehensive personnel policies for the employment and dismissal of all county employees and to set forth the working conditions and benefits for those employees, to provide for equal employment opportunity and affirmation action goals and anti-discrimination provisions. He said that the Substance Abuse Policy and Procedures, Section LIII, pp. 69-78 had been added since second reading and would require an amendment prior to third reading approval. Mr. Tolly then moved to amend Ordinance #94-023 to include Section LIII and Mr. Floyd seconded. Council discussed. Vote was four in favor (Holden, Floyd, Tolly & Allgood) and one opposed (Banister). Mr. Floyd moved to approve on third reading as amended and Mr. Holden seconded. Vote was three in favor (Tolly, Allgood, Floyd) and two opposed (Banister, Holden). Motion carried. Mr. Holden said that he was not totally in favor of

all that is included in the policy.

Mr. Tolly presented third reading of Ordinance #94-025 - an ordinance adopting and enacting a new code for the County of Anderson; providing for the repeal of certain ordinances not included therein; providing for the saving of other ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such code; and providing when such code and this ordinance shall become effective. Mr. Banister presented an amendment to the ordinance dealing with the Building and Codes ordinance. Mr. Banister said that he would make his amendment as first reading of on ordinance (#94-028) instead of adding to the above ordinance on third reading. Mr. Tolly moved to approve third reading of Ordinance #94-025 and Mr. Floyd seconded. Vote was 5/0.

Mr. Tolly presented second reading of Ordinance #94-024 - an ordinance to amend Anderson County Ordinance #94-012, the Anderson County Fiscal Year 1995 budget ordinance, with regard to certain Solid Waste fees. Mr. Floyd moved to approve and Mr. Banister seconded. Vote was four in favor and one opposed (Allgood). Mr. Allgood said he was opposed because of what the City doesn't pay for solid waste the people outside of the municipalities will have to pay. Motion carried.

Mr. Tolly presented second reading of Ordinance #94-026 - an ordinance authorizing transfer of certain real property interests from Anderson County to the S.C. State Forestry Commission - Craytonville Fire Tower. Mr. Banister moved to approve and Mr. Allgood seconded. Vote was unanimous.

Mr. Tolly presented first reading of Ordinance #94-027 - an ordinance authorizing the issuance of \$11,600,000 general obligation bonds. Mr. Allgood requested that action be postponed until after executive session. Council agreed.

Mr. Banister explained his proposed Ordinance #94-028 would allow citizens to use timber cut and milled (without it being graded) by them to construction carports, barns, out buildings or similar non-habitable structures on the land owners' property. This would be an amendment to the present Building and Codes ordinance. Mr. Banister moved to approve on first reading and Mr. Allgood seconded. Mr. Tom Martin, County Attorney, explained that copies of the S.C. Code and copies of the S.C. Building Regulations were at each Council member's station for their information and that the matter was controlled strictly by the state law; section 6-9-60. Based upon S.C. State law the ordinance proposed is either redundant or is not authorized by law. There is already a state law that exempts farm buildings; buildings used for agricultural purposes

to be exempt from the Building Code; therefore, the ordinance would not be necessary if it applies to farm buildings or agricultural buildings exclusively. If this applies to any structure other than farm buildings; then state law indicates that it would not be within County Council's authority to pass this without the approval of the S.C. Building Code Council, Mr. Martin said. The S.C. Building Code Council has already indicated that they cannot approve this change. Council discussed. Mr. Banister stated that he had contacted three different attorneys and he was told by all of them that the County could amend the Building and Codes ordinance. Mr. Banister then moved to approve on first reading and Mr. Floyd seconded. Mr. Holden said that Council could direct the Attorney to submit a formal request asking for permission to amend the ordinance prior to third reading if Council went ahead and approved the ordinance on first reading (tonight). Mr. Tolly moved to table and Mr. Floyd seconded. Mr. Holden asked why Council could not do first reading tonight. Mr. Martin explained that Mr. Banister had questioned his credentials and ability as County Attorney; therefore, he felt compelled to submit his resignation in light of that. Vote on the motion to table was two in favor (Floyd, Tolly) and three opposed (Banister, Holden, Allgood). Motion failed. Vote to approve on first reading was four in favor (Holden, Banister, Allgood, Floyd) and one opposed (Tolly). Motion carried.

Mr. Smoak presented bids for engineering services for studies and design to provide sewer service to I85 - SC 86 area. The low bid is Gray Engineering Associates for \$41,400.00. Mr. Banister moved to go with Gray Engineering and Mr. Allgood seconded. Vote was 5-0.

