



# A G E N D A

## OCONEE COUNTY COUNCIL MEETING

### Tuesday, July 6, 2010

### 6:00 PM

Council Chambers, Oconee County Administrative Offices  
415 South Pine Street, Walhalla, SC

1. Call to Order
2. Public Comment Session *(Limited to forty (40) minutes, four (4) minutes per person.)*
3. Extended Public Comment Session *(Limited: 2 citizens per meeting for 5 minutes, prior scheduling required)*
  - No Citizens Signed up for Public Comment at this meeting.
4. Meeting Recess *[Meeting will Recess no later than 6:50 p.m.]*

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5. Meeting Reconvenes *[Meeting will Reconvene at 7:00 p.m.]*
6. Moment of Silence
7. Pledge of Allegiance to the Flag of the United States of America
8. Approval of Minutes
  - June 15, 2010: Regular Meeting
  - June 29, 2010: Special Meeting
  - June 29, 2010: Workshop Meeting with Planning Commission
9. Public Hearing regarding the Following Resolutions & Ordinances:
  - Ordinance 2010-17** “AN ORDINANCE TO AMEND CHAPTER 26 OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO THE AMENDMENT OF CERTAIN UNIFIED ROAD STANDARDS FOR THE UNINCORPORATED AREAS OF OCONEE COUNTY, THE AMENDMENT OF ROAD CONSTRUCTION POLICIES AND PROCEDURES AND THE ESTABLISHMENT OF FUNDING FOR SUCH INSPECTIONS, AND THE REVISION OF ROAD SIGNAGE POLICIES AND PROCEDURES AND THE ESTABLISHMENT OF FUNDING FOR SUCH SIGNAGE; AND OTHER MATTERS RELATED THERETO”
  - Ordinance 2010-23** AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND U.S. ENGINE VALVE CORPORATION; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES
  - Ordinance 2010-24** “AN ORDINANCE TO AMEND THE AGREEMENT AUTHORIZED BY ORDINANCES NO. 2006-027, 2008-017 AND NO. 2010-04 RELATING TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE AND PICKENS COUNTIES SO AS TO ENLARGE THE PARK”
10. Consideration of the Following Resolutions:
  - [1] First and Final Reading of **Resolution R2010-10** “RELATING TO THE DECLARATION OF INTENT BY OCONEE COUNTY, SOUTH CAROLINA, TO REIMBURSE CERTAIN EXPENDITURES INCURRED PRIOR TO THE ISSUANCE OF FEDERALLY TAX-EXEMPT OR TAXABLE OBLIGATIONS BY THE COUNTY”

The County intends to issue general obligation bonds to finance the construction of a detention center during the next budget year. Internal Revenue Service regulations require a reimbursement resolution to allow certain expenditures incurred prior to issuance of the debt to be reimbursed from the debt proceeds.

**It is the staff’s recommendation that Council approve Resolution R2010-10 on the first and final reading.**
11. Consideration of the Following Ordinances:
  - [1] Third & Final Reading of **Ordinance 2010-17** [Text Above]

11. [2] a.] Third & Final Reading of [Ordinance 2010-19](#): “AN ORDINANCE AUTHORIZING THE TRANSFER AND CONVEYANCE OF CERTAIN REAL PROPERTY LOCATED IN AND OWNED BY OCONEE COUNTY, SOUTH CAROLINA TO THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LIMITED WARRANTY DEED EFFECTING SUCH TRANSFER AND CONVEYANCE, AND RATIFYING AN ACCESS AGREEMENT FOR SUCH REAL PROPERTY; AND OTHER MATTERS RELATED THERETO.”

b.] Motion to Amend **Ordinance 2010-19** on Third Reading

c.] Vote on Third & Final Reading as Amended of **Ordinance 2010-19** [Text Above]

This Ordinance is related to the transfer of property on Sheep Farm Road [\$12,500] for SDOT expansion project.

[3] Third & Final Reading of [Ordinance 2010-23](#) [Text Above]

[4] Third & Final Reading of [Ordinance 2010-24](#) [Text Above]

[5] Second Reading of [Ordinance 2010-10](#) “AN ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DEVELOPMENT AGREEMENT BY AND BETWEEN OCONEE COUNTY AND KEOWEE RIVER PRESERVATION GROUP, LLC, WHEREBY CERTAIN PROPERTY WILL BE SUBJECT TO CERTAIN DEVELOPMENT STANDARDS; AND OTHER MATTERS RELATED THERETO

Keowee River Preservation Group, LLC, has requested Council consider entering into a development agreement that would vest the developer under a set of standards governing the development of the proposed Keowee River project, a 774 acre mixed-use development in Oconee County, for the life of the agreement. This would provide the developer greater certainty in designing the various phases of the development, which is projected to require up to 20 years. If approved, the agreement would negate the need to obtain a series of variances related to road design, as well as impose design standards on a number of elements of the project, some of which are currently not regulated by Oconee County. Staff have reviewed the proposed standards, and have identified no obvious safety issues resulting from the requested variances. It should be noted that the agreement would not waive any fire or building codes, and all plans would be reviewed for strict compliance with the standards established. Council took First Reading in Title Only on April 6, 2010, and on May 18, 2010 tabled the matter until the Planning Commission completed its review of the final draft of the proposed design standards. On June 7, 2010, the Planning Commission voted unanimously to recommend the adoption of Ordinance 2010-10.

