

****Please note - These are not official minutes of the Pickens County Council meeting. This reflects the issues that were before Council and shows the actions, however the minutes are not “official” until the County Council meets and approves them as presented. Please contact, Donna Owen, Council Clerk for any questions.**

October 16, 2006
Regular Meeting
6:00 PM

County Council met in regular session, in the auditorium, County Administration Facility, with Vice Chairman G. Neil Smith presiding. Agendas, bearing date, time, and location of meeting, were mailed to Council members and local news media, October 12, 2006.

Council Members in attendance:
G. Neil Smith, Vice Chairman
James B. London, Vice Chairman Pro Tempore
C. Roy Collins
Tom Ponder
Ben L. Trotter

Absent: Chairman Jennifer Willis

Staff: J. Chappell Hurst, County Administrator
Lynn D. Fisher, Assistant County Administrator
Ken Roper, County Attorney
Olivia Vasse, Research Analyst
Donna Owen, Clerk to Council

WELCOME AND CALL TO ORDER:

Vice Chairman Neil Smith called the meeting of October 16th, 2006 to order and advised that Chairman Willis would be absent. Councilman Roy Collins was called upon for the invocation.

APPROVAL OF MINUTES:

>>Motion was made by Ben Trotter, seconded by Roy Collins and unanimously passed to approve the minutes of 10/02/06 as presented.

ADMINISTRATORS REPORT:

The Administrator gave the following memorandums to Council

- Update on funding for Central Railroad Bridge

I have requested \$400,000 dollars from the CTC fund to complete the Central Railroad project. The request includes a \$167,000 contingency fund, which may or may not have to be paid by the CTC Committee. The CTC committee met Thursday afternoon and voted to fund this project per

our request. We will issue a letter of intent to the contractor Myles Construction immediately so that the project can proceed on schedule.

- Update on Spay/Neuter Program

As you recall Council has allocated \$10,000 to be used toward a spay/neuter program. In a few weeks we hope to begin this program. The program will allow county residents who are at the poverty level by federal standards to qualify for having up to three animals spayed or neutered. Those who feel they will qualify will be required to complete an application. A person trained in screening applications for government subsidies will screen these applications and those who qualify will receive a voucher that will cover the cost of the procedure.

The pet owner will bring their animals to a drop off point where a driver hired by the county through Manpower temporary employment will load the animals into a county van and transport the animals to Animal Allies in Spartanburg. The procedure will be performed and the animal will be transported back to the county and reunited with its owner. A local veterinarian will be available for post procedure emergency calls. The county will also transport animals for owners who do not qualify for subsidies to Animal Allies so that these procedures can be performed. Our records indicate that 1 dog can produce as many as 73 animals in a one-year period. A spay/neuter program is the only way to address the issue of overpopulation of animals in Pickens County. I believe we will see a significant reduction in the number of stray animals once this program has been underway for several years.

- Request for permission to proceed with Recreation Project for Arial Mill

It has been my understanding that 1 mil of tax dollars is designated for recreational facilities in the unincorporated areas of Pickens County. From review of the ordinance it appears to me that Council should explore recreational facilities in the unincorporated areas of Pickens County and thereby help to rejuvenate certain areas of the county to increase interest of new home ownership in these areas. One of these areas that have potential is Arial Mill Village. This area has been depressed since the mill closed.

County staff has worked up a plan for a basketball court, walking trails and improvements to the existing ball field. This plan was presented to Mr. Joel Youngblood who is Mr. McKissick's spokesperson to determine suitability. Mr. Youngblood has indicated that they would be willing to either donate property or lease the property to the County at a very low rate if it were used for a recreational purpose. I am here today to request your authorization to accept ownership of this property on behalf of the County or either enter into a low-cost long-term lease. Enclosed for your review is a copy of the proposed plans.

>>Vice Chairman Smith requested that council provide for this under motion period.

MOTION PERIOD AND NEW BUSINESS:

Vice Chairman Smith opened the floor for any new business and asked that Council reserve this time for matters of action or committee.

The following issues were added to the 10/16/06 agenda and other motions for action:

1. **Amending the agenda regarding item # 10.** Ben Trotter moved to place Item # 10, which is the discussion of sale of property in Clemson, to discuss after executive session. Neil Smith stated this was being proposed due to the fact other executive session items may determine action on this item. Motion was seconded by Roy Collins and unanimously passed.

2. **Arial Mill Recreation.** Ben Trotter made the motion to place on the agenda discussion of Arial Mill Recreation Project as submitted by the Administrator. Motion was seconded by Roy Collins and unanimously passed.
3. **Sewer Tax on the tax notices.** Tom Ponder moved to place on the agenda to discuss the “sewer tax” on the Pickens County Tax Bills. Motion was seconded by Ben Trotter and unanimously passed.
4. **Drive way tie-ins.** James London moved to recall the action from the meeting of 10/02/06 in order to rethink the issue of doing the tie-ins free of charge. Councilman London stated he thought the county should be recouping cost associated. Motion did not receive a second; thus failed.

