

Regular Pickens County Council Meeting

May 1, 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 April 25, 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 May 1, 2017 to order and welcomed those in attendance. Councilman Ensley Feemster 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. She stated that the Humane Society is a non-profit organization that has been operating for forty-five years as the only adoption operating facility in the County. Ms. Gamble stated that she has previously recommended that Pickens County fund an adoption facility and partner with the Humane Society to operate the facility. She stated the Humane Society has not been involved in the process of the County establishing their own adoption facility; further stating concerns of the loss of funding that the Humane Society will incur due to this plan, which is about 35% of their budget.
2. Johnnelle Raines: Ms. Raines appeared, on behalf of the Conservatives of the Upstate, to discuss the proposed property rights resolution they had previously sent to the Council. She asked that the Council be cautious in passing any resolution or making any decision to spend taxpayers' dollars; she requested that the Council use the 'scrap test' before taking a vote. Ms. Raines stated that the scrap test is "Does your decision increase the size, cost, reach and power of government? If so, scrap it". She also requested that the Council pass the property rights resolution.

Ms. Raines requested a follow-up on the protested taxes being placed with the delinquent taxes. She also discussed the over collection of taxes.

3. Steve Haynie: Mr. Haynie appeared to discuss Tri-County Technical College. He stated that the County is obligated to pay for operations and maintenance, but not a student center. Mr. Haynie

requested that the Council ask the County Attorney for legal advice regarding voting on funding the Tri-County Technical College project.

4. Kade Herrick: Mr. Herrick appeared to discuss the 2017 spring rowing event and provided a handout to the Council. He stated that they are currently searching for another venue to host the event.
5. Scott Snape: Mr. Snape appeared to discuss speeding on Old Six Mile Road in Central. He stated that the excessive speeding is a concern as many children live in their subdivision on this road. Mr. Snape requested a permanent preventative measure to mitigate speeding in his subdivision.
6. Margaret J. Thompson: Ms. Thompson appeared to discuss recreation funding and internal controls relative to that funding. She also urged Council to “tread lightly” when cutting funding for the Humane Society. Ms. Thompson stated that transparency is needed when managing the taxpayers’ money. She also stated her opposition in the Tri-County Technical College funding, as 70-80% of the taxpayers’ money goes to education. Ms. Thompson stated that the people are not against education.

APPROVAL OF MINUTES:

Motion was made by Councilman Wes Hendricks, seconded by Councilman Carl Hudson and unanimously passed to approve the minutes of April 3, 2017 as presented.

ADMINISTRATOR’S REPORT:

Mr. Wilson updated Council on the following items:

Old Six Mile Road: Mr. Wilson provided an update on the concerns raised by Mr. Scott Snape. He clarified that this road is a connector road between two major highways. He further stated that Council previously passed a policy that prohibits speed bumps on connector roads due to liability issues. Mr. Wilson stated that the road is on the paving list and the County is planning to grind the road similar to what the DOT does on the side of roads.

Councilman Trey Whitehurst asked the Administrator if there are signs that state “Children at Play” on the road. Mr. Wilson responded that the MUTC code prohibits the referenced signage; that it may be perceived that the County is encouraging children to play in the road. Mr. Wilson stated that Council can direct Staff to install speed bumps.

Mr. Wilson also advised that the Sheriff’s Office was asked to assist in this matter. Pickens County Chief Deputy, Creed Hashe, addressed the Council to clarify visibility is the best approach. Mr. Hashe clarified that this approach may be a temporary solution, as drivers will better adhere to the speed limit when law enforcement is present in the area.

Update from the Sheriff’s Office regarding the protocol for medication distribution for inmates within the detention facility: Pickens County Chief Deputy, Creed Hashe, addressed the Council to provide an update on the protocols and procedures in place at the Detention Center, in regards to how prescription drugs may be prescribed and dispensed inside the facility. He mentioned concerns expressed at prior council meetings by a citizen relative to this matter; and a present or future intent to over-medicate the inmate population and release them back into the community in a state of addiction. Mr. Hashe also mentioned language used by the referenced citizen of present or future practice that may involve sorcery of some type.

He clarified the referenced process at the Detention Center for Council and those in attendance as follows:

