

Regular Pickens County Council Meeting
April 6, 2015
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 March 27, 2015

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:

Ralph Guarino, Interim Administrator
Ken Roper, County Attorney
Donna Owen, Clerk to Council

WELCOME AND CALL TO ORDER:

Chairman Willis called the meeting of April 6 to order and welcomed those in attendance. Ms. Willis further called upon Vice Chairman Trey Whitehurst to lead the Invocation and Pledge of Allegiance.

PUBLIC FORUM:

Chairman Willis requested the Clerk to call upon citizens who have signed up to speak to Council for Public Forum.

- 1) David Parsons- Mr. Parsons introduced himself and stated he was a citizen living in Keowee Springs. Mr. Parsons stated Keowee Springs is managed by the Vineyards Fire District for fire protection. Mr. Parsons pointed out that there are now many residents living in Keowee Springs and they would like representation as their own district. In addition, Mr. Parsons pointed out the Vineyards district is about 30 minutes away, while the Six Mile district is only 10 minutes away. Mr. Parsons stated the Springs has no representation on the fire district board, and no input into the budget. Mr. Parsons concluded by asking the Council to look at this situation as they move through the budget process.
- 2) Junius Smith - Mr. Smith reiterated that he does not approve of the Fee in Lieu of Taxes program. Mr. Smith stated he thought businesses should pay taxes. Mr. Smith stated the taxes are the people's money. Mr. Smith concluded by stating he has warned Council about the crime and disruption that will come when the Doodle Trail is finished; however, problems are already beginning. Mr. Smith stated there are reports of go-carts being disruptive.
- 3) Weldon Clark – Mr. Clark thanked Ken Roper for his help regarding the shooting range issue, and thanked Ms. Willis for her support on the Local Government Fund. Mr. Clark further elaborated about shooting range property and design. Mr. Clark stated he thought the design was most critical as he has been reviewing projects with the County engineer.

APPROVAL OF MINUTES: March 02, 2015

Motion was made by Councilman Ensley Feemster, seconded by Vice Chairman Trey Whitehurst to approve the minutes as presented.

>Mr. Smith stated he was not at the last Council meeting and would be abstaining; however, he questioned that a grant that was approved for Crosswell Fire District, and stated if the budget did not support the additional employees, the chief of the district would have to lay-off employees.

Chairman Willis stated the approval was for the application of the grant and not the acceptance of the grant. Therefore, no employees have been added, and it will be discussed at budget.

- All members of Council voted in favor of approving the minutes, with the exception of Councilman Neil Smith who abstained due to his absence.

ADMINISTRATOR'S REPORT:

Interim Administrator Ralph Guarino informed Council and the public of the following items.

- 1) Mr. Guarino announced the Meals on Wheels event at the Pickens County Airport April 18, 2015 from 10:00 a.m. – 3:00 p.m. Mr. Guarino stated this was the 6th annual fundraiser for Meals on Wheels, and the festival features plane rides, helicopter rides, car shows, food, and public safety education/awareness.
- 2) Mr. Guarino advised Council about the following Grants: Grants Used Oil Grant \$20,060 no match. The grant money is used for education and outreach. It is a grant the County applies for each year.
Grant for development of Twelve Mile and Eighteen Mile Watershed Grant \$20,000 and \$5,000 match but can use in-kind services. Provides money for a contractor to develop the plans and assist in completion of the plans that need to be done within a 2 year period. The Beautification Committee will apply for the grant, and it is a onetime grant.
- 3) Renewal of Insurance Premiums for Property, Liability, and Workers Compensation- Mr. Guarino requested that Council add to the agenda approval of the annual insurance premiums. Mr. Guarino apologized for the late notice; the premiums just came in, and he would recommend locking those rates down. Mr. Guarino stated the property, liability, and workers comp rates combined were relatively even, with a 2% decrease in workers-comp, a flat rate for liability, and property is approximately \$20.00 per vehicle.
>Council concurred it would be in the best interest to accept the rates.

COMMITTEE REPORTS:

Chairman Willis gave a report for the Committee of the Whole

The Committee of Council as a Whole met in the Main Conference Room on Monday, March 16, 2015 at 6:00 PM. All members were in attendance with Chairman Willis presiding.

