

MINUTES OF REGULAR MEETING
SALUDA COUNTY COUNCIL
MONDAY, JANUARY 8, 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. Padget
Clerk to Council, Karen T. Whittle
County Attorney, Christian G. Spradley

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. Shealy, the minutes for November 13 and 20, December 14 and 21, 2017 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

1. Council Members wished everyone a Happy New Year and welcomed newly elected Chairman Derrick Jones.

G. PUBLIC HEARING

1. Chm. Jones recognized Attorney Laura Goode, representing Verizon Wireless for a brief presentation on the proposed Verizon Wireless cell tower located at 1650 Duncan Road.

Atty. Goode informed Council Verizon Wireless would be leasing a portion of property owned by Mark and Penny McCoy for a cell tower site at 1650 Duncan Road. Atty. Goode said the property was unzoned and the tower would be permitted as a special use, meeting the requirements of the Saluda County wireless telecommunications facilities ordinance. Atty. Goode filed into the record the application with exhibits 1 through 24, which addressed how the facility would be in compliance with each regulation of the ordinance. Atty. Goode informed Council the purpose for the tower was addressed in exhibit 5, to provide capacity offload for an existing Verizon Wireless tower, the Spann Road site, approximately 3.7 miles northeast near the intersection of Duncan Road and Batesburg Highway. Atty. Goode said the new tower would provide additional coverage due to the demand of customers increased data use with smartphones and other smart devices exceeding the capacity of the current tower in the area. Atty. Goode said each cell tower had a finite capacity and once the demand exceeded the capacity, a new tower was needed. Atty. Goode addressed Exhibit 6 of the application which provided a search area map for the location of the cell tower in order to meet the network objective needed to provide the capacity offload. Atty. Goode informed Council Chase Real Estate searched the area for existing towers or other tall structures to co-locate, however, there were no existing towers or structures so a new tower was needed. Atty. Goode said the tower would be a 195 foot monopole with a 4 foot lightning rod designed to accommodate four additional carriers. Atty. Goode addressed Exhibit 7 concerning the site plan and stated the cell tower met the setback requirements of the tower height plus ten percent from all property lines and public right-of-ways. Atty. Goode requested Council's approval of the special use permit and stated Jackie Hicks, Consultant with The Center for Municipal Solutions had sent a letter of recommendation for the cell tower.

Chm. Jones opened the Public Hearing TO REVIEW A REQUEST BY BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC ON BEHALF OF CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS ("VERIZON WIRELESS") FOR A SPECIAL USE PERMIT TO CONSTRUCT A 195-FOOT MONOPOLE TELECOMMUNICATIONS TOWER (WITH TOTAL HEIGHT OF 199 FEET), LOCATED AT 1650 DUNCAN ROAD, SALUDA, SC 29138 (Property ID# 115-00-00-007).

No one spoke and the Public Hearing was closed.

NOTE: The tower location at 1650 Duncan Road was questioned as to the close proximity of the Saluda County Airport during the Public Hearing of the tower located at 161 Corinth Road. Atty. Goode stated Exhibit 12 of the application addressed the air space study and FAA requirements and the tower did not require notice to the FAA based on the location and height of the tower.

2. Chm. Jones recognized Attorney Laura Goode, representing Verizon Wireless for a brief presentation on the proposed Verizon Wireless cell tower located at 161 Corinth Road.

Atty. Goode informed Council Verizon Wireless was proposing to erect a cell tower on property owned by William Luther Harmon located at 161 Corinth Road. Atty. Goode said the property was unzoned and the tower would be permitted as a special use, meeting the requirements of the Saluda County wireless telecommunications facilities ordinance. Atty. Goode filed into the record the application with exhibits 1 through 24, which addressed how the facility would be in compliance with each regulation of the ordinance. Atty. Goode informed Council the purpose for the tower was addressed in exhibit 5, to provide capacity offload for an existing Verizon Wireless tower, the Dailey Creek site, approximately 3.23 miles southwest near the intersection of Dailey Creek Road and Columbia Highway. Atty. Goode said the new tower would provide additional service to the area due to the demand of customers exceeding the capacity of the current tower in the area. Atty. Goode addressed Exhibit 6 of the application which provided a search area map for the location of the cell tower in order to meet the network objective and informed Council there were no co-location opportunities in the area, therefore a new tower was required. Atty. Goode said the tower would be a 195 foot monopole with a 4 foot lightning rod designed to accommodate four additional users for co-location. Atty. Goode addressed Exhibit 7 concerning the site plan and stated the cell tower met the setback requirements of the tower height plus ten percent from all property lines and public right-of-ways. Atty. Goode requested Council's approval of the special use permit and stated Jackie Hicks, Consultant with The Center for Municipal Solutions had sent a letter of recommendation for the cell tower.

