

Mayor
ISAIAH SCIPIO
City Council
DANNY ADAMS, Mayor Pro-Tem
ROBERT NEALY
CAMERON RIVERS
FLOYD ROGERS
ALLIE WINTER



Administrator
TIM O'BRIANT
City Clerk
DONNA F. OWEN

City of Pickens

www.cityofpickens.com

AGENDA

CITY COUNCIL MEETING

Monday July 22, 2024, 3:00 P.M.

CITY HALL

**219 PENDLETON STREET
PICKENS, SOUTH CAROLINA**

1. WELCOME AND CALL TO ORDER:
2. INVOCATION AND PLEDGE OF ALLEGIANCE:
3. COMMENTS FROM THE MAYOR:
4. ADMINISTRATOR'S REPORT:
5. PRESENTATION FROM GREENE FINNEY, REGARDING THE FY/2022 AUDIT REPORT:
6. APPROVAL OF MINUTES:
 - A) June 10, 2024
 - B) June 24, 2024
7. A RESOLUTION (NO. 2024-R8) OF THE CITY COUNCIL OF THE CITY OF PICKENS AUTHORIZING AND NOTICING THE CITY OF PICKENS' WITHDRAWAL FROM THE JOINT AUTHORITY WATER AND SEWER SYSTEM UNDER TITLE 6, CHAPTER 25, SECTION 70 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, AND MATTERS RELATED THERETO
8. APPROVAL OF ADDENDUM TO EMPLOYER RESOLUTION FOR PARTICIPATION IN THE STATE INSURANCE BENEFITS PROGRAM REGARDING COUNTY/MUNICIPALITY COUNCIL MEMBER COVERAGE:

9. SECOND READING OF ORDINANCE NO. 2024-06, TO AMEND CHAPTER 14 SOLID WASTE, SECTION 14-4, GARBAGE CONTAINERS, AND 14-10, SEPARATE FEE FOR COMMERCIAL AND RESIDENTIAL TRASH COLLECTED FROM DUMPSTER AND ADDING SECTION 14-11. MANDATING SOLID WASTE FOR INSIDE CITY WATER ACCOUNTS:
10. FIRST READING OF ORDINANCE NO. 2024-09 TO AMEND CHAPTER 15.5 (TAXATION) TO INSTITUTE A THREE PERCENT LOCAL ACCOMMODATION TAX:
11. COMMENTS FROM COUNCIL MEMBERS:
12. ADJOURNMENT:

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Administrator
Tim O'Briant
City Clerk
DONNA F. OWEN

July 17, 2024

Administrator's Report

CWS contract termination

As part of our comprehensive plan to rapidly and efficiently improve the quality of our City's water source and the in-ground infrastructure that brings to our customers, we have taken steps to bring the management and operation of those duties in-house and under the direct supervision of the administrator and City Council.

Per the direction of Council, Clearwater Solutions, LLC (CWS) was notified on July 12, 2024 via letter (text attached) from Mayor Isaiah Scipio of the City's cancellation of the contract for outsourced water and sewer utility management. The notice given is 120-days and ends on November 8, 2024. However, CWS has subsequently expressed interest in winding down some elements of the agreement at an accelerated rate. Specifically, CWS would like to reduce the fee through the end of the contract and have the City take up management of the water distribution crew as soon as is practical. I anticipate making that initial transition by mid-August.

In terms of budget, existing budgeted funds will be redirected from the CWS contract payment as employees and operations transition to City control. A budget amendment will be required by the end of the calendar year to reflect the new payroll and properly account for the operating and maintenance expenses that are to be reorganized as City expense rather than CWS. In any event, the total sum budgeted for payment of CWS will not be exceeded in the interim or for the overall FY 2024-2025 budget.

Water tower project

The surface prep and priming of the downtown water tower is nearing completion. The top coat of silver paint and the placement of two Pickens logos, one facing north and one south, should be completed in the next two to three weeks, weather allowing.

July 12, 2024

Drew Langston
Clearwater Solutions
2178 Moores Mill
Road Auburn, AL
36830

Dear Drew,

As you know, the City of Pickens has been conducting a review of our contract with Clearwater Solutions to evaluate its effectiveness and fiscal performance. Through that process we have determined the arrangement no longer provides the highest and best value to our residents and utility ratepayers.

