

Regular Pickens County Council Meeting

January 4, 2018

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 December 22, 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 January 4, 2018 to order and welcomed those in attendance. Chairman Costner 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. Jim Normandin: Mr. Normandin appeared to discuss a complaint that he had filed regarding approximately 100 roosters on his neighbor's property. He stated that a couple of days after his complaint, the County and Sheriff's Office went to his neighbor's residence; the next morning a decapitated deer was found in his driveway. Mr. Normandin stated that he interpreted that as a warning to keep quiet. He stated that he took the perceived warning very seriously and has not complained since. He advised that this matter affected him to the point that he is leaving the area.
2. Kim Jackson: Ms. Jackson appeared to discuss her support of a proposed countywide animal tethering ordinance. She stated that chaining a dog is cruel; they are pack animals that need to be with other dogs and people. She stated that the City of Liberty and Anderson County already have a similar ordinance in place. Ms. Jackson stated that she never witnessed a chained dog during her two year stay in Spain. She stated that this ordinance will give the experienced Animal Control officers the latitude to assist a dog that needs help. She stated that dog owners need to be educated and held accountable. Ms. Jackson lastly stated that the ordinance would increase revenue for citizens that are cited for chaining, or improperly chaining their dog(s).
3. Franklin Reynolds: Mr. Reynolds appeared to discuss the Central Rural Fire Board. He provided the members of council with a copy of the Central Rural Fire Board meeting agenda and minutes from April 1, 2017, as well as a copy of his statement that he is reading from. He stated that he was not aware of a recent fire fee that had been implemented, which he does not agree with. Mr. Reynolds further stated his concerns with the Central Rural Fire Board to include, but not limited

to: their meeting proceedings; expenditures; notice of meetings; and appointment of board members.

4. Scott McCall: Mr. McCall appeared to discuss the Emergency Fire Board. He stated that the council appointed Emergency Services Advisory Board has not consulted with the current firemen, fire chiefs or fire boards. He discussed the appointment of Emergency Services coordinators and the goal in providing fire services to citizens. He recommended that Council dissolve the referenced board and start over with input from fire boards and personnel, without any division. He discussed a decrease in fire department volunteers. Mr. McCall stated that he could only speak for Six Mile, but he felt like the fire boards have laid a good foundation for a better fire service system in Pickens County. He lastly stated that it is not good to take quality people for granted, to leave them out of decisions or make them feel inadequate.
5. Johnnelle Raines: Ms. Raines stated that the property rights resolution which was proposed by the Conservatives of the Upstate (COTU), which Council did not pass, sent a clear message. She stated that the building codes ordinance Council is considering is not in the best interest of protecting property rights. She stated that the COTU are disappointed and will remember this in the next election cycle. Ms. Raines stated that it is the opinion of the COTU, that each member of the council should attend the legislative delegation meeting on January 8th at 5:30 p.m., to demand legislators fully fund the local government fund according to their past law, Act 171. She stated that the COTU is displeased with the videoing of the council meetings. Ms. Raines stated that the conservatives of Pickens County expect the “right” kind of change. She stated that she’d like to remind Council that in 2016 the people of Pickens County overwhelmingly voted in favor of Donald Trump’s platform. She further stated that any ordinance or decision proposed should align with Trump’s platform.

APPROVAL OF MINUTES:

- Motion was made by Vice Chairman Chris Bowers and seconded by Councilman Carl Hudson to approve the December 4, 2017 and December 19, 2017 Special Called minutes as presented.
>During discussion, Councilman Trey Whitehurst stated that he would abstain from the vote, as he was not present at the December 19th meeting.
- Motion carried (5-1), with Councilman Trey Whitehurst abstained.

ADMINISTRATOR’S REPORT:

County Administrator, Gerald Wilson, provided the following report:

Executive Session Item Request: Mr. Wilson advised that he was asked by Sheriff Rick Clark to request Council to add “Personnel Update – Sheriff’s Office” to Executive Session during Motion Period and New Business.

Update on Madden Bridge Road Park: Mr. Wilson advised that the bids for the Madden Bridge Road Park have been released and the permitting process is complete. He stated that the lease is expected to be in hand by the end of the month. He advised that bids are due by January 25th. Mr. Wilson stated that staff would provide an update on the bid process next month.

Update on Cateechee Beach Project: Mr. Wilson advised that contractors will have to adjust elevations and grades to keep the site ADA accessible. He stated that this effort will require importing approximately 5,000 cubic yards of materials to the site. He clarified that staff is currently working with the jail project contractor to utilize excess soil from that site. Mr. Wilson stated that the only cost incurred should be the cost to transport the material between sites. He advised that this effort will set the project back approximately 30 days, with this part of the project expected to be complete by late spring.

>Councilman Trey Whitehurst asked the Administrator for clarification that dirt is being transported from the jail site and asked if they are not supposed to supply the dirt as part of the bid package.

