



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
May 19, 2009

MEMBERS, OCONEE COUNTY COUNCIL
Mr. Reg Dexter, District V, Council Chairman
Mr. Joel Thrift, District IV, Vice Chairman
Mr. Mario Suarez, District III, Chairman Pro Tem
Mr. Wayne McCall, District II

Oconee County Council met on Tuesday, May 19, 2009 at 7:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, Thomas L. Martin County Attorney and Elizabeth G. Hulse, Clerk to Council 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 to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Ray Chandler – Anderson Independent, Carlos Galarza - Daily Journal, and Peter Kent- WSNW Radio.

Call to Order:

Mr. Dexter called the meeting to order at 7:03 p.m.

Pledge of Allegiance:

Mr. McCall led the Pledge of Allegiance to the United States Flag.

Minutes:

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 that the minutes from the April 14, 2009 Regular Council Meeting/Minute Amendment Request by Clerk be adopted as printed.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 that the minutes from the May 5, 2009 Regular Council Meeting be adopted as printed.

BorgWarner Presentation to Council / Mr. Todd Bennington

Mr. Todd Bennington from Borg Warner along with employees and families addressed Council reading from a letter [enlarged and posted in Council Chambers] thanking Council and the Economic Development Commission for their support. Mr. Bennington also presented cast models of the original Ford F-150 to Mr. Dexter and Jim Alexander- Director of the Economic Development Commission.

Former Council Member Timothy Hall presentation to Council

Mr. Hall addressed Council reading from a letter that gave an overview of the US Dept of State and his position as a diplomat. Mr. Hall also thanked Council for the opportunity to present and wished them the best of luck in their roles as stewards in Oconee County.

Public Comment Session:

Mr. Frank Kieninger addressed Council representing Oconee Men's Outreach informing Council of their continued prayers for them as they address various issues facing Oconee County.

Mr. Barry Nichols addressed Council commenting on a previous zoning presentation made before Council that involved the removal of a cell tower and a water tower in Oconee County.

Ms. Susie Cornelius addressed Council regarding concerns about Rural Fire and Emergency Services.

Ms. Becky Ballenger addressed Council regarding instituting Coroner's inquests for all cases.

Ms. Sharon Hamilton addressed Council representing the Mountain Lakes Community Association. Ms. Hamilton stated that they fully support the amended Zoning Enabling Ordinance and Lake Overlay and thanked the Council, Planning Commission and the Planning Department for all of their hard work in moving it forward.

Mr. Gary Owens addressed Council representing the Advocates for Quality Development thanking the Council and Planning Commission for their hard work in getting land use management to where it is now.

Extended Public Comment Session:

Cherokee Monument:

Mr. Luther Lyle along with Mr. James Nichols- Chief of the Cherokee Bear Clan addressed Council thanking Council for everything that they have done for Native Americans and stated that they would like to get started and complete the Spirit of Oconee Monument that it to be built on the Oconee County Courthouse grounds. Mr. Nichols stated that they aren't asking for funding just permission to build the monument. Mr. Lyle presented Council with a status report on the erection of the monument also providing reasons of the delay. Mr. Lyle stated that they only asking for a couple of actions from Council in order to get the project underway. Mr. Thrift further explained the delay of the project and asked Mr. Lyle about specifications of the monument. Discussion followed. Council stated their desire to get the monument erected but there are some engineering concerns that need to be addressed first in order to avoid future problems, Council stated they are working on getting some answers.

Voice of South Oconee:

Mr. Richard Hughes addressed Council representing and introducing Voice of South Oconee (VOSO) a group taking an active role in representing those who reside/own property and have interest in the southern part of Oconee County. Through the use of a powerpoint presentation [filed with these minutes], Mr. Hughes gave an overview of the mission and goals for Voice of South Oconee.

Public Hearings regarding the Following Ordinances:

Ordinance 2009-10 – AN ORDINANCE TO AMEND SECTION 32-4 OF THE OCONEE COUNTY CODE OF ORDINANCES PERTAINING TO THE OCONEE COUNTY PLANNING COMMISSION, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO MEMBERSHIP REQUIREMENTS AND STANDARDS, TERMS OF MEMBERS, PROCEDURES FOR REMOVAL OF MEMBERS, AND SALARIES AND FUNDING STANDARDS; AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF SUCH SECTION 32-4 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATED THERETO.

