

Clemson University
Clemson, South Carolina

MINUTES

of the special meeting of

THE CLEMSON UNIVERSITY

BOARD OF TRUSTEES

Conducted by Telephonic Conference

August 26, 1981

The meeting convened at 11:00 A.M. with the following members polled by the telephone operator and responding as present: Thomas B. McTeer, Jr., Chairman; Louis P. Batson, Jr., Robert R. Coker, T. Kenneth Cribb, Fletcher C. Derrick, Jr., William N. Geiger, Jr., Lewis F. Holmes, Paul W. McAlister, D. Leslie Tindal, James M. Waddell, Jr., and Joseph B. McDevitt, Secretary

Also present in the President's Office: Bill L. Atchley, Ben W. Anderson, Melvin E. Barnette, Edward F. Byars, Walter T. Cox, and W. David Maxwell.

Item 1. Amendment of By-Laws

STATEMENT: Upon advice of the Attorney General of South Carolina, the Administration recommended amendment of the By-Laws of the Board of Trustees to establish the basis for adoption by the Board of an ordinance for the control of the sale of goods, wares and merchandise on the grounds of the University. The amendment of the By-Laws involves recitation of authority granted the Board of Trustees by the General Assembly in Sections 59-119-320 and 59-119-330, Code of Laws of South Carolina, 1976, as amended. Timely notice of the proposed amendment was mailed to Board of Trustee members on August 19, 1981, together with notice of this telephonic meeting. Amendment of the By-Laws requires the vote of at least nine members. Prior to this meeting the Secretary received the proxy votes of Messrs. DesChamps, Mickel and Self in favor of the proposed amendment.

BOARD ACTION: Senator Waddell moved adoption, Dr. Derrick seconded and the motion passed with all members voting "Aye" (ten members present and three by proxy). Article II, Section 3 of the By-Laws is accordingly amended to read as follows (amendment underscored):

Section 3.

"The Board of Trustees will acquire and dispose of real property as the best interest of the University dictates; approve the annual budgets and delegate authority for making adjustments necessary to meet changing conditions; authorize the issuance of bonds and incurring of indebtedness for the construction or improvement of physical facilities; enact and enforce by fine or imprisonment such ordinances for the maintenance of order as will keep the territory within the jurisdiction of the Board free from nuisances and enforce the police regulations of the State; enact such ordinances as they deem proper to license or prohibit sale of goods, wares and merchandise of any kind whatever on the grounds belonging to the University as are not repugnant to the laws of the State; and direct such other actions as will enable the University to accomplish its role in higher education, research and public service in South Carolina. The specific role of the Board is more fully defined in the Manual of the Board of Trustees."

Item 2. First Reading of Ordinance on Sale of Goods, Wares and Merchandise

STATEMENT: The number of vendors and hawkers of merchandise on the occasion of home varsity football games has been increasing. The University grants sale franchises to certain vendors and desires to protect them from unfranchised sellers. No legal authority presently exists upon which to base protective actions. Upon the advice of the Attorney General of South Carolina, the Administration recommended that the Board of Trustees, in its capacity as a municipal corporation, adopt an appropriate ordinance with enforcement provisions. The Administration's recommendation was that the ordinance be effective only on days of home varsity football games and that it carry a penalty of \$100. After discussion by Board members, Mr. Coker moved, Senator Waddell seconded, and the ten members present approved the first reading of the following ordinance:

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.

The above ordinance will receive second reading pursuant to Section 5-7-270, Code of Laws of South Carolina, 1976, as amended, at the regular meeting of the Board of Trustees on Friday, September 18, 1981, at which time it will take full legal effect.

Item 3. Resolution for Temporary Borrowing

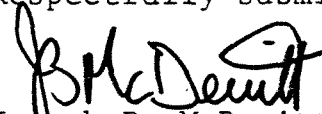
STATEMENT: In anticipation of a bond issue on new student housing, the University has \$5.4 million dollars of bond anticipation notes outstanding which fall due on October 1, 1981. The unsatisfactory status of the current bond market renders it advisable that the University roll over these notes until a more favorable bond market is available. Advice has been received that after the noon meeting of the Budget and Control Board today (August 26, 1981) the Board will not meet again until October. In order that the requisite Budget and Control Board action can be requested today, the Administration requests that the Board of Trustees adopt a resolution which will authorize the Vice President for Business and Finance and the State Treasurer to issue bond anticipation notes for a period of up to twelve months in the amount of \$5.4 million dollars to refund notes due October 1, 1981, which are in anticipation of a bond issue on new student housing.

BOARD ACTION: Mr. Coker moved, Senator Waddell seconded and the ten members present unanimously approved the resolution as it appears in Exhibit A of the Minutes of this meeting.

Item 4. Adjournment

There being no further business, the meeting of the Board was adjourned at 11:20 A.M.

Respectfully submitted,



Joseph B. McDevitt
Secretary of the
Board of Trustees