Mr. Wilson responded yes, the plan is to move the dirt. He clarified that the contractor experienced an issue with a shelf of rock that could not be cut down. Mr. Wilson stated that they could continue to build the site as is, but it would not be ADA accessible.

>Councilman Trey Whitehurst asked Mr. Wilson for clarification on the video issues that Ms. Raines was referring to.

Mr. Wilson clarified that there have been issues with the camera equipment and advised that Sharon Johnson will try to Facebook live the meetings while this matter is resolved.

>Councilman Trey Whitehurst asked if the videoed meetings were being posted on the website and how long have the meetings not been posted.

Mr. Wilson responded that not all of the meetings were being posted and that the council meetings haven't been posted for approximately 1-2 months.

After more discussion, Mr. Wilson stated that he will research options with the Information Systems Department to post the meeting videos on the county website.

COUNCIL CORRESPONDENCE:

- Chairman Roy Costner announced that the Council will continue to meet on the first Monday of the month; the Committee of the Whole will continue to meet on the third Monday of the month. Any changes to the schedule will be posted accordingly.
- Chairman Roy Costner, in an effort to respond to Steve Haney and Johnnelle Raines, stated the following:

“Based on a study conducted by the South Carolina Association of Counties, as well as data compiled by Pickens County, unfunded mandates from the state cost our taxpayers approximately \$10,651,061 during fiscal year 2017. This amount is offset by revenue from fees etc. in those departments in the amount of \$4,190,779, leaving a shortage of \$6,460,262 for the county.”

“Last fiscal year, the State provided \$4,624,902 to the County, which was only a portion of the amount required by state law under the Local Government Fund/State Aid to Subdivisions.”

“Once you deduct the LGF dollars that were provided, unfunded mandates are costing local taxpayers **\$1,835,360** in property taxes which the State is collecting which should be coming to Pickens County.”

Chairman Roy Costner thanked Mr. Haney and Ms. Raines for researching this matter. He advised that those members of council that could attend the state delegation meeting would attend.

Councilman Trey Whitehurst stated that he has been dealing with the lack of funding for many years; and every time that he sees a representative from Columbia, he confronts them regarding the local government fund (LGF). He clarified that the representatives suspend the rules on the first day of session to get around the law.

Councilman Wes Hendricks stated that he reviewed the email that the members of council received regarding the LGF. He clarified that this is a statewide issue, not just affecting Pickens County. He stated that he agrees with Councilman Whitehurst, but the efforts need to originate throughout the state.

- Councilman Wes Hendricks stated that Clemson was not going to be presented with a Key to the County for winning the football National Championship this year.

MOTION PERIOD AND NEW BUSINESS:

- Chairman Roy Costner moved to add the funding request for the four Pickens County athletes participating in the National Special Olympics to the consent agenda. Motion was seconded by Councilman Wes Hendricks and carried unanimously.
- Vice Chairman Chris Bowers moved to add a personnel update relative to the Sheriff's Office to Executive Session. Motion was seconded by Councilman Carl Hudson and carried unanimously.

CONSIDERATION TO APPROVE A RESOLUTION CONGRATULATING THE LIBERTY HIGH SCHOOL JROTC RAIDER TEAM FOR OUTSTANDING PERFORMANCE AT THE 2017 STATE OF SOUTH CAROLINA RAIDER BEST OF THE BEST CHAMPIONSHIP QUALIFIER; FOR PLACING FIRST OVERALL IN SAID COMPETITION, AND FOR REPRESENTING LIBERTY AND ALL OF PICKENS COUNTY IN AN EXEMPLARY MANNER:

- Motion was made by Vice Chairman Chris Bowers, seconded by Councilman Ensley Feemster and carried unanimously to approve the resolution as presented.

Chairman Roy Costner presented the Liberty High School JROTC "A" team with an Outstanding Achievement Award on behalf of Pickens County.

FIRST READING IN TITLE ONLY OF AN ORDINANCE ABANDONING A PORTION OF LONG MOUNTAIN ROAD THEREBY REMOVING SAID PORTION OF THE ROAD FROM THE COUNTY MAINTENANCE SYSTEM AT THE PROPERTY OWNERS REQUEST, AND MATTERS RELATED THERETO.

- Motion was made by Councilman Carl Hudson and seconded by Vice Chairman Chris Bowers.
>During discussion, Chairman Roy Costner asked the County Attorney, Ken Roper, to further advise Council on this matter.

Mr. Roper clarified that this is a dead end road, with approximately 500 feet at the very end, which serves two property owners. He stated that the two property owners have requested in writing that the County abandon that portion of the road. He clarified that there is a provision in state law that allows the proposed action one of two ways: obtaining a court order abandoning the road, making the road private and the homeowner's responsibility; or county council could pass an ordinance binding it is appropriate. Mr. Roper clarified that this would just start the process.

