

Regular Pickens County Council Meeting
May 2, 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 April 25, 2016.

Council Members in attendance:

Jennifer H. Willis, Chairman
Trey Whitehurst, Vice Chairman
Tom Ponder, Vice Chairman Pro-Tem
G. Neil Smith
Randy Crenshaw
Ensley Feemster

Staff:

John T. Hendricks, Interim Administrator
Ken Roper, County Attorney
Crystal A. Alexander, Clerk to Council

WELCOME AND CALL TO ORDER:

Chairman Willis called the meeting of May 2, 2016 to order and welcomed those in attendance. Councilman Tom Ponder further led the Invocation and Pledge of Allegiance.

PUBLIC FORUM:

Chairman Willis opened the Public Forum and requested the Clerk to call upon the citizens who signed up to speak.

1. Pree Hamilton: Ms. Hamilton appeared regarding the Humane Society and upcoming fundraisers; recommended advanced notice of road closures (i.e., Cartee Rd.); and stated she has more petitions pertaining to MRR/coal ash.
2. Junius Smith: Mr. Smith appeared regarding his opposition to the Comprehensive Plan.
3. Eleanor Hare: Ms. Hare appeared regarding four upcoming candidate forums hosted by the League of Women Voters.
4. Allan Quinn: Mr. Quinn appeared to introduce himself as a candidate for SC Senate Seat, District 2.

APPROVAL OF MINUTES:

Motion was made by Councilman Tom Ponder, seconded by Councilman Ensley Feemster and unanimously passed to approve the April 4, 2016 minutes as presented.

ADMINISTRATOR'S REPORT:

Mr. Hendricks informed Council and the public of the following items:

Zika Virus and Mosquito Protection: Mr. Hendricks advised representatives from the County attended a State briefing pertaining to the Zika virus. He advised the State did not have a program or funds allocated to support a program. Mr. Hendricks provided Council with a pamphlet the County created on

how to protect against mosquitoes and the Zika virus. He stated the pamphlets would be disseminated to various locations, to include: nursing homes, school bus drivers and daycare agencies.

- Councilman Neil Smith asked about the County's ability to mobilize spraying for mosquitoes.
-Mr. Hendricks responded that the County could mobilize a county-wide spraying, if deemed necessary.
- Councilman Neil Smith questioned if we, the County, have been provided with all of the facts regarding the Zika virus.
-Mr. Hendricks responded it is unclear whether we have all of the facts from the State and the CDC. He explained the State's approach was to direct counties to facilitate a plan, as there is no state derived plan and/or funding.

Update on County Jail: Mr. Hendricks advised of his meeting with Daniel Mase, from Moseley Architects, in reference to the jail. He explained after review of the short term analysis, the census figures and the County's jail population figures; the County is looking at a 290-400 person capacity jail. Mr. Hendricks stated Mr. Mase developed a plan for a one and two story design. The proposed estimated cost of the one story design is \$23 million and the two story design is \$24 million. Mr. Hendricks stated the expenditure of millions of dollars to build a new jail would not solve the issue of incidents, such as the recent altercation that occurred at the Pickens County Law Enforcement Center. Mr. Hendricks referenced an example of Oconee County's new jail facility and the incidents that occurred at that new facility.

- Councilman Neil Smith made reference to the jail survey, completed by WYFF4, of surrounding counties. Councilman Neil Smith mentioned Greenville County was under populated; whereas, Anderson, Pickens, and Spartanburg counties were all over populated to the number of beds in their facilities. Councilman Neil Smith went on to explain an expenditure of \$24 million was an equivalent to 55 mills.

Tri-County Technical College: Mr. Hendricks informed Council of correspondence relative to the Tri-County Technical College issue as it relates to Council's Committee of the Whole meeting held October 12, 2015. Mr. Hendricks referenced the minutes of October 19, 2015, and also read email correspondence from October 2015, that clarified Council's motion and the fact that any funding would require a vote from Council in the FY 2016-2017 budget. Mr. Hendricks further stated Pickens County Council has not approved any funding to date.

- Councilman Neil Smith stated if the motion was to fund the position, he wasn't in favor. If the motion was only to allow them to proceed with the education commission, he would support it. Councilman Neil Smith further requested Mr. Hendricks to state the record.
-Mr. Hendricks stated the record of minutes as follows: "Mr. Smith did state he would approve the letter, but next year's budget will require much discussion and another vote".
- Vice Chairman Trey Whitehurst requested clarification on County's legal responsibilities.
-Mr. Hendricks responded that this matter would be discussed in Executive Session.
- Councilman Tom Ponder stated in a previous meeting with Tri-County Tech, with Dr. Booth in attendance, the State's portion of the project at the time was approximately \$29 million. Dr. Booth then informed those in attendance, Tri-County Tech would only receive \$6 million from the State, which left the balance to be collected elsewhere. Councilman Tom Ponder lastly mentioned the County's responsibilities are operations and maintenance, not capital expenditures.

