

MEMBERS, OCONEE COUNTY COUNCIL

Mr. Steven R. Moore, District I Mr. Thomas S. Crumpton, Jr., District II
Rev. William S. "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 21, 2006 at 7:00 pm in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members except Mr. Rinehart present. Mr. Norton, County Attorney, was also present.

Press:

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

Members of the press present: Brett McLaughlin – Daily Journal, Peter Kent - WGOG Radio, Ray Chandler – Anderson Independent & Ashton Hester – Keowee Courier.

Other Organizations Notified:

Also notified were the Oconee County Tax Payers Association, Citizens for Recreation Center and the Oconee County Democratic Party.

Call to Order:

Chairman Ables called the meeting to order.

Invocation:

Mr. Moore gave the invocation.

Pledge of Allegiance:

Mr. Lyles led the pledge of allegiance to the US Flag.

Minutes:

Mr. Moore made a motion, seconded by Mr. Crumpton, approved 4 – 0 that minutes of the regular meeting held November 7, 2006 be adopted as printed.

Public Comment Session:

Ms. Susie Cornelius requested that Council reconsider the adoption of the amended and restated bylaws of Oconee Memorial Hospital. Ms. Cornelius also addressed Council regarding the cost benefit analysis for the fee-in-lieu for Timken US Corporation.

Ms. Donna Rogers requested that the fire district lines remain as they are at this time.

Mr. Larry Linson addressed Council regarding the proposed one cent sales tax referendum, property assessments, bonding capacity and votes of Council.

Mr. Arlon Moore addressed Council regarding Building Codes and requirements for setting up mobile homes.

Mr. Berry Nichols addressed Council regarding lessening of criticism of Council, the amount of taxes Timken US Corporation will pay and the infrastructure credits given Timken US Corporation.

Mr. George Cleveland addressed Council in support of the current location for the Seneca Library.

Ms. Sally Price addressed Council regarding fee-in-lieu and tax credits for companies coming into the County.

Mr. Bo Horne addressed Council regarding the vote of the citizens in the November election and addressing critical needs in the County.

Ms. Ginger Tidman addressed Council regarding the one cent referendum and property assessments.

Explanation of Fee-in-Lieu:

Prior to the public hearing regarding Ordinances 2006-22 & 23, Mr. Wesley Crum, Bond Counsel, gave the following explanation of fee-in-lieu:

A home is taxed based on its value times a four percent assessment times the millage rate.

A business is taxed on its value times a six percent assessment times the millage rate.

Explanation of Fee-in-Lieu Continued:

An industry which does not have a fee-in-lieu is taxed on its value times a ten and one-half assessment times the millage rate.

An industry that has a fee-in-lieu pays a fee on its value times a six percent assessment times the millage rate.

The County can use the fees paid by a company with a fee-in-lieu to pay for infrastructure needs for that company.

Public Hearing RE: Ordinance 2006-22:

At this time Council conducted a public hearing to receive written and/or oral comments regarding proposed Ordinance 2006-22, "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA, AS LESSOR, AND TIMKEN US CORPORATION; AND OTHER MATTERS RELATING THERETO INCLUDING WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES".

Ms. Susie Cornelius asked for and was assured that she could get a cost benefit analysis.

Mr. George Cleveland addressed Council in support of adopting the proposed Ordinance and bringing jobs to Oconee County.

Mr. Berry Nichols addressed Council regarding more cooperation with elected and appointed officials and the citizens of Oconee County.

Mr. Larry Linson addressed Council regarding a cost benefit analysis of the proposed Ordinance.

Mr. Bo Horne addressed Council regarding his feelings of failure of the Economic Development Commission and submitted written comments regarding proposed Ordinance 2006-22 and Ordinance 2006-23.

Mr. Hank Field, Economic Development Commission Member urged Council to adopt the proposed Ordinance.

Ms. Kim Alexander, Economic Development Commission Member urged Council to adopt the proposed Ordinance.

Public Hearing RE: Ordinance 2006-23:

At this time Council conducted a public hearing to receive written and/or oral comments regarding proposed Ordinance 2006-23, "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND TIMKEN US CORPORATION FOR GRANTING CERTAIN INFRASTRUCTURE CREDITS TO TIMKEN US CORPORATION"

Mr. George Cleveland addressed Council in support of the proposed Ordinance.

Mr. Lyle Caswell addressed Council saying the public did not have answers to their questions regarding the adoption of this proposed Ordinance.

