



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
April 20, 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 20, 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: 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:

Ms. Lyn Norton addressed Council regarding her support for a new county library in Seneca.

Mr. Phil Soper addressed Council regarding his support for a new county library in Seneca.

Mr. John Adams addressed Council reading from a prepared statement [filed with these minutes] regarding his support for a new county library in Seneca.

Mr. Dexter asked those in attendance to stand to how their support for the library; approximately 40 +/- stood and applauded.

Ms. Susie Cornelius addressed Council regarding her concerns regarding a new county library in Seneca as it is planned to be adjacent to Blue Ridge Elementary School which also has a library.

Mr. Ben Turetzky addressed Council regarding his concerns that the Planning Commission is not following state law.

Mr. Bo Horne addressed Council in opposition to the passage of Ordinances 2010-05, 2010-06 and 2010-07 reading from a statement [filed with these minutes] and utilizing a PowerPoint presentation [also filed with these minutes].

Extended Public Comment Session:

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

County Council Response to Public Comment:

Mr. Corbeil addressed Council and the public present noting that information provided regarding Ordinances 2010-05, 2010-06 and 2010-07 was inaccurate. He outlined that these ordinances relate to an economic development matter; adding jobs to the county and creating \$2.5 million in annual taxes for the citizens.

Meeting Recess:

Mr. Dexter recessed the meeting to 6:29 p.m.

Meeting Reconvene:

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

Pledge of Allegiance:

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

Minutes:

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 4 – 0 that the minutes from the April 13, 2010 regular meeting be adopted as printed.

Presentation by Outside Organizations

Mr. Steve Pelissier, Appalachian Council of Governments [ACOG], provided Council with their Annual Report on Services to the County [filed with these minutes] highlighting key areas of service during the past year.

Council thanked Mr. Pelissier and Mr. Joe Newton, ACOG, for their attendance and the work that ACOG does for Oconee County.

Public Hearings regarding the Following Ordinances:

Mr. Dexter asked the County Attorney to read into the record the ordinance captions to be addressed tonight in the public hearing.

Ordinance 2010-02 “AN ORDINANCE TO ESTABLISH CENTRALIZED PROCUREMENT REGULATIONS FOR OCONEE COUNTY, REPLACING ORDINANCE 2001-15 AND AMENDMENT ORDINANCE 2002-12”

Ordinance 2010-03 “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”

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 “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 “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.

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”

Mr. Dexter opened the Public Hearing.

Mr. Larry Linsin addressed Council in opposition to passage of Ordinances 2010-05, 2010-06 and 2010-07.

Mr. Brit Adams addressed Council in regards to the county’s role in job creation and opposition to Ordinances 2010-05, 2010-06 and 2010-07.

Mr. Bo Horne addressed Council reading from a prepared statement [filed with these minutes] and utilizing a PowerPoint presentation [also filed with these minutes in opposition to Ordinances 2010-05, 2010-06 and 2010-07.

Mr. Tom O'Neill did not address Council. Mr. Corbeil noted that his issues had been addressed in Public Comment there for he left the meeting.

Ms. Susie Cornelius addressed Council utilizing a PowerPoint presentation [filed with these minutes] in opposition to Ordinances 2010-05, 2010-06 and 2010-07.

Mr. Suarez arrived at this point in the meeting.

Mr. B. J. Littleton addressed Council regarding honoring the Constitution and the Bill of Rights.

Mr. Dexter opened the floor to any other citizens wishing to address Council in public hearing.

Mr. George Cleveland addressed Council regarding his concern that there is a lack of transparency regarding Ordinances 2010-5 and 2010-06 and asked Council to provide a cost benefit analysis for public review.

Mr. Dexter asked for any written comments for inclusion in the record. No written comments were submitted.

Mr. Corbeil addressed those present; stating he wished to address some misconceptions regarding Ordinances 2010-05 and 2010-06. He noted that the first drafts of these ordinances were done so with all options presented for Council review and consideration. Council refined the scope from \$5.5 to \$3.5 million and also sought review of the assumptions and revenue estimates from the County Auditor. He noted that the School District of Oconee supports the issuance of the bond.

Mr. Martin, County Attorney, also addressed some issues that seemed to be causing confusion with the public.

Mr. Dexter closed the Public Hearing.

