



MINUTES
OCONEE COUNTY COUNCIL
SPECIAL WORKSHOP MEETING
with the Oconee Joint Regional Sewer Authority
August 24, 2010

MEMBERS, OCONEE COUNTY COUNCIL

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

Oconee County Council met on Tuesday, August 24, 2010 at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members [except Mr. McCall and Mr. Suarez], Scott Moulder, County Administrator, Thomas L. Martin County Attorney and Clerk to Council, Elizabeth G. Hulse present.

OJRSA Attendees: Bob Winchester, Director; Board Members: Howard Adams, Thomas Crumpton, Greg Dietterick, Dewitt Martin, Scott Parris, Herman Smith, Rhett Smith, Mendle Stone, OJRSA Attorney, Lowell Ross and Bob Fromberger, W. K. Dickson

Other Attendees Participating in Discussions: Mr. Joe Newton & Mr. Chip Bentley, Appalachian Council of Governments [ACOG]

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 [upon request] to the newspapers, radio stations, television stations and concerned citizens.

Member of the press present: Ray Chandler – Anderson Independent, Dick Mangrum – WGOG Radio & Brett McLaughlin - Daily Journal.

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

Workshop Discussion with Oconee Joint Regional Sewer Authority [OJRSA]:

- I-85
- Golden Corner Commerce Park
- Revenue Sharing Agreement
- 201 Planning
- 208 Water Quality Management Agency (Responsibilities and Authority)

Mr. Dexter welcomed the Sewer Authority [SA] members, ACOG representatives and public present. He asked Mr. Winchester to provide those present with a brief history of the Sewer Commission / Authority and the SWAG agreements. Mr. Winchester and Mr. Ross also highlighted issues surrounding the 1976 referendum which prohibits the County from directly using tax dollars for sewer expansion, the 2004 Memorandum of Understanding between the County and Commission and the conversion to the Sewer Authority in 2007. In addition, Mr. Winchester noted that the only assets turned over to the SA were real property which included two tracts of land. He stated that all other property was already titled in the Sewer Commissions name.

Sewer in the Unincorporated Areas of Oconee County:

Discussion also took place regarding the following;

- Ordinance #1978-02 designating makeup of Sewer Commission and current makeup.
- SWAG Agreement payment of \$610,000 annually to SA: Mr. Dieterick noted that the amount was agreed to by previous County Councils. It was the amount of the annual bond payment and was already budgeted for. He stated that the previous council decided to continue this amount going forward as the SWAG annual payment through 2038.
- SA Genesis Documents [filed under separate cover in Council Office & Register of Deeds Office]:
 - **Various documents state that no user fees will be contributed to sewer expansion in the unincorporated areas of Oconee County:** Mr. Dexter read from Section 5.01 [page 16 of 19] of the Intergovernmental Agreement between Oconee County, the Cities of Seneca, Westminster, Walhalla & West Union and the OJRSA, dated November 18, 2010 [copy filed with these minutes]. Discussion followed regarding standard practice for sewer construction and operation.
 - **Various documents states that the SA has first option to construct and operating systems in the unincorporated areas of Oconee County:** Mr. Dexter read from Section 3.01 [page 8 of 19] of the Intergovernmental Agreement between Oconee County, the Cities of Seneca, Westminster, Walhalla & West Union and the OJRSA, dated November 18, 2010 [copy filed with these minutes]. Discussion followed regarding [1] an industrial customer wishing to contract for sewer through the County, and [2] the necessity of a private provider to have their plans reviewed by the SA under the 208 Authority.
- Golden Corner Commerce Park [GCCP] – Council stated that they wished to proceed with sewer at the GCCP. Mr. Winchester stated that the SA has obtained a permit for a 50,000 gallon a day treatment plant to be located at the GCCP. Cost estimates stated by Mr. Fromberger were just under \$5 million for the project. The SA stated that they have on hand grant funds in the amount of \$965,000 and that there is the potential for an additional \$465,000. **The Council directed ACOG [with agreement from the SA] to proceed in attempting to obtain these additional funds for this project.**
- Fee Structure for sewer expansion. Mr. Moulder questioned if the county would be billed as the municipalities are billed on a pro rata basis for usage. The SA stated that this would likely be the billing method and the County would then bill the users directly unless contracted with a private entity.
- **Agreement between Oconee County Sewer Commission and SCDOT, dated May 17, 2005, [copy filed with these minutes]:** Mr. Winchester and Mr. Ross stated that this agreement was no longer in effect. Mr. Winchester stated that he had made contact with the SCDOT to identify if the agreement was in effect without response [copy of that correspondence filed with these minutes]. Mr. Winchester volunteered to again try to obtain an opinion from SCDOT regarding the agreement. Discussion followed. **It was agreed that Mr. Moulder would follow up with a letter as representative of a governmental entity to try to identify if the funds are still available under this agreement.**
- SA stated their agreement that they will work with any private entity desiring to put sewer in the unincorporated areas of the county as long as they meet all 201 and 208 requirements. Mr. Dieterick cited two examples at Keowee Key and Chickasaw Point.
- Expansion to Coneross Plant: Mr. Winchester stated that the expansion done at the Coneross plant was completed to increase industrial capacity and was required by DHEC

even though the plant was not operating near total capacity. He explained that industrial capacity was accounted for separately.

- Collection Basins vs. Treatment: Mr. Dietterick noted that collection basins can only accommodate a fixed amount of waste vs. total capacity of the system for treatment.
- Martin's Creek Upgrade: Mr. Winchester stated that the upgrade at Martins Creek was being paid for in part with the contractual Oconee County payment of \$610,000 and SA depreciation funds on hand.

201 Planning & 208 Water Quality Management [Responsibilities & Authority]:

Mr. Winchester outlined the requirements for updating the 201 Planning document on a minimum 20 year cycle. He noted that currently the plan is in year 17 or a 20 year cycle.

A handout was provided to all members entitled "OJRSA Information & Operations Guide" dated August 24, 2010 [a copy of which is filed with these minutes].

Discussion also took place regarding the following;

- Mr. Dietterick stated that the SA wants to partner with the County regarding the 201 and 208 planning to ensure that together they can reach common goals for Oconee County. In addition, he stated that this is an opportunity for the SA and the county to partner to establish areas for expansion for sewer service for the next 20+ years. **Mr. Corbeil suggested a "work group" be established with key representatives from both the SA and the County to meet regularly to identify and establish goals.**
- The SA stated concerns that the development of privately built and owned sewer systems could at some time in the future become a SA problem if the developer walks away from the system as it happened in Newry. Discussion followed.
- Delegation of 208 Authority: Mr. Martin referenced page 16 of the OJRSA handout outlining the history for the 208 authority. Ordinance #2009-12 [copy filed with these minutes] states that Oconee County delegates to the SA authority to act as the County's agent.
- Mr. Moulder requested Council's permission to work with key representatives of the SA to identify a workable solution to accommodate the county's desire for sewer expansion in the unincorporated areas of the county. Issues to be reviewed/explored would include a potential referendum to rescind the 1976 referendum which prohibits the County from directly using tax dollars for sewer expansion. Discussion followed. **Council approved Mr. Moulders proposal and requested that he report back to council with a plan at a future meeting.**

Other Business/Discussions:

None were addressed at this meeting.

Adjourn:

Mr. Dexter adjourned the workshop meeting at 8:25 p.m.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council