



# Public Comment

## SIGN IN SHEET

December 15, 2015 ~ ~ ~ 6:00 PM

The Public Comment Sessions at this meeting is limited to a total of 40 minutes, 4 minutes per person. Please be advised that citizens not utilizing their full four [4] minutes may not "donate" their remaining time to another speaker.

### PLEASE PRINT

	<b>FULL NAME</b>	<b>PURPOSE OF COMMENT</b>
1	Boro Richards	Hope - Housing Committee
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Everyone speaking before Council will be required to do so in a civil manner. Council will not tolerate personal attacks on individual council members, county staff or any person or group. Racial slurs will not be permitted. Council's number one priority is to conduct business for the citizens of this county. All citizens who wish to address Council and all Boards and Commissions appointed by Council should do so in an appropriate manner.

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
**ORDINANCE 2015-35**

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A REFORMED AND RESTATED GROUND LEASE AGREEMENT BETWEEN OCONEE COUNTY, AS LESSOR, AND HANGAR III, LLC, AS LESSEE, AND AUTHORIZING THE CONTEMPORANEOUS EXECUTION AND DELIVERY OF A RELEASE AND STIPULATION OR ORDER OF DISMISSAL WITH PREJUDICE, ENDING THE LITIGATION CAPTIONED *OCONEE COUNTY, KEVIN ROBINSON, OCONEE COUNTY DELINQUENT TAX COLLECTOR V. HANGAR III, LLC, 25 EP CORP., BDS, JERRY EDWARDS, AND STEVE EDWARDS*, C.A. NO. 2014-CP-37-539; AND OTHER MATTERS RELATING THERETO.

**WHEREAS**, Oconee County, South Carolina (the “County”) is a body politic and corporate and a political subdivision of the State of South Carolina and is authorized by the provisions of Title 4, Chapter 9 of the Code of Laws of South Carolina 1976, as amended, to lease real property and to make and execute contracts; and,

**WHEREAS**, the County is authorized by the provisions of Title 4, Chapter 1 of the Code of Laws of South Carolina 1976, as amended, to sue and be sued, and consequently resolve such litigation; and,

**WHEREAS**, the County currently desires to execute and enter into a Reformed and Restated Ground Lease (the “Lease”) with Hangar III, LLC by which the County will reform and restate that certain lease agreement of May of 2001, the County thereby leasing certain land situated at the Oconee County Airport to Hangar III, LLC; and

**WHEREAS**, the County desires that contemporaneous to the execution and delivery of the Lease, that a Settlement Agreement and Release (the “Release”) be executed and delivered, thereby effecting the resolution of that certain litigation captioned Oconee County, Kevin Robinson, Oconee County Delinquent Tax Collector v. Hangar III, LLC, 25 EP Corp., BDS, Jerry Edwards, and Steve Edwards, C.A. No. 2014-CP-37-539, the parties thereto having mutually agreed to resolve all claims which they asserted or could have asserted against each other, and in order to avoid the uncertainty, time, cost, and expense associated with further litigation; and

**WHEREAS**, the Lease and the Release are congruous to one another, and there exists a significant nexus between the subject matter thereof; and

**WHEREAS**, the Oconee County Council (the “Council”) has reviewed the form of the Lease, attached hereto as **Exhibit A**, and the Release, attached hereto as **Exhibit B**, and determined that it is in the best interest of the County and its residents and citizens for the County to execute and enter into both the Lease and the Release, and the Council wishes to approve the same and to authorize the County

Administrator to execute and deliver the Lease and the Release and all related agreements and documents necessary or incidental thereto, including a stipulation or order of dismissal with prejudice.

**NOW THEREFORE**, be it ordained by Council in meeting duly assembled that:

**Section 1. Lease Approved.** The Lease is hereby approved, and the County Administrator is hereby authorized to execute and deliver the Lease in substantially the same form as **Exhibit A**, attached hereto, with only such changes as may be approved by the County Administrator and deemed in his sole discretion to be necessary and which are not materially adverse to the County.

**Section 2. Release Approved.** The Release is hereby approved, and the County Administrator is hereby authorized to execute and deliver the Release in substantially the same form as **Exhibit B**, attached hereto, with only such changes as may be approved by the County Administrator and deemed in his sole discretion to be necessary and which are not materially adverse to the County.

**Section 3. Related Documents and Instruments; Future Acts.** The County Administrator is hereby authorized to negotiate any all documents and instruments which may be necessary or incidental to the Lease and/or the Release and to execute and deliver any such documents and instruments on behalf of the County, including a stipulation or order of dismissal with prejudice.

**Section 4. Severability.** Should any term, provision, or content of this Ordinance be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such determination shall have no effect on the remainder of this Ordinance. Notwithstanding the foregoing, however, as there exists a significant nexus between the subject matter of the Lease and the Release, if the approval of one or the other is deemed unconstitutional or otherwise unenforceable, then this Ordinance shall be void in its entirety.

**Section 5. General Repeal.** All ordinances, orders, resolutions, and actions of the Oconee County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and superseded.

**Section 6. Effective Date.** This Ordinance shall become effective and be in full force and effect from and after public hearing and third reading in accordance with the Code of Ordinances of Oconee County, South Carolina.

**ORDAINED** in meeting, duly assembled, this \_\_\_\_ of January, 2016.

OCONEE COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Wayne McCall, Chairman, County Council  
Oconee County, South Carolina

ATTEST:

\_\_\_\_\_  
Elizabeth G. Hulse, Clerk to County Council  
Oconee County, South Carolina

## **Exhibit A**

*Document to be attached for public dissemination on third reading.*

*Protections afforded by the attorney client privilege, attorney work product doctrine, and as to settlement negotiations are hereby reserved.*

**Exhibit B**

*Document to be attached for public dissemination on third reading.*

*Protections afforded by the attorney client privilege, attorney work product doctrine, and as to settlement negotiations are hereby reserved.*

AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC

COUNCIL MEETING DATE: December 15, 2015  
COUNCIL MEETING TIME: 6:00 PM

**ITEM TITLE [Brief Statement]:**

**First Reading of Ordinance 2015-36 [Title Only]** "AN ORDINANCE CONSENTING TO THE CONVERSION BY THE COUNTY OF CERTAIN RIGHTS OF BORGWARNER TORQTRANSFER SYSTEMS, INC. (THE "COMPANY") UNDER AN EXISTING LEASE PURCHASE AGREEMENT WITH THE COUNTY TO A FEE AGREEMENT PURSUANT TO TITLE 12, CHAPTER 44, SOUTH CAROLINA CODE, 1976, AS AMENDED (THE "ACT"), AS PROVIDED IN THE ACT, AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH FEE AGREEMENT BETWEEN THE COUNTY AND THE COMPANY IN PLACE OF SAID LEASE PURCHASE AGREEMENT, AND AUTHORIZING THE RECONVEYANCE BY THE COUNTY TO THE COMPANY OF THE PROPERTY SUBJECT TO SUCH LEASE PURCHASE AGREEMENT, AND OTHER MATTERS RELATING THERETO."

