

Regular Pickens County Council Meeting  
September 16, 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 September 10, 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 August 19, 2013 to order and welcomed those in attendance. Chairman Smith further led the Invocation and Pledge of Allegiance.

**PUBLIC FORUM:**

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

- 1) Dr. Voss- Dr. Voss, President of Southern Wesleyan University, came before Council to thank them for their support and generous contribution toward the University's efforts with the NCAA Division II membership. Dr. Voss stated that the first rounds of the application have been denied, but the appeals process is ongoing, and the staff is very optimistic about approval. Dr. Voss concluded by updating Council about the recreation and expansion of ongoing projects.
- 2) Chief Butch Womack- Butch Womack, Fire Chief of Easley, came before Council to thank them for their support in obtaining a new fire training smoke house. Chief Womack and Phil Black, President of the Fire Chiefs Association, stated this house is used to train over 10,000 children about how to get out of a burning home. The smoke house is used at every school in Pickens County, as well as daycare facilities. This is a valuable tool to demonstrate the reality of a smoke filled home. Chief Womack and Chief Black concluded by emphasizing the importance of fire safety for children, and again thanking Council for supporting these efforts.
- 3) Jim McDonald- Mr. McDonald came before Council to ask them to consider a request to require EPA to do an environmental study on the Doodle Railroad. Mr. McDonald stated that the City of Pickens continues to move forward with the railroad even though there are contaminants that would not pass EPA standards.
- 4) Tom Hendricks-Mr. Hendricks stated that he had concerns about several items. - Mr. Hendricks stated the fact that Council should ask the legislative delegation to pass legislation in order to

advertise on the website instead of newspapers that citizens do not read. Mr. Hendricks explained that he continues to get newspapers that he does not want and he does not pay for, yet he has to dispose of them.

-Mr. Hendricks stated that in the late 1990's Clemson University requested the (3) counties of Oconee, Anderson, and Pickens to join in an effort for a solid waste project. Mr. Hendricks stated the land did not come to fruition as promised, and Clemson University contracted with Waste Management to haul their refuse for \$.050 per ton, which left the other counties without negotiations. Mr. Hendricks stated there was also an \$11 million grant to Clemson from Waste Management. Further, Duke Energy, Clemson University, and Waste Management were working together in order for Pickens County "not to control our own destiny."

-Mr. Hendricks concluded by stating that the agenda item regarding the relicensing program with Duke Energy should be denied. Mr. Hendricks stated that this plan is designed to not allow Pickens County to utilize its own water resource. Mr. Hendricks also cautioned Council that years ago Duke Energy made promises of which the majority of them never happened.

- 5) Johnelle Raines- Ms. Raines gave Council a packet of information entitled "Exposing Common Core." Ms. Raines stated Common Core is the new education standard that has been selected instead of the No Child Left Behind. Ms. Raines stated that no legislative vote was held to approve these standards, these standards are very expensive to implement, and it is extensive in standardized testing. Ms. Raines stated that this program is certain to leave out gifted students as well as students that learn at a slower pace. Ms. Raines stated that more information will be provided at a September 21<sup>st</sup> conference that will be held in Columbia at the Metropolitan Convention Center from 9:00 AM- 3:00 PM.
- 6) Junius Smith- Mr. Smith concurred with Ms. Raines and urged Council to take the Common Core concept seriously. Also, Mr. Smith echoed the concerns of Jim McDonald as it relates to the contamination on the Doodle Trail. Mr. Smith stated that their efforts with DHEC and EPA are mysterious because each time personnel are assigned to assist, they are transferred elsewhere. -Mr. Smith stated that the City of Greenville is not reporting crime that happens on the Swamp Rabbit Trail, they are simply stating "in downtown Greenville." Mr. Smith stated this is misleading the public in an effort to hide the fact that these trails are extremely dangerous. Mr. Smith concluded by stating that the City of Greenville has also posted signage about "no idling," meaning that cars should not idle. Mr. Smith stated this is the propaganda of Agenda 21, and sustainable governance.
- 7) Weldon Clark-Mr. Clark informed Council that the legislative delegation has moved to add an additional seat to the school board, and it has come to his attention that County employees are drawing the maps for this project without the knowledge of management. This is a poor use of County expenditures, as the school board does not need another seat on the board. The Tax Payers Association will be present at a meeting on Wednesday 9/18 at 9:00 AM at the delegation office in Easley to express these concerns. Mr. Clark also agreed with Mr. Hendricks as it relates to the Duke Energy Relicensing program.

With no other citizens addressing Council, Chairman Smith declared the public forum closed.

#### **APPROVAL OF MINUTES – August 19, 2013**

- Motion was made by Councilwoman Jennifer H. Willis, seconded by Councilman Jeff Martin and unanimously passed to approve the minutes of August 19, 2013 as presented.

