

Clemson University
Clemson, South Carolina

MINUTES

of the meeting of
THE CLEMSON UNIVERSITY
BOARD OF TRUSTEES

Held in the Board Room, Sikes Hall

September 18, 1981

The Board convened at 2:00 P.M. with the following members present: Thomas B. McTeer, Jr., Chairman, presiding; Louis P. Batson, Jr., Robert R. Coker, T. Kenneth Cribb, Fletcher C. Derrick, Jr., W. G. DesChamps, Jr., William N. Geiger, Jr., Lewis F. Holmes, Paul W. McAlister, Buck Mickel, James C. Self, and D. Leslie Tindal; also, Paul Quattlebaum, Trustee Emeritus.

President's Cabinet present: Bill L. Atchley, Ben W. Anderson, Melvin E. Barnette, Ed F. Byars, Walter T. Cox, W. Harry Durham, W. David Maxwell, George M. Moore, John Pettigrew, Stephen S. Melsheimer, James L. Strom and Joseph B. McDevitt, Secretary.

Official observers present: I. L. Donkel, President, Alumni Association; Carolyn McIver, Representative from the Governor's Office; and John H. Timmerman, President of IPTAY.

Item 1. Minutes

The minutes of the meeting of July 17, 1981, and the special telephonic conference meeting of August 26, 1981, heretofore submitted to all members of the Board of Trustees, were approved as submitted.

Item 2. Planning Committee Report

Planning Committee Chairman McAlister reported that a member trustee had inquired as to the authority of the Chairman to cancel a meeting of the Board. The Chairman, in turn, had asked the Secretary of the Board to render an opinion on the proper interpretation of the provisions of the Trustee Manual and the By-Laws of the Board. Mr. McAlister requested that a copy of the opinion be appended to the minutes of this meeting (see Attachment A).

Item 3. South Carolina Electric and Gas Company Right of Way Request - Sandhill Experiment Station

Statement: The South Carolina Electric and Gas Company has requested a right of way across University property located at the Sandhill Experiment Station in Pontiac, South Carolina. The purpose of the right of way is to allow SCE&G to provide a "loop system" of supplying electrical power to the Sandhill Station. This will provide a much more reliable system of electrical service to the Sandhill Station. The right of way will be 10 feet in width on either side of the transmission line and most of the work will be done between Highway 52 and a utility service road on the station. This property is under the cognizance of the College of Agricultural Sciences which recommends approval of the request.

Recommendation: That the Board approve the South Carolina Electric and Gas right-of-way request and authorize the Chairman to execute same.

Board Action: Approved

Item 4. Clemson University Exchange of Lands with G. W. Danenhower, Jr. - Simpson Experiment Station

Statement: In 1967 the South Carolina Highway Department improved and straightened Highway No. S4-300 which serves as a boundary between the Simpson Experiment Station and farm land of Mr. G. W. Danenhower, Jr. When this work was done a small portion of the Simpson Station (2 separate tracts totalling 2.25 acres) was cut off on the Danenhower side of the road and a small portion (2.25 acres) of Mr. Danenhower's property was cut off on the University side of the road. In order to straighten the boundary lines so that the University and Mr. Danenhower will own the property on their respective sides of the road, a land exchange has been proposed by Mr. Danenhower whereby Clemson University would obtain the 2.25 acres of land from Mr. Danenhower on the west side of Highway

No. S4-300 and Mr. Danenhower will obtain from the University the 2.25 acre tract on the east side of Highway No. S4-300. This will be an acre-for-acre exchange with no monetary consideration involved. The University property falls under the cognizance of the College of Agricultural Sciences. That College recommends approval of the land exchange as they have been trying to accomplish this exchange for several years.

Recommendation: That the Board approve the exchange and authorize the Chairman to execute the requisite deed.

Board Action: Approved

Item 5. Corinth-Shiloh Volunteer Fire Department Request

Statement: The Corinth-Shiloh Volunteer Fire Department is in need of relocating its fire station because of the unavailability of space at its present location to expand its facilities. They have requested that the University lease to them at no cost approximately one acre of University land in Oconee County (near Bay Shore) for the purpose of relocating their station. This Fire Department has, on numerous occasions, assisted the University in dealing with fires on University property and has always been considered an asset to the University. Furthermore, the new station would be located in close proximity to hundreds of acres of University forest land. This property is under the cognizance of the College of Forestry and Recreation Resources which interposes no objection to this request.

Recommendation: That the Board approve the lease and authorize the Chairman to execute same.