Coun. Miller questioned would Verizon allow the county to co-locate radio equipment on towers.

Atty. Goode said Verizon would allow emergency services to co-locate their equipment on towers as long as the equipment did not interfere with the operation of Verizon's equipment and the tower could structurally handle the equipment.

Chm. Jones opened the Public Hearing TO REVIEW A REQUEST BY BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC ON BEHALF OF CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS ("VERIZON WIRELESS") FOR A SPECIAL USE PERMIT TO CONSTRUCT A 195-FOOT MONOPOLE TELECOMMUNICATIONS TOWER (WITH TOTAL HEIGHT OF 199 FEET), LOCATED AT 161 CORINTH ROAD, SALUDA, SC 29138 (Property ID# 161-00-00-055).

Mr. John Foster spoke and stated he would not have wanted an eye sore of a cell tower over his lake property as the notification letter stated the tower location was within 1500 feet of his property, but his property was approximately one mile from the proposed tower site.

Atty. Goode said the applicant was required to submit names and addresses of landowners whose property was located within 1500 feet of any property line of the lot or parcel of the proposed cell tower site which was a 13 acre tract. Atty. Goode said they used the County's GIS website which did not have the capability of inserting 1500 feet from the cell tower site property lines and supplying the property owners within that range. Atty. Goode said they used a measurement tool and manually measured the GIS maps to the best of their ability and provided names of property owners within the manual measurement for 1500 feet and extra names were provided as an abundance of caution.

Crystal Jacobs spoke and said she owned two acres and would like to retire in a rural area. Ms. Jacobs asked could Verizon use some other type of technology on existing towers to provide the increased services that customers were requiring.

Atty. Goode said the site was a rural area and there was no zoning or zoning ordinance in Saluda County. Atty. Goode said there was a wireless telecommunications ordinance which set forth the requirements for building a tower in the County, but did not limit their location. Atty. Goode said the monopole tower was the least visual intrusive and would not be lighted due to being under 200 feet. Atty. Goode addressed technology of smaller antennas to provide coverage in smaller concentrated areas and recognized Richard Delk, an engineer with Verizon to address the technology further.

Mr. Delk reiterated the technology Atty. Goode addressed in the presentations of the finite capacity a cell tower could provide and once the capacity was reached, other locations were needed for new towers to stay ahead of the demand so devices could be utilized. Mr. Delk said there was no other technology available to increase the capacity of the existing towers. Mr. Delk said other technologies were used in urban areas at lower heights, but those would not work in this rural area.

Coun. Shealy questioned the towers not having lighting.

Atty. Goode said according to FAA requirements, a tower under 200 feet was not required to have lighting as long as it was not within a certain distance of an airport. Atty. Goode stated Exhibit 12 of the application addressed the air space study and FAA requirements and the tower did not require notice to the FAA based on the location and height of the tower.

Shuler Burton questioned the close proximity of the tower at 1650 Duncan Road to the Saluda County Airport. (See note under Public Hearing of tower located at 1650 Duncan Road).

Monica Kundla questioned could the 161 Corinth Road tower co-locate four additional carriers as mentioned for the 1650 Duncan Road site.

Atty. Goode stated the 161 Corinth Road tower would be designed to also accommodate co-location for four additional carriers.

Monica Kundla questioned could Verizon co-locate on the tower at the intersection of Hollywood Road and Highway 378 instead of constructing a new tower at 161 Corinth Road.

Mary Tindall stated the existing tower at the intersection of Hollywood Road and Highway 378 was completely out of the search ring provided by Verizon and would not accommodate the requirements Verizon needed for the specific area.

Chm. Jones questioned would this tower accommodate county emergency equipment.

Atty. Goode said Verizon would allow emergency services to co-locate their equipment on this tower as long as it did not interfere with the operation of Verizon's equipment.

H. PUBLIC PRESENTATION

1. Chm. Jones recognized Ms. Sandra Ligon with the South Carolina Human Affairs Commission for a presentation on the formation of a Community Relations Council for Saluda County.

Ms. Ligon presented a brief overview of the role a Community Relations Council would provide to residents of Saluda County by organizing a Council consisting of individuals from diverse backgrounds to partner with organizations to offer programs and address quality of life issues. Ms. Ligon mentioned she made a presentation and met with various leaders and representatives of organizations throughout the county in 2013, but a Community Relations Council was never formed.

