



**MINUTES**  
**OCONEE COUNTY COUNCIL**  
**Regular Meeting**  
**November 17, 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. Paul Corbeil, District I  
Mr. Wayne McCall, District II

Oconee County Council met on Tuesday, November 17, 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, Dick Mangrum – WGOG Radio and Carlos Galarza - Daily Journal.

**Call to Order:**

Mr. Dexter called the meeting to order at 7:04 p.m.

**Pledge of Allegiance:**

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

**Minutes:**

Mr. McCall made a motion, seconded by Mr. Thrift, approved 4 – 0 [Mr. Suarez had not yet arrived] that the minutes from the November 3, 2009 Regular Council meeting be adopted as printed.

**Steel Cell of North America, Inc. Presentation to Council:**

Mr. Ray Handte, Vice President, and Mr. Erford Harrison made a presentation to Council regarding their company's ability to provide pre-fabricated modular steel detention cells. Mr. Handte referenced a PowerPoint presentation [filed with these minutes] during his presentation and also provided Council with a more detailed handout [also filed with these minutes]. Lengthy discussion followed. No action was taken by Council.

[Mr. Suarez arrived during this presentation]

## **Public Comment Session:**

Mr. Frankie Pearson addressed Council regarding reports in the newspaper regarding over taxation and his opposition to loaning money to the School District.

Mr. Lee Brown addressed Council regarding reports in the newspaper regarding over taxation and his opposition to loaning money to the School District.

Ms. Susie Cornelius addressed Council regarding concerns regarding agenda item #11-6.

Mr. Robbie Lee addressed Council regarding agenda item #11-3 asking if developers were assisting with funding for this issue and #11-5.

Mr. Berry Nichols addressed Council regarding various issues to include council's inability to hire an administrator on their own, over taxation and agenda item #9-2.

Mr. Laramie Hinkle addressed Council asking them to consider a sewer project in the north east portion of Oconee County along Highway 11.

Mr. Devoe Blackston addressed Council regarding his concerns that the county is over assessing citizens on property.

Mr. C. W. Richards addressed Council regarding his concerns with the Assessor's Office.

## **Extended Public Comment Session:**

### **Cross Creek Plantation Golf Course Property Taxes / Mr. Al Shadwick:**

Mr. Al Shadwick addressed Council regarding Cross Creek Plantation Gold Course property tax assessment. He provided Council with a handout [filed with these minutes] outlining his concerns and the history of his appeal to the Board of Assessment Appeals. Discussion followed. Council thanked Mr. Shadwick for his input on this matter and asked staff to provide additional information regarding this assessment.

### **Alleged Over Taxation Issues in Oconee County / Mr. George Cleveland:**

Mr. George Cleveland addressed Council regarding the over taxation issues published in the local newspaper. He voiced concerns that the paper had been unfair to Council and had not accurately reflected the facts. In addition, Mr. Cleveland voiced concerns that inquiries to the County Treasurer were unanswered after several weeks. Mr. Cleveland concluded by asking Council to set the record straight and asked citizens to not believe the paper and do their own research before forming opinions about the job being done by Council. Council thanked Mr. Cleveland for his support and input on this issue.

## **Public Hearing regarding the Following Ordinances:**

Ordinance 2009-21: "AN ORDINANCE TO AUTHORIZE THE TRANSFER OF CERTAIN INTERESTS IN REAL PROPERTY; AND OTHER MATTERS RELATED THERETO"

Ms. Susie Cornelius addressed Council and provided a letter [filed with these minutes] outlining concerns with the Joint Fire Station project in Westminster. She requested Council to cease any further action on this matter until further study can be done.

Mr. Dexter asked if any other citizens wished to address Council regarding this ordinance.

Mr. George Cleveland addressed Council stating his opposition to the joint fire station but commended Council for living up to commitments made by a previous Council.

Mr. Dexter asked if any citizen wished to submit written comments. None were received.

Mr. Dexter closed the Public Hearing regarding Ordinance 2009-21.

### **Consideration of the following Ordinances:**

#### **Ordinance 2009-21:**

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 4 – 0 [Mr. McCall abstained from the vote] to approve **Ordinance 2009-21** “AN ORDINANCE TO AUTHORIZE THE TRANSFER OF CERTAIN INTERESTS IN REAL PROPERTY; AND OTHER MATTERS RELATED THERETO” on third and final reading.

#### **Ordinance 2009-24:**

Mr. Jim Alexander, Economic Development Director, was present to note that Project Forward is Greenfield Industries and that they made public notice this date regarding this expansion [press release filed with these minutes].

Mr. Suarez made a motion, seconded by Mr. McCall, approved 5 – 0 to approve **Ordinance 2009-24** “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND GREENFIELD INDUSTRIES, INC.; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES RELATED TO THE PROJECT” on first reading in title only.