#### **ADMINISTRATOR'S REPORT:**

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

Recycling Program- Mr. Hurst stated the Solid Waste department has recycling buckets and bins in the lobby tonight for citizens to pick up if they need them. This is another way to encourage recycling. Mr. Hurst also informed the public that Pickens County has a new shredder truck, and this truck will be at the various locations so citizens can dispose of confidential documents. This shredder will shred up to a 60 gallon container in approximately 3 minutes. Mr. Hurst also stated this will increase our recyclables and this shredded paper will produce revenue. In conclusion, Mr. Hurst stated the solid waste report of 2006 reported a cost of \$26.54 per capita, the new report of 2013 is \$18.10. this is a 31.8% reduction, and demonstrates the efforts of the programs at Solid Waste. Gerald Wilson, Lou Ponder, and Jason Anders were thanked for their efforts, and especially the saving they provided with the shredder truck.

Warbranch Road- Mr. Hurst had previously informed Council of the roads and culverts that were in need of major repairs due to the rainy summer. Mr. Hurst stated that Warbranch Road was one of those roads; however, it was unique in the fact that it only has (6) homes, and the repairs will eliminate all ingress and egress for the amount of time spent repairing. Therefore, the county employees from Roads and Bridges made a commitment to take a 4-6 week project and commit to doing it in 72 hours. This was a team effort that included EMS, Fire, Sheriff, and Human Resources. Others have worked in unison to stage materials in advance, have all equipment and materials at the worksite. Staff has taken time to explain events to each household, and to ask if they would like to go to a hotel, or endure being in place during the days of work, and finally to set up fire and EMS service in the event of an emergency situation. Mr. Hurst stated the work on Warbranch will begin on Tuesday 09/17, and crews will rotate out until the job is finished. Council is invited to have lunch with the crews on Wednesday, as other departments have offered to cook, and Human Resources will be serving lunch to all personnel. Mr. Hurst stated (3) of the residents have opted to move into a local hotel, while the others wanted to stay in place. Mr. Hurst concluded by saying he has never been more proud of his staff, as this project has been coordinated seamlessly with every detail being examined.

Pickens County Airport- Mr. Hurst stated that staff has secured needed property at the airport, which is 17 acres. FAA has approved the five year plan that includes an 1100ft extension at runway 5, and approach lighting system. The plan also includes west side development and access road to Rices Creek. The development is important for additional hangars. Mr. Hurst stated FAA pays 95 % of all costs associated with the airport and the State pays another 2.5%, therefore, county tax dollars are minimal. This past year the airport only required \$16,000 from the general fund to sustain. Mr. Hurst stated that a few years ago that dollar amount was over \$300,000. Mr. Hurst concluded by stating the investment that Council has put in the airport has been worth it, and when the west side of the airport is developed, the airport will be self sustaining and will profit.

#### **COUNCIL CORRESPONDENCE:**

Chairman Smith stated he had been invited to speak at the Pickens County Tax Payers Association September 10, 2013, regarding the South Carolina Association of Counties (SCAC) membership. Mr. Smith stated the meeting went well and the group learned a lot about the association. One item of interest was the members of the Tax Payers Association would like to have a copy of the Friday Report that comes from the SCAC.

Vice Chairman Tom Ponder stated that this was the first year that Farm Days in Dacusville had been promoted by a new committee due to the family that was in charge of the event is no longer participating. Mr. Ponder stated he was extremely proud of this committee and the turnout was good. The expectation for future events should be well attended. On another issue Vice Chairman Tom Ponder stated the Dacusville Middle school purchase has provided a much needed space for several groups in Dacusville, and he will be recommending that the community club be looking at by-laws and basic oversight for the school.

**MOTION PERIOD AND NEW BUSINESS:**

Chairman Smith opened the floor for new business. Hearing none, Motion Period was closed.

**APPROVAL OF A PROCLAMATION, TO PROCLAIM SEPTEMBER 17 -SEPTEMBER 23, 2013 AS CONSTITUTION WEEK:**

Chairman Smith stated that while a proclamation can be signed and completed by the Chairman, he was asked to bring this before Council because of its importance, and the organization requested a photograph of the signing.

- Motion was made by Vice Chairman Tom Ponder, seconded by Councilwoman Jennifer H. Willis and unanimously passed to approve the proclamation.

**COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDs):**

- Motion was made by Vice Chairman Tom Ponder, seconded by Councilman Randy Crenshaw and unanimously passed to approve the Economic Development Strategy.

