



A G E N D A
OCONEE COUNTY COUNCIL MEETING
Tuesday, August 18, 2009, 7:00 PM
Council Chambers,
Oconee County Administrative Offices
415 South Pine Street, Walhalla, SC

1. Call to Order
2. Moment of Silence
3. Pledge of Allegiance to the Flag of the United States of America
4. Approval of Minutes:
 - o August 4, 2009: Regular Council Meeting
5. Public Comment Session *(Limited to forty (40) minutes, four (4) minutes per person.)*
Comments MUST be related to a specific agenda item slated for action at this meeting
6. Extended Public Comment Session *(Limited to 2 citizens per meeting, prior scheduling required with Clerk to Council, five [5] minutes per person. Comments not limited to specific agenda item)*
 - County Council Meeting Schedule / Mr. Gary Littlefield
7. Consideration of the Following Resolutions
 - [1] First and Final Reading of **Resolution 2009-13** ‘A RESOLUTION HONORING MORRIS GILLESPIE’
 - [2] First and Final Reading of **Resolution 2009-14** ‘A RESOLUTION OF THE OCONEE COUNTY COUNCIL AUTHORIZING A SPECIAL PRICE ON CERTAIN PRODUCT OF THE OCONEE COUNTY SOLID WASTE’

Oconee County started selling mulch in the 1990’s. Currently, one scoop is approximately two cubic yards. The price per scoop was increased July 1, 2008 due in part to high fuel costs at the time. The price had been \$10.60 for approximately four years with no price increase. Due to the huge downturn in the economy, mulch sales decreased and have resulted in an overabundance of mulch. Summer thunderstorms have caused an increase in the amount of brush that has been stockpiled and winter storms usually double the amount of incoming debris. Due to the increase in mulch and brush stockpiles, there is a greater potential of fire.

It is the staff’s recommendation that the price of mulch be reduced to \$10.60 per scoop [until stockpiles decrease and the economy revives] by approving on first and final reading Resolution 2009-14.
8. Public Hearings:
 - [1] **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 AGENT, 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.”

Documents related to Ordinance 2009-14 below for review:

 - **AMENDED AND RESTATED LOAN AGREEMENT** BETWEEN OCONEE COUNTY, SC AND DUKE ENERGY CAROLINAS, LLC [Dated as of August 1, 2009]
 - **SECOND AMENDED AND RESTATED TRUST INDENTURE** BETWEEN CONEE COUNTY, SC AND THE BANK OF NEW YORK MELLON TRUST COMPAY, N.A., as Trustee [Dates as of August 1, 2009]
 - **PRELIMINARY REOFFERING CIRCULAR** (to be attached as Exhibit C to the Ordinance)
 - **TRI-PARTY AGREEMENT** (to document the trustee succession)

Duke Power bonds issued in 1993 for pollution control facilities. Duke wishes to change some of the terms of the debt and needs the County to approve via an ordinance. Legal fees incurred are expected to be reimbursed from bond proceeds. No county liability related to the bonds.

9. Consideration of the Following Ordinances

[1] Third and Final Readings of [Ordinance 2009-14](#) [Text Above]

[2] Second Reading of [Ordinance 2008-21](#) ‘AN ORDINANCE REPLACING ORDINANCE 2005-06, THE FLOOD DAMAGE PREVENTION ORDINANCE’ [\[Exhibit A\]](#)

[3] Second Reading of [Ordinance 2009-16](#) ‘AN AN ORDINANCE TO AMEND CHAPTER 32 OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO THE ESTABLISHMENT OF UNIFIED PERFORMANCE STANDARDS REGULATING CERTAIN BUILDINGS AND STRUCTURES GREATER THAN SIXTY-FIVE FEET (65’) IN HEIGHT PROPOSED FOR ANY LOCATION IN THE UNINCORPORATED AREAS OF OCONEE COUNTY, AND OTHER MATTERS RELATING THERETO’

On consideration of a recommendation submitted by the Planning Commission that stemmed from a review of development on ridgelines, Council took first reading in title only of this ordinance on July 7, 2009. The Commission’s recommendation noted their support of the standard either as an amendment of zoning regulations, or a s anew performance standard. Council chose to take first reading as a performance standard.

It is the staffs recommendation that Council approve Ordinance 2009-16 on second reading and that a public hearing regarding this ordinance be scheduled.

[4] Second Reading of [Ordinance 2009-17](#) “AN ORDINANCE TO AMEND THE FISCAL YEAR 2009-2010 BUDGET APPROPRIATES ORDINANCE FOR OCONEE COUNTY IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY; AND OTHER MATTERS RELATED THERETO”

The 2009-2010 budge includes a capital lease for the purchase of two fire engines. The expenditure for these trucks was removed from the budget as part of several changes to Emergency Services. Due to an error, the trucks were not added back into the budget. Appropriations need to be increased by \$750,000. The use of fund balance needs to be increased by \$750,000, since the capital lease was not removed form the budget.