**BACKGROUND DESCRIPTION:**

The sole purposes of the ordinance will be to authorize the conversion FILOT Agreement (converting the old title-transfer lease agreement into the non-title-transfer Fee Agreement) and to authorize return of the Company's property (transferred to the County under the previous FILOT Lease Agreement) to them, once the new Fee Agreement is in place, all at the request of the Company, with no risk or liability to the County, no cost to the County, and all as authorized by South Carolina law.

**SPECIAL CONSIDERATIONS OR CONCERNS (only if applicable):**

N/A

**FINANCIAL IMPACT [Brief Statement]:**

Check Here if Item Previously approved in the Budget. No additional information required.

Approved by:                                  Finance

**COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:**

Are Matching Funds Available: Yes / **No**  
If yes, who is matching and how much:

Approved by:                                  Grants

**ATTACHMENTS**

**STAFF RECOMMENDATION [Brief Statement]:**

It is the staff's recommendation that Council approve Ordinance 2015-36 on first reading in title only.

Submitted or Prepared By:



Department Head/Oconee Economic Alliance

Approved for Submittal to Council:

  
T. Scott Moulder, County Administrator

*Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.*

*A calendar with due dates marked may be obtained from the Clerk to Council.*

AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC

COUNCIL MEETING DATE: December 15, 2015  
COUNCIL MEETING TIME: 6:00 PM

**ITEM TITLE [Brief Statement]:**

**First and Final Reading of Resolution R2015-18** "A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT RELATING TO THE USE OF SOUTH CAROLINA LICENSE TAX CREDITS FOR INFRASTRUCTURE IMPROVEMENT, BY AND AMONG OCONEE COUNTY, BLUE RIDGE ELECTRIC COOPERATIVE, INC. ("COOPERATIVE") AND POINTE WEST DEVELOPMENT ("DEVELOPER"), AND OTHER MATTERS RELATED THERETO"

**BACKGROUND DESCRIPTION:**

Blue Ridge Electric Cooperative is providing Utility Tax Credits (UTCs) for the Pointe West Development (i.e. The Pier) located in Oconee County. The "Pointe West project" is located on 220 +/- acres bordering Hartwell Lake, across Cherry Road from the Highpointe student housing development. The Cooperative desires to provide, in cash, the sum of One Hundred Thousand Dollars (\$100,000.00), which it intends to use as an allowable credit against its South Carolina license tax liability, to the extent, only, that such sum is to be used for improvements, consistent with "eligible" projects under Section 12-20-105 of the Code, as specified in the agreement. (These funds are to be used sewer infrastructure and treatment upgrades.) Oconee County is merely acting as a conduit and NO county funds are associated with this manner. Ultimate responsibility falls on the developer.

**SPECIAL CONSIDERATIONS OR CONCERNS [only if applicable]:**

N/A

**FINANCIAL IMPACT [Brief Statement]:**

Check Here if Item Previously approved in the Budget. No additional information required.

Approved by: \_\_\_\_\_ Finance

**COMPLETE THIS PORTION FOR ALL GRANT REQUESTS**

Are Matching Funds Available: Yes / **No**

If yes, who is matching and how much:

Approved by: \_\_\_\_\_ Grants

**ATTACHMENTS**

**STAFF RECOMMENDATION [Brief Statement]:**

It is the staff's recommendation that Council approve Resolution R2015-18 on first and final reading as no county funds are involved with this matter as this Agreement is relating to the use of South Carolina license tax credits (UTC) for infrastructure improvements at the Pointe West development (i.e. The Pier).

Submitted or Prepared By:



Department Head/Oconee Economic Alliance

Approved for Submittal to Council:



T. Scott Moulder, County Administrator

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*A calendar with due dates marked may be obtained from the Clerk to Council.*

STATE OF SOUTH CAROLINA  
OCONEE COUNTY  
**RESOLUTION R2015-18**

**A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT RELATING TO THE USE OF SOUTH CAROLINA LICENSE TAX CREDITS FOR INFRASTRUCTURE IMPROVEMENT, BY AND AMONG OCONEE COUNTY, BLUE RIDGE ELECTRIC COOPERATIVE, INC. (“COOPERATIVE”) AND POINTE WEST DEVELOPMENT (“DEVELOPER”); AND OTHER MATTERS RELATED THERETO**

**WHEREAS**, Section 12-20-105(“the Section”), South Carolina Code, 1976, as amended (the “Code”), permits and allows certain providers of transportation, utilities, electric cooperatives, and telephone companies that are subject to a license tax under Section 12-20-100 of the Code, a credit against such tax liability for amounts paid in cash to provide infrastructure for eligible projects; and

**WHEREAS**, the term “infrastructure”, defined in the Section, includes improvements for water, sewer, gas, steam, electric energy and communication services made to a building or land that are considered necessary, suitable, or useful, to an eligible project; and

**WHEREAS**, to be considered “eligible” under the Section, projects must qualify for income tax credits under Chapter 6 of Title 12, withholding tax credit under Chapter 10 of Title 12, income tax credits under Chapter 14 of Title 12, or fees-in-lieu-of-property taxes under Chapter 12 of Title 4, all pertaining to the South Carolina Code, 1976, as amended; and

**WHEREAS**, the South Carolina Department of Revenue prepared a letter dated February 10, 2011, concerning use of tax credits for the same development involved with this resolution, and the agreement which it authorizes, a copy of which is attached as Attachment A (the “Comfort Letter”) to the agreement authorized hereby and attached hereto and incorporated herein, as fully as if set forth verbatim herein, which describes in great detail which projects and which infrastructure qualify for such tax credits, and the requirements and steps necessary for use of such tax credits; and

