



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
January 18, 2011

MEMBERS, OCONEE COUNTY COUNCIL
Mr. Joel Thrift, District IV, Chairman
Mr. Paul Corbett, 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, January 18, 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. Huise 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, Dick Mangrum – WGOC Radio, Ashton Hester – Kcovee Courier & Carlos Galarza - Daily Journal.

Call to Order: Mr. Thrift called the meeting to order at 6:00 p.m.
Mr. Thrift prior to Public Comment noted that Mr. Randy Abbott, Planning Commission member has been hospitalized with an apparent heart attack. Mr. Thrift asked everyone present to keep Mr. Abbott and his family in their thoughts and prayers.

Extended Public Comment Session: None at this meeting.

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

Mr. Frankie Pearson addressed Council voicing concerns that the planning retreat is scheduled at a time when some citizens who might like to attend will not be able to as it is during normal business hours and his concern that county government is not transparent enough.

Mr. Tommy Abbott, Planning Commission Chairman, addressed Council in support of the traditional rural designation for Ordinance 2010-16.

Mr. Scott Schaffer voiced concerns regarding the proposed development of a water treatment plant in Fair Play by Pioneer Rural Water.

Mr. John Little addressed Council in opposition to Council passing Ordinance 2010-16 with the rural residential designation.

Ms. Lilly Davis addressed Council in support of the traditional rural designation for Ordinance 2010-16.

Mr. B. J. Littleton addressed Council regarding a personal family matter. Mr. Littleton was stopped by Chairman Thrift during these comment and admonished for repeatedly using a racial slur.

County Council Response to Public Comment:

No Council member made comment.

Meeting Recess:

Mr. Thrift recessed the meeting to 6:25 p.m.

Meeting Reconvene:

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

Pledge of Allegiance:

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

Minutes:

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 that the minutes from the January 4, 2011 regular meeting be adopted as printed.

Public Hearing regarding the following:

Ordinance 2010-15

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

Ordinance 2010-16

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

Ordinance 2010-35

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, REFERENCED AS HERITAGE SHORES SUBDIVISION, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO

Ordinance 2010-39

AN ORDINANCE AUTHORIZING THE CREATION OF AND PARTIAL FUNDING OF A NEW WORTHLESS CHECK UNIT IN THE OFFICE OF THE TENTH CIRCUIT SOLICITOR, IN OCONEE COUNTY; AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN OCONEE COUNTY AND THE TENTH CIRCUIT SOLICITORS OFFICE REGARDING THE CREATION OF AND FUNDING FOR SUCH WORTHLESS CHECK UNIT; AND OTHER MATTERS RELATED THERETO."

Mr. Thrift opened the Public Hearing regarding these four ordinances.

Mr. Larry Linsin addressed Council voicing concerns that special interest groups influenced the zoning classifications designated for Ordinance 2010-15 and 2010-16. Mr. Linsin asked Council to pass Ordinance 2010-16 with a traditional rural designation.

Mr. Britt Adams addressed Council utilizing several handouts [copies filed with these minutes] voicing concerns and asking that Council send Ordinance 2010-15 and 2010-16 back to the Planning Commission for further review.

Ms. Jean Jennings addressed Council stating that she felt that she was being treated unfairly by Council. She utilized several handouts [copies filed with these minutes] voicing concerns that special interest groups influenced the zoning classification on Ordinance 2010-16.

Mr. Thomas Hodge addressed Council in support of Ordinance 2010-15 and the agricultural residential designation in Ordinance 2010-16.

Mr. Jim Codner addressed Council utilizing several handouts [copies filed with these minutes] in support of Ordinance 2010-15 and 2010-16 as presented.

Mr. Joe Jones addressed Council in opposition to the agricultural designation for Ordinance 2010-16 and his opinion that Council is not listening having already decided the matter.

Mr. Fred Isley addressed Council in support of passage of Ordinance 2010-15.

Mr. Tom Markovich addressed Council asking Council to table Ordinances 2010-15 and 2010-16 and rework the zoning ordinance.

Mr. Charles Jennings addressed Council voicing concerns that special interest groups influenced the zoning classifications designated for Ordinance 2010-15 and 2010-16. Mr. Jennings asked Council to pass Ordinance 2010-16 with a traditional rural designation.

Ms. Alleen Land addressed Council asking that her parcel be removed from Ordinance 2010-15 and moved to 2010-16 and that Council approve 2010-16 as traditional rural.

Ms. Michelle McMahan addressed Council questioning why Council designated Ordinance 2010-16 as agricultural residential ignoring the citizens request for traditional rural. She also asked Council to table the ordinance to allow for an independent investigation.

