

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA

Regular Meeting - November 16, 1999 - 6:00 p.m.
Linda N. Gilstrap, Clerk to Council

M I N U T E S

All area newspapers, radio stations and television stations were informed of this meeting in compliance with guidelines set forth in the *Freedom of Information Act*.

PRESENT

G. Fred Tolly - District #1
Gracie S. Floyd - District #2
Larry E. Greer - District #3
Chairman Clint Wright - District #4
J. Mike Holden - District #5
Joey Preston - Administrator
Tom Martin - County Attorney
Linda N. Gilstrap - Clerk to Council

The official meeting of the Anderson County Council convened in the Council Chambers of the Historic Courthouse on Tuesday, November 16, 1999 at 6:00 p.m.

Ms. Gracie Floyd gave the invocation and everyone stood and pledged allegiance to the flag.

On the motion of Mr. Tolly, seconded by Mr. Holden, Council voted unanimously to approve the October 27, 1999, and the November 2, 1999 minutes.

Citizen's Comments: Ms. Cindy Wilson appeared before Council to talk about the Six and Twenty Sewer Plant. She said there were a number of errors on omissions in what was presented at the last meeting. She said there is one

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situation, which is of great concern to citizens of the County. This concern is the Six and Twenty Sewer Plant, which the County owns. Major problems and violations have been found at Rocky River and Generostee Creek and now the same situation exists at the Six and Twenty WWTP. She asked Council why the five years of violations have not been checked into. In 1995, 1996, 1997 raw, untreated sewerage sludge was dumped into Six & Twenty. NH3 (ammonia) is one problem found and she suggested that Council launch an investigation into that plant and its' problems. Why has this been allowed to go on for so long, she asked. She would also like to know why DHEC has been so slack in enforcing these violations. Council received all remarks as information.

Mr. Michael Cunningham, Chairman of the Human Resources Committee, presented Mrs. Jessica Drolshagen as Employee of the Month of October. Mrs. Drolshagen works in the Assessor's Office and was nominated not only by the Assessor, but also the County Treasurer, the County Auditor, and the Administrator for Register of Deeds. Mrs. Drolshagen was presented an Employee of the Month Coffee mug, a plaque, a framed certificate, and a gift certificate to a local restaurant. Council commended Mrs. Drogshagen for a job well done. Mr. Cunningham commended the members of the Human Resources Committee for the outstanding job they did with the County picnic. Council recognized the members of the Committee.

Chairman Wright presented third and final reading of Ordinance #99-022 - an ordinance authorizing the execution and delivery of not exceeding \$800,000 principal amount Hospital Revenue Bond (Anderson-Oconee Behavioral Health Services Project), series 1999, of Anderson County, South Carolina; authorizing the application of the proceeds of the bond to the cost of certain capital expenditures of Anderson-Oconee Behavioral Health Services in connection with the expansion and upgrade of its existing facilities; approving the refunding of certain obligations of the commission entering into of certain covenants and agreements and authorizing the execution and delivery of certain documents relating to the issuance of the bond including a mortgage and loan agreement between the County and the commission, and an indenture between the county; and other matters relating thereto. A Public hearing was held; no comments were received.

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On the motion of Mr. Tolly, seconded by Mr. Holden, Council voted unanimously to approve on third reading.

Chairman Wright presented third reading of Ordinance #99-026 - an ordinance authorizing the execution and delivery of a lease agreement between Anderson County, as lessor, and the Torrington Company, as lessee, and other matters relating thereto including, without limitation, payment of a fee-in-lieu of taxes. On the motion of Mr. Greer, seconded by Mr. Tolly, Council voted unanimously to approve the ordinance on third and final reading.

Chairman Wright presented third reading of Ordinance #99-029 - an ordinance to amend Ordinance #98-019 relating to the Industrial/Business park of Anderson and Greenville Counties so as to enlarge the park. On the motion of Mr. Holden, seconded by Mr. Tolly, Council voted unanimously to approve on third and final reading as presented.

Chairman Wright presented third and final reading of Ordinance #99-028 - an ordinance authorizing the execution and delivery of a lease agreement between Anderson County, as lessor, and Plastic Omnium Industries, Inc. as lessee; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes. On the motion of Mr. Holden, seconded by Mr. Greer, Council voted unanimously to approve third and final reading of Ordinance #99-028 as recommended and presented.

