



MINUTES

OCONEE COUNTY COUNCIL

Regular Meeting

August 20, 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, and County Attorney David Root present [Katie D. Smith, Clerk to Council, absent].

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 & Robert Benson / Daily Journal & Jimmy Watt / WGOG

Call to Order:

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

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to appoint Mr. Adam Chapman as recording secretary for this meeting.

Mr. Davis noted Ms. Smith, Clerk to Council, is sick and not in attendance for this meeting.

Public Comment Session

Ms. Jean Jennings addressed Council regarding countywide bus service and satellite dishes.

Mr. Donnie Sears addressed Council regarding rerouting of Nebo Church Road. He noted there is or will be construction at the airport that will affect all property owners along this road. He further noted he is disappointed with how this issue has been handled and noted he would like to file a grievance against the County Administrator and asked to be given the proper procedures.

Mr. Al Shuler addressed Council utilizing a handout entitled “We are the Problem” [copy filed with backup materials].

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Mr. Jerry Barnett addressed Council regarding homelessness and noted this is a very serious issue, not just here in Oconee County but nationwide.

County Council Response to Public Comment

Mr. Hart responded to Mr. Sears comments and noted he was sorry for the way he was treated. He further noted the Transportation Committee meeting is on Tuesday, October 1, 2019 and Mr. Sears can bring this issue to the Committee at this time.

Mr. Elliott read a letter [copy filed with backup materials] he received in the mail that was addressed to Mr. Scott Moulder, Mayor Dan Alexander, and Councilman John Elliott.

Mr. Davis responded to Ms. Jennings's comments noting the director for Our Daily Rest is in the audience and would be glad to give a tour of the facility. He further noted there are two different organizations; one is Our Daily Rest which is the shelter and the other one is Our Daily Bread, which is the soup kitchen. Both of these organizations do a great mission for Oconee County.

Mr. Davis responded to Mr. Sears's comments noting he can deliver a grievance to any Councilmember at any time. He further noted there will be further information regarding Nebo Church Road in the future.

Moment of Silence

Mr. Davis asked before the Moment of Silence to remember the death on Lake Keowee and other issues that have affected our community. He also noted to remember Mr. Trapper Freeman as he reached out to a lot of people and did a lot of good for the children in District IV. He further noted that any Council member that would like to remember someone during the Moment of Silence that passed away in their district or someone that made a difference in the County to bring the names forward before the 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 July 16, 2019 Regular Minutes as presented.

Administrator's Comments

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

- Presentation entitled "Update on Crime Data from Oconee County" from Sheriff Crenshaw is removed from this agenda and will be added to the 9/3/2019 agenda

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- During the 9/3/2019 Council meeting, discussion will include the application for the grant for the FAA relocation and Mount Nebo Church Road and can bring this matter before the Real Estate, Facilities, & Land Management Committee meeting; the Transportation meeting that is scheduled for 10/1/2019 will be past the grant deadline

Presentation to Council

2019 SC State of Homelessness Report

Lorain Crowl, Executive Director for United Housing Connections, addressed Council utilizing a PowerPoint presentation entitled “2019 State of Homelessness Report” [copy filed with backup materials] and gave a brief presentation.

Update on Crime Data for Oconee County

This presentation has been removed from the agenda and will be added to the September 3, 2019 meeting.

Public Hearings for the Following Ordinances

Ordinance 2019-17 “AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF EASEMENT RIGHTS TO AMERICAN LEGION, DEPARTMENT OF SOUTH CAROLINA, POST #124 FOR THE PURPOSE OF PROVIDING INGRESS, EGRESS, AND VEHICULAR PARKING ON CERTAIN COUNTY-OWNED PROPERTY; AND OTHER MATTERS RELATED THERETO.”

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 2019-17**.

Third Reading of the Following Ordinances

Ordinance 2019-17 [see caption above]

Mr. McCall made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2019-17** on third & final reading.

Second Reading of the Following Ordinances

Ordinance 2019-18 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A REAL PROPERTY LEASE AGREEMENT BETWEEN OCONEE COUNTY AS LESSOR AND TRI-COUNTY ENTREPRENEURIAL DEVELOPMENT CORPORATION AS LESSEE FOR CERTAIN REAL PROPERTY, INCLUDING CERTAIN IMPROVEMENTS THEREON, LOCATED AT 104 BROWN SQUARE DRIVE, WALHALLA, SOUTH CAROLINA; AND

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OTHER MATTERS RELATED THERETO.”

