

Regular Pickens County Council Meeting

March 20, 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 March 14, 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 March 20, 2017 to order and welcomed those in attendance. Councilman Carl Hudson 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. Samantha Gamble: Ms. Gamble appeared to discuss the Pickens County Humane Society and to ask for a continuation of funding from the County in the amount of \$70,000, which is 35% of the Humane Society's annual budget.
2. Abby Baker: Ms. Baker appeared to discuss the Holly Springs Center and to announce other people in attendance that plans to speak about their support of the Holly Springs Center.
3. Kim Valentin: Ms. Valentin appeared to discuss Pickens County Meals on Wheels initiatives for March. She also thanked Council for their continued annual support, including the gift of the building Meals on Wheels is currently utilizing. Ms. Valentin discussed the McKissick Center for Senior Wellness to include an overview of their funding. She further stated she hoped that Meals on Wheels would have the continued support from the County over the next few years.
4. Olivia Fowler: Ms. Fowler, the chair for the Birchwood Center for Arts and Folklife, appeared to discuss her support of the Holly Springs Center. She stated she thinks the Holly Springs Center is a unique opportunity for Pickens County to promote tourism.
5. Ken Keith: Mr. Keith appeared to discuss the Holly Springs Center. Mr. Keith stated he is retired from Duke Power, Pickens County, the City of Pickens and the Shady Grove Fire District. Mr. Keith stated he views the Holly Springs Center as an opportunity for growth, tourism, and revenue for Pickens County.

6. Lauren Willis: Ms. Willis, a small business owner in Downtown Pickens, appeared to discuss her support for the Holly Springs Center. She stated she fully encourages a partnership with the Holly Spring Center; the Appalachian culture and connected community is what attracted her to open a business in Pickens. Ms. Willis stated she anticipates the Holly Springs Center would have a direct impact on her business economically. She stated one example has been significant increases in her business from non-local customers on Hagood Mill Saturdays. Ms. Willis further stated the Holly Springs Center, and similar opportunities, will grow tourism in Pickens County and show a direct economic impact
7. Betty McDaniel: Ms. McDaniel appeared to speak on behalf of Kim Smagala, from the Greater Pickens Chamber of Commerce regarding the Holly Springs Center. Ms. McDaniel read a letter from Ms. Smagala as follows: “I had every intention of being at the Council meeting tonight to speak on behalf of the efforts for the Holly Springs Center. Unfortunately, I have the flu and will not be able to attend. I have been in conversation with this group for quite some time and will be working with them to get some (entrepreneur/ makerspaces) for start-ups. I also plan to assist them as much as possible with creating a tourism kiosk/informational area to highlight all the great things that Pickens County has to offer. Not only do I think this public/private partnership is an excellent idea, but I strongly believe it will impact our economic vitality by putting us on the map for tourism. HSC has the capacity to become as widely visited as The Penland School of Crafts in Spruce Pine, NC, a very rural community. This phenomenal school is recognized as an international center and attracts artists from all over the world. I firmly believe together we can accomplish this for Pickens.”
8. Johnnelle Raines: Ms. Raines appeared, on behalf of the Conservatives of the Upstate members, to request an update on the proposed resolution regarding protecting private property rights that was submitted as council correspondence. She also stated the Conservatives of the Upstate members did not want to go in to debt over a jail and requested a referendum to allow the people the opportunity to decide if they want to incur more debt. Ms. Raines stated the County should not be spending \$58,500 to join a public/private partnership with Upstate Alliance, as previously stated at the meeting last month. She stated the Conservatives of the Upstate likes the recreation funding advisory board ordinance, but they want to add the members that are appointed need to understand that their decisions should be based on the Constitution. Ms. Raines stated they think any child should be able to play any sport in the county and pay the same fee. She requested a status of the Tri-County request for taxpayer funds. Ms. Raines stated they are concerned about the over collection of taxes and the term ‘reasonable amount’ being not clearly defined; they think \$45 million is out of the realm as reasonable. She stated they question the procedure in place when someone protests their property taxes in a reassessment year, in regards to being placed in the delinquent tax account. She further stated protested taxes are not delinquent and should be carried in a protested tax account and added back to the grand total after they are settled by arbitration; otherwise there is a tax gain from this procedure, as more mills are added than should be.
9. Pat Mulkey: Mr. Mulkey appeared to discuss tourism in Pickens County. He stated he looked forward to working with the council and administrator on exciting ideas to promote tourism in the County. Mr. Mulkey stated the previous Tourism board, appointed by council, compiled a tourism plan for Pickens County, in conjunction with Clemson University, and hosted the first tourism summit. He stated the referenced event was attended by many local government officials, but not many attended from the Pickens County Council. Mr. Mulkey stated he provided the tourism plan to Gerald today to share with Council. He further suggested that Council take time with making any decisions related to tourism, review what was proposed by the previous tourism board and seek public input.

APPROVAL OF MINUTES:

Chairman Roy Costner called for a motion to approve the minutes as presented and further explained it was discovered the minutes for September 12, 2016-Special Called were not formally approved.

- Motion was made by Councilman Carl Hudson , seconded by Councilman Ensley Feemster and unanimously passed to approve the minutes of February 6, 2017, March 6, 2017-Special Called and September 12, 2016-Special Called, as presented.

ADMINISTRATOR’S REPORT:

Mr. Wilson updated Council on the following items:

State of the County Address: Mr. Wilson thanked Council for attending the State of the County Address last week with the employees. He stated the meeting was well-received by the employees and they appreciated the Council’s vision, thoughts and time spent with them.

Legal Briefing on Pending Litigation: Mr. Wilson advised Council the County’s attorneys’ were present to provide a legal briefing on a pending litigation. Mr. Wilson recognized the attorneys’ are from out of town and charge by the hour and recommended Council to hold any questions and move forward with item no. 7, motion period and new business, with committee reports, council correspondence and motion period and new business (if any) to resume after the legal briefing has concluded. Mr. Wilson recommended Council to add a legal briefing to the agenda for executive session.

