



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
July 20, 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, July 20, 2010 at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members [except Mr. Corbeil], Administrator Scott Moulder, 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]. In addition it was made available [upon request] to the newspapers, radio stations, television stations and concerned citizens.

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

Call to Order:

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

Public Comment Session:

Mr. B. J. Littleton addressed Council regarding concerns for an incarcerated person in the Oconee County Detention Center.

Extended Public Comment Session:

None at this meeting.

County Council Response to Public Comment:

Mr. Dexter addressed an “opinion” article in the paper that dealt with the sale of the Tri-County Landfill property. He noted that discussion took place in open session in Council in November 2009 and again in January 2010 at which time he sought input from Council after receiving inquiries from both Anderson and Pickens Counties stating that they wished to sell the property. He noted that the bid process for the sale of the property was handled by ACOG who solicited bids; with only Pickens County making an offer for the property.

Mr. Dexter noted that he had also discussed with Anderson and Pickens Counties a joint business park venture but there was not agreement between the counties to proceed.

Mr. Dexter stated that the sale is a good deal for Oconee County. The property has been sitting dormant for approximately 15 years. Oconee County invested initially just under \$360,000 and Oconee County’s portion of the proceeds from the sale equal just under \$950,000. Lastly he noted that Council has been open and above board in their discussions and actions.

Meeting Recess:

Mr. Dexter recessed the meeting to 6:18 p.m.

Meeting Reconvene:

Mr. Dexter reconvened the meeting to 7:00 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 3 – 0 that the minutes from the July 6, 2010 regular meeting be adopted as printed.

Presentation by Outside Organization:

Project Livesavers / Pilot Club of Walhalla / Ms. Mary Ann Smith

Ms. Smith addressed Council highlighting the Project Livesavers Program. She stated that the program's focus is to identify and provide transmitters / batteries for at risk adults and children who have some type of brain disorder, i.e., autism, Alzheimer's disease, etc. and may wander away from home. Ms. Smith stated that she is looking for donations and presented the Administrator with a Direct Aid request for the next fiscal year.

2010 Census / Mr. Ed Ninestein

Mr. Ninestein addressed Council thanking them and the County for making the 2010 US Census a success. He noted that South Carolina's participation and response rate moved us up from 49th in the country in 2000 to 29th in the country in 2010 – the greatest improvement of any state.

Mr. Ninestein also provided Council with a contact number if they or any citizen were aware of someone not counted. The Census Bureau can be reached at 1-866-872-6868.

Public Hearings regarding the Following Ordinances:

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” and **Development Standards**

Ordinance 2010-25 “AN ORDINANCE TO AMEND THE OCONEE COUNTY FLOOD DAMAGE PREVENTION ORDINANCE, ORDINANCE 2008-21 (CHAPTER 16, ARTICLE II OF THE OCONEE COUNTY CODE OF ORDINANCES), IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2008-21 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATED THERETO.”

Mr. Dexter opened the Public Hearing.

Mr. Dexter noted that no citizens signed up to speak. He opened the floor and 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 2010-10

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to approve **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” and **Development Standards** on third & final reading.

Ordinance 2010-25

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to approve **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” on third and final reading.

Ordinance 2010-27

Mr. McCall made a motion, seconded by Mr. Thrift, approved 3 – 0 to approve **Ordinance 2010-27** “AN ORDINANCE TO AUTHORIZE THE LEASING OF CERTAIN OCONEE COUNTY SPACES; AND OTHER MATTERS RELATED THERETO” on first reading in title only.

Consideration of the Following Resolutions:

Resolution R2010-11:

Mr. Dexter noted that he had made comments at the beginning of the meeting related to this Resolution [see page 1 of 6 of these minutes]. He added that Council conducted three readings and a public hearing regarding **Ordinance 2010-20**. He noted that at the three readings no citizens addressed Council regarding this ordinance. The Public Hearing was held on June 18, 2010 at which only two citizens spoke in favor of the sale of the property. Lastly, he noted that there were no public comments at this meeting related to **Resolution R2010-11**.

