

**ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting - September 20, 1994 - 4:30 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 September 20, 1994 at 4:30 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
Bob Crout - Administrative Services
Linda N. Gilstrap, Clerk

ABSENT

Gary A. Smoak - Administrator

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. Allgood, seconded by Mr. Tolly, Council voted unanimously to approve the August 16, 1994 minutes as mailed.

On the motion of Mr. Tolly, seconded by Mr. Allgood, Council voted unanimously to approve the September 1, 1994 minutes as mailed.

Mr. Frank Allison appeared before Council with a drainage problem on Cann Road. The problem happened about two months ago, during all of the rain, a pipe became clogged and completely washed his driveway out, he said. Mr. Allison requested that the County either fix the driveway or pay him for the needed repairs to get the road back into the shape before the pipe became clogged. Mr. McClure said that it would cost less than \$300 to scrap, level and add gravel, in his opinion. Mr. Allgood moved to repair the driveway, and the funds to come from the asphalt paving account. Mr. Holden seconded. Mr. Martin explained to Council that the County is prohibited from working on private property for private purposes, but for public purposes or legal obligations; it can be done. Mr. Banister said he wondered what this would lead up to, since there were thousands of the same situations in the county. Mr. McClure recommended that we draw up an agreement with Mr. Allison saying there will be no "here after" problems to settle. Mr. Banister said that the County was settling a legal matter before it actually takes place. Mr. Tolly amended the motion that a written agreement be drawn up and executed prior to the work being done. Mr. Allgood seconded the amendment and vote was unanimous. Vote on the original motion as amended was unanimous.

Chairman 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. Mr. Tolly recommended that item #10 on the agenda; "Alcohol & Drug Abuse Policy and Procedure - Drug Testing Program for Employees" be added to Ordinance #94-023 under Section LIII. SUBSTANCE ABUSE POLICY as an amendment. Mr. Banister stated that he had opposed Ordinance #94-023 on the two prior readings and would oppose tonight also; however, he was in favor of the Substance Abuse Policy. He opposed adding item 10 to the ordinance and said that it should have been added to start with. Mr. Allgood said that he totally agreed with Mr. Banister with Council being asked to act on new items at the last minute with no advance notice. Mr. Tolly moved to amend ordinance #94-023 and add item #10 (Alcohol & Drug Abuse Policy and Procedure) on third reading. Mr. Floyd seconded. Mr. Holden asked that the third reading be tabled for additional time to study and Mr. Allgood seconded. Vote was 5-0 to table. Mr. Tolly asked that the staff, in the future, not try to put material in the agenda at the last minute without giving Council adequate time to study.

Mr. Tolly presented second 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. A public hearing was held. Mr. Carl Johnson asked Chairman Tolly to explain exactly what the County Code was. The public hearing was declared closed. Council commended Tom Martin for the excellent job he did on the code. Mr. Allgood moved to approve Ordinance #94-025 on second reading and Mr. Tolly seconded. Vote was 5-0.

Chairman 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. This provides that there be imposed a levy of \$25.00 commercial solid waste fee on all businesses located within the corporate limits of Anderson County. This will be collected by the Cities and passed on to the County as part of their business license fee. Mr. Tolly moved to approve on first reading. Mr. Banister said that if all the mayors were in agreement then he would second the motion. Mr. Tolly assured Mr. Banister that they were all in favor. Mr. Banister seconded. Vote was four in favor (Holden, Banister, Floyd and Tolly) and one opposed (Allgood). Motion carried.

Mr. Tom Martin explained Ordinance #94-026 - an ordinance authorizing transfer of certain real property interests from Anderson County to the South Carolina State Forestry Commission. This agreement would allow the County of Anderson to take back 5.67 acres of land in Craytonville. The State Forestry Commission has retained the deed on the land since 1946 for a fire prevention and forestry work (Craytonville Fire Tower). Mr. Floyd moved to approve on first reading and Mr. Tolly seconded. Vote was 5-0.

Mr. Tolly presented Resolution #R94-025 - recognizing Mr. Harry Major for contributions to the Land Use Board of Appeals.

On the motion of Mr. Allgood, seconded by Mr. Tolly, Council voted unanimously to approve Resolution #R94-026 - a resolution approving, contingency upon, the FAA (Federal Aviation Administration) receiving the grant money expected to rehabilitate runway 5/23. Anderson County would be responsible for 5% of the project.