Councilman Wes Hendricks asked how long has it been since the referenced road has been paved. He asked where drivers turn around on the road, why wouldn't the entire road be private, and how do the other residents feel about this request.

-Mr. Roper responded that staff would research this further.

-Mr. Wilson responded that Long Mountain Road is a minimum maintenance road. He stated that he would estimate the road was paved approximately 5-7 years ago, but clarified that is a rough estimate. He stated that he would assume that people could turn around at the last existing house driveway.

-Councilman Wes Hendricks asked if a cul-de-sac could be created to minimize the nuisance for the last existing property owner.

-Mr. Wilson responded that staff could research this if needed.

- After much discussion, Chairman Roy Costner moved to table this item to the next meeting to provide staff more time to research this matter. Motion was seconded Vice Chairman Chris Bowers.
>During discussion, Vice Chairman Chris Bowers stated that he agrees that more research should be completed with full disclosure, especially with private property rights.
- Motion to table proposed Ordinance carried unanimously.

PUBLIC HEARING FOR ORDINANCE NO. 534 AMENDING CHAPTER EIGHT OF THE PICKENS COUNTY CODE OF ORDINANCES RELATING TO BUILDING CODES SO AS TO FURTHER SAFEGUARD CITIZENS WITHIN THE COUNTY.

Chairman Roy Costner advised that this is just a public hearing for Ordinance 534, amending building codes. He clarified that no action would be taken by Council on the proposed Ordinance at this time. He reminded the public that the Ordinance was amended to only include the state mandated codes. The proposed discretionary codes were sent to the Committee of the Whole to be discussed in more detail.

Chairman Costner opened the public hearing for comments regarding 534. Hearing none, Chairman Roy Costner declared the public hearing closed.

CONSENT AGENDA:

- a) Magistrate Compensation – *Committee of the Whole*
 - b) USPCA Update – *Committee of the Whole*
 - c) PCBDSN Funding Request for Four PC Athletes Participating in the National Special Olympics
(as added in Motion Period and New Business) – *Committee of the Whole*
- Motion was made by Vice Chairman Chris Bowers, seconded by Councilman Carl Hudson and carried unanimously to approve the consent agenda as presented.

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 Wes Hendricks, seconded by Councilman Ensley Feemster 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)

- Update on MRR

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

- Economic Development

Economic Development - Section 30-4-70 (a) (2)

- Project Dairy

Personnel - Section 30-4-70 (a) (1)

- Fire Departments
- Personnel Update: Sheriff's Office (*as added during Motion Period and New Business*)

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

- Board and Commission Vacancies (85):
 - a) Accommodations Tax (ATAX)
 - b) Appalachian Council of Gov. (ACOG)
 - c) Assessment and Appeals
 - d) Beautification Committee
 - e) Cultural Commission
 - f) Fire District Board - Central
 - g) Fire District Board - Crosswell
 - h) Fire District Board - Dacusville
 - i) Fire District Board - Easley
 - j) Fire District Board - Holly Springs
 - k) Fire District Board - Liberty
 - l) Fire District Board - Pickens
 - m) Fire District Board - Pumpkintown
 - n) Fire District Board - Rocky Bottom
 - o) Fire District Board - Shady Grove
 - p) Fire District Board - Six Mile
 - q) Fire District Board - Springs
 - r) Fire District Board - Vineyards
 - s) GPATS
 - t) Pickens County Grievance Committee
 - u) Pickens, Oconee, Anderson Mental Health
 - v) Public Service Commission
 - w) Recreation Funding Advisory Board
 - x) Tourism Board
 - y) WORKLINK
 - z) Zoning and Appeals
 - aa) *Hagood Mill Non-Profit Corporation Board
 - bb) *Performing Arts Center Non-Profit Corporation Board
 - cc) *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)

- Update on MRR – **No Action**

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

- Economic Development – **No Action**

Economic Development - Section 30-4-70 (a) (2)

- Project Dairy – **No Action**

Personnel - Section 30-4-70 (a) (1)

- Fire Departments – **No Action**
- Personnel Update: Sheriff's Office (*as added during Motion Period and New Business*) – **No Action**

