



# MINUTES

## OCONEE COUNTY COUNCIL

### Regular Meeting

### April 2, 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 [except Mr. Cain; Mr. McCall arrived late], 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. Tony Adams addressed Council utilizing a handout [copy filed with these minutes] regarding youth recreation funding and Fair Oak Youth Center.

Ms. Danielle Pankuch, Keep Oconee Beautiful Association [KOBA], addressed Council regarding recycling and littering in Oconee County. She gave further ideas to help reduce litter, such as more signage, using social media, etc.

Mr. Al Shuler addressed Council utilizing a handout [copy filed with these minutes] regarding more detailed information in the minutes and agendas. He further noted he has researched and compared other counties in the State to Oconee County.

Mr. Mike Smith, Oconee County Planning Commission member, addressed Council utilizing a handout [copy filed with these minutes] regarding the Hwy 123 Corridor Plan meetings that were held on March 18, 2019 thru March 20, 2019.

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Mr. Tom Markovich addressed Council regarding the Building Codes Appeal Board suggesting the requirement that you must be a resident in Oconee County to serve on the board should be removed.

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

Mr. Elliott thanked Mr. Mike Smith and the Planning Commission and the Planning staff for their hard work regarding the Hwy 123 Corridor Plan.

### **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. Jerry Barnett, Oconee County citizen, 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 3 – 0 to approve the March 19, 2019 Regular Minutes as presented.

Mr. Hart made a motion, seconded by Mr. Elliott, approved 3 – 0, to approve the February 27, 2019 Strategic Planning Report as presented.

### **Administrator's Comments**

None at this meeting.

### **Public Hearings for 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 HORTON, INC.; THE GRANTING OF SPECIAL SOURCE CREDITS; THE CONVEYANCE OF CERTAIN REAL PROPERTY; THE INCLUSION OF HORTON, INC. 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. Davis opened the floor for Public Comment.

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

Mr. Davis asked if any citizens wished to submit written comments regarding this ordinance; no citizen

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presented any written comments for the record.

Mr. Davis closed the Public Hearing regarding **Ordinance 2019-13**.

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

**Ordinance 2019-13** [see caption above]

Mr. Hart made a motion, seconded by Mr. Elliott, to approve **Ordinance 2019-13** on third & final reading.

Per Mr. Davis, Ms. Hartman addressed Council highlighting the following:

- Horton, Inc. manufacturers cooling systems, fans, etc. for large on and off road vehicles
- Currently located at 3 different areas and needed a location in the Southeast
- Will be located in the Oconee Industry & Technology Park [OITP] on Hwy 11

Regarding the previous motion made by Mr. Hart, seconded by Mr. Elliott, it was approved 3 – 0, to approve **Ordinance 2019-13** on third & final reading.

### **Second Reading of 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. Elliott, approved 3 – 0, to approve **Ordinance 2019-14** on second reading.

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

**Ordinance 2019-01** “AN ORDINANCE TO ESTABLISH THE BUDGET FOR OCONEE COUNTY AND TO PROVIDE 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 BRIDGE AND CULVERT CAPITAL PROJECT FUND, FOR THE ECONOMIC DEVELOPMENT CAPITAL PROJECT FUND, FOR THE DEBT SERVICE FUND, FOR THE VICTIM SERVICES SPECIAL REVENUE FUNDS, ALL IN OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020.”

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Mr. Hart made a motion, seconded by Mr. Elliott, approved 3 – 0, to approve **Ordinance 2019-01** on first reading.

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

None at this meeting.

### **Discussion Regarding Action Items**

#### **Upgrade to Oconee County Public Safety Analog Voter Radio System / Communications / Amount: 70,968.00**

**Budget: \$70,968 / Project Cost: \$70,968 / Balance: \$0.00**

*[using FEMA Fund from Hurricane Irma]*

On January 22, 2019, the Law Enforcement, Public Safety, Health & Welfare Committee of the Oconee County Council approved the use of FEMA reimbursement funding to purchase an in-place upgrade to the Oconee County Public Safety analog voter radio system. The funding request was subsequently approved by full Council on February 5, 2019 with the recommendation of the Oconee County Fire Chief and Oconee County Emergency Communications Director. This upgrade will standardize all remote receiver sites with the same equipment and same methods of operation. The upgrade will further allow better management and problem solving throughout this vital communication system. Corrective actions to repair the aging analog voter system are expected to be able to be accomplished quicker and with less cost once all parts and methods are standardized. By transitioning the entire network to microwave radio link control, the reliability of the network can be monitored and measured. This project will create redundant network paths for each site, thereby reducing single points of failure. This radio network provides vital communication capabilities among emergency workers / first responders, and provides reliable communications back to the Oconee County 911 Dispatch Center.

