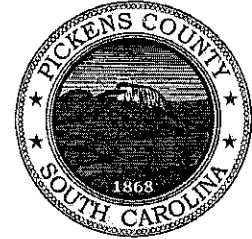


COUNTY OF PICKENS

www.co.pickens.sc.us



COUNTY ADMINISTRATOR
Ken Roper
CLERK TO COUNCIL
Meagan Nations

COUNCIL MEMBERS

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

COMMITTEE OF THE WHOLE MEETING

Monday, May 17, 2021

6:00 PM

**Main Conference Room, County Administration Facility
222 McDaniel Avenue, Pickens SC 29671**

1. WELCOME: Chairman Chris Bowers
INVOCATION AND PLEDGE OF ALLEGIANCE: Chairman Chris Bowers
2. COMMITTEE OF THE WHOLE:
 - a. **Log No. 173** – Results of Employee Survey
 - b. **Log No. 174** – Overriding Parks and Recreation Plan
 - c. **Log No. 175** – Council Rules/Council Communication
 - d. **Log No. 176** – Ordinance 533 – 1st Reading In Title Only to Amend Animal Control Ordinance
 - e. **Log No. 172** – Budget Work Session
3. ADJOURN:

Log Number	Description	Date Referred	Meeting Date(s)	Report(s)	Action
80	County Radio System	11/06/17			
95	Request to Accept Roads in the Minimum Maintenance System	04/02/18	01/28/19	<u>01/28/19-RPT</u>	<p>Committee recommends suspending any further approvals into the minimum maintenance program and staff work on language regarding the issue discussed. No action taken.</p>
105	E911	08/20/18	10/15/18	<u>10/15/18-RPT</u>	<p>The Committee advised staff to research and gather more information and report back. No action taken by Committee.</p>
			12/13/18	<u>12/13/18-RPT</u>	<p>Committee recommends staff gather more information and report back to Council in the April 2019 Committee of the Whole Meeting.</p>
			04/08/19	<u>04/08/19-RPT</u>	<p>Committee would like for staff to report back in six months at the October 2019 Committee of the Whole meeting. No action taken by Committee.</p>
			10/21/19	<u>10/21/19-RPT</u>	<p>No action taken by Committee.</p>
			12/16/19	<u>12/16/19-RPT</u>	<p>No action taken by Committee.</p>
			06/15/20	<u>06/15/20-RPT</u>	<p>No action taken by Committee, follow-up in 6 months.</p>
			01/25/21	<u>01.25.21-RPT</u>	<p>No Action Taken by the Committee.</p>
109	Fort Prince George	10/01/18	10/15/18	<u>10/15/18-RPT</u>	<p>Committee recommends staff working with the Historical Society to explore the logistics of the location and report back to Committee. No action taken by Committee.</p>
			08/19/19	<u>08/19/19-RPT</u>	<p>No action taken by Committee.</p>

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.	05/13/19				
131	Opportunity Zones	08/13/19				
132	Solar Farm Ordinances	09/09/19	09/16/19	09/16/19-RPT		<input type="checkbox"/> No Action Taken by the Committee. <input type="checkbox"/> No Action Taken by the Committee. <input type="checkbox"/> Vice Chairman Bowers made a motion to move out of committee for first reading, and recommit to the committee for further discussion. Motion was seconded by Councilman Ensley Feemster, and carried unanimously (6-0).
			10/21/19	10/21/19-RPT		
			08/17/20	08/17/20-RPT		
			10/19/20	10/19/20-RPT		<input type="checkbox"/> No Action Taken by the Committee.
			11/16/20	11.16.20-RPT		<input type="checkbox"/> No Action Taken by the Committee.
			12/16/19			<input type="checkbox"/> No Action Taken by the Committee.
133	Solid Waste Needs	10/07/19	03/15/21			<input type="checkbox"/> Councilman Trey Whitehurst made a motion to approve moving an allocation of \$358,400 from fund balance, for this capital project, forward into this year's budget for Solid Waste. Motion was seconded by Councilman Ensley Feemster and carried unanimously (6-0).
134	Mental Health	10/07/19	01/21/20	01/21/20-RPT		<input type="checkbox"/> No Action Taken by the Committee.
			01/25/21	01.25.21-RPT		<input type="checkbox"/> No Action Taken by the Committee.
135	Discuss Policy behind reserving County Property	10/07/19	04/19/21			<input type="checkbox"/> No Action Taken by the Committee.
139	Discussion of County Road User Fee and Alternatives	01/06/20	01/21/20	01/21/20-RPT		<input type="checkbox"/> No Action Taken by the Committee.
			02/10/20	02/10/20-RPT		<input type="checkbox"/> No Action Taken by the Committee.
			03/16/20	n/a		<input type="checkbox"/> Meeting cancelled due to COVID-19 Special Called Meeting.
140	Discussion on Insurance Options	02/03/20				

Chairman Chris Bowers

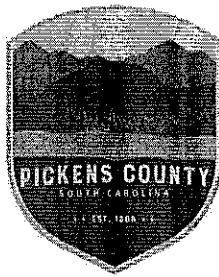
141	UDSO	02/03/20	03/16/20	n/a	<input type="checkbox"/> Meeting cancelled due to COVID-19 Special Called Meeting. <input type="checkbox"/> No Action Taken by the Committee.
142	Discussion on Old Jail	02/03/20	02/10/20 08/17/20	02/10/20-RPT 08/17/20-RPT	<input type="checkbox"/> No Action Taken by the Committee. <input type="checkbox"/> Vice Chairman Chris Bowers made a motion to implement a Memorandum of Understanding, laying out a plan on how Reverend Moss will implement the facility. Motion was seconded Councilman Whitehurst and carried unanimously (6-0).
149	Discussion on Potential Citizen Award	05/04/20			
150	Sewer Use Ordinance	06/01/20			
152	Procurement Process	06/01/20	09/21/20	09.21.20-RPT	<input type="checkbox"/> No Action Taken by the Committee.
157	Scenic Highway Overlay	09/14/20	09/21/20 02/16/21	09.21.20-RPT	<input type="checkbox"/> No Action taken by the Committee. <input type="checkbox"/> No Action taken by the Committee.
160	Wastewater Disposal Management	11/02/20	11/16/20	11.16.20-RPT	<input type="checkbox"/> No Action taken by the Committee.
161	Council Rules	11/02/20	11/16/20 03/15/21	11.16.20-RPT	<input type="checkbox"/> No Action taken by the Committee. <input type="checkbox"/> Councilman Trey Whitehurst made a motion to add in the Council Rules that the Chairman and Vice Chairman be on the agenda conference calls, to add in Rule 2.1 that you can only run for Chairman twice (4 years total), and if there is a vacancy during the Chairman's term, the Vice Chairman will automatically become Chairman to finish the term. Motion was seconded by Councilman Henry Wilson and carried unanimously (6-0). <input type="checkbox"/> Vice Chairman Roy Costner made a motion stating he would like to table this discussion until our next meeting in April, and ask our Attorney to look into the changes made this evening on Council Rules to make sure it is accurate. Motion was seconded by Ensley Feemster and carried unanimously (6-0).

