



MINUTES

OCONEE COUNTY COUNCIL

Regular Meeting

April 24, 2018

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.oconeesc.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: Norm Cannada / Daily Journal.

Call to Order:

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

Public Comment Session

Ms. Terry Swain, Fair Oak Youth Center Director, addressed Council noting they have provided recreation for kids in this area for many years. She further noted Fair Oak Recreation is proposing a resolution that its recreation boundaries be the same as the school district boundaries for Fair Oak Elementary School.

Ms. Jean Jennings addressed Council regarding the meeting that was held on March 12, 2018 with Mr. Julian Davis with the Clerk to Council present as well. Ms. Jennings further noted the notes she received had differences on them compared to her notes.

Ms. Kim Alexander addressed Council regarding agriculture in Oconee County and thanked Council for the FARM Center land and the opportunity to host the SC High School Championship Rodeo this weekend. She further noted farming started 150 years ago in Oconee County and has 23 century farms that are still being operated in the County today. Oconee County has the second highest number of family farms still being operated in the State.

Mr. John Dalen addressed Council utilizing a handout [copy filed with these minutes] regarding political disease.

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County Council Response to Public Comment

Mr. Hart addressed Ms. Swain's comments and thanked her and her whole family and the volunteers that coach the children. He further noted he wanted Fair Oak Youth Center to get their own boundary so we do not have this problem again.

Mr. Davis addressed Ms. Jennings thanking her for her comments and also for being in attendance to the meetings. He noted when he and Ms. Jennings met it was off the record and completed the notes afterwards from memory and noted the Clerk to Council was present in case Ms. Jennings had any questions. Additionally, he noted the meeting was informal as a lot of his meetings are and apologized for the notes and noted if she would like for them to be corrected to let him know.

Mr. Cain addressed Mr. Dalen's and Ms. Jennings' comments noting it is difficult to run a business and be on County Council as it is a sacrifice and public service. Further, he noted it is bothersome that some people will attack members of Council for spending too much time in public service. Further, he noted he would rather Oconee County receive the grant money than someplace else. This is money that Washington is sending out into the states. He noted it is going to spent and wouldn't you rather it be spent in Oconee County?

Ms. Cammick addressed the smart meters that Blue Ridge Electric is installing and noted she spoke with them about the capabilities of the smart meters they are currently installing in the Westminster area and they do offer an opt-out agreement. She further noted they assured her the smart meters are not so smart as they can only figure out kilowatts per hour as opposed to an average of kilowatts per day.

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. Hart 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 April 10, 2018 Regular meeting minutes as presented.

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:

- Public Hearing of Ordinance: 2018-07, 2018-09, 2018-10, 2018-11
- Third Reading of Ordinance: 2018-07, 2018-09, 2018-10, 2018-11
- Second Reading of Ordinance: 2018-12
- First & Final Resolution: 2018-06
- Discussion Regarding Action Items
- Board & Commission Appointments
- Unfinished Business

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- Council Committee Reports

Mr. Moulder read from a prepared statement [copy filed with these minutes] noting that during the Budget, Finance, & Administration meeting held on April 17, 2018, Council and the Administrator engaged in a discussion regarding Oconee County advertising and marketing initiatives. He noted as part of that discussion, he made mention of the first effort to advertise with television commercials and made some inaccurate statements and would like to correct them. The amount spent on the television advertisement was actually \$1,950 and not \$3,900 as previously indicated, which was the original quote. Between the work of Ms. Amanda Brock, Public Information Officer and the company, the scope of the work was reduced down to \$1,950, of which \$900 was for the production of the commercials and the remaining \$1,050 was for the ads to be aired multiple times over a 14 day period. He further noted he would like to offer an apology for sharing his opinion regarding the quality and effectiveness of the advertisements publicly before discussing with the company that produced to manage the scheduling. Further, he noted his description of the quality was unfair and the company should have had an opportunity to hear our concerns prior to him presenting that publicly.

