



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
April 13, 2010

MEMBERS, OCONEE COUNTY COUNCIL

Mr. Reg Dexter, District V, Council Chairman
Mr. Joel Thrift, District IV, Vice Chairman
Mr. Wayne McCall, District II, Chairman Pro Tem
Mr. Paul Corbeil, District I
Mr. Mario Suarez, District III

Oconee County Council met on Tuesday, April 13, 2010 at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, Interim Administrator Gene Klugh, Thomas L. Martin County Attorney and Clerk to Council, Elizabeth G. Hulse 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 to the newspapers, radio stations, television stations and concerned citizens.

Member of the press present: Dick Mangrum – WGOG Radio, Ashton Heston – Keowee Courier, Ray Chandler – Anderson Independent & Carlos Galarza - Daily Journal.

Call to Order:

Mr. Dexter called the meeting to order at 6:00 p.m.

Public Comment Session:

Mr. Bo Horne addressed Council utilizing a PowerPoint presentation [filed with these minutes] regarding concerns with Ordinances 2010-05, 2010-06 & 2010-07. He also provided Council with a handout [filed with these minutes].

Mr. Larry Linsin addressed Council regarding his concerns with Ordinances 2010-05, 2010-06 & 2010-07.

Mr. C. W. Richards addressed Council regarding his concerns with Ordinances 2010-05, 2010-06 & 2010-07.

Ms. Susie Cornelius addressed Council regarding her concerns regarding agenda item #12-5. She asked Council to delay approval until all fire contracts can be reviewed.

Extended Public Comment Session:

Proposed Sprinkler Legislation / Mr. Tom Markovich

Mr. Markovich addressed Council regarding his concerns related to pending legislation requiring mandatory sprinkler systems in all new home construction. Mr. Markovich voiced concerns related to affordable housing and adequate water supplies. He noted that Senator Alexander has drafted a bill [S.1057] in opposition to this law.

Mr. Markovich asked Council to consider drafting a letter to the Delegation in support of both the Senate and House bills [S.1027 / H.4663].

High Point/Pointe West / Mr. Neal Workman

Mr. Workman utilizing a PowerPoint Presentation [filed with these minutes] addressed Council regarding specifics related to the High Point / Pointe West proposed development. Mr. Workman stated that Point West will not be a gated community and that the public will have access to all public areas to include parks, walking paths, village shopping and the lake.

Additional Public Comment not related to specific agenda items:

Mr. B. J. Littleton addressed Council in support of mandatory sprinklers in new home construction as it is a life safety issue.

Meeting Recess:

Mr. Dexter recessed the meeting to 6:33 p.m.

Meeting Reconvene:

Mr. Dexter reconvened the meeting to 7:00 p.m.

Pledge of Allegiance:

Mr. McCall led the pledge of allegiance to the United States Flag.

Minutes:

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 4 – 0 that the minutes from the March 16, 2010 regular meeting be adopted as printed.

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 4 – 0 that the minutes from the March 22, 2010 special council meeting be adopted as printed.

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 4 – 0 that the minutes from the March 30, 2010 special council meeting be adopted as printed.

Mr. McCall made a motion, seconded by Mr. Thrift, approved 4 – 0 that the minutes from the April 6, 2010, April 7, 2010, April 8, 2010, April 9, 2010 and April 10, 2010 special council meetings each be adopted as printed.

Consideration of the Following Proclamations:

Proclamation P2010-01:

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 4 – 0 to approve **Proclamation P2010-01** ‘NATIONAL LIBRARY WEEK 2010 PROCLAMATION’ on first and final reading. Mr. Dexter presented the Proclamation to Mr. Biff Kennedy, Library Board Chair.

Public Hearings regarding the Following Ordinances:

Ordinance 2010-04

Mr. Dexter announced that Ordinance 2010-04 “AN ORDINANCE TO AMEND THE AGREEMENT AUTHORIZED BY ORDINANCES 2006-27 AND 2008-17 RELATING TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE AND PICKENS COUNTIES SO AS TO ENLARGE THE PARK” along with the Second Amendment of Agreement for Development for Joint Industrial Park were being removed from consideration at this meeting.

