

October 19, 2009  
Regular Council Meeting  
6:30 PM

County Council met in regular session, in the Auditorium, County Administration Facility, with Chairman Neil Smith presiding. Agendas, bearing date, time, and location of meeting were mailed to Council members and local news media, October 14, 2009.

Council Members in attendance:

G. Neil Smith, Chairman  
Jennifer H. Willis, Vice Chairman  
James B. London, Vice Chairman Pro-Tempore  
Randy Crenshaw  
Tom Ponder  
Sam Wyche

Clerk to Council: Donna Owen

Staff: J. Chappell Hurst, County Administrator  
Ken Roper, County Attorney

**WELCOME AND CALL TO ORDER:**

Chairman Smith called the meeting of October 19, 2009 to order and welcomed those in attendance. The Invocation and Pledge of Allegiance was led by Councilman Crenshaw.

**APPROVAL OF MINUTES:**

- Motion was made by Jennifer Willis, seconded by Sam Wyche and unanimously passed to approve the minutes of October 5, 2009.

**COMMITTEE REPORTS:**

Administration and Finance – Chairman Smith gave the following report:

The Committee of Administration and Finance met in the Board Room on Thursday October 8<sup>th</sup>, 2009 at 10:00 AM. All members were in attendance, and Chairman Smith presided.

staff:

Chappell Hurst, County Administrator  
Ralph Guarino, Finance Director  
Donna Owen, Council Clerk  
Dale Looper, Treasurer  
Steve Grant, Purchasing Director

Other:

Wes Hulsey, P.G., Hulsey McCormick & Wallace, Inc.

Item	Description	Referred	
			Report:
3	Investment/Security	02/09/09	>>Committee approved the written investment policy for the county. The committee also request keeping security on the log for further assessment.  >>Council approved

18	Request funds for environmental study of Simms School Road.	08/17/09	>>Committee recommends authorizing the Administrator to formally request \$50,000 from the C-fund Committee for an environmental study of Simms School Road and Adgar Road >>Council approved
19	Investigation of potential uses of landfill generated methane.	08/17/09	No action, staff will look at grants and other studies
20	Clause in the county procurement ordinance to allow local business a preferred purchasing policy.	08/17/09	>>Committee recommends a <u>first reading</u> to add a local preferred purchasing policy to the procurement ordinance.  See attached draft  First Reading: 10/19/09 approved
24	Economic Development Ordinance and Bylaws	09/14/09	>>Committee recommends <u>first reading</u> of the amendment to the Economic Development Ordinance By-laws as it relates to membership of the board, terms, and voting authority.  See attached draft  First Reading: 10/19/09 approved

**DRAFT- Procurement Ord.**  
ORDINANCE NO:

First Reading:                   October 19, 2009  
Second Reading:  
  
Public Hearing:  
Third Reading:

AN ORDINANCE

TO AMEND THE PICKENS COUNTY PROCUREMENT ORDINANCE FOR THE PURPOSE OF GRANTING A PREFERRED BIDDING STATUS FOR ESTABLISHED BUSINESSES WITHIN PICKENS COUNTY.

Be it enacted by the County Council, Pickens County, South Carolina:

Sec. 2-266 - Definitions.

**Local Business:** a corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization or self employed persons that is established within the corporate limits of Pickens County with at least (2) employees.

Proof of "local" will be determined by at least three (3) of the following criteria: a business listing in the local phone directory or yellow pages, E-911 addressing for business, owner and or officers of business having residence within Pickens County, Pickens County tax notice of established business, sales tax notice establishing Pickens County as the home of established business, any State, Federal, or Municipal licensing certifying the location of business within Pickens County.

New Section:

**In County Local Preferred Purchasing Policy:** a business that is determined to be local (see definitions) is eligible for a 3% preferred allowance on all bids up to \$500,000.00. The 3% preferred policy shall apply and be calculated to the lowest bid. In the event of more than one local bidder, the lowest in county bid will apply. The 3% preferred purchasing policy will only apply to each local business once per fiscal year July 1 – June 30<sup>th</sup>.

