

ORIGINAL

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA

Regular Meeting - September 5, 1989 - 4:30 p.m.

Linda N. Gilstrap, Clerk

M I N U T E S

A regular meeting of the Anderson County Council was held on September 5, 1989 at 4:30 p.m. in the Anderson County Council Chambers - Room 109. Chairman James M. "Jimmy" Cox, Jr. presided.

P R E S E N T

James M. "Jimmy" Cox, Jr. - District #1
David L. Hooper - District #2
Harvie E. Banister - District #3
Elise C. Cahaly - District #4
Mike Holden - District #5
David Watson - County Administrator
David Standeffer - County Attorney
W. Rusty Burns - Asst. Administrator
Jacky Hunter - Finance Director
Linda N. Gilstrap - Clerk

Chairman Cox called the meeting to order and Mr. Watson gave the invocation. Everyone stood and pledged allegiance to the flag.

On the motion of Mr. Banister, seconded by Mr. Cox, Council voted unanimously to approve the August 8, 1989 minutes as mailed.

Mr. David Standeffer, County Attorney, presented second reading of Ordinance #287 consenting to the transfer of the rights and obligations under a franchise for the construction, ownership, operation and maintenance of a cable television system in Anderson County to Cencom Cable Income Partners II. Mr. Cox moved to approve and Mr. Hooper seconded. Mr. Holden asked if there were plans for upgrading the system. They replied they would check out complaints. Vote was unanimous.

Mr. Cox explained a request from a citizen asking that Council follow Robert's Rules of Order. Council should dispense all pending old business before new business he explained. With no objections from Council, Chairman Cox began the meeting by following Roberts Rules.

Mr. David Standeffer opened a public hearing for comments concerning the annexation of certain land into the Piedmont Sewer, Light and Fire District. There were no comments. Mr. Standeffer asked for approval of Resolution #510 approving the annexation of properties into the Piedmont Sewer, Light and Fire District. Mr. Cox moved to approve the resolution and Mr. Banister seconded. Vote was unanimous.

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Mr. Standeffer asked Mr. Tony Cirelli to report on the annual Land Use Review. Mr. Cirelli reported that the Land Use Commission has been successful with the Ordinance so far and would recommend to Council that they continue with the Land Use ordinance and adopt the recommended amendments to the ordinance. Mr. Standeffer presented second reading of Ordinance #283 concerning the following amendments to the original Land Use Ordinance: (1) Setbacks: Section 3.44 Add: "Where the property line extends to the center of a street or road, the measurement shall be made from the road right-of-way line, (2) Section 3.69 - Containers & Dumpsters: Substitute the word "feet" for "yards" in the phrase "Six cubic yards.", (3) New item: Section 7.3 - Prohibited Signs - Add (#5) "Billboard type signs with more than one face per sign." and (4) Fees-Charged for review of commercial and industrial site plans at the rate of \$40.00 minimum for structures not to exceed two thousand square feet and an additional structure with the maximum fee to be the sum of \$500.00. Mr. Hooper moved to approve and Mr. Banister seconded. Vote was unanimous.

Mr. Standeffer presented second reading of Ordinance #289 amending the Junkyard ordinance (#248). The amendments deals with changing the number of vehicles which will constitute an automobile graveyard (change from three to ONE), and adding that Junkyards shall be permitted to be located no closer than 1,000 feet from the nearest residence and 1,000 feet from the nearest edge of the right of way of any county, private, or other road. Ms. Cahaly moved to approve the amendments and Mr. Hooper seconded. Council discussed the amendments. Mr. Cox asked for clarification by Mr. Jimmy Jackson concerning the number of cars allowed in an establishment or place of business prior to third reading. Vote was four in favor (Cox, Hooper, Cahaly, Holden) and one opposed (Banister).

Mr. Standeffer presented second reading of Ordinance #286 - Fee in Lieu of Taxes for WCI (Whites Consolidated Industry). Ms. Cahaly moved to approve on second reading and Mr. Banister seconded. Mr. Holden asked again about the air conditioning. Mr. Burns explained that they intended to air condition the existing part of the plant and to fully air condition the new addition. Vote was unanimous.

