

COUNTY OF PICKENS

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COUNCIL MEMBERS

CHRIS BOWERS, CHAIRMAN
ROY COSTNER, VICE CHAIRMAN
TREY WHITEHURST, VICE CHAIRMAN PRO-TEM
ALEX SAITTA
R. ENSLEY FEEMSTER
HENRY WILSON

COUNTY ADMINISTRATOR

Ken Roper
CLERK TO COUNCIL
Meagan Nations

PICKENS COUNTY COUNCIL MEETING

Monday, August 8, 2022

6:30 PM

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

This agenda is not inclusive to everything the council may discuss

***Please note that in response to the increased cases of COVID-19 in Pickens County,
Council Chambers will have limited seating.***

***Council and staff encourages citizens to please call 864-898-5242 and leave a voicemail for
public forum comments. All voicemails will be shared with each member of Council.***

***Council and staff also encourage the public to view the live meeting on the
Pickens County YouTube page by clicking on the link below:
<https://www.youtube.com/channel/UCM7wCefzVBowGaQ2ughlnBg>***

1. WELCOME AND CALL TO ORDER: Chairman Chris Bowers
INVOCATION AND PLEDGE OF ALLEGIANCE: Councilman Alex Saitta
2. PUBLIC FORUM:
3. APPROVAL OF MINUTES:
 - June 13, 2022
 - July 7, 2022 – Regular Council Meeting
 - July 7, 2022 – Work Session
4. ADMINISTRATOR'S REPORT:
5. COMMITTEE REPORT: July 7, 2022
6. COUNCIL CORRESPONDENCE:
7. MOTION PERIOD AND NEW BUSINESS:
8. RECOGNITION OF GRADUATES FOR THE PICKENS COUNTY LEADERSHIP
ENHANCEMENT ACADEMY FOR PUBLIC SERVANTS (LEAPS)

9. CONSIDERATION OF A RESOLUTION 2022-21 RECOGNIZING SEPTEMBER 2022 AS NATIONAL SUICIDE PREVENTION MONTH IN PICKENS COUNTY.
10. CONSIDERATION OF A RESOLUTION 2022-22 AUTHORIZING THE SUBSTITUTION OF ONE CAPITAL IMPROVEMENT PLAN (CIP) ITEM FROM A FUTURE FISCAL YEAR TO THE CURRENT FISCAL YEAR IN EXCHANGE FOR THE DELAY OF ANOTHER CIP ITEM TO A FUTURE FISCAL YEAR DUE TO CHANGING NEEDS IN THE COUNTY ROADS AND BRIDGES DEPARTMENT.
11. FIRST READING IN TITLE ONLY OF AN ORDINANCE THAT PROVIDES FOR STANDARDS AND PROCEDURES FOR DEVOLVING SURPLUS COUNTY REAL PROPERTY RELATED TO THE MORE ACCURATE AND EFFICIENT OPERATION OF THE COUNTY ROAD SYSTEM.
12. MOTION TO RECALL FROM COMMITTEE FOR SECOND READING OF AN ORDINANCE TO ESTABLISH STANDARDS AND LIMITATIONS ON FUTURE DEVELOPMENT ON THE SOUTH CAROLINA HIGHWAY 11 SCENIC BYWAY AND MATTERS RELATED THERETO.
13. CONSENT AGENDA:
 - a) County Employee Handbook – *Committee of the Whole*
14. EXECUTIVE SESSION: S.C. Code of Laws, Section 30-4-70 (A):
 - Legal– Section 30-4-70 (a) (2)
 - Legal Advice on County Road System
 - Economic Development– Section 30-4-70 (a) (5)
 - Project Big Dog
15. ACTIONS AS NEEDED FROM EXECUTIVE SESSION
16. ADJOURN:

Special Called County Council Meeting

June 13, 2022

6:00 PM

County Council met in special session, with Chairman Chris Bowers presiding. Agendas, bearing date, time, and location of meeting were mailed to members of council and local news media on June 9, 2022.

Council Members in Attendance:

Chris Bowers, Chairman

Roy Costner, Vice Chairman

Trey Whitehurst, Vice Chairman Pro-Tem

Alex Saitta

Henry Wilson

Ensley Feemster (absent)

Staff in Attendance:

Ken Roper, County Administrator

Meagan Nations, Clerk to Council

Les Hendricks, Contract County Attorney

WELCOME AND CALL TO ORDER:

Chairman Chris Bowers called the meeting of June 13, 2022 to order and welcomed those in attendance. Chairman Chris Bowers led the Invocation and Pledge of Allegiance.

THIRD READING OF AN ORDINANCE AMENDING THE UNIFORM ORDINANCE FOR FIRE PROTECTION DISTRICTS (AS PREVIOUSLY ENACTED BY ORDINANCE NO. 404, AS AMENDED BY ORDINANCE NO. 405, ORDINANCE NO. 571, AND ORDINANCE NO. 509) TO CONSOLIDATE THE REMAINING FIRE PROTECTION DISTRICTS INTO A SINGLE UNIFIED FIRE PROTECTION DISTRICT; AUTHORIZING AN AMENDMENT TO THE COUNTY'S FISCAL YEAR 2022-23 BUDGET; AND OTHER MATTERS RELATING THERETO.

