

## **Regular Pickens County Council Meeting**

December 7, 2020

6:30 PM

County Council met in regular session, in the Auditorium of the County Administration Facility, with Chairman Roy Costner presiding. Agendas, bearing date, time, and location of meeting were mailed to members of council and local news media on December 1, 2020.

### Council Members in Attendance:

Roy Costner, Chairman

Chris Bowers, Vice Chairman

Wes Hendricks, Vice Chairman Pro-Tem

Carl Hudson

Ensley Feemster

Trey Whitehurst

### Staff in Attendance:

Ken Roper, County Administrator

Meagan Nations, Clerk to Council

Les Hendricks, Contract Attorney

### **WELCOME AND CALL TO ORDER:**

Chairman Roy Costner called the meeting of December 7, 2020 to order and welcomed those in attendance. Councilman Wes Hendricks led the Invocation, and Veteran John B. McIntyre led the Pledge of Allegiance.

Following the Pledge of Allegiance, Council presented a Certificate in Honor to Veteran John B. McIntyre, thanking him for her service.

### **REVIEW OF COUNCIL ACHIEVEMENTS**

Mr. Roper stated we come to the last scheduled meeting, of this term, of County Council. He stated Councilman Wes Hendricks and Councilman Carl Hudson have come to the end of their four-year duty, and he would like to present things that Council accomplished over the last four years. Mr. Roper presented the County's accomplishments to recognize Council and to thank them for their efforts to serve Pickens County.

- Improving Relationships (between leaders throughout Pickens County)
- Creation of the Pickens County Animal Shelter
  - Ordinance 533 was approved on April 3, 2017, allowing for pet adoptions to begin from the Pickens County Animal Shelter.
- Leadership in Emergencies
  - Ordinance 526 passed in April 2017, establishing conditions and procedures for the declaration of a state of emergency within Pickens County.
- Fixed Recreation Funding
  - In May 2017, through Ordinance 535, council voted to establish a Recreation Advisory Committee to ensure that county recreation funds are used in a manner that best serves the community.
- Bikes for Country Santa
  - For Christmas 2017, Wes Hendricks started a bike refurbishing program, saving used bikes from the trash and giving them a second life for Upstate children.

- Pickens County Litter Blitz
  - County Council, in partnership with Palmetto Pride, had the first of several Litter Blitz events to “team up and clean up” Pickens County on March 23, 2018.
- New Cabins at Mile Creek Park
  - In November 2018, Council participated in a ribbon cutting with Duke Energy for the opening of 10 new cabins at Mile Creek Park.
- New Detention Center
  - The Pickens County Detention Center construction was completed in July 2019 and the building was open, and housing prisoners, in November 2019. The county council allocated \$29.5 million dollars toward the state of the art facility, and the project was completed one million dollars under budget.
- Unified Emergency Services
  - Council created the Emergency Services Board, and passed Ordinance 571 on June 17, 2019, abolishing the governing boards for each of the fire service districts and providing that each of the fire protection districts be operated as an administrative division of Pickens County. On November 2, 2020, County Council passed Ordinance 590 amending the uniform ordinance for fire protection districts to consolidate certain existing fee payor fire protection districts through the creation of a new unified fire protection district.
- Balance Budgets and No Tax Increase
  - County Council approved a balanced budget with no tax increase for FY2018, FY2019 and FY2020.
- Economic Development
  - County Council has supported many Economic Development projects, with investments totaling over \$80 million and the creation of 300 new jobs in Pickens County.
- Unemployment Rate
  - Pickens County Annual Unemployment Rate has stayed consistent with or lower than the statewide rate and the nationwide rate since 2016.

Mr. Roper stated the way staff feels is that council is giving us the guidance, money and correction we need. He thanked Councilman Carl Hudson and Councilman Wes Hendricks for their service.

Chairman Costner thanked Councilman Carl Hudson, and Councilman Wes Hendricks for their years of service on Pickens County Council. He further presented them with a plaque for their exceptional dedication and leadership to the Council and the citizens of Pickens County.

#### **PUBLIC FORUM:**

Chairman Roy Costner opened the Public Forum and requested the Clerk to call upon the citizens signed up to speak, and who left a voicemail through the County phone in Council Chambers.

1. **Melissa Winkler** (*speaking in person*) – Ms. Winkler thanked Council for all they have done and stated she appreciated that Council gave her the opportunity to speak and come before them. She thanked Council for their time and for considering the second amendment ordinance.
2. **Johnnelle Raines** (*email to Council; Council received the letter on 12/07/2020*).  
 “Dear County Council,  
 I am writing to you on behalf of our over 325 members of Conservatives of the Upstate. Since you are limiting in person public attendance.  
 You must pass a STRONG 2nd amendment sanctuary county ordinance with teeth that protect us from Federal overreach which will happen under a Biden/Harris Administration.

