

Regular Pickens County Council Meeting
February 01, 2016
6:30 PM

County Council met in regular session, in the Auditorium, County Administration Facility, with Chairman Jennifer Willis presiding. Agendas, bearing date, time, and location of meeting were mailed to Council members and local news media on January 28, 2016.

Council Members in attendance:

Jennifer H. Willis, Chairman
Trey Whitehurst, Vice Chairman
G. Neil Smith
Randy Crenshaw
Ensley Feemster

Absent: Tom Ponder, Vice Chairman Pro-Tem

Staff:

Ralph Guarino, Interim Administrator
Ken Roper, County Attorney
Donna Owen, Clerk to Council

WELCOME AND CALL TO ORDER:

Chairman Willis called the meeting of February 1, 2016 to order and welcomed those in attendance. Councilman Neil Smith further led the Invocation. Neil Smith called upon special guest from the Boy Scout troop to lead the Pledge of Allegiance.

PUBLIC FORUM:

Prece Hamilton – Ms. Hamilton, President of the Humane Society reminded Council that the Humane Society will be requesting funds in the upcoming budget.

In other matters, Ms. Hamilton continued to discuss the issue of MRR and the potential coal ash dump. Ms. Hamilton stated she is sending information to as many citizens, mayors, and other elected officials as possible. Ms. Hamilton also updated council on the petitions.

Council and the public were made aware of the Town Hall Meeting to discuss Coal Ash on February 11, 2016 at the Liberty Civic Auditorium; at 6:00 p.m. Ms. Hamilton encouraged everyone to participate in protest of this project.

Lewis Lollis – Mr. Lollis came before Council to also invite the Council and public to come to the Town Hall Meeting as it relates to the coal ash issue. Mr. Lollis stated many citizens do not know about this issue, and certainly do not realize the potential hazard. He is hopeful this meeting will help.

Brian Lamb – Mr. Lamb stated he has been the victim of theft. Mr. Lamb asked the Council for assistance when the perpetrator is out on the streets. Mr. Lamb stated this was extremely frustrating to him. Mr. Lamb also stated he realized he was not in the correct forum, but was hopeful that Council could direct him where to go with his grievance. Council directed Mr. Lamb to the Solicitor's office for information regarding trials and sentencing.

Louis Willimon – Mr. Willimon from the Springs's area came to discuss the Springs Fire District and the inequity between the Vineyards and Springs current agreement. Mr. Willimon is proposing an agreement between the Springs and Six Mile Fire District for a more equitable agreement. This agreement would allow for increased paid firefighters and common leadership in both districts. The proposal would include one additional person, one vehicle, and fire supervision would be less than (4) miles away at all times instead of over (11) as it is with the Vineyards.

The Springs have increased in revenue over 107%; however, the services have not increased. In addition the reserve account has increased and the millage has increased. This equates to a higher fee the Springs pays to the Vineyards. Mr. Willimon stated since the County Council serves as representation to the Springs residents, they need to know why the Springs paid a fee of \$86,500 in 2014, and a fee of over \$100K in 2015, again with no increase in service. Mr. Willimon does not feel like the Springs money has been managed appropriately and hopes Council will consider the proposal with Six Mile.

Junius Smith – Mr. Smith reiterated that the Tri-County building fund is not the responsibility of the County, but a responsibility of the State. Mr. Smith stated the Technical College was originally supported in order to qualify students for industry. Mr. Smith stated the College is over collecting as well, and the law is clear that over collecting and moving funds is illegal. Mr. Smith stated he is very serious about the County and all the municipalities that are over collecting and that money should go back to the citizens.

Rick Spencer – Mr. Spencer stated he hopes Council will consider doing something about fire fees being on properties that are not worthy of a fee. Mr. Spencer stated single wide mobile homes, homes in despair, and structures that are not in use should not acquire a fee. Mr. Spencer hopes more will be done regarding this issue.

