



MINUTES

OCONEE COUNTY COUNCIL

Regular Meeting

December 4, 2018

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, Interim County Administrator Rick Martin, 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: Caitlin Herrington / Daily Journal.

Call to Order:

Ms. Cammick called the meeting to order at 6:02 p.m.

Public Comment Session

Ms. Sherri Bailey addressed Council regarding the animal control ordinance noting it has been revised back to where it originally started. She further noted the revised version does not provide the definitions needed to make clear what appropriate means and clarity and understanding go hand in hand. Our current laws are vague and therefore are problematic.

County Council Response to Public Comment

Mr. Hart thanked Ms. Cammick for all she has done and shown in her leadership, for concern for her district, for the people of Oconee County, and the taxpayers. He also wished her the best in her future endeavors.

Ms. Cammick addressed the animal control ordinance in a prepared statement [copy filed with these minutes].

Mr. McCall welcomed members of the Hispanic community to the meeting.

Mr. Cain addressed the animal control ordinance, noting it needed to go through the proper channels, which would be the Law Enforcement, Public Safety, Health & Welfare Committee.

Council's meetings shall be conducted pursuant to the South Carolina Freedom of Information Act, Council's Rules and the Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition. This agenda may not be inclusive of all issues which Council may bring up for discussion at this meeting. Items are listed on Council's agenda to give public notice of the subjects and issues to be discussed, acted upon, received as information and/or disposed of during the meeting. Items listed on Council's agenda may be taken up, tabled, postponed, reconsidered, removed or otherwise disposed of as provided for under Council's Rules, and Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition, if not specified under Council's rules.

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. Cain led the Pledge of Allegiance to the Flag of the United States of America.

Approval of Minutes

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve the November 15, 2018 Special meeting minutes as presented.

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve the November 20, 2018 Regular meeting minutes as presented.

Administrator's Report & Agenda Summary

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

- Public Hearing for Ordinance: 2018-14, 2018-32, 2018-33
- Third Reading of Ordinance: 2018-14-, 2018-32, 2018-33
- Discussion Regarding Action Items

Public Hearings for the Following Ordinances

Ordinance 2018-14 “AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 32 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE DEFINITIONS CONTAINED THEREIN, WITH PARTICULAR REFERENCE BEING MADE TO THE NAMING OF SUBDIVISIONS; AND OTHER MATTERS RELATED THERETO.”

Mr. Root noted regarding the backup material, this is the Ordinance Mr. Hart made an amendment that was approved by Council.

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 2018-14**.

Ordinance 2018-32 “AN ORDINANCE TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH PICKENS COUNTY, SUCH

Council's meetings shall be conducted pursuant to the South Carolina Freedom of Information Act, Council's Rules and the Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition. This agenda may not be inclusive of all issues which Council may bring up for discussion at this meeting. Items are listed on Council's agenda to give public notice of the subjects and issues to be discussed, acted upon, received as information and/or disposed of during the meeting. Items listed on Council's agenda may be taken up, tabled, postponed, reconsidered, removed or otherwise disposed of as provided for under Council's Rules, and Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition, if not specified under Council's rules.

INDUSTRIAL/BUSINESS PARK TO BE, AT THE TIME OF ITS INITIAL DEVELOPMENT, GEOGRAPHICALLY LOCATED IN PICKENS COUNTY AND TO INCLUDE CERTAIN PROPERTY NOW OR TO BE OWNED BY A COMPANY KNOWN TO THE COUNTY AT THIS TIME AS “PROJECT PRINT” OR ITS ASSIGNEE, AND ESTABLISHED PURSUANT TO SECTION 4-1-170 *ET SEQ.* OF THE SOUTH CAROLINA CODE OF LAWS 1976, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH PICKENS COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE ALLOCATION, AND THE DISTRIBUTION OF FEES IN LIEU OF *AD VALOREM* TAX; AND 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 2018-32**.

Ordinance 2018-33 “AN ORDINANCE AUTHORIZING A FEE-IN-LIEU-OF-TAX ARRANGEMENT ON BEHALF OF A PROJECT ECHO (“COMPANY”) PURSUANT TO AN AMENDED AND RESTATED FEE-IN-LIEU-OF-TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA (“COUNTY”) AND THE COMPANY; AUTHORIZING THE PROVISION OF CREDITS AGAINST FEE IN LIEU OF TAX PAYMENTS; AND OTHER MATTERS RELATING TO THE FOREGOING.”

