



# A G E N D A

## OCONEE COUNTY COUNCIL MEETING

### October 21, 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 7, 2014 Regular Meeting

## Administrator Report & Agenda Summary

## Third & Final Reading regarding the Ordinances *[None scheduled at this meeting.]*

## Second Reading 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"

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.

**It is the staff's recommendation that Council 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" *[continued on next page]*

Council's meetings shall be conducted pursuant to the South Carolina Freedom of Information Act, Council's Rules and the Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition. This agenda may not be inclusive of all issues which Council may bring up for discussion at this meeting. Items are listed on Council's agenda to give public notice of the subjects and issues to be discussed, acted upon, received as information and/or disposed of during the meeting. Items listed on Council's agenda may be taken up, tabled, postponed, removed or otherwise disposed of as provided for under Council's Rules, and Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition, if not specified under Council's rules.

## **Ordinance 2014-24**

*[continued from previous page]*

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.

## **First Reading regarding 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"

The proposed ordinance, 2014-25 stems from a review of Oconee County's land use policy that was initiated by the Planning Commission in May 2013. The review focused on Chapter 32 Unified Performance Standards and Chapter 38 Zoning Enabling Ordinance of Oconee County's Code of Ordinances. On September 15, 2014, during a regular meeting, the Planning Commission voted to forward a series of proposed amendments to County Council for review and consideration. On September 22, 2014, County Council held a workshop with the Planning Commission to discuss the proposed amendments. Currently, staff is working to address questions and comments that were raised during the workshop.

**It is staff's recommendation that Council take first reading in title only of Ordinance 2014-25.**

### **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"

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.

**It is staff's recommendation that Council take first reading in title only of Ordinance 2014-26.**

## **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"

This Resolution requests that the South Carolina General Assembly reestablish accountability by restoring State funding agencies and desist in its current policy which forces counties to levy property taxes to fund state mandated agency functions.

**It is staff's recommendation that Council take first & final reading of Resolution R2014-16.**

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## Discussion Regarding Action Items

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

On September 30, 2014 the 52 cone crusher did not start-up as it should, but with some coaxing it began running. That problem repeated on October 1<sup>st</sup>, so the decision was made to bring out a crane on October 2 to disassemble it for inspection. The Telsmith representative was on site on October 3, 2014, along with Mr. Moulder and Mr. Thrift. The decision was made to replace this crusher with a retrofitted/reconditioned Telsmith Gyrasphere Crusher, 52SBS and this order was placed on Friday, October 3 in order to minimize down time for this plant. This replacement crusher comes with a 12 month or 2000 hour warranty and is available only directly from the manufacturer. Mr. Moulder brought this information to Council in his Administrator's Report at the October 7, 2014 meeting.

All other crushing components currently in use at the Quarry are Telsmith brand. This purchase directly from Telsmith will allow the Quarry to continue to use the same wear parts that are currently on hand and no additional permitting will be required by DHEC. Therefore this purchase qualifies as a sole source/no substitute purchase as well as meeting the criteria for an Emergency Repair purchase.

Budget: \$375,000 Project Cost: \$358,500 Balance: \$16,500

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

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

## Council Committee Reports

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

- Law Enforcement, Public Safety, Health & Welfare / Mr. McCall
- Transportation / Mr. Thrift

## Board & Commission Appointments

- Arts & Historical Commission *[District III Representative – 1 questionnaire on file]*

## Old Business

*[None scheduled at this meeting.]*

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

## New Business

*[None scheduled at this meeting.]*

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

## 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.

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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