

**City of Pickens
Regular Meeting
August 11, 2025
6:00 P.M.**

The Mayor and City Council convened at City Hall 219 Pendleton Street, Pickens S.C. for a Regular Meeting. Agendas were posted and sent to media on August 7, 2025.

Council Members in Attendance:

Mayor, Isaiah Scipio
Mayor Pro-Tem Cameron Rivers
Council Member, Floyd Rogers
Council Member, John McManus
Council Member Allie Winter

Council Member Wilson, joined via phone until 7:25 p.m. and was in person for the remainder of the meeting.

Staff:

Administrator Tim O'Briant
Jennifer Vissage, Planning/Zoning
Trey Adams, Public Works Director
Recreation Director, Jonathon Morris

(The minutes are a synopsis of the meeting, and they are not a verbatim discussion. Full viewing and recording of the meeting is available on the City of Pickens Web-page 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 meeting to order and welcomed those in attendance. Mayor Scipio further gave the invocation followed by the Pledge of Allegiance.

COMMENTS FROM CITIZENS:

1. Ben Mann. Mr. Mann stated his position being against the annexation and any high-density development of Wolf Creek /Mauldin Lake Road. Mr. Mann discussed the priorities of the 2012 comprehensive plan as preserving the community character. Mr. Mann stated this property is presently in the County and if developed in the County the development would be held to the standard of the Pickens County Development Standards Ordinance. Mr. Mann concluded by inquiring if the current developer has met all the requirements as stated in the first motion for annexation at the May 28th, 2025, meeting.
2. Peter Greenberger. Mr. Greenberger stated he would like clarity regarding the fact that City Council voted in May of 2025 - 5-1 in favor of the annexation of Wolf Creek/Mauldin Lake Road. Council did not consider there is a petition of 1400 citizens against the proposed annexation. *(note: to date, City Council is not in possession of said petition)* Mr. Greenberger stated a referendum on this issue would be a fair solution. Mr. Greenberger also requested a long-term analysis of cost/revenue associated with developing this site. Mr. Greenberger concluded by asking about bonds and protections as it relates to all development.

3. Pam Winters. Ms. Winters stated she has several issues. First, she would like to see another planned community meeting. She stated this meeting was not well attended on 7/29 as the public notice was only posted (1) time, while the business community meeting was posted (4) times. Second, Ms. Winters stated a recent public notice has been posted for a public hearing regarding annexation of Wolf Creek/Mauldin Lake Road and the notice states water services will be provided. Ms. Winters stated the water in that area is in the Roanoke/Bethlehem water district. Ms. Winters stated it appears the City cannot provide water in the proposed area. Third, Ms. Winters spoke about the proposed ordinance as it relates to Planned Development Districts and energy efficiency, Ms. Winters stated in her opinion, this appears to mean building many structures on small parcels of land and a look/feel of a metropolitan area. She does not think the majority of citizens want this type of development/growth in Pickens.
4. Geniva Robinson. Ms. Robinson stated she would like some assistance at 244 S. Church Street. Ms. Robinson stated there is a water issue with culverts being clogged and it is causing water to turn directly into her yard. Ms. Robinson also requested assistance with a house on Rogers Street that needs demolition.

ADMINISTRATOR’S REPORT:

Administrator Tim O’Briant reported on the following items to the Mayor, Council and Public.

- An update was given regarding the completion of water lines at Fox Squirrel Circle.
- Mr. O’Briant addressed Ms. Robinson and informed her that he would look into her water issue.
- Mr. O’Briant stated the (2) new Code Enforcement Officers have been hired. Mr. Matt Chappell and Tyler Epps. The public was encouraged to use the City’s website to report properties that needed code enforcement. (such as abandoned structures as Ms. Robinson mentioned)
- As of 7/1/2025 the City is completely in charge of stormwater. Mr. O’Briant stated there will be more discussion as the Ordinance is discussed, but stormwater is a Federal mandate and the State of S.C. via the Department of Environmental Services mandates the municipality regarding the management of stormwater. Mr. O’Briant stated currently the City of Pickens is advised of a Notice of Deficiency. Public Works has been working with attorney’s and Environmental Services to update ordinances and be in compliance by 8/30/2025.
- Mr. O’Briant addressed Ms. Winters comments regarding water with Bethlehem Roanoke water district as it relates to water service for the Wolf Creek/Mauldin Lake parcel. A letter from Daniel R. Hughes was sent to Bethlehem Roanoke Water District on August 11, 2025, regarding Annexation of property within the Bethlehem Roanoke Water District. This letter was read in its entirety and will be (*Exhibit A*) as a permanent part of the minutes.

Mr. O’Briant concluded his report.

>>Council held some discussion as it relates to the letter from Attorney Hughes. Council Member Floyd Rogers addressed the fact that Council and Staff have to communicate with many different resources in order to have clarity to provide accurate information back to the public as it relates to the annexation of Wolf Creek.

