

**MINUTES**  
**OCONEE COUNTY COUNCIL MEETING**  
**Regular Meeting**  
**December 11, 2007**



**MEMBERS, OCONEE COUNTY COUNCIL**

Mr. George Blanchard District I  
Mr. Thomas S. Crumpton, Jr., District II  
Mr. Mario Suarez, District III  
Mr. Marion E. Lyles, District IV, Chairman  
Mr. H. Frank Ables, Jr., District V

Oconee County Council met on Tuesday, December 11, 2007 at 7:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members [except Mr. Suarez], County Administrator Dale K. Surrent, Elizabeth G. Hulse, Clerk to Council & Mr. Bradley A. Norton, County Attorney present.

**Press:**

Members of the press notified (via mail): Keowee Courier, Westminster News, Daily Journal, Anderson Independent, WGOG Radio, WYFF TV, WLOS TV WSPA TV & WSNW Radio.

Member of the press present: Brent McLaughlin–Daily Journal and David Williams–Anderson Independent.

**Call to Order:**

Chairman Lyles called the meeting to order at 7:00 p.m.

**Pledge of Allegiance:**

Mr. Norton led the pledge of allegiance to the US Flag.

**Minutes:**

Mr. Ables made a motion, seconded by Mr. Blanchard, approved 4 – 0 that the minutes from the regular meeting held November 13, 2007 be adopted as printed.

**Public Comment Session:**

Mr. Tom Markovich, Home Builders Association of Oconee, addressed Council regarding his concerns that Council is moving forward too quickly on zoning.

Mr. Tommy Alexander addressed Council regarding his opposition to zoning.

Mr. Berry Nichols addressed Council regarding opposition to county employees serving on the Building Codes Appeal Board and fast tracking the zoning issue.

Mr. Bo Horne, TargetOC, addressed Council regarding the taxpayer's frustration with Council and his opposition to any additional taxation.

Mr. B. J. Littleton addressed Council regarding the loss of constitutional rights by county citizens.

### **Mr. Berry Nichols Address to Council:**

Mr. Berry Nichols addressed Council regarding his concerns about the drought and water conservation. Mr. Nichols stated that we are in a drastic situation and the crisis needs to be addressed by Council. Mr. Blanchard noted that two meetings have taken place with Duke Energy regarding water restrictions on the lake. He noted that if the situation continues to worsen that more drastic measures may be taken by Duke to conserve water.

### **Ordinance 2007-19:**

#### **Public Hearing:**

Mr. Norton addressed Council noting that no changes have been made to this ordinance between second and third readings. He noted he has worked with Maj. Steve Pruitt, Oconee County Sheriff's Department, to define violent and non violent offenses. Mr. Norton provided Council with a short summary listing [filed with these minutes] of the crimes considered violent and not eligible for home detention. He stated that this listing would become part of the regulations that apply to this ordinance and not included in the ordinance language.

Mr. Lyles asked if anyone present had either written or oral comments regarding Ordinance 2007-19.

Mr. B. J. Littleton addressed Council regarding the need to not exclude individuals from home detention based on the crime but the circumstances that led up to the crime.

Mr. Tom Markovich addressed Council asking how as an employer he would be able to identify an employee or potential employee who was under home detention as either a part of their bond or as part of their sentence. He asked if a web site would be created to identify these individuals. Mr. Norton stated he would follow up with the Sheriff's Department but at the present time no web site is available. He also stated that the intent of this program is to provide an option for low risk offenders such as individuals with child support arrearages. It will allow them to continue to work to fulfill their obligation but restrict their other activities as part of their sentence.

### **Third & Final Reading of Ordinance 2007-19:**

Mr. Blanchard made a motion, seconded by Mr. Crumpton, approved 4 – 0 that **Ordinance 2007-19, “AN ORDINANCE ESTABLISHING A HOME DETENTION PROGRAM”** be adopted on third and final reading.

