

****Please note - These are not official minutes of the Pickens County Council meeting. This reflects the issues that were before Council and shows the actions, however the minutes are not “official” until the County Council meets and approves them as presented. Please contact, Donna Owen, Council Clerk for any questions.**

September 05, 2006
Regular Meeting
7:00 PM

County Council met in regular session, in the auditorium, County Administration Facility, with Chairman Jennifer H. Willis presiding. Agendas, bearing date, time, and location of meeting, were mailed to Council members and local news media, August 30, 2006.

Council Members in attendance:

Jennifer H. Willis, Chairman
G. Neil Smith, Vice Chairman
James B. London, Vice Chairman Pro Tempore
C. Roy Collins
Tom Ponder
Ben L. Trotter

Staff: J. Chappell Hurst, County Administrator
Lynn D. Fisher, Assistant County Administrator
Ken Roper, County Attorney
Donna Owen, Clerk to Council
Ralph Guarino, Administrative Services/Finance Director
Olivia Vassey, Research Analyst

WELCOME AND CALL TO ORDER:

Chairman Willis called the meeting of September 5th, 2006 to order and welcomed those in attendance. Invocation was given by Neil Smith.

APPROVAL OF MINUTES:

Roy Collins, seconded by James London moved to approve the minutes of August 21, 2006.

Councilman Smith requested that clarification be made on page 5 regarding the Memorandum of Understanding for wastewater facilities at Cateechee Village, to state this was a guide and the document was approved conceptually.

>>All members voted unanimously to approve as amended.

PUBLIC FORUM:

Evelyn Kloes, Ms. Kloes came before council to further discuss issues at Maple Creek Estates. Council was informed that the mail carrier was no longer going to deliver mail

to their homes because of the road conditions. Ms. Kloes stated this would be a hardship for many residents due to their age.

Councilman Smith stated the process was taking place in order for Maple Creek to petition the county for minimum maintenance on this road. Again Mr. Smith emphasized the importance of the home owners association. Also Mr. Smith stated he would contact the postmaster at the Liberty post office. However, he encouraged the homeowners to also contact the postmaster. He advised them to explain that a plan was in place to petition for road repairs.

Chairman Willis also stated she would be willing to make contacts to the postmaster in Columbia, South Carolina.

ADMINISTRATORS REPORT:

Mr. Hurst gave Council updates on several on going projects.

- **Update on road paving bids.**

Mr. Hurst informed Council that staff has received three bids for road paving. The lowest being \$48.85 per ton. Council needs to approve this so that the paving process can begin. Mr. Hurst asked that this be added to agenda under Motion Period.

- **Update on Airport Issues.**

Mr. Hurst advised trees are being removed from an adjacent owner's property and relocating the AWAS sensor to the beacon tower; also the process of working to secure a mechanic and his goal is to provide Council with a proposed contract at a future meeting. Mr. Hurst stated he has discussed the possibility of obtaining grants for hangars and a new terminal building.

- **Update on Holiday Proposals.**

Mr. Hurst stated he has had meetings with Jennifer Graham and Judy Wood about the idea of adopting families at Thanksgiving. The county employees will present gift baskets to those families so that they may enjoy a Thanksgiving dinner. Names would be provided from various agencies such as DSS or churches to present dinners or meals.

For Christmas, employees will adopt children who are clients of local agencies to present them with needed clothing as well as toys so that they may enjoy the Christmas season. Mr. Hurst also stated he would like to discuss the possibility of having a Christmas Dinner and establishing employee recognition at this dinner.

- **Update on Animal Control.**

Mr. Hurst advised he had visited the Humane Society facilities and met with their director. Staff has set up meetings with all of the veterinarians in the County to discuss adoptions as well as spay and neuter issues. Also meetings are scheduled with the concerned citizens' group Chairman, Mr. Vance to develop a process for Pickens County that will address the issues of adoptions, spay and neuter and the collection of stray animals. Mr. Hurst stated he would like to have this proposal available for consideration by the end of September.

- **Update on Storm Water Enforcement Issues.**

Council was informed regarding meetings with staff as it relates to Storm Water issues, and stated we are adopting new approaches to this issue; and assured Council that staff is striving to make this process more efficient and will be making the pre-inspection process available with the engineer so that issues that may arise may be addressed at the front of the application process rather than at the end to prevent delay of issuing a permit. We will take into consideration the engineers comments and use enforcement after all else fails. The idea will be to look at the application process from the point of the developer, the law and for the public good and to develop solutions that will result in a project that will be both speedy, done according to the law and protect the environment.

- **Update from Ken Roper, Fire District advisory elections.**

Mr. Roper came before Council regarding the Ordinance which Council has had (2) readings on and has advertised a Public Hearing and Third reading for the September 18th, 2006 Meeting. Mr. Roper stated in order to hold an advisory election for the district to change the way they charge citizens for fee or millage, and in order for this issue to get on the general election ballot, then the following steps need to take place:

- 1) Have the third reading.
- 2) Fire District will need to meet and vote to recommend the referendum.
- 3) County Council will then have the results, and as part of the budget process decide how this taxation would occur.

