



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
September 15, 2015

MEMBERS, OCONEE COUNTY COUNCIL
Mr. Wayne McCall, District II, Council Chairman
Mr. Paul Cain, District III, Vice Chairman
Ms. Edda Cammick, District I, Chairman Pro Tem
Mr. Joel Thrift, District IV
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 G. 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 & Carlos Galarza / The Daily Journal.

Call to Order

Mr. McCall called the meeting to order at 6:01 p.m.

Public Comment Session

Mr. B. J. Littleton addressed Council regarding various issues related to the Oconee Joint Regional Sewer Authority, the litigation with Hanger III et al., and requested additional time for public comment for each speaker.

Dr. Stan Rampey addressed Council requesting Council to not settle the litigation with Hanger III et al., requiring them to pay their delinquent taxes.

Mr. Harold Knight addressed Council regarding concerns with the Building Codes Department.

Mr. Berry Nichols addressed Council regarding various issues to include the Building Codes Department, concerns with Ordinance 2015-31, concerns with the MP2Net settlement approved at the last meeting, and his belief that some Council members are not living up to their commitment to be fiscally conservative.

County Council Response to Public Comment

Mr. McCall responded to Mr. Nichols noting that the settlement was a refund of monies paid and state mandated interest.

Moment of Silence

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

Approval of Minutes:

Mr. Thrift made a motion, seconded by Ms. Cammick, approved 5 – 0 to approve the September 1, 2015 regular meeting minutes as presented.

Mr. Thrift made a motion, seconded by Mr. Cain, approved 5 – 0 to approve the September 8, 2015 workshop minutes as presented.

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: 2015-24, 2015-25, 2015-27
- Third & Final Readings: 2015-24, 2015-25, 2015-27
- First Reading for Ordinances: 2015-26, 2015-29 [title only], 2015-30, 2015-31
- First & Final Reading for Resolutions: R2015-14
- Discussion Items
- Board / Commission Appointments
- Old Business
- New Business
- Executive Session

Public Hearings regarding the Following Ordinances

Ordinance 2015-24 "AN ORDINANCE TO AMEND SECTION 2-191. "APPOINTMENT; DUTIES" OF DIVISION 4. "**COUNTY ATTORNEY**" OF ARTICLE III. "OFFICERS AND EMPLOYEES" OF CHAPTER 2. "ADMINISTRATION" OF THE OCONEE COUNTY CODE OF ORDINANCES; AND OTHER MATTERS RELATED THERETO"

Mr. McCall opened the floor for Public Comment.

Mr. McCall noted no citizens signed up to speak and asked if any citizens wished to address Council. No citizens addressed Council.

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

Mr. McCall closed the Public Hearing regarding **Ordinance 2015-24**.

Ordinance 2015-25 "AN ORDINANCE AMENDING CHAPTERS 32 AND 38 OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS PERTAINING TO **OCONEE COUNTY HEIGHT STANDARDS**, ONLY; AND OTHER MATTERS RELATED THERETO"

Mr. McCall opened the floor for Public Comment.

Mr. McCall noted no citizens signed up to speak and asked if any citizens wished to address Council. No citizens addressed Council.

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

Mr. McCall closed the Public Hearing regarding **Ordinance 2015-25**.

Ordinance 2015-27 “AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT IN THE AMOUNT OF NOT EXCEEDING \$4,200,000 TO DEFRAY THE COSTS OF ACQUIRING VARIOUS EQUIPMENT; AND OTHER MATTERS RELATING THERETO”

Mr. McCall opened the floor for Public Comment.

Mr. Berry Nichols addressed Council in opposition to Ordinance 2015-27; voicing concerns that the county will pay more with this financing mechanism.

Mr. McCall asked if any additional citizens wished to address Council; no citizens addressed Council.

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

Mr. McCall closed the Public Hearing regarding **Ordinance 2015-27**.

Third & Final Reading of the Following Ordinances

Ordinance 2015-24 “AN ORDINANCE TO AMEND SECTION 2-191. “APPOINTMENT; DUTIES” OF DIVISION 4. “**COUNTY ATTORNEY**” OF ARTICLE III. “OFFICERS AND EMPLOYEES” OF CHAPTER 2. “ADMINISTRATION” OF THE OCONEE COUNTY CODE OF ORDINANCES; AND OTHER MATTERS RELATED THERETO”

Mr. Cain made a motion, seconded by Ms. Cammick, to approve **Ordinance 2015-24** on third & final reading.

Mr. Dexter thanked Mr. Tom Martin, McNair Attorneys, for his outstanding job over the years noting that Council received great legal advice at reasonable costs without undue influence by special interest groups.

Mr. Thrift concurred with Mr. Dexter’s comments adding that he appreciated Mr. Martins’ dedicated service to Oconee County.

Mr. McCall called for the vote. The motion passed 3 – 2 [Mr. Thrift and Mr. Dexter opposed] to approve **Ordinance 2015-24** on third and final reading.

Ordinance 2015-25 “AN ORDINANCE AMENDING CHAPTERS 32 AND 38 OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS PERTAINING TO **OCONEE COUNTY HEIGHT STANDARDS, ONLY**; AND OTHER MATTERS RELATED THERETO”

Mr. Cain made a motion, seconded by Ms. Cammick, approved 5 – 0 to approve **Ordinances 2015-25** on third & final reading.

Ordinance 2015-27 “AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT IN THE AMOUNT OF NOT EXCEEDING \$4,200,000 TO DEFRAY THE COSTS OF ACQUIRING VARIOUS EQUIPMENT; AND OTHER MATTERS RELATING THERETO”

Mr. Moulder prior to action again reiterated the structure for the lease purchase and the rationale for utilizing this method to fund these capital needs.

Mr. Cain made a motion, seconded by Ms. Cammick, approved 5 – 0 to approve **Ordinances 2015-27** on third & final reading.

First Reading of the Following Ordinances

Ordinance 2015-26 “AN ORDINANCE CANCELLING, REVOKING, AND RESCINDING OCONEE COUNTY ORDINANCE 2012-28 AND ITS SUBSEQUENT CODIFICATION; AND OTHER MATTERS RELATED THERETO”
[STONE POND SPECIAL TAX DISTRICT]

Mr. Cain made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve **Ordinances 2015-26** on first reading.

Ordinance 2015-29 [Title Only] “ AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO THE FEE AGREEMENT BETWEEN OCONEE COUNTY AND **ULBRICH PRECISION FLAT WIRE, LLC, ULBRICH SOLAR WIRE, LLC AND PLANT ROAD, LLC**, TO INCLUDE THE ADDITION OF ULBRICH SOLAR TECHNOLOGIES, INC., AS A SPONSOR, AMENDING THE FEE AGREEMENT DATED AS OF NOVEMBER 1, 2013; AND OTHER MATTERS RELATED THERETO”

Mr. Cain made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinances 2015-29** on first reading in title only.

Ordinance 2015-30 “AN ORDINANCE DIRECTING THAT THE IMPLEMENTATION OF REAL PROPERTY REASSESSMENT IN OCONEE COUNTY BE DELAYED FOR ONE (1) YEAR, AS AUTHORIZED BY STATUTE; AND OTHER MATTERS RELATED THERETO.”

Mr. Cain made a motion, seconded by Ms. Cammick, to approve **Ordinances 2015-30** on first reading.

Mr. Moulder provided a brief overview for the reason for the delay noting that the data collected is good but influencers installed by Tyler Technologies are not calculating correctly requiring staff to go over each parcel to ensure that the assessment will be calculated correctly. Discussion followed.

Mr. McCall called for the vote. The motion passed 5 – 0 to approve **Ordinance 2015-30** on first reading.

Ordinance 2015-31 “AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$900,000 GENERAL OBLIGATION BONDS, SERIES 2015, OF OCONEE COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS; AUTHORIZING THE CHAIRMAN OF COUNTY COUNCIL OR COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS; THE DISPOSITION OF THE PROCEEDS OF THE BONDS; AND OTHER MATTERS RELATING THERETO”

Ms. Cammick made a motion, seconded by Mr. Cain, to approve **Ordinances 2015-31** on first reading.