- Chairman Roy Costner ruled to move Motion Period and New Business after the Administrator’s Report to accommodate the County’s attorneys’ and to resume back to the regular schedule after the legal briefing, if approved to add to the agenda.

MOTION PERIOD AND NEW BUSINESS: (as moved per motion below)

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) to receive a legal briefing regarding pending litigation.

- Councilman Carl Hudson moved to convene in executive session for the stated purpose. Motion was seconded by Councilman Ensley Feemster and unanimously passed. Pickens County Council convened in executive session at 6:58 p.m.

EXECUTIVE SESSION (as added in Motion Period and New Business):

- Legal Issues-Section 30-4-70 (a) (2)
 - Legal Briefing on Pending Litigation

PUBLIC SESSION RECONVENED:

Chairman Roy Costner called the Public Session back to order at 7:53 p.m. and advised the following motions:

ACTION AS NEEDED VIA EXECUTIVE SESSION ITEMS:

- Legal Issues-Section 30-4-70 (a) (2)
 - Legal Briefing on Pending Litigation –**No Action**
 - The County’s Attorney, Gary Poliakoff, provided those in attendance with a brief update on the case where MRR is suing Pickens County. He stated MRR is attempting to receive \$30 million in damages, plus punitive damages from Pickens County. Mr. Poliakoff stated briefly, and very generally, they believe their position is sound and they believe Pickens County’s position is just and right. He further stated they believe MRR’s position is unfounded; it is based on a series of activities that occurred in 2014 and 2015, that were primarily done

secretively and behind the backs of the county officials. Mr. Poliakoff further stated he was very hesitant to give further information to protect the attorney-client privilege. He stated they are taking depositions and going through discovery; they think it is going very well for Pickens County.

COMMITTEE REPORTS:

Chairman Roy Costner provided the following report for the Committee of the Whole meeting that was held on February 21, 2017:

The Committee of the Whole met in the Main Conference Room on Tuesday, February 21, 2017 at 6:00 p.m. All members of the committee were in attendance with Chairman Roy Costner presiding.

County Finances – Log No. 54

- Ralph Guarino and David Cheatwood presented the Committee with an overview of the County’s finances to include, but not limited to: an overview of existing debt as of 06/30/2016; debt service millage; and various funding options the County has available to pay for the jail project.
- During much discussion, with the Committee agreed the funding position for Tri-County Technical College needed to be determined before making a decision on which funding option the County should select to pay for the jail project.
- Vice Chairman Chris Bowers moved to pull from committee the earmarking of the jail and other financial issues related thereto and to send to the full council at the next regular called meeting. Motion was seconded by Councilman Wes Hendricks and unanimously passed, by the Committee, as a recommendation to full council.

Council Action on Log No. 54:

Chairman Roy Costner referenced a memo dated March 14th that was emailed to Council from the Finance Director, Ralph Guarino, regarding the staff’s recommendation.

- The Chairman called for a motion to remove the earmark, move forward with bonding the full cost of the jail and issue short-term bonds for \$1.5 million for architectural and design fees that have already occurred. Motion made by Councilman Ensley Feemster and seconded by Vice Chairman Chris Bowers.
 - During much discussion, Councilman Trey Whitehurst referenced a resolution brought before the Council (Resolution No. 2017-05-No. 8 on agenda) and asked for clarification.
 - Lawrence Flynn, from Pope Flynn, LLC, addressed Council regarding Resolution No. 2017-05 and stated, as clarification to the new council members, there was much discussion amongst the former council about how to potentially fund the jail. He stated the former council approved a \$7.8 million general obligation bond; that is the authorization for the \$1.5 million, just proposed, that will be a taxable reimbursement for architectural fees that have already been purchased. Mr. Flynn stated the reason this is being done on a taxable basis is because a reimbursement resolution was not completed originally for those improvements. He stated as a public body, the council is able to borrow money on a tax exempt basis. That tax exemption is provided by the Internal Revenue Code; and when the lender receives interest income for that borrowing, they are able to not pay federal income tax on the interest they receive. Mr. Flynn stated there is a special rule in the tax rules, called the pyramid rule for tax exempt bond purposes that says “a municipal government may not reimburse itself for expense that occurs more than six days prior to the intent being created”. He further stated what Council would be doing tonight, with the proposed resolution, is keeping their powder dry for whatever they decide to do with the long term GO bond issue. He clarified that Council would not be approving anything, by adopting the proposed resolution, regarding how that long term bond would be issued; the resolution is just a checklist item that protects the County’s tax exemption.