- In 2014, Council voted to give the County Administrator the authority to enter into a contract with an outside third party, Southern Health Partners, to not only provide health care, but all of the medical needs at the Detention Center and the Stockade as well.
- This action improved the quality of health care and medical treatment for the inmates; provided a huge cost savings for the taxpayers'; and transferred the liability exposure from the County to Southern Health Partners.
- Currently, there is a nurse that is on-duty 24 hours a day, 7 days a week inside the jail. There is an on-site medical control doctor that oversees the treatment that is provided to the inmates. The doctor is in contact with the medical staff daily, including weekends. He is on-call for emergency situations that do not require an emergency room.
- Pickens Mental Health and Pickens Behavioral Health provide counselors 4-5 days a week at the facility.
- The inmate evaluation begins at the booking or intake process to determine the health status. This evaluation is completed by a range of generic questions, such as:
 1. Do you have a drug dependency?
 2. Are you already under a doctor's care for some type of pre-existing condition?
 3. Were you injured during your arrest? (Asked if another agency brought the inmate in)
 4. Do you have an injury that you feel needs to be attended to at this moment?
 5. Do you have any feelings that you would like to hurt yourself?
 6. What medications are you taking that have been prescribed by your doctor?
- The inmate enters into general population after the initial evaluation. Depending on their length of stay in the facility, they will go through a second and third health evaluation.
- An open line of communication is maintained with the inmates to ensure they have access to the medical staff.
- No inmate is forced to take any kind of medication. If an inmate is taking prescription medicine when they enter the facility, they can still stop taking the medicine at any time.
- The medical staff investigates the medications listed during the inmate's initial evaluation to validate a prescription has been written by their doctor.
- The medical staff prohibits mind-altering drugs and drugs that have a high level of either physical or psychological dependency in the facility, including experimental drugs. If an inmate feels like they need any of the prohibited drugs, the doctor will sit down with them to determine another course of action that may include an alternative drug or a different treatment plan.

Mr. Hashe stated that Southern Health Partners specializes in correctional detention settings. He clarified that large populations of people that are booked already have drug addictions; and to over-medicate them once detained at the facility would be counter-productive to their efforts to return them to a high quality of life, where they can go out and be productive in our community.

Mr. Hashe reiterated that no one is forced to take any drug that they do not want to take. He clarified that the County Council, the County Administrator, the Sheriff, the Chief Deputy and no one in the room has the authority to prescribe drugs; only a licensed physician has that authority.

Mr. Hashe responded to the previous comments made by a citizen regarding sorcery. He clarified that the Sheriff's Office does not practice, does not intend to practice, and will not condone any activity that someone would identify as "witchcraft", "voodoo", "magic spells", "calling out evil spirits", etc. Mr. Hashe addressed Chairman Roy Costner and stated that "What we are guilty of is a lot of praying. We pray every day that those inmates will be able to turn their life around and we'll be able to reduce that population. We pray that Mr. Wilson's building and maintenance group can keep that place together long enough until we can get another facility. We pray that our officers go home safe. If praying is sorcery, then we through ourselves on the mercy of Council because we are guilty as sin."

Mr. Hashe stated he'd like to highlight that providing unnecessary medications to the inmate population is counterproductive to everything that Sheriff Rick Clark has fought for. He clarified that the efforts the Sheriff has made to obtain mental health grants that help to provide a service to people that cannot get help themselves or cannot afford it. Mr. Hashe stated that the referenced mental health efforts cut down the inmate population and crime in this County by assisting inmates to become productive employees that can add to the tax base for this community. He stated the law only allows a licensed physician to prescribe medication. Mr. Hashe stated that the Sheriff's Office is operating under the best protocols and practices, not only regionally, but across the United States.

Councilman Trey Whitehurst asked Chief Deputy Creed Hashe if Southern Health Partners is performing up to the standards they agreed upon approximately three years ago. Mr. Hashe responded that the complaints have decreased significantly which results in a cost savings, but he would defer to the finance director for an update on the overall financial performance.

Norris Highway Park and Madden Bridge Road Park: Mr. Wilson presented the visual plans for both of the referenced parks. He stated that the Norris Highway Park is scheduled to go out to bid on May 8, 2017 with an anticipated 120 day completion once the bid is awarded.

Mr. Wilson stated, as the Council is aware, the staff is working on a land swap/lease with Clemson University to relocate the entrance to an area that is less topographically challenged on the Madden Bridge Road site. He advised that documents have been submitted to the EPA and anticipates a groundbreaking on Madden Bridge Road Park around mid-June, if everything goes as planned.

Councilman Trey Whitehurst asked if the land swap/lease deal is in place with Clemson University and if all of the other environmental impact items have been cleared. Mr. Wilson responded that they are waiting on a response from EPA in regards to relocating the entrance. Mr. Wilson also responded that all other environmental impact items have been cleared.

South Carolina Appalachian of Governments (ACOG): Mr. Wilson stated that the County has decided to partner with the South Carolina ACOG for assistance in public relations. He clarified that ACOG will consult with members of Staff on current opportunities to strengthen the County's brand. Mr. Wilson advised that Mr. Steve Pelissier, the Executive Director of ACOG, would brief Council during the COW report.

COMMITTEE REPORTS: April 17, 2017 - Committee of the Whole

- b) COMMITTEE RECOMMENDATION: THIRD READING OF ORDINANCE NO. 535 ESTABLISHING PROCEDURES FOR THE ALLOCATION OF PICKENS COUNTY RECREATION FUNDS.

Chairman Roy Costner provided the following report for the Committee of the Whole meeting that was held on April 17, 2017:

The Committee of the Whole met in the Main Conference Room on Monday, April 17, 2017 at 6:00 p.m. All members of the committee were in attendance with Chairman Roy Costner presiding.

