

MINUTES OF REGULAR MEETING  
SALUDA COUNTY COUNCIL  
MONDAY, MARCH 12, 2018 AT 6:00 P.M.  
COUNCIL CHAMBERS OF SALUDA COUNTY ADMINISTRATION BUILDING  
400 WEST HIGHLAND STREET, SALUDA, SOUTH CAROLINA 29138

A. CALL TO ORDER

Chairman Derrick W. Jones called the regular meeting of Saluda County Council to order at 6:00 P.M.

Present were: Chm. Derrick W. Jones  
Coun. Jones P. Butler  
Coun. J. Frank Daniel, Sr.  
Coun. D. J. Miller  
Coun. Gwendolyn C. Shealy

Also present were: County Director, Sandra G. Padgett  
Clerk to Council, Karen T. Whittle  
Attorney, Ralph N. Riley, Jr.

B. INVOCATION

Coun. Daniel delivered the invocation.

C. PLEDGE OF ALLEGIANCE

Chm. Jones led the Pledge of Allegiance.

D. APPROVAL OF MINUTES

On motion of Coun. Butler, seconded by Coun. Daniel, the minutes for February 5, 12, and 20, 2018 were unanimously approved as submitted.

E. PUBLIC INFORMATION

It is noted by the Clerk herein that in compliance with the Freedom of Information Act, notice of meeting and agenda were given to the local news media and properly posted, to include the county website.

F. REPORTS OF COUNTY OFFICIALS

There were no reports of County Officials.

G. PUBLIC PRESENTATION

1. Chm. Jones recognized Ms. Jacqueline Rhinehart for a presentation on littering on roadways in Saluda County.

Ms. Rhinehart addressed the litter problem throughout Saluda County and recommended the citizens work together on cleaning up the county. Ms. Rhinehart requested County Council organize a group to identify specific needs in areas throughout the County and tailor the cleanup efforts to meet those needs.

Ms. Rhinehart recommended Saluda County, its citizens, and community organizations participate in the Nationwide cleanup, "Keep America Beautiful" that runs from March 1<sup>st</sup> through May 31<sup>st</sup> each year. Ms. Rhinehart suggested having a contest with participants entering pictures of their cleanup efforts, award prizes, and place signage in areas acknowledging the organization that was responsible for cleanup.

2. Chm. Jones recognized Ms. Jennifer Warner for a presentation on Animal Control.

Ms. Warner informed Council of the animal rescue service at her home in Saluda County and provided information on animals rescued, to include since January 1<sup>st</sup> 42 dogs were rescued in Saluda County and approximately three times that amount were rescued from Newberry, Greenwood, Laurens, Spartanburg, Greenville, and Union counties. Ms. Warner gave an overview of animals rescued that would be trained as therapy dogs to work with the library and schools in reading programs with kids and would also be used at the senior center. Ms. Warner addressed the support she had received from volunteers and businesses with care and donations for the animals.

Ms. Warner addressed the need for animal control and asked County Council to consider implementing animal control in Saluda County, to include incorporating an educational program for children and adults to learn the proper care of animals and to be more responsible for their pets.

3. Chm. Jones recognized Mr. Linwood Livingston for a presentation on Animal Control/Leash Law.

Mr. Livingston informed Council on February 12<sup>th</sup> his two dogs, who were leashed and being walked by his wife, were attacked by his neighbor's three dogs. Mr. Livingston detailed the attack, surgeries and trauma to one of his dogs. Mr. Livingston addressed the lack of care and responsibility from the neighbor during and after the attack. Mr. Livingston said the penalty in current ordinances was small for individuals in these type of cases and asked Council to consider placing higher penalties and responsibility in county ordinances for individuals whose animals viciously attack or were a menace to individuals and animals.

After the three public presentations, Coun. Shealy responded with comments on litter and animal control and informed the public that County Council had been earmarking funds

and was working toward partnering with another county on animal control. Chm. Jones reiterated Council was working on animal control, but there was a process to work through.

#### H. OLD BUSINESS

1. On motion of Coun. Miller, seconded by Coun. Shealy, it was unanimously approved to ratify the lease Agreement between Hollywood Recreational District and Saluda County. During discussion Coun. Miller stated he had been contacted by the Recreation Director and the community on the need of this field for the youth to practice.

