



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
February 1, 2011

MEMBERS, OCONEE COUNTY COUNCIL

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

Oconee County Council met on Tuesday, February 1, 2011 at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, Thomas L. Martin County Attorney, County Administrator Scott Moulder 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, Dick Mangrum – WGOG Radio & Carlos Galarza - Daily Journal.

Call to Order: Mr. Thrift called the meeting to order at 6:00 p.m.

Extended Public Comment Session:

Pioneer Rural Water District's Proposed Water Treatment Plant/Mr. Glen McPheeters

Mr. Glen McPheeters, acting as spokesman for "Stop Pioneer Now Coalition", addressed Council reading from a prepared statement [copy filed with these minutes] voicing concerns and opposition to the proposed water treatment plant planned for his residential community in Fair Play.

Public Comment Session [related to specific agenda items]:

No Citizens addressed agenda specific items at this meeting.

Public Comment Session [related to non-agenda items]:

Mr. Tom Ward addressed Council in support of Council approving an ordinance establishing a land conservation bank for Oconee County.

Mr. Phil Soper addressed Council asking for clarification regarding when three or more Council members attend a meeting and/or event and when it would constitute a quorum of Council and an official meeting requiring advertisement and an agenda.

Mr. Baylus Morgan addressed Council voicing opposition to Council's approval of Ordinance 2010-16 at the last meeting with the agricultural residential designation.

Mr. Brit Adams addressed Council regarding transparency in government.

Mr. Tom Markovich addressed Council in support of Council's workshop with the Planning Commission stating his hope that the meeting would result in clearing up confusion related to the zoning process.

Mr. B. J. Littleton addressed Council asking Council to rescind passage of Ordinance 2010-16 and revote.

County Council Response to Public Comment:

County Attorney Response to Quorum Question from Citizen

Prior to Council comments, Mr. Thrift asked the County Attorney, Mr. Martin, to address the issue raised by Mr. Soper regarding what constitutes a quorum/meeting when three or more Council members are present at a meeting and/or event.

Mr. Martin stated the following facts:

- 3 or more members of Council constitutes a quorum for a Council meeting
- Council Meeting Definition: If county business is being discussed and if Council are participating in the meeting then it constitutes a meeting of Council
- If a meeting of another body [i.e., SDOC, Sewer Commission, etc.] for other purposes is taking place and 3 or more members of Council are in attendance as spectators to observe the actions of the group this DOES NOT constitute a meeting of Council. In order to have a Council meeting you must have both a quorum of Council members and activity regarding County Council business.
- Chance meetings of Council members when business is not being conducted does not constitute a meeting of Council

Based on information provided that three Council members were in attendance at the January 24, 2011 Planning Commission meeting as observers this did not constitute a quorum of Council requiring advertisement and an agenda.

Mr. Corbeil noted that the members present at the January 24th Planning Commission meeting are also members of Council's Planning & Economic Development Committee. He stated that as matter discussed at the Planning Commission are likely to come forward to this Committee and ultimately Council that members wished to be informed of activities in order to make well informed decisions at Committee meetings and/or Council meetings.

Mr. Dexter asked the Administrator to meet with concerned citizens and representatives from Pioneer Water to see if he could help identify a solution regarding their proposed treatment plant on Lake Hartwell. Council asked that this be brought up under new business for Council action.

Meeting Recess:

Mr. Thrift recessed the meeting to 6:42 p.m.

Meeting Reconvene:

Mr. Thrift reconvened the meeting to 7:00 p.m.

Pledge of Allegiance:

Mr. McCall led the Pledge of Allegiance to the United States of America.

Minutes:

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 that the minutes from the January 18, 2011 regular meeting be adopted as printed.

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 that the minutes from the January 27, 2011 strategic planning retreat meeting be adopted as printed noting that the report being prepared by the meeting's facilitator will be incorporated as part of these minutes upon receipt.

