

March 5, 2012
Regular Council Meeting
6:30 PM

County Council met in regular session, in the Auditorium, County Administration Facility, with Chairman Jennifer H. Willis presiding. Agendas, bearing date, time, and location of meeting were mailed to Council members and local news media on February 28, 2012.

Council Members in attendance:

Jennifer H. Willis, Chairman
G. Neil Smith, Vice Chairman
Tom Ponder, Vice Chairman Pro-tem
Jeff Martin
Trey Whitehurst
Sam Wyche

Donna Owen, Clerk to Council

Staff:

Chappell Hurst, Administrator
Ken Roper, County Attorney

WELCOME AND CALL TO ORDER:

Chairman Willis called the meeting of Monday March 7, 2012 to order and welcomed those in attendance. Invocation and Pledge of Allegiance was giving by Councilman Jeff Martin.

PUBLIC FORUM:

Chairman Willis opened the Public Forum and requested the Clerk to introduce the speakers who have signed up.

- 1) Tom Hendricks-Mr. Hendricks addressed council regarding several issues. The first was the TIF district with Clemson. Mr. Hendricks stated he is supportive of Pickens County bringing legal action against Clemson. He cautioned Council that Clemson was notorious for stalling and not telling the truth. Also, Mr. Hendricks stated it would be of interest to know if Clemson co-mingled funds from grants, TIF, and C-funds. Secondly, Mr. Hendricks also cautioned Council about the issue of buying the Pickens railroad and stated if the municipalities wanted to purchase the property to let them do so. The last thing Mr. Hendricks brought to Council's attention was the fact that he recently contacted a DHEC official to let them know that a commercial landscaper was burning garbage illegally. Mr. Hendricks stated he was told by the DHEC official that this was not a DHEC issue, and for him to contact the local fire department. Mr. Hendricks stated this was a DHEC issue.
- 2) Bill Johnston-Mr. Johnston came before Council to speak of the importance of law enforcement officers being constitutional officers. Mr. Johnston gave an outline to Council of examples of events in history when law enforcement officers are not upholding the US constitution. (the document is in the Clerk's office).
Mr. Johnston also gave his support for Ordinance No. 450 regarding the policy for TIF districts.
- 3) Clarence Balch-Mr. Balch came before Council regarding legal action against the City of Clemson. Mr. Balch stated he thought Clemson had followed the law regarding the TIF money, and a lawsuit was not in the spirit of the TIF law. Mr. Balch further stated that once something legal is done, it is difficult to undo.
- 4) Weldon Clark- Mr. Clark came to council to express support for both Ordinance 450 and to state it is the right thing to pursue legal action with the Clemson TIF. Mr. Clark stated when people

spend tax dollars without the people being able to vote for those who are spending, it is taxation without representation. Mr. Clark gave an outline of projects for TIF money, and further stated it was an abuse of the TIF process.

- 5) David Merck- Mr. Merck came to Council to inquire about agenda item number 11 which relates to penalties for non-Pickens County residents using the recycling facilities. Mr. Merck stated he was opposed to more government rules and regulations. Mr. Merck asked Council to be careful when enacting any ordinance that would further burden the tax payer.
- 6) Jim Wilkie-Mr. Wilkie, Chairman of the Pickens County Planning Commission, addressed Council regarding the recent training session on how local governments are using the process of coordination to solve issues with State and Federal agencies. Mr. Wilkie gave a transcript of his comments to all Council, and concluded by stating that it was his understanding that Council was utilizing the Planning Commission to move toward a coordination process with EPA and the Twelve Mile River issue.

APPROVAL OF MINUTES:

Motion was made by Councilman Tom Ponder, seconded by Councilman Neil Smith and unanimously passed to approve the minutes of February 6, 2012.

ADMINISTRATOR'S REPORT:

Mr. Hurst gave the following report.

Fire training facility- Mr. Hurst stated this facility is complete, and fire and other personnel are working on the pump test station. Mr. Hurst stated the City of Central has donated large septic type tanks that will be utilized for the pump station; this will save approximately \$15,000.00. In addition, the Army Core of Engineers has secured an office trailer in order to have an office facility on this site.