Mr. Roper stated in order for this to happen specifically speaking of the Six-Mile Fire District for this upcoming General Election; some notice requirements are due, in fact one of the notice requirements is due tomorrow; and stated he with the help of the Registration and Elections Director, went forward and placed the notice for publication and selected the verbiage to be used. Mr. Roper stated his original memorandum gave Council some choices in the verbiage, but due to the time constraints he used the following:

The Six Mile Rural Area Fire Protection District, a special purpose district created by the Pickens County Council, currently raises revenue for its operational and capital expenses by levying a fee on all property owners in the District. The Board of Commissioners of the District proposes that revenue be raised by levying ad valorem property taxes instead of such a fee. Section 22-316 of the Pickens County Code of Ordinances requires that the Commissioners submit this question to the electors of the District for a non-binding referendum on the issue. As such, do you favor the District switching its method of raising revenue from a fee-based method to an ad valorem property tax method?

In favor of the question []

Opposed to the question []

Chairman Willis stated she would have liked to have had the more simple language, and further stated she fears citizens will vote without fully understanding.

Mr. Roper stated he went with the safest language which he felt covered all issues.

Councilman Smith asked the question if he moved to add the ordinance to the agenda for third reading, could he in fact do that. Mr. Roper advised since a Public Hearing had been advertised for 9/18/06, he would advise against. Again Mr. Roper stated this

Ordinance technically is not required by law to have a public hearing, but on the side of caution and as much public input as possible, it has been presented for a public hearing.

Mr. Smith stated this ordinance states an advisory referendum and asked if upon third reading could Council amend this ordinance to provide for a binding referendum. Mr. Smith stated he asked this for the purpose that he does not want to be caught between groups who are opposed and groups that are in favor. Mr. Roper stated he expected the Ordinance could be amended to make the election binding.

Mr. Smith also brought up concerns regarding the fire district boards having the knowledge about the details of millage and gave examples about millage on real estate, cars, and all property; and asked Mr. Roper is it all or none? Mr. Roper stated the Ordinance contemplates a combination can be done.

Councilman Smith asked Mr. Roper if he had concerns about the fact that a notice had been published before third reading. Mr. Roper stated he was not and felt it was the responsible thing to do.

Councilman London asked about when the fire board can meet to properly vote on said referendum. Mr. Roper stated the fire board can not meet for the referendum until third reading has passed.

Also Mr. Roper advised for this upcoming election the deadline has passed for this to be on the electronic ballot, so this will be a paper ballot this time.

Mr. Smith also noted the ordinance does not specify a date of certainty for said elections. Mr. Roper concurred this was correct it did not have to be with an election.

Council thanked Mr. Hurst and Mr. Roper for the information.

MOTION PERIOD AND NEW BUSINESS:

1. Pull issue regarding the Registrar of Deed Position from Administration and Finance Committee and add as an executive session item.

>>Motion was made by Ben Trotter, seconded by Neil Smith and unanimously passed to pull this item from the committee log and add as an executive session item.

2. Add to the agenda the approval of the Road Paving Bid.

>>Motion was made by Neil Smith, seconded by Ben Trotter and unanimously passed to add to the agenda approval of the road paving bid.

3. Send to Committee issue of Municipalities collecting liens via the property tax notices.

>>Motion was made by Neil Smith, seconded by Tom Ponder to place this issue in the appropriate committee. Motion was unanimously passed and placed in Administration and Finance.

4. Issues involving organizations doing business with Pickens County who employ illegal aliens.

>>Ben Trotter requested that it be looked into or a resolution supporting that Pickens County would not do business with organizations who employed illegal aliens. Chairman Willis requested the Administrator to look into this issue.

5. Franchise fees.

>>Mr. Smith made mention of the fact that after a citizen had brought up the issue of fees on the Charter Communications bill, that he went and looked at his own bill and the fee had gone from \$2.41 to \$4.51 without the county's knowledge and without the county imposing the fee. Mr. Guarino stated Charter had responded with a letter, but he did not have it with him, and could get it back out to Council. Mr. Smith asked if this issue was still in committee, and Mr. Guarino stated that it was. Mr. Smith stated if Charter is remitting this as a franchise fee then the county should be getting it and could rebate; but he feels this is not the case. Mr. Smith stated he did not want or need action, he just wanted to present as information as this issue is being looked at.

FIRST READING OF AN ORDINANCE TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH PICKENS COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN OCONEE COUNTY AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS FOR 1976, SECTION 4-1-170 ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH PICKENS COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAX TO THE COUNTIES AND RELEVANT TAXING ENTITIES:

Chairman Willis stated the attorney had requested postponement of this issue.

>>Motion was made by Neil Smith, seconded by Ben Trotter and unanimously passed to postpone this item as requested.

