

MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
November 13, 2007



MEMBERS, OCONEE COUNTY COUNCIL

Mr. George Blanchard District I
Mr. Thomas S. Crumpton, Jr., District II
Mr. Mario Suarez, District III
Mr. Marion E. Lyles, District IV, Chairman
Mr. H. Frank Ables, Jr., District V

Oconee County Council met on Tuesday, November 13, 2007 at 3:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members [except Mr. Suarez], County Administrator Dale K. Surrett, Elizabeth G. Hulse, Clerk to Council & Mr. Bradley A. Norton, County Attorney present.

Press:

Members of the press notified (via mail): Keowee Courier, Westminster News, Daily Journal, Anderson Independent, WGOG Radio, WYFF TV, WLOS TV WSPA TV & WSNW Radio.

Member of the press present: Brent McLaughlin–Daily Journal and David Williams–Anderson Independent.

Call to Order:

Chairman Lyles called the meeting to order at 3:00 p.m. noting that Mr. Suarez was not present as he was attending his daughter's graduation ceremony from law school in Columbia.

Additionally, Mr. Ables asked all those present to remember the three West Oak students killed the previous day in an automobile accident.

Pledge of Allegiance:

Mr. Surrett led the pledge of allegiance to the US Flag.

Minutes:

Mr. Blanchard made a motion, seconded by Mr. Crumpton, approved 4 – 0 that the minutes of the Executive Session / Special Meeting held November 6, 2007 be adopted as printed.

Mr. Ables made a motion, seconded by Mr. Blanchard, approved 4 – 0 that the minutes from the regular meeting held November 6, 2007 be adopted as printed.

Public Comment Session:

Mr. Larry Linsin addressed Council regarding his opposition to any additional taxes.

Mr. Frank Kieninger Oconee Men's Outreach, addressed Council regarding the groups continued prayers for Council members. Mr. Kieninger also presented Council members with a letter, desk card and wallet card [filed with these minutes].

Mr. George Cleveland addressed Council regarding his support for the additional sales tax for needed county-wide projects.

AT&T Ceremonial Check Presentation to Council:

Ms. Jane Sosbee, AT&T, presented Council Chairman Lyles with a ceremonial check for \$30,000 from the Timken Project. Ms. Sosbee noted that AT&T continues to be pleased to work with Oconee County.

Mr. Jim Alexander, Economic Development Director, thanked AT&T for their continued support and hard work to help his department attract and keep manufacturing companies in Oconee County.

Ordinance 2007-19:

Mr. Norton addressed Council noting that no changes have been made to this ordinance since first reading. He noted that he is working with Maj. Steve Pruitt, Oconee County Sheriff's Department, to define the terms "violent" and "non-violent". This program allows judges to make home detention a provision of a defendant's bond and there is concern that restrictive language in an ordinance could hamper a judge in ordering home detention when appropriate. Mr. Norton noted that the strict definitions may be better outlined in the specific regulations that the Sheriff's Department would use and not in this ordinance. Mr. Norton committed to having draft regulations to Council members prior to Public Hearing, scheduled for Tuesday, December 11, 2007.

Mr. Crumpton made a motion, seconded by Mr. Blanchard, approved 4 – 0 that **Ordinance 2007-19, "AN ORDINANCE ESTABLISHING A HOME DETENTION PROGRAM"** be adopted on second reading.

Resolution 2007-11:

Mr. Lyles requested Mr. Norton read the complete resolution into the record.

Mr. Ables addressed Mr. Surret asking if County government was doing all it could to conserve water. Mr. Surret noted that landscape watering was not being done and at present that no operational changes have been made. Mr. Surret agreed to address conservation of water to eliminate all non-essential activities.

Mr. Blanchard made a motion, seconded by Mr. Crumpton, approved 4 – 0 that **Resolution 2007-11, "RESOLUTION SUPPORTING WATER CONSERVATION BY ALL OCONEE COUNTY CITIZENS"** be adopted on first and final reading.

Items for Consideration by Council:

Intergovernmental Agreement with City of Westminster [Fire Station]:

Mr. Norton presented Council members with the revised Intergovernmental Agreement between the City of Westminster and Oconee County for a joint fire station to be located in Westminster. Mr. Norton outlined the changes in sections #2.02, #3.01.6 and #4.01. Mr. Norton noted that the City of Westminster was meeting at 5:30 p.m. on this date and were expected to pass the agreement as revised and outlined to council.