Mr. Elliott made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2019-18** on second reading.

Ordinance 2019-19 “AN ORDINANCE AUTHORIZING THE CONVEYANCE OF EASEMENT RIGHTS FOR THE PURPOSE OF UTILITY CONSTRUCTION AT THE OCONEE INDUSTRY AND TECHNOLOGY PARK; AND OTHER MATTERS RELATED THERETO.”

Mr. Elliott made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2019-19** on second reading.

First Reading for the Following Ordinances

Ordinance 2019-20 “AN ORDINANCE AUTHORIZING AND CONSENTING TO OR RATIFYING THE ASSIGNMENT AND ASSUMPTION OF AN INTEREST IN THAT CERTAIN FEE AGREEMENT DATED AS OF MARCH 1, 2008, SUCH ASSIGNMENT FROM LIFT, LLC, AND SUCH ASSUMPTION BY LIFT TECHNOLOGIES, INC., AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT MEMORIALIZING SUCH ASSIGNMENT AND ASSUMPTION, AND CONSENT OR RATIFICATION, AND AN AMENDMENT TO THE FEE AGREEMENT; AND OTHER MATTERS RELATED THERETO.”

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to postpone **Ordinance 2019-20** on first reading until September 3, 2019.

Ordinance 2019-21 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED FEE AGREEMENT BETWEEN OCONEE COUNTY AND ACI PLASTICS SOUTH, LLC, INCLUDING THE INCLUSION OF ACI PROPERTIES SOUTH, LLC, AND GREENCYCLE U.S. HOLDING, INC. AS CO-SPONSORS, AND AMENDING THE FEE AGREEMENT DATED AS OF OCTOBER 1, 2014; AND OTHER MATTERS RELATED THERETO.”

Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve **Ordinance 2019-21** on first reading in title only.

First & Final Reading of the Following Resolutions

None at this meeting.

Discussion Regarding Action Items

Engineering Services for Groundwater Monitoring & Reporting / Solid Waste /

Amount: \$65,000.00 (Estimated)

Budget: \$65,000

Project Cost: \$65,000

Balance: \$0.00

At the January 17, 2017 Council meeting, Council approved the award of RFP 16-09 to Smith Gardner, Inc.,

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for Engineering Services for Solid Waste with the option to extend the contract for four (4) consecutive one (1) year terms. The Solid Waste department wishes to contract with Smith Gardner to provide engineering services for groundwater and stream water sampling and monitoring at the Seneca and Five Forks landfills; and the required analysis and submission of reports to SCDHEC.

At the July 17, 2018 Council meeting, Council approved these services to Smith Gardner in the amount of \$58,818.00, for fiscal year 18-19, as these services are required annually by SCDHEC. RFP 16-09 has two (2) one (1) year terms remaining. We are asking that Council authorize the Administrator to renew the Groundwater Sampling and Reporting for the 2 remaining years as long as the funds are budgeted and the work is satisfactory. The dollar amount is estimated due to possibility of additional wells that may require testing and reporting.

It is the staff's recommendation that Council [1] approve the award of an estimated \$65,000.00 to Smith Gardner, Inc., of Raleigh, NC for engineering services for groundwater monitoring and reporting and [2] authorize the County Administrator to renew the Engineering Services for Groundwater Sampling and Reporting for the remaining 2 years under the RFP 16-09 Contract, as long as all work is deemed satisfactory.

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to [1] approve the award of an estimated \$65,000.00 to Smith Gardner, Inc., of Raleigh, NC for engineering services for groundwater monitoring and reporting and [2] authorize the County Administrator to renew the Engineering Services for Groundwater Sampling and Reporting for the remaining 2 years under the RFP 16-09 Contract, as long as all work is deemed satisfactory.

Hyundai HX300L Excavator / Solid Waste / \$216,567.00

Budget: \$235,000 **Project Cost:** \$216,567 **Balance:** \$18,433

This Excavator will be used mainly at the landfill to accomplish tasks such as loading the mulcher, excavating and loading dirt, and annual sediment basin cleanouts. After researching excavators with a minimum operating weight of 68,000 lbs., it was determined that the Hyundai HX300L with a 54" heavy duty bucket, heavy duty rake, with hydraulic thumb and quick coupler, best met the needs of the Solid Waste Department.

