



MINUTES
OCONEE COUNTY COUNCIL MEETING
Special Meeting
April 16, 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 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 Hulse present.

Planning Commission Members Present: Mr. Ryan Honea, Chair; Mr. Tommy Abbott, Mr. Bill Gilster, Ms. Andy Heller, Mr. David Lyle, Ms. Gwen McPhail & Mr. Howard Moore. Mr. Aaron Gadsby, County Planner, was present for discussions.

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, Dick Mangrum – WGOG Radio & Carlos Galarza, Mike Eads - Daily Journal.

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

Consideration of the Following Ordinances:

Ordinance 2012-14

Mr. Corbeil made a motion, seconded by Mr. Barron, to approve **Ordinance 2012-14** "AN ORDINANCE TO REWRITE AND REVISE CHAPTER 38 ZONING OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY; AND OTHER MATTERS RELATED THERETO" on second reading.

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 4 – 0 [Mr. McCall had not yet arrived to the meeting] to amend **Ordinance 2012-14** "AN ORDINANCE TO REWRITE AND REVISE CHAPTER 38 ZONING OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY; AND OTHER MATTERS RELATED THERETO" as outlined on the staff identified clarifications sheet and adding Section 38-2.10 [to include mirroring language where it appears elsewhere in the ordinance]. An open motion for second reading remains on the table.

Council Workshop Discussion with Planning Commission regarding recommended changes to Ordinance 2012-14

Mr. Thrift opened the floor for discussion, asking Mr. Gadsby to briefly review changes / recommendations made to Articles I – XI and Appendix A. Lengthy discussion followed regarding several sections of the document.

Council Recess: Mr. Thrift announced a 10 minute recess at 7:40 p.m.

Council Reconvened:

Mr. Thrift reconvened the meeting at 7:50 p.m.

Mr. Thrift directed staff and the county attorney to draft amending language for Council's consideration at their May 1, 2012 meeting to include:

- Section 38-4.1: Amend to include language to include extension of a non-conforming use based on established criteria [national, regional, etc economic reports] to allow for up to three 1-year extensions to allow citizens to stay exemption as a non-conforming parcel.
- Section 38-8.5: Amend "(2) Method 2 – Small Area Rezoning i)" as follows: Any property owner, or group of property owners, with a combined minimum ownership of at least 200 acres may petition County Council for initial rezoning provided the petition[s] include at least fifty one percent [51%] of the property owners of the properties in question [*as stated above*] owning a minimum of seventy five percent [75%] of the acreage within the established boundary for the rezoning request.
- Section 38-11.1 (5) (a): Amend to include language as outlined on Natural Vegetative Buffer handout utilizing all applicable language for Option B.
- Section 38-12.2: Add definitions for the following items: petition, property owner [as it relates to this ordinance only], place of worship and view lane.

Mr. Gadsby noted that any additional typographical errors identified will be corrected and incorporated in the amended document.

Mr. Dexter made a motion, seconded by Mr. Barron, approved 5 – 0 to table **Ordinance 2012-14.**

Motion to Amend Agenda:

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to amend the agenda to discuss a contractual matter.

RFP 11-16 / Phase II Installation Contractor for Broadband / Project Focus

Mr. Moulder and Ms. Robyn Courtright, Procurement Director, addressed Council regarding this RFP which is slated for action at Council's April 17, 2012 council meeting; noting that a protest has been filed. Mr. Moulder provided two documents for Council's review prior to their vote regarding this matter [copies filed with these minutes]:

April 16, 2012 Memorandum to Mr. Moulder & Mr. Thrift from Ms. Courtright

April 16, 2012 Memorandum to Mr. Timmons, Edwards Telecommunications, Inc.

Mr. Moulder read into the record the determination by the Procurement Director related to a recommendation for award of this RFP:

Our Procurement Ordinance 2010-12, states the following:

*(m) **Stay of Procurement During Protest or Appeal.** In the event of a timely protest under this section, the County shall not proceed further with the solicitation or with the award of the Contract until a final decision has been made and the time for appeal has expired, unless the Procurement Director, after consultation with the head of the using department, makes a written determination that the award of the Contract is necessary to protect substantial interests of the County.*

It is my recommendation that County Council consider moving forward with the award of RFP 11-16 at the April 17, 2012 meeting. A delay of even two weeks until the next meeting could have a potentially negative effect on the contractor's ability to complete this project on time. Below are some specific reasons why this contract must be awarded at the April 17, 2012 meeting:

- *A significant two thirds completion milestone for the entire project is July 27, 2012. If this award was delayed, it would severely impact the contractor's ability to meet this milestone.*
- *This award of Phase Two is recommended to the same contractor that was awarded Phase One, Network Controls & Electric. This vendor has met all federal audit requirements including their use of subcontractors and all payment applications and other required reports submitted by the contractor and the subcontractor meet federal guidelines.*
- *The existing contractor has the ability to start work immediately upon award of this contract to stay on track to meet project completion deadlines.*
- *If the County is not compliant with all federal guidelines, including meeting all required deadlines and milestones, this could result in a significant increased amount of County matching funds.*
- *The award to the same contractor minimizes any additional migration of existing materials and equipment. For example, all of the fiber that has been delivered to the existing contractor's storage site would have to be moved if a different contractor was selected for Phase Two.*

Council received this as information in preparation for the April 17, 2012 Council meeting at which time this matter is slated for action.

Old Business:

None scheduled for this meeting.

Adjourn:

McCall made a motion, approved unanimously to adjourn at 8:09 p.m.

Respectfully Submitted:

Elizabeth G. Hulse, Clerk to Council