Consideration of the Following Ordinances:

Ordinance 2010-04:

Mr. Dexter announced that Ordinance 2010-04 “AN ORDINANCE TO AMEND THE AGREEMENT AUTHORIZED BY ORDINANCES 2006-27 AND 2008-17 RELATING TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE AND PICKENS COUNTIES SO AS TO ENLARGE THE PARK” along with the Second Amendment of Agreement for Development for Joint Industrial Park were being removed from consideration at this meeting.

Ordinance 2010-02:

Mr. McCall made a motion, seconded by Mr. Thrift to approve **Ordinance 2010-02** “AN ORDINANCE TO ESTABLISH CENTRALIZED PROCUREMENT REGULATIONS FOR OCONEE COUNTY, REPLACING ORDINANCE 2001-15 AND AMENDMENT ORDINANCE 2002-12” on second reading.

Mr. McCall made a motion, seconded by Mr. Thrift, approved 4 – 0 to amend as presented in the agenda packets Ordinance 2010-02. Discussion followed.

Council approved 4 – 0 to approve on second reading as amended **Ordinance 2010-02** “AN ORDINANCE TO ESTABLISH CENTRALIZED PROCUREMENT REGULATIONS FOR OCONEE COUNTY, REPLACING ORDINANCE 2001-15 AND AMENDMENT ORDINANCE 2002-12”.

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Mr. McCall absented himself from the meeting at this time due to a documented potential conflict regarding Ordinances 2010-05, 2010-06 & 2010-07.

Ordinance 2010-05:

Mr. Thrift made a motion, seconded by Mr. Corbeil to approve on second reading **Ordinance 2010-05** “AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF SPECIAL SOURCE REVENUE BONDS OF OCONEE COUNTY, SOUTH CAROLINA; PRESCRIBING THE FORM OF BONDS; LIMITING THE PAYMENT OF THE BONDS SOLELY TO THE PLEDGED REVENUES RECEIVED AND RETAINED BY THE COUNTY FROM THE PAYMENT OF FEES IN LIEU OF TAXES FROM CERTAIN JOINT COUNTY INDUSTRIAL AND BUSINESS PARKS AND PLEDGING THE PLEDGED REVENUES TO SUCH PAYMENT; CREATING CERTAIN FUNDS AND PROVIDING FOR PAYMENTS INTO SUCH FUNDS; AND MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING”.

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 3 – 0 to amend as presented in the agenda packets Ordinance 2010-05. Discussion followed.

Council approved 3 – 0 to approve on second reading as amended **Ordinance 2010-05** “AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF SPECIAL SOURCE REVENUE BONDS OF OCONEE COUNTY, SOUTH CAROLINA; PRESCRIBING THE FORM OF BONDS; LIMITING THE PAYMENT OF THE BONDS SOLELY TO THE PLEDGED REVENUES RECEIVED AND RETAINED BY THE COUNTY FROM THE PAYMENT OF FEES IN LIEU OF TAXES FROM CERTAIN JOINT COUNTY INDUSTRIAL AND BUSINESS PARKS AND PLEDGING THE PLEDGED REVENUES TO SUCH PAYMENT; CREATING CERTAIN FUNDS AND PROVIDING FOR PAYMENTS INTO SUCH FUNDS; AND MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING”.

Ordinance 2010-06

Mr. Thrift made a motion, seconded by Mr. Corbeil to approve on second reading **Ordinance 2010-06** “A FIRST SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING \$3,500,000 SPECIAL SOURCE REVENUE BOND, SERIES 2010, OF OCONEE COUNTY, SOUTH CAROLINA; PRESCRIBING THE FORM AND DETAILS OF SUCH BOND; AUTHORIZING THE CHAIRMAN OR VICE-CHAIRMAN AND THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BOND; PROVIDING FOR THE PAYMENT OF THE BOND AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO”.

