



A G E N D A

OCONEE COUNTY COUNCIL MEETING

April 21, 2015 ~ ~ 6:00 PM

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

Call to Order

Public Comment Session *[Limited to a total of forty (40) minutes, four (4) minutes per person.]*

Council Member Comments

Moment of Silence

Invocation by County Council Chaplain / Mr. Tom Martin

Pledge of Allegiance to the Flag of the United States of America

Approval of Minutes

- April 7, 2015 Regular Meeting
- April 13, 2015 Special Meeting

First & Final Reading of the Following Proclamations

Proclamation P2015-04 "A PROCLAMATION RECOGNIZING THE 150TH ANNIVERSARY OF BASF"

Members of the Oconee County BASF Team will be on hand to accept the Proclamation and make a brief statement.

Administrator Report & Agenda Summary

Public Hearings regarding the Following Ordinances

Ordinance 2015-13 "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND **PROJECT MOLD** AND INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES RELATED TO THE PROJECT; EXTENDING THE TERM OF THE JOINT COUNTY INDUSTRIAL AND BUSINESS PARK FOR THE PROJECT UNTIL DECEMBER 31, 2023; AND OTHER MATTERS RELATING THERETO"

[This is an additional public hearing for this ordinance after amendment at the April 7th meeting.]

Third & Final Reading of the Following Ordinances

Ordinance 2015-13 *[caption above]*
Including Cost Benefit Analysis & Economic Development Impact

Second Reading of the Following Ordinances

Ordinance 2015-06 "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA (THE "COUNTY") AND **CASTO SOUTHEAST REALTY SERVICES, LLC** OR ITS ASSIGNEE (THE "COMPANY") INCLUDING AN INFRASTRUCTURE IMPROVEMENT CREDIT RELATING 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

Council's meetings shall be conducted pursuant to the South Carolina Freedom of Information Act, Council's Rules and the Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition. This agenda may not be inclusive of all issues which Council may bring up for discussion at this meeting. Items are listed on Council's agenda to give public notice of the subjects and issues to be discussed, acted upon, received as information and/or disposed of during the meeting. Items listed on Council's agenda may be taken up, tabled, postponed, removed or otherwise disposed of as provided for under Council's Rules, and Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition, if not specified under Council's rules.

PLACEMENT OF RELATED PROPERTY IN A MULTICOUNTY INDUSTRIAL BUSINESS DEVELOPMENT PARK ESTABLISHED BY THE COUNTY; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SENECA RELATED TO THIS MATTER; AND OTHER MATTERS RELATING THERETO”

The company involved is Casto Realty Services. The location of this economic development project is the former DeFore Milliken Plant property on the corner of SC Hwy 123 and SC Hwy 93. In late 2013, NewSpring Church bought this roughly 60 acre tract. They have since sold roughly 42.6 acres to Casto and will retain 17.1 acres for their use. This Casto Tract will be taxed and will encompass nearly 350,000 square feet of commercial (both retail and restaurants) space. This acreage fronts SC Hwy 123 and SC Hwy 93. It is estimated by the developer that this project will result in a total capital investment of between \$35,000,000 and \$45,000,000. It will also result in 300-400 new jobs for the County once full build-out has occurred.

Ordinance 2015-06 does the following: establishes an agreed upon “fee-in-lieu” (FILOT) tax agreement between the County and the Company, includes an infrastructure improvement credit between the company and the County, it places the property into the multi-county industrial park (MCIP) and establishes an intergovernmental agreement that includes the City of Seneca.

Council will need to [1] move to amend Ordinance 2015-06 after it has been brought to the floor for discussion, and [2] approve Ordinance 2015-06 as amended for second reading.

Ordinance 2015-08 “AN ORDINANCE AMENDING CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING AGRICULTURAL RESIDENTIAL ZONING DISTRICTS IN CERTAIN LIMITED REGARDS AND PARTICULARS; AND OTHER MATTERS RELATED THERETO.”

Proposed Ordinance 2015-08 stems from a desire to ensure Oconee’s land use regulations are clear and easy to use by staff and citizens by clarifying setback standards. To achieve this Ord. 2015-08 was initially presented to move current setbacks found in Chapter 32 Article 6 Sec. 32-214 to Chapter 38 Article 10 Sec. 38-10.2. In addition, Ord. 2015-08 will amend the definition and intent section of the Agricultural Residential District found in Chapter 38 Article 10 Sec. 38-10.12, to reflect the agreement between all parties resolving litigation concerning ARD, as to how the intent and definition portions of the ARD section should read.

On January 26, 2015, the Planning Commission voted, unanimously, to recommend that County Council adopt Ord. 2015-08. On February 24, 2015, County Council voted, 3-1-1 [Ms. Cammick opposed; Mr. Cain abstained] to approve Ordinance 2015-08 on first reading. On March 23, 2015 the Planning Commission held a public hearing on Ordinance 2015-08, in accordance with Chapter 32 Article 6 of Oconee’s Code of Ordinance, and voted, unanimously, to recommend that County Council adopt Ordinance 2015-08 as presented.

