



A G E N D A
OCONEE COUNTY COUNCIL MEETING
October 01, 2024
6:00 PM

Council Chambers, Oconee County Administrative Offices
415 South Pine Street, Walhalla, SC

Call to Order

Moment of Silence

Invocation

Pledge of Allegiance to the Flag of the United States of America

Approval of Minutes

September 17, 2024 Regular Meeting Minutes

County Attorney Comments

County Administrator Comments

Proclamations

PROCLAMATION 2024-05 A PROCLAMATION HONORING MS. ELIZABETH PIEKUTOWSKI, WALHALLA MAGISTRATE COURT CLERK, UPON HER RETIREMENT

Public Comment Session

[Limited to a total of fifty (50) minutes, five (5) minutes per person]

If you are not able to attend in person and you have a comment, you may submit it by emailing jennifercadams@oconeesc.com or calling 864-718-1023, so that your comment may be read into the record.

Council Member Comments

Third Reading of the Following Ordinances

None for this meeting.

Second Reading of the Following Ordinances

ORDINANCE 2024-23 AN ORDINANCE AMENDING PORTIONS OF CHAPTERS 32 AND 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN LIMITED REGARDS AND PARTICULARS ONLY, IN ORDER TO REVISE CERTAIN SETBACK-RELATED PROVISIONS, INCLUDING DEFINITIONS AND THE APPLICATION THEREOF; AND OTHER MATTERS RELATED THERETO.

First Reading of the Following Ordinances

To be held after Executive Session.

COUNCIL MEMBERS

Matthew Durham, Chair, District II Don Mize, Vice Chair, District III
Glenn Hart, Chair Pro-Tem, District V John Elliott, District I
Julian Davis, III, District IV

First & Final Reading for the Following Resolutions

To be held after Executive Session.

Discussion Regarding Action Item

Discuss the election and related issues with respect to the potential creation of the Corinth-Shiloh Special Purpose Tax District for Fire Protection.

PO 55323 Terracon Change Order 1 (Phase II) Phase II Construction Testing for GCCP Mass Grading

Department(s): Economic Development

Amount: Phase I: \$ 33,998.00

Phase II: \$ 39,573.24

Change Order 1: \$ 9,850.88

Purchase Order Total: \$ 83,422.12

Procurement was approved by Council in Fiscal Year 2023-2024 and 2024-2025 budget processes.

Budget: \$83,422.12 Project Cost: \$83,422.12 Balance: \$0.00

At the February 2, 2023 Council meeting, Council approved the execution of the Cooperative Grant Agreement between the Blue Ridge Electric Cooperative, Oconee County, Palmetto Economic Development Cooperative and South Carolina Department of Commerce (SCDOC) that is providing funding from the State of Carolina an Economic Development Grant Agreement between Oconee County and Palmetto Economic Development Corporation that is providing funding from the SC Power Team for this project.

On March 14, 2023, Procurement issued purchase order number 55323, in the amount of \$33,998.00 (Phase I) to Terracon for Geotechnical and Environmental Services for Golden Corner Commerce Park (GCCP) to include; Geotechnical Services, Wetlands and Waters of the US delineations, and onsite meeting with USACE (U.S. Army Corps of Engineers).

At the March 5, 2024 Council meeting, Council approved construction testing (Phase II) for GCCP in the amount of \$39,573.24 which includes mass grading observations; site work, utilities, fill placement, density testing, proof rolls and laboratory testing.

This request is for Council Approval of Phase II-Change Order No. 1 to Terracon Consultants, Inc.; which includes additional construction observation days and testing, in the amount of \$9,850.88. If approved, this would bring the purchase order total to \$83,422.12.

At the June 1, 2022 meeting, Council approved the award of RFP 20-02 for On Call Engineering to Terracon Consultants, Inc of Greenville, SC for Category C: Environmental Assessment Services and Category D: Geotechnical Engineering and Construction Testing Services.

It is the staff's recommendation that Council:

- 1. Approve Phase II Change Order 1 Mass Grading Observations for Golden Corner Commerce Park to Terracon Consultants of Greenville, SC in the amount of \$9,850.88, for a total purchase order amount of \$83,422.12.*
- 2. Authorize the County Administrator to transfer funds to the appropriate line item(s).*

PO 56286 Linder Industrial Machinery Change Order #2 Repair

2016 Bomag Landfill Compactor

Amount: PO 56286: \$16,102.48

Change Order 1: \$11,543.00

Change Order 2: \$52,706.16

Purchase Order Total: \$80,405.64

Procurement was approved by Council in Fiscal Year 2024-2025 budget process.

Budget: 80,405.64 Project Cost: 80,405.64 Balance: 0.00

On August 12, 2024, Procurement issued Purchase Order Number 56286 to Linder Industrial Machinery of Greer, SC, in the amount of \$16,102.48 to repair the 2016 Bomag Landfill Compactor. This initial repair

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addressed cross contamination between the hydraulic fluid and transfer case fluid. On August 27, 2024, Change Order #1 was issued in the amount of \$11,543.00 to cover additional parts (hose assemblies, loop rings, and filler elements) and labor. This change order did not require Council Approval. After reinstalling the pumps, the system failed to build pressure. Linder Technicians consulted with the manufacturer, Bomag, who recommended replacing the cluster of pumps. This led to Change Order #2, in the amount of \$52,760.16. The total purchase order including Change Order 1 & 2 is \$ 80,405.64.

Council was notified of this repair issue during the Administrators Report at the September 3, 2024 Council meeting.

