



# MINUTES

## OCONEE COUNTY COUNCIL

### Regular Meeting

### March 19, 2019

#### MEMBERS, OCONEE COUNTY COUNCIL

Mr. John Elliott, Chair Pro Tem, District I

Mr. Paul Cain, Vice Chair, District III

Mr. Julian Davis III, Chairman, District IV

Mr. Glenn Hart, District V

Mr. Wayne McCall, District II

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Administrator Amanda F. Brock, 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](http://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 & Jimmy Watt / WGOG.

#### **Call to Order:**

Mr. Davis called the meeting to order at 6:00 p.m.

#### **Public Comment Session**

Mr. Al Shuler addressed Council utilizing a handout [copy filed with these minutes] regarding transparency in our County Government.

Mr. Tony Adams addressed Council utilizing a handout [copy filed with these minutes] regarding Economic Development in Oconee County and recreation funding.

#### **County Council Response to Public Comment**

Mr. Elliott read a letter received from the Oconee County Board of Disabilities and Special Needs – Tribble Center into the record [copy filed with these minutes]. He further noted the Oconee County Planning Commission sent a letter [copy filed with these minutes] dated March 18, 2019 regarding a possible study in the Bountyland area and this may need to extend to South Cove Road.

Mr. McCall agreed with Mr. Elliott's comments, noting there are legitimate traffic concerns.

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Mr. Cain also agreed with Mr. McCall's comments, noting there was not effective planning done in years past. He further noted we are currently in the midst of the comprehensive planning process and corridor planning on Hwy 123.

Ms. Brock noted the development is inside the City of Seneca and was outside the jurisdiction of our sitting Planning Commission or this Council.

### **Moment of Silence**

Mr. Davis asked for a moment of silence prior to the Invocation by the County Chaplain.

### **Invocation by County Council Chaplain:**

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

### **Pledge of Allegiance:**

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

### **Approval of Minutes**

Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 – 0 to approve the February 27, 2019 Strategic Planning Retreat minutes as presented.

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to approve the March 5, 2019 Regular Meeting minutes as presented.

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to approve the Special Meeting minutes as presented.

### **Administrator's Comments**

Ms. Brock briefly updated Council on the following:

- Work with the City of Seneca for planning & implementation processes
- City of Seneca property is adjacent to ours
- Foothills YMCA request under the Discussion of Action Items should be approximately \$71,000

### **Presentation to Council**

Ms. Kat Maines, Senior Planner with Alta Planning & Design, addressed Council utilizing a PowerPoint presentation entitled "Oconee County Hwy 123 Corridor Study" [copy filed with these minutes].

Mr. Cain thanked the Council members and the Planning Commission for their hard work.

### **Public Hearings for the Following Ordinances**

None at this meeting.

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### **Third Reading of the Following Ordinances**

None at this meeting.

### **Second Reading of the Following Ordinances**

**Ordinance 2019-13** “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT PLAN 4; THE GRANTING OF SPECIAL SOURCE CREDIT; THE CONVEYANCE OF CERTAIN REAL PROPERTY; THE INCLUSION OF PLAN 4 IN A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK AND THE EXECUTION AND DELIVERY OF AN MCIP AGREEMENT AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES.”

Mr. Hart made a motion, seconded by Mr. McCall, approved 5 – 0, to approve **Ordinance 2019-13** on second reading.

### **First Reading for the Following Ordinances**

**Ordinance 2019-14** “AN ORDINANCE TO AMEND **ORDINANCE 2018-01** WHICH ESTABLISHED THE BUDGET FOR OCONEE COUNTY AND PROVIDED FOR THE LEVY OF TAXES FOR ORDINARY COUNTY PURPOSES, FOR THE TRI-COUNTY TECHNICAL COLLEGE SPECIAL REVENUE FUND, FOR THE EMERGENCY SERVICES PROTECTION SPECIAL REVENUE FUND, FOR THE ROAD MAINTENANCE SPECIAL REVENUE FUND, FOR THE VICTIM SERVICES SPECIAL REVENUE FUND, FOR THE BRIDGE AND CULVERT CAPITAL PROJECT FUND, FOR THE DEBT SERVICE FUND, AND FOR THE ECONOMIC DEVELOPMENT CAPITAL PROJECT FUND, ALL IN OCONEE COUNTY FOR THE **FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019**, IN CERTAIN LIMITED REGARDS; AND OTHER MATTERS RELATED THERETO.”

Mr. Hart made a motion, seconded by Mr. McCall, approved 5 – 0, to approve **Ordinance 2019-14** on first reading.

