

**Regular Pickens County Council Meeting**

May 1, 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 April 27, 2023.

Council Members in Attendance:

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

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 May 1, 2023 to order and welcomed those in attendance. Chairman Chris Bowers led the Invocation and the Pledge of Allegiance.

**PUBLIC FORUM:**

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

1. Junius Smith: Mr. Smith addressed Council regarding taxes and his voting district.
2. Johnnelle Raines: Ms. Raines addressed Council regarding a Resolution she is trying to get passed in the Republican Precincts.
3. Reba Krewe: Ms. Krewe addressed Council regarding the Library.
4. Lee Churchfield: Mr. Churchfield addressed Council regarding the Library.
5. Juliet Penna: Ms. Penna addressed Council regarding the Library.
6. David Parsons: Mr. Parsons addressed Council regarding the Motorcoach Resort above Sunset Marina at Gap Hill.
7. Kathleen Campbell: Ms. Campbell addressed Council regarding the Library.
8. Jamie Turner: Mr. Turner addressed Council regarding the Library.

9. Greg Berryhill: Mr. Berryhill addressed Council regarding the UDSO.
10. Sandra Berryhill: Ms. Berryhill addressed Council regarding the UDSO.
11. Tom Greene: Mr. Greene addressed Council regrading a RV Park in Sunset.
- Councilman Henry Wilson made a motion to extend Public Forum for 15 more minutes. Motion was seconded by Vice Chairman Roy Costner and carried unanimously (6-0).
12. Heidi Williams: Ms. Williams addressed Council regarding the Library.
13. Lisa Moore: Ms. Moore addressed Council regarding property on Pine Lake Rd.
14. Denise Davidson: Ms. Davidson addressed Council regarding the UDSO.
15. Dawn Crooks: Ms. Crooks addressed Council regarding the UDSO.
16. Janie Moore: Ms. Moore addressed Council regarding property in Pickens County.
17. Rachel Cox: Ms. Cox addressed Council regarding the Library.

**APPROVAL OF MINUTES:**

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

- April 3, 2023                      Regular-Called Council Meeting
- April 17, 2023                     Special-Called Council Meeting
- April 24, 2023                     Budget Work Council Session
- April 26, 2023                     Special-Called Council Meeting
- Motion was made by Councilman Alex Saitta, and seconded by Vice Chairman Roy Costner. Chairman Bowers asked if there was any discussion:
  - Councilwoman Linvill stated she would like to amend the minutes of the April 26, 2023 Special-Called meeting so that she can deliver full comments for the discussion section of those minutes.
  - She would like to add the following to the minutes of April 26<sup>th</sup> meeting:
 

*“I have three key complaints about how the process of this fee-in-lieu-of-taxes agreement was handled with FN America, formerly known as Project Sierra Foxtrot.*

*First, despite my requests, the county did not negotiate with the company to offer positive community projects.*

*At the first reading of the ordinance to give a fee-in-lieu-of taxes to Project Sierra Foxtrot, I abstained from voting because I felt like I needed a lot more information.*

*I had just learned moments before, in Executive Session, that Project Sierra Foxtrot was a gun manufacturer that wanted to be based in Pickens County. Guns are the leading cause of death for America’s children, so I knew that many of my constituents would have some concerns about giving tax breaks to this industry.*

*That said, I also do not want County Council to be in the business of picking and choosing which businesses can operate here. Of course, any business that wants to open and work in*

*Pickens County is welcome – that’s for capitalism to sort out. But government can choose which companies we offer tax incentives to, and we can negotiate those deals.*

*Since Pickens County was considering offering a 20-year tax break and a \$1.5 million grant, I wanted to ask FN America as part of this deal to give back to the community they were joining in a way that would help Pickens County and mitigate some of the harm surrounding their industry. Perhaps they could offer programs that would support our sheriff’s department or our schools. I proposed these ideas, and was told that “of course” the company would be doing some kind of outreach, and that these types of public relations campaigns were to be expected.*

