

MEMBERS, OCONEE COUNTY COUNCIL

Mr. Steven R. Moore, District I Mr. Thomas S. Crumpton, Jr., District II
Rev. William S. "Bill" Rinehart, District III Mr. Marion E. Lyles, District IV
Mr. H. Frank Ables, Jr., District V

MINUTES, OCONEE COUNTY COUNCIL MEETING

The Oconee County Council met Tuesday, March 21, 2006 at 7:00 pm in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members present. County Administrator Ron Rabun, Clerk to Council & Mr. Norton, County Attorney were also present.

Press:

Members of the press notified (via mail): Keowee Courier, Westminster News, Daily Journal, Anderson Independent, WGOG Radio, WYFF TV, WLOS TV, WSNW Radio & WIRX Radio.

Members of the press present: Dick Mangrum – WGOG Radio, Dave Williams – Anderson Independent & Brett McLaughlin – Daily Journal.

Other Organizations Notified:

Also notified were the Oconee County Tax Payers Association, Citizens for Recreation Center and the Oconee County Democratic Party.

Call to Order:

Chairman Ables called the meeting to order.

Invocation:

Mr. Rinehart gave the invocation.

Pledge of Allegiance:

Mr. Norton led the pledge of allegiance to the US Flag.

Minutes:

Mr. Rinehart made a motion, seconded by Mr. Crumpton, approved 5 – 0 that the minutes of the special meeting held February 20, 2006 meeting be adopted as printed.

Mr. Lyles made a motion, seconded by Mr. Rinehart, approved 5 – 0 that the minutes of the special meeting held March 2, 2006 be adopted as printed.

Minutes Continued:

Mr. Crumpton made a motion, seconded by Mr. Lyles, approved 4 – 0 (Mr. Ables abstaining due to his not being at the 3/7/06 meeting) that the minutes of the regular meeting held March 7, 2006 be adopted as printed.

Public Hearing & Adoption RE: Ordinance 2006-03:

The following persons spoke in favor of Council adopting Ordinance 2006-03, “THE 2005-06 AMENDED APPROPRIATIONS ORDINANCE FOR 2006-03 FOR OCONEE COUNTY” releasing the Duke Power funds and interest to the School District: Katie Dodd, Jennifer Dodd, Carol Garland, and unnamed lady.

Ms. Susie Cornelius submitted the attached written statement.

Mr. Moore made a motion, seconded by Mr. Rinehart, approved 5 – 0 that Ordinance 2006-03, “THE 2005-2006 AMENDED APPROPRIATIONS ORDINANCE FOR 2006-03 FOR OCONEE COUNTY” be adopted on third and final reading.

Public Comment Session:

Ms. LeAnne Macjewski, Mr. Mendall Stone & Mr. Kenny Owen addressed Council regarding poultry houses and the poultry industry in Oconee County.

Mr. B. J. Littleton addressed Council regarding his being impressed with the Oconee County Vehicle Maintenance Department.

Mr. Herman Brock addressed Council regarding Coneross Church not being involved with the poultry house in that community.

Certificate of Appreciation:

Council presented a “Certificate of Appreciation” to Mr. Andy Cooney for bringing his talent and show to the Walhalla Civic Auditorium.

Certificates of Recognition:

Council presented a “Certificate of Recognition” to Mr. Billy Ray Roach upon completion of the Carolina Recycling University Profession Recyclers Qualification Training and a “Certificate of Recognition” to Mr. Paul McCall, Recycling Center Attendant of the year.

Executive Session:

Mr. Lyles made a motion, seconded by Mr. Moore, approved 5 – 0 that Council go into executive session for the purpose of discussing contractual matters and pending and potential litigation subject to attorney/client privilege.

Open Session:

There was no action regarding the executive session

Planning Commission Finding of Fact Discussion:

Mr. Norton presented attached finding of fact by the Planning Commission to Council:

Finding of Facts: Following the review of studies on the environmental impact of development upon standing bodies of water and consultation with experts on this issue, the Oconee County Planning Commission finds that the construction of dwellings along the shores of lakes in Oconee County increases the density of the population around these lakes. Unless regulations are enacted to protect the lakes, the increase of septic tanks, storm water run off, shore erosion, sedimentation and infiltration of lawn fertilizer and herbicides will cause irreparable harm to the lakes.

Potential Solutions: The situation can be mitigated by utilizing Performance Standards to establish set backs, riparian buffers and density requirements. Riparian buffers will be a key factor in this mitigation. The recommended depth of the riparian buffers will be twenty-five feet with a view lane of fifteen percent of the total width. Nonporous surfaces will not be allowed in the view lane area. Additional standards are needed to establish minimum green space requirements along property abutting public rights-of-way, between homes, between developments and around subdivision entrances.

Recommendation: The Oconee County Planning Commission intends to draft changes to the Performance Standards Ordinance to ameliorate damage to the lakes. During the estimated three to four months required to seek public input, draft the amendments to the ordinance and refer the draft ordinance to County Council, it is recommended that a moratorium be established for developing and building along lake front properties in Oconee County.

Mr. Norton also informed Council he had spoken with Mr. Moore regarding a Road & Transportation Committee meeting to discuss the pending Subdivision & Road Ordinance with the possibility of including the requirement for developers to implement roadways that will accommodate the density of population caused by the development and emergency lanes.

Planning Commission Finding of Fact Discussion Continued:

To Mr. Rinehart's inquiry regarding the Council's ability to act now, Mr. Norton replied that he had a draft ordinance ready for Council consideration. However, the draft ordinance only dealt with the riparian buffer and did not deal with the road issue. Mr. Norton also expressed an opinion that the pending ordinance doctrine would apply to any project regardless if the developer is vested. Mr. Norton further stated that Planning & Building Codes is now implementing the riparian buffer, but we do not have a finding of fact on the roads issue.

Mr. Moore scheduled a Road & Transportation Committee Thursday, March 23, 2006 at 10:30 am in Council Chambers to discuss the pending Subdivision & Road Ordinance which has already been reviewed by the Planning Commission.

Mr. Rinehart expressed an opinion that Council could adopt an emergency ordinance on the basis of public safety.

Mr. Norton expressed an opinion that although a project is vested safety regulations can be imposed on that project and if a site plan has been approved it may well be vested under state statute which means that a zoning regulation is not going to apply to that project and some performance standards may not apply to it. The riparian buffer would apply to projects that are vested now.

Ordinance 2006-07:

Mr. Rinehart made a motion, seconded by Mr. Moore, approved 5 – 0 that Ordinance 2006-07, "AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE APPROVAL OF SITE PLANS AND/OR FOR ANY CONSTRUCTION PROJECT WITHIN ONE THOUSAND FEET (1000') OF LAKES THAT ARE WITHIN OR ADJACENT TO OCONEE COUNTY UNLESS SAID PROJECT INCLUDES A TWENTY-FIVE (25') FEET RIPARIAN BUFFER" be adopted on first reading.

Ordinance 2006-08:

Mr. Rinehart made a motion, seconded by Mr. Crumpton, that Ordinance 2006-08, "AN EMERGENCY ORDINANCE AUTHORIZING A THREE MONTH MORATORIUM ON DEVELOPMENT OF MULTI-FAMILY AND HIGH-RISE HOUSING WITHIN THE COUNTY TO ASCERTAIN AND STUDY THE IMPACTS AND RAMIFICATIONS OF SUCH HOUSING UPON GENERAL SAFETY AND TO DETERMINE THE ADEQUACY OF CURRENT EMERGENCY VEHICLES TO ADDRESS NATURAL OR MAN MADE DISASTERS" be adopted on first and final reading. However, although this motion received a 3 – 2 vote (Mr. Ables & Mr. Lyles voting against) the motion failed due to state statute requiring that an emergency ordinance receive a two-thirds majority vote of Council to be adopted.

(Mr. Moore left at 8:30 pm due to being ill)

Ordinance 2006-04:

Mr. Lyles made a motion, seconded by Mr. Rinehart, approved 4 - 0 that Ordinance 2006-04, "AN AMENDMENT TO LOAN AGREEMENT RELATING TO \$35,000,000 OCONEE COUNTY, SOUTH CAROLINA POLLUTION CONTROL REVENUE REFUNDING BONDS (DUKE ENERGY CORPORATION, SERIES 1999A AND 1999B) (THE "BONDS") TO PROVIDE FOR GUARANTEE THEREOF" be adopted on third and final reading. The adoption of this ordinance in no way obligates Oconee County to guarantee these bonds, nor does it go against the County's bonding capacity.

Ordinance 2006-05:

Mr. Crumpton made a motion, seconded by Mr. Lyles, approved 4 - 0 that Ordinance 2006-05, "AN AMENDMENT TO LOAN AGREEMENT RELATING TO \$77,000,000 OCONEE COUNTY, SOUTH CAROLINA POLLUTION CONTROL FACILITIES REVENUE REFUNDING BONDS, SERIES 1993 (DUKE POWER COMPANY PROJECT) (THE "BONDS") TO PROVIDE FOR GUARANTEE THEREOF" be adopted on third and final reading. The adoption of this ordinance in no way obligates Oconee County to guarantee these bonds, nor does it go against the County's bonding capacity.

Ordinance 2006-01:

Mr. Lyles made a motion, seconded by Mr. Crumpton, approved 4 – 0 that Ordinance 2006-01, “AN ORDINANCE AUTHORIZING THE COUNTY TAX COMMITTEE WHICH IS COMPOSED OF THE COUNTY AUDITOR, TREASURER AND ASSESSOR TO REVIEW AND TAKE APPROPRIATE ACTION ON AGRICULTURAL AND RESIDENTIAL 4% APPLICATIONS FILED AFTER THE STATUTORY DEADLINE” be adopted on second reading.

Surplus Property Listing:

Mr. Rinehart made a motion, seconded by Mr. Lyles that the attached surplus property listing be adopted. However, after a brief discussion in which Council Members expressed reservations regarding some of the items on the listing such as the chain saws, some of the filing cabinets, the pontoon and the mileage on some of the vehicles this motion was withdrawn.

Solid Waste:

Mr. Rinehart made a motion, seconded by Mr. Crumpton, approved 4 – 0 that the bid for Municipal Solid Waste Landfill closure, the excavating of the Construction & Demolition Landfill and Recycling Center be awarded to Cox & Floyd Grading, Inc., who was low bid at a cost of \$1,721,009.98 with a contingency of \$128,990.02 for a grand total of \$1,850,000. (See attached bid sheet)

Sheriff’s Department (Grants):

Mr. Crumpton made a motion, seconded by Mr. Rinehart, approved 4 – 0 that the County accept an Edward Byrne Memorial Justice Assistance Grant in the amount of \$14,451 which requires no local match. This grant will be used for equipment and technology for the Sheriff’s Department.

Mr. Lyles made a motion, seconded by Mr. Rinehart, approved 4 – 0 that the Sheriff’s Department apply for the Bulletproof Vest Partnership Grant offered by the US Department of Justice in the amount of \$25,600. This grant requires a local match of \$12,800 which will be taken from line item 010 101 50840.

Arts & Historical (Grant):

Mr. Crumpton made a motion, seconded by Mr. Lyles, approved 4 – 0 that Arts & Historical apply for a South Carolina Budget & Control Board grant in the amount of \$10,000 which requires no local match. This grant will be used to promote tourism in Oconee County.

Solid Waste (Grant):

Mr. Lyles made a motion, seconded by Mr. Rinehart, approved 4 – 0 that Solid Waste apply for the following grants which require no local match:

Corrugated Cardboard Recycling	\$50,000
Used Oil	\$ 2,500
Waste Tire/Automobile Dismantler Tire	\$ 2,500

Rural Fire (Grant):

Mr. Crumpton made a motion, seconded by Mr. Lyles, approved 4 – 0 that Rural Fire apply for a US Homeland Security Assistance to Firefighters grant as follows and that matching funds of \$30,763 be included in the 2006-07 fiscal year budget:

<u>Fire Department</u>	<u>Estimated Grant Amount / Match Requirement (5%):</u>	
Salem	\$187,600	\$9,380
Cleveland	\$159,200	\$7,960
Fair Play	\$110,000	\$5,500
Pickett Post-Camp Oak	\$ 33,450	\$1,673
Corinth-Shiloh	\$125,000	\$6,250

These funds will be used to purchase a variety of equipment.

Emergency Management (Grants):

Mr. Crumpton made a motion, seconded by Mr. Lyles, approved 3 – 0 (Mr. Rinehart out of room) that Emergency Management apply for a Department of Homeland Security Assistance to Firefighters Grant as follows and that matching funds of \$13,250 be included in the 2006-07 fiscal year budget:

<u>Rescue Squad</u>	<u>Estimated Grant Amount / Match Requirement:</u>	
County Dive/Special Rescue	\$50,000	\$10,000
Oakway Rescue	\$65,000	\$ 3,250

These grants will be used to purchase a variety of equipment.

Emergency Management (Grants) Continued:

Mr. Lyles made a motion, seconded by Mr. Crumpton, approved 4 – 0 that Emergency Management submit pre-applications for FEMA grants in the following amounts:

Pre-wiring for Seven Red Cross Shelters for back up generators:	\$150,000
Obtaining Weather Alert Radios:	\$ 10,000
Replacing Culverts on County Roadways:	\$ 60,000
Lusk Road	\$192,000
Barton Creek Road	\$ 27,620
Levi Lane	\$ 12,828

The match required for this grant is in-kind service.

Council Committee Reports:

Mr. Lyles reported that the Real Estate, Facilities & Land Management Committee met just prior to the Council Meeting for the purpose of discussing the DSS Building, Animal Control facility, Seneca Library and old courthouse. However, the Committee had no recommendations at this time.

Mr. Crumpton reported that the Law Enforcement, Public Safety, Health & Welfare Committee met prior to the Council Meeting and received a report on the number of calls for made by the Sheriff’s Department, Emergency Management & Rural Fire.

Proposed Ordinance:

Mr. Crumpton made a motion, seconded by Mr. Rinehart that the following Ordinance be adopted:

WHEREAS, Section 6-29-1540 of the South Carolina Code of Laws, 1976, as amended provides that local governments may enact laws adopted to protect public health, safety, and welfare included, but not limited to building, fire, plumbing, electrical and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of a vested right of a land owner for a site specific development; and

WHEREAS, on March 14, 2006 a home located at 313 Lake Winds Court in Beacon Shores Subdivision caught fire; and

Proposed Ordinance Continued:

WHEREAS, firefighters called to fight the blaze could only gain access to the home via Luther Land Road, an approximately eighteen foot wide Oconee County road; and

WHEREAS, as a result of the aforementioned fire Luther Land Road became almost totally blocked by firefighting trucks and equipment and became evident that it would be impossible to evacuate a high density complex via Luther Land Road if a fire occurred; and

WHEREAS, this fire experience has made it clear that the Luther Land Road infrastructure is insufficient to support a high density complex; and

WHEREAS, Luther Land Road would be classified as a major local access street designed for a maximum of 1600 daily traffic trips based on road classifications commonly used in upstate South Carolina; and

WHEREAS, a multi-family development project projects six trips per day on an average per dwelling unit; and

WHEREAS, it is obvious to the Oconee County Council that public safety dictates that no high density development be approved until and unless the roads serving that development are able to adequately handle the traffic generated by that development.

THEREFORE, BE IT ENACTED that no high density development as that term is defined in the Oconee County Subdivision & Land Development Ordinance shall be approved for any property which is accessed by a road or roads which are designed to carry less traffic than the high density development would generate taking into account the other traffic already using the roadway.

BE IT FURTHER ENACTED that any pending development which is otherwise vested prior to the enactment of this ordinance must be issued a building permit prior to it being vested for a site specific development.

The motion to adopt on first reading was unsuccessful due to a tie vote with Mr. Crumpton & Mr. Rinehart voting for, Mr. Ables & Mr. Lyles voting against.

Administrator Report:

Mr. Rabun stated he had nothing to report at this Council Meeting.

Road & Transportation Committee Meeting:

Mr. Lyles requested that the Public Works Director evaluate Luther Land Road before the Road & Transportation Committee Meeting scheduled for Thursday, March 23, 2006.

Columbia Report:

Mr. Ables informed those present that he thought it was time for the rumors to cease regarding his trip to Columbia to testify before a Senate Committee on behalf of the SC Poultry Federation and the SC Farm Bureau. Mr. Ables paid his own way and had no conflict of interest as he is in the poultry business.

Adjourn:

Adjourn: 9:00 pm.

Respectfully Submitted:

Opal O. Green, Clerk to Council