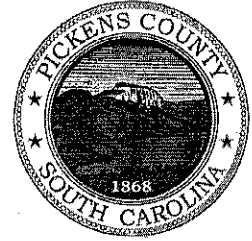


# **COUNTY OF PICKENS**

**[www.co.pickens.sc.us](http://www.co.pickens.sc.us)**



## **COUNCIL MEMBERS**

**CHRIS BOWERS, CHAIRMAN  
ROY COSTNER, VICE CHAIRMAN  
TREY WHITEHURST, VICE CHAIRMAN PRO-TEM  
ALEX SAITTA  
R. ENSLEY FEEMSTER  
HENRY WILSON**

**COUNTY ADMINISTRATOR  
Ken Roper  
CLERK TO COUNCIL  
Meagan Nations**

## ***COMMITTEE OF THE WHOLE MEETING***

**Monday, August 15, 2022**

**6:00 PM**

**Main Conference Room, County Administration Facility  
222 McDaniel Avenue, Pickens SC 29671**

1. **WELCOME:** Chairman Chris Bowers  
**INVOCATION AND PLEDGE OF ALLEGIANCE:** Councilman Alex Saitta
  
2. **COMMITTEE OF THE WHOLE:**
  - a) **LOG NO. 205 - AN ORDINANCE TO ESTABLISH STANDARDS AND LIMITATIONS ON FUTURE DEVELOPMENT ON THE SOUTH CAROLINA HIGHWAY 11 SCENIC BYWAY AND MATTERS RELATED THERETO.**
  
  - b) **LOG NO. 197 – 2022 RECREATION FUNDING RECOMMENDATIONS**
  
  - c) **LOG NO. 198 – 2022 ACCOMMODATIONS TAX FUNDING RECOMMENDATIONS**
  
  - d) **LOG NO. 206 – SOLID WASTE DISCUSSION**
  
3. **ADJOURN:**

**COMMITTEE OF THE WHOLE LOG AS OF 08/09/2022**

Log Number	Description	Date Referred	Meeting Date(s)	Action
80	County Radio System	11/06/17	02/22/22	<input type="checkbox"/> No action taken by Committee.
95	Request to Accept Roads in the Minimum Maintenance System	04/02/18	01/28/19	<input type="checkbox"/> Committee recommends suspending any further approvals into the minimum maintenance program and staff work on language regarding the issue discussed. No action taken. <input type="checkbox"/> The Committee advised staff to research and gather more information and report back. No action taken by Committee.
105	E911	08/20/18	10/15/18	<input type="checkbox"/> Committee recommends staff gather more information and report back to Council in the April 2019 Committee of the Whole Meeting.
			04/08/19	<input type="checkbox"/> Committee would like for staff to report back in six months at the October 2019 Committee of the Whole meeting. No action taken by Committee.
			10/21/19	<input type="checkbox"/> No action taken by Committee.
			12/16/19	<input type="checkbox"/> No action taken by Committee.
			06/15/20	<input type="checkbox"/> No action taken by Committee, follow-up in 6 months.
			01/25/21	<input type="checkbox"/> No Action Taken by the Committee.
109	Fort Prince George	10/01/18	10/15/18	<input type="checkbox"/> Committee recommends staff working with the Historical Society to explore the logistics of the location and report back to Committee. No action taken by Committee.
			08/19/19	<input type="checkbox"/> No action taken by Committee.
123	AN ORDINANCE No. 572 AMENDING ARTICLE I OF CHAPTER 34 OF THE PICKENS COUNTY CODE OF ORDINANCES SO AS TO PROVIDE REMEDIES AND PENALTIES FOR ILLEGAL LITTER AND DUMPING IN THE UNINCORPORATED AREAS OF PICKENS COUNTY, AND MATTERS RELATED THERETO.	05/13/19	03/21/22	<input type="checkbox"/> No action taken by Committee.
131	Opportunity Zones	08/13/19		
132	Solar Farm Ordinances	09/09/19	09/16/19 10/21/19	<input type="checkbox"/> No Action Taken by the Committee. <input type="checkbox"/> No Action Taken by the Committee.

COMMITTEE OF THE WHOLE LOG AS OF 08/09/2022

133	Solid Waste Needs	10/07/19	<ul style="list-style-type: none"> <li>☐ Vice Chairman Bowers made a motion to move out of committee for first reading, and recommit to the committee for further discussion. Motion was seconded by Councilman Ensley Feemster, and carried unanimously (6-0).</li> <li>☐ No Action Taken by the Committee.</li> <li>☐ No Action Taken by the Committee.</li> <li>☐ No Action Taken by the Committee.</li> <li>☐ Councilman Trey Whitehurst made a motion to approve moving an allocation of \$358,400 from fund balance, for this capital project, forward into this year's budget for Solid Waste. Motion was seconded by Councilman Ensley Feemster and carried unanimously (6-0).</li> </ul>
134	Mental Health	10/07/19	<ul style="list-style-type: none"> <li>☐ No Action Taken by the Committee.</li> <li>☐ No Action Taken by the Committee.</li> <li>☐ No Action Taken by the Committee.</li> </ul>
135	Discuss Policy behind reserving County Property	10/07/19	<ul style="list-style-type: none"> <li>☐ No Action Taken by the Committee.</li> </ul>
138	Census Discussion	12/16/19	<ul style="list-style-type: none"> <li>☐ No Action Taken by the Committee.</li> </ul>
139	Discussion of County Road User Fee and Alternatives	01/06/20	<ul style="list-style-type: none"> <li>☐ No Action Taken by the Committee.</li> <li>☐ No Action Taken by the Committee.</li> <li>☐ No Action Taken by the Committee.</li> <li>☐ Meeting cancelled due to COVID-19 Special Called Meeting.</li> </ul>
140	Discussion on Insurance Options	02/03/20	<ul style="list-style-type: none"> <li>☐ Vice Chairman Roy Costner made a motion to move forward with 1st Reading in Title Only at the next Council Meeting, to keep things the same with the municipalities and do the \$2.2 million, and eliminate the road user fee. Chairman Chris Bowers seconded the motion. Motion carried unanimously (6-0).</li> <li>☐ No Action Taken by the Committee.</li> <li>☐ No Action Taken by the Committee.</li> </ul>
141	UDSO	02/03/20	<ul style="list-style-type: none"> <li>☐ Meeting cancelled due to COVID-19 Special Called Meeting.</li> </ul>
142	Discussion on Old Jail	02/03/20	<ul style="list-style-type: none"> <li>☐ No Action Taken by the Committee.</li> <li>☐ No Action Taken by the Committee.</li> </ul>

