



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
October 18, 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, October 18, 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: Dick Mangrum – WGOG Radio, Ray Chandler – Anderson Independent & 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 for this meeting.

Public Comment Session [related to specific agenda items]:

Mr. Bud Lorsch addressed Council requesting a public hearing to consider the Plan 4 Map for inclusion in Ordinance 2011-28; delaying third and final reading regarding Ordinance 2011-28 and purported violations of the Model Rules of Parliamentary Procedure for South Carolina Counties [Rule #6].

Mr. Ernst Riley, City of Seneca Council Representative, addressed Council in opposition of consideration of the Plan 4 Map as it divides the municipality and voting precincts.

Mr. Brian Jacobson addressed Council in support of the Broadband project.

Mr. Mike Hammer addressed Council requesting a public hearing to consider the Plan 4 Map for inclusion in Ordinance 2011-28; noting that citizens wish to do some additional “tweeking” of the map for Council’s consideration.

Ms. Ethel Stutz addressed Council reading from a prepared statement [copy filed with these minutes] requesting a public hearing to consider the Plan 4 Map for inclusion in Ordinance 2011-28; delaying third and final reading regarding Ordinance 2011-28 and purported violations of the Model Rules of Parliamentary Procedure for South Carolina Counties [Rule #6]. In addition she voiced concerns regarding reassessment.

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

Ms. Becky Ballenger addressed Council regarding the Administrator’s residence.

Mr. Richard Marcengill addressed Council voicing concerns regarding reassessment.

Ms. Carol Jones addressed Council voicing concerns regarding reassessment.

Mr. B. J. Littleton addressed Council regarding reassessment.

County Council Response to Public Comment:

Mr. Corbeil reiterated the process citizens should follow if they have concerns regarding their property reassessments.

Mr. McCall questioned if the SC Budget & Control Board [SCBCB] had provided a statement regarding the citizen proposed Plan 4 Map. Mr. Thrift noted a copy was provided to each Council member prior to the meeting along with a letter from Chairman Robert Brock, Oconee County Elections Commission. Mr. Thrift asked the Clerk to Council to read both letters [copies filed with these minutes] in their entirety into the record,

Mr. Barron stated that he was not opposed to a separate mountain community; however, the problem is that there is not sufficient population in those communities to create a district without negatively impacting other districts. He stated that his own district has the most significant changes with the Plan 4 map and that the splitting of the City of Seneca was not appropriate. He noted that based on these facts that he would not support the Plan 4 map.

Mr. Corbeil noted that several citizens questioned the process for the public hearings related to the Plan 1 map and Ordinance 2011-28. He asked the County Attorney, Mr. Martin, to address concerns raised by citizens.

Mr. Martin stated that he made a review of state law [(4-9-130) prior to the meeting; noting that Council is required to hold public hearings before final action is taken to:

1. Adopt annual operational and capital budgets;
2. Make appropriations, including supplemental appropriations;
3. Adopt building, housing, electrical, plumbing, gas and all other regulatory codes;
4. Adopt zoning and subdivision regulations;
5. Levy taxes;
6. Sell, lease or contract to sell or lease real property owned by the county;
7. Impose ad valorem property taxes upon a fire service area; or
8. Provide for the distribution of assets following the abolishment of a special purpose district.

Mr. Martin noted that Council routinely holds public hearings for all ordinances but is not required to do so by South Carolina law. He noted that Council held a public hearing regarding the proposed redistricting Ordinance 2011-28 which included the Plan 1 map prepared by the SCBCB on several occasions. In addition, he noted that a total of four plans have been presented to Council during the process:

- Plan 1 Map prepared by the SCBCB
- Plan 2 Map prepared by the Oconee staff
- Plan 3 Map prepared by a citizen[s]
- Plan 4 Map prepared by a citizen[s]

Mr. Martin stated again that Council is not required to hold a public hearing regarding a redistricting plan. He noted that Council voluntarily held public hearings.

In regards to public concern regarding Council following the Model Rules, Mr. Martin stated that the rules are procedural and not law. Model Rule #6 states the following:

“Public hearings are the method required by the Home Rule Act for county council to gain input from the public at large. Members of council should refrain from making comments during the public hearing and should neither enter into debate with the public nor with other council members during the public hearing....”