			04/19/21		<p>■ Councilman Trey Whitehurst made a motion to remove Section 3.5 (C) in the Council Organizational Rules, to replace with Section 2.2 (E). Motion was seconded by Councilman Alex Saitta and carried unanimously (6-0).</p> <p>■ No Action taken by the Committee; the Committee asks that this Log item stays until further information is brought back.</p>
162	Ordinance 592- AN ORDINANCE OF THE COUNTY COUNCIL OF PICKENS COUNTY, SOUTH CAROLINA, ABANDONING AND RELINQUISHING MAINTENANCE RESPONSIBILITIES TO CLEMSON UNIVERSITY FOR OLD ROUTE 28 ROAD RIGHT-OF-WAY LOCATED WITHIN THE COUNTY, APPROXIMATELY 50 FEET WIDE, ADJACENT TO AND IS SURROUNDED BY THE REAL PROPERTY ADDRESSED AS 105 OLD GREENVILLE HIGHWAY, CLEMSON, TAX MAP PARCEL NUMBER 4044-18-41-6810; REAL PROPERTY ADDRESSED AS 201 SUNSET AVENUE, CLEMSON, TAX MAP PARCEL NUMBER 4044-18-41-395; A PORTION OF THE CLEMSON UNIVERSITY CAMPUS, TAX MAP PARCEL NUMBER 4053-00-30-0529; AND A DIKE FOR LAKE HARTWELL MAINTAINED BY THE ARMY CORPS OF ENGINEERS.	12/07/20	01/25/21	<u>01.25.21-RPT</u>	
163	Committee of 99	12/07/20	02/16/21		<p>■ No Action taken by the Committee.</p>
164	Shred Truck Options	01/19/21	01/25/21	<u>01.25.21-RPT</u>	<p>■ Councilman Wilson made a motion to accept the staff recommendation to discontinue the shredding services, and to communicate it widely throughout the community. Motion was seconded by Vice Chairman Costner and carried unanimously (6-0).</p>
165	AN ORDINANCE No. 596 TO PROVIDE FOR THE LEASE OF THE PICKENS COUNTY PERFORMING ARTS CENTER TO JAWPR HOLDINGS, LLC, A SOUTH CAROLINA LIMITED LIABILITY CORPORATION, SO AS TO PROVIDE FOR THE CONTINUED OPERATION OF THE SAID FACILITY, AND FOR MATTERS RELATED THERETO.	01/19/21	01/25/21	<u>01.25.21 RPT</u>	<p>■ Councilman Henry Wilson called a vote, recommending this Log item to come out of Committee for Second Reading and Councilman Roy Costner seconded the motion. The motion carried (4-2), with Councilman Saitta and Councilman Whitehurst opposed.</p>
			02/16/21		<p>■ Vice Chairman Costner made a motion recommending this Log item to come out of Committee for Third Reading. Motion was seconded by Councilman Henry Wilson and carried (4-1), with Councilman Alex Saitta opposed.</p>

Committee of the Whole Log as of 05/11/2021
Chairman Chris Bowers

						<input checked="" type="checkbox"/> Ordinance passed third reading on March 1, 2021.
166	2021 Recreation Funding Requests	03/01/21				
167	2021 Accommodations Tax Funding Requests	03/01/21				
168	Pickens County Performing Arts Center Foundation Board	03/01/21				
169	Emergency Services Update	03/01/21	03/15/21			<input checked="" type="checkbox"/> No Action taken by the Committee.
170	501-C3 Boards that Pickens County is currently supporting	03/01/21	03/15/21			<input checked="" type="checkbox"/> Councilman Trey Whitehurst made a motion for staff to come up with a format with a formal application for people who are applying for county funds. Motion was seconded by Councilman Alex Saitta and carried unanimously (6-0).
171	AN ORDINANCE 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.	03/01/21	03/15/21			<input checked="" type="checkbox"/> No Action taken by the Committee.
172	Budget Work Session	04/05/21	04/19/21			<input checked="" type="checkbox"/> No Action taken by the Committee.
173	Results of Employee Survey	05/03/21	05/17/21			
174	Overriding Parks and Recreation Plan	05/03/21	05/17/21			
175	Council Rules/Council Communication	05/03/21	05/17/21			
176	Ordinance 533 - 1st Reading In Title Only to amend Animal Control Ordinance	05/03/21	05/17/21			

Log No. 173 – Results of
Employee Survey



2021 EMPLOYEE ENGAGEMENT SURVEY

*"Engagement is an incredibly difficult thing to measure. It's difficult because it's a feeling. It's a very important feeling, because it **affects our bottom line**, but still difficult to measure nonetheless".*

~Jacob Shriar~

Completion Rate

- **57% completion rate this year** - 58% completion rate 2 years ago
- Total of 31 questions
- Average of 6 minutes to complete
- 693 Total employees.
- 367 employees completed the survey this year, compared to 396 who completed the survey 2 years ago.
- According to benchmarks, anything over 50% is considered a "good" response rate for an online employee survey.

Factors contributing to good response rate

- This was only the second survey conducted in many years. First one was conducted 2 years ago.
- Easy access for completion
- Link to survey sent out to all employees via email
- Instructions sent out on how to complete the survey online from any computer, anywhere, anytime
- Link to survey placed on Employee Self Service (ESS).
- No identifying information collected other than length of employment broken down into groups of 5 years (0-5 yrs.; 6-10 yrs. etc) and job role (employee, front-line supervisor, manager).
- Reminders sent out every few days and each contained some type of statement about responses being confidential and anonymous:

"YOUR RESPONSES ARE COMPLETELY CONFIDENTIAL!" The only personal data tracked is the information about your job role and years of service. This information is collected only so we can group and analyze the results by different categories."

Positive Themes from Survey Responses

- About 75% feel "involved in their job and inspired to meet their work goals"
- Over 84% say they have a good working relationship with their supervisor. And ~84% also feel they have a good working relationship with their co-workers.
- Employees feel like their talents and skill sets are being utilized, and are overall satisfied with the training opportunities available to them

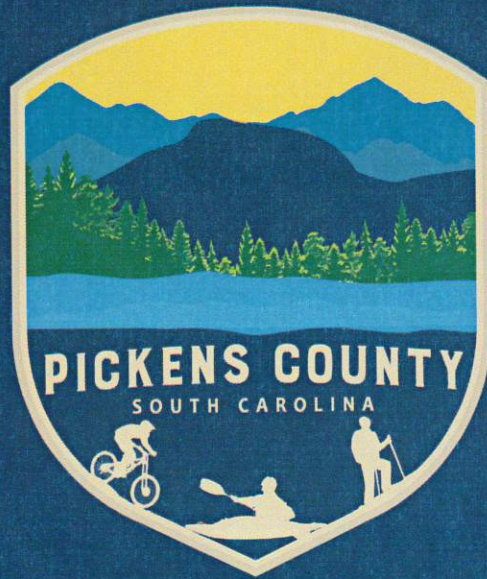
- Employees trust their manager and trust each other
- Employees feel secure in their job/stable employment

Top 3 areas of Needed Improvement

- **Compensation** - Only 32% of employees who took the survey feel they are compensated fairly relative to the local market.
- **Vacation Carryover** - Current policy: Vacation is fronted at the beginning of the year and must be used by the last pay period in the calendar year. Vacation cannot be carried over to the next year. This was a “hot topic” on last survey as well. Perhaps consider a small capped amount of carryover from one year to the next (up to 1 week, etc).
- **Inclement Weather Policy** - Current policy: requires employees to use either a sick day or vacation day (or take the time unpaid) when the county is closed for inclement weather. Doesn't happen often, but when it does, there are employees who are still required to be at work even when the county is closed. Those employees receive their regular pay (unless they work over-time), so to be fair across the board, employees who work when the county is closed for inclement weather get paid their regular rate and employees who don't work have to use a sick or vacation day. Possible solution: Grant employees one (1) inclement weather day per calendar year. For those that work during inclement weather they can use it on another day of their choice during that year.

**b. Log No. 174 – Overriding
Parks and Recreation Plan**

PARKS, RECREATION & TOURISM



PARKS PROPOSAL

PICKENS COUNTY PARKS

PICKENS COUNTY
SOUTH CAROLINA

CONTENTS

OVERVIEW

PARKS

ALL

MILE CREEK PARK

CATEECHEE POINT

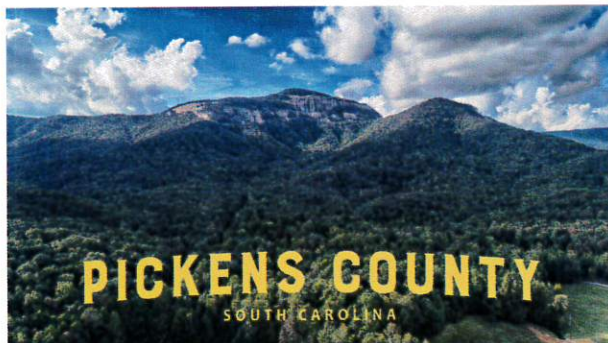
EQUONI POINT

TWELVE MILE RECREATION AREA

LONG SHOALS RECREATION AREA

GRANT MEADOW SCENIC OVERLOOK

SUMMARY



OVERVIEW

As we look to continue making Pickens County a premier outdoor destination, the Parks, Recreation and Tourism department has been busy planning for the future.

