

## **Regular Pickens County Council Meeting**

April 3, 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 28, 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 April 3, 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. Johnnelle Raines: Ms. Raines appeared, on behalf of the Conservatives of the Upstate, to discuss the following: a request for a copy of the compensation study and how much the study costs the taxpayers; to state that the Conservatives group thinks a salary increase of more than 5% should be voted on by the people; request a follow-up on the resolution the Conservatives group submitted for Council's consideration; delinquent taxes; Tri-County Technical College; and the contingency fund.
2. Patricia Watkins: Ms. Watkins appeared to discuss her opposition to the use of psychological drugs in the jail system in Pickens County.
3. Margaret Thompson: Ms. Thompson appeared to discuss animal control, stating she is excited about the adoption of animals. She stated that her community and several non-profits are willing to help the County with this effort. Ms. Thompson encouraged the County to accept this help.

### **APPROVAL OF MINUTES:**

Motion was made by Councilman Ensley Feemster, seconded by Councilman Carl Hudson and unanimously passed to approve the minutes of March 20, 2017 as presented.

### **ADMINISTRATOR'S REPORT:**

Mr. Wilson updated Council on the following items:

**Beautification Committee:** Mr. Wilson recognized the Beautification Committee with a short video. Following the video, Mr. Wilson and Chairman Roy Costner presented an award to the Pickens County

Beautification Committee for their vast efforts in the community, most recently their success with the 2017 Traveling Trash Bash.

**COUNCIL CORRESPONDENCE:**

- Chairman Roy Costner announced that the Council had received a request from the Conservatives of the Upstate to consider a resolution to protect citizens' property rights. Staff is currently reviewing the resolution for Council's consideration.
- Chairman Roy Costner announced a Committee of the Whole meeting will be held on Monday, April 17, 2017 at 6:00 PM in the main conference room at the Administration facility.
- Councilman Wes Hendricks stated he would like to acknowledge and congratulate the University of South Carolina men's basketball team for making it to the final four and the women's basketball team on their national championship title. He further mentioned the state now has four national championships, including Clemson University.

**MOTION PERIOD AND NEW BUSINESS:**

-No new business discussed.

**PRESENTATION OF ANNUAL UPDATE BY THE APPALACHIAN COUNCIL OF GOVERNMENTS:**

Steve Pelissier, the Executive Director of the SC Appalachian Council of Governments, presented Council with a copy of their 2016 Annual Report. He thanked Councilman Ensley Feemster and Chairman Roy Costner for their service on the Board of Directors of the Council of Governments, as well as Ms. Margaret Thompson as a citizen member of the board.

Mr. Pelissier provided an overview of the report to include: the many services provided to Pickens County and other local governments; a review of the return on investment that equated to \$49 to \$1 for Pickens County in 2016 that include funding from Federal Direct Grants, Workforce Development, Services to Seniors, Small Business and Entrepreneurial Loan Program, and Private Capital Resulting from Loans; grant administration; staff training; etc. Mr. Pelissier also discussed the services that are forthcoming in 2017.

The Council thanked Mr. Pelissier for his report and efforts in compiling the data.

**CONSIDERATION OF RESOLUTION NO. 2017-08 REQUESTING THE PICKENS COUNTY LEGISLATIVE DELEGATION CONSIDER A BILL AMENDING, INTER ALIA, SOUTH CAROLINA CODE SECTION 4-9-90 SO AS TO SHORTEN THE TIME PERIOD BETWEEN THE ELECTION AND THE ONSET OF A TERM OF COUNTY COUNCIL MEMBERS AND MATTERS RELATED THERETO:**

- Motion was made by Councilman Carl Hudson and seconded by Councilman Wes Hendricks.
  - During discussion, Chairman Roy Costner explained that this is a resolution requesting the State Delegation to consider a bill that would allow for members of Pickens County Council to assume their duties as soon after election as possible.
  - Councilman Trey Whitehurst asked if the State had a policy in place regarding this matter; and if so, he asked why the State law is set up the way it is.
  - Chairman Roy Costner responded that he had asked the SCAC representatives, at a recent conference, if the referenced is a policy or a law. He stated the response from SCAC was that this was a law put into place and they did not know the purpose. Chairman Costner stated at that time he decided to propose a resolution that would allow the delegation to start a

conversation at the State level. He clarified that the proposed resolution would not affect anything, but simply state that the Council supports the idea of an amendment that would allow newly elected officials to take office as quickly as possible after the election. Chairman Costner stated this is how the School Board is set up.

