



MINUTES

OCONEE COUNTY COUNCIL

Regular Meeting

September 17, 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, Dick Mangrum / 101.7 WGOG

Call to Order

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

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. Tony Adams led the Pledge of Allegiance to the Flag of the United States of America.

Approval of Minutes

Mr. Elliott made a motion, seconded by Mr. Hart, approved 5 - 0, to approve the September 03, 2024 regular meeting minutes as presented.

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Attorney's Comments

None at this meeting.

Administrator's Comments

As requested at a prior meeting, Ms. Brock notified Council and the public that the total balance of outside legal fees related to the bond lawsuit is currently \$94,550.00.

Ms. Brock was also pleased to announce that the MEYN America grand opening in the Oconee Industrial and Technology Park took place earlier in the day.

Millage Presentation to Council

Mrs. Christy Hubbard, Oconee County Auditor, addressed Council utilizing a power point presentation entitled, "2025 Fiscal Year, 2024 Tax Year, Oconee County Millage Presentation" [copy filed in backup], and provided details regarding the current recommended millage.

Mr. Durham made a motion, seconded by Mr. Davis, approved 5 – 0, to approve millage rates as presented.

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. Tony Adams addressed Council with his concerns related to Sewer South GO Bond litigation and the Golden Corner Commerce Park.

Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 – 0, to allow one minute of extra speaking time for Mr. Adams.

2. Mr. Jim Corey addressed Council in support of the request for "Engineering Services for Pickleball / Tennis Courts & Parking at South Cove County Park" that will be considered for approval by Council later in the meeting.

Council Members Comments

Mr. Elliott offered his thanks to the Oconee County Sheriff's Office, who held an event in the Town of Salem, SC today, noting that this was a great opportunity for citizens to come out and meet local officers while enjoying free food served by the Sheriff's Office.

Mr. Hart announced that he was informed by the Chairman of the C-Fund Committee that these funds could be used for engineering services for bridge replacement but prior approval would be needed from the Columbia office.

Ms. Brock added that the C-Fund Committee would be meeting this coming Thursday morning at 10 a.m. in the Conference Room at the Pine Street Offices.

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Public Hearing for 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. Durham opened the floor for Public Comment.

Noting that no citizens signed up to address Council and no citizen submitted or presented any written comments for the record.

Mr. Durham closed the Public Hearing regarding **Ordinance 2024-20**.

Third Reading of the Following Ordinances

ORDINANCE 2024-20 *[see caption above]*

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

Second Reading of the Following Ordinances

None for this meeting.

First 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.

Mr. Davis made a motion, seconded by Mr. Elliott, to approve **Ordinance 2024-23** on first reading.

Mr. Mike Johnson, Chair of the Oconee County Planning Commission, came forward and utilized several slides [copies filed in backup] to provide details and clarification regarding **Ordinance 2024-23**, noting the Planning Commission is unanimously in favor of Council passing this ordinance.

Mr. Elliott inquired if this ordinance would apply to the Control Free District, to which Mr. Johnson responded that these proposed updates to the Code of Ordinances, if approved by Council, would not apply to the Control Free District at this time.

Mr. Hart pointed out that in chapter 38, section 9.3, number 1 (one) b of the Code of Ordinances, sentence numbered 4 (four) that states, "The pole portion of flag lot shall not be used to calculate area, width, or setbacks of the lot or to provide off-street parking", that in his opinion as a surveyor, the word "area" should be removed.

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Mr. Hart made a motion, seconded by Mr. Durham, to amend **Ordinance 2024-23** by removing the word “area” from chapter 38, section 9.3, number 1 (one) b, sentence numbered 4 (four) of the Oconee County Code of Ordinances.

Mr. Root provided clarification of Exhibit’s A and B to **Ordinance 2024-23** found in the backup material for tonight’s meeting.

Motion approved 5 – 0.

Motion to approve **Ordinance 2024-23** with amendments, on first reading, approved 5 – 0.

First & Final Reading for the Following Resolutions

None for this meeting.

Discussion Regarding Action Items

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

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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.