- Councilman Trey Whitehurst stated that the proposed resolution, in his opinion, would be resolving to bond the entire jail.
 - Lawrence Flynn responded to the Councilman Whitehurst that his interpretation is not correct; the resolution allows the County to reimburse themselves for any out-of-pocket costs when receiving tax-exempt bond money. He stated the County is not authorizing anything respective to Resolution No. 2017-05.
 - Chairman Roy Costner stated “Just to be clear, we are removing the earmark and moving forward bonding the full cost of the...move forward with the bonding of how we’re going to do the full cost of the jail by issuing the short-term bonds of \$1.5 million just for the architectural and design fees already occurred.”
 - Lawrence Flynn stated the referenced motion and Resolution No. 2017-05 are two separate issues.
 - Councilman Trey Whitehurst questioned the language in the first paragraph of the referenced resolution as follows: “with the proceeds of the Bonds or the Notes, as the case may be (the “Bonds”), in a maximum aggregate principal amount reasonably expected not to exceed \$25,000,000.”
 - Lawrence Flynn stated that is correct; that is the upper limit of what the County can reimburse themselves.
 - Councilman Trey Whitehurst stated his understanding of what Mr. Flynn is saying is all that the County is doing is making sure that they are covered on their \$1.5 million that has been spent.
 - Mr. Flynn stated this is not correct and the referenced resolution is completely separate than the \$1.5 million. He clarified the \$1.5 million was authorized by the former council under the \$7.8 million GO bond.
 - Councilman Trey Whitehurst stated a bond has been issued for \$7.8 million; the former council voted on it.
 - Mr. Flynn stated a bond was not previously issued and that the Council voted to issue \$1.5 million of the \$7.8 million tonight. He stated Resolution No. 2017-05 is fixing a date certain for reimbursing the County for any money spent out of pocket on a going forward basis to pay for the jail. Mr. Flynn confirmed that the Council is not authorizing anything in respect to the \$25 million GO bonds or whatever amount the Council decides.
 - Councilman Trey Whitehurst asked for clarification that the resolution would allow any money spent for the jail to still be bonded, if the Council decides to do so.
 - Mr. Flynn stated that is correct; the County can reimburse themselves of the proceeds. If the County wanted to reallocate money to the fund balance, as opposed to spending that fund balance, this would give the County the ability to on tax exempt basis.
 - Councilman Trey Whitehurst asked if the removal of the earmark for \$23 million for the jail was part of this same motion.
 - Mr. Flynn stated that was not part of the action taken if Resolution No. 2017-05 is adopted.
 - Gerald Wilson, the County Administrator, clarified the referenced resolution currently being discussed is item no. 8 on the agenda and not part of the Committee report.
 - Ralph Guarino, the Finance Director, clarified that Lawrence Flynn has been addressing item no. 8, Resolution No. 2017-05 and not specifically what is being discussed out of the Committee report.
 - Motion carried unanimously to remove the earmark, move forward with bonding the full cost of the jail and issue short-term bonds for \$1.5 million for architectural and design fees that have already occurred.
- <End of Council Action>

Hwy. 153 Extension Proposal – Log No. 56

- Chairman Roy Costner provided an overview of the proposed Hwy. 153 extension proposal and further introduced Keith Brockington to discuss the project in more detail.

- During much discussion between the Committee and Mr. Brockington, Mr. Brockington clarified the deadline to submit the application is February 28, 2016. However, the application can be submitted with the resolution in pending status.
- The Committee asked for confirmation that the application is not an obligation, of any kind, to the County. Mr. Brockington stated an application is not an obligation.
- Chairman Roy Costner moved to approve [Resolution No. 2017-04](#), with an amendment to strike ‘*WHEREAS, Pickens County has determined to allocate sufficient funding in order to provide a local match, as needed, to enable the construction of this much needed infrastructure*’. Motion was seconded by Councilman Ensley Feemster and unanimously passed, by the Committee, as a recommendation to full council.

Council Action on Log No. 56: Chairman Roy Costner opened the floor for discussion.

- During discussion, Councilman Trey Whitehurst clarified the County is not obligated in to this process; this is just to apply with no taxpayer dollars being spent yet.
 - Councilman Trey Whitehurst moved to amend the resolution, specific to the section: “*WHEREAS, Pickens County cannot meet such pressing infrastructure needs alone, and given the increasing numbers of users for our industrial, commercial, educational, and tourism destinations, the State Infrastructure Bank should be approached for funding allocations to meet such needs*”; to reflect the State and not Pickens County as it relates to the road(s). He further stated that Pickens County is not responsible for this road; the State of South Carolina is responsible. Motion was seconded by Councilman Wes Hendricks. Motion carries (5-1), with Vice Chairman Chris Bowers abstaining, to amend the resolution.
 - Motion to adopt Resolution 2017-04, as amended per the Committee recommendation and the before mentioned motion, carries unanimously (6-0)
- <End of Council Action>

Liberty Civic Auditorium Branding and 501c3 – Log No. 50

- Chairman Roy Costner announced the Compensation Study (Elected Officials), Log No. 46, would be discussed towards the end of the meeting in Executive Session.
- Chairman Roy Costner clarified there would be second reading on creating the 501c3 organizations for the Liberty Civic Auditorium, Pickens County Museum and the Hagood Mill.
- Councilman Trey Whitehurst stated he had questions, but he prefers to discuss at another time.
- No Action Taken by Committee

Pickens County Museum 501c3 – Log No. 51

- No Action Taken by Committee

Hagood Mill 501c3 and Grant for Pole Shed – Log No. 52

- No Action Taken by Committee

Jail Project – Log No. 47

- Michael Hayes provided the Committee with the rendering and the plans for the new jail. Mr. Hayes further stated the pre-qualified bids would open in June with the project starting in July 2017.
- No Action Taken by Committee

Develop Emergency Procedures (to include the proposed Ordinance No. 526) – Log No. 45

- Denise Kwiatek provided the Committee with an overview of the proposed emergency procedures that were mirrored after the Dorchester County plan.
- Vice Chairman Chris Bowers requested the new Statewide Mutual Aid Agreement be placed on the next regular meeting agenda.

CONSIDERATION FOR SECOND READING OF ORDINANCE NO. 526 ESTABLISHING CONDITIONS AND PROCEDURES FOR THE DECLARATION OF A STATE OF EMERGENCY WITHIN PICKENS COUNTY AND FOR THE OPERATION OF COUNTY GOVERNMENT SUBSEQUENT THERETO.

- Motion was made by Councilman Trey Whitehurst, seconded by Councilman Carl Hudson and unanimously passed, by the Committee, to recommend second reading of [Ordinance No. 526](#), as presented, out of committee.

Council Action on Log No. 45:

- Motion carried unanimously to constitute second reading of Ordinance No. 526, as presented.
<End of Council Action>

Outdoor Special Events Ordinance No. 524 – Log No. 57

- No Action Taken by Committee

CONSIDERATION FOR THIRD READING OF ORDINANCE NO. 524 FOR THE COUNTY OF PICKENS, SOUTH CAROLINA ESTABLISHING STANDARDS AND PERMITTING PROCEDURES FOR CERTAIN OUTDOOR SPECIAL EVENTS BEING HELD ON PUBLIC ROADWAYS IN THE UNINCORPORATED AREAS OF THE COUNTY.

