

PICKENS COUNTY

SOUTH CAROLINA

COUNCIL MEMBERS

CHRIS BOWERS, CHAIRMAN
ROY COSTNER, VICE CHAIRMAN
ALEX SAITTA, VICE CHAIR PRO-TEM
C. CLAIBORNE LINVILL
CHRIS LOLLIS
HENRY WILSON



COUNTY ADMINISTRATOR

KEN ROPER

CLERK TO COUNCIL

MEAGAN NATIONS

PICKENS COUNTY COUNCIL MEETING

Monday, April 3, 2022

6:30 PM

Auditorium, County Administration Facility
222 McDaniel Avenue, Pickens SC 29671

All meetings of Pickens County Council are held in accordance with the South Carolina Freedom of Information Act, Section 30-4-70, *et seq.* of the Code of Laws of South Carolina, 1976, as amended, as well as the Organizational Rules for Pickens County Council.

WELCOME AND CALL TO ORDER:

Chairman Chris Bowers

1. INVOCATION AND PLEDGE OF ALLEGIANCE:

Vice Chairman Roy Costner

2. PUBLIC FORUM.

County Council hosts a public forum at its first regularly scheduled meeting of each month. Individuals wishing to speak during Public Forum should contact the Clerk to Council in advance of the meeting. Comments are limited to 3 minutes per participant and 30 minutes in total.

3. APPROVAL OF MINUTES:

- March 6, 2023

4. ADMINISTRATOR'S REPORT

Updates from the County Administrator on operations, personnel, or other day-to-day matters.

5. COMMITTEE REPORTS

- a) Committee of the Whole – March 13, 2023

6. COUNCIL CORRESPONDENCE

Notification of future meeting dates and/or changes as well as community dates of interest.

7. MOTION PERIOD AND NEW BUSINESS

Matters can be added to the agenda by appropriate motion, second, and unanimous vote of council.

8. ORDINANCES FOR FIRST READING AND/OR RESOLUTIONS:

- a) FIRST READING IN TITLE ONLY OF AN ORDINANCE NO. 623 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, 2022 AND ENDING JUNE 30, 2023.
- b) FIRST READING IN TITLE ONLY OF AN ORDINANCE NO. 624 TO PROVIDE FOR THE LEVY OF TAXES IN PICKENS COUNTY FOR ORDINARY COUNTY PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024, AND TO DIRECT EXPENDITURE THEREOF.
- c) FIRST READING IN TITLE ONLY OF AMENDMENTS TO CHAPTER 6 OF THE PICKENS COUNTY CODE OF ORDINANCES SPECIFIC TO THE OPERATIONS OF THE PICKENS COUNTY AIRPORT AND MATTERS RELATED THERETO.
- d) CONSIDERATION OF A RESOLUTION NO. 2023-10 RECOGNIZING APRIL 9 – APRIL 15, 2023 AS NATIONAL TELECOMMUNICATORS WEEK.
- e) CONSIDERATION OF A RESOLUTION NO. 2023-11 DESIGNATING APRIL 2023 AS FAIR HOUSING AWARENESS MONTH IN PICKENS COUNTY.
- f) CONSIDERATION OF A RESOLUTION NO. 2023-12 TO APPROVE AN AGREEMENT BETWEEN PICKENS COUNTY AND THE SOUTH CAROLINA ASSOCIATION OF COUNTIES RELATING TO THE SOUTH CAROLINA ASSOCIATION OF COUNTIES BEING AUTHORIZED AND DESIGNATED AS THE CLAIMANT AGENT FOR THE COUNTY PURSUANT TO THE SETOFF DEBT COLLECTION ACT OF 2003, AS AMENDED AND THE GOVERNMENTAL ENTERPRISE ACCOUNTS RECEIVABLE PROGRAM, AS SET OUT IN § 12-4-580 (2003).

9. ORDINANCES FOR SECOND READING

- a) SECOND READING OF AN ORDINANCE NO. 621 AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU-OF-TAX AND INCENTIVE AGREEMENT BY AND BETWEEN PICKENS COUNTY, SOUTH CAROLINA AND A COMPANY KNOWN TO THE COUNTY AT THIS TIME AS PROJECT SIERRA FOXTROT, ACTING FOR ITSELF, ONE OR MORE SUBSIDIARIES, AFFILIATES, SUCCESSORS, ASSIGNS, LESSORS OR OTHER PROJECT SPONSORS, PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED PAYMENTS IN LIEU OF AD VALOREM TAXES WITH RESPECT TO CERTAIN FACILITIES IN THE COUNTY; (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; (3) THE CONVEYANCE OF CERTAIN PROPERTY TO THE COMPANY AND THE REIMBURSEMENT TO THE COMPANY OF CERTAIN INCURRED COSTS; AND (4) OTHER MATTERS RELATING THERETO.

10. ORDINANCES FOR THIRD READING

- a) PUBLIC HEARING AND THIRD READING OF AN ORDINANCE NO. 622 ADOPTING A SIX MONTH MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR RESIDENTIAL LAND USE, DEVELOPMENT, OR SUBDIVISION CONCEPT PLANS, TO PROVIDE FOR AN IMMEDIATE EFFECTIVE DATE, AND TO PROVIDE FOR AN EXTENSION OF NINETY DAYS HERETO BY FURTHER RESOLUTION OF COUNCIL.

11. OTHER REQUEST AGENDA ITEMS

- a) Presentation of Citizen Award

12. CONSENT AGENDA.

Routine matters and resolutions, as well as subject referrals to Council committees, can be accomplished by one vote via the Council's Consent Agenda.