**COMMITTEE OF THE WHOLE LOG AS OF 08/09/2022**

			08/17/20	<p>▣ Vice Chairman Chris Bowers made a motion to implement a Memorandum of Understanding, laying out a plan on how Reverend Moss will implement the facility. Motion was seconded Councilman Whitehurst and carried unanimously (6-0).</p>
			03/21/22	<p>▣ Chairman Chris Bowers made a motion to allocate funding, totaling \$98,000 towards this project at the Old Stockade. Councilman Trey Whitehurst seconded the motion. The motion carried (5-1), with Councilman Alex Saitta opposed.</p>
149	Discussion on Potential Citizen Award	05/04/20		
150	Sewer Use Ordinance	06/01/20		
152	Procurement Process	06/01/20	09/21/20	▣ No Action Taken by the Committee.
			07/07/22	▣ No Action Taken by the Committee.
157	Scenic Highway Overlay	09/14/20	09/21/20	▣ No Action taken by the Committee.
			02/16/21	▣ No Action taken by the Committee.
160	Wastewater Disposal Management	11/02/20	11/16/20	▣ No Action taken by the Committee.
161	Council Rules	11/02/20	11/16/20	▣ No Action taken by the Committee.
			03/15/21	<p>▣ Councilman Trey Whitehurst made a motion to add in the Council Rules that the Chairman and Vice Chairman be on the agenda conference calls, to add in Rule 2.1 that you can only run for Chairman twice (4 years total), and if there is a vacancy during the Chairman's term, the Vice Chairman will automatically become Chairman to finish the term. Motion was seconded by Councilman Henry Wilson and carried unanimously (6-0). ▣ Vice Chairman Roy Costner made a motion stating he would like to table this discussion until our next meeting in April, and ask our Attorney to look into the changes made this evening on Council Rules to make sure it is accurate. Motion was seconded by Ensley Feemster and carried unanimously (6-0).</p>

COMMITTEE OF THE WHOLE LOG AS OF 08/09/2022

162	<p>Ordinance 592- AN ORDINANCE OF THE COUNTY COUNCIL OF PICKENS COUNTY, SOUTH CAROLINA, ABANDONING AND RELINQUISHING MAINTENANCE RESPONSIBILITIES TO CLEMSON UNIVERSITY FOR OLD ROUTE 28 ROAD RIGHT-OF-WAY LOCATED WITHIN THE COUNTY, APPROXIMATELY 50 FEET WIDE, ADJACENT TO AND IS SURROUNDED BY THE REAL PROPERTY ADDRESSED AS 105 OLD GREENVILLE HIGHWAY, CLEMSON, TAX MAP PARCEL NUMBER 4044-18-41-6810; REAL PROPERTY ADDRESSED AS 201 SUNSET AVENUE, CLEMSON, TAX MAP PARCEL NUMBER 4044-18-41-395; A PORTION OF THE CLEMSON UNIVERSITY CAMPUS, TAX MAP PARCEL NUMBER 4053-00-30-0529; AND A DIKE FOR LAKE HARTWELL MAINTAINED BY THE ARMY CORPS OF ENGINEERS.</p>	12/07/20	<p>Councilman Trey Whitehurst made a motion to remove Section 3.5 (C) in the Council Organizational Rules, to replace with Section 2.2 (E). Motion was seconded by Councilman Alex Saitta and carried unanimously (6-0).</p> <p>No Action taken by the Committee; the Committee asks that this Log item stays until further information is brought back.</p>	04/19/21
163	Committee of 99	12/07/20	No Action taken by the Committee.	02/16/21
164	Shred Truck Options	01/19/21	Councilman Wilson made a motion to accept the staff recommendation to discontinue the shredding services, and to communicate it widely throughout the community. Motion was seconded by Vice Chairman Costner and carried unanimously (6-0).	01/25/21
165	<p>AN ORDINANCE No. 596 TO PROVIDE FOR THE LEASE OF THE PICKENS COUNTY PERFORMING ARTS CENTER TO JWP&amp;R HOLDINGS, LLC, A SOUTH CAROLINA LIMITED LIABILITY CORPORATION, SO AS TO PROVIDE FOR THE CONTINUED OPERATION</p>	01/19/21	<p>Councilman Henry Wilson called a vote, recommending this Log item to come out of Committee for Second Reading and Councilman Roy Costner seconded the motion. The motion carried (4-2), with Councilman Saitta and Councilman Whitehurst opposed.</p>	01/25/21