Chairman Chris Bowers asked for a motion to constitute third reading of this Ordinance.

- Motion was made by Vice Chairman Roy Costner, seconded by Chairman Chris Bowers and carried (3-2), with Councilman Trey Whitehurst and Councilman Alex Saitta opposed.

THIRD READING OF AN ORDINANCE TO PROVIDE FOR THE LEVY OF TAXES IN PICKENS COUNTY FOR ORDINARY COUNTY PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2022, AND ENDING JUNE 30, 2023, AND TO DIRECT EXPENDITURE THEREOF.

Chairman Chris Bowers asked for a motion to constitute third reading of this Ordinance.

- Motion was made by Councilman Trey Whitehurst, seconded by Councilman Henry Wilson. Chairman Chris Bowers stated we will go into discussion on any amendments Council would like to make.

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

COLA for Pickens County Employees

- Vice Chairman Roy Costner made a motion to allocate 5% COLA across the board and revisit the 1% targeted idea in the next budget year. Motion was seconded by Councilman Henry Wilson.

- After much detailed discussion, Councilman Henry Wilson made a motion to amend the original motion, to pay for the 1% targeted raise by freezing the Library budget at 2.7. Councilman Saitta seconded this motion.
- After more discussion between Council, Councilman Henry Wilson retracted his motion.
- Councilman Henry Wilson moved to amend the original motion, stating he would like to go from 4% to 5% in the COLA, and add the 1% for targeted raises to be discussed at a later discussion. Motion was seconded by Vice Chairman Roy Costner.
- After more discussion between Council, Councilman Henry Wilson retracted his motion.
- Councilman Trey Whitehurst made a motion to allocate a 5% COLA for Pickens County Employees, add 1% for discretionary to be taken from the budget to offset capital, which will come from fund balance. Motion was seconded by Councilman Henry Wilson and carried unanimously (5-0).

EMS Staff and GEAR Program

- Chairman Chris Bowers made a motion to add EMS Staff and use the GEAR Program to offset costs. Motion was seconded by Vice Chairman Roy Costner and carried unanimously (5-0).

Library Budget

- Councilman Alex Saitta made a motion to freeze the Library Budget at the proposed operating budget. Motion was seconded by Councilman Trey Whitehurst and carried unanimously (5-0).

Clerk to Council Training

- Chairman Chris Bowers made a motion to allocate \$2,500 for Clerk to Council Training out of Fund Balance. Motion was seconded by Vice Chairman Roy Costner and carried unanimously (5-0).

Fire Fee

- Council and Staff had very detailed discussion regarding the Fire Fee structure within Pickens County. Council also discussed the different stations, call times, etc.
- Councilman Henry Wilson made a motion to temporarily suspend the Council Rules to allow a speaker during the meeting. Motion was seconded by Vice Chairman Roy Costner and carried unanimously (5-0).
- Chairman Chris Bowers made a motion regarding fire services to fund operating expenses only, including the 10 positions, and to fund capital that was presented out of fund balance, to potentially be refunded by ARPA Funding. Motion was seconded by Councilman Henry Wilson and carried (3-2), with Councilman Alex Saitta and Councilman Trey Whitehurst opposed.

Council and Staff had other detailed discussion that included:

- Clemson Paw Partners
- Mr. Roper stated that one thing on our Capital Improvement Plan that has not been implemented thus far (this budget year) were the changes to the scale house and scale house roads to modernize to work more efficiently. He stated for example, our landfill doesn't accept credit cards and you can only use cash at the moment. He stated this was in the Capital Improvement Plan this year and Council has already voted to approve, but because of buying the shredder and other things we were doing there functionally changing the operations around, we are just now to the point of putting that out to bid. He stated he needs Council to vote under section 8 of the budget ordinance to carry that over to the next budget. He stated the money has already been allocated, it just needs to be carried over.

- Motion was made by Vice Chairman Roy Costner to add the amendment to carry over this request of section 8 in the budget ordinance. Motion was seconded by Councilman Henry Wilson and carried unanimously (5-0).
- Seeing no other discussion on the Budget Ordinance, the motion for the ordinance passed (3-2), with Councilman Alex Saitta and Councilman Trey Whitehurst opposed.

ADJOURN:

Chairman Chris Bowers asked for a motion to adjourn. Motion was made by Councilman Henry Wilson, seconded by Vice Chairman Roy Costner and carried unanimously (5-0). Pickens County Council stood adjourned at 8:56 p.m.