**DRAFT Economic Development Ord.**  
**ORDINANCE:**

**First reading: 10/19/2009**  
**Second reading:**  
**Third Reading**

AMENDING Ordinance 355 and its bylaws as it relates to the number, appointments, and terms of the Alliance Pickens Board of Director.

Article VI Board of Directors

**Section 6.2 number , Appointment and Terms –**

The number of directors constituting the Board of Directors shall be **seventeen (17)**. The directors shall be appointed as follows:

**Public Sector**

a) There shall be nine **(9) Directors representing public sector**

- I. The **Chairman or his/her appointee** from the Pickens County Council will serve. This term will coincide with the Chairmanship term, and be considered a **two (2) year** term.
- II. The **Council will select a person from Council to serve as the Council representative.** This term will coincide with the Chairmanship term and be considered a two (2) year term.
- III. The Municipal Association will be represented by the president or his/her appointee. This term will coincide with the association presidency.
- IV. Each Council member, including the Chairman will select an appointee from each of their districts to serve a four (4) year term

**Private Sector**

b) There shall be six (6) directors representing the private sector (including one (1) director representing the public utility industry in Pickens County, one (1) Director representing the banking industry in Pickens County, and four (4) Directors representing any business or industry in Pickens County. All nominations for the private sector directors are approved by County Council, and will serve a four (4) year term.

**Higher Education**

c) There shall be two (2) members serving to represent higher education. These members will be the Presidents of Clemson University and Tri-County Technical College, or his/her appointee. These members will have **full voting rights** and will have a term of four (4) years.

**ADMINISTRATOR'S REPORT:**

Mr. Hurst made council aware of the following.

1. Mr. Hurst stated that he attended the Mid Year conference in Columbia, SC, and the topic was the impact of H. 3272, Assessable transfer of interest- (ATI). Mr. Hurst went over

several impacts of this pending legislation not only for the County, but for cities and school districts. Mr. Hurst stated the impact was estimated at \$176 million in lost revenues for the State by 2012. Mr. Hurst stated this legislation will be carefully monitored.

2. Updates on air quality- Mr. Hurst stated that originally November 12, 2009 was a deadline for EPA to make decisions regarding air quality; that deadline has been removed. EPA will look at the new standards for air quality by the end of the calendar year. Mr. Hurst stated this should provide time for looking at monitor location and other issues.

#### **COUNCIL CORRESPONDENCE:**

##### District elections

Chairman Smith stated that councilman Ponder had asked about the fire district elections which was an issue currently in committee. Mr. Smith asked Council if they would have an issue with voter registration providing a booth or voting box for districts that wanted their advisory elections to be more private. Mr. Smith stated he does not want the advisory elections to change, that all nominations would come back to Council, but to provide for someone who wants to nominate or vote in private.

The administrator was instructed to provide for a box/booth within the districts for their annual meeting and advisory election.

#### **MOTION PERIOD AND NEW BUSINESS:**

Chairman Smith opened the floor for Council to add any new business.

- James London moved to place in consent that Twelve Mile Dam remain in committee for further discussion. Motion was seconded by Jennifer Willis and passed with Randy Crenshaw opposing and Tom Ponder abstained due to his just arriving at the meeting and not hearing the debate.
- James London moved to place a contractual issue in executive session. Motion was seconded by Sam Wyche and unanimously passed.

#### **FIRST READING OF AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN PICKENS COUNTY, SOUTH CAROLINA AND MILLIKEN & COMPANY WITH RESPECT TO CERTAIN ECONOMIC DEVELOPMENT:**

- Motion was made by Jennifer Willis, seconded by Randy Crenshaw and unanimously passed that this constitute a first reading of an ordinance for a fee agreement with Milliken & Company.

#### **PRESENTATION OF THE RECREATION PLAN:**

Chairman Smith stated that Councilman Willis had spent recreation funds in order to provide a recreation study, and Paul Mills and Rachael Cotter, consultants for the study, came to give Council an overview.

