

January 9, 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 January 4, 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 January 9, 2012 to order and welcomed those in attendance. Mrs. Willis further gave the invocation and led the Pledge of Allegiance.

**PUBLIC FORUM:**

Chairman Willis opened the floor for public forum and further requested the Clerk to introduce the citizens who have signed up.

- 1- Junius Smith. Mr. Smith informed Council that he had recently spoke at the Delegation meeting and requested they eliminate Chapter 29 of the code relating to the comprehensive plan. Mr. Smith also stated he had informed the delegation that he would not support any candidate who supported the comprehensive plan.
- 2- Rick Saint- Mr. Saint stated he lived in Shady Grove Estates and requested assistance with the nuisance of fireworks displays in his neighborhood. Mr. Saint said he would not complain about normal fireworks; however, the fireworks have become equivalent to commercial, and were loud enough to shatter one of his windows. (Mr. Hurst took Mr. Saint's contact information, and will assist him)
- 3- Bill Hardin- Mr. Hardin thanked Council on behalf of Saluda Roots which is the organization that has opposed the rock veins in the Saluda River. Mr. Hardin expressed appreciation for what staff and Council have done to provide assistance.
- 4- Weldon Clark- Mr. Clark stated he was a member of the Planning Commission, and he thought the commission has worked hard to make the Development Standards Ordinance user friendly, without too many restrictions. Mr. Clark stated that the Saluda River concerns were about the damage that will be done to property downstream from the rock veins. This is damage that will devalue property and cost the property owner money.

## **APPROVAL OF MINUTES - December 5, 2011**

- Motion was made by Councilman Trey Whitehurst, seconded by Councilman Tom Ponder and unanimously passed to approve the minutes as presented.

## **ADMINISTRATOR'S REPORT:**

Mr. Hurst provided information regarding the following issues.

- 1- Year end reports- Mr. Hurst stated he wanted to go over the year end reports for various departments in the county, but will wait until February when Council resumes normal schedule.
- 2- Mr. Hurst stated the bond attorneys have requested a first reading in title only for the North Plant Sewer bond ordinance.
- 3- Coordination- Mr. Hurst informed Council that he had been in discussion with Mr. Jim Wilkie, Planning Commission member, and he has the name of a facilitator that has expertise in training staff and elected officials as it pertains to coordination. Mr. Hurst stated he would have information forthcoming.

## **COUNCIL CORRESPONDENCE:**

Retreat – Chairman Willis reminded council of the upcoming Economic Development Retreat in Asheville, North Carolina. Mrs. Willis stated Council is going to utilize that opportunity for a (1) day planning session for Council. Mrs. Willis stated a report from that meeting will be forthcoming.

Committee of the Whole scheduling - Chairman Willis asked Council to provide the Clerk with dates for a special called meeting as well as Committee of the Whole.

Administration Building Mrs. Willis stated the Pickens County Administration Building serves as the polling place for the Absentee Precinct for all elections. As such, no campaign literature can be distributed or displayed inside the building itself or within 200ft of any entrance to the building. No active campaigning by any candidate is allowed inside the building.

## **MOTION PERIOD AND NEW BUSINESS:**

Chairman Willis opened the floor for new business.

- Councilman Tom Ponder requested the solid waste ordinance be reviewed in the Public Service Committee. Motion was seconded by Councilman Neil Smith and unanimously passed.
- Councilman Neil Smith moved to place the bond ordinance title on the agenda as requested. Motion was seconded by Councilman Jeff Martin and unanimously passed.

## **REQUEST FROM THE CITY OF EASLEY REGARDING TIF DISTRICT:**

Chairman Willis stated this request comes to Council for the City of Easley to do some work outside of the TIF district. Mrs. Willis gave the details that this is a vacant lot across from the Masonic Lodge in Easley. The City would like to continue the streetscape improvements and lighting to include this lot, which is directly across the street of where the original TIF ends.