Mr. Blanchard made a motion, seconded by Mr. Crumpton, approved 4 – 0 that the Intergovernmental Agreement with the City of Westminster as revised be adopted.

PRT Request to participate in 2008 Atlanta Boat show as Exhibitor:

Mr. Surrett addressed Council along with Mr. Phil Shirley, PRT Director, requesting \$6,000 from the 75% fund of the local accommodations tax for all costs associated with having Oconee County have a booth at the upcoming 2008 Atlanta Boat Show to be held January 9-13, 2008. These funds would cover booth expenses as well as travel, lodging and per diem for staff and several commission members.

Mr. Blanchard made a motion, seconded by Mr. Ables, approved 4 – 0 to approve funding of \$6,000 from the 75% fund of the local accommodations tax for all costs associated with having Oconee County have a booth at the upcoming 2008 Atlanta Boat Show.

ATAX Grant: Blue Ridge Arts Council advertising for “Captured Imagination”

Mr. Surrett addressed Council regarding the ATAX Grant to the Blue Ridge Arts Council in the amount of \$2,250 for advertising the annual juried art show to be held January 18, 2008 through March 13, 2008 entitled “Captured Imagination” to communities outside of Oconee County and with a regional Arts publication covering both North and South Carolina.

Mr. Ables made a motion, seconded by Mr. Crumpton, approved 4 – 0 to approve the ATAX Grant to the Blue Ridge Arts Council in the amount of \$2,250 for regional advertising their show “Captured Imagination”.

Arts & Historical request for Westminster Chamber of Commerce 2007 Tour of Homes:

Mr. Surrett addressed Council regarding Westminster Chamber of Commerce’s request for \$500 for advertising a tour of homes to include Westminster Presbyterian Church and Historic Homes on December 2, 2007. He also noted that the Chamber of Commerce is partnering with the Westminster Area Historic Preservation Society to host this function.

Mr. Blanchard made a motion, seconded by Mr. Ables, approved 4 – 0 to approve \$500 for the Westminster Chamber of Commerce to advertise the 2007 tour of homes.

Arts & Historical request for Blue Ridge Arts Council for POP Open Studio Tour:

Mr. Surrett addressed Council regarding Blue Ridge Arts Councils request for \$2,100 to be used to cover the design and printing of artist invitations, postage, applications and notifications which will be sent to artists for the POP Open Studio Tour.

Mr. Blanchard abstained from this vote as his wife is a member of the Blue Ridge Arts Council.

Mr. Crumpton made a motion, seconded by Mr. Ables, approved 3 – 0 to approve \$2,100 for the Blue Ridge Arts Council for the POP Open Studio Tour.

Arts & Historical request for Oconee County School District–Artist in Residence Program:

Mr. Surrett addressed Council regarding Oconee County School Districts request for \$2,000 to be used to fund artist in residence and performances in all of the Oconee County Schools. This program allows the opportunity for students to work with well known artist in a variety of art fields. It was noted that Council has awarded these funds for the past few years.

After discussion, Mr. Blanchard asked that this agenda item be tabled until such time as the Administrator can explore other funding options for this project to include requesting these funds from the Education Foundation.

Arts & Historical request for Blue Grass Festival at Fair Play Fire Department:

Mr. Surrett addressed Council regarding the Fair Play Fire Department’s request for \$1,500 to assist in hosting their annual Blue Grass Festival. It was noted that they raise money at this event for their day to day expenses. Mr. Blanchard asked Mr. Shirley, PRT Director, if this request could also have been made using ATAX money. Mr. Shirley noted that the request was appropriate as either an ATAX or Arts & Historical request.

Mr. Ables made a motion, seconded by Mr. Crumpton, approved 4 – 0 to approve \$1,500 for the Fair Play Fire Department to assist them in hosting their annual Blue Grass Festival.

Emergency Services Department Request to apply for Department of Homeland Security Assistance to Firefighters Fire Prevention and Safety Grant:

Mr. Surrett addressed Council regarding the Homeland Security Assistance to Firefighters Fire Prevention & Safety Grant [FP&S]. The grant will be used to promote public education and outreach activities through the use of a model remote controlled fire truck and interactive “Hazard House”. The FP&S Grant amount is \$16,560 with a local match of \$4,140 which is in the current budget.