**It should be noted that a Motion to Approve on Second Reading remains on the floor and that the required public hearing has been advertised by Keowee River Preservations Group’s attorney for July 20, 2010.**

**It is the staff’s recommendation that Council take second reading of Ordinance 2010-10.**

[6] Second Reading of [Ordinance 2010-25](#) “AN ORDINANCE TO AMEND THE OCONEE COUNTY FLOOD DAMAGE PREVENTION ORDINANCE, ORDINANCE 2008-21, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORIDNANCE 2008-21 NOT AMENDED OR MODIFIED HEEREBY; AND OTHER MATTERS RELATED THERETO”

Oconee County recently reviewed and amended the Flood Damage Prevention Ordinance as part of the ongoing effort to address concerns identified by the Federal Emergency Management Agency (FEMA). As required, a copy of the document was submitted to FEMA, who notified the County that additional changes to the ordinance are required. The County Attorney drafted the necessary amendments. Council gave First Reading in Title Only to Ordinance 2010-25 on June 15, 2010. FEMA’s instructions are to amend the ordinance by the end of July 2010.

**It is the staff’s recommendation that Council take Second Reading of Ordinance 2010-25, and schedule the public hearing and third and final reading for Tuesday, July 20, 2010.**

[7] First Reading [in title only] of **Ordinance 2010-14** “AN ORDINANCE TO REQUEST DEFERRAL OF THE FORMULATION OF A REFERENDUM BALLOT QUESTION BY THE CAPITAL PROJECTS SALES TAX COMMISSION OF OCONEE COUNTY, SOUTH CAROLINA; TO AMEND CHAPTER 2, ARTICLE IV OF THE CODE OF ORDINANCES OF OCONEE COUNTY PERTAINING TO COMMITTEES IN ORDER TO ESTABLISH THE CAPITAL PROJECTS COMMITTEE; AND OTHER MATTERS RELATED THERETO”

## 12. Discussion & Possible Action Items

*[5 min. per Action Item]*

[1] Consent Agenda Items / State & Local ATAX Grants *[may be acted upon in a single motion]*

- \$ 1,352 / Downtown Seneca Merchant’s Assn / Advertising “Your Day” radio program / **State Grant**
- \$ 275 / Walhalla Civic Auditorium / Advertising / **State Grant**
- \$ 3,980 / Cherokee Bear Clan of SC / New Roof “SC Museum of the Cherokee” on Short Street / **State Grant**
- \$10,000 / Mountain Lakes CVB Visitor’s Guide [30,000 copies] / **Local Grant**
- \$ 4,800 / Upcountry Brochure Service to display “Waterfalls of Upstate SC”, “Camping”, etc. / **Local grant**

12. [2] SC Department of Juvenile Justice [DJJ] / Memorandum of Agreement

The Memorandum of Agreement [MOA] outlines the provisions of secure detention services with the DJJ for Fiscal Year 2010-2011. All substantive terms and conditions contained in this agreement are the same as those contained in last year's agreement. The per diem rate is \$50/day for any juvenile at our detention facility.

**It is the staff's recommendation that Council authorize the Administrator to execute the MOA above.**

[3] RFP 08-11 / \$1,500,000 / Oconee County Shell Building II

On December 18, 2008, formal sealed proposals were opened for this project. Thirty-eight companies were originally notified of this opportunity. Eleven companies submitted proposals. The RFP Evaluation Committee consisting of James Alexander (Economic Development), Hank Field and Harold Gibson (Economic Development Commission Members), Art Holbrooks (Planning Commission), Lake Julian (Facilities Management) and Mack Kelly (County Engineer and Roads) evaluated and scored all proposals, interviewed the top four ranking firms and unanimously recommended award to Roebuck Buildings of Roebuck, SC. Roebuck Buildings has provided a letter, dated May 6, 2010, indicating that the prices and percentages from the RFP are still valid.

**It is the Commission's recommendation that Council award RFP # 08-11, Oconee County Shell Building II, which includes a building and a detention pond that serves a 19.2 acre industrial site in the Oconee County Commerce Center, to Roebuck Buildings, in a not to exceed amount of \$1,500,000.00.**

[4] Blue Ridge Arts Council Funding Request

The Blue Ridge Arts Council [BREC] is requesting funding in the amount up to \$20,000 to cover three months of operating expenses. Copies of the Profit and Loss Statement for FYTD May 31, 2010 identify a shortfall of \$20,638.33. BRAC has reduced staff from three to two. Visitor counts are being evaluated for staffing. Effort has already been started on two fund raising projects. The BRAC is looking for ways to expand art sales for members [BRAC draws a reasonable commission on these sales].

13. Board & Commission Appointments

- ATAX Committee Appointments: Mr. Glenn Abbott & Mr. Gerald Foster are requesting reappointment
- Worklink Appointment: Mr. Russ Karpick / Business Sector Member is requesting reappointment

14. Commission / Board Reports to Council [**ten minute maximum**]

- None at this Meeting *[Board of Zoning Appeals will report on July 20, 2010]*

15. Council Committee Reports

- Transportation Committee [July 1, 2010] / Mr. Thrift

16. Administrator Report

17. Old Business

18. New Business

19. Executive Session

*[for the purpose of discussing a personnel matter]*

- Vote/Action on matters discussed in Executive Session *[if required]*

20. 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](http://www.oconeesc.com/council.html)  
[All upcoming meetings will be held in Council Chambers unless otherwise noted]