



# A G E N D A

## OCONEE COUNTY COUNCIL MEETING

Tuesday, June 1, 2010

6:00 PM

Council Chambers, Oconee County Administrative Offices  
415 South Pine Street, Walhalla, SC

1. Call to Order & Welcome to Mr. Scott Moulder
2. Public Comment Session *(Limited to forty (40) minutes, four (4) minutes per person.)*  
Comments MUST be related to a specific agenda item slated for action at this meeting
3. Extended Public Comment Session *(Limited to 2 citizens per meeting, prior scheduling required with Clerk to Council, five [5] minutes per person. Comments not limited to specific agenda item)*
  - No Citizens Signed up for Public Comment at this meeting.
4. Meeting Recess *[Meeting will Recess no later than 6:50 p.m.]*

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5. Meeting Reconvenes *[Meeting will Reconvene at 7:00 p.m.]*
6. Moment of Silence
7. Pledge of Allegiance to the Flag of the United States of America
8. Approval of Minutes:
  - May 18, 2010: Regular Meeting
  - May 25, 2010: Special Meeting
9. Consideration of the Following Resolutions:  
[1] First & Final Reading of [Resolution R2010-07](#) 'A RESOLUTION HONORING JAMES EUGENE KLUGH'
10. Public Hearing regarding the Following Ordinances:  
[1] [Ordinance 2009-22](#) "AN ORDINANCE OF THE COUNTY COUNCIL OF OCONEE COUNTY, SOUTH CAROLINA DESIGNATING OCONEE COUNTY, SOUTH CAROLINA AS A RECOVERY ZONE FOR PURPOSES OF SECTIONS 1400U-1, 1400U-2 AND 1400U-3 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; PROVIDING FINDINGS; PROVIDING FOR ELIGIBLE ACTIVITIES/PROJECTS FOR RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS AND PROVIDING FOR ELIGIBLE ACTIVITIES/PROJECTS FOR RECOVERY ZONE FACILITY BONDS"  
[2] [Ordinance 2010-09](#) "AN ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA, TO ESTABLISH PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION OF AND THE ENTERING INTO DEVELOPMENT AGREEMENTS"  
[3] [Ordinance 2010-18](#) "AN ORDINANCE TO AUTHORIZE THE LEASING OF CERTAIN OCONEE COUNTY SPACE; AND OTHER MATTERS RELATED THERETO"
11. Consideration of the Following Ordinances:  
[1] Third & Final Reading of [Ordinance 2009-22](#) "AN ORDINANCE OF THE COUNTY COUNCIL OF OCONEE COUNTY, SOUTH CAROLINA DESIGNATING OCONEE COUNTY, SOUTH CAROLINA AS A RECOVERY ZONE FOR PURPOSES OF SECTIONS 1400U-1, 1400U-2 AND 1400U-3 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; PROVIDING FINDINGS; PROVIDING FOR ELIGIBLE ACTIVITIES/PROJECTS FOR RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS AND PROVIDING FOR ELIGIBLE ACTIVITIES/PROJECTS FOR RECOVERY ZONE FACILITY BONDS""DESIGNATION OF OCONEE COUNTY AS A RECOVERY ZONE AREA "  
The County has not received any applications for the recovery zone bonds and at this time does not anticipate issuing any, however there are other benefits, such as the New Market Tax Credits, that are available to companies in a designated recovery zone.  
**It is the staff's recommendation that Council take third & final reading of the amended Ordinances 2009-22.**  
[2] Third Reading of [Ordinance 2010-09](#) "AN ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA, TO ESTABLISH PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION OF AND THE ENTERING INTO DEVELOPMENT AGREEMENTS"

Title 6 Chapter 31 of the SC Code of Laws (the Local Governmental Development Agreement Act) authorizes counties to enter into development agreements with developers, provided an appropriate ordinance establishing the procedures and requirements for agreements is first adopted by County Council. Council took First Reading in Title Only on April 6, 2010, took Second Reading on May 18, 2010 and held the Public Hearing earlier in this meeting.

