



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
October 5, 2010

MEMBERS, OCONEE COUNTY COUNCIL

Mr. Reg Dexter, District V, Council Chairman
Mr. Joel Thrift, District IV, Vice Chairman
Mr. Wayne McCall, District II, Chairman Pro Tem
Mr. Paul Corbeil, District I
Mr. Mario Suarez, District III

Oconee County Council met on Tuesday, October 5, 2010 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. Hulse 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 [*upon request*] to the newspapers, radio stations, television stations and concerned citizens.

Member of the press present: Ray Chandler – Anderson Independent, Ashton Hester – Keowee Courier & Carlos Galarza - Daily Journal.

Call to Order: Mr. Dexter called the meeting to order at 6:00 p.m.

Public Comment Session [related to specific agenda items]:

Mr. C. W. Richards addressed Council voicing concerns that plans for the proposed property on Highway 11 have not been made public.

Mr. Tom Markovich addressed Council voicing concerns with a Memorandum of Understanding with Duke Energy.

Extended Public Comment Session: None scheduled at this meeting.

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

Ms. Edalene Kelly addressed Council voicing her opposition to construction of the Lighthouse Restaurant off Doug Hollow Road. She stated that she had been informed that the developer was going to take her .99 acres without her permission. Ms. Kelly also presented a petition to be filed with the minutes of the meeting.

Mr. Bo Knapp addressed Council voicing his opposition to the construction of the Lighthouse Restaurant off Doug Hollow Road.

Mr. B. J. Littleton addressed Council regarding his opposition Council taking first reading of an ordinance in title only.

County Council Response to Public Comment:

Mr. Thrift stated that he and Mr. McCall met with the developer for the restaurant and he assured Ms. Kelly that her property will not be taken for this project. He also stated that this issue will be discussed at the next Transportation Committee meeting scheduled for October 26, 2010. Mr. Corbeil stated that he has also visited the site and that the developer is aware that she is

unwilling to sell her .99 acres. Mr. McCall stated that he had been informed that FOLKS was opposed to the restaurant project but in favor of shoreline stabilization.

Mr. Dexter asked the Administrator to have a conceptual plan available for the property off Highway 11 before scheduling the public hearing and third and final reading of Ordinance 2010-31.

Meeting Recess:

Mr. Dexter recessed the meeting to 6:26 p.m.

Meeting Reconvene:

Mr. Dexter reconvened the meeting to 7:01 p.m.

Pledge of Allegiance:

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

Minutes:

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 4 – 0 [Mr. McCall abstained – form filed with these minutes] that the minutes from the September 18, 2010 workshop meeting be adopted as printed.

Mr. Suarez made a motion, seconded by Mr. McCall, approved 5 – 0 that the minutes from the September 21, 2010 regular meeting and the September 28, 2010 workshop meeting be adopted as printed.

Consideration of the Following Proclamations

Proclamation P2010-03

Mr. McCall made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Proclamation P2010-03** “NATIONAL FRIENDS OF THE LIBRARY WEEK” on first and final reading. Mr. Dexter presented the approved Proclamation to Ms. Barbara Askew, Friends of the Library President.

Consideration of the Following Resolutions

Resolution R2010-14

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 5– 0 to approve **Resolution R2010-14** “A RESOLUTION APPROVING THE EXECUTION AND DELIVERY OF A DRAINAGE EASEMENT AND RIGHT-OF-WAY AGREEMENT; APPROVING AND AUTHORIZING WORK UPON PROPERTY WITHIN THE DRAINAGE EASEMENT AND RIGHT-OF-WAY GRANTED TO THE COUNTY PURSUANT TO THE AGREEMENT; AND OTHER MATTERS RELATED THERETO” and Drainage Easement & Right-of-Way Agreement on first and final reading.

Consideration of the Following Ordinances:

Ordinance 2010-28

Mr. McCall made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2010-28** “AN ORDINANCE CREATING A STANDARD SET OF PROCEDURES AND POLICIES FOR THE CONSENT OF OCONEE COUNTY COUNCIL TO THE PROPOSED ABANDONMENT AND CLOSURE OF PUBLIC ROADS IN OCONEE COUNTY, SOUTH CAROLINA; REQUIRING PHYSICAL NOTICE THEREOF; SETTING THE REQUIREMENTS

FOR THE ABANDONMENT AND CLOSURE OF PUBLIC ROADS IN OCONEE COUNTY; AND OTHER MATTERS RELATED THERETO” on second reading and to schedule the public hearing for Tuesday, October 19, 2010.

Ordinance 2010-31

Mr. Thrift removed himself from the room at the beginning of discussion regarding this issue for reasons stated at the September 7, 2010 Council meeting.

