



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
March 3, 2009

MEMBERS, OCONEE COUNTY COUNCIL

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

Oconee County Council met on Tuesday, March 3, 2009 at 7:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Administrator Dale K. Surrent, Thomas L. Martin County Attorney and Elizabeth G. Hulse, Clerk to Council 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 to the newspapers, radio stations, television stations and concerned citizens.

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

Call to Order:

Mr. Dexter called the meeting to order at 7:00 p.m.

Pledge of Allegiance:

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

Cancellation of Executive Session:

Mr. Dexter noted that needed information has not been received by Council in preparation for Executive Session, therefore; the Executive Session scheduled for the end of this meeting has been cancelled.

Minutes:

Mr. McCall made a motion, seconded by Mr. Thrift, approved 5 – 0 that the minutes from the February 17, 2009 regular meeting be adopted as printed.

Public Comment Session:

Mr. Susie Cornelius addressed Council regarding agenda item #8 voicing her concerns about a purchase-lease program and interest rates.

Mr. Brad Norton addressed Council in support of the County Administrator noting positive ways in which he has saved county funds and his support for all council directions.

Mr. Dick Hughes addressed Council in support of the new agenda format which provides additional information for each agenda item for action by council.

Extended Public Comment Session:

Mr. Berry Nichols / Zoning & Budget Issues:

Mr. Nichols addressed Council regarding concerns about zoning language [handout provided and filed with these minutes] and SC Senate bill S1205. He voiced concerns that currently citizens are not abiding by Duke Power's lake regulations noting that not all property has the 25' boundary and many are clear cut to the water's edge. Mr. Nichols stated that these homeowners do not own all the way to the lake and that citizens have the right to have access to the lake from their property and docks.

Mr. Nichols voiced concerns that the middle class is being priced out of Oconee County. He stated that a lot of residents are living on as little as \$20,000 per year. Mr. Nichols stated that the citizens can not afford higher property taxes noting that in the 20 years since he bought his property that his tax bill has increased by 400%.

Planning Department Presentation to Council re: FEMA / Flood Plain Status:

Mr. Art Holbrooks, Planning Director, Mr. Channon Chambers, Building Codes Director and Mr. Brad Norton, Attorney addressed Council regarding FEMA's visit in August 2008 and the report that came from that visit. Mr. Holbrooks noted that during the visit documents and procedures were reviewed by FEMA. He briefly outlined the history of flood plain permitting in Oconee County since 1995. A few issues were identified for improvement and the three individuals were working with FEMA to obtain clarification on several areas. They have requested a meeting with FEMA which that anticipate will happen within the next 2-3 weeks where they hope to clear up mixed signals received by staff regarding remediation of the areas of concern. Mr. Holbrooks stated that the goal of the meeting is to identify what FEMA wants specifically and then to return to Council to outline a plan for remediation. Mr. Norton outlined SCDOT role as the middle man in the past. He stated that if we do not comply with FEMA that they can pull all Federal funding to the county and that local citizens would loose their flood insurance which would cause their mortgages to go into default and come due in full. Mr. McCall voiced concerns that we spend tax dollars to address these issues for only a few citizens [55 identified at present] benefit. Discussion followed regarding the implications of Federal funding withdrawal. It was noted that **Ordinance 2008-21** "AN ORDINANCE REPLACING 2005-06, THE FLOOD DAMAGE PREVENTION ORDINANCE" was passed on first reading at the December 16, 2008 Council meeting.

No action was taken by Council at this meeting regarding this matter. The Planning & Building Codes Directors are to report back to Council after the meeting with FEMA regarding recommendations.