Mr. Martin also reference Rule #2 which states the following:

“These Rules were adopted as guidelines to assist county council (and county boards and commissions) in conducting orderly and productive meetings. Any deviation from or waiver of these Rules shall not affect or void any action taken by the county council, board or commission. Furthermore, such deviation or waiver does not convey any right or cause of action to third parties, not otherwise imposed by law.”

Mr. Martin stated that in his legal opinion Council acted appropriately and within state law in this matter.

Meeting Recess:

Mr. Thrift announced a recess at 6:24 p.m.

Meeting Reconvene:

Mr. Thrift reconvened the meeting at 6:34 p.m.

Pledge of Allegiance:

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

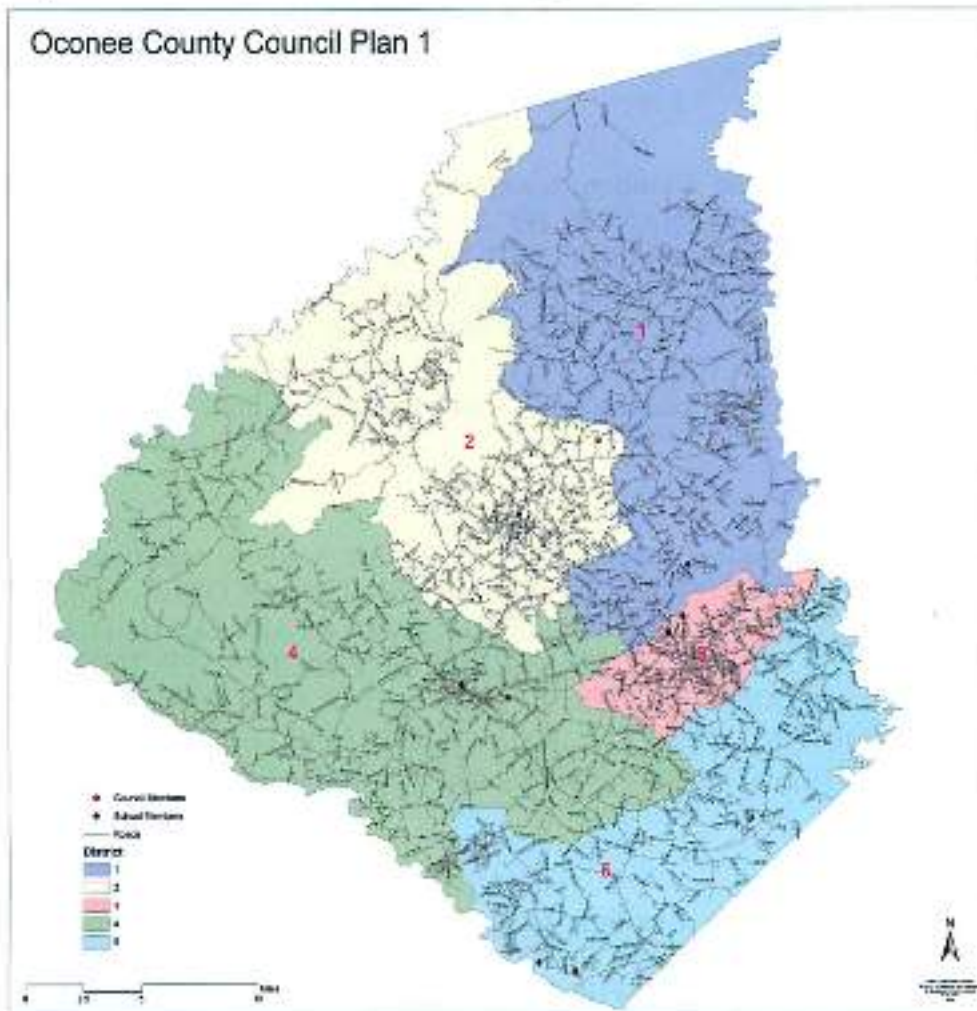
Minutes:

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 4 – 0 – 1 [Mr. Barron abstained - form filed with these minutes] to approve the minutes from the October 4, 2011 regular meeting as presented.

Consideration of the Following Ordinances:

Ordinance 2011-28

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve Ordinance 2011-28 "AN ORDINANCE TO ADOPT A REDISTRICTING PLAN FOR OCONEE COUNTY, SOUTH CAROLINA; AND OTHER MATTERS RELATED THERETO" including the Plan 1 Map prepared by the SCBCB on third and final reading.