Council and Ms. Ligon discussed the individuals from diverse backgrounds that would be appointed to this Council, the selection process, meeting space, and no funding would be required of the County to assist the Community Relations Council.

Council received the presentation as information.

I. OLD BUSINESS

1. Chm. Jones recognized Mr. Ed Parler to present information on Project Catalina prior to Second Reading.

Mr. Ed Parler informed Council Project Catalina, owned by Duncan Road LLC would be a 75 mega-watt solar farm located on 293 acres off of Topaz Road. Mr. Parler said Project Catalina would be a total investment of \$115 million, with a request of a FILOT agreement for a six percent assessment ratio for forty (40) years with a special source credit and a payment of \$150,000.00 per year to Saluda County. Mr. Parler said the \$150,000.00 would be apportioned between the County and School district with approximately \$69,000.00 to the County. Mr. Parler said the 2017 taxes on the property was \$1072.00 with the County's portion being approximately \$490.00. Mr. Parler said the anticipated construction was to begin in 2019 with funds being received in 2020. Mr. Parler said the project was included

in the multi-county park agreement and Cypress Creek Renewables was the developer of the project.

On motion of Coun. Butler, seconded by Coun. Daniel, and unanimously approved, Second Reading was given on Ordinance No. 17-17, "AN ORDINANCE AUTHORIZING PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT, BY AND BETWEEN SALUDA COUNTY, SOUTH CAROLINA, AND PROJECT CATALINA, AS SPONSOR, AND ONE OR MORE SPONSOR AFFILIATES TO PROVIDE FOR A FEE-IN-LIEU OF AD VALOREM TAXES INCENTIVE AND CERTAIN SPECIAL SOURCE REVENUE CREDITS; TO PROVIDE FOR THE INCLUSION OF THE PROJECT IN A MULTI-COUNTY BUSINESS OR INDUSTRIAL PARK; AND OTHER RELATED MATTERS."

2. Chm. Jones recognized Emergency Management Director Josh Morton to present the consideration to award the Request for Proposal for the development of a P-25 capable public safety radio system.

Mr. Morton reviewed the mandated FCC narrow banding in 2012 which reduced the bandwidth of radio signals from 25kHz to 12.5 kHz. Mr. Morton said Saluda County had issues with radio coverage in portions of the County prior to the narrow banding, but now there was significant reduction in areas of the County creating dangerous situations for law enforcement officers, EMS, and firefighters being able to communicate with Dispatch or other responders.

Mr. Morton said Council approved for a Request for Proposal be developed for a P-25 capable public safety radio system and a committee reviewed all proposals with emphasis placed on radio coverage, interoperability, feasibility, efficiency, and economic factors.

Mr. Morton said the recommendation from the committee was for Saluda County to adopt the proposal submitted by Kinard Control Systems, Inc. from Newberry, South Carolina. Mr. Morton said the first year cost would be approximately \$580,000.00 and an annual maintenance cost of approximately \$105,000.00, with the initial costs being the purchase of radios for all responders. Mr. Morton said this was a system that currently existed, Saluda County would pay a monthly subscriber fee, and if there were coverage issues in the county, a tower would be erected at no cost to Saluda County. Mr. Morton said the total cost of ownership for this system over 10 years would be \$1.6 million and other radio system proposals were either to replace or expand the county's current system at costs up to \$2.5 million.

Council and Mr. Morton discussed the following: Saluda County subscribing to the system and not owning the equipment with the exception of the radios; the annual maintenance could vary based on the number of radios subscribed to the system; phasing into the system as a sufficient number of radios were purchased for a department; the difference in the P-25 system versus the Palmetto 800 radio system; grants would be pursued to assist with the

purchase of radios; and implementation over the next couple of years as funds become available.

Coun. Miller and Mr. Morton discussed funds were not being requested for approval; only approval of the proposal for the radio system. Mr. Morton stated he was needing direction from Council on a radio system in order to pursue grants.

On motion of Coun. Shealy, seconded by Coun. Butler, it was unanimously approved to award the request for proposal for the development of a P-25 capable Public Safety Radio System to Kinard Control Systems, Inc. and to implement as funds become available. During discussion Chm. Jones spoke from experience of the lack of coverage in the Ridge Spring area of the County being unsafe for responders to communicate with Dispatch. Coun. Miller commented he was in favor of the subscriber based system due to the system equipment would not become outdated other than the handheld radios.