Secondly, our members are VERY concerned about this upcoming Comprehensive Plan and the language that will be included within it. We understand this is a template for our county elected as well as unelected planning commission members to follow when considering OUR future. It is imperative there are absolutely NO infringements on our God given personal property rights or any other God given rights. We will be closely following the language and especially any plans that develop that seek to destroy our county's identity as the most conservative county in SC.

We also object strongly in this latest edict to limit people from attending your public meetings. We demand you return to open held public meetings in January. We the people are your boss not the other way around! Who tells their boss they can't attend meetings they are having? Only tyrannical elected do such mandates.

Johnnelle Raines  
Leadership Team COTU"

3. **Deborah Hudson** (*letter to Council via paper; Council received the letter on 12/07/2020*).  
"To all Pickens County Council members who currently represent We the people and who pay taxes in Pickens County:

Merry Christmas...my hope and faith is ultimately in Jesus Christ...and that same faith has given me the courage to address a very serious issue with you.

I stand resolved that Pickens County should have a very strong 2<sup>nd</sup> amendment sanctuary ordinance...please put this into place!

Given that we have the United States Constitution that already grants us the right to bear arms...it is very disturbing to me that I have to ask you to guard this very wise provision that allows us to protect ourselves from enemies both foreign and domestic...which indicates we are living in some very dangerous times.

Most of us own firearms as a deterrent to protect us from crimes against ourselves or our loved ones. Most gun owners are not criminals...instead, we are deterrent to crime. Aren't criminals less likely to target people who are able to defend themselves, if threatened? It is quite simple: I want more good guys to have guns than bad guys!

As our forefathers intended, it is the armed citizenry of this country that have kept us from tyranny or the invasion of foreign enemies. We are to be the militia during emergencies...the word militia should not be a bad word to use. I believe that our other God given rights, as written in the Bill of Rights, hinge on keeping the right to bear arms...over the last 9 months, under the guise of preventing deaths from a virus that we have a 99.99% chance of surviving, many evil agendas are trying to strip away our other freedoms.

\*Freedom of speech is now deemed hate language and fact checked by liberals

\*Freedom of Religion is being mandated to close in many places

\*Freedom of the Press is censored and the mainstream media gives us fearmongering propaganda

\*Freedom of Assemble has been limited --- don't we have the same Constitutional rights even during a so called "pandemic"? As adults, we can assess risks and then make choices...that is the American way!

\*Medical freedom and privacy has been trampled as they try to muffle our mouths with masks and convince people they must get injected with substances that have no longer term studies and are backed by evil men like Bill Gates who promote depopulation.

\*Freedom to work and make a living is being denied by draconian shutdowns not only in the US but all over the world.

Take note that the "czars" of the large US cities who have put our fellow American citizens on extreme lockdowns and robbed them of their livelihoods are the same people who think it is OK to burn, rip apart and tear babies out of their mother's womb...they do not care about the sanctity of the most innocent lives so why would they really care about the elderly and sick among us? Be not deceived...they don't!!

We must be vigilant...our children and grandchildren should have the same freedoms that we have enjoyed and sadly taken for granted.

People of Pickens County have put their trust in you...please guard our freedoms...I urge you to be wise and think ahead by protecting our gun rights like over 4000 other municipalities in 20 states have done within the US.

<https://www.thetrace.org/2020/01/second-amendment-sanctuary-movement/> (Jan 14, 2020)

There are many of us who still think passionately like Patrick Henry..."Give me Liberty or give me death." I have spent 31 years of my life raising 9 children and I will not let freedom be taken from them or my 5 grandchildren on my watch...I will fight by speaking up and if I have to, I will resist all other evil agendas. I am praying that there are many more courageous God fearing Patriots who will do the same at such a time as this.

As I sang in elementary school, "My country tis of thee, sweet land of Liberty, of thee I sing, land where my fathers died, land of the pilgrims' pride, from every mountainside, let freedom ring."

Please prayerfully consider making Pickens a 2<sup>nd</sup> Amendment Sanctuary! I want Pickens to remain a safe place to live now and in the future...by protecting our Bill of Rights!!

