

Regular Pickens County Council Meeting
September 21, 2015
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 14, 2015.

Council Members in attendance:

Jennifer H. Willis, Chairman
Trey Whitehurst, Vice Chairman
G. Neil Smith
Randy Crenshaw
Ensley Feemster

Absent: Tom Ponder, Vice Chairman Pro-Tem

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 September 21, 2015 to order and welcomed those in attendance.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Councilman Ensley Feemster led the Invocation and Pledge of Allegiance.

PUBLIC FORUM:

Public Forum was opened. The Clerk to Council called the names of Citizens signed up to speak to Council.

- 1) Eleanor Hare – Ms. Hare with The League of Women Voters, stated the League continues to be concerned that the budget for 2015-16, lacks sufficient funding for personnel to hold all statewide elections this fiscal year. These elections include two presidential preference primaries, the June primaries and runoffs. Ms. Hare brought attention to correspondence between Marci Andino, Executive Director of the South Carolina State Elections Commission, who wrote to Pickens Council Chairman Willis, urging Council “to provide adequate funding to fully support upcoming elections in Pickens County.” Ms. Hare also stated the letter points out that the demands of an election year depend on a temporary workforce to augment permanent employees. These employees need to be hired and trained in advance. Also noted was that Orangeburg and Sumter Counties, which have a similar number of registered voters, each have four full time permanent employees and also use temporary and part time employees prior to an election. Ms. Hare concluded by stating that The League of Women Voters requests that Council give appropriate consideration to Director Andino’s letter.
(Ms. Hare provided the Clerk to Council with a verbatim statement, and that statement is in the minute’s folder)
- 2) Sarah McNeill- Ms. McNeil stated she was new to Pickens County and her first impression of the budget cuts for Registration and Elections were disappointing. Ms. McNeill discussed that putting the elections in jeopardy is not what the constituents expect. Ms. McNeill stated she

knows the County's reserve is adequately funded, and putting the elections at risk over what appears to be a "snit" with State funding, is not a responsible decision, and shows no regard for the process that elected Council.

- 3) Weldon Clark- Mr. Clark commented on Ms. Hare and Ms. McNeill's concerns about the Elections Department. Mr. Clark stated he knows Mr. Allen the Elections Director, and further stated he believes the elections will take place without mishap. Mr. Clark noted he thought for anyone who moves to Pickens County and does not like the process, they should move back.
- 4) Junius Smith- Mr. Smith stated he thought the County Auditor should attend meetings when Council was setting the millage as it is their responsibility. Mr. Smith requested information about the amount of last year's budget per mill, and what was the actual collection.

APPROVAL OF MINUTES:

- Motion was made by Councilman Ensley Feemster, seconded by Councilman Randy Crenshaw and unanimously passed to approve the August 17, 2015 minutes.

ADMINISTRATOR'S REPORT:

Mr. Guarino informed Council of the following item.

- 1) Hagood Mill and Petroglyph Site- Mr. Guarino stated the Hagood Mill was visited this past Saturday by 2600 visitors. Council directed staff to have the petroglyph site open by October; the site was open earlier and 1,178 visitors went to the Petroglyph Site alone. The area will be open as follows: Wednesday, Friday and Saturday from 10:00 a.m. – 4:00 p.m.
- 2) Airport- Mr. Guarino stated as a matter of information, the County Airport made a small profit this year of \$3,872. Mr. Guarino stated the County airport has drastically improved. In the past the airport relied on the general fund, and now the facility is self-sustaining.
>Mr. Smith asked about the fact that FAA is no longer supporting cross field grants, and asked if this was a policy change. Mr. Guarino stated it was his understanding this was a policy change nationwide.
- 3) Administration Building Roof- Mr. Guarino stated the roof on the Administration Building is 20 years old, and unless Council has objection, he would like to seek bids for a new roof instead of doing patch work. Mr. Guarino stated he did not think this could wait until next budget cycle.
>Council had no objection in bringing back prices. Council also commented on updating paint and wallpaper. Council also thanked Mr. Guarino and Ms. Hockwalt for the art work in the building.
- 4) Registration and Elections issue- Mr. Guarino stated that from the comments that have been made regarding the budget for the elections, he would like to point out that in 2012, which is the same type of election as 2016, the budget for extra office staff was \$12,192.00. The budget was increased to \$17,500.00 (44% increase). Also, Mr. Guarino stated that in 2012 the elections office did not utilize their additional staff until October/November. And now the office is using their staff in July, which is an additional 5 months of paying additional staff. Mr. Guarino stated the Elections office does handle the City elections, but the Elections Director did not request staff for the municipal elections; those elections are reimbursed by the city.
Mr. Smith and Mr. Whitehurst both referenced that the State Elections have further burdened the Counties by payroll and retirement cost from poll workers becoming the counties responsibility. Mr. Smith referenced to Ms. McNeill's comments that a State cut of \$6.5M is an extremely expensive "snit".
Mr. Guarino stated he hoped that citizens would look at the whole budget and realize that the process is fair and the budget did not decrease, but actually increased. Mr. Guarino went on to state he works with each director and thinks the needs to serve the citizens are met, and has every confidence that elections will be processed correctly.

