



**Amended A G E N D A**  
**OCONEE COUNTY COUNCIL MEETING**  
**Tuesday, April 5, 2011**  
**6:00 PM**

Council Chambers, Oconee County Administrative Offices  
415 South Pine Street, Walhalla, SC 29691

1. **Call to Order**
2. **Extended Public Comment Session** *(Limited: 2 citizens per mg. for 5 minutes, prior scheduling required)*
  - None scheduled at this meeting.
3. **Public Comment Session/Agenda Items**  
*Agenda & Non Agenda Items: Combined both are limited to a total of forty (40) minutes, four (4) minutes per person.*
4. **Public Comment Session/Non Agenda Items – time permitting**  
*Agenda & Non Agenda Items: Combined both are limited to a total of forty (40) minutes, four (4) minutes per person.*
5. **Council Member Comments** *[Directly following Public Comment Sessions if applicable & time permits]*
6. **Meeting Recess** *[Meeting will Recess no later than 6:50 p.m.]*

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7. **Meeting Reconvenes** *[Meeting will Reconvene at 7:00 p.m.]*
8. **Moment of Silence**
9. **Pledge of Allegiance to the Flag of the United States of America**
10. **Approval of Minutes**  
March 15, 2011: Regular Meeting
11. **Consideration of the Following Proclamations:**  

Presentation of **Proclamation P-2011-04** “A PROCLAMATION HONORING THE WEST OAK HIGH SCHOOL WRESTLING TEAM UPON RECEIVING THE STATE CHAMPIONSHIP TITLE” *[Proclamation previously approved at March 15, 2011 meeting]*

**First & Final Reading of Proclamation P-2011-05** “NATIONAL LIBRARY WEEK 2011 PROCLAMATION”

**First & Final Reading of Proclamation P-2011-06** “A PROCLAMATION HONORING PRIVATE FIRST CLASS BRENT K. SCHIPPER AS THE SOUTH CAROLINA NATIONAL GUARD SOLDIER OF THE YEAR”
12. **Public Hearing regarding the Following Ordinances:**  

**Ordinance 2011-08** “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN INFRASTRUCTURE TAX CREDIT AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND ALTERA POLYMERS LLC; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, AUTHORIZATION OF AN INFRASTRUCTURE TAX CREDIT”

**Ordinance 2011-09** “AN ORDINANCE TO AMEND THE AGREEMENT AUTHORIZED BY ORDINANCES NO. 2006-027, 2008-017, 2010-04, 2010-24 and 2010-32 RELATING TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE AND PICKENS COUNTIES SO AS TO ENLARGE THE PARK.” and Fifth Amendment of Agreement for Development of Joint County Industrial/Business Park.

### 13. Consideration of the Following Ordinances:

**Third & Final Reading of Ordinance 2010-40** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO” *[Rock Creek]*

The proposed Ordinance 2010-40 stems from a citizen-initiated rezoning request. On December 7, 2010 Council took first reading in title only and referred the request to the Planning Commission for their review. The Planning Commission took up the request at a regularly scheduled meeting on January 24, 2010. Planning staff presented the request and made a recommendation to the Commission regarding the proposed rezoning and compliance with the Comprehensive Plan. On February 15, 2011 Council considered the Planning Commission recommendation and took 2<sup>nd</sup> reading on the rezoning ordinance, scheduling the public hearing for March 15, 2011.

Council held the public hearing on March 15, 2011 and amended the ordinance to add an additional two parcels to be rezoned as TRD. Then Council referred the matter to the Planning Commission for review.

The Planning Commission considered the proposed amendments at their meeting on March 21, 2011. After receiving public input, the commission voted to recommend the changes and to add an additional parcel in the Agricultural District.

**It is staff's recommendation that Council amend Ordinance 2010-40 to reflect the Planning Commission's recommendation and take third and final reading.**

**Third & Final Reading of Ordinance 2011-08** *[text page 1]*

**Third & Final Reading of Ordinance 2011-09** and Fifth Amendment of Agreement for Development of Joint County Industrial/Business Park. *[text page 1]*

**Second Reading of Ordinance 2011-04** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO” *[Happy Holler]*

The proposed Ordinance 2011-04 was presented to County Council on February 15, 2011, and given first reading in caption at that time. The request was then referred to the Planning Commission for recommendation and input. The Planning Commission considered the proposed rezoning and staff's recommendation at their meeting held March 7, 2011. After taking into consideration the staff's recommendation and public input, the Commission instructed the Planning Staff to contact other property owners in the area requesting public input. Staff contacted 26 property owners, and presented the finding at the Planning Commission's meeting on March 21, 2011. At this time the Planning Commission considered the public input received to date, the staff's recommendation, and voted to recommendation that County Council rezone 21 parcels into the Traditional Rural District.

