

December 15, 2008
Regular Council Meeting
6:00 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, December 10, 2008.

Council Members in attendance:

G. Neil Smith, Chairman
Ben L. Trotter, Vice Chairman
Tom E. Ponder, Vice Chairman Pro-Tempore
Randy Crenshaw
James B. London
Jennifer H. Willis

Donna Owen, Clerk to Council

Staff: J. Chappell Hurst, County Administrator
Olivia Vassey, Special Projects Coordinator
Ken Roper, County Attorney

WELCOME AND CALL TO ORDER:

Chairman Smith called the meeting of December 15, 2008 to order and welcomed those in attendance. Council member Trotter gave the invocation and Pledge of Allegiance.

APPROVAL OF MINUTES:

- Motion was made by Jennifer Willis, seconded by Ben Trotter and unanimously passed to approve the minutes of December 1, 2008.

ADMINISTRATOR'S REPORT:

Mr. Hurst gave the following report:

1. Retirement of Don Evett, EMS Director. Mr. Hurst stated that Don Evett had retired on December 13, 2008 as the Pickens County EMS Director. Mr. Hurst stated that Don has contributed so much of his service to Duke Energy and the Nuclear Plant, those representatives from Duke Energy had requested that they honor Don for all his work at the Nuclear Plant.

Representatives, Dave Baxter and Emily DeRoberts honored Don Evett for his work in securing the joint exercises that are required under State law for an area that maintains a nuclear facility. Most recently, Duke Energy received a letter from FEMA, which stated that the exercise that was most recently completed identified no area requiring corrective action or deficiencies. Mr. Baxter informed Council that a letter of that nature is a true honor, and is rare to receive such a letter from FEMA. Mr. Baxter further wanted to thank Don and his staff for the many years of working in connection with Duke Energy and especially for providing safety to the citizens of Pickens County.

>Council thanked the representatives from Duke Energy and applauded the many contributions that have been made by Don Evett.

YEAR – END COMMITTEE LOGS:

Chairman Smith stated that the logs will automatically be cleared unless a Council member wants to make a motion to retain.

- Chairman Smith requested that item No. 73 be pulled for discussion within executive session. Motion was seconded by Jennifer Willis and unanimously passed.
- Jennifer Willis moved to retain item No. 70 and 71; motion was seconded by Tom Ponder and unanimously passed.

ADMINISTRATION & FINANCE COMMITTEE

Item	Description	Referred	Report	Action
10	Report by the Aeronautics Commission Retained 12/04/2006 Retained 12/31/2007 <u>Cleared 12/15/08</u>	02/06/06	02/19/07 03/19/07 06/04/07	Mr. Hurst stated staff has received a bid for tree removal and he would request the committee accept the bid from SC Dunn and Sons in the amount of \$8,000. Committee will recommend action for 2/19/07 No action committee heard a brief report from the administrator regarding the plans for the terminal building have expanded and the council will be briefed in detail at a future meeting. Committee requested detailed cost estimates for the proposed building. No action, council of the whole heard from the Aeronautics Commission on May 21, 2007. Terminal Project is budgeted and council will look at plans as they progress.
20	Study all fee related departments Retained 12/04/2006 Retained 12/31/2007 <u>Cleared 12/15/08</u>	06/05/06	02/19/07 03/19/07	No action No action
33	Wellness Program for County Employees Retained 12/31/2007 <u>Cleared 12/15/08</u>	02/05/07	02/19/07 03/19/07	Committee recommends approval of the Wellness Program for County Employees with the amendments to remove rewards and incentive policies and to approach the concept of "healthy living lifestyle." Committee also approved the requested \$10,000 for the wellness budget. No action, Committee received updates regarding current programs.
34	<u>Tourism for Pickens County</u> Funding for Heritage Corridor Retained 12/31/2007	02/05/07	02/19/07 03/19/07	No action, committee has requested knowledge of the appointments to this board. No action
45	Request to support and form a Tourism	06/04/07		