*But since this was supposed to be a business negotiation, and I did not want to rely on just assuming a private company would offer hand-outs, I pressed: I wanted to negotiate support for our police or schools as part of the tax break package. I mean, Pickens County has a lot to offer: we have Scholar Technicians as future employees, an environment friendlier to guns than most other counties, and even the name “Liberty” to stamp on each gun – we were in a strong place to negotiate for our side of the deal. I asked a series of questions about other similar deals and community relations with this company. Then, I waited for answers and proposals.*

*For the second vote on this ordinance, I was out of the country. I asked if I could submit comments, but no one responded to me. I asked again about my questions concerning this project, and received no answers.*

*Only a few days before the scheduled third reading did I finally receive answers to my questions, and learned that FN America had not offered any community programs, and Pickens County had no plans to negotiate for any. This council had assumed actions would happen that clearly were not codified. In fact, members of this council were so eager to show their support for the gun industry that they gave up any chance to make this partnership more valuable for our community. We lost the opportunity entirely to negotiate or even request programs that could have helped make our community safer.*

*Second, from what I have witnessed, the process of economic development is not transparent, as too much information is kept completely hidden from the public.*

*During the time between readings, I wanted to talk with my constituents about their thoughts on offering tax incentives to a gun manufacturer, but I could not, due to the terms of Executive Session. Economic development conversations are considered especially private, for the sake of negotiations, and I had been clearly instructed to say nothing, especially in light of a recent public and contentious council conversation about Executive Session rules. I did not like knowing that Council was moving ahead on a tax deal with an industry that I know people have strong feelings about. The public, however, was never allowed to comment.*

*Third, the process of three readings should be treated as an opportunity to govern, discuss and amend at every reading, and therefore the third reading should not be held in conjunction with a public celebration.*

*When I received the agenda for our third reading for this ordinance, I was surprised to see that it was held at the same time as the celebration welcoming the company. Our third reading was an assumed yes vote followed by a PR event. This seemed unwise especially when another county council in our state recently voted down an agreement with this company in third reading. I was put in the awkward situation of wanting to govern and wanting to speak up for my constituents and voice their concerns, and yet this was not the appropriate venue to do so.*

*Due to my three concerns about how this process was handled, in which no negotiation for further county benefit took place despite my requests, in which the public was not made aware*

*of this industry and not allowed to comment, and because the process of three readings was railroaded, I would like to make the following two requests:*

*1. The process of negotiating economic development deals should be more transparent. Specifically, the industry and the type of jobs (pay scale, level, etc.) should be made public after the first reading of a proposed fee-in-lieu-of-taxes agreement. This way, the public can know what type of business and jobs their elected officials are considering giving tax breaks for, and the public can give feedback. As it stands, everything about a company is kept secret, and I do not think that is good governing.*

*2. I would like to request that in future meetings, the third reading is not scheduled at the same time as a large public announcement. Third readings should be treated as any other public meeting, with opportunities for debate, discussion and amendments.*

*Thank you.”*

- Councilwoman Linvill made a motion to amend the April 26<sup>th</sup> minutes. Motion was seconded by Councilman Alex Saitta. Chairman Chris Bowers asked for any discussion on the amendment.
  - Councilman Saitta stated the meeting has come and gone, and you cannot add anything to those minutes. He stated she could ask for the statement to be in the minutes for this meeting. Councilman Saitta stated he would like to add the following statement to this evening’s minutes:

*”First if you read the state law, the FIOA in particular, you can walk out of executive session and hold a press conference and tell the public everything that was just said in the meeting. You can do that. If someone tells you, you can’t do that, just tell them to get lost. That’s the law; it says you may go into executive session. No one is forcing you to be quiet.*

*The second thing I want to include, I’m a strong Second Amendment supporter. I welcomed FN American to Pickens County and said I could not raise my hand high enough to vote for that deal we gave them. There are 400 million guns in this county. Most all of them are not used in a harmful way.*

*Are we going to have a policy that forbids manufacturers from coming to Pickens County if someone uses their product in a harmful way? Some people use car batteries to build bombs. Some people use acetone to make meth. They use rope to tie people up to kill them. Where do you draw the line? Gun manufacturers are welcome to Pickens County in my book. End of my statement.”*
  - Seeing no other discussion on the amendment, the motion carried (4-2), with Councilman Alex Saitta and Councilman Chris Lollis opposed.
  - The original motion carried (4-2), with Councilman Alex Saitta and Councilman Chris Lollis opposed.

