



MINUTES
OCONEE COUNTY COUNCIL
Regular Meeting
January 19, 2010

MEMBERS, OCONEE COUNTY COUNCIL

Mr. Reg Dexter, District V, Council Chairman
Mr. Joel Thrift, District IV, Vice Chairman
Mr. Wayne McCall, District II, Chairman Pro Tem
Mr. Paul Corbeil, District I
Mr. Mario Suarez, District III

Oconee County Council met on Tuesday, January 19, 2010 at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, Gene Klugh, Interim Administrator, Thomas E. Martin County Attorney 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.oconeesc.com/council]. In addition it was made available to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Ray Chandler – Anderson Independent and Carlos Galarza - Daily Journal.

Call to Order:

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

Public Comment Session:

Mr. Susan Schmidt addressed Council in support of Ordinance 2009-28.

Ms. Robbie Hardy addressed Council in support of Ordinance 2009-28.

Mr. Jimmy Franklin, Promoter for the Westminster Speedway, addressed Council in opposition to Ordinance 2009-28.

Ms. Susie Cornelius addressed Council regarding concerns that Ordinance 2009-28 equaled regulatory takings by the county.

Mr. Larry Linsin addressed Council requesting that Council return to the previous meeting format and eliminate a meeting recess after public comment.

Mr. Clyde Deaton addressed Council in support of Ordinance 2009-28.

Ms. Dot Holbrooks addressed Council in support of Ordinance 2009-28.

Mr. B.J. Littleton addressed Council regarding defective mortar at the Courthouse and his selection criteria for a new county administrator.

Extended Public Comment Session:

Noise Ordinance / Mr. Berry Nichols:

Mr. Nichols addressed Council regarding his concerns regarding Ordinance 2009-28, noting that the racetrack has been in the county since the 1960's. He expressed concern that this was only the beginning and that the ordinance could be expanded to cover street vehicles, yard equipment, etc.

Gambling / Mr. C. W. Richards

Mr. Richards addressed Council regarding concerns about economic development in these difficult economic times.

County Council / County Attorney Comments:

Mr. Wayne McCall / District II:

Mr. McCall stated that he wished citizens could work together to resolve the issues related to the Westminster Race Track.

Mr. Paul Corbeil / District I:

Mr. Corbeil noted that as Chair of the Planning & Economic Development Committee that he not only works with county staff but community leaders in an effort to bring more jobs to Oconee County. He stated that his support for sewer expansion in the southern part of the county is based on citizen input and many in depth studies which all agree that sewer expansion will benefit the county with additional jobs and an increased tax base. Mr. Corbeil noted also that through grants from local industry [AT&T and Blue Ridge Electric] that \$670,000 is already allocated for a spec building and that any decision regarding the building of a spec building will be a business decision – not a political one.

Mr. Reg Dexter / District V:

Mr. Dexter stated that he along with other council members have met with community leaders in the northern part of the county regarding potential sewer expansion in those areas.

Mr. Mario Suarez / District III:

Mr. Suarez noted that the sewer expansion in the southern part of the county was part of the 2004 Comprehensive Plan and that it is part of the new 2009 draft revision to the plan. He also noted that it was his opinion that the county should not deviate from this development.

Mr. Joel Thrift / District IV:

Mr. Thrift noted that he has had discussions with a developer who has stated that once sewer is available at the Commerce Park that they are ready to move forward with development.

Mr. Tom Martin / County Attorney:

Mr. Martin addressed concerns raised by Ms. Cornelius regarding regulatory takings noting that the Wikipedia reference is not a legal opinion. He outlined two issues related to takings. Mr. Martin stated that as long as the county is not taking all value from a property owner that they are not engaged in legal takings. He stated that Council may regulate as long as they do not take all value. Lastly he noted that takings are always considered when any land use issue is reviewed for legality.

Meeting Recess

Mr. Thrift made a motion, seconded by Mr. Suarez, approved unanimously to recess the meeting at 6:49 p.m.

Meeting Reconvenes:

Mr. Corbell made a motion, seconded by Mr. Thrift, approved unanimously to reconvene the meeting at 7:00 p.m.

Pledge of Allegiance:

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

Minutes:

Mr. Thrift made a motion, seconded by Mr. McCall, approved 4 – 0 [Mr. Suarez abstained as he was not present for the meeting] that the minutes from the January 5, 2010 regular meeting be approved as printed.

Mr. McCall made a motion, seconded by Mr. Thrift, approved 5 – 0 that the minutes from the January 11, 2010 special called meeting be approved as printed.

Public Hearing regarding the Following Ordinances:

Ordinance 2009-23 "AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO"

Mr. Dexter opened the floor for oral comments. None were received.

Ordinance 2009-26 "AN ORDINANCE TO AMEND THE FISCAL YEAR 2009-2010 BUDGET APPROPRIATIONS ORDINANCE FOR OCONEE COUNTY IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY; AND OTHER MATTERS RELATED THERETO"

Ms. Susie Cornelius addressed Council utilizing a PowerPoint presentation [filed with these minutes] regarding her opposition to the passage of Ordinance 2009-26. She also provided a copy of a draft letter [filed with these minutes] that Ms. Cornelius stated she would send if council passed this ordinance on third and final reading.

Mr. C. W. Richards addressed Council regarding ongoing media coverage of the joint fire station with the City of Westminster.

Mr. David Smith, Westminster City Administrator, addressed Council thanking them for moving forward with the joint fire station.

Mr. Dexter opened the floor for written comments. None were received.

Mr. Dexter closed the Public Hearings regarding Ordinances 2009-23 & 2009-26.

Consideration of the following Ordinances:

Ordinance 2009-23:

Mr. Suarez made a motion, seconded by Mr. Thrift, approved 5 - 0 to approve **Ordinance 2009-23** "AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO" on third and final reading.

Ordinance 2009-26:

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 - 0 to approve **Ordinance 2009-27** "**Ordinance 2009-26** "AN ORDINANCE TO AMEND THE FISCAL YEAR 2009-2010 BUDGET APPROPRIATIONS ORDINANCE FOR OCONEE COUNTY IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY; AND OTHER MATTERS RELATED THERETO" on third and final reading.

Ordinance 2009-27:

Mr. McCall made a motion, seconded by Mr. Thrift, approved 5 - 0 to approve **Ordinance 2009-27** "AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO" on second reading and to schedule the required public hearing on or after February 16, 2010.

Ordinance 2009-28:

Mr. Thrift made a motion, seconded by Mr. Dexter, approved 4 - 0 [Mr. McCall abstained] to approve **Ordinance 2009-28** "AN ORDINANCE TO AMEND ARTICLE II (NOISE) OF CHAPTER 12 OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED PARTICULARS, ONLY; AND OTHER MATTERS RELATED THERETO" on second reading.

Ordinance 2010-01:

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 - 0 to approve **Ordinance 2010-01** "AN ORDINANCE TO AMEND THE OCONEE COUNTY COMPREHENSIVE PLAN" on first reading in title only.

Ordinance 2010-02:

Mr. McCall made a motion, seconded by Mr. Suarez, approved 5 - 0 to approve **Ordinance 2010-02** "AN ORDINANCE TO ESTABLISH CENTRALIZED PROCUREMENT REGULATIONS FOR OCONEE COUNTY, REPLACING ORDINANCE 2001-15 AND AMENDMENT ORDINANCE 2002-12" on first reading in title only.

Mr. Martin noted that the full text is currently being reviewed by his office and that a full copy with an amended caption will be forthcoming for council's review at a future meeting.

Items for Consideration by Council:

Sheriff & Road Department / \$78,295 / three 2011 Ford F-250 Trucks / Approve State Contract Pricing & Reject Bid #09-15:

Mr. Thrift made a motion, seconded by Mr. McCall, approved 5 – 0 to reject all bids received for Bid -09-15 as they exceeded the state contract price and award the purchase of three 2011 Ford F-250 trucks in the amount of \$78,295 from Benson Ford Mercury ofasley, SC per State Contract #4400001704 and #4400001705.

Sheriff's Department / \$175,382 / eight 2010 Ford Crown Victoria sedans / Approve State Contract Pricing:

Mr. Suarez made a motion, seconded by Mr. McCall, approved 5 – 0 approve the purchase of eight [8] 2010 Ford Crown Victoria sedans with pursuit packages for the Oconee County Sheriff's Department in the amount of \$175,382 from Vic Bailey Ford of Spartanburg, SC per State Contract #4400000369.

PRI / not to exceed \$1,000 / Advertisement in 2010 Visitor's Guide to the Upcountry South Carolina Magazine

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 5 – 0 approve up to \$1,000 for a full page advertisement on the inside front cover in the Visitor's Guide to the Upcountry South Carolina Magazine.

Board & Commission Appointments:

There were no Board or Commission appointments scheduled for action at this meeting.

Commission / Board Reports to Council:

Building Codes Appeal Board:

Mr. Channon Chambers, Building Codes, addressed Council utilizing a PowerPoint presentation [filed with these minutes] outlining the make up of the Board along with its role and responsibilities.

Council Committee Reports:

Transportation Committee:

Mr. Thrift reported on two meetings held on December 2, 2009 and January 14, 2010. Summary reports of these meetings are filed with these minutes. The following actions were taken by Council on recommendation of the Committee:

Mr. Corbeil made a motion, seconded by Mr. Suarez, approved 5 – 0 to approve acceptance of .4 miles in the Waterford Pointe Subdivision with three proviso's to include: [1] HOA to obtain 100% of the ROW within 6 months, [2] a \$3,000 bond will be put into place for 18 months, and [3] the HOA accepts all responsibility for any maintenance & landscaping in the median.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 5 – 0 to approve the SCDOI request for title to .453 acres of land related to the Sheep Farm Road project contingent upon [1] the addition of a stipulation to allow for a left hand turn from the property after the road improvements, and [2] that the proposal be reviewed and approved by the county attorney.

Planning & Economic Development Committee:

Mr. Corbeil reported on the meeting held on December 18, 2009. A summary report of the meeting is filed with these minutes.

Real Estate, Facilities & Land Management:

Mr. Suarez announced a meeting for Saturday, January 23, 2010 at 9:00 a.m. in Council Chambers to receive a presentation from Mr. Neal Workman related to the jail.

Budget, Finance & Administration:

Mr. Dexter announced a planning workshop meeting for Saturday, January 23, 2010 at 10:00 a.m. [expected to last until approximately 2:00 p.m.] in Council Chambers to plan for the FY 2010-2011 budget.

Administrator's Report:

Mr. Klugh had no report at this meeting.

Old Business:

There was no Old Business at this meeting.

New Business:

Called Council Meeting:

Mr. Dexter stated that at the request of the County Attorney a special meeting is scheduled for Tuesday, January 26, 2010 at 7:00 p.m. in Council Chambers in order to hold an Executive Session for the purpose of legal advice regarding legal action related to an ongoing matter. He also noted that Council will likely come out of Executive Session and take action on the matter discussed.

Discussion regarding options related to the Tri County Landfill property:

Mr. Dexter outlined action taken by Anderson County through a resolution stating their desire to sell the jointly owned landfill property. Mr. Dexter solicited the Council members to provide him with direction regarding Council's desire to either hold or sell the property. Discussion followed.

It was the consensus of Council that Oconee would be willing to sell but not less than last offer made for the property. Members stated that continuing to hold the property would not be a hardship.

Mr. Dexter stated that he would meet with the other council chairs and the ACOG representative on Tuesday, February 2, 2010 and advise them of Council's opinion.

Adjourn:

Mr. Thrift made a motion, seconded by Mr. McCall, approved unanimously to adjourn the meeting at 8:34 p.m.

Respectfully Submitted:



Elizabeth G. Hulse
Clerk to Council