Please accept this letter as the required 120-day notice of the agreement's termination, effective Friday, November 8, 2024. Thank you for all your efforts on the city's behalf. Please contact Administrator Tim O'Briant regarding the transition to include offers of employment to your Pickens-based employees.

Best regards,

A handwritten signature in black ink, appearing to read 'Isaiah Scipio', with a stylized flourish at the end.

Isaiah Scipio,
Mayor
City of Pickens, SC

City of Pickens Regular Meeting
Monday, June 10, 2024
6:00 p.m.

The Mayor and City Council met in regular session at City Hall 219 Pendleton Street, Pickens S.C. Agendas were posted and sent to media on June 6, 2014.

Council Members in attendance:

Mayor, Isaiah Scipio
Council Member, Danny Adams
Council Member, Robert Nealy
Council Member, Cameron Rivers
Council Member, Floyd Rogers
Council Member, Allie Winter

Staff:

Administrator Tim O'Briant
Randal Beach, Chief of Police
Mandy Hess, Finance Director
Jon Morris, Recreation Director
Director CWS, Trey Adams
Kayla McJunkin, office manager and acting Clerk

(The minutes are a synopsis of the meeting, and they are not a verbatim discussion. a full viewing and recording of the meeting is available on the City of Pickens Webpage and Facebook. Also, the full agenda packet with all departmental reports are available in the City Clerk's office).

CALL TO ORDER AND INVOCATION:

Mayor Scipio called the meeting to order. Mayor Scipio call gave the invocation followed by the Pledge of Allegiance.

COMMENTS FROM MAYOR:

Mayor Scipio thanked all council members and staff for their service.

COMMENTS FROM CITIZENS:

- 1) Jimmy Patten: Mr. Patten discussed the success of the Jeep explosion that began (4) years ago with 420 jeeps. Last year's event had over 1400 Jeeps. Mr. Patten is requesting another City sponsorship so that the City Logo can be on the banners.
- 2) Cheryl Smith: Ms. Smith wanted to follow up on the water issues. Ms. Smith also commented on the litter problem at the Dollar General near her home.

ADMINISTRATIVE REPORT:

Mr. O'Briant went over the following items with Council.

- Council was informed the audit is complete and the evaluation for this audit will be brought to Council in the near future.
- Public Works position is posted and will close on 6/21/2024.
- The water tower project is underway.
- Evergreen Solutions will meet on June 28th to begin the process for the pay/classification study.

APPROVAL OF MINUTES:

>>Motion was made by Council Member Allie Winter, seconded by Council Member Danny Adams and unanimously passed to approve the minutes as presented.

Regular Meeting of May 13,2024

Work Session of May 20, 2024

PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2024-07, FY 2024/2025 BUDGET ORDINANCE:

>>Mayor Scipio opened the public hearing at 6:08 and invited anyone who wanted to speak about the FY 2024/2025 budget. With no citizens speaking, Mayor Scipio called for a motion.

>>Motion was made by Council Member Danny Adams, seconded by Council Member Floyd Rogers, and unanimously approved that this constitutes a second and final reading of Ordinance No. 2024-07.

FIRST READING OF ORDINANCE NO. 2024-06, AMENDMENT OF SOLID WASTE ORDINANCE. SECTION 14-4, 14-10 AND ADDING SECTION 14-11:

Mr. O'Briant went over the changes in the Solid waste ordinance and clarified that only trash that is in the container will be picked up. A second container can be purchased.

>>Moton was made by Council Member Danny Adams, seconded by Council Member Floyd Rogers, and unanimously approved that this constitute a first reading for ordinance No. 2024-06.

APPROVAL OF AGREEMENT FOR A CLASSIFICATION AND PAY STUDY WITH EVERGREEN SOLUTIONS, LLC:

>>Motion was made by Council Member Allie Winter, seconded by Council Member Cameron Rivers and unanimously approved the agreement for a classification and pay/study with Evergreen Solutions, LLC.

