

The logo features a large, stylized blue letter 'C' on the left. To its right, the words 'Town Council Agenda' are written in a blue, bubbly, 3D-style font with a white outline and a slight shadow effect.

**Regular Town Council Meeting
Cowpens Municipal Courtroom
5330 N. Main Street**

**The Town of Cowpens Town Council will hold a regular meeting on
Monday, August 21, 2017, at 7:00 p.m.**

- I. Call to Order
- II. Invocation
- III. Approve Agenda for August 21, 2017
- IV. Approval of Minutes, Purchase Journal, Account Registers and Monthly Statements
 - A. Approve Meeting Minutes of July 17, 2017
 - B. Purchase Journal, Account Register and Monthly Statements
- V. Presentation of Department Reports
 - A. Police, Fire and Street Department Reports
 - B. Office – Setoff Debt Report
- VI. Old Business
 - A. Single Member Districts - Discussion
 - B. Confined Space Resolution - Fire Department
- VII. New Business
 - A. Bee Ordinance – Discussion/1st Reading
 - B. Proclamation – National Parks Funding
- VIII. Adjournment

**TOWN OF COWPENS
REGULAR COUNCIL MEETING
July 17, 2017**

The Town of Cowpens held its regular council meeting on Monday, July 17, 2017, at 7:00 p.m. Present were Mayor Michael D. Hamrick, Mayor Pro-Tem Brenda J. Adair, Council Members Roy Logan, and Jarred S. Spencer. Councilman Thomas E. Voelker was absent.

Mayor Hamrick called the meeting to order and Jarred S. Spencer held prayer and included a moment of silence for the families of area residents who had lost loved ones and those who have sickness in their families.

Approval of Agenda

Jarred S. Spencer made a motion to amend and approve the agenda by adding presentations for Retired Chief Ric Makupson and information for the SBA tower lease, second by Brenda J. Adair and carried.

Mayor Hamrick made a presentation honoring Chief Rickey Makupson (Ret.) with Roy Logan accepting the award on his behalf. Mayor Hamrick mentioned Mr. Makupson's dedication to the town and his serving over 36 years with the Cowpens Police Department, with 21 years as chief.

Representative Ed Tallon was also present and had a certificate ready to present Chief Makupson (Ret.). Rep. Tallon congratulated him for more than 36 years of service to the town, with 21 years of those as Chief of Police. Rep. Tallon will present this certificate to Chief Makupson (Ret.) at a later date.

Chief Wayne Meredith introduced new officers for the town: Channa Williams (served with Spartanburg County 911), Tanner Lancaster (served with Spartanburg County Detention Center), Jawarski Shelton (served with Laurens County Sheriff's Office for 16 years). Council welcomed the new officers to the department.

Approval of Minutes & Financial Statements

Brenda J. Adair made a motion to approve the minutes of June 19, 2017, second by Roy Logan and carried.

Brenda J. Adair made a motion to approve the purchase journals, account registers, and monthly bank statements, second by Roy Logan and carried.

Department Reports

The Police Department issued 39 citations (14 speeding tickets were included). Revenue collected was \$2,477.00 and the town's portion was \$879.27. There were 5,179 accumulated on the police vehicles. This number is down from 10,179 last month.

The following was reported for the Cowpens Fire Department: calls in Cowpens-nine; Cowpens Fire District-17 Spartanburg County Mutual Aid -seven; Cherokee County - three.

Old Business

Fire Advisory Board – Chief Blanton had no new information on the Fire Advisory Board. He would like to put this item on the agenda for the next scheduled meeting.

Confined Space Resolution – Chief Blanton will present a resolution at the next meeting.

New Business

Fire Department Budget Adjustments - Jarred S. Spencer made a motion to approve the fire department budget adjustments for 2016-2017, second by Roy Logan and carried.

Town Budget Adjustments 2016-2017 – Jarred S. Spencer made a motion to approve the town budget adjustments for 2016-2017, second by Brenda J. Adair and carried.

Single Member Districts – Roy Logan requested that we place a referendum on the ballot for single member districts. He felt that the citizens would have better representation in their area if we had single member districts.

Jarred S. Spencer stated that he was against single member districts in our small town. We have accomplished a lot of work without having single member district and it has not been an issue. Jarred S. Spencer made a motion to postpone the topic indefinitely, second by Brenda J. Adair and carried. (Three in favor and one opposed, Roy Logan).

Councilman Logan requested that we place the discussion of single member districts on the agenda for the next council meeting.