Mr. Dexter requested that Mr. Art Holbrooks- Director of the Planning Department come forward and discuss the Planning Commission's recommended changes to the ordinance. Mr. Holbrooks explained their recommended changes to the ordinance.

Mr. Martin stated that he has drafted a new version of the ordinance with the recommended changes.

Mr. Jerry Barnett addressed Council stating that the good citizens of Oconee County are losing their voice and aren't being represented, its time for a change.

Mr. Tom Markovich addressed Council stating that he would like another opportunity to comment about Ordinance 2009-10 since it is being amended. Mr. Markovich also stated that he wants to go back and look at specifics of the terms of office for the Planning Commission.

No written comments were submitted for the permanent record.

Ordinance 2009-11 “AN ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN OCONEE COUNTY REAL PROPERTY; AUTHORIZING THE EXECUTION AND DELIVERY OF A REAL PROPERTY DEED RELATED TO THE SAME; AND OTHER MATTERS RELATED THERETO”

Mr. Martin explains the conditions of the Deed.

Mr. Steve Moore addressed Council asking what type of deed will be executed. Mr. Martin stated that it will be a Limited Property Deed, the conveyance onto the City of Seneca, not from the private individual will be a General Warranty Deed.

No written comments were submitted for the permanent record.

Consideration of the following Ordinances:

Ordinance #2009-03:

Mr. Thrift made a motion, seconded by Mr. Dexter, approved 3 – 0 to approve the third and final reading of **Ordinance 2009-03** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO THE PROCEDURES AND STANDARDS FOR ZONING AND REZONING PROPERTY, AS TO THE METHODS AND STANDARDS REQUIRED FOR ENACTING OR IMPOSING OVERLAY DISTRICTS, AND AS TO THE METHOD FOR FUNDING ZONING ADMINISTRATION IN OCONEE COUNTY; TO REFER THE AMENDMENTS AND MATTERS PROPOSED BY THIS ORDINANCE TO THE OCONEE COUNTY PLANNING COMMISSION IN ACCORDANCE WITH SOUTH CAROLINA LAW FOR REVIEW, COMMENT, AND RECOMMENDATION; TO REVIEW AND CONSIDER THE RECOMMENDATIONS OF THE OCONEE COUNTY PLANNING COMMISSION; TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO”

Ordinance 2009-10: *[text above]*

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to approve the third and final reading of Ordinance 2009-10.

Ordinance 2009-11: *[text above]*

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to approve the third and final reading of Ordinance 2009-11.

Discussion & Possible Action Items:

Tamassee DAR School Rock Donation Request / \$685

Mr. Robbie Lee of Lee’s Hauling & Ground Covers Plus addressed Council speaking for Tamassee DAR School. Mr. Thrift asked Mr. Lee about the drainage, discussion followed. Mr. Dexter asked where the funding come from. Ms. Hulse stated that the funding would come from the Council Contingency Fund.

Mr. McCall made a motion, seconded by Mr. Thrift, approved 3 – 0 to approve the Rock Donation Request from Tamassee DAR School in the amount of \$685 coming from the Council Contingency Fund.

Application for State-Issued Certificate of Franchise Authority

Mr. Jim Evers- Upstate Regional Director for AT&T addressed Council explaining the State-Issued Certificate of Franchise Authority and consent form to allow AT&T to come in and offer video services, an alternative to cable and satellite.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to authorize the Administrator to execute the Application for State-Issued Certificate of Franchise Authority as out lined above.

Contract / Tax Collector / up to \$35,000 / Posting of delinquent notices

Mr. McCall made a motion, seconded by Mr. Thrift, approved 3 – 0 to approve the Contract for Palmetto Posting, Inc. in an amount not to exceed \$35,000.