**WHEREAS**, the Cooperative desires to provide, in cash, the sum of One Hundred Thousand Dollars (\$100,000.00), which it intends to use as an allowable credit against its South Carolina license tax liability, to the extent, only, that such sum is to be used for improvements, consistent with “eligible” projects under Section 12-20-105 of the Code, as specified in the agreement (“the Agreement”) attached hereto and its Attachment A, for the construction of certain infrastructure involved in the Pointe West development in Oconee County; the Cooperative agrees to comply with all requirements of applicable law in providing these funds to Oconee County, and in applying for any credits which may result therefrom; the County intends to apply these funds in accordance with Section 12-20-105 of the Code by providing them to Developer to be used only and exclusively for infrastructure authorized by Section 12-20-105 of the Code, on a project eligible for such use of tax credits, as specified in Section 12-20-105 of the Code, or to reimburse developer for such infrastructure, all as authorized by the Section and in strict accordance with the Agreement attached hereto and its Attachment A; and, Developer agrees to use the funds from the Cooperative, through the County, only for the infrastructure authorized by Section 12-20-105 of the Code, on or for a project authorized by that code section, in strict compliance with the Agreement attached hereto and its Attachment A, and to certify such and the infrastructure on



which the funds were used, to Cooperative and the County within thirty (30) days of such use of the funds; and

**WHEREAS**, additionally, the parties to the Agreement, in the Agreement, agree that in the event the funds are not used and recognized by appropriate state agencies as being used for qualifying infrastructure for the purposes of the Section, the funds (including all necessary expenses, attorney's fees and court costs), will be refunded by the developer to Oconee County, and by Oconee County to the Cooperative within sixty (60) days after the County and the Developer receive notice that the State of South Carolina has determined that the granted funds do not qualify for the infrastructure credit; and

**WHEREAS**, based on all of the foregoing, and the recognition that the grant funds are not coming from Oconee County or Oconee County taxes, in any regard, and that the use of the funds will be for a project which has provided, and continues to provide substantial tax benefit to Oconee County, Oconee County, South Carolina, a body corporate and politic and a political subdivision of the State of South Carolina, acting by and through the Oconee County Council, desires to authorize the execution and delivery of the attached Agreement relating to the use of South Carolina license tax credits for infrastructure improvement, by the Oconee County Administrator and the Chairman of the Oconee County Council;

**NOW THEREFORE**, it is hereby resolved by Oconee County Council, in meeting duly assembled, that:

1. The Oconee County Administrator and the Chairman of Oconee County Council are hereby authorized and directed to execute and deliver the Agreement relating to the use of South Carolina license tax credits for infrastructure improvement, in the form attached hereto or with such revisions thereto as are not materially prejudicial to the County and as shall be approved by the officials executing the Agreement, upon the advice of legal counsel to the County, subject to and dependent upon similar execution of the Agreement by the Cooperative and the Developer.
2. Should any portion of this Resolution be deemed unconstitutional or otherwise enforceable by any court of competent jurisdiction, such determination should not affect the remaining terms and provisions of this Resolution, all of which are hereby deemed separable.
3. All orders, resolutions and enactments of Oconee County Council inconsistent herewith are to the extent of such inconsistency only, hereby repealed, revoked and rescinded.
4. This Resolution shall take effect and be in full force and effect after enactment by Oconee County Council.

**APPROVED AND ADOPTED** this 15th day of December, 2015.

**OCONEE COUNTY, SOUTH CAROLINA**

By: \_\_\_\_\_  
Wayne McCall, Chairman County Council,  
Oconee County, South Carolina

ATTEST:

By: \_\_\_\_\_  
Elizabeth G. Hulse, Clerk to County Council  
Oconee County, South Carolina

STATE OF SOUTH CAROLINA	)	
	)	AGREEMENT RELATING TO THE USE
	)	OF SOUTH CAROLINA LICENSE TAX
COUNTY OF OCONEE	)	CREDITS FOR INFRASTRUCTURE
	)	IMPROVEMENT

This agreement, dated as of the 15<sup>th</sup> day of December, 2015, between and among Oconee County, South Carolina, a body politic and corporate and a political subdivision of the State of South Carolina (“Oconee County”), Blue Ridge Electric Cooperative, Inc. (“Cooperative”), and Pointe West Development (“Developer”), for the purposes set forth below.

1) **PURPOSE:** The purpose of this agreement is to perpetuate an understanding between and among the parties hereto regarding the use of South Carolina License Tax Credits (the “Tax Credits”) by Oconee County and Developer and the Cooperative for allowed infrastructure support of eligible projects that benefit the general welfare of the public and promote local economic development.

2) **STATUTORY AUTHORITY:** Section 12-20-105, South Carolina Code, 1976, as amended (the “Code”), permits and allows certain providers of transportation, utilities, electric cooperatives, and telephone companies that are subject to a license tax under Section 12-20-100 of the Code, a credit against such tax liability for amounts paid in cash to provide infrastructure for eligible projects.

3) **LEGISLATIVE AUTHORITY:** Oconee County, acting by and through its governing body, the Oconee County Council, has authorized the execution and delivery of this Agreement by its Oconee County Resolution R 2015-18, dated December 15, 2015.

4) **COMFORT LETTER:** The South Carolina Department of Revenue prepared a letter dated February 10, 2011, concerning use of Tax Credits for this same development, a copy of which is attached hereto as Attachment A (the “Comfort Letter”), and hereby incorporated herein by reference as fully as if set forth verbatim herein, which describes in great detail which projects and which infrastructure qualify for such Tax Credits, and the requirements and steps necessary for the use of such Tax Credits.

5) **AGREEMENT:** The Cooperative will provide, in cash, the sum of One Hundred Thousand dollars (\$100,000.00) (the “Grant”), which it intends to use as an allowable credit against its South Carolina license tax liability, to the extent, only, that such sum is to be used for improvements, consistent with eligible projects under Section 12-20-105 of the Code, as specified in Attachment A, for the construction of infrastructure as defined by that Code section, including but not limited to: \_\_\_\_\_ The Cooperative agrees to comply with all requirements of applicable law in providing the Grant funds to Oconee County, and in applying for any credits which may result therefrom. The County intends to apply these funds in accordance with Section 12-20-105 of the Code by providing them to Developer to be used only and exclusively for infrastructure authorized by Section 12-20-105 of the Code, on a project eligible for such use of Tax Credits, as specified in

Section 12-20-105 of the Code, or to reimburse developer for such infrastructure, all as authorized by Section 12-20-105 of the Code and in strict accordance with Attachment A. Further Developer agrees to use the Grant from the Cooperative, through the County, only for the infrastructure authorized by Section 12-20-105 of the Code, on or for a project authorized by that Code Section, in strict compliance with Attachment A, and to certify such, and the infrastructure on which the Grant was used, to Cooperative and the County within thirty (30) days of such use of the funds. Additionally, each of the parties hereto, individually, through their execution of this Agreement, agree that, in the event the funds from the Grant are not considered and recognized by appropriate state agencies as being used for qualifying infrastructure for the purposes of Section 12-20-105 of the Code, as amended, those funds (including all necessary expenses, attorney's fees and court costs), will be refunded, first, by the Developer to Oconee County and then by Oconee County on to the Cooperative, all within sixty (60) days after the County and Developer receive notice that the State of South Carolina has determined that the granted funds do not qualify for the infrastructure credit.