>>Council Member Cameron Rivers stated he needs more clarification about next steps and final plans from the developer. Mr. Rivers further requested that it be noted that he does not agree with the content of the letter from Mr. Hughes and was not aware the letter was going out. Council

Member John McManus commented to Mr. Rivers that he thought the letter was more about opening up dialogue to discuss the issues, and not a demand. Mr. McManus stated these conversations need to happen in order to obtain solutions about the water for this property. Mr. Rivers stated it was not his intention to debate or discuss; he was stating his opinion that he does not agree with the content of the letter. Also, he does not have certainty about final solutions, and he wants his opinion noted.

>>Council Member Floyd Rogers stated it was his understanding that the Council will entertain a public hearing on Sept. 8, 2025, and he would advise moving the meeting to the Senior Center. Mayor Scipio and Council concurred. It will be noticed the Sept. 8, 2025, meeting will be held at the Senior Center 129 Schoolhouse Street, Pickens SC.

APPROVAL OF MINUTES:

>>Motion was made by John McManus to approve the following minutes. Motion was seconded by Council Member Council Member Floyd Rogers and unanimously passed. (Ray Wilson voting via phone)

- July 14, 2025, Regular Meeting
- June 23, 2025, Special Called Meeting

FIRST READING OF ORDINANCE NO. 2025-07, TO AMEND CHAPTER 18 ARTICLE IV, TO ADD SECTION 414 CONCERNING PLANNED DEVELOPMENT DISTRICT OF THE OFFICIAL ZONING ORDINANCE:

Mr. O'Briant stated this Ordinance is to add the Planned Development District (PDD) to the Zoning Ordinance which gives Council the authority to approve specifics of site plans. Mr. O'Briant stated this will ensure that a development agreement, once approved, cannot be changed without Council approval.

>>Motion was made by Council Member Allie Winter that this constitute a First Reading of Ordinance No. 2025-07. Motion was seconded by Council Member Floyd Rogers.

Mayor Scipio called for discussion.

>>Mayor Scipio wanted clarity that this PDD will allow Council to control growth and that development would suit the character of Pickens. Ms. Vissage stated this is the purpose.

>>Council Member John McManus clarified with Ms. Vissage that this is a new addition to the Zoning Ordinance, and it provides for residential, commercial, industrial, and mixed use. Mr. McManus wanted to know if the PDD addresses larger developments like Wolf Creek, construction entrances and construction traffic. Ms. Vissage stated it did.

>>Council Member Allie Winter asked about plans for HOA's. Ms. Vissage stated that it is not addressed, and she can ask the attorney who will attend the next work session. Ms. Winter also inquired about road plans and the responsibility for those roads. Ms. Vissage stated that it would need to be addressed as well.

>>Council Member Floyd Rogers stated he had several concerns, and he would send those to Ms. Vissage so she can communicate those with the attorney. Main Concerns were as follows:

- Council retains final authority, and all changes of site plans will come back to council
- Tie Ordinance to the contract, integrate annexation contract terms directly to the PDD
- Periodic reporting, developer to submit progress/compliance reports
- Thresholds for significant changes, mandatory impact studies such as traffic, utility, school, and emergency services
- Clarify public hearings when amendments to the ordinance arise

- Enforcement clause, specific penalties, remedies, stop work authority, and dispute resolution

Council Member Rogers will also provide language for each of these bullet points. Council also discussed this will be for the City as a whole as any development comes forward.

>>Mayor Scipio stated there is a motion and a second on the floor, the motion has been discussed, and he called for the vote. All members voted in favor that this constitutes a First Reading of Ordinance No. 2025-07 with the exception of Council Member Cameron Rivers who opposed. Motion carried 5-1.

FIRST READING OF ORDINANCE NO. 2025-08, TO AMEND CHAPTER 16 ARTICLE IV. METHODS FOR CONTROLLING THE INTRODUCTION OF POLLUTANTS INTO THE MUNICIPAL STORM SEWER SYSTEM BY PROHIBITING ILLICIT CONNECTIONS AND DISCHARGES; AND TO AMEND ARTICLE V. STORMWATER MANAGEMENT UTILITY:

Mr. O'Briant stated this is a mandatory amendment to the Stormwater Ordinance and as stated in his Administrator report the State of South Carolina informs municipalities regarding management of stormwater.

>>Motion was made by Council Member Floyd Rogers that this constitute a First Reading of Ordinance No. 2025-08. Motion was seconded by Council Member John McManus.

Council Member John McManus noted the amount of redlined language and inquired if this was from the State. Tim O'Briant stated some is from the Department of Environmental Services as well as Pickens County. Again, the City Attorney will be here for the Work Session of the 8/25/25 and will be finalizing this language. Mr. O'Briant stated it is the purpose of having this ordinance in place by 8/30/25. And the Council can vote on 8/25/25 with proper notice.

