

**ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting - August 16, 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- SENIOR REFLECTIONS, Brantley Jordan (picked up and paid for).

A regular meeting of the Anderson County Council was held on August 16, 1994 at 7:00 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
Tom Martin - County Attorney
Gary A. Smoak - Administrator
Linda N. Gilstrap, Clerk

ABSENT

Mike Holden -District #5

Chairman Fred Tolly called the meeting to order and Mr. Tom Martin gave the invocation. Everyone stood and pledged allegiance to the flag. Chairman Tolly announced that Mr. Holden was sick and unable to attend the meeting.

On the motion of Mr. Banister, seconded by Mr. Tolly, Council voted 3 in favor to approve the July 19, 1994 minutes as mailed. Mr. Allgood abstained because he did not attend the meeting.

On the motion of Mr. Tolly, seconded by Mr. Floyd, Council voted 3 in favor to approve the August 8, 1994 minutes as mailed. Mr. Allgood abstained because he did not attend the meeting.

Mr. Buddy Nicholson asked Council to abandon any interest in Cooper Lane, a County road, so that his client could petition the court to close the road. Mr. Allgood moved to allow the closing of Cooper Lane as requested by Mr. Nicholson. Mr. Floyd seconded and vote was 4-0. Mr. Nicholson will take all necessary legal/court actions, for his client, in order for the road to be closed.

Council heard from other concerned citizens at this time.

Mr. Tolly presented second 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. A public hearing was held; no comments were heard. Mr. Floyd moved to approve on second reading and Mr. Tolly seconded. Vote was three in favor and one opposed. (Mr. Banister opposed.)

Mr. Tolly presented first 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. Chairman Tolly explained that some members of Council requested additional time to study the ordinance and therefore asked that the ordinance be deferred until the September 20th meeting. Council agreed.

Chairman Tolly presented first 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. Floyd moved to approve on first reading and Mr. Allgood seconded. Vote was 4-0.

Chairman Tolly presented Resolution #R94-022 - a resolution to provide for the commissioning of Broadus Fulks, Jr. - as Anderson County Regulatory Compliance Officer, to provide for the proper security, general welfare, and convenience of Anderson County. Mr. Floyd moved to approve the resolution and Mr. Allgood seconded. Vote was 4-0.

Chairman Tolly presented Resolution #R94-023 - a resolution relating to the declaration of intent by Anderson County, to reimburse certain expenditures prior to the issuance by the County of its general obligation bonds. Mr. Martin explained that this was required by the Internal Revenue Service. On the motion of Mr. Allgood, seconded by Mr. Floyd, Council voted 4-0 to approve the resolution.

Chairman Tolly presented Resolution #R94-024 - a resolution asking the Governor for legislation wherein the State will assume the costly burden of all juvenile detention. Mr. Tolly moved to approve and Mr. Allgood seconded. Vote was 4-0.

Chairman Tolly read a proclamation proclaiming September 19-23, 1994 as Industry Appreciation Week in Anderson County. Mr. Tolly moved to adopt the proclamation and Mr. Floyd seconded. Vote was 4-0.

Mr. Ralph Hardin, Chairman of the Planning Commission, presented the Anderson County Comprehensive Plan which is the Commission's vision for the future for orderly growth. Council discussed. Chairman Tolly allowed comments from the public; several citizens in favor of the plan spoke. Mr. Allgood talked about maximum density. He asked if a clause needed to be added that stated that the maximum density should not exceed those required by DHEC. Mr. Harbin responded that the Land Use ordinance was in the process of being redone that would address that issue. Mr. Banister said that he was opposed to zoning and would vote against the plan. Vote was three in favor (Floyd, Tolly, Allgood) and one opposed (Banister). Council commended the Commission for their long, hard work done on the plan.

Chairman Tolly presented the name of Barry Visioli as Mike Holden's recommended appointment for an at-large position on the Anderson County Assessment Appeals Board. Mr. Tolly moved that the appointment be made and Mr. Allgood seconded. Vote was 4-0.

Chairman Tolly nomination of Mr. Gary McAlister to the Land Use Appeals Board to fill an unexpired term for District #1. Mr. Allgood seconded the nomination and vote was 4-0.

Mr. Smoak presented a bid in the amount of \$67,200 for the closure of the Starr Landfill. On the motion of Mr. Tolly, seconded by Mr. Floyd, Council voted 4-0 to approve the bid as presented.