- No Action Taken by Committee

Review of Fire Board and Districts (countywide) – Log No. 55

- No Action Taken by Committee

Proposed Sewer Plan and Availability Fee – Log No. 43

- No Action Taken by Committee

Building Codes – Log No. 44

- No Action Taken by Committee

Jail Fees with Municipalities – Log No. 48

- Sheriff Rick Clark presented a Detention Center Expense Report to the Committee that reflected a calculation of \$32.00 per day to house a prisoner per the Sheriff's Office; whereas, the stated calculation from Ralph Guarino was \$44.00 per day. The Sheriff did not provide a recommendation; he stated that was up to the full council.
- Councilman Trey Whitehurst asked the Administrator if all of the municipalities were paying the current rate of \$65.00.
- Gerald Wilson responded all but one; Easley was paying \$28.00 per prisoner, per day. He further stated there was a 3% under collection fee imposed by the council in 2016.
- Councilman Trey Whitehurst and Chairman Roy Costner both agreed the City of Easley should pay the amount they owe to the County.
- After much discussion, the Committee requested the Administrator to proceed as follows: provide the council with a deficit report, since the \$65.00 fee implementation, for the City of Easley; and to meet with municipalities to begin a discussion regarding jail fees.
- Motion was made by Councilman Ensley Feemster to set the jail fee at \$35.00, based on the information provided and anticipated cost increases in the future. Motion was seconded Councilman Wes Hendricks.
>During discussion, Ken Roper clarified the motion would be to recommend, to the full council, to include the \$35.00 fee in the budget document this coming year. Mr. Roper stated this is where the jail fee was set and would take three readings of the budget ordinance.
- Motion was amended by Councilman Trey Whitehurst to state the \$35.00 fee is the recommendation for the Administrator to use in negotiations with the municipalities. Motion was seconded by Vice Chairman Chris Bowers and unanimously passed.
- Motion carried unanimously, by the Committee, as a recommendation to full council to set the jail fee negotiation amount at \$35.00 for the Administrator to use during discussion with the municipalities.

Council Action on Log No. 48:

Chairman Roy Costner called for a vote to accept the recommendation from the Committee for an adjustment in the next budget of jail fees for municipalities from \$65.00/day to \$35.00/day. He stated that this was formally set in the upcoming budget, but this recommendation will give the staff permission to move forward with the discussions with municipalities on new contracts.

➤ During discussion, Councilman Trey Whitehurst asked for an update on the City of Easley.

-Gerald Wilson, the County Administrator, responded that he, the attorney, and Vice Chairman Chris Bowers met with the City of Easley to go over the proposed \$35.00 fee and all parties are in agreement with the fee. He stated in regards to clearing up the back fees, the County has received approximately \$35,000 of the funds of the \$1.50 fee that was collected. Mr. Wilson stated the City of Easley has a different number than the Sheriff's Office does due to a software issue at the Sheriff's department and how the County submits to reports to Easley. Sheriff Rick Clark is currently working to resolve that matter. He further stated if you consider the money collected to pay for the fees, it looks like it would be a wash.

➤ Councilman Trey Whitehurst asked if other over-collection fees, like with the City of Clemson, would be worked out during this negotiation.

-Mr. Wilson responded yes and that Staff would have a proposal to Council by the April meeting.

- Motion carries unanimously to approve the \$35.00/day jail fee for municipalities that will be reflected in the next budget.

<End of Council Action>

Upstate Alliance – Log No. 53

- Ray Farley provided an overview of Upstate Alliance with the Committee. Mr. Farley advised the Committee that the fees at the present time would be \$58,500; and he thinks it is based on a per capita basis at \$0.50 per capita. He stated the City of Easley is currently a member of Upstate Alliance and they may have a desire to partner with Pickens County. Mr. Farley stated if the City of Easley did want to partner with the County to join Upstate Alliance, they would contribute to the fee in the approximate amount of \$10,000.00 and allow the County to take the seat at the table.
 - Councilman Trey Whitehurst stated he is concerned, based on his past experience, with the ROI as a member of Upstate Alliance. He also stated that he would not vote in favor of joining Upstate Alliance.
 - Councilman Wes Hendricks stated he was in favor of joining Upstate Alliance and giving them a chance to deliver.
 - Chairman Roy Costner stated this alliance is similar to marketing, in that all advertising will generate a ROI, if done correctly.
 - Vice Chairman Chris Bowers stated joining Upstate Alliance is a buy-in, much more than financial. He also stated if the businesses at the industrial park feel like the County needs to be 'bought in'; then they owe it to them, as the wonderful businesses they are, to look at it, evaluate it and consider it.
 - Councilman Carl Hudson stated he recommends an annual review if the council decides to join the Alliance.
 - Ray Farley, when asked for his opinion of joining Upstate Alliance by the Committee, stated he would recommend the County rejoin, but that the council should manage their expectations and understand why it is that they want to become a member. Mr. Farley further stated they should realize the best marketing they can do is to have a product that is a fully utility served site that is pad-ready and ready to be built on and the trained, technically competent people.
 - Councilman Trey Whitehurst stated that Pickens County would pay the same per capita fee that Greenville County pays and Greenville County is our competitor.
- After much discussion, the Committee recommends adding a resolution, for council's consideration at the next regular meeting, to join Upstate Alliance that includes a requirement of an annual review to measure their performance.

No Council Action on Log No. 53: *(resolution was listed as an agenda item as requested from the Committee)*

<End of Council Action>

- 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) after a five minute recess. Chairman Roy Costner further stated the purpose is to discuss the compensation study for elected officials and he recognized himself for the motion. Motion was seconded by Councilman Ensley Feemster and unanimously passed.