Over the next several pages, you'll find plans to take all of our existing parks to the next level, as well as plans to develop a few new parks into our system and claim ownership of the mountains.

Coupled with our plans for marketing, signage and asset inventories, these plans will help put Pickens County on the map for all things outdoor.

Whether you like to hike, pedal, paddle or run, Pickens County has the assets to become a premier outdoor tourism location.

In Pickens County, we are presented with a unique opportunity to leverage carefully cultivated resources and relationships with local and state agencies. These relationships put us in a position to accomplish our goals with those resources as the pillar on which we will continue to develop.

No other county in South Carolina can claim ownership of the Blue Ridge Mountains and its deep Appalachian heritage more than Pickens.

Mountains, mountain lakes, rivers, waterfalls, hiking, biking, fishing, watersports and more, are part of the allure currently present in Pickens County for outdoor enthusiasts.

The mountains of Pickens County are sacred. They speak to all adventurous spirits: those who desire to walk in the footsteps of those who came before, who accept the challenge to wander and explore, and who draw upon the power of the great outdoors for strength and inspiration. For those people, the mountains are calling...



ALL PARKS

COUNTY PARK MAP



MILE CREEK PARK
757 KEOWEE BAPTIST CHURCH ROAD, SIX MILE

CATEECHEE POINT
1109 NORRIS HIGHWAY, CENTRAL

EQUONI POINT
952 MADDEN BRIDGE ROAD, CENTRAL

LONGSHOALS RECREATION AREA
8087 HIGHWAY 11, PICKENS *COMING SOON*

GRANT MEADOW OVERLOOK
4750 HIGHWAY 11, PICKENS *COMING SOON*

ALL PARKS

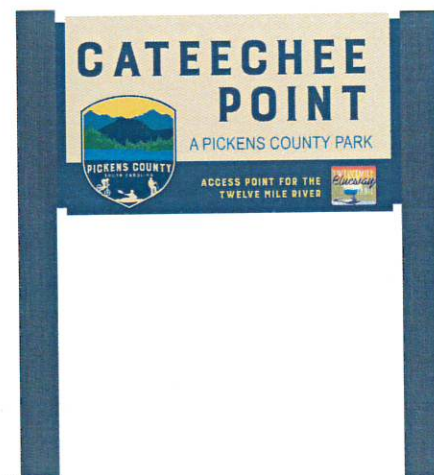
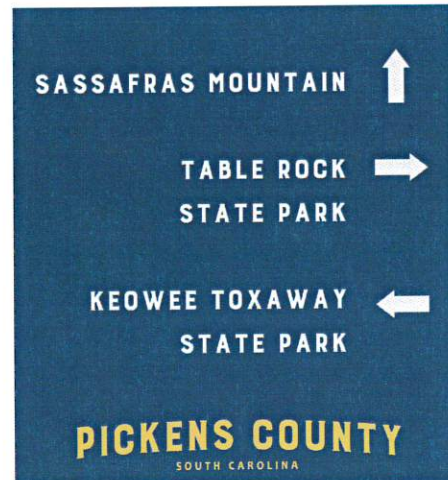
SIGNAGE

It is important to keep in mind that while we are proposing several plans for different parks, our overarching goal is to create consistency and identity across all Pickens County parks. To that end, we are developing a comprehensive signage plan that will bring cohesion and ownership of outdoor recreation across Pickens County.

From gateway entry points to directional signage and interpretive panels, signs are one of the principle methods to welcome, advise, direct and educate travelers in our community. Designing and implementing a comprehensive signage system is an extensive and complex project, but it is important to the success of becoming a viable tourism community.

COST ESTIMATE

\$200,000



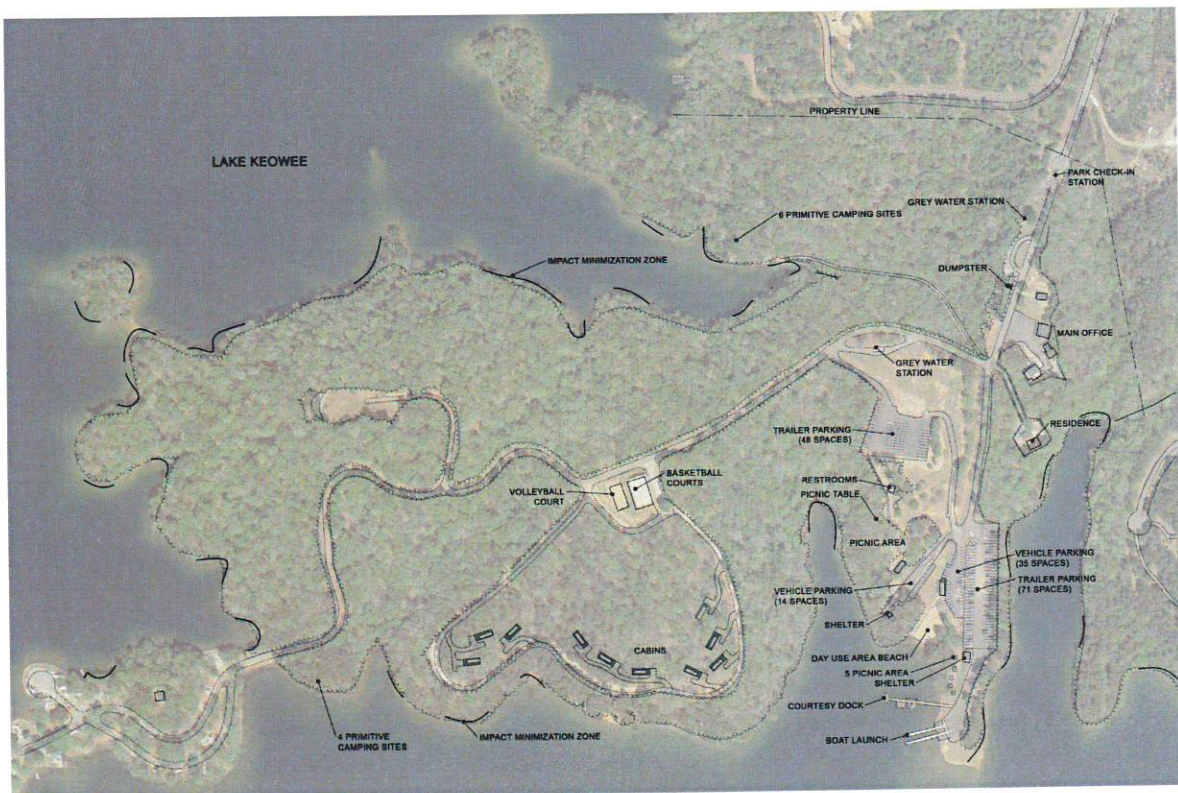
MILE CREEK PARK

OVERVIEW

With its scenic natural setting on Lake Keowee, modern facilities and recreation amenities, Mile Creek Park is a great family destination - for daily trips or overnight camping. Owned by Duke Energy and managed by Pickens County through a lease, Mile Creek Park provides an opportunity to further develop an existing relationship and enhance the park as a state of the art recreation location.