59	<p>Committee</p> <p>Retained 12/31/2007</p> <p>Marketing and Tourism for Pickens County</p> <p>(per Chairman Smith all related issues combined 4/28/07)</p> <p><u>Cleared 12/15/08</u></p>	12/17/07	10/20/08	<p>>>Committee recommends a first reading for an Ordinance to create a tourism bureau which would be eligible to receive the 30% SCATAX funds. The membership of the board would be a 7 member board appointed by each council member and 1 at large.</p> <p>>>Council Approved the 1st reading of said ordinance.</p>
47	<p><u>New GASB rules</u></p> <p>Clarification of Vacation policy</p> <p>Retained 12/31/2007</p>	06/18/07	10/20/08	<p>..Vacation schedules have been approved and employees are aware of changes.</p>
50	<p>Issues with (GASB) No. 43 and 45.</p> <p>Retained 12/31/2007</p> <p>(per Chairman Smith both items combined 04/28/07)</p> <p><u>Cleared 12/15/08</u></p>	07/16/07		<p>....Items regarding GASB 43 and 45 No action, staff will come back to council with options.</p>
48	<p>Request from Sheriff Stone to discuss incentives for officers</p> <p>Retained 12/31/2007</p> <p><u>Cleared 12/15/08</u></p>	06/18/07		
51	<p>Creation of the Pickens County Transportation Committee</p> <p>Retained 12/31/2007.</p> <p><u>Cleared 12/15/08</u></p>	07/16/06		
52	<p>Request from the City of Liberty for the County to collect liens.</p> <p>Retained 12/31/2007</p> <p><u>Cleared 12/15/08</u></p>	08/6/07	10/20/08	No action
56	<p>Appreciation Dinner for Boards and Commissions.</p> <p>Retained 12/31/2007</p>	09/17/07	06/02/08	<p>>staff will coordinate log items 56 and 57 and report back to committee</p>
57	<p>Ethics for County Employees/Boards and Commissions</p> <p>Retained 12/31/2007</p> <p>(per Chairman Smith place item together.)</p> <p><u>Cleared 12/15/08</u></p>			

58	County Investment Policy Retained 12/31/2007 <u>Cleared 12/15/08</u>	10/01/07	10/20/08	Committee would like further study on issues of security for bank investments, security in deposit schedules, and security for employees.
60	Policy for old cemetery maintenance <u>Cleared 12/15/08</u>	1/22/08	06/02/08	>staff will do an assessment and report back to committee.
67	Long term recreation funding <u>Cleared 12/15/08</u>	09/15/08	10/20/08	No action
69	County vehicles driven home and organizational chart recommendations. <u>Cleared 12/15/08</u>	11/03/08		
70	Job Duties for Fire Director Service position. Retained 12/15/08	11/03/08		
71	Request for the relocation of the Easley Magistrates. Retained 12/15/08	11/03/08		
72	Council Rules <u>Cleared 12/15/08</u>	11/17/08		
73	Request for sewer service from the Pickens County School system <i>Pulled from committee 12/15/08- executive session</i>	11/17/08		

PUBLIC SERVICE COMMITTEE

Item	Description	Referred	Report	Action
4	Recycling station in the Daniel Area Retained 12/04/06 Retained 12/31/07 <u>Cleared 12/15/08</u>	01/17/06	02/06/06 02/05/07	Committee recommends actively looking for sites in the Daniel area and the Crosswell area. >>Committee recommends for staff to focus funding and land search in the Crosswell area for the next recycling center.
7	Sewer Issues at Quail Haven and Flooding issues Retained 12/04/06 **sewer issues still ongoing. Retained 12/31/07 <u>1/22/08</u> ---request from the Public Service Commission as it relates to Quail Haven sewer Issues <u>Cleared 12/15/08</u>	03/06/06	03/20/06 02/05/07 08/20/07	No Action Committee requested for staff to arrange a meeting with developers. No action, council as a whole will have a work session on this on 1/31/07 >Committee approved scenario one as provided by staff. This will provide for the county to buy the remaining flooded properties at an approximate cost of \$276,000. This would be one time funding from the reserve. This motion is contingent upon the developer donating the remaining (8) lots. Approved
20	Paving expenditures/ contract <u>Cleared 12/15/08</u>	09/15/08	10/06/08	No action.
21	Building Code regulation as it relates to updating the code along with International code. First reading Second reading 11/17/08 Public hearing 11/17/08 <u>Cleared 12/15/08</u>	11/17/08		

EDUCATION, RECREATION, HEALTH, WELFARE, and PLANNING COMMITTEE

Item	Description	Referred	Report	Previous Action
18	Review of the County Junkyard Ordinance. Retained 12/31/07 <u>Cleared 12/15/08</u>	04/02/07	05/07/07	Planning staff will look at issues and report back
21	Request to look at recreation departments regarding the funding issues as brought before council by the Central recreation department. <u>Cleared 12/15/08</u>	01/07/08		

23	Request from Sheriff's Office to have an ordinance for property of a known methamphetamine laboratory could be posted with the Registrar of deeds office First reading 07/21/08 <u>Cleared 12/15/08</u>	07/21/08		
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Justice and Public Safety

Item	Description	Referred	Report	Action
12	request for guidelines or regulation for metal recycling centers. <u>Cleared 12/15/08</u>	11/03/08		

COUNCIL CORRESPONDENCE:

Chairman Smith made the following announcements.