Mr. Tolly moved to approve the installation of five speed breakers at Hanna High School for \$592.25. The money to come from District #1 paving account. Mr. Banister seconded and vote was four in favor (Holden, Tolly, Banister, Allgood) and one abstention (Floyd). Motion carried.

Mr. Allgood talked about amendments to the Mobile Home ordinance, the Subdivision ordinance and the Land use and Development Standards ordinance in order to address maximum density. Council heard from Mr. Ralph Hardin, Chairman of the Anderson Planning Commission. Council received certain recommendations from the Anderson County Planning Commission to address the issue. Mr. Allgood moved to approve Resolution #94-028 asking the Planning Commission to move forward on amendments to the ordinances as discussed. Mr. Tolly seconded and vote was four in favor and one opposed (Banister). Mr. Banister said that he would not support the ordinance because it was discriminating against mobile homes.

Mr. Smoak presented a request to change the requirements for insurance for Anderson County Retirees. He said since September 21, 1993, Anderson County pays only one-half or 50% of the retired employee's insurance premium (no dependent coverage) if: (a) he/she has reached the age of sixty-two and has been with the county for 10 years; (b) has thirty years of service credit under the S.C. Retirement System, regardless of age; or, (c) twenty-five (25) years of service credit under the Police Officers Retirement System. He recommended that the County pay 100% of the retired employee's insurance premium. Mr. Banister asked that any employee who has worked with the County for 10 years and retires at age 62 would be eligible to have their insurance paid by the County until age 65. He would also like this to be retroactive back to September, '93 when the date was changed and include the two-three employees that "got caught" so they would be eligible at 100%. He moved to approve as discussed above and Mr. Holden seconded. Vote was unanimous.

Mr. Banister moved to blade, level and add saw dust to the Belton Elementary School walking area. The funds needed will come from District #3 paving account. Mr. Tolly seconded and vote was unanimous.

Council recessed at 9:30 p.m. for approximately 15 minutes.

Chairman Tolly called the meeting back to order at 9:50 p.m.

Mr. Allgood moved to match an ISTEAA grant awarded to the Town of Pendleton for installation of a bikeway from the traffic light on North Mechanic Street to the bridge. The amount of \$22,941.00 will come from District #4 paving funds. Mr. Banister seconded the motion and vote was 5-0.

Mr. Smoak discussed a request from the Town of Honea Path asking for a place to dispose of rubble from a downtown demolition project and also the waiver on solid waste tipping fees for this "one time" only project. Mr. Banister moved to waive the tipping fees as requested and Mr. Allgood seconded. Vote was 5-0.

Mr. Smoak discussed maintenance on an old dirt road, known as Hillhouse Road in District #4. This would include scraping, adding crusher run stone. This would be accepted by a prescriptive right-of-way with a 50' right-of-way. Mr. Allgood moved to approve and Mr. Banister seconded. Vote was unanimous.

Mr. Holden discussed an unnamed dirt/gravel road off Standridge Road which is a county road. He moved that the road be scraped and add crusher run and Mr. Floyd seconded. This will be accepted as a prescriptive right-of-way and the needed funds will come from District #5 paving. Vote was unanimous.

Mr. Holden presented another road request concerning Dowell Road off Grady Hall Road. Six to eight mobile homes are on the road and is marked as "private" on the map. Center Rock Fire Department has asked that something be done because of the road being so bad. He said that maybe because of humanitarian reasons the County could go in and do something to the road. Council asked the Administrator to instruct the County Attorney to see if the developer can be made to go back out there and fix this road. Mr. Holden moved that, under humanitarian reasons, the county go out and obtain an easement and then scrap and put crusher run on the road. Mr. Banister seconded. Vote was 5-0.

Mr. Smoak informed Council of three manholes within the right-of-way of Tate Road (C-12-28) that seem to have been damaged by County mowers. One manhole is overflowing because of a "stopped up" line. Mr. Smoak said since it was private in nature; the County should not mess with it. He said a precedent had been set. DHEC acknowledges that we are doing this as an humanitarian reason and will not tie us in anyway for further liability. Mr. Banister moved to go ahead and get this straightened out, and ask Mr. Tate sign the proper liability forms. Mr. Holden seconded and vote was unanimous.

Mr. Smoak presented a policy on the use of the County Council Chambers. Mr. Tolly moved to approve the policy as presented and Mr. Floyd seconded. Council discussed. Vote was two in favor (Tolly, Floyd), two opposed (Banister, Allgood) and one abstention (Holden). Mr. Holden stated he did not have enough information to act on the request at this time. Motion failed.