6) **ACKNOWLEDGEMENT:** All parties hereto recognize and acknowledge that Oconee County, while a beneficiary of the Cooperative's assistance and the Developer's development, is nevertheless merely a conduit for the Grant funds, and is responsible to the Developer and to the Cooperative only to the extent of funds received from the other, in the operative portions of this Agreement.

7) **EXECUTION IN COUNTERPARTS:** This Agreement may be executed in one or more counterparts, each of which shall be considered an original, but all of which, taken together, shall constitute but one and the same document.

8) **EFFECTIVE DATE:** This agreement is dated as of December 15, 2015, and shall become effective upon the signature of the last party signing, and shall remain effective until any potential tax liability of the Cooperative, relating solely to the funds provided under this Agreement, have been extinguished.

OCONEE COUNTY

BLUE RIDGE ELECTRIC COOPERATIVE, INC.

By: \_\_\_\_\_  
Oconee County Administrator

By: \_\_\_\_\_  
Blue Ridge Electric Cooperative, Inc.

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

POINTE WEST DEVELOPMENT (Developer)

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: December 15, 2015  
COUNCIL MEETING TIME: 6:00 PM**

**ITEM TITLE OR DESCRIPTION:**

PRT Commission-Local ATAX Recommendations / \$14,932 (Spreadsheet Attached)

**BACKGROUND OR HISTORY:**

A portion of Local and State ATAX revenues received by Oconee County are made available for ATAX grants through Ordinance 2011-12. ATAX grants are to be tourism related grants that meet the ATAX guidelines specified by local and State mandates. Grants are recommended by the PRT Commission based on tourism impact of the project and approved by County Council. All ATAX grant recipients are required to turn in intermediate reports every 60 days to the progress of the grant and a final report upon completion of the grant.

These reports are placed in the grant folder, which is kept active by the PRT staff until the grant is considered complete. Internal projects through Oconee PRT are also funneled through local ATAX for eligible projects.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

**COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:**

Does this request follow Procurement Ordinance #2001-15 guidelines? No (review #2001-15 on Procurement's website)  
If no, explain briefly: NO-ATAX grants

**FINANCIAL IMPACT:**

Beginning Local ATAX balance \$123,408

If all grants/projects approved/new balance will be: \$108,476

**COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:**

Are Matching Funds Available: No  
If yes, who is matching and how much:

**ATTACHMENTS**

Spreadsheet approved by PRT Commission on 11/20/15, with exception to \$1,000 for American Bass Anglers, which has been added due to timing before next PRT Commission.

**STAFF RECOMMENDATION:**

Staff recommends approval of ATAX recommendations per the attached spreadsheet.

**Reviewed By/ Initials:**

\_\_\_\_\_ County Attorney      \_\_\_\_\_ Finance      \_\_\_\_\_ Grants      \_\_\_\_\_ Procurement

**Submitted or Prepared By:**

Phil Shirley, PRT Director  
Department Head/Elected Official

**Approved for Submittal to Council:**

  
Scott Moulder, County Administrator

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*A calendar with due dates marked may be obtained from the Clerk to Council.*

Sep-15

**Local ATAX Recommendations-December 2015**

<b>Applicant</b>	<b>Funds Requested</b>	<b>Project Description</b>	<b>Amount Eligible for ATAX</b>	<b>PRT Commission Recommendation</b>
<b>Internal Projects-Oconee PRT</b>				
Purchase 3 Expression Swings	\$3,132	new addition to playgrounds	\$3,132	<b>\$3,132</b>
Veterans Mud Run	\$5,000	Partnership with City of Seneca	\$5,000	<b>\$5,000</b>
Marine Corps League Tour-Patriots Hall	\$800	Motorcoach costs for tour	\$800	<b>\$800</b>
USA Triathlon National Championships	\$5,000	Partnership with City of Clemson	\$5,000	<b>\$5,000</b>
**American Bass Anglers	\$1,000	March 5, 2016-South Cove/Lake Keowee	\$1,000	<b>\$1,000</b>
<b>Total Internal Projects</b>			<b>\$14,932</b>	<b>\$14,932</b>

\*\*Item added after PRT Commission meeting due to contract deadline and event date



# NOTES

## PLANNING & ECONOMIC DEVELOPMENT COMMITTEE MEETING December 8, 2015

### Proposed 20-25% Fee-In-Lieu-of-Tax [FILOT] Ordinance

Mr. Moulder noted that the draft ordinance was not ready for presentation to the committee.

### Planning / Community Development Update

Mr. Stephens & Mr. Holbrooks addressed the Committee utilizing a PowerPoint presentation:

- o Building Permits
- o Planning & Zoning
- o Comprehensive Plan
- o Community Development
- o Strategic Planning
- o Keowee-Toxaway Project Reconciling
- o Air Quality

### Agriculture Committee: Discussion of Role & Responsibilities of Committee

Mr. Moulder addressed the Committee utilizing a handout *[copy filed with these minutes]* requesting specific direction from the Committee/Council. Mr. Moulder noted that there are several groups in the community each with their own agenda. He noted that he was instructed to create a committee to assist the Heritage Fair group in obtaining grants and as an oversight group. Lengthy discussion followed with various opinions discussed to include but not limited to: community group wishing to lobby for the poultry farmers; development of the committee related specifically to property owned by the county; 501C3 committee options; other county agriculture boards; and, lack of community vision/goals.

Mr. Moulder stated that he would do additional research and report back to the committee with the understanding that this will delay bringing an ordinance to Council. The Committee concurred.

### Economic Development:

Mr. Blackwell addressed the Committee utilizing a PowerPoint presentation *[copy filed with these minutes]* and several handouts *[copies filed with these minutes]* discussing the following topics:

- o Oconee County 8<sup>th</sup> Metropolitan in US
- o SC Work Ready Communities
- o Six Announcements: \$55 million capital investment in 2015, 426 new jobs in 2015
  - = Fresh South, LLC, \$6.03 million, 34 new jobs
  - = EIT Corporation, \$2.5 million
  - = BorgWarner, \$13.3 million, 50 new jobs
  - = Hairwell Village, \$50+ million, 300+ new jobs
  - = CRM Global Manufacturing, \$500,000, 10 new jobs
  - = US Building Innovations, Inc., \$1.02 million, 21 new jobs
- o Oconee County's unemployment rate
- o Community Development:
  - = Wage growth
  - = Youth Apprenticeship
  - = Product Development
  - = "Made in Oconee"
- o Oconee Economic Alliance Board Spec Building Recommendation utilizing the Santee Cooper Revolving Loan program

Mr. Blackwell noted that Oconee County has had two previous spec buildings [1<sup>st</sup> sold in 23 months to Lift Tech and the second sold in 9-10 months to RBC]. Lengthy discussion followed with various opinions offered to include but not limited to: terms of Santee Cooper loan program; sizing of proposed building; discussion of 2015 successes; continued effort to partner with private sector for spec building development, and existing product in Oconee.