**COMMITTEE OF THE WHOLE LOG AS OF 08/09/2022**

	<p><b>OF THE SAID FACILITY, AND FOR MATTERS RELATED THERETO.</b></p>		<p>02/16/21</p>	<p>☐ Vice-Chairman Costner made a motion recommending this Log item to come out of Committee for Third Reading. Motion was seconded by Councilman Henry Wilson and carried (4-1), with Councilman Alex Saitta opposed.</p>
				<p>☐ Ordinance passed third reading on March 1, 2021.</p>
<p>166</p>	<p>2021 Recreation Funding Requests</p>	<p>03/01/21</p>	<p>10/18/21</p>	<p>☐ Councilman Alex Saitta made a motion to approve the 2021 Recreation Funding Request District 3 for Long Shoals Recreation Area. Motion was seconded by Councilman Ensley Feemster and carried (6-0).</p>
<p>167</p>	<p>2021 Accommodations Tax Funding Requests</p>	<p>03/01/21</p>	<p>07/19/21</p>	<p>☐ See Minutes for final motions on 2021 ATAX Funding Requests</p>
			<p>08/30/21</p>	<p>☐ Councilman Henry Wilson made a motion to allocate \$3,000 towards the Pickens County Performing Arts Center project with the SC Entertainment Hall of Fame, in contingent that the Performing Arts Center Foundation Board matches funding. Motion was seconded by Councilman Trey Whitehurst and carried (5-1), with Councilman Alex Saitta opposed.</p>
			<p>10/18/21</p>	<p>☐ No Action taken by the Committee.</p>
			<p>11/15/21</p>	<p>☐ Councilman Trey Whitehurst made a motion to move forward with the fire rings using Jamestown Advance and for county staff to refurbish picnic tables. Motion was seconded by Councilman Henry Wilson and carried unanimously (6-0).</p>
<p>168</p>	<p>Pickens County Performing Arts Center Foundation Board</p>	<p>03/01/21</p>		
<p>169</p>	<p>Emergency Services Update</p>	<p>03/01/21</p>	<p>03/15/21 10/18/21</p>	<p>☐ No Action taken by the Committee. ☐ Chairman Chris Bowers made a motion to add "72 hour carryover limit" for 24/48 hour employees. Motion was seconded by Councilman Henry Wilson and carried (6-0).</p>
<p>170</p>	<p>501-C3 Boards that Pickens County is currently supporting</p>	<p>03/01/21</p>	<p>03/15/21</p>	<p>☐ Councilman Trey Whitehurst made a motion for staff to come up with a format with a formal application for people who are applying for county funds. Motion was seconded by Councilman Alex Saitta and carried unanimously (6-0).</p>

**COMMITTEE OF THE WHOLE LOG AS OF 08/09/2022**

171	AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 34 OF THE PICKENS COUNTY CODE OF ORDINANCES SO AS TO PROVIDE REMEDIES AND PENALTIES FOR ILLEGAL LITTER AND DUMPING IN THE UNINCORPORATED AREAS OF PICKENS COUNTY, AND MATTERS RELATED THERETO.	03/01/21	03/15/21	<input checked="" type="checkbox"/> No Action taken by the Committee.
172	Budget Work Session	04/05/21	04/19/21	<input checked="" type="checkbox"/> No Action taken by the Committee.
173	Results of Employee Survey	05/03/21	05/17/21	<input checked="" type="checkbox"/> No Action taken by the Committee.
174	Overriding Parks and Recreation Plan	05/03/21	05/17/21	<input checked="" type="checkbox"/> No Action taken by the Committee.
175	Council Rules/Council Communication	05/03/21	05/17/21	<input checked="" type="checkbox"/> No Action taken by the Committee.
176	Ordinance 533 - 1st Reading in Title Only to amend Animal Control Ordinance	05/03/21	05/17/21	<input checked="" type="checkbox"/> No Action taken by the Committee.
			08/30/21	<input checked="" type="checkbox"/> Councilman Trey Whitehurst made a motion to amend the ordinance, making the discussed proposed changes, and to send it out of Committee for the next reading. Motion was seconded by Councilman Alex Saitta and carried unanimously (6-0).
177	American Rescue Act Funding	06/07/21	08/30/21 09/20/21	<input checked="" type="checkbox"/> No Action Taken by the Committee. <input checked="" type="checkbox"/> Chairman Chris Bowers made a motion to use American Rescue Act Funding towards the first bill from the Broadband Project and towards twenty (20) Solid Waste Containers for the Solid Waste Department. Motion was seconded by Councilman Alex Saitta and carried (5-0).

