

Regular Pickens County Council Meeting
November 16, 2015
6:30 PM

County Council met in regular session, in the Auditorium, County Administration Facility, with Chairman Jennifer Willis presiding. Agendas, bearing date, time, and location of meeting were mailed to Council members and local news media on November 9, 2015.

Council Members in attendance:

Jennifer H. Willis, Chairman
Trey Whitehurst, Vice Chairman
Tom Ponder, Vice Chairman Pro-Tem
G. Neil Smith
Randy Crenshaw
Ensley Feemster

Staff:

Ralph Guarino, Interim Administrator
Ken Roper, County Attorney
Donna Owen, Clerk to Council

WELCOME AND CALL TO ORDER:

Chairman Willis called the meeting of November 16, 2015 to order and welcomed those in attendance. The Invocation and Pledge of Allegiance was led by Councilman Tom Ponder.

PUBLIC FORUM:

Chairman Willis opened the floor for Public Forum and requested the Clerk to call upon the citizens who have signed up.

Pree Hamilton- Ms. Hamilton, President of the Humane Society, thanked the Council and Public Works for all they continue to do for the newly established Humane Society. Ms. Hamilton stated they are continuing to need a computer and other office supplies.

Ms. Hamilton and staff were presented with a check from the Fraternal Order of Police, Lodge Number 9. Mr. Kelley presented them with a check for \$2,500.

Councilman Neil Smith further donated a check for \$500.00.

Ruth Clark-Ms. Clark stated that she had several questions regarding Council, meetings, budget issues, and the difference in the executive meetings and regular meetings.

Regarding budget--Ms. Clark inquired about the cost for rebilling tax notices for the fire fees. (the estimate is approximately \$5,000). Ms. Clark was informed that the Council has a line item budget and all items are listed online. In the event she needs help with any of the public documents, the Finance department will assist. Ms. Clark stated she did not see on the website the different meetings of October 22nd and November the 9th. The Chairman explained those meetings were executive session for the purpose of interviewing the candidates for the position of county administrator. A discussion ensued regarding the meeting of October 19th 2015, and the purpose of the 5:00 p.m. meeting being listed as executive session. Ms. Clark stated she was upset that the meeting was not executive session and her council member told her it would be executive and not open to the public. The Chairman and Council members explained that the attorney did not have any further legal review. Therefore the Council had no reason to convene into executive session. Chairman Willis explained the only action was to rescind the fire fee, and that was the first item on the 6:30 p.m. agenda. Chairman Willis stated it is not the intent of this Council to hide anything from the public, and further explained the executive session is very detailed

as to the reason for going into executive session, and also after the public session is called back into order, the council states publicly about the action needed or not needed for said items.

Ms. Willis also informed Ms. Clark that public forum is not the appropriate setting for this type of questions and answers, and is certainly never a time for argumentative discussions.

Paulette Murphree- Ms. Murphree explained that the fire fee issue had brought to her attention that the fees were inconsistent. She stated that she had spoken to fire personnel and they agreed the fee for a mobile home should be less than a fee for a larger home. Ms. Murphree stated this was extremely unfair for a singlewide mobile home. The cost for mobile homes in her district was \$100 per mobile home, and it is the same for a 4000 square ft. stick built home.

Mr. Whitehurst stated that the fire personnel do not know what they are going to when they are toned out. Mr. Whitehurst further stated that the fire districts set those fees within their own district. All (13) districts have different fees.

Ms. Murphree stated the fire fees cannot be set without permission of the Council. On another issue, Ms. Murphree stated she would like to see the County get their share of the State's surplus, which is over \$1 billion. Ms. Murphree concluded by requesting County Council get more input from citizens.

Junius Smith- Mr. Smith congratulated Council for their actions on October 19, 2015 by stating that Pickens County was not in favor of accepting refugees from Syria. Mr. Smith stated that now that Paris has been attacked because of the improper vetting of these refugees, now all counties and the Governor are making the same statements. Therefore, Pickens County did a great job with that choice.

On another topic, Mr. Smith stated the water districts are now putting the responsibility on the property owner (landlord) to pay all water, tap, and late fees on rental properties. Mr. Smith stated this was wrong, and he disagrees that it should be his responsibility to make sure his tenants pay their utility bills.

Regarding the fire fees on mobile homes- Mr. Smith stated the fee is too high, and it should be investigated. Also, the fire departments records have shown multiple calls to the same incident, and those issues need to be studied.

Tri-County Technical College-Mr. Smith stated that he is in complete disagreement with the Tri-County Technical building fund. Mr. Smith stated the State is supposed to be responsible for their funding. Mr. Smith further said the County Council has more power than they assume. Mr. Smith stated it was the responsibility of the Council to let the State Delegation know that they are going to be responsible for County functions, and the State needs to be responsible to the State functions. Mr. Smith stated the tax payers do not want to pay \$6.5M for Tri-County.

Over-Collection- Mr. Smith stated the School Board over-collected over \$700,000K. Mr. Smith stated the Cities and the County are all over-collecting and it should stop. Mr. Smith stated he did not believe there should be a surplus; the money belongs to the citizens, and the millage rate is set too high.

