



**MINUTES**  
**OCONEE COUNTY COUNCIL**  
**Regular Meeting**  
**July 7, 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, July 7, 2009 at 7:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, Kendra Brown, Interim Administrator, 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](http://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, Ashton Hester – Keowee Courier and Peter Kent - WSNW Radio.

**Call to Order:**

Mr. Dexter called the meeting to order at 7:00 p.m.

**Pledge of Allegiance:**

Mr. Thrift led the pledge of allegiance to the United States Flag.

**Minutes:**

Mr. McCall made a motion, seconded by Mr. Thrift, approved 3 – 0 that the minutes from the June 9, 2009 Budget Public Hearing meeting be adopted as printed.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 that the minutes from the June 9, 2009 Workshop meeting with the Economic Development Commission be adopted as printed.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 3 – 0 that the minutes from the June 16, 2009 regular meeting be adopted as printed.

**Public Comment Session:**

Mr. Richard Hughes addressed Council regarding his support for Ordinance 2009-16 and requested that these be made a part of the Unified Performance Standards.

Ms. Susie Cornelius addressed Council regarding her opposition to taking stimulus money as it will have to be paid back at some point and requested that Council first adopt a Fire Plan before this grant money is accepted.

Mr. Berry Nichols addressed Council regarding his opposition to Ordinance 2009-15 voicing concern that the procedure is misleading.

Mr. Jerry Barnett addressed Council regarding his opposition to Ordinance 2009-15 and his desire to see the Planning Department, Building Codes and Economic Development disbanded.

Mr. Jim Codner, Advocates for Quality Development [AQD] representative, addressed Council regarding his groups support for Ordinance 2009-16 and requested that this be made a part of the Unified Performance Standards.

Mr. Tom Markovich addressed Council regarding his support for Ordinance 2009-16 and requested that they be made a part of the Unified Performance Standards.

Mr. John Little addressed Council in opposition to Ordinance 2009-16.

### **Extended Public Comment Session:**

#### **Spec Building / Mr. Todd Bennington:**

Mr. Bennington withdrew his request to speak at this meeting.

#### **New Administrator & Contract / Mr. George Cleveland:**

Ms. Cleveland addressed Council regarding his concerns regarding the selection of a new Administrator and his request that Council not provide a “golden parachute” in the contract for this new person.

### **Public Hearing:**

Mr. Dexter opened the Public Hearing regarding **Ordinance 2009-12 AN ORDINANCE TO DELEGATE RESPONSIBILITIES TO AND TO DESIGNATE THE OCONEE JOINT REGIONAL SEWER AUTHORITY AS THE AGENT OF OCONEE COUNTY FOR PURPOSES OF ACTING AS THE SECTION 208 WATER QUALITY MANAGEMENT AGENCY IN OCONEE COUNTY, AND TO RECOMMEND TO THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THAT IT SO RECOGNIZE THE OCONEE JOINT REGIONAL SEWER AUTHORITY; TO PROHIBIT THE DISCHARGE OF POLLUTING SUBSTANCES; TO SET PENALTIES FOR THE VIOLATION THEREOF; AND OTHER MATTERS RELATED THERETO.**

Ms. Susie Cornelius addressed Council regarding concerns with language on page 3, paragraph 9 of Ordinance 2009-12. Her concerns centered on if illegal discharges are made who is financially responsible. Ms. Cornelius requested that language throughout the ordinance be consistent and that the County establish compliance standards/rules.

Mr. Suarez arrived during the Public Hearing portion of the meeting.

Mr. Dexter opened the floor for additional comment. No other citizens signed up to speak regarding this Ordinance.

Mr. Dexter opened the floor for submission of written comments. No citizens provided any written comments.

Mr. Dexter closed the Public Hearing portion of the meeting.

### **Consideration of the following Ordinances:**

#### **Ordinance 2009-04:**

Mr. McCall made a motion, seconded by Mr. Thrift, approved 4 – 0, to permanently remove from Council’s consideration **Ordinance 2009-04** “AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT IN THE AMOUNT OF NOT EXCEEDING \$800,000 TO DEFRAY THE COST OF ACQUIRING THREE FIRE TRUCKS; AND OTHER MATTERS RELATING THERETO”.

#### **Ordinance 2009-13:**

Mr. Thrift made a motion, seconded by Mr. Suarez, approved 4 – 0, to approve on second reading **Ordinance 2009-13** “AN ORDINANCE TO RATIFY, AFFIRM AND AUTHORIZE THE USE OF CERTAIN PROCUREMENT METHODS FOR A CERTAIN OCONEE COUNTY PROJECT AND TO REVIEW, CONSIDER AND APPROVE THE AWARD OF CONTRACT FOR A CERTAIN OCONEE COUNTY PROJECT; AND OTHER MATTERS RELATING THERETO”.

