



MINUTES CONSERVATION BANK BOARD

December 10, 2019

Oconee County Administrative Offices, Council Chambers
415 S. Pine Street, Walhalla, SC 29691

MEMBERS

Mr. Andrew Smith, Chairman, District II
Ms. Frances Rundlett, Vice Chairman, At Large
Ms. Emily Hitchcock, Secretary, At Large
Mr. Frank Ables, Treasurer, District V

Mr. Ryan Keese, District III
Mr. Marvin Prater, District IV
Ms. Laura Havran, District I
Ms. Katie D. Smith, Staff Liaison

The Oconee County Conservation Bank Board [OCCB] met at 9:00 a.m. in Council Chambers, 415 South Pine Street, Walhalla, SC with all members present [Ms. Havran arrived late] and Katie D. Smith, Clerk to Council acting as staff liaison.

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.

No members of the media were present.

Call to Order

Mr. Smith called the meeting to order at 9:02 a.m.

Approval of Minutes

Ms. Hitchcock made a motion, seconded by Mr. Keese, approved 6 – 0, to approve the minutes from November 19, 2019 meeting as presented.

Treasurer's Report

Mr. Ables noted the Treasurer's Reports for Community First Bank and the Local Government Investment Pool [State Pool] as presented are accurate. He further noted the balances on the reports are as follows:

Community First Bank for November 2019 is \$15,180.00;

Local Government Investment Pool [State Pool] for November 2019 is \$596,199.47.

Mr. Keese made a motion, seconded by Mr. Prater, to accept as presented the Treasurer's Report for both Community First Bank and the Local Government Investment Pool [State Pool] for November 2019.

Mr. Smith noted that he and Ms. Hitchcock were going to Community First Bank and will be getting a Cashier's Check for \$58,000.00 to take to The Airey Law Firm to be put in their escrow account for the Cliff's Timber purchase, which is going to close on December 16, 2019. He further noted the funds were transferred from the Local Government Investment Pool to Community First Bank for this purchase.

A video recording of this meeting is available at www.oconeesc.com. Meetings have been live-streamed beginning January 17, 2017. Brought to you by Your Oconee.

Regarding the previous motion made by Mr. Keese, seconded by Mr. Prater, it was approved 7 – 0, to accept as presented the Treasurer’s Report for both Community First Bank and the Local Government Investment Pool [State Pool] for November 2019.

Ms. Havran arrived during the discussion of the Treasurer’s Reports.

Discussion Items

Mr. Smith noted that Mr. Prater and Ms. Rundlett need to leave the meeting at 10am but this will not affect quorum.

Lengthy discussion followed regarding the topics indicated below, with various opinions expressed, to include but not limited to:

Continued discussion regarding Alternate Funding Sources

- Authorize Mr. Keese to make a presentation and send application to Duke Energy
- Should not limit to one member being able to make presentation
- Potentially add items to Ms. Havran’s PowerPoint presentation

Discussion and/or action regarding Estate of William C. Lyles

- Received application during the August 1st cycle
- Approved grant for conservation easement for \$34,000 but then withdrew application
- Resubmitted application for the project purchase of 155 acres with an application request of \$66,100.00, which is 10% of the total project value

During the discussion of the Estate of William C. Lyles, Ms. Hitchcock noted that in reviewing the ordinance, the section 2-404 requires the Board submit to County Council at the time of making recommendation findings a number of specific items, which are outlined in the OCCB Sec. 2-404(b)(4) Findings Worksheet [copy filed with backup materials]. Ms. Hitchcock noted she is proposing this findings sheet to utilize after finishing the evaluation. The Findings Worksheet would be used in addition to the evaluation criteria worksheet on every property.

Ms. Hitchcock made a motion, seconded by Mr. Smith, approved 7 – 0, to adopt the Oconee County Conservation Bank Sec. 2-404(b)(4) Findings Worksheet to be utilized on every property in addition to the Evaluation Criteria Worksheet.

Mr. Prater recused himself for the discussion and/or action regarding the Estate of William C. Lyles [copy of recusal filed with minutes].