Website-Mr. Smith concluded by stating that he hopes no one on County Council has any knowledge or involvement with a website that has spread gossip and lies about him and his son. Mr. Smith stated the things that have been written are so bad that he would bring a lawsuit against them, but it is all done anonymously. Mr. Smith stated he knows that this is illegal and the law enforcement could help identify the source, but they will not assist him in this endeavor.

Eleanor Hare- Ms. Hare with the League of Women Voters came to Council to again discuss the lack of funding in the Voter Registration Office. Ms. Hare stated the elections are important to the people and important to the entire direction of our structure. Noted was the fact that when elections do not go well the media is quick to report the details and laws get changed. Ms. Hare continues to inform County Council that the funding formula from four years ago is misleading. And the State is supplying over three times as much money as last year. Also, Mr. Junius Smith has discussed the over-collection of taxes. Therefore can the Council please appropriate the \$35,000 that was requested?

Councilman Tom Ponder informed Ms. Hare that he would like to state for the record that perhaps the County Personnel Department to do a time study in the Voter Registration Office. Mr. Ponder stated the Registration office usually does not start employing their temporary staff until October. However, Mr. Allen has worked his staff since July 1. He knows this is not efficient. In another situation, Mr. Ponder

stated he witnessed Mr. Allen being driven to look at a polling place. Mr. Ponder stated he is being driven by a temporary employee. Thus, a time study may answer many questions.

Mr. Whitehurst commented on Mr. Ponder's position and agreed with Councilman Ponder's assessment of the temporary worker. Mr. Whitehurst stated in comparison to this time last year, the county had spent \$235.00 on salary for temporary staff; this year they have spent over \$7,000.00. The facts are that there is nothing new going on except that Mr. Allen is being chauffeured.

Mr. Crenshaw also asked why the Election Board is not involved. Mr. Crenshaw stated that Ms. Hare needs to go to the board and ask these questions.

Ms. Hare stated she thought there has been communication from the board. However, she agreed that Council should be involved and it would be a tremendous help if there were more and better communication.

Deana McAnulty-Ms. McAnulty came before Council and agreed with Ms. Murphree that the mobile home fire fee is very expensive and out of proportion with fees for houses. Ms. McAnulty had been doing research and she spoke with Chief Gibson, the Pickens Rural Fire District. Ms. McAnulty stated the Chief was not in favor of the flat fee, but explained it was this way in all districts that are not millage. The fee goes for all homes. Ms. McAnulty stated she had a good conversation with Mr. Crenshaw about this issue, and hopes Council will work on the fee system.

On another topic-Ms. McAnulty stated she has not known Mr. Junius Smith (previous public forum speaker) very long, but knew he was a man of integrity. And he spoke for the people of Pickens County; she appreciates him, and hopes he receives the support for his issues.

Sarah Rampey – Ms. Rampey noted that Council had discussed easements on roads last month. Ms. Rampey commented that she and her husband have had a difficult time with easements. She informed Council that it is her understanding that someone can obtain an easement with a typed name only. Ms. Rampey stated that her issues are that she has easements on her property that she did not even know about. Ms. Rampey stated she found this particular easement at the courthouse. Ms. Rampey thought this was fraudulent. Ms. Rampey asked Council is there not a way that easements must be done more legal with all parties present and in front of a magistrate?

Weldon Clark-Mr. Clark congratulated the Council regarding the vote on Refugees in Pickens County. Mr. Clark stated he would do an audit for fire districts to see where there time is being spent.

APPROVAL OF MINUTES:

- Councilman Neil Smith moved to approve all (4) sets of minutes; motion was seconded by Councilman Ensley Feemster and unanimously passed. All minutes were approved as presented.

October 19, 2015 Special Called

October 19, 2015 Regular Meeting

October 22, 2015 Special Called

November 09, 2015 Special Called

ADMINISTRATOR'S REPORT:

Mr. Guarino informed Council that a grant was being submitted to Palmetto Pride. This grant will help with the flower garden at the Pickens County Museum. There is no match or any personnel involved, Mr. Guarino stated he wanted to apprise Council because it was a grant application.

MOTION PERIOD AND NEW BUSINESS:

Chairman Willis opened the floor for new business.

- Councilman Tom Ponder moved to add to the agenda to send to Committee a time study for Registration and Elections. Vice Chairman Trey Whitehurst seconded the motion. Motion was unanimously passed.

TIME STUDY FOR REGISTRATION AND ELECTIONS OFFICE:

Councilman Tom Ponder moved to place this item in the Administration and Finance Committee. Councilman Neil Smith gave the second and item was unanimously passed.

