



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
September 5, 2017

MEMBERS, OCONEE COUNTY COUNCIL

Mr. Paul Cain, District III
Mr. Wayne McCall, District II
Ms. Edda Cammick, Chairwoman, District I
Mr. Julian Davis III, Vice Chair, District IV
Mr. Glenn Hart, Chair 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 [except Mr. Davis], County Administrator Scott Moulder, County Attorney David Root and Katie D. Smith, 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.oconeese.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: Stephen Bradley / Daily Journal & Dick Mangrum / WGOG.

Call to Order

Ms. Cammick called the meeting to order at 6:00 p.m.

Public Comment Session

None at this meeting.

County Council Response to Public Comment

None at this meeting.

Moment of Silence

Ms. Cammick asked for a moment of silence prior the Invocation by the County Chaplain.

Invocation by County Council Chaplain:

Mr. Root, County Council Chaplain, gave the invocation.

Pledge of Allegiance:

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

Approval of Minutes:

Mr. Cain made a motion, seconded by Mr. Hart, approved 4 – 0 to approve the August 15, 2017 Regular Meeting minutes as presented.

Administrator's Report & Agenda Summary

Mr. Moulder briefly reviewed with Council and for the public's benefit specifics related to the following matters before Council at this meeting:

- Public Hearing of Ordinance: 2017-19
- Third Reading of Ordinance: 2017-19
- Second Reading of Ordinance: 2017-18, 2017-20, 2017-21, 2017-22, 2017-23, 2017-24
- Discussion Regarding Action Items
- Board & Commission Appointments
- New Business

Public Hearings for the Following Ordinances

Ordinance 2017-19 "AN ORDINANCE TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH PICKENS COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE, AT THE TIME OF ITS INITIAL DEVELOPMENT, GEOGRAPHICALLY LOCATED IN PICKENS COUNTY AND TO INCLUDE CERTAIN PROPERTY NOW OR TO BE OWNED BY A COMPANY KNOWN TO THE COUNTY AT THIS TIME AS "PROJECT EXODUS" OR ITS ASSIGNEE, AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS 1976, SECTION 4-1-170 ET SEQ., AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH PICKENS COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE ALLOCATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAX; AND MATTERS RELATED THERETO."

Ms. Cammick opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Ms. Cammick opened the floor for any citizen wishing to address Council regarding this ordinance. No citizen addressed Council.

Ms. Cammick asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Ms. Cammick closed the Public Hearing regarding **Ordinance 2017-19**.

Third Reading of the Following Ordinances

Ordinance 2017-19 [Captioned above]

Mr. Cain made a motion, seconded by Mr. Hart, approved 4 – 0, to approve **Ordinance 2017-19** on third & final reading.

Second Reading of the Following Ordinances

Ordinance 2017-18 "AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN OCONEE COUNTY AND AN ENTITY KNOWN FOR THE TIME BEING AS "PROJECT MAXWELL," WHEREBY OCONEE COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAX ARRANGEMENT WITH PROJECT MAXWELL AND PROVIDING FOR PAYMENT BY PROJECT MAXWELL OF CERTAIN FEES-IN-LIEU OF AD VALOREM TAXES; PROVIDING FOR SPECIAL SOURCE REVENUE CREDITS; PROVIDING FOR THE ALLOCATION OF FEES-IN-LIEU OF TAXES PAYABLE UNDER THE AGREEMENT FOR THE ESTABLISHMENT OF A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; AND OTHER MATTERS RELATING THERETO."

- *Caption has been revised since first reading.*

Mr. Cain made a motion, seconded by Mr. Hart, approved 4 – 0, to approve **Ordinance 2017-18** on second reading.

Ordinance 2017-20 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A REAL PROPERTY LEASE AGREEMENT BETWEEN OCONEE COUNTY AS LESSOR AND THE FOOTHILLS ALLIANCE AS LESSEE; AND OTHER MATTERS RELATED THERETO.”

Mr. Cain made a motion, seconded by Mr. Hart, approved 4 – 0, to approve **Ordinance 2017-20** on second reading.

Ordinance 2017-21 “AN ORDINANCE GRANTING CERTAIN EASEMENT RIGHTS TO DUKE ENERGY CAROLINAS, LLC FOR THE PURPOSE OF LOCATING AND MAINTAINING ELECTRIC AND/OR COMMUNICATION FACILITIES ON COUNTY-OWNED PROPERTY; AND OTHER MATTERS RELATED THERETO.”

Mr. Cain made a motion, seconded by Mr. McCall, approved 4 – 0, to approve **Ordinance 2017-21** on second reading.