### **Ordinance 2007-18:**

Mr. Lyles made a motion, seconded by Mr. Ables, approved 4 – 0 to table second reading of this ordinance and to schedule a workshop with the Oconee County Planning Commission to discuss **Ordinance 2007-18 ‘OCONEE COUNTY ZONING ENABLING ORDINANCE’**.

Mr. Lyles stated that the date for this workshop will be set at the first meeting to be held on January 8, 2008.

### **Ordinance 2004-25:**

Mr. Lyles made a motion, seconded by Mr. Ables, approved 4 – 0 to table first reading regarding the **FUTURE LAND USE MAP** which is an amendment to **Ordinance 2004-15 “OCONEE COUNTY COMPREHENSIVE PLAN”** and to schedule a workshop with the Oconee County Planning Commission to discuss this issue.

Mr. Lyles stated that the date for the workshop will be set at the first meeting to be held on January 8, 2008.

### **Items for Consideration by Council:**

#### **Follow-up to the Arts & Historical request for Oconee County School District–Artist in Residence Program:**

Mr. Surrett addressed Council regarding his follow-up regarding the Oconee County School Districts request for \$2,000 to be used to fund artist in residence and performances in all of the Oconee County Schools. Mr. Surrett noted that he contacted the School District and they stated that they have other funding that they could move to cover this program if Council does not decide to fund this program.

Mr. Ables made a motion, seconded by Mr. Crumpton, approved 4 – 0 to deny the request for \$2,000 for the Oconee County School District – Artist in Residence Program.

#### **Bid #2007-07: Playground Equipment for DSS:**

Mr. Surrett addressed Council regarding the purchase of playground equipment for the new DSS building. Nine companies submitted bids with Playground Safety Services, Inc of Shelby NC submitting the lowest bid of \$30,498.

Mr. Ables made a motion, seconded by Mr. Crumpton, approved 4 – 0 to award bid #2007-07 to Playground Safety Services, Inc for \$30,498 to include the playground structure and surface which includes an optional ADA compliant ramp.

**Bid #2007-10: Wheel Loader for Transfer Station at Solid Waste:**

Mr. Surrett addressed Council regarding this wheel loader for Solid Waste. The “best value” system was used to evaluate the proposals to be reviewed for this purchase. Best value proposals take into consideration price as well as other factors such as safety aspects, quality of design, engine performance, dealer service and parts support, and results of machine demonstrations. Eight companies submitted a proposal and each was evaluated by an evaluation committee. The committee recommends the purchase of the John Deere 624J loader from Van Lott, Inc. based on the criteria.

Mr. Swain Still, Solid Waste Director, addressed Council along with Ms. Maryann Dillard, Procurement Director, regarding the bid process and product evaluation. Mr. Still noted that the lowest bid had fiberglass body parts that were deemed to be insufficient to the needs of Solid Waste. The John Deere had better fuel economy and Van Lott included a 5 year / 7,500 hour extended power train warranty and a counterweight.

Mr. Blanchard made a motion, seconded by Mr. Ables, approved 4 – 0 to award Bid #2007-10 to Van Lott, Inc, of Greenville in the amount of \$192,106.98, which includes a 5 year / 7,5000 hour extended power train warranty and a counterweight.

**Bid #2007-13: Horizontal Grinder for Solid Waste Mulch Yard:**

Mr. Surrett addressed Council regarding this horizontal grinder noting that it is the staff’s recommendation to purchase the grinder from Mobark. This proposal was reviewed using the “best value” method taking into consideration price as well as other factors such as price, safety, quality of design and workmanship, engine performance, dealer service record, support, reputation and longevity, warranty, and the results of machine demonstrations. Two companies submitted proposals and each was evaluated by an evaluation committee. The committee recommends the purchase of the 4600XL horizontal grinder from Morbark, Inc based on the criteria.

Mr. Swain Still, Solid Waste Director, addressed Council along with Ms. Maryann Dillard, Procurement Director, regarding the bid process and product evaluation. Mr. Still noted Morbark, Inc. offered a full machine warranty for 5 years / 5,000 hours. It is recommended that this warranty be purchased due to its specialized use.

