



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
December 2, 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, Ashton Hester/Keowee Courier and & 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 the proposed transit expansion in Oconee County.

Mr. Randy Gilchrist addressed Council in opposition to the proposed transit expansion in Oconee County.

Ms. Donna Linsin addressed Council [utilizing several handouts – copies filed with these minutes] in opposition to the proposed transit expansion in Oconee County.

Mr. Ryan Honea addressed Council in support of the amended Ordinance 2014-24 as presented at this meeting.

Mr. Berry Nichols addressed Council regarding Ordinance 2014-24.

Extended Public Comment Session

Public Transportation & Air Quality / Ms. Susie Cornelius

Ms. Cornelius addressed Council voicing her concerns regarding expansion of the free bus system in the County as it relates to impending Air Quality standards by the federal government. She noted the benefit to many segments of our population with expanded service but cautioned that we need to be mindful of impacts in other areas including air quality.

Council thanked Ms. Cornelius for her presentation.

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. Dexter 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 November 18, 2014 regular meeting as presented.

Presentations to Council

FOLKS [*Friend of Lake Keowee*] / Mr. Ben Turetzky

Mr. Turetzky addressed Council utilizing a PowerPoint presentation [copy filed with these minutes]; highlighting activities of his organization to include mission, activities, grant funds received, island sweeps and the Keowee Toxaway relicensing process/participation. Lastly, Mr. Turetzky requested the following from Council:

- Extend protective vegetative buffer to 50'
- Adopt ordinance to require grading permit prior to soil disturbance
- Implement Storm Water Management Program
- Allow any citizen to file complaints re: alleged infractions within the lake overlay

Council thanked Mr. Turetzky for his presentation.

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: 2014-26
- Third & Final Reading for Ordinances: 2014-24, 2014-26
- Second Reading of Ordinance: 2014-28, 2014-29, 2014-30 & 2014-31
- First Reading of Ordinance: 2014-27
- First & Final Reading of Resolution R2014-19
- Discussion Items
- Old Business: Transit Implementation Plan
- Board & Commission Appointments
- Executive Session – Mr. Moulder noted that the Executive Session would not be needed.

Public Hearing Regarding 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. Thrift opened the floor for Public Comment.

No citizens signed up to speak; therefore, Mr. Thrift asked if any citizens wished to address Council. No citizens stepped forward.

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 2014-26**.

Third & Final Reading of the Following Ordinances

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 noted that there is a motion on the floor from the November 18, 2014 meeting and asked the county attorney to address procedure and specifics related to the ordinance before Council at this meeting.

Mr. Martin noted that Council will need to complete several steps to include: [1] a motion to return the ordinance to the table for discussion, [2] move to amend the ordinance to approve the language as presented at this meeting [*noting that suggestions from both the Attorney General and Mr. Cain are incorporated in the ordinance for consideration*], and [3] vote on the ordinance as amended.

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 3 – 2 [Mr.’s McCall and Cain opposed] to bring **Ordinance 2014-24** to the table for discussion/action at this meeting.

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 3 – 2 [Mr.’s McCall and Cain opposed] to amend **Ordinance 2014-24** as presented at this meeting.

Lengthy discussion followed with various issues discussed to include:

- amended language now includes Council appointed boards and commissions
- questions regarding if Mr. Martin had seen or was aware of a situation where the Insurance Reserve Fund [IRF] or the state’s tort laws did not cover someone from personal liability. Mr. Martin stated that he had not seen a case first hand
- reiteration that there is no liability to the tax payers as long as officials act within the scope of their official duties
- questions regarding if Mr. Martin had seen or was aware of threats to sue where the Insurance Reserve Fund [IRF] or the state’s tort laws may or may not cover someone from personal liability. Mr. Martin stated that he had seen a threat in the Daily Journal.
- questions to Mr. Moulder regarding threats to county staff including himself and other officials such as building code officials. Mr. Moulder stated that in his tenure in Oconee County he has been sued twice in a personal capacity while acting as county administrator and that threats to sue county officials occur on a regular basis
- Mr. McCall noted that the Delegation told him that Oconee County is the only county passing such an ordinance and he stated that he felt it was inappropriate for council to proceed and pass Ordinance 2014-24.

Mr. Thrift called for the vote on **Ordinance 2014-24** as amended. The motion passed 3 – 2 [Mr.’s McCall and Cain opposed].

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 third and final reading.

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

Ordinance 2014-29 ‘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 second reading.

Ordinance 2014-30 “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. Cain made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2014-30** on second reading.

Ordinance 2014-31 “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. Martin noted that all but one property from the original agreement will be put into this agreement; noting that the one property is no longer being used for industrial purposes.

Mr. Corbeil made a motion, seconded by Mr. Cain, approved 5 – 0 to approve **Ordinance 2014-31** on second reading.

First Reading of the Following Ordinances

Ordinance 2014-27 “AN ORDINANCE TO ACKNOWLEDGE AND AUTHORIZE THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN OCONEE COUNTY AND THE CITY OF WESTMINSTER FOR THE PROVISION OF A COUNTY MAGISTRATE TO ACT AS MUNICIPAL JUDGE FOR THE CITY OF WESTMINSTER; AND OTHER MATTERS RELATED THERETO”

Mr. Moulder noted prior to Council action that this agreement will be revenue neutral.

Mr. Cain made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2014-27** on first reading.

First & Final Reading of the Following Resolutions

Resolution R2014-19 “A RESOLUTION AUTHORIZING AN INDUCEMENT AND MILLAGE RATE AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND **CASTO SOUTHEAST REALTY SERVICES, LLC** RELATING TO THE COUNTY’S EXECUTION AND DELIVERY OF A FEE AGREEMENT AND AN INFRASTRUCTURE IMPROVEMENT CREDIT RELATED TO THE FEES IN LIEU OF TAXES THEREUNDER PURSUANT TO TITLE 12, CHAPTER 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, AND THE PLACEMENT OF CERTAIN PROPERTIES IN A MULTI-COUNTY INDUSTRIAL/BUSINESS DEVELOPMENT PARK ESTABLISHED BY THE COUNTY.”

Mr. Corbeil made a motion, seconded by Mr. Cain, approved 5 – 0 to approve **Resolution R2014-19** on first & final reading.

Mr. Thrift congratulated the Administrator and the Economic Development staff on their hard work on not only Project Sarah and Casto but all the good economic news Oconee County has had in 2014.

Discussion Regarding Action Items:

Stub Taxiway and Powerline Relocation Project / Airport / \$120,000.00

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve the award of \$120,000.00 to W. K. Dickson & Company, Inc. of Columbia, SC for engineering services for the Stub Taxiway Project.

Old Business:

Transit Advisory Task Force Committee Recommendation to Council

Mr. Moulder noted that he did not have all information requested and asked that this be deferred to a future meeting. Council concurred.

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. McCall made a motion, seconded by Mr. Cain, approved 5 – 0 to remove an Executive Session from the agenda.

Public Comment Session Non Agenda Action Items:

None at this meeting.

Council Member Comments:

None at this meeting.

Adjourn

Mr. Corbeil made a motion, approved unanimously 5 – 0, to adjourn at 7:21 p.m.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council