



**MINUTES**  
**OCONEE COUNTY COUNCIL MEETING**  
**Regular Meeting**  
**June 1, 2010**

**MEMBERS, OCONEE COUNTY COUNCIL**

Mr. Reg Dexter, District V, Council Chairman  
Mr. Joel Thrift, District IV, Vice Chairman  
Mr. Wayne McCall, District II, Chairman Pro Tem  
Mr. Paul Corbeil, District I  
Mr. Mario Suarez, District III

Oconee County Council met on Tuesday, June 1, 2010 at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, Administrator Scott Moulder, Interim Administrator Gene Klugh, Thomas L. Martin County Attorney and Clerk to Council, Elizabeth G. Hulse 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.

Member of the press present: Ray Chandler – Anderson Independent, Dick Mangrum – WGOG Radio, Ashton Hester – Keowee Courier & Carlos Galarza - Daily Journal.

**Call to Order:**

Mr. Dexter called the meeting to order at 6:00 p.m.

**Welcome Mr. Moulder / Administrator:**

Mr. Dexter prior to beginning the public comment welcomed Mr. Scott Moulder on his first day to Oconee County as the new County Administrator. In addition, he thanked Mr. Gene Klugh, Interim Administrator for his service to Oconee County noting that this would be his last council meeting.

**Public Comment Session:**

Mr. Brit Adams addressed Council in opposition to agenda item #12-3, change order #19 for M. B. Kahn related to Courthouse remediation, stating that they should not be given any additional work based on his perception of a poor performance on the job.

Mr. B. J. Littleton addressed Council in support of Mr. Adams comments and his request that Council / Administration look into keeping the manned convenience centers open on Wednesdays.

**Extended Public Comment Session:**

No citizens signed up for Extended Public Comment at this meeting.

### **County Council Response to Public Comment:**

Mr. Thrift noted that this Council inherited the courthouse issues and that they are working diligently to resolve them for the lowest price possible. In addition, he noted that M. B. Kahn was not primarily at fault; that they built what the former architect designed.

Mr. Martin noted that Mr. Thrift was correct and he added that the original architect was now out of business and that the builder was required to build to the drawings and was not permitted to use discretion regarding construction.

### **Meeting Recess:**

Mr. Dexter recessed the meeting to 6:13 p.m.

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### **Meeting Reconvene:**

Mr. Dexter reconvened the meeting to 7:01 p.m.

### **Pledge of Allegiance:**

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

### **Minutes:**

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 that the minutes from the May 18, 2010 regular meeting be adopted as printed.

Mr. Corbeil made a motion, seconded by Mr. Suarez, approved 5 – 0 that the minutes from the May 25, 2010 special meeting be adopted as printed.

### **Consideration of the Following Resolutions:**

#### **Resolution R2010-07:**

Mr. Dexter asked Mr. Klugh to step forward as the Resolution was read into the record noting that he wished to say on behalf of the full Council that it had been an honor to work with him. Mr. Klugh thanked Council and those present for being able to serve Oconee County as the interim administrator.

Mr. McCall made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Resolution R2010-07** ‘A RESOLUTION HONORING JAMES EUGENE KLUGH’ on first and final reading.

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

**Ordinance 2009-22** “AN ORDINANCE OF THE COUNTY COUNCIL OF OCONEE COUNTY, SOUTH CAROLINA DESIGNATING OCONEE COUNTY, SOUTH CAROLINA AS A RECOVERY ZONE FOR PURPOSES OF SECTIONS 1400U-1, 1400U-2 AND 1400U-3 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; PROVIDING FINDINGS; PROVIDING FOR ELIGIBLE ACTIVITIES/PROJECTS FOR RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS AND PROVIDING FOR ELIGIBLE ACTIVITIES/PROJECTS FOR RECOVERY ZONE FACILITY BONDS”

**Ordinance 2010-09** “AN ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA, TO ESTABLISH PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION OF AND THE ENTERING INTO DEVELOPMENT AGREEMENTS”

**Ordinance 2010-18** “AN ORDINANCE TO AUTHORIZE THE LEASING OF CERTAIN OCONEE COUNTY SPACE; AND OTHER MATTERS RELATED THERETO”

Mr. Dexter opened the Public Hearing.

Mr. Larry Linsin addressed Council in opposition to passage of Ordinance 2009-22.  
Mr. Britt Adams addressed Council in opposition to passage of Ordinance 2009-22.  
Mr. Tom Markovich addressed Council in support of passage of Ordinance 2010-09.