### **Consideration of the Following Resolution:**

#### **Resolution 2009-20:**

Mr. Thrift made a motion, seconded by Mr. McCall, approved 5 – 0 that **Resolution 2009-20** “A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT FORWARD., WHEREBY, UNDER CERTAIN CONDITIONS, OCONEE COUNTY WILL EXECUTE A FEE IN LIEU OF TAX AGREEMENT FOR A PROJECT INVOLVING NOT LESS THAN EIGHTEEN MILLION DOLLARS (\$18,000,000) INVESTMENT” and the along with the referenced Inducement Agreement were approved first and final reading.

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

#### **Road Department / Davis & Floyd / N. Jenkins Bridge Road Bridge / up to \$31, 400**

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve up to \$31,400 payable to Davis & Floyd for services to consist of bridge design, retaining wall design, bridge and retaining wall construction plans and specifications, high water elevation determination, Operation & Maintenance Manual, construction cost estimate, anticipated construction schedule, obtaining applicable permits, bid documents, evaluation of bids and recommendation of lowest responsible bidder.

**ITB #09-07 / Road Department / Asphalt Vibratory Roller / \$26, 500**

Mr. Thrift made a motion, seconded by Mr. McCall, approved 5 – 0 to award ITB #09-07 for an asphalt vibratory roller for the Road Department to Arrow Equipment, LLC, of Greensboro, SC, in the amount of \$26, 500 as outlined in the agenda item summary.

**CVB / Funding Request for Hotel/Conference Center Study / \$30,000-\$50,000**

Mr. Ken Sloan addressed Council and read from a PowerPoint presentation [filed with these minutes] outlining the need for the study as tourism has been identified as the county's #1 industry. Mr. Sloan noted that the Oconee Alliance approved at their last meeting to pay for 50% of the cost up to \$20,000 for the study. Discussion followed.

Mr. Suarez made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve \$20,000 for the Hotel/Conference Center Study to be paid from the Council's contingency account.

**Communications / Electronics for Radio Tower System / Sole Source / \$146,750**

Mr. Thrift made a motion, seconded by Mr. McCall, approved 5 – 0 to approve the purchase of electronic equipment for the 6<sup>th</sup> radio tower site from Gunby Communications as a sole source vendor in the amount of \$146,750 as outlined in the agenda item summary.

**PO #46712 / Change Order #1 [Bid #08-32] / Airport / Plateau Excavation / \$34,200**

Mr. Kevin Short, Airport Director, addressed Council noting that there is grant matching for this change order and that the county's portion equals \$855.

Mr. McCall made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve Change Order #1, Po #46712, in the amount of \$34,200 for the clearing of eight acres as outlined in the agenda item summary with the County's portion being \$855.

**Acceptance of Credit Cards / Delinquent Tax, Rock Quarry, Solid Waste, Building Codes, Probate**

Mr. Gregorie Nowell, Treasurer, was unable to attend this meeting and asked that this agenda item be deferred to the December 1, 2009 meeting. Council deferred this item.

**Board & Commission Appointments:**

There were no Board or Commission appointments scheduled for action at this meeting.

**Commission / Board Reports to Council:**

There were no Commission / Board Reports to Council scheduled for this meeting.

**Council Committee Reports:**

**Transportation Committee:** Mr. Thrift read from a prepared statement regarding activities of the committee [filed with these minutes].

**Budget, Finance & Administration Committee:** Mr. Dexter read from a prepared statement regarding activities of the committee [filed with these minutes].

Council affirmed the capital project priorities approved during the meeting to include: Courthouse, Jail, Westminster Fire Joint Station, Sewer for Lower Oconee County / Phase I, and Cobb Bridge.

**Law Enforcement, Public Safety, Health & Welfare Committee:** Mr. McCall read from a prepared statement regarding activities of the committee [filed with these minutes].

**Real Estate, Facilities & Land Management Committee:** Mr. Suarez read from a prepared statement regarding activities of the committee [filed with these minutes].

Council affirmed the instruction from the Committee to have the Facilities Director identify roof types for the old courthouse to stop any further deterioration of the building and to report back at the next meeting.

### **Administrator's Report:**

Ms. Brown had no report at this meeting.

### **Old Business:**

There was no Old Business discussed at this meeting.

### **Executive Session:**

Mr. Dexter noted that in addition to those issues advertised that four additional confidential contractual matters need to be addressed in Executive Session and asked for a motion to include these also.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 5 – 0 to enter into Executive Session for the purpose of receiving a briefing regarding pending courthouse litigation, discuss a contractual matter related to the airport and to discuss four other contractual matters.

Council entered Executive Session at 9:43 p.m.

Mr. McCall left the meeting at 10:48 p.m.

Council returned from Executive Session at 10:52 p.m.

Mr. Dexter noted that no action was taken in Executive Session.

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 4 – 0 to direct the County Attorney to negotiate a settlement with the Courthouse Architect, F. J. Clark and continue to explore a settlement with M. B. Kahn.

### **Adjourn:**

Mr. Thrift made a motion, seconded by Mr. McCall, approved unanimously to adjourn the meeting at 10:57 p.m.

Respectfully Submitted:

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Elizabeth G. Hulse, Clerk to Council