[Reminder of page left blank intentionally]

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Discussion regarding the Criteria Worksheet and scoring of the William C. Lyles property continued to include but not limited to:

Conservation Criteria	Maximum Points	Received
Environmental Sensitivity	35	18
Percentage of Property Sharing a Boundary with Protected Land	10	4
Historical / Cultural Features	5	3
Prime / Statewide Important Soil Types	10	3
Actively Farmed	5	5
Public Visibility of Property	5	5
Scenic View from Property	5	5
Public Access	10	4
Threat of Development	5	5
Size of Protected Property	10	5
Total Points Received		57

Financial	Scoring of Financial Criteria					
	None	Poor	Fair	Good	Excellent	Score
	0	2	3	4	5	
Funding Percentage Requested					✓	5
Matching or Other Monetary Contributions from Other Agencies or Groups				✓		4
Low Cost for Value Received					✓	5
Other Financial Benefit				✓		4
Other Incentives	✓					0
Total Points Received						18
Total OCCB Scoring Index (OSI)						75

Ms. Hitchcock made a motion, seconded by Ms. Rundlett, approved 6 – 0 [Mr. Prater recused himself; copy of recusal form filed with minutes] to accept the conservation criteria and financial criteria scoring worksheets for a total OCCB scoring index of 75 points on the Whetstone Creek Preserve owned by the Estate of William C. Lyles.

Mr. Smith noted that the Statement of Interest form requires the applicant submit an appraisal as part of their application, which he does not believe there is one attached. He has asked Mr. Starker about the appraisal and noted that he had sent a USDS Farm appraisal sheet, which is not a formal appraisal and still has to meet this criteria and submit a current appraisal three months either side of the County Council’s decision.

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Ms. Hitchcock made a motion, seconded by Mr. Smith, to recommend to County Council to award Upstate Forever \$66,100.00 grant for the Whetstone Creek Preserve owned by the Estate of William C. Lyles, subject to the receipt of an appraisal that complies with the Ordinance for at least \$661,000.00 if made within three months of the date of the County Council acceptance of our recommendation.

Discussion continued to include if property appraises for more, the applicant will not receive more than what OCCB has awarded and if property appraises for less, OCCB award would be reduced by that reduction.

Ms. Hitchcock made a motion, seconded by Mr. Smith, approved 6 – 0 [Mr. Prater recused himself; copy of recusal form filed with minutes] to amend the previous motion to recommend to County Council to award Upstate Forever up to but not exceed \$66,100.00 grant or 10% of the appraised value, whichever is less, for the Whetstone Creek Preserve owned by the Estate of William C. Lyles, subject to the receipt of an appraisal that complies with the Ordinance for at least \$661,000.00 if made within three months of the date of the County Council acceptance of our recommendation.

Discussion continued regarding the Findings Worksheet [copy filed with backup materials] to include:

- Produce the finding worksheet for every application before the meeting?
- In recommending the awarding of a grant from the OCCB, the board shall set forth findings
- Proposed ordinance change to allow the board to delegate one board member to authorize values

Prior to this meeting, Ms. Hitchcock filled out the Findings Worksheet for the Whetstone Creek Preserve [copy filed with backup materials]. There was one change that was made to the document, which was under Section “A”, on the 10th bullet, it should read “Long term plan for the property includes the potential for public access for hiking, cycling, horseback riding, and the inclusion of Wildlife Management Area [WMA] Program.” Ms. Hitchcock read the remainder of the Findings Worksheet for all members.

Ms. Hitchcock made a motion, seconded by Mr. Smith, approved 5 – 0, to accept the Findings Worksheet with the corrections that was discussed to be forwarded to the County Council with the recommendation to award the grant.

Mr. Smith made a motion, seconded by Mr. Ables, approved 5 – 0, for Ms. Hitchcock to make a presentation at the Oconee County Council meeting on December 17, 2019 on behalf of the OCCB for the Whetstone Creek Preserve owned by the Estate of William C. Lyles.

Mr. Prater left the meeting at 9:50 a.m. during the discussion and/or action regarding Estate of William C. Lyles.

Ms. Rundlett left the meeting at 10am during the discussion and/or action regarding Estate of William C. Lyles.

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New Business:

Mr. Smith noted he has asked Mr. Raleigh West, Executive Director of the South Carolina Conservation Bank for a copy of their grant agreement they use for their grantees.

Mr. Smith also inquired as to annual reports to County Council. The Clerk to Council noted the first annual report was submitted in June of 2019. Mr. Smith noted the OCCB makes reports to Duke Energy as well and the last one was submitted on August 30, 2018.

Mr. Smith made a motion, seconded by Mr. Ables, approved 5 – 0, to submit annual reports to Oconee County Council and Duke Energy at the end of each fiscal year.