COUNCIL CORRESPONDENCE:

City of Easley Glass Recycling: Chairman Willis advised the City of Easley has discontinued curbside recycling of glass; however, she stated the County still recycles glass and will continue to do so. Chairman Willis further clarified the County has no jurisdiction over municipalities.

- Councilman Tom Ponder stated the City of Easley has the opportunity to bring the comingled materials to the County, yet the City of Easley has elected not to. Councilman Tom Ponder and Chairman Willis mentioned the County's award winning recycling program.

COMMITTEE REPORTS:

No Action

MOTION PERIOD AND NEW BUSINESS:

Chairman Willis opened the floor for new business:

- Motion was made by Councilman Tom Ponder to add two personnel items to Executive Session. Motion was seconded by Councilman Randy Crenshaw and unanimously passed.
- Motion was made by Councilman Neil Smith to add the policy on the protocol of the American flag to the Consent Agenda. Motion was seconded by Councilman Tom Ponder and unanimously passed.

FIRST READING OF ORDINANCE NO. 509 AMENDING CHAPTER 34 – SOLID WASTE OF THE PICKENS COUNTY CODE OF ORDINANCES TO CONFORM TO CHANGES IN APPLICABLE STATE LAW AND MATTERS RELATED THERETO.

- Motion was made by Councilman Tom Ponder, seconded by Chairman Willis and unanimously passed that this constitutes a first reading of Ordinance No. 509.

APPROVAL OF SOLID WASTE PLAN PREPARED APRIL 2016

- Motion was made by Councilman Tom Ponder and seconded by Councilman Randy Crenshaw to approve the Solid Waste Plan as presented.
- During discussion of the motion, Councilman Neil Smith moved to amend that future changes of the Solid Waste Plan be reviewed by the Planning Commission. Motion was seconded by Councilman Tom Ponder and unanimously passed.
- The approval of Solid Waste Plan, as amended, was unanimous.

PUBLIC HEARING AND THIRD READING OF ORDINANCE NO. 502 TO ADOPT THE 2010-2030 PICKENS COUNTY COMPREHENSIVE PLAN, ALONG WITH THE 2015 UPDATES, AS REQUIRED BY THE SOUTH CAROLINA LOCAL GOVERNMENT PLANNING ENABLING ACT OF 1994, AS AMENDED.

- Chairman Willis opened the public hearing for comments regarding Ordinance No. 502. There being no speakers, Chairman Willis declared the public hearing closed.
 - Motion was made by Vice Chairman Trey Whitehurst and seconded by Chairman Willis that this constitutes a third reading of Ordinance No. 502.
 - During discussion of the motion, Councilman Neil Smith stated he had the same amendments as he stated for the previous motion regarding the Solid Waste Plan. Mr. Smith wanted to clarify that for future Comprehensive Plan updates, he would like to ensure that the plan is presented to Council from the Planning Commission. The amendment was seconded by Chairman Willis to always ensure the Comprehensive Plan is studied by the Planning Commission. Amendment was unanimously passed.
 - Motion that this constitutes a third and final reading of Ordinance No. 502 was unanimously passed, as amended.

SECOND READING OF ORDINANCE NO. 503 THE FISCAL YEAR 2016-2017 BUDGET ORDINANCE.

- Motion was made by Councilman Neil Smith and seconded by Councilman Tom Ponder that this constitutes a second reading of Ordinance No. 503.
- During discussion, Councilman Neil Smith moved to amend the budget to restrict the funding of any capital expenditure that exceeds \$500,000 until the County makes the decision on the County Jail (Detention Center). The amendment was seconded by Councilman Randy Crenshaw and unanimously passed.
- Vice Chairman Trey Whitehurst moved to amend the budget to restrict any funding of Tri-County Technical College's project. The amendment was seconded by Councilman Neil Smith and approved by a 5-0 vote, with Councilman Ensley Feemster abstaining.
- Motion that this constitutes a second reading of Ordinance No. 502 was unanimously passed, as amended.

SECOND READING OF ORDINANCE NO. 504 TO AMEND THE FISCAL YEAR 2015-2016 BUDGET ORDINANCE.

- Motion was made by Councilman Neil Smith, seconded by Chairman Willis and unanimously passed. This constitutes a second reading of Ordinance No. 504.

THIRD READING ORDINANCE NO. 500 TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH OCONEE COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN OCONEE COUNTY AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS 1976, SECTION 4-1-170 ET SEQ., AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH OCONEE COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAX; AND MATTERS RELATED THERETO.

- Motion was made by Councilman Neil Smith, seconded by Councilman Randy Crenshaw and unanimously passed. This constitutes a third and final reading of Ordinance No. 500.