#### **Ordinance 2009-15:**

Mr. Art Holbrooks, Planning Director, addressed Council regarding this citizen initiated re-zoning request. He read from a PowerPoint presentation [filed with these minutes] and introduced Mr. Gary McMahan & Mr. Lewis McMahan to Council. Discussion followed.

Mr. Suarez made a motion, seconded by Mr. McCall, approved 4 – 0 to do two things: [1] refer this Ordinance to the Planning Commission for the required review and recommendation, and [2] to approve **Ordinance 2009-15** “Amendment to the Zoning Enabling Ordinance” on first reading in title only.

#### **Ordinance 2009-16:**

Mr. Holbrooks addressed Council regarding Ordinance 2009-16 which was initiated by a request from the Planning Commission as follow up to Council’s request for review of a 65’ height restriction study on building in Oconee County. Mr. Holbrooks noted that this language could be an amendment to either the Unified Performance Standards Ordinance or Ordinance 2007-18, Zoning Enabling Ordinance. Mr. Tom Martin, County Attorney, verified that either document would be appropriate for this amendment. Discussion followed.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 4 – 0 to do two things: [1] refer this Ordinance to the Planning Commission for further work, and [2] to approve on first reading Ordinance **2009-16** “AMENDMENT TO REQUIRE APPROVAL OF ALL STRUCTURES GREATER THAN SIXTY-FIVE [65’] FEET TO BE APPROVED BY THE BOARD OF ZONING APPEALS AS A SPECIAL EXCEPTION” as amendment to the Unified Performance Standards.

## **Resolutions for Consideration:**

### **Resolution 2009-10:**

Mr. Dexter invited Ms. Nix to step forward for presentation and reading of **Resolution 2009-10** “A RESOLUTION HONORING TO LINDA R. NIX”. Mr. Dexter thanked Ms. Nix on behalf of the Council, employees and citizens of Oconee County for her many years of dedicated service.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 4 – 0 to approve **Resolution 2009-10** “A RESOLUTION HONORING TO LINDA R. NIX” on first and final reading.

### **Resolution 2009-11:**

Mr. Thrift made a motion, seconded by Mr. McCall, approved 4 – 0 to approve **Resolution 2009-11** “A RESOLUTION OF THE OCONEE COUNTY COUNCIL AUTHORIZING THE INFORMATION TECHNOLOGY DEPARTMENT TO DONATE PROPERLY CLEARED COMPUTERS TO THE LIONS CLUB THROUGH A LOCAL AFFILIATE CHAPTER” on first and final reading.

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

### **Initiation of County Council Standing Committee Meeting Schedule:**

Ms. Hulse, Clerk to Council, outlined the request to set a standard meeting schedule for each of the five Council Standing Committees. Discussion followed. Each Committee Chair committed to the following schedule:

Budget, Finance & Administration	Every other Month
Planning & Economic Development	Quarterly
Transportation Committee	Every other Month
Facilities, Real Estate & Land Management	Quarterly
Law Enforcement, Public Safety, Health & Welfare	Quarterly

Ms. Hulse noted that she will advertise this schedule once the day/time for each meeting has been set by each Committee Chair.

### **RFP #08-11 / Spec Building II / Economic Development / \$1,800,000:**

Mr. Jim Alexander, Economic Development Director, requested that this request be removed from consideration at this meeting.

### **RFP #08-26 / Financial Auditing Services / \$60,000 for FY 09-10 / Approve 4 1-year renewals with 3% increase each year:**

Ms. Brown, Interim Administrator, addressed Council and outlined the requirements in state law that an annual audit be conducted by an independent certified public accounting firm. She noted that this audit will cover all financial records and transactions of the County. Mr. McCall questioned if this was sufficient and asked if a more in depth forensic audit was required. Ms. Brown assured Mr. McCall and Council that this was not necessary as all funds are accounted for.

Mr. Thrift made a motion, seconded by Mr. Suarez, approved 4 – 0 to award RFP #08-26 to McAbee, Talbert & Halliday & Company in the amount of \$60,000 for FY 2009-2010 with four additional one year renewals with an increase of three percent for each of the four one year renewals.

