



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
December 6, 2011

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, December 6, 2011 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 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.oconeesc.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, Ashton Hester – Keowee Courier & Carlos Galarza - Daily Journal.

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

Chairman Comments re: Council Meetings & Partisan Political Statements

Prior to the Public Comment Sessions, Mr. Thrift read into the record a statement [copy filed with these minutes] relating to partisan political matters being discussed during the Public Comment sessions at Council meetings.

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to sustain Mr. Thrift's decision to not allow the discussion of partisan politics at County Council meetings as these types of comments are outside the proper authority and jurisdiction of County Council.

Mr. Thrift also noted for the record that since allowing such comments at the last meeting was incorrect that a precedent will not be recognized.

After the vote by Council, Mr. Thrift instructed the County Attorney to review all procedures of County Council set forth in the Oconee County Code of Ordinances to ensure that such procedures are current, reflect current practices of Council, and comport with state law and good procedure, and bring any recommendations for change back to us to consider.

Extended Public Comment Session: None scheduled for this meeting.

Public Comment Session [related to specific agenda items]: None at this meeting.

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

Mr. Ed Land addressed Council voicing concerns regarding the reassessment process and Tyler Technologies.

Mr. Richard Marcingill addressed Council voicing concerns regarding the reassessment process and Tyler Technologies.

Mr. Keith Shuller addressed Council voicing concerns regarding the reassessment process and Tyler Technologies.

Mr. Bruce Burrell addressed Council voicing concerns regarding the reassessment process and Tyler Technologies.

Mr. Cecil Gibson addressed Council voicing concerns regarding the reassessment process and Tyler Technologies.

Mr. Ben Turetzky addressed Council voicing concerns regarding the reassessment process and Tyler Technologies. In addition he addressed the zoning process, reading from a prepared statement [copy filed with these minutes].

Mr. B. J. Littleton addressed Council regarding several issues including the reassessment process, Echo Hills restrictive covenants and the usefulness of old buildings.

County Council Response to Public Comment:

Mr. McCall reiterated concerns regarding Tyler Technologies and the reassessment process asking if the appeal deadline of December 9, 2011 could be extended. Mr. Moulder addressed the deadline issue recommending that Council not extend the appeal deadline as it has been properly advertised for several months and so as to not conflict with tax bills being sent out to citizens. Mr. Corbeil noted that Council and staff are committed to address citizen concerns and asked anyone concerned with their reassessment to contact the Assessor's office and/or the Administrator's office to address specific assessment issues. Discussion followed.

Meeting Recess:

Mr. Thrift announced a recess at 6:44 p.m.

Meeting Reconvene:

Mr. Thrift reconvened the meeting at 6:55 p.m.

Chairman Comments related to Council Meeting Procedures / Partisan Political Citizen Statements

Mr. Thrift again read into the record a statement [copy filed with these minutes] relating to partisan political matters being discussed during the Public Comment sessions at Council meetings noting that Council had affirmed his decision to not allow the discussion of partisan politics at County Council meetings as these types of comments are outside the proper authority and jurisdiction of County Council.

Pledge of Allegiance: Mr. Dexter led the Pledge of Allegiance to the United States of America.

Minutes: Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve the minutes from the November 15, 2011 regular meeting as presented.

Motion to Amend Agenda

Motion to Amend Agenda

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to amend the agenda to include reconsideration of Ordinance 2011-14 & discussion of Resolution R2011-17.

Public Hearings Regarding the Following Ordinances:

Ordinance 2011-18 "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"
[Neville Request]

Mr. Thrift opened the floor for Public Comment.

Mr. Jim Codner addressed Council requesting [1] that a precedent not be set by zoning lake front parcels another zoning classification than LDR, and [2] that Council consider strengthening the lake overlay district.

Mr. Jess Neville addressed Council in support of passage of Ordinance 2011-18.

Ms. Lilly Davis addressed Council during the Public Hearing for this ordinance regarding issue related to Ordinance 2011-23.

No additional comments were received.

Mr. Thrift asked if any citizens wished to submit written comments.

Clerk to Council noted that the Planning Department submitted a memo noting the request by four adjacent parcel owners to be included in this zoning request.

No additional written comments were received.

Mr. Thrift closed the Public Hearing regarding Ordinance 2011-18.

Ordinance 2011-20 “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”
[Moonlight Bay Request]

Mr. Thrift opened the floor for Public Comment; no citizens addressed Council.

Mr. Thrift asked if any citizens wished to submit written comments; no written comments were submitted.

Mr. Thrift closed the Public Hearing regarding Ordinance 2011-20.

Ordinance 2011-22 “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”
[Southern Hartwell Request]

Mr. Thrift opened the floor for Public Comment; no citizens addressed Council.

Mr. Thrift asked if any citizens wished to submit written comments; no written comments were submitted.

Mr. Thrift closed the Public Hearing regarding Ordinance 2011-22.

Ordinance 2011-30 “AN ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN OCONEE COUNTY REAL PROPERTY; AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT, LIMITED WARRANTY DEED, AND OTHER DOCUMENTS RELATED TO THE TRANSFER OF THE PROPERTY; AND OTHER MATTERS RELATED THERETO.”

Mr. Thrift opened the floor for Public Comment; no citizens addressed Council.

Mr. Thrift asked if any citizens wished to submit written comments; no written comments were submitted.

Mr. Thrift closed the Public Hearing regarding Ordinance 2011-30.