Respectfully,  
Deborah Hudson"

4. **Kathleen Campbell** (*voicemail to Council*): Ms. Campbell states on the voicemail that she lives in Pickens, and she wanted to give a comment on the 2<sup>nd</sup> Amendment Sanctuary situation. She stated she hopes the Council will support a strong stance in protecting our 2<sup>nd</sup> Amendment rights and that Council will pass the sanctuary ordinance that is coming up on third reading. She stated she hopes Council will do all they can to support the citizen's personal property rights in reviewing this comprehensive plan.
5. **Steve and Ann Corbin** (*voicemail to Council*): Ms. Corbin stated they are residents of Pickens, SC and they are calling to support the second amendment sanctuary ordinance.
6. **Lana Beckley** (*voicemail to Council*): Ms. Beckley stated she would like to have the Council vote "yes" in regards to the sanctuary county for our second amendment rights.
7. **No Name** (*voicemail to Council; name was not left on voicemail*): The citizens stated she has been a resident of Pickens County for 22 years and she would like Pickens to remain a safe place to live. She stated by safe, she means a place where all of our freedoms will be protected and remain intact, as written in the United States Constitution, especially our right to bear arms. She urged Council to please make Pickens County a second amendment sanctuary, with strong language that would protect law abiding citizens from any infringement on our rights to bear arms. She believes our safety and our other God giving rights hinge on having the second amendment.
8. **Debbie Sole** (*voicemail to Council*): Ms. Sole stated she wanted to voice her support for the second amendment sanctuary. She stated she wishes Council could use a different word than sanctuary, so that we do not fall under sanctuary city ordinances. She stated we do need to protect our second amendment rights and she supports that.

9. **Anselm Salins** (voicemail to Council): Mr. Salins left a voicemail in support of the second amendment sanctuary ordinance. He stated there should be no reading at all because it is very clear in our Constitution. He stated what is, is and should remain as it is. He
10. **Larry Alexander** (voicemail to Council): Mr. Alexander stated he is calling to voice his second amendment rights and he highly recommend that Council take this into consideration, and this be passed in regards of our rights and not to be taken advantage of what we say and need in this county.
11. **Larry Hostetler** (voicemail to Council): Mr. Hostetler stated he is a Pickens County property owner. He stated he is concerned that Council pass the resolution concerning the second amendment. He stated another thing is that Council needs to open up the council meetings for public access and be normal.
12. **Maylee Civanee** (voicemail to Council): Ms. Civanee stated she is calling to express her strong support for our second amendment rights and all of our rights. She stated she would like for the decision made by her County Council to be in favor of protecting our second amendment rights in Pickens County. She stated she would like to express her concern over Public forum not being public and limited. She stated there are many ways to have more than 15-20 people in Council chambers. She encouraged Council to explore different ways to do this so the publics voice can be heard.

#### **APPROVAL OF MINUTES:**

Chairman Roy Costner called for a motion to approve the following minutes as presented:

- October 26, 2020 - Work Session
  - November 2, 2020
- Motion was made by Vice Chairman Chris Bowers and seconded by Councilman Ensley Feemster. Seeing no discussion, motion passed unanimously (6-0).

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

##### **COVID-19 Response Briefing**

Mr. Roper updated Council on COVID-19 cases in Pickens County. Mr. Roper stated there are currently 1,287 active cases reported in Pickens County, within the last 14 days. He stated there have been ninety-seven (97) deaths in Pickens County due to COVID-19. He advised a total of 7,314 confirmed cases of COVID-19 have been reported in Pickens County since March 20<sup>th</sup>, 2020. Mr. Roper stated there are 24,689 cases reported in SC, within the last 14 days. The total number of confirmed cases in SC is 234,652, and the total of probable cases to 8,869. He stated this brings the number of confirmed deaths to 4,579.

Mr. Roper presented to Council the SCDHEC County Level Data Dashboard, which provided information on number of tests completed in Pickens County, number of COVID-19 cases in Pickens County, hospitalizations due to COVID-19 in Pickens County, deaths due to COVID-19 in Pickens County, a chart of COVID-19 cases per day and state recovery estimate percentage.

##### **The Free Room**

Mr. Roper stated we are doing a mask giveaway if the public comes to the Free Room to learn more about the comprehensive planning process and participate in the public engagement portion. He stated that planning staff will distribute free masks to the first 100 people who stop in on Tuesdays or Thursdays,

between 2-4 pm for the next month, excluding Thanksgiving day. Mr. Roper stated as always, when visiting the administration facility, visitors are asked to maintain safe social distance and wear a mask when visiting the FREE room.

### **The 2020 Election**

Mr. Roper thanked Pickens County Voter Registration and Election Board, Director Travis Alexander, County staff and all the poll workers for a job well done during the November election. He stated 72.5% of registered voters in Pickens County participated in the general election. He stated nearly 58,000 ballots were cast. He stated the numbers were turned in by 10:00 p.m. election evening.

### **Pickens County Services**

Mr. Roper stated even though the County is in phase 2, we are encouraging citizens to use our online resources and call to conduct business whenever possible. He stated the Treasurer's Office collected a record amount during the months of October and November, over 15.5 million dollars in real estate taxes. He stated when the county stepped back to phase 2, the treasurer's office had the most customers in one day since May, with 324 walk-ins to the counter.