Mr. Ables made a motion, seconded by Mr. Crumpton, approved 4 – 0 to award bid #2007-10 to Morbark, Inc. of Winn, MI, for the amount of \$454,744, which includes a 5 year / 5,000 hour full machine extended warranty, satellites linkage system and an oscillating discharge system.

**Bid #2007-14: Tri-Axle Dump Truck for Road Department:**

Mr. Surrett addressed Council regarding the purchase of a tri-axle dump truck for the Road & Bridges Department. Two companies submitted bids, with Carolina International Trucks, Greer, SC submitting the low bid of \$104,086.41.

Mr. Blanchard made a motion, seconded by Mr. Ables, approved 4 – 0 to award bid #2007-14 to Carolina International Trucks, Greer, SC submitting the low bid of \$104,086.41.

**Replacement Award – Telsmith Model 44 Fine Cone Support Bowl for Rock Quarry:**

Mr. Surrett addressed Council regarding the replacement of the Telsmith Model 44 Fine Cone Support Bowl for the Rock Quarry. Mr. Ables questioned if the replacement was needed due to normal wear or was it due to lack of proper maintenance. Mr. Crumpton noted that the bowl does not wear evenly with normal use and they have maintained proper maintenance of the bowl.

Mr. Crumpton made a motion, seconded by Mr. Ables, approved 4 – 0 to award the replacement of the Telsmith Model 44 fine cone support bowl to Interstate Equipment Company, as the sole authorized dealer for Telsmith repair parts for this area, for a total cost of \$68,648.30 plus shipping and handling.

**IT: Master License Agreement & Software Maintenance Agreement with IT Nextus:**

Mr. Surrett addressed Council regarding the master license agreement & software maintenance agreement for GIS. This will enhance GIS capabilities to utilize the Viewer for ArcGIS Server. Mr. Blanchard questioned if the maintenance agreement locked the county into anything. Mr. Richard Reeves, IT Director, noted that the county has an option to renew after 1 year and that we are not required to renew.

Mr. Blanchard also stated that during the 2008-2009 budget process Council will want to review in depth with IT all maintenance contracts.

Mr. Crumpton made a motion, seconded by Mr. Ables, approved 4 – 0 to execute the master license agreement and software maintenance agreement with IT Nextus at a cost of \$4,990.00 which includes maintenance for the first year.

**IT: Contract with Blue Ridge Security Systems for the DSS Building:**

Mr. Surrett addressed Council regarding the contract with Blue Ridge Security Systems for maintenance and monitoring to include police and fire dispatch for the DSS building located at 223 Kenneth Street, Walhalla, SC.

Mr. Blanchard made a motion, seconded by Mr. Crumpton, approved 4 – 0 to accept the contract with Blue Ridge Security Systems at a monthly cost of \$30.00 – after the first year the maintenance and monitoring is \$230.00 a month which will be budgeted in the 2008-2009 budget cycle.

**IT: Agreement: Technologies Solutions [web-based payment portal]:**

**IT: Agreement: NPC/COCARD [card present account]:**

**IT: Agreement: NPC/COCARD [card not present account]:**

**IT: Agreement: NPC/COCARD [internet account]:**

Mr. Richard Reeves addressed Council regarding these four agreements with NPC/COCARD for credit card processing for the Treasurer's office.

The first agreement with Technologies Solutions would be for web design so that internet credit card payments could be securely received by the Treasurer's office. Mr. Blanchard questioned why this web design could not be done in house as the IT department had assisted other department with updating/design of their web site. Mr. Reeves stated that it was a very complex design that was needed and was a timeframe issue for his department. It requires developing an interface with the credit card company and the bank. Mr. Blanchard also

questioned why this was being presented without going through the appropriate bid process. Mr. Reeves stated that he approached other vendors without success. Technology Solutions works with this credit card company.