**MOTION FOR COUNCIL TO AFFIRM COMMITTEES RECOMMENDATION TO: Approve the Oconee Economic Alliance Boards request to build a third spec building in Oconee County utilizing the Santee Cooper Loan Program.**

### Oconee County Code of Ordinances: Articles 32 & 38

Mr. Cain asked Mr. Moulder to prepare for future meeting amendments for these two chapters; specifically to remove conflicting language. Discussion followed. Mr. Moulder stated that he would work with Mr. Stephens on this matter.



# Boards & Commissions

Boards & Commissions	State / OC Code Reference	Reps [DX-At Large]	Co-Terminus	Term Limits	4 Year Term	Meeting Date to Appoint	Edna Cammick	Wayne McCall	Paul Cain	Joel Thrift	Reg Dexter		
							2015-2018	2013-2016	2015-2018	2013-2016	2013-2016	2015-2018	2013-2016
							District I	District II	District III	District IV	District V	At Large	At Large
Aeronautics Commission	2-262	5 - 2	YES	2X	YES	Jan - March	Randy Renz [2]	David Bryant [1]	Edward Perry [2]	Dan Schmeidt [2]	Ronald Chiles [1]	A. Brightwell [1]	Michael Gray [1]
Arts & Historical Commission	2-321	5 - 2	YES	2X	YES	Jan - March	Bette Gorman [1]	Luther Lyle [2]	Manam Noora [1]	Barbara Waters [2]	H. Richardson [2]	Amber Lange [1]	Jean Dobson [2]
Board of Zoning Appeals	38-6-1	5 - 2	YES	2X	YES	Jan - March	Aileen Medford [2]	Sammy Lee [2]	Bill Gister [1]	Marty McKee [1]	John Meszies [1]	Berry Nichols [2]	Paul Rockert [2]
Building Codes Appeal Board		5 - 0	YES	2X	YES	Jan - March	George Smith [1]	Mat Rochester [1]	Bob DuBose [2]	Mike Willimon [2]	Harry Tollison [2]		
Conservation Bank Board	2-381	Appointed by Category Preferred		2X	YES	Jan - March	Shea Airey [2]	Andy Lee [2]	Jennifer Moss [1]	Marvin Prater [2]	Frank Ables [1]	Richard Cain [2]	OPEN
Destination Ocoee Action Committee	n/a	5 - 2	n/a	n/a	n/a	n/a	David Washburn	Luther Lyle	Jennifer Barnhart	OPEN	OPEN	OPEN	OPEN
PRT Commission (members up for reappointment due to initial stagger)	6-4-25 2-381	Appointed by Industry		2X	YES	Jan - March	Brian Greer [2], Rosemary Balles [2], JoAnne Blake [2]			Becky Wise [2], Rick Lacey [2], Mike Wallace [2]			D Pollock [1]
Scenic Highway Committee	26-151	0 - 2	YES	2X	YES	Jan - March						Scott Lusk [1]	Staley Powell [1]
Library Board	4-9-35 / 18-1	0 - 9	YES	2X	YES	Jan - March	Daniel Day [2], L. Martin [1], B Hetherington [1], H McPheeters [1], A Champion [1], K Holloman [1]				William Caster [2], Maria Jacobson [1], Marie McMahan [1]		
Planning Commission	6-29-310 32-4	5 - 2	YES	N/A	YES	Jan - March	Brad Kisker	C. W. Richards	David Owensby	Bud Childress	Ryan Honea	Gwen McPhail	John Lyle
Behavioral Health Services Commission	2-291	0 - 7	YES	2X	3 yr	N/A	Steve Jenkins [1], Harold Alley [1], Louie Hollerman [1], Wanda Long [1], Priscilla Taylor [1], Joan Black [1], Jere DuBois [1] BHS contacts Council w recommendations when seats open						
Capital Project Advisory Committee	2-391	CC, PC, 2 @ Lg	NO	3X	1 yr	January	Council Representative Wayne McCall/Paul Cain in McCall absence, Planning Commission GMcPhail [1]					Randy Abbott [1]	Frankie Pearson [1]
Ocoee Business Education Partnership	N/A	N/A	NO	N/A	NO	January	Council Representative Appointed Annually						
Ocoee Economic Alliance	N/A	N/A	NO	N/A	NO	January	Council Representative Appointed Annually						
Ten At The Top (TATT)				NO	NO	January	Council Representative Appointed Annually						
ACOG BOD				N/A	NO	January	Council Rep: CC CHAIR or designee (yearly); 2 yr terms Citizen Rep: Bob Winchester, Minority Rep: Bennie Cunningham						
Worklink Board						N/A	Worklink contacts Council w recommendations when seats open (Current: B. Dobbins)						

[#] - denotes term. [2] denotes a member who has served one term and less than one half of an additional term making them eligible for one additional appointment.

[SHADING] = reappointment requested - questionnaire on file

Denotes individual who DOES NOT WISH TO BE REAPPOINTED

**Bold Italics TEXT** denotes member ineligible for reappointment - having served or will complete serving max # of terms at the end of their current term.

**OCONEE COUNTY BOARD / COMMISSION / COMMITTEE  
CANDIDATE LISTING**

	DX	AT LARGE Recapit. Request	AERONAUTICS	PUBLIC SAFETY	REGULATORY	PLANNING	DESTINATION OCONEE	EDUCATION	TOURISM & REG.	Questionnaire Received Date
Corey, James	1					X				April 2015
Corley, Glenn	1					OCCB				March 2015
Elliott, Kathy	1	Yes						X		March 2015
Evans, Kevin	1						X			November 2015
Greene, Darlene	1				X	X	X	X		October 2015
Heller, Andy	1				X	X	X	X		July 2015
Houston, Joanna	1				X	X	X	X		November 2015
Lyle, David	1	Yes					X			November 2015
Moore, Robert S.	1						X	X		November 2015
Washburn, Catherine	1					X				December 2015
Marcengill, Richard	2	Yes			X	X				January 2015
Wise, Rebecca	2						X			November 2015
Shadwick, Al	3						X			November 2015
Smith, Bill	3					OCCB				March 2015
VanArk, Shacira	3						X			August 2015
Brockington, Bill	4						X			November 2015
Coburn, William	4	Yes				OCCB				April 2015
Dean, Barbara	4						X			November 2015
Johnson, Shawn	4	Yes		X			X	X		November 2015
Morrison, Charnda	4	Yes					X			November 2015
Nicholson, Brad	4						X			December 2015
Smith, Katie C.	4						X	X		October 2015
Hill, Bob F.	5						X			November 2015
Mass, Jennifer**	5	Yes					X			December 2015

*Questionnaires are maintained on file for one year then removed from consideration unless updated by candidate.*

\*\* Ms. Mass serves on the Oconee County Conservation Bank Board but if appointed to the Destination Oconee Committee will resign her position on the OCCB.

