

**Mayor**  
ISAIAH SCIPIO  
**City Council**  
CAMERON RIVERS, Mayor Pro-Tem  
FLOYD ROGERS  
ALLIE WINTER



**Administrator**  
TIM O'BRIANT  
**City Clerk**  
DONNA F. OWEN

# City of Pickens

[www.cityofpickens.com](http://www.cityofpickens.com)

**AGENDA**  
**CITY COUNCIL SPECIAL CALLED MEETING**  
**Wednesday, November 6, 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. CONVENE INTO EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE AS IT RELATES TO CONTRACTUAL MATTERS REGARDING SCIIP WATER IMPROVEMENT PROJECT AND ADVICE REGARDING ORDINANCE ADOPTING RULES OF CONDUCT AS ALLOWED BY SC CODE SECTION 30-4-70 (A) (2) AND TO DISCUSS PERSONNEL AS IT RELATES TO COMPENSATION MARKET ANALYSIS AS ALLOWED BY SC CODE SECTION 30-4-70 (A) (1):
4. RECONVENE INTO PUBLIC SESSION:
5. ACTION AS A RESULT OF EXECUTIVE SESSION:
6. ADJOURNMENT:



TO: Mayor and Council  
FROM: Tim O'Briant, City Administrator  
DATE: October 24, 2024  
RE: SCIIP Grant change orders

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Please see the attached documentation explaining the Rosier Group's request for an additional SCIIP Grant project local match amount of \$113,309.00 to cover the increases of the contract amount due to change orders as described. The changes orders total more than \$140,000 but the total to be paid is less because of prior credit for local match paid by the city.

Date of Issuance: September 19, 2024      Effective Date: 9/19/2024  
 Owner: City of Pickens      Owner's Contract No.: SCIP # A-23-C161  
 Contractor: J & M Construction, Inc.      Contractor's Project No.:  
 Engineer: Rosier Group      Engineer's Project No.: W-21-64  
 Project: 2021 Capital Improvement Project Division I SCIP Contract Name:  
 A-23-C161 Water System Improvements

The Contract is modified as follows upon execution of this Change Order:

Description: Additional water main installation due to corrections made in the field to utilize the best routes due to unseen issues when originally designed. Additional service reconnections not seen in the field on the original design.

Attachments: *Justification letters.*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>3,106,235.00</u>	Original Contract Times: 240 / 270 Substantial Completion: <u>June 28, 2024</u> Ready for Final Payment: <u>July 28, 2024</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : + 60 DAYS \$ <u>0</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : Substantial Completion: <u>60 days</u> Ready for Final Payment: <u>60 days</u>
Contract Price prior to this Change Order: \$ <u>3,106,235.00</u>	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____
[Increase] [Decrease] of this Change Order: \$ <u>99,600.00</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
Contract Price incorporating this Change Order: \$ <u>3,205,835.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>August 27, 2024</u> Ready for Final Payment: <u>September 26, 2024</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u>[Signature]</u> Engineer (if required)	By: _____ Owner (Authorized Signature)	By: <u>Jared Weldon</u> Contractor (Authorized Signature)
Title: <u>PE</u>	Title: _____	Title: <u>Vice-President</u>
Date: <u>9/23/24</u>	Date: _____	Date: <u>10/7/2024</u>

Approved by Funding Agency (if applicable)

By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Title: \_\_\_\_\_

110 WEST FIRST AVE., SUITE D  
EASLEY, SC 29640



**ROSIER GROUP**  
*Engineers & Surveyors*

PHONE: (864) 859-6900  
FAX: (864) 859-6980  
email: team@rosier.group

September 23, 2024

Rural Infrastructure Authority  
Nate Foutch - Program Manager  
1201 Main Street – Suite 1600  
Columbia, SC 29201

**RE: City of Pickens**  
**SCIIP A-23-C161 2021 Capital Improvements Project Division 1**  
**SCIIP A-23-C161 Water System Improvements**  
**Change Order 2**

This letter is for the justification of change order number two. The referenced change order is broken down into three main items as seen on the Change Order Request form by J&M Construction dated September 10, 2024. The justification for each item is as follows:

Items number one and two were due to the same reason. The water system design at these locations was redesigned during construction due to the existing system not being located where originally thought. The revised design was the best option to ensure optimal future operation, while keeping the project economically efficient.

Item number three was due to additional existing services being connected to the old lines. This exact number was unknown during design and had to be determined during abandonment of the old lines.

The cost for these changes was determined using the originally bid unit prices.

Please let me know if you have any questions regarding the justifications of this change order.

Sincerely,

Troy D. Rosier, P.E.