- a) 2023 Recreation Funding Applications
- b) 2023 Accommodations Tax Applications

13. EXECUTIVE SESSION:

S.C. Code of Laws, Section 30-4-70 (A) allows that specifically delineated and qualifying matters may be discussed outside the presence of the public.

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

- ATAX Committee
- Beautification Committee

14. ACTION ON EXECUTIVE SESSION ITEMS (as needed)

While the SC Freedom of Information Act allows for certain matters to be discussed outside the presence of the public, any votes on such matters can only take place once Council has returned to public session.

15. APPOINTMENTS TO BOARDS AND COMMISSIONS

16. ADJOURN

No. 3:

APPROVAL OF MINUTES

- **March 6, 2023**

Regular Pickens County Council Meeting

March 6, 2023

6:30 PM

County Council met in regular session, in the Auditorium of the County Administration Facility, with Chairman Chris Bowers presiding. Final agendas, bearing date, time, and location of meeting were mailed to members of council and local news media on March 3, 2023.

Council Members in Attendance:

Chris Bowers, Chairman
Roy Costner, Vice Chairman
Alex Saitta, Vice Chairman Pro-Tem
C. Claiborne Linvill
Chris Lollis
Henry Wilson

Staff in Attendance:

Ken Roper, County Administrator
Les Hendricks, Contract Attorney
Meagan Nations, Clerk to Council

WELCOME AND CALL TO ORDER:

Chairman Chris Bowers called the meeting of March 6, 2023 to order and welcomed those in attendance. Councilman Alex Saitta led the Invocation and the Pledge of Allegiance.

Vice Chairman Roy Costner made a motion to move Agenda Item #8 first on the agenda, to recognize the High School Team who is present this evening. Motion was seconded by Councilman Chris Lollis and carried unanimously (6-0).

ORDINANCES FOR FIRST READING AND/OR RESOLUTIONS:

a.) CONSIDERATION OF A RESOLUTION 2023-07 CONGRATULATING LIBERTY HIGH SCHOOL'S WRESTLING TEAM AS CLASS AA SOUTH CAROLINA HIGH SCHOOL WRESTLING CHAMPIONS

- Chairman Bowers asked for a motion to consider this Resolution. Motion was made by Vice Chairman Roy Costner, seconded by Councilman Henry Wilson and carried unanimously (6-0). Chairman Bowers recognized the Liberty High School Wrestling Team.

PUBLIC FORUM:

Chairman Chris Bowers opened the Public Forum and requested the Clerk to call upon the citizens signed up to speak.

1. Allan Quinn: Mr. Quinn addressed Council regarding Economic Development.
2. Tom Hendricks: Mr. Hendricks addressed Council regarding freezing of taxes.

3. Robert Lee: Mr. Lee addressed Council regarding an opinion of Attorney General Request.
4. Dawn Crooks: Ms. Crooks addressed Council regarding annexation of Brown Drive.

APPROVAL OF MINUTES:

Chairman Chris Bowers called for a motion to approve the following minutes as presented:

- December 5, 2022 Regular-Called Council Meeting
- January 3, 2023 Organizational Meeting
- Motion was made by Councilman Alex Saitta, and seconded by Councilman Chris Lollis. Seeing no discussion, the motion carried unanimously (6-0).

ADMINISTRATOR'S REPORT:

Mr. Roper addressed Council on the following:

- 2023 Council Goals – People, Purpose, Plan
 - Plan: Parcel Growth in Pickens County
 - Purpose: Fixing County Roads // implementation of road tax mileage
 - Plan: Communications with Municipalities – Monthly Administrator's Breakfast with municipal Administrator's
 - People: Pickens County EMS – EMS Employees Raises and Recognition, EMS Ambulances and Equipment, and EMS Technology Upgrades.

Council asked Mr. Roper questions that included, but was not limited to:

- Question regarding Robert Lee's Public Forum discussion on opinion from Attorney General
- Question regarding Dawn Crook's Public Forum discussion on Annexation of Brown Drive
- Sheriff's Office Questions regarding Litter Pickup

COMMITTEE REPORTS:

Committee of the Whole Report for 2/21/23:

The Committee of the Whole met in Main Conference Room, at the Pickens County Administration Facility, on Tuesday, February 21, 2023. All members of the committee were in attendance with Chairman Chris Bowers presiding the beginning of the meeting. Councilman Chris Lollis led the Invocation and Pledge of Allegiance.

WELCOME AND CALL TO ORDER:

Chairman Chris Bowers called the Committee of the Whole meeting to order.

COMMITTEE OF THE WHOLE:

Solid Waste Needs – Log No. 133

- Steve Raines, Solid Waste Director, gave an overview of the landfill and went into discussion regarding the Landfill Expansion. Council and staff had detailed discussion that included, but was not limited to:
 - Current landfill capacity
 - Discussion regarding the SCDHEC Demonstration of Need filing on February 2
 - Proposed expansion
 - Proper Equipment needed in future at Landfill
 - Plan for Solid Waste in 50+ years
 - Tipping Fees

Minutes for March 6, 2023 Pickens County Council Meeting

- Recycling
- Saturday Operating Cost
- Discussion of Solid Waste Adhoc Committee

- After much more discussion, Chairman Chris Bowers made a motion to move forward with expanding the piggyback at the landfill and the purchase of an excavator for \$142,000. Motion was seconded by Councilman Henry Wilson and carried (4-2), with Councilman Alex Saitta and Councilman Chris Lollis opposed.

First Council Action on Log No. 133- Chairman Chris Bowers made a motion to move forward with expanding the piggyback at the landfill and the purchase of an excavator for \$142,000. Motion was seconded by Councilman Henry Wilson and carried (4-2), with Councilman Alex Saitta and Councilman Chris Lollis opposed.