### **First & Final Reading of the Following Resolutions**

*Resolution 2019-05 will be addressed as part of the Transportation Committee Report*

### **Discussion Regarding Action Items**

**Council consideration of Foothills YMCA Sponsorship request for the Oconee campus of the YMCA in the amount of \$57,500 in stone, rock, and erosion control materials**

*[Request in Backup Materials]*

Ms. Brock noted it was an approximate number on the request but did not want the approximate number to be calculated incorrectly. It would be an additional \$14,000 for a total of approximately \$71,000 in stone, rock, and erosion control materials for the Foothills YMCA Oconee Campus.

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Mr. Cain made a motion, seconded by Mr. Davis, to amend the agenda to approve the action item and add an additional \$14,000 for a total amount of \$71,000 in stone, rock, and erosion control materials for the Foothills YMCA Sponsorship for the Oconee Campus.

Lengthy discussion followed to include but not limited to private organization, municipalities, and providing an enormous service to Oconee County and the children of the facility.

Ms. Crystal Ross, CEO of the Foothills area YMCA, addressed Council noting the following:

- YMCA is a non-profit organization
- Goal is to develop youth, adults, seniors, & families
- Sells memberships
- Memberships help YMCA not be a burden to the city or the County

Regarding the previous motion made by Mr. Cain, seconded by Mr. Davis, it was approved 5 – 0, to amend the agenda to approve the action item and add an additional \$14,000 for a total amount of \$71,000 in stone, rock, and erosion control materials for the Foothills YMCA Sponsorship for the Oconee Campus.

### **Execution of contract and agreement with American Credit Financial Services [ACFS] for the Auditor, Treasurer, and Delinquent Tax Offices as stated in Vendor Services Agreement**

The mission of the Delinquent Tax Office is to fulfill its legal obligation to collect and protect the vital revenues of Oconee County, to listen and be responsive to its valued customers, and to create an environment which promotes efficiency and competence while delivering the highest quality service. The Delinquent Tax Office is charged with the responsibility of tracing, billing, and recovering delinquent taxes.

American Financial Credit Services, Inc., is an agency, duly licensed in the State of South Carolina which provides delinquent tax skip tracing, billing, and recovery services. The Oconee County Auditor, Delinquent Tax Collector, and Treasurer desire that Oconee County enters into the Vendor Service Agreement, in substantially the same form as attached, so that delinquent business and personal property tax accounts may be referred to the Agency. The Agency shall work these accounts, utilizing acceptable methods and procedures in a professional and ethical manner, in accordance with all federal and state laws.

Mr. McCall made a motion, seconded by Mr. Elliott, to approve the execution of the contract and agreement with the American Credit Financial Services [ACFS] for the Auditor, Treasurer, and Delinquent Tax Offices as stated in Vendor Services Agreement.

Mr. Hart asked what the percentage was for the service. Ms. Brock noted there will be 20% above and beyond the delinquent tax base fee.

Regarding the previous motion made by Mr. McCall, seconded by Mr. Elliot, it was approved 5 – 0, to approve the execution of the contract and agreement with the American Credit Financial Services [ACFS] for the Auditor, Treasurer, and Delinquent Tax Offices as stated in Vendor Services Agreement.

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## **Request Council approval for the commitment not to exceed \$300,000 in matching funds for the application of SC Rural Infrastructure Authority grant in the amount of \$500,000 for water and sewer infrastructure expansion in the Seneca Rail Park**

Oconee County and Oconee Economic Alliance (OEA) request the commitment of the balance of funding needed for the Seneca Rail Park waterline and sewer infrastructure project from the Economic Development Millage Fund, which was established solely for Economic Development investments within the County.

Oconee County owns the Seneca Rail Park, a 111-acre industrial park located along Shiloh Road. Although sewer and water lines run to the edge of the property, there is currently no water or sewer within the Park. The City of Seneca commissioned a master plan to get needed water and sewer in to the park. This plan included two phases; the estimated construction cost for phase 1 is \$763,650.00, which includes engineering, design, permitting, and construction of water and gravity sewer lines. Oconee County and Oconee Economic Alliance applied for the South Carolina Rural Infrastructure Authority FY19 Economic Infrastructure grant for \$500,000 to offset the cost of construction of this critical water and sewer infrastructure.

It is the staff's recommendation that Council approve the commitment of matching funds, not to exceed \$300,000, toward the application to SC Rural Infrastructure Authority for water and sewer infrastructure expansion in the Seneca Rail Park.

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0 to approve the commitment of matching funds, not to exceed \$300,000, toward the application to SC Rural Infrastructure Authority grant in the amount of \$500,000 for water and sewer infrastructure expansion in the Seneca Rail Park.

## **PRT Commission-Local ATAX Recommendations / Spring 2019 Cycle / \$83,500**

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 of Council approval of local ATAX recommendations per the attached spreadsheet.

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to approve the local ATAX recommendations per the attached spreadsheet.

## **Discuss Sewer South Transfer**

Lengthy discussion followed with various opinions offered, including an update regarding the Sewer South

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Transfer.

The following motions were made regarding the Sewer South Transfer discussion.

