



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
May 3, 2011

MEMBERS, OCONEE COUNTY COUNCIL

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

Oconee County Council met on Tuesday, May 3, 2011 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. Thrift called the meeting to order at 6:00 p.m.

Extended Public Comment Session: None scheduled at this meeting.

Public Comment Session [related to specific agenda items]:

Mr. Tom Markovich addressed Council in opposition to the building code fees and encroachment fees in Ordinance 2011-01.

Mr. Glen McPheeters addressed Council in support of the zoning ordinance reading from a prepared statement [filed with these minutes].

Mr. B. J. Littleton addressed Council in opposition to zoning and capital expenditures for fire trucks as they related to Emergency Services budget.

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

Dr. Michael Lucas, School District of Oconee [SDOC] Superintendent, addressed Council utilizing a handout [copy filed with these minutes] in support of the Broadband project.

Mr. Joe Rukat, SDOC IT Director, addressed Council in support of the Broadband project.

Mr. John Adams addressed Council in support of the Broadband project.

Mr. Van Miller, Oconee County Chamber of Commerce Chairman, addressed Council reading in part from a prepared statement [copy filed with these minutes] in support of the Broadband project.

Mr. Dick Ross declined to address Council at this meeting when called.

Two letters were also received by the Clerk to Council for inclusion with the minutes in support of the Broadband project.

County Council Response to Public Comment:

Mr. Corbeil addressed those present noting that the Broadband project has wide community support and that Council's support for the project has never wavered; however, serious business questions arose that are being addressed.

Meeting Recess:

Mr. Thrift recessed the meeting to 6:24 p.m.

Meeting Reconvene:

Mr. Thrift reconvened the meeting to 7:00 p.m.

Motion to Amend Agenda:

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 to amend the agenda to add an Executive Session to the end of the meeting for the purpose of receiving legal advice regarding several contractual matters.

Pledge of Allegiance:

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

Minutes:

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 that the minutes from the April 19, 2011 regular meeting be adopted as printed.

Presentation by Outside Organization

Leadership Oconee / 2011 Class: Introduction to Create Oconee

Mr. Thrift noted that the 2011 Leadership Oconee Class asked that their presentation be deferred to the May 17, 2011 Council meeting.

Consideration of the Following Ordinances:

Ordinance 2011-10

Mr. Moulder and Mr. Aaron Gadsby, County Planner, addressed Council regarding this rezoning ordinance. Mr. Dexter questioned staff regarding the appropriateness of the citizens requested zoning classification.

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 4 – 1 [Mr. Dexter opposed] to approve **Ordinance 2011-10** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO” [*Armstrong Retreat Request*] on second reading and to schedule the Public Hearing on or after June 17, 2011.

Ordinance 2011-12:

Mr. Moulder and Mr. Phil Shirley, PRT Director addressed Council regarding this ordinance.

Mr. Corbeil made a motion, seconded by Mr. Barron to approve **Ordinance 2011-12** “AN ORDINANCE TO REPEAL DIVISION 2 OF ARTICLE III OF CHAPTER 30 OF THE OCONEE COUNTY CODE OF ORDINANCES; TO AMEND ARTICLE IV OF CHAPTER 2 OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AMENDING THE MEMBERSHIP REQUIREMENTS, DUTIES AND RESPONSIBILITIES OF THE OCONEE COUNTY PARKS, RECREATION AND TOURISM COMMISSION; AND OTHER MATTERS RELATED THERETO” on second reading.

Mr. Martin noted that draft language was before Council for consideration to add term limits to this Commission. Discussion followed.

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to amend Ordinance 2011-12 adding term limits for the membership.

Mr. Thrift called for the vote on Ordinance 2011-12 as amended. The motion passed 5 – 0 to approve **Ordinance 2011-12** “AN ORDINANCE TO REPEAL DIVISION 2 OF ARTICLE III OF CHAPTER 30 OF THE OCONEE COUNTY CODE OF ORDINANCES; TO AMEND ARTICLE IV OF CHAPTER 2 OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AMENDING THE MEMBERSHIP REQUIREMENTS, DUTIES AND RESPONSIBILITIES OF THE OCONEE COUNTY PARKS, RECREATION AND TOURISM COMMISSION; AND OTHER MATTERS RELATED THERETO” on second reading as amended.