Mr. Standeffer presented second reading of Ordinance #288 amending the 1989-1990 budget by adding \$325,000 additional revenues for County employee pay raises. Mr. Cox moved to approve on second reading and Mr. Hooper seconded. Mr. Holden moved to increase the proposed additional revenues by \$25,000 (from \$325,000 to \$350,000) to implement his proposal. The motion died from lack of second. Vote on the motion was unanimous. Mr. Watson asked for clarification to Mr. Cox's motion concerning distribution of monies for employee pay raises. Mr. Cox explained that the supplemental budget appropriation would be the money needed to carry the Council's plan beyond January, 1990. Mr. Cox explained that the raises are to be lumped summed; minimum plus the recommended raise as soon as possible to employees

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and the amount needed for the first six months are already appropriated and available. Mr. Hunter said that he was trying to have adjustment checks ready for employees on September 29.

Mr. Cox called for a recess at 5:15.

Mr. Cox called the meeting back to order at 5:25 p.m.

Mr. Cox read a letter from Mayor Marion Middleton explaining that when the the Town Square Shopping Center was being planned, they also planned to have a street coming from Minor Street, behind the Police Department, into the shopping center. This would relieve traffic from the front entrance off of Main Street. The letter explained that all problems have been resolved and would request that the street be built at this time and the drain pipe under Minor Street be enlarged and extended. Mr. McClure said that \$5,932.60 would be required for the street and 40' of 48" metal pipe for Minor Street with a catch basin. Mayor Middleton also requested street improvements around Palmetto High School. The request would be for assistance in cutting a portion (225') of Hamilton Road which would require use of County motorgraders, bulldozers; no money would be required. Mr. Cox moved that the \$5,932.60 needed come from District #1 paving funds and the 40' of pipe come from the Road Maintenance pipe account, also the County commit to cut the street for the Town of Williamston as requested. Mr. Banister seconded and vote was unanimous.

Mr. Hooper asked Mr. McClure to present a request from the City of Anderson for pipe. He said that the request was for 140' in District #4 and 200' in District #2. The City of Anderson will install the pipe if the County furnishes it. Mr. Hooper moved to grant the request for the pipe and Mr. Banister seconded. Mr. McClure also presented a request for Mr. Holden regarding a private road off of C15-98 which is a gravel road into a mobile home park. The owner has refused to pave the road. The road is classified as a Class II road. Ms. Cahaly explained a road in her district where the owners have money in escrow to fix the roads and the County can't do the work. Mr. Holden moved to allow the County to take over the road as a Class II with a 50 foot right of way with the owners being misrepresented by the developer. Mr. Banister seconded. Council discussed. Mr. Holden amended the motion to ask Mr. McClure to check the request out further and report back and Ms. Cahaly seconded. Vote was unanimous. Vote on the original proposition as amended was unanimous.

Mr. Cox discussed Mr. Watson's contract and presented the following amendments as an offer to Mr. Watson.

(Change date)

1. Agreement date: September 5, 1989

2. Section II. - Term (Change Subsection C to read:)

C. Administrator agrees to remain in the exclusive employ of the County until February 15, 1993, and to neither seek, accept nor become employed by any other employer until said termination date, unless said termination date is effected as hereinafter provided.

3. Change Subsection C - Second Paragraph

The term "employed" shall not be construed to include occasional teaching, writing or consulting or other activities performed on the Administrator's time off with or without compensation therefore.

4. Section II. Subsection D (Last sentence)

Said Agreement shall continue thereafter for three-year periods unless ninety (90) days written notice is given prior to time of expiration.

5. Section III. Termination and Severance Pay (Add)

A. Termination With Cause

A grounds for termination with cause shall be the conviction of the Administrator of any crime involving moral turpitude or the refusal of the Administrator to perform the duties of his office. For the purposes of this section the duties of his office include maintaining reasonable consistent office hours, except during those times as the duties of his office require his absence and failure to comply with lawful directives of the Council passed in open public meetings of said Council in which do not conflict with or invade the responsibilities and authority conferred on the Administrator by the S.C. Code of Laws. If a majority of Council members feel that the Administrator is not in compliance with either the above duties, then said members shall cause a certified mail return receipt requested letter to be sent to the Administrator advising him of his non-compliance and a reasonable length of time offered him for correction. If after such reasonable time period has passed, the Administrator fails to correct the non-compliance he may be terminated with cause by the Council. If the Administrator is terminated with cause then he shall be entitled to no severance pay.