It is the staff's recommendation that Council approve PO 56286, Change Order #2 to Linder Industrial Machinery of Greenville, SC in the amount of \$52,760.16, for a total purchase order amount of \$80,405.64.

Council discussion and consideration of the submission of the FY 2024 National Dam Safety Program Rehabilitation of High Hazard Potential Dam (HHPD) grant application to the South Carolina Department of Environmental Services on behalf of the Chattooga Lake Club.

- Through the Rehabilitation of High Hazard Potential Dams (HHPD) Grant Program, FEMA's National Dam Safety Program (NDSP) has made federal funds available to states for FFY24 for pass through to non-Federal governmental organizations or nonprofit organizations to rehabilitate eligible HHPDs that fail to meet minimum state dam safety standards and pose an unacceptable risk to life and property. The Chattooga Lake Club is a private organization, as is the dam in consideration.
- Eligible applicants may choose to sponsor a privately-owned dam solely at its own discretion and at its own risk.
- DES is in the process of applying for the FFY24 grant and, if receiving funds, will offer subawards to eligible applicants for activities that promote the goals of the federal grant program.
- A privately-owned dam may be eligible, but the owner cannot apply directly. A non-federal government (i.e., state, county, municipal) or a 501(c)(3) non-profit organization are the only entities eligible to apply.
- Subawards require a match of at least 35% in the form of non-federal funds and/or in-kind services.
- The tentative deadline to submit application to DES is November 1, 2024.
- All applicable federal standards and requirements must be satisfied for the awarded HHPD grant and any subawards. Failure to comply with federal grant requirements in the execution of a grant award may result in termination of the grant agreement and collection of some or all federal funds received.
- Oconee County, as the applicant, is responsible for meeting all match / grant requirements, including procurement, records management, and legal fees if Chattooga Lake Club is unable to meet the requirements.

Special Considerations / Financial Impact:

- The estimated costs for the project total \$1,165,000.
- If awarded, Chattooga Lake Club will provide a 39% non-federal match to meet the requirements under the grant program. Any costs above the estimated amount will also be the responsibility of Chattooga Lake Club.
- The grant requires a legally enforceable covenant or agreement between the dam owner and Oconee County, the local government with jurisdictional authority under the National Flood Insurance Program that ensures that the feature will be maintained by the eligible subrecipient or state if not maintained according to the Operation and Maintenance Plan by the dam owner.
- Oconee County legal support will be required to draw up the legally enforceable covenant or agreement.
- A licensed Professional Engineer (PE) registered in South Carolina must assist in the preparation of your subaward grant application.
- Engineering services funded from a HHPD grant must be procured in compliance with all federal and state procurement requirements and the applicant's own procurement policies.

It is the staff's recommendation that Council consider the submission of the FY 2024 National Dam Safety Program Rehabilitation of High Hazard Potential Dam (HHPD) grant application to the South Carolina Department of Environmental Services.

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Council Committee Reports

Law Enforcement, Public Safety, Health and Welfare / Mr. Mize.....September 17, 2024

Board & Commission Appointments

The Board & Commission seats listed below are co-terminus with Council District seats and will require [in the 1st quarter of 2023] appointment and/or reappointment as follows:

None for this meeting.

Executive Session

[upon reconvening Council may take a Vote and/or take Action on matters brought up for discussion in Executive Session, if required]

- 1. Discussion regarding an Economic Development matter, Project Mayflower.*
- 2. Discussion regarding an Economic Development matter, Project Shaker.*

First Reading for the Following Ordinances

ORDINANCE 2024-24 AN ORDINANCE AUTHORIZING, PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF AD VALOREM TAXES AND SPECIAL SOURCE REVENUE CREDIT AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA, AND PROJECT MAYFLOWER, ACTING FOR ITSELF, ONE OR MORE CURRENT OR FUTURE AFFILIATES AND OTHER PROJECT COMPANIES (COLLECTIVELY, “COMPANY”); PROVIDING FOR A FEE-IN-LIEU OF AD VALOREM TAXES INCENTIVE; PROVIDING FOR A SPECIAL SOURCE REVENUE CREDIT; DESIGNATING THE PROPERTY OF THE PROJECT AS PART OF A MULTI-COUNTY INDUSTRIAL PARK; AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE GRANT AGREEMENTS; AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT RELATED TO THE CONVEYANCE OF CERTAIN REAL ESTATE FOR PROJECT MAYFLOWER; AND OTHER RELATED MATTERS. *(In Title Only)*

First & Final Reading for the Following Resolutions

RESOLUTION 2024-16 A RESOLUTION PROVIDING PRELIMINARY APPROVAL PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, FOR THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF AD VALOREM TAXES AND SPECIAL SOURCE REVENUE CREDIT AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA, AND A COMPANY IDENTIFIED FOR THE TIME BEING AS PROJECT MAYFLOWER, ACTING FOR ITSELF, ONE OR MORE CURRENT OR FUTURE AFFILIATES, AND OTHER PROJECT COMPANIES (COLLECTIVELY, “COMPANY”); PROVIDING FOR A FEE-IN-LIEU OF AD VALOREM TAXES INCENTIVE; PROVIDING FOR A SPECIAL SOURCE REVENUE CREDIT; EXPANDING A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK BETWEEN OCONEE COUNTY AND PICKENS COUNTY SO AS TO INCLUDE PROJECT PROPERTY IN THE PARK; AUTHORIZING THE EXECUTION AND DELIVERY OF ONE MORE GRANT AGREEMENTS; AUTHORIZING THE CONVEYANCE OF CERTAIN REAL ESTATE FOR PROJECT MAYFLOWER; AND OTHER RELATED MATTERS.

Adjourn

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