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 2018-33**.

Third Reading of the Following Ordinances

Ordinance 2018-14 [see caption above]

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2018-14** on third & final reading.

Ordinance 2018-32 [see caption above]

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2018-32** on third &

Council's meetings shall be conducted pursuant to the South Carolina Freedom of Information Act, Council's Rules and the Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition. This agenda may not be inclusive of all issues which Council may bring up for discussion at this meeting. Items are listed on Council's agenda to give public notice of the subjects and issues to be discussed, acted upon, received as information and/or disposed of during the meeting. Items listed on Council's agenda may be taken up, tabled, postponed, reconsidered, removed or otherwise disposed of as provided for under Council's Rules, and Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition, if not specified under Council's rules.

final reading.

Ordinance 2018-33 [see caption above]

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2018-33** on third & final reading.

Second Reading of the Following Ordinances

None at this meeting.

First Reading for the Following Ordinances

None at this meeting.

First & Final Reading of the Following Resolutions

None at this meeting.

Discussion Regarding Action Items

Oconee County PRT / Local ATAX / \$25,000

A portion of Local ATAX revenues received by Oconee County are made available for ATAX grants through Ordinance 2011-12. ATAX grants are to be tourism related grants that meet the ATAX guidelines specified by local and State mandates. Grants are recommended by the PRT Commission based on tourism impact of the project and approved by County Council. All external ATAX grant recipients are required to turn in intermediate reports every 60 days to the progress of the grant and a final report upon completion of the grant.

It is staff's recommendation to approve the local ATAX recommendations per the attached spreadsheet.

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to approve the local ATAX recommendations in the amount of \$25,000.

Discussion and consideration of a request by AID Upstate that Council provide a letter of support to continue the provision of Housing Opportunities for Persons with AIDS [HOPWA] eligible services

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve a request by AID Upstate that Council provide a letter of support to continue the provision of Housing Opportunities for Persons with AIDS [HOPWA] eligible services.

\$10,000 FY18 Dollar General “The American Dream Literacy Initiative” grant application submission

- Dollar General “The American Dream Literacy” grant funding adult learners programs.
- Oconee County Public Library will be partnering with the School District of Oconee County-Adult Ed. Program
- County will not provide any matching dollars, Library staffing will support the Oconee County-Adult

Council's meetings shall be conducted pursuant to the South Carolina Freedom of Information Act, Council's Rules and the Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition. This agenda may not be inclusive of all issues which Council may bring up for discussion at this meeting. Items are listed on Council's agenda to give public notice of the subjects and issues to be discussed, acted upon, received as information and/or disposed of during the meeting. Items listed on Council's agenda may be taken up, tabled, postponed, reconsidered, removed or otherwise disposed of as provided for under Council's Rules, and Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition, if not specified under Council's rules.

Ed. Program (morning or evening) program/s by offering the Walhalla Library's meeting room for AM / PM classes

It is staff's recommendation that Council approve the submission of this Dollar General Literacy \$10,000 grant.

Mr. McCall made a motion, seconded by Mr. Davis, approved 5 – 0, to approve the submission of the Dollar General Literacy \$10,000 grant.

Engineering Services for Piggyback Landfill Pre-Design Work Plan and Preparing Permit Application Package / Solid Waste / \$119,215.05

Assigned Solid Waste Reserve: \$1,017,942.00 / Project Cost: \$119,215.05 / Balance: \$898,726.95

The Solid Waste department wishes to contract with Smith Gardner to provide engineering services for:

- **Expansion of the Class 2 C&D landfill:** Since 2016, Smith Gardner, Inc has been working to expand the Class 2- C&D landfill by piggybacking the C&D on top of the closed Class 3 landfill which consists of approximately 85 acres. This expansion would increase the Class 2 landfills life from about 7 years to between 50-75 years of space depending on the final design and approval by SC DHEC. The Demonstration of Need and public hearing phase was completed and approved in October, 2018.
- **Preparation of Permit Application Package:** The next phase of the project consists of pre-design of determination of waste limits at the landfill and then preparing and submitting the permit application which consists of the following: Pre-Design Regulatory Meeting; Completed Permit Application on a form provided by the DHEC; Engineering Drawings; Engineering Report; Operating Plan; and a Groundwater Monitoring Plan. This process can take approximately 2-5 years to complete based upon SC DHEC questions, comments or concerns along with public hearings and comment periods.

