



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
November 18, 2014

MEMBERS, OCONEE COUNTY COUNCIL
Mr. Joel Thrift, District IV, Council Chairman
Mr. Paul Corbeil, District I, Vice Chairman
Mr. Wayne McCall, District II, Chairman Pro Tem
Mr. Paul Cain, District III
Mr. Reg Dexter, 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 Thomas Martin and Elizabeth Hulse, 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: Ray Chandler/Anderson Independent, Dick Mangrum/WGOG Radio and Carlos Galarza & Steven Bradley/The Daily Journal.

Call to Order:

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

Public Comment Session / Agenda Action Items Only:

Ms. Margaret Thompson addressed Council in opposition to expansion of bus service in Oconee County.

Mr. Jim Schoonover addressed Council in support of passage of Ordinance 2014-24.

County Council Response to Public Comment:

None at this meeting.

Moment of Silence

Mr. Thrift asked for a moment of silence prior the Invocation by the County Chaplain.

Invocation by County Council Chaplain:

Mr. Tom Martin, County Council Chaplain, gave the invocation.

Pledge of Allegiance:

Mr. McCall led the Pledge of Allegiance to the Flag of the United States of America.

Approval of Minutes:

Mr. Corbeil made a motion, seconded by Mr. Cain, approved 5 – 0 to approve the October 21, 2014 regular meeting as presented.

Presentations to Council

Transit Advisory Task Force Committee

Mr. Moulder and Mr. Chip Burger, Senior Transportation Planner, addressed Council utilizing a handout and PowerPoint presentation [copies filed with these minutes] highlighting the activities and recommendation to Council regarding expanded public transportation in Oconee County. Discussion followed.

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 Hearings: 2014-23, 2014-24
- Third & Final Reading for Ordinances: 2014-23, 2014-24
- Second Reading of Ordinance: 2014-26
- First Reading of Ordinances: 2014-28, 2014-29, 2014-30 & 2014-31
- First & Final Reading of Resolution R2014-17, R2014-18
- Discussion Items
- Old Business: Oconee Courthouse Ventures LLC
- Board & Commission Appointments
- Executive Session

Public Hearing Regarding the Following Ordinances

Ordinance 2014-23 "AN ORDINANCE TO AMEND OCONEE COUNTY ORDINANCE 2014-02, THE BUDGET ORDINANCE FOR THE SCHOOL DISTRICT OF OCONEE COUNTY (the "School District") FOR THE FISCAL YEAR BEGINNING JULY 1ST, 2014 AND ENDING JUNE 30TH, 2015, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, SO AS TO REFLECT THE USE OF ADDITIONAL TAX REVENUE AND ADDITIONAL DELINQUENT TAX COLLECTIONS, INCLUDING PENALTIES AND INTEREST, AND DECREASE THE USE OF FUND BALANCE, ALL ON THE REVENUE SIDE OF THE BUDGET; AND OTHER MATTERS RELATED THERETO"

Mr. Thrift opened the floor for Public Comment.

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

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

Mr. Thrift closed the Public Hearing regarding **Ordinance 2014-23**.

Ordinance 2014-24 "AN ORDINANCE AUTHORIZING AND DIRECTING THE PROVISION OF COUNTY-FUNDED LEGAL REPRESENTATION, DEFENSE, AND LIMITED INDEMNIFICATION FOR OCONEE COUNTY EMPLOYEES IN CERTAIN LIMITED CIRCUMSTANCES INVOLVING THE DIRECTION AND PERFORMANCE OF OFFICIAL DUTIES; AND OTHER MATTERS RELATED THERETO"

Mr. Thrift opened the floor for Public Comment.

Dr. Stan Rampey addressed Council in support of passage of Ordinance 2014-24.

Mr. Don Rochester addressed Council in opposition to passage of Ordinance 2014.24.

Mr. Brit Adams addressed Council in opposition to passage of Ordinance 2014.24.

Mr. C. W. Richards addressed Council in opposition to passage of Ordinance 2014-24; however, asked that if passed that board and commission members be included.

Ms. Jeanne Gelman addressed Council in opposition to passage of Ordinance 2014-24.