#### **ADMINISTRATOR’S REPORT:**

Mr. Roper addressed Council on the following:

- 2023 Council Goals – People, Purpose, Plan
- Update on Ordinance #619
- SCAC Award Entries

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

- Question regarding Ordinance #619
- Question regarding Solid Waste Shredding Tires
- Question regarding Feral Cats
- Question regarding Motorcoach Resort above Sunset Marina

**COMMITTEE REPORT for 4/17/23:**

**DISCUSSION ON AMENDMENTS TO CHAPTER 6 OF THE PICKENS COUNTY CODE OF ORDINANCES SPECIFIC TO THE OPERATIONS OF THE PICKENS COUNTY AIRPORT AND MATTERS RELATED THERETO - Log No. 212**

- Carlos Salinas stated he comes before Council this evening regarding a proposed revision to the County Code to allow for an off runway ultralight operations at the County Airport, which is currently not allowed. He stated this proposal is the result of about a year and a half back and forth between the FAA and Pickens County. He stated upon receipt of a request for off runway ultralight usage, IAW our current code and in consideration of local conditions, we exercised our right to deny the request on the grounds of concerns with safety and efficiency. From there, the request went to appeal with the FAA. Mr. Salinas went into great detail how on one side, we are bound by grant assurances that require us to preserve public access with some caveats and, on the other side, the FAA acknowledges the partnership created by a State entity that owns the land below the federal airspace and retains some ownership rights. He stated the end result is that the FAA advises that we accommodate this request to avoid endangering our federal funding and status as part of the National Plan of Integrated Airport Systems (NPIAS). Mr. Salinas stated advised in order to do so, we'll need to revise our code which does not allow for off runway operations. Mr. Salinas stated while Staff continues to have reservations about the safety and efficiency of ultralight operations at our Airport, he does not advise that we jeopardize our funding or NPIAS status. He stated our reservations have been logged with the FAA and we have asked our Congressional Delegation to broker our concerns with higher headquarters while we move toward implementation.
- After discussion between Council and Staff, Chairman Chris Bowers made a motion to move out of Committee. Motion was seconded by Councilman Alex Saitta and carried unanimously (5-0).
- ❖ Chairman Chris Bowers made a motion to move out of Committee. Motion was seconded by Councilman Alex Saitta and carried unanimously (5-0).

**Council Action on Log No. 212** –Chairman Chris Bowers made a motion to move out of Committee. Motion was seconded by Councilman Alex Saitta and carried unanimously (5-0).

Chairman Bowers stated second reading will take place later on the agenda this evening.

**UDSO – Log No. 141**

- 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 very detailed discussion that included, but was not limited to:
  - Wave Growth hitting Pickens County
  - *Expanded Proposal* regarding:
    - Create 123/93 Corridor Overlay
    - Modify the Comprehensive Plan
    - Regional Planning Committee
    - Appeals
    - Implementation Schedule

- More discussion regarding Housing Challenges and Attainable Housing Program to be discussed at the next Committee of the Whole meeting in May.

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

**Council Action on Log No. 141** –SECOND READING OF AN ORDINANCE ADDRESSING GROWTH ISSUES IN PICKENS COUNTY BY AMENDING THE UNIFIED DEVELOPMENT STANDARDS ORDINANCE SO AS TO PROVIDE FOR LIMITATIONS ON SUBDIVISIONS, MINIMIZE PRESSURE ON EXISTING ROADWAYS, INCREASE OPEN SPACES, REGULATE SUBSTANDARD HOUSING, AS WELL AS INCREASE PROTECTION OF TREE CANOPIES, NATURAL SPACES, AND WATERWAYS, then recommit to the Committee of the Whole.