Mr. David McMahan addressed Council reading from several state, county and South Carolina Association documents [Mr. McMahan did not provide copies for inclusion with these minutes]. Mr. McMahan asked council to table action on third reading pending further review and investigation.

Mr. Michael Smith addressed Council in support of the agricultural rural designation noting that it was a good fit with the Future Land Use Map [FLUM].

Mr. Luther Lyle addressed Council voicing concerns with the implementation of the zoning ordinance and his opposition to passage of Ordinance 2010-16 with the agricultural rural designation.

Ms. Dawn Wells addressed Council voicing concerns that special interest groups influenced the zoning classifications designated for Ordinance 2010-15 and 2010-16. Ms. Wells asked Council to pass Ordinance 2010-16 with a traditional rural designation.

Council recessed for a break at 9:00 p.m.

Council returned from the break at 9:06 p.m.

Mr. Randy Simpson addressed Council utilizing a PowerPoint presentation [copy filed with these minutes] in opposition to passage of Ordinance 2010-15 and 2010-16.

Mr. Bo Horne addressed Council requesting Council send Ordinances 2010-15 and 2010-16 back to the Planning Commission for further work as the process was too confusing.

Mr. Thrift opened the floor for additional citizens wishing to make public comment regarding these four ordinances.

Mr. John Little voiced opposition to passage of Ordinances 2010-15 and 2010-16.

Mr. Walt Medina addressed Council asking that Ordinance 2010-15 be tabled noting that he had no prior notice of the rezoning matter.

Mr. Thrift asked if any citizens wished to submit any written comments regarding any of the four ordinances addressed during the public hearing. None were submitted for inclusion with the minutes.

Mr. Thrift closed the public hearing regarding Ordinances 2010-15, 2010-16, 2010-35 and 2010-39.

Consideration of the Following Ordinances:

Prior to voting on either Ordinance 2010-15 or 2010-16, Mr. Corbeil questioned the County Attorney and County Administrator asking for advice regarding proceeding with these rezoning ordinances; specifically asking if they heard anything to cause them to recommend that Council not proceed.

Mr. Moulder stated that he did feel additional work needed to be done to the zoning ordinance but did not recommend delaying third reading. Mr. Martin stated that he saw two issues: [1] parcel identification, and [2] adherence to state law. He stated that actions by council complied in both areas as the overlapping parcels were cleared up before second reading and that the recommendation before Council had been presented and discussed at a Planning Commission meeting.

Mr. Dexter addressed misinformation presented during the Public Hearing noting that he is not a member of a special interest group, he did not initiate or sign any documents related to a zoning petition, and lastly that a working group discussion about zoning was in follow up to Mr. Markovich's questions/concerns.

Mr. Barron noted that he had been present for many of Council's conversations prior to joining Council in January. He also noted he toured the area and was familiar with all aspects of the community makeup. He stated that it was time for Council to move forward and take action on both Ordinance 2010-15 and 2010-16.

Ordinance 2010-15

Mr. Corbeil made a motion, seconded by Mr. Dexter, to approve **Ordinance 2010-15** "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 third and final reading.

Mr. Martin addressed Council noting that language in the preamble needed amending and clarifying to accurately reflect the recommendations made to Council by both the Planning Commission and planning staff. Mr. Martin read the paragraph into the record [copy filed with these minutes].

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 - 0 to amend **Ordinance 2010-15** "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. Thrift called for the vote on **Ordinance 2010-15** as amended. The motion passed 3 - 2 [Mr. Thrift and Mr. McCall opposed].

Ordinance 2010-16

Mr. Corbeil made a motion, seconded by Mr. Barron, to approve **Ordinance 2010-16** "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 third and final reading.

Mr. Martin addressed Council noting that language for this ordinance's amendment was identical to that read into the record for Ordinance 2010-15 [copy filed with these minutes].

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 to amend **Ordinance 2010-16** "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. Thrift called for the vote on **Ordinance 2010-16** as amended. The motion passed 3 – 2 [Mr. Thrift and Mr. McCall opposed].

Ordinance 2010-35

Mr. Dexter made a motion, seconded by Mr. Barron, approved 5 – 0 to approve **Ordinance 2010-35** 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, REFERENCED AS **HERITAGE SHORES SUBDIVISION**, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO" on third and final reading.