Chairman Bowers stated that no second is required as this comes as a recommendation from the Committee. He asked for any discussion.

Council and Staff had detailed discussion that included, but was not limited to:

- Councilman Saitta went into discussion on why he will be voting no on this motion.
- Councilman Wilson went into discussion on why he will be voting yes on this motion.
- Chairman Bowers went into explanation of why he feels it is necessary to expand the piggyback at the landfill
- Councilman Lollis agreed that purchasing the equipment is a great idea, but he is hesitant about voting to approve the expansion of the piggyback
- Mr. Roper stated we are at the mercy of when DHEC says it is time to close the landfill
- Councilwoman Linvill asked if the county can make the map public on the website of the expansion of the piggyback at the landfill and the properties it will be near
 - Seeing no other discussion, the motion carried (4-2), with Councilman Alex Saitta and Councilman Chris Lollis opposed.

UDSO – Log No. 141

- Mr. Roper gave a brief overview of the Unified Development Standards Ordinance, stating the UDSO regulates the use of land, the location and use of buildings and other site improvements, and the construction of public facilities and private improvements related to the development of land.
- Planning Staff did an overview of General Improvements, Housing and Growth. They presented Council with a recommended plan of action and had detailed discussion on changes that Council would like to see updated in the ordinance.
- Council and staff had detailed discussion that included, but was not limited to:
 - Traffic and Infrastructure
 - High Density
 - Standards for transition zones
 - Overlay district
 - Open Space
 - Planned Developments
 - Conventional Subdivisions
 - Tiny Homes, RV, and townhomes
 - Traffic Studies
 - UDSO Section 10 (Roads)

❖ **No Action Taken by the Committee.**

Council Action on Log No. 141: No Action Taken by the Committee.

ADJOURN:

Hearing no further Committee business, Chairman Chris Bowers called for a motion to adjourn. Motion was made by Councilman Henry Wilson, seconded by Councilman Chris Lollis and carried unanimously (6-0). Meeting was adjourned at 8:32 p.m.

COUNCIL CORRESPONDENCE:

Chairman Chris Bowers announced the following:

- The Committee of the Whole meeting will take place on Monday, March 13, 2023, at 6:00 p.m. in Council Chambers of the Administration Building.
- The next Council meeting will be held on Monday, April 3, at 6:30 p.m. in Council Chambers of the Administration Building.

Chairman Bowers called for other council correspondence.

- Councilwoman Claiborne Linvill stated she will be out of the Country March 16 – April 15. She will miss the April Council meeting and will only be available by email.

Seeing no other correspondence, Chairman Bowers announced moving to Motion Period and New Business.

MOTION PERIOD AND NEW BUSINESS:

Chairman Chris Bowers opened the floor for motion period and new business.

Seeing no discussion, Chairman Bowers closed the floor.

ORDINANCES FOR FIRST READING AND/OR RESOLUTIONS:

b.) CONSIDERATION OF A RESOLUTION 2023-08 TO COMMEMORATE MARCH 2023 AS BLEEDING DISORDERS AWARENESS MONTH IN PICKENS COUNTY

- Chairman Bowers asked for a motion to consider this Resolution. Motion was made by Councilwoman Claiborne Linvill, seconded by Vice Chairman Roy Costner and carried unanimously (6-0).

ORDINANCES FOR SECOND READING

None

ORDINANCES FOR THIRD READING

None

OTHER REQUEST AGENDA ITEMS

a) **Presentation from Appalachian Council of Government regarding performance of services in the county in 2022-2023**

- Mr. Steve Pelissier, Director of Appalachian Council of Government, presented the 2022 Annual Report to Council. He discussed the following:

Minutes for March 6, 2023 Pickens County Council Meeting

- Pickens County's annual investment in the Appalachian Council of Governments is \$61,631. The return on investment to Pickens County in 2022 was \$1,781,091 representing a return on investment ratio of \$28.90 on every \$1.
- 2022 Return on Investment
- Services Provided to Pickens County in 2022
- Grants Secured
- Senior Advocacy Services
- Economic Development
- Government Services
- Planning Services

b) Consideration of a proposed application by Pickens County to the State Transportation and Infrastructure Bank (STIB) regarding funding for improvements to South Carolina

- Mr. Roper went into discussion on how Pickens County has applied for funding from the State Transportation Infrastructure Bank. He stated that GPATS met last November to approve the Long-Range Transportation Plan, which included this as a priority and is ranked #7 in the entire GPATS area. He stated the State Infrastructure Bank Staff needs to affirm GPATS's ranking, which staff understands that they've signaled they would, and then Pickens County needs to determine whether it will increase its local match. Mr. Roper stated that GPATS says to improve our score, we need to get our local match into the nature of 22.5 million dollars. He stated he has been informed by members of the Delegation that 10 of that 22 million will be made available to the CTC in the State Budget and could be applied to the local match, and as with the previous application, the CTC is open to pledging half of a million dollars a year for 20 years (servicing a bond issue of 6.5 million). He stated of the remaining 6 million, the county could provide in cash, or through a larger bond issue, or other options. He stated that he is bringing this up to Council tonight is because they have been told by GPATS staff that the Infrastructure Bank wants to meet and can reconsider our application. He stated he is not committing to them 22.5 million dollars, but would like to be able to communicate to them that we are going to work our way through that if we are awarded. He stated all he is looking for permission is to send them a letter saying that Pickens County is applying. He stated this is not an approval of obligation and there'll be conditions precedent for us to receive that grant funding and we will have to show that monies have been set aside but we will not have to do that until they're ready to send us the money.
- After much discussion between Council, Chairman Chris Bowers made a motion to move forward with consideration of the proposed application by Pickens County to the State Transportation Infrastructure Bank regarding funding for improvements to South Carolina Highway 183 and matters related thereto. Motion was seconded by Councilman Henry Wilson and carried unanimously (5-1), with Councilman Alex Saitta opposed.