ADOPTION OF A RESOLUTION AUTHORIZING AN INDUCEMENT CONTRACT BETWEEN PICKENS COUNTY, SOUTH CAROLINA (THE COUNTY) AND JOHN PROJECT (THE COMPANY) RELATING TO THE COUNTY'S EXECUTION AND DELIVERY OF A FEE AGREEMENT WITH THE COMPANY PURSUANT TO TITLE 12, CHAPTER 44 CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, AND THE CONVEYANCE OF CERTAIN REAL PROPERTY OF THE COUNTY TO THE COMPANY:

>>Motion was made by Neil Smith, seconded by Roy Collins and unanimously passed to Approve Resolution No. 06-07.

CONSIDERATION OF RESOLUTION NO. 06-06 ADOPTING THE NATURAL HAZARDS MITIGATION PLAN FOR THE APPALACHIAN REGION OF SOUTH CAROLINA:

>>Motion was made by Neil Smith, seconded by Tom Ponder and unanimously passed to approve Resolution No. 06-06.

Mr. Smith requested that the plan be sent out prior to the next meeting in case there were questions for rescinding the resolution.

CONSIDERATION TO APPROVE THE FY 2006/2007 MILLAGE RATES:

>>Motion was made by Roy Collins and seconded by Neil Smith to approve the millage rates for 2006/2007.

Ralph Guarino came before council to present the millage rates. Council was given the following memorandum and chart.

State law vests County Council with the responsibility to establish the annual millage rate that is required to meet the budgetary requirements of the County. Below is a chart representing the Actual Millage rates for FY 2006 and the Recommended Millage rates for FY 2007. The total recommended millage rates reflect a reduction of 0.9 mills from the previous year. A decrease of 1.4 mills is being proposed for County operations. This is based in part on the collections we received from the previous three years (\$227,660.72; 0.6 mills) from Duke Energy from a calculation error on the tax notice and from excess collections from reassessment of \$280,028.99 (0.8 mills). According to our Attorney, Theodore DuBose, since the County held a special called meeting with public comment on September 19, 2005 we are not required to credit this millage for FY 2007, however it is being recommended.

COUNTY MILLAGE

	Actual 2005/2006	Recommended 2006/2007	Difference Actual & Recommended
County Operation	57.4	56.0	(1.4)
Bonded Indebtedness	3.5	4.0	0.5
Library	6.4	6.4	0.0
Tri-County Tech	2.7	2.7	0.0
Special Tax District for Sewer	0.5	0.5	0.0
Total	70.5	69.6	(0.9)

>>During Council discussion Councilman Smith asked several questions regarding the bond Indebtedness and wanted clarification of the increases and decreases. Mr. Smith wanted these explanations to be clear to citizens regarding this issue because he did not want citizens to think council was devising ways of increasing millage. Mr. Smith stated it was very important for him that he votes based on what he said during the budget process.

Mr. Guarino stated that regarding the bond indebtedness, which is set by the Auditor and relates to the bond schedule and has no reflection on the reassessment. Also stated was that Council is not raising the millage for the bonds because that is set for the millage needed each year for bond payments. Mr. Guarino also stated the sinking fund has accumulated over the years, and this was a way of using the accumulated funds and giving millage back to the citizens. Mr. Smith stated it appears as an increase. Mr. Guarino stated it was increased due to the decrease last year from 6.0 mills to 3.5 mills; now the millage is set by the Auditor is at 4.0.

Mr. Smith also stated the County operations are decreased by 1.4 due to the overcompensation of a mill and the calculation of Duke Energy. Mr. Guarino stated that was true, and thus the reason for the decrease in County operations.

Councilman London asked the question if we hold the budget at the even point as discussed in the budget approval, does that mean the reassessment is up 1.4 mills. Mr. Guarino stated no, the reassessment millage was figured last year, and

this decrease is due to the calculation error with Duke Energy and Sinking Fund surplus.

>>>All council voted in the affirmative for setting the millage rates as presented by Mr. Guarino.

Mr. Smith thanked staff and stated he understood how the process works, but intends for it to be clear to the citizens.

CONSIDERATION OF THE BIDS FOR 2006/2007 PAVING:

>>Motion was made by Roy Collins, seconded by Tom Ponder to accept the bid from F&R Asphalt, Inc. at a bid price of \$48.85.

Mr. Smith inquired if all bids were sent out with the same specification and also if this was the low bid. Council was informed this was the low bid and that all specifications for said bids were the same.

>>Motion carried with a unanimous vote.

EXECUTIVE SESSION:

- Appointment of director for the Deeds Office

>>Motion was made by Neil Smith, seconded by Tom Ponder to convene in executive session for the stated purpose.

PUBLIC SESSION RECONVENED:

Chairman Willis called the public session back to order and allowed the following motion.

>>Motion was made by Tom Ponder, seconded by James London to appoint Mr. Paul McGuffin as the Registrar of Deeds. Motion carried with all voting in the affirmative with the exception of Roy Collins who opposed.

ADJOURN:

With there being no further business motion to adjourn was made by Roy Collins, seconded by Neil Smith and unanimously passed. Pickens County Council stood adjourned at 8:40 PM.

Respectively Submitted:

Approved:

Donna F. Owen, Clerk to Council

Jennifer H. Willis, Chairman