Tri-County Technical College Project(s) – Log Item No. 60:

- Gerald Wilson advised the Committee that the decision needed to be made whether to fund the Tri-County Technical College Student Success Center project. If Council chooses to fund the project, Ralph Guarino has provided funding options in a memo included in the COW agenda packet. Mr. Wilson called on Mr. Guarino to outline the two options covered in the referenced [memo](#) dated March 2, 2017.
- Ralph Guarino discussed the below referenced options available to Council:

Option 1: Council could use the amount of money in fund balance to pay the debt service payment each year to T.C.T.C. I've attached an analysis to this memo to show the drawdown of funds from fund balance each year. As you will see from the analysis, in FY 2026 fund balance will drop down to \$330,009 and thereafter revenues will exceed expenditure in the FY 2027 by \$14,948. This analysis assumes a 2% growth in the millage rate and expenditures remaining the same. The debt payment will remain the same throughout the life of the bond at \$441,600 but Physical Plant Operations and Capital Renovation could change over time.

Option 2: Council could issue bonds for the County portion of the project however this would limit the amount of debt Council could issue in the future for possible other projects. At June 30th 2016 the County debt margin (amount the County can issue debt without a voter referendum) was \$34,924,110. If Council issued debt for \$6.8 million this would lower our debt margin to \$28,124,110. With the potential of issuing a bond for the jail for up to \$25 million this would further lower our debt margin to \$4,124,110.

- Ralph Guarino referenced in the memo that his recommendation, if Council chooses to fund the project, would be option 1. This would have no tax increase on the citizens of Pickens County based on his analysis. If the County went with option 2, then the County would have to increase taxes to pay the debt payment each year.
- Councilman Wes Hendricks stated he was in favor of supporting the project and was in favor of Option 1 to fund it. Councilman Hendricks also stated the importance of education and the impact that education would have on future economic development.
- Councilman Trey Whitehurst stated he was not in favor of supporting the project, as this is the State's responsibility. Councilman Whitehurst also stated the cost of the project is too high in comparison to other projects, such as the jail.
- Councilman Ensley Feemster stated the Student Success Center would be more convenient for students going through the registration process.
- Vice Chairman Chris Bowers asked for clarification whether or not the physical plant was the County's responsibility.
 - Ken Roper responded that the County is responsible for operations and maintenance.
- Vice Chairman Chris Bowers asked if Tri-County could argue that the physical plant, approximately \$3.1 million, is the County's responsibility.
 - Ken Roper responded yes.
- Vice Chairman Chris Bowers stated that student success and education at Clemson University and at Tri-County impacts economic development. Additionally he mentioned the proposed fee that would be imposed on Pickens County students if Pickens County did not fund the referenced project. Vice Chairman Bowers stated that Oconee County and Anderson County are funding their portion of the project.
- Chairman Roy Costner stated he agreed with Councilman Trey Whitehurst that this project is the State's responsibility; however, the State will not fund the project and the responsibility falls on the County to ensure economic development growth through providing a work-ready workforce for the industries that choose to operate in Pickens County.
- Councilman Carl Hudson stated that Tri-County does a great job, but the funding of the project is the State's responsibility. He stated it is his understanding that two counties cannot obligate the third county and Tri-County Tech has already issued a bond for this project before receiving approval from the County Council.
- Chairman Roy Costner moved to recommend funding the Tri-County Technical College Student Success Center. Motion was seconded by Councilman Wes Hendricks and passed (4-2), with Councilman Carl Hudson and Councilman Trey Whitehurst opposed.
- Chairman Roy Costner moved to recommend funding the Tri-County Technical College with option 1 (referenced on page 1). Motion was seconded Vice Chairman Chris Bowers and passed (5-1), with Councilman Trey Whitehurst opposed.

- ❖ Committee recommends funding the Tri-County Technical College Student Success Center project by using the fund balance to pay the debt service payment each year (Option 1).

Council Action on Log No. 60:

- During discussion, Councilman Trey Whitehurst stated that he planned to vote against this as this is the State's responsibility and not the County's.

Councilman Carl Hudson agreed with Councilman Trey Whitehurst's statement and stated that this is the State's responsibility and he does not like the process that has been followed with Tri-County already bonding, and proceeding with construction, prior to an affirmative vote from the council.

Councilman Wes Hendricks stated that he planned to vote in favor of funding Tri-County Tech as he sees the importance in education. He stated that he works with children every day and that they are the future. Mr. Hendricks stated that it is very important that we look out for the children that will soon replace the workforce population.

Councilman Ensley Feemster advised that he has abstained from voting on this matter in the past, but he planned to vote tonight based on information he had received from the State Ethics Commission. He clarified that the State Ethics Commission advised him that he can vote as long as no financial benefit is received from doing so. Mr. Feemster further stated that he previously taught at Tri-County Tech for almost twenty years and many of the students are from low-income families. He further stated that he did not want the students to pay the additional fees to Tri-County Tech that would occur if the County did not fund the project.

Vice Chairman Chris Bowers advised that he planned to vote and that he too received information from the State Ethics Commission that it is ethically correct for him to vote on this matter. He clarified that while he does not like the process or the way matters have been handled, that the educational piece is important.

Chairman Roy Costner stated that they can continue to say that the State should do this, but that education and funding Tri-County Tech for this purpose would lead to economic development by creating that workforce. He stated that tomorrow JR Automation is holding a ribbon cutting ceremony and adding new jobs. Mr. Costner stated that the main reason that JR Automation selected Pickens County was because of the ready workforce.

