

Regular Pickens County Council Meeting
October 21, 2013
6:30 PM

County Council met in regular session, in the Auditorium, County Administration Facility, with Chairman G. Neil Smith presiding. Agendas, bearing date, time, and location of meeting were mailed to Council members and local news media on October 15, 2013.

Council Members in attendance:

G. Neil Smith, Chairman
Tom Ponder, Vice Chairman
Jennifer H. Willis, V.C. Pro-Tem
Jeff Martin
Trey Whitehurst
Randy Crenshaw

Donna Owen, Clerk to Council

Staff:

Chappell Hurst, Administrator
Ken Roper, County Attorney

WELCOME AND CALL TO ORDER:

Chairman Smith called the meeting of October 21, 2013 to order and welcomed those in attendance. Chairman Smith further called upon Councilman Trey Whitehurst for the Invocation and Pledge of Allegiance.

PUBLIC FORUM:

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

Paul Blessing- Mr. Blessing came to Council to present the funds that the South Carolina Forestry Commission allots to Pickens County each year as a result of timber sales. Mr. Blessing presented a check to Pickens County in the amount of \$9,091.31. Council thanked Mr. Blessing and the Forest Service for this contribution.

Tina Golightly – Ms. Golightly inquired about skate parks for recreation. Ms. Golightly stated that her son had been informed that skateboarding in Pickens was against the law. She stated that she had researched, and there were no skate parks in Pickens County.

>>Council did inform Ms. Golightly that her son's issue would be under municipal authority; however, skate boarding is discouraged on public property. Council also realized that there are no parks for skating in Pickens County, and skate parks are usually found in larger municipalities. Councilwoman Jennifer H. Willis stated the park in Easley had closed several years ago, as it was not sustaining itself. Ms. Willis also mentioned that this has been a topic of recreational concerns.

Walker Miller- Mr. Miller stated to Council that he was thankful to Pickens County Council for recognizing the importance of the proposed agreement regarding Duke Energy relicensing. Mr. Miller stated he attended two stakeholders meetings as the owner of Happy Berry Farm, and to represent local food security. However, because he was not a necessary signatory, he was largely ignored. Finally, Mr. Miller stated he thought the new language should be presented to the residents in local news; due to the

fact that the agreement is a four year process, another few months should not make a difference to ensure complete understanding of a 40 year agreement.

Junius Smith- Mr. Smith informed Council that there were (87) homeowners along the proposed Doodle Trail, and there were concerns about the impact this project was going to have on their lifestyle. Mr. Smith requested that Council adopt an ordinance to deal with noise, loitering, and other nuisances that will result from this project.

Philip Smith- Mr. Philip Smith thanked Council and staff for their ability to listen to the taxpayers and keep cost to a minimal. Mr. Smith urged the council to go to the School Board public hearing on Tuesday October 22, 2013 and speak against their plans to obtain a 7th school board member. Mr. Smith stated this was political, expensive, and unnecessary. In conclusion, Mr. Smith stated this action is not in the best interest of the taxpayers, and further questioned the legality.

>>Chairman Smith stated he planned to be in attendance. He would be attending as a citizen, as the school board is an elected body. Mr. Smith also stated he was concerned because County Council recently redrew the district lines, and it took an enormous amount of time and consideration in order to determine the districts.

Weldon Clark- Mr. Clark concurred with the concerns about a 7th seat on the School Board. He stated this would further increase the enormous debt of over \$3 million that the current board has incurred. Mr. Clark encouraged everyone to attend the meeting on October 22, 2013 at 6:00 PM; the address is 990 Chastain Road. Also noted was the fact that the Legislative Delegation would be in attendance.

APPROVAL OF MINUTES – September 19, 2013:

- Motion was made by Councilwoman Jennifer H. Willis, seconded by Vice Chairman Tom Ponder and unanimously passed to approve the minutes of September 19, 2013 as presented.

ADMINISTRATOR’S REPORT:

Mr. Hurst informed Council and the public of the following issues.

Accommodations Tax (A-Tax) Workshop- Mr. Hurst stated that Helen Hockwalk and Dale Powell had completed one of several workshops regarding A-Tax. Mr. Hurst stated these workshops are reaching people that had no knowledge of the A-tax funding. The focus was centered on the application process, and how A-Tax funds are utilized. This will improve the use of the tourism funds.

Warbranch Road Project- Mr. Hurst reminded Council that at the last meeting he had advised the efforts to repair Warbranch Road within (72) hours. The staff completed the project under their goal, and the project was successful.

>>Chairman Smith stated that he and several Council members had gone out while staff was working on this project, and asked Mr. Hurst to extend their appreciation for this effort. Also noted it was great to see so many departments working together.