Area of Interest <small>(please check one or more)</small>	Board/Commission Applicable to Interests
Aeronautics	Aeronautics Commission
Public Safety, Health & Welfare	Anderson-Oconee Behavioral Health Services Commission
Regulatory	Building Codes Appeal Board
	Parks, Recreation & Tourism Commission
	Board of Zoning Appeals
Planning Activities	Appalachian Council of Governments Board of Directors
	Board of Zoning Appeals
	Capital Projects Advisory Committee
	Conservation Bank Board (OCCB)
	Planning Commission
	Scenic Highway Committee
Destination Oconee	Destination Oconee Action Plan Committee
Education	Arts & Historical Commission
	Library Board
Tourism & Recreation	Arts & Historical Commission
	Parks, Recreation & Tourism Commission
	Scenic Highway Committee



# **BALLOT Process**

## **Destination Oconee Action Committee**

1. Council will need to elect either the County Attorney or the Clerk to Council to act as the “teller” who will compile the ballots and report results at the meeting.
2. Each Council Member casts two votes (votes for two of the nominees on the ballot, one for each seat); they may write in other candidate(s) not nominated. The votes are anonymous, but each Council Member should sign his or her name to the ballot upon completion. The teller will receive the folded ballots.
3. To be elected a candidate must receive a majority vote.
4. If no candidate receives a majority, Council will be required to vote again.
  - No candidate is removed from the ballot
  - No candidate may be forced to withdraw his or her nomination, but may voluntarily do so.
5. If one candidate receives a majority, that candidate is elected; his or her name is removed from the ballot, and the vote is taken again from the remaining nominations.
6. If three candidates receive a majority vote, no one is elected and the process would have to start over.

Once the election process begins no motions are proper aside from privilege motions (adjourn, recess, raise a question of privilege, raise a point of order, convene executive session, follow agenda).

**REMINDER:** no person may serve on two county appointed boards or commissions and additionally, no employee may serve on a board.

**BALLOT**  
**Destination Oconee Action Committee**

Two At Large Seats are currently open.

**Please vote for no more than two candidates.**

**Ballots will be completed**  
**by Council Members**  
**during the December 15, 2015**  
**regular council meeting.**

Candidates presented in alphabetical order:

David Lyle	
Chanda Morrison	
Robert Moore	
Al Shadwick	

---

Council Member Signature

BALLOT

Destination Oconee Action Committee

December 15, 2015 Council Meeting

FINAL COUNT

Ballot Round # 1

David Lyle	11
Chanda Morrison	1
Robert Moore	1
Jennifer Moss	11
Al Shadwick	1
Hal Welch	11



Teller Signature

**BALLOT**  
**Destination Oconee Action Committee**

**Ballot Round # 1**

Two At Large Seats are currently open.

**Please vote for no more than two candidates.**

**Ballots will be completed**  
**by Council Members**  
**during the December 15, 2015**  
**regular council meeting.**

Candidates presented in alphabetical order

If any additional candidates are nominated they will be written in by hand.

David Lyle	<input checked="" type="checkbox"/>
Chanda Morrison	<input type="checkbox"/>
Robert Moore	<input type="checkbox"/>
Jennifer Moss	<input type="checkbox"/>
Al Shadwick	<input type="checkbox"/>
Hal Welch	<input checked="" type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

  
\_\_\_\_\_  
Council Member Signature

**BALLOT**  
**Destination Oconee Action Committee**  
**Ballot Round # 1**

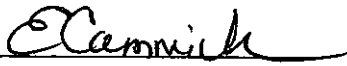
Two At Large Seats are currently open.

**Please vote for no more than two candidates.**

**Ballots will be completed**  
**by Council Members**  
**during the December 15, 2015**  
**regular council meeting.**

Candidates presented in alphabetical order  
If any additional candidates are nominated they will be written in by hand.

David Lyle	<input type="checkbox"/>
Chanda Morrison	<input type="checkbox"/>
Robert Moore	<input checked="" type="checkbox"/>
Jennifer Moss	<input type="checkbox"/>
Al Shadwick	<input type="checkbox"/>
Hal Welch	<input checked="" type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

  
Council Member Signature

**BALLOT**  
**Destination Oconee Action Committee**

**Ballot Round # 1**

Two At Large Seats are currently open.

Please vote for no more than two candidates.

Ballots will be completed  
by Council Members  
during the December 15, 2015  
regular council meeting.

Candidates presented in alphabetical order.  
If any additional candidates are nominated they will be written in by hand.

David Lyle	/
Chanda Morrison	
Robert Moore	
Jennifer Moss	/
Al Shadwick	
Hal Welch	

  
\_\_\_\_\_  
Council Member Signature

**BALLOT**  
**Destination Oconee Action Committee**  
**Ballot Round # 2**

Two At Large Seats are currently open.

Please vote for no more than two candidates.

Ballots will be completed  
by Council Members  
during the December 15, 2015  
regular council meeting.

Candidates presented in alphabetical order  
If any additional candidates are nominated they will be written in by hand.

David Lyle	<input type="checkbox"/>
Chanda Morrison	<input type="checkbox"/>
Robert Moore	<input type="checkbox"/>
Jennifer Moss	<input type="checkbox"/>
Al Shadwick	<input checked="" type="checkbox"/>
Hal Welch	<input checked="" type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

  
Council Member Signature

**BALLOT**  
**Destination Oconee Action Committee**  
**Ballot Round # 1**

Two At Large Seats are currently open.

Please vote for no more than two candidates.

Ballots will be completed  
by Council Members  
during the December 15, 2015  
regular council meeting.

Candidates presented in alphabetical order.  
If any additional candidates are nominated they will be written in by hand.