Weldon Clark – Mr. Clark informed Council that Sheriff Rick Clark will be the guest speaker at the Tax Payers Association on Tues. Feb. 23 at 7:00 p.m. at the Rural Water District on Hwy 178.

On other matters, Mr. Clark stated Ken Roper and Chris Brink did a good job with realizing that MRR did not give the Planning Commission the correct information as it relates to the proposed dump site.

APPROVAL OF MINUTES:

- Motion was made by Councilman Neil Smith, seconded by Councilman Ensley Feemster and unanimously passed to approve the minutes of January 04, 2016 and January 25, 2016 as presented.

ADMINISTRATOR'S REPORT:

Mr. Guarino gave the following updates.

- 1) Animal Control- the website for animal control now has pictures of the animals and where the pickup took place as well as date and time. Mr. Guarino stated this update has already placed animals back in the owner's home.
- 2) Verizon and GPS- GPS has been installed on vehicles. The Verizon system is active and is able to track vehicles for better efficiency.
- 3) Financial Reports- reports are posted on the website. Mr. Guarino briefly went over the highlights and stated everything seems to be in good order with fund balances as expected.

COUNCIL CORRESPONDENCE:

- 1) Ms. Willis stated the City of Easley is utilizing a public service to check on Senior Citizens within the City of Easley. If there is a senior living in the city and you need them checked on, the police and fire are coordinating this program.
- 2) Mr. Smith stated he had spoken with Craig Zeller, an executive with EPA who has worked with Pickens County regarding PCB contamination. Mr. Zeller informed Mr. Smith that "coal ash must go into a subtitle D lined landfill with a leachate drainage system." Mr. Smith stated he wanted to be able to quote Mr. Zeller regarding the rule because it means MRR cannot bring coal ash into the County because Pickens County does not allow a landfill of that function.

COMMITTEE REPORTS:

Public Service Committee Report – in the absence of Committee Chair Tom Ponder, Chairman Willis gave the following report:

The Public Service Committee met at 5:00 p.m. on January 4, 2016 in the Main Conference Room. Committee Chairman Tom Ponder presided, and all members of the committee were in attendance.

Staff:

Ralph Guarino, Interim Administrator
 Gerald Wilson, Public Works Director
 Curt Burgess, Engineer
 Barry Chappell, Delinquent Tax Director
 Donna Owen, Clerk to Council

Guest: Troy Porter

Log	Description	Referred	Action
26	Paving List	08/12/2015	No Action--Staff will report back to council after looking at other counties that may want to do work together for the paving process, and explore best price for contracts. Staff will bring information back to the Clerk for Council to have a meeting and or approve bids.
27	Resolution from the City of Central regarding the highway 93 bridge Retained 2016	09/19/2015	No Action - Staff will report back different scenarios for the bridge project. Also report back findings from GPATS and C-Fund Committees.

Committee of the Whole – Chairman Willis gave the following report:

The Committee of the Whole met in the Main Conference Room on Monday January 25, 2016 immediately following the special called meeting (7:45 p.m.) All members of council were in attendance with Chairman Willis presiding.

Staff:

Ralph Guarino, Interim County Administrator
 Ken Roper, County Attorney
 Donna Owen, Clerk to Council
 Gerald Wilson, Public Works
 Curt Burgess, Engineer
 David Bradford, Vehicle Maintenance
 Jason Anders

Item	Description	Referred	Report	Council Action
27	Legal System Overview Committee Retained 2016	03/02/2015	04/16/2015	Committee recommends for Councilman Neil Smith to have a person to come to the council committee in order to advise regarding jail consultants and expectation as Council moves forward with a professional Request for Qualifications. Approved

35	Long Range Plan for Economic Development Retained 2016	05/06/2015	10/19/2015	Committee recommends accepting the proposal from Davis & Floyd for the grading plan of parcels for civil engineering design, permitting, and project bidding. Approved

MOTION PERIOD AND NEW BUSINESS:

Chairman Willis opened the floor for Motion Period and New Business. Hearing none, Motion Period was closed.