Lengthy discussion with various opinions offered to include but not limited to:

- Hold back advertising until the apology is run in the Journal and the record is corrected
- They can include it in their article if they choose to
- 3 commercials ran at 230 different times
- Run the statement to correct the figure and run an ad regarding the apology for something that was said

Ms. Cammick asked Mr. Norm Cannada, writer with The Journal, if he was going to run Mr. Moulder's apology and the corrected information. Mr. Cannada noted he didn't think it would tomorrow but if he was given a copy of the document he could run it as a letter. Ms. Cammick asked Mr. Moulder to submit the letter so the record can be corrected.

Further discussion continued to include:

- Received complaints from some of the media outlets
- Assumption that was made as to who made the complaint was wrong
- Assumption was not made as to who it was
- Conversation started about advertisements and different things we tried to do and provided information on what we tried to do with the television ads
- Opinions offered from both sides that didn't like the commercials
- Corrected the record at the same medium that the statements were made
- Full Council to vote and direct letter to be submitted to the Journal

Ms. Cammick made a motion, seconded by Mr. Hart, to have Mr. Moulder submit letter of apology and to correct the record.

Discussion continued to include:

- Run ads all over the United States
- Apology was made
- If the letter is in the paper, that is an ad cost and we're talking about paying too much

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- Not running an ad but submitting a letter
- Would prefer to have direction from full Council
- Comments on a full page ad in the Journal that somebody didn't like?

Norm Cannada noted he doesn't have the final authority on letters being submitted and what runs and what doesn't. He further noted he did not report on the comments that were made.

Ms. Cammick noted Mr. Davis' time was up and called the question. Mr. Cain noted he would like to say something and Ms. Cammick said they were not talking about it anymore. Ms. Cammick, Mr. Hart, & Mr. McCall voted to cause the letter to be sent.

Mr. Cannada asked what the vote was and Ms. Cammick answered 3 – 2.

Mr. Root noted as a "point of order" to call the question it would take a supermajority vote. He noted there would need to be four out of five votes to end debate. Ms. Cammick allowed further discussion.

Mr. Cain noted what we are concerned with is an inaccurate statement of the cost of the County paid and the point of the letter to the newspaper or to "Tell Willie" is to correct the amount of money that was reported.

Ms. Cammick noted she would like it corrected to state that it was \$1,950 with 230 TV spots over the course of 15 days.

Debate ended.

Regarding the previous motion made by Ms. Cammick, seconded by Mr. Hart, it was approved 3 – 2 [Mr. Davis & Mr. Cain opposed] for Mr. Moulder to submit a letter of apology and to correct the record to The Journal.

Public Hearings for the Following Ordinances

Ordinance 2018-07 "AN ORDINANCE AUTHORIZING THE EXECUTION, DELIVERY, AND IMPLEMENTATION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN OCONEE COUNTY, THE CITY OF WALHALLA, AND MICHAEL CRENSHAW, AS SHERIFF FOR OCONEE COUNTY, IN RELATION TO LAW ENFORCEMENT AT COUNTY FACILITIES AND DURING COUNTY MEETINGS; AND OTHER MATTERS RELATED THERETO."

Ms. Cammick opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Ms. Cammick opened the floor for any citizen wishing to address Council regarding this ordinance. No citizen addressed Council.

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

Ms. Cammick closed the Public Hearing regarding **Ordinance 2018-07**.

Ordinance 2018-09 “AN ORDINANCE APPROVING, CONFIRMING, RATIFYING AND/OR AUTHORIZING CERTAIN ACTS AND AGREEMENTS BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND BORGWARNER PDS (USA) INC. (THE “COMPANY”); AUTHORIZING THE EXECUTION AND DELIVERY OF A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN OCONEE COUNTY AND BORGWARNER PDS (USA) INC. MEMORIALIZING THE FOREGOING; AND OTHER MATTERS RELATED THERETO, INCLUDING, WITHOUT LIMITATION, REVISING THE DISTRIBUTION OF REVENUE FROM A COMPANY PROPERTY.”

Ms. Cammick opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Ms. Cammick opened the floor for any citizen wishing to address Council regarding this ordinance. No citizen addressed Council.

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

Ms. Cammick closed the Public Hearing regarding **Ordinance 2018-09**.

Ordinance 2018-10 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT IN THE AMOUNT OF NOT EXCEEDING \$365,000 TO DEFRAY THE COSTS OF ACQUIRING VARIOUS EQUIPMENT; AUTHORIZING THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS; AND OTHER MATTERS RELATING THERETO.”