### **Main Conference Room Improvements**

Mr. Roper stated our Building Maintenance Department will be remodeling the Main Conference Room in the Administration Building to address a safety concern next week. He stated Council's upcoming Boards and Commissions work session will be in the Council Chambers.

Mr. Roper stated he would like to add a legal update to Executive Session regarding Upstate Grading.

He asked Council if they had any questions for him.

Councilman Wes Hendricks asked Mr. Roper about the bridge on Holder Ford Road in Pickens. He asked when the road would be open again.

Mr. Roper stated he has heard some talk about Holder Ford Road because of how heavily it is used, but he will check and get back to Councilman Hendricks.

Vice Chairman Chris Bowers asked how things were going at the Recycling Centers.

Mr. Roper stated staff is making some improvement in some areas. He stated now that we have the Solid Waste Director in place, he has mentioned some things that need to be improved. He stated the biggest problem staff is having right now is the man hours of making the pulls. Mr. Roper stated staff will be reporting back to Council at the first of the year on a couple of things we feel that need to be improved more.

### **COMMITTEE REPORT:**

**The Committee of the Whole met in Main Conference Room, at the Pickens County Administration Facility, on Monday, November 16, 2020. All members of the committee were in attendance, with Chairman Roy Costner presiding. Councilman Ensley Feemster led the Invocation and Pledge of Allegiance.**

### **WELCOME AND CALL TO ORDER:**

Chairman Roy Costner called the Committee of the Whole meeting to order. Chairman Roy Costner made a motion for a short recess to move this meeting to Council Chambers, due to the large crowd. Motion was seconded by Councilman Carl Hudson and carried unanimously (6-0).

### **COMMITTEE OF THE WHOLE:**

Minutes for December 7, 2020 Pickens County Council Meeting

Chairman Roy Costner called the meeting back to order. Chairman Costner stated the meeting will begin with *Log No. 161 – COUNCIL RULES*.

**COUNCIL RULES – Log No. 161**

- Councilman Carl Hudson asked that this topic be put on the Consent Agenda at the previous Council Meeting. He stated Council Rules are updated every time a new Council comes on. He stated there was a question come up regarding public forum at the last council meeting. He stated Committee of the Whole meetings are more or less a work session, rather than a council meeting. He stated at a Council Meeting, citizens are given three minutes during public forum to address Council. Councilman Hudson stated he understands that citizens want to get their point across. He stated there is a set of Council Rules on the table if anyone would like to look at it, and he hopes citizens understand that when the new Council takes over, it could be different rules.
  - Mr. Roper stated Rule 4.4 allows for public input above and beyond any requirements of state law. He stated this Council in the past and present want to encourage public comment more than any other local governments have done. He stated in this Councils rules, you all allow a monthly public forum at the Council meeting.
  - After more discussion, Vice Chairman Bowers asked if these set of rules are on the Council’s website.
  - Mr. Roper stated he does not believe so, but he will check on it and get it posted on the website for the public to view.
- ❖ **No Action taken by the Committee.**

**Council Action on Log No. 161 – No Action Taken by the Committee.**

**2ND AMENDMENT SANCTUARY PROPOSAL – Log No. 159**

- Chairman Costner stated Councilman Hudson has been working very hard on making sure the wording of the Ordinance is right.
- Councilman Hudson stated he wanted an amendment that is true to what the people in Pickens County believe, and that is strongly in the second amendment. He stated if you put the second amendment sanctuary county ordinance on a referendum, it would pass 80-90%. He stated he looks at this more as coming back on us, because we are the representatives at the local level. He stated as a citizen, he expects his County Council to look out for his rights. Councilman Hudson stated he has been looking at a couple of ordinances throughout the state. Councilman Hudson presented a few changes he would like to see made to the ordinance.
- Councilman Carl Hudson quoted a part of the ordinance, stating,  
*“Whereas, the Pickens County Council wishes to express its intent to stand as a Sanctuary County for Second Amendment rights and to oppose, within the limits of the Constitution of the United States and South Carolina, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens of Pickens County to keep and bear arms, including through legal action, the power appropriate public funds and the right to petition for redress of grievances.*

*Now therefore, by the power and authority granted to the Pickens County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, the following is ordained and enacted:*

*That the Pickens County Council hereby declares Pickens County, South Carolina, as a “Second Amendment Sanctuary,” and*

*That the Pickens County Council hereby expresses its intent to uphold the Second Amendment rights of the citizens of Pickens County, South Carolina; and*