It is the staff's recommendation that Council [1] approve the award of engineering services to Smith Gardner, Inc of Raleigh, NC in the amount of \$119,215.05 for Piggyback Pre-design in the amount of \$25,365.00 & Landfill Expansion Permit Application Package in the amount of \$93,850.05.00 (includes a 5% contingency of \$4,469.05) [2] authorize the County Administrator to approve any Change Orders within the contingency amount, and [3] approve transfer funds from the Solid Waste Reserve 10 Fund to a Solid Waste Professional Services 12 Fund.

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to [1] approve the award of engineering services to Smith Gardner, Inc of Raleigh, NC in the amount of \$119,215.05 for Piggyback Pre-design in the amount of \$25,365.00 & Landfill Expansion Permit Application Package in the amount of \$93,850.05.00 (includes a 5% contingency of \$4,469.05) [2] authorize the County Administrator to approve any Change Orders within the contingency amount, and [3] approve transfer funds from the Solid Waste Reserve 10 Fund to a Solid Waste Professional Services 12 Fund.

Solid Waste Education Facility Grant / Solid Waste / \$120,000

The Solid Waste Department has applied and received the Pete & Sally Smith grant in the amount of \$50,000 and was awarded the full amount. Also, the department also receives approximately \$10,000 per

Council's meetings shall be conducted pursuant to the South Carolina Freedom of Information Act, Council's Rules and the Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition. This agenda may not be inclusive of all issues which Council may bring up for discussion at this meeting. Items are listed on Council's agenda to give public notice of the subjects and issues to be discussed, acted upon, received as information and/or disposed of during the meeting. Items listed on Council's agenda may be taken up, tabled, postponed, reconsidered, removed or otherwise disposed of as provided for under Council's Rules, and Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition, if not specified under Council's rules.

year from Duke Energy Relicensing Agreement to be used for environmental education of students in Oconee County. There is currently over \$20,731 in the account and the next \$10,000 installment should be deposited around November 2018. Some funds from the Solid Waste Department general fund will be used for small items. Total completion of project will take approximately 2 years.

It is the staff's recommendation that Council [1] approve the project and [2] approve staff to begin work utilizing funds available from the Pete & Sally Smith Grant, the Duke Energy Relicensing AGT fund, and as other DHEC grants available, and small items from Solid Waste General Fund.

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to [1] approve the project and [2] approve staff to begin work utilizing funds available from the Pete & Sally Smith Grant, the Duke Energy Relicensing AGT fund, and as other DHEC grants available, and small items from Solid Waste General Fund.

Unfinished Business

None at this meeting.

New Business

None at this meeting.

Executive Session:

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 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 regarding the Sewer South Transfer and Operation Agreement with the Oconee Joint Regional Sewer Authority.

[2] To receive legal advice and discuss a contractual matter related to property acquisition adjoining the Oconee County Rock Quarry.

[3] Discussion regarding an Economic Development matter, Project Aztec.

[4] Discussion regarding an Economic Development matter, Project Pop.

Council entered Executive Session at 6:33 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.

[#2] Mr. Root asked for a motion to direct staff to continue and refine negotiations for the purchase for the property adjacent to the Rock Quarry and report back to County Council.

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to direct staff to continue and refine negotiations for the purchase for the property adjacent to the Rock Quarry and report back to County

Council's meetings shall be conducted pursuant to the South Carolina Freedom of Information Act, Council's Rules and the Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition. This agenda may not be inclusive of all issues which Council may bring up for discussion at this meeting. Items are listed on Council's agenda to give public notice of the subjects and issues to be discussed, acted upon, received as information and/or disposed of during the meeting. Items listed on Council's agenda may be taken up, tabled, postponed, reconsidered, removed or otherwise disposed of as provided for under Council's Rules, and Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition, if not specified under Council's rules.

Council.

[#3] Mr. Root asked for a motion to direct staff to negotiate the purchase sell agreement and the incentive agreements and bring back to County Council for review and approval.

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to direct staff to negotiate the purchase sell agreement and the incentive agreements and bring back to County Council for review and approval.

Adjourn:

Mr. Hart made a motion, approved unanimously, to adjourn at 7:38 p.m.

Respectfully Submitted:

Katie D. Smith
Clerk to Council