Ordinance 2010-39

Mr. Barron made a motion, seconded by Mr. McCall, approved 5 – 0 to approve **Ordinance 2010-39** AN ORDINANCE AUTHORIZING THE CREATION OF AND PARTIAL FUNDING OF A NEW WORTHLESS CHECK UNIT IN THE OFFICE OF THE TENTH CIRCUIT SOLICITOR, IN OCONEE COUNTY; AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN OCONEE COUNTY AND THE TENTH CIRCUIT SOLICITORS OFFICE REGARDING THE CREATION OF AND FUNDING FOR SUCH WORTHLESS CHECK UNIT; AND OTHER MATTERS RELATED THERETO on third and final reading.

Ordinance 2010-27

Mr. McCall made a motion, seconded by Mr. Dexter, approved 5 – 0 to permanently remove from consideration **Ordinance 2010-27** AN ORDINANCE TO AUTHORIZE THE LEASING OF CERTAIN OCONEE COUNTY SPACES; AND OTHER MATTERS RELATED THERETO.

Discussion & Possible Action Items:

Change Order #2 / B. P. Barber / \$32,600 / Preliminary Engineering Services for Phase I Water & Sewer Improvements to 400 acre site on Highway 11

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 5 – 0 to approve Change Order #2 for B. P. Barber and Associates of Columbia, SC in the amount of \$32,600 for the preliminary engineering services for Phase I Water & Sewer Improvements as indicated in [Section B ONLY] of the proposal for the 400 acre site along SC Highway 11.

Board & Commission Appointments:

Building Codes Appeal Board

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to reappoint Mr. Roger Mize as the District I representative.

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to reappoint Mr. Neal Workman as the District II representative.

Mr. Barron made a motion, seconded by Mr. Thrift, approved 5 – 0 to appoint Mr. David Stokes as the District III representative.

District IV and V will be appointed at a future meeting.

Planning Commission

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to reappoint Ms. Andrea Heller as the District I representative.

Mr. Barron thanked Mr. Bill Evatt for his 10+ years of faithful services to the County. Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to appoint Mr. William Gilster as the District III representative.

As a recommendation was not received from the Soil & Water Conservation Commission, this appointment will be addressed at a future meeting.

Commission & Board Reports to Council:

Building Codes Appeal Board

No report was provided as the Board has not met or had any activity since the last report.

Council Committee Reports:

None scheduled for this meeting.

Administrator's Report:

Mr. Moulder provided several reports to for Council's review and discussion [copies filed with these minutes] to include the Administrator's Report, Budget Report by Department [through 12/31/2010], and a Winter Storm [January 9-12, 2011] follow up report.

Old Business:

Real Estate, Facilities & Land Management Committee Meeting Schedule

Mr. Barron along with other Committee members agreed to maintain a quarterly meeting schedule [March, June, September and December] changing the time to 5:30 p.m. The group did not set a specific day of the week noting an announcement will be forthcoming.

New Business:

Council Strategic Planning Retreat/Meeting

Mr. McCall asked the Council to consider moving the retreat scheduled to be held at Devil's Fork State Park to Council Chambers as he has scheduling issues that day. Discussion followed. Mr. Thrift instructed the Clerk to Council to advertise that the retreat was to be held in Council Chambers.

Highway 11 Marketing Firm

Mr. McCall questioned the County Administrator whether an external marketing firm had been hired to market the highway 11 property. Mr. Moulder stated that no direction from Council had been given to proceed. No action/direction was given at this meeting.

Zoning Enabling Ordinance / Planning Commission Joint Workshop

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 5 – 0 to do the following: [1] re-affirm our request to the Administrator and Planning Staff to continue to review and process with the Planning Commission any petitions which we've already had 1st Reading, and any petitions in the queue which we believe are non-controversial, and [2] ask the Administrator and Staff to setup a work session between Council and the Planning Commission as soon as practical to:

- review the need for classification updates,
- Review any process changes not already considered, and
- conduct one or more public information sessions

Mr. Corbeil noted that Council's expectation is that this be completed before March 15, and 1st readings on any ordinance change begin not later than our April 5 meeting.

Motion to Amend Agenda to include Executive Session

Mr. Moulder notified Council that an Executive Session was necessary to receive legal advice regarding a contractual matter.

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to amend the agenda to include an Executive Session for the purpose of receiving legal advice regarding a contractual matter.

Executive Session:

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

Council entered Executive Session at 10:56 p.m.

Council returned from Executive Session at 11:44 p.m.

Mr. Thrift noted that no action was taken during Executive Session.

Adjourn:

Mr. McCall made a motion at 11:45 p.m. to adjourn the meeting. The motion was approved unanimously.

Respectfully Submitted:



Elizabeth G. Hulse
Clerk to Council