



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
December 19, 2017

MEMBERS, OCONEE COUNTY COUNCIL

Mr. Paul Cain, District III
Mr. Wayne McCall, District II
Ms. Edda Cammick, Chairwoman, District I
Mr. Julian Davis III, Vice Chair, District IV
Mr. Glenn Hart, Chair Pro Tem, District V

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Administrator Scott Moulder, County Attorney David Root, and Katie D. Smith, 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.oconeesc.com/council]. In addition it was made available [*upon request*] to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Norm Cannada / Daily Journal & Dick Mangrum / WGOG.

Call to Order

Ms. Cammick called the meeting to order at 6:00 p.m.

Public Comment Session

Mr. Tony Adams addressed Council regarding Fair Oak Youth Center and subleases.

Mr. Tom Markovich addressed Council regarding Ordinance 2017-33 and the penalties associated with violation of this Article.

Mr. Tom Barilovits addressed Council in opposition of Resolution 2017-13.

Mr. Jim Carpenter addressed Council in opposition of Resolution 2017-13.

County Council Response to Public Comment

Per Ms. Cammick's request, Mr. Root responded to Mr. Adams' comments regarding the subleases. The lease between Oconee County and Fair Oak Youth Center has three primary provisions that requires [1] if the lease premises is going to be subleased, it has to be approved by the Administrator and if it is substantial, it would need to be approved by Council as well, [2] sublease needs to be consistent with the lease as to permitted uses, and [3] insurance requirements with subleases are up to date. Discussion continued.

Moment of Silence

Ms. Cammick asked for a moment of silence prior the Invocation by the County Chaplain.

Invocation by County Council Chaplain:

Mr. Root, County Council Chaplain, gave the invocation.

Pledge of Allegiance:

Mr. Davis led the Pledge of Allegiance to the Flag of the United States of America.

Presentation to Council

Ms. Emily DeRoberts, Duke Energy, addressed Council utilizing a handout [copy filed with these minutes] highlighting the following to include but not limited to:

- Duke Energy is here to stay in Oconee County
- Vital part of the Oconee County community since the early 1960's
- Vital asset of not only the nuclear station but also hydro and pump storage facilities
- Critical transmission infrastructure
- Serves 10,500 homes and businesses in Oconee County
- \$30 million in annual property taxes that Duke Energy pays in Oconee County and also contributions to the community through United Way, Ripple of Way, etc.

Discussion continued.

Mr. Ed Burchfield, Site Vice President at Duke Energy, addressed Council highlighting the following to include but not limited to:

- Operating safely on plan for decades
- Highly skilled group of professionals
- Capital expenditures

Mr. Chris Rimmel, Communications Manager for Duke Energy, addressed Council highlighting the following to include but not limited to:

- World of Energy celebrates 50 years in 2019
- No other nuclear visitor center has operated this long
- 2018 World of Energy's programming is full of professors, historians, photographers, etc.

Mr. Davis & Mr. Cain thanked Ms. DeRoberts, Mr. Burchfield, and Mr. Rimmel for everything they have done and continue to accomplish for Oconee County.

Approval of Minutes:

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve the December 5, 2017 Regular Meeting minutes as presented.

Administrator's Report & Agenda Summary

Mr. Moulder briefly reviewed with Council and for the public's benefit specifics related to the following matters before Council at this meeting:

- Presentation to Council
- Public Hearing of Ordinance: 2017-28, 29, 30, 31
- Third Reading of Ordinance: 2017-28, 29, 30, 31
- First Reading of Ordinance: 2017-32, 33, 34

- First & Final Resolution: R2017-13
- Discussion Regarding Action Items
- Board & Commission Appointments
- Old / Unfinished Business
- Third Reading of Ordinance [continued]: 2017-28

Mr. Hart made a motion, seconded by Mr. McCall, approved 5 – 0, to amend the agenda to add “discussion regarding an employment matter and a potential economic conflict of interest” to Executive Session.

Public Hearings for the Following Ordinances:

Ordinance 2017-28 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE AGREEMENT BETWEEN OCONEE COUNTY AS LESSOR AND THE FOOTHILLS FARMSTEAD AS LESSEE; AND OTHER MATTERS RELATED THERETO.”

Ms. Cammick opened the floor for Public Comment.

Ms. Sandra Gray addressed Council in support of **Ordinance 2017-28** but noted the lease agreement was not available online and suggested to delay the vote.

Ms. Cammick opened the floor for any citizen wishing to address Council regarding this ordinance. No other citizen addressed Council.

Ms. Cammick asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Ms. Cammick closed the Public Hearing regarding **Ordinance 2017-28**.

Ordinance 2017-29 “AUTHORIZING OCONEE COUNTY, SOUTH CAROLINA, TO ENTER INTO AN EQUIPMENT ACQUISITION AND USE AGREEMENT FOR THE PURPOSE OF ACQUIRING CERTAIN EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$6,552,500; AUTHORIZING THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS; AND OTHER MATTERS RELATING THERETO.”

