

Regular Pickens County Council Meeting

June 20, 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 June 13, 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 in Attendance:

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 June 20, 2016 to order and welcomed those in attendance. Councilman Randy Crenshaw 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 upcoming fundraisers and to request assistance for the Humane Society. She also stated her opposition to coal ash dumping.
2. Gilda Hendricks: Ms. Hendricks appeared regarding her concerns of the Cultural Commission and the Pickens County Museum. She further advised the Cultural Commission Ordinance needs to be revised due to an error.
3. Junius Smith: Mr. Smith provided the Council with a document pertaining to the Pickens County Jail (Detention Center). He further discussed that topic, as well as the Constitution.
4. Kade Herrick: Mr. Herrick provided the Council with a document regarding Spring Break Rowing. He further discussed the success of the program and the great economic impact to Pickens County.
5. Eleanor Hare: Ms. Hare appeared regarding her request to improve communication to all citizens in Pickens County, who may or may not be in attendance at meetings.
6. Steve Haynie: Mr. Haynie appeared regarding the flag protocol and his recommendation.

APPROVAL OF MINUTES:

Motion was made by Councilman Tom Ponder, seconded by Vice Chairman Trey Whitehurst and unanimously passed to approve the below referenced minutes as presented:

- April 28,2016 Special Called
- May 2, 2016
- May 18, 2016 Special Called

ADMINISTRATOR’S REPORT:

Mr. Hendricks updated Council on the following items:

Update on Administration Building: Mr. Hendricks advised Council the roof repair at the Administration office is almost complete. After which time, the ceiling tiles will be replaced.

Request of Council to Add Items to Executive Session: Mr. Hendricks requested Council to add four items to Executive Session, as follows: -Two items regarding lease agreements between Pickens County and two municipalities; one item concerning the County Attorney; and one item regarding a County contract and bond payments.

Tri-County Technical College: Vice Chairman Trey Whitehurst advised he had questions for the Administrator as follows:

- Vice Chairman Trey Whitehurst discussed a recent article written by the Greenville News that stated ‘Tri-County Tech disputes Pickens County’s claim it hasn’t answered questions’. Vice Chairman Trey Whitehurst asked Tom Hendricks if he, being the Administrator, had received information from Tri-County Technical College that he did not further provide to Council.
 - Mr. Hendricks responded, no.
- Vice Chairman Trey Whitehurst asked Tom Hendricks if Ron Barnett had ever asked him if we had not received all of the information.
 - Mr. Hendricks responded, no. He further discussed an outline of events that occurred between Pickens County and Tri-County Technical College related to the Student Success Center, from October 13, 2015 to May 25, 2016. Mr. Hendricks also discussed articles published by Ron Barnett in the Greenville News he stated were ‘false narratives’.
- Vice Chairman Trey Whitehurst stated they (Council) were told if the County does not fund the referenced project, Tri-County Tech was going to raise tuition for Pickens County students. Vice Chairman Trey Whitehurst asked Ken Roper to clarify.
 - Ken Roper stated Tri-County Tech has made that indication and from his understanding Tri-County has expressed an intention of raising the rates on just Pickens County students unless the County agrees to pay, through this Council, through some bond mechanism for the funding of the referenced facility. Mr. Roper stated whether Tri-County could legally do this is still open, being the County would need to litigate that question to determine the answer.
- Councilman Tom Ponder advised Ken Roper that Tri-County had raised rates before in the amount of \$197,000. Mr. Ponder asked Mr. Roper to clarify state law as it pertains to raising tuition rates. Mr. Ponder further discussed this matter in detail.
- Councilman Neil Smith asked Tom Hendricks and Ken Roper to confirm the County sent letters to Oconee County and Anderson County advising in the past it has never been where two counties obligate the third county in October/November of 2015. Mr. Smith further asked if either of the two counties responded that two of the counties obligate the third.
 - Ken Roper stated as far as he understood neither county came back with that position.
 - Chairman Willis further stated that on behalf of this council, she had a face to face conversation with the Chair of Anderson County and the Chair of Oconee County. Both Chairs concurred they had no right to obligate Pickens County. Chairman Willis further explained Pickens County’s concerns, position and policies during that meeting.