- Councilman Wes Hendricks stated he was in favor of this as it would eliminate a three month lapse between when the newly elected official can take office. He stated decisions could be made in that three month period that may not be within vision of the official that the people have just elected.
- Vice Chairman Chris Bowers stated he had this conversation with members of the delegation, as they're sworn in soon after they're elected, and no one knew why the law was set up the way it is.
- Councilman Trey Whitehurst asked when the School Board and the State Delegation officials are sworn in.
- Vice Chairman Chris Bowers responded that it was directly after the votes are certified for both.
- Councilman Trey Whitehurst stated he would like to know why; and if there is no reason, then everyone should be consistent.
- Chairman Roy Costner stated this resolution would allow the State Delegation to begin the work to possibly change the code for the time period before taking office.
- Councilman Trey Whitehurst stated there could be concern if there were four new members, like the last election, come on board that quickly after the election without training (new council orientation, ethics training, etc.).
- Councilman Ensley Feemster asked what would happen if the election was contested.  
-Ken Roper responded that until the general election results are certified, no one can be sworn into office.
- Councilman Carl Hudson stated it would make sense that council is sworn in at the same time other officials are, such as the school board.
- Councilman Trey Whitehurst questioned if he could amend the motion to state to research the purpose of the law first before supporting the change. He stated he wanted to know why before he supported a change.
- Chairman Roy Costner responded that he has asked the South Carolina Association of Counties and the State Delegation and there is no known reason as to why the law was established this way.
- Councilman Ensley Feemster clarified if the referenced change goes into effect that this Council would serve a shorter term if they were not re-elected.
- After much discussion, the motion carried unanimously (6-0) to adopt Resolution 2017-08 as presented.

#### **FIRST READING OF THE FISCAL YEAR 2017-2018 BUDGET:**

- Motion was made by Councilman Carl Hudson and seconded by Vice Chairman Chris Bowers.
  - During discussion, Chairman Roy Costner stated that this is first reading of the FY 2017-2018 budget. As a reminder, the Council will hold budget work sessions, a public hearing and three readings of the Ordinance before it is adopted. Chairman Costner recognized Gerald Wilson to provide an overview of the budget.  
-Mr. Wilson advised Council that a copy of the proposed budget was placed at their desk before the meeting and the proposed budget would be available online tomorrow. He announced that Pickens County currently has the fourth lowest millage rate in the State of South Carolina at 59.3 mills that includes 55.3 for county operations and 4.0 for bond millage. Mr. Wilson stated that he was proud to present the budget with the county operations and bond millage is balanced without a tax increase. He advised this budget was difficult to balance due to the following factors: a projected 5% increase in health insurance; a projected 7% increase in

property and liability insurance; a projected 2% increase in the county state retirement cost; and the general operations increase related to the salary increases as part of the compensation study. Mr. Wilson stated that those that may be concerned about growth of the government or an increasing budget, be reassured that the costs of items mentioned have been managed by recommending the following: eliminating 7 vacant positions; transferring 4 positions to the Sheriff's Office; declining the 22 positions requested during the normal budget submission process; and reducing the funding for the 501c3 operations that the County currently funds. He stated the budget includes fire fee increases recommended by the following four fire boards: the Crosswell Fire Board recommends a \$20.00 fee increase; the Six Mile Fire Board recommends a \$40.00 fee increase; the Dacusville Fire Board recommends a \$33.00 fee increase; and the Central Fire Board recommended a \$20.00 fee increase. Mr. Wilson advised a copy of the Public Service Budget has been included for the Council's review that includes a \$0.32 per 1,000 gallon fee increase. He reiterated, though difficult to balance, the general operations budget is balanced with no tax increase at this point in time.

➤ Vice Chairman Chris Bowers asked for confirmation that the 7 eliminated positions were vacant.

-Mr. Wilson responded that the referenced positions were vacant and he did not plan to fill them at this point in time.

- Motion carried unanimously (6-0) to constitute first reading of an ordinance of the FY 2017-2018 Budget.

**FIRST READING IN TITLE ONLY TO AMEND THE FISCAL YEAR 2016-2017 BUDGET:**

- Motion was made by Councilman Ensley Feemster, seconded by Vice Chairman Chris Bowers and unanimously passed to constitute first reading in title only of an ordinance to amend the FY 2016-2017 Budget.