Eighteen Mile Site-Mr. Hurst stated after council approved the sale of timber from this site, he has staff utilizing the GPS systems for surveying purposes so the bids will be accurate, and further stated bids should be out soon on this project.

COMMITTEE REPORTS:

Chairman Willis called for the committee reports.

- 1) Administration and Finance- Chairman Willis gave the following report-

Jennifer Willis, Chairman
Neil Smith
Sam Wyche

The Committee of Administration and Finance met in the Main Conference Room on Tuesday, February 21, 2012 at 6:00 PM. All members were in attendance with Chairman Willis presiding.

Staff:

Chap Hurst, Administrator
Donna Owen, Clerk to Council
Ralph Guarino, Finance Director
Tim Morgan, Sheriff's Office
Ken Roper, County Attorney

Item	Description	Referred	Action

3	Security policy Retained 12/2009 Retained 12/2010 Retained 12/05/2011	10/19/09	Council convened into executive session to receive a legal report. Several items were discussed and Staff was given direction to proceed with safety measures in certain offices. In addition, staff will continue to make changes and recommendations in public meeting rooms to provide safety for the public. >public session reconvened with no further action. <u>Past action</u> >Committee recommends that staff work with departments to get their input regarding safety issues and concerns. Staff will bring recommendations to committee within 60 days.
21	Committee to do a study and evaluate the EMS stations, especially in the north and northwest areas of the County. Retained 12/2009	08/17/09	>Remove from the log due to this item being discussed in the FY 2012/13 budget process. Approved

2) Committee of the Whole: Chairman Willis gave the following report

The Committee of Council as a Whole met in the Main Conference Room on Tuesday, February 21, 2012 at 6:00 PM. All members were in attendance with Chairman Willis presiding.

Staff:

Chap Hurst, Administrator
Donna Owen, Clerk to Council
Ralph Guarino, Finance Director
Dale Powell, Parks Director
Ken Roper, County Attorney

Item	Description	Referred	Report	Action
7	Twelve Mile River Updates/Saluda River Issue Retained 12/05/2011	02/07/2011	03/05/2012 02/06/2012	>>>No Action, council discussed updates and coordination processes. <u>Past Recommendations:</u> Council received a presentation from Wes Hulsey with Hulsey, McCormick and Wallace Engineering, as it relates to EPA's remedy for the PCBs located in Twelve Mile River. >Committee is not satisfied with remedy from EPA

	<p>12/05/2011</p> <p>Coordination- Councilman Tom Ponder moved to invoke coordination on all waterways in Pickens County to include Saluda River; motion was seconded by Councilman Trey Whitehurst and unanimously passed.</p>		<p>03/07/2011</p> <p>09/19/2011</p>	<p>and further asked staff to obtain cost estimates for engineering firm to proceed with a response to EPA and continue sampling.</p> <p><u>Past Action</u> Motion was made for staff to gather soil samples from the banks of the Twelve Mile River, and for the letter to be mailed regarding Twelve Mile Remediation.</p> <p>Re: Saluda River- Motion was made to request the hydrology and all pertinent engineering data concerning the project.</p> <p>>>Committee was updated that Mr. Hurst has been in touch with officials from DHEC, and they have informed him that the trustees and the judge are in charge of this issue, and DHEC would not be involved at the Twelve Mile River site.</p> <p>>>>Regarding the Saluda River- Committee request that staff issue a freedom of information request to obtain the studies, guidelines and research as it relates to the project. Also, obtain the specifics on what the basis is for stream restoration failure. Committee also allowed \$10,000 from contingency if needed.</p> <p>>Councilman Ponder stated the work on Saluda River has already started. Mr. Hurst stated he would obtain information.</p> <p>>Council approved</p>
10	<p>Tourism Plan</p> <p>Retained 12/05/2011</p>	08/15/2011	<p>03/05/2012</p> <p>2011</p>	<p>>>>Council discussed the need for camp site and lodging improvement at Mile Creek Park. Council instructed staff to move forward with notifying Federal Energy Regulatory Commission (FERC) regarding the plans for Mile Creek. Also, if FERC denies the request, staff will request coordination.</p> <p>> approved</p> <p><u>Past Action</u></p> <p>>>>Committee recommends that at this time the board of tourism remain defunct; and authorize the administrator to utilize funds for creating a brand, website, and restaurant guide.</p> <p>>Jeff Martin stated he would like to amend the motion to reference the tourism board as created in Ordinance 412. Motion was seconded by Neil Smith and unanimously passed.</p>

