



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
November 3, 2015

MEMBERS, OCONEE COUNTY COUNCIL
Mr. Wayne McCall, District II, Council Chairman
Mr. Paul Cain, District III, Vice Chairman
Mr. 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 David Root 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, Dick Mangrum / WGOG Radio & Stephen Bradley / The Daily Journal.

Call to Order

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

Public Comment Session

Mr. John Dalen addressed Council in support of increased sheriff deputy pay but opposition to additional taxation to pay for any increases.

Ms. Kayla Duncan addressed Council in support for passage of Ordinance 2015-33.

County Council Response to Public Comment

None at this meeting.

Moment of Silence

Mr. McCall asked for a moment of silence prior the appointment of the County Chaplain.

Appointment of County Council Chaplain:

Ms. Cammick made a motion, seconded by Mr. Dexter, approved 5 – 0 to appoint Mr. David Root, County Attorney as the Oconee County Council Chaplain.

Invocation by County Council Chaplain:

Mr. Root, County Council Chaplain, gave the invocation.

Pledge of Allegiance:

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

Motion to Amend Agenda:

Mr. Cain made a motion, seconded by Ms. Cammick, approved 5 – 0 to [1] defer third and final reading of Ordinance 2015-32 to after Executive Session, and [2] to add to Executive Session discussion of a contractual matter related to Historic Oconee Courthouse LLC.

Approval of Minutes:

Mr. Cain made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve the October 20, 2015 regular meeting 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 for Ordinances: 2015-28, 2015-32, 2015-33
- Third & Final Reading of Ordinances: 2015-28, 2015-32, 2015-33
- Second Reading for Ordinances: 2015-34
- First Reading of Resolutions: R2015-16
- Discussion / Action Items
- Old Business
- New Business
- Executive Session

Public Hearing Regarding the Following Ordinances

Ordinance 2015-28 "AN ORDINANCE TO AMEND CHAPTER 38 "ZONING" OF THE OCONEE COUNTY CODE OF ORDINANCES, INCLUDING ALL ZONING MAPS INCORPORATED THEREIN AND THEREBY, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY; AND OTHER MATTERS RELATED THERETO"
[Gardiner Group PDD]

Mr. McCall opened the floor for Public Comment.

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

Ms. Andy Heller addressed Council in support for Ordinance 2015-28 and the PDD but asked Council remove language overriding the existing lake overlay.

Pastor Daniel McCall, Issaquena Church of God, addressed Council in opposition to passage of Ordinance 2015-28 for religious reasons based on proximity to their church.

Ms. Tonya McCall addressed Council in opposition to passage of Ordinance 2015-28 for religious reasons.

Mr. Ben Turetzky addressed Council in support for Ordinance 2015-28 but asked that language related to storm water be strengthened.

No additional 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 2015-28**.

Ordinance 2015-32 “AUTHORIZING THE SALE BY OCONEE COUNTY OF CERTAIN REAL PROPERTY AND IMPROVEMENTS THEREON AND THE GRANT BY THE COUNTY OF CERTAIN EASEMENTS AFFECTING REAL PROPERTY, OWNED BY THE COUNTY AND LOCATED IN THE CITY OF WALHALLA, SOUTH CAROLINA, TO **HISTORIC OCONEE COURTHOUSE LLC** (THE “COMPANY”); AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT FOR THE PURCHASE AND SALE OF REAL PROPERTY AND ONE OR MORE EASEMENT AGREEMENTS TO BE ENTERED INTO BY AND BETWEEN THE COUNTY AND THE COMPANY; AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE INCENTIVE AGREEMENTS BY AND BETWEEN THE COUNTY AND THE COMPANY FOR THE PURPOSES OF MAKING AVAILABLE TO THE COMPANY CERTAIN PROJECT INFRASTRUCTURE GRANT FUNDS AND CERTAIN SPECIAL SOURCE REVENUE CREDITS; AUTHORIZING, RATIFYING AND AFFIRMING ALL PRIOR ACTS OF OCONEE COUNTY AND ITS OFFICERS AND ELECTED OFFICIALS WITH REGARD TO THE FOREGOING; AUTHORIZING THE EXECUTION AND DELIVERY OF ANY AND ALL DOCUMENTS, INSTRUMENTS OR CERTIFICATES NECESSARY OR DESIRABLE TO ACCOMPLISH THE FOREGOING; AND OTHER MATTERS RELATED THERETO”

Mr. McCall opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Mr. McCall opened the floor for any citizen wishing to address Council regarding this ordinance. No citizen 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 2015-32**.