Mr. Dexter asked if anyone else present wished to speak. No citizens came forward to address Council.

Mr. Dexter asked for any written comments for inclusion in the record. No written comments were submitted.

Mr. Dexter closed the Public Hearing.

**Consideration of the Following Ordinances:**

**Ordinance 2009-22:**

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2009-22** “AN ORDINANCE OF THE COUNTY COUNCIL OF OCONEE COUNTY, SOUTH CAROLINA DESIGNATING OCONEE COUNTY, SOUTH CAROLINA AS A RECOVERY ZONE FOR PURPOSES OF SECTIONS 1400U-1, 1400U-2 AND 1400U-3 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; PROVIDING FINDINGS; PROVIDING FOR ELIGIBLE ACTIVITIES/PROJECTS FOR RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS AND PROVIDING FOR ELIGIBLE ACTIVITIES/PROJECTS FOR RECOVERY ZONE FACILITY BONDS””DESIGNATION OF OCONEE COUNTY AS A RECOVERY ZONE AREA ” on third and final reading.

**Ordinance 2010-09:**

Mr. Suarez made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2010-09** “AN ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA, TO ESTABLISH PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION OF AND THE ENTERING INTO DEVELOPMENT AGREEMENTS” on third and final reading.

**Ordinance 2010-11:**

Mr. Thrift made a motion, seconded by Mr. Suarez, to approve **Ordinance 2010-11** “AN ORDINANCE TO ESTABLISH THE BUDGET FOR OCONEE COUNTY AND TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY COUNTY PURPOSES IN OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011” on third and final reading.

Mr. Klugh reviewed with Council approved amendments to the budget [filed with these minutes] from the May 25, 2010 Budget, Finance & Administration Committee meeting. Discussion followed.

Mr. Corbeil made a motion, seconded by Mr. Suarez, approved 5 – 0 to approve the amendments to Ordinance 2010-11 as presented on the summary.

Mr. Dexter called for the vote for **Ordinance 2010-11** “AN ORDINANCE TO ESTABLISH THE BUDGET FOR OCONEE COUNTY AND TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY COUNTY PURPOSES IN OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011” as amended on third and final reading. The ordinance passed 5 – 0.

**Ordinance 2010-12:**

Mr. Thrift made a motion, seconded by Mr. Suarez, approved 5 – 0 to approve **Ordinance 2010-12** ““AN ORDINANCE TO ESTABLISH THE BUDGET FOR THE SCHOOL DISTRICT OF OCONEE COUNTY AND TO PROVIDE FOR THE LEVY OF TAXES FOR THE SCHOOL DISTRICT OF OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011”N OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO” on third and final reading.

**Ordinance 2010-13:**

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2010-13** “AN ORDINANCE TO PROVIDE FOR THE LEVY OF TAXES FOR THE KEOWEE FIRE SPECIAL TAX DISTRICT AND TO ESTABLISH THE BUDGET FOR THE KEOWEE FIRE SPECIAL TAX DISTRICT FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011” on third and final reading.

**Ordinance 2010-18:**

Mr. McCall made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2010-18** “AN ORDINANCE TO AUTHORIZE THE LEASING OF CERTAIN OCONEE COUNTY SPACE; AND OTHER MATTERS RELATED THERETO on third and final reading.

**Ordinance 2010-19:**

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2010-19** “ORDINANCE CONVEYING RIGHT-OF-WAY ON SHEEP FARM ROAD” on second reading.

**Ordinance 2010-20:**

Mr. Suarez made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2010-20** ‘AN ORDINANCE AUTHORIZING AND APPROVING THE PROCEDURE FOR THE TRANSFER OF OCONEE COUNTY’S INTEREST IN CERTAIN REAL PROPERTY KNOWN AS THE TRI-COUNTY LANDFILL PROPERTY; AUTHORIZING THE TRANSFER OF OCONEE COUNTY’S INTEREST IN THE TRI-COUNTY LANDFILL PROPERTY IN THE EVENT OF AN ACCEPTABLE BID TO PURCHASE THE TRI-COUNTY LANDFILL PROPERTY; AND, FURTHER, APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SALES AGREEMENT AND DEED TO REAL PROPERTY IN THE EVENT OF AN ACCEPTABLE BID TO PURCHASE THE TRI-COUNTY LANDFILL PROPERTY; AND MATTERS RELATED THERETO” on second reading.

**Ordinance 2010-23:**

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2010-23** ‘AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT GOLD DUST; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES” on first reading.