It is the staff's recommendation that Council approve the Sole Source Award for the Upgrade to the Oconee County Public Safety Analog Voter Radio System to Gunby Communications of Toccoa, GA, for the amount of \$70,968.00.

Mr. Hart made a motion, seconded by Mr. Elliott, approved 3 – 0, to approve the Sole Source Award for the Upgrade to the Oconee County Public Safety Analog Voter Radio System to Gunby Communications of Toccoa, GA, for the amount of \$70,968.00.

#### **Used Sandvik QA335 Mobile Finish Screen / Quarry / \$199,750.00**

**Budget: \$227,110.00 / Project Cost: \$199,750.00 / Balance: \$27,360.00**

For approximately two (2) years the Quarry has experienced difficulty meeting demand, often having customers leave empty due to a shortage of several products (screenings, asphalt sand, 789's, and 57's). With a large stockpile of 1-1/2" crusher run at the Quarry, Administration and management made the decision to rent a used 2018 Sandvik QA335 Mobile Finish Screen. Through the request for quote process the rental was awarded to Screen-Tec, LLC of Rock Hill, SC. This allowed the excess crusher run to be processed into the higher demand products. The machine has been rented for three (3) months at \$12,500.00

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per month.

The list price of the Sandvik QA335 Mobile Finish Screen is \$236,000.00 less \$36,250.00 leaving a net price of \$199,750.00. This machine has more than covered the rental costs with increased saleable products and shortened customer wait times. This screen plant will be utilized not only in the Quarry but also by Roads & Bridges to meet DHEC requirements.

It is the staff's recommendation that Council approve the purchase of one used, 2018 Sandvik QA335 Mobile Finish Screen from Screen-Tec, LLC of Rock Hill, SC, for the cost of \$199,750.00.

Mr. Hart made a motion, seconded by Mr. Elliott, approved 3 – 0, to approve the purchase of one used, 2018 Sandvik QA335 Mobile Finish Screen from Screen-Tec, LLC of Rock Hill, SC, for the cost of \$199,750.00.

**Seneca Rail Site Roadway Improvements / Economic Development / Amount:\$  
864,816.78 (Base Bid \$786,197.08 10% Contingency \$78,619.70)**

The project consists of the following generally described work: Demolition of existing pavement, milling and resurfacing of an existing driveway, milling and resurfacing of existing parking lot, and the construction of a new 28' wide roadway, approximately 1,900 linear feet in length. Work also includes the crossing of an inactive rail spur with the proposed roadway.

On February 21, 2019 formal sealed bids were opened for this project. This bid was originally sent to 39 bidders. Two firms submitted bids, with J. Davis Construction, Inc., of Westminster, SC submitting the lowest bid of **\$786,197.08**

It is the staff's recommendation that Council [1] approve the award of ITB 18-02 to J. Davis Construction Company, Inc., of Westminster, SC for the Seneca Rail Site Roadway Improvement, in the amount of **\$786,197.08**, with a 10% contingency amount of **\$78,619.70** for any change orders that may arise, for a total award amount of **\$864,816.78** and [2] authorize the County Administrator to approve any change orders that are within the contingency amount.

Mr. Hart made a motion, seconded by Mr. Elliott, approved 2 – 0 [Mr. Davis recused himself; copy filed with these minutes.] [Mr. Davis stayed in the room for the purposes of keeping a quorum [vote is approved with the majority of the quorum; 3 were present for vote; 2 – 0], action item passed].

**Discussion and Action regarding Operation of the “Sewer South” Sewer System**

Mr. Root updated Council regarding the OJRSA and discussed Version 10 of the agreement.