#### I. NEW BUSINESS

1. On motion of Coun. Daniel, seconded by Coun. Miller, and unanimously approved, First Reading was given on Ordinance No. 01-18, "AN ORDINANCE TO REPEAL CHAPTER 12, FLOODS, ARTICLE II, FLOOD DAMAGE PREVENTION, SECTION 12-31 THROUGH SECTION 12-152 OF THE CODE OF ORDINANCES FOR SALUDA COUNTY, SOUTH CAROLINA."
2. On motion of Coun. Shealy, seconded by Coun. Miller, and unanimously approved, First Reading was given on Ordinance No. 02-18, "AN ORDINANCE ADOPTING FLOOD DAMAGE PREVENTION TO BE CODIFIED IN CHAPTER 12, FLOODS, ARTICLE II, FLOOD DAMAGE PREVENTION, OF THE CODE OF ORDINANCES FOR SALUDA COUNTY, SOUTH CAROLINA."
3. On motion of Coun. Shealy, seconded by Coun. Daniel, it was unanimously approved to adopt the Resolution to Create a Commission Pursuant to the Capital Project Sales Tax Act, S.C. Code ann. § 4-10-300, et seq. (1976, as amended); Duties and Responsibilities of the Commission and to Provide for Other Matters Relating Thereto. During discussion Coun. Shealy said more information would be provided in the near future, but the resolution was to appoint the committee and was the first part of the process towards an ordinance that would lead to a referendum on the ballot in the November general election. Chm. Jones stated the three committee members appointed by Saluda County were Mr. Jack Coleman Jr., Mrs. Brandy Cromley and Mr. Marvin Gootee. Chm. Jones said the Town of Saluda would be appointing two members and the Town of Ridge Spring one member.
4. On motion of Coun. Miller, seconded by Coun. Butler, it was unanimously approved to adopt the Workers Compensation Resolution as read by Chm. Jones and on file in the Clerk to Council's office. During discussion Coun. Miller said the resolution served two purposes: safety for volunteers and help shelve the county on potential lawsuits.
5. On motion of Coun. Daniel, seconded by Coun. Shealy, the proposal of Davis and Floyd, Inc. to provide the environmental plans for the old roads and bridges building located at 722 Batesburg Highway with the \$4,900.00 to be funded from the County Buildings reserve account was unanimously approved.

6. Chm. Jones recognized Risk Manager, Hardee Horne to present for consideration to amend the Saluda County Substance Abuse Policy.

Mr. Horne requested a modification to the current Saluda County Substance Abuse Policy that would eliminate costs for drug testing of a county employee involved in a motor vehicle accident with wildlife or domesticated animals that didn't expose the county to compensatory liability unless the employee was injured. Mr. Horne said the current policy stated all employees involved in on-the-job vehicle or equipment accidents would be tested for alcohol and drugs within eight (8) hours following such accidents. Mr. Horne said financially, he felt this was a waste of county resources to subject county employees to a drug test after a wildlife strike. Mr. Horne said with recent technological enhancements to the county fleet, there were ways to ascertain if a wildlife accident happened, and in some cases possible video proof of the accident. Mr. Horne stated the current policy required an employee that had a collision with wildlife or a domesticated animal, to be removed from service until a drug test was administered. Mr. Horne said this could burden the department by having additional personnel cover for the employee involved in the accident and depending on the time of day, could incur extensive cost for the employee to be tested at the nearest hospital. Mr. Horne said due to the cost to the taxpayers of the county, the needless drug test and associated expense, he was requesting the following modified option to the Saluda County Substance Abuse Policy: All employees involved in on-the-job vehicle or equipment accidents must be tested for alcohol and drugs as soon as possible following such accidents. The only exception to this policy is if the vehicle accident involves collision with wildlife or a domesticated animal (I.e. Dogs, Cats); there is no evidence of driver impairment or injury to the employee; and there is no compensatory liability as determined by the County Risk Manager.

On motion of Coun. Shealy, seconded by Coun. Miller, it was unanimously approved to amend the Saluda County Substance Abuse Policy as recommended by the Risk Manager to read: All employees involved in on-the-job vehicle or equipment accidents must be tested for alcohol and drugs as soon as possible following such accidents. The only exception to this policy is if the vehicle accident involves collision with wildlife or a domesticated animal (I.e. Dogs, Cats); there is no evidence of driver impairment or injury to the employee; and there is no compensatory liability as determined by the County Risk Manager. During discussion Council and Mr. Horne discussed in the absence of the Risk Manager, the employee's supervisor would determine whether to send the employee for a drug test and Mr. Horne would follow-up on reports.

7. Chm. Jones recognized Asst. Emergency Management Director, Jill Warren to present consideration of a State Homeland Security grant request.

Ms. Warren informed Council the State Homeland Security grant request was for dual band radios (UHF/7/800) for EMS and Emergency Management and triple band radios (UHF/VHF/7/800) for the Sheriff's Office. Ms. Warren said the radios would allow the departments to communicate with other county and state agencies not on the Saluda County radio system via 800 MHz, as well as with each other. Ms. Warren provided the following requests: 1) EMS – 3 dual deck single basic head radios at \$15,000.00 and 6 dual deck dual

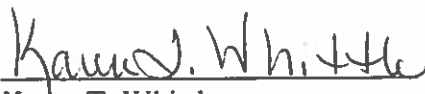
basic head radios at \$33,000.00; 2) EMD – 2 triple head, triple deck radios at \$12,500.00; and 3) Sheriff's Office – 2 triple head, triple deck radios at \$12,500.00 for a total grant request of \$73,000.00 with no matching funds required of the county.

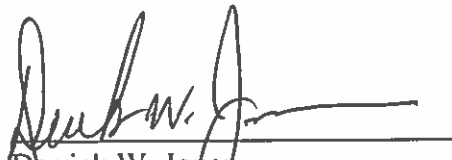
On motion of Coun. Shealy, seconded by Coun. Butler, it was unanimously approved to authorize the Asst. Emergency Management Director to proceed with the State Homeland Security Grant application for dual band radios for EMS at a cost of \$48,000.00 and Emergency Management at a cost of \$12,500.00 and triple band radios for the Sheriff's Office at a cost of \$12,500.00 for a total grant request of \$73,000.00 with no matching funds required of the county. During discussion Coun. Miller questioned how often Saluda County departments communicated with outside agencies and was there an additional cost for the radios to have the feature to communicate with the outside agencies. Emergency Management Director, Josh Morton informed Council Emergency Management communicated with other agencies, the Fire Departments communicated with adjoining counties due to mutual aid agreements, and EMS had to communicate with hospitals. Mr. Morton said these radios would be replacing current radios and there would be no additional costs; other counties/agencies frequencies would need to be programmed into the radios. (Note: Law Enforcement wasn't addressed, but they have to communicate with state and county agencies as well). Ms. Warren responded these radios would work with the new 911 radio system as questioned by Coun. Shealy.

8. On motion of Coun. Miller, seconded by Coun. Daniel, it was unanimously approved to appoint Jane C. Cason of 202 South Wise Road, Saluda to the Westview Behavioral Health Services Board with her first term expiring March 13, 2021.

J. ADJOURNMENT

On motion of Coun. Shealy, seconded by Coun. Miller, it was unanimously approved to adjourn the meeting at 6:48 P.M.

  
\_\_\_\_\_  
Karen T. Whittle  
Clerk to Council

  
\_\_\_\_\_  
Derrick W. Jones  
Chairman

April 9, 2018  
Date Approved

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SALUDA )

RESOLUTION

**A RESOLUTION TO CREATE A COMMISSION PURSUANT TO THE CAPITAL PROJECT SALES TAX ACT, S.C. CODE ANN. § 4-10-300, ET SEQ. (1976, AS AMENDED); DUTIES AND RESPONSIBILITIES OF THE COMMISSION AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.**

BE IT RESOLVED BY THE COUNTY COUNCIL OF SALUDA COUNTY, SALUDA, SOUTH CAROLINA, IN PUBLIC MEETING DULY ASSEMBLED:

SECTION 1. Recitals and Legislative findings:

As an incident to the adoption of this Resolution, the County Council of Saluda County, South Carolina, enters the following findings: the South Carolina General Assembly enacted the *Capital Project Sales Tax Act*, S.C. Code Ann. §4-10-300 *et seq.* (1976, as amended) empowering and authorizing the county governing body, the Saluda County Council, to impose a one percent (1 %) sales and use tax by ordinance, subject to a referendum, within the county area for a specific purpose or purposes and for a limited amount of time to collect a limited amount of money; that the revenues collected pursuant to the *Capital Project Sales Tax Act*, S.C. Code Ann. §4-10-300 *et seq.* (1976, as amended) may be used to defray debt service on bonds issued to pay for projects authorized in the *Capital Project Sales Tax Act*, S.C. Code Ann. §4-10-300 *et seq.* (1976, as amended); provided, however, at no time may any portion of the county area be subject to more than one percent sales tax levied pursuant to Article 3 of Chapter 10 of Title 4 of the South Carolina Code of Laws, 1976, as amended, or pursuant to any local law enacted by the South Carolina General Assembly.

The Saluda County Council is the "county governing body" of Saluda County, South Carolina, as that term appears and is used in the *Capital Project Sales Tax Act*, S.C. Code Ann. §4-10-300 *et seq.* As such, the Saluda County Council intends to, and hereby does, adopt and enact this Resolution which shall, and hereby does, establish a commission subject to the provisions of S.C. Code Ann. §4-10-320 (1976, as amended). The commission created by this Resolution must consider proposals for funding capital projects within the Saluda County area.

If the Saluda County Council adopts an ordinance to impose a one percent (1%) sales and use tax pursuant to *Capital Project Sales Tax Act*, S.C. Code Ann. §4-10-300 *et seq.* (1976, as amended), then the commission must formulate the referendum question(s) that is (are) to appear on a ballot pursuant to S.C. Code Ann. §4-10-330(0) (1976, as amended) and provide the referendum question(s) to the Saluda County Council and the Saluda County Board of Elections and Voter Registration pursuant to

*the Capital Project Sales Tax Act*, S.C. Code Ann. §4-10-300 *et seq.* (1976, as amended). The Saluda County Council requests that the commission bring forward to the Council on or before April 30, 2018, the proposed referendum question(s).

## SECTION 2. Creation of Commission; Appointment of Members.

(A). There is hereby created a commission in Saluda County, South Carolina, pursuant to S.C. Code Ann. §4-10-320 (1976, as amended) which shall consist of six (6) members, all of whom must be residents of Saluda County, South Carolina.

(B) The commission created by this Resolution shall be appointed as follows:

(1) The Saluda County Council shall appoint three (3) members of the commission.

(2) The municipalities situated within Saluda County, South Carolina, shall appoint three (3) members of the commission who must be residents of the incorporated municipalities within the county and who shall be selected according to the following mechanism:

(i) The total population of all incorporated municipalities within the county, as determined by the most recent United States census, must be divided by three (3), the result being the apportionate average;

(ii) The respective population of each municipality in the county must be divided by the apportionate average to determine an appointive index.

(iii) Each municipality in the county appoints a number of members to the commission equal to the whole number indicated by their appointive index. However, no single municipality may appoint more than two members to the commission; unless there is only one municipality in the county, and in such case the municipality is entitled to three appointments to the commission.

(iv) When less than three members are selected to the commission in accordance with the prescribed appointive index method, the remaining member or members must be selected in a joint meeting of the commission appointees of the municipalities in the county. The member or members must be chosen from among the residents of the municipalities in the county that before this time have not provided a representative for the commission.

(v) In the event no municipality is entitled to appoint a member to the commission pursuant to the formula in subitem (iii) of this subsection, the municipality with the highest appointive index must be deemed to have an appointive index of one.

(vi) If within the thirty-day period following the adoption of this Resolution to create the commission, one or more of the municipalities fails or refuses to appoint their proportionate number of members to the commission, the Saluda County Council will appoint an additional number of members equal to the number that any such municipality is entitled to appoint. A vacancy on the commission must be filled in the manner of the original appointment.

### SECTION 3. Appointment of Saluda County Members.

Pursuant to *Capital Project Sales Tax Act*, S.C. Code Ann. §4-10-300 *et seq.* (1976, as amended), the Saluda County Council is required to appoint three (3) members to the commission. Saluda County Council hereby appoints Jack Coleman, Jr., Brandy Cromley, and Marvin Gootee to serve as members on the Commission.

### SECTION 4. Duties and Responsibilities of Commission.

(A) The sales and use tax authorized by this article is imposed by an enacting ordinance of the county governing body containing the ballot question formulated by the commission pursuant to [Section 4-10-320\(C\)](#), subject to referendum approval in the county. The ordinance must specify:

(1) the purpose for which the proceeds of the tax are to be used, which may include projects located within or without, or both within and without, the boundaries of the local governmental entities, including the county, municipalities, and special purpose districts located in the county area, and may include the following types of projects:

(a) highways, roads, streets, bridges, and public parking garages and related facilities;

(b) courthouses, administration buildings, civic centers, hospitals, emergency medical facilities, police stations, fire stations, jails, correctional facilities, detention facilities, libraries, coliseums, educational facilities under the direction of an area commission for technical education, or any combination of these projects;

(c) cultural, recreational, or historic facilities, or any combination of these facilities;

(d) water, sewer, or water and sewer projects;

(e) flood control projects and storm water management facilities;

(f) beach access and beach renourishment;

(g) dredging, dewatering, and constructing spoil sites, disposing of spoil materials, and other matters directly related to the act of dredging;

(h) jointly operated projects of the county, a municipality, special purpose district, and school district, or any combination of those entities, for the projects delineated in subitems (a) through (g) of this item;

(i) any combination of the projects described in subitems (a) through (h) of this item;



(2) the maximum time, in two-year increments not to exceed eight years from the date of imposition, or in the case of a reimposed tax, a period ending on April thirtieth, not to exceed seven years, for which the tax may be imposed;

(3) (a) if the county proposes to issue bonds to provide for the payment of any costs of the projects, the maximum amount of bonds to be issued, whether the sales tax proceeds are to be pledged to the payment of the bonds and, if other sources of funds are to be used for the projects, specifying the other sources;

(b) the maximum cost of the project or facilities or portion of the project or portion of the facilities, to be funded from proceeds of the tax or bonds issued as provided in this article and the maximum amount of net proceeds expected to be used to pay the cost or debt service on the bonds, as the case may be; and

(4) any other condition precedent, as determined by the commission, to the imposition of the sales and use tax authorized by this article or condition or restriction on the use of sales and use tax revenue collected pursuant to this article.

(B) When the tax authorized by this article is imposed for more than one purpose, the enacting ordinance must set forth the priority in which the net proceeds are to be expended for the purposes stated. The enacting ordinance may set forth a formula or system by which multiple projects are funded simultaneously.

(C) (1) Upon receipt of the ordinance, the county election commission must conduct a referendum on the question of imposing the sales and use tax in the area of the county that is to be subject to the tax. The referendum for imposition or reimposition of the tax must be held at the time of the general election. Subject to item (2), two weeks before the referendum the election commission must publish in a newspaper of general circulation the question that is to appear on the ballot, with the list of projects and the cost of the projects. If the proposed question includes the use of sales taxes to defray debt service on bonds issued to pay the costs of any project, the notice must include a statement indicating that principal amount of the bonds proposed to be issued for the purpose and, if the issuance of the bonds is to be approved as part of the referendum, stating that the referendum includes the authorization of the issuance of bonds in that amount. This notice is in lieu of any other notice otherwise required by law.

(2) If the referendum on the question of imposing sales and use tax is conducted in an odd-numbered year, and it is the only matter being considered at the general election, then six weeks before the referendum, the election commission must publish in a newspaper of general circulation the question that is to appear on the ballot, with the list of projects and the cost of the projects.

(D) The referendum question to be on the ballot must read substantially as follows:  
"Must a special one percent sales and use tax be imposed in (county) for not more than (time) to raise the amounts specified for the following purposes?"

(1) \$ \_\_\_\_\_ for \_\_\_\_\_

(2) \$ \_\_\_\_\_ for \_\_\_\_\_

(3) etc.

Yes

No "

If the referendum includes the issuance of bonds, the question must be revised to include the principal amount of bonds proposed to be authorized by the referendum and

the sources of payment of the bonds if the sales tax approved in the referendum is inadequate for the payment of the bonds.

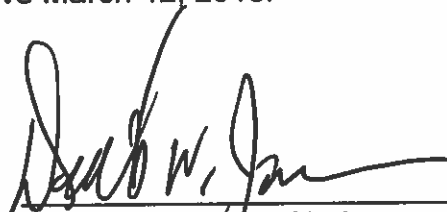
(E) All qualified electors desiring to vote in favor of imposing the tax for the stated purposes shall vote "yes" and all qualified electors opposed to levying the tax shall vote "no". If a majority of the votes cast are in favor of imposing the tax, then the tax is imposed as provided in this article and the enacting ordinance. A subsequent referendum on this question must be held on the date prescribed in subsection (C). The election commission shall conduct the referendum under the election laws of this State, mutatis mutandis, and shall certify the result no later than November thirtieth to the county governing body and to the Department of Revenue. Expenses of the referendum must be paid by the governmental entities that would receive the proceeds of the tax in the same proportion that those entities would receive the net proceeds of the tax.

(F) Upon receipt of the returns of the referendum, the county governing body must, by resolution, declare the results thereof. In such event, the results of the referendum, as declared by resolution of the county governing body, are not open to question except by a suit or proceeding instituted within thirty days from the date such resolution is adopted.

#### SECTION 5. Effective Date.

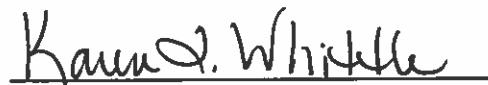
This Resolution shall be, and hereby is, effective March 12, 2018.

ADOPTED THIS 12<sup>th</sup> DAY OF March, 2018.



Derrick W. Jones, Chairman  
Saluda County Council

ATTEST:



Karen T. Whittle  
Clerk to Council