Consideration of the Following Resolutions:

Resolution R2011-03

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Resolution R2011-03** "A RESOLUTION BY OCONEE COUNTY REQUESTING THAT THE SOUTH CAROLINA LEGISLATURE APPROVE LEGISLATION MAKING COCKFIGHTING A FELONY IN THE STATE OF SOUTH CAROLINA" on first and final reading.

Resolution R2011-04

Mr. Wesley Crum, Esq. and Mr. Jim Alexander addressed Council regarding this resolution and inducement agreement. Mr. Crum noted that this is for a tax reduction for 5 years versus a standard FILOT for up to 40 years. Mr. Alexander noted that this will be a \$3.5 million dollar investment, initially creating 40 jobs.

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to approve **Resolution R2011-04** "A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND ALTERA POLYMERS LLC; WHEREBY, UNDER CERTAIN CONDITIONS, OCONEE COUNTY WILL PROVIDE AN INFRASTRUCTURE TAX CREDIT TO ALTERA POLYMERS" and Inducement Agreement on first and final reading.

Discussion & Possible Action Items:

Prior to discussion of these two agenda items, Mr. Thrift stated that he was recusing himself [form filed with these minutes] from discussions and voting on these matters. He noted that the company recommended to be awarded the two bids is owned by a family member. He stated that he has no financial interest in that company but he chose to recuse himself to avoid any appearance that his family is being given preference.

Mr. Thrift left Chambers and Mr. Corbeil led discussion and action on the following two issues.

ITB 10-09 / \$113,758 + Contingency / Golden Corner Commerce Park Entrance Road

Mr. Barron made a motion, seconded by Mr. Dexter, approved 4 – 0 - 1 to (1) Approve Thrift Brothers, Inc, of Seneca, SC, to perform required services associated with providing an entrance road to the Golden Corner Commerce Park, located adjacent to the cross section of Hwy 59 and Feltman Road near Fair Play, South Carolina, for a fee of \$113,758, (2) Approve contingency funding, in the amount of twenty percent (\$22,751), to be reserved for change orders if required, and (3) Authorize the Administrator to sign change orders within the contingency amount stated above.

ITB 10-17 / \$559,235 + Contingency / Manned Convenience Center on N. Strawberry Farm Rd

Mr. McCall made a motion, seconded by Mr. Barron, approved 4 – 0 – 1 to [1] Award of bid # 10-17 Manned Convenience Center on N. Strawberry Farm Rd to Thrift Brothers, Inc of Seneca, SC for the amount of \$559,235, [2] Approve Contingency in the Amount of \$3,914.45 for any change orders that may arise, and [3] Authorize the County Administrator to sign/approve any change orders up to the contingency amount.

Mr. Thrift returned to Chambers at this point in the meeting.

Board & Commission Appointments:

Emergency Services Commission

District I: Mr. Corbeil made a motion seconded by Mr. Barron, approved 5 – 0 to reappoint Mr. Tom Stultz as the District I representative on this Commission with his term being co-terminus with the District I Council seat.

District III: Mr. Barron stated that he was not prepared to make an appointment at this meeting and asked that this be deferred to a future meeting. Council concurred.

Building Codes Appeal Board

District IV: Mr. Thrift noted that Mr. Mike Willimon has resigned from the Oconee County Zoning Appeal Board making him eligible for appointment to his Board. Mr. Thrift made a motion, seconded by Mr. Dexter, approved 5 – 0 to appoint Mr. Mike Willimon as the District IV representative on this Board.

District V: Mr. Dexter thanked Mr. Forrest Fuller for his services on this Board, noting that Mr. Fuller did not wish to be reappointed. Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 to appoint Mr. Harry Tollison as the District V representative on this Board.

Commission & Board Reports to Council:

Aeronautics Commission

Mr. Kevin Short, Airport Director, addressed Council on behalf of the Commission utilizing a PowerPoint presentation [copy filed with these minutes] highlighting activities and accomplishments during the last year.

Council Committee Reports:

Transportation Committee Schedule Change

The Transportation Committee meeting scheduled for Tuesday, February 22, 2011 has been cancelled and rescheduled to Thursday, February 17, 2011 at 7:00 p.m. in Council Chambers.