				>Council approved as amended.
15	<p>Pickens Gym/canteen</p> <p>Moved from Admin/Finance on 09/19/2011</p> <p>Retained in Committee of whole only 12/05/2011</p>		03/05/2012	<p>In discussion about the Pickens Gym Mr. Wyche stated he wanted this property sold in order to recoup the cost. (<i>Corrections by Councilman Sam Wyche to state “recoup 36% of the cost”</i>)</p> <p>Council discussed that Pickens City is not interested in the gym and the building itself is not in good repair.</p> <p>Mr. Wyche also stated that because the Doodle Railroad is for sale, this may be an area of drop off or parking. Mr. Wyche introduced Donnie Simms with the Railroad company, and discussion was held about the Doodle Railroad, the cost, and the length. Council also discussed pros and cons of the rails to trails prospect, and the interest of the municipalities- Easley and Pickens.</p> <p>Chairman Willis stated she understood the need for discussion, but the “railroad” issue was not on the agenda and it was not appropriate.</p> <p>Mr. Wyche stated the reason for its appropriateness is because recreation as a whole is being discussed.</p> <p>Chairman Willis asked for motions as it relates to the Pickens Gym.</p> <p>>Committee recommends removing the Pickens/Canteen gym and salvaging the brick.</p> <p><u>During discussion of the original motion:</u> <u>Amendment 1</u> >>Councilman Neil Smith moved to amend the motion to state that for consistency purposes, County funds will be used to pay utilities and demolition for all County owned buildings. Mr. Smith stated it was his understanding that the buildings/plans were going to be looked at as a whole and not individually. Motion was seconded by Councilman Trey Whitehurst.</p> <p>Mr. Wyche stated the Pickens/Canteen property was different because his predecessor (Ben Trotter) had purchased the property for \$110,000 and was purchased only months before for \$60,000. Mr. Wyche asked if the amendment was to take funds from the Pickens recreation.</p> <p>Chairman Willis stated that was not the intent, that Mr. Smith was making the funds equitable and</p>

				<p>consistent to all facilities. >>all members of Council voted in favor of the amendment.</p> <p><u>Amendment 2</u> Councilman Neil Smith moved to amend the motion not to purchase the Pickens Railroad for \$1,000,000 and to not use the Pickens/Canteen area as a parking lot. Motion was seconded by Councilman Trey Whitehurst.</p> <p>Mr. Wyche asked if \$1M has been offered. Mr. Smith stated that was the discussion, and further stated that he left the meeting at this point because any discussion of the railroad was out of order due to the fact that it was not on the agenda.</p> <p>Trey Whitehurst also stated that was the dollar amount that he heard. In addition, Mr. Whitehurst stated he was uncomfortable with the discussion because council had already agreed to issues regarding the railroad, and it was not on the agenda.</p> <p>Mr. Wyche stated he thought this topic was appropriate because it comes under the overall tourism plan. Also, the committee could not discuss issues about the parking lot unless the discussion was held about the railroad.</p> <p>Mr. Ponder stated he could see both sides of the debate because he had missed the meeting when Council had discussed the railroad, and he wanted to catch up on the issue. However, Mr. Ponder stated he would not be in favor of a price of \$1M.</p> <p>Mr. Wyche stated he was not in favor of paying that price. Mr. Wyche stated he was simply investigating its worthiness.</p> <p>>>Amendment was unanimously passed.</p> <p><u>Amendment 3</u> Councilman Trey Whitehurst amended the motion to do an asbestos study on the Pickens/Canteen Gym before any demolition. Motion was seconded by Councilman Neil Smith and unanimously passed.</p> <p>>>Amendment was unanimously passed.</p> <p>Chairman Willis called for a vote on the original motion as amended (3) times.</p> <p>>Council unanimously approved as amended.</p>
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				<p><u>Past Actions</u></p> <p>>Committee recommends reimbursing Pickens recreation funds for utilities retroactive back to July 1, 2010. Moving forward utilities will be charged from unallocated money in recreation funds</p> <p>> Council approved.</p> <p>>Committee also recommends sending to the Committee of the Whole, an overall use plan for recreation. This would be utilizing the study that council has, and to fit in the new properties as well as looking at parks and all issues of recreation as a whole.</p> <p>>Council approved</p> <p>Now moved to committee of the Whole</p>
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COUNCIL CORRESPONDENCE:

Chairman Willis opened the floor for Council correspondence.