Ms. Cammick opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Ms. Cammick opened the floor for any citizen wishing to address Council regarding this ordinance. No citizen addressed Council.

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

Ms. Cammick closed the Public Hearing regarding **Ordinance 2018-10**.

Ordinance 2018-11 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND JTEKT NORTH AMERICA CORPORATION; THE GRANTING OF SPECIAL SOURCE REVENUE CREDITS; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES.”

Ms. Cammick opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Ms. Cammick opened the floor for any citizen wishing to address Council regarding this ordinance. No citizen addressed Council.

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

Ms. Cammick closed the Public Hearing regarding **Ordinance 2018-11**.

Third Reading of the Following Ordinances

Ordinance 2018-07 *[see caption above]*

Mr. Hart made a motion, seconded by Mr. McCall, approved 5 – 0, to approve **Ordinance 2018-07** on third & final reading.

Ordinance 2018-09 *[see caption above]*

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2018-09** on third & final reading.

Ordinance 2018-10 *[see caption above]*

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2018-10** on third & final reading.

Ordinance 2018-11 *[see caption above]*

Mr. Davis made a motion, seconded by Mr. Cain, to approve **Ordinance 2018-11** on third & final reading.

Mr. Davis thanked JTEKT North America Corporation for their continued commitment and investment to Oconee County.

Regarding the previous motion made by Mr. Davis, seconded by Mr. Cain, it was approved 5 – 0, to approve **Ordinance 2018-11** on third & final reading.

Second Reading of the Following Ordinances

Ordinance 2018-12 “AN ORDINANCE TO DEVELOP A JOINTLY OWNED AND OPERATED MULTI-COUNTY INDUSTRIAL AND BUSINESS PARK WITH PICKENS COUNTY; SUCH INDUSTRIAL AND BUSINESS PARK TO BE, AT THE TIME OF ITS INITIAL DEVELOPMENT, GEOGRAPHICALLY LOCATED IN OCONEE COUNTY AND AUTHORIZING THE INCLUSION OF CERTAIN PROPERTY NOW OWNED BY CASTO OCONEE, LLC AND CLEMSON FAMILY INVESTORS, LLC OR THEIR RESPECTIVE ASSIGNEES; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT GOVERNING THE MULTI-COUNTY INDUSTRIAL AND BUSINESS PARK; AND OTHER RELATED MATTERS.”

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2018-12** on second reading.

First & Final Reading for the Following Resolutions

Resolution 2018-06 “A RESOLUTION AUTHORIZING AND AFFIRMING THE ESTABLISHMENT OF THE SENECA RAIL PARK (THE “PARK”); APPROVING AND AUTHORIZING THE EXECUTION AND RECORDATION OF RESTRICTIVE COVENANTS GOVERNING THE OPERATION OF THE PARK AND THE USE AND DEVELOPMENT OF

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PROPERTY LOCATED WITHIN THE PARK; DESIGNATING THE OCONEE COUNTY ADMINISTRATOR AS THE COUNTY'S AGENT WITH REGARD TO CERTAIN TERMS OF THE RESTRICTIVE COVENANTS; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approved **Resolution 2018-06** on first & final reading.

Discussion Regarding Action Items

Approval of Foothills Farmstead Development Plan

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve the Foothills Farmstead Development Plan.

Discussion and consideration of a request by FOYC that Council provide a letter in support of their pursuit of recreation boundaries around Fair Oak Elementary School

Mr. Hart made a motion, seconded by Mr. McCall, to discuss and consider providing a letter in support of FOYC's pursuit of recreation boundaries around Fair Oak Elementary School.