The County is utilizing the North Carolina Sheriffs' Association contract through a cooperative purchasing agreement. The contract discount is 46% off the list price of the equipment and 8% off the list price of attachments. National Equipment Dealers are also offering a "dealer discretionary discount" of \$14,344.54 the contract price for the excavator and the attachments.

The County will be trading in Solid Waste's current excavator, a Kobelco SK200LC. National Equipment Dealers (dba: May/RHI) has agreed to \$18,000.00 for the trade-in.

It is the staff's recommendation that Council approve the purchase of the Hyundai Excavator from National Equipment Dealers (dba: May/RHI) of Columbia, SC in the amount of \$216,567.00.

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve the purchase of the Hyundai

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Excavator from National Equipment Dealers (dba: May/RHI) of Columbia, SC in the amount of \$216,567.00.

Fuel Truck Lease / Airport / \$ 18,000.00 for year one

Budget: \$24,000

Project Cost: \$18,000

Balance: \$6,000

Titan Aviation Fuels supplies the Oconee County Regional Airport (“Airport”) with fuel for resale. The Airport is in need of a suitable refueling truck to facilitate its fuel sales. Titan Aviation Fuels is offering a refueling truck lease to complement its fuel supply agreement with the County.

It is the staff’s recommendation that Council [1] approve and authorize the execution of an Equipment Lease Agreement with Titan Aviation Fuels for an aviation refueling truck for the Oconee County Regional Airport and [2] authorize the County Administrator to renew the Lease for up to four-one year periods (\$18,000.00 per year), provided their service is satisfactory.

Mr. Elliott made a motion, seconded by Mr. Cain, approved 5 – 0, to [1] approve and authorize the execution of an Equipment Lease Agreement with Titan Aviation Fuels for an aviation refueling truck for the Oconee County Regional Airport and [2] authorize the County Administrator to renew the Lease for up to four-one year periods (\$18,000.00 per year), provided their service is satisfactory.

Request to authorize direct negotiations and the execution of negotiated contracts with construction professionals for the repair of fire damaged portions of the Oconee County Law Enforcement Center pursuant to O.C. Code § 2-428(a), which provides an exemption from various competitive bid procurement methods, upon County Council approval.

In late 2017, portions of the Oconee County Law Enforcement Center (“LEC”) were damaged by a fire of unknown origin. A lengthy negotiation process ensued in attempts to settle the County’s claim (the “Claim”) for insurance proceeds in relation to fire-damaged real and personal property. Part of the negotiation process involved the County acquiring estimates for various aspects of the repair in order to substantiate its claim. The repair of the LEC will involve construction pursuant to design materials that are highly security sensitive due to the nature of the areas to be repaired, and thus widespread dissemination of the design materials is disfavored.

Staff requests Council approve direct negotiations and contracting with construction professionals, including those who participated in providing data to assist in resolving the Claim, so as to expedite the long-awaited repairs to the LEC and to minimize dissemination of the security sensitive design materials.

Mr. Elliott made a motion, seconded by Mr. Cain, approved 5 – 0, to approve direct negotiations and contracting with construction professionals, including those who participated in providing data to assist in resolving the Claim, so as to expedite the long-awaited repairs to the LEC and to minimize dissemination of the security sensitive design materials.

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Hitachi ZW550-6 Wheel Loader / Rock Quarry / \$629,810.00

Budget: \$700,000 / **Project Cost:** \$629,810.00 / **Balance:** \$70,190.00

This Wheel Loader is a Hitachi ZW550-6. Its main use will be in the pit loading haul trucks to transport crushed rock from the jaw crusher to the secondary and tertiary cone crushers at the Quarry. The County is utilizing the North Carolina Sheriffs' Association contract through a cooperative purchasing agreement. The contract discount is 38% off the list price of the equipment and 10% off the list price of attachments. National Equipment Dealers (dba: May/RHI) are also offering an additional dealer discount of \$25,056.66 off of the contract price for the wheel loader and the attachments.

It is the staff's recommendation that Council approve the purchase of the Hitachi ZW550-6 Wheel Loader from National Equipment Dealers (dba: May/RHI) of Columbia, SC in the amount of \$629,810.00.

Mr. Elliott made a motion, seconded by Mr. Hart, approved 5 – 0, to approve the purchase of the Hitachi ZW550-6 Wheel Loader from National Equipment Dealers (dba: May/RHI) of Columbia, SC in the amount of \$629,810.00.