Council discussed various options for projects to be funded by this general obligation bond to include the Salem water line expansion, the Bountyland fire substation construction, South Cove park infrastructure improvements, etc. Mr. Moulder noted that a formal list should be developed and adopted by Council to be included with the ordinance for the public hearing and third reading. Council took no formal action regarding options discussed.

Mr. McCall called for the vote. The motion passed 5 – 0 to approve **Ordinance 2015-31** on first reading.

First Reading of the Following Resolutions

Resolution R2015-14 “A RESOLUTION TO APPROVE LAW ENFORCEMENT ASSISTANCE AND SUPPORT AGREEMENT BETWEEN OCONEE COUNTY SHERIFF’S OFFICE AND SPARTANBURG COUNTY SHERIFF’S OFFICE”

Mr. Cain made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve **Resolution R2015-14** on first and final reading.

Discussion Regarding Action Items

Local ATAX Grants / Fall, 2015 Cycle / \$80,910

Mr. Cain made a motion, seconded by Mr. Thrift, approved 5 - 0 to approve the ATAX grant requests provided on the spreadsheet provided in the backup material to this meeting.

ITB 15-02 / Timber Sale / Revenue/\$150,644.50/Economic Development Fund

Mr. Thrift made a motion, seconded by Mr. Cain, approved 5 – 0 to [1] approve the sale of approximately 180 acres of timber located at the Oconee Industry and Technology Park to Premier South Timber, LLC, of Homer, GA, in the amount of \$150,644.50, and [2] authorize the Administrator to execute documents and take any necessary actions to complete the sale of this timber.

ITB 14-07, 14-08 & 14-09 / Cheohee Valley, Shiloh & Whetstone Sub-Stations / \$531,175.23

Mr. Thrift made a motion, seconded by Mr. Cain, approved 5 – 0 to [1] approve the award of \$531,175.23 to Joel Davis Construction of Westminster, SC, to construct the Cheohee Valley, Shiloh and Whetstone Sub-Stations, and [2] authorize the Administrator to sign contract documents and to approve any Change Orders within the contingency amounts as follow: [a] Cheohee Valley \$ 150,793.95 (includes 10% Contingency \$13,708.54), [b] Shiloh \$205,963.54 (includes 10% Contingency \$18,723.96), and [c] Whetstone \$174,417.74 (includes 10% Contingency \$15,856.16).

Board / Commission Appointments

Board of Zoning Appeals

Mr. Dexter made a motion, seconded by Mr. Cain, approved 5 – 0 to table this appointment to a future Council meeting.

Old Business:

Council Affirmation / Land Parcel / 664 Rock Crusher Road

Mr. Thrift made a motion, seconded by Mr. Cain, approved 5 – 0 to approve the fee simple purchase of this land parcel for the amount of \$200,000, plus usual and customary legal expenses.

Fall Creek Landing Options as County Park

Mr. Cain opened discussions with Council regarding the option to make Fall Creek Landing an Oconee County Park. Discussion followed regarding various options.

Mr. Cain made a motion, seconded by Mr. McCall, approved 5 – 0 to direct the Administrator to explore possible options to make Fall Creek Landing an Oconee County Park.

New Business:

No New Business was discussed at this meeting.

Executive Session:

Mr. Cain made a motion, seconded by Ms. Cammick, approved 5 – 0 to enter Executive Session as allowed for in §30-4-70 (a) of the Code of Laws of South Carolina, as amended, 1976 for the purpose of:

[1] discussion regarding pending litigation related to Oconee County v Hanger III, et. al., and

[2] discussion regarding an Economic Development matter, Project Endurance, related to a purchase option agreement.

Council entered Executive Session at 7:21 p.m.

Council returned from Executive Session at 7:46 p.m. on a motion by Ms. Cammick, seconded by Mr. Cain, approved 5 – 0.

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

Ms. Cammick made a motion, seconded by Mr. Cain, to direct the Administrator to proceed as discussed in Executive Session in regards to Project Endurance.

Adjourn

Ms. Cammick made a motion, approved unanimously 5 – 0, to adjourn at 7:48 p.m.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council