



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
May 16, 2017

MEMBERS, OCONEE COUNTY COUNCIL

Mr. Paul Cain, District III
Mr. Wayne McCall, District II
Ms. Edda Cammick, Chairwoman, District I
Mr. Julian Davis III, Vice Chair, District IV
Mr. Glenn Hart, Chair Pro Tem, District V

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Administrator Scott Moulder, County Attorney David Root and Katie D. Smith, Clerk to Council present.

Press: Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [www.oconeese.com/council]. In addition it was made available [*upon request*] to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Stephen Bradley / Daily Journal.

Call to Order

Ms. Cammick called the meeting to order at 6:00 p.m.

Public Comment Session

Mr. Cole Lanphear addressed Council utilizing a handout [copy filed with these minutes] regarding county trash service.

Ms. Debbie Sewell, Agriculture Advisory Board member, addressed Council thanking them for supporting the agriculture community and she is in support of **Ordinance 2017-12**.

Mr. Redd Gardner addressed Council regarding manned convenience centers, particularly Strawberry Farm Road, advertising bids for signs around Oconee County, and suggested naming the bridge from Seneca "West Clemson".

County Council Response to Public Comment

Mr. McCall spoke about the dangers of armadillos and to not touch them as they could possibly carry a parasite. He noted they are destroying turkey eggs and quail eggs and are migrating here.

Ms. Cammick responded to Mr. Gardner's comments regarding the signs and noted she was promised a list of potential locals who could help build signs but nothing has been provided.

Moment of Silence

Ms. Cammick asked for a moment of silence prior the Invocation by the County Chaplain.

Invocation by County Council Chaplain:

Mr. Root, County Council Chaplain, gave the invocation.

Pledge of Allegiance:

Mr. Moulder led the Pledge of Allegiance to the Flag of the United States of America.

Approval of Minutes:

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0 to approve the May 2, 2017 Regular Meeting minutes as presented.

Mr. Moulder asked to amend the agenda to include 1st Reading in Title Only of **Ordinance 2017-01, 2017-02 & 2017-03**.

Administrator's Report & Agenda Summary

Mr. Moulder briefly reviewed with Council and for the public's benefit specifics related to the following matters before Council at this meeting:

- Proclamation: P2017-05
- Public Hearing of Ordinance: 2017-05, 2017-08, 2016-20
- Third Reading of Ordinance: 2017-05, 2017-08, 2016-20
- Second Reading of Ordinance: 2017-10, 2017-12
- First Reading of Ordinance: 2017-13, **Amended Agenda** to include 2017-01, 2017-02, 2017-03
- First & Final Reading of Resolution: R2017-06
- Discussion Regarding Action Items
- Board/Commission Appointments
- Council Committee reports

Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, to approve to amend the agenda to add 1st Reading in Title Only of **Ordinance 2017-01, 2017-02 & 2017-03**.

Proclamation 2017-05

PROCLAMATION 2017-05 FOR NATIONAL SAFE BOATING WEEK

Ms. Cammick read the proclamation into the record.

Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, for **Proclamation 2017-05** on 1st & Final Reading.

Public Hearings for the Following Ordinances

Ordinance 2017-05 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT ENTRY; THE GRANTING OF SPECIAL SOURCE CREDITS; THE INCLUSION OF PROJECT ENTRY IN A JOINT

COUNTY INDUSTRIAL AND BUSINESS PARK AND THE EXECUTION AND DELIVERY OF A MCIP AGREEMENT; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES.”

Ms. Jennifer Moss addressed Council in opposition to passage of **Ordinance 2017-05** due to traffic issues, noise and light pollution, crimes that have been committed in the area, etc.

Ms. Cammick opened the floor for any citizen wishing to address Council regarding this ordinance and asked if any citizen wished to speak.

Mr. Redd Gardner addressed Council in opposition to passage of **Ordinance 2017-05** and noted the development needed to be stopped.

Ms. Cammick asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

No additional citizens spoke at this meeting.

Ms. Cammick closed the Public Hearing regarding **Ordinance 2017-05**.

Mr. Root noted on the agenda **Ordinance 2017-05** is still noted as Project Entry but on the public notice hearing that was run it was named Epoch Clemson, LLC.

Ordinance 2017-08 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND ITRON, INC.; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES.”

Ms. Cammick opened the floor for any citizen wishing to address Council regarding this ordinance and asked if any citizen wished to speak.

Ms. Cammick asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. Jerry Barnett addressed Council in opposition to passage of **Ordinance 2017-08**.

No additional citizens spoke at this meeting.

Ms. Cammick closed the Public Hearing regarding **Ordinance 2017-08**.

Ordinance 2016-20 “AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 12 OF THE OCONEE COUNTY CODE OF ORDINANCES, REGARDING NOISE REGULATION WITHIN THE UNINCORPORATED AREAS OF THE COUNTY; AND OTHER MATTERS RELATED THERETO.”

Ms. Cammick opened the floor for any citizen wishing to address Council regarding this ordinance and asked if any citizen wished to speak.

Mr. Marty Lee addressed Council in opposition to passage of **Ordinance 2016-20**.