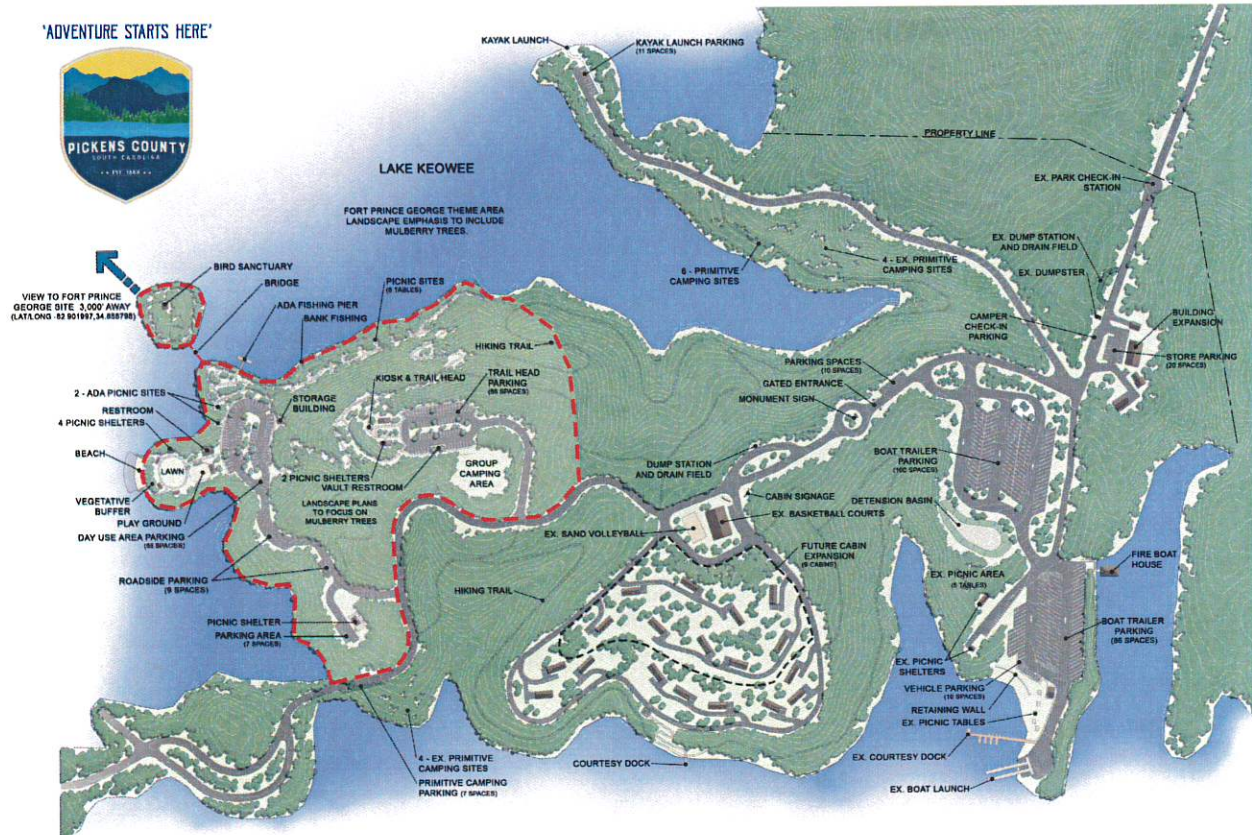


EXISTING CONDITIONS



MILE CREEK PARK

PROPOSED MASTER PLAN



IMPLEMENTATION PLAN

BUILD NEW DAY USE AREA

- the area is currently wooded, so construction will not interrupt park operations
- open after completion to alleviate overcrowding issues

UPDATE LAYOUT OF CURRENT BOAT RAMP PARKING AREA

- with the new day use area open, the lower parking area will only require a few months of work that could be completed in winter when traffic is low
- once grading is complete, the new parking area would need to be resurfaced and painted



MILE CREEK PARK

CONSTRUCT UPPER OVERFLOW PARKING AREA

- current hill level would need to drop down and dirt removed
- pave and paint new parking area

CONSTRUCT NEW DUMP STATION

- current dump station would be destroyed during parking area construction
- rebuild on other side of the road

FINISH MASTERPLAN

- kayak launch area
- group camping area
- trail system
- entrance

ADDITIONAL PROJECTS

- new entrance sign
- 50 amp upgrade
- tree planting at cabin loop
- Interpretive Center

TOTAL MCP MASTERPLAN: ~\$2,500,000



MILE CREEK PARK

IMPROVEMENTS IF NO MASTERPLAN

ENTRANCE - \$28,000

- New Mile Creek Park entrance sign
- Add information kiosk/board
- Plant mulberry trees
- Plant pollinator/native garden
- recycling station at dumpster

PRIMITIVE SITES - ALREADY IN PROGRESS

- Rebuild/repair gravel tent pads
- Signage: posts/site numbers
- Mulch/path to sites from road and parking area
- Add picnic tables & fire rings
- Add lantern hooks; LNT and bear safety signs

INTERPRETIVE TRAIL SYSTEM - \$11,500

- Bench/artwork
- Erosion prevention
- Mulberry trees
- Signage: trailhead, map (nature, beach, bird island), history, blazes for each trail, signs about flora/fauna including healing tree
- Build up path and around bridges with gravel/dirt
- Connect trails: make contacts & find equipment needed
- Determine trails through park: nature, Native American/Cherokee, game trails
- Historic signage/Fort Prince George
- Bird island: benches, bird boxes, signs about birds, mulberry trees, birdwatcher walks
- Pet station at or near trail head



MILE CREEK PARK

OFFICE - \$21,000

- Signage that is more visible/detailed
- Update and arrange computers and furniture to create usable and distinct office and retail spaces
- Retail items: camping supplies, hygiene supplies, educational toys/books, park merchandise (shirts, stickers, mugs, etc.)
- Frames for maps/posters on the walls
- Remove ice box freezer on porch, replace with automatic dispenser
- Have a way to purchase annual passes online and/or be able to accept credit card payment
- Have shelters be able to be reserved on Reserve America and/or be able to accept cc payment
- Park specific social media and google business pages
- Update campsite fees once upgrades are completed
- Wifi/internet access in office, throughout park, cabins, campground
- Add security cameras: additional parking lot, day use main parking lot, campground entrance
- Stripe parking lots and symbols on road

DAY USE - \$61,000

- ADA compliant signs for restrooms
- ADA access to shelters/picnic tables
- Update picnic pads, gravel, address erosion issues
- Pave road through overflow and fix picnic pads on hill
- Gate system and/or paid and numbered spots with kiosk
- Restructure/redesign day use parking lot, specifically car side
- Pave parking lot and fix boat ramp concrete
- Repair boat dock: secure boards, paint, repair bumpers, etc.
- Update bathrooms
- Sand for beach
- Litter/art installation
- Save/plant more lamb's ear
- Add/move pet station to more accessible area in day use
- Clean shelters or replace with same shelter type as Equoni
- Cigarette receptacles at shelters



MILE CREEK PARK

CAMPGROUND - \$27,000

- Water line upgrade & new spigots
- Wifi/internet access for guests
- Rebuild/repair gravel sites, paved sites, fix erosion issues
- Assess/replace fire rings
- Update/assess roads
- Reforestation of entire campground, especially 3rd island
- Fix bumpers at boat docks
- Mulch or stone trail to Boat Dock A
- Park hosts for each island
- Bathhouses: paint, shower curtain/dividers, soap dispensers
- Fix/replace/correct site number posts
- Assess/clean boards around sites (sites 3, 4, 5, 37, etc.)

GROUP CAMPING - ALREADY IN PROGRESS

- Picnic tables and fire rings
- Add portable restrooms and eventually pit toilets
- Fix bridge on trail
- Examine sites for any needed repairs
- Signage at group camping area: LNT principles and education, explanation/specifics on waste disposal, fires, etc.
- Gate system and rules to determine: who to rent to (groups, individuals, etc.), number of people permitted, fees, parking rules, min/max stays, how to book

INTERPRETIVE CENTER - \$77,500

- Tiny house/cabin or renovate laundry bathhouse
- Furniture
- Designate for interpretive education and community engagement
- Computer with wifi or aircard
- Garden: pollinator, native (cuttings from museum)
- Interpretive Trail system



MILE CREEK PARK

CABIN LOOP - \$59,000

- Wifi/internet access for guests
- TVs
- Check fire rings
- Tree reforestation project: magnolias, native trees
- Beach area clean up
- Larger wooden porches on cabins
- New mattress/pillow protectors
- Full set of furniture for back up supply
- Full set of kitchen wares for back up supply
- Additional set of shower curtains (two) for each cabin
- Plant grass on hill by boat dock
- Fix bumpers on boat dock
- Recycling containers at each cabin; fats, oils, & grease containers at each cabin
- Easier accessibility to water/water access

BASKETBALL COURT & FIELD - \$10,000

- Update to utilize green space, ideas: volleyball court, picnic area, playground, cornhole/horseshoe, etc.
- Pollinator/native garden