David Lyle	
Chanda Morrison	<input checked="" type="checkbox"/>
Robert Moore	
Jennifer Moss	<input checked="" type="checkbox"/>
Al Shadwick	
Hal Welch	

  
Council Member Signature



**BALLOT**

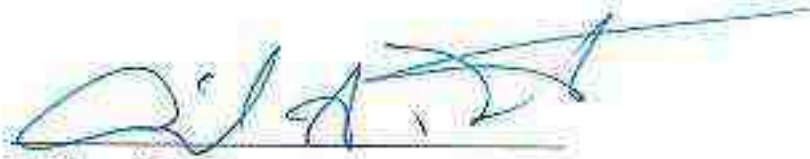
**Destination Oconee Action Committee**

December 15, 2015 Council Meeting

**FINAL COUNT**

Ballot Round # 2

David Lyle	
Chanda Morrison	
Robert Moore	
Jennifer Moss	
Al Shadwick	
Hal Welch	



Teller Signature

**BALLOT**  
**Destination Oconee Action Committee**  
**Ballot Round # 2**

Two At Large Seats are currently open.

**Please vote for no more than two candidates.**

**Ballots will be completed**  
**by Council Members**  
**during the December 15, 2015**  
**regular council meeting.**

Candidates presented in alphabetical order  
If any additional candidates are nominated they will be written in by hand.

David Lyle	_____
Chanda Morrison	_____
Robert Moore	_____
Jennifer Moss	_____
Al Shadwick	_____
<del>_____</del>	_____
_____	_____
_____	_____
_____	_____

  
\_\_\_\_\_  
Council Member Signature

**BALLOT**  
**Destination Oconee Action Committee**  
**Ballot Round # 2**

Two At Large Seats are currently open.

**Please vote for no more than two candidates.**

**Ballots will be completed**  
**by Council Members**  
**during the December 15, 2015**  
**regular council meeting.**

Candidates presented in alphabetical order  
If any additional candidates are nominated they will be written in by hand.

David Lyle	<input type="checkbox"/>
Chanda Morrison	<input type="checkbox"/>
Robert Moore	<input checked="" type="checkbox"/>
Jennifer Moss	<input type="checkbox"/>
Al Shadwick	<input type="checkbox"/>
<del>Hal Welch</del>	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

  
\_\_\_\_\_  
Council Member Signature

**BALLOT**  
**Destination Oconee Action Committee**  
**Ballot Round # 2**

Two At Large Seats are currently open.  
Please vote for no more than two candidates.

Ballots will be completed  
by Council Members  
during the December 15, 2015  
regular council meeting.

Candidates presented in alphabetical order.  
If any additional candidates are nominated they will be written in by hand.

David Lyle	
Chanda Morrison	
Robert Moore	
Jennifer Moss	1
Al Shadwick	
<del>Hal Welch</del>	

*Ray D. [Signature]*  
Council Member Signature

**BALLOT**  
**Destination Oconee Action Committee**  
**Ballot Round # 2**

Two At Large Seats are currently open.  
Please vote for no more than two candidates.

Ballots will be completed  
by Council Members  
during the December 15, 2015  
regular council meeting.

Candidates presented in alphabetical order.  
If any additional candidates are nominated they will be written in by hand.

David Lyle	<input checked="" type="checkbox"/>
Chanda Morrison	<input type="checkbox"/>
Robert Moore	<input type="checkbox"/>
Jennifer Moss	<input type="checkbox"/>
Al Shadwick	<input type="checkbox"/>
<del>Michael</del>	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

  
Council Member Signature

**BALLOT**  
**Destination Oconee Action Committee**  
**Ballot Round # 2**

Two At Large Seats are currently open.

Please vote for no more than two candidates.

Ballots will be completed  
by Council Members  
during the December 15, 2015  
regular council meeting.

Candidates presented in alphabetical order.  
If any additional candidates are nominated they will be written in by hand.

David Lyle	
Chanda Morrison	
Robert Moore	
Jennifer Moss	
Al Shadwick	<input checked="" type="checkbox"/>
<del>Paul Welen</del>	

  
Council Member Signature

BALLOT

Destination Oconee Action Committee

December 15, 2015 Council Meeting

FINAL COUNT

Ballot Round # 3

David Lyle	
Chanda Morrison	
Robert Moore	
Jennifer Moss	
Al Shadwick	
Hal Welch	



Teller Signature

**BALLOT**  
**Destination Ocoee Action Committee**  
**Ballot Round # 3**

Two At Large Seats are currently open.  
Please vote for no more than two candidates.

Ballots will be completed  
by Council Members  
during the December 15, 2015  
regular council meeting.

Candidates presented in alphabetical order.  
If any additional candidates are nominated they will be written in by hand.

David Lyle  
Chanda Morrison  
Robert Moore  
Jennifer Moss  
Al Shadwick  
~~Hal Welch~~

  
Council Member Signature



**BALLOT**  
**Destination Oconee Action Committee**  
**Ballot Round # 3**

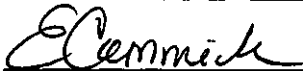
Two At Large Seats are currently open.

Please vote for no more than two candidates.

Ballots will be completed  
by Council Members  
during the December 15, 2015  
regular council meeting.

Candidates presented in alphabetical order  
If any additional candidates are nominated they will be written in by hand.

David Lyle	_____
Chanda Morrison	_____
Robert Moore	_____ ✓
Jennifer Moss	_____
Al Shadwick	_____
<del>Ed Welch</del>	_____
	_____
	_____
	_____



Council Member Signature

**BALLOT**  
**Destination Oconee Action Committee**

**Ballot Round # 3**

Two At Large Seats are currently open.

**Please vote for no more than two candidates.**

**Ballots will be completed**  
**by Council Members**  
**during the December 15, 2015**  
**regular council meeting.**

Candidates presented in alphabetical order  
If any additional candidates are nominated they will be written in by hand.

David Lyle	_____
Chanda Morrison	_____
Robert Moore	_____
Jennifer Moss	_____
Al Shadwick	_____
<del>_____</del>	_____
_____	_____
_____	_____
_____	_____

  
Council Member Signature

**BALLOT**  
**Destination Oconee Action Committee**  
**Ballot Round # 3**

Two At Large Seats are currently open.

Please vote for no more than two candidates.

Ballots will be completed  
by Council Members  
during the December 15, 2013  
regular council meeting.

Candidates presented in alphabetical order.  
If any additional candidates are nominated they will be written in by hand.

David Lyle	<input type="checkbox"/>
Chanda Morrison	<input type="checkbox"/>
Robert Moore	<input type="checkbox"/>
Jennifer Moss	<input checked="" type="checkbox"/>
Al Shadwick	<input type="checkbox"/>
<del>Ed Welch</del>	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

Reg Dayton  
Council Member Signature:

**BALLOT**  
**Destination Oconee Action Committee**  
**Ballot Round # 3**

Two At Large Seats are currently open.