Consideration of the Following Ordinances:

Ordinance 2010-02:

Mr. Thrift made a motion, seconded by Mr. McCall, 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 third and final reading. Discussion followed.

Mr. Thrift made a motion, seconded by Mr. Suarez, approved 5 – 0 to table **Ordinance 2010-02** "AN ORDINANCE TO ESTABLISH CENTRALIZED PROCUREMENT REGULATIONS FOR OCONEE COUNTY, REPLACING ORDINANCE 2001-15 AND AMENDMENT ORDINANCE 2002-12" for third and final reading on May 4, 2010.

Ordinance 2010-03:

Mr. Corbeil made a motion, seconded by Mr. Suarez, approved 5 – 0 to approve **Ordinance 2010-03** "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 third & final reading.

Ordinance 2010-08:

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 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 third and final reading.

Ordinance 2010-14:

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 to table **Ordinance 2010-14** “AN ORDINANCE TO REQUEST DEFERRAL OF THE FORMULATION OF A REFERENDUM BALLOT QUESTION BY THE CAPITAL PROJECTS SALES TAX COMMISSION OF OCONEE COUNTY, SOUTH CAROLINA; TO AMEND CHAPTER 2, ARTICLE IV OF THE CODE OF ORDINANCES OF OCONEE COUNTY PERTAINING TO COMMITTEES IN ORDER TO ESTABLISH THE CAPITAL PROJECTS COMMITTEE; AND OTHER MATTERS RELATED THERETO” for first reading on May 4, 2010.

Ordinance 2010-17:

Mr. Thrift made a motion, seconded by Mr. Suarez, approved 5 – 0 to approve **Ordinance 2010-17** “AN ORDINANCE TO AMEND CHAPTER 26 OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO THE AMENDMENT OF CERTAIN UNIFIED ROAD STANDARDS FOR THE UNINCORPORATED AREAS OF OCONEE COUNTY, THE AMENDMENT OF ROAD CONSTRUCTION INSPECTION POLICIES AND PROCEDURES AND THE ESTABLISHMENT OF FUNDING FOR SUCH INSPECTIONS, AND THE REVISION OF ROAD SIGNAGE POLICIES AND PROCEDURES AND THE ESTABLISHMENT OF FUNDING FOR SUCH SIGNAGE; AND OTHER MATTERS RELATED THERETO” on first reading [in title only].

Discussion & Possible Action Items:

Mr. Thrift made a motion, seconded by Mr. McCall, approved 5 – 0 to amend the agenda to addressed Agenda Item #12-4 prior to other action items due to the large crowd present interested in these issues.

Library BOD / \$308,193.28 / Request for Matching Funds for USDA Grant

Mr. Jessie Risher, USDA, addressed Council regarding the grant and matching funds requirements. He noted that the grants may be used for various projects related to libraries, i.e., renovations, bookmobiles, new construction, IT needs, etc. Mr. Risher also outlined the process to

include 75-90 needed for an environmental assessment. He noted that there is no out of pocket expense for the county to begin the environmental assessment and even if the project is not ultimately approved there is no cost to the county to apply and begin the assessment. Discussion followed.

Mr. Suarez made a motion, seconded by Mr. Thrift, approved 5 – 0 to authorize the Library Board to make applications to the USDA and request that the environmental assessment be started with the understanding that the Council is not able to commit to the project until the budget review process is completed and review of all capital projects has been done.

Third Quarter Financial Report / Ms. Kendra Brown

Ms. Brown presented Council with a handout [filed with these minutes] highlighting the General Fund balances year to date. Ms. Brown noted that we have collected 87% of the anticipated revenues and spent 67% of the budget. She stated that many budget line items have seasonal item and staff feel the departments are on track. As of 3Q there is a possibility that the budgeted use of \$2 million from the General Fund will not be needed and the county may even be able to increase the fund balance by between \$1-2 million. It was suggested that further review and discussion take place in an upcoming Budget Committee meeting. Discussion followed.

Sheriff Department / Lake Patrol Contract

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve the Lake Patrol Contract contingent upon review and approval by the County Administrator and County Attorney.