Ordinance 2011-13:

Mr. McCall made a motion, seconded by Mr. Barron to approve **Ordinance 2011-13** “AN ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN OCONEE COUNTY REAL PROPERTY; AUTHORIZING THE EXECUTION AND DELIVERY OF A REAL PROPERTY DEED; AUTHORIZING THE TRANSFER OF AN EASEMENT FOR INGRESS AND EGRESS ACROSS CERTAIN OCONEE COUNTY REAL PROPERTY; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT RELATED TO THE TRANSFER OF THE EASEMENT; AND OTHER MATTERS RELATED THERETO” on second reading.

Mr. Moulder addressed changes presented for Council review at this meeting [copy of new ordinance filed with these minutes]. Discussion followed.

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 5 – 0 to amend Ordinance 2011-13 as presented at this meeting.

Mr. Thrift called for the vote on Ordinance 2011-13 as amended. The motion passed 5 – 0 to approve **Ordinance 2011-13** “AN ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN OCONEE COUNTY REAL PROPERTY; AUTHORIZING THE EXECUTION AND DELIVERY OF A REAL PROPERTY DEED; AUTHORIZING THE TRANSFER OF AN EASEMENT FOR INGRESS AND EGRESS ACROSS CERTAIN OCONEE COUNTY REAL PROPERTY; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT RELATED TO THE TRANSFER OF THE EASEMENT; AND OTHER MATTERS RELATED THERETO” on second reading as amended.

Ordinance 2011-01:

Mr. McCall made a motion, seconded by Mr. Barron, to approve **Ordinance 2011-01** “AN ORDINANCE TO ESTABLISH THE BUDGET FOR **OCONEE COUNTY** AND TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY COUNTY PURPOSES IN OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012” on first reading.

Mr. Moulder addressed changes presented to Council for review at this meeting [copy filed with these minutes]. Discussion followed.

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 5 – 0 to incorporate the recommended changes as presented at this meeting into Ordinance 2011-01.

Mr. Thrift called for the vote on Ordinance 2011-01 as amended. The motion passed 5 – 0 to approve **Ordinance 2011-01** “AN ORDINANCE TO ESTABLISH THE BUDGET FOR **OCONEE COUNTY** AND TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY COUNTY PURPOSES IN OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012” on first reading as amended.

Ordinance 2011-02:

Mr. Barron made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve **Ordinance 2011-02** “AN ORDINANCE TO ESTABLISH THE BUDGET FOR THE **SCHOOL DISTRICT OF OCONEE COUNTY** (the “School District”) AND TO PROVIDE FOR THE LEVY OF TAXES FOR THE OPERATIONS OF THE SCHOOL DISTRICT OF OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012” on first reading.

Ordinance 2011-03:

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2011-03** “AN ORDINANCE TO PROVIDE FOR THE LEVY OF TAXES FOR THE **KEOWEE FIRE SPECIAL TAX DISTRICT** AND TO ESTABLISH THE BUDGET FOR THE KEOWEE FIRE SPECIAL TAX DISTRICT FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012” on first reading.

Discussion & Possible Action Items:

Board, Commission & Council Appointed Committees Orientation Booklet

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve distribution of the Board, Commission & Council Appointed Committee Orientation Booklet and directed the Clerk to Council to provide to all staff liaisons, new Board/Commission appointees, post to the Council website and provide to any interested citizens.

Change Order #3 for PO# 47828 / \$128,500 / B. P. Barber & Assts. / Engineering Services

Mr. Moulder and Ms. Robyn Courtright, Procurement Director, addressed Council regarding this change order as amended from the last meeting. Discussion followed.

