

January 19, 2010
Regular Council Meeting
6:30 PM

County Council met in regular session, in the Auditorium, County Administration Facility, with Chairman Neil Smith presiding. Agendas, bearing date, time, and location of meeting were mailed to Council members and local news media, January 13, 2010.

Council Members in attendance:

G. Neil Smith, Chairman
Jennifer H. Willis, Vice Chairman
James B. London, Vice Chairman Pro-Tempore
Randy Crenshaw
Tom Ponder
Sam Wyche

Clerk to Council: Donna Owen

Staff: J. Chappell Hurst, County Administrator
Ken Roper, County Attorney

WELCOME AND CALL TO ORDER:

Chairman Smith called the meeting of January 19, 2010 to order and welcomed those in attendance. Invocation and Pledge of Allegiance was led by Mrs. Jennifer Willis

APPROVAL OF MINUTES:

- Motion to approve the minutes of January 4, 2010 was made by Jennifer Willis, seconded by Tom Ponder and unanimously passed.

ADMINISTRATOR'S REPORT:

Mr. Hurst updated Council regarding the following issues:

1. Airport enhancement project- Council was informed the enhancement project has come in at \$59,600 more than anticipated. The CTC committee has contributed and the request is for them to consider half of the overage. Mr. Hurst stated he would keep council updated on this progress, which he understands has been frustrating.
2. EPA proposed revisions – Mr. Hurst informed Council about a memorandum from EPA relating to air quality standards for ground level ozone. The proposal will strengthen the 8 hour primary ozone 0.060-0.070 (ppm), and establishing a distinct cumulative, seasonal, secondary standard. Revisions would place both primary and secondary at 0.075 ppm.
>Council advised more information about this being on the county website in order for citizens to place public comment.
3. Census- Mr. Hurst informed Council that the Census citizens will be at Belk shopping center on January 24th in order to distribute census information.
4. Tourism- Council was updated about tourism regarding the equine events impacting Pickens County with its ability to provide steeple chases, horse trails and many events that involve horses. Pickens, Oconee and Anderson Counties, all have interest in grants and other opportunities that are being discussed by the department of Agriculture. They are promoting a program called 50 by 20—which is a goal to increase the state's agriculture industry by \$50 million by 2020.

5. ARC guidelines for asset based projects- Appalachian Council of Governments released an article about Asset Based Development projects. It is about identifying the strengths found in Appalachia, and leverage of those strengths for economic opportunity. This idea builds on the many natural assets of the areas, much like the equine tourism as stated above.

COMMITTEE REPORTS:

Committee of the whole:

Item 1) First Reading of the Development Standard Ordinance, Motion was approved by the Council as a result of committee action.

COUNCIL CORRESPONDENCE:

Chairman Smith asked that everyone look at their 2010 boards and commissions ledger, and get with the clerk about appointments or reappointments.

MOTION PERIOD AND NEW BUSINESS:

note: Chairman Smith is requesting council's consideration to bring the sewer ordinance out of Administration and Finance Committee. A staff presentation will follow and a possible second reading of the ordinance.

- Chairman Smith moved to bring the Sewer ordinance out of committee; Tom Ponder gave the second and was unanimously passed.

Mr. Brian OKelley went over many of the ordinance changes that have been made simply because things were outdated, and some changes are requested as a result of Council's views on how sewer infrastructure should be negotiated and supplied. Mr. OKelley went over the following summarization:

- 1) **Establish Designated Service Area** (Case Study: Five Mile Creek, Saco Lowell development, City of Pickens) – Designated Service Area will protect County investment (add: Sec 2-223(1)f., Sec 2-223(16), Sec 2-232, & Map)
 - a. Revision may irritate County municipalities.
 - b. Claiming entire unincorporated Pickens County probably not legally defensible, but it will establish protections where needed. County can always grant permission to a municipality in areas that are not reasonably serviceable by the County (e.g., Arial community).
- 2) **Use of Service Capacity** (Case Point: How does the Commission expand services most cost effectively)
 - a. County will not serve residential customers unless Master Planned developments, (see Sec 38-53, Para 2). Towns will serve customers consistent with their policy. As they need capacity, they are obligated by the current Intergovernmental Agreement with the County to purchase additional capacity.
 - b. Deletion of 300' rule (see Sec 38-256), to regain consistency with Ordinance amendment in 2007.
 - c. Deletion of language stating that residential development has created the demand for sewer service in unincorporated Pickens County (see Sec 38-291(5)c). This condition is inconsistent with our move to limit service to residential service with master planned status.
- 3) **Building/Owning New Wastewater Facilities** (Case Study: Warpath Landing. As a Water Quality Management Agency, the PSC is, "assigned a planning and service area, for the implementation of the Appalachian Water Quality Management Plan.")