COMMENTS FROM COUNCIL:

- Mayor Scipio allowed Ms. Robinson to discuss a letter she received regarding property clean up. Ms. Robinson stated she would like a privacy fence and discussed paint colors. Council Member Robert Nealy directed her to Jennifer Vissage for those matters.
- Council Member Allie Winter thanked the departments for all they are doing to provide city services.
- Council Member Floyd Rogers stated he is excited about the position of public works director and would like to see resumes for the finalist. Mr. Rogers also inquired of Trey Adams about Secona Road. Mr. Adams stated that samples will be taken during the flushing to make sure of proper Chlorine. Hydrants will be turned off and tied for new service. This can take up to (3) months, and property damage will be fixed when services are completed.

ADJOURNMENT:

>>Motion was made by Council Member Robert Nealy, seconded by Council Member Allie Winter and unanimously passed. Pickens City Council stood adjourned at 6:47 p.m.

Respectfully Submitted:

Approved:

Kayla McJunkin, Acting City Clerk

Isaiah Scipio, Mayor

**City of Pickens
Council Work Session
Monday June 24, 2024
6:00 p.m.**

The Mayor and City Council met in a work session at City Hall 219 Pendleton Street, Pickens S.C. Agendas were posted and sent to media on June 20, 2014.

Council Members in attendance:

Mayor, Isaiah Scipio
Council Member & Mayor Pro-Tem, Danny Adams
Council Member, Robert Nealy
Council Member, Cameron Rivers
Council Member, Floyd Rogers
Council Member, Allie Winter

Staff:

Administrator, Tim O'Briant
Police Chief, Randal Beach
Finance Director, Mandy Hess
Recreation Director, Jonathan Morris

(The minutes are a synopsis of the meeting, and they are not a verbatim discussion. a full viewing and recording of the meeting is available on the City of Pickens Webpage and Facebook. Also, the full agenda packet with all departmental reports are available in the City Clerk's office).

WELCOME AND CALL TO ORDER:

Mayor Scipio called the June 24, 2024, Meeting to order and welcomed those in attendance. Mayor Scipio further asked Bryan Owen to lead the invocation followed by the Pledge of Allegiance.

ADMINISTRATOR'S REPORT:

Administrator O'Briant updated Council and the public on the following matters.

- Water connection policy change-it will be the policy for water service to be connected or reconnected only when a customer is on premises to check for leaks, open faucets, etc.. The only exception will be when a customer signs a waiver for damages due to a leak.
- Employee Handbook revisions- Mr. O'Briant stated the handbook has not been updated since 2018. He has revised the 50-page document to 12 pages. Major changes are random drug testing program added to target 20 percent of employees twice per year, and the nepotism policy has been revised to apply only to barring family members working in the same department or under direct supervision of one another.
- July schedule- Mr. O'Briant stated it has been customary to only hold one business meeting of Council during July. The next business meeting of Council will be July 22, 2024, and Council will not have a meeting on July 8, 2024. The offices will be closed in observance of July 4. Also, the S.C. Annual meeting is held July 17 – 20, 2024.
- Painting at the water tower is scheduled and be aware of parking in the restoration area.

>>Mayor Scipio asked if the handbook was available for Council to review, Mr. O'Briant stated it revised handbook is in the packet.

FINANCE DIRECTOR'S REPORT:

Finance Director Mandy Hess updated Council on the following.

- FY 2024/25 Budget is complete.
- Greene Finney will be at the July 22, 2024, meeting to present the Audit findings.
- All audit documents have been submitted to Council/Mayor via email.
- As discussed in budget work sessions, all employees will receive an evaluation. Those are in progress.
- A cash handling policy has been created as part of ongoing efforts to implement internal controls.
- A complete copy of this policy is included for Council review.

PRESENTATION ANNOUNCING THE RELEASE OF THE CITY'S FIRST MOBILE PHONE APP:

Bryan Owen presented the new App that can be downloaded to your mobile device called "Pocket Pickens" This app will allow citizens and staff to do many of the following:

- Allow information to be distributed to the citizens regarding events and meetings.
- Announce closings and holiday schedules.
- Announce water breaks/leaks.
- Allow citizens to report problems such as water leaks, brush piles, and other nuisances. This process will also allow these reports to go to the proper person and have proof that this issue was reported, and the report can be tracked.

