



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
November 9, 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, November 9, 2010 at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, Thomas L. Martin County Attorney, County Administrator Scott Moulder 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 [*upon request*] 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.

Extended Public Comment Session: None scheduled at this meeting.

Public Comment Session [related to specific agenda items]:

Ms. Donna Linsin voiced concerns regarding the accuracy of the Future Land Use Map [FLUM] which is included in the Comprehensive Plan slated for adoption at this meeting. In addition, Ms. Linsin suggested that the County get rid of the Economic Development Department and outsource this function.

Mr. Brit Adams addressed Council voicing concerns that sufficient time was not allotted for citizen input into the Comprehensive Plan update.

Mr. C. W. Richards addressed Council regarding concerns that job creation was not noted as a component of Ordinance 2010-34. In addition, Mr. Richards noted that the county does not need additional recreational space as planned for the Project North property; we need to create jobs for the citizens.

Ms. Linda Lovely addressed Council in support of the updated Comprehensive Plan; noting that input from the citizens was sought and received during the two year process.

Mr. Phil Soper addressed Council in support of the updated Comprehensive Plan. In addition he requested that if Council accepts the recommendations for changes to the zoning ordinance as requested by the Planning Commission that any applications for re-zoning be grandfathered.

Mr. Archie Barron, District III Council Member Elect, addressed Council in support of the updated Comprehensive Plan noting that it was necessary to have in place for not only the present but future planning for Oconee County.

Mr. John Dalen submitted written comments [copy filed with these minutes] in opposition to passage of the updated Comprehensive Plan.

Public Comment Session [related to non-agenda items]:

Mr. B. J. Littleton addressed Council regarding his opposition to adoption of the Comprehensive Plan; continued funding for the Economic Development Department, and the use of the Airport Car for travel outside of Oconee County.

County Council Response to Public Comment:

Mr. Corbeil noted in response to both Mr. Richards and Ms. Linsin that the County currently out sources a part of our economic development function through the Upstate Alliance who market not only Oconee County but also the 10 upstate counties both within the USA and internationally.

Mr. Suarez noted that passage of the updated Comprehensive Plan is integral to protect the natural resources that all citizens cherish.

Mr. Dexter noted that he missed the last meeting but came into the county office building to listen to the recording of the public comment from the last meeting in preparation for tonight's meeting.

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. 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. Dexter abstained – form filed with these minutes] that the minutes from the October 19, 2010 regular meeting be adopted as printed.

Presentation by Outside Agencies

SCORE [Service Corp of Retired Executives]

Mr. George Illingworth addressed Council reading from a prepared statement [copy filed with these minutes] highlighting SCORE's contributions to small business and services they provide. Council thanked Mr. Illingworth for his presentation.

Council Chambers Flag Top Finial Presentation to Council / Tamassee DAR

Ms. Jean Barnwell and members of the Tamassee DAR presented Council with the correct flag top finial for the State of South Carolina flag which is displayed in Council Chambers.

Council thanked Ms. Barnwell and the DAR for their generous gift to the county.

Consideration of the Following Resolutions:

Resolution R2010-15

Mr. McCall made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Resolution R2010-15** "A RESOLUTION HONORING SANDRA SMITH ON HER RETIREMENT" on first and final reading.

Resolution R2010-16

Mr. Corbeil made a motion, seconded by Mr. Suarez, approved 5 – 0 to approve **Resolution R2010-16** “A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT LSSSD, WHEREBY, UNDER CERTAIN CONDITIONS, OCONEE COUNTY WILL EXECUTE A FEE IN LIEU OF TAX AGREEMENT FOR A PROJECT INVOLVING NOT LESS THAN FIVE MILLION DOLLARS (\$5,000,000) INVESTMENT” and Inducement Agreement on first and final reading.

Consideration of the Following Ordinances:

Ordinance 2010-01

Mr. McCall voiced concerns about the FLUM incorporated into the Comprehensive Plan as it does not adequately identify current industry on the map. Mr. Dexter noted that scale is an issue and that other items are not reflected such as all parks and recreational areas. Discussion followed.

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 4 – 1 [Mr. McCall opposed] to approve **Ordinance 2010-01** “AN ORDINANCE TO AMEND THE OCONEE COUNTY COMPREHENSIVE PLAN” on third and final reading.

Ordinance 2010-32

Mr. Thrift made a motion, seconded by Mr. Suarez, approved 5 – 0 to approve **Ordinance 2010-32** “AN ORDINANCE TO AMEND THE AGREEMENT AUTHORIZED BY ORDINANCES NO. 2006-027, 2008-017, 2010-04 and 2010-24 RELATING TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE AND PICKENS COUNTIES SO AS TO ENLARGE THE PARK.” on first reading.

Ordinance 2010-33

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2010-33** “AN ORDINANCE AMENDING THE OCONEE COUNTY CODE OF ORDINANCES, SECTION 34-1 RELATING TO THE OCONEE COUNTY INFRASTRUCTURE ADVISORY COMMISSION” on first reading.

Ordinance 2010-34

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2010-34** “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT LSSSD; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES RELATED TO THE PROJECT” on first reading.

Ordinance 2010-35

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 to [1] approve **Ordinance 2010-35** “AN ORDINANCE TO AMEND THE ZONING ENABLING ORDINANCE PURSUANT TO A CITIZEN-INITIATED REQUEST TO REZONE A SERIES OF PARCELS REFERENCED AS **HERITAGE SHORES SUBDIVISION**” on first reading in title only, [2] to refer the ordinance to the Planning Commission for their required review, and [3] direct that the Planning Commission return the ordinance with their recommendation in sufficient time for Council to review and take action at their December 7, 2010 regular meeting.

Ordinance 2010-36

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2010-36** “AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2011, OF OCONEE COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$17,000,000; FIXING THE FORM AND CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE CHAIRMAN OF COUNTY COUNCIL TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO” on first reading.

Ordinance 2010-37

Mr. Thrift made a motion, seconded by Mr. Suarez, approved 5 – 0 to approve **Ordinance 2010-37** “AN ORDINANCE AUTHORIZING THE TRANSFER OF AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES ACROSS CERTAIN OCONEE COUNTY REAL PROPERTY AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT RELATED TO THE SAME; AND OTHER MATTERS RELATED THERETO” and Easement Agreement on first reading.

Ordinance 2010-38

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2010-38** “AN ORDINANCE ACKNOWLEDGING THE ACCEPTANCE OF CERTAIN ROADS INTO THE OCONEE COUNTY ROAD SYSTEM; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACCESS EASEMENT AGREEMENT RELATED TO THE SAME; AND OTHER MATTERS RELATED THERETO” on first reading in title only.

Discussion & Possible Action Items:

Presentation of Conceptual Site Plan / Project North / Ordinance 2010-31

Mr. Jim Alexander, Economic Development Director, along with Mr. Moulder reviewed with Council conceptual plans [copies filed with these minutes] prepared by B. P. Barber highlighting both industrial uses and recreational uses. Mr. McCall voiced concerns regarding the use of wetlands for recreational and the conceptual plan for the industrial uses; noting that both were inadequate in his opinion. Mr. Thrift noted they were only the initial plan and that additional fine tuning will be done through out the development of the project. Mr. Moulder requested that Council identify the overall strategic plan and uses for the site so that he can work with B. P. Barber to meet expectations. Lengthy discussion followed.

Planning Commission Recommendations

Lengthy discussion took place regarding the three recommendations that the Planning Commission requested Council discuss and make decisions upon at this meeting.

Mr. Dexter verified with staff present the current process for a re-zoning petition; noting that after staff has reviewed and verified to the best of their ability the accuracy of the petition that it comes to Council for first reading in title only and is then forwarded to the Planning Commission for review and recommendation. Discussion followed.

Mr. Dexter called for a voice vote regarding the Commissions recommendation that the minimum percentage to initiate a re-zoning petition be increased from 51% to 65%. The vote was 4 – 1 [Mr McCall opposed] to maintain the 51% requirement.

Mr. Dexter called for a voice vote regarding the Commissions recommendation to charge a \$5 per parcel application fee. The vote was 5 – 0 to not charge any application fee for rezoning petitions.

Mr. Dexter summarized discussions and asked for and received Council's concurrence regarding the three recommendations as follows:

Recommendation #1 / Method 2 Small Area Rezoning: Council does not support these changes and will take no action on this recommendation.

Recommendation #2 / Adoption of 2 New Districts: Council has adopted this recommendation.

Recommendation #3 / \$5 per parcel fee: Council does not support institution of this fee and will take no action on this recommendation.

Board & Commission Appointments: None scheduled for this meeting.

Commission & Board Reports to Council: None scheduled for this meeting.

Council Committee Reports:

Law Enforcement, Public Safety, Health & Welfare Committee / Mr. McCall

Mr. McCall read from a prepared statement [copy filed with these minutes] outlining the activities of the committee at the last meeting.

Mr. McCall made a motion, seconded by Mr. Dexter, approved 5 – 0 to direct the Administrator to work with Animal Control staff to review and identify funding options [up to \$71,500] for a spay/neuter program for review by the Committee at their next meeting. Mr. McCall also asked the Administrator to identify potential long term budget savings for Animal Control based on an anticipated drop in housing and euthanasia rates over a several year period.

Transportation Committee [reports from two meeting] / Mr. Thrift

Mr. Thrift read from two prepared statements [copies filed with these minutes] outlining activities of the committee at their October 25, 2010 and November 8, 2010 meetings.

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to direct the County Attorney to respond on behalf of Oconee County in Case #2010-CP-37-865 [Clark Road – SE229] noting that the County would not oppose closure of this road with the stipulation that the closure be done at no additional expense to Oconee County.

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve the prioritized listing of potential in-house road paving projects to be accomplished as funding becomes available. Prioritized Listing includes: Pecan Grove, Argo, Lynx, RC, East Capewood, Dobson Cove, Brown Farm, Alexander, Cobb, Rainbow, Coneross Farm, Turner, and Brushy Mountain.

Administrator's Report:

Mr. Moulder provided two reports to for Council's review and discussion.

The first report was the first quarter FY 2010-11 Budget Analysis Review. Discussion followed regarding expenditures and funding for the Public Defender's office. Mr. Moulder noted that he is working to obtain data from that office which will be reviewed and brought back to council as part of the budget process.

The second report was a summary of the last month's activities.

Old Business:

Mr. Dexter made a motion, seconded by Mr. Suarez, approved 5 – 0 to recall from Planning Commission Ordinance 2010-15 to be considered along with 2010-16 at an upcoming meeting in December.

New Business:

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to direct that all Board and/or Commission members who are appointed by Council with terms expiring this year with reappointment in 2011 to either submit a letter of resignation if they wish to no longer serve or to complete the on-line Board/Commission Questionnaire stating their desire to continue to serve by December 17, 2010 so that Council will have ample time to review and make appropriate appointments in the coming year.

Council requested the Clerk to notify all Board / Commission liaisons of this direction by Friday, November 12, 2010.

Executive Session:

Mr. Moulder & Mr Martin requested several additional issues be addressed in Executive Session.

Mr. Dexter made a motion, seconded by Mr. Thrift, approved 5 – 0 to enter into Executive Session for the purpose of:

- [1] receiving legal advice regarding a pending litigation matter,
- [2] to discuss a personnel matter,
- [3] to discuss a contractual matter related to property acquisition,
- [4] to receive a legal briefing on an existing litigation matter with a proposed settlement option, and
- [5] to receive a briefing from the attorney regarding a legal matter that may result in potential litigation.

Council entered into Executive Session at 9:09 p.m.

Council returned from Executive Session at 10:00 p.m.

Mr. Dexter stated that no actions were taken in Executive Session.

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 to direct the County Attorney and County Administrator to settle the legal matter as discussed in Executive Session.

Adjourn:

Mr. McCall made a motion at 10:01 p.m. to adjourn the meeting. The motion was approved unanimously.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council