Ms. Susie Cornelius addressed Council in opposition to passage of Ordinance 2014-24.

Mr. Kevin Minton addressed Council in support for passage of Ordinance 2014-24.

Mr. Jim Alexander addressed Council in support for passage of Ordinance 2014-24.

Mr. Rhett Smith addressed Council in support for passage of Ordinance 2014-24.

Mr. Ryan Honea addressed Council on behalf of 12 citizens [signed petition filed with these minutes] in support for passage of Ordinance 2014-24.

Mr. Thrift opened the floor for any additional citizens wishing to address Council regarding this ordinance.

Mr. Berry Nichols addressed Council in opposition to passage of Ordinance 2014-24.

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

Mr. Thrift closed the Public Hearing regarding **Ordinance 2014-24**.

Third & Final Reading of the Following Ordinances

Ordinance 2014-23 “AN ORDINANCE TO AMEND OCONEE COUNTY ORDINANCE 2014-02, THE BUDGET ORDINANCE FOR THE SCHOOL DISTRICT OF OCONEE COUNTY (the “School District”) FOR THE FISCAL YEAR BEGINNING JULY 1ST, 2014 AND ENDING JUNE 30TH, 2015, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, SO AS TO REFLECT THE USE OF ADDITIONAL TAX REVENUE AND ADDITIONAL DELINQUENT TAX COLLECTIONS, INCLUDING PENALTIES AND INTEREST, AND DECREASE THE USE OF FUND BALANCE, ALL ON THE REVENUE SIDE OF THE BUDGET; AND OTHER MATTERS RELATED THERETO”

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve **Ordinance 2014-23** on third & final reading.

Ordinance 2014-24 “AN ORDINANCE AUTHORIZING AND DIRECTING THE PROVISION OF COUNTY-FUNDED LEGAL REPRESENTATION, DEFENSE, AND LIMITED INDEMNIFICATION FOR OCONEE COUNTY EMPLOYEES IN CERTAIN LIMITED CIRCUMSTANCES INVOLVING THE DIRECTION AND PERFORMANCE OF OFFICIAL DUTIES; AND OTHER MATTERS RELATED THERETO”

Mr. Corbeil made a motion, seconded by Mr. Dexter to approve **Ordinance 2014-24** on third & final reading. Mr. Thrift asked Mr. Martin to address the specifics of the ordinance and the Attorney General opinion received [copy filed with these minutes].

In summary, Mr. Martin stated the following:

- Insurance Reserve Fund [IRF] has stated that this ordinance will not impact coverage for county employees
- Ethics Commission in their informal opinion [copy filed with these minutes] stated that Council members are not prohibited from voting on this ordinance as they are part of the large group
- Attorney General stated that in their opinion the ordinance is legal, however they requested clarification in several areas

Mr. Martin read the conclusion from the Attorney General opinion into the record and recommended to Council that the changes be made and the ordinance amended. Lengthy discussion followed.

Mr. Thrift suggested tabling the ordinance to allow the attorney time to amend based on discussions. Additionally, Mr. Thrift suggested after passage of the ordinance that Council look at potentially adding specific boards, commissions and or committees but to not take this action at this time. Discussion followed.

Mr. Corbeil made a motion, seconded by Mr. Cain, approved 5 – 0 to [1] direct the County Attorney to make the suggested changes from the Attorney General, and [2] to table this ordinance to allow the attorney to draft an amended ordinance for consideration by Council at the December 2, 2014 meeting.

Second Reading of the Following Ordinances

Ordinance 2014-26 “AN ORDINANCE TO AUTHORIZE THE ACCEPTANCE OF ELECTRONIC SIGNATURES FOR CERTAIN OCONEE COUNTY TRANSACTIONS IN ACCORDANCE WITH THE SOUTH CAROLINA UNIFORM ELECTRONIC TRANSACTION ACT AND TO AUTHORIZE AN ELECTRONIC SIGNATURE POLICY IN ACCORDANCE WITH SECTION 26-6-190(A) OF THE SOUTH CAROLINA CODE OF LAWS; AND OTHER MATTERS RELATED THERETO”

Mr. Corbeil made a motion, seconded by Mr. Cain, approved 5 – 0 to approve **Ordinance 2014-26** on second reading.

