



**MINUTES**  
**OCONEE COUNTY COUNCIL**  
**Regular Meeting**  
**July 21, 2009**

**MEMBERS, OCONEE COUNTY COUNCIL**

Mr. Reg Dexter, District V, Council Chairman  
Mr. Joel Thrift, District IV, Vice Chairman  
Mr. Mario Suarez, District III, Chairman Pro Tem  
Mr. Wayne McCall, District II

Oconee County Council met on Tuesday, July 21, 2009 at 7:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, Kendra Brown, Interim Administrator, Thomas L. Martin County Attorney 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](http://www.oconeese.com/council)]. In addition it was made available to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Ray Chandler – Anderson Independent & Carlos Galarza - Daily Journal.

**Call to Order:**

Mr. Dexter called the meeting to order at 7:03 p.m.

**Pledge of Allegiance:**

Mr. Thrift led the pledge of allegiance to the United States Flag.

**Minutes:**

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 that the minutes from the June 30, 2009 workshop meeting with the Aeronautics Commission be adopted as printed.

Mr. McCall made a motion, seconded by Mr. Thrift, approved 3 – 0 that the minutes from the July 7, 2009 regular meeting be adopted as printed.

Mr. Thrift made a motion, seconded by Mr. Dexter, approved 2 – 0 that the minutes from the July 11, 2009 Special Council meeting regarding the Administrator Position be adopted as printed.

**Public Comment Session:**

Mr. Steve Moore addressed Council regarding his concerns regarding capital projects; he outlined his three priorities [jail, library in Seneca, and fire trucks] and addressed using reserve funds to pay for these projects.

Mr. George Cleveland addressed Council in support for the proposed Grant Policy and asked that the grants be posted prior to application completion for the public review/input.

**Extended Public Comment Session:**

No Citizens signed up to speak during Extended Public Comment at this meeting.

**Special Public Comment Session re: Priorities for Selection of County Administrator:**

Mr. Jerry Barnett addressed Council regarding his concern that the county is offering too high a salary for the new administrator and he asked that a local candidate be given preference.

Mr. Richard Hughes addressed Council regarding his support for Council's approach by including the public and county staff in the process.

**Public Hearing:**

Mr. Dexter opened the Public Hearing regarding **Ordinance 2009-13** "AN ORDINANCE TO RATIFY, AFFIRM AND AUTHORIZE THE USE OF CERTAIN PROCUREMENT METHODS FOR A CERTAIN OCONEE COUNTY PROJECT AND TO REVIEW, CONSIDER AND APPROVE THE AWARD OF CONTRACT FOR A CERTAIN OCONEE COUNTY PROJECT; AND OTHER MATTERS RELATING THERETO"

Ms. Susie Cornelius addressed Council asking that they not authorize expenditures related to fire service before a county wide fire plan is adopted.

Mr. Dexter opened the floor for additional comment. No other citizens signed up to speak regarding this Ordinance.

Mr. Dexter closed the Public Hearing portion of the meeting.

**Consideration of the following Ordinances:**

Mr. Suarez arrived during discussion of Ordinance 2009-12.

**Ordinance 2009-12:**

Mr. Dexter asked Mr. Bob Winchester, Oconee Joint Regional Sewer Authority [OJRSA], to step forward to answer questions from Council regarding this Ordinance and other sewer matters.

Mr. Dexter questioned Mr. Winchester regarding the current process for private providers to establish sewer service in the County. Mr. Winchester outlined briefly his role and the permitting process.

Mr. Dexter stated that he wanted to ensure on behalf of all the members that Council is "in the loop" regarding requests from any providers [private or public] who wish to offer sewer service in any unincorporated areas of the county. Mr. Winchester stated that policies and procedures could be put into place to meet this request.

Mr. McCall voiced concerns that providers are being told by Mr. Winchester that he would oppose any sewer development in the county that was not done by the OJRSA. He outlined one specific example and asked Mr. Winchester to comment. Mr. Winchester denied making the statement and told Council that he would be happy to talk with anyone regarding sewer in Oconee County. Lengthy discussion followed.

Mr. Martin suggested language for a revision to Ordinance 2009-12 to help establish reporting per Council's discussion with Mr. Winchester. Discussion followed.