Mr. Martin spoke up and verified that Council met all requirement of the law and provided ample avenues for citizen input regarding this matter.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to approve **Resolution R2010-11** “A RESOLUTION ACKNOWLEDGING AND ACCEPTING THE BID TO PURCHASE REAL PROPERTY KNOWN AS THE TRI-COUNTY LANDFILL PROPERTY; AND OTHER MATTERS RELATED THERETO” on first and final reading.

Discussion & Possible Action Items:

Oconee County Tourism Action Plan / Dr. Robert Brookover:

Dr. Brookover and Mr. Phil Shirley, PRT Director, addressed Council regarding the Action Plan. Dr. Brookover utilized a PowerPoint presentation [filed with these minutes] highlighting for Council key points of the Action Plan. Discussion followed.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to adopt the Tourism Action Plan so that staff may be working on specific proposals detailed in the report.

\$199,500 / One Year Intergovernmental Agreement for Fire Protection Services / Town of Salem

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to approve the One-Year Intergovernmental Agreement for Fire Protection Services with the Town of Salem for \$199,500.

Goodyear Tires / As Needed / Not to Exceed \$90,000 / State Contract #4400001934

Mr. McCall made a motion, seconded by Mr. Thrift, approved 3 – 0 to award the purchase of Goodyear Tires as needed from Super Service Tire & Alignment of Walhalla, SC, in an amount not to exceed \$90,000 for Fiscal Year 2010-2011 per State Contract #4400001934.

Award Bid #10-03 and Associated Costs in a not to exceed amount of \$2,052,379

- a. Award Bid #10-03 / \$1,738,009.08 / Road Paving 2010-2011 [not to exceed total of \$2,052,379]
- b. Authorize additional \$156,420, a 9% Contingency [if needed]
- c. Authorize additional \$157,948 for purchase of stone from Oconee County Rock Quarry
- d. Authorize execution of the contract

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to approve [1] awarding Bid #10-03, Road Paving 2010-2011 to King Asphalt, Inc. of Liberty, SC in the amount of \$1,738,009.90, and [2] authorize staff to spend an additional \$157,948, a 9% contingency if needed to account for fluctuating asphalt prices and variations in unit quantities, and [3] authorize an additional \$157,948 to purchase stone from the Oconee County Rock Quarry, and [4] execute contract.

Local ATAX / \$4,500 / Advertising in IPTAY Communications

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to approve \$4,500 from Local ATAX funds for advertising in IPTAY Communications to include: [1] half page ad in 8 editions of “Orange: The Experience”, [2] presence in over 37 e-newsletters to all 16,000 members of IPTAY, [3] half page in “College Gameday” magazine, and [4] presence on the “Orange Update” Clemson Information website.

Board & Commission Appointments:

None scheduled for this meeting.

Commission & Board Reports to Council:

Board of Zoning Appeals:

The Board of Zoning Appeals filed a written report [filed with these minutes] as they have not met in the past year as no appeals have been filed.

Council Committee Reports:

Real Estate, Facilities & Land Management:

Mr. Suarez was not present and asked that his report be deferred until the next scheduled meeting. Council concurred.

Administrator's Report:

Building Permit for Courthouse Remediation Approved

Mr. Moulder updated Council stating that the City of Walhalla had approved the building permit so that the County can move forward with plans for the Courthouse remediation. Staff will be working with the architects and contractors to mobilize and coordinate with the Clerk of Court for the construction schedule.

Airport Extension Project – Received DHEC Permit today

Mr. Moulder stated that the DHEC Storm Water & Erosion Control Permit was received today. We are now able to move forward with storm water and erosion control issues. This does not permit us to begin construction on the runway extension.

In addition, an estimated time for this phase has not yet been provided by the engineer. He met today with the contractor to develop a re-mobilization plan. A report / plan will be forthcoming.

Oconee County Fire Plan – Held meeting w/ all stakeholders

Mr. Moulder stated that he held a meeting with various stakeholders to include county and city volunteers and paid fire, rescue, dive and HAZMAT staff last week at the Walhalla High School. He stated that the meeting went very well and he was scheduling to meet with each department / team / commission at their property to obtain input from all parties.

