



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
May 2, 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 & Dick Mangrum / WGOG.

Call to Order

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

Public Comment Session

Mr. Mike Smith addressed Council utilizing a PowerPoint presentation [copy filed with these minutes] regarding signage around Oconee County.

Ms. Janet Hartman addressed Council regarding the Great Oconee Clean Up on Saturday, April 22, 2017. Ms. Hartman noted over 200 volunteers gathered at NewSpring church and proceeded to pick up 2,300 pounds of litter along the 5 mile stretch of Hwy 123 from Clemson to Seneca. Ms. Hartman thanked Sheriff Crenshaw, Cpl. Brandon Meadows, Lt. Thomas Crompton and the entire Sheriff's Department for their leadership and coordination; Swain Still, Maureen Whitman and the staff at Solid Waste; School District of Oconee County; Keep Oconee Beautiful Association and Oconee County businesses that supported this effort. She also thanked Mr. Cain, Mr. Davis and Senator Alexander for their help.

Mr. Bob Medlin, President of the Stillwater Homeowner's Association, addressed Council regarding the student housing center off Hwy 123 at Hart's Cove and has concern regarding the existing entrance.

Mr. Jerry Barnett addressed Council regarding Building Codes and a permanent control free zone.

Mr. Ben Turetzky addressed Council regarding Fall Creek access and strongly suggested Council sign a lease with Duke Energy. He also thanked the police officers for their assistance.

Mr. Tom Markovich addressed Council regarding Building Codes Appeal Board and membership of the Board and control free zoning.

County Council Response to Public Comment

Mr. Davis thanked both Mr. Smith and Mr. Medlin for their comments regarding the signage and traffic concerns. He also thanked the Great Oconee Clean Up volunteers for their work and members of the community that were unable to come but had clean ups in their neighborhoods.

Upon Ms. Cammick's request to answer Mr. Medlin's comments, Mr. Moulder noted part of the agreement to work with Project Entry was to be a secondary emergency access. There is an old logging road that was used for that property by Clemson that comes out onto Old Clemson Hwy but needs improvements and could be used for this purpose. The developer is aware of this and is in agreement with this.

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. Cain led the Pledge of Allegiance to the Flag of the United States of America.

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to amend the agenda to move **Proclamation P2017-04** under the Pledge of Allegiance per Sheriff's Crenshaw's request.

Proclamation 2017-04

PROCLAMATION 2017-04 FOR PEACE OFFICER'S MEMORIAL DAY

Ms. Cammick read the proclamation into the record.

Sheriff Crenshaw of the Oconee County Sheriff's Department and his staff that were present came forward to accept **Proclamation 2017-04** from Ms. Cammick.

Approval of Minutes:

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0 to approve the April 18, 2017 Regular Meeting minutes as presented.

Presentations to Council

Mr. Steve Pelissier, Appalachian Council of Governments, addressed Council utilizing a handout [copy of filed with these minutes] regarding the Annual Report for January – December 2016.

Council thanked Mr. Pelissier for the presentation and for ACOG making Oconee better.

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: P2017-04
- Presentations to Council
- Public Hearing
- Third Reading
- Second Reading of Ordinance: 2017-05, 2017-08, 2016-20
- First Reading of Ordinance: 2017-10, 2017-11, 2017-12
- First & Final Reading of Resolution: R2017-05
- Discussion Regarding Action Items
- Board/Commission Appointments
- Council Committee reports

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, for **Ordinance 2017-12** to follow Executive Session.

Public Hearings for the Following Ordinances

There were no Public Hearings held.

Second 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, approved 5 – 0, to approve **Ordinance 2017-05** on second 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** on second reading.

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 second reading. Discussion followed to include:

- Fines / Penalties
- Violation of any county Ordinance goes to Magistrate Court
- Fine max in Magistrate Court is \$500 referenced in Section 1-7; could be per incident and/or per incident day
- Fine amount is at the Magistrate’s discretion
- Permit process for outdoor concerts
- Percentage of proceeds made at big events back to County
- Measurement sites
- Exemptions include industrial operations, agriculture, etc.