*That the Pickens County Council hereby expresses its intent that public funds of the county not be used to restrict the Second Amendment rights of the citizens of Pickens County, or to aid federal or state agencies in the restriction of said rights; and*

*That the Pickens County Council hereby declares its intent to oppose any infringement on the rights of law-abiding citizens to keep and bear arms using such legal means as may be expedient, including, without limitation, court action.”*

- Councilman Carl Hudson stated, after everything he has looked at and researched, this wording will probably line up with most people’s expectations on what Council should do in a case that we feel something is unconstitutional.
- Mr. Hendricks stated the county authorizing litigation would be in the circuit court, since it is an ordinance. He stated it is a federal question so it would be in federal court. He stated the whole thing we have here is the second amendment, which is the law of the land. He stated when passing an ordinance that states you have to uphold the second amendment, so anyone who brings an action regarding the second amendment to enforce it, is going to do it in federal court.
- Vice Chairman Bowers stated the concern is if we have changes to the federal and state constitution, where does that lead this ordinance.
- Mr. Hendricks stated this ordinance gives no more authority to anybody to bring a lawsuit than we already have. He stated we have a constitution of the United States, which allows us to bring an action, and the SC Constitution, which was passed over 100 years after the US Constitution, and we would have our Ordinance. He stated if he was an attorney bringing a

lawsuit over the second amendment, he would bring it to Federal Court.

- Councilman Whitehurst stated Mr. Hendricks gave a presentation on the law at one of the last Committee meetings and he indicated we really do not have much jurisdiction here. He asked if that was still true.
  - Mr. Hendricks stated the real question is standard, other than jurisdiction. He stated the original ordinance that was provided for Council, is the exact same language as the second amendment and the South Carolina constitution.
  - Councilman Whitehurst stated in South Carolina, it is in our constitution. He stated we have resolutions that we support the second amendment. He stated it is a federal issue, not a county issue.
  - After much more detailed discussion, Councilman Whitehurst made a motion to propose an amendment, that we amend this ordinance to stop any infringement of anyone's right to carry any weapon legally in any building of Pickens County. There was no second and motion failed.
  - Mr. Les Hendricks gave more detailed discussion to Council on the state and US Constitutions.
  - Councilman Whitehurst stated whatever we do, is superseded by state law anyways and this is more of a statement. Councilman Whitehurst stated he feels the resolution makes that statement already. After more discussion, Councilman Whitehurst asked Mr. Hendricks if we put in the ordinance that we are not going to use County funds to restrict someone's second amendment rights, there is at least an action that has a consequence to it.
  - Mr. Hendricks stated Councilman Whitehurst is correct, that would be an ordinance rather than a resolution. He stated whatever Council comes up with in third reading needs to be Council's words.
  - Councilman Carl Hudson stated the one thing he would like to see in the ordinance, because he feels it supports the second amendment, is the 4<sup>th</sup> amendment, the 10<sup>th</sup> amendment, the 9<sup>th</sup> amendment and the 14<sup>th</sup> amendment. He stated there are a lot of issues that are tied to the second amendment.
  - Vice Chairman Chris Bowers stated he feels it was not clear that when you read the ordinance, it reads like a resolution. He stated without an action item, you do not have anything but a resolution.
  - Vice Chairman asked if there was a way to reference the resolution in the Ordinance.
  - Mr. Hendricks stated yes, and read the Resolution passed by Council in 2019. He stated he can reiterate the language from the resolution in the ordinance if Council would like.
  - After much more discussion between Council and staff, Vice Chairman Chris Bowers made a motion to move this out of Committee for third reading, with the amendments as described. Motion was seconded by Councilman Trey Whitehurst and carried unanimously (6-0).
- ❖ **Vice Chairman Chris Bowers made a motion to move this out of Committee for third reading, with the amendments as described. Motion was seconded by Councilman Trey Whitehurst and carried unanimously (6-0).**

**Council Action on Log No. 159** –Vice Chairman Chris Bowers made a motion to move this out of Committee for third reading, with the amendments as described. Motion was seconded by Councilman Trey Whitehurst and carried unanimously (6-0).

**THIRD READING IN TITLE ONLY OF AN ORDINANCE. NO. 593 EXPRESSING THE INTENT OF PICKENS COUNTY COUNCIL TO DECLARE PICKENS COUNTY AS A SANCTUARY COUNTY FOR SECOND AMENDMENT RIGHTS.**

- Chairman Roy Costner stated no second is required as it comes as a recommendation from the Committee. Motion carried unanimously (6-0).