Action as Needed After Executive Session:

Compensation Study (Elected Officials) – Log No. 46

- Motion was made by Vice Chairman Chris Bowers to approve the staff’s recommendation of the elected official’s compensation study, as presented. Motion was seconded by Councilman Ensley Feemster and unanimously passed, by the Committee, as a recommendation to full council.

Council Action on Log No. 46:

- Motion carries unanimously to approve the Compensation Study, for Elected Officials, as recommended by the Committee.
<End of Council Action>

ADJOURN:

Hearing no further Committee business, Chairman Roy Costner moved to adjourn. Motion was seconded Councilman Wes Hendricks and unanimously passed. The Committee of the Whole stood adjourned at 9:19 p.m.

<End of Committee Report>

COUNCIL CORRESPONDENCE:

No council correspondence was discussed.

MOTION PERIOD AND NEW BUSINESS:

- Councilman Trey Whitehurst moved to add *Tourism Board* to the consent agenda for the Committee of the Whole. Motion was seconded by Councilman Carl Hudson and unanimously passed.

RESOLUTION NO. 2017-05 TO EXPRESS THE INTENTION OF THE COUNTY COUNCIL OF PICKENS COUNTY, TO CAUSE PICKENS COUNTY, SOUTH CAROLINA TO BE REIMBURSED WITH THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS.

- Motion was made by Vice Chairman Chris Bowers and seconded by Councilman Ensley Feemster.
 - During much discussion, Councilman Trey Whitehurst clarified this is the matter that he was questioning during the Committee Report. He asked the County Attorney if this resolution would bond the entire jail.
 - Ken Roper, the County Attorney, responded no.
 - Lawrence Flynn, from Pope Flynn, LLC, stated when the council came out of Committee they authorized \$1.5 million for the GO Bond and they removed the authorization for going forward with the jail proceeds to be able to issue bonds in the future. This resolution is a step in the process of formally authorizing up to \$25 million in general obligation bonds for the jail facility; this is not a commitment, but simply creating a date certain, the date and time, that allows the County to go back and reimbursement themselves at whatever amount the Council ultimately decides they want to borrow for the jail. Mr. Flynn stated, as an example of what the referenced resolution allows you to do, the Council could draw down the entire fund balance today and pay for the jail, then the County could go back at some point in the future and issue GO bonds and reimbursement themselves on a tax exempt basis.
 - Councilman Trey Whitehurst asked about the \$7.8 million bond that was approved by the former council for the jail.

-Mr. Flynn responded that the bond was never issued and that the authorization of the \$1.5 million of reimbursements for the architectural fees is being done out of the authorization for the \$7.8 million bond.

➤ Councilman Trey Whitehurst questioned why the bond wasn't issued if the former council voted on it.

-Mr. Flynn stated the former council authorized it, but delegated that responsibility to the County Administrator to make the decision as to how the bonds were going to be issued.

-Gerald Wilson, the County Administrator, responded that the third reading of the \$7.8 million bond was at the regular called meeting in December. He explained that there was a sixty day waiting period which took until February 6, 2017. The Committee of the Whole meeting, where the Committee was going to discuss how to move forward with financing the jail, was scheduled shortly after the waiting period ending; it was premature to issue anything at that point in time until the Council decided what they were going to do.

➤ Councilman Trey Whitehurst asked if this resolution would allow the County to issue bonds right now and start over in the process.

-Mr. Flynn responded yes, but that would require a new master bond ordinance with three readings.

➤ Councilman Trey Whitehurst asked if the County can issue a new bond then why is the proposed resolution necessary.

-Mr. Flynn stated this action would memorialize to show the County has a written record that the authorization has been made. The IRS rules state "you have to make a reasonable intent to reimburse yourselves" and that is all that is being done with this resolution is memorializing it for the record.

➤ Councilman Trey Whitehurst restated the language in paragraph two of the resolution and asked for clarification of his interpretation that the County can only borrow money to fund the jail and cannot use the reserve funds.

-Mr. Flynn responded that the County could use reserve funds; the resolution states an amount not exceeding \$25 million.

➤ Vice Chairman Chris Bowers stated the concern appears to be section (a) of the resolution. He stated Councilman Trey Whitehurst wants to know if the language is stating that no funds from any sources other than the Bonds would prevent the County from drawdown from reserve funds.

-Mr. Flynn stated for a matter of example, if the County decided to bond \$15 million of the jail costs then the County would only have \$15 million in which to reimburse themselves. He stated that all this is doing is memorializing it for the record; that the County can go back and grab the money to reimburse the general fund if the Council decides to do so.

➤ Vice Chairman Chris Bowers stated that this resolution allows the County to be in compliance on the Federal side; this is not pulling any money from a bond, nor stating the County will pull any money from a bond. He stated action may be required in the future, but that this action is just a stepping stone in the process.

-Mr. Flynn responded that is correct and action would be required in the future.

➤ Councilman Trey Whitehurst stated this is a reset on how the new Council wants to fund the jail.

-Mr. Flynn responded that is correct.

- Motion carried unanimously (6-0) to adopt Resolution 2017-05, as presented.

RESOLUTION NO. 2017-06 AUTHORIZING COUNTY MEMBERSHIP IN THE UPSTATE SOUTH CAROLINA ALLIANCE AND MATTERS RELATED THERETO.

- Motion was made by Vice Chairman Chris Bowers and Councilman Carl Hudson.

- During discussion, Councilman Wes Hendricks moved to amend paragraph two of the resolution to reflect “promote the ten upstate counties” instead of “promote the northwestern corner”. Motion was seconded by Councilman Carl Hudson and unanimously passed.
- Motion carries (5-1), with Councilman Trey Whitehurst opposing, to adopt Resolution 2017-06, as amended.