- Motion carried (4-2), with Councilman Trey Whitehurst and Councilman Carl Hudson opposed, to approve the recommendation from Committee to fund the Tri-County Technical College Student Success Center by using the fund balance to pay the debt service payment each year (Option 1).
<End of Council Action>

Procedures for the Allocation of Recreation Funds (Ordinance No. 535) – Log Item No. 59: (Item moved ahead of County Finances per Chairman Roy Costner)

- Gerald Wilson announced there were representatives present from municipalities that would like to speak to the proposed recreation fund ordinance.
- Roy Stoddard, the Mayor of Six Mile, stated his concerns with the allocations as Councilman Trey Whitehurst has three municipalities to consider. He stated that Six Mile depends on the County's funds as part of their budget for recreation.
- Chairman Roy Costner clarified the amount of the allocation will not change.
- Mack Martin, the Mayor of Central, questioned the six member board in that the representative for Councilman Trey Whitehurst's district would need to represent three municipalities. He further stated he has already selected the representative to work with on this matter, the councilman for his district.

- Shirley Hughes, the City Administrator of Liberty, stated it has been years since the City of Liberty has received recreation funds from the County. She recommended that someone from City Hall needs to be involved in the proposed recreation process.
- Phillip Mishoe, the Administrator for the Town of Central, suggested the recreation funds should not be allowed to use for salaries, but instead capital items (uniforms, supplies, etc.).
- Mr. Wilson stated that the intent of this procedure is to create a level of accountability of Council as a whole in that no one council member has individual authority.
- Councilman Carl Hudson responded that not every district has funds from a municipality like other districts. He stated volunteerism is going away and the district has to have someone to coordinate recreation efforts.
- Chairman Roy Costner stated that he is not familiar with everyone’s district, but he is fearful that recreation fund allocations may be used as reward or punishment under the current process, rather than based on true recreational needs.
- Councilman Trey Whitehurst stated that he wanted to streamline government; and while he is in favor of the Council voting on allocations, he is not in favor of a board to manage the process.
- Vice Chairman Chris Bowers stated that this process and board would be managed like the ATAX Committee. He further stated during discussion that he was in favor of this level of authority.
- After much discussion, Chairman Roy Costner called for a vote.
 - Councilman Trey Whitehurst moved to recommend an amendment to the third reading of Ordinance No. 535 that the county council will act as the board. Motion was seconded by Councilman Ensley Feemster and failed (3-3) with Chairman Roy Costner, Councilman Carl Hudson and Vice Chairman Chris Bowers opposed.
 - Vice Chairman Chris Bowers moved to recommend an amendment to the third reading of Ordinance No. 535 as follows: amend section 28-17 to include that emergency requests can be submitted by the board past the deadline; amend section 28-18, per the Administrator’s request, to change the deadline to March 1st; and amend section 28-19 to include that the board or organization can submit to carry unused funds forward to prevent the funds from automatically reverting back to the general fund. Motion was seconded by Councilman Carl Hudson and unanimously passed.
 - Chairman Roy Costner moved to recommend third reading of Ordinance No. 535, as amended, to full council. Motion was seconded by Vice Chairman Chris Bowers and carried (5-1) with Councilman Trey Whitehurst opposed.
- ❖ Committee recommends third reading of [Ordinance No. 535](#) with the following amendments: amend section 28-17 to include that emergency requests can be submitted by the board past the deadline; amend section 28-18, per the Administrator’s request, to change the deadline to March 1st; and amend section 28-19 to include that the board or organization can submit to carry unused funds forward to prevent the funds from automatically reverting back to the general fund.

Council Action on Log No. 59:

- Chairman Roy Costner called on Mr. Steve Pelissier, the Executive Director of ACOG, to brief Council.

Mr. Pelissier thanked the Council for the opportunity to work with the County staff on public relation efforts. He introduced Loretta Smith, an ACOG governmental service associate that has been the primary contact on this effort.

Mr. Pelissier advised that one of the first requests they had received from the County was to review the proposed Ordinance 535 with their government services focus. He stated upon review there have been a lot of good uses of recreation funds in the past. Mr. Pelissier stated that the council has previously made changes to the process to ensure that the program serves the citizens of Pickens County in the best way possible. He further stated that the primary challenges have been balancing flexibility with the need for citizens to have direct input to those that make the decisions, being the county council, and balancing transparency and accountability for the expenditure for public funds. Mr. Pelissier stated that very late last year the staff started looking into some of the accountability, transparency, and procedural issues. He stated that the staff had

initial conversations with the Council at that time, but it became apparent that no real policies could be made at that point with a new changeover of council at the beginning of the year. He further stated that with the proposed Ordinance 535, it is clear that the new Council shared the same goals to keep what is good about the program, but enhance accountability and transparency. Mr. Pelissier stated that this type of recreation fund program is not unique and most counties across the state have faced similar challenges. He stated that his opinion is that Pickens County will effectively accomplish their goals for recreation funds through the proposed recreation fund ordinance by implementing a formal application process.