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

- Board and Commission Vacancies (85):
 - a) Accommodations Tax (ATAX) – **No Action**
 - b) Appalachian Council of Gov. (ACOG) – **No Action**
 - c) Assessment and Appeals – **No Action**
 - d) Beautification Committee – **No Action**
 - e) Cultural Commission – **No Action**
 - f) Fire District Board – Central – **Action as follows:**
 - Councilman Trey Whitehurst moved to reappoint Steve Hughes to the board. Motion was seconded by Vice Chairman Chris Bowers and carried unanimously.
 - g) Fire District Board – Crosswell – **Action as follows:**
 - Councilman Carl Hudson moved to reappoint the following to the board:
 - (1) Grady Gaston
 - (2) Karl E. Earl
 - Motion was seconded by Vice Chairman Chris Bowers and carried unanimously.
 - h) Fire District Board – Dacusville – **No Action**
 - i) Fire District Board – Easley – **No Action**
 - j) Fire District Board – Holly Springs – **No Action**
 - k) Fire District Board – Liberty – **No Action**
 - l) Fire District Board – Pickens – **No Action**
 - m) Fire District Board – Pumpkintown – **No Action**
 - n) Fire District Board – Rocky Bottom – **No Action**
 - o) Fire District Board – Shady Grove – **No Action**
 - p) Fire District Board – Six Mile – **No Action**
 - q) Fire District Board – Springs – **Action as follows:**
 - Councilman Trey Whitehurst moved to reappoint Scott Arbet to the board. Motion was seconded by Vice Chairman Chris Bowers and carried unanimously.
 - r) Fire District Board – Vineyards – **Action as follows:**
 - Councilman Wes Hendricks moved to appoint the following to the board:
 - (1) Fred Goosen
 - (2) Robert Giblin
 - Motion was seconded by Councilman Carl Hudson and carried unanimously.
 - s) GPATS – **No Action**
 - t) Pickens County Grievance Committee – **No Action**
 - u) Pickens, Oconee, Anderson Mental Health – **No Action**
 - v) Public Service Commission – **No Action**
 - w) Recreation Funding Advisory Board – **Action as follows:**
 - Councilman Wes Hendricks moved to appoint Robert Furr to the board. Motion was seconded by Councilman Carl Hudson and carried unanimously.
 - x) Tourism Board – **No Action**
 - y) WORKLINK – **No Action**

- z) Zoning and Appeals – **No Action**
- aa) *Hagood Mill Non-Profit Corporation Board – **Action as follows:**
 - Councilman Wes Hendricks moved to appoint Betty McDaniel to the board. Motion was seconded by Councilman Carl Hudson and carried unanimously.
- bb) *Performing Arts Center Non-Profit Corporation Board – **No Action**
- cc) *Pickens County Museum Non-Profit Corporation Board – **No Action**

CONSIDERATION TO APPROVE RESOLUTION NO. 2018-01 IDENTIFYING A PROJECT TO SATISFY THE REQUIREMENTS OF TITLE 12, CHAPTER 44 OF THE SOUTH CAROLINA CODE, SO AS TO ALLOW INVESTMENT EXPENDITURES INCURRED BY A COMPANY KNOWN TO THE COUNTY AS PROJECT DAIRY, ITS AFFILIATES AND RELATED ENTITIES AND CERTAIN SPONSOR AFFILIATES TO QUALIFY AS EXPENDITURES ELIGIBLE FOR A FEE-IN-LIEU OF AD VALOREM TAXES ARRANGEMENT WITH PICKENS COUNTY, SOUTH CAROLINA; PROVIDING FOR OTHER ECONOMIC DEVELOPMENT INCENTIVES IN CONNECTION WITH THE COMPANY’S PROJECT; PROVIDING FOR ANY OTHER NECESSARY AGREEMENTS WITH THE COMPANY TO EFFECT THE INTENT OF THIS RESOLUTION; AND OTHER MATTERS RELATED THERETO:

- Motion was made by Councilman Ensley Feemster, seconded by Vice Chairman Chris Bowers and carried unanimously to constitute the reading of Resolution 2018-01.

SECOND READING OF ORDINANCE NO. 548 AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN PICKENS COUNTY, SOUTH CAROLINA AND ACOMPANY KNOWN TO THE COUNTY AT THIS TIME AS PROJECT DAIRY, ACTING FOR ITSELF, ONE OR MORE SUBSIDIARIES, AFFILIATES, SUCCESSORS, ASSIGNS, LESSORS OR OTHER PROJECT SPONSORS, PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED PAYMENTS IN LIEU OF AD VALOREM TAXES WITH RESPECT TO CERTAIN FACILITIES IN THE COUNTY; (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; (3) THE CONVEYANCE OF CERTAIN PROPERTY TO THE COMPANY; AND (4) OTHER MATTERS RELATING THERETO:

- Motion was made by Councilman Carl Hudson, seconded by Vice Chairman Chris Bowers and carried unanimously to constitute the second reading of Ordinance 548.

ADJOURN:

Hearing no further Council business, Chairman Roy Costner called for a motion to adjourn. Motion was made by Vice Chairman Chris Bowers, seconded by Councilman Wes Hendricks and unanimously passed. Pickens County Council stood adjourned at 9:14 p.m.

Respectively Submitted:

Approved:

Crystal A. Alexander, Clerk to Council

Roy B. Costner, III, Chairman of County Council