Mr. Davis made a motion, seconded by Mr. Elliott, approved 4 – 1 [Mr. Hart opposed] to direct the County Attorney to revise the agreement to reflect ownership of the sewer lines called Phase I by Oconee County and draft a maintenance and operating agreement with the Oconee Joint Regional Sewer Authority [OJRSA].

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to direct the County Attorney to respond to OJRSA with language previously stated in response to their substitute language incorporating the agreements for extension and expansion.

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to direct County Attorney to leave language as stated in paragraph 3.16 of the agreement.

Mr. Cain made a motion, seconded by Mr. Hart, approved 4 – 0 [Mr. McCall abstained; copy of recusal form filed with these minutes] to direct County Attorney to strike the language requesting an ex-officio Commissioner seat and to direct the County Administrator to approach municipalities about adding an ex-officio seat to the OJRSA.

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to direct the County Attorney to strike the as-is language from the agreement and the parties have an alienation clause without the consent of the other parties.

## Board & Commission Appointments

### Building Codes Appeal Board

No questionnaires were submitted for the District I and District III seats.

### Arts & Historical

Mr. Cain made a nomination, seconded by Mr. Hart, approved 5 – 0, to approve Daniel Dreher as the At-Large representative.

### Conservation Bank Board

No questionnaire was submitted for the District I seat.

## Council Committee Reports

Mr. Hart read from a prepared statement [copy filed with these minutes] outlining the discussions held at the February 19, 2019 Transportation Committee.

Request Council approval for conditional acceptance of Savannah Drive (P-3050) into the rudimentary road program in accordance with Section 26-12 of the Code of Ordinances contingent on all required right-of-way being obtained per unanimous recommendation by the Transportation Committee on February 19, 2019.

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This request was addressed within Resolution 2019-05.

### **First & Final Reading for the Following Resolutions**

**Resolution 2019-05** “A RESOLUTION TO RECEIVE AND ACCEPT SAVANNAH DRIVE, INCLUDING BRADY DRIVE AND AUSTIN DRIVE WHICH ARE EXTENSIONS OF SAVANNAH DRIVE, ALL BEING CONSIDERED ONE ROAD FOR PURPOSES OF THIS RESOLUTION (COLLECTIVELY “SAVANNAH DRIVE”) INTO THE OCONEE COUNTY RUDIMENTARY ROAD PROGRAM, PURSUANT TO SECTION 26-12 OF THE OCONEE COUNTY CODE OF ORDINANCES.”

Mr. Hart made a motion, seconded by Mr. McCall, approved 5 – 0, to approve **Resolution 2019-05** on first & final reading.

Mr. Hart made a motion, seconded by Mr. Davis, approved 5 – 0, to add Elbert Adams Road to the agenda to be accepted into the list of new roads to be constructed.

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to add Elbert Adams Road to the list of new roads to be constructed.

Mr. Davis read from a prepared statement [copy filed with these minutes] outlining the discussions held at the March 5, 2019 Real Estate, Facilities, & Land Management Committee meeting.

Mr. Cain read from a prepared statement [copy filed with these minutes] outlining the discussions held at the March 5, 2019 Planning & Economic Development Committee meeting.

### **Unfinished Business**

None at this meeting.

### **New Business**

None at this meeting.

### **Executive Session:**

Mr. Hart made a motion, seconded by Mr. Elliott, 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] Discuss contractual matter related to transfer and operation of the “Sewer South” sewer system.*

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

*[3] Discussion regarding an Economic Development matter, Project Plan 4.*

*[4] To receive legal advice and discuss personnel matters related to the following departments: The Rock Quarry, Auditor, Finance, Assessor, Information Technology, Finance, Human Resources,*

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*Sheriff's Office, Airport, Treasurer, Facilities Maintenance, Roads and Bridges, Planning, Solid Waste, Registration & Elections, Procurement, and Administration.*

Council entered Executive Session at 7:12 p.m.

Council returned from Executive Session at 7:47 p.m. on a motion made by Mr. Hart, seconded by Mr. Cain, approved 5 – 0.

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

**Adjourn:**

Mr. Hart made a motion, approved unanimously, to adjourn at 7:47 p.m.

Respectfully Submitted:

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Katie D. Smith  
Clerk to Council

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OCONEE COUNTY COUNCIL  
RECUSAL FORM

Council Member Name: Wayne McCall  
(Please Print)

Council Member Signature: [Handwritten Signature]

Meeting Date: 3-19-2019

Item for Discussion/Vote: Motion to direct County Attorney to  
Strike language regarding ex-officio  
Member and direct the Administrator  
to approach Municipalities regarding ex-officio

Reason for Recusal  I was not present for original meeting/discussion <sup>Membership for one Council member.</sup>  
 I have a personal/familial interest in the issue.  
 Other: Dissipation

Katie D. Smith  
Katie Smith  
Clerk to Council