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 3 – 0 to amend as presented in the agenda packets Ordinance 2010-06. Discussion followed.

Council approved 3 – 0 to approve on second reading as amended **Ordinance 2010-06** “A FIRST SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING \$3,500,000 SPECIAL SOURCE REVENUE BOND, SERIES 2010, OF OCONEE COUNTY, SOUTH CAROLINA; PRESCRIBING THE FORM AND DETAILS OF SUCH BOND; AUTHORIZING THE CHAIRMAN OR VICE-CHAIRMAN AND THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BOND; PROVIDING FOR THE PAYMENT OF THE BOND AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO”.

Ordinance 2010-07

Mr. Thrift made a motion, seconded by Mr. Corbeil to approve on second reading **Ordinance 2010-07** “AN ORDINANCE TO DEVELOP A JOINT COUNTY BUSINESS PARK IN CONJUNCTION WITH PICKENS COUNTY, SOUTH CAROLINA (“PICKENS COUNTY”), SUCH BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN OCONEE COUNTY, SOUTH CAROLINA (“OCONEE COUNTY”) AND ESTABLISHED PURSUANT TO ARTICLE VIII, SECTION 13 OF THE SOUTH CAROLINA CONSTITUTION, AND SOUTH CAROLINA CODE OF LAWS OF 1976 §4-1-170, ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH PICKENS COUNTY PROVIDING FOR THE PAYMENT OF EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES-IN-LIEU OF *AD VALOREM* TAXES TO OCONEE COUNTY, PICKENS COUNTY AND RELEVANT TAXING ENTITIES; TO PROVIDE THAT JOBS TAX CREDITS ALLOWED BY LAW BE PROVIDED FOR BUSINESSES LOCATING IN SAID PARK; TO PERMIT A USER FEE-IN-LIEU OF *AD VALOREM* TAXATION WITHIN SAID PARK; AND OTHER MATTERS RELATED THERETO” & Agreement for Development of Joint Industrial Park.

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 3 – 0 to amend as presented in the agenda packets Ordinance 2010-07. Discussion followed.

Council approved 3 – 0 to approve on second reading as amended **Ordinance 2010-07** “AN ORDINANCE TO DEVELOP A JOINT COUNTY BUSINESS PARK IN CONJUNCTION WITH PICKENS COUNTY, SOUTH CAROLINA (“PICKENS COUNTY”), SUCH BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN OCONEE COUNTY, SOUTH CAROLINA (“OCONEE COUNTY”) AND ESTABLISHED PURSUANT TO ARTICLE VIII, SECTION 13 OF THE SOUTH CAROLINA CONSTITUTION, AND SOUTH CAROLINA CODE OF LAWS OF 1976 §4-1-170, ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH PICKENS COUNTY PROVIDING FOR THE PAYMENT OF EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES-IN-LIEU OF *AD VALOREM* TAXES TO OCONEE COUNTY, PICKENS COUNTY AND RELEVANT TAXING ENTITIES; TO PROVIDE THAT JOBS TAX CREDITS ALLOWED BY LAW BE PROVIDED FOR BUSINESSES LOCATING IN SAID PARK; TO PERMIT A USER FEE-IN-LIEU OF *AD VALOREM* TAXATION WITHIN SAID PARK; AND OTHER MATTERS RELATED THERETO” & Agreement for Development of Joint Industrial Park.

Mr. McCall returned to the meeting at this time.

Ordinance 2010-08:

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 4 – 0 to approve **Ordinance 2010-08** “AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010, OF OCONEE COUNTY, SOUTH CAROLINA, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$6,840,000 FOR THE PURPOSE OF REFUNDING CERTAIN OF THE COUNTY’S GENERAL OBLIGATION BONDS; FIXING THE FORM AND CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE CHAIRMAN OF COUNTY COUNCIL AND THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO” on second reading.

Ordinance 2010-09

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 4 – 0, to approve **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” on first reading in title only.