Mr. Smoak presented bids for construction of 12 monitoring wells by S & ME, Inc. in the amount of \$19,110. Mr. Banister moved to approve and Mr. Floyd seconded. Vote was 4-0.

Mr. Smoak presented bids for construction of two concrete pads and one concrete walk for the White Street MRF. The vendor is Fowler and Moates Concrete Company in the amount of \$9,100.68. Mr. Banister moved to approve the purchase as requested and Mr. Allgood seconded. Vote was 4-0.

Mr. Smoak presented bids for two each - New Holland skid steer loaders model LX-665 for Solid Waste. The low bid is from Old Stone Ford Tractor for \$15,995 each. Mr. Banister moved to approve the purchase as presented and Mr. Allgood seconded. Vote was unanimous.

Mr. Smoak presented bids for 2 each Balkanear Model DV50HD Diesel Powered lift trucks. Piedmont Clarklift, Inc. is the low bidder for \$20,000 each. They will be paid from a DHEC Solid Waste grant and no additional funding will be required. Mr. Allgood moved to approve the bid and Mr. Banister seconded. Vote was 4-0.

Mr. Smoak presented the following items which deals with completion of the White Street MRF. Electrical, HVAC construction for \$38,000 and Interior office break and restroom construction for \$32,000. He said that this would be a "Not to exceed" situation and that negotiations were underway with several contractors in an effort to improve on the cost indicated. Mr. Banister moved to allow the negotiations and approve the request. Mr. Tolly seconded and vote was 4-0.

Mr. Smoak explained bid proposals for Glen Raven Sanitary sewer. He said that there was a bid problem which involved Moorhead Construction and it seemed that the bid had a mistake in which they showed the unit price instead of the extended price. Council heard from Mr. Moorhead. Council discussed. Mr. Martin explained that the County could not allow the bid to be changed; however, the County could waive a technicality but there was no technicality. The Purchasing Department, the Sewer Division and Gray Engineering all recommend the acceptance of the bid submitted by Harold Pickens & Sons, Inc. Mr. Allgood moved to go into executive session to discuss at 8:20 p.m. and Mr. Tolly seconded. Vote was 4-0.

On the motion of Mr. Tolly, seconded by Mr. Floyd, Council voted unanimously to come out of executive session back into regular session at 9:20 p.m. Mr. Martin said that during executive session Council received a legal briefing on and discussed in great detail a single-contractual matter - Glen Raven Sewer project bids.

Mr. Tolly moved to award the bid for sanitary sewer for Glen Raven to Harold Pickens & Sons, Inc, based on the recommendation by all parties involved. Mr. Floyd seconded and vote was three in favor (Allgood, Floyd, Tolly) and one opposed (Banister). Mr. Banister stated that he opposed because Mr. Pickens bid was not on letterhead as specifically stated in the bid. Motion carried.

Mr. Allgood asked that the Purchasing Department be checked as to the way they do bids.

Mr. Smoak presented a request to clear cut and sell timbers from approximately 100 acres at the Big Creek Landfill. Recommendation was made by the Purchasing Department to accept the high bid from Federal Paper Board in the amount of \$82,348 for the sell of the timber. Mr. Banister moved to approve the sale as discussed and Mr. Allgood seconded. Vote was 4-0.

Mr. Floyd asked that the Purchasing Manager be directed to send out quotes/bids for the 1995-1996 County Council composite pictures so that they can be hanging in the Chambers in January at the time of the "Swearing In" ceremony. Mr. Floyd moved that this be done and Mr. Allgood seconded. Vote was 4-0.

Mr. Smoak explained prices for the publication of a County newsletter as requested by Mr. Floyd. Mr. Smoak explained the estimated cost of publication. For a tabloid size publication for approximately 75,000 and the minimum of each mailing for 4 pages would be about \$16,819; but a better solution would be to have a newspaper type printed and delivered with the newspaper. The cost would be the same for printing but approximately \$3,000 for circulation vs. \$14,850 in postage. Council discussed. This newsletter would be used to inform the citizens of Anderson about things like new industry coming into Anderson and would never be used as a political advantage. This would be published through the Administrator's office. Mr. Tolly asked that the item be tabled until a later date. Council agreed.

Mr. Floyd explained a water problem in the Cheddar Community in his district in which all wells were contaminated. He asked that he be allowed to use approximately \$25,000 from District #2 paving to install a water line to help these residents. Mr. Floyd moved that this be done and Mr. Tolly seconded. Vote was 4-0.