1. Chairman Smith reminded Council that the January 5, 2009 meeting would be organizational. Also the swearing in ceremony would be at 5:00 PM
2. Chairman Smith also stated that Council needed to set the date and time for the second meeting in January due to a need to publish Public Hearings. Chairman Smith stated that because January 19th was a holiday then council would do business on January 20th at 6:00 PM. All Council members concurred.
3. Plaque for Ben Trotter – Chairman Smith presented Councilman Ben Trotter with a plaque of appreciation for his term on Pickens County Council. Chairman Smith thanked Councilman Trotter for his service to District 3.

MOTION PERIOD AND NEW BUSINESS:

- Neil Smith moved to add to the agenda a request from Economic Development for a first reading of an ordinance relating to a fee agreement with Champion Aerospace LLC. Motion was seconded by Jennifer Willis and unanimously passed.
- Neil Smith moved to add to the agenda a request from Economic Development for approval of a Resolution to identify a project and to allow investment expenditures incurred by Champion Aerospace LLC. Motion was seconded by Jennifer Willis and unanimously passed.
- Jennifer Willis moved to add to executive session an appointment to the Beautification Committee. Motion was seconded by Ben Trotter and unanimously passed.

PRESENTATION OF THE 2008 AUDIT REPORT:

Audit staff of McAbee, Talbert, and Halliday came before Council and presented the 2008 audit. The staff presented a clean audit and went over the audit outline with Council. The staff informed Council that their Finance Department was to be commended for an excellent job in management of a healthy surplus, and also record keeping in general. Staff informed Council about the finance award which was earned by Pickens County for excellence in finance management. It was stated that this type of award is not a common award, and again Ralph Guarino and his department were to be commended.

Auditors did state a clean audit, and ask that Council go over the lengthy report, and to please call with any questions.

Council thanked the audit staff for the presentation of the 2008 Audit Report.

APPROVAL OF RESOLUTION NO. 08-09 TO PROMOTE RECYCLING:

- Motion was made by Jennifer Willis, seconded by Ben Trotter and unanimously passed to approve Resolution No. 08-09.

APPROVAL OF RESOLUTION NO. 08-10 AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT BY AND BETWEEN PICKENS COUNTY SOUTH CAROLINA AND TRI TECH USA, INC:

- Motion was made by Jennifer Willis, seconded by Randy Crenshaw and unanimously passed to approve Resolution No. 08-10.

SECOND READING OF ORDINANCE NO. 416 AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN PICKENS COUNTY, SOUTH CAROLINA AND TRI TECH PROJECT PURSUANT TO TITLE 12, CHAPTER 44, CODE OF LAWS OF SOUTH CAROLINA; AND OTHER MATTERS RELATED THERETO:

- Motion was made by Jennifer Willis, seconded by Randy Crenshaw and unanimously passed that this constitutes a second reading of Ordinance No. 416.

SECOND READING OF ORDINANCE NO. 417 AUTHORIZING THE CONVEYANCE BY PICKENS COUNTY OF CERTAIN LAND TO TRI TECH PROJECT; AND OTHER MATTERS RELATED THERETO:

- Motion was made by Ben Trotter, seconded by Jennifer Willis and unanimously passed that this constitutes a second reading of Ordinance No. 417.

FIRST READING OF AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN PICKENS COUNTY AND CHAMPION AEROSPACE LLC, ITS AFFILIATES AND ASSIGNS, TO PROVIDE FOR A FEE IN LIEU OF TAXES INCENTIVE; TO PROVIDE FOR THE INCLUSION OF THE PROJECT IN A MULTI-COUNTY BUSINESS OR INDUSTRIAL PARK; AND OTHER RELATED MATTERS:

- Motion was made by Jennifer Willis, seconded by Tom Ponder and unanimously passed that this constitutes a first reading of the stated ordinance as it relates to Champion Aerospace. Motion carried.