Mr. Suarez made a motion, seconded by Mr. Thrift, to approve **Ordinance 2009-12** AN ORDINANCE TO DELEGATE RESPONSIBILITIES TO AND TO DESIGNATE THE OCONEE JOINT REGIONAL SEWER AUTHORITY AS THE AGENT OF OCONEE COUNTY FOR PURPOSES OF ACTING AS THE SECTION 208 WATER QUALITY MANAGEMENT AGENCY IN OCONEE COUNTY, AND TO RECOMMEND TO THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THAT IT SO RECOGNIZE THE OCONEE JOINT REGIONAL SEWER AUTHORITY; TO PROHIBIT THE DISCHARGE OF POLLUTING SUBSTANCES; TO SET PENALTIES FOR THE VIOLATION THEREOF; AND OTHER MATTERS RELATED THERETO on third and final reading.

Prior to the vote, Mr. Suarez made a motion, seconded by Mr. McCall, approved 4 – 0 to amend the ordinance [Section 5] as outlined by the county attorney during earlier discussion.

After the amendment was approved, the outstanding motion to approve Ordinance 2009-12 as amended on third and final reading was taken and approved 4 - 0.

#### **Ordinance 2009-13:**

Mr. Thrift made a motion, seconded by Mr. McCall, approved 4 – 0, to approve on third and final reading **Ordinance 2009-13** “AN ORDINANCE TO RATIFY, AFFIRM AND AUTHORIZE THE USE OF CERTAIN PROCUREMENT METHODS FOR A CERTAIN OCONEE COUNTY PROJECT AND TO REVIEW, CONSIDER AND APPROVE THE AWARD OF CONTRACT FOR A CERTAIN OCONEE COUNTY PROJECT; AND OTHER MATTERS RELATING THERETO”.

#### **Ordinance 2009-14:**

Ms. Brown addressed Council outlining the history and required action by Council as the governing body regarding Ordinance 2009-14. Discussion followed.

Mr. Suarez made a motion, seconded by Mr. McCall, approved 4 – 0 to approve **Ordinance 2009-14** “AMENDMENT AND RESTATEMENT OF TRUST INDENTURE AND AMENDEMENT AND RESTATEMENT OF LOAN AGREEMENT RELATING TO \$77,000,000 OCONEE COUNTY, SOUTH CAROLINA POLLUTION CONTROL FACILITIES REVENUE REFUNDING BONDS, SERIES 1993 (DUKE POWER COMPANY PROJECT) (THE “BONDS”) TO PROVIDE FOR CHANGE IN INTEREST RATE FROM VARIABEL RATE TO FIXED RATE, TO PROVIDE FOR APPOINTMENT OF WACHOVIA BANK, NATIONAL ASSOCIATION, AS REMARKETING AGEND, REMARKETING OF THE BONDS AND EXECUTION OF DOCUMENTS RELATING THERETO, AND TO PROVIDE FOR CHANGE IN COLLATERAL SUPPORT FOR THE BONDS BY DELIVERY OF FIRST AND REFUNDING MORTGAGE BONDS ISSUES BY DUKE ENERGY CAROLINAS, LLC” on first reading [in title only].

## **Resolutions for Consideration:**

### **Resolution 2009-12:**

Mr. Thrift made a motion, seconded by Mr. Suarez, approved 4 – 0 to approve **Resolution 2009-12** “A RESOLUTION APPROVING A REASONABLE ACCOMODATIONS POLICY TO MEET SECTION 504 REGULATIONS” on first and final reading.

## **Items for Consideration by Council:**

### **Local ATAX / \$4,800 / Advertising in IPTAY Communications:**

Mr. Suarez made a motion, seconded by Mr. Thrift, approved 4 – 0 to authorize advertising in the IPTAY “Orange: The Experience” for a cost of \$4,800.

### **Finance Department request to change Grant Policy:**

Mr. Thrift made a motion, seconded by Mr. McCall, approved 4 – 0 to implement the Grant Policy as presented.

### **Airport / Request to [Apply for & Accept FAA Airport Improvement Program Grant #19/ up to \\$2.2 million / 5% Match Required:](#)**

Ms. Kevin Short, Airport Director, addressed Council regarding the progress on the runway extension and how this grant will assist with the project. He also stated that due to time constraints that the request was for the Administrator to execute both the application for the grant and if awarded to accept the grant. Discussion followed.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 4 – 0 to authorize the Administrator to execute the grant application for the FAA Airport Improvement Program Grant #19 [up to \$2.61 million and if the grant is awarded to also execute those documents.

### **Response to FEMA Findings Related to Flood Management Program:**

Mr. Art Holbrooks, Planning Director, addressed Council regarding the progress on work with FEMA related to the Flood Management Program. He stated that it is the staff recommendation that this matter be referred to the Planning & Economic Development Committee for further study and review. Lengthy discussion followed.

Mr. Suarez made a motion, seconded by Mr. Thrift, approved 3 – 1 [Mr. McCall opposed] to forward the Draft FEMA Findings Related to Flood Management Program to the Planning & Economic Development Committee as outlined above.