c) Consideration of potential renovation of the flooring replacement at the Pickens County Museum and source of funds

- Mr. Roper stated that PRT is requesting \$15,000 from the Local Accommodations Fee account to replace the flooring and display rails in the upstairs portion of the Pickens County Museum. He stated the funds will come from the Local Accommodations Fee fund collections, 50% of which are eligible to be used for tourism related activities in the following fiscal year. He stated that PRT plans to replace the flooring on the upstairs

level of the Museum and repair damaged wall treatments on the upstairs level of the Museum. Mr. Roper advised that Building Maintenance has been briefed on the project and agreed to oversee implementation.

- Vice Chairman Roy Costner made a motion to allocate the \$15,000 from the Local Accommodations Fee to specifically replace the flooring and display rails in the upstairs portion of the Pickens County museum. Motion was seconded by Councilwoman Claiborne Linvill and carried unanimously (6-0).

d) Council Rules – specific to Executive Session

- Chairman Chris Bowers stated there has been a lot of conversation around Executive Session and he believes it is important to discuss the intent and purpose of Executive Session. He stated state law is very clear on what we can discuss in Executive Session. He stated he would like to have a conversation with Council regarding Executive Session and whether or not we should put something in our rules regarding ES.
- Council had detailed discussion that included, but was not limited to:
 - Personnel and Contractual Matters explanation for Executive Session
 - No notes taken by Council or recording in Executive Session
 - Clarification of how newly elected Council members are briefed on past Executive Session items still being discussed
- After much more discussion between Council, Vice Chairman Roy Costner made a motion to amend Council Rules for Executive Session items to be discussed include contractual, negotiations, personnel or specific confidential safety issues, and if any member of Council violate that we lose the privilege of going into Executive Session for three months. Motion was seconded by Councilman Henry Wilson. Chairman Bowers asked if there was any other discussion.
 - Councilman Saitta stated it is illegal to do this.
- Vice Chairman Roy Costner amended his motion, stating he would like it to be through the process of vote by full council with the council person having the opportunity to speak. Councilman Henry Wilson seconded the motion for discussion purposes.
 - Councilman Saitta went into discussion on FOIA.
- After much more discussion, the Vice Chairman withdrew his motion.

CONSENT AGENDA

None

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

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

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

- Beautification Committee
- Recreation Funding Advisory Board

Personnel – Section 30-4-70 (a) (1)

- Citizen Award

Minutes for March 6, 2023 Pickens County Council Meeting

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

- Project Sierra Foxtrot
- Motion was made by Councilwoman Claiborne Linvill, seconded by Councilman Chris Lollis and carried unanimously (6-0), to convene in executive session for the stated purposes after a five-minute recess.

ACTION AS NEEDED VIA EXECUTIVE SESSION ITEMS:

Chairman Chris Bowers called the Public Session back to Order and advised the following:

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

- Beautification Committee – **Chairman Chris Bowers made a motion to appoint George Ramos to the Beautification Committee in the District 6 seat. Motion was seconded by Councilman Chris Lollis and carried unanimously 6-0.**
- Recreation Funding Advisory Board – **Chairman Chris Bowers made a motion to appoint Jarred Brink to the Recreation Funding Advisory Board in the District 2 seat. Motion was seconded by Councilman Chris Lollis and carried unanimously (6-0).**

Personnel – Section 30-4-70 (a) (1)

- Citizen Award – **No Action Taken.**

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

- Project Sierra Foxtrot
 - **Chairman Chris Bowers made a motion to constitute First Reading in title only of this Ordinance. Motion was seconded by Councilman Henry Wilson and carried (5-0), with Councilwoman Claiborne Linvill abstained.**
 - **Chairman Chris Bowers made a motion to approve the Inducement Resolution for Project Sierra Foxtrot. Motion was seconded by Councilman Henry Wilson and carried (5-0), with Councilwoman Claiborne Linvill abstained.**

ADJOURN:

Hearing no further Council business, Chairman Chris Bowers called for a motion to adjourn. Motion was made by Councilwoman Claiborne Linvill, seconded by Councilman Henry Wilson and carried unanimously (6-0). Pickens County Council stood adjourned at 9:38 p.m.

Respectively Submitted:

Approved:

Meagan Nations, Clerk to Council

Chris Bowers, Chairman of County Council

No. 5:

COMMITTEE REPORT

- **March 13, 2023**

COMMITTEE OF COUNCIL AS A WHOLE REPORT

Council Members:

Chris Bowers, Chairman
Roy Costner, Vice Chairman
C. Claiborne Linvill
Chris Lollis
Alex Saitta
Henry Wilson

Staff in Attendance:

Ken Roper, County Administrator
Meagan Nations, Clerk to Council
Les Hendricks, Attorney
Trad Julian, Senior Planner
Todd Steadman, Part Time Planner
Ray Holliday, Full Time Planner

The Committee of the Whole met in Council Chambers, at the Pickens County Administration Facility, on Monday, March 13, 2023. All members of the committee were in attendance with Vice Chairman Roy Costner presiding the beginning of the meeting. Councilman Alex Saitta led the Invocation and Pledge of Allegiance.