Chairman Wright presented third and final reading of Ordinance #99-030 - an ordinance authorizing the execution and delivery of a lease agreement between Anderson County, as lessor, and Plastic Omnium Auto Exteriors, LLC, as lessee; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes. On the motion of Ms. Floyd, seconded by Mr. Holden, Council voted unanimously to approve third and final reading as recommended and presented.

Chairman Wright presented second reading of Ordinance #99-031 - an ordinance creating a standard set of procedures and policies for the consent of Anderson

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County Council to the proposed abandonment and closure of public roads in Anderson County; requiring physical notice thereof and other matters related thereto. A public hearing was held; no comments were heard. On the motion of Mr. Holden seconded by Mr. Tolly. Chairman Wright called for discussion. Mr. Tom Martin explained that an employee of the Planning Division had some information that would be helpful with the Ordinance. This information will be relayed prior to third reading for possible consideration of the recommendations. Council voted unanimously to approve on second reading as presented.

Chairman Wright presented first reading of Ordinance #99-032 - an ordinance to authorize the leasing of property from the United States Department of the Army Corps of Engineers in order to establish a public park on certain property adjoining Lake Hartwell; the granting of certain rights in the development, management and operation of said property; and other matters related thereto. Mr. Martin, County Attorney, explained that this ordinance would authorize Anderson County to accept from the Army Corps of Engineers the right to lease certain property for a specified period of time to be used as a public facilities and as public park. Council previously discussed a Use Agreement for development of a planned neighborhood unit development; however, the lease itself from the Corps of Engineers can stand on its own. Tied to this is the Use Agreement which authorizes the County to lease it back out to someone else to develop on behalf of the County for a public park area. Mr. Tolly moved to approve the ordinance on first reading and Mr. Holden seconded. Council discussed. Mr. Greer asked the following questions to the County Attorney. Is Hartwell Holdings the Pier 19 group? Mr. Martin replied yes. He noticed that there were a lot of responsibilities spelled out on the part of the County as lessee. One which says that "The lessee is responsible for insuring the compliance with all terms and conditions of the lease." "Is it correct that the County will sub-lease this to Pier 19?" Mr. Greer asked. Mr. Martin said yes. The Use Agreement referred to in the ordinance is a sub-lease, which requires them to undertake all of those responsibilities on behalf of the County and to indemnify and hold the County harmless against those particular uses. There is also a surety required for that purpose, he stated. The County, as Lessee, can not sub-lease this without prior written approval from the Corps. Has this written approval been obtained, Mr. Greer asked?

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The Army Corps of Engineers will be reviewing the Use Agreement and nothing can happen to the property without their approval, Jim Price reported. All those responsibilities will be passed on to Hartwell Holding as the responsible party. Mr. Greer: "What would be the responsibility of the County if the Pier 19 project fails to materialize and they did not develop the proposed park?" Mr. Price: "It would really depends on the stage of development when such occurs. It is no financial obligations to the County to the Corps of Engineers under this lease. If there was construction-taking place and they packed up and left then the County would need to take a look at where the process of the construction was if the County wanted to continue as a public park. In the Use Agreement attached to the Lease Agreement, it says that the County will be responsible for normal use and for the maintenance. Mr. Price stated that the County would take the park in under its regular inventory of public parks to provide the normal service that the County provides for other public parks. The Use Agreement places the responsibility to the holding company to anything over and above that, he said. Mr. Greer: In another section it says that the County will join the user in seeking grants and other sources of funding for the development of the property construction and improvements. Will the securing of those grants for this project cause a lack of availability of grants for projects in other areas of the County? Mr. Price said that he was not sure that he could answer that because at this point the County doesn't know what type of grants they will be pursuing. Mr. Martin stated that this only applies to the piece of property at the waterfront, which is the Corps of Engineer's property and doesn't apply to any of the rest of the project (only Public Park property). Mr. Wright called for the vote, which was three in favor (Holden, Tolly, and Wright), one opposed (Greer) and one abstention (Ms. Floyd). Motion carried. Ms. Floyd stated for the record that she would abstain at this time because of a lack of understanding of the project.

Chairman Wright asked Mr. Joey Preston to read Resolution #R99-037 - a resolution honoring Deepal Eliatamby for his selection as National Young Engineer of the Year. On the motion of Ms. Floyd, seconded by Mr. Holden, Council voted unanimously to approve the resolution as presented to Mr. Eliatamby.