SPECIAL PROJECTS

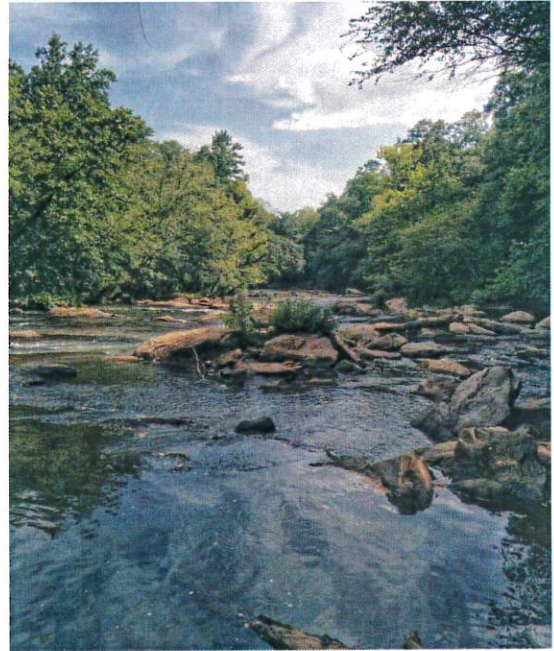
- 50 amp upgrade - **\$700,000**
- Tree Planting at Cabins - **\$70,000**
- Pave road through Overflow- **\$15,000**

TOTAL MCP IMPROVEMENTS: \$1,080,000



PARKS ALONG TWELVE MILE

Pickens County and the surrounding area are rich in Cherokee heritage. PRT wishes to honor that heritage with the official naming of two existing parks. The names of Cateechee Point and Equoni Point reflect the importance of one legendary tale. According to the poem "Cateechee of Keowee", written by J.W. Daniels in 1898, a young girl named Issaqueena was captured by the Cherokee and given the name Cateechee. Cateechee fell in love with a white trader named Allan Francis.



When the young maiden heard of her tribe's impending attack on white settlers, Cateechee set out to warn her lover. Starting out from the area of Fort Prince George (on the banks of the Keowee River), she named landmarks by distance as she traveled. First, there was Mile Creek, then Six Mile, Twelve Mile Creek and on and on until she reached the location of her lover in Ninety Six. Along this path sits a community now known as Cateechee, the site of Pickens County's first cotton mill. The mill's founder, D.K. Norris, chose the name "Cateechee" for his new mill in honor of the legend.

The park names reflect two important aspects of the legendary tale: Cateechee honors the brave maiden and Equoni is the Cherokee word for river. Cateechee began her journey on the banks of the mighty Keowee River, an important location for native civilization here in Pickens County.



CATEECHEE POINT

OVERVIEW

1109 Norris Highway
Central, SC 29630

Opened: 2018

IMPROVEMENTS

- beautification and landscaping at park entrance
- signage at park entrance
- additional signage in park - safety, rules, etc. consistent with other parks
- historical/interpretive signage throughout park
- gate system at park entrance
- fix observation deck boards and pavement where damaged (FEMA funds)
- shoreline erosion control with rip rap (FEMA funds)
- install security cameras
- install split rail fence along road
- additional landscaping - oaks, maples, etc.
- plant grass seed in place of existing mulch
- move kayak rack to kayak launch area
- install benches or picnic tables in existing grassy area
- remove graffiti under bridge
- plant privacy trees or install fencing near bridge to block access (include signage)
- cut a walking trail along the edge of the river
- install grills at both shelters
- install additional trash can at shelter
- install pet waste station(s)
- restroom building or portable toilets

COST ESTIMATE

\$15,500



EQUONI POINT

OVERVIEW

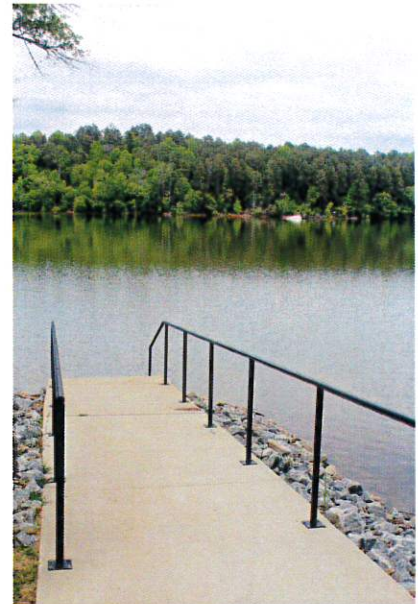
952 Madden Bridge Road
Central, SC 29630

Opened: 2019



IMPROVEMENTS

- beautification and landscaping at park entrance
- signage at park entrance
- additional signage in park - safety, rules, etc. consistent with other parks
- historical/interpretive signage
- install security cameras
- plant privacy trees (cedar or cypress) and/or install fencing near bridge to block access (include signage)
- install grill at shelter
- install pet waste station
- additional parking



COST ESTIMATE

\$15,500



TWELVE MILE RECREATION AREA

OVERVIEW

113 Twelve Mile Park Road
Clemson, SC 29631

Currently managed by the City of Clemson

RECOMMENDATION

The Parks, Recreation and Tourism staff recommend spending a portion of the remaining FY20 ATAX funds on a partnership with the City of Clemson for the Twelve Mile Recreation Area.

This recreation site was formerly under the management of the Army Corps of Engineers, who approached both Pickens County and the City of Clemson of taking on management of the park. As evidenced by the attached letter, Pickens County offered a partnership, with City of Clemson as the lead partner, and Pickens County offering support. One of these areas of support was in \$18,500 of funding for initial costs that the city would incur to get the recreation area at a functional level.

The Twelve Mile Recreation Area lies at a critical point in tying in our other two parks along the river. PRT staff have plans to market the Twelve Mile Blueway for kayakers and are in the process of updating mapping with Upstate Forever. Having an established presence at the Twelve Mile Recreation Area allows Pickens County three safe and accessible entry and exit points along the river.

As the city is currently undergoing renovations at Twelve Mile Recreation Area, staff requests that we grant the City of Clemson the proposed \$18,500 from the remaining FY20 ATAX funds.

COST ESTIMATE

\$18,500

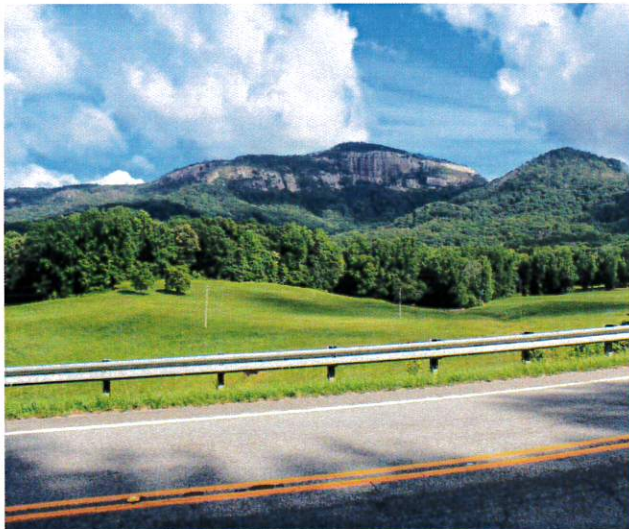


PARKS ALONG HIGHWAY 11

The Cherokee Foothills National Scenic Byway, commonly referred to as Highway 11, is the front porch of the outdoor experience in Pickens County. Regardless of age, gender or activity, our stretch of Highway 11 is the cornerstone of the Pickens County experience and provides year-round recreation opportunities.

In following the recommendations set forth in the Pickens County Branding & Marketing Study, PRT wishes to create anchor parks along the scenic byway, giving Pickens County ownership of Highway 11. Creating these parks on either end of Highway 11 allow the county to own the mountains and adventure experience.

Thanks to years of work, Pickens County is now embarking on the creation of a scenic overlook for Table Rock. This overlook will be a safe location for people to park and enjoy one of the best views of Table Rock, the state's most photographed natural feature, right here in Pickens County.



Pickens County has also been presented with the opportunity to manage Long Shoals Recreation Area, a 10 acre tract of land along the Little Eastatoe Creek. Long Shoals is currently home to a small sliding rock, picnic area and nature trail. PRT plans to undergo a number of safety and signage improvements at the site.



GRANT MEADOW OVERLOOK

OVERVIEW

4750 Highway 11
Pickens, SC 29671

Groundbreaking May 2021

PLANS

The Grant Meadow Overlook Project to be constructed on the proposed site along SC Highway 11 will provide a safe location for visitors and locals to view and photograph Table Rock. People frequently want to stop along Highway 11 to take in the natural beauty and snap some photographs of the impressive rock face.

