



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
October 21, 2014

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. Paul Cain, District III
Mr. Reg Dexter, District V

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Administrator Scott Moulder, County Attorney Thomas Martin and Community Development Deputy Director, Josh Stephens 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.

Members of the press present: Ray Chandler/Anderson Independent, Dick Mangrum/WGOG Radio & Steven Bradley/The Daily Journal.

Call to Order:

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

Public Comment Session / Agenda Action Items Only:

Mr. Michael Musser addressed Council in opposition to Ordinance 2014-24.

Mr. C. W. Richards addressed Council voicing concerns that Ordinance 2014-25 not be fast tracked as additional meetings/workshops need to be scheduled.

Mr. Berry Nichols addressed Council in opposition to Ordinance 2014-24 and other matters not before Council for action.

Mr. Jim Codner addressed Council in support of Ordinance 2014-25.

County Council Response to Public Comment:

Mr. Dexter addressed Mr. Richards concerns; noting that his questions were addressed in the September 22, 2014 workshop meeting with the Planning Commission.

Moment of Silence

Mr. Thrift asked for a moment of silence prior the Invocation by the County Chaplain.

Invocation by County Council Chaplain:

Mr. Tom Martin, County Council Chaplain, gave the invocation.

Pledge of Allegiance:

Mr. Cain led the Pledge of Allegiance to the Flag of the United States of America.

Approval of Minutes:

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 4 – 0 – 1 [Mr. Cain abstained – form filed with these minutes] to approve the October 7, 2014 regular meeting as presented.

Administrator's Report & Agenda Summary

Mr. Moulder briefly reviewed with Council and for the public's benefit specifics related to the following matters before Council at this meeting:

- Second Reading for Ordinances: 2014-23, 2014-24
- First Reading of Ordinance: 2014-25, 2014-26; both in title only. [Mr. Moulder elaborated on 2014-25 noting he placed the item on the agenda with the intent of beginning review of the Planning Commission recommendations to Council. He noted that additional workshop meetings may be scheduled.]
- First & Final Reading of Resolution R2014-16
- Discussion Items
- Council Committee Reports
- Board & Commission Appointments
- Executive Session

Additionally, Mr. Moulder addressed citizen concerns that the proposed capital project sales tax would apply to groceries. He stated that this type of sales tax [which is different than Greenville County's proposed transportation infrastructure sales tax] would not apply to groceries. Mr. Martin concurred with Mr. Moulder the proposed tax would not be levied on unprepared food/groceries. Lastly, Mr. Martin noted that the Department of Revenue confirmed that Oconee County's proposed tax would not apply to groceries.

Third & Final Reading of the Following Ordinances

[None scheduled for this meeting.]

Second Reading of 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"

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2014-23** on second reading.

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"

Mr. Corbeil made a motion, seconded by Mr. Thrift to approve **Ordinance 2014-24** on second reading. Discussion followed.

Mr. Cain noted concerns related to existing coverage by the Insurance Reserve Fund and Tort liability and a need for an opinion from the Attorney General, Insurance Reserve Fund.

Mr. Dexter voiced his concern that board and commission members are not covered by this ordinance as they represent the county and are appointed by council members. Mr. Martin stated that the South Carolina Tort Claims Act states that sovereign immunity is waived in some cases but not all. Certain actions are exempt and sovereign immunity still applies. The South Carolina Tort Act covers employees and volunteers [anyone functioning on county behalf].

Mr. Thrift called for the vote. The motion passed 3 – 2 [Mr. McCall and Mr. Cain opposed] to approve **Ordinance 2014-24** on second reading.

Mr. Cain made a motion, seconded by Mr. Dexter, approved 5 – 0 to direct County Administrator to [1] seek a legal opinion from the Attorney General regarding Ordinance 2014-24, [2] seek an opinion from the Insurance Reserve Funding on possible effects of Ordinance 2014-24 on coverage, and [3] seek a detailed written opinion from the County Attorney regarding Ordinance 2014-24.

First Reading of the Following Ordinances

Ordinance 2014-25 *[in title only]* “AN ORDINANCE AMENDING CHAPTER 32 AND CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY; AND OTHER MATTERS RELATED THERETO”

Mr. Dexter made a motion, seconded by Mr. Corbeil, to approve **Ordinance 2014-25** on second reading.

Mr. McCall voiced concerns that this ordinance is being fast tracked without proper input; noting that the Planning Commission needs to do additional works on the recommendations.

Mr. Dexter questioned the Zoning Administrator when work began on these ordinance amendments. Mr. Stephens stated that in May 2013 the Planning Commission created a three member subcommittee specifically tasked with reviewing chapters 32 & 38 in the Oconee County Code of Ordinances. Mr. Dexter noted the hard work done by both the subcommittee and Planning Commission on these recommendations and noted that additional meetings would be beneficial.

Mr. Corbeil noted good work by Planning Commission and subcommittee stating that the Communication Tower section does need additional work but it is important to take first reading in title only and schedule meetings to address remaining questions.

Mr. Cain requested additional meetings related to specific issues in several sections to be scheduled with the Planning Commission to address these outstanding issues. Additionally, he noted the hard work done by both the Planning Commission and their subcommittee.

Mr. Thrift called for the vote. The motion passed 3 – 2 [Mr. McCall and Mr. Cain opposed] to approve **Ordinance 2014-25** on first reading in title only. Mr. Thrift directed staff to work on scheduling follow-up meeting[s]. Additionally he requested that council members submit issues, questions and or concerns to the Clerk to Council for submission to the Planning Commission.

Ordinance 2014-26 *[in title only]* “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”

Mr. Dexter made a motion, seconded by Mr. Cain, approved 5 – 0 to approve **Ordinance 2014-26** on first reading in title only.

First & Final Reading of the Following Resolutions

Resolution R2014-16 ”A RESOLUTION TO EXPRESS OCONEE COUNTY’S REQUEST THAT THE SOUTH CAROLINA GENERAL ASSEMBLY INCREASE THE ALLOCATION TO THE LOCAL GOVERNMENT FUND TO BOTH PROVIDE PROPERTY TAXPAYERS WITH THE RELIEF THEY HAVE BEEN PROMISED AND ALLOW COUNTY GOVERNMENT THE ABILITY TO PROVIDE THE STATE AND LOCAL GOVERNMENT SERVICES REQUIRED UNDER STATE LAW”

Mr. Dexter made a motion, seconded by Mr. Corbeil to approve **Resolution R2014-16** on first and final reading.

Discussion followed. Mr. Thrift noted that this Resolution is being adopted across state and will be submitted to the South Carolina Association of Counties [SCAC].

Mr. McCall noted the scope of the legislature's responsibilities; his lack of respect for the South Carolina Association of Counties [SCAC], and lastly stated his opinion that this resolution is unnecessary. He also voiced concerns that this will further alienate the local state delegation.

Mr. Dexter noted that money withheld since 2008 equals approximately \$6 million. He stated that state law requires 4.5% of the previous years' General Fund be designated for the sole purpose of property tax relief for the citizens of South Carolina. This is not happening and the citizens are paying their tax twice. Additionally, he stated that SCAC is a very valuable tool to the county. Lastly, he noted that Council has requested to meet with the local delegation prior to the start of the next session and the delegation has stated that they are unwilling to meet.

Mr. Cain stated that he sees value in the SCAC meetings and training sessions; noting he was there last week learning more about the issues facing the county and state. Mr. Cain stated that he opposes this resolution as greater issues are facing the citizens of the state [infrastructure, roads, etc.] that require immediate attention.

Mr. Corbeil voiced concerns on funding priorities on a federal, state and local level. He stated he supports this resolution to encourage the legislature to come up with a good working tax policy for the state.

Mr. Thrift noted that the county does understand the pressure that the state is having with infrastructure and roads; however, this Resolution asks them to honor the law.

Mr. Thrift called for the vote. The motion passed 3 – 2 [Mr. McCall and Mr. Cain opposed] **Resolution R2014-16** on first & final reading.

Mr. Thrift asked those members voting in the affirmative to also sign the resolution.

Discussion Regarding Action Items:

Telsmith Gyrasphere Crusher / Rock Quarry / \$358,500

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to ratify the Council Chairman's action to approve the purchase of the Telsmith Gyrasphere 52 Crusher directly from Telsmith in the amount of \$358,500.

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

Mr. Jim Carswell addressed Council stating that they continue to explore options, noting a lot of work is ongoing on this project and that they have "all the pieces in place"; however, he did not have the requested documentation from the September 16, 2014 regular Council meeting. Additionally, he stated many lending institutions are not funding this type of project at this time. They continue to work and meet with potential lending institutions [two at present] and potential investors. Lastly, he noted their awareness of an additional interested group for a project for the old courthouse and stated their willingness to partner with that entity to continue to move this project forward.

Discussion followed regarding several aspects of the project to include anticipated date for financing confirmation, potential USDA grant funding, other various financial issues, other interested entity interest in a project and/or working with Courthouse Ventures LLC on their project, etc.

Mr. Cain made a motion, seconded by Mr. McCall, approved 5 – 0 to table the matter until the November 18, 2014 regular Council meeting.

Council Committee Reports

Law Enforcement, Public Safety, Health & Welfare Committee / Mr. McCall

Mr. McCall read from a prepared statement [copy filed with these minutes] highlighting discussions, direction and recommendations to staff from the October 14, 2014 meeting.

Transportation Committee / Mr. Thrift

Mr. Thrift read from a prepared statement [copy filed with these minutes] highlighting discussions, direction and recommendations to staff from the October 14, 2014 meeting.

Board & Commission Appointments

Arts & Historical Commission

Mr. Cain made a motion, seconded by Mr. McCall, approved 5 – 0 to appoint Ms. Mariam Noorai as the District III representative to the Arts & Historical Commission for the remainder of 2014.

Old Business:

None addressed at this meeting.

New Business:

None addressed at this meeting.

Executive Session:

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 5 – 0 to enter Executive Session for the purpose of discussing a personnel matter, several Economic Development matters and a litigation matter.

Council entered Executive Session at 7:47 p.m.

Council returned from Executive Session at 8:51 p.m. on a motion by Mr. McCall, seconded by Mr. Cain, approved 5 – 0.

Mr. Thrift stated that no action was taken in Executive Session.

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to authorize the Administrator to proceed with the Economic Development matter [*Project Fountain*] as discussed in Executive Session.

Mr. Corbeil made a motion, seconded by Mr. Cain, approved 5 – 0 to authorize the Administrator to develop a compensation program as discussed in Executive Session for consideration with Fiscal Year 2015 – 2016.

Public Comment Session Non Agenda Action Items:

Mr. Thrift noted that the non-agenda action item sign in sheet was removed from the public comment table. He opened the floor for non-agenda public comment.

Ms. Susie Cornelius addressed Council in opposition to R2014-16 requesting that Council reduce funding for the delegation office in Oconee County.

Council Member Comments:

Mr. Dexter noted that some counties reduce mandated agencies where allowed by state law. He stated he does not support this as it negatively impacts our county citizens attempting to receive services. Lastly, it was noted that we are prohibited by state law from reducing the delegation's local office.

Mr. McCall requested that the Administrator provide the cost for staff time related to the airport litigation. Mr. Moulder noted that his time at the hearing was county time and that he continued to monitor county activities and make decisions during the two week court session. Mr. Moulder noted that this had also been requested by the newspaper and he was currently working on this information and he will provide this to Council in the near future.

Adjourn

Mr. Cain made a motion, approved unanimously 5 – 0, to adjourn at 8:07 p.m.

Respectfully Submitted:

Josh Stephens
Community Development Deputy Director