

Served

Officials asked for personal e-mails on zoning dispute

BY BRETT McLAUGHLIN
THE JOURNAL



Thrift



Dexter



Corbeil



McCall



Barron

WALHALLA — Members of the Oconee County Council, past and present, as well as two county officials received Freedom of Information Act requests Tuesday night for electronic documents on their personal computers related to North Cane Creek and North Fairview zoning petitions.

The letters were served on council members Joel Thrift, Reg Dexter, Paul Corbeil, Wayne McCall and Archie Barron, as well as County Administrator Scott Moulder and Council Clerk Elizabeth Hulse. A similar letter has been prepared for delivery to former council member Mario Suarez.

The letters ask those served to produce "any and all e-mails and electronic correspondence from the personal and public computers/e-mails ... that pertain in any way to the North Cane Creek and North Fairview zoning petitions."

The FOIA request is signed by both Michelle McMahan, a party in the controversy that erupted over the two competing zoning requests on Lake Keowee, and Brett McLaughlin as editor of The Journal.

Journal Publisher Michael Leonard said the paper agreed to become a party to the request for documents when approached by McMahan, who contended that the action was in the public's interest and intended to promote "open, honest and fair government."

"We also chose to sign the letter when it was suggested that the costs of fulfilling the document request might be beyond the means of the average citizen," Leonard said. "Government should not be

SERVED: Each has 15 days to respond

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able to impede efforts to improve transparency by imposing unreasonable costs on average people."

The letter goes on to say that the electronic messages being requested, "would include, but would not be limited to, correspondence between the county administrator and any members of council, including any and all e-mails between current and past elected members of County Council, Planning Commission, officials of the planning office and all parties holding interest in these two zoning matters, including members of McMahan and Jennings families, representatives of the Advocates for Quality Development, the SC Mountain Lakes Community Group, Friends of Lake Keowee Society and any and all other parties to whom correspondence regarding these two zoning requests was made."

Asked about the letters, County Attorney Tom Martin said that FOIA requests must be made of the body politic.

As such, he said the letters given to individual council members were moot and he characterized the presentation of the letters by process server Margaret Thompson of Clemson as "grandstanding."

McMahan's rezoning request was denied in favor of one presented by Jim Codner, president of Advocates for Quality Development. In making that decision, council imposed a new category of zoning on local property owners that is arguably more restrictive.

[TIMELINE]

April 2009 — pre-treatment allocation recommendations made to DHEC

Dec. 2009 — DHEC responds with request for more information

Feb. 2010 — Additional information provided to DHEC

Feb. 2011 — DHEC responds calling for "minimum" numbers

County has until the end of April to respond.

McMahan filed a personal FOIA request late last year, asking for council and planning office documents, including electronic documents.

However, that request did not seek documents from the private computers of county officials.

"My main question all along has been the council's relationship with AQD, Mountain Lakes Community, FOLKS or other groups promoting certain agendas," McMahan said Tuesday.

She said that when the county did respond to her earlier request they only responded regarding the Planning Office.

"They protected the council," she said.

"There just needs to be more transparency. That's why this request asks for their personal e-mails. I just hope that we can have more transparency and have it come at a cost that is not impossible for the average person to meet."

The letter served Tuesday requests that fees for providing the documents be waived. Each person has 15 working days to respond.