- 1) Tom Ponder stated for the record that he would be seeking his council seat for a third term. Mr. Ponder stated he wanted to clarify this due to hearing that he was not seeking re-election.
- 2) Chairman Willis informed the public that the Williams-Ligon House in Easley has been added to the National Register of historic places.

MOTION PERIOD AND NEW BUSINESS:

Chairman Willis opened the floor for new business.

- 1) Chairman Willis moved to add a personnel issue and an Economic Development issue to the executive session. Motion was seconded by Councilman Tom Ponder and unanimously passed. Executive session will be amended.

PRESENTATION FROM ANDERSON, PICKENS, OCONEE MENTAL HEALTH

Kevin Hoyle with Pickens, Oconee, and Anderson Mental Health went over the services offered by Mental Health. Mr. Hoyle stated there is often a misconception of the type and level of services that mental health provides for the community. Dr. Jake McKinney and Dr. Hope Threadgill, both members of the Board of Directors and professional counselors in Pickens County, spoke to council as it relates to the need for mental health services in Pickens County, and that mental health is very much a community issue. Mr. Hoyle gave Council a complete overview of the budget, and pointed out that much of these funds are not appropriated through the State, and actually the State funds have decreased.

Council thanked the director and board members for their presentation and service.

APPROVAL OF BID FOR SIX MILE FIRE STATION:

Mr. Hurst stated the bids came in on Wednesday and the low bid is \$446,415.00 with J. Davis Construction.

- Motion was made by Councilman Neil Smith and seconded by Councilman Trey Whitehurst to approve J. Davis Construction as the low bid for the Six Mile Fire station. All Council voted in the affirmative.

APPROVAL OF WEATHERLY DRIVE BEING ACCEPTED IN THE MINIMUM MAINTENANCE ROAD SYSTEM:

- Motion was made by Councilman Tom Ponder, seconded by Councilman Jeff Martin and unanimously passed to approve Weatherly Drive in the minimum maintenance system.

FIRST READING OF AN ORDINANCE TO ADDRESS PENALTIES RELATING TO THE SOLID WASTE STICKER PROGRAM:

- Motion was made by Councilman Neil Smith and seconded by Councilman Tom Ponder that this constitutes a first reading of said ordinance.

During discussion, Councilman Trey Whitehurst restated the concerns of Mr. Merck, in that he did not want to impose fees or hardships.

Councilman Tom Ponder stated this was in his committee and would go back to the committee prior to second reading. However, when people are coming out of the County to use the recycling centers, it is a problem for the attendants because the ordinance has no penalties for outside residents utilizing the center.

>All members voted in favor that this constitutes a first reading in title only.

THIRD READING OF ORDINANCE NO. 450 ESTABLISHING UNIFORM POLICIES FOR THE EVALUATION AND APPROVAL OR DISAPPROVAL OF TAX INCREMENT FINANCING REDEVELOPMENT PLANS AND DISTRICTS IN MUNICIPALITIES LOCATED WITHIN THE BOUNDARIES OF PICKENS COUNTY, AND ADDRESSING THE ISSUANCE OF MUNICIPAL DEBT FINANCING FROM REVENUES DERIVED FROM SUCH DISTRICTS, AS WELL AS THE USE OF SUCH REVENUES FOR ON-GOING PROJECTS WITHIN MUNICIPAL REDEVELOPMENT DISTRICTS ESTABLISHED PURSUANT TO THE PROVISIONS OF CHAPTER SIX OF TITLE 31 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, AND RELATED MATTERS:

- Motion was made by Councilman Neil Smith, seconded by Councilman Trey Whitehurst and unanimously passed that this constitute a third reading of Ordinance No. 450.

