



# MINUTES

## OCONEE COUNTY COUNCIL

### Regular Meeting

### May 21, 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**

Ms. Jean Jennings addressed Council regarding the sound system in Oconee Council Chambers and the water system for Salem.

Mr. Tony Adams addressed Council regarding the questions he asked at the last Council meeting concerning the Golden Corner Commerce Park.

Mr. Jerry Barnett addressed Council regarding the rural community and the community comprehensive plan meetings.

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

None at this meeting.

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## **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:**

Lt. Joe Mracna, US Coast Guard Auxiliary, led the Pledge of Allegiance to the Flag of the United States of America.

## **Approval of Minutes**

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0 to approve the May 7, 2019 Regular Minutes as presented.

## **Proclamation 2019-06**

~~Proclamation 2019-06 Honoring K-9 Officer Jak~~

**Proclamation 2019-06** was removed from the agenda and will be added to the June 4, 2019 Council agenda.

## **Proclamation 2019-07**

**Proclamation 2019-07** for National Safe Boating Week

Mr. McCall read **Proclamation 2019-07** into the record.

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Proclamation 2019-07**.

Council members presented the proclamation to Lt. Joe Mracna.

Lt. Mracna thanked Council for their support for the National Safe Boating Week.

## **Administrator's Comments**

Ms. Brock briefly updated Council and the public regarding the following:

- Responded to Ms. Jennings comments regarding the sound system and noted the sound system has been recently evaluated and have begun looking into the issue.
- Comprehensive plan meeting at the Ravenel Elementary School for District 5 on Wednesday, May 22, 2019 beginning at 6pm.

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

**Ordinance 2019-01** “AN ORDINANCE TO ESTABLISH THE BUDGET FOR OONEE 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

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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, FOR THE CAPITAL VEHICLE / EQUIPMENT FUND, ALL IN OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020.”

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 presented any written comments for the record.

Mr. Davis closed the Public Hearing regarding **Ordinance 2019-01**.

**Ordinance 2019-03** “AN ORDINANCE TO PROVIDE FOR THE LEVY OF TAXES FOR THE KEOWEE FIRE SPECIAL TAX DISTRICT AND TO ESTABLISH THE BUDGET FOR THE KEOWEE FIRE SPECIAL TAX DISTRICT FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020.

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 presented any written comments for the record.

Mr. Davis closed the Public Hearing regarding **Ordinance 2019-03**.

**Ordinance 2019-15** “AN ORDINANCE AUTHORIZING AND CONSENTING TO OR RATIFYING THE ASSIGNMENT AND ASSUMPTION OF AN INTEREST IN THAT CERTAIN AMENDED FEE AGREEMENT DATED AS OF DECEMBER 1, 2017, SUCH ASSIGNMENT FROM ITECH SOUTH, LLC, EUGENE CARLTON MORRIS and JUNE COPELAND MORRIS, AND SUCH ASSUMPTION BY ITECH BUYER, LLC AND PARKWAY REAL ESTATE HOLDINGS SOUTH CAROLINA, LLC, AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT MEMORIALIZING SUCH ASSIGNMENT AND ASSUMPTION AND CONSENT OR RATIFICATION; AND OTHER MATTERS RELATED THERETO.”

Mr. Davis opened the floor for Public Comment.

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

Mr. Davis closed the Public Hearing regarding **Ordinance 2019-15**.

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

**Ordinance 2019-01** *[see caption above]*

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve **Ordinance 2019-01** on 3<sup>rd</sup> & final reading.

**Ordinance 2019-03** *[see caption above]*

Mr. Elliott made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Ordinance 2019-03** on 3<sup>rd</sup> & final reading.

**Ordinance 2019-15** *[see caption above]*

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve **Ordinance 2019-15** on 3<sup>rd</sup> & final reading.