Cell Tower Lease – Council discussed the cell tower lease. Mayor Hamrick is negotiating with our current provider. Jarred S. Spencer states that we should allow the attorney that is working on our behalf to continue negotiations.

Jarred S. Spencer made a motion to adjourn, second by Roy Logan and carried.

Mayor Michael D. Hamrick

Mayor Pro-Tem Brenda J. Adair

Council Member Roy Logan

Attest:

Council Member Jarred S. Spencer

Teresa Chadwick, Town Clerk

Council Member Thomas E. Voelker



MEMORANDUM

TO: Mayor and Town Council Members

FROM: Anthony Blanton, Fire Chief

DATE: August 21, 2017

SUBJECT: Council Agenda – Permit Required Confined Space Resolution

INTRODUCTION:

The Cowpens Fire Department is being approached by industries and agencies outside of the Cowpens Fire District, requesting assistance in providing “permit required” confined space rescue stand by services. Though the fire department is currently providing such services, it is limited to an agency that has generously funded equipment needed for this type service. We would like to entertain the idea of initiating such a program that will provide additional funding to the fire department, in an effort to maintain and progress with such services.

BACKGROUND:

The Cowpens Fire Department is trained and equipped to respond to confined space emergencies for rescue and recovery operations. OSHA standards require any agency with such a space to develop a Confined Space Program, and to identify a means of providing rescue. Currently, several local businesses are listing the Cowpens Fire Department as their agency to provide rescue from such spaces, uneducated to the fact that this agreement must be made with that rescue provider.

Businesses with permit required confined spaces have three options, which include providing their own in house rescue teams, contracting with an outside agency for rescue, or contracting with the Cowpens Fire Department for rescue. Companies can decide to not enter into an agreement with the Cowpens Fire Department, but they will not be allowed to list the Cowpens Fire Department as their agency providing rescue services form “permit required” confined spaces, in their confined space program. Also, if they choose not to enter into a contract with the Cowpens Fire Department they will be required to inform the fire department who they have listed in their written plan as their designated rescue provider.

RECOMMENDED FEES:

Annual Contract Fee: \$1,500

On Site Personnel (when required): Hourly wage of \$20 per person, to be divided to allow personnel to earn \$15 per hour, and the fire department collect \$5 per hour.

RECOMMENDATION:

It is our recommendation to approve the attached resolution authorizing contract, rates, and fees for permit-required confined space rescue by the Cowpens Fire Department.

ATTACHMENTS:

1. Resolution authorizing Contract, Rates, and Fees for Permit Required Confined Space Rescue
2. Permit Required Confined Space Rescue Contract
3. Business Letter

PERMIT REQUIRED CONFINED SPACE RESCUE CONTRACT

This contract entered into this _____ day of _____, 20__ by and between the Town of Cowpens Fire Department, 144 Battleground Road Cowpens, South Carolina 29330, hereinafter referred to as the Fire Department, and _____ of _____, South Carolina hereinafter referred to as the Owner.

WHEREAS, the Fire Department maintains a confined space rescue service within its department and is willing to render confined space rescue to the Owner with permit required confined spaces upon reasonable terms; and

WHEREAS, the Owner is located at _____, South Carolina and desires to have permit required confined space rescue services from the Fire Department and is willing to pay the sums hereinafter provided for;

NOW, THEREFORE, it is agreed between the parties as follows:

- 1) The Fire Department will furnish permit required confined space rescue services to the Owner, as it now furnishes for other confined space rescues within the district,
- 2) The permit required confined space rescue service is subject to prior service calls within the district. It shall not be a violation of this Contract if, in the judgment of the officer in charge of the Department, a response pursuant to this Contract would jeopardize protection to the fire district as a whole. The Fire Department shall not be responsible for any loss which may result from failure to respond promptly or failure to respond to any call for service under this Contract from the Owner. In the event that the officer in charge makes such determination, the Owner will promptly be notified by the Fire Department of the temporary suspension of the Contract service,
- 3) The Fire Department is not responsible for any claims because of injuries to the public or damaged property which occur while the Fire Department is engaged in answering a call pursuant to this Contract. The Owner agrees to indemnify the Fire Department for any judgment rendered against it or sums paid out by it in payment of any claims,
- 4) This Contract shall be limited to service at the Owner's present location, as indicated within this Contract, and shall not be valid if the Owner moves from its present location or expands to other locations,
- 5) The Owner agrees to pay the sum of \$1,500 for these services. Payment shall be made upon the execution of this Contract and on the first day of each successive twelve month term. If payment is not made as herein provided the Contract shall be deemed terminated. When required by the Fire Department's Rescue Coordinator that rescue personnel be on site, the Owner will compensate those persons at a rate of \$20 per hour, per person,
- 6) The term of this Contract shall be for twelve months from the date of execution, and shall be automatically renewed for an additional twelve month term thereafter until written notice of termination is served by either party against the other, sixty days prior to the end of the term of this Contract.