**SECOND 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 Ensley Feemster, seconded by Vice Chairman Chris Bowers and unanimously passed to constitute second reading of Ordinance No. 536.

**SECOND 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 Councilman Wes Hendricks, seconded by Councilman Ensley Feemster and unanimously passed to constitute second reading of Ordinance No. 537.

**THIRD 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 Carl Hudson and seconded by Councilman Wes Hendricks.
  - During discussion, Councilman Trey Whitehurst asked Mr. Wilson if he was comfortable with the proposed procedures.
    - Mr. Wilson responded that he was comfortable and the procedures were used today with the School District in preparation of severe weather.
  - Councilman Wes Hendricks thanked the County and the School Board for their efforts today in preparations of severe weather.
  - Councilman Carl Hudson stated law enforcement and emergency preparedness routinely have mock disaster exercises to prepare for situations like today.
- Motion carried unanimously (6-0) to constitute third reading of Ordinance No. 526.

**THIRD 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:**

- Motion was made by Councilman Wes Hendricks and seconded by Councilman Ensley Feemster.
  - During discussion, Councilman Trey Whitehurst asked for confirmation that the funds would come out of the fire district's funds.
    - Mr. Wilson responded that was correct and this was approved in last year's budget.
- Motion carried unanimously (6-0) to constitute third reading of Ordinance No. 531.

**THIRD READING OF ORDINANCE NO. 532 AUTHORIZING THE ESTABLISHMENT OF THE PICKENS COUNTY PERFORMING ARTS FOUNDATION, THE PICKENS COUNTY MUSEUM FOUNDATION, AND THE HAGOOD MILL FOUNDATION, AND IN CONNECTION THEREWITH THE PREPARATION AND FILING OF ARTICLES OF INCORPORATION AND BYLAWS FOR EACH, AND OTHER MATTERS RELATED THERETO:**

- Motion was made by Vice Chairman Chris Bowers and seconded by Councilman Carl Hudson.
  - During discussion, Chairman Roy Costner clarified this was a final reading of Ordinance No. 532 which was revised to include the Museum, the Hagood Mill and the Liberty Auditorium all in one.
  - Councilman Carl Hudson stated his understanding was that these organizations would be linked together in the future.
  - Chairman Roy Costner responded yes, the vision is to have a board that oversees the organization. He stated the Council would be discussing those details in the future.
- Motion carried unanimously (6-0) to constitute third reading of Ordinance No. 532.

**THIRD 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 discussion, Chairman Roy Costner clarified the purpose of this ordinance would update the language in our animal control ordinance as our officers requested; it turns enforcement over to the Sheriff's Office; and it allows the County to start a pilot program of adopting out animals from the county facility.

- Chairman Roy Costner thanked Mr. Wilson for sending out clarifying information to Council regarding the proposed ordinance.
- Motion carried unanimously (6-0) to constitute third reading of Ordinance No. 533.

**PUBLIC HEARING AND THIRD READING OF ORDINANCE NO. 518 AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY OF PICKENS COUNTY, SOUTH CAROLINA, KNOWN AS THE TEEN CANTEEN, TO THE CITY OF PICKENS; AND OTHER MATTERS RELATED THERETO:**

- Chairman Roy Costner opened the public hearing for comments on Ordinance No. 518. Hearing no speakers, Chairman Costner closed the public hearing.
  - Motion was made by Councilman Carl Hudson and seconded by Councilman Trey Whitehurst.
    - During discussion, Councilman Wes Hendricks stated he would like to discuss this matter in committee before taking a final vote, as the first and second readings were completed before four of the council members were seated.
  - Councilman Wes Hendricks moved to refer Ordinance No. 518 to the Committee of the Whole. Motion was seconded by Councilman Ensley Feemster and unanimously passed (6-0).

**CONSIDERATION TO APPROVE A REQUEST FROM THE PUMPKINTOWN FIRE DISTRICT BOARD OF DIRECTORS TO ALLOW \$3,000.00 FROM LINE ITEM (4010 SALARIES) TO ADD THREE PART-TIME FIREFIGHTERS FROM THEIR 2016-2017 BUDGET:**

- Motion was made by Councilman Carl Hudson and seconded by Councilman Ensley Feemster.
  - During discussion, Vice Chairman Chris Bowers wanted clarification whether or not this fire district was discussed at a previous meeting. He also wanted to confirm if this is the same process as the fire district requests from the meeting last month.
    - Mr. Wilson confirmed that Pumpkintown Fire was not previously discussed and that the district only wants the positions to use if someone is out. He also confirmed this is the same type of request, just a different district.
    - Councilman Trey Whitehurst stated that he thought the request last month was for the district to get money advanced for fees that they had had raised to cover salaries.
      - Mr. Wilson stated that was the request from Shady Grove. The Pickens Rural request was the same type of request as Pumpkintown.
- Motion carried (6-0) to approve the request from the Pumpkintown Fire District Board as presented.