Recycling Centers-Mr. Hurst informed Council that there has been knowledge of thefts from the recycling centers in Pickens County. Mr. Hurst stated that staff has been working with Sheriff Clark, and there have been several arrests, of which Sheriff Clark himself has made the arrest. Mr. Hurst stated the importance of prosecuting these people is because the revenue from recycling is important to the taxpayers, as Pickens County sells the metals and places that revenue back into the general funds. Mr. Hurst stated he wanted to thank Sheriff Clark and his staff for their participation not only in apprehending the individuals, but also the awareness aspect to businesses that buy products that are stolen.

Liberty Fire Station – The Liberty fire station site has been prepared, and the contractor is on site.

Pickens Fire Chief- Mr. Hurst stated the Pickens and Shady Grove Fire District Board met and interviewed 4 candidates for Pickens Fire Chief. Mr. Hurst stated the final selection was Billy Gibson who has been in Anderson County, but is a native of Pickens, and he is excited about moving back to the area. Mr. Hurst stated all four candidates were superior, and the interviews were excellent.

Pickens District Fire Stations- Mr. Hurst stated all three fire stations in the Pickens district have had plans approved by the board, and now they have been submitted to Storm water for permitting.

Hagood Mill- Mr. Hurst stated he has been working with DHEC regarding the music venue at Hagood Mill, and it seems there is now a plausible solution to the septic tank issues as it relates to (300) plus seating capacity. Mr. Hurst explained that DHEC now understood that events of this magnitude were not continuous.

Liberty Project- Mr. Hurst stated he would like to thank the City of Liberty, as they have been helpful with many of the renovations at the old Liberty school. Mr. Hurst stated the next phase will be grade work on the parking area for the magistrate's office.

Duke Energy Relicensing Project

>>Chairman Smith stated that it was his understanding that Duke Energy has revised the agreement to take out the language as it relates to the concerns that council previously shared about water issues.

Mr. Hurst stated the agreement has nothing in it about the water except the normal permitting process; there is nothing in the agreement about a regional water system. Also Councilman Jeff Martin asked if all the stakeholders had agreed with the revision. Mr. Hurst stated everyone has agreed with this plan as revised.

School Board District

>>Chairman Smith inquired how this 7th seat on the school board would impact the County.

Mr. Hurst stated he wanted Council to know that Pickens County does not have any input into this issue. Senator Martin asked an employee in the GIS department to draw a map showing a 7th district. Mr. Hurst stated the employee had been told not to render those types of services due to the fact that employees in Columbia would be responsible for looking into those district lines. Also, the Department of Justice in Washington has to approve redrawing of district lines. Therefore, other than a map being utilized from a county department; we (the County) would have no business with this issue. However, Mr. Hurst stated there would be financial impact due to the reprogramming of the voter machines, and poll workers would have to be retrained about new district lines. Further, when new lines are drawn it is very confusing and the margin of error is greater.

>>Chairman Smith also interjected that the State needed funds during the previous elections, and it would be counterproductive for the State to add more expenses.

COUNCIL CORRESPONDENCE:

- Councilman Trey Whitehurst stated he had the Clerk to forward a letter he received regarding the Huk Central pro/am disc golf tournament. Mr. Whitehurst stated this was a great event, and the letter graciously praised the City of Central and everyone for the support. Mr. Whitehurst stated the course was a great addition, and being utilized by a pro-team.
- Vice Chairman Tom Ponder stated that Dacusville had recently hosted musician, Verlon Thompson from Nashville, Tennessee who entertained for several hours on October 5th at the Dacusville Elementary School (now used for recreation). Mr. Ponder stated this event was publicized at a minimum, but attracted almost (200) spectators. The event was a good point of reference for future attractions.

- Chairman Smith reminded Council about invitations they had recently received about the fire chief's banquet, the grand opening of Big Lots in Easley, and the Meals on Wheels dinner.
- Councilwoman Jennifer H. Willis stated that she would be sending out a notice from the Department of Transportation (DOT) regarding a public forum as it relates to the Highway 153 extension.
- Councilman Jeff Martin stated that during the meeting of the Appalachian Council of Governments on October 25, 2013, the Upstate Tourism group would be giving a presentation.

MOTION PERIOD AND NEW BUSINESS:

Chairman Smith opened the floor for new business, and advised that he had requested the item below be pulled from committee.

Consideration to remove from Administration and Finance –Cornerstone bank request to purchase property.

- Motion was made by Councilwoman Jennifer H. Willis, seconded by Councilman Trey Whitehurst and unanimously passed to pull the request to purchase property from the Administration and Finance Committee.