Mr. Smoak presented overruns for the Public Works Building. He said that Mr. McClure had requested transfers in the amount of \$18,887.14 to cover the overruns. Mr. Banister moved to approve the budget transfers to cover the overruns and Mr. Tolly seconded. Vote was unanimous.

Mr. Smoak presented another request from Windsor/Aughtry Company for additional fill dirt; approximately 330,000 cubic yards at 60¢ per cubic yard. This would be an additional \$198,000 revenue for the county and therefore Mr. Tolly moved to sell the additional fill dirt at the Civic Center and Mr. Floyd seconded. Vote was four in favor (Holden, Floyd, Allgood, Tolly) and one opposed (Banister). Motion carried.

On the motion of Mr. Holden, seconded by Mr. Banister, Council voted four in favor (Holden, Banister, Tolly, Floyd) and one opposed (Allgood) to approve an additional File Clerk position - Grade 6 for the Clerk of Court's (Family Court Division-Support payments) office. This is Incentive monies, per contract with Department of Social Services, that must be used for the operation of Family Court.

Mr. Smoak presented an offer to purchase property off East Shockley Ferry Road. Mr. Steven Yon, making the request on behalf of his client, Dr. Robert Austin, stated that he wishes to have the road legally closed and purchase Anderson County's right to the property. Mr. Tolly moved that the County approve the closure and Mr. Holden seconded. Vote was unanimous.

Mr. Smoak presented a request from Sheriff Gene Taylor to upgrade his dispatchers salaries. He has lost five since July 1 and would request only an increase of \$1,434 for a total cost to the County of \$13,981. This would be a starting salary for the County at \$15,772. Mr. Tolly moved to approve and Mr. Floyd seconded. Vote was three in favor (Holden, Floyd, Tolly) and two opposed (Banister, Allgood). Motion carried.

Mr. Holden asked that Mr. Smoak look into extending the hours at the Animal Shelter to 6:00 p.m. Mr. Smoak will check the hours.

Mr. Holden presented Resolution #R94-027 - a resolution honoring and commending Jason Kelley and Brandon Carey for acts of heroism and community service. Mr. Holden moved that the resolution be approve and mailed to each of the young men. Mr. Tolly seconded and vote was unanimous.

On the motion of Mr. Tolly, seconded by Mr. Holden, Council voted unanimous to go into executive session at 10:40 p.m. to discuss one legal matter and one economic development matter.

On the motion of Mr. Tolly, seconded by Mr. Floyd, Council voted unanimously to come out of executive session back into regular session at 12:15 a.m.

Mr. Martin stated for the record that during executive session Council discussed one economic development item, two contractual matters, one litigation and one personnel matter. No action was taken in executive session.

On the motion of Mr. Tolly, seconded by Mr. Allgood, Council voted unanimously to authorize the settlement offer of a litigation matter along the lines discussed in executive session.

Mr. Tolly moved to approve (as changed) Ordinance #94-027 - an ordinance authorizing the issuance of not exceeding \$4,400,000 (\$4.35 Million plus capitalized issuance cost) general obligation bonds, series 1994, of Anderson County which will be a single issue with delivery in December, 1994. Mr. Holden seconded. The original ordinance called for \$11,600,000; a single issue with two delivery dates. This bond issue includes the following:

\$1,300,000 - Landfill
\$2,350,000 - Detention Center
\$ 500,000 - Central air and new windows - Towers St. Building
\$ 200,000 - Central air in the New Health Dept. Building
\$ 50,000 - Bond Counsel - issuance costs

\$4,400,000 - total

Vote was four in favor (Holden, Tolly, Banister, Floyd) and one opposed (Allgood). Mr. Allgood opposed because he believes the cost of the land is entirely out of line.

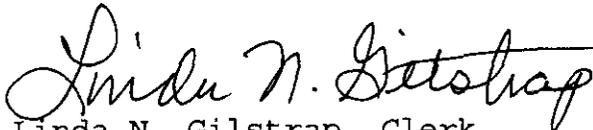
Mr. Holden asked that Seminole Avenue (C-15-28A) be added to his paving list presented to Mr. Smoak at the last meeting for paving this year.

Mr. Holden moved to pave the road around Southwood Jr. High School from District #5 asphalt account. Mr. Floyd seconded and vote was 5-0.

Mr. Holden explained that Fork Rescue Squad was beginning construction of a new building and asked that the County assist them with leveling a spot that they want to use. The funds to come from District #5 paving account. Mr. Floyd moved to go ahead and complete the project and Mr. Banister seconded. Vote was 5-0.

There being no further business, Council adjourned at 12:50 a.m.

Respectfully submitted,



Linda N. Gilstrap, Clerk
ANDERSON COUNTY COUNCIL