First Reading of the Following Ordinances

Ordinance 2014-28 “AN ORDINANCE AMENDING CHAPTER 32 AND CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING HEIGHT RESTRICTIONS FOR STRUCTURES LOCATED IN ZONED INDUSTRIAL DISTRICTS AND FOR STRUCTURES LOCATED IN AREAS DESIGNATED BY OCONEE COUNTY AS COUNTY INDUSTRIAL PARKS; AND OTHER MATTERS RELATED THERETO.”

Mr. Moulder noted that the Planning Commission, in response to the posting of the Council agenda, reviewed **Ordinance 2014-28** at their December 17, 2014 meeting and have provided a written recommendation [copy filed with these minutes] for Council’s consideration; therefore, Council does not need to forward to the Planning Commission as advertised on the agenda.

Mr. McCall made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve **Ordinance 2014-28** on first reading.

Ordinance 2014-29 *[in title only]* ‘AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA (THE “COUNTY”) AND A COMPANY IDENTIFIED FOR THE TIME BEING AS **PROJECT SARAH**, ACTING FOR ITSELF, AND/OR ONE OR MORE AFFILIATES OR OTHER PROJECT SPONSORS (THE “COMPANY”), PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE ESTABLISHMENT AND/OR EXPANSION OF CERTAIN FACILITIES IN THE COUNTY (COLLECTIVELY, THE “PROJECT”); (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; (3) CERTAIN SPECIAL SOURCE REVENUE CREDITS IN CONNECTION WITH THE PROJECT; AND (4) OTHER MATTERS RELATING THERETO”

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2014-29** on first reading in title only.

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Ordinance 2014-30 *[in title only]* “AN ORDINANCE AUTHORIZING AND APPROVING (1) DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN CONJUNCTION WITH PICKENS COUNTY (THE “PARK”), SUCH PARK TO BE, AT THE TIME OF ITS INITIAL DEVELOPMENT, GEOGRAPHICALLY LOCATED IN OCONEE COUNTY AND TO INCLUDE CERTAIN PROPERTY NOW OR TO BE HEREAFTER OWNED AND/OR OPERATED BY A COMPANY IDENTIFIED FOR THE TIME BEING AS **PROJECT SARAH**; (2) THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH PICKENS COUNTY AS TO THE REQUIREMENT OF PAYMENTS OF FEE IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO PARK PROPERTY AND THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; (3) THE DISTRIBUTION OF REVENUES FROM THE PARK WITHIN OCONEE COUNTY; AND (4) OTHER MATTERS RELATED THERETO”

Mr. Dexter made a motion, seconded by Mr. McCall, approved 5 – 0 to approve **Ordinance 2014-30** on first reading in title only.

Ordinance 2014-31 *[in title only]* “AN ORDINANCE TO ALLOW AN EXISTING MULTI-COUNTY INDUSTRIAL PARK AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND WILLIAMSBURG COUNTY, SOUTH CAROLINA TO EXPIRE; TO DEVELOP A MULTI-COUNTY INDUSTRIAL PARK IN CONJUNCTION WITH PICKENS COUNTY, SOUTH CAROLINA, ESTABLISHED PURSUANT TO THE SOUTH CAROLINA CODE OF LAWS OF 1976, SECTION 4-1-170, ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH PICKENS COUNTY REGARDING THE MULTI-COUNTY PARK JOINTLY DEVELOPED WITH PICKENS COUNTY; TO RELOCATE PROPERTY TO THE MULTI-COUNTY PARK JOINTLY DEVELOPED WITH PICKENS COUNTY; AND OTHER RELATED MATTERS RELATED THERETO.

Mr. McCall made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve **Ordinance 2014-31** on first reading in title only.

First & Final Reading of the Following Resolutions

Resolution R2014-17 “A RESOLUTION DECLARING THE RESULTS OF A REFERENDUM HELD ON NOVEMBER 4, 2014, ON THE QUESTION OF THE IMPOSITION OF A ONE PERCENT CAPITAL PROJECTS SALES AND USE TAX IN THE COUNTY OF OCONEE, SOUTH CAROLINA; AND OTHER MATTERS RELATED THERETO.”