Mr. Rogers stated he thinks the City should follow the State, but more importantly we need to seek informational guidance and educational pamphlets to distribute to residents and businesses about stormwater management/maintenance.

>>After discussion was complete, Mayor Scipio called for the vote. All members voted in favor that this constitutes a First Reading of Ordinance No. 2025-08. Motion carried with a unanimous vote.

CONSIDERATION OF THE PLANNING COMMISSIONS DENIAL RECOMMENDATION FOR THE REZONING OF 206 GRIFFIN STREET:

Ms. Vissage stated this is the Old Colonial house at 206 Griffin St. The owner requested this be rezoned from R-12 (single-family) to Central Business District and the Planning Commission has denied the request due to the neighborhood and surrounding properties being impacted by traffic and hours of a proposed restaurant. Tim O'Briant stated this is now before Council and Council has the authority to uphold the Planning Commission's recommendation or not.

Mayor Scipio stated this property has been a restaurant at one time.

>>Council Member Allie Winter made a motion to consider the Planning Commissions denial. Council Member John McManus asked for clarification of the motion. Mayor Scipio stated the motion would be for consideration of the Planning Commissions denial recommendation for the rezoning of 206 Griffin Street.

Mr. McManus asked Ms. Winter was her motion to accept this denial. Ms. Winter stated she was bringing the issue forward for questions and discussion. (motion did not receive a second)

>>Council Member John McManus stated he would make a motion to accept the Planning Commission's recommendation to deny this zoning request. (Motion did not receive a second)

Council Member Ray Wilson asked if he could move to deny the denial and open the floor for discussion. Mr. Rogers asked if this item could be discussed this evening. Mayor Scipio stated that the motions have not received a second and he would propose the Council wait until the work session of August 25, 2025, and discuss this issue more. (this item will return on the next agenda)

CONSIDERATION OF THE ESTABLISHMENT OF POLICIES AND PROCEDURES TO DELEGATE COUNCIL'S SUPERVISION OF THE CITY ADMINISTRATOR, CITY CLERK, FINANCE DIRECTOR, MUNICIPAL JUDGE AS IT RELATES TO DAY-TO-DAY OPERATIONS:

Mr. O'Briant stated this was from the last meeting. Council Member Floyd Rogers has requested this item be discussed and have a policy. There is no policy yet to debate.

In the last meeting Attorney Hughes' response was that the Administrator would be the day-to-day report for all employees. The Administrator will report to the Mayor, and the Mayor will communicate with all Council Members. The Mayor agrees but wants to have the proper communication with Council that does not give the appearance of making decisions via text, email, or group calls.

Mr. Rogers stated he is requesting clarification about staff that report to Council. Council Member Cameron Rivers also agreed there could be better communication and more clarity. Mr. Rogers stated he would like the attorney to create an Ordinance or Policy for clarity. Council Member John McManus stated he also wants clarity about the establishment of council committees, and perhaps a committee could provide further guidance. (Mayor Scipio stated this will be further discussed at the next work session)

RE-APPOINTMENT TO THE BOARD OF ARCHITECTURAL REVIEW:

Ms. Vissage stated she would like to re-appoint Doug Tate. He has been on the Board since 2017. Mr. Tate is a local business owner and does a good job.

>>During Council discussion, Council wanted to know if there were term limits. Ms. Vissage stated the Architectural Review Board does not have term limits. Council inquired about others who may want to serve. Ms. Vissage stated she can open it up and seek other applicants that may be interested. Council Member Ray Wilson stated the Code provides there are limits of (2) terms. Ms. Vissage apologized, she thought those terms were Planning Commission only. Ms. Vissage will bring back interested applicants.

COMMENTS FROM COUNCIL:

Mayor Scipio went over some of the next work session items.

- Street Light Reports (Chief Beach)
- Traffic on Main Street (Chris Elrod)
- Trash Truck expenses
- Baily Bill Ordinance
- Sign Ordinance Changes - site temporary signs
- Standing committee discussion
- Further discussion regarding Planned Development District
- Further discussion regarding Storm Water
- Ordinance for Business license schedule

>>The Mayor stated there may be other items, but he will be trying to let Council know the list he has to date.

It was agreed by Council to meet at 5:00p.m. for this work session.

ADJOURNMENT:


Hearing no further business, Mayor Scipio called for the motion to adjourn. Motion was made by Council Member Floyd Rogers, seconded by Council Member Ray Wilson, and unanimously approved to adjourn. Pickens City Council stood adjourned at 7:59 p.m.

