



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
August 19, 2008

MEMBERS, OCONEE COUNTY COUNCIL

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

Oconee County Council met on Tuesday, August 19, 2008 at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Administrator Dale K. Surratt, 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: Dick Mangrum-WGOG, Ray Chandler-Anderson Independent & Brett McLaughlin-Daily Journal.

Call to Order:

Chairman Blanchard called the meeting to order at 6:00 p.m.

Pledge of Allegiance:

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

Minutes:

Mr. Ables made a motion, seconded by Mr. Lyles, approved 4 – 0 [Mr. Suarez abstaining] that the minutes from the August 5, 2008 meeting with the OJRSA be adopted as printed.

Mr. Ables made a motion, seconded by Mr. Lyles, approved 5 – 0 that the minutes from the August 5, 2008 regular meeting be adopted as printed.

Public Comment Session:

Mr. John Little addressed Council regarding his concerns that the Council is not spending the tax payer's money wisely.

Mr. Berry Nichols addressed Council regarding his concerns that the Council be fiscally responsible and his opposition to Resolution 2008-12.

Mr. Larry Linsin addressed Council regarding questions about Ordinance 2008-13 and Resolution 2008-12.

Mr. Jerry Barnett addressed Council regarding his concerns about building codes and imposing fees

Mr. Tom Marcovich addressed Council regarding his concerns about Resolution 2008-12.

Mr. B. J. Littleton addressed Council regarding his opposition to the Zoning Enabling Ordinance and the Comprehensive Plan.

Extended Public Comment Session:

No citizen signed up for Extended Public Comment at this meeting.

Waste Management presentation to Council:

Mr. Ed Gibson, Waste Management, addressed Council regarding the current contract and his company's request that a fuel surcharge be added based on rising fuel costs. Mr. Gibson provided Council with a brief proposal letter [filed with these minutes] outlining the need to raise the total cost per ton from \$31.54 to \$37.43. He noted that at present with the increase in fuel that our cost is less than actual cost to their company to transport our waste to the landfill in Georgia.

Mr. Blanchard asked Mr. Gibson to outline the contractual increase amounts. Mr. Gibson noted that the contract allows for an increase based on the current CPI [which he stated to be between 5-6%].

Mr. Gibson stated that his request was that we amend our existing contract to cover escalating fuel to the amount of \$37.43 per ton. This amount could be reviewed at what ever frequency the county wanted to either raise or lower the rate based on current fuel costs.

Mr. Surrett noted that under state law that the county is not required to provide solid waste service even though traditionally counties have done so. He also stated that Council could also review their option to turn this service over to private industry.

Lengthy discussion followed.

Mr. Blanchard stated that no decision would be reached tonight and that this issue would be addressed in Executive Session. He voiced concerns about finding an estimated \$250,000,000 in an already tight budget and that it was Council's main objective to be careful with the public's money.

Mr. Gibson asked if the contractual 5% increase could be put into effect as of September 1, 2008 as outlined in the contract. Council unanimously agreed to the 5% increase with the proviso that if an adjustment for fuel is reached in the future that it will not be calculated on top of the 5% agreed to.

Upstate Alliance presentation to Council:

Mr. Hal Johnson, Upstate Alliance President & CEO, addressed Council utilizing a PowerPoint presentation [filed with these minutes] regarding Oconee County and the Alliance. He highlighted the team, noting new members, reviewed the budget and provided information regarding investors, business development, target markets, the 2008 marketing agenda, the improved website and some of the recent advertising. Discussion followed.

Mr. Johnson also noted that it is a priority for the upstate counties to work together and have the 41 legislator's down in Columbia working on all of our behalf. Council concurred and agreed to with the Alliance on any upcoming projects.

Mr. Blanchard thanked Mr. Johnson for his thoughtful presentation.

Resolutions & Ordinances for Approval:

Resolution 2008-10:

Chairman Blanchard, Mr. Surrett and Mr. John Adams, Library Board Chair asked Ms. Martha Bailey, Library Director, to join them on the dais in order to present her with a framed copy of Resolution 2008-10. Mr. Blanchard read the Resolution in its entirety and upon completion Ms. Bailey received a standing ovation from Council and those present in the audience.

Mr. Adams spoke to Ms. Bailey's professionalism and how much she was respected in her field.

Mr. Ables made a motion, seconded by Mr. Lyles, approved 5 – 0 to approve **Resolution 2008-10** "A RESOLUTION HONORING MARTHA BAILEY" on first and final reading.

Ordinance 2008-13, 2008-13b & Resolution 2008-12:

Chairman Blanchard initiated discussion regarding the two versions of Ordinance 2008-13 and Resolution 2008-12. It was consensus of Council to keep the building codes and associated fees in one document; therefore, Ordinance 2008-13b and Resolution 2008-12 were removed for consideration.

Chairman Blanchard also stated that some of the fees outlined needed to be reviewed and amended prior to third and final reading.

Council tabled third and final reading and agreed to review again at the first meeting in September, 2008.

Ordinance 2008-15:

Mr. Surrett addressed Council regarding Ordinance 2008-15 as it pertains to the Parks, Recreation & Tourism [PRT] Park Rangers. The request is to amend Ordinance 1997-06 to include necessary language that would allow the Park Rangers to have custodial arrest powers subject to PRT guidelines as approved by Council. He explained that this language is required so that Park Rangers can attend Special Limited Duty Basic Training – Class 3 Law Enforcement Certification at the South Carolina Criminal Justice Academy [SCCJA]. Staff to be included in the certification process would be the Park Superintendents and Park Ranger II positions [6 staff positions]. Mr. Surrett also stated that the PRT guidelines would be modified to clearly state that they were not allowed to exercise custodial arrest power or to carry firearms. Currently the Rangers receive both baton and pepper spray annual training through the Sheriffs Department. In addition, PRT is working with SCAC Risk Management to develop appropriate “use of force” policy for self defense measures with less than lethal weapons.

Mr. Surrett stated that he was seeking two things from council; approval of Ordinance 2008-15 which will allow for training of Park Rangers through the SCCJA and Council’s authorization for the Rangers to carry defensive weapons [batons and pepper spray] when in their parks only.

Mr. Surrett noted that there would be no registration cost for this 7 day course held in Columbia; that the only cost to the county would be hotel and per diems.

Chairman Blanchard asked to review the PRT guidelines prior to third and final vote on this ordinance.

Mr. Lyles made a motion, seconded by Mr. Suarez, approved 5 – 0 to approve Ordinance 2008-15 “AN ORDINANCE TO AMEND ORDINANCE 1997-06, AN ORDINANCE TO APPOINT AND COMMISSION COUNTY PARK RANGERS AS CODE ENFORCEMENT OFFICERS” on first reading.

Items for Consideration by Council:

PRT Commission: SC State Visitors Guide Advertising / \$12,000:

Mr. Suarez made a motion, seconded by Mr. Ables, approved 5 – 0 to authorize \$12,000 to be used for advertising in the “Smiles” publication which is placed in tourism destinations, SC Welcome Centers, local & national visitor’s centers and shipped internationally.

PRT Commission: 2009 Atlanta Boat Show / \$6,500:

Mr. Ables made a motion, seconded by Mr. Lyles, approved 5 – 0 to authorize up to \$6,500 to be used for PRT to attend the 2009 Atlanta Boat Show as an exhibitor.

PRT Commission: Fair-Oak Youth Center, Inc. / \$6,000:

Mr. Ables made a motion, seconded by Mr. Suarez, approved 5 – 0 to release from budgeted recreation funds \$6,000 to the Fair-Oak Youth Center, Inc. from account 010-202-30905 for official’s fee, field maintenance, utilities, advertising, All-Star uniforms and soccer equipment.

Health Insurance Contract:

Mr. Norton addressed Council regarding the document which he stated he reviewed and approved. It is a contract for over insurance which is necessary as Oconee County is self insured and this protects the county from huge catastrophic and/or accident claims which could wipe the county out financially.

Council stated that they could not take action without review of the contract; therefore, this matter was tabled and will be scheduled at the first meeting in September 2008.

Council Committee Reports:

Transportation:

Mr. Crumpton noted that the Committee met earlier in the day and had a recommendation for full Council. Discussion has been taking place regarding the road paving list and two key areas have been identified as issues to keep a road from paving; right of ways and utility issues. Mr. Crumpton asked if Council would formally vote to make it a policy that if citizens want their dirt/gravel road paved that they must first have all utility issues resolved by paying for all necessary movement of the utilities, and they must all agree to provide the county with right of way. If these can not be accomplished it is recommended to make it the policy that the specific road will be removed from its place on the paving list and moved to the bottom of the list until the issues are resolved; at which time a new evaluation will be conducted.

Mr. Crumpton made a motion, seconded by Mr. Ables, approved 5 – 0 to make it a policy for the Road Department that if utility issues can not be cleared up and moved out of the right of way at citizens expense and that right of ways can not be obtained that the road will be removed from consideration for paving and moved to the bottom of the paving list.

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

Mr. Blanchard had no report at this meeting.

Budget, Finance & Administration:

Mr. Ables had no report at this meeting.

Planning & Economic Development:

Mr. Suarez had no report at this meeting.

Real Estate, Facilities & Land Management:

Mr. Lyles had no report at this meeting.

Commission / Board Reports to Council:

There were no reports presented at this meeting.

Board & Commission Appointments:

There were no reports presented at this meeting.

Administrator's Report:

Economic Development:

Mr. Surrett noted in follow up to the Upstate Alliance presentation that it is imperative that South Carolina open the Charleston port and roadways in order to keep the state productive and able to draw industries.

Old Business:

No Old Business was addressed at this meeting.

New Business:

Aeronautics Commission: Hanger Development Site Recommendations:

Mr. Lyles asked that this agenda item be sent to the Law Enforcement, Public Safety, Health & Welfare Committee for review and discussion. Council agreed unanimously.

Mr. Lyles announced that the Law Enforcement, Public Safety, Health & Welfare Committee will meet on Tuesday, September 9, 2008 at 5:00 p.m. in Council Chambers to discuss this issue.

Council workshop meeting with School District of Oconee County [SDOC]:

Mr. Blanchard notified the Council that he had spoken with Dr. Mike Lucas, School Superintendent, and that the SDOC would like to discuss the potential of fiscal autonomy for the School District. Council agreed unanimously.

Mr. Blanchard tentatively schedule this workshop meeting to be held on Tuesday, September 9, 2008 at 6:00 p.m. but noted that the date and time will have to be confirmed with Dr. Lucas and their Board members. Final announcement of this workshop meeting will be forthcoming.

Council September Meeting Schedule:

Mr. Blanchard noted that there will not be a quorum present for the first scheduled meeting on September 2, 2008. He proposed the following schedule change for September 2008:

- September 2, 2008 meeting moved to Tuesday, September 9, 2008 at 7:00 p.m.
- September 16, 2008 meeting moved to Tuesday, September 23, 2008 at 6:00 p.m.

Council unanimously agreed to the meeting date changes.

Executive Session:

Mr. Blanchard asked for a motion to enter into Executive Session for the purpose of discussion a contractual and personnel matter.

Mr. Lyles made a motion, seconded by Mr. Suarez, approved 5 – 0 to enter into Executive Session for the reason stated above.

Council entered into Executive Session at 7:46 p.m.

Council returned from Executive Session at 8:38 p.m.

Mr. Blanchard stated that three issues were discussed in Executive Session.

Oconee County Solicitor's Office Funding Request:

Mr. Blanchard stated that they had received a request from Solicitor Adams to use existing funds in their FY 08-09 budget to supplement the salary of an Assistant Solicitor in the amount of \$35,000. This Assistant Solicitor would be prosecuting DUI cases in the Magistrate Court.

Mr. Crumpton made a motion, seconded by Mr. Suarez, approved 5 – 0 to authorize the supplemental salary for the Assistant Solicitor who will prosecute DUI cases in Magistrate Court.

Intergovernmental Agreement:

Mr. Blanchard noted that an Intergovernmental Agreement was discussed that would transfer assets from Oconee County to the Oconee Joint Regional Sewer Authority [OJRSA].

Mr. Ables made a motion, seconded by Mr. Crumpton, approved 5 – 0 to authorize the Council Chairman to execute the Intergovernmental Agreement with the OJRSA.

Golden Corner Commerce Park Sewer:

Mr. Blanchard asked Council to agree to direct the County Administrator to begin negotiations with the OJRSA to develop a 50,000 gallon sewer system [discharge or drip system] at the Golden Corner Commerce Park.

Mr. Ables made a motion, seconded by Mr. Suarez, approved 5 – 0 to direct the County Administration to enter into negotiations with the OJRSA to develop a 50,000 gallon system as outlined above at the Golden Corner Commerce Park.

Adjourn:

Mr. Blanchard asked for a motion to adjourn the meeting. Mr. Suarez made a motion at 8:44 p.m. The motion was approved unanimously.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council