**COMMITTEE OF THE WHOLE LOG AS OF 08/09/2022**

10/18/21	<ul style="list-style-type: none"> <li>▪ Chairman Chris Bowers made a motion to go into executive session to discuss one-time funding for county employees out of American Rescue Act Funding. Motion was seconded by Vice Chairman Roy Costner and carried (6-0).</li> <li>▪ (second motion) Chairman Chris Bowers made a motion to recommend to move forward to council meeting American Rescue Act Funding compensation 5/25/2/1 plan and to exempt county council from the plan. Motion was seconded by Vice Chairman Roy Costner and carried (6-0).</li> </ul>			
11/15/21	<ul style="list-style-type: none"> <li>▪ Vice Chairman Roy Costner made a motion to use the lost revenue to purchase a bailer for \$750,000. Motion was seconded by Councilman Alex Saitta and carried unanimously (6-0).</li> <li>▪ Councilman Alex Saitta made a motion to amend to add a refund of \$75,000 for the Clean Up Pickens Program. Motion was seconded by Roy Costner and carried unanimously (6-0).</li> <li>▪ Councilman Henry Wilson made a motion for staff to create a process for Non-Profits to apply for ARPA funding based on the principles set forth. Motion was seconded by Chairman Chris Bowers. The motion carried (4-2), with Councilman Alex Saitta and Councilman Trey Whitehurst opposed.</li> </ul>			
178	Hagood Mill MOU	06/14/21		
179	Consideration Of A Plan From Staff For Fy2022 Compensation Adjustments Within Existing Compensation Plan Utilizing Funds (1%) Previously Allocated By Council.	07/12/21	07/19/21	<ul style="list-style-type: none"> <li>▪ No Action Taken by the Committee.</li> </ul>
180	Property Rights Resolution	07/12/21	07/26/21	<ul style="list-style-type: none"> <li>▪ Councilman Alex Saitta made a motion to accept the proposal from staff as recommended. Motion was seconded by Councilman Henry Wilson and carried unanimously (5-0).</li> </ul>



**COMMITTEE OF THE WHOLE LOG AS OF 08/09/2022**

181	First Reading in Title Only of an Ordinance for a Referendum regarding Sunday Alcohol Sales in Pickens County	08/16/21	11/15/21	<p><input checked="" type="checkbox"/> No Action Taken by the Committee.</p>
182	Unified Dispatch Plan from Staff	09/13/21	02/22/22	<p><input checked="" type="checkbox"/> Vice Chairman Roy Costner made a motion to move from Committee to Council meeting for First Reading in Title Only of this Ordinance. Motion was seconded by Councilman Ensley Feemster and carried (5-1), with Councilman Alex Saitta opposed.</p> <p><input checked="" type="checkbox"/> Councilman Ensley Feemster made a motion to move out of Committee for third reading. Motion was seconded by Councilman Trey Whitehurst and carried (5-1), with Councilman Alex Saitta opposed.</p> <p><input checked="" type="checkbox"/> Chairman Chris Bowers made a motion to bring in Liberty City Dispatch for the reasons Chief Gibson explained, for Emergency Services to continue to give updates to Council, and to include the updates in Administrator Roper's report each month. The motion was seconded by Councilman Henry Wilson and carried unanimously (5-0).</p>
183	Annual Update to Capital Improvement Plan	09/13/21	10/18/20 02/22/22 11/15/21	<p><input checked="" type="checkbox"/> No Action taken by the Committee.</p> <p><input checked="" type="checkbox"/> No Action taken by the Committee.</p> <p><input checked="" type="checkbox"/> No Action Taken by the Committee.</p>
184	Consideration of Recommendation from Public Service Commission for Provision of Sewer for the Grange Subdivision	09/13/21	09/20/21	<p><input checked="" type="checkbox"/> No Action Taken by the Committee.</p>

**COMMITTEE OF THE WHOLE LOG AS OF 08/09/2022**

185	Consideration of Request from Library Board for Expansion Plans for Hampton Library	09/13/21	09/15/21	<p><input checked="" type="checkbox"/> Councilman Henry Wilson made a motion for the Library to move forward with a design and bring Council a final, confirmed budget of the expansion project. Motion was seconded by Vice Chairman Roy Costner and the motion carried (3-2), with Councilman Trey Whitehurst and Councilman Alex Saitta opposed.</p>
186	First Reading in Title Only of an Ordinance Amending the Pickens County Code of Ordinances Related to Litter and or Other Property Conditions	10/04/21		
187	Annual Update to Capital Improvement Plan	11/01/21		
188	Clemson Paw Partners and County Vet	11/01/21	11/15/21	<p><input checked="" type="checkbox"/> No Action Taken by the Committee.</p>
189	Pickens County Medical Control Contract and Review of the Process	11/01/21		
190	Fire Fee Revenue Structure	11/01/21	11/15/21	<p><input checked="" type="checkbox"/> No Action Taken by the Committee.</p>
			01/18/22	<p><input checked="" type="checkbox"/> Meeting rescheduled to 02/01/22.</p>
			02/01/22	<p><input checked="" type="checkbox"/> Vice Chairman Roy Costner made a motion to recommend refunding the difference to tax payers who paid more than \$1800 on their commercial fire fee and for Council to continue discussion on fire fee revenue structure for the next budget year. Motion was seconded by Councilman Trey Whitehurst and carried unanimously (5-0), with Chairman Bowers absent during this vote in the meeting.</p>
191	Provision of County Employee Health Benefits for Upcoming Fiscal Year	01/03/22		
192	2030 Comprehensive Plan Referral By	01/03/22	03/21/22	<p><input checked="" type="checkbox"/> No Action Taken by the Committee.</p>