Mr. Joe Prothro, Project Manager with DSP Architects, presented three options for the proposed expansion at the Anderson County Detention Center. Mr. Tolly moved to go with Option A which is new construction: (would provide 208 beds) two 28 cell pods (Maximum capacity of 112 inmates) with control area, dayroom spaces, multipurpose room (shared by each pod), laundry facilities for each pod (within the dayroom spaces), inmate intake/booking/release area, magistrate's area, visitation area, medical area, officer lockers and training areas, administrative offices, kitchen and service areas (including new kitchen equipment). Renovation: Renovation to the existing facility would consist of that which is minimally required to continue to utilize the building to house sentenced male inmates and the modifications necessary for the separation of pre-trial and sentenced female inmates. Other alterations would be to convert the existing kitchen for use as a laundry to serve the existing building. The areas presently used for booking, medical, breathalyzer, and storage will be used, again for their original purpose of housing inmates.

Probable costs:

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| New Construction | \$1,900,000 |
| includes all fixed furniture in the cells and day rooms | |
| Renovation | \$ 15,000 |
| Site Development | \$ 100,000 |
| Furniture & Equipment** | \$ 120,000 |
| ** (includes furnishings in officer areas, magistrate area, administration, visitation areas, and kitchen equipment) | |
| | <hr/> |
| | \$2,135,000 |

Mr. Tolly moved to approve Option A, as explained above, and Mr. Allgood seconded. Vote was 4-0.

Mr. Smoak presented a budget transfer in the amount of \$21,600 (from contingency) for maintenance of all EMS radio equipment. This was omitted from the 94-95 budget by mistake. Mr. Banister moved to transfer the \$21,600 from the Contingency Fund and Mr. Floyd seconded. Vote was 4-0.

Council heard from Mr. Judge Dean, Director - Anderson County Summer Food Program. Mr. Dean said that the Summer Food Program was not included in the 1994-1995 fy budget and requested a budget supplement of \$9,800. He explained the program to Council and stated that the \$9,800 was the same amount of funding received in the 1993-1994 fy budget. Council heard from Mr. Jacky Hunter explained to Council the difficulty in projecting the Administrative costs/grant-management perspective of this program by the number of meals served. Council discussed and agreed that the problem stemmed from the difference in the Federal Government's fiscal year and the County's. Mr. Banister moved to transfer \$13,417 to cover the amount needed in the 1993-1994 and 1994-1995 budgets and Mr. Floyd seconded. The money will come from contingency fund. Vote was 4-0.

Mr. Smoak presented a road abandonment in Starr; J.B. Pruitt road S-4-241. Mr. Allgood moved to abandon the road and Mr. Banister seconded. Vote was 4-0. Property owners will be responsible to bring a court action to actually close the road.

Mr. Smoak talked with Council about the 1995 Reassessment deadline for Anderson County. He said that Mike Freeman, Anderson County Assessor, has requested approval by Council to ask the Department of Revenue for a one year extension on the process so to make the reappraisal program effective 1996. Mr. Banister moved that the County ask for the one year extension and Mr. Allgood seconded. Vote was unanimous.

Mr. Smoak said that Council previously approved the purchase for \$3,000 for a right-of-way easement on Hampton Road. The owners of the land has rejected the offered but has agreed to sell for \$4,000. Mr. Smoak said that the monies would come from the Coordinating Council grant and recommended that Council approve the \$4,000 for the purchase. Mr. Allgood moved to approve and Mr. Floyd and Mr. Banister seconded. Vote was 4-0.

Mr. Smoak talked about Reece Haynie Road (C-16-71). He said Council, at the last meeting, agreed to take the road back into the maintenance system provided that landowners sign a 50' right of way. This is a situation where the landowners (Mr. & Mrs. Price) own approximately 100'-150' on both sides of the road; however, they do not want to sign a 50' right-of-way. Another owner who owns property adjoining down the south of the road, does not want to sign the right-of-way, also. The owners on the other side (left hand side) will sign. The problem is the County does not have a policy on what happens when a road has been abandoned in its' maintenance by the County and someone wants the County to pick it back up. Mr. Smoak recommended that Council adopt a policy that states that if the County has not maintained a road for 10 years then it is really abandoned and to come back into the system it would come under the regular road policy; whatever that might be. Mr. Smoak said that a gravel road (C-7-39B) in the Cheddar Community (District #2), is a similar situation. A policy is needed so that each situation would not need to come before Council. Mr. Martin explained that a road may become a county road by two ways. One is that it be deeded to the County and the County accepted the right-of-way or the County create a prescriptive right-of-way by working the road as a public road. He said that the fact that the County may have worked a road in the past, does not guarantee that it is a public road. Mr. Banister moved that Reece Haynie Road be bladed and gravel put on it to a prescriptive easement right-of-way. Mr. Tolly seconded. Vote was 4-0. Mr. Tolly moved that the county also blade and place gravel on C-7-39B, a road in the Cheddar Community, to a prescriptive easement right-of-way. Mr. Banister seconded and vote was unanimous.