Ordinance 2015-33 “AN ORDINANCE AMENDING OCONEE COUNTY ORDINANCE 2015-01 IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, BY TRANSFERRING \$700,000 BETWEEN FUNDS AND BY AMENDING REVENUE NUMBERS, AND AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY (PATILLO PURCHASE); AND OTHER MATTERS RELATED THERETO”

Mr. McCall opened the floor for Public Comment.

Mr. Bob Bradley addressed Council in support for passage of Ordinance 2015-33.

Mr. Stanley Gibson, Foothills Heritage Fair Chairman, addressed Council in support for passage of Ordinance 2015-33.

Mr. Brian Massey addressed Council in support for passage of Ordinance 2015-33.

Ms. Luanne Nutall addressed Council in support for passage of Ordinance 2015-33

No citizen addressed Council.

Mr. McCall asked if any citizens wished to submit written comments regarding this ordinance; two written comments will be filed for the record with these minutes.

Mr. McCall closed the Public Hearing regarding **Ordinance 2015-33**.

Third & Final Reading of the Following Ordinances

Ordinance 2015-28 "AN ORDINANCE TO AMEND CHAPTER 38 "ZONING" OF THE OCONEE COUNTY CODE OF ORDINANCES, INCLUDING ALL ZONING MAPS INCORPORATED THEREIN AND THEREBY, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY; AND OTHER MATTERS RELATED THERETO"
[Gardiner Group PDD]

Mr. Cain made a motion, seconded by Ms. Cammick, to approve **Ordinance 2015-28** on third and final reading.

Mr. Cain made a motion, seconded by Ms. Cammick, approved 5 – 0 to amend **Ordinance 2015-28** on third & final reading in order to adopt the document as presented in the backup material for this meeting.

Mr. McCall called for the vote on **Ordinance 2015-28** as amended.

The motion passed 5 – 0.

Ordinance 2015-32 "AUTHORIZING THE SALE BY OCONEE COUNTY OF CERTAIN REAL PROPERTY AND IMPROVEMENTS THEREON AND THE GRANT BY THE COUNTY OF CERTAIN EASEMENTS AFFECTING REAL PROPERTY, OWNED BY THE COUNTY AND LOCATED IN THE CITY OF WALHALLA, SOUTH CAROLINA, TO **HISTORIC OCONEE COURTHOUSE LLC** (THE "COMPANY"); AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT FOR THE PURCHASE AND SALE OF REAL PROPERTY AND ONE OR MORE EASEMENT AGREEMENTS TO BE ENTERED INTO BY AND BETWEEN THE COUNTY AND THE COMPANY; AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE INCENTIVE AGREEMENTS BY AND BETWEEN THE COUNTY AND THE COMPANY FOR THE PURPOSES OF MAKING AVAILABLE TO THE COMPANY CERTAIN PROJECT INFRASTRUCTURE GRANT FUNDS AND CERTAIN SPECIAL SOURCE REVENUE CREDITS; AUTHORIZING, RATIFYING AND AFFIRMING ALL PRIOR ACTS OF OCONEE COUNTY AND ITS OFFICERS AND ELECTED OFFICIALS WITH REGARD TO THE FOREGOING; AUTHORIZING THE EXECUTION AND DELIVERY OF ANY AND ALL DOCUMENTS, INSTRUMENTS OR CERTIFICATES NECESSARY OR DESIRABLE TO ACCOMPLISH THE FOREGOING; AND OTHER MATTERS RELATED THERETO"

[Deferred as part of Motion to Amend Agenda earlier in meeting.]

Ordinance 2015-33 "AN ORDINANCE AMENDING OCONEE COUNTY ORDINANCE 2015-01 IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, BY TRANSFERRING \$700,000 BETWEEN FUNDS AND BY AMENDING REVENUE NUMBERS, AND AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY (PATILLO PURCHASE); AND OTHER MATTERS RELATED THERETO"

Mr. Cain made a motion, seconded by Mr. Thrift, to approve **Ordinance 2015-33** on third & final reading.

Council reiterated for the public and the record their intent to provide land only for a permanent location for the Heritage Fair and Farmer's Market; that the group is responsible for developing the plan for the facility, identifying funding and ultimately the operation of the facility. Council stated its intent to assist with grant writing but noted that it is the intent of Council that the county not construct facilities of any type for the project.