- Councilman Neil Smith further stated the County has never had a project with Tri-County Technical College that the three counties did agree in a unanimous manner. The idea of having two obligate a third has not occurred.
- Councilman Neil Smith asked Tom Hendricks and Ken Roper if Tri-County asked for this Council to approve and they do not, then they obligate Pickens County students, then why are they (Tri-County) asking for the Council’s approval to begin with. Mr. Smith further asked is the County obligated to do the maintenance and operations on the Student Activity Center, which consists of four major projects, if they don’t approve it.
 - Ken Roper responded, per the statute, the County would be responsible for a proportional share of the operations and maintenance after the building is constructed.
- Councilman Neil Smith asked Mr. Roper if the County has received the funds previously requested from Tri-County Tech.
 - Ken Roper responded no that Tri-County has taken the position that the Council needs to vote to request the return of referenced funds.
- Councilman Neil Smith had much discussion with the attorney regarding clarification of misappropriation of funds and the County’s obligation if a misappropriation did occur.

COUNCIL CORRESPONDENCE:

Chairman Willis opened the floor for any correspondence.

Council Meeting Update: Chairman Willis advised a Council Meeting will be held on Monday, July 18th at 6:30 p.m.

Tri-County Technical College: Vice Chairman Trey Whitehurst advised he received a letter from Tri-County Technical College dated May 30, 2016. The letter was regarding the maintenance sustainability of the building at their Pendleton location. Mr. Whitehurst advised this letter has been further provided to all of Council. He further discussed the engineering assessment report provided with the referenced letter.

COMMITTEE REPORTS:

- Chairman Willis presented the following report for the Administration and Finance Committee:

ADMINISTRATION & FINANCE COMMITTEE REPORT

Jennifer H. Willis, Chairman
G. Neil Smith
Trey Whitehurst

The Committee of Administration and Finance met in the Main Conference Room at the Pickens County Administration building on Monday, May 9, 2016 at 5:30 p.m.

All members of the Committee were in attendance with Chairman Willis presiding. Councilman Randy Crenshaw was also in attendance.

Staff in Attendance:

John T. Hendricks, Interim Administrator
 Crystal A. Alexander, Clerk to Council
 Helen Hockwalt, Tourism Director
 Dale Powell, Park Director

Item	Description	Referred	Report	Action
76	ATAX Recommendations 2016	05/02/2016	06/20/2016	<p data-bbox="1036 310 1481 611"><The Committee unanimously recommends approval of the Accommodations Tax report as presented. The Committee further requested a detailed report of how funds will be allocated by referenced organizations. Proposal will be presented to full Council.</p> <p data-bbox="1036 657 1481 842"><A motion to amend the ATAX fund allocations, as follows, was made by Vice Chairman Trey Whitehurst, seconded by Councilman Neil Smith and unanimously passed.</p> <ul data-bbox="1084 888 1481 1850" style="list-style-type: none"> <li data-bbox="1084 888 1481 1073">• \$5,000 for Upstate Heritage Quilt Trail to allocate to the Quilt Block Clusters (<i>as recommended by ATAX committee</i>) <li data-bbox="1084 1083 1481 1304">• \$1,800 for Preserving Southern Appalachian Music to allocate to the Winter Bluegrass Jubilee (<i>as recommended by ATAX committee</i>) <li data-bbox="1084 1314 1481 1499">• \$2,000 for SC Humanities Council to allocate to The Way We Worked (<i>as recommended by ATAX committee</i>) <li data-bbox="1084 1509 1481 1850">• \$5,000 for Clemson Area Chamber of Commerce-Clemson Rowing to allocate to the referenced dock project (Motion to amend by Vice Chairman Trey Whitehurst, seconded by Councilman Neil Smith and unanimously passed.)

				<ul style="list-style-type: none"> • All remaining funds from the accommodations tax are to remain in the account for future use, per Council <p>-Councilman Neil Smith reiterated the law regarding the requirement of ATAX fund expenditures be to promote tourism.</p> <p><<Council unanimously approved the above mentioned accommodations tax fund allocations, totaling \$13,800, as amended.</p>
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MOTION PERIOD AND NEW BUSINESS:

- Councilman Neil Smith moved to add the four items requested by the Administrator to Executive Session as follows:
 - Two contracts regarding lease agreements between the County and a municipality
 - One contract and bond payment
 - One personnel matter regarding the County Attorney
- Motion was seconded by Councilman Tom Ponder and unanimously passed as presented.