# Change Order Request

J & M Construction Inc.  
6930 HWY 76  
Pendleton, SC 29670  
Phone: (864) 646-9912

Customer: City of Pickens  
Address:  
Date: 9/10/2024  
2021 Capital Improvements Project  
Job: Division I

Item #	Description	Qty.	Unit	Unit Price In Place	Amount
1	Ponderosa and Jones Circle				
	8" DIP (CL350) Fittings / Mmtape / Wire	160	LF	\$95.00	\$15,200.00
	Bore / Jack 12" Steel Casing (6" DI Carrier)	40	LF	\$375.00	\$15,000.00
	4" M.J. Gate Vave / Box / Ring	1	EA	\$1,650.00	\$1,650.00
2	Wolf Creek School Rd				
	Bore / Jack 16" Steel Casing (8" DI Carrier)	40	LF	\$425.00	\$17,000.00
3	Service Reconnections	29	EA	\$1,750.00	\$50,750.00
				<b>Total</b>	<b>\$99,600.00</b>


Date of Issuance: September 19, 2024	Effective Date: 9/19/2024
Owner: City of Pickens	Owner's Contract No.: SCIIP # A-23-C161
Contractor: J & M Construction, Inc.	Contractor's Project No.:
Engineer: Rosier Group	Engineer's Project No.: W-21-64
Project: 2021 Capital Improvement Project Division II SCIIP A-23-C161 Water System Improvements	Contract Name:

The Contract is modified as follows upon execution of this Change Order:

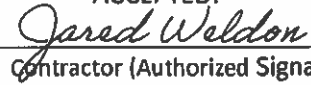
Description: ADDITIONAL LF DUE TO CHANGE OF LOCATION OF FIRE HYDRANT AND ADDITIONAL SERVICE RECONNECTIONS THAT WERE NOT INDICATED ON ORIGINAL DESIGN.

Attachments: *Justification Letters.*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>2,469,025.00</u>	Original Contract Times: 240 / 270 Substantial Completion: <u>June 28, 2024</u> Ready for Final Payment: <u>July 28, 2024</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : + 60 DAYS \$ <u>0</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : Substantial Completion: <u>+ 60 DAYS</u> Ready for Final Payment: <u>+ 60 DAYS</u>
Contract Price prior to this Change Order: \$ <u>2,469,025.00</u>	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
[Increase] [Decrease] of this Change Order: \$ <u>42,750.00</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
Contract Price incorporating this Change Order: \$ <u>2,511,775.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>August 27, 2024</u> Ready for Final Payment: <u>September 26, 2024</u> days or dates

RECOMMENDED:  
By:   
Engineer (if required)  
Title: PE.  
Date: 9/23/24

ACCEPTED:  
By: \_\_\_\_\_  
Owner (Authorized Signature)  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ACCEPTED:  
By:   
Contractor (Authorized Signature)  
Title: Vice-President  
Date: 10/7/2024

Approved by Funding Agency (if applicable)

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Title: \_\_\_\_\_

110 WEST FIRST AVE., SUITE D  
EASLEY, SC 29640



**ROSIER GROUP**  
*Engineers & Surveyors*

PHONE: (864) 859-6900  
FAX: (864) 859-6980  
email: team@rosier.group

September 23, 2024

Rural Infrastructure Authority  
Nate Foutch - Program Manager  
1201 Main Street – Suite 1600  
Columbia, SC 29201

**RE: City of Pickens**  
**SCIIP A-23-C161 2021 Capital Improvements Project Division 2**  
**SCIIP A-23-C161 Water System Improvements**  
**Change Order 2**

This letter is for the justification of change order number two. The referenced change order is broken down into two main items as seen on the Change Order Request form by J&M Construction dated September 10, 2024. The justification for each item is as follows:

Item number one was due to field conditions during construction. It was determined that with the addition of 150 LF of pipe along Mountain Estates Road, the City could eliminate a private service line along the county road. In addition to replacing this service line, the fire hydrant was placed in a better location and positioned ideally for system expansion in the future.

Item number two was due to additional existing services being connected to the old lines. This exact number was unknown during design and had to be determined during abandonment of the old lines.

The cost for these changes was determined using the originally bid unit prices.

Please let me know if you have any questions regarding the justifications of this change order.

Sincerely,

Troy D. Rosier, P.E.