Board Action: Approved

Item 6. Clemson University Lands to be Encumbered with Public Use Restriction

Statement: In 1954 the federal government deeded to Clemson University approximately 27,000 acres of land in Anderson, Pickens and Oconee Counties. This land is commonly referred to as land-use land and contains two major restrictions as stated in the deeds from the federal government to the University: (1) the land must always be used for a public purpose, and (2) all mineral rights found in the lands are reserved to the Department of Interior. In 1955 Public Law 237 was passed by Congress which provides that these two restrictions on the land may be removed by the federal government so that the University may sell, lease or otherwise dispose of this land with a clear title provided

that the University and the federal government enter into an agreement which states that in consideration of the federal government agreeing to remove these restrictions, the University agrees to certain conditions. One of these conditions is "that any lands acquired by the sale or exchange of the lands covered by such agreement shall become a part of the project established on the lands conveyed by the two deeds referred to in Section 1 and shall be subjected to the conditions with respect to the use of such lands for public purposes contained in such deeds." (Emphasis added)

From time to time during the last ten years the University has exchanged some of this land-use land with private individuals. In each instance the exchange was approved by the Board of Trustees and the agreement referred to above was entered into with the federal government before the federal government removed the restrictions from the land-use land. Therefore, since these transactions involved exchanges of land, the University, by the agreement, agreed to place the public use restriction on the lands that the University received in the exchange. To date there have been five exchanges of this kind as follows:

1. 1969 - Clemson University exchange with Pickens County School District A
2. 1975 - Clemson University exchange with Carrie C. Doyle and William L. Thompson
3. 1976 - Clemson University exchange with L & I Corporation (Dwight Smith)
4. 1980 - Clemson University exchange with Lena M. Goodman
5. 1980 - Clemson University exchange with Norris H. Newton.

However, the public use restriction was never placed on the lands that the University received in these exchanges because the appropriate method of encumbering these lands was never determined. Recently, however, federal government officials met with University officials and agreed that these lands could be encumbered by way of a Declaration of Trust instrument which is to be recorded in the courthouse. This same method had been suggested by the University many years ago but the federal government was not receptive to it. The federal government has now indicated its reluctance to allow any more land transactions involving land-use land until the Declaration of Trust has been executed.

Recommendation: That the Administration be authorized to have the appropriate documents drafted to encumber these lands by way of a Declaration of Trust instrument(s) and that the Chairman be authorized to execute this document(s). It is further recommended that the Board at this time authorize the administration to follow the same course of action in the future in order to encumber any lands that the University may acquire by way of other land exchanges involving land-use land and that the Chairman be authorized to execute those documents at the appropriate time.

Board Action: Approved

Item 7. Conveyance of approximately 54 acres of land at Pee Dee Experiment Station to Florence Darlington Area Commission for Technical and Comprehensive Education.

Statement: Act 614 of 1971 provided that approximately 39.5 acres of Pee Dee Experiment Station land would be conveyed to the Florence Darlington Area Commission for Technical and Comprehensive Education "as soon as Clemson University has relocated the Pee Dee Experiment Station." In 1977 the University deeded to the TEC Center Commission approximately 5.414 acres of the 39.5 acres in order to allow Florence Darlington Technical College to expand its facilities at that time. The Pee Dee Station has now substantially completed the first phase of the move to its new location; therefore, the University is now in a position to proceed with the final transfer to the TEC Center Commission the remaining property referred to in Act 614 - approximately 34.086 acres. The exact location of this 34.086 acre tract has been mutually agreed upon by TEC Center Commission officials and Clemson University officials. The TEC Center Commission understands that the University will need to continue to use certain buildings on the property until approximately two months after acceptance by the University from the contractor of the first phase of the new Pee Dee Station.

There is an area of "lowlands" or "wetlands" located on the northwest side of this 34.086 acre tract which the College of Agricultural Sciences desires also to be transferred to the TEC Center Commission. The Administration feels that it would be in the best interest of the University to let these lowlands go as a single package with the 34.086 acre tract making a total of approximately 54 acres. If not handled in this manner, the lowland area would be isolated and would be reduced in value relative to the uplands. Furthermore, it would not be in the best interest of the University to retain an isolated tract of lowlands. It is the Administration's desire that the State of South Carolina will, at some future point in time, give some type of "credit" to the University for

the conveyance to the TEC Center Commission of this additional acreage over and above the original tract referred to in Act 614.

Recommendation: That the Administration be authorized to draft the appropriate documents to transfer approximately 54 acres of land at the Pee Dee Experiment Station to the Florence Darlington Commission for Technical and Comprehensive Education and that the Chairman be authorized to execute such documents.

