

October 03, 2011  
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 September 23, 2011.

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 October 3, 2011 to order and welcomed those in attendance. Councilman Trey Whitehurst was called upon for the Invocation and Pledge of Allegiance.

**PUBLIC FORUM:**

Chairman Willis requested the clerk read the names of citizen's requesting public forum.

1. Lib Tickle-Ms. Tickle came before Council as a citizen who is opposed to the rock veins being placed in the Saluda River which borders her property. Ms. Tickle has discussed the issue with Pickens and Greenville County about the fact that DHEC and EPA are not following proper permit procedures. Also, Ms. Tickle informed Council that Phase I of the project was complete, and Phase II would begin soon. In conclusion, Ms. Tickle inquired if Pickens County could do anything to stop the work. (Mr. Hurst will address in administrator's report)
2. Weldon Clark-Mr. Clark invited Council to the Pickens County Tax Payers Association Meeting on October 13, 2011 at 7:00 PM. Mr. Clark stated Ashley Landreth will be a guest speaker.

**APPROVAL OF MINUTES:**

- Motion was made by Sam Wyche, seconded by Trey Whitehurst and unanimously passed to approve the minutes of September 19, 2011 as presented.

**ADMINISTRATOR'S REPORT:**

Mr. Hurst reported on the following items.

- 1) Saluda River Report by engineer, Wes Hulsey- Mr. Hurst stated that he has obtained a report from Wes Hulsey as it relates to some of the questions that Council has about the Saluda River project. Mr. Hurst stated that most important in the report is the fact that once these rivers or streams are depicted as waters of the United States, that DHEC and other branches of Federal Government, do not have to obtain the same permitting. Mr. Hurst stated this report would be forthcoming.

- 2) Fire Districts- Mr. Hurst stated that many citizens are having issues with their homeowner's fire insurance due to not being close enough to a fire district. Mr. Hurst stated that fire departments were discussing mutual aid and other ways to keep this financial burden from the citizens. Mr. Hurst stated there may be a need to re-draw some of the fire district lines, and perhaps add fire protection in some areas.
- 3) Over-time hours- Mr. Hurst stated that he compared the overtime from last year at Labor Day, to this year, and the cost has been cut over \$2,000 in the EMS department. Mr. Hurst stated this was a goal, and the part-time employees are being utilized to minimize this expense.
- 4) Grant for over-look at Table Rock- Mr. Hurst reminded Council that Pickens County did receive a grant for the building of an overlook at Table Rock. Council was informed that project would be underway.
- 5) Fire Training Facility- Mr. Hurst stated the first floor of the training facility is finished, and that project is going well, and will help the County's ISO rating.
- 6) Utilities and encroachment permits- Mr. Hurst informed Council that he had positive conversations with utility companies relating to right of ways and encroachment permits.
- 7) CAFRA Award- Mr. Hurst informed Council that Ralph Guarino and his staff have received the CAFRA award for the sixth year in a row. Mr. Hurst stated this award is an award in financial planning and excellence. Also stated was this award is not an easy award to receive. Mr. Hurst recognized the diligent work of the finance department.

During Council discussion---Councilman Whitehurst asked about the cleanup of the abandoned mill in Easley. Mr. Whitehurst asked if the County was going to have the responsibility of the building. Mr. Hurst stated the county will put a lien on the building, and also attempt to declare it abandoned or hazardous. Mr. Hurst stated hopefully as the process moves forward, funds are forthcoming from DHEC and other entities to cleanup or demolish.

Councilman Whitehurst also commented on the Economic Development office building, and further stated he appreciated the recent updates on these issues.

#### **COMMITTEE REPORTS:**

Chairman Willis noted that no committees had met.