SECOND READING OF ORDINANCE 498 ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN PICKENS COUNTY, SOUTH CAROLINA (THE "COUNTY") AND PROJECT STARR, ACTING FOR ITSELF, ONE OR MORE AFFILIATES AND/OR OTHER PROJECT SPONSORS, PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED PAYMENTS IN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE EXPANSION OF CERTAIN FACILITIES IN THE COUNTY; THE AMENDMENT OF CERTAIN FEE-IN-LIEU-OF-TAX AGREEMENTS BY AND BETWEEN THE COUNTY AND PROJECT STARR; (3) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; AND (4) OTHER MATTERS RELATING THERETO.

Chairman Willis requested this item be tabled, as some of the language has changed.

- Motion was made by Chairman Willis, seconded by Councilman Neil Smith and unanimously passed to table Ordinance No. 498 for the February 1, 2016 agenda.

CONSIDERATION FOR APPROVAL OF AN ARCHITECT FOR DESIGN WORK AT SHADY GROVE FIRE DISTRICT:

Mr. Whitehurst explained that Shady Grove Fire Board had been able to retain the services of an architect for \$2,500.00. Mr. Whitehurst stated since the board has negotiated such a reasonable price; he has no issues with this request. Also, the district has these funds set aside.

- Motion was made by Vice Chairman Trey Whitehurst, seconded by Councilman Neil Smith and unanimously passed to approve the \$2,500.00 for the architect.

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION LETTER REGARDING REMOVAL OF A PORTION OF STATE ROADS IN PICKENS COUNTY:

Motion was made by Councilman Neil Smith, seconded by Chairman Willis for the County to take the portion of the road in Easley known as 5th Street, if the City of Easley does not opt to take the road over. Motion was unanimously passed.

CONSIDERATION TO PLACE ON THE GENERAL ELECTION BALLOT APPROVAL FOR SHADY GROVE FIRE DISTRICT TO INCREASE OPERATING MILLAGE PER SEC.6-1-320 (G) (1) IN THE SOUTH CAROLINA CODE OF LAWS:

Trey Whitehurst explained that by State law if a fire district wants or needs to increase the millage, the item must be placed on the ballot for that particular district to determine if the citizens are in favor of said change. Mr. Whitehurst stated he wants the Resolution as stated approved; however, he would like to request the Council have a courtesy first reading in title only in case the action requires an ordinance instead of the Resolution.

Mr. Whitehurst stated the title as *"Pursuant to the provisions of the SC Code Section 6-1-320, et seq. the Board of Commissioners hereby request that Council conduct a referendum of the qualified electors of the District at the time of the next general election on the question of whether or not to suspend the millage rate limitation for general operation purposes of the District and increase said millage by 4.6 mills, beginning with the following fiscal year.*

- Motion was made by Vice Chairman Trey Whitehurst, seconded by Councilman Neil Smith and unanimously passed that this constitutes a first reading of said Ordinance.
(it was understood if the Resolution from Shady Grove suffices, the Ordinance will not be necessary.)

12-a CONSIDERATION OF TWELVE MILE RECREATIONAL AREA PARKS – DESIGN AND CONSTRUCTION CONTRACT:

- Motion was made by Councilman Neil Smith to move the Twelve Mile Contract to executive session. Motion was seconded by Chairman Willis and unanimously passed. Item was moved to the contractual part of executive session.

CONSENT AGENDA:

Motion was made by Councilman Ensley Feemster, seconded by Councilman Randy Crenshaw and unanimously passed to approve the Consent Agenda as presented.

- Oak Leaf Court and Laurel Oak Lane---Public Service Committee
- Accommodations Tax Request Clemson Tourism- Administration and Finance.

