

Regular Pickens County Council Meeting

October 2, 2017

6:30 PM

County Council met in regular session, in the Auditorium, County Administration Facility, with Chairman Roy Costner presiding. Agendas, bearing date, time, and location of meeting were mailed to Council members and local news media on September 27, 2017.

Council Members in Attendance:

Roy Costner, Chairman
Chris Bowers, Vice Chairman
Wes Hendricks, Vice Chairman Pro-Tem
Trey Whitehurst
Ensley Feemster
Carl Hudson

Staff in Attendance:

Gerald Wilson, County Administrator
Ken Roper, County Attorney
Crystal A. Alexander, Clerk to Council

WELCOME AND CALL TO ORDER:

Chairman Roy Costner called the meeting of October 2, 2017 to order and welcomed those in attendance. Vice Chairman Chris Bowers further led the Invocation and Pledge of Allegiance.

PUBLIC FORUM:

Chairman Roy Costner opened the Public Forum and requested the Clerk to call upon the citizens who signed up to speak.

1. Ken Pearson: Mr. Pearson appeared to discuss his concerns of open burning in Pickens County. He recommended the Council to consider passing an ordinance to support and re-enforce the SCDHEC laws regulating open burning.
2. Johnnelle Raines: Mr. Raines appeared to present the following questions to Council:
 - a) Is there a definition of “emergency” when deciding to dip in to the general fund?
 - b) How does a bank lend money to someone and not know what the collateral is worth? (Ms. Raines clarified this is in reference to the bids coming in too high on the jail.)
 - c) Why was the money approved before you knew how much to borrow? (Ms. Raines stated the Conservatives of the Upstate are concerned about how the docket was put out is constitutionally illegal because it doesn’t state the exact purpose of the extra general obligation amount.)
 - d) Will that extra amount voted on have three hearings and public input? And if not, why not?
3. Margaret Thompson: Ms. Thompson appeared to discuss a recent ACOG meeting with the SCDOC regarding tax write-off changes and conditions of the roads; recognition of volunteers at the Animal Shelter for their time and monetary donations, including her own monetary and fence donations; and asked for confirmation that staff and/or council is receiving information and financial records of donations at the Animal Shelter.

APPROVAL OF MINUTES:

- Motion was made by Councilman Wes Hendricks, seconded by Councilman Carl Hudson and carried unanimously to approve the minutes of September 11, 2017 and September 18, 2017- special called meetings as presented.

ADMINISTRATOR’S REPORT:

County Administrator, Gerald Wilson, provided the following report:

Hurricane Irma Update: Mr. Wilson stated that on September 11, 2017 Hurricane Irma impacted Pickens County with heavy rains and winds up to 60 mph, with approximately 23,000 residents without power at some point during and after the storm. He stated that shelters were opened in Easley utilizing the Community Emergency Response Team. Mr. Wilson stated that over 100 trees were down, with power lines tangled in approximately 50% of the downed trees. He advised that the trees were removed by the following departments: local fire departments, Roads and Bridges department, rescue squads and SCDOT. Mr. Wilson further advised that the state closed five roads for three days due to the referenced issues. He advised that Pickens County had property and buildings damaged during the storm as follows: Stockade had damage reported to the roof estimated at \$43,764; the Courthouse had shutter damage estimated at \$4,000; the Landfill had building damage estimated at \$5,300; the Central Magistrate building had damage estimated at \$300; the Glassy Mountain tower site damage estimated at \$7,000. Mr. Wilson advised the County Landfill had taken 1,201 tons of brush and debris over the past 30 days, which is approximately two times the amount normally taken in during the month of September.

Mr. Wilson advised that staff met with the State FEMA, on September 21, to review the damages, and the County may potentially be reimbursed for the following items: employee payroll costs including some regular and definitive overtime costs; emergency access debris push and cutting costs; landfill debris removal; damage to County buildings and properties; operation of generators; equipment used to clear the debris, such as trucks, chainsaws, leaf blowers, etc.