Public Hearing RE: Ordinance 2006-27:

Next Council conducted a public hearing to receive written and/or oral comments regarding proposed Ordinance 2006-27, "AH ORDINANCE TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH PICKENS COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN OCONEE COUNTY AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS FOR 1976, SECTION 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 COUNTY AND RELEVANT TAXING ENTITIES".

There was no one present with written and/or oral comments regarding this proposed Ordinance.

Mr. Hendricks, County Administrator, assured those present that many of their concerns had been addressed in the newspapers.

Mr. James Alexander, Economic Development Director, clarified the following in answer to the concerns expressed by citizens present:

- The basics investment of Timken is \$18,000,000
- The fee-in-lieu is being offered to Timken to assure the project is located in Oconee County rather than somewhere else

Clarification of Mr. Alexander Continued:

- This has been a fourteen (14) month process and the Oconee Plant Manager, Jim McCoy is to be applauded for his role in convincing the company to expand in Oconee County and place the jobs here rather than somewhere else
- The details are not complete at this time
- Although Oconee County will receive a decent number of jobs from this expansion, the exact number is not known at this time due to the company not knowing how many jobs will be needed when the facility is completed
- Oconee County can expect to receive approximately \$5,000,000 in wages from these jobs after the first year of operation
- Timken will pay approximately \$2,700,000 in fees over a twenty-five (25) year period which equates to \$108,000 new fees per year
- Oconee County is only providing a fee-in-lieu to Timken to cause the expansion to be moved to Oconee County
- Most of the jobs will be given to Oconee County citizens as there are no hiring rights at the plant that is being closed

At this time, to Mr. Ables' inquiry, Mr. Alexander assured those present that not only does the Economic Development Office monitor the companies that receive a fee-in-lieu but the State does an assessment to confirm that the companies keep their agreement with the County and if a company does not keep the agreement that company is taxed at ten and one-half (10 ½) percent rather than six (6) percent.

Mr. Alexander also stated he understands the public wanting to have information regarding the companies that are applying for fee-in-lieu, but he did not need 70,000 Oconee County citizens helping to figure out the details on these projects.

Mr. Alexander also reiterated that he would be glad to answer the questions that he could if citizens will come by his office, but it is up to the companies when they want to release information and how much information they want to release.

Mr. Alexander further stated he thought the infrastructure credits for Timken US Corporation would be approximately \$350,000 over a ten (10) year period.

Parks, Recreation & Tourism:

Mr. Lyles made a motion, seconded by Mr. Crumpton, approved 4 – 0 that \$2,687.50 from Local Accommodations Tax be approved for a full page advertisement of our parks in the 2007 Visitors Guide to the Upcountry South Carolina magazine. (See attached)

Parks, Recreation & Tourism Continued:

Mr. Crumpton made a motion, seconded by Mr. Moore, approved 4 – 0 that \$3,000 from Local Accommodations Tax be approved for the framing of approximately sixty (60) waterfall posters to be distributed in the lodging industry and high tourist traffic areas. (See attached)

Mr. Moore made a motion, seconded by Mr. Crumpton, approved 4 – 0 that \$2,696.25 from Local Accommodations Tax be approved for the reprinting of 60,000 brochures of the “Waterfalls of South Carolina” in partnership with Pendleton District Commission and Discover Upcountry Carolina. (See attached)

Mr. Crumpton made a motion, seconded by Mr. Moore, approved 4 – 0 that recreation funds in the amount of \$10,000 from line item 010 202 30907 to the Walhalla Recreation Department be adopted. (See attached)

Emergency Management:

Mr. Crumpton made a motion, seconded by Mr. Moore, approved 4 – 0 that Emergency Management be authorized to apply for a Hazard Mitigation Grant for the following projects: (See attached)

<u>Project:</u>	<u>Cost</u>	<u>Match</u>
Pre-wiring of Gignilliat Gym For Generator	\$91,792	In-kind labor \$22,948 (Provided by City of Seneca)
Weather Alert Radios	\$11,900	In-kind labor \$2,998 (Provided by volunteer labor & hours)
Flood control- replacing culvert For Barton Creek Road, Westminster	\$30,000	Local Match Cash - \$7,500

Assessor’s Office:

Mr. Moore made a motion, seconded by Mr. Crumpton, approved 4 – 0 that the Assessor’s Office be authorized to apply for a South Carolina Budget & Control Board Geodetic Survey Division grant for the purchase of software and professional services needed for GIS/CAMA integration. The maximum amount of the grant is \$30,000 with a \$60,000 match, however, the County is already obligated to spend more than \$60,000 on the orthophotography and map conversion projects so no additional funding will be required. (See attached)

Aeronautics:

Mr. Lyles made a motion, seconded by Mr. Crumpton, approved 4 – 0 that the work authorization for the design & associated engineering, project formulation, environmental analysis, design and bidding of a six hundred (600) foot runway extension be approved. The costs are broken down as follows: (See attached)

Project formulation:	\$ 5,800
Design & Bidding:	\$127,700
Environmental Documentation:	\$ 16,420
Survey Work:	\$ 59,428
Subsurface(Geotechnical) Inv. Services:	\$ 21,930
Total Estimated Costs:	\$231,278
Federal Funds: (95%)	\$219,714
County Funds: (2.5%)	\$ 5,782
SC State Funds: (2.5%)	\$ 5,782
Total Funds:	\$231,278

Road Paving:

Consideration of the road paving bid was withdrawn pending further study regarding the rock to be used in the bid.

Ordinance 2006-22:

Mr. Crumpton made a motion, seconded by Mr. Lyles, approved 4 – 0 that Ordinance 2006-22, “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA, AS LESSOR AND TIMKEN US CORPORATION; AND OTHER MATTERS RELATING THERETO INCLUDING WITHOUT LIMITATION, PAYMENT OF FEE IN LIEU OF TAXES” be adopted on third and final reading.

Ordinance 2006-23:

Mr. Lyles made a motion, seconded by Mr. Crumpton, approved 4 – 0 that Ordinance 2006-23, “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND TIMKEN US CORPORATION FOR GRANTING CERTAIN INFRASTRUCTURE CREDITS TO TIMKEN US CORPORATION” be adopted on third and final reading.

Ordinance 2006-26:

Mr. Crumpton made a motion, seconded by Mr. Lyles, approved 4 – 0 that Ordinance 2006-26, “AN ORDINANCE REGULATING FALSE FIRE ALARMS TO WHICH OCONEE COUNTY RURAL FIRE DEPARTMENTS RESPOND, RESCINDING ORDINANCE 2006-09” be adopted on third and final reading.

Ordinance 2006-27:

Mr. Moore made a motion, seconded by Mr. Lyles, approved 4 – 0 that Ordinance 2006-27, “AN ORDINANCE TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK WITH PICKENS COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO GEOGRAPHICALLY LOCATED IN OCONEE COUNTY AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS FOR 1976, SECTION 4-1-170 ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH PICKENS COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, AND THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAX TO THE COUNTIES AND RELEVANT TAXING ENTITIES” be adopted on second reading.

Ordinance 2006-29:

Mr. Moore made a motion, seconded by Mr. Crumpton, approved 4 – 0 that Ordinance 2006-29, “AN ORDINANCE AUTHORIZING THE TRANSFER OF PROPERTY FROM A LEASE AGREEMENT PURSUANT TO TITLE 4, CHAPTER 12 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED TO A FEE AGREEMENT PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; THE ENTERING INTO OF CERTAIN COVENANTS AND AGREEMENTS AND THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS INCLUDING THE AFORESAID FEE AGREEMENT AND PRESCRIBING MATTERS RELATED THERETO” be adopted on second reading.

Ordinance 2006-30:

Mr. Lyles made a motion, seconded by Mr. Moore, approved 4 – 0 that Ordinance 2006-30, “AN ORDINANCE AMENDING ORDINANCE 99-14, UNIFIED PERFORMANCE STANDARDS ORDINANCE TO INCLUDE CHAPTER 7, “TATTOOING FACILITIES WITHIN THE UNINCORPORATED AREAS OF OCONEE COUNTY” be adopted on first reading.

Council Committee Reports:

Road & Transportation:

Upon recommendation of the Road & Transportation Committee, Council voted unanimously to proceed with the filing of a lawsuit to close a portion of Crooks Road (County Roadway SE 50) for the expansion of the landfill to prolong the life of the landfill from five (5) to twelve (12) years and a quit claim deed on a portion of LeCroy Road (SE 11) be issued to the Mr. & Mrs. Polk..

The subdivision regulations (Sections 6.8 – 6.11) will be referred back to Council.

Joint Real Estate, Facilities & Land Management & Law Enforcement, Safety, Public Health & Welfare:

Upon recommendation of the Real Estate, Facilities & Land Management Committee and the Law Enforcement, Safety, Public Health & Welfare Committee, Council voted unanimously to approve the maintenance agreement between Oconee County and Eaton Electrical, Inc. for Powerware Plus 50 Utility System at the 911 Center contingent upon disputes arising out of the agreement being submitted to the jurisdiction of the State and Federal Courts of South Carolina, instead of North Carolina.