EMPLOYER RESOLUTION FOR PARTICIPATION IN THE STATE INSURANCE PROGRAM:

Mr. O'Briant stated this will be a resolution that will be at the next business meeting and is something the Public Employee Benefits Administration requests from all the government entities that have the State Benefit Plan. This will be on the next agenda for voting.

ORDINANCE REGARDING ACCOMMODATIONS TAX:

Mr. O'Briant is asking council to look over the accommodations tax, so that the city can begin to collect from Air B&B's and other short-term rentals.

ORDINANCE REGARDING REGISTRATION OF RENTAL, RESIDENTIAL AND COMMERCIAL STRUCTURES:

Mr. O'Briant stated this ordinance needs further discussion with the attorney. Council concurred. (This will be on the next work session in August)

REGARDING THE BAILEY BILL/REHABILITATED HISTORIC PROPERTIES:

Mr. O'Briant stated this allows Council to approve building as historic and creates a historic register of historic buildings and sites. If someone invests in these historic buildings, it allows Council to set the assessment of the buildings prior to them being renovated. This assessment can be for up to 20 years. This is a valuable tool for people investing.

UPDATING THE CITY ORDINANCE REGARDING BUILDING CODES:

Mr. O'Briant explained our ordinance needs to be brought up to the 2021 International Building Codes to match the County.

COMMENTS FROM COUNCIL MEMBERS:

- Council Member Allie Winter asked for an update on Jaycee Park. Mr. Morris stated he was waiting for one more load of mulch to be spread before opening. Both the Doodle park and Jaycee will also be getting sunshades.
- Council Member Floyd Rogers asked about investing funds. Mr. O'Briant stated the resolution is passed to be involved with the local government investment funds, but he would not move any funds without the direction of the council. At present we are looking at an ordinance to direct those funds.
- Council Member Danny Adams thanked Council, staff and the community for being supportive to him, and his family during this time of his wife's death.

ADJOURNMENT:

Hearing no further business, Mayor Scipio called for the motion to adjourn. Motion was made by Council Member Robert Nealy seconded by Council Member Floyd Rogers and unanimously passed. Pickens City Council stood adjourned at 6:47 p.m.

Respectfully Submitted:

Approved:

Donna F. Owen, City Clerk

Isaiah Scipio, Mayor

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICKENS
AUTHORIZING AND NOTICING THE CITY OF PICKENS'
WITHDRAWAL FROM THE JOINT AUTHORITY WATER AND SEWER
SYSTEM UNDER TITLE 6, CHAPTER 25, SECTION 70 OF THE CODE OF
LAWS OF SOUTH CAROLINA 1976, AS AMENDED, AND MATTERS
RELATED THERETO**

Resolution Approving, Authorizing, and Noticing
the Withdrawal of the City of Pickens from
the Joint System

RESOLUTION NO. 2024-R8

Incident to the adoption of this resolution (this "**Resolution**") by the City Council of the City of Pickens (the "**Council**"), the governing body of the City of Pickens, South Carolina (the "**City**") finds the facts set forth in this Article exist, and the statements made with respect thereto are in all respects true and correct.

Section 1 Findings. The Council makes the following findings of fact in connection with the enactment of the Resolution:

(a) The City is a political subdivision of the State of South Carolina, and is authorized to provide water service pursuant to Article VIII, § 16 of the Constitution of the State of South Carolina, a referendum authorizing such service, and Title 5, Chapter 31 of the Code of Laws of South Carolina 1976, as amended.

(b) On October 7, 2019, the City, the Easley-Central Water District, the Pickens County Water Authority, and the Six Mile Rural Community Water District (each an "**Initial Member**" and collectively the "Initial Members"), incorporated the Pickens Regional Joint Water System (the "**Joint System**") pursuant to Title 6, Chapter 25 of the Code of Laws of South Carolina 1976, as amended (the "**Act**") for the purpose of planning, financing, developing, constructing, acquiring, improving, enlarging, selling, leasing, maintaining and operating water facilities within the service areas of such entities. On December 29, 2021, the City of Liberty, South Carolina ("**Liberty**") joined the Initial Members (together Liberty and the Initial Members are the "**Members**" collectively and singularly the "**Member**") and became a Member of the Joint System.