**It is the staff's recommendation that Council take Third & Final Reading of this ordinance.**

[3] Third & Final Reading of [Ordinance 2010-11](#) "AN ORDINANCE TO ESTABLISH THE BUDGET FOR OCONEE COUNTY AND TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY COUNTY PURPOSES IN OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011"

[4] Third & Final Reading of [Ordinance 2010-12](#) "AN ORDINANCE TO ESTABLISH THE BUDGET FOR THE SCHOOL DISTRICT OF OCONEE COUNTY AND TO PROVIDE FOR THE LEVY OF TAXES FOR THE SCHOOL DISTRICT OF OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011"

[5] Third & Final Reading of [Ordinance 2010-13](#) "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, 2010 AND ENDING JUNE 30, 2011"

[6] Third & Final Reading of [Ordinance 2010-18](#) "AN ORDINANCE TO AUTHORIZE THE LEASING OF CERTAIN OCONEE COUNTY SPACE; AND OTHER MATTERS RELATED THERETO" along with Lease

[7] Second Reading of [Ordinance 2010-19](#) "ORDINANCE CONVEYING RIGHT-OF-WAY ON SHEEP FARM ROAD" and Lease

[8] Second Reading of [Ordinance 2010-20](#) "AN ORDINANCE AUTHORIZING AND APPROVING THE PROCEDURE FOR THE TRANSFER OF OCONEE COUNTY'S INTEREST IN CERTAIN REAL PROPERTY KNOWN AS THE TRI-COUNTY LANDFILL PROPERTY; AUTHORIZING THE TRANSFER OF OCONEE COUNTY'S INTEREST IN THE TRI-COUNTY LANDFILL PROPERTY IN THE EVENT OF AN ACCEPTABLE BID TO PURCHASE THE TRI-COUNTY LANDFILL PROPERTY; AND, FURTHER, APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SALES AGREEMENT AND DEED TO REAL PROPERTY IN THE EVENT OF AN ACCEPTABLE BID TO PURCHASE THE TRI-COUNTY LANDFILL PROPERTY; AND MATTERS RELATED THERETO"

[9] First Reading of [Ordinance 2010-23](#) "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT GOLD DUST; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES"

This FILOT encourages **Project Gold Dust** to invest at least \$18,000,000 over the next 5-years. Although not required by a FILOT agreement the company plans to create at least 10 jobs over the next 5-years. These jobs will pay more than the County average. It is currently estimated that the agreement will bring approximately \$1,360,000 in fees to the County over the next 21 years.

The Inducement Agreement and Resolution 2010-06 requesting a FILOT agreement for Project Gold Dust were approved on May 18, 2010.

A Cost Benefits Analysis will be provided before the Third Reading and Public Hearing.

**It is the staff's recommendation that Council approve on first reading, Ordinance 2010-23.**

## 12. Discussion & Possible Action Items

*[5 min. per Action Item]*

[1] Approve [One Year Fire Contract](#) with City of Seneca / \$550,000

Upon instruction from Council at their May 18, 2010, meeting the Administrator met with representatives from the City of Seneca to work out the details for a one year fire contract with the City of Seneca.

**It is the recommendation of the Administrator that Council approve the one year fire contract with the City of Seneca in the amount of \$550,000.**

[2] Mulch Donation FY 2010-2011 / SC State Parks / \$5,300

A request is before Council requesting a donation of 250 yards of mulch for each of the four SC State Parks. The parks are not requesting assistance with hauling the mulch; they agree to haul it themselves if Council will agree to the donation.

Information received from Solid Waste: One scoop of mulch is approx two cubic yards. Each scoop sells for \$10.60. This request is for 125 scoops for each park equaling \$1,325. The total request is for \$5,300.00. The Solid Waste Director noted that this request would equal an estimated one eighth reduction in the total sales for a year. Solid Waste does not donate mulch to any of the municipalities or to any non profit organizations.

