



# AMENDED A G E N D A

## OCONEE COUNTY COUNCIL MEETING

### November 18, 2014

### 6:00 PM

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

### Call to Order

### Public Comment Session / Agenda Action Items Only

Council will hear public comment during this portion of the meeting for Agenda Action Items on today's agenda only. Agenda Action Items are defined as Administrator Report Items, Ordinances, Resolutions, Proclamations, Action Items, advertised Old Business items, advertised New Business items and Recommendations from Committee ONLY.

*Combined the two Public Comment Sessions at this meeting are limited to a total of forty (40) minutes, four (4) minutes per person.*

### Council Member Comments *[Council may take a brief recess after Public Comment or Council Comments]*

### Moment of Silence

### Invocation by County Council Chaplain / Mr. Tom Martin

### Pledge of Allegiance to the Flag of the United States of America

### Approval of Minutes

- October 21, 2014 Regular Meeting

### Presentations to Council

*[2 max per meeting / 10 min. maximum per presentation]*

**Transit Advisory Task Force Committee Presentation** *Mr. Moulder, Mr. Chip Burger/URS*  
*[Action regarding recommendation requested under Discussion/Action Items]*

### Administrator Report & Agenda Summary

### Public Hearings regarding the following Ordinances

**Ordinance 2014-23** "AN ORDINANCE TO AMEND OCONEE COUNTY ORDINANCE 2014-02, THE BUDGET ORDINANCE FOR THE SCHOOL DISTRICT OF OCONEE COUNTY (the "School District") FOR THE FISCAL YEAR BEGINNING JULY 1ST, 2014 AND ENDING JUNE 30TH, 2015, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, SO AS TO REFLECT THE USE OF ADDITIONAL TAX REVENUE AND ADDITIONAL DELINQUENT TAX COLLECTIONS, INCLUDING PENALTIES AND INTEREST, AND DECREASE THE USE OF FUND BALANCE, ALL ON THE REVENUE SIDE OF THE BUDGET; AND OTHER MATTERS RELATED THERETO"  
*[see ordinance detail description, page #2]*

**Ordinance 2014-24** "AN ORDINANCE AUTHORIZING AND DIRECTING THE PROVISION OF COUNTY-FUNDED LEGAL REPRESENTATION, DEFENSE, AND LIMITED INDEMNIFICATION FOR OCONEE COUNTY EMPLOYEES IN CERTAIN LIMITED CIRCUMSTANCES INVOLVING THE DIRECTION AND PERFORMANCE OF OFFICIAL DUTIES; AND OTHER MATTERS RELATED THERETO"  
*[see ordinance detail description, page #2]*

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## Third & Final Reading regarding the following Ordinances

### Ordinance 2014-23

*[see caption page #1]*

The School District of Oconee County [SDOC] is increasing two revenue line items in the general fund school operations budget.

- Local tax revenue is estimated to be \$42,583,424; an increase in local tax revenue of \$577,000.
- Late penalties & fees for delinquent tax collections, to be used as revenue in the budget, are estimated to be \$250,000; no money was originally budgeted for this line item.
- The revenue increase in the budget, for both changes, totals \$827,000

### Ordinance 2014-24

*[see caption page #1]*

This ordinance is designed to cover all county employees who are engaged in their official duties and are sued. The ordinance addresses specifically a gap in South Carolina state law regarding immunity for public officials. An employee[s] can be sued, found innocent and deemed to have acted within their authority; however, attorney fees for their defense in a suit may not be awarded by a judge. This leaves the employee[s] with huge legal fees for their defense when they were acting within the scope of their official duty.

The South Carolina Ethics Commission [SCEC] was asked for an informal opinion at the request of a Council member through the County Attorney to identify the appropriateness of council members voting on an ordinance which they might in the future benefit from. The SCEC's informal opinion was that as the council members are part of a large class, i.e., all Oconee County employees; therefore, as members of a large class they do not need to remove themselves from discussing and voting on the proposed ordinance.

Lastly, this ordinance will **NOT** cover employees if they are deemed to have acted outside of their official duties by a court of law.