Mr. Smoak explained that the County had tried for the last two years to solve a drainage problem on Sirrine Street (c-09-0338A) where the water was coming from the ground in the yards and under a property owners' house. This property owner has filed suit against the county to do something about the problem. The problem stems from a catch basin on Don Avenue, off South Murray Avenue that belongs to the SCDOT (South Carolina Department of Transportation). The water from the catch basin follows an old 24" "clay-bell" pipe that travels under several houses located on Sirrine Street. The County will install pipe to take runoff water from the catch basin down Don Avenue to railroad right-of-way provided the SCDOT will furnish the pipe. Mr. Allgood moved to install the pipe and ask the State to pay for the pipe. Mr. Floyd seconded and vote was 4-0.

Mr. Banister moved to approve the paving of the Starr Elementary School Park lot with "C" funds. The project is expected to cost approximately \$12,000 if the County does the work. Mr. Floyd seconded the motion and vote was unanimous.

Mr. Floyd moved to pave the Town of Pelzer's Community Center Parking Lot, Town Hall Parking Lot and the walk from the community center to shopping center. Funds needed will come from the "C" fund account. Mr. Tolly seconded and vote was unanimous.

Mr. Allgood moved to pave an area at the Three & Twenty Fire Station for parking. It is approximately 200' X 100' in size. Mr. Tolly seconded and Vote was unanimous. The funds will come from District #4 - paving funds.

Mr. Floyd moved to approve the paving of the Cheddar Fire Department parking lot. Mr. Allgood seconded and vote was 4-0. Funds will come from District #2 - paving account.

Mr. Allgood moved to place stone on the Belton Farmer's Market parking lot and Mr. Tolly seconded. Vote was 4-0. The estimated cost is \$450.00, plus four hours motorgrader work valued at \$260.00. Funds needed will come out of the general road repair budget.

Mr. Banister moved to pave the Ebenezer Fire Department's parking lot and Mr. Tolly seconded. Vote was 4-0. Funds will come from District #3 paving account.

Mr. Smoak asked for \$500 donation from the County to the Anderson Area Chambers' Small Business Expo '94 planned luncheon "Salute to Gov. Carroll Campbell". They will be paying tribute in recognition of our outgoing governor's outstanding accomplishments in economic development. Mr. Allgood moved to contribute \$500 and the funds to come from the Contingency account. Mr. Tolly seconded and vote was 4-0.

Council discussed the Old Dunham Bridge. After much discussion, Council agreed to defer until January, 1995 when the new Council District #4 representative (Mr. Ernie Garrison) is in office. Mr. Allgood moved to table until 1995 and Mr. Tolly seconded. Vote was 3 in favor and one opposed (Banister). Motion carried.

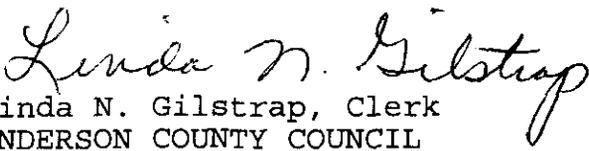
Mr. Smoak presented a Recruitment and Marketing policy for the Anderson County Office of Economic Development. Mr. Floyd moved to approve as presented and Mr. Tolly seconded. Vote was 4-0.

Council recessed for 5 minutes at 11:35 p.m. The meeting was called back to order at 11:40 p.m.

Mr. Smoak explained that the County had received a request from Mr. Allgood for his 1993-1994 fiscal year travel. Mr. Tolly moved to allow a budget transfer from the Contingency fund for Mr. Allgood's travel as requested. Mr. Floyd seconded and vote was 4-0. All necessary documentation will be provided by Mr. Allgood prior to payment. Mr. Banister seconded and vote was 4-0.

On the motion of Mr. Tolly seconded by Mr. Floyd, Council adjourned at 11:47 p.m.

Respectfully submitted,


Linda N. Gilstrap, Clerk
ANDERSON COUNTY COUNCIL