Mr. Gary Littlefield addressed Council in opposition to passage of **Ordinance 2016-20**.

Ms. Cammick asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

No additional citizens spoke at this meeting.

Ms. Cammick closed the Public Hearing regarding **Ordinance 2016-20**.

Third Reading of the Following Ordinances

Ordinance 2017-05 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT ENTRY; THE GRANTING OF SPECIAL SOURCE CREDITS; THE INCLUSION OF PROJECT ENTRY IN A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK AND THE EXECUTION AND DELIVERY OF A MCIP AGREEMENT; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES.”

Mr. Davis made a motion, seconded by Mr. Hart, to approve **Ordinance 2017-05** on third & final reading.

Discussion followed to include:

- Light pollution
- Traffic issues
- Restrictions on development along corridors of the county

Regarding the previous motion made by Mr. Davis, seconded by Mr. Hart, it was approved 5 – 0 to approve **Ordinance 2017-05** on third & final reading.

Ordinance 2017-08 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND ITRON, INC.; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES.”

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2017-08**.

Ordinance 2016-20 “AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 12 OF THE OCONEE COUNTY CODE OF ORDINANCES, REGARDING NOISE REGULATION WITHIN THE UNINCORPORATED AREAS OF THE COUNTY; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis made a motion, seconded by Mr. Hart, to approve **Ordinance 2016-20** on third & final reading.

Discussion followed to include:

- Exemptions and grandfathering paragraphs under Section 12-35, particularly #11. Community Development did not have any record of this ever being used. The Sheriff’s Department did state it had only been brought about four times regarding manufacturing facilities that are already covered in the exemptions. The Sheriff’s Department noted there were only two things that could apply which would be a shooting range or race track.
- Amend Section 12-35 to add firearm discharges as a result of unlawful game hunting or unlawful operation of a shooting range.
- Delete 12-35-11 and add to 12-35-1 after lawful game hunting, unlawful operation of a shooting range.

Per Mr. Root’s request, Chief Davis addressed Council regarding **Ordinance 2016-20**. He noted they frequently have complaints on shooting firearms. Currently under the old ordinance and under the current ordinance, it is not necessarily addressed to the point where you cannot shoot your firearm in a reasonable time frame. Nighttime, except for lawful game hunting, has been addressed as a common sense issue as you should not be target shooting at night. Firearms are hard to pick up on a decimal reader at times. The officer would have to go off the compliant, see how they are shooting, whether it is safe, what the proximity is, how long they have been shooting, and whether they are using alcohol at the time. There are only a few shooting ranges in the county and the one in Salem is put on by a gentleman that does CWP training. At this point, no one has complained about the noise. There are certain noises that would not be exempt under the noise ordinance but can always go back and address them at that time, i.e. race track, shooting range.

Enforcement factors on Section 12-36 allow for the discretion of the officer in situations and may consider the following and other relevant factors:

- Volume of the noise
- Intensity of the noise
- Whether the nature of the noise is usual or unusual
- Whether the origin of the noise is natural or unnatural
- Type and intensity of ambient noise, if any
- Nature and zoning of the area in which the noise is heard

Discussion followed for an amendment under 12-39-4 to include noise measurement to be taken at the nearest residential property not necessarily at the complaint’s property.

Chief Davis addressed Council regarding the above mentioned amendment. He noted it is more convenient on law enforcement to go the source of the compliant. He noted it is easier than trying to

figure out the nearest property boundaries. It still states where law enforcement can go a hundred feet from the point from which the noise is emanating.

Additional discussion followed to include:

- Amend the ordinance to add a period of time where fireworks cannot be shot off even if it's on a holiday
- More important issues may be going on that officers would need to attend to rather than fireworks
- Restrict serving alcohol during those periods of time or serving so late
- Officers don't need to be chasing around fireworks when they should be chasing around drunk drivers

Mr. Hart made a motion, seconded by Mr. Davis, approved 5 – 0 to amend **Ordinance 2016-20** to delete 12-35-11 and add to 12-35-1 the lawful operation of a shooting range.

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2016-20** as amended on third & final reading.

Second Reading of the Following Ordinances

Ordinance 2017-10 “AN ORDINANCE TO AMEND CHAPTER 6, ARTICLE III OF THE CODE OF ORDINANCES OF OCONEE COUNTY PERTAINING TO THE OCONEE COUNTY BOARD OF BUILDING CODE APPEALS; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2017-10** on second reading.

Ordinance 2017-12 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE AGREEMENT BETWEEN OCONEE COUNTY AS LESSOR AND THE FOOTHILLS AGRICULTURAL RESOURCE AND MARKETING CENTER AS LESSEE; AND OTHER MATTERS RELATED THERETO.”

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2017-12** on second reading.

First Reading of the Following Ordinances

Ordinance 2017-13 “AN ORDINANCE GRANTING CERTAIN EASEMENT RIGHTS TO DUKE ENERGY CAROLINAS, LLC FOR THE PURPOSE OF LOCATING AND MAINTAINING ELECTRIC AND/OR COMMUNICATION FACILITIES ON COUNTY-OWNED PROPERTY; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2017-13** on first reading.