Paul Mills and Rachel Cotter of Milone and MacBroom, Inc. presented a summary of the parks and recreation master plan funded by Councilman Willis's recreation fund. The plan includes an inventory of every recreation asset in the county including those belonging to municipalities. The consultants then used national standards to determine a service area for each park depending on its size and other variables. From this inventory, they were able to identify areas in the county in need of recreation facilities. Two public input sessions were held to hear wants and needs from citizens. A telephone survey was conducted by a professional company equipped to randomly select phone numbers throughout the county and collect data from participants. From this public input, the consultants were able to identify local interests which were then applied to the master plan. Suggestions include possibilities for new facilities, maintenance and operation estimates. Suggestions will also include potential funding options. Another aspect of the plan is an evaluation of existing assets. The consultants identified safety concerns and

potential hazards that need attention. Again, these evaluations include assets that fall under the municipal jurisdiction as well. The final written report should be available in 2 to 3 weeks.

Chairman Smith thanked the consultants and requested the power point be sent to the Clerk for distribution to council.

**RESOLUTION No. 09-05 SUPPORTING LOWER FLOWS ON LAKE HARTWELL:**

- Motion was made by Chairman Smith and seconded by Randy Crenshaw to approve the Resolution to support lower flows on Lake Hartwell. Motion carried with a unanimous vote.

**CONSENT AGENDA:**

- Motion was made by Jennifer Willis, seconded by Randy Crenshaw and unanimously passed to approve the consent agenda as amended.
  - a) Twelve Mile River Dam in the Education, Recreation, and County Planning Committee.

**RECESS TO WORK SESSION:**

- a) \$1.5 million dollar grant conditions for North Plant
- Motion was made by Jennifer Willis, seconded by Sam Wyche for Council to recess to a work session for the purpose of a presentation by Mr. King, a USDA Representative.

Mr. King informed Council that the \$1.5 million grant in stimulus funding was coming to Pickens County for the purpose of upgrade at the central north sewer plant. Council heard a presentation as it relates to the stimulus funding that is being granted for County and State projects. Mr. King stated that by law, he was required to go over the conditions of the grant in a public meeting.

Council thanked Mr. King for the presentation and the work that has been done to secure these stimulus funds for a Pickens County project.

- Jennifer Willis, seconded by Sam Wyche, moved to come out of recess and back to the regular meeting agenda.

**Regular Session Reconvened:**

Chairman Smith called the council back to the regular meeting and called for a motion to suspend the rules in order to add some items to the agenda for action.

- Jennifer Willis moved to suspend the rules in order to add items to this agenda. Motion was seconded by Randy Crenshaw and unanimously passed.

**Additions to agenda:**

- Jennifer Willis moved to add the following items to the agenda, second was given by Randy Crenshaw and unanimously passed.

- a) A resolution to apply for the stimulus grants and loan from USDA
- b) A resolution of compliance with environmental issues
- c) Compliance with no known relatives in conjunction with funds or project

- Motion was made by Jennifer Willis, seconded by Randy Crenshaw to approve all (3) requirements as set forth in the application guidelines. Motion carried with a unanimous vote.

**EXECUTIVE SESSION:**

- Motion was made by Jennifer Willis, seconded by Randy Crenshaw and unanimously passed to convene in executive session for the stated purposes.

Boards and Commissions as needed or requested  
Economic Development  
Contractual issue

**PUBLIC SESSION RECONVENED:**

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

**Board and Commissions- Library-**

- Sam Wyche moved to re-appoint Tonya Hendricks to the Library Board; motion was seconded by Jennifer Willis and unanimously passed.

**ADJOURN:**

Upon hearing no further business, Chairman Smith called for the motion to adjourn. Motion was made by Jennifer Willis, seconded by James London and unanimously passed. Pickens County Council stood adjourned at 9:30 PM.

Respectively Submitted:

Approved:

---

Donna F. Owen, Clerk to Council

---

G. Neil Smith, Chairman  
Pickens County