Mr. Pelissier stated that while he really hadn't seen a misuse of funds, in these days when there is a growing distrust in government, it is critical that everyone commits to the transparency and accountability of the expenditure of public funds. He further stated that the new process would protect the members of council because of the independence and openness the new process allows. Mr. Pelissier stated that the draft ordinance would put the right balance in politics involved in decision making.

Mr. Pelissier closed by stating that the proposed ordinance accomplishes their goals by retaining a valuable program, while adding a structured process, fairness and transparency to a procedural safeguard while investing final authority in council, the elected body of council that is ultimately responsible to the citizens.

- During discussion, Councilman Trey Whitehurst stated he thinks that the board should be the council. Mr. Whitehurst asked for clarification of where the allocated amount per district is referenced.

Ken Roper stated that the allocated amounts are not impacted by this ordinance.

- Councilman Trey Whitehurst also wanted clarification that the money that is allocated to a district would stay in that district.

Chairman Roy Costner responded that would be different than what has been done in the past, when one district could help another district.

Councilman Trey Whitehurst stated yes, but that is when they had a set amount. He stated that now they are in a situation where he is not certain if there is a set amount.

Ken Roper stated the set allocated amount is 1/6 per council district and that is not changing with the proposed ordinance.

- After more discussion, the motion carries (5-1), with Councilman Trey Whitehurst opposed, to constitute third reading of Ordinance 535 as amended, to also include the previous amendment to Section 28-15 from March 20, 2017.

[Final Version of Ordinance 535, with amendments](#)

<End of Council Action>

County Finances – Log Item No. 54:

- Gerald Wilson stated he would like to discuss the county finances and the jail project. He mentioned in the near future a decision would need to be made on how to fund the jail project. Mr. Wilson stated that Staff recommended bonding the entire amount of the jail in a [memo](#) included in the packet.
- Councilman Carl Hudson stated he was in favor of having a healthy fund balance.
- Chairman Roy Costner clarified that the financial policy states that major capital projects, which benefit future residents, will be financed with other financing sources (e.g. debt financing).

- Chairman Roy Costner moved to recommend bonding the entire amount of the jail project. Motion was seconded by Councilman Ensley Feemster.
 - Councilman Wes Hendricks stated he was in favor of keeping the funds accessible for unanticipated needs and recommended bonding the entire amount of the jail.
 - Councilman Trey Whitehurst asked Ralph Guarino the balance needed in unrestricted reserve funds.
 - Mr. Guarino responded that the recommended amount is 20% of expenditures, which is approximately \$8 million.
 - Councilman Whitehurst recommends bonding \$10 million of the jail project cost.
 - After much discussion, the motion carried (5-1) with Councilman Trey Whitehurst opposed.
- ❖ Committee recommends bonding the entire amount of the jail project.

Council Action on Log No. 54 and No. 47:

- During discussion, Councilman Trey Whitehurst stated that he was not in favor of paying cash for or bonding the entire amount of the jail project. He stated that he thinks that they should pay half cash and bond the other half of the project.
- Councilman Carl Hudson stated that this process started last summer (2016) when the County had \$23 million in the fund balance. He stated that from last summer to the beginning of 2017, there has been \$5.5 million spent on several items that were all good things and needed to be done. Mr. Hudson stated that the earmark was removed before the new council ever came into office. He further stated that money in the general fund does not seem excessive to him with unexpected expenditures that may come up and also to protect the good credit rating. Mr. Hudson stated that he thinks having the flexibility of the money in the general fund and bonding the jail is the best option.
- Councilman Wes Hendricks stated that he agreed with Councilman Carl Hudson that they need to be prepared for the unseen.
- Chairman Roy Costner stated that it has been the policy of this council, that if future taxpayers will benefit from a capital expenditure of this amount, that they should also have the responsibility of helping to pay for it.
- Councilman Ensley Feemster stated that when personal financial times are good, you put extra money on your bills.
- Councilman Trey Whitehurst stated that he would like to remind the Council that they just approved funding for Tri-County Tech, using the fund balance for emergency and/or capital projects for Tri-County Tech.

Chairman Roy Costner responded that they have been collecting taxes on Tri-County Tech over a period of time for capital expenditures and maintenance. He stated that over time they have not had to pay out what had already been collected. Further stating that they plan to use those funds already allocated for Tri-County Tech, to make the referenced payments without raising taxes. Mr. Costner stated that the jail project is completely separate from Tri-County Tech, as they are using money that is specifically allocated for Tri-County.

Vice Chairman Chris Bowers asked for clarification that the allocated funds for Tri-County Tech can only be used Tri-County Tech and no other purpose.

Chairman Roy Costner responded to Vice Chairman Chris Bowers that is correct.

- After more discussion, the motion carries (5-1), with Councilman Trey Whitehurst opposed, to approve the Committee’s recommendation to bond the entire amount of the jail project.
<End of Council Action>

Jail Project – Log Item No. 47:

-Item discussed along with County Finances.

