

October 1, 2012  
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 26, 2012.

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 1, 2012 to order and welcomed those in attendance.

Councilman Trey Whitehurst gave the Invocation and Pledge of Allegiance.

**PUBLIC FORUM:**

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

1. Bonnie Kay-Ms. Kay from Easley stated she was glad that the abandoned mill in her neighborhood was finally being cleaned up. However, Ms. Kay added that this process has taken her (2) years of reporting concerns and calling media attention to the problems and safety concerns before the issue was addressed. Ms. Kay stated that was unacceptable as these mills are hazards for any community.
2. Junius Smith-Mr. Smith stated that the current Development Standards Ordinance needs to be amended to allow a grandfather clause regarding right of ways. Mr. Smith stated this was vitally important given the fact that the Railroad project was going to take citizens right of ways. Also, these citizens impacted by the railroad project are being informed that if citizens get hurt on their property, they will need liability insurance.
3. Weldon Clark-Mr. Clark stated that the environmental study of Railroad site is probably contaminated with various chemicals. Therefore, he hopes this process is checked in order to determine contamination problems, and hopes Pickens County will be careful not to get involved.

**APPROVAL OF MINUTES -**

- Motion was made by Councilman Trey Whitehurst, and seconded by Councilman Jeff Martin and unanimously passed to approve the minutes of 09/10/2012 as presented.

**ADMINISTRATOR'S REPORT:**

Mr. Hurst apprised Council of the following County activities.

1. **Electronic Waste**- In 2009 the State Procurement negotiated a (5) year contract to recycle electronic waste, with an annual review. In 2010 legislation banned disposal of certain electronics in the landfills. This contract now provides that State agencies get paid for their electronic waste at \$.015 per pound, and states that Counties will now pay \$.0155 per pound. Thus, the State is relying on all the Counties in the State of South Carolina for the burden of this charge. Mr. Hurst stated this was negotiated after county governments had finished their budgets. Mr. Hurst reiterated that in the past electronic waste was revenue for counties, and will now cost approximately \$85,815 in FY 2013. Mr. Hurst stated that Pickens County was picking up and handling this with no fees. However, a handling fee may be charged in order to adhere to this new contract.

>Council had several questions about participation, in State waste hauling versus out of State, and eligibility.

Mr. Hurst stated he would like to send this item to committee in order to study this further.

2. **Metropolitan Planning Organization**- Mr. Hurst stated that census data defines the metropolitan planning areas based on growth and population, and Council is aware that Pickens County has been with GPATS (the MPO) for transportation planning and needs. Recently Council requested the new census data be recognized in order to adopt one MPO for Pickens County as a whole. The Department of Transportation has stated the County does not qualify. However, Clemson, Seneca, Central, and Norris have requested an MPO. Mr. Hurst stated this concerned him, and he requested a meeting with GPATS, State and Federal DOT. This meeting took place in August, and the entities were aware that the County would object to Clemson's request for an MPO. Mr. Hurst stated that both the State and Federal representatives from DOT stated that neither Clemson's MPO nor the Countywide MPO met the recommended requirements; no funding would be available. However, articles keep appearing in local media about Clemson and Seneca merging together for an MPO, and that would require Pickens County funds to go to another County. Mr. Hurst stated this would create duplication in planning expenditures, and further gave the example of the GPATS Planning invoice that is on the agenda for payment.

Mr. Hurst stated he has corresponded with Mike Sullivan, who is with the Planning Department of DOT, and to request information as it relates to the DOT's acceptance of the Clemson Plan. Mr. Hurst stated it was his understanding that the DOT is going to consider both the GPATS plan and the Clemson Plan, and render a decision. Mr. Hurst stated he does not understand why DOT would consider the Clemson plan when it does not meet the requirements of an MPO. Mr. Hurst stated he has expressed his displeasure about this decision as it will jeopardize the taxpayers of the County as a whole. In addition, Mr. Hurst stated he has informed DOT that Pickens County would be interested in resubmitting the plan for an MPO as a whole. Mr. Hurst also informed Council that he has had a discussion with Senator Martin about the concerns with this plan, which Senator Martin originally supported.

>Council expressed many concerns with this report. Mr. Hurst stated there were several unanswered questions; His main goal for this evening was to make Council aware of the MPO status since it is in opposition to what Council previously voted on.

Councilman Jeff Martin stated he thought the plan was a coalition among the municipalities, and not only a Clemson initiative.

Councilman Neil Smith stated that his concern is that Clemson and Seneca are the larger of the municipalities, and under the existing rules this is not in the best interest of Clemson, Pendleton, Seneca, and especially Central and Norris. The current rules for funding will not work, and the municipalities will suffer.

Councilman Trey Whitehurst stated he thought a formal letter to Senator Martin should be sent, and that questions need to be answered.

## **COUNCIL CORRESPONDENCE:**

1. Chairman Willis stated that Behavioral Health has a board that has been the same board of directors for many years, however, they have recently had (2) resignations, and with this being an at large board, Chairman Willis stated she would like to give each Council member (30) days to see if they have any constituents who would like to serve. Bob Hiott has invited Council to their board meeting on October 10 at 12:30 PM.
2. Notice from the Lt. Governor's office that they will host a public forum regarding concerns on aging. This will be tomorrow at the Anderson Market Place Senior Center at 5:30 PM.
3. The new Director for the Department of Social Services (DSS) has taken office, and her name is Nikita Harrison.
4. Councilman Sam Wyche stated he had a letter from Earl Finley who has offered to purchase the Pickens Gym (Canteen) for \$40,000, and Mr. Finley wanted Council to know that his intentions were to give back all uses of that property to Pickens County, with the exception of the field which has been promised to Grace Methodist for their youth program.
5. Councilman Jeff Martin reminded Council that the Probate Judges office has sent a letter inviting Council to help welcome the State Probate Judges who will be hosted this year in Clemson at the Madren Center October 7-8. Also, an invitation to the annual report luncheon at Tri-County Technical College on November 30<sup>th</sup> 2012

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

Chairman Willis opened the floor for new business. Hearing none, new business was closed with no action.