# Change Order Request

J & M Construction Inc.  
6930 HWY 76  
Pendleton, SC 29670  
Phone: (864) 646-9912

Customer: City of Pickens  
Address:  
Date: 9/10/2024  
2021 Capital Improvements Project  
Job: Division II

Item #	Description	Qty.	Unit	Unit Price In Place	Amount
1	Mountain Estates Rd 6" DIP (CL350) Fittings / Mmtape / Wire	150	LF	\$60.00	\$9,000.00
2	Service Reconnections	25	EA	\$1,350.00	\$33,750.00
				<b>Total</b>	<b>\$42,750.00</b>



**ORDINANCE NUMBER \_\_\_\_-2024**

**AN ORDINANCE TO AMEND DIVISION 1 (GENERALLY) AND  
DIVISION 3 (MEETINGS) OF ARTICLE II (MAYOR AND COUNCIL)  
OF CHAPTER 2 (ADMINISTRATION) OF THE CITY OF PICKENS  
CODE OF ORDINANCES**

**WHEREAS**, City Council reviews its ordinances from time to time to make any necessary amendments and/or improvements; and,

**WHEREAS**, City Council desires to amend its Ordinances to adopt additional rules and regulations governing its elected officials and its meetings; and,

**WHEREAS**, City Council has determined that this ordinance is in the best interests of the citizens and residents of the City of Pickens.

**NOW, THEREFORE**, be it ordained by the Mayor and Council of the City of Pickens, South Carolina, that Division 1 (Generally) and Division 3 (Meetings) of Article II (Mayor and Council) of Chapter 2 (Administration) of the City of Pickens Code of Ordinances shall be amended as follows:

**Section 1.** Division 1 (Generally) of Article II (Mayor and Council) of Chapter 2 shall be amended to add Sec. 2-34 as follows:

**Sec. 2-34. Code of Conduct.**

- (a) *Code of Conduct.* A member shall act at all times in accordance with the member's oath, which provides as follows:

I do solemnly swear that I am duly qualified according to the constitution of this state, to exercise the duties of the office to which I have been elected, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the constitution of this state and of the United States, so help me God.

As Council Member of the municipality of Pickens, I will equally, fairly, and impartially, to the best of my ability and skill, exercise the trust reposed in me, and I will use my best endeavors to preserve the peace and carry into effect according to law the purposes for which I have been elected, so help me God.

- (b) *Member.* As used herein, the term "member" includes the mayor and individual members of council.
- (c) *Other rules.* This section 2-34 applies in addition to the other substantive and procedural rules applicable to members contained in the City Code, and under state

and federal laws, including, without limitation, state ethics laws. Without limiting the foregoing, Robert's Rules of Order Newly Revised, as may be amended, shall apply to breaches of order by members in a meeting.

(d) *Compliance and enforcement.*

(1) A public disciplinary hearing against a member for violation of the oath may be held only upon resolution of council moved and adopted according to the following procedures: (1) a member must move to hold a public disciplinary hearing; (2) two (2) additional members must second the motion; and (3) council must approve the motion by a vote of at least two-thirds ( $\frac{2}{3}$ ) of members present and voting.

(2) A member charged with conduct constituting a violation of the oath in accordance with subsection 2-34(d)(1) shall be entitled to a public disciplinary hearing. Notice of such hearing shall be published in one or more newspapers of general circulation in the municipality at least one week in advance of the hearing. After the hearing, the question to be considered by council shall be: "Based on the evidence presented during the hearing, has the member (a) intentionally violated the oath; and/or (b) committed a serious violation of the Oath?" If the question is answered in the affirmative by at least two-thirds ( $\frac{2}{3}$ ) of the members present and voting, council shall proceed to consider one or more of the following sanctions, which shall be imposed by majority vote of the members present and voting: (a) censuring the member; and/or (b) removing the member's seniority/committee status.

(3) Unless prohibited by applicable law, the member accused and/or charged with conduct constituting a violation of the oath may vote on the motion to set a public disciplinary hearing, the motion to determine whether the member violated the oath, or any sanctions.

(4) Nothing herein shall preclude city council from voting to go into executive session to receive legal advice regarding the interpretation or application of the oath.

(e) *Effect of violation.* A violation of this section 2-34 shall not be considered a basis for challenging the validity of a council or committee decision, nor shall this section 2-34 create additional rights in third parties or members of the public.

**Section 2.** Division 3 (Meetings) of Article II (Mayor and Council) of Chapter 2 shall be amended to add Sec. 2-66 (Conduct of Meetings) and Sec. 2-67 (Public Comment) as follows:

**Sec. 2-66. Conduct of Meetings.**

(a) The Mayor is the presiding officer for regular and special meetings. In the absence of

the Mayor, the Mayor Pro-Tern shall preside. In the absence of both the Mayor and Mayor Pro-Tem, the Council shall select a member to preside over the meeting.