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Chairman Wright presented Resolution #R99-041 - a resolution to provide for the commissioning of certain named law enforcement officers, to provide for the proper security, general welfare, and convenience of Anderson County. (Joshua Taylor, Scot DeMore). On the motion of Mr. Greer, seconded by Mr. Tolly, Council voted unanimously to approve the resolution as presented by the Chair.

Chairman Wright recognized a Boy Scout troop in attendance and thanked them for coming.

Mr. Greer moved to appropriate \$4,000 from District #3 Asphalt Account for the Belton Veteran's Park. Mr. Holden seconded and vote was unanimous.

Mr. Greer stated that Rev. Wendell Cox who operates SERVE, INC. program in Belton, had approached him and Ms. Floyd with a request for financial assistance. This is a program that operates a GED program and a literacy program, which operates out of the old Zion School building. Rev. Cox has requested assistance with heating of the facility. Mr. Greer moved to appropriate \$2,500 from District #2 Asphalt Account for the facility. Ms. Floyd also added to the motion that she appropriate \$2,500 from District #2 Asphalt Account. Mr. Tolly seconded the motion and vote was unanimous.

Mr. Larry Greer stated that Mr. Bobby Kinert had resigned from the Anderson County Planning Committee therefore he moved to appoint Mr. Charles Campbell to replace Mr. Kinert. Mr. Holden seconded and vote was unanimous.

On the motion of Mr. Tolly, seconded by Mr. Greer, Council voted unanimously to approve Change Order #7 for the Sandy Springs/Hwy 76 Sewer Project. This is needed as a result of additional rock blasting. This change order increases the project by \$12,735.00 and the project is still over \$250,000 under budget.

Mr. Joey Preston informed Council that before them was an amendment to amend the County Sewer Plan to include Phase 1 in its entirety and Phase 2 which was presented at the last Council meeting for the Beaverdam Creek Sewer line project.

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He recommended that the County sewer plan be amended to include the modifications as he just explained. Mr. Tolly moved to amend the sewer plan and Mr. Holden seconded. Vote was unanimous.

Mr. Preston presented an ordinance (#99-033) which is an ordinance to authorize the leasing of certain Anderson County space and facilities at former McCant's Middle School to companies and individuals operating programs intended to benefit the public; and other matters related thereto. This lease will allow the County to lease the building to the Meals on Wheels organization. On the motion of Mr. Tolly, seconded by Ms. Floyd, Council voted unanimously to approve the ordinance on first reading.

ADMINISTRATOR'S REPORT:

(a) Letters of Appreciation:

1. For: Sheriff Taylor, "Spider", Mr. Tom Whitten, Mr. Jerry Shealy, and Mr. James McAdams From: Ms. Renee Moore, Discover Anderson
2. For: Mr. Charles Wyatt, Mr. Dan Brawley, Mr. Clarence Sullivan, and Mr. Chris Shirley From: Ms. Susan Hamilton, Jr. League
3. For: Road Maintenance Department From: Mr. Leo Marsden
4. For: Mr. James McAdams From: Ms. Jennifer Warren, Discover Anderson Chair
5. For: Mr. James McAdams From: Mr. Paul Brown
6. For: Mr. James McAdams From: Ms. Sally Larson, Teacher
7. For: Civic Center From: Mr. & Mrs. Dan Sullivan
8. For: Ms. Barbara Muhammad From: Mr. Bob Daly (United Way Campaign)

(b) Minutes:

1. Department of Public Works Safety Meeting (October 22, 1999) Minutes

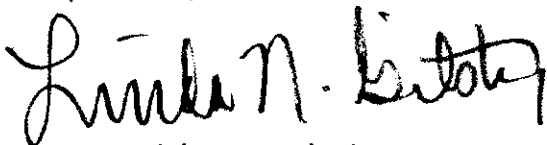
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2. Department of Public Works Safety Meeting (November 5, 1999) Minutes
 3. Development Partnership Executive Committee Meeting Minutes
- (c) Reports:
1. Recreation Fund Account
 2. United Way Report
 3. Inmate Litter Crew Report (October 4-8, 1999)
- (d) Opinion #25007
- (e) County Accommodations Fee Projects

Mr. Holden moved that the time of the December 7 Council meeting be changed to 6:30 p.m. Mr. Tolly seconded the motion and vote was unanimous. He asked the County Attorney to make the proper notification to all news media and post notices on the doors in order that everyone will be aware of the time change.

There being no further business, Council adjourned at 6:50 p.m.

Respectfully submitted,



Linda N. Gilstrap, Clerk
ANDERSON COUNTY COUNCIL