During Council discussion, Councilman Trey Whitehurst stated he is not seeing a specific plan for this request, and he would be more comfortable if he could be provided this information in writing.

Councilman Jeff Martin stated it was his understanding that the TIF is not new and it is only an increase of the area. Councilman Sam Wyche stated based on a meeting he recently was in with the City; it was his understanding that this was an expansion and not a new TIF.

Councilman Neil Smith stated it appears by the way the resolution is written that Council would not be approving the specific project, but would be opening up approval for any project. Attorney, Ken Roper stated the resolution is broad. Mr. Smith also stated it was his understanding that the Council would say “no” to all TIF requests until we had our protocols in place as it relates to time limits and other issues involving the TIF.

Chairman Willis asked what the time line is for response, because she would like to give the City an opportunity to present information. Mr. Roper stated the notice to the Council is the letter they have

received. State Law provides that the notice has to be given 45 days outside the public hearing. Therefore, Mr. Roper stated it would appear to be early February before the response is needed.

- Chairman Willis moved to table the request until the City can come and present specific information. Motion was seconded by Councilman Tom Ponder.

Councilman Neil Smith asked if the motion to table was a debatable motion. Ken Roper stated it was not.

Chairman Willis called for the vote, and Councilman Jeff Martin, Councilman Sam Wyche, Councilman Tom Ponder, and Chairman Willis voted in favor. Councilman Trey Whitehurst and Councilman Neil Smith opposed. Motion carried.

Mr. Whitehurst stated he was still unclear about the timeline. He stated he did not want to get caught outside of those dates. Mr. Roper stated if Council was having a special called meeting, he would not think it possible to be outside of the 45 day requirement.

#### **APPROVAL OF AN INDUCEMENT RESOLUTION FOR A FILOT BETWEEN PICKENS COUNTY AND PROJECT LIGHTNING:**

- Motion was made by Councilman Neil Smith, seconded by Councilman Tom Ponder and unanimously passed to approve an inducement resolution for Project Lightning.

#### **FIRST READING OF AN ORDINANCE AUTHORIZING PURSUANT TO CHAPTER 44 OF TITLE 12, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BETWEEN PICKENS COUNTY, SOUTH CAROLINA AND PROJECT LIGHTNING; AND MATTERS RELATING THERETO.**

- Motion was made by Councilman Neil Smith, seconded by Councilman Tom Ponder that this constitutes a first reading of the ordinance authorizing a Fee Agreement between Pickens County and Project Lightning. Motion was unanimously passed.

#### **SECOND READING OF ORDINANCE NO. 451 TO AMEND THE AGREEMENT AUTHORIZED BY ORDINANCES NO. 384, 410, 424, 433, 437, 438 AND 442 RELATING TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE AND PICKENS COUNTIES SO AS TO ENLARGE THE PARK.**

- Motion was made by Councilman Neil Smith, seconded by Councilman Tom Ponder and unanimously passed that this constitutes second reading of Ordinance No. 451.

#### **SECOND 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 Tom Ponder and unanimously passed that this constitutes a second reading of Ordinance No. 450.

#### **SECOND READING OF ORDINANCE NO. 452 TO ESTABLISH A POLICY FOR THE IMPOSITION AND COLLECTION OF CERTAIN DEFINED PARK EXPENSES FROM FEES IN LIEU OF TAXES GENERATED BY PICKENS PARK PROPERTY IN THE VARIOUS MULTI-COUNTY INDUSTRIAL PARKS WHICH PICKENS COUNTY HAS DEVELOPED IN**