**WASTEWATER DISPOSAL MANAGEMENT – Log No. 160**

- Councilman Ensley Feemster stated there are concerns with a wastewater system that wants to change ownership.
- Attorney Hendricks stated he has been working on this a little bit, and he understands where he is coming from, that it is a complicated issue, and he started by saying there was a comprehensive ordinance passed in 2010 about sewer collection systems. He stated part of the concerns from County Council was that the operators stopped operating the sewer systems and left the county to operate. He presented Council with part of the Ordinance, and stated he has been in touch with Jeffrey Nelson, Chief Legal Officer of the Office of Regulatory Staff. He stated looking at the ordinance, it states whoever is going to operate a system, has to deposit 25% of the cost of the sewer system in escrow with the County. He stated the state Public Service Commission also regulates rates of utilities and says what you can include in your rates. He stated our ordinance requires the operator to enter into an agreement with us. After much more discussion on the situation, he stated he has asked if there are other counties with an ordinance like this around us, and he has been told no but he is going to continue his research. He stated he is not certain the Public Service Commission would approve it. He stated this is something Council needs to be made aware of, because if we cannot have a private operator of a sewer system and we are preventing them from building in Pickens County, that could be a significant problem in the future.
- After much more discussion, Vice Chairman Chris Bowers asked for clarification, we have someone wanting to forfeit a sewer



system and they do not have 25%, but they want us to go ahead and take it over.

- Mr. Roper stated they would love for the county to take it over, but we do not provide any sewer service near them. He stated a company nearby, called Condor Environmental would be willing to do it, but they are stating our ordinance is too expensive for them to do it.
- Vice Chairman Bowers stated he feels we need a lot more information and this is a bigger discussion.
- After much more discussion, Mr. Hendricks stated he felt at this point they need to let them know they are looking into it and exploring different options.

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

### **Council Action on Log No. 160 – No Action Taken by the Committee.**

#### **2020 RECREATION FUNDING – Log No. 146**

- Chairman Costner stated he will be skipping over this Log item, due to Council Rules on the new Council coming into place. He stated this item was with the City of Liberty. He stated he would like to postpone this to the January meeting.
- Mr. Roper stated Chairman Costner is referencing a resolution passed by Council a couple of years ago, which states after the general election, you can allocate funds.

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

### **Council Action on Log No. 146 – No Action Taken by the Committee.**

#### **SOLAR FARM ORDINANCE – Log No. 132**

- Mr. Roper stated that Council has a copy of the proposed language in front of them this evening. He stated this is what the ordinance would look like if passed. He stated Council has studied this on and off for a while, and the feedback that he gave came from the members of the industry stating you cannot put a solar farm on a property that is smaller than 5 acres. Mr. Roper stated it needs to be within two miles of existing electrical transmission line and then there are standards for buffers and setbacks. He stated this has passed first reading, and came to this committee to discuss further. He stated the feedback from the industry is basically that they want regulation because otherwise they can't invest in the property without fear of it changing.
- Councilman Hendricks asked if this was the same language Council saw in the past, and if staff has heard from the owners recently.
- Mr. Roper stated yes, it is the same language, and no, he has not heard from the owners.
- After much more discussion between Council and staff, Councilman Whitehurst asked how Chris Brink, Community Development Director, came up with the language.
- Mr. Roper stated he studied ordinances from counties in Georgia and the low country of South Carolina. He stated they looked at how they set the ordinance up, then looked at expanding some of the buffer requirements.
- After more discussion between Council, Mr. Roper stated he would like to take Council's feedback back to Chris Brink and report back to Council with Mr. Brink at a later Committee of the Whole meeting.

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

### **Council Action on Log No. 132 – No Action Taken by the Committee.**

#### **CONSIDERATION OF REMOVAL OF ITEMS FROM LOG**

Mr. Roper stated per Council Rules, anything that is not voted to retain on the log at the end of this 2 year term, which is December 31, 2020, is removed from the log. He stated Council will need a positive vote, at the last Council meeting in December, to retain something on the Committee Log.

❖ **Chairman Costner made a motion to retain the following items below on the Committee of the Whole Log. Motion was seconded by Councilman Ensley Feemster and carried unanimously (6-0).**

- **Log No. 80** – County Radio System
- **Log No. 95** – Request to Accept Roads in the Minimum Maintenance System
- **Log No. 105** – E911
- **Log No. 109** – Fort Prince George
- **Log No. 123** - AN ORDINANCE No. 572 AMENDING ARTICLE I OF CHAPTER 34 OF THE PICKENS COUNTY CODE OF ORDINANCES SO AS TO PROVIDE REMEDIES AND PENALTIES FOR ILLEGAL

LITTER AND DUMPING IN THE UNINCORPORATED AREAS OF PICKENS COUNTY, AND MATTERS RELATED THERETO.