## **Discussion & Possible Action Items:**

### **Approve One Year Fire Contract with City of Seneca / \$550,000:**

Mr. Suarez made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve the one year fire contract with the City of Seneca in the amount of \$550,000 as presented.

### **Mulch Donation FY 2010-2011 / SC State Parks / \$5,300:**

Mr. Thrift made a motion, seconded by Mr. McCall, approved 5 – 0 to authorize the Administrator to work out a pro rata agreement with the SC State Parks to furnish the parks with mulch in an amount equal to the usage by county personnel training in the parks.

### **Change Order #19 & Issuance of New Purchase Order / not to exceed amount of \$2,031,411 / Oconee County Courthouse / M. B. Kahn**

Mr. Martin provided Council with a historical review of the ongoing negotiations with the former architect [F. J. Clark], the contractor [M. B. Kahn] and the Department of Justice related to the ADA non-compliance issues for the Oconee County Courthouse.

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 5 – 0 that the Change Order and Purchase Order for the contract with M.B. Kahn, for the remediation of the new courthouse, as contained in the agenda packet and in accordance with the settlement agreement, including addendum, with the United States Department of Justice, and the settlement agreement and change proposal with M. B. Kahn, be approved, and that all of the documents underlying the Change Order and on which it is based (the U.S. DOJ settlement order and addendum, and the settlement agreement and change proposal with M.B. Kahn) likewise be approved, all in the forms presented to County Council tonight, for consideration, or with such minor changes thereto as are not adverse to Oconee County and as are consistent with the Change Order and as shall be approved by the Chairman of County Council, the County Administrator, and the County Attorney; and I further move that the Chairman of County Council and the County Administrator be authorized to execute and deliver all of those documents, and related and associated changes to the underlying AIA construction contract (including, without limitation, change of the project architect, to Ard, Wood, Holcombe & Slade), on behalf of Oconee County, with such additional changes thereto as they shall approve in accordance with this motion.

### **Issue Purchase Order / \$106,459 / Oconee County Courthouse / Architectural Services for Remediation / Ard, Wood, Holcombe & Slate**

Mr. McCall made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve the Purchase Order with Ard, Wood, Holcombe & Slate, as contained in the agenda packet, for the drafting of the construction drawings for the remediation of the new courthouse in accordance with the change order we just approved, and for management oversight of that change order and the associated work, as set forth in the purchase order AIS, and in the form presented to County Council tonight, for consideration, or with such minor changes thereto as are not adverse to Oconee County and as are consistent with the Change Order and its underlying documents and as shall be approved by the Chairman of County Council, the County Administrator, and the County Attorney; and I further move that the Chairman of County Council and the County Administrator be authorized to execute and deliver the Purchase Order on behalf of Oconee County, with such changes as they shall approve in accordance with this motion.

## **Board & Commission Appointments:**

### **Worklink**

Mr. Dexter made a motion, seconded by Mr. McCall, approved 5 – 0 to reappoint Mr. Melvin Martin for an additional three year term ending June 30, 2013.

## **Commission & Board Reports to Council:**

None scheduled for this meeting.

## **Council Committee Reports:**

### **Budget, Finance & Administration**

Mr. Dexter briefly summarized the work done at the May 25, 2010 final budget workshop [approved amendments to the budget approved earlier in the meeting].

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 to direct the Administrator as a #1 priority to begin work to develop an Oconee County Fire Plan; including all stake holders [county, municipalities, volunteer stations and paid fire fighters] and interested parties so that the December 31, 2010 agreed upon deadline can be met. Mr. Thrift also suggested that an unbiased facilitator would be helpful during meetings to keep all parties on track.

### **Transportation**

Mr. Thrift read from a prepared statement [filed with these minutes] highlighting the actions taken at the May 18, 2010 Transportation Committee meeting. Discussion followed.

Mr. Thrift directed the Clerk to return the Sirrene Street issue to the agenda for the June 24, 2010 Transportation Committee meeting for further review/input.

## **Administrator's Report:**

Mr. Klugh stated he had no report but thanked Council for the opportunity to work with them and for the citizens Oconee County.

Mr. Moulder stated he had no report but stated he was looking forward to working with Council and the citizens in the future.

## **Old Business:**

No Old Business was discussed at this meeting.

## **New Business:**

No New Business was discussed at this meeting.

## **Adjourn:**

Mr. McCall made a motion at 8:33 p.m. to adjourn the meeting. The motion was approved unanimously.

Respectfully Submitted:

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Elizabeth G. Hulse  
Clerk to Council