



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
February 21, 2012

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, February 21, 2012 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, Assistant Administrator Glenn Breed 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 & Carlos Galarza - Daily Journal.

Call to Order:

Mr. Thrift called the meeting to order at 6:00 p.m.

Extended Public Comment Session:

Proposed Cell Phone/Texting Ban and Board & Commission Term Limits / Mr. George Cleveland

Mr. Cleveland addressed Council voicing concerns with banning cell phones in Council Chambers during meetings as the majority of citizens do not disrupt the meetings when they receive calls and/or texts. Mr. Cleveland also stated that language in the proposed Ordinance 2012-06 to criminalize rude/heckling behavior is excessive. Lastly, Mr. Cleveland stated his opposition to term limits for boards and commissions noting that the County historically has had difficulty in finding interested citizens willing to serve. He voiced concerns that future council members would be prohibited from reappointing a good member in standing based purely on number of years served.

Public Comment Session [related to specific agenda items]:

None at this meeting.

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

Mr. Larry Linsin addressed Council voicing concerns that sufficient detail is not provided on agendas for citizens to be informed of the issues.

Mr. Bo Horne addressed Council reading from a prepared statement [copy filed with these minutes] voicing concerns regarding Ordinance 2012-06.

Mr. Berry Nichols addressed Council voicing concerns regarding the 2010 property reassessment.

Mr. Mike Jacks addressed Council questioning how his parcel was added to a rezoning request. Mr. Thrift noted that this portion of the meeting was for public comment and any zoning questions should be directed to Planning staff after the meeting.

Mr. B. J. Littleton addressed Council voicing concerns regarding attorney fees and opposition to passage of Ordinance 2012-06.

County Council Response to Public Comment:

None at this meeting.

Meeting Recess:

Mr. Thrift announced a 10 minute recess at 6:25 p.m.

Meeting Reconvene:

Mr. Thrift reconvened the meeting at 6:35 p.m.

Pledge of Allegiance:

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

Minutes:

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve the minutes from the February 7, 2012 Retreat Special Meeting as presented.

Mr. Barron noted one correction to the February 7, 2012 Regular Meeting minutes. The Clerk to Council stated she would make the correction.

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve the minutes from the February 7, 2012 Regular Meeting as amended.

Public Hearings Regarding the Following Ordinances:

Ordinance 2011-23: “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”
[Cane Creek Rezoning Request]

Mr. Thrift opened the floor for Public Comment noting that Council was not slated to act on this Ordinance at this meeting; this hearing is to receive public input and allow time for Council members to consider all points of view prior to action.

Mr. William Lancaster addressed Council utilizing a map [copy filed with these minutes] voicing concerns regarding designating lot #18 on the map commercial.

Mr. Todd Wilson, South Oak Point Property Owners Assn. [POA] President, addressed Council on behalf of his POA in support of passage of Ordinance 2011-23 as recommended by the Planning Commission.

Mr. Henry Watson addressed Council utilizing a handout [copy filed with these minutes] requesting Council pass Ordinance 2011-23 as recommended by the Planning Commission.

Mr. David Wittenbert, Shelter Cove Property Owners Assn. President, addressed Council on behalf of his POA in support of passage of Ordinance 2011-23 as recommended by the Planning Commission.

Ms. Lilly Davis addressed Council reading from a prepared statement [copy filed with these minutes] requesting that her parcel and those of her neighbors on South Cove Road be

zoned traditional rural. In addition, Ms. Davis read an email circulated by Ms. Watson from Mr. Jim Coder [copy filed with these minutes].

Mr. Johnny Kelley addressed Council in support of Ms Davis's request to be zoned traditional rural.

Ms. Jean Jennings addressed Council in support of Ms. Davis's request to be zoned traditional rural.

Mr. Bo Horne addressed Council reading from a prepared statement [copy filed with these minutes] voicing concerns with the zoning process and in opposition to passage of Ordinance 2011-23.

Mr. David McMahan addressed Council in support of Ms. Davis's request to be zoned traditional rural.

Mr. Britt Adams addressed Council in support of Ms. Davis's request to be zoned traditional rural and his concern regarding expenditures of county funds with McNair Attorney which appear to be for the benefit of special interest groups.

Councilmember McCall addressed Council utilizing a handout [copy filed with these minutes] voicing concerns regarding potential SLED investigations as to the authorization of payment regarding specific McNair Attorney invoices and any current and past expenditure of county funding that appears to include legal advice pertaining to potential special interest groups. Mr. McCall inquired regarding the current process utilized for authorization of the invoices for services.

Mr. Thrift asked if any additional citizens wished to address Council regarding this ordinance.

Mr. Joe Davis addressed Council in opposition to zoning in its entirety.

Ms. Barbara McAlister addressed Council in support of Ms. Davis's request to be zoned traditional rural.

Mr. Jim Codner addressed Council in support of passage of Ordinance 2011-23 as recommended by the Planning Commission.