The following motion was made regarding the OJRSA:

Mr. Root asked for a motion to direct the County Administrator to execute and deliver Version 10 entitled “Intergovernmental Operation Agreement” with the OJRSA incorporating one revision in Section 2.9 to read “The OJRSA will ensure that the system is afforded and allocated appropriately or appropriate reasonably

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available capacity and the OJRSA system and treatment plan existing at the time request is made by County for any and all construction and/or extension services in lines outside the systems of the municipalities” as stated by the County Attorney.

Mr. Elliott made a motion, seconded by Mr. Davis, to direct the County Administrator to execute and deliver Version 10 entitled “Intergovernmental Operation Agreement” with the OJRSA incorporating one revision in Section 2.9 to read “The OJRSA will ensure that the system is afforded and allocated appropriately or appropriate reasonably available capacity and the OJRSA system and treatment plan existing at the time request is made by County for any and all construction and/or extension services in lines outside the systems of the municipalities” as stated by the County Attorney.

Mr. Davis thanked the staff for all of their hard work and also the OJRSA.

Regarding the previous motion made by Mr. Elliott seconded by Mr. Davis, it was approved 3 – 0, to direct the County Administrator to execute and deliver Version 10 entitled “Intergovernmental Operation Agreement” with the OJRSA incorporating one revision in Section 2.9 to read “The OJRSA will ensure that the system is afforded and allocated appropriately or appropriate reasonably available capacity and the OJRSA system and treatment plan existing at the time request is made by County for any and all construction and/or extension services in lines outside the systems of the municipalities” as stated by the County Attorney.

## **Board & Commission Appointments**

### **Building Codes Appeal Board**

No questionnaires were submitted for the 2 At Large seats.

### **Arts & Historical**

No questionnaire was submitted for the 1 At Large seat.

### **Conservation Bank Board**

Mr. Elliott made a nomination, seconded by Mr. Hart, approved 3 – 0, to nominate Laura Havran as the Conservation Bank Board representative, District I.

## **Council Committee Reports**

Mr. McCall’s Law Enforcement, Public Safety, Health & Welfare Committee report was postponed until the April 23, 2019 County Council meeting.

## **Unfinished Business**

None at this meeting.

## **New Business**

None at this meeting.

Mr. McCall entered the meeting at 6:29 p.m. as Council was convening for Executive Session and

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participated in Executive Session.

**Executive Session:**

Mr. Hart made a motion, seconded by Mr. Elliott, approved 3 – 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] Discussion regarding an Economic Development matter, Project Aztec.*

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

*[3] To receive legal advice and discuss personnel matters related to the following departments: The Rock Quarry, Auditor, Finance, Assessor, Information Technology, Finance, Human Resources, Sheriff's Office, Airport, Treasurer, Facilities Maintenance, Roads and Bridges, Planning, Solid Waste, Registration & Elections, Procurement, and Administration.*

*[4] Discuss employment matters related to County Attorney and Clerk to Council.*

Council entered Executive Session at 6:29 p.m.

Council returned from Executive Session at 7:45 p.m. on a motion made by Mr. Hart, seconded by Mr. Elliott, approved 4 – 0.

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

Mr. Hart made a motion, seconded by Mr. Elliott, approved 4 – 0, to direct the County Administrator to work with the Oconee County Human Resources Department to reclassify the Clerk to County Council as an exempt employee with the salary as discussed instead of an hourly wage.

**Extended Public Comment Session**

*[Limited to 2 citizens per meeting, prior scheduling a week in advance of meeting is required with Clerk to Council, five [5] minutes per person. Comments not limited to specific agenda item. Once the agenda has been posted, it will NOT be amended to add citizens.]*

No citizens signed up for Extended Public Comment Session at this meeting.

**Adjourn:**

Mr. Hart made a motion, approved unanimously, to adjourn at 7:46 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: Julian Davis, III  
(Please Print)

Council Member Signature:

Meeting Date: 04/02/2019

Item for Discussion/Vote: Seneca Rail Site Improvements / Economic  
Development under Discussion Regarding  
Action Items

Reason for Recusal  I was not present for original meeting/discussion

I have a personal/familial interest in the issue.

Other: \_\_\_\_\_

No financial affiliation  
Cousin/FAMILY

Katie Smith  
Clerk to Council