Judge dismisses zoning lawsuit

Says it's an issue best left for voters to decide

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THE JOURNAL

WALHALLA — A judge threw out a zoning lawsuit against Oconee County and eight other defendants and said the issue should be left up to the voters to decide.

Circuit Judge J. Cordell Maddox heard arguments for almost five hours Wednesday at the Oconee County Courthouse before dismissing the lawsuit filed by Jean Jennings and David and Michelle McMahan.

"Overall, I think this is an election issue," Maddox said in deciding whether to allow the plaintiffs' claim of a civil conspiracy to proceed.

"I think these are issues the electorate should take care of themselves," Maddox added. "We live in a democracy. You have to learn to live with one another."

Earlier during the proceedings, Maddox dismissed claims charging Councilman Reg Dexter with verbally berating Jennings, and he also tossed out defamation claims against Councilman Paul Corbeil.



Dexter



Corbeil

Corbeil made several comments in emails that the plaintiffs obtained through the Freedom of Information Act, including a reference about how county officials should be driving the discussion on zoning and "not the inmates."

In his earlier rulings, Maddox also let Oconee County Planning Director Art Holbrooks off the hook. The judge bought into the arguments by Holbrooks' attorney that his client is a county employee and "public servant."

Jennings and Michelle McMahan were in the courtroom during the entire proceeding. Sitting together, they briefly hugged and exchanged words as they awaited Maddox to re-enter the courtroom for his final decision on the conspiracy allegation.

Before leaving to make his final deliberation, Maddox asked plaintiff's attorney Roberta Barton to tell him "one more time why it's not an election issue."

Barton, who matched up against 11 attorneys representing the defendants, tried her best to convince the judge to take the case to trial.

"It affects their property rights," Barton said of her clients. "It's more than a political issue."

Maddox was not convinced.

"One of my concerns, because of the election season, does this case meet the rules of civil procedure?" he asked. "This is a legislative process and elected officials come with preconceived notions. It's an issue for the legislative body and electorate to resolve."

At the conclusion, Jennings and McMahan thanked Barton as they exited the courthouse. They did not want to make more comments.

For his part, Corbeil said he hoped the court ruling would not create a bigger divide in the county.

"I hope we've all learned our lesson," he said.

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