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

~~**Ordinance 2019-02** “AN ORDINANCE TO ESTABLISH THE BUDGET FOR THE SCHOOL DISTRICT OF OCONEE COUNTY (the “School District”) AND TO PROVIDE FOR THE LEVY OF TAXES FOR THE OPERATIONS OF THE SCHOOL DISTRICT OF OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020.”~~

**Ordinance 2019-02** was removed from the agenda and will be added to the June 4, 2019 Council agenda.

**Ordinance 2019-11** “AN ORDINANCE AMENDING CHAPTER 32 OF THE OCONEE COUNTY CODE OF ORDINANCES, BY REVISING CERTAIN TERMS CONTAINED THEREIN, IN ORDER TO PROPERLY DESCRIBE NEW DEPARTMENTS AND DEPARTMENTAL POSITIONS AND RESPONSIBILITIES RESULTING FROM COUNTY COUNCIL’S DIRECTIVE TO DIVIDE THE COMMUNITY DEVELOPMENT DEPARTMENT INTO BUILDING CODES AND PLANNING DEPARTMENTS.”

Mr. Cain made a motion, seconded by Mr. Elliott, to approve **Ordinance 2019-11** on second reading.

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to amend **Ordinance 2019-11** to delete Section 32-219 as stated by the County Attorney.

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Mr. Davis asked for the vote on amended **Ordinance 2019-11**. The vote passed 5 – 0 on second reading.

**Ordinance 2019-12** “AN ORDINANCE AMENDING CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, BY REVISING CERTAIN TERMS CONTAINED THEREIN, IN ORDER TO PROPERLY DESCRIBE NEW DEPARTMENTS AND DEPARTMENTAL POSITIONS AND RESPONSIBILITIES RESULTING FROM COUNTY COUNCIL’S DIRECTIVE TO DIVIDE THE COMMUNITY DEVELOPMENT DEPARTMENT INTO BUILDING CODES AND PLANNING DEPARTMENTS.”

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve **Ordinance 2019-12** on second reading.

**Ordinance 2019-16** “AN ORDINANCE AMENDING CHAPTER 2 OF THE OCONEE COUNTY CODE OF ORDINANCES BY REVISING SECTION 2-191 IN RELATION TO THE EMPLOYMENT, DUTIES, AND RESPONSIBILITIES OF THE OCONEE COUNTY ATTORNEY.”

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve **Ordinance 2019-16** on second reading.

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

None at this meeting.

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

**Resolution 2019-14** “A RESOLUTION APPOINTING AND COMMISSIONING THE FOLLOWING PERSONS: REC COBB, ELIZABETH JOHNSON, JESSE BRIDGEMAN, MICHAEL HAMLIN, FRED BARBER, JON MURPHY, ANTONIO CORTEZ, ED ANDERSON, STEPHEN SCHUTT, DAVID MARTIN, GINA SPEARS, TANER MCCARROLL, AND JAMES SHEPHERD AS CODE ENFORCEMENT OFFICERS (PARK RANGERS) FOR THE PROPER SECURITY, GENERAL WELFARE, AND CONVENIENCE OF OCONEE COUNTY; AND OTHER MATTERS RELATED THERETO.”

Mr. Cain made a motion, seconded by Mr. Elliott, to approve **Resolution 2019-14** on first & final reading.

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to amend **Resolution 2019-14** to remove Jesse Bridgeman from the list as Code Enforcement Officers (Park Rangers) as he resigned from the County.

Mr. Davis asked for the vote on amended **Resolution 2019-14**. The vote passed 5 – 0 on first & final reading.

### **Discussion Regarding Action Items**

**Council consideration of re-designation of Economic Development funding in the amount of \$210,000.00 to the Town of Salem to assist in water infrastructure expansion**

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## **– Ryan Hardin / Director of Operations for the Water Department, Town of Salem**

Per Mr. Elliott, Mr. Brad Norton, attorney for the Town of Salem & Mr. Ryan Hardin addressed Council utilizing a handout entitled “Town of Salem “Loop Project” Phases 1, 2, 3, & 4” [copy filed with backup materials] and gave a brief summary of the project.

Mr. Elliott made a motion, seconded by Mr. Cain, to earmark \$210,000 for the project and authorize the County Administrator to allow the County Grants Administrator to work with the Town of Salem to obtain the grant for the remaining amount of money.

