

## October 16, 2007

The Seneca City Council met on Tuesday, October 16, 2007, at 7:00 PM in the Seneca City Hall Council Chambers. Members present were Mayor Daniel Alexander, Mayor Pro Tem Ronnie O'Kelley, Joel Ward, Ernest Riley, Warren Bright and Al Gaines. Bobby Laye, Andrea Alewine and Anthony Smith were absent.

Also present were: Greg Dietterick, City Administrator; Belinda S. Harper, Finance Officer/Clerk-Treasurer; Mike Smith, City Attorney; Ed Halbig, Planning & Codes Director; Bob Faires, Utility Director; Stanley Sheriff, Police Chief; Rick Lacey, Recreation Director; Jon Robertson, Seneca Daily Journal; Chad Dorsett, WSNW Radio and other interested citizens. The press and public were notified of the meeting in advance as required by law.

Mayor Alexander called the meeting to order. Mr. Bright gave the invocation. Mr. Riley led the pledge of allegiance.

MOTION by Mr. Ward to approve the Seneca City Council meeting minutes dated September 11, 2007, Exhibit A.

Second by Mr. Riley The motion passed by unanimous vote (6 YEA).

MOTION by Mr. Gaines to approve the Special Called Council meeting minutes dated September 17, 2007, Exhibit B.

Second by Mr. Riley The motion passed by unanimous vote (6 YEA).

MOTION by Mr. Riley to approve the Special Called Council meeting minutes dated October 4, 2007, Exhibit C.

Second by Mr. Ward The motion passed by unanimous vote (6 YEA).

MOTION by Mr. Gaines to approve the Planning Commission meeting minutes dated September 17, 2007, Exhibit D.

Second by Mr. Bright The motion passed by unanimous vote (6 YEA).

MOTION by Mr. Ward to approve the Board of Architectural Review meeting minutes dated September 24, 2007, Exhibit E.

Second by Mr. Bright The motion passed by unanimous vote (6 YEA).

MOTION by Mr. Bright to approve the Board of Architectural Review meeting minutes dated October 1, 2007, Exhibit F.

Second by Mr. Riley The motion passed by unanimous vote (6 YEA).

MOTION by Mr. Gaines to approve the Board of Architectural Review meeting minutes dated October 8, 2007, Exhibit G.

Second by Mr. Riley

Ms. Nancy Walker asked if she could make a correction to exhibit G. She said that she is representing Carolina Plumbing. She had a correction to exhibit G that was prepared by Ms. Tamy Sanford. It was determined that the exhibit G that Ms. Walker was referring to was from a prior meeting. Ms. Walker said that she will write a letter notifying the city of the corrections to exhibit G from a prior meeting.

The motion passed by unanimous vote (6 YEA).

MOTION by Mr. Riley to approve the Finance Committee meeting minutes dated October 15, 2007.

Second by Mr. Gaines The motion passed by unanimous vote (6 YEA).

Mayor Alexander said that the council will be voting on several zoning issues, but at this point on the agenda he would open the floor for anyone to speak concerning anything but zoning. He said that he will have a different time for citizens to speak concerning zoning.

Ms. Susie Cornelius addressed council about the city advertising the Sewer Authority and that it should be advertised as the Water and Sewer Authority. She said that the City of Seneca holds so much power over the new authority because of the number of votes the city gets. She said that she has no idea of what the city plans to do. She would like to know how the controlling of the distribution of water county wide will be handled. She said that the city spends a lot of money on infrastructure and the city has gone out for private money to expand the lines. She said that she didn't think the City of Seneca owns the water. She said that the city owns the infrastructure, the Water Treatment Plant and the right to draw water out of Lake Keowee.

Mr. Frankie Childress addressed council concerning a water tap. He said that he has had a water tap on his property since 1998. He said that when he asked for another water tap he was told that he would have to sign an annexation agreement. He refused to sign the agreement and has since paid to have his water line run twenty-two hundred feet from the existing old tap on his property. He said that when the city adopted the annexation agreement that it was only for new customers. He said that he is an old customer and it should not apply to him. He wants to have new taps without having to sign the annexation agreement.

Mr. George Cleveland addressed council and read an article from the Willie Tell column in the Seneca Journal. Mr. Cleveland said that he did not write into Willie Tell regarding the purchase of vehicles. He said that his morals say that it is not right that if you are employed at a business that the city purchase vehicles from that company. Mr. Cleveland asked if the city had an ordinance or policy that anyone wanting information from the city provide a letter under the Freedom of Information Act? Mr. Mike Smith said that it is a state statute to request information under the Freedom of Information Act and the city is abiding with that statute. He said that he was concerned with having to remember the section code to refer to when writing a request letter.

