

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA

Regular Meeting - JUNE 20, 1995 - 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, Ernie Garrison, Bruce Gerrard, Gary A. Smoak, Jack McIntosh, 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.

A regular meeting of the Anderson County Council was held on June 20, 1995 at 7:00 p.m. in the Council Chambers - Old Courthouse - Second Floor.

PRESENT

Chairman Ernie Garrison, District #4
G. Fred Tolly, Jr. - District #1
William A. Floyd - District #2
Harvie E. Banister - District #3
Bruce Gerrard - District #5
Gary A. Smoak, Administrator
Jack McIntosh, County Attorney
Linda N. Gilstrap, Clerk

Chairman Garrison called the meeting to order, and Mr. Smoak gave the invocation. Everyone stood and pledged allegiance to the flag. Chairman Garrison welcomed everyone.

Mr. Banister moved to approve the June 6, 1995 minutes with one change. Page three; first paragraph: change the word "third" to "second". Mr. Tolly seconded the amendment, and the vote was 5-0.

Council heard from the following concerned citizens: Guy York-Powersville Sewer, Dr. Mac Burriss - Animal Shelter, Rev. Paul Brown - South Side Crime Area, Ed Allgood - sewer 6 & 20.

Mr. Garrison presented third reading of Ordinance #95-001 - an ordinance to make appropriations for ordinary County and educational purposes for Anderson County for the fiscal year beginning July 1, 1995 and ending June 30, 1996 as amended. Mr. Gerrard moved to approve on third reading and Mr. Banister seconded.

Mr. Tolly asked for some explanation from Mr. Hunter on the budget. Mr. Tolly stated that the larger the reserve fund, the lower the interest rate the County gets; therefore, it would be advantageous to the County to leave as much as possible for the issuance of bonds to obtain better interest rates.

Under #410-5612 - Sewer - \$100,000 for repayment of Powersville Sewer - is that in the budget? Mr. Hunter said that it was in the sewer budget (410).

Section X: Solid Waste - a \$20 per household fee to be collected under the new budget and a \$50 fee for business establishments for solid waste. Mr. Tolly asked was he correct in saying that this was 100% over what the present fee is? Mr. Hunter replied yes.

Mr. Tolly offered an amendment (#1) to eliminate \$400,000 from the Hwy. 76 Sewer Project and add \$400,000 for the County to participate in the County Waterline Loop Project, and Mr. Floyd seconded. Vote was two in favor (Floyd, Tolly) and three opposed. Mr. Gerrard said that he should have abstained from the vote because of his employment with Duke Power. Mr. Garrison stated that the record will reflect that the vote was 2 in favor and 2 opposed with Mr. Gerrard abstaining. Motion failed.

Mr. Garrison explained that he had skipped Mr. Ben Owens on the Citizens Agenda and would like for Council to allow Mr. Owens to speak at this time. Council agreed, and Mr. Owens asked for \$2,500 for the Human Relations Council. Council received as information only.

Mr. Floyd offered an amendment (#2) to eliminate \$400,000 from the Hwy. 76 Sewer Project and drop the \$20 per household solid waste fee to \$15. Mr. Tolly seconded, and the vote was two in favor (Floyd, Tolly) and three opposed (Garrison, Banister, Gerrard). Motion failed.

Mr. Floyd moved (amendment #3) to restore \$75,000 to Tri-County Technical College's budget for the upcoming year. Mr. Tolly seconded, and the vote was two in favor (Tolly, Floyd) and three opposed (Banister, Gerrard, Garrison). Motion failed.

Mr. Banister moved to amend (#4) the Budget on page 4, Department #5014 delete position #5014-A-02 which is approximately \$30,000 (Risk Manager). Mr. Gerrard seconded, and the vote was three in favor (Banister, Gerrard, Garrison) and two opposed (Floyd, Tolly). Motion carried.

Mr. Banister offered an amendment (#5) on page 15 (green bar printout), Department #5043-Finance: Item #204 (Books & Publications) cut to \$375.00. Mr. Gerrard seconded, and the vote was three in favor (Gerrard, Banister, Garrison) and two opposed (Floyd, Tolly). Motion carried.

Mr. Gerrard offered an amendment (#6) on page 19 - Department #5046 - Administrative Services: delete position and department - \$71,600. Mr. Banister seconded. Mr. Floyd called a point of order because the position in question is the Administrative Assistant's position who is directly over Mr. Hunter, and Mr. Gerrard is related to Mr. Hunter; therefore, Mr. Gerrard should neither be allowed to make the motion nor vote. Mr. McIntosh, County Attorney, stated that it would be the decision of Mr. Gerrard to vote as he wishes. Mr. Floyd asked to go on record that it is the Council's duty and obligation to avoid litigation in this County and it is Council's duty to make motions and entertain suggestions that would remedy this type situation. Mr. Floyd asked Mr. Smoak to name the person holding this position, and he replied Mr. Bob Crout. Vote was three in favor (Banister, Gerrard, Garrison) and two opposed (Tolly, Floyd). Motion carried.