Further, upon recommendation of these committees, Council voted unanimously to adopt the attached lease agreements between Oconee County and Toccoa Falls College for the placement of a communications tower at the college.

Planning & Economic Development:

Upon recommendation of the Planning & Economic Development Committee, Council voted unanimously to adopt the amended and restated bylaws of Oconee Memorial Hospital as approved by the Board of Directors October 23, 2006.

Administrator Report:

Department of Corrections:

Mr. Hendricks informed Council that it appears that the State Department of Corrections is going to place a quota on the number of convicted criminals that the County can send to the State Department of Corrections. This practice will increase the number of inmates in the County facility which is already overcrowded.

Administrator's Report Continued:

Mr. Hendricks further informed Council that it appears that at some point County Council will have to pay \$30.00 per day for inmates sent to the State Department of Corrections.

Assessor & Reassessment:

Mr. Hendricks stated he understood people's frustration with taxes and building codes, he also understood people expressing those frustrations to himself or Council, but he would also ask that when someone receives help from County employees that appreciation be expressed for this help.

County employees are human and when attacked they can reach their limit which causes them to react with ugly or mean spirited actions.

Oconee County began reassessment five years ago and in that five years we began gathering information on a thirty year old computer system. There were times that the computer would discard information and since there was no audit mechanism on the computer it was impossible to determine what had been discarded by the computer.

The County has had three Assessors in that same five years; however, we have worked diligently in that five years to accomplish a reassessment with inadequate staffing and old equipment.

There were mistakes that were made, but there have been personal attacks on staff. I don't mind people attacking myself or Council, but when an elected official knowingly spreads falsehoods regarding Leslie Smith, Assessor, that does bother me.

The repetitive story that Mr. Smith was the Assessor in Lexington County in 1992 during the taxpayer revolt, although I am not saying it is not true; Mr. Smith worked in Georgia at the time. However, that story has been repeated over and over by an elected official.

During the last month of the Legislative session, the State Legislature rushed to pass a law that changed South Carolina law that had been in effect for thirty to forty years. If it was that important, why didn't they begin working on it in January instead of waiting until June? We worked on reassessment five year years; they worked on getting this law passed one month.

It seems I remember the 1992 tax revolt in Lexington County being lead by Earle Morris and I would hate to think anyone would want to emulate Earle Morris.

Administrator's Report Continued:

To simply go after a County employee because he is trying to do his job is unfair. Had it not been for Leslie Smith all the "shenanigans" that have gone on would have caused Oconee County to sink and as the end result the South Carolina Department of Revenue was brought in to review the reassessment.

This is the same group of State Officials that had supposedly been supervising the reassessment for four and one-half years. It is their job to cross check local Assessors to assure they are doing their job correctly.

The South Carolina Department of Revenue wrote a twenty-three page letter on the shortcomings of the Assessor and his staff. They could have saved themselves a lot of time if they had read Mr. Smith's entrance report that he provided the Oconee County Administrator within thirty days of becoming the Oconee County Assessor.

This agency that was reviewing us for four and one-half years was the same agency that was called in to review us, everything they found was valid.

It is unconscionable for County employees to be rude to the public, but at the same time the public should not malign employees for doing their job.

Mr. Hendricks apologized to anyone who had been offended by an employee and assured those present that if an employee is rude on a continuous basis, they will be rude somewhere else.

District Fire Lines:

Mr. Moore made a motion, seconded by Mr. Crumpton, approved 4 – 0 that Council support the Rural Fire Commission's vote in leaving the fire district lines as they are.

Executive Session:

Mr. Lyles made a motion, seconded by Mr. Crumpton, approved 4 – 0 that Council go into executive Session for the purpose of discussing a personnel matter, a possible land purchase matter and a legal matter.

Open Session:

When open session resumed, Mr. Moore made a motion, seconded by Mr. Crumpton, approved 4 – 0 that \$980,000 be taken from the Capital Projects Funds for the purchase of the Next Day Apparel Building and the eight and one-half acres it is situated on. This is a 73,909 square foot building and the short term plan would be to renovate 30,000 square feet to house the Department of Social Services and Department of Health & Human Services Offices. If necessary, the funding for completion of this renovation will be requested in the fiscal year 2007-08 budget or the County could borrow the funds for completion.

Further the County move forward with plans to move the Walhalla Health Department, Voter Registration, Veterans Affairs and Building Maintenance into that Building and the present DSS Building be renovated as a central storage area for County records.

Adjourn:

Adjourn: 9:20 pm

Respectfully Submitted:

Opal O. Green,
Clerk to Council