Computers / 53 desktop & 3 laptops / State & NASPO/WSCA contracts

Ms. Kendra Brown- Director of Finance, addressed questions concerning the purchase of the computers. Mr. McCall addressed Ms. Brown asking why so many computers needed to be purchased. Ms. Brown explained.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to approve the purchase of 53 desktop and 3 laptop computers as outlined in the Agenda Item Summary.

Salem Volunteer Fire Station / Apply for Homeland Security Assistance to Firefighter Grant / Local Match Required = \$10,459

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to approve the Salem Volunteer Fire Station to apply for the Homeland Security Assistance to Firefighter grant.

Lake Patrol Contract

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to approve the Lake Patrol Contract.

Council Committee Reports:

Budget, Finance & Administration

Mr. Dexter gave an overview of the Budget meetings that were held on Friday, May 15, 2009 and Saturday, May 16, 2009. Mr. Dexter announced that the Public Hearing for the Final Budget will be held on Tuesday, June 9, 2009.

Law Enforcement, Public Safety, Health & Welfare

Mr. McCall read from Notes of the Law Enforcement, Public Safety, Health & Welfare Committee Meeting that was held on Wednesday, May 13, 2009 that will be filed with the permanent records as a part of the minutes giving an overview of the topics discussed.

Commission / Board Reports to Council: *[none scheduled for this meeting]*

Board and Commission Appointments:

Emergency Services

Mr. McCall made a motion, seconded by Mr. Dexter, approved 3 – 0 to reappoint Jess Nevell to the Emergency Services Commission.

Library Board

Mr. Thrift made a motion, seconded by Mr. Dexter, approved 3 – 0 to appoint P. Ellis Hughes to the Library Board.

ATAX Commission

Ms. Hulse stated that Billie Grimes had been recommended by the ATAX Commission for appointment and that Ms. Geri McSwain was up for reappointment.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to appoint Billie Grimes and reappoint Geri McSwain to the ATAX Commission.

Old Business: *[none scheduled for this meeting]*

New Business:

Third Quarter Financial Report

Ms. Kendra Brown addresses Council giving a summary of the Third Quarter Financial Report. Ms. Brown placed an emphasis on informing Council that the projected numbers are only rough estimates.

Councilman Thrift Request to Council

Mr. Thrift informed Council that he has been approached several times by local church parishioners that expressed the desire to purchase a building permit needed to move a mobile home and set it up for an indigent lady, but they don't have the funds needed (\$50) to do so.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 to use Council Contingency Funds in the amount of \$50 to purchase the needed building permit.

Executive Session:

Mr. Thrift made a motion, seconded by Mr. Dexter, approved 3 – 0 to enter Executive Session for the purpose of receiving legal advice and to discuss personnel and contractual matters.

Council entered Executive Session at 8:21 p.m.

Council returned from Executive Session at 9:50 p.m. on a motion by Mr. Thrift, seconded by Mr. Suarez, approved unanimously. Mr. Dexter stated that no actions were taken.

Mr. Dexter stated the there were three topics of discussion that took place in Executive Session; [1] the Oconee County Courthouse and the legal status, [2] Fire & Rescue and [3] issues related to the termination of Mr. Dale Surrett, County Administrator.

Mr. Dexter stated that they are moving forward regarding the Courthouse matter.

Mr. Thrift made a motion to approve that the County attorney, Mr. Tom Martin pursues the legal matters involved with Fire and Rescue.

The third topic involved a settlement agreement with Mr. Dale Surrett, former Oconee County Administrator. Mr. Dexter stated that a settlement has been reached between Mr. Surrett, his attorney and the Council. Mr. Dexter stated that the settlement includes an additional six months payment which was agreed to in an effort to try to avoid prolonged administrative action, litigation and/or court costs.

Mr. Thrift made a motion, seconded by Mr. McCall that the settlement agreement for Mr. Dale Surrett, former Oconee County Administrator be approved as presented.

Adjourn:

Mr. McCall made a motion at 9:58 p.m., seconded by Mr. Thrift that the meeting be adjourned. The motion was approved unanimously.

Respectfully Submitted:

Stacy Crosby
Sen. Administrative Asst.