Mr. Blanchard voiced concern that this process had been ongoing for 6 months and that Council was being asked to review these contracts in just a few days. He voiced grave concerns that the three contracts with NPC/COCARD have three different maintenance rates in them. In addition, Mr. Blanchard was not satisfied with the response of the company to inquiries from Mr. Reeves about credit card security.

Mr. Blanchard questioned who was paying the 3.8% - 4.2% service fees outlined in the contracts. Mr. Reeves stated that Community First Bank is presently waiving those fees for the County. The question arose if this was being done by contract or verbal agreement. Mr. Reeves stated we had nothing in writing from Community First Bank regarding this practice.

Mr. Blanchard stated that he felt that these types of contracts should be addressed during the budget process when adequate time can be spent to have all questions/concerns addressed. Mr. Blanchard stated that he was upset by this request and did not approve of the way it was presented to Council.

Mr. Lyles made a motion, seconded by Mr. Blanchard, approved 4 – 0 to table discussion of these contracts and schedule a workshop to have all concerns/questions addressed.

#### **Supplemental Local Planning Grant [SLPG]:**

Mr. Surrett addressed Council regarding this grant FEMA grant administered by the SC Emergency Management Division.

Mr. Blanchard made a motion, seconded by Mr. Crumpton, approved 4 – 0 to allow Emergency Serviced to apply for the Supplemental Local Planning Grant.

#### **UPS Battery Powered Unit for the Sheriff's Office Voter Repeater located at Toccoa Falls College, Toccoa, GA:**

Mr. Surrett addressed Council regarding this UPS battery powered unit which was not on the published agenda.

Mr. Ables made a motion, seconded by Mr. Blanchard, approve 4 – 0 to amend the December 11, 2007 agenda to include this agenda item.

Mr. Surrett noted that the county has an agreement with Toccoa Falls College that allows us to place a radio repeater site on their tower. Toccoa Falls College is allowing the county to use the tower at no monthly cost to the county and they pay all fuel costs associated with the operation of the generator and the monthly electric bills. Based on these facts it is recommended that the county pay for the purchase and installation of a 30 KVS UPS battery unit. Mr. Surrett noted that Toccoa Falls College is providing us with free rental, electrical bill, and propane gas. The cost of this unit will pay for itself in one year.

Mr. Crumpton made a motion, seconded by Mr. Ables, approve 4 – 0 the purchase of the UPS battery powered unit for installation at Toccoa Falls College, GA.

## **Council Committee Reports:**

### **Real Estate, Facilities & Land Management:**

Mr. Lyles had no report at this meeting.

### **Road & Transportation:**

Mr. Crumpton had no report at this meeting

### **Law Enforcement, Public Safety, Health & Welfare Committee Report:**

**Fire Department Funding:** Mr. Blanchard noted that a meeting was held earlier in the day at which time Mr. Jay Hetherington, Chair, Emergency Services Commission gave a brief presentation to Council. In addition, he noted that Mr. Surrett and Mr. Rodney Burdette, Emergency Services Director, provided Council with a very detailed and thorough presentation entitled “2007-2008 Fire Department Funding” [copy filed with these minutes].

Mr. Blanchard made a motion, seconded by Mr. Ables, approved 4 – 0 to approve the spending plan as presented entitled “2007-2008 Fire Department Funding”.

**Sewer Commission Meeting Update:** Mr. Blanchard also noted that Council met in a workshop with the Oconee County Sewer Commission earlier in the day and that several issues were addressed and an action plan approved [minutes from this meeting filed separately].

### **Budget, Finance & Administration:**

Mr. Ables had no report at this meeting.

### **Planning & Economic Development:**

Mr. Suarez was not in attendance therefore no report was made at this meeting.

## **Administrator Report:**

### **2006-2007 Worker’s Compensation Payroll Audit Report:**

Mr. Surrett commended Human Resources and Ms. Sheila Wald, Risk Manager, for their hard work and diligence in saving the County \$99,959.00. The audited payroll period was from 7/1/06 through 7/1/07. The county’s premium was recalculated based on the audited payroll. Chairman Lyles also thanked Ms. Wald for her conscientiousness and hard work.