Respectively Submitted:

Approved:

Meagan Nations, Clerk to Council

Chris Bowers, Chairman of County Council

Regular Pickens County Council Meeting

July 7, 2022

6:00 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 July 5, 2022

Council Members in Attendance:

Chris Bowers, Chairman

Roy Costner, Vice Chairman

Trey Whitehurst, Vice Chairman Pro-Tem

Alex Saitta

Ensley Feemster

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 July 7, 2022 to order and welcomed those in attendance. Councilman Trey Whitehurst led the Invocation and led 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. Rick Synkowski: Mr. Synkowski addressed Council regarding the Highway 11 Ordinance.
2. Polly Keller: Ms. Keller addressed Council regarding the Highway 11 Ordinance.
3. Kevin Keller: Mr. Keller addressed Council regarding the Highway 11 Ordinance.
4. Liz Meyers: Ms. Meyers addressed Council regarding the Highway 11 Ordinance.
5. Rhonda Billingsley: Ms. Billingsley addressed Council regarding the Highway 11 Ordinance.
6. Beth Mabbitt: Ms. Mabbitt addressed Council regarding the Highway 11 Ordinance.
7. Karen Martinez: Ms. Martinez addressed Council regarding the Highway 11 Ordinance.
8. Steve Smith: Mr. Smith addressed Council regarding the Highway 11 Ordinance.
9. Allan Quinn: Mr. Quinn addressed Council regarding taxes.

10. Pat Mulkey: Mr. Mulkey addressed Council regarding the search for a missing man in Pickens County.

Chairman Bowers addressed the public regarding the Highway 11 Ordinance. He thanked everyone for coming out to show their support.

APPROVAL OF MINUTES:

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

- June 6, 2022 Regular-Called Council Meeting
- June 13, 2022 Special-Called Meeting
- Motion was made by Councilman Ensley Feemster, and seconded by Councilman Ensley Feemster. Chairman Bowers asked if there was any discussion.
 - Councilman Saitta stated he would like to amend the June 13, 2022 meeting minutes, to add the following on the motion regarding the Library Budget, that the extra \$270,000 in savings will be allocated to the 1% pay raise.
- After some misunderstanding on the motion between members of Council, Councilman Trey Whitehurst made a motion to remove the June 13, 2022 Meeting Minutes from the vote to be discussed and reviewed until the next Council meeting in August. Motion was seconded by Chairman Chris Bowers and carried unanimously (6-0).
- Seeing no other discussion, Councilman Alex Saitta made a motion to approve the June 6, 2022 Meeting Minutes. Motion was seconded by Councilman Ensley Feemster and carried unanimously (6-0).

ADMINISTRATOR'S REPORT:

SC7 Expedition – Sunset at Sassafras

Mr. Roper updated Council on the Sunset at Sassafras Event with the SC7 Expedition.

Kicking Asphalt – 2022-23 Road Reclamation Project

Mr. Roper updated Council on the 2022-23 Road Reclamation Project, stating the budget for this project would be in the range of \$2.4 million. The following roads are being considered:

Mulligan Ford Hill Road
Eddo Road
Phoenix Road
Carrick Creek Road
Cassell Road
Hunter Road
Cove Creek Road
Hollingsworth Drive

Hiring Heroes

Mr. Roper updated Council on the Hiring Heroes marketing campaign happening in Pickens County.

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

- Hiring Heroes Resources, Equipment, etc.
- Tax Notice

COMMITTEE REPORT: None

COUNCIL CORRESPONDENCE:

Chairman Chris Bowers announced the following:

- There will be a Council Work Session & Committee of the Whole meeting immediately following this evening's meeting in the Main Conference Room of the Administration Building.
- The next Council Meeting will be held on Monday, August 8, 2022 at 6:30 PM 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:

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

Chairman Chris Bowers made a motion to remove Executive Session from this evening's agenda. Motion was seconded by Councilman Henry Wilson and carried unanimously (6-0).

Seeing no discussion, Chairman Bowers closed the floor.

CONSIDERATION OF A RESOLUTION EXPRESSING COUNTY COUNCIL'S SUPPORT FOR UPCOUNTRY FIBER'S INTENT TO APPLY FOR MULTIPLE GRANTS FROM THE AMERICAN RESCUE PLAN ACT (ARPA) THROUGH THE SOUTH CAROLINA OFFICE OF REGULATORY STAFF (ORS) AS PART OF THE GRANT APPLICATION PROCESS TO SERVE PRIORITY UNSERVED AREAS IN PICKENS COUNTY AND THE UPSTATE OF SOUTH CAROLINA TO ADDRESS THE DIGITAL DIVIDE.

Chairman Chris Bowers asked for a motion to consider this resolution

- Motion was made by Councilman Henry Wilson, seconded by Councilman Ensley Feemster. The motion carried unanimously (6-0).

ADJOURN:

Hearing no further Council business, Chairman Chris Bowers called for a motion to adjourn. Motion was made by Councilman Henry Wilson, seconded by Councilman Ensley Feemster and carried unanimously (6-0). Pickens County Council stood adjourned at 7:07 p.m.

Respectively Submitted:

Approved:

Meagan Nations, Clerk to Council

Chris Bowers, Chairman of County Council
Minutes for July 7, 2022 Pickens County Council Meeting

Pickens County Council
Budget Work Session Report
Thursday, July 7, 2022
7:20 PM
Main Conference Room
222 McDaniel Avenue
Pickens, SC 29671

Pickens County Council met to hold a work session to discuss Health Insurance. Chairman Chris Bowers presided with all members in attendance. The meeting was called to order at 7:20 p.m., immediately following the Council Meeting.