Mr. Wilson thanked the Pickens County employees that assisted in the clean-up efforts. He stated that they did a great job and he is thankful to be part of their team.

Employee Meeting: Mr. Wilson announced the County Offices would be closing on Monday, October 9, 2017 at 3:30 p.m. to hold an employee meeting.

COMMITTEE REPORTS: September 18, 2017 – Committee of the Whole

Chairman Roy Costner provided the following report for the Committee of the Whole meeting that was held on September 18, 2017:

The Committee of the Whole met in the Main Conference Room on Monday, September 18, 2017 immediately following the Special Called meeting at 6:00 p.m. All members of the committee were in attendance with Chairman Roy Costner presiding.

WELCOME AND CALL TO ORDER:

Chairman Roy Costner called the Committee of the Whole meeting to order and welcomed those in attendance.

COMMITTEE OF THE WHOLE:

Mile Creek Master Plan– Log No. 71

- Tommy Webster presented the [cabin portion of the master plan](#) that included the purchase of ten cabins, constructed of solid timbers that should provide longevity and minimal maintenance. He stated that seven cabins would comfortably accommodate six guests and three cabins would comfortably accommodate four

guests. Mr. Webster stated that all of the cabins would have a paved area and be waterfront with the screen porch facing the water. Mr. Webster clarified that the FERC funding requires the minimum purchase of ten cabins.

- Gerald Wilson stated that staff is requesting the remaining \$402,268.11 be expended from the local accommodations tax fund. He clarified that account is projected to have an approximate balance of \$429,000 at the end of June 30, 2018. Mr. Wilson clarified that the \$350,000 FERC funds have to be used by December 31, 2017. He also stated that if council approved this request, the goal would be to have the cabins completed by spring of 2018 (April/May).
 - Mr. Wilson stated that a plan has been prepared to address the septic issues.
 - Councilman Wes Hendricks moved to recommend approving \$402,268.11 to be expended from the local accommodations tax fund, as needed. Motion was seconded by Councilman Ensley Feemster and carried unanimously.
- ❖ Committee recommended approving \$402,268.11 to be expended from the local accommodations tax fund, as needed, for the Mile Creek cabin project.

Council Action on Log No. 71:

- During discussion, Councilman Wes Hendricks stated the cabins will be a great draw for tourism, especially for the people that enjoy lake activities and camping. He further stated that, as a resident, he hopes to use the cabins in the future.

Chairman Roy Costner stated that he would like to commend staff for their efforts to present durable cabins that will provide longevity and a better return on the investment.

- Motion to approve the recommendation from Committee approving \$402,268.11 to be expended from the local accommodations tax fund, as needed, for the Mile Creek cabin project carried unanimously.

Outdoor Special Events Ordinance – Log No. 72

- No Action Taken by Committee

Building Codes – Log No. 44

- No Action Taken by Committee

ADJOURN:

Hearing no further Committee business, Chairman Roy Costner called for a motion to adjourn. Motion was made by Vice Chairman Chris Bowers, seconded by Councilman Trey Whitehurst and carried unanimously. The Committee of the Whole stood adjourned at 9:26 p.m.

<<END OF COMMITTEE REPORT>>

COUNCIL CORRESPONDENCE:

Chairman Roy Costner announced the following:

- Council will hold a Planning Retreat on Wednesday, October 4th at 6:30 p.m. in the board room at the Airport.
- The County will hold an employee meeting on Monday, October 9th at 4:00 p.m. at the Performing Arts Center.
- Council will hold a Committee of the Whole meeting on Monday, October 16th at 6:00 p.m. in the main conference room of the Administration Facility.

MOTION PERIOD AND NEW BUSINESS:

Refer to the Consent Agenda for new business.

APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FY2017 GRANT-IN-AID FUND, WITH THE PICKENS COUNTY EMS ALLOCATION FOR FISCAL YEAR 2016-2017 DETERMINED TO BE \$12,743.17:

- Motion was made by Councilman Ensley Feemster, seconded by Councilman Carl Hudson and carried unanimously to approve the FY2017 Grant-in-Aid fund request as presented.

FIRST READING OF ORDINANCE NO. 547 AUTHORIZING PICKENS COUNTY, SOUTH CAROLINA TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH CITY OF EASLEY; AMENDING THE TERMS OF THE SETTLEMENT AGREEMENT BETWEEN THE PARTIES BY AND THROUGH THE PROVISIONS OF THE INTERGOVERNMENTAL AGREEMENT; AND OTHER MATTERS RELATED THERETO:

- Motion was made by Vice Chairman Chris Bowers and seconded by Councilman Ensley Feemster to constitute first reading.
 - During discussion, Councilman Trey Whitehurst stated that he will respectfully vote against this Ordinance due to his experience with TIFs. He stated that this would be renewing a TIF that is approximately 15 years or older. Councilman Whitehurst stated that TIFs have been fraught with fraud and abuse, with the County spending several hundred thousand dollars to retrieve TIF money from Clemson that was owed to the County and the school systems. He also mentioned another similar situation with the City of Easley. Councilman Whitehurst stated the Ordinance stipulates that the Chairman and the Administrator are going to be negotiating this agreement and he encouraged the other members of council to be involved.

Chairman Roy Costner stated that specific instructions were provided to Mr. Wilson, the County Administrator, to make the opportunity for an agreement that would prevent referenced situations from occurring. He clarified that the County picks the project and hold the line at the dollar amount as what is was before. Chairman Costner asked the Administrator to confirm the stipulations.

-Mr. Wilson responded that there is another item, a ten year extension with a sunset clause.

Chairman Roy Costner stated that based on those stipulations and the new relationship they have not only with Easley, but with several municipalities, he is in favor of this agreement.

- Motion carried to constitute first reading of Ordinance 547 (5-1), with Councilman Trey Whitehurst opposed.

THIRD READING OF ORDINANCE NO. 542 TO PROVIDE FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) GENERAL OBLIGATION NOTE, SERIES 2017D OF PICKENS COUNTY, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO:

- Motion was made by Councilman Ensley Feemster and seconded by Councilman Wes Hendricks to constitute third reading.
 - During discussion, Councilman Trey Whitehurst stated to address some of the questions raised by the Conservatives of the Upstate related to some of the bonds; the proposed bond would allow the County to make capital expenditures until which time revenues are received, which

is typically January and February. He clarified that this particular bond is a temporary, short-term bond to cover the gap of when the County has funds and when the County needs funds.

- Motion carried unanimously to constitute third reading of Ordinance 542.

CONSENT AGENDA:

The following consent agenda items were added as New Business:

- Chairman Roy Costner moved to refer *Project United* to the Committee of the Whole. Motion was seconded by Vice Chairman Chris Bowers and carried unanimously
- Chairman Roy Costner moved to refer *Open Burning* to the Committee of the Whole. Motion was seconded by Councilman Ensley Feemster and carried unanimously
- Councilman Trey Whitehurst moved to refer *Lake Level Concerns (Lake Hartwell)* to the Committee of the Whole. Motion was seconded by Chairman Roy Costner and carried unanimously.

EXECUTIVE SESSION: S.C. Code of Laws, Section 30-4-70 (a)

Chairman Roy Costner called for a motion to convene into Executive Session as defined by S.C. Code of Laws, Section 30-4-70 (a). Chairman Roy Costner further stated that each issue would be discussed as the Law provides.

- Motion was made by Councilman Trey Whitehurst, seconded by Councilman Carl Hudson and carried unanimously to convene in executive session for the stated purposes after a five minute recess.