RESOLUTION NO. 2017-07 AUTHORIZING THE STATE OF SOUTH CAROLINA STATEWIDE MUTUAL AID AGREEMENT FOR EMERGENCY AND DISASTER RESPONSE/RECOVERY FOR PICKENS COUNTY.

- Motion was made by Councilman Trey Whitehurst, seconded by Vice Chairman Chris Bowers and unanimously passed to approve Resolution 2017-07, as presented.

FIRST READING OF ORDINANCE NO. 536 TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH OCONEE COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN OCONEE COUNTY AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS 1976, SECTION 4-1-170 ET SEQ., AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH OCONEE COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAX; AND MATTERS RELATED THERETO.

- Motion was made by Councilman Trey Whitehurst, seconded by Vice Chairman Chris Bowers and unanimously passed to constitute first reading of Ordinance No. 536, as presented.

FIRST READING OF ORDINANCE NO. 537 TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH OCONEE COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN OCONEE COUNTY AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS 1976, SECTION 4-1-170 ET SEQ., AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH OCONEE COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAX; AND MATTERS RELATED THERETO.

- Motion was made by Vice Chairman Chris Bowers, seconded by Councilman Trey Whitehurst and unanimously passed to constitute first reading of Ordinance No. 537, as presented.

SECOND READING OF ORDINANCE NO. 529 AUTHORIZING THE ESTABLISHMENT OF THE HAGOOD MILL FOUNDATION, A SOUTH CAROLINA NONPROFIT CORPORATION, AND IN CONNECTION THEREWITH THE PREPARATION AND FILING OF ARTICLES OF INCORPORATION AND BYLAWS, AND OTHER MATTERS RELATED THERETO.

- Motion was made by Councilman Wes Hendricks and seconded by Councilman Carl Hudson.
 - During discussion, Councilman Wes Hendricks asked for clarification of the process if the situation occurs where the three different entities start competing for the same donation dollars. He also questioned the statement in the ordinances to abolish boards.
 - Chairman Roy Costner responded that if the three 501c3 organizations are put into place, it would allow the organizations to raise funds for their specific entity. His vision would be to have a board for each organization with members that are passionate about the Hagood Mill, the Museum, and the Auditorium. Chairman Costner further stated he would like the Cultural Commission to evolve into a larger role where members from each of the 501c3 organizations sit on the board/commission to work together to strengthen the brand of Pickens County. He clarified that this is the first step to create the 501c3 organizations before the other board can be created.

-Ken Roper, the County Attorney, clarified that there was no reference, in the three proposed ordinances, that would impact the Cultural Commission.

- Councilman Wes Hendricks asked what the role of the Cultural Commission would be.
 - Mr. Roper responded that would need to be defined by Council when the structure of the boards is discussed; these proposed ordinances would just set up the not-for-profit organizations.
 - Councilman Trey Whitehurst stated he thought the creation of the three 501c3 organizations is a good idea, because the Cultural Commission was in charge of so many different things that it created conflict. He would like the idea of these committees having sub-committees that would be like a marketing group, that would meet and coordinate these committees. Councilman Whitehurst further stated that it is difficult for the council to identify people to serve on boards and commissions and does not want to what to keep adding more boards. He recommended having subcommittees from those three boards that will address marketing, tourism, etc.
 - Vice Chairman Chris Bowers stated the creation of the 501c3 organizations would allow the citizens to donation specifically to the Hagood Mill, the Museum or the Auditorium instead of to a general fund. He stated what the board looks like can be discussed at a later time, as the other council have mentioned.
 - Councilman Wes Hendricks asked what would happen if they appoint a board that is 'lazy' and look to the County for funding.
 - Chairman Roy Costner stated that Council would need to ensure they appoint a board that is not "lazy".
 - Chairman Roy Costner stated this creates an opportunity to go after private funds for sponsorships.
 - Councilman Wes Hendricks asked how many members would sit on the board.
 - Chairman Roy Costner stated that would be up to Council to decide.
 - Councilman Wes Hendricks asked about the by-laws of the boards.
 - Chairman Roy Costner clarified the constitution and by-laws would have to be written for all three boards.
- Motion carried unanimously (6-0) to constitute second reading of Ordinance No. 529, as presented.

SECOND READING OF ORDINANCE NO. 530 AUTHORIZING THE ESTABLISHMENT OF THE PICKENS COUNTY MUSEUM FOUNDATION, A SOUTH CAROLINA NONPROFIT CORPORATION, AND IN CONNECTION THEREWITH THE PREPARATION AND FILING OF ARTICLES OF INCORPORATION AND BYLAWS, AND OTHER MATTERS RELATED THERETO.

- Motion was made by Councilman Ensley Feemster and seconded by Vice Chairman Chris Bowers.
 - During discussion, Councilman Wes Hendricks stated his concerns would be the same for all three. He asked if public input be allowed on the creation of the three organizations.
 - Ken Roper, the County Attorney, responded that a public hearing is not required for the formation of the organizations; however, third reading will be at the next regular council meeting where there will be another public hearing.
- Motion carried unanimously (6-0) to constitute second reading of Ordinance No. 530, as presented.

SECOND READING OF ORDINANCE NO. 532 AUTHORIZING THE ESTABLISHMENT OF THE PICKENS COUNTY PERFORMING ARTS FOUNDATION, A SOUTH CAROLINA NONPROFIT CORPORATION, AND IN CONNECTION THEREWITH THE PREPARATION AND FILING OF ARTICLES OF INCORPORATION AND BYLAWS, AND OTHER MATTERS RELATED THERETO.

- Motion was made by Chairman Roy Costner, seconded by Vice Chairman Chris Bowers and unanimously passed to constitute second reading of Ordinance No. 532, as presented.

PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 531 TO PROVIDE FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000) GENERAL OBLIGATION BOND, SERIES 2017 (PUMPKINTOWN FIRE DISTRICT) 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.