Mr. Davis noted that Fair Oak Youth Center continues to work with the city recreation and thanked them for all they do for the southern end of the County and there is a place for Fair Oak in recreation. He further noted that Fair Oak Youth Center exists in Oconee County to continue to provide recreation. As a County, we are not the ones that determine boundaries and is done by other organizations. Discussion continued to include:

- SC Athletic Programs Branch [SCAP]
- Recreation Boundary disputes
- Boundary disputes all over the country
- Old rules; possibly not accounted for urbanization in different areas
- Extent counties did or did not intervene in these disputes
- Amount of money they were contributing or if the County owned the property on which the games were being played
- When counties intervened the most is when they owned the property where the sporting events were occurring or if they were contributing a lot of money to the recreational programs
- Consider contributing more money than in past years

Mr. Root noted we cannot supersede in the organizational boundaries as established by the various entities or institutions according to his research. He further noted he is not familiar with each one because it varies by sport. If Council could issue a letter saying we support boundaries, there is a question as to whom and how the boundaries are established. Different entities are going to have different procedures and how the boundaries have been established so one letter may not fit all.

Ms. Swain addressed Council noting she has researched SCAP, which is the head of their organization and located in Pickens County. Ms. Swain noted she spoke with the Ms. Sherry Anthony, SCAP Director, and

she decides where the boundaries are and by the boundaries have been given to her. Further, she noted the recreation directors are going to give them boundaries and Fair Oak is not included in those boundaries. She further noted she wants one boundary to serve children in their area so they do not have to travel. SCAP only accepts boundaries they are provided.

Discussion continued to include but not limited to:

- Biggest concern Fair Oak Youth Center has is the ability to continue to exist in the area
- Concern that boundaries can be enacted in other sports
- Dixie boundary lines
- Population being greater than 30,000 that they ever split boundaries
- Ability to exist in other sports

Ms. Swain noted Ms. Anthony told her if Westminster has volleyball next year, Fair Oak could not have volleyball as well. They are going to adhere to the boundaries that they have been presented. She further noted Ms. Anthony told her that the majority of the recreation in other counties is typically by school district boundary lines. She further noted there are exceptions and Oconee County is one because of the cities.

Mr. Davis noted the boundary line existed due to the high schools.

Ms. Swain noted if population is over 30,000 then you can have your own Dixie League Charter. She noted they don't want a Dixie League Chapter but rather a statement that Fair Oak Elementary School can have one boundary line. Discussion continued.

Mr. Moulder noted a letter of support can be given but can't provide anything that is definitive that states these are your boundaries because we are not a party to the organization.

Mr. Root noted he would like to meet with Ms. Swain, talk with the SCAP Director, and draft a letter with the information he receives and present to Council at the May 1st Council meeting.

Lengthy discussion followed.

Board & Commission Appointments

Building Codes Appeal Board

No nominations were made.

Old / Unfinished Business

Approval of 2018 Strategic Plan Report

Mr. Davis made a motion, seconded by Mr. Hart, to approve the 2018 Strategic Plan Report.

Mr. Cain noted he intended to have the Utica Revitalization Plan included under the Planning & Economic Development section of the Strategic Plan Report.

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Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, to amend the Strategic Plan Report to include the Utica Revitalization Plan under the Planning & Economic Development section of the report. Mr. Moulder noted they are arranging to have the necessary dumpsters for their community cleanup on June 9, 2018. The dumpsters will be placed in the parking lot of Ann Hope Methodist Church.

Mr. Cain noted the community is organizing the cleanup and hoping to get the area cleaned up until the Ordinance is in place to where the burned out buildings can be removed.

Regarding the previous motion made by Mr. Davis, seconded by Mr. Hart, it was approved 5 – 0, to approve the 2018 Strategic Plan Report with the amendment to the Planning & Economic Development Committee.

New Business

None at this meeting.

Council Committee Reports:

Mr. McCall read from a prepared statement [copy filed with these minutes] outlining the discussions held at the April 10, 2018 Law Enforcement, Public Safety, Health & Welfare Committee Meeting.

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to amend the agenda to remove item #2 from Executive Session.

Executive Session:

Mr. Davis made a motion, seconded by Mr. Hart, 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] Discuss and receive legal advice in relation to attorney fee agreement for opioid litigation.

~~[2] Discuss and receive legal advice in relation to claim regarding alleged assessment / property record error.~~

Council entered Executive Session at 7:18 p.m.

Council returned from Executive Session at 7:55 p.m. on a motion made by Mr. Davis, seconded by Mr. Cain, approved 5 – 0.

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

Adjourn:

Mr. Davis made a motion, approved unanimously, to adjourn at 7:55 p.m.

Respectfully Submitted:

Katie D. Smith
Clerk to Council