**COMMITTEE OF THE WHOLE LOG AS OF 08/09/2022**

193	Council To The Pickens County Planning Commission For Further Public Input And Recommendations		04/18/22	<ul style="list-style-type: none"> <li>▣ Councilman Alex Saitta made a motion to accept the Planning Commission Draft Proposal, including the amendments that Council made this evening and to send out of Committee. Motion was seconded by Councilman Ensley Feemster and carried unanimously (6-0).</li> </ul>
194	Consideration of Funding Request from the Pickens Joint Regional Water System	01/03/22	01/18/22 02/01/22	<ul style="list-style-type: none"> <li>▣ Meeting rescheduled to 02/01/22.</li> <li>▣ Councilman Alex Saitta made a motion to recommend first reading in title only of an ordinance to move forward with the Option 2 Draft Map. Motion was seconded by Councilman Trey Whitehurst and carried unanimously (5-0), with Chairman Bowers absent during this vote in the meeting.</li> </ul>
195	AN ORDINANCE TO COMBINE CONSTRUCTION BOARD OF APPEALS AND ZONING BOARD OF APPEALS	02/07/22	02/22/22	<ul style="list-style-type: none"> <li>▣ Councilman Trey Whitehurst made a motion to move proposal #2 out of Committee for second reading. Motion was seconded by Councilman Ensley Feemster and carried unanimously (6-0).</li> <li>▣ Councilman Alex Saitta made a motion to move out of Committee for third reading. Motion was seconded by Councilman Ensley Feemster and carried unanimously (6-0).</li> </ul>
196	Ariel Mill Rehab Project	02/07/22		
197	2022 Recreation Funding Recommendations	03/01/22	08/15/22	
198	2022 Accommodations Tax Funding Recommendations	03/01/22	08/15/22	
199	Renaming of Law Enforcement Center	04/04/22	04/18/22	<ul style="list-style-type: none"> <li>▣ Vice Chairman Roy Costner made a motion to move forward on renaming the Law Enforcement Center based on recommendations. Motion was seconded by Councilman Alex Saitta and carried unanimously (6-0).</li> </ul>

**COMMITTEE OF THE WHOLE LOG AS OF 08/09/2022**

200	Regulatory Discussion on General Property	04/04/22		
201	AN ORDINANCE AUTHORIZING THE ADVANCE OF FUNDS FROM THE GENERAL FUND OF PICKENS COUNTY TO THE PICKENS COUNTY AIRPORT ENTERPRISE FUND, PROVIDING FOR THE REPAYMENT OF SAID GENERAL FUNDS BY REVENUES AND/OR GRANT FUNDING FROM OTHER SOURCES, AND MATTERS RELATED THERETO.	04/04/22	04/18/22	<p>Chairman Chris Bowers made a motion to remove the runway resurfacing and the existing taxiway, but move forward as staff recommended. Motion was seconded by Councilman Trey Whitehurst and carried unanimously (6-0).</p>
202	PROCESS FOR ABANDONED ROADWAY	5/3/2022	7/7/2022	<p>No Action Taken by the Committee.</p>
203	UPDATING COUNTY TIRE POLICY PER DHEC REQUIREMENT	5/3/2022		
204	DISCOUNTED VETERAN ACCESS TO COUNTY PARKS DISCUSSION	5/3/2022	5/16/2022	<p>Vice Chairman Roy Costner made a motion on creating a program with the Veteran Affairs Office for Veterans to be offered discounts to use Pickens County Parks. Motion was seconded by Councilman Henry Wilson. Motion carried unanimously (6-0).</p>
205	AN ORDINANCE TO ESTABLISH STANDARDS AND LIMITATIONS ON FUTURE DEVELOPMENT ON THE SOUTH CAROLINA HIGHWAY 11 SCENIC BYWAY AND MATTERS RELATED THERETO.	6/6/2022	8/15/2022	
206	SOLID WASTE DISCUSSION	6/6/2022	8/15/2022	
207	COUNCIL RULES DISCUSSION REGARDING PUBLIC FORUM COMMENT	6/6/2022		
208	COUNTY EMPLOYEE HANDBOOK	8/8/2022		

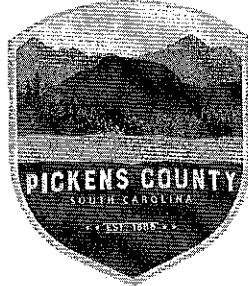


# PICKENS COUNTY

SOUTH CAROLINA

## COUNCIL MEMBERS

CHRIS BOWERS, CHAIRMAN  
ROY COSTNER, VICE CHAIRMAN  
TREY WHITEHURST, VICE CHAIR PRO-TEM  
R. ENSLEY FEEMSTER  
ALEX SAITTA  
HENRY WILSON



## COUNTY ADMINISTRATOR

KEN ROPER

## CLERK TO COUNCIL

MEAGAN NATIONS

TO: County Council  
FROM: Ken Roper  
DATE: 28 July 2022  
RE: Highway 11 Ordinance

Attached is staff-proposed language for you all to consider for 2<sup>nd</sup> reading. This ordinance language is offered in response to the overwhelming feedback the public has offered in favor of strict regulation of any future development along our scenic byway.

The general concept of this proposed language is that all development along the corridor is prohibited, with limited and specific exceptions. Those exceptions are intended to protect existing uses, and provide a path for limited future development, provided it is not detrimental to the unique nature of the highway, its existing view shed, natural surroundings, and driving experience.

This language is only offered as a starting place for further discussions.