Finance Department directed to Develop Finance/Cash Management Plan

Mr. Moulder stated that he has directed the Finance Department to develop and Financial Plan / Cash Management Plan related to ongoing projects and planned projects. This will include the Treasurer to identify a cash needs plan so that he can appropriately invest funds as needed.

Solid Waste Incident – Woman drove into Compactor – no injuries

Mr. Moulder updated Council regarding an incident that occurred at the Five Forks Manned Convenience Center [MCC] today where an elderly lady drove her car into the Compactor. She was not seriously injured and was transported to OMC to be safe. There was some HAZMAT clean up to be done. The MCC will need to be closed for a day or two to effect repairs to the railing and the compactor.

Request for Council to Consider Two Action Items:

Four One-Year Extensions for Bid 08-09:

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to approve four one-year extensions for the purchase of uniforms not voted on at the time BID #08-09 was awarded.

Tyler Technologies Change Order #1:

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to approve Change Order #1 for RFP #09-20 for Tyler Technologies in the amount of \$90,000 to purchase the “IASWorld” software for one year.

Old Business:

No Old Business was discussed at this meeting.

New Business:

No Old Business was discussed at this meeting.

Executive Session:

Mr. Dexter made a motion, seconded by Mr. McCall, approved 3 – 0, to enter into Executive Session for the purpose of receiving legal advice on a contractual matter related to the purchase of real estate. Council entered Executive Session at 8:38 p.m. Mr. Suarez arrived to the meeting during Executive Session.

Council returned from Executive Session on a motion by Mr. Dexter, seconded by Mr. Thrift approved unanimously at 9:06 p.m. Mr. Dexter noted that no action was taken in Executive Session.

Mr. McCall asked the County Attorney to read into the record two motions that he wished to propose. Mr. Martin read the following into the record.

Mr. Chairman during Executive Session, we received a briefing on contractual matters involving the potential purchase of three separate parcels of real property. Those discussions are not finalized but Council needs to proceed with the discussions and the necessary processes to complete the purchases, if everything works out as it should, since these purchases are time sensitive. So at this time I would like to make the following two motions:

1. I move to authorize and direct the County Administrator to move forward with the due diligence work for the purchase of these three parcels, including, among other things:
 - Obtaining all required pricing information, including appraisals, preparing all paperwork that will be required, such as options contracts, etc., and
 - Identifying all funding that will be required, including option money, earnest money, and purchase money, and
 - Identifying appropriate sources for all such funding, and
 - To bring these recommendations and documents back to Council for approval at a future meeting or meetings as time is of the essence.

Mr. McCall made the above motion, seconded by Mr. Dexter, approved 4 – 0.

2. Based on the previous approval, I move to approve **Ordinance 2010-29**, on first reading, by title only as follows: “AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN OCONEE COUNTY REAL PROPERTY, CONTINGENT ON THE SATISFACTORY COMPLETION OF ALL DUE DILIGENCE AND CONTRACTUAL REQUIREMENTS ESTABLISHED BY OCONEE COUNTY TO THE SATISFACTION OF OCONEE COUNTY COUNCIL; AUTHORIZING THE COMPLETION OF SUCH DUE DILIGENCE AND CONTRACTS; AUTHORIZING THE RECEIPT OF ALL LAWFUL FUNDS AUTHORIZED FOR SUCH PURCHASES; AUTHORIZING THE EXECUTION AND DELIVER OF ALL CONTRACTS, INTERGOVERNMENTAL AGREEMENTS AND OTHER DOCUMENTS REALTED TO SUCH PRUCHASES; AUTHORIZING THE AMENDMENT OF THE CURRENT OCONEE COUNTY BUDGTET ORDINANCE TO PROVIDE ACCOUNTING AND FUNDING THE TOTAL COSTS OF CONTRACTING FOR AND PURCHASING SUCH PROPERTIES; AND OTHER MATERS RELATED THERETO”

Mr. McCall made the above motion, seconded by Mr. Suarez, approved 4 – 0.

Mr. Martin noted that undoubtedly there were questions regarding these contractual issues. He stated that action on each will come before County Council and become public at that time.

Adjourn:

Mr. Thrift made a motion at 9:18 p.m. to adjourn the meeting. The motion was approved unanimously.

Respectfully Submitted:
