



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
April 5, 2016

MEMBERS, OCONEE COUNTY COUNCIL
Mr. Paul Cain, District III, Chairman
Mr. Wayne McCall, District II, Vice Chairman
Ms. Edda Cammick, District I, Chairman Pro Tem
Mr. Joel Thrift, District IV
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 [except Mr. Dexter], County Administrator Scott Moulder, County Attorney David Root and Elizabeth G. Hulse, Clerk to Council 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, Ashton Hester / Keowee Courier & Stephen Bradley / The Daily Journal.

Call to Order

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

Public Comment Session

Ms. Susie Cornelius addressed Council [1] requesting Council consult the Oconee Joint Regional Sewer Authority for sewer expansion to exits 1, 2 & 4, and [2] in opposition to using tax dollars for sewer expansion.

Mr. Tom Markovich addressed Council voicing concerns with Ordinance 2016-04 in title only.

Mr. Richard Blackwell, Oconee Economic Alliance Director, introduced Ms. Janet Hartman as the new Destination Oconee Manager.

Mr. Ben Turetzky, FOLKS representative, addressed Council regarding [1] the request to develop Fall Creek as a county park, and [2] utilizing a handout from Charleston County [copy filed with these minutes] in opposition to the complaint component as proposed by the Planning Commission in Ordinance 2016-04 in title only.

County Council Response to Public Comment

None at this meeting.

Moment of Silence

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

Invocation by County Council Chaplain:

The County Council Chaplain gave the invocation.

Pledge of Allegiance:

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

Approval of Minutes:

Mr. Thrift made a motion, seconded by Mr. McCall, approved 4 – 0 to approve the March 15, 2016 regular meeting minutes 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:

- Public Hearings & Third Readings: Ordinances 2016-05, 2016-06, 2016-07, 2016-12, 2016-13, and 2015-34
- Second Readings: Ordinance 2016-10 & 2016-14
- First Readings: Ordinance 2016-04 & 2016-16; both in title only
- First & Final Readings for Resolutions: R2016-06
- Discussion Regarding Action Items
- Council Committee Reports
- Executive Session

Public Hearing Regarding the Following Ordinances

Ordinance 2016-05 "AN ORDINANCE AMENDING CHAPTER 32, ARTICLE 2, OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS PERTAINING TO SEXUALLY ORIENTED BUSINESSES, ONLY; AND OTHER MATTERS RELATED THERETO"

Mr. Cain opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Mr. Cain opened the floor for any citizen wishing to address Council regarding this ordinance.

Mr. Tom Markovich addressed Council voicing concerns regarding **Ordinance 2016-05, 2016-06, and 2016-07**: specifically with the language proposed as included in Chapter 32 of the code versus Chapter 38 or other sections.

No other citizens addressed Council.

Mr. Cain asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. Cain closed the Public Hearing regarding **Ordinance 2016-05**.

Ordinance 2016-06 "AN ORDINANCE AMENDING CHAPTER 32, ARTICLE 5, OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS PERTAINING TO GROUP HOME DEVELOPMENTS, ONLY; AND OTHER MATTERS RELATED THERETO"

Mr. Cain opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Mr. Cain opened the floor for any citizen wishing to address Council regarding this ordinance.

See Mr. Markovich comment above as it relates to this ordinance.

No other citizen addressed Council.

Mr. Cain asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. Cain closed the Public Hearing regarding **Ordinance 2016-06**.

Ordinance 2016-07 "AN ORDINANCE AMENDING CHAPTER 32, ARTICLE 7, OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS PERTAINING TO TATTOOING FACILITIES, ONLY; AND OTHER MATTERS RELATED THERETO"

Mr. Cain opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Mr. Cain opened the floor for any citizen wishing to address Council regarding this ordinance.

See Mr. Markovich comment above as it relates to this ordinance.

No other citizen addressed Council.

Mr. Cain asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. Cain closed the Public Hearing regarding **Ordinance 2016-07**.

Ordinance 2016-12 “AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF EASEMENT RIGHTS FOR THE PURPOSE OF UTILITY CONSTRUCTION AT THE OCONEE INDUSTRY & TECHNOLOGY PARK”

Mr. Cain opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Mr. Cain opened the floor for any citizen wishing to address Council regarding this ordinance. No citizen addressed Council.

Mr. Cain asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. Cain closed the Public Hearing regarding **Ordinance 2016-12**.

Ordinance 2016-13 “AN ORDINANCE GRANTING CERTAIN EASEMENT RIGHTS TO BLUE RIDGE ELECTRIC COOPERATIVE NEAR THE OCONEE REGIONAL AIRPORT FOR THE PURPOSE OF RELOCATING EXISTING ABOVE-GROUND ELECTRICAL LINES TO UNDERGROUND LINES; AND OTHER MATTERS RELATED THERETO”

Mr. Cain opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Mr. Cain opened the floor for any citizen wishing to address Council regarding this ordinance. No citizen addressed Council.

Mr. Cain asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. Cain closed the Public Hearing regarding **Ordinance 2016-13**.

Ordinance 2015-34 “AUTHORIZING A FEE-IN-LIEU-OF-TAX ARRANGEMENT ON BEHALF OF **BAXTER MANUFACTURING, LLC** (“COMPANY”) PURSUANT TO A FEE-IN-LIEU-OF-TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA (“COUNTY”) AND THE COMPANY; AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY; AND OTHER MATTERS RELATING TO THE FOREGOING”

Mr. Cain opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Mr. Cain opened the floor for any citizen wishing to address Council regarding this ordinance. No citizen addressed Council.

Mr. Cain asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. Cain closed the Public Hearing regarding **Ordinance 2015-34**.

Third and Final Reading for the Following Ordinances

Ordinance 2016-05 “AN ORDINANCE AMENDING CHAPTER 32, ARTICLE 2, OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS PERTAINING TO SEXUALLY ORIENTED BUSINESSES, ONLY; AND OTHER MATTERS RELATED THERETO”

Mr. McCall made a motion, seconded by Ms. Cammick, approved 4 – 0 to approve **Ordinance 2016-05** on third & final reading.

Ordinance 2016-06 “AN ORDINANCE AMENDING CHAPTER 32, ARTICLE 5, OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS PERTAINING TO GROUP HOME DEVELOPMENTS, ONLY; AND OTHER MATTERS RELATED THERETO”

Mr. McCall made a motion, seconded by Ms. Cammick, approved 4 – 0 to approve **Ordinance 2016-06** on third & final reading.

Ordinance 2016-07 "AN ORDINANCE AMENDING CHAPTER 32, ARTICLE 7, OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS PERTAINING TO TATTOOING FACILITIES, ONLY; AND OTHER MATTERS RELATED THERETO"

Mr. Thrift made a motion, seconded by Ms. Cammick, approved 4 – 0 to approve **Ordinance 2016-07** on third & final reading.

Ordinance 2016-12 "AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF EASEMENT RIGHTS FOR THE PURPOSE OF UTILITY CONSTRUCTION AT THE OCONEE INDUSTRY & TECHNOLOGY PARK"

Mr. McCall made a motion, seconded by Ms. Cammick, approved 4 – 0 to approve **Ordinance 2016-12** on third & final reading.

Ordinance 2016-13 "AN ORDINANCE GRANTING CERTAIN EASEMENT RIGHTS TO BLUE RIDGE ELECTRIC COOPERATIVE NEAR THE OCONEE REGIONAL AIRPORT FOR THE PURPOSE OF RELOCATING EXISTING ABOVE-GROUND ELECTRICAL LINES TO UNDERGROUND LINES; AND OTHER MATTERS RELATED THERETO"

Ms. Cammick made a motion, seconded by Mr. Thrift, approved 4 – 0 to approve **Ordinance 2016-13** on third & final reading.

Ordinance 2015-34 "AUTHORIZING A FEE-IN-LIEU-OF-TAX ARRANGEMENT ON BEHALF OF **BAXTER MANUFACTURING, LLC** ("COMPANY") PURSUANT TO A FEE-IN-LIEU-OF-TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA ("COUNTY") AND THE COMPANY; AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY; AND OTHER MATTERS RELATING TO THE FOREGOING"

Ms. Cammick made a motion, seconded by Mr. Thrift, approved 4 – 0 to approve **Ordinance 2015-34** on third & final reading.

Second Reading for the Following Ordinances

Ordinance 2016-10 "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND **PROJECT SWITCH THE NASON COMPANY**; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES; THE PLACEMENT OF THE PROJECT IN A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK; AND RELATED MATTERS"

Ms. Cammick made a motion, seconded by Mr. McCall, to approve **Ordinance 2016-10** on second reading.

Mr. Thrift made a motion, seconded by Ms. Cammick, approved 4 – 0 to amend the Ordinance to replace Project Switch with The Nason Company [see above].

Mr. Cain called for the vote on the ordinance. The motion passed 4 – 0 to approve **Ordinance 2016-10** on second reading as amended.

Ordinance 2016-14 "AN ORDINANCE TO AMEND OCONEE COUNTY ORDINANCE 2015-01, THE BUDGET ORDINANCE FOR OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1ST, 2015 AND ENDING JUNE 30TH, 2016, IN CERTAIN LIMITED REGARDS AND PARTICULARS; AND OTHER MATTERS RELATED THERETO"

Mr. McCall made a motion, seconded by Mr. Thrift, approved 4 – 0 to approve **Ordinance 2016-14** on second reading.

First Reading for the Following Ordinances

Ordinance 2016-04 [in title only] “AN ORDINANCE AMENDING CHAPTER 32 OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS PERTAINING TO GENERAL PROVISIONS, ONLY; AND OTHER MATTERS RELATED THERETO”

Mr. Thrift made a motion, seconded by Ms. Cammick, approved 4 – 0 to approve **Ordinance 2016-04** on first reading in title only.

Ordinance 2016-16 [in title only] “AN ORDINANCE TO AMEND CHAPTER 26, ARTICLE I OF THE CODE OF ORDINANCES OF OCONEE COUNTY PERTAINING TO UNIFIED ROAD STANDARDS IN ORDER TO ESTABLISH STANDARDS FOR, AND PROCEDURES IN RELATION TO, THE ACCEPTANCE OF CERTAIN UNPAVED ROADS, WHICH DO NOT MEET THE STANDARD REQUIREMENTS FOR ACCEPTANCE INTO THE COUNTY PUBLIC ROAD SYSTEM, FOR MINIMUM IMPROVEMENT AND MINIMUM MAINTENANCE; AND OTHER MATTERS RELATED THERETO”

Mr. Thrift made a motion, seconded by Mr. McCall, approved 4 – 0 to approve **Ordinance 2016-16** on first reading in title only.

First & Final Reading for the Following Resolutions

Resolution R2016-06 “A RESOLUTION EXPRESSING INTENT TO CEASE COUNTY MAINTENANCE ON, AND TO AUTHORIZE COUNTY CONSENT TO JUDICIAL ABANDONMENT AND CLOSURE OF, A PORTION OF A CERTAIN OCONEE COUNTY ROAD; AND OTHER MATTERS RELATED THERETO”

Mr. McCall made a motion, seconded by Ms. Cammick, to approve **Resolution R2016-06** on first & final reading.

Mr. Root read into the record a recommended amendment to this resolution [copy of amended document filed with these minutes for reference]. Discussion followed.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 4 – 0 to amend **Resolution R2016-06** as presented by Mr. Root.

Mr. Cain called for the vote on the resolution. The motion passed 4 – 0 to approve **Resolution R2016-06** on first and final reading as amended.

Discussion Regarding Action Items:

RFP 15-09 / Professional Engineering/Consultant On Call Services / \$\$ TBD

Mr. McCall made a motion, seconded by Ms. Cammick, approved 4 – 0 to [1] award of RFP 15-09 for Professional Engineering Consultant On Call Services to the following firms as outlined on the agenda item summary for the listed categories: Alta Planning & Design, Greenville, SC [Category A]; Davis & Floyd, Greenwood, SC [Category B]; Terracon, Taylors, SC [Categories C and D]; Thomas & Hutton, Greenville, SC [Category E]; H & M Surveying, Greenville, SC [Category F]; McMillan Pazdan Smith, Greenville, SC [Category G]; and [2] authorize the County Administrator to execute the original contracts after approval and renew these contracts yearly, up to five years total, as long as all work is deemed satisfactory.

E-One HP78 Aerial “Demo” Truck / Fire Services / \$675,000

Mr. McCall made a motion, seconded by Ms. Cammick, approved 4 – 0 to approve the purchase of a used E-One HP78 Aerial Truck from FireLine, Inc., of Winder, GA, for \$675,000.

Waterline Relocation for Cities of Seneca and Walhalla Department / \$380,092

Mr. Thrift made a motion, seconded by Mr. McCall, approved 4 – 0 to [1] make payment to Seneca Light & Water, a division of the City of Seneca, in the amount of \$219,832.00; and [2] make payment to the City of Walhalla in the amount of \$160,260.00 for engineering and construction costs for the relocation of waterlines.

Old Business:

None at this meeting.

New Business:

None at this meeting.

Council Committee Reports

Budget, Finance & Administration / Mr. Cain

Mr. Cain read from a prepared statement [copy filed with these minutes] highlighting the activities and discussions at the March 22, 2016 committee meeting.

Mr. Cain made a motion, seconded by Ms. Cammick, approved 3 – 1 [Mr. McCall opposed] to affirm the Committee’s direction to have the Administrator to prepare the budget as provided and to include a 2.1 mill tax increase required to balance the budget.

Executive Session:

Ms. Cammick made a motion, seconded by Mr. Thrift, approved 4 – 0 enter into Executive Session as allowed for in §30-4-70 (a) of the Code of Laws of South Carolina, as amended, 1976 for the purpose of:

- [1] discussing two Economic Development matters: Project Wales & Project Hawk;*
- [2] discussion of a potential contractual matter related to a land purchase on Hwy 123;*
- [3] discussion of a personnel matter related to the Master-in-Equity position;*
- [4] to receive legal advice regarding a potential litigation matter; and*
- [5] to receive legal advice regarding a contractual matter and matters related thereto.*

Council entered Executive Session at 6:59 p.m.

Council returned from Executive Session at 8:27 p.m. on a motion by Ms. Cammick, seconded by Mr. Thrift, approved 4 – 0.

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

Ms. Cammick made a motion, seconded by Mr. Thrift, approved 4 – 0 to direct the Administrator to proceed as discussed in Executive Session regarding the purchase of property on Highway 123 per the original purchase option agreement.

Ms. Cammick made a motion, seconded by Mr. McCall, approved 3 – 1 [Mr. Thrift opposed] to direct the Administrator to proceed as discussed in Executive Session to investigate the potential breach of contract matter.

Adjourn

Mr. McCall made a motion, approved unanimously 4 – 0, to adjourn at 8:29 p.m.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council