

MEMBERS, OCONEE COUNTY COUNCIL

Mr. Steven R. Moore, District I Mr. Kenneth E. Johns, Jr., District II
Rev. William "Bill" Rinehart, District III Mr. Marion E. Lyles, District IV
Mr. H. Frank Ables, Jr., District V

MINUTES, OCONEE COUNTY COUNCIL MEETING

The Oconee County Council met Tuesday, November 4, 2003 at 7:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members and the County Attorney present.

Press:

Members of the press notified (via mail): Keowee Courier, Westminster News, Daily Journal, Anderson Independent, WGOG Radio, WYFF TV & WLOS TV.

Members of the press present: Dick Mangrum – WGOG Radio, Ray Chandler – Daily Journal & Rolann Lee – Westminster News.

Other Organizations Notified:

Also notified were the Oconee County Tax Payers Association and the Oconee County Democratic Party.

Call to Order:

Interim Supervisor-Chair Hamilton called the meeting to order.

Invocation:

Mr. Rinehart gave the invocation.

Minutes:

Mr. Ables made a motion; seconded by Mr. Lyles, approved 5 – 0 that the minutes of the regular meeting held October 21, 2003 and the minutes of the special meeting held October 28, 2003 be adopted as printed.

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Ordinance 2003-22:

Mr. Johns made a motion, seconded by Mr. Lyles, approved 5 – 0 that Ordinance 2003-22, "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA, AS LESSOR AND JOHNSON CONTROLS, INC.; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES" be adopted on first reading in title only.

Ordinance 2003-23:

Mr. Ables made a motion, seconded by Mr. Moore, approved 5 – 0 that Ordinance 2003-23, "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND JOHNSON CONTROLS, INC. FOR GRANTING CERTAIN INFRASTRUCTURE CREDITS TO JOHNSON CONTROLS, INC." be adopted on first reading in title only.

Ordinance 2003-24:

Mr. Johns made a motion, seconded by Mr. Ables, approved 5 – 0 that Ordinance 2003-24, "AN ORDINANCE TO AMEND THE JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH PICKENS COUNTY, DATED MAY 4, 1998 AND AMENDED ON DECEMBER 7, 1998, ON DECEMBER 21, 1999, APRIL 4, 2000 AND ON AUGUST 5, 2003; SUCH INDUSTRIAL/BUSINESS PARK BEING GEOGRAPHICALLY LOCATED IN PICKENS COUNTY AND OCONEE COUNTY AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS OF 1976 §4-1-170, ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH PICKENS COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAX TO THE COUNTIES AND RELEVANT TAXING ENTITIES; AND TO PROVIDE THAT JOBS TAX CREDITS ALLOWED BY LAW BE PROVIDED FOR INDUSTRIES LOCATING IN SAID PARK, AND TO PERMIT A USER FEE IN LIEU OF AD VALOREM TAXATION" be adopted on first reading in title only.

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Resolution 2003-35:

Mr. Lyles made a motion, seconded by Mr. Ables, approved 5 – 0 that Resolution 2003-35, "A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND JOHNSON CONTROLS, INC. WHEREBY, UNDER CERTAIN CONDITIONS, OCONEE COUNTY WILL EXECUTE A FEE IN LIEU OF TAX AGREEMENT FOR A PROJECT INVOLVING NOT LESS THAN TWENTY MILLION (\$20,000,000) INVESTMENT AND WILL PROVIDE AN INFRASTRUCTURE TAX CREDIT" be adopted on first and final reading.

Official Oconee County Dance:

Upon request of Ms. Loretta Addington & Ms. Lib Mills, Mr. Johns made a motion, seconded by Mr. Moore, approved 4 – 1 (Mr. Ables voted against due to his feelings that other groups should be allowed to address Council) that clogging be adopted on the official Oconee County dance.

ATAX Grants:

Upon request of Mrs. Geri McSwain, ATAX Chair, Mr. Johns made a motion, seconded by Mr. Moore, approved 5 – 0 that the attached ATAX Grant in the amount of \$450 to the Apple Classic Scholarship be adopted and the ATAX Grant in the amount of \$20,000 to the Walhalla Partners for Progress be adopted contingent upon approval of the Walhalla City Council.

Uniforms for Sheriff's Department:

Upon recommendation of Ms. Marianne Dillard, Procurement Director, Mr. Ables made a motion, seconded by Mr. Lyles, approved 5 – 0 that the bid for uniforms for the Sheriff's Department and Detention Center be awarded to Design Lab who was low bid at \$43,209.09 for approximate quantities as delineated on the attached bid sheet.