Ordinance 2011-18

Mr. Dexter made a motion, seconded by Mr. Corbeil to approve **Ordinance 2011-18**. Discussion followed.

Mr. McCall made a motion, seconded by Mr. Dexter, approved 5 – 0 to amend the parcel listing in **Ordinance 2011-18** as presented.

Mr. Thrift called for the vote on Ordinance 2011-18 as amended. The motion passed 5 – 0 to approve **Ordinance 2011-18** “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” [*Neville Request*] on second reading and to schedule the required public hearing on or after November 15, 2011.

Ordinance 2011-20

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2011-20** “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” [*Moonlight Bay Request*] on second reading and to schedule the required public hearing on or after November 15, 2011.

Ordinance 2011-22

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2011-22** “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” [*Southern Hartwell Request*] on second reading and to schedule the required public hearing on or after November 15, 2011.

Ordinance 2011-29

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2011-29** “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” [*Council Initiated – Industrial Property*] on second reading and to schedule the required public hearing on or after December 1, 2011.

Ordinance 2011-32

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to approve **Ordinance 2011-32** “AN ORDINANCE TO AUTHORIZSE THE LEASING OF CERTAIN OCONEE COUNTY SPACE; AND OTHER MATTERS RELATED THERETO” on first reading in title only.

Discussion & Possible Action Items

Road Department / Caterpillar Multi Terrain Loader / \$59,772.34 / State Contract

Mr. Moulder along with Ms. Robyn Courtright, Procurement Director, and Mr. Mack Kelly, County Engineer, addressed Council regarding this purchase.

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to award the purchase of one Caterpillar Multi Terrain Loader, model 287C for the Road Department in the amount of \$59,772.34, to Blanchard Machinery Company, Columbia, SC, per State Contract number 08-S7683-A13743.

Road Department / Two John Deere Tractors / \$74,214.84 / State Contract

Road Department / Two Side Mowers / \$36,883.34 / State Contract

Mr. Moulder along with Ms. Courtright and Mr. Kelly addressed Council regarding this purchase.

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to [a] award the purchase of two John Deere Tractors, model 5093E, for the Road Department in the amount of \$74,214.84, to John Deere Company, Cary, NC, per State Contract number 4400002459, and [2] award the purchase of two side mowers, model VM-60, in the amount of \$36,883.34, to Alamo Industrial, Seguin TX, per State Contract number 440002453.

Road Department / Tri-Axle 6x4 Truck w/ Gravel Spreader / \$143,884.40 / State Contract

Mr. Moulder along with Ms. Courtright and Mr. Kelly addressed Council regarding this purchase.

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to award the purchase of one Tri-Axle 6x4 Truck with Gravel Spreader for the Road Department in the amount of \$143,884.40, to Carolina International Trucks, Inc., of Greer, SC, per State Contract number 4400002976.

RFP 11-03 / Professional Services / Airport Engineer & Consultant

Mr. Moulder along with Ms. Courtright addressed Council regarding this RFP.

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to award RFP 11-03, Professional Services-Airport Engineer & Consultant, Phase Two, to W. K. Dickson & Company, Inc. of Columbia, SC for a five year term for services as needed.

RFP 11-08 / Drilling & Blasting / Quarry

Mr. Moulder along with Ms. Courtright and Mr. Rick Martin, Rock Quarry Director, addressed Council regarding this RFP.

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to [1] award RFP 11-08, Drilling and Blasting Services for the Oconee County Quarry to Austin Powder Southeast, LLC of Clinton, SC, for an estimated amount of \$400,000.00, for a one year period, with the option to renew for four additional one-year periods, and [2] authorize the County Administrator to renew this contract for up to four one-year periods, provided their work is satisfactory.

ITB 11-09 / Tellabs Switching Equipment / Broadband Project FOCUS

Mr. Moulder along with Ms. Courtright and Mr. Mike Powell, IT Director, addressed Council regarding this ITB.

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to [1] award ITB 11-09, Tellabs Switching Equipment for Broadband Project FOCUS to AFL Network Services, of Duncan, SC, for \$2,628,659.79, and [2] include a contingency of 10% for additional items priced in the bid or for any required changes in quantities.

RFP 11-11 / System Operator / Broadband Project FOCUS

Mr. Moulder along with Ms. Courtright and Mr. Powell addressed Council regarding this RFP.