Council Members in Attendance:

Chris Bowers, Chairman
Roy Costner, Vice Chairman
Trey Whitehurst
Ensley Feemster
Alex Saitta
Henry Wilson

Staff in Attendance:

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

The discussion of health insurance between Council & Staff included, but not limited to the following:

- Johnathon Logan, Broker Advisor at Logan & Associates, Inc., introduced himself to Council and staff and gave a brief overview of his background
 - Discussed understanding Health Insurance
 - Discussed self-funded insurance options
 - Discussed TPA's
 - Discussed Primary Care, Urgent Care, etc. for self-funded insurance
 - Discussed procurement code and the process for Pickens County
- Councilman Henry Wilson made a motion to solicit a study from Mr. Logan for more information for Council. Motion was seconded by Councilman Alex Saitta. Council had more discussion which included:
 - Chairman Bowers states this motion is not a bid; it is simply just to gather more information. Council must follow the procurement code if moving forward.
 - After more discussion, the motion carried unanimously (6-0).

ADJOURN:

Hearing no further Council business, Chairman Chris Bowers called for a motion to adjourn. Motion was made by Councilman Henry Wilson, seconded by Councilman Alex Saitta and carried unanimously (6-0). Pickens County Council stood adjourned at 8:59 p.m.

COMMITTEE OF COUNCIL AS A WHOLE REPORT

Council Members:

Chris Bowers, Chairman
Roy Costner, Vice Chairman
Trey Whitehurst
Alex Saitta
Henry Wilson
Ensley Feemster

Staff in Attendance:

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

The Committee of the Whole met in Council Chambers, at the Pickens County Administration Facility, on Thursday, July 7, 2022. All members of the committee were in attendance with Chairman Chris Bowers presiding.

WELCOME AND CALL TO ORDER:

Chairman Chris Bowers called the Committee of the Whole meeting to order at 9:00 P.M., immediately following the Council Work Session.

COMMITTEE OF THE WHOLE:

PROCUREMENT PROCESS – Log No. 152

- Mr. Roper reviewed the Memorandum with Council regarding the Procurement Process. He stated this is specifically relevant to the application of the County Procurement Ordinance (Ordinance 256) as related to the selection of the EMS Medical Control Officer. He went into discussion on what the EMS Medical Control Officer does. Mr. Roper went into more discussion, regarding the question of selection of the current Medical Control and the history of the timeline over the past three years.
- Councilman Alex Saitta went into discussion on Dr. Dillard's timeline, stating he spoke with Dr. Dillard about this situation.
- After some other discussion, Council moved forward on the next item.

❖ No Action Taken by the Committee.

PROCESS FOR ABANDONED ROADWAY – Log No. 202

- Mr. Roper stated that we have an issue on abandoned roadways that comes up quite frequently. He stated that there is an abandoned section of roadway on Waterstone Drive that are not asphalted but are deeded ROWs. He stated it is owned by surrounding property owners/road was never constructed. He stated he would like for the County Attorney to research if there are other counties out there that have this problem and what process do they take on situations like this. Mr. Roper went into discussion on a spreadsheet that Renee Gray, Office Manager at Roads and Bridges, keeps up with for all county roads. He stated he would like for the County Attorney to research the legal process on what the county roads are in Pickens County.

COMMITTEE OF COUNCIL AS A WHOLE REPORT

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

- Waterstone Drive & surrounding neighborhoods

❖ **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 Trey Whitehurst and carried unanimously (6-0). Meeting was adjourned at 9:19 p.m.

