



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
November 15, 2011

MEMBERS, OCONEE COUNTY COUNCIL

Mr. Joel Thrift, District IV, Council Chairman
Mr. Paul Corbeil, 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, November 15, 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: 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. Kevin Minton addressed Council [reading from a prepared statement filed with these minutes] in support of passage of Ordinance 2011-14.

Mr. C. W. Richards addressed Council regarding Ordinance 2011-14 reiterating that if the ordinance is passed as presented that McCall brothers will file suit against Oconee County.

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

Mr. James Bartee addressed Council advocating his candidacy for Oconee County Sheriff.

Mr. Larry Linsin addressed Council voicing concerns with Ordinance 2011-25.

Mr. Darrell Fowler addressed Council voicing concerns regarding reassessment.

Mr. Berry Nichols addressed Council voicing support for sewer at the Golden Corner Commerce Park [GCCP].

Mr. B. J. Littleton addressed Council regarding several issues including sewer expansion.

County Council Response to Public Comment: None at this meeting.

Meeting Recess: Mr. Thrift announced a recess at 6:26 p.m.

Meeting Reconvene: Mr. Thrift reconvened the meeting at 6:38 p.m.

Pledge of Allegiance:

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

Minutes:

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve the minutes from the September 21, 2011 regular meeting as amended and presented.

Mr. Barron made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve the minutes from the November 1, 2011 regular meeting as presented.

Presentations by Outside Organizations:

Sign Blight: KOBA/Ms. Judy Koepnick

Ms. Koepnick addressed Council utilizing a PowerPoint presentation [copy filed with these minutes] outlining KOBA's [Keep Oconee Beautiful Association] concerns with sign blight in Oconee County. Council thanked Ms. Koepnick for her presentation.

Public Hearing Regarding the Following Ordinances:

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”

Council Initiated - Industrial Property

Mr. Thrift opened the floor for Public Comment.

No 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 2011-29.

Ordinance 2011-32 “AN ORDINANCE TO AUTHORIZE THE LEASING OF CERTAIN OCONEE COUNTY SPACE; AND OTHER MATTERS RELATED THERETO”

Mr. Thrift opened the floor for Public Comment.

No 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 2011-32.

Consideration of the Following Resolutions:

Resolution R2011-14

Mr. Moulder noted that the restrictive covenants have not been modified after further review. He noted that there are provisions within the covenants to allow for variances based on a company's needs. Mr. Moulder stated that the document provides flexibility and offers safeguards to interested companies.

Mr. Martin reiterated Mr. Moulder's statements reading from Section 5.05 [text below]:

Section 5.05: Variances. Declarant, and its successors and assigns, and/or Architectural Review Board, are hereby authorized and empowered to grant reasonable variances from the provisions of this Declaration in order to overcome practical difficulties and unnecessary hardships in the

application of the provisions contained herein; provided, however, that such variances shall be reasonably consistent with the purposes hereof and shall not materially adversely affect any existing Improvements on the Property. The variance granted pursuant to the authority granted herein shall constitute a waiver of provisions of this Declaration by all Owners of Building Sites, and all Owners hereby irrevocably and unconditionally appoint the Declarant, its successors and assigns, and/or Architectural Review Board as their true and lawful attorney-in-fact for the limited purpose of consenting to the aforesaid variances.

Mr. Thrift noted that after further review he felt that the restrictive covenants as written would be flexible enough to both encourage business to come to Oconee County and to protect the integrity of the park.

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 4 – 1 [Mr. McCall opposed] to approve **Resolution R2011-14** “A RESOLUTION AUTHORIZING THE CREATION OF THE ECHO HILLS BUSINESS AND INDUSTRIAL PARK; APPROVING AND AUTHORIZING THE EXECUTION AND RECORDATION OF RESTRICTIVE COVENANTS GOVERNING THE OPERATION OF THE PARK AND THE USE AND DEVELOPMENT OF PROPERTY LOCATED WITHIN THE PARK; DESIGNATING THE OCONEE COUNTY ADMINISTRATOR AS THE COUNTY’S AGENT WITH REGARD TO CERTAIN TERMS OF THE RESTRICTIVE COVENANTS; AND OTHER MATTERS RELATED THERETO” on first and final reading.

Resolution R2011-16

Mr. McCall made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve **Resolution R2011-16** “A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT FLS, WHEREBY, UNDER CERTAIN CONDITIONS, OCONEE COUNTY WILL EXECUTE A FEE IN LIEU OF TAX AGREEMENT FOR A PROJECT INVOLVING NOT LESS THAN SIXTY MILLION DOLLARS (\$60,000,000) INVESTMENT” on first and final reading.

Consideration of the Following Ordinances:

Ordinance 2011-14

Mr. Martin addressed questions that arose at this and a previous meeting related to existing restrictive covenants and amendments as they relate to property owned by the McCall family. Mr. Martin stated that both a zoning classification and restrictive covenants may be placed on a piece of property. Mr. Moulder noted that Section 38.4.0 specifically addressed concerns related to restrictive covenants adopted prior to the enactment of the zoning enabling ordinance [text from Code of Ordinances below]:

| *[Sec. 38-4.0. - Use.]*

Any usage of a parcel or structure lawful at the time these regulations become effective shall be allowed to continue as a nonconforming usage, subject to the restrictions listed herein. For purposes of this article usage shall be construed to include, without limitation and in addition to the usual meaning of the word, usage expressly and explicitly approved, indicated and stated in a deed restriction, restrictive covenant, or other form of land use restriction imposed or obtained in a private, arms length, contractual transaction which is reduced to a matter of public record, and actually recorded as a public record, at the time of enactment of Ordinance 2007-18.

(Ord. No. 2007-18, Art. 4, 11-6-2008; Ord. No. 2009-03, § 1(B), 5-19-2009)

Based on this, Mr. Moulder stated that the McCall family was permitted to do anything allowed by their restrictive covenants and that any zoning classification would not impact their property.

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 4 – 0 – 1 [Mr. McCall abstained – form filed with these minutes] 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” *[Keowee Key / Stamp Creek Request]* on third and final 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” *[Council Initiated – Industrial Property]* on third and final reading.

Ordinance 2011-32

Mr. Dexter made a motion, seconded by Mr. Barron, approved 5 – 0 to approve **Ordinance 2011-32** “AN ORDINANCE TO AUTHORIZSE THE LEASING OF CERTAIN OCONEE COUNTY SPACE; AND OTHER MATTERS RELATED THERETO” on third and final reading.

Ordinance 2011-19

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to approve **Ordinance 2011-19** “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” *[Mathis Request]* on second reading.

Ordinance 2011-24

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2011-24** “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” *[Willow Lane Request]* on second reading.

Ordinance 2011-30

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2011-30** “AN ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN OCONEE COUNTY REAL PROPERTY; AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT, LIMITED WARRANTY DEED, AND OTHER DOCUMENTS RELATED TO THE TRANSFER OF THE PROPERTY; AND OTHER MATTERS RELATED THERETO” on second reading.

Ordinance 2011-33

Mr. Jim Alexander, Economic Development Director, introduced Mr. Frank Lamson-Scribner, Plant Manager, BASF. Mr. Scribner announced that BASF is Project FLS and that the

company plans to significantly increase their footprint in the county over the next five years through a series of investments [\$60,000,000] and plans to create 25 new jobs.

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve **Ordinance 2011-33** “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT FLS; THE GRANTING OF SPECIAL SOURCE REVENUE CREDITS; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES” on second reading.

Ordinance 2011-34

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2011-34** “AN ORDINANCE TO AMEND THE AGREEMENT AUTHORIZED BY ORDINANCES NO. 2006-027, 2008-017, 2010-04, 2010-24, 2010-32, 2011-09, 2011-15 RELATING TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE AND PICKENS COUNTIES SO AS TO ENLARGE THE PARK” on first reading.

Discussion & Possible Action Items

None scheduled for this meeting.

Board & Commission Appointments

Oconee County Capital Project Advisory Committee

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to affirm the Infrastructure Advisory Commission’s recommendation and appoint Mr. Bobby Williams to the Oconee County Capital Projects Advisory Committee.

Commission & Board Reports to Council:

None scheduled for this meeting.

Council Committee Reports:

Transportation Committee / Mr. Thrift

Mr. Thrift read from a prepared statement outlining the activities at the Transportation Committee meeting held on October 25, 2011. Council affirmed the recommendations from the committee.

Administrator’s Report:

Mr. Moulder addressed Council utilizing a handout [copy filed with these minutes] and additionally discussed the following topics:

- **Fire Plan:** Mr. Moulder announced the appointment of Scott Krein as the new Emergency Services Rescue Chief. In addition, he noted that work has begun on the design/build process for the approved substations.
- **Heritage Fair:** Mr. Moulder noted that they had a successful event this year and that negotiations are ongoing regarding the county’s contract with them to amend in part the length of the term of the contract and the start/end dates.
- **Golden Corner Commerce Park [GCCP]:** Mr. Moulder asked Council to approve the development of a conceptual plan for the GCCP along with a feasibility study to bring sewer to the park [to be funded from available capital project funds]. Discussion followed.
- **Walhalla High School:** Mr. Moulder noted that the School District of Oconee [SDOC] has approached the county to partner with them along with the OJRSA to

identify the best sewer solution for the planned new high school. Discussion followed.

- **Goodwill Boxes at Manned Convenience Centers [MCC]:** Mr. Moulder noted that arrangements are being made to have Goodwill donation boxes placed at all county MCC's noting that this is a great opportunity for the citizens to make donations easily and to avoid items being deposited in our landfill.

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to [1] authorize the Administrator to develop a conceptual plan for the GCCP, [2] fund a feasibility study to identify the best and most cost effective way to provide sewer to the GCCP utilizing existing capital project funds, and [3] to authorize the Administrator to meet with representatives of the SDOC and OJRSA to identify a plan to move forward with sewer for the new high school and surrounding areas.

Lastly, Mr. Moulder provided handouts [copies filed with these minutes] highlighting the year to date budget performance by department.

Old Business:

Local Government Fund [LGF]

Mr. Dexter stated that the presentation provided at the November 1, 2011 Council meeting was given to the SCAC Steering Committee for use in work with the legislature to maintain funding for the LGF.

New Business:

Mr. Thrift noted attending several local functions to include:

- [1] The Open House for the Airport Hanger opening,
- [2] Leadership Oconee Justice Day where he spoke, and
- [3] Purple Heart Breakfast for the veterans

Executive Session:

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to amend Executive Session to include discussion of a personnel matter.

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 to enter into Executive Session to discuss a personnel matter and to receive legal advice regarding a contractual matter.

Council entered Executive Session at 8:07 p.m.

Council returned from Executive Session at 8:36 p.m. on a motion by Mr. McCall, seconded by Mr. Corbeil, approved unanimously.

Mr. Thrift stated that no action was taken in Executive Session.

Adjourn:

Mr. McCall made a motion, approved unanimously to adjourn at 8:37 p.m.

Respectfully Submitted:



Elizabeth G. Hulse
Clerk to Council