WELCOME AND CALL TO ORDER:

Vice Chairman Roy Costner called the Committee of the Whole meeting to order.

COMMITTEE OF THE WHOLE:

UDSO – Log No. 141

- Mr. Roper gave a brief overview of the Unified Development Standards Ordinance, stating the UDSO regulates the use of land, the location and use of buildings and other site improvements, and the construction of public facilities and private improvements related to the development of land.
- Planning Staff presented Council with a recommended plan of action and had detailed discussion on changes that Council would like to see updated in the ordinance.
- Council and staff had detailed discussion that included, but was not limited to:
 - Attainable Housing Program
 - Subdivisions
 - Land Use Matrix
 - DHEC Requirements
 - Tree Canopy/Waterway Protection
 - Riparian Setback Proposal
 - Recreational Vehicle (RV) Parks and Campgrounds
 - Tiny Home Development
 - Townhome Development
 - Traffic Study Policy
 - Traffic Study Responsibilities
 - Roads

COMMITTEE OF COUNCIL AS A WHOLE REPORT

- County-Wide Mobility Plan
- RFP – County Development Impact Fee Study

❖ **No Action Taken by the Committee.**

ADJOURN:

Hearing no further Committee business, Vice Chairman Roy Costner called for a motion to adjourn. Motion was made by Councilman Henry Wilson, seconded by Chairman Chris Bowers and carried unanimously (6-0). Meeting was adjourned at 8:27 p.m.

No. 8:

ORDINANCES FOR FIRST READING AND/OR RESOLUTIONS:

- a) FIRST READING IN TITLE ONLY OF AN ORDINANCE NO. 623 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, 2022 AND ENDING JUNE 30, 2023.**
- b) FIRST READING IN TITLE ONLY OF AN ORDINANCE NO. 624 TO PROVIDE FOR THE LEVY OF TAXES IN PICKENS COUNTY FOR ORDINARY COUNTY PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024, AND TO DIRECT EXPENDITURE THEREOF.**
- c) FIRST READING IN TITLE ONLY OF AMENDMENTS TO CHAPTER 6 OF THE PICKENS COUNTY CODE OF ORDINANCES SPECIFIC TO THE OPERATIONS OF THE PICKENS COUNTY AIRPORT AND MATTERS RELATED THERETO.**
- d) CONSIDERATION OF A RESOLUTION NO. 2023-10 RECOGNIZING APRIL 9 – APRIL 15, 2023 AS NATIONAL TELECOMMUNICATORS WEEK.**
- e) CONSIDERATION OF A RESOLUTION NO. 2023-11 DESIGNATING APRIL 2023 AS FAIR HOUSING AWARENESS MONTH IN PICKENS COUNTY.**
- f) CONSIDERATION OF A RESOLUTION NO. 2023-12 TO APPROVE AN AGREEMENT BETWEEN PICKENS COUNTY AND THE SOUTH CAROLINA ASSOCIATION OF COUNTIES RELATING TO THE SOUTH CAROLINA ASSOCIATION OF COUNTIES BEING AUTHORIZED AND DESIGNATED AS THE CLAIMANT AGENT FOR THE COUNTY PURSUANT TO THE SETOFF DEBT COLLECTION ACT OF 2003, AS AMENDED AND THE GOVERNMENTAL ENTERPRISE ACCOUNTS RECEIVABLE PROGRAM, AS SET OUT IN § 12-4-580 (2003).**

RESOLUTION #_____

COUNTY COUNCIL OF PICKENS COUNTY,
SOUTH CAROLINA

Chris Bowers, Chairman of County Council
Pickens County, South Carolina

(SEAL)

Attest:

Meagan Nations, Clerk of County Council
Pickens County, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

RESOLUTION #_____

A RESOLUTION DESIGNATING APRIL 2023 AS FAIR HOUSING AWARENESS MONTH
IN PICKENS COUNTY

WHEREAS, the Pickens County Council desires that all Pickens County citizens be afforded the opportunity to attain a decent, safe, and sound living environment; and

WHEREAS, the Pickens County Council rejects discrimination on the basis of race, religion, color, sex, national origin, disability, and/or familial status in the sale, rental, or provision of other housing services; and

WHEREAS, the State of South Carolina enacted the South Carolina Fair Housing Law in 1989; and

WHEREAS, April is recognized nationally as Fair Housing Month;

NOW THEREFORE, BE IT RESOLVED that Pickens County Council does hereby designate April 2023 as Fair Housing Month.

Passed and approved, this ____ day of _____, 2023.

COUNTY COUNCIL OF PICKENS COUNTY,
SOUTH CAROLINA

Chris Bowers, Chairman of County Council
Pickens County, South Carolina

(SEAL)

Attest:

Meagan Nations, Clerk of County Council
Pickens County, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

RESOLUTION # _____

A RESOLUTION TO APPROVE AN AGREEMENT BETWEEN PICKENS COUNTY AND THE SOUTH CAROLINA ASSOCIATION OF COUNTIES RELATING TO THE SOUTH CAROLINA ASSOCIATION OF COUNTIES BEING AUTHORIZED AND DESIGNATED AS THE CLAIMANT AGENT FOR THE COUNTY PURSUANT TO THE SETOFF DEBT COLLECTION ACT OF 2003, AS AMENDED AND THE GOVERNMENTAL ENTERPRISE ACCOUNTS RECEIVABLE PROGRAM, AS SET OUT IN § 12-4-580 (2003).