Mr. Dexter made a motion, seconded by Mr. Cain, approved 5 – 0 to approve **Resolution R2014-17** on first & final reading.

Resolution R2014-18 “ A RESOLUTION AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA (THE “COUNTY”) AND A COMPANY IDENTIFIED FOR THE TIME BEING AS **PROJECT SARAH**, ACTING FOR ITSELF, AND/OR ONE OR MORE AFFILIATES OR OTHER PROJECT SPONSORS (THE “COMPANY”), PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO THE ESTABLISHMENT AND/OR EXPANSION OF CERTAIN FACILITIES IN THE COUNTY (COLLECTIVELY, THE “PROJECT”); (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; (3) CERTAIN SPECIAL SOURCE REVENUE CREDITS IN CONNECTION WITH THE PROJECT; AND (4) OTHER MATTERS RELATING THERETO.”

Mr. Dexter made a motion, seconded by Mr. Cain, approved 5 – 0 to approve **Resolution R2014-18** on first & final reading.

Discussion Regarding Action Items:

Transit Advisory Task Force Committee Recommendation to Council

Mr. Thrift recognized Rev. Richard Reams who addressed Council in support of expanded bus service in Oconee County.

Mr. Thrift made a motion, seconded by Mr. McCall to table this matter for further study and discussion at the December 2, 2014 meeting. Discussion followed.

Mr. Thrift made a motion, seconded by Mr. McCall, approve 4 – 1 [Mr. Dexter opposed] to Direct Administrator to provide Cost Benefit Analysis [CBA] for leasing of vehicles and to identify City of Seneca's willingness to establish a trial period for routes to ID need/ridership.

Mr. Thrift called for the vote on the matter as amended. The motion passed 4 – 1 [Mr. Dexter opposed].

Professional Services / Davis & Floyd / Road Improvements Stone Pond Subdivision / \$318,865

Mr. Thrift questioned if the property owners were aware of the cost of these services as they exceeded our original estimates. Mr. Moulder assured Council that all parties are aware and that once the work begins that they are responsible for reimbursement even if the project is not completed.

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve the not to exceed professional services fee of \$318,865.00 to Davis & Floyd, Inc., of Greenwood, SC.

RFP 14-05 / Road Assessment Services / \$127,853.66

Mr. Dexter made a motion, seconded by Mr. McCall, approved 5 – 0 to award of RFP 14-05, Road Assessment Services, to Transmap Corporation of Upper Arlington, OH in the amount of \$127,853.66.

Old Business:

Oconee Courthouse Ventures, LLC Funding Report *Mr. John Powell / Mr. Jim Carswell*

Mr. John Powell addressed Council stating the following:

- Funding commitments have not been obtained
- No extension is requested for this project
- Requested that if funding commitments are received that Council would potentially reconsider this project

Mr. Thrift thanked Mr. Powell and Mr. Carswell for their efforts regarding this project during trying financial times.

Mr. Thrift made a motion, seconded by Mr. Dexter, approved 5 – 0 to move forward to accept proposals from interested entities for the old courthouse restoration project and forward matter to Real Estate, Facilities & Land Management Committee for further discussion and recommendation.

New Business:

None addressed at this meeting.

Board/Commission Appointments

Arts & Historical Commission

As no qualified questionnaires are on file, Council deferred this matter.

Conservation Bank Board

As no qualified questionnaires are on file, Council deferred this matter.

Executive Session:

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 4 – 1 [Mr. Dexter opposed] to enter Executive Session for the purpose of discussing a personnel matter, several Economic Development matters and a litigation matter.

Council entered Executive Session at 8:30 p.m.

Council returned from Executive Session at 9:30 p.m. on a motion by Mr. Corbeil, seconded by Mr. Cain, approved 5 – 0.

Mr. Thrift stated that no action was taken in Executive Session.

Public Comment Session Non Agenda Action Items:

None at this meeting.

Council Member Comments:

None at this meeting.

Adjourn

Mr. Dexter made a motion, approved unanimously 5 – 0, to adjourn at 9:31 p.m.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council