Mr. Riley told Mr. Cleveland that when council is sworn-in that they take a oath to enforce the statutes of the state and he is not violating it.

Mr. Cleveland said that when he has asked for information from the state he is never asked to send a letter under the Freedom of Information. Mr. Smith said that Mr. Cleveland didn't have to site the code number, just state that the request is under the Freedom of Information Act.

Mr. Ward said that if the city didn't do business with companies that the council worked for then the city would not be able to do business with AT&T, Duke Power and a lot of convenience stores.

Mr. Cleveland said that it is just the bidding process and he feels that council would have access to the information prior to the bidding process. Mayor Alexander said that the city receives sealed bids and that they are opened at one time and everyone is welcome to be present at the bid opening. Mayor Alexander also explained that the city has a two percent rule that would give preference to inside businesses. If an inside business bid was higher than an outside bid and is within two percent, the inside business would win the bid.

MOTION by Mr. Riley to pay the city's bills.

Second by Mr. O'Kelley The motion passed by unanimous vote (6 YEA).

MOTION by Mr. Ward to approve the SCDOT Contract and allow the Mayor to sign the contract.

Second by Mr. Riley

Mr. Halbig explained that this contract was for a grant to do a study on expanding the CAT Bus lines farther into the county. He said that the matching funds are coming from both Westminster and Walhalla

The motion passed by unanimous vote (6 YEA).

MOTION by Mr. O'Kelley to approve on second reading Ordinance 2007-12, an ordinance to approve the Model Business License as proposed by the Municipal Association.

Second by Mr. Riley The motion passed by unanimous vote (6 YEA).

MOTION by Mr. Gaines to approve on second reading Ordinance 2007-16, an ordinance acknowledging the state mandate that the City of Seneca will use the most recent published International codes. The State will notify the City of Seneca of any newly adopted International codes or amendments and the dates of enforcement, Exhibit H.

Second by Mr. Riley The motion passed by unanimous vote (6 YEA).

MOTION by Mr. Ward to approve on second reading Ordinance 2007-14, an ordinance to annex property at 15690 Wells Highway, Exhibit I.

Second by Mr. Riley

Mrs. Nancy Walker told council that she still objects to this annexation.

The motion passed by unanimous vote (6 YEA).

MOTION by Mr. Ward to approve on second reading Ordinance 2007-15, an ordinance to zone property at 15690 Wells Highway to Highway Commercial, Exhibit J.

Second by Mr. Riley The motion passed by unanimous vote (6 YEA).

MOTION by Mr. Riley to approve on first reading Ordinance 2007-18, an ordinance to rezone the Old Baptist Church at 201 South Fairplay Street from R-10 to Neighborhood Commercial.

Second by Mr. Gaines

Mayor Alexander asked if there was anyone present who would like to speak in opposition to the rezoning.

Mr. David Johnson, President of the Seneca Historic Neighborhood Association, discussed some history of the National Register of Historic Places. He said that he feels that the city has done a good job preserving the places of historic significance in the Downtown Historic District. He said that he has received many calls from concerned citizens about the Old Seneca Baptist Church. He said that the number one reaction to the rezoning is fear. The rezoning could open the door to undesirable businesses in the neighborhood. He does not take a negative or positive stand on the issue. He would like to see limitations put in place to preserve the neighborhood.

Mr. George Rambo said that he is in opposition to some of the sections that would be included if the rezoning was allowed. Examples would be public facilities, public utilities, veterinary offices, cleaning operated laundries, off-street parking, city, county, state or federal facilities. He also has some concerns about medical facilities in that location. He would like to see owner occupied homes and not rentals. He also expressed some concern about the parking lot. He said that if the church is rezoned then the parking lot is also rezoned with the same designation of neighborhood commercial.

Ms. Ruth Tolbert said that she has lived here since 1984. She bought a house in the neighborhood that had been vacant for some time, but she saw the possibilities in the neighborhood. She would like to see the neighborhood preserved as a historic district. She is very concerned with what businesses would go into the church if it were rezoned neighborhood commercial. She would like to see deed restrictions placed on the property so that undesirable business could not go into that area.