Road right of way usage and encroachment permits in regards to utilities and infrastructure expansion in Pickens County – Log Item No. 58:

- Gerald Wilson advised of the following:
 - Presently staff only approves encroachment permits on roads that the county has deeded right of ways. All permit request for roads without a deeded right of way are denied due to the fact that we can’t give away something we do not own.
 - Utilities are asking that the county consider granting permits on all roads with or without deeded right of ways.
 - A copy of the law suit *Shanley verses Six Mile Water* has been provided in the agenda packet. In this case, the County denied a permit for Bonnie Brae Drive due to the fact we did not have a deeded right of way. Shanley sued the water company and Six Mile Water settled case.
 - According to the attorney the definition of a prescriptive right of way is: The ability to maintain the right of way for the use of public roads and control drainage off road.
- Councilman Wes Hendricks asked what the standard right of way footage is.
 - Gerald Wilson responded that there was no standard right of way that was deeded in the past. He mentioned that some right of way easements are 25 feet from the center of the road, whereas others are 10 feet and so on. Mr. Wilson stated that currently, with any new road accepted into the system, the process is a 25 foot easement from the center line of the road to allow for utilities, etc. He stated with new accepted roads there is a 12.5 foot easement off of the pavement for drainage, utilities, etc.
- Vice Chairman Chris Bowers stated that he was aware that the delegation assisted a couple of years ago by adding language, etc. to try to help with this matter. He asked how the action the delegation took improved the County’s process.
 - Ken Roper responded that the delegation requested the Attorney General’s opinion. The Attorney General went through the history of dedicated public streets and stated that if a street is dedicated for public use, that all of the normal items that would accompany a street (utilities, water, electricity, cable, etc.) would be included. Mr. Roper clarified that the referenced opinion is specific to a dedicated street and he questioned prescriptive use, which is slightly different than a dedicated street. He stated some of the utility companies have read this opinion; and specifically, one water utility company has proposed adding language in their encroachment permit where they ask the County for the right to work on the county road. This language states that the utility company would assume the burden of all of the referenced issues. Mr. Roper further stated that the County staff does not have the authority to act on this request due to a policy previously implemented by county council. He further read the proposed provision requested to be included in the county general encroachment permit as follows: *“Permission of abutting property owners, it is distinctly understood that this permit does not in any way grant or release any rights lawfully possessed by the abutting property owner. Pickens County in no way warrants herein the extent or scope of its right of way or easement for the applicants intended use. Any such rights necessary shall be secured from the abutting property owners by the utility.”* Mr. Roper stated that this would shift a great deal of the burden on the utility company, but the language does not protect the County entirely. He stated if a property owner is offended by the work being done on the road, they will sue the utility and possibly the person/entity that issued the permit. Mr. Roper advised that this provision would not solve all of the County’s issues. However, Staff cannot move forward due to a specific policy that the Council voted on that restricts such authority.
- Mr. Wilson stated that a copy of the lawsuit was provided and that this was the first encroachment permit that Pickens County did not sign. He clarified that if Council approves encroachment permits be issued under the proposed provision, when the County does not have a deeded right of way, the County will be open to some liability.

- Councilman Trey Whitehurst clarified that the Attorney General’s opinion is only an opinion, that it is not a court case which the carries weight of law. He stated that these utility companies can go to the land owner directly and obtain a right of way.
- Chairman Roy Costner stated he would like the referenced parties from the utility companies to attend a COW meeting to discuss this in more detail before a decision is made.
- Councilman Wes Hendricks asked what the standard is across the state.
 - Ken Roper and Gerald Wilson stated most that counties are signing off on these permits without having a deeded right of way. Mr. Roper stated the majority of the cases are prescriptive use roads. He further mentioned that Newberry County issues a disclaimer when a permit is approved. However, he is uncertain if Newberry County has been sued.

❖ After much discussion, no action was taken by Committee. This item will remain on the log.

Building Codes – Log Item No. 44:

- No Action Taken by Committee

Request to Accept Cribbs Way into the County Minimum Maintenance System – Log Item No. 62:

- No Action Taken by Committee

Personnel-Compensation Study (Library) – Log Item No. 61:

- No Action Taken by Committee

Teen Canteen Conveyance to the City of Pickens - Ordinance No. 518 – Log Item No. 64:

- No Action Taken by Committee

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

- No Action Taken by Committee

Pickens County Museum 501c3 – Log Item No. 51:

- No Action Taken by Committee

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

- No Action Taken by Committee

Tourism Board – Log Item No. 63:

- No Action Taken by Committee

Holly Springs Community Center – Log Item No. 49:

- No Action Taken by Committee

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

- No Action Taken by Committee

Proposed Sewer Plan and Availability Fee – Log Item No. 43:

- No Action Taken by Committee

Hwy. 153 Extension Proposal – Log Item No. 56:

- No Action Taken by Committee

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

- No Action Taken by Committee

<<END OF COMMITTEE REPORT>>

COUNCIL CORRESPONDENCE:

Chairman Roy Costner announced upcoming meetings that will be held at 6:00 p.m. in the Main Conference Room at the Administration Facility:

- May 8, 2017: Council Budget Work Session
- May 15, 2017: Committee of the Whole Meeting
- May 22, 2017: Council Budget Work Session

MOTION PERIOD AND NEW BUSINESS:

- Councilman Trey Whitehurst moved to add the speeding concerns on Old Six Mile Road to the consent agenda to be discussed in the Committee of the Whole. Motion was seconded by Chairman Roy Costner and unanimously passed.
- Chairman Roy Costner moved to add the venue for the spring break rowing event to the consent agenda to be discussed in the Committee of the Whole. Motion was seconded by Vice Chairman Chris Bowers and unanimously passed.
- Councilman Trey Whitehurst asked the County Attorney, Ken Roper, to clarify the previous statement made in public forum regarding delinquent taxes.