CONSIDERATION OF PROCLAMATION FOR NATIONAL SAFE BOATING WEEK TO RAISE AWARENESS OF SAFETY ON THE WATER AND PROMOTE THE USE OF LIFE JACKETS:

- Motion was made by Councilman Neil Smith, seconded by Vice Chairman Trey Whitehurst and unanimously passed to approve a Proclamation for National Safe Boating Week as May 21-27, 2016 and to further raise awareness of safety on the water year-round.

CONSIDERATION TO ACCEPT GRANNY GEAR ROAD INTO THE COUNTY ROAD MAINTENANCE SYSTEM:

- Motion was made by Councilman Tom Ponder, seconded by Councilman Randy Crenshaw and unanimously passed to approve Granny Gear Road into the County road maintenance system as presented.

CONSIDERATION TO APPROVE THE BY-LAWS OF THE ECONOMIC DEVELOPMENT ALLIANCE OF PICKENS COUNTY 501C-3 ORGANIZATION. (2):

- Motion was made by Chairman Willis, seconded by Councilman Tom Ponder and unanimously passed to approve the By-Laws of the Economic Development Alliance of Pickens County 501C-3 Organization as presented.

APPROVAL OF SOLID WASTE MANAGEMENT PLAN:

- Motion was made by Councilman Neil Smith and seconded by Councilman Tom Ponder.
- During discussion Councilman Tom Ponder wanted to confirm, once approved, this plan will go to the State for their approval.

- Mr. Hendricks confirmed once passed, the plan will go to the State for their approval. And if the State approves, the County plan will become part of the State's plan.
- Mr. Ponder further asked the Administrator if the plan is approved by the County and then by the State, what leverage does the County have if the State removes the coal ash section?
 - Mr. Hendricks stated that is difficult to answer; however, he clarified that there are regulations in place set by DHEC. Regulations that DHEC ignored and avoided in regards to coal ash.
- Councilman Neil Smith stated we do have the right to prohibit any landfill, and that is what the Council is amending. He further stated with this amendment, no landfills can come into this County.
 - Mr. Hendricks confirmed Mr. Smith's statement and further mentioned, if any violation has occurred the County should be notified.
- The approval of the Solid Waste Management Plan of June 2016 unanimously passed as presented.

SECOND 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 Neil Smith, seconded by Councilman Randy Crenshaw and unanimously passed to constitute a second reading of Ordinance No. 509.

PUBLIC HEARING AND THIRD READING OF ORDINANCE NO. 503 THE FISCAL YEAR 2016-2017 BUDGET ORDINANCE:

- Chairman Willis opened the public hearing for any comments regarding Ordinance No. 503. Hearing none, Chairman Willis declared the public hearing closed.
- Motion was made by Vice Chairman Trey Whitehurst and seconded by Councilman Tom Ponder to constitute a third reading of Ordinance No. 503.
- During discussion, a motion was made by Councilman Neil Smith to amend the FY 2016-2017 budget to designate \$23 million from the reserve until Council determines actual funding for the jail project. It was further clarified that this amendment is to prevent the \$23 million from being allocated to anything other than the referenced project.
- Chairman Willis clarified there is motion on the floor for the jail funding, but Council will have the ability to determine the best approach as they further study the project. Ms. Willis stated that Council may determine to use the reserve or bond a portion of the expense. That can all be finalized, but the main object is the money is being set aside. Chairman Willis asked Mr. Hendricks to confirm her statement.
 - Mr. Hendricks confirmed and further stated one of the first things the County will do is sign a contract. Once the County signs the contract, Council will be involved to further evaluate and make decisions, such as value engineering to cutting costs. He clarified there is further to go in the process before large dollars are to be spent.
- Councilman Tom Ponder stated Pickens County has a financial responsibility to the jail; however, other agencies and departments will be key players. He identified the Solicitor's Office, Probation and Parole, amongst others. Mr. Ponder mentioned the other agencies and departments could improve their processes, like the number of days people that have been arrested stay in the County's facility.
- Councilman Neil Smith advised that the \$23 million jail project will cost the taxpayers \$2,100.00 per day for just the jail, not the operating costs. Mr. Smith stated if you include the variable costs of \$32.00 -\$33.00 per day to the cost of the jail, the County should be charging other entities \$2,132.00 per day and not \$65.00.
- Vice Chairman Trey Whitehurst reiterated that this motion is earmarking the \$23 million, not spending the money. The motion is the \$23 million cannot be spent on anything else until the jail has been addressed.