COUNCIL CORRESPONDENCE:

Chairman Willis made the following announcements.

- 1) CAFRA Award- Mr. Guarino has received this award, which is an award for accounting principles that go above and beyond the requirements for local government accounting. Council applauded Mr. Guarino and his staff for receiving this award of excellence for ten years consecutively.
- 2) Meeting Schedules-Ms. Willis stated the council would meet for the remainder of the year as follows:
 - October 19, 2015
 - November 16, 2015
 - December 7, 2015
 - October 12, 2015 for Committee of the Whole

MOTION PERIOD AND NEW BUSINESS:

Chairman Willis opened the floor for Motion Period and New Business.

- 1) Parking Lot at Crow Creek- Vice Chairman Trey Whitehurst stated he was informed that there was an agreement with Council and Duke Energy concerning a parking lot at Crow Creek. Mr. Whitehurst stated that it was his understanding that in 2007 an agreement was made for the county to do grade work at the site so the developer could pave. This would be access to Lake Keowee.
 - Mr. Whitehurst moved to place this item in the Administration and Finance Committee for study and to ask staff to move forward to get quotes on the cost associated with this agreement. Councilman Neil Smith gave the second to the motion and stated this was Crow Creek Landing. Item was placed on the consent agenda for committee.
- 2) Accepting a portable for the Fire Training Facility- Chairman Willis moved to add to the consent agenda the item of accepting a portable for the Fire Training Facility. Mr. Smith seconded the motion, but asked the Chairman to expand that discussion of buildings for the facility be included. Chairman Willis concurred and the motion passed with a unanimous vote.
- 3) Project Pump – Chairman Willis moved to add to Executive Session under Economic Development, a discussion of a project to be titled “Project Pump.” Motion was seconded by Councilman Neil Smith and unanimously passed
- 4) Committee Log Item- Councilman Neil Smith moved to pull from Committee of Administration and Finance item 65 regarding disposal fees. Mr. Smith stated in his opinion the item should be voted on during motion period to keep the order of the agenda. Motion was seconded by Chairman Willis and unanimously passed.
- 5) Committee Log Item – Councilman Neil Smith moved to pull from the Committee of the Whole item 31 regarding the architect proposal and discuss in Executive Session under contractual items. Chairman Willis gave the second and the motion was unanimously passed.

Hearing no further items, Chairman Willis closed Motion Period.

APPROVAL OF A PROCLAMATION TO CONGRATULATE THE TOWN OF SIX MILE FOR RECEIVING THE 2015 MUNICIPAL ASSOCIATION AWARD:

- Motion was made by Councilman Neil Smith, seconded by Vice Chairman Trey Whitehurst and unanimously passed to approve the proclamation for the award to the Town of Six Mile.

Mr. Whitehurst made several comments about the community involvement the Town of Six Mile demonstrates with all of their projects.

Mayor Stoddard thanked Council for this recognition, and he thanked his Council in Six Mile for their participation and belief in this project.

ESTABLISHMENT OF MILLAGE RATE FOR FISCAL YEAR 2015/2016:

- Motion was made by Vice Chairman Trey Whitehurst, seconded by Councilman Ensley Feemster and unanimously passed to establish the 2015/2016 Millage Rate as presented.

REQUEST TO PULL ITEM NUMBER 65 FROM THE ADMINISTRATION AND FINANCE LOG REGARDING DISPOSAL FEES:

- Motion was made by Chairman Willis and seconded by Vice Chairman Trey Whitehurst to discuss this item. Councilman Neil Smith also requested to expand the motion to state the item goes back to committee after discussion and or action; both Chairman Willis and Vice Chairman Trey Whitehurst concurred.

Public Works Director, Gerald Wilson came before Council and stated that for non-profit users at the landfill it had always been a policy to allow them service at no charge. However, in the past year, Home with a Heart organization has brought 293.6 tons of waste to the landfill. Mr. Wilson stated the average non-profit usually is less than 25 tons per year. Mr. Wilson also explained that the no charge policy is for Pickens County only, and Home with a Heart has locations in adjoining counties. It is his belief that because those counties do charge, that Home with a Heart is bringing waste in from other locations.

Therefore, it is staff's recommendation to allow up to 25 tons for non-profit, and begin charging once that tonnage has been reached.

- Motion was made by Chairman Willis, seconded by Vice Chairman Trey Whitehurst and unanimously passed to accept the recommendation of staff to charge non-profits at the 25 ton point. Also noted was the item will be retained in committee to further review.