**CONSENT AGENDA:**

-No consent agenda items to discuss.

**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 Carl Hudson, seconded by Councilman Ensley Feemster and unanimously passed to convene in executive session for the stated purposes after a five minute recess.

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:**

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

- Board and Commission Vacancies: (39)
  - a) Accommodations Tax (ATAX) –**No Action**
  - b) Appalachian Council of Gov. (ACOG) –**Action as follows:**
    - Vice Chairman Chris Bowers moved to appoint the following to serve on the ACOG board. Motion was seconded by Councilman Trey Whitehurst and unanimously passed.
      - (1) *Margaret Thompson*
      - (2) *James Jackson*
  - c) Assessment and Appeals –**Action as follows:**
    - Councilman Trey Whitehurst moved to appoint the following to serve on the CBOAA. Motion was seconded by Vice Chairman Chris Bowers and unanimously passed.
      - (1) *John McCutcheon*
      - (2) *James Wood*
  - d) Beautification Committee –**No Action**
  - e) Cultural Commission –**No Action**
  - f) Economic Development Alliance –**Action as follows:**
    - Vice Chairman Chris Bowers moved to appoint the following to serve on the Alliance Pickens board. Motion was seconded by Councilman Trey Whitehurst and unanimously passed.
      - (1) *Emily DeRoberts*
      - (2) *Joel Ledbetter*
  - g) Fire District Board – Dacusville –**Action as follows:**
    - Councilman Carl Hudson moved to appoint the following to serve on the Dacusville Fire board. Motion was seconded by Vice Chairman Chris Bowers and unanimously passed.
      - (1) *Tim Hendricks*
  - h) Fire District Board - Pickens –**No Action**
  - i) Fire District Board – Pumpkintown –**Action as follows:**

- Councilman Wes Hendricks moved to appoint the following to serve on the Pumpkintown Fire board. Motion was seconded by Vice Chairman Chris Bowers and unanimously passed.
  - (1) *Patricia Gonzalez*
- j) Fire District Board - Six Mile –**No Action**
- k) Library Board of Directors –**Action as follows:**
  - Vice Chairman Chris Bowers moved to appoint the following to serve on the Library board. Motion was seconded by Councilman Wes Hendricks and unanimously passed.
    - (1) *Rebekah Hemphill*
- l) Pickens, Oconee, Anderson Mental Health –**Action as follows:**
  - Vice Chairman Chris Bowers moved to appoint the following to serve on the AOP Mental Health board. Motion was seconded by Councilman Carl Hudson and unanimously passed.
    - (1) *Mary Ann Hunter*
- m) Planning Commission –**No Action**
- n) Public Service Commission –**Action as follows:**
  - Chairman Roy Costner moved to appoint the following to serve on the Public Service Commission. Motion was seconded by Vice Chairman Chris Bowers and unanimously passed.
    - (1) *James Tom Hunter*
- o) Sedgewood Tax District –**No Action**
- p) Water Authority –**Action as follows:**
  - Chairman Roy Costner moved to reappoint the following to serve on the Water Authority board. Motion was seconded by Vice Chairman Chris Bowers and unanimously passed.
    - (1) *David Gilstrap*
- q) WORKLINK –**No Action**
- r) Zoning and Appeals –**Action as follows:**
  - Chairman Roy Costner moved to appoint the following to serve on the Zoning and Appeals board. Motion was seconded by Vice Chairman Chris Bowers and unanimously passed.
    - (1) *Jason Nurmi*
    - (2) *Kenneth Keith*
    - (3) *Zach Hinton*
    - (4) *Ronald Blystone*

**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 Carl Hudson and unanimously passed. Pickens County Council stood adjourned at 8:55 p.m.

Respectively Submitted:

Approved:

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Crystal A. Alexander, Clerk to Council

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Roy B. Costner, III, Chairman of County Council