Ms. Mary Tannery said that she is not opposed to the rezoning but she would like to see the deed restriction placed on the property. She would like to see everyone abide by the rules and regulations. She got a violation in the City of Anderson for not having her grass cut and not having the windows boarded up, it cost her over \$3,000.00. She would like to see the city make it difficult for people to come into Seneca. She said that if it's easy then anybody can come in, then they would come and go quickly because they don't have the support that they need. She thinks that strict enforcement of the ordinance would protect her property.

Mr. Fred Sons said that he also bought a home and renovated the house. He feels like he is only a temporary steward of the property. He asked council not to approve the rezoning of the church. He understands that some of the council members are members of the Seneca Baptist Church and he appreciates their commitment to their church. He thinks council should evaluate the number of people that could benefit and the number of people that could be hurt. He said that homeowners could be decimated with their property values decreased because of the rezoning of the church. He would like to see the church put on deed restrictions prior to selling the property.

Ms. Cari Gudison said that she teaches Planning, Landscaping Architecture and Historic Preservation at Clemson University. She said that the city needs to be cautious about the long term impact of the changes.

Ms. Billie Grimes said that she and her husband bought a house in 2006 and she is still renovating the home. She has put a great amount of effort into establishing a Bed and Breakfast directly across from the church building. She said that she is also a realtor and she has answered questions about commercial businesses moving into the area. She said that at the Zoning Board a concern was that the building, if not rezoned, would just sit there and continue to deteriorate. She said that it should not be rezoned just because it has deteriorated.

Ms. Lori Sons expressed gratitude to council for all the money and effort that has gone into the establishment and protection of the neighborhood. She would like to see some positive changes come to the area through discussions with the church and the neighborhood.

Mr. Eric Rothell spoke in favor of the church being rezoned. He represents the Seneca Baptist Church and he said that Seneca Baptist would like to speak in favor of the Seneca Planning Commission's unanimous recommendation to rezone the old campus to Neighborhood Commercial. He said that the church has turned down prior offers that would not be good for the neighborhood. He said that Mr. Billingsley and his wife have offered the best proposal to transform the property into a show place for the city and the neighborhood. He said that it would tie the Billingsley's hands if deed restrictions were placed on the property. He urged the council to vote in favor of the rezoning for the church. He said that one of the rumors that has gone around to prevent the rezoning was that the new rezoning would allow a Slaughter House in the location. He said that the zoning designation would allow a meat market without the ability to slaughter on the location. He said that he has known the Billingsleys for over twenty years and he does not believe that they would do anything that would be detrimental to the area. He said that it would not make financial sense to put in low income housing because they would not receive a return on their investment. He said that the parking lot would allow them to put in a civic center in the church. He said that the plans that he was shown did not change the structure of the building. He ask that council go along with the recommendation of the Planning Commission and vote in favor or the rezoning.

Mr. Sam Thrift said that he would like to endorse what Mr. Rothell said. He said that the church did not sell the property

before because the church didn't know what was going to go in there. He said that a lot of planning has gone into this decision and he would like to see council approve the rezoning application.

Mr. Ray Billingsley said that he is sorry that he missed the meeting with the Planning Commission and the Historic Society. He said that both he and his wife were out of town. He said that he has spoken to some people about the rezoning and he said that he respects everyone's wishes to keep the community as nice as it is. He said that he moved here in 1984 and built a home in 1989 and has lived here since then. He plans to stay here and his family lives here. He is a resident in Seneca and he has renovated a building near Eric Rothell's building. He said that he would not do anything to the area that would be unattractive or out of place to the community. He said that he does not have any definite ideas about the property, but the current zoning would not allow some options. He said ideally he would like to get a church in there to rent until the building could be renovated and move some professional businesses in there. He said that he has heard a lot of fear from some of the comments tonight. He said that he and his wife have completed every project that they started.

Mr. Riley asked about the residential lots. Mr. Smith said that if it were zoned Neighborhood Commercial that the majority of the property had to be commercial but that some of it could be residential.

Mr. Bright said that the neighbors have studied Neighborhood Commercial a lot and they have a right for their concerns. He said that he would like Mr. Billingsley and the Historic Society to get together and look at some options. He would still like to meet with Mr. Billingsley and discuss some deed restrictions. He said that one of his concerns in the zoning designation are Cell Towers. He is just concerned with any potential set back because the neighborhood has come a long way to improve the neighborhood.