Ms. Cammick opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Ms. Cammick opened the floor for any citizen wishing to address Council regarding this ordinance. No citizen addressed Council.

Ms. Cammick asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Ms. Cammick closed the Public Hearing regarding **Ordinance 2017-29**.

Ordinance 2017-30 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO THE FEE AGREEMENT BETWEEN OCONEE COUNTY AND ITECH SOUTH, LLC, DATED AS OF APRIL 1, 2015, PROVIDING FOR THE INCLUSION OF

EUGENE CARLTON MORRIS AND JUNE COPELAND MORRIS AS SPONSORS; AND OTHER MATTERS RELATED THERETO.”

Ms. Cammick opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Ms. Cammick opened the floor for any citizen wishing to address Council regarding this ordinance. No citizen addressed Council.

Ms. Cammick asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Ms. Cammick closed the Public Hearing regarding **Ordinance 2017-30**.

Ordinance 2017-31 “AN ORDINANCE AMENDING CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING SETBACK LANGUAGE FOR MULTI-FAMILY HOUSING STRUCTURES; AND OTHER MATTERS RELATED THERETO.”

Ms. Cammick opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Ms. Cammick opened the floor for any citizen wishing to address Council regarding this ordinance. No citizen addressed Council.

Ms. Cammick asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Ms. Cammick closed the Public Hearing regarding **Ordinance 2017-31**.

Third Reading of the Following Ordinances:

Ordinance 2017-28 [Captioned above]

Mr. Davis made a motion, seconded by Mr. McCall, to approve **Ordinance 2017-28** on third & final reading.

Mr. Cain questioned whether the lease was in the backup material. Mr. Root noted it was in their backup material, however, by FOIA requirements it doesn't have to be included in the backup materials until it is executed. Mr. Root provided a copy of the lease to Ms. Gray for her review.

Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, to postpone **Ordinance 2017-28** on 3rd & final reading before Executive Session.

Ordinance 2017-29 [Captioned above]

Mr. Davis made a motion, seconded by Mr. Hart, to approve **Ordinance 2017-29** on third & final reading.

Ordinance 2017-30 [Captioned above]

Mr. Davis made a motion, seconded by Mr. Hart, to approve **Ordinance 2017-30** on third & final reading.

Ordinance 2017-30 [Captioned above]

Mr. Davis made a motion, seconded by Mr. Hart, to approve **Ordinance 2017-29** on third & final reading.

First Reading of the Following Ordinances

Ordinance 2017-32 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A RESIDENTIAL LEASE AGREEMENT BETWEEN OCONEE COUNTY AS LESSOR AND KENT CROOKS AS LESSEE FOR CERTAIN REAL PROPERTY, INCLUDING ALL IMPROVEMENTS THEREON, LOCATED AT 207 CROOKS ROAD, SENECA, SOUTH CAROLINA; AND OTHER MATTERS RELATED THERETO.”

Mr. McCall made a motion, seconded by Mr. Davis, to approve **Ordinance 2017-32** on first reading.

Ordinance 2017-33 “AN ORDINANCE AMENDING CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE LAKE OVERLAY DISTRICT WITH PARTICULAR REFERENCE BEING MADE TO THE NATURAL VEGETATIVE BUFFER; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis made a motion, seconded by Mr. Hart, to approve **Ordinance 2017-33** on first reading.

Mr. Root responded to the comments made by Mr. Markovich during the public comment regarding the penalty section. He noted this is the last paragraph on the attachment to the ordinance. He further noted he would not want any part of this section removed because it gives the public notice of what can be done under certain circumstances. Discussion continued.

From the audience, Mr. Ben Turetzky asked if there was going to be a public hearing. Mr. Davis responded to his question noting there is always a public hearing with a 3rd reading.

Regarding the previous motion made by Mr. Davis, seconded by Mr. Hart, it was approved 5 – 0, to approve **Ordinance 2017-33** on first reading.

Ordinance 2017-34 [in title only] “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN EXTENSION AGREEMENT BETWEEN OCONEE COUNTY AND PROJECT BREMEN, AMENDING THE FEE AGREEMENT BETWEEN THE TWO, DATED AS OF AUGUST 1, 2013, BY AN EXTENSION OF THE TERM THEREOF BY FIVE YEARS, AND INCLUDING AMENDING THE SPECIAL SOURCE REVENUE CREDIT AND INCREASING THE REQUIRED INVESTMENT; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis made a motion, seconded by Mr. Hart, to approve **Ordinance 2017-34** on first reading.

Mr. Davis thanked them for the continued investment.

Regarding the previous motion made by Mr. Davis, seconded by Mr. Hart, it was approved 5 – 0, to approve **Ordinance 2017-34** on first reading.

First & Final Reading for the Following Resolutions

Resolution 2017-13 “A RESOLUTION IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS HOSPITAL REVENUE BONDS (SC HEALTH COMPANY) SERIES 2017, PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,500,000,000 AND AUTHORIZING A PLEDGE OF REVENUES OF SC HEALTH COMPANY IN CONNECTION HEREWITH.”