The parking area will be compliant with SCDOT regulations and the County will maintain the Grant Meadow Overlook as a County park.

This overlook will allow a safe observation area for viewing the natural beauty of Table Rock from Highway 11. Thanks to the overlook's proximity to Table Rock State Park, we believe this will complement the State Park facilities and enhance the experience of visitors who come to Table Rock State Park, as well as those who are traveling to or through Pickens County.

The project is set to break ground in the spring of 2021.

COST ESTIMATE

\$230,780

- \$158,600 from PCTC
- \$57,743.79 from PARD
- \$14,435.95 from General Funds (required match for PARD grant)

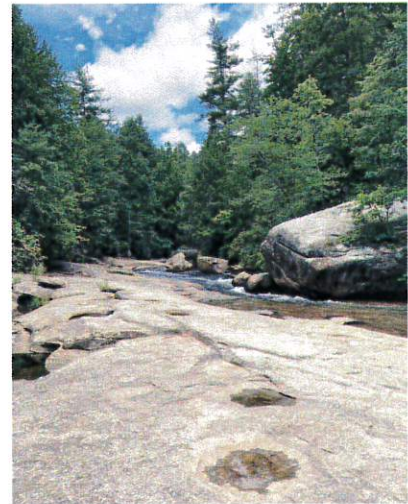


LONG SHOALS RECREATION AREA

OVERVIEW

8087 Highway 11
Pickens, SC 29671

Current Owner: South Carolina Forestry Commission



IMPROVEMENTS

- beautification and landscaping at park entrance
- signage at park entrance
- additional signage in park - safety, rules, etc. consistent with other parks
- historical/interpretive signage
- repair existing stairs / build wooden stairs with rails all the way down to the water
- install donation box / iron ranger
- path through picnic area - landscape with native plants
- replace existing picnic tables and pads
- develop ADA accessible ramp
- install pet waste station(s)
- install grills in picnic area
- grade existing parking lot, add gravel
- replace all split rail fencing
- trail work - add bench(es), fix bridge, connect to other trail systems
- restrooms - ADA accessible portable toilets or permanent pit toilets

COST ESTIMATE

\$22,500



SUMMARY

FULL PROPOSAL COST ESTIMATE

\$3,002,780

TOTAL FUNDS REQUESTED

\$2,772,000

COST BY PARK

MILE CREEK PARK

\$1,080,000 OR \$2,500,000 (Master Plan)

CATEECHEE POINT

\$15,500 (+ \$28,327.73 FEMA)

EQUONI POINT

\$15,500

TWELVE MILE RECREATION AREA

\$18,500 (use 2020 ATAX funds)

GRANT MEADOW OVERLOOK

\$230,780 (all funds covered)

LONG SHOALS RECREATION AREA

\$22,500



c. Log No. 175 – Council
Rules/Council Communication

MEMORANDUM

TO: COUNTY OF PICKENS

FROM: THE HENDRICKS FIRM, LLC

SUBJECT: TEXT MESSAGES

DATE: MAY 2, 2021

ISSUES:

1. Do text messages between the majority of council members constitute a quorum?
Yes.
2. Are text messages between council members subject to FOIA?
Yes.
3. Do text messages as board communication violate state law?
Yes, if there is no notice to the public beforehand.

DISCUSSION:

Rules for open meetings have not kept up with advances in cell phones and social media like group texting, Facebook, and Twitter. There is no South Carolina case law or attorney general opinion directly on point. However, Illinois has two relevant cases and the federal government has interpreted the federal FOIA.

In short, current statutory law and case law indicate that any form of messaging between two or more council members during public meetings, any messages between a quorum of members whether in or out of a meeting, and any messages with public records between two or more members are subject to disclosure.

Simply because these records could be subject to disclosure does not mean that all data are also subject to disclosure, though. If using private devices or platforms, council members are subject to FOIA but retain privacy rights for non-public business. Thus, the

issue is cumbersome review and extraction of relevant text messages or social media messaging.

Government entities and agencies should have policies and best practices in place to ensure that officials are not communicating outside of public view and records are captured, managed, maintained and made available for search in response to a request for records.

The best policy to implement is that:

- (a) no messaging should include a quorum, no matter the platform,
- (b) during the meetings, no communication should occur, and
- (c) all electronic communication should be easily retrieved. This will preferably be by email to avoid text messaging and social media messaging.

Finally, typical of developing law to technology, a government entity should routinely review policy to keep up-to-date.

RESOURCES FOR DISCUSSION

STATUTORY LAW:

South Carolina Code Ann §30-4-10 *et seq.* is South Carolina's Freedom of Information Act (FOIA).

- The purpose of FOIA is, "vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy."
- "Public record" includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body.
- "Meeting" means the convening of a quorum of council members "by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power."
 - *Here, FOIA clears up any doubt about what constitutes a meeting. Some public bodies have had difficulty determining whether they were actually meeting or not. Under terms of this subsection, you are having a meeting when you have a quorum – enough present for an official vote – regardless of whether you are meeting in person, at a social gathering or on a conference telephone call. In other words, if you're discussing public business and you have a quorum present, such meetings should be announced to the public and press beforehand and be open.*

- "Quorum" means a simple majority, or four or more council members.

HAPPENINGS IN NORTH CAROLINA¹

A group of newspaper and television stations organized at the behest of the North Carolina Open Government Coalition decided to explore how state and local officials would respond to public records request for text messages sent to and from senior leaders for the period spanning Jan. 9 through Jan. 20, 2017.

The result: Of 19 state departments queried, all were able to provide some sort of answer, even if it was just that their top officials didn't use text messaging. Some provided transcripts or detailed copies complete with keys to who was involved in each conversation, while others simply provided images of the back and forth with little context.

None disputed the records should be available to the public.

TWO ILLINOIS APPEALS COURT DECISIONS

In *Better Government Association v. City of Chicago Office of Mayor* (2020), an Illinois appellate court held that public officials' emails and text messages kept in personal accounts are subject to FOIA if they pertain to public business. The Better Government Association requested from the Mayor's Office and the Chicago Department of Public Health text messages and emails between the Chicago Public Health Commissioner and public officials such as then-Mayor Rahm Emanuel regarding lead in the drinking water in Chicago Public Schools. While some officials admittedly used their personal accounts for public business, the City argued that it had no obligation to search those accounts because the records were not subject to FOIA.

The court held that the requested records are public records and, therefore, subject to FOIA disclosure. A record is a public record under FOIA if it meets two criteria. First, the record must pertain to public business rather than private affairs. Second, the record must have been either prepared for, used by, received by, or in the possession of a public body. In this case, the City argued that the public officials themselves are not public bodies, so the records in the officials' personal accounts are not subject to FOIA. Rejecting that argument and diverging from the appellate court in *City of Champaign v. Madigan*, the court reasoned that, unlike city council members, who must form a quorum to conduct public business, the officials here could function as public bodies even if no official meeting occurred. The court also found it reasonable to conclude that their communications are prepared for or eventually used by the public bodies at issue. Thus, the communications from the officials' personal accounts that pertain to public business are subject to FOIA. The court noted that its conclusion followed the intent of FOIA to promote the public's access to information even when advances in communication technology may outpace the statute's terms.

The court then held that the City's search for responsive records was inadequate because it did not include a request for the officials' to search their personal accounts. To satisfy

FOIA requirements, a search must be reasonably calculated to discover the requested documents. Here, the City admitted that the officials at issue used their personal accounts for public business, so the refusal to even inquire whether their officials' personal accounts contained responsive records was therefore unreasonable. The court also rejected the City's argument that searching the officials' accounts would invade their privacy because FOIA contained privacy safeguards. For example, FOIA exempts from disclosure private information and information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information.

In *City of Champaign v. Lisa Madigan*, 2013 IL App (4th) 120662, a unanimous panel of the fourth district appellate court held that a municipality is required to disclose electronic communications between aldermen during a city council meeting if those texts, tweets, or e-mails were about city business, even if the communications were created on, sent by, or stored in the aldermen's private phones or computers.

"To hold otherwise would allow members of a public body, convened as a public body, to subvert the Open Meetings Act and FOIA requirements simply by communicating about city business during a city council meeting on a personal electronic device," Justice M. Carol Pope wrote for the appellate panel.