Thank you for your continued work on this important issue.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF PICKENS )

ORDINANCE # \_\_\_\_\_

WHEREAS Pickens County, South Carolina (the "County") is a political subdivision of the State of South Carolina and is thereby authorized to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State, including the exercise of these powers in relation to health and order in counties or respecting any subject as appears to them necessary and proper for the security, general welfare, and convenience of counties or for preserving health, peace, order, and good government in them; and

WHEREAS, as such the County is further authorized by state law to establish and enforce reasonable land use regulations and/or restrictions, official maps, regulations on structures or changes in land use, building sites or open spaces, and other development and/or use standard in order to promote and preserve the public safety, economy, good order, appearance, convenience, prosperity, and general welfare, and

WHEREAS, South Carolina Highway 11 ("HWY 11") follows part of the historic Cherokee Path through the Blue Ridge Escarpment of South Carolina, spanning 118 miles through five counties, including Pickens County and was designated the "Cherokee Foothills Scenic Byway" on June 9, 1998, establishing it as a National Scenic Byway under the Federal Highway Administration (FHWA) to recognize, protect, and promote America's most outstanding roads; and

WHEREAS, in addition to the requirement that a National Scenic Byway must possess characteristics of regional significance within at least one of the intrinsic quality categories of scenic, natural, historic, recreational, archaeological, or cultural, the byway must demonstrate strong community support and a corridor management plan must be developed that describes in detail the preservation, marketing, and improvement strategies for the byway; and

WHEREAS, Pickens County Council established a vision for the County that emphasizes the importance of protecting and enhancing our unique nature; and

WHEREAS, in furtherance of this vision, County Council authorized a 2020 Branding and Marketing Study by the South Carolina National Heritage Corridor ("SCHNC") to conduct an analysis of our county-wide strengths, weaknesses, opportunities, and threats; and

WHEREAS, one of the key recommendations provided in the SCHNC study was to investigate and consider protections for HWY 11 through the adoption of a scenic overlay ordinance for Cherokee Foothills Scenic Byway; and

WHEREAS, based on the recommendation of the SCHNC study, County Council requested a further study of HWY 11 Corridor by the Appalachian County of Governments ("ACOG"); and

WHEREAS, County Council voted for a Moratorium on development along the corridor until such time as the ACOG-led Corridor Study could be completed and considered; and

WHEREAS, during the study, ACOG and the County's Division of Community and Tourism Development scheduled numerous public meetings to receive public comment from citizens and stakeholders, both in person and online; and

WHEREAS, ACOG completed its study, and presented its findings and recommendations to County Council in April of 2022; and

WHEREAS, the results of the ACOG study and its extensive community engagement resulted in a series of recommendations, including 1) preserving the corridor's natural and remote characteristics of the corridor unique driving experience, 2) buffering and/or sighting residential uses so as to limit impact on the visual characteristics of the corridor, 3) limiting commercial development to maintain the rural and natural features of the corridor, 4) excluding industrial impacts, 5) recognizing and protecting the historic, environmental, and cultural significance of the corridor and its features, and 6) preserve the corridor's unique driving experience; and

WHEREAS, the Pickens County Planning Commission also held a public hearing on the ACOG study and its recommendations, and subsequently voted unanimously to advance and endorse the study's recommendation to County Council; and

WHEREAS, as part of the study and public comments the HWY 11 view shed was identified as a desirable natural asset that should be preserved for future generations and that the preservation of the viewshed can be fostered by methods that require further consideration and/or regulation; and

WHEREAS, to further study the preservation of the view shed, a moratorium needs to be placed preventing destruction of the viewshed while a preservation plan is developed; and

WHEREAS, the Unified Development Standards Ordinance of Pickens County (hereinafter the "UDSO") sets forth in Article 1 that its purpose is to conserve and ensure access to the County's natural and scenic resources for future generations to enjoy; and

WHEREAS, as a result of the above referenced recitals, public inputs, studies, and approvals, the County Council of Pickens County has found, and does hereby find, that the preservation of the unique nature of the HWY 11 is in the best interest of the County, its citizens, and the region's natural environment, and is necessary and proper for the security, general welfare, and convenience of County and/or for preserving health, peace, order, and good government in the County;

NOW THEREFORE, BE IT RESOLVED that the Pickens County Code of Ordinances be amended as follows:



# DEVELOPMENT STANDARDS ORDINANCE FOR PICKENS COUNTY HIGHWAY 11 CORRIDOR OVERLAY

## Section 1. DEFINITIONS

- A. Pickens County Highway 11 Corridor
  - 1. Definition. The Pickens County Highway 11 Corridor (hereinafter "HWY 11") consists of the area 1,000 feet from the center line in either direction along the distance of said Highway from its eastern boundary at the county jurisdictional line with Greenville County to the Oconee County boundary, consisting of approximately 20.95112 linear miles
  - 2. A map of the above described area is incorporated herein and shall be dispositive to any ambiguity in the description as Exhibit A.

## Section 2. APPLICABILITY AND PROHIBITIONS

- A. The prohibitions and/or limited standards herein are applicable to all new construction, rehabilitation of construction and remodeling or renovation projects within the area defined as HWY 11.
- B. Any and all new commercial, residential, and/or industrial development on HWY 11 is hereby prohibited, except as follows:
  - a. Single family residential construction on a parcel at least five (5) acres in size,
  - b. Renovation, maintenance, and/or expansion of existing commercial uses provided that any portion of such renovation and/or expansion shall not encroach further toward HWY 11 than existing at the time of the passage of this ordinance, and shall otherwise comply with the other provisions contained herein as to access, design, materials, buffers, etc.
  - c. Agritourism development as defined by the South Carolina Agritourism Society, provided that such uses shall comply with the other provisions contained herein as to access, design, materials, buffers, etc. For the purposes of this Ordinance, Agritourism is defined as any activity carried out on a working farm or ranch that allows the public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities.
  - d. Other Commercial or Residential uses as strictly described herein.
- C. Compliance with the regulations set forth in this Ordinance shall be required prior to the issuance of any building, electrical, stormwater, development, and/or land use permit unless it is demonstrated that work necessary to bring the parcel into compliance with this Ordinance will be undertaken simultaneously with a development, rehabilitation, remodeling, or redevelopment project.
- D. All proposed development on HWY 11 must be approved by the Pickens County Planning Commission (hereinafter "Planning Commission").