Staff:

Ralph Guarino, Interim Administrator
Donna Owen, Clerk to Council
Helen Hockwalt, Tourism Director
Jimmy Threat, GIS Mapping

Item	Description	Referred	Report	Action
22	Facility Rental Policy Retained 2015	2/10/2014		No action, staff is directed to bring the rental agreement back to the committee with fees as discussed.
24	Aeronautics Commission Request Retained 2015	08/18/2014		Staff was instructed to move forward with Crossfield Terminal Area Development project, and communicate with WK Dickson to have documents for council approval.

25	County Buildings/space and master plan-Retained 2015	09/15/2014		No action, staff went over properties. The Committee did ask for staff feedback on several properties. >Mr. Smith noted there were some properties not on the original list. This will stay in committee for updates.
26	Request for representation for Keowee Springs Fire District	03/02/2015		No action, staff will look at the structure of the district and ordinance.
27	Legal System Overview Committee	03/02/2015		>Committee recommends giving a \$15,000 incentive/reimbursement to the City of Easley to build an exercise facility as discussed in the Jail Workshop. In addition, on July 1, 2015 there will be a uniform rate of \$65.00 as established by the rate as paid by the City of Liberty for juveniles. The \$65.00 rate is for all detainees at the Law Enforcement Center that are coming in from municipalities and all other agencies. **All members Approved. In a separate discussion of the Legal System Overview: >Committee recommends allowing the Justice and Public Safety Committee to formulate a study group. This will come back to the Committee of the Whole for next steps. **All members Approved.
28	Building Keystone Plaques	03/02/2015		Committee approved the plaques as presented. >all members Approved.

COUNCIL CORRESPONDENCE:

- 1) Mr. Whitehurst stated he wanted to inform Council and the Public that his committee has been working on the Medal of Honor ceremonies for this spring. He would like to note the recommended date is June 6, 2015 and not Memorial Day as originally speculated. Vice Chairman Whitehurst stated there were too many conflicts with building projects and speakers.

MOTION PERIOD AND NEW BUSINESS:

- 1) Councilman Neil Smith moved to pull out of committee the rental agreement from the Committee of the Whole. In addition Mr. Smith stated this would need to be done in order to vote on item (16) which is the lease agreement with the City of Central. Motion was seconded by Vice Chairman Trey Whitehurst and unanimously passed.
- 2) Chairman Willis moved to add to the agenda the insurance renewal rates as recommended by Mr. Guarino. Motion was seconded by Councilman Neil Smith and unanimously passed.

- 3) Chairman Willis moved to add (3) items to executive session. These are (1) legal matter, (1) personnel matter, and (1) contractual matter. Motion was seconded by Councilman Neil Smith and unanimously passed.
- 4) Vice Chairman Trey Whitehurst moved to pull from the Administration and Finance Committee the item regarding purchase of a rollback truck for Vehicle Maintenance. Motion was seconded by Councilman Neil Smith and unanimously passed. This item will be added to the agenda.

APPROVAL OF BID RESULTS FOR CHILLER AT THE COURTHOUSE:

Motion was made by Councilman Neil Smith, seconded by Councilman Tom Ponder and unanimously passed to award the bid to McCarter Mechanical, Inc.

>Vice Chairman Trey Whitehurst asked about the warranties, and was assured all warranties were the same with a (5) year warranty on the chiller and (1) year on parts/maintenance.

APPROVAL OF BID RESULTS FOR PAINTING AT THE STOCKADE TREATMENT FACILITY:

Motion was made by Councilman Neil Smith to award the bid to Olympic Enterprises, Inc. Motion was seconded by Councilman Tom Ponder and unanimously passed.

>Vice Chairman Trey Whitehurst asked about the warranty for painting. Mr. O'Kelly stated it is a (3) year warranty inspected annually. In the event there is an issue during that timeframe the company is responsible.

ACCEPTANCE OF MERRELLS WAY INTO THE MINIMUM MAINTENANCE SYSTEM:

Motion was made by Councilman Tom Ponder, seconded by Councilman Neil Smith and unanimously passed to place Merrells Way into the minimum maintenance system.

>Mr. Smith asked the age of the road, and was informed Merrells Way was between 18-20 years old.

ACCEPTANCE OF BIG FOOT ROAD INTO THE MINIMUM MAINTENANCE SYSTEM:

Motion was made by Councilman Tom Ponder, seconded by Councilman Neil Smith and unanimously passed to place Big Foot Road into the minimum maintenance system.

>Mr. Wilson stated Big Foot Road was approximately 12-14 years old.

APPROVAL OF WORKFORCE CONSORTIUM RESOLUTION:

Motion was made by Councilman Neil Smith, seconded by Chairman Willis and unanimously passed to approve the consortium resolution.