Dept #	Department Name	Sublocation	Description	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	ARPA Consideration	To be Considered
220	Emergency Management		Dive trailer				86,269				
220	Emergency Management		Hazmat Quick Response Truck				180,750				
220	Emergency Management		Hazmat Response Truck					750,000			
220	Emergency Management		2006 Mobile Command Unit						800,000		
220	Emergency Management		Countywide Radio System							12,390,000	
220	Emergency Management		Communication Support Vehicle								77,961
220	Emergency Management		Logistics Flatbed Truck								81,213
220	Emergency Management		Communication Trailers								114,918
220	Emergency Management		Logistics Trailer								86,269
220	Emergency Management		Dive Rescue Equipment								127,063
221	Rescue Department		Technical Rescue Truck								652,700
221	Rescue Department		Pickens Rescue Truck								256,800
221	Rescue Department		Pickens Rescue Extrication Equipment								90,522
250	Coroner		2004 Chevy Suburban 4x4			66,000					
250	Coroner		2017 Ford Explorer								93,000
310	Roads and Bridges		5-8 CY Sand Spreader	19,000	20,000	21,000	22,000				
310	Roads and Bridges		2001 Ford F350 crewcab 4x4 w/snow plow	70,000							
310	Roads and Bridges		Install Perimeter Road and move shed	80,000							
310	Roads and Bridges		2001 Ford LT9000 (dump truck)	220,000							
310	Roads and Bridges		1995 CAT 320L track hoe	290,000							
310	Roads and Bridges		Plotter for sign shop		14,500						
310	Roads and Bridges		2000 Ford F350 crewcab 4x4 w/snowplow		75,000						
310	Roads and Bridges		1995 Morbark Chipper		120,000						
310	Roads and Bridges		1994 Ford LT9000 dump truck		230,000						
310	Roads and Bridges		1980 LoadStar low boy trailer			110,000					
310	Roads and Bridges		1997 Ford F800 flat dump truck			128,000					
310	Roads and Bridges		1993 Ford F800 flat bed dump truck			128,000					
310	Roads and Bridges		2008 SRECO pressure washer			130,000					
310	Roads and Bridges		2012 Cat Mowing tractor with mowing deck			175,000					
310	Roads and Bridges		1997 Challenger 48ft low boy trailer				95,000				
310	Roads and Bridges		2013 Kabota Skid Steer				140,000				
310	Roads and Bridges		2010 CAT 308D mini excavator				220,000				
310	Roads and Bridges		2012 CAT 308D mini excavator					240,000			
310	Roads and Bridges		1993 L9000 dump truck					250,000			
310	Roads and Bridges		1994 L9000 dump truck					250,000			
310	Roads and Bridges		2000 Dodge 1500 4x4 truck						81,000		
310	Roads and Bridges		2003 Chevy 1500 4x4 truck						81,000		
310	Roads and Bridges		1999 Chevy C7500 flatbed truck						200,000		
310	Roads and Bridges		2013 CAT 308 mini excavator						250,000		
310	Roads and Bridges		1998 CAT 938G rubber tire loader								280,000
310	Roads and Bridges		2004 Ford F750 dump truck					35,000			100,000
314	Engineering		2008 Ford Ranger 4x4								
315	Vehicle Maintenance		Heavy Equipment Diagnostic Scan Tool	20,000							
315	Vehicle Maintenance		Tire Balancer Machine				5,000				
330	Solid Waste		2003 Mack Roll Off truck								
330	Solid Waste		Roll off Container	10,000	11,000	12,000	13,000	14,000	15,000		
330	Solid Waste		Roll off Container	10,000	11,000	12,000	13,000	14,000	15,000		
330	Solid Waste		Roll off Container	10,000	11,000	12,000	13,000	14,000	15,000		
330	Solid Waste		Roll off Container	10,000	11,000	12,000	13,000	14,000	15,000		
330	Solid Waste		Compactor	28,000	29,000	30,000	31,000				
330	Solid Waste		Compactor	28,000	29,000	30,000	31,000				
330	Solid Waste		SpecTech (walking floor trailer)	130,000	140,000						
330	Solid Waste		SpecTech (walking floor trailer)	130,000	140,000						

PICKENS COUNTY

SOUTH CAROLINA

COUNCIL MEMBERS

CHRIS BOWERS, CHAIRMAN
ROY COSTNER, VICE CHAIRMAN
TREY WHITEHURST, VICE CHAIR PRO-TEM
R. ENSLEY FEEMSTER
ALEX SAITTA
HENRY WILSON



COUNTY ADMINISTRATOR

KEN ROPER

CLERK TO COUNCIL

MEAGAN NATIONS

TO: County Council

FROM: Ken Roper

DATE: 28 July 2022

RE: Highway 11 Ordinance

Attached is staff-proposed language for you all to consider for 2nd reading. This ordinance language is offered in response to the overwhelming feedback the public has offered in favor of strict regulation of any future development along our scenic byway.

The general concept of this proposed language is that all development along the corridor is prohibited, with limited and specific exceptions. Those exceptions are intended to protect existing uses, and provide a path for limited future development, provided it is not detrimental to the unique nature of the highway, its existing view shed, natural surroundings, and driving experience.

This language is only offered as a starting place for further discussions.

Thank you for your continued work on this important issue.

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

ORDINANCE # _____

WHEREAS Pickens County, South Carolina (the "County") is a political subdivision of the State of South Carolina and is thereby authorized to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State, including the exercise of these powers in relation to health and order in counties or respecting any subject as appears to them necessary and proper for the security, general welfare, and convenience of counties or for preserving health, peace, order, and good government in them; and

WHEREAS, as such the County is further authorized by state law to establish and enforce reasonable land use regulations and/or restrictions, official maps, regulations on structures or changes in land use, building sites or open spaces, and other development and/or use standard in order to promote and preserve the public safety, economy, good order, appearance, convenience, prosperity, and general welfare, and

WHEREAS, South Carolina Highway 11 ("HWY 11") follows part of the historic Cherokee Path through the Blue Ridge Escarpment of South Carolina, spanning 118 miles through five counties, including Pickens County and was designated the "Cherokee Foothills Scenic Byway" on June 9, 1998, establishing it as a National Scenic Byway under the Federal Highway Administration (FHWA) to recognize, protect, and promote America's most outstanding roads; and

WHEREAS, in addition to the requirement that a National Scenic Byway must possess characteristics of regional significance within at least one of the intrinsic quality categories of scenic, natural, historic, recreational, archaeological, or cultural, the byway must demonstrate strong community support and a corridor management plan must be developed that describes in detail the preservation, marketing, and improvement strategies for the byway; and

WHEREAS, Pickens County Council established a vision for the County that emphasizes the importance of protecting and enhancing our unique nature; and