### **DSS Building Update:**

Mr. Surrett asked Mr. Lake Julian, Facilities Director, to address Council on the completed DSS Building. Mr. Julian presented a short PowerPoint presentation [filed with these minutes] showing the outside and inside of the newly completed and now occupied building. He also identified the location for the newly approved playground equipment.

Mr. Julian noted that there will be a ribbon cutting ceremony on Friday, January 4, 2008 at 11:00 a.m. at the new building and he invited all Council members to attend.

### **Animal Shelter Update:**

Mr. Lake Julian, Facilities Director, addressed Council regarding progress on the new Animal Shelter. He presented a short PowerPoint presentation [filed with these minutes] showing the cleared land. Mr. Julian noted that the permit for the on site incinerator has been forwarded to Columbia and we are awaiting approval. Once the permit is received construction will begin.

### **Old Business:**

No Old Business was addressed.

### **New Business:**

#### **Bonnie Moses Retirement:**

Mr. Lyles announced the retirement of Bonnie Moses, Oconee County Courthouse Bailiff, effective December 21, 2007. Ms Moses will have a drop in for her retirement on December 18, 2007. Mr. Lyles instructed the County Attorney to draft a formal proclamation honoring Ms. Moses for presentation at the next council meeting.

#### **Capital Project Commission: Appointment of Members:**

Mr. Blanchard made a motion, seconded by Mr. Ables, approved 4 – 0 that the Infrastructure Advisory Commission appoint three of its members to serve as County Council appointees on the Capital Project Sales Tax Commission.

#### **Board of Zoning Appeals: Appointment of Members:**

Mr. Lyles noted that three of the seven members have resigned from this Board. In addition one member is now deceased. Mr. Blanchard questioned if Ms. Coward, as a council member in the City of Salem, could continue to serve on this Board. Mr. Norton stated that it would be a conflict. Five members need to be appointed by Council.

Mr. Lyles made a motion, seconded by Mr. Blanchard, approved 4 – 0 to re-appoint Mr. Clark Wilmont for District IV to the Board of Zoning Appeals.

Mr. Ables stated that he would contact Mr. Molin to determine if re-appointment would be appropriate.

All other District appointments and At Large appointments we tabled for a future meeting.

**Town of Salem: Stone Request:**

Mr. Crumpton made a motion, seconded by Mr. Blanchard, approved 4 – 0 to grant the Town of Salem request for stone as outlined in their letter [filed with these minutes].

**Scenic Highway Proposal [Ordinance 2007-21 “AN ORDINANCE ESTABLISHING OCONEE COUNTY’S SCENIC HIGHWAYS”]:**

Mr. Blanchard stated a need to identify highways in Oconee County as “scenic”. He asked County Attorney, Brad Norton, to address Council and present a draft **Ordinance 2007-21 “AN ORDINANCE ESTABLISHING OCONEE COUNTY’S SCENIC HIGHWAYS”**. This ordinance would allow citizen groups to request a road be designated a county scenic highway. Specifics are outlined in the Ordinance regarding criteria for designation, responsibilities of the group making the request, signage, etc. Mr. Norton asked that the ordinance be passed on first reading only and be forwarded to the Planning Commission for further review.

Mr. Blanchard made a motion, seconded by Mr. Ables, approved 4 – 0 to approve **Ordinance 2007-21 “AN ORDINANCE ESTABLISHING OCONEE COUNTY’S SCENIC HIGHWAYS”** on first reading in title only and that Ordinance 2007-21 be forwarded to the Planning Commission for further review and discussion.

**Adjourn:**

Mr. Lyles again noted that the workshop with the Planning Commission regarding Ordinance 2007-18 and the amendment to Ordinance #2004-25 will be scheduled at the first council meeting to held on January 8, 2008 at 7:00 p.m.

Mr. Lyles adjourned Council at 8:38 PM

Respectfully Submitted:

---

Elizabeth G. Hulse  
Clerk to Council