Mr. Hart suggested that this request be postponed until an opinion from the Attorney General (AG) can be obtained related to the liabilities this request may pose for the County.

Ms. Brock stated her concerns and provided background information related to the above request.

Mr. Root provided his concerns related to this request and agreed, that he too, would like to get the Attorney General's opinion on this request before moving forward.

Mr. Elliott made a motion, seconded by Mr. Davis, to table this request until further information can be obtained.

Mr. Durham noted that he was looking at public safety downstream if this dam were to fail and inquired about future maintenance requirements to the dam.

Mr. Root explained that the way the guidance documents are written within the grant, all parties to the grant would be responsible for maintenance to the dam and if this request is approved a management plan would be need to be created.

Short discussion followed between Mr. Root and Mr. Durham related to this request.

Ms. Brock noted that the deadline for this grant has already been extended to November 1, 2024 and a further extension is not likely.

Mr. Elliott agreed to amend his motion by agreeing to postpone this request until an opinion from the Attorney General can be obtained and if this opinion is not received before the October 1, 2024 Council meeting, staff will continue to work parallel on this request until the AG opinion is received.

Amended motion to postpone this request until an AG opinion can be obtained, approved 5 – 0.

Engineering Services for Pickleball / Tennis Courts & Parking at South Cove County Park

Department(s): PRT

Amount: \$68,500.00

Contingency (10%): \$6,850.00

Total: \$75,350.00

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

Budget: \$75,350.00 Project Cost: \$75,350.00 Balance: \$0.00

At the June 1, 2022 meeting, Council approved the award of RFP 20-02 for On Call Engineering Services to Thomas & Hutton of Greenville, SC for Category E: On Call General Engineering Services. Parks, Recreation, and Tourism wishes to contract with Thomas & Hutton to provide engineering services for the expansion of the pickleball courts, two new tennis courts, two new parking lots, site plans for new restroom facilities including a septic system, and enhanced lighting.

South Cove County Park has experienced a remarkable increase in pickleball usage, with the courts reaching full capacity multiple times daily, seven days a week. This high demand has led to wait times for other patrons. Currently, the pickleball and tennis courts are in the same area, and there is insufficient parking, with patrons resorting to parking on the grass across from the courts. The proposed expansion will add approximately 12 pickleball courts and 2 tennis courts and approximately 108 parking spaces.

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The scope of engineering services includes surveying, site design, master planning, permitting, bidding and award, construction administration, and project closeout. This project has received approval through Duke Energy and the Federal Energy Regulatory Commission (FERC).

It is the staff's recommendation that Council:

- 1. Approve Engineering Services for the South Cove Pickleball / Tennis Court Expansion, to Thomas and Hutton of Greenville, SC in the amount of \$68,500.00.**
- 2. Approve at 10% contingency in the amount of \$6,850.00.**

Mr. Davis made a motion, seconded by Mr. Elliott, to approve Engineering Services for the South Cove Pickleball / Tennis Court Expansion to Thomas and Hutton of Greenville, SC in the amount of \$68,500.00 and to approve a 10% contingency in the amount of \$6,850.00.

Mr. Elliott inquired from Mr. Phil Shirley, PRT Director, if a fee could be charged to non-residents of the County to use the Pickleball Courts.

Mr. Shirley noted that all users of the Pickleball Courts are charged the same parking fee, which allows them access to the courts and park.

Mr. Shirley also informed Council that there is a coordinated effort between different groups related to playing times on the pickleball courts and noted that the City of Clemson is constructing new pickleball courts at Nettles Park and he has encouraged Clemson University to consider adding courts as well.

Motion approved 5 – 0.

Six (6) Fire Apparatuses with Loose Equipment

Department(s): Emergency Services

Amount: \$3,302,535.00

Procurement was approved by Council in Final Reading of Ordinance 2024-20 as a separate Agenda Item.