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

Chairman Willis called for a motion to convene into Executive Session as defined by S.C. Code of Laws, Section 30-4-70 (a). Chairman Willis further stated that each issue would be discussed as the Law provides.

- Motion was made by Vice Chairman Trey Whitehurst, seconded by Councilman Neil Smith and unanimously passed to convene in executive session for the stated purposes.

Legal Issues-Section 30-4-70 (a) (2)
MRR Pickens LLC

Contractual Issues- Section 30-4-70 (a) (2)
Acquisition of Property
Easley Fire District
Springs Fire District

Personnel-30-4-70 (a) (1)
Clerk to Council Candidates
Interim County Administrator

County Administrator Recruitment

Economic Development-30-4-70 (a) (5)

Project Growth
Project Starr
Project Whitetail
Project Dallas

Boards and Commissions - 30-4-70 (a) (1)

Behavioral Health
Fire District Boards

ACTION AS NEEDED VIA EXECUTIVE SESSION ITEMS:

PUBLIC SESSION RECONVENED:

Chairman Willis called the meeting back to order and advised the following.

Legal Issues-Section 30-4-70 (a) (2)

MRR Pickens LLC – update, no action

Contractual Issues- Section 30-4-70 (a) (2)

Acquisition of Property- update, no action

Easley Fire District –

- Councilman Neil Smith moved to authorize the Interim Administrator to execute a contract with the City of Easley for the fire service in the Easley Rural Fire District with terms as follows:
 - automatic rollover each year
 - two year notice to terminate
 - FY 2016/17 rate is \$495,000
 - subsequent years will increase 2.5% each year
 - County will pay 1/12 of the annual fee each month beginning July 1, 2016.Chairman Willis gave the second to the motion. Motion was unanimously passed.

Springs Fire District – update, no action

Twelve mile recreational area parks – (as moved from the agenda)

- Vice Chairman Trey Whitehurst moved to contract with Hulsey, McCormick and Wallace for the design and construction contract of Twelve Mile Park. Motion was seconded by Councilman Neil Smith and unanimously passed.

Personnel-30-4-70 (a) (1)

Clerk to Council Candidates

- Motion was made by Chairman Willis, seconded by Councilman Neil Smith and unanimously passed to appoint Sheila Tinsley as the Interim Clerk to Council.

Interim County Administrator

- Vice Chairman Trey Whitehurst moved to appoint Tom Hendricks as the Interim Administrator for 120 days at \$11,000 per month. Motion was seconded by Councilman Neil Smith and unanimously passed.

County Administrator Recruitment-no action

Economic Development-30-4-70 (a) (5)—No action on Economic Development

Project Growth
Project Starr
Project Whitetail
Project Dallas

Boards and Commissions - 30-4-70 (a) (1)

Behavioral Health-

- Councilman Neil Smith moved to appoint Kathryn Gravelly to the Behavioral Health board to serve at the pleasure of County Council. Motion was seconded by Vice Chairman Trey Whitehurst and unanimously passed.

Fire District Boards:

- Councilman Randy Crenshaw moved to appoint the following as presented to serve at the pleasure of County Council. Motion was seconded by Councilman Neil Smith and unanimously passed.

Holly Springs-

Mary Cribbs Monroe

Pickens-

Freddy Duncan

Pumpkintown –

William Alexander

Rocky Bottom-

Barry Crayford

Vineyards –

Brian Smyth

- Councilman Neil Smith moved to appoint the following as presented to serve at the pleasure of County Council. Motion was seconded by Vice Chairman Trey Whitehurst and unanimously passed.

Liberty –

Richard Ricken

ADJOURN:

Hearing no further Council business, Chairman Willis called for a motion to adjourn. Motion was made by Councilman Neil Smith, seconded by Chairman Willis and unanimously passed. Pickens County Council stood adjourned at 10:00 p.m.

Respectively Submitted:

Approved:

Donna F. Owen, Clerk to Council

Jennifer H. Willis, Chairman