Comments and announcements:

5. **Coyotes-** Tom Ponder stated in the rural part of the County that coyotes have been an issue and they have attacked and or killed some family pets in his district. Mr. Ponder stated these animals are coming in too close to homes and requested the Administrator work with DNR or Animal Control to see about this issue.
6. **Work session schedules-** Ben Trotter stated he wanted Council to try and stick to a schedule for work sessions. Mr. Trotter stated Council was supposed to always have a work session the second meeting of the month and requested that Council resume that schedule.
7. **Planning Commission work session.** James London announced for staff to arrange a work session prior to the meeting of November 20th, 2006 in order to work with the Planning Commission on several issues.

PRESENTATION AND RECOMMENDATIONS BY THE PUBLIC SAFETY COMMITTEE:

Mr. Ed Reynolds, Chairman of the Public Safety Committee came to Council with a recommendation for Pickens County to establish a County wide medical first response protocol for Fire Departments and Rescue Squads. Mr. Reynolds stated that all meetings have been well attended and all State Laws were being followed in this protocol. Also noted for citizens was the fact that by State Law first responders can not perform procedures above the “first responder” level, with the exception of those personnel with EMS and Rescue.

James London was informed that all fire departments were in agreement with the plan.

>>Motion was made by Roy Collins, seconded by Tom Ponder and unanimously passed to accept the recommendation of the committee.

REQUEST FROM THE PUMPKINTOWN FIRE DISTRICT FOR USE OF AVAILABLE FUNDS IN THE AMOUNT OF \$11,000:

Matt Chappell requested that Pumpkintown Fire District be allowed to use funds in order to bid on a building which would be used to create two of the five needed sub-stations. Mr. Chappell informed Council this would improve their ISO rating.

Council stated they were not opposed to the district using available funds for bidding on the building, however had greater concerns regarding the number of sub-stations as well as any land acquisitions.

>>Motion was made by Ben Trotter, and seconded by Tom Ponder to allow the district to bid, up to \$11,000.00 on the steel building contingent upon knowledge of their available funds. Motion carried with a unanimous vote.

>>Motion was amended by Tom Ponder, seconded by Neil Smith to also state that any land acquisition would go to the appropriate committee. Amendment carried with a unanimous vote.

THIRD READING OF ORDINANCE NO. 382 AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BY AND BETWEEN PICKENS COUNTY, SOUTH CAROLINA (THE COUNTY) AND SAINT JUDE (THE COMPANY); AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY OF THE COUNTY TO THE COMPANY; AND OTHER MATTERS RELATING THERETO:

>>Motion was made by Roy Collins, seconded by Tom Ponder and unanimously passed that this constitutes the third and final reading of Ordinance No. 382.

THIRD READING OF ORDINANCE NO. 383 TO AMEND ORDINANCE NO. 129, KNOWN AS THE FLOOD DAMAGE PREVENTION AND PROTECTION ORDINANCE. TO AMEND ONLY AS IT RELATES TO DEFINITIONS IN ARTICLE 5. (CHAPTER 24-35 IN THE CODE OF ORDINANCES):

>>Motion was made by Roy Collins, seconded by Tom Ponder and unanimously passed that this constitutes the third and final reading of Ordinance No. 383.

APPROVAL OF RESOLUTION NO. 06-10 ARIAL MILL CDBG GRANT JUST COMPENSATION:

Arial Mill Community Development Block Grant (CDBG) Sewer Project Just Compensation for Necessary Easements: As a requirement of the CDBG, Council must approve a schedule of just compensation to property owners for easements necessary to complete the sewer upgrade in Arial Mill. The proposed compensation is based on an appraised value. This schedule is funded entirely by grant money and is solely for the purposes of the Arial Mill project. The Arial Mill Village Sewer Project will replace and upgrade public sewer to a neighborhood that is suffering from malfunctioning sewer lines. The project consists of 4,800 LF of 8" sewer main; 1,715 LF of 4" sewer main; 24 manholes; and 49 LMI service connections. This project will serve 128 people, 90% of whom are LMI. Easley Combined Utilities, which owns and operates the sewer system in the mill village, will pay the required 10% local match for the project, as well as any costs over the \$500,000 grant. Kris Mechanical was awarded the contract for the construction of this project, by way of being the lowest bidder.

>>Motion was made by Ben Trotter, seconded by Tom Ponder to approve Resolution No. 06-10. Vice Chairman Smith stated he was assuming that tap fees would not be placed on these citizens, and would only be assessed for new structure. Staff stated they would confirm but it is a CDBG grant and all fees should be included. Motion passed with a unanimous vote.