Mr. O'Kelley said that this rezoning requires two readings and the parties have a chance to make some changes before the next reading. Mr. O'Kelley asked Mr. Smith if the Mayor, Mr. Bright and himself should ethically vote tonight with their closeness of being city council men and being members of the church.

Mr. Smith said that he would not tell them to vote or not to vote but he would tell them what the criteria is. He said that the criteria is if you have a direct or indirect or the appearance of a direct or indirect interest in the outcome other than as a council person then you would have a conflict of interest, and you should not vote. Every council member would need to make that decision for themselves. However, if someone thought that a council member voted when they should not have, then the person could file a complaint with the Ethics Commission. He said that the Ethics Commission will give you an informal opinion over the phone or you can get a formal written opinion. Mr. Smith said that he is not telling council that they do or do not have a conflict of interest. He also said that as council they can not and will not ask for the imposition of restrictions as a criteria for zoning. If that is done outside and it would satisfy people's objections then that's fine, but that is outside of council. He said that council is prohibited from taking an active part in that.

Mr. O'Kelley said that on first reading he is going to abstain from voting and he will call the Ethics Commission and they can tell him yes or no. He said that if they tell him that he is not in violation, then he will vote on second reading. He said that he just feels that it's the right thing to do in his situation.

Mr. Gaines said that his concern is that with the neighbors that have come forth with their concerns being able to get together with the Billingsleys and work something out. He said that he still has some concerns about the rezoning.

The motion passed with the following vote:

YEA

Mr. Gaines

Mr. Riley

Mr. Ward

Mr. Alexander

NAY

Mr. Bright

ABSTAIN

Mr. O'Kelley

MOTION by O'Kelley to approve the following HAT grant requests as recommended by the Finance Committee:

1. Education Foundation of Oconee County for \$2,500
2. City of Seneca \$31,000
3. Greater Chamber of Commerce \$6,000
4. City of Seneca \$2,000
5. Lake & Mountain Quilters Guild \$4,935
6. Downtown Merchants Association \$25,947
7. Ram Cat Alley Merchants Association \$11,000
8. Blue Ridge Arts Council \$11,175

Second by Mr. Riley

Mr. O'Kelley said that the Finance Committee agreed to take \$10,000.00 out of the Downtown Merchant's Association budget to take over the responsibility of Music on the Green. He did say that if the city was not successful in hosting Music on the Green, then it would be given back to the Downtown Merchants Association with the \$10,000.00 grant. Mr. O'Kelley thanked Ms. Ginger Pope for all the work she has done in the past for Music on the Green and mentioned that the city would need everyone's help to make Halloween on the Green a success this year.

Mr. Bright said that as the events are planned two concerns need to be addressed. The tourists need to be both sleeping and eating in town. He said that as he looks at the list of activities most of the tourists are from Oconee County and they may be eating here but not sleeping here. When the city hosts the 2009 Dixie Boys Youth World Series, the tourist will be both eating and sleeping here. He wants the city to evaluate the grant requests while considering both issues.

Mayor Alexander said that he would like to see the city host a number of events at the same time on the Memorial Day weekend. That would encourage the tourists to spend the weekend and eat and sleep in town.

The motion passed by unanimous vote (6 YEA).

Mr. Mike Smith said that there are two ordinances that he would like to council to vote on. One is the ordinance to grant consent to application for franchise for cable service which goes hand-in-hand with the new state statute to grant a franchise to the cable company. He said that this is a necessary ordinance to pass. The second ordinance concerns the loan for the new water tower. It does not change the amount that the city receives or how the funds are repaid, but it does change how the state is accounting for the funds that the city is receiving. He said that this is also a required ordinance that he recommends that the council approve.

MOTION by Mr. Ward to approve on first reading Ordinance 2007-17, an ordinance to Grant Consent to application for Franchise for Cable Service and Setting Franchise Fee.

Second by Mr. Riley The motion passed by unanimous vote (6 YEA).

MOTION by Mr. Riley to approve on first reading Ordinance 2007-19, an ordinance to amend Ordinance 2007-07 enacted on June 19, 2007; providing for the execution and delivery of a loan agreement as amended and restated between the City and the South Carolina Water Quality Revolving Fund Authority; and other matters relating thereto.

Second by Mr. Ward The motion passed by unanimous vote (6 YEA).

Mayor Alexander asked if anyone had heard from Mr. Anthony Smith. Mr. Ward said that the treatment for his wife is working and the tumor is shrinking. Mayor Alexander asked council to remember Ms. Alewine in their prayers since her mother is not doing well.

