



MINUTES

OCONEE COUNTY COUNCIL

Regular Meeting

September 03, 2024

MEMBERS, OCONEE COUNTY COUNCIL

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

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, & Jennifer C. Adams, 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]. In addition, it was made available [*upon request*] to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Andrea Kelley / The Journal

Call to Order

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

Ms. Brock announced the passing of former Councilman, Mr. Marion Lyles, and asked all in attendance to remember his family in their prayers during the moment of silence.

Moment of Silence

Mr. Durham asked for a moment of silence prior to the Invocation.

Invocation

Mr. David Root, County Attorney, gave the Invocation.

Pledge of Allegiance

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

Approval of Minutes

Mr. Davis made a motion, seconded by Mr. Elliott, to approve the August 20, 2024 regular meeting minutes as presented.

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Mr. Durham noted that, even though he was absent from the August 20, 2024 Council meeting, he did watch the meeting and has reviewed the draft minutes.

Motion to approve the August 20, 2024 regular meeting minutes approved 5 – 0.

Attorney’s Comments

Mr. Root asked for a motion from Council to amend the agenda to remove the discussion item, “Discuss and take any necessary action on the Oconee County Scenic Highway Application (SC-130) submitted by the Keep Oconee Beautiful Association (KOBA), with consideration of the recommendation from the Planning Commission in that regard”, noting KOBA would like this item to be placed on the October 1, 2024 agenda.

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve amending the agenda to remove the discussion item, “Discuss and take any necessary action on the Oconee County Scenic Highway Application (SC-130) submitted by the Keep Oconee Beautiful Association (KOBA), with consideration of the recommendation from the Planning Commission in that regard”.

Administrator’s Comments

Ms. Brock announced that emergency repairs were currently being conducted on a piece of vital landfill equipment, a Bomag, noting that a complete repair cost is not available at this time, but would be placed on the September 17, 2024 Council agenda for after-the-fact approval.

Public Comment Session

If you are not able to attend in person and you have a comment, you may submit it by contacting our Clerk to Council, Jennifer C. Adams at jennifercadams@oconeesc.com or 864-718-1023, so that she may receive your comment and read it into the record.

1. Mr. Jason Boyle addressed Council with his concerns regarding the Oconee County Sheriff’s Office.
2. Mr. Perry Smith addressed Council with his concerns regarding the lawsuit against Oconee County related to Sewer South and concerns related to the Oconee County Voter Registration and Elections Office.

Council Members Comments

Mr. Mize asked if Ms. Brock would be able to provide the tax-payer cost related to the lawsuit against Oconee County regarding Sewer South.

Ms. Brock noted that she would not only provide that information to Council, but also make it available to the public in the backup material for the September 17, 2024 Council meeting.

Third Reading of the Following Ordinances

None for this meeting.

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Second Reading of the Following Ordinances

ORDINANCE 2024-20 AN ORDINANCE AUTHORIZING OCONEE COUNTY, SOUTH CAROLINA TO FINANCE AND ACQUIRE CERTAIN TANKER TRUCKS AND RELATED EQUIPMENT IN AN AMOUNT NOT EXCEEDING \$3,380,000; TO EXECUTE AND DELIVER ALL DOCUMENTS NECESSARY TO CARRY OUT THE FINANCING AND ACQUISITION; AND OTHER RELATED MATTERS.

Mr. Davis made a motion, seconded by Mr. Elliott, approved 5 - 0, to approve **Ordinance 2024-20** on second reading.

First Reading of the Following Ordinances

None for this meeting.

First & Final Reading for the Following Resolutions

None for this meeting.

Discussion Regarding Action Items

~~Discuss and take any necessary action on the Oconee County Scenic Highway Application (SC-130) submitted by the Keep Oconee Beautiful Association (KOBA), with consideration of the recommendation from the Planning Commission in that regard.~~

~~Keep Oconee Beautiful Association (KOBA) presented an application to designate a portion of HWY 130 as a scenic highway to the Planning Department. Per County Ordinance 26-153 the application was placed on the next appropriate Planning Commission Agenda. The Commission reviewed the application during which 7 people signed up for public comments 5 in favor, and 2 opposed, and 8 additional emails in favor were read aloud. By a vote of 3-4 the motion to recommend approval of the application failed.~~

This item was postponed until the October 1, 2024 Council meeting on a motion previously made by Mr. Davis, seconded by Mr. Hart, approved 5 - 0.