## Second Reading regarding the Following Ordinances

### Ordinance 2014-26 “AN ORDINANCE TO AUTHORIZE THE ACCEPTANCE OF ELECTRONIC SIGNATURES FOR CERTAIN OCONEE COUNTY TRANSACTIONS IN ACCORDANCE WITH THE SOUTH CAROLINA UNIFORM ELECTRONIC TRANSACTION ACT AND TO AUTHORIZE AN ELECTRONIC SIGNATURE POLICY IN ACCORDANCE WITH SECTION 26-6-190(A) OF THE SOUTH CAROLINA CODE OF LAWS; AND OTHER MATTERS RELATED THERETO”

Proposed ordinance 2014-26 stems from the County's One-Stop-Shop initiative which has been focused on streamlining processes and making government more user friendly overall. Part of the One-Stop-Shop initiative has been the implementation on new permitting software in the Community Development department. The software is cloud based which allows citizens to navigate the County's permitting process online from the comforts of their home or office or from a job site. Part of the permitting processes requires a signature from the applicant. Ordinance 2014-26 establishes procedures related to the acceptance of electronic signatures. Ordinance 2014-26 will not only apply to the Community Development department. This ordinance establishes electronic signature policies for all County operations. Having these procedures in place is crucial as the County moves forward with the One-Stop-Shop program and as the County transitions to operating in a digital environment in order to best serve the citizens of Oconee County.

## First Reading of the Following Ordinances

### Ordinance 2014-28 “AN ORDINANCE AMENDING CHAPTER 32 AND CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING HEIGHT RESTRICTIONS FOR STRUCTURES LOCATED IN ZONED INDUSTRIAL DISTRICTS AND FOR STRUCTURES LOCATED IN AREAS DESIGNATED BY OCONEE COUNTY AS COUNTY INDUSTRIAL PARKS; AND OTHER MATTERS RELATED THERETO.”

Proposed ordinance 2014-28 stems from a desire to ensure Oconee's land use regulations take into account the evolving needs of industrial development. Rapid technological advances are allowing companies to design and build facilities that ensure increased operational efficiencies. Ordinance 2014-28 will increase allowable height for property zoned in the Industrial District and for County Industrial Parks. Ordinance 2014-28 will help ensure that Oconee County maintains its competitive edge when recruiting new industry and when working with existing industry.

**It is staff's recommendation that Council**

**[1] take first reading of Ordinance 2014-28, and**

**[2] forward to the Planning Commission for consideration/recommendation to be returned before Council's December 2, 2014 regular meeting.**

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**Ordinance 2014-29** *[in title only]* ‘AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA (THE “COUNTY”) AND A COMPANY IDENTIFIED FOR THE TIME BEING AS **PROJECT SARAH**, ACTING FOR ITSELF, AND/OR ONE OR MORE AFFILIATES OR OTHER PROJECT SPONSORS (THE “COMPANY”), PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE ESTABLISHMENT AND/OR EXPANSION OF CERTAIN FACILITIES IN THE COUNTY (COLLECTIVELY, THE “PROJECT”); (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; (3) CERTAIN SPECIAL SOURCE REVENUE CREDITS IN CONNECTION WITH THE PROJECT; AND (4) OTHER MATTERS RELATING THERETO”

Ordinance 2014-29 and inducement resolution R2014-18 puts into place a fee-in-lieu-of-taxes agreement (FILOT) between Oconee County and Project Sarah. The company will locate this capital investment in Oconee as part of this incentive offered from the County.

Ordinance 2014-30 expands the multi-county park to include the property associated with Project Sarah.

**Ordinance 2014-30** *[in title only]* “AN ORDINANCE AUTHORIZING AND APPROVING (1) DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN CONJUNCTION WITH PICKENS COUNTY (THE “PARK”), SUCH PARK TO BE, AT THE TIME OF ITS INITIAL DEVELOPMENT, GEOGRAPHICALLY LOCATED IN OCONEE COUNTY AND TO INCLUDE CERTAIN PROPERTY NOW OR TO BE HEREAFTER OWNED AND/OR OPERATED BY A COMPANY IDENTIFIED FOR THE TIME BEING AS **PROJECT SARAH**; (2) THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH PICKENS COUNTY AS TO THE REQUIREMENT OF PAYMENTS OF FEE IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO PARK PROPERTY AND THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; (3) THE DISTRIBUTION OF REVENUES FROM THE PARK WITHIN OCONEE COUNTY; AND (4) OTHER MATTERS RELATED THERETO”

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Ordinance 2014-30 expands the multi-county park to include the property associated with Project Sarah.

**Ordinance 2014-31** *[in title only]* “AN ORDINANCE TO ALLOW AN EXISTING MULTI-COUNTY INDUSTRIAL PARK AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND WILLIAMSBURG COUNTY, SOUTH CAROLINA TO EXPIRE; TO DEVELOP A MULTI-COUNTY INDUSTRIAL PARK IN CONJUNCTION WITH PICKENS COUNTY, SOUTH CAROLINA, ESTABLISHED PURSUANT TO THE SOUTH CAROLINA CODE OF LAWS OF 1976, SECTION 4-1-170, ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH PICKENS COUNTY REGARDING THE MULTI-COUNTY PARK JOINTLY DEVELOPED WITH PICKENS COUNTY; TO RELOCATE PROPERTY TO THE MULTI-COUNTY PARK JOINTLY DEVELOPED WITH PICKENS COUNTY; AND OTHER RELATED MATTERS RELATED THERETO.

This ordinance allows for a current Multi-County Industrial Park (MCIP) Agreement with Williamsburg County to expire and establishes a new MCIP and Agreement with Pickens County. The original MCIP was established in 1994 and the Agreement is set to expire in December of 2014. The Ordinance cleans up the current situation and establishes a new, viable and continuing MCIP Agreement with Pickens County. The Ordinance will also allow for property currently in the MCIP established with Williamsburg County to transfer to the new MCIP.

## First & Final Reading of the Following Resolutions

**Resolution R2014-17** “A RESOLUTION DECLARING THE RESULTS OF A REFERENDUM HELD ON NOVEMBER 4, 2014, ON THE QUESTION OF THE IMPOSITION OF A ONE PERCENT CAPITAL PROJECTS SALES AND USE TAX IN THE COUNTY OF OCONEE, SOUTH CAROLINA; AND OTHER MATTERS RELATED THERETO.”

Resolution R2014-17 is related to the certification of the Capital Project Sales Tax Referendum question on the November 4, 2014 ballot. This resolution is required by South Carolina state law regardless if the question was passed by the voters.

**Resolution R2014-18** “A RESOLUTION AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA (THE “COUNTY”) AND A COMPANY IDENTIFIED FOR THE TIME BEING AS **PROJECT SARAH**, ACTING FOR ITSELF, AND/OR ONE OR MORE AFFILIATES OR OTHER PROJECT SPONSORS (THE “COMPANY”), PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE ESTABLISHMENT AND/OR EXPANSION OF CERTAIN FACILITIES IN THE COUNTY (COLLECTIVELY, THE “PROJECT”); (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; (3) CERTAIN SPECIAL SOURCE REVENUE CREDITS IN CONNECTION WITH THE PROJECT; AND (4) OTHER MATTERS RELATING THERETO.”

Ordinance 2014-29 and inducement resolution R2014-18 puts into place a fee-in-lieu-of-taxes agreement (FILOT) between Oconee County and Project Sarah. The company will locate this capital investment in Oconee as part of this incentive offered from the County.

Ordinance 2014-30 expands the multi-county park to include the property associated with Project Sarah.

## Discussion Regarding Action Items

### Transit Advisory Task Force Committee Recommendation to Council

The Oconee County Transit Advisory Task Force Committee was created in August 2013 and first met in January 2014 to review potential transit options in Oconee County. The committee was made up of 11 members including representatives from the county, the five municipalities, SCDOT, CAT and at large representatives.

The Oconee County Transit Implementation Final Report [dated October 2014] [copy filed with these minutes] contains 5 recommendations to Council covering governance, phasing of routes, vehicles, designated bus stops and continuing fare free.

**The Transit Advisory Task Force Committee requests that Council commit to funding expansion for the Purple [Seneca to Walhalla] and Green [Seneca to Westminster] Routes for Fiscal Year 2016 as presented in the Final Report.**

### Professional Services / Davis & Floyd / Road Improvements Stone Pond Subdivision / not to exceed amount of \$318,865.00

Stone Pond Subdivision has an internal private road system that serves as access to property within the subdivision. A special tax district was created to pay for improving roads within the subdivision to meet current Oconee County public road standards, with the exception of Devonhurst Drive. Devonhurst Drive will be improved as part of the project; however, at the choice of the property owners along Devonhurst Drive, the improvements will not be equal to Oconee County public road standards and therefore will not be considered for acceptance for maintenance by Oconee County at the conclusion of the project.

At the March 20, 2012 meeting, Council approved the award of RFP 11-15 for On Call Engineering Services to Davis & Floyd, Inc., of Greenwood, SC for Category C: On Call Roadway & Bridge Services. The Roads & Bridges Department now wishes to contract with Davis & Floyd to provide engineering services to improve roads in the Stone Pond Subdivision. Services provided include: topographic survey, field investigation, geotechnical exploration, road and storm drainage design, permitting, utility coordination, developing project specifications, bidding and construction administration, replacement of property corners, as-built survey, and full time inspection services.

The project was at a stand-still for several months due to easement issues on foreclosure properties. Those issues have been resolved, and we are requesting Council approval to resume the professional services work.

**It is the staff's recommendation that Council approve the not to exceed professional services fee of \$318,865.00 to Davis & Floyd, Inc., of Greenwood, SC.**

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## **RFP 14-05 / Road Assessment Services / \$127,853.66**

RFP 14-05 was issued on September 4, 2014, to seek qualified firms to perform the following services: collecting asset inventory data of the length and nominal width of all County maintained roads, imaging of the entire County road system, assessment of pavement conditions, and developing a Pavement Condition Index score for all County maintained roads. This information will be used by County staff and administration to determine how best to maintain and extend the life of the County's roadway assets and insure that available funding is optimized and road maintenance is performed at optimal times.

Thirteen firms were notified of this RFP and four proposals were received on October 2, 2014. An Evaluation Committee consisting of Mack Kelly, County Engineer and Director of Public Works, Kyle Reid Assistant Roads & Bridges Manager, Linda Shugart, Assessor, Lisa Simmering, County GIS Department and Matthew Anspach, County Planner reviewed and scored the proposals and recommended two firms to continue on to the Interview Round. Interviews were held on October 30, 2014 and Transmap Corporation, of Upper Arlington, Ohio, was recommended for award.

BUDGET: \$155,562 Project: \$127,853 BALANCE: \$28,108

**It is the staff's recommendation that Council approve the award of RFP 14-05, Road Assessment Services, to Transmap Corporation of Upper Arlington, OH in the amount of \$127,853.66.**

## **Old Business**

*[to include Vote and/or Action on matters brought up for discussion, if required]*

### **Oconee Courthouse Ventures, LLC Funding Report** *Mr. John Powell / Mr. Jim Carswell*

Council made a motion [approved unanimously] at their September 16, 2014 regular meeting to require Oconee Courthouse Ventures, LLC to [1] authorize additional time to allow for construction financing commitments to be made, documented and provided to Council by December 31, 2014, and [2] this extension is made contingent upon receiving documentation confirming their lending institutions commitment regarding the permanent financing for the project which is to be provided at the October 21, 2014 regular council meeting.

At the October 21, 2014 Council tabled action on this matter until the November 18, 2014 meeting.

## **New Business**

*[None scheduled at this meeting.]*

*[to include Vote and/or Action on matters brought up for discussion, if required]*

## **Board & Commission Appointments**

*Oconee County Council is seeking interested citizens wishing to serve on council appointed Boards or Commissions. Questionnaires are required for all interested applicants and can be obtained on the Council Website, at the County offices or from the Clerk to Council.*

*Council will actively begin appointments and/or reappointments for district specific seats [District I, III and some At Large Seats] for many Boards/Commissions beginning on January 20, 2015.*

- Arts & Historical Commission – District I Vacant *[1 Questionnaire on file]*
- Conservation Bank Board – Appointed by Category: Board Member or Exec. Officer of Charitable Corporation *[No Qualified Questionnaires on file]*

## **Executive Session**

*[for the purpose of discussing a personnel matter, several Economic Development matters and a litigation matter]*

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

## **Public Comment Session / Non Agenda Action Items *[time permitting]***

Council will hear public comment during this portion of the meeting for Non-Agenda Items

*Combined the two Public Comment Sessions at this meeting are limited to a total of forty (40) minutes, four (4) minutes per person.*

## **Council Member Comments**

## **Adjourn**

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.

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