Ordinance 2017-22 “AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 26 OF THE OCONEE COUNTY CODE OF ORDINANCES IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, NAMELY AS TO THE ELIMINATION OF THE SCENIC HIGHWAY COMMITTEE AND THE SUBSTITUTION OF THE PLANNING COMMISSION TO CARRY OUT ALL DUTIES AND FUNCTIONS FORMERLY BELONGING TO THE SCENIC HIGHWAY COMMITTEE; AND OTHER MATTERS RELATED THERETO.”

Mr. McCall made a motion, seconded by Mr. Hart, approved 4 – 0, to approve **Ordinance 2017-22** on second reading.

Ordinance 2017-23 “AUTHORIZING THE ISSUANCE AND SALE OF A NOT EXCEEDING \$530,000 GENERAL OBLIGATION REFUNDING BOND (KEOWEE FIRE TAX DISTRICT), SERIES 2017, OF OCONEE COUNTY, SOUTH CAROLINA FOR THE PURPOSE OF REFUNDING THE COUNTY'S GENERAL OBLIGATION BOND (KEOWEE FIRE TAX DISTRICT), SERIES 2007; FIXING THE FORM AND DETAILS OF THE BOND; PROVIDING FOR THE PAYMENT OF THE BOND; AUTHORIZING THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BOND; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS OF THE BOND; AND OTHER MATTERS RELATING THERETO.”

Mr. Hart made a motion, seconded by Mr. McCall, approved 4 – 0, to approve **Ordinance 2017-23** on second reading.

Ordinance 2017-24 “AN ORDINANCE AUTHORIZING THE TRANSFER OF COUNTY-OWNED REAL PROPERTY, LOCATED WITHIN THE GOLDEN CORNER COMMERCE PARK, COMPRISING APPROXIMATELY 22 ACRES, TO THE OCONEE ECONOMIC ALLIANCE FOR THE PURPOSE OF CONSTRUCTION OF A “SPECULATIVE BUILDING” FOR INDUSTRIAL OR BUSINESS USE IN ORDER TO PROMOTE INCREASED OPPORTUNITIES FOR ECONOMIC GROWTH AND DEVELOPMENT WITHIN THE COUNTY; AND OTHER MATTERS RELATED THERETO.”

Mr. Hart made a motion, seconded by Mr. McCall, approved 4 – 0, to approve **Ordinance 2017-24** on second reading.

Discussion Regarding Action Items

Millage Proposal for Tax Year 2017 / Ms. Christy Hubbard, Oconee County Auditor

Ms. Hubbard addressed Council utilizing a PowerPoint Presentation [copy filed with these minutes] highlighting the following:

- Oconee County & School District of Oconee County [SDOC] Approved Budgets
- County Proposed Millage
- SDOC Proposed Millage
- Duke Energy
- High Pointe
- 2017 Value of a Mill
- Reassessment
- School Growth / County Growths
- Abatement
- Keowee Fire District
- 2017 City Millage

Lengthy discussion followed.

Per Ms. Cammick's request, Ms. Gloria Moore, SDOC, addressed Council regarding the \$1.2 million increase. Ms. Moore indicated this was due to the SC retirement system. She noted they are getting about half of that now from a credit. Discussion followed.

Mr. Cain made a motion, seconded by Mr. Hart, approved 4 – 0, to approve Oconee County Millage at 70.4 and to approve SDOC Millage at 115.3.

Engineering Services for Landfill Remediation / Solid Waste / \$107,128.00

Assigned Solid Waste Reserve: **\$1,692,200** Project Cost: **\$107,128** Balance Solid Waste Reserve: **\$1,585,072**

At the January 17, 2017 Council meeting, Council approved the award of RFP 16-09 to Smith Gardner, Inc., for Engineering Services for Solid Waste. The Solid Waste department wishes to contract with Smith Gardner to provide engineering services for one remediation project for the closed Five Forks Landfill and two remediation projects for the closed Class 3 Seneca Landfill that were mandated by DHEC.

- Additional Groundwater Monitoring Wells, Five Forks Landfill – the installation of two additional groundwater monitoring wells for \$10,048.00.
- Landfill Gas Remediation Plan, Seneca Landfill – This includes an investigation into improving the performance of the existing gas extraction system and the installation of a passive LFG vent trench for \$39,070.00.
- Implementation of PlumeStop for 250 ft. Pilot Study, Seneca Landfill – This study was set forth in the Corrective Action Plan approved by DHEC for a pilot study of implementing the selected remedy, PlumeStop (Liquid Activated Carbon) enhanced bioremediation for approximately 250 feet to determine the effectiveness of this type of barrier system, prior to the installation of a full scale system for \$58,010.00.

It is the staff's recommendation that Council approve the total award of \$107,128.00 to Smith Gardner, Inc., of Raleigh, NC for engineering services for the three projects listed above.