- a. Add "Facilities Permit" to process (see Sec 38-51). Requires developer to satisfy Commission before permitted to build a sewer system.
 - b. New private systems not allowed below confluence of Twelve-Mile and Golden Creek (see Sec 38-91, Para 1). Limit affect on existing waste loads and force development closer to existing sewer systems to make sewers more cost effective.
 - c. Add approval of design rules for private construction (see Sec 38-91, Para 2). To prevent "albatross" systems.
 - d. Where Pickens County provides sewer lines to reach developments, a construction bond will be required from the Developer to complete the Developers sewer project within six months (see Sec 38-91, Para 4).
 - e. Establish Agreement with PSC for private ownership (Sec 38-91, see "Facility Ownership"). Requires Depreciations and Renewal Reimbursement Account. Without Agreement, every sewer system has the potential to become a liability in later years.
 - f. Private system operations remain the responsibility of the system owner (Sec 38-91, see Facility Operation).
- 4) **Owning Old Wastewater Facilities** (Case Study: Cateechee, Quail Haven, Buena Vista. In ACOG's Water Quality Mgnt Plan, the Saluda River Basin Plan calls for, "smaller facilities should be required as a condition of their discharge permits, to tie into the new regional plants.")
- a. Deletion of rule to own facilities (see Sec 38-257). Removes the obligation of County to assume liability of dilapidated systems.
- 5) **Availability Fees.** A new paragraph in the Ordinance identifying Availability Fees. Procedures for Availability Fee collection are now specified in the Sewer Development Guidelines to reflect a more conventional utility policy for Availability Fees. The Guidelines changes include:
- a. 50% payable at time Development Permit by Planning Department
 - b. 50% payable at time of Building Permit
 - c. A fifth-year anniversary date of fee payment, Commission will reserve right to recoup capacity without refunding Availability Fees.
- (entire article removed)
- 6) **Remove "Article III. Wastewater Infrastructure."** This section of the Sewer Ordinance was passed as Ordinance 266 in 1999 to provide rules for sewer capacity utilization and a plan to improve revenues. The language was written with the idea that more users (predominantly residential) meant greater revenues. The Ordinance failed to accurately measure the costs for expanding sewer service. In such areas the number of new users in the expanded area typically cannot cover the investment required to sewer the area. The new policy proposed by this revision of the Sewer Ordinance is covered in "Section 38-53. Use of Public Sewers." (See Item 2, above, in this summary).

Chairman Smith thanked Mr. OKelley for that report. Chairman Smith stated that since a courtesy first reading had previously (12/21/09) been giving to the ordinance, he would advise that the ordinance go back to committee with no action given. Council concurred.

- Motion was made by Tom Ponder, seconded by Jennifer Willis and unanimously passed to send the sewer ordinance back to the Administration and Finance Committee.

Motion Period continued....

- Chairman Smith moved to add a legal issue to the executive session, motion was seconded by Randy Crenshaw and unanimously passed.

- Randy Crenshaw requested a boards and commission application be considered in executive session and added to the agenda. Motion was seconded by Jennifer Willis and unanimously passed.

FIRST READING OF AN ORDINANCE TO ESTABLISH GUIDELINES FOR BOARDS AND COMMISSIONS:

Chairman Smith stated this was a sample ordinance that council has discussed for a long time, he would advise a first reading and go to the committee of Administration and Finance.

- Motion was made by Tom Ponder, seconded by Randy Crenshaw that this constitute a courtesy first reading and send to committee. Motion passed with a unanimous vote.

CONSENT AGENDA:

- Motion was made by Jennifer Willis to approve the consent agenda, seconded by Tom Ponder and unanimously passed

Administration and Finance Committee- Workers compensation and Property insurance coverage.

EXECUTIVE SESSION:

- Motion was made by James London, seconded by Jennifer Willis and unanimously passed to convene in executive session for the stated purposes.

Legal Issue (2)
Personnel Update
Contractual Issue
A-Tax Board

PUBLIC SESSION BACK TO ORDER:

Chairman Smith called the meeting back to order and advised the following motions.

M&M Road Property:

- Randy Crenshaw moved to authorize the County Administrator to proceed with the legal issue on M&M Road as stated in the terms of mediation. Motion was seconded by Tom Ponder and unanimously passed.

Welborn Property:

- Sam Wyche moved to authorize the county Administrator to proceed with the Welborn Property, motion was seconded by James London and unanimously passed

Accommodations Tax:

- Motion was made by Randy Crenshaw, seconded by Jennifer Willis and unanimously passed to place Laura Waddell on the accommodations tax committee.

ADJOURN:

Hearing no further business, Chairman Smith called for the motion to adjourn. Motion to adjourn was made by James London, seconded by Sam Wyche, and unanimously passed. Pickens County Council stood adjourned at 8:15 PM.

Respectively Submitted:

Approved:

Donna F. Owen, Clerk to Council

G. Neil Smith, Chairman
Pickens County Council