Respectfully Submitted:



Donna F. Owen, City Clerk

Approved:



Isajah Scipio, Mayor

DUGGAN & HUGHES, LLC
ATTORNEYS AND COUNSELORS AT LAW

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August 11, 2025

Via Fax (864) 878-5009 and Certified Mail
Bethlehem Roanoke Water District
Attn: Jason E. Hall, General Manager
PO Box 853
Pickens, SC 29671

**Re: Annexation of Property within Bethlehem Roanoke Water District
TMS No. 4180-00-46-1109**

Dear Mr. Hall:

I am the city attorney for Pickens. I understand there have been several efforts made by the City to discuss an annexation petition of certain real property located at the intersection of Mauldin Lake Road and Wolf Creek School Road and within the Bethlehem Roanoke Water District (BRWD) and the provision of water service to said property.

I am hopeful to open the dialogue for conversation between the City and BRWD as the City moves forward with annexation. I want to specifically address your letter dated July 16, 2025 in which you state that BRWD "will not relinquish or transfer its right to provide water service within our currently established boundaries."

The City recognizes that the subject property is within the boundaries of BRWD, and the City further recognizes that state law provides certain protections for BRWD. However, state law also provides that municipalities have the right to determine whether to provide services in annexed area pursuant to a plan (See S.C. Code §5-3-310). The City intends to exercise that right.

S.C. Code §5-3-310 provides as follows (emphasis added):

When all or part of the area of a special purpose district as defined in Section 6-11-1610 or a special taxing district created pursuant to Section 4-9-30 or Section 4-19-10, et seq. or an assessment district created pursuant to Chapter 15 of Title 6, or any other special purpose district or special taxing or assessment district is annexed into a municipality under the provisions of Section 5-3-150 or 5-3-300, the following provisions apply:

(1) At the time of annexation or at any time thereafter the municipality may elect at its sole option to provide the service formerly provided by the district within the annexed area. The transfer of service rights must be made pursuant to a plan formulated under the provisions of Sections 5-3-300 through 5-3-315.

(2) Until the municipality upon reasonable written notice elects to displace the district's service, the district must be allowed to continue providing service within the district's annexed area.

(3) Annexation does not divest the district of any property; however, subject to the provisions of item (4) below, real or tangible personal property located within the area annexed must be transferred to the municipality pursuant to a plan formulated under the provisions of Sections 5-3-300 through 5-3-315.

(4) In any case in which the municipality annexes less than the total service area of the district, the district may, at its sole discretion, retain ownership and control of any asset, within or without the annexed area, used by or intended to be used by residents within the district's unannexed area or used or intended to be used to provide service to residents in the unannexed area of the district.

(5) Upon annexation of less than the total area of the district, the district's boundaries must be modified, if at all, by the plan formulated pursuant to the provisions of Sections 5-3-300 through 5-3-315. The plan must specify the new boundaries of the district.

The foregoing law grants the City the right to provide service to the annexed area pursuant to a plan, and therefore, contrary to your position, BRWD does not have right to deny the City the right to provide water service upon annexation. The SC State Attorney General's Office agrees: "By its plain language, section 5-3-310 establishes that an annexing municipality has the sole discretion whether to assume the responsibility for providing services currently provided by a special purpose, special taxing, or special assessment district. (2012 WL 1377689 (S.C.A.G. Mar. 30, 2012)(emphasis added).

If the City and BRWD cannot agree to a plan, then the law provides a method for formulating a plan for services through a 3-member committee with mandated participation by BRWD. If a plan cannot be agreed upon, then a party can request for the Court to intervene. See S.C. Code §5-3-311. Importantly, S.C. Code §5-3-311(7) provides that the absence of a finalized plan may not alter or delay the effective date of annexation.

Based upon the foregoing, the City has the right to annex and provide service and BRWD has the obligation to participate in formulating a service plan.

Furthermore, it makes more economical and engineering sense for the City to assume service to the subject property. This is an important consideration since the plan required by S.C. Code §5-3-311 must "balance the equities" between the residents and taxpayers both inside and outside the annexed area. It is my understanding that BRWD does not currently provide service to the subject property and would incur significant cost to build the infrastructure necessary to provide service. On the other hand, the City's water system is ready and capable of providing

service without significant cost.

Based upon the foregoing, BRWD has an obligation to confer with the City to develop a plan to establish the transfer of service rights as required by state law. It is the City's hope that this plan for transfer of rights can be accomplished in a mutually agreeable manner in the very near future. The City wants to keep and maintain its good relationship with BRWD.

Upon review of this letter, please reach out to me to discuss. I respectfully request a response within ten (10) days of this letter. The City is committed to working with you in good faith to resolve this matter, and I am hopeful that will happen.

Sincerely,

DUGGAN & HUGHES, LLC



Daniel R. Hughes
dhughes@dugganhughes.com

DRH/tab

cc: Mayor Isaiah Scipio and City Council (via email)
Tim O'Briant (via email)