- **Log No. 131** – Opportunity Zones
- **Log No. 132** – Solar Farm Ordinances
- **Log No. 133** – Solid Waste Needs
- **Log No. 134** – Mental Health
- **Log No. 135** – Discuss Policy behind reserving County Property
- **Log No. 139** – Discussion on County Road User Fee and Alternatives
- **Log No. 140** – Discussion on Insurance Options
- **Log No. 142** – Discussion on Old Jail
- **Log No. 149** – Discussion on Potential Citizen Award
- **Log No. 150** – Sewer Use Ordinance
- **Log No. 152** – Procurement Process
- **Log No. 157** – Scenic Highway Overlay
- **Log No. 160** – Wastewater Disposal Management
- **Log No. 161** – Council Rules

**ADJOURN:**

Hearing no further Committee business, Chairman Roy Costner called for a motion to adjourn. Motion was made by Vice Chairman Chris Bowers, seconded by Councilman Trey Whitehurst and carried unanimously (6-0).

**COUNCIL CORRESPONDENCE:**

Chairman Roy Costner announced the following:

- There will be a special-called Council Meeting next Monday, December 14, 2020 at 11:00 a.m. at Alliance Pickens, located at 1390 Smith Grove Road, Liberty.
- There will also be a special-called Council Meeting next Monday, December 14, 2020 at 6:00 p.m. in Council Chambers of the Administration Building, to discuss Board and Commissions Applications.
- The swearing-in ceremony and organizational meeting is scheduled for Monday, January 4, 2021 at 6:00 p.m. in Council Chambers of the Administration Building.
- The next council meeting for January has not been scheduled. Once scheduled, the Clerk to Council will notify the public in a timely matter.

Chairman Roy Costner called for other council correspondence.

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

**MOTION PERIOD AND NEW BUSINESS:**

Chairman Roy Costner opened the floor for motion period.

- Vice Chairman Chris Bowers made a motion to add a legal update, on Upstate Grading, to Executive Session on this evenings agenda. Motion was seconded by Councilman Trey Whitehurst and carried unanimously (6-0).
- Chairman Roy Costner made a motion to consider a resolution, “Resolution of Pickens County supporting the South Carolina American Revolution Sestercentennial Commission and Creating a Pickens County “Committee of 99.”
  - Chairman Costner went into detail on explaining the Resolution presented. He read the resolution, stating:

*Whereas, South Carolina created the South Carolina American Revolution Sestercentennial Commission (“250 Year Commission”);*

*Whereas, the mission of the 250 Year Commission is to celebrate and promote South Carolina’s role in the American Revolution by educating, engaging, and inspiring South Carolinians and visitors;*

*Whereas, the 250 Year Commission is seeking partnerships with counties and municipalities to further its mission;*

*Whereas, this partnership will be formed by creating a local committee called “Pickens County Committee of 99.” (The process of launching a new and independent government in the Province of South Carolina formally began July 6, 1774, when leading men in South Carolina met in Charlestown to elect five delegates to the First Continental Congress in Philadelphia and create the Committee of 99, which soon became the “de facto” government of South Carolina;*

*Whereas the Pickens County Committee of 99 will focus on important events, people, and places within Pickens County to celebrate and promote Pickens County’s role in the American Revolution by educating, engaging, and inspiring South Carolinians and visitors;*

*Whereas, local projects (ie. Celebrations, restoration of Andrew Pickens’ gravesite, rebuilding of Fort Prince George, etc.) will enhance historical tourism opportunities;*

*Now, therefore it be it resolved that Pickens County Council:*

- 1. Will partner with the South Carolina American Revolution Sestercentennial Commission (“250 Year Commission”);*
  - 2. Will create a local committee called “Pickens County Committee of 99;”*
  - 3. Will support initiatives by the 250 Year Commission; and*
  - 4. Will support the Pickens County Committee of 99 in their local efforts to educate, engage and inspire South Carolinians and our visitors thereby enhancing historical tourism opportunities in Pickens County.*
- Motion was seconded by Councilman Trey Whitehurst. Chairman Costner asked if there was any discussion.
    - Vice Chairman Chris Bowers asked who will serve on this committee.
    - Chairman Costner stated Council will appoint members to this committee.
    - Vice Chairman Bowers asked who the South Carolina American Revolution Sestercentennial Commission is.
    - Chairman Costner stated the South Carolina American Revolution Sestercentennial Commission was appointed by the Governor.
      - Chairman Costner amended his motion, stating he would like to send this resolution to be discussed further in the Committee of the Whole. Vice Chairman Chris Bowers seconded the amended motion. Motion carried unanimously (6-0).
  - Seeing no other discussion, motion carried unanimously (6-0).

Seeing no other discussion, Chairman Costner closed the floor.