Mr. Ables made a motion, seconded by Mr. Crumpton, approved 4 – 0 to approve the Emergency Services Departments request to apply for the Homeland Security Assistance to Firefighters Fire Prevention & Safety Grant [FP&S].

Emergency Services Department Request for individual fire departments to apply for the Volunteer Strategic Assistance and Fire Equipment [V-Safe] Pilot Grant:

Mr. Surrett addressed Council regarding the V-Safe grant program which is eligible to volunteer and combination fire departments for the purpose of protecting local communities from incidents of fire, hazardous materials and terrorism, and to provide for the safety of volunteer firefighters. The maximum amount of the grant is \$30,000 per eligible fire department. Mr. Rodney Burdette, Emergency Services Director, noted that not all fire departments are eligible for this grant but all that are eligible will be encouraged to apply. Each applicable fire department will make their application for this grant to request self-contained breathing apparatus equipment. Mr. Surrett noted that there are many departments applying for these grant funds and that the awarding of the grants is very competitive. Oconee County Fire Departments will be fortunate to receive any funds.

Mr. Blanchard made a motion, seconded by Mr. Ables, approved 4 – 0 to approve the individual fire departments to apply for the V-Safe Grant for self-contained breathing apparatus equipment.

Bid #2007-09: Road Paving 2007-2008:

Mr. Surrett asked Mr. Mack Kelley, Road Department Director, to address Council regarding Bid #2005-17 – Road Paving for 2007-2008. Mr. Surrett noted that the majority of the bids were very close with approximately a 2% variance.

Mr. Crumpton voiced concerns regarding the bid requests stipulating Type C asphalt mix. Mr. Kelly noted that in January 2007 the SCDOT specifications changed from Type 3 to Type C asphalt mix. In addition he noted the bid package allowed vendors to bid on both Type 3 and Type C. Mr. Kelly noted that he was very concerned that not following SCDOT specifications could result in a loss of state “C” funds in the future. At present we have a request into the state for approximately \$1,000,000 in “C” funds.

Mr. Crumpton questioned the differences in the two types and Mr. Kelly noted that the primary difference was in the testing. One of Mr. Crumpton’s major concerns was that by using Type C mix we were excluding the local asphalt plant from being able to provide the mix made with County rock to the contractor. Lengthy discussion followed.

Mr. Ables made a motion, seconded by Mr. Blanchard, approved 3 -1 [Mr. Crumpton opposed] to award Bid #2007-09 to Pickens Construction, Inc. of Anderson, SC for paving with Type 3 asphalt mix for all appropriate roads unless it would jeopardize state funds received by the County at which time Type C asphalt mix is required.

Regarding the \$299,000 contingency funds, purchase of stone from the Oconee County Rock Quarry and the execution a contract with Pickens Construction; Mr. Able made a motion, seconded by Mr. Blanchard, approved 4 – 0 to authorize the staff to expend up to \$299,000 needed for variations in quantities and unit costs, to purchase stone from the Oconee County Rock Quarry and to execute a contract with Pickens Construction.

Council Committee Reports:

Real Estate, Facilities & Land Management:

Mr. Lyles had no report at this meeting.

Road & Transportation:

Mr. Crumpton had no report at this meeting

Law Enforcement, Public Safety, Health & Welfare Committee Report:

Mr. Blanchard had not report at this meeting.

Mr. Blanchard reminded those present of the **Law Enforcement, Public Safety, Health & Welfare Committee will meet on Tuesday, December 11, 2007 at 5:00 p.m.** in Council Chambers.

Budget, Finance & Administration:

Mr. Ables had no report at this meeting.

Planning & Economic Development:

Mr. Suarez was not in attendance therefore no report was made at this meeting.

Administrator Report:

Mr. Surrett had not additional reports for council.

Old Business:

No Old Business was addressed.