>Chairman Smith stated this item will be taken up later on this agenda.

- Motion was made by Vice Chairman Tom Ponder, seconded by Councilman Jeff Martin to place in the Committee of the Whole discussion relating to the impact/concerns of the Doodle Railroad project.
- Motion was made by Councilman Randy Crenshaw and seconded by Vice Chairman Tom Ponder to reconsider the Duke relicensing project. Motion carried with all members voting in favor of reconsidering with the exception of Councilman Trey Whitehurst who opposed. Motion carried.
- Councilman Randy Crenshaw moved to accept the Duke relicensing plan as amended. Motion was seconded by Vice Chairman Tom Ponder.

>>Chairman Smith stated the motion to approve the relicensing agreement was now on the floor and open for debate.

Councilman Trey Whitehurst stated he did not vote to reconsider this item due to several issues of how the entire process has been handled. Mr. Whitehurst stated many groups have made this about money that belongs to the taxpayers, and as a conservative, this has become a philosophical problem for him. Mr. Whitehurst also pointed out this is a 40-year agreement about water rights, and water will be a main concern for the citizens of Pickens County as we (the county) examine the way water transfers out of Lake Keowee. Therefore, Mr. Whitehurst stated he would not be voting in favor of the agreement.

Vice Chairman Tom Ponder concurred with Mr. Whitehurst that he did not like the way the process for this agreement was handled, which was the reason Pickens County voted 6-0 to not approve the plan in September. However, upon verifying with Mr. Roper regarding the language being removed relating to the water rights and application process, Mr. Ponder stated he would vote in favor of the agreement. Mr. Ponder concluded by stating he did have reservations about all the concessions that were given to certain groups like Upstate Forever, however, the language that was most concerning to him relating to the water has been eliminated.

Councilwoman Jennifer H. Willis stated this process has been a great example of how this (Pickens County Council) board works, and what is obviously broken at a higher level. Ms. Willis stated Council sent a clear message to Duke Energy about the concerns regarding the water that is in Pickens County. Ms. Willis stated while the process is not perfect, she feels Duke Energy listened to the concerns

and eliminated the language, therefore restoring water access to Pickens County. Ms. Willis concluded by stating she would be in favor of this agreement, and wanted to repair the relationship with Duke Energy as they are a valuable partner in Pickens County.

Chairman Smith stated he wanted to make certain of the clarification that while the stated language regarding water rights has been eliminated from the proposed agreement, he requests the record to reflect that it is his and this Council's understanding that Duke Energy agrees that Pickens County has a right to the water, versus having to go through Greenville to obtain rights. Chairman Smith stated he wanted the message to continue to be sent to Duke that from the beginning of this process it was well communicated that Pickens County would not support obtaining water from an outside source when the resource itself was within Pickens County. Thus, FERK is receiving the agreement with this understanding. Chairman Smith concluded by stating he did not want to stop the agreement from moving forward, but this process was not optimal.

Councilman Jeff Martin stated it does not matter to him what Duke Energy promises in terms of investment in Pickens County, but control over the water intakes in our (Pickens County) lakes is most important. Dr. Martin stated he, like other members of Council was extremely concerned by the language that took that control away. Dr. Martin stated now that said language has been removed, he will vote in favor and looks forward to this process continuing to improve. Dr. Martin concluded by concurring with other Council members that this process could have been more favorable.

Councilman Randy Crenshaw stated he had not had an opportunity to study Act 240, but he ask Mr. Roper to see if Act 240 gives the sole authority to the Pickens Water Authority to oversee all water going out of Pickens County or coming into Pickens County.

>>With the motion on the floor and discussion complete, Chairman Smith called for the vote. Vice Chairman Tom Ponder, Councilwoman Jennifer H. Willis, Councilman Randy Crenshaw, and Councilman Jeff Martin voted to accept the Duke Energy Relicensing Agreement as revised. Chairman Smith and Councilman Trey Whitehurst opposed. Motion carried 4-2.

APPROVAL OF MUTUAL AID WITH PICKENS COUNTY SHERIFF'S OFFICE AND THE CITY OF SENECA SOUTH CAROLINA:

- Motion was made by Vice Chairman Tom Ponder, seconded by Councilman Randy Crenshaw and unanimously passed to approve the mutual aid agreement.

RESOLUTION TO ACCEPT PROPERTY FROM NEXSEN PRUET

- Motion was made by Councilman Trey Whitehurst, seconded by Councilman Jeff Martin and unanimously passed to accept the property from Nexsen Pruet.

>>Councilwoman Jennifer H. Willis clarified with legal counsel that the County is not responsible for any environmental impact in accepting this property. It was stated that acceptance is subject to environmental studies.

FIRST READING OF AN ORDINANCE TO PROVIDE FOR A FEE IN LIEU WITH RELIABLE SPRINKLER, INC.

- Motion was made by Councilwoman Jennifer H. Willis, seconded by Vice Chairman Tom Ponder and unanimously passed that this constitute a first reading of stated ordinance.

FIRST READING OF AN ORDINANCE TO AMEND THE FOURTH AMENDMENT TO THE PARK AGREEMENT AUTHORIZED BY ORDINANCE NO. 398 RELATING TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE AND PICKENS COUNTIES SO AS TO AMEND THE TERM OF THE PARK FOR PROJECT FLAT PROPERTY.

- Motion was made by Councilman Randy Crenshaw, seconded by Councilman Trey Whitehurst and unanimously passed that this constitutes a first reading of stated ordinance.

SECOND READING OF ORDINANCE NO. 471 TO DEVELOP A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK IN CONJUNCTION WITH OCONEE COUNTY, SUCH INDUSTRIAL AND BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN OCONEE COUNTY AND ESTABLISHED PURSUANT TO ARTICLE VIII, SECTION 13 OF THE SOUTH CAROLINA CONSTITUTION, AND SOUTH CAROLINA CODE OF LAWS OF 1976 §4-1-170, ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH OCONEE COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES-IN-LIEU OF *AD VALOREM* TAXES TO THE COUNTIES AND RELEVANT TAXING ENTITIES; TO PROVIDE THAT JOBS TAX CREDITS ALLOWED BY LAW BE PROVIDED FOR BUSINESSES LOCATING IN SAID PARK; TO PERMIT A USER FEE-IN-LIEU OF *AD VALOREM* TAXATION WITHIN SAID PARK; AND OTHER MATTERS RELATED THERETO:

- Motion was made by Vice Chairman Tom Ponder, seconded by Councilman Jeff Martin and unanimously passed that this constitutes a second reading of Ordinance No. 471.

SECOND READING OF ORDINANCE NO. 472 TO AMEND THE AGREEMENT AUTHORIZED BY ORDINANCES NO. 384, 410, 424, 433, 437, 438, 442, 451 AND 461 RELATING TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE AND PICKENS COUNTIES SO AS TO ENLARGE THE PARK:

- Motion was made by Vice Chairman Tom Ponder, seconded by Councilman Jeff Martin and unanimously passed that this constitutes a second reading of Ordinance No. 472.

THIRD READING OF ORDINANCE NO. 470 TO PROVIDE FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING THREE MILLION DOLLARS (\$3,000,000) GENERAL OBLIGATION BOND, SERIES 2013 OF PICKENS COUNTY, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO:

- Motion was made by Vice Chairman Tom Ponder, seconded by Chairman Smith and unanimously passed that this constitutes a third and final reading of Ordinance No. 470.

FIRST READING OF ORDINANCE NO. 473 AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY OF PICKENS COUNTY, SOUTH CAROLINA TO CORNERSTONE NATIONAL BANK, F.A.

- Motion was made by Councilwoman Jennifer H. Willis, seconded by Vice Chairman Tom Ponder and unanimously passed that this constitutes a first reading of Ordinance No. 473.

CONSENT AGENDA:

- Motion was made by Vice Chairman Tom Ponder, seconded by Councilwoman Jennifer H. Willis and unanimously passed to approve the consent agenda as amended.
Advertising requirements – Administration and Finance
Impact/Issues with the Doodle Railroad- Committee of the Whole (added)

EXECUTIVE SESSION:

- Motion was made by Councilwoman Jennifer H. Willis, seconded by Councilman Trey Whitehurst and unanimously passed to convene in executive session for the stated purposes.
 - Legal /Personnel Update
 - Boards and Commissions

PUBLIC SESSION RECONVENED:

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

Boards and Commissions:

- Public Service- Councilman Randy Crenshaw moved to place Connie Bowers on the Public Service Commission. Motion was seconded by Vice Chairman Tom Ponder and unanimously passed.
- Six Mile Water District- Councilman Trey Whitehurst moved to recommend to the Governor the appointment of Gary Gillespie. Motion was seconded by Councilman Randy Crenshaw and unanimously passed.

ADJOURN:

Hearing no further Council business, Chairman Smith called for a motion to adjourn. Motion was made by Councilwoman Jennifer H. Willis, seconded by Vice Chairman Tom Ponder and unanimously passed. Pickens County Council stood adjourned at 8:50 PM.

Respectively Submitted:

Approved:

Donna F. Owen, Clerk to Council

G. Neil Smith, Chairman