Please vote for no more than two candidates.

Ballots will be completed  
by Council Members  
during the December 15, 2015  
regular council meeting.

Candidates presented in alphabetical order.  
If any additional candidates are nominated they will be written in by hand.

David Lyle	
Chanda Morrison	
Robert Moore	
Jennifer Moss	
Al Shadwick	✓
<del>Hal Welch</del>	

*Paul A. ...*

Council Member Signature

## OCONEE COUNTY CONSERVATION BANK BOARD

NAME	DISTRICT	CO-TERMINUS	TERM ENDS	AREA
Mr. Shea B. Airy <i>[Chair]</i>	I	I & III	December 2018 [2]	Attorney
Mr. Andy Lee <i>[Vice Chair]</i>	II	II, IV & V	December 2016 [2]	Realtor
Mr. Jennifer Moas <i>[Secretary]</i>	III	I & III	December 2018 [1]	Conserve Interest
Mr. Marvin Prater	IV	II, IV & V	December 2016 [2]	Forester
Mr. Frank Ables	V	II, IV & V	December 2016 [1]	Farmer
OPEN	At Large	II, IV & V	December 2016 [1]	
Mr. Richard Cain	At Large	I, III	December 2018 [2]	Forester

### Ordinance 2015-17

#### \*Sec. 2-400. – Board.

(a) The bank will be governed by a seven-member board ("board") appointed by Oconee County Council in accordance with the following requirements and recommendations:

- [1] Each board member's primary residence shall be located in Oconee County; and
- [2] At least one of the appointed board members shall be from each of the county council districts; and
- [3] The Council shall endeavor to appoint but not require candidates to be appointed as follow:
  - 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 boating, fishing or outdoor recreation interests; and
  - a board member who is an owner of rural real property who is actively engaged in the management and operation of forestlands, farmlands, or wildlife habitat; and
  - a board member who is actively engaged in one of the following: (i) the real estate business; or (ii) the business of appraising forestland, farmland, or conservation easements; or (iii) the business of banking, finance or accounting; or (iv) a licensed attorney admitted to practice before the South Carolina Supreme Court with an emphasis in real estate or land use law.
  - To the extent possible, all appointed board members should have a demonstrated background, experience, and interest in the conservation of lands with significant natural, cultural and/or historical resources." (end of 2-400(a))

**STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
ORDINANCE 2015-17**

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, DIVISION 9, SECTION 2-400(a) (OCONEE COUNTY CONSERVATION BANK BOARD MEMBERSHIP) OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY; AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, Oconee County, South Carolina (the "County"), a body politic and corporate and a political subdivision of the State of South Carolina (the "State"), acting by and through its governing body, the Oconee County Council (the "County Council"), has adopted multiple ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Oconee County Code of Ordinances (the "Code of Ordinances"), as amended, from time to time; and

**WHEREAS**, the County, acting by and through the County Council, is authorized by Section 4-9-30 of the South Carolina Code, 1976, as amended, among other sources, to create boards and commissions for the betterment of the County; and,

**WHEREAS**, Chapter 2 of the Code of Ordinances contains terms, provisions and procedures applicable to certain boards in the County; and

**WHEREAS**, Chapter 2, Article IV, Division 9, Section 2-400 of the Code of Ordinances contains terms, provisions and procedures applicable to the Board of the County Conservation Bank (the "Board") in the County; and

**WHEREAS**, County Council recognizes that there is a need to revise the law of the County to meet the changing needs of the County and that there is a need to amend, specifically, certain sections of Chapter 2, Article IV, Division 9, Section 2-400 of the Code of Ordinances involving the Board of the County Conservation Bank in order to promote more diverse membership on the Board; and

**WHEREAS**, County Council has therefore determined to modify Chapter 2, Article IV, Division 9, Section 2-400(a) of the Code of Ordinances, in certain limited regards and particulars, only, and to affirm and preserve all other provisions of the Code of Ordinances not specifically or by implication amended hereby.

**NOW, THEREFORE**, it is hereby ordained by the Oconee County Council, in meeting duly assembled, that:

1. Subsection (a) of Section "2-400. Board" of Division 9 of Article IV of Chapter 2 of the Code is hereby revised and amended to read:

**"Sec. 2-400. – Board.**

- (a) The bank will be governed by a seven-member board ("board") appointed by Oconee County Council in accordance with the following requirements and recommendations:
- [1] Each board member's primary residence shall be located in Oconee County; and

[2] At least one of the appointed board members shall be from each of the county council districts; and

[3] The Council shall endeavor to appoint but not require candidates to be appointed as follow:

- 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; and
- a board member who is an owner of rural real property who is actively engaged in the management and operation of forestlands, farmlands, or wildlife habitat; and
- a board member who is actively engaged in one of the following: (i) the real estate business; or (ii) the business of appraising forestland, farmland, or conservation easements; or (iii) the business of banking, finance or accounting; or (iv) a licensed attorney admitted to practice before the South Carolina Supreme Court with an emphasis in real estate or land use law.
- To the extent possible, all appointed board members should have a demonstrated background, experience, and interest in the conservation of lands with significant natural, cultural and/or historical resources.” (end of 2-400(a))

2. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.

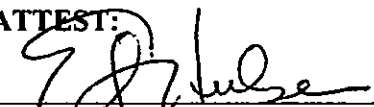
3. All ordinances, orders, resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded. However, nothing contained herein, shall cancel, void, or revoke, or shall be interpreted as cancelling, voiding, or revoking, *ex post facto*, in any regard any prior acts, actions, or decisions of the County or County Council based thereon, which were valid and legal at the time in effect and undertaken pursuant thereto, in any regard.


4. All other terms, provisions, and parts of the Code of Ordinances, and specifically, but without exception, the remainder of Section 2-400 of Division 9 of Article IV of Chapter 2, not amended hereby, directly or by implication, shall remain in full force and effect.

5. This Ordinance shall take effect and be in full force and effect from and after third reading and enactment by County Council.

**ORDAINED** in meeting, duly assembled, this 16<sup>th</sup> day of June, 2015.

ATTEST:

  
\_\_\_\_\_  
Elizabeth Hulse,  
Clerk to Oconee County Council

  
\_\_\_\_\_  
Wayne McCall  
Council Chairman, Oconee County

First Reading: May 19, 2015  
Second Reading: June 2, 2015  
Public Hearing: June 16, 2015  
Third Reading: June 16, 2015