THIRD READING OF ORDINANCE NO. 495 TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH OCONEE COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE, AT THE TIME OF ITS INITIAL DEVELOPMENT, GEOGRAPHICALLY LOCATED IN OCONEE COUNTY AND TO INCLUDE CERTAIN PROPERTY NOW OR TO BE OWNED BY CASTO OCONEE, LLC OR ITS ASSIGNEE AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS 1976, SECTION 4-1-170 ET SEQ., 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 TAX; AND MATTERS RELATED THERETO:

- Councilman Tom Ponder moved that this constitutes a third and final reading of Ordinance No. 495. Motion was seconded by Vice Chairman Trey Whitehurst and unanimously passed.

PUBLIC HEARING AND THIRD READING OF ORDINANCE NO. 496 AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN PICKENS COUNTY, SOUTH CAROLINA (THE “COUNTY”) AND WILBERT, INC., ACTING FOR ITSELF, ONE OR MORE AFFILIATES AND/OR OTHER PROJECT SPONSORS, PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED PAYMENTS IN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE EXPANSION OF CERTAIN FACILITIES IN THE COUNTY; (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; AND (3) OTHER MATTERS RELATING THERETO:

Chairman Willis called the Public Hearing to order for Ordinance No. 496. Hearing no comments, the floor was closed.

- Motion was made by Chairman Willis, seconded by Councilman Neil Smith and unanimously passed that this constitutes a third and final reading of Ordinance No. 496.

CONSENT AGENDA:

- Motion was made by Councilman Neil Smith, seconded by Vice Chairman Trey Whitehurst and unanimously passed to approve the consent agenda as amended.
 - Development Agreement Redbud Ridge Site- Administration and Finance.
 - 2010-2030 Comprehensive Plan Update –Committee of the Whole.
 - Time Study for Voter Registration – Administration and Finance. (as added)

EXECUTIVE SESSION: S.C. Code of Laws, Section 30-4-70 (a)

Chairman Willis called for a motion to convene into Executive Session as defined by S.C. Code of Laws, Section 30-4-70 (a). Chairman Willis further stated that each issue would be discussed as the Law provides.

- Motion was made by Councilman Tom Ponder, seconded by Councilman Ensley Feemster and unanimously passed to convene in executive session for the stated purposes.

Legal Issues-Section 30-4-70 (a) (2)

Tri-County Financing

Contractual Issues- Section 30-4-70 (a) (2)
Acquisition of Property
Easley Fire
Clemson University Special Events
Elections

Personnel-30-4-70 (a) (1)
Administrator Candidates
Clerk to Council Candidates

Economic Development-30-4-70 (a) (5)
Project Starr
Project Growth

Boards and Commissions - 30-4-70 (a) (1)

PUBLIC SESSION RECONVENED:

Chairman Willis called the Public Session back to Order and advised the following.

Legal Issues-Section Tri-County Financing

- No action.

Contractual Issues-

Acquisition of Property-

- Councilman Neil Smith moved to give the County Attorney the ability to enforce the contract regarding property at Twelve Mile, allowing the County to proceed with a \$1.5M grant. If the Attorney cannot get the contract to close, he is directed to proceed with eminent domain. Mr. Smith stated he does not take this lightly. However, the County had a contract that was agreed upon, and when the parties found out about the grant, they wanted to move away from the contract. Councilman Smith stated the offer was generous and more than fair. Chairman Willis echoed the comments of Councilman Neil Smith, and stated she does not like ever using eminent domain. However, this was a very generous offer for vacant land. Vice Chairman Trey Whitehurst gave a second to the motion. All members voted in favor of the motion, with the exception of Councilman Tom Ponder who opposed. Motion carried 5-1.
- Easley Fire- no action
- Clemson University Special Events - no action
- Elections - no action

Personnel-

Administrator Candidates-

- Vice Chairman Trey Whitehurst made the motion that Pursuant to Section 4-9-620 of the South Carolina Code of Laws, I hereby move that the Pickens County Council offer the position of County Administrator, as specifically defined and empowered by Section 4-9-630 of the South Carolina Code of Laws, to David Allen McNeill, under such terms and conditions as are found in the proposed contract of employment prepared for that purpose. The terms of this contract will remain confidential under FOIA exception #5 (documents of and documents incidental to proposed contractual arrangements) until such time as the contract is finalized between the parties. Motion was seconded by Councilman Neil Smith.

All members voted in favor of the motion, with the exception of Chairman Willis who voted in opposition. The motion carried with a 5-1 vote.

- Clerk to Council Candidates -no action

Economic Development-

- **Project Starr**-Chairman Willis moved to approve an Inducement Resolution for Project Starr and a First Reading in Title only for a Fee in Lieu as it relates to Project Starr. Motion was seconded by Councilman Neil Smith and unanimously passed.
- **Project Growth -** Chairman Willis moved to approve an Inducement Resolution for Project Growth. Motion was seconded by Councilman Neil Smith and unanimously passed.
- Boards and Commissions – no action

ADJOURN:

Hearing no further Council business, Chairman Willis called for a motion to adjourn. Motion was made by Councilman Neil Smith, seconded by Councilman Ensley Feemster and unanimously passed. Pickens County Council stood adjourned at 9:20 p.m.

Respectively Submitted:

Approved:

Donna F. Owen, Clerk to Council

Jennifer H. Willis, Chairman