Mr. Davis made a motion, seconded by Mr. McCall, approved 5 – 0, to recall **Resolution 2017-13**.

Discussion continued to include but not limited to:

- Improvement of the availability of EMS and the response time in the north end of the County
- Bonds
- Consolidation of debt
- OMH is a huge resource

Regarding the previous motion made by Mr. Davis, seconded by Mr. McCall, the motion **failed** 0 – 4 [Ms. Cammick abstained] on **Resolution 2017-13**.

Discussion Regarding Action Items

Letter of support for JAG Court System Efficiency grant application

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve the letter of support as included in the backup material and authorizing Ms. Cammick to sign on behalf of County Council.

Passive Landfill Gas Vent Trench / Solid Waste / \$132,211.00

At the September 5, 2017 Council Meeting, Council approved awards to Smith Gardner, Inc. for related engineering services and to Regenesys BioRemediation Products, Inc., to provide remediation products and their application to the Seneca Landfill for remediation as mandated by DHEC. The installation of a passive landfill gas vent trench is required as part of this remedial effort.

It is the staff’s recommendation that Council [1] approve the award of bid ITB 17-05, Passive Landfill Gas Vent Trench to Martin & Son Contracting, of Spartanburg, SC, in the amount of \$120,192.00, with a 10% contingency of \$12,019.00, for a total award of \$132,211.00 and [2] authorize the County Administrator to approve any Change Orders within the contingency amount.

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to [1] approve the award of bid ITB 17-05, Passive Landfill Gas Vent Trench to Martin & Son Contracting, of Spartanburg, SC, in the amount of \$120,192.00, with a 10% contingency of \$12,019.00, for a total award of \$132,211.00 and [2] authorize the County Administrator to approve any Change Orders within the contingency amount.

Review / approve subleases between (1) the Fair Oak Youth Center, Inc. and Lifeline Community Church and (2) the Fair Oak Youth Center, Inc. and Hyatt Landworks, Inc.

Mr. Davis made a motion, seconded by Mr. Hart, to approve the subleases between (1) the Fair Oak Youth Center, Inc. and Lifeline Community Church and (2) the Fair Oak Youth Center, Inc. and Hyatt Landworks, Inc.

Lengthy discussion continued to include but not limited to:

- Landscaping company
- Not outwardly something that is for public purpose and community enrichment
- If landscaper would be willing to assist when they have needs on the grounds
- Providing support and work for the Fair Oak Youth Center

Regarding the previous motion made by Mr. Davis, seconded by Mr. Hart, it was approved 5 – 0, to approve the subleases between (1) the Fair Oak Youth Center, Inc. and Lifeline Community Church and (2) the Fair Oak Youth Center, Inc. and Hyatt Landworks, Inc.

Board & Commission Appointments

Building Codes Appeal Board

No nominations were made.

Conservation Bank Board

No nominations were made.

Board of Zoning Appeals

No nominations were made.

Old / Unfinished Business

Per Mr. Davis' request, Mr. Moulder addressed Council regarding the courthouse air system. Mr. Moulder noted they have reached out to the mechanical engineer through architects to look at the design and we are currently seeking bids and looking for qualified companies to provide a quote. Discussion continued.

New Business

None at this meeting.

Council Committee Reports

None at this meeting.

Third Reading of the Following Ordinances [continued]:

Ordinance 2017-28 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE AGREEMENT BETWEEN OCONEE COUNTY AS LESSOR AND THE FOOTHILLS FARMSTEAD AS LESSEE; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis made a motion, seconded by Mr. McCall, to approve **Ordinance 2017-28** on third & final reading.

Ms. Cammick asked Ms. Gray if she had adequate time to review the lease and had any questions. Ms. Gray noted she did not have any questions.

Regarding the previous motion made by Mr. Davis, seconded by Mr. McCall, it was approved 5 – 0, to approve **Ordinance 2017-28** on third & final reading.

Executive Session:

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0 to enter into Executive Session for the following purposes, as allowed for in § 30-4-70(a) of the South Carolina Code of Laws:

- [1] to receive legal advice and discuss a contractual matter related to the Oconee Joint Regional Sewer Authority and operation of the Golden Corner Commerce Park pump station and associated infrastructure.*
- [2] to discuss employment matter related to evaluations and related forms.*
- [3] discussion regarding an employment matter and a potential economic conflict of interest.*

Council entered Executive Session at 7:14 p.m.

Council returned from Executive Session at 7:37 p.m. on a motion made by Mr. Davis, seconded by Mr. Hart, approved 5 – 0.

Ms. Cammick stated that no action was taken in Executive Session.

Adjourn

Mr. Davis made a motion, approved unanimously 5 – 0, to adjourn at 7:37 p.m. .

Respectfully Submitted:

Katie D. Smith
Clerk to Council