ACCEPTANCE OF THE FY 2016 GRANT-IN-AID FUND- PICKENS COUNTY EMS ALLOCATION FOR FISCAL YEAR 2015-2016 IS \$12,743.17:

- Motion was made by Councilman Neil Smith, seconded by Councilman Randy Crenshaw and unanimously passed to accept the 2016 Grant-In-Aid EMS Allocation.

APPROVAL OF THE ANNUAL UPDATE OF THE REGIONAL COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS):

David Shellhorse with the Appalachian Council of Governments stated he would answer any questions that Council or the public had regarding the Comprehensive Economic Development Strategy. Mr. Shellhorse pointed out a few facts.

- The CEDS report is a federal requirement (U.S. Economic Development Administration)
- Keeping it updated annually keeps projects in our region both eligible and competitive for federal grant funding (the CEDS' most practical purpose)
- Development of the report by our staff is overseen by the ACOG Board, which includes several leaders from Pickens County.

Hearing no questions, Motion was made by Councilman Neil Smith, seconded by Chairman Willis and unanimously passed to approve the annual CEDS.

APPROVAL OF A PORTION OF WINCHESTER MILL TO BE IN THE MINIMUM MAINTENANCE PROGRAM:

- Motion was made by Councilman Neil Smith, seconded by Councilman Randy Crenshaw and unanimously passed to approve a portion of Winchester Mill into the minimum maintenance road program.

RESOLUTION NO. 2015-04 AUTHORIZING AND APPROVING THE ACCEPTANCE OF CERTAIN LOAN ASSISTANCE MONIES FROM THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AUTHORIZING THE CHAIRMAN OF COUNTY COUNCIL TO EXECUTE THAT CERTAIN LOAN ASSISTANCE AGREEMENT BETWEEN PICKENS COUNTY AND THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AND OTHER MATTERS RELATING THERETO:

Chairman Willis stated this is documentation to secure the grant funding the county has received for the septage receiving system; approximately a \$1M grant with no matching funds.

Ms. Willis provided that engineers have selected M.B. Kahn Construction Company as the lowest responsible bidder. The bid information is in the package, but it is important to point out as a matter of record in order to follow all grant guidelines.

During discussion of the overall Public Service Department, Mr. Smith asked Public Services Director, Brian O’Kelly why he thought the previous administrator would state in the newspaper that this Council was not responsive to the needs of the Commission.

Mr. O’Kelly stated he thought these systems in the plants get behind very quickly and the fixes on sewer issues are usually very expensive. However, he stated council has not ignored projects.

- Motion was made by Councilman Neil Smith, seconded by Vice Chairman Trey Whitehurst and unanimously passed to approve Resolution No. 2015-04 as it relates in the grant monies from the SC Water Quality Revolving Fund Authority.

RESOLUTION NO. 2015-05 AUTHORIZING THE REIMBURSEMENT TO PICKENS COUNTY OF EXPENSES RELATED TO THE DEVELOPMENT, OPERATION AND MAINTENANCE OF MULTI-COUNTY PARKS FROM THE FEES IN LIEU OF AD VALOREM TAXES THAT ARE GENERATED WITHIN SUCH MULTI-COUNTY PARKS; AND OTHER MATTERS RELATED THERETO:

Chairman Willis stated this Resolution provides operation fee from the Industrial park agreements to be reimbursed to the County.

- Motion was made by Councilman Neil Smith, seconded by Chairman Willis and unanimously passed to approve Resolution No. 2015-05.

THIRD READING OF ORDINANCE NO. 494 TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH OCONEE COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN OCONEE COUNTY AND ESTABLISHED PURSUANT TO SEC. 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH OCONEE COUNTY TO PROVIDE FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAXATION; AND OTHER MATTERS RELATED THERETO:

- Motion was made by Councilman Neil Smith, seconded by Vice Chairman Trey Whitehurst and unanimously passed that this constitutes a third and final reading of Ordinance No. 494.

FIRST READING OF AN ORDINANCE 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:

- Motion was made by Councilman Neil Smith, seconded by Chairman Willis and unanimously passed that this constitute a first reading of an agreement with Oconee and Pickens regarding the jointly owned and operated industrial/business park.

CONSENT AGENDA:

Administration and Finance- Review of the Organization of Museum and Hagood Mill
Administration and Finance- Crow Creek Landing Parking Lot.
Committee of the Whole- Fire Training Facility – portables/buildings

- Motion was made by Vice Chairman Trey Whitehurst, seconded by Councilman Neil Smith and unanimously passed to approve the consent agenda as amended.

EXECUTIVE SESSION: 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.

