



A G E N D A

OCONEE COUNTY COUNCIL MEETING

December 2, 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.

Extended Public Comment

(Limited: 2 citizens per mg. for 5 minutes, prior scheduling required)

Public Transportation & Air Quality

Ms. Susie Cornelius

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

- November 18, 2014 Regular Meeting

Presentations to Council

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

FOLKS *[Friends of Lake Keowee]* Presentation

Mr. Ben Turetzky, President

Administrator Report & Agenda Summary

Public Hearings 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"

Third & Final Reading regarding the following Ordinances

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”

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

A Public Hearing was held on November 18, 2014 and Council initiated third reading. This matter was tabled after a motion to amend and present the amended ordinance at the December 2, 2014 meeting for consideration. There is an open motion on the floor to approve **Ordinance 2014-24** on third and final reading.

Ordinance 2014-26

[See Caption page 1]

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.

Second Reading regarding 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 it competitive edge when recruiting new industry and when working with existing industry.

Ordinance 2014-29 ‘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 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.

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Ordinance 2014-30 “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”

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

Ordinance 2014-31 “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 Reading of the following Ordinances

Ordinance 2014-27 AN ORDINANCE TO ACKNOWLEDGE AND AUTHORIZE THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN OCONEE COUNTY AND THE CITY OF WESTMINSTER FOR THE PROVISION OF A COUNTY MAGISTRATE TO ACT AS MUNICIPAL JUDGE FOR THE CITY OF WESTMINSTER; AND OTHER MATTERS RELATED THERETO

First & Final Reading of the following Resolutions

Resolution R2014-19 “A RESOLUTION AUTHORIZING AN INDUCEMENT AND MILLAGE RATE AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND **CASTO SOUTHEAST REALTY SERVICES, LLC** RELATING TO THE COUNTY’S EXECUTION AND DELIVERY OF A FEE AGREEMENT AND AN INFRASTRUCTURE IMPROVEMENT CREDIT RELATED TO THE FEES IN LIEU OF TAXES THEREUNDER PURSUANT TO TITLE 12, CHAPTER 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, AND THE PLACEMENT OF CERTAIN PROPERTIES IN A MULTI-COUNTY INDUSTRIAL/BUSINESS DEVELOPMENT PARK ESTABLISHED BY THE COUNTY.”

This is an economic development project previously referred to as "Project Fountain" by the Oconee Economic Alliance that entails a mixed-use development that will result in an estimated \$30,000,000 capital investment that will yield 300 new jobs. This development also will serve as a catalyst for the Hwy 123 corridor east of Seneca, redevelop a former textile site and be a "gateway project."

It is the staff’s recommendation that Council approve Resolution R2014-19 on first and final reading.

Discussion Regarding Action Items

Stub Taxiway and Powerline Relocation Project / Airport / \$120,000.00

At the October 18, 2011 meeting, Council approved the award of RFP 11-03 for Professional Services – Airport Engineer and Consultant, to W. K. Dickson and Company, Inc. of Columbia, SC for a five year term for services as needed. Projects exceeding \$50,000 are brought back to Council individually for approval. Currently, landing aircraft have to continue the length of the runway to get to the taxiway leading to the ramp. This means the runway is un-usable during peak periods, until traffic clears and aircraft burn additional fuel. It would be more time and fuel efficient and safer to allow aircraft to exit the runway quicker and easier by the development of a mid-field “stub” taxiway. W. K. Dickson will develop plans and specifications and provide services for the bidding of the new stub taxiway. This will be bid at a later date to an outside contractor. W. K. Dickson will assist in the power line relocation and they will provide geotechnical investigation, testing, topographic surveying, updating and permitting for land disturbance.

This project is funded by the FAA through a grant. The FAA will pay 90% of the costs (\$108,000), the state will pay 5% (\$6,000) and the County will pay 5% (\$6,000). W. K. Dickson will also assist the County with subsequent grant application to request funding for the construction in a subsequent funding cycle.

Budget: \$120,000 Project: \$120,000 Balance: \$0

It is the staff’s recommendation that Council approve the award of \$120,000.00 to W. K. Dickson & Company, Inc. of Columbia, SC for engineering services for the Stub Taxiway Project.

Old Business

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

Transit Implementation Plan / Update

Mr. Moulder

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 *[No 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 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.

Oconee County Council & Committee meeting schedules and agendas are posted at the Oconee County Administration Building & are available on the County Council Website.

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