The Planning Commission's recommendation includes 10 additional parcels after receiving public input.

**It is staffs recommendation that Council take Second Reading of Ordinance 2011-04 and schedule the required public hearing on or after May 17, 2011.**

**Second Reading of Ordinance 2011-05** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO” *[Hurricane Mountain]*

The proposed Ordinance 2011-05 stems from a citizen-initiated rezoning request submitted by Mr. John Allen. The request consists of 9 parcels, with a total acreage comprising approximately 900 hundred acres in the Control Free District, located off of Zion and Busch Creek Roads in Oconee County. As submitted all 9 parcels would be rezoned into Traditional Rural District (TRD). Petitions containing the signatures of 100% of the owners of the parcels in the request area were submitted in support of the proposal. County Council took first reading in caption only on February 15, 2011 and referred the request to the Planning Commission. The Planning Commission took up the request at a regularly scheduled meeting on March 7, 2011. Planning staff presented the request and made a recommendation to the Commission regarding the proposed rezoning and compliance with the Comprehensive Plan. After considering both staff and citizen input, the Commission voted unanimously to recommend Council adopts all parcels into the Traditional Rural District.

**It is staffs recommendation that Council take Second Reading of Ordinance 2011-05 and schedule the required public hearing on or after May 17, 2011.**

**Second Reading of Ordinance 2011-07** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO”

*[Long Creek Highway & Orchard Road]*

The proposed Ordinance 2011-07 was presented to County Council on March 1, 2011, and given first reading in caption at that time. The request was then referred to the Planning Commission for recommendation and input. The Planning Commission considered the proposed rezoning and staff’s recommendation at their meeting held March 7, 2011. After taking into consideration the staff’s recommendation and public input, the Commission instructed the Planning Staff to contact other property owners in the area requesting public input. Staff contacted 57 property owners, and presented the finding at the Planning Commission’s meeting on March 21, 2011. At this time the Planning Commission considered the public input received to date, the staff’s recommendation, and voted to recommendation that County Council rezone 163 parcels into the Traditional Rural District.

The Commission voted to remove 10 parcels based upon public input and so as to keep the request contiguous. The Commission also is recommending adding 11 parcels to be rezoned as TRD based upon public input.

**It is staffs recommendation that Council take Second Reading of Ordinance 2011-07 and schedule the required public hearing on or after May 17, 2011.**

**First Reading [in title only] of Ordinance 2011-10** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO”

*[Armstrong/Retreat Area]*

The proposed Ordinance 2011-10 stems from a citizen-initiated rezoning request submitted by William Porter, Jr. The request consists of 2 parcels, with a total acreage comprising of approximately 233 acres in the Control Free District, located off Armstrong and North Retreat Roads in Oconee County. As submitted both parcels would be rezoned into Traditional Rural District (TRD). Petitions containing the signatures of more than 51% of the owners of the parcels in the request area were submitted in support of the proposal. No opposition has been received to date. The Armstrong/Retreat Area has received no opposition to date.

**It is the staff’s recommendation that Council take First Reading (In Title Only) of Ordinance 2011-10, and refer the matter to the Planning Commission for the required review.**

**14. Consideration of the Following Resolutions:**

**First & Final Reading of Resolution R2011-05** “A RESOLUTION AUTHORIZING A USE AND MAINTENANCE AGREEMENT WITH THE SOUTH CAROLINA FOOTHILLS HERITAGE FAIR, ALL WITH REGARDS TO THAT CERTAIN OCONEE COUNTY PROPERTY LOCATED, GENERALLY, AT 1220 HIGHWAY 59, FAIR PLAY, SOUTH CAROLINA; AND OTHER MATTERS RELATED THERETO”

**It is staff’s recommendation that Council approve Resolution R2011-05 and direct the Administrator to execute the Use & Maintenance Agreement as provided.**

**First & Final Reading of Resolution R2011-06** “A RESOLUTION OF THE OCONEE COUNTY COUNCIL AUTHORIZING THE DONATATION OF THREE FORD CROWN VICTORIA VEHICLES TO THE CITY OF WALHALLA”

**It is staff’s recommendation that Council approve Resolution R2011-06 and direct the Administrator to facilitate transfer of the vehicles listed in the resolution.**