Mr. Gerrard moved (amendment #7) that on page 28 - Department #5055 - Solicitor - item #101 - Salaries - full time - Department Requested \$466,713 - Council Adopted - \$431,713 (reduce by \$35,000). Mr. Banister seconded the motion, and the vote was three in favor (Gerrard, Banister, Garrison) and two opposed (Floyd, Tolly). Motion carried.

Mr. Gerrard moved (amendment #8) that on page 28 - Department #5055 - Solicitor - item #420 - Equipment - Automotive - \$12,677 - delete full amount. Mr. Banister seconded, and the vote was three in favor (Gerrard, Banister, Garrison) and two opposed (Floyd, Tolly). Motion carried.

Mr. Banister moved (amendment #9) that on page 35 - Department #5060 - Planning Division Administration:
item #236 - Meals - cut to \$150.00
item #279 - travel - cut to \$250.00
item #293 - Lodging - cut to \$750.00
item #294 - registration - cut to \$1,000.00
Mr. Gerrard seconded, and the vote was three in favor (Gerrard, Banister, Garrison) and two opposed (Floyd, Tolly). Motion carried.

Mr. Gerrard moved to amend (amendment #10) page 42 - Department #5081-Registration and Elections:
item #236 - Meals reduce by \$380.00
item #279 - Travel reduce by \$608.00
item #293 - lodging reduce by \$740.00
Mr. Banister seconded, and the vote was three in favor (Gerrard, Banister, Garrison) and two opposed (Tolly, Floyd). Motion carried.

Mr. Banister moved to amend (amendment #11) the Budget on page 43 - Department #5091 - Purchasing:
item #236 - Meals - cut to \$155.00
item #279 - Travel cut to \$220.00
Mr. Gerrard seconded, and the vote was three in favor (Garrison, Gerrard, Banister) and two opposed (Tolly, Floyd). Motion carried.

Mr. Gerrard moved to amend (amendment #12) the Budget on page 56 - Department #5161 Sheriff:

- item #199 - Requested Positions - reduce to -0-
- #269 - Supplies - Office - reduce to \$6,500.00
- #271 - Supplies - Photo - reduce to \$4,500.00
- #277 - Training for Employees - reduce to \$10,500
- #280 - Uniforms - reduce to \$37,960
- #303 - Repairs to Equipment - reduce to \$10,000
- #347 - Photocopy Equipment - reduce to \$2,500
- #361 - Repairs to Vehicles - reduce to \$50,000
- #420 - Equipment - Automotive - reduce to \$344,300
- #460 - Equipment - Safety - reduce to \$50,000

Mr. Banister seconded the amendment and vote was three in favor (Garrison, Gerrard, Banister) and two opposed (Tolly, Floyd). Motion carried.

Mr. Banister moved to amend the Budget (amendment #13) on page 76 - Department #5411 - Building and Codes - item #199 - Requested positions cut to \$23,292. Mr. Gerrard seconded, and the vote was three in favor (Gerrard, Garrison, Banister) and two opposed (Tolly, Floyd). Motion carried.

Mr. Banister moved to amend (amendment #14) the budget on page 82 - Department #5831 - Employee Benefits - item #115 - merit pay for employees- The salary increase shall be as equally as possible for all employees and the recommended amount would be as described on bar sheet dated 5-18-95 be approved. Mr. Gerrard seconded. This is about \$3,000 under the budgeted amount. Vote was unanimous.

Mr. Gerrard moved to amend (amendment #15) the budget on page 83 - the following departments:

- Item #005 - Anderson Community Theatre - cut to \$500
- item #010 - Anderson County Arts Council - cut to \$5,500
- item #015 - Anderson/Oconee Speech and Hearing - cut to \$6,000
- item #025 - Clemson Extension Service - cut to -0-
- item #035 - Electric City Playhouse - cut to \$500
- item #045 - Haven of Rest - cut to \$1,000
- item #055 - Literacy Association - cut to \$1,500
- item #080 - S.C. Forestry Commission - cut to -0-
- item #081 - S.C. National Guard - cut to -0-
- item #085 - Development Partnership - cut to -0-

Mr. Banister seconded the amendment, and the vote was three in favor (Gerrard, Banister, Garrison) and two opposed (Floyd, Tolly). Motion carried.