Mr. Halbig presented the application to rezone property at Loran Point from RM-16 to RM-6. The rezoning would be from multi-family residential to single-family residential for the purpose of putting three houses on that piece of property. The original zoning would allow seven homes on that piece of property.

Mayor Alexander asked if there were any objections from the neighborhood to the rezoning. Mr. Smith said that the rezoning would not affect the covenants and restrictions that are already on the property.

Mayor Alexander asked if there were any objections from council to vote on Ordinance 2007-21 since it was not on the agenda. Being non, council considered the issue.

MOTION by Mr. Riley to approve on first reading Ordinance 2007-21, an ordinance to rezone property at Loran Point from RM-16 to R-6.

Second by Mr. Ward The motion passed by unanimous vote (6 YEA).

Mayor Alexander asked if there were any objections from council to vote on Ordinance 2007-20 since it was not on the agenda. Being non, council considered the issue.

Mr. Halbig said that the request to rezone 203 Tribble Street was from Oconee County Habitat for Humanities to rezone from RG and NC to R-6. This will allow them to take the piece of property and split it into 6,000 square foot lots and get 3 lots to build Habitat homes.

MOTION by Mr. Gaines to approve on first reading Ordinance 2007-20, an ordinance to rezone property at 203 Tribble Street from RG and NC to R-6 in order to build three Habitat Homes.

Second by Mr. Riley The motion passed by unanimous vote (6 YEA).

Mr. Dieterick said that he is a grandfather again and Mayor Alexander said that he will be one soon. Mr. Dieterick asked council to keep the Dalton family in their prayers, Charles Dalton's mother passed away at the age of 93. He said that there is a flag being flown at the Seneca Fire Department that was brought up from the City of Charleston. Seneca is the first city in this nation to get a flag, outside of the City of Charleston. This flag is in honor of the nine firefighters that died in the Charleston fire. The City of Charleston came up to personally delivery the flag because of all the support that the City of Seneca gave the City of Charleston Fire Department after the fire. He asked that council put on their calendars October 31st at 3:30 PM to attend the swear-in ceremony at Pine Street for the new Water/Sewer Commissioners. Mr. Dieterick said that Judge McCauley will conduct the ceremony. Mayor Alexander said that the "Halloween on the Green" begins at 5:30 PM.

Mayor Alexander said that the county has gotten the new communication truck back, a 3 or 4 hundred thousand dollar

truck and Mr. David Smith asked Chief Phillips if it could be parked at the Seneca Fire Department.

Mr. Dietterick commended Chief Sheriff and the Police Department for their hard work toward removing drug dealers from Seneca. He said that there has been a lot of drug action going down and Chief Sheriff is putting the drug dealers out of business.

Mayor Alexander asked Chief Sheriff how the 911 conversion was going. Chief Sheriff said that the system is a little bit different than what they were use to but they are learning it very well. He said that the City is working with the County to adapt to the new system since the City of Seneca is a backup for the County. He said that he is delighted to be a part of the system.

Mr. Halbig said that he will be looking at costs to cover space rentals during festivals. The fees will cover business licenses, utilities and things of that nature. These fees should be in place prior to Memorial Day.

Mr. Halbig said that he does not want council to vote on the appointments to the Planning Commission until he reviews the applicants more, so he ask that the vote be postponed.

Mr. Gaines commended Mr. Dietterick and the Department Heads for their concise monthly update.

Ms. Ginger Pope, Vice President of the Downtown Merchants Association, thanked council for their funding for next year's Downtown Go Round. She likes all the decorations that are put up. She said that she is talking with Mr. Halbig to coordinate Arts on the Alley to be during the Memorial Day festival.

MOTION by Mr. Riley to go into executive session for appointments to the Election Commission. This meeting included Mr. Mike Smith, Mr. Greg Dietterick and Ms. Belinda Harper.

Second by Mr. Bright The motion passed by unanimous vote (6 YEA).

MOTION by Mr. Riley to reappoint Ms. Evelyn Jordan and Ms. Bessy Hawthorne to the Election Commission for a six year term.

Second by Mr. Gaines The motion passed by unanimous vote (6 YEA).

With no further business to discuss, the meeting adjourned at 9:00PM.

Daniel W. Alexander

Mayor

Belinda S. Harper

Finance Officer/Clerk-Treasurer