APPROVAL OF WORKFORCE CONSORTIUM AGREEMENT:

Motion was made by Councilman Neil Smith, seconded by Chairman Willis and unanimously passed to approve the consortium agreement.

ACCESS ROAD FOR THE SHADY GROVE FIRE DISTRICT:

Vice Chairman Trey Whitehurst moved to make this road a one-way County road, and to reimburse Shady Grove Fire District for this project. Motion was seconded by Councilman Neil Smith. >during discussion, Councilman Tom Ponder stated he had concerns about safety with a one-way road. Mr. Ponder stated there should be pullovers or some means of getting out of the way.

Councilman Neil Smith stated he thought staff should proceed, but if staff has concerns or other ideas, they should make recommendations back to Council. Council concurred that signs and public awareness about the new road is important.

- The original motion passed with a unanimous vote.

REQUEST FROM SHERIFF CLARK REGARDING THE JAIL MENTAL HEALTH COLLABORATION GRANT APPLICATION:

- Councilman Neil Smith moved to place this item in the Committee of the Whole in order to look at this issue within the budget process. Motion was seconded by Vice Chairman Trey Whitehurst and unanimously passed.

APPROVAL OF A LEASE AGREEMENT WITH PICKENS COUNTY AND THE CITY OF CENTRAL FOR THE CITY TO LEASE A BUILDING AT 120 COMMONS WAY:

- Councilman Neil Smith moved to approve the lease on 120 Commons Way seconded by Councilman Randy Crenshaw.

>During discussion, Mr. Smith stated the language in the lease needed to be changed for the tenant to pay the insurance. This is due to the fact the County is leasing this to the City rent free. Also, the section of Assignability/Subletting should not allow the tenant to sublet the property.

- Chairman Willis moved to amend the lease agreement to modify the paragraph regarding insurance to state the tenant will be responsible for cost of all liability insurance. In addition, the paragraph regarding Assignability/ Subletting should state the landlord (County) has the right to refuse anything in terms of a sublet and also to enforce the ability of congregant dining to lease at no additional charge. Councilman Neil Smith gave a second to the amendment.

Vice Chairman Trey Whitehurst requested that the lease begin at the present for this first time so the City can utilize the building prior to July 1. Both Chairman Willis and Councilman Neil Smith accepted, and the amendment was unanimously passed.

- Motion to accept the lease agreement with Pickens County and the City of Central as amended was unanimously passed.

RENTAL AGREEMENT FOR THE LIBERTY AUDITORIUM AS PULLED FROM COMMITTEE:

- Councilman Neil Smith moved to allow the First Baptist Church of Liberty to rent the Liberty Auditorium on May 3, 2015 for the baccalaureate. Mr. Smith stated there would be the \$250. 00 fee and the cleaning fee. Council can determine a possible rebate at a later date. Mr. Smith stated this is a onetime action, and staff can further come back with the overall rental policy. Mr. Smith also stated he would volunteer to handle the requests as they come in for leasing this building. Motion was seconded by Vice Chairman Trey Whitehurst and unanimously passed. (*Rental Agreement will go back to committee*)

FIRST READING OF THE FISCAL YEAR 2015/2016 BUDGET ORDINANCE:

- Motion was made by Vice Chairman Trey Whitehurst, and seconded by Councilman Ensley Feemster. Motion was unanimously passed that this constitutes a first reading on the FY 2015/2016 budget ordinance.

FIRST READING TO AMEND THE FISCAL YEAR 2014/2015 BUDGET ORDINANCE:

- Motion was made by Councilman Neil Smith, seconded by Councilman Randy Crenshaw and unanimously passed that this constitutes a first reading of the FY2014/15 budget amendment ordinance.

FIRST READING OF AN ORDINANCE TO AMEND THE FIFTH AMENDMENT TO THE PARK AGREEMENT AUTHORIZED BY ORDINANCE NO. 475 RELATING TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE AND PICKENS COUNTIES SO AS TO AMEND THE TERM OF THE PARK FOR PROJECT MOLD PROPERTY:

- Motion was made by Councilman Tom Ponder, seconded by Councilman Neil Smith and unanimously passed that this constitutes as first reading to amend the park ordinance.

APPROVAL OF THE PROPERTY, LIABILITY, AND WORKERS COMPENSATION RATES

- Motion was made by Councilman Neil Smith to accept the recommendation of the Interim Administrator and lock in the renewal rates as discussed. Motion was seconded by Vice Chairman Trey Whitehurst and unanimously passed.