Mr. McCall recognized members of the City of Walhalla City Council to include; Mr. Tommy Crumpton, Utilities Committee Chair; Mr. Josh Holliday, Mr. Davie Lee and Mr. Scott Parris, Engineer. Mr. Crumpton stated that the city’s position was that Council had committed to cover all engineering costs to have water and sewer brought to the Echo Hills project. Mr. Thrift stated that was not Council’s position as stated in the meeting held with the City.

Lengthy discussion followed.

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 4 – 1 [Mr. Thrift opposed] to amend Change Order #3 for PO #47828 to add \$56,000 for engineering costs, bring the total Change Order for B. P. Barber and Associates of Columbia, SC, to \$184,500 for the additional engineering services for infrastructure improvements to the 400 acre site along SC Highway 11.

RFP 10-25 / estimated not to exceed \$168,500 / Title Search Services for Delinquent Tax / One Year with Approval for Administrator to approve up to four [4] one-year renewals

Mr. Moulder, Ms. Courtright and Mr. Kevin Robinson, Delinquent Tax Collector, addressed Council regarding this RFP. Mr. Martin questioned if as required by state law the title searches are supervised by an attorney. Mr. Robinson noted that at closing the attorney is reviewing the title searches as required by law.

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to (1) award RFP 10-25 Title Search Services for the Delinquent Tax Office to Landvision Titles of Walhalla, SC, for an estimated not to exceed amount of \$168,500.00 for the first one year period, and (2) authorize the County Administrator to approve up to four, one-year renewals of this contract.

Board & Commission Appointments:

Planning Commission:

At Large Seat: Mr. Thrift noted that the Planning Commission provided a letter [copy filed with these minutes] with two recommendations for the at large position on the Planning Commission. He opened the floor for nominations. Mr. Corbeil made a motion, seconded by Mr. Dexter to appoint Mr. John David Lyle. No other nominations were made from the floor. Mr. Thrift called for the vote. Mr. Lyle was appointed 5 – 0 to an At Large position on the Planning Commission.

Scenic Highway Committee

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to [1] permanently replace the Oconee Alliance on this committee with the Bear Clan, and [2] appoint Mr. David Lavere as a representative of Bear Clan on this committee.

Commission & Board Reports to Council:

None scheduled for this meeting.

Council Committee Reports:

Planning & Economic Development

Mr. Paul Corbeil read from a prepared statement [copy filed with these minutes] outlining discussions held at the April 21, 2011 committee meeting.

Transportation

Mr. Joel Thrift read from a prepared statement [copy filed with these minutes] outlining discussions held at the April 21, 2011 committee meeting.

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve the tentative road improvement list as presented.

Budget, Finance & Administration

Mr. Dexter read from a prepared statement [copy filed with these minutes] outlining discussion held at the April 26, 2011 budget workshop committee meeting.

Administrator's Report:

Mr. Moulder had no report at this meeting.

Old Business:

No Old Business was discussed at this meeting.

New Business:

1976 Sewer Referendum / Sewer Issues

Mr. Dexter addressed issues related to the 1976 Referendum that prohibited the County from using *ad valorem* taxes for sewer. He requested a copy of the referendum and asked the county attorney to provide information to Council regarding how an amendment referendum could be initiated.

Mr. Moulder addressed possible funding options for sewer [revenue bonds, etc.] that would not use tax dollars. Mr. Thrift requested that he look in greater detail at possible options and report back to Council at a future meeting.

Executive Session:

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to enter into Executive Session for the purpose of receiving legal advice regarding several contractual matters.

Council entered Executive Session at 8:10 p.m.

Council returned from Executive Session at 8:43 p.m. on a motion by Mr. Dexter, seconded by Mr. McCall, approved unanimously.

Mr. Thrift stated that no action was taken in Executive Session.

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to direct the County Administrator to continue proceeding with the normal procurement procedures related to the Broadband project.

Adjourn:

Mr. McCall made a motion at 8:44 p.m. to adjourn the meeting. The motion was approved unanimously.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council