Mr. C. W. Richards addressed Council voicing concerns that special interest groups are influencing the zoning process and that they have special access to the county attorney.

Mr. Brett McAlister addressed Council in opposition to zoning.

Mr. B. J. Littleton addressed Council in opposition to zoning; noting that most communities that have taken advantage of zoning already had restrictive covenants in place that protected their property.

Mr. Thrift asked if any additional citizens wished to address Council regarding this ordinance; none stepped forward to address Council.

Mr. Thrift asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. Thrift closed the Public Hearing regarding Ordinance 2011-23.

Consideration of the Following Ordinances:

Ordinance 2012-04

Mr. Aaron Gadsby, County Planner, and Mr. Moulder addressed Council regarding this ordinance.

Mr. McCall made a motion seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2012-04** "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" [Watson Rezoning Request] on second reading and scheduled the Public Hearing on March 20, 2012.

CONSENT AGENDA ITEMS: First Reading [in title only]

- **Ordinance 2012-07** [*Saxony Forest Rezoning Request*]
- **Ordinance 2012-08** [*Dr. Johns & Lonesome Valley Rezoning Request*]
- **Ordinance 2012-09** [*Camp Creek Farm Rezoning Request*]
- **Ordinance 2012-10** [*Erwin Rogers Drive Rezoning Request*]

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinances 2012-07, 08, 09 and 10** each captioned as follows: “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” on first reading in title only and to forward the four ordinances to the Planning Commission for their required review/recommendation.

Discussion & Possible Action Items

Microsoft Office 2010 Licenses / IT / up to \$89,863.41

Ms. Robyn Courtright, Procurement Director, and Mr. Moulder addressed Council regarding this item.

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to award the purchase of (273) Microsoft Office 2010 Licenses, to NewVenue Technologies, Inc. of Columbia, SC; in the amount of \$89,863.41.

Change Order #4 / PO #47828 / BPBarber / \$70,000 / Economic Development

Ms. Courtright and Mr. Moulder addressed Council regarding this item.

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to approve Change Order # 4 for PO 47828 to B. P. Barber & Associates in the amount of \$70,000.00, which will bring the new PO total contract amount to \$347,250.00.

RFQ 11-10 / Engineering Services / Solid Waste

Ms. Courtright and Mr. Moulder addressed Council regarding this item.

Mr. McCall made a motion, seconded by Mr. Dexter, approved 5 – 0 to [1] approve the award of RFQ 11-10, Engineering Services for Solid Waste, to Richardson, Smith, Gardner & Associates of Raleigh, NC in an amount not to exceed their Professional Services line item budget, and [2] to authorize the County Administrator to execute up to four additional one year renewals if all work is satisfactory.

ITB 11-17 / 2011-2012 Road Paving / \$859,589.64

Ms. Courtright and Mr. Moulder addressed Council regarding this item.

Mr. Dexter made a motion, seconded by Mr. Thrift, approved 5 – 0 to award Bid 11-17, Road Paving 2011-2012 to Ashmore Bros., Inc of Greer, SC in the amount of \$781,445.12 plus a 10% contingency of \$78,144.52 for a total amount of \$859.589.64.

Board & Commission Appointments

None scheduled for this meeting.

Commission & Board Reports to Council:

Aeronautics Commission

Mr. Kevin Short, Airport Director, addressed Council utilizing a PowerPoint presentation [copy filed with these minutes] highlighting activities at the airport. Council thanked Mr. Short for his presentation.

Council Committee Reports:

None scheduled for this meeting.

Administrator's Report:

Mr. Moulder addressed Council noting that he had no formal report at this meeting. He did present Council with copies of various financial reports [copies filed with these minutes].

Old Business:

None scheduled for this meeting.

New Business:

Upcoming Council Committee Meetings:

Mr. Dexter noted that the Budget, Finance & Administration Committee will meet on Tuesday, February 28, 2012 at 6:30 p.m. in Council Chambers.

Mr. Barron noted that the Facilities, Real Estate & Land Management Committee will meet on Tuesday, February 28, 2012 at 5:30 p.m. in Council Chambers.

Executive Session:

Mr. Martin noted that there was an additional litigation matter for discussion in Executive Session and asked that the motion include three matters.

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 three litigation matters.

Council entered Executive Session at 7:54 p.m.

Council returned from Executive Session at 9:09 p.m. on a motion by Mr. Corbeil, seconded by Mr. Dexter, approved 4 – 0 [Mr. McCall was absent from Chambers when Council reconvened].

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

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 4 – 0 [Mr. McCall was absent from Chambers] to authorize the County Administrator to engage in mediation regarding a pending litigation matter within the parameters discussed in Executive Session.

Adjourn:

Mr. Barron made a motion, approved 4 – 0 [Mr. McCall was absent from Chambers] to adjourn at 9:11 p.m.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council