**15. Discussion & Possible Action Items**

*[5 min. per Action Item]*

**ITB 10-20 / \$1,595,802.43 / Pre-Engineered, Pre-Fabricated Steel Detention Cells**

On March 1, 2011, Council approved New South Construction, of Atlanta, GA to be the Construction Manager at Risk (hereafter referred to as CMAR) and Wakefield Beasley & Associates and HOK, of Norcross and Atlanta, GA, to be the Architectural/Engineering firm, for the Detention Center Project. Formal sealed bids were opened, on March 1, 2011, for Steel Detention Cells. Two bids were received, with Steel Cell of North America submitting the lowest bid. Staff requests award of this bid, prior to approval of the final jail design, in order to secure the price of cells at the current steel market price. This will avoid paying steel price increases, which are predicted to occur in the coming months. Actual cell quantities and types will be determined once the jail design is finalized and approved. An optional pricing sheet is attached and will be used to determine the quantity of each cell type (standard, ADA compliant, etc.),

based on final jail design. The contract price for detention cells will adhere to the not-to-exceed amount listed herein, regardless of cell types and quantities selected. The amount of the steel cell contract is included in the previously approved CMAR award, not to exceed \$14,000,000.

**It is staff's recommendation that Council [1] award Bid #10-20 to Steel Cell of North America, of Baldwin, GA, to provide pre-engineered, pre-fabricated steel detention cells, not to exceed \$1,595,802.43, and [2] approve assignment of Detention Cell Manufacturer (Steel Cell of North America) contract to Construction Manager at Risk (New South Construction).**

### **ITB 10-23 / estimated cost \$66,000 / Tire Dumpsite Remediation**

An unauthorized dumpsite was discovered on Ervin Rodgers Drive, in Walhalla, SC. SCDHEC's Office of Solid Waste Reduction and Recycling is funding this project, since all legal action has been exhausted, including fines, jail time, restitution, etc. Contractor services include removal and proper disposal of scrap tires and materials located at this ten acre site.

On March 22, 2011, formal sealed bids were opened. Four bids were received, with Young's General Contracting, Inc., submitting the lowest bid of \$300.00 per ton. Bidders attended a site visit in order to provide an estimated tonnage for the project which ranged from 125 to 220 tons. The approximate project total (highest estimated tonnage x price per ton) is \$66,000. The project total and tonnage estimate is given for informational purposes only; payment will be \$300 per ton and documented with disposal tickets showing the actual tonnage disposed. This award is submitted for Council's approval based on the highest estimated tonnage. The actual total will not be confirmed until all disposal tickets are reviewed.

No County funds will be used for this project. A Waste Tire Grant is funding this project, through SCDHEC's Office of Solid Waste Reduction and Recycling.

**It is staff's recommendation that Council [1] Award ITB 10-23, Tire Dump Site Remediation, to Young's General Contracting, Inc., of Poplar Bluff, MO, to perform required services associated with removal and disposal of approximately 12,000 scrap tires located at an unauthorized dumpsite. Estimated dollar amount is \$66,000 based on price of \$300 per ton and [2] Authorize payment of actual dollar amount, based on \$300 per ton, once all disposal tickets are received.**

### **Consent Agenda Item / Five Local & State ATAX Requests**

1. Local ATAX / AAA Magazine / \$1,700 / 1/6 page advertisement  
AAA regional magazine is delivered to 1.1 million homes in NC and SC bi-monthly and places Oconee County in front of those for consideration when making travel plans. The goal of broad based marketing is to get the attention of the reader so they may further explore the opportunities through our website.
2. Local ATAX / Atlanta Magazine / \$1,350 / 1/2 page advertisement  
Atlanta Magazine has over 390,000 readers each month as is the #1 best selling magazine in local news stands in the Atlanta market. This ad will showcase Oconee County for vacation opportunities.
3. State ATAX / Oconee Preservation Unlimited Stewardship Trust / \$2,960 / B4 Appalachian Roots Festival / Ads: Bluegrass Unlimited Magazine, Radio & TV  
The B4 Appalachian Roots Festival is a celebration of the musical and cultural roots of the Appalachian region focusing on Bluegrass, Blues, BBQ and Brews! It is a two day festival June 10 and 11 in Westminster.
4. State ATAX / Seneca Fest/ \$5,000 / TV Advertising  
The SenecaFest is the annual Memorial Day weekend festival featuring a Barbeque Cook-Off, open air concerts [featuring Stone Echo and Bad Company this year], classic car cruise-in, vendors and Arts on the Alley.
5. State ATAX / Walhalla Merchants / \$3,302 / May Fest  
Due to tourism impact of previous festivals, the ATAX committee approved a portion the original request which was \$5,616.96. The Mayfest is an Annual Downtown Festival featuring Oconee cultural entertainment, crafts, vendors.