Mr. Banister moved to reappoint (ratify) Mr. Ronald E. Cox, Mr. Buddy Dempsey, Dr. Don Garrison, Mr. Larry Richardson and Mr. Wallace Shaw to the Private Industry Council (PIC) for another

term. Mr. Floyd seconded and vote was unanimous. Mr. Floyd said that if any members do not wish to serve, they would be replaced.

Mr. Tolly appointed Ms. Margaret Brown of 117 North Street, Williamston to the Human Relations Council.

Mr. Bob Crout presented a bid for compactors and containers from a previous vendor. He said that the cost was the same as or lower than previous bid cost and recommend the purchase from the same vendor on the basis of standardization, cost and local area availability. Council discussed. Mr. Banister questioned the purchasing policy and a possible violation of that policy. Mr. Floyd moved that the Council table until the necessary information is furnished. Mr. Allgood seconded and vote was 5-0.

Mr. Crout presented a request to extend the existing asphalt contract with F & R Asphalt, Ins. for \$25.83/ton; all projects listed are "C" fund monies. Council discussed. Mr. Banister stated that Ebenezer Fire Department is not a "C" fund project. Mr. McClure said that Hampton Road needed to be paved (already approved to be paved with Coordinating Council Funds) which is not on the list. Council agreed that the list was mixed with "C" fund roads and regular district paving roads. Airline Road, Lake Road, Sam McGee Road and local municipality projects are from "C" funds. Mr. Tolly moved to extend the contract to pave Airline Road, Lake Road, Sam McGee Road, and local municipality projects; all "C" fund projects. Mr. Banister seconded and vote was unanimous. Mr. Tolly moved to extend the contract at \$25.83/ton to pave the Fire Departments: Three & Twenty (3 & 20) Cheddar, and Ebenezer from local funds and Mr. Floyd seconded. Vote was unanimous. Mr. Tolly moved to approve Hampton Road from Coordinating Council funds to be paved by F & R Asphalt, Inc. at \$25.83/ton and Mr. Floyd seconded and vote was unanimous.

Mr. Allgood moved to approve a request for approval to engage the services of Upper State Title Corporation for title examinations on approximately 750 parcels at the cost of \$30.00 each. This is for the Delinquent tax sale. Mr. Holden seconded and vote was unanimous.

On the motion of Mr. Allgood, seconded by Mr. Floyd, Council voted unanimously to accept the bid from Sloan Construction Company in the amount of \$1,100,498.64 to pave runway 5/23 contingent upon FAA awarding of grant.

Mr. Tolly rearranged the agenda at this time. Item #14 (a) and (b) moved up before item #7.

The following persons addressed Council on the proposed landfill site along the border between Pickens and Anderson Counties within U.S. 123, Secondary Road 18 and S.C. 88. 1. Mary Ladd asked Council to visit the site and notice the heavily populated long-time landowners, 2. Gary Shaw, a retired highway patrolman who lives just off S.C. 88, is concerned about the traffic which is already a problem. 3. Gary Blackwell-Pastor of Refuge Baptist Church, said the proposed site comes within 300 yards of the church at 219 Refuge Church Road and the trash in the landfill will create a bad odor, spoiling the residential areas along the highway. He urged Council to locate the landfill somewhere else, 4. James Hoyle, 5. Tommy Riggins, 6. Leonard Riggins, 7. Edna R. Morris. Mr. Tolly explained that public hearings were set for the location. Mr. Banister said the he did not know anything about where the site was until he began to receive telephone calls and the landfill has been discussed for the last 2-3 years but nothing has been discussed about a site. He will listen to all the people, he said. Mr. Holden said that he was open to any suggestions and that the site was not finalized at this point.

Mr. Charles Sharp, speaking for Anderson Concerned Citizens Group, addressed the City Council last week on Little League Football. He said all children ages 8 thru 12 wishing to play little league football must play in the YMCA program which is very expensive to parents. The YMCA program charges \$65.00 per child for registration fees and the parents must furnish the equipment which ranges from \$130.00 and up depending on the size of the child. The Anderson Recreation Department had a program for football until 3 years ago, when it was voted out by the City Council for reasons of liability to the City. He requested the Council to consider coming together with the City Council, and YMCA and make the program feasible for this age group. Mr. Tolly said that the Council had finished the budget process for this year and they has contributed \$8,000 to the YMCA for certain things of which they had no control over what it was being used for. He also said that County Council would be willing to meet with whoever to discuss further, prior to the budgetary process. Council received Mr. Sharp's remarks as information.

Council recessed for 10 minutes at 6:30 p.m.

Mr. Tolly called the meeting back to order at 6:45 p.m.

Mr. Floyd moved to go with Method 2 for the publishing of a newsletter for Anderson County residents. Method 2 would be the newspaper insert type of distribution, publish two times a year. Copies will be made available in public places such as

Library, Post Office, Chamber of Commerce, and etc. Mr. Tolly seconded. Mr. Tolly amended (#1) the motion - that under no circumstances would any type of political advantage be gained through publication of this newsletter. Mr. Holden seconded. Mr. Banister asked what kind of money was being considered. Mr. Crout reported that two (2) issues (50,000 copies each issue) would be \$14,888 with newspaper circulation. This would be done through the Administrator's Office. Mr. Banister said that he would oppose the motion because he feels the money could be spent for a better purpose. Vote was three in favor (Holden, Floyd, Tolly) and two abstentions (Allgood, Banister) on amendment (#1). Mr. Allgood abstained because of a possible conflict of interest with his private business. Mr. Allgood said that the local Class II Saturation Mailing cost .035 cent per a letter, plus the poundage for the advertising contained within (which in this case would be zero). Mr. Tolly moved to amend (2) the motion that the newsletter be distributed by inserting in all local daily and weekly newspapers in Anderson County. These include Greenville News, Anderson Independent Mail, The Journal, Belton-Honea Path News Chronical. Mr. Floyd seconded and vote was 3-0 in favor (Holden, Floyd, Tolly) and two abstentions (Allgood, Banister) on amendment #2. Motion carried. Mr. Holden said that from the discussions; it was obvious that all options were not checked; therefore, he offered an amendment (#3) that Council try a one-time issue on a trial basis. Mr. Tolly seconded and vote was three in favor (Holden, Floyd, Tolly) and two abstentions (Allgood, Banister) on amendment #3. Motion carried. Vote on the main motion as amended three times, was three in favor (Holden, Floyd, Tolly) and one opposed (Banister) and one abstention (Allgood). Motion carried.

Mr. Tolly asked that the time of the next meeting, to be held on October 4, be changed to 7:30 p.m. and the October 18 meeting be changed to 4:30 p.m. Council agreed.

Mr. Holden presented a list of nine roads requesting that they be paved; one road tar and graveled. Mr. Holden moved to extend the current paving contract to allow the roads on the list to be paved this year. Mr. Floyd and Mr. Banister seconded. Vote was 5-0.

Mr. Banister moved that he would like the following roads in District #3 be added to the road list for paving this year: Hiawatha Drive in Belton, Ebenezer Fire Department, and Wood Valley road-off Rice Cemetery Road. The rest can be carried over until next year. Mr. Holden seconded and vote was 5-0.

Mr. J.R. McClure presented a request for resurfacing the National Guard Armories parking lots in Williamston and Belton. He said the ACTC Committee was addressing the parking lots; therefore, he suggested that Council recommend "c" funds or local

funds be used to pave these parking lots. Mr. Tolly moved to accept the resurfacing with "C" funds for the Williamston and Belton Armories parking lots. Mr. Banister seconded and vote was unanimous.

Mr. Allgood moved to pave the driveway at the Pendleton's Fire Department from District #4 paving. The estimated cost is \$300.00. Mr. Tolly seconded the motion and vote was unanimous.

Mr. McClure talked about a road in District #4 (Vinewood Street - C-2-91). The County had scraped and worked the road up until a few years ago until one adjacent property owner objected because of improper right-of-ways. He said that that the County now has the proper right-of-ways from the property owners; therefore, he requested that the Public Works department be allowed to continue maintenance on the road by scraping and putting crush run on it as needed. Mr. Allgood moved to accept and Mr. Banister seconded. Vote was 5-0. Mr. McClure will bring back next year for possible tar and gravel.

Mr. McClure asked for permission to go into Cherokee and Seminole Trail and scrap and gravel (resume maintenance). Mr. Holden moved to allow and Mr. Tolly seconded. Vote was unanimous.

Mr. McClure explained a short section of West Point Drive in the Wellington Mill section, that the Church has requested the County to abandon any interest in. He said it is a short, small section, and recommends that the County relinquish all interest. The property owners would be responsible to bring the necessary legal action to actually close or abandon the section discussed. Mr. Banister moved to approve the request and Mr. Floyd seconded. Vote was unanimous.

Mr. Dewey Pearson explained a revised changed order for engineering design work on the Glen Raven Sewer project. He asked Council for approval of the additional engineering expenses incurred during the design and bid process on the project. The original change order request was for \$5,452.53; negotiated downward to \$3,880.00. He said the item which caused additional work was the actual length of the line was not known until the line was actual field located and measured. This required an additional \$800.00 of extra work. They had asked that they redesign to revise the depth of the sewer line caused the constructions bids to be at least \$20,000 lower than they would have been. The investigation of the additional pump stations was to accommodate information received from Economic Development after project design contract had been awarded and was not included in original contract. The survey work for the project was performed by

Anderson County personnel and two different survey companies over a two year period. The coordination of the three different surveys required additional work by Gray Engineering which was not anticipated in original contract. Finally, to save construction costs on the County's access road, the County negotiated with Glen Raven for access across their property to the County's pump station site instead of having to construct the access road along the sewer line. This required extra time spent by Gray Engineering and additional man-hours were required during the bidding period, the pre-bid conference and the pre-construction conference. All the extras total an additional cost of \$3,880. Mr. Tolly moved to approve the change order as explained and Mr. Floyd seconded. Vote was unanimous.

Mr. Tom Martin said that the City of Easley operates a sewer plant (Combined Utilities) in Anderson County close to where a developer would like to develop a subdivision. The City of Easley is willing to serve that subdivision; however, the County of Anderson and Western Carolina Regional Sewer Authority must agree to allow them to serve this subdivision. Mr. Tolly moved to allow and Mr. Banister seconded. Vote was unanimous.

Mr. Martin explained a proposed sewer project in District #5 dealing with Lone Oak, Broadview and Johnson Community. He said that the Council needed to determine how they wanted to administer the project, the cost over-runs, determine if it will be a Special Sewer Assessment District, if early payoffs will be allowed with or without interest. He said that Mr. Smoak recommended that this project be done by creating a Special Sewer Assessment District for the area. The assessment (the amount to be charged to each property owner) would be done by lot as opposed to front-footage. If it is a multiple lot, they will be assessed a multiple charge. The recommendation is that they borrow the money in the form of a revenue bond and if the homeowners are allowed to payoff early, they would be required to pay only the interest the County would have to pay for the money for which was borrowed. Mr. Floyd moved to accept the recommendation of the Administrator, to go with Sinkler & Boyd and no early payoff allowed with out interest being paid and all costs cover by the assessment and Mr. Tolly seconded. Mr. Holden said that the same thing needed to be done for the San Mateo Subdivision and Mr. Tolly added Northview. Mr. Martin explained the procedures for the two above subdivisions. Vote was 5-0.

On the motion of Mr. Holden, seconded by Mr. Tolly, Council voted unanimously to approve amending the organizational chart to include the new RMC position under the Administrative Services Division.

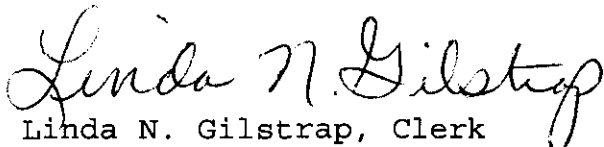
Council discussed the selection of legal counsel for 1994-1995 bond issues for such items as \$1.3 Million escrow amount of the regional landfill and the \$6.5 Million due next year. Council discussed the proposals from Sinkler and Boyd and McNair & Sanford. Mr. Tolly moved to go with Sinkler & Boyd; to negotiate a price, with expenditures in '94 & '95 with a single issue with two delivery dates (Dec. and Jan.) to be bank qualified. Mr. Floyd seconded and vote was four in favor (Holden, Floyd, Tolly, Allgood) and one opposed (Banister). Motion carried.

Mr. Tolly moved to return the request for the Accommodations Tax expenditures back to the Accommodations Tax Advisory Committee to adjust and bring back in a balanced proposal. It seemed that the requests exceed the amount to be received, he said. Mr. Allgood seconded and vote was unanimous.

Mr. Holden questioned an action at the last meeting in which the County will resume maintenance on a road off I20 in Cheddar Community and Liberty Road. The County Attorney explained the problem with residents on the road in the Cheddar Community. The problem stems from the same "age-old" question; county road or not a county road. Mr. McClure has been requested to put together the legal documents that the County has showing that the one in the Cheddar Community is a county road to send to the resident's attorney; however, Mr. Martin feels that this will still result in litigation. Council received as information.

There being no further business, Council adjourned at 8:50 p.m.

Respectfully submitted,


Linda N. Gilstrap, Clerk
ANDERSON COUNTY COUNCIL