WHEREAS, the Setoff Debt Collection Act of 2003, as amended, and the Governmental Enterprise Accounts Receivable program as set out in § 12-4-580 (2003), allow the South Carolina Department of Revenue to render assistance in the collection of delinquent accounts or debts owing to the County; and,

WHEREAS, the County wishes to increase the collection rate of debts that are due and owing to the County by availing itself of the Setoff Debt Collection Act of 2003, as amended, and the Governmental Enterprise Accounts Receivable program as set out in § 12-4-580 (2003) and,

WHEREAS, the Council has reviewed and approved the designation of the South Carolina Association of Counties to serve as the County's claimant agent;

NOW, THEREFORE, BE IT RESOLVED, by Pickens County Council, to agree that the South Carolina Association of Counties shall serve as the County's claimant agent pursuant to the Setoff Debt Collection Act of 2003, as amended, and the Governmental Enterprise Accounts Receivable program as set out in § 12-4-580 (2003) is approved.

Passed and approved, this ____ day of _____, 2023.

COUNTY COUNCIL OF PICKENS COUNTY,
SOUTH CAROLINA

Chris Bowers, Chairman of County Council
Pickens County, South Carolina

(SEAL)
Attest:

Meagan Nations, Clerk of County Council
Pickens County, South Carolina

No. 9:

ORDINANCES FOR SECOND READING

- a) **SECOND READING OF AN ORDINANCE NO. 621 AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU-OF-TAX AND INCENTIVE AGREEMENT BY AND BETWEEN PICKENS COUNTY, SOUTH CAROLINA AND A COMPANY KNOWN TO THE COUNTY AT THIS TIME AS PROJECT SIERRA FOXTROT, ACTING FOR ITSELF, ONE OR MORE SUBSIDIARIES, AFFILIATES, SUCCESSORS, ASSIGNS, LESSORS OR OTHER PROJECT SPONSORS, PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED PAYMENTS IN LIEU OF AD VALOREM TAXES WITH RESPECT TO CERTAIN FACILITIES IN THE COUNTY; (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; (3) THE CONVEYANCE OF CERTAIN PROPERTY TO THE COMPANY AND THE REIMBURSEMENT TO THE COMPANY OF CERTAIN INCURRED COSTS; AND (4) OTHER MATTERS RELATING THERETO.**

ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU-OF-TAX AND INCENTIVE AGREEMENT BY AND BETWEEN PICKENS COUNTY, SOUTH CAROLINA (THE “COUNTY”) AND A COMPANY KNOWN TO THE COUNTY AT THIS TIME, COLLECTIVELY, AS PROJECT SIERRA FOXTROT, ACTING FOR ITSELF, ONE OR MORE SUBSIDIARIES, AFFILIATES, SUCCESSORS, ASSIGNS, LESSORS OR OTHER PROJECT SPONSORS (THE “COMPANY”), PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED PAYMENTS IN LIEU OF AD VALOREM TAXES WITH RESPECT TO CERTAIN FACILITIES IN THE COUNTY (THE “PROJECT”); (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; (3) THE CONVEYANCE OF CERTAIN PROPERTY TO THE COMPANY AND THE REIMBURSEMENT TO THE COMPANY OF CERTAIN INCURRED COSTS; AND (4) OTHER MATTERS RELATING THERETO.

WHEREAS, the County Council of Pickens County (the “*County Council*”), the governing body of Pickens County, South Carolina (the “*County*”), is authorized and empowered under and pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended (the “*Code*”), particularly Title 12, Chapter 44 of the Code (the “*Fee Act*”) and Section 4-1-170 of the Code (the “*Multi-County Park Act*”) and by Article VIII, Section 13(D) of the South Carolina Constitution: (i) to enter into agreements with certain investors to construct, operate, maintain, and improve certain projects through which the economic development of the State of South Carolina (the “*State*”) will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products, and natural resources of the State; (ii) to covenant with such investors to accept certain fee in lieu of *ad valorem* tax (“*FILOT*”) payments, including, but not limited to, negotiated FILOT payments made pursuant to the Fee Act, with respect to a project; and (iii) to create, in conjunction with one or more other counties, a multi-county industrial or business park in order to afford certain enhanced income tax credits to such investors; and

WHEREAS, a company known to the County at this time, as Project Sierra Foxtrot, on its own or together with one or more of its subsidiaries, affiliates, successors, assigns, sponsors, lessors, and others (collectively, the “*Company*”) proposes to acquire, lease, construct, purchase, or install, certain real property, real property improvements and machinery, equipment, and other personal property in order to establish a manufacturing facility within the County (the “*Project*”), and anticipates that, should its plans proceed as expected, the Company will invest, at least \$33,060,000, in the aggregate, in the Project and will create at least 176 new, full-time jobs, in the aggregate, at the Project; and

WHEREAS, based on information provided to the County by the Company, the County Council has determined that the Project would subserve the purposes of the Fee Act and has made certain findings pertaining thereto in accordance with the Fee Act; and

WHEREAS, in accordance with such findings and determinations and in order to induce the Company to locate the Project in the County, the County Council adopted a Resolution on March 6, 2023, whereby the County agreed to provide the benefits of a negotiated fee in lieu of *ad*

valorem tax with respect to the Project and a multi-county industrial or business park with respect to the Project; and

WHEREAS, in order to further induce the Company to make, or cause to be made, new or additional investment in the Project and create, new jobs within the County, the County has further agreed to (i) convey certain real property, as described in **Exhibit A** hereto (the “*Site*”), to the Company upon which the Company will construct and establish, the Project, and (ii) make a monetary grant to the Company in the amount of \$1,500,000 in order to reimburse the Company for expenditures related to the remediation of rock on the Site and the development of the Project upon submission by, or at the direction of, the Company of sufficient documentation of the expenditures of the Company for these purposes; and