**Bid #08-16 / OC & Tri County Technical College Quick Job Development Center / \$504,504**

Mr. Thrift made a motion, seconded by Mr. Suarez, approved 4 – 0 to award Bid #08-16 to Joy Construction of Seneca, SC in the amount of \$504,504 and to approve additional change orders as outlined in the agenda item summary not to exceed the allocated grant amount for this project.

**Bid #08-19 / Communications Tower & Prefabricated Building / \$219,898**

Mr. McCall made a motion, seconded by Mr. Thrift, approved 4 – 0 to award Bid #08-19 to K-Co Enterprises of Pelzer, SC in the amount of \$219,898.

**State Contract / 21 Desktop Computers & 3 Laptops / \$29,971.79**

Mr. McCall made a motion, seconded by Mr. Suarez, approved 4 – 0 to approve purchase of 21 desktop computers and 3 laptop computers for the Oconee County Library System in the amount of \$29,971 from Dell Marketing of Atlanta, GA, based on the negotiated price as outlined in the agenda item summary.

**Solid Waste / Reclassification of Vacant Full Time Position to Two [2] Part Time Positions**

Ms. Brown and Mr. Swain Still, Solid Waste Director, addressed Council regarding the reclassification of one vacant full time position to two part time positions. Mr. McCall questioned if any staff would loose their job and it was verified that this was a vacant position. Discussion followed.

Mr. Thrift made a motion, seconded by Mr. Suarez, approved 4 – 0 to approve the reclassification of one full time position in Solid Waste to two part time positions as outlined in the agenda item summary.

**ATAX Consent Agenda Items:**

1. PRT / Atlanta Boat Show / up to \$6,500 / Local ATAX / No Match
2. Oconee Tourism Commission / \$14,400 / State ATAX / No Match

Mr. Suarez made a motion, seconded by Mr. McCall, approved 4 – 0 to approve both ATAX items listed above in one single motion.

**MOTION TO AMEND AGENDA:**

Mr. Thrift made a motion, seconded by Mr. McCall, approved 4 – 0 to amend the agenda to consider PRT's request to apply for a \$7,500 Heritage Corridor Grant.

**Request for Approval to Apply for Heritage Corridor Grant / County 50% Match = \$7,500:**

Mr. Phil Shirley, PRT Director, addressed the Council and outlined the request to apply for the Heritage Corridor Grant to assist in the completion of an Oconee County Tourism Action Play to be completed by Clemson University's Tourism Research Department as a sole source provider. PRT will provide \$5,000 and the Mountain Lakes CVB will provide \$2,500 toward the county's match if this grant is awarded. Mr. Shirley noted that the submission period for this grant was very short and that was why the request was made to address this issue at this meeting.

Mr. Thrift made a motion, seconded by Mr. McCall, approved 4 – 0 to approve applying for the Heritage Corridor Grant in the amount of \$7,500 as outlined in the agenda item and to waive the bid process to utilize Clemson University, a State University with the framework to complete the plant to state standards.

### **Requests for Approval to Apply for Grants:**

1. FY 2009 Edward Byrne Memorial Justice Assistance Grant / \$26,087 / No Match
2. Assistance to Firefighters Fire Station Construction Grant / No Match

Mr. McCall made a motion, seconded by Mr. Suarez, approved 4 – 0 to approve applying for the two grants listed above as outlined in the agenda item summaries in one single motion.

### **Council Committee Reports:**

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

Mr. Suarez read from a prepared statement outlining items discussed and acted upon at the June 6, 2009 meeting. Council unanimously concurred with actions taken at this meeting.

#### **Transportation Committee:**

Mr. Thrift read from a prepared statement outlining items discussed and acted upon at the June 23 & June 30, 2009 meeting.

Mr. McCall made a motion, seconded by Mr. Dexter, approved 4 – 0 to affirm the decision of the Committee that the trees in the right of way on Briar Creek Drive [property of Mr. Ed Pugh] will be removed if not moved prior to July 6, 2009 at which time the Road Department will finish the paving project on this roadway.

Mr. Dexter made a motion, seconded by Mr. McCall, approved 4 – 0 to affirm the decision of the Committee to deny Mr. Reid's request for a pipe for his private driveway.

Mr. Suarez made a motion, seconded by Mr. Dexter, approved 4 – 0 to accept the recommendation of the Transportation Committee Chair that Oconee County not accept into the county road system Choestoea Road [currently maintained by the Corp of Engineers].

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

Mr. Dexter read from a prepared statement outlining items discussed and acted upon at the June 11, 2009 meeting. Council unanimously concurred with actions taken at this meeting.