Title: 2018 John Deere 1050K Crawler Dozer Repair

Department: Solid Waste

Amount: \$100,268.36

Contingency: \$20,053.67

Total: \$120,322.03

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

Budget: \$120,322.03 Project Cost: \$120,322.03 Balance: \$0.00

This request is for the repair of the 2018 John Deere 1050K Crawler Dozer used in the landfill. Due to continued wear and tear on this equipment, the undercarriage must be repaired / replaced. The John Deere Dealer / Service Center inspected and diagnosed the equipment and stated the undercarriage was due for replacement. Additionally, the equipment has had numerous issues with running hot on a daily basis; the cause of this is unknown. The John Deere Dealer / Service Center will have to disassemble the front end in order to access the radiator to diagnose the problem. The estimate to remove the cab assembly is \$14,956.27 and does not include the cost to repair.

The 2018 John Deere 1050K Crawler Dozer was approved by County Council and purchased in November 2020 (PO 54173) to accompany the Bomag Landfill Compactor (Heavy Equipment). It is used to push waste uphill or for long distances. This dozer has over 5,000 hours of use in the landfill.

Since FY20, the daily tonnage average at the landfill has increased from 80 tons per day to over 165 tons per day, with

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peak days receiving between 300-400 tons of debris. Due to the increase in tonnage and the constant use of the dozer, the undercarriage, radiator and cooler pump are in urgent need of being replaced.

To effectively operate the landfill with this amount of tonnage, both the dozer and the compactor need to be operating simultaneously.

Staff is requesting a 20% contingency for the diagnose / repair for the running hot issues and to cover any unforeseen items that may arise during the repair, in the amount of \$20,053.67.

Dobbs Equipment Southeast, LLC is an Authorized Full-Service Equipment Dealership for John Deere equipment.

It is the staff's recommendation that Council:

- 1. Approve the 2018 John Deere 1050 Crawler Dozer repairs to Dobbs Equipment Southeast, LLC in the amount of \$100,268.36 and a 20% contingency amount of \$20,053.67; for a total of \$120,322.03.***
- 2. Authorize County Administrator to approve any change orders within the contingency amount.***

Mr. Elliott made a motion, seconded by Mr. Davis, to approve 2018 John Deere 1050 Crawler Dozer repairs to Dobbs Equipment Southeast, LLC in the amount of \$100,268.36 and a 20% contingency amount of \$20,053.67; for a total of \$120,322.03 and authorize County Administrator to approve any change orders within the contingency amount.

Mr. Hart inquired as to why the contingency amount is at 20%.

Ms. Brock explained that a 20% contingency has been requested for any unforeseen repairs that may be needed that were not visible before the casing on this piece of equipment is removed.

Motion approved 5 – 0.

Title: Engineering Services for Crestwood Drive Bridge Replacement

Department: Roads & Bridges

Amount: \$253,000.00

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

Budget: \$253,000.00 Project Cost: \$253,000.00 Balance: 0.00

(Funding from Bridges and Culverts Capital Projects Fund)

On June 1, 2021, County Council approved the award of RFP 20-02 for On Call Engineering Services to TranSystems Corporation, of Greenville, SC for Category B: On Call Roadway & Bridge Services. The Roads & Bridges Department wished to contract with TranSystems Corporation to provide engineering services for the replacement of the bridge on Crestwood Dr. in Salem, SC. Tasks for this project include Project Management, Geotechnical Services, Survey, Final Bridge Design/Construction Plans, Bridge Hydraulics, Final Roadway Design/Construction Plans, Environmental Services, Bidding Services, and Construction Management/Support.

Crestwood Drive (KE-6) is in Salem, SC running between Main St. (Hwy 130) and Flat Shoals Rd. The Bridge crosses the North Fork Little River and was constructed in 1981. A recent Bridge inspection showed deterioration of the shoulder piles of the bridge, and more restrictive weight limits were placed on the bridge.

It is the staff's recommendation that Council approve the award of \$253,000.00 to TranSystems Corporation., of Greenville, SC for engineering services for the above-mentioned project.

Mr. Elliott made a motion, seconded by Mr. Davis, to approve the award of \$253,000.00 to TranSystems Corporation., of Greenville, SC for engineering services for the above-mentioned project.

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Mr. Hart inquired if any outside grants were available to help with the cost of the above request.

Ms. Brock noted that the C-Fund Committee approves all local funding requests for roads and bridges, going on to add that C-Funds were not requested for this item because funds were previously requested for the \$8 million dollar paving contract.