WHEREAS, in furtherance of this vision, County Council authorized a 2020 Branding and Marketing Study by the South Carolina National Heritage Corridor ("SCNHC") to conduct an analysis of our county-wide strengths, weaknesses, opportunities, and threats; and

WHEREAS, one of the key recommendations provided in the SCNHC study was to investigate and consider protections for HWY 11 through the adoption of a scenic overlay ordinance for Cherokee Foothills Scenic Byway; and

WHEREAS, based on the recommendation of the SCHNC study, County Council requested a further study of HWY 11 Corridor by the Appalachian County of Governments ("ACOG"); and

WHEREAS, County Council voted for a Moratorium on development along the corridor until such time as the ACOG-led Corridor Study could be completed and considered; and

WHEREAS, during the study, ACOG and the County's Division of Community and Tourism Development scheduled numerous public meetings to receive public comment from citizens and stakeholders, both in person and online; and

WHEREAS, ACOG completed its study, and presented its findings and recommendations to County Council in April of 2022; and

WHEREAS, the results of the ACOG study and its extensive community engagement resulted in a series of recommendations, including 1) preserving the corridor's natural and remote characteristics of the corridor unique driving experience, 2) buffering and/or sighting residential uses so as to limit impact on the visual characteristics of the corridor, 3) limiting commercial development to maintain the rural and natural features of the corridor, 4) excluding industrial impacts, 5) recognizing and protecting the historic, environmental, and cultural significance of the corridor and its features, and 6) preserve the corridor's unique driving experience; and

WHEREAS, the Pickens County Planning Commission also held a public hearing on the ACOG study and its recommendations, and subsequently voted unanimously to advance and endorse the study's recommendation to County Council; and

WHEREAS, as part of the study and public comments the HWY 11 view shed was identified as a desirable natural asset that should be preserved for future generations and that the preservation of the viewshed can be fostered by methods that require further consideration and/or regulation; and

WHEREAS, to further study the preservation of the view shed, a moratorium needs to be placed preventing destruction of the viewshed while a preservation plan is developed; and

WHEREAS, the Unified Development Standards Ordinance of Pickens County (hereinafter the "UDSO") sets forth in Article 1 that its purpose is to conserve and ensure access to the County's natural and scenic resources for future generations to enjoy; and

WHEREAS, as a result of the above referenced recitals, public inputs, studies, and approvals, the County Council of Pickens County has found, and does hereby find, that the preservation of the unique nature of the HWY 11 is in the best interest of the County, its citizens, and the region's natural environment, and is necessary and proper for the security, general welfare, and convenience of County and/or for preserving health, peace, order, and good government in the County;

NOW THEREFORE, BE IT RESOLVED that the Pickens County Code of Ordinances be amended as follows:

DEVELOPMENT STANDARDS ORDINANCE FOR PICKENS COUNTY HIGHWAY 11 CORRIDOR OVERLAY

Section 1. DEFINITIONS

- A. Pickens County Highway 11 Corridor
 - 1. Definition. The Pickens County Highway 11 Corridor (hereinafter "HWY 11") consists of the area 1,000 feet from the center line in either direction along the distance of said Highway from its eastern boundary at the county jurisdictional line with Greenville County to the Oconee County boundary, consisting of approximately 20.95112 linear miles
 - 2. A map of the above described area is incorporated herein and shall be dispositive to any ambiguity in the description as Exhibit A.

Section 2. APPLICABILITY AND PROHIBITIONS

- A. The prohibitions and/or limited standards herein are applicable to all new construction, rehabilitation of construction and remodeling or renovation projects within the area defined as HWY 11.
- B. Any and all new commercial, residential, and/or industrial development on HWY 11 is hereby prohibited, except as follows:
 - a. Single family residential construction on a parcel at least five (5) acres in size,
 - b. Renovation, maintenance, and/or expansion of existing commercial uses provided that any portion of such renovation and/or expansion shall not encroach further toward HWY 11 than existing at the time of the passage of this ordinance, and shall otherwise comply with the other provisions contained herein as to access, design, materials, buffers, etc.
 - c. Agritourism development as defined by the South Carolina Agritourism Society, provided that such uses shall comply with the other provisions contained herein as to access, design, materials, buffers, etc. For the purposes of this Ordinance, Agritourism is defined as any activity carried out on a working farm or ranch that allows the public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities.
 - d. Other Commercial or Residential uses as strictly described herein.
- C. Compliance with the regulations set forth in this Ordinance shall be required prior to the issuance of any building, electrical, stormwater, development, and/or land use permit unless it is demonstrated that work necessary to bring the parcel into compliance with this Ordinance will be undertaken simultaneously with a development, rehabilitation, remodeling, or redevelopment project.
- D. All proposed development on HWY 11 must be approved by the Pickens County Planning Commission (hereinafter "Planning Commission").