- Councilwoman Claiborne Linvill made a motion to constitute second reading of this Ordinance. Motion was seconded by Councilman Henry Wilson. Chairman Bowers asked if there was any discussion:
  - Council had detailed discussion that included, but was not limited to:
    - Open space and open subdivisions number
    - Minimum size of a tiny home
    - RV's and permanent residences
- Vice Chairman Roy Costner made an amendment, stating he would like to amend the open space subdivision standards from 30% to 40%, as Council already discussed. Motion was seconded by Chairman Chris Bowers. The motion carried unanimously (6-0).
- After much more discussion, Councilman Henry Wilson made a substitute motion to leave in Committee for further discussion. Vice Chairman Costner seconded the motion and the motion carried (5-1), with Councilwoman Claiborne Linvill opposed.

**ADJOURN:**

**Hearing no further Committee business, Vice Chairman Roy Costner called for a motion to adjourn. Motion was made by Vice Chairman Roy Costner, seconded by Councilman Chris Lollis and carried unanimously (5-0). Meeting was adjourned at 8:17 p.m.**

**COUNCIL CORRESPONDENCE:**

Chairman Chris Bowers announced the following:

- Non-Essential County Offices will be closed on Monday, May 31 for the Good Friday Holiday.
- There will be a Budget Work Session on Monday, May 8 and Monday, May 22 at 6:00 p.m. Both meetings will be held in the Main Conference Room of the Administration Facility.
- The Committee of the Whole meeting will take place on Monday, May 15, 2023, at 6:00 p.m. in the Main Conference Room of the Administration Building.
- The next Council meeting will be held on Monday, June 5, at 6:30 p.m. in Council Chambers of the Administration Building.

Chairman Bowers called for other council correspondence.

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

**MOTION PERIOD AND NEW BUSINESS:**

Minutes for May 1, 2023 Pickens County Council Meeting

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:**

- a) FIRST READING IN TITLE ONLY OF AN ORDINANCE AUTHORIZING AND APPROVING (1) THE DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN CONJUNCTION WITH OCONEE COUNTY (THE “PARK”), SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN OCONEE COUNTY; (2) THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH OCONEE COUNTY AS TO THE REQUIREMENT OF PAYMENTS OF FEE IN LIEU OF AD VALOREM TAXES WITH RESPECT TO PARK PROPERTY AND THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; (3) THE DISTRIBUTION OF REVENUES FROM THE PARK WITHIN PICKENS COUNTY; AND (4) OTHER MATTERS RELATED THERETO.
- b) CONSIDERATION OF A RESOLUTION 2023-13 TO RECOGNIZE MAY 2023 AS STROKE AWARENESS MONTH IN PICKENS COUNTY.
- c) CONSIDERATION OF A RESOLUTION 2023-14 PROCLAIMING THE WEEK OF MAY 21-27, 2023, AS EMERGENCY MEDICAL SERVICES WEEK IN PICKENS COUNTY.
- d) CONSIDERATION OF A RESOLUTION 2023-15 PROCLAIMING MAY 15 AS PEACE OFFICERS MEMORIAL DAY IN PICKENS COUNTY.
- e) CONSIDERATION OF A RESOLUTION 2023-16 TO RECOGNIZE MAY 21-27, 2023 AS NATIONAL PUBLIC WORKS WEEK IN PICKENS COUNTY.
- f) CONSIDERATION OF A RESOLUTION 2023-17 RECOGNIZING MAY 2023 AS MENTAL HEALTH MONTH IN PICKENS COUNTY.
- g) CONSIDERATION OF A RESOLUTION 2023-18 PROCLAIMING THE WEEK OF MAY 20-26, 2023 AS SAFE BOATING WEEK IN PICKENS COUNTY.
- h) CONSIDERATION OF A RESOLUTION 2023-19 RECOGNIZING MAY 2023 AS NURSE’S MONTH IN PICKENS COUNTY.
- i) CONSIDERATION OF A RESOLUTION 2023-20 RECOGNIZING MAY 8-12, 2023 AS TEACHER APPRECIATION WEEK IN PICKENS COUNTY.
- j) CONSIDERATION OF A PROCLAMATION 2023-21 RECOGNIZING MAY 12, 2023 AS “LETTER CARRIERS’ STAMP OUT HUNGER FOOD DRIVE DAY” IN PICKENS COUNTY
- o Councilman Henry Wilson made a motion to approve all of the items. Motion was seconded by Councilman Alex Saitta and carried unanimously (6-0).