ARIAL MILL RECREATION:

>>Motion was made by Ben Trotter, seconded by Tom Ponder and unanimously passed to send the recreation plans to committee, but allow staff to proceed as needed. Motion carried with a unanimous vote.

SEWER FEE ON THE TAX NOTICE:

Councilman Ponder stated he placed this on the agenda due to calls from citizens asking about the sewer fee. Mr. Ponder stated he understood the fee but the citizens in his district thought of this fee in terms of sewer service and his district is extremely rural and is not going to have sewer service.

>>Tom Ponder moved to study/consider changing the tax notices to state Economic Development fee.

James London stated he agreed it should be an Economic Development Fee but he had always had issues with this fee only being levied in the unincorporated areas, and further thought this should be determined as well.

>>Tom Ponder amended his motion to state a courteous first reading of an ordinance to amend labeling the "fee". Motion also included being sent to committee. Motion received a second from Roy Collins and unanimously passed.

EXECUTIVE SESSION:

>>Motion was made by Ben Trotter, seconded by Roy Collins and unanimously passed to convene in executive session for the stated purposes.

- Economic Development Issue
- Briefing on the Homeless Coalition

PUBLIC SESSION RECONVENED:

Vice Chairman Smith called the meeting back to order and allowed the following motions.

ECONOMIC DEVELOPMENT ISSUE:

>>Motion was made by Roy Collins, seconded by Ben Trotter to give the seller of property as discussed in executive session, immediate notice that the property that has been looked at for possible economic development is not suitable at this time and request the funds of \$25,000 to be returned. Motion passed with a unanimous vote.

HOMELESS COALITION:

County Attorney Ken Roper provided Council with the results from recent mediation between Pickens County and the Upstate Homeless Coalition.

Mr. Roper reminded Council that back in May of 2006 the Homeless Coalition was turned down by the Pickens County Planning Commission to proceed with their mission to build a duplex which would house the homeless. Mr. Roper provided that the Homeless Coalition agreed to go to mediation and the mediator has made the decision to rule in favor of the Upstate Homeless Coalition due to the fact that the Planning Commission was in error as there is nothing in the current Development Standards Ordinance to prevent them (the coalition) from building. Mr. Roper provided council with the following stipulations:

- The site plan would be approved.
- Mediation fees would be paid by the County.

- Attorney fees would be paid by the County.

Mr. Roper stated this would be approximately \$8,500.00.

>>Motion was made by Neil Smith, seconded by Ben Trotter and unanimously passed to approve the stipulations as set forth by the mediation.

Tom Ponder commented that he certainly wanted to discuss this issue with the Planning Commission during the work session when they meet with Council. Mr. Ponder stated he did not like the fact that we had nothing in the current ordinance for prevention of this home for reasons not only for the protection of the citizens but for the people who will seek this service as well.

DISCUSSION OF SALE OF PROPERTY LOCATED IN CLEMSON AT THE ORIGINAL TRI-COUNTY LAND FILL SITE:

Vice Chairman Smith opened the floor for discussion regarding the issues of the Tri-County Land Fill Site.

>>Ben Trotter moved to sell the Pickens County portion of this property to a tax paying entity. Neil Smith gave a second.

Mr. Smith stated this issue is on the floor because this property has been discussed with different groups but not with the elected body of Council. Mr. Smith further provided that he will not tolerate discussions of this magnitude being held without the consent of the entire Council.

Roy Collins stated if you make the motion to sell then what would be left to discuss.

Councilman Smith stated the motion itself will put everyone at the table and begin discussing this issue in a proper fashion versus having this discussed with select groups. Also Mr. Smith provided there are things that need addressing such as- what is the County's investment and what are our resources going forward.

Mr. Ponder stated this issue bothers him, especially regarding the City of Clemson's involvement because they cost the county funding on this project back when it originated.

Mr. Trotter stated he has been advised that the City of Clemson is trying to purchase Anderson County's portion, but the County Council has not been informed.

James London stated if the intent of the motion is to have a formal meeting with the other Counties; he would support, but is not in favor of selling until such meetings can take place and issues studied. Dr. London stated this is a very valuable piece of real estate and Council should proceed with caution.

>>James London moved to postpone this issue and schedule a meeting with all (3) counties. Motion was seconded by Tom Ponder. Motion stated a scheduled meeting within 45 days. Administrators and all Council Members would be invited. Vice Chairman Smith, Tom Ponder, Roy Collins and James London voted in favor. Ben Trotter opposed, and motion carried.

During discussions regarding postponement, Ken Roper stated this would basically place the item back on the agenda in December.

ADJOURN:

With no further business before the council, Vice Chairman Smith called for a motion to adjourn; so moved by Roy Collins, seconded by Ben Trotter. Pickens County Council stood adjourned at 8:55 PM.

Respectively Submitted:

Approved:

Donna F. Owen, Clerk to Council

G. Neil Smith, Vice Chairman