- Motion to amend the budget to earmark \$23 million for the jail was unanimously passed.
- Councilman Neil Smith made a motion to amend the budget to designate \$1 million for land acquisition that will include the \$227,544 for Commerce Park grading. Motion was seconded by Chairman Willis and unanimously passed to approve the amendment as presented.
- Councilman Neil Smith made a motion to amend the budget to adjust collections fees and policies to the budget year as presented. Seconded by Vice Chairman Trey Whitehurst and unanimously passed to approve the amendment.
- Councilman Neil Smith made a motion to amend the budget to add two full-time attorney positions, one for the Solicitor’s Office and one for the Public Defender’s Office, with a four year sunset. Motion was seconded by Councilman Tom Ponder and unanimously passed to approve the amendment.
- Councilman Neil Smith made a motion to amend the budget to add a purchase of a fire truck for the Liberty Fire District to be paid from their fund balance in the amount of \$325,000. Motion was seconded by Councilman Tom Ponder and unanimously passed to approve the amendment.
- Councilman Neil Smith made a motion to amend the budget to add an increase in retirement insurance in the amount of \$92,780.64. Motion seconded by Councilman Randy Crenshaw and unanimously passed to approve the amendment.
- Councilman Neil Smith made a motion to amend the budget to add a truck for Building Codes in the amount of \$23,035. Motion was seconded by Councilman Tom Ponder and unanimously passed to approve the amendment.
- Councilman Neil Smith made a motion to amend the budget to add a tire alignment machine for Vehicle Maintenance in the amount of \$68,000. Motion was seconded by Councilman Randy Crenshaw and unanimously passed to approve the amendment.
- Councilman Neil Smith made a motion to amend the budget to add a part-time clerk for the Probate Office (3 days a week) in the amount of \$16,816. Motion was seconded by Chairman Willis and unanimously passed to approve the amendment.
- Councilman Neil Smith made a motion to amend the budget to add \$150,000 for work on the dams maintained by the Soil and Water Conservation, with a stipulation that the work be contracted out by the County with oversight and management maintained by the County. Motion was seconded by Chairman Willis and unanimously passed to approve the amendment.
- Councilman Neil Smith made a motion to amend the budget to add \$250,000 for the 911 system to be funded from the 911 fund. Motion was seconded by Councilman Tom Ponder and unanimously passed to approve the amendment.
- Councilman Neil Smith made a motion to amend the budget to add an increase of fire fees for Pumpkintown Fire District for fire stations and a truck as follows:

	Current	Proposed
Residential	\$116.00	\$158.00
0 – 3K	\$176.00	\$217.00
3 – 6K	\$186.00	\$227.00
6 – 10K	\$321.00	\$362.00
10 - 20K	\$321.00	\$362.00

- Motion was seconded by Councilman Randy Crenshaw and unanimously passed to approve the amendments.
- Councilman Randy Crenshaw made a motion to amend the budget to add an increase of fire fees for Pickens Rural Fire District in the amount of \$35.00. Motion was seconded by Councilman Neil Smith and unanimously passed to approve the amendment.
- Motion to approve the FY 2016-2017 Budget Ordinance, as amended, unanimously passed to constitute a third reading of Ordinance No. 503.