Ordinance 2011-33 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND BASF CORPORATION; THE GRANTING OF SPECIAL SOURCE REVENUE CREDIT; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES”

Mr. Thrift opened the floor for Public Comment; no citizens addressed Council.

Mr. Thrift asked if any citizens wished to submit written comments; no written comments were submitted.

Mr. Thrift closed the Public Hearing regarding Ordinance 2011-33.

Consideration of the Following Ordinances:

Ordinance 2011-18

Mr. Barron made a motion, seconded by Mr. Dexter to approve **Ordinance 2011-18** “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” *[Neville Request]* on third and final reading.

Discussion followed regarding written comments received. No action was taken by Council at this meeting to add parcels to this rezoning request.

Mr. Thrift called for the vote on **Ordinance 2011-18**. The motion passed 5 – 0 to approve **Ordinance 2011-18** “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” *[Neville Request]* on third and final reading.

Ordinance 2011-20

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2011-20** “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” *[Moonlight Bay Request]* on third and final reading.

Ordinance 2011-22

Mr. Barron made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve **Ordinance 2011-22** “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” *[Southern Hartwell Request]* on third and final reading.

Ordinance 2011-30

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to approve **Ordinance 2011-30** “AN ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN OCONEE COUNTY REAL PROPERTY; AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT, LIMITED WARRANTY DEED, AND OTHER DOCUMENTS RELATED TO THE TRANSFER OF THE PROPERTY; AND OTHER MATTERS RELATED THERETO” on third and final reading.

Ordinance 2011-33

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Ordinance 2011-33** “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND BASF CORPORATION; THE GRANTING OF SPECIAL SOURCE REVENUE CREDIT; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES” on third and final reading.

Ordinance 2011-14

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to reconsider **Ordinance 2011-14** “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”

[Keowee Key / Stamp Creek Request].

Mr. Martin noted that an open motion is now on the table from the previous meeting.

Clerk to Council addressed a clerical error identified in the ordinance that did not affect the parcel listings or map as presented. Discussion followed.

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to amend **Ordinance 2011-14** “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”

[Keowee Key / Stamp Creek Request] as presented.

Mr. Thrift called for the vote on **Ordinance 2011-14** “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” *[Keowee Key / Stamp Creek Request]* as amended. The motion passed 5 – 0.

Consideration of the Following Resolutions:

Resolution R2011-17

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to approve **Resolution R2011-17** “A RESOLUTION AUTHORIZING AND CONSENTING TO THE JUDICIAL ABANDONMENT AND CLOSURE OF DOUG HOLLOW ROAD (THE “ROAD”) CONTINGENT UPON THE OCCURRENCE OF CERTAIN DESCRIBED MATTERS AND CONDITIONS; AND OTHER MATTERS RELATED THERETO” on first and final reading.

Discussion & Possible Action Items

Local ATAX / \$2,000.00 / Upcountry Brochure Service / “Camping in Oconee County”

Mr. Phil Shirley, PRT Director, and Mr. Moulder addressed Council regarding this request.

Mr. Corbeil made a motion, seconded by Mr. Barron, approved 5 – 0 to approve \$2,000.00 to display the “Camping in Oconee County” brochure through Upcountry Brochure Service to all their SC and GA locations.

ITB 11-14 / 2013 Roll Off Truck w/ Hoist & Tarp System / Solid Waste / \$141,449.00

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

Mr. McCall made a motion, seconded by Mr. Dexter, approved 5 – 0 to award the purchase of a 2013 Roll Off Truck w/ Hoist and Tarp System, to Nu-Life Environmental of Easley, SC; in the amount of \$141,449.00, per ITB 11-14.

Board & Commission Appointments

None scheduled for this meeting.

Commission & Board Reports to Council:

None scheduled for this meeting.

Council Committee Reports:

Planning & Economic Development Committee / Mr. Corbeil

Mr. Corbeil highlighted issues from a prepared statement outlining the activities at the Committee meeting held on November 10, 2011. Council affirmed the recommendations from the committee.

Administrator’s Report:

Mr. Moulder addressed Council regarding the Courthouse RFP. He noted that only one proposal was received which was non responsive; noting that they were not interested in the project. Mr. Moulder asked for direction regarding this matter. Discussion followed.

Council unanimously directed that this matter be referred back to the Real Estate, Facilities & Land Management Committee for further discussion and recommendation.

Old Business:

None presented at this meeting.

New Business:

Report to the SCAC Legislative Committee by the SCAC Policy Steering Committee

Mr. Dexter updated Council regarding this report [copy maintained in the Clerk to Council Office]. In addition, Mr. Dexter reiterated the importance of meeting with the delegation regarding the Local Government Funding

Executive Session:

Mr. Barron made a motion, seconded by Mr. Corbeil, approved 5 – 0 to enter into Executive Session to receive legal advice regarding a contractual matter.

Council entered Executive Session at 7:51 p.m.

Council returned from Executive Session at 8:44 p.m. on a motion by Mr. Barron, seconded by Mr. Dexter, approved unanimously.

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

Mr. McCall stated for the record that he left Executive Session while in progress when the City of Walhalla was run down by another council member and that the discussion be believed had nothing to do with the stated reason for Executive Session. He stated that he would be contacting the property agency in Columbia on December 7, 2011 to report his concerns.

Adjourn:

Mr. McCall made a motion, approved unanimously to adjourn at 8:47 p.m.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council