**It is the staff's recommendation that Council not approve the request from SC PRT for a donation of mulch for each of the four state parks located in Oconee County at this time. .**

[3] Change Order #19 & Issuance of New Purchase Order / not to exceed the amount of \$2,031,411.00 / Oconee County Courthouse / M.B. Kahn

To approve Change Order #19, not to exceed the amount of \$2,031,411.00 to M. B. Kahn Construction Company, Inc. of Greenville, SC, per the award of Bid 01-01, Courthouse Construction, contingent on successful completion of items listed in the next paragraph. This change order is to complete renovations to bring the Courthouse into compliance with the ADA requirements as specified by the U.S. Department of Justice.

Staff also recommends Council approve the amended settlement agreement between the County and M. B. Kahn, contingent on successful completion of a settlement agreement with the U.S. Department of Justice pertaining to this matter, and recommends Council approve completion of that settlement agreement with U.S. Department of Justice, which M.B. Kahn settlement agreement specifically references this change order as part of the settlement.

Bid 01-01 was opened July 24, 2001, awarded to M. B. Kahn Construction Company and approved by Council August 7, 2001. Construction was completed in May of 2003 and during this process a total of 18 change orders were issued. The US Department of Justice issued an audit of the facility in August of 2003 listing numerous ADA violations. The purpose of Change Order #19 is to make the needed changes to the Courthouse to bring it into compliance with ADA guidelines and also to correct some design issues within the courtrooms and the HVAC systems that were discovered after the Courthouse opened. Completion of settlement agreements with M.B. Kahn and the U.S. Department of Justice are a part of this Change Order process.

**It is the staff's recommendation at that Council approve the M.B. Kahn settlement agreement, with agreed upon work to be approved by the U.S. Department of Justice per agreement with the County, and the approval of Change Order #19, and the approval of a settlement agreement with the U.S. Department of Justice consistent with this Change Order, and the issuance of a new purchase order to M. B. Kahn Construction Company, Inc. of Greenville, SC, not to exceed the amount of \$2,031,411.00, per the award of Bid 01-01, Courthouse Construction, and the revised contract.**

[4] Issue Purchase Order / \$106,459 // Oconee County Courthouse / Architectural Services for Renovations / Ard, Wood, Holcombe & Slate

To approve and issue a purchase order to Ard, Wood, Holcombe & Slate of Greenville, SC, for architectural services for the renovations to the Oconee County Courthouse in the amount of \$106,459.00. This amount includes certain estimated allowances and a contingency of ten percent.

Ard, Wood, Holcombe and Slate was selected as the architectural firm to assist the County is resolving ADA issues with the Courthouse per the findings of the US Department of Justice report. They have been under contract with the County since 2007 for this project, assisting in design modifications, as-built drawings, and dimension solutions for ADA compliance, utilizing fees for services previously set forth in the award of RFQ 06-17 for Professional Services. Staff recommends that a new PO be opened to AWHS for the remainder of this project. AWHS will continue to work directly with the County, as the "owner's advocate" throughout the renovation construction until the close out of the Courthouse project. They will produce working drawings, secure the required permit and code variances, and coordinate work with the on-site contractor.

This purchase will be funded with settlement amounts from M.B. Kahn Construction Company, Inc., and F.J. Clark, Inc., and the balance from the Capital Projects fund.

**It is the staff's recommendation that Council approve the issuance of a new purchase order to Ard, Wood, Holcombe & Slate in the amount of \$106,459.00 as outlined above.**

13. Board & Commission Appointments
  - Worklink
14. Commission / Board Reports to Council [ten minute maximum]
  - None at this Meeting [*Emergency Services Commission will report at the June 15, 2010 Meeting*]
15. Council Committee Reports
  - Budget, Finance & Administration / Mr. Dexter
  - Transportation / Mr. Thrift
16. Administrator Report
17. Old Business
18. New Business
19. Adjourn

[This agenda is not inclusive of all issues which Council may bring up for discussion at this meeting.]

Oconee County Council & Committee meeting schedules and agendas are posted at the Oconee County Administration Building and are available on the County Council Website [www.oconeesc.com/council.html](http://www.oconeesc.com/council.html) [All upcoming meetings will be held in Council Chambers unless otherwise noted]