7) The Owner will make all reasonable attempts to provide the Fire Department with seventy two hours of notice, before planned confined space entries are conducted. Unforeseen circumstances arising requiring entries by the Owner will be handled based upon the availability of the Fire Department's personnel.

8) The Fire Department's Rescue Coordinator will be notified of all entries made by the Owner, and the Fire Department's Rescue Coordinator will approve available stand by personnel. The Fire Department's Rescue Coordinator will determine if personnel will be required to be on site, or will mobilize in place. This will be based off several factors eluding to the nature of entry. If on-site stand by is deemed necessary, the Fire Department's Rescue Coordinator will then determine the appropriate number of personnel needed (ie. Rescue coordinator only, rescue team, entry and attendants, etc). When on site personnel is deemed necessary, the Owner will be responsible for compensating these persons as outlined by this Contract. Non compliance of this from the Owner will deem all agreements of this Contract as void,

9) The Owner will allow the Fire Department access to any and all confined spaces within their facilities, to pre plan and simulate potential rescue,

10) This Contract shall be binding upon the successors and assigns of the parties. The Owner shall not assign this Contract without the consent of the Fire Department.

Town of Cowpens
Cowpens Fire Department

By Fire Chief Anthony Blanton

Owner _____

By _____

Resolution No. 08.2017.001

A RESOLUTION AUTHORIZING CONTRACT, RATE AND FEES FOR PERMIT REQUIRED CONFINED SPACE RESCUE BY THE COWPENS FIRE DEPARTMENT.

1. **PURPOSE:** The purpose of this resolution is to authorize the contracting for and the establishment of fees, with respect to "Permit Required" confined space rescue.
2. **CONFINED SPACES:** There are two types of confined spaces, "permit-required" and "non permit required." The state OSHA regulations sets the definitions for what is "permit required." It further provides the businesses and industries with permit required confined spaces must either provide in house personnel and equipment for the removal of personnel from such spaces, or to select and contract for such services with public or private agencies and companies staffed and equipped to provide such service.
3. **CONTRACT SERVICE:** Any company or business desiring to contract with the Cowpens Fire Department, for providing of "permit required" confined space rescue service, may do so upon compliance with OSHA regulations relating thereto, and the payment of the annual fee herein after established for such service.
4. **FEE:** There is hereby established an annual fee for "permit required" confined space rescue service contracts in the sum of \$1,500 per contract. The contract will be for the facilities located at an individual physical address, as indicated on the contract form.
5. **CONTRACT:** Attached hereto and made a part hereof is a form contract for the contracting of such service as above set out and said contract shall be utilized by the department in effectuation of this resolution.
6. **EFFECTIVE DATE:** This resolution shall ne in full force and effect from and after its passage and approval.
7. That all resolutions in conlict herewith are hereby repealed

PASSED, APPROVED, and ADOPTED by the Town Council for the Town of Cowpens, South Carolina, this 21st day of August, 2017.

Michael Hamrick, Mayor

Teresa Chadwick, Town Clerk

Proposed Beekeeping Ordinance

Town of Cowpens

Whereas, honeybees are of benefit to mankind by providing agriculture, fruit and garden pollination services and by furnishing honey, wax and other useful products; and

Whereas, domestic strains of honeybees have been selectively bred for desirable traits, including gentleness, honey production, tendency not to swarm and nonaggressive behavior, characteristics that are desirable to foster and maintain; and

Whereas, gentle strains of honeybees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed and maintained;

**Now, Therefore, Be It Ordained and Enacted By
The Town of Cowpens**

Section 1. That the findings contained in the preamble of this ordinance are hereby adopted as a part of this ordinance.

Section 2. That Chapter No. 13 (Offenses and Miscellaneous Provisions), Article IV. Offenses Against Public Health, of the Town of Cowpens Code of Ordinances, Town of Cowpens, South Carolina, is hereby amended by adding a new section No. 13-90, which reads as follows:

Definitions

As used in this section, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

1. "Apiary" means the assembly of one or more colonies of bees at a single location.
2. "Beekeeper" means a person who owns or has charge of one or more colonies of bees.
3. "Beekeeping equipment" means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
4. "Colony" or "hive" means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones, including brood, combs, honey and the receptacle inhabited by the bees.
5. "Honeybee" means all life stages of the common domestic honey bee, *Apis mellifera* species.
6. "Tract" means a contiguous parcel of land under common ownership.
7. "Undeveloped property" means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human use occupancy and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

Certain Conduct Declared Unlawful

- (a) The purpose of this section is to establish certain requirements of sound beekeeping practice that are intended to avoid problems that may otherwise be associated with the keeping of bees

in populated areas.

