



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
September 6, 2011

MEMBERS, OCONEE COUNTY COUNCIL

Mr. Joel Thrift, District IV, Council Chairman
Mr. Paul Corbell, District I, Vice Chairman
Mr. Wayne McCall, District II, Chairman Pro Tem
Mr. Archie Barron, District III
Mr. Reg Dexter, District V

Oconee County Council met on Tuesday, September 6, 2011 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: Dick Mangrum – WGOG Radio, Ray Chandler – Anderson Independent, Ashton Hester – Keowee Courier & Carlos Galarza - Daily Journal.

Call to Order: Mr. Thrift called the meeting to order at 6:00 p.m.

Extended Public Comment Session: None scheduled for this meeting.

Public Comment Session [related to specific agenda items]:

Mr. Gary Owen addressed Council reading from a prepared statement [copy filed with these minutes] in support of passage of Ordinance 2011-14.

Mr. George Taylor, Keowee Key Property Owners Assn. Board Member / representative, addressed Council in support of passage of Ordinance 2011-14.

Mr. Ed Card, Keowee Harbor Treasurer / representative, addressed Council in support of passage of Ordinance 2011-14.

Ms. Darlene Sprawl, Riverstone Home Owners Association representative, addressed Council in support of passage of Ordinance 2011-14.

Mr. Kevin Minton, Windward Pointe Home Owners Association President / representative, addressed Council in support of passage of Ordinance 2011-14.

Mr. Dennis Morgan was not present when called and did not speak.

Ms. Gail Marcus / Mr. Dennis Marcus addressed Council requesting their parcel be removed from Ordinance 2011-14; remaining control free.

Mr. C. W. Richards addressed Council on behalf of Mr. James R. Sloan who was unable to attend the meeting; requesting Mr Sloan's parcel be removed from Ordinance 2011-23.

Ms. Lilly Davis addressed Council requesting that her parcel be removed from consideration in Ordinance 2011-14.

Mr. Jim Codner addressed Council utilizing the petitioners map [copy filed with these minutes] requesting all parcels in Ordinance 2011-14 be zoned as requested by the petitioners.

Ms. Susie Cornelius addressed Council regarding [1] concerns that millage is being set prior to property reassessment notices being sent to the public, and [2] lack of distribution of ATAX dollars to mountain communities.

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

Mr. Steve Moore addressed Council regarding [1] Ordinance 2003-07, section 8.22, and [2] requesting release of the emails associated with the Jennings/McMahan FOIA request.

Mr. Larry Linsin addressed Council reading from a prepared statement [copy filed with these minutes] regarding property acquisition and the Propex property.

Mr. B. J. Littleton addressed Council [1] noting that the proposed redistricting map is much better than the districts drawn after the last census, [2] concerns about taxpayer money being used for litigation, and [3] raised questions related to the conservation bank ordinance.

County Council Response to Public Comment:

Mr. McCall stated that as a property owner involved in Ordinance 2011-14 he would be recusing himself from voting on this matter. He also noted that his deed restrictions and court documents supersede any zoning classification placed on his property.

Mr. Corbeil noted he was also a property owner involved in Ordinance 2011-14, however, he would not be recusing himself based on a SC Ethics Commission Opinion [copy filed with these minutes].

Meeting Recess:

Mr. Thrift announced a 10 minute recess.

Meeting Reconvene:

Mr. Thrift reconvened the meeting to 6:54 p.m.

Pledge of Allegiance:

Mr. Dexter led the Pledge of Allegiance to the United States of America.

Minutes:

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 that the minutes from the August 8, 2011 special meeting be adopted as printed.

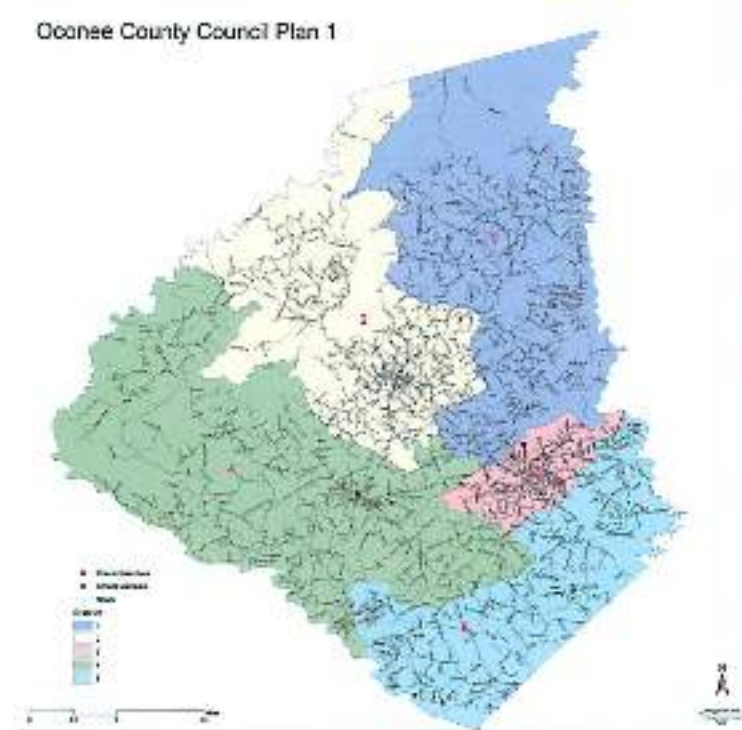
Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 that the minutes from the August 16, 2011 regular meeting be adopted as printed.

Presentation by Outside Organizations

Upstate Alliance Update Presentation / Mr. Hal Johnson

Mr. Johnson, President/CEO, Upstate SC Alliance, addressed Council utilizing a PowerPoint presentation highlighting the previous year's accomplishments and ongoing work.

Public Hearing regarding the Oconee County Council Redistricting Plan 1 Map



Mr. Thrift opened the floor for Public Comment.

Mr. Bud Lorsch addressed Council voicing concerns that Mountain Rest residents are not adequately represented in the existing or proposed district plan.

Mr. Jack Collins addressed Council [1] voicing opposition to the Plan 1 map, and [2] voicing concerns that the District 1 representative does not represent all communities in the district.

Ms. Susie Cornelius addressed Council voicing concerns that the mountain communities are not represented adequately in the proposed redistricting map. Ms. Cornelius also provided Council with copies of letters [copies filed with these minutes] requesting to keep the area of the Sumter Nation Forest in a single district. Lastly, written comments submitted by Ms. Cornelius on August 24, 2011 will be filed with these minutes as part of this public hearing.

Mr./Ms. Chris Rus was not present when called and did not speak.

Mr. George Cleveland addressed Council regarding [1] requesting assurances that minority populations are not being disenfranchised with the proposed map, and [2] questioned the possibility of going from 5 to 7 districts.

Mr. Thrift noted that the map presented by the SC Budget & Control Board, Proposed Plan 1 Map creates districts that are within the guidelines of a maximum 10% population deviation [Plan 1 Map has a less than 3.8% deviation]. In addition, he noted that the plan does not disenfranchise any minority populations in Oconee County.

Mr. Dexter noted that a referendum would be required to change the number of Council districts and this could not take place until 2012.

Mr. Thrift opened the floor for any additional comments.

No additional citizens addressed Council.

Mr. Thrift asked if any citizens wished to submit written comments.

No written comments were submitted.

Mr. Thrift closed the Public Hearing noting that two additional hearings are scheduled for the next two regular council meetings.

Public Hearing regarding the following Ordinances

Ordinance 2011-16 “AN ORDINANCE ESTABLISHING AN OCONEE COUNTY CONSERVATION BANK FOR THE PROTECTION OF LANDS WITH SIGNIFICANT NATURAL, CULTURAL AND/OR HISTORIC RESOURCES IN OCONEE COUNTY.”

Mr. Thrift opened the Public Hearing regarding Ordinance 2011-16.

Ms. Donna Linsin addressed Council voicing concerns regarding the lack of a business plan associated with Ordinance 2011-16.

Mr. Jack Collins was not present when called and did not speak.

Mr. Brit Adams addressed Council in opposition to passage of Ordinance 2011-16.

Ms. Bettina George addressed Council in support of passage of Ordinance 2011-16.

Mr. Thrift opened the floor for any additional comments.

Mr. B. J. Littleton addressed Council requesting definitions for terms used in Ordinance 2011-16.

Mr. Jerry Barnett addressed Council in opposition to passage of Ordinance 2011-16.

Mr. Shea Airy addressed Council in support of passage of Ordinance 2011-16.

Mr. Dennis Marcus addressed Council on an unrelated matter to this public hearing, Ordinance 2011-14.

Mr. Thrift opened the floor for any additional comments.

No additional citizens addressed Council

Mr. Thrift asked if any citizens wished to submit written comments.

No written comments were submitted.

Mr. Thrift closed the Public Hearing regarding Ordinance 2011-16.

Ordinance 2011-17 “AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT IN THE AMOUNT OF NOT EXCEEDING \$1,700,000 TO DEFRAY THE COST OF ACQUIRING VARIOUS EQUIPMENT AND IMPROVEMENTS; AND OTHER MATTERS RELATING THERETO.”

Mr. Thrift opened the Public Hearing regarding Ordinance 2011-17.

Mr. Berry Nichols addressed Council in opposition to passage of Ordinance 2011-17 as it will increase taxes.

Ms. Susie Cornelius addressed Council in opposition to passage of Ordinance 2011-17; [1] questioning if the equipment listed was already purchased, [2] stating payments have yet to be determined, [3] a tower is not needed as the state will give us theirs, and [4] she identified a perceived “coincidence” that the amount is 1/10 the amount of the jail bond.

Mr. Donald Sanders addressed Council in opposition to passage of Ordinance 2011-17.

Mr. Moulder addressed concerns voiced by Mr. Nichols and Ms. Cornelius stating that the money will be used to purchase new or replacement equipment; these purchases have not already been done. He also stated that the amount of the lease-purchase is coincidental and has no relation to the jail bond in any way. In addition, Mr. Moulder stated that the tower is not being given by the state; that they allowed us time to identify where to move our equipment as there is no more room on their tower.

Mr. McCall requested the Administrator discuss the tower situation with appropriate staff in the Columbia office to definitively identify if we need a new tower or not.

Mr. Thrift opened the floor for any additional comments.

No additional citizens addressed Council.

Mr. Thrift asked if any citizens wished to submit written comments.

No written comments were submitted.

Mr. Thrift closed the Public Hearing regarding Ordinance 2011-17.

Consideration of the Following Proclamations:

Proclamation P2011-08

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve **Resolution P2011-08** “A PROCLAMATION COMMEMORATING THE TENTH ANNIVERSARY OF THE SEPTEMBER 11, 2001 TRAGEDY” on first and final reading. Mr. Thrift presented the Proclamation to representatives from the Salem Lions Club and the Keowee Fire Department.

Consideration of the Following Resolutions:

Proposed Resolution / Mr. McCall

Mr. McCall made a motion to approve a Resolution by the Council to approve the release of emails that were withheld as client-attorney privileged.

The motion died on the floor for the lack of a second.

Resolution 2011-11

Mr. McCall made a motion, seconded by Mr. Barron, approved 5 – 0 to approve **Resolution R2011-11** “A RESOLUTION ADOPTING CRITERIA TO BE USED IN DEVELOPING THE 2010 REDISTRICTING PLAN ” on first and final reading.

Consideration of the Following Ordinances:

Proposed Ordinance / Mr. McCall

Mr. McCall made a motion to create an ordinance that would cancel Ordinances 2010-15 and 2010-16 allowing the two communities to start the zoning process over.

The motion died on the floor for the lack of a second.

Ordinance 2011-16

Mr. Dexter made a motion, seconded by Mr. Barron, approved 5 – 0 to approve **Ordinance 2011-16** “AN ORDINANCE ESTABLISHING AN OCONEE COUNTY CONSERVATION BANK FOR THE PROTECTION OF LANDS WITH SIGNIFICANT NATURAL, CULTURAL AND/OR HISTORIC RESOURCES IN OCONEE COUNTY.” on third & final reading.

Ordinance 2011-17

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to approve **Ordinance 2011-17** “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT IN THE AMOUNT OF NOT EXCEEDING \$1,700,000 TO DEFRAY THE COST OF ACQUIRING VARIOUS EQUIPMENT AND IMPROVEMENTS; AND OTHER MATTERS RELATING THERETO.” on third & final reading.

Ordinance 2011-14

Mr. McCall recused himself from voting on this matter [copy of recusal form filed with these minutes] and left the room during discussion/voting.

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 4 – 0 – 1 [Mr. McCall recused himself] to approve **Ordinance 2011-14** “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 Public Hearing on or after October 18, 2011.

Mr. McCall returned to chambers after the vote for the remainder of the meeting.

Ordinance 2011-27

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2011-27** “AN ORDINANCE AUTHORIZING THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA WORKLINK WORKFORCE INVESTMENT CORPORATION AS A SOUTH CAROLINA NONPROFIT CORPORATION TO SERVE AS THE LOCAL WORKFORCE INVESTMENT BOARD FOR THE WORKFORCE INVESTMENT AREA COMPRISED OF ANDERSON COUNTY, OCONEE COUNTY, AND PICKENS COUNTY, SOUTH CAROLINA THROUGH EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN SAID COUNTIES AND OTHER MATTERS RELATING THERETO” on second reading.

CONSENT AGENDA ITEM:

First Reading (in title only) for the following seven citizen initiated rezoning requests Ordinances as outlined on their respective Agenda Item Summaries and as captioned below:

2011-18 [*Neville Request*]

2011-19 [*Mathis Request*]

2011-20 [*Moonlight Bay Request*]

2011-21 [*McClure and N Return Church Road Request*]

2011-22 [*Southern Hartwell Request*]

2011-23 [*Cane Creek Request*], and

2011-24 [*Willow Lane Request*]

“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. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve Ordinances 2011-18, 19, 20, 21, 22, 23 and 24 on first reading in title only and to refer the seven ordinances to the Planning Commission for their required reviews.

Ordinance 2011-25

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2011-25** “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 first reading in title only and to refer the matter to the Planning Commission for the required review.

Ordinance 2011-28

Mr. McCall made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve **Ordinance 2011-28** “AN ORDINANCE TO ADOPT A REDISTRICTING PLAN FOR OCONEE COUNTY, SOUTH CAROLINA; AND OTHER MATTERS RELATED THERETO” on first reading.

Ordinance 2011-29

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to approve **Ordinance 2011-29** “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 first reading in title only, and refer the matter to the Planning Commission for the required review.

Discussion & Possible Action Items:

ITB #11-06 / \$213,505.20 / Tires for Heavy Equipment for Vehicle Maintenance & Quarry

Mr. Moulder and Ms. Robyn Courtright, Procurement Director, addressed Council regarding this bid.

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to [1] award bid #11-06 to Miller Brothers Giant Tire Service, Inc., of Irmo, SC, for the estimated amount of \$213,505.20, for a period of one year with the option to renew for four additional one-year periods, and [2] authorize the County Administrator to renew the bid for up to four one-year periods, provided their work is satisfactory.

Council Break

Mr. Thrift announced a break beginning at 8:25 p.m.

Council returned from break at 8:40 p.m.

Proposed Oconee County Millage for Tax Year 2011

Mr. Ken Nix, Auditor, addressed Council utilizing a PowerPoint presentation [copy filed with these minutes] requesting approval of millage for Fiscal Year 2011-2012. The presentation highlighted the following areas:

- In a Reassessment Year
- Operating Millage / Bonds
- Assessed Values
- Rollback Millage
- FY 2011-2012 Millage
- Assessed Values
- Value of a Mill
- Proposed FY 2011-2012 Millage Worksheet
- Comparison of Millage FY 11 v FY 12
- Reduction in Tax Base
- Taxing Examples
- City Millage / Keowee Fire District Millage
- HighPointe / PointeWest
- Tax Notices

Discussion followed.

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve the proposed millage of 204.3 mills for the unincorporated areas of the county [and 201.4 mills for the incorporated areas] as outlined on the Approved Millage Rates for Fiscal Year 2011-2012 worksheet [copy of signed form filed with these minutes].

Local & State ATAX Grant Requests for August, 2011 cycle

Mr. Moulder and Mr. Phil Shirley, PRT Director, addressed Council regarding these ATAX approvals.

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve the ATAX requests as presented on the worksheet.

Board & Commission Appointments:

Anderson-Oconee Behavioral Health Services Commission

Ms. Hulse notified the Committee that due to a clerical error all open Oconee County positions had been filled prior to appointment of Ms. Priscilla H. Taylor. She stated that after the error was caught she contacted Ms. Taylor explaining the error; noting that her questionnaire would be placed back for appointment to another board or commission in the future.

Commission & Board Reports to Council:

None scheduled for this meeting.

Council Committee Reports:

None scheduled for this meeting.

Budget, Finance & Administration Committee / Mr. Dexter

Mr. Dexter read from a prepared statement [copy filed with these minutes] highlighting the activities at the August 18, 2011 meeting. It was noted that it was the consensus of the Committee to move forward with the SDBCB Proposed Plan 1 map and agreed to schedule public hearings to begin the process of receiving community input.

Transportation Committee / Mr. Thrift

Mr. Thrift read from a prepared statement [copy filed with these minutes] highlighting the activities at the August 30, 2011 meeting.

Administrator's Report:

Mr. Moulder stated he had no report at this meeting.

Old Business:

Presentation of Detention Center Guaranteed Maximum Price [GMP] / Mr. Joe Lee

Mr. Joe Lee, Carter, Goble, Lee, addressed Council utilizing a PowerPoint presentation and additional handouts [copies of all filed with these minutes] requesting approval of the GMP. As part of the presentation, Mr. Lee outlined a project schedule with construction completion in November, 2012. Mr. McCall questioned if the zoning conflict with the City of Walhalla had been resolved and how this would affect the pricing / schedule. Mr. Lee noted that delays would alter the schedule and potentially cost up to \$96,000 more to extend the GMP.

Mr. Martin addressed the pending zoning issue stating that an appeal has been filed with the courts and that mediation has been requested. The county is awaiting a decision regarding mediation by the City of Walhalla.

Lengthy discussion followed.

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 4 – 1 [Mr. McCall opposed] to approve the Guaranteed Maximum Price of \$16,373,743.

ACOG / Appalachian Regional Aging Advisory Committee / Oconee County Vacancy

Mr. Dexter noted that a request from ACOG [copy of the letter and nomination form filed with these minutes] was distributed to the Council members at the last meeting and that a representative to this Committee needs to be nominated by Council. Discussion followed. It was agreed to provide Mr. Dexter with prospective names for possible action at the next Council meeting.

New Business:

September 20, 2011 Council Meeting / Schedule Change Discussion

Mr. Corbeil noted that the Anderson-Pickens-Oconee Industrial Showcase kick off ceremony is scheduled for Tuesday, September 20, 2011 in the evening. The Showcase is a two and one half day event where eighth grade students [last year 5,500 attended] are introduced to manufacturing jobs available in the tri county region. Mr. Corbeil suggested that Council move their September 20, 2011 meeting forward or back one day in order that Council members may attend the Showcase.

It was the unanimous consensus of Council to move the meeting to Wednesday, September 21, 2011 at 6:00 p.m.

Resolution Extending Intergovernmental Agreement with the City of Seneca

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to request the attorney to provide Council for action at the next Council meeting **Resolution R2011-12** 'A RESOLUTION REAUTHORIZING THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SENECA RELATING TO THE JOINT PURCHASE OF THE FORMER PROPEX PROPERTY, EXTENDING THE TERM OF THE INTERGOVERNMENTAL AGREEMENT THROUGH THE END OF 2011.'

Adjourn:

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 5 – 0 to adjourn at 9:56 p.m.

Respectfully Submitted:



Elizabeth G. Hulse
Clerk to Council