



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
October 21, 2008

MEMBERS, OCONEE COUNTY COUNCIL

Mr. George Blanchard District I, Chairman
Mr. Thomas S. Crumpton, Jr., District II
Mr. Mario Suarez, District III
Mr. Marion E. Lyles, District IV
Mr. H. Frank Ables, Jr., District V

Oconee County Council met on Tuesday, October 21, 2008 at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members [except Mr. Lyles], County Administrator Dale K. Surrett, Elizabeth G. Hulse, Clerk to Council & Mr. Bradley A. Norton, County Attorney present.

Press:

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

Member of the press present: Ashton Hester-Keowee Courier, Ray Chandler-Anderson Independent, Peter Kent-WSNW Radio & Brett McLaughlin-Daily Journal.

Call to Order:

Chairman Blanchard called the meeting to order at 6:00 p.m.

Pledge of Allegiance:

Mr. Ables led the pledge of allegiance to the United States Flag.

Minutes:

Mr. Crumpton made a motion, seconded by Mr. Blanchard, approved 2 – 0 [Mr. Ables & Mr. Suarez abstained – forms filed with these minutes] that the minutes from the October 7, 2008 workshop meeting with the SC DOC be adopted as printed.

Mr. Crumpton made a motion, seconded by Mr. Suarez, approved 3 – 0 [Mr. Ables abstained – form filed with these minutes] that the minutes from the October 7, 2008 regular meeting be adopted as printed.

Public Comment Session:

Mr. Bill Nelson addressed Council regarding the Zoning Enabling Ordinance [ZEO]. Mr. Nelson informed Council that he is a member of the Oconee County Planning Commission but was unable to attend the two meetings at which the Planning Commission drafted revisions to the ZEO. He stated he had concerns regarding several changes to include the percentage of owners needed to initiate zoning and request for approval of any proposed zoning prior to drafting of a reflective map.

Ms. Susie Cornelius addressed Council regarding her perception that Council is trying to intimidate the citizens of Oconee County with the structure for the ZEO public hearing.

Mr. J. Harold Thomas addressed Council regarding his support for the ZEO and organized land use planning in Oconee County.

Mr. George Cleveland addressed Council regarding his concerns about staff professionalism as it has been reported in the media that there are conflicts between department heads in Oconee County.

Mr. Paul Reckert addressed Council to request that they postpone third reading of Ordinance #2007-21 until such time as the State Committee on Scenic Highways can issue their report.

Mr. Berry Nichols addressed Council requesting that Council and the School District work out their meeting schedules to eliminate conflicts so that citizens can attend both meetings.

Extended Public Comment Session:

No citizen signed up for the Extended Public Comment Session at this meeting.

Public Hearings regarding the following Ordinances:

Ordinance 2007-18: Zoning Enabling Ordinance [ZEO]:

Mr. Blanchard opened the public hearing on Ordinance 2007-18 "ZONING ENABLING ORDINANCE". He asked that the citizens keep their comments brief and if another person has already stated their feelings on the issue to simply stand and state their support for those comments. Councilman Suarez requested the Chair to allow him to make a statement prior to opening the floor to the public. Chairman Blanchard recognized Mr. Suarez.

Mr. Suarez thanked those in attendance tonight and introduced four of the candidates running for council who were in attendance. He stated that he felt that everyone shares a vision for the future of Oconee County. It is imperative that we protect our natural resources, historical sites and culture through the passage of the ZEO with the overlays. He stated clearly that the overlays are not eminent domain and that removal of the overlays is not in the best interest of the county. He noted that in the Oconee County Vision Plan, the 2004 Comprehensive Plan, the Summit in 2006 and polls in the local media that the overlays and zoning are a top priority for a majority of our citizens. He stated that he does not think that the ZEO with overlays will solve all of our problems, however, they will put into place tools for us to protect what we value and ensure reasonable growth for the future.

At this point Chairman Blanchard opened the floor for public comment.

Mr. Jerry Barnett addressed Council regarding his opposition to the ZEO, his concerns that the ordinance violates state law and that it is not what the majority of citizen want in Oconee County.

Ms. Angela Viney, Upstate Forever representative, read from a prepared statement [filed with these minutes] in support for the ZEO and responsible growth in Oconee County.

Mr. Fred Aston, Director of Missions for the Beaverdam Baptist Association, addressed Council regarding his concern that the ZEO contains a ban on fundraising activities and restrictions on location of a places of worship in three zoning districts.

Mr. Ryan Honea addressed Council as a private citizen [Mr. Honea is a member of the Oconee County Planning Commission] regarding his support for removing height restrictions from the ZEO.

Mr. John Little addressed Council regarding his opposition to the ZEO as it infringes on property owners rights and creates bigger government.

Mr. Steve Macleod addressed Council regarding his support for the ZEO. Mr. Macleod stated that he is no longer the President of Advocates for Quality Development [AQD] and that his comments are his own. He noted that public input has been received as evidenced by the Oconee County Vision Plan, citizen group support from AQD, FOLKS and KOBA, recent polls in the Daily Journal in support of zoning and the petition submitted to Council in April 2008 with 1,300 verified signatures all supporting zoning in Oconee County.

Mr. Devoe Blackston addressed Council regarding his opposition to the ZEO stating that issues related to property control should be managed through deed restrictions not government intervention. He also voiced concerns that zoning will lower property values.

Mr. Richard Hughes addressed Council and read from a prepared statement [filed with these minutes] regarding questions concerning which documents the public should be reviewing, his support for lake overlays as public input has been received on this issue and his concerns that the other overlays are too restrictive.

Mr. Jim Codner, President South Oak Point HOA, addressed Council regarding the support of his community [79 lots/homes] for the ZEO and overlays.

Mr. Peter Leroy addressed Council in support of the ZEO. He stated that he moved his business here in 1985 and that the ZEO and overlays will encourage company's to establish and/or expand their business in Oconee County.

Mr. George Cleveland stated he had several questions regarding the ordinance that he would address after the meeting to the Council Chairman.

Mr. Louis Watson addressed Council regarding his support for Mr. Suarez's comments, his support for the ZEO and his desire for Oconee County to protect the natural resources for future generations.

Mr. Ben Turetzky, Friends of Lake Keowee [FOLKS], addressed Council and read from a prepared statement [filed with these minutes] regarding his groups support for the ZEO and land use controls as a way to protect our natural resources and control urban sprawl. Mr. Turetzky suggested that Oconee County coordinate with Pickens County to establish unified standards for lakefront properties.

Mr. Gary Owen, President, Wynward Pointe Owners Association, addressed Council and read from a prepared statement [filed with these minutes] regarding his groups support for the ZEO and his concerns that recent recommendations made by the Planning Commission undermine the document.

Ms. Linda Lovely addressed Council regarding her support for the ZEO with overlays. She supports action by the sitting Council as they have two years experience reviewing and engaging in the process of developing the ZEO.

Mr. Jack Dudley addressed Council regarding his support for the ZEO with overlays.

Written comments were received from Advocates for Quality Development and Lyles & Linda Caswell and are filed with these minutes as a permanent part of the record.

Mr. Blanchard thanked those present for their comments and stated that it is now Councils responsibility to review the current ZEO, proposed changes recommended by the Planning Commission, emails and input from citizens in order to draft the final document which will have third and final reading at the November 6, 2008 Council meeting. He stated that Council members will work with the County Attorney to draft the document and once it is complete it will be posted to the County website for review by the public.

Mr. Blanchard called the public hearing at an end.

Ordinance 2008-16:

Mr. Blanchard opened the public hearing for Ordinance 2008-16 “AN ORDINANCE BY OCONEE COUNTY, SOUTH CAROLINA, AUTHORIZING AN INFRASTRUCTURE TAX CREDIT (BORGWARNER TORQTRANSFER SYSTEMS INC. PROJECT); THE ENTERING INTO OF CERTAIN COVENANTS AND AGREEMENTS AND THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE ISSUANCE OF THE AFORESAID INFRASTRUCTURE TAX CREDIT AND APPROVAL OF THE AMENDMENT AND EXTENSION OF THE FEE AGREEMENT DATED AS OF DECEMBER 1, 2007, INCLUDING CERTAIN OTHER MATTERS RELATING THERETO” .

Mr. Blanchard welcomed Mr. Todd Bennington, BorgWarner, and asked him to step forward to address Council. Mr. Bennington read from a prepared statement [filed with these minutes] expressing his appreciation to Oconee County and outlined the expansion that this infrastructure tax credit will provide.

No oral comments were heard at this public hearing.

No written comments were submitted.

Mr. Blanchard called the public hearing at an end.

Ordinance 2008-17:

Mr. Blanchard opened the public hearing for Ordinance 2008-17 “AN ORDINANCE TO AMEND ORDINANCE 2006-27 RELATING TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE AND PICKENS COUNTIES SO AS TO ENLARGE THE PARK”.

No oral comments were received at this public hearing.

No written comments were submitted.

Mr. Blanchard called the public hearing at an end.

Ordinance 2008-18:

Mr. Blanchard opened the public hearing for Ordinance 2008-18 “AN ORDINANCE TO AMEND ORDINANCE 2008-06, THE 2008-2009 BUDGET APPROPRIATIONS ORDINANCE FOR OCONEE COUNTY”.

Ms. Susie Cornelius addressed Council regarding her concern that a reduction in state funds will impact how Oconee County operates state agencies located within the county. Mr. Blanchard assured Ms. Cornelius that operations will not be affected; that this ordinance increases the milage by .7 mills and transfers funds from the general fund to cover the anticipated shortfall.

No written comments were submitted.

Mr. Blanchard called the public hearing at an end.

Ordinances for Approval:

Ordinance 2007-21:

Mr. Crumpton made a motion, seconded by Mr. Suarez, approved 4 – 0 to approve **Ordinance 2007-21** “AN ORDINANCE ESTABLISHING A PROGRAM TO DESIGNATE OCONEE COUNTY’S SCENIC HIGHWAYS” on third and final reading.

Ordinance 2008-15:

Mr. Ables made a motion, seconded by Mr. Crumpton, approved 4 – 0 to approve **Ordinance 2008-15** “AN ORDINANCE TO AMEND ORDINANCE 1997-06, AN ORDINANCE TO APPOINT AND COMMISSION COUNTY PARK RANGERS AS CODE ENFORCEMENT OFFICERS” on third and final reading.

PRT Policy & Procedure Manual:

Mr. Surrent asked that Council also formally adopt the Parks, Recreation & Tourism Policy & Procedure Manual as presented as it pertains to specific duties/responsibilities of the Park Rangers.

Mr. Ables made a motion, seconded by Mr. Suarez, approved 4 – 0 to adopt the Parks, Recreation & Tourism Policy & Procedure Manual as presented.

Ordinance 2008-16:

Mr. Crumpton made a motion, seconded by Mr. Suarez, approved 4 – 0 to adopt **Ordinance 2008-16** 16 “AN ORDINANCE BY OCONEE COUNTY, SOUTH CAROLINA, AUTHORIZING AN INFRASTRUCTURE TAX CREDIT (BORGWARNER TORQTRANSFER SYSTEMS INC. PROJECT); THE ENTERING INTO OF CERTAIN COVENANTS AND AGREEMENTS AND THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE ISSUANCE OF THE AFORESAID INFRASTRUCTURE TAX CREDIT AND APPROVAL OF THE AMENDMENT AND EXTENSION OF THE FEE AGREEMENT DATED AS OF DECEMBER 1, 2007, INCLUDING CERTAIN OTHER MATTERS RELATING THERETO” on third and final reading.

Ordinance 2008-17:

Mr. Ables made a motion, seconded by Mr. Crumpton, approved 4 – 0 to adopt **Ordinance 2008-17** “AN ORDINANCE TO AMEND ORDINANCE 2006-27 RELATING TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE AND PICKENS COUNTIES SO AS TO ENLARGE THE PARK” on third and final reading.

Ordinance 2008-18:

Mr. Ables made a motion, seconded by Mr. Crumpton, approved 4 – 0 to adopt Ordinance **2008-18** “AN ORDINANCE TO AMEND ORDINANCE 2008-06, THE 2008-2009 BUDGET APPROPRIATIONS ORDINANCE FOR OCONEE COUNTY” on third and final reading.

SDOC Donation of 4.946 acres to Oconee County:

Mr. Blanchard recognized Mr. John Adams, Library Board Chairman, who read from a prepared letter [filed with these minutes] regarding the School Districts donation of 4.946 acres of land adjacent to Blue Ridge Elementary School in Seneca for the purpose of building a new Oconee County Library.

Mr. Blanchard requested Council consider tabling this matter until January 2009 at which time the new council members will be seated. He stated that he felt that the new members should be involved in the decision to either accept the property for the expressed intent or to not accept the property. Mr. Blanchard stated that operating and maintenance costs are an issue that has not adequately been addressed. He also stated that he felt that if Council accepts the land that it will be the perception of the public that Council is committing to build a new Oconee County library on this site and this is not the case. Mr. Adams stated that voting to accept the land was not also voting for a new library. Mr. Blanchard respectfully disagreed with Mr. Adams.

Mr. Suarez stated that he felt Council should accept the land and work through issues in the coming months. Lengthy discussion followed.

A majority of Council [Mr. Suarez opposed] agreed to table acceptance of this land until January 2009 at which time Council can review and discuss the matter fully.

W.K. Dickson Engineering Report re: Golden Corner Commerce Park Sewer Options:

Mr. Blanchard recognized Mr. Bob Winchester, Oconee County Sewer Commission/Oconee Joint Regional Sewer Authority General Superintendent, who provided Council with two documents that provide an overview [filed with these minutes] of the sewer options for a drip irrigation system and closed holding tank at the Golden Corner Commerce Park. Cost for Alternative #1, Phase #1 would be \$4,357,500.00. Lengthy discussion followed.

Mr. Ables made a motion, seconded by Mr. Crumpton, approved 4 – 0, to approve Alternate #1, Phase #1 for the drip irrigation sewer option at the Golden Corner Commerce Park for a total amount of \$4,357,500.00 as outlined in the W. K. Dickson engineering proposal as presented. As part of the motion it is noted that approval is contingent upon the Sewer Authorities approval to commit block grant funds to this project and that Oconee County will commit one Economic Development mill to this project.

Mr. Winchester requested a letter outlining this approval and contingencies prior to the next Commission meeting. He also noted that he will begin the process to have a revised PER will be submitted to SCDHEC.

Items for Consideration by Council:

Easement Approval for Airport:

Mr. Norton explained that the easement [Project 001514-373055, Siren #35] will allow Duke Energy to move an existing siren at the Oconee County Airport to another location. He assured the Council that this move will not interfere with airport operations.

Mr. Ables made a motion, seconded by Mr. Crumpton, approved 4 – 0 to authorize approval of the easement with Duke Energy for placement of the warning siren.

Sheriff's Department / 10th Judicial Circuit Law Enforcement Network Grant:

Mr. Ables made a motion, seconded by Mr. Suarez, approved 4 – 0 to authorize the Sheriff's Department to apply for the 10th Judicial Circuit Law Enforcement Network Grant as outlined in the agenda item summary.

Emergency Services / Target Safety Online Fire & EMS Training Grant:

Mr. Crumpton made a motion, seconded by Mr. Ables, approved 4 – 0 to authorize Emergency Services to apply for the Target Safety Online Fire & EMS Training Grant.

Arts & Historical Grants:

Oconee Conservatory of Fine Arts / \$2,000 / 2008-2009 Advertising:

Battle of Oconee Committee / \$5,000 / Second Annual Battle of Oconee:

Oconee Heritage Center / \$1,500 / Canoe Restoration Project:

Fair Play Fire Department / \$1,500 / Annual Blue Grass & Gospel Festival:

Mr. Suarez made a motion, seconded by Mr. Ables, approved 4 – 0 to approve the four Arts & Historical Grants listed above for a total of \$10,000.

Council Committee Reports:

Transportation:

Mr. Crumpton reported that the Transportation Committee met on Monday, October 20, 2008 and discussed various issues to include Right of Ways, Road Scoring, Department Policy and citizen issues.

It is the recommendation of the Transportation Committee for the following:

- 1] To permit the Road Department to implement "Standard Operating Guidelines for Roads & Bridges Department to Purchase Asphalt Materials" for a six month trial period. They will report their results at the end of the trial period to determine if the Guidelines should be made permanent.
- 2] Approve implementation the new scoring system. The Road Department Director is to draft a Resolution to amend and/or repealing the existing scoring Resolution #2001-18.

As recommendation #1 from the committee changes the standard operating procedures for this department the County Administrator asked for a full vote to implement this policy change.

Mr. Crumpton made a motion, seconded by Mr. Ables, approved 4 – 0 to approve the recommendation from the Transportation Committee regarding the "Standard Operating Guidelines for Roads & Bridges Department to Purchase Asphalt Materials" for the trial period outlined above.

Law, Enforcement, Public Safety, Health & Welfare Committee Report:

Mr. Blanchard had no report at this meeting.

Mr. Blanchard informed the Council that he recently attended the County Coalition meeting in Columbia noting that several key issues were highlighted; 1] reductions in the Local Government Fund, 2] illegal immigration, and 3] GASB 45.

Mr. Blanchard praised his predecessors on Council who wisely put into place a financial management plan which provides for 90 days of operating funds in the bank. This will assist the current council in dealing with statue revenue shortfalls. Regarding illegal immigration he noted that the emphasis during the meeting was that immigration is a Federal and Civil matter and not a Criminal issue. The recommendation at the meeting was to put in place a system in which when stopped by the police or sheriff's department all citizens are required to show proof of legal residency status. Mr. Blanchard noted that Sheriff Singleton had already put this policy into place and commended his efforts. Lastly the GASB 45 issue will be reviewed again after the November election as issues relating to investment options are ballot questions this year.

Budget, Finance & Administration:

Mr. Ables had no report at this meeting.

Planning & Economic Development:

Mr. Suarez reported that the Planning & Economic Development Committee met on Monday, October 20, 2008 and discussed the updated subdivision regulations and the removal of road department regulations. He noted that two things are accomplished with this revision: 1] it removes the private road standards from the subdivision regulations, and 2] it streamlines and clarifies the plat review process.

Mr. Suarez stated that it is the recommendation of the committee to forward the private road standards to the Transportation Committee for review at their next meeting. In addition it is the recommendation of the committee to bring forward to Council at their next meeting the revised Subdivision Regulations for approval.

Mr. Blanchard informed Mr. Suarez that he attended the Transportation Committee and alerted them that the private road standards will be coming to the committee for review.

Real Estate, Facilities & Land Management:

Mr. Lyles was not present at this meeting - no report was presented.

Commission / Board Reports to Council:

There were no reports presented at this meeting.

Board & Commission Appointments:

WorkLink Workforce Board:

Mr. Jimmy Pennell with WorkLink briefly reviewed the two recommended appointees; Mr. Leon Harris & Mr. Benny Cunningham, and one candidate for reappointment, Mr. James Alexander, with Council.

Mr. Ables made a motion, seconded by Mr. Crumpton, approved 4 – 0 to appoint/reappoint the candidates listed above to the WorkLink Workforce Board for three year terms.

Board of Zoning Appeals – District IV:

District IV representative Mr. Lyles was not present at this meeting. This item will appear on the next agenda for action.

ATAX Commission:

Clerk to Council read into the record the recommendation of the PRT Director and ATAX Chairwoman to appoint Mr. John Carter. It was noted that Mr. Carter also serves on the PRT Commission and concerns were raised regarding dual office holding. Mr. Blanchard asked Mr. Shirley, PRT Director, to contact Mr. Carter to determine which commission he wishes to serve on and report back to Council.

Administrator’s Report:

Fuel Usage Report for 1st Quarter:

Mr. Surrett notified the Council that as the meeting was already lengthy that a written report would be provided to Council rather than present an oral report at this meeting. Council concurred.

South Carolina Department of Revenue [SCDOR] Report:

Mr. Surrett updated Council regarding the report received from the SCDOR that investigated the Treasurers allegations that taxpayers had been overcharged taxes. Mr. Surrett read into the record the report’s conclusion [the full 25 page report is filed with these minutes]. In addition he commended staff to include County Auditor, Linda Nix, County Finance Director, Phyllis Lombard and Clerk to Council, Elizabeth Hulse for their work to provide SCDOR with all material needed to conduct their investigation.

Mr. Blanchard thanked staff for their professionalism and work and stated that he hoped that this matter is now behind the County.

DHEC – Great American Smoke Out Day / Health Department:

Mr. Surrett summarized the request that the County designate the Health Department and surrounding areas “smoke free”. Mr. Surrett drafted a letter to DHEC [filed with these minutes] outlining the counties position on the matter. Council concurred with Mr. Surrett’s response.

Old Business:

There was no Old Business discussed at this meeting.

New Business:

There was no New Business discussed at this meeting.

Adjourn:

Mr. Blanchard asked for a motion to adjourn the meeting. Mr. Crumpton made a motion at 8:43 p.m. The motion was approved unanimously.

Respectfully Submitted:

Elizabeth G. Hulse, Clerk to Council