APPROVAL OF A RESOLUTION IDENTIFYING A PROJECT IN ORDER TO SATISFY THE REQUIREMENTS OF TITLES 4 AND 12 OF THE SOUTH CAROLINA CODE, SO AS TO ALLOW INVESTMENT EXPENDITURES INCURRED BY CHAMPION AEROSPACE LLC, ITS AFFILIATED AND RELATED ENTITIES, TO QUALIFY AS

EXPENDITURES ELIGIBLE FOR A FEE IN LIEU OF TAXES ARRANGEMENT WITH PICKENS COUNTY SOUTH CAROLINA; AND COMMITTING TO ENTER INTO NECESSARY AGREEMENTS WITH THE COMPANY TO EFFECT THE INTENT OF THEIR RESOLUTION AND OTHER RELATED MATTERS:

- Motion was made by Jennifer Willis, seconded by Randy Crenshaw and unanimously passed to approve the resolution as stated.

THIRD READING OF THE UNIFIED DEVELOPMENT STANDARDS ORDINANCE NO. 415 AND TO REPEAL DSO 304 AND OTHER ORDINANCES AS THEY RELATE:

- Motion was made by Ben Trotter, seconded by Tom Ponder that this constitutes a third and final reading of the Unified Development Standards Ordinance No. 415 and to repeal Ordinance No. 304 and other ordinances as related.

Chairman Smith opened the floor for discussion and amendments.

1. Motion was made by Jennifer Willis, seconded by Tom Ponder and unanimously passed to approve the November 13, 2008 amendments that were incorporated by staff in Section III and Section IV.
Staff summarized that these sections were amended during a work session of Council as it related to sexually oriented business and tattoo parlors being segregated in its own section, and gun clubs were also in a separate section.

2. Motion was made by Ben Trotter, seconded by Tom Ponder that Pickens County be exempt from the DSO.

>during Council discussions it was pointed out by staff that the exemption for the county was already in place.

Both Mr. Trotter and Ponder withdrew.

3. Motion was made by Ben Trotter, seconded by Tom Ponder to amend the ordinance so that all buildings can be rebuilt where they originally existed regardless of the percent of damage. This motion includes commercial as well as residential, and is intended when the structure is damaged by flood, fire or natural disasters.

>during discussion, James London stated his opposition to the amendment because of flooding and other safety issues. He stated that this would be a repeat problem.

Tom Ponder stated a structure would still have to go through proper procedures and building codes permitting for a rebuild.

Motion carried with all voting in the affirmative with the exception of James London, who opposed.

4. Ben Trotter and Tom Ponder moved to follow State regulation as it relates to Section 305 Article 3-relating to shooting ranges.

>during discussion it was stated that the section had previously removed the indoor shooting range, and this was only pertaining to outdoor ranges. Also the safety issues and liability concerns were properly addressed.

Motion was withdrawn by Mr. Trotter and Ponder.

5. Motion was made by Ben Trotter, Seconded by Randy Crenshaw to exempt the firing range from the noise portion of the ordinance. All members voted in the affirmative as it would be difficult to comply.
6. Motion was made by Ben Trotter, seconded by Tom Ponder to add in Section 201 – Article 2 that the following verbiage be added- #4) To protect the rights of property owners and their right to use their property. Motion carried with a unanimous vote.

7. Motion was made by Ben Trotter, seconded by Tom Ponder that the front setback be 20 ft instead of 25 ft from the property line versus the right of way. >during Council discussion James London stated this was not a responsible setback as a blanket setback because it did not provide for infrastructure and safety issues. Also Dr. London stated the setback provisions do not necessarily devalue property. >Neil Smith clarified the motion to define --the setback would be the greater of 20 ft from the property line or the right of way, meaning if the right of way is greater than the 20 ft then the right of way will take precedence versus the setback. Councilwoman Willis agreed with Chairman Smith, and gave the example that if a person's property line went to the center line of highway 8, and the right of way was a 100 ft, then and construction would have to be 50ft off the center line. Mrs. Willis stated citizens could not build in the right of way. Before voting, Chairman Smith asked the members of Council if they were clear on the clarification of the motion. Hearing no further discussion, Chairman Smith called the question.

>Motion carried with all members voting in the affirmative with the exception of Dr. London who opposed.

8. Ben Trotter moved that the side setback be 7 ft from the property line and 10 ft from the rear property line. Tom Ponder seconded the motion.

>Motion carried with all members voting in the affirmative with the exception of Dr. London who opposed.

9. Randy Crenshaw moved that the grading and clearing for lots be amended so that it does not mean complete clearing of all trees and shrubs.