Ordinance 2010-10

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 4 – 0 to approve **Ordinance 2010-10** “AN ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DEVELOPMENT AGREEMENT BY AND BETWEEN OCONEE COUNTY AND KEOWEE RIVER PRESERVATION GROUP, LLC, WHEREBY CERTAIN PROPERTY WILL BE SUBJECT TO CERTAIN DEVELOPMENT STANDARDS; AND OTHER MATTERS RELATED THERETO” on first reading in title only.

Ordinance 2010-15

Mr. Jim Codner addressed Council as the petitioning citizen.

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 4 – 0 to approve on first reading [in title only] **Ordinance 2010-15** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO”.

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 4 – 0 to reconsider Ordinance 2010-15. Discussion followed.

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 4 – 0 to amend approval of **Ordinance 2010-15** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO” on first reading [in title only] to include referring the matter to the Planning Commission for the required review and to request a recommendation be returned from the Planning Commission within 30 days.

Mr. Suarez arrived at this point in the meeting.

Ordinance 2010-16

Ms. Jean Jennings & Mr. David McMahan addressed Council as the petitioning citizens.

Mr. Dexter made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2010-16** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO” on first reading [in title only]; to referring the matter to the Planning Commission for the required review; and to request a recommendation be returned from the Planning Commission within 30 days.

Discussion & Possible Action Items:

Road Dept / \$124,699 / Professional Design Services: Cobb Bridge / Davis & Floyd, Inc

Mr. Thrift made a motion, seconded by Mr. McCall, approved 5 – 0 to approve Davis & Floyd, Inc. to perform professional design services to design and bid the bridge replacement project, as defined on the Agreement for Professional Services, for a fee not to exceed \$124, 699.

Quick Job Development Center / Change Order #2 / \$38,362.00 / grading and stone

Mr. Thrift made a motion, seconded by Mr. McCall, approved 5 – 0 to approve Change Order #2 for Joy Construction, Seneca, SC., in the amount of \$38,362 for grading and stone required for the parking lot of the Tri County Tech Quick Job Development Center.

Bid #09-19 / Public Works / \$32,395.36 / Three Phase Natural Gas Generator

Mr. Thrift made a motion, seconded by Mr. Corbeil, approve 5 – 0 to award Bid #09-19, Three Phase Natural Gas Generator for Oconee County Public Works Facility to Essential Power, LLC, Highlands, NC., in the amount of \$32,395.36.

Oconee County Medical Plan Renewal & Nurse Practitioner Program / \$4,112,895

Mr. Corbeil made a motion, seconded by Mr. Suarez approved 4 – 1 [Mr. Dexter opposed] to [1] renew for 2010-2011 plan year with the current carrier with no change to current level of benefits or premiums, [2] initiate a Nurse Practitioner program, [3] authorize the County Administrator to execute the Nurse Practitioner Service Agreement, and [4] approve a policy change for employees hired after July 1, 2010 so that the county retiree health care ends when the retiree is eligible for Medicare.

City of Seneca Request / \$48,321

Mr. Suarez made a motion, seconded by Mr. Thrift, approved 5 – 0 that due to the critical nature of the services provided and the error on the County’s part, that payment is made to the City of Seneca in the amount of \$48,321.46.

Board & Commission Appointments:

None scheduled for this meeting.

Commission & Board Reports to Council:

None scheduled for this meeting.

Council Committee Reports:

Budget, Finance & Administration

Mr. Dexter read from a brief statement [filed with these minutes] outlining the committee meeting held on April 10, 2010.

Transportation

Mr. Thrift read from a brief statement [filed with these minutes] outlining the committee meeting held on March 17, 2010.

Administrator's Report:

The Administrator had not report at this meeting.

Old Business:

No Old Business was discussed at this meeting.

New Business:

Council Letter of Support:

Mr. Thrift made a motion, seconded by Mr. McCall, approved 5 – 0 to have the Council Chair send a letter of support to the County Delegation in support of the Senate & House bills [S. 1057 / H. 4663] related to mandatory sprinklers.

Adjourn:

Mr. Thrift made a motion at 8:47 p.m. to adjourn the meeting. The motion was approved unanimously.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council