Mr. Banister moved to amend (amendment #16) the budget on page 215 - Department 5612 - Operations - Sewer Department - item #641-449 - Powdersville Sewer \$100,000 - delete entire amount. Mr. Gerrard seconded, and Mr. Garrison said that there is a problem in

Powdersville. It started as a good idea and now it is a problem. This is preventing the County from growing, we need to help Anderson County get control of this sewer line. and we cannot keep turning our backs. He asked Council to help him come up with a solution to this problem. Vote was four in favor (Tolly, Floyd, Gerrard, Banister) and one opposed (Garrison). Motion carried.

Mr. Gerrard moved to amend (amendment #17) page 86 - Department 6500 - Transfer Out - item #100-141 - 94 Summer Food Program - delete \$9800 - cut to -0-. Mr. Banister seconded, and the vote was three in favor (Gerrard, Banister, Garrison) and two opposed (Tolly, Floyd). Motion carried.

Mr. Gerrard moved to amend (amendment#18) the budget on page 209 - Department 5988 - Highway 76 Sewer Project - item #401 - add \$100,000 for a total of \$500,000. Mr. Banister seconded, and the vote was three in favor (Gerrard, Banister, Garrison) and two opposed (Tolly, Floyd). Motion carried.

Mr. Garrison explained that he called the S.C. State Ethics Commission and related exactly what the situation was and his position. He read the letter into the record. He said sewer on Clemson Blvd. will not effect him anymore than it will anyone else that has needed it up there for 20 years. Mr. Tolly said he was 100% in favor of doing the line up Hwy. 76 properly as outlined by the survey and engineering firm that did the work. His concerns are that the project be done properly.

Mr. Smoak explained that Council adopted a plan to build an addition to the Detention Center. The construction budget was set at a maximum amount of \$2,530,000. The architectural fees of \$203,000, \$47,000 from contingency for a total of \$2,780,000. Set aside in the 1994 General Obligation Bond is \$2,350,000 which will produce a short fall of \$430,000 for the project. The construction will be completed this fiscal year so the money needs to be budgeted; therefore, Mr. Smoak recommended that the dirt sold at the Civic Center for \$221,000 be added to the miscellaneous revenue budget. In addition, the County will accumulate at least \$209,000 interest from the investment of the bonds that needs to be added to the revenue budget. Add \$430,000 to the expenditure side at the Detention Center (line item: Construction in Progress) and that will balance out both sides. Mr. Floyd moved to accept Mr. Smoak's recommendation to balance the budget and Mr. Tolly seconded. Vote was unanimous.

Mr. Smoak recommended the following changes in the ordinance: Tri-County Technical College - Page 2, Section II, Paragraph II-instead of separating out the capital and operational budgets - the total for Tri-County has been provided. Those people who

have been employed by the County for three months come July 1 will be eligible for the employee raise. Mr. Banister moved to make the changes as explained by Mr. Smoak, and Mr. Gerrard seconded. Vote was 5-0.

Vote to approve ordinance #95-011 on third and final reading as amended was three in favor (Gerrard, Banister, Garrison) and two opposed (Tolly, Floyd). Motion carried.

On the motion of Mr. Gerrard, seconded by Mr. Banister, Council voted unanimously to approve Resolution #R95-027 - a resolution making application to the State Budget and Control Board of South Carolina for approval of the issuance by Anderson County of its Industrial Revenue Bonds for Venture Packaging, Inc. Project in the principal amount of not exceeding \$45,000,000 and of a special source revenue bond in the principal amount of not exceeding \$875,000.

Mr. Garrison presented first reading of Ordinance #95-015 - an ordinance authorizing the execution and delivery of not exceeding \$45,000,000 Principal amount Industrial Revenue Bonds, Series 1995 for Venture Packaging, Inc. Project. Mr. Tolly moved to approve on first reading, and Mr. Floyd seconded. Vote was unanimous.

Mr. Garrison presented first reading of Ordinance #95-016 - a master ordinance authorizing and providing for the issuance of Anderson County, South Carolina Special Source Revenue Bonds for Venture Packaging. Mr. Floyd moved to approve, and Mr. Tolly seconded. Vote was 5-0.

Mr. Garrison presented first reading of Ordinance #95-017 - a first supplemental ordinance providing for the issuance and sale of not exceeding \$875,000 Anderson County Special Source Revenue Bonds for Venture Packaging, Inc. Project. Mr. Gerrard moved to approve, and Mr. Banister seconded. Vote was 5-0.