- (b) Notwithstanding compliance with the various requirements of this section, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.

Hive Registration

The keeping of honey bees may be permitted as an accessory use of a pre-existing single-family residential use provided:

- a) An annual beekeeping permit from the Town shall be required for all beekeepers. All honey bee colonies shall be registered annually with the Town of Cowpens.
- b) The beekeeper shall live on the premise where bees are kept. Should the beekeeper move off premise the colonies shall be removed.
- c) All beekeepers and managed colonies shall adhere to all state inspection laws, and shall maintain apiaries that are inspectable by the South Carolina Department of Plant Industry (DPI) Apiculture Program.

Hive Type

All managed colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.

Fencing of Flyways

A flyway barrier at least 6 feet in height consisting of solid wall, fence, dense vegetation or combination thereof shall be installed parallel to the property line. The barrier shall extend 10 feet beyond the colony in each direction.

Water

Each beekeeper shall ensure that a convenient source of fresh water is available and unobstructed within 20 feet of the bees at all times.

General Maintenance

- a) Bee colonies shall be managed with proper Integrated Pest Management (IPM) techniques to prevent invitation of pests and/or animals into the apiary. Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- b) No beekeeping equipment shall be placed in the front of the building line(s), and shall be situated at least 15 feet from all property lines. No managed colony shall be within 40 feet of any main building on an adjacent lot.
- c) The hives of bees may not be manipulated between the hours of sunset and sunrise unless the hives are being moved to or from another location.
- d) Swarm management techniques shall be implemented, including but not limited to required colony splitting and the removal of swarm cells to help to prevent feral honeybee colonies.

Queens

All colonies shall be maintained with queens selected from European stock bred for gentleness and non-swarmer characteristics. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, the beekeeper to promptly re-queen the colony. Africanized honey bees or any hybrid involving the African species shall be prohibited. There shall be a maximum of five colonies, each with one queen.

Marking Hives, Presumption of Beekeeping

- (a) In apiaries the beekeeper shall conspicuously post a sign setting forth his name and telephone number. In addition, the beekeeper's registration yard marker, shall be posted on a sign within the apiary. It is a defense against prosecution under this subsection that a colony is kept upon the same tract upon which the owner resides.
- (b) Unless marked in accordance with subsection (a) it shall be presumed for purposes of this section that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address and telephone number of the other person who is acting as the beekeeper.

Inspection

The town administrator or other town appointed person shall have the right to inspect any apiary between 8 a.m. and 5 p.m. Where practicable, prior notice shall be given to the beekeeper, if he resides at the apiary or if his name is marked on the hives.

Compliance

- (a) Upon receipt of information that any colony situated within the town is not being kept in compliance with this section, the town administrator shall initiate an investigation. If he finds grounds to believe that one or more violations have occurred, he will have a written notice of a hearing issued to the beekeeper.
- (b) The notice of a hearing shall set forth:
 - 1. The date, time and place at which the hearing will be conducted.
 - 2. The violation(s) alleged.
 - 3. That the beekeeper may appear in person or through counsel, present evidence, cross-examine witnesses.
 - 4. That the bees may be ordered destroyed or removed from the town if the municipal judge finds that they have been kept in violation of this section. Notices shall be given by certified U. S. mail or personal delivery. If the town administrator is unable to locate the beekeeper, however, the notice may be given by publication one time in a newspaper of general circulation at least five days before the date of the hearing.
- (c) The hearing shall be conducted by the municipal judge. The burden shall be on the town to demonstrate by a preponderance of credible evidence that the colony or colonies have in fact

been kept in violation of this section. If the municipal judge finds that the colony or colonies have been kept in violations of this section, he may order that the bees be destroyed or removed from the town, not to exceed 20 days and that bees not thereafter be kept upon the tract for a period of two years. In instances where the municipal judge finds that the violations were not intentional and that the beekeeper has taken corrective actions to cure the alleged violations, he may issue a warning in lieu of ordering the bees destroyed or removed. Upon failure of the beekeeper to comply with the order, the municipal judge may cause the bees to be destroyed and the hive structures to be removed. In each instance in which a bee colony is destroyed, all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall upon the beekeeper's request be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expenses for their return.