After analyzing prior appellate decisions, the fourth district held that an individual alderman is not a "public body" while acting alone, but is an integral component of a public body while acting in unison in the midst of a meeting of the entire board or council.

"Under this interpretation, a message from a constituent 'pertaining to the transaction of public business' received at home by an individual city council member on his personal electronic device would not be subject to FOIA," the court explained. "However, that communication would be subject to FOIA if it was forwarded to enough members of the city council to constitute a quorum for that specific body, regardless of whether a personal electronic device, as opposed to a publicly issued electronic device, was used."

Similarly, if the communications were created in the midst of a council meeting, or a meeting of any other public body, such communications would be subject to FOIA because the individual members were, at that time, acting together as the public body. When the individual members are acting as a public body, the court held that all records stored on their personal electronic devices are, as a matter of law, in the possession and control of the public body and must be disclosed if the records pertain to public business.

"For the reasons stated, communications 'pertaining to public business' and sent to and from individual city council member's personal electronic devices during the time city council meetings (and study sessions) were convened should be turned over to the City's FOIA officer for review of what information, if any, should be...provided to [the FOIA requester]."

U.S. DEPARTMENT OF INTERIOR FOIA BULLETIN ON COLLECTING TEXT MESSAGES RESPONSIVE TO FOIA REQUESTSⁱⁱ

Following are excerpts from a DOI bulletin:

- “It is recommended that text messaging be used only for brief notifications or non-substantive communications. When engaging in more comprehensive and substantive communications it is **STRONGLY** [emphasis in the memo] recommended that employees rely on email since all email sent and received from DOI.GOV email addresses is automatically archived, ensuring both retention and accessibility to meet the Department’s legal and operational requirements.”
- “Text messages, like anything else that meets the definition of a Federal Record, need to be retained according to an approved records schedule. Most text messages that meet this definition are likely to be classified as transitory records.”
- Under the Federal Records Act, personal messages that do not deal with the transaction of government business can be deleted. In addition, text messages that constitute transitory or intermediary records can also be deleted if you are confident the information in the text messages is no longer required.
- Transitory Records: Records required to be preserved only for a short time (generally less than 180 days) and that are not required to meet legal or fiscal obligations, or to initiate, sustain, evaluate, or provide evidence of decision-making, which may be dispositioned when no longer needed for business use. Transitory Records include, but are not limited to:
 - messages coordinating schedules, appointments, and events
 - transmittal documents such as e-mail, letters, cover memos, and facsimile cover sheets that do not provide evidence of approval, concurrence, or decisionmaking, or include substantive comments
 - received copies of circulated internal information such as agency instructions, notifications, circulars, newsletters, and email blasts to employees
 - messages received from agency distribution lists or listservs
 - “to-do” or task lists and assignments
- Intermediary Records: Records of an intermediary nature, meaning that they are created or used in the process of creating a subsequent record. To qualify as an intermediary record, the record must also not be required to meet legal or fiscal obligations, or to initiate, sustain, evaluate, or provide evidence of decision-making. Records include:
 - non-substantive working files: collected and created materials not coordinated or disseminated outside the unit of origin that do not contain information documenting significant policy development, action, or decision making. These working papers do not result directly in a final product or an approved finished report. Included are such materials as rough notes and calculations and preliminary drafts produced solely for proof reading or internal discussion, reference, or consultation, and associated transmittals, notes, reference, and background materials.

- audio and video recordings of meetings that have been fully transcribed or that were created explicitly for the purpose of creating detailed meeting minutes (once the minutes are created)
- input or source records, which agencies create in the routine process of creating, maintaining, updating, or using electronic information systems and which have no value beyond the input or output transaction: hardcopy input source documents where all information on the document is incorporated in an electronic system
- ad hoc reports, including queries on electronic systems, whether used for onetime reference or to create a subsequent report
- data files output from electronic systems, created for the purpose of information sharing or reference

JATHEONⁱⁱⁱ

According to Jatheon, an archiving company, entities are not recording text messages as FOIA requires because (a) lack of budget, (b) unclear about regulations, and (c) existing technologies are too complicated to maintain.

To further complicate, the majority of major mobile carriers don't archive mobile text messages at all, while Verizon retains them for only 3-5 days, which is a shorter time period than FOIA deadlines.

ⁱ <https://www.knoxnews.com/story/news/2017/03/16/texts-public-records-but-access-them-remains-tricky/99245672/>

ⁱⁱ <https://www.doi.gov/sites/doi.gov/files/foia-bulletin-on-collecting-text-messages-.pdf>

ⁱⁱⁱ <https://jatheon.com/infographics/text-message-archiving-foia/>

d. Log No. 176 – Ordinance 533
First Reading in Title Only to
Amend Animal Control
Ordinance

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

ORDINANCE No. 533

AN ORDINANCE AMENDING CHAPTER FOUR OF THE PICKENS COUNTY CODE OF ORDINANCES RELATING TO ANIMAL CONTROL SO AS TO FURTHER SAFEGUARD CITIZENS AND ANIMALS WITHIN THE COUNTY.

WHEREAS, Pickens County, South Carolina (the "County") is a political subdivision of the State of South Carolina, and as such has all powers granted to counties by the Constitution and the general laws of the State of South Carolina; and

WHEREAS, S.C. Code Section 47-3-20 provides that the governing body of each county or may enact ordinances and promulgate regulations for the care and control of dogs, cats, and other animals and to prescribe penalties for violations; and

WHEREAS, pursuant to such authority, the County adopted Ordinance No. 112, and further amended said Ordinance with Ordinance No. 317; and

WHEREAS the County now finds that certain changes to said Ordinances are now necessary for the further protection of the citizens and animals within the County;

NOW, THEREFORE, BE IT ORDAINED by the County Council of Pickens County, South Carolina that Chapter 4 of the Pickens County Code of Ordinances is hereby amended to read as follows:

Chapter 4 - ANIMALS

Sec. 4-1. This Chapter shall be known as the Pickens County Animal Control Ordinance.

For the purposes of this Ordinance, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them herein, except where the context clearly indicates a different meaning:

Abandonment means a situation in which an owner of a domestic animal deserts, forsakes, or gives up an animal without securing another owner or without providing for that animal the necessities of life.

Animal means an individual specimen of a non human species of the kingdom *animalia*.

At-large describes an animal off the property of its owner or other consenting landowner and not under restraint.

Carnivore means any animal able to kill and eat the meat from another animal.

Nuisance describes an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

Ownership means any person who:

- (1) Has a right of property in an animal;
- (2) Keeps or harbors an animal or who has it in care or acts as its custodian; or
- (3) Permits an animal to remain on or about any premises occupied by the person.

Vicious animal means any animal evidencing characteristics usually associated with an animal inclined to attack or to attempt to attack other animals or persons without provocation.

Sec. 4-2. - Penalty for violation of chapter.

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-7.

Sec. 4-3. - Animal control officer.

Animal control officer(s), certified South Carolina commissioned officers as appointed by the Sheriff and designated for such purpose, shall have the power to enforce this chapter, cooperate with other agencies in quarantining animals, and carry out the duties and assume the responsibilities of this chapter. Animal control officer(s) shall maintain such records as necessary to enforce the provisions of this chapter.

Sec. 4-4. - Unlawful acts and public nuisances.

(a) It shall be unlawful in the county for any animal owner or other person with custody and control of any animal to allow:

(1) Such animal to run at large off of property owned, rented or controlled by him so as to constitute a nuisance or menace to the person or property of another;

(2) Such animal to menace or threaten passersby, joggers or children, or to chase vehicles traveling any public highway, public street or public road;

(3) Trespassing by an animal on school grounds;

(4) Barking, whining, and/or howling by an animal in a habitual manner causing an unreasonable disturbance to any citizen, not to be interpreted to restrict barking or howling of dogs while in process of a controlled and managed hunt on personal or consenting landowner's property. For purpose of this subsection, an unreasonable disturbance is defined as a disturbance that results in at least two independent reports from citizens.

(b) It shall be unlawful to allow a female animal in season to roam unrestrained in any area in the county. Such animal shall be confined by the owner in a building or secure enclosure, out of sight of public view, even if breeding is planned. Such animal running at large may be captured by animal control and retained at the county facility.