J. NEW BUSINESS

1. Chm. Jones turned the meeting over to Vice-Chair Shealy.

Vice-Chair Shealy read the following: A RESOLUTION REPLACING A VOTING MEMBER AND APPOINTING ANOTHER VOTING MEMBER IN HIS STEAD TO TRI-COUNTY SOLID WASTE AUTHORITY BOARD OF COMMISSIONERS

WHEREAS, Saluda County Council Chairman Donald E. Hancock was a voting member of the Tri-County Solid Waste Authority; and

WHEREAS, County Council Chairman Donald E. Hancock passed away on August 2, 2017; and

WHEREAS, a special election was held on December 19, 2017; and

WHEREAS, Derrick W. Jones was elected on December 19, 2017 to fill the unexpired term of Saluda County Council Chairman Donald E. Hancock.

BE IT RESOLVED that Saluda County Council will replace former Chairman Donald E. Hancock with Chairman Derrick W. Jones as a member of the Tri-County Solid Waste Authority Board of Commissioners.

BE IT FURTHER RESOLVED that Saluda County Council does hereby appoint Saluda County Council Chairman Derrick W. Jones as a Commissioner to represent Saluda County on the Tri-County Solid Waste Authority Board.

AND IT IS SO RESOLVED this 8th day of January, 2018.

On motion of Coun. Miller, seconded by Coun. Butler, it was unanimously approved to adopt the resolution appointing Chm. Derrick W. Jones as a Commissioner to represent Saluda County on the Tri-County Solid Waste Authority Board.

2. Vice-Chair Shealy read the following: A RESOLUTION REPLACING A VOTING MEMBER AND APPOINTING ANOTHER VOTING MEMBER TO THREE RIVERS SOLID WASTE AUTHORITY BOARD OF DIRECTORS

WHEREAS, Saluda County Council Chairman Donald E. Hancock was a voting member of the Three Rivers Solid Waste Authority Board of Directors; and

WHEREAS, County Council Chairman Donald E. Hancock passed away on August 2, 2017; and

WHEREAS, a special election was held on December 19, 2017; and

WHEREAS, Derrick W. Jones was elected on December 19, 2017 to fill the unexpired term of Saluda County Council Chairman Donald E. Hancock.

BE IT RESOLVED that Saluda County Council will replace former Chairman Donald E. Hancock with Chairman Derrick W. Jones as a member of the Three Rivers Solid Waste Authority Board of Directors.

BE IT FURTHER RESOLVED that Saluda County Council does hereby appoint Saluda County Council Chairman Derrick W. Jones as a Director to represent Saluda County on the Board of Directors of Three Rivers Solid Waste Authority.

AND IT IS SO RESOLVED this 8th day of January, 2018.

On motion of Coun. Butler, seconded by Coun. Daniel, it was unanimously approved to adopt the Resolution appointing Chm. Derrick W. Jones as a Director to represent Saluda County on the Board of Directors of Three Rivers Solid Waste Authority.

Vice-Chair Shealy turned the meeting back over to Chm. Jones.

3. Chm. Jones recognized Recreation Director, Paul Ergle to present a request for a part-time assistant.

Mr. Ergle said due to the growth of the baseball program by 30 to 40%, he was requesting a part-time assistant from March 1st through June 8th during baseball season to assist with ballgames and the maintenance and preparation of fields at the Recreation Complex, and through June 30th when Saluda County hosted the All-Stars. Mr. Ergle said due to the required daily preparation and maintenance of the fields, he was unable to use his flex time during the day that he accrued overseeing the evening ballgames.

Mr. Ergle requested 25 flexible hours per week at \$10.00 per hour at a cost of \$3,500.00 for the regular season and \$4,500.00 during All-Stars. Mr. Ergle said it was Saluda County's turn to host the All-Stars, but the final decision would not be made until the district meeting in February.

Council and Mr. Ergle discussed the maintenance duties of the assistant as well as the ability of the assistant to oversee evening ballgames, participants and spectators.

On motion of Coun. Shealy, seconded by Coun. Butler, the request was unanimously approved for a part-time assistant to the Recreation Director at 25 hours per week, March 1st through June 30th, for an amount not to exceed \$5,454.45 (includes amount for All-

Stars, pensions, and FICA) to be funded from Contingency, to adopt the proposed job description, and to advertise according to county policy. During discussion Chm. Jones stated in the event All-Stars was not held in Saluda County, the balance of funds would remain with the County.

4. Chm. Jones recognized the Chairman of the Saluda County Board of Voter Registration and Elections, Mr. Jack Atkinson to present a request for a part-time assistant in the Voter Registration/Elections Office during the 2018 Elections for Fiscal Year 2017-2018.