On April 1, 2015, at the direction of the County Council Chairman, portions of Ordinance 2015-08 addressing setbacks were removed and made part of Ordinance 2015-15. As a result, Ordinance 2015-08 will only amend the definition and intent section of the Agricultural Residential District found in Chapter 38 Article 10 Sec. 38-10.12, as outlined above.

Council will need to [1] move to amend Ordinance 2015-08 after it has been brought to the floor for discussion, and [2] approve Ordinance 2015-08 as amended for second reading.

First Reading of the Following Ordinances

Ordinance 2015-15 “AN ORDINANCE AMENDING CHAPTER 32 AND CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING SETBACKS; AND OTHER MATTERS RELATED THERETO”

Proposed Ordinance 2015-08 stems from a desire to ensure Oconee’s land use regulations are clear and easy to use by staff and citizens by clarifying setback standards. To achieve this Ord. 2015-08 will move current setbacks found in Chapter 32 Article 6 Sec. 32-214 to Chapter 38 Article 10 Sec. 38-10.2. In addition, Ord. 2015-08 will amend the definition and intent section of the Agricultural Residential District found in Chapter 38 Article 10 Sec. 38-10.12, to reflect the agreement between all parties resolving litigation concerning ARD, as to how the intent and definition portions of the ARD section should read.

The Commission voted unanimously, on November 17, 2014, to direct staff to draft amendment language that moves the setback provisions found in Chapter 32 Article 6 to the Control Free District in Chapter 38 Article 10. As noted above, the setback provisions contained within Chapter 32 Article 6 Sec. 32-214.d apply to property zoned in the Control Free District. Moving the setbacks in Sec. 32-214.d to Sec. 38-10.2 would be beneficial because all of the County’s setback provisions would be in one place and any variance requests would be made to the Board of Zoning Appeals which considers most other variance requests.

On January 26, 2015, the Planning Commission voted, unanimously, to recommend that County Council adopt Ord. 2015-08. On February 24, 2015, County Council voted, 3-1-1 [Ms. Cammick opposed; Mr. Cain abstained] to approve Ordinance 2015-08 on first reading. On March 23, 2015 the Planning Commission held a

Council’s meetings shall be conducted pursuant to the South Carolina Freedom of Information Act, Council’s Rules and the Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition. This agenda may not be inclusive of all issues which Council may bring up for discussion at this meeting. Items are listed on Council’s agenda to give public notice of the subjects and issues to be discussed, acted upon, received as information and/or disposed of during the meeting. Items listed on Council’s agenda may be taken up, tabled, postponed, removed or otherwise disposed of as provided for under Council’s Rules, and Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition, if not specified under Council’s rules.

public hearing on Ordinance 2015-08, in accordance with Chapter 32 Article 6 of Oconee's Code of Ordinance, and voted, unanimously, to recommend that County Council adopt Ordinance 2015-08 as presented, which included both ARD and setback amendments.

On April 1, 2015, at the direction of Mr. McCall, County Council Chairman, the portions of Ordinance 2015-08 addressing setbacks were removed and made part of Ordinance 2015-15. As a result, Ordinance 2015-15 will move current setbacks found in Chapter 32 Article 6 Sec. 32-214 to Chapter 38 Article 10 Sec. 38-10.2.

Ordinance 2015-16 [Title Only] "AN ORDINANCE TO AMEND OCONEE COUNTY ORDINANCE 2014-01, THE BUDGET ORDINANCE FOR OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1ST, 2014 AND ENDING JUNE 30TH, 2015, IN CERTAIN LIMITED REGARDS AND PARTICULARS, RELATED TO THE ROCK QUARRY BUDGET, ONLY; AND OTHER MATTERS RELATED THERETO"

First & Final Reading of the Following Resolutions

Resolution R2015-08 "A RESOLUTION SUPPORTING STATE EFFORTS TO FIND SOLUTIONS TO THE FUNDING NEEDS FOR STATE MAINTAINED AND OPERATED ROADS AND BRIDGES WITHOUT TRANSFERRING THE BURDEN TO LOCAL GOVERNMENTS AND OPPOSING ANY ACTIONS TAKEN BY THE GENERAL ASSEMBLY THAT THROUGH LACK OF STATE FUNDING WILL LEAD TO INCREASED TAXES ON THE CITIZENS OF OCONEE COUNTY"

Discussion Regarding Action Items

Engineering Services/Lands Bridge Road (PO 51250) / Roads & Bridges / \$55,987.00

At the March 20, 2012 meeting, Council approved the award of RFP 11-15 for On Call Engineering Services to Davis & Floyd, Inc., of Greenwood, SC for Category C: On Call Roadway & Bridge Services. The Roads & Bridges Department contracted with Davis & Floyd to provide engineering services for the Lands Bridge Road construction project as follows:

- PO 51250, was issued on 8-22-2014 for the first five tasks of this project in the amount of \$34,450.00.
- Change Order #1 was issued on 11-7-2014 for the addition of Task 6 in the amount of \$1,995.00.
- Change Order #2 was issued on 2-3-2015 for the addition of Tasks 7 – 11, in the amount of \$8,380.00.