Mr. Roper responded that if a citizen does not pay their taxes because they do not agree with their taxes, the taxes may become delinquent. He clarified that the correct process is to pay the taxes and file a protest, which there is a statutory procedure. Mr. Roper stated that the process to protest may continue after the taxes are paid at which time an overpayment refund may be issued if that is the ruling.

Vice Chairman Chris Bowers stated that this has personally happened to him, where he followed the process outlined by the Attorney and received a refund for overpayment.

- Chairman Roy Costner moved to add the Recreation Funding Advisory Board to Boards and Commissions in Executive Session. Motion was seconded by Vice Chairman Chris Bowers and unanimously passed.
- Vice Chairman Chris Bowers moved to add a proclamation to declare the week of May 21st-27th, 2017 as Emergency Medical Services Week to recognize EMS personnel in Pickens County to the agenda. Motion was seconded by Councilman Carl Hudson and unanimously passed to add the referenced proclamation before the consent agenda.

CONSIDERATION TO APPROVE A CONTRACT FOR THE HOUSING OF DETAINEES AT THE PICKENS COUNTY DETENTION CENTER:

- Motion was made by Councilman Ensley Feemster and seconded by Councilman Carl Hudson.
 - During discussion, Councilman Wes Hendricks asked for clarification as to if the fee goes up on the County’s side, does the municipalities’ fees also go up.
 - Ken Roper responded that the contract stipulates that the County renegotiates every year dependent on what the actual costs are at that time.
 - Councilman Wes Hendricks asked for clarification on the process if a municipality does not pay the agreed upon amount.
 - Gerald Wilson responded that a couple of municipalities have not paid in the past; however, efforts have been made to communicate with each municipality and he does not foresee this being an issue moving forward.
- Vice Chairman Chris Bowers moved to amend the motion to include that all municipalities be considered equal and their debts be settled with the implementation of the new proposed contract. Motion was seconded by Councilman Carl Hudson.
 - During discussion of the amendment, Councilman Trey Whitehurst asked for confirmation that all municipalities are current on any type of delinquent receivables.
 - Gerald Wilson responded that the only municipality that is not current on delinquent receivables at this time is the City of Easley.

- Motion carries unanimously to approve the above referenced amendment.
- Councilman Trey Whitehurst asked for confirmation that there is still a late fee that will be imposed in the future.
 - Gerald Wilson clarified that the motion that was just made did not remove or change the fee process.
- Motion carried unanimously (6-0) to approve the referenced contract as amended.

PROCLAMATION 2017-01 TO DECLARE THE WEEK OF APRIL 10TH – 16TH, 2017 AS NATIONAL TELECOMMUNICATORS’ WEEK IN PICKENS COUNTY:

- Motion was made by Vice Chairman Chris Bowers, seconded by Councilman Ensley Feemster and unanimously passed to approve Proclamation 2017-01 as presented.

PROCLAMATION 2017-02 TO DECLARE MAY 15, 2017 AS PEACE OFFICERS’ MEMORIAL DAY IN PICKENS COUNTY:

- Motion was made by Councilman Carl Hudson and seconded by Councilman Trey Whitehurst.
 - During discussion, Councilman Wes Hendricks stated that he thought this proclamation was a great idea; and that the County needed to honor those in law enforcement to say “thank you” for what they do.
- Motion carried unanimously to approve Proclamation 2017-02 as presented.

PROCLAMATION 2017-03 TO SUPPORT THE GOALS OF THE NORTH AMERICAN SAFE BOATING CAMPAIGN (WEAR IT!) AND PROCLAIM MAY 20TH-26TH, 2017 AS NATIONAL SAFE BOATING WEEK IN PICKENS COUNTY:

- Motion was made by Councilman Wes Hendricks, seconded by Councilman Ensley Feemster and unanimously passed to approve Proclamation 2017-03 as presented.

RESOLUTION NO. 2017-09 RENAMING THE LIBERTY CIVIC AUDITORIUM AS THE PICKENS COUNTY PERFORMING ARTS CENTER:

- Motion was made by Chairman Roy Costner and seconded by Councilman Wes Hendricks.
 - During discussion, Chairman Roy Costner stated that the auditorium is a part of Pickens County and that the proposed name change would better align with the vision of a venue for all of the performing arts. He further stated that the name “Performing Arts Center “would send a message that would attract those within the County and at our neighboring counties.
 - Councilman Trey Whitehurst stated that he thought this was a great idea.
 - Councilman Wes Hendricks stated that the goal is to attract people beyond the tri-state area.
- Motion carried unanimously to approve Resolution 2017-09 as presented.