Old Business:

Mr. Smith noted the OCCB made an award for the Cliff's Timber property to the Naturaland Trust in September and took the recommendation to County Council on October 1, 2019, which was approved unanimously by Council. He further noted that the Cliff's Timber closing was subsequently scheduled to close at The Airey Law Firm where he works. He spoke with County Attorney David Root and Shea Airey, the principal of The Airey Law Firm, to ensure that there was not a conflict of interest. All agree there was not because the closing was scheduled after the OCCB award was made and because Mr. Smith had no knowledge of the closing being scheduled at The Airey Law Firm. To address this issue in the future, The Airey Law Firm made the decision not to conduct closings for transactions that were funded by the OCCB as long as Mr. Smith was a member of the OCCB.

Mr. Smith further noted he asked the Clerk to Council to provide an attendance sheet for the current 2019 year [copy filed with these minutes]. He noted there were no standards in the Ordinance regarding attendance and would fit under ordinance changes. He noted we need quorums to complete the work of the OCCB. Mr. Smith noted he would table this subject.

Mr. Smith further noted there are significant ordinance changes that would be beneficial to the OCCB and the timeline that has to be approved as a Board the changes that we want to the ordinance and then submit the changes to Mr. David Root to present to County Council. Discussion continued.

Mr. Smith suggested creating a subcommittee to create language for the ordinance change and present the changes to the other members of the OCCB to approve and then send to County Council via Mr. Root.

Mr. Smith made a motion, seconded by Mr. Ables, to create an Ordinance subcommittee to propose amendments to the OCCB ordinance at the February 2020 meeting.

- Members of the Board who are not on the subcommittee should give their input to the committee by the end of December 2019
- Send an email to the Chairman with suggestions for the ordinance change
- Subcommittee would need to have no more than 3 members

Regarding the previous motion made by Mr. Smith, seconded by Mr. Ables, it was approved 5 – 0, to create an Ordinance subcommittee to propose amendments to the OCCB ordinance at the February 2020 meeting.

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Mr. Smith made a motion, seconded by Ms. Hitchcock, approved 5 – 0, to approve the members on the Ordinance subcommittee be Mr. Smith and Ms. Hitchcock and will ask for a volunteer to be the third member.

Ms. Hitchcock noted she was asked to get in touch with Mr. Adam Chapman, Planning Director, to present a presentation on the Lake Keowee Source Water Protection Team. She noted that Mr. Chapman stated he would speak with his staff and coordinate with the Clerk to Council.

Next Meeting:

The next meeting will be held at 9:00 a.m., Tuesday, February 11, 2020 at the Oconee County Council Chambers, 415 South Pine Street, Walhalla, SC 29691.

Adjourn:

Mr. Keese made a motion, approved unanimously, to adjourn the meeting at 10:27 a.m.

Respectfully Submitted:

Katie D. Smith
Clerk to Council & Staff Liaison

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OCONEE CONSERVATION
BANK BOARD RECUSAL
FORM

OCCB Member Name: Marvin Prater
[Please Print]

OCCB Member Signature: Marvin Prater

Meeting Date: 12/10/2019

Item for Discussion/Note: Discussion and/or action regarding
The Estate of William C. Lyles

Reason for Recusal I was not present for original meeting/discussion

I have a personal/familial interest in the issue.

Other: Professional relationship
w/ Lyles Family

Katie Smith
Katie Smith
Clerk to Council



OCONEE CONSERVATION
BANK BOARD RECUSAL
FORM

OCCB Member Name:

Marvin Prater

[Please Print]

OCCB Member Signature:

Marvin Prater

Meeting Date:

12.10.2019

Item for Discussion/Note:

Accept the conservation criteria &
financial criteria scoring worksheets for a
total OCCB scoring index of 75 points on
the Whetstone Creek Preserve owned by the
Estate of William C. Lyles.

Reason for Recusal

I was not present for original meeting/discussion

I have a personal/familial interest in the issue.

Other:

Professional Relationship
w/ Lyles Family

Katie Smith

Katie Smith
Clerk to Council



OCONEE CONSERVATION BANK BOARD RECUSAL FORM

OCCB Member Name: Marvin Prater
[Please Print]

OCCB Member Signature: Marvin Prater

Meeting Date: 12.10.2019

Item for Discussion Note: Recommend to County Council to award Upstate Forever up to but not exceed \$60,100 grant or 10% of the appraised value whichever is less, for the Whitstone Creek Preserve owned by The Estate of

Reason for Recusal I was not present for original meeting/discussion

I have a personal/familial interest in the issue.

Other: Professional Relationship w/ Lyles Family

Katie D. Smith
Katie Smith
Clerk to Council

William C. Lyles, subject to the receipt of an appraisal that complies w/ the Ordinance for @ least \$601,000 if made within 3 months

[This form to be filed as part of the permanent record of the meeting]
of the date of the County Council acceptance of our recommendation.