#### **COUNCIL CORRESPONDENCE:**

- 1) Chairman Willis stated the Department of Transportation is having an open meeting on October 4, 2011 from 5:00 PM -7:00 PM at the Easley High School, this forum relates to the extension on Highway 153. Chairman Willis stated there would be drawings of the project, and the public would have an opportunity for comment.
- 2) CAFRA Award- Chairman Willis thanked Mr. Hurst for the recognition of the CAFRA award, and stated that Pickens County was a county that recently received an upgrade in credit status which is an accomplishment at the present economic climate.

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

- 1) Chairman Willis stated the Foreign Trade Zone (FTZ) is an extra incentive for economic development, and the State requires a letter signed by the Chairman for designation. Councilman Neil Smith moved to add this item to consent agenda, Chairman Willis seconded the motion. All members voted in the affirmative. Moved to the Committee of the Whole.
- 2) Boards and Commission- Sam Wyche moved to add a board appointment to executive session. Neil Smith gave the second, and all members voted in favor.
- 3) Contractual to executive session – Councilman Tom Ponder moved to add a contractual issue to the executive session. Councilman Neil Smith seconded the motion. All members voted in favor.

- 4) County funding of Election Primary- Councilman Smith moved to add to the agenda the issue regarding county funding of the Republican Primary. Motion was seconded by Tom Ponder, and unanimously passed to add to the agenda. Chairman Willis stated this would be discussed after agenda item 11.

**FIRST READING OF AN ORDINANCE TO PROVIDE FOR THE RECOUPMENT OF COST ASSOCIATED IN RECRUITMENT OF INDUSTRY IN PICKENS COUNTY, AND TO PROVIDE AN ACCOUNT IN WHICH FUNDS WILL ACCUMULATE, AND OTHER MATTERS RELATED THERETO:**

Chairman Willis informed the public that this ordinance is being introduced to provide a mechanism to alleviate a direct withdraw from the general fund when new businesses come into the county. Chairman Willis explained that new industry is recruited and this fund would build from tax incentives, and those funds could be used for other economic development expenditures.

- Motion was made by Tom Ponder, seconded by Chairman Willis and unanimously passed to give a courtesy first reading for an ordinance to provide recoupment of cost that are associated with recruitment of industry.

**THIRD READING OF ORDINANCE 446 AUTHORIZING THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA WORKLINK WORKFORCE INVESTMENT CORPORATION AS A SOUTH CAROLINA NONPROFIT CORPORATION TO SERVE AS THE LOCAL WORKFORCE INVESTMENT BOARD FOR THE WORKFORCE INVESTMENT AREA COMPRISED OF ANDERSON COUNTY, OCONEE COUNTY, AND PICKENS COUNTY, SOUTH CAROLINA:**

- Motion was made by Neil Smith, seconded by Jeff Martin and unanimously passed that this constitutes a third and final reading of Ordinance No. 446.

**PUBLIC HEARING AND THIRD READING OF ORDINANCE NO. 447 TO DISSOLVE THE SALUDA LAKE SPECIAL TAX DISTRICT:**

Chairman Willis opened the floor for any citizens who wanted to publicly make comment relating to Ordinance No. 447. Hearing no request, the public hearing was closed.

During discussion, Councilman Smith asked the question if this district could be dissolved. Mr. Roper stated the district was created by ordinance and this was proper procedure.

Mr. Hurst stated any funds would go to Easley Combined Utility because they now have responsibility.

- Motion was made by Tom Ponder, seconded by Sam Wyche and unanimously passed that this constitutes a third and final reading.

**PUBLIC HEARING AND THIRD READING OF ORDINANCE NO. 448 TO ADOPT A REDISTRICTING PLAN FOR PICKENS COUNTY PURSUANT TO TITLE 4, SECTION 49-90, AS AMENDED OF THE 1976 CODE OF LAWS OF SOUTH CAROLINA:**

Chairman Willis opened the floor for public hearing as it relates to the ordinance for redistricting. Hearing no request, the public hearing was closed.

- Motion was made by Councilman Tom Ponder, seconded by Councilman Neil Smith and unanimously passed that this constitutes a third and final reading of Ordinance No. 448.