Discussion continued to include:

- Originally presented as an Economic Development project to Council last year as running a water line to a particular business
- Discovered in running pro forma the County would never break even on the investment
- Mr. Hardin came late last year to Council and presented a presentation regarding connecting the loop system
- One current tank; once the loop is completed, there will be a need for a secondary tank

Regarding the previous motion made by Mr. Elliott, seconded by Mr. Cain, it was approved 5 – 0, to earmark \$210,000 for the project and authorize the County Administrator to allow the County Grants Administrator to work with the Town of Salem to obtain the grant for the remaining amount of money.

### **Update regarding Fall Creek Access**

Mr. Davis noted he appreciates the effort that Council is making to move forward. He further noted he and Mr. Cain spoke with representatives from Duke Energy. Mr. Davis read a letter from Duke Energy [copy filed with backup materials] to address the situation.

Mr. McCall made a motion, seconded by Mr. Davis, for Council to send a letter of support to Duke Energy in response to their correspondence dated May 17, 2019.

Discussion continued to include:

- Oconee County Legislative Delegation and Pickens County Legislative Delegation helped move this forward
- Thanks to Senator Alexander and Representative Gary Clary for their assistance with Duke Energy and SC DNR to help make Lake Keowee a safer body of water

Regarding the previous motion made by Mr. McCall, seconded by Mr. Davis, it was approved 5 – 0, for Council to send a letter of support to Duke Energy in response to their correspondence dated May 17, 2019.

### **Discussion regarding Utica Community**

Mr. Cain gave a brief summary regarding the Utica Community highlighting the following:

- Utica Community is in District 3, which is just outside the City of Seneca

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- Well known for criminal activity
- Removal of burned / abandoned structures
- Opportunity zone
- Establish a matrix to have criteria for dilapidated or uninhabitable structures in all of the districts and have criteria examined and approved by Council or members of the Planning Commission and prioritize within each district

Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, to direct the County Administrator and staff to create a matrix focusing first on Utica and then expanding countywide that develops criteria for homes to be addressed and criteria that would include condition of the home, the level of peril, ownership status, the tax status, cost of demolition, etc., with commercial business being exempt from the criteria sheet, and bring matrix back to Council.

**PRT Commission State and Local ATAX recommendations of \$227,500 (See attached spreadsheet). The requests were unanimously approved and recommended by the PRT Commission on 05/2/19.**

- PRT Commission and PRT staff recommends \$56,500 from Local ATAX funds for South Cove Park Speed Humps (\$10,000), Museum Docent Program-Year 3 (\$41,500) and the South Carolina Sports Alliance (\$5,000).
- PRT Commission and PRT staff recommends a total of \$171,000 in ATAX funds for the FY20 Visit Oconee SC Budget. It is estimated that \$150,000 will come from State ATAX funds and \$21,000 from Local ATAX funds. Exact amounts from each account will be determined upon receipt of the 4<sup>th</sup> Quarter State ATAX check in August 2019.

Staff recommends approval of ATAX recommendations from the PRT Commission.

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve the PRT Commission State and Local ATAX recommendations of \$227,500.

**PRT Commission recommendation to purchase the 218.67 acre Chauga Heights tract adjoining Chau Ram Park with the assistance of a \$550,000 grant from the SC Conservation Bank and Naturaland Trust. The request was unanimously approved and recommended by the PRT Commission on 05/2/19.**

Oconee County has received, through Naturaland Trust, a \$550,000 grant from the SC Conservation Bank to assist in purchasing 218.67 acres that adjoins Chau Ram Park. The recommendation is to proceed with purchase of the property at the appraised price of \$765,000 and to utilize non-expended funds in the current budget to cover the \$215,000 gap to purchase the property and to fulfill all due diligent items such as closing costs and Conservation Easement Costs. It is estimated that the total cost will be approximately \$230,000. The funds will be repaid from local ATAX over the next 7 years at a rate of \$32,850 per year.