Mr. McCall called for the vote.

The motion passed 5 – 0 to approve **Ordinance 2015-33** on third and final reading.

Second Reading of the Following Ordinances

Ordinance 2015-34 “AN ORDINANCE AUTHORIZING A FEE-IN-LIEU-OF-TAX ARRANGEMENT ON BEHALF OF **PROJECT MACKINAW** (“COMPANY”) PURSUANT TO A FEE-IN-LIEU-OF-TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA (“COUNTY”) AND THE COMPANY; AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY; AND OTHER MATTERS RELATING TO THE FOREGOING”

Mr. Dexter made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2015-34** on second reading.

First Reading of the Following Resolutions

Resolution R2015-16 “A RESOLUTION IDENTIFYING PROJECT MACKINAW TO SATISFY THE REQUIREMENTS OF SECTION 12-44-40; COMMITTING TO ENTER INTO SUCH NECESSARY AGREEMENTS TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND OTHER MATTERS RELATED THERETO”

Mr. Dexter made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Resolution R2015-16** on first & final reading.

Discussion Regarding Action Items

Arts & Historical Grants / \$28,496

Mr. Cain made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve the Arts & Historical grants as presented.

Local ATAX / up to \$20,000 / 2016 FLW College National Championship Fishing Tournament

Mr. Cain made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve up to \$20,000 from local ATAX to host 2016 FLW College National Championship on Lake Keowee in March 2016.

Old Business:

None discussed at this meeting.

New Business:

Planning Commission Recommendation / Capital Improvement Listing [CIP v2015-01]

Mr. Cain made a motion, seconded by Ms. Cammick, approved 5 – 0 to receive the Capital Project Improvement List [CIP v2015-1], containing the Pending Project List, Projects Scored List, with the following recommendations: [1] Sewer North, expansion of sewer to the Salem area, should be included on the CIP, and [2] Sewer Line to Coneross I-85 & GCCP project should be clarified by enumerating the phases of the project.

Executive Session:

Ms. Cammick made a motion, seconded by Mr. Thrift, approved 4 – 1 [Mr. Dexter opposed] 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.,
- [2] discussion of a contractual matter related to the Oconee Joint Regional Sewer Authority, and
- [3] discussion of a contractual matter related to Historic Oconee Courthouse LLC.

Council entered Executive Session at 6:52 p.m.

Council returned from Executive Session at 7:28 p.m. on a motion by Mr. Cain, seconded by Mr. Thrift, approved 5 – 0.

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

Third & Final Reading of the Following Ordinances *[deferred from earlier in the meeting]*

Ordinance 2015-32 “AUTHORIZING THE SALE BY OCONEE COUNTY OF CERTAIN REAL PROPERTY AND IMPROVEMENTS THEREON AND THE GRANT BY THE COUNTY OF CERTAIN EASEMENTS AFFECTING REAL PROPERTY, OWNED BY THE COUNTY AND LOCATED IN THE CITY OF WALHALLA, SOUTH CAROLINA, TO **HISTORIC OCONEE COURTHOUSE LLC** (THE “COMPANY”); AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT FOR THE PURCHASE AND SALE OF REAL PROPERTY AND ONE OR MORE EASEMENT AGREEMENTS TO BE ENTERED INTO BY AND BETWEEN THE COUNTY AND THE COMPANY; AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE INCENTIVE AGREEMENTS BY AND BETWEEN THE COUNTY AND THE COMPANY FOR THE PURPOSES OF MAKING AVAILABLE TO THE COMPANY CERTAIN PROJECT INFRASTRUCTURE GRANT FUNDS AND CERTAIN SPECIAL SOURCE REVENUE CREDITS; AUTHORIZING, RATIFYING AND AFFIRMING ALL PRIOR ACTS OF OCONEE COUNTY AND ITS OFFICERS AND ELECTED OFFICIALS WITH REGARD TO THE FOREGOING; AUTHORIZING THE EXECUTION AND DELIVERY OF ANY AND ALL DOCUMENTS, INSTRUMENTS OR CERTIFICATES NECESSARY OR DESIRABLE TO ACCOMPLISH THE FOREGOING; AND OTHER MATTERS RELATED THERETO”

Mr. Cain made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2015-32** on third and final reading.

Adjourn

Ms. Cammick made a motion, approved unanimously 5 – 0, to adjourn at 7:31 p.m.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council