(c) Pursuant to Title 6, Chapter 25, Section 128 of the Act, the Joint System and the Members were authorized to enter into limited contracts concerning the sale or purchase of capacity and output from a project based on certain conditions.

(d) On November 1, 2021, the Council enacted Ordinance No. 2021-17 approving the execution of a project participation agreement pursuant to Section 6-25-128 of the Act and made the required statutory findings (the "**Approving Ordinance**"). The Approving Ordinance approved the project participation agreement and authorized the Chairman of the Council to execute the agreement on behalf of the City.

(e) On January 11, 2022, the Members and the Joint System entered into that certain Project Participation Agreement (the "**Project Participation Agreement**") and the Council found that such Project Participation Agreement ratified the Project Participation Agreement as executed.

(f) On August 15, 2022, the Council approved and ratified an ordinance to accept amendments to the Project Participation Agreement. Terms with initial capitals used herein and not otherwise defined have the meaning given such term in the amended Project Participation

Agreement, as amended and ratified, unless context clearly requires otherwise.

(g) Through the Project Participation Agreement, the Members sought to (i) develop and construct a water treatment plant on Lake Keowee; and, (ii) construct water transmission and storage facilities in Pickens County, South Carolina to connect with existing Members' systems (the "**Project**"). To accomplish the Project, the Project Participation Agreement required the Joint System to obtain certain financing and obtain initial Project permits. Such "**Initial Permits**" includes the following items:

- (1) Preliminary engineering report in compliance with Duke and USDA (if applicable) requirements as certified by the Engineer;
- (2) Environmental report in compliance with Duke and USDA (if applicable) requirements as certified by the Engineer;
- (3) All Duke agreements, permits, permissions, and licenses necessary for the Project;
- (4) All Federal Energy Regulatory Commission agreements, permits, permissions, and licenses necessary for the Project;
- (5) Surface water withdrawal permit issued by [South Carolina Department of Environmental Services]; and
- (6) Jar testing and pilot study.

(h) Despite having authorization since on or about January 11, 2022, the Council has determined that the Joint System has not obtained the Initial Permits items listed in Section 1(g)(3-5) as of the date of this Resolution.

(i) The Project Participation Agreement requires that the "Joint System . . . will obtain sufficient rights to withdraw water from Lake Keowee before commencing the Construction Phase of the Plant Project." As indicated by the Project Participation Agreement, pursuant to Title 49, Article 4, Section 1 *et seq.* of the South Carolina Code of Laws (the "**Surface Water Withdrawal, Permitting, Use, and Reporting Act**"), the Joint System is required to obtain the right, through permits, to withdraw water from Lake Keowee.

(j) The Council has determined that the Joint System has not yet obtained the rights required in Project Participation Agreement Article II, Section 1.01 (3) through (5) and/or Section 2.02. Nor have permits been obtained from the South Carolina Department of Environmental Services as required under Surface Water Withdrawal, Permitting, Use, and Reporting Act.

(k) Without obtaining the requisite permits from Duke, Federal Energy Regulatory Commission, and/or the South Carolina Department of Environmental Services, Construction Phase activities are stymied, preventing the Project from progressing, considering the express requirements in the Project Participation Agreement referenced *supra* as well as Article III, Section 3.01(d) of the same, which states in relevant part that "[t]he obligations of the Joint System hereunder are conditioned upon its securing and retaining all necessary rights-of-way, franchise, and permits for the delivery of such Potable Water."

(l) The Council has further determined that: (i) Bonds in furtherance of the

Construction Phase of the Project may only be issued, pursuant to the Project Participation Agreement in Article III, Section 3.09(c)(ii), after such time as a Fixed-Price Contract for the Project has been entered into; and (ii) that the Joint System has not obtained such Fixed-Price Contract as of the date of this Resolution.

(m) After due investigation and consideration, the Council has determined that it is no longer in the best interests of the City, its citizens, and its customers to remain a Member of the Joint System.