- Chairman Roy Costner opened the public hearing for comments on Ordinance No. 531. Hearing no speakers, Chairman Costner closed the public hearing.
- Motion was made by Councilman Carl Hudson and seconded by Vice Chairman Chris Bowers.
- During discussion, Councilman Trey Whitehurst asked for confirmation that this is covered out of the District's funds that they generate themselves.
 - Gerald Wilson, the County Administrator, confirmed that is correct.
- Motion carried unanimously (6-0) to constitute second reading of Ordinance No. 531, as presented.

SECOND READING OF ORDINANCE NO. 533 AMENDING CHAPTER FOUR OF THE PICKENS COUNTY CODE OF ORDINANCES RELATING TO ANIMAL CONTROL SO AS TO FURTHER SAFEGUARD CITIZENS AND ANIMALS WITHIN THE COUNTY.

- Motion was made by Councilman Carl Hudson and seconded by Vice Chairman Chris Bowers.
 - During much discussion, Councilman Wes Hendricks stated his concerned about the owner redemption period of five days, referenced in Sec. 4-8, not being enough time. He referenced a scenario of a pet-owner being on vacation and their pet that has lost their collar being picked-up by animal control. Councilman Hendricks then questioned the 72 hour period including weekends. He also questioned efforts about electronically trying to notify the pet owner.
 - Chairman Roy Costner asked Staff what the current procedure is if an animal is picked up now.
 - Michael Hayes, the Risk Manager for Pickens County, responded the referenced duration of five days is the current procedure. He also mentioned the animals received at the Animal Control are posted on the County's social media site and website and efforts are made to reunite the pet with their owner.
 - Councilman Trey Whitehurst mentioned a previous incident where a pet was brought in and almost immediately killed. He stated if the specific language is written in the ordinance, to Councilman Hendricks's point, then the staff would be responsible to follow that procedure.
 - Councilman Carl Hudson stated the five day rule should not be an issue with the proposed ordinance, as the pet would be transferred the shelter for adoption.
 - Councilman Trey Whitehurst asked if the Sheriff is aware that the Animal Control would report up to him. He further stated concerns and asked Sheriff Rick Clark for clarification of their current process and how this change would impact his staff's workload capacity.
 - Sheriff Rick Clark responded that he is aware and apprised Council of how the proposed structure would be. He also stated that Animal Control reporting up through the Sheriff's Office is what is best for the County.
 - Councilman Trey Whitehurst asked the Administrator is this proposed change in structure, at the Sheriff's Office, has been considered from a cost perspective.
 - Gerald Wilson, the County Administrator, responded there would not be increase in cost; just a change of responsibility and duties.
 - Vice Chairman Chris Bowers stated the last time this matter was discussed, the constable word was given. This would do away with that by giving the Animal Control officers law enforcement backing, background, training, etc. and shift the liability.

- Councilman Trey Whitehurst asked if this is how other counties operate.
 - Sheriff Rick Clark responded that Anderson, Greenville and Oconee counties operate in this manner.
- Councilman Carl Hudson stated his experience has been that the Animal Control Director would call and notify the Sheriff's office of a threat on their life or their officer's life when attempting to do their job. He stated he would have to pull an officer off of the road to accompany the Animal Control officer to ensure their safety. Councilman Hudson stated this proposal would eliminate that issue because they will be under the Sheriff's Office.
- Motion carried unanimously (6-0) to constitute second reading of Ordinance No. 533, as presented.

SECOND READING OF ORDINANCE NO. 535 ESTABLISHING PROCEDURES FOR THE ALLOCATION OF PICKENS COUNTY RECREATION FUNDS.

- Motion was made by Councilman Carl Hudson and seconded by Councilman Ensley Feemster.
 - Motion was made by Councilman Wes Hendricks to amend the ordinance to reflect "a resident of" instead of "being appointed to". Motion was seconded by Vice Chairman Chris Bowers and unanimously passed.
 - During much discussion, Councilman Wes Hendricks questioned how allocation of funds would be determined if two board members quit, leaving four members.
 - Ken Roper, the County Attorney responded, the board would need to bring a recommendation to the council and it would be incumbent on the council to appoint replacements to the board. He also clarified the council has the final say.
 - Councilman Wes Hendricks questioned the situation of a request that is received after the April 15th deadline.
 - Ken Roper responded that the inclusion of the dates was to follow the budget cycle; otherwise, the council may receive constant requests. He clarified the decision was up to Council.
 - Councilman Wes Hendricks asked for a recommendation from the staff.
 - Gerald Wilson, the County Administrator, responded this could fall under contingency and the council could always fund it.
 - Councilman Ensley Feemster responded they could divide the amount into quarterly sections.
 - Chairman Roy Costner stated he does not want to put too many limitations on it. He stated this would not hinder anyone's ability to help their district, but hopefully enhancing it for opportunities.
 - Councilman Trey Whitehurst has concerns with the small towns that depend on the funding for their budgets. He recommended to send this item, after the second reading, to committee and seek citizens input that may be impacted by this.
- Councilman Trey Whitehurst moved to amend to refer the item to committee after the second reading. Motion was seconded by Vice Chairman Chris Bowers and unanimously passed.
- Motion carried unanimously (6-0) to constitute second reading of Ordinance No. 535, as amended, and to refer to the Committee of the Whole.

THIRD READING OF ORDINANCE NO. 527 DEVELOPING A MULTI-COUNTY INDUSTRIAL AND BUSINESS PARK WITH OCONEE COUNTY; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT GOVERNING THE MULTI-COUNTY INDUSTRIAL PARK; AUTHORIZING THE INCLUSION OF CERTAIN REAL PROPERTY LOCATED IN OCONEE COUNTY IN THE MULTI-COUNTY INDUSTRIAL PARK; AND OTHER RELATED MATTERS.

- Motion was made by Councilman Trey Whitehurst, seconded by Vice Chairman Chris Bowers and unanimously passed to constitute third reading of Ordinance No. 527, as presented.

