

MINUTES OCONEE COUNTY COUNCIL Regular Meeting October 01, 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

Before calling the meeting to order, Mr. Durham expressed his gratefulness for God's protection and blessings on our community over the past weekend, noting he was thankful for all County employees who are helping in the aftermath of Hurricane Helene.

Call to Order

Mr. Durham called the meeting to order at 6:01 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. Hart led the Pledge of Allegiance to the Flag of the United States of America.

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Approval of Minutes

Mr. Elliott made a motion, seconded by Mr. Davis, approved 5 - 0, to approve the September 17, 2024 regular meeting minutes as presented.

Attorney's Comments

Mr. Root informed Council that the Attorney General has not issued an opinion regarding the request of approval for 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.

Administrator's Comments

Ms. Brock provided the following updates:

- 1. Solid Waste and Convenience Centers operating hours
- 2. FEMA individual assistance forms
- 3. Debris Management permit approval
- 4. USAR Logistical and GIS support
- 5. Emergency Operations Center staff relief
- 6. Timing of road debris cleanup
- 7. Details of the emergency procurement of a Kubota Mini Excavator to assist with roadway cleanup [copies of procurement documents filed in backup]

Proclamations

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

Mr. Davis made a motion, seconded by Mr. Elliott, approved 5 - 0, to approve **Proclamation 2024-05** on first and final reading.

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 <u>jennifercadams@oconeesc.com</u> or 864-718-1023, so that she may receive your comment and read it into the record.

- 1. Ms. Deborah Powell addressed Council in support 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.
- 2. Mr. Fred Edgerton addressed Council in support 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.
- 3. Mr. Tim Thor addressed Council in support 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.
- 4. Ms. Lynda Airey addressed Council in support 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.
- 5. Mr. Jason Boyle addressed Council with his comments related to constitutional rights and the Oconee

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- County Probate Judge.
- 6. Mr. Kenny Haynes addressed council in support 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.

Council Members Comments

Mr. Elliott expressed that he is now in support 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.

Mr. Elliott also noted that he has been studying the ordinance related to Traffic Impact Studies for County roads and made a motion, seconded by Mr. Davis, to send this ordinance to the Planning Department and the Planning Commission for review and revisions, to then be brought back before Council for consideration.

Mr. Root noted that a motion to amend the agenda would be needed for this above action to take place.

Mr. Elliott made a motion, seconded by Mr. Davis, approved 5 - 0, to amend the agenda to add the referral of the ordinance related to Traffic Impact Studies for County roads to the Planning Department and Planning Commission for review and revisions.

Motion to send the ordinance related to Traffic Impact Studies for County roads to the Planning Department and Planning Commission for review and revisions, approved 5-0.

Mr. Hart stated that the Clemson Rural Health Clinic, located in the former Health Department building in Walhalla, is running out of room and inquired about the use of the upper floors.

Ms. Brock responded, that as much as she would love to allow the Clinic to expand to the upper floors, the Administrative Offices at Pine Street do not have the room for the archived records that are currently being stored on those upper floors.

Mr. Durham requested that this topic be placed on the October 15, 2024 Real Estate, Facilities and Land Management Committee meeting agenda.

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.

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

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Mr. Hart inquired if the word "area" was removed from **Ordinance 2024-23**, as requested at the September 17, 2024 Council meeting.

Mr. Root informed Mr. Hart that the requested edit was made to **Ordinance 2024-23**.

Motion approved 5 - 0.

Discussion Regarding Action Items

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

Mr. Root informed Council that he would like their consideration of the following two issues:

- 1. Board Composition for the Corinth-Shiloh Special Purpose Tax District for Fire Protection
- 2. Timing of the first reading of the ordinance related to the Corinth-Shiloh Special Purpose Tax District for Fire Protection.

Short discussion between Council, Mr. Root and Ms. Brock followed related to the above discussion item.

Council agreed that the first reading of an ordinance to appoint board members for the Corinth-Shiloh Special Purpose Tax District for Fire Protection will be placed on the November 19, 2024 Council agenda, provided this Special Purpose Tax District is voted into place during the November 5, 2024 election.

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,

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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).

Mr. Elliott made a motion, seconded by Mr. Davis, to 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 and to authorize the County Administrator to transfer funds to the appropriate line item(s).

Mr. Hart inquired about the stability of the soil at this grading site, noting that in a picture he has from six to eight weeks ago, it looks like the soil is "pumping".

Ms. Brock noted that she received a statement that the soil is stable at the pad site dated September 26, 2024. Motion approved 5-0.

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 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.

Mr. Davis made a motion, seconded by Mr. Hart, to 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.

Mr. Elliott inquired as to what a landfill compactor would cost if purchased new.

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Ms. Brock noted that a new landfill compactor would be \$1.36 million dollars and went on to add that the Bomag compactor is well worth the cost of the repairs.

Mr. Elliott stated that he just wanted the taxpayers to know what the cost of a landfill compactor would be if purchased new.

Motion approved 5 - 0.

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.

Mr. Elliott made a motion, seconded by Mr. Davis, to approve 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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Short discussion followed between Mr. Durham and Mr. Root regarding the legalities surrounding the above request.

Mr. Mize noted the ultimate goal of this request is to protect the life and safety of the citizens downstream.

Mr. Elliott noted that he would take the risk by voting in favor of this request.

Mr. Davis added his thoughts regarding the above request.

Motion approved 5 - 0.

Council Committee Reports

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

Mr. Mize provided information outlining discussions held at the September 17, 2024 Law Enforcement, Public Safety, Health and Welfare Committee meeting.

Board & Commission Appointments

None for this meeting.

Executive Session

Mr. Elliott made a motion, seconded by Mr. Hart, 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. Discussion regarding an Economic Development matter, Project Mayflower.
- 2. Discussion regarding an Economic Development matter, Project Shaker.

Council entered into Executive Session at 7:03 p.m.

Council returned from Executive Session at 7:30 p.m. on a motion made by Mr. Elliott, seconded by Mr. Davis, approved 5 - 0.

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

First Reading of 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

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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)

Mr. Elliott made a motion, seconded by Mr. Davis, approved 5 - 0, to approve **Ordinance 2024-24** [in title only] on first reading.

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 CONVEYANCE OF CERTAIN REAL ESTATE FOR PROJECT MAYFLOWER; AND OTHER RELATED MATTERS.

Mr. Elliott made a motion, seconded by Mr. Davis, approved 5 - 0, to approve **Resolution 2024-16** on first and final reading.

Adjourn:

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Respectfully Submitted:
Jennifer C. Adams
Clerk to Council

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