**ORDINANCES FOR SECOND READING**

- a) SECOND READING 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.
  - o Councilman Henry Wilson made a motion to constitute second reading, and Vice Chairman Roy Costner seconded the motion. After some discussion between Council, the motion carried (4-2), with Councilman Alex Saitta and Councilman Chris Lollis opposed.
  
- b) SECOND READING 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.
  - o Chairman Chris Bowers asked for a motion to constitute second reading of this ordinance. Councilman Chris Lollis made a motion, and Chairman Chris Bowers seconded the motion. Chairman Bowers asked if there was any discussion:
    - o Councilwoman Claiborne Linvill made an amendment to the motion, stating she would like to move forward with the budget without having this change in Library millage. Vice Chairman Roy Costner seconded the motion.
    - o After much more discussion between Council, Councilman Henry Wilson made a substitute motion to table discussion until after Council meets with the Library Board next week. Councilman Alex Saitta seconded the motion.
      - Vice Chairman Costner stated if we voted to keep it as the millage in second reading, you can still change it by third reading, so we don't necessarily need to table.
      - Councilman Henry Wilson withdrew his motion.
    - o After much more discussion, the amended motion carried (4-2), with Councilman Alex Saitta and Councilman Chris Lollis opposed.
  - o After more discussion, the original motion carried (5-1), with Councilman Alex Saitta opposed.
  
- c) SECOND READING OF AN ORDINANCE No. 625 REGARDING AMENDMENTS TO CHAPTER 6 OF THE PICKENS COUNTY CODE OF ORDINANCES SPECIFIC TO THE OPERATIONS OF THE PICKENS COUNTY AIRPORT AND MATTERS RELATED THERETO.
  - o Chairman Chris Bowers asked for a motion to constitute second reading on this Ordinance. Motion was made by Councilman Alex Saitta, seconded by Vice Chairman Roy Costner and carried unanimously (6-0).

**ORDINANCES FOR THIRD READING**

None

**CONSENT AGENDA**

Minutes for May 1, 2023 Pickens County Council Meeting

Chairman Chris Bowers called for a motion to approve the Consent Agenda as presented:

- 1) Pickens County Water Authority
  - 2) Sewer Capacity
  - 3) Council Rules
- Motion was made by Vice Chairman Roy Costner, seconded by Councilman Henry Wilson and carried unanimously (6-0).

**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.

- Economic Development– Section 30-4-70 (a) (5)
  - Safeplast
- Motion was made by Councilman Chris Lollis, seconded by Councilwoman Claiborne Linvill 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:

- Economic Development– Section 30-4-70 (a) (5)
  - Safeplast – **Councilman Henry Wilson made a motion to consider Resolution 2023-22, “A RESOLUTION APPROVING AND CONSENTING TO THE AMENDMENT, ASSIGNMENT AND RELEASE OF CERTAIN FEE IN LIEU OF TAX AND PROPERTY CONVEYANCE AGREEMENTS BETWEEN SAFEPLAST USA, LLC AND PICKENS COUNTY, SOUTH CAROLINA, AND OTHER MATTERS RELATED THERETO.” Vice Chairman Roy Costner seconded the motion and the motion carried unanimously (6-0.)**

**ADJOURN:**

Hearing no further Council business, Councilman Henry Wilson made a motion to adjourn. The motion was seconded by Councilman Chris Lollis and carried unanimously (6-0). Pickens County Council stood adjourned at 9:33 p.m.

Respectively Submitted:

Approved:

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Meagan Nations, Clerk to Council

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Chris Bowers, Chairman of County Council