APPROVAL FOR VEHICLE MAINTENANCE TO PURCHASE A USED ROLLBACK TRUCK:

- Vice Chairman Trey Whitehurst moved to allow the purchase of a used rollback truck. This was in committee, however if a used one can be purchased for \$50,000 it is worthy to move forward. Motion was seconded by Councilman Neil Smith and unanimously passed.

CONSENT AGENDA:

- Motion was made by Vice Chairman Trey Whitehurst, seconded by Councilman Neil Smith and unanimously passed to approve the consent agenda.
 - Fire District Review – Committee of the Whole
 - Recreation Twelve Mile River-Administration and Finance
 - FERC Plans-Administration and Finance
 - Naming the Petroglyphs site at Hagood Mill-Administration and Finance

EXECUTIVE SESSION:

- Motion was made by Councilman Randy Crenshaw, seconded by Councilman Ensley Feemster and unanimously passed to convene into executive session for the stated purposes.

Legal Issues-(4 items)

Contractual Issues-(4 items)

Boards and Commissions (2 items)

Personnel- (2 items)

PUBLIC SESSION RECONVENED:

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

For Clarification, Chairman Willis read the S.C. Code of Law as it relates to executive session for public bodies. Ms. Willis stated that each item that was discussed and listed on the County Council Agenda is within this section.

SECTION 30-4-70. Meetings which may be closed; procedure; circumvention of chapter; disruption of meeting; executive sessions of General Assembly.

(a) A public body may hold a meeting closed to the public for one or more of the following reasons:

(1) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a

person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.

(2) Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.

(3) Discussion regarding the development of security personnel or devices.

(4) Investigative proceedings regarding allegations of criminal misconduct.

(5) Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

Chairman Willis stated the Council went into executive session to discuss the following:

(4) Legal issues as defined in –30-4-70 (a) (2)

1) Councilman Neil Smith moved to hire counsel to proceed with the lawsuit against the City of Easley as it relates to the Easley TIF, unless the City of Easley agrees to the proposed settlement. Motion was seconded by Vice Chairman Trey Whitehurst and unanimously passed.

2) Councilman Neil Smith moved to have legal co-counsel to send a letter to the City of Liberty as it relates to the TIF, to be consistent with the County's position with Clemson and Easley. Motion was seconded by Councilman Tom Ponder and unanimously passed.

3) Chairman Willis stated the Council received an update and no action is forthcoming.

4) Chairman Willis stated the Council received an update and no action is forthcoming.

Chairman Willis stated the Council discussed the following:

(4) Contractual matters as defined in-30-4-70 (a) (2)

1) Chairman Willis stated the Council received an update, and no action is forthcoming.

2) Chairman Willis stated the Council received an update, and no action is forthcoming.

3) Councilman Neil Smith moved to approve the contract with W.K. Dickson as it relates to the Crossfield Development at the Pickens County Airport-phase I. Motion was seconded by Councilman Randy Crenshaw and unanimously passed.

4) Chairman Willis stated the Council received an update, and no action is forthcoming.

Chairman Willis stated the Council discussed the following:

(2) Boards and Commissions as defined in 30-4-70 (a)(1)

1) Economic Development Board – Chairman Willis moved to re-appoint Mr. Ray Steck to the Economic Development Board, and to appoint Seth Crow to follow the term of Mr. Tom Strange who resigned. Motion was seconded by Councilman Neil Smith and unanimously passed.

2) Recreational Advisory Board- Councilman Tom Ponder moved to have a first reading in title only to create an advisory board as it relates to recreation. Motion also involves this going to the Education, Recreation, Health, Welfare, and County Planning Committee. Motion was seconded by Councilman Randy Crenshaw and unanimously passed.

Chairman Willis stated the Council discussed the following:

(2) Personnel matters as defined in 30-4-70(a) (1)

1) Chairman Willis stated the Council received an update, and no action is forthcoming.

2) Chairman Willis stated the Council received an update, and no action is forthcoming.

ADJOURN:

Hearing no further business, Chairman Willis called for a motion to adjourn. Motion was made by Councilman Neil Smith and seconded by Vice Chairman Trey Whitehurst. Pickens County Council stood adjourned at 9:10 p.m.

Respectively Submitted:

Approved:

Donna F. Owen, Clerk to Council

Jennifer H. Willis, Chairman