ORDINANCE 2017-01 AN ORDINANCE TO ESTABLISH THE BUDGET FOR OCONEE COUNTY AND TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY COUNTY

PURPOSES, FOR THE TRI-COUNTY TECHNICAL COLLEGE SPECIAL REVENUE FUND, FOR THE ROAD MAINTENANCE SPECIAL REVENUE FUND, FOR THE VICTIM SERVICES SPECIAL REVENUE FUND, FOR THE BRIDGE AND CULVERT CAPITAL PROJECT FUND, AND FOR THE ECONOMIC DEVELOPMENT CAPITAL PROJECT FUND, ALL IN OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2017 AND ENDING JUNE 30, 2018.

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Ordinance 2017-01** on first reading.

ORDINANCE 2017-02 AN ORDINANCE TO ESTABLISH THE BUDGET FOR THE SCHOOL DISTRICT OF OCONEE COUNTY (the “School District”) AND TO PROVIDE FOR THE LEVY OF TAXES FOR THE OPERATIONS OF THE SCHOOL DISTRICT OF OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2017 AND ENDING JUNE 30, 2018.

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Ordinance 2017-02** on first reading.

ORDINANCE 2017-03 AN ORDINANCE TO PROVIDE FOR THE LEVY OF TAXES FOR THE KEOWEE FIRE SPECIAL TAX DISTRICT AND TO ESTABLISH THE BUDGET FOR THE KEOWEE FIRE SPECIAL TAX DISTRICT FOR THE FISCAL YEAR BEGINNING JULY 1, 2017 AND ENDING JUNE 30, 2018.

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Ordinance 2017-03** on first reading.

First & Final Reading for the Following Resolutions

Resolution 2017-06 “A RESOLUTION TO RECEIVE AND ACCEPT SNOW CREEK FOREST DRIVE INTO THE OCONEE COUNTY RUDIMENTARY ROAD PROGRAM, PURSUANT SECTION 26-12 OF THE OCONEE COUNTY CODE OF ORDINANCES.”

Mr. Hart made a motion, seconded by Mr. Davis, approved 5 – 0 to approve **Resolution R2017-06** on first & final reading.

Discussion Regarding Action Items

Procurement # RFP 16-15 for Title Search Services for Delinquent Tax Department in the amount of \$167,500.00

It is the staff’s recommendation that Council (1) approve the award of RFP #16-15, Title Search Services for Delinquent Tax Office to Landvision Titles of Walhalla, SC, not to exceed the estimated amount of \$167,500.00 for a one year period and (2) authorize the County Administrator to approve up to four, one-year renewals of this contract, if services are satisfactory.

Mr. Cain made a motion, seconded by Mr. Davis to approve Procurement # RFP 16-15 for Title Search Services for Delinquent Tax Department in the amount of \$167,500.00.

Discussion followed to include:

- In past years, used an independent title searcher

- Certain certifications they provide
- Approve an up to amount budget
- Typically do not use all of the amount because they try to reduce the amount of delinquent properties that go to a title search process before they go to tax sale
- Successful over the past couple of years reducing the numbers
- Title search is typically completed prior to the delinquent tax sale

Regarding the previous motion made by Mr. Cain, seconded by Mr. Davis, it was approved 5 – 0 to [1] approve the award of RFP #16-15, Title Search Services for Delinquent Tax Office to Landvision Titles of Walhalla, SC, not to exceed the estimated amount of \$167,500.00 for a one year period and [2] authorize the County Administrator to approve up to four, one-year renewals of this contract, if services are satisfactory.

Board & Commission Appointments

Building Codes Appeal Board

Mr. Davis noted he would like to hold off on his nomination for the Building Codes Appeal Board in District IV.

Parks, Recreation, & Tourism

Mr. Davis made a nomination, approved 5 – 0, to appoint Ms. Darlene Greene as the At Large representative on the Parks, Recreation, & Tourism Commission.

Old / Unfinished Business:

Ms. Cammick noted if there were any questions regarding SDOC line item budget to submit them to her and she would send an email to Mr. Steve Hanvey with these items.

New Business:

None at this meeting.

Council Committee Reports:

Ms. Cammick read from prepared statements [copies filed with these minutes] outlining the discussions held at the April 25, 2017 & May 9, 2017 Budget, Finance & Administration Committee meeting.

Executive Session:

Mr. Hart made a motion, seconded by Mr. Davis, approved 5 – 0 to enter into Executive Session for the following purposes, as allowed for in § 30-4-70(a) of the South Carolina Code of Laws:

[1] “to receive legal advice and discuss status of contractual negotiations regarding the lease of the former Oakway Intermediate School to the Fair Oak Youth Center.”

Council entered Executive Session at 7:21 p.m.

Council returned from Executive Session at 8:04 p.m. on a motion made by Mr. Davis, seconded by Mr. Hart, approved 5 – 0.

Ms. Cammick stated that no action was taken in Executive Session.

Adjourn

Mr. Davis made a motion, approved unanimously 5 – 0, to adjourn at 8:04 p.m.

Respectfully Submitted:

Katie D. Smith
Clerk to Council