Budget: \$3,302,535.00 Project Cost: \$3,302,535.00 Balance: \$0.00

Funding per Ordinance 2024-20

1st Reading: August 20, 2024 - Approved 4-0

2nd Reading: September 3, 2024 - Approved 5-0

3rd Reading: September 17, 2024 - Previous item on this September 17, 2024 Meeting Agenda

These Fire Apparatuses are FES single-axle pumper/tankers mounted on Freightliner M2 112 chassis. These units feature 3/16" all-aluminum bodies and are equipped with 2,000-gallon polypropylene tanks. They are outfitted with Hale MDP side-mount 1,000 GPM pumps with dump tanks, attack hoses, supply hoses, and additional loose equipment. Designed for rapid water discharge from three sides, these units feature user-friendly controls both inside the cab and on the side of the body. These apparatuses will be constructed in compliance with NFPA (National Fire Protection Association) standards.

The advanced pump and attack hose setup is tailored to enhance the operational flexibility for volunteer fire departments, enabling them to initiate fire suppression efforts prior to the arrival of dedicated attack fire engines. Given the extensive areas of Oconee County lacking fire hydrants, the capacity to transport substantial quantities of water is essential. These new tankers will enhance operational capabilities alongside the existing tankers in the county's inventory.

The new apparatuses will be stationed at Keowee Ebenezer, Friendship, West Union, Holly Springs, Oakway, and Cleveland Volunteer Fire Departments. The current tankers stationed at these locations will be reassigned to other stations across Oconee County that currently lack tanker support. Additionally, some of these stations are using older 1,000-gallon pumpers as tankers, and units that have reached the end of their service life will be retired and sold as surplus.

The County is utilizing the North Carolina Sheriffs Association contract through a cooperative purchasing agreement. The contract discount is 6.7% off the MSRP of the apparatus and 6% off the MSRP price of options. Safe Industries is offering a 16.9% discount. The Fleet Maintenance Director also approves this purchase.

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Safe Industries of Easley, SC holds the North Carolina Sheriffs' Association contract for FES Commercial, Single Axle Tankers, contract number 25-05-0521 / FES25-05. The North Carolina Sheriff's Association contract allows all County and City Government Agencies to purchase, from this contract, directly from the awarded vendors.

It is the staff's recommendation that Council:

- 1. Approve the purchase of Six (6) Commercial Single Axle Tankers to Safe Industries of Easley, SC in the amount of \$3,302,535.00.***
- 2. Authorize the County Administrator to execute documents for this purchase.***

Mr. Davis made a motion, seconded by Mr. Elliott, approved 5 - 0, to approve the purchase of six (6) Commercial Single Axle Tankers to Safe Industries of Easley, SC in the amount of \$3,302,535.00 and to authorize the County Administrator to execute documents for this purchase.

Council Committee Reports

None for this meeting.

Board & Commission Appointments

None for this meeting.

Executive Session

Mr. Elliott made a motion, seconded by Mr. Hart, 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.*
- 2. Receive legal advice and discuss litigation related to the expenditure of general obligation bond funds.*

Mr. Davis made a motion, seconded by Mr. Durham, to allow Councilman elect, Mr. James, to join Council in tonight's Executive Session.

Mr. Root cautioned Council that since Mr. James is not considered apart of the "client" related to the legal matter on Executive Session, it could invade attorney-client privilege.

Mr. Durham noted that Council could call Mr. James into Executive Session, if Mr. James would like to join.

Motion to enter into Executive Session and to allow Councilman Elect, Mr. James, to join if he so wishes, approved 5 - 0.

Council entered into Executive Session at 6:45 p.m.

Council returned from Executive Session at 8:49 p.m. on a motion made by Mr. Davis, seconded by Mr. Hart, approved 5 - 0.

As requested by Mr. Root, Mr. Davis made a motion, seconded by Mr. Elliott, approved 5 - 0, to approve increasing the County Administrators salary by \$15,000.00 annually and to extend the terms to September 17, 2027.

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Mr. Root stated that he will draft the addendum to the County Administrators contract for the Chairman to sign.

Adjourn:

Mr. Hart made a motion, approved unanimously, to adjourn at 8:50 p.m.

Respectfully Submitted:

Jennifer C. Adams
Clerk to Council

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