Mr. Atkinson informed Council the Voter Registration/Elections Office had to be open the same days and hours as the County Courthouse. Mr. Atkinson said with only one employee, a part-time employee was needed when the Voter Registration/Elections Director attended training, lunch hours, time off, and 15-days prior to any election to assist with operations of the office. Mr. Atkinson said the state mandates the office being open the same as the Courthouse, but only provides funding for the 15-days prior to elections. Mr. Atkinson provided Council with a tentative schedule through June 30th that a part-time person would be needed in the office, which included a School District Three Board election in February and a primary and possible run-off election in June for the General Election of 2018. Mr. Atkinson said the Board would address the part-time employee in their budget request for FY18-19.

On motion of Coun. Daniel, seconded by Coun. Miller, the request was unanimously approved for a Part-Time Assistant in the Voter Registration/Elections Office during 2018 Elections for Fiscal Year 2017-2018 as outlined in the agenda package for an amount not to exceed \$6,700.00 to be funded from Contingency.

5. Chm. Jones recognized Public Buildings Supervisor, Steve McAlister to discuss the repair or replacement of the HVAC unit at the Saluda County Detention Center.

Mr. McAlister informed Council there was a crack in the heat exchanger in Unit E at the Saluda County Detention Center and addressed a quote from Edwards Heating and Cooling to replace the heat exchanger in the amount of \$2,995.00 and a quote from Collum Services to remove the existing heat unit and install a new 7 ½ ton Trane gas pack unit at a cost of \$11,135.50. Mr. McAlister said if a new jail was going to be built within a few years, he would recommend replacing the heat exchanger, but if not, he recommended installing a new unit. Mr. McAlister said the unit was currently at end of life and if repaired, he would not give the unit lasting more than five years.

On motion of Coun. Shealy, seconded by Coun. Butler, Council approved the quote from Edwards Heating and Cooling, LLC for repair of the heat exchanger at the Saluda County Detention Center in the amount of \$2,995.00 to be funded from the Jail Renovations account. (Voting in Favor: Chm. Jones, Coun. Daniel, Shealy, Butler). (Opposed: Coun. Miller). During discussion Coun. Miller said inmates were displaced when the heat went out and not knowing if a new jail facility would be built within five years, he recommended the higher quote because \$11,135.00 would not be too substantial if the unit went out again

and inmates were displaced and transported, which could be a security risk. Coun. Miller said he would be voting against this motion, but would be in favor of replacement.

During discussion, Coun. Shealy stated she was thinking optimistically because she knew the county was in great need of a Detention Center and would like to see that happen within five years, therefore she was in favor of the repair. Coun. Shealy questioned could a new unit be transported to a new facility. Mr. McAlister said it was a possibility the unit could be moved, but he would not recommend placing units on top of a new facility. He recommended units be placed on the ground and he was not sure the unit in question could be placed on ground level.

K. EXECUTIVE SESSION

On motion of Coun. Daniel, seconded by Coun. Miller, it was unanimously approved for Council to go into Executive Session pursuant to Section 30-4-70(a)(1) and (2) of the South Carolina Code of Laws 1976, as amended to discuss: 1) a personnel matter in the Solid Waste department; 2) a contractual matter in relation to potential repairs at the Saluda County Detention Center; 3) an agreement for temporary access for ingress and egress on county property; and 4) to receive legal advice in regards to a petition to close Jumper Road, to return at the Call of the Chair.

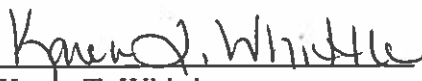
Council returned into open session at the Call of the Chair.

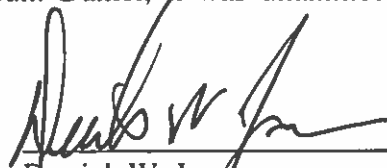
L. PUBLIC ACTION

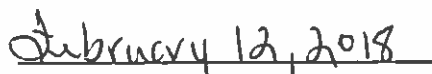
1. On motion of Coun. Miller, seconded by Coun. Butler, it was unanimously approved to grant a temporary access for ingress and egress on county property to Ridge Lumber, Inc. as presented to Council.

M. ADJOURNMENT

On motion of Coun. Miller, seconded by Coun. Daniel, it was unanimously approved to adjourn the meeting at 8:34 P.M.


Karen T. Whittle
Clerk to Council


Derrick W. Jones
Chairman


Date Approved