Board Action: Approved

Item 8. Germ Plasm Research Facility

Statement: Bids for the Germ Plasm Research Facility were opened publicly in Room 300, Sikes Hall at 2 P.M. September 2, 1981. The low bidder was the Alpha Company of Anderson, South Carolina in the amount of \$405,843. By mail ballot of September 3, 1981, the Board approved award of the contract to the Alpha Company.

Recommendation: That the Board confirm and ratify its mail ballot action of September 3, 1981.

Board Action: Confirmed and ratified

Item 9. Request of the Fants Grove Baptist Church

Statement: Fants Grove Baptist Church has requested that it be permitted to purchase 2.41 acres of University property which adjoins the church property. The church desires to enlarge its worship facility. There is no current or planned use for the University property which would preclude deeding it to the church. However, the University property is so-called "land-use" land and is subject to two federal government restrictions: (1) it may only be used for a "public purpose," otherwise title reverts to the U. S. Department of Agriculture; (2) the Department of Interior has retained all mineral rights. Therefore, the University cannot convey clear title until those restrictions have been removed. In similar transactions in the past, it has taken in excess of a year to accomplish the removal of the restrictions.

The land would be appraised and sold at fair market value, and the proceeds of the sale would, as a requirement of federal law, be placed in the special land use account for expenditures in connection with the land use project. Further, in order to protect the remaining University lands in the vicinity of the church, most of which is utilized in long range forestry research and teaching, the deed from the University to the church

would contain a reversionary clause to the effect that title would revert to the University if the property ever ceased to be used for the purposes for which it is deeded to the church.

Recommendation: That the Board of Trustees authorize the Administration to take the steps required to obtain clear title from the federal government and thereafter to sell and deed the property to the Fants Grove Baptist Church, and that the Chairman of the Board be authorized to execute the necessary documents to accomplish this transaction.

Board Action: It is the concensus of the Board that the land be made available to the church. The Administration is authorized to hold discussions with church representatives and take such action to transfer the property as is legally permissible and mutually acceptable and the Chairman is authorized to execute the appropriate legal instruments to effect the transfer.

Item 10. Ordinance to Control the Sale of Goods, Wares and Merchandise

Statement: At its special telephonic conference meeting on August 26, 1981, the Board of Trustees heard the first reading of an ordinance to control the sale of goods, wares and merchandise on the grounds of the University. Section 5-7-270, Code of Laws of South Carolina, 1976, as amended, provides that no ordinance of any municipality shall have the force of law until it is read two times on two separate days with at least six days between each reading.

Recommendation: That the following ordinance receive second reading at this meeting of the Board of Trustees and thereby take effect immediately.

Ordinance

The sale or solicitation for sale of any goods, wares, or merchandise of any kind on the campus of Clemson University within a one-half mile radius of intercollegiate athletic events is prohibited except when such sale or solicitation for sale is being performed in accordance with a valid written contract between the vendor and Clemson University. This provision does not apply to the sale of tickets to athletic contests, which is governed by State Law.

Any person violating the provisions of this ordinance shall, upon conviction, be fined not more than \$200.00.

Board Action: The Secretary read the ordinance and it was adopted.

Item 11. Executive Session

Statement: The Chairman stated that the Manual of the Board provides that at the next meeting of the Board following the meeting at which the Chairman is elected, the Board shall elect a Vice Chairman of the Board from among the members of the Executive Committee. Inasmuch as Mr. McTeer was elected Chairman at the previous regular meeting of the Board on July 17, 1981, he stated that upon requisite vote by members, the Board would go into executive session for the election, after which the meeting would reopen to the public for announcement of the result.

Board Action: The Board voted by unanimous show of hands to go into executive session.

The Board went into executive session at 2:50 P.M.

The Board resumed open meeting at 3:00 P.M.

Item 12. Election of Vice Chairman

The Chairman announced the election by the Board of Paul W. McAlister of Laurens as Vice Chairman of the Board.

Item 13. Chairman McTeer announced that after adjournment the Board would reassemble in executive session in Room 300 for an administrative briefing on a personnel matter.

Item 14. Statutory Roll Call Vote

RESOLUTION: RESOLVED, that all measures and recommendations made at this, the September 18, 1981 meeting, which according to the By-Laws require a roll call vote of nine or more members, be hereby adopted and confirmed, and that the Vice President for Business and Finance be authorized to issue his checks for all expenditures authorized at this meeting.

Board Action: The Resolution was adopted with twelve members present voting "Aye."

Item 15. Adjournment

There being no further business, the meeting of the Board was adjourned at 3:01 P.M.

Respectfully submitted,



Joseph B. McDevitt
Secretary of the
Board of Trustees