Mr. Kyle Reid, Assistant Director of Public Works, provided Council with information pertaining to the above request and noted that after speaking with several other road departments, the amount requested is in line with what others are paying for bridge design.

Short discussion followed by Council related to the above request for engineering services.

Mr. Hart made a motion, seconded by Mr. Mize, to delay this request until other sources of funding have been investigated.

Mr. Durham inquired if C-Funds could be used for engineering services.

Mr. Reid informed Council that C-Funds are generally used for patching and paving.

Mr. Davis offered his comments and concerns related to the above request.

Motion to delay this request until other sources of funding have been investigated failed 2 – 3 [Mr. Durham, Mr. Elliott and Mr. Davis opposed].

Mr. Elliot made a motion, seconded by Mr. Davis, approved 5 - 0, to amend the pending motion to approve the procurement, as stated in the AIS, and to add that, in parallel, staff shall also seek potential alternate funding to pay for this procurement in order to lower the amount expended from the Bridges and Culverts Capital Projects Fund, if possible.

Amended motion approved 5 – 0.

Title: Boiler Replacements

Department(s): Detention Center

Amount: \$64,259.00

Contingency (10%): \$6,425.90

Total: \$70,684.90

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

Budget: \$117,000.00 Project Cost: \$70,684.90 Balance: \$46,315.10

(Funding is from One-Time Capital 340 Fund)

The Oconee County Detention Center Lochinvar Boilers, which supply hot water to the inmate fixtures in the jail, are critically in need of replacement. These boilers were installed during the jail's construction and are approximately eight (8) to ten (10) years old. These boilers were designed to operate in tandem; if one fails, the remaining units cannot provide hot water.

Over the past five months, staff has faced several challenges and made various repairs to the system. A leak near the recirculating pump in one of the boilers triggered a chain reaction, causing a malfunction in the second boiler, which now consistently displays an error code. Staff has since repaired the functioning boiler and placed the damaged one into "bypass" mode to keep the system operational until replacements / repairs can be made.

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The replacement of this system is urgently needed due to its critical role in the Detention Center. If the remaining operational boiler were to fail, it could lead to a total loss of hot water for the inmates until repairs could be completed. Given the constraints of parts availability and Licensed Contractor requirements, this could take up to four weeks. If this system fails, the department could encounter unpredictable delays and costs to restore functionality, severely disrupting daily operations at the Detention Center. Trane U.S., Inc. currently holds an Omnia Partners Contract for HVAC Products, Installation, Labor Based Solutions, and Related Products and Services. This contract allows government agencies to purchase directly from the manufacturer. Omnia Partners contracts are bid and awarded on a national level.

It is the staff's recommendation that Council:

- 1. Approve the Boiler Replacement to Trane U.S., Inc. of Greenville, SC in the amount of \$64,259.00.*
- 2. Approve a 10% Contingency in the amount of \$6,425.90.*
- 3. Authorize the County Administrator to execute documents in substantially the same form as attached hereto (or with such material changes as benefit the County, upon advice of the County Attorney) for this project and sign any change orders within the contingency amount.*

Mr. Davis made a motion, seconded by Mr. Elliott, approved 5 - 0, to (1) approve the Boiler Replacement to Trane U.S., Inc. of Greenville, SC in the amount of \$64,259.00, (2) approve a 10% Contingency in the amount of \$6,425.90 and (3) authorize the County Administrator to execute documents in substantially the same form as attached hereto (or with such material changes as benefit the County, upon advice of the County Attorney) for this project and sign any change orders within the contingency amount.

PRT Commission-Local ATAX Recommendations / Fall 2024 Cycle / \$92,500

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.

These reports are placed in the grant folder, which is kept active by the PRT staff until the grant is considered complete. Internal projects through Oconee PRT are also funneled through local ATAX for eligible projects.

Beginning Local ATAX balance with Encumbrances: \$522,373.00

If all grants/projects approved/new balance will be: \$429,873.00

It is staff's recommendation that Council approve of local ATAX recommendations as presented.

Mr. Davis made a motion, seconded by Mr. Elliott, to approve of local ATAX recommendations as presented.

Mr. Hart asked for details related to the Wild Heart Equine Therapy Center.

Mr. Davis provided Mr. Hart with details as requested.

Mr. Durham asked if ATAX funding could be used for cameras at boat landings.

