

Regular Pickens County Council Meeting
March 2, 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 February 22, 2015

Council Members in attendance:

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

Absent:

G. Neil Smith

Donna Owen, Clerk to Council

Staff:

Ralph Guarino, Interim Administrator
Ken Roper, County Attorney

WELCOME AND CALL TO ORDER:

Chairman Willis called the meeting of March 2, 2015 to order and welcomed those in attendance. Councilman Ensley Feemster led the Invocation and Pledge of Allegiance.

PUBLIC FORUM:

Chairman Willis requested the Clerk to announce the names of participants.

Pree Hamilton-Ms. Hamilton, President of the Humane Society stated she was looking forward to continued fund raising, which includes a 5K in Liberty S.C. and a golf tournament. Ms. Hamilton also stated she has submitted a request in this year's budget for additional assistance from the County. Ms. Hamilton thanked Council for their continued support. In conclusion Ms. Hamilton showed the Council photos of the improved kennels.

Junius Smith- Mr. Smith discussed the current petition that is being signed by citizens in Pickens County to reject any tax increases. Mr. Smith stated the taxes as well as fees are extremely difficult for the elderly in Pickens County. Mr. Smith stated he thought the County has done well with keeping taxes down and building surplus; however, Mr. Smith said the overage of funds is a problem. Mr. Smith further concluded by stating he would advise Council to meet with himself and Weldon Clark to discuss these overages.

Weldon Clark- Mr. Clark updated Council about the Shooting Range issue he was asked to study. Mr. Clark stated this was not a countywide problem. To his knowledge there is only (1) person who has complaints and is not shooting in a safe manner. Therefore, the council should not try to regulate where there are no issues. Mr. Clark gave Council a brief synopsis of regulation and fines for unsafe shooting.

APPROVAL OF MINUTES:

February 02, 2015
February 10, 2015
February 17, 2015

February 21, 2015 (retreat)

- Motion was made by Councilman Tom Ponder, seconded by Councilman Randy Crenshaw and unanimously passed to approve the minutes of (4) Council meetings as presented.

ADMINISTRATOR’S REPORT:

Interim Administrator Ralph Guarino informed the public and Council of the following.

- 1) Grant-Easley Combined Utilities Mr. Guarino explained this grant was denied last year, and the utilities would like to reapply. This is a \$210,000 grant and has no impact on the county for matching funds. All expenses come through Combined Utility. Mr. Guarino stated the public hearings and the administration of the grant is overseen by Appalachian Council of Governments.
>Council had no issue with this project.
- 2) Update of Surplus sale-The sale has brought in approximately \$89,000 with over 30 items being sold. Mr. Guarino stated unless he heard any objection of Council, he would like to automatically place items on govdeals as they are deemed surplus. Mr. Guarino stated all items are accessible to the public.
>Council had no objection.
- 3) Inventory of Land and Buildings-Mr. Guarino stated that Council had requested that staff develop an inventory of all County owned buildings and land. Mr. Guarino stated this task is complete, and it is in the Committee of the Whole.

COMMITTEE REPORTS: Justice and Public Safety-Committee Chairman Crenshaw gave the following report:

Randy Crenshaw, Chairman
Jennifer Willis
Ensley Feemster

The Committee of Justice and Public Safety met on Tuesday February 10 at 9:00 a.m. All committee members were in attendance and Committee Chairman Crenshaw presided. Councilman Tom Ponder was also in attendance.

Staff:
Matthew Delk, Administrator
Donna Owen, Clerk
Billy Gibson, Fire Chief

Item	Description	Referred	
4	Council rules update and ethics Retained 2013 Retained 2015	01/22/2013	No action-Staff will contact Appalachian Council of governments and also get copies of other area ethics policies for boards as well as employees.
5	Review of the animal control Ordinance Retained 2013 Retained 2015	08/19/2013	No action

6	Automatic Aid to Pickens Fire Department	01/20/2015	<p>Committee recommends a written automatic aid agreement to come to council.</p> <p>>During discussion Vice Chairman Trey Whitehurst had several issues. Pickens Rural Fire Chief, Billy Gibson stated it was his understanding that Pickens Rural was offering Automatic aid and he and the Chief at Pickens City are working on that agreement.</p> <p>Mr. Whitehurst asked if this was for ISO. Mr. Gibson stated in this situation it is simply operational.</p> <p>Mr. Whitehurst stated this type of agreement sounded more like mutual aid than automatic aid. Mr. Gibson explained those are completely different agreements.</p> <p>Mr. Whitehurst stated he does not want to agree to anything without having a master plan in place.</p> <p>Chairman Willis stated there is not an agreement on the table, the motion from committee is to provide one to Council.</p> <p>>Council approved with a unanimous vote.</p>
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COUNCIL CORRESPONDENCE:

- 1) Chairman Willis stated she will be speaking to the Pickens County Leadership class tomorrow on March 3, 2015 at 11:00 a.m. anyone is welcome to attend as it is their government section.
- 2) Mr. Ponder stated Pickens County is the sixth lowest County in the State of South Carolina for taxes. The only counties lower are the coastal counties and they offset with large amounts of accommodations and hospitality tax money. Mr. Ponder stated the coastal area also received money from federal agencies as well. Mr. Ponder stated he was proud of what Pickens County is able to do without the additional funding. Mr. Ponder concluded by stating he hoped that the tax payer groups and more citizens recognize how proficient Pickens County is with their funding.
- 3) Chairman Willis stated the S.C. House of Representatives will be considering the restoration of the Local Government Fund. Ms. Willis stated this is important for local governments to have this fund restored, and further asked the citizens to please reach out to their representative in support of "Amendment 2"
- 4) Vice Chairman Trey Whitehurst stated he wanted to make a comment about something that greatly disturbed him, and he was not speaking for the Council as a whole. Mr. Whitehurst said he read in the newspaper where the Mayor of Easley stated he was embarrassed that Pickens County would sue the City for \$40,000. Mr. Whitehurst stated this upset him personally because the County is simply asking the municipality of Easley to follow the law, and the laws are clear. Also, the City of Easley is being asked to be consistent with the same ruling as the City of Clemson.

MOTION PERIOD AND NEW BUSINESS:

- 1) Vice Chairman Trey Whitehurst moved to pull from the Education, Recreation, Health, Welfare, and County Planning committee the issue of shooting ranges and have a first reading in title only of an ordinance to address the safety of shooting ranges. Motion was seconded by Councilman Ensley Feemster and unanimously passed.

MORATORIUM ON SHOOTING RANGE APPLICATIONS:

- Motion was made by Councilman Tom Ponder, seconded by Vice Chairman Trey Whitehurst and unanimously passed to place a moratorium on any new applications of shooting ranges until council can study and adopt an ordinance relating to safety.

AN ORDINANCE TO ADDRESS THE SAFETY OF SHOOTING RANGES:

- Motion was made by Vice Chairman Trey Whitehurst, seconded by Councilman Tom Ponder and unanimously passed that this constitutes a first reading of stated ordinance. Motion also included this ordinance going back to the committee.

REQUEST FROM CROSSWELL FIRE DISTRICT TO APPLY FOR SAFER GRANT:

Chairman Willis called upon Fire Chief Scott Smith to explain this request.

Chief Smith stated he would like to apply for this grant now as it closes on March 6, 2015. This grant provides the entire cost of additional personnel for (2) years. Mr. Smith stated the Crosswell Board voted to seek approval of (3) new positions.

>During discussion Councilman Ensley Feemster asked about the continuance after the grant cycle. Mr. Smith stated that after the (2) year period, it would be up to the district to absorb the cost.

Vice Chairman Trey Whitehurst asked why staff was being added. Mr. Smith stated it does help the ISO when there are (3) members to a shift and the district will be in a better position when it builds a sub-station in the Crosswell area. Vice Chairman Trey Whitehurst stated he had several issues with these grants. Mr. Whitehurst stated that fire districts are a number one priority for Council, and the Council needs to examine the big picture. Mr. Whitehurst stated each fire district is doing what they think is best for that district, and Council needs to look at fire protection as a whole.

Chairman Willis stated the item in question is being able to do the grant by the deadline, the Crosswell board has already voted to pursue the personnel with or without the grant being successful.

Vice Chairman Trey Whitehurst pointed out that Council still has to vote on the millage.

Councilman Tom Ponder stated that departments like Crosswell were doing what they should. Crosswell is planning and is organized; he trust they know what the needs are for their district.

Vice Chairman Trey Whitehurst said he thought this was piecemealed, and the overall plan needs study.

The Finance Director/Interim Administrator was asked if he had concerns. Mr. Guarino responded his only concern was committing to raise fire fees in 2017 after the grant expires.

- Motion was made by Councilman Tom Ponder to approve application of the SAFER Grant. Motion was seconded by Councilman Ensley Feemster. Councilman Tom Ponder, Councilman Ensley Feemster, Councilman Randy Crenshaw and Chairman Willis voted in favor. Vice Chairman Trey Whitehurst opposed. Motion carried.