Law Enforcement, Public Safety, Health & Welfare Committee Meeting Cancellation

The Law Enforcement, Public Safety, Health & Welfare Committee meeting scheduled for Tuesday, February 22, 2011 has been cancelled. The Clerk to Council will advertise the rescheduled date once scheduled.

Administrator's Report:

Legislation [S483 / H3508] Potentially Impacting Oconee County Broad Band Grant

Mr. Moulder informed Council that new legislation [S483 / H3508 – copies filed with these minutes] sponsored by AT&T may impact the Broad Band Grant project either stopping the project completely or making it impossible for Oconee County to comply with the grant requirements. Mr. Moulder stated he had been in contact with SCAC who stated they would work on Oconee County's behalf regarding this legislation. Mr. Moulder noted that this issue was fast tracked and could reach the floor within 10 days.

Legislation [H3389] Potentially Impacting Oconee County C&D Landfill

Mr. Moulder informed Council that proposed legislation [H3389 - copy filed with these minutes] would require that all C&D landfills be lined; thereby increasing costs dramatically for the county in the future. He noted that DHEC recently distributed new composting regulations for landfills. Lastly, Mr. Moulder stated that he has been in contact with SCAC and that he felt confident that it would be defeated.

Old Business:

None discussed at this meeting.

New Business:

External Auditor's Presentation of FY 2009-2010 CAFR [Comprehensive Annual Financial Report]

Mr. Chuck Talbert, McAbee, Talbert, Halliday & Company, addressed Council utilizing a PowerPoint presentation [copy filed with these minutes] highlighting aspects of the FY 2009-2010 CAFR [copy filed with these minutes] and a Management Letter giving Oconee County an unqualified {clean} opinion [copy filed with these minutes].

Ms. Kendra Brown, Finance Director, addressed Council also noting that the year end position for the unreserved fund balance of \$13,423 million would cover approximately 4 months of operating expenses; well within the GFOA recommended 3-6 months.

Mr. Moulder noted that before the end of the current fiscal year he will be bringing to Council for adoption recommended policies/procedures required by GASB 54.

Additional discussion followed.

Administrator to meet with Citizens/Pioneer Water Representatives

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 to direct the Administrator to meet with concerned citizens and representatives from Pioneer Water to see if he could help identify a solution regarding their proposed treatment plant on Lake Hartwell.

Oconee County Code of Ordinance Amendment – Section 32-4 / Planning Commission

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to instruct the County Attorney to submit for first reading at our next scheduled regular meeting an amendment to Section 32-4 of the Oconee County Code of Ordinances, with respect to Membership of the Oconee County Planning Commission to make it clear that while we welcome recommendations by the Soil and Water Commission, Planning Commission and other entities for the two At Large Planning Commission members, and solicit them, such recommendations are not required for the County Council to make such appointments nor is the Council bound by them, and that the Council can

appoint these positions directly and at any time such appointments are otherwise due, with or without such recommendations, subject to all other requirements of law and of the Oconee County Code of Ordinance.

Visiting Dignitaries from China / Johnson Controls

Mr. McCall noted that dignitaries from China visiting Johnson Controls will visit Council at the February 15, 2011 meeting.

Oconee County Boards & Commissions – Open Seats

Mr. Thrift again solicited citizens interested in serving on Council appointed boards and commission to contact the clerk to fill out a questionnaire.

Community Development Block Grant

Mr. Dexter provided Council with copies of the Community Development Block Grant information and asked that they advise leaders in their communities of the availability. This is also posted to the Council website as part of the backup for the meeting

Legislation / Potential Property Tax Change

Mr. Dexter wanted to make the public aware that there are several bills before the legislature regarding changes to property taxes in South Carolina. He noted that several could have a negative impact on Oconee County as we do not have a diversified revenue stream as other counties do.

Adjourn:

Mr. McCall made a motion at 8:44 p.m. to adjourn the meeting. The motion was approved unanimously.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council