Capital Improvement Plan:

Mr. Tom Hendricks, Planning Director informed Council the present storage area, the old kitchen and area could be renovated as permanent housing for the Probate Judge's Office at a cost of approximately \$165,000 and would take four to five months to complete.

After a brief discussion, Council determined to vote on the attached list of recommendations separately.

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Capital Improvement Plan Continued:

Mr. Rinehart made a motion, seconded by Mr. Moore, approved 5 – 0 that the budget be amended to move \$3,000,000 from the Solid Waste unrestricted reserve account to the general fund undesignated reserve.

Mr. Moore made a motion, seconded by Mr. Johns, approved 5 – 0 that the budget be amended to move \$1,600,000 from the Solid Waste unrestricted reserve account to the Solid Waste capital account.

Mr. Moore made a motion, seconded by Mr. Lyles, approved 5 – 0 that the budget be amended to move unused monies (\$398,082.15 less \$4,000 for Lakeview Rest Home) from the Voter Registration building move, the Courthouse video surveillance, Courthouse basement renovation, miscellaneous capital improvements and unassigned capital projects to the Pine Street account.

Mr. Ables made a motion, seconded by Mr. Lyles, approved 5 – 0 that \$29,620 be moved from undesignated reserve for ADA upgrades.

Mr. Moore made a motion, seconded by Mr. Johns, approved 5 – 0 that \$987,500 be moved from undesignated reserve for vehicles and equipment as delineated in the capital improvement plan.

Mr. Johns made a motion, seconded by Mr. Moore, approved 5 – 0 that \$570,000 be moved from the Solid Waste capital account for Solid Waste vehicles and equipment.

Mr. Rinehart then made a motion, seconded by Mr. Ables, approved 4 – 1 (Mr. Moore voting against) that items 8 – 11 as delineated on the attached recommendations of the capital improvement plan be tabled and considered at a later date. They are as follows:

Provide \$25,000 from the undesignated reserve for renovating the DAVCO Building for the Road Department.

Provide \$15,000 from the undesignated reserve for renovating the Road Department Building for the Rural Fire Department.

Provide \$165,000 from the Pine Street Funds for renovating the Pine Street Facility for permanent offices for the Probate Judge. This will include the area used for storage, the old kitchen and the area currently occupied by the Probate Judge.

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Capital Improvement Plan Continued:

Provide \$1,500,000 from the undesignated reserve for construction of a new building for the Department of Social Services.

Ordinance 2003-19:

Mr. Ables made a motion, seconded by Mr. Lyles, approved 5 – 0 that Ordinance 2003-19, "AN ORDINANCE TO AMEND ORDINANCE 97-14, THE OCONEE COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL" be adopted on third and final reading.

Ordinance 2003-20:

Mr. Johns made a motion, seconded by Mr. Moore, approved 5 – 0 that Ordinance 2003-20, "AN ORDINANCE TO AMEND SECTION I-9, OCONEE COUNTY POLICIES & PROCEDURES TO INCLUDE A PROVISION FOR DISCIPLINARY ACTION FOR FAILURE TO COMPLY WITH THE OCONEE COUNTY EXPOSURE CONTROL PLAN, RESCINDING ORDINANCE 2001-16" be adopted on second reading.

Ordinance 2003-21:

Mr. Lyles made a motion, seconded by Mr. Rinehart, approved 5 – 0 that Ordinance 2003-21, "AN ORDINANCE AMENDING ORDINANCE 2002-08, AN ORDINANCE TO PROVIDE FOR THE SALE OF SURPLUS STONE, GRAVEL AND LIKE PRODUCTS BY OCONEE COUNTY AND TO PRESCRIBE THE MANNER OF SUCH SALES AND THE PAYMENT AND ACCOUNTING THEREFORE, AND TO REPEAL ORDINANCE 91-10" be adopted on second reading.

Proclamation:

Mr. Ables made a motion, seconded by Mr. Lyles, approved 5 – 0 that the attached proclamation declaring November 2 – 8, 2003 as "Earthquake Awareness Week" be adopted on first and final reading.

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Update Regarding Courthouse, Law Enforcement Center & Fire Trucks:

Ms. Marianne Dillard, Procurement Director informed Council that she, Mr. Hamilton, Mr. Norton & Mr. Banks met with F. J. Clark on Friday, October 31, 2003 to discuss issues relating to the Courthouse. They all came away from the meeting feeling that Mr. Clark is most anxious to work with the County to correct any possible deficiencies that may exist in the building.