CONSIDERATION TO APPROVE AN APPLICATION FOR THE CROSSWELL FIRE DISTRICT BOARD TO REQUEST A RESOLUTION TO RENAME THE CROSSWELL FIRE STATION AFTER A CHARTER BOARD MEMBER ALVIN DUNCAN.

- Motion was made by Councilman Carl Hudson, seconded by Vice Chairman Chris Bowers and unanimously passed to approve the application for the Crosswell Fire District Board, as presented.

CONSIDERATION TO APPROVE A REQUEST FROM THE SHADY GROVE FIRE DISTRICT TO ADD THREE TEMPORARY PART-TIME POSITIONS TO BE FUNDED FROM THE DISTRICT'S PERSONNEL BUDGET AS NEEDED.

- Motion was made by Councilman Wes Hendricks and seconded by Vice Chairman Chris Bowers.
 - During discussion, Councilman Wes Hendricks asked where the temporary firefighters would come from.
 - Gerald Wilson, the County Administrator, stated that the request is to add three additional staff members to the total number of employees. These employees would only work when a full-time member is out and one of the other part-time members could not work. Mr. Wilson stated there would be no additional cost to the County, other than the background checks and so forth. He further stated that these employees could be hired from another district or another County.
 - Vice Chairman Chris Bowers stated in his experience that persons in public safety normally have multiple jobs and may work full-time in one district and part-time at another district, etc.
 - Councilman Wes Hendricks stated this allows them to fill in as needed.
- Motion carried unanimously to approve the request from the Shady Grove Fire District, as presented.

CONSIDERATION TO APPROVE A REQUEST FROM THE PICKENS RURAL FIRE DISTRICT TO ADD THREE TEMPORARY PART-TIME POSITIONS TO BE FUNDED FROM THE DISTRICT'S PERSONNEL BUDGET AS NEEDED.

- Motion was made by Vice Chairman Chris Bowers, seconded by Councilman Wes Hendricks and unanimously passed to approve the request from the Pickens Rural Fire District, as presented.

CONSIDERATION TO APPROVE AN APPLICATION FOR THE SHERIFF'S OFFICE TO APPLY FOR THE JAIL AND MENTAL HEALTH COLLABORATION PROGRAM (JMHCP) GRANT THROUGH THE USDOJ AND THE BUREAU OF JUSTICE ASSISTANCE.

- Motion was made by Councilman Ensley Feemster and seconded by Councilman Carl Hudson.
 - During discussion, Councilman Trey Whitehurst asked the Sheriff what is the grant amount and if there were matching funds required on the County's part.
 - Sheriff Rick Clark responded that the match would be \$6,000-\$7,000 a year and the grant has a two year period with grand total of \$300,000.00.
- Motion carried unanimously to approve the application for the Sheriff's Office to apply for the JMHCP grant, as presented.

CONSENT AGENDA:

- a) Tri-County Technical College Project(s)
 - b) Personnel-Compensation Study (Library)
 - c) Request to accept Cribbs Way into the County minimum maintenance system
 - d) Tourism Board (As added in Motion Period and New Business)
- Motion was made by Councilman Trey Whitehurst, seconded Vice Chairman Chris Bowers and unanimously passed to approve the consent agenda as amended.

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 Vice Chairman Chris Bowers, seconded by Councilman Carl Hudson and unanimously passed to convene in executive session for the stated purposes after a five minute recess.

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

- Duke Energy

Economic Development - Section 30-4-70 (a) (5)

- Project United
- Project Jak
- Grading at the Industrial Park
- Land Opportunities

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

- Board and Commission Vacancies: (39)
 - a) Accommodations Tax (ATAX)
 - b) Appalachian Council of Gov. (ACOG)
 - c) Assessment and Appeals
 - d) Beautification Committee
 - e) Cultural Commission
 - f) Economic Development Alliance
 - g) Fire District Board - Dacusville
 - h) Fire District Board - Pickens
 - i) Fire District Board - Pumpkintown
 - j) Fire District Board - Six Mile
 - k) Library Board of Directors
 - l) Pickens, Oconee, Anderson Mental Health
 - m) Planning Commission
 - n) Public Service Commission
 - o) Sedgewood Tax District
 - p) Water Authority
 - q) WORKLINK
 - r) Zoning and Appeals

PUBLIC SESSION RECONVENED:

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

ACTION AS NEEDED VIA EXECUTIVE SESSION ITEMS:

Contractual - Section 30-4-70 (a) (2) –**No Action**

- Duke Energy

Economic Development - Section 30-4-70 (a) (5) –**No Action**

- Project United
- Project Jak
- Grading at the Industrial Park

▪ Land Opportunities

Boards and Commissions - Section 30-4-70 (a) (1) –**No Action**

- a) Accommodations Tax (ATAX)
- b) Appalachian Council of Gov. (ACOG)
- c) Assessment and Appeals
- d) Beautification Committee
- e) Cultural Commission
- f) Economic Development Alliance
- g) Fire District Board - Dacusville
- h) Fire District Board - Pickens
- i) Fire District Board - Pumpkintown
- j) Fire District Board - Six Mile
- k) Library Board of Directors
- l) Pickens, Oconee, Anderson Mental Health
- m) Planning Commission
- n) Public Service Commission
- o) Sedgewood Tax District
- p) Water Authority
- q) WORKLINK
- r) Zoning and Appeals

Legal Issues-Section 30-4-70 (a) (2) (As added in Motion Period and New Business)

- Legal Briefing on Pending Litigation (*reference page 3*)

ADJOURN:

Hearing no further Council business, Chairman Roy Costner called for a motion to adjourn. Motion was made by Councilman Ensley Feemster, seconded by Councilman Wes Hendricks and unanimously passed. Pickens County Council stood adjourned at 10:21 p.m.

Respectively Submitted:

Approved:

Crystal A. Alexander, Clerk to Council

Roy B. Costner, III, Chairman of County Council