- (d) The decision of the municipal judge may be appealed by filing a notice of appeal with the town clerk within 10 days following the date that the municipal judge announces his decision, or if the decision is not announced at the conclusion of the hearing, within 15 days following at the date the municipal judge places written notice of his decision in the mail to the beekeeper. An appeal shall not stay in the municipal judge's decision, and is shall not be the responsibility of the beekeeper to remove the bees from the town pending the determination of the appeal.
- (e) The provisions of this section shall not be construed to require the conduct of a hearing for the destruction of (1) any bee colony not residing in a hive structure intended for beekeeping or (2) any swarm of bees or (3) any colony residing in a standard or man-made hive, which by virtue of its condition, has obviously been abandoned by the beekeeper.

Section 3. If any provisions, section, subsection, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the town council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be servable for the purpose.

Section 4. This ordinance shall become effective upon approval of the second reading of this ordinance.

Section 5. There exists a public emergency requiring that this ordinance be passed finally on the date of its introduction as requested in writing by the mayor; therefore, this ordinance shall be passed finally on such date and shall take effect as provided in Section 4, above.

First Reading _____

Second Reading _____

Mayor Michael D. Hamrick

Mayor Pro-Tem Brenda J. Adair

Council Member Roy Logan

Council Member Jarred S. Spencer

Council Member Thomas Voelker

Attest:

Teresa Chadwick, Municipal Clerk

**TOWN COUNCIL
OF THE
TOWN OF COWPENS
STATE OF SOUTH CAROLINA**

A RESOLUTION ENCOURAGING CONGRESS TO CREATE A RELIABLE, PREDICTABLE STREAM OF RESOURCES TO ADDRESS DEFERRED MAINTENANCE NEEDS IN AMERICA'S NATIONAL PARK SYSTEM.

WHEREAS, America's National Park System is a living testament to our citizens valor, our nation's hardships, our victories, and our traditions as Americans, and has been called "America's Best Idea;" and

WHEREAS, the National Park System preserves the diversity, culture, and heritage of all Americans, and serves as a living classroom for future generations; and

WHEREAS, in 2016, the National Park Service celebrated its centennial, and currently manages more than 400 nationally significant sites and an invaluable collection of more than 75,000 natural and cultural assets that span 84 million acres across all 50 states, the District of Columbia, and several U.S. territories and insular areas; and

WHEREAS, South Carolina is home to six national park units, including Congaree National Park, Fort Sumter National Monument, Ninety Six National Historic Site, Kings Mountain National Military Park, and Cowpens National Battlefield.

WHEREAS, the Town of Cowpens is a gateway community to Cowpens National Battlefield, and benefits from the tourism associated with visitors to the park; and

WHEREAS, the National Park Service's mission is to "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations;" and

WHEREAS, in 2016, the National Park System had more than 331 million visits, with 1.7 million in South Carolina, and 213,000 to Cowpens National Battlefield; and

WHEREAS, in 2016, National Park Service estimates indicate that park visitors spent more than \$93 million in South Carolina in the local communities adjacent to national parks, including \$13.7 million in those neighboring Cowpens National Battlefield; and

WHEREAS, the National Park Service has the obligation to preserve our nation's history; promote access to national parks for all citizens; stimulate revenue to sustain itself and nearby communities; educate the public about America's natural, cultural and historical resources, and provide safe facilities and environs to enjoy these resources; and

WHEREAS, in 2016, the National Park Service estimated a deferred maintenance backlog of \$11.3 billion, over \$28 million in South Carolina, and \$1.8 million at Cowpens National Battlefield, which includes repairs to aging historical structures, trails, sewers, thousands of miles of roads, bridges, tunnels, and other vital infrastructure; and

WHEREAS, it is the responsibility of Congress to maintain America's national parks to ensure our natural places and our history is preserved and documented for future generations, and for the adjacent communities that rely on the direct and indirect economic benefits generated by visits to national park sites.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF COWPENS that the Town of Cowpens urges Congress to create a reliable, predictable stream of resources to address deferred maintenance needs in America's National Park System, and to ensure that federal infrastructure initiatives include provisions to address park maintenance.

BE IT FURTHER RESOLVED that the Town Clerk is directed to forward a copy of this resolution to the South Carolina congressional delegation.

PASSED, APPROVED AND ADOPTED this 21st day of August, 2017.

ATTEST: Teresa Chadwick, Clerk

Michael D. Hamrick, Mayor