6. Add a new Section - Illness and Disability

In the event the Administrator shall suffer serious illness or injury during the contract period, he shall be afforded a minimum of 120 days as a recoupable period before he may be deemed to be in violation of the terms of his contract and subject to the provisions relating to termination with cause. Council may upon public vote extend this recoupment period.

7. Add new B: Termination without Cause (Subsection C becomes D)

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If the Administrator is terminated for any reasons other than those set out above, he shall be deemed to have been terminated without cause and shall be entitled to all pay and financial benefits remaining on his contract for the balance of the contract period in a lump sum as severance pay.

8. Add: Section III. Prior Subsection C - Now subsection D
(Highlighted words added)

Administrator resigns following a suggestion, whether formal or informal, by the Council that he resign, or if the Administrator is reassigned to another position within the County's employ then, in that event, Administrator may at this option, be deemed to be "terminated" at the date of such reduction or such refusal to comply within the meaning and context of the herein severance pay provisions.

9. Section 4. Salary (Current Base Salary)

County agrees to pay Administrator for his services rendered pursuant hereto an annual base salary of \$52,000, payable in installments at the same time as other employees of the County are paid.

10. Delete entire paragraph below.

In addition, the County agrees to increase the base salary by ten (10%) percent with said increase to be effective on the anniversary date of his employment.

11. Section 5. Hours of Work Subsection B. (add highlighted words)

Administrator shall not spend more than ten (10) hours per week in teaching, consulting or other non-county connected business for compensation, without the express prior approval of Council.

12. Section 7. Dues and Subscriptions

Change the amount of professional dues from \$350.00 to \$600.00 per year.

13. Section 12. General Provisions

Change subsection B. This Agreement shall become effective commencing February 15, 1990.

Mr. Cox moved that the amendments be made to Mr. Watson's contract and Mr. Hooper seconded. Mr. Holden amended the motion that the amendments be put in writing and distributed to all Council members prior to voting. Ms. Cahaly seconded the amendment. Vote was two in favor (Cahaly, Holden) and three opposed (Banister, Cox, Hooper).

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that Mr. Cutliff talk with Mr. Marvin Mattison for better understanding of the ordinance and to help resolve his problem.

Mr. David Watson informed Council of a meeting with the EMS Study Committee and Rescue Squads at 5 p.m. on Wednesday, September 6, 1989.

Mr. Watson reported that \$5,000 for available for a request from Crime Stoppers from the Contingency Fund. Mr. Cox moved to approve the request from the contingency fund and Mr. Hooper seconded. Vote was unanimous.

Mr. Watson explained that the salary of the Master-in-Equity needed to be adjusted in accordance with state law. The increase would involve approximately \$2,500. Mr. Cox moved to transfer the needed money into the salary account from the Contingency Fund and Ms. Cahaly seconded. Vote was unanimous.

Mr. Rusty Burns presented a request to purchase sign material for Road Maintenance from Vulcan Sign Company. The low bid is \$3,413.98. Mr. Banister moved to approve the purchase and Mr. Cahaly seconded. Vote was unanimous.

Mr. Burns presented a request for approval to purchase 68,200 tons asphalt spread in place from Thrift Brothers, Inc. The low bid is a budgeted item and no additional funding will be necessary. The amount is \$1,500,400.00. Mr. Banister moved to approve and Mr. Hooper seconded. Vote was unanimous.

Mr. Burns presented a request from Solid Waste to purchase two (2) Fiatallis front end track type loaders in the amount of \$157,562 each. The low bid is from Van Lott, Inc. The item is budgeted and not other funding will be necessary. The price includes a trade in of two crawler loaders. Mr. Banister moved to approve and Mr. Hooper seconded. Vote was unanimous.