Ms. Brock confirmed that ATAX funding could be used for cameras at boat landings.

Motion approved 5 – 0.

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Council consideration and approval for the Oconee County Conservation Bank Board to join the South Carolina Land Trust Network.

The Oconee County Conservation Bank Board (OCCB) was established to protect Oconee County lands with significant natural, cultural, and/or historic resources in the County that meet specific criteria by providing a financial incentive to willing landowners to convey either a conservation easement or fee simple title, where such transaction also includes a conservation easement, to eligible recipients. Funding for conservation easements through the OCCB are made possible by a donation received as a part of the Federal Energy Regulatory Commission/Re-licensing process for the Duke Energy Hydroelectric Plant in Oconee County.

At the May 14, 2024 OCCB meeting, the Board unanimously voted to join the South Carolina Land Trust Network (SCLTN), “a statewide association that supports the protection and preservation of forest and farmland, waterways, scenic views, wildlife habitat, outdoor recreation, and historical resources.” SCLTN is a non-profit organization and membership would be for informational and networking purposes only.

Membership with the SCLTN is \$300.00 annually. Funding for the SCLTN membership would be drawn from the OCCB bank account. No tax-payer funding would be used for this annual membership fee.

It is the staff’s recommendation that Council approve the request for the Oconee County Conservation Bank to join the South Carolina Land Trust Network.

Mr. Elliott made a motion, seconded by Mr. Davis, to approve the request for the Oconee County Conservation Bank to join the South Carolina Land Trust Network.

Mr. Root offered background information as to why this request was coming before Council for consideration of approval.

Motion approved 5 – 0.

Request for Council’s approval for the submission of the second round of 2024/2025 Oconee County Opioid Recovery Fund Applications to the South Carolina Opioid Recovery Fund (SCORF) Board.

- The Opioid Recovery Fund is settlement funding through a yearly requisition process to the State of South Carolina Opioid Recovery Fund (SCORF) Board.
- The abatement strategies, or, proposed projects are approved by the SCORF Board after requests for funding and yearly strategies have been submitted to them.
- Once abatement strategies and funding are approved by SCORF, awarded funds are sent back to Oconee County for program implementation(s).
- These funds do not require a match and are guaranteed political sub-funds designated for Oconee County.
- The County’s current available amount is \$2,232,473.57.

These applications have been reviewed and approved by the Oconee County Task Force for Council consideration. There is no match requirement for this grant.

It is staff’s recommendation that Council approve the Oconee County Opioid Recovery Fund application to the South Carolina Opioid Recovery Fund Board.

Mr. Elliott made a motion, seconded by Mr. Davis, to approve the Oconee County Opioid Recovery Fund application to the South Carolina Opioid Recovery Fund Board.

Mr. Davis requested that organizations submit a financial audit when applying for funding.

Ms. Brock explained to Council that there is a quarterly process where all allocated funds from the Opioid Task Force are audited.

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Mr. Hart inquired if the ATAX allocated funds were audited.

Ms. Brock explained that applicants do turn in reporting documents for allocated ATAX funds.

Short discussion followed related to ATAX funding and documentation, ending with a request from Mr. Durham that all ATAX applications, including any additional attached documents, be included in Council backup for the public to view.

Mr. Davis noted these applications can be found in the online backup materials for the August 22, 2024 PRT Commission meeting.

<https://oconeesc.com/documents/council/committees/parks-recreation-and-tourism-commission/2024/backup-material/2024-08-22-amended-backup.pdf>

Motion to approve the Oconee County Opioid Recovery Fund application to the South Carolina Opioid Recovery Fund Board approved 5 – 0.

Council Committee Reports

None for this meeting.

Board & Commission Appointments

None for this meeting.

Executive Session

Mr. Davis made a motion, seconded by Mr. Elliott, approved 5 – 0, to enter into Executive Sessions for the following purposes, as allowed for § 30-4-70(a) of the South Carolina Code of Laws:

- 1. Council discussion of a personnel matter related to the County Administrator.*

Council entered into Executive Session at 6:40 p.m.

Council returned from Executive Session at 6:49 p.m. on a motion made by Mr. Davis, seconded by Mr. Elliott, approved 5 - 0.

Mr. Durham noted that no action was taken during Executive Session.

Adjourn:

Mr. Hart made a motion, approved unanimously, to adjourn at 6:49 p.m.

Respectfully Submitted:

Jennifer C. Adams
Clerk to Council

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