The project was bid out and construction has started. Unsuitable materials were discovered in the east approach of the new bridge, resulting in the need for Change Order # 3 in the amount of \$11,162 for Davis & Floyd to oversee and provide the necessary construction testing to resolve this unforeseen issue.

With the addition of Change Order #3, the PO 51250 for Davis & Floyd now totals \$55,987.00 and requires Council approval.

It is the staff's recommendation that Council approve the award of \$55,987.00 to Davis & Floyd, Inc., of Greenwood, SC for engineering services for the Lands Bridge Road project.

Komatsu Back Dump Truck / Rock Quarry / \$493,300.00

The Quarry utilizes three (3) rigid frame back-dump trucks to support daily operations. A back-dump truck was included for replacement in the Quarry's future capital improvement plan. On April 1, 2015, a 2004 Terex back-dump truck caught fire and is not repairable. A replacement truck is needed as soon as possible in order to keep up with the current demand for Quarry products. The Quarry currently has a 2007 Komatsu 325-7 back-dump truck, a 2001 and a 2002 Terex truck, one of which is down for repairs. To keep maintenance and repair issues minimized and to utilize existing parts inventory, a replacement truck should only be Komatsu or Terex brand. Linder Machinery is the only Authorized Dealer for Komatsu in the state of South Carolina. The Quarry requests approval to purchase a 2015 Komatsu HD 325-7 back-dump truck from Linder Machinery in the amount of \$493,300.00.

Quarry staff contacted several used equipment vendors, but at this time there is not a comparable used truck available for purchase. All brands of this size back dump trucks are only available from Authorized Dealers. Quarry staff priced several comparable trucks and this information is attached.

It is the staff's recommendation that Council approve the purchase of one 2015 Komatsu 325-7 back-dump truck from Linder Industrial Machinery Company of Greer, SC, for the cost of \$493,300.00.

Council Committee Reports

- Law Enforcement, Public Safety, Health & Welfare Committee / Mr. McCall
- Transportation Committee / Mr. Thrift
- Budget, Finance & Administration Committee / Ms. Cammick

Council's meetings shall be conducted pursuant to the South Carolina Freedom of Information Act, Council's Rules and the Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition. This agenda may not be inclusive of all issues which Council may bring up for discussion at this meeting. Items are listed on Council's agenda to give public notice of the subjects and issues to be discussed, acted upon, received as information and/or disposed of during the meeting. Items listed on Council's agenda may be taken up, tabled, postponed, removed or otherwise disposed of as provided for under Council's Rules, and Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition, if not specified under Council's rules.

Old Business

[to include Vote and/or Action on matters brought up for discussion, if required]

- Potential Land Regulation Modification Discussion
- Discussion regarding Errors/Omissions Indemnification Policy

New Business

[None scheduled at this meeting.]

[to include Vote and/or Action on matters brought up for discussion, if required]

Adjourn

County Council is seeking interested citizens wishing to serve on a council appointed Boards/Commissions:

- **Scenic Highway Committee**.....1 At Large Seat
- **Conservation Bank Board**.....Charitable Corp. or Trust Candidate

Candidate needs be a board member or executive officer of a charitable corporation or trust authorized to do business in this State that is one of the following: (i) actively engaged in the acquisition of interests in land from voluntary sellers for the purposes of natural resource or land conservation in Oconee County; or (ii) is organized for historic or cultural preservation purposes; or (iii) is an organization that represents hunting, fishing or outdoor recreation interests.

County Council will hold a **Special Meeting** on **Tuesday, April 28, 2015** in Council Chambers, Oconee County Administrative Offices, 415 South Pine Street, Walhalla, SC in order to receive FY 2015-2016 budget presentations from the Oconee County Administrator & the School District of Oconee County Superintendent.

Assisted Listening Devices [ALD] are available to accommodate the special needs of citizens attending meetings held in Council Chambers.

ALD requests should be made to the Clerk to Council at least 30 minutes prior to the meeting start time.

Oconee County Council, Committee, Board & Commission meeting schedules, agendas are posted at the Oconee County Administration Building & are available on the County Council Website.

Council's meetings shall be conducted pursuant to the South Carolina Freedom of Information Act, Council's Rules and the Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition. This agenda may not be inclusive of all issues which Council may bring up for discussion at this meeting. Items are listed on Council's agenda to give public notice of the subjects and issues to be discussed, acted upon, received as information and/or disposed of during the meeting. Items listed on Council's agenda may be taken up, tabled, postponed, removed or otherwise disposed of as provided for under Council's Rules, and Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition, if not specified under Council's rules.