Mr. Burns asked for approval to allow Dean Hunter & Company to remove asbestos from the Fleishman Building in the amount of \$9,119.50. The price is based on a waiver of disposal fees at Solid Waste. Mr. Banister moved to allow and Mr. Holden seconded. Vote was unanimous.

Mr. Burns requested conditional approval for a radio system for the Sheriff's Department. The low bid is from Motorola in the amount \$129,792.92 and is a state contract system. Mr. Watson would like to be sure that the system has the adaptability County wide in piece or whole. Ms. Cahaly moved to approve and Mr. Banister seconded. Vote was unanimous.

Mr. Burns reported that the County was eligible for a \$500,000 grant for road improvements near the Michelin Plant in Sandy Springs and asked for permission for the Chairman to sign the grant and to authorize Wilbur Smith of Columbia to handle the design plans. Ms.

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Vote on the original motion as presented was three in favor (Cox, Banister, Hooper) and two opposed (Holden, Cahaly).

Mr. Cox explained that he asked Mr. Crowe a couple weeks ago to order a telephone for his use and bill to the County. He said he informed the Administrator that he would be personally responsible for the phone until such time as County Council approves the use of it. This is a trial period to see if the phone will benefit him and will ask Council for approval for money for the phone at the next Council meeting. Mr. Holden and Mr. Cox discussed the purchase of the phone and who would be responsible for payment. No action was taken.

Mr. Stephen Crawford asked for Council to sign a sublease agreement for the operation and maintenance of Mountain View Park between Anderson County and S.C. Department of Parks, Recreation & Tourism (PRT). Mr. Hooper moved to approve the contract and Mr. Cox seconded. Vote was unanimous.

Mr. Stephen Crawford explained a proposal for the grading and construction plans for Phase I development of the Hurricane Spring Park across from Wren High School which has been submitted by the park's master planner, Gerald Vander Mey. Mr. Crawford recommended the approval of Option 1, which is the complete construction document package. Upon approval, the County will apply for state Parks & Recreation Development Funds to pay for eighty percent of the cost of the plans. Mr. Hooper moved to approve and Mr. Banister seconded. Vote was unanimous.

Mr. Crawford reminded Council of the offer to the County of 15 acres in Stonehaven as a park. He said that the property is adjacent to a creek and would require extensive work to turn into a park. He recommended that Council reject the offered land. Mr. Banister moved to reject and Mr. Cox seconded. Vote was four in favor (Cox, Banister, Hooper, Cahaly) and one abstention (Holden).

Mr. Crawford explained that Ms. McGahee with the S.C. Department of Archives and History called him regarding the Keese Barn in Pendleton. He said the Pendleton Town Council approved \$1,000 to help with the study; \$2500 is needed to complete the study (\$1,500 from the County). Ms. McGahee informed Mr. Crawford that the grantee was in violation of certain stipulations in the grant. If the request is approved by Council for the needed \$1,500 the grant will be approved but an investigation will be conducted. Mr. Crawford recommended that Council not approve the money for the study because of certain violations of the grant. Ms. Cahaly moved to accept Mr. Crawford's recommendation and Mr. Cox seconded. Vote was unanimous.

Mr. Tom Cutliff talked with Council regarding the Animal Control ordinance and the dog problem in Stonehaven Subdivision. He said that he had difficulty understanding some of the wording. Mr. Cox suggested

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Cahaly moved to approve the grant and authorize execution. Mr. Banister seconded and vote was unanimous.

Mr. Burns said that E911 road names would be postponed for approval until the next meeting.

Mr. Watson asked that the Appalachian Council of Governments be allowed to work up a basic layout of the proposed central shop for Road Maintenance. Mr. Cox moved to allow COG to do the study and Ms. Cahaly seconded. Vote was unanimous.

Mr. Burns explained that the contract for billboard signs on Mall Road would expire this month and asked that bids be advertised for approximately 15 days for a billboard advertising the Civic Center. Mr. Cox moved to allow and Ms. Cahaly seconded. Vote was unanimous.

Council recognized Boy Scout Troop #502 and presented them with County pins.

There being no further business, Council adjourned at 6:55 p.m.

Respectfully submitted,



Linda N. Gilstrap, Clerk
Anderson County Council