[5] First Reading [in title only] of [Ordinance 2009-18](#) ‘AN ORDINANCE AUTHORIZING THE TRANSFER OF AN EASEMENT FOR INGRESS, EGRESS, AND UTILITIES ACROSS CERTINA OCONEE COUNTY REAL PROPERTY AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT RELATED TO THE SAME; AND OTHER MATTERS RELATED THERETO’

Blue Ridge Electric wishes to upgrade the power lines that cross the Ebenezer Convenience Center to transmission lines and is requesting an easement from Oconee County. Blue Ridge will pay \$9,800 to the County for the easement.

[6] First Reading [in title only] of [Ordinance 2009-19](#) “AN ORDINANCE AUTHORIZING THE TRANSFER OF INTEREEST IN CERTAIN OCONEE COUNTY REAL PROPERTY AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACCESS EASEMENT AGREEMENT RELATED TO THE SAME; AND OTHER MATTERS RELATED THERETO”

For over 10 years Duke Energy has had a nuclear emergency Siren Tower located near the old CAP house on the Oconee County Airport. The current tower location prohibits future hangar development. After agreeing the tower should be relocated to a new site at the airport, a new easement agreement was drafted as the legal means to allow the tower to remain on and operate on county owned property. The easement agreement will allow Duke and other nuclear regulatory agencies to periodically inspect and/or service the Emergency Siren tower. The County Attorney has reviewed and updated the easement agreement wording to protect the county’s interests. This siren tower is one of several located in the vicinity of the Oconee Nuclear Station and is part of Duke Energy’s NRC emergency communications plan with the surrounding community. Duke will relocate this tower at no cost to Oconee County.

10. Discussion & Possible Action Items:

[1] Approval of [Agreement / Georgia Power](#) re: Enforcement of Building Codes for Permitted Structures located on Lake Yonah

Lake Yonah is a small lake located on the Tugalo River above Lake Hartwell, with a portion of its shoreline situated within Oconee County. The lake was built by Georgia Power in the 1920's as one of a series of small hydro-power stations on the Tugalo and Tallulah Rivers. Due to the mountainous terrain of the area, existing development within Oconee's jurisdiction is limited to the immediate shoreline area, with almost all lots, which are held by lease only, accessed only by boat from Stephens County, Georgia. Additionally, electrical power is provided from the Georgia side by the property owner, Georgia Power. Over the years, only a small number of building permits have been issued by Oconee County for new construction on the lake, although there is evidence of significant construction activity. Recently, however, spurred on in part by changes in the way Oconee County deals with the taxation of structures, the county has received a number of inquiries related to proposed building projects. In preparing to move ahead with the permitting activity mandated by adopted codes, it is necessary to insure that the County has the ability to regulate access to the utilities required by the new structures. As the electrical providers serving the vast majority of Oconee County are located in South Carolina, state mandated building codes provide the necessary mechanism to grant and deny access; for Lake Yonah, however, there is the potential for confusion in dealing with an out-of-state utility. Given that granting access to utilities, particular electrical service, involves life and safety issues, the ability to get an immediate response from the provider is vital. Therefore, to avoid any confusion and potential life-threatening situations associated with permits issued on Lake Yonah, an agreement by Georgia Power to honor Oconee County's requests is necessary.

It is the staff's recommendation that Council authorize the County Attorney to negotiate the necessary agreement with Georgia Power.

[2] [Road Department](#) / State Contract / Bandit Model 1390XP Drum Style Brush Chipper / \$42,557.41

The brush chipper will be used for routine right-of-way clearing and to dispose of tree limbs on site, so they do not need to be hauled away. The chipper will also be used for debris removal and road clearing after ice or thunder storms. It is equipped with a hydraulic winch that allows dragging limbs and debris directly into the chipper.

It is the staff recommendation that Council authorize the purchase of one Bandit model 1490XP drum style brush chipper for the Road Department in the amount of \$42,557.41 from Ditch Witch of the Carolina's of Ladson, SC, per State Contract # 08-S7683-A13727.

[3] Discussion of issues related to the Westminster Race Track

11 Council Committee Reports *[none at this meeting]*

12. Commission / Board Reports to Council

- Planning Commission

*[Scenic Highway Committee will report on September 1, 2009]
[Library Board will report on September 15, 2009]*

13. Board & Commission Appointments *[none at this meeting]*

14. Administrator Report

15. Old Business

[1] Final [8th] Recommendation of a Community Leader to participate in the selection of the new Administrator / District II - Mr. McCall

16. New Business

17. Executive Session *[for the purpose of receiving legal advise and discussing a contractual matter]*

18. Adjourn

[This agenda is not inclusive of all issues which Council may bring up for discussion at this meeting.]

**Oconee County Council & Committee meeting schedules and agendas
are posted at the Oconee County Administration Building and are available on the County Council Website
www.oconeesc.com/council.html**

[All upcoming meetings will be held in Council Chambers unless otherwise noted]