SECOND READING OF ORDINANCE NO. 538 TO PROVIDE FOR THE LEVY OF TAXES IN PICKENS COUNTY FOR ORDINARY COUNTY PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, AND ENDING JUNE 30, 2018, AND TO DIRECT EXPENDITURE THEREOF:

- Motion was made by Councilman Carl Hudson, seconded by Vice Chairman Chris Bowers and unanimously passed to constitute second reading of Ordinance 538.

SECOND READING OF ORDINANCE NO. 539 TO PROVIDE FOR ADOPTION OF A BUDGET AMENDMENT CONTAINING ESTIMATES OF REVENUE AND EXPENDITURE CHANGES FOR PICKENS COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017:

- Motion was made by Councilman Carl Hudson, seconded by Councilman Ensley Feemster and unanimously passed to constitute second reading of Ordinance 539.

PROCLAMATION 2017-04 TO DECLARE THE WEEK OF MAY 21ST -27TH, 2017 AS EMERGENCY MEDICAL SERVICES WEEK: *(as added in Motion Period)*

Chairman Roy Costner called on Vice Chairman Chris Bowers to read the proposed [proclamation](#) for the members of council.

- Motion was made by Vice Chairman Chris Bowers, seconded by Councilman Carl Hudson and unanimously passed to approve Proclamation 2017-04 as presented.

CONSENT AGENDA: Committee of the Whole

- a) Accommodations Tax Recommendations for 2017
- b) Road Maintenance Fees
- c) Speeding Concerns - Old Six Mile Road *(as added in Motion Period)*
- d) Spring Break Rowing 2017–Venue for Event (Visit Clemson/Tourism) *(as added in Motion Period)*
- Motion was made by Councilman Ensley Feemster, seconded by Councilman Carl Hudson and unanimously passed to approve the consent agenda items 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 Vice Chairman Chris Bowers, seconded by Councilman Carl Hudson and unanimously passed to convene in executive session for the stated purposes after a short recess.

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

- Board and Commission Vacancies (29):
 - a) Accommodations Tax (ATAX)
 - b) Alcohol and Drug/Behavioral Health
 - c) Beautification Committee
 - d) Cultural Commission
 - e) Fire District Board - Dacusville
 - f) Fire District Board - Pickens
 - g) Fire District Board - Pumpkintown
 - h) Fire District Board - Six Mile
 - i) Pickens, Oconee, Anderson Mental Health
 - j) Planning Commission
 - k) Public Service Commission
 - l) Sedgewood Tax District
 - m) Water Authority
 - n) WORKLINK
 - o) Zoning and Appeals
 - p) Recreation Funding Advisory Board *(as added in Motion Period)*

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

- Board and Commission Vacancies (29):
 - a) Accommodations Tax (ATAX) –**No Action**

- b) Alcohol and Drug/Behavioral Health –**Action as follows:**
 - Vice Chairman Chris Bowers moved to reappointment the following:
 - *Mary Babb*
 - *Mabry “Mac” McCrary*
 - *Kathryn Gravely*
 - Motion was seconded by Councilman Ensley Feemster and unanimously passed.
- c) Beautification Committee –**No Action**
- d) Cultural Commission –**No Action**
- e) Fire District Board – Dacusville –**No Action**
- f) Fire District Board – Pickens –**No Action**
- g) Fire District Board – Pumpkintown –**No Action**
- h) Fire District Board - Six Mile –**Action as follows:**
 - Councilman Trey Whitehurst moved to reappoint *Scott McCall*. Motion was seconded by Vice Chairman Chris Bowers and unanimously passed.
- i) Pickens, Oconee, Anderson Mental Health –**No Action**
- j) Planning Commission –**No Action**
- k) Public Service Commission –**Action as follows:**
 - Councilman Wes Hendricks moved to reappoint (*Joseph*) *Connie Bowers*. Motion was seconded by Vice Chairman Chris Bowers and unanimously passed. Vice Chairman Chris Bowers clarified for the record that there is no relation.
- l) Sedgewood Tax District –**No Action**
- m) Water Authority –**Action as follows:**
 - Councilman Carl Hudson moved to appoint *Tom Ponder*. Motion was seconded by Councilman Trey Whitehurst and unanimously passed.
- n) WORKLINK –**Action as follows:**
 - Chairman Roy Costner moved to appoint *Wes Hendricks* to represent Pickens County Council. Motion was seconded by Vice Chairman Chris Bowers and unanimously passed.
- o) Zoning and Appeals –**Action as follows:**
 - Councilman Trey Whitehurst moved to appoint *Lauren Gillette*. Motion was seconded by Vice Chairman Chris Bowers and unanimously passed.
- p) Recreation Funding Advisory Board (*as added in Motion Period*) –**Action as follows:**
 - Chairman Roy Costner moved to appoint *Clay Counts* to the new board. Motion was seconded by Vice Chairman Chris Bowers and unanimously passed.
 - Councilman Carl Hudson moved to appoint *Dale Holloway* to the new board. Motion was seconded by Chairman Roy Costner and unanimously passed.

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 9:00 p.m.

Respectively Submitted:

Approved:

Crystal A. Alexander, Clerk to Council

Roy B. Costner, III, Chairman of County Council