Section 3. BUILDING AND SITE DESIGN LIMITATIONS

Section 3.1. LIMITATION ON BUILDING MATERIALS

All visible facades of buildings, including accessory buildings, must have fenestration and articulation on all sides with the consistent and appropriate materials, detailing, and features:

- A. All buildings shall be constructed of brick, stone, exposed timber, fiber cement siding, wood siding, shingle siding, or other material that is consistent with the natural features of HWY 11. No building shall be covered with sheet or corrugated metal or with vinyl siding. Exterior building materials shall be continued to finished grade of any elevation in accordance with minimum manufacture specifications.
- B. Architectural accent materials located above the roof line shall be constructed of brick, stone, wood, pre-cast concrete, architectural quality steel, fiber cement siding or other high quality, long-lasting material that is consistent with the natural features of HWY 11. Accent materials must be approved by the Planning Commission.
- C. The color of all structures must be those occurring in the natural environment of HWY 11, such as various natural shades and earth tone hues. Neon, unnatural, or fluorescent colors are prohibited. Colors must be approved by the Planning Commission.

Section 3.2. LIMITATIONS ON BUILDING CONFIGURATION

- A. Building facades shall have no more than 100 feet of frontage on HWY 11 and shall not exceed 35 feet in height from existing grade at the proposed building site location. Buildings located on steep areas shall conform to hillside topography by stepping or staggering the mass of the proposed structure up or down the slope.
- B. Building masses shall maintain a balance of scale and proportion using design components which are harmonious with natural landforms and landscaping.
- C. Proposed structures shall not be sited atop peaks or silhouetted against the sky when viewed from the public right-of-way of HWY 11.
- D. Retaining walls visible from the public right of way shall not exceed 10 feet in height as measured from grade at face to top of wall. Multiple "stepped" retaining walls whose total height exceeds 10 feet must each be offset by at least six horizontal feet. Visible walls shall be colored and textured to complement the background land and vegetation.
- E. Changes in existing elevation and/or slope beyond fifteen degrees from existing and/or natural conditions are hereby prohibited.
- F. Sites with multiple buildings shall have a uniform design and material composition amongst the buildings.

Section 3.3. ARCHITECTURAL LIMITATIONS

Elements of articulation shall be employed on any building visible from the public right-of-way to reduce the apparent bulk and uniform appearance of large buildings, provide visual interest and variety, and reinforce local architecture. A minimum of three articulations of at least 12 inches, fenestration, or change of material for each 50 feet of façade is required.

Section 3.4. ROOF DESIGN LIMITATIONS

The roof of any building shall present a distinctive profile and add interest to larger buildings and complement the character of other buildings included on the same lot or parcel.

- A. All structures with a footprint of 3,000 square feet or less shall incorporate a pitched roof system; all others shall be constructed of either a pitched, parapet, or mansard roof system (enclosed on all sides).
- B. Standing seam metal roofs shall be constructed of a factory-treated, non-metallic, matte finish. Metal roofs with lapped seam construction, bituminous built-up roofs, and flat, membrane-type roofs which are visible from public right-of-way shall be prohibited.
- C. All rooftop mechanical equipment and vents greater than eight inches in diameter shall be screened from the line of sight of public rights-of-way, private roads, parking lots, public sidewalks, greenways, and internal pedestrian ways except for instances where site topography precludes reasonable compliance with the minimum screening requirement. Materials used to screen equipment must be compliant with those listed in Section 3.1. This screening, if necessary, shall not be counted towards the 35 foot maximum building height.

Section 3.5. PROHIBITION OF FRANCHISE ARCHITECTURE

To maintain the unique character of the HWY 11, buildings shall not be constructed or renovated using franchise and/or branded architecture. Any commercial use must follow the standards of this ordinance to remain strictly compatible with the existing topography, features, and character of HWY 11.

Section 3.6. LIMITATION OF SUBDIVISIONS

New developments classified as Major Subdivisions within the HWY 11 boundary shall use the Master Planned Development (MPD) option set forth in Article 5 of the Pickens County Unified Development Standards Ordinance. MPD are hereby deemed incompatible with the purposes of this ordinance unless and until their siting, placement, and orientation cause them to be excluded from view from the corridor by either the existing topography and vegetation or sufficient native plant and natural material buffers as described in the relevant sections of the UDSO.

Section 3.7. REQUIRED BUFFERS

In addition to any applicable buffer requirements of Article 8 of the Pickens County Unified Development Standards Ordinance, new or expanded development on HWY 11 shall provide a minimum Class 2 buffer comprised of native plant and natural material, along the SC Highway 11 right-of-way.

Section 3.8. LIMITATIONS ON PARKING LOTS

Vehicular use areas are defined as any area used for movement, circulation, parking and/or display of any type of vehicle, including but not limited to parking lots, loading and unloading areas and sales service areas. Vehicular use areas under the jurisdiction of this Ordinance must be located behind the front building line and screened with a 10 foot Class 2 buffer and shall comply with the following standards:

- A. When a parking lot contains 25 or more spaces, an area equal to 20 percent of the total interior square footage of the vehicular use area shall be dedicated to landscaping. The 20 percent landscape requirement is in addition to any required buffers as outlined in this Ordinance and in Article 8 of the Pickens County Unified Development Standards Ordinance.
- B. Landscaped areas shall contain a mixture of native canopy trees, understory trees, evergreens/conifers, and shrubs. Article 8 of the Pickens County Unified Development Standards Ordinance details the minimum standards for plant sizes, substitutions, installation, and maintenance of landscaped areas.
- C. There shall be sufficient canopy trees within and around the vehicular use area to ensure any paved area is within 30 feet of the trunk of a planted or retained canopy tree.
- D. The minimum landscape area for each tree shall be no less than 170 square feet with four-foot minimum distance between all trees and paving at time of planting, measured at the base of the tree.
- E. For buildings/developments with 250 feet or less of frontage on Highway 11 only one curb cut shall be allowed. Buildings/developments with more than 250 feet of frontage shall be allowed two curbs cuts.
- F. No drive-through windows allowed.