Legal Issues-Section 30-4-70 (a) (2)

- MRR Update

Boards and Commissions-30-4-70 (a) (1)

- Board and Commission Vacancies (55):
 - a) Accommodations Tax (ATAX)
 - b) Assessment and Appeals
 - c) Beautification Committee
 - d) Cultural Commission
 - e) Economic Development Alliance
 - f) Fire District Board - Crosswell
 - g) Fire District Board - Liberty
 - h) Fire District Board - Pickens
 - i) Fire District Board - Pumpkintown
 - j) Fire District Board - Six Mile
 - k) Fire District Board - Springs
 - l) Pickens County Grievance Committee
 - m) Pickens, Oconee, Anderson Mental Health
 - n) Public Service Commission
 - o) Sedgewood Tax District
 - p) Six Mile Rural Water
 - q) Southside Rural Water
 - r) Zoning and Appeals
 - s) *Hagood Mill Non-Profit Corporation Board
 - t) *Performing Arts Center Non-Profit Corporation Board
 - u) *Pickens County Museum Non-Profit Corporation Board

ACTION AS NEEDED VIA EXECUTIVE SESSION ITEMS:

Chairman Roy Costner called the Public Session back to Order and advised the following:

Legal Issues-Section 30-4-70 (a) (2)

- MRR Update – **No Action**

Boards and Commissions-30-4-70 (a) (1)

- Board and Commission Vacancies (55):

- Motion to appoint Tom Turner to the Emergency Services Board was made by Councilman Carl Hudson, seconded by Chairman Roy Costner and carried unanimously.

a) Accommodations Tax (ATAX) – **No Action**

b) Assessment and Appeals – **No Action**

c) Beautification Committee – **No Action**

d) Cultural Commission – **No Action**

e) Economic Development Alliance – **Action as follows:**

- Motion to reappoint Emily DeRoberts to the Alliance Pickens Board was made by Councilman Trey Whitehurst, seconded by Vice Chairman Chris Bowers and carried unanimously.
- Motion to reappoint Michael Keith to the Alliance Pickens Board was made by Councilman Wes Hendricks, seconded by Councilman Carl Hudson and carried unanimously.
- Motion to reappoint Stephen “Seth” Crow to the Alliance Pickens Board was made by Chairman Roy Costner, seconded by Councilman Carl Hudson and unanimously passed.

f) Fire District Board – Crosswell – **No Action**

g) Fire District Board – Liberty – **No Action**

h) Fire District Board – Pickens – **No Action**

i) Fire District Board – Pumpkintown – **No Action**

j) Fire District Board – Six Mile – **No Action**

k) Fire District Board – Springs – **No Action**

l) Pickens County Grievance Committee – **No Action**

m) Pickens, Oconee, Anderson Mental Health – **No Action**

n) Public Service Commission – **No Action**

o) Sedgewood Tax District – **No Action**

p) Six Mile Rural Water – **Action as follows:**

- Motion to reappoint the following members to the Six Mile Rural Water Board was made by Councilman Trey Whitehurst, seconded by Vice Chairman Chris Bowers and carried unanimously.

(1) Joe L. Dunn

(2) Tom E. Breazeale

q) Southside Rural Water – **Action as follows:**

- Motion to reappoint Donnie M. Mullikin to the Southside Rural Water District Board was made by Chairman Roy Costner, seconded by Councilman Ensley Feemster and carried unanimously.

r) Zoning and Appeals – **No Action**

s) *Hagood Mill Non-Profit Corporation Board – **No Action**

t) *Performing Arts Center Non-Profit Corporation Board – **No Action**

u) *Pickens County Museum Non-Profit Corporation Board – **No Action**

ADJOURN:

Hearing no further Council business, Chairman Roy Costner called for a motion to adjourn. Motion was made by Councilman Wes Hendricks, seconded by Councilman Ensley Feemster and unanimously passed. Pickens County Council stood adjourned at 8:20 p.m.

Respectively Submitted:

Approved:

Crystal A. Alexander, Clerk to Council

Roy B. Costner, III, Chairman of County Council