(c) No person shall interfere with, hinder or molest the animal control agents or other duly authorized law enforcement officers of the county in the performance of their duties.

(d) No person shall release or attempt to release without authority any animal impounded or quarantined pursuant to the animal control laws of the county.

(e) No person shall steal any positively identifiable animal.

(f) No person shall kill any animal when the owner may be identified by means of a collar bearing sufficient information or some other form of positive identification. This does not apply to the killing of an animal threatening to cause or causing personal injury or property damage as outlined in subsection 4-9(c).

Sec. 4-5. - Abandoned animals.

No person shall abandon any animal in the county.

Sec. 4-6. - Evidence of rabies requirements.

A valid metal rabies tag must be attached to a collar or harness and worn by dogs and cats at all times. This rabies tag must have been issued by a licensed veterinarian. Animals without tags may be picked up by the animal control officer and be taken to the animal control facility for further disposition consistent with the provisions of this Chapter.

Sec. 4-7. - Animal care.

No owner shall fail to provide an animal with sufficient food and water, proper shelter and protection from the weather, as well as humane care and treatment.

Sec. 4-8. - Period of impoundment and disposition of animals.

(a) The county animal control officers shall pick up, trap, impound or quarantine any animal found to be in condition and/or situation that would violate of any provision of this Chapter.

(b) Any animal obtained by the county pursuant to (a) herein that is has identification tags tattoo(s), and/or other identifying markings (electronic or otherwise) shall be taken to the county shelter or other designated facility and held for a minimum of ten working days. Animal control shall attempt to notify the owner at his last known address by telephone or posting said address that they have the animal in their possession. The owner must notify the animal control officer within ten working days from the date that notice was attempted or made that he will pick up his animal. If the owner does not pick up the animal within ten working days of notification to the animal control officer, the animal shall become the property of the county animal facility and maybe be disposed of as provided for herein.

(c) Any animal impounded by the county that is picked up with no identification shall be detained for a reasonable period for redemption by its owner. If the animal is not redeemed by its owner in that period, the animal, if determined by the animal control officer to be adoptable, may be placed for adoption or released to a local humane society (or other similar organization) and transferred to its facility for adoption through its spay/neuter program.

(d) Any owners wishing to have their animal released from impoundment shall be responsible for payment of a rabies inoculation fee, if needed, and the county fee as set from time to time. It shall be incumbent upon the owner of an impounded animal to produce or demonstrate to county personnel sufficient proof of current and valid inoculation for such animal prior to the release of such animal from impoundment. Alternatively, animal control personnel may arrange for the inoculation of such animal at the expense of the owner prior to releasing the animal.

(e) The county shall not be held liable for accidents, disease or treatment of animals while confined in the county facility and shall be released of all responsibilities to new owner or former owner when a pet is adopted or disposed of humanely as specified in this section.

Sec. 4-9. - Running at-large; property damage.

(a) Any person whose real or personal property, including but not limited to shrubbery, flower beds, gardens, and/or other personal property, has been damaged, disturbed defecated and/or urinated upon by a trespassing animal may submit a complaint to the animal control officer. If such a complaint is made, the animal control officer will notify the owner of the animal, if the owner is known, by personal delivery, property posting, or certified mail of the complaint. If no response is received within seventy-two (72) hours, the animal control officer may capture the trespassing animal on the complainant's private property by a humane method, i.e., by setting cage-type traps or other humane method of capture.

(b) If the owner of a trespassing animal is not known, animal control may capture such animal by the method described in subsection (a) of this section and hold in the county pound as per section 4-8. If the owner (if known), upon being notified by animal control after the first day of confinement, does not tender payment, the person complaining shall have the right to seek restitution for damages or losses through the magistrates' courts.

(c) Any property owner who may find an animal on his property in the act of injuring or destroying any person or domestic animal may use means necessary to protect his person or property from injury or destruction.

Sec. 4-10. - Owning or keeping vicious animal.

(a) No person owning or keeping a vicious animal may permit the animal to go unconfined on his premises. A vicious animal is unconfined if the animal is not confined indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a vicious animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. This section does not apply to an animal owned by a licensed security company and on patrol in a confined area.

(b) No person owning or keeping a vicious animal may permit the animal to go beyond his premises unless the animal is safely restrained and the requirements of subsection (e) below are met.

(c) No person shall:

(1) Own, possess, keep, or train any animal with the intent that such animal shall be engaged in an exhibition of fighting or make unprovoked attacks upon human beings, domestic animals, or livestock.

(2) Build, make, maintain, or keep a pit or other structure owned by him or on land occupied or controlled by him, or allow a pit or other structure to be built, made, or maintained, or kept on such premises for the purpose of any exhibition of animal fighting.

(3) In any manner encourage, instigate, promote or assist in an exhibition of animal fighting.

(4) Charge admission, be an assistant, umpire or participate or be present as a spectator to any exhibition of animal fighting.

(d) No person may possess with intent to sell, offer for sale, breed, or buy or attempt to buy a known vicious animal. This section does not apply to a person who is licensed to possess and breed an animal under classifications specified and regulated by federal authorities.

(e) A person owning or harboring a vicious animal shall register the animal with the local law enforcement authority.

(f) No nondomesticated species of carnivores may be owned, possessed, harbored or kept in any manner in the county, except pursuant to a permit issued by the county animal control department; or pursuant to a class A, class B, or class C license issued by the United States Department of Agriculture, under 7 U.S.C. 2131-2157 and 7 CFR 2.17, 2.51, 371.2(g), authorizing operation as a breeder, dealer, exhibitor or operator of an auction sale; or as otherwise provided by state law, including but not limited to S.C. Code 1976 § 50-11-2400.

(g) An animal shelter, a publicly owned zoological park, veterinary hospital, public laboratory, publicly owned facility for education or a facility that is operated for scientific purposes and all governmental entities shall be exempt from the requirements of subsection (f) above.

(h) A person owning or harboring a dog or other animal used for hunting purposes shall determine whether the hunting animal meets the definition of a vicious animal. If the owner

determines that the animal is a vicious animal, it shall be the responsibility of the owner to restrain said animal when the animal is not in the act of hunting.

Sec. 4-11. - Removal or impoundment of a vicious animal.

(a) If an animal control officer has probable cause to believe that a vicious animal is being harbored or cared for in violation of subsections (a) and (c)—(f) of this chapter, the officer may bring a charge against the owner and petition the court having jurisdiction to order the seizure and impoundment of the vicious animal while the trial is pending.

(b) If an animal control officer has probable cause to believe that a vicious animal is being harbored or housed in violation of subsection 4-10(b) of this chapter, the officer may bring a charge against the owner and seize and impound the vicious animal while trial is pending.

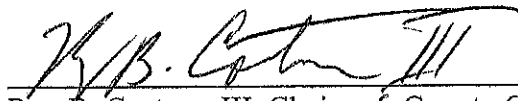
(c) Any vicious animal owned, possessed, or maintained in violation of section 10 shall be seized and impounded by an animal control officer or other law enforcement officer assisting such officer and a charge shall be brought against the owner of said animal, pursuant to this chapter.

(d) An animal that has been determined to be a habitual nuisance (according to the definition provided in section 4-1) by the department of animal control may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.

The provisions of this Ordinance shall be effective immediately upon adoption.

Passed and approved, this 3rd day of April, 2017.


COUNTY COUNCIL OF PICKENS COUNTY,
SOUTH CAROLINA



Roy B. Costner, III, Chairman County Council of
Pickens County, South Carolina

(SEAL)

Attest:



Crystal A. Alexander, Clerk of County Council of
Pickens County, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

CLERK'S CERTIFICATE

I, the undersigned, Clerk to County Council of Pickens County, South Carolina, DO
HEREBY CERTIFY:

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance which
was given three readings on three separate days, with an interval of not less than seven dates
between the second and third readings. The original of this Ordinance is duly entered in the
permanent records of minutes of meetings of the County Council, in my custody as such Clerk.

That each of said meetings was duly called, and all members to the County Council were
notified of the same; that all/a majority of the membership were notified of each meeting and
remained throughout the proceedings incident to the adoption of this Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of
April, 2017.



Clerk to County Council of Pickens County,
South Carolina

First reading: February 6, 2017
Second reading: March 20, 2017
Public Hearing: N/A
Third reading: April 3, 2017