Mr. Smoak presented a new software package for the Finance Department for a Banner System in the amount of \$206,305. Mr. Tolly moved to accept Mr. Smoak's recommendation to purchase the Banner System, and Mr. Floyd seconded. Council discussed the different prices. After discussion, Council agreed to delay for further study. Mr. Tolly and Mr. Floyd withdrew their motion and second. Mr. Smoak was asked to come back with ways to study the computer operations.

On the motion of Mr. Banister, seconded by Mr. Gerrard, Council voted unanimously to approve the request to purchase a force main and gravity sewer line extension - Town of Honea Path - school District #2 in the amount of \$370,685.67. The funding is as follows: Budget and Control Grant - \$150,000, School District #2 - \$80,000, County - \$192,686.00.

Mr. Floyd moved to approve the transfers for the Health Department as recommended by the Administrator and as provided in the back-up material. Mr. Tolly seconded, and the vote was unanimous.

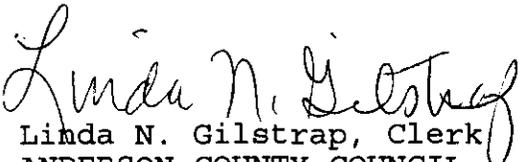
Mr. Smoak presented outstanding bills from Anderson Area Medical Center in the amount of \$41,256.00 owed from the rescue squad purchases. Mr. Smoak recommended that we pay the bills and transfer the needed money from the Contingency Fund. In the future, this will not be furnished to the rescue squads. Mr. Tolly moved to approve the recommendation and pay the bills, and Mr. Banister seconded. Vote was unanimous.

On the motion of Mr. Banister, seconded by Mr. Gerrard, Council voted unanimously to cancel the July 4th and August 1, 1995 meetings.

Council agreed to hold an executive session on Tuesday, June 27 at 7:30 p.m.

On the motion of Mr. Gerrard, seconded by Mr. Floyd, Council voted unanimously to adjourn at 8:50 p.m.

Respectfully submitted,


Linda N. Gilstrap, Clerk
ANDERSON COUNTY COUNCIL

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 CHAIRMAN
 R. MARSHALL TALLEY, 5TH DISTRICT
 VICE CHAIRMAN

CYNTHIA GRAHAM HOWE, 1ST DISTRICT

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 H. BOWEN WOODRUFF, MEMBER AT LARGE

GARY R. BAKER
 EXECUTIVE DIRECTOR

**State of South Carolina
 State Ethics Commission**

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 P.O. Box 11929
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June 12, 1995

Ernie Garrison
 Chairman
 Anderson County Council
 Post Office Box 8002
 Anderson, South Carolina 29622

Re: Request for Informal Opinion

Dear Chairman Garrison:

Thank you for your recent letter in which you asked for an informal opinion. An informal opinion is the opinion of Commission staff based on the Commission's prior published opinions but an informal opinion is not binding on the Commission." S.C.Code §8-13-320 (Supp. 1994).

You have inquired, generally, about avoiding any ethical violations which could arise due to your private sector business as a developer and your public sector position as Chairman of the Anderson County Council.

I cannot give you specific advice without a specific instance where you have been called on to take official action which could, even potentially, cause you to obtain an economic interest in your private sector business. However, I am enclosing copies of SEC AO92-239; SEC AO92-010 and SEC AO93-001 which should be instructive.

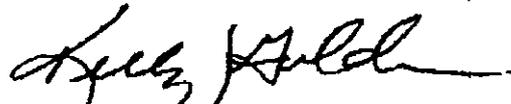
In general, you may participate in matters which come before the council on general business issues which do not affect your private sector holdings or business to a greater extent than other business firms or property owners

in the affected area. However, you must follow the disqualification provisions in S.C.Code §8-13-700 (B) on matters in which you or your business would have a distinct economic interest. Based upon the facts you submitted, it appears (1) that you own a very small portion of the property to be affected by the sewer line, and (2) that any economic benefit to you is purely speculative, therefore, you are not prohibited from participating in the deliberations and votes on the sewer line issue.

Additionally, I direct your attention to S.C.Code §8-13-775 which prohibits one from contracting with the county if one is authorized to perform official functions on the contract through writing or preparing specifications, acceptance of bids, award of the contract, or other action on the preparation or award of the contract regardless of whether the disqualifications provisions in Section 8-13-700 are followed.

Please feel free to call on me for additional information or guidance.

Kindest regards,



Kelly J. Golden
Legal Counsel

KJG:rw

Enclosures:

1. SEC AO92-239
2. SEC AO92-010
3. SEC AO93-001