Section 3.9. EXTERIOR LIGHTING LIMITATIONS

- A. All outdoor light fixtures shall be fully shielded and Dark Sky Compliant (as defined by the International Dark-Sky Association). A fully shielded fixture must be a full cutoff luminaire or a decorative luminaire with full cutoff optics, and is defined as an outdoor lighting that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixtures.
- B. No flickering or flashing lights shall be permitted.

- C. Fixtures shall be limited to 25 feet in height.
- D. Planning staff may require submission of an exterior lighting plan if deemed necessary to ensure compliance with the intent of this Ordinance.

Section 3.10. SIGNAGE LIMITATIONS

Signs within the HWY 11 boundary shall conform to Article 7 of the Pickens County Unified Development Standards Ordinance and shall also be subject to the following standards and prohibitions:

- A. In addition to the signs prohibited in Section 704 of the Pickens County Unified Development Standards Ordinance, the following signs shall be prohibited in HWY 11:
 - 1. Free-standing pole signs;
 - 2. Water towers as advertising;
 - 3. Wall murals as advertising;
 - 4. Any and all off-premise signs, including billboards;
 - 5. Electronic signs;
 - 6. Streamers, pennants, ribbons, spinners and other similar devices;
 - 7. Signs containing reflective elements that sparkle or twinkle in the sunlight; and
 - 8. Signs containing moving parts.
- B. One (1) free-standing monument sign shall be permitted per parcel of land:
 - 1. Single tenant monument signs shall not exceed 50 square feet in area and ten 10 feet in height above the finished grade elevation at the edge of the adjacent public roadway.
 - 2. Multi-tenant monument signs shall not exceed 100 square feet in area and 15 feet in height above the finished grade elevation at the edge of the adjacent public roadway.
 - 3. Signs shall be setback 10 feet from public rights-of-way and property line(s) and may be located within a buffer yard, however, there shall be no reduction in the planting requirements of any buffer yard.
 - 4. Monument signs shall be constructed of brick, stone or similar materials that are used on the principal building. Landscaping around the base of the sign shall be required.
- C. Permanent signs attached to buildings shall be limited to 50 square feet in size and limited to one per building.
- D. Signs may be externally illuminated. External illumination must be directed downward; text and logo only may be illuminated. Internally lit signs are prohibited.

Section 4. SETBACKS

All buildings on a lot will have a minimum setback of 40 feet from HWY 11 and 10 feet from any side street or additional property line. The setback shall be measured from the property line along HWY 11, however no structure may be placed within any right-of-way as recognized by the County or SCDOT.

Section 5. INDUSTRIAL USE PROHIBITION

- A. Industrial use of real estate located in the Pickens County Highway 11 Corridor shall be subject to this ordinance and are completely prohibited unless allowed in subsection B., below.
- B. Agritourism development may be allowed if in keeping with the character of the present Highway 11 Corridor and approved after a duly noticed public hearing by the Pickens County Planning Commission. For the purposes of this Ordinance, Agritourism is defined as any activity carried out on a working farm or ranch that allows the public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities.

Section 6. LEGAL STATUS PROVISIONS

Section 6.1 AUTHORITY

This ordinance is adopted pursuant to authority conferred by the South Carolina Code of Laws upon Pickens County in Title VI, Chapter 29, Section 710 of South Carolina Code of Laws. Likewise, 4-9-25 of the South Carolina Code of Laws provides counties with the police power to regulate for health, safety and welfare of local citizens.

SECTION 6.2 SEVERABILITY

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part or application so declared to be invalid or unconstitutional.

SECTION 6.3 RELATIONSHIP TO OTHER LAWS

Nothing contained in this Ordinance is intended to relieve compliance with any other Ordinance or law adopted and in effect by Pickens County, South Carolina, or the United States. Where any provision or regulation contained in this Ordinance is in conflict with any other Ordinance of Pickens County, South Carolina the more strict regulation shall apply.

SECTION 6.4 CASE OF HARDSHIP

If any of the provisions or regulations contained in this ordinance impose an undue hardship on any property owner, that property owner has the right to seek relief through the Pickens County Board of Appeals. Variance procedures and criteria for determination of a hardship shall be as specified in the Pickens County Development Standards Ordinance.

SECTION 6.5 ENACTMENT

This Ordinance shall become fully enforced and binding upon its formal adoption by Pickens County, South Carolina.

Passed and approved, this ____ day of _____, 2022.

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