



# A G E N D A

## OCONEE COUNTY COUNCIL MEETING

### Tuesday, October 5, 2010

### 6:00 PM

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

1. Call to Order
2. Public Comment Session *(Limited to forty (40) minutes, four (4) minutes per person.)*
3. Extended Public Comment Session *(Limited: 2 citizens per meeting for 5 minutes, prior scheduling required)*
  - None Scheduled for this Meeting
4. Council Member Comment *[directly following Public & Extended Public Comment Session if applicable & time permits]*
5. Meeting Recess *[Meeting will Recess no later than 6:50 p.m.]*

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6. Meeting Reconvenes *[Meeting will Reconvene at 7:00 p.m.]*
7. Moment of Silence
8. Pledge of Allegiance to the Flag of the United States of America
9. Approval of Minutes
  - September 18, 2010: Workshop Meeting
  - September 21, 2010: Regular Meeting
  - September 28, 2010: Workshop Meeting
10. Consideration of the Following Proclamations:  
[1] First & Final Reading of [Proclamation P2010-03](#) “NATIONAL FRIENDS OF THE LIBRARY WEEK”
11. Consideration of the Following Resolutions:  
[1] [First and Final Reading](#) of [Resolution R2010-14](#) “A RESOLUTION APPROVING THE EXECUTION AND DELIVERY OF A DRAINAGE EASEMENT AND RIGHT-OF-WAY AGREEMENT; APPROVING AND AUTHORIZING WORK UPON PROPERTY WITHIN THE DRAINAGE EASEMENT AND RIGHT-OF-WAY GRANTED TO THE COUNTY PURSUANT TO THE AGREEMENT; AND OTHER MATTERS RELATED THERETO” ” and Drainage Easement & Right-of-Way Agreement  
The Resolution R2010-14 and Drainage Easement and Right-of-Way Agreement between Broadus E. Thomas and Oconee County are a result of County Council directing staff to resolve Mr. Broadus E. Thomas’s drainage issues.  
[Transportation Committee Meeting May 18, 2010:](#) Discussed Mr. Thomas’s drainage issues along SIRRINE STREET (SE-90) near the Utica Mill Village, near Seneca.  
[County Council Meeting June 1, 2010:](#) Councilman Thrift directed staff to resolve Mr. Thomas’s drainage issues along SIRRINE STREET (SE-90) and address several concerns of County Attorney Martin to be discussed at the next Transportation Committee Meeting.  
[Transportation Committee Meeting July 1, 2010:](#) County Attorney Martin concerns were answered and accepted. Staff was directed to resolve Mr. Thomas’s drainage issues.  
Staff then designed and located a storm drainage system, had the property surveyed to locate the required drainage easement, and then assisted the County Attorney prepare a resolution and a drainage easement and right-of-way agreement to legally place, construct and maintain the storm drainage system (pipe and catch basins).  
**It is the staff’s recommendation that Council adopt Resolution R2010-14 on first and final reading.**

12. Consideration of the Following Ordinances:

[1] Second Reading of [Ordinance 2010-28](#) “AN ORDINANCE CREATING A STANDARD SET OF PROCEDURES AND POLICIES FOR THE CONSENT OF OCONEE COUNTY COUNCIL TO THE PROPOSED ABANDONMENT AND CLOSURE OF PUBLIC ROADS IN OCONEE COUNTY, SOUTH CAROLINA; REQUIRING PHYSICAL NOTICE THEREOF; SETTING THE REQUIREMENTS FOR THE ABANDONMENT AND CLOSURE OF PUBLIC ROADS IN OCONEE COUNTY; AND OTHER MATTERS RELATED THERETO”

This Ordinance is designed to standardize the policy and procedures to follow as related to road closure and abandonment of maintenance along County roadways.

**It is the staff’s recommendation that Council take second reading of Ordinance 2010-28 and schedule the public hearing on or after Tuesday, October 19, 2010.**

[2] Second Reading of [Ordinance 2010-31](#) “AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN OCONEE COUNTY REAL PROPERTY, CONTINGENT ON THE SATISFACTORY COMPLETION OF ALL DUE DILIGENCE AND CONTRACTUAL REQUIREMENTS ESTABLISHED BY OCONEE COUNTY, TO THE SATISFACTION OF OCONEE COUNTY COUNCIL; AUTHORIZING THE COMPLETION OF SUCH DUE DILIGENCE AND CONTRACTS; AUTHORIZING THE RECEIPT OF ALL LAWFUL FUNDS AUTHORIZED FOR SUCH PURCHASE; AUTHORIZING THE EXECUTION AND DELIVERY OF ALL CONTRACTS, INTERGOVERNMENTAL AGREEMENTS, AND OTHER DOCUMENTS RELATED TO SUCH PURCHASE; AUTHORIZING THE AMENDMENT OF THE CURRENT OCONEE COUNTY BUDGET ORDINANCE TO PROVIDE ACCOUNTING AND FUNDING FOR THE TOTAL COST OF CONTRACTING FOR AND PURCHASING SUCH PROPERTY; AND OTHER MATTERS RELATED THERETO” *[Project North Property]*

**It is staff’s recommendation that Council take second reading of this ordinance and schedule a public hearing for Tuesday, October 19, 2010.**

13. Discussion & Possible Action Items *[5 min. per Action Item]*

[1] Follow-up Action from the September 28, 2010 Council Workshop Meeting re: Jail

[2] [Planning Commission Recommendation](#) / Memorandum of Understanding with Duke Energy

Although the working relationship between Duke Energy and Oconee County has traditionally been very good, there has never been a formal agreement or document to establish the parameters of expectations. Therefore, any sharing of information, coordination of efforts in permitting, or providing information deemed pertinent by the other party has always been primarily a ‘courtesy’. Due to the fact that Duke Energy interacts with a number of local governments near their projects, with varying levels of cooperation and assistance, they have developed a Memorandum of Understanding (MOU) process by which the various roles and expectations are clearly defined, allowing both parties much more certainty in their relationship. Currently, Duke Energy has MOU’s with McDowell County, NC; the Town of Great Falls, SC; and the North Carolina Wildlife Commission.

The Planning Commission began discussion and consideration of the possibility of moving toward the establishment of a MOU between Duke Energy and Oconee County when the topic was referenced during a briefing by Duke Energy staff on their Shoreline Management Plan for Lake Keowee. Among the benefits considered was the desire for clarification of how Duke Energy might provide the County notice of observed violations of such things as county-required vegetative buffers; and how Oconee County staff might inform Duke Energy staff of observed violations of rules governing their project boundaries.

The Planning Commission voted unanimously to recommend County Council initiate the development of a MOU with Duke Energy.

**It is the staff’s request that Council approve staff initiating discussions aimed at the development of a Memorandum of Understanding between Oconee County and Duke Energy.**

[3] Change Order / B. P. Barber and Associates / \$12,800.00 / Boundary Property Survey

On September 14, 2010, Oconee County entered into a contract with B. P. Barber & Associates for engineering and environmental services for the 400 acre site along Highway 11. This contract included Preliminary Wetlands Delineation, Threatened and Endangered Species Survey, Preliminary Geotechnical Exploration, Cultural Resources Identification Survey, Existing Infrastructure Evaluation, LIDAR Survey and Aerial Topographic Site Survey, proposed Site Layout and Master Plan Rendering, Preliminary Opinion of Probable Cost for proposed improvements and a Site Engineering Evaluation Report. After further evaluation of the project, B. P. Barber noted that if they did the Boundary Survey at the same time they were on site performing all the other preliminary surveys, there would be considerable cost savings to the County, rather than having the Boundary Survey done at a later date or by another company.

This amount is in addition to the original contract amount of \$47,350.00 for preliminary engineering and environmental services for this property and now brings the total to \$60,150.00 which requires Council approval.

**It is the staff's recommendation that Council approve a change order to B. P. Barber and Associates of Columbia, SC, in the amount of \$12,800.00 for the Boundary Property Survey for the 400 acre site along SC Highway 11.**

14. Board & Commission Appointments *[None at this meeting]*  
*[Please note that appointments scheduled for the PRT Commission are being held pending revision of the ordinance]*
15. Commission / Board Reports to Council [ten minute maximum]  
Library Board *[Infrastructure Advisory Committee will report October 19, 2010]*
16. Council Committee Reports *[None at this meeting]*
17. Administrator Report
18. Old Business
19. New Business
20. 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]*