Staff clarified that the complete clearing only pertains to drainage sites, and does not pertain to the clearing of lots.

Motion was withdrawn.

10. Randy Crenshaw moved that in Article 1211 a-1 that the words "repaired or" be removed, this pertains to driveway permits. Motion was seconded by Ben Trotter and unanimously passed.
11. Chairman Smith moved that in section 705 (C) that the size of signs be amended to 48 square feet. Motion was seconded by Ben Trotter and unanimously passed.

12. Motion was made by Chairman Smith and seconded by Jennifer Willis that sexually oriented businesses be 1500 ft from church and schools. Motion carried with a unanimous vote.

Chairman Smith commented to the public that Ordinance 415 had provisions to assist the public with the process of certain variances by allowing staff more authority in making certain decisions.

- Hearing no further motions or discussion, Chairman Smith called for a vote on the original motion as amended. Chairman Smith, Jennifer Willis, Ben Trotter, and Tom Ponder voted in favor. James London and Randy Crenshaw opposed. Motion carried.

AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN PICKENS COUNTY, SOUTH CAROLINA, AND CHAMPION AEROSPACE LLC, ITS AFFILIATES AND ASSIGNS, TO PROVIDE FOR A FEE IN LIEU OF TAXES INCENTIVE; TO PROVIDE FOR THE INCLUSION OF THE PROJECT IN A MULTI-COUNTY BUSINESS OR INDUSTRIAL PARK; AND OTHER RELATED MATTERS:

- Motion was made by Jennifer Willis, seconded by Randy Crenshaw and unanimously passed that this constitutes a first reading of the stated ordinance.

IDENTIFYING A PROJECT IN ORDER TO SATISFY THE REQUIREMENTS OF TITLES 4 AND 12 OF THE SOUTH CAROLINA CODE, SO AS TO ALLOW INVESTMENT EXPENDITURES INCURRED BY CHAMPION AEROSPACE LLC, ITS AFFILIATED AND RELATED ENTITIES, TO QUALIFY AS EXPENDITURES ELIGIBLE FOR A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH PICKENS COUNTY, SOUTH CAROLINA; AND COMMITTING TO ENTER INTO NECESSARY AGREEMENTS WITH THE COMPANY TO EFFECT THE INTENT OF THIS RESOLUTION, AND OTHER RELATED MATTERS:

- Motion was made by Jennifer Willis, seconded by Tom Ponder and unanimously passed to approve the stated resolution as it relates to Champion Aerospace, LLC.

EXECUTIVE SESSION:

Motion was made by Jennifer Willis, seconded by Randy Crenshaw and unanimously passed to convene into executive session for the stated purposes.

Appointments to Fire District Boards
Contractual Issue
Planning Commission
Beautification Committee

PUBLIC SESSION RECONVENED:

Chairman Smith called the Public Session back to order and announced that Councilman Ben Trotter is being considered for an appointment on the Planning Commission and therefore has resigned his seat on Pickens County Council effective immediately.

Chairman Smith allowed the following motions.

- Easley Fire- Jennifer Willis moved to appoint Shannon Ducker to the Easley Fire District. Motion was seconded by Tom Ponder and unanimously passed.
- Vineyard Fire – Jennifer Willis moved to appoint Fred Goosen, Wayne Sayatovic, and Brian Smyth to the Vineyards Fire District. Motion was seconded by Tom Ponder and unanimously passed.
- Pumpkintown Fire- Tom Ponder moved to appoint James Mahanes for a 3 year term, Bryan Devinnny for a 3 year term, and Duane Thomas for a 3 year term; motion also included Denise Blecke and William Alexander for a 2 year term. Motion was seconded by James London and unanimously passed.
- Beautification Committee – Jennifer Willis moved to appoint Anne Lofquist to the Beautification Committee, motion was seconded by Tom Ponder and unanimously passed.
- Planning Commission- Neil Smith moved to appoint Ben Trotter to fill the unexpired term of Lisa Flaughner on the Planning Commission. Motion was seconded by Randy Crenshaw. Chairman Smith, Tom Ponder and Randy Crenshaw voted in favor. James London and Jennifer Willis abstained from voting. Motion carried.

ADJOURN:

Hearing no further business, Chairman Smith called for a motion to adjourn. Motion was made by Tom Ponder, seconded by Randy Crenshaw and unanimously passed. Pickens County Council stood adjourned at 8:25 PM.

Respectively Submitted:

Approved:

Donna F. Owen, Clerk to Council

G. Neil Smith, Chairman