#### **Consent Agenda Additions-**

- Councilman Neil Smith added the Electronic Waste contract to the consent agenda to be placed on the Administration and Finance Committee log. Chairman Willis gave the second and all voted in favor.
- Councilman Neil Smith moved to add to the consent agenda the issue of abandoned mills, and to study safety hazards and fire issues. This will be sent to the Public Safety Log. Motion was seconded by Chairman Willis and unanimously passed.
- Councilman Neil Smith moved to add to the executive session a contractual issue. Motion was seconded by Chairman Willis and unanimously passed.
- Councilman Tom Ponder moved to add to the agenda to approve correspondence to Senator Martin as it relates to the Metropolitan Planning Organization (MPO). Motion was seconded by Councilman Trey Whitehurst and unanimously passed.
- Councilman Sam Wyche moved to pull the item of the Pickens Gym (Canteen) from Committee and place on the agenda for debate. Motion was seconded by Councilman Tom Ponder. Councilman Sam Wyche, Councilman Tom Ponder, and Councilman Jeff Martin voted in favor. Chairman Willis, Councilman Neil Smith, and Councilman Trey Whitehurst opposed. Motion failed.

#### **PRESENTATION FROM PICKENS LEADERSHIP CLASS ON YOUTH PROGRAMS:**

Dr. Brian Swords, Dean of the Easley Campus at Tri County Technical College gave a presentation to Council about Pickens County Junior Leadership program. Dr. Swords serves on the Board of Regents for the Leadership Pickens County program, and is the Chairman of the newly formed Junior Leadership Pickens County Program.

Dr. Swords stated the Leadership program has been in place for a number of years, and many county council members and county employees have been through the leadership process. This program is always successful for current leaders. However, the new program will target youth. The reason this program is vital is due to the fact that young people are not civically involved and often do not comprehend how local and state government works. This program is designed to engage students in their junior year of high school and introduce them to a better understanding of community.

Dr. Swords gave Council an overview of the selection process and other components of the program.

>Council thanked Dr. Swords for moving Leadership Pickens County in this direction, and wished him success in this endeavor.

**APPROVAL OF PAYMENT FOR PLANNING FUNDS AS ALLOCATED TO GPATS FOR FY 2010, 2011, AND 2012:**

Mr. Hurst stated this invoice was recently sent from GPATS. Mr. Hurst stated these funds have been budgeted, but the invoices were never sent to Pickens County. Mr. Hurst stated he thought the turnover in planners was the reason for the oversight of invoicing. However, the budget funds have been placed in reserve, and should now be paid as a result of a correct invoice.

- Councilman Jeff Martin moved to pay the invoice as presented; motion was seconded by Councilman Trey Whitehurst and unanimously passed.

**CORRESPOND WITH SENATOR MARTIN REGARDING MPO:**

Chairman Willis stated this item has been added to the agenda by Councilman Tom Ponder.

- Councilman Tom Ponder moved to correspond with Senator Martin regarding the Transportation Plans pertaining to Pickens County. Motion was seconded by Councilman Neil Smith.

During discussion, Councilman Neil Smith stated the correspondence needs to address the reasoning of why the Senator would support a plan that does not qualify, and would not support a unified countywide plan. As Mr. Hurst commented during his report, Pickens County has already voted for one MPO for Pickens County, therefore the support of Clemson having a separate MPO is in conflict. In addition, why was Pickens County not consulted?

Councilman Trey Whitehurst concurred that Council needs to know why a plan that did not qualify is being considered.

Councilman Jeff Martin stated he thought it more appropriate to use the terminology "Seneca/Clemson Initiative." Council concurred.

Councilman Smith reiterated that the correspondence should also note that under the existing rules this is not in the best interest of the municipalities and funding will not work.

Hearing the motion, a second, and discussion, Chairman Willis stated she would consider all the comments and compose the correspondence to Senator Martin in the coming week. Chairman Willis further called for the vote.

- Motion passed with a unanimous vote.

**CONSENT AGENDA:**

- Motion was made by Councilman Tom Ponder, seconded by Councilman Neil Smith and unanimously passed to approve the consent agenda as amended.

Refer to the Justice and Public Safety Committee- abandoned mills in Pickens County, and address safety issues.

Refer to the Administration and Finance Committee-electronic waste contract.

**EXECUTIVE SESSION:**

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

Boards and Commission--Bethlehem –Dacusville Water

Contractual Issue  
Legal Update

**PUBLIC SESSION RECONVENED:**

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

Bethlehem, Dacusville Water- Motion was made by Chairman Willis, seconded by Councilman Tom Ponder and unanimously passed to appoint John McKenzie to the Water Board.

Contractual Issue-Motion was made by Councilman Neil Smith, seconded by Chairman Willis and unanimously passed to authorize the Liberty Fire District to purchase the additional .5 acres for \$3500.00.

Legal Update- Chairman Willis stated Council received a legal update with no action.

**ADJOURN:**

Hearing no further Council business, Chairman Willis called for a motion to adjourn. Motion was made by Councilman Tom Ponder, seconded by Councilman Trey Whitehurst and unanimously passed. Pickens County Council stood adjourned at 8:45 PM.

Respectively Submitted:

Approved:

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Donna F. Owen, Clerk to Council

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Jennifer H. Willis, Chairman