Mr. Clark has begun reviewing the Heery report and has indicated he is willing, along with the Heery Company to identify problems and possible solutions. She further informed Council they hoped to have his written report and recommendations by November 14, 2003, which they would like to discuss with Heery and the Clerk of Court prior to reporting to Council. They hope to make this report to Council no later than the first meeting in December with specific recommendations.

During the first few months of occupancy, there are always adjustments to be made in a building of this magnitude and complexity. Some of the problems, which were reported anonymously, to the newspapers, fall into that category. There is a one-year warranty on the building. M. B. Kahn and the other sub-contractors have been most responsive on these types of issues; however, the administration does have some concerns with design issues, which will be addressed with Mr. Clark later during the week with hopes that he will respond shortly.

The administration is optimistic that Mr. Clark will continue to work with the county until all the issues have been resolved. Ms. Dillard also stated that reporting will be kept apprised of this, as well as the progress of the county's negotiations with Mr. Clark with hopes of reporting back to Council by the first of December.

Ms. Dillard also informed Council she had received a letter of assurance that Crimson Fire will resolve all the warranty issues regarding the fire trucks. (See attached letter) Ms. Dillard further informed Council that she, Mr. Butts, Rural Fire Chief and Mr. Norton, County Attorney would be going to Talladega on Friday to meet with the fire truck company and the foam company as a majority of the problems have been with the foam systems.

Mr. Norton, County Attorney, informed Council the administration met with the architects involved in the construction of the Law Enforcement Center that day, and came away feeling much better regarding the situation as it was basically an "air clearing" meeting. The administration wanted the architect to realize he represented Oconee County.

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Update Regarding Courthouse, Law Enforcement Center & Fire Trucks Continued:

The County will be receiving a credit on the Freeman/White contract for the mistake that was made by the survey team, however there will be expenditures for the additional work that will have to be completed. There were also some questions regarding the contract that were clarified and the administration was able to secure the original hourly rate schedule for additional work that has to be completed.

Mr. Hamilton, Interim Supervisor-Chair informed Council the project was two months behind schedule due to inclement weather, but at this time, it is under budget.

Welcome to Oconee Signs:

Ms. Marianne Dillard, Procurement Director informed Council that all the "Welcome to Oconee County" signs need refurbishing and there is one missing. Council deemed it appropriate to delay the vote regarding this matter.

Budget & Finance Recommendations (Contingency):

Upon recommendation of the Budget & Finance Committee, Council voted unanimously to take \$5,000 from contingency and place it in the Emergency Management Budget for 911 signs for indigent persons.

Also, upon recommendation of the Budget & Finance Committee, Council voted unanimously to place \$4,000 from capital improvement funds in the Lakeview Rest Home account for unforeseen capital projects.

Vehicle Fee:

Mr. Rinehart made a motion, seconded by Mr. Ables, approved 3 – 2 (Mr. Johns & Mr. Moore voting against) that the \$15.00 vehicle fee be delayed at this time.

Personnel & Intergovernmental Recommendation:

Upon recommendation of the Personnel & Intergovernmental Committee Council voted unanimously to accept the recommendation of Haynsworth Law Firm regarding health insurance and property and liability insurance for the Keowee Fire Department and Sewer Commission.

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Commission Resignation & Appointments:

Mr. Ables made a motion, seconded by Mr. Moore approved 5 – 0 that Ms. Vicki Miller be appointed to the Library Board.

Mr. Ables made a motion, seconded by Mr. Moore, approved 5 – 0 that Mr. Jerry Barlowe's resignation from the Sewer Commission be regretfully accepted and that Mr. Mendel Stone be appointed to the Sewer Commission.

Personnel & Intergovernmental Meet:

The Personnel & Intergovernmental Committee scheduled a meeting Tuesday, November 18, 2003 at 2:00 PM in Council Chambers to further discuss the hiring of an administrator, the discussion regarding adoption of an ordinance abolishing the Tax Collector's Office and other matters as necessary.

Law Enforcement, Safety, Health, Welfare & Services Meet:

The Law Enforcement, Safety, Health, Welfare & Services Committee scheduled a meeting Tuesday, November 18, 2003 at 1:00 PM in Council Chambers to discuss a request of the Parks & Recreation Department.

Public Comment Session:

Mr. Larry Linson addressed Council regarding the vehicle fee, county buildings, the budget being placed in the Libraries, etc.

Ms. Susie Cornelius addressed regarding the supplemental budget, the vehicle fee, etc.

Mr. B. J. Littleton addressed Council regarding various County activities.

Adjourn:

Adjourn: 8:55 PM

Respectfully Submitted:

Opal O. Green, Clerk to Council