**It is staff's recommendation that Council approve the five State & Local ATAX requests listed above.**

### **Doug Hollow Road Abandonment/Relocation Discussion/Action by Council**

**MOTION TO AMEND AGENDA to add Resolution R2011-07 for discussion/action**

**First & Final Reading of Resolution R2011-07 "A RESOLUTION AUTHORIZING THE INITIATION OF A DECLARATORY JUDGMENT ACTION TO DETERMINE LEGAL INTERESTS IN CERTAIN REAL PROPERTY; CONDITIONALLY ACCEPTING TRANSFER OF CERTAIN RIGHT-OF-WAY FROM THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION; AND OTHER MATTERS RELATED THERETO."**

### **Oconee County Medical Plan Renewal for FY 2011-2012 / estimate \$4,308,215.90**

Oconee County operates a self-funded medical plan for employees and retirees. The Plan year runs from May 1<sup>st</sup> thru April 30<sup>th</sup>. Renewals are addressed at this time of year so that claims information through February can be used to estimate the renewal costs of the Stop-Loss portion of the medical plan. The Stop-Loss is in effect insurance the County purchases to reimburse the County for any individual's claims that exceed a \$75,000 dollar amount during the year. This year our Third Party Administrator (Benefit Administrators Inc.) received quotes from 11 (eleven) different

insurance companies to ensure that the County receives the best available price for this coverage which requires up to date information on specific claims. Estimates of claims for the year are based on prior experience and plan design, including wellness initiatives. The largest cost of the Health Benefit is for the Medical Claims, which vary significantly from year to year. The current plan year from May 1, 2010 to February 28, 2011 has seen an increase in the amount of claims. We believe this is due to the impact of health care reform and several major catastrophic medical issues. The new health care legislation will have an impact on our costs in the future; however we still have been unable to quantify that effect at this time, due to no clear direction from the government. We will have several changes to our plan to comply with the new health care regulations. No lifetime maximum benefit on health coverage, no limits on wellness, no preexisting limitations on dependant age 19 or under & dependants may now stay on our plan until age 26. The County would like to continue with the Nurse Practitioner program. This has provided a valuable benefit to the County employees while reducing medical claims, time away from the job for office visits and with a 9 month return on investment of \$56,772. This program has proven to be a cost effective means of reducing expense and promoting a culture of wellness. We would like to increase the clinic time for (1) extra hour each available day to give the Nurse time to chart records of patients' treated. The cost of this program will increase from \$27,000 to \$35,000 which is included in the estimated cost for 2011-2012. Regarding retiree premiums, employees with 20 continuous years of service will pay a monthly premium of \$150.00, if the retiree is under age 65 or \$130.59 monthly for retirees age 65 and older. This will allow (6) retirees that qualified with 28 years of continuous service with Oconee County, prior to this action, to maintain monthly premiums at \$32.50, in a grandfather status..

**It is staff's recommendation that Council approve [1] the renewal for 2011/20012 plan year with Berkley Life (Option 1), with no change to current level of benefits or premiums, [2] maintain the Nurse Practitioner program and authorizing the administrator to execute renewal of the Service agreement as outlined above, [3] set the retiree medical premium at the levels as stated above, and [4] approve the health plan.**

## 16. Board & Commission Appointments

*[Full Applicant Listing provided]*

Board of Zoning Appeals – Dist IV need new appointment - *no applicants on file*

Aeronautics Commission – District V Representative needed; Mr. Fred Golden resigned - *no applicants on file*

Anderson/Oconee Behavioral Health Services Commission – Billie Walsh resigned – Commission recommendation to Council for replacement: Steve Jenkins *[backup email provided]*

Capital Project Advisory Committee – Council needs to appoint the following positions: Two At Large Positions, County Council Member and a Planning Commission Member – *applicant listing provided*

Planning Commission – At Large Seat Vacant / Recommendation from Planning Commission not yet received

Worklink Board – reappointment of Mr. Butch Harris to Oconee County Seat

## 17. Commission / Board Reports to Council

*[ten minute maximum]*

None at this Meeting.

## 18. Council Committee Reports

## 19. Administrator Report

## 20. Old Business

**Administrator's request for Approval for a New Position** for an Assistant Administrator position for External Services *[in accordance with Phase I of the proposed Oconee County Fire Plan]*

**Administrator's Request for Approval to issue an RFQ** for sewer services to be provided at the Oconee County Golden Corner Commerce Park *[follow-up discussion/action from 2/15/11 meeting]*

## 21. New Business

## 22. Executive Session

*[for the purpose of discussing a contractual matter related to a possible real estate transaction]*

- Vote/Action on matters discussed in Executive Session

*[if required]*

## 23. Adjourn

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

**Assisted Listening Devices [ALD] are available to accommodate the special needs of citizens attending meetings held in Council Chambers.**

**ALD requests should be made to the Clerk to Council at least 30 minutes prior to the meeting start time.**

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]