Regarding the motion made by Mr. Davis, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2016-20** on second reading.

First 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, to approve **Ordinance 2017-10** on first reading.

Discussion followed to include:

- 1 General Contractor, 1 Licensed Home Builder, and either 2 licensed in a trade such as electrician or carpenter
- 4 persons who are either licensed contractors or residential builders
- Failure of a member to recuse oneself due to a conflict of interest is grounds for immediate removal by Council

Mr. Tom Markovich addressed Council regarding general contractors and mechanical contractors, which include heating and air conditioning and plumbers. There is a distinction between general contractors and mechanical contractors that work on residential projects because they are not generally licensed. They are just required to have a registration and operate under the builder’s license.

Amend **Ordinance 2017-10** to reflect the following:

- First Amendment: Under 2b and 2f to state either 4 persons who are either licensed contractors or residential builders

- Second Amendment: Under 2b is to delete the sentence Oconee County Fire Chief shall serve as a non-voting, ex-officio member and insert when matters arising under international residential code, the building official shall serve as a non-voting ex-officio member.

Mr. Davis amended original motion, seconded by Mr. Cain, approved 5 – 0, to amend **Ordinance 2017-10** as stated by Mr. Root.

Ms. Cammick requested the vote for the passage of **Ordinance 2017-10** as amended based on the motion made previously by Mr. Davis, seconded by Mr. Cain, and was approved 5 – 0 as amended.

Ordinance 2017-11 “AN ORDINANCE AMENDING CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE CONTROL FREE DISTRICT; AND OTHER MATTERS RELATED THERETO.” [Staff requests that this proposed ordinance be referred to the Planning Commission for review and report after first reading in order to comply with section 38-8.1 of the Oconee County Code of Ordinances.]

Mr. Cain made a motion, seconded by Mr. Hart, to approve **Ordinance 2017-11** on first reading.

Discussion followed to include:

- Anything that has been rezoned to any particular district could go back to control free if passes through three readings
- Must go back to Planning Commission to review and make report

Regarding the motion made by Mr. Cain, seconded by Mr. Hart, the motion **failed** 2 – 3 [Mr. Cain, Mr. Davis & Ms. Cammick opposed].

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.”

Agenda was amended and approved for **Ordinance 2017-12** to follow Executive Session.

First & Final Reading for the Following Resolutions

Resolution 2017-05 “A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF THE SOUTH CAROLINA STATEWIDE MUTUAL AID AGREEMENT FOR EMERGENCY AND DISASTER RESPONSE/RECOVERY.”

Mr. Hart made a motion, seconded by Mr. Davis, approved 5 – 0 to approve **Resolution R2017-05** on first & final reading.

Discussion Regarding Action Items

None at this meeting.

Board & Commission Appointments

Building Codes Appeal Board

No nominations were made.

Old / Unfinished Business:

None at this meeting.

New Business:

Mr. Davis noted in the Budget, Finance & Administration Committee [held April 25, 2017] meeting there was discussion with moving forward with a recreation committee and creating a designed plan for recreation in Oconee County.

Mr. McCall inquired about the upper end of Fall Creek and the parking area. Mr. Moulder noted they were going to continue with the safety provisions as last year working with Duke Energy.

Council Committee Reports:

None at this 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 address contractual negotiations in relation to the lease of certain county-owned property located on Sandifer Blvd., consisting of approximately fifty-eight (58) acres, to the Foothills Agricultural Resource and Marketing Center, a South Carolina nonprofit entity.

Council entered Executive Session at 7:33 p.m.

Council returned from Executive Session at 8:11 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.

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 first reading.

Adjourn

Mr. Davis made a motion, approved unanimously 5 – 0, to adjourn at 8:12 p.m.

Respectfully Submitted:

Katie D. Smith
Clerk to Council