APPROVAL TO PURCHASE A FIRE TRUCK FOR ROCKY BOTTOM FIRE DISTRICT:

- Motion was made by Councilman Neil Smith, seconded by Councilman Tom Ponder and unanimously passed to approve up to \$10,000 for the Rocky Bottom fire district to purchase a truck.

APPROVAL TO PURSUE LEGAL ACTION AGAINST CLEMSON CONCERNING TAX INCREMENT FINANCE (TIF) DISTRICT:

- Motion was made by Councilman Neil Smith, seconded by Councilman Trey Whitehurst to pursue legal action against Clemson concerning the tax increment district.

During Council discussion, Councilman Jeff Martin stated all opportunity closes when legal action is pursued. In addition, Mr. Martin stated that all (3) taxing entities, Pickens County School District, City of Clemson, and Pickens County needed to sit down and discuss the issues. Mr. Martin further stated the City of Clemson is in transition with the loss of the mayor. Councilman Jeff Martin stated he would like council to consider delaying this action.

Councilman Trey Whitehurst stated the reason he would vote in the affirmative was the fact that staff had gone to the City with this issue and the City refused to negotiate on this issue. Mr. Whitehurst further stated the money should not continue to leave the tax base, especially the schools.

Councilman Tom Ponder stated that Clemson is notorious for this type of arrogance, and further made reference to the same problems with municipal recycling and other County provided services. Mr. Ponder stated this has been going on for years, and it was time to take action with the City.

Councilman Neil Smith stated this action provides numerous decision points, and does not reduce the opportunity or ability for resolution. Mr. Smith stated a responsibility to let the citizens know that the Clemson TIF has been diverse from other TIF districts because most TIF districts are improvements on poverty prone areas to improve the tax base. Mr. Smith concluded by stating this has not been the case with Clemson because funds from schools and county have been utilized to build City facilities.

Councilman Sam Wyche stated he has heard of several options, and asked Mr. Hurst if he thought all opportunity was exhausted without legal action.

Mr. Hurst recapped the meeting that he was instructed to have with City Administrator, Rick Cotton and the City attorney as it relates to concerns Council has expressed about the TIF money. Mr. Hurst stated that during the meeting Mr. Cotton stated he was insulted that he was being questioned. Mr. Hurst stated it was clear the City did not feel a need to discuss any negotiation as it relates to the TIF funds. In addition, Mr. Hurst said it is his opinion that the need for legal action was in the best interest because issues need to be addressed that is in a legal document. Therefore, if that document is amended or negotiated, legal action is necessary.

Prior to calling the question, Chairman Willis stated this was a difficult decision for her to pursue legal action against a municipality within the County. However, she concurred with Mr. Smith and Mr. Hurst that it was time for action, and further considers this the right thing to do, especially when considering the responsibility to the school children.

- Motion on the floor was to pursue legal action against Clemson concerning the tax increment district.

Councilman Sam Wyche, Councilman Neil Smith, Councilman Trey Whitehurst, Councilman Tom Ponder, and Chairman Willis voted in favor. Councilman Jeff Martin was opposed. Motion carried 5-1.

EXECUTIVE SESSION:

- Motion was made by Councilman Neil Smith, seconded by Councilman Trey Whitehurst and unanimously passed to convene in executive session as amended.

Boards and Commission
Legal update Legal issue
Personnel- added in motion period
Economic development – added in motion period

PUBLIC SESSION RECONVENED:

Chairman Willis called the public session back to order and advised the following action.

Crosswell Fire District:

- Motion was made by Councilman Tom Ponder, seconded by Councilman Neil Smith to re-appoint Karl Earl and Grady Gaston to the Crosswell Fire District.

- **ADJOURN:**

Hearing no further Council business, Chairman Willis called for a motion to adjourn. Motion was made by Councilman Trey Whitehurst, and seconded by Councilman Neil Smith and unanimously passed. Pickens County Council stood adjourned at 10:15 PM.

Respectively Submitted:

Approved:

Donna F. Owen, Clerk to Council

Jennifer H. Willis, Chairman

ADJOURN: