



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
March 6, 2012

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 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, Assistant Administrator Glenn Breed and Clerk to Council, Elizabeth 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.oconeesc.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:

Ordinance 2011-23 / Mr. Bo Horne

Mr. Horne addressed Council utilizing two handouts [copies filed with these minutes] voicing his opposition to passage of Ordinance 2011-23 as recommended by the Planning Commission which is scheduled for third and final reading at this meeting.

Public Comment Session [related to specific agenda items]:

Ms. Lilly Davis addressed Council requesting that her parcel along with others be zoned traditional rural not agricultural rural as recommended by the Planning Commission and as presented for third and final reading.

Mr. Dave Witnebert, Shelter Cove subdivision POA President, addressed Council in support for passage on third and final reading of Ordinance 2011-23 as recommended by the Planning Commission.

Mr. Tim McAlister addressed Council requesting that his parcel be removed from Ordinance 2011-23.

Ms. Drusilia Mize addressed Council regarding Ordinance 2012-12; requesting that her parcel be removed from the request.

Mr. Jim Codner addressed Council in support for passage on third and final reading of Ordinance 2011-23 as recommended by the Planning Commission.

Mr. Bill Lancaster addressed Council in support of passage on third and final reading of Ordinance 2011-23 as recommended by the Planning Commission.

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

Mr. Ryan Honea addressed Council addressing mis-information being circulated which states that the zoning ordinance prohibits home gardens in several zoning classifications.

Mr. Jack Collins addressed Council voicing opposition to zoning and his concerns that Council has not done enough to create jobs.

Mr. Britt Adams addressed Council voicing concerns regarding attorney fees and his opposition to zoning.

Mr. Berry Nichols addressed Council regarding his concerns that Council and the Planning Commission by their actions are creating discontent in the county.

Mr. Randy Simpson addressed Council voicing concerns regarding processes for citizens gaining access to the county attorney.

Mr. Dale Hesty addressed Council asking them to participate in “mud wrestling”; a fund raising event [copy of enrollment form and rules filed with these minutes] to be held during Hilly Billy Days in Mountain Rest with funds raised designated to go for a pavilion to allow for outdoor musical events rain or shine.

Mr. Thomas Sitton addressed Council regarding concerns with property reassessment.

Mr. B. J. Littleton addressed Council in opposition to zoning and the lack of information provided on Planning Commission agendas.

County Council Response to Public Comment:

None at this meeting.

Meeting Recess:

Mr. Thrift announced a 10 minute recess at 6:49 p.m.

Meeting Reconvene:

Mr. Thrift reconvened the meeting at 6:59 p.m.

Pledge of Allegiance:

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

Presentations to County Council

Anderson-Oconee-Pickens Mental Health [AOPMH] / Mr. Kevin Hoyle

Mr. Hoyle, Executive Director AOPMH, addressed Council utilizing a PowerPoint presentation [copy filed with these minutes] highlighting the services offered by his organization. Mr. Hoyle also recognized two AOPMH board members present: Mr. William Jenkins, Board Chair, and Dr. Charles Wilson.

Council thanked Mr. Hoyle for his informative presentation.

Interactive GIS Map re: New Council District Demonstration / Ms. Lisa Simmering

Ms. Simmering, GIS Analyst, addressed Council reading from a prepared statement [copy filed with these minutes] highlighting aspects of the GIS system that allows mapping in great detail [Seneca Half Marathon & Council District Maps – copies filed with these minutes] providing citizens the ability to put in their address and quickly and easily identify their council district, voting precinct and location of polling place. Council thanked Ms. Simmering for her work on this project.

Ms. Hulse addressed Council noting that Ms. Simmering had been an integral part of the team during the recent redistricting. She stated that feedback received from state representatives, attorneys, county and municipal staff and citizen all included Ms. Simmering’s professionalism and her attention to detail in their comments. Ms. Hulse thanked Ms. Simmering for her invaluable support noting she was instrumental in the county having a smooth approval process through the Department of Justice.

Minutes: Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve the minutes from the February 21, 2012 meeting as presented.

Consideration of the Following Resolutions:

Resolution R2012-02

Mr. McCall made a motion seconded by Mr. Corbeil, approved 5 – 0 to approve **Resolution R2012-02** “A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT SUNSHINE, WHEREBY, UNDER CERTAIN CONDITIONS, OCONEE COUNTY WILL EXECUTE A FEE IN LIEU OF TAX AGREEMENT FOR A PROJECT INVOLVING NOT LESS THAN TWENTY-FIVE MILLION DOLLARS (\$25,000,000) INVESTMENT” and the included Inducement Agreement on first and final reading.

Consideration of the Following Ordinances:

Ordinance 2011-23

Mr. Thrift noted prior to the vote that Council has extensively discussed this ordinance. He noted the process began in September 2011 and was reviewed by both the Planning Commission and Council with a Public Hearing being held at the February 21, 2012 Council meeting. Mr. Thrift stated that the ordinance before Council at this meeting is based on the Planning Commission recommendation.

Mr. McCall stated he felt it would be prudent to table action pending the Planning Commissions modifications to the zoning enabling ordinance.

Mr. Corbeil noted that moving forward at this meeting to approve this ordinance is appropriate after careful review and recommendation from the Planning Commission, public comment and review by Council.

Mr. Barron noted that his vote would be based his tour of the area in question, his meeting with residents and discussing the request. Lastly, after review of the zoning ordinance; he stated that he felt the property fit the Agriculture Residential classification; not Traditional Rural.

Mr. Corbeil made a motion seconded by Mr. Barron, approved 4 – 1 [Mr. McCall opposed] to approve **Ordinance 2011-23** “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” [*Cane Creek Rezoning Request*] on third and final reading.

Ordinance 2012-11

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2012-11** “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT SUNSHINE; THE GRANTING OF SPECIAL SOURCE REVENUE CREDIT; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES” on first reading.

Ordinance 2012-12

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to approve **Ordinance 2012-12:** “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” [*Biggerstaff Road Rezoning Request*] on first reading [in title only] and to forward the matter to the Planning Commission for their required review/recommendation.

Discussion & Possible Action Items

Change Order #1 / PO 48613 / BROADBAND PROJECT FOCUS / \$952,337

Mr. Moulder clarified the request noting that this is not for additional miles; it is a request to move miles from Phase II of the project to Phase I.

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve Change Order #1 / PO 48613 in the amount of \$952,337 to Network Controls and Electric, Inc. of Greer, SC.

Board & Commission Appointments

None scheduled for this meeting.

Commission & Board Reports to Council:

None scheduled for this meeting.

Council Committee Reports:

Real Estate, Facilities & Land Management Committee / Mr. Barron

Mr. Barron read from a prepared statement [copy filed with these minutes] highlighting activities at the February 28, 2012 meeting.

Mr. Barron made a motion, seconded by Mr. McCall, approved 5 – 0 to ask the Administrator to study the proposal from Anderson-Oconee Behavioral Health [AOBH] to verify statements regarding [1] their financial ability to cover any potential debt service payments, [2] the proposed increase in population to be served, and [3] any state responsibility / funding availability for assistance to AOBH.

Budget, Finance & Administration Committee / Mr. Dexter

Mr. Dexter read from a prepared statement [copy filed with these minutes] highlighting activities at the February 28, 2012 meeting.

Mr. Moulder noted that he has researched a possible sewer referendum to be ready for the November general election. He stated that the first step was a resolution; to be followed by an ordinance adopting the question, review and approval by the Registration & Elections Commission and ultimate approval by the Department of Justice. Mr. Moulder noted that most of this needs to be completed by August 15, 2012 in order to have the question placed on the November 2012 ballot. Discussion followed.

Mr. Thrift recognized Mr. John Lawrence who voiced concerns regarding forced hookup for private residences in the county. Mr. Thrift stated that no one would be forced to hook up; that this process if approved would allow for sewer development in the unincorporated areas of the County to be utilized as a draw in the county's economic development efforts.

Mr. Dexter made a motion, seconded by Mr. Barron, approved 5 – 0 to instruct staff to proceed with drafting the necessary paperwork [resolution, ordinance, formal question, etc] to move forward with placing a referendum question on the November 2012 general election ballot regarding sewer funding for the unincorporated areas in Oconee County.

Mr. Moulder and Mr. Martin stated they make every effort to have a resolution ready for the March 20, 2012 Council meeting.

Administrator's Report:

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

Old Business / New Business:

None scheduled for this meeting.

Executive Session:

Mr. Barron made a motion, seconded by Mr. Dexter, approved 5 – 0 to enter into Executive Session for the purpose of receiving legal advice regarding a pending litigation matter.

Council entered Executive Session at 7:56 p.m.

Council returned from Executive Session at 8:49 p.m. on a motion by Mr. Barron, seconded by Mr. Dexter, approved 5 – 0. Mr. Thrift stated that no action was taken in Executive Session.

In addition, he noted that Council discussed two additional items including [1] receiving information regarding a pending contractual matter, and [2] receiving information regarding a pending Economic Development matter.

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to direct the Administrator to continue working on a settlement regarding the legal matter discussed in Executive Session.

Adjourn:

Mr. McCall made a motion, approved unanimously to adjourn at 8:50 p.m.

Respectfully Submitted:


Elizabeth G. Hulse, Clerk to Council