### **Section 3. BUILDING AND SITE DESIGN LIMITATIONS**

#### **Section 3.1. LIMITATION ON BUILDING MATERIALS**

All visible facades of buildings, including accessory buildings, must have fenestration and articulation on all sides with the consistent and appropriate materials, detailing, and features:

- A. All buildings shall be constructed of brick, stone, exposed timber, fiber cement siding, wood siding, shingle siding, or other material that is consistent with the natural features of HWY 11. No building shall be covered with sheet or corrugated metal or with vinyl siding. Exterior building materials shall be continued to finished grade of any elevation in accordance with minimum manufacture specifications.
- B. Architectural accent materials located above the roof line shall be constructed of brick, stone, wood, pre-cast concrete, architectural quality steel, fiber cement siding or other high quality, long-lasting material that is consistent with the natural features of HWY 11. Accent materials must be approved by the Planning Commission.
- C. The color of all structures must be those occurring in the natural environment of HWY 11, such as various natural shades and earth tone hues. Neon, unnatural, or fluorescent colors are prohibited. Colors must be approved by the Planning Commission.

#### **Section 3.2. LIMITATIONS ON BUILDING CONFIGURATION**

- A. Building facades shall have no more than 100 feet of frontage on HWY 11 and shall not exceed 35 feet in height from existing grade at the proposed building site location. Buildings located on steep areas shall conform to hillside topography by stepping or staggering the mass of the proposed structure up or down the slope.
- B. Building masses shall maintain a balance of scale and proportion using design components which are harmonious with natural landforms and landscaping.
- C. Proposed structures shall not be sited atop peaks or silhouetted against the sky when viewed from the public right-of-way of HWY 11.
- D. Retaining walls visible from the public right of way shall not exceed 10 feet in height as measured from grade at face to top of wall. Multiple "stepped" retaining walls whose total height exceeds 10 feet must each be offset by at least six horizontal feet. Visible walls shall be colored and textured to complement the background land and vegetation.
- E. Changes in existing elevation and/or slope beyond fifteen degrees from existing and/or natural conditions are hereby prohibited.
- F. Sites with multiple buildings shall have a uniform design and material composition amongst the buildings.

### **Section 3.3. ARCHITECTURAL LIMITATIONS**

Elements of articulation shall be employed on any building visible from the public right-of-way to reduce the apparent bulk and uniform appearance of large buildings, provide visual interest and variety, and reinforce local architecture. A minimum of three articulations of at least 12 inches, fenestration, or change of material for each 50 feet of façade is required.

### **Section 3.4. ROOF DESIGN LIMITATIONS**

The roof of any building shall present a distinctive profile and add interest to larger buildings and complement the character of other buildings included on the same lot or parcel.

- A. All structures with a footprint of 3,000 square feet or less shall incorporate a pitched roof system; all others shall be constructed of either a pitched, parapet, or mansard roof system (enclosed on all sides).
- B. Standing seam metal roofs shall be constructed of a factory-treated, non-metallic, matte finish. Metal roofs with lapped seam construction, bituminous built-up roofs, and flat, membrane-type roofs which are visible from public right-of-way shall be prohibited.
- C. All rooftop mechanical equipment and vents greater than eight inches in diameter shall be screened from the line of sight of public rights-of-way, private roads, parking lots, public sidewalks, greenways, and internal pedestrian ways except for instances where site topography precludes reasonable compliance with the minimum screening requirement. Materials used to screen equipment must be compliant with those listed in Section 3.1. This screening, if necessary, shall not be counted towards the 35 foot maximum building height.

### **Section 3.5. PROHIBITION OF FRANCHISE ARCHITECTURE**

To maintain the unique character of the HWY 11, buildings shall not be constructed or renovated using franchise and/or branded architecture. Any commercial use must follow the standards of this ordinance to remain strictly compatible with the existing topography, features, and character of HWY 11.

### **Section 3.6. LIMITATION OF SUBDIVISIONS**

New developments classified as Major Subdivisions within the HWY 11 boundary shall use the Master Planned Development (MPD) option set forth in Article 5 of the Pickens County Unified Development Standards Ordinance. MPD are hereby deemed incompatible with the purposes of this ordinance unless and until their siting, placement, and orientation cause them to be excluded from view from the corridor by either the existing topography and vegetation or sufficient native plant and natural material buffers as described in the relevant sections of the UDSO.

### **Section 3.7. REQUIRED BUFFERS**

In addition to any applicable buffer requirements of Article 8 of the Pickens County Unified Development Standards Ordinance, new or expanded development on HWY 11 shall provide a minimum Class 2 buffer comprised of native plant and natural material, along the SC Highway 11 right-of-way.

### **Section 3.8. LIMITATIONS ON PARKING LOTS**

Vehicular use areas are defined as any area used for movement, circulation, parking and/or display of any type of vehicle, including but not limited to parking lots, loading and unloading areas and sales service areas. Vehicular use areas under the jurisdiction of this Ordinance must be located behind the front building line and screened with a 10 foot Class 2 buffer and shall comply with the following standards:

- A. When a parking lot contains 25 or more spaces, an area equal to 20 percent of the total interior square footage of the vehicular use area shall be dedicated to landscaping. The 20 percent landscape requirement is in addition to any required buffers as outlined in this Ordinance and in Article 8 of the Pickens County Unified Development Standards Ordinance.
- B. Landscaped areas shall contain a mixture of native canopy trees, understory trees, evergreens/conifers, and shrubs. Article 8 of the Pickens County Unified Development Standards Ordinance details the minimum standards for plant sizes, substitutions, installation, and maintenance of landscaped areas.
- C. There shall be sufficient canopy trees within and around the vehicular use area to ensure any paved area is within 30 feet of the trunk of a planted or retained canopy tree.
- D. The minimum landscape area for each tree shall be no less than 170 square feet with four-foot minimum distance between all trees and paving at time of planting, measured at the base of the tree.
- E. For buildings/developments with 250 feet or less of frontage on Highway 11 only one curb cut shall be allowed. Buildings/developments with more than 250 feet of frontage shall be allowed two curbs cuts.
- F. No drive-through windows allowed.