**COOPERATION WITH OTHER COUNTIES FOR APPLICATION TOWARD EXPENSES INCURRED FOR THE DEVELOPMENT, OPERATION AND MANAGEMENT OF THE PICKENS COUNTY PORTION OF THOSE PARKS; SUCH PARK EXPENSES SHALL BE PAID TO PICKENS COUNTY FROM THE SHARE OF THE FEES IN LIEU OF AD VALOREM TAXES THAT PICKENS COUNTY IS ENTITLED TO COLLECT FROM A NEW INDUSTRY, LESS THE SHARE PAID TO THE PARTICIPATING COUNTY, BEFORE SUCH FEES IN LIEU OF TAXES ARE DISTRIBUTED TO THE PARTICIPATING TAXING ENTITIES IN PICKENS COUNTY, AS SET OUT IN VARIOUS ORDINANCES DESCRIBED HEREIN; THIS ORDINANCE SHALL ALSO PROVIDE FOR THE DEFINITION OF SUCH PARK EXPENSES AND FOR THE COLLECTION AND DISTRIBUTION OF THE SAME, AND FOR MATTERS RELATING THERETO.**

- Motion was made by Councilman Neil Smith, seconded by Councilman Tom Ponder and unanimously passed that this constitutes second reading of Ordinance No. 452.

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF A ONE MILLION SIX HUNDRED EIGHTY THOUSAND DOLLARS (\$1,680,000) SEWER SYSTEM IMPROVEMENT REVENUE BOND, SERIES 2012A OF PICKENS COUNTY, SOUTH CAROLINA, AND A THREE HUNDRED FIFTY-TWO THOUSAND DOLLARS (\$352,000) SEWER SYSTEM IMPROVEMENT REVENUE BOND, SERIES 2012B OF PICKENS COUNTY, SOUTH CAROLINA; FOR THE EXPENDITURE OF THE PROCEEDS THEREOF; FOR THE PAYMENT OF SAID BONDS; AND OTHER MATTERS RELATING THERETO.**

- Motion was made by Councilman Neil Smith, seconded by Councilman Jeff Martin and unanimously passed that this constitutes a first reading of a bond for the North Plant sewer system.

**CONSENT AGENDA:**

- Motion was made by Councilman Neil Smith, seconded by Councilman Tom Ponder and unanimously passed to approve the consent agenda as amended.
  - Consider a first reading of an Ordinance regarding EMS Franchise issues, and refer to Committee of the Whole
  - Refer to Public Service Committee – study of the Solid Waste Ordinance (added during motion period)

**EXECUTIVE SESSION:**

- Motion was made by Councilman Tom Ponder, seconded by Councilman Neil Smith and unanimously passed to convene into executive session for the stated purpose.

Boards and Commissions

**PUBLIC SESSION RECONVENED:**

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

Beautification Committee: Councilman Neil Smith moved to appoint Linda Hall to the Beautification Committee. Seconded by Councilman Tom Ponder and unanimously passed.

**Fire Districts:**

Dacusville: Councilman Tom Ponder moved to re-appoint Sid Miller and Dennis Bauknight; motion was seconded by Councilman Neil Smith and unanimously passed.

Easley: Chairman Willis moved to re-appoint JB Kelly. Motion was seconded by Councilman Neil Smith and unanimously passed.

Rocky Bottom: Motion was made by Councilman Sam Wyche, seconded by Councilman Neil Smith and unanimously passed to re-appoint Gordon Clark.

Shady Grove: Motion was made by Councilman Sam Wyche, seconded by Councilman Neil Smith and unanimously passed to re-appoint David P. Jones and John Abercrombie.

Vineyards: Motion was made by Councilman Sam Wyche, seconded by Councilman Neil Smith and unanimously passed to re-appoint Fred Goosen and Wayne Sayatovic.

Pumkintown: Motion was made by Councilman Sam Wyche, seconded by Councilman Neil Smith and unanimously passed to re-appoint James R Mahanes and Bryan Devinny.

**ADJOURN:**

Hearing no further business of the Council, Chairman Willis called for a motion to adjourn

- Motion was made by Councilman Neil Smith, seconded by Chairman Willis and unanimously passed. Pickens County Council stood adjourned at 7:50PM.

Respectively Submitted:

Approved:

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Donna F. Owen, Clerk to Council

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Jennifer H. Willis, Chairman