To date, we have completed the appraisal, completed the Environmental Site Assessment and secured an

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updated survey. If approved, we will have a joint closing where the property will be sold to Naturaland Trust, a conservation easement will be recorded and the property will then be deeded over to Oconee County. County Council will need to approve the Conservation Easement once complete. Upon closing, Oconee County will work to create a park master plan for all of Chau Ram Park for future planning.

Staff recommends approval of recommendation from the PRT Commission.

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve the purchase of the 218.67 acre Chauga Heights tract adjoining Chau Ram Park with the assistance of a \$550,000 grant from the SC Conservation Bank and Naturaland Trust.

Mr. Cain recognized the County Administrator and staff and specifically Mr. Phil Shirley, Parks, Recreation, & Tourism Director, on their leadership of obtaining a \$550,000 grant and thanked staff for their hard work.

**PRT Commission’s recommendation to facilitate placement of a Conservation Easement on the 218.67 acre Chauga Heights tract adjoining Chau Ram Park through Upstate Forever. The request was unanimously approved and recommended by the PRT Commission on 05/2/19.**

*This agenda item is contingent upon the approval of the purchase of the Chauga Heights property.*

Oconee County will work with Upstate Forever as it places a Conservation Easement on the 218.67 acre tract. The goal of the easement is to protect the property and the Chauga River watershed in perpetuity and to allow for a master plan to be completed that will enhance public use of the property. The master plan will focus on passive and leisure recreation opportunities like expanding the lodging opportunities, increase hiking/biking trails and to create an interpretive center for the public to enjoy. Once complete, the final Conservation Easement will be brought before County Council for review and discussion.

Staff recommends approval of recommendation from the PRT Commission.

Mr. Cain made a motion, seconded by Mr. Elliott, to approve to facilitate placement of a Conservation Easement on the 218.67 acre Chauga Heights tract adjoining Chau Ram Park through Upstate Forever.

Per Mr. Davis, Mr. Shirley addressed Council highlighting the following:

- Property became available about a year ago and was able to partner with Naturaland Trust on the grant
- As part of the grant, Naturaland Trust asked to consider to put an easement on the property
- Conservation easement allows the County to protect the property

Regarding the previous motion made by Mr. Cain, seconded by Mr. Elliott, it was approved 5 – 0, to approve to facilitate placement of a Conservation Easement on the 218.67 acre Chauga Heights tract adjoining Chau Ram Park through Upstate Forever.

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## **Board & Commission Appointments**

### **Building Codes Appeal Board**

No questionnaires were submitted for the 2 At Large seats.

## **Council Committee Reports**

Mr. Elliott read from a prepared statement [copy filed with backup materials] outlining the discussions held at the May 7, 2019 Budget, Finance, & Administration Committee meeting.

Mr. Hart read from a prepared statement [copy filed with backup materials] outlining the discussions held at the May 7, 2019 Transportation Committee.

Mr. Hart made a motion, seconded by Mr. McCall, approved 5 – 0, to request Council approval of repairing potholes on Anderson Street in West Union.

## **Unfinished Business**

None at this meeting.

## **New Business**

None at this meeting.

## **Executive Session:**

Mr. McCall 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] Discussion regarding an Economic Development matter, Project Aztec.*

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

*[3] Discussion of contractual and Economic Development matter, Historic Courthouse.*

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

*[5] Discussion regarding an Economic Development matter, ACI Plastics.*

*[6] Discussion regarding the potential purchase of real property for the possible relocation of the Westminster Magistrate's Office.*

Council entered Executive Session at 7:08 p.m.

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Council returned from Executive Session at 8:46 p.m. on a motion made by Mr. Elliott, seconded by Mr. Cain, approved 5 – 0.

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

[#2] Mr. Root asked for a motion to continue negotiations as discussed.

Mr. Elliott made a motion, seconded by Mr. Cain, approved 5 – 0, to continue negotiations as discussed

[#6] Mr. Root asked for a motion to direct staff to initiate negotiations as discussed.

Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, to direct staff to initiate negotiations as discussed.

**Adjourn:**

Mr. Hart made a motion, approved unanimously, to adjourn at 8:47 p.m.

Respectfully Submitted:

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Katie D. Smith  
Clerk to Council

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