**RECEIPT OF 2020 AUDIT AND CAFR AWARD**

Chairman Costner stated that Alan Robinson, Partner with Cherry Bekaert, LLP, could not attend the meeting this evening but asked him to read this statement as a part of public record:

*“Chairman Costner,*

*On behalf of our firm, please accept our regrets at not being able to attend tonight’s council meeting due to concerns about COVID-19.*

*We are scheduled to present the June 30, 2020 audited financial statements of Pickens County tonight and in my absence, I appreciate you reading this communique into the record.*

*Highlights of the June 30, 2020 Comprehensive Annual Financial Report and the audit of the Pickens County financial statements are:*

- *An unmodified, or “clean” audit report is rendered and is dated and completed as of November 30, 2020.*
- *The Government Finance Officers Association Certificate of Excellence in Financial Reporting was earned and is included on page 5 of the audit book. This award is earned annually if the highest standards of reporting excellence as judged by the GFOA are met.*
- *The audit project was completed on time and on schedule and without error correction or audit adjustments.*
- *The delivery timetable was virtually the same as last year despite challenges and limitations imposed by the Pandemic.*

*I would like to thank Ralph Guarino and Jodi Laws for their patience and exemplary cooperation during an unprecedented time.*

*Please let me and or Ralph Guarino know if you have any questions or would like further discussion or information.*

*Best regards,  
Alan Robinson”*

Mr. Roper stated that Ralph Guarino is present at the meeting, if Council has any questions.

Seeing no questions, Chairman Costner moved on to the next item on the agenda.

**FIRST READING IN TITLE ONLY OF AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU-OF-TAX AND INCENTIVE AGREEMENT BY AND BETWEEN PICKENS COUNTY, SOUTH CAROLINA AND BLUE RIDGE ELECTRIC COOPERATIVE, INC., 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; AND OTHER MATTERS RELATING THERETO.**

Chairman Costner asked for a motion to constitute first reading in title only of this Ordinance.

- Motion was made by Councilman Ensley Feemster, seconded by Vice Chairman Chris Bowers and carried unanimously (6-0).

**SECOND READING OF AN ORDINANCE No. 594 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 JERICHO, 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.**

Chairman Costner asked for a motion to constitute second reading of Ordinance 594.

- Motion was made by Vice Chairman Chris Bowers, seconded by Councilman Ensley Feemster and carried unanimously (6-0).

**SECOND READING OF AN ORDINANCE NO. 592 TO CONVEY CERTAIN REAL PROPERTY, FORMERLY AN SCDOT RIGHT OF WAY, LOCATED WITHIN THE COUNTY OF PICKENS TO CLEMSON UNIVERSITY, AND MATTERS RELATED THERETO.**

Chairman Costner asked for a motion to constitute first reading in title only of Ordinance 592.

- Motion was made by Councilman Ensley Feemster, and seconded by Councilman Carl Hudson. Chairman Costner asked if there was any discussion.
  - Vice Chairman Chris Bowers made a motion to not continue with second reading this evening, and commit this ordinance for further discussion to the Committee of the Whole. Motion was seconded by Councilman Trey Whitehurst and the motion carried unanimously (6-0).

#### **CONSENT AGENDA**

- ❖ Committee of 99
  - Motion was made by Vice Chairman Chris Bowers, seconded by Councilman Wes Hendricks and approved unanimously (6-0), to approve the Consent Agenda.

#### **EXECUTIVE SESSION**

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 Costner further stated that each issue would be discussed as the Law provides.

- Motion was made by Councilman Ensley Feemster, seconded by Councilman Carl Hudson and carried unanimously (6-0), to convene in executive session for the stated purposes after a five-minute recess.

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

##### **Personnel** – Section 30-4-70 (a) (1)

- Solid Waste Retiree Insurance

##### **Contractual** – Section 30-4-70 (a) (2)

- MRR Litigation
- Public Private Partnership
- Update on Upstate Grading

**ACTION AS NEEDED VIA EXECUTIVE SESSION ITEMS:**

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

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

**Personnel** – Section 30-4-70 (a) (1)

- Solid Waste Retiree Insurance – **No Action Taken**

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

- MRR Litigation – **No Action Taken**
- Public Private Partnership – **Chairman Costner made a motion to move forward with the resolution for Project Farmhouse. Motion was seconded by Vice Chairman Bowers and carried unanimously (6-0).**
- Update on Upstate Grading – **No Action Taken**

**ADJOURN:**

Hearing no further Council business, Chairman Roy Costner called for a motion to adjourn. Motion was made by Councilman Wes Hendricks, seconded by Councilman Carl Hudson and carried unanimously (6-0). Pickens County Council stood adjourned at 9:27 p.m.

Respectively Submitted:

Approved:

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Meagan Nations, Clerk to Council

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Roy Costner, Chairman of County Council