### **Section 3.9. EXTERIOR LIGHTING LIMITATIONS**

- A. All outdoor light fixtures shall be fully shielded and Dark Sky Compliant (as defined by the International Dark-Sky Association). A fully shielded fixture must be a full cutoff luminaire or a decorative luminaire with full cutoff optics, and is defined as an outdoor lighting that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixtures.
- B. No flickering or flashing lights shall be permitted.

- C. Fixtures shall be limited to 25 feet in height.
- D. Planning staff may require submission of an exterior lighting plan if deemed necessary to ensure compliance with the intent of this Ordinance.

### **Section 3.10. SIGNAGE LIMITATIONS**

Signs within the HWY 11 boundary shall conform to Article 7 of the Pickens County Unified Development Standards Ordinance and shall also be subject to the following standards and prohibitions:

- A. In addition to the signs prohibited in Section 704 of the Pickens County Unified Development Standards Ordinance, the following signs shall be prohibited in HWY 11:
  - 1. Free-standing pole signs;
  - 2. Water towers as advertising;
  - 3. Wall murals as advertising;
  - 4. Any and all off-premise signs, including billboards;
  - 5. Electronic signs;
  - 6. Streamers, pennants, ribbons, spinners and other similar devices;
  - 7. Signs containing reflective elements that sparkle or twinkle in the sunlight; and
  - 8. Signs containing moving parts.
- B. One (1) free-standing monument sign shall be permitted per parcel of land:
  - 1. Single tenant monument signs shall not exceed 50 square feet in area and ten 10 feet in height above the finished grade elevation at the edge of the adjacent public roadway.
  - 2. Multi-tenant monument signs shall not exceed 100 square feet in area and 15 feet in height above the finished grade elevation at the edge of the adjacent public roadway.
  - 3. Signs shall be setback 10 feet from public rights-of-way and property line(s) and may be located within a buffer yard, however, there shall be no reduction in the planting requirements of any buffer yard.
  - 4. Monument signs shall be constructed of brick, stone or similar materials that are used on the principal building. Landscaping around the base of the sign shall be required.
- C. Permanent signs attached to buildings shall be limited to 50 square feet in size and limited to one per building.
- D. Signs may be externally illuminated. External illumination must be directed downward; text and logo only may be illuminated. Internally lit signs are prohibited.

## **Section 4. SETBACKS**

All buildings on a lot will have a minimum setback of 40 feet from HWY 11 and 10 feet from any side street or additional property line. The setback shall be measured from the property line along HWY 11, however no structure may be placed within any right-of-way as recognized by the County or SCDOT.

## **Section 5. INDUSTRIAL USE PROHIBITION**

- A. Industrial use of real estate located in the Pickens County Highway 11 Corridor shall be subject to this ordinance and are completely prohibited unless allowed in subsection B., below.
- B. Agritourism development may be allowed if in keeping with the character of the present Highway 11 Corridor and approved after a duly noticed public hearing by the Pickens County Planning Commission. For the purposes of this Ordinance, Agritourism is defined as any activity carried out on a working farm or ranch that allows the public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities.

## **Section 6. LEGAL STATUS PROVISIONS**

### **Section 6.1 AUTHORITY**

This ordinance is adopted pursuant to authority conferred by the South Carolina Code of Laws upon Pickens County in Title VI, Chapter 29, Section 710 of South Carolina Code of Laws. Likewise, 4-9-25 of the South Carolina Code of Laws provides counties with the police power to regulate for health, safety and welfare of local citizens.

### **SECTION 6.2 SEVERABILITY**

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part or application so declared to be invalid or unconstitutional.

### **SECTION 6.3 RELATIONSHIP TO OTHER LAWS**

Nothing contained in this Ordinance is intended to relieve compliance with any other Ordinance or law adopted and in effect by Pickens County, South Carolina, or the United States. Where any provision or regulation contained in this Ordinance is in conflict with any other Ordinance of Pickens County, South Carolina the more strict regulation shall apply.

### **SECTION 6.4 CASE OF HARDSHIP**

If any of the provisions or regulations contained in this ordinance impose an undue hardship on any property owner, that property owner has the right to seek relief through the Pickens County Board of Appeals. Variance procedures and criteria for determination of a hardship shall be as specified in the Pickens County Development Standards Ordinance.

**SECTION 6.5 ENACTMENT**

This Ordinance shall become fully enforced and binding upon its formal adoption by Pickens County, South Carolina.

Passed and approved, this \_\_\_\_ day of \_\_\_\_\_, 2022.

COUNTY COUNCIL OF PICKENS COUNTY,  
SOUTH CAROLINA

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Chris Bowers, Chairman of County Council  
Pickens County, South Carolina

(SEAL)

Attest:

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Meagan Nations, Clerk of County Council  
Pickens County, South Carolina