- (b) The presiding officer shall not abuse his or her position by controlling or directing debate to favor his or her views. The presiding officer shall ensure that all Council members have an opportunity to express their views on matters properly presented for discussion. The presiding officer may temporarily relinquish the chair in order to engage in active debate or discussion.
- (c) The presiding officer has the same rights/responsibilities as other council members with regard to making motions and voting.
- (d) During a meeting Council members shall request permission of the Mayor or presiding officer before speaking. One council member shall speak at a time.
- (e) Council members have the right to disagree, but shall not engage in shouting, arguments, or personally disrespectful behavior towards each other during meetings.
- (f) Specific rules of procedures may be temporarily suspended during a meeting by a majority vote of Council present at the meeting.
- (g) Unless specifically covered elsewhere within this Section, the proceedings of the City council shall be governed by Robert's Rules of Order, Newly Revised.

**Sec. 2-67. Public Comment.**

- (a) All citizens have a right to participate in, but not to interrupt, City Council meetings. Therefore, a period of time (public comment) shall be set aside at every meeting to afford citizens an opportunity to speak on any matters pertaining to items on that meeting's agenda or on any matter concerning the City. Citizens wishing to speak shall add their name and address to a roster maintained by the Clerk.
- (b) Citizens may also request to be added to the regular agenda at the next scheduled meeting. If a number of citizens wish to speak at a meeting, the Mayor or presiding office may reasonably limit the length of time allotted to each citizen and shall state the time limitations before the public comments begin.
- (c) No person from the audience may interrupt the Council meeting or address the Council unless recognized by the Mayor or presiding officer. Persons who are disorderly or who act in a threatening manner may be asked to leave the Council chamber.
- (d) For meetings at which public comment is permitted, all persons wishing to be heard during the public comment period shall sign in with the Clerk prior to the start of the meeting in-person and not on behalf of others. No names will be added to the sign-up list once the meeting has begun.

- (e) During public comment, each speaker is limited to a total of five (5) minutes per meeting, regardless of whether the person is speaking on their own behalf or as an agent for others. The presiding officer or the municipal clerk shall be the timekeeper. Recognized speakers may not donate, transfer, yield, or give all or any portion of their speaking time to another person.
- (f) Thirty (30) minutes shall be allotted for the entire public comment period. If the public comment period expires before all persons who have signed up get to speak, those names will be carried over to the next public comment period at the next meeting of the City Council; provided, however, the Presiding Officer may decide to extend the public comment period in his/her discretion.
- (g) All public comments are to be directed to the City Council as a whole and not to any member thereof. The purpose of addressing council is to allow councilmembers to hear the opinions of the public and is not intended to afford the opportunity to engage in a debate or dialogue. All speakers shall be mindful and respectful of those participating in or present at the meeting. Speakers shall be expected to be civil in their language and shall refrain from comments or behavior that involves disorderly speech or action, name-calling, personal attacks, threats, obscene or indecent remarks, and/or disruptive actions.
- (h) All speakers shall confine their comments to issues under the jurisdiction of the City Council. Speakers shall not use the public comment period to promote or advertise awards, businesses, services, goods, or candidates for public office.
- (i) All speakers are required to address City Council from the lectern with the microphone. All speakers shall begin their remarks by providing their name, address, and subject of their comments.
- (j) Any speaker that violates these *Rules and Protocols for Public Comment* may be ruled "Out of Order" by the Presiding Officer. Any person whose comments have been ruled "Out of Order" shall immediately cease and desist from further improper comments. The refusal of an individual to desist from further improper comments may subject the individual to removal from the meeting.
- (k) The Presiding Officer has discretion in enforcing these guidelines to best ensure the orderly and civil conduct of City Council meetings. These *Rules and Protocols for Public Comment* shall apply to any designated "Public Comment" period as set forth on any agenda of a meeting of the City Council. These *Rules and Protocols for Public Comment* shall also apply to public participation on any individual item on a City Council meeting agenda for which public comment is permitted by Council or required by law, including statutorily mandated public hearings. These *Rules and Protocols for Public Comment* shall not apply to invited speakers or City personnel in the performance of their duties.

**Section 3: 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 4:** This Ordinance shall be effective immediately after the swearing-in ceremony in January, 2025.

**CITY OF PICKENS, SOUTH CAROLINA**

\_\_\_\_\_  
Isaiah Scipio, Mayor

**ATTEST:**

\_\_\_\_\_  
Donna Owen, Municipal Clerk

First Reading: \_\_\_\_\_, 2024

Second and  
Final Reading: \_\_\_\_\_, 2024

**Approved as to Form:**

\_\_\_\_\_  
Daniel Hughes, City Attorney