**ESTABLISHMENT OF MILLAGE RATE FOR FISCAL YEAR 2013/2014:**

- Motion was made by Councilwoman Jennifer H. Willis, seconded by Councilman Randy Crenshaw and unanimously passed to establish the millage rate as presented.

**A RESOLUTION TO EXPRESS THE INTENTION OF THE COUNTY COUNCIL OF PICKENS COUNTY, SOUTH CAROLINA, TO CAUSE PICKENS COUNTY, SOUTH CAROLINA TO BE REIMBURSED FOR CERTAIN COSTS ASSOCIATED WITH THE ACQUISITION OF FIRE TRUCKS AND A SPORT UTILITY VEHICLE AND RELATED EQUIPMENT WITH THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS: (authorizing the county to reimburse itself with certain of the tax-exempt bond proceeds for monies spent out of pocket)**

- Motion was made by Councilman Trey Whitehurst, seconded by Councilwoman Jennifer H. Willis and unanimously passed to approve.

**A RESOLUTION APPROVING POST-ISSUANCE TAX COMPLIANCE POLICIES AND PROCEDURES FOR PICKENS COUNTY, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO:(tax policies and procedures are a best practice guide for issuer's of tax exempt bonds and allows lender to confirm to the IRS that policies are in place)**

- Motion was made by Councilwoman Jennifer H. Willis, seconded by Councilman Neil Smith and unanimously passed to approve.

>>Councilwoman Jennifer H. Willis noted it is resolutions such as this that Council learns about having in place at the South Carolina Association of Counties. These are important financial protection guidelines that are often explained in detail at the conferences.

**PUBLIC HEARING AND SECOND 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:**

Chairman Smith opened the floor for any public comments regarding Ordinance No. 470.

- 1) Junius Smith-Mr. Smith asked the question about the how the bonds are sold.

Lawrence Flynn, with Pope Ziegler law firm, stated the bonds for this type of debt are sold in the open bank market, and will be sold as private placement. State Law requires they are sold publically with advertising. Also, this type of bond debt is not levying taxes due to the fire fees securing the bond, and the banks that buy these bonds hold them for the duration. Mr. Flynn stated the reason they are not sold on the open/retail market is twofold, one, it is an enormous amount of work and cost, and second it opens Pickens County debt to be bought by a company from anywhere that would have no knowledge of Pickens County.

- Motion was made by Councilwoman Jennifer H. Willis, seconded by Vice Chairman Tom Ponder and unanimously passed that this constitutes a second reading.

**FIRST 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 Councilman Jeff Martin, seconded by Councilman Randy Crenshaw and unanimously passed that this constitutes a first reading.

>>Councilwoman Jennifer H. Willis noted that she would like to have the land description upon second reading.

**FIRST 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 Chairman Smith and unanimously passed that this constitutes a first reading of said ordinance.

**APPROVAL OF RELICENSING AGREEMENT FOR THE KEOWEE-TOXAWAY HYDROELECTRIC PROJECT:**

- Motion was made by Vice Chairman Tom Ponder and seconded by Neil Smith to consider the relicensing agreement.

>During Council discussion, council members Smith, Martin, Crenshaw, Whitehurst, Willis and Ponder all expressed extreme concern over sections of the agreement that relate to water rights. Council members stated that Pickens County should never be placed in a position to request water from a source that is within Pickens County. Vice Chairman Tom Ponder expressed concern with the fact that this has been communicated several times during the process of the stakeholders meetings, which have been ongoing for over a year. Mr. Ponder concluded by stating this is not only a cause of concern, but it personally has made him angry about the process.

Chairman Smith called for the vote.

- No council member voted in favor of approval, and the vote was unanimous to oppose.

**EXECUTIVE SESSION:**

- Motion was made by Vice Chairman Tom Ponder, seconded by Councilman Jeff Martin and unanimously passed to convene in executive session for the stated purposes.
- Legal Update
- Contractual Issue
- Boards and Commissions

**PUBLIC SESSION RECONVENED:**

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

Public Service Commission:

- Motion was made by Chairman Smith, seconded by Vice Chairman Tom Ponder and unanimously passed to appoint Seth Crow to the Public Service Commission (district 4).

Cultural Commission:

-Council has elected by ordinance to have (7) members of the cultural commission- (6) district representatives and (1) at large.

- Councilman Jeff Martin moved to nominate as follows, motion was seconded by Vice Chairman Tom Ponder and unanimously passed.

Larissa Heimlich – District 1  
 Kathleen Brazinski-District 2  
 Wayne Kelley-District 3  
 District 4- Vacant  
 Judy Rozelle- District 5  
 Gilda Hendricks- District 6  
 Dean Watson-@large

**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 9:00 PM.

Respectively Submitted:

Approved:

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Donna F. Owen, Clerk to Council

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G. Neil Smith, Chairman