**Agenda Addition for Action:**

**COUNTY FUNDING OF THE REPUBLICAN PRIMARY:**

- Councilman Neil Smith moved that the County not spend any funds for the republican primary until the State sends the reimbursement for the election, motion was seconded by Tom Ponder.

During discussion Councilman Smith stated he was not debating the issues of what the State is doing; he stated this was a position that county funds would not be used upfront, and expenses would be paid when the State reimburses the county.

Councilman Trey Whitehurst asked how much money was involved.

Councilman Jeff Martin stated he assumed the motion should cover both Republican and Democrat elections. Also, Councilman Martin asked about legal opinions.

Mr. Hurst provided the following statements. The majority of election expense involves the machines being programmed, and the poll workers (approximately \$60,000-\$70,000). Mr. Hurst stated the machines are State mandated, and they have to be programmed by the vendor. Mr. Hurst stated the Attorney General's opinion that stated the State Elections Commission could order counties to pay for the 2012 elections. The General Assembly has interpreted this to be the responsibility of Counties and therefore did not appropriate funds. Mr. Hurst further stated the Elections Commission has allocated \$500,000.00 at this time; however that is not going to cover expenses for the entire State.

Council concurred that both parties were included in the funding issue.

Councilman Whitehurst stated he agreed with the concept of the motion, but did not want there to be a process where Pickens County voters were left out of the primaries, and also expressed concerns that poll workers need to know the situation.

Councilman Smith stated his motion is made with the intention of taking a position that Pickens County has an expectation for the State to pay expenses for the election, and in no way is intended to say the County is not having an election. In addition, Mr. Smith stated poll workers assume a volunteer status and the party will have the polls open for voters.

Councilman Whitehurst ask for the motion to be restated.

- Councilman Smith restated the motion-Mr. Smith moved that the county will not expend any county funds for the primary election. Mr. Smith stated this is making the statement that poll workers will be getting paid when the State reimburses, and if the State Election Commission does not pay the County, then the County is not responsible.

Chairman Willis called for the vote. All members voted in favor, motion was unanimous.

#### **CONSENT AGENDA:**

- Motion was made by Councilman Tom Ponder, seconded by Councilman Jeff Martin and unanimously passed to approve the consent agenda as amended.  
Amended Addition--Foreign Trade Zone to the Committee of the Whole

#### **EXECUTIVE SESSION:**

- Motion was made by Councilman Ponder, seconded by Councilman Martin and unanimously passed to convene into executive session as amended for the state purposes.

Legal update

Economic Development update

Amended Additions- Contractual issue and Boards and Commission

#### **PUBLIC SESSION RECONVENED:**

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

TIF- Chairman Willis moved to add the TIF policy to the Committee of the Whole. Councilman Neil Smith seconded the motion and all members voted in favor.

Committee of the Whole- Neil Smith moved to pull the Flood Plain Ordinance from the Committee of the Whole, Chairman Willis gave the second and all members voted in favor of pulling the ordinance from Committee.

Second Reading of Ordinance No. 445-to amend Ordinance No. 399-- Councilman Neil Smith moved that this constitutes a second reading of Ordinance No. 445. Motion was seconded by Councilman Trey Whitehurst and unanimously passed.

Pickens Fire District—Councilman Sam Wyche, moved to appoint Mr. Rodney Wakefield to fill the unexpired term of Carol Black on the Pickens Fire District. Motion was seconded by Councilman Tom Ponder and unanimously passed.

**ADJOURN:**

Hearing no further business, Chairman Willis called for a motion to adjourn. Motion was made by Councilman Neil Smith, seconded by Councilman Jeff Martin and unanimously passed. Pickens County Council stood adjourned at 9:15 PM.

Respectively Submitted:

Approved:

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Donna F. Owen, Clerk to Council

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Jennifer H. Willis, Chairman