### **Council Committee Reports:**

None were presented at this meeting.

## **Commission / Board Reports to Council:**

### **Board of Zoning Appeals Report to Council:**

Mr. Art Holbrooks, Planning Department, noted that members of the Board were not able to be present and that they had asked him to speak on behalf of the Board. Mr. Holbrooks provided Council with information related to the boards’ membership, their activities and their role and responsibilities.

## **Board & Commission Appointments:**

### **Planning Commission:**

Mr. Holbrooks reviewed with Council the letter outlining the recommendation from the Planning Commission to appoint Mr. Randy Abbott to the second At Large Seat on the Planning Commission.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 4 – 0 to appoint Mr. Randy Abbott to the second At Large Planning Commission seat with this term being co-terminus with the District II & IV & V Council seat.

## **Administrator's Report:**

### **Appreciation Letters to the County:**

Ms. Brown reviewed with Council two letter received commending county staff for their professionalism and good work. The first was from the congregation at St. Luke's Church which suffered a fire recently and the second was from residents complementing the Road Department on a timely response to a request.

### **Rock Quarry:**

Ms. Brown reviewed with Council the action of the Quarry Manager, Mr. Rick Martin [who was present at the meeting], in which he has reduced the electric bill by 42% by working with the utility provider to identify non peak times for production at the quarry.

### **Solid Waste:**

Ms. Brown reviewed with Council two issues related to Solid Waste to include [1] in house project to replace cylinders & floor at the transfer station, and [2] request authorization to purchase a used Terex 35 ton articulated dump truck for \$48,000. Mr. Swain Still was also present and answered Council questions regarding the two projects.

Mr. McCall made a motion, seconded by Mr. Suarez, approved 4 – 0 to authorize the purchase of the used Terex 35 ton articulated dump truck for \$48,000.

### **Fire Trucks:**

Ms. Brown apologized for a clerical error made during the budget process that left funding for two fire trucks out of the FY 2009-2010 budget. She stated clearly that Ms. Ladale Price reflected all additions / deletions accurately from the budget during the workshops. She noted that it was her error; that once the trucks had been removed from one fund that they were not put back into the general fund. Ms. Brown stated that a budget amendment ordinance would be required and that she would bring this to Council at their next meeting. Council concurred with this action.

### **Detention Center:**

Ms. Brown reviewed for Council [handout provided / filed with these minutes] discussion that took place at a recent meeting regarding the detention center that dealt with population estimates and planning for peak populations in the future. She noted the next meeting will be held on August 11, 009 at 10:00 a.m. Council members are invited to participate if they wish.

## **Old Business:**

No Old Business was addressed at this meeting.

## **New Business:**

### **Discussion regarding Capital Projects Commission Goals/Project Listing:**

Mr. Dexter asked the Clerk to Council to summarize the request from the Commission for those present. Discussion followed.

It was the consensus of Council to request the Capital Projects Commission to continue their work in identifying needed capital project for Oconee County with the proviso that this request does not endorse a future referendum for a one cent sales tax. In addition, the letter will notify the Commission that after the District I Council member is seated, that they will be asked to attend a joint workshop meeting with the Budget, Finance & Administration Committee to discuss their listing and review input they have received from the public.

## **Executive Session:**

Mr. Suarez made a motion, seconded by Mr. Thrift, approved 4 – 0 to enter into Executive Session for the purpose of discussing a personnel matter.

Council entered Executive Session at 9:04 p.m.

Council returned from Executive Session at 9:19 p.m. on a motion by Mr. Thrift, seconded by Mr. McCall, approved 3 – 0. [Mr. Suarez left the meeting at this point]

Mr. Dexter stated discussion and input was received regarding an employee evaluation. He stated that no action was taken in Executive Session.

## **MOTION TO AMEND AGENDA;**

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to amend the agenda to discuss and take action regarding the Intergovernmental Agreement with the City of Seneca related to fire protection in the unincorporated areas of Oconee County.

## **Intergovernmental Agreement with the City of Seneca re: Fire Protection in the unincorporated areas of Oconee County:**

Mr. Martin noted that the agreement before Council is identical to the existing agreement with the exception of the date. The term of the agreement before Council is through June 30, 2010.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to execute the Intergovernmental Agreement with the City of Seneca for one year for fire protection in the unincorporated areas of Oconee County.

## **Adjourn:**

Mr. McCall made a motion, seconded by Mr. Thrift, approved unanimously to adjourn the meeting at 9:31 p.m.

Respectfully Submitted:

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Elizabeth G. Hulse  
Clerk to Council