New Business:

Airport Hanger Lease:

Mr. Surrett along with Mr. Kevin Short, Airport Director, addressed Council regarding the Airport T-Hanger Lease agreement. Mr. Short noted that the updated lease agreement changes the time period from month to month and clarifies hanger use rules and guidelines. The updated lease also addresses non-compliance issues regarding storage of non-aircraft related items to include furniture and household items. Mr. Short noted that periodic hanger inspections will be done to ensure compliance with leases. Mr. Blanchard questioned if any language should be included regarding delinquent taxes for aircraft. Mr. Norton noted that Oconee County is very aggressive regarding delinquent aircraft taxes; however, it is not feasible to include this in lease agreements as many aircraft are not taxed in Oconee County but in the county in which the owner resides. Mr. Short also requested additional language to state that after the one year lease period the lease would continue on a month to month basis as long as the lessee was in good standing and their account current.

Mr. Ables made a motion, seconded by Mr. Crumpton, approved 4 – 0 to approve the amended T-Hanger Lease agreement as amended above.

Capital Project Commission: Appointment of Members:

Mr. Surrett noted that the Capital Sales Tax Commission is made up of six members, three appointed by County Council, one appointed by the City of Seneca and one appointed by the municipalities combined of Westminster, West Union and Salem. Mr. Surrett also noted that during the last Infrastructure Advisory Commission meeting that he encouraged the group to help the Commission once appointed to outline all funding options for any project selected so that Council and the community can better evaluate the appropriateness of the projects inclusion on any referendum.

Mr. Surrett also noted that the Infrastructure Advisory Commission will meet in a joint workshop with Council on Tuesday, December 11, 2007 at 3:00 p.m. in Council Chambers.

Mr. Lyles polled the members for Commission appointments; none were announced. Mr. Ables and Mr. Crumpton stated that they liked how the sale tax work but voiced their opposition to an additional tax at this time and stated that they would not nominate anyone to serve on the Commission.

This agenda item is to be placed on the December 11, 2007 Council agenda for action.

Billboards on Highway 28 between Seneca and Walhalla:

Mr. Crumpton asked County Attorney, Mr. Norton, if any work had been done to designate Highway 28 between Half Way Branch, Seneca and the city limits of Walhalla as a scenic highway and to place a moratorium on billboards along this route. Mr. Norton noted that the County has a current billboard ordinance. Mr. Surrett questioned if the state designation as a scenic highway would automatically ban billboards on the roadway. Mr. Surrett suggested that an amendment to the existing ordinance to state that any road designated by the state or federal government as a scenic highway that the County will not issue a billboard permit.

Mr. Lyles asked County Attorney to further research this issue for discussion at the December 11, 2007 meeting.

Political Signs:

Mr. Norton noted that he did follow-up per Council's request at the last meeting regarding a possible ordinance regarding political signs. He suggested that an amendment to the sign ordinance would be appropriate to address "specific events" instead of political signs. In addition, this is a land use issue and should be forwarded to the Planning Commission for their input. The term "specific event" would encompass yard sale signs, private business signs, political signs, etc. Mr. Norton provided draft language to each council member for their review. Mr. Ables requested that specific language be included to address signs not being erected prior to 60 days before the specific event.

No action was taken by Council at this meeting; County Attorney to revise language and bring back to future council meeting.

Oconee County Board of Disabilities & Special Needs Funding Request:

Mr. Blanchard provided Council with a copy of a letter from Mr. Robert W. Lindgren, OC Board of Disabilities and Special Needs, requesting their 2007-08 funding request be reconsidered and \$70,000 that was removed from the budget be re-instated. Mr. Blanchard noted that they have received funding from Council for many years for their organization. He noted that they had requested \$75,000 in writing as part of the formal budget process and that a previous administrator had reduced their funding to \$5,000.

Mr. Blanchard made a motion, seconded by Mr. Crumpton, approve 4 – 0 to fund the Oconee County Board of Disabilities & Special Needs from the Council Contingency [#010-704-60767-0] with payments being made in December 2007, February 2008, April 2008 in the amount of \$20,000 and the final payment being made in June 2008 in the amount of \$10,000.

Executive Session:

Mr. Blanchard moved, seconded by Mr. Crumpton, approved 4 - 0 to enter into Executive Session at 4:45 p.m. for the purpose of discussing legal, contractual and personnel matters.

Mr. Lyles called the meeting back to order at 5:30 p.m. stating no action will be taken on matters discussed in Executive Session.

Adjourn:

Mr. Lyles adjourned Council at 5:30 PM

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council