



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
May 18, 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, May 18, 2010 at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, Interim Administrator Gene Klugh, Thomas L. Martin County Attorney and Clerk to Council, Elizabeth G. Hulse 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 to the newspapers, radio stations, television stations and concerned citizens.

Member of the press present: Ray Chandler – Anderson Independent, Dick Mangrum – WGOG Radio, Ashton Hester – Keowee Courier & Carlos Galarza - Daily Journal.

Call to Order:

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

Public Comment Session:

Ms. Andy Heller addressed Council regarding meeting decorum asking Council to enforce existing rules and ordinances prohibiting threatening and abusive language and behavior by a few audience members.

Mr. John Little addressed Council agreeing with Ms Heller's comments and voicing opposition to the Zoning Enabling Ordinance.

Mr. C. W. Richards addressed Council regarding concerns with the performance of the Economic Development Department.

Mr. B. J. Littleton addressed Council in opposition to the Zoning Enabling Ordinance. Mr. Littleton's other comments are not reflected as they were derogatory toward some ethnic groups and religious sects.

Additional Public Comment from citizens not signed up to speak:

Mr. Balls Morgan addressed Council asking for ways in which various groups in the county can work together to benefit the entire County.

Extended Public Comment Session:

No citizens signed up for Extended Public Comment at this meeting.

County Council Response to Public Comment:

Mr. Dexter addressed those present regarding the appropriate time during the Council meetings for public comment and that outbursts, negative and slanderous comments will no longer be permitted. He noted that Council has business to do at these meeting and that the time for comment on actions under consideration by Council is during the Public Comment session and not appropriate during Council's discussion. Public Comment is a privilege and Council is not required to provide for any citizen input at their meetings however all Council member feel it is important to receive input regarding issues before them. He noted that in the future the use of negative terms to describe portions of our community will not be tolerated. Interruptions by citizens impede the meetings and prohibit citizens from witnessing with clarity the business taking place at the meetings.

Meeting Recess:

Mr. Dexter recessed the meeting to 6:30 p.m.

Meeting Reconvene:

Mr. Dexter reconvened the meeting to 7:00 p.m.

Pledge of Allegiance:

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

Minutes:

Mr. Thrift made a motion, seconded by Mr. McCall, approved 4 – 0 that the minutes from the May 4, 2010 regular meeting be adopted as printed.

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 4 – 0 that the minutes from the May 6, 2010 special meeting be adopted as printed.

Consideration of the Following Resolutions:

Resolution R2010-04:

Mr. McCall made a motion, seconded by Mr. Corbeil, to approve **Resolution R2010-04** 'A RESOLUTION HONORING JOHNSON CONTROLS' on first and final reading. Mr. Dexter presented the Resolution to Mr. Jeff Mays, Plant Manager, and asked that all those presented who work for Johnson Controls stand and be recognized.

Resolution R2010-06:

Mr. Thrift made a motion, seconded by Mr. McCall, to approve **Resolution R2010-06** "A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT GOLD DUST, WHEREBY, UNDER CERTAIN CONDITIONS, OCONEE COUNTY WILL EXECUTE A FEE IN LIEU OF TAX AGREEMENT FOR A PROJECT INVOLVING NOT LESS THAN EIGHTEEN MILLION DOLLARS (\$18,000,000) INVESTMENT" along with Inducement Agreement on first and final reading.

Consideration of the Following Proclamations:

Proclamation P2010-02:

Mr. McCall made a motion, seconded by Mr. Thrift, to approve **Proclamation P2010-02** ‘A PROCLAMATION THANKING SELECT CIVIC LEADERS AND CITIZENS FOR THEIR INVALUABLE SERVICE TO OCONEE COUNTY’ on first and final reading. Mr. Dexter noted that these citizens assisted Council during the selection process for the new County Administrator.

Consideration of the Following Ordinances:

Ordinance 2010-09:

Mr. McCall made a motion, seconded by Mr. Thrift, approved 4 – 0 to approve **Ordinance 2010-09** “AN ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA, TO ESTABLISH PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION OF AND THE ENTERING INTO DEVELOPMENT AGREEMENTS” on second reading.

Ordinance 2010-10:

Mr. Corbeil made a motion, seconded by Mr. Dexter, to approve **Ordinance 2010-10** “AN ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DEVELOPMENT AGREEMENT BY AND BETWEEN OCONEE COUNTY AND KEOWEE RIVER PRESERVATION GROUP, LLC, WHEREBY CERTAIN PROPERTY WILL BE SUBJECT TO CERTAIN DEVELOPMENT STANDARDS; AND OTHER MATTERS RELATED THERETO” on second reading. Discussion followed.

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 4 – 0 to table discussion of Ordinance 2010-10 until the Planning Commission has reviewed the amended language and made a recommendation to Council.

The motion for second reading remains on the table and when the ordinance is returned to Council for action further discussion may take place.

Ordinance 2010-18:

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 4 – 0 to approve **Ordinance 2010-18** “AN ORDINANCE TO AUTHORIZE THE LEASING OF CERTAIN OCONEE COUNTY SPACE; AND OTHER MATTERS RELATED THERETO on second reading.

Ordinance 2010-19:

Mr. Martin noted that requests by Council to have three provisos included in the agreement have been denied by the SC Department of Transportation. These provisos included the request for an agreement that no barrier be placed to impede turning onto the property, a request to have the property surveyed, and for SCDOT to place pins on the property. Mr. Martin noted that SCDOT stated that they have no plans now or in the future to place any barrier on the roadway but will not stipulate this in writing. In addition, they will not pay for a survey or pin placement, however, he felt that the engineering drawings were sufficient for the County’s purposes. Discussion followed.

Mr. McCall made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2010-19** “ORDINANCE CONVEYING RIGHT-OF-WAY ON SHEEP FARM ROAD” on second reading.

Ordinance 2010-20:

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2010-20** ‘AN ORDINANCE REGARDING THE SALE OF JOINTLY OWNED PROPERTY WITH ANDERSON & PICKENS COUNTIES’ on first reading in title only.

Ordinance 2010-21:

Mr. Corbeil made a motion, seconded by Mr. Suarez, approved 5 – 0 to approve **Ordinance 2010-21** AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, TO ESTABLISH THE AGRICULTURAL RESIDENTIAL DISTRICT AND THE PUBLIC AND RECREATIONAL LANDS DISTRICT, AND ALL RELATED USES, STANDARDS AND REQUIREMENTS; AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO” on first reading in title only.

Discussion & Possible Action Items:

Planning Commission Recommendations for Amending Zoning Regulations:

Mr. Dexter made a motion, seconded by Mr. Suarez, approved 5 – 0 to table this matter and schedule a joint workshop with the Planning Commission to review their recommended changes for amending the Zoning Enabling Ordinance and other related zoning matters.

Consent Agenda Items / ATAX Grant Requests

- a. Not to Exceed \$1,900 / 2010 Heritage Corridor Magazine / Advertising
- b. \$4,000 / Host 2 fishing tournaments / Southern Crappie Fishing Tournament Trail

Council addressed these issues individually.

Mr. Suarez made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve the 2010 Heritage Corridor Magazine advertising request with the understanding it will not exceed \$1,900.

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve \$4,000 to host two fishing tournaments in the Southern Crappie Fishing Tournament Trail.

RFQ 09-25 / Program Management Consultant / \$50,000 Pre Design Services Phase & fee equal to 3.5% of the total construction project costs for additional program management services

Mr. Dexter stated that he had participated in the selection of this company; therefore, he stated that he would abstain from the discussion and vote on this matter. Additionally, he noted that the would complete the appropriate form for filing with these minutes.

Mr. Suarez made a motion, seconded by Mr. Thrift, approved 4 – 0 [Mr. Dexter abstained] to award RFQ 09-25, Program Management Consultant for Oconee County Detention Center to Carter Goble Lee Companies of Alpharetta, GA not to exceed the amount of \$50,000 for the Pre-Design Services phase and a fee not to exceed 3.5% of the total construction project costs for their additional program management services.

Memorandum of Understanding [MOU] / Tri County Technical College [TCC]

Mr. Thrift made a motion, seconded by Mr. Suarez, approved 5 – 0, to authorize the County Administrator to execute the Memorandum of Understanding between Oconee County and Tri County Technical College as presented.

Bid 09-14 / Jenkins Bridge Removal & Replacement / \$186,218.51 including 10% contingency

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 5 – 0 to award Bid # 09-14 to Saddlebrook Construction of Pickens SC in the amount of \$169,289.55 with a 10% (\$16,928.96) contingency for a total of \$186,218.51.

Board & Commission Appointments:

None scheduled for this meeting.

Commission & Board Reports to Council:

Economic Development Commission

Mr. Jim Alexander, Economic Development Director, addressed Council on behalf of the Commission utilizing a PowerPoint presentation [filed with these minutes] outlining the Commission's activities and goals. Mr. Alexander also recognized Commission members present in the audience.

Council Committee Reports:

Budget, Finance & Administration

Mr. Dexter briefly summarized the work done at the budget meetings held on May 5, 2010 [copy of statement filed with these minutes].

Planning & Economic Development:

Mr. Corbeil briefly summarized the work done at the meeting held on May 11, 2010 to include a report from the Planning Department and Economic Development Department. In addition, discussion took place regarding the approval process plan for the Comprehensive Plan Update ordinance.

Administrator's Report:

Mr. Klugh stated that he had nothing to report at this meeting.

Old Business:

No Old Business was discussed at this meeting.

New Business:

Workshop Meetings

Mr. Dexter noted that in addition to the workshop to be scheduled with the Planning Commission as addressed earlier in the meeting that a workshop meeting was also needed with the Oconee Joint Regional Sewer Authority [OJRSA] to deal with moving forward on several sewer issues in the County. He tasked the Administrator with coordinating this meeting.

Executive Session:

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0, to amend the topics for discussion in Executive Session to include two additional legal issues relating to contractual matters.

Mr. Corbeil made a motion, seconded by Mr. Suarez, approved 5 – 0 to enter into Executive Session for the purpose of discussing three contractual matters; one of which relates to the City of Seneca.

Council entered Executive Session at 8:32 p.m.

Council returned from Executive Session on a motion by Mr. McCall, seconded by Mr. Thrift approved unanimously at 9:38 p.m.

Mr. Dexter noted that no action was taken in Executive Session.

Mr. Corbeil made a motion, seconded by Mr. Suarez, approved 5 – 0 to authorize the County Administrator to negotiate the completion of a one year fire contract with the City of Seneca.

Mr. Thrift made a motion, seconded by Mr. Corbeil to move discussion and action regarding a county wide fire plan and associated budget related issues into the Budget, Finance & Administration Committee so that all Council members can take part in the discussions/actions. Mr. McCall objected strenuously that this issue should remain in the committee that he chairs; Law Enforcement, Public Safety, Health & Welfare. Lengthy discussion followed.

Mr. Dexter called for the vote on the motion. The motion was passed on a 4 – 1 vote [Mr. McCall opposed].

Adjourn:

Mr. McCall made a motion at 9:44 p.m. to adjourn the meeting. The motion was approved unanimously.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council