Mr. McCall made a motion, seconded by Mr. Cain, to approve the total award of \$107,128.00 to Smith Gardner, Inc., of Raleigh, NC for engineering services for the three projects listed above.

Mr. Swain Still addressed Council highlighting the following:

- Seneca has approximately 24 groundwater wells
- Five Forks has between 9 and 12 groundwater wells and are fixing to add 2 more
- Placement of the well
- DHEC
- Survey
- Municipal Solid Waste [MSW]
- Construction & Demolition [C&D]

Lengthy discussion followed.

Regarding the previous motion made by Mr. McCall, seconded by Mr. Cain, it was approved 4 – 0, to approve the total award of \$107,128.00 to Smith Gardner, Inc., of Raleigh, NC for engineering services for the three projects listed above.

Sole Source Award to Regensis BioRemediation Products, Inc. / Solid Waste / \$269,500.00

Assigned Solid Waste Reserve: **\$1,585,072** Project Cost: **\$269,500** Balance Solid Waste Reserves: **\$1,315,572**

The Solid Waste Department has received a recommendation from Smith Gardner, Inc., the firm under contract to provide all Solid Waste Engineering services, to utilize Regensis BioRemediation Products, Inc. for the implementation of PlumeStop for the 250 foot pilot study set forth in the Corrective Action Monitoring Plan for remediation required for the Seneca Landfill by DHEC. The proposal from Regensis includes Design Verification Testing for \$7,500, providing the remediation products (PlumeStop and HRC-X – Hydrogen Release Compound Extended Release) for \$133,056.67, and the application services for \$128,943.33, to insure that these proprietary products are used correctly. Smith Gardner, Inc, will provide on-site engineering services to oversee this entire process.

It is the staff's recommendation that Council approve the award to Regensis BioRemediation Products, Inc, of San Clemente, CA, in the amount of \$269,500.00 as a sole source to provide the remediation products and their application for the Seneca Landfill.

Mr. McCall made a motion, seconded by Mr. Hart, approved 4 – 0, to approve the award to Regensis BioRemediation Products, Inc, of San Clemente, CA, in the amount of \$269,500.00 as a sole source to provide the remediation products and their application for the Seneca Landfill.

Approval to seek bids for purchase of Rock Quarry Crushing Plant and Ancillary expenses

Mr. McCall made a motion, seconded by Mr. Cain, approved 4 – 0, to approve to seek bids for purchase of Rock Quarry Crushing Plant and Ancillary expenses.

Discussion of extension of due diligence / “review period” and closing deadlines in relation to the Old Courthouse Renovation. The developer requests an extension until October 30, 2017

Mr. McCall made a motion, seconded by Mr. Cain, to approve the extension of due diligence until October 30, 2017.

Mr. Root addressed Council utilizing a letter from Rogers, Lewis, Jackson, Mann & Quinn, LLC [copy filed with these minutes] requesting an extension until October 31, 2017. However, Mr. Root noted in the letter it states the closing of the property would be in late October to early November. He recommended an extension until November 30, 2017.

Mr. Hart made a motion, seconded by Mr. Cain, approved 4 – 0, to amend the extension of due diligence until November 30, 2017.

Ms. Cammick called for the vote for the extension of due diligence as amended. The motion passed 4 – 0.

Board & Commission Appointments

Building Codes Appeal Board

No nominations were made.

Conservation Bank Board

No nominations were made.

Board of Zoning Appeals

No nominations were made.

Agricultural Advisory Board

No nominations were made.

Old / Unfinished Business

None at this meeting.

New Business

The Oconee County Planning Commission would like to meet with Oconee County Council for a joint workshop. Ms. Cammick suggested a Tuesday night when there would not be a County Council meeting, which would be September 26, 2017 or October 24, 2017. Ms. Cammick noted the Planning Commission preferred an October date. County Council agreed upon Tuesday, October 24, 2017 to meet with the Planning Commission for the joint workshop.

Council Committee Reports:

None at this meeting.

Executive Session:

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

[1] *“to receive legal advice and discuss a contractual matter related to infrastructure located on and/or serving the Golden Corner Commerce Park.”*

[2] *“to receive legal advice and discuss employment / personnel matters related to work force reduction*

and the Treasurer and Auditor's office and discuss employment/personnel matter related to the assessor office.”

Council entered Executive Session at 7:40 p.m.

Council returned from Executive Session at 8:23 p.m. on a motion made by Mr. McCall, seconded by Mr. Cain, approved 4 – 0.

Ms. Cammick stated that no action was taken in Executive Session.

Adjourn

Mr. McCall made a motion, approved unanimously 4 – 0, to adjourn at 8:23 p.m. .

Respectfully Submitted:

Katie D. Smith
Clerk to Council