FIRST READING IN TITLE ONLY OF AN 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 A COMPANY KNOWN TO THE COUNTY AT THIS TIME AS PROJECT DALLAS, ACTING FOR ITSELF, ONE OR MORE SUBSIDIARIES, AFFILIATES, SUCCESSORS, ASSIGNS, LESSORS 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; (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; (3) THE CONVEYANCE OF CERTAIN PROPERTY TO THE COMPANY AND THE REIMBURSEMENT TO THE COMPANY OF COSTS INCURRED RELATED TO SITE-WORK THEREON; AND (4) OTHER MATTERS RELATING THERETO.

- Motion was made by Chairman Willis, seconded by Councilman Neil Smith and unanimously passed. This constitutes a first reading in title only of Project Dallas.

SECOND READING OF ORDINANCE NO. 506 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 A COMPANY KNOWN TO THE COUNTY AT THIS TIME AS PROJECT BIG APPLE, 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; (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; (3) THE CONVEYANCE OF PROPERTY TO THE COMPANY AND A GRANT OF FUNDS TO PAY COSTS RELATED TO SITE WORK THEREON; AND (4) OTHER MATTERS RELATING THERETO.

- Motion was made by Chairman Willis, seconded by Councilman Tom Ponder and unanimously passed. This constitutes a second reading of Ordinance No. 506.

PUBLIC HEARING AND THIRD READING OF ORDINANCE NO. 498 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 opened public hearing for comments regarding Ordinance No. 498. There being no speakers, Chairman Willis declared the public hearing closed.
 - Motion was made by Chairman Willis and seconded by Councilman Neil Smith to constitute a third and final reading of Ordinance No. 498.
 - Chairman Willis moved to amend the company name to St. Jude (Pacesetter, Inc.). The amendment was seconded by Councilman Neil Smith and unanimously passed.
 - Motion that this constitutes third and final reading of Ordinance No. 498 unanimously passed, as amended.

A RESOLUTION AUTHORIZING CERTAIN INDUCEMENTS TO PROJECT WHITETAIL FOR ECONOMIC DEVELOPMENT PURPOSES AND OTHER MATTER RELATED THERETO.

- Motion was made by Chairman Willis, seconded by Councilman Ensley Feemster and unanimously passed to approve Resolution No. 2016-04.
 - Chairman Willis announced Project Whitetail as Zero Connect and further introduced the founder, Larry Kendall and his wife, G. Mr. Kendall spoke to his company's vision and decision to expand in Pickens County.

CONSENT AGENDA:

- a) Accommodations Tax Recommendations-Administration and Finance Committee
 - Motion was made by Councilman Neil Smith, seconded by Vice Chairman Trey Whitehurst and unanimously passed to approve the consent agenda as amended.
 - Administration and Finance Committee:
 1. 2016 Accommodations tax funding
 2. Policy on protocol of American flag (as added from Motion period)

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 Randy Crenshaw and unanimously passed to convene in executive session for the stated purposes.

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

- MRR Pickens LLC
- Legal Review of County Plans
- Liability

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

- Acquisition of Property (2)

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

- County Administrator Recruitment
- Department Structure

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

- Project Dallas
- Project Big Apple
- Potential Property transaction (Commerce Park)
- Project Exodus

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

- Council Appointment for Alliance Pickens Board
- Dacusville Fire Board Reappointment
- Tri-County Technical College Commission Reappointment
- Board Applications and/or Resignations

ACTION AS NEEDED VIA EXECUTIVE SESSION ITEMS:

PUBLIC SESSION RECONVENED:

Chairman Willis called the Public Session back to order and advised the following motions:

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

- MRR Pickens LLC-No Action
- Legal Review of County Plans-No Action
- Liability-No Action

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

- Acquisition of Property (2) -No Action

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

- County Administrator Recruitment-No Action
- Department Structure-No Action
- Two Personnel Issues (as added in Motion period)-No Action

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

- Project Dallas-No Action
- Project Big Apple-No Action
- Potential Property transaction (Commerce Park) -No Action
- Project Exodus-No Action

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

- Council Appointment for Alliance Pickens Board

- Motion was made by Councilman Tom Ponder to appoint Councilman Neil Smith to the Alliance Pickens Board. Motion was seconded by Vice Chairman Trey Whitehurst and unanimously passed.
- Dacusville Fire Board Reappointment
 - Motion was made by Councilman Tom Ponder to reappoint Sam Childers to the Dacusville Fire Board. Motion was seconded by Councilman Neil Smith and unanimously passed.
- Tri-County Technical College Commission Reappointment-No Action
- Board Applications and/or Resignations-No Action

ADJOURN:

Hearing no further Council business, Chairman Willis called for a motion to adjourn. Motion was made by Vice Chairman Trey Whitehurst, seconded by Councilman Tom Ponder and unanimously passed. Pickens County Council stood adjourned at 9:28 p.m.