(n) Pursuant to Title 6, Chapter 25, Section 70(B) of the Act, the Council provides authorized notice to the Joint System of the City's intent to withdraw its status as a Member of the Joint System, effective immediately upon notice of the Joint System and its Members.

Section 2 Specific Findings and Approvals.

(a) The Council hereby finds that it is no longer in the best interests of the City, its citizens, and/or its customers and residents located within its service area to participate in the Project by participating as a Member of the Joint System and continuing under terms of the Project Participation Agreement, as so amended and adopted.

(b) Pursuant to Title 6, Chapter 25, Section 70(B) of the Act, the Council provides authorized notice to the Joint System of the City's intent to withdraw its status as a member of the Joint System.

Section 3 Authorization of the Mayor. The Mayor of the City is herein authorized to provide notice of the City's immediate withdrawal from the Joint System and to conduct such acts as he shall deem reasonably necessary to conclude, windup, and/or otherwise finalize such withdrawal under the Act, including without limitation, causing notice to be provided to the Secretary of State of the City's withdrawal as a Member and causing to be satisfied any outstanding payment obligations to the Joint System under the terms of the Project Participation Agreement as may be determined to be due and owing.

Section 4 General Repealer, Severability. To the extent any provision of a prior ordinance or resolution conflicts with any provision hereof of the Resolution, such provision is repealed and the provision or provisions of this Resolution shall control and be of force and effect. To the extent any portion of this Resolution shall be made inoperable in case any one or more of the provisions of this Resolution shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Resolution, but this Resolution shall be construed and enforced as if such illegal or invalid provisions had not been contained therein.

Section 5 Effective Date. The provisions of this Resolution shall be effective immediately upon its adoption.

NOW THEREFORE BE IT RESOLVED IN MEETING DULY ASSEMBLED by the City Council of the City of Pickens, South Carolina, this 22 day of July 2024.

CITY OF PICKENS, SOUTH CAROLINA

Mayor

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

ATTEST:

Clerk to Council



Addendum to Employer Resolution for Participation in the State Insurance Benefits Program regarding County/Municipality Councilmember Coverage

Complete the form below and submit via mail or email to:

S.C. PEBA
Attn: Insurance Employer Audit
202 Arbor Lake Drive
Columbia, SC 29223

EmployerAudits@peba.sc.gov

As an addendum to the resolution entered into by the _____ (Employer) for
County/Municipality Name
Participation in the State Insurance Benefits Program, the _____ Council of
County/Town/City
_____ (Council) hereby makes the following election regarding the eligibility of
County/Municipality Name

elected members of the Council to participate as active employees in the State Insurance Benefits Program (Program) offered by the South Carolina Public Employee Benefit Authority (PEBA) pursuant to Section 1-11-703 et seq. of the 1976 Code of Laws:

Select one only.

- Members of the Council will be considered Active Employees of the Employer for the purposes of participation in the State Insurance Benefits Program (*only available if Councilmembers are paid and are eligible for participation in the South Carolina Retirement Systems*); or
- Members of the Council will **not** be considered Active Employees of the Employer for the purposes of participation in the State Insurance Benefits Program.

In making this election, the Council hereby understands, acknowledges and agrees that:

1. The election made above is a material requirement for participation in the Program established by the PEBA Board of Directors and is irrevocable during the Employer's period of participation in the Program;
2. The election made above applies only to Councilmembers' participation in the Program, and does not affect Councilmembers' participation in the South Carolina Retirement Systems;
3. If the Council has elected to decline coverage, Councilmembers will not be considered Employees of the Employer, as that term is defined in the State Health Plan, for purposes of eligibility and participation in the Program, and will not be eligible for any benefit offered under the Program as an Active Employee by virtue of membership on the Council; service on the Council will not be taken into consideration for eligibility for retiree insurance coverage under

the Program; and the Council and Employer irrevocably waive and disclaim any rights the Employer or its Councilmembers may have regarding Councilmembers' benefits from the Program as a result of their service on the Council after the date of this election; and

4. The election made above will not be effective until it is received in good order and approved by PEBA, and nothing in this election alters any other obligations Employer has to properly and timely administer insurance benefits under the Program for other Employees of the Employer in accordance with the requirements established by PEBA.