PROCLAMATION, PROCLAIMING PICKENS COUNTY AS A PURPLE HEART COUNTY:

- Motion was made by Councilman Tom Ponder, seconded by Chairman Willis and unanimously passed to approve the Purple Heart Proclamation.

ACCEPTANCE OF MCBULO DRIVE INTO THE MINIMUM MAINTENANCE SYSTEM:

- Motion was made by Councilman Tom Ponder, seconded by Councilman Randy Crenshaw and unanimously passed to approve McBulo Drive into the minimum maintenance system.

PUBLIC HEARING AND THIRD READING OF ORDINANCE NO. 487 AUTHORIZING AND APPROVING (1) DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN CONJUNCTION

WITH OCONEE COUNTY (THE “PARK”), SUCH 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 AND/OR OPERATED BY MICHELIN NORTH AMERICA, INC.; (2) THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH OCONEE COUNTY AS TO THE REQUIREMENT OF PAYMENTS OF FEE IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO PARK PROPERTY AND THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; (3) THE DISTRIBUTION OF REVENUES FROM THE PARK WITHIN PICKENS COUNTY; AND (4) OTHER MATTERS RELATED THERETO:

Chairman Willis opened the floor for the public hearing of Ordinance No. 487.

There were (3) citizens that spoke.

- 1) Junius Smith- Mr. Smith cautioned Council about the Fee in Lieu of taxes, and stated the citizens always paid the price. Therefore, he is no longer in favor of the Fee in Lieu agreements.
- 2) Phillip Smith- Mr. Smith stated he agreed with the former speaker. Also, Mr. Smith pointed out that the CEO of Sea Level Systems is in favor of raising taxes; however, his business would not pay because he is in such a Fee agreement.
- 3) Weldon Clark- Mr. Clark stated several of the manufacturers are advocating tax increases, and he agreed with Mr. Smith by stating the Fee in Lieu protects them from paying.

Hearing no further comments, Chairman Willis closed the Public Hearing and called for a motion. Motion was made by Councilman Tom Ponder, seconded by Councilman Randy Crenshaw and unanimously passed that this constitutes a third and final reading of Ordinance No. 487.

CONSENT AGENDA:

- Motion was made by Vice Chairman Trey Whitehurst to approve the Consent Agenda. Motion was seconded by Councilman Tom Ponder.

- Vice Chairman Trey Whitehurst asked to amend the title of “Jail Committee” to “Legal System Overview” and send it to the Committee of the Whole. Councilman Ensley Feemster gave a second for the amendment.

>>During discussion, Mr. Whitehurst elaborated the study encompasses much more than the jail, and further needs the whole council to be involved.

Councilman Tom Ponder stated this was meant to discuss issues of the detention center, and would be specific. Mr. Ponder stated he thought it would be better served as a committee with council representation as well as other members of the detention system.

Vice Chairman Trey Whitehurst disagreed and stated this involves the entire legal system.

- Chairman Willis called for a vote on the amendment. Chairman Willis, Vice Chairman Trey Whitehurst, and Councilman Ensley Feemster voted in favor. Councilman Randy Crenshaw and Councilman Tom Ponder opposed. Motion carried.
- Approval of the Consent Agenda as amended was approved with all members voting in favor with the exception of Councilman Tom Ponder who opposed. Motion carried.
 - Reclassification of Building Inspector-Administration and Finance
 - Representation for Keowee Springs -Committee of the Whole
 - Building Keystone Plaques- Committee of the Whole

- Jail Fees- Administration and Finance (amended to *Legal System Overview Committee, and sent to the Committee of the Whole*)
- Direct Deposit- Administration and Finance
- Jail Committee- Justice and Public Safety
- Vehicle Request- Administration and Finance

EXECUTIVE SESSION:

- Motion was made by Vice Chairman Trey Whitehurst and seconded by Councilman Ensley Feemster to convene into executive session for the stated purposes.
 - Legal Issues-(2 items)
 - Contractual Issues-(6 items)
 - Personnel- (1 item)

PUBLIC SESSION RECONVENED:

Chairman Willis called the public Session back to order and stated the following items of (2) legal issues, (6) contractual issues, and (1) personnel issue were discussed with no action forthcoming.

ADJOURN:

Hearing no further Council business, Chairman Willis called for a motion to adjourn. Motion was made by Vice Chairman Trey Whitehurst, seconded by Councilman Tom Ponder and unanimously passed. Pickens County Council stood adjourned at 8:30 p.m.

Respectively Submitted:

Approved:

Donna F. Owen, Clerk to Council

Jennifer H. Willis, Chairman