### **Commission / Board Reports to Council:**

No Commission or Boards report to Council at this meeting.

*[Board of Zoning Appeals will report on July 21, 2009]*

*[Planning Commission will report on August 18, 2009]*

### **Board & Commission Appointments:**

Mr. Dexter asked the Ms. Hulse to outline the specific appointments open for a vote at this meeting along with the reason for the affirmation of previous appointments to comply with Ordinance 2009-10 [the seat stagger provision]. Ms. Hulse also noted that a recommendation from the Soil & Water Conservation District to fill one of the two At Large seats was received and may be acted upon at this meeting if Council wished. The second At Large seat will be deferred until the July 21, 2009 Council meeting in order to obtain a recommendation from the Planning Commission for this seat.

Mr. McCall made a motion, seconded by Mr. Thrift, approved 4 – 0 to appoint Mr. Howard Moore to the District II Planning Commission seat with this term being co-terminus with the District II Council seat.

Mr. Suarez made a motion, seconded by Mr. Thrift, approved 4 – 0 to re-appoint Mr. Bill Evatt to the District III Planning Commission seat with this term being co-terminus with the District III Council seat.

Mr. McCall made a motion, seconded by Mr. Dexter, approved 4 – 0 to accept the recommendation of the Soil & Water Conservation District and to appoint Mr. Alexander “Rex” Ramsey to an At Large Seat on the Planning Commission with his first term ending in 2010. After this first term, this seat will be appointed for four year terms.

Mr. McCall made a motion, seconded by Mr. Dexter, approved 4 – 0 to reaffirm the previous action of Council and to reappoint the following individuals to comply with Ordinance 2009-10:

District I:	Andrea Heller	term co-terminus with District I Council seat
District IV:	Tommy Abbott	term co-terminus with District IV Council seat
District V:	Ryan Honea	term co-terminus with District V Council seat

## **Administrator’s Report:**

### **Harris Drive Letter / New Citizen Comment Form:**

Ms. Brown read a portion of a letter received from residents on Harris Drive commending the Road Department for their work on the road paving project. As a result of this and other letters, Ms. Brown introduced a new form for citizen input which is designed to acknowledge the good work being done and if something isn't working to help identify areas where the County can make improvements. Forms will be distributed to each department for posting and they will be available at the exit doors at Pine Street. The forms are to be returned to the Administrator's Office or to the Clerk of Council for follow-up by the Administrator. Ms. Brown stated that all citizens can be assured that issues related to poor services or complaints will be held in the strictest confidence.

### **Duke Energy Bonds:**

#### **Seneca Fire Agreement:**

Ms. Brown briefly outlined the structure of the current Duke Pollution Bonds and noted that they wish to restructure them to a fixed rate and to adjust the repayment terms. An ordinance will need to be drafted to allow them to do this. The issue before Council at this time centers on the request for waiver for the McNair Law Firm to assist with the preparation of the ordinance as other branches of the firm have done work previously for Duke Energy. Mr. Martin specifically has not but to provide full disclosure to the County he wanted to request a waiver.

Ms. Brown noted that the same is true of work related to the drafting of a fire agreement with the City of Seneca.

Discussion followed.

Council approved the Administrator to sign waivers for McNair as outlined above.

## **Old Business:**

No Old Business was addressed at this meeting.

**New Business:**

**Council Special Meeting:**

Mr. Dexter announced a County Special Meeting to be held on Saturday, July 11, 2009 at 9:00 a.m. in Council Chambers to discuss issues related to the open Administrator position.

**Request for Follow-up ATAX information:**

Mr. Dexter requested from the Interim Administrator a report outlining the organizations who receive ATAX funds. The report is to include what the request was to be used for, how much money was spent, and if they were able to show a benefit to the county.

**Clarification by County Attorney re: Utility Tax Credits proposed to be used to fund a Spec Building:**

Mr. Martin responded to a comment made in the public comment portion of the meeting and clarified that money designated for the building of a spec building received from AT&T and Blue Ridge Electric are tax dollars redirected from the state to assist with local infrastructure improvements. He noted that these organizations are not collecting too much money in fees; that the funds given are tax dollars diverted with the approval of the State as part of the their tax payment for this use.

**Executive Session:**

Mr. Dexter noted that the Executive Session scheduled would not be held.

**Adjourn:**

Mr. McCall made a motion, seconded by Mr. Suarez, approved unanimously to adjourn the meeting at 9:14 p.m.

Respectfully Submitted:

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Elizabeth G. Hulse  
Clerk to Council