Consideration of the following Ordinances:

Ordinance 2009-04:

Mr. Martin addressed Council regarding **Ordinance 2009-04** "AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT IN THE AMOUNT OF NOT EXCEEDING \$800,000 TO DEFRAY THE COST OF ACQUIRING THREE FIRE TRUCKS; AND OTHER MATTERS RELATING THERETO". He addressed question regarding the need for an Ordinance vs. a Resolution noting that the budget ordinance does

not specifically allow for lease-purchase agreements therefore it is necessary to have an ordinance for Council to take the action to do a lease-purchase for these three fire trucks. Mr. Martin recommended that during the budget process this year that wording be added to this year's ordinance to allow for these types of agreements thereby necessitating only a resolution by council in the future. Mr. Surret provided the members with the current truck replacement schedule [filed with these minutes] for their review. Discussion followed.

Mr. McCall & Mr. Dexter both voiced concerns that they believed that this issue had been dealt with at the previous meeting when they approved the purchase of the truck. Discussion followed. Mr. Martin clarified the status of the previous approval and how it impacts this ordinance. His recommendation was to pass a motion for a new resolution to authorize the county to pay for the first truck first with the \$250,000 already in the budget line item and for the balance of \$89,000 to pay from other line items and later reimburse after the ordinance is passed on third and final reading and the loan is in place. Discussion followed

Mr. Blanchard made a motion, seconded by Mr. Suarez, approved 3 – 2 [Mr. Dexter and Mr. McCall opposed] to approve on first reading **Ordinance 2009-04** "AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT IN THE AMOUNT OF NOT EXCEEDING \$800,000 TO DEFRAY THE COST OF ACQUIRING THREE FIRE TRUCKS; AND OTHER MATTERS RELATING THERETO". This is a reimbursement resolution which authorizes the County to expend funds currently authorized in the FY 2008-2009 BUDGET, for lease/purchase financing, in the amount of \$250,000, plus another \$89,000 from other currently budgeted county accounts, for the purchase of a new fire truck for Keowee Key Station #17, now, in anticipation of the approval of financing for new fire trucks authorized by Ordinance 2009-04, and for such funds, used for the current purchase, to be reimbursed, in whole or in part, once the final financing authorized by Ordinance 2009-04 is in place.

Resolution 2009-05:

Mr. Blanchard made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve on first and final reading **Resolution #2009-05** "RELATING TO THE DECLARATION OF INTENT BY OCONEE COUNTY, SOUTH CAROLINA, TO REIMBURSE CERTAIN EXPENDITURES PRIOR TO THE EXECUTION AND DELIVERY BY THE COUNTY OF AN EQUIPMENT LEASE PURCHASE AGREEMENT."

Resolutions for Consideration:

[see above – Ordinance 2009-04 for Resolution 2009-05]

Items for Consideration by Council:

ATAX / not to exceed \$2,400 / Full Page Ad-2009 Visitor's Guide

Mr. Surret noted that the ATAX Commission did not meet due to the inclement weather on Monday but that a phone poll was taken and approval for this agenda item was received. He noted that this group is advisory and it is not necessary for their approval prior to council considering a funding request.

Mr. Suarez made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve \$2,400 for a full page advertisement in the 2009 Visitors Guide to the Upcountry South Carolina Magazine.

Renewal for RFP #05-14 for Title Searches / up to \$98,000

Mr. Martin advised the Council regarding his review of this agenda item noting that these services are required for the annual Delinquent Tax Sale. The original RFP was issued in March 2006 and has been renewed on two previous occasions at the same pricing. He noted a South Carolina Supreme Court ruling that these searches must be overseen by an attorney [this was previously done by Mr. Norton]. He stated that it made sense in his opinion to use the attorney who already does the county tax deeds for this review.

Mr. McCall made a motion, seconded by Mr. Suarez, approved 5 – 0 to approve the contract renewal to Anna Prater of Liberty, SC for an estimated cost of approximately \$84,000 to conduct required title searches for the delinquent tax sale to be held on November 2, 2009.

Communications / 6th & Final Radio Tower Site / \$179,855

Mr. Surrett noted that he had received a call from Mr. John Murray, Communications Director, stating that he had met with Sheriff Singleton and that the Sheriff asked that this request be withdrawn from consideration by Council at this time. No action was taken by Council based on this request.