WHEREAS, the County and the Company have agreed to the specific terms and conditions of such arrangements in a Fee-in-Lieu-of-Tax and Incentive Agreement (the “*Fee Agreement*”), and an Agreement for Property Conveyance and Reimbursement of Project (the “*Property and Reimbursement Agreement*” and together with the Fee Agreement, the “*Agreements*”), each to be by and between the County and the Company with respect to the Project, the form of which Agreements are attached hereto as **Exhibit B** and **Exhibit C**, respectively; and

WHEREAS, pursuant to the authority of the Multi-County Park Act and Article VIII, Section 13(D) of the South Carolina Constitution, the County agrees to use its best efforts to ensure that the Project is located in a multi-county industrial and business park (the “*Park*”) established pursuant to an Agreement for Development of Joint County Industrial Park, dated November 4, 1996, by and between the County and Greenville County, South Carolina, as amended, supplemented, or replaced from time to time by the County (the “*Park Agreement*”), or a successor multi-county industrial and business park created in accordance with the Multi-County Park Act; and

WHEREAS, it appears that the Agreements now before this meeting are in appropriate form and are appropriate instruments to be executed and delivered by the County for the purposes intended.

NOW, THEREFORE, BE IT ORDAINED by the County Council, as follows:

Section 1. As contemplated by Section 12-44-40(I) of the Fee Act, based on information provided to the County by the Company with respect to the Project, the County makes the following findings and determinations:

- (a) The Project will constitute a “project” within the meaning of the Fee Act; and
- (b) The Project, and the County’s actions herein, will subserve the purposes of the Fee Act; and
- (c) The Project is anticipated to benefit the general public welfare of the State and the County by providing services, employment, recreation, or other public benefits not otherwise provided locally; and

- (d) The Project gives rise to no pecuniary liability or charge against the general credit or taxing power of the County or any incorporated municipality; and
- (e) The purposes to be accomplished by the Project are proper governmental and public purposes; and
- (f) The benefits of the Project are greater than the costs.

Section 2.

(a) The County hereby agrees to enter into the Fee Agreement. The Fee Agreement shall be in the form of a Fee Agreement, pursuant to the Fee Act, whereby the Company will agree to satisfy, or cause to be satisfied, certain investment requirements with respect to the Project within certain prescribed time periods and the County will agree to accept certain negotiated FILOT payments with respect to the Project (“***Negotiated Payments-in-Lieu-of-Taxes***”), as set forth in Section 2(b) hereof and in accordance with the terms of the Fee Agreement.

(b) (i) The Negotiated Payments-in-Lieu-of-Taxes shall be determined using: (1) an assessment ratio of 6%, (2) the lowest millage rate allowed with respect to the Project pursuant to Section 12-44-50(A)(1)(d) of the Fee Act, as set forth in greater detail in the Fee Agreement, which millage rate shall be fixed pursuant to Section 12-44-50(A)(1)(b)(i) of the Fee Act for the full term of the Negotiated Payments-in-Lieu-of-Taxes; (3) the fair market value of the Project, as determined in accordance with Section 12-44-50(A)(1)(c) of the Fee Act; and (4) and such other terms and conditions as will be specified in the Fee Agreement.

(ii) The Negotiated Payments-in-Lieu-of-Taxes shall be calculated as provided in this Section 2(b) for all Economic Development Property (as defined in the Fee Agreement) placed in service during the Investment Period (as defined in the Fee Agreement). For each annual increment of investment in Economic Development Property, the annual Negotiated Payments-in-Lieu-of-Taxes shall be payable for a payment period of twenty (20) years. Accordingly, if such Economic Development Property is placed in service during more than one year, each year’s investment during the Investment Period shall be subject to the Negotiated Payments-in-Lieu-of-Taxes for a payment period of twenty (20) years.

Section 3.

(a) The County hereby agrees to enter into the Property and Reimbursement Agreement, whereby the County will (i) convey the Site to the Company upon which the Company will construct and establish, the Project, and (ii) make a monetary grant to the Company in the amount of \$1,500,000 in order to reimburse the Company for expenditures related to the remediation of rock on the Site and the development of the Project; provided that the Company will agree to satisfy, or cause to be satisfied, certain investment and job creation requirements with respect to the Project within certain prescribed time periods. In the event that the Company fails to satisfy, such investment and job creation requirements, the Company shall reimburse the County for a portion of the value of such monetary grant and the Site pursuant to the terms of the Property and Reimbursement Agreement.

(b) The County is hereby authorized to convey title to the Site, as described in **Exhibit A** hereto, to the Company for the sum of ten dollars and other consideration set forth herein and as fully described in the Property and Reimbursement Agreement. The County Administrator of the County (the “**County Administrator**”) is hereby authorized to approve the final legal description of the Site, which shall conform substantially to the description of the Site set forth at **Exhibit A** hereto.

(c) The County is further authorized to make a monetary grant to the Company in the amount of \$1,500,000 in order to reimburse the Company for expenditures related to the remediation of rock on the Site and the development of the Project, upon submission by, or at the direction of, the Company of sufficient documentation of the expenditures of the Company for these purposes, all as shall be set forth in further detail in the Property and Reimbursement Agreement.

Section 4. The County will use its best efforts to insure that the Project will be included, and will remain, within the boundaries of the Park (or a successor park) pursuant to the provisions of the Multi-County Park Act and Article VIII, Section 13(D) of the State Constitution and the Park Agreement (or successor park agreement) on terms which provide the Company and the Project with additional jobs creation tax credits afforded by the laws of the State for projects located within multi-county industrial or business parks.