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

Legal Issues-Section 30-4-70 (a) (2)
Update from attorney regarding SLED
Update on FOIA

Contractual Issues- Section 30-4-70 (a) (2)
Liberty TIF Update
Acquisition of Property
Contractual/departmental pay rates
Liberty Fire Contract
Highway 11 Overlook

Personnel-30-4-70 (a) (1)
Administrator Candidates

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

Boards and Commissions - 30-4-70 (a) (1)
Pickens County Water Authority
Beautification Committee

- Motion was made by Councilman Neil Smith, seconded by Councilman Ensley Feemster and unanimously passed to convene into executive session for the purpose of the stated items.

PUBLIC SESSION RECONVENED:

Chairman Willis called the Public Session back to order.

Legal Items:

- **FOIA-** Mr. Roper briefed Council on new regulations.
- **SLED Investigation-**
 - Councilman Neil Smith moved to direct staff and legal counsel to draft a letter to the head of SLED, the Governor, and Senator Pro-Tem Leatherman to complain that SLED was used for political purposes. The SLED investigation found no wrongdoing on the part of County Council; however in “our” (the county’s) FOIA request “we” (the county) found out the Sheriff did not give correct information about the letter to the Editor; that it was a letter the Sheriff took to the newspaper; and also “he” (the sheriff) asked SLED to investigate Tim Morgan who was an opposition candidate in “his” (the sheriff’s) last race. Therefore, while SLED did not find any wrongdoing on behalf of the County, the concern is SLED is being used for political purposes. Councilman Randy Crenshaw gave a second to the motion.

>during discussion, Vice Chairman Trey Whitehurst requested to also add the Attorney General to the list of people to receive a letter. Councilman Neil Smith also stated the Ethics Commission should be on the list. Both Mr. Smith and Mr. Crenshaw concurred with the addition.

>as discussion ensued, Vice Chairman Trey Whitehurst asked if the county is requesting an investigation of illegal use of public funds by the Sheriff? Mr. Smith stated his point is to send a letter to state it was offensive for SLED to be taking valuable time to investigate this type of issue. Mr. Smith stated the illegal use of funds will be in the decision making of the Senator Pro-Tem, SLED, the Governor, or whomever.

Mr. Roper also stated it was important to make clear as part of this motion and as a matter of record that SLED closed their investigation and there was no finding of any criminal wrongdoing on behalf of any Pickens County Council member or staff whatsoever.

>Motion was unanimously passed as stated.

Contractual items:

- **Liberty TIF-** Chairman Willis stated Council was updated and this issue is resolved.
- **Acquisition of Property:**
 - Vice Chairman Trey Whitehurst moved for the attorney to pursue all legal actions to enforce the contract as it relates to project Blue-way , motion was seconded by Councilman Neil Smith and unanimously passed
- **Departmental pay:**
 - Vice Chairman Trey Whitehurst moved that effective with the next pay period “our” (the county) payroll department will only process payroll and withholdings for county employees who are working on county duties. We will not process payroll unless it is in compliance with our employee handbook, and county policies. Staff is directed to inform schools, businesses, and other municipalities by letter, as soon as possible so they can

make necessary arrangements for police and personnel as needed. Motion was seconded by Councilman Ensley Feemster and unanimously passed.

- **Liberty Fire Contract:**
 - Councilman Neil Smith moved to approve the Liberty Fire Contract; motion was seconded by Councilman Randy Crenshaw and unanimously passed.
- **Architectural service as pulled from committee –** moved from committee and to executive session. Council took no action
- **Highway 11 Overlook-** Project is not ready, and no action at this time.

Personnel:

- **Administrator Candidates** – Chairman Willis stated Council held a brief discussion about the candidates and will be discussing details at a later time.

Economic Development:

- **First Reading Project Pump-**
 - Chairman Willis moved to have a first reading in title only for a fee in lieu agreement only for project pump. Motion was seconded by Councilman Neil Smith and unanimously passed.
- **First Reading Project Growth-**
 - Chairman Willis moved to have a first reading in title only for a Fee in Lieu agreement and deeding of land. Motion was seconded by Councilman Neil Smith and unanimously passed.

Boards and Commissions:

- **Pickens County Water Authority -**
 - Councilman Neil Smith moved to reappoint Bill Smith to the Pickens County Water Authority; motion was seconded by Vice Chairman Trey Whitehurst and unanimously passed
- **Beautification Committee-**
 - Councilman Neil Smith moved to appoint Gisela Bony to the Beautification Committee; motion was seconded by Vice Chairman Trey Whitehurst and unanimously passed.

ADJOURN:

Hearing no further business of the Pickens County Council, Chairman Willis called for a motion to adjourn. Motion was made by Councilman Neil Smith, seconded by Councilman Randy Crenshaw and unanimously passed. Council stood adjourned at 9:30 p.m.

Respectively Submitted:

Approved:

Donna F. Owen, Clerk to Council

Jennifer H. Willis, Chairman