Emergency Services / Permission to Apply for Homeland Security Assistance to Firefighters Fire Prevention & Safety [FP&S] Grant:

Mr. Blanchard made a motion, seconded by Mr. Suarez, approved 5 – 0 to authorize Emergency Services to apply for the Homeland Security Assistance to Firefighters Fire Prevention & Safety Grant in the amount of \$16,560 with a local match of \$4,140 which will come from the Emergency Services grant match line item [010-017-99999].

Emergency Services / 2009 Local Emergency Management Performance Grant [LEMPG] Emergency Services / \$20,000 for EOC Equipment

Mr. Thrift made a motion, seconded by Mr. Suarez, approved 5 – 0 to [1] Authorize Emergency Services to apply for the 2009 Local Emergency Management Performance Grant in the amount of \$35,894 with an in-kind match of staff salaries being provided, and [2] to approve \$20,000 for EOC Equipment as outlined in the agenda item summary.

Rock Quarry & Solid Waste / Approve to apply for Palmetto Pride FY 2009 Spring Cycle Tree Grant Donation Program

Mr. Suarez made a motion, seconded by Mr. McCall, approved 5 – 0 to authorize the Rock Quarry and Solid Waste Departments to apply for the Palmetto Pride FY 2009 Spring Cycle Tree Grant Donation Program with no local match [staff would be required to travel to Columbia, SC to pick up the trees].

Solid Waste / Approve to apply for SC DHEC grants:

- **FY 2010 Solid Waste Reduction & Recycling Grant / \$10,000 / No Local Match Required**
- **FY 2010 Used Oil Grant / \$134,000 / No Local Match Required**
- **FY 2010 Waste Tire / Automobile Dismantler Tire Grant / \$226,000 / No Local Match Required**

Mr. McCall made a motion, seconded by Mr. Thrift, approved 5 – 0 to authorize Solid Waste to apply for the three grants outlined above and on the agenda item summary.

Solid Waste / Bid 08-18 / \$31,971.30 / Removal & Recycling of Scrap Tires

Mr. Thrift questioned the process and costs to citizens for donation of scrap tires. Mr. Surrett noted that all funds received go into the General Fund. He verified that this is a bid for hauling away the scrap tires only for recycling. Discussion also took place regarding the difference between budgeted dollars and the bid total. Mr. Surrett noted that part of the cost is being paid from this fiscal year and part will need to be budgeted for and paid from the next fiscal year.

Mr. Suarez made a motion, seconded by Mr. Blanchard, approved 5 – 0 to award Bid 08-18 to Ridge Recycling of Johnston, SC in the amount of \$31,971.30, for a period of one year with the option to renew for four additional one-year periods.

Council Committee Reports:

Transportation Committee:

Mr. Thrift reported on the following topics discussed at the February 19, 2009 meeting as follows:

- Mountain Rest Fire Department / Grading: The committee requested additional information from the Road Department and Fire Department.
- Coneross Point Home Owner's Assn / Tree Cutting: The committee reviewed the issue and may take it up at a future Transportation meeting.
- Road Paving Ordinance was reviewed
- Purchase of Asphalt: Reviewed the trial period for purchasing asphalt. Road Department to report back at end of trial.
- Corp of Engineer's Request to Accept Choestoea Road: Discussed but no action recommended

Lastly he reviewed the Committees recommendation to Council to pave the following roads as follows:

- Proposed List of Roads for Paving was reviewed as follows:
 - Authorize the Road Department to pave in house the following roads: Deerwood Lane, Cherokee View Drive, Briar Creek Drive and Brushy Mountain Road.*
 - Authorize the Road Department to bid out for paving the following roads: Cartee Road, Edgewood Drive and Wisteria Drive.*

Mr. Blanchard made a motion, seconded by Mr. McCall, approved 5 – 0 to authorize on recommendation of the Transportation Committee the listing of roads above for both in house paving and to send out for bid roads.