Section 5. The form, provisions, terms, and conditions of the Agreements, as attached as exhibits hereto, are hereby approved, and all of the provisions, terms, and conditions thereof are hereby incorporated herein by reference as if the Agreements were set out in this Ordinance in their entirety. The Chairman of the County Council is hereby authorized, empowered, and directed to execute the Agreements in the name and on behalf of the County; the Clerk to the County Council is hereby authorized, empowered and directed to attest the same; and the Chairman of the County Council is further authorized, empowered, and directed to deliver the Agreements to the Company. The Agreements are to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the rights of the County thereunder and as shall be approved by the official or officials of the County executing the same, upon the advice of counsel, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Agreements now before this meeting.

Section 6. The Chairman of the County Council, the County Administrator, and the Clerk to the County Council, for and on behalf of the County, are hereby each authorized, empowered, and directed to do any and all things necessary or proper to effect the performance of all obligations of the County under and pursuant to Agreements. The Chairman of the County Council and the County Administrator, or either one of them acting alone, are hereby authorized to execute and deliver on behalf of the County all deeds and other certificates and documents as they deem necessary, upon advice of counsel, to accomplish the foregoing.

Section 7. The provisions of Ordinance No. 452 of the County regarding the allocation of fee-in-lieu of ad valorem taxes to the Pickens County Taxing Entities (as defined therein) shall be applicable to the Negotiated Payments-in-Lieu-of-Taxes received or retained by Pickens County pursuant to the Fee Agreement. The Pickens County Treasurer shall distribute all Negotiated Payments-in-Lieu-of-Taxes received and retained by Pickens County in accordance with Ordinance No. 452.

Section 8. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

Section 9. All orders, ordinances, resolutions, and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This Ordinance shall take effect and be in full force from and after its passage and approval.

[Remainder of Page Left Blank]

Enacted and approved, in meeting duly assembled, this 26th day of April, 2023.

PICKENS COUNTY, SOUTH CAROLINA

By: _____
Chris Bowers, Chairman, County Council
Pickens County, South Carolina

[SEAL]

Attest:

By: _____
Meagan Nations, Clerk to County Council,
Pickens County, South Carolina

First Reading:	March 6, 2023
Second Reading:	April 3, 2023
Public Hearing:	[April 26] , 2023
Third Reading:	[April 26] , 2023

EXHIBIT A
DESCRIPTION OF SITE

[To be inserted.]

EXHIBIT B
DRAFT OF FEE AGREEMENT

See attached.

EXHIBIT C

DRAFT OF PROPERTY AND REIMBURSEMENT AGREEMENT

See attached.

No. 10:

ORDINANCES FOR THIRD READING

- a) PUBLIC HEARING AND THIRD READING OF AN ORDINANCE NO. 622 ADOPTING A SIX MONTH MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR RESIDENTIAL LAND USE, DEVELOPMENT, OR SUBDIVISION CONCEPT PLANS, TO PROVIDE FOR AN IMMEDIATE EFFECTIVE DATE, AND TO PROVIDE FOR AN EXTENSION OF NINETY DAYS HERETO BY FURTHER RESOLUTION OF COUNCIL**

First Reading: Feb. 6, 2023
Second Reading: Mar.13, 2023
Third Reading: April 3, 2023
Public Hearing: April 3, 2023

(A) Provide the County and the Commission with an opportunity to provide time to draft and adopt amendments to the UDSO.

(B) Temporarily prevent submission of new development projects that may ultimately be in conflict with the adopted UDSO and the County Comprehensive Plan.

(C) Continue to provide the development community with predictability by allowing previously approved development proposals to advance through the review and permitting process.

Section 2. Moratorium Imposed.

(A) As of the date of the passage of this Ordinance, there is hereby imposed a moratorium on the acceptance by the County of applications for any residential subdivision which is in excess of 49 housing units.

(B) The duration of this moratorium shall be for six (6) months. Council, may by Resolution, extend this moratorium for a single additional period of 90 days. At the end of this period, said moratorium shall automatically expire unless sooner repealed.

(C) This moratorium shall have no effect upon approvals or permits previously issued or submitted prior to the introduction of this Ordinance or the pending of this Ordinance on the Council agenda. The provisions of this Ordinance shall not affect the issuance of permits or site plan reviews that have received preliminary or final plat approval by the Commission or Department.

(D) This moratorium shall also operate as a stay on the time period requirements for the reconsideration of any denied permits

Section 3. Vested Rights. The moratorium imposed in Section 2 of this Ordinance shall not apply to any rights that have vested prior to the effective date of this Ordinance.

Section 4. Invocation of the Pending Ordinance Doctrine. Council hereby invokes the pending ordinance doctrine recognized under South Carolina law, effective immediately upon first reading approval. For the type of developments addressed in this ordinance, construction permits that might have been issued in the absence of a moratorium may not be issued.

Section 5. Severability. The provisions of this moratorium ordinance are intended to be severable, and if a court of competent jurisdiction should hold any part of this ordinance invalid, unconstitutional, or otherwise unlawful, such ruling shall not affect the remainder of the ordinance, which shall remain in full force and effect.

Passed and approved, this ____ day of _____, 2023.

COUNTY COUNCIL OF PICKENS COUNTY,
SOUTH CAROLINA

Chris Bowers, Chairman of County Council
Pickens County, South Carolina

(SEAL)

Attest:

Meagan Nations, Clerk of County Council
Pickens County, South Carolina

DRAFT

No. 11:

OTHER REQUEST AGENDA ITEMS

- a) Presentation of Citizen Award**

No. 13:

EXECUTIVE SESSION