2019 Edward Byrne Memorial JAG Grant Notification

Oconee County Sheriff's Department may receive an allocation of \$12,944 from the Bureau of Justice Assistance. The grant program requires the notification of intent be made available for the County Council and the public to review and comment on the proposed use of funds. The Sheriff's Department plans to use the funds from this program to purchase 2 sniper rifles and optical equipment.

Mr. Elliott made a motion, seconded by Hart, approved 5 – 0, to approve the 2019 Edward Byrne Memorial JAG Grant Notification.

Funding Commitment for Infrastructure Improvements at Seneca Rail Park / Up to \$327,712.00

On March 19, 2019, Oconee County Council approved the commitment of the balance of funding for the Seneca Rail Park Waterline and Sewer Infrastructure Project, up to \$263,650.00. Certain costs associated with the project do not meet the parameters for grant funding; therefore, the balance of funding needed from the County has increased to \$327,712.00.

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 \$827,712.00, which includes engineering, design, permitting, and construction of water and gravity sewer lines. Oconee County and Oconee Economic Alliance has been awarded 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 for the remaining balance of funds for the Seneca Rail Park Waterline and Sewer Infrastructure Project.

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Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve the commitment for the remaining balance of funds for the Seneca Rail Park Waterline and Sewer Infrastructure Project up to \$327,712.

Engineering Services for Seneca Rail Infrastructure / Economic Development / \$95,500.00

The Seneca Rail Site resides in the city limits of Seneca and the City of Seneca is the water/sewer provider to the park.

Goodwin Mills Cawood (GMC) has been working with the City of Seneca for 5 years. The City of Seneca instructed and paid GMC to complete the initial study for infrastructure at the Seneca Rail site and completed the Norfolk Southern Encroachment permitting needed for the bore under the railroad.

GMC assisted the County in preparing the grant application to RIA for this infrastructure project. The County was awarded this grant of \$500,000 due to GMC's expertise and assistance in providing all the supporting documentation.

It is the staff's recommendation that Council approve the Sole Source Award for Engineering Services for Seneca Rail Infrastructure to Goodwin, Mills and Cawood in the amount of \$95,500.00

Mr. Cain made a motion, seconded by Mr. Elliott, to approve the Sole Source Award for Engineering Services for Seneca Rail Infrastructure to Goodwin, Mills and Cawood in the amount of \$95,500.00.

Ms. Brock noted the \$95,500 is part of the \$327,712 that was approved previously.

Regarding the previous motion made by Mr. Cain, seconded by Mr. Elliott, it was approved 5 – 0, to approve the Sole Source Award for Engineering Services for Seneca Rail Infrastructure to Goodwin, Mills and Cawood in the amount of \$95,500.00.

To direct staff to investigate, and as appropriate, initiate discussions with the Army Corps of Engineers for a lease agreement in relation to a public lake access area / boat ramp adjacent to property commonly known as Lakeside Lodge, with the lease area to be subleased for maintenance and operation by Lakeside Lodge / Clemson Family Investors, LLC or an appropriate affiliate.

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to direct staff to investigate, and as appropriate, initiate discussions with the Army Corps of Engineers for a lease agreement in relation to a public lake access area / boat ramp adjacent to property commonly known as Lakeside Lodge, with the lease area to be subleased for maintenance and operation by Lakeside Lodge / Clemson Family Investors, LLC or an appropriate affiliate.

Council Committee Reports

The Council Committee reports for the Planning & Economic Development, the Real Estate, Facilities, & Land Management, and the Law Enforcement, Public Safety, Health & Welfare will be on the September 3,

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2019 agenda.

Board & Commission Appointments

No questionnaires were submitted for the 1 At Large seat.

Unfinished Business

None at this meeting.

New Business

None at this meeting.

Executive Session:

Mr. Hart made a motion, seconded by Mr. Cain, 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] Receive legal advice and discuss contractual matter related to land development.

[4] To receive legal advice and discuss personnel matters related to the following departments: The Rock Quarry, Auditor, Finance, Assessor, Information Technology, 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] To discuss employment and personnel matters related to the County's Information Technology staff, including their scope of responsibilities and duties.

Council entered Executive Session at 6:58 p.m.

Council returned from Executive Session at 8:41 p.m. on a motion, seconded and approved unanimously. 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 8:41 p.m.

Respectfully Submitted:

Katie D. Smith
Clerk to Council

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