PUBLIC HEARING AND THIRD READING OF ORDINANCE NO. 504 TO AMEND THE FISCAL YEAR 2015-2016 BUDGET ORDINANCE:

- Chairman Willis opened the public hearing for any comments regarding Ordinance No. 504.
 - Hearing no comments related to the amendment of the FY 2015-2016 budget ordinance, Chairman Willis declared the public hearing closed.
- Motion was made by Vice Chairman Trey Whitehurst and seconded by Councilman Tom Ponder to constitute a third reading of Ordinance No. 504.
- During discussion, a motion was made by Vice Chairman Trey Whitehurst to amend the ordinance as follows:
 1. Addition of \$75,000 for Attorney Fees
 - Chairman Willis explained this additional expenditure is related to coal ash and Tom Hendricks confirmed
 2. Addition of \$30,000 for Building Maintenance Remodeling
 3. Addition of \$16,974 for Training for Clerk to Council
 4. Addition of a Part-Time Position for Dacusville Recreation
 5. Addition of \$8,528 for Curtains for the Liberty Auditorium Center
 6. Addition of \$29,500 for Architect Firm for Jail Study
- Motion was seconded by Councilman Neil Smith and unanimously passed to approve amendments as presented.
- Motion to approve the amendment of the FY 2015-2016 budget was unanimously passed. This constitutes a third and final reading of Ordinance No. 504, as amended.

ORDINANCE NO. 510 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. (2) (3):

- Motion was made by Councilman Neil Smith, seconded by Councilman Randy Crenshaw and unanimously passed to constitute a second reading of Ordinance No. 510.

CONSENT AGENDA:

No action

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 Councilman Ensley Feemster, seconded by Councilman Randy Crenshaw and unanimously passed to convene in executive session for the stated purposes.
1. EXECUTIVE SESSION: S.C. Code of Laws, Section 30-4-70 (a)
 - Legal Issues-Section 30-4-70 (a) (2)
 - MRR Pickens LLC

- Detention Center (2)
- Legal Review of County Plans
- Liability

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

- Acquisition of Property (2)
- Transfer of Property (1)
- Leased Property (1)

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

- County Administrator Recruitment
- Code Officers

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

- Project Dallas
- Project Exodus

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

- Board and Commissions (9)

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
- Detention Center (2) –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
- Transfer of Property (1) –No Action
- Leased Property (1) –No Action
- Lease Agreements with Municipalities (2) (as added in Motion period)
–Action as Follows:
 - Councilman Neil Smith moved to renegotiate the lease with the City of Central and the City of Liberty allowing instead of a one year contract, a five year contract with a one year out. This motion was seconded by Councilman Tom Ponder and unanimously passed.
- Contract and Bond (1) (as added in Motion period) –Action as Follows:
 - Vice Chairman Trey Whitehurst moved for the Chairman of County Council to write a letter to Tri-County Technical College detailing authorization for the return of the county funds, as indicated by vote on June 20, 2016. Motion was seconded by Councilman Neil Smith and passed with a 5-0 vote, with Councilman Ensley Feemster abstaining.

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

- County Administrator Recruitment –No Action
- Code Officers –Action as Follows:
 - Vice Chairman Trey Whitehurst made a motion to approve a resolution as follows:
A RESOLUTION TO COMMISSION CODE ENFORCEMENT OFFICERS FOR PICKENS COUNTY PURSUANT TO THE AUTHORITY GRANTED IN SECTION 4-9-145 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976 AS AMENDED for the following Code Officers: Donnie R. Green, Jr.; Stacey E. Kelley; Wesley L. Bearden; Robert E. Kelley; Timothy W. Epting; and Thomas A. Masters.
 - Motion was seconded by Councilman Tom Ponder and unanimously passed.
- Personnel Item (1) (as added in Motion period) –Action as Follows:
 - Vice Chairman Trey Whitehurst made a motion to approve an organizational realignment of the Risk Manager and Special Projects Coordinator to report to the County Attorney. Motion was seconded by Councilman Neil Smith and unanimously passed.

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

- Project Dallas –No Action
- Project Exodus –No Action

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

- Board and Commissions (9) –Action as Follows:
 - Councilman Neil Smith made a motion to appoint Moseley Hamilton to the Pickens County Planning Commission. Motion was seconded by Councilman Tom Ponder and unanimously passed to appoint Mr. Hamilton.

ADJOURN:

Hearing no further Council business, Chairman Willis called for a motion to adjourn. Motion was made by Councilman Tom Ponder, seconded by Councilman Neil Smith and unanimously passed. Pickens County Council stood adjourned at 9:07 p.m.

Respectively Submitted:

Approved:

Crystal A. Alexander, Clerk to Council

Jennifer H. Willis, Chairman