Mr. Corbeil made a motion, seconded by Mr. Suarez, approved 3 – 1 [Mr. McCall opposed] to approve **Ordinance 2010-31** “AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN OCONEE COUNTY REAL PROPERTY, CONTINGENT ON THE SATISFACTORY COMPLETION OF ALL DUE DILIGENCE AND CONTRACTUAL REQUIREMENTS ESTABLISHED BY OCONEE COUNTY, TO THE SATISFACTION OF OCONEE COUNTY COUNCIL; AUTHORIZING THE COMPLETION OF SUCH DUE DILIGENCE AND CONTRACTS; AUTHORIZING THE RECEIPT OF ALL LAWFUL FUNDS AUTHORIZED FOR SUCH PURCHASE; AUTHORIZING THE EXECUTION AND DELIVERY OF ALL CONTRACTS, INTERGOVERNMENTAL AGREEMENTS, AND OTHER DOCUMENTS RELATED TO SUCH PURCHASE; AUTHORIZING THE AMENDMENT OF THE CURRENT OCONEE COUNTY BUDGET ORDINANCE TO PROVIDE ACCOUNTING AND FUNDING FOR THE TOTAL COST OF CONTRACTING FOR AND PURCHASING SUCH PROPERTY; AND OTHER MATTERS RELATED THERETO” on second reading.

Council stated that the public hearing and third and final reading will not be scheduled until such time as the conceptual plans for the site can be provided to the public for review.

Mr. Thrift returned to Chambers for the remainder of the meeting.

Discussion & Possible Action Items:

Follow-up Action from the September 28, 2010 Council Workshop Meeting re: Jail

Mr. Moulder presented for Council’s consideration and approval a memorandum from the Procurement Director, Ms. Robyn Courtright, “Determination of Construction Method to be used for the Oconee County Detention Center”. Mr. Moulder read the statement into the record. Discussion followed.

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to make a finding of fact for an alternate method for construction based on facts provided in the memorandum.

Planning Commission Recommendation / Memorandum of Understanding [MOU] with Duke Energy

Mr. Moulder and Mr. Art Holbrooks, Planning Director, addressed Council providing a brief outline regarding the proposed MOU and requested that Council approve the initiation of discussion with Duke for a MOU. Mr. Holbrooks read a statement into the record outling this request [copy filed with these minutes]. Discussion followed.

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve staff initiating discussions aimed at the development of a Memorandum of Understanding between Oconee County and Duke Energy.

Change Order [CO] / BP Barber & Associates / \$12,800 / Boundary Property Survey

Mr. Martin prior to discussion or action noted that as this issue relates to the use of the Project North property and not the acquisition of the property that Mr. Thrift does not need to recuse himself and can participate and vote on this matter.

Mr. Moulder addressed Council providing a brief outline regarding the proposed CO noting that this takes the purchase order over his approval authority. Discussion followed.

Mr. Corbeil made a motion, seconded by Mr. Suarez, approved 4 – 1 [Mr. McCall opposed] to approve a change order to B. P. Barber and Associates of Columbia, SC, in the amount of \$12,800.00 for the Boundary Property Survey for the 400 acre site along SC Highway 11.

Board & Commission Appointments:

None scheduled for this meeting.

Commission & Board Reports to Council:

Library Board

Mr. Biff Kennedy, Board Chair, made a brief PowerPoint presentation [copy filed with these minutes] to Council outlining their activities over the past year and their goals for the future.

Mr. Kennedy also addressed funding for the new library slated for Seneca noting that some USDA grants have been awarded but that there is approximately \$85 million yet to be distributed and the Board is hopeful that a grant will be received by Oconee County.

Council Committee Reports:

None scheduled for this meeting.

Law Enforcement, Public Safety, Health & Welfare:

The Clerk noted that the meeting scheduled for Tuesday, November 23, 2010 has been cancelled as there is a conflict with the council meeting schedule. The meeting has been rescheduled to Tuesday, October 19, 2010 at 5:00 p.m. immediately preceding the Council meeting.

Administrator's Report:

Contract for Professional Services / \$41,100 / Response to FEMA CAV Audit

Mr. Moulder asked that Council consider approval of a contract with Davis & Floyd, Inc., in the amount of \$41,100 for two proposals in response to findings in the FEMA CAV to be paid from the Council Contingency account as this is an unanticipated expense and was not budgeted for in the current budget. Discussion followed.

Mr. Suarez made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve the contract with Davis & Floyd, Inc., of Greenwood, SC to perform necessary engineering services in the amount of \$41,100 in response to FEMA findings to be paid from the Council's contingency account.

Administrator's Report

Mr. Moulder read portions and highlighted areas from his written Administrator's Report, dated October 5, 2010 [copy filed with these minutes]. He stated that in future the report will come to Council on a monthly basis.

Key areas highlighted were:

- Broadband Grant
- Reassessment
- Solid Waste MCC#1 / Strawberry Farm
- Solid Waste C&D Landfill Expansion
- Old Courthouse Renovation & Expansion vs. Demolition
- New Courthouse Remediation

- Detention Center House & Property
- Project North
- Shell Building
- Delinquent Tax Sale
- Airport Runway Extension

Introduction of New Staff

Mr. Moulder introduced Ms. Amanda Brock to Council noting that she will be a attending meetings and in addition will have some responsibility for Public Information and Media Communication.

Old Business:

Zoning Petitions held in Planning

Mr. Dexter asked the Administrator to follow up with planning staff and identify those zoning petitions that were on hold that can now be brought forward to Council for first reading.

New Business:

Highway 11 / Scenic Highway Designation

Mr. Corbeil asked that discussion regarding pending development and the Scenic Highway designation on Highway 11 be added to the October 19, 2010 agenda for discussion and possible action.

Adjourn:

Mr. Suarez made a motion at 8:16 p.m. to adjourn the meeting. The motion was approved unanimously.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council