Consent Agenda Items: ATAX Grant Request / \$10,695

- a. Battle of Oconee / \$1,500 / Advertising
- b. Cherokee Bear Clan / \$1,500 / Sign Lettering for “Museum of the Cherokee”
- c. Fair Play Blue Grass/Gospel Festival / \$1,500 / Advertising
- d. Blue Ridge Arts Council / \$1,500 / Advertising
- e. Historic Old Pickens Foundation / \$665 / Advertising
- f. Oconee Heritage Center / \$1,030 / Purchase Steel Flat Map File Cabinet
- g. Patriot’s Hall Veteran’s Museum / \$1,500 / Advertising
- h. Walhalla Partners for Progress / \$1,500 / Assist w/Roofing for Historic Old St. Johns Church

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 4 – 0 [Mr. Thrift stepped out of chambers during this agenda item], to approve the eight ATAX grant requests for a total of \$10,695 as outlined on the agenda item summaries.

Walhalla Health Department Roof / \$39,700

Mr. Suarez made a motion, seconded by Mr. McCall, approved 5 – 0 to approve the purchase order for labor to replace the Walhalla Health Department roof to Interstate Roofing Company, Inc. of Charlotte, NC, in the amount of \$39,700, per School District Bid No. 159-529.

Change Order #7 / PO #44635 / \$5,000 / Ard, Wood, Holcombe & Slate / ADA Issues

Mr. Thrift made a motion, seconded by Mr. McCall, approved 5 – 0 to approve Change Order # 7 for PO #44635 in the amount of \$5,000.00 bringing the total PO for Ard, Wood, Holcombe & Slate to a total of \$220,651.24.

County Tax Collector / Contract / Sole Source / Palmetto Posting, Inc. / not to exceed \$38,000

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 5 – 0 to award this contract, not to exceed \$38,000 to Palmetto Posting, Inc., of Spartanburg, SC as a sole source.

Board & Commission Appointments:

None scheduled for this meeting.

Commission & Board Reports to Council:

ATAX Committee

Ms. Geri McSwain, Chairwoman, addressed Council reading from a prepared statement [filed with these minutes] outlining the Committees makeup, goals and ongoing work.

Council thanked Ms. McSwain and the Committee for their hard work on behalf of the citizens of Oconee County.

Council Committee Reports:

Budget, Finance & Administration

Mr. Dexter had not report at this meeting but noted that the Committee will meet on Wednesday, April 21, 2010 and Thursday, April 22, 2010 both at 6:00 p.m. in Council Chambers.

Administrator's Report:

The Administrator had not report at this meeting.

Old Business:

No Old Business was discussed at this meeting.

New Business:

No Old Business was discussed at this meeting.

Executive Session:

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0, to enter Executive Session for the purpose of discussing a personnel matter related to the open Administrator position.

Council entered Executive Session at 8:58 p.m.

Council returned from Executive Session on a motion by Mr. Suarez, seconded by Mr. McCall and approved unanimously at 9:13p.m.

Mr. Dexter noted that no action was taken in Executive Session.

Mr. Thrift made a motion, seconded by Mr. Corbeil, to hire Mr. Timothy Scott Moulder as the new County Administrator pending review of a contract to be developed with the County Attorney. Mr. Dexter asked for a voice roll call vote regarding this matter; results follow:

- Mr. Corbeil Yes
- Mr. Thrift Yes
- Mr. Dexter Yes
- Mr. McCall Yes
- Mr. Suarez Yes

The motion passed on a unanimous 5 – 0 vote to hire Mr. Moulder.

Mr. Dexter requested the County Attorney, Mr. Martin, to briefly outline some of the contractual issues related to the contract with Mr. Moulder. Mr. Martin noted the following to include but not limited to:

- Contract term of three [3] years
- The County will furnish a vehicle of its choice for the Administrator's use
- The Administrator will receive all benefits afforded to County Employees
- The Administrator will receive an annual performance evaluation and any salary increases will be tied to the performance evaluations.
- Termination of the contract by Mr. Moulder at any time with three [3] months notice. If Mr. Moulder terminates the contract and leaves without completion of the three month notice he will forfeit day for day any monies earned for the notice days not worked.
- Termination of the contract by the County for cause would result in no severance pay.
- Termination of the contract by the County without cause would result in severance being paid on a prescribed schedule.

Adjourn:

Mr. McCall made a motion at 9:22 p.m. to adjourn the meeting. The motion was approved unanimously.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council