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to award RFP 11-11, System Operator for Broadband Project FOCUS to Technology Solutions of South Carolina, Inc., of Seneca, SC, for a not to exceed amount of \$622,500.00 over a two year period until the construction phase is completed by August 18, 2013.

Emergency Services / Two Ford F-350 trucks / State Contract

Mr. Moulder along with Ms. Courtright addressed Council regarding this purchase.

Mr. McCall made a motion, seconded by Mr. Barron, approved 5 – 0 to award the purchase of two (2) 2012 Ford F350 Cab and Chassis trucks in the amount of \$64,754.00 to Magic City Ford of Roanoke, VA, per State Contract #4400002971 for Oconee County Emergency Services Department.

2011-12 Mountain Lakes Convention Visitor's Bureau [CVB]

Mr. Moulder along with Mr. Phil Shirley, PRT Director, addressed Council regarding this CVB funding request.

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve \$87,500 from State and Local ATAX funds to partially fund the 2011-2012 Mountain Lakes CVB as outlined on the agenda item summary.

Board & Commission Appointments

Oconee County Conservation Bank Board

Mr. Thrift read the summarized qualification requirements prior to any action.

Mr. Corbeil nominated Mr. Shea Airy an attorney and farmer from District I.

Mr. McCall deferred nominating anyone until such time as he has an opportunity to speak the interested candidates from his district.

Mr. Barron nominated Mr. Rocky Nation from District III.

Mr. Thrift nominated Mr. Marvin Prater a forester from District IV.

Mr. Dexter deferred nominating anyone until such time as he has an opportunity to speak the interested candidates from his district.

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve Mr. Shea Airy, Mr. Rocky Nation and Mr. Marvin Prater to seats on the Oconee Conservation Bank Board.

Oconee County Library Board

Mr. Dexter made a motion, seconded by Mr. Corbeil to appoint Mr. William A. Caster to the Oconee County Library Board. Discussion followed. No other nominations were made; therefore, Mr. Thrift called for the vote. Mr. Caster was appointed unanimously to the Oconee County Library Board.

Commission & Board Reports to Council:

None scheduled for this meeting.

Council Committee Reports:

None scheduled for this meeting.

Administrator's Report:

Mr. Moulder stated he had no report for this meeting.

Old Business:

Sewer at the Golden Corner Commerce Park [GCCP] Update Request

Mr. Dexter asked the Administrator to provide an update regarding progress with the Oconee Joint Regional Sewer Authority [OJRSA] to schedule a meeting to move forward with identifying a sewer solution for the GCCP.

Mr. Moulder stated that his is continuing to work on this issue however at present a meeting has not been scheduled. He also noted that there is an RFQ for a private company to provide sewer services drafted but not yet released that could be considered by Council in the future if they wish.

Local Government Fund [LGF]

Mr. Dexter stated that Council has been advised by the South Carolina Association of Counties to address concerns with the local delegation regarding possible cuts to the LGF. Discussion followed. Mr. Moulder noted that he would have a written report outlining the impact on the county for Council by the end of the week and that this matter could be added to the November 1, 2011 Council meeting for discussion/action.

New Business:

208 Authority

Mr. Dexter asked Council to consider for discussion at a future meeting the possibility of delegating the 208 Authority to an additional entity that would be tasked to focus efforts in the unincorporated areas of the County. Mr. Dexter noted that the OJRSA primarily focuses on municipality service/expansion. Mr. Martin noted that the Appalachian Council of Governments [ACOG] has information regarding this issue and might attend a meeting to address the issue and answer questions. Discussion followed.

1976 Referendum related to ad valorem taxes for Sewer

Mr. Dexter suggested that Council look as a possible referendum for the 2012 election that would repeal the 1976 referendum prohibiting the County from using ad valorem taxes for sewer. Discussion followed.

Executive Session:

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

Council entered Executive Session at 8:01 p.m.

Council returned from Executive Session at 8:41 p.m. on a motion by Mr. Dexter, seconded by Mr. Barron, approved unanimously.

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

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to direct the County Administrator to follow-up regarding matters discussed in Executive Session to obtain additional information regarding the contractual matter.

Adjourn:

Mr. McCall made a motion, approved unanimously to adjourn at 8:42 p.m.

Respectfully Submitted:

Elizabeth G. Hulse, Clerk to Council