IN WITNESS WHEREOF, we have hereunto set our hands and authority at the meeting of the

_____ Council of the _____
County/Town/City County/Municipality Name
County of _____, South Carolina, held at _____
County Location
this _____ day of _____, 20_____.
Day Month

Signatures of Council Members

A majority must sign.

Certification

I _____, _____ of the aforesaid Employer, hereby certify
Name Title
that the aforesaid Council consists of _____ duly elected members, and that as stated above,
Number
_____ members voted in favor of the above Addendum.
Number

IN WITNESS WHEREOF, I have hereunto set my hand and the authority of the aforesaid Employer.

Signature Date Employer Group Number

**AN ORDINANCE
TO AMEND CHAPTER 14 SOLID WASTE, SECTION 14-4. GARBAGE CONTAINERS. AND
14-10. SEPARATE FEE FOR COMMERCIAL AND RESIDENTIAL TRASH COLLECTED
FROM DUMPSTERS. AND ADDING SECTION 14-11. MANDATING SOLID WASTE FOR
INSIDE CITY WATER ACCOUNTS**

NOW, THEREFORE, BE IT ORDAINED AND ORDERED by the Mayor and City Council of the City of Pickens, South Carolina, in Council duly assembled, that the following provisions are hereby adopted and enacted:

Sec. 14-4. Garbage containers

- (a) Residential. All garbage, trash or other waste material shall be in a 95-gallon roll cart container, the first of which will be provided by the City, at the curbside in front of the respective residence. Garbage, trash or waste material shall be placed in the roll cart no earlier than the night before the scheduled pickup day for that area, as established by the sanitation department. All household trash and waste must be inside the roll cart to be eligible for collection, with the exception of yard waste and bulk goods. Pickup shall begin at 7:00 a.m. on scheduled pickup days.

Sec. 14-10. Separate fee for commercial and residential trash collected from dumpsters.

Delete the Grandfather Clause- *All customers in place prior to passage of the section shall be allowed to retain their current rate. Any change in owner or renter of a business or commercial structure shall lose the grandfather status.*

SEC. 14-11. Solid waste services are mandatory for all inside water accounts.

Adding the following: The management and collection of solid waste is critical to the general health, welfare, safety and cleanliness of the City and is mandatory. Approved residential and commercial fees for solid waste collection shall be included and marked separately on the monthly water bill of each residential and commercial water utility rate payer. Commercial customers have the option of selecting a higher tier of service based on volume of waste produced and the need for a larger container or number of roll carts, no water customer may opt out of the service.

Introduced (1st Reading): 6/10/2024

Final (2nd Reading):
This the 22 day of July, 2024

Mayor, Isaiah Scipio

Attest: Donna Owen, City Clerk

PICKENS CITY ORDINANCE 2024-09

**AN ORDINANCE TO AMEND CHAPTER 15.5 (TAXATION) TO INSTITUTE A
THREE PERCENT LOCAL ACCOMMODATIONS TAX**

WHEREAS, the City of Pickens is authorized by S.C. Code §6-1-520 *et seq.* to impose a local accommodations tax by ordinance by a positive majority vote; and,

WHEREAS, the City of Pickens supports and encourages tourism in the City by budgeting city funds for operational costs and capital improvements to its infrastructure, as well as increased police and fire protection. By way of its ad valorem taxation, the city residents bear these operational and capital costs of service made necessary, in part, by visitors to the City's visitors; and,

WHEREAS, the City Council finds and determines that the cost of providing services should be apportioned more equitably between the resident taxpayers and those who visit our City and enjoy the City's programs, events, and municipal services.

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Pickens, South Carolina, that Chapter 15.5 (TAXATION) of the City of Pickens Code of Ordinances be amended to include Article III (Local Accommodations Tax) as follows:

Section 1.

Sec. 15.5-26. Authority.

The local accommodations tax is enacted pursuant to S.C. Code §§ 6-1-500 through 6-1-570, which provides in part that the city council may impose, by ordinance, a local accommodations tax, not to exceed three percent.

Sec. 15.5-27. Purpose and intent.

(a) This local accommodations tax is enacted to preserve the general health, safety, and welfare of the general public within the city and to specifically improve and increase tourism-related activities and facilities and to enhance the quality of life in the city for its citizens and its visitors. The revenue generated by the local accommodations tax must be used exclusively for the following purposes:

- (1) Tourism-related buildings, including, but not limited to, civic centers, coliseums, and aquariums;
- (2) Cultural, recreational, or historic facilities;
- (3) Highways, roads, streets, and bridges providing access to tourist destinations;
- (4) Advertisements and promotions related to tourism development; or
- (5) Water and sewer infrastructure to serve tourism-related demand; or,
- (6) development of workforce housing, which must include programs to promote home ownership.

(b) More specifically, the revenue generated by this tax shall be used for the construction of the improvements of tourism-related facilities, the continuing beautification of the city and the promotion of tourism.

Sec. 15.5-28. Imposition of tax.

A uniform tax equal to three percent is hereby imposed on the gross proceeds derived from the rental or charges for accommodations furnished to transients as provided in S.C. Code 1976, § 12-36-920(a), and is imposed on every person engaged in the business of furnishing accommodations to transients for consideration within the city. Included are gross proceeds derived from the rental or charges for any rooms, campground spaces, lodgings, or sleeping accommodations furnished to transients by any hotel, inn, tourist court, tourist camp, motel, campground, residence, short term rental, or any place in which rooms, lodgings, or sleeping accommodations are furnished to transients for a consideration. For purposes of this ordinance, a short-term rental is defined as a residential dwelling that is offered for rent for a fee and for fewer than twenty-nine consecutive days.

Sec. 15.5-28. Accounting for tax in separate fund.

All proceeds derived from the local accommodations tax must be kept in a separate fund segregated from the city general fund. This fund shall be known as the "local accommodations taxes fund." All interest generated by the local accommodations tax must be credited to the local accommodations taxes fund.

Sec. 15.5-29. Payment of tax.

Payment of the local accommodations tax shall be the responsibility of the consumer of the services described in this article. This tax shall be paid at the time of the delivery of the services or items to which the tax applies and shall be collected by the provider or seller of the service or item.

Sec. 15.5-30. Remittance to city.

The taxes collected by the seller or provider of the services or items as required in section 15.5-29 shall be remitted to the city business license administrator as set forth in this article along with such return or form as may be established by the city business license administrator for such purpose. When the established amount of average tax is more than \$50.00 per month, that seller or provider shall remit the amount due on a monthly basis. When the estimated amount of average tax is \$25.00 to \$50.00 per month, that seller or provider shall remit on a quarterly basis. When the estimated amount is less than \$25.00 per month, that seller or provider shall remit on an annual basis.

Sec. 15.5-31. Payment due dates.

Taxes and required reports shall be submitted to the city business license administrator by the 20th day of the month following the due date of the tax payment and shall cover sales of the previous month, quarter, and/or year depending on the seller's monthly average tax. Any taxes not timely remitted shall be subject to a penalty of five percent of the unpaid tax for each month or portion thereof after the due date until paid. The failure to collect from patrons the tax imposed by

this article shall not relieve any establishment subject to this article from making the required remittance.

Sec. 15.5.-32. Suspension or revocation of business licenses for evasion of payment

If the city shall find that any person has willfully avoided payment of the fees imposed by this division, the city may suspend or revoke all city licenses held by such business in accordance with Chapter 9, Article II, pertaining to business licenses.

Sec. 15.5-33. Penalties for violations.

Any person violating any provision of this article, or by knowingly providing false information on any form or return submitted to the City, shall be deemed guilty of an offense and shall be subject to punishment under this Code upon conviction. Each day of violation shall be considered a separate offense. Punishment for a violation of this article shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this article.

Secs. 15.5.34-60. Reserved.

Section 2: Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3: This Ordinance shall be effective upon second and final reading.

CITY OF PICKENS, SOUTH CAROLINA

Isaiah Scipio, Mayor

ATTEST:

Donna Owen, Municipal Clerk

First Reading: July 22, 2024

Second and Final Reading: _____, 2024

Approved as to Form:

Daniel Hughes, City Attorney