Real Estate, Facilities & Land Management Committee:

Mr. Suarez reported on the following topics discussed at the February 27, 2009 meeting as follows:

- Discussion regarding Interstate 3:

The Committee recommends to full Council that a resolution be drafted to state the counties opposition to this highway running through any portion of Oconee County. Mr. Suarez noted that the most likely route would be Highway 11 – a Scenic Highway. In addition he noted that he instructed the Clerk to Council to contact the County Attorney to draft a formal resolution for presentation at the March 17, 2009 Council meeting.
- Discussion regarding the Building Codes Department:

Mr. Surrett stated that Mr. Chambers is working toward a “one stop shop” for citizens where they could have access to pull permits for all needed utilities, state agencies and county departments. The goal is to streamline the process for citizens and hopefully allow multiple agencies to review applications/permits simultaneously to speed the process.

The Committee recommends to full Council that the Building Codes Department continue working toward meeting a “one stop shop”.
- Discussion re: Use of County Property for Proposed “Carolina Foothills Heritage Fair:

Mr. Surrett noted that the Committee requested representatives are to report back with specific figures related to what the County is being asked to furnish.

Budget, Finance & Administration Committee:

Mr. Blanchard stated that a budget workshop schedule has been prepared [copies distributed to all members and filed with these minutes]. The dates are as follows:

March 19, 2009	Tri County Technical College Presentation
April 13, 2009	Administrator's Budget Presentation to Council
April 14, 2009	SDOC Budget Presentation to Council
April 16, 2009	Budget Workshop
April 23, 2009	Budget Workshop
April 27, 2009	Budget Workshop
April 29, 2009	Budget Workshop

He noted that a full schedule with locations and times will be advertised by the Clerk to Council in the local paper, posted at the County Administrative Office Complex and posted on the Council website. Mr. Blanchard stated that this was an aggressive schedule and that likely additional meetings will have to be scheduled to properly review the FY 2009-2010 budget.

Commission / Board Reports to Council:

Scenic Highway Committee Funding Request:

The Scenic Highway Committee is requesting \$139.50 be allocated for two signs [design attached to agenda item summary] to be posted on Highway 28 between Walhalla and Seneca as approved by Council at their December 16, 2008 meeting.

Mr. Suarez made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve funding to come from the Roads & Bridges sign line item in the amount of \$139.50 for two “Scenic Highway” signs as outlined in the agenda item summary.

Board & Commission Appointments:

Emergency Services Commission:

Mr. Dexter noted that Districts II, IV and V appointments are needed as these seats are co-terminus with the Council seats. In addition he noted that no applications are currently on file with the Clerk to Council but that he had three candidates from his district and that he would file those with the Clerk for consideration by full council at the next meeting.

Library Board:

Mr. Blanchard noted that all members of the Library Board are up for appointment / re-appointment. Discussion followed and Council instructed the Clerk to Council to review the appointment dates to verify all member seats are to be filled for discussion at the next meeting.

Administrator's Report:

FY 2009-2010 Budget Input:

Mr. Surrett asked Council to give him instructions regarding budget priorities and goals for FY 2009-2010. Discussion followed.

Walhalla Post Office / John Powell Post Master:

Mr. Surrett wanted to inform Council that Mr. Powell had personally driven to the County Offices to return a tray of mail that had excessive postage applied. He saved the taxpayers a great deal of money and will be commended in a letter to his supervisor. The problem with the county's postage machine is under investigation to avoid this issue in the future.

Inclement Weather:

Mr. Surrett stated that a great deal of staff preparation went into getting ready for the snow fall on Sunday night, March 1, 2009 through Monday am, March 2, 2009. He noted issues specifically in the Fair Play and Seneca areas but stated that through good coordination and cooperation there were no injuries related to the weather.

GIS / Pictometry Van Markings:

Mr. Surrett stated that had the markings and lights updated on the white van conducting the pictometry survey for the Assessor's office. He provided Council with photographs [filed with these minutes] showing the improved marking.

Mr. Surrett stated that he had received information from Mr. McCall that the van was on a private road and that he will investigate and report back to Council.

Old Business:**Council Member / District III Comments to Council:**

Mr. Suarez was granted the floor to address Council regarding concerns he had about two meetings held on February 23rd and 24th. His concerns centered on the lack of communication regarding the meetings not that the meetings took place. Additionally he voiced concerns that some members of Council are being influenced by special interest groups and that his hope was that each member would listen to all citizens not just a select few individuals. Mr. Suarez noted that he voted to replace the county attorney to show some unity only after he was informed that there were three votes to do so and the decision was made. Mr. Suarez stated that his goal is to improve communication between all the members so that they can move forward.

Council Member / District I Comments to Council:

Mr. Blanchard stated that he wished to piggy back on Mr. Suarez comments and stated that he is very disturbed by actions of some Council members. He was distressed that Mr. Norton was removed as County Attorney in an unprofessional manner and that he and Mr. Suarez were not consulted prior to a decision being made about his replacement. Mr. Blanchard had concerns that Mr. Martin was "hired" prior to the new Council members even being sworn in. He stated that in the past eight weeks that things have deteriorated to the point that he believes that the new members of Council are appearing to violate FOIA with meetings that constitute a quorum of a committee. He stated that the recommendation of Mr. Martin was that Council members should not meet with county employees without the Administrator being present and this was ignored.

Mr. Blanchard questioned the fiscal responsibility of replacing the county attorney who billed at \$90 / hour with a monthly average of 60 hours and replacing that attorney with one that bills at \$225 / hour and anticipates billing between 80-100 hours a month. This will cost the tax payers of the county an estimated \$180,000 more in one year.

Mr. Blanchard stated that District I and III now have no voice on council and those citizens are not represented. He stated that he feels he is being prevented from doing the job to which he was elected. Mr. Blanchard stated that his ethics and morals are telling him that he shouldn't be involved in the activities conducted by the new members. Lastly, Mr. Blanchard asked the public if they want to be governed by only three council members and the local newspaper. He asked that if they wish to have their voices heard to speak up and that if anyone in his district is interested in serving on Council that he is considering giving up his seat.

Council Member / District V Comments to Council:

Mr. Dexter stated that it was the perception that the previous Council conducted business out of the public eye and that was why they almost always had unanimous votes on all issues. He stated that he is aware that two members are upset now but that he was upset for the previous two years that his district didn't have a voice on Council. He stated that he and the other two new Council members were given a mandate by the citizens and that they wanted their government run in an open fashion. He disputed that members were not involved in the discussion to replace the County Attorney and that discussion took place in Executive Session regarding this topic at the first meeting of the year. Regarding meetings with the County Administrator, Mr. Dexter stated that he and another other member of Council have the right to meet with the Administrator at any time and that it is not illegal as it does not constitute a quorum of Council. Mr. Dexter stated that the meetings were released to the media prior to advising all members that the meetings took place. He outlined the example regarding I85 in Fair Play where the last Council did not listed to the citizens and acted unilaterally. Lastly, he suggested that if District I and III feel they are not represented that they come on board and help Council move forward in doing the county's business.

Council Member / District II Comments to Council:

Mr. McCall stated that the meeting he and Mr. Thrift attended with the Sheriff and citizens was to receive information only and did not constitute a meeting of the committee as no business was conducted. He stated that he did meet with Keowee Key Fire and that if he offended Mr. Blanchard he didn't intend to do so but that action had not been taken for the past two years and something needs to be done. Lastly, he addressed the confusion regarding the fire truck stating that he feels that he and the citizen of the county were duped into hastily approving funding in the form of a lease-purchase agreement that was not fully explained.

New Business:

Council Committee Roles & Responsibilities:

Mr. Thrift asked the Clerk to Council to bring back to Council for review, discussion and approval specific roles and responsibilities for each of the five standing council committees. Mr. Suarez suggested that review